

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
FEBRUARY 6, 2023

A meeting of the Munster Town Council convened at 7:00 p.m. on Monday, February 6, 2023. 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, 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, Deputy Town Manager Jill DiTommaso, Town Attorney Dave Westland, and Fire Chief Mark Hajduk. The news media were not represented.

President Gardiner opened the meeting with a moment of silence followed by the pledge of allegiance. Councilor Mellon welcomed the members of Munster Boy Scout Troop #542 who were present working on the Citizenship in the Community badge.

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, that questions or comments about an item on the agenda were to be emailed to danderson@munster.org.

Mr. David Nellans, 1535 Ridge Road, thanked the Council for installing a backup generator at Town Hall.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Minutes of a regular meeting held on January 16, 2023

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #22-12N dated 12/31/22 totaling \$2,129,879.16
Approval of Voucher Register #22-12O dated 12/31/22 totaling \$144,666.67
Confirmation of Voucher Register #23-1H dated 01/19/23 totaling \$19,073.32
Confirmation of Voucher Register #23-1I dated 01/26/23 totaling \$1,050,939.92
Confirmation of Voucher Register #23-1J dated 01/27/23 totaling \$571,184.04
Confirmation of Voucher Register #23-2A dated 02/02/23 totaling \$1,042,308.83
Approval of Voucher Register #23-2B dated 02/02/23 totaling \$206,589.44
Confirmation of Voucher Register #23-2C dated 02/10/23 totaling \$53,323.73

TREASURER'S REPORTS

The December 2022 Treasurer's Report was presented for acceptance.
The 2022 Annual Treasurer's Report was presented for acceptance.

WATER BILL ADJUSTMENTS 2023-01 THROUGH 2023-05

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
2023-01	6,000	41,000	1 month	\$ 188.03	\$ 149.01	\$ 39.02
2023-02	6,000	35,000	1 month	\$ 162.80	\$ 132.71	\$ 30.09
2023-03	7,000	26,000	2 months	\$ 126.54	\$ 47.30	\$ 79.24
2023-04	4,000	37,000	1 month	\$ 171.21	\$ 131.59	\$ 39.62
2023-05	3,000	65,000	2 months	\$ 296.12	\$ 216.88	\$ 79.24

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, 2020					
Fund	Check Number	Check Date	Paid to the Order of	Check Amount	For
1101	870800	9/10/20	James Smith	\$10.00	Pet Tag Refund
			Subtotal	\$10.00	
2204	870565	2/20/20	Kristen Pashia	\$50.00	Parks Refund
2204	870843	9/17/20	Erica Williams	\$18.75	Parks Refund
2204	871569	11/19/20	Stephanie Almaguer	\$52.00	Parks Refund
			Subtotal	\$120.75	
2547	871477	11/12/20	AT&T	\$1,506.53	10/20 AT&T Charges
			Subtotal	\$1,506.53	
6101	871577	11/12/20	AT&T	\$295.35	10/20 AT&T Charges
6101	868229	1/9/20	Erica Dehaven	1.16	Water Refund
6101	869577	5/21/20	Bridget McDonnell	35.88	Water Refund
6101	870933	9/24/20	Apex Nat'l Real Estate	25.88	Water Refund
6101	871793	12/17/20	Bobby Joe Dulin	43.56	Water Refund
			Subtotal	\$401.83	
			Total	\$2,039.11	

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.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to suspend the rules, waive the readings, and adopt the Consent Agenda as corrected. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

NEW BUSINESS

ORDINANCE 1894: PROMOTION OF TOWN BUSINESS

Proposed ORDINANCE 1894 is A HOME RULE ORDINANCE AUTHORIZING THE PROMOTION OF TOWN BUSINESS THROUGH VARIOUS MEANS. IC 36-7-2-7 allows a Town to promote economic development and tourism. This statute replaced a different statute which authorized towns to expend funds "...for expenses incurred in promoting the best interest of the city or town." Because this statute was replaced, towns must adopt an enabling ordinance in order to pay these kinds of expenses and the expenses are subject to the appropriation rules. The ordinance would allow for not only economic development items but also for employee recognition.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to hear Ordinance 1894 on first reading and set second reading for the next regular meeting. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

2023 LAKE, POND AND DITCH MAINTENANCE SERVICE AGREEMENT

Since 2018, Aquatic Control of Valparaiso, Indiana has performed vegetation management services including inspections and treatments for the following locations.

- West Lake Subdivision – 1 lake, 4 ponds
- White Oak Estates Subdivision – 5 ponds
- White Oak Woods – 1 pond
- Centennial Park (Maynard Lake) – 1 lake
- Schoon Ditch (at Fisher Street between Calumet and Columbia Avenues) – 1 linear ditch
- Community Estates – 2 ponds

Aquatic Control has submitted a proposal to perform the work in 2023 at the 2022 pricing. The ditch work included in the proposal includes monthly rip-rap treatment. If additional treatment is needed, there will be a \$332.00/treatment charge. The contract period is April through September 2023.

This work will be funded by the Sewer Maintenance Fund 280 and covers Annual Lake, Pond & Ditch Maintenance, not fountain maintenance which is covered under a separate contract.

Councilor Koultourides moved, with a second by Councilor Schoon, to approve the Aquatic Control Invoice 219320 dated January 13, 2023, for 2023 Custom Vegetation Management Program in the amount of \$26,185.15. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

PURCHASE APPROVAL: NEW 2023 VERMEER XL WOODCHIPPER

Public Works sought quotes for a new 2023 Vermeer BC 1800 XL Wood Chipper. Unit #371 was purchased in 2017 and will be used as a trade-in. The purchase is part of the Capital Improvement Plan. Staff worked with Sourcewell to receive a proposal from Vermeer Midwest.

The unit is priced at \$98,470.12 less trade-in of \$23,000.00 for Unit #371 making the net cost \$75,470.12. The purchase will be made from the 2022 General Obligation Bond proceeds.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve purchase from Vermeer Midwest for a new 2023 Vermeer BC 1800 XL woodchipper with trade-in of \$23,000.00 for a net price through Sourcewell of \$75,470.12 to replace Unit #371. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

RESOLUTION 2014: DISPOSITION OF SETTLEMENT FUNDS

Proposed RESOLUTION 2014 is A RESOLUTION ON THE DISPOSITION OF SETTLEMENT FUNDS. The Town of Munster settled its lawsuit regarding the Centennial Park Clubhouse in September 2022 for a total of

\$5,545,000. It is generally assumed that the settlement will be used for future improvements at the Clubhouse site. There were legal, engineering, and similar fees spent to secure this settlement. Those fees totaled \$2,196,462.37. The settlement dollars are currently held in an escrow account and are accruing interest. The Clerk-Treasurer's Office has recommended reimbursing the funds which made the expenditures needed to secure the settlement. Doing so will help both the reserves of those funds and reduce the transfers that must be made to the Liability Insurance Fund. This fund continues to cover the ongoing costs related to the Clubhouse (i.e., shoring, monitoring of movement, insurance etc.).

Of the total amount spent, \$671,264.65 was from the Munster Municipal Corporation (MMC) from bond proceeds that were generated for the original construction of Centennial Park. Providing a similar reimbursement to the Munster Municipal Corporation (MMC) has been considered. If such a reimbursement would be made, the MMC would most likely use the money to help fund either the proposed golf course buildings or the yet-to-be-determined disposition of the Clubhouse site. Since the funds would ultimately be used for Centennial Park, there is little to no utility in reimbursing the MMC. As a result, Staff recommends not making a reimbursement to the MMC.

Resolution 2014 has been drafted for this purpose.

Councilor Schoon moved, with a second by Councilor Mellon, to approve Resolution 2104: A Resolution on the Disposition of Settlement Funds. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

BARNES & THORNBURG ENGAGEMENT LETTER:
RESIDENTIAL TAX ABATEMENT AT CENTENNIAL VILLAGE

There is a residential tax abatement component to the Centennial Village development agreement. Ideally, this would have been resolved prior to execution of the agreement, but there is still work to be done. Barnes & Thornburg has presented a letter of engagement to help get these components in place.

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

EICHHORN & EICHHORN ENGAGEMENT LETTER

The Town is facing a lawsuit that was filed in Illinois. The Town Attorney has explained that it is best to have an attorney who is both licensed and experienced in practicing in Illinois. Mr. Westland has suggested Mr. David Jensen with the firm of Eichhorn & Eichhorn, LLP to handle this matter. A letter of engagement was presented.

Councilor Koultourides moved, with a second by Councilor Mellon, to approve the engagement letter with Eichhorn & Eichhorn, LLP. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

NICTD INVOICE #3933: WESTLAKE CORRIDOR PROJECT

On May 16, 2022, the Munster Town Council executed two written commitments and agreements with the Northern Indiana Commuter Transportation District (NICTD). The First Written Commitment and Agreement directed NICTD to authorize its Design-Build Contractor to proceed with a change order for the design and construction of the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations. The additional design and construction costs are estimated at \$6,007,657.87. The Second Written Commitment and Agreement, for \$397,175.59, directed NICTD to authorize its Design-Build Contractor to proceed with the design and construction of the alternate location of the water main between Fisher Street and the Canadian National/Grand Trunk Western Railroad.

The Town has received an invoice for this work from NICTD. Invoice No. 3933 includes engineering and design work for the improvements listed for the period of November 1 through November 31, 2022. Ten percent

retainage has been withheld in accordance with typical contract conditions. Design for the Ridge Road and Main Street stations is 93% and 85% complete, respectively, as of November 30, 2022.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to authorize payment of Invoice No. 3933 to NICTD in the amount of \$17,393.91 from the TIF Allocation Fund. Councilors Schoon, Mellon, Tulowitzki, Koulourides, and Gardiner voted in favor; none voted against. Motion carried.

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 Munster Police Officer James Ghrist was the recipient of the Community Service Recognition Award from the Munster Chamber of Commerce.

Councilor Schoon reported a water line break in the newly renovated Lake County Solid Waste Management District office.

No other 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 Town Council will hold regular meetings on Monday, February 20, and March 6, 2023. The Redevelopment Commission will hold regular meetings immediately following.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Schoon and seconded by Councilor Koulourides, the meeting adjourned at 7:14 p.m. by voice vote.

ATTEST:

Chuck Gardiner, President

Wendy Mis, Clerk-Treasurer