

**ENROLLED MINUTES OF THE
HIGHLAND WATER WORKS BOARD OF DIRECTORS
THURSDAY, JANUARY 26, 2023**

Study Session: The Highland Water Works Board of Directors convened in study session immediately before the Regular Plenary Meeting at 6:30 p.m. on Thursday, January 26, 2023 in the lower meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

ROLL CALL: Present on roll call were Directors George A. Smith, Rick Volbrecht, Curt Schroeder, and Larry Kondrat. Director Jason Tharp was absent with prior notice given. Also present were Mark Knesek, Public Works Director; Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Bernie Zemen, Town Council; Mark Herak, Clerk Treasurer; and Kim Webb, Recording Secretary.

1. Robert Tweedle, Board Attorney and Ted Sommers, a consultant with LWG (attending via zoom), discussed with the Board the Baker Tilly's review of the proposed Dyer Transport Rate. A revision of the rate will be presented to the Water Works Board for review at a Special Public Meeting on February 9, 2023.

Regular Meeting: The Highland Water Works Board of Directors met in a Regular Plenary Session on Thursday, January 26, 2023 in the lower meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana. President Smith opened the Regular Plenary meeting at 6:59 p.m. The meeting was opened with the Pledge of Allegiance. The minutes were recorded by Kim Webb, Recording Secretary.

ROLL CALL: Present on roll call were Directors George A. Smith, Rick Volbrecht, and Larry Kondrat, and Curt Schroeder. Director Tharp was absent with prior notice given. A quorum was present. Also present were Mark Knesek, Public Works Director; Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Bernie Zemen, Town Council; Mark Herak, Clerk Treasurer; and Kim Webb, Recording Secretary.

MINUTES: President Smith asked if there were any corrections to the Minutes of the Regular Plenary Meeting of December 22, 2022 as prepared and posted. Director Kondrat moved to approve the Minutes of the December 22, 2022 meeting. Director Volbrecht seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.

Special Orders:

1. Oath of Office

Clerk Treasurer, Mark Herak administered the oath of office for Directors Larry Kondrat and Richard E. Volbrecht, Jr.

2. Election of Officers

Director Kondrat moved to nominate a slate of officers as follows:

President – Director Smith
Vice President – Director Tharp
Secretary – Director Volbrecht

Director Volbrecht seconded. There were no further nominations. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

3. Appointments

Director Kondrat moved to have Kim Webb continue as Water Works Board Recording Secretary for the year 2023. Director Volbrecht seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.

Robert F. Tweedle previously submitted a proposal to serve as the Water Works Board Attorney for 2023. Director Volbrecht moved to appoint Robert F. Tweedle as the Waterworks Board Attorney for the year 2023. Director Kondrat seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.

NIES Engineering previously submitted a proposal to serve as the Water Works Board Engineer for the year 2023. Director Volbrecht moved to appoint NIES Engineering as the Waterworks Board Engineer. Director Schroeder seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.

Communications: A letter was received by President George Smith from a resident upset about the difference in the published water rate increase amount in the Gazebo and the actual increased rate on his utility bill. President Smith addressed the resident by personal correspondence.

Comments from the Public or Visitors (Limited to Matters on the Agenda): None.

Reports:

1. Water Works Superintendent – Mark Knesek informed the Board of 10 water main breaks that had occurred since the last meeting due to the quick ground freeze over the Christmas and New Year’s holidays. Also, the hydrant stickers that state “Hydrant Use by Fire and Public Works Dept. Only” have been received and are in the process of being placed on all the hydrant markers.
2. Water Works Attorney – None.
3. Water Works Engineer – Derek Snyder informed the Board that an easement/ROW exhibit is being prepared for the parcel at 2024 Ridge Road to allow for the new water main to be installed on the east side of Parkway Drive between Ridgewood and Ridge Road.
4. Fire Department – None.

Unfinished Business and General Orders:

1. Water Works District of Highland
Board of Directors
Resolution No. 2023-01

A Resolution authorizing and approving an agreement between NIES Engineering, Inc. and the Water Works District of Highland to perform professional engineering services as District Water Works Engineer for the year 2023. Director Volbrecht moved to approve Resolution No. 2023. Director Schroeder seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

**WATER WORKS DISTRICT OF HIGHLAND
BOARD OF WATER WORKS DIRECTORS
RESOLUTION No. 2023-01**

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN NIES ENGINEERING, INCORPORATED AND THE WATER WORKS DISTRICT OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES AS DISTRICT WATER WORKS ENGINEER FOR THE YEAR 2023

Whereas, The Water Works District of Highland, through its Board of Directors, has heretofore determined a need to engage the professional engineering services in order carry out the mission of the District; and

Whereas, NIES Engineering, Incorporated, (Consultant) has offered and presented an Agreement to provide and furnish Professional Engineering Services in consideration for fees to be charged and billed monthly; and

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

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

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

1. That the Professional Engineering Agreement (incorporated by reference and made a part of this resolution) between NIES Engineering, Incorporated, and the Water Works District of Highland for District Water Works Engineer for the year 2023 is hereby approved, adopted and ratified in each and every respect;
2. That the terms and charges under the agreement for professional engineering services are found to be reasonable and fair;
3. That the Water Works District of Highland, through its Board of Directors, believes that NIES Engineering, Incorporated has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;
4. That the President of the Water Works District of Highland be authorized to execute the Agreement with his signature as attested thereto by Secretary of the Water Works District of Highland.

Duly Adopted, Resolved and Ordered by the Water Works Board of Directors of Highland, Lake County, Indiana, this 26th day of January 2023. Having been passed by a vote of 4 in favor and 0 opposed.

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

George A. Smith, President

Attest:

Richard E. Volbrecht, Jr., Secretary

2. Water Works District of Highland
Board of Directors
Resolution No. 2023-02

A Resolution authorizing compensation for certain employees to be derived from the proper fund of the Water Works Utility of the Town of Highland Water Works Department, Lake County, Indiana. Director Kondrat moved to approve the Resolution No. 2023-02. Director Volbrecht seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

**Water Works District of Highland
Board of Directors
Resolution No. 2023-02**

A Resolution Authorizing Compensation for Certain Employees to be derived from the Proper Fund of the Water Works Utility of the Town of Highland Water Works Department, Lake County, Indiana

Whereas, The Highland Town Council, as legislative body of the municipality, adopted Chapter 12.05 of the Highland Municipal Code, establishing the Highland Water Works Board and the Department of Water Works, pursuant to provisions of I.C. 8-1.5-4-1 through 8-1.5-4-19; and

Whereas, Those provisions incorporate by reference provisions of I.C. 8-1.5-3-4, outlining for and conferring upon the Water Works Board of Directors certain responsibilities relative to the management of the utility's human and physical resources.

Now, Therefore Be it Resolved by the Board of Directors of the Water Works Department of the Town of Highland, Lake County, Indiana, as follows:

1. That the compensation and other provisions set forth in the wage and salary and the compensation and benefits ordinances as passed by the Town Council are hereby adopted and ratified for the Directors and officers of the Department of Water Works, its Water Works District and those employees of the municipality performing duties for the utility;

2. That wages and salaries are hereby established for the employees and certain professional appointments of the Department of Water Works, to be effective January 8, 2023, as set forth below:

Attorney	\$1,200 per year (\$300 per quarter) \$190.00/hr
Recording Secretary	\$65 per month
Consulting Engineer(s) (retainer)	\$380.00 per month
Laborer (Part-Time)	\$10.33/hr. (1 st year) \$10.68/hr. (2 nd year) \$11.03/hr. (3 rd year and after)
Temporary (Summer help)	\$10.33/hr. (1 st year) \$10.68/hr. (2 nd year) \$11.03/hr. (3 rd year and after)

3. That the Highland Water Works Board authorizes and approves that a share of the compensation of the deputies and employees in the Office of the Clerk-Treasurer as well as a share of the compensation of the Clerk-Treasurer may be paid from the proper utility fund of the Water Works, for services connected with the operation of the utility, subject to the laws governing same;

a. That such pay shall be a part of and not in addition to the compensation as fixed by the Town Council in its most recently adopted wage and salary ordinances; and

b. That the compensation set forth in the wage and salary ordinance as most recently passed by the Town Council is hereby adopted and ratified.

4. That the Highland Water Works Board of Directors authorizes and approves that a share of the compensation of the employees in the Public Works Department may be paid from the proper utility fund of the Water Works, for services connected with the

operation of the utility, subject to the laws governing same;

a. That such pay shall be a part of and not in addition to the compensation as fixed by the Town Council in its most recently adopted wage and salary ordinance; and

b. That the compensation set forth in the wage and salary ordinance most recently passed by the Town Council for utility employees is hereby adopted and ratified for utility employees of the Water Works Department.

5. That the compensation and benefits policies as adopted and are in effect in the most recently adopted Compensation and Benefits ordinance is hereby adopted and ratified for employees of the utility and its officers.

Duly Approved and Adopted by the Board of Directors of the Highland Water Works, Lake County, Indiana this 26th day of January, 2023 by a vote of 4 in favor and 0 opposed.

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

/s/George A. Smith, President

Attest:

/s/Richard E. Volbrecht Jr., Secretary

3. Water Works District of Highland
Board of Directors
Resolution No. 2023-03

A Resolution establishing the 2023 Capital Project Budget of the Water Works to be paid from its Water Works Improvement and Water Works Capital funds. Director Kondrat moved to approve the Resolution No. 2023-03. Director Schroeder seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

**Water Works District of Highland
Board of Directors
Capital Budget Resolution No. 2023-03**

A RESOLUTION ESTABLISHING THE 2023 CAPITAL PROJECT BUDGET OF THE WATER WORKS TO BE PAID FROM ITS WATER WORKS IMPROVEMENT FUND

Whereas, The Highland Water Works is governed by its Board of Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

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

Whereas, The Board of Directors in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 8-1.5-4 et seq. including repealing or amending them consistent with the Water Works Law; and

Whereas, The Board of Directors in performing its duties, now determines that passage and adoption of a Capital Budget Resolution establishing a Capital Budget to be paid from funds of the Water Works to be necessary for the sound management and control of the Water Works and performing its duty to construct, reconstruct, repair, and maintain all water works.

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

1. That for the Capital expenses as hereinafter identified of said Water Works, the following allowances for the identified sums of money are hereby fixed and ordered set apart for the purposes herein specified to be paid from Water Works Improvement Fund:

6105-0000-34301 Water Meters	\$200,000.00
6105-0000-43003 Equipment	\$9,835.00
6105-0000-34302 Hydrants/Valves/Fittings	\$50,000.00
6105-0000-***** Parkway Dr. Water Main Replacement (PE)	\$65,100.00
Total	\$324,935.00

2. That the Municipal Fiscal Officer is instructed and authorized to assign such accounts and establish such financial reporting methodology as to permit the regular review of the Capital expenses herein identified as compared to the budgeted amounts and to otherwise carry out the objects and purposes of this resolution;
3. That the Superintendent of the Water Works is instructed and authorized to prepare accounts payable for projects identified herein in such a manner as to support and permit the regular review of the Capital expenses herein identified as compared to the budgeted amounts and to otherwise carry out the objects and purposes of this resolution;
4. That there shall be no capital expenditure for the identified projects in excess of the amounts fixed by this resolution without express action by the Board of Directors, revising the amount fixed and authorizing the additional allowance amount;
5. That this Resolution shall be effective immediately upon its passage and adoption by the Board of Directors and may be amended or repealed by subsequent resolution duly passed and adopted.

Duly Adopted, Resolved and Ordered by the Water Works Board of Directors of Highland, Lake County, Indiana, this 26th day of January, 2023. Having been passed by a vote of 4 in favor and 0 opposed.

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

/s/George A. Smith, President

Attest:

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

New Business: None.

Business from the Floor: None.

Comments from the Directors on any Item of Interest to the Directors: Director Volbrecht commented on his displeasure from receiving a water shut-off notice due to an issue with the mailing of his utility bill payment. Director Volbrecht would like to propose a change to the water shut-off notices at a future meeting.

Claims:

Per the docket in the amount of:

6101	Water Works Operating	\$373,114.09
6102	Water Works District	\$170,163.91
6104	Consumer Deposits	\$63.42
6105	Water Improvements	\$0.00
6108	Water Capital	\$0.00
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Total		\$543,341.42

Director Volbrecht moved to approve the claims per the January 26, 2022 docket in the amount of \$543,341.42. Director Tharp seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.

Next Meeting:

The next Special Public Meeting will be held in-person at Town Hall on Thursday, February 9, 2023 at 6:30 p.m.

ADJOURNMENT: With no other business to come before the Board of Water Works Directors, the meeting was adjourned.

Meeting Adjourned at 7:18 p.m.

Respectfully Submitted,

Kim Webb, Recording Secretary