

**Enrolled Minutes of the Sixty Fourth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, July 14, 2014**

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, July 14, 2014 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, Dennis Adams, and Dan Vassar were present. Councilor Mark Herak was absent owing to work related travel. Councilor Konnie Kuiper was absent owing to work. 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 discussed the agenda of the imminent regular meeting.
2. The Town Council discussed whether to delay consideration of the matter regarding 45th Avenue Fifth Street Intersection Improvement Project. It was determined to delay the consideration until all five councilors were present.

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, July 14, 2014 at 7:04 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, Dan Vassar, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen 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, Dennis Adams, and Dan Vassar. Councilor Konnie Kuiper arrived at 7:09 p.m. Councilor Mark Herak was absent owing to work related travel. 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; George Georgeff, Commander Metropolitan Police Department; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were present.

Also present: Steve Mileusnich of the Advisory Board of Zoning Appeals; Ed Dabrowski IT Director (Contract); and Randy Bowman, Assistant Inspector for Electrical; Kelly Bridges and Karen Ziants of the Community Events Commission were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of 23 June 2014 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget for the Municipal Cumulative Capital Development Fund in the amount of \$166,083.50.

- (a) Attorney verification of Proofs of Publication: The TIMES 24 June 2014. The Town Attorney indicated that the proofs were in compliance with I.C. 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2014-25:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Municipal Cumulative Capital Development Fund** in the amount of **\$166,083.50**, 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. 2014-25 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being needed, there were four 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. 2014-25 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being needed, there were four affirmatives and no negatives. The motion passed. The enactment was padded and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2014-25

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT 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 **Municipal Cumulative Capital Development 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 **Municipal Cumulative Capital Development Fund** and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND:

Increase the following Accounts:

Acct. No. 3XX.XX.000 Public Works Facility Resurfacing	\$ 157,483.50
Acct. No. 3XX.XX.000 Street Light Repair or Replacement	<u>\$ 8,600.00</u>
<i>Total 300 Series:</i>	\$ 166,083.50

Total Increase for Fund: \$ 166,083.50

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 14th Day of July 2014. 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, ENACTED AND ADOPTED this 14th Day of July 2014, 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 33-16-4-1; IC 36-5-6-5)

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget for the **Gaming Revenue Sharing Fund** in the amount of \$390,112 and the **Unsafe Building Fund** in the amount of \$775.00.
 - (a) Attorney verification of Proofs of Publication: The TIMES 24 June 2014. The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The Town Council President closed the hearing.
 - (c) Action on **Appropriation Enactment No. 2014-26:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Gaming Revenue Sharing Fund** in the amount of \$390,112 and the **Unsafe Building Fund** in the amount of \$775.00, 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. 2014-26 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being needed, there were four 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. 2014-26 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being needed, there were four affirmatives and no negatives. The motion passed. The enactment was padded and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2014-26**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND AND THE UNSAFE BUILDING 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** and the **Unsafe Building 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	
Acct. No. 4XX.XX 3300 Condit Street Reconstruction Project:	\$ 195,000.00
Acct. No. 4XX.XX Sycamore Ave Improvement Project:	\$ 157,112.00
Acct. No. 4XX.XX 45 th & 5 th Street Improvement Project P.E.:	\$ 18,000.00
Acct. No. 4XX.XX Sycamore Ave Improvement Project P.E.:	\$ 20,000.00

Total Series: \$ 390,112.00

Fund Total: \$ 390,112.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unsafe Building Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

UNSAFE BUILDING FUND

Acct. No. 310.05 Demolition Costs: \$ 775.00

Total Series: \$ 775.00

Fund Total: \$ 775.00

Section 3. 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 4. 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 14th Day of July 2014. 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, ENACTED AND ADOPTED this 14th Day of July 2014, 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 33-16-4-1; IC 36-5-6-5)

3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located **3801 Ridge Road, Highland**, to allow use of the property and building as an Educational and Residential Use in property which is currently zoned as B-3 General Business District. Petitioner: **Dr. M.A. Rahmany (Owner), 10027 Westminster Lane, Munster**. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed acted to **unfavorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of 28 May 2014. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 25 June 2014. (90 days ends 26 August 2014).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the unfavorable recommendation and DENY the requested use variance or it may reject (over rule) the unfavorable recommendation and GRANT the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

The certification was read regarding the petition above.

Councilor Zemen moved to accept the unfavorable recommendation of the Advisory Board of Zoning Appeals and to deny the use variance sought by the petitioners. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance was denied.

4. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located **2834 Highway Avenue, Highland**, to allow use of the property and building to operate as an Adult Daycare Center in property which is currently zoned as B-2 Central Business District. Petitioner: **Dr. M.A. Rahmany (Owner), 10027 Westminster Lane, Munster**. The Advisory Board of Zoning

Appeals by a vote of five (5) in favor and zero (0) opposed acted to **unfavorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of 28 May 2014. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 25 June 2014. (90 days ends 26 August 2014).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the unfavorable recommendation and DENY the requested use variance or it may reject (over rule) the unfavorable recommendation and GRANT the use variance. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.

The certification was read regarding the petition above.

Councilor Zemen moved to accept the unfavorable recommendation of the Advisory Board of Zoning Appeals and to deny the use variance sought by the petitioners. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance was denied.

Staff Reports:

The Clerk-Treasurer read the following reports into the record.

- Building & Inspection Report for June 2014 will be submitted in a future meeting.
- **Building & Inspection Report for May 2014**

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	1	0	1	\$11,000.00	\$146.50
Signs:	1	0	1	\$12,000.00	\$375.50
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:	92	92	0	\$581,577.00	\$10,596.50
Garages:	2	2	0	\$32,1915.00	\$765.00
Sheds:	2	2	0	\$2,451.00	\$228.50
Decks & Porches:	8	8	0	\$49,949.00	\$1,769.00
Fences	17	17	0	\$64,072.00	\$1,870.00
Swimming Pools	5	5	0	0	\$401.50
DrainTile/ Waterproofing	7	7	0	\$54,149.00	\$1,083.00
Misc.	5	4	1		\$468.00
TOTAL:	140	137	3	\$808,113.00	\$17,703.50
Electrical Permits	19	14	5		\$1,415.00
Mechanical Permits	16	14	2		\$1,415.00
Plumbing Permits	9	8	1		\$3,423.00
Water Meters	5	4	1		\$1,870.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	1	0	1		\$300.00
TOTAL Plumbing:	15	12	3		\$5,593.00

May Code Enforcement:

Maint.	0	2	0	0	0	0	0
Other	0	1	4	0	0	0	0
TOTALS	0	8	22	63	13	149	0

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:

- 1. Introduced Ordinance No. 1558:** An Ordinance to Amend Chapters 12.20 and 12.25 of the Highland Municipal Code Regarding Modifying And Establishing User Fees For The Collection, Treatment And Disposal Of Wastewater And For The Management Of Storm water, Pursuant To I.C. 36-9-25 Et Seq. *The Board of Sanitary Commissioners introduced its recommended resolution for change at its meeting of May 20 and set it for public hearing on June 3, 2014. There were no remonstrances. The resolution was adopted as introduced. It comes to the Town Council for its action in this ordinance. Councilor Herak introduced and filed this ordinance at the Town Council Meeting of June 23, 2014. There was no further action. Further, this has been modified from its introduced form to allow an effective date of August 1, 2014 for the first rate changes.*

Councilor Zemen moved the passage and adoption of Ordinance No. 1558. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1558
TOWN OF HIGHLAND**

AN ORDINANCE TO AMEND CHAPTERS 12.20 AND 12.25 OF THE HIGHLAND MUNICIPAL CODE REGARDING MODIFYING AND ESTABLISHING USER FEES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF WASTEWATER AND FOR THE MANAGEMENT OF STORMWATER, PURSUANT TO I.C. 36-9-25 ET SEQ.

WHEREAS, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq; and

WHEREAS, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

WHEREAS, The Legislative Body on July 21, 1969 did establish a Department of Public Sanitation and Sanitary District by passage and adoption of Ordinance No. 586 of the Town, and now codified as Chapter 12.10 of the Highland Municipal Code;

WHEREAS, The Town of Highland, is a municipality located in Lake County which operates a Department of Public Sanitation, which has been continuously governed by the provisions of IC 36-9-25 et seq. at least since 1970; and,

WHEREAS, The Board of Sanitary Commissioners passed and adopted its Resolution No. 2014-19 recommending desirable and necessary changes to the Chapter 15.50 of the Highland Municipal Code and commended these to the Town Council for its favor and action;

WHEREAS, The Board of Sanitary Commissioners, has requested that the Town Council of the Town of Highland as the legislative body favor approve and adopt these rates and charges pursuant to IC 36-9-25-11 and thereby put them into force and effect; and,

WHEREAS, The Town of Highland, through its Town Council now wishes to still further perfect its own organization as well as that of the Department of Public Sanitation and make certain amendments to the ordinance establishing and governing the rates and charges of the Sanitary District, pursuant to IC 36-9-25-11;

WHEREAS, The Town Council now desires to favor the recommendations for amendment to the Highland Municipal Code as recommended by the Board of Sanitary Commissioners for Chapters 12.20 and 12.25 by making these amendments as commended,

Therefore, Now Be it Hereby Ordained by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That **Section 12.25.030 (B)** of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section 12.25.030 (B), which shall read as follows:

(B) For the periods identified below and thereafter, the following fees and charges are in effect:

Storm Water Management Fees Schedule

(1) For the period beginning **August 1, 2014** the following fees and charges are in effect:

	Monthly Fees
Residential	
Single-Family Unit	\$ 8.69
Multiple-Family Units	
1 to 4 units (each)	\$ 6.51
5 to 12 units (each)	\$ 4.77
Greater than 12 units (each)	\$ 3.03
Non-Residential	
Category 1 (0 - 5,000 sq. ft.)	\$ 8.69
Category 2 (5,001 – 40,000 sq. ft.)	\$ 34.87
Category 3 (40,001 – 100,000 sq. ft.)	\$ 104.27
Category 4 (Over 100,000 sq. ft.)	\$ 173.78

(2) For the period beginning **July 1, 2015** the following fees and charges are in effect:

	Monthly Fees
Residential	
Single-Family Unit	\$ 9.39
Multiple-Family Units	
1 to 4 units (each)	\$ 7.03
5 to 12 units (each)	\$ 5.15
Greater than 12 units (each)	\$ 3.27
Non-Residential	
Category 1 (0 - 5,000 sq. ft.)	\$ 9.39
Category 2 (5,001 – 40,000 sq. ft.)	\$ 37.66
Category 3 (40,001 – 100,000 sq. ft.)	\$ 112.61
Category 4 (Over 100,000 sq. ft.)	\$ 187.68

(3) For the period beginning **July 1, 2016** and continuing thereafter, the following fees and charges are in effect:

	Monthly Fees
Residential	
Single-Family Unit	\$ 10.14
Multiple-Family Units	
1 to 4 units (each)	\$ 7.59
5 to 12 units (each)	\$ 5.56
Greater than 12 units (each)	\$ 3.53
Non-Residential	
Category 1 (0 - 5,000 sq. ft.)	\$ 10.14
Category 2 (5,001 – 40,000 sq. ft.)	\$ 40.67
Category 3 (40,001 – 100,000 sq. ft.)	\$ 121.62
Category 4 (Over 100,000 sq. ft.)	\$ 202.69

Section 2. That Section 12.20.350 of the Highland Municipal Code be hereby repealed in its entirety and amended to add a new section to be numbered Section 12.20.350, which shall read as follows:

12.20.350 Wastewater Rates and Charges; Collection and Billing.

(A) For users of the sewage works who are also metered users of the municipal water works, the basis for user fees will be comprised of a combined disposal, collection and wastewater treatment rate which will be based upon metered usage and a second component which will be a flat fee or base rate to be based upon the size of water meter servicing the user, all pursuant to I.C. 36-9-25-12. *The monthly base charge shall be based on a water meter size of not more than one size smaller than the service line in which the meter is installed.* Water meters shall be read and sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water works utility, pursuant to Chapter 12.05 of this code.

(B) Rates and charges for wastewater treatment and management services are hereby fixed and shall be comprised of the following metered rates and base charges to be effective beginning **August 1, 2014**:

(1) Monthly Base rates:

Meter Size	Base Rate Total
-------------------	------------------------

5/8"	\$4.81
3/4"	\$6.38
1"	\$10.81
1 1/4"	\$16.82
1 1/2"	\$23.88
2"	\$40.64
3"	\$92.26
4"	\$163.91

(2) Add a Metered rate: \$ 2.80 per 1,000 metered gallons

(3) An additional surcharge for each dwelling unit over one serviced through a *single water meter* shall be added to the above rates.

Monthly surcharge: \$4.86 per unit.

(4) For users of the sewage works that are unmetered users of the municipal water works, the monthly charge shall be determined by equivalent single-family residential units, except as otherwise herein provided. Sewage service bills shall be rendered pursuant to Section 12.20.350 (A). The schedule on which said rates shall be determined is as follows:

Unmetered monthly User Charge: \$26.57 per unit.

(C) Rates and charges for wastewater treatment and management services are hereby fixed and shall be comprised of the following metered rates and base charges to be effective beginning **July 1, 2015**:

(1) Monthly Base rates:

Meter Size	Base Rate Total
5/8"	\$5.19
3/4"	\$6.89
1"	\$11.67
1 1/4"	\$18.17
1 1/2"	\$25.79
2"	\$43.89
3"	\$99.64
4"	\$177.02

(2) Add a Metered rate: \$3.02 per 1,000 metered gallons

(3) An additional surcharge for each dwelling unit over one serviced through a *single water meter* shall be added to the above rates.

Monthly surcharge: \$5.25 per unit.

(4) For users of the sewage works that are unmetered users of the municipal water works, the monthly charge shall be determined by equivalent single-family residential units, except as otherwise herein provided. Sewage service bills shall be rendered pursuant to Section 12.20.350 (A). The schedule on which said rates shall be determined is as follows:

Unmetered monthly User Charge: \$28.70 per unit.

(D) Rates and charges for wastewater treatment and management services are hereby fixed and shall be comprised of the following metered rates and base charges to be effective beginning **July 1, 2016**:

(1) Monthly Base rates:

Meter Size	Base Rate Total
5/8"	\$5.61
3/4"	\$7.44
1"	\$12.60
1 1/4"	\$19.62
1 1/2"	\$27.85
2"	\$47.40
3"	\$107.61
4"	\$191.18

(2) Add a Metered rate: \$3.26 per 1,000 metered gallons

(3) An additional surcharge for each dwelling unit over one serviced through a *single water meter* shall be added to the above rates.

Monthly surcharge: \$5.67 per unit.

(4) For users of the sewage works that are unmetered users of the municipal water works, the monthly charge shall be determined by equivalent single-family residential units, except as otherwise herein provided. Sewage service bills shall be rendered pursuant to Section 12.20.350 (A). The schedule on which said rates shall be determined is as follows:

Unmetered monthly User Charge: \$31.00 per unit.

Section 3. The provisions of this ordinance amending the municipal code shall be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a), provided as follows:

(A) That the fees and charges set forth herein shall be made effective from *August 1, 2014* and thereafter, until their repeal or modification by passage and adoption of the necessary enabling instruments;

(B) **That pursuant to IC 36-9-25-11(c), the fees and charges imposed by the passage and adoption of this ordinance shall become and be effective upon all users whose property is within the district, having been approved by the Board and Sanitary Commissioners and hereby adopted by the Town Council, which is the municipal legislative body.**

Introduced before the Board of Sanitary Commissioners as a resolution on May 20, 2014. The resolution was ordered for a public hearing on June 3, 2014. Following the hearing, the Board passed the resolution as introduced and directed that the matter be set before the Town Council for its consideration, all pursuant to IC 36-9-25-11.

Introduced and Filed on the 23 day of June 2014. Consideration on same evening of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 14th Day of July 2014, 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 33-16-4-1; IC 36-5-6-5)

2. **Introduced Appropriation Enactment No. 2014-24:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Budget for the Parks Non-Reverting Capital Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5. *Public hearing was conducted at Town Council meeting of June 23, 2014. Councilor Zemen introduced and filed the enactment at the same meeting. There was no further action.*

Councilor Zemen moved the passage and adoption of Enactment No. 2014-24. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The enactment was adopted.

**Town of Highland
Appropriation Enactment
Enactment No. 2014-24**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PARK NON-REVERTING CAPITAL 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 **Park Non-Reverting Capital 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 **Park Non-Reverting Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PARK NON-REVERTING CAPITAL FUND

45th Avenue and Street Landscaping Improvement Project

Acct. No. 390.XX.1201 Site Surveying Engineering	\$ 3,208.53
<i>Total Project 300 Series:</i>	\$ 3,208.53

Acct. No. 420.XXX.1201 Infrastructure:	\$ 7,066.63
<i>Total Project 400 Series:</i>	\$ 7,066.63

Project Total: \$ 10,275.16

Blue Heron Rookery Park Project

Acct. No. 3XX.XX.1401 Printing and Publications:	\$ 1,500.00
<i>Total Project 300 Series:</i>	\$ 1,500.00

Acct. No. 4XX.XX.1401 Park Improvement (Benches):	\$ 1,730.00
Acct. No. 4XX.XX.1401 Park Imp. Mounted Binoculars.:	\$ 5,500.00
Acct. No. 4XX.XX.1401 Park Improvement (Sign):	\$ 1,500.00
Acct. No. 4XX.XX.1401 Contingency:	\$ 2,249.00
<i>Total Project 400 Series:</i>	\$10,979.00

Project Total: \$12,479.00

Total for proposed for the Fund:	\$ 136,581.72
Total approved for the Fund:	\$ 22,754.16

Section 2. That for the expenses of said municipality, the following appropriated sums of money are hereby reduced and ordered returned to the **Park Non-Reverting Capital Fund** herein named, subject to the laws governing the same:

Reduce the following Appropriations:

Acct. No. 420.01.1201 Park Imp. (Artwork/Sign)	(\$ 20,000.00)
Acct. No. 420.02.1201 Design/Build Landscaping	(\$ 2,687.63)
<i>Total Reductions to 400 Series:</i>	(\$ 22,687.63)

Fund Total (Net): \$ 66.53

Section 3. 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 4. 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 23rd Day of June 2014. Consideration on the same day or at same meeting of introduction was not taken up, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 14th Day of July 2014, 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 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1560.1557-A:** An Ordinance Further Amending Section 2.35.040 of the Highland Municipal Code Regarding Municipal Retirement Age and Bringing the Current Provision into Compliance with I.C. 22-9-2 and 29 U.S.C. 621 *et seq.*

Councilor Zemen introduced and moved the consideration of proposed Ordinance No. 1560.1557-A at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being needed, there were four 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 Ordinance No. 1560.1557-A at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being needed, there were four affirmatives and no negatives. The motion passed. The enactment was padded and adopted at the same meeting of its introduction.

Town of Highland
ORDINANCE NO. 1560.1557-A

AN ORDINANCE FURTHER AMENDING SECTION 2.35.040 OF THE HIGHLAND MUNICIPAL CODE REGARDING MUNICIPAL RETIREMENT AGE AND BRINGING THE CURRENT PROVISION INTO COMPLIANCE WITH I.C. 22-9-2 AND 29 U.S.C. 621 ET SEQ.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland, pursuant to IC 36-5 et sequitur;

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 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 did pass and adopt Ordinance No. 1557 on June 2, 2014 in order to bring current provisions of Section 2.35.040 with I.C. 22-9-2 and 29 USC 621 et seq., into compliance with age discrimination laws;

WHEREAS, The Town Council has been advised the that the those provisions may not fully comport with current State and Federal law regarding age discrimination;

WHEREAS, The Town Council has been further advised that it is highly desirable to further amend the provisions regarding retirement age in order to further clarify its application to certain non-elected officers of the municipality;

Whereas, The Town Council now desires to take the proper steps to amend the Highland Municipal Code in order to correct the offending provisions;

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

Section 1. That Section 2.35.040 of the Highland Municipal Code is hereby amended by its repeal in its entirety and replacement with a successor section, which shall be read and be numbered as follows:

2.35.040 Retirement age.

(A) Except where otherwise provided for the purposes of this section, the term *employee* shall be defined as any person appointed, employed or retained by any public office or public body of the town, whether part-time or full-time.

(B) The term *employee* shall not include any person elected by the voters of the whole town in a special or general election or selected as a *pro tempore* appointment, pursuant to I.C. 3-13-11 et seq., or any person appointed by the municipal executive, the legislative body or the fiscal body to a board, council or commission of the municipality.

(C) Employees shall retire from municipal duty at the age of 75 years, and the date of such retirement shall be at the end of the municipal fiscal year in which their **seventy-fifth** birthday is attained.

(D) The town council may waive mandatory retirement and grant an extension of duties for each municipal year, upon **making the following** determinations:

- (1) That an employee is deemed physically and mentally able to the perform the employee's normal duties; and
- (2) That granting such waiver and extension is in the best interests of the Town;

Section 2. The provisions of this ordinance amending the municipal code shall be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 14th day of July 2014. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 14th day of July 2014, 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 33-16-4-1; IC 36-5-6-5)

4. **Proposed Ordinance No. 1561:** An Ordinance To Permit a One-Time, Special Authorized Expense Payable in Advance of Allowance by the Board of Jurisdiction.

Councilor Kuiper introduced and moved the consideration of proposed Ordinance No. 1561 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being needed, 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 Ordinance No. 1561 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being needed, there were four affirmatives and no negatives. The motion passed. The enactment was padded and adopted at the same meeting of its introduction.

**ORDINANCE NO. 1561
TOWN OF HIGHLAND**

AN ORDINANCE TO PERMIT A ONE-TIME SPECIAL AUTHORIZED EXPENSE PAYABLE IN ADVANCE OF ALLOWANCE BY THE BOARD OF JURISDICTION.

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

WHEREAS, IC 36-5-4-12 specifically provides that with the prior written approval of the board having jurisdiction over allowance of the claim, a town fiscal officer may make claims in advance of a board allowance for certain *types of expenses that are adopted and listed in an ordinance*; and

WHEREAS, Owing to a special request posed to the Redevelopment Department from its special vendor constructing and installing the welcome sign at the northern entrance to town at Indianapolis Boulevard, in which the vendor asks for payment earlier than the standing meeting schedule of the Redevelopment Commission would accommodate, the Redevelopment Director has requested that one-time authority be granted to permit payment in advance of allowance by the Redevelopment Commission for a particular vendor;

WHEREAS, The Town Council now desires to pass and adopt an ordinance in which the payment to the particular sign vendor, *Landmark Signs, 7424 Industrial Avenue, Chesterton, Indiana, 46304*, may be made in advance of allowance of the Redevelopment Commission, under the statutory authority of IC 36-5-4-1;

Therefore, Now Be it Hereby Ordained by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That payment in advance of allowance by the Highland Redevelopment Commission is hereby authorized for services rendered by **Landmark Signs, 7424 Industrial Avenue, Chesterton, Indiana, 46304**, associated with the construction and installation of a welcoming sign at the north end of Indianapolis Boulevard, provided the following:

- (A) A fully itemized and supported invoice is properly filed with the Office of the Clerk-Treasurer pursuant to I.C. 5-11-10-1.6;
- (B) The proper officer of the Redevelopment Department shall make the required certification that the goods and services have been delivered or received as requested, pursuant to I.C. 5-11-10-1(c)(2);
- (C) The contract for services has been approved according to the municipal purchasing code or the public works law, whichever applies;
- (D) There is an approved appropriation in the proper fund to support the expenditure encumbered by a properly obtained purchase order; and,
- (E) At the next regular or special meeting of the Redevelopment Commission, the expenses described herein shall be ratified.

Section 2. That this ordinance shall be deemed written approval by the proper board permitting payment in advance of allowance by the Redevelopment Commission of the expenses associated with the services provided by **Landmark Sign** for the welcome sign on the north side of Indianapolis Boulevard, as set forth in I.C. 36-5-4-12(b)(13);

Section 3. That the authority conferred by this ordinance shall not be continuing but shall expire following execution of the payment for the services described in this ordinance or August 1, 2014, whichever comes sooner.

Section 4. Whereas an emergency exists for the immediate taking effect of this ordinance, these provisions shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 14th day of July 2014. Consideration on same evening of introduction attained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 14th day of July 2014 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 33-16-4-1; IC 36-5-6-5)

5. **Appropriation Enactment No. 2014-27:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget from Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5 and I.C. 36-5-3-5 et seq.

Councilor Zemen introduced and moved the consideration of Appropriation Enactment No. 2014-27 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being needed, 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 Appropriation Enactment No. 2014-27 at the same meeting of introduction. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being needed, there were four affirmatives and no negatives. The motion passed. The enactment was padded and adopted at the same meeting of its introduction.

**Town of Highland
APPROPRIATION ENACTMENT
ENACTMENT NO. 2014-27**

An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area Domestic Highway Enforcement Task Force**, representing services from January through June 2014, particularly represented on Clerk-Treasurer's receipt number 183803 in the amount of \$54.40, receipt number 191643 in the amount of \$593.92, receipt number 198631 in the amount of \$596.96 and receipt number 207164 in the amount of \$663.52 as reimbursement in support of overtime costs for detailed personnel and certain equipment maintenance;

WHEREAS, There is included a mileage component in the receipts described above, included in the total deposit represented on receipt number 191643 for the months of January through March in the amount of \$185.92;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

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

Section 1. That for the actual overtime personnel expenses of said municipality related to the Domestic Highway Enforcement Initiative (DHE) funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, or for equipment maintenance, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Accounts:

Acct. 111.37 Lake County Drug Interdiction Overtime	<u>\$ 1,722.88</u>
<i>Total 100 Series Increases</i>	\$ 1,722.88
Acct. 360.01 Equipment Maintenance	<u>\$ 185.92</u>
<i>Total 300 Series Increases</i>	\$ 185.92
Total of All Fund Increases:	\$ 1,908.80

Section 2. 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 14th day of July 2014. Consideration on 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 ENACTED AND ADOPTED this 14th Day of July 2014, 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 33-16-4-1;IC 36-5-6-5)

- Works Board Order No. 2014-20:** An Order Approving and Authorizing the Lease-Purchase of Certain Public Safety Communications Equipment, as Identified by the Metropolitan Police Chief and the Fire Chief, under a bid Solicited and Awarded by the Lake County Public Safety Communications Commission, pursuant to I.C. 5-22 *et seq.*

Councilor Adams moved the passage and adoption of Works Board Order No. 2014-20. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2014-20

An Order Approving and Authorizing the Lease-Purchase of Certain Public Safety Communications Equipment, as Identified by the Metropolitan Police Chief and the Fire Chief, under a bid Solicited and Awarded by the Lake County Public Safety Communications Commission, pursuant to I.C. 5-22 et seq.

Whereas, The Town of Highland Metropolitan Police Department and the Town of Highland Fire Department, as part of their public duties, have a responsibility for 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;

Whereas, In order to bring Lake County into compliance with IC 36-8-16.7-47(e) requiring that each Public Safety Answering Point ("PSAP") operator in Lake County, the Town Council of the Town of Highland did on May 12, 2014, enter into an Interlocal Agreement under IC 36-1-7 with every other participating PSAP operator in Lake County to ensure that Lake County does not contain more than two (2) PSAPs after December 31, 2014 as required by IC 36-8-16.7-47(c);

Whereas, In consequence of the consolidation, new public safety communications equipment will be necessary in order to support compatible communications by all participating agencies;

Whereas, The Lake County Public Safety Communications Commission did develop specifications and after the lawful review of respondents, did find, determine and select certain equipment manufactured by Motorola and distributed by Miner Electronics as the lowest responsive and responsible respondent, making these available to participating units at the accepted prices;

Whereas, The Metropolitan Police Chief and the Fire Chief has identified the necessary and required public safety communications equipment and supplies for their respective departments in the total purchase price of \$683,875.14;

Whereas, The Clerk-Treasurer solicited requests for proposals from public financial agencies for capital lease purchase services to support the acquisition of the identified public safety communications equipment, selecting First Financial Bank, providing the lowest interest cost at rate of 1.87% per year;

Whereas, The price for the purchase of the public safety equipment exceeds \$10,000.00 and, pursuant to Section 3.05.040 (C) as well as Section 3.05.050 (C)(1) 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)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department and pursuant to Section 3.05.030 (A)(1)(d) as the purchasing agency for the Fire 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 Fire Chief, pursuant to Section 3.05.050 (D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

Whereas, The purchase of the equipment will be supported by an appropriation anticipated to be approved and adopted in the Public Safety Income Tax Fund;

Whereas, The Town Council now desires to approve and authorize the proper officers 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 from *Miner Electronics*, determined to be a desirable source vendor for the purchase of selected public safety communications equipment, as set forth in the attached exhibit, in the amount of \$296,524.82 for the Fire Department and in the amount of 387,350.32 for the Metropolitan Police Department, all pursuant to IC 5-22 and Section 3.05.060 (F)(1) and (3) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines that the purchase qualifies as a properly executed purchase pursuant to IC 5-22 and Section 3.05.060 (I) (9), (17) and (19) of the Highland Municipal Code;

Section 3. That the Works Board hereby further authorizes and approves the acquisition of the public safety communications equipment through a lease purchase agreement with **First Financial Bank** at the interest rate of 1.87%, as selected by the Clerk-Treasurer according to terms identified by the Clerk-Treasurer in a solicitation of financing proposals transmitted by him to support the financing of the public safety communications equipment for the total cost of \$683,875.14 plus interest paid over the term of the lease in the approximately amount of \$22,051.36;

Section 5. That the Clerk-Treasurer is now authorized and approved to execute the lease-purchase agreement with First Financial Bank and any additional documents in order to implement this acquisition of the public safety communications equipment and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

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 14th day of July 2014 having 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 33-16-4-1; IC 36-5-6-5)

7. Works Board Order No. 2014-21: An Order Authorizing, Approving, Accepting and Concurring in Utility Easement Agreements with State of Indiana Department of Natural Resources, the Northern Indiana Public Service Company, Inc., and Wolverine Pipeline Company, In., as Grantors and the Town of Highland as Grantee

Councilor Zemen moved the passage and adoption of Works Board Order No. 2014-21. Councilor Adams 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. 2014-21**

An Order Authorizing, Approving, Accepting and Concurring in Utility Easement Agreements with State of Indiana Department of Natural Resources, the Northern Indiana Public Service Company, Inc., and Wolverine Pipeline Company, In., as Grantors and the Town of Highland as Grantee

Whereas, The Water Works District of Highland (District), through its Board of Directors, has previously determined the need to replace the existing 6-inch water main in the 8000-8200 blocks of Sycamore Avenue (Grand Boulevard to River Drive) and to provide a connection from the Sycamore Avenue water main to the 10" water main on U.S. Route 41 in order to improve water flow and water quality and has determined implement the **Sycamore Avenue Water Main Improvements and Extension Project;**

Whereas, The Project requires the acquisition of public easements upon property owned by the Indiana Department of Natural Resources, Northern Indiana Public Service Company, and Wolverine Pipeline Company, collectively named as Grantors, for the purpose of constructing the project and installing water mains, valves, and other appurtenances; and

Whereas, The several Grantors wish to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a **utility easement** for the purpose of installing a the water main herein referenced, which is legally described in companion easement agreements;

Whereas, The Town of Highland Waterworks District, through its Board of Water Works Directors, has determined that the utility easements and the associated agreements for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility, and has acted to approve the agreements at its meeting of June 26, 2014 by the passage and adoption of Resolution No. 2014-18, with the easement agreements being subject to the final approval of the Town Council;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that the utility easements and the associated agreements for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility, as approved by the Board of Water Works Directors, with the easement agreements being subject to the final approval of the Town Council;

Whereas, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), now wishes to finally authorize, approve the utility easement agreements between the Town of Highland as Grantee and the State of Indiana Department of Natural Resources, Northern Indiana Public Service Company and Wolverine Pipeline Company as Grantors, and concur in the action of the Waterworks Board of Directors,

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the approving action of the Town of Highland Waterworks District, through its Board of Water Works Directors, determining that the utility easements and the associated agreements for this project and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility, evidenced by the passage and adoption of Resolution No. 2014-18 taken up at its meeting of June 26, 2014 is hereby concurred in each and every respect;

Section 2. That the Water Main Easement Agreement between the **State of Indiana Department of Natural Resources (Grantor)** and the Town of Highland (Grantee) is hereby finally authorized, approved, accepted and ratified in each and every respect;

Section 3. That the Water Main Easement Agreement between the **Wolverine Pipeline Company, Inc., (Grantor)** and the Town of Highland (Grantee) is hereby finally authorized, approved, accepted and ratified in each and every respect;

Section 4. That the Water Main Easement Agreement between the **Northern Indiana Public Service Company, Inc., (Grantor)** and the Town of Highland (Grantee) is hereby finally authorized, approved, accepted and ratified in each and every respect.

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 14th day of July 2014 having 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 33-16-4-1;IC 36-5-6-5)

EXHIBIT

WATERWORKS DISTRICT OF HIGHLAND
BOARD OF WATERWORKS DIRECTORS
Resolution No. 2014-18

A RESOLUTION OF WATER WORKS BOARD OF DIRECTORS APPROVING THE FORM OF EASEMENT AGREEMENTS (3) BETWEEN THE TOWN OF HIGHLAND (GRANTEE) AND THE INDIANA DEPARTMENT OF NATURAL RESOURCES (GRANTOR); THE TOWN OF HIGHLAND (GRANTEE) AND THE NORTHERN INDIANA PUBLIC SERVICE COMPANY (GRANTOR); AND THE TOWN OF HIGHLAND (GRANTEE) AND WOLVERINE PIPELINE COMPANY (GRANTOR); AND DIRECTING THE WATER WORKS SUPERINTENDENT TO FORWARD SAID DOCUMENTS TO THE HIGHLAND TOWN COUNCIL FOR APPROVAL AND ACCEPTANCE

Whereas, the Waterworks District of Highland (District) is governed by its Board of Waterworks Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

Whereas, IC 8-1.5-4-4 specifically provides that the Board of Directors shall manage and control all works of the waterworks and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The Water Works District of Highland (District), through its Board of Directors, has determined the need to replace the existing 6-inch water main in the 8000-8200 blocks of Sycamore Avenue (Grand Boulevard to River Drive) and to provide a connection from the Sycamore Avenue water main to the 10" water main on U.S. Route 41 in order to improve water flow and water quality and has determined implement the Sycamore Avenue Water Main Improvements and Extension Project; and

Whereas, NIES Engineering, Inc. had prepared plans and specifications for the Project on behalf of the Board of Works and Water Works District; the Project was bid in accordance with IC 36-1-12 et seq.; and notice was published in accordance with IC 5-3-1; and

Whereas, The Project requires the acquisition of public easements upon private property owned by the Indiana Department of Natural Resources, Northern Indiana Public Service Company, and Wolverine Pipeline Company, collectively named as Grantors, for the purpose of constructing the project and installing water mains, valves, and other appurtenances; and

Whereas, The Waterworks Attorney, in the cooperation of the Waterworks Engineer, has drafted Easement Agreements for consideration by the Grantors; and

Whereas, The Grantors have reviewed the draft Easement Agreements and returned amended versions of the Agreement for review and consideration by the Water Works Board of Directors and Highland Town Council; and

Whereas, The Waterworks Attorney has reviewed the amended Agreements, has determined that the Agreements are in order and recommends the approval of the form of each Agreement;

Whereas, The Water Works District of Highland, through its Board of Directors, now desires to approve the form of each Agreement and direct the Water Works Superintendent to forward said Agreements to the Town Council (Grantee) for final approval and acceptance.

Now, Therefore Be it Resolved by the Board of Directors of the Highland Waterworks, Lake County, Indiana, as follows:

1. That the form of Water Main Easement Agreement between the State of Indiana Department of Natural Resources (Grantor) and the Town of Highland (Grantee) is hereby approved and the Water Works Superintendent is directed to forward said Agreement to the Highland Town Council for final approval and acceptance.

2. That the form of Agreement between the Wolverine Pipeline Company (Grantor) and the Town of Highland (Grantee) is hereby approved and the Water Works Superintendent is directed to forward said Agreement to the Highland Town Council for final approval and acceptance.

3. That the form of Water Main Easement Agreement between the Northern Indiana Public Service Company (Grantor) and the Town of Highland (Grantee) is hereby approved and the Water Works Superintendent is directed to forward said Water Main Easement Agreement to the Highland Town Council for final approval and acceptance.

Duly Adopted, Resolved and Ordered by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 26th day of June, 2014. Having been passed by a vote of 4 in favor and 0 opposed.

**HIGHLAND WATERWORKS
BY ITS BOARD OF DIRECTORS:**

8. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1531 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

8.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$647.04, for work associated with special event and an additional amount of \$300 for work associated with Highland Grove Mall Special Security in the month of June.

8.2 The Metropolitan Police Chief requests favorable action for P. Hojnicky, who is an exempt salaried employee, and Metropolitan Police Chief, in the amount of \$930.12, for work associated with special event.

Councilor Kuiper moved the approval of the requests for paid overtime for exempt salaried supervisory personnel as requested. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The paid overtime was approved as requested.

9. Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1531 the Wage and Salary Ordinance, as amended.

The Fire Chief is requesting authority and approval to start Ron Starozczak at the alternative starting pay of \$11.46 per hour in the position of part-time secretary, he is styling as administrative assistant. The position of secretary (part-time) has a pay range starting at \$7.25 per hour and extending to \$12.50 per hour at the highest point.

Councilor Kuiper moved to authorize and approve the starting pay of \$11.46 associated with the hiring of Ron Starozczak as part-time secretary in the Fire Department. Councilor Adams seconded. Upon a roll call vote, there four affirmatives and no negatives. The motion passed. The higher than starting pay of \$11.46 per hour was approved for the hiring of Ron Starozczak as part-time secretary in the Fire Department.

10. Instruction regarding the 45th and 5th Avenue Intersection Improvement Project. *At the Study Session of May 5th, the Town Council received a briefing on the project status. It is noted that this is an eligible federally funded project, presently being monitored and approved by NIRPC. It is at a timeline benchmark. The Town Council's action should be to direct that the project proceed or should be cancelled.*

This matter was deferred to a future meeting by general consent of the Town Council as discussed in the earlier study session.

Comments from the Town Council Members
(For the Good of the Order)

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

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported that the department was hosting NSA Softball Tournament World Series.

Councilor Zemen acknowledged Commander Georgeff from the Metropolitan Police Department who reported that Highland's department participated in the honor procession for Gary Police Officer Jeffery Westerfield, who was recently killed in the line of duty.

Councilor Zemen acknowledged Kelly Bridges, President of the Community Events Commission, who reported on the Labor Day Festival.

Councilor Zemen commended her for the recent Independence Day Festival.

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

Was not present to report.

- **Councilor Dennis Adams:** *Liaison to the IT Consultant.*

Councilor Adams commended the program and work of the Community Events Commission associated with the Independence Day Festival.

Councilor Adams acknowledged the IT Contractor, who reported that the website was updated and on line.

Councilor Adams commended the Building Commissioner for recent efforts at enforcement.

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

Councilor Kuiper requested cleanup of area near the site of the former Chela's Restaurant on 45th Avenue.

Councilor Kuiper acknowledged the Fire Chief, who reported on the status of power outages associated with a recent storm.

- **Council President Dan Vassar:** • *Municipal Executive* • *Chairman of the Board of Trustees of the Police Pension Fund (1925 Law)* • *Redevelopment Commission Liaison.*

Council President Vassar commended the volunteers of the Community Events Commission for its work associated with Independence Day Festival.

The Town Council President acknowledged the Redevelopment Director who reported that there would be a presentation regarding the proposed restoration project for the Town Theater, now owned by the Town through its Redevelopment Department obtained through tax sale.

The Town Council President reported that the study session of August 4, 2014 would be focused on code enforcement, welcoming a Hammond Code Enforcement Official to discuss enforcement.

Comments from Visitors or Residents:

1. Carol Kerr, 2185 Timber Ridge Lane, Highland, commended the Clerk-Treasurer on the recent awards from the South shore Leadership Center and the Indiana Leadership Academy.

Ms. Kerr, suggested that the Town Council consider staffing two officers in police patrol cars, referring to the dangers for police officers and the recent line of duty killing of Gary Police Officer Jeffery Westerfield.

With leave from the Town Council, Highland Police Sergeant Linda Potesta, present in the meeting unrelated to her police work, responded to Ms. Kerr suggesting that owing to the size of Highland back up was quickly available if needed. She noted that for certain calls, more than one officer will respond.

2. Mike Gregory, 9347 Idlewild Drive, Highland, presented a petition to the Town Council President, who tendered it to the Clerk-Treasurer, with the signatures of 90 residents in the Meadows subdivision. The petition sought to keep a planned additional softball complex and removal of a soccer field from the Meadows Park. Mr. Gregory stated that he and other residents favored the current diversity of recreational assets in Meadows Park.
3. Ruth LaBuda, 9440 Parkway Drive, Highland, associated herself with the remarks made by Mr. Gregory. She expressed opposition to the proposed change to the park.
4. David Long, 9346 Idlewild Drive, Highland, expressed concerns about drainage if the softball field was added. He registered his opposition to the proposed plan to add the softball field and remove the soccer field.
5. Theresa Panshyn, 9310 Southmoor Avenue, Highland, opposed the proposed changes to the Meadows Park and indicated she had signed the petition. Ms. Panshyn indicated that the park as it is now configured is what drew her to the neighborhood.
6. Jim Jenkins, 9310 Southmoor Avenue, Highland, associated himself with the previous remarks.

7. Tyler Potesta, 9250 Idlewild Avenue, Highland, expressed opposition to the change of plans. He indicated his affection for the park as currently configured.

The Town Council invited the Parks and Recreation Superintendent Alex M. Brown to offer comments regarding the proposed plan. The Superintendent indicated that the proposed changes were depicted the recently adopted Park Five-Year Plan. He further explained that the plan was formulated from requests by the Highland Soccer Club to have a park that hosted all of the soccer fields, rather than have them placed among several different parks in town. The request was informed by the desire of parents seeking to reduce the ferrying of participating children of different ages for soccer games. In order to accommodate the placement of soccer fields in a single park, the Five Year Plan contemplated moving a softball field from Sheppard Park to Meadows Park.

The Parks and Recreation Superintendent indicated that the Five Year Plan had an advance period of resident input and surveying. He further noted that the draft of the Five Year Plan also presented at the Parks and Recreation website for public comment before its adoption.

8. John LaBuda, 9440 Parkway Drive, Highland, opined that residents who do not live in the Meadows neighborhood would not experience the same impact from the proposed change to the park. He further offered his opposition to the proposed change.
9. Ruth LaBuda, inquired about the disposition of the proposed plans and whether the plans could be changed.

The Town Council President expressed the desirability of the Town Council meeting with the Park and Recreation Board regarding the matter.

10. Betsy Gregory, 9347 Idlewild Drive, Highland, expressed reservations about the effectiveness of the notifications associated with the surveys that may have lead to the proposed plan. Ms. Gregory noted that the surveys didn't mention the specific plan for the Meadows Park.

A colloquy ensued between and among the Meadows residents and the Town Council, regarding jurisdiction of the Town Council and the Park and Recreation Board regarding the parks, Ms. Panshyn volunteering to promote with flyers any meeting that may be scheduled regarding the proposed plan, and the possibility of setting aside a study session for the Town Council to discuss the matter with the Park and Recreation Board.

11. Mike Wagner, 9430 Parkway Drive, Highland, identified himself as President of the Highland Soccer Association, further indicated his desire to hear from residents regarding the proposed plan. He further indicated his willingness to participate in a future meeting regarding the plan.
12. Carol Kerr, 2185 Timber Ridge Lane, Highland, inquired about the disposition of clippings removed from Trees in consequence of the emerald ash disease.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendor accounts payable vouchers as filed on the pending accounts payable docket, covering the period June 24, 2014 through July 14 2014 as well as the payroll dockets for May 30 and June 13, 2014. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll docket 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, \$348,318.60; Motor Vehicle Highway and Street (MVH) Fund, \$36,180.74; Law Enforcement Cont. Education and Supply Fund, \$920.00; Capital Projects Retainage Fund, \$2,500.00; Flexible Spending Account (FSA) Agency Fund, \$1,273.84; Insurance Premium Fund, \$144,180.33; Information and Communications Technology Fund, \$6,330.55; Civil Donation Fund, \$2,008.57; Special Events Non Reverting Fund, \$19,676.14; Police Pension Fund (1925 Plan): \$68,321.63; Municipal Cumulative Capital Development Fund, \$40,061.43; Traffic Violations Fund, \$14,885.00; Gaming Revenue Sharing Fund, \$125.10; Total: \$ 684,781.93.

Payroll Docket for payday of May 30, 2014:

Council, Boards and Commissions, \$8,334.00; Office of Clerk-Treasurer, \$12,927.99; Building and Inspection Department, \$7,458.662; Metropolitan Police Department, \$100,999.99; Fire Department, \$2,626.78; Public Works Department (Agency), \$64,942.97 and 1925 Police Pension Plan Pension Fund, \$63,239.63; Total Payroll: \$260,530.02.

Payroll Docket for payday of June 13, 2014:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,107.31 Building and Inspection Department, \$7,246.11; Metropolitan Police Department, \$110,970.29; Fire Department, \$2,804.39; Public Works Department (Agency), \$65,356.97; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$199,485.07.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Adams seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 14, 2014 was adjourned at 8:18 O'clock p.m.

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