

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
APRIL 20, 2020**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, April 20, 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, 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.

**45<sup>th</sup> STREET CONSTRUCTION UPDATE**

DLZ representative Lee Randell was present in the virtual setting. He reported that construction at retaining wall three continues, and T-walls are being installed. Additional under-drains will be installed beginning this week with reinforcement for the bottom slab to begin as early as May 4, 2020. Acceleration operations continue. There are about 200 hours with an average over the past three weeks that \$4,000.00/week are being utilized on acceleration efforts.

At the last meeting, Mr. Randell has reported that there was unsuitable soil under the new road. This evening he reported that the unsuitable soil has been undercut and stabilized. BP performed corrosion repairs, which is now complete. Lane restrictions on Calumet Avenue will continue with a shift in lane configuration.

Councilor Tulowitzki asked about the acceleration work and what progress has been made on the 49-days. Mr. Randell responded that it is still too early to judge that progress, and perhaps an estimate could be made at the next Council meeting. Councilor Tulowitzki suggested that signage may be appropriate as the public has started walking near the construction site in apparent attempts to observe what is happening.

**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](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). Mr. Anderson provided the following.

Mr. Mike Dujmovic, 1833 Tulip Lane, emailed three questions. Answers were provided by Mr. Anderson via email. Following is a synopsis of the exchange.

1. The only change in the proposed amendment to the development agreement for Maple Leaf Crossing is the 180-day time extension.
2. The Lake County, Indiana Health Department has stated there are 59 positive cases of Covid-19 in Munster

3. The tennis courts are open because tennis does not require touching anything communal to play. With golf, there are pins and wash stations, while the driving range has a kiosk with buttons and buckets. Playgrounds, by their nature, are communal.

Doc Paris, no address provided, observed that the Consultant/Town Manager of Dyer has been awarded a contract and asked if the Munster Town Manager has a contract. Mr. Anderson responded that the current Town Manager has not been awarded a contract.

### **CONSENT AGENDA**

#### **APPROVAL OF MINUTES**

Approval of the minutes of the special meeting held on April 6, 2020

#### **ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #20-4C dated 04/09/2020 totaling \$458,686.78  
Confirmation of Voucher Register #20-4D dated 04/02/2020 totaling \$51.44  
Confirmation of Voucher Register #20-4E dated 04/10/2020 totaling \$517,263.20  
Confirmation of Voucher Register #20-4F dated 04/10/2020 totaling \$464,880.87  
Confirmation of Voucher Register #20-4G dated 04/13/2020 totaling \$269.93  
Confirmation of Voucher Register #20-4H dated 04/16/2020 totaling \$199,298.79  
Approval of Voucher Register #20-4I dated 04/20/2020 totaling \$133,781.15  
Confirmation of Voucher Register #20-4J dated 04/14/2020 totaling \$6.40  
Confirmation of Park Voucher Register #20-4D for March 2020 totaling \$38,916.96  
Approval of Voucher Register #20-4E dated 04/20/2020 totaling \$18,951.01

#### **WATER BILL ADJUSTMENTS 2020-16, 17, AND 18**

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
2020-16	3,000	21,000	1 month	\$ 65.73	\$ 55.69	\$ 10.04
2020-17	15,000	126,000	2 months	\$ 365.44	\$ 260.54	\$ 104.90
2020-18	3,000	28,000	1 month	\$ 86.17	\$ 76.13	\$ 10.04

Councilor Gardiner asked about the impact of Park refunds on appropriations.

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

### **OLD BUSINESS**

#### **APPROVAL OF AGREEMENT: STREETSCAPING AND CORRIDOR IMPROVEMENT**

This matter was originally scheduled for the February 27, 2020 meeting and was discussed at length at the April 6, 2020 meeting. At that time, Council directed Staff to request a modified scope of work that contemplates the public engagement process and traffic counts in light of the current stay-at-home orders in Indiana and Illinois. Project Manager Jodi Mariano and Staff propose the following.

1. Incorporate existing traffic data from Town and regional sources
2. Adjust the sequence of events to conduct ground counts in the fall
3. Distribute promotional documents through social media rather than as paper
4. Conduct meetings by video conference with screen sharing
5. Expand the use of meeting facilitation tools including Mind-Mapping and Mentimeter polling

These proposed methods would be used only if necessary and will parallel the original scope so that if/when the current pandemic restrictions are lifted, the project can shift back to its original design. Ms. Marino indicated that Teska Associates, Inc. has extensive experience in using these tools effectively.

Teska Associates Jodi Mariano serves as the Project Manager for this and was present in the virtual environment. Councilor Tulowitzki asked Ms. Mariano her advice on how to engage the public for this project considering the current situation. Ms. Mariano explained that Teska has used online tools for many years on these types of projects. These tools are now more applicable. She further explained that there is a slideshow in the packet outlining best practices and suggested a meeting to go through this topic specifically, so the Council is clear. Overall, Ms. Mariano stated that the process will take more time and patience.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to enter into a services agreement with Teska Associates, Inc. in an amount not-to-exceed \$98,255.00 to develop a streetscaping and corridor improvement plan for the Ridge Road and north Calumet Avenue business districts. Councilors Gardiner, Schoon, Tulowitzki, and Mellon voted in favor; Councilor Koulourides voted against. Motion carried.

### **NEW BUSINESS**

#### **RESOLUTION 2071: LITTLE CALUMET RIVER EASEMENTS**

Proposed RESOLUTION 2071 is A RESOLUTION AUTHORIZING AND APPROVING A PERPETUAL EASEMENT AGREEMENT BY AND BETWEEN THE STATE OF INDIANA, THROUGH THE LITTLE CALUMET RIVER BASIN COMMISSION AND THE TOWN OF MUNSTER, THROUGH ITS TOWN COUNCIL, ALL PURSUANT TO IC 14-13-2 ET SEQUITUR. The Army Corps of Engineers issued a Notice to Acquire Lands for Pump Stations and Related Rights of Way in Hammond, Munster, Highland, and Gary, Little Calumet Project in December 2016. As part of this process, easements must be granted by the Town for the Hohman Avenue and River Drive pump stations.

Resolution 2071 has been drafted to grant the required easements and to authorize the Town Manager to sign the necessary documents.

Councilor Gardiner confirmed this is for two pump stations only. Executive Director of the Little Calumet River Basin Development Commission Dan Repay was present in the virtual environment and stated this is a requirement of the Army Corps of Engineers.

Councilor Gardiner moved, with a second by Councilor Koulourides, to adopt Resolution 2071 as presented. Councilors Gardiner, Koulourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried, and the proclamation was adopted.

#### **CORONAVIRUS POLICY**

The Indiana State Board of Accounts has recommended municipalities adopt a written policy to guide the actions taken during this rapidly changing health emergency. This policy should be broadly written to ensure the municipality can react quickly to changing real-time issues. The policy was read by Clerk-Treasurer Mis as follows.

The Town of Munster will follow and comply with federal guidelines and state executive orders. In order to accomplish this, Staff will meet regularly to discuss, propose, and implement best practices. Any practice that impacts the current Home Rule ordinance or policies will be brought to the Town Council for appropriate legislative action. In addition, all newly implemented practices and procedures will be documented for audit purposes.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to adopt the policy stating the municipality will continue to adhere to federal and state guidance during the national health emergency. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried, and the proclamation was adopted.

**MAPLE LEAF CROSSING, LLC:**  
**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT**

The Town entered into a Development Agreement for the Maple Leaf Crossing Project on June 3, 2019. The agreement included several deadlines which the Developer and the Staff have been working towards. The process of getting site plan approval has taken longer than any involved anticipated. With the onset of the Coronavirus pandemic, all efforts have been thwarted. The Developer and Staff are seeking an extension of each deadline in the original agreement by 180 days. All parties want to reassess the deadlines and create a reasonable schedule once normal business returns. The Redevelopment Commission will be asked to approve the agreement at their meeting later this evening.

Councilor Gardiner asked if the developer has an updated timeline for the next six to eight months. President Mellon stated that we could request it.

Mr. Westland explained the delay caused by the title work and that there is a force majeure clause in the agreement. He opined that the longer the stay-at-home order is in effect, the longer it will take because the required deadlines cannot be met.

In response to Councilor Tulowitzki, President Mellon stated the developer is ready to go, and all are still on board. Councilor Koultourides directed Mr. Anderson to arrange a meeting with the developer to keep the project on track.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve the First Amendment to the Development Agreement with Maple Leaf Crossing, LLC. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

**PURCHASE AWARD: MOWER**

Public Works staff received quotes to purchase a new John Deere 1600 Turbo Series III Commercial Wide Area Mower. This will be a replacement for Unit #349, which was scheduled for replacement. Quotes received are summarized as follows.

Vendor	Price	Trade-in	Net Cost
Castongia Tractor, Crown Point, Indiana	\$ 53,677.78	\$ 10,500.00	\$ 43,177.78
TTG Equipment, Wabash, Indiana	\$ 55,500.00	\$ 10,000.00	\$ 45,500.00
Reynolds Farm Equipment, Muncie, Indiana	\$ 55,499.00	\$ 9,800.00	\$ 45,699.00
Sourcewell: Contract PG3PCG22 via Castongia Tractor	\$ 56,671.23	\$ 10,500.00	\$ 46,171.23

The purchase will be made from General Obligation Bond proceeds, specifically 414-915211-64400.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve the purchase of (1) John Deere 1600 Turbo Series III Commercial Wide Area Mower from Castongia Tractor, Crown Point, Indiana in the amount of \$43,177.78. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

### **PURCHASE AWARD: SMALL WHEEL LOADER**

Public Works staff received quotes to purchase a 2020 small wheel loader. This will be a replacement for Unit #342, an existing front-end loader that was scheduled for replacement. Quotes received are summarized as follows.

Vendor	Proposed Equipment	Price	Trade-in	Net Cost
West Side Tractor Sales, South Holland, Illinois	2020 John Deere 544L 4WD Loader	\$ 171,500.00	\$ 66,000.00	\$ 105,500.00
McCann Industries, Inc., Schererville, Indiana	2020 Case 621G Wheel Loader	\$ 158,500.00	\$ 60,000.00	\$ 98,500.00
Altorfer Caterpillar, Hammond, Indiana	2020 Caterpillar 930M Small Wheel Loader	\$ 171,670.00	\$ 64,500.00	\$ 107,170.00

Staff had ten of its operators test drive and inspected each option during the same one-week period. It was a unanimous conclusion that the Caterpillar outperformed the other brands quoted. Specifically, there was more torque for push/pull maneuvers, more responsive controls for the bucket action, and better operator ergonomics. Staff believes there will be lower maintenance needs for the Caterpillar unit with better fuel consumption and historically higher trade-in value. As a result, the Staff recommends accepting the quote from Altorfer Caterpillar in the amount of \$107,170.00.

The purchase will be made from General Obligation Bond proceeds, specifically 414-915211-64400.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the purchase of (1) 2020 Caterpillar 930M Small Wheel Loader from Altorfer Caterpillar, Hammond, Indiana in the amount of \$107,170.00. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

### **APPROVAL OF POLICE DEPARTMENT INVOICES**

The Munster Police Department recently submitted vouchers from Impact for \$55,954.27 and \$3,639.79 to pay for the upgrade of the Town of Munster and the Police Department's camera server system. These invoices cover the cost of an upgraded server system, server licensing, and installation. The project is to be paid from bond proceeds. Acting Police Chief John Peirick was present in the virtual setting to explain the project and answer questions.

Councilor Gardiner moved, with a second by Councilor Koultourides, to ratify the agreement between Impact and the Munster Police Department executed on February 4, 2020. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve the invoices for a total of \$59,594.06 to be paid on April 21, 2020. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

In addition, the Munster Police Department is seeking ratification of a maintenance agreement with Miner Electronics Corporation for lighting, cameras, computers, docks, Opticom, radars and radios in the squad cars. The cost is \$3,072.00.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to ratify the agreement with Miner Electronics Corporation for maintenance on the squad cars in the amount of \$3,072.00. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

As part of the camera server upgrade, Schneider Electric performed work totaling \$9,940.00. This will be paid from bond proceeds.

Councilor Gardiner moved, with a second by Councilor Koultourides, to ratify the agreement with Schneider Electric in the amount of \$9,940.00. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

Councilor Tulowitzki thanked Mr. Peirick for serving as Acting Chief of Police while Police Chief Scheckel is currently coordinating with the Northwest Indiana Information Sharing & Security Alliance response to the pandemic.

### **CONSIDERATION OF IMPACT NETWORKING AGREEMENT**

In November 2017, the Town Council approved an agreement with Impact Networking LLC to become the provider of IT services to the Town. Staff is pleased with the work performed by Impact, finding them reliable and professional. Since the initial contract was signed, numerous pieces of equipment, devices, and users have been put into service. Since 2017, additional equipment and users have been added. Impact is looking for a “true-up” for the equipment, which would increase the monthly fee by \$3,523.50, making the monthly cost \$20,638.58 for the next five months when the contract ends.

The agreement ends in October 2020, and Impact has offered to extend the contract for five years. If the new, five-year contract is taken, the monthly payment will be \$13,172.65, with 90 days no payment. This is \$3,942.43 less than the current monthly amount of \$17,115.08. If this option is taken, the “true-up” costs will be waived.

The Town has a third option, which is to seek a different provider. A lengthy discussion ensued with a general consensus that a three-year contract is preferable to a five-year contract, which would commit the next Town Council. President Mellon directed Mr. Anderson to clarify the details on the five-year contract and the ability to terminate it and to provide a three-year option. Mr. Westland advised removing the automatic renewal clause in the proposed contract.

### **REPORTS**

Clerk-Treasurer Mis provided an update on the current Census participation. The current federal response rate is 50.7%, with the state at 54.1%. The Town of Munster has a 69.3% response rate and is currently tied for 8<sup>th</sup> in the State of Indiana. Councilor Tulowitzki suggested looking at ways to incentivize residents to complete the Census, including having a booth at the annual National Night Out Against Crime.

### **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, May 4, 18, and June 1, 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 Koultourides moved with a second by Councilor Gardiner. The meeting adjourned at 8:21 p.m. with a voice vote.

**ATTEST:**

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**Lee Ann Mellon, President**

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**Wendy Mis, Clerk-Treasurer**