

**Enrolled Minutes of the Seventy-Fifth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, November 12, 2018**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 12, 2018 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.

The study session ended at 7:04 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 12, 2018 at 7:05 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Steven Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Kathy DeGuilio-Fox, Redevelopment Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Kenneth J. Mika, Building Commissioner, were present.

Also present Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 22 October 2018 were approved by general consent.

Special Orders:

1. **Consideration of Budget Amendment. Proposed Additional Appropriations: (non-controlled funds) Proposed Additional Appropriations in Excess of the 2018 Budget for the Gaming Revenue Sharing Fund in the amount of \$85,000.00.**
 - (a) Attorney verification of Proofs of Publication: The TIMES 27 October 2018. The Town Attorney indicated that the proof of publication complied with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:

1. Larry Kondrat, 8115-4th Place East, Highland, Indiana, sought clarification regarding the purpose of the budget amendment, inquiring if the purpose was still to support purchase of road salt. This was confirmed.

There being no further comments, the public hearing was closed.

(c) Action on Appropriation Enactment No. 2018-46: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Gaming Revenue Sharing Fund in the amount of \$85,000.00, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Zemen introduced and moved the consideration of Enactment No. 2018-46 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2018-46 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2018-46**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Gaming Revenue Sharing Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND

Increase Account	
091-0000-23005 Road Salt:	<u>\$ 85,000.00</u>
	Total for the Fund: \$ 85,000.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of November 2018. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of November 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. Consideration of Budget Amendment. Proposed Additional Appropriations:
(controlled funds): Proposed Additional Appropriations in Excess of the 2018
Budget for the Redevelopment General Fund in the amount of \$2,500.00

- (a) Attorney verification of Proofs of Publication: The TIMES 27 October 2018. The Town Attorney indicated that the proof complied with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:
 - 1. Larry Kondrat, 8115-4th Place East, Highland, Indiana, inquired about the merits of allocations area and its uses.

There being no further comments, the public hearing was closed.

- (c) Action on **Appropriation Enactment No. 2018-47:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for **Redevelopment General Fund** in the amount of **\$2,500.00**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Vassar introduced and moved the consideration of Enactment No. 2018-47 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Enactment No. 2018-47 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2018-47

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Redevelopment General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Redevelopment General Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Redevelopment General Fund** and for the purposes herein specified, subject to the laws governing the same:

REDEVELOPMENT GENERAL FUND

Increase		
Acct. 094-0000-20006 Main Street Supplies (GS)		\$ 500.00
Total for Series:		\$ 500.00

Increase

Acct. 094-0000-39033 (GS) Main Street Prof. Services \$ 2,000.00
 Total for Series: \$ 2,000.00

Total for Fund: **\$ 2,500.00**

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of November 2018. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of November 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

Staff Reports: The following staff reports were received and filed.

• Building & Inspection Report for October 2018

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	3	0	3	\$408,949.00	\$5,727.00
Signs:	3	0	3	\$8,517.00	\$942.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	2	2	0	\$63,007.00	\$1,280.00
Residential Remodeling:	103	103	0	\$797,738.00	\$16,340.50
Garages:	3	3	0	\$53,631.00	\$1,346.00
Sheds:	3	3	0	\$15,058.00	\$476.50
Decks & Porches:	3	3	0	\$33,218.00	\$892.50
Fences:	14	14	0	\$38,639.00	\$1,535.50
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	1	1	0	\$9,500.00	\$194.50
Miscellaneous	6	4	2	\$27,695.00	\$1,031.50
TOTAL:	141	133	8	\$1,455,952.00	\$29,766.50
Electrical Permits	24	20	4		\$1,990.00
Mechanical Permits	14	10	4		\$1,198.00
Plumbing Permits	6	5	1		\$610.25
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	6	5	1		\$610.25

October Code Enforcement:

Investigations: 111

Citations: 03
Warnings: 111

October Inspections & Exams:

Building: 48 Electrical: 24 Plumbing: 11 HVAC: 11
Electrical Exams: 2

• **Fire Department Report for October**

<u>Type of Call</u>	<u>Month</u>	<u>2nd half of year</u>
General Alarms	17	55
Paid Still Alarms	41	144
Still Alarms	04	24
Total Alarms:	53	223

* For paid still alarms, responses or participation by the fire fighters, a stipend in lieu of direct compensation, shall be paid to the Highland Volunteer Fire Fighter Association in the amount of \$50 each. (Pursuant to Wage and Salary Ordinance, Section 12(G).)

• **Workplace Safety Report for November**

There was one workplace incident to report in October. The following report was filed.

Department	Injuries this Month	Year to Date 2018	Total in 2017	Restricted Days 2018	Lost Workdays This Year (2018)	Restricted Days Last Year (2017)	Lost Workdays Last Year (2017)
Parks	0	3	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	3	6	0	0	0	365
Street	0	1	0	0	0	0	0
Water & Sewer	1	3	2	80	46	0	0
Maint.	0	1	2	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	1	11	10	80	46	0	365

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Introduced Ordinance No. 1687:** An Ordinance to Amend Title 15 of the Highland Municipal Code, particularly Modifying or Amending Certain user fees and charges Related to Building Regulations, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency. *Councilor Vassar introduced and filed Ordinance No. 1687, at the Town Council meeting of Monday, October 22, 2018.*

Councilor Zemen moved to adopt Ordinance No. 1687. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1687
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND TITLES 5, 6, 8 AND 15 of the HIGHLAND MUNICIPAL CODE, PARTICULARLY MODIFYING OR AMENDING CERTAIN LICENSE FEES AND CHARGES RELATED TO CERTAIN REGULATED ACTIVITIES, REPEALING ALL ORDINANCES in CONFLICT THEREWITH, and DECLARING an EMERGENCY

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, IC 36-8-2 specifically provides that a unit of local government may regulate and license building and development in the municipality;

WHEREAS, The Highland Town Council has determined that the amendment of certain fees and charges determined to be reasonable and just rates reasonably related to the administration of particular public functions is an exercise of local authority consistent with the provisions of IC 36-8-2-8 and necessary or desirable in the conduct of its affairs;

WHEREAS, It would be and is in the best interest of the Town of Highland to enact such an ordinance as an amendment to the following sections of the Highland Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 5.20.050 (P) of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 5.20.050(P) to read as follows:

5.20.050 License application for Contractors.

(P) **Schedule of Fees.** The fees to be charged for all licenses and renewals shall be according to the following schedule: as follows:

**Contractor Licensing Fee Schedule
(Effective March 1, 2019)**

- (1) A filing fee of \$32.00 shall accompany an application for examination as a contractor;
- (2) A license fee of \$64.00 shall be required for the initial issuance of the license upon successful approval of the application;
- (3) A license fee of \$64.00 shall be required for every annual renewal of a license.

**Contractor Licensing Fee Schedule
(Effective July 1, 2020)**

- (1) A filing fee of \$35.50 shall accompany an application for examination as a contractor;
- (2) A license fee of \$70.50 shall be required for the initial issuance of the license upon successful approval of the application;
- (3) A license fee of \$70.50 shall be required for every annual renewal of a license.

Section 2. That Section 5.30.050 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 5.30.050 to read as follows:

- (A) In order to operate a flea market the operator shall pay a license fee comprised of a base or annual charge and supplemental (daily) charges. ~~The annual license fee for operating a flea market shall be \$100.00. In addition thereto, there~~ The supplemental or daily fee shall be imposed as an additional fee of \$0.50 per day of operation for each occupied booth or compartment on the premises. This daily fee for occupied booths or compartments shall apply to booths or compartments located inside a building or on the outside of the premises. Daily fees shall be due on the first day of each month and shall be payable no later than the tenth day of each month. All checks submitted must be payable to the ~~clerk-treasurer of the town of Highland~~ and must be accompanied with a written account of the number of booths per day for said month. A daily log of booth occupants shall be available for

inspection by either the clerk-treasurer, building ~~inspector~~ commissioner, or their designees, upon request.

(B) The license fees for the operation of a flea market shall be charged according to the following schedule:

- (1) Annual or Base License Fee: \$115.00
- (2) Supplemental daily fee: \$.60 per day, per booth or compartment

~~(B) (C) In order to operate an arts, crafts, and or painting display, or itinerant restaurant, the operator/applicant shall pay a license fee comprised of a base or annual charge and s supplemental daily fee, which shall be paid for each day. The annual license fee for operating an arts, crafts, and/or painting display, or itinerant restaurant shall be \$100.00. In addition thereto, there shall be due an additional fee of \$5.00 per day that said arts, crafts, and/or painting display, or itinerant restaurant is in operation. The daily fees for arts, crafts, and/or painting displays, and itinerant restaurants shall be paid by said applicant operator prior to the issuance of the license and said applicant shall designate in his application the number of days said operation will be conducted. All checks submitted must be payable to the clerk-treasurer Town of Highland.~~

~~(C) (D) No fee shall be charged nor shall any license be needed for any flea market operation, arts, crafts, and/or painting display, fireworks stand, or itinerant restaurant where the operation is sponsored by or given for the benefit of any religious, educational, charitable, social, governmental or fraternal organizations or the Highland/Griffith chamber of commerce. [Ord. 874, 1982. Code 1983 § 9-68. Code 2000 § 113.05].~~

(E) The license fees for the operation of an arts, crafts, and or painting display, or itinerant restaurant, shall be charged according to the following schedule:

- (1) Annual or Base License Fee: \$115.00
- (2) Supplemental daily fee: \$ 5.75 per day, per booth or compartment

Section 3. That Section 5.35.090 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 5.35.090 to read as follows:

5.35.090 Fee.

(A) A license fee in the amount ~~described in the following schedule of \$5.00 per week, or \$10.00 per month, or \$50.00 per year~~ shall be paid to the clerk-treasurer for a license required by this chapter, **depending on the term or tenure desired for the regulated soliciting or peddling.** None of the license fees provided for by this section shall be applied so as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the town council for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. [Ord. 850, 1980. Code 1983 § 14-23. Code 2000 § 114.17].

(B) License fees for soliciting or peddling required by this chapter shall be according to the following schedule of license fees:

- (1) Peddling or Soliciting per week: \$ 5.75
- (2) Peddling or soliciting per month: \$ 20.00
- (3) Peddling or soliciting per year: \$ 216.00

Section 4. That Section 6.10.010 (I) & (J) of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 6.10.010 (I), (J) & (K) to read as follows:

6.10.010 Licenses.

(I) The licensing period shall begin with the fiscal year and shall run for one year. The regular license application period shall be deemed to be 30 days prior to and up to 60 days after the start of the fiscal year. A special **late** application period shall begin 61 days following the start of the fiscal year and ends with the start of the succeeding application period. A special late fee in the amount ~~of \$10.00~~ identified in **the schedule in this chapter** may be charged for all applications made during the special **late** application period.

(J) A license shall be issued after payment of the applicable fee shown **in the following** schedule ~~below~~:

Fee Schedule Regular Licensing Period

- (1) For each unneutered male dog ~~under eight years of age~~, \$10.00.
- (2) For each unneutered male cat, \$10.00.

- (3) For each unspayed female dog, **\$10.00.**
- (4) For each unspayed female cat, **\$10.00.**
- (5) For each neutered male dog, **\$7.00.**
- (6) For each neutered male cat, **\$7.00.**
- (7) For each spayed female dog, **\$7.00.**
- (8) For each spayed female cat, **\$7.00.**
- (9) For each pet other than a cat or dog, **\$7.00.**

Fee Schedule Late Licensing Period

- (1) For each unneutered male dog ~~under eight years of age~~, **\$15.00.**
- (2) For each unneutered male cat, **\$15.00.**
- (3) For each unspayed female dog, **\$15.00.**
- (4) For each unspayed female cat, **\$15.00.**
- (5) For each neutered male dog, **\$12.00.**
- (6) For each neutered male cat, **\$12.00.**
- (7) For each spayed female dog, **\$12.00.**
- (8) For each spayed female cat, **\$12.00.**
- (9) For each pet other than a cat or dog, **\$12.00.**

(K) A duplicate license may be obtained upon payment of a ~~\$2.00~~ **\$5.00** replacement fee.

Section 5. That Section 8.15.070 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 8.15.070 to read as follows:

8.15.070 Road cut permit fees.

- (A) Permit fees for the construction of open road cuts or jacking or sleeving operations shall be paid prior to the issuance of a permit.
- (B) A separate permit fee is required for each open road cut or jacking or sleeving operation.
- (C) Said fee shall be paid to the **Town of Highland in the** office of the clerk-treasurer, **or a department the clerk-treasurer may identify.**
- (D) The permit will be valid for a period of 60 days. During the time of its validity, application for a refund for the full amount may be granted subject to a processing fee as fixed herein. No refund may be granted for any permit which has expired.

Fee Schedule

Refund Processing Fee:	\$ 17.00
Road Cut Permit Fee:	\$148.50

Section 6. That Section 15.05.020 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 15.05.020 to read as follows:

15.05.020 FEES AND CHARGES

15.05.020 Fees and charges.

(A) Buildings. The permit issued under this section will be valid for a period of 180 days. During the time of its validity, application for a refund for the full amount may be granted subject to a processing fee as fixed herein. Extensions may be applied for and granted subject to the appropriate renewal fee. No refund may be granted for any permit fees on a permit which has expired. Refunds may be granted for the value of the permit, which represents inspection, wrecking and other related fees, in the full amount of the fees, minus any fees for services already performed, subject to a processing fee as fixed herein. In all cases, plan review is conducted in advance of the issuance of a permit and is not recoverable.

(B) The following fee schedule shall be in effect as indicated:

**Schedule
(Effective March 1, 2019)**

Building permit and related fees are to be charged according to the following schedule:

Refund processing fee: **\$17.00**

Building (construction) permit fees are to be charged according to the following schedule:

(1) For a total valuation from **\$47.00**
\$100.00 to \$1,000:

(2) For each additional \$1,000 **\$14.50**
or fraction thereof:

(3) Permit renewal: **50% of original cost**

(4) Residential plan review: **\$78.00**

Performed by Building and Inspection Department

(5) Commercial plan review: **\$233.50**

Performed by Building and Fire Departments

Wrecking or demolition permit fees are to be charged according to the following schedule:

(1) 500 square feet or less: **\$47.00**

(2) Over 500 sq. feet to 2,500 sq. **\$71.00**
feet

(3) For each additional 2,500 sq **\$85.00**
feet or major fraction thereof
over 2,500 sq. feet:

**Schedule
(Effective July 1, 2020)**

Building permit and related fees are to be charged according to the following schedule:

Refund processing fee: **\$17.00**

Building (construction) permit fees are to be charged according to the following schedule:

(1) For a total valuation from **\$54.00**
\$100.00 to \$1,000:

(2) For each additional \$1,000 **\$16.50**
or fraction thereof:

(3) Permit renewal: **50% of original cost**

(4) Residential plan review: **\$90.00**

Performed by Building and Inspection Department

(5) Commercial plan review: **\$268.50**

Performed by Building and Fire Departments

Wrecking or demolition permit fees are to be charged according to the following schedule:

(1) 500 square feet or less: **\$54.00**

(2) Over 500 sq. feet to 2,500 sq. **\$81.50**
feet

(3) For each additional 2,500 sq feet or major fraction thereof over 2,500 sq. feet: \$97.75

(B) (C) Inspections. Building inspection fees are to be charged by multiplying the number of required inspections by the associated inspection fee, according to the following schedule or table:

**Table of Inspection Fees
(Effective March 1, 2019)**

Types of Construction	Required Inspections	Inspection Fee
1- or 2-family dwelling: detached	4	\$47.00
Apartments, hotels, motels; each unit	4	\$47.00
Business, commercial; public	*	\$47.00
Educational, institutional, church	*	\$47.000
Industrial warehouse, bulk storage	*	\$47.00
Mobile homes, temporary structures	3	\$47.00
Accessory buildings	3	\$47.00
Additions/alterations (all occupancies)	*	\$47.00

* To be determined by building commissioner (see HMC 15.10.090)

Red tag/re-inspection	(1st) \$46.00	(2nd) \$55.00	(All others) \$78.00
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**Table of Inspection Fees
(Effective July 1, 2020)**

Types of Construction	Required Inspections	Inspection Fee
1- or 2-family dwelling: detached	4	\$54.00
Apartments, hotels, motels; each unit	4	\$54.00
Business, commercial; public	*	\$54.00
Educational, institutional, church	*	\$54.00
Industrial warehouse, bulk storage	*	\$54.00
Mobile homes, temporary structures	3	\$54.00
Accessory buildings	3	\$54.00
Additions/alterations (all occupancies)	*	\$54.00

* To be determined by building commissioner (see HMC 15.10.090)

Red tag/ re-inspection	(1st)	(2nd)	(All others)
	\$46.00	\$63.25	\$89.00

(D) Electrical. The permit issued under this section will be valid for a period of 180 days. During the time of its validity, application for a refund for the full amount may be granted subject to retention of the filing fee and a processing fee. No refund may be granted for any permit fees on a permit which has expired. Refunds may be granted for inspection and other related fees, in the full amount of the fees, minus any fees for services already performed, subject to retention of the filing fee and processing fee as fixed herein.

(E) Electrical permit and related fees ~~are as follows~~ shall be according to the following schedule:

Electrical Permit and Related Fee Schedule
(Effective March 1, 2019)

Electrical permit and related fees are to be charged according to the following schedule:

Refund processing fee:	\$17.00
Filing fee:	\$55.00

Electrical inspection fees are to be charged according to the following schedule:

- (1) Reinspection fee (red tag):
 - (a) First reinspection: \$40.00
 - (b) Second reinspection: \$55.00
 - (c) All others: \$78.00
- (2) Single-phase service: \$0.95 per amp
- (3) Three-phase service: \$1.05 per amp
- (4) Illuminated sign:
 - (a) Less than 100 square feet: \$40.00
 - (b) Over 100 square feet: \$78.00
- (5) Temporary pole service: \$40.00
- (6) Minimum inspection: \$40.00
- (7) Remodeling: \$78.00
- (8) HVAC (heating, venting and air conditioning): \$47.00 (please see HMC 15.15.060)

Electrical Permit and Related Fee Schedule
(Effective July 1, 2020)

Electrical permit and related fees are to be charged according to the following schedule:

Refund processing fee:	\$17.00
Filing fee:	\$63.00

Electrical inspection fees are to be charged according to the following schedule:

- (1) Reinspection fee (red tag):
 - (a) First reinspection: \$46.00
 - (b) Second reinspection: \$63.00

(c) All others:	\$89.00
(2) Single-phase service:	\$1.10 per amp
(3) Three-phase service:	\$1.20 per amp
(4) Illuminated sign:	
(a) Less than 100 square feet:	\$46.00
(b) Over 100 square feet:	\$89.00
(5) Temporary pole service:	\$46.00
(6) Minimum inspection:	\$46.00
(7) Remodeling:	\$89.00
(8) HVAC (heating, venting and air conditioning):	\$54.00 (please see HMC 15.15.060)

~~(D)~~ (F) Plumbing. The permit issued under this section will be valid for a period of 180 days. During the time of its validity, application for a refund for the full amount may be granted subject to retention of the filing fee and a processing fee. No refund may be granted for any permit fees on a permit which has expired. Refunds may be granted for inspection and other related fees, in the full amount of the fees, minus any fees for services already performed, subject to retention of the filing fee and a processing fee as fixed herein.

(G) Plumbing permit and related fees are as follows:

**Plumbing Permit and Related Fee Schedule
(Effective March 1, 2019)**

Plumbing permit and related fees are to be charged according to the following schedule:

Refund processing fee:	\$17.00
Filing fee:	\$55.00
Inspection fees:	
(1) For each plumbing fixture:	\$10.30
(2) Minimum inspection:	\$40.00
(3) Remodeling:	\$78.00
(4) Underground inspection:	\$35.50
(5) Reinspection fees (red tag):	
(a) First reinspection:	\$40.00
(b) Second reinspection:	\$55.00
(c) All others:	\$78.00
(6) Septic tank:	\$116.00
(7) Septic tank bypass:	\$40.00
(8) Lawn sprinkler system:	
(a) Basic fee:	\$40.00
(b) Plus sprinkler head fee:	\$1.05 ea.
(9) Fire sprinkler system:	

- (a) Basic fee: \$42.50
- (b) Plus sprinkler head fee: \$1.05 ea.

**Plumbing Permit and Related Fee Schedule
(Effective July 1, 2020)**

Plumbing permit and related fees are to be charged according to the following schedule:

- Refund processing fee: \$17.00
- Filing fee: \$63.00
- Inspection fees:
 - (1) For each plumbing fixture: \$11.85
 - (2) Minimum inspection: \$46.00
 - (3) Remodeling: \$89.00
 - (4) Underground inspection: \$41.00
 - (5) Reinspection fees (red tag):
 - (a) First reinspection: \$46.00
 - (b) Second reinspection: \$63.00
 - (c) All others: \$89.00
 - (6) Septic tank: \$133.00
 - (7) Septic tank bypass: \$46.00
 - (8) Lawn sprinkler system:
 - (a) Basic fee: \$46.00
 - (b) Plus sprinkler head fee: \$1.20 ea.
 - (9) Fire sprinkler system:
 - (a) Basic fee: \$48.50
 - (b) Plus sprinkler head fee: \$1.20 ea.

Section 7. That Section 15.15.020 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 15.15.020 to read as follows:

15.15.020 Special provisions for homeowners desiring to perform electrical work in their home.
(A) Any homeowner desiring to perform electrical work in his own home must, before doing any electrical work, register with the electrical inspector, and upon payment of a nonrefundable fee in the amount as shown in the schedule below, request a one-unit examination. Upon successfully passing the examination, the homeowner may then apply for a one-unit permit. The fee shall be deposited with the office of the clerk-treasurer.

(C) The following fee shall be charged according to the schedule that follows:

**Examination Fee Schedule
(Effective March 1, 2019)**

- Examination Fee: \$43.50

**Examination Fee Schedule
(Effective July 1, 2020)**

Examination Fee: \$48.00

Section 8. That Section 15.15.070 (C) of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 15.15.070 (C) to read as follows:

**(C) Swimming pool permit and related fees are to be charged according to the following schedule:
Examination & Inspection Fee Schedule
(Effective March 1, 2019)**

Inspection Fee: \$47.00

Installation Permit Fee: \$47.00

**Examination & Inspection Fee Schedule
(Effective July 1, 2020)**

Inspection Fee: \$54.00

Installation Permit Fee: \$54.00

Section 9. That Section 15.15.080 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 15.15.080 to read as follows:

15.15.080 Licensing of electrical contractors.

(A) Any electrical contractor, firm, corporation or electrical worker applying to building and inspection department of the town of Highland for an electrical contractor's license shall pay to the town a nonrefundable ~~sum~~ **electrical contractor license fee** as identified herein.

(B) The following scheduled fee shall be paid to the office of the clerk-treasurer. This fee shall be credited to the corporation general fund.

**Fee Schedule
(Effective March 1, 2019)**

Electrical Contractor License Fee: \$61.50

**Fee Schedule
(Effective July 1, 2020)**

Electrical Contractor License Fee: \$67.50

Section 10. That Section 15.20.020 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 15.20.020 to read as follows:

15.20.020 Enforcement Officer: Assistant Inspector for Plumbing

((G) The assistant inspector for plumbing shall receive no annual salary but shall be compensated according to the following schedule:

**Fee Schedule
(Effective March 1, 2019)**

(1) For each one-unit plumbing examination proctored as provided in HMC 15.20.100:
\$17.50.

(2) For each inspection performed which include the following:

(a) Rough inspection: \$24.75 each.

(b) Final inspection: \$24.75 each.

(c) Underground: \$24.75 each.

- (d) Sewer tap inspection: **\$24.75** each.
- (e) Water tap inspection: **\$24.75** each.
- (f) Reinspections in consequence of red tagging: **\$24.75** each.

**Fee Schedule
(Effective July 1, 2020)**

- (1) For each one-unit plumbing examination proctored as provided in HMC 15.20.100:
\$18.00.
- (2) For each inspection performed which include the following:
 - (a) Rough inspection: **\$25.50** each.
 - (b) Final inspection: **\$25.50** each.
 - (c) Underground: **\$25.50** each.
 - (d) Sewer tap inspection: **\$25.50** each.
 - (e) Water tap inspection: **\$25.50** each.
 - (f) Reinspections in consequence of red tagging: **\$25.50** each.

Section 11. That Section 15.20.100 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 15.20.100 to read as follows:

15.20.100 Special provisions for homeowners desiring to perform plumbing work in their home.

(A) Except for licensed plumbers, any person desiring to perform plumbing work in that person's home or residence must register with the plumbing inspector before doing any plumbing. Such a person will be required to successfully complete a one-unit plumbing examination and pay an examination fee as shown in the schedule below. Upon passing the examination, the person shall be required to apply for a one-unit plumbing permit prior to the start of any plumbing work contemplated.

(B) If the applicant fails to pass the examination, the applicant will not be permitted to take another examination for 90 days, and the fee will not be refunded.

**Examination Fee Schedule
(Effective March 1, 2019)**

Examination Fee: \$45.50

**Examination Fee Schedule
(Effective July 1, 2020)**

Examination Fee: \$52.25

Section 12. All provisions of ordinances in conflict with the provisions hereof are hereby repealed.

Section 13. Effective from November 1, 2018, the provisions in HMC Section 6.10.010(I), shall be "effectively" amended to allow the regular licensing period to run from sixty (60) days prior to the start of the fiscal year 2019 and sixty days after its start. This provision shall be in force only from the effective date stated in this section and will expire with sixty days after the start of the fiscal year 2019. All licenses issued consistent with the provisions of this section prior to its adoption are hereby authorized, ratified and approved, all pursuant to IC 36-1-4-16;

Section 14. Notwithstanding section 15 of this ordinance, the provisions set forth in Section 4 of this ordinance shall not go into effect sooner than the passage and adoption of this ordinance and **not before March 1, 2019;**

Section 15. Whereas an emergency exists, this ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law, until its subsequent amendment or repeal by proper ordinance, *provided, any increase in fees described herein shall not go into effect until at least ninety (90) days following their publication pursuant to IC 5-3-1, as set forth in IC 36-5-2-10(d),* and not sooner than provided in the amended schedules.

Introduced and Filed on the 22nd day of October 2018. Consideration on same day or at same meeting of introduction was not considered pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of November 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

- Proposed Ordinance No. 1688:** An Ordinance to Amend the Highland Municipal Code, Adding a New Chapter, Styled as Chapter 15.41 Small Cell and Telecommunications Facilities, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency.

Councilor Zemen introduced and moved the consideration of Ordinance No. 1688 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Ordinance No. 1688 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance passed and adopted at the same meeting of its introduction.

ORDINANCE No. 1688
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND the HIGHLAND MUNICIPAL CODE, ADDING A NEW CHAPTER, STYLED AS CHAPTER 15.41 SMALL CELL AND TELECOMMUNICATIONS FACILITIES, REPEALING ALL ORDINANCES in CONFLICT THERewith, and DECLARING an EMERGENCY

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, IC 36-8-2-2 specifically provides that a unit of local government may regulate and license building and development in the municipality;

WHEREAS, IC 36-7-2-3 specifically provides that a unit of local government may inspect any structure or other improvement at any reasonable time;

WHEREAS, IC 36-7-2-9 specifically provides that a unit of local government shall require compliance with the code of building and fire safety laws adopted in the rules of the fire prevention and building safety commission under IC 22-13 et seq;

WHEREAS, The Highland Town Council has determined that the amendment of certain fees and charges determined to be reasonable and just rates reasonably related to the administration of particular public functions is an exercise of local authority consistent with the provisions of IC 36-8-2-8 and necessary or desirable in the conduct of its affairs;

WHEREAS, It would be and is in the best interest of the Town of Highland to enact such an ordinance as an amendment to the following sections of the Highland Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by adding a new Chapter to be numbered 15.41 to read as follows:

Chapter 15.41
SMALL CELL AND TELECOMMUNICATION FACILITIES.

§15.41.010	Applicability
§15.41.020	Small Cell and Telecommunication Facilities; Applicability.
§15.41.030	Definitions.
§15.41.040	General Standards.
§15.41.050	New Wireless Support Structures.
§15.41.060	Substantial Modification.
§15.41.070	Co-location.
§15.41.080	Construction, Placement or Use of Small Cell Facilities.
§15.41.090	Construction Requirements.

§15.41.010 Applicability.

This chapter shall apply to all rights-of-way ("ROW") within the **Town of Highland**, Indiana (the "Town"), as designated from time-to-time, and is intended to implement provisions of *I.C. 8-1-32.3*.

§15.41.020 Small Cell and Telecommunication Facilities; Applicability.

Sections **§15.41.020** through **§15.41.090** shall apply throughout the entire **Town's** ROW.

§15.41.030 Definitions.

(A) **Antenna** means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

(B) **Base Station** means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, Antennas, coaxial cables, power supplies, and other electronics associated with a station.

(C) **Co-location** means the placement or installation of Wireless Facilities on existing structures that include a Wireless Facility, Small Cell Facility, or a Wireless Support Structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of Wireless Facilities within an approved equipment compound.

(D) **Communications Service Provider** has the meaning set forth in *I.C. 8-1-2.6-13*.

(E) **Construction Plan** when referring to:

(1) A new Wireless Support Structure means a written plan for construction that demonstrates that the aesthetics of the Wireless Support Structure is substantially similar to the street lights located nearest the proposed location; includes the total height and width of the Wireless Facility and Wireless Support Structure, including cross section and elevation, footing, foundation and wind speed details; a structural analysis indicating the capacity for future and existing Antennas, and the identity and qualifications of each person directly responsible for the design and construction; and signed and sealed documentation from the applicant that shows the proposed location of the Wireless Facility, Small Cell Facility, or Wireless Support Structure, and all easements and existing structures within one thousand two hundred (1,200) feet of such Wireless Facility, Small Cell Facility, or Wireless Support Structure.

(2) A Substantial Modification of Wireless Support Structure means a plan that describes the proposed modifications to the Wireless Support Structure, and all equipment and network components, including Antennas, transmitters, receivers, Base Stations, power supplies, cabling, and related equipment.

(F) **Electrical Transmission Tower** means a structure that physically supports high voltage overhead power lines. The term does not include a Utility Pole.

(G) **Equipment Compound** means the area that: (1) surrounds or is near the base of a Wireless Support Structure or Small Cell Facility; and (2) encloses Wireless Facilities.

(H) **Existing Structure** does not include a Utility Pole or an Electrical Transmission Tower.

(I) **Micro Wireless Facility** means a Small Cell Facility to which both of the following apply: (1) the Small Cell Facility is not larger in dimension than: (a) twenty-four (24) inches in length; (b) fifteen (15) inches in width; and (c) twelve (12) inches in height; (2) if the Small Cell Facility has an exterior antenna, the exterior antenna is no longer than eleven (11) inches.

(J) **Permit Authority** means the **Town's** Board of Public Works.

(K) **Person** means a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(L) **Rights-of-Way** shall have the meaning as set forth in *I.C. 8-1-2-101*, as if stated verbatim herein.

(M) **Small Cell Facility** means: (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or (2) a wireless facility that satisfies the following requirements: (a) each antenna, including exposed elements, has a volume of six (6) cubic feet or less; and (b) the primary equipment enclosure located with the facility has a volume of twenty-eight (28) cubic feet or less. The volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:

- (1) Electric meters.
- (2) Concealment equipment.
- (3) Telecommunications demarcation boxes.
- (4) Ground based enclosures.
- (5) Back-up power systems.
- (6) Grounding equipment.
- (7) Power transfer switches.
- (8) Cut off switches.

(N) **Small Cell Network** means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

(O) **Substantial Modification of a Wireless Support Structure** means the mounting of a Wireless Facility on a Wireless Support Structure in a manner that: (1) increases the height of the Wireless Support Structure by the greater of: (a) ten percent (10%) of the original height of the Wireless Support Structure; or (b) twenty (20) feet; (2) adds an appurtenance to the Wireless Support Structure that protrudes horizontally from the Wireless Support Structure more than the greater of: (a) twenty (20) feet; or (b) the width of the Wireless Support Structure at the location of the appurtenance; or (3) increases the square footage of the equipment compound in which the Wireless Facility is located by more than two thousand five hundred (2,500) square feet. The term **Substantial Modification** does not include the following: (1) increasing the height of a Wireless Support Structure to avoid interfering with an existing Antenna; (2) increasing the diameter or area of a Wireless Support Structure to: (a) shelter an Antenna from inclement weather; or (b) connect an Antenna to the Wireless Support Structure by cable.

(P) **Utility Pole** means a structure that is: (1) owned or operated by: (a) a public utility; (b) a Communications Service Provider; (c) a municipality; (d) an electric membership corporation; or (e) a rural electric cooperative; and (2) designed or used to: (a) carry lines, cables, or wires for telephony, cable television, or electricity; (b) provide lighting; (c) provide traffic control; or (d) provide signage.

(Q) **Wireless Communications Service** means services, whether mobile or at a fixed location, that are provided using Wireless Facilities through licensed or unlicensed spectrum.

(R) **Wireless Facility** means the set of equipment and network components that are: (1) owned and operated by a Communications Service Provider; and (2) necessary to provide Wireless Communications Service. The term does not include a Wireless Support Structure.

(S) **Wireless Support Structure** means a freestanding structure that is: (1) designed to support; or (2) capable of supporting; Wireless Facilities. The term does not include a Utility Pole or an Electrical Transmission Tower.

§15.41.040 General Standards.

(A) *Permits.* A person that provides Wireless Communications Service or otherwise makes available infrastructure for Wireless Communications Service must apply for a permit through the Permit Authority to (a) construct or locate a new Small Cell Facility or Wireless Support Structure; (b) perform a Substantial Modification to a Wireless Support Structure; or (c) co-locate Wireless Facilities on existing structures.

(B) *Permit Fee.* The Permit Fee for each application submitted under this Article is **One Hundred (\$100.00) Dollars**, excluding:

(1) Any fees for the construction, placement or use of Small Cell Facilities on Utility Poles owned or controlled by the **Town**;

(2) **Road Cut Permit fees pursuant to Chapter 8.15 of the HMC;**

(3) **Electric Permit fees pursuant to Chapter 15.05**

(C) *Antenna Shielding Preference.* The **Town** desires to maintain the beauty of its community. Where possible, applicants shall place the Antenna inside the pole when erecting a new pole or replacing a current pole.

(D) *Co-location Preference.* The Permit Authority may propose, as an alternative location for a proposed Small Cell Facility or Wireless Facility, that the facility be co-located on an existing Utility Pole or on an existing Wireless Support Structure, if the existing Utility Pole or the existing Wireless Support Structure is located within fifty (50) feet of the location proposed in the application.

(E) *Specifications.* New Wireless Facilities and Wireless Support Structures located within the **Town's** ROW shall meet the following specifications:

(1) *Overall Maximum Antenna and Tower Height:* Thirty-five (35) feet from AGL (at grade level). The Antenna, including Antenna panels, whip Antennas, or dish-shaped Antennas, cannot have a surface area of more than seven (7) cubic feet in volume.

(2) *Minimum Tower Separation and Clearance Requirements:* Wireless Support Structures may be attached to a Utility Pole, existing Wireless Support Structures or Small Cell Facilities and Town-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to one hundred (100) per cent of the height of such facility to any residential building and no closer than one thousand two hundred (1,200) feet from any other personal wireless telecommunication facility. If the facilities are located in the public ROW, a separation or lesser clearance may be allowed by the Permit Authority an administrative variance to this Ordinance when the applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the applicant's services, or to otherwise provide adequate services to customers, and the proposed Antenna or facility is the least intrusive means to do so within the ROW.

(3) Wireless Support Structures or Small Cell Facilities must consist of metal poles matching the Town's street light poles, per engineering specifications as may be amended from time to time by the Town's Board of Works. Wireless Support Structures and Small Cell Facilities shall include luminaires that match the **Town's** specifications for lighting and be maintained in good working order at the cost of the applicant, including, but not limited to the cost of electricity. Any Antenna equipment, components, or facilities mounted to the support structures (Antenna or other permitted equipment) shall also be matching in color to the pole.

(4) All facility equipment at a single facility, with the exception of the Antenna itself, shall be ground mounted in a cabinet having an area not to exceed forty (40) cubic feet and no greater than forty-eight (48) inches overall height. Under special circumstances based on a mutual agreement, the Permit Authority may allow a pole mounted cabinet with dimension not exceeding twenty (20) inches by twenty (20) inches by six (6) inches (20" x 20" x 6"), ground mounted cabinet not to exceed two (2) feet by two (2) feet by one (1) foot (2' x 2' x 1.') and shrouding and landscaping to mitigate the visual impact of the equipment. If a mutual agreement cannot be reached, the **Town's** Board of Works shall intervene and make a determination.

- (5) All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, and said plaque shall not exceed 0.25 square feet.
- (6) All wiring and fiber shall be concealed within the Wireless Support Structure or Small Cell Facility, and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the Wireless Support Structure or Small Cell Facility must be buried, unless the service lines in the area adjacent to the Wireless Support Structure or Small Cell Facility are aerial. If so, the service lines to the Wireless Support Structure or Small Cell Facility can also be aerial, except for any service drop crossing a street or roadway. In this situation, the service lines would need to be bored and located under such street or roadway.
- (7) Wireless Support Structures and Small Cell Facilities and their components, shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for the aesthetics of the Wireless Support Structures and Small Cell Facilities and their components shall be in accordance with standards established by the **Town's** Board of Works, from time to time.
- (8) *Grounding.* The Wireless Support Structure or Small Cell Facility, and its components must be grounded in accordance with the requirements of the electrical code currently in effect in the **Town**.
- (F) *Continued Operation.* A person receiving a permit for: (1) new construction of a Wireless Support Structure; (2) Substantial Modification of a Wireless Support Structure; (3) Collocation of Wireless Facilities on an existing structure; or (4) construction, placement and use of Small Cell Facilities, inherently agrees that if the Wireless Support Structure, Small Cell Facility, or Wireless Facilities are not used for the intended purpose for a period of six (6) consecutive months, they will be removed by the facilities owner at its expense. Should such owner fail to remove the Wireless Support Structure, Small Cell Facility, or Wireless Facility after thirty (30) business days from the date a notice of violation is issued by the **Town**, the **Town** may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site. A failure to timely pay such fee may result in the imposition of a lien against the facility owner and the prohibition of the issuance of a new permit under this Ordinance. The owner of any facility shall annually file a copy of any inspections completed on such Wireless Support Structure, Small Cell Facility or Wireless Facilities with the Permit Authority for continued operation with the use of the Wireless Support Structure, Small Cell Facility, or Wireless Facilities.
- (G) *Confidential Information.* All confidential information submitted by an applicant shall be maintained to the extent authorized by I. C. 5-14-3 et seq.

§15.41.050 New Wireless Support Structures.

- (A) *Contents of Application.* An application for a new Wireless Support Structure permit shall include the following:
 - (1) A statement that the applicant is a Person that either provides Wireless Communications Service or owns or otherwise makes available infrastructure required for that Service.
 - (2) The name, business address, and point of contact for the applicant.
 - (3) The location of the proposed or affected Wireless Support Structure or Wireless Facility.
 - (4) A Construction Plan, as defined herein, that describes the proposed Wireless Support Structure, the height of the proposed structure, and all equipment and network components, including Antennas, transmitters, receivers, Base Stations, power supplies, cabling, and related equipment sufficient to determine compliance with the standards set forth herein. The Construction Plan must also include evidence of conformance with all applicable building permit requirements.
 - (5) Evidence supporting the choice of location, including, without limitation *a sworn statement* from the individual responsible for the choice of location demonstrating that Collocation of Wireless Facilities on an existing Wireless Support Structure was not a viable option because collocation:
 - (a) Would not result in the same wireless service functionality, coverage and capacity;
 - (b) Is technically infeasible; or
 - (c) Is an economic burden to the applicant.
- (B) *Application.* An applicant may submit one (1) application requesting no more than five (5) wireless service facilities permits. The Permit Authority may issue a single permit for all Wireless Support Structures included in the application rather than individual permits for each Wireless Support Structure.
- (C) *Variations.* If the proposed Wireless Support Structure is not a permitted use under an applicable zoning ordinance, the applicant shall additionally submit evidence showing that the application complies with the criteria for a variance of use from the terms of the zoning ordinance.
- (D) *Procedure/Review of Permit.* The Permit Authority, shall promptly review for completeness every application duly filed with the **Town** which requests authorization to place or construct Wireless Support Structures within the **Town's** ROW.
 - (1) Every applicant shall be notified within ten (10) business days of the **Town's** receipt of an application as to whether its application is complete.
 - (2) Within ninety (90) days of receipt of the completed application, or not more than one hundred twenty (120) days in any case in which the approval of a variance of use is necessary, the Permit Authority shall review the application to determine if the application complies with the standards set forth by this Chapter and the Permit Authority.
 - (3) If the Permit Authority determines that an application is not complete, the Permit Authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) days of receiving the notice.

(4) If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.

(E) *Written Determinations.* A written determination shall state clearly the basis for the decision to approve or deny an application. If the Permit Authority denies an application, the written notice must include the basis for such denial. A notice is considered written if it is included in the minutes of a public meeting of the Permit Authority. If the Permit Authority approves an application, the permit is valid for ninety (90) days. If the applicant fails to complete the work within ninety (90) days, the permit is void and must be resubmitted.

(F) *Failure to Notify.* If the Permit Authority fails to notify an applicant in writing within ten (10) business days whether its application is complete, the application is considered complete. If the Permit Authority fails to notify an applicant within ninety (90) (or one hundred twenty (120) days for zoning approval) whether its application has been approved or denied, the application shall be considered approved. If an applicant requested additional time to amend its application, then the 90 day (or 120 day) review period specified above shall be extended for a corresponding amount of time.

(G) *Deadlines for Final Actions.* For purposes of making a written determination either approving or denying an application, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete, or not more than one hundred twenty (120) days in any case in which the approval of a variance of use is necessary. If a Use Variance is deemed necessary by the Permit Authority, the BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this Section are considered zoning decisions for purposes of I.C. 36-7-4 and are subject to judicial review under the I.C. 36-7-4-1600 series.

§15.41.060 Substantial Modification.

(A) *Contents of Application.* An application for substantial modification of a Wireless Support Structure shall include:

(1) The name, business address, and point of contact for the applicant, and a statement that indicates the applicant is a Person that either provides Wireless Communication Service or owns or otherwise makes available infrastructure required for that service;

(2) The location of the proposed or affected Wireless Support Structure; and

(3) A Construction Plan, as defined herein, that describes the proposed modifications to the Wireless Support Structure and all equipment and network components, including Antennas, transmitters, receivers, Base Stations, power supplies, cabling, and related equipment. The Construction Plan must also include evidence of conformance with all applicable building permit requirements.

(B) *Application.* An applicant may submit one (1) application requesting modifications to no more than five (5) wireless service facilities. The Permit Authority may issue a single permit for all wireless service facilities included in the application rather than individual permits for each wireless service facility.

(C) *Variations.* If the proposed substantial modification of a Wireless Support Structure is not a permitted use under an applicable zoning ordinance, the application shall include evidence showing that the application complies with the criteria for a variance of use from the terms of the underlying zoning ordinance.

(D) *Procedure/Review of Application.* The Permit Authority shall promptly review for completeness every application duly filed with the **Town** which requests authorization to modify Wireless Support Structures in the **Town's** ROW.

(1) Every applicant shall be notified within ten (10) business days of the **Town's** receipt of an application as to whether its application is complete.

(2) Within ninety (90) days of receipt of the completed application, or not more than one hundred twenty (120) days in any case in which the approval of a variance of use is necessary, the Permit Authority shall review the application to determine if the application complies with the standards set forth by this Chapter and the Permit Authority.

(3) If the Permit Authority determines that an application is not complete, the Permit Authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) days of receiving the notice.

(4) If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.

(E) *Written Determinations.* A written determination shall state clearly the basis for the decision to approve or deny an application. If the Permit Authority denies an application, the written notice must include such basis for denial. A notice is considered written if it is included in the minutes of a public meeting of the Permit Authority. If the Permit Authority approves an application, the permit is valid for ninety (90) days. If the applicant fails to complete the work within ninety (90) days, the permit is void and must be resubmitted.

(F) *Failure to Notify.* If the Permit Authority fails to notify an applicant in writing within ten (10) business days whether its application is complete, the application is considered complete. If the Permit Authority fails to notify an applicant within ninety (90) (or one hundred twenty (120) days for zoning approval) whether its application has been approved or denied, the application shall be considered approved. If an applicant requested additional time to amend its application, then the 90 day (or 120 day) review period specified above shall be extended for a corresponding amount of time.

(G) *Deadlines for Final Actions.* For purposes of making a written determination either approving or denying an application, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete, or not more than one hundred twenty (120) days in any case in which the approval of a variance of use is necessary. If a Use Variance is deemed necessary by the Permit Authority, the Board of Zoning Appeals shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the Board of Zoning Appeals after

a public hearing conducted in accordance with this Section are considered zoning decisions for purposes of I.C. 36-7-4 and are subject to judicial review under the I.C. 36-7-4-1600 series.

§15.41.070 Co-location.

An application for a permit for Collocation shall include:

(A) *Contents of Application.* An application for Collocation of a Wireless Facility on an existing structure shall include:

(1) The name, business address, and point of contact for the applicant and a statement that indicates the applicant is a Person that either provides Wireless Communication Service or owns or otherwise makes available infrastructure required for that service;

(2) The location of the proposed or affected Wireless Support Structure or Wireless Facility; and

(3) A Construction Plan that includes evidence of conformance with applicable building permit requirements.

(B) *Application.* An applicant may submit one (1) application requesting no more than five (5) wireless service facilities for Collocation. The Permit Authority may issue a single permit for all wireless service facilities included in the application rather than individual permits for each wireless service facility.

(C) *Procedure/Review of Application.* The Permit Authority shall promptly review for completeness every application duly filed with the **Town** which requests authorization to co-locate a Wireless Facility in the **Town's** ROW. Every applicant shall be notified within ten (10) business days of the **Town's** receipt of an application as to whether its application is complete.

Within forty-five (45) days a receipt of a completed application, the Permit Authority shall review the application to determine if the application complies with the standards set forth by this ordinance and the Permit Authority. If the Permit Authority determines that an application is not complete, the Permit Authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within fifteen (15) days of receiving the notice.

If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.

(D) *Written Determinations.* A written determination shall state clearly the basis for the decision to approve or deny an application. If the Permit Authority denies an application, the written notice must include the basis for such denial. A notice is considered written if it is included in the minutes of a public meeting of the Permit Authority.

(E) *Failure to Notify.* If the Permit Authority fails to notify an applicant in writing within ten (10) business days whether its application is complete, the application is considered complete. If the Permit Authority fails to notify an applicant within forty-five (45) days whether its application has been approved or denied, the application shall be considered approved. If an applicant requested additional time to amend its application, then the 45 day review period specified above shall be extended for a corresponding amount of time.

(F) *Deadlines for Final Actions.* For purposes of this Collocation section a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified that the application is complete. An application for Collocation only is not subject to a public hearing before the Board of Works, but the Permit Authority may review the application for compliance with applicable building permit requirements before issuing the applicant a Permit.

§15.41.080 Construction, Placement or Use of Small Cell Facilities.

(A) *Exemption from Local Zoning.* The placement of a Small Cell Facility and the associated supporting structure in the **Town's** ROW is exempt from local zoning review if the total height of the structure supporting the Small Cell Facility does not exceed the greater of:

(1) Fifty (50) feet measured from grade; or

(2) The height of any Utility Pole in place on July 1, 2017, and within five hundred (500) feet of the proposed Small Cell Facility, plus ten (10) feet.

(B) *Contents of Application.* An application for construction, placement or use of a Small Cell Facility and associated supporting structure shall include:

(1) The name, business address, and point of contact for the applicant and a statement that indicates the applicant is a Person that either provides Wireless Communication Service or owns or otherwise makes available infrastructure required for that service;

(2) The location of the proposed or affected Small Cell Facility and associated supporting structure; and

(3) A Construction Plan that includes evidence of conformance with applicable building permit requirements.

(C) *Application.* An applicant may submit one (1) application for multiple Small Cell Facilities that are located within the **Town** and constitute a Small Cell Network. The Permit Authority may issue a single permit for the Small Cell Network rather than individual permits for each Small Cell Facility.

(D) *Procedure/Review of Application.* The Permit Authority shall promptly review for completeness every application duly filed with the **Town**, which requests authorization to construct, place or use a Small Cell Facility and associated supporting structure in the **Town's** ROW.

(1) Every applicant shall be notified within ten (10) business days of the **Town's** receipt of an application as to whether its application is complete.

(2) Within sixty (60) days of receipt of a completed application, the Permit Authority shall review the application to determine if the application complies with the standards set forth by this chapter and the Permit Authority. If the Permit Authority determines that an application is not complete, the Permit Authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within fifteen (15) days of receiving the notice.

(3) If an applicant has requested additional time to amend its application, then the 60 day review period prescribed above shall be extended for a corresponding amount of time.

(E) *Written Determinations.* A written determination shall state clearly the basis for the decision to approve or deny an application. If the Permit Authority denies an application, the written notice must include the basis for such denial. A notice is considered written if it is included in the minutes of a public meeting of the Permit Authority. If the Permit Authority approves an application, the permit is valid for ninety (90) days. If the applicant fails to complete the work within two (2) years, the permit is void and must be resubmitted.

(F) *Failure to Notify.* If the Permit Authority fails to notify an applicant in writing within ten (10) business days whether its application is complete, the application is considered complete. If the Permit Authority fails to notify an applicant within sixty (60) days whether its application has been approved or denied, the application shall be considered approved. If an applicant requested additional time to amend its application, then the 60 day review period specified above shall be extended for a corresponding amount of time.

(G) *Deadlines for Final Actions.* For purposes of this Small Cell Facility section, a reasonable period of time is not more than sixty (60) days from the date that the applicant is notified that the application is complete. An application for construction, placement or use of a Small Cell Facility and additional supporting structure is not subject to a public hearing before the Board of Works, but the Permit Authority may review the application for compliance with applicable building permit requirements before issuing the applicant a Permit.

(H) *Construction, Placement or Use of Small Cell Facilities on a Utility Pole Owned by the Town.*

(1) The fee for construction, placement or use of a Small Cell Facility on a Utility Pole owned or controlled by the Town shall be fifty (\$50) dollars per Utility Pole per year.

(2) For a Utility Pole used to provide communications service or electric service, the parties to the construction, placement, or use shall comply with the process for make ready work under 47 U.S.C. 224 and any associated implementing regulations. The Town's good faith estimate for any make ready work necessary to enable the Utility Pole to support the requested placement will include pole replacement to the extent necessary.

(3) If a Utility Pole does not support aerial facilities used to provide communications service or electric service, the Town shall provide a good faith estimate for any make ready work necessary to enable the Utility Pole to support the requested construction, placement, or use, including pole replacement if necessary, not later than sixty (60) days after the Town's receipt of a complete application. Make ready work, including any pole replacement, shall be completed not later than sixty (60) days after the applicant's written acceptance of the good faith estimate.

(4) The amount of any make ready work, as determined by the Town, shall only be an amount that is required to meet applicable codes, as defined in I.C. 8-1-32.3-15(b)(3), including all applicable building, fire, electrical, plumbing and mechanical codes. The fee for any make ready work shall be determined by the Town on a case by case basis, but in no event shall the fee exceed actual costs or the amount charged to communications service providers for similar work or include any consultants' fees or expenses.

§15.41.090 Construction Requirements.

All Antennas, telecommunication towers, accessory structures and any other wiring constructed within the Town right of way shall comply with the following requirements:

(1) All applicable provisions of the Town of Highland's Municipal Code and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.

(2) All Wireless Facilities, Small Cell Facilities, and Wireless Support Structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.

(3) All Wireless Facilities, Small Cell Facilities, and Wireless Support Structures shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

(4) All Wireless Facilities, Small Cell Facilities and Wireless Support Structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).

(5) All Wireless Facilities, Small Cell Facilities, and Wireless Support Structures shall be designed and constructed to all application standards of the American National Standards Institute (ANSI) manual, as amended.

§15.41.100 Reserved for Future Use.

§15.41.110 Underground and Buried Utilities District.

(A) An Underground and Buried Utilities District (the "District") has been established by the Highland Board of Works on April 29, 2017 and is effective April 30, 2017, and such District applies throughout the Town's ROW and granted utility easements. The District consists of the following:

(1) All areas of the Town where no overhead or above ground utilities, utility facilities, overhead lines, or associated overhead structures used or useful in supplying electric, communication, or similar and associated services currently exist;

(2) All areas of the Town where planned road projects, redevelopment areas and/or economic development areas provide for and require underground buried utilities and utility facilities, including but not limited to electric/communication or similar and associated services;

(3) All other areas of ROW or proposed ROW throughout the Town, or in a utility easement granted by the Town, whether or not above ground utilities or utility facilities currently exist;

(4) All areas of the Town that would require compliance with previously adopted ordinances.

(5) Notwithstanding subsections (A) through (D) above, any utility that requires construction, placement, or use of a small cell facility in the District may submit an application to the Works Board requesting a waiver to install new utility poles or new wireless support structures within the District pursuant to provisions stated in the Town's Ordinance D-2355-17, as amended.

(B) From and after April 30, 2017, no person, corporation, or utility shall erect or construct within the District, any pole, overhead line, or associated overhead structure used or useful in supplying electric, communication or similar associated services.

(C) Pursuant to I.C. 8-1-32.3-8, the Board of Works is the Town's permit authority. Unless expressly authorized by the Board of Works, all utilities located within the District shall be placed underground and/or buried.

(D) All existing overhead poles, wires, and/or utility transmission lines ("Existing Facilities") may remain within the District, but may not be replaced or relocated without prior approval of the Board of Works.

Section 2. All provisions of ordinances in conflict with the provisions hereof are hereby repealed. Whereas an emergency exists, this ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by I.C. 36-5-2-10(c), until its subsequent amendment or repeal by proper ordinance.

Introduced and Filed on the 12th day of November 2018. Consideration on same day or at same meeting of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of November 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

3. **Proposed Ordinance No. 1689:** An Ordinance to Amend the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding Group Health Insurance Premiums and Repealing Prior Ordinances and Enactments in Conflict Therewith, Pursuant to IC 36-1-3 and other relevant Statutes.

Councilor Zemen introduced and moved the consideration of Ordinance No. 1689 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Ordinance No. 1689 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance passed and adopted at the same meeting of its introduction.

**ORDINANCE NO. 1689
OF THE
TOWN OF HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE, COMMONLY CALLED THE MUNICIPAL EMPLOYEE HANDBOOK PARTICULARLY REGARDING GROUP HEALTH INSURANCE PREMIUMS AND REPEALING PRIOR ORDINANCES AND ENACTMENTS IN CONFLICT THEREWITH, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that an amendment of a program for compensation, benefits and personnel management for its public workforce, particularly regarding group insurance premiums paid by workers would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to make such an amendment;

NOW, THEREFORE, **BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the established compensation, benefits and personnel program of the municipality pursuant to and consistent with the provisions of the relevant governing law, is found and determined to require certain modification;

Section 2. That the ordinance, with the short title styled as styled as the "Compensation and Benefits Ordinance" and commonly called Municipal Employee Handbook is hereby amended revising **Section § 6.03.04** to read as follows:

§ 6.03.04 Employee Contribution for Certain Group Insurance Premiums

(A) All eligible employees of the town hereinafter defined shall share the cost of the group health premium, which are to be paid through a salary reduction (payroll deduction) taken as a pre-tax payment according to the terms of a duly authorized IRC Section 125 Plan for the Town of Highland. The amount of the shared premium shall be fixed by ordinance as may be passed from time to time. All eligible employees and elected officers may elect to include spouses and dependents under their group coverage, except that select part-time workers eligible for group coverage may only elect to include dependents and not spouses under their group coverage.

(B) All eligible employees of the town hereinafter defined who elect to participate in the group health insurance shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the eligible employees of the town hereinafter defined for the duration of such coverage. For participating full-time employees and the clerk-treasurer, the identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly. For select part-time employees, the group premium will be calculated as a percentage share of the bi-weekly pay, and shall be collected during all bi-weekly pay periods regardless of work performed. The Clerk-Treasurer is empowered to implement the collection to achieve optimal administrative ease achieving the policy objects of this provision. ~~In all cases, the percentage shall be calculated according to the following schedule:~~

(C) All eligible employees of the town hereinafter defined who elect to participate in the group health insurance *non high-deductible plan*, shall pay the identified share of the group premium as follows:

Employee Share of Health Insurance Premium

Employee Single Coverage	1% of Base Pay
Employee With Children	2% of Base Pay
Employee With Spouse	2% of Base Pay
Family Coverage with Spouse and Children	3% of Base Pay

(May be affected by Wellness Incentive Enactments adopted from time to time)

(D) All eligible employees of the town hereinafter defined who elect to participate in the group health insurance *high-deductible plan*, shall pay the identified share of the group premium as follows:

Employee Share of Health Insurance Premium

Employee Single Coverage	.5% of Base Pay
Employee With Children	1% of Base Pay
Employee With Spouse	1% of Base Pay
Family Coverage with Spouse and Children	1.5% of Base Pay

(May be affected by Wellness Incentive Enactments adopted from time to time)

(E) Participants in the Town of Highland Wellness Program. All eligible employees of the town hereinafter defined who participate in the group health insurance and who have participated in identified events or completed identified tasks as may be identified in the proper enactment regarding wellness as may be passed from time to time by the Town Council, shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the eligible employees for the duration of such coverage, at a reduced rate. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

(1) Employee Share of Health Insurance Premium
 for Wellness Program Participants NON High-deductible Plans

Employee Single Coverage	.5% of Base Pay
Employee With Children	1.5% of Base Pay
Employee With Spouse	1.5% of Base Pay
Family Coverage with Spouse and Children	2.5% of Base Pay

(2) Employee Share of Health Insurance Premium
 for Wellness Program Participants High-deductible Plans

Employee Single Coverage	0 % of Base Pay
Employee With Children	.5% of Base Pay
Employee With Spouse	.5% of Base Pay
Family Coverage with Spouse and Children	1.0% of Base Pay

(May be affected by Wellness Incentive Enactments adopted from time to time)

(F) *Non-Participants in the Town of Highland Wellness Program.* All eligible employees of the town hereinafter defined who elect to participate in the group health insurance, but fail to comply with the mandatory requirements of the wellness program, shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the eligible employees of the town hereinafter defined for the duration of such coverage. The contribution percentage will be adjusted to that of participants of the Town of Highland wellness program on the first pay after compliance is determined. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

Employee Share of Health Insurance Premium
 for Non-Participants in the Wellness Program

Employee Single Coverage	2% of Base Pay
Employee With Children	4% of Base Pay
Employee With Spouse	4% of Base Pay
Family Coverage with Spouse and Children	6% of Base Pay

Section 3. Special incentive for 2019. That notwithstanding the amendments herein, for the period January 1 through December 31, 2019 in order to incentivize and encourage greater participation in the high deductible plan and lower overall costs to the municipality, **all eligible employees who are not enrolled in the high deductible plan** at the time of this ordinance’s adoption, who enroll in the high deductible plan for the fiscal year 2019, shall pay no group premium for participation in the high deductible plan in 2019;

Section 4. That amendments adopted by the passage of this ordinance, in its substantive parts shall be compiled into a complete and simplified version, excluding its preambles or formal recitals, featuring a cover and brief narratives regarding the municipality and inserted in to a presented in handbook or similar form, to be distributed to employees and officers of the municipality and may be referred to as the *Employee Handbook*;

Section 5. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with wellness programs, remain in full force and effect;
- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

Section 6. That any actions made lawful by this amendment carried-out consistent with its provisions but exercised before its adoption, are hereby approved, authorized and ratified pursuant to I.C. 36-1-4-16;

Section 7. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 12th day of November 2018. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 12th Day of November 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, Lake County, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. Resolution No. 2018-45: An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications in the Special Events (Non-Reverting) Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2018-45. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2018-45**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL EVENTS (Non-Reverting) FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Special Events (Non-Reverting) Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Special Events (Non-Reverting) Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SPECIAL EVENTS (NON-REVERTING) FUND

Reduce Accounts:	
#036-0000-34017 IT Event Insurance	<u>\$ 31.00</u>
<i>Total 300 Series Reductions:</i>	\$ 31.00

Increase Account:	
#036-0000-20003 Miscellaneous Supplies	<u>\$ 31.00</u>
<i>Total 200 Series Increases</i>	\$ 31.00

Total of Fund Decreases:	\$ 31.00
Total of Fund Increases:	\$ 31.00

DULY RESOLVED and ADOPTED this 12th Day of November 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. **Resolution No. 2018-48:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications in the Sanitary Administration Department of the Sanitary District Special Operating Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Vassar moved the passage and adoption of Resolution No. 2018-48. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2018-48

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SANITARY ADMINISTRATION DEPARTMENT of the SANITARY DISTRICT SPECIAL OPERATING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Sanitary Administration Department of the Sanitary District Special Operating Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Sanitary Administration Department of the Sanitary District Special Operating Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SANITARY DISTRICT SPECIAL OPERATING FUND

Sanitary Administration Department

Reduce Accounts:

040-0014-31002 Engineering Fees	\$ 8,500.00
040-0014-31004 Tuition and Development	\$ 940.00
040-0014-32004 Travel Expense	\$ 300.00
040-0014-33001 Legal Notices	\$ 400.00
040-0014-34001 Bond Premiums	\$ 150.00
040-0014-35001 Electricity	\$ 300.00
040-0014-35003 Natural Gas	\$ 300.00
040-0014-35005 Water Service	\$ 300.00
040-0014-35007 Sewer Service	\$ 300.00
040-0014-39001 Subscriptions & Dues	\$ 500.00
040-0014-39002 Refunds, Awards & Indemnities	\$ 10.00
<i>Total reduction of 300 Series:</i>	\$12,000.00

Increase Account:	
040-0014-43001 Vehicles	\$ 12,000.00
<i>Total 400 Series Increases</i>	\$ 12,000.00
Total of Fund Decreases:	\$ 12,000.00
Total of Fund Increases:	\$ 12,000.00

DULY RESOLVED and ADOPTED this 12th Day of November 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2018-37:** An Order Authorizing and Approving Two (2) Change Orders to the Construction Contract with Rieth-Riley Construction Company, Incorporated for the 45th Avenue Reconstruction Project.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2018-37. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2018-37

An Order Authorizing and Approving Two (2) Change Orders to the Construction Contract with Rieth-Riley Construction Company, Incorporated for the 45th Avenue Reconstruction Project

Whereas, The Town Council for the Town of Highland determined a need to improve 45th Avenue beginning at 200' west of 5th Street to 400' west of Kennedy Avenue, hereby titled the 45th Avenue Reconstruction Project (Project); and

Whereas, The Town had procured a Community Crossings Matching Grant from the Indiana Department of Transportation in the amount of \$191,050 in FY2016 and \$238,200 in FY 2017, which supports 50% of the estimated construction cost for the Project; and

Whereas, First Group Engineering, Incorporated had prepared plans and specifications for the Project and the Project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, The Town Council has heretofore awarded a contract to Reith-Riley Construction Co. Inc, for the Project on January 8, 2018 in the total amount of Eight Hundred Eighteen Thousand Nine Hundred Seventy Five Dollars and 00/100 Cents (\$818,975) with the 2016-funded portion the project being Four Hundred Twenty-one Thousand Two Hundred Ten Dollars and 81/100 Cents (\$421,210.81) and the 2017-funded portion of the project being Three Hundred Ninety-seven Thousand Seven Hundred Sixty-four Dollars and 20/100 Cents (\$397,764.20); and

Whereas, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the Project; and

Whereas, First Group Engineering, Inc., a licensed engineer performing construction engineering services on this Project, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Reith-Riley Construction Co. Inc., for the **2016-funded** portion of the project particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of Two Hundred Eighty-three Dollars and 82/100 Cents (\$283.82); and

Whereas, First Group Engineering, Inc., a licensed engineer performing construction engineering services on this Project, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Reith-Riley Construction Co. Inc., for the **2017-funded**

portion of the project particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of Eleven Dollars and 09/100 Cents (\$11.09); and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board as follows:

Section 1. That Change Order No. 1 for the **2016-funded** portion of the project 45th Avenue Reconstruction Project, as prepared by First Group Engineering, Inc, a licensed professional engineer performing construction engineering services on the Project, with a net decrease to the construction project in the amount of Two Hundred Eighty-three Dollars and 82/100 Cents (\$283.82) is hereby approved and authorized in each and every respect;

Section 2. That Change Order No. 1 for the **2017-funded** portion of the project 45th Avenue Reconstruction Project, as prepared by First Group Engineering, Inc, a licensed professional engineer performing construction engineering services on the Project, with a net decrease to the construction project in the amount of Eleven Dollars and 09/100 Cents (\$11.09) is hereby approved and authorized in each and every respect;

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project do not exceed twenty percent (20%) of the amount of the original contract, all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 12th day of November 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2018-38:** An Order Authorizing and Approving the Second Change Order to the Contract with Rieth-Riley Construction Company, Inc. related to the Kennedy Avenue Resurfacing Project, all Pursuant to I.C. 36-1-12-18.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2018-38. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2018-38**

An Order Authorizing and Approving the Second Change Order to the Contract with Rieth-Riley Construction Company, Inc. related to the Kennedy Avenue Resurfacing Project, all Pursuant to I.C. 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street resurfacing and other improvements in the public roadway of Kennedy Avenue between 45th Avenue and Main Street, with the project commonly known as the Kennedy Avenue Resurfacing Project; and

Whereas, The Town Council has heretofore awarded a contract to Rieth-Riley Construction Company, Inc., for the Project on **March 26, 2018** in the amount of **Two Hundred Ninety-three Thousand Nine Hundred Sixty-Six Dollars and 66/100 Cents (\$293,966.66)**; and

Whereas, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project and include the repair and resurfacing of the CN Railroad crossing; and

Whereas, First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed second addendum to the original construction contract with Rieth-Riley Construction Company, Inc., particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of **Sixty Dollars and 00/100 Cents (\$60.00)**; and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana acting as the Works Board as follows:

Section 1. That Change Order No. 2 for the **Kennedy Avenue Resurfacing Project**, as prepared by First Group Engineering, Inc., a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

Section 2. That this first addendum is hereby ordered to be known as *Change Order No. 1*, issued to increase the net cost to the original agreement between the Town of Highland and Rieth-Riley Construction Company, Inc., in the amount of **Sixty Dollars and 00/100 Cents (\$60.00)**, bringing the total value of the entire agreement with any and all change orders approved to date to **Three Hundred Five Thousand Eight Hundred Seventy-eight Dollars and 13/100 Cents (\$305,878.13)**;

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being in the amount of **Two Hundred Ninety-three Thousand Nine Hundred Sixty-Six Dollars and 66/100 Cents (\$293,966.66)**, which may not exceed **Three Hundred Fifty-two Thousand, Seven hundred Fifty-nine Dollars and 99/100 Cents (\$352,759.99)**, all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 12th day of November 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 8. Works Board Order No. 2018-39:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from WatchGuard Video, 415 E. Exchange Parkway, Allen Texas in-car cameras with accessories, and finding it a Special Purchase pursuant to I.C. 5-22 and Section 3.05 of the Highland Municipal Code.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2018-39. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2018-39**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from WatchGuard Video, 415 E. Exchange Parkway, Allen Texas in-car cameras with accessories, and finding it a Special Purchase pursuant to I.C. 5-22 and Section 3.05 of the Highland Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to

time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00. An opportunity has arisen which enables the department to purchase additional in-car cameras with accessories.

Whereas, The Metropolitan Police Chief has identified WatchGuard Video of Allen, Texas to be a desirable source vendor for the purchase of the in-car cameras with accessories at a price of \$42,860.00

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (e) as well as Section 3.05.050 (b) (2) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (a) (2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, believes that this purchase qualifies as a special purchase to be made without soliciting bids or proposals because in this instance (1) the compatibility of equipment, accessories or replacement parts is a substantial consideration in this purchase and (2) only one source meets the department's reasonable requirements, which is the source recommended for this purchase;

Whereas, The Purchasing Agent, for the rational stated herein, elects to purchase without resort to soliciting quotes or bids pursuant to Section 3.05.065 (I) of the Highland Municipal Code;

Whereas, The purchase of the in-car cameras and accessories will be supported by appropriations in the Public Safety LIT Fund;

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein.

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase as from Watch Guard Video, 415 E. Exchange Parkway, Allen Texas, for the purchase of several in-car cameras plus accessories as set forth in the invoices, which is attached as an exhibit to and made a part of this order in the amount of \$42,860.00;

Section 2. That the Works Board hereby finds and determines the following:

- (A) That Watch Guard Video, 415 E. Exchange Parkway, Allen Texas is a sole source to meet the police departments reasonable requirements for this purchase; and,
- (B) That for this purchase, the compatibility of equipment, accessories or replacement parts is a substantial consideration; and,
- (C) That the foregoing rational, this purchase qualifies as a special purchase pursuant to IC5-22-10 et seq. and HMC Section 3.05.065 (I)

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-1-4-14.

Be It So Ordered.

DULY, PASSED, ADOPTED AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of November 2018 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

9. **Works Board Order No. 2018-40:** An Order of the Works Board Accepting the Proposal of Lounges Entertainment LLC for Professional Entertainment and Stage Services for the Town of Highland, Associated with Independence Day Festivities, and to Comply with the Provisions of IC 22-5-1.7 et seq.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2018-40. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Vassar, Wagner and Kuiper voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2018-40

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF LOUNGES ENTERTAINMENT LLC FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence with appropriate festivals including live musical performance as entertainment;

Whereas, The *Tom Lounges Entertainment, LLC* has presented to the Community Events Commission a proposed agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2018 Independence Day Festival;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2019 Independence Day Festival (six days) as submitted by Tom Lounges Entertainment, LLC;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$15,000.00, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal/agreement for professional entertainment and stage services of **Tom Lounges Entertainment, LLC**, 104 Fraser Lane, Hobart, Indiana, 46342, prepared and presented by its principal, Tom Lounges, which includes providing appropriate stage production for the events booked, all entertainment booking, providing lighting, offering emcee services, contracting and artist payments and related services according to the written terms set forth in the agreement, for the *five (5) days of the event* is hereby accepted, approved and adopted in every respect, provided that **Tom Lounges Entertainment, LLC** complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the fees for performance of the service identified in the proposal of **\$21,000** for the entertainment to be booked for the annual Independence Day festival to be conducted on and around July 4th 2019, and production services, are found to be reasonable and fair;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, *in the proper year*, to **Tom Lounges Entertainment, LLC** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the proper officers of the municipality are hereby authorized to identify the proper funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of November 2018 having passed by a vote of 4 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

- 10. Action to approve pay for employee who is temporarily replacing another employee at a higher grade level, after thirty full days in the position, pursuant to Section § 4.01 of the Compensation and Benefits Ordinance.** Director of Operations is reporting he has assigned **Michael Maslan**, Utility Worker (B) (\$12.43) to acting custodian (\$14.91), while the current custodian is on assignment to the Office of Clerk-Treasurer as acting Encumbering Officer.

The Public Works Department (Agency) made the assignment effective August 26 2018. Michael Maslan has held the position from that date through September 26 and continues to do so. Mr. Maslan will be eligible for the pay of a custodian effective September 26, 2018, provided it is approved.

Councilor Wagner moved to approve and authorize the payment for a higher level for Michael Maslen pursuant to the Compensation and Benefits Ordinance. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher pay for temporarily working in a different position was approved.

- 11. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.** *Assistant Public Works Director recommends the following:*

- (A)** *The hiring of **Steven Winget**, to the full-time position of *Mechanic in Public Works Department (Agency) at a rate of pay of \$19.96 per hour. This will not increase the full-time workforce greater than the authorized work force strength.**

Councilor Zemen moved the approval and authorization of the appointment (hiring) of Steven Winget as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hiring was authorized.

- 12. Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$2,123.00 in No-Department of the Motor Vehicle Highway Fund by a reduction in the same amount of the Administration Department of the Motor Vehicle Highway Fund.

Councilor Wagner moved to authorize the proper officer to publish legal notice of a public hearing to consider proposed additional appropriations as indicated. Councilor

Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The legal notice was authorized.

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner who noted that there was no meeting for the Plan Commission in November.

Councilor Zemen acknowledged the Redevelopment Director, offered a survey of redevelopment activities and reported that the Hoosier Highlander, 2932 Highway Avenue, Highland was under new ownership.

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported that the annual Pumpkin Plod was adding a 5 kilometer run to the event. The Parks and Recreation Superintendent also reminded all of the annual Holiday Parade and Tree Lighting at Main Square for Saturday, November 24, 201.

Councilor Vassar asked that the necessary steps be taken to authorize providing for the Town's workforce a frozen turkey.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner acknowledged the Building Commissioner who offered brief survey of matters before the Advisory Board of Zoning Appeals.

Councilor Wagner noted his time away related to his work as President of the United Steelworkers Local Union 1010 and its negotiation for a new three year contract for Arcelor-Mittal. He further noted that the contract as proposed was set for a vote of the members on November 29.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief and the Police Chief with no reports forthcoming.

- **Councilor President Mark Herak:** *Town Executive • Chair of the Board of Police Pension Trustees • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.*

The Town Council President acknowledged the Public Works Director who offered a status survey of public works projects.

The Town Council President wished all a Happy Thanksgiving.

Comments from Visitors or Residents:

1. Terry Steagall, 8577 Kleinman Road, Highland, renewed his request that the Town Council pass a sense of the Council resolution supporting HR 676 styled as "Medicare for all", which is supported by Congressman Visclosky.

Mr. Steagall further commented favorably on the recent announcement by the Northern Indiana Public Service Company of its planned migration from coal-fired energy plants by 2030.

Finally, Mr. Steagall again expressed concerns over the Little Calumet River Basin Development Commission, and the sufficiency of the application of resources to certain assets in its charge particularly regarding its long term and short term plans for recreational improvements along the river in Highland.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period October 23, 2018 through November 12, 2018 and the **payroll dockets for October 12 and October 26, 2018.** Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll docket listed was ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$505,415.99; Motor Vehicle Highway and Street (MVH) Fund, \$73,415.42; Local Road and Street (LR&S) Fund, \$7,743.08; Law Enforcement Continuing Education and Equipment Fund, \$2,568.60; Flexible Spending Agency (FSA) Fund, \$949.22; Insurance Premium Fund, \$157,259.49; Gasoline Agency Fund, \$14,351.59; Information Communications Technology Fund, \$4,914.98; Solid Waste District Grant Fund, \$121,613.04; Special Events Non Reverting Fund, \$612.29; Police Pension Fund, \$67,903.28; Cumulative Capital Improvement Fund, \$162.12; Municipal Cumulative Capital Development Fund, \$2,495.00; Traffic Violations and Law Enforcement Agency Fund, \$9,750.00; Municipal Cumulative Street Fund, \$3,133.20; Gaming Revenue Sharing Fund, \$43,542.74; Public Safety Local Income Tax Fund, \$17,195.31; and, Economic Development Local Income Tax Fund, \$928.44; Total: \$ 1,033,579.79.

Payroll Docket for payday of October 12, 2018:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$14,755.62; Building and Inspection Department, \$9,084.55; Metropolitan Police Department, \$123,032.17; Fire Department, \$3,646.79; Public Works Department (Agency), \$61,968.46; and Police Pensions, \$0.00. Total Payroll: \$212,487.59.

Payroll Docket for payday of October 26, 2018:

Council, Boards and Commissions, \$8,357.00; Office of Clerk-Treasurer, \$14,735.79; Building and Inspection Department, \$8,600.74; Metropolitan Police Department, \$115,270.18; Fire Department, \$31,083.27; Public Works Department (Agency), \$63,597.76; and Police Pensions, \$67,795.63. Total Payroll: \$309,440.37.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 12, 2018 was adjourned at 8:04 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer