

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

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, July 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 Andy Koultourides, Lee Ann Mellon, Ken Schoon and Steven Tulowitzki were physically present at Town Hall. Councilor Chuck Gardiner was absent from the meeting. President Koultourides presided.

Also present in Town Hall were Clerk-Treasurer Wendy Mis, Town Attorney Dave Westland, Fire Chief Mark Hajduk, Director of Public Works Stephen Gunty, Public Works Superintendent of Operations Chris Spolnik, Munster Representative to the Hammond Sanitary District Mike Hawkins, Munster Representative to the South Shore Visitor and Convention Center Matt Maloney, School Board Member John Doherty, Hammond Sanitary District Mike Hawkins and Police Sargent Kuhlenschmidt. Lieutenant Daymon Johnston was present in the virtual setting. The news media were not represented. The public was given the information needed to access the meeting virtually via Zoom, and none 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.

PROCLAMATION – NATIONAL NIGHT OUT AGAINST CRIME

President Koultourides read the proclamation recognizing August 2, 2021, as National Night Out Against Crime in the Town of Munster.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to adopt "A Proclamation Recognizing the National Night Out" Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried 4 – 0 and the proclamation was adopted.

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 share via email prior to the beginning of the meeting that no emails were received.

Mr. Matt Maloney, 1524 MacArthur presented the Town of Munster a grant check for \$20,000 from the South Shore Visitor and Convention Center. The Town applied for the grant to help promote our fall parks events. The SSVCC will be advertised on all promotional material for the events as a part of the grant. Mr. Maloney was thanked for his efforts on behalf of the town to secure the grant.

Mr. Robert Thomas, 8445 Manor asked if a cost-analysis had been performed for the upcoming agenda item for the telecom audit. Clerk-Treasurer Mis shared the agreement would highlight only cost savings for the Town and we will split 50/50 any immediate efficiencies.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on June 21, 2021

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #21-6M dated 06/24/21 totaling \$409,090.19
Confirmation of Voucher Register #21-6N dated 06/30/21 totaling \$4,464.23
Confirmation of Voucher Register #21-7A dated 07/01/21 totaling \$57,966.16
Confirmation of Voucher Register #21-7B dated 07/02/21 totaling \$493,114.58
Confirmation of Voucher Register #21-7C dated 07/09/21 totaling \$56,208.51
Confirmation of Voucher Register #21-7D dated 07/08/21 totaling \$541,981.36
Confirmation of Voucher Register #21-7E dated 07/09/21 totaling \$32,396.30
Confirmation of Voucher Register #21-7F dated 07/15/21 totaling \$228,769.64
Confirmation of Voucher Register #21-7G dated 07/16/21 totaling \$448,896.08
Approval of Voucher Register #21-7H dated 07/19/21 totaling \$225,175.91

TREASURER'S REPORT

The May 2021 Treasurer's Report was presented for acceptance.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against. The motion carried 4-0 and the Consent Agenda was adopted.

NEW BUSINESS

MUNSTER/HAMMOND WATER WORKS PURCHASE AND SETTLEMENT AGREEMENT

Munster is a wholesale customer of the Hammond Water Works Department. This means that we pay Hammond a flat fee for clean water. The previous rate we paid was \$.52/1,000 gallons. This rate hadn't been adjusted for decades. Last fall, there was an attempt to raise the rate to \$1.90/1,000 gallons. Through negotiations with the City, Munster and the other wholesale communities were able to agree with Hammond on a new rate of \$.95/1,000 gallons, effective January 1, 2021.

The Town and other wholesale communities must adopt two agreements. The first is a Settlement Agreement. This instrument ends the potential litigation with the Civil City of Hammond and the Hammond Water Works Department. The second instrument is the Purchase Agreement. This details the roles and responsibilities of all parties as they relate to the purchase of wholesale water as well as the future rates for the next ten (10) years.

The Settlement Agreement extinguishes all prior agreements with all wholesale customer communities and holds that uniform purchase agreements will be adopted between the Hammond Water Works Department and all wholesale customer communities. These uniform purchase agreements eliminate the possibility of disparate treatment and ensures predictability in expenditure and revenue for communities and Water Works Department, respectively.

The Purchase Agreement establishes a number of technical specifications that are related to the transmission of water, including – but not limited to – rate of withdraw, water pressure, transmission facilities, and water quality.

Upon adoption of the Purchase Agreement, wholesale rates will be as follows:

Wholesale Water Rates	
January 1 through December 31,	
2021	\$ 0.95 per 1,000 gallons
2022	\$ 1.05 per 1,000 gallons
2023	\$ 1.10 per 1,000 gallons
2024	\$ 1.15 per 1,000 gallons
2025	\$ 1.25 per 1,000 gallons
2026	\$ 1.35 per 1,000 gallons
2027	\$ 1.45 per 1,000 gallons
2028	\$ 1.55 per 1,000 gallons
2029	\$ 1.60 per 1,000 gallons
2030	\$ 1.60 per 1,000 gallons

Wholesale Water Rates January 1 through December 31 If parties agree to renew, Munster must notify Hammond between 12 and 18 months of the expiration of the existing agreement. Renewal options are either a second 10-year contract with wholesale rates being set at 69.9% of the Hammond residential rate; or, a two-year option with pricing set at \$1.75 per 1,000 gallons.

A brief discussion which included clarification from David McGimpsey of Dentons Bingham Greenebaum LLP was held to understand application and administration of the agreements.

Councilor Tulowitzki moved, with a second by Councilor Mellon, authorize the Council President, to execute the Settlement Agreement with Hammond Water Works. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried 4-0.

Councilor Tulowitzki moved, with a second by Councilor Schoon, authorize the Council President, to execute the Purchase Agreement with Hammond Water Works. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried 4-0.

B-36229 CCHANGE ORDER 030 – OVERRUN AND UNDERRUN ITEMS

In accordance with INDOT Standard Specifications, item quantities resulting in + \$20,000.00 or more per item must be adjusted via change order prior to contract finalization.

Twenty-four over and under runs were presented and review with DLZ representative Lee Randall. The total cost of the change order is \$231,504.45 based on final quantities of existing contract item and prior change order items. this change order would be 1.127% of the original contract price and the total changes to date would be \$1,873,087.37 or a 9.120% increase of the total project cost.

Councilor Mellon moved, with a second by Councilor Schoon, to Change Order #030 for Overrun and underrun items in the amount of \$231,504.45 Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against.

SPYGLASS TELECOM AUDIT

SpyGlass is an auditor and independent contractor that analyzes primary telecommunications service accounts (Voice, Data, Internet, Cloud Services and Mobility/Cellular) to seek cost recovery, service elimination and cost reduction recommendations. SpyGlass has worked with many units of local government in and around Lake County and Indiana. A client list is included in the meeting materials. To do this work, the Town will provide three months of bills to SpyGlass. After reviewing the information, SpyGlass will deliver recommendations to us, and implement those recommendations that we elect to move forward with, as well as deliver a complete telecommunications inventory. At the conclusion of implementation, we will receive an Industry Benchmark Analysis (“IBA”) Meeting to compare our spending and audit results against industry peers as well as all SpyGlass clients, officially bringing closure to the engagement. Spyglass is compensated as follows ONLY for recommendations implemented within twelve (12) months of SpyGlass delivering the recommendation to us, 50% of any “Cost Recovery”, 12 times any “Service Elimination Savings”, and 12 times any “Cost Reduction Savings”. To capitalize

on this opportunity requires the Town to enter into an agreement with SpyGlass to conduct this work, as well as sign a letter of agency that allows SpyGlass to have access to all customer service records, account information, etc.

Clerk-Treasurer Mis shared Spyglass reported a 26% reduction in monthly spending. Communities in our region had identified \$18,000 and \$47,000 in potential savings and the communities implemented \$17,000 and \$30,000 of savings respectively. Spyglass will be unable to identify potential savings once the audit has been completed.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to authorize the Town Manager to enter into an agreement with SpyGlass for telecommunications cost recovery services. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against.

BROADMOOR AVENUE EMERGENCY PAVING

On the early evening of June 17 there were two major watermain breaks that occurred back-to-back on Broadmoor Avenue between Harrison and Van Buren. The first one occurred at the Harrison corner (8103 Harrison) on Broadmoor Avenue and upon shutting off the valve to stop water flow there another watermain break occurred at the Van Buren corner (8103 Van Buren) on Broadmoor Avenue. Broadmoor Avenue suffered extensive damage from the underground flow of water that caused extreme buckling spanning both travel lanes from curb to curb, in addition to other ancillary concrete curb and driveway damage that occurred. A large section of roadway measuring 30 ft across by 100 ft long required immediate replacement as it was barely passable and caused traffic to back up in all directions to safely traverse it. The damage was extensive, and it was necessary to repair immediately to prevent further roadway damage. In effect, this was an emergency exacerbated by the extreme buckling that created a huge safety risk to all the busy traffic on this street, which compelled that a decision be made to complete this roadway restoration posthaste without delay. Pavement restoration quotes were solicited and based on the advice of SEH, the Town Manager proceeded to authorize low bidder Milestone Contractors North on July 8 to begin work immediately.

Councilor Mellon moved, with a second by Councilor Schoon, to approve the paving proposal from Milestone Contractors North in the amount of \$21,785. The paving project will be funded through the Street Resurfacing Fund #258-91501-64972. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against.

HASSE EQUIPMENT RENTAL AGREEMENT - WEST LAKES SUBDIVISION DITCH CLEARING

Two significant rain events on June 24th & 26th affected stormwater retention levels in the Carnaby Pond to the point that the two Lift Station pumps could not keep up with rising levels. Water also backed up into the street. Despite recently renovated pumps at the Lift Station, Public Works brought in two additional six-inch pumps on June 26th that helped prevent the pond from overflowing but only after 2 hours into their use and only reassuringly once the rain event ended at 7:30pm. In the week following, preliminary observations from debriefing discussions held with the Town Manager and key staff involved led to some action steps and further research steps. It was noted that despite Public Works best and feverish efforts to reduce the Carnaby Pond level, the pumping mostly stabilized the pond level. It was hypothesized that the water in the pond seemed to be recycling back in after being pumped out. This led to the possibility of two culprits, namely, the drainage ditches and/or the Carnaby Pond lift station. The drainage ditches surrounding West Lakes Subdivision are extremely overgrown and their original storage capacity has been compromised. There's also no backup prevention system to stop ditch water flowing back into the pond. An action step of installing 2 duckbill backup preventers at outfalls was sanctioned ASAP while clearing the ditch system of its overgrowth of brush and trees was determined to be an urgent priority that Public Works could do in-house with a rented heavy ditch excavator. Scope of ditch work includes the West Lakes Subdivision ditches on its West side bordering the Lansing Airport and on its South side bordering farmland. Additionally, the renovated Lift Station pumps were to be re-studied with Metropolitan Pump, a task that began on July 9 anticipating any insight gained to be reported to the Town Manager during week of July 26. It was determined that this ditch maintenance is essential and will enhance any further improvements deemed necessary to the Carnaby Pond stormwater lift station itself.

Councilor Mellon moved, with a second by Councilor Tulowitzki, approve the Equipment Rental Agreement with Hasse Construction in the amount of \$2,800 for use of an oversized Excavator with Ditch Bucket for one week to be funded through Sewer Maintenance – Other Professional Services #280-30901-63105. Councilors Schoon, Mellon, Tulowitzki, and Koultourides voted in favor; none voted against.

PURCHASE OF SEWER JETTER

The Water/Sewer Division utilizes a sewer jetter (aka: backyard easement machine) extensively to gain access to rear yard storm/sanitary sewer systems inaccessible by the Sewer Vactor machine. The jetter extends the range of the Sewer Vactor by up to 600 feet by use of a reel hose that attaches to the Vactor and that is mounted on a gas-powered tractor chassis which is driven with hand controls to the site, often through narrow side yards and other tight spaces in route to rear yard sewer systems located in the back maintenance easement. Our current sewer jetter was bought in 2000 and is not only obsolete and due for replacement under our 5 Year Capital Improvement Plan, but also been inoperable for several months.

Public Works received three (3) quotes for a new sewer jetter: 1) Southeastern Equipment Company (Stittsville, NY) quoted a Dyna Vac Rhino model RH100 with 600ft of 1" hose at \$59,500 with a trade-in of \$2,800 for a net total of \$56,700 (unit delivery is 7 months out). 2) Sewer Equipment Co. of America (Dixon, IL) quoted a JAJ-600WH Work Horse Easement Machine with 500ft of 1" hose at \$71,964.30 with a trade-in of \$2,500 for a net total of \$69,464.30 (unit is in-stock with delivery available immediately). 3) Standard Equipment Company (Elmhurst, IL) quoted Sourcewell Cooperative Purchasing Contract #122017-FSC for a VACTOR ACE Easement machine with 500ft of 1" hose at \$96,430 with a trade-in of \$2,500 for a net total of \$93,930 (unit delivery is 90 to 120 days out). Due to urgency for this replacement, Public Works recommends purchase of the JAJ-600WH from Sewer Equipment Co. of America.

Councilor Schoon moved, with a second by Councilor Tulowitzki, approve purchase of the JAJ-600WH Work Horse Easement Machine from Sewer Equipment Co. of America for \$69,464.30 with funding from Sewer Fund Account 280-91508-64450. Councilors Schoon, Mellon, 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.

Clerk-Treasurer Mis shared the May Treasurer's Report include an advance of property tax in the amount of \$ 917,640.28. Mis also stated the paperwork required to apply for our state issued American Rescue Plan funds will be signed by Council President Koultourides and be submitted on July 20th. The next step will be to identify revenue replacement and create the plan required to expend the funding

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, August 2, and August 16, 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 7:40 p.m. by voice vote.

ATTEST:

Andy Koultourides, President

Wendy Mis, Clerk-Treasurer