

**Enrolled Minutes of the Thirty-fourth Regular or Special Meeting  
For the Twenty-Eighth Highland Town Council  
Special Meeting  
Saturday, April 29, 2017**

The Special Meeting of the Highland Town Council was called to order at 10:05 a.m. at the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers. The Town Council President, Dan Vassar, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Council President Vassar leading the Pledge of Allegiance to the Flag of the United States of America.

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

**Additional Officials Present:** Rhett L. Tauber, Town Attorney was also present.

**Special Orders:**

- 1. Ratification of Holding Special Meeting.** Councilor Wagner moved to ratify and affirm the holding of the special meeting, for this date and time. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The meeting was ratified and affirmed.
- 2. Resolution No. 2017-17:** A Resolution Of The Town Council Of The Town Of Highland, Indiana, To Establish An Underground And Buried Utility District. *(The Indiana General Assembly in SEA 213, which will limit the ability of the local unit to regulate the placement of new style small cell "facilities" unless a designation is made BEFORE May 1, 2017. See the summary prepared by AIM (formerly IACT) regarding the enrolled act.)*

With leave from the Town Council, the Town Attorney explained the rationale for the passage of the resolution, noting SEA 213 and its deadline for action by local units and the import of not acting.

Councilor Herak moved the passage and adoption of Resolution No. 2017-17. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
RESOLUTION NO. 2017-17**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, INDIANA,  
TO ESTABLISH AN UNDERGROUND AND BURIED UTILITY DISTRICT**

**WHEREAS**, the Town of Highland, Lake County, Indiana ("Highland"), pursuant to I.C. 36-9-2-7, may regulate the use of public ways;

**WHEREAS**, pursuant to I.C. 36-1-2-24, the Town Council is the Works Board for the Town ("Works Board") and as such has the power to administer public utilities and regulate the Town's rights-of-way ("ROW"); and

**WHEREAS**, public necessity, health and safety now require that all utilities located within the Town's ROW shall be placed underground or buried; and

**WHEREAS**, the Town, by and through the Works Board, now finds that it is in the best interests of the public health, safety, and general welfare of its citizens to prohibit the erection of all poles, overhead lines, and associated overhead structures used or useful in supplying electric, communication or similar and associated services within the Town's ROW or granted utility easements; and

**WHEREAS**, to further the aforementioned public necessity, and to comply with the provisions required under I.C. 8-1-32.3-15, as added by P.L. 145-2015, Section 3, the Town Council now hereby establishes an Underground and Buried Utilities District (“Area”) and designates the Area to be in effect throughout all ROW within the corporate boundaries of the Town.

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

**Section 1.** The foregoing Recitals are fully incorporated herein by this reference.

**Section 2.** The Town hereby establishes an Underground and Buried Utilities District (“Area”) to be in effect and to apply throughout the Town’s ROW, and is hereinafter defined as follows:

- a. In 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;
- b. In 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; and
- c. All other areas of ROW or proposed ROW throughout the Town, whether or not above ground utilities or utility facilities currently exist.

**Section 3.** From and after the effective date of this Resolution, no person, corporation, or utility shall erect or construct within the Town’s ROW, any pole, overhead line, or associated overhead structure used or useful in supplying electric, communication or similar associated services.

**Section 4.** Unless otherwise expressly authorized by the Works Board, all utilities located within the Town’s ROW shall be placed underground and/or buried.

**Section 5.** All existing overhead poles, wires, and/or utility transmission lines may remain within the Town’s ROW, but may not be replaced or relocated without prior written authorization of the Works Board.

**Section 6.** If any portion of this Resolution is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Resolution so long as enforcement of same can be given the same effect.

**Section 7.** This Resolution shall be in full force and effect from and after April 30, 2017.

**DULY RESOLVED and ADOPTED** this 29<sup>th</sup> Day of April 2017 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**  
Dan Vassar, 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)

**Adjournment.** Councilor Wagner moved that the special meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The Special meeting of the Town Council of Saturday, April 29, 2017 was adjourned at 10:08 O’clock a.m.

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