

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
SEPTEMBER 21, 2020**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, September 21, 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. Subsequent Executive Orders have extended this practice.

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, some attended in person at Town Hall while others participated via Zoom meeting technology. Councilors Andy Koultourides, Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. Councilors Chuck Gardiner and Lee Ann Mellon were present in the virtual setting. It is believed each was in a different physical location. President Mellon presided.

Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland Police Chief Stephen Sheckel, Director of Parks and Recreation Mark Heintz, Superintendent of Operations Chris Spolnik, and Munster representative to the Hammond Sanitary District Mike Hawkins were physically present at Town Hall. The news media were not represented. The public was given the information needed to access the meeting virtually and some took advantage of it.

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.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell was present in the virtual setting. He reported that the forms and shoring for the underpass have been removed. The pedestrian bridge is expected to be delivered tomorrow with installation happening that same day or the next. The Canadian National Railroad is expected to begin the cut over on October 5, 2020. Lane restrictions will continue with a configuration change beginning next week. This will allow work on the center median to take place.

Councilor Tulowitzki asked about the overall impact on the schedule because of the delay in the Canadian National Railroad work. Mr. Randell explained that the work is starting two weeks late, but it is unknown the actual impact until the Railroad is on site. Mr. Randell stated the schedule will be revised and acceleration work will be implemented.

Councilor Gardiner asked about the pending change order for the fill and testing at the underpass. Mr. Randell said there will be a change order. At this time, they are working with the contractor.

PROCLAMATION: NATIONAL NIGHT OUT AGAINST CRIME CELEBRATION

President Mellon read the proclamation recognizing October 6, 2020, as National Night Out Against crime in Munster, Indiana and encouraging all residents to participate in the event which is celebrating its 25th year.

Councilor Gardiner moved, with a second by Councilor Koultourides, to adopt "A Proclamation Recognizing National Night Out." Councilors Schoon, Gardiner, Tulowitzki, Koultourides, and Mellon voted in favor; none voted against. The motion carried and the Proclamation was adopted as presented.

PUBLIC HEARING: 2021 BUDGET

Tonight, Council will conduct the public hearing and have first reading on the ordinance for the 2021 budget. Because the final, certified budget can never be higher than what was advertised, the budget estimates advertised for 2021 are purposely overstated. The amounts in the ordinance are within the advertised amounts. Because municipalities are required to include the estimated impact of circuit breakers in the budget, the advertised levy amounts are quite large and give the false appearance of drastic increases. As the Department of Local Government Finance (DLGF) processes the budget, the adopted amounts will be reduced. There will not be levy increases beyond statutory limits.

This was the first year the Town faced the full impact of the circuit breakers. Going into 2020, Staff assumed the impact would be \$1.8 million; the revised number provided by DLGF in April was \$2,230,255. While the actual circuit breaker impact of 2021 is unknown until next year, the DLGF is estimating the impact at \$2,452,090. This is reflected in the ordinance and budget to be submitted next month. The circuit breaker impacts are expected to continue at these levels in future years. The impact of the economy and unemployment will be felt in the growth quotient calculations for 2022 through 2027. The growth quotient has a direct impact on how much property tax can be levied.

The DLGF is required to provide certain revenue estimates as well as circuit breaker estimates. As with all things this year, COVID-19 has an impact. Revenues are expected to decrease as follows: Motor Vehicle Highway by 18%, Local Road & Street by 2%, Local Income Tax – Public Safety by 37%, and Cigarette Tax by 6%. As a result of the economy, unemployment, and the statutory formula, Local Income Tax revenues are expected to remain down through 2022.

Department heads were asked to complete budget worksheets keeping in mind the anticipated lower revenues. In addition, there will be 27 payrolls in 2021 instead of the usual 26; this happens about once a decade. The average payroll is \$387,000.00. Health insurance rates are increasing by 5.00%. As a result, the only raises included in the 2021 budget were for the step increases for Police Officers; this will impact about three employees.

There is some relief. The Aim Medical Trust has approved a medical premium holiday for January 2021. This comes to a savings of about \$173,000.00. Delta Dental is holding their administrative fee steady for the next two years and vision insurance rates are unchanged. Staff continues to look for ways to save money.

To overcome the anticipated challenges, Staff will look to home-rule funds to supplement property tax-supported funds. This includes the Municipal Surtax and Wheel Tax Funds for expenditures otherwise taken from the Motor Vehicle Highway Fund.

President Mellon opened the floor for public comment on the 2021 budget.

There being no one requesting to speak, President Mellon closed the public hearing.

PUBLIC COMMENT

Because of the unique nature of this meeting, the Town of Munster accepted public comment submitted both in-person and 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. No such comments were received in this manner.

Mr. Barry Abbott, 10352 Sutton Place, has concerns about bike safety and wants Munster to become a bike-friendly town. Mr. Abbott has spoken with various officials and Staff. He is concerned about vehicles parking along the bike path on Fran Lin Parkway. He observed that the bike path has been shut down at Centennial Park; this is a connector trail into Illinois and Schererville, Indiana. Mr. Abbott asked that when sidewalks are replaced along major thoroughfares in Town that they be replaced with bike paths. In addition, Mr. Abbott would like to see “Share the Road” signs.

No one else rose to claim the floor and the public comment session was closed.

Councilor Schoon, as Council liaison to the Park Board, introduced newly hired Director of Parks and Recreation Mark Heintz to those present.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the special meeting held on August 31, 2020

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #20-8U dated 08/31/20 totaling \$82,771.42
Confirmation of Voucher Register #20-8V dated 08/31/20 totaling \$2,825.51
Confirmation of Voucher Register #20-8W dated 08/14/20 totaling \$23,971.67
Confirmation of Voucher Register #20-9A dated 09/01/20 totaling \$96.76
Confirmation of Voucher Register #20-9B dated 09/03/20 totaling \$173,067.36
Confirmation of Voucher Register #20-9C dated 09/10/20 totaling \$101,270.19
Confirmation of Voucher Register #20-9D dated 09/10/20 totaling \$78,216.15
Confirmation of Voucher Register #20-9E dated 09/08/20 totaling \$23,431.55
Confirmation of Voucher Register #20-9F dated 09/10/20 totaling \$200,283.06
Confirmation of Voucher Register #20-9G dated 09/11/20 totaling \$373,681.89
Confirmation of Voucher Register #20-9H dated 09/11/20 totaling \$342,149.70
Confirmation of Voucher Register #20-9I dated 09/11/20 totaling \$2,600.97
Confirmation of Voucher Register #20-9J dated 09/14/20 totaling \$148.20
Approval of Voucher Register #20-9K dated 09/21/20 totaling \$99,198.07
Confirmation of Voucher Register #20-9L dated 09/17/20 totaling \$157,594.02
Confirmation of Voucher Register #20-9M dated 09/17/20 totaling \$12,474.81

TREASURER'S REPORT

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

WATER BILL ADJUSTMENTS 2020-33

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 |
|----------------------|------------------|-----------------|-------------------|------------------|-----------------------------------|------------------|
| 2020-33 | 4,000 | 22,000 | 1 month | \$ 68.65 | \$ 13.40 | \$ 55.25 |

LETTER OF ENGAGEMENT: BOND COUNSEL

Mr. Brad Bingham of the law firm Barnes and Thornburg submitted a proposed letter of engagement to serve as bond counsel for the 2020 General Obligation Bond. The letter of engagement is the same form the Town is accustomed to seeing for these bond issues.

Mr. Bingham proposes a fee of \$10,000.00 plus out-of-pocket charges and expenses. The base fee reflects the cost savings of issuing one bond instead of two separate bonds for General Obligation and Park bonds and are reflective of last year's base fees. The Clerk-Treasurer's Office has estimated that out-of-pocket charges and expenses will not exceed \$500.00.

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

NEW BUSINESS

RESOLUTION 2074: TEMPORARY SIGNS ON PUBLIC PROPERTY

Proposed RESOLUTION 2074 is A RESOLUTION ARTICULATING THE “SENSE OF THE TOWN COUNCIL” REGARDING THE PLACEMENT OF SIGNS ON PUBLIC PROPERTY WITHIN THE TOWN OF MUNSTER. With the upcoming election, the question of when and where campaign signs can be placed has been raised. Council recognized the maintenance problems created by the vast number of signs placed at Town Hall during the primary election earlier this year.

Town of Munster Codes Sections 26-6.701.B.3.b, 26-6.701.B.3.e, and 26-6.701.C.3 precludes placing multiple temporary signs on Town property. Indiana Code 36-1-3-11 addresses election signs. It prohibits enforcement of local ordinances restricting the number or size of signs for sixty days before and six days after an election unless it is a matter of public safety. This statute does not speak to the placement of campaign signs on municipally owned property.

Resolution 2072 has been prepared to express the consensus of the Council regarding campaign signs on municipally owned property.

Councilors Schoon and Koultourides sought clarification on several points in the draft document. In addition, Councilor Schoon supports no political signs on Town property throughout the Town. Councilor Gardiner observed that too many signs become disruptive and sought to ensure signs marking Town Hall as an early voting site be allowed. Councilor Tulowitzki remarked that higher than normal voter turnout is expected for early voting; he proposed allowing one sign per candidate. President Mellon expressed concern about enforcement.

Mr. Westland noted that there is not a consensus. He recommended the document be revised with two options. This could be presented at the next meeting and Council can decide at that time.

Councilor Koultourides moved, with a second by Councilor Schoon, to table Resolution 2074 to the first meeting in October. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against. Motion carried.

ORDINANCE 1806: 2021 BUDGET

Proposed ORDINANCE 1806 is AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (2021 BUDGET). The public hearing was held earlier this evening *supra*. First reading is scheduled for this evening with second reading and adoption scheduled for October 5, 2020.

Councilor Schoon moved, with a second by Councilor Koultourides, to hear the proposed Ordinance 1806 on first reading and set October 5, 2020 for second reading and adoption. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against.

AGREEMENT FOR FINANCIAL SOFTWARE

In the year 2000, the Clerk-Treasurer’s Office entered into an agreement with Pentamation to provide accounting, utility billing and building permit software. Over the past twenty years, Pentamation expanded, merged with, and bought out other software products. Today it is known as Central Square and is used by all Town departments. Over the past five years, Staff has become increasingly dissatisfied with the functionality of the software and support received from Central Square. Repeated conversations with Central Square to resolve the issues lead Staff to believe that the time has come to change providers.

The Clerk-Treasurer's Office has researched several software solutions, seen demonstrations, and talked with colleagues about their experiences with various vendors. One provider stands out. BS&A Software is a Michigan-based company providing local government software for financial management, utility billing, community development, online services, and tax assessment.

The software would be used for general ledger, accounts payable, accounts receivable, utility billing, payroll, building permits, planning, and zoning, and cash receipts. Staff from Community Development have seen the demonstration of the building product, has asked questions, and is satisfied with the product and what it will allow them to do. BS&A Software will allow critical processes to be streamlined, provide greater online capabilities to residents, vendors, and employees, and meet the needs of the Town in a better way than the current provider does.

There are several other Indiana municipalities already using BS&A. Staff has spoken with some of these users and the feedback has been all positive. Other software vendors that would need to integrate with any new software have provided very positive feedback as well. All complimented their customer service. While the quote includes the initial training, BS&A offers regular trainings throughout the year. Because neighboring communities already use the software, there is the opportunity to share costs for any on-going training.

Staff has spoken with Impact about the costs of new servers and other maintenance items required by this change. A copy of the cost estimate from BS&A and Impact were provided to Council along with a summary sheet. The BS&A costs include travel for installation and training. How COVID-19 will play into the amount of actual travel is unknown at this point. The summary sheet assumes all the travel costs will be incurred. The project will be funded through multiple sources including the 2020 General Obligation Bond, the Technology Fund, the Sewer Depreciation Fund, the Water Depreciation Fund, and the Solid Waste Management Fund. A portion of the purchase will be eligible for reimbursement under the CARES Act.

The total to be paid to BS&A in the first two years is \$394,915. The initial outlay and training cost are \$358,475. This includes the first year of support. Support for year two will be \$32,355 and year three will be the same. For comparison, the Town will pay Central Square \$39,010 for maintenance this contract year. Their prices are set to increase October 1, 2020. The price could potentially double.

The agreement with Central Square is set to expire in November 2020. BS&A estimates it will take nine months from contract approval to complete the conversion and be live in the new software. Staff will seek a short-term agreement with the current provider to maintain their software until we are up and running with BS&A.

We recognize this is a significant cost for the Town. Staff has contemplated and researched for about a year and believe this is a wise investment with long-term benefits for the organization.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve the agreement with BS&A Software in an amount not to exceed \$394,915.00 and approve the purchase of server hardware, licensing, and installation by Impact in an amount not to exceed \$23,202.00 for a total project cost of \$418,117.00. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against.

ROAD PAVING AGREEMENT: CALUMET AVENUE

Staff has sought quotes to pave Calumet Avenue from Fran Lin Parkway to the Grade Separation Project limits. Three proposals were received as follows.

| | |
|-----------------|--------------|
| Walsh and Kelly | \$127,126.00 |
| Site Service | \$124,015.00 |
| Reith-Riley | \$ 97,775.00 |

Walsh Construction is the contractor for the Grade Separation Project; Walsh & Kelly is the paving subcontractor for Walsh Construction. The Town's Construction Engineer DLZ has reviewed the bids. DLZ has observed that Walsh & Kelly has the advantage of being fully mobilized on site; however, all three companies could complete the work within the timeline. The paving will be paid from the TIF Allocation Fund.

Councilor Gardiner confirmed that the work will be complete before the asphalt plants close for the season.

Councilor Tulowitzki asked about the railroad tracks. Mr. Anderson explained that the Town has no right to maintain the tracks and the Canadian National Railroad is aware of the situation and appears content to maintain it to the minimum standard.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to sign the Reith-Riley proposal for a cost not to exceed \$97,775.00. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against. Motion carried.

RESTORATION WORK NORTHEAST ALLEY IMPROVEMENTS

Staff sought quotes from thirteen landscaping firms to perform restoration work for the Northeast Alley Improvements Project. C&T Lawn and Landscape of Lynwood, Illinois was the sole respondent. The proposal includes removal and hauling of debris, grading of project areas to specifications, new topsoil, restoration of disturbed areas, and placement of a protective straw blanket.

All bid documents were in order. The engineer's estimate for the work was \$30,000.00. The quote came in at \$24,252.00. The Park Department has used C&T Lawn and Landscape in the past and recommends them for this work.

Councilor Gardiner confirmed with Mr. Anderson that there would be a seed mix as well as sod. He also asked if the residents who had issues with their driveways were made whole. Mr. Anderson stated he is committed to making sure all are happy.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to award the contract to C&T Lawn and Landscape for the amount of \$24,252.00, subject to the review and opinion of the Town Attorney. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against. Motion carried.

CHANGE ORDER # 1: 2020 ALLEY REPAVING

Council approved a contract with Walsh & Kelly to perform the 2020 Alley Repaving work at the meeting of February 3, 2020 in the amount of \$315,367.60. The work is now complete, and adjustments have been made based on final quantities as well as extending contract times. The final stone quantities and other field changes reduced the need for replacing several driveway aprons. This resulted in a reduction in cost of \$55,951.29.

Change Order #1 has been presented for approval. The final contract cost is \$259,416.31.

Councilor Schoon moved, with a second by Councilor Koultourides, to approve Change Order #1. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against. Motion carried.

REQUEST FOR DISPOSAL OF SURPLUS EQUIPMENT

The following list of equipment is no longer serviceable. The items have no resale value. Council is asked to declare the items surplus and authorize their disposal.

| Description | Model | Serial |
|-----------------------------------|-------------|------------|
| Sharp adding machine | EL-2630PIII | 4D008417 |
| Panasonic electric letter opener | BH-751 | 78691 |
| Epson receipt printer | TM-U375P | 2VG0018004 |
| Epson receipt printer | TM-Y375P | 2VG0018165 |
| Epson receipt printer | M115A | JAX0003854 |
| Various drawer inserts/organizers | NA | NA |

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to declare the listed equipment surplus and authorize its disposal. Councilors Schoon, Gardiner, Tulowitzki, Koultourides and Mellon voted in favor; none voted against. Motion carried.

REPORTS

MUNSTER POLICE DEPARTMENT KITCHEN UPDATE

The kitchen in the Police Department has not been updated since its construction in 1982. It was not part of the remodeling that took place in 2001. There are several issues with the kitchen including cabinet doors hanging off, inoperable light fixtures, poor use of space, and general dilapidation. Now that officers are working twelve-hour shifts, the kitchen is seeing more use. Officers approached Police Administration requesting the kitchen be updated and a more functional design implemented.

There is an officer who is also a cabinet maker who has agreed to make and install new cabinets which creates a cost savings for the Town. The remodel is estimated to be \$9,000.00 which includes the installation of new cabinets, sink, faucet, refrigerator, television, and table with chairs. Staff has worked with the Clerk-Treasurer to identify residual funds in the 2016 and 2017 General Obligation Bonds which could be used for the project. Quotes were provided for Council information.

The project costs fall within the limits that the Police Chief can expend without prior approval. Because a Town employee will be performing the work, Chief Scheckel wanted Council to be aware of the project and that the use of a Town employee had been discussed with the Town Attorney to ensure there are no issues with ghost payroll or conflicts of interest.

Councilor Gardiner expressed his concern that other employees might be in the same situation as this officer. He wants to see this addressed in the Employee Handbook with a strict expression of how these situations will be handled.

This matter was brought to the Council for information purposes only. No action was recommended or taken.

PORTFOLIO REPORTS

This portion of the meeting has been added to give elected officials an opportunity to share news about the various boards and commission on which they serve as liaison.

Councilor Tulowitzki reported that there are five candidates for three open seats on the School Board in the coming election. At a recent meeting, the School Board received a request to provide data on the no transportation zone that was implemented in 2015. Councilor Tulowitzki contacted the School Board President requesting the portfolio assignment from the Town Council be formalized. Councilor Tulowitzki has attended meetings but there has been no discussion about how the Civil and School Towns want to coordinate.

Councilor Gardiner mentioned a fundraiser by the Munster Fire Auxiliary.

Councilors Schoon, Koultourides, and President Mellon had nothing to report.

Clerk-Treasurer Mis reported the national response rate to the 2020 Census is 66%. The State is 69.8% and Munster is at 84.2% making it 8th in the State and 468th in the country. Clerk-Treasurer Mis also reported on the recent NIRPC Executive Board meeting which included a discussion on the Indiana University Environmental Resilience Institute. The Institute is looking to perform a study on greenhouse gases next summer. NIRPC is asking for letters of commitment from communities to support the initiative. Councilor Tulowitzki asked that the matter be an agenda item at a future meeting. Councilor Schoon supports this initiative stating that Northwest Indiana expects Munster to lead on this.

ANNOUNCEMENTS

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.)
The number of residents able to participate in person will be limited based on the Governor's Executive Order(s) in effect at that time.

The Town Council will hold regular meetings on Monday, October 5, 19, and November 2, 2020. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, Councilor Koultourides moved with a second by Councilor Tulowitzki, to adjourn. Councilors Schoon, Gardiner, Koultourides, Tulowitzki, and Mellon voted in favor and the meeting adjourned at 8:09 p.m.

ATTEST:

Lee Ann Mellon, President

Wendy Mis, Clerk-Treasurer