

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
MARCH 2, 2020**

A regular meeting of the Munster Town Council convened at 7:04 p.m. on Monday, March 2, 2020, at the Munster Town Hall. Town Councilors Chuck Gardiner, Andy Koultourides, Lee Ann Mellon, Kenneth J. Schoon, and Steve Tulowitzki were present. Also present were Clerk-Treasurer Wendy Mis, Controller Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Police Chief Stephen F. Scheckel, Fire Chief Dave Pelc, Planning Director Thomas Vander Woude, Superintendent of Operations Chris Spolnik, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were not represented.

President Mellon opened the meeting with a moment of silence followed by the Pledge of Allegiance.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell reported that excavation continues with 25 of the 36 relief wells being installed. Grimmer Construction has mobilized and over the next four weeks will work to connect the wells to the lift station. Samples of the walls are available for viewing. They are located on Calumet Avenue, south of the tracks and north of the Centennial Village development.

NIPSCO has worked with Hawk Enterprises and the lights at Southwood and 45th Street are now operational. Drainage work along Calumet Avenue will begin March 16 or 23, 2020 with lane restrictions.

PUBLIC COMMENT

Retired Colonel Antonio Daggett, Congressional candidate for District 1, introduced himself and his wife. Col. Daggett stated he is fact-finding to learn what is important to the residents of District 1.

No one else rose to claim the floor, and the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on February 17, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-2N dated 02/18/2020 totaling \$15,208.86
Confirmation of Voucher Register #20-2O dated 02/20/2020 totaling \$110,991.65
Confirmation of Voucher Register #20-2P dated 02/26/2020 totaling \$3,525.00
Confirmation of Voucher Register #20-2Q dated 02/27/2020 totaling \$466,892.39
Confirmation of Voucher Register #20-2R dated 02/28/2020 totaling \$375,160.26
Confirmation of Voucher Register #20-2S dated 02/28/2020 totaling \$344,041.98
Confirmation of Voucher Register #20-2T dated 02/26/2020 totaling \$350.96
Confirmation of Voucher Register #20-2U dated 02/29/2020 totaling \$164,921.72
Approval of Voucher Register #20-3A dated 03/02/2020 totaling \$74,790.23

WATER BILL ADJUSTMENTS 2020-10 THROUGH 2020-14

Staff received a request for adjustment under the leak adjustment policy adopted by the Town Council on April 8, 2013. The customer has completed the required form and the request meets all the criteria for adjustments as follows:

Adjustment Number	Average Usage	Actual Usage	Length of Time	Original Bill	Requested Adjustment Amount	Adjusted Bill
2020-10	3,000	29,000	2 months	\$ 92.13	\$ 72.05	\$ 20.08
2020-11	23,000	100,000	2 months	\$ 294.17	\$ 151.03	\$ 143.14
2020-12	8,000	31,000	1 month	\$ 94.94	\$ 68.76	\$ 26.18
2020-13	2,000	33,000	1 month	\$ 100.78	\$ 74.66	\$ 26.12
2020-14	0	133,000	1 month	\$ 362.41	\$ 336.29	\$ 26.12

RED FLAG REPORT

The Federal Trade Commission requires utility companies to adopt an identity theft prevention program or red flag policy. In April 2009, the Council came into compliance by adopting Ordinances 1424 and 1514. The policy requires an annual report on the program.

Most of the practices in the policy were in place prior to adoption of Ordinance 1424. The following table shows the number of events since implementation. Each time there was an incident, Staff denied starting billing until proper identification was provided.

Year	Numer of Incidents	Year	Number of Incidents
2009	fewer than five	2015	1
2010	-0-	2016	1
2011	-0-	2017	4
2012	1	2018	1
2013	-0-	2019	1

Since the last report, there has been one red flag incident where a landlord was starting service. The individual lived across the country and had just purchased a rental property. In this instance, we allowed the sign-up to occur over the phone with identification and signatures being acquired electronically. In addition, we were able to get information from the tenant to help confirm the identity of the landlord.

Councilor Gardiner moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt the Consent Agenda on first reading as presented. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and the Consent Agenda was adopted.

NEW BUSINESS

ORDINANCE 1793: CONFIRMING CERTIFIED BUDGET FOR 2020

Proposed ORDINANCE 1793 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2020. The Department of Local Government Finance (DLGF) certified the budget on January 14, 2020. The final amounts for the controlled funds were, in some cases, reduced from what the Council adopted in 2019. It is necessary for the Council to formally modify the 2020 budget to match the amounts certified. Ordinance 1793 has been prepared for the purpose of memorializing fund budgets to comply with the certified budget.

There are six controlled funds that were reduced from what Staff requested and what was certified by the DLGF.

- The General Fund was cut \$501,617 from what Staff requested. All departments supported by the General Fund were asked to make cuts.
- Two debt service fund cuts were expected because the budget request was based on pro-forma numbers prior to bond issuance. There are adequate appropriations to meet the debt service payments.

- The Park Fund and Police Pension Fund were each cut by de minimis amounts, \$434.00 and \$750.00 respectively.
- The Major Moves Fund was cut by \$104,961. If Council and Staff find it necessary, an additional appropriation can be issued later in the year.

The budget amounts in the system that Staff is currently working with reflect the certified amounts. The certified amounts assume 100% property tax collection without circuit breaker impact. The actual circuit breaker impact cannot be known until property tax bills are calculated. It is possible that further cuts will be needed once the circuit breaker impact is known.

Part of this process involves transferring budget dollars among the major expenditure groups within each fund (Personal Services, Supplies, Contractual Services, and Capital Outlays). Municipalities are allowed to transfer budget amounts from one major expenditure group to another within the same fund in order to avoid overspending the budget. These transfers must be authorized by ordinance or resolution. The amounts in each group are reviewed regularly and it is anticipated that mid-year adjustments will be made.

The exhibit to the ordinance shows the adopted amounts, and the amounts certified by the Department of Local Government Finance.

Councilor Tulowitzki asked when the circuit breaker impact would be known. Clerk-Treasurer Mis explained that the numbers will be available in April or May and that future cuts may be necessary.

Councilor Tulowitzki moved, with a second by Councilor Koulourides, to hear Ordinance 1793 on first reading and schedule second reading and adoption for the March 16, 2020 meeting. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

ORDINANCE 1794: DEFINING THE NOMINATING COMMITTEE

Proposed ORDINANCE 1794 is AN ORDINANCE DEFINING THE TOWN OF MUNSTER, INDIANA NOMINATING COMMITTEE. The Nominating Committee has been in existence and operating under a set of guidelines created in the 1980s. Ordinance 1794 has been drafted to formalize the creation and operation of the Nominating Committee.

Councilor Tulowitzki offered an amendment which aspires to create the greatest amount of diversity on the Nominating Committee. The proposed amendment is to section B.4. of the ordinance. Councilor Schoon offered technical corrections to the document.

Clerk-Treasurer Mis requested the proposed amendment be submitted to her in writing. Councilor Schoon will provide his proposed changes to Councilor Tulowitzki who will, in turn, provide the proposed amendment to Clerk-Treasurer Mis.

Discussion ensued. Mr. Westland stated there are potential legal issues with the proposed language. Councilor Tulowitzki will forward the proposed changes to Mr. Westland for legal review.

Councilor Koulourides moved, with a second by Councilor Gardiner, to consider Ordinance 1794, Defining the Nominating Committee, on first reading and set second reading for April 6, 2020. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

APPOINTMENT TO THE MUNSTER MUNICIPAL CENTER CORPORATION

Over the past year, both Mr. Steve Pestikas and Mr. Robert H. Mangus have resigned as members of the Munster Municipal Center Corporation (MMCC). This has left only one member, Mr. Russell Snyder.

President Mellon appointed former Councilors John P. Reed and David B. Nellans to the Munster Municipal Center Corporation Board bringing it up to the full three members.

RENEWAL OF EMA DESIGNATION APPOINTMENT

Lake County Ordinance §38:15 states that Department of Homeland Security/Emergency Management, an Advisory Council, may be established to provide for the exercise of necessary powers during disaster emergencies. Pursuant to Indiana Code 10-14-3-17(c) the emergency management advisory council consists of representatives from the county, mayors of all cities in the county, an individual from each town legislative body in the county, individuals from private and public agencies that assist in emergency management and a commander of a local civil air patrol.

Fire Chief Dave Pelc currently serves as the representative of the Town of Munster.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to designate Fire Chief Dave Pelc the individual representing the legislative body of the Civil Town of Munster at the Lake County Emergency Management Advisory Council in 2020. Motion carried *viva voce*.

RESOLUTION # 2065: EXTENSION OF CONTRACT – SIDEWALK REPLACEMENT

Proposed RESOLUTION 2065 is A RESOLUTION APPROVING AND AUTHORIZING THE EXTENSION OF THE CONTRACT FOR SIDEWALK REPLACEMENT THROUGH 2020. As the lowest responsible bidder, J & J Newell Concrete was originally awarded the bid for the Sidewalk Replacement Program in 2015. The contract was extended through 2017, 2018 and again in 2019 under Resolution 2047. J & J Newell Concrete stated it will hold its prices through December 31, 2020 if the Town agrees to extend the contract. I.C. 5-22-17-4 allows a contract to be renewed at the same prices when it is in the best interests of a municipality and the contractor agrees.

The pricing is as follows: \$7.95/square foot for 5" thick sidewalk, \$8.10/square foot for 7" thick driveway sidewalk, and \$250 for each ADA plate. The project will be funded through General Obligation Bond proceeds.

Councilor Koultourides stated the company does good work and he is comfortable continuing the relationship.

Councilor Tulowitzki stated he is glad the Town has a reputable and well-priced contractor.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt Resolution 2065 and authorize the extension of the Sidewalk Replacement Program contract with J & J Newell Concrete Contractors, Inc. through December 31, 2020. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and Resolution 2065 was adopted as presented.

RESOLUTION # 2066: EXTENSION OF CONTRACT – SIDEWALK RAISING

Proposed RESOLUTION 2066 is A RESOLUTION APPROVING AND AUTHORIZING THE EXTENSION OF THE CONTRACT FOR SIDEWALK RAISING PROGRAM THROUGH 2020. Since 2016, the Town has used sidewalk raising as part of its annual Sidewalk Replacement Program. Since that time, the Town has lifted a total of 180 sidewalks at a cumulative cost of \$19,690.00. In 2017, Level Rite Concrete provided the winning quote of \$110.00/square for this service. The contract was extended each year since then.

IC 5-22-17-4 allows the extension of a contract. Level-Rite Concrete has agreed to hold its pricing. Staff anticipates lifting 50 squares for a cost of \$5,500.00. The work will be paid from General Obligation Bonds as part of the annual Sidewalk Replacement Program.

Councilor Schoon stated his intention to abstain from the vote because he will likely ask to have this work done at his home.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to adopt Resolution 2066 and authorize the extension of the Sidewalk Raising Program Contract with Level Rite Concrete through December 31,

2020 as presented. Councilors Gardiner, Koultourides, Tulowitzki, and Mellon voted in favor; Councilor Schoon abstained; none voted against. Motion carried and Resolution 2066 was adopted as presented.

BID AWARD: TREE SERVICES

Public Works Staff opened bids on February 21, 2020 for tree pruning, removal of trees and stumps, debris removal and emergency tree work. Tree and stump removal were quoted on a unit price basis with pruning and debris removal based on hourly rates with an after-hours/emergency rate also cited. Other factors were included in the specifications including response times and work completion deadlines.

The cost for tree and stump removal is expected to be the highest expense under the agreement. For comparison purposes, the bid amounts for these two services only have been applied to the actual removal experience in 2019. The results from the four bidders is as follows.

	Arbor Care Piekarski	Dave's Tree Service	Michael I. Cieply	Evans Tree Care
Tree Removal based on 46 trees	\$ 15,245.00	\$ 23,520.00	\$ 67,500.00	\$ 31,650.00
Stump Removal based on 60 stumps	\$ 2,752.00	\$ 10,430.00	\$ 6,260.00	\$ 4,275.00
Tree Pruning Hourly Rate based on crew of 3	\$ 325.00	\$ 650.00	\$ 650.00	\$ 450.00
Debris Removal Hourly Rate based on crew of 2	\$ 275.00	\$ 450.00	\$ 600.00	\$ 225.00
Emergency Call-out Rate multiplier factor	2.00	1.50	\$ 800.00	2.00

The Town's actual cost in 2019 for this service was \$20,688.00.

Councilor Gardiner moved, with a second by Councilor Koultourides, to approve the bid proposal of Arbor Care Piekarski & Sons Tree Service, Inc. to be paid from 623-30801-63604. Motion carried *viva voce*.

WEST LAKES GENERATOR

In September 2019, the West Lakes Generator, located at the corner of Carnaby Place and New Devon Street, suffered flood damage. As a result, the generator needed to be replaced. In order to reduce the chances of future flooding, Staff raised the new generator by 14" and the control cabinet by 24". A claim was filed with the liability insurance and the invoice for the generator is due. The expenses will be paid from the Self-Funded Liability Insurance Fund.

Councilor Gardiner asked for clarification on the cost and funding source.

Councilor Koultourides moved, with a second by Councilor Gardiner, to approve the insurance claim payment to Novatek in the amount of \$21,607.59 and Midwestern Electric in the amount of \$4,890.00 for the replacement of the West Lakes generator. Motion carried *viva voce*.

LINDEN GROUP SETTLEMENT

Staff presented a settlement agreement among the Town, the Munster Municipal Center Corporation, and Linden Group, Inc.

Councilor Koultourides moved, with a second by Councilor Gardiner, to accept and approve the settlement agreement as presented. Motion carried *viva voce*.

ORDINANCE 1795: LANDSCAPING

Proposed ORDINANCE 1795 is AN ORDINANCE AMENDING CHAPTER 26 SECTION 6 DIVISION 4 OF THE TOWN OF MUNSTER MUNICIPAL CODE TO CLARIFY PROVISIONS RELATED TO THE LANDSCAPING REQUIREMENTS FOR COMMERCIAL DEVELOPMENTS. On December 23, 2019, the Council approved Ordinance 1788 which adopted the Munster Character-Based Code as a replacement to the zoning code in place at that time. During those discussions, there were challenges in finding ways to encourage investment in existing commercial properties as it pertains to landscaping. As written, the code caused, in some instances, property owners to be required to pay more for landscaping compliance than to make the desired updates to the building. In other cases, the landscaping requirement could force elimination of required parking spaces.

In order to address this issue, the Plan Commission has recommended an amendment to the zoning code. A public hearing was held on February 11, 2020 with a unanimous vote to forward a favorable recommendation for approval to the Council.

Mr. Vander Woude explained the history of the proposed changes and answered Council questions.

Councilor Schoon asked about situations where there is limited space for landscaping. Councilor Tulowitzki commented on the intent to modernize the Code and to help builders move through the process. President Mellon stated the code changes will incentivize business owners to make improvements to their properties.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve consider Ordinance 1795 on first reading and set second reading and adoption for the next regular meeting. Motion carried *viva voce*.

APPROVAL OF AGREEMENT: STREETSCAPING AND CORRIDOR IMPROVEMENT

This item was removed from the agenda. Staff explained that the final documents were not complete. This matter will be brought forward on the next regular meeting of March 16, 2020.

ANNOUNCEMENTS

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.)

The Town Council will hold regular meetings on Monday, March 16, and April 6, 2020. The Redevelopment Commission will hold regular meetings immediately following Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Tulowitzki, seconded by Councilor Koultourides, the meeting adjourned at 7:52 p.m.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer