

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
JUNE 7, 2021

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, June 7, 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, Fire Chief Mark Hajduk, Police Chief Stephen F. Scheckel, 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 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. Mr. Anderson reported that none were received.

Mr. Mike Dujmovic, 1833 Tulip Lane reported that the NIPSCO easement by Bluebird and the Highland border has overgrown shrubbery and litter and it blocks the sidewalk. He asked if NIPSCO can be contacted to maintain the area. Mr. Anderson stated the sidewalk should always be clear and will look into it. Mr. Dujmovic stated that the City of Hammond is offering free water testing for its residents and asked if Munster residents should be concerned. Mr. Anderson stated the Town complies with all requirements related to water quality.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on May 17, 2021

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #21-5K dated 05/20/21 totaling \$333,769.67
Confirmation of Voucher Register #21-5L dated 05/26/21 totaling \$238,684.08
Confirmation of Voucher Register #21-5M dated 05/21/21 totaling \$396,766.37
Confirmation of Voucher Register #21-5N dated 05/27/21 totaling \$522,559.17
Approval of Voucher Register #21-6A dated 06/07/21 totaling \$345,998.26
Confirmation of Voucher Register #21-6B dated 06/03/21 totaling \$444,764.42
Confirmation of Voucher Register #21-6C dated 06/04/21 totaling \$275.00

WATER BILL ADJUSTMENTS 2021-26 AND 2021-27

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
2021-26	3,000	176,000	2 months	\$ 496.60	\$ 476.52	\$ 20.08
2021-27	4,000	18,000	2 months	\$ 58.65	\$ 31.87	\$ 26.78

Councilor Schoon moved, with a second by Councilor Gardiner, 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.

NEW BUSINESS

CHANGE ORDER #025: GRADE SEPARATION PROJECT

During construction there was a single vehicle accident involving a stolen vehicle which struck and damaged the temporary impact attenuator. The equipment was repaired, and the contractor attempted reimbursement through the vehicle owner's insurance. The claim was denied because at the time of the accident, the vehicle was stolen. INDOT allows payment for damaged property in this circumstance. DLZ Engineer Lee Randell was present in the virtual setting to explain the various change orders and to answer questions.

The total cost of Change Order #025 is \$6,554.85 and represents 0.032% of the original contract price. The total changes to-date are \$1,657, 110.00 or an 8.068% 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 asked if the contractor has insurance. Mr. Randell stated the contractor insurance does not cover this.

Councilor Gardiner moved, with a second by Councilor Mellon, to approve Change Order #025 for INDOT Contract B-36229 in the amount of \$6,554.85. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

CHANGE ORDER #028: GRADE SEPARATION PROJECT

The Grade Separation Project included watermain work including relocation. Change Order #003 was previously approved and allowed for the use of IN-53 crushed stone. Grimmer Construction used IN-8 crushed stone. Change Order No. 028 is needed to substitute pay items with specific references to IN-53 crushed stone. Both item quantities are being adjusted based on actual quantities placed.

The total cost of Change Order #028 is a reduction of \$25,855.00 and represents -0.126% of the original contract price. The total changes to-date would be \$1,641,582.92, or an 7.993% 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 confirmed with Mr. Randell that the unit costs went down while the quantities remained the same.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve Change Order #028 for INDOT Contract B-36229 in the amount of -\$25,855.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

CHANGE ORDER #029: GRADE SEPARATION PROJECT

The Grade Separation Project included the construction of retaining walls at the underpass corners. The contract plans included specific limits for T-wall, limits for either Cut Wall or T-Wall, or specific limits of Cut Wall. Walsh Construction elected to use T-Wall for the construction of all four retaining walls. Unit prices of all retaining wall related items was very similar. Cut Wall unit prices were expected but are being substituted based on the T-Wall construction. The existing pay items are being substituted at the same quantity and unit price for material acceptance purposes in accordance with INDOT specifications and requirements.

There is not cost associated with Change Order #029 and will be participating since the work is necessitated by the contract and is a substitution of participating items. The total changes to date would be \$1,641,582.92 or a 7.993% increase of the total project cost. 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 #029 for INDOT Contract B-36229 in the amount of zero dollars. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

ENGAGEMENT LETTER: OUTSIDE COUNSEL

At the March 15, 2021 meeting, Council approved the engagement of Dentons Bingham and Greenebaum for consultant work related to the cost-of-service study and anticipated water and sewer rate increases. Staff is asking to expand the scope of services provided to include activities that would lead up to, and perhaps include, litigation.

Work would be performed on an hourly basis with charges ranging from \$240.00 to \$785.00/hour depending on the experience of the lawyer or professional. The primary attorneys assigned to the task are billed at \$390.00/hour.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to enter into an agreement with Dentons Bingham and Greenebaum for the revised scope of services. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

SETTLEMENT AGREEMENT: SHELL V TOWN OF MUNSTER

The Town has been working through a liability insurance claim from an accident which occurred in 2018. The parties went through mediation and have now reached a settlement agreement.

The Council is being asked to approve the written Release and Settlement Agreement agreeing to dismiss the lawsuit and release the Town and the employee involved from any further liability in exchange for a payment of \$50,000.00.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to accept the written Release and Settlement Agreement as presented and to authorize Attorney Westland to sign on behalf of the Town. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

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 Gardiner reported that over the "...past month Council members, Board of Safety members and Department Heads received the Munster Police Department CALEA (Commission on Accreditation for Law Enforcement Accreditation) Full Compliance Review that encapsulates the last four years of our accreditation cycle. This very favorable Compliance Review outlines the department's yearly compliance to all applicable CALEA Standards as well as the outcome of CALEA's On-Site Review which took place this past March 8-9, 2021. While the final determination of our police departments continued accredited status will be determined by the CALEA Accreditation Commission at the July CALEA Conference, this report leads us to believe that this accreditation will continue."

Town of Munster Representative to the South Shore Convention and Visitors Authority (SSCVA) Matt Maloney was present to provide an update to Council. Mr. Maloney is now the Treasurer of the SSCVA. He expressed his appreciation for the appointment and is now the Treasurer of SSCVA. He explained the grant opportunities that are available to local units and encouraged the Town to apply.

Councilor Tulowitzki asked how the SSCVA interacts with the Town of Munster. Mr. Maloney explained that the organization used to work with hotels and Park staffs to arrange ball tournaments. The focus has now shifted to work directly with municipalities to help support local festivals and events.

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, June 21, and July 19, 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 Mellon, the meeting adjourned at 7:27 p.m. by voice vote.

ATTEST:

Andy Koultourides, President

Wendy Mis, Clerk-Treasurer