

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
JUNE 1, 2020

A regular meeting of the Munster Town Council convened at 7:09 p.m. on Monday, June 1, 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, 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. Also present in the virtual setting was Munster Representative to the Hammond Sanitary District Mike Hawkins. President Mellon presided. 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 VanderWoude 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 continually 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. She then read the following statement.

Last week, disturbing video quickly circulated and shocked our nation: we all watched in horror as George Floyd pleaded for help while enduring brutal and lethal treatment under police custody. The reprehensible acts inflicted upon George Floyd are inexcusable. This tragic event left one man dead, his family devastated, and millions of people crying for justice.

These cries are bellowing in the form of protests throughout our country. Over the past couple days, protesters have gathered in Munster peacefully. We want to acknowledge and thank those protesters for expressing themselves without conflict.

We are aware of Munster citizens' concerns about inequity, and the Munster Town Council abhors racism in all its forms. We fully support the right to assemble and protest. Demonstrations and protest marches have a long and valued history in our country. However, we do condemn violence, looting, and the deliberate destruction of property.

Before closing, we want to honor and thank our police officers for respecting the protesters who peacefully gathered in Munster. We also want to thank Chief Scheckel, the Munster Police Department, Munster Fire Department, and Munster Public Works for working diligently and preparing to keep the Town of Munster, its residents, and businesses safe. We know their lot is not always an easy one, and we appreciate their willingness to put their well-being on the line every day to protect our lives and property.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell was present in the virtual setting. He reported that the utility work along Camellia Drive between Southwood Drive and Columbia Avenue is done and restoration work as begun. Sprint has completed their relocation work. Construction on Calumet Avenue continues with lane restrictions. Underground storm sewer work should be completed this week.

The forming work continues along 45th Street for the underpass with work along the retaining wall. There was a delay earlier in the week due to the rain. Mock-up panels have been stained and are staged near Centennial Village.

Overtime continues for the acceleration work. There are eight weeks of acceleration with about \$28,000.00 spent. About one week has been gained.

Mr. Anderson asked about the possibility of a turn lane when traffic is reconfigured along Calumet Avenue next month. Mr. Randell needs to see if there is adequate room.

President Mellon and Councilor Tulowitzki asked for information about the mock-up panels. Mr. Randell will forward pictures and the original reference documents to the Council.

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 stated no comments were received.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on May 18, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-5J dated 05/19/2020 totaling \$13,604.43
Confirmation of Voucher Register #20-5K dated 05/20/2020 totaling \$200.93
Confirmation of Voucher Register #20-5L dated 05/22/2020 totaling \$387,071.73
Confirmation of Voucher Register #20-5M dated 05/22/2020 totaling \$337,691.96
Confirmation of Voucher Register #20-5N dated 05/21/2020 totaling \$45,360.19
Confirmation of Voucher Register #20-5O dated 05/22/2020 totaling \$2,335.21
Confirmation of Voucher Register #20-5P dated 05/28/2020 totaling \$458,740.16
Approval of Voucher Register #20-6A dated 06/01/2020 totaling \$53,818.70

WATER BILL ADJUSTMENTS 2020-23

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>
2020-23	10,000	58,000	2 months	\$ 178.19	\$ 113.25	\$ 64.94

ANNUAL OPERATIONAL REPORT FOR LOCAL ROADS AND STREETS

Indiana Code 8-17-4.1-1 requires an operational report to be prepared by all cities and towns having a population of 15,000 or more with road and street responsibilities. The report must be prepared on forms prescribed

by the State Board of Accounts and must disclose all information considered necessary to reflect the financial condition and operations of the department.

Accordingly, the Clerk-Treasurer's Office and Public Works Department prepared the attached report, which was filed electronically on May 22, 2020, with the State Board of Accounts, the Indiana Department of Transportation, and the Purdue University Local Technical Assistance Program. The report is also to be filed with the governing body of the municipality and is available to the public and to the press in the Clerk-Treasurer's Office during regular business hours.

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

OLD BUSINESS

ORDINANCE 1797: WAIVER OF LATE FEES

Introduced ORDINANCE 1797 is AN ORDINANCE GRANTING THE CLERK-TREASURER AUTHORITY TO WAIVE LATE FEES ON WATER UTILITY BILLS DURING THE COVID-19 RELIEF PERIOD. Ordinance 1797 had first reading at the May 18, 2020 meeting. If adopted, the ordinance will allow late fees assessed to water utility bills to be waived.

The intention is to help the customers who are suffering with the economic downturn caused by COVID-19. The authority to waive these fees would apply to the bills issued and due from April 20, 2020 through and including January 20, 2021 for those customers who make a request in writing. In practice, customers who call requesting a waiver are sent an email. The customer then needs to reply to the email confirming the request.

Councilor Koultourides moved, with a second by Councilor Gardiner, to adopt Ordinance 1797 on second reading as presented. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against. Motion carried.

IMPACT NETWORKING LLC – TRUE UP OR RENEWAL

The current agreement with IT service provider Impact LLC ends in October. The vendor is seeking renewal of the contract or payment to "true-up" the account for services rendered which were not covered in the existing contract. Council first considered this matter at their meeting on April 20, 2020. At that time, Council directed Staff to seek a three-year contract. In addition, Mr. Westland advised removing the automatic renewal clause from any the contract. Staff has worked with Impact to secure a three-year option as well as a five-year option.

Under the current agreement, the Town pays \$17,115.08/month. The five-year option would be \$13,172.65/month. The three-year option would be \$15,888.81/month. Neither option includes a 90-day deferral. The true-up amount is \$20,638.58. Annual increases and automatic renewal clauses were removed from both options. The new rates will go into effect immediately

Discussion ensued clarifying the options and weighing the pros and cons of entering a longer contract. Mr. Westland observed there was language allowing Impact to terminate the agreement but no similar language for the Town.

Prior to the motion being made, President Mellon experienced technical difficulties and passed the gavel to Vice President Koultourides. He presided over the meeting until President Mellon was able to reconnect *infra*.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to accept the Impact 60-month agreement with the added clause that the Town can terminate the agreement with 90 days' notice to Impact. Councilors Gardiner, Schoon, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

NEW BUSINESS

2021 BUDGET CALENDAR

The proposed 2021 Budget Schedule was presented for consideration and possible adoption. The local schedule was developed based on statutory deadlines. It calls for Town Council adoption on next year's budget on October 5, 2020 with the required public hearing on September 21, 2020. These are both critical pieces in the budget process and both are regular meeting dates. The dates may be changed but must fall within the statutory requirements and cannot go beyond any of the statutory deadline dates.

Councilor Gardiner confirmed that potential work studies do not need to be on this schedule because they are local meetings and not statutory requirements.

Councilor Gardiner moved, with a second by Councilor Schoon, to approve the 2021 Budget Schedule as presented. Councilors Gardiner, Schoon, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

At this time, President Mellon was able to re-join the meeting. Vice President Koultourides relinquished the gavel and President Mellon presided over the remainder of the meeting.

CONDITIONAL USE PERMIT: 313 TAPROOM

The owner of 313 Taproom has requested a conditional use permit to allow outdoor dining for his customers. A public hearing was held and the Board of Zoning Appeals voted unanimously to give a favorable recommendation provided that the petitioner implements their approved landscaping plan prior to opening the patio.

Councilor Schoon asked about the capacity of the patio area and if additional parking would be needed since overall capacity would increase. Mr. VanderWoude explained there would not be a significant increase in capacity, that the business has an agreement with an adjacent business to share parking and there is adequate on-street parking.

In answer to questions from Councilors Gardiner and Tulowitzki, Mr. VanderWoude stated the permit would be in place for as long as the petitioner was compliant with its terms. The fence is not the property of the petitioner. As a result, repair of the fence cannot be made a condition of the permit.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve the conditional use permit for an outdoor dining area in a CD-4.A district in order to operate a patio at 313 Tap Room, located at 313 Ridge Road, upon the condition that the petitioner implement their approved landscaping plan prior to opening the patio. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against.

CENTENNIAL VILLAGE, LLC **OPERATIONS AND MAINTENANCE AGREEMENT**

Centennial Village LLC completed construction of North Centennial Drive from Calumet Avenue to the entrance to Springhill Suites hotel at 9651 Calumet Avenue in 2017. A portion of the road is on Town-owned property and serves as the entrance to Centennial Park. The road was constructed to the Town's standards and inspected; however, it was not accepted by the Town. In addition, no formal agreement is in place for the operation and maintenance of the road.

Since construction was completed in 2017, a light pole and the irrigation system have been damaged by trucks. Without an agreement in place, there is no clear responsible party to pay for the needed repairs. Staff has worked with the developer of Centennial Village to draft an agreement regarding the operations and maintenance of North Centennial Drive.

The agreement formalizes the operation and maintenance responsibilities for the portion of North Centennial Drive that is located on Town property. Centennial Village, LLC will retain responsibility of the irrigation system and streetlight until the new intersection opens or the Centennial Village development is complete. At that time, the Town will assume responsibility. Snow plowing and certain other activities will be shared between the entities.

In addition, the parties will divide the current repair costs evenly and the road will be scheduled for formal acceptance by the Town within thirty days of the repairs.

Councilor Koultourides moved, with a second by Councilor Gardiner, to approve and execute the agreement with Centennial Village, LLC concerning operations and maintenance of North Centennial Drive. Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voted in favor; none voted against.

REPORTS

Councilor Tulowitzki expressed his appreciation for the statement read by President Mellon at the start of the meeting. He observed the activity in Town and suggested a work-study to discuss preparation and monitoring of the current situation so that efforts can be coordinated. President Mellon stated the communication with police will continue.

Clerk-Treasurer Mis then provided an update on the Census. Munster is currently 7th in the State of Indiana with a participation rate of 80.6%. She observed that the total participation rate for Munster in the 2010 Census was 83.4% and hoped the Town would exceed that for 2020. President Mellon suggested asking the Park Department and School Town to put information on their signs. Mr. Anderson stated he would do that.

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, June 15, and July 6, 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 Tulowitzki. The meeting adjourned at 8:14 p.m. with Councilors Gardiner, Koultourides, Schoon, Tulowitzki, and Mellon voting in favor with none voting against.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer