

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
MAY 15, 2023

A meeting of the Munster Town Council convened at 7:00 p.m. on Monday, May 15, 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, Police Chief Stephen Scheckel, Fire Chief Mark Hajduk, Town Attorney Dave Westland, Superintendent of Operations Chris Spolnik, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were not represented.

President Gardiner opened the meeting with a moment of silence followed by the pledge of allegiance.

PROCLAMATION: HONORING REVEREND MICHAEL J. YADRON

The Very Reverend Michael J. Yadron became Pastor of St. Thomas More church in 2003. This year marks the 40th anniversary of his ordination as a priest.

Vice President Mellon read the proclamation honoring his accomplishments.

Councilor Koultourides moved, with a second by Councilor Schoon, to adopt the proclamation as presented. Motion carried *viva voce*.

PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2023, the Town of Munster CDBG allocation is \$103,712.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. The CDBG funding is released to the County and its entitlement communities on or around September 1 and needs to be expended by June 15 of the following year.

After public comment tonight, three documents need to be read and adopted: The Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the Town Executive to submit a project proposal for CDBG funding.

Finally, Project Applications, and supporting documentation, need to be submitted no later than May 19, 2023, for review by Lake County.

The proposed project is to regrade and reconstruct three alleys in the northwest corner of Town as follows.

- East-West and North-South alleys between Hollywood Avenue and Adelaide Place
- Between Gregory Avenue and Fairbanks Place
- Between Beverly Place and Beacon Place

Public Works has identified the alleys as in poor condition and most in need of repair. The full cost of the project is estimated at \$393,226.00 including engineering costs. The Town is responsible for that portion which exceeds the CDBG allotment.

The floor was opened for comments. There being no one else claiming the floor, President Gardiner closed the public hearing.

PUBLIC COMMENT

The Town of Munster accepts public comments 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.

Hoss Fatima, 1901 Fisher Street, Amanda Kilibarda Gutierrez, 8411 Greenwood Avenue, Kathryn Slaboski Wong, 9134 Holly Lane, Debby Albrecht, 8221 Forest Avenue, and Lea Kilibarda Funston, 8301 Greenwood Avenue, each sent an email in support of the proposed Ridge Road Complete Street Project.

Mr. Paul Rotatori, 8118 Kraay Avenue, served on the committee that has been working on the Ridge Road Complete Street Project. He stated that the project addresses safe streets, stormwater runoff, traffic calming, promotes small business, beautifies the area, and discourages traffic from cutting through Munster.

Mr. Dan Straka, 1845 Azalea Drive, is a resident and a business owner in the Ridge Road corridor and spoke in favor of the project and the benefits it will bring to business and families in the neighborhood. He has concerns about the number of accidents he has seen.

Mr. Sam Spicer, 1247 Fisher Street, is in favor of the Ridge Road project because of the increased walkability, bike-ability, slowed traffic and beautification.

Mr. Adam Keefner, 1110 Tulip Lane, echoed the previous comments and stated his belief that it would be a opportunity to not proceed.

Mr. Kevin Heggi, 2142 North Delaware Parkway, stated his opposition to the project citing the problems for the hospital and emergency services. He suggested barricading Ridge Road as an experiment to see how traffic behaved.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Minutes of a regular meeting held on May 1, 2023

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #23-5B dated 05/05/23 totaling \$485,927.48
Confirmation of Voucher Register #23-5C dated 05/04/23 totaling \$627,276.41
Confirmation of Voucher Register #23-5D dated 05/10/23 totaling \$53,323.73
Confirmation of Voucher Register #23-5E dated 05/10/23 totaling \$31,913.75
Confirmation of Voucher Register #23-5F dated 05/11/23 totaling \$124,785.57
Approval of Voucher Register #23-5G dated 05/15/23 totaling \$273,456.13

WATER BILL ADJUSTMENTS 2023-29 AND 2023-30

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
2023-29	5,000	21,000	1 month	\$ 120.59	\$ 72.85	\$ 47.74
2023-30	4,000	37,000	2 months	\$ 214.16	\$ 118.68	\$ 95.48

Councilor Schoon 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.

OLD BUSINESS

ORDINANCE 1902: AMENDMENT TO ARPA PLAN

Introduced ORDINANCE 1902 is AN ORDINANCE AMENDING ORDINANCE 1863 CREATING THE PLAN FOR THE USE OF THE FUNDS ACCOUNTED FOR IN THE ARPA CORONAVIRUS LOCAL FISCAL RECOVERY FUND (2403). First reading was held at the May 1, 2023 meeting. The ordinance amends the plan for how the American Recovery Plan dollars will be used. Specifically, it will allow the use of \$455,070.34 for the purchase of new portable radios for the Police Department.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1902 as presented. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

NEW BUSINESS

ORDINANCE 1903: PERF-COVERED POSITIONS

Proposed ORDINANCE 1903 is AN ORDINANCE NAMING PERF-COVERED POSITIONS. Regular, full-time employees are covered under one of the retirement plans under the Indiana Employers' Retirement System (INPRS) umbrella. Current, sworn officers are part of the 1977 Police Officer's Pension and Disability Fund (1977 Fund). Certain civilian positions are part of the Public Employee's Retirement Fund (PERF).

Indiana Code 5-10.3-7-1 outlines who is eligible for coverage under the Public Employees' Retirement Fund and the Town must name those positions that it wants to be covered under the PERF program in an ordinance. It has been many years since this list has been updated.

Exhibit A to the draft ordinance lists the positions that are currently covered by PERF. This only impacts full-time, civilian employees and the Clerk-Treasurer. Ordinance 1903 has been drafted to formalize those positions considered to be PERF-covered.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to hear Ordinance 1903 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. Motion carried.

VEHICLE PURCHASE: FIRE DEPARTMENT

The Fire Department received quotes for a new 2023 Chevrolet Silverado 1500 4WD, Crew Cab 157" work truck. Unit #2250, a 2011 Chevrolet Tahoe, will be used as trade-in. The vehicle will be paid from 2020 Bond Proceeds. Quotes were as follows.

	<u>Vehicle</u>	<u>Trade-in</u>	<u>Net</u>
Garber Chevrolet	\$48,945.00	\$3,000.00	\$45,945.00
Bosak Chevrolet	\$54,543.00	\$4,000.00	\$50,543.00
Phillips Chevrolet	Declined to quote		

Councilor Tulowitzki asked if Staff is moving towards electric vehicles. Mr. Anderson stated there are not adequate trucks for snowplows and that additional training would be needed. Councilor Tulowitzki asked that Staff continue to work towards electric vehicles.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to approve the purchase from Garber Chevrolet, Highland, Indiana for a new 2023 Chevrolet Silverado for \$46,176.25. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

VEHICLE PURCHASE: PUBLIC WORKS

Public Works sought quotes to purchase a new 2023 Chevrolet truck 4x4 regular cab with snowplow. This vehicle was scheduled for replacement in 2022 as part of the Capital Plan. Unit #317 is a 2017 Chevrolet 1500 truck and will be used as trade-in. Since 2021 only limited and short duration windows of opportunity to order new trucks have been provided by truck manufacturers. The purchase will come the 2022 bond proceeds. Quotes were received as follows.

Bosak Chevrolet, Burns Harbor, Indiana		
Chassis: Chevy 2500 4x4 Reg Cab	\$	46,750.00
Body: Lindco	\$	17,244.00
Less trade-in	\$	18,000.00
Total	\$	45,994.00
Garber Chevrolet, Highland, Indiana		
Chassis: Chevy 2500 4x4 Reg Cab	\$	50,775.00
Body: Lindco	\$	19,097.00
Less trade-in	\$	16,500.00
Fees	\$	230.25
Total	\$	53,602.25
Phillips Chevrolet, Lansing, Illinois		
Declined to send a quote. Not accepting government bids		

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve one 2024 Chevrolet 2500 Truck with snowplow purchase for a net price after trade-in of \$45,994.00 from Bosak Chevrolet to replace Unit #317. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

Z-TRAK PURCHASE: PUBLIC WORKS

Public Works sought quotes for a new 2023 John Deere Z930M track mower with bag collection system. Unit #350 was purchased in 2017 and will be sold to the Munster Fire Department. The purchase is part of the Capital Improvement Plan. Staff worked with Sourcewell to receive a proposal from Castongia Tractor, Crown Point, Indiana.

The unit is priced at \$14,828.66. The purchase will be made from the 2022 General Obligation Bond proceeds. The Fire Department will pay \$3,400.00 to purchase Unit #350 in lieu of trade-in.

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.

Councilor Schoon moved, with a second by Councilor Koultourides, to approve purchase from Castongia Tractor of a new 2023 John Deere Z930M for \$14,828.66. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

M.E. SIMPSON CONTRACT RENEWAL – FIRE HYDRANT FLOW/WATERMAIN CAPACITY TESTING

M.E. Simpson Company is a local sole source company that has served the Town of Munster and other communities for over twenty years. They have knowledge of the Town's infrastructure. As part of the agreement between the Town and M.E. Simpson Company, they will provide all labor, materials, transportation, tools, and equipment necessary to flow-test all hydrants in the water distribution system. They will also document all pertinent information for each flow-tested hydrant in the GIS and ISO Fire Inspection reports so repairs and replacements can be completed when necessary. The funding for the hydrants will be from the Water Operating Budget.

	per/hydrant	Approximate
Year	Cost	Cost
2023	\$ 54.00	\$ 19,008.00
2024	\$ 54.00	\$ 19,008.00
2025	\$ 56.00	\$ 19,712.00

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to approve the Fire Hydrant Flow/Watermain Capacity Testing pricing proposal from M.E. Simpson Co., Inc. for the Fire Hydrant Flow/Watermain Capacity Testing Program in an amount not to exceed \$20,000.00 yearly. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

APPROVAL OF AGREEMENT: MS4 CONSULTING SERVICES

Municipal Separate Storm Sewer System (MS4) is a conveyance or system of conveyances owned by a public entity that discharges water into waters of the United States. There are federal and state mandates and related reporting requirements associated with MS4 administered through the Federal Environmental Protection Agency (EPA) and the Indiana Department of Environmental Management (IDEM). The requirements are complex and time-consuming.

Butler Fairman and Seufert (BF&S) is a Merrillville-based engineering firm with expertise in this field. Staff is requesting entering into an agreement with BF&S to bring the Town into compliance with the mandates, prepare for the IDEM MS4 audit scheduled for October 2023, improving the MS4 program and train Staff. The agreement will be paid from the Sewer Maintenance Fund.

President Gardiner asked if this will be an annual cost. Staff responded that the Town needs assistance to become compliant as a result of new permitting requirements and that Staff will be able to do more in-house moving forward.

In response to a question from Councilor Koultourides, Ms. DiTommaso confirmed that the Town is paying this year to become compliant and the work will be performed in-house next year.

Councilor Tulowitzki, with a second by Councilor Schoon, to authorize the BF&S Engineering proposal in the lump sum amount of \$25,500.00 for known activity and up to \$20,500.00 additional on an hourly not-to-exceed basis (i.e. maximum total of \$46,000.00) for “2023 MS4 Permit Compliance and Program Implementation Assistance with Scope of Services described in Appendix A-1, Schedule described in Appendix C and Compensation described in Appendix D. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

ORDINANCE 1904: SPEED LIMIT REDUCTION

Proposed ORDINANCE 1904 is AN ORDINANCE AMENDING CHAPTER 54 TRAFFIC AND VEHICLES OF THE TOWN CODE OF THE TOWN OF MUNSTER, INDIANA TO PROVIDE FOR MAXIMUM SPEED LIMITS. Councilors have been contacted by a number of residents with concerns about speeding on Broadmoor Avenue. Due to the residential nature of the street and its proximity to James B. Eads Elementary School, Staff recommend reducing the speed limit from 35 mph to 25 mph from the Illinois state line to its terminus at Greenwood Avenue.

Councilor Tulowitzki commented that this was a concerted effort to reduce speeding and Councilor Schoon was pleased to see the speed reduced. President Gardiner noted this area had been studied with traffic and speed counts.

Clerk-Treasurer Mis asked that the ordinance be amended to change the effective date from “upon adoption,” to “upon adoption, a published legal notice, and a thirty day waiting period or July 10, 2023.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to hear proposed Ordinance 1904 on first reading with the amended language and set second reading for June 5, 2023. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

RESOLUTION 2113: APPROVING CONSTRUCTION EASEMENT

Proposed RESOLUTION 2113 is A RESOLUTION AUTHORIZING AND APPROVING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BY AND BETWEEN THE NORTHERN INDIANA COMMUTER TRANSIT DISTRICT AND THE TOWN OF MUNSTER, THROUGH ITS TOWN COUNCIL, ALL PURSUANT TO I.C. 14-13-2 ET SEQUITUR. As part of the train project, NICTD has requested temporary easements for the construction process. Resolution 2113 will grant these easements.

The Munster Redevelopment Commission will be asked to adopt a resolution tonight to give in-kind property to NICTD to be used as drainage. While there is no change in how these parcels are being used, the parcels must be transferred to NICTD. In addition, at their meeting tomorrow, the Park Board is expected to sell some parcels of land to NICTD for similar reasons. The Park parcels are a sale and not a transfer of property.

Councilor Tulowitzki clarified that this requires only one reading and President Gardiner commented that this has been a long, prescribed process to reach this point. Councilor Koultourides confirmed that Mr. Westland has reviewed the documents.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to approve Resolution 2113 as presented. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

RESOLUTION 2111: COMMUNITY DEVELOPMENT BLOCK GRANT

Proposed RESOLUTION 2111 is A RESOLUTION AUTHORIZING AND DIRECTING THE TOWN COUNCIL PRESIDENT OF THE TOWN OF MUNSTER TO SUBMIT A PROJECT PROPOSAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FEDERAL FISCAL YEAR 2023. This matter was the subject of a public hearing earlier in the evening. As part of the process, Council must adopt the Affirmative Action Program and the Section 3 Understanding. These items were read aloud to those present by President Gardiner.

Councilor Tulowitzki confirmed that these documents and process are the same as in prior years.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to adopt the Affirmative Action Program and the Section 3 Understanding. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

Councilor Mellon made the following statement.

Community Development Block Grants (CDBG) are federal dollars made available through the United States Department of Housing and Urban Development, more commonly known as HUD. The Town has applied for these grants, received them, and used them for many good projects, like the alleys.

Tonight the Town is asking for approval to submit a project proposal for the Community Development Block Grant ("CDBG") to receive its approved estimated amount of \$103,712.00 in FY 2023.

Currently, the federal agreement for the CDBG funds the Town is seeking contains the AFFIRMATIVE ACTION PROGRAM IMPLEMENTING SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968, which refers to employment and construction contracts.

In the near future, CDBG funds might come with additional requirements through the reinstatement of the Affirmatively Furthering Fair Housing (AFFH) rule.

In February, 2023, HUD proposed the reinstatement of the (AFFH) rule. It placed the rule on the National Register on February 9, 2023, and accepted public comments through April 23, 2023. It is currently in the process of analyzing and incorporating the feedback and will finalize the rule within a couple months.

This rule is a resurrection of one published in July 2015. Originally, it applied to local jurisdictions receiving more than \$500,000. By October 2016, it was modified to include those receiving less than \$500,000. The rule was later suspended in January 2018, and ultimately terminated in July 2020 because of the burden it caused and questionable effectiveness.

The proposed requirements for the reinstated rule will possibly include time-consuming and costly actionable 5-year planning initiatives that are too cumbersome for smaller towns like Munster. It is also likely to result in over-reaching requirements that jeopardize local control, and the Town's ability to control its own zoning. Depending on the final AFFH rule, going forward it is imperative the Council analyze any additional strings attached and weigh the costs and benefits before applying for and accepting these federal funds.

Councilor Koultourides asked if the rules changes could be retroactive. This is possible but not known at this time.

Councilor Tulowitzki moved, with a second by Councilor Koultourides to adopt Resolution 2111 to authorize the Munster Town Council President to submit a project proposal for the CDBG for Federal Fiscal Year 2023. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

RIDGE ROAD DESIGN ENGINEERING SERVICES

The Town sought proposals for design engineering services for the Ridge Road Streetscape Project in December 2022. Responses were received in January 2023. Staff scored the six proposals submitted and interviewed three top scorers last month.

Staff recommend Infrastructure Engineering, Inc. (IEI) to serve as the Town's preferred consultant. IEI has a team including Butler Fairman and Seufert, Teska, Sam Schwartz, Terracon, and Dodd Title Corporation. The team has deep experience in designing complex environments. By naming IEI as the preferred consultant, they can mobilize effectively while contract negotiations take place. Once the final contract is in place and the notice to proceed issued, work can begin immediately.

Representatives from the IEI team Dustin Quincy and Andrea Langille were present to address Council questions. President Gardiner and Councilor Mellon asked whether the funds were jeopardized if the project is changed i.e. if Ridge Road is not reduced from five lanes to three. The team explained that the grant application usually has a planning document and that the next step is to define the purpose and need. The overall grant is to improve multi-modal transportation on the Ridge Road corridor. As long as the final design meets those criteria, the Town is in compliance with the grant request. The representatives stated they have gone through this process with federal grants and that the final design rarely matches the planning document submitted with the grant application.

Mr. Anderson stated he spoke with the Town's contact at the Federal Highway Administration who confirmed that as long as the Town incorporates elements of a complete street, the Town is in compliance with the grant requirements.

Discussion ensued.

Councilor Schoon moved, with a second by Councilor Koulourides, to identify IEI as our preferred consultant and authorize the Town Manager to negotiate terms and conditions of the proposed contract. Councilors Schoon, Mellon, Tulowitzki, Koulourides, and Gardiner voted in favor; none voted against. Motion carried.

RAISE GRANT AGREEMENT FOR RIDGE ROAD STREETSCAPE PROJECT

The Town has been awarded a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant for the Ridge Road Streetscape Project. The entire project is estimated to cost \$21 million. The grant is for \$17,143,320 with the Town paying the estimated \$4,285,830 balance. The grant is broken down into Preliminary Engineering for \$1,328,940 and Component 1: Ridge Road \$15,814,380.

It will take at least a year to complete engineering of the roadway and the current estimate of substantial completion, with all lanes open for traffic, is December 31, 2026. In order to secure the funding, an agreement must be made between the Town of Munster and the Federal Highway Administration.

Mr. Anderson stated that the Town has processes in place to comply with federal guidelines and is well-positioned to comply with the legal apparatus of the federal government.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to authorize the Town Manager to execute the agreement between the Federal Highway Administration of the U.S. Department of Transportation and the Town of Munster for an award of \$17,143,320 to improve 1.3 miles of Ridge Road. Councilors Schoon, Mellon, Tulowitzki, Koulourides, and Gardiner voted in favor; none voted against.

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 Munster Town Hall.)

The Town Council will hold regular meetings on Monday, June 5, and 19, 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 Koultourides and seconded by Councilor Mellon, the meeting adjourned at 8:15 p.m. by voice vote.

ATTEST:

Chuck Gardiner, President

Wendy Mis, Clerk-Treasurer