

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
JANUARY 17, 2022**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, January 17, 2022. 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 Gardiner presided.

Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Town Attorney Dave Westland, Fire Chief Mark Hajduk, Public Works Director Stephen Gunty, Planning Director Thomas Vander Woude, and Superintendent of Operations Chris Spolnik. Munster Representative to the Hammond Sanitary District Mike Hawkins and DLZ representative Lee Randell were 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 Gardiner 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.

No one rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on December 20, 2021

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #21-11L dated 11/30/21 totaling \$60,782.67
Confirmation of Voucher Register #21-11M dated 11/11/21 totaling \$602.49
Confirmation of Voucher Register #21-11N dated 11/30/21 totaling \$2,850.91
Confirmation of Voucher Register #21-12J dated 12/22/21 totaling \$189,482.94
Confirmation of Voucher Register #21-12K dated 12/29/21 totaling \$267,541.34
Confirmation of Voucher Register #21-12L dated 12/31/21 totaling \$412,370.49
Approval of Voucher Register #22-1A dated 01/03/22 totaling \$11,183.04

Confirmation of Voucher Register #22-1B dated 01/06/22 totaling \$327,525.14
 Confirmation of Voucher Register #22-1C dated 01/10/22 totaling \$54,612.06
 Confirmation of Voucher Register #22-1D dated 01/10/22 totaling \$26,858.51
 Confirmation of Voucher Register #22-1E dated 01/13/22 totaling \$1,135,650.52
 Confirmation of Voucher Register #22-1F dated 01/14/22 totaling \$499,118.55
 Approval of Voucher Register #22-1G dated 01/17/22 totaling \$338,305.83

WATER BILL ADJUSTMENTS 2021-01 THROUGH 2022-05

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
2022-01	3,000	46,000	2 months	\$ 170.41	\$ 146.65	\$ 23.76
2022-02	5,000	33,000	1 month	\$ 120.42	\$ 100.62	\$ 19.80
2022-03	5,000	28,000	2 months	\$ 106.29	\$ 66.69	\$ 39.60
2022-04	5,000	48,000	2 months	\$ 177.66	\$ 138.06	\$ 39.60
2022-05	2,000	132,000	2 months	\$ 456.84	\$ 433.34	\$ 23.50

TREASURER'S REPORT

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

REPORT ON TEMPORARY LOANS

On December 6, 2021, the Town Council approved Resolution 2087, "A Resolution for the Temporary Loan and Transfer of Funds Among Various Fund Accounts," to authorize temporary loans to remedy any cash deficient situations at year's end. The amounts from the originating funds and to the recipient funds were identified as "to be determined." Fortunately, no temporary loans were needed.

Exhibit A to Resolution 2087 has been amended to show that no temporary loans were made.

2022 STANDARD MILEAGE RATE

Ordinance 1849, adopted by the Town Council on November 15, 2021, provided, in part, the following.

Mileage Reimbursement Rate – Employee use of a privately-owned vehicle driven on official Town business shall be reimbursed at the standard mileage rate established by the latest Internal Revenue Service determination for business miles driven.

On December 17, 2021, the Internal Revenue Service announced that beginning January 1, 2022, the standard mileage rate for the use of a vehicle for business purposes will be 58.5 cents per mile for business miles driven. This rate is an increase of 2½ cents from the rate of 56 cents per mile that became effective January 1, 2021.

Claims for mileage reimbursement must be made on General Form No. 101 (1955), available through the Clerk-Treasurer's Office.

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, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; one voted against. The motion carried and the Consent Agenda was adopted.

OLD BUSINESS

ORDINANCE 1852: GROUP TRANSFERS

Introduced ORDINANCE 1852 is AN ORDINANCE FOR TRANSFERS WITHIN CERTAIN APPROPRIATED FUNDS FOR THE YEAR 2021. The first reading of this ordinance took place at the December 6, 2021, meeting and was scheduled for second reading in January 2022. The adjustments in Exhibit A are based on the final expenditures made on December 31, 2021. There is no net change in any fund.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt the introduced Ordinance 1852 on second reading as presented. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. The motion carried and Ordinance 1852 was adopted.

ORDINANCE 1853: PROHIBITION OF RETAIL SALE OF DOGS OR CATS BY PET SHOPS

Introduced ORDINANCE 1853 is AN ORDINANCE RELATING TO CHAPTER 6 (ANIMALS) OF THE MUNSTER MUNICIPAL CODE, ADDING A NEW SECTION TO BE NUMBERED 6-11. This matter had first reading at the December 20, 2021, meeting.

In response to a question from Councilor Koultourides, Mr. Westland explained that the ordinance helps and suggested a change to the zoning code as well.

Councilor Koultourides moved, with a second by Councilor Mellon, to adopt Ordinance 1853 on second reading as presented. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. The motion carried and Ordinance 1853 was adopted.

NEW BUSINESS

RESOLUTION 2089: RELEASE OF PERFORMANCE BOND

Proposed RESOLUTION 2089 is A RESOLUTION PARTIALLY RELEASING THE DEVELOPER'S COMPLETION BOND FOR A DEVELOPMENT PLAN AT 1734 45TH STREET. In June 2021, Orthodontic Specialists, P.C. made a cash deposit of \$44,500.00 as a guarantee for the completion of improvements to the building and grounds at 1734 45th Street. The project was approved by the Plan Commission under PC Docket 21-003.

Orthodontic Specialists has now completed the required improvements with the exception of the landscaping and screening of the rooftop mechanicals. They are now seeking a partial release of the deposit. Staff has inspected the site and recommends releasing \$35,500.00 of the deposit. Resolution 2089 has been drafted for this purpose.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve Resolution 2089 releasing \$35,500.00 of the \$44,500.00 deposit that was posted by Orthodontic Specialists, P.C. in June of 2021. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

RESOLUTION 2090: AUTHORIZING THE TOWN MANAGER TO EXECUTE CONTRACTS AND DOCUMENTS FOR THE INDIANA DEPARTMENT OF TRANSPORTATION

Proposed RESOLUTION 2090 is A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE CONTRACTS AND DOCUMENTS FOR THE INDIANA DEPARTMENT OF TRANSPORTATION. The Indiana Department of Transportation has changed its workflow and is requiring Council documentation allowing the Town Manager to execute contracts and related documents for public improvement projects. Resolution 2090 has been drafted for this purpose.

In response to questions from Councilors Schoon and Tulowitzki, Staff explained that a similar resolution will be needed annually and that the actual contracts will come to Council for approval prior to signature.

Councilor Koultourides moved, with a second by Councilor Mellon, to approve Resolution 2090, A Resolution Authorizing the Town Manager to Execute Contracts and Documents for the Indiana Department of

Transportation. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

ACCEPTANCE OF SETTLEMENT OFFER: FIRE HYDRANT

On June 6, 2021, a driver lost control of their vehicle and a Town-owned fire hydrant was destroyed. The cost to repair it was \$5,568.31. The driver's insurance company has offered a settlement of \$5,273.59, an amount \$294.72 less than the cost of repair. The reduction is 10% reflects the salvage value of the hydrant. Staff believes it to be a fair settlement and recommends accepting it.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve the settlement between the Town of Munster and Progressive Insurance. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

ACCEPTANCE OF SETTLEMENT OFFER: STREET LIGHT

On July 7, 2021, a driver lost control of their vehicle and a Town-owned light pole was destroyed. The cost to repair it was \$3,680.00. The driver's insurance company has offered a settlement of \$3,468.00, an amount \$212.00 less than the cost of repair. The reduction is 10% reflects the salvage value of the light pole. Staff believes it to be a fair settlement and recommends accepting it.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve the settlement between the Town of Munster and Progressive Insurance. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

APPROVAL OF SETTLEMENT

On December 1, 2020, a Town employee operating a Town-owned vehicle struck another vehicle. A suit was filed against the Town for damages. Gallagher Bassett, the Town's claims administrator, along with Staff and legal counsel believe \$20,000.00 is a reasonable settlement. The Town Attorney was able to negotiate this settlement with the plaintiff.

Acceptance of the settlement agreement includes the plaintiff agreeing to hold harmless the Town from and to defend and indemnify the Town against any subsequent suits or complaints. The settlement agreement permanently closes the matter.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve the settlement between the Town of Munster and Joseph A. Tellez. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

B-36229 (45TH GRADE SEPARATION PROJECT) CHANGE ORDER #33

ADDED OVERRUN ITEMS

In accordance with INDOT requirements due to contract funding shortage additional overrun items must be selected via change order prior to contract finalization. A representative sample of items totaling \$89,524.03 based on final quantities of existing contract items and prior change order items was presented. Mr. Randell clarified the amounts in the memo presented to Council.

If approved, the 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. The change order has been reviewed and approved by the Town's construction engineering firm DLZ as well as INDOT.

Councilor Koultourides moved, with a second by Councilor Mellon, to Change Order No. 033 for INDOT Contract B-36229 in the amount of \$89,524.03. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

B-36229 (45TH GRADE SEPARATION PROJECT) CHANGE ORDER #34
WALL 3 OVER-EXCAVATED BAKFILL MATERIAL

The Grade Separation Project included the installation of retaining walls at the underpass corners. The contract plans included construction of Wall 3 adjacent to the Canadian National Railroad (CN). These contract plans included a plan and profile for each wall segment and a wall detail sheet for bidding purposes only. The contractor was required per the Contract Information Book (CIB) to design the precast walls for construction, including backfill of the T-wall and over-excavated areas.

Canadian National insisted on a different backfill material behind Wall 3 within the over-excavated limits of the CN embankment. The Engineer of Record was involved in discussions with CN and INDOT to resolve the matter and it was decided to use IN-8 crushed stone. Walsh filed a claim with INDOT to include re-excavation and backfill behind Wall 3 at an amount of \$41,621.04. The claim was denied at the project and district levels. The matter went to the INDOT District Claim Review Board which issued a ruling dated October 12, 2021. Walsh was awarded compensation in the amount of \$18,529.38. Geotextile fabric was placed below the stone at a cost of \$989.34.

The total of the change order is \$19,518.72. If approved, the change order would be 0.095% of the original contract price and the total changes to date would be \$2,022,076.15 or a 9.845% 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 Koultourides moved, with a second by Councilor Schoon, to Change Order No. 034 for INDOT Contract B-36229 in the amount of \$19,518.72. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

B-36229 (45TH GRADE SEPARATION PROJECT) CHANGE ORDER #35
SUPPLEMENTAL ACCELERATION COST

Under Change Orders 11 and 17 approved by Council in March 2020 and November 2020, respectively, Walsh Construction was allowed to accelerate operations up to \$325,000.00. The proposed change order accounts for acceleration through December 18, 2020, and has a final quantity adjustment increase of \$7,119.52. This change order is non-participating. This cost includes final review of premium time beyond forty hours/week and additional equipment and materials necessary to complete work in 2020.

If approved, the change order would be 0.035% of the original contract price and the total changes to date would be \$2,029,195.67 or a 9.880% 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 Schoon, to Change Order No. 035 for INDOT Contract B-36229 in the amount of \$7,119.52. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

PURCHASE AWARD: 2022 DUMP TRUCK

Public Works Staff received quotes for the purchase of a new 2022 dump truck to be dedicated to the chipper. It will replace a Unit #321, a 2012 Ford F550 which was scheduled for replacement last year. Ford and Dodge stopped taking orders in November 2021 and a few weeks ago Chevrolet began taking government vehicle orders. Three quotes were received as follows.

Garber Chevrolet of Highland, Indiana has a Chevy 5500, chassis (\$58,926.00) and a W.A. Jones Voth Aluminum body (\$34,385.00). There are miscellaneous fees of \$230.50, and a government discount of \$4,725.00. Unit #321 would be traded in for a credit of \$10,000.00. The net cost would be \$78,816.50.

Rush Truck Center of Gary, Indiana quoted an International Chassis (\$56,365.80) and a W.A. Jones Voth Aluminum body (\$34,385.00). Unit #321 would be traded in for a credit of \$10,000.00. The net cost would be \$80,750.80. This model is not in stock and would take one year to receive.

Bosak Ford of Chesterton, Indiana quoted a Ford-550 chassis (\$59,405.00) with a W.A. Jones Rowe Patriot body (\$34,966.00). There is a government discount of \$8,646.00 and Unit #321 would be traded in for a credit of \$12,000. The net cost would be \$73,725.00. The ordering window for this has closed and the pricing is no longer available.

Staff would like to proceed with the purchase of the Chevy 550 from Garber Chevrolet. An intent to purchase has been sent and the vendor is holding the vehicle pending Council decision. The vehicle will be paid from 2020 G.O. Bond proceeds.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve purchase of a 2022 dump truck for a net price after trade-in of \$78,816.50 from Garber Chevy to replace Unit #321. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

REVISED MEETING SCHEDULE

Council adopted the 2022 meeting schedule at the December 20, 2021, meeting.

2022 COUNCIL PORTFOLIO ASSIGNMENTS

The list of Council Portfolio Assignments was presented.

APPOINTMENTS TO BOARDS AND COMMISSIONS

President Gardiner explained four positions whose terms expired at the end of 2021, one on the Board of Zoning Appeals, two on the Board of Safety, and one on the Park Board.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to reappoint Robert Dershewitz to the Board of Safety for a three-year term to end December 31, 2024. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

The currently serving individuals have many years of dedicated service and engagement to the Town and their respective boards. At the same time, there is a desire to allow new people the opportunity to become involved.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to refer the position on the Board of Zoning Appeals, the remaining position on the Board of Safety, and the position on the Park Board to the Nominating Committee. Councilors Schoon, Tulowitzki, Koultourides, and Gardiner voted in favor; Councilor Mellon 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. No 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, February 7, and 21, 2022. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

The Munster Civic Foundation will hold a Special Events Summit to bring various groups and organizations in Town together to review the 2022 calendar of events in Town. This meeting will be held February 23, 2022.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Schoon and seconded by Councilor Tulowitzki, the meeting adjourned at 7:43 p.m. by voice vote.

ATTEST:

Chuck Gardiner, President

Wendy Mis, Clerk-Treasurer

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