

**TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
AUGUST 16, 2021**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, August 16, 2021. At the time of this meeting, the country was facing a pandemic outbreak of the Coronavirus. In response, Indiana Governor Holcomb issued a series of Executive Orders which, among other things, declared a public health emergency and suspended various statutes. Executive Order 20-04 specifically addressed public meetings and the Open-Door Law. This Executive Order, along with the opinion of the Indiana Public Access Counselor, allows for meetings to be held in a virtual environment. Subsequent Executive Orders have extended this practice.

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 Koultourides presided.

Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Town Attorney Dave Westland, Police Lieutenant Daymon Johnston, Deputy Fire Chief Dave Strbjak, Planning Director Thomas Vander Woude, and Munster Representative to the Hammond Sanitary District Mike Hawkins was present in the virtual setting. The news media were not represented. The public was given the information needed to access the meeting virtually, and some took advantage of it.

Also in attendance at Town Hall was Munster Boy Scout Troop 542 which was present as part of their Citizenship Badge.

The Town Council has sought legal counsel and has performed its due diligence to the best of its ability in a continually changing situation. The Town Council believes it is acting in accordance with Indiana State law, the Governor's Executive Orders, and the interpretations and directives of other State agencies.

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

PUBLIC COMMENT

Because of the unique nature of this meeting, 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. Anderson reported that none were received.

Mr. Bob Thomas, 8445 Manor Avenue, was present in the virtual setting and had questions about the planned train station. This matter was discussed at length later in the meeting.

No one else rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on August 2, 2021

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #21-5Q dated 05/31/21 totaling \$3,538.93
Confirmation of Voucher Register #21-6O dated 06/04/21 totaling \$66.37
Confirmation of Voucher Register #21-6P dated 06/30/21 totaling \$2,412,505.06
Confirmation of Voucher Register #21-8B dated 08/05/21 totaling \$496,410.74
Confirmation of Voucher Register #21-8C dated 08/10/21 totaling \$56,208.51
Confirmation of Voucher Register #21-8D dated 08/10/21 totaling \$27,821.38
Approval of Voucher Register #21-8E dated 08/16/21 totaling \$91,446.28
Confirmation of Voucher Register #21-8F dated 08/12/21 totaling \$33,839.38
Confirmation of Voucher Register #21-8G dated 08/13/21 totaling \$418,254.28

SPECIAL WATER ADJUSTMENT

The Town has been performing work on Timrick Drive including the installation of new water mains. The water line of a customer in the area was compromised when the boring contractor severed the customer's water line. There was sludge in the line after the incident and the customer was required to run their water to be sure the lines were clear. The homeowner has requested a refund for the cost of the water used to clear the line.

The Clerk-Treasurer does not have the authority to grant a refund or credit in this situation. It is difficult at best to determine how much water was used in this situation. If Council were to grant the request, a fair method of determining the amount to refund must be established.

One method of determining the amount is to apply the Leak Adjustment Policy. This looks at the average usage over the previous twelve months. The average usage for this customer is 4,000 gallons/month and the period in question had 12,000 gallons. The original bill amounts totaled \$46.01. Under this method, the adjustment amount would be \$15.05 which represents water usage and sales tax. With the adjustment, the amount due for water and tax would be \$30.96.

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

NEW BUSINESS

CHANGE ORDER #031: GRADE SEPARATION PROJECT

The Grade Separation Project included the construction of retaining walls at each corner of the underpass. The retaining walls had an architectural surface treatment and anti-graffiti coating. Following the completion of Wall 4, a vehicle struck the retaining wall causing surface damage. The accident was not reported so there was no insurance information available to the contractor to seek damages. INDOT provides payment for damaged property where insurance information is not available. The sum of the change order includes manpower and materials to repair the wall including paint and anti-graffiti coating. In addition, the work required two additional days be added to the Contract Completion Date. DLZ Engineer Lee Randell was present in the virtual setting to explain the various change orders and to answer questions.

The total cost of Change Order #031 is \$3,245.41 and an extension to the Contract Completion Date of two days. This represents 0.016% of the original contract price. The total changes to-date are \$1,876,332.78 or an 9.136% increase to the total project cost. The TIF Allocation Fund will cover the change order. The change order has been reviewed and approved by the Town's construction engineering firm DLZ as well as INDOT.

Councilor asked if similar accidents in the future will be covered by insurance. Mr. Anderson responded only if an incident report is filed.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, to approve Change Order #031 for INDOT Contract B-36229 in the amount of \$3,245.41 and a Contract Completion Date extension of two days. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

ORDINANCE 1831: AMENDMENT #3 TO 2021 SALARY ORDINANCE

Proposed ORDINANCE 1831 is AMENDMENT #3 TO THE 2021 SALARY ORDINANCE. In response to the Coronavirus pandemic, AIM Medical Trust, the healthcare provider for the Town of Munster employees, is offering a one-time payment for fully vaccinated employees covered by the Town medical insurance policy. The one-time payment will not exceed \$50.00 for each employee. The COVID-19 reimbursement fund of the AIM Medical Trust will cover the costs.

In addition, the Town will provide reimbursement to all full-time employees not covered under the AIM Medical Trust, firefighters, and regular part-time employees, by utilizing monies provided from a second source of the AIM Medical Trust. These reimbursements will be covered by the wellness credit from the AIM Medical Trust. Seasonal employees, Town Councilors, members of Boards and Commissions, and police pensioners will be exempt from the one-time payment.

Staff would like to begin processing reimbursements swiftly and requested Ordinance 1831 be adopted on first reading.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to suspend the rules, waive the readings, and adopt Ordinance 1831 on first reading as presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

CONTRACT APPROVAL: INDOT/LPA BIKE AND PEDESTRIAN TRAIL CONNECTOR AT CADY DITCH AND MARSH DITCH

The Town has been awarded a grant of up to \$784,080.00 in federal funds through NIRPC to extend bike and pedestrian access across Hart Ditch and Cady Marsh Ditch to Brantwood Park in Highland. This is an 80% matching grant with the Town covering 20% of the funding.

The initial estimate is \$1.2M with a 20% contingency plus construction engineering estimated at 15% or \$216,000.00 bringing the estimated cost up to \$1,656,000.00. Federal funds will cover \$784,080 with the Town being responsible for \$871,920.00. Funds from prior Park Bond Proceeds are available to cover this cost.

The layout of the path has been finalized and permits for construction in the floodway have been submitted to the Indiana Department of Natural Resources. Geotechnical engineering will begin in the coming weeks and construction plans will be finalized once geotechnical engineering is complete. Construction is currently schedule for September 2022.

Council approved a contract with SEH for the initial engineering work at the October 19, 2020, meeting. An LPA Contract has been prepared with the Indiana Department of Transportation for the construction.

In response to questions from Councilors Gardiner, Schoon and Tulowitzki, Mr. Anderson stated the final completion date is unknown; there is a verbal understanding which will be reduced to writing with the Town of Highland that they will contribute to the local match; the contribution of the Town of Highland will not impact the federal share and that NIRPC awards points and expects the sharing of costs between local units.

Councilor Gardiner moved, with a second by Councilor Tulowitzki, authorize the Town Manager to execute the LPA contract #54249 with the Indiana Department of Transportation for the construction of a pedestrian bridge over Hart and Cady Marsh Ditches. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

PROPOSAL: TOWN HALL GENERATOR

SEH has submitted a proposal to upgrade the existing standby generator system to the Town Hall facility. Three separate tasks were outlined in the proposal dated July 27, 2021, covering Design Services, Bidding Phase Services, and Construction Inspection. The three tasks will be completed for a not to exceed amount of \$26,600.00.

Additional work was proposed for completion at additional cost. The project schedule calls for bid documents to be ready by the end of September.

Councilor Tulowitzki asked for a rough cost estimate. SEH Engineer Jill DiTommaso was present and explained she could not state with certainty but anticipated it to be in the half million-dollar range.

In answer to Councilor Gardiner, Ms. DiTommaso stated the current system is at least twenty years old but does not know the exact age.

Councilor Gardiner moved, with a second by Councilor Mellon, to authorize the Town Manager to enter an agreement on behalf of the Town for the scope of services provided in the proposal at a cost not to exceed \$26,600.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

CONDITIONAL USE PERMIT: 9451 CALUMET AVENUE

The Marathon gas station located at 9451 Calumet Avenue is owned by Good Oil who has requested a conditional use permit to use an existing accessory structure as a car wash. The Board of Zoning Appeals held a public hearing on July 13, 2021 and voted to forward a favorable recommendation for approval with conditions to Council. The conditions are as follows.

1. The car wash is to be located in the existing accessory building.
2. The car wash is to be an accessory to the existing Marathon gas station.
3. The car wash queuing is to be screened in accordance with Munster zoning ordinance Table 26-6.405.A-6.
4. The BZA approves a variance from setback standards of Table 26-6.405.A-6.
5. The permit be granted with a time limit of twelve months.
6. If the conditional use permit is not renewed after a year, and they don't have a plan, the accessory building be vacated, taken down, and restored to landscaping or parking.

Lengthy discussion ensued. It was observed that the business is in an important location in Town. The petitioner has been granted variances in the past and not followed through with the promises made. It would be legally difficult to not allow the continued conditional use permit once granted.

Councilor Mellon moved, with a second by Councilor Gardiner, to deny the conditional use permit for a car wash. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. The conditional use permit was denied.

PARK RULES AND REGULATIONS

At the direction of the Park Board, the Park Director has been developing new park rules with corresponding fines for their violation. The Police Department has contributed to the project and the comments were passed to the Town Attorney for review. The Town Attorney has worked with Councilor Gardiner and Staff towards codifying the new rules. A public hearing is required.

Councilor Gardiner stated that the rules have so much changed as have been brought into line with the current ordinances to allow enforcement. He thanked Town Attorney Nicole Bennett for her work.

Councilor Tulowitzki sought clarification on some of the items.

Councilor Gardiner moved, with a second by Councilor Schoon, to accept the draft rule changes and set a public hearing and potential adoption of the rules at the September 20, 2021, meeting. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

REPORTS

STATION DESIGN UPDATE

CDM Smith provided a presentation with options for the train stations. This matter was a follow-up the to the presentation from the August 2, 2021, meeting.

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, September 20, 2021. The Redevelopment Commission will hold a regular meeting immediately following the Town Council meeting. There will be no meeting on Monday, September 6, 2021, and Town Hall will be closed, in observance of Labor Day.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Gardiner and seconded by Councilor Tulowitzki, the meeting adjourned at 8:33 p.m. by voice vote.

ATTEST:

Andy Koultourides, President

Wendy Mis, Clerk-Treasurer