

**TOWN OF MUNSTER**  
**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL**  
**FEBRUARY 21, 2022**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, February 21, 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, Ken Schoon and Steven Tulowitzki were physically present at Town Hall. Councilors Andy Koultourides and Lee Ann Mellon were absent. 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, Planning Director Thomas Vander Woude, Superintendent of Operations Chris Spolnik, and Munster Representative to the Hammond Sanitary District Mike Hawkins. Public Works Director Stephen Gunty was present in the virtual setting. The news media were not represented. The public was given the information needed to access the meeting virtually, and some took advantage of it.

The Town Council has sought legal counsel and has performed its due diligence to the best of its ability in a continually changing situation. The Town Council believes it is acting in accordance with Indiana State law, the Governor's Executive Orders, and the interpretations and directives of other State agencies.

President 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](http://munster.org), that questions or comments about an item on the agenda were to be emailed to [danderson@munster.org](mailto: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 February 7, 2022

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the minutes of the previous meeting. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

**ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #22-2C dated 02/10/21 totaling \$54,612.06  
Confirmation of Voucher Register #22-2D dated 02/10/22 totaling \$51,482.95  
Confirmation of Voucher Register #22-2E dated 02/10/22 totaling \$389,304.04  
Confirmation of Voucher Register #22-2F dated 02/11/22 totaling \$531,069.15  
Confirmation of Voucher Register #22-2G dated 02/17/22 totaling \$357,238.41

Approval of Voucher Register #22-2H dated 02/21/22 totaling \$144,214.13

Councilor Schoon moved, with a second by Councilor Tulowitzki, to approve the minutes of the previous meeting. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **WATER LEAK ADJUSTMENT 2022-10**

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
2022-10	5,000	75,000	2 months	\$ 271.36	\$ 231.76	\$ 39.60

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve Water Leak Adjustment 2022-10. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **TREASURER'S REPORTS**

The December 2021 and 2021 Annual Treasurer's Reports were presented.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to accept the Treasurer's Reports as presented. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; one voted against. Motion carried.

#### **OLD BUSINESS**

##### **ORDINANCE 1854: AMENDMENT #1 TO 2022 SALARY ORDINANCE**

Introduced ORDINANCE 1854 is AMENDMENT #1 TO THE 2022 SALARY ORDINANCE. Ordinance 1854 had first read at the last Council meeting. For the vast majority of employees, Ordinance 1854 resolves the inequities in wages that currently exist. There is at least one situation where an employee with more time in grade is earning less than an employee with less time in grade and another situation where a supervisor is earning less than his subordinate. As presented on first reading, Ordinance 1854 does not resolve these two inequities.

It was anticipated that problems like this would present themselves during implementation of this, or any, new pay system. The proposed solution is to grant a level of discretion to the Town Manager and Clerk-Treasurer to correct these issues as they arise. *Exhibit 1: Clarifying Language* has been modified to allow a "true-up" of wages in order to get all employees paid fairly and equitably under the principles of the new Grade and Longevity plan. A true-up cannot exceed \$4,000.00/annually.

No other changes have been made to the ordinance. It is known that there are requests for at least two job reclassifications. These will be reviewed administratively and brought to Council as needed.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to adopt Ordinance 1854 as presented. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

##### **ORDINANCE 1855: SMOKE-FREE REGULATIONS FOR WORKPLACES AND PUBLIC PLACES WITHIN THE TOWN OF MUNSTER**

Introduced ORDINANCE 1855 is AN AMENDMENT TO ORDINANCE 1835: AN ORDINANCE AMENDING THE SMOKE-FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES WITHIN THE TOWN OF MUNSTER. Ordinance 1855 had first reading at the February 7, 2022 meeting.

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.

In response to a question from the first reading, Mr. Westland stated that vaping is classified the same as cigarettes and would not be permitted in a cigar bar.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to hear Ordinance 1855 on second reading and approve Ordinance 1855 as presented. Councilors Schoon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

### **NEW BUSINESS**

#### **CDBG AWARD: 2022 ALLEY REPAVING**

The Town has been awarded \$103,712.00 in Community Development Block Grant dollars. The funds will be used to repave alleys in the northwest section of Town. The project consists of five alleys, two with porous asphalt and three with regular hot-mix asphalt. The Engineer’s Estimate for the project is \$303,271.00

Bids to perform the work were opened on February 8, 2022, as follows.

Milestone Contractors North, Inc.	\$358,993.10
Rieth-Riley Construction Co., Inc.	\$397,340.35

The total cost to the Town will be \$255,281.10 and will be paid from the Municipal Surtax Fund 258.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to award Milestone Contractors North, Inc. the contract for the 2022 CDBG Alley Paving Program at their base bid price of \$358,993.10. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against.

#### **2021-2 CCMG PAVEMENT MAINTENANCE AND WATERMAIN REPLACEMENT PROJECT**

The Town of Munster has applied and been awarded \$330,013.00 in Community Crossings Matching Grant (CCMG) from INDOT. The project includes the installation of a new water main on River Drive as well as pavement rehabilitation on River Drive, North Delaware Parkway, East Delaware Parkway, and Potomac Drive. The grant dollars will be used towards the costs associated with the pavement rehabilitation.

Bids to perform the work were opened on February 15, 2022, as follows.

Milestone Contractors North, Inc.	\$1,096,203.22
Rieth-Riley Construction Co., Inc.	\$1,195,162.11

The water main portion of the project is \$296,958.75 and is not eligible for CCMG funding and will be paid from the Water Depreciation and Water Cash Operating Funds. The CCMG-eligible items total \$799,244.47 up to \$330,013.00 will be funded through the CCMG grant award this leaves \$469,231.47 to be paid from the General Obligation Bond Proceeds fund.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to award Milestone Contractors North, Inc. the contract for the 2021-2 CCMG Pavement Maintenance Program and Water Main Replacement Project at their base bid price of \$1,096,203.22. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **AGREEMENT APPROVAL: 2021-2 CCMG LPA**

The Town of Munster applied for a Community Crossings Matching Grant (CCMG) from INDOT. The grant award is \$330,013.00. The grant eligible portion of the work includes mill and overlay of portions of River Drive, North Delaware Parkway, East Delaware Parkway, and Potomac Drive as well as reconstruction of portions of River Drive and North Delaware Parkway. Bids to perform the work were approved earlier this evening. Agreement #060525 with the Indiana Department of Transportation is presented for Council approval to include the workflow changes being implemented this year.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to authorize the Town Manager to execute Contract #060525 with the Indiana Department of Transportation in the amount of \$330,013.00 to resurface .0895 miles of local roads and streets. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **AGREEMENT APPROVAL: 2022-1 ENGINEERING SERVICES**

The Town of Munster applied for a Community Crossings Matching Grant (CCMG) from INDOT in the first round of funding for 2022. The grant request is \$589,801.73. The grant request includes reconstruction of parts of Camellia Drive and White Oak Avenue as well as mill and overlay of sections of Hawthorne Drive, Cypress Avenue, Crestwood Avenue, and White Oak Avenue. Bids to perform the work were approved earlier this evening. Agreement #060525 with the Indiana Department of Transportation is presented for Council approval to include the workflow changes being implemented this year.

SEH has submitted a proposal to perform engineering services for this project as follows.

- Task 1.1: Topographical Survey
- Task 1.2: Project Plan Sheets
- Task 1.3: Traffic Calming Measures
- Task 1.4: Project Contract Documents
- Task 1.5: Bid Phase Services
- Task 2: Resident Project Representative Services

The current schedule calls for a bid opening June 1, 2022, with construction starting July 2022. Tasks 1.1-1.5 will be performed for a lump sum fee of \$59,600.00 with Task 2 at an hourly rate basis not to exceed \$28,100.00 without prior authorization.

President Gardiner and Councilor Tulowitzki asked for information about the traffic calming.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the agreement with SEH for engineering services for the 2022-1 CCMG Project at an amount not to exceed \$87,700.00. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **AGREEMENT APPROVAL: DOT RAISE GRANT ENGAGEMENT LETTER**

The Federal Department of Transportation is offering grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program. Staff believes the Ridge and Calumet Streetscape Plan is a prime candidate for funding in part because it will mitigate stormwater and make intentional multi-modal connections through the community with transit being constructed by NICTD.

The application deadline is April 25, 2022, and the application process is complex. Staff wants to engage Sam Schwartz Engineering to assist in the application process. This is the engineer of record for the Streetscape Project, and they have a significant amount of project data needed for the application. In addition, they have the staff capacity to complete the process by the deadline. The total projected cost to implement the Streetscape Plan is \$34 million.

Commitments to provide setters of support have been received from NICTD and NIRPC. Other commitments are currently being sought. The engagement cost will not exceed \$10,000.00 and will be paid from the LIT Economic Development Fund.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to enter into an agreement with Sam Schwartz Engineering to assist thin the Town's application for DOT RAISE Grant funding at a cost not to exceed \$10,000.00. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against.

#### **PURCHASE AWARD REVISION: CHIPPER TRUCK**

Council approved the purchase of a chipper truck at the January 17, 2022, meeting in the amount of \$78,816.50 to be paid from General Obligation Bond proceeds. The body and the chassis of the vehicle will come from separate vendors. At the time the award was made, Staff understood that the entire payment would be made to Garber Chevy who would in turn pay the individual vendors. This proved to be inaccurate.

The payment for the chassis will be made to Garber Chevy upon delivery of the chassis to W.A. Jones. The payment for the body will be made directly to W.A. Jones upon vehicle completion and delivery to Public Works. There is no change in the amount being paid or the vendors performing the work.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve split payments for the 2022 dump truck purchase in the amounts of \$44,431.50 to Garber Chevy for the chassis, payable upon delivery to W.A. Jones, and \$34,385.00 to W.A. Jones for the body, payable upon completed vehicle (i.e., assembled chassis and body) delivery to Public Works. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against.

#### **ORDINANCE 1856: RE-ESTABLISH PARK DONATION FUND 770**

Proposed ORDINANCE 1856 is AN ORDINANCE OF THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, AUTHORIZING THE CREATION OF A SPECIAL NON-REVERTING FUND FOR GIFTS, DONATIONS, SUBSIDIES AND SPONSORSHIPS (770 FUND) AND ESTABLISHING RULES FOR EXPENDING SAID FUNDS AND RATIFYING ALL ACTIONS TAKEN TO DATE BY THE BOARD OF PARKS AND RECREATION RELATING TO THAT FUND. For more than twenty years, the Park Department has used the Park Donation Non-Reverting Fund 770 to track donations, sponsorships, and certain program and special event revenues and expenses. Occasionally, sponsorships or donations received exceed the cost of the event for which they were made. When donations and sponsorships are made, the giver is informed that any surplus balance will be used for another park purpose.

For programs and events that are held on a regular basis, these surpluses are held for use the next time the program or event is offered. However, there are times when a program/event is rebranded or stopped completely. There is no policy or procedure in place to shift these surplus dollars to another program or event. Park Staff would like to use the surplus funds to start new programs and events as well as to obtain supplies or perform repairs at the facilities where programs and events are held such as the Social Center.

In formulating a policy, it was discovered that there is no ordinance creating Fund 770. Ordinance 1856 has been drafted to formally establish the Park Donation Non-Reverting Fund 770 and to outline how the surplus balances will be handled.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to hear Ordinance 1856 on first reading and set second reading for the next regular meeting. Councilors Schoon, Tulowitzki, and Gardiner voted in favor; none voted against.

#### **ORDINANCE 1857: SETTING WATER RATES** **AND ORDINANCE 1858: SETTING SEWER/STORMWATER RATES**

Proposed ORDINANCE 1857 is AN ORDINANCE AMENDING SCHEDULE "A," A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR WATER UTILITIES. At the March 15, 2021, meeting, Council authorized NewGen Strategies to perform a cost-of-service rate study. The Council recognized the

need for serious infrastructure improvement. One of the goals of the study was to determine appropriate rates to properly support the needs of the Munster Water Utility.

Over the course of the year, Staff worked with NewGen who presented their findings at Council work-study meetings on December 20, 2021, and February 7, 2022. Based on Council feedback, three options have been presented for the water rate increase.

Option A: This option is the original cost of service recommendations from NewGen. It represents the true cost to the Utility to provide service to residential, commercial, and separate sprinkler meter users in Munster.

Option B: This option applies \$2.5 million of ARPA funds towards water infrastructure. By using ARPA funding this way, the amount of water rate increase needed is lowered.

Option C: This option applies \$2.5 million of ARPA funds towards water infrastructure and places a 90% cap on the separate sprinkler meter rate. This means the rate for a separate sprinkler meter will not exceed 90% of the previous rate.

Regardless of which option is selected, the flat fee rates will also increase. Many of these rates are presented as “TBD” because they are based on the water usage rate chosen. Once Council determines which option will be taken, the flat fee rates currently marked “TBD” will be calculated. Rates for fees not tied to water usage are increasing by 5.00%. Additionally, the minimum charge will be modified to reflect a base rate paid by each customer each month. The base rate will include a set number of gallons. Rates are being considered in three groups: residential, commercial/business, and sprinkler.

Prior to adoption of the ordinance, a public hearing must be held. This is currently scheduled for the next regular meeting on March 21, 2022.

Discussion ensued. President Gardiner and Councilor Tulowitzki lean towards Option C. Council asked to see a comparison among the three options for a typical user based on meter size and type.

Proposed ORDINANCE 1858 is AN ORDINANCE AMENDING SCHEDULE “A,” A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR SEWER AND STORMWATER UTILITIES. NewGen Strategies conducted a cost-of-service study of the sewer and stormwater rates at the same time as the water rate study. Two options were presented to Council for stormwater rates.

Storm A: When first presented to Council, the rate increase was deemed to high to reasonably be considered. As a result, Staff significantly amended the scope of infrastructure work. This revised scope is presented as Storm A.

Storm B: Under the current rate structure, faith-based organizations have an exemption to minimize the amount paid. The cost to manage this stormwater runoff still exists resulting in a subsidy from all other users. This option eliminates the faith-based organization exemption from the fee.

Like the water utility rate, a public hearing must be held. It is currently scheduled with the water utility rate increase.

Discussion ensued. President Gardiner and Councilor Tulowitzki sought clarification on the faith-based organization exemption. President Gardiner and Councilor Tulowitzki lean towards Option 2.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to consider Ordinance 1857, Option C and to consider Ordinance 1858, Option 2 on first reading as presented and set each for second reading at the regular meeting on March 21, 2022. Councilors Schoon, Tulowitzki, 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, March 7, 21, and April 4, 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.

The Munster Civic Foundation will meet at Town Hall on Monday, March 7, 2022.

### **ADJOURNMENT**

There being no further business to come before the Council, and upon a motion by Councilor Tulowitzki and seconded by Councilor Schoon, the meeting adjourned at 8:08 p.m. by voice vote.

**ATTEST:**

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**Chuck Gardiner, President**

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**Wendy Mis, Clerk-Treasurer**