

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
SEPTEMBER 20, 2021

A regular meeting of the Munster Town Council convened at 7:03 p.m. on Monday, September 20, 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, Town Attorney Nicole Bennett, Police Chief Stephen Scheckel, Planning Director Thomas Vander Woude, Director of Public Works Stephen Gunty, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were not represented. The public was given the information needed to access the meeting virtually, and some took advantage of it.

President Koultourides opened the meeting with a moment of silence followed by the pledge of allegiance.

PUBLIC HEARING: PARK ORDINANCES

Council and Staff have been reviewing several ordinances and Town Code with the goal of updating various rules and regulations. During that process, it was discovered that Town Code and ordinances are in conflict. As a result, there are eight ordinances, including Schedule A, set for consideration by Council this evening. Some of these matters require a public hearing which has been properly advertised for tonight.

President Koultourides opened the floor for comment regarding the following ordinances.

Ordinance 1832: *An Ordinance Amending Chapter 34, Parks and Recreation, of the Munster Code of Ordinances*

Ordinance 1833: *An Ordinance Amending §54-261 Regarding the Applicability of the Term "Bicycle" to Chapter 54, Division II, of the Munster Code of Ordinances*

Ordinance 1834: *An Ordinance Amending the Regulation of Consumer Fireworks Ordinance Within the Town of Munster*

Ordinance 1835: *An Ordinance Amending the Smoke-Free Air Regulations for Workplaces and Public Places Within the Town of Munster*

Ordinance 1836: *An Ordinance Amending the Special Event Permit Ordinance Within the Town of Munster*

Ordinance 1837: *An Ordinance Amending the General Provisions of Chapter 54, Traffic and Vehicles, of the Munster Code of Ordinances Pertaining to Violations and Penalties, Compliance, Traffic Regulations in the Bike Lane of the Roadway, and the Town of Munster Ordinance Deferral Program*

Ordinance 1842: *An Ordinance Amending Chapter 1, General provisions, of the Munster Code of Ordinances Pertaining to General Penalties, Continuing Violations, and the Town's Ordinance Violations Bureau*

Ordinance 1843: *An Ordinance Amending Schedule A*

There being no one requesting the floor, President Koultourides 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. Mr. Anderson reported that none were received.

Mr. Mike Dujmovic, 1833 Tulip Lane, had questions about the proposed rule changes for the Park Department particularly about the bike paths and bike lanes as well as the proposed fines.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on August 16, 2021

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #21-7M dated 07/31/21 totaling \$1,530.91
Confirmation of Voucher Register #21-7N dated 07/09/21 totaling \$50.00
Confirmation of Voucher Register #21-7O dated 07/02/21 totaling \$440.70
Confirmation of Voucher Register #21-7P dated 07/31/21 totaling \$2,575,632.90
Confirmation of Voucher Register #21-8H dated 08/19/21 totaling \$205,206.37
Confirmation of Voucher Register #21-8I dated 08/26/21 totaling \$414,049.77
Confirmation of Voucher Register #21-8J dated 08/27/21 totaling \$389,705.44
Confirmation of Voucher Register #21-9A dated 09/02/21 totaling \$359,434.46
Confirmation of Voucher Register #21-9B dated 09/09/21 totaling \$1,744,333.13
Confirmation of Voucher Register #21-9C dated 09/09/21 totaling \$50.00
Confirmation of Voucher Register #21-9D dated 09/10/21 totaling \$410,936.69
Confirmation of Voucher Register #21-9E dated 09/10/21 totaling \$56,208.51
Confirmation of Voucher Register #21-9F dated 09/16/21 totaling \$251,463.85
Approval of Voucher Register #21-9G dated 09/20/21 totaling \$176,231.61

WATER BILL ADJUSTMENTS 2021-30 THROUGH 2021-34

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
2021-30	5,000	86,000	1 month	\$ 293.51	\$ 262.55	\$ 30.96
2021-31	9,000	44,000	2 months	\$ 163.62	\$ 94.06	\$ 69.56
2021-32	4,000	94,000	1 month	\$ 318.42	\$ 302.58	\$ 15.84
2021-33	23,000	129,000	2 months	\$ 449.32	\$ 278.68	\$ 170.64
2021-34	5,000	82,000	2 months	\$ 293.14	\$ 253.54	\$ 39.60

The amounts listed are for water and sales tax only. All other regular charges will remain unchanged.

TREASURER'S REPORT: JUNE AND JULY

The Treasurer's Reports for June 2021 and July 2021 were presented.

Councilor Gardiner moved, with a second by Councilor Schoon, 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

LETTER OF ENGAGEMENT: 2021 GO BOND LEGAL COUNSEL

Mr. Brad Bingham of the law firm Barnes & Thornburg submitted a proposed letter of engagement for his services as bond counsel for the 2021 General Obligation Bond Issue. The letter of engagement is in the same form as the Town is accustomed to seeing for these issues.

Mr. Bingham proposes a fee of \$10,000.00 plus out-of-pocket charges and expenses for his services for the proposed \$4,000,000.00 general obligation bond issue. The base fee is consistent with last year's base fee. The Clerk-Treasurer's Office has estimated that out-of-pocket charges and expenses will not exceed \$500.00.

Councilor Gardiner asked for a project and equipment list. Mr. Anderson stated that is still being developed and while only one bond is being issued, the Park Department will get the same amount of funding as if a separate bond had been issued. The purpose of having only one bond issue is to save on closing costs.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to confirm the letter of engagement with Barnes & Thornburg. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

ORDINANCE 1838: ADDITIONAL APPROPRIATIONS (2)

Proposed ORDINANCE 1838 is AN ORDINANCE FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE YEAR 2021 (2). Staff has reviewed all funds to determine if the need and the ability exist to warrant going through the additional appropriations process. Five funds have been identified as fitting the criteria as follows.

The CARES IFA Fund received additional dollars at the beginning of the year. This was for the reimbursement of Police Department wages for the Business Patrol Program in 2020. Appropriation request: \$22,577.00

The ARPA Fund has received its first distribution and is the subject of another ordinance this evening. Prior to the expenditure of those funds, and additional appropriation must be secured. Appropriation request: \$2,537,232.00

The Indiana Department of Homeland Security provided a reimbursement for the wages paid to Munster Police Officers working at the vaccination site in Gary earlier this year. Those transactions were recorded in the LIT-Public Safety Fund. An additional appropriation is needed to allow expenditure of the reimbursement. Appropriation request: \$150,000

The Electric Fund needs an additional appropriation to cover NIPSCO bills associated with traffic lights. There is sufficient cash on hand to cover the request. Appropriation request: \$75,000

The creation of the MPD State Filed Seizure Non-Reverting Fund will be considered later this evening. Prior to any expenditure, an additional appropriation must be secured. Appropriation request: \$41,000.00

The procedure for securing the additional appropriations requires a public hearing, scheduled for October 4, 2021, and the adoption of an ordinance by the Town Council. Upon passage of the ordinance, the additional appropriations will go into effect.

Councilor Tulowitzki moved, with a second by Councilor Mellon, hear proposed Ordinance 1838 for additional appropriations on first reading, and schedule a public hearing and second reading for October 4, 2021. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

ORDINANCE 1839: PLAN FOR AMERICAN RECOVERY PLAN FUNDS

Proposed ORDINANCE 1839 is AN ORDINANCE CREATING THE PLAN FOR THE USE OF THE FUNDS ACCOUNTED FOR IN THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND (176). The Town is considered a Non-Entitlement Unit of Local Government under Section 603 of American Recovery Plan Act (ARPA). Its total estimated allocation amount is \$ 5,074,463.52. Council adopted Ordinance 1826 to create the American Recovery Plan (ARP) Coronavirus Local Fiscal Recovery Fund. One of the requirements from the Treasury Department is that a plan be formally adopted prior to spending any of the money. The plan can be modified as necessary.

The Town has received the first distribution of its allocation in the amount of \$2,537,231.76 and has receipted it into the ARP Coronavirus Fiscal Recovery Fund. Section 603 of ARPA gives four possible uses of the funds. The money can be used to

1. respond to the public health emergency with respect to COVID-19 or its negative economic impacts, and/or
2. respond to workers performing essential work (as defined in other Treasury Department guidance) during the COVID-10 public health emergency, and/or
3. provide government services to the extent of the reduction in revenue due to the COVID-19 public health emergency (as defined in other Treasury Department guidance), and/or
4. make necessary investments in water, sewer, or broadband infrastructure.

These funds are a unique opportunity for the Town and the options are vast. Reading the Department of Treasury Interim Final Rule, a few things become clear. The two that stand out most are that there is broad latitude within the four prescribed uses and the funds are meant to have a transparent impact on the entire community. The following three uses meet both the letter and spirit of the law.

Our residents place a high value on the park facilities and offerings and the Park Department is seen as an integral component to the quality of life in Munster. Residents continue to expect this programming and maintenance of facilities. It is generally agreed that the Department of Parks and Recreation took the largest economic blow in 2020. The lockdown, social distancing and safety restrictions put in place caused the cancellation of numerous programs and events, reduced use of the pool facility, and refunds for programs planned prior to the lockdown. The revenue loss and cash position of 2020 have negatively impacted the offerings of the Park Department in 2021.

This revenue loss has made Park operations uncertain. As a result, Staff is recommending using \$500,000.00 for the provision of government services specifically for the Park Department. As a practical matter, the funds will be used to cover payroll costs, NIPSCO bills, supplies and materials needed for programs and similar operating costs associated with running a park department.

The second item in the plan is the purchase of a new fire engine in the amount of \$1,100,000.00. It is an allowable use under the revenue replacement clause of the ARPA which stipulates revenue replacement is to be used for the "provision of government services." The Treasury Department's Interim Final Rule further states that, "Government services can include...the provision of police, fire, and other public safety services." Staff has consulted with numerous people including representatives of Barnes & Thornburg focused on ARP uses regarding the legality of this purchase and we believe we are on solid ground with the interpretation. A fire engine has a useful life of at least 20 years, is clearly needed for the provision of a basic and critical governmental service and is a needed capital item. It has been on the capital improvement list for several years.

The third item in the plan is the implementation of a residential water meter replacement program. This is allowed under the "investment in water infrastructure clause of the ARPA. Staff has researched the Interim Final

Rule and the other guidance documents associated with this particular use to ensure it is allowable. There will be \$3.3 million allocated for this program.

There is a balance of \$174,463.52 not currently allocated. The plan can be amended as needed and the use of this balance can be determined at a later date. Fund 176 is included with the proposed additional appropriations also being considered on first reading this evening. No monies can be paid from the ARP Coronavirus Local Fiscal Recovery Fund until appropriated by Council. Ordinance 1839 has been drafted to create the required plan.

Councilor Tulowitzki asked about other options for water infrastructure and the derivation of the amount for revenue replacement. He also suggested the potential for traffic calming and sidewalk projects. Clerk-Treasurer Mis reviewed the guidance from the Interim Final Rule and stated that Staff looked on a macro level. She further stated the proposed ordinance is meant as a springboard for ideas and that there is urgency for the Park Department.

Discussion ensued and, by general consent, a work-study session was planned for the following week.

Councilor Gardiner moved, with a second by Councilor Schoon, to hear Ordinance 1839 and schedule second reading for the next Council meeting. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

ORDINANCE 1840: CREATION OF A STATE ASSET FORFEITURE NON-REVERTING FUND
AND
ORDINANCE 1841: CREATION OF A MUNSTER POLICE DEPARTMENT SPECIAL REVENUE FUND

Proposed ORDINANCE 1840 is AN ORDINANCE ESTABLISHING THE TOWN OF MUNSTER POLICE DEPARTMENT STATE ASSET FORFEITURE NON-REVERTING FUND (292). The Munster Police Department has requested the establishment of two separate funds. Ordinance 1840 establishes the Town of Munster Police Department State Asset Forfeiture Non-Reverting Fund (292).

The Munster Police Department receives revenues from the State of Indiana as part of the asset forfeiture program. There are specific and restricted uses for these funds. The actual revenues are inconsistent and challenging to budget. Thus far the Town has received \$41,000.00 which has been held in the Escrow Fund until the appropriate fund could be created. This fund has been included with the additional appropriations discussed earlier this evening.

Proposed ORDINANCE 1841 is AN ORDINANCE ESTABLISHING THE TOWN OF MUNSTER POLICE DEPARTMENT SPECIAL REVENUE FUND (293). Ordinance 1841 establishes the Town of Munster Police Department Special Revenue Fund (293).

The Munster Police Department is funded primarily through property taxes in the General Fund. Other police-generated revenue streams go into the General Fund to help offset the costs not covered by property taxes. The Police Department has asked to remove some of these revenues from the General Fund and create a new fund. This new fund would be a non-reverting fund dedicated to Police Department needs.

Revenues generated by the fees for fingerprinting, tow releases and other Records service fees would be receipted into the new fund. The revenues for moving violations, parking tickets and animal control will remain in the General Fund. This shift will reduce the revenues in the General fund. Currently, these revenues are budget at less than \$5,000.00.

Councilor Gardiner confirmed that the proposed funds would have the same oversight as other funds and asked the source of the current funds. Chief Scheckel stated the current balance is from previous asset seizures and that it is unknown when funds will be received. There can be a seizure event one day, but it must work its way through the courts before funds can be released.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to hear Ordinances 1840 and 1841 on first reading and schedule second reading for the next regular meeting. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

TOWN OF DYER WATER PURCHASE AGREEMENT

The Town of Dyer has one connection to the Hammond Water Works Department through the Town of Highland. Dyer has proposed a new connection from the Town of Munster be established via the Calumet watermain. Staff and the Town Engineer have analyzed the proposed plan and determined that there is adequate capacity to accommodate the connection.

The proposed agreement allows Munster to restrict water transmission to Dyer if Munster consumption demands it. Dyer will be responsible for all maintenance and operations related to the equipment to transport water via Munster. Further, the agreement allows a conveyance fee be charged to Dyer for the water consumed. This fee is still being negotiated and the agreement stated the fee will be established within ninety days of the agreement being executed. Dyer anticipated the project to be completed by November with Activation of the connection by January 1, 2022.

Councilor Tulowitzki asked if the project will bring an economic benefit to the Town and if there would be revenue to help offset Munster's Water Department. Mr. Anderson stated the project is more of a neighborly agreement with no economic benefit.

Clerk-Treasurer Mis clarified some inconsistencies in the language of the agreement.

Councilor Gardiner moved, with a second by Councilor Schoon, to approve the proposed purchase agreement among the Town of Munster, the Town of Dyer, and the Hammond Water Works Department. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

UPDATED WATER POLICIES, RULES, & REGULATIONS

In 2007 the Town Council formally adopted the *Utility Billing Policies, Rules & Regulations*. The regulations were formally revised in 2010 and 2013. The most recent update was June 2020.

Earlier this year Council adopted new water and garbage collection rates. The rules and regulations document has been updated to show these new amounts and some language has been updated and clarified.

Councilor Mellon moved, with a second by Councilor Gardiner, to adopt the September 20, 2021 revision of the *Utility Billing Policies Rules & Regulations*. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

LICENSE AGREEMENT: COMMUNITY RESOURCE, INC.

The Town maintains a number of fountains and pumps in subdivisions. These circulate water and improve stormwater management in the retention ponds. Pumps and fountains decrease mosquito activity, remove foul odors, and reduce the likelihood of excessive algae growth. Normally, if the Town maintains the stormwater structures, the Town owns the property. This happens as part of the final plat process.

Community Estates has three stormwater retention ponds and residents are asking the ponds to be maintained. Because the Town does not own them, the Town has not been maintaining them. Community Estates has not yet received final plat. A licensing agreement has been presented to allow the Town to maintain the ponds and to install pumps and fountains. The agreement can be terminated at any time with written notice.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to execute the License Agreement between the Town of Munster and Community Resources, Inc. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

LICENSE AGREEMENT: NIPSCO MUNSTER/HIGHLAND PEDESTRIAN BRIDGE

Council has approved the construction of a pedestrian bridge over the Hart and Cady Marsh Ditches. This construction requires footings be installed on either side of each stream. Soil borings have been taken to ensure the adequacy of the footing locations. This corridor is owned by NIPSCO and access needs to be granted. License Agreement #45914 has been drafted for this purpose.

Councilor Tulowitzki asked when the work will begin and end. Mr. Anderson stated the bid letting is expected in the Spring of 2022 and that construction is expected to last twenty-four months.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to authorize the Town Manager to execute License Agreement #45914 between the Town of Munster and NIPSCO. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

HASSE CONSTRUCTION: FINAL INVOICE

At the July 19, 2021 meeting, Council approved the rental of an excavator from Hasse Construction to perform work along the ditch in West Lakes Subdivision. The amount approved was \$2,800.00 to be paid from the Sewer Maintenance Fund.

Incidental costs were unknown at the time of Council approval. Hasse has calculated these costs at \$771.40 making the final invoice \$3,571.40. Staff is requesting authorization to make the full payment to Hasse Construction.

Councilor Mellon moved, with a second by Councilor Schoon, to approve the final invoice from Hasse Construction in the amount of \$3,571.40 to be paid from the Sewer Maintenance Fund. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

PROPOSED LED LIGHTING UPGRADES AT MUNICIPAL FACILITIES

An increasing number of flickering and burned-out bulbs in Town Hall and the Police Department prompted Staff to perform an inspection. This revealed that the vast majority of the recessed can light fixtures in each building are an older style with either fluorescent, halogen, or incandescent lamps. There are currently 54 out of 153 fixtures with problems.

Staff is recommending converting all fixtures to LED lighting. This will provide energy savings, lighting enhancements, reduced fire risk from faulty ballasts and less interruptions to staff as the work can be scheduled all at one time and/or during off hours as needed. NIPSCO rebates are currently available and the proposal from Midwestern Electric to upgrade is as follows.

Location	Cost	Potential Rebate	Net Cost
Interior			
Town Hall	\$ 41,064.00	\$ 5,000.44	\$ 36,063.56
Police Department	19,635.00	2,579.54	\$ 17,055.46
Exterior			
Town Hall, PD, FD and Parking Lots	93,182.00	4,350.00	\$ 88,832.00
Totals	\$ 153,881.00	\$ 11,929.98	\$ 141,951.02

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve three Midwestern Electric proposals at \$41,064.00, \$19,635.00, and \$93,182.00 for complete LED lighting upgrades to Town Hall and Police Department interior buildings and to the exterior of the entire Town Hall, Police Department, and Fire Department buildings and parking lots for a total amount of \$153,881.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

PER MAR SECURITY SERVICES PRICE INCREASE

Per Mar Security Services provides security to the pump stations, alerting the Water Department when the alarm is activated. The current system operates on 3G/4G modems at the water facilities. An upgrade is required by

Per Mar to 5G. The currently monthly rate is \$141.80, and the upgrade will raise the fee by \$15.00/month for the Superior elevated tank and the 8103 Calumet Avenue tank. The new monthly rate will be \$156.80.

Per Mar will maintain continuous and uninterrupted protection of the alarm system's cellular communicator and it will be replaced with 5G capacity. Free batteries will also be provided as needed and an annual inspection of the system will be performed upon request at no charge.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to approve the price increase by Per Mar Security Services for 5G service to the pump station on Superior and at 8103 Calumet Avenue for a monthly rate of \$156.80. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

CONTRACT APPROVAL FOR ADDITIONAL EDITS TO THE TOWN ZONING ORDINANCE

Council approved Ordinance 1827 at the May 3, 2021, meeting which approved a lengthy set of amendment to the zoning ordinance. The amendments need to be incorporated into the illustrative zoning document but the original document was prepared by Town Planning and Urban Design Collaborative (TPUD)C on software that is not licensed or used by the Town of Munster. As a result, Staff is requesting the approval of a professional services contract with (TPUDC) for this work.

The proposed contract will be for the completion of the necessary edits with compensation on an hourly basis at a not-to-exceed cost of \$3,500.00.

In response to Councilor Tulowitzki, Mr. Vander Woude stated that this will not be an annual event but that the large number of amendments and the lack of knowledge of the software make it impractical for Staff to do this work. Councilor Gardiner confirmed that once done, the amendments will be available on the website.

Councilor Gardiner moved, with a second by Councilor Schoon, to authorize the Town Manager to enter into a professional services contract with Town Planning & Urban Design Collaborative LLC to provide additional edits to the Town of Munster Zoning Ordinance at a cost not to exceed \$3,500.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

MAIN STREET REDESIGN AWARD RECOMMENDATION

The Town of Munster has successfully applied for a \$12 million grant from NIRPC for the redesign and reconstruction of Main Street. NIRPC has broken the project into two phases with the first being reconstruction between Columbia Avenue and Hart Ditch and the second from Hart Ditch to the Highland border.

NICTD will be working on the station at Columbia Avenue during 2024. Staff believes the Town should work as expeditiously as possible to complete Phase One before revenue service begins for the West Lake Extension.

By applying the INDOT RFQ and scoring documents, the Town received nine proposals for the work. Munster invited the towns of Dyer, Highland, and Schererville to score proposals along with Munster Staff as these communities will be impacted by the work as well. DLZ Engineering scored the highest.

Councilor Tulowitzki asked for more information on the scoring process.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to identify DLZ as the preferred consultant and authorize the Town Manager to negotiate terms and conditions of the proposed contract. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

OLD BUSINESS

ORDINANCES 1832, 1833, 1834, 1835, 1836, 1837, 1842, AND 1843

Each of these ordinances was subject to a public hearing at the beginning of this meeting. Councilor Gardiner reviewed the history leading to the presentation of these ordinances. It began with the Park Board seeking to update the park rules as there had been inconsistencies which had prevented Police enforcement. There were conflicts between various ordinances and Town Code which needed to be corrected. The goal was to review how these governing

documents interacted while keeping the rules basically the same. This led to the need to amend several ordinances which is what Council is being asked to do this evening. Any changes to the rules or policies were completed by the Park Board.

Councilor Gardiner moved, with a second by Councilor Schoon to adopt Ordinance 1832: *An Ordinance Amending Chapter 34, Parks and Recreation, of the Munster Code of Ordinances*. Councilor Tulowitzki asked a series of questions regarding bike paths, bike lanes and how their hours of operation. Discussion ensued.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to table Ordinance 1832 pending a work study about bike path hours. Councilor Gardiner expressed his concern about the delay caused by this. Councilors Schoon and Tulowitzki voted in favor of the amendment and Councilors Mellon, Gardiner, and Koultourides voted against it. The motion failed.

Councilors Mellon, Gardiner, and Koultourides voted on the original motion to adopt Ordinance 1832 as presented and Councilors Schoon and Tulowitzki voted against it. The motion carried and Ordinance 1832 was adopted as presented.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1833: *An Ordinance Amending §54-261 Regarding the Applicability of the Term "Bicycle" to Chapter 54, Division II, of the Munster Code of Ordinances*. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1833 was adopted.

Councilor Gardiner moved, with a second by Councilor Mellon, to adopt Ordinance 1834: *An Ordinance Amending the Regulation of Consumer Fireworks Ordinance Within the Town of Munster*. Councilor Tulowitzki raised the possibility of changing the dates fireworks can be discharged. Councilor Mellon stated her opposition to adding any more than the state-required dates. Discussion ensued.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to amend Ordinance 1834 to add June 19 to the list of eligible dates to discharge fireworks and to match the hours allowed on July 4 which are 10:00 a.m. to midnight. Councilors Schoon, Gardiner, Tulowitzki, and Koultourides voted in favor; Councilor Mellon voted against. The motion to amend Ordinance 1834 passed.

Councilors Schoon, Gardiner, Tulowitzki, and Koultourides voted in favor and Councilor Mellon voted against the motion to adopt Ordinance 1834 as amended. The motion carried and Ordinance 1834 was adopted as amended.

Councilor Gardiner moved, with a second by Councilor Mellon, to adopt Ordinance 1835: *An Ordinance Amending the Smoke-Free Air Regulations for Workplaces and Public Places Within the Town of Munster*. Councilor Tulowitzki asked about the issuance of a warning ticket for first violations. Ms. Bennett explained there are no records of a warning and a zero-fine ticket cannot be issued without the offender admitting to the violation. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1835 was adopted.

Councilor Gardiner moved, with a second by Councilor Mellon, to adopt Ordinance 1836: *An Ordinance Amending the Special Event Permit Ordinance Within the Town of Munster*. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1836 was adopted.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1837: *An Ordinance Amending the General Provisions of Chapter 54, Traffic and Vehicles, of the Munster Code of Ordinances Pertaining to Violations and Penalties, Compliance, Traffic Regulations in the Bike Lane of the Roadway, and the Town of Munster Ordinance Deferral Program*. Councilor Tulowitzki asked about the use of skateboards, in-line skates, and the like. Councilor Gardiner stated this needed further review and that there has been no change to the current rules. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1837 was adopted.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1842: *An Ordinance Amending Chapter 1, General provisions, of the Munster Code of Ordinances Pertaining to General Penalties, Continuing Violations, and the Town's Ordinance Violations Bureau*. Councilor Tulowitzki confirmed this is to bring the Ordinance Violations Bureau into line with statute. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1842 was adopted.

Councilor Gardiner moved, with a second by Councilor Mellon, to adopt Ordinance 1843: *An Ordinance Amending Schedule A*. Councilor Tulowitzki confirmed with Ms. Bennett that this is modifying the penalties to bring them in line with the Ordinance Violations Bureau statutes. Councilor Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Ordinance 1843 was adopted.

REPORTS

Councilor Schoon announced that the Environmental Center on Hohman Avenue in Hammond has been informed that they must vacate the premises. The City of Hammond wants to use the property for a new fire station. The Lake County Solid Waste Management District is currently looking for a new location, hopefully in a more central location, and Councilor Schoon is on the site selection committee.

Councilor Gardiner announced the Munster Civic Foundation will meet on Monday, October 4, 2021 after the Council and Redevelopment Commission meetings.

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 4, 18, and November 1, 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 9:08 p.m. by voice vote.

ATTEST:

Andy Koultourides, President

Wendy Mis, Clerk-Treasurer