

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
FEBRUARY 7, 2022

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, February 7, 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 Koulourides, 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, Deputy Town Manager Robin Streets, Town Attorney Dave Westland, Fire Chief Mark Hajduk, Public Works Director Stephen Gunty, Planning Director Thomas Vander Woude, and Superintendent of Operations Chris Spolnik, 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.

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 by introducing the new Deputy Town Manager Robin Streets. President Gardiner then asked for a moment of silence followed by the pledge of allegiance.

SWEARING IN OF POLICE OFFICER

Clerk-Treasurer Mis performed the swearing in ceremony for Probationary Police Officer Jet Balenia. His family along with Police Chief Steve Scheckel and Lieutenant Dan Broelmann were present to observe. Council congratulated Officer Balenia.

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 January 17, 2022

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #21-12M dated 12/31/21 totaling \$2,480,118.89
Confirmation of Voucher Register #21-12N dated 12/10/21 totaling \$287.85
Confirmation of Voucher Register #21-12O dated 12/31/21 totaling \$182,096.82

Confirmation of Voucher Register #21-12P dated 12/31/21 totaling \$26,848.00
Confirmation of Voucher Register #22-1H dated 01/20/22 totaling \$26,253.67
Confirmation of Voucher Register #22-1I dated 01/27/22 totaling \$576,134.39
Confirmation of Voucher Register #22-1J dated 01/28/22 totaling \$528,256.91
Confirmation of Voucher Register #22-2A dated 02/03/22 totaling \$39,811.24
Approval of Voucher Register #22-2B dated 02/07/22 totaling \$222,214.61

WATER BILL ADJUSTMENTS 2021-06 THROUGH 2022-09

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
2022-06	13,000	46,000	2 months	\$ 170.64	\$ 71.12	\$ 99.52
2022-07	13,000	64,000	2 months	\$ 233.60	\$ 134.08	\$ 99.52
2022-08	2,000	19,000	2 months	\$ 73.30	\$ 49.82	\$ 23.48
2022-09	2,000	55,000	1 month	\$ 193.35	\$ 162.38	\$ 30.97

OUTSTANDING CHECKS

Pursuant to IC 5-11-10.5, "Disposition of Warrants and Checks," the Clerk-Treasurer is required annually to furnish the Town's fiscal body (the Town Council) a list of all checks that have been outstanding for a period of two or more years as of December 31 of the preceding year. Accordingly, the checks listed below are declared void, the amounts so listed are entered as a receipt to the fund or funds upon which they were originally drawn, and the checks are removed from the list of outstanding checks.

Checks Outstanding Two or More Years as of December 31, 2021					
Fund	Check Number	Check Date	Paid to the Order of	Check Amount	For
233	867720	11/14/19	Hennessy, William	\$40.00	Handgun application refund
			Subtotal	\$40.00	
204	865468	4/11/19	Kaim, Aaron	\$35.00	Parks Refund
204	866944	8/29/19	Simpson, Caresse	\$53.50	Parks Refund
204	867280	10/3/19	Silaen, Armin	\$100.00	Parks Refund
204	867444	10/18/19	Teller, Jane	\$3.00	Parks Refund
204	49385421	6/21/19	Oswalt, Serena	\$47.19	Parks Refund
			Subtotal	\$238.69	
601	865624	4/25/19	Barocio, Nicole M	\$77.30	Water Refund
			Subtotal	\$77.30	
			Total	\$355.99	

After a check has been outstanding for three months, the Clerk-Treasurer's Office sends a letter to the payee explaining the procedure for obtaining a replacement for a lost or destroyed check. Some payees take advantage of our advice; others do not. In an effort to minimize the number of outstanding checks, we send at least three letters. Honoring, cashing, or accepting for payment or deposit any of these voided checks would be a violation of IC 5-11-10.5-2.

**2021 100R: CERTIFIED REPORT OF NAMES, ADDRESSES,
DUTIES AND COMPENSATION OF PUBLIC EMPLOYEES**

Starting in January 2013, the Certified Report of Names, Addresses, Duties and Compensation of Public Employees (Form 100R) must be entered through the Indiana Gateway for Government Units. The form must be submitted by January 31 each year (IC 5-11-13.1).

The 100R salary report was submitted to Gateway on January 13, 2022.

WATER UTILITY WRITE-OFFS

Resolution 1745 outlines the collection policy to be followed for Water Utility accounts. In 2017 the Town began using Jonathan Peterson's office to increase collection efforts. IN 2020 the Town began using TRECS as an additional collection remedy.

There are twelve accounts from 2019 totaling \$2,056.90 that had appropriate collection efforts made but were not successful. It is unlikely that these would be or could be collected. Under Ordinance 1248, Town of Munster Water Utility records are excluded from disclosure. Therefore, a detailed listing is not provided but is available to the Council at 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.

NEW BUSINESS

**ORDINANCE 1835: SMOKE-FREE REGULATIONS FOR WORKPLACES
AND PUBLIC PLACES WITHIN THE TOWN OF MUNSTER**

Proposed ORDINANCE 1835 is AN ORDINANCE AMENDING THE SMOKE-FREE REGULATIONS FOR WORKPLACES AND PUBLIC PLACES WITHIN THE TOWN OF MUNSTER. The developer of the Maple Leaf Crossing Project has proposed a "bistro and cigar bar" as part of the development. Preliminary plans show a three-story building of approximately 6,000 square feet with all three floors having indoor and outdoor seating. The building would permit the smoking of cigars only. Cigarette smoking will not be permitted, and customers must be age 21 or older.

The current Town Code specifically prohibits "tobacco specialty bars." Ordinance 1790, adopted November 18, 2019, would need to be amended for the proposed project to proceed. Ordinance 1835 has been drafted for this purpose.

Ordinance 1835 does not change the existing zoning code restrictions on smoking and tobacco-related uses. A "Smoke, Tobacco or CBD Shop" remains a conditional use in mixed-use districts and a prohibited use in planned unit developments, exclusively residential, and civic districts. Because Maple Leaf Crossing is zoned as a planned unit development and the proposed cigar bar falls under the definition of a "Smoke, Tobacco or CBD Shop," the developer is still required to obtain a use variance. The variance must be reviewed by the Board of Zoning Appeals and approved by the Town Council. In addition, the site and building plans are subject to Plan Commission approval.

Councilor Tulowitzki asked if the ordinance will allow cigar bars all throughout Munster. Mr. Westland explained that there are four prerequisites in the statute that must be met making it unlikely that there will be more cigar bars in Town.

In response to Councilor Mellon's question, Mr. Westland stated he would research if vaping would be allowed.

Councilor Koultourides moved, with a second by Councilor Schoon, to consider Ordinance 1835 on first reading and schedule second reading for the second regular Town Council meeting in February 2022. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

ORDINANCE 1854: AMENDMENT #1 TO 2022 SALARY ORDINANCE

Proposed ORDINANCE 1854 is AMENDMENT #1 TO THE 2022 SALARY ORDINANCE. At the November 15, 2021, meeting, the Council adopted Ordinance 1849 establishing the 2022 Salary and Pay Plan. That ordinance met the statutory requirements and granted a 3.00% increase to all full-time employees. Council was informed that the pay plan was being studied to determine how Munster employees are paid relative to the applicable market and for inequities between employees. The results of the salary review were presented to Council at a work-study session on January 17, 2022.

The review looked at the AIM Salary Survey of Indiana municipalities as well as surrounding communities. Several inequities were identified where employees with less service were being paid more than longer-serving employees, as well as some supervisors being paid less than the employees they manage. Based on the review, it was determined that current pay Grades 6 through 11 are better served by following the same pay philosophy as implemented by the Police Department in 2019. That system is based on pay grades and longevity.

Each department head was consulted separately to review the impact on his employees. These meetings led to conversations about other means of compensation including reclassification of certain employees and possible compensation for earning certifications. It is recommended that the change to the pay matrix for Grades 6 through 9 and adjustments for equity be implemented immediately. This will affect the most people and have the biggest budget impact. In the third quarter of 2022, the other suggestions and the pay for firefighters will be reviewed, a plan formulated, and an ordinance brought to Council for consideration and approval. By approaching this in phases, Staff can review each change and tweak where needed for unintended consequences before making other substantial changes. That being said, there is one position that needs reclassification as part of the equity adjustments. This change is included in the ordinance. The other change happening now is renaming the Assistant Town Manager position to Deputy Town Manager. There is no change in grade for this.

It has been observed that Step 1 wages for Grades 6 through 11 are lower than the current rates. One of the advantages of a Grade and Longevity system is the ability for an employee to see the wage progression laid out, allowing the employee to know what increases to reasonably expect. At the end of year one, the employee moves to Step 2 which has a wage increase of over 20%. From the Town's perspective, a significant investment is made by the Town in the year of hire. Employees are learning the job in the first year and not yet up to full capacity; a considerable investment of time and training takes place. From a compensation perspective, new hires are immediately eligible for medical, dental and vision coverage, immediately enrolled in the pension fund, immediately eligible for Park membership and program discounts and employees hired into qualified positions receive new uniforms, work clothes and position-specific apparel. All these factors contribute to the starting wage. That being said, consideration can be given for life experience with a new hire. The ordinance allows new employees to be hired at step one, two or three of a grade. Employees will not move beyond step three until the start of their sixth year. This is in line with the Police Department model.

The proposed changes would take effect with the first payroll in March. The budget was created with enough to support this first phase and the possible second phase.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to hear Ordinance 1854 on first reading and schedule second reading for February 21, 2022. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

INDOT INVOICE: GRADE SEPARATION PROJECT

As part of the Grade Separation Project, the Canadian National Railroad (CNRR) required a dedicated flagman be present to ensure safety standards were met. CNRR had an agreement with INDOT to pay for this. The agreement between the Town and INDOT stated that all change orders resulting from changes to means and methods or quantities were the responsibility of the Town.

The projected hours for the flagman were exceeded and CNRR is looking for payment in the amount of \$2,987.50. The Town does not have an agreement with CNRR, but it does have an agreement with INDOT. The most

expeditious way to handle the matter is to pay INDOT who will forward payment to CNRR. Mr. Anderson stated this will likely be the last change order for the project.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve payment for INDOT Invoice 68899 in the amount of \$2,987.50. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM

The Town of Munster seeks to provide as much information and opportunities for its residents who may need assistance to make their utility payment. The State of Indiana currently has funds through the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021 and have developed the Low-Income Household Water Assistance Program (Water Program).

The Water Program assists low-income households in maintaining or reconnecting to drinking water and wastewater services. Funds from the program will be used to cover and/or reduce arrearages, rates, and fees associated with reconnection, or prevent service disconnection of service for eligible households at or below 60% of the state median income. All funds distributed as part of this program will be paid directly to the water or wastewater utility on behalf of an eligible household.

In order to offer this option to Munster residents, a Memo of Agreement between the Town and the Indiana Housing and Community Development Authority must be in place. The MOA will be in place from October 1, 2021, through September 30, 2023.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to approve Low Income Household Water Assistance Program Memorandum of Agreement for the Town of Munster to accept payment as a part of Indiana's Low-Income Household Water Assistance Program. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

PURCHASE AWARD: FRONT END WHEEL LOADER

Public Works Staff received three quotes for the purchase of a new 2022 extended reach front end wheel loader to replace Unit #341, a 2012 CASE 721FXR. Unit #341 will be traded in. Quotes were received through Sourcewell as follows.

Vendor	Vehicle	Price	Trade in	Net Cost
West Side Tractor Sales, South Holland, Illinois	2022 John Deere 624P	\$223,100.00	\$75,000.00	\$148,100.00
McCann, Schererville, Indiana	2022 CASE 721 GXR	\$227,000.00	\$40,000.00	\$187,000.00
Altorfer CAT, Hammond, Indiana	2022 CAT 938M	\$250,827.00	\$60,000.00	\$190,827.00

The vehicle will be fund from the 2021 General Obligation Bond proceeds.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve the purchase of one 2022 John Deere Front End Wheel Loader from West Side Tractor Sales that is Sourcewell priced for a total price after vehicle trade of \$148,100.00. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

AUTHORIZATION OF PAYMENT TO SPYGLASS

On July 19, 2021, the Munster Town Council authorized SpyGlass to perform an audit of the phone, cable, and internet services to seek cost recovery, service elimination and cost reduction recommendations. SpyGlass has completed the audit. They discovered opportunities for cost savings and these cost saving measures have been implemented for the benefit of the Town of Munster.

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 and "Cost Reduction Savings." SpyGlass has presented two invoices for their services. The

first invoice for \$4,041.68 had been reviewed and the cost savings have been verified as implemented. A second invoice for \$58,585.92 has yet to be completely verified and it is expected that the upcoming utility billing cycle will reflect the approved changes.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve payment to SpyGlass for an amount not to exceed \$63,637.60 in two payments. The first payment in the amount of \$4,041.68 and a second payment, upon verification, for \$58,585.92. Councilors Schoon, Mellon, Tulowitzki, Koulourides, and Gardiner 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. 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 21, March 7, and March 21, 2022. The Redevelopment Commission will hold regular meetings immediately following the Town Council meetings.

The Special Events Summit will be held Wednesday, February 23, 2022 at 7:00 p.m. at the Munster Town Hall.

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 7:28 p.m. by voice vote.

ATTEST:

Chuck Gardiner, President

Wendy Mis, Clerk-Treasurer