

**TOWN OF MUNSTER**  
**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL**  
**MAY 16, 2022**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, May 16, 2022. Ordinance 1830 is the basis for holding electronic meetings. 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, Lee Ann Mellon, Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. Councilor Andy Koultourides was absent. President Gardiner presided. Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Deputy Town Manager Jill DiTommaso, Town Attorney Dave Westland, Police Chief Steve Scheckel, and Superintendent of Operations Chris Spolnik. The news media were not represented.

Councilor Schoon provided a remembrance of the many contributions to Munster of former Town Councilor Russ Snyder who passed away. President Gardiner remembered the victims of the recent shootings in Buffalo, New York and Laguna Woods, California then opened the meeting with a moment of silence followed by the pledge of allegiance.

**PUBLIC COMMENT**

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.

Mr. Mike Dujmovic, 1833 Tulip Lane, asked about the paid parking at Centennial Park and requested an article in the News You Can Use about bicycle safety.

Mr. Jerry Kuipers, 217 Carnaby Lane, stated that he had hard signs showing support for the Munster Police Department. The signs are available to residents free of charge.

No one else rose to claim the floor.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Approval of the minutes of the regular meeting held on May 2, 2022

**ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #22-5B dated 05/05/22 totaling \$724,682.97  
Confirmation of Voucher Register #22-5C dated 05/06/22 totaling \$407,553.28  
Confirmation of Voucher Register #22-5D dated 05/10/22 totaling \$50,876.80  
Confirmation of Voucher Register #22-5E dated 05/10/22 totaling \$25,523.78  
Confirmation of Voucher Register #22-5F dated 05/12/22 totaling \$175,213.16  
Approval of Voucher Register #22-5G dated 05/16/22 totaling \$243,522.50

**WATER LEAK ADJUSTMENT 2022-21 AND 2022-22**

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:

| <u>Adjustment Number</u> | <u>Average Usage</u> | <u>Actual Usage</u> | <u>Length of Time</u> | <u>Original Bill</u> | <u>Requested Adjustment Amount</u> | <u>Adjusted Bill</u> |
|--------------------------|----------------------|---------------------|-----------------------|----------------------|------------------------------------|----------------------|
| 2022-21                  | 25,000               | 193,000             | 2 months              | \$ 652.41            | \$ 432.29                          | \$ 220.12            |
| 2022-22                  | 4,000                | 39,000              | 2 months              | \$ 146.07            | \$ 114.41                          | \$ 31.66             |

### **LOCAL ROADS & STREETS ANNUAL REPORT**

Indiana Code 8-17-4.1-1 requires an operational report to be prepared by all cities and towns having a population of 15,000 or more with road and street responsibilities. The report must be prepared on forms prescribed by the State Board of Accounts and must disclose all information considered necessary to reflect the financial condition and operations of the department.

Accordingly, the Clerk-Treasurer's Office and Public Works Department prepared the report, which was filed electronically May 10, 2022, with the State Board of Accounts, the Indiana Department of Transportation, and the Purdue University Local Technical Assistance Program. The report is also to be filed with the governing body of the municipality and is available to the public and to the press in the Clerk-Treasurer's Office during regular business hours.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to approve the Consent Agenda as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **NEW BUSINESS**

#### **NICTD STATION BETTERMENTS AND UTILITY RELOCATION**

The Town has been working with the Northern Indiana Commuter Transit District (NICTD) on the design of the two stations planned in Munster as part of the West Lake Corridor Project. The Town has engaged with CDM Smith to work with both the Town and NICTD to design betterments to the originally planned stations. Numerous conversations and meetings have taken place in the process. The original cost proposal for the betterments was \$7.4 million. Staff, NICTD, and subject matter experts continued to meet and the final price for the proposed betterments is \$6,007,657.87.

During the negotiation process, a 12" watermain was identified and needs to be relocated. The main has had several breaks in the past eighteen months and is likely to break again as a result of the impending construction for the train. NICTD has provided a proposal for the work with a proposed price of \$397,175.59. Staff has reviewed the proposal and finds it reasonable.

Both projects will be paid from the TIF Allocation Fund.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to approve the First Written Commitment and Agreement between the Town of Munster and the Northern Indiana Commuter Transportation District for a price not to exceed \$6,007,657.87. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the Second Written Commitment and Agreement between the Town of Munster and the Northern Indiana Commuter Transportation District for a price not to exceed \$397,175.59. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **2023 BUDGET CALENDAR**

The proposed 2023 Budget Schedule was presented for consideration and possible adoption. The local schedule was developed based on statutory deadlines. It calls for Town Council adoption on next year's budget on October 3, 2022, with the required public hearing on September 19, 2022. These are both critical pieces in the budget

process and both are regular meeting dates. The dates may be changed but must fall within the statutory requirements and cannot go beyond any of the statutory deadline dates.

### **ORDINANCE 1863: AMENDMENT TO ARP FUND**

Proposed ORDINANCE 1863 is AN ORDINANCE AMENDING ORDINANCE 1839 CREATING THE PLAN FOR THE USE OF THE FUNDS ACCOUNTED FOR IN THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY FUND (176). Ordinance 1839 adopted at the October 4, 2021, meeting to create the initial plan for how the American Recovery Plan (ARP) monies would be spent. At that time, Council declared \$1,600,000.00 of the allocation as revenue replacement with \$500,000.00 being used for general government services of the Park Department and the balance to be used for the purchase of a new fire truck. The plan can be amended as needed and how the balance was set to be determined later.

During the discussions of the new water rates, Council opted to use \$2,500,000.00 of the ARP funds for capital improvements to the Water Utility infrastructure to reduce the rate customers would pay on their monthly water bill. It is time to incorporate that in the formal ARP Plan. By amending the Plan now, the currently scheduled watermain improvements can be fully funded.

Under the Final Rule of the Department of Treasury, the Town can declare its entire allocation as revenue replacement and use the dollars for any of the allowable uses. Ordinance 1863 has been drafted to declare \$2,500,000.00 as revenue replacement specifically for water infrastructure improvements under Section 603 of the law and the Final Rule.

The process for receiving the ARP money required several steps to be completed and a request for the funds be made. The Town of Munster did this within the scheduled deadlines. Other Indiana units did not. Those that failed to complete the steps forfeited their allocations and these balances were distributed among the units that did. As a result, Munster received an additional \$9,603.82. The original allocation was \$5,074,463.52. With the adoption of Ordinance 1863, the balance of funds available will be \$984,067.34. How this balance will be used will be determined later.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to hear Ordinance 1863 on first reading and schedule second reading for the next regular meeting. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **ORDINANCE 1864: STORMWATER RATES**

Proposed ORDINANCE 1864 is AN ORDINANCE AMENDING SCHEDULE "A", A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR SEWER AND STORMWATER UTILITIES. Ordinance 1858 adopted at the March 21, 2022, meeting established the new sewer and stormwater rates set to go into effect with the bills due June 20, 2022. As the billing staff began the implementation process, several questions arose. Staff spoke with NewGen Strategies and Solutions for clarification. As a result of these conversations, it was determined that Ordinance 1858 contained a scrivener's error.

To correct the situation an ordinance is needed, and Ordinance 1864 has been drafted for this purpose. Because the rates are scheduled to go into effect with the bills due June 20, 2022, Staff requests the ordinance be adopted on first reading. The Town Attorney has been consulted on this matter.

To be clear, the rates are the same as what Council adopted and this ordinance will allow for their implementation as intended.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to suspend the rules and waive the readings to adopt Ordinance 1864 on first reading as presented tonight. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to adopt Ordinance 1864 on first reading as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **ORDINANCE 1865: PARKING METER FUND**

Proposed ORDINANCE 1865 is AN ORDINANCE CREATING THE PARKING METER FUND (2207). The Park Board entered into an agreement for managed parking at Centennial Park. Council formally supported this action in Resolution 2092. The Park Board expressed their desire to have the revenues from the program go into a separate fund specifically for the Park Department.

IC 36-9-12-4 requires all fees collected from parking meters be deposited with the Clerk-Treasurer and that they be deposited into a separate fund. The statute also restricts how the revenues can be expended. There are ten allowed uses with "...the cost of maintenance and operation of a municipally owned park where parking meters are located" being one of them. The other allowed uses do not involve the Park Department.

Ordinance 1865 has been drafted to create the fund in accordance with statute while restricting the use to only that listed under IC 36-9-12-4(b)(10).

Councilor Mellon moved, with a second by Councilor Tulowitzki, to hear Ordinance 1865 on first reading and schedule second reading for the next regular meeting. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **ORDINANCE 1866: 50/50 SIDEWALK REPLACEMENT PROGRAM**

Proposed ORDINANCE 1866 is AN ORDINANCE AMENDING ORDINANCE 1821: 50/50 PUBLIC SIDEWALK REPLACEMENT PROGRAM. At the April 5, 2021, meeting, Council adopted Ordinance 1821 creating the 50/50 Sidewalk Replacement Program. After the 2021 program was completed, Staff met to discuss ways to improve. As a result, Staff now recommends capping the potential cost a homeowner would face.

The proposed cap is based on percentage of lot widths. Regular lots would be capped at 75% of the lot width. Corner lots would be capped at 50% of the lot width. The lot width is determined by the Lake County Surveyor GIS website.

Councilor Mellon clarified that the action is being taken to encourage participation. Councilor Tulowitzki sought clarification on how the cap would be calculated.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to hear Ordinance 1866 on first reading and set second reading for the next regular meeting. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **ORDINANCE 1867: AMENDMENT TO WATER RATES**

Proposed ORDINANCE 1867 is AN ORDINANCE AMENDING SCHEDULE "A", A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR WATER UTILITIES. Ordinance 1857, adopted at the April 4, 2022, meeting, established the new water rates set to go into effect with the bills due July 20, 2022. In the most recent session of the Indiana General Assembly, IC 8-1-2-4.3 was added to the Indiana Code. This statute repeals the Utility Receipt Tax. This is a tax levied by the State of Indiana on, among other things, water provided by a municipally owned utility. The law requires the water rates be reduced by the amount that would have been collected to cover the tax.

Munster historically pays around \$50,000.00 in URT each year. Staff worked with NewGen to determine what the rates need to be in order to comply with the new law. The new rates are about 5¢ less for each volumetric tier. For a 5/8" meter minimum bill, this works out to 12¢ per month or \$1.44 per year. For a 1" meter minimum bill, this works out to 32¢ per month or \$3.84 per year. Ordinance 1867 has been drafted to adopt the new rates.

The new statute also requires that the Utility "...provide notice to all affected customers in each of the next two (2) regular billing cycles that the adjustment in rates or charges reflects the repeal of the utility receipts tax...in

HEA 1002-2022 by the general assembly.” This will be accomplished with a message on the bottom of the water bills due in July and August and in the News You Can Use for the same time period.

Because the rates are scheduled to go into effect with the bills due July 20, 2022, Staff requests the ordinance be adopted on first reading. The Town Attorney has been consulted on this matter.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to suspend the rules and waive the readings to adopt Ordinance 1867 as presented on first reading tonight. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1867 on first reading as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried and Ordinance 1867 was adopted.

### **ORDINANCE 1868: AMENDMENT TO POLICE NON-REVERTING FUND**

Proposed ORDINANCE 1868 is AN ORDINANCE AMENDING ORDINANCE 1841: THE MUNSTER POLICE DEPARTMENT SPECIAL REVENUE FUND (293). There is a Federal Asset Forfeiture Fund which is used when the Munster Police Department participates in a multi-jurisdictional event that results in a federal agency dividing assets among participating law enforcement agencies. Federal regulations require those dollars be kept in a separate fund; nothing can be co-mingled with it.

Last year, Council adopted Ordinance 1840 creating the State Asset Forfeiture Fund with the understanding of Staff that it would work the same as the Federal fund but for those events headed by the State.

The Munster Police Department also has “local” arrests that are handled completely by Munster personnel. These events are handled through the Lake County Courts which determines when the funds seized or forfeited can be either returned to the person arrested or to the Munster Police Department. These dollars are currently going into the General Fund because there is no authority to put them into a different fund.

Last year Council also adopted Ordinance 1841 to create the Police Department Special Revenue Fund to track fingerprint, tow release and other “records Service fees.” The Police Department would like the money seized or forfeited to go into this fund.

Ordinance 1868 has been drafted to amend Ordinance 1841 for this purpose.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to hear Ordinance 1868 on first reading and set a date for second reading. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **FOUNTAIN MAINTENANCE AGREEMENT**

Aquatic Control has provided fountain maintenance for the Town since 2000. The lake/pond/ditch maintenance and fountain maintenance contracts were consolidated under Aquatic Control in 2018. It is time to renew the contract for the 2022-2023 season. The contract provides winter removal, storage, routine maintenance, and re-installation in the spring of 2023. The following fountains are included in the proposed agreement.

|                                |             |
|--------------------------------|-------------|
| West Lakes Subdivision         | 7 fountains |
| White Oak Estates Subdivision  | 7 fountains |
| White Oak Woods                | 1 fountain  |
| Community Estates              | 2 fountains |
| Centennial Park (Maynard Lake) | 3 fountains |

Aquatic Control has offered two quotations, one each for the Park and Public Works Departments.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the Aquatic Control proposals dated April 28, 2022, labeled Quotations #325800 for 2022-2023 fountain winter removal, maintenance, storage and

2023 Spring installation in the amount of \$7,368.00 and Quotation #325796 for 2022-2023 fountain winter removal, maintenance, and storage and 2023 Spring installation in the amount of \$2,118.00. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **CHANGE ORDERS 1 AND 2: ROADWAY AND WATER MAIN IMPROVEMENTS PROJECT**

The 2020-2 CCMG Project included roadway and watermain improvements on Bluebird Drive, Crestwood Avenue, Elliott Drive, and Timrick Drive. Two change orders are needed totaling \$271,433.80. The first change order is the result of additional watermain installation across Crestwood Avenue. Change Order 1 results in an additional \$29,138.16 to the contract.

The second change order is the final quantities reconciliation between the as-built quantities with the contract quantities. This resulted in an additional \$188,295.64 to the contract total.

Councilor Tulowitzki asked about the impact the proposed Kenmara Project will have on this area and how were the cost overruns covered financially. Staff responded that the Kenmara Project should not impact the area and that there are sufficient funds to cover the costs but that means there are less funds for future projects.

Councilor Mellon moved, with a second by Councilor Tulowitzki to approve Change Order 1 in the amount of \$29,138.16 and Change Order 2 in the amount of \$188,295.64 resulting in a net total change to the contract price of \$217,433.80 and making the total contract cost \$1,895,557.55, and of the total due, up to \$8,500.00 will be paid from Water funds. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

### **RELEASE OF RETAINAGE: 2020-2 CCMG ROADWAY AND WATER MAIN IMPROVEMENTS PROJECT**

The 2020-2 CCMG Project is now complete. The contractor, Rieth-Riley Construction Co., Inc. has submitted a pay application for \$189,555.75 representing the final retainage amount. SEH has reviewed the pay application and recommends payment.

Councilor Tulowitzki moved, with a second by Councilor Schoon to authorize the release of the final retainage to Rieth-Riley Construction Co., Inc. in the amount of \$189,555.75. Councilors Schoon, Mellon, 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.

Councilor Mellon announced that Mr. Stuart Friedman has retired from the Plan Commission and Board of Zoning Appeals. He served in this capacity for 25 years and his service is greatly appreciated. Councilor Mellon also provided an update on the Munster Civic Foundation *Tiptoe Through Town* public art project.

Councilor Tulowitzki shared that Saxon Partners gave a presentation for the former Lansing Country Club site at the last Plan Commission meeting.

Councilor Schoon announced that the Lake County Solid Waste Management District is meeting this Thursday in their new facility in Merrillville.

### **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 a regular meeting on Monday, June 6, and 20, 2022. 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 Schoon, the meeting adjourned at 7:57 p.m. by voice vote.

**ATTEST:**

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**Chuck Gardiner, President**

\_\_\_\_\_  
**Wendy Mis, Clerk-Treasurer**

DRAFT