

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
OCTOBER 5, 2020**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, October 5, 2020. At the time of this meeting, the country was facing a pandemic outbreak of the Coronavirus. In response, Indiana Governor Holcomb issued a series of Executive Orders which, among other things, declared a public health emergency and suspended various statutes. Executive Order 20-04 specifically addressed public meetings and the Open-Door Law. This Executive Order along with the opinion of the Indiana Public Access counselor, allows for meetings to be held in a virtual environment. Subsequent Executive Orders have extended this practice.

The announced meeting location was Munster Town Hall. The announced meeting location was Munster Town Hall. Executive Order 20-43 requires adherence to Centers for Disease Control guidelines regarding the number of gathering in one location and maintaining distance of at least six feet from another person, some attended in person at Town Hall while others participated via Zoom meeting technology. Councilors Chuck Gardiner, Andy Koulourides, Lee Ann Mellon, Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. President Mellon presided.

Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Planning Director Thomas Vander Woude, and Munster representative to the Hammond Sanitary District Mike Hawkins were physically present at Town Hall. The news media were not represented. The public was given the information needed to access the meeting virtually and some took advantage of it.

The Town Council has sought legal counsel and has performed its due diligence to the best of its ability in a situation that is continually changing. The Town Council believes it is acting in accordance with Indiana State law, the Governor's Executive Orders, and the interpretations and directives of other State agencies.

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

**45<sup>th</sup> STREET CONSTRUCTION UPDATE**

DLZ representatives Brad Daly and Lee Randell were present in the virtual setting. It was reported that Canadian National is on site and mobilized to switch from the shoo fly to the main tracks; this will take between two and three weeks. The north side of the underpass will start once Canadian National is done.

Backfill along the underpass walls is complete and the pedestrian bridge is installed. Staining of walls 1 and 2 is on-going. Underground storm sewer work resumes this week. Calumet Avenue will be done at the end of October or beginning of November. The solution for the temporary walk has not yet been decided.

Councilor Gardiner asked how long for the underpass to be done once Canadian National is finished. Mr. Randell stated that the current schedule, including acceleration, would put completion in December.

Councilor Tulowitzki reported a resident concern that the new lane configuration is confusing. Discussion with Mr. Randell and Staff concluded that the resident was traveling at the time when the lane configuration was being changed over. It was confusing during that time. There have been no other complaints and things appear to be going well.

**PUBLIC HEARING: 2020 GENERAL OBLIGATION BOND**

In years past, the Town and Park Department each issued separate bonds. In an effort to save money on issuance costs, these have been combined into one bond. The Town strategically reduced the amount of bonds issued over the past few years in anticipation of the 2020 circuit breaker impact and is now strategically increasing the amount of the bonds being issued. Department heads met and discussed their capital needs. While not all items are included in the 2020 GO Bond, all items requested will be funded. A separate document showing the capital funding

plan was presented. The scope of work for the proposed 2020 General Obligation Bond has been developed as follows.

<b><i>Fire Department</i></b>		<b><i>Park Department</i></b>	
Warning Siren	\$ 36,000	Centennial Park: Security Cameras	\$ 25,000
Station One Shower	42,000	Centennial Park: Access Plan	50,000
Vehicle Replacement	34,000	Cobblestone Park	50,000
		Community Park	70,000
<b><i>Police Department</i></b>		Heritage Park/Bieker Woods	50,000
Body Cameras	\$ 130,000	Monon Trailhead	10,000
Intersection Cameras	25,000	Stewart Park	60,000
Portable Radios	25,000	Twin Creek Park	10,000
License Plate Recognition	55,000	White Oak Park	20,000
		Systemwide Improvements	112,000
<b><i>Public Works</i></b>		Pickup Truck	40,000
Sidewalk Replacement	\$ 175,000	Utility Vehicle	18,000
Town Hall Landscape Improvements	120,000	Z-Trak mowers (2)	25,000
1-Ton Dump Truck	75,000		
Tandem Axle Dump Truck	190,000		
Hotsy Pressure Washer	10,000	<b><i>Technology Upgrade</i></b>	
Hot Patcher	35,000	Financial Software	\$ 292,000
Z-Trak mowers (2)	16,000		
Pick up Truck	35,000	<b><i>Issuance Costs</i></b>	
Message Board	18,000		\$ 20,000
Boom Arm	95,000		
Plasma Cutter	2,000	<b><i>Grand Total 2020 G.O. Bond</i></b>	
			<b>\$ 1,970,000</b>

Ordinance 1808 authorizes the issuance of the 2020 General Obligation Bonds and Ordinance 1809 authorizes the appropriations for the bond proceeds. The public hearing is scheduled for this evening with adoption of ordinances later in the meeting. The Notice of Public Hearing was published one time, on September 25, 2020, in The Times, as required.

President Mellon opened the floor for public comment on the 2021 budget.

There being no one requesting to speak, President Mellon closed the public hearing.

### **PUBLIC COMMENT**

Because of the unique nature of this meeting, the Town of Munster accepted public comment submitted both in-person and electronically. The public was informed, via the agenda posted at munster.org, that questions or comments about an item on the agenda were to be emailed to [danderson@munster.org](mailto:danderson@munster.org). No such comments were received in this manner.

Ms. Nancy Funk, 8440 Baring Avenue, informed the Council of the property at the corner of Ridge Road and Northcote Avenue which she thinks is zoned commercial. She reported a large motorhome, junk vehicles, and temporary, plastic structures on the property. Ms. Funk believes the owner is not in compliance with Town Code.

No one else rose to claim the floor and the public comment session was closed.

### **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

Approval of the minutes of the regular meeting held on September 21, 2020

### **ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #20-9N dated 09/24/20 totaling \$339,467.65  
Confirmation of Voucher Register #20-9O dated 09/25/20 totaling \$192.47  
Confirmation of Voucher Register #20-9P dated 09/25/20 totaling \$383,141.30  
Confirmation of Voucher Register #20-9Q dated 09/25/20 totaling \$350,258.34  
Confirmation of Voucher Register #20-9R dated 09/29/20 totaling \$238.55  
Confirmation of Voucher Register #20-9S dated 09/29/20 totaling \$3,421.65  
Confirmation of Voucher Register #20-9T dated 09/30/20 totaling \$82,977.54  
Confirmation of Voucher Register #20-10A dated 10/01/20 totaling \$211,602.32  
Approval of Voucher Register #20-10B dated 10/05/20 totaling \$86,297.28  
Confirmation of Voucher Register #20-10C dated 10/01/20 totaling \$300,000.00

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

### **OLD BUSINESS**

#### **ORDINANCE 1806: 2021 BUDGET**

Introduced ORDINANCE 1806 is AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (2021 BUDGET). At the September 21, 2020 meeting, the Council conducted the public hearing and had first reading on the ordinance for the 2021 budget. No remonstrances were filed.

Because the final, certified budget can never be higher than what was advertised, the budget estimates advertised for 2021 are purposely overstated. The amounts in the ordinance are within the advertised amounts and match what was presented on first reading. It is anticipated that the final, certified budget will be less than what will be adopted, and the Town Council is ultimately responsible for finding that balance between providing adequate service and not exceeding statutory spending limits.

State statute requires that town budgets be submitted to the DLGF electronically. This is done through their Gateway website and will allow the public to access the information. Ordinance 1806 had been drafted to match the submittal that will be made through Gateway after budget adoption.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt introduced Ordinance 1806 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against.

### **NEW BUSINESS**

#### **ORDINANCE 1807: AMENDMENT TO SCHEDULE "A"** **PLANNING AND ZONING FEES**

Proposed ORDINANCE 1807 is AN ORDINANCE AMENDING SCHEDULE A, A NON-CODIFIED PORTION OF THE MUNICIPAL CODE AMENDING PLANNING, ZONING, AND ENGINEERING FEES. Staff recently reviewed the fee schedule for planning, zoning, and engineering to determine if the fees cover the cost of the work performed. Staff observed the following.

1. Fees are assessed at the time of application but there is no mechanism in place to charge additional fees if the application requires more extensive legal review.
2. The fees charges are significantly less than what the Town pays in associated engineering and legal fees.

3. The fees do not accurately reflect the applications received. Staff identified sixteen distinct categories but only six fee types.
4. There is no current fee for engineering work meaning none of these fees are recouped.

Staff worked with SEH Engineering to identify and appropriate costs. In addition, legal fees were estimated based on the number of meetings, reviews, and documents created. The sum of these fees determined the “base fee.” The base fee was increased by 15% to defray Staff costs for planning and zoning fees. Engineering inspection fees are estimated at a pass-through rate. The new fee structure will guarantee the cost for certain tasks.

The proposed fee increases are substantially higher than what are currently in place. The Town has been subsidizing all applicants by absorbing all consultant costs. Staff is proposing these costs be passed on to the applicant. Pre-application meetings and Site Plan Review Committee meetings will continue to be offered as a service at no cost.

Council asked a series of questions about the proposed changes including the impact on the average resident. Staff stated the average resident will not see a change in building permit cost unless they need a variance. Discussion ensued.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to hear proposed Ordinance 1807 on first reading and schedule second reading for October 19, 2020. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against.

#### **ORDINANCE 1808: 2020 GENERAL OBLIGATION BONDS**

Proposed ORDINANCE 1808 is AN ORDINANCE OF THE TOWN OF MUNSTER, INDIANA, AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS TO PROVIDE FUNDS TO BE APPLIED TO THE COSTS OF DESIGN, CONSTRUCTION, RENOVATION, IMPROVEMENT AND/OR EQUIPPING OF CERTAIN CAPITAL PROJECTS WITHIN THE TOWN OF MUNSTER, INDIANA, PURCHASING CERTAIN EQUIPMENT AND PAYING MISCELLANEOUS COSTS IN CONNECTION WITH FOREGOING AND THE ISSUANCE OF SAID BONDS AND SALE THEREOF. This matter was discussed under the public hearing *supra*.

Ordinance 1808 was drafted to authorize the issuance of the 2020 General Obligation Bond in the amount of \$1,970,000.00.

Councilor Tulowitzki asked about the projects and equipment included in the proposed bond including the new HVAC system.

Councilor Schoon moved, with a second by Councilor Gardiner, to suspend the rules, waive the readings, and adopt Ordinance 1808 on first reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against.

#### **ORDINANCE 1809: 2020 GENERAL OBLIGATION BONDS ADDITIONAL APPROPRIATIONS**

Proposed ORDINANCE 1809 is AN ORDINANCE OF THE TOWN OF MUNSTER, INDIANA, APPROPRIATING THE PROCEEDS OF THE TOWN OF MUNSTER INDIANA, GENERAL OBLIGATION BONDS OF 2020, TOGETHER WITH ALL INVESTMENT EARNINGS THEREON, FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO THE COSTS OF DESIGN, CONSTRUCTION, RENOVATION, IMPROVEMENT AND/OR EQUIPPING OF CERTAIN CAPITAL PROJECTS WITHIN THE TOWN OF MUNSTER, INDIANA, PURCHASING CERTAIN EQUIPMENT AND PAYING MISCELLANEOUS COSTS IN CONNECTION WITH FOREGOING AND THE ISSUANCE OF SAID BONDS AND SALE THEREOF. This matter was discussed under the public hearing *supra*.

Ordinance 1809 was drafted to authorize the additional appropriations of the 2020 General Obligation Bond in the amount of \$1,970,000.00.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to suspend the rules, waive the readings, and adopt Ordinance 1809 on first reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against.

**MAPLE LEAF CROSSING LLC:**  
**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

The first amendment to the development agreement was for an extension of time and was approved. The Town Council approved the first amendment at their meeting of April 20, 2020 meeting granting an additional 180 days. The extension was necessitated by the lockdown due to the pandemic. While both parties have been working towards the deadlines outlined in the agreement and its amendment, the pandemic response has complicated the process. There is an issue with the title work and a longer process than anticipated must be followed. The second amendment will grant an extension of time resulting in construction beginning by April 1, 2021. The Redevelopment Commission will be asked to approve this amendment at their meeting later this evening.

In answer to a question of Councilor Tulowitzki, Mr. Westland stated that the developer wants to begin work in 2020 but he cannot proceed until the title work is completed. The best case would see the title work done at the end of October; the worst case is it will take six months.

Councilor Gardiner asked that the developer provide a timeline once the title is clear.

Councilor Gardiner moved, with a second by Councilor Koultourides, to approve the second amendment to the Development Agreement providing an additional 180 days to Maple Leaf LLC as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against. Motion carried.

**AUTOMATIC TRANSFER SWITCH INSPECTION PROPOSAL**

Over the past ten years, the Town has installed generators at lift and pump stations as well as several Town facilities. Over this same period, the Town has taken responsibility for maintenance of the generators. The generators were supplied by Novatek who performs regular maintenance. There are twenty-two solo generators, and each has an automatic transfer switch (ATS). These switches require regular exercising to ensure electrical conductivity in the event of power loss.

Public Works Staff and NOVATEK believe they have a good working relationship with the frontline employees of HSD, and it is believed HSD would be amenable to the proposal. The Hammond Sanitary District (HSD) has been reluctant to exercise the ATS citing a fear of unintended consequences. There was a recent switchover failure, and it is believed exercising the ATS may have prevented this. Staff has spoken with Novatek about regularly testing all twenty-two switches.

The proposal would see Novatek exercise the current ATS at six-month intervals for a cost of \$2,230.00 per exercise for a total of \$4,460.00 annually. Staff anticipates installing two more generators at the 45<sup>th</sup> Street underpass. A contract amendment will be presented at that time.

Councilor Schoon asked if Town staff will be present during testing. Councilor Tulowitzki asked for information about the failed switchover at the Frederick Street station. Mr. Anderson will provide information. Councilor Tulowitzki asked the funding source for the proposal. Staff indicated that the cost would come from the Sewer Maintenance Fund.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to approve the Novatek Services proposal to exercise the Town's twenty-two automatic transfer switches at twenty-four generators at an annual cost of \$4,460.00 beginning once in 2020 and twice yearly in 2021 as a preventive maintenance measure. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against. Motion carried.

### **POSTAGE METER LEASE**

Staff met with representatives from Pulse Technology to discuss the lease of the Town's Quadient postage machine and scale. Our current postage equipment is under lease at a cost of \$766.50/quarter. The lease will expire in October 2020.

A new postage machine and scale are available at a cost of \$766.35/quarter or \$15,327.00 over the proposed five-year contract. The new equipment is an updated version of the equipment currently in use. Related charges for ink, supplies and maintenance remain unchanged.

Quarterly lease payments will be made to Quadient Leasing with service calls being handled through Pulse Technology. Lease payments are made from the General Fund with postage costs charged to the associated fund.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to authorize the leasing of a Quadient postage meter system for a period of five years at a lease cost of \$766.35/quarter. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **RESOLUTION 2074: TEMPORARY SIGNS ON PUBLIC PROPERTY**

Introduced RESOLUTION 2074 is A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE PLACEMENT OF SIGNS ON PUBLIC PROPERTY WITHIN THE TOWN OF MUNSTER. The resolution was discussed at the meeting of September 21, 2020 with no clear consensus. Staff was charged with creating two alternatives for Council to discuss this evening.

Option 1 prohibits election signs on municipal grounds every day except Election Day and prohibits election signs being placed in the Town-owned right-of-way. Option 2 prohibits election signs on municipal grounds except during the designated early voting period. Like Option 1, election signs are prohibited in the Town-owned right-of-way under Option 2.

Council weighed the precedent of allowing signs at the last election with the problems of enforcement, grounds maintenance and appearance. Lengthy discussion ensued. Councilor Koultourides called for the vote.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to adopt Resolution 2074 Option 2. Councilors Schoon, Gardiner, and Tulowitzki, voted in favor; Councilors Koultourides and Mellon voted against. Motion carried.

### **REPORTS**

#### **PORTFOLIO REPORTS**

This portion of the meeting has been added to give elected officials an opportunity to share news about the various boards and commission on which they serve as liaison.

Councilor Gardiner announced that Fire Chief Dave Pelc has announced his retirement at the end of January 2021. He then summarized the process the Board of Safety will follow to find a replacement.

Councilor Schoon reported that the new Park Director is acclimating well. He also stated that a future work study is being planned with Munster Representative to the Hammond Sanitary District Mike Hawkins to discuss various matters.

President Mellon announced the annual Night Out Against Crime and encouraged all to support the Munster Police Department.

Councilors Koultourides and Tulowitzki had nothing to report.

Clerk-Treasurer Mis reported the 2020 Census is done and Munster finished with an 84.5% response rate. Park Director Mark Heintz will be on the Town of Munster show on WJOB tomorrow. Clerk-Treasurer Mis also reported that the Munster Civic Foundation is discussing options for the betterment of the Town and is seeking applications for members.

### **ANNOUNCEMENTS**

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.) The number of residents able to participate in person will be limited based on the Governor's Executive Order(s) in effect at that time.

The Town Council will hold regular meetings on Monday, October 19, November 2, and 16, 2020. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

Councilor Gardiner suggest the Council look at options for rescheduling the November 2, 2020 meeting. This is the day before Election Day and the Election Board will need access to the room that evening to prepare.

### **ADJOURNMENT**

There being no further business to come before the Council, Councilor Tulowitzki moved with a second by Councilor Koultourides, to adjourn. The meeting adjourned at 8:11 p.m. by voice vote.

**ATTEST:**

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**Lee Ann Mellon, President**

\_\_\_\_\_  
**Wendy Mis, Clerk-Treasurer**