

**TOWN OF MUNSTER
MINUTES OF A SPECIAL MEETING OF THE TOWN COUNCIL
DECEMBER 23, 2019**

A special meeting of the Munster Town Council convened at 7:00 p.m. on Monday, December 23, 2019, at the Munster Town Hall. Present were Town Councilors Andy Koultourides, Lee Ann Mellon, David B. Nellans, John P. Reed, and Joseph A. Simonetto. Councilor Koultourides presided. Also present were Clerk-Treasurer David F. Shafer, Controller Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Planning Director Tom Vander Woude, Chief of Police Stephen F. Scheckel, Lieutenant Dan Broelmann, Lieutenant Daymon Johnston, Sergeant Thomas Kuhlenschmidt, Superintendent of Operations Chris Spolnik, Town of Munster Representative to the Hammond Sanitary District Michael R. Hawkins, Clerk-Treasurer-Elect Wendy Mis, and Town Councilors-Elect Chuck Gardiner, Ken Schoon, and Steve Tulowitzki. The news media were not represented.

Mr. Dan Dernule, Lake County Councilman to District 4, expressed his gratitude and congratulations to retiring elected officials Dave Nellans, John Reed, Joe Simonetto and Dave Shafer. He then welcomed the newly elected officials.

President Koultourides passed the gavel to Councilor Nellans as a courtesy for him to chair the remainder of the meeting.

45th STREET CONSTRUCTION UPDATE

DLZ representative Lee Randell reported that work continues with relief wells being placed. Excavation has begun and is at about 12' in depth at this point. In response to Council questions about the impact of weather on the work, Mr. Randell explained the contractor prefers cold to the material will harden. This makes removal easier. It is expected that work will continue with temperatures below freezing but will be limited with below zero weather.

OPEN TO THE PUBLIC

Ms. Pam Eanes, 8416 Harrison Avenue, and Ms. Julie O'Connor, 1104 Elliott Drive, approached the lectern together and thanked the retiring elected officials for their service and wished them well.

No one else rose to claim the floor, and the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Minutes of 2019 Park District Bond bid opening of December 9, 2019
Minutes of 2019 General Obligation Bond bid opening of December 9, 2019
Minutes of the regular meeting of December 2, 2019

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #19-11S dated 11/14/19 totaling \$1,000.00
Confirmation of Voucher Register #19-12B dated 12/05/19 totaling \$935,494.14
Confirmation of Voucher Register #19-12C dated 12/05/19 totaling \$71,158.60
Confirmation of Voucher Register #19-12D dated 12/06/19 totaling \$406,551.65

Confirmation of Voucher Register #19-12E dated 12/06/19 totaling \$378,877.54
 Confirmation of Voucher Register #19-12F dated 12/06/19 totaling \$22,995.41
 Confirmation of Voucher Register #19-12G dated 12/10/19 totaling \$114,126.32
 Confirmation of Voucher Register #19-12H dated 12/10/19 totaling \$90,198.67
 Confirmation of Voucher Register #19-12I dated 12/09/19 totaling \$43.61
 Confirmation of Voucher Register #19-12J dated 12/09/19 totaling \$73.21
 Confirmation of Voucher Register #19-12K dated 12/09/19 totaling \$76.70
 Confirmation of Voucher Register #19-12L dated 12/11/19 totaling \$200,000.00
 Confirmation of Voucher Register #19-12M dated 12/11/19 totaling \$27,102.01
 Confirmation of Voucher Register #19-12N dated 12/12/19 totaling \$813,836.61
 Confirmation of Voucher Register #19-12O dated 12/13/19 totaling \$2,824.28
 Approval of Voucher Register #19-12P dated 12/23/19 totaling \$259,034.14
 Confirmation of Voucher Register #19-12Q dated 12/27/19 totaling \$2,495,017.50
 Confirmation of Voucher Register #19-12R dated 12/19/19 totaling \$47,257.85
 Confirmation of Voucher Register #19-12S dated 12/20/19 totaling \$362,448.70
 Confirmation of Voucher Register #19-12T dated 12/20/19 totaling \$333,173.10
 Confirmation of Voucher Register #19-12U dated 12/18/19 totaling \$183.66

TREASURER'S REPORT

The November 2019 Treasurer's Report was presented for acceptance.

WATER LEAK ADJUSTMENT 2019-47 THROUGH 2019-50

Staff received four requests for adjustment under the leak adjustment policy adopted by the Town Council on April 8, 2013. The customers completed the required form and the requests meet all the criteria for adjustment as follows.

<u>Adjustment</u>	<u>Average</u>		<u>Length of</u>		<u>Requested</u>	
<u>Number</u>	<u>Usage</u>	<u>Actual Usage</u>	<u>Time</u>	<u>Original Bill</u>	<u>Adjustment</u>	<u>Adjusted Bill</u>
2019-47	5,000	59,000	2 months	\$ 179.89	\$ 146.41	\$ 33.48
2019-48	7,000	49,000	2 months	\$ 151.90	\$ 105.84	\$ 46.06
2019-49	7,000	35,000	2 months	\$ 111.01	\$ 58.76	\$ 52.25
2019-50	3,000	27,000	1 month	\$ 83.25	\$ 57.13	\$ 26.12

Councilor Simonetto moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Koultourides, Mellon, Reed, Simonetto, and Nellans voted in favor; none voted against. Motion carried and the Consent Agenda was adopted.

GENERAL ORDERS

CHANGE ORDER #8: GRADE SEPARATION PROJECT – PAVEMENT REMOVAL

During the construction work at the center lanes of Calumet Avenue between 45th Street and the north end of the project, reinforced concrete was unearthed. Welded wire fabric and rebar were discovered beneath the existing asphalt and had to be removed and disposed in order to construct the new roadway. The unit price for the work is \$21.38/square yard. There were 1,250 square yards involved for a cost of \$26,725.00. The work has been deemed reasonable and fair.

Councilor Simonetto moved, with a second by Councilor Reed, to approve Change Order #8 as presented in the amount of \$26,725.00. Motion carried *viva voce*.

CHANGE ORDER #9: GRADE SEPARATION PROJECT – TRANSITION MILLING

Transitional asphalt milling was not included in the contract plan or items. The transitional milling will be used beyond the beginning and end of the project limits. This will provide for a smooth transition between the new and old pavements as well as prevent surface water from penetrating the pavement subbase. The estimated quantity needed is 500 square yards at a unit price of \$7.06/square yard. The total cost of the change order is \$3,530.00.

Councilor Reed observed that the Town must pay for all the change orders associated with this project as per the funding agreement. Councilor Mellon sought confirmation that the change orders are in line with what should be expected with this size of project. Mr. Randell confirmed that it is.

Councilor Simonetto moved, with a second by Councilor Reed, to approve Change Order #9 as presented in the amount of \$3,530.00. Motion carried *viva voce*.

ORDINANCE 1786: 2020 SALARY ORDINANCE

Introduced ORDINANCE 1786 is AN ORDINANCE ESTABLISHING THE 2020 PAY PLAN FOR THE TOWN OF MUNSTER, INDIANA (2020 SALARY ORDINANCE). The 2020 salary ordinance was heard on first reading on November 18, 2019. The Town Council usually approves a salary ordinance for the ensuing year during December. In local election years the Town Council usually defers most compensation decisions (except those matters mandated or necessitated to be enacted prior to January 1 each year) to the Town Council whose members' terms commence on January 1 after the election. As previously discussed, the exceptions are:

- Fixing the compensation of elected officers
- Certifying the Police Pension Rate
- Recognizing the Town Manager as a regular full-time employee until a new Employment Agreement is finalized
- Continuing the compensation of all employees

Accordingly, introduced Ordinance 1786 has been drafted to accomplish the provisions of the 2020 Salary and Pay Plan that are mandated or necessitated to be effective prior to January 1, and to authorize compensation to all employees unless and until modified by the next Town Council. Additionally, an exhibit has been added to clarify elected officials' compensation.

Councilor Koultourides moved, with a second by Councilor Reed, to adopt Ordinance 1786 on second as presented. Councilors Koultourides, Mellon, Reed, Simonetto, and Nellans voted in favor; none voted against. Motion carried and Ordinance 1786 was adopted.

ORDINANCE 1790: AMENDMENT #1 TO THE 2020 SALARY ORDINANCE

Proposed ORDINANCE 1790 is AN ORDINANCE AMENDING ORDINANCE 1786, THE 2020 PAY PLAN FOR THE TOWN OF MUNSTER, INDIANA, 1ST AMENDMENT TO THE 2020 SALARY ORDINANCE. First reading on this ordinance was held at the December 2, 2019 meeting.

Councilor Simonetto thanked Clerk-Treasurer Shafer for his assessment of the impact of this ordinance. He then expressed his belief that this action is unfair to all employees and requested the incoming Council to address this issue in the coming year.

Discussion ensued.

Councilor Reed moved, with a second by Councilor Koultourides, to adopt Ordinance 1790 on second reading. Councilors Koultourides, Mellon, Reed, and Nellans voted in favor; Councilor Simonetto voted against. Motion carried and Ordinance 1790 was adopted.

ORDINANCE 1787: RESIDENTIAL REAR YARD FLOODING ASSISTANCE PROGRAM

Introduced ORDINANCE 1787 is AN ORDINANCE CODIFYING RESIDENTIAL YARD FLOODING MITIGATION PROGRAM. The ordinance had first reading at the November 18, 2019 meeting. Staff is proposing a cost-sharing program to assist residents with rear yard flooding problems. Under the program, a resident could apply for financial assistance up to \$3,000.00 for work performed by a contractor and up to \$1,500.00 for supplies and materials if the resident performs the work themselves. Projects will be prioritized by Staff and funded by the Sewer Maintenance Fund 283. Criteria include the following.

1. Only Munster owner-occupied properties qualify for the program
2. Flooding must be documented with standing water present over 72 consecutive hours after a rain event
3. Applicant must correct any outstanding code violations prior to reimbursement
4. Property tax payments must be current
5. Work must begin within six months and eligible expenses submitted within twelve months of application approval.

Things not eligible for relief include the following.

1. Storm water control required as part of new construction or remodel
2. Sump pump discharge
3. Repeated installation at the same location

Councilor Koultourides sought confirmation that the maximum per household is \$3,000.00. Staff confirmed that is correct.

Councilor Reed moved, with a second by Councilor Simonetto, to adopt Ordinance 1787 on second reading as presented. Councilors Koultourides, Mellon, Reed, Simonetto, and Nellans voted in favor; none voted against. Motion carried and Ordinance 1787 was adopted.

ORDINANCE 1788: REPEALING AND REPLACING THE MUNSTER ZONING ORDINANCE

Introduced ORDINANCE 1788 is AN ORDINANCE REPEALING THE MUNSTER ZONING ORDINANCE, INCLUDING AMENDMENTS AND ZONE MAPS, AND ADOPTING A REPLACEMENT ZONING ORDINANCE, INCLUDING TEXT AND ZONE MAPS, FOR THE TOWN OF MUNSTER. The ordinance had first reading at the December 2, 2019 meeting. At the February 19, 2018 meeting, the Council approved an agreement with Town Planning and Urban Design Collaborative LLC (TPUDC) to formulate a comprehensive update to the zoning ordinance. This ordinance is the culmination of those efforts.

A public draft of the code changes was released October 15, 2019 and a public presentation was held at Centennial Park Clubhouse on October 30, 2019. The public was given ample opportunity to provide feedback. At their meeting on November 26, 2019, the Plan Commission held a public hearing on the adoption of the drafted ordinance. The Plan Commission has forwarded a unanimous, favorable recommendation to the Council for adoption.

Council may adopt, amend, or reject the proposed ordinance. If amended or rejected, the proposal will be remanded back to the Plan Commission. If the amendment or rejection were to be approved by the Plan Commission, the Council's action would stand. If the Plan Commission were to disapprove the amendment or rejection, the Council would need to confirm their original decision by a vote.

Staff confirmed to Councilor Simonetto that there have been no changes made to the ordinance since the first reading.

Councilor Simonetto moved, with a second by Councilor Mellon, to adopt Ordinance 1788, on second reading as presented. Councilors Koultourides, Mellon, Reed, Simonetto, and Nellans voted in favor; none voted against. Motion carried and Ordinance 1788 was adopted.

NEW BUSINESS

LETTER OF ENGAGEMENT: BAKER TILLY – 2019 SEWAGE UTILITIES

Staff has solicited the services of Financial Advisor Baker Tilly for the purposes of conducting a preliminary sewer rate analysis at a cost not to exceed \$2,500.00. Staff has recognized that the Town's sewer infrastructure must be addressed. By conducting a rate study, financing options can be explored to help formalize an infrastructure improvement plan.

Councilor Simonetto moved, with a second by Councilor Koultourides, to approve the letter of engagement for the 2019 Sewage utilities and to authorize the Town Manager to enter an agreement with Baker Tilly. Motion adopted *viva voce*.

LETTER OF ENGAGEMENT: BAKER TILLY – 2019 WATER UTILITIES

Staff has solicited the services of Financial Advisor Baker Tilly for the purposes of conducting a preliminary water rate analysis at a cost not to exceed \$2,500.00. Staff has recognized that the Town's water infrastructure must be addressed. By conducting a rate study, financing options can be explored to help formalize an infrastructure improvement plan.

Councilor Simonetto moved, with a second by Councilor Mellon, to approve the letter of engagement for the 2019 Water Utility and to authorize the Town Manager to enter an agreement with Baker Tilly. Motion adopted *viva voce*.

SETTLEMENT AGREEMENT: TRAFFIC ACCIDENT 2014

This is a request to settle a lawsuit stemming from a traffic accident which resulted in damage to Town property. The traffic accident occurred at 1:30 p.m. on August 29, 2014, when a driver, originally westbound on 45th Street, attempted to turn left to become southbound on White Oak Avenue, but struck an eastbound vehicle, causing that eastbound vehicle to run off the road and strike the electrical cabinet and traffic signal controller box located to the southeast of the intersection of 45th and White Oak. Midwestern Electric repaired the cabinet and controller box at a cost of \$26,237.00. Efforts to recover the cost of damage to Town property were unsuccessful and the matter was turned over to Jonathan Petersen, Esq. for collection. Mr. Petersen filed a lawsuit on behalf of the Town of Munster against both drivers.

On December 6, 2019, Mr. Petersen received an offer to resolve the case for \$20,000.00. If resolution is not reached, there is a suggestion that an expert will be hired to review the itemization of damages and work of Midwestern Electric, thereby risking a lowering of the amount of the Town's recovery. Staff recommended accepting the offer to resolve the case for \$20,000.00.

Councilor Mellon moved, with a second by Councilor Simonetto, to settle the pending lawsuit by accepting a payment of \$20,000.00, less legal fees and costs. Motion carried *viva voce*.

MAINTENANCE AGREEMENT: WATER METER SOFTWARE

The Town uses water meters which emit a radio signal to capture the water usage. The meter readings are captured by either a laptop computer or a handheld device which picks up the signal from the meters. The software

has an annual maintenance fee of \$2,500.00. There is also a one-time insurance/maintenance fee for the handheld devices and accessories of \$988.07. The meters are from the manufacturer Neptune and are purchased from Utility Supply Company. The cost will be paid from the Water Cash Operating Fund 601.

Councilor Koultourides moved, with a second by Councilor Reed, to approve the annual maintenance agreement with Utility Supply Company covering the Neptune meter reading software, handheld devices, and related accessories in the total amount of \$3,488.07. Motion carried *viva voce*.

ORDINANCE 1791: CREDIT CARD USE

Proposed ORDINANCE 1791 is AN ORDINANCE AUTHORIZING THE ISSUANCE OF CORPORATE CREDIT CARDS FOR USE BY CERTAIN EMPLOYEES OF THE TOWN OF MUNSTER. In 1989 the Town of Munster began allowing certain employees to use a Town authorized credit card to facilitate making purchases on Town business. Historically, credit cards were issued to four employees: Clerk-Treasurer, Town Manager, Director of Parks & Recreation, and Chief of Police. There have been several revisions to the list of those employees permitted to use a Town credit card, with the latest revision occurring in 2014. Changes to personnel since 2014 necessitate a further revision to the list of permitted users.

Clerk-Treasurer -- Following the announced retirement of Mr. Shafer, Wendy Mis was elected as Munster's eighth Clerk-Treasurer in November of 2019, with an initial four-year term beginning January 1, 2020. It is appropriate to recognize Mrs. Mis as a permitted user of one of the Town's American Express credit cards.

Director of Parks & Recreation -- For a time prior to 2015, the Town Manager also served as Director of Parks & Recreation. With the hiring of a new Town Manager and a new Director of Parks & Recreation, it would be appropriate to list the Director of Parks & Recreation as a permitted user of one of the Town's American Express credit cards. It is noted that the shared use of the Town Manager's American Express credit card by Park Department personnel is sufficient to warrant a separate credit card to be issued to the Director of Parks & Recreation.

Proposed Ordinance 1791 has been drafted to identify Clerk-Treasurer Wendy Mis and Director of Parks & Recreation Gregory S. Vitale as permitted users of Town-authorized American Express credit cards.

Councilor Simonetto moved, with a second by Councilor Mellon, to consider proposed Ordinance 1791 on first reading and schedule second reading and possible adoption for the next regular meeting. Motion carried *viva voce*.

RESOLUTION # 2061: 2019 ENCUMBRANCES

Proposed RESOLUTION 2061 is A RESOLUTION AUTHORIZING 2019 ENCUMBERED APPROPRIATIONS TO BE CARRIED INTO BUDGET YEAR 2020. When beginning a new budget year, it is beneficial to review open purchase orders that show as "encumbered" on the current year's ledger. These encumbrances can be carried forward to the corresponding 2020 budget account. This allows expenses generated in 2019 to be attributed to the 2019 budget instead of the 2020 budget.

Staff in all departments have been asked to review their open purchase orders and report which items should be carried into 2020. These items can only be used for the vendor and for the goods or services for which the purchase order was originally made. The maximum to be brought into 2020 is \$1,713,255.37.

Encumbrances brought forward have a direct impact on future appropriation levels. We know that not all the listed encumbrances will be used; some will not be used at all. All encumbrances brought into the new year will be used by the end of February 2020. The final amounts will be reported in March 2020.

The Indiana State Board of Accounts suggest formally recording these encumbrances in the minutes of the final meeting of each year. Resolution 2061 has been drafted for this purpose. Exhibit A to the resolution is a fund summary and listing of all purchase orders which will be carried into 2020.

Councilor Koultourides moved, with a second by Councilor Simonetto, to adopt Resolution 2061 as presented. Councilors Koultourides, Mellon, Reed, Simonetto, and Nellans voted in favor; none voted against. Motion carried and Resolution 2061 was adopted.

ORDINANCE #1792: SALE OF TOWN PROPERTY

Proposed ORDINANCE 1792 is AN ORDINANCE CODIFYING POLICIES FOR THE SALE OF TOWN-OWNED TECHNOLOGY. Some departing Council members have requested to purchase their Town-issued iPads. Ordinance 1792 has been drafted for this purpose. Mr. Anderson asked the ordinance to be amended to show the cost either as the ordinance is currently written or at the current market price, whichever is lower.

Councilor Reed stated he will abstain from the vote on the ordinance because he will be directly impacted by the outcome.

Councilor Simonetto moved, with a second by Councilor Mellon, to suspend the rules to allow waiving readings and adoption of Ordinance 1792 on first reading. Councilors Koultourides, Mellon, Reed, Simonetto, and Nellans voted in favor; none voted against. Motion carried.

Councilor Simonetto moved, with a second by Councilor Mellon, to adopt Ordinance 1792 as amended. Councilors Koultourides, Mellon, Simonetto, and Nellans voted in favor; Councilor Reed abstained; none voted against. Motion carried and Ordinance 1792 was adopted on first reading as amended.

Clerk-Treasurer Shafer requested the amended ordinance be submitted to him in writing.

MOU AMENDMENT: TOWN OF HIGHLAND ANIMAL CONTROL

At the January 21, 2019 meeting, the Council approved a memorandum of understanding with the Town of Highland for animal control services. The Town of Highland has requested an additional \$500.00/quarter fee to be paid bi-annually. The fee is to help offset facility and building costs and is in addition to the fees in the current memorandum of understanding. The Town of Munster has been using the Highland facility regularly and Staff believes this is a reasonable request made in good faith.

Chief Scheckel explained that the Town is taking more dogs to Highland than was anticipated under the original Memorandum of Understanding. As a result, the Town of Highland has hired additional staff. The requested fee is seen as reasonable and warranted.

Councilor Simonetto moved, with a second by Councilor Mellon, to pass the Amended Memorandum of Understanding with the Town of Highland, authorizing an increase in payment in the sum of \$500.00 quarterly, for a total of \$2,000.00 annually and authorize the Chief of Police to sign the amended agreement. The motion carried *viva voce*.

OTHER BUSINESS

By general consent, the Council directed the Town Manager to look into videotaping the Council meetings.

At this time, each Councilor and the Clerk-Treasurer took a few moments to thank their fellow elected officials, the residents, and staff.

ANNOUNCEMENTS

(Unless state otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.)

The Town Council will hold a special meeting on Monday, January 13, 2020. The Redevelopment Commission will hold a special meeting immediately following the Town Council meeting.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Simonetto, seconded by Councilor Reed, the meeting adjourned at 8:29 p.m.

Andy Koultourides, President

ATTEST:

David F. Shafer, Clerk-Treasurer