

**TOWN OF MUNSTER**  
**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL**  
**APRIL 19, 2021**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, April 19, 2021. 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. Councilors, Staff, and the public had the option to participate via Zoom meeting technology. Councilors Chuck Gardiner, Andy Koultourides, Lee Ann Mellon, Ken Schoon and Steven Tulowitzki were physically present at Town Hall. President Koultourides presided.

Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Town Attorney Dave Westland, Director of Parks and Recreation Mark Heintz, Superintendent of Operations Chris Spolnik, and Munster Representative to the Hammond Sanitary District Mike Hawkins was present in the virtual setting. 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 continually changing situation. 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 Koultourides opened the meeting with a moment of silence followed by the pledge of allegiance.

**PUBLIC HEARING: AMENDING WATER RATES**

The Munster Water Utility purchases its water from the City of Hammond Water Works Department. Last year, Hammond attempted to raise the rate from \$0.52/1,000 gallons to \$1.90/1,000 gallons. Through a series of negotiations, the Town of Munster and other wholesale communities were able to reach an agreement with Hammond for a new rate of \$0.95/1,000 gallons effective January 1, 2021.

The agreement is not yet in final form and Staff anticipates receiving a bill of approximately \$220,000 for the first six months of this year to cover the retroactive nature of the rate increase. This cost will be shared by all users.

At the same time, the Munster Water Utility has rising costs for transportation and distribution of the water purchased from Hammond to the Munster customers. It is known that there are major infrastructure projects that need to be completed for the utility. At the March 15, 2021 meeting, Council approved an agreement to perform a cost-of-service study for the water utility. Until that is complete, the rates need to be adjusted to cover the operational costs of the Munster Water Utility.

A public hearing was properly advertised for this evening to allow rate payers the opportunity to be heard. Second reading on the ordinance is scheduled this evening. If adopted, the rates will go into effect with the bills due July 20, 2021.

President Koultourides opened the public hearing.

No one rose to speak, and the floor was closed by President Koultourides.

## **PUBLIC HEARING: AMENDING REFUSE COLLECTION RATES**

Council approved a garbage and recycling collection contract with Homewood Disposal Service at the regular meeting of March 15, 2021. The new contract is a material increase from the prior rate.

Residential customers currently pay a fee of \$19.43 on their monthly water utility bill for refuse collection. This fee is designed to cover the weekly garbage and recycling collection as well as the seasonal branch, leaf, and general yard waste collection provided by the Public Works Department. The current fee went into effect in 2014.

A public hearing was properly advertised for this evening to allow rate payers the opportunity to be heard. Second reading on the ordinance is scheduled this evening. If adopted, the rates will go into effect with the bills due July 20, 2021.

President Koultourides opened the public hearing.

Mr. Mike Dujmovic, 1833 Tulip Lane, observed that the contract with Homewood Disposal Services calls for a 4.00% annual rate increase to the Town and asked if the resident rate would increase the same each year. Mr. Anderson stated his recommendation to Council would be to consider raising the residential rate to keep pace with the contract.

No one else rose to speak and the floor was closed by President Koultourides.

### **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](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 reported that none were received.

Mr. Mike Dujmovic, 1833 Tulip Lane, asked about what is meant by traffic calming as described in the Community Crossing Matching Grant matter to be discussed later in the meeting. Mr. Anderson explained it will be an impediment placed in the middle of the intersection to deter traffic from rolling through the stop sign. Multiple options are available and will be considered.

No one else rose to claim the floor.

### **CONSENT AGENDA**

### **APPROVAL OF MINUTES**

Approval of the minutes of the regular meeting held on April 5, 2021

### **ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #21-4C dated 04/06/21 totaling \$222.33  
Confirmation of Voucher Register #21-4D dated 04/08/21 totaling \$377,376.13  
Confirmation of Voucher Register #21-4E dated 04/09/21 totaling \$530,136.70  
Confirmation of Voucher Register #21-4F dated 04/09/21 totaling \$475,741.26  
Confirmation of Voucher Register #21-4G dated 04/09/21 totaling \$3,576.36  
Confirmation of Voucher Register #21-4H dated 04/13/21 totaling \$936.07  
Approval of Voucher Register #21-4I dated 04/19/21 totaling \$92,915.38  
Confirmation of Voucher Register #21-J4 dated 04/15/21 totaling \$429,028.44  
Confirmation of Voucher Register #21-4K dated 04/15/21 totaling \$715.06

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

### **OLD BUSINESS**

#### **ORDINANCE # 1822: FIRST AMENDMENT TO THE 2021 SALARY ORDINANCE**

Introduced ORDINANCE 1822 is AMENDMENT #1 TO THE 2021 SALARY ORDINANCE had first reading at the meeting of April 5, 2021. The ordinance allows a one-time payment of overtime to certain exempt employees, creates an Assistant Town Manager position, modifies the payroll distribution for two positions in the Park Department, and creates a seasonal, part-time position of Centennial Park Attendant.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt proposed Ordinance 1822 on second reading. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **ORDINANCE # 1823: AMENDING SCHEDULE A – WATER UTILITIES**

Introduced ORDINANCE 1823 is AN ORDINANCE AMENDING SCHEDULE “A,” A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR WATER UTILITIES. This ordinance was the subject of a public hearing *supra*.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to adopt proposed Ordinance 1823 entitled: AN ORDINANCE AMENDING SCHEDULE “A,” A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR WATER UTILITIES on second read. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **ORDINANCE # 1824: AMENDING SCHEDULE A – REFUSE COLLECTION FEE**

Introduced ORDINANCE 1824 is AN ORDINANCE AMENDING SCHEDULE “A,” A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR REFUSE DISPOSAL. This ordinance was the subject of a public hearing *supra*.

Councilor Gardiner asked if the Cost-of-Service Study will look at the cost of leaf and branch collection. Mr. Anderson stated that it will not but confirmed that Staff reviews the cost annually.

Councilor Gardiner moved, with a second by Councilor Mellon, to adopt Ordinance 1824 entitled: AN ORDINANCE AMENDING SCHEDULE “A,” A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR REFUSE DISPOSAL on second reading. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

### **NEW BUSINESS**

#### **ORDINANCE 1825: AMENDMENT #2 TO 2021 SALARY ORDINANCE**

Proposed ORDINANCE 1825 is AMENDMENT #2 TO THE 2021 SALARY ORDINANCE. At the April 6, 2020 meeting, the Council adopted Ordinance 1796 in response to the Coronavirus pandemic. The ordinance made a temporary change to the rules surrounding sick leave. Specifically, employees are allowed to run their sick and vacation leave banks into the negative and continue to get paid. Once the employee is healthy and returns to work, the sick and vacation leave bank will begin to accrue and, essentially, pay back the time. If an employee quits or is terminated prior to earning back the sick and vacation time, the balance paid will be reduced from the final paycheck. Ordinance 1814 extended the policy through March 31, 2021.

There have been employees with multiple exposures and related quarantines. In these situations, the federal leave has been exhausted and employee leave banks used. The current trend of the pandemic makes it likely that more Town employees will be facing quarantine or isolation. In this scenario, more employees will likely run out of both leave time. Staff recommends the policy be extended into through the second quarter of 2021.

President Koultourides stated the policy should be monitored for the next year.

Councilor Schoon moved, with a second by Councilor Tulowitzki, suspend the rules, waive the readings, and adopt Ordinance 1825 on first reading as presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

#### **CHANGE ORDER #013: GRADE SEPARATION PROJECT**

The Grade Separation Project includes installation of storm sewer pipe and structures. The Canadian National Railroad requires utilities running under the tracks be installed in steel casings. During construction, groundwater was trapped within the shoofly aggregate base and drained through the casing. The railroad required the casing be advanced further north and a steel bulkhead be welded to the casing to prevent further water infiltration and potential settling of the track. The change order represents the costs of manpower, material, and equipment to complete the work.

DLZ Engineering representative Lee Randell was present virtually to explain the various change orders and answered questions.

Councilor Gardiner asked that once these change orders are complete that an updated change order listing be provided. Staff replied that there will be more in May and the updated list will be provided after that.

The total cost of Change Order #013 is \$10,426.93 and represents 0.051% of the original contract price. The total changes to-date are \$1,644,529.27 or an 8.007% increase to the total project cost. The TIF Allocation Fund will cover the change order. The change order has been reviewed and approved by the Town's construction engineering firm DLZ as well as INDOT.

Councilor Tulowitzki moved, with a second by Councilor Gardiner, to approve Change Order #013 for INDOT Contract B-36229 in the amount of \$10,426.93. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **CHANGE ORDER #019: GRADE SEPARATION PROJECT**

The Grade Separation Project included the installation of underground storm sewers. The original maintenance of traffic did not account for the full width of construction of Calumet Avenue and 45<sup>th</sup> Street. Included with the added phase changes was a temporary inlet and additional pipe to maintain drainage at the intersection. This matter is related to Change Order #007.

The total cost of Change Order #019 is \$3,840.06 and represents 0.019% of the original contract price. The total changes to-date are \$1,649,349.33 or an 8.026% increase to the total project cost. The TIF Allocation Fund will cover the change order. The change order has been reviewed and approved by the Town's construction engineering firm DLZ as well as INDOT.

Councilor Gardiner moved, with a second by Councilor Mellon, to approve Change Order #019 for INDOT Contract B-36229 in the amount of \$3,840.06. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **CHANGE ORDER #026: GRADE SEPARATION PROJECT**

The Grade Separation Project included construction of a temporary shoofly for the Canadian National Railroad. Delays in the review process for the earth retaining system and the fiber optic utility relocation resulted in an acceleration agreement. Not all work was able to be completed in 2020. The change order represents costs for manpower, equipment, and traffic control devices to restrict traffic on 45<sup>th</sup> Street for up to four weeks.

The total cost of Change Order #026 is \$2,177.74 and represents 0.011% of the original contract price. The total changes to-date are \$1,650,547.07 or an 8.036% increase to the total project cost. The TIF Allocation Fund will cover the change order. The change order has been reviewed and approved by the Town's construction engineering firm DLZ as well as INDOT.

Councilors Gardiner and Tulowitzki clarified that this would take about four weeks. Mr. Randell explained that the work has already begun and the first week is complete.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve Change Order #026 for INDOT Contract B-36229 in the amount of \$2,177.74. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

**PROPOSAL FOR ENGINEERING SERVICES:**  
**2021-1 COMMUNITY CROSSING MATCHING GRANT**

The Town has applied for the first round of 2021 Community Crossings Matching Grant (CCMG) funding for roadwork on River Drive, North Delaware Parkway, East Delaware Parkway and Potomac Drive. SEH has submitted a proposal for the necessary engineering plans and specifications as follows.

- Task 1.1: Topographical Survey
- Task 1.2: Project Plan Sheets
- Task 1.3: Traffic Calming Measures
- Task 1.4: Project Contract Documents
- Task 1.5: Bid Phase Services
- Task 2: Resident Project Representative Services

Tasks 1.1 through 1.4 for a lump sum fee of \$51,000.00. SEH proposes to complete Task 2 on an hour rate basis not to exceed \$21,000.00 without prior authorization. Construction could begin as early as September 2021.

Councilors Schoon and Tulowitzki asked for more information on the speed control methods in the project and other areas.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to accept the proposal from SEH to complete the engineering work on Tasks 1 and 2 for a not to exceed total of \$72,000.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

**PROPOSAL FOR WELL FIELD BALANCING AT CENTENNIAL PARK LANDFILL**

The Town operates a Landfill Gas to Energy Facility at the former landfill site located at Centennial Park. The generator captures methane gas created by the landfill and converts it to electricity. The Town works with a variety of contractors and consultants to maintain the property and compliance.

Over the past year, there has been some employee turnover and a level of experience and knowledge has been lost. Staff recently met with the various contractors and consultants to learn more about the ongoing needs of the landfill and what to expect from the generator. In order to get a better understanding of what can be expected from the generator and to maintain IDEM compliance, Cabeno Environmental Field Services strongly recommended performing monthly balancing and tuning of the wellfield. Repairs and system improvements will be noted during the monthly balancing and tuning and can be performed on a time and materials basis. Well field balancing is in industry standard best practice.

The monthly cost is \$2,120.00 for an annual cost of \$25,440.00. The cost will be paid by the Solid Waste Management Fund 623.

Councilor Gardiner asked if there is a review of revenues and expenses as we move into the future. Mr. Heintz responded that is the ultimate goal, that a major investment will be needed in the next three years, and this will put the Town in a better position to make the decision of how much to invest in the generator at that time.

Councilor Tulowitzki commented on the historical revenue figures and the environmental benefits.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, approve two proposals dated April 13, 2021 from Cabeno Environmental Field Services for monthly balancing and monitoring of the methane wellfield at the Centennial Park landfill and the time and material basis for any repairs that are beyond the monthly scope. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

### **PURCHASE OF COMBINATION SEWER VACTOR/CLEANER**

Public Works Staff wants to purchase a new sewer vac. The current Vactor Unit #466 was purchased in 2012 and is due for replacement. Staff prefers staying with the Vactor brand as the mechanics have been trained in it and a service center is nearby in Elmhurst, Illinois.

The current Unit #466 will be retained in the fleet and used primarily for hydro-excavation which is rough on equipment. The new Vactor would be used primarily for sewer cleaning. By separating the duties, the life of the new unit will be extended. The new Vactor 2100i Combination Sewer Cleaner will be mounted on a 2022 model year International HV tandem axle chassis and delivered to the Public Works Garage with factory training. The unit will have an extended boom arm reach and sanitizer feature for cleaning the hose upon retraction into its reel.

The new unit will be purchased from Standard Equipment Company through Sourcewell Contract #122017-FSC. Staff investigated financing options and received two quotes as follows.

Vendor	Term	Rate in Arrears	Payment in Arrears	Rate in Advance	Payment in Advance
Public-Finance.com	5 year	2.48%; factor – 0.2151	\$101,660.00	2.39%; factor – 0.2096	\$99,035.00
Public-Finance.com	7 year	2.77%; factor – 0.1591	\$ 75,200.00	2.68%; factor – 0.1544	\$73,000.00
Tax-Exempt Leasing	5 year	2.79%; factor – 0.21705	\$102,571.32	2.79%; factor – 0.21116	\$99,787.88
Tax-Exempt Leasing	7 year	2.89%; factor – 0.15984	\$ 75,535.59	2.89%; factor – 0.15535	\$73,413.75

Both options result in the Town owning the equipment at the end of the lease term. In lieu of a lump sum purchase of \$472,570.00, the Office of the Clerk-Treasurer recommended spreading payments out over a seven-year period with payment in advance with Public-Finance.com. Funding will be from the Sewer Maintenance 280 and Sewer Depreciation Funds 283.

Councilor Gardiner moved, with a second by Councilor Schoon, to approve the lease purchase proposal dated April 19, 2021 from Public-Finance.com for the lease-purchase of a Vactor 2100i Combination Sewer Cleaner in the amount of \$472,570.00 from Sourcewell financed over seven years with the first payment in advance due upon vehicle delivery and yearly thereafter in the amount of \$73,000.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

### **FAA PUBLIC DECLARATION LETTER FOR MUNSTER POLICE DRONE PROGRAM**

As part of the body camera project, the Police Department acquired drones. In order for the Munster Police Department to operate an unmanned aircraft in a law enforcement capacity, it is required for the Town of Munster to file a Public Declaration Letter with the Federal Aviation Administration (FAA). The letter must be completed by the Town Attorney and cannot be done internally.

This is the first step in the process to allow nighttime flight, tactical beyond line-of sight flight and to deploy the drones in the Lansing Airport controlled airspace. The drones will not be used for commercial purposes. There will be further applications and filings throughout the process.

Councilor Gardiner moved, with a second by Councilor Schoon, to authorize Town Attorney Dave Westland to send the Public Declaration Letter for the Town of Munster for the purpose of applying for authorization certificate to operate unmanned aircraft for the Police Department to the Federal Aviation Administration. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried.

## **REPORTS**

### **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 Schoon reported that the new Park brochure will be coming in the mail soon and that it is already available online.

No other reports were given.

### **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, May 3, and 17, 2021. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

### **ADJOURNMENT**

There being no further business to come before the Council, and upon a motion by Councilor Tulowitzki and seconded by Councilor Gardiner, the meeting adjourned at 7:47 p.m. by voice vote.

ATTEST:

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Andy Koultourides, President

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Wendy Mis, Clerk-Treasurer