

**Enrolled Minutes of the Ninety-Sixth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, October 12, 2015**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, October 12, 2015 at 6:46 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, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. 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 7:02 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, October 12, 2015 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 and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Town Council President Mark Herak 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, and Konnie Kuiper. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Jared Tauber, Tauber Law Offices, in for the Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Cecile Petro, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: George Georgeff, Commander Metropolitan Police Department; Ed Dabrowski IT Director (Contract); and Randy Bowman, Assistant Inspector for Electrical were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of September 28, 2015 were approved by general consent.

Special Orders:

1. **Pre-Adoption Hearing of the Proposed Fiscal Year 2016 Budget for the Town of Highland.**

- (a) Verification of Publication: *(Under new law, no publication by unit just by gateway. The proposed components of budget must be submitted to the Gateway*

before September 14 and at least 10 days before the Preliminary Hearing. See IC 6-1.1-17-3). Mr. Jared Tauber indicated that he reviewed the online filing documents and found them to be in order.

- (b) Introduction of **Proposed Ordinance No. 1603**: An Ordinance of Appropriations and Budget Levies and Rates for the 2016 Budget. Councilor Zemen introduced and filed the proposed ordinance. There was no further action.
- (c) *Acknowledgement of County Council non-binding and review of the budget proposed by the Town Council.* It was noted that there was report from the County Council representing its non-binding recommendations regarding the proposed budget.

With leave from the Town Council, the Clerk-Treasurer indicated that the proposed budget for the civil town was not yet balanced. The Clerk-Treasurer indicated his belief that by the time of formal adoption, the budget would be in balance.

- (d) **Public Hearing.** The Town Council President called the hearing to order. There were no comments, questions or remonstrance. The hearing was closed.

2. **Pre-Adoption Hearing of the Proposed Fiscal Year 2016 Budget of the Sanitary District, pursuant to IC 6-1.1-17-20.** *Under amendments to IC 6-1.1-17-20, the proper officers shall submit the proposed budget and property tax levies to the municipal fiscal body. The proposed budget and levy shall be submitted to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The final adoption vests with the Town Council. The Town Council should take its final action at its meeting of October 28, 2015.*

- (a) **Verification of Publication:** *(Under new law, no publication by unit just by gateway. The proposed components of budget must be submitted to the Gateway before September 14 and at least 10 days before the Preliminary Hearing. See IC 6-1.1-17-3).* Mr. Jared Tauber indicated that he reviewed the online filing documents and found them to be in order.
- (b) Introduction of **Proposed Ordinance No. 1604**: An Ordinance of Appropriations and Budget Levies and Rates for the 2016 Budget. Councilor Vassar introduced and filed Ordinance No. 1604. There was no further action.
- (c) **Public Hearing.** The Town Council President called the hearing to order. There were no comments, questions or remonstrance. The hearing was closed.

3. **Pre-Adoption Hearing of the Proposed Fiscal Year 2016 Budget of the Waterworks District, pursuant to IC 6-1.1-17-20.** *Under amendments to IC 6-1.1-17-20, the proper officers of the special taxing district shall submit the proposed budget and property tax levies to the municipal fiscal body. The proposed budget and levy shall be submitted to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The final adoption vests with the Town Council. The Town Council should take its final action at its meeting of October 28, 2015.*

- (a) **Verification of Publication:** *(Under new law, no publication by unit just by gateway. The proposed components of budget must be submitted to the Gateway before September 14 and at least 10 days before the Preliminary Hearing. See IC 6-1.1-17-3).* Mr. Jared Tauber indicated that he reviewed the online filing documents and found them to be in order.

- (b) Introduction of **Proposed Ordinance No. 1605**: An Ordinance of Appropriations and Budget Levies and Rates for the 2016 Budget. Councilor Vassar introduced and filed Ordinance No. 1605. There was no further action.
- (c) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:
1. Tom Black, 3515 Garfield Street, Highland, inquired if he could obtain a copy of the enrolled budgets. He was advised that the Clerk-Treasurer had an extra packet and he would be pleased to tender it at the end of the meeting.

There were no further comments or remonstrances. The hearing was closed.

It was noted that pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinances for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinances will be at the regular meeting of the **Town Council, Monday, October 26, 2015 at 7:00 p.m.**

Corporation General Fund: (departmentalized)	<i>Proposed</i>	FY 2016 <i>Adopted</i>
<i>Office of the Town Council</i>		
Personnel Services	\$ 80,182	\$ -
Supplies	\$ 700	\$ -
Other Services & Charges	\$ 144,072	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 224,954	\$ -
<i>Advisory Board of Zoning Appeals</i>		
Personnel Services	\$ 3,359	\$ -
Supplies	\$ 200	\$ -
Other Services & Charges	\$ 7,976	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 11,535	\$ -
<i>Volunteers in Policing</i>		
Personnel Services	\$ 2,720	\$ -
Supplies	\$ 14,580	\$ -
Other Services & Charges	\$ 2,650	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 19,950	\$ -
<i>Office of the Clerk-Treasurer</i>		
Personnel Services	\$ 117,887	\$ -
Supplies	\$ 3,500	\$ -
Other Services & Charges	\$ 65,548	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 186,935	\$ -

Building Inspection Department

Personnel Services	\$ 252,876	\$ -
Supplies	\$ 9,550	\$ -
Other Services & Charges	\$ 91,557	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 353,983	\$ -

Fire Department

Personnel Services	\$ 238,739	\$ -
Supplies	\$ 31,760	\$ -
Other Services & Charges	\$ 102,552	\$ -
Capital Outlays	\$ 15,100	\$ -
Department Total:	\$ 388,151	\$ -

Plan Commission Dept.

Personnel Services	\$ 2,842	\$ -
Supplies	\$ 325	\$ -
Other Services & Charges	\$ 68,246	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 71,413	\$ -

Metropolitan Police Department

Personnel Services	\$ 3,854,276	\$ -
Supplies	\$ 146,000	\$ -
Other Services & Charges	\$ 1,200,006	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 5,200,282	\$ -

Services & Works Board Dept.

Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 753,488	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 753,488	\$ -

Town Hall and Monuments Dept.

Personnel Services		\$ -
Supplies	\$ 4,700	\$ -
Other Services & Charges	\$ 28,530	\$ -
Capital Outlays	\$-	\$ -
Department Total:	\$ 33,230	\$ -

Fund Total: \$ 7,243,921 \$ -

Proposed (est.) Rate for the Fund	\$ 0.9490	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment General Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 107,506	\$ -
Supplies	\$ 6,000	\$ -
Other Services & Charges	\$ 130,700	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 244,206	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0326	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.

Redevelopment Capital Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 151,100	\$ -
Capital Outlays	\$ 169,000	\$ -
Fund Total:	\$ 320,100	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.

Parks and Recreation Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 1,109,000	\$ -
Supplies	\$ 100,000	\$ -
Other Services & Charges	\$ 1,064,000	\$ -
Capital Outlays	a	\$ -
Fund Total:	\$ 2,273,000	\$ -
Proposed (est.) Rate for the Fund	\$ 0.2887	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Police Pension 1925 Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 819,487	\$ -
Supplies	\$ 400	\$ -
Other Services & Charges	\$ 4,115	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 824,002	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0004	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Parks Dist Bond & Lease Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 197,025	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 197,025	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0386	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Parks Dist Bond & Lease Fund (Regular)

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 1,278,887	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 1,278,887	\$ -
Proposed (est.) Rate for the Fund	\$ 0.2649	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Corporation Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 2,252,963	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 2,252,963	\$ -
Proposed (est.) Rate for the Fund	\$ 0.5540	
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Corporation Bond Exempt Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 57,022	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 57,022	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0137	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Motor Vehicle Highway Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 468,910	\$ -
Supplies	\$ 273,750	\$ -
Other Services & Charges	\$ 217,890	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 960,550	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Local Roads & Streets Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 79,350	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 200,000	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 279,350	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Municipal Cum Cap Dev Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$ 7,500	\$ -
Other Services & Charges	\$ 30,000	\$ -
Capital Outlays	\$ 274,369	\$ -
Fund Total:	\$ 311,869	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0658	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

The rate is fixed or capped by I.C. 36-9-15.5 et seq.

Cumulative Cap Imp. Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 90,000	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 90,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Law Enf. Ed., Trng., & Supply Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$ 20,500	\$ -
Other Services & Charges	\$ 25,000	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 45,500	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 247,468	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 247,468	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0478	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Information & Comm Tech

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 3,000	\$ -
Other Services & Charges	\$ 193,850	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 196,850	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

VIPS/PARKS Public Safety Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 600	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 5,400	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 6,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Solid Waste District Grant Fund

	<i>Proposed</i>	<i>Adopted</i>	
Personnel Services	\$ -	\$ -	
Supplies	\$ 5,000	\$ -	
Other Services & Charges	\$ 115,000	\$ -	
Capital Outlays	\$ 50,000	\$ -	
Fund Total:	\$ 170,000	\$ -	
Proposed (est.) Rate for the Fund	\$ -		per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -		per \$100 dollars of av

Special Events Non Reverting

	<i>Proposed</i>	<i>Adopted</i>	
Personnel Services	\$ 8,116	\$ -	
Supplies	\$ -	\$ -	
Other Services & Charges	\$ 65,450	\$ -	
Capital Outlays	\$ -	\$ -	
Fund Total:	\$ 73,566	\$ -	
Proposed (est.) Rate for the Fund	\$ -		per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -		per \$100 dollars of av

Public Safety LOIT Fund

	<i>Proposed</i>	<i>Adopted</i>	
Personnel Services	\$ -	\$ -	
Supplies	\$ -	\$ -	
Other Services & Charges	\$ 235,309	\$ -	
Capital Outlays	\$ -	\$ -	
Fund Total:	\$ 235,309	\$ -	
Proposed (est.) Rate for the Fund	\$ -		per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -		per \$100 dollars of av

Economic Development Income Tax Fund

	<i>Proposed</i>	<i>Adopted</i>	
Personnel Services	\$ -	\$ -	
Supplies	\$ -	\$ -	
Other Services & Charges	\$ 114,200	\$ -	
Capital Outlays	\$ 449,321	\$ -	
Fund Total:	\$ 563,521	\$ -	
Proposed (est.) Rate for the Fund	\$ -		per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -		per \$100 dollars of av

Total of All Funds:	\$ 17,871,109	\$ -	
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Sanitary District Special Operating Fund
(Departmentalized)

<i>Operating Department</i>	<i>Proposed</i>	<i>Final Approval</i>
Personnel Services	\$ 81,151	\$ -
Supplies	\$ 450	\$ -
Other Services & Charges	\$ 94,120	\$ -
Capital Outlays	\$ 15,000	\$ -
Departmental Total:	\$ 190,721	\$ -
<i>Sanitation and Waste Department</i>	<i>Proposed</i>	<i>Final Approval</i>
Personnel Services	\$ 362,239	\$ -
Supplies	\$ 39,050	\$ -
Other Services & Charges	\$ 1,526,339	\$ -
Capital Outlays	\$-	\$ -
Departmental Total:	\$ 1,927,628	\$ -
Fund Total:	\$ 2,118,349	\$ -
Adopted (est.) Rate for the Fund	\$ 0.0308	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Sanitary District Bond and Interest Fund

	<i>Proposed</i>	<i>Final Approval</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 1,673,658	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 1,673,658	\$ -
Adopted (est.) Rate for the Fund	\$ 0.2304	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Sanitary District Bond and Interest Exempt Fund

	<i>Proposed</i>	<i>Final Approval</i>
Personnel Services	\$-	\$ -
Supplies	\$-	\$ -
Other Services & Charges	\$ 392,065	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 392,065	\$ -
Adopted (est.) Rate for the Fund	\$ 0.0629	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Total of All San Dist Funds:	\$ 4,184,072	\$ -
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Waterworks District Bond and Interest Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 91,910	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 91,910	\$ -
Adopted (est.) Rate for the Fund	\$ 0.0236	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

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

• **Building & Inspection Report for September 2015**

Permit Type	Numb	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	5	0	5	\$145,669.00	\$2,010.00
Signs:	5	0	5	\$36,996.00	\$1,638.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	86	86	0	\$460,632.00	\$9,603.50
Garages:	1	1	0	\$13,700.00	\$289.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	1	1	0	\$2,787.00	\$192.00
Fences	8	8	0	\$38,822.00	\$1,055.00
Swimming Pools	1	1	0	\$0.00	\$73.00
DrainTile/ Waterproofing	3	3	0	\$23,414.00	\$521.50
Miscellaneous	4	1	3	\$75,500.00	\$4,123.00
TOTAL:	114	101	13	\$796,520.00	\$19,550.00
Electrical Permits	22	18	4		\$1,650.00
Mechanical Permits	10	9	1		\$752.00
Plumbing Permits	5	4	1		\$415.75
Water Meters	1	0	1		\$2,838.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	1	1	0		\$300.00
TOTAL Plumbing:	7	5	2		\$3,553.75

September Code Enforcement:

Investigations: 194
Citations: 20

September Inspections:

Building: 46 Electrical: 31 Plumbing: 18 HVAC: 18
Electrical Exams: 2

Maint.	0	0	3	0	0	35	47
Other	0	0	1	0	0	0	0
TOTALS	0	6	16	0	0	205	104

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:

- Enactment No. 2015-47:** An Enactment Authorizing and Approving a wellness initiative for the municipal workforce supporting flu vaccinations for full-time workers, firefighters, to be paid at the expense of the municipality as employer, pursuant to I.C. 5-10 et seq; and IC 36-1-3.

Councilor Kuiper introduced and moved the consideration of Enactment 2015-47 at the same meeting of its introduction. Councilor Zemen seconded. Upon a unanimous vote, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Kuiper moved the passage and adoption of Enactment 2015-47 at the same meeting of its introduction. Councilor Zemen seconded. Upon a two-thirds vote, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Enactment (ordinance)
Enactment No. 2015-47**

AN ENACTMENT AUTHORIZING AND APPROVING A WELLNESS INITIATIVE FOR THE MUNICIPAL WORKFORCE SUPPORTING FLU VACCINATIONS FOR FULL-TIME WORKERS, FIREFIGHTERS, TO BE PAID AT THE EXPENSE OF THE MUNICIPALITY AS EMPLOYER, PURSUANT TO I.C. 5-10 ET SEQ; AND IC 36-1-3.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Title 5, Article 10, Chapters 2.2 and 2.6 enables a public employer to provide programs of group health insurance by purchasing policies of group insurance or establishing self-insurance programs.

WHEREAS, Title 36, Article 1, Chapters 3 provides that a unit of local government unit 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;

WHEREAS, Title 36, Article 1, Chapters 3 further provides that a unit of local government desiring to exercise powers under IC 36-1-3, must adopt an ordinance prescribing a specific manner for exercising the power;

WHEREAS, The Town Council of the Town of Highland, has been advised of the desirability of establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses; and,

WHEREAS, The Town Council of the Town of Highland, has determined that establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses to be a desirable action that will promote worker wellness and well being and reduce absenteeism due to flu related illness,

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

Section 1. That a wellness initiative authorizing flu shot vaccinations to be paid from public funds as an employer provided benefit is hereby approved and authorized for the following identified groups:

- (A) Full-time members of the municipal workforce and the Clerk-Treasurer;

- (B) Member firefighters of the Highland Fire Department;
- (C) Spouses of full-time members of the municipal workforce, the Clerk-Treasurer and member firefighters of the Highland Fire Department;
- (D) Part-time workers whose are regularly scheduled 30 or more hours and have worked in the current year, including but not limited to the Code Enforcement Officer(s), Utility Field Service Representative, and other workers as defined.

Section 2. That this authorization is effective from October 12th, 2015 continuing until its expiration on December 31, 2015 and shall be construed as an elective group benefit and not an entitlement;

Section 3. That this authorization shall also be construed to cover any and all flu shot vaccinations offered in the same manner as described in this enactment conducted previous to the passage and adoption of this enactment and after passage and adoption of Enactment 2012-34, all pursuant to IC 36-1-4-16;

Section 4. That this benefit is subject to sufficiency of appropriations available for expenditure in the Office of the Town Council, Corporation General Fund, pursuant to I.C. 6-1.1-18 and shall not exceed the amount of \$2,500.00;

Section 5. 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 October 2015. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of October 2015, 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**

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

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

2. Resolution No. 2015-48: A Resolution Authorizing Execution of A License Agreement Between Sigecom, LLC., And The Town Of Highland For Use Of The Town Rights-Of-Way.

Councilor Zemen moved the passage and adoption of Resolution No. 2015-48. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was passed and adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2015-48**

A RESOLUTION AUTHORIZING EXECUTION OF A LICENSE AGREEMENT BETWEEN SIGECOM, LLC AND THE TOWN OF HIGHLAND FOR USE OF THE TOWN RIGHTS-OF-WAY

WHEREAS, Section 5 of IC 36-9-2 provides that a unit of local government may establish, vacate, maintain and operate public ways;

WHEREAS, Section 6 of IC 36-9-2 provides that a unit of local government may grant rights of way through, under and over public ways; and,

WHEREAS, Section 7 of IC 36-9-2 provides that a unit of local government may regulate the use of public ways,

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

Section 1. That the form and substance of a certain License Agreement (the "Agreement"), between the Town of Highland ("Town") and Sigecom, LLC ("Licensee"), to utilize portions of the public rights-of-way within Town boundaries solely for the purpose of installing and operating aerial fiber optic

telecommunications cables, as set forth in the form of the Agreement submitted to this meeting with the required recommendations is hereby approved;

Section 2. That the Town Council President and Town Clerk-Treasurer are hereby respectively authorized and directed for and on behalf of the Town to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the proper officer or legal counsel shall deem necessary;

Section 3. That the proper officials, agents and employees of the Town are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Town in accordance with the provisions of the Agreement;

Section 4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed;

Section 5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

DULY RESOLVED and ADOPTED this 12th Day of October 2015 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**

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

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**LICENSE AGREEMENT FOR THE USE OF TOWN RIGHTS-OF-WAY
BETWEEN SIGECOM, LLC AND THE TOWN OF HIGHLAND**

This License Agreement ("Agreement") is entered into on the ____ day of _____, 2015 ("Effective Date"), by and between the Town of Highland, an Indiana municipal corporation (hereinafter referred to as the "Town") and Sigecom, LLC, an Indiana limited liability company (hereinafter referred to as the "Licensee").

WHEREAS, The Town is the exclusive owner of certain public rights-of-way, and has approved official standards for construction of facilities on the public rights-of-way; and

, The Licensee holds an Indiana State cable franchise authorization and operates a cable system as set forth in 47 U.S.C. §522 of the Cable Communications Policy Act of 1984, as amended from time to time, throughout part of the State of Indiana, and holds a certificate of authority with the Indiana Utility Regulatory Commission; and

WHEREAS, Licensee desires to utilize portions of the public rights-of-way within the boundaries of the Town (the "ROW's") for the limited purpose of installation and maintenance of fiber optic telecommunications cables, which will be installed on existing utility poles located within the ROW's; and

WHEREAS, Licensee is not delivering cable service to residents of the Town, and instead is providing fiber optic telecommunications services for the benefit of Verizon Wireless and other potential business customers; and

WHEREAS, In consideration of the payment of a license fee, the Town desires to allow Licensee to utilize the ROW's for such purposes, subject to the provisions of this Agreement; and

WHEREAS, The Town has the authority to enter into this Agreement pursuant to the powers granted it by the Home Rule Provisions of IC 36-1-3-2, and finds that entering into this Agreement is in the best interests of the Town, its residents, and the public; and

WHEREAS, Licensee is authorized and empowered to enter into this Agreement and to perform the covenants and promises herein made and undertaken,

NOW, THEREFORE, in consideration of the mutual consideration exchanged between the parties as set forth herein, the sufficiency and receipt of which are mutually acknowledged, the parties agree as follow:

1. **Recitals.** The above-stated Recitals are hereby incorporated into this Section 1 as though fully set forth herein.

2. **Grant of License.** For and in consideration of the mutual covenants herein, and subject to the terms and conditions set forth herein and compliance with all Federal, State and local laws and regulations, the Town hereby grants a non-exclusive revocable license ("License") to Licensee to allow Licensee to construct, use, operate, own and maintain a fiber optic and coaxial line (the "System") within the Town's ROW's identified herein. The License granted by this Agreement shall not convey any right, title or interest (including leasehold interest) in the ROW's, but shall be deemed to be a license only to use and occupy the ROW's for the limited purposes stated herein.

3. **Location and Description of Licensee's System.** Licensee's System, for which this License herein is granted, consists of the following: A dark fiber installation, following the route depicted on Exhibit "A", attached hereto. Licensee shall donate twelve (12) dark fiber strands (the "Town Dark Fibers") from this installation to the Town for its use. The Town Dark Fibers will consist of dark fibers more particularly described in Exhibit "C" to this Agreement. The Town Dark Fibers will be used by the Town in a lawful manner and for the Town's internal, non-commercial uses, and shall not be transferred without the prior written consent of Licensee. The Town Dark Fibers may not be used to provide or sell services to others. The Town Dark Fibers consist solely of the dark optical fibers themselves, and does not include any associated equipment that may be necessary or desirable to enable the Town to use the Town Dark Fibers. "Equipment" means all power, electronic, optronic and telecommunications equipment, including, without limitation, transmission, testing, switching, alarm-monitoring, and repair equipment and all other articles of personal property used for the transmission or receipt of services over the Town Dark Fibers. The Town further agrees that: (i) use of the Town Dark Fibers shall not interfere with Licensee's System; and (ii) all work upon the Town Dark Fibers shall be performed by Licensee, including installation, splicing and maintenance. Should the Town require such services to be performed at any time during the Term of this Agreement, it shall provide Licensee with notice and a description of the desired work. Licensee shall complete the described work within a commercially reasonable time after notification. Licensee shall have the right, at the Town's expense, to maintain, repair or replace the Town Dark Fibers, if necessary to protect, maintain or ensure the integrity, functionality and/or operation of its System.

4. **Term; Payments.** The License granted by the Town to Licensee shall be for a period of ten (10) years from the Effective Date of this Agreement. For the initial term, Licensee shall pay a license fee in the amount of Two Thousand Dollars and No Cents (\$2,000.00) to the Town prior to the issuance of any permits. Licensee shall make subsequent payments in the amount of Two Thousand Dollars and No Cents (\$2,000.00) each year during the Term of this License, due on the Anniversary of the initial payment. This Agreement may be renewed by mutual agreement of the parties for successive ten (10) year terms provided the Licensee is in full compliance with the terms and conditions of this Agreement at the time of renewal. Licensee shall make written request for renewal of this Agreement at least sixty (60) days prior to expiration of the current term. Unless otherwise provided by law, each renewal shall be subject to a License Fee that will be determined at the time of each renewal but shall be proportional to the amount of fiber/cable that has been installed up to that time in comparison to this initial license fee and installation. In the event the parties cannot agree upon an amount for the License Fee for a renewal term, this Agreement shall terminate and Licensee shall remove its System from all Town ROW's and restore all ROW's as required herein.

5. **Use of ROW's.** In its use of the ROW's and any work to be performed therein, Licensee shall comply with all applicable laws, ordinances, regulation and requirements of federal, state, county and local regulatory authorities, including the applicable provisions of the Town of Highland Municipal Code.

(A) The License and the grant of authority conferred in Section 2 above are non-exclusive. The Licensee shall respect the rights and property of Town and other authorized users of streets, sidewalks, easements, power poles, street light poles, vaults, conduits and rights-of-way and adjacent property owners.

6. **Permits.** Licensee shall pay all required permit and other fees and obtain all necessary and required permits from the Town for its System prior to performing any work on its System within Town ROW's. Licensee shall also post such necessary security for its work as required by Town ordinance.

7. **Maintenance.** Maintenance of the System with the ROW's shall be the responsibility of Licensee. The System shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state, county and local laws, regulations and policies. The Town reserves the right to enter upon and repair any or all damage to the areas surrounding the licenses premises, and if such damage is caused by Licensee, then the actual, reasonable and documented cost of such repair shall be the responsibility of the Licensee.

(A) Notwithstanding any provisions to the contrary herein, in the event of an unexpected repair or emergency, Licensee may access the ROW's and commence such Emergency Maintenance work as required under the circumstances, provided Licensee shall comply with the requirements for Emergency Maintenance set forth in the Town ordinances.

8. **Restoration of ROW's.** Within ten (10) days after initial construction operations have been completed or after repair, relocation or removal of the System, Licensee shall grade and restore all areas disturbed or damaged by construction operations to a condition substantially similar to that which existed prior to the work. All disturbed or damaged grass areas shall be restored with sod.

(A) In the event Licensee fails, in a timely manner, to restore any disturbances or make any and all repairs to the ROW's or other Town property, the Town may make or cause to be made such restoration or repairs upon written demand and receipt by Licensee of all invoices and documentation supporting the actual costs incurred by the Town, or demand payment from the security posted by the Licensee, which payment must be received by the Town within thirty (30) days of demand and receipt by Licensee of all invoices and documentation supporting the actual costs incurred by the Town.

9. **Damage to Licensee's System.** Unless directly and proximately caused by the willful, intentional or malicious acts of the Town, the Town shall not be liable for and Licensee expressly waives all claims for any damage to or loss of Licensee's System within the ROW's.

10. **Licensee Form of Business Disclosure.** Licensee agrees to complete and maintain on file with the Town a current Disclosure Affidavit, attached as Exhibit "B" to this Agreement.

11. **No Transfer or Assignment.** This Agreement shall be binding upon and shall inure to the benefit of the parties and their successors and assigns. During the term of this Agreement, Licensee acknowledges and agrees that it does not have the right or authority to transfer or assign this Agreement or any interest herein without the prior written consent of the Town, which will not be reasonably withheld or delayed; provided, however, this Agreement may be assigned by the Licensee without consent to an affiliate, or to a successor in connection with a merger, reorganization or sale of all or substantially all of Licensee's assets or ownership.

12. **Indemnity/Hold Harmless.** To the fullest extent permitted by law, Licensee shall defend, indemnify, keep and hold harmless the Town and its officials, officers, employees and agents from and against all injuries, deaths, losses, damages, claims, demands, suits, liabilities, judgments, costs and expenses, including reasonable attorneys' fees, which may arise out of, or result from, directly or indirectly, any negligent, careless or wrongful acts or omissions or from the reckless or willful misconduct of Licensee, its affiliates, officers, employees, agents, contractors or subcontractors in the installation, operation, relocation, repair, maintenance or removal of the System or Licensee's use of ROW's, and in providing or offering service over the System.

(A) Licensee shall at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the Town in any such action, Licensee shall, at its own expense, satisfy and discharge the same. This Agreement shall not be construed as requiring the Licensee to indemnify the Town for its own negligence. The indemnification required hereunder shall not be limited by the amount of the insurance to be maintained hereunder.

13. **Insurance.** Licensee shall maintain, at its own expense, the following minimum levels of insurance until the Systems is removed from the ROW's and the ROW's have been properly restored as required herein:

(A) Workers Compensation – Statutory Limits

(B) Employers Liability - \$1,000,000 per employee and \$1,000,000 per accident.

(C) Commercial General Liability, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:

(1) Five million dollars (\$5,000,000) for bodily injury or death to each person;

(2) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and

(3) Five million dollars (\$5,000,000) for all other types of liability;

(4) Automobile Liability for all owned, hired and non-owned automobiles - \$1,000,000 each accident;

(D) If the Licensee is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(E) Prior to commencing work on the System described herein, Licensee shall furnish the Town with the appropriate Certificates of Insurance, and applicable policy endorsements. Licensee shall have Commercial General Liability, Automobile Liability, and Umbrella/Excess Liability policies endorsed to add the "Town of Highland, its officers, officials, agents and employees" as "additional insureds". Such insurance afforded to the Town shall be endorsed to provide that the insurance provided under each policy shall be Primary and Non-Contributory.

(F) Commercial General Liability Insurance required under this section shall be written on an occurrence form and shall include coverage for Products/Completed Operations, Personal Injury with Employment Exclusion (if any) deleted, Blanket XCU and Blanket Contractual Liability insurance applicable to defense and indemnity obligations. The limit must be on a "Per Project Basis". Commercial General Liability, Employers Liability and Automobile Liability Insurance may be arranged under single policies for full minimum limits required, or by a combination of underlying policies with the balance provided by Umbrella and/or Excess Liability policies. Workers' Compensation coverage shall include a waiver of subrogation against the Town.

(G) All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with Licensee in the State of Indiana. (All insurance carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company)

(H) All insurance policies shall contain a provision that coverages and limits afforded hereunder shall not be cancelled, materially changed, non-renewed or restrictive modifications added, without thirty (30) days prior written notice to the Town. Renewal certificates shall be provided to the Town not less than five (5) days prior to the expiration date of any of the required policies. All Certificates of Insurance shall be in a form acceptable to the Town and shall provide satisfactory evidence of compliance with all insurance requirements. The Town shall have the right to examine any policy required and evidenced on the Certificate of Insurance.

14. **Security.** Prior to performing work in the ROW's, Licensee shall establish a security fund in an amount determined by the Director of Public Works or another designee, which shall be provided to the Town in the form of a Construction Bond. This security requirement shall not exceed \$25,000. This shall serve as security for the purposes set forth above including but not limited to the installation of the System in compliance with applicable plans, permits, technical codes and standards, the proper location of the System as specified by the Town, restoration of ROW's and other property affected by the construction or to satisfy any claims or damages.

15. **Termination.** This Agreement may be terminated by Licensee at any time during the term, and for any reason, by the giving of thirty (30) days advance written notice to the Town of its intention to terminate. This Agreement may be terminated by the Town only for the following reasons:

(A) A material violation of the terms of this Agreement where Licensee fails to cure such material violation within thirty (30) days after receipt of written notice by Town which identifies the violation.

(B) The material failure of Licensee to comply with all applicable local, State and Federal laws, rules, regulations in any way governing or applying to Licensee's System.

(C) Licensee made fraudulent, false, misrepresenting, or materially incomplete statements in seeking this Agreement or in the permit application.

(D) Construction of its System contrary to the plans and specifications approved by the Town.

(E) The Licensee has been adjudged to be bankrupt, has a receiver appointed for it, makes an assignment for the benefit of creditors, or has a significant amount of its property sold under the execution or other legal process or is seized by creditors.

(F) The Licensee transfers this License without Town approval as required herein.

(G) The Licensee ceases its business operations, or otherwise abandons the System, unless such abandonment is temporary due to events beyond the reasonable control of Licensee.

(H) Licensee's physical presence or presence of Licensee's System on, over, above, along, upon, under, across or within the ROW's presents a direct or imminent threat to the public health, safety or welfare.

(I) Failure to provide the required traffic control; and to respond to requests from the Town to correct such deficiencies within a reasonable time.

(J) Upon the termination of this License, whether by either party and for whatever reason, Licensee shall remove Licensee's System from the Town's ROW's within thirty (30) days of such termination, and shall perform all restoration work to the ROW's as required by Town ordinances and policies.

16. **Amendments.** This Agreement represents the entire agreement between the parties. No oral changes or modifications of this Agreement shall be permitted or allowed. Changes or modifications to this Agreement shall be made only in writing and upon necessary and proper signature of the Licensee and the Town.

17. **Severability.** In the event that any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereto.

18. **Governing Law; Venue.** This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Indiana. The venue for any dispute between the parties shall be Lake Circuit Court, Lake County, Indiana, or the United States District Court for the Northern District of Indiana.

19. **Taxes.** Nothing contained in this Agreement shall be construed to exempt Licensee from any fee, tax, property tax levy or assessment which is or may be hereafter lawfully imposed, and Licensee shall be responsible for the payment of any taxes assessed relative to its use of the ROW's or its operation of the System.

20. **No Waiver.** The waiver by one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof will be limited to the particular instance and will not operate or be deemed to waive any future breaches of this Agreement and will not be construed to be a waiver of any provision except for the particular instance.

21. **Notice.** Any notice will be in writing and will be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party at the party's place of business. Notices shall be addressed to designated representatives of both parties as follows:

If to Town: Attention :	Town of Highland Clerk-Treasurer 3333 Ridge Road Highland, Indiana 46322
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If to Licensee:	Sigecom, LLC Attn: Business Manager 1674 Frontenac Rd Naperville, IL 60563
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22. **Good Faith Cooperation.** The Parties agree that: (i) in the event a decision by a regulatory authority at the federal, state or local level necessitates modifications in this Agreement; or (ii) Licensee determines in good faith that the Town's use of the Town Dark Fibers materially interferes with Licensee's System, the Parties will negotiate in good faith to modify the Agreement to permit each Party, to the extent practicable, to enjoy the intended benefits of this Agreement. The Parties otherwise mutually agree to cooperate with each other in good faith to permit the parties to perform their duties and obligations under the Agreement, as modified by this Addendum.

23. **Force Majeure.** The Town and the Licensee shall not be responsible for any failure to perform or delay in performance due to unforeseen circumstances, or due to a cause beyond the party's control, including but not limited to acts of God, war, riot, embargoes, acts of civil or military authorities, fire, floods, accidents, acts of suppliers or vendors, strikes or shortages or failures of telecommunications or computer resources, fuel, energy, labor or materials.

IN WITNESS THEREOF, the parties have signed below, effective as of the Effective Date, by their duly authorized representatives.

TOWN:

LICENSEE:

TOWN OF HIGHLAND

SIGECOM, LLC

By: _____
Mark A. Herak

By: _____

Its: Town Council President

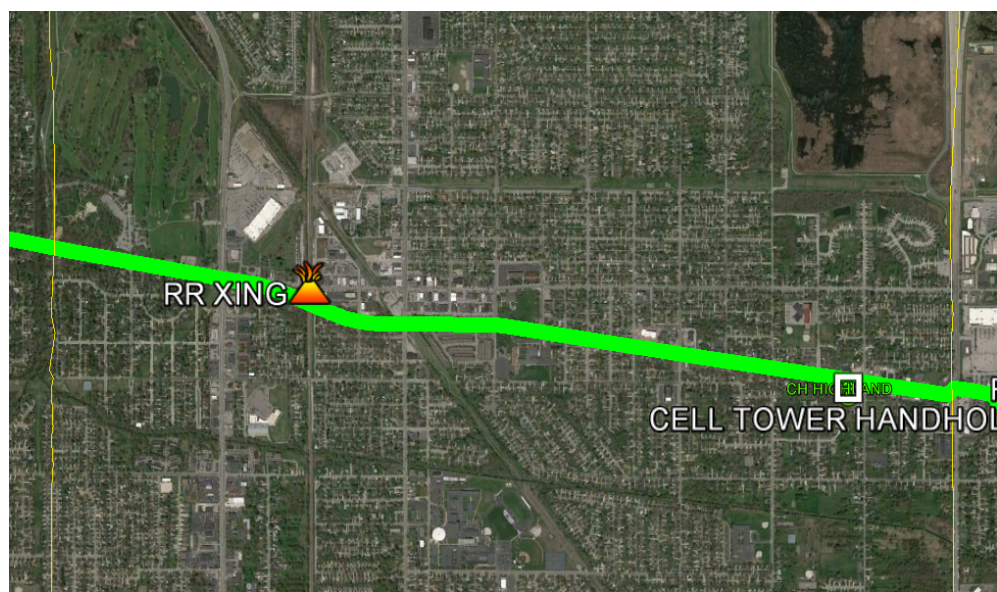
Its: _____

Attest:

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

EXHIBIT "A"

LOCATIONS OF RIGHTS-OF-WAY FOR LICENSEE'S SYSTEM



- 3. **Resolution No. 2015-49:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Services And Works Board Department Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2015-49. 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
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2015-49**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SERVICES and WORKS BOARD DEPARTMENT of the CORPORATION GENERAL 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 **Services and Works Board Department of the Corporation General 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 **Services and Works Board Department of the Corporation General 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:

CORPORATION GENERAL FUND

Services and Works Board Department

Reduce Account:		
001-0011-39016 Taxi Subsidy:		<u>\$ 800.00</u>
	<i>Total 300 Series Decreases</i>	\$ 800.00
Increase Account:		
001-0011-20000 Supplies:		<u>\$ 800.00</u>
	<i>Total 200 Series Increases</i>	\$ 800.00
	Total of All Fund Decreases:	\$800.00
	Total of All Fund Increases:	\$800.00

DULY RESOLVED and ADOPTED this 12th Day of October 2015 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**

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

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2015-29:** An Order Approving the 8700-8800 blocks of Johnston Street Improvement Project and Approving and Authorizing An agreement between Garcia Consulting and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof in the Amount Not-to-Exceed \$38,000.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-29. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2015-29**

AN ORDER APPROVING THE 8700-8800 BLOCKS OF JOHNSTON STREET IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF IN THE AMOUNT NOT-TO-EXCEED \$38,000

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 determined to improve the 8700 and 8800 blocks of Johnston Street; and

Whereas, Garcia Consulting has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in not-to-exceed fee of Thirty-eight Thousand Dollars (\$38,000); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Public Works Director is hereby authorized and approved to proceed with the reconstruction the 8700 and 8800 blocks of Johnston Street to be known as the Johnston Street Improvement Project;

Section 2. That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Thirty-eight Thousand Dollars (\$38,000.00) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Board of Works, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 5. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

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 October 2015 having passed by a vote of 4 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 33-16-4-1; IC 36-5-6-5)

- 5. Works Board Order No. 2015-30:** An Order Approving the 3400 block of Condit Street Improvement Project and Approving and Authorizing An agreement between Garcia Consulting and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof in the Amount Not-to-Exceed \$28,000.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-30. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2015-30**

AN ORDER APPROVING THE 3400 BLOCK OF CONDIT STREET IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF IN THE AMOUNT NOT-TO-EXCEED \$28,000

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 received a request from the residents in the 3400 block of Condit Street requesting consideration to reconstruct the 3400 block of Condit Street; and

Whereas, Garcia Consulting has offered and presented an agreement to provide and furnish preliminary or design engineering and professional services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in not-to-exceed fee of Twenty-eight Thousand Dollars (\$28,000); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Public Works Director is hereby authorized and approved to proceed with the reconstruction the 3400 block of Condit Street to be known as the 3400 Block of Condit Street Improvement Project;

Section 2. That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Twenty-eight Thousand Dollars (\$28,000.00) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Board of Works, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 5. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

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 October 2015 having passed by a vote of 4 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 33-16-4-1; IC 36-5-6-5)

- 6. Works Board Order No. 2015-31:** An Order Authorizing, and Approving the Payment of Elective Honoraria or Stipends to the Several Bands and other Special Groups in Recognition of and in Goodwill for their Appearance and Public Performance in the Annual Highland Independence Day Twilight Parade.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-31. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN OF HIGHLAND
WORKS BOARD ORDER NO. 2015-31**

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL BANDS AND OTHER SPECIAL GROUPS in Recognition of and in Goodwill for their APPEARANCE AND PUBLIC PERFORMANCE IN THE ANNUAL HIGHLAND INDEPENDENCE DAY TWILIGHT PARADE.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission, did organize and marshal the annual Independence Day Parade; and

Whereas, The Highland Community Events Commission did invite several high school marching bands as well as other special groups to participate in the parade;

Whereas, The Highland Community Events Commission has informed the Town Council that it has been customary for the payment of an honorarium or stipend to some of the participating marching bands as well as other special groups, having acted at its meeting of January 8, 2015;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

Whereas, The Town Council has been reliably advised that the bands as well as other special groups perform as volunteers without remuneration, but do expend time, labor and creative process to support the Town of Highland's public parade and patriotic demonstration; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section 2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Community Events Commission;

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the following bands and special groups which participated in the **2015 Independence Day Twilight Parade**, be paid an elective honorarium, in appreciation and recognition of their participation, as follows:

(A)	Highland High School Attention: Band Director 9135 Erie Street, Highland, IN 46322	\$250.00
(B)	Bishop Noll Institute Attention: Band Director 1519 Hoffman Street, Hammond, IN 46327;	\$ 200.00
(C)	Hobart Shrine Club c/o Orak Shrine 3848 N. Frontage Road Michigan City, IN 46360-9264	\$150.00
(D)	Orak Shrine of Michigan City 3848 N. Frontage Road Michigan City, IN 46360-9264	\$150.00
(E)	Ladies Oriental Shrine #9 c/o Diane Potts 7724 Lincoln Way, Hobart, IN 46347;	\$ 150.00

Section 2. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §2.35.030 of the Highland Municipal Code which reads as follows:

Section 2.35.030 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 3. That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of the parties listed in Section 1 of this Order, which participated in the **2015 Independence Day Twilight Parade**, as were identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, and to take such other measures to carry-out the purposes and objects of this order.

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

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 October 2015 having passed by a vote of 4 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 33-16-4-1; IC 36-5-6-5)

7. Confirmation of the Plans to be Available Under Indiana Association of Cities and Towns (IACT) Medical Trust Group Health Plan and renewal of **Group AD&D** Plan. The Town will remain in the **IACT Medical Trust**, as rates only increased 1.6% for 2016. The Town Council should act to authorize reporting that the town will still offer both Plan B and Plan F (high deductible) for 2016 and whether to continue the Group Accidental Death and Disability Plan with the Trust. (No change in rates)

Councilor Kuiper moved to affirm that the Town would continue to offer Plan B and Plan F as the Group Health Insurance for the municipal workforce in the IACT Medical Trust and also to renew with the Group Accidental Death and Disability Plan. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The selected plans and group life insurance were approved.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported on recent Hawk attacks on smaller dogs while being walked. The Parks and Recreation Superintendent also offered an overview park programs. This included a discussion between the Council and the Superintendent regarding parking challenges at Sheppard Memorial Park.

In addition, there was a colloquy between between the Council and the Superintendent regarding the merits of replacing the tennis courts at Sheppard Park with a Skate park.

Councilor Zemen congratulated Chief Timmer for the recent well executed Fire Department Open House.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar acknowledged the Redevelopment Director, who reported on the recently concluded Car Cruise for the Downtown and the Festival of The Trail, both sponsored by the Main Street Bureau.

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

Absent owing to a work commitment.

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

Councilor Kuiper acknowledged the Fire Chief and commended him for the successful Fire Department Open House.

- **Council President Mark Herak:** *Municipal Executive • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Council President Herak acknowledged the Building Commissioner who noted that he continues to meet with Arsh Group on the review and modification of the Zoning Ordinances.

Council President Herak acknowledged the Public Works Director who reported on the progress of the Kennedy Avenue Water main Replacement. The Public Works Director also reported that the seasonal leaf collection was underway.

Comments from Visitors or Residents:

1. Terry Fuqua, 3042 LaPorte Avenue, Highland, complained about what he characterized as the dilatory response regarding several of his records requests involving Redevelopment records that pertained to the Town Theater restoration initiative that he presented at the Town Council Study Session on Monday, October 5, 2015.

Mr. Fuqua expressed displeasure with the several cost estimates that are being reported on social media related to the project. Mr. Fuqua inquired whether the estimated costs have been identified and what they might be. He indicated that the President of the Town Theater Board of Directors had placed some estimates on her facebook/website.

It was noted that no formal estimates were ready and that the Redevelopment Commission is reviewing some architectural firms with the intention of engaging one to perform the work to prepare a cost estimate.

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 September 29, 2015 through October 12, 2015 as well as the payroll dockets for the paydays of September 04 and September 18, 2015. Councilor Vassar seconded. Upon a roll call vote, there were Four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$424,515.66; Motor Vehicle Highway and Street (MVH) Fund, \$22,061.08; Local Road and Street Fund, \$11,116.48; Law Enforcement Training and Supply Fund, \$1,770.73; Capital Projects Retainage Trust and Agency Fund, \$133,240.22; Flexible Spending Account Agency Fund, \$1,034.56; Insurance Premium Fund, \$147,046.65; Gasoline Agency Fund, \$17,773.91; Information and Communications Technology Fund, \$6,434.15; Special Events Non-reverting Fund, \$175.57; Cumulative Capital Improvement Fund, \$878.75; Cumulative Capital Development Fund, \$23,996.70; Traffic Violations and Law Enforcement Agency Fund, \$8,068.50; Gaming Revenue Sharing Fund, \$16.51; Corporation Capital Fund, \$1,043,626.62; Public Safety Income Tax Fund, \$6,996.00; Total: \$ 1,694,849.49.

Payroll Docket for payday of September 04, 2015:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,106.79; Building and Inspection Department, \$7,312.09; Metropolitan Police Department, \$112,779.93; Fire Department, \$3,294.95; Public Works Department (Agency), \$68,015.77 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$206,509.53.

Payroll Docket for payday of September 18, 2015:

Council, Boards and Commissions, \$10,602.00; Office of Clerk-Treasurer, \$14,521.81; Building and Inspection Department, \$8,585.87; Metropolitan Police Department, \$117,034.31; Fire Department, \$3,418.64; Public Works Department (Agency), \$59,252.55 and 1925 Police Pension Plan Pension Fund, \$63,494.89; Total Payroll: \$276,910.07.

Announcement of Study Session. The Town Council President announced that the Town Council would be convening in a brief study session following the plenary business meeting to discuss a request regarding the property located at 8835 Kennedy Avenue, Highland, which was the site of the former Finke's Nightclub.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, October 12, 2015 was adjourned at 7:54 O'clock p.m.

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular plenary meeting on Monday, October 12, 2015 at 7:59 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 Mark Herak, Bernie Zemen, and Dan Vassar, were present. Councilor Steve Wagner was absent owing to a work commitment. Councilor Konnie Kuiper was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also present were George Georgeff, Police Commander; Kenneth Mika, Building Commissioner; John M. Bach, Public Works Director and Randy Bowman, Assistant Electrical Inspector.

General Substance of Matters Discussed.

1. George Georgeff as the realtor for a party in the sale, presented a request from the Vyto's Pharmacy, which had recently purchased the property located at 8835 Kennedy Avenue, Highland. This was the site of the former Finke's Nightclub.

Mr. Georgeff, presented a map of the property clarifying the request by Vyto's that a proper Town Officer send a letter to the NIPSCO communicating that the Town has no objection to Vyto's paving segments of the parking lot as part of its desired redevelopment and conversion of the site.

All the persons present reviewed the site and discussed the request. It was determined that sending such a letter communicating the permission was reasonable. Owing to timetables, a letter was prepared and signed by the President to be ratified at the next plenary business meeting.

Adjournment of Study Session. There being no further business to be discussed, the Study Session following the regular plenary meeting of the Town Council of Monday, October 12, 2015 was adjourned at 8:04 O'clock p.m.

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