

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
AUGUST 02, 2021**

A regular meeting of the Munster Town Council convened at 7:01 p.m. on Monday, August 02, 2021. 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. Councilors, Staff, and the public had the option to participate via Zoom meeting technology. Councilors Andy Koultourides, Chuck Gardiner, Lee Ann Mellon, Ken Schoon and Steven Tulowitzki were physically present at Town Hall. President Koultourides presided.

Also present in Town Hall were Clerk-Treasurer Wendy Mis, Town Manager Dustin Anderson, Town Attorney Dave Westland, Fire Chief Mark Hajduk, and Police Chief Stephen Scheckel. The news media were not represented. The public was given the information needed to access the meeting virtually via Zoom, and none 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 Koultourides opened the meeting with a moment of silence followed by the pledge of allegiance.

**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 emails were received.

No one rose to claim the floor.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Approval of the minutes of the regular meeting held on July 19, 2021

**ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #21-7I dated 07/22/21 totaling \$81,411.99  
Confirmation of Voucher Register #21-7J dated 07/29/21 totaling \$663,837.93  
Confirmation of Voucher Register #21-7K dated 07/30/21 totaling \$424,268.85  
Confirmation of Voucher Register #21-7L dated 07/31/21 totaling \$33,199.19  
Approval of Voucher Register #21-8A dated 08/02/21 totaling \$161,053.28

### **WATER BILL ADJUSTMENTS 2021-28 AND 2021-29**

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
2021-28	3,000	18,000	1 month	\$67.77	\$55.89	\$11.88
2021-29	20,000	129,000	2 months	\$421.87	\$272.29	\$149.58

The amounts listed are for water and sales tax only. All other regular charges will remain unchanged.

Councilor Schoon moved, with a second by Councilor Gardiner, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Schoon, Gardiner, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against. The motion carried 5-0 and the Consent Agenda was adopted.

### **NEW BUSINESS**

#### **RESOLUTION #2085- ACCEPTANCE OF PURCHASE AGREEMENT WITH THE HAMMOND WATER WORKS DEPARTMENT**

Proposed RESOLUTION 2085 is A RESOLUTION AUTHORIZING THE PURCHASE BETWEEN THE HAMMOND WATER WORKS DEPARTMENT, HAMMOND, IN AND THE DEPARTMENT OF WATER WORKS OF THE TOWN OF MUNSTER. The Town Council authorized the Council President, Dr. Andy Koultourides to enter into a purchase agreement with Hammond Water Works. The agreement required a resolution granting the authority to execute the Purchase Agreement.

The Purchase Agreement establishes several technical specifications that are related to the transmission of water, including – but not limited to – rate of withdraw, water pressure, transmission facilities, and water quality. These specifications have been reviewed both by our Town Engineer from SEH locally, as well as one of SEH's hydrological engineers in their Minnesota office.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, authorize the Council President, to adopt Resolution 2085 as presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried 5-0.

#### **B-36229 (45TH GRADE SEPARATION PROJECT) CHANGE ORDER #32 STRUCTURE BACKFILL TYPE 2 OVERRUN**

In accordance with INDOT Standard Specifications, item quantities resulting in + \$20,000.00 or more per item must be adjusted via change order prior to contract finalization.

This pay item was reduced under previous change orders 3 and 4. Under Change Order 3 (Added Water Main and Ductile Iron Pipe Items) an estimated quantity of 1,000 cubic yards were removed from the Structure Backfill, Type 2 pay item and substituted under a new item for crushed limestone. The estimated quantity reduction under Change Order 3 was later found to be in error by 800 CYS, thus an over estimated quantity reduction. Under change order 4 (Coated Trenchless Pipe Substitution, STR 120) an estimated 184 cubic yards were removed from the Structure Backfill, Type 2 pay item. A total increase of 395.46 CYS are attributed to field measurements and calculations in accordance with the contract documents, and combined with the 800 CY overestimation, requires a final quantity adjustment increase of 1195.46 CYS. The total cost of this change order is \$36,700.62 based on review of final quantities including prior change order items. If approved, this change order would be 0.179% of the original contract price and the total changes to date would be \$1,913,033.40 or a 9.314% increase of the total project cost. This change order has been reviewed and approved by our construction engineering firm DLZ as well as INDOT.

Councilor Mellon moved, with a second by Councilor Schoon, to Change Order No. 032 for INDOT Contract B-36229 in the amount of \$36,700.62. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

**MAPLE LEAF CROSSING DEVELOPMENT:  
FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT**

The amendment contemplates moving the dates for both the commencement of construction as well as for the completion of construction for the different project phases. The fourth amendment, previously adopted in March

	Fourth Amendment		Fifth Amendment	
	Commence Construction	Substantially Complete	Commence Construction	Substantially Complete
Office Building Shell	July 1, 2021	August 1, 2022	January 1, 2022	February 1, 2023
Hotel, Lot 2	September 1, 2021	September 1, 2023	March 1, 2022	March 1, 2023
Second and Third Office and/or Retail Building Shells, Lots 5 and 6	August 1, 2022 October 1, 2023	October 1, 2023 December 31, 2024	February 1, 2023 April 1, 2024	April 1, 2024 June 31, 2025
Container Space, Lot 4	August 1, 2022	August 1, 2023	February 1, 2023	February 1, 2024
Restaurant, Lot 3	October 1, 2023	October 1, 2024	April 1, 2024	April 1, 2025

of 2021, agreed to a third extension of each of the deadlines in the original development agreement. After adoption of the fifth amendment, construction will commence as follows:

This delay is primarily the limited availability of steel because of the myriad supply chain issues stemming from increased demand post-shutdown. The soonest the developer can secure a commitment of the steel necessary for the framing the buildings and their pan decking is March of 2022.

Councilor Gardiner moved, with a second by Councilor Schoon, to authorize the Town Manager to accept the Fifth Amendment to the Maple Leaf Crossing Development Agreement. Councilors Schoon, Gardiner, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against.

**MAPLE LEAF TERMINATION OF EASEMENT**

The Indiana Title Network Company conducted a search of the property located at 9325-9482 Calumet Avenue, Lot 2 in Maple Leaf Crossing. The utility easement originally existed in the Gaddis-Meyers Industrial Park, continued when replatted to Munster Business Complex, but when it was replatted to Maple Leaf Crossing the Utility easements were not listed on the plat map. It is assumed they no longer exist and have been terminated. The Council is asked to quit claim and release any interest in the easement.

Councilor Gardiner moved, with a second by Councilor Schoon, to approve the termination of easement of the property located at 9325-9482 Calumet Avenue in Munster. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

**ESTOPPEL CERTIFICATE - LAKE BUSINESS CENTER**

The Town and the developers of Lake Business Center entered into a development agreement to redevelop the Lake Business Center in 2011. The developers of Lake Business Center are selling the office center of the Lake Business Center to CA Ventures. Their closing on that transaction is the week of August 2nd 2021.

The transaction between the developer of the Lake Business Center and CA Ventures requires that the Town – a party to the original transaction – certify that there are no outstanding claims against the developer or that there is no event of default by any party, among other things.

They are as follows:

1. So long as Purchaser continues to use and lease the Property for medical and general offices uses which do not violate the Prohibited Uses, Purchaser shall not be required to deliver the Town Manager written notice of new leases and shall not be in breach of Section 3.1(g) of the FCA.

2. No Event of Default by one or more of User, Key Persons, and the Joint Venture exists under the FCA.

3. The Completion Date of the Project has occurred under the FCA and the repurchase remedy under Section 5.1(b)(iv) of the FCA is of no further force and effect.

4. Upon User's payment to the Town of the Maximum Repayment Amount, the encumbrance restrictions set forth in Section 3.1(k) of the FCA shall automatically terminate.

5. The undersigned acknowledges and agrees that Purchaser, Title Company and Lender and their respective successors and assigns shall be entitled to rely on the certifications and agreements made herein.

6. The undersigned has the requisite power and authority to execute this Estoppel Certificate on behalf of the Town and this Estoppel Certificate has been duly executed and delivered by the undersigned on the Town's behalf.

These are all accurate and/or acceptable to staff.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve the acceptance of the Estoppel Certificate. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against.

## **REPORTS**

### **ITG SETTLEMENT**

During the summer of 2019 an underground boring company operating under the name Infinity Technology Group (ITG) was working in the Calumet Avenue right of way. During the course of their work, they damaged an 8-inch water main. The damage resulted in \$61,437.57 in damage. While the boring company proceeded prior to our locates being done, the watermain that was hit did not exist in our utility atlas at the location which it was hit, and thus would not have appeared during routine locates.

An invoice was generated in error to ITG for this total cost. What should have been done initially, but ultimately was done was that Town worked through insurance to receive a settlement of \$6,143.76. Because of the invoice sent in error, there still appears - from an accounting perspective - an outstanding balance.

Per Resolution 1666 "A Resolution Providing for the Waiver of the Delinquent Charges and the Write-Off of Uncollectable Accounts" the Town Manager must notify Council of such write-off and cessation of collection. This memorandum serves as that notification.

### **CDM SMITH - MAIN STREET STATION PRESENTATION**

CDM Smith represented by Sarah Sutherlin and Benjamin Harper, presented several options to the NICTD baseline Main Street depot. The presentation included the baseline design then an upgraded version (version A) and then one more upgrade (version B).

The Councilors were impressed with the presentation and found most elements of the upgraded concept, version A, were good; however, they would like to see several of the version B items added as well. The Councilors expressed the desire to have the Manor Avenue station include the same upgraded elements as the Main Street station.

## **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 reminded all that Tuesday, August 3, 2021, is National Night Out and will be held at the Community Park and Pool.

### **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, August 16, and September 20, 2021. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

### **ADJOURNMENT**

There being no further business to come before the Council, and upon a motion by Councilor Tulowitzki and seconded by Councilor Gardiner, the meeting adjourned at 8:26 p.m. by voice vote.

**ATTEST:**

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**Andy Koultourides, President**

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