

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
JANUARY 9, 2023**

A meeting of the Munster Town Council convened at 7:30 p.m. on Monday, January 9, 2023. Ordinance 1830 is the basis for holding electronic meetings. The announced meeting location was Munster Town Hall. Councilors, Staff, and the public had the option to participate via Zoom meeting technology.

Councilors Chuck Gardiner, Andy Koulourides, Lee Ann Mellon, Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. President Gardiner presided. Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Deputy Town Manager Jill DiTommaso, Town Attorney Dave Westland, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were not represented.

President Gardiner opened the meeting with a moment of silence followed by the pledge of allegiance.

**PUBLIC COMMENT**

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).

No one rose to claim the floor.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Minutes of a regular meeting held on December 19, 2022

**TREASURER'S REPORT**

The November 2022 Treasurer's Report was presented for acceptance

**REPORT ON TEMPORARY LOANS**

On November 21, 2022, the Town Council approved Resolution 2100, "A Resolution for the Temporary Loan and Transfer of Funds Among Various Fund Accounts," to authorize temporary loans to remedy any cash deficient situations at year's end. The amounts from the originating funds and to the recipient funds were identified as "to be determined." Fortunately, no temporary loans were needed.

Exhibit A to Resolution 2100 has been amended to show that no temporary loans were made.

**WATER BILL ADJUSTMENTS 2023-01 THROUGH 2023-05**

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
2023-01	6,000	41,000	1 month	\$ 188.03	\$ 149.01	\$ 39.02
2023-02	6,000	35,000	1 month	\$ 162.80	\$ 132.71	\$ 30.09
2023-03	7,000	26,000	2 months	\$ 126.54	\$ 47.30	\$ 79.24
2023-04	4,000	37,000	1 month	\$ 171.21	\$ 131.59	\$ 39.62
2023-05	3,000	65,000	2 months	\$ 296.12	\$ 216.88	\$ 79.24

### **LETTER OF CREDIT: GRADE SEPARATION PROJECT**

Beginning in December of 2017, the U.S. Army Corps of Engineers (ACOE) required a Letter of Credit from the Town of Munster to ensure that wetlands mitigation would be performed properly in association with construction of the 45<sup>th</sup> Street Underpass Project.

On December 4, 2017, the Town Council approved the Clerk-Treasurer to execute documents for issuance of the Letter of Credit for \$150,000.00 for this purpose, and to obligate the Town of Munster for fees payable to First Merchants Bank in connection with the Letter of Credit in the amount of \$3,000.00 annually.

This Letter of Credit expired December 18, 2022. Upon review, it was determined that it would need to be renewed. Per Robinson Engineering, we have met seven of the nine performance standards and the final tartaric acid species cutting will be completed in the upcoming months. This is the only outstanding issue.

The amount of the Letter of Credit has been reduced to \$75,000.00 as we are substantially compliant. First Merchants Bank will charge a quarterly fee of \$375.00 for the Letter of Credit as it is believed to be short-term in nature.

Authorization for the Clerk-Treasurer to execute the necessary documents to issue the Letter of Credit as described and to obligate the Town for the fees payable to First Merchants Bank is sought.

### **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.

### **ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #22-11K dated 11/30/22 totaling \$103,230.79  
Approval of Voucher Register #22-11L dated 11/30/22 totaling \$6,463,403.92  
Confirmation of Voucher Register #22-12J dated 12/22/22 totaling \$157,844.53  
Confirmation of Voucher Register #22-12K dated 12/29/22 totaling \$2,190,368.56  
Confirmation of Voucher Register #22-12L dated 12/30/22 totaling \$2,035.34  
Confirmation of Voucher Register #22-12M dated 12/30/22 totaling \$465,688.30  
Confirmation of Voucher Register #23-1A dated 01/05/23 totaling \$80,479.58

Approval of Voucher Register #23-1B dated 01/09/23 totaling \$45,574.13  
Confirmation of Voucher Register #23-1C dated 01/10/23 totaling \$53,323.73  
Confirmation of Voucher Register #23-1D dated 01/10/23 totaling \$34,851.74

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

### **OLD BUSINESS**

#### **ORDINANCE 1891: GROUP TRANSFERS**

Introduced ORDINANCE 1891 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2022. Ordinance 1891 authorizes budget transfers between major expenditure groups to the 2022 budget. The first reading of this ordinance took place at the December 5, 2022, meeting and was scheduled for second reading in January 2023. The adjustments in Exhibit A are based on the final expenditures made on December 31, 2022. There is no net change in any fund.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt the introduced Ordinance 1891 on second reading as presented. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

### **NEW BUSINESS**

#### **NICTD INVOICE #3906: WESTLAKE CORRIDOR PROJECT**

On May 16, 2022, the Munster Town Council executed two written commitments and agreements with the Northern Indiana Commuter Transportation District (NICTD). The First Written Commitment and Agreement directed NICTD to authorize its Design-Build Contractor to proceed with a change order for the design and construction of the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations. The additional design and construction costs are estimated at \$6,007,657.87. The Second Written Commitment and Agreement, for \$397,175.59, directed NICTD to authorize its Design-Build Contractor to proceed with the design and construction of the alternate location of the water main between Fisher Street and the Canadian National/Grand Trunk Western Railroad.

The Town has received an invoice for this work from NICTD. Invoice No. 3906 includes engineering and design work for the improvements listed for the period of October 1 through October 31, 2022. Ten percent retainage has been withheld in accordance with typical contract conditions. Design for the Ridge Road and Main Street stations is 93% and 84% complete, respectively, as of October 31, 2022.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to authorize payment of Invoice No. 3906 to NICTD in the amount of \$152,061.52 from the TIF Allocation Fund. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

#### **CHANGE ORDER NO.2: TOWN HALL GENERATOR SYSTEM UPGRADES**

Continental Electric Company has installed the backup generator at Town Hall. The original contract included an alternate item for a walkway around the generator to provide access for maintenance purposes. Staff discussed the access needs with Novatek its maintenance provider. Novatek stated that all maintenance activities can be accomplished from the ground or with a step ladder. As a result, Staff recommends the walkway not be installed.

Removing this item results in a credit of \$2,075.00 making the final contract amount \$313,805.00.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve Change Order No. 2 to the Town Hall Generator System Upgrades contract for a net decrease of \$2,075.00. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

### **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 Tulowitzki announced that, earlier this evening, the Munster School Board appointed Kristen Smith as their representative to the Park Board.

President Gardiner announced that the Portfolio Assignments for 2023 will be presented at the next meeting and that no changes are planned.

No other reports were given.

### **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 a regular meeting on Monday, January 16, 2023. The Redevelopment Commission will hold a regular meeting immediately following.

### **ADJOURNMENT**

There being no further business to come before the Council, and upon a motion by Councilor Schoon and seconded by Councilor Koultourides, the meeting adjourned at 7:35 p.m. by voice vote.

**ATTEST:**

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**Chuck Gardiner, President**

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**Wendy Mis, Clerk-Treasurer**