


Agenda

Fifty-first Regular or Special Meeting of the Twenty-Ninth Town Council of Highland

Regular Meeting of Monday, September 27, 2021 at 6:30 p.m.

Agenda organized pursuant to Section 2.05.090 of the Highland Municipal Code
 This meeting will be convened as an in person meeting and as an electronic meeting, pursuant to Governor Holcomb's Executive Orders, 20-04, 20-09, 20-25 and extended by Executive Order 21-22, allowing such meetings, pursuant to IC 5-14-1.5-3.7 for the duration of the emergency, through to September 30, 2021.

People may observe and record the meeting for live streaming by joining the meeting on the Zoom platform: <https://us06web.zoom.us/j/84354739990?pwd=SndlbnNzODgwS1ZpK3lDcW1MN2pmUT09>

Prayer:	Roger Sheeman
Pledge of Allegiance:	Roger Sheeman
Roll Call:	
	Bernie Zemen
	Mark A. Herak
	Mark J. Schocke
A GREAT PLACE TO CALL HOME	Thomas (Tom) Black
	Roger Sheeman

Minutes of Previous Session:	Minutes of the Regular Meeting of 13 September 2021.
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COMMENTS FROM THE PUBLIC or VISITORS	This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council regarding matters on the agenda. Persons addressing the Town Council are requested to limit their presentations to two (2) minutes and encouraged to avoid repetitious comments.
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| Appointments: | <ul style="list-style-type: none"> • Home Rule Boards and Commissions
<i>(Appointments have been placed on agenda in case there is readiness to Act)</i> Executive Appointment 1. Board of Waterworks Directors: (1) Unexpired term of Ed Dabrowski, for the balance of the term ending 1st Monday in 2023. <i>(Cannot have more than 3 from the same political party.)</i> Legislative Appointments
Home Rule Commissions 1. Main Street Bureau Board: Up to (4) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2023. <i>There are currently 13 of the 17 in place and serving.</i> |
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The Town of Highland acknowledges its responsibility to comply with the American with Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternative audio/visual devices, etc.) for participation in or access to Municipal sponsored public programs, services and or meetings, the Town of Highland requests that individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and or meeting. To make arrangements, contact the ADA Coordinator for the Town of Highland at (219) 972-7595.

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2. **Community Events Commission** *Multi-year positions:* (2) appointments to be made by the Town Council. **Term: 4 years.**
 - *One vacancy of term expires on 1 Jan 2025.*
 - *One vacant post the term of which expires 1 January 2022 (unexpired term)*

Single year positions: (2) appointments to be made by the Town Council.
Term: 1 year.

- *Two positions the terms expiring on 1 January 2022*
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**Unfinished
Business &
General Orders:**

1. **Proposed Ordinance No. 1747:** An Ordinance To Amend The Compensation And Benefits Ordinance Commonly Called The Municipal Employees Handbook, Particularly Amending To Authorize An Incentive For Eligible Employees Who Convert From The PPO Group Health Insurance Plan To The High Deductible Health Plan And Updating Language Regarding The Section 125 Plan.
2. **Proposed Ordinance No. 1748.1743-A:** An Ordinance To Amend The Ordinance Adopted To Authorize And Approve Certain Additional Payments To Employees Of The Town Of Highland, Indiana To Acknowledge And Express Appreciation For Services During The Period Of The Novel Corona Virus Pandemic And To Affirm Or Incent Vaccination Against The Virus. *(The purpose of this ordinance is to reaffirm the provisions of Ord. 1743 and to make certain clarifying modifications.)*
3. **Proposed Ordinance No. 1749:** An Ordinance to Amend the Chapter 3.40 of the Highland Municipal Code particularly Updating the Authorized Investments to Be Consistent with Changes to the Indiana Law Governing Investments, Pursuant to IC 36-5-5 and IC 5-13 et seq.
4. **Proposed Enactment No. 2021-44:** An Enactment Regarding the Disposition of Accreted Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its Use for the Payment of the Reconciling Amount due for the Wholesale Water Supply Agreement Effective from January 1, 2021 to July 31, 2021, pursuant to I.C. 8-1.5-3-11 et seq.
5. **Proposed Enactment No. 2021-45:** A Special Enactment to Lawfully Approve Certain Disability Retirement Benefits as well as Defining Status for Police Officer John Swisher, who has been Granted a Disability Retirement for Catastrophic Injuries Incurred in the Line of Duty.
6. **Resolution No. 2021-46:** A Resolution Regarding the Disposition of Appropriated Resources in The Economic Development Local Income tax Fund of the Municipality, Authorizing Their transfer to the Community Crossings Grant Capital Fund.
7. **Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.**
 - (a) *The hiring of the identified candidate, to the full-time position of Director of Information Technology in Information Communication Technology Department at a rate of pay to be fixed by amendment to the wage and salary ordinance.*

(At its meeting of Monday, September 13, 2021 the Town Council acted to postpone this matter until an intervening Study Session and then to be

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taken up at the next plenary meeting, that meeting being Monday, September 27, 2021.)

8. **Proposed Ordinance No. 1744.1726-D:** An Ordinance to Amend Ordinance No. 1726 to Establish the Wage And Salary Rates Of The Elected Officers, The Non-Elected Officers, And The Employees Of The Town Of Highland, Indiana Particularly Amending To Authorize Changes To The Compensation Associated with the Newly Created Information Communications And Technology Department.
9. **Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$299,664 in **Gaming Revenue Sharing Fund.**

NEW BUSINESS:

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

Councilor Bernie Zemen
Councilor Mark Herak
Councilor Mark Schocke
Councilor Thomas Black
Councilor Roger Sheeman

**COMMENTS FROM
THE PUBLIC or
VISITORS**

This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council. Depending on the nature of the comments, the Town Council may direct the staff to address the topic or follow-up on matters that may arise from public comments. If necessary, the matter may be set for action at a future meeting. Persons addressing the Town Council are requested to limit their presentations to **two (2) minutes** and encouraged to avoid repetitious comments.

**ACTION TO PAY
Accounts Payable
Vouchers**

Accounts payable vouchers September 14, 2021 to September 27, 2021 in the amount of **\$656,629.25.**

Payroll Docket for the payday of August 27, 2021 in the amount of **\$290,522.44** and the payday of September 10, 2021 in the amount of **\$228,725.20.**

ADJOURNMENT

The Town Council may meet in study session immediately following the Regular Meeting.
Posted pursuant to IC 5-14-1.5-4(a)

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**Enrolled Minutes of the Fiftieth Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Meeting (Electronic/Hybrid)
Monday, September 13, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, September 13, 2021 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

This meeting was convened as an *electronic and in person meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.7 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 21-22. Some persons were participating remotely on a Zoom platform that allowed for real time interaction between and among all the Town Council and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When an agenda item provided for public comment, this was supported as well. Councilors Mark Herak, Mark Schocke, Tom Black and Roger Sheeman were present in person. Councilor Bernie Zemen participated remotely by Zoom.

The Town Council President, Roger Sheeman, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present in person to memorialize the proceedings. The meeting was opened with Councilor Tom Black 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, Mark J. Schocke, Thomas Black and Roger Sheeman. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained. Councilors Herak, Schocke, Black, and Sheeman all participated in person. Councilor Zemen participated remotely by the Zoom platform. His participation was contemporaneous to the meeting, and he could be both seen and heard by participants, visitors as well as the Town Council members.

Additional Officials Present: John Reed, Town Attorney (via Zoom), Tim Gembala, Operations Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Theresa Badovich, Idea Factory (via Zoom); Carlos Aburto, Park and Recreation Board; and Ed Dabrowski IT Director (Contract) and Board of Waterworks Directors were present.

Minutes of the Previous Meeting:

The minutes of the regular meeting of August 23, 2021 and the special meeting of August 30, 2021, were approved by general consent.

Special Orders:

1. **Public Hearing.** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 3500 Block of Jewett Street to be known as the **Jewett Street Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2021-29)

- (a) Verification of Proof of Publication. (IC 5-3-1;IC 36-9-17) The TIMES 02 September 2021. The Town Attorney indicated that the proof of publication complied the relevant law (remotely).

(b) Open Public Hearing. *Public Hearing Issue:* Whether the lots or tracts of land have been or will be benefited by the Improvements in the amount set forth in the Assessment Roll, such greater or lesser amount, or any amount at all. The Town Council President called the public hearing to order.

1. Larry Kondrat, Highland, spoke in favor of the project.

There were no further comments. The hearing was closed.

(c) Consideration of **Confirmatory Works Board Order No. 2021-32: An Order Confirming the Special Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Jewett Street Reconstruction Project.** (Interest and years to be filled by the Town Council)

Councilor Herak moved the passage and adoption of the Works Board Order No. 2021-32, subject to filling the blanks as to interest and term of waived payment. Councilor Black seconded.

The Town Council President invited suggestions for filling the blanks. By general consent, the interest rate blank was filled as Seven percent (7%) and the term for the waived payment blank was filled with five (5) years.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed the order was adopted.

TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2021-32

AN ORDER CONFIRMING THE MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3500 BLOCK OF JEWETT AVE. STREET IMPROVEMENT PROJECT

WHEREAS, On August 30th, 2021, the Town Council of the Town of Highland, Indiana, adopted Works Order No. 2021-29 entitled "A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the 3500 Block of Jewett Ave. Street Improvement Project", a copy is attached hereto as Exhibit "A";

WHEREAS, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2021-29; and,

WHEREAS, The Town Council now desires to confirm Works Board Order No. 2021-29,

NOW, THEREFORE, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board, as follows:

Section 1. That the Town Council hereby confirms Works Board Order No. 2021-29;

Section 2. That the Town Council hereby sustains the presumptive assessments as indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements (as defined in Works Board Order No. 2021-28);

Section 3. The Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

Section 4. The Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of 5 years, with interest accruing on such unpaid portions at an interest rate of seven percent (7%) per annum, and also approves the substantially final form of Waiver Agreement attached hereto as Exhibit "B", to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

Be it So Ordered.

EXHIBIT B

TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2021-29

**A PRELIMINARY ORDER ADOPTING AND APPROVING
MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL
ASSESSMENT ROLLS FOR PROPERTY OWNERS
BENEFITING FROM THE 3500 BLOCK OF JEWETT AVE.
STREET IMPROVEMENT PROJECT**

Whereas, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town");

Whereas, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town;

Whereas, Pursuant to Works Board Order No. 2021-28, the Town Council confirmed Order No. 2021-27 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 3500 Block of Jewett Ave. (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and,

Whereas, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as Exhibit A (each, an "Assessment Roll"), has been prepared and filed with this Town Council,

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

Section 1. That the Town Council hereby adopts and approves the Assessment Roll for the Improvements to the 3500 Block of Jewett Ave.;

Section 2. That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at **6:30 p.m. on September 13th, 2021**, and the Town Council further directs the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

Be it So Ordered.

Duly adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 30th day of August, 2021 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA



Roger Sheeman, President (C 36-5-2-10)

Attest:



Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (C 36-4-1, IC 36-5-6-5)



Line No.	Legal Description	Owner	Quantity	Proposed	Est.	Cost	Cost	Cost	Cost	Total	Proposed
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2. **Consideration of Proposed Additional Appropriations:** (non-controlled funds) Proposed Additional Appropriations in Excess of the 2021 Budget for the Parks Capital Non Reverting Fund in the amount of \$3,300,000.
 - (a) Attorney verification of Proofs of Publication: The TIMES 23 August 2021 and the Post Tribune 23 August 2021. The Town Attorney noted that the proofs of publication were in order (remotely).

- (b) **Public Hearing.** The Town Council President called the public hearing to order.
1. Larry Kondrat, Highland, inquired about the purposes of the bond issue and the appropriations that would support the projects it proposes to support. Mr. Kondrat inquired whether the fact that the bond appropriation included improvements to the Sharp Athletic Complex suggested that the plans to relocate it as part of the Highland Downtown Redevelopment Plan were abandoned or changed.

It was noted that there were no plans to relocate the facility that were imminent.

The Parks and Recreation Superintendent offered an overview of the several projects that were planned as part of the bonded capital improvements.

- (c) Action on **Appropriation Enactment No. 2021-40:** 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.

Councilor Herak introduced Enactment No. 2021-40 and moved for its consideration at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2021-40 at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a two thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2021-40

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, 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 **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 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 **Park Non Reverting Capital Fund** and for the purposes herein specified, subject to the laws governing the same:

PARK NON REVERTING CAPITAL FUND

Increase:	
Acct. No. 010-0000-31001-0021 Legal Services:	\$ 50,000.00
Acct. No. 010-0000-31006-0021 Financial Advisory Services:	\$ 30,000.00
Acct. No. 010-0000-33005-0021 Master Plan Update services:	\$ 63,000.00
Series Total:	\$ 143,000.00
Increase:	
Acct. No. 010-0000-43005-0021 Park Benches & Tables:	\$ 70,000.00
Acct. No. 010-0000-46001-0021 Trails Improvements:	\$ 710,000.00
Acct. No. 010-0000-46004-0021 Homestead Park Improvements:	\$ 110,000.00
Acct. No. 010-0000-46005-0021 Lakeside Park Improvements:	\$ 45,000.00
Acct. No. 010-0000-46006-0021 Main Square Improvements:	\$ 87,000.00
Acct. No. 010-0000-46007-0021 Markley Park Improvements:	\$ 110,000.00
Acct. No. 010-0000-46008-0021 Meadows Park Improvements:	\$ 470,000.00

Acct. No. 010-0000-46012-0021 Sharp Athletic Improvements:	\$ 520,000.00
Acct. No. 010-0000-46013-0021 Sheppard Park Improvements:	\$ 775,000.00
Acct. No. 010-0000-46017-0021 Tree removal replacement:	\$ 50,000.00
Acct. No. 010-0000-46018-0021 Vehicles:	\$ 210,000.00
Series Total:	\$3,157,000.00
Fund Total:	\$3,300,000.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an acknowledging 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 13th Day of September 2021. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of September 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/Roger Sheeman, President (IC 36-5-2-10)

ATTEST:

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

3. Consideration of Proposed Additional Appropriations: (controlled and non-controlled funds): Proposed Additional Appropriations in Excess of the 2021 Budget for the Works Board Department of the General Fund in the amount of \$791,160. Further consideration of proposed additional appropriations in the General Improvement Fund in the amount of \$51,623 and in the **Community Crossings Grant Fund** in the amount of \$146,458.00.

(a) Attorney verification of Proofs of Publication: The TIMES 26 August 2021. The Town Attorney noted that the proof of publication complied with the governing law (remotely)

(b) **Public Hearing.** The Town Council President called the public hearing to order.

1. Larry Kondrat, Highland, Indiana, inquired about the amount proposed to fund the COVID stipends, suggesting that the amount was much higher than that proposed by Councilor Schocke.

It was noted that the amount proposed was based upon a \$5,000 payment, for firefighters and all full-time workers. The amount required that payroll tax and INPRS for the workers covered by it was necessarily included. That was not contemplated in the earlier proposal, which was for a five thousand dollar amount for the police and the fire fighters.

It was further noted that the COVID Stipends plus the vaccination incentive would not exceed \$3,016 for each firefighter, each full-time worker and selected workers identified in exhibits affixed to the enabling ordinance.

Mr. Kondrat expressed concern about any unused amount remaining in the appropriation. Without objection from the Town Council, the clerk-

treasurer indicated that once the final amount was ascertained, he would prepare an enactment to reduce the unused amount remaining in the appropriation if its approved.

There were no further comments. The Town Council President closed the public hearing.

- (c) **Action on Appropriation Enactment No. 2021-41:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Works Board Department of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2021-41 and moved its consideration at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2021-41 at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2021-41

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

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

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

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

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

CORPORATION GENERAL FUND

Works Board Department

Acct. 001-0009-11127 Covid Appreciation Stipends		\$ <u>791,160.00</u>
	Total 100 Series:	\$ <u>791,160.00</u>
	Total for the Department:	\$ <u>791,160.00</u>
	TOTAL for the FUND:	\$ <u>791,160.00</u>

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 13th Day of September 2021. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of September 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Roger Sheeman, President (IC 36-5-2-10)

ATTEST:

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

- (d) Action on **Appropriation Enactment No. 2021-42**: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **General Improvement Fund and the Community Crossings Grant Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2021-42 and moved its consideration at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2021-41 at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2021-42

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the General Improvement Fund and the Community Crossings Grant 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 **General Improvement Fund** and in the **Community Crossings Grant 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 **General Improvement Fund** and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Increase	
Acct. No. 083-0000-44022 Curbs & Sidewalks:	\$ 51,623.00
<i>Total 400 Series:</i>	\$ 51,623.00
Fund Total:	\$ 51,623.00

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 **Community Crossings Grant Fund** and for the purposes herein specified, subject to the laws governing the same:

COMMUNITY CROSSINGS GRANT FUND

Increase:	
Acct. 104-0000-44081 CCMG Projects 2021:	\$ 146,458.00
Total for Fund:	\$ 146,458.00

Section 3. 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 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 13th Day of September 2021. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of September 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Roger Sheeman, President (IC 36-5-2-10)

ATTEST:

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

4. Executive Proclamation: A Proclamation Proclaiming the September 17 to 23, 2021 as United States Constitution Week in the Town of Highland, Lake County, Indiana.

The Town Clerk-Treasurer read aloud the enrolled proclamation. The Town Council President announced his approval and executed his signature on the proclamation.



Comments from Visitors

- Larry Kondrat, Highland, commented on the manner in which the candidate as a prospective hire for the Director of Information Technology was selected. Mr. Kondrat asked about the proposed salary and how it was determined.

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

• **Building & Inspection Report for August 2021**

Permit Type	Number	Residentia	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	12	0	12	\$1,222,162.00	\$22,447.00
Signs:	5	0	5	\$24,237.00	\$1,423.50
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:	80	80	0	\$738,166.00	\$17,560.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	3	3	0	\$6,604.00	\$676.50
Decks & Porches:	4	4	0	\$23,074.00	\$1,194.00
Fences:	15	14	1	\$59,471.50	\$2,527.50
Swimming Pools:	3	3	0	\$0.00	\$324.00
DrainTile/ Waterproofing:	11	11	0	\$93,942.00	\$2,640.00
Miscellaneous	26	26	0	\$159,250.00	\$7,254.50
TOTAL:	159	141	18	\$2,326,906.50	\$56,0476.50
Electrical Permits	17	7	10		\$2,483.00
Mechanical Permits	19	15	4		\$2,269.00
Plumbing Permits	15	11	4		\$2,660.20
Water Meters	2	0	2		\$1,400.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	17	11	6		\$4,060.20

August Code Enforcement:

Investigations: 024
Citations: 000
Warnings: 024

August Inspections:

Building: 69 Electrical: 33 Plumbing: 12 HVAC: 08
Pool Inspections: 00 Electrical Exams: 02

• **Fire Department Report for August 2021**

<u>Type of Call</u>	<u>Month</u>	<u>YTD</u>
General Alarms	06	75
Paid Still Alarms	26	206

Still Alarms	03	23
Total Alarms:	35	Calls YTD: 304

• **Workplace Safety Report for August 2021**

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

Department	Injuries this Month	Year to Date 2021	Total in 2020	Restricted Days 2021	Lost Workdays This Year (2021)	Restricted Days Last Year (2020)	Lost Workdays Last Year (2020)
Parks	0	0	2	0	0	0	0
Fire	0	1	0	0	0	0	0
Police	0	2	2	0	0	0	0
Street	0	0	1	0	0	0	0
Water & Sewer	0	2	2	32	0	93	81
Maint.	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	5	7	32	0	93	81

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.

Appointments:

- Main Street Bureau Board:** Up to (4) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2023. *There are currently 13 of the 17 in place and serving.*

Councilor Herak moved the appointment of **Sandra McKnight**, 3237 Ridge Road, Highland, to the Main Street Bureau Board. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Ms. McKnight was appointed to the Main Street Bureau Board.

Unfinished Business and General Orders:

- Proposed Ordinance No. 1745:** An Ordinance of the Town of Highland, Indiana, Authorizing Issuance of General Obligation Park Bonds and Appropriating the Proceeds Thereof.

Councilor Herak introduced Ordinance No. 1745 and moved its consideration at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption Ordinance No. 1745 at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

With leave from the Town Council, Jimmy Shanahan of Taft Law, (Via Zoom) offered an overview of the proposed bond issue. It was noted that it would be sold in two series, with one being bid upon by the Town for its investment and to lower costs to the park department. The term would be set to align with the useful life of the assets that it would cover.

TOWN OF HIGHLAND
ORDINANCE NO. 1745

AN ORDINANCE OF THE TOWN OF HIGHLAND, INDIANA, AUTHORIZING ISSUANCE OF GENERAL OBLIGATION PARK BONDS AND APPROPRIATING THE PROCEEDS THEREOF

Whereas, The Park and Recreation Board (the "Board") of the Highland Park District (the "District") has determined to issue general obligation bonds in an amount not to exceed \$3,300,000 to fund the cost of the planning, construction, development and improvements of park facilities, all as more particularly described in the Declaratory Resolution adopted by the Board on August 19, 2021, for park and recreation purposes and for the benefit of the taxpayers of the Town (the "Project");

Whereas, The Town Council of the Town (the "Council") is authorized and required to approve the issuance of bonds of the District, pursuant to IC 36-10-3-25(c); and,

Whereas, The estimated cost of the Project at the present time is in the approximate amount of \$3,300,000, and the Council finds that no provision has been made on account thereof in the District's existing budget; that a need exists for the making of an additional appropriation for such purpose,

Now, Therefore, be it Ordained by the Town Council of the Town of Highland, Lake County, Indiana, that:

Section 1. The Town Council hereby approves the issuance of bonds of the District in an amount of approximately \$3,300,000 for the Project;

Section 2. That an appropriation of the proceeds of the General Obligation Park Bonds, Series 2021 in the amount of \$3,300,000 be and the same is hereby made to be applied on the cost of the Project, said appropriation to include the incidental expenses necessary to be incurred in connection with the Project and the issuance of bonds on account thereof; that said appropriation shall be in addition to all appropriations provided for in the existing budget, and shall continue in effect until the completion of the Project, all pursuant to IC 5-1-2-1.

Introduced and Filed on the 13th day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 13th Day of September 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

- 2. Resolution No. 2021-43:** A Resolution Regarding the Disposition of Appropriated Resources in The Works Board Department of General Fund of the Municipality, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2021-43. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN COUNCIL OF THE TOWN OF HIGHLAND
RESOLUTION NO. 2021-43

A Resolution Regarding the Disposition of Appropriated Resources in The Works Board Department of General Fund of the Municipality, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

WHEREAS, The Town of Highland by proper legislative action has established a **Community Crossings Grant Capital Fund**, pursuant to IC 36-1-3, codified as Article III of Section § 3.45 of the Highland Municipal Code;

WHEREAS, HMC Section 3.45.180 (A)(7) provides that resources from this fund may be used: *"to pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;"*

WHEREAS, HMC Section 3.45.129 (A)(3)(a) provides that sources for the Community Crossing Grant Fund may include: *"Money transferred into and deposited into the fund created by this section, from such other local matching resources lawful for application to a particular project;"*

WHEREAS, IC 8-23-30-3 provides that sources for the *Community Crossing Grant Fund* that are used to serve as a local match for an eligible project funded from the State's **Local Road and Bridge Matching Grant Fund**, includes (1) *any money* the local unit is authorized to use for a **local road or bridge project**, (2) money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17, or money from the local unit's rainy day fund;

WHEREAS, The Public Works Director has requested and recommended the identified amount on deposit to and appropriated in the *Works Board Department* of the **Corporation General Fund**, be transferred to the Community Crossings Grant Capital Fund to support Highland's local road and street projects approved in the grant application; and,

WHEREAS, The Town Council now desires to favor the request and recommendation of the Public Works Director and the Clerk-Treasurer, in support of the projects that will be undertaken from the Community Crossings Grant Capital 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 herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it is now hereby authorized and instructed that the amount of two hundred seventy-four thousand, six hundred eighty-six dollars (\$274,686) be now transferred from the proper appropriation of the **Works Board Department in the Corporation General Fund**, and deposited to the credit of the cash balance in the *Community Crossings Grant Capital Fund* and shown below:

CORPORATION GENERAL FUND

Works Board Department

Acct. 001-0011-39999 Local Share Transfer CCMGF:	\$ 274,686.00
Total Series:	\$ 274,686.00

Section 3. That, pursuant to the foregoing, the Clerk-Treasurer be authorized and is hereby requested to transfer the amount identified herein;

Section 4. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution.

Section 5. That the money transferred may be expended from the Community Crossings Grant Capital Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 13th Day of September 2021 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

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

- 3. Works Board Order No. 2021-31:** A Joint Resolution of the Board of Works, Water Works Board, and the Sanitary Board Accepting and Approving a Proposal from NIES Engineering, Inc. for Professional Construction Engineering Services For the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the Total Amount of \$54,500.00

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-31. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

ORDER OF THE WORKS BOARD NO. 2021-31

WATER WORKS DISTRICT OF HIGHLAND
BOARD OF WATER WORKS DIRECTORS
RESOLUTION NO. 2021-23

SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2021-24

A JOINT RESOLUTION OF THE BOARD OF WORKS, WATER WORKS BOARD, AND THE SANITARY BOARD ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES FOR THE 3500 BLOCK OF JEWETT AVENUE WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$54,500.00

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 that a need exists to make certain public improvements and repairs to roadway infrastructure on the 3500 Block of Jewett Avenue, including pavement, curb and gutter, sidewalk, driveway aprons and parkway trees and have hereto approved a project to be described as the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project (Project); and

Whereas, the Water Works District of Highland (WW District) is governed by its Board of Water Works 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 Water Works Directors shall manage and control all works of the water works and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The WW District, through its Board of Directors, has determined the need to replace and upsize the existing water lines within the Project boundaries, as described herein, in order to improve water flow and water quality; has determined that it would be in the best interest of the utility to coordinate the work with the Project; and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Sanitary District of Highland (SD District) 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 Project scope includes the repair and replacement of certain storm water facilities, which are the responsibility of SD District and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Works Board, Water Works Board, and Sanitary Board have heretofore determined a need to engage Professional Construction Engineering Services in order to implement the Project, and

Whereas, NIES Engineering, Inc., (Consultant) has offered and presented an agreement to provide and furnish Professional Construction Engineering Services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Fifty-four Thousand Five Hundred Dollars (\$54,500.00) allocated in proportional shares equivalent to the percentage of construction work being completed for each agency; and

Whereas, The Town of Highland, through its Board of Works, now desires to accept and approve the agreement for services as herein described; and

Whereas, The Water Works District of Highland, through its Board of Directors, now desires to accept and approve the agreement for services as herein described; and

Whereas, The Sanitary District of Highland, through its Board of Commissioners, now desires to accept and approve the agreement for services as herein described; and

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

Now, Therefore Be it Resolved by the Board of Works for the Town of Highland, Board of Directors of the Highland Water Works District, and the Board of Commissioners of the Highland Sanitary District; Lake County, Indiana and, as follows:

1. That the Professional Construction Engineering Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Inc. for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project is hereby approved, adopted and ratified in each and every respect;
2. That the terms and charges under the agreement for Construction engineering services in the not-to-exceed amount of Fifty-four Thousand Five Hundred Dollars (\$54,500.00) allocated in the amount as follows:

- a. Thirty Thousand Dollars and no Cents (\$30,000.00) to the Town of Highland Board of Works is found to be reasonable and fair;
 - b. Eighteen Thousand Dollars and no Cents (\$18,000.00) to the Water Works District of Highland is found to be reasonable and fair;
 - c. Six Thousand Five Hundred Dollars and no Cents (\$6,500.00) to the Sanitary District of Highland is found to be reasonable and fair
3. That the Town Council, which is the Works Board of the municipality; the Water Works District of Highland through its Board of Directors; and the Sanitary District of Highland through its Board of Commissioners believes that NIES Engineering, Inc. 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;
4. That the Public Works Director, acting also as Water Works District Superintendent and Sanitary District Superintendent, is authorized to execute the agreement and all documents necessary to implement the Project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 13th day of September, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA**

/s/ Roger Sheeman (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Duly Adopted, Resolved and Ordered by the Highland Water Works District, Board of Directors, Lake County, Indiana, this 26th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND WATER WORKS
BY ITS BOARD OF DIRECTORS:**

/s/George A. Smith, President

Attest:

/s/ Richard E. Volbrecht, Jr., Secretary

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 17th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:**

/s/ Richard Garcia, President

Attest:

/s/David Jones, Secretary

- 4. Works Board Order No. 2021-33:** An Order of the Works Board Accepting the Memorandum of Understanding and Agreement Regarding the Association of Indiana Counties Tax Refund Exchange and Compliance System (TREC) in Order to Protect Against Non Collection of Unpaid Water Services.

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-33. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2021-33**

AN ORDER OF THE WORKS BOARD ACCEPTING THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT REGARDING THE ASSOCIATION OF INDIANA COUNTIES TAX REFUND EXCHANGE AND COMPLIANCE SYSTEM (TREC) IN ORDER TO PROTECT AGAINST NON COLLECTION OF UNPAID WATER SERVICES.

Whereas, The Town of Highland, as part of its exercise of public powers has established a department of waterworks organized under IC 8-1.5-4 et seq.;

Whereas, IC 8-1.5-3-8(j) made changes limiting the ability of the municipal water utility to require the co signature of a property owner and mandating that the responsibility for the payment of any user charges by a person occupying the property when that person is not the property owner ;

Whereas, Association of Indiana Counties has consented to serve as a "clearinghouse" for counties and municipal governments and facilitate participation in the state's debtor identification program for persons who refuse to satisfy an unpaid utility bill and under the authority of IC 6-8.1-9.5 et seq., to enlist the Indiana Department of Revenue to intercept unpaid fees from Indiana tax refunds;

Whereas, This memorandum of understanding requires the approval of the municipal legislative body in order to allow the municipal water department to participate in this program to limit losses especially owing to the changes described in IC 8-1.5-3-8(j);and,

Whereas, The Town Council now desires to approve, authorize and allow the approval of the memorandum of understanding according to the terms stated herein,

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

Section 1. That the memorandum of understanding/ agreement for the Association of Indiana Counties Tax Refund Exchange and Compliance System (TRECS) is hereby approved in all respects;

Section 2. That the clearinghouse fees for performance of the services identified as a local collection assistance fee for each delinquent debt submitted to the Indiana Department of Revenue and collected through set off, is found to be reasonable and fair;

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

Section 4. That the proper officers of the municipality are hereby authorized to identify the proper funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of September 2021 having passed by a vote of 5 in favor and 0 opposed.

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

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

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

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT
ASSOCIATION OF INDIANA COUNTIES TAX REFUND EXCHANGE AND COMPLIANCE SYSTEM**

This **MEMORANDUM OF UNDERSTANDING AND AGREEMENT** ("Agreement") is entered into this 13 day of September, 2021, by and between the Governing Body of the Unit of Local Government of

Town of Highland, Lake County, IN ("Claimant Agency") and the Association of Indiana Counties, Inc., acting as the Indiana Local Government Debt Setoff Clearinghouse ("Clearinghouse").

RECITALS

WHEREAS, The Indiana Code IC 6-8.1-9.5, (the "Code"), authorizes the Indiana Department of Revenue ("Department") and claimant agencies (as defined in the Code) to cooperate in identifying debtors (as defined in the Code) and obtaining the setoff of tax refunds to satisfy, in whole or in part, a debt (as defined in the Code) owed to a Claimant Agency; and

WHEREAS, The Code establishes a procedure by which an Indiana nonprofit that represents units of local government exclusively in Indiana may establish a clearinghouse to: (i) compile and consolidate debts owed to claimant agencies in a format that is consistent with the Department's requirements for the setoff of tax refunds under the Code; (ii) act as an intermediary on behalf of a Claimant Agency with respect to the Department for purposes of the Code; and (iii) submit an application for the setoff of tax refunds with the Department on behalf of a Claimant Agency under the Code; and

WHEREAS, The Code provides that the Department may enter into a contract with the Clearinghouse to establish the debt setoff program under the Code (the "Program"); and

WHEREAS, Pursuant to the Code, the Clearinghouse has registered with Department to submit delinquent debts on behalf of a local agency and has thereby become authorized to submit delinquent debts on behalf of claimant agencies under the Code; and

WHEREAS, Claimant Agency is a local unit of government authorized to submit a debt owed to it to the Clearinghouse pursuant to the Code; and

WHEREAS, Claimant Agency desires to enter into this Agreement with Clearinghouse in order to participate in the Program in order to increase the collection rate of debts owed to Claimant Agency; and

WHEREAS, Clearinghouse has agreed to submit debts on behalf of Claimant Agency pursuant to the Program:

NOW THEREFORE, in consideration of the mutual covenants and agreements, terms and conditions contained herein, Claimant Agency and Clearinghouse mutually agree as follows:

I. **TERM/TERMINATION**. The Code authorizes Department and Clearinghouse to implement the Program effective as of January 1, 2018. This Agreement shall become a legally binding agreement between Claimant Agency and Clearinghouse. This Agreement shall remain in full force and effect from year to year unless modified or terminated in writing by either party upon ninety (90) days written notice to the other party. Upon termination of this Agreement all sums due and owing from either party to the other shall remain a lawful obligation of the party and be due and payable. Clearinghouse will erase all claimant data files from its debt setoff system upon termination.

II. **REPRESENTATIONS AND OBLIGATIONS OF CLAIMANT AGENCY**

A. Claimant Agency hereby designates, appoints, and authorizes Clearinghouse to process delinquent debts to be submitted to Department. For purposes of the Program, "Delinquent Debt" means:

- (i) a single account or monetary obligation which is at least twenty-five dollars (\$25.00) owed by a debtor to a Claimant Agency; or,
- (ii) any group of accounts or monetary obligations, that, when combined, total at least twenty-five dollars (\$25.00), owed by the same debtor to a Claimant Agency.

Each account or monetary obligation may have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for the sum.

- B. Claimant Agency shall comply with any and all applicable provisions of Indiana Code prior to the submission of a debt to Clearinghouse for setoff.
- C. Claimant Agency shall, upon execution of this Agreement, file a participation form with Clearinghouse designating a debt setoff coordinator and a debt setoff contact. Such participation form shall be updated on an annual basis and at any time there is a change in the information provided thereon. Clearinghouse shall administratively provide participation forms, as needed, for use by Claimant Agency. The debt setoff coordinator shall be the designated local government employee authorized to receive notices and communication from Clearinghouse to insure that the requirements of this Agreement and the requirements of the Code are met. The debt setoff coordinator shall supply Clearinghouse with any and all information that in the opinion of Clearinghouse is necessary for the proper implementation of this Agreement. The debt setoff contact will receive all referrals from debtors.
- D. Claimant Agency shall use a file format specified by Clearinghouse to prepare debt files and adjustments to debt files that Claimant Agency certifies to Clearinghouse are owed to Claimant Agency and that Claimant Agency desires to have Clearinghouse submit to Department. The Clearinghouse shall timely notify the Claimant Agency of any changes to the file format and the Claimant Agency covenants and agrees that it shall immediately implement any changes required by Clearinghouse. Clearinghouse will establish capability of date and time stamping submitted debt files for priority setting.
- E. Claimant Agency shall transmit a debt file to Clearinghouse in a method and format acceptable to the Clearinghouse. The Claimant Agency shall make every effort to submit a file to Clearinghouse the week of January 4.
- F. Claimant Agency shall, after a debt file has been submitted to Clearinghouse, advise Clearinghouse of any debtor repayment or protests and instructions to delete or reduce a delinquent debt by

submitting a new debt file. If Claimant Agency accepts full or partial payment against a debt file that has been submitted to Clearinghouse and sufficient notice is not provided to Clearinghouse to make a timely change to debt file reflecting the payment, Claimant Agency is responsible to refund any resulting fee that may be due to debtor. If Claimant Agency erroneously submits a debt file to the Clearinghouse the claimant agency is responsible for any fees charged the debtor by the Clearinghouse or Department of Revenue.

- G. Upon receipt of notice by the Department under IC 6-8.1-9.5-4 that a tax refund is available, Claimant Agency shall, within fifteen (15) days of the Department's notice provide debtor with the notice required under IC 6-8.1-9.5-5 and, if properly contested by the debtor, provide the debtor with the hearing required under IC 6-8.1-9.5-7(b)

III. REPRESENTATIONS AND OBLIGATIONS OF CLEARINGHOUSE

- A. Clearinghouse shall, upon receipt of Claimant Agency's debt file, compile the information and submit the data to the Department.
- B. Clearinghouse shall make access to Internet-based functionality available to Claimant Agency through which Claimant Agency shall submit debt files.
- C. Clearinghouse shall direct that funds received from Department will be remitted to Claimant Agency within a reasonable time from the date of receipt from Department. Thereafter, Clearinghouse will provide the Claimant Agency an accounting of funds collected which will include the name of the debtor and the amount of the debt setoff by debt unique identification number.
- D. Clearinghouse will provide a toll free telephone number for use by Claimant Agency to receive technical support and provide information on the use of the Clearinghouse internet-based functionality and the processing of debts for submission to Department. Technical support and information shall be available from 8:00 a.m. until 5:00 p.m. (EST), Monday through Friday, excluding holidays. Voicemail and e-mail access shall also be provided as a part of the support/information response system.

IV. UNDERSTANDING OF PARTIES

- A. To recover the costs incurred by Department in collecting debts, the Code authorizes Department to charge the debtor a fee on any funds Department collects for a Claimant Agency. This fee will be added to the amount due when the collection is made and Department will retain the fee once collected. To recover the costs incurred by Claimant Agency in submitting debts for collection, a local collection assistance fee of twenty dollars (\$20.00) is imposed by Clearinghouse on each delinquent debt submitted to Department and collected through setoff. Department must collect this fee as part of the debt and remit it to Clearinghouse. If Claimant Agency is due a refund of more than twenty-five dollars (\$25.00), Department will establish the tax refund setoff in the amount of the delinquent debt plus its Department fee and the local collection assistance fee. If Department is able to collect only part of a debt through setoff, its fee has priority over the local collection assistance fee and over the remainder of the delinquent debt. The local collection assistance fee has priority over the remainder of the delinquent debt.
- B. The Code establishes that the priority in multiple claims to refunds must be in the order in time that the Clearinghouse submits a claim for collection on behalf of the Claimant Agency. When multiple claims among local claimant agencies are submitted for setoff to Clearinghouse, the claims have priority based on the date and time each claimant agency requested Clearinghouse to submit debts on its behalf. The date and time of submission of the debt file shall constitute the date and time to establish the priority. Clearinghouse shall use submission receipt date and time of original file for priority date and time of specific debt. Additions to a delinquent debt through accrued interest and/or penalties will not change the priority date. Any new delinquent debt for same local Claimant Agency will have a new submission date and time, including new debts for a previously submitted debtor.
- C. Existing submitted delinquent debts may be adjusted upwards for interest and fees, and will retain their original priority order. A later new delinquent debt, even if from the same debtor shall be date stamped by Clearinghouse with the later submission date.
- D. In the event of partial payment of a delinquent debt, Claimant Agency may continue to submit the balance of the debt, if twenty-five dollars (\$25.00) or more, as a part of subsequent data files. If the delinquent debt is reduced to an amount of less than twenty-five dollars (\$25.00), it may be combined with a future delinquent debt submission for the same debtor, and will be treated as a part of the new delinquent debt for purposes of priority and imposition of the local collection assistance fee.
- E. Claimant Agency acknowledges that Claimant Agency is responsible for the notice and hearing requirements of the Code pursuant to IC 6-8.1-9.5. Clearinghouse shall not accept a debt file that is not prepared as specified by Clearinghouse, that has not been certified by Clearinghouse as having

complied with the notice and hearing procedures as set forth in the Code pursuant to IC 6-8.1-9.5. Clearinghouse agrees to submit delinquent debts to Department; provided, however Claimant Agency is solely responsible for complying with the Code, specifically including the notice and hearing provisions and other requirements of the Code.

- F. Intercepted funds will be disbursed by Department to Claimant Agency at the direction of Clearinghouse. Claimant Agency shall establish and maintain any necessary accounts to receive intercepted funds as directed by Clearinghouse. Clearinghouse shall timely direct Claimant Agency to establish and maintain such necessary accounts.

V. COMPENSATION

- A. Clearinghouse shall receive as compensation for its services the twenty dollars (\$20.00) local collection assistance fee collected by Department on each delinquent debt that is submitted by Clearinghouse and collected through a successful interception. "Successful Interception" occurs when Department matches all or a portion of a debt submitted by Clearinghouse against a State tax refund for interception and payment towards a delinquent debt owed to Claimant Agency.
- B. Claimant Agency authorizes Department to retain and remit the local collection assistance fee to Clearinghouse for each successful debt interception submitted by Claimant Agency. Claimant Agency agrees that Clearinghouse shall retain the local collection assistance fee collected by it in the event Claimant Agency is required, by statute or otherwise, to return to a debtor funds that have been set-off by Department.

VI. INDEMNIFICATION; REIMBURSEMENT; DISCLAIMER. Claimant Agency fully understands and warrants to Clearinghouse that by submission of any delinquent debt submitted to Clearinghouse for setoff Claimant Agency has complied with all of the provisions of this Agreement and all of the provisions of the Code that are required prior to submission of a debt for setoff. Claimant Agency shall hold Clearinghouse free and harmless and shall indemnify Clearinghouse against any and all damages, claims, of action, injuries, actions, liability, or proceedings arising from the failure of Claimant Agency to so perform. Claimant Agency shall be responsible for the repayment of any sums received by it, including interest, penalties and court costs, to a debtor in the event a court of competent jurisdiction rules that said repayment is due to a debtor or debtors. Except as expressly stated in this Agreement, Clearinghouse disclaims any representations and warranties that might otherwise be implied in connection with this Agreement and Clearinghouse's services, including, without limitation, any implied warranties of merchantability, fitness for a particular purpose, date accuracy, system integration, and non-infringement.

VII. NOTICE. Any notice required to be given under this Agreement shall be sent by certified or registered mail postage prepaid to:

Association of Indiana Counties (Clearinghouse);
Janice Figueroa (Acting Deputy) (debt setoff coordinator)
Town of Highland (Claimant Agency)
3333 Ridge Road, Highland, IN 46322 (Claimant Agency address);

VIII. ASSIGNMENT; SUBCONTRACTING. This Agreement is not assignable by either party. To facilitate efficient administration of the Program, Clearinghouse may utilize the services of contractors in connection with Clearinghouse's obligations under this Agreement, provided that Clearinghouse shall remain responsible for any such contractor's acts and omissions in connection with this Agreement as if such acts and omissions were conducted by Clearinghouse's own personnel. Any contractor personnel authorized to request or receive information relating the Clearinghouse's exchange of date with Department or Claimant Agency for purposes of administering the Program shall be designated, in writing, to Claimant Agency as contemplated herein.

IX. CONFIDENTIAL INFORMATION; OWNERSHIP RIGHTS.

- A. In the course of performance of this Agreement, the parties may find it necessary to disclose to the other party certain confidential information ("Confidential Information"). Confidential Information includes, but is not limited to, information relating to the parties' employees, trade secrets, customers, vendors, finances, operations, products, and other business information. Except as otherwise provided by law, the following terms apply to Confidential Information: (i) the receiving party shall treat as confidential and use the same degree of care as it employs in the protection of its own similar confidential information, but in no event less than a reasonable degree of care; and, (ii) the receiving party will only use the information in connection with its business dealings with

the disclosing party, and shall disclose information only to employees or contractors having a need to know and who agree to be bound by the terms of this Section, unless otherwise authorized in writing by the disclosing party. Information shall not be subject to these terms if: (i) it is in the public domain at the time of disclosure, or enters the public domain without breach of this Agreement; (ii) it is known to the receiving party prior to the disclosure, or it is independently developed by the receiving party; or (iii) it is obtained by receiving party in good faith from a third party not under obligation of secrecy to the disclosing party. Receiving party will be permitted to disclose that portion of Confidential Information which is the subject of a court or government agency order to disclose, provided the receiving party gives prompt notice to the disclosing party to allow the disclosing party to contest such order. The obligations set forth in this Section survive termination, rescission, non-renewal or expiration of this Agreement

- B. All information, including but not limited to printed, written, oral or computer-formatted information, which Clearinghouse may gain access to during the course of the performance of this Agreement shall be the property of Claimant Agency, shall be held in the strictest confidence, and shall be used solely for the business purposes that are the subject of this Agreement. Clearinghouse shall maintain confidentiality of such information not only during the course of the performance of this Agreement, but following its termination.
- C. Claimant Agency acknowledges that, as between the parties, Clearinghouse owns and retains title to all intellectual property rights embodied in, or practiced by, Clearinghouse in connection with the Program and the proprietary methods utilized by Clearinghouse in performance of its services under this Agreement, and no licenses of such intellectual property rights to Claimant Agency are granted or implied by this Agreement.

X. MISCELLANEOUS

- A. This Agreement represents the full and final understanding of the parties with respect to the subject matter described herein and supersedes any and all prior agreements or understandings, written or oral, express or implied. This Agreement may be modified or amended only by a written statement signed by both parties.
- B. The laws of the State of Indiana shall govern the terms and conditions of this Agreement.
- C. Claimant Agency shall enter into no other contract for similar tax return intercept services with any other entity so long as this Agreement remains in effect.
- D. This Agreement is subject to appropriation.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and date first above written, all by authority of their respective governing bodies.

CLAIMANT AGENCY

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

Roger Sheeman, President – 5th Ward

Bernie Zemen, Vice President - 1st Ward

Mark A. Herak – 2nd Ward

Mark Schocke – 3rd Ward

Thomas Black – 4th Ward

Attest:

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

ASSOCIATION OF INDIANA COUNTIES

David Bottorff, Executive Director

ATTEST:

Ryan Hoff, General Counsel

5. **Works Board Order No. 2021-34:** An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and HELIOS RISING, INCORPORATED, as Licensee, and Approving a Reasonable License fee, Ratifying Actions Previously Taken.

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-34. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

The Town of Highland
ORDER of the WORKS BOARD NO. 2021-34

An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and HELIOS RISING, INCORPORATED, as Licensee, and Approving a Reasonable License fee, Ratifying Actions Previously Taken.

WHEREAS, THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, a municipal corporation organized pursuant to the laws of Indiana (hereinafter sometimes described as Licensor) owns and has title to certain real property located in the Town of Highland, Lake County, Indiana, which is particularly described in an exhibit attached to this order;

WHEREAS, HELIOS RISING INCORPORATED, a private corporation organized pursuant to the laws of Minnesota (hereinafter sometimes described as Licensee) has previously entered into a license agreement for a term certain desires to fix the terms of a license agreement, with similar terms to the one approved by the Town Council August 12, 2019 by Works Board Order No. 2019-23, governing the granting of a license permitting a construction storage yard on premises of the Town of Highland (sometimes herein described as Licensor) as particularly described herein;

WHEREAS, IC 36-8-2-4 provides that a municipality may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, IC 36-8-2-10 provides that a municipality may regulate the operation of businesses, crafts, professions, and occupations;

WHEREAS, IC 36-8-2-11 provides that a municipality may regulate solicitation by persons offering goods or services to the public;

WHEREAS, IC 36-7-2-2 provides that a municipality may regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements; and

WHEREAS, The Licensor wishes to grant to the Licensee, a license agreement for permitting a construction storage yard on premises of the Licensor as particularly described herein;

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

Section 1. That the **Attached License Agreement**, presented by HELIOS RISING INC., CONTRACTING COMPANY, INC., as licensee, to permit a construction storage yard on premises of the Licensor as particularly described herein is hereby approved in each and every respect;

Section 2. That the **TERM OF THE LICENSE SHALL BE** for a period of one (1) month as set forth in the licensing agreement set forth herein, and that the licensee initially shall pay a security deposit in the amount of three thousand dollars (\$3,000) to be deposited with the Town of Highland in its Corporation General Fund and a **monthly** license fee to the Licensor in the amount of three thousand dollars (\$3,000), as provided in the terms of the license agreement **beginning August 27, 2021** for an initial license term of one month, and any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of

this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty (30) days' prior written notice to the other;

Section 3. That the Town Council hereby finds and determines that the license fee herein approved is reasonably related to the administrative cost of exercising the regulatory power associated with the licensed activity, pursuant to IC 36-1-3-8(a)(5);

Section 4. That pursuant to IC 36-1-4-16, with the passage and adoption of this works board order, any actions taken by an officer regarding this license agreement in advance of this action, are hereby ratified and approved;

Section 5. That the proper officer of the municipality be hereby authorized to execute the License Agreement by the officer's signature.

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 13th day of September 2021 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL as the Works BOARD of the
TOWN of HIGHLAND, INDIANA

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

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

LICENSE AGREEMENT

THIS LICENSE is made and entered into this day, 2 AUGUST 2019, by and between HELIOS RISING, INC., located at 1205 S. MISSION STREET, Suite 12, W MOUNT PLEASANT, MICHIGAN 48858, hereinafter referred to as "Licensee", and Town of Highland, located at 3333 Ridge Road, Highland, IN 46322, hereinafter referred to as "Licensor".

WHEREAS, The Licensee is desirous of using the property located at 8001 Kennedy Avenue (Sharp Athletic Complex Parking Lot), the south 100 feet by 175 feet of the existing parking lot ("the Premises") for an initial term of one (1) month beginning 27th AUGUST 2021 for the purposes of construction storage yard and then on a month to month basis thereafter for the sum of \$3,000 per month, and Licensor is willing to license the Premises to Licensee for such purpose. Any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty days' prior written notice to the other.

NOW THEREFORE, for mutual consideration, it is hereby agreed that payment shall be due on the fifth day of each month. The Premises shall be used and licensed for storage of equipment and materials. Notwithstanding the above, the Premises shall not be used for the storage of fuel or other Hazardous Substances, except in the amounts necessary for Licensee's operation of its equipment. For the purposes of this LICENSE, the term "Hazardous Substances" shall mean any material or substance which is regulated by any local, state or federal governmental entity because of its dangerous, hazardous, toxic or flammable characteristics.

Licensee further agrees to indemnify, defend and hold the Licensor harmless from any and all claims for personal injury or property damage that may be brought as a result of the activities of the Licensee on the Premises.

Licensee shall, at its sole cost and expense, comply with all laws, rules, ordinances and regulations of all governing bodies and obtain all necessary permits and licenses as required for the use of the property. Licensee shall provide and coordinate all street use operations as required by the local authorities having jurisdiction.

Licensee shall indemnify, defend and hold Licensor, its agents, employees, and lenders, harmless from and against any and all loss of rents and/or damages, liabilities, judgments, claims, expenses, penalties, and attorneys' and consultants' fees arising out of or involving any Hazardous Substance brought onto the Premises by or for Licensee, or any third party under the control of Licensee. Licensee shall not bear any responsibility, whether for indemnity or under any other legal theory, and Licensor shall indemnify, defend and hold harmless Licensee and its agents, employees and affiliated companies, for any loss, damage, injury, cost or expense arising out of or in any way related to any Hazardous Substance or Hazardous Substance contamination resulting from any negligent act or omission, willful misconduct or breach of this LICENSE by Licensor or its agents and employees, or any Hazardous Substance or Hazardous Substance contamination at, adjacent to or emanating from the Premises which pre-existed the commencement date of this LICENSE or was otherwise not caused by Licensee's use of the Premises.

Licensee shall provide Licensor with a certificate of insurance showing Licensee's commercial general liability insurance coverage in an amount not less than \$2,000,000 and providing that Licensor is an additional insured on the Licensee's policy.

Licensee shall deposit \$3,000 with Licensor upon execution hereof the Security Deposit as security for Lessee's faithful performance of its obligations under this LICENSE. If Licensee fails to pay License fee, or otherwise Defaults under this LICENSE, Licensor may use, apply or retain all or any portion of said Security Deposit for the payment of any amount already due Licensor, for Rents which will be due in the future, and/ or to reimburse or compensate Licensor for any liability, expense, loss or damage which Licensor may suffer or incur by reason thereof. If Licensor uses or applies all or any

portion of the Security Deposit, Licensee shall within 10 days after written request therefor deposit monies with Licensor sufficient to restore said Security Deposit to the full amount required by this LICENSE. Within 30 days after the expiration or termination of this LICENSE, Licensor shall return that portion of the Security Deposit not used or applied by Licensor. No part of the Security Deposit shall be considered to be held in trust, to bear interest or to be prepayment for any monies to be paid by Licensee under this LICENSE.

The Premises have been inspected and are accepted by Licensor and Licensee in their present condition. Licensee shall, at its own expense and at all times, keep the premises neat, clean and in acceptable condition. Licensee agrees to leave the Premises in as clean a condition, or cleaner, than Licensee finds it. Any repairs to Premises, including without limit repairs to the fences, driveway access and landscape to the extent caused by Licensee will be the sole responsibility of Licensee and shall be completed by Licensee prior to the expiration of the term of this LICENSE. Any improvements to the Premises required for Licensee's use shall be the sole responsibility of Licensee.

Upon the execution of this LICENSE, Licensee shall deliver to Licensor the first month's LICENSE payment and deposit in the amount of \$6,000.

If Licensee defaults in any of its obligations under this LICENSE, Licensor shall have all rights and remedies available at law or in equity as a result of such default.

Licensee shall take all reasonable steps to maintain security at premises. Licensee will assume all responsibility for the protection of its equipment and materials from theft or vandalism or other hazards. Licensor shall not be responsible for the acts or omissions of any third person, on or off the premises, which directly or indirectly causes any harm to Licensee, its employees, agents, officers, directors, invitees, or contractor, or its/ their property, or the property of others.

Licensees shall not assign or hypothecate this LICENSE or any other interest or sublet the Premises or any part thereof.

Licensee shall keep the premises free from any liens arising out of any work performed for, materials furnished to, or obligations incurred by Licensee, and shall hold Licensor harmless against the same. In the event Licensee becomes insolvent, bankrupt, or if a receiver, assignee or other liquidating officer is appointed for the business of Licensee, Licensor may cancel this Agreement at its option.

Licensor warrants to the Licensee that it is either the fee owner of the Premises or has by other means the right to LICENSE the Premises to Licensee and will protect the Licensee from any claims for license fees or damages arising out of any actual or reputed interest in the Premises property by any other person or corporation.

It is hereby mutually agreed and understood that this LICENSE contains all agreements, promises and understandings between Licensor and Licensee and that no prior or contemporaneous verbal or oral agreements, promises or understandings shall or will be binding upon either the Licensor or Licensee in any dispute, controversy or proceeding law, and any addition, variation or modification to this LICENSE shall be void and ineffective unless in writing signed by the parties hereto.

If Licensor and/or Licensee signs as a corporation, the person or persons executing this LICENSE on behalf of Licensor and/or Licensee do hereby covenant and warrant that Each is a valid and existing corporation, that each has and is qualified to do business in the state where the Premises are located, that the corporation has full right and authority to enter into this LICENSE, and that the person or persons signing on behalf of the corporation were authorized to do so. If Licensor and/or Licensee signs as a partnership, the person or persons executing the LICENSE on behalf of each do hereby covenant and warrant that Licensor and/or Licensee is a valid and existing partnership and that the person or persons so executing and initialing as required in this Section have authority to do so on behalf of each in accordance with the Partnership Agreement, and that this LICENSE is binding upon each in accordance with its terms and enforceable against the assets of the partnership and the general partners, individually.

THIS LICENSE AGREEMENT is signed by the parties as of the date hereinabove recited.

(LICENSEE)

(LICENSOR)

HELIOS RISING, INCORPORATED

TOWN of HIGHLAND
PUBLIC WORKS DEPARTMENT

By: _____
Title: Pierce L. Butler, Director/Officer

By: _____
Mark Knesek, Public Works Dir.

6. **Controlled Event Permit.** Action regarding permission to conduct a festival of the Main Street Bureau on a public way submitted by it, September 28, 2021. *This is a controlled event under Chapter 5.25. Section §5.25.020(B) requires action by the Town Council in an open regular or special session. Request is not filed at least 60 days before the desired event but was just presented to the Town Council. The Council will also need to fix the amount of liability insurance, pursuant to §5.25.020 (D). Pursuant to that section, the Town Council has previously directed that the applicant procure liability insurance for the event which names the Town of Highland as an additional insured in the amount of Three million dollars (\$3,000,000) and provide a certificate or proof of this insurance before the event. (Tentative)*

- (a) **Proposed Ordinance No. 1746:** An Ordinance Amending Chapter 5.25 of the Highland Municipal Code Controlled Events, Modifying Its Terms Regarding its Application to Events Sponsored by the Municipality, all Pursuant to IC 36-1-3, IC 36-1-4, IC 36-8 and IC 36-9 et Seq.

Councilor Herak introduced Ordinance No. 1746 and moved its consideration at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption Ordinance No. 1746 at the same meeting of its introduction. Councilor Black seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

Ordinance No. 1746
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AMENDING CHAPTER 5.25 OF THE HIGHLAND MUNICIPAL CODE CONTROLLED EVENTS, MODIFYING ITS TERMS REGARDING ITS APPLICATION TO EVENTS SPONSORED BY THE MUNICIPALITY, ALL PURSUANT TO IC 36-1-3, IC 36-1-4, IC 36-8 AND IC 36-9 ET SEQ.

Whereas, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

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 passage of an ordinance passed by the legislative body;

Whereas, I.C. 36-9-2-7 provides that municipalities may regulate the use of public ways; and,

Whereas, I.C. 36-8-2-4 A unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

Whereas, I.C. 36-8-2-9 A unit may regulate public gatherings;

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town Council of the Town of Highland, has been advised that an amendment to Chapter 5.25 regarding controlled events, should be considered as its advance timetable regarding the filing of application when the controlled event applicant is an entity under the aegis of the municipal government; and,

Whereas, The Town Council determines that such an amendment to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with powers previously described as well as the powers granted under IC 36-1-3 et seq.,

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

Section 1. That Section 5.25.020 of the Highland Municipal Code is hereby amended according to the following and shall read as follows:

5.25.020 Approval for controlled event.

(A) In addition to any other required permits and permissions, approval shall be obtained from the town council when any person or persons desires to conduct a controlled event.

(B) **Except as otherwise provided, A an application or request for permission must be made in writing and filed with the clerk of the legislative body at least 60 days before the desired date of the controlled event. The clerk-treasurer shall be authorized and empowered to develop such application guidance or forms consistent with the administration of this chapter.**

(C) **When the applicant is the municipality, through its executive departments, its administrative bodies, or agencies, no formal application is required provided that a request shall be filed in sufficient time to permit the town council to act in a regular or special meeting in advance of the event.**

(⊖) (D) The town council must act in a regular or special meeting upon the application or request, where it may, in its discretion, issue such permit and likewise, in its discretion, may refuse the issuance of a permit.

(⊕) (E) All applicants that are not a municipal executive department, administrative body or agency, who are issued a permit under this chapter shall be required to procure liability insurance coverage in an amount satisfactory to the town council that designates the town of Highland, Indiana, as an additional insured for the period of time that the controlled event is being conducted.

(⊖) (F) It shall be an offense to conduct a controlled event without complying with the provisions of this chapter. [Ord. 1416 § 2, 2008. Code 2000 § 119.02].

Section 2. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption, upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication as prescribed in IC 36-5-2-10(b) if required.

Introduced and Filed on the 13th day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 13th Day of September 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

- (b) Request from Main Street Bureau seeking permission for its event of September 28, 2021 as a controlled event.

Councilor Herak moved to approve the request from the Main Street Bureau to conduct a controlled event, where alcohol would be dispensed on Highway Avenue, a public way. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The controlled event permit was granted.

7. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.

- (a) The hiring of the identified candidate, Edward Dabrowski, to the full-time position of Director of Information Technology in Information Communication Technology Department at a rate of pay to be fixed by amendment to the wage and salary ordinance.

(At its meeting of Monday, August 23, 2021 the Town Council acted to postpone this matter until the next plenary meeting, that meeting being Monday, September 13, 2021. This is solely on the issue of hiring. There is no authorized wage or salary for this position and it would require separate action by Ordinance.)

Councilor Black moved to postpone indefinitely the matter of the hiring of an IT Director. Councilor Herak seconded. The Clerk-Treasurer advised that under our parliamentary authority such a motion would have the effect to bar being able to ever hire an IT director as moved.

With leave from the Town Council, Councilor Black withdrew his motion and Councilor Herak withdrew his second.

Under informal consideration, the town council had an extended colloquy regarding the salary that the IT Director would be paid. There was a colloquy between Councilor Herak and the Town Council President regarding the manner in which the process for

determining a prospective candidate for the position and the proposed pay was arrived upon. Councilor Herak expressed his displeasure with the process.

Action. Councilor Schocke moved to place the matter of IT Director hiring and the issue of IT Director salary at the next study session of September 20, and then consider it at the next Town Council plenary meeting. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The matter of IT Director hiring, and the issue of IT Director salary would be delayed until the study session for further discussion and set for action at the next plenary meeting.

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

- **Councilor Bernie Zemen:** *Park and Recreation Board Liaison • Fire Department, Liaison*

Councilor Zemen acknowledged the Fire Chief who shared a thank you from the Scheidt family for the response to the accident where their son Tyler was killed.

The Fire Chief further reported on Fire department activities.

Councilor Zemen acknowledged the Building Commissioner who reported on plan commission matters, noting it was cancelling its meeting in September.

Councilor Zemen acknowledged Superintendent of Parks and Recreation, who offered a survey of programs and events under the aegis of the parks and recreation department.

- **Councilor Mark Herak:** *•Budget and Finance Chair • Town Board of Metropolitan Police Commissioners, Liaison • Public Works Liaison • Economic Development Commission Liaison • Board of Sanitary Commissioners Liaison and • Liaison to the Advisory Board of Zoning Appeals.*

Councilor Herak acknowledged the Operations Director, who offered a brief report on activities in the Public Works Department.

Councilor Herak acknowledged the Building Commissioner, who offered a brief report on matters before the Advisory Board of Zoning Appeals. Further the Building Commissioner announced jointly with the Redevelopment Director that OLIVE GARDEN was in fact rehabilitating the site of the former Old Country Buffet, 10445, Indianapolis Boulevard, and locating a restaurant there.

Councilor Herak acknowledged the Police Chief, who offered a brief report on the crime watch program.

- **Councilor Mark Schocke:** *Liaison to the Tree Board • Liaison to the Community Events Commission*

Councilor Schocke noted this new polo shirt with the Town of Highland logo purchased by the Town for the members of the Town Council.

Councilor Schocke reported that the Tree Board continued to work on grants for obtaining trees in furtherance of the urban forestry plan.

Councilor Schocke noted the recent 20th anniversary of the terrorist attacks on the World Trade Center Twin Towers in New York, and the Pentagon on September 11, 2001.

Councilor Tom Black: *Liaison to the Board of Waterworks Directors.*

Councilor Black noted that the Traffic Safety Commission approved the traffic plans of the proposed Auto Wash development proposed for the site of the former Mr. Kenny's nightclub across from Miner Dunn on Indianapolis Boulevard.

- **Council President Roger Sheeman:** *Town Executive • Chair of the Board of Police Pension Trustees • Chamber of Commerce Liaison • Information Technology Liaison • Redevelopment Commission Liaison.*

The Town Council President acknowledged offered remarks regarding the 20th Anniversary of the attacks of September 11, 2001. He then invited all to observe a moment of silence.

The Town Council President acknowledged the Redevelopment Director who reported on the 1st anniversary of the downtown restaurant crawl, and then outlined the heightened plans for the next crawl on September 28.

Comments from Visitors or Residents

1. Larry Kondrat, Highland, expressed his concerns for the manner in which the Town Council President met with the owners of Webb relative to the tax abatement it was granted.

Mr. Kondrat opined that the negotiations were secret. Mr. Kondrat opined negatively regarding the manner in which the IT position was handled and called for a "no confidence" vote on the Town Council President

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Black moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 24, 2021, through September 13, 2021 and the payroll docket for payday of August 13, 2021. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives, no negatives. The motion passed. The accounts payable vouchers for the vendor 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, \$537,999.96; Motor Vehicle Highway and Street (MVH) Fund, \$17,998.10; Local Road and Street Fund, \$31,747.55; Law Enforcement Continuing Education and Training and Supply Fund, \$62.00; Insurance Premium Agency Fund, \$225,437.79; Information Communications Technology Fund, \$12,639.29; Police Pension Fund, \$68,529.44; Cumulative Capital Improvement Fund, \$899.48; Municipal Cumulative Capital Development Fund, \$21,052.91; Shared Ethics Initiative Fund, \$5,090.50; Community Crossings Grant Fund, \$15,780.34; Public Safety Local Income Tax Fund, \$7,860.00; Total: \$945,097.36.

Payroll Docket for payday of August 13, 2021:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,091.35 Building and Inspection Department, \$7,726.68; Metropolitan Police Department, \$129,311.60; Public Works Department (Agency), \$69,046.41; Fire Department, \$3,853.14; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$225,029.18.

Adjournment of Plenary Meeting. There being no further business on the agenda, the Town Council President declared the regular plenary meeting of the Town Council of Monday, September 13, 2021, adjourned at 8:30 O'clock p.m.

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

Approved by the Town Council at its meeting of _____, 2021.

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

ORDINANCE No. 1747
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND THE COMPENSATION AND BENEFITS ORDINANCE COMMONLY CALLED THE MUNICIPAL EMPLOYEES HANDBOOK, PARTICULARLY AMENDING TO AUTHORIZE AN INCENTIVE FOR ELIGIBLE EMPLOYEES WHO CONVERT FROM THE PPO GROUP HEALTH INSURANCE PLAN TO THE HIGH DEDUCTIBLE HEALTH PLAN AND UPDATING LANGUAGE REGARDING THE SECTION 125 PLAN

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, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further amend the ordinance that was adopted to fix the compensation and benefits of its elected officers, appointed officers and employees of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Compensation and Benefits Ordinance commonly called Municipal Employees Handbook, be hereby amended and as follows:

Section 1. That Section 6.03.04 styled as Employee Contribution for Certain Group Insurance Premiums in the Compensation and Benefits Ordinance commonly called the municipal employee handbook, be further amended to add a new subdivision (G) to read as follows:

§ 6.03.04 Employee Contribution for Certain Group Insurance Premiums

(G) Incentive for eligible employees to participate in the High Deductible Health Plan. Notwithstanding any other provision in this section, all eligible employees of the town hereinafter defined, participating in the PPO plan of the group health insurance program, and who elect to enroll in the High Deductible Health Plan (HDHP), for that eligible employee the employee premium shall be waived for the first year of participation in the HDHP. This incentive is not renewable and cannot be granted more than one time per eligible employee.

Section 2. That Section 6.03.02 styled as IRC Section 125 "Flex Plan" in the Compensation and Benefits Ordinance commonly called the municipal employee handbook, be further amended to read as follows:

§ 6.03.02 IRC Section 125 "Flex Plan

The Town of Highland will provide a "full flex" plan pursuant to and as outlined in § 125 of the Internal Revenue Code. The plan will provide for conversion of employee premiums for group health insurance provided by the Town as employer. ~~It will further provide for election by covered employees and officials to convert a medical reimbursement account and a dependent care reimbursement account.~~ The governing body may from time to time adopt third party services agreements to carry out portions of the plan. Details of the plan shall be maintained as a plan document and retained on file.

Section 3. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 4. (A) This ordinance, which subject to its provisions, shall become and be in full force and effect from and after the date of its passage and adoption without promulgation, upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a), pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed on the 27th Day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of _____ in favor and _____ opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this _____ Day of _____ 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-2-10.2; IC 36-5-6-5)

ORDINANCE No. 1748.1743-A
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND THE ORDINANCE ADOPTED TO AUTHORIZE AND APPROVE CERTAIN ADDITIONAL PAYMENTS TO EMPLOYEES of the TOWN of HIGHLAND, INDIANA TO ACKNOWLEDGE AND EXPRESS APPRECIATION for SERVICES DURING THE PERIOD of the NOVEL CORONA VIRUS PANDEMIC and TO AFFIRM OR INCENT VACCINATION AGAINST THE VIRUS.

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, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, The people of the United States of America, the State of Indiana and the Town of Highland, are enduring a public health emergency, that first began in March 2020, related to the risk of airborne infection from the Novel Corona Virus 19 and its continuing mutations including most recently the Delta Variant;

WHEREAS, The risk to the public health has been combated by sheltering in place, closures of businesses, undertaking personal protective measures including the wearing of face masks, the emergency approval and dissemination of vaccines, and the continuing delivery of critical governmental services by the several workers of the municipal government of Highland;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, did pass Ordinance No. 1743 to fix the compensation of the employees of the Town providing a *one-time appreciation stipend*, in appreciation for and in recognition of the commendable service of the municipal workforce during the Novel Corona Virus 19 pandemic, maintaining governmental services without interruption;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, has been reliably advised that certain refinements and modifications are now desirable in order to perfect the program for stipends set forth in Ordinance No. 1743; and,

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to adopt certain refinements and modifications to its program set forth in Ordinance No. 1743, to further fix the compensation of the employees of the Town providing a *one-time appreciation stipend*, in appreciation for and in recognition of the commendable service of the municipal workforce during the Novel Corona Virus 19 pandemic, maintaining governmental services without interruption,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town

of Highland, Lake County, Indiana, that the wages, salaries, and special detail levels of the officers and employees of the Town of Highland, are hereby further established and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. That Ordinance No. 1473 is hereby repealed.

Section 2. (A) That for all full-time employees, eligible employees as defined by Section 6.03.06(A)(3) of the compensation and benefits ordinance, certain additional identified workers from the departments described in *exhibits* to this ordinance, and paid on call firefighters of the Town of Highland, there shall be paid a one-time Covid-19 service appreciation stipend for the months of service beginning March 1, 2020 through to August 31, 2021;

(B) That the Covid-19 service appreciation stipend authorized by this ordinance shall be calculated on a flat rate of one hundred twelve dollars (\$112) for each month of service that the workers described in this section were employed, including any worker who was employed as leased employee, in the service period described in this section to be paid in a lump sum not to exceed two thousand sixteen dollars (\$2,016);

(C) That paid on call firefighters shall be further required to have responded to at least two (2) or more fire calls for each month in which the Covid-19 service appreciation stipend is to be paid;

(D) That the provisions of this ordinance will apply to all full-time employees, eligible employees as defined by Section 6.03.06(A)(3) of the compensation and benefits ordinance, certain additional identified workers from the departments described in *exhibits* to this ordinance, and paid on call firefighters of the Town of Highland who are employed on the date of passage and adoption of this ordinance and also were employed on August 30, 2021;

Section 2. (A) That, to further affirm and encourage the health and welfare of the public workforce, all full-time employees, eligible employees as defined by Section 6.03.06(A)(3) of the compensation and benefits ordinance, certain additional identified workers from the departments described in *exhibits* to this ordinance, and paid on call firefighters of the Town of Highland, shall be paid a vaccination stipend in the amount of one thousand dollars (\$1,000);

(B) That the vaccination stipend shall not be paid without proof of vaccination to be filed with the worker's department head;

(C) That the proof of vaccination must evidence that the vaccinated worker has received the full course of the vaccine as stipulated by the vaccine manufacturer, meaning the two (2) inoculations for the Pfizer and Moderna vaccines and one (1) for the Johnson and Johnson vaccine and such eligibility will not require any booster;

(D) That all full-time employees, eligible employees as defined by Section 6.03.06(A)(3) of the compensation and benefits ordinance, certain additional identified workers from the departments described in *exhibits* to this ordinance, and paid on call firefighters of the Town of Highland, will have the period beginning from the passage and adoption of this ordinance and until December 31, 2021 to apply for the

covid vaccine stipend;

Section 3. That each department head shall be required to prepare a roster of eligible workers as defined by this ordinance, depicting that the worker was employed on the date of this ordinance's passage and adoption, and reporting the covid service stipend calculated in the amount authorized by this ordinance for which each listed worker is eligible;

Section 4. Notwithstanding the wage and salary ordinance in effect as amended or the provisions of the compensation and benefits ordinance, the following is further directed:

(A) That **no** elected officer or appointed officer of a board or commission of the town of Highland are eligible for any benefit under this ordinance;

(B) That an eligible worker who is also a paid on call firefighter, shall only benefit under the terms of this ordinance under only one status of eligibility, which ever is greater;

(C) That all payments authorized by this ordinance shall be subject to an additional appropriation of *unreserved, undesignated* fund balance on deposit to the credit of the Corporation General Fund, paid from this approved appropriation to all employees subject to this ordinance's terms regardless of the assigned office or department of the eligible worker; and,

(D) That for the paid on call firefighter, who is also the fire department secretary, any and all payments for which he may be eligible under the terms of this ordinance **shall not** paid until after December 31, 2021;

Section 5. That this ordinance is intended to be complementary and a companion to and in support of the existing ordinances governing wages, salaries and compensation and shall not be construed as abridging those provisions except as expressly set forth in Section 4 of this ordinance;

Section 6. (A) That the provisions of this ordinance, shall become effective and shall remain in full force and effect after the date of its passage and adoption, retroactively from August 30, 2021, and until its repeal or amendment by subsequent enactment;

(B) That the clerk-treasurer's authority to implement the provisions of this ordinance pursuant to the provisions expressly set forth in IC 36-5-6-6 (a) (3) & (4) is hereby acknowledged.

Introduced and Filed on the 27th day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of ____ in favor and ____ opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this ____ Day of _____ 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

EXHIBIT A (modified)

Parks and Recreation Department

The following are certain additional identified workers from the Parks and Recreation Department to be included according to the terms of this Ordinance.

Ashleigh Banks

Jennifer Bos

Michelle Chandler

Patricia Fletcher

Kyla Gamez

Rhiannon Hazlet

Morgan Juarez

Joseph Kiortsis

Robert Kirk

Scarlett Labuda

Ryli Letke

Ethan Lewis

Cole Linkiewicz

Angel Morales

Joseph Optiz

Madison Owens

Robert Patterson

Sarah Peters

Nicole Russell

Andrew Sharp

Olivia Skertich

Cheryl Spasske

Justin Stewart

Corlizha Walker

EXHIBIT B (modified)

Metropolitan Police Department

The following are certain additional identified workers from the Metropolitan Police Department to be included according to the terms of this Ordinance.

Robert Derengowski

Jerry Koedyker

Michael Lambertino

Mallory Marlett

Marilyn Thompson

ORDINANCE No. 1749
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND THE CHAPTER 3.40 OF THE HIGHLAND MUNICIPAL CODE PARTICULARLY UPDATING THE AUTHORIZED INVESTMENTS TO BE CONSISTENT WITH CHANGES TO THE INDIANA LAW GOVERNING INVESTMENTS, PURSUANT TO IC 36-5-5 AND IC 5-13 ET SEQ.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 5-13-9 sets forth the investment authority of fiscal officers of local government entities, under guidelines established by the fiscal body, which is locally fixed under Chapter 3.40 of the Highland Municipal Code;

WHEREAS, The Highland Town Clerk-Treasurer has recommended and the Town Council has determined that an amendment updating language in Chapter 3.40 of the Highland Municipal Code consistent with the provisions of IC 5-13 et sequitur to be necessary or desirable in the conduct of the municipality's affairs; and,

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance to amend the municipal code updating language in Chapter 3.40 of the Highland Municipal Code consistent with the provisions of IC 5-13 et sequitur,

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

Section 1. That Highland Municipal Code be hereby amended by modifying Section 3.40.050 (A) styled as "Authorized Investments," which shall now read as follows:

3.40.050 Authorized investments.

(A) The clerk-treasurer as fiscal officer of the municipality may invest or reinvest any funds that are held by the officer and available for investment in any of the following:

- (1) Securities backed by the full faith and credit of the United States Treasury or fully guaranteed by the United States and issued by any of the following:
 - (a) The United States Treasury.
 - (b) A federal agency.
 - (c) A federal instrumentality.
 - (d) A federal government sponsored enterprise.
- (2) Securities fully guaranteed and issued by any of the following:
 - (a) A federal agency.

- (b) A federal instrumentality.
- (c) A federal government sponsored enterprise.
- (d) Municipal securities issued by an Indiana local governmental entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase.

Section 2. That Highland Municipal Code be hereby amended by modifying Section 3.40.060 styled as "Limit to final maturity of investments," which shall now read as follows:

3.40.060 Limit to final maturity of investments.

(A) Except as otherwise provided subdivision (B) of this section, any investment made under the authority of this chapter must have a stated final maturity of not more than two years for a fund not described in IC 5-13-9-5.6 (1) or (2) or after the date of purchase or entry into a repurchase agreement;

(B) An investment described in Section 3.40.050(2)(d), may have a maturity for more than two years but not more than five years, pursuant to IC 5-13-9-5.7;

Section 3. That Highland Municipal Code be hereby amended by adding a **NEW** Section 3.40.095 which shall read as follows:

3.40.095 Investment Policy

A written policy is adopted pursuant to IC 5-13-9-5.7 and shall be complementary and a companion to the policies set forth in this Chapter. The written policy shall be published and included in the code as part of its Special Regulations Article. The written investment policy will be in force until its expiration on October 1, 2025 unless revised, renewed or repealed sooner by the fiscal body.

Section 4. The written policy incorporated as an exhibit to this ordinance is hereby adopted and shall be properly included in the published Special Regulations article of the Highland Municipal Code.

Section 5. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 27th day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of _____ in favor and _____ opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this _____ Day of _____ 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

EXHIBIT

Investment Policy of the Town of Highland

1.0 General Policy.

It is the policy of the Town of Highland, Office of the Clerk-Treasurer to invest public funds in a manner which will provide the highest investment return, with the maximum security while meeting the daily cash flow demands of Town of Highland including its several executive departments and their associated political subdivisions and conforming to the Statutes of the State of Indiana, including but not limited to I.C. 5-13-9 *et seq.*

2.0 Scope.

This investment policy applies to all financial assets of the Town of Highland, including its several executive departments and their associated political subdivisions. These funds are accounted for in the annual comprehensive financial report of the Town of Highland and include:

2.1 The following governmental funds of the unit:

2.1.1 General Fund

2.2 The following special revenue funds of the unit:

- 2.2.1 Parks and Recreation Fund
- 2.2.2 Hydrant Rental Fund
- 2.2.3 Motor Vehicle Highway (MVH) Fund
- 2.2.4 Local Road and Streets (LR&S) Fund
- 2.2.5 Sanitary District Special Operating Fund
- 2.2.6 Law Enforcement Continuing Education Fund
- 2.2.7 Innkeeper Tax Fund
- 2.2.8 Unsafe Building Fund
- 2.2.9 Solid Waste District Grant Fund
- 2.2.10 Federal Forfeiture/Seized Assets Fund
- 2.2.11 Local Forfeiture/Seized Assets Fund
- 2.2.12 Law Enforcement Block Grant Fund
- 2.2.13 Redevelopment General Fund
- 2.2.14 Traffic and Children Safety Grant Fund
- 2.2.15 Special Events Non Reverting Fund
- 2.2.16 Special Centennial Fund
- 2.2.17 Public Safety LIT Fund
- 2.2.18 Economic Development LIT Fund

2.3 The following governmental capital project funds of the unit:

- 2.3.1 Municipal Cumulative Capital Development (MCCD) Fund
- 2.3.2 Capital Cumulative Improvement (CCI) Fund
- 2.3.3 Municipal Cumulative Street Fund
- 2.3.4 All Bond Proceeds Funds, which includes:
 - 2.3.4 (i) Corporation Capital Fund
 - 2.3.4 (ii) Sanitary District Capital Fund

- 2.3.4 (iii) Waterworks District Capital Fund
- 2.3.4 (iv) Redevelopment Capital Fund
- 2.3.5 Parks and Recreation Non-Reverting Capital Fund
- 2.3.6 Gaming Revenue Fund

2.4 The following enterprise funds of the unit:

- 2.4.1 Waterworks Operating Fund
- 2.4.2 Waterworks Improvement Fund
- 2.4.3 Sewage works Operating Fund
- 2.4.4 Sanitary Sewer Extension Fund
- 2.4.5 Sewage Improvement Fund

2.5 The following debt service (sinking) funds of the unit:

- 2.5.1 Waterworks District Bond and Interest Fund
- 2.5.2 Wastewater (Sewage) Works Bond & Interest Fund
- 2.5.3 Sanitary District Bond & Interest Fund
- 2.5.4 Sanitary District Bond and Interest Fund Exempt from Tax Caps
- 2.5.5 Corporation Bond and Interest Fund
- 2.5.6 Corporation Bond and Interest Fund Exempt from Tax Caps
- 2.5.7 Redevelopment Bond and Interest Exempt from Tax Caps
- 2.5.8 Parks District Bond and Interest Fund
- 2.5.9 Parks District Bond and Interest Fund, Exempt from Tax Caps
- 2.5.10 All Capital Lease Funds

2.6 The following fiduciary (trust and agency) funds of the unit:

- 2.6.1 Police Pension 1925 Fund
- 2.6.2 Park Escrow Fund
- 2.6.3 Intergovernmental Association Fund
- 2.6.4 Insurance Premium Expenditure Fund
- 2.6.5 Improvement Escrow Fund
- 2.6.6 Utility Consumer Deposits Fund
- 2.6.7 Parks Donation Fund
- 2.6.8 Civil Donation Fund
- 2.6.9 Gasoline Expenditure Fund
- 2.6.10 Telephone Expenditure Fund
- 2.6.11 Traffic & Law Violations Agency Fund
- 2.6.12 Capital Projects Escrow Agency Fund

2.7 the following internal service fund(s):

- 2.7.1 Information & Communications Technology Fund

2.8 Grant Funds (Direct or Advance) subject to any terms of the grant:

3.0 Standard of Investment Practice & Review.

Investments shall be made with judgement and care under the circumstances then prevailing -- which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to

be derived subject to the deposit and investment guidelines set forth in Chapter 3.40 of the Highland Municipal Code and IC 5-13-9 *et seq.*

4.0 Investment Policy Objectives and Permissible Instruments.

The primary objectives, in priority order, of the Town of Highland's investment activities shall be:

4.1 Safety. Safety of principal is the foremost objective of the investment program. Investments of the Town of Highland, its executive departments and their associated political subdivisions shall be undertaken in a manner that seeks to ensure the preservation of capital. To obtain this objective, diversification to the extent that such is consistent with Indiana Investment and Deposit law is required. As stated IC 5-13-9 *et seq.*, investments are limited to the following instruments set forth and described in Chapter 3.40 of the Highland Municipal Code

4.2 Liquidity. Investments of the Town of Highland, its executive departments and their associated political subdivisions shall be undertaken in a manner that enables it to remain sufficiently liquid in order to meet all operating disbursing requirements and/or capital projects disbursing requirements which might be reasonably anticipated. To obtain this objective, cash flows estimates and project expensing timetables will be developed to the extent that such is consistent with Indiana Investment and Depository Law and Chapter 3.40 of the Highland Municipal Code. In addition, the following guidelines will be observed:

4.2.1 Where the demand for funds is not scheduled or where higher liquidity is desirable or necessary , the investing officer will as much as possible utilize instruments such as an **LGIP**, an investing pool authorized pursuant to IC 5-13-9-11, or other investment instrument that permits the greatest liquidity and fund movement without corresponding loss of return or penalty;

4.2.2 Investments for funds deemed available for periods of over twenty-five (25) days, the investing officer will as much as possible utilize time instruments such as certificates of deposits or similar instruments that provide a greater yield and preserve safety for funds for which liquidity is less critical;

4.2.3 In order to balance the objectives of liquidity and minimize idleness of fund balances, all operating cash should be maintained as much as possible in interest bearing draft, checking or negotiable orders of withdrawal accounts;

4.2.4 In all cases, subject to this policy, all investment instruments will be chosen in the context of the prevailing economic and market conditions, which may modify the time periods set forth in this section;

4.2.5 Pursuant to IC 5-13-9-5.7, the total investments outstanding under Chapter 3.40 are limited to not more than twenty-five percent (25%) of the total portfolio of public funds invested by the municipality, including balances in transaction accounts;

4.3 Return on Investment. The investment portfolio of the Town of Highland, its executive departments and their associated political subdivisions shall be

designed or undertaken with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the Town's investment risk constraints and the cash flow characteristics.

5.0 Performance Standards.

The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the entity's investment risk constraints established by IC 5-13-9 *et seq.* and cash flow needs.

5.1 Market Yield. The municipality's investment strategy is to combine a combination of active and passive activities. The passive strategy is to utilize as much as possible interest bearing checking accounts for operational moneys of the various funds and executive units of the municipality. In addition, the unit will employ as much as possible a diverse investment methodology, some of which is set forth in section 4.2.

Based upon this strategy, the basis used by the Clerk-Treasurer to determine whether market yields are being achieved shall be the ninety (90) days Treasury Bills rate.

6.0 Ethics and Conflicts of Interest.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials, including the clerk-treasurer, shall disclose to the Office of the Clerk-Treasurer and to the Fiscal Body any material financial interests in financial institutions that conduct business within this jurisdiction and they shall further disclose any large personal financial/investment positions that could be related to the performance of the entity's portfolio.

7.0 Reporting and Frequency of Policy Review

7.1 Public Reporting. The Clerk-Treasurer will provide from time to time, to be available to the public and to the municipal fiscal body, providing relevant information regarding the investment activities for the preceding fiscal year just ended. This may be in the form of the reporting in the annual financial report.

7.2 Periodic Review of Policy. The fiscal body and the fiscal officer will review the investment policy periodically and make such changes as may be required by state law, by action of the town's fiscal body or as may be desirable to optimize the investing function for the public interest.

7.3 Expiration. This policy will be in force until its expiration on October 1, 2025 unless revised, renewed or repealed sooner by the fiscal body;

Adopted pursuant to Ordinance No. 1749 on _____.

**TOWN COUNCIL of the TOWN of HIGHLAND
ENACTMENT NO. 2021-44**

AN ENACTMENT REGARDING THE DISPOSITION OF ACCRETED SURPLUS ON DEPOSIT TO THE CREDIT OF THE WATER CASH RESERVE FUND, AUTHORIZING ITS USE FOR THE PAYMENT OF THE RECONCILING AMOUNT DUE FOR THE WHOLESALE WATER SUPPLY AGREEMENT EFFECTIVE FROM JANUARY 1, 2021 TO JULY 31, 2021, PURSUANT TO I.C. 8-1.5-3-11 ET SEQ.

WHEREAS, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

WHEREAS, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

WHEREAS, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

WHEREAS, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

WHEREAS, The Town of Highland Waterworks Board recently approved a new wholesale water supply agreement with the City of Hammond through its department of waterworks;

WHEREAS, The Board of Waterworks Directors under its tracker provisions in the existing rates and charges ordinance, did offer appropriate notice of the change in the cost of supply, in a previous billing cycle, allowing the change in wholesale rate to be effective in the bills mailed on or about September 5, 2021 all to be due on or around September 20, 2021;

WHEREAS, Under the terms of the newly approved agreement, the change in the wholesale rate is retroactively effective from January 1, 2021, which through the end of July has created an accumulated amount due to the City of Hammond Waterworks Department of \$321,723, based upon 714,961,000 gallons of purchased supply;

WHEREAS, Under the terms of the newly approved agreement, the change in rates is retroactively effective from January 1, 2021, which

through the end of July has created an accumulated amount due to the City of Hammond Waterworks Department of \$321,723;

WHEREAS, The Clerk-Treasurer has advised the Town Council and the Board of Waterworks Directors of Highland that the retroactive fees due on for the provision of purchased potable water supply, would ordinarily be incrementally paid from current revenues has instead created an excess rate production that did not reflect the costs of operating the water utility based upon the new wholesale price for source of supply, thus modifying the utility's rate of return retroactively, so that a portion of the balance on deposit to the Water Cash Reserve Fund cannot be defined as surplus approximately in the amount due retroactively to the City of Hammond waterworks and still on deposit to the Cash Reserve Fund; and,

WHEREAS, Pursuant to IC 8-1.5-3-11 (e), the Town Council as the municipal legislative body desires to formally redefine a portion of the cash balance in deposit to the balance of the Water Cash Reserve Fund as non-surplus and therefore available to satisfy amount due retroactively to the City of Hammond waterworks to January 1, 2021 under the terms of the recently approved wholesale supply agreement,

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

Section 1. That pursuant to the provisions of IC 8-1.5-3-11(e), the Town Council hereby finds and determines the following:

- (A) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code, and that the resources of that fund on deposit as of August 31, 2021 are five hundred three thousand, nine hundred forty-eight dollars and three cents (\$503,948.03);
- (B) That the Board of Waterworks Directors on August 26th 2021 passed and adopted Water Resolution No. 2021-24, approving and adopting the wholesale potable water supply agreement with the City of Hammond Waterworks Department, making effective the revised wholesale water rates effective on the Town of Highland;
- (C) That under the terms of the newly approved agreement, the change in the wholesale rate is retroactively effective from January 1, 2021, which through the end of July has created an estimated accumulated amount due to the City of Hammond Waterworks Department of \$321,723, based upon 714,961,000 gallons of purchased supply;

- (D) That the costs associated with wholesale potable water supply, would ordinarily be incrementally paid from current revenues but since the difference in the wholesale rate was not formally imposed until the approval of the new agreement, there was therefore created an excess rate production that did not reflect the costs of operating the water utility based upon the new wholesale price for source of supply, thus modifying the utility's rate of return retroactively, so that a portion of the balance on deposit to the Water Cash Reserve Fund cannot be defined as surplus;
- (E) That any redefinition of resources on deposit to the credit of the Water Cash Reserve Fund, herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (F) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

Section 2. That owing to the findings and determinations set forth in the previous section, the need to support the payment of the retroactive wholesale purchase balance due to the City of Hammond Waterworks in consequence of the newly adopted wholesale agreement, and for the expenses of said municipality, the amount necessary to satisfy this balance due is hereby *redefined as non-surplus*, in the approximate amount of \$321,723, based upon 714,961,000 gallons of purchased supply from January through July 2021, are hereby set apart from the **Waterworks Cash Reserve Fund** for the payment of the retroactive wholesale purchase balance due to the City of Hammond Waterworks, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a) and IC 8-1.5-3-11(e);

Section 3. That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) To seek the approving action of the Board of Waterworks Directors as set forth above,
- (B) Upon approval, draw the amount necessary to satisfy retroactive wholesale purchase balance due to the City of Hammond Waterworks from the balance of the Water Cash Reserve Fund as authorized herein; and,
- (C) Process the payment upon receipt of the proper invoice provided by the supplier, in the manner provided by IC 5-11-10-1.6;

Section 4. That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

Introduced and Filed on the 27th day of September 2021. Consideration on same evening of introduction attained a vote of _____ in favor and _____ opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this _____ day of _____ 2021 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

Attest:

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

Approval by the Board of Waterworks Directors

It is hereby certified that the foregoing redefinition of surplus in the cash reserve fund to satisfy the retroactive wholesale purchase balance due to the City of Hammond Waterworks from the balance of the Water Cash Reserve Fund as authorized herein was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

Duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this _____ day of _____ 2021 having passed by a vote of _____ in favor and _____ opposed.

**THE HIGHLAND WATER WORKS
BY IT'S BOARD OF DIRECTORS:**

George A. Smith, President

Attest:

Richard Volbrecht, Secretary

**TOWN OF HIGHLAND
ENACTMENT NO. 2021-45**

**A SPECIAL ENACTMENT TO LAWFULLY APPROVE CERTAIN
DISABILITY RETIREMENT BENEFITS AS WELL AS DEFINING STATUS
FOR POLICE OFFICER JOHN SWISHER, WHO HAS BEEN GRANTED A
DISABILITY RETIREMENT FOR CATASTROPHIC INJURIES INCURRED
IN THE LINE OF DUTY.**

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;

WHEREAS, Police Officer First Class John Swisher, was on duty, responding to a call for service on December 10, 2016 at 12:57 a.m. heading northbound on the 9100 Block of Kennedy Avenue, Highland, when a southbound car operated by a legally intoxicated driver, crashed into him, head-on at a high rate of speed;

WHEREAS, Police Officer First Class John Swisher, sustained catastrophic injuries, enduring several surgeries and medical interventions to repair many broken bones, experiencing protracted, extensive treatments and physical therapy from the date of the incident through the end of January 2018;

WHEREAS, Police Officer First Class John Swisher, has not been able to perform or return to any work including his duties as a Highland Police Officer, since the line of duty accident and attendance injuries from December 10, 2016 through the present date;

WHEREAS, The Town Council has been further advised that Police Officer First Class John Swisher applied for and received a determination

from the State System Director regarding his catastrophic injuries sustained while on duty, his resulting permanent impairment, and his award of a line of duty disability pension, under IC 36-8-8 et seq.;

Whereas, The Town Council did pass and adopt Enactment No. 2019-52 on November 25, 2019 extending his eligibility for the group health benefits of the Town without payment of a premium, with the extension expiring on December 31, 2020;

Whereas, The Town Council did pass and adopt Enactment No. 2020-47 on October 12, 2020 extending his eligibility for the group health benefits of the Town without payment of a premium, with the extension expiring on December 31, 2021;

Whereas, The Town Council now desires to take the proper steps to authorize and approve lawful continued coverage under the group medical and dental insurance plans, for a limited period of time that are provided under the provisions of the Compensation and Benefits Ordinance of the Town and the most recently adopted and effective wage and salary ordinance,

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

Section 1. That the Town Council makes the following findings and determinations, pursuant to its authority under IC 36-1-4-16 to ratify the actions of officers *post hoc*, as well as the authority described in the preamble to this enactment:

(A) That the Highland Town Council finds and determines that Police Officer First Class John Swisher, was on duty, responding to a call for service on December 10, 2016 at 12:57 a.m. heading northbound on the 9100 Block of Kennedy Avenue, Highland, when a southbound car operated by a legally intoxicated driver, crashed into him, head-on at a high rate of speed;

(B) That the Highland Town Council further finds and determines that Police Officer First Class John Swisher, sustained catastrophic injuries, enduring several surgeries and medical interventions to repair many broken bones, experiencing protracted, extensive treatments and physical therapy from the date of the incident through the end of January 2018;

(C) That the Highland Town Council still further finds and determines that Police Officer First Class John Swisher, has not been able to perform or return to any work including his duties as a Highland Police

Officer, since the line of duty accident and attendance injuries from December 10, 2016 through the present date;

(D) That the Highland Town Council still further finds and determines that Police Officer First Class John Swisher has applied for and received a determination from the State System Director regarding his catastrophic injuries sustained while on duty, his resulting permanent impairment, and his award of a line of duty disability pension, under IC 36-8-8 generally and IC 36-8-8-13.3(f) in particular and has accepted the line of duty disability pension, *subject to appeal for sufficiency*;

(E) That the Highland Town Council still further finds and determines that Police Officer First Class John Swisher is a disability retiree of the Highland Police Department, who is eligible to participate in the Town of Highland's group health insurance benefit, but has had this benefit conferred without the requirement to pay a group premium, first extended by Enactment No. 2018-32, which rendered continued compensation and benefits ending on September 22, and paid on September 28, further extended to December 31, 2018 by passage and adoption of Enactment No. 2018-38, and then further extended to December 31, 2019, by passage and adoption of Enactment No. 2018-57, extended further to December 31, 2020 by passage and adoption of Enactment No. 2019-52 and then still further extended to December 31, 2021 by passage and adoption of Enactment No. 2020-47;

Section 2. That based upon the forgoing, the Town Council does hereby authorize and approve the following:

(A) That notwithstanding provisions of Section 6.07 (B), regarding the group health insurance plan for retired and separating public safety employees in the Compensation and Benefits Ordinance, Patrol Officer Swisher shall **not be required to pay the employer's share** of the premium for the continuation of the group health or the group dental insurance benefit to the extent it's lawful;

(B) That this enactment further directs that the extension and continuation of the group medical and dental insurance benefit provided by this enactment shall conclude and cease on **December 31, 2022**, unless this extension is revisited by the Town Council at the end that period, and subsequent action by the Town Council ensues;

Section 3. That the adoption of this enactment shall in no way be construed as a precedent for the subject department or any other department of the municipality, nor shall it be construed as creating an entitlement for any other workers in any other department, but rather the provisions in this enactment are specific, unique and particularly conferred for a public safety worker who has suffered and endured a unique, unusual,

profound and "catastrophic physical personal injury" while in the line of duty;

Section 4. That authority under this enactment shall be seen as complementary to and not in derogation of the authority of the Clerk-Treasurer under IC 36-5-6-6, and that the payments authorized under this enactment, are hereby deemed to be a type of expense identified under IC 36-5-4-12(b)(10) & (13).

Introduced and Filed on the 27th day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of ____ in favor and a vote of ____ opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this ____ day of _____ 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

Attest:

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

**TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2021-46**

A RESOLUTION REGARDING THE DISPOSITION OF APPROPRIATED RESOURCES IN THE ECONOMIC DEVELOPMENT LOCAL INCOME TAX FUND OF THE MUNICIPALITY, AUTHORIZING THEIR TRANSFER TO THE COMMUNITY CROSSINGS GRANT CAPITAL FUND.

WHEREAS, The Town of Highland by proper legislative action has established a **Community Crossings Grant Capital Fund**, pursuant to IC 36-1-3, codified as Article III of Section § 3.45 of the Highland Municipal Code;

WHEREAS, HMC Section 3.45.180 (A)(7) provides that resources from this fund may be used: *“to pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;”*

WHEREAS, HMC Section 3.45.129 (A)(3)(a) provides that sources for the Community Crossing Grant Fund may include: *“Money transferred into and deposited into the fund created by this section, from such other local matching resources lawful for application to a particular project;”*

WHEREAS, IC 8-23-30-3 provides that sources for the *Community Crossing Grant Fund* that are used to serve as a local match for an eligible project funded from the State’s **Local Road and Bridge Matching Grant Fund**, includes (1) **any money** the local unit is authorized to use **for a local road or bridge project**, (2) money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17, or money from the local unit’s rainy day fund;

WHEREAS, The Public Works Director has requested and recommended the identified amount on deposit to and appropriated in the *Economic Development Local Income Tax Fund*, be transferred to the Community Crossings Grant Capital Fund to support Highland’s local road and street projects approved in the grant application; and,

WHEREAS, The Town Council now desires to favor the request and recommendation of the Public Works Director and the Clerk-Treasurer, in support of the projects that will be undertaken from the Community Crossings Grant Capital 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 herein 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 appropriations of the **Economic Development Local Income Tax Fund** have unobligated balances which will not be needed at this time for any expenses that would arise from this fund, **but are needed for the purposes for which they** were appropriated -- but in order to employ them as a match for a road resurfacing program, must be transferred into a identified separate fund, pursuant to IC 36-1-8-12, and therefore are available for a transfer to the *Community Crossings Grant Capital Fund* so as follows:

- (A) That it will not be necessary to increase the 2021 budget, and
- (B) That the identified amount may be transferred to a category of appropriation not heretofore present in this fund, but now hereby authorized and established, pursuant to IC 6-1.1-18-6, as follows:

ECONOMIC DEVELOPMENT LOCAL INCOME TAX (LIT) FUND

Reduce Account:	
Acct. No. 250-0000-47118 RESURFACING of LOCAL ROADS:	<u>\$ 99,680.00</u>
<i>Total Series:</i>	\$ 99,680.00
Total of All Series Reductions:	\$ 99,680.00
Increase Account:	
Acct. 250-0000-39999 Local Share Transfer CCMGF:	\$ 99,680.00
Total of All Series Increases:	\$ 99,680.00

Section 3. That it is now hereby authorized and instructed that the amount of ninety-nine thousand, six hundred-eighty dollars (\$99,680) be now transferred from the proper appropriation of the **Economic Development Local Income Tax (LIT) Fund** and deposited to the credit of the *Community Crossings Grant Capital Fund* and shown below:

Acct. 250-0000-39999 Local Share Transfer CCMGF:	<u>\$ 99,680.00</u>
<i>Total Series:</i>	\$ 99,680.00

Section 4. That, pursuant to the foregoing, the Clerk-Treasurer be authorized and is hereby requested to transfer the amount identified herein;

Section 4. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution.

Section 5. That the money transferred may be expended from the Community Crossings Grant Capital Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 27th Day of September 2021 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

Attest:

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

Notice of Available New Position Information Technology Director

Pursuant to Compensation and Benefits Ordinance, commonly known as the Municipal Employees' Handbook, Section 3.21 passed and adopted as Ordinance No. 1378 as amended, please be advised of this Notice of the following Available Position as Described herein.

Interested Members of the Municipal Workforce are invited to file an Application with the Office of the Clerk-Treasurer, not later than 4:30 p.m. on the conclusion of the posting period.

Posted: Wednesday: August 11, 2021

Posting Period Ends: August 17, 2021

The Town of Highland, Lake County, Indiana is seeking the best qualified candidate for the newly created full-time position **Director of Information Technology**. This role will manage and deliver information and communication technology services to all departments of the municipality.

Roles and Responsibilities

- Analyze business requirements of all Town of Highland departments to determine their technology needs including computers, network, phones, and printers. Troubleshoot, purchase and replace parts as required.
- Direct and support implementation of new software and hardware.
- Deliver and maintain operations and systems. Perform monthly uploads and updates to Town specific programs.
- Coordinate IT activities to ensure data availability and network services with as little downtime as necessary.
- Oversee broadcast and recording of audio/visual aspect of public meetings.
- Minimize security risk and vulnerabilities.
- Prepare annual financial budgets and prepare proposals for capital projects.

Candidate should possess integrity, honesty and excellent interpersonal communication skills. A candidate for this position must be

- qualified by training or experience in the field of computer networking, information technology, informatics; or have a certification or an advanced degree in the field of computer technology, electronics.
- Experience in analysis, implementation and evaluation of IT systems and their specifications.
- Sound understanding of computer systems (hardware/software), networks etc.
- Experience in controlling information technology budget.

The position is appointed by Town Council. The position is newly created and will head a department of information and communication technology. If the candidate for director also possesses a relevant State of Indiana certification to perform duties according to the Indiana Data and Communications System (IDACS), the computerized law enforcement/criminal justice communications and information storage and retrieval system, when performing those duties, the director will be under the sole management of the Police Chief pursuant to the administrative rules of the state. Candidates should have this certification or be willing immediately upon hire to earn this certification.

**TOWN OF HIGHLAND
PERSONNEL-EMPLOYMENT NOTICE**

Name: Edward Dabrowski Employee Payroll # _____
Address: _____ Phone #: _____
Department: Information Communications Technology Account #: _____
Email address _____

NEW HIRE (Not currently on the payroll in any status) Date Effective: 31 August 2021
Remind new hires they will need to show their original social security card when they complete their employment forms.
***NEW HIRE PERSONNEL NOTICE MUST BE FILED WITH THE CLERK-TREASURER'S OFFICE
*BEFORE EMPLOYEE STARTS WORKING/HIRE DATE!**

For EEOC purposes, please indicate: Caucasian Black Hispanic Native American
Multi-racial Other: _____ Male Female

Director of Information Technology
Job Title: _____ Bi-weekly Salary/Hourly Rate _____

Characterize the Employment:
Full-Time Part-Time Summer Temporary/Seasonal: _____
Minor (under age 18) Work Permit Received (Date Season Ends)

Full-Time Only: N/A
This position succeeds: _____ (If applicable)
The current workforce level is _____ as of the date of this notice.
This position will/will not increase authorized full-time work force levels.

PAY RATE CHANGE OR CHANGE IN STATUS Date Effective: _____

Current:
Job Title: _____ Account: _____
Base Bi-weekly/Hourly Rate: _____ Longevity: _____

Proposed:
Job Title: _____ Account: _____
Base Bi-weekly/Hourly Rate: _____ Longevity: _____
This position succeeds: _____

Characterize the Increase or Status Change:
Merit Promotion Returning Summer Brevet/Acting Appt. Per Ordinance _____
Administrative Leave (department head requesting must detail rationale on reverse of form)

SEPARATION Last Day Worked: _____ Effective Last Day: _____

Resignation Discharge Retirement Other _____
(Details for Discharge may be found in personnel file of the department)

To be paid last direct deposit or payroll check (Detail on back of this page if necessary):

Vacation Pay: _____ Comp Pay: _____ Personal Day Pay: _____
Severance Pay: _____ Holiday Pay: _____ Other Pay Allowed: _____

SUPERVISOR SIGNATURE: _____ Date: _____

TOWN COUNCIL/BOARD OF JURISDICTION ACTION: APPROVED DISAPPROVED
(If applicable)

Date of Revision: 4/2020 Date: _____
Approved by Clerk-Treasurer pursuant to IC36-5-6-6(a)(3)

**ORDINANCE No. 1744.1726-D
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND ORDINANCE No. 1726 to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY AMENDING TO AUTHORIZE CHANGES TO THE COMPENSATION ASSOCIATED WITH THE NEWLY CREATED INFORMATION COMMUNICATIONS AND TECHNOLOGY DEPARTMENT

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, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council did pass and adopted Ordinance No. 1739 establishing an Information Communications and Technology Department, codified as Chapter 2.40, which consists of a Director of Information Technology;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2021 and thereafter as amended;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, has been advised that it is necessary and desirable to fix the salary for the position of director of information technology; and,

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the wage and salary ordinance to establish a position of director of information technology as authorized under HMC Section 2.40.020 and fix rate for the position based upon the needs of the information communications technology department and the Town of Highland,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. That Ordinance No. 1726 be amended adding a new section, styled as Section 12.1 *Information Communications Technology Department*, which shall read as follows:

Section 12.1. *Information Communications Technology Department.* That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed as biweekly pay unless stated otherwise for its Information Communications Technology Department as follows:

	Starting Rate	Incumbent Rate
(A) Director of Information Technology (1)	\$ 3,538.47	\$ 3,538.47

Section 2. That Section 2.01 styled as Exempt Employees in the Compensation and Benefits Ordinance commonly called the municipal employee handbook, be further amended to read as follows:

§ 2.01 Exempt Employees

Exempt employees refers to **workers who are** exempt from certain provisions of the Fair Labor Standards Act pertaining to overtime. It also means that you are in a supervisory or professional position as further defined in 29 CFR 541.200 et seq., and not eligible for overtime payments for work in excess of 40 hours per week, except as provided by this handbook.

Exempt Salaried Positions

Director of Public Works	Street Supervisor
Water & Sewer Supervisor	Facilities Supervisor
Maintenance Supervisor	Deputy Clerk-Treasurer
Building Commissioner/Chief Inspector	Fiscal Analyst
Superintendent of Parks & Recreation	Park Director
Director of Recreation	Recreation Supervisor(s)
Metropolitan Police Division Commander(s)	Chief of Police
Metropolitan Police Ass't. Div. Commander(s)	Assistant Chief of Police
Metropolitan Police Administration Officer(s)	Fire Chief
Redevelopment Director	Operations Director
Information Technology Director	

Section 3. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 4. (A) This ordinance, which subject to its provisions, shall become and be in full force and effect from and after the date of its passage and adoption without promulgation, upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a), pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed on the 27th Day of September 2021. Consideration on same day or at same meeting of introduction sustained a vote of ____ in favor and ____ opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this ____ Day of _____ 2021, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

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

Roger Sheeman, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-2-10.2; IC 36-5-6-5)

**TOWN OF HIGHLAND
NOTICE TO TAXPAYERS
OF PROPOSED ADDITIONAL APPROPRIATIONS**

Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, **Highland** at **6:30 p.m.** on the **11 October 2021** will consider the following additional appropriations in excess of the budget for the current year in the following funds:

GAMING REVENUE SHARING FUND

Increase:

Acct. 091-0000-31002 Engineering Fees (CCMG)	\$ 30,000.00
Total Series:	\$ 30,000.00

Acct. 091-0000-44085 Jewett Street Improvement:	\$ 269,664.00
Total Series:	\$ 269,664.00

TOTAL for FUND \$ 299,664.00

Resources to support these additional appropriations in the **Gaming Revenue Sharing Fund** shall be from miscellaneous revenues, a *share of admission taxes collected and distributed pursuant to IC 4-33-12.5-2(5)*, deposited to the credit of the fund.

Taxpayers appearing at such meeting shall have a right to be heard thereon. Taxpayers will have an opportunity to be heard, whether this is convened in person or electronically. If convened electronically, taxpayers are encouraged to access the meeting either in person or through the Zoom meeting platform, if the meeting is convened electronically. Taxpayers and persons interested in offering comment on the proposed additional appropriations should contact the Office of Clerk-Treasurer at (219) 838-1080 to obtain added details on accessing the meeting via Zoom or in person. A written comment may also be provided in writing and dropping off at the Office of the Clerk-Treasurer, 3333 Ridge Road, Highland, Indiana 46322. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its information and file.


**TOWN COUNCIL of HIGHLAND
Roger Sheeman, President**

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

ALLOWANCE OF ACCOUNTS PAYABLE VOUCHERS

TOWN OF HIGHLAND, INDIANA

I hereby certify that each of the above listed vouchers and the invoices, or bills attached thereto, are true and correct and I have audited same in accordance with IC-5-11-10-1.6

DATED THIS 24th DAY OF September, 2021  FISCAL OFFICER

ALLOWANCE OF VOUCHERS

We have examined the Accounts Payable Vouchers listed on the foregoing Register of Accounts Payable Vouchers consisting of 5 pages and except for accounts payables not allowed as shown on the Register such accounts payables are hereby allowed in the total amount of \$ 656,629.25

Dated this 27th day of September, 2021

TOWN COUNCIL

MARK A. HERAK _____ ROGER SHEEMAN

BERNIE ZEMEN _____ MARK SCHOCKE

TOM BLACK _____

GL Number	Invoice Line Desc	Ref #	Vendor	Invoice Description	Amount	Check #
Fund 001 GENERAL Dept 0000	GEN FUND TRANSFERS GROSS	94235	PAYROLL ACCOUNT	9/24PRL D/S TRANSFER GENERAL	178,481.81	46280
			Total For Dept 0000		178,481.81	
Dept 0001 TOWN COUNCIL	MEDIATION	94102	LAW OFFICES OF STEVEN A. JO	MEDIATION	500.00	
001-0001-31001	LEGAL FEES FOR TAX ABATEMENT	94092	ROBERT F TWEEDLE	TOWN COUNCIL LEGAL FEES FOR JULY	1,250.00	
001-0001-31001	INSERTING GAZEBO INTO BILLS	94069	LITHOGRAPHIC COMMUNICATIONS	AUGUST 2021 GAZEBO EXPRESS INSERT	1,113.70	
001-0001-39004					2,863.70	
Dept 0003 VIPs	1107.8 GAL OF GAS	94192	WARREN OIL COMPANY	1107.8 GAL OF GAS DELV ON9/15	3,040.58	
001-0003-21001	1000.1 GAL OF GAS	94193	WARREN OIL COMPANY	1000.1 GAL OF GAS DELV ON 9-7	2,732.77	
001-0003-21001	VIPS CAR WASHES FOR AUG	94180	EASY CLEAN CAR WASH, INC	VIPS CAR WASHES FOR AUG	15.00	
001-0003-39007			Total For Dept 0001 TOWN COUNCIL		5,788.35	
Dept 0007 FIRE DEPARTMENT	CLASS B POLO SHIRT-IZZY XL	94174	FIRE SERVICE, INC.	CLASS B POLO SHIRT-IZZY XL	59.50	
001-0007-11304	WIRELESS ADAPTER A/B/G/N/- TR	94176	PC-PLUS! LLC	COMPUTER EQUIPMENT	129.00	
001-0007-20003	5151 VEHICLE PARTS	94177	GARBER CHEVROLET OF HIGHLAN	5151 VEHICLE PARTS	377.38	
001-0007-22004	AIR COMPRESSOR RETRO FIT KIT	94175	PC-PLUS! LLC	AIR COMPRESSOR RETRO FIT KIT	360.00	
001-0007-23004	STATIONS SECURITY SYSTEM	94171	PHIL & SON, INC	STATIONS SECURITY	145.60	
001-0007-32005	ELECTRIC - SOUTH STATION	94170	NISOURCE INC.	GAS & ELECTRIC SOUTH STATION	823.50	
001-0007-35001	GAS - SOUTH STATION	94170	NISOURCE INC.	GAS & ELECTRIC SOUTH STATION	53.82	
001-0007-36001	5119 COLLISION REPAIRS	94178	FIRE SERVICE, INC.	5119 COLLISION REPAIRS	66,142.02	46279
001-0007-36001	2021 HURST RESCUE TOOLS INSPE	94173	5 ALARM FIRE & SAFETY EQPT,	ANNUAL HURST TOOLS INSPECTION/TES	730.00	46279
001-0007-39007	AMKUS/CHAMPION RESCUE TOOL MA	94172	GARNER SALES & SERVICE	AMKUS/CHAMPION RESCUE TOOL MAINT.	1,445.00	
001-0007-39007			Total For Dept 0007 FIRE DEPARTMENT		70,265.82	
Dept 0009 POLICE DEPARTMENT	BAL PYMT OF NEW VEST FOR NEW	94188	STAR UNIFORM	BAL OF PYMT FOR NEW VEST FOR NEW	178.00	
001-0009-23004	OUTER VEST CARRIER NEW OFFICE	94190	THE EAGLE UNIFORM CO	OUTER VEST CARRIER FOR NEW OFFICE	283.00	
001-0009-23004	POLO SHIRTS FOR NEW PT AW	94191	VARSITY SPORTS INC	3 POLO OSHIRTS FOR NEW PT ANIMAL	93.00	
001-0009-32003	IDACS INTERNET ACCESS FOR AUG	94181	INDIANA OFFICE OF TECHNOLOG	IDACS INTERNET ACCESS FOR AUGUST	140.47	
001-0009-32003	SPILLMAN CIRCUIT USER FEE FOR	94182	LAKE COUNTY DATA PROCESSING	SPILLMAN CIRCUIT USER FEE FOR SEP	308.30	
001-0009-35001	LPR CAMERA AT 2000 RIDGE RD R	94186	NISOURCE INC.	LPR CAMERA AT 2000 RIDGE RD READ	31.86	
001-0009-35005	WATER SERVICE 3315 RIDGE 7/26	94189	TOWN OF HIGHLAND UTILITIES	WATER SERVICE FOR 3315 RIDGE 7/26	681.12	
001-0009-36001	ATG CERTIFICATION TANK TESTING	94187	NORTHERN IND MECHANICAL, INC	ATG CERTIFICATION MIDWEST TANK TE	360.00	
001-0009-38006	MAT CHANGE AT PD ON 9/7	94179	CINTAS CORPORATION #319	MAT CHANGE AT PD ON 9/7	37.10	
001-0009-39005	DOG FOOD FOR ANIMAL POUND	94183	MENARDS	DOG FOOD FOR ANIMAL POUND	45.48	
001-0009-39005	ANIMAL POUND SUPPLIES- 8 BOWL	94184	MENARDS	ANIMAL POUND SUPPLIES	59.92	
001-0009-39005	ANIMAL KENNELS	94185	MENARDS CORP - SCHERERVILLE	ANIMAL KENNELS	1,019.88	
001-0009-39005			Total For Dept 0009 POLICE DEPARTMENT		3,238.13	
Dept 0011 SERVICES & WORKS	RESOLUTION NO.2021-43	94073	TOWN OF HIGHLAND	RESOLUTION NO.2021-43	274,686.00	46275
001-0011-39999			Total For Dept 0011 SERVICES & WORKS		274,686.00	
Dept 0012 TOWN HALL	TOWNHALL SUPPLIES	94206	AJAX SANITARY SUPPLY CO, IN	SUPPLIES FOR TOWNHALL KLEENEX/ROL	105.35	
001-0012-21004	BOTTLE WATER 9/5/21	94093	HINCKLEY SPRINGS	BOTTLE WATER 9/5	82.33	
001-0012-21004	TOWN HALL MATS 9/14/21	94068	CINTAS CORPORATION #319	TOWN HALL MATS ACT 16459440	57.91	
001-0012-36003	A/C REPAIR TOWNHALL	94204	MECHANICAL CONCEPTS, INC.	A/C REPAIR TOWNHALL	1,287.47	

GL Number Invoice Line Desc Ref # Vendor Invoice Description Amount Check #

Fund 001 GENERAL
 Dept 0012 TOWN HALL

Total For Dept 0012 TOWN HALL

1,533.06

Total For Fund 001 GENERAL

536,856.87

Fund 002 MVH
 Dept 0000
 002-0000-45200 MVH TRANSFERS GROSS 94236 PRL D/S TRANSFER MVH 4,680.53 46281

4,680.53

Dept 0016 MVH ADMIN
 002-0016-33002

Total For Dept 0000

23.39

THE TIMES NOTICE OF HEARING ASSESSMENT ROLL

Total For Dept 0016 MVH ADMIN

23.39

Dept 0017 MVH RECONSTRUCTION/MAINTENANCE

002-0017-21003	GLASSES RUBBER NOSE PC	94208	CODE RED SAFETY & RENTAL LL	SAFETY SUPPLIES FOR THE STREET DE	432.16
002-0017-22004	3/4"X10 HR ROUND STOCK	94205	AAA SUPPLY CORPORATION	ROUND STOCK/STEEL DROPS - STREET	49.56
002-0017-22004	PARTS FOR TORO MOWER	94207	AMAZON	PARTS FOR TORO MOWER	153.71
002-0017-22004	4200-10 BRASS SPLICER	94210	HOSE CONNECTIONS INC	BRASS SPLICER/WORM GEAR CLAMP - S	13.93
002-0017-22004	GR-50972 STOP/TURN/TAIL BACKU	94220	TERMINAL SUPPLY INC	STOP/TURN/TAIL BACK-UP LAMP - STR	70.25
002-0017-22004	LED HIGHLIGHTER	94222	WHOLESALE DIRECT, INC	LED HIGHLIGHTER FOR UNIT # 11 - S	260.15
002-0017-22005	8/30/2021 169564 BLACK DIRT	94213	KROOSWYK MATERIALS, INC	BLACK DIRT FOR MAPLE RESTORATION	48.00
002-0017-23001	213728 9.5MM SURFACE	94217	MILESTONE CONTRACTORS NORTH	9.5MM SURFACE RESTORATION - STREE	120.40
002-0017-23002	212200 9.5MM SURFACE	94218	MILESTONE CONTRACTORS NORTH	9.5MM SURFACE RESTORATION - STREE	292.88
002-0017-23002	9/1/2021 1380937 COLD MIX	94219	RIETH-RILEY CONSTR CO., INC	COLD PATCH FOR THE STREET DEPT	1,127.52
002-0017-23003	BLACK BORDER ON YELLOW	94209	HALL SIGNS, INC	BLACK BORDER/PUSH BUTTON CROSS -	440.95
002-0017-23003	SUBSCRIPTION OCT 2021 TO SEPT	94211	IWORQ SYSTEMS	ANNUAL SOFTWARE SUBSCRIPTION SIGN	900.00
002-0017-23003	#40 HOSE CLAMP 2 1/16" TO 3"	94212	J & L FASTENERS, INC.	HOSE CLAMP - STREET DEPT	33.05
002-0017-23003	16-3 50' ALL WEATHER COR	94214	MENARDS	SIGN PARTS - STREET DEPT	78.52
002-0017-23006	1110407 1X8-8" GREEN TREATED	94215	MENARDS CORP - SCHERERVILLE	AC2 GREEN TREATED ABOVE GROUND -S	8.28
002-0017-23006	HAND AND NAIL BRUSH	94216	MENARDS CORP - SCHERERVILLE	MISC SUPPLIES - STREET DEPT	2.26

Total For Dept 0017 MVH RECONSTRUCTION/MAINTENANCE

4,031.62

Total For Fund 002 MVH

8,735.54

Fund 004 LR&S
 Dept 0000
 004-0000-45200

LR&S TRANSFERS GROSS

94237

9/24PRL D/S TRANSFER LR&S

11,931.83

46282

Total For Dept 0000

11,931.83

Total For Fund 004 LR&S

11,931.83

Fund 018 LAW ENFORCE CON'T ED

Dept 0000					
018-0000-23004	RAINCOATS FOR CROSSING GRDS	94202	PUBLIC SAFETY CENTER, INC	RAINCOATS FOR CROSSING GUARDS	100.55
018-0000-23006	USB FLASH DRIVES	94197	OFFICE DEPOT, INC	USB FLASH DRIVES	183.84
018-0000-31004	TAXABLE MEAL 9-13-21	94195	JAMES J MULLINS III (R)	REIMBURSE FOR MEALS FROM TRAINING	14.45
018-0000-31004	GAS	94199	RANDALL W STEWART (R)	REIMBURSE FOR LODGING MEALS GAS F	563.12
018-0000-33002	2021 CRIMINAL CODE BOOKS-- 41	94196	LAKE COUNTY PROSECUTORS OFF	2021 CRIMINAL CODE BOOKS	287.00
018-0000-39005	PD CAR WASHES FOR AUG	94194	EASY CLEAN CAR WASH, INC	PD CAR WASHES FOR AUG	108.00

Total For Dept 0000

1,256.96

Total For Fund 018 LAW ENFORCE CON'T ED

1,256.96

Fund 030 ICT FUND

GL Number	Invoice Line Desc	Ref #	Vendor	Invoice Description	Amount	Check #
Fund 030 ICT FUND						
Dept 0000	219 R10 2255 255 7 8/2/21-9 94074	AT&T	219 R10 2255 255 7 8/2/21-9/1/21	574.24	46269	
030-0000-32003	INTERNET SVC PS BLDG 8771400 94078	COMCAST CABLE	INTERNET FOR PUBLIC SAFETY BLDG	238.40	46270	
030-0000-32003	FD SOUTH 2647 45TH ST 94075	COMCAST CABLE	FD S STATION PHONE/INTERNET SVC 1	119.85	46271	
030-0000-32003	MEADOWS PAKINTERNET ACT 877140 94076	COMCAST CABLE	MEADOWS PK MO INTERNET 9/12-10/11	114.84	46272	
030-0000-32003	PHONE/INTERNET FD CENTRAL 94077	COMCAST CABLE	FD CENTRAL/2901 HIGHWAY-PHONE/INT	214.90	46273	
030-0000-32003	PW INTNET # 8771400250212877 94079	COMCAST CABLE	8771400250212877 PW 8001 KENNEDY	300.27	46274	
030-0000-32003	PW/B&I/PARK/FD WIRELESS 78032 94080	VERIZON WIRELESS	PW/B&I/PARK/FD WIRELESS 780324475	1,198.92	46276	
030-0000-32003	PUMP STATION 877140025029637 94103	COMCAST CABLE	PUMP STATION 8771400250296375 09	231.27	46277	
030-0000-33811	BRIVO CLOUD HOSTED MONTHLY SI 94071	PHIL & SON, INC	BRIVO CLOUD HOSTED MONTHLY SITE/A	100.95		
030-0000-38006	SUPPORT/MAINT RENEWAL6/1/21-1 93960	HARRIS COMPUTER SYSTEMS	SUPPORT/MAINTENANCE RENEWAL 5/31/	5,764.36		
030-0000-38006	AUG 2021 COPIER AGREEMENT 94070	RICOH USA, INC	AUG 2021 COPIER AGREEMENT	458.89		
		Total For Dept 0000		9,316.89		
		Total For Fund 030 ICT FUND		9,316.89		
Fund 050 POLICE PENSION						
Dept 0000						
050-0000-45200	POLICE PENSION TRANSFERS GROS 94242	PAYROLL ACCOUNT	9/24 PRL D/S TRANSFER POLICE PENS	68,529.44	34372	
		Total For Dept 0000		68,529.44		
		Total For Fund 050 POLICE PENSION		68,529.44		
Fund 054 CCI FUND						
Dept 0000						
054-0000-40001	SIDWALK REPLACEMENT 94226	DAVID M. IWINSKI & MARY P.	NIPSCO SIDEWALK REPLACEMENT	360.00		
054-0000-40001	SIDWALK REPLACEMENT 94228	DEAN DECAMOTAN	NIPSCO SIDEWALK REPLACEMENT	450.00		
054-0000-40001	SIDWALK REPLACEMENT 94224	GUS DOVELLOS	NIPSCO SIDEWALK REPLACEMENT	450.00		
054-0000-40001	SIDWALK REPLACEMENT 94233	HIGHLANDGRIFFITH CHAMBER OF	NIPSCO SIDEWALK REPLACEMENT	325.00		
054-0000-40001	SIDWALK REPLACEMENT 94232	JAMES R. SECVIAR	NIPSCO SIDEWALK REPLACEMENT	500.00		
054-0000-40001	SIDWALK REPLACEMENT 94230	JOSEPH D WAGNER	NIPSCO SIDEWALK REPLACEMENT	250.00		
054-0000-40001	SIDWALK REPLACEMENT 94227	KAREN GUIDOTTI	NIPSCO SIDEWALK REPLACEMENT	250.00		
054-0000-40001	SIDWALK REPLACEMENT 94231	LEONARD SPORMAN MEMORIAL	NIPSCO SIDEWALK REPLACEMENT	450.00		
054-0000-40001	SIDWALK REPLACEMENT 94234	MANITOU HOLDINGS GROUP, LLC	NIPSCO SIDEWALK REPLACEMENT	450.00		
054-0000-40001	SIDWALK REPLACEMENT 94225	MATTHEW & LAURA CROSS	NIPSCO SIDEWALK REPLACEMENT	325.00		
054-0000-40001	SIDWALK REPLACEMENT 94223	RICHARD J. AND BETTY CIMARO	NIPSCO SIDEWALK REPLACEMENT	250.00		
054-0000-40001	SIDWALK REPLACEMENT 94229	ROBERT W. ORSBORN	NIPSCO SIDEWALK REPLACEMENT	250.00		
		Total For Dept 0000		4,310.00		
		Total For Fund 054 CCI FUND		4,310.00		
Fund 055 MCCD						
Dept 0000						
055-0000-23009	PART PYMT OF NEW VEST FOR NEW 94201	STAR UNIFORM	PARTIAL PYMT OF NEW VEST FOR NEW	667.00		
055-0000-43010	NEW KEYBOARDS FOR VEHICLES 94200	CDW-GOVERNMENT, INC	KEYBOARDS FOR VEHICLES	1,142.20		
		Total For Dept 0000		1,809.20		
		Total For Fund 055 MCCD		1,809.20		
Fund 059 SHARED ETHICS						
Dept 0000						
059-0000-33002	ETHICS GUIDE FOR PUBLIC EMPLO 94072	LITHOGRAPHIC COMMUNICATIONS	ETHICS GUIDE FOR PUBLIC EMPLOYEES	2,245.00	46278	
		Total For Dept 0000		2,245.00		

GL Number	Invoice Line Desc	Ref #	Vendor	Invoice Description	Amount	Check #
Fund 059 SHARED ETHICS						
Total For Fund 059 SHARED ETHICS					2,245.00	
Fund 249 PUBLIC SAFETY INCOME TAX FUND						
Dept 0000	COVID- 6 PVC ROUGH GRIP 12"	94090	ENVIRONMENTAL SAFETY PRODU	COVID-PVC ROUGH GRIP 12&18" / PH T	283.29	
249-0000-29000	COVID-INFARED THERMOMETERS	94086	MMSG	COVID-NO CONTACT INFRA RED THERMO	807.48	
249-0000-29000	COVID-INFARED THERMOMETERS	94087	MMSG	COVID-INFARED THERMOMETERS	2,558.05	
249-0000-29000	COVID-DISINFECTANT WIPES-TUBS	94091	PERFORMANCE CHEM & SUPPLY I	COVID-DISINFECTANT WIPES	1,219.00	
249-0000-29000	COVID	94088	PUBLIC SAFETY CENTER, INC	COVID-MASKS-VARIETY	624.50	
249-0000-29000	COVID-MASKS	94089	PUBLIC SAFETY CENTER, INC	COVID-MASKS	257.20	
249-0000-43049	LPR CAMERA REPAIRS/REPLCMT	94203	VIGILANT SOLUTIONS	LPR CAMERA REPAIRS/REPLACEMENT	5,888.00	
Total For Dept 0000					11,637.52	
Total For Fund 249 PUBLIC SAFETY INCOME TAX FUND					11,637.52	

GL Number Invoice Line Desc Ref # Vendor Invoice Description Amount Check #

Fund Totals:

Fund 001	GENERAL				536,856.87	
Fund 002	MVH				8,735.54	
Fund 004	LR&S				11,931.83	
Fund 018	LAW ENFORCE CON'T ED				1,256.96	
Fund 030	ICT FUND				9,316.89	
Fund 050	POLICE PENSION				68,529.44	
Fund 054	CCI FUND				4,310.00	
Fund 055	MCCD				1,809.20	
Fund 059	SHARED ETHICS				2,245.00	
Fund 249	PUBLIC SAFETY INCOME TAX				11,637.52	

656,629.25

Payroll Docket

\$	290,522.44	\$	290,522.44	Delta	\$	-
Council, Boards and Commissions		\$	8,300.77			
Office of Clerk-Treasurer		\$	15,131.37			
Regular Staff	\$ 15,131.37					
Field Service Rep	\$ -					
Building & Inspection		\$	7,985.88			
Metropolitan Police		\$	121,543.07			
Crossing	\$ 921.68					
Full-Time Police	\$ 101,181.92					
Full-Time Non-sworn	\$ 19,439.47					
Public Works Department		\$	65,391.74			
Fire Department		\$	3,747.82			
Component One	\$ 3,747.82					
Component Two	\$ -					
Police 1925 Pensions		\$	68,421.79			

Payday: 27-Aug-2021

Payroll Docket

\$	228,725.20	\$	228,725.20	Delta	\$	-
Council, Boards and Commissions		\$	-			
Office of Clerk-Treasurer		\$	15,112.15			
Regular Staff	\$ 15,112.15					
Field Service Rep	\$ -					
Building & Inspection		\$	7,749.19			
Metropolitan Police		\$	138,585.82			
Crossing	\$ 1,247.30					
Full-Time Police	\$ 118,487.33					
Full-Time Non-sworn	\$ 18,851.19					
Public Works Department		\$	63,424.90			
Fire Department		\$	3,853.14			
Component One	\$ 3,853.14					
Component Two	\$ -					
Police 1925 Pensions		\$	-			

Payday: 10-Sep-2021