

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
DECEMBER 21, 2020**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, December 21, 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. Executive Order 20-43 requires adherence to Centers for Disease Control guidelines regarding the number of people 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 and Lee Ann Mellon were physically present at Town Hall. Councilors Andy Koulourides (arrived late), Ken Schoon (arrived late), and Steven Tulowitzki were present in the virtual setting; it is believed each was in a different location. President Mellon presided.

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 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.

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

DLZ representative Lee Randell was present in the virtual setting. Mr. Randell reported that the underpass is now open to traffic. There is work still to be done and there will be occasional lane closures. A ribbon cutting ceremony was held December 18, 2020. It is estimated that the acceleration costs are at \$300,000.00.

**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](http://munster.org), that questions or comments about an item on the agenda were to be emailed to [danderson@munster.org](mailto:danderson@munster.org). Mr. Anderson reported that no comments were received by email.

Mr. Jim Witham, 9504 White Oak Avenue, asked about the proposed City of Hammond water rate increase and the South Shore train extension.

No one else rose to claim the floor.

Councilor Koulourides arrived in the virtual setting.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Approval of the minutes of the regular meeting held on December 7, 2020

**ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #20-11T dated 11/13/20 totaling \$20.49  
 Confirmation of Voucher Register #20-11U dated 11/13/20 totaling \$20,632.64  
 Confirmation of Voucher Register #20-11V dated 11/24/20 totaling \$59.52  
 Confirmation of Voucher Register #20-11W dated 11/10/20 totaling \$1.22  
 Confirmation of Voucher Register #20-12F dated 12/10/20 totaling \$108,532.67  
 Confirmation of Voucher Register #20-12G dated 12/10/20 totaling \$84,874.95  
 Confirmation of Voucher Register #20-12H dated 12/09/20 totaling \$76.59  
 Confirmation of Voucher Register #20-12I dated 12/10/20 totaling \$439,483.47  
 Confirmation of Voucher Register #20-12J dated 12/14/20 totaling \$37.16  
 Confirmation of Voucher Register #20-12K dated 12/15/20 totaling \$1,132.10  
 Approval of Voucher Register #20-12L dated 12/21/20 totaling \$188,989.05  
 Confirmation of Voucher Register #20-12M dated 12/16/20 totaling \$3,440.18  
 Confirmation of Voucher Register #20-12N dated 12/29/20 totaling \$2,229,734.95  
 Confirmation of Voucher Register #20-12O dated 12/17/20 totaling \$383,180.99  
 Confirmation of Voucher Register #20-12P dated 12/18/20 totaling \$374,174.18  
 Confirmation of Voucher Register #20-12Q dated 12/18/20 totaling \$341,313.80

### **WATER BILL ADJUSTMENTS 2020-49**

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:

<u>Adjustment Number</u>	<u>Average Usage</u>	<u>Actual Usage</u>	<u>Length of Time</u>	<u>Original Bill</u>	<u>Adjustment Amount</u>	<u>Adjusted Bill</u>
2020-49	3,000	73,000	2 months	\$ 219.77	\$ 199.69	\$ 20.08

### **TREASURER'S REPORT**

The November 2020 Treasurer's Report was presented.

### **NEPOTISM AND CONFLICT OF INTEREST CERTIFICATES**

IC 36-1-20.2-16 mandates: "Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter [on nepotism]. An officer shall submit the certification to the executive of the unit no later than December 31 of each year." Copies of certificates executed by Councilors Gardiner, Koulourides, Mellon, Schoon, and Tulowitzki and Clerk-Treasurer Mis were presented.

IC 36-1-21-6 mandates: "Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter [on conflict of interest]. An officer shall submit the certification to the executive of the unit not later than December 31 of each year." Copies of certificates executed by Councilors Gardiner, Koulourides, Mellon, Schoon, and Tulowitzki were presented. The Clerk-Treasurer is not required to execute this certification.

IC 36-1-20.2-9 and IC 36-1-21-4 specifically allow a unit to adopt requirements that are "more stringent or detailed." Accordingly, Ordinance 1561, "An Ordinance for compliance with HEA 1005 entitled Conflict of Interest and Nepotism Effective July 1, 2012," adopted June 18, 2012, requires the Town Manager to execute the nepotism and conflict of interest certificates. Copies of the certificates executed by Town Manager Anderson were presented.

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

Councilor Schoon arrived in the virtual setting.

## **OLD BUSINESS**

### **ORDINANCE 1811: CREATION OF FUND 153 CARES GRANT FUND**

First reading on this ordinance was held at the November 16, 2020 meeting. The ordinance will formally create the CARES IFA Grant Fund (153) to account for the Town's allocation of \$731,250. The Town has received all of its allocation.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1811 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **ORDINANCE 1812:**

Introduced ORDINANCE 1812 is AN ORDINANCE AMENDING CHAPTER 20 ARTICLE IV OF THE MUNSTER MUNICIPAL CODE ESTABLISHING PROCEDURES AND STANDARDS FOR SMALL CELL/5G NETWORKS AND FACILITIES. The ordinance had first reading at the November 16, 2020 regular meeting. At that time, additional legal review was needed, and Council set the second meeting in December for second reading.

Mr. Vander Woude explained the revisions made which clarify ownership rights.

Councilor Gardiner moved, with a second by Councilor Koultourides, to adopt Ordinance 1812 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **ORDINANCE 1813: AMENDMENT #5 TO THE 2020 SALARY ORDINANCE**

Introduced ORDINANCE 1813 is AMENDMENT #5 TO THE 2020 SALARY ORDINANCE. Ordinance 1813 had first reading at the last regular meeting. The ordinance confirms the payment of full pay and benefits to regular full-time employees during the Stay-at-Home Order from Governor Eric Holcomb issued through Executive Order 20-08 on March 23, 2020.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to adopt Ordinance 1813 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **ORDINANCE 1814: AMENDMENT #6 TO THE 2020 SALARY ORDINANCE**

Introduced ORDINANCE 1814 is AMENDMENT #6 TO THE 2020 SALARY ORDINANCE. Ordinance 1814 had first reading at the December 7, 2020 meeting. If adopted, the ordinance would extend the policy allowing employees to have negative sick and/or vacation leave banks under certain circumstances related to the Coronavirus pandemic. The policy is set to expire on December 31, 2020.

Staff recommended extending the policy for the first quarter of 2021 and bringing the matter back to Council in March 2021 to determine if another extension is warranted.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt Ordinance 1814 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **ORDINANCE 1816: CREDIT CARD USE**

Introduced ORDINANCE 1816 is AN ORDINANCE AUTHORIZING THE ISSUANCE OF CORPORATE CREDIT CARDS FOR USE BY CERTAIN EMPLOYEES OF THE TOWN OF MUNSTER. The ordinance had first reading at the December 7, 2020 meeting.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1816 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **ORDINANCE 1817: 2021 SALARY ORDINANCE**

Introduced ORDINANCE 1817 is AN ORDINANCE ESTABLISHING THE 2021 PAY PLAN FOR THE TOWN OF MUNSTER, INDIANA (2021 SALARY ORDINANCE). Council held first reading on this matter at the December 7, 2020 meeting. Compensation of elected officials must be fixed, and the Police Pension Base must be certified before January 1 of the ensuing year. Proposed Ordinance 1817 has been prepared for that purpose and it includes other annual authorizations related to payroll. Following are the highlights of Ordinance 1817.

1. All regular, full-time employees pay rates will increase by 2.00%.
2. All elected officials pay rates will increase by 2.00%. (Elected officials' rates must be set by December 31, 2020.)
3. All firefighter stipends and hourly rates will increase by 2.00%.
4. The Certified First-Class Officers Rate will increase by 2.00%. (This determines the amount of pension retired officers and their dependents receive as well as how much the Town and current officers contribute to the pension plan. The rate must be set and certified to the State of Indiana by December 31, 2020.)
5. The Building & Community Development Department has requested the addition of a part-time Administrative Secretary and a reduction in the number of Multi-Discipline Inspectors. These inspector positions may be filled by full or part-time employees up to the maximum of two full-time equivalent employees. See Exhibit A.
6. All benefits and related provisions (e.g., health insurance, Park discounts, etc.) will remain unchanged from 2020.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt Ordinance 1817 on second reading as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **NEW BUSINESS**

##### **CHANGE ORDER #010: GRADE SEPARATION DESIGN COSTS**

The construction documents contained in INDOT minimum information necessary to fabricate the rebar and shop drawings for the underpass structure. The engineer of record required a third-party design analysis of the shop drawing produced by Walsh Construction. The additional cost totaled \$50,012.42.

Councilor Gardiner asked about other pending change orders. Mr. Anderson and Mr. Randell explained that there are some under review but none of a significant amount.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve Change Order # 010 for INDOT Contract B-36229 in the amount of \$50,012.42. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **RESOLUTION 2079: 2020 ENCUMBRANCES**

Proposed RESOLUTION 2079 is A RESOLUTION AUTHORIZING 2020 ENCUMBERED APPROPRIATIONS TO BE CARRIED INTO BUDGET YEAR 2021. When beginning a new budget year, it is beneficial to review open purchase orders that show as "encumbered" on the current year's ledger. These encumbrances can be carried forward to the corresponding 2021 budget account. This allows expenses generated in 2020 to be attributed to the 2020 budget instead of the 2021 budget.

Staff in all departments have been asked to review their open purchase orders and report which items should be carried into 2021. These items can only be used for the vendor and for the goods or services for which the purchase order was originally made. The maximum to be brought into 2021 is \$1,630,753.20.

Encumbrances brought forward have a direct impact on future appropriations levels. We know that not all of the listed encumbrances will be used; some will not be used at all. All encumbrances brought into the new year will be used by the end of February 2021. The final amounts will be reported in March 2021.

The Indiana State Board of Accounts suggests formally recording these encumbrances in the minutes of the final meeting of each year. Resolution 2079 has been drafted for this purpose. Exhibit A to the resolution is fund summary and listing of all the purchase orders which will be carried into 2021.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to adopt Resolution 2079 as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **PROPERTY, CASUALTY, WORKERS COMPENSATION INSURANCE RENEWAL**

The Town is self-insured for its liability and workers compensation insurances. Staff presented a market review, table of the Town's self-insurance exposures and detailed program review. Renewal rates are based on claims experience of previous years. The Town had a 6.84% increase going into 2020. There is an expected 8.62% rise going into 2021. Following is a detailed summary of the cost of lines of service.

The only significant change is the increase of the self-insured retention amount from \$75,000.00 to \$100,000.00 for casualty and from \$150,000.00 to \$200,000.00 for workers' compensation.

	Expiring	Renewal	Change
<u>Coverages:</u>			
Package	\$ 204,713	\$ 216,541	\$ 11,828
Excess Workers' Compensation	75,502	75,502	-
Excess Property	52,940	63,166	10,226
Cyber Liability	12,052	14,368	2,316
Clubhouse & Amphitheatre	45,249	49,046	3,797
Methane Plant	55,589	62,181	6,592
<b>Subtotal</b>	<b>\$ 446,045</b>	<b>\$ 480,804</b>	<b>\$ 34,759</b>
<u>Administration</u>			
Workers' Compensation	\$ 9,582	\$ 13,714	\$ 4,132
Liability & Property	18,626	22,300	\$ 3,674
Administrative Services	7,969	8,158	\$ 189
Service Fee	77,250	78,795	1,545
<b>Subtotal</b>	<b>\$ 113,427</b>	<b>\$ 122,967</b>	<b>\$ 9,540</b>
<b>TOTAL</b>	<b>\$ 559,472</b>	<b>\$ 603,771</b>	<b>\$ 44,299</b>

The Town is entering the third year of a contract with third-party claims administrator Gallagher Bassett. The agreement calls for a 2.00% increase in the per-claims fee per year in each of these years. Staff has found Gallagher Bassett to be diligent in their claims management.

Councilor Koultourides asked is there were more savings to be gained if the retention amounts were increased higher than proposed. Mr. Anderson stated the premium would increase by about \$8,000.00 making it not worth the higher retention.

Councilor Tulowitzki asked why there was such a high increase this year. Mr. Anderson explained that the liability insurance is impacted by the overall market. The municipal market saw very large claims in 2020 related to the social unrest.

Councilor Koultourides moved with a second by Councilor Tulowitzki, to authorize the Town Manager to bind coverage for the liability insurance programs as presented in the 2021 renewal package. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **DISPOSAL OF SURPLUS PROPERTY**

The Police Department presented a list of surplus property and requested permission to dispose of it.

- Six kitchen chairs
- Two office chairs
- Two Whalen siren boxes serial numbers N045106 AND N157208
- Tow car printers serial numbers U62863-A1G543885 and U62863-A1G543879
- Two in-car keyboards serial numbers BAK053014024931 and BAK05301402936

Councilor Gardiner moved with a second by Councilor Koultourides, to authorize the Police Department to destroy the listed property and remove same from the current inventory. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **LEASE PURCHASE AGREEMENT: PUBLICFINANCE.COM**

Council approved the purchase of six police vehicles from Terry's Ford in Peotone, Illinois at the November 16, 2020 meeting. All the vehicles and emergency equipment will be included in a lease purchase agreement with PublicFinance.com. The total financed is \$288,116.02 at an annual rate of 2.49%. It is a three-year lease with six semi-annual payments. The total amount financed with interest is \$301,154.76.

Councilor Tulowitzki moved with a second by Councilor Koultourides, to approve financing of six Munster Police Department fully equipped emergency vehicles. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **CHANGE ORDER: REITH-RILEY**

Reith-Riley was awarded the paving contract for Hohman Avenue, Harrison Avenue, and Margo Lane at the February 3, 2020. There are two changes orders associated with the work. First, there was an additional \$2,308.87 in costs associated with a water main break that occurred during construction. Second, the Reith-Riley over-estimated the number of drive aprons, sidewalks, and ADA ramps that would be needed. In addition, the asphalt cost was lower than anticipated. These combined to create a cost under-run of \$96,696.31 and a contract total of \$245,725.26.

Councilor Tulowitzki asked for clarification on the causes of the reduction. The primary reason was the difference in price for asphalt from the time the bid was made, and the construction occurred.

Councilor Gardiner moved with a second by Councilor Tulowitzki, to authorize the change orders to Reith-Riley for a deduction of \$94,387.44. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

### **RELEASE OF RETAINAGE: REITH-RILEY**

Reith-Riley has completed the 2020 Neighborhood Paving and Watermain Improvement Project. They have presented Pay Applications 4 and 5 releasing the retainage. The combined amount is \$81,408.69.

Councilor Tulowitzki moved with a second by Councilor Koultourides, to authorize the release of retainage in Pay Applications 4 and 5 in the amount of \$81,408.69. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **2020-2 COMMUNITY CROSSINGS INDOT/LPA GRANT AGREEMENT**

The Town has been awarded a Community Crossings Matching Grant to complete the mill and overlay of sections of Elliott Drive, Timrick Drive, Crestwood Avenue and Bluebird Drive. The grant is for \$473,685.00 and the Town will provide an equal match bringing the project total to \$947,370.00.

Councilor Gardiner moved with a second by Councilor Tulowitzki, to authorize the Town Manager to execute Contract #A249-21-LG200521 with the Indiana Department of Transportation in the amount of \$473,685.00 to resurface 1.64 miles of local roads and streets. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **2021 LIT-ECONOMIC DEVELOPMENT EXPENDITURE PLAN**

The Town receives distributions for Local Income Tax – Economic Development through Lake County. In order to receive the distributions, a spending plan must be on file with the Lake County Auditor. In years past, the plan has been devoted to the West Lake Extension of the commuter rail service and the Grade Separation Project. The 2021 plan continues to fund the 34% commitment to the West Lake Extension estimated to be \$319,464.50 with the balance of \$939,601.48 estimated to be received in 2021 available for construction engineering and inspection services for the Grade Separation Project, design of streetscape improvements and for “any legal purpose prescribed by IC 6-3.6-10-2.”

Councilor Gardiner sought clarification on the ability to spend the balance of the funds from prior years.

Councilor Gardiner moved with a second by Councilor Tulowitzki, to authorize the 2021 LIT Capital Expenditure Plan as presented. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **ANNUAL SCHEDULE OF MEETINGS**

The 2021 regular meeting schedule for the Town Council and the various board, commissions, and committees was distributed and placed on file. There is no change from the meeting schedule of 2020. A copy of the schedule is made part of these minutes.

Councilor Gardiner moved with a second by Councilor Schoon, accept the 2021 Town of Munster regular meeting schedule. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

#### **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. Most communities have either an elected official or staff member serving. The term of the current representative expires on December 31, 2020, and the individual does not wish to serve another term. This matter was discussed at the November 16, 2020 meeting and deferred until December.

President Mellon has been involved with the TDD and the train expansion since 2016. She is familiar with the history and issues surrounding the matter. Councilor Tulowitzki commented on the advantages of having continuity of service.

Councilor Gardiner moved, with a second by Councilor Gardiner, to appoint to a Lee Ann Mellon. Councilors Schoon, Gardiner, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

## **2021 APPOINTMENTS TO BOARDS AND COMMISSIONS**

Councilor Gardiner moved, with a second by Councilor Koultourides, to reappoint Michael Hawkins as the Town of Munster Representative to the Hammond Sanitary District for a term to expire December 31, 2024; Michael Clark and Linda Dunn to the Board of Safety, each for a term to expire December 31, 2021; and Michael Sowards to the Park Board for a term to expire December 31, 2024. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against.

## **EXECUTIVE COACHING ENGAGEMENT**

Council seeks to engage an executive coach for the purposes of leadership development. Credentials and proposals have been reviewed and a provider identified.

Councilor Koultourides moved with a second by Councilor Gardiner, to authorize the Town of Munster to enter into an agreement with Sort Sol Group for the Leadership Coaching Engagement for an amount not to exceed \$8,327.00. Councilors Schoon, Gardiner, Tulowitzki, Koultourides, 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 Schoon stated the Park Department is researching pay to park options and had an informational meeting with a local vendor. The Park Department is currently focused on Centennial Park but is looking with an eye to future needs.

President Mellon and Councilor Tulowitzki extended holiday greetings.

Councilors Gardiner and Koultourides 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 a special meeting on Thursday, January 7, 2021. The Redevelopment Commission will hold a special meeting immediately following the Town Council meeting.

## **ADJOURNMENT**

There being no further business to come before the Council, Councilor Gardiner moved with a second by Councilor Koultourides, to adjourn. The meeting adjourned at 7:56 p.m. by voice vote.

**ATTEST:**

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**Lee Ann Mellon, President**

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