

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
NOVEMBER 16, 2020**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, November 16, 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 a distance of at least six feet from another person. As a result, Councilors, Staff, and the public had the option to participate via Zoom meeting technology. Councilors Chuck Gardiner, Lee Ann Mellon, and Ken Schoon were physically present at Town Hall. Councilor Steven Tulowitzki was present in the virtual setting. Councilor Andy Koultourides was absent. President Mellon presided.

Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Attorney David W. Westland, Planning Director Thomas Vander Woude, and Town of Munster Representative to the Hammond Sanitary District Mike Hawkins were physically present at Town Hall. Town Manager Dustin Anderson and Police Chief Stephen Scheckel were present in the virtual setting; it is believed each were in different locations. 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 continually changing situation. 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.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell was present in the virtual setting. Mr. Randell reported that Calumet Avenue is complete and open to traffic. Lane restrictions will continue because of construction on 45th Street. In addition, there will be periodic closures along Calumet Avenue as the contractor works on punch list items.

In response to questions from Councilor Gardiner and Councilor Tulowitzki, Mr. Randell explained that there have been thirty-four weeks of acceleration work, and the project is at the projected \$275,000 cost. To complete the work this year, additional acceleration costs will be needed. The weather needs to remain dry and the ground not frozen for work to continue into December. There are some lingering items that may have to wait until Spring.

PROCLAMATION: 2020 SMALL BUSINESS SATURDAY

The Saturday after Thanksgiving is recognized nationally as "Small Business Saturday," and individuals are encouraged to support the small businesses in their communities. The Town of Munster supports its local business that creates jobs, boost our local economy, and preserve our community.

Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

PUBLIC HEARING: ADDITIONAL APPROPRIATION (2)

Ordinance 1810 was introduced at the October 19, 2020 meeting and had first reading. Since that time, another fund has been identified as needing an additional appropriation.

As part of the federally adopted CARES Act, the Town of Munster was allocated \$731,250. This money is transmitted to the Town through the Indiana Finance Authority on a reimbursement basis. The State Board of Accounts has issued directives and guidance for these monies. One requirement is the establishment of a new fund, which you will be asked to consider this evening. This new fund will need to be appropriated. As a result, the Certified Copy of Additional Appropriations, which is an attachment to the ordinance, has been modified to include the new fund. Following is a summary of the additional appropriations being sought with Ordinance 1810.

Fund	Type	Amount
CARES IFA Grant 153	Reporting Only	\$ 731,250.00
Sewer Depreciation 283	Reporting Only	\$ 100,000.00
Water Depreciation 603	Reporting Only	\$ 250,000.00

The procedure for securing the additional appropriations requires a public hearing, properly advertised for this evening, and the adoption of an ordinance by the Town Council. Information regarding all funds will be sent to the Department of Local Government Finance (DLGF). Controlled funds will be reviewed by the DLGF, and a determination made within fifteen days of submittal. No determination is made for "Reporting Only" funds. Upon passage of the ordinance, the additional appropriations for these funds will be in effect.

There are adequate cash reserves available in each fund to support the requested appropriations for the "Reporting Only" funds.

President Mellon opened the floor for public comment. There being no one wishing to speak, the public hearing was closed.

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. Mr. Anderson reported that no comments were received by email.

Mr. Mike Dujmovic, 1833 Tulip Lane Avenue, asked for follow up information on the proposed water rate increase from the City of Hammond. President Mellon explained that it is a work in progress, and the Town is remonstrating with hopes of negotiating the increase be implemented over time.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on October 19, 2020

Approval of the minutes of the special meeting held on November 4, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-11B dated 11/03/20 totaling \$189.83

Confirmation of Voucher Register #20-11C dated 11/05/20 totaling \$414,052.53

Confirmation of Voucher Register #20-11D dated 11/06/20 totaling \$373,598.56

Confirmation of Voucher Register #20-11E dated 11/06/20 totaling \$340,019.40
 Confirmation of Voucher Register #20-11F dated 11/10/20 totaling \$111,793.74
 Confirmation of Voucher Register #20-11G dated 11/10/20 totaling \$87,097.41
 Confirmation of Voucher Register #20-11H dated 11/09/20 totaling \$49.69
 Confirmation of Voucher Register #20-11I dated 11/10/20 totaling \$1,424.63
 Confirmation of Voucher Register #20-11J dated 11/12/20 totaling \$310,001.22
 Approval of Voucher Register #20-11K dated 11/16/20 totaling \$112,762.87

WATER BILL ADJUSTMENTS 2020-39 THROUGH 2020-45

Staff received requests 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
2020-39	25,000	133,000	2 months	\$ 384.47	\$ 229.65	\$ 154.82
2020-40	1,000	44,000	2 months	\$ 136.62	\$ 116.74	\$ 19.88
2020-41	32,000	63,000	1 month	\$ 182.72	\$ 84.86	\$ 97.86
2020-42	5,000	86,000	2 months	\$ 252.87	\$ 200.63	\$ 52.24
2020-43	2,000	34,000	1 month	\$ 103.70	\$ 93.76	\$ 9.94
2020-44	14,000	299,000	2 months	\$ 800.81	\$ 710.69	\$ 90.12
2020-45	50,000	309,000	2 months	\$ 829.83	\$ 483.13	\$ 346.70

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

OLD BUSINESS

ORDINANCE 1810: ADDITIONAL APPROPRIATIONS (2)

Introduced ORDINANCE 1810 is AN ORDINANCE FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE YEAR 2020 (2). This matter was the subject of a public hearing earlier in the meeting.

Councilor Gardiner moved, with a second by Councilor Schoon, to approve introduced Ordinance 1810 as presented. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

NEW BUSINESS

CHANGE ORDER 012: GRADE SEPARATION PROJECT – STRUCTURAL CONCRETE CURING METHOD

The Engineer of Record for the 45th Street Grade Separation Project changed the curing method for the structural concrete. The change order includes material costs for liquid membrane curing compound application and curing blankets. The total cost of the change order is \$4,654.63.

The change order has been reviewed and approved by the Town's construction engineer DLZ and by INDOT. The additional cost will come from the TIF Allocation Fund 471.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve Change Order No. 012 for INDOT Contract B-36229. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

CHANGE ORDER 015: GRADE SEPARATION PROJECT – SIDEWALK AND BIKE PATH

For the duration of the project, there has not been adequate sidewalk access along Calumet Avenue in the construction area. Council and Staff requested a temporary path be installed to last until the Centennial Village developer install the final path. The path has been installed at a cost of \$11,366.34 and will be paid from the TIF Allocation Fund 471.

This matter was discussed at previous meetings.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve Change Order No. 015 for INDOT Contract B-36229. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

CHANGE ORDER 017: GRADE SEPARATION PROJECT – SUPPLEMENTAL ACCELERATION COSTS

Council approved Change Order 005 at their meeting of March 23, 2020. The change order allowed acceleration costs up to \$275,000.00. At this point, \$265,000.00 of the authorized acceleration costs have been spent. The current schedule has paving of 45th Street being complete the second week of December. That cannot be accomplished without acceleration exceeding the remaining balance.

Change Order 017 would allow continuation of acceleration work up to an additional \$50,000.00. The actual cost of acceleration would be billed up to the new maximum of \$325,000.00. If the work is completed for less than that, only the actual costs will be paid. If the costs will exceed the new maximum, an additional change order will be presented for approval.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve Change Order No. 017 for INDOT Contract B-36229 for a total not to exceed \$50,000.00. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

ORDINANCE 1811: CREATION OF CARES IFA GRANT FUND 153

Proposed ORDINANCE 1811 is AN ORDINANCE CREATING THE CARES IFA GRANT FUND 153. In response to the Coronavirus pandemic, the federal government adopted the Coronavirus Aid, Relief, and Economic Stimulus (CARES) Act earlier this year. States were allocated monies from the CARES Act, and the State of Indiana allocated a portion of these monies to its municipalities. The program is administered through the Indiana Finance Authority (IFA). The Town of Munster was allocated \$731,250.00

The Indiana State Board of Accounts has provided directives and guidance on how to account for these monies. Under this guidance, the Town must establish a separate fund to account for the transactions related to the CARES Act allocation. Ordinance 1811 has been drafted to accomplish this.

While the State Board of Accounts is not requiring the creation of the fund by ordinance, as a matter of best practice and internal control documentation, Council is being asked to take this action.

In response to a question from Councilor Tulowitzki, Clerk-Treasurer Mis explained that these expenses have already been incurred and reimbursed. The vast majority was from the General Fund for personnel costs.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to hear Ordinance 1811 on first reading and schedule second reading for the next regular meeting. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

**ORDINANCE 1812: ESTABLISHING PROCEDURES AND STANDARDS
FOR SMALL CELL/5G NETWORKS AND FACILITIES**

Proposed ORDINANCE 1812 is AN ORDINANCE AMENDING CHAPTER 50 ARTICLE IV OF THE MUNSTER MUNICIPAL CODE ESTABLISHING PROCEDURES AND STANDARDS FOR SMALL CELL/5G NETWORKS AND FACILITIES. IC 8-1-32.3 states municipalities must allow telecommunication companies to install "small cell" infrastructure in the public right-of-way and, in some cases, to install their equipment on municipally-owned utility poles such as streetlights. In order to regulate the location and manner in which the equipment is installed, the municipality must establish procedures and standards in compliance with IC 8-1-32.3.

Ordinance 1812 has been drafted for this purpose. It outlines the application requirements, specifications, and other terms and conditions.

Mr. Vander Woude explained that an ordinance must be passed to be in compliance with Indiana Code. The ordinance will give some authority to steer where the equipment will be installed and the overall aesthetic. Mr. Westland has reviewed the ordinance and wants further research regarding liability and maintenance issues.

Councilor Tulowitzki asked what the residents will notice about this. The ordinance will require the boxes and antennae to be as unobtrusive as possible.

Councilor Gardiner asked if there is any revenue associated with this. There will be nominal fees but not ongoing rent like with the antennae on the water towers.

Councilor Gardiner moved, with a second by Councilor Schoon, to hear Ordinance 1812 on first reading, An Ordinance Amending Chapter 50, Article IV of the Munster Municipal Code Establishing Procedures and Standards for Small Cell/5G Networks and Facilities, and schedule second reading for the second meeting in December. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

LETTER OF ENGAGEMENT – 2021 TOWN OF MUNSTER LEGISLATIVE LOBBYING

The Town has an interest in engaging the law firm of Barnes & Thornburg as its state legislative relations counsel. A letter of engagement has been drafted for Barnes & Thornburg to provide certain lobbying services. Fees for this service would be \$5,000.00/month from November 1, 2020, through April 30, 2021, and \$3,000.00/month from May 1, 2021, through October 31, 2021. These rates are unchanged from the prior year. Additional expenses, including but not limited to lobbying compliance fees, would also be allowed.

Councilor Gardiner asked for examples of the value the Town receives from this agreement. Mr. Anderson cited the Grade Separation funding, land use legislation, and having a voice in the room when legislation is written.

Councilor Tulowitzki sought clarification on the different monthly rates. The higher rate is for the months the General Assembly is in session as there is more work involved.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to authorize the Town Manager to sign the letter of engagement with Barnes & Thornburg for legislative lobbying services. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

CHANGE ORDER #1: NORTHEAST ALLEY IMPROVEMENT PROJECT

Site Services was awarded the contract to perform the grading and laying of stone for the Northeast Alley Improvement Project at the Council meeting of July 6, 2020, for a cost not to exceed \$159,619.00. The engineer's estimate for the work was \$191,755.00, and the next lowest bid was \$181,290.00.

Final installed quantities on several pay items differed from the estimated amounts. This was due to additional concrete to rebuild driveway approaches to match the new grading of the alleys. In addition, additional paving was authorized on the Oakwood/Northcote alley at Alta Vista to match what existed. The additional work

was done at the Town's request. The change order amount is \$18,347.03 bringing the total to pay Site Services \$177,966.03.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to authorize the change order to Site Services in the amount of \$18,347.03. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

RELEASE OF RETAINAGE: NORTHEAST ALLEY IMPROVEMENTS PROJECT

Site Services completed the construction of the Northeast Alley Improvements Project in September and has submitted their final Application for Payment, including retainage. SEH has reviewed the pay application and recommends its approval.

Councilor Gardiner moved, with a second by Councilor Schoon, to release the final payment for retainage in the amount of \$17,796.60 to Site Services for completion of the Northeast Alley Improvements Project. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against.

STREETSCAPE ADDITIONAL ALTERNATE PROPOSAL

Council approved an agreement with Teska Associates for the planning of streetscaping and corridor improvements along the Ridge Road and Calumet Avenue business districts. Since that time, a number of other related projects have started. The RDA has begun their engagement session for the Ridge Road Transit Development District, which will likely include Ridge Road and Manor Avenue. NICTD broke ground on the Westlake Extension, with construction scheduled to begin in Munster in the first half of 2021. Both projects will have a major impact on Munster.

It seems both appropriate and wise to take these projects into account with the streetscaping and corridor improvement planning. Teska has provided a proposal to review the existing transit-oriented development studies to produce a technical memorandum with recommendations. The area to be studied will be the streets between Broadmoor Avenue, Briar Lane, Hohman Avenue, and Jackson Avenue.

The project will cost \$17,800.00 and will be paid from the LIT-Economic Development Fund 209.

Councilor Gardiner moved, with a second by Councilor Schoon, to authorize the Town Manager to enter into an agreement with Teska Associates to develop street alignment concepts for a price not to exceed \$17,800.00. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

TDD STEERING COMMITTEE APPOINTMENT

The Northwest Indiana Regional Development Authority must partner with local communities in the establishment of transit development districts. Each community in the district is represented on the Steering Committee. The term of the current representative expires on December 31, 2020, and the individual does not wish to serve another term.

President Mellon observed that members of the Steering Committee are either elected officials or municipal employees.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to table the appointment until the meeting of December 7, 2020. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

POLICE SQUAD BID AWARD

On Friday, November 6, 2020, sealed bids for the purchase of six Ford Interceptor Police Department vehicles were opened. Six vehicles will be used as trade-ins. The bids were as follows.

Bidder	Vehicle Cost	Trade-in	Net Cost
Bosak Ford, Burns Harbor, Indiana	\$ 220,556.00	\$ 22,500.00	\$ 198,056.00
Terry's Ford, Peotone, Illinois	\$ 218,087.00	\$ 33,000.00	\$ 185,087.00

The new vehicles will be paid through a lease purchase agreement as will the accompanying equipment.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to accept the bid from Terry's Ford of Peotone, Illinois for a net cost of \$185,087.00. Councilors Schoon, Gardiner, Tulowitzki, Koulourides, and Mellon voted in favor; none voted against.

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 the Town has been ranked the 12th safest municipality in Indiana by Safewise.com.

Councilor Tulowitzki reported that the School Board had a meeting about the no transportation zone and the Lake County Solid Waste Management Board met.

Councilor Schoon provided details of the next Park Board meeting.

President Mellon had nothing to report.

Clerk-Treasurer Mis had nothing to report.

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, December 7, and 21, 2020. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, Councilor Gardiner moved with a second by Councilor Schoon, to adjourn. The meeting adjourned at 8:05 p.m. by voice vote.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer