TOWN OF MUNSTER
MINUTES OF A SPECIAL MEETING OF THE TOWN COUNCIL
JANUARY 13, 2020

A special meeting of the Munster Town Council convened at 7:00 p.m. on Monday, January 13, 2020, at the Munster Town Hall. Town Councilors Andy Koultourides, Chuck Gardiner, Lee Ann Mellon, Kenneth J. Schoon, and Steve Tulowitzki were present. Also present were Clerk-Treasurer Wendy Mis, Controller Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Fire Chief Dave Pelc, Police Lieutenant Dan Broelmann, Sergeant Thomas Kuhlenschmidt, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were not represented.

The Clerk-Treasurer presided over the meeting until the newly elected Town Council selected its officers. Clerk-Treasurer Mis announced that the purpose of the special meeting was to select officers of the Town Council and to conduct other business that may come before the Town Council.

Those present then observed a moment of silence followed by the Pledge of Allegiance.

ORGANIZATION OF COUNCIL

Clerk-Treasurer Mis opened the floor to nominations for the office of President of the Munster Town Council for the year 2020. Councilor Koultourides nominated Councilor Mellon. The nomination was seconded by Councilor Gardiner. Councilor Mellon accepted the nomination. There being no further nominations, Clerk-Treasurer Mis declared nominations closed and called for a vote on the election of Councilor Mellon. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Councilor Mellon was elected as President of the Munster Town Council for the year 2020.

Clerk-Treasurer Mis then opened the floor to nominations for the office of Vice President of the Munster Town Council. Councilor Mellon nominated Councilor Koultourides for a term ending December 31, 2020. The nomination was seconded by Councilor Gardiner. Councilor Koultourides accepted the nomination. There being no further nominations, Clerk-Treasurer Mis declared nominations closed and called for a vote on the election of Councilor Koultourides. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Councilor Koultourides was elected as Vice President of the Munster Town Council for the year 2020.

Clerk-Treasurer Mis then relinquished the gavel to Councilor Mellon who made appropriate comments and presided over the remainder of the meeting.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to nominate Clerk-Treasurer Mis as the Secretary. Clerk-Treasurer Mis accepted the nomination. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

APPOINTMENTS AND PORTFOLIO ASSIGNMENTS

Councilor Gardiner moved, with a second by Councilor Koultourides, to appoint **Wendy Mis** as the Town representative on the Northwest Indiana Regional Planning Commission (NIRPC). Councilor Tulowitzki expressed his interest in serving as the representative to NIRPC. Councilors Schoon, Mellon, Gardiner, and Koultourides voted in favor; Councilor Tulowitzki voted against. Motion carried and Clerk-Treasurer Mis was appointed as the representative to NIRPC for a one-year term.

President Mellon appointed Koultourides, Gardiner, and Tulowitzki to the Redevelopment Commission each for a term to expire December 31, 2020.

Councilor Gardiner moved, with a second by Councilor Koultourides, to nominate Schoon and Mellon to the Redevelopment Commission each for a term to expire December 31, 2020. Motion carried viva voce.

The School Board has appointed John Castro as the non-voting advisor for a two-year term and until a successor is appointed. As a non-voting member, Commissioner Castro is not sworn in.

President Mellon announced assignments of the Councilors to the various boards and commissions as members and liaisons. By general consent, the assignments were accepted. A copy of the assignments is made part of these minutes.

Councilor Koultourides moved, with a second by Councilor Gardiner to reappoint the following.

Stuart J. Friedman, Plan Commission for a four-year term expiring December 31, 2023
Daniel J. Buksa, Board of Zoning Appeals for a four-year term expiring December 31, 2023
Lorin Brown, Board of Safety for a three-year term expiring December 31, 2022
Robyn Paulsen, Park Board for a four-year term expiring December 31, 2023
Richard W. Paulsen, Economic Development Commission for a four-year term expiring January 31, 2021*
Lynn H. Eplawy, RDA Transit Development District Steering Committee for a one-year term ending December 31, 2020

Councilor Tulowitzki stated there are many people who have applied for the various boards and commission. He encouraged those interested in serving to attend meetings to become familiar and to become involved. Councilor Gardiner encouraged residents to contact Council members to learn more. Councilor Schoon echoed these comments and encouraged citizen involvement.

*[Clerk-Treasurer's Note: Per IC 36-7-12-6(c)(2), the economic development commission appointment by the town executive is a three-year term. Mr. Paulsen's appointment will expire on January 31, 2023, not 2021 as was stated in the motion *supra*.]

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

Councilor Schoon moved, with a second by Councilor Tulowitzki, to appoint Dustin Anderson as the Town Manager for an indefinite term at the pleasure of the Town Council. Motion carried *viva voce*.

President Mellon stated no action is required at this time and announced the Director of Operations will be Stephen Gunty.

President Mellon stated no action is required at this time and announced the Director of Parks and Recreation will be Greg Vitale.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to confirm the appointments of Steve Scheckel as the Police Chief and Dave Pelc as the Fire Chief. Motion carried *viva voce*.

Councilor Gardiner moved, with a second by Councilor Koultourides, to appoint David W. Westland as the Town Attorney. Motion carried *viva voce*.

Councilor Schoon moved, with a second by Councilor Gardiner, to appoint David Wickland as the Town Attorney for Plan Commission, Board of Zoning Appeals, and Park Board matters. Motion carried *viva voce*.

Councilor Koultourides moved, with a second by Councilor Gardiner, to appoint Short Elliot Hendrickson as the Town engineering firm. Motion carried *viva voce*.

Clerk-Treasurer Mis conducted the swearing in of Commissioners Koultourides, Gardiner, Mellon, Schoon, and Tulowitzki to the Redevelopment Commission.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell reported that work has slowed due to the excessive rain over the past week. Work is expected to resume later this week.

Councilor Tulowitzki ask about the overall impact on the schedule. Mr. Randell does not believe there will be a significant delay because of this.

Councilor Schoon asked about how the contract addresses delays. Mr. Randell explained there is a liquidated damages clause in the contract if work continues past the completion date.

OPEN TO THE PUBLIC

Mr. Dave Nellans, 1535 Ridge Road, thanked the Council and Clerk-Treasurer for stepping forward to serve their community.

Ms. Julie O'Connor, 1104 Elliott Drive, asked about the conflict of interest letter under the Reports section of the agenda. Councilor Gardiner and Mr. Westland explained that it is not a requirement and is a preventative measure.

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

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the special meeting held on December 23, 2019

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #19-12V dated 12/26/19 totaling $444,084.03
Confirmation of Voucher Register #19-12W dated 12/26/19 totaling $140.81
Confirmation of Voucher Register #19-12X dated 12/31/19 totaling $371,447.56
Confirmation of Voucher Register #19-12Y dated 12/04/19 totaling $121.52
Confirmation of Voucher Register #20-1A dated 01/02/20 totaling $1,769,750.05
Confirmation of Voucher Register #20-1B dated 01/03/20 totaling $462,579.44
Confirmation of Voucher Register #20-1C dated 01/03/20 totaling $433,740.96
Approval of Voucher Register #20-1D dated 01/13/20 totaling $159,317.10
Confirmation of Voucher Register #20-1E dated 01/07/20 totaling $23,117.44
Confirmation of Voucher Register #20-1F dated 01/10/20 totaling $114,066.09
Confirmation of Voucher Register #20-1G dated 01/10/20 totaling $88,766.26
Confirmation of Voucher Register #20-1H dated 01/09/20 totaling $1,406,028.25

REPORT ON TEMPORARY LOANS

On December 2, 2019, the Town Council approved Resolution 2059, "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 to the recipient funds were identified as "to be determined."

The final tax draw of 2019 was enough to cover all cash needs. In other words, no temporary loans were needed. Exhibit A to Resolution 2059 is amended to show that no temporary loans were needed.

STANDARD MILEAGE RATE FOR 2020

The 2020 Salary Ordinance 1786, adopted by the Town Council on December 23, 2019, provided in part the following.

"Mileage Reimbursement Rate - Employee use of a privately owned vehicle driven on official Town business shall be reimbursed at the standard mileage rate established by the latest Internal Revenue Service determination for business miles drive."

On December 31, 2019, the Internal Revenue Service announced that beginning January 1, 2020, the standard mileage rate for the use of a vehicle for business purposes will be 57.5 cents per mile for business miles driven. This rate is a decrease of 1/2 cent from the 58 cents per mile that became effective January 1, 2019.

Claims for mileage reimbursement must be made on General Form No. 101 (1955), available through the Clerk-Treasurer's Office. A copy of the IRS announcement was provided.

WATER BILL ADJUSTMENTS 2020-01 THROUGH 2020-05

Staff received requests for adjustments under the leak adjustment policy adopted by the Town Council on April 8, 2013. The customers have completed the required form and the requests meet all the criteria for adjustments as follows:

Adjustment Number	Average Usage	Actual Usage	Length of Time	Original Bill	Requested Adjustment Amount	Adjusted Bill
2020-01	4,000	36,000	2 months	$ 113.25	$ 60.99	$ 52.26
2020-02	1,000	37,000	2 months	$ 115.28	$ 95.40	$ 19.88
2020-03	4,000	27,000	2 months	$ 86.52	$ 59.73	$ 26.79
2020-04	5,000	154,000	2 months	$ 430.85	$ 378.59	$ 52.26
2020-05	70,000	63,000	1 month	$ 182.72	$ 156.60	$ 26.12

Councilors Schoon and Tulowitzki explained the items under the Consent Agenda. Clerk-Treasurer Mis stated that a Consent Agenda is used as a time-saving measure.

By general consensus, it was decided the Accounts Payable Voucher Registers will be hyperlinked on the meeting agenda in future.

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

GENERAL ORDERS

ORDINANCE 1789: APPROPRIATION ADJUSTMENTS

Introduced ORDINANCE 1789 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2019. First reading was held at the December 2, 2019 meeting and scheduled for second reading at the first meeting in January when the final amounts would be known. The adjustments in Exhibit A to the ordinance are based on the final expenditures made on December 30, which were effective December 30, 2019. There is no net change in any fund.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt the introduced Ordinance 1789 on second reading as presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. The motion carried and the Ordinance 1789 was adopted.

ORDINANCE 1791: CREDIT CARD USE

Introduced ORDINANCE 1791 is AN ORDINANCE AUTHORIZING THE ISSUANCE OF CORPORATE CREDIT CARDS FOR USE BY CERTAIN EMPLOYEES OF THE TOWN OF MUNSTER. First reading was held at the December 23, 2019 meeting and scheduled for second reading.

Councilor Gardiner moved, with a second by Councilor Koultourides, to adopt Ordinance 1791 on second reading as presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. The motion carried and the Ordinance 1791 was adopted.

NEW BUSINESS

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. Although the Town is facing a 6.84% increase in this program, the past five years have been trending downward for paid losses and incurred costs. Following is a detailed summary of the cost of lines of service.

	Expiring	Renewal	Change
Coverages:			
Package	$ 201,731	$ 204,713	$ 2,982
Excess Workers' Compensation	69,160	75,502	6,342
Excess Property	42,754	52,940	10,186
Cyber Liability	15,891	12,052	(3,839)
Clubhouse & Amphitheatre	30,890	45,249	14,359
Methane Plant	50,763	55,589	4,826
Subtotal	***$ 411,189***	***$ 446,045***	***$ 34,856***
Administration			
Workers' Compensation	$ 9,050	$ 9,582	$ 532
Liability & Property	19,387	18,626	$ (761)
Ancillary Services	8,176	7,969	$ (207)
Loss Control Consulting Services	11,781	11,664	$ (117)
Service Fee	75,000	77,250	2,250
Subtotal	***$ 123,394***	***$ 125,091***	***$ 1,697***
TOTAL	***$ 534,583***	***$ 571,136***	***$ 36,553***

The Town is entering the second year of a contract with third-party claims administrator Gallagher Bassett. The agreement calls for a 1.00% 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 Gardiner sought confirmation that Gallagher Bassett provides safety training. Mr. Anderson stated that it does.

Councilor Gardiner moved, with a second by Councilor Koultourides, to authorize the Town Manager to bind coverage for liability insurance program as presented in the 2020 insurance renewal package. Motion carried *viva voce*.

REAL ESTATE PURCHASE AND SALE AGREEMENT

The Developer of the Maple Leaf Crossing Project has asked to swap one acre of Town-owned property for another acre of property owned by the Developer. The properties sit just west of the project site and the land swap would allow the developer to modify the site plan in a way that is beneficial to all parties.

In return for the proposed land swap, the Developer will design and construct a roadway, including stoplight, at the intersection of Maple Leaf Boulevard and Calumet Avenue. This roadway and stoplight will also be used by Pepsi in order to better access Calumet Avenue. In addition, the Developer will mitigate wetlands on the property being sold by the Town.

The parties will split the transaction costs related to the closing of this agreement equally.

Councilor Tulowitzki asked for clarification on the agreement and if the subject properties are on par. Mr. Westland stated the Town is getting at least an equal value under the terms of the agreement

Councilor Schoon moved, with a second by Councilor Koultourides, to approve the real estate purchase and sale agreement and land swap called for in the presented agreement. Motion carried *viva voce*.

DISPOSAL OF SURPLUS PROPERTY

The Clerk-Treasurer's Office has items that are no longer in use and has no value. Staff is recommending disposal of the listed equipment.

Item	Model Number	Serial Number
Sansui Television/VCR	COM1912	(21)501326014919551015566
Sunstar 12" oscillating desk fan	LQ-12 91224846	NA
Patton portable air heater	02010	90-H43-001257
Sony VAIO laptop computer	PCG 792l2	8193434-3501346

All items will be disposed of with the laptop being disposed per Impact instructions.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to approve the disposal of surplus of surplus equipment from the Clerk-Treasurer's Office. Motion carried *viva voce*.

PURCHASE OF DUAL PURPOSE K-9

At the April 15, 2019 meeting, the Town Council approved the purchase of the Police Department's first comfort dog, Vader. At the meeting, Councilor Simonetto asked if there were plans to add a second K-9 to replace Django. At that time it was explained that the department was working to get a replacement and that once a suitable dog was located and trained with the K-9 handler, the department would evaluate if the dog would be accepted for service.

About six weeks ago, Advanced Detection, a division of Paw Palace, presented "Lucy" to the Munster Police Department for consideration. Lucy has demonstrated her proficiencies and has a suitable disposition for the job required of her. As such, the Police Department has officially accepted K-9 Lucy where she will serve as a dual purpose K-9.

The Police Department has a donation account specifically for K-9 funding allowing the acquisition of Lucy to come at no expense to the Town or taxpayers. Staff is requesting the expenditure of $10,000 from these donations to pay Paw Palace. This will cover the acquisition and training costs related to Lucy and her handler.

Lieutenant Broelmann presented the information and answered questions.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to authorize the Police Department to utilize the K-9 donations to pay Paw Palace the sum of $10,000.00 for K-9 Lucy. Motion carried *viva voce*.

ANNUAL SCHEDULE OF MEETINGS

The 2020 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 2019. A copy of the schedule is made part of these minutes.

Councilor Koultourides moved, with a second by Councilor Schoon, to accept the proposed meeting schedule for 2020. Motion carried *viva voce*.

REPORTS

STATEMENT OF CONFLICT OF INTEREST

Councilor Gardiner, recently elected from Ward Three, read the following statement to both the Munster Town Council ("Town") and the Munster Park Board ("Park Board").

In years past I was the Director of Parks and Recreation for the Town. I am now employed by NuToys Leisure Products, of LaGrange Illinois, a business that sells park equipment and amenities to Park Districts and municipalities. In recent years I have sold park equipment to the Town and Park Board.

Since my election, I have come to recognize that there may be a perception of conflict of interest in terms of the Town, the Park Board, and me by reason of my employment.

Let me tell you of my pledge at I interface with the purchase of park equipment and amenities by the Town and Park Board from my employer.

1. I will recuse myself from voting on any matter relating to the purchase of park equipment and amenities by the Town in which my employer is a bidder.
2. I will not participate in any design work or specifications for a bid by my employer to the Town or Park Board.
3. If my employer is a bidder for a sale of park equipment and amenities to the Town of Park District, I will not confer or counsel any representative of my employer with regard to the submission of a bid.
4. If my employer is the successful bidder for the sale of park equipment to the Town or Park Board, I will not participate in any commission payable to an employee of my employer for such sale.

By design, my plan would build a "firewall" between me and my employer on any design or bid for the sale of park equipment and amenities to the Town and the Park Board.

In all other ways my background and experience can be helpful to the Town and the Park Department. We all want to continue the successful park programs and have them grow in robust fashion and have the Park activities be ever more exciting to our own citizens and residents.

Subject to my various forms of recusal outlined above, I am eager to add my effort to reach our goals.

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 special meeting on January 20, 2020 at 7:00 p.m. The Redevelopment Commission will hold a regular meeting immediately following the Town Council meeting.

The Town Council will hold regular meetings on Monday, February 3, and 17, 2020. The Redevelopment Commission will hold regular meetings immediately following Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Tulowitzki, seconded by Councilor Gardiner, the meeting adjourned at 8:00 p.m.

ATTEST: **Lee Ann Mellon, President**

Wendy Mis, Clerk-Treasurer