

**Enrolled Minutes of the Fifty-First Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Meeting (Electronic/Hybrid)
Monday, September 27, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, September 27, 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. All members of the Town Council were present in person.

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 President Roger Sheeman 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 Zemen, Herak, Schocke, Black, and Sheeman all participated in person.

Additional Officials Present: John Reed, Town Attorney (remotely); Mark Knesek, Public Works Director (remotely); Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation (remotely); Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present. All participated in person except where denoted remotely.

Also present: Ed Dabrowski, IT Director (Contract); dean Smith, Community Events Commission; were present in person.

Guests: Theresa Badovich and Robin Carlascio of the Idea Factory was present remotely.

Minutes of the Previous Meetings:

The minutes of the regular meeting of September 13, 2021, were approved by general consent.

Comments from Visitors or Residents:

1. Larry Kondrat, Highland, noting that the candidate for possible hiring was the current contract IT Director, inquired whether the IT Director would be eligible for the recent COVID appreciation stipends and vaccine.

Mr. Kondrat further inquired about the process used to recruit and select a prospective candidate for hire by the Town Council for the position of Director of Information Technology. Mr. Kondrat urged the Town Council to formally advertise and seek other candidates.

Unfinished Business and 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.

Councilor Herak introduced and moved the consideration of Ordinance No. 1747 in 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 by the Town Council at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1747 in 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 ordinance was passed by the Town Council at the same meeting of its introduction and adopted upon the signature of the Town Council President.

**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 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED 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 5 in favor and 0 opposed.

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

/s/ 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)

- 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.)*

Councilor Herak introduced and moved the consideration of Ordinance No. 1748.1743-A in 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 by the Town Council at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1748.1743-A in 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 ordinance was passed by the Town Council at the same meeting of its introduction and adopted upon the signature of the Town Council President.

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. 1743 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, according to the terms of this ordinance;

(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** be 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 Sections 1 and 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 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED 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 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)

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

- 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.

Councilor Herak introduced and moved the consideration of Ordinance No. 1749 in 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 by the Town Council at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1749 in 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 ordinance was passed by the Town Council at the same meeting of its introduction and adopted upon the signature of the Town Council President.

**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 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED 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 5 in favor and 0 opposed.

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

/s/ 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 27 September 2021.

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.

Councilor Herak introduced and moved the consideration of Enactment 2021-44 in 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 by the Town Council at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment 2021-44 in 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 ordinance was passed by the Town Council at the same meeting of its introduction and adopted upon the signature of the Town Council President.

**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 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED 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 5 in favor and 0 opposed.

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

- 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.

Councilor Herak introduced and moved the consideration of Enactment 2021-45 in the same meeting of its introduction. Councilor Zemen 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 by the Town Council at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment 2021-45 in 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 ordinance was passed by the Town Council at the same

meeting of its introduction and adopted upon the signature of the Town Council President.

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 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED 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 5 in favor and 0 opposed.

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

/s/ 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)

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.

Councilor Herak moved the passage and adoption of Resolution No. 2021-46. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no

negatives. The motion passed. The resolution was adopted upon the signature of the Town Council President.

**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
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Increase Account:		
Acct. 250-0000-39999 Local Share Transfer CCMGF:		\$ 99,680.00

Total of All Series Increases:		\$ 99,680.00
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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>
	Total Series:	\$ 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 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

/s/ 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)

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

Councilor Black moved to approve the hire and appointment of *Edward Dabrowski*, Highland, Indiana, to the position of Director of Information Technology. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Schocke, Black and Sheeman voting in the affirmative and Councilor Herak voting in the negative, the motion passed. Edward Dabrowski was appointed and hired as the head of the newly created Information Technology Communications Department, codified as Chapter 2.40 in the Highland Municipal Code.

After the motion and a second placed the matter before the Town Council but before the roll call vote was taken, the Town Council permitted discussion regarding the duties assigned the appointment. Councilor Herak inquired whether 240 IAC 5-8-10 regarding the Indiana information data access system and the requirements needed to maintain the Town's access to the system. It was noted that the new position would provide information technology services town wide, including the police department.

The discussion further included consideration of the savings that the new position would achieve in eliminating the former contractual position and the full-time position dealing with information technology in the police department. Councilor Herak suggested that with the proposed salary being considered for the position

and the rule from the Indiana Administrative Code, that Councilor Herak suggested required the IDACs coordinator to be under the management and supervision of the police department, savings were not as clear. It was suggested that a worker under the supervision of the police department with IDACs certification would still be required. The colloquy further included the Town Council President and Councilor Schocke.

The Town Council Attorney, Mr. Reed (remotely), indicated that he would review the Administrative rule and advise.

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.

Councilor Black introduced Ordinance No. 1744.1726-D and moved for its consideration at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and one negative. With Councilors Zemen, Schocke, Black and Sheeman voting in the affirmative and Councilor Herak voting in the negative, the needed unanimous vote was not obtained. The motion did not pass.

It was noted that the ordinance would be taken up at the next plenary meeting, at which the ordinance now introduced would only require three or more affirmative votes to pass.

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**.

Councilor Herak moved to authorize the proper officer to publish legal notice of a public hearing to consider proposed additional appropriations at the plenary meeting of Monday, October 11, 2021 as indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer was authorized.

NEW BUSINESS

Amend the Agenda. Councilor Zemen moved to amend the agenda to consider an ordinance dealing with ending puppy mills, an Ordinance No. 1750. Councilor Schocke seconded. A two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended.

Proposed Ordinance No. 1750: Human Indiana Model Ordinance Language. Councilor Zemen introduced and moved the consideration of Ordinance No. 1750 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 Zemen moved the passage and adoption of Ordinance No. 1750 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 ordinance was passed by the Town Council at the same meeting of its introduction and adopted upon the signature of the Town Council President.

TOWN of HIGHLAND
ORDINANCE NO. 1750

HUMANE INDIANA MODEL ORDINANCE LANGUAGE

WHEREAS, A significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills," respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills.

WHEREAS, The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise.

WHEREAS, The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers.

WHEREAS, Current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops.

WHEREAS, Prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.

WHEREAS, Due in large part to pet overpopulation, more than [insert local data] dogs and cats are euthanized in [insert state] animal shelters annually, including nearly [insert local data] in the [insert city/town/county]. Prohibiting the retail sale of puppies and kittens will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers.

WHEREAS, Across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

WHEREAS, This Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and,

WHEREAS, The City Council believes it is in the best interests of this City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City,

NOW THEREFORE BE IT HEREBY ORDAINED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1. Definitions. That the following terms as defined shall apply to to the provisions of this ordinance:
Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop means a retail establishment where dogs, rabbits, and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Section 2. Restrictions on the Sale of Animals

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, rabbits, or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs, rabbits, and cats.

Section 3. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective Date. This ordinance shall become effective 90 days after its passage and adoption.

Introduced and Filed on the 27th 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 27th 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:

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)

**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 Building Commissioner, who reported on matters before the Plan Commission.

Councilor Zemen acknowledged the Fire Chief who reported (remotely) on fire department matters and the accident involving the late Mr. Scheidt.

Councilor Zemen acknowledged the Parks and Recreation Superintendent, (remotely) who offered a survey of programs and events under the aegis of the parks and recreation department. He also noted the installation of the new Heating Ventilation and Air Conditioning units at the Lincoln Community Center for its Field House.

Councilor Zemen acknowledged the Dean Smith, President of the Community Events Commission (remotely) who reported on the Trunk or Treat Event for October 23, 2021.

Councilor Zemen acknowledged the Fire Chief who noted that owing to continuing concerns regarding COVID-19, there would be no Fire Department Open House this year.

- **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 offered belated birthday greetings to former Public Works Director John Bach and Robin Carlascio.

Councilor Herak commented favorably on the Main Street Bureau and the several departments that were cooperating to have commemorate the first anniversary of the Restaurant Crawls in the Highland Downtown.

Councilor Herak acknowledged the Police Chief who thanked the Town Council for its renewal of a waiver of group health premium for disability retiree officer John Swisher.

Councilor Herak acknowledged the Public Works Director, who reported (remotely) on projects under the aegis of the Public Works Department (agency). The Public Works Director reported leaf collection to begin and the Fall clean-up day to be October 12.

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

Councilor Schocke reported that the Tree Board was managing a grant to plant 48 new trees throughout town. He further noted that the Student Conservation Association would be planting some of the trees.

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

Councilor Black reported that the Lake County Solid Waste Management District Board of Directors would be soon meeting.

Councilor Black commended the process that located funding for the awarding of the COVID stipends and wondered whether the current contracted IT Director could be included in the proposed measure.

- **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 the Redevelopment Director who reported on the redevelopment commission actions and related matters of redevelopment. The Redevelopment Director noted the first anniversary of the restaurant crawl, slated to be conducted on Tuesday, September 28, 2021.

The Redevelopment Director further reported on the Makers Market for October and the new municipal lot.

The Town Council President noted the recent census reports that added a 257 increase in the counted population from the 2010. It was noted that the Town's 2010 population was 23,727 and that the 2020 census is 23,984. The Town Council President commended the Complete Count Committee.

The Town Council President recounted a story of his visit to the Highland versus Munster Football game at Munster.

Comments from Visitors or Residents

1. Larry Kondrat, Highland, expressed disapproval regarding the process of hiring the Director of Information Technology. Mr. Kondrat expressed concern about the absence of any interviews for the position.

Mr. Kondrat expressed concern that the Study Session of September 20, 2021 not also being accessible by Zoom.

2. Ed Dabrowski, Highland, he was monitoring for sound issues at that meeting. He noted that in a prior meeting there were complaints regarding the ability to hear all the parties on the Zoom platform.

Mr. Dabrowski, (as newly appointed Director of IT), stated that he was working on getting the new BSA Software to be operational in the Building and Inspection Department.

Mr. Dabrowski noted that the audio visual and enhanced sound equipment for the Lincoln Community Center was to be installed.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Schocke moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period September 14, 2021, through September 27, 2021 as well as ratify the payroll dockets for the paydays of August 27, 2021 and September 10, 2021. Councilor Zemen 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, \$536,856.87; Motor Vehicle Highway and Street (MVH) Fund, \$8,735.54; Local Road and Street Fund, \$11,931.83; Law Enforcement Continuing Education and Training and Supply Fund, \$1,256.96; Information Communications Technology Fund, \$9,316.89; Police Pension Fund, \$68,529.44; Cumulative Capital Improvement Fund, \$4,310.00; Municipal Cumulative Capital Development Fund, \$1,809.20; Shared Ethics Initiative Fund, \$2,245.00; Public Safety Local Income Tax Fund, \$11,637.52; Total: \$656,629.25.

Payroll Docket for payday of August 27, 2021:

Council, Boards and Commissions, \$8,300.77; Office of Clerk-Treasurer, \$15,131.37 Building and Inspection Department, \$7,985.88; Metropolitan Police Department, \$121,543.07; Public Works Department (Agency), \$65,391.74; Fire Department, \$3,747.82; and 1925 Police Pension Plan Pension Fund, \$68,421.79; Total Payroll: \$290,522.44.

Payroll Docket for payday of September 10, 2021:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,122.15 Building and Inspection Department, \$7,749.19; Metropolitan Police Department, \$138,585.82; Public Works Department (Agency), \$63,424.90; Fire Department, \$3,853.14; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$228,725.20.

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 27, 2021, adjourned at 8:02 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