

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
DECEMBER 2, 2019**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, December 2, 2019, at the Munster Town Hall. Present were Town Councilors Andy Koultourides, Lee Ann Mellon, David B. Nellans, John P. Reed, and Joseph A. Simonetto. Councilor Koultourides presided. Also present were Clerk-Treasurer David F. Shafer, Controller Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Planning Director Tom Vander Woude, Chief of Police Stephen F. Scheckel, Lieutenant Dan Broelmann, Lieutenant Daymon Johnston, Lieutenant John Peirick, Superintendent of Operations Chris Spolnik, Town of Munster Representative to the Hammond Sanitary District Michael R. Hawkins, Clerk-Treasurer-Elect Wendy Mis, and Town Councilors-Elect Chuck Gardiner, Ken Schoon, and Steve Tulowitzki. The news media were not represented.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell reported that the excavation work has started, asphalt work and temporary striping along 45th Street is complete and signal timing is being investigated at Superior Avenue.

OPEN TO THE PUBLIC

Ms. Pam Eanes, 8416 Harrison Avenue, asked about the proposed 2020 LIT Capital Improvement Plan and the proposed NICTD agreement. In response, Mr. Anderson stated that, while the LIT Plan includes using the funds for any purpose allowed in statute, there is no intention of using the funds for anything other than the West Lake Extension commitment or the Grade Separation Project. Regarding the NICTD agreement, the Town can ask for additional sight and sound barriers, but the project ultimately belongs to NICTD.

Mr. Mohammad Saleem, 10256 Paddington Crescent, thanked Councilors Nellans and Simonetto for their service and elaborated on Councilor Reed's service to the community.

No one else rose to claim the floor, and the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Minutes of the regular meeting of November 18, 2019

Minutes of the special meeting of November 21, 2019

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #19-11I dated 11/15/19 totaling \$17,902.35
Confirmation of Voucher Register #19-11J dated 11/18/19 totaling \$3,655.08
Confirmation of Voucher Register #19-11K dated 11/21/19 totaling \$54,419.30
Confirmation of Voucher Register #19-11L dated 11/22/19 totaling \$375,366.51
Confirmation of Voucher Register #19-11M dated 11/22/19 totaling \$352,964.29
Confirmation of Voucher Register #19-11N dated 11/21/19 totaling \$222.23
Confirmation of Voucher Register #19-11O dated 11/25/19 totaling \$153.05
Confirmation of Voucher Register #19-11P dated 11/27/19 totaling \$623,716.48
Confirmation of Voucher Register #19-11Q dated 11/30/19 totaling \$2,829.48
Confirmation of Voucher Register #19-11R dated 11/04/19 totaling \$112.53
Approval of Voucher Register #19-12A dated 11/02/19 totaling \$99,930.12

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 not later than December 31 of each year." Copies of certificates executed by Councilors Koultourides, Mellon, Nellans, Reed, and Simonetto, and Clerk-Treasurer Shafer were presented for acceptance.

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 has not violated 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 Koultourides, Mellon, Nellans, Reed, and Simonetto were presented for acceptance. 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 these certificates executed by Town Manager Anderson were presented for acceptance.

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

GENERAL ORDERS

ORDINANCE 1785: SURPLUS PARK BOND PROCEEDS

Introduced ORDINANCE 1785 is AN ORDINANCE OF THE MUNSTER TOWN COUNCIL DECLARING CERTAIN BOND PROCEEDS AS SURPLUS AND ALLOWING THE TRANSFER OF SURPLUS BOND PROCEEDS TO THE TOWN OF MUNSTER PARK & RECREATION FUND. Ordinance 1785 had first reading at the regular meeting held on November 18, 2019. The ordinance has been drafted to declare surplus the bond proceeds from the park bonds of 2009, 2011, and 2014. These bonds are fully amortized and total \$12,521.31.

This is one of the measures taken to offset the expected shortfall of 2020. The proceeds will be transferred to the Park Fund and will have the effect of reducing the ad valorem property tax rate in that fund. Under advice of bond counsel, the surplus bond proceeds through 2014 can be transferred in this way under I.C. 5-1-13-2 et seq.

The Park Board adopted Park Resolution 19-06 determining \$12,521.31 in surplus bond proceeds be transferred to the Park & Recreation Fund. The Council is now asked to approve that transfer.

Councilor Simonetto moved, with a second by Councilor Reed, to adopt Ordinance 1785 on second reading as presented. Councilors Mellon, Nellans, Reed, Simonetto, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1785 as adopted.

ORDINANCE 1784: ADDITIONAL APPROPRIATIONS (3)

Introduced ORDINANCE 1784 is AN ORDINANCE FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE YEAR 2019 (3). First reading was held at the November 18, 2019 meeting. The required public hearing was held at that time. Additional appropriations are being sought in the LIT-Public Safety Fund (249) in the amount of \$350,000.00, the Sewer Depreciation Fund (283) in the amount of \$250,000.00, the Water Depreciation Fund (603) in the amount of \$250,000.00, and the Self-Funded Liability Insurance Fund (580) in the amount of \$350,000.00.

The procedure for securing the additional appropriations requires a public hearing, conducted at the previous regular meeting, and the adoption of an ordinance by the Town Council. These are all considered home-rule or "Reporting Only" funds. As such, the appropriations will be in effect upon adoption of the ordinance. The information will be sent to the Department of Local Government Finance which will provide acknowledgement of the action taken by Council.

Councilor Simonetto moved, with a second by Councilor Mellon, to approve introduced Ordinance 1784 as presented. Councilors Mellon, Nellans, Reed, Simonetto, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1784 was adopted.

COMMUNITY CROSSING MATCHING GRANT AWARD

INDOT administers the Community Crossing Matching Grant ("CCMG") for road funding. There are two opportunities each year to apply for matching funding up to \$1 million for road projects. Once awarded, recipients have sixty days to accept or decline the funding.

At the November 18, 2019 meeting, Council approved acceptance of grant funds for road work on Camellia Drive and Southwood Drive. At that time, Staff explained that another award was made for work on Main Street. Staff recommended declining this award and Council opted to defer action on the recommendation. The deadline for accepting or declining the award is approaching.

Councilor Nellans sought clarification on the scope of work included for Main Street. Mr. Anderson confirmed it would cover Main Street from Columbia Avenue to the Pennsy Greenway.

Councilor Simonetto moved, with a second by Councilor Mellon, to decline Contract #A249-20-LG190891 with the Indiana Department of Transportation in the amount of \$382,842.00 to resurface Main Street. Motion carried *viva voce*.

NEW BUSINESS

ORDINANCE 1789: TRANSFER AMONG MAJOR EXPENDITURE GROUPS

Proposed ORDINANCE 1789 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2019. At the end of each fiscal year, we make a final review of our budget allocations. Occasionally, we may have expenditures greater than originally anticipated. Funds controlled by the Department of Local Government Finance must not be overspent within each major expenditure group (Personal Services, Supplies, Contractual Services, and Capital Outlays). Municipalities are allowed to transfer budget amounts from one major expenditure group to another within the same fund in order to avoid overspending the budget. The transfers must be authorized by ordinance or resolution.

Ordinance 1789 has been prepared to authorize budget transfers known to be required so far this year. The final amounts will not be known until December 30, after the final revenues of the year have been received and all vouchers have been processed.

Adoption of an ordinance usually requires two readings. Staff asked the Town Council to consider Ordinance 1789 on first reading on December 2, and then adopt the ordinance on second reading at the first meeting in January. The final appropriation adjustment amounts will be incorporated as amendments to the ordinance prior to adoption. There will be no net change in any fund.

Councilor Reed moved, with a second by Councilor Simonetto, to consider Ordinance 1789 on first reading and schedule second reading for the first meeting in January, 2020. Motion adopted *viva voce*.

RESOLUTION 2059: TEMPORARY LOANS

Proposed RESOLUTION 2059 is A RESOLUTION FOR THE TEMPORARY LOAN AND TRANSFER OF FUNDS AMONG VARIOUS FUND ACCOUNTS. Expenditures of the Town must be supported by adequate appropriation and cash. The end-of-year cash position will not be known until December 31. Temporary internal loans from one fund to another are allowed to be made in order to remedy any funds with insufficient cash.

Two resolutions have been prepared to remedy any situations involving insufficient cash. Resolution 2059 provides the framework for making temporary loans. Exhibit A to the resolution states that the loan amounts are “to be determined.” The final amounts of any temporary loans will be reported after the first of the year.

Councilor Reed moved, with a second by Councilor Simonetto, to adopt Resolution 2059 as presented authorizing temporary loans in amounts to be determined. Councilors Mellon, Nellans, Reed, Simonetto, and Koultourides voted in favor; none voted against. Motion carried and Resolution 2059 was adopted.

RESOLUTION 2060: EXTENSION OF TEMPORARY LOANS

Proposed RESOLUTION 2060 is A RESOLUTION EXTENDING TEMPORARY LOANS AND TRANSFERS AS AUTHORIZED IN RESOLUTION NO. 2059 DATED DECEMBER 2, 2019. This resolution would authorize repayment of the loans on or before June 30, 2020. In practice, the loans are repaid on the first Thursday of the new fiscal year. Again, a report that the loans have been satisfied will be presented at the first Town Council meeting in January.

Councilor Reed moved, with a second by Councilor Simonetto, to adopt Resolution 2060 as presented extending the temporary loans to June 30, 2020. Councilors Mellon, Nellans, Reed, Simonetto, and Koultourides voted in favor; none voted against. Motion carried and Resolution 2060 was adopted.

2020 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 2020 plan continues to fund the 34% commitment to the West Lake Extension estimated to be \$291,704.29 with the balance of \$566,249.51 available for construction engineering and inspection services for the Grade Separation Project.

Staff has also included the option to use the money for “any legal purpose prescribed by IC 6-3.6-10-2.” There are currently no dollars assigned to this option, but Staff wants the flexibility to use the funds.

Councilor Simonetto moved, with a second by Councilor Mellon, to authorize the 2020 LIT Capital Expenditure Plan as presented. Councilors Mellon, Nellans, Reed, Simonetto, and Koultourides voted in favor; none voted against. Motion carried.

NICTD CONSTRUCTION AGREEMENT

As NICTD moves forward with the development and construction of the West Lake Extension of the commuter rail service, the railroad and all affected municipalities must agree on the mutual rights and responsibilities. This includes matters related to funding, acquisition, and construction. The exhibit referenced in the agreement was not available at the time the agenda was published but was distributed to Council at the meeting. It will be made available on the Town’s website.

Staff worked with NICTD on the agreement. Councilor Mellon noted that the majority of the requests made by the Town are included. Councilor Reed stated that the agreement basically stated the Town and NICTD will continue to work together in good faith as the project continues to evolve.

The Town Council, Redevelopment Commission, and Park Board must all adopt the agreement because each entity owns property impacted by the project.

Councilor Simonetto moved, with a second by Councilor Mellon, to adopt the agreement with the Northwest Indiana Commuter Transportation District for the construction phase of the West Lake Corridor Project. Motion carried *viva voce*.

CHANGE ORDER #1: 2019 STREET IMPROVEMENTS

The engineering firm of SHE, Inc. has presented Change Order #1 for the 2019 Street Improvements Project. The change order includes pavement patching on Margo Lane (\$2,760.00) that was not included in the original contract and quantity balancing for changes made in the field (\$3,931.22). There was additional curb and over-excavation on Margo Lane, additional sidewalk on School Street and credits for geotextile fabric and grid, curb ramps, and driveway approaches. The change order is \$6,691.22 bringing the total project cost to \$668,468.99.

The actual work was performed by Gallagher Asphalt. Councilor Reed stated that Gallagher Asphalt experienced problems and delays with projects outside of Munster causing manpower to be pulled from the Munster project. This resulted in delays and problems with the Munster project. There was the appearance that Gallagher Asphalt was undermanned and/or underequipped. Councilor Reed asked that this be taken into consideration as a disqualifier when future work is bid. Councilor Nellans stated that the work sites and equipment were not properly secured overnight creating potential hazards for motorists.

Councilor Mellon moved, with a second by Councilor Simonetto, to approve Change Order #1 in the amount of \$6,691.22 for the 2019 Street Improvements Project. Motion carried *viva voce*.

PURCHASE AWARD: LEAF VACUUM

Public Works Department sought quotes for the purchase of one 25-yard leaf vacuum. The current fleet consists of seven leaf vacuums. Normal operations see six vacuums in use with one held as a back-up unit. The fleet is aging with two units from 2005, three from 2010, and two from 2011. Staff seeks to increase the fleet to eight total leaf vacuums, meaning there will be no trade-in with this purchase.

Quotes were received as follows.

Brown Equipment Company, Evansville, Indiana:	
ALC-25 Leaf Vacuum	\$62,757.00
Best Equipment Company, Indianapolis, Indiana:	
2020 ODB 25-yard TM800 Leaf Collector	\$82,000.00-\$84,000.00

The purchase will be made from 2018 General Obligation bond proceeds. Funds are available from savings realized from other vehicle purchases made previously.

Councilor Simonetto moved, with a second by Councilor Nellans, to approve the purchase of one 25-yard leaf vacuum from Brown Equipment Company in the amount of \$62,757.00. Motion carried *viva voce*.

PURCHASE AWARD: SPRAY TACK DISTRIBUTOR MACHINE

Public Works Department sought quotes for the purchase of a new spray tack distributor machine. This is a trailer mounted machine that applies an even layer of heated tar-based adhesive to a surface patch area before the final surface coating of asphalt. This addition to the fleet will allow cost savings by bulk purchases of 250-gallon tack supplies instead of five-gallon buckets, reduction in labor and higher quality patch work.

Quotes were received as follows.

Roland Machinery Company, Springfield, Illinois:

Rosco (LeeBoy) L250T Tack Distributor with 30lb propane fuel, electric start, auto-ignition burners	\$17,975.00
SealMaster Bernath LLC, Indianapolis, Indiana: Falcon 250 tack trailer with single diesel burner	\$19,780.00
Brown Equipment Company, Evansville, Indiana: Spaulding Mfg. 250 TT Tack Distributor with 20lb propane fuel, electric start, re-circulator	\$26,950.00

The purchase will be made from 2018 General Obligation bond proceeds. Funds are available from savings realized from other vehicle purchases made previously. The replacement purchase of Unit #358, an asphalt hot patching machine, will be deferred.

Councilor Mellon moved, with a second by Councilor Nellans, to approve the purchase of one Rosco L250T Tack Distributor with electric start and auto-ignition burners for \$17,975.00 from Roland Machinery Company. Motion carried *viva voce*.

PURCHASE APPROVAL: WOOD-CHIPPER

Public Works Department sought quotes for the purchase of a new wood-chipper machine. There are currently two gas-fueled chippers. Unit #370, a 2011 wood-chipper, is being used as a trade-in for this purchase. These are pulled by one-ton pickup trucks and are used year-round for regular branch collection and after storm events. Staff currently relies on neighboring communities for use of chippers due to mechanical problems with the aging machines. Replacement will minimize this problem. In addition, the new machine will have increased safety features.

Quotes were received as follows.

Vendor	Model	Price	Trade-in	Net Cost
Atlas Bobcat, Elk Grove Village, Illinois	Brush Bandit, Model 19XPC	\$68,122.20	\$20,000.00	\$48,122.20
Vermeer Midwest, Aurora, Illinois	Vermeer BC1800XL	\$68,054.01	\$15,000.00	\$53,054.01
Krystowski Tractor Sales, Wellington, Ohio	Brush Bandit, Model 19XPC	\$73,677.62	\$20,000.00	\$53,677.62
Bandit Industries, Remus, Michigan	Brush Bandit, Model 19XPC	\$77,297.36	\$20,000.00	\$57,297.36

The purchase will be made from 2018 General Obligation bond proceeds. Funds are available from savings realized from other vehicle purchases made previously.

Councilor Simonetto moved, with a second by Councilor Nellans, to approve the purchase of one Brush Bandit 19" drum style Wood-Chipper for \$48,122.20 from Atlas Bobcat. Motion carried *viva voce*

ORDINANCE 1788: REPEALING AND REPLACING THE MUNSTER ZONING ORDINANCE

Proposed ORDINANCE 1788 is AN ORDINANCE REPEALING THE MUNSTER ZONING ORDINANCE, INCLUDING AMENDMENTS AND ZONE MAPS, AND ADOPTING A REPLACEMENT ZONING ORDINANCE, INCLUDING TEXT AND ZONE MAPS, FOR THE TOWN OF MUNSTER. At the February 19, 2018 meeting, the Council approved an agreement with Town Planning and Urban Design Collaborative LLC (TPUDC) to formulate a comprehensive update to the zoning ordinance. This ordinance is the culmination of those efforts.

A public draft of the code changes was released October 15, 2019 and a public presentation was held at Centennial Park Clubhouse on October 30, 2019. The public was given ample opportunity to provide feedback. At their meeting on November 26, 2019, the Plan Commission held a public hearing on the adoption of the drafted ordinance. The Plan Commission has forwarded a unanimous, favorable recommendation to the Council for adoption.

Mr. Vander Woude explained the changes being made. Councilor Simonetto stated he was encouraged by this as it reduces subjectivity in the process.

Council may adopt, amend, or reject the proposed ordinance. If amended or rejected, the proposal will be remanded back to the Plan Commission. If the amendment or rejection were to be approved by the Plan Commission, the Council's action would stand. If the Plan Commission were to disapprove the amendment or rejection, the Council would need to confirm their original decision by a vote.

Councilor Simonetto moved, with a second by Councilor Nellans, to consider Ordinance 1788, on first reading and set second reading and adoption for the next regular meeting. Motion carried *viva voce*.

ORDINANCE 1790: AMENDMENT #1 TO THE 2020 SALARY ORDINANCE

Proposed ORDINANCE 1790 is AN ORDINANCE AMENDING ORDINANCE 1786, THE 2020 PAY PLAN FOR THE TOWN OF MUNSTER, INDIANA, 1ST AMENDMENT TO THE 2020 SALARY ORDINANCE. The interpretation of Salary Ordinance 1786 and the previous 2019 Salary Ordinance 1759 was claimed to be not what was originally intended in reference to police department employees in the way that the pay increases (global raises) and Step and Grade pay were distributed. This amendment will clarify that the original intent was to place the pay increases or raises on the pay grade and not on the individual employee. This will correct the current and previous trend that caused pay disparity among employees.

Salary Ordinance 1786 also does not address the topic of take-home vehicles and in particular take-home vehicles for the police department. This amendment to the 2020 Salary Ordinance 1786 will add a section to address and make changes to the police department required take-home vehicle policy related payment and personal use of the vehicle.

Proposed Ordinance 1790 has been prepared for that purpose. The Proposed Amended Ordinance 1790 contains Exhibits A which will replace the Exhibits A of Ordinance 1786.

Mr. Scheckel stated this is an adjustment needed because the implementation of the 2019 salary ordinance was contrary to what was agreed upon last year.

Councilor Nellans stated he worked with Mr. Scheckel and Mr. Johnston in a continuation of the work performed last year with Councilor Mellon. Councilor Nellans stated the police officers will be on a step and grade system with all other employees on a merit system.

Councilor Reed asked that the final meeting of 2019 be rescheduled from December 16 to December 23. This was agreed to by general consent.

Councilor Nellans moved, with a second by Councilor Mellon, to consider Ordinance 1790, Amendment to the 2020 salary ordinance on first reading and set second reading for December 23, 2019. Motion carried *viva voce*.

ANNOUNCEMENTS

(Unless state otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.)

The Town Council will hold a special meeting on Monday, December 23, 2019. The Redevelopment Commission will hold a regular meeting immediately following the Town Council meeting.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Reed, seconded by Councilor Nellans, the meeting adjourned at 7:58 p.m.

ATTEST:

Andy Koultourides, President

David F. Shafer, Clerk-Treasurer

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