

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
NOVEMBER 20, 2023**

A meeting of the Munster Town Council convened at 7:03 p.m. on Monday, November 20, 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, Lee Ann Mellon, Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. Councilor Andy Koultourides was absent. Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Deputy Town Manager Jill DiTommaso, Police Chief Steve Scheckel, Fire Chief Mark Hajduk, Town Attorney Dave Westland, and Superintendent of Operations Chris Spolnik.

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

**PROCLAMATION: SMALL BUSINESS SATURDAY**

President Gardiner read A PROCLAMATION OF THE MUNSTER TOWN COUNCIL RECOGNIZING SMALL BUSINESS SATURDAY. Saturday, November 25, 2023, is Small Business Saturday and residents are encouraged to shop locally at the various small businesses in Munster.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to pass and adopt the Small Business Saturday Proclamation as presented. Motion passed *viva voce*.

**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](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).

No one rose to claim the floor.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Minutes of a regular meeting held on November 9, 2023

**ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #23-11E dated 11/10/23 totaling \$36,981.71  
Confirmation of Voucher Register #23-11F dated 11/09/23 totaling \$537,910.72  
Confirmation of Voucher Register #23-11G dated 11/17/23 totaling \$475,848.69  
Confirmation of Voucher Register #23-11H dated 11/16/23 totaling \$1,023,781.89  
Approval of Voucher Register #23-11I dated 11/20/23 totaling \$372,336.94

**WATER BILL ADJUSTMENTS 2023-51**

Staff received a request 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 an adjustment. The average usage for this customer is 10,000 gallons/month and the period in question had 53,000 gallons in two months. The original bill totaled \$300.61. The requested adjustment for water usage and sales tax is \$181.95 making the amount due \$118.66.

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

### **OLD BUSINESS**

#### **ORDINANCE 1922: AMENDMENT #3 TO 2023 SALARY ORDINANCE**

Introduced ORDINANCE 1922 is AMENDMENT #3 TO THE 2023 SALARY ORDINANCE. Council held first reading on this matter at the November 9, 2023, meeting. The amendment increases the employee holiday bonus from \$100.00 to \$225.00.

As discussed at first reading, IC 36-5-3-2(c) states, "The compensation of an elected town official may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year." As a result, the ordinance has been amended so that the Clerk-Treasurer receives a bonus of \$100.00 as originally fixed for 2023; all other eligible employees will receive a bonus of \$225.00.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to adopt Ordinance 1922 as amended. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

### **NEW BUSINESS**

#### **ORDINANCE 1923: BACKFLOW PREVENTION**

Proposed ORDINANCE 1923 is an ORDINANCE TO PROVIDE A PROGRAM FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM. The Indiana Department of Environmental Management (IDEM) requires public water systems to develop and maintain a continuing program of cross-connection control to prevent contamination of the potable water system. The Town is therefore required to maintain a list of all facilities requiring a backflow prevention device and to ensure that these devices are tested and maintained in good working order. Facilities requiring backflow prevention devices include hospitals, beverage bottling plants, car washes, fire protection systems, and residential and commercial irrigation systems.

At the August 21, 2023 meeting, Council approved an agreement with BSI Online for tracking an enforcement of backflow prevention devices. Going through this process, Staff has identified areas of Town Code that need to be updated. Ordinance 1923 has been drafted for this purpose. The ordinance is from a template provided by IDEM and modified to meet the Town's need.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to table Ordinance 1923 pending legal review. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **ORDINANCE 1924: 2023 BUDGET REDUCTION**

Proposed ORDINANCE 1924 is AN ORDINANCE FOR THE REDUCTION OF THE 2023 BUDGET (1). As part of the Comprehensive Financial Plan efforts, the Town has been refining its budget process. One of these refinements was to include budget reductions when preparing the 2024 budget. A budget reduction is taken on any fund that has more appropriations than needed for the current year. This occurs if a project cost less than anticipated or a planned purchase was put off to the new year.

Historically, the Town has budgeted with the assumption that all available dollars would be spent. The advantage to that is fewer additional appropriation processes are needed, and there is greater flexibility for departments because there is already permission to spend. The disadvantage is it encourages excessive spending and makes it

difficult to plan for the Town's actual needs. It also leads to confusion in explaining the budget status and skews financial reports.

There is a common misunderstanding that all appropriations must be spent by the end of the year, or the money is lost. The reality is, any appropriation not spent is like money left in a savings account. The cash not spent this year remains in the same fund and is available to use next year. By reducing the appropriations (permission to spend), an equal amount of appropriations is available at the beginning of the year.

A budget reduction requires the approval of the Council; Ordinance 1924 has been drafted for this purpose. Each fund listed on the ordinance has been reviewed to determine if it can be reduced. This review was done by the Clerk-Treasurer Staff in consultation with the department that uses the fund. Funds were removed from the list if a department head indicated they had a need for their full budget. To restate, any unspent cash remaining on December 31, remains in its original fund and can be used next year.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to hear proposed Ordinance 1924 for budget reductions on first reading, and schedule second reading for December 4, 2023. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1925: SURPLUS BOND PROCEEDS**

Proposed ORDINANCE 1924 is AN ORDINANCE OF THE MUNSTER TOWN COUNCIL DECLARING CERTAIN BOND PROCEEDS AS SURPLUS AND ALLOWING THE USE OF THE SURPLUS BOND PROCEEDS TO PAY A PORTION OF THE DEBT SERVICE DUE. At the Council and Redevelopment Commission meeting held May 2, 2016, each body took steps to authorize the issuance of \$6,000,000 of Taxable, Special Taxing District Refunding Bonds of 2016. The original bond issuance was for the purchase of the Munster Business Complex located at the intersection of Calumet Avenue and 45<sup>th</sup> Street. A portion of these bond proceeds remains unspent.

I.C. 5-1-13-2 et seq. provides the Town Council, as the local issuing body, with options for how to use surplus bond proceeds. The proceeds can be used to reduce the property taxes improved by the Town in a subsequent year, to create a reserve fund for repayment of the bonds, or to directly pay the principal and/or interest due on any of the property tax-supported bonds issued by the Town.

Currently, there are proceeds totaling \$148,031.00 which have not been spent. The project has been completed. Staff recommends declaring these amounts surplus and using them to pay a portion of the next principal and interest payment due January 1, 2024. That amount is \$329,975.00. Using the surplus proceeds in this way has the effect of lowering the property taxes needed in 2024 for the debt service fund. Last month, Council approved additional appropriations in this fund to allow for the debt service payment.

The funds are currently earning interest compounded daily. This makes it difficult to state the precise amount to be declared surplus. The exact amount will be known when the funds are pulled in from Trust Indiana. This amount is estimated to be less than \$1,500.00. The ordinance has been drafted to declare surplus the current balance of \$148,031.00 plus any interest earned until the transfer is made.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to hear proposed Ordinance 1925 on first reading, and set second reading for December 4, 2023. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1926: 2024 SALARY ORDINANCE**

Proposed ORDINANCE 1926 is AN ORDINANCE ESTABLISHING THE 2024 PAY PLAN FOR THE TOWN OF MUNSTER, IONDIANA (2024 SALARY ORDINANCE).

Compensation of elected officials must be fixed, and the Police Pension Base must be certified before January 1 of the ensuing year. Proposed Ordinance 1926 has been prepared for that purpose, and it includes other annual authorizations and clarifications related to payroll. Of note are the following.

1. All elected officials (including the Clerk-Treasurer), Town Manager, regular, full-time employees, regular part-time employees, and firefighters will receive a 4.00% increase. (Rates for elected officials must be set by December 31, 2023.)
2. The Certified First-Class Officers Rate will increase by 4.00%. (This determines the amount of pension retired officers, and their dependents, receive as well as how much the Town and current officers contribute to the pension plan. (The ratee must be set and certified to the State of Indiana by December 31, 2023.)
3. The Park Board is expected to approve the pay rates for part-time employees at their November 21, 2023, meeting; Exhibit C is what will be presented to the Park Board. Seasonal and Non-Recreational rates remain in line with what is being presented to the Park Board.
4. Two personal days were added in 2023. This remains in place for each regular full-time employee in place on January 1, 2024.
5. Changes to the 2023 provisions include:
  - a. Clothing allowance in the amount of \$75.00 for regular full-time and regular part-time employees who do not already receive an allowance
  - b. Removal of the Golf Pro Shop discount and Pool employee discount in certain circumstances. Neither of these have been used nor requested since their implementation more than ten years ago
6. Minor language changes were made to provide consistency throughout the ordinance and to match what is happening in practice.
7. All benefits and related provisions (e.g., health insurance, Park discounts, etc.) will continue.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to consider Ordinance 1926 on first reading and schedule second reading for the next regular meeting. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **ORDINANCE 1927: SOLID WASTE COLLECTION FEE**

Proposed Ordinance 1927 is AN ORDINANCE AMENDING SCHEDULE “A,” A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING FEES FOR REFUSE DISPOSAL. Residents are charged monthly as part of the water utility bill for refuse and recycling collection. This fee covers the cost of collection and disposal through Homewood Disposal Services (HDS) as well as for leaf and branch collection which is an in-house service provided by Public Works. The current monthly rate is \$26.25/residential customer; this rate has been in place since May 2022.

Historically, costs associated with the ongoing landfill maintenance, regulatory compliance, and gas recovery operations have been funded by cash reserves on hand in the Solid Waste Management Fund. These balances can no longer support these maintenance costs and the monthly fee, as the only revenue stream for this purpose, must be reassessed. Staff reviewed the costs and estimates a shortfall. The Town Manager has calculated that a 12% increase in the monthly rate is necessary. The new monthly rate would be \$29.36/resident. If approved, the new rate would go into effect with the bills due January 20, 2024.

Councilor Tulowitzki noted the ordinance was to go into effect with the March 20, 2024, bill and confirmed that the new hauling rate and proposed employee wage increase of 4.00% have been incorporated into the new solid waste collection rate. Staff will update the effective date for the second reading.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to accept Ordinance 1927 An Ordinance Amending Schedule “A” for Refuse Disposal on first reading and set second reading and potential approval for the next regularly scheduled Town Council meeting on December 4, 2023. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion carried.

#### **2024 UPDATE TO THE TITLE VI IMPLEMENTATION PLAN**

In 2017, Council adopted a Title VI Implementation Plan as mandated by INDOT. Among other things, the plan affirms the Town’s commitment to nondiscrimination in its programs, policies, and activities, establishes a complaint procedure for residents and employees, and affirms the Town’s commitment to environmental justice.

Each year the plan is reviewed and updated as needed.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the 2024 Title VI Implementation Plan as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **2024 UPDATE TO THE ADA TRANSITION PLAN**

In 2012, Council adopted an ADA Transition Plan outlining steps the Town would take to ensure Town facilities, services, programs, and events will be accessible to persons with disabilities. As a recipient of federal funding, the Town is required to maintain this transition plan and update it annually.

Councilor Mellon moved, with a second by Councilor Schoon, to approve the 2024 ADA Transition Plan as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **ADDITIONAL COSTS FOR VEHICLE PURCHASE**

Council approved the purchase of a new 2023 Chevrolet 2500 truck 4x4 crew cab to replace the existing 2016 Chevrolet 2500 truck Unit #315 at the June 5, 2023, meeting. The installation of the body accessories including snowplow, running boards, cap and slide out by W.A. Jones was approved at \$19,578.00. Since that time, a bedliner was added resulting in an additional cost of \$1,541.00. The Town also received a price reduction from W.A. Jones of \$529.00 for running boards being installed by Town mechanics. The additional cost will come from the 2022 G.O. Bond.

Councilor Tulowitzki, with a second by Councilor Mellon, to approve the additional price of a bedliner in the amount of \$1,541.00 to W.A. Jones for the new Chevrolet 2500 truck to replace Unit #315 for a total cost of \$20,590.00 from the original price of \$19,578.00. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **2024 LEAF AND WOOD CHIP CARTAGE AND DISPOSAL**

P & C Trucking has provided pickup, transportation, and disposal of leaves and wood chips for the Town for the past eight years. The vendor has informed the Town that it cannot hold its prices for the coming season. Staff sought quotes for an all-inclusive rate for the pickup, transportation, and disposal of leaves and wood chips. Three proposals were received as follows.

P & C Trucking	\$475.00/load
Indiana Waste Service	\$865.00/load
Green Tree Enterprises	\$1,500.00/load

An additional quote was received from Green Tree Enterprises but was found to be non-conforming to the specifications in the request for quotes. These costs come from the Solid Waste Management Fund.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to approve proposal from P & C Trucking for the pickup, transportation, and disposal of leaves and wood chips as needed to Duneland 28 in Valparaiso, Indiana at \$475.00/load until December 31, 2024. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against. Motion passed.

#### **2024 REGULAR MEETING SCHEDULE**

The proposed 2024 regular meeting schedule for the Town Council, Redevelopment Commission, Park Board, Plan Commission, Board of Zoning Appeals, Board of Safety, and Site Plan Review Committee was presented for consideration.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to adopt the 2024 Regular Meeting Schedule as presented. Councilors Schoon, Mellon, Tulowitzki, and Gardiner voted in favor; none voted against.

## **PORTFOLIO REPORTS**

Clerk-Treasurer Mis reminded those present of the Third Annual Light the Night Event scheduled for Friday, December 1, 2023, at Town Hall.

No other 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 a regular meeting on Monday, December 4, 2023. The Redevelopment Commission will hold a regular meeting immediately following.

## **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 7:35 p.m. by voice vote.

**ATTEST:**

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**Chuck Gardiner, President**

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**Wendy Mis, Clerk-Treasurer**