

**Enrolled Minutes of the Seventieth-Fourth Regular Meeting or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting (Electronic/In person Hybrid)
Monday, September 12, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, September 12, 2022 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 both an in person and an electronic meeting. Some persons were participating remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When the agenda item provided for public comment, this was supported as well. Councilor Toya Smith, Councilor Tom Black, Councilor Roger Sheeman all participated in person. Councilor Zemen was absent.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding in the plenary meeting room before the president called the meeting to order.

The Town Council Vice President Thomas Black presided. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor 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 Toya Smith, Mark Schocke, Thomas Black, Roger Sheeman and Clerk-Treasurer, Mark Herak were present. Councilor Zemen was absent. A quorum was attained.

Additional Officials Present: Pete Hojnicki, Metropolitan Police Chief; Edward Dabrowski, Director of Information Technology; Kenneth J. Mika, Building Commissioner; Bill Timmer, CFOD, Fire Chief; John Reed, Attorney with Abrahamson, Reed & Bilse were present. Alex Brown, CPRP, Superintendent of Parks and Recreation, Mark Knesek, Public Works Director were remote.

Guests: Theresa Badovich (remotely) and Robin Carlascio (remotely) of the Idea Factory were also present.

Minutes of the Previous Meetings: The minutes of the August 22, 2022 Plenary meeting were approved by general consent.

Special Orders:

1. **Plan Commission Docket: Plan Commission Docket No. 2021-01:** Petitioner seeking an amendment to the governing PUD Ordinance involving a major modification to an existing R-3 PUD/ Planned Unit Development Multi-Family Resident District located at 2515-2525 Longwood Drive, Highland, The current zone is R-3 PUD/Multi-Family

Residential District, petitioner seeks an Amendment to an existing R-PUD/Residential Planned Unit Development for construction of two (2), four (4) Unit Townhomes with attached garages compared to the original approved plan of two (2), eight (8) Unit Condominiums with detached garages. **Petitioner:** Rich Clousing/R&T Industries, by its attorney, Adam Sworden, 450 Vale Park Road, Suite E, Valparaiso, Indiana 46385. The matter was certified by the Municipal Plan Commission with a **favorable recommendation**, by a vote of six (6) in favor, no opposed at its meeting of August 17, 2022. It is expected that the enrolled Findings of Fact will be taken up by the Plan Commission at its meeting on September 12, 2022. This is now placed before the Town Council, pursuant to IC 36-7-4-1505 (c), Chapter 18.70.100(B), and 18.55.050 of the Highland Municipal Code. (Also see IC 36-7-4-608(f) (PUD Ordinances) (Still a map amendment)

- (a) Certification of Action by the Plan Commission regarding a Proposed Amendment to the Existing R-3 PUD/Multi-Family Residential District to a R-3 PUD Planned Unit Development Residential District Plan. (The Town Council may adopt the following ordinance, accept the plan commission favorable recommendation or not pass the ordinance and deny the recommendation of the plan commission.90 days tolls on 15 November 2022)
- (b) Proposed **Ordinance No. 1767:** An Ordinance Amending the Comprehensive Zoning Ordinance Passed by the Town Council of the Town of Highland, Lake County, Indiana, on the 9th day of October 2017, by Ordinance No. 1659 and Codified as Title 18 of the Municipal Code to be Effective on the date of adoption; and hereinafter reclassifying an area in the Town of Highland, Lake County, Indiana from a R-3 PUD Planned Unit Development to R-3 PUD Planned Unit Development Multi-Family Residence District for petitioner Rich Clousing/R&T Industries..

Further Note: As an ordinance to amend the zoning code, IC 36-5-2-9.8 (b)(1) states the usual rules for considering an ordinance on the same night of introduction do not apply.

Opportunity for Comment. Ken Mika, Building Commissioner began by giving a brief description of the project. This subdivision was established some twenty something years ago and it was part of a plan unit development, that was supposed to include four, eight-unit buildings, two of which were built and two haven't been built. The petitioner is proposing, using the same footprint, building two, 4-unit townhomes with attached garages.

The Attorney for the petitioner, Adam Sworden of Valparaiso then addressed the Council on behalf of the petitioner. He explained the petitioner had been before the Plan Commission numerous times, working through some design aspects. What the Council has before you, are essentially the replacement product for the original footprints that were originally supposed to be four, eight-unit condominium buildings but only two units were built. The petitioner is proposing to build two, four-unit townhome buildings with attached garages. What this does is, it allows for the development of the site with essentially with the same building footprint but it actually lessens the density by eliminating the need for

detached garages. We heard at the last meeting, there was concerns and issues over parking. The attached garages eliminated this concern. Not only do you have attached two car garages but also a dedicated driveway. As for the portion of the property that has the retention pond, we will make sure that maintenance does happen. There will be a new Home Owners Association who will have to work with the new leadership of the existing Home Owners Association. We've attempted to meet with the existing Home Owners Association but they have not responded. One of the things that the petitioner agreed to do, and the Staff and the Plan Commission were pretty adamant about, was putting an interior fire suppression in each unit. He reminded the Council that the Plan Commission approved the project 6 in favor and 0 opposed.

Councilor Schocke moved to accept the Certification of Action by the Plan Commission regarding a Proposed Amendment to the existing R-3 PUD/Multi-Family Residential District to a R-3 PUD Planned Unit Development Residential District Plan. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed. The favorable recommendation was accepted.

Councilor Schocke introduced and moved the consideration of Ordinance No. 1767 at the same meeting of introduction. Councilor Sheeman seconded. Upon a roll call vote, a unanimous vote being necessary to consider the Ordinance on the same night of introduction, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Schocke moved the passage and adoption of Ordinance 1767 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmative votes and no negatives with Councilor Zemen being absent. The motion passed. Ordinance No. 1767 was passed and adopted at the same meeting of its introduction.

ORDINANCE NO. 1767

AN ORDINANCE AMENDING AMENDATORY ZONING ORDINANCE NO. 707-39, REZONING AN R-2 TWO FAMILY RESIDENCE DISTRICT TO AN R-3 PUD PLANNED UNIT DEVELOPMENT MULTI-FAMILY RESIDENCE DISTRICT, ESTABLISHING THE NEVERS COVE SUBDIVISION IN THE TOWN OF HIGHLAND, INDIANA

WHEREAS, the Town Council ("Council") of the Town of Highland, Lake County, Indiana ("Town"), did on the 20th day of October 1975, pass a certain zoning ordinance, Ordinance No. 707, together with all amendments thereof and supplements thereto; and

WHEREAS, the Council of the Town, did on the 13th day of July, 1998, after due consideration and study pass and adopt Amendatory Zoning Ordinance No. 707-39, following a Petition and application for proposed amendments transmitted to the Town Plan Commission ("Commission") by the Council and after a duly noticed public hearing with the Commission resulting in the establishment of a Planned Unit Development ("PUD"), commonly referred to as Nevers Cove Subdivision ("Nevers Code"); and

WHEREAS, Amendatory Zoning Ordinance No. 707-39 that established the Nevers Cove Subdivision, created Units 1 and 2 of Nevers Cove, located along 2514-2525 Longwood Drive, a private drive, within the Town, that ultimately resulted in the Town approving four (4) eight-unit Condominium buildings within Nevers Cove as proposed; and

WHEREAS, as part of the approval of Amendatory Zoning Ordinance No. 707-39, the original developer of Nevers Cove was required to prepare and record a Declaration of Covenants and Restrictive Easements ("Declaration") against Unit 1, that have since been developed into condominium buildings; and

WHEREAS, the original developer never developed Unit 2, which has sat vacant for approximately 22 years and was an expansion real estate parcel of the original proposed and approved PUD per Exhibit A-1 to the Declaration; and

WHEREAS, the Declaration specifically excluded the Unit 2 parcel for its provisions except as it pertains to the private drive and utility easement(s) for the property, and any requirements for shared maintenance and upkeep of Longwood Drive and the site's detention/retention pond for the entire Nevers Cove subdivision which is entirely located within Unit 2; and

WHEREAS, R&T Industries, by Rich Clousing ("Petitioner"), filed its Petition seeking a Major Modification to existing Amendatory Ordinance No. 707-39 that established the Nevers Cove Subdivision, whereby R&T Industries seeks to further amend Amendatory Zoning Ordinance No 707-39, to allow for two (2) four-unit Townhome buildings with attached garages on Unit 2 of Nevers Cove, as opposed to additional eight (8) unit condominium buildings with detached garages; and

WHEREAS, the Commission has held numerous study sessions with Petitioner, and the Commission and Petitioner having given notice and held a public hearing pursuant to Indiana Code § 36-7-4-604 on July 6, 2022; and

WHEREAS, this Ordinance, an ordinance further Amending Amending Zoning Ordinance No. 707-39, satisfies the requirements of Indiana Code § 36-7-4-601; and

WHEREAS, pursuant to Indiana Code § 36-7-4-1505 and § 36-7-4-602(C)(1)(B) pertaining to amendments to PUD ordinances, the Commission and Petitioner have jointly prepared the proposal for this Amending PUD Ordinance No. _____, further amending Amending Zoning Ordinance No. 707-39; and

WHEREAS, after due consideration and study, the Council of the Town believes that said further amendment will be advantageous to the Town and will ensure the public health, safety, welfare and morals of the citizens thereof in the area affected by further amending Amending Zoning Ordinance No. 707-39 to allow for Townhomes instead of additional Condominiums;

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

Section 1. That the following described property situation in the Town of Highland, Lake County, Indiana, which is presently zoned R-3 PUD Planned Unit Development Multi-Family Residence District (“R-3 PUD”), as defined by Ordinance No. 707 and Amending Zoning Ordinance No. 707-39, of the Town of Highland, Indiana, is further amended to rezone the below legally described real estate from R-3 PUD to R-2 Planned Unit Development Two Family Residence District:

SEE EXHIBIT “A-1”

ALL OF WHICH IS ADOPTED this 12 day of SEPTEMBER, 2022, by the Town Council of the Town of Highland, Lake County, Indiana.

TOWN COUNCIL OF HIGHLAND, INDIANA

Bernie Zemen, President

Tom Black, Vice President

Toya Smith

Roger Sheeman

Mark Schocke

ATTEST:

Mark Herak, Town Clerk-Treasurer

EXHIBIT "A-1"

EXPANSION REAL ESTATE

Lot 1, Nevers Cove, Unit 2, a Planned Unit Development, to the Town of Highland, as shown in Plat Book 86, page 73 in the Office of the Recorder of Lake County, Indiana, except therefrom the following parcel thereof: Beginning at the Northwest corner of said Lot 1, being in the centerline of the Cady Marsh Ditch; thence South 85 degrees 17 minutes 00 Seconds East, along the North line of said Lot 1, a distance of 79.45 feet, to point of deflection; thence South 84 degrees 50 minutes 00 seconds East, continuing along said North line, a distance of 188.97 feet; thence South 00 degrees 33 minutes 28 seconds West, a distance of 5.36 feet; thence South 00 degrees 33 minutes 28 seconds West, a distance of 24.00 feet, to a point on the South line of said Lot 1; thence South 89 degrees 35 minutes 13 seconds West, along said South line, a distance of 170.76 feet; thence South 00 degrees 03 minutes 00 seconds East, along said South line, a distance of 130.00 feet, to a point on the North Right-of-Way line of Martha Street; Thence North 89 degrees 26 minutes 32 seconds West, along said North Right-of-Way line, a distance of 86.50 feet; to the Southwest corner of said Lot 1, a distance of 360.21 feet, to the point of beginning, all in the Town of Highland, Lake County, Indiana.



2. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for property located at 8333-8357 Indianapolis Blvd., **Highland**, to allow the petitioner the use of the location for an Autobody Collision Repair Center. The property is located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district, in which Autobody Collision Centers are not a listed, permitted use. The petitioner, RPS Capital Investments, LLC was represented by Attorney Jared Tauber.. *(The petition supports the variance)*

The Advisory Board of Zoning Appeals met in regular session on Wednesday, July 27, 2022. As part of their agenda, by a vote of four (4) in favor and none (0) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council for the petitioner's use variance. The findings of fact were memorialized and approved by the board in written form at its meeting of 24 August 2022. *(90 days ends 22 November 2022).*

Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance and approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes its recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment. An email was sent to the Clerk-Treasurer's Office by the petitioner's attorney, Jared Tauber of Tauber Law Offices requesting a continuance of his client's Use Variance for property located at 8333-8357 Indianapolis Blvd, till the

September 26, 2022 Town Council Plenary Meeting, stating that neither he nor his client could be in attendance tonight and that the covenant requested by the BZA had not been worked out between he and Town Attorney Reed.

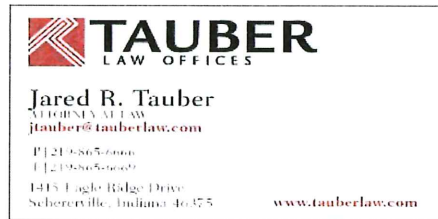
(B) *Action on the Recommendation.* Councilor Schocke moved to grant the petitioner's request for a continuance to the September 26, 2022 Town Council Plenary Meeting. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed and the petitioner was granted a continuance until the September 26, 2022 Town Council Plenary Meeting.

Mark Herak

From: Jared Tauber <jtauber@tauberlaw.com>
Sent: Monday, September 12, 2022 12:27 PM
To: Mark Herak
Cc: John P. Reed
Subject: RE: BZA Use Variances

Hi Mark,

Pursuant to our discussion, I am requesting a continuance for the two BZA hearings that are currently on the Agenda for tonight for several reasons. Neither or my clients are going to be available tonight, the Town Council President being absent, and the fact that a covenant for one of the use variances has not been worked out yet between myself and John. I have copied John to this email as well as I just got off the phone with him. We would appreciate being placed on the next scheduled meeting on September 26, 2022.



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3. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for properties located at 9227 Indianapolis Blvd., **Highland** and 9224-9292 Spring Street,

to allow the petitioner the use of the locations for an Offsite New Car Parking Lot. The property is located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district, in which Offsite Park Lots are not a listed, permitted use. The petitioner, Garber Chevrolet was represented by Attorney Jared Tauber.. *(The petition supports the variance)*

The Advisory Board of Zoning Appeals met in regular session on Wednesday, July 27, 2022. As part of their agenda, by a vote of four (4) in favor and none (0) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council for the petitioner's use variance. The findings of fact were memorialized and approved by the board in written form at its meeting of 24 August 2022. *(90 days ends 22 November 2022).*

Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance an approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes it recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment. An email was sent to the Clerk-Treasurer's Office by the petitioner's attorney, Jared Tauber of Tauber Law Offices requesting a continuance of his client's Use Variance for properties located at 9227 Indianapolis Blvd and 9224-9292 Spring Street, till the September 26, 2022 Town Council Plenary Meeting, stating that neither he nor his client could be in attendance tonight and that the Town Council President Zemen was absent at tonight's meeting.

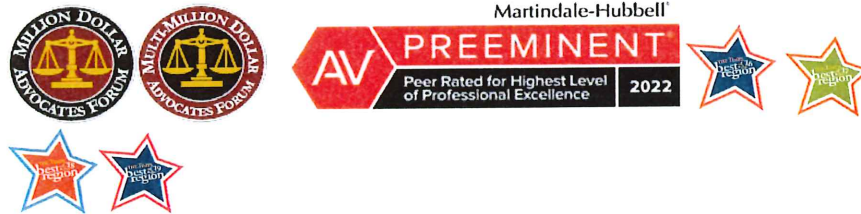
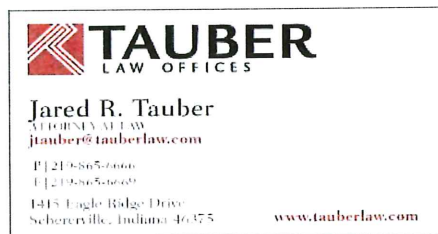
(B) Action on the Recommendation. Councilor Schocke moved to grant the petitioner's request for a continuance to the September 26, 2022 Town Council Plenary Meeting. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed and the petitioner was granted a continuance until the September 26, 2022 Town Council Plenary Meeting.

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4. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for property located at 8401 Indianapolis Blvd., **Highland**, to allow the petitioner to use a percent of the existing building for the purpose of establishing an indoor climate-controlled storage facility. This is a non-conforming use. The property is currently zoned as B-3/ General Business District. Petitioner: **Jack Rosencrans and Dan Nieman of Sursee Improvements, LLC, c/o DLC Management Corporation, Elmsford, NY.** *(The petition supports the variance).*

The Advisory Board of Zoning Appeals by a vote of two (2) in favor and two (2) opposed acted to send a **neutral recommendation of the request for a use variance**

for the property. The ABZA acted at its meeting of 22 June 2022. The findings of fact were memorialized and approved by the board in written form at its meeting of 27 July 2022. (90 days ends 25 October 2022).

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

(A) *Opportunity for Comment.*.. An email was sent to the Clerk-Treasurer's Office by the petitioner's Jack Rosencrans from DLC Management Corp., requesting to have DLC's petition withdrawn from consideration. He did request to be able to address the Council at a later date to discuss uses for the property.

(B) *Action on the Recommendation.* Councilor Schocke moved to grant the petitioner's request and to withdraw from consideration. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed and the petitioner's request was granted to have his petition withdrawn from the docket.

Mark Herak

From: Jack Rosencrans <jrosencrans@dclcmgmt.com>
Sent: Monday, September 12, 2022 1:20 PM
To: Mark Herak
Cc: David Westland
Subject: RE: Town Council Study Session - Ultra Highland Self Storage Variance

Mark,

After further consideration, I would like to withdraw DLC's application that was originally scheduled for tonight's public hearing. I've copied Dave Westland who is also going to let Ken and John Reed know about our decision.

I do still want an opportunity to discuss the future of this property with the council and would like to get on the agenda for next week's study session. Please let me know once that is confirmed and I will plan to be there for the 9/19 meeting at 6:30.

Thank you

JACK ROSENCRANS
VICE PRESIDENT OF REDEVELOPMENT

DLC MANAGEMENT CORP.
565 Taxter Road, 4th Floor
Elmsford, NY 10523

D 914.304.5615 | C 203.561.4053 | F 914.560.2280
E jrosencrans@dclcmgmt.com



From: Jack Rosencrans
Sent: Friday, September 9, 2022 10:25 AM
To: Mark Herak <mherak@highland.in.gov>
Cc: David Westland <dwestland@westlandbennett.com>
Subject: RE: Town Council Study Session - Ultra Highland Self Storage Variance

Thank you Mark, that would be great. Sorry for the late notice – definitely had some scheduling issues with the holiday this month.

Let me know if any issues with the continuance. I am available to join via Zoom on Monday PM if at all helpful.

JACK ROSENCRANS
VICE PRESIDENT OF REDEVELOPMENT

DLC MANAGEMENT CORP.
565 Taxter Road, 4th Floor
Elmsford, NY 10523

D 914.304.5615 | C 203.561.4053 | F 914.560.2280
E jrosencrans@dclcmgmt.com

Comments from the Public or Visitors:

Vern Sieb, Highland began by saying he originally developed Nevers Cove and was curious with the approval of these townhomes, was drainage taken into consideration. When I developed it, the Plan Commission had me jump through hoops regarding lighting, vegetation, et cetera. I had to have permission from the County to build that close to the ditch and then had to maintain the retention pond. The gentleman who earlier addressed the Council, said that they were going to take over the maintenance of the retention pond. There were regulations that were written up and documented by the Town on what could and could not be done on the property. I had to have vegetation and lighting plans, in addition to drainage. Is this developer following those guidelines?

Ken Mika responded that the overall development plan, which Mr. Sieb was aware, included 4, 8-unit buildings but only 2 of the 4 units have been built. The drainage plan was for the entire area or footprint regardless if only 2 of the 4 buildings were built. Nothing is changing in reference to the footprint that would increase potential run off on this project that would require increasing the volume of the existing retention pond. Even the catch basins are in the original locations as when you developed the project. The difference rather than 2 additional 8-unit condominiums, you're going to have 2, 4-unit townhomes. Lighting, vegetation and drainage were all taken into consideration.

Vern Sieb said he sold the property Gary Torrenga and another party, who lost it to bankruptcy. The property then went to the Catholic Church who sold it to the petitioner and I'm questioning whether this developer will have to abide by the regulations I had to agree to or are the regulations simply going to go away and disappear.

Ken said to Mr. Sieb, I'm not sure why you keep saying disappeared. Nothing has changed from the regulations you agreed to on the original 2 units. The footprint is the same and everything meets the Highland Code for a 4-unit development. The townhomes are going in the exact same footprint as your proposal for the 8-unit condominiums.

Mr. Sieb said when he originally proposed the project, the Plan Commission wouldn't accept garages under the buildings, which is why the garages are located the way they are. But with this new development, the Plan Commission are allowing the garages under the building.

Ken said, I don't understand what you mean by under the building.

Mr. Sieb responded it looks as though the garages are under the structures.
Ken said, they're actually in front of the building. They are just attached garages. This plan went back and forth at the Plan Commission and ultimately the Plan Commission decided this was the best option.

Larry Kondrat, Highland, began by asking about the agenda item of the Town scrapping some equipment. He asked Councilor Black what piece of equipment was being scrapped.

Councilor Black said he didn't believe he saw a list.

Mr. Kondrat said you haven't seen a list or don't know what piece of equipment it is and yet you're going to vote on it tonight.

Councilor Schocke said he didn't realize there was going to be pop quiz.

The Clerk-Treasurer responded that it was the generic generator that was used at the Town Hall. The repair company could not fix it, so it was decided a better option was to tie into the generator at the police station. Because it was property owned by the Town, it has to be disposed of in a certain matter.

Mr. Kondrat then questioned whether the Town had obtained an electrical permit.

Ken Mika responded in the affirmative and said the permit was posted on the front door.

Councilor Schocke said he now got it, as it is a multiple-choice quiz.

Mr. Kondrat then questioning the Council about some police equipment that was on the agenda to be purchased. Did the Council know what the equipment was?

Councilor Black responded in the affirmative saying it was the Ford Explorers.

The Clerk-Treasurer said it was for 9 ballistic shields for the supervisor vehicles.

Larry said, so were going to buy some equipment to be able to bash down some doors where some banditos are held up. It's a shame that not all of our officers have bullet proof vests. We had a former Congressman that promised to put a bullet proof vest on every police officer and yet not all the officers have one. He then directed his attention to the Republican members of the Council. He was referring to comments made by Terry Steagal at the previous Town Council Plenary Meeting asking the 3 Republicans to champion the cause of a Public Safety Tax. He said Terry wants you three Republicans to institute an income tax or a tax of some sort for our police department so that we can equip them. I don't know if you realize this but we already have a local income tax that comes out of your paychecks. Its one and a half percent of every nickel of every man, woman, and child, even a kid who works at Burger King. So far, this year, I've paid two hundred dollars for our public safety, which goes to the Police and Fire Departments. Considering that you three people have somehow gained some taxing authority that I believe, is constitutionally bestowed upon you. Maybe we can get the Lake County Council to take the \$200 I paid this in the local income tax and transfer it to the Town of Highland.

Councilor Black thanked Mr. Kondrat for his idea but suggested he might want to take it up with the Lake County Council.

Councilor Sheeman responded that he didn't know what Mr. Kondrat was talking about as he never proposed nor did the other Republicans propose a tax. He wanted to make it clear it wasn't any of us who proposed the tax.

Communications:

The Town Council will hold a special meeting, on September 19, 2022 at 7:00, here in the Plenary Meeting room located at 3333 Ridge Road Highland to conduct a Pre-Adoption Hearing of the Proposed Fiscal Year 2023 Budget for the Town of Highland, Pre-Adoption Hearing of the Proposed Fiscal 2023 Budget of the Sanitary District and a Pre-Adoption Hearing of the Proposed Fiscal Year 2023 Budget of the Waterworks District pursuant to IC 6-1.1-17-20. The study session scheduled for that evening will begin immediately after the Plenary Meeting.

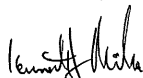
Staff Reports:

Building Report August, 2022

PERMIT TYPE	#	Res.	Comm.	Est. Cost	Fee Collected
Commercial Buildings	1	0	1	\$ 507,110.00	\$ 8,796.00
Comm. Additions/Remodel	1	0	1	\$ 14,384.00	\$ 339.00
Signs	4	0	4	\$ 24,333.00	\$ 1,278.00
Single Family	0	0	0	\$ -	\$ -
Duplex/Condo	0	0	0	\$ -	\$ -
Residential Additions	0	0	0		
Residential Remodeling	73	73	0	\$ 853,196.00	\$ 18,595.50
Garages	2	2	0	\$ 29,975.00	\$ 966.00
Sheds	1	1	0	\$ 4,151.00	\$ 264.00
Decks & Porches	1	1	0	\$ 1,200.00	\$ 268.50
Fences	14	14	0	\$ 95,177.00	\$ 2,947.50
Above/In ground pools	2	2	0	\$ -	\$ 108.00
Drain Tile/Waterproofing	4	4	0	\$ 30,289.00	\$ 910.50
Misc: (8) Concrete, (3) Demo, (5) Road Cut	16	15	1	\$ 210,540.00	\$ 5,681.50
Total Building Permits	119	112	7	\$ 1,770,355.00	\$ 40,154.50
Electrical Permits	17	15	2	\$ -	\$ 1,903.00
Mechanical Permits	11	10	1	\$ -	\$ 1,287.00
Plumbing Permits	10	7	3	\$ -	\$ 1,634.20
Water Meters	1	0	1	\$ -	\$ 835.00
Water taps	0	0	0	\$ -	\$ -
Sewer/Storm Taps	0	0	0	\$ -	\$ -
Total Plumbing Permits	11	7	4	\$ -	\$ 2,469.20

August 2022 Code Enforcement: 62 Investigations and 5 Citations were issued & 1 Warning was given. Inspections done for the month of August 2022 were as follows: 54 Building Inspections, 20 Plumbing Inspections, 14 HVAC and 28 Electrical Inspections. There were no Electrical Exams given.

Submitted By:


 Kenneth J. Mika

Mark Herak

From: Denise Beck
Sent: Tuesday, September 6, 2022 1:55 PM
To: Mark Herak; Chad Kinley
Subject: August Fire Stats

Good Afternoon Mark and Chad,

Types of Calls	August 2022	YTD
General Alarms	13	97
Paid Still Alarms	35	216
Still Alarms	2	25
Total calls in 2022	50	335

Denise Beck
Highland Fire Department
2901 Highway Ave.
Highland, IN 46322
(219)-923-9876

2022
 TOWN OF HIGHLAND INJURIES FOR THE MONTH
AUGUST

CASE	DATE	DEPARTMENT	DESCRIPTION	Record Only	OSHA	Not OSHA	Filed with
	OF INJURY			No Med Treatment	Recordable	Recordable	WC Insurance
RO-11	8/6/22	Police Dept	EE was moving dog out of the cage to wash, when it bit EE on the Right Hand/index finger	X		X	X
RO-12	8/10/22	Public Works	While EE was placing Branches in the Chipper, a branch kicked back striking EE in the Left Eye.				

RO = Record Only

DEPT	2022			2022			
	INJURIES	YEAR TO	TOTAL	RESTRICTED	LOST DAYS	RESTRICTED	LOST DAYS
	THIS MONTH	DATE	2021	DAYS THIS YEAR	THIS YEAR	DAYS 2021	2021
PARK & REC		1					
FIRE			1				
POLICE	1	5	4		67		10
STREET		1			44		
WATER SEWER	1	1	2			32	
MAINTENAN		4	2		77		
OTHER							
TOTALS	2	12	9	0	188	32	10

Effective January 1, 2002 OSHA changed the recordkeeping guidelines. We now count the number of days lost from the day after the injury until the employee returns to work. Weekends, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days

Appointments: None

General Orders and Unfinished Business: None

New Business:

1. *AUTHORIZE A SPECIAL MEETING OF THE TOWN COUNCIL FOR SEPTEMBER 19, 2022 AT 7:00 P.M. TO CONDUCT A PRE-ADOPTION HEARING OF THE PROPOSED FISCAL YEAR 2023 BUDGET FOR THE TOWN OF HIGHLAND, PRE-ADOPTION HEARING OF THE PROPOSED FISCAL 2023 BUDGET OF THE SANITARY DISTRICT AND A PRE-ADOPTION HEARING OF THE PROPOSED FISCAL YEAR 2023 BUDGET OF THE WATERWORKS DISTRICT PURSUANT TO IC 6-1.1-17-20.*

Councilor Sheeman asked if it was necessary to authorize a special meeting as the Town Council President can simply call a meeting. He believed he did it when he was president. If he wanted to have a meeting, he simply called it.

Councilor Schocke said he didn't have a problem either way and proceeded to make the motion.

Councilor Schocke moved to authorize a special meeting as indicated for the pre-adoption hearing for the Civil Town; the Sanitary District and the Water District. Councilor Black seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives with Councilor Zemen was absent. The motion passed. The meeting was approved.

2. Works Board Order No. 2022-25: An Order of the Works Board Finding and Determining Certain Personal Property of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired and Deemed Worthless and of No Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.

Councilor Smith moved the passage and adoption of Works Board Order No. 2022-25. Councilor Schocke seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman and Black voting in the affirmative. Councilor Zemen was absent. The motion passed. Works Board Order No. 2022-25 was adopted.

**THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2022-25**

AN ORDER FINDING And DETERMINING A CERTAIN ITEM OF PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED AND HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE, AND FURTHER AUTHORIZING And APPROVING DISPOSAL OR TRANSFER OF SAID PROPERTY

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the Public Works (Agency) that an item of personal property particularly, *a 22 KW Liquid Cooled Guardian Generac Generator*, owned by the municipality are no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

WHEREAS, The Public Works Director has recommended that disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.;

WHEREAS, The Public Works Director has further recommended that disposal of the personal property be executed by scrapping or "junking" the asset, finding it worthless, all pursuant to the provisions of IC 5-22-22-8; and

WHEREAS, The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

(A) That there is a certain article of personal property possessed or owned by the municipality, that is no longer needed, unfit for the purposes for which it was acquired, pursuant to IC 5-22-22-3; or,

(B) That this certain article of personal property possessed or owned by the municipality, has been left in the custody of an officer or employee of the Town of Highland and has remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,

(C) That there is a certain article of personal property possessed or owned by the municipality, that may be deemed worthless or of no market value as the estimated cost of the sale and transportation of the property exceeds the property value, pursuant to IC 5-22-22-8;

(D) That this item of personal property is particularly described as a *22KW Liquid Cooled Guardian Generac Generator*, Serial Number: 5154727;

Section 2. That the Public Works Director is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by **junking or scrapping it**, pursuant to IC 5-22-22-8;

Section 3. That no notice of the disposal is necessary all pursuant to IC 5-22-22-6;

Section 4. That any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the proper fund.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 12th day of September 2022, having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 3. Proposed Appropriation Enactment No. 2022-17:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget from Monies received as a Grant from the State or Federal Government, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5 ET SEQ.

Councilor Schocke introduced and moved the consideration of Appropriation Enactment No. 2022-17 at the same meeting of introduction. Councilor Sheeman

seconded. Upon a roll call vote, a unanimous vote being necessary to consider the Ordinance on the same night of introduction, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Schocke moved the passage and adoption of Appropriation Enactment No. 2022-17 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmative votes and no negatives with Councilor Zemen being absent. The motion passed. Appropriation Enactment No. 2022-17 was passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
ENACTMENT NO. 2022-17

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

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

WHEREAS, The Town Council has been informed of the receipt of funds from **First Financial**, representing funds from returned check number 47305, dated April 19, 2022, which was sent Industrial/Organizational Solutions, Inc per invoice C52949A, for the grading of police applicant tests and was deposited in the wrong bank by Industrial/Organization Solutions. First Financial returned the amount into the Town of Highland's account on August 19, 2022, per the Clerk-Treasurer's receipt number 796975 in the total amount of **\$239.00** and receipted into account 1101-0009-39900 Miscellaneous Revenue. It is now the desire of the Metropolitan Police Department to have the money appropriated into the Continuing Education Fund;

WHEREAS, The Town Council has been further informed that these funds were returned to the Town of Highland's account by First Financial as a reimbursement for the funds being incorrectly deposited by Industrial/Organizational Solution for expenditures made by the political subdivision;

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

Section 1. That the expenses for grading of the police examines as performed by Industrial/Organizational Solutions and invoiced to said municipality under Invoice C52949A on April 19, 2022 were paid by said municipality on April 26, 2022 via paper check number 47305 and subsequently deposited by Industrial/Organization Solution into the wrong financial institution forcing the Town of Highland to seek reimbursement from First Financial. First Financial reimbursed the Town of Highland's account, on August 19, 2022 for the actual expenses incurred by said municipality, the following additional sums of money, received from First Financial as designated as a reimbursement for check number 47305 dated April 26, 2022 by the Town of Highland for an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account:	#1101-0009-399.00 Misc. Revenue	<u>\$239.00</u>
	<i>Total 300 Series Reductions</i>	\$239.00
Increase Account:	#2228-0000-330.02 LECE Printed Supp	<u>\$239.00</u>
	<i>Total 300 Series Increases</i>	\$239.00
	Total of All Fund Decreases:	\$239.00
	Total of All Fund Increases:	\$239.00
	Total of All Fund Increases:	\$ 239.00

Section 2. That in satisfaction and for the purposes of the provisions set out In I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th day of September 2022. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 12th Day of September 2022, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

- 4. Proposed Appropriation Enactment No. 2022-18:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget from Monies received as a Grant from the State or Federal Government, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5 ET SEQ.

Councilor Smith introduced and moved the consideration of Appropriation Enactment No. 2022-18 at the same meeting of introduction. Councilor Sheeman seconded. Upon a roll call vote, a unanimous vote being necessary to consider the Ordinance on the same night of introduction, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Smith moved the passage and adoption of Appropriation Enactment No. 2022-18 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a two-thirds vote being necessary, there were 4 affirmative votes and 0 negatives. The motion passed. Appropriation Enactment No. 2022-18 was passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
ENACTMENT NO. 2022-18

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

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

WHEREAS, The Town Council has been informed of the receipt of funds from a special training grant of the **United States Department of Justice Program, Bureau of Justice Assistance** program, particularly represented on Clerk-Treasurer's **receipt number 798298** in the amount of **\$2,865.87** as reimbursement in support of Bulletproof Vest Partnership program;

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

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

Section 1. That for the actual expenses of said municipality related to special training funded by **United States Department of Justice Program, Bureau of Justice Assistance** to reimburse the municipality for a portion of its actual expenses incurred by the purchase of Bulletproof Vests and related costs the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the fund herein named:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Increase Account:

Acct. 4402-0000-23009 PD Bulletproof Vests	<u>\$ 2,865.87</u>
Total 200 Series:	\$ 2,865.87

Total of All Fund Increases:	<u>\$ 2,865.87</u>
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Section 2. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of September 2022. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of September 2022, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak,
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2022-26:** An Order of the Works Board Approving and Authorizing the Purchase of Certain Public Safety Communications Equipment (Opticom System), as Identified by the Metropolitan Police Chief, from Michiana Contracting Inc., of Plymouth, IN and finding it to be a Special Purchase pursuant to I.C. 5-22 and Chapter 3.05 of the Municipal Code.

Councilor Sheeman questioned the not to exceed \$45,000 when the Clerk-Treasurer only had quotes for \$23,000 or 4 of the 6 intersections listed in the Works Board Order. The Metropolitan Police responded that when the quote was attained, the intersections of US41 & Lincoln and US41 and 45th were working properly but since then, they have gone out and were added to the list.

Councilor Schocke moved the passage and adoption of Works Board Order No. 2022-25. Councilor Smith seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman and, Black, voting in the affirmative. Councilor Zemen was absent. The motion passed. Works Board Order No. 2022-26 was adopted.

Town of Highland
Board of Works
Order of the Works Board 2022-26

An Order of the Works Board Approving and Authorizing the Purchase of Certain Public Safety Communications Equipment (Opticom System), as Identified by the Metropolitan Police Chief, from Michiana Contracting Inc., of Plymouth, IN and finding it to be a Special Purchase pursuant to I.C. 5-22 and Chapter 3.05 of the Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property

throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00;

Whereas, The Metropolitan Police Chief has identified Michiana Contracting, Inc., of Plymouth, IN to be the desirable source vendor for the purchase of various replacement parts and the labor to perform the repairs to the Opticom System at a not-to-exceed cost of \$45,000 for the following intersections, commonly known as;

Ridge and Grace
Kennedy and Hart
Kennedy and Main
US 41 and Hart
US 41 and Lincoln
US 41 and 45th

Whereas, The purchase cost of the replacement parts exceeds \$15,000.00 and requires express approval of the purchasing agency pursuant to Section 3.05.040 (D) as well as, Section 3.05.040 (E) of the Highland Municipal Code; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, believes that this purchase qualifies as a special purchase to be made without soliciting bids or proposals because in this instance (1) the compatibility of equipment, accessories or replacement parts is a substantial consideration in this purchase and (2) only one source meets the department's reasonable requirements, which is the source recommended for this purchase;

Whereas, The Purchasing Agent, for the rationale stated herein, elects to purchase without resort to soliciting quotes or bids pursuant to IC5-22-10 and Section 3.05.065 (I) of the Highland Municipal Code;

Whereas, The cost of the replacement parts and the labor to perform the repairs on the Opticom System will be supported by the Public Safety Income Tax Fund and there is sufficient appropriation in order to support the purchase and repairs; and

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

NOW, THEREFORE BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase of the replacement parts and the cost of labor to repair the Opticom System from Michiana Contracting Inc, of Plymouth, IN as a desirable source vendor for the purchase replacement parts and the labor to perform the repairs to the Opticom System as set forth in estimate, which is attached as an exhibit to and made part of this order at a not-to-exceed cost of \$45,000;

Section 2. That the Works Board hereby finds and determines the following:

- (A) That Michiana Contracting Inc, 7843 Lilac Road, Plymouth, Indiana a sole source to meet the police departments reasonable requirements for this purchase and repair;
- (B) That this purchase, the compatibility of equipment, accessories or replacement parts is a substantial consideration; and,
- (C) That the forgoing rational, this purchase qualifies as a special purchase pursuant to IC5-22-10 et seq. and HMC Section 3.05.065(I); and,

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase of replacement parts and labor to repair the Opticom System and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY PASSED and ORDERED this 12th Day of September by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, and having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2022-28:** An Order of the Works Board Approving and Authorizing the Purchase of Breaching Tools, as Identified by the Metropolitan Police Chief, from Kiesler Police Supply, of Jefferson, IN pursuant to Chapter 3.05 of the Municipal Code.

Councilor Sheeman moved the passage and adoption of Works Board Order No. 2022-28. Councilor Schocke seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman and Black voting in the affirmative. Councilor Zemen was absent. The motion passed. Works Board Order No. 2022-28 was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2022-28**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase Breaching Tools from Kiesler Police Supply of Jeffersonville, IN for nine (9) Safariland Protech Assault LVL III Rifle Shields, nine (9) Dynamic Entry Rams, nine (9) Sledge Hammers and nine (9) pursuant to I.C. 5-22-8-2.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00.

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to §3.05.060(G) of the HMC, expected that the purchase, in aggregate, to be less than \$50,000 and invited quotes in accordance with Section §3.05.060(G) of the HMC; and

WHEREAS, THE FOLLOWING QUOTES WERE RECEIVED:

<u>Bidder</u>	<u>Proposal</u>
Kiesler Police Supply/Fire Hooks Unlimited	\$48,843.00
Gall's	\$51,426.82

Chase Tactical/Botach Police Supply \$52,893.55

Whereas, the Metropolitan Police Chief has reviewed the quotes and made recommendation for award on the various items based on being the lowest responsive and responsible quote.

Whereas, The Metropolitan Police Chief has identified Kielser Police Supply of Jeffersonville, IN to be a desirable source vendor for the purchase of nine (9) Safariland Protech Assault LVL III Rifle Shields at a price of \$4,500 each for a total of \$40,500 and nine (9) Dynamic Entry Rams at a price of \$615.00 each for a total of \$5,535 for a total of **\$46,035.00**;

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.050 (B) as well as Section 3.05.060 F (1) (3) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The cost of the Breaching Tools will be supported by the Public Safety Income Tax Fund and there is sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

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

Section 1. That the Works Board hereby finds and determines that the offer from Kiesler Police Supply, 2802 Sable Mill Road, Jeffersonville, IN to be the lowest responsive and responsible offer having offered a unit price Of **\$4,500.00** each for nine (9) Safariland Protech Assault LVL III Rifle Shield at a total price of **\$40,500** and having offered a unit price of **\$615** each for nine (9) Dynamic Entry Ram at a total cost of **\$5,535** for a total cost of **\$46,035**; all pursuant to IC 5-22 and Section 3.05.060 (F)(3) of the Highland Municipal Code;

Section 2. That the Police Chief is authorized and approved to purchase from Kiesler Police Supply of Jeffersonville, IN nine (9) Safariland Protech Assault LVL III Rifle Shield at the price of \$40,500 and nine (9) Dynamic Entry Ram at a price of \$4,920

for a net total of \$46,035.00; all pursuant to IC 5-22 and Section 3.05.060 (F) (3) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

Duly Passed, Adopted, and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of September, 2022 having passed by a vote of 4 in favor and 0 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

7. APPROVAL OF MEDICAL & LIFE PLANS: AUTHORIZING THE CLERK-TREASURER TO RENEW AIM MEDICAL AND LIFE INSURANCE PLANS, EFFECTIVE JANUARY 1, 2023.

After the motion passed to pay claims and prior to adjourning, the Council went into study session to review the various health insurance options available to the Town and offered to its employees. There are 13 plans available. Highland offers 2 plans, Plan 1 which is a \$500 PPO and Plan 7 which is a \$3,000 HDHP. Those are the richest plans offered by the Trust. Many cities/towns don't offer 2 plans but rather only 1 plan, usually the HDHP. Officer Brandon Norris who recently resigned to go to Crown Point said Crown Point offers only 1 plan, a HDHP. For Plan 1, the Town pays \$1,060.02 for employee only; \$2,119.97 for employee and spouse; \$2,014 for employee and child(ren); \$3,073.98 for employee and family. For Plan 7, the Town pays \$893.12 for employee only; \$1,786.20 for employee and spouse; \$1,696.92 for employee and child(ren); \$2,590.06 for employee and family. In order to entice the employee to take the HDHP plans, the Town subsidizes the employee with payouts twice a year or a total payout of; employee only of \$981;

employee & child of \$1,996; employee and spouse of \$1,996 and employee and family of \$2,899.

Councilor Sheeman reported that if we went from Plan 1 which is the \$500 PPO to Plan 2 which is the \$750 PPO, the savings to the Town is roughly \$40 for employee only but it is costing the employee and additional \$250 out of pocket.

Attorney Reed said with the HDHP plan, even with the enticement, employees are concerned about that catastrophic out of pocket costs event. What they don't realize is that the money that is put into their health savings plan, remains there. It is used to pay your deductible but what you don't use rolls over year after year. Even if the employee leaves the employment of the Town of Highland, their health savings account goes with them.

The Clerk-Treasurer explained how the trust operates. It's a pool. The 8.3% increase experienced by Highland, 40% of the cost was based directly on the Town's claim history over the last 5 year and 60% of the cost was based on the pool's claim history over the last 5 years. It was mentioned that if Highland hadn't been part of the trust or pool, our cost increase would have been 12.4%. Schererville who is also in the pool, experienced a 9.3% increase.

Councilor Sheeman raised the point that last year, all the members of Aim received a holiday where we didn't have to pay 1 month's premiums.

Councilor Black said he thought medical benefits are important and the lesser out of pocket cost to the employee the better. It is a benefit we can offer our employees.

Councilor Schocke said he wished he had thought of that when the Council was discussing the 8% raise as it would have been a great negotiating tool.

The Council would like to bid out the insurance by next April, using Plan 1 and Plan 7 as the basis for the bids. Have other insurance companies bid on Plans 1 & 7. By doing it then, should the deductible change or the plan changes, then the employees can be prepared.

Councilor Smith added that the plans we offer to our employees is better than what the County offers their employees.

Ed Dabrowski added that the Clerk-Treasurer had the department heads budget 10% for health insurance so even with an 8.3% increase, we are still in the black.

The Clerk-Treasurer reminded the Council that this does not include dental. The Town's dental is through the Brown Insurance Agency and does not come due until next March. He pointed out that the Brown Insurance Agency handles the health insurance for the Town of Griffith and United Health is the carry, however, they are not part of the trust and they're rates went up higher. Merriville is also

looking at joining the Trust. He reminded the Council that we still carry John Swisher on our policy. The Council needs to make a decision before the end of the year whether they will continue to carry him.

Councilor Sheeman pointed out that insurance rates are based upon your pool, the average age of the pool, with those with an older age pool paying more than a younger age pool.

The consensus of the Council was that we shouldn't think of changing the plans as this late date but look at it next April. Also taking away from the employees is never a good thing.

Councilor Schocke moved to re-enroll in Plan 1 and Plan 7 which the Town currently offers their employees. Councilor Smith seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman and Black voting in the affirmative. Councilor Zemen was absent. The motion passed and the Town renewed Plans 1 & 7.

8. **Resolution No. 2022-20:** A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services for 2022-2023.

The School Board President was in attendance and commented on Resolution No. 2022-20. From the School Town's perspective, we've had a great relationship with the Town and with all that's been happening over the past few months, we appreciate the Town's continuation. We're going to look at our budget to see if there is an opportunity to add a second resource officer.

Councilor Schocke added he has appreciated the dialog with the School Town and is anxiously awaiting the 16th of September.

Councilor Schocke moved the passage and adoption of Resolution No. 2022-20. Councilor Sheeman seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and 0 negatives, with Councilors Smith, Schocke Sheeman and Black voting in the affirmative. Councilor Zemen was absent. The motion passed. Resolution No. No. 2022-20 was adopted.

A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services for 2022-2023

WHEREAS, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland, Lake County, Indiana are municipal corporations empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability and flexibility to obtain for the Highland Students certain gang resistance training, a heightened law enforcement presence in the local public schools as well as other related services for the mutual benefit of the participating entities, and at a shared cost,

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

Section 1. That a joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the School Town of Highland entered into by the Town of Highland by and through its Town Council, this 12th Day of September 2022 is hereby authorized and approved in each and every respect;

Section 2. That the purpose of this agreement is to authorize and allow the Town Council of the Town of Highland and the School Board of Trustees to act as a joint board of the two participating entities to mutually support and utilize certain specified services associated with the **School Resource Officer Program** for the mutual benefit of the participating entities at shared costs;

Section 3. That the Clerk-Treasurer of the Town of Highland is hereby authorized to execute the duties related to the payment, collection and accounting for all moneys of this joint undertaking, pursuant to the terms of this agreement, in a manner that is mutually acceptable with the duly constituted and acting business official of the School Town of Highland;

Section 4. That the governing boards of the participating entities may be convened as a joint board, or may act as a joint board at separate meetings of the respective governing bodies of the participating entities in which the entities concur;

Section 5. That the governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide;

Section 6. That the President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures and any additional documents in order to implement the agreement;

Section 7. That this agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2;

Section 8. That upon its approval, this agreement repeals the agreements governing the school resource officer program, the first adopted January 17, 1997 and its succeeding agreements;

Section 9. That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, the 12th day of September 2022. Having been passed by a vote of 4 in favor and 0 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

INTERGOVERNMENTAL AGREEMENT

This Interlocal Governmental Agreement made and entered into in accordance with I.C. 36-1-7 by and between the TOWN OF HIGHLAND (hereinafter called "Town") and the SCHOOL TOWN OF HIGHLAND (hereinafter called "School Town"), both municipal and corporations organized and operating under the laws of the State of Indiana.

WITNESSETH THAT:

WHEREAS, The Town desires to provide a Town of Highland Police Officer to the School Town to serve in the capacity as School Resource Officer to instruct both the G.R.E.A.T. curriculum and the Officer Friendly program, and to perform other related duties.

THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Town agrees to provide to the School Town the service of one (1) Highland police officer to serve as a School Resource Officer. The purpose of the School Resource Officer will be to minimize the potential for hate crimes/bullying, alcohol and drug-related use, gang-related activities, and disruption and/or criminal behavior in and around schools, such as theft, vandalism, truancy, etc. in the most effective and efficient manner possible. The School Resource Officer shall at all times, remain an employee of the Town, which shall be solely responsible for payment of all salary, insurance, worker's compensation coverage, and benefits owing by reason of the Officer's employment. The Resource Officer's duties shall include those listed on the attached Exhibit B on "*Essential Functions*." The SRO shall be considered a "school official" when acting with the intent to promote a safe school environment by enforcing laws, school policies and all other rules and procedures of the school corporation. The School shall have input, at all times, on the Resource Officers duties under this agreement. The Resource Officer shall be a resource to all School Town of Highland staff as Safe School Plans designate or as need arises. The Resource Officer shall remain subject to all laws, rules, and regulations governing police officers of the jurisdiction and lawful orders of superior officers of the police department.

2. In consideration of the same, the School Town agrees to pay for said services in accordance with the terms of this Agreement the amount of **\$88,461.74. for a period of 180 days** during the **2022-2023** school year. The basis for said compensation to the Town is presented as an exhibit to this agreement incorporated herein by reference. The School Town's compensation shall be paid in two (2) equal installments, as follows:

- (A) the first being due on or before December 31, 2022;
- (B) the second payment being due on or before June 30, 2023.

3. The Clerk-Treasurer of the Town shall be authorized to execute the duties of receiving payments from the School Town as described in paragraph two (2) and of disbursing and accounting for all such monies in a manner consistent with the terms of this Agreement.

4. The School Resource Officer will be assigned on a full-time basis to the School Town the equivalent of up to one hundred eighty (180) days during the school year. The

School Town will only be financially responsible for the equivalent number of days actually worked by the School Resource Officer.

5. The School Resource Officer will wear clothing that will easily identify him or her as a police officer.

6. The School Resource Officer will not take personal time off when school is in session. If sick, he must notify the receptionist at the School Town Administration Center. A substitute may be assigned subject to mutual approval of the Police Chief and the School Superintendent.

7. Lunch must be eaten in a School Town cafeteria unless prior arrangements have been made with the Superintendent/designee.

8. The Town will assume all costs and responsibility of initial and ongoing training associated with the School Resource Officer position. Any vehicle or additional equipment or expenses necessary for the program shall be paid for by the Town.

9. The Town shall be responsible for selecting the police officer to serve as the School Resource Officer, subject to the consent and approval of the School Town. The School Town has final authority on the content of all instructional materials used by the School Resource Officer.

10. The administration of the terms of this Agreement shall supersede any previous Agreement and shall be accomplished through the Superintendent of the School Town or designee and the Chief of Police or designee.

11. Any other provision of this Agreement to the contrary notwithstanding this Agreement may be changed or modified only with the written consent of both parties.

12. All notices or communications provided herein shall be in writing and delivered either in person or via certified or registered United States mail, return receipt requested, and with the proper postage prepaid, addressed to the party for whom such notice or communication is intended.

13. Should any part, term, or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining portion or provisions shall not be affected thereby.

14. No failure or delay in performance of the executed service Agreement by either party shall be deemed to be a breach when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, the binding order of any court or governmental authority, or any other cause, whether of the kind enumerated above or otherwise, not within the control of the party claiming suspension, actually provided that no cause or contingency shall relieve the School Town of its obligation to make payment for the services of the School Resource Officer programs actually provided by the Town.

15. This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

16. Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded; the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I. C.36-1-7-6.

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C.36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN OF HIGHLAND, INDIANA
3333 Ridge Road, Highland, Indiana 46322

Through its Town Council

By: _____
Bernie Zemen, Town Council President

Attest:

Mark Herak,
Clerk-Treasurer

Participant Execution Date: _____

Approved as to Legality and Form:

John P. Reed, Attorney

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

SCHOOL TOWN OF HIGHLAND, INDIANA
9145 Kennedy Avenue, Highland, Indiana 46322

Through its Board of Trustees

By: _____
Robert Kuva, President

Attest:

Pat Krull, Secretary

Participant Execution Date: _____

Approved as to Legality and Form:

Rhett L. Tauber, Attorney

Exhibit A

**Assumed Cost for School Resource Officer
2022-2023
Exhibit**

Salary	2022	2023
Base Salary Corporal	\$71,829.94 •	\$77,576.46 *
Assigned officer's longevity	\$1,851.20	\$1,955.20 #
One Time Pay Premium		
Subtotal:	73,681.14	79,531.66
Benefits		
Medical Insurance (Family coverage)	\$28,698.72	\$31,568.59 **
Employer Contribution to Health Savings Account	\$2,892.00	\$2,892.00
Dental Insurance	\$1,510.32	\$1,661.35 **
Life Insurance (.239 per \$1000 of gross payroll, up to \$50k)	\$143.40	\$157.74 **
AD&D (.02 per \$1000 of gross payroll, up to \$50k)	\$12.00	\$13.20
Dependent life insurance coverage (\$1.50/mo)	\$18.00	\$18.00
Medicare	\$1,068.38	\$1,153.21
Employer Contribution to PERF	\$13,509.72 •	\$13,895.72
Workers Compensation Insurance (2.06/\$100 salary)	\$1,517.83	\$1,638.35
Law Enforcement Liability Insurance (no discrete premium)		
Subtotal Benefits:	\$49,370.37	\$52,998.16
Grand Total:	\$123,051.51	\$132,529.82

Instruction Days: 180
School Year Days: 260

** Assumes a 10% increase

2022	2023
<i>Daily rate based upon 260 days</i>	
\$ 473.28	\$ 509.73
First Semester	Second Semester

School Compensation for 2022-2023 School Year:

FIRST SEMESTER: 2022 Days Instruction in School = 90 based upon school calendar

<i>Daily rate: =(Total Salary for Year/260)</i>	\$ 473.28	Semester 1:	\$ 42,594.75
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SECOND SEMESTER: 2023 Days Students are in School = 90

<i>Daily rate: =(Total Salary for Year/260)</i>	\$ 509.73	Semester 2:	\$ 45,875.71
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*** PERF PUBLIC SAFETY Employer is 18.0%

on the 1st Class Patrol Officer plus 20 years longevity

1st Installment Due by December 31, 2022:

2nd Installment Due by June 30, 2023:

School Total: \$ 88,470.46

\$ 44,235.23

\$ 44,235.23

A 8% change in the basic bi-weekly salary is contemplated in this initial calculation for 2023

Exhibit B

1. The SRO shall be considered a “school official” for purposes of assisting educators in maintaining a safe and effective learning environment. “School Official” status includes:
 - a. Conducting searches and seizures based on reasonable suspicion that a student is violating the law or rules of the school pursuant to federal law (New Jersey v. TLO, (469 US 325 (1985)) and Indiana law (Meyers v. State, 839 N.E. 2d 1154 (2005); D.L. v. State, 877 N.E. 2d 500 (2007); and T.S. v. State, 863 NE 2d 362 (2007)).
 - b. Preventing a campus crisis by intervening in misconduct that violates school rules that would, if ignored, place students, faculty, and staff at risk of harm. NOTE: Disciplining students is a School District responsibility. Nevertheless, the SRO will intervene and take the student(s) who violate school rules to the principal where school discipline can be meted out.
2. The SRO shall exchange relevant information with school officials pursuant to federal law (FERPA at CFR 99.31(a)(5)(i); 34 CFR 99.38) and Indiana law IC 31-39-9-1; IC 31-39-4-1; IC31-37-4-3) and cooperate with the Juvenile Court and other agencies that are concerned with juvenile crime prevention.
3. The SRO shall serve as a resource person between school personnel and law enforcement to maintain maximum school safety and security for students, staff, and faculty.
4. The SRO shall serve as a member of the guidance team/administrators and school safety teams. The Resource Officer shall work with faculty, administrators, staff, and faculty.
5. The SRO shall assist administrators, upon request, in tasks such as investigating theft, break-ins, assault, vandalism, drug/alcohol use or possession, and other occurrences where police intervention is either required or beneficial.
6. The SRO shall assist with supervision and resolution of students, youth or adults who loiter around school facilities.
7. The SRO shall assist in communication with parents/guardians.
8. The SRO shall participate in ongoing efforts to acquaint parents, students, and school personnel with his/her responsibilities.

9. **ORDINANCE NUMBER 1764.1760-H:** AN ORDINANCE TO AMEND ORDINANCE NO. 1760 TO ESTABLISH THE WAGE AND SALARY RATES OF THE ELECTED OFFICERS, THE NON-ELECTED OFFICERS, AND THE EMPLOYEE OF THE TOWN OF HIGHLAND, INDIANA PARTICULARLY AUTHORIZING MODIFICATION TO THE SPECIAL DETAIL PAY PROVISIONS OF THE METROPOLITAN POLICE DEPARTMENT.

Councilor Sheeman introduced and moved the consideration of Ordinance Number 1764.1760-H at the same meeting of introduction. Councilor Smith seconded. Upon a roll call vote, a unanimous vote being necessary to consider the Ordinance on the same night of introduction, there were four (4) affirmatives and no negatives with Councilor Zemen being absent. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Sheeman moved the passage and adoption of Ordinance 1764 at the same meeting of its introduction. Councilor Smith seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmative votes and no negatives. The motion passed. Ordinance Number 1764.1760-H was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1764.1760-H
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND ORDINANCE No. 1760 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 AUTHORIZING MODIFICATION to the SPECIAL DETAIL PAY PROVISIONS IN THE METROPOLITAN POLICE 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;

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 amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2022 and thereafter as amended;

WHEREAS, The Town Council of the Town of Highland, as the Town Legislative body, has been advised that it is desirable to further modify the **SPECIAL DETAIL PAY PROVISIONS BY ALLOWING SECURITY SERVICES FROM OUTSIDE AGENCIES AND MODIFYING THE OVERTIME PROVISIONS FOR OFFICERS WITH THE ASSIGNMENTS OF DEPUTY COMMANDER AND ABOVE**; and fix the rate for the SECURITY SERVICES FROM OUTSIDE AGENCIES; based upon the needs of the Metropolitan Police Department; and

WHEREAS, The Town Council of the Town of Highland, as the Town Legislative body, has been further advised that it is desirable to further modify and fix the rates of the SPECIAL DETAIL PAY PROVISIONS based upon the needs of the Metropolitan Police Department; and,

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, modified and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. That in Section 10(G) of Ordinance No. 1760 be amended by repealing it in its entirety and replacing with a successor subdivision, to be styled as Section 10 subdivision (G) which shall read as follows: That subdivision (G) in Section 10 of Ordinance No. 1760 be amended by repealing it in its entirety and replacing with a successor subdivision, to be styled as Section 10 subdivision (G) which shall read as follows:

Section 10. *Metropolitan Police 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 for its **Metropolitan Police Department** as follows:

(G) Special Detail Pay Provisions:

- (1) *Special Patrol Zone Details.* Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the Special duty/Highland Grove or other Special Patrol Zone detail will be paid at the following described rate:

Fixed at an hourly rate as set forth in an agreement or memorandum approved and authorized by ordinance of the municipality providing for special patrol zones and related agreements, pursuant to and as provided in Sections 9.10.250 through 9.10.280 of the Highland Municipal Code, which authorize Special Patrol Zones. A copy of such agreement must be on file in the office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

- (2) *Special Events sponsored by the Municipality requiring the security services of outside agencies.* Security Services from an outside agency for Events sponsored by the Municipality, will be regulated by the Metropolitan Police Department and will be paid at the fixed rate of \$45 per hour.
- (3) *Select Details.* Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at 1.5 times the actual composite rate of pay of the assigned officer, plus the actual longevity.
 - (a) Special Community Events sponsored by the Municipality by one or more of its executive Departments, agencies, or councils;
 - (b) Mobile Park Patrol
 - (c) Special patrol
- (4) *Other details.* Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, any special assignments or details not otherwise described herein for which no other provision applies, such special details or overtime assignments will be paid at 1.5 times the actual composite rate of pay of the assigned officer plus the actual longevity.
- (5) *Grant Supported Details.* Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant and the actual rate is fully funded by the grant source:
 - (a) Lake County Task Drug Task Force
 - (b) Grant Supported Special Law Enforcement Detail(s) or Patrols
 - (c) (OWI; DWI; Sobriety Checks/Domestic Violence Duties/)
- (5) No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect;

Section 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 3. That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the Clerk-Treasurer shall be as set forth in the Compensation and Benefits Ordinance, commonly called the Employee Handbook as amended from time to time;

Section 4. (A) That this ordinance shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, subject to any express provisions of this ordinance, in all other instances not sooner than September 12, 2022, and except to any express effective dates herein described to the contrary 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).

(C) That the provisions of allowing the use of security forces from outside agencies and modifying the overtime provisions of those officers with assignments Deputy Commander and above shall be effective from and after September 12, 2022;

Introduced and Filed on 12th day of September 2022. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 12th Day of September 2022, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

10. *AUTHORIZE THE CHANGING OF THE START TIMES FROM 6:30 TO 7:00 FOR THE SEPTEMBER 19, 26, OCTOBER 3 AND OCTOBER 10 AND TO RETROACTIVELY APPROVE THE SEPTEMBER 12, 2022 MEETING.*

Councilor Smith moved the passage and adoption of Works Board Order No. 2022-25. Councilor Sheeman seconded. Upon a roll call vote of the elected officials, there were four (4) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman and Black voting in the affirmative. Councilor Zemen was absent. The motion passed. Works Board Order No. 2022-25 was adopted.

Comments from the Town Council:

(Good of the order)

Councilor Toya Smith: • *Sanitary Board Liaison* • *and Public Works.*

Councilor Smith began by recognizing Building Commissioner, Ken Mika. Ken began by saying the only thing we'll have on the agenda for the BZA is a fence set back. Since Councilor Zemen is not here, I will also address the Plan Commission which has nothing filed in my office at this time, so in all likelihood, we'll cancel the meeting. From Building and Inspection, we are staying very active. It is probably one of our busiest years in some time. The gas station project on Hart and the Boulevard is moving along with the installation of a 15,000-gallon storage tank with a 20,000-gallon storage tank set to go in sometime this week. He said they issued the demolition permit for the existing building which will become the home of the Car Spa.

Councilor Sheeman asked Ken if he thought any of those projects would be completed by the end of the year and he answered in the negative.

Councilor Black asked about the house that was supposed to be torn down at the corner of Condit and Liable as it looks like the owner is taking a slight pause as he hasn't seen any activity.

Ken responded that the owner ran into some difficulties getting the utilities located, particular the gas and electric so they could be terminated. The owner had advised Ken that the locates should be terminated in the next couple of weeks

Councilor Smith then recognized Public Works Director, Mark Knesek who advised the residents to avoid the bridge on Indianapolis Boulevard. Starting, September 13th, INDOT is going to put a sealer on the bridge decks and are going to close half of the bridge at a time. Each half will take 2 days. Traffic will be 1 lane in each direction until the project is completed. He commented on a NS train hitting some wires at the crossing of Main causing an accident with a car. The crossing will have only 1 lane open in each direction. They were to complete today but it looks like it will be closer to the 14th. You can still get through but remember it's reduced to 1 lane, so I would anticipate a lot of traffic. I want to make everyone aware of traffic delays caused by both projects. The River Drive project is coming along well. They started the concrete today. The problem is that we received a letter from Ozinga Concrete advising that because of the trucking strike, they are going to implement a \$30 per yard surcharge of concrete. The project could be delayed because of the strike as Ozinga can only supply 60% of what they normally provide.

Councilor Schocke asked Mark if the employee who got hit in the eye by a branch while operating the chipper was wearing safety glasses. I don't know the protocols but my Dad's a retired shop teacher and he always kept telling me to wear safety glasses.

Mark answered yes he was wearing his safety glasses. The employee was hit by 2 branches, the 1st moving the glasses, while the second branch struck the employee's eye. He also said the employees are required to wear hearing protection as the chipper is very loud.

Councilor Mark Schocke: • *Park and Recreation Liaison* • *and Community Events Commission Liaison.*

Councilor Schocke recognized Park Superintendent, Alex Brown. He commented that the bike path is completely repaved. The 500 linear feet that was torn out by Nipsco has been repaved at the cost to Nipsco. They are still doing a lot of work in the area, north of 45th. Nipsco is running into a lot of problems there. They're supposed to be done tomorrow but I went out there today and there is no way they'll be done. The resealing of the Lincoln Center parking lot was supposed to be completed over the Labor Day weekend but with all that rain on Sunday, they were only able to get 1/3 of it completed. Another 1/3 will get completed this Thursday and Friday with the remainder the following week. Pop Warner Football and soccer have already begun their fall seasons. Pop Warner numbers are crazy. They are really good. The Park crew will be working hard this week in preparing Main Square for this weekend's Backyard BBQ hosted by the Council of Community Events.

Councilor Schocke reminded the public of this weekend's Backyard Barbeque festival at Main Square being hosted by the Council of Community events. He invited the public to come join in the fun. The hours on Saturday is from noon to 10 p.m. and Sunday noon to 8 p.m. There's a beer garden, food vendors, a cornhole tournament, family games and live music. There will be a car show on Sunday at Main Square from noon to 6 p.m. I hope you all can come out and enjoy and maybe once we can rival Griffith.

Councilor Sheeman commented that the weather was to be great with a high of 87 degrees on one of the days.

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

Councilor Black said that the Redevelopment Commission is holding a special meeting tomorrow night at 6:30 to hire a new Redevelopment Director. Immediately after the special meeting the Redevelopment Commission will conduct their regularly scheduled study session to discuss their goals for 2023. I am going to ask them to come to budget hearing on the 19th of September, if its all right with the Council, to discuss their 2023 budget and the Redevelopment Director. I'd like to give them one more opportunity.

Councilor Schocke said I wanted to talk with them for months but they have refused to meet.

Councilor Black then asked Public Works Director if he had heard anything about the date for the fall clean up as provided by Republic.

Mark said he had not but would follow up. Once I find out, I'll get it posted on the website.

Councilor Black then reiterated that at the Council's September 19th study session, members of the Water Board will be in attendance to explain to the Council the rationale for a 59% rate increase. He is encouraging the Water Board to consider reducing the increase to 39% and increase over a period of years.

Councilor Schocke said, fancy a board coming to us and consulting with us on an issue before voting for it.

Councilor Smith asked if she could comment on an issue regarding Redevelopment. She said at one of our budget workshops, after it was completed, we were congregating around this end and Mr. Sheeman asked Mr. Black, him being liaison to Redevelopment, had he seen the contract for the new Redevelopment Director from Attorney Reed. Mr. Black said he hadn't seen it. Mr. Sheeman said he had received it as it contained a clause regarding, at will employee. She said, Me and Bernie have never seen the contract. How do we get to see the contract.

Councilor Sheeman stated that he never saw a copy of it and started searching his e-mails.

Councilor Schocke said he remembers receiving a copy from Attorney Reed. I'm pretty sure it did.

Attorney Reed was apologetic and it was not meant to slight anyone but simply an oversight on his part and he would resend it. He acknowledged sending it on the 24th of August.

- **Councilor Roger Sheeman:** *Town Board of Metropolitan Police Commissioners Liaison • Fire Department, Liaison • Chamber of Commerce Liaison • Information Communications and Technology Department Liaison.*

Councilor Sheeman recognized Metropolitan Police Chief, Pete Hojnicky who said he had no report but wanted to thank the Council for modification to the salary ordinance and authorizing the purchase of equipment.

Councilor Sheeman recognized Fire Chief, Bill Timmer who said there is a lot of public safety stuff going on. The Wicker Park Memorial Motorcycle Veteran Rid is coming up in a week or two. That poses a problem for both police and fire because of the closing of the intersection of Ridge and US41. Access is a problem for both departments but they'll work around it. Main Street is once again planning on closing Highway Avenue for their

Restaurant Crawl on the 27th of September. Highway will be closed from at 5th Street, all the way to the bike trail. There will be a car show in the Municipal Lot. The Restaurant Crawl runs from 4 to 8 p.m. The department heads are meeting on the 13th to discuss the Crawl. There is a walk along 45th and the Fire Department Open House is the 8th of October. The open house is always a good time and they are grateful from the support from Public Works and the Police Department. They haven't had one for the last couple of years because of covid.

Councilor Sheeman asked Chief Timmer about the new floor at south station and the new kitchen at Central.

Chief Timmer said it would be more to the end of the year. The Hallway is carpeted at South Station and is starting to wear in spots and has discolored in others because of a leaking roof. The hallway sees a lot of traffic and the guys feel a hard surface would hold up better.

Council Schocke was curious about the kitchen at Central and who's going to do the cooking.

The Chief said that the idea behind the kitchen, and no plans have been drawn, is after a major event, the guys get tired of pizza so we thought about having the ability to make something different. We've actually got two really good cooks right now. You all know John Mourtides and his gyros and we have one of our newer members who has become the taco expert

Councilor Sheeman then recognized the IT Director, Ed Dabrowski. Ed said he just finished the T-1 change out at the police station. With the change out of the T-1, he is now going through and making changes at each work station. The change out will save about \$3,600 a year and improve the speed and quality. The change out was perpetuated by the Lake County Sheriff who decided to shut off all of their T-1 lines. Most communities have switched over but some are still lingering. He wanted to thank Alex Brown from the Park Board for allowing him to change their mode of operation from a local base server to a cloud-based server. The Park Department had a very old server that was used for Web Registrations. He also wanted to thank the Council for pushing back the meeting start times to 7:00 p.m. to allow him to finish off this semester course work.

- **Council President Bernie Zemen:** *Town Executive • Chair of the Board of Police Pension Trustees • Liaison to the Tree Board.*

Comments from Visitors or Residents:

TERRY STEAGAL, HIGHLAND, I want to thank the Council for approving the ballistic shields for our police officers. We're a little behind times, as all of our officers should be equipped

with ballistic shields. Providing the safety products needed by our officers is a necessity and getting harder by the budget constraints. I think the Council needs to look at the budget, the constraints and the circuit breakers and think outside the box. I am disappointed that nobody took any action to create a public safety tax so that we can properly fund the police department and make sure they have all the equipment they need and comparable salaries to recruit and maintain the staffing levels. We need to have proper equity for them. You cannot keep robbing peter to pay paul. You are going to have to think a little different about how to fund things. And where do you stand with the wheel tax. You've been kicking that around for 3 years now. You can generate close to \$1M annually which is matched by the State Matching Grant. That's 100% return on your money to make sure the roads in Highland are properly maintained. Assign it to Attorney Reed. He is familiar with it as they have one in Munster. The other thing to look at is a new town hall. If you would have started this project 2 years ago when bond money was cheap, you could save the tax payers on interest charges. Interest rates are going up. You are going to have to seriously look at a new town hall else it will start to nickel and dime you. You'll be putting good money with bad. The example is a new generator for the town hall

Larry Kondrat, Highland, said it is nice to see a Highland School Board member to take such an active interest in our Municipality. I recently got a Highland Football Program and I noticed that everyone's name is in a program ad. I want to know if my tax dollars paid for the ad?

Councilor Black responded no sir, he said Councilor Zemen was handling and he gave his money to Councilor Zemen.

Councilor Sheeman said he did not put any of his own money to the ad.

Councilor's Smith and Schocke, along with the Clerk-Treasurer said they all put in their own money in the amount of \$43.

The Clerk-Treasurer said in addition to himself, he received money from Councilor's Smith and Schocke to be used to offset the price of the program ad.

Mr. Kondrat then inquired as to whether we fed the consultant who drove up from Indianapolis to give the budget presentation and was it on the tax payers dime? The Clerk-Treasurer said he took the consultant and the encumbering officer to Miner-Dunn for dinner that night and he, the Clerk-Treasurer picked up the tab and wasn't looking for reimbursement from the Town. Larry said he heard the pies were delicious at Miner-Dunn. He then turned to Councilor Smith and said sarcastically, welcome to Highland, Indiana, where Redevelopment is the usual secret. Councilor Schocke can tell you all about how the Redevelopment Commission kept secrets from him. Councilor Sheeman is concerned about the Water District being able to turn over money to the general fund but people seem to forget that Redevelopment gets 1/6th of the County Income Tax and yet Redevelopment refuses to keep the Council apprised on the status of a new Redevelopment Director. If you don't like it, tough that's why I feel Redevelopment should be disbanded. We going to fund another resource officer for the School Town of

Highland at a cost of around \$132,000, with the School Town picking up \$88,000. That means the Town will be picking up the other \$44,000. Did we not budget for 2 resource officers?

The Clerk-Treasurer said he has 2 additional officers in the budget. One to cover the retirement of either Greg Palmer or Gerry Garza and the other for the second resource officer.

Larry Kondrat said he believes the School Town gets a grant from the State to reimburse them for the school resource officer. So, if we go with a second resource officer it is only costing the School Town \$88,000 but it doesn't sound if the School Town is all that interested. No offense Mr. Kuva but you have all this money to replace roofs and repave sidewalks.

Councilor Black thanked Mr. Kondrat for his comments and suggested he take his comments to the school board meeting.

The Clerk-Treasurer said its all a partnership. We work together. I think the key is Exhibit A, as it breaks it all down. It is based upon school days of 260 and 180 instructional days. The School Town reimburses the Town in 2 increments. One at the end of the year and another at the end of the school year. Each payment is roughly \$44,000.

Councilor Schocke said the discussions he had with the second resource officers was each entity would share in 50-50 of the cost. We didn't break it down actual days versus institutional day. Safety is safety.

Vern Sieb, Highland, wanted to talk about the Memorandum of Understanding with the Lake County Surveyors Office which he gave to the Clerk-Treasurer who passed it along to the Building Commissioner regarding the Spring Ditch. The agreement was drawn up about 20 years ago and involved the Town of Highland, the owners of the properties within the Industrial Park and the Lake County Surveyors Office. Mr. Sieb and Robert Skirka of City Sales donated property to have a retention pond built in the Industrial Park to handle water runoff. The Memorandum says the Town of Highland will maintain the retention pond. The Town of Highland accepted responsibility of maintaining the pond but have not done so. There is a culvert under 45th Street that is to be used to drain the retention pond. The water is to run along the railroad right of way under the culvert and into the Spring Ditch. Since then, repairs have been made to the railroad ditch, as well as, Nipsco putting in a gas line and the culvert under 45th and now it is plugged. About 2 or 3 weeks ago, we had a heavy rain and the Industrial Park got flooded again. We put in pumps that too are supposed to be maintained by the Town and like the retention pond haven't been maintained. During this most recent rain storm the weren't even on. The Surveyor's office is to maintain the Spring Ditch and they don't. I would like to see that the Town maintains the pumps and the retention pond. I also have a problem with the Grimmer Property which is located on Main. The storm water from their property feeds into the Spring Ditch and I have reached out to the Lake County Surveyor, Bill Emmerson and Little Cal River Basin Chairman, Dan Repay and they are looking into it.

I had approached John Bach to have the Industrial Park removed from the Flood Plain but he said it was too much trouble as he didn't want to do it. When we get heavy rains, the streets become flooded. The water is high enough so the transmissions on my trucks are submerged in the water. I then have to drain the transmission and replenish with new fluid so they don't go bad. That is why the ditch and retention pond have to be maintained. I thought the pumps were on automatic so the water reaches a certain height, they automatically kick on but apparently that is not the case as somebody has to come down to turn the pumps on. I would like to know what's going on and have someone look into it.

Mr. Mika thought that Public Works at one point in time maintained the retention pond but he doesn't know for sure. I did receive the Memorandum that Mr. Sieb gave to the Clerk-Treasurer but it wasn't signed so I don't know if it was ever recorded.

Mr. Sieb said the property he and Mr. Skirka to be used for the retention pond has never been taken out of their name and they are still paying taxes all this time. If it doesn't get maintained and since it is in my name, I will simply fill it in. Its in my name and I'm paying taxes so I can fill it in.

Mr. Knesek responded that he and the Town Engineer, Derek Snyder looked at the topography of the Industrial Park. Mr. Sieb, half of your building is in the flood plain. We cannot simply just take buildings out of a flood plain. The entire subdivision, from 45th is in the flood plain. Work has to be done to remove property out of the flood plain. As for the pumps, no one has to go turn the pumps on. We will check them to make sure they are on but they work off a float system and come on automatically.

Mr. Sieb said the property that Mr. Skirka and I donated to be used as a retention pond was supposed to flow back all the way down to 45th, via the rail road ditch to the Spring Ditch. When work was done in that area, the culvert was blocked so it can't get to the Spring Ditch.

Councilor Black interjected that it sounds as if you three guys need to sit down and hash out a plan.

Mr. Sieb said he spoke with Lake County Surveyor last week to look into this matter but he has not heard back. He did the same with Little Calumet River Basin Chairman, Dan Repay. Making matters worse, is the Grimmer property. Grimmer's were allowed to develop the corner of Main/Kennedy which is located in flood plain or wetland. When construction was taking place, I contacted the DNR as to why street drains were being placed along Main/Kennedy. They said they were putting in the drains to collect the water from the street and run it into the wetlands. Since then, the Grimmer's have started storing dirt and the property is 6 to 8 feet higher than it was 25 years ago. Once it was built up, they got a permit to put in a gas station, a mini mall and now they are putting another mall right next to the other and next to the Spring Ditch and all this water is discharging into the Spring Ditch and not going into the retention pond that was built on their property. I'd personally like to see the papers that says the retention pond was built

not only for his property but the entire development. I can almost guarantee that the retention pond is not adequate for the entire area. His development is all roofs and asphalt and the water are going to run off at a higher rate.

Bob Kuva, Highland, on behalf of the Highland School Board, said I'd like to thank the Council approving the Interlocal Agreement for the School Resource Officer. At our last school board meeting, Chief Hojnicky was in attendance to share with the School Board the training each officer went through to familiarize each officer with the layout of our schools. Obviously, we have 6 buildings and it is important the officers know the layout of the building in the event that we have an incident. I'm speaking very generically because not everyone needs to know the specifics. I also want to thank the police officers for the involvement they have with our school buses, following them to make sure people are not cheating and going around the extended mechanical arm. Obviously, the Council is involved with the Police Department and of the work they do. Not only are they protecting the Town but also the School Town and our children. After the presentation by Chief Hojnicky, the School Board felt reassured that the Police Department is well prepared should an event happen.

Councilor Sheeman asked if he could ask Mr. Kuva a question. I heard that not all of your buildings are really secure. Are you guys looking at that? What are you doing to make secure those building which are not totally secure.

Bob Kuva responded, I am here to comment and I'm not here in the official capacity as representing the School Board so I will not answer Councilor Sheeman's questions. Councilor Sheeman is more than welcome to attend a school board meeting and ask the question. Speaking as a non-school board member, I'm here to comment how great a job the police department is doing. I live at the corner of Cottage Grove and LaPorte, very close to the bike trail. I always see the ATV patrolling the bike trail, which to me is an asset to the Town. I commend both the Police Department for patrolling and the Council for funding.

Councilor Schocke added that his kids had a soccer game at Shepard Park and the ATV patrolled the park on Saturday. I really thought it was cool. The officer sort of pulled the ATV to the side and watched the games for 5 or 6 minutes then went about his way.

Connie Wachala, Highland said she agrees with the person who said the postcards were a waste of money. She received an oversized post card in the mail some months ago explaining the new water rates in Highland and the rates would be going up. It was glossy and multi-color. It had to be expensive and a waste of money. Maybe it's a silly question but why didn't they write an article for the Gazebo Express or have the postcard placed in the same envelop as the Gazebo Express. It seems the Water District has a lot of money coming in from their late fees. My utility bill was \$80 and if I'm 1 day late it goes up to \$97. It wasn't always like that as this is a pretty recent change. For example, Nipsco, if I'm late, they charge me \$2.69 and Nipsco is a private company with shareholders. The Water District is public. I heard the Clerk-Treasurer say, just a few meetings ago, that families are struggling to pay their utilities bills so I'm not sure why our utility is charging so much for late fees. It used to be a flat rate but the former Clerk-Treasurer moved it to a

standardized rate. It might be a standardized rate but my late fee comes close to 20%.and I use very low water usage. Some months 2,000 gallons and others 3,000.

Mark Knesek commended her on being efficient but pointed out, the lower the usage, the higher the % rate increase if you are late.

Councilor Black asked if there were any other comments. Hearing none, he closed comments from the public and brought it back to the Council. He then entered a motion to pay claims.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Schocke moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **August 24, 2022 through September 13, 2022.** Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives, with Councilor Zemen being absent. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

**General Fund, \$539,364.39; Law Enforcement Continuing Education, Training and Supply Fund, \$3,280.27; Public Safety Income Tax, \$3,866.02; Information and Communications Technology Fund, \$17,536.48; Special Events, \$7,279.65; Haz Mat Response, \$554.80; Mun Cum Street Fund, \$14,275.90; MVH, \$25,515.39; LR&S, \$22,894.75; Police Pension; \$69,078.00; Insurance Premium, \$212,751.07; Traffic Violations, \$1,000; MCCD, 10646.98.
Total: \$928,044.36.**

PAYROLL DOCKET FOR PAYDAY OF AUGUST 26, 2022:

OFFICE OF CLERK-TREASURER, \$14,396.37 BUILDING AND INSPECTION DEPARTMENT, \$9,133.61; METROPOLITAN POLICE DEPARTMENT, \$123,723.65; PUBLIC WORKS DEPARTMENT (AGENCY), \$77,816.42; FIRE DEPARTMENT, \$4,876.07; INFORMATION AND TECHNOLOGY DEPARTMENT, \$3,690.41; TOTAL PAYROLL: \$226,636.53.

PAYROLL DOCKET FOR PAYDAY OF AUGUST 26, 2022:

COUNCIL, BOARDS AND COMMISSIONS, \$10,205.96; POLICE PENSION, \$68,846.58 TOTAL PAYROLL: \$79,051.96.

PAYROLL DOCKET FOR PAYDAY OF SEPTEMBER 9, 2022:

OFFICE OF CLERK-TREASURER, \$14,548.71 BUILDING AND INSPECTION DEPARTMENT, \$9,207.69; METROPOLITAN POLICE DEPARTMENT, \$141,131.16; PUBLIC WORKS

DEPARTMENT (AGENCY), \$77,448.70; FIRE DEPARTMENT, \$4,866.07; INFORMATION AND TECHNOLOGY DEPARTMENT, \$3,690.41; TOTAL PAYROLL: \$250,892.74.

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 12, 2022, ADJOURNED AT 9:14 O'CLOCK P.M.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of September 26, 2022.