

TOWN OF MUNSTER
MINUTES OF A SPECIAL MEETING OF THE TOWN COUNCIL
MARCH 23, 2020

A special meeting of the Munster Town Council convened at 7:00 p.m. on Monday, March 23, 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.

The announced meeting location was Munster Town Hall. Due to the restrictions on the number of people allowed to gather in one location and the requirement to maintain a distance of at least six feet from another person, Councilors Chuck Gardiner, Andy Koulourides, Lee Ann Mellon, Kenneth J. Schoon, and Steven Tulowitzki and Town Attorney David W. Westland were each present in a virtual setting, aided by Zoom meeting technology. It is believed each person was in a different physical location. The public was given the information needed to access the meeting virtually and some took advantage of it. Clerk-Treasurer Wendy Mis, Controller Patricia L. Abbott, and Town Manager Dustin Anderson were the only people physically present at Munster Town Hall. The news media were not represented.

The Town Council has sought legal counsel and has performed its due diligence to the best of its ability in a situation that is changing by the hour. 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.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell was present in the virtual setting. He reported that sewer installation work along East 45th Street continues and is expected to be done this week. Once complete, Walsh Construction will resume excavation. The street lights are now operational. Lane restrictions will begin March 25, 2020 for road milling. This is expected to last a few weeks.

Councilor Gardiner asked Mr. Randell to remain in the meeting in order to answer questions about the change order *infra*. In answer to Councilor Tulowitzki's question, Mr. Randell reported that the Coronavirus is not impacting the project, work continues and no delays are expected.

PUBLIC COMMENT

Because of the unique nature of this meeting, the Town of Munster only accepted public comment submitted electronically. The public was informed, via the agenda posted at munster.org, that questions or comments about an item on the agenda were to be emailed to danderson@munster.org. Mr. Anderson ensured that no submissions were received.

President Mellon read the following statement.

Good evening and welcome.

Given the rapidly evolving health crisis and the directives from our State, we are meeting virtually to keep us, our families, and our residents safe and healthy. I ask that everyone be patient and forgive any hiccups we might encounter as we conduct our essential business via this platform.

I'm going to begin the meeting with a statement that reflects collaboration with my fellow councilors, clerk treasurer, town manager, Police Chief Scheckel and Fire Chief Pelc.

First, we want to assure you that our Munster employees and officials are dedicated to keeping our town safe and viable. We are continually monitoring the COVID-19 situation and taking steps to continue delivering high-quality services to our residents without disruption. We have been keenly aware of the health crisis and been preparing for the impact. As a governing body, we are balancing the need to be flexible with our

policies and procedures while also remaining in compliance with national and state directives. We will continue to be compliant while also finding new way to rise to this evolving challenge.

Today, the Governor Holcomb issued a “Stay-at-Home” order for all non-essential business and travel. We advise all residents to abide by the CDC guideline of conducting only essential business. The experts believe that these measures are vital to slowing the spread of the virus.

Munster has no known COVID-19 cases among our employees. We are taking precautions to ensure our staff remains healthy. For personal safety, we have closed access to all public buildings, we will be mandating one-person one-vehicle in our operations departments, and town employees will be entering resident homes only in the case of an emergency.

We appreciate the commitment of our employees. Not only have they risen to the challenge of adapting to new ways of conducting business, they have shown the same creativity and resilience that we have seen through our entire community. Even with these distancing precautions, they continue to work for you. All public works functions will continue. Utility services will continue for all Munster residents. Utility payments can be processed online or by using the red drop box in the Town Hall parking lot. Building permits and contractor licenses are available online. And, parks programs can also be registered for on-line or by telephone.

All non-essential public meetings have been cancelled until further notice. Essential public meetings, like this Special Town Council meeting, will be held virtually so that you can attend from the safety of your home, and recordings will be made available on our website afterwards (technology permitting). Please refer often to the Town’s website and Facebook page for the latest in updates. Contact for all our departments can be found there and we are happy to help you.

We are in lockstep with other governmental agencies and are following the chain of command to ensure a coordinated response. Munster has a long-established disaster plan that outlines our response to many scenarios that may threaten our community. One of those scenarios is a pandemic. The policy was recently reviewed and calibrated to specifically address the threat of COVID-19 by the regional emergency management agency, the School Board, and local hospitals.

Police Chief Scheckel is a leader for disaster relief in Northwest Indiana, and he has been busy coordinating resources. Fire Chief Pelc is active in emergency management with Lake County and our Illinois border towns. Both Chiefs have been providing regular updates to the Town Manager, Clerk-Treasurer, and department heads. The Town Manager has been updating the Town Council as well as the public.

We are in daily contact with both Community and Franciscan hospitals and stand ready to assist them in any way they may need. We are fortunate to live in a community known for its healthcare. We are thankful for our doctors, nurses, and other healthcare workers who are working non-stop to tackle the crisis. Both hospitals issued statements along with links to their websites and other health websites that offer hotlines and credible information and directions regarding COVID-19. We will post those to the Town’s website for easy, centralized reference.

Munster has a strong business community that has been very supportive of our community. Now is our time to assist our restaurants and grocery stores. Most Munster restaurants are offering carryout options, and your support of them at this time makes a difference. To further support our businesses, we have suspended temporary sign restrictions which will allow them to quickly and easily communicate new business hours and offerings without costly advertising.

We understand that this is a difficult time for everyone, but we are encouraged by the creativity and resilience we are seeing among our residents and across neighboring communities. From those who are looking out for each other by taking groceries to their elderly and high-risk neighbors, to the people who are sewing masks for the nursing homes, to the teachers and administrators who are working to educate our children while they are away from school, we appreciate your life-altering efforts. Although this will not end quickly, we all look forward to emerging from it as both a stronger organization and community.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on March 2, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-3B dated 03/05/2020 totaling \$447,774.72
Confirmation of Voucher Register #20-3C dated 03/10/2020 totaling \$112,501.50
Confirmation of Voucher Register #20-3D dated 03/10/2020 totaling \$84,604.73
Confirmation of Voucher Register #20-3E dated 03/09/2020 totaling \$22,131.31
Confirmation of Voucher Register #20-3F dated 03/09/2020 totaling \$406.68
Confirmation of Voucher Register #20-3G dated 03/16/2020 totaling \$106,177.99
Confirmation of Voucher Register #20-3H dated 03/12/2020 totaling \$173,073.91
Confirmation of Voucher Register #20-3I dated 03/13/2020 totaling \$371,803.97
Confirmation of Voucher Register #20-3J dated 03/12/2020 totaling \$340,193.53
Approval of Voucher Register #20-4A dated 03/23/2020 totaling \$60,447.84
Approval of Park Voucher Register #20-4A dated 03/23/2020 totaling \$2,168.08

BAKER TILLY CONTINUING DISCLOSURE ENGAGEMENT LETTER

One of the requirements of issuing certain bonds (primarily economic development bonds) is to keep bondholders informed about the issuer. The information is shared through continuing disclosure statements. The statements are very detailed and must follow strict guidelines of the U.S. Securities and Exchange Commission. Through a series of continuing disclosure undertaking agreements, the Town of Munster has engaged the professional services of Baker Tilly Municipal Advisors, LLC (successor to H.J. Umbaugh & Associates, Certified Public Accountants, LLP) to develop and distribute the statements.

As the Town's dissemination agent, Baker Tilly Municipal Advisors, LLC enters required filings on the Municipal Securities Regulatory Board's (MSRB) Electronic Municipal Market Access (EMMA) system for bonds which are subject to the continuing disclosure requirements recited in SEC Rule 15c2-12.

For 2020, the annual fees for developing and distributing the consolidated continuing disclosure statements for the Town's bond issues are estimated at \$4,500.00 payable out of the Economic Development Commission Bond & Interest Fund 328.

TREASURER'S REPORT

The February 2020 Treasurer's Report was presented for acceptance.

WATER BILL ADJUSTMENTS 2020-15

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>Requested Adjustment Amount</u>	<u>Adjusted Bill</u>
2020-15	3,000	61,000	1 month	\$ 177.28	\$ 167.24	\$ 10.04

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

[Clerk-Treasurer's Note: Due to technological issues, Councilor Schoon was unable to hear the call for his vote. As a result, his vote was recorded as an abstention.]

OLD BUSINESS

ORDINANCE 1793: CONFIRMING CERTIFIED BUDGET FOR 2020

Introduced ORDINANCE 1793 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2020. Ordinance 1793 confirms the 2020 budget as certified by the Department of Local Government Finance (DLGF).

Part of this process involves transferring budget dollars amount the major expenditure groups within each fund (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. These transfers must be authorized by ordinance or resolution. The amounts in each group are reviewed regularly and it is anticipated that mid-year adjustments will be made.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1793 on second reading as presented. Councilors Gardiner, Koultourides, Tulowitzki, and Mellon voted in favor; Councilor Schoon abstained; none voted against. Motion carried.

[Clerk-Treasurer's Note: Due to technological issues, Councilor Schoon was unable to hear the call for his vote. As a result, his vote was recorded as an abstention.]

NEW BUSINESS

CHANGE ORDER: GRADE SEPARATION PROJECT ACCELERATION

During construction of the shoo-fly, two delays were encountered. The first was related to the relocation of the fiber optic cables. The company performing the work violated the conditions of the permit from the railroad. The permit was revoked. Mandatory safety training was required by the railroad, and a new permit had to be secured. Walsh Construction has a change order pending for additional time and funding.

The second delay was due to the review by the CN Railroad of the plans for the temporary earth restraining system (TERS). The review took 57 days which was longer than Walsh Construction expected. The contract stated there were no time constraints on the railroad review and the builder should include that risk into their bid. Regardless, INDOT awarded Walsh additional time. These two delays threatened the overall timeline of the project.

INDOT and the Town agree that acceleration costs would be associated with completing the work by the 2020 intermediate completion date. The original schedule was based on a 40-hour work week. A change order will be created for the acceleration cost of up to \$275,000.00 and may be extended following approval by INDOT and the Town. This change order will allow the project to overcome the delays from the TERS wall and utility relocation. Both parties are striving to complete the project ahead of the contract in November 2020. At the same time, INDOT regulations mandate the acceleration may only be enforced to the contract (Summer 2021). Under the change order, the Town will only pay for things that move the project forward.

The total cost is not-to-exceed \$275,000.00. This is a 1.34% increate to the total project. If adopted, the total change orders to-date will total \$507,082.00 or 2.47%. Both INDOT and the Town's engineering company DLZ have reviewed and approved the change order. The change order will be paid from the TIF Allocation Fund 471.

President Mellon stated that the Executive Order exempted road work and construction thus the project can continue. Mr. Anderson noted that the LaPorte office of INDOT interpreted the Executive Order in the same way.

Councilor Tulowitzki stated that we are managing 49 days of delay. He asked for weekly updates on acceleration activities and that Mr. Randell include this in his regular status updates at Council meetings.

Councilor Gardiner asked for clarification of the phrase “intermediate completion date.” Mr. Anderson explained that intermediate completion is the same as substantially complete. In other words, the only work remaining after in 2021 would be things like lane striping and landscaping. Mr. Anderson stated that the Town and Walsh Construction have the goal of have all work done in 2020. Mr. Randell clarified that the intermediate completion date does not include hot mix asphalt or pavement striping. He then explained that hot mix asphalt is the surface coat. As the contract is written, the final surface coat could happen in 2021.

Councilor Koulourides moved, with a second by Councilor Gardiner, to approve Change Order No. 0005 for INDOT Contract B-36229. Councilors Gardiner, Koulourides, Tulowitzki, and Mellon voted in favor; Councilor Schoon abstained; none voted against. Motion carried.

[Clerk-Treasurer’s Note: Councilor Schoon stated that, due to technological issues, he was unable to hear the explanation and discussion of the matter. Therefore, he chose to abstain.]

RESOLUTION 2067: TIMELY DEPOSIT OF FUNDS

Proposed RESOLUTION 2067 is A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE TOWN OF MUNSTER TO MAKE DEPOSITS IN ACCORDANCE WITH STATE EXAMINER DIRECTIVE 2020-1. The State of Indiana, including the Town of Munster, is currently experiencing a public health emergency for the Coronavirus Disease 2019 as outlined in Executive Order 20-02. During this state of emergency, the Town is having to conduct business in a different way. The State Examiner of the Indiana State Board of Accounts has issued a directive and the Town wants to comply.

Indiana Code 5-13-6-1 outlines the requirements for depositing public funds. Under this statute, deposits must be made the business day after receipt. Directive 2020-1 allows deposits to be made twice weekly on Tuesdays and Thursdays. Council must take action to authorize this change in procedure. The Clerk-Treasurer’s goal is to continue daily deposits for as long as possible. Twice weekly deposits will only be permitted during the public health emergency.

Resolution 2067 has been drafted for this purpose.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve Resolution 2067 as presented. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

PAYMENT OF CLAIMS

The State of Indiana, including the Town of Munster, is currently experiencing a public health emergency for the Coronavirus Disease 2019 as outlined in Executive Order 20-02. During this state of emergency, the Town is having to conduct business in a different way. The State Examiner of the Indiana State Board of Accounts has issued a directive and the Town wants to comply.

Indiana Code 5-11-10 outlines the requirements for paying claims. Directive 2020-1 allows the Council to designate one of its members to approve claims for payment in advance of full Council approval. Any claims paid in this manner will be presented to the Council at the first meeting after the public health emergency has ended.

From a practical standpoint, the Office of the Clerk-Treasurer will email the designee the standard Voucher Register report. The designated Councilor will respond by email the approval or denial.

Claims normally paid under Ordinance 1496 (demand payments) will continue to be paid in that manner. Those claims will be presented for confirmation at the first meeting after the public health emergency has ended.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to designate President Mellon to approve the payment of claims in accordance with Indiana State Examiner Directive 2020-1. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

ORDINANCE #1796: THIRD AMENDMENT TO THE 2020 SALARY ORDINANCE

Proposed ORDINANCE 1796 is AMENDMENT #3 TO THE 2020 SALARY ORDINANCE. Staff has been meeting to discuss how the organization will address the current Coronavirus (COVID-19) pandemic. The Centers for Disease Control and Prevention (CDC) have provided guidelines for slowing the spread of the disease and measures to protect oneself and the community. One of their primary recommendations is for people to self-quarantine if they are experiencing symptoms.

Employees are encouraged to follow the guidelines of the CDC and stay home if ill. Sick time can be used in this situation so that employees do not receive a reduction in pay. Regular, full-time employees earn sick time at the rate of one day per month. A balance of six months is all owed to be carried.

There are a number of employees who do not have an adequate sick leave balance to support an extended sick leave. Employees are not allowed to take paid sick time if they have not earned it. In other words, if their balance is too low, they must use vacation time, compensatory time or go unpaid.

Staff wants to encourage employees to stay home if they have the virus to ensure their own recovery and prevent further spread of disease. As such, the recommendation is to make a temporary change in the rules surrounding sick leave.

Ordinance 1796 has been drafted to allow employees to run their sick leave and vacation leave banks into the negative in certain situations. Once the employee is healthy and returns to work, the leave bank(s) will begin to accrue and, essentially, pay back the time. If an employee quits or is terminated prior to earning back any negative leave bank, the balance paid will be reduced from the final paycheck.

Since the drafting of this ordinance, new Federal regulations have been adopted. Implementation guidelines are expected in the coming weeks. Once the guidelines are adopted, Ordinance 1796 will be amended as needed to comply.

Councilor Tulowitzki asked for more information about the Federal guidelines and funding sources.

Clerk-Treasurer Mis and Mr. Anderson explained that this will be an unfunded mandate with the costs being borne by the Town.

Mr. Westland explained the guidance provided by the Department of Labor (DOL) will be forthcoming to clean up the ambiguity in the law. Basically, employers are required to provide paid time off if an employee meets certain circumstances. Mr. Westland stated that once the DOL guidelines are available, Staff will see how it meshes with current Town policies and ordinances. He recommended hearing Ordinance 1796 on first reading as presented and that an amended version will be provided at second reading. Time is of the essence and the ordinance needs to be moving forward.

Councilor Gardiner thanked Clerk-Treasurer Mis and Mr. Anderson for realizing and addressing the need.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to hear proposed Ordinance 1796 on first reading as presented and schedule second reading for the next regular meeting. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

RESOLUTION 2068: TEMPORARY LOANS

Proposed RESOLUTION 2068 is A RESOLUTION FOR THE TEMPORARY LOAN AND TRANSFER OF FUNDS AMONG VARIOUS FUND ACCOUNTS. The State of Indiana, including the Town of Munster, is currently experiencing a public health emergency for the Coronavirus Disease 2019 as outlined in Executive Order 20-02. During this state of emergency, the Town is having to conduct business in a different way.

Governor Holcomb issued Executive Order 20-05 on March 19, 2020. Among other things, it grants relief to property tax payers. While the due date for the first installment of property taxes remains May 10, 2020, counties are directed to waive penalties for 60 days after this due date. Similar waivers have been granted for other types of taxes. It is reasonable to expect a low and delayed collection of property taxes and other State revenues. This will present a cash flow problem.

With the situation changing rapidly, the Town is doing its best to ensure it is providing services while remaining compliant with the vast number of new regulations and directives from both Federal and State entities. At this point it is unknown what the needs will be in the coming weeks and months. In order to provide the flexibility needed to address the ever-changing crisis, it seems prudent to grant authority for temporary loans between funds.

Towns are allowed to make temporary loans from one fund to another in order to remedy any funds with insufficient cash. This is a common practice and one that the Town may need. To be clear, this is a loan between the various funds of the Town; it is not borrowing money from an outside entity. This is the same process the Town follows every December to ensure positive cash balances at year-end.

Two resolutions have been prepared to remedy any situations involving insufficient cash in a fund. Resolution 2068 provides the framework for making temporary loans. The resolution allows loans from any fund legally allowed to make a temporary loan to any fund legally allowed to receive a temporary loan. Any temporary loans will be reported to the Council President as they occur. A report on all loan activity will be presented to Council at the first meeting after the state of emergency is lifted. The authority to make loans will be in place through December 31, 2020.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Resolution 2068 authorizing temporary loans in amounts to be determined. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

RESOLUTION 2069: EXTENSION OF TEMPORARY LOANS

Proposed RESOLUTION 2069 is A RESOLUTION EXTENDING TEMPORARY LOANS AND TRANSFERS AS AUTHORIZED IN RESOLUTION NO. 2068 DATED MARCH 23, 2020. I.C. 36-1-8-4(a) allows the making of a temporary loan and requires the loan be repaid by the end of the budget year in which it was made. I.C. 36-1-8-4(b) allows the repayment of temporary loans to be extended to June 30 of the following year. This allows for additional time and tax draws. Resolution 2069 authorizes repayment of the loans on or before June 30, 2021. This gives the Town the greatest amount of time to repay any loans made between funds.

Councilor Tulowitzki asked how the loans will be monitored. Clerk-Treasurer Mis stated that loan activity will be reported to Council.

Councilor Gardiner moved, with a second by Councilor Koultourides, to adopt Resolution 2069 authorizing temporary loans in amounts to be determined. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

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 regular meetings on Monday, April 6, and 20, 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 Koultourides, seconded by Councilor Tulowitzki, the meeting adjourned at 7:50 p.m.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer