

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
APRIL 6, 2020

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, April 6, 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 Koultourides (arrived late), Lee Ann Mellon, Kenneth J. Schoon (available on the phone only), and Steven Tulowitzki, Town Attorney David W. Westland, and Munster Representative to the Hammond Sanitary District Michael R. Hawkins 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, Town Manager Dustin Anderson, and Planning Director Thomas Vander Woude 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 rapidly changing. 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. President Mellon then read the following statement.

This afternoon Governor Holcomb issued Executive Order 20-18 and with it comes additional guidance for how we should be socially distancing and what businesses are absolutely necessary to remain open.

As the weather warms, the Town will continue to reinforce the importance of maintaining social distancing guidelines – especially in our parks. We have closed our facilities and playgrounds in an effort to combat the spread of the virus. However, we have seen seven parks have their caution tape removed by people willfully ignoring the rules established to protect all of us.

We will continue to work with our state and regional partners in preparing for the worst of what will hopefully not come to pass.

Regular updates are posted both on the Town's Facebook page, but also on our website. We will continue to provide useful information on these sites.

This is an uncertain time. But there are things that we can do that we are certain will make a difference: abide by the CDC's social-distancing guidelines, only go out when absolutely necessary, wash your hands, and keep faith that this will eventually come to an end.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell was present in the virtual setting. He reported that the storm sewers east of 45th Street at the underpass are done. Excavation continues as the contractor awaits delivery of the T-walls. Acceleration operations began last week. Lane restrictions are in place on Calumet Avenue and 45th Street west of Calumet Avenue. The traffic pattern along Calumet Avenue is expected to change in about two weeks.

Councilor Schoon asked about flooding in the area and if it was a gravity fed drainage system. Mr. Randell explained that it is not gravity fed. There are a series of relief wells and a lift station in place. The system has an emergency generator in case of power failure.

Councilor Tulowitzki asked about the acceleration work and the impacts of weather and the current shut down. Mr. Randell stated that with only one week of accelerated work, it is difficult to say how much time has been recuperated. The project has not experienced, and does not expect, any slow down due to the current pandemic.

Councilor Gardiner asked about the recent soil samples and if a change order would be requested. Mr. Randell stated a change order will be presented possibly at the next meeting.

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.

In response to Councilor Gardiner's question, Mr. Anderson stated that no submissions were received.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the special meeting held on March 23, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-3K dated 03/17/2020 totaling \$15,288.02
Confirmation of Voucher Register #20-3L dated 03/19/2020 totaling \$18,836.53
Confirmation of Voucher Register #20-3M dated 03/19/2020 totaling \$3,507.65
Confirmation of Voucher Register #20-3N dated 03/20/2020 totaling \$1,550.00
Confirmation of Voucher Register #20-3O dated 03/23/2020 totaling \$238.62
Confirmation of Voucher Register #20-3P dated 03/26/2020 totaling \$302,735.34
Confirmation of Voucher Register #20-3Q dated 03/27/2020 totaling \$368,401.87
Confirmation of Voucher Register #20-3R dated 03/27/2020 totaling \$337,147.65
Confirmation of Voucher Register #20-3S dated 03/26/2020 totaling \$70,916.17
Confirmation of Voucher Register #20-3T dated 03/31/2020 totaling \$10,363.02
Confirmation of Voucher Register #20-3U dated 03/31/2020 totaling \$203,714.82
Confirmation of Voucher Register #20-4B dated 04/06/2020 totaling \$54,558.70

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, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and the Consent Agenda was adopted.

OLD BUSINESS

ORDINANCE 1795: LANDSCAPE CODE REVISION

Introduced ORDINANCE 1795 is AN ORDINANCE AMENDING CHAPTER 26 SECTION 6 DIVISION 4 OF THE TOWN OF MUNSTER MUNICIPAL CODE TO CLARIFY PROVISIONS RELATED TO THE LANDSCAPING REQUIREMENTS FOR COMMERCIAL DEVELOPMENTS. Council held first reading on the ordinance at their March 2, 2020 meeting. The Plan Commission has recommended an amendment to the zoning code. A public hearing was held on February 11, 2020 with a unanimous vote to forward a favorable recommendation for approval to the Council.

In response to Councilor Tulowitzki's question, Mr. Anderson and Mr. Vander Woude stated no changes have been made since the first reading of the ordinance.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1795 on second reading. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and Ordinance 1795 was adopted.

ORDINANCE #1796: THIRD AMENDMENT TO THE 2020 SALARY ORDINANCE

Introduced ORDINANCE 1796 is AMENDMENT #3 TO THE 2020 SALARY ORDINANCE. This matter was discussed at the March 23, 2020 Council meeting. Ordinance 1796 has been drafted to work in conjunction and to enhance what is granted in the new federal laws and regulations. It will 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.

Clerk-Treasurer Mis explained the changes that were made from first reading in order to be in compliance with the new federal regulations. Mr. Westland has reviewed the ordinance.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to adopt introduced Ordinance 1796 on second reading. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and Ordinance 1796 was adopted.

NEW BUSINESS

ENGAGEMENT LETTER: REFUNDING OF SERIES 2010 EDC BONDS

Financial Advisor Baker Tilly has performed analyses and is recommending the refunding of the 2010 Economic Development Bonds. These bonds were used to redevelop the old Carpetland site which is now where Panera is located. In order to proceed, engagement letters have been presented by Baker Tilly to serve as financial advisor, Barnes & Thornburg to serve as bond counsel, and Stifel to serve as underwriter and placement agent. The Town has successfully worked with all three entities in the past and has found them to be highly professional. Staff recommends approving all three engagement letters and proceeding with the refunding of the Series 2010 Economic Development Bonds.

Councilor Tulowitzki asked about the fees related to these engagement letters. Mr. Anderson stated they will be paid from the proceeds of the refinancing and there will be no cash outlay by the Town in 2020 for this.

Councilor Koultourides moved, with a second by Councilor Gardiner, to approve and authorize the Town Manager to sign the engagement letters for Baker Tilly, Stifel, and Barnes and Thornburg for the refinancing of the Series 2010 EDC Bonds. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

2020 LAKE, POND & DITCH MAINTENANCE PROGRAM

Aquatic Control of Valparaiso, Indiana, has offered to extend their 2018 pricing of \$21,637.00 for 2019 to perform maintenance including inspections and treatments for the following locations.

- West Lake Subdivision – 1 lake, 4 ponds
- White Oak Estates Subdivision – 5 ponds
- White Oak Woods – 1 pond
- Centennial Park (Maynard Lake) – 1 lake
- Schoon Ditch (at Fisher Street between Calumet and Columbia Avenues)

This work will be funded by the Sewer Maintenance Fund 280 and covers Annual Lake, Pond & Ditch Maintenance, not fountain maintenance which is covered under a separate contract.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve and authorize Proposal #266242 from Aquatic Control for the 2020 Custom Vegetation Management Program for a cost of \$20,987.89.

Clerk-Treasurer Mis stated that with the current situation, the Town needs to watch the contracts being entered and expenditures in general. She asked if this is an essential contract at this time.

Discussion ensued with Staff stating this is part of the stormwater infrastructure. President Mellon and Councilor Gardiner expressed concern that because the cost of waiting is unknown, it could cost the Town more to postpone the contract. Mr. Westland stated that the maintenance of Town infrastructure is clearly essential as it relates to the Executive Order(s).

The vendor offered a 3.00% discount if the contract was signed by April 1, 2020. It was noted that the amount in the motion represented the discounted price. Councilor Tulowitzki amended his motion, with a second by Councilor Schoon to approve and authorize Proposal #266242 from Aquatic Control for the 2020 Custom Vegetation Management Program for a cost not to exceed \$21,637.00 with Staff requesting the vendor honor the discounted price. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried as amended.

FOUNTAIN MAINTENANCE 2020-2021

At the April 1, 2019 meeting, the Council approved a contract renewal with Aquatic Control for fountain maintenance. Aquatic Control has offered the 2020-2021 proposal at the previous cost of \$8,260.00. The contract provides for winter removal, storage, routine maintenance, and re-installation in the spring of 2021. The following fountains are included in the proposed agreement.

West Lakes Subdivision	7 fountains
White Oak Estates Subdivision	7 fountains
White Oak Woods	1 fountain
Centennial Park (Maynard Lake)	3 fountains

In Spring 2018 a three-aerator Robust-Aire system was installed in Burlwood Pond that stays in place year-round. The maintenance cost on this unit is an additional \$321.74 bringing the total contract cost to \$8,581.74. The payment will come from the Sewer Maintenance Fund, specifically, 280-91508-63109. The vendor offered no discount for early payment.

Councilor Tulowitzki moved, with a second by Councilor Koulourides, to approve the Aquatic Control proposals of January 17, 2020, quote #267376 for the 2020-2021 fountain winter removal, maintenance, storage, and 2021 Spring installation at a cost of \$8,260.00 and Robust-Aire annual maintenance, quote #271181 for an additional \$321.74 for a total cost of \$8,581.74. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

APPROVAL OF AGREEMENT: STREETSCAPING AND CORRIDOR IMPROVEMENT

This matter was originally scheduled for the February 27, 2020 meeting. The 2010 Comprehensive Plan identified the Ridge Road and Calumet Avenue corridors as a high priority revitalization opportunity area. Staff issued a request for proposal in October 2019 to develop a streetscaping and corridor improvement plan for the Ridge Road and north Calumet Avenue business districts including the proposed transit district. The plan will address the geometry and materials of streets and sidewalks, crosswalks, curb cuts, lighting, and landscaping.

There were fifteen responses. A selection committee comprised of the Town Manager, Planning Director, Chief Building Inspector, Director of Parks & Recreation, and Director of Public Works scored the responses and chose two to interview. The committee deemed Teska the most qualified.

Teska has extensive experience in this area throughout the Chicago region. Teska will be working with Sam Schwartz Engineering. Sam Schwartz is a national leader in multimodal transportation planning. The scope of work includes extensive public and stakeholder involvement over a 10-month period. The plan will include specific improvements and projects and budget analysis for investment purposes. Once complete, the plan will be presented to Council for approval.

The total cost of the project is not-to-exceed \$98,255.00 The project was budgeted at \$50,000.00 from the Planning Services budget with the remainder to be funded through a \$50,000.00 grant from the IDNR Lake Michigan Coastal Program.

Mr. Vander Woude and Mr. Anderson explained that the process will have to be modified because of the current pandemic. The project begins with community engagement meetings which cannot happen at this time. In addition, there are traffic studies to be conducted which would be inaccurate if taken during the current stay-at-home order. They want to proceed with the contract and modify the timeline. Their concern is losing future grant opportunities if this work is not completed within a year.

Councilor Koultourides stated his desire to postpone entering this contract because it is not a maintenance item and the dollars might be better spent elsewhere. He stated it is a project that needs to be addressed, but not at this time. Lengthy discussion ensued.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to table the matter until the April 20, 2020 meeting and to have Mr. Anderson and Mr. Vander Woude talk with Teska Associates in order to clarify the contract in light of the current situation. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

PROCLAMATION: 2020 ARBOR DAY

President Mellon announced the proclamation naming April 24, 2020, as Arbor Day and encouraging Munster citizens to support efforts to protect trees and woodlands. Mr. Anderson read the proclamation.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to adopt "A Proclamation Recognizing Arbor Day." Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried and the proclamation was adopted.

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 20, May 4, and 18, 2020. The Redevelopment Commission will hold regular meetings immediately following Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, Councilor Schoon moved with a second by Councilor Gardiner. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. The meeting adjourned at 8:18 p.m.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer