

AGENDA
HIGHLAND SANITARY DISTRICT
BOARD OF SANITARY COMMISSIONERS
TUESDAY, OCTOBER 17, 2023

Pledge of Allegiance

Roll Call:

Commissioner Kathy DeGuilio-Fox
Commissioner John Bach
Commissioner Greg Cieslak
Commissioner David Jones
Commissioner Richard Garcia

Minutes of

Previous Session: Minutes from the September 19, 2023 and October 3, 2023 meetings.

Special Orders:

Communications:

General Orders and Unfinished Business:

1. Sanitary District of Highland
Board of Sanitary Commissioners
Resolution No. 2023-28

A Resolution Accepting a Bid From Grimmer Construction, Incorporated for the Sanitary Sewer Overflow Remedial Measures Project Phase 1 – Division A in the Amount of \$11,619,169.00 as the Lowest Responsive and Responsible Bid

2. Sanitary District of Highland
Board of Sanitary Commissioners
Capital Budget Resolution No. 2023-29

A Resolution Amending The 2023 Capital Project Budget Of The Sanitary District To Be Paid From Its Sewage Works Improvement Fund

3. Sanitary District of Highland
Board of Sanitary Commissioners
Resolution No. 2023-30

A Resolution Approving a Proposal from NIES Engineering, Inc. for Professional Construction Engineering Services For the Eder Street Backyard Sanitary Sewer Pipe Bursting Project for an Amount Not-To-Exceed \$15,000.00

New Business:

Reports:

Comments from the Commissioners:

Business from the Floor:

Claims:

\$ Per the docket in the amount of:

3308	SAN DIST BD & INT	500.00
6201	SEWAGE OPERATING	363,072.27
6204	SEWAGE IMPROV	14,111.00
6205	WASTE WATER CONSTRUCTION	120,000.00
6601	SANITARY OPERATING	<u>36,296.30</u>
	Total	533,296.30

Next Meeting:

The next meeting will be a study session to be held at 6:30 p.m. on Tuesday, November 7, 2023. The next regularly scheduled Public Meeting will be held Tuesday, November 21, 2023, immediately following a study session at 6:30 p.m.

Adjournment:

Meeting adjourned at: _____

**MINUTES OF THE REGULAR PUBLIC MEETING
BOARD OF SANITARY COMMISSIONERS
TUESDAY SEPTEMBER 19, 2023**

The Board of Sanitary Commissioners of the Sanitary District of Highland convened in a study session immediately before the Regular Public Meeting at 6:30 p.m. on Tuesday, September 19, 2023 with Commissioner Garcia presiding, in the first floor meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

Silent Roll Call: Commissioners Kathy DeGuilio-Fox, Greg Cieslak, Dave Jones and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney, Clerk Treasurer Mark Herak.

Mr. Tweedle updated the commission on the status regarding EPA final acceptance of Highland's CMOM Consent Decree Plan. A discussion took place.

Mr. Tweedle has reached out to County to see if there are any additional steps to be taken in order to finalize matters for the approved storm water fees ordinance. All they need is the ordinance.

Mr. Tweedle discussed the details of the Qualified Entity Bond Purchase Agreement has been fully executed between the Indiana Bond Bank and the Sanitary District of the Town of Highland.

Mr. Snyder updated the commission on projects. Parkway Drive storm sewer project is moving forward.

Mr. Herak had a question about the hydrant fees on empty lots. A discussion took place.

Study Session ended at 6:48.

At 6:49 the Regular Meeting of the Board of Sanitary Commissioners of the Sanitary District of Highland convened with Commissioner Garcia presiding, in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana. The Regular Public meeting was opened with the Pledge of Allegiance to the United States of America.

Roll Call: Commissioners Kathy DeGuilio-Fox, Greg Cieslak, Dave Jones, and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc. and Robert Tweedle, Attorney.

Minutes of Previous Session: Minutes of the August 15 & September 5th were approved.

Special Order: None

Communications: Annual Service Agreement – CIPP Lining of Sanitary Sewers Report on Proposals Received

General Order and Unfinished Business:

**1. Sanitary District of Highland
Board of Sanitary Commissioners
Resolution No. 2023-25**

Commissioner Cieslak motioned to approve Resolution 2023-25 Commissioner DeGuilio-Fox seconded. Upon roll-call, there were four (4) affirmatives and no (0) negatives. The motion passes.

A RESOLUTION ACCEPTING A PROPOSAL FROM INSITUFORM TECHNOLOGIES USA, LLC FOR THE ANNUAL SERVICE AGREEMENT – CIPP LINING OF SANITARY SEWERS AND AUTHORIZING THE ISSUANCE OF AN ANNUAL WORK ORDER IN THE AMOUNT BETWEEN \$800,000 AND \$1,000,000

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

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

Whereas, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing or amending them consistent with the Sanitary District Law; and

Whereas, The Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has heretofore determined a need to rehabilitate the sanitary sewer system and that sanitary sewer lining is a "Trenchless Reconstruction" initiative available to that purpose; and

Whereas, NIES Engineering, Inc. has prepared plans and specifications for the Annual Service Agreement – CIPP Lining of Sanitary Sewers and solicited proposals for said Work on behalf of the Sanitary District; and

Whereas, Two proposals were received at 10:00 a.m. on September 1, 2023 per the attached Report on Proposals Received; and

Whereas, The Sanitary District Superintendent and NIES Engineering, Inc. have reviewed the proposals and determined the proposal from Insituform Technologies USA, LLC for the Annual Service Agreement – CIPP Lining of Sanitary Sewers to be the lowest responsive and responsible proposal; and

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

Whereas, The Sanitary District of Highland, through its Board of Sanitary Commissioners, now desires to accept the proposal and authorize the issuance of an annual work order for the Work.

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Highland Sanitary District, Lake County, Indiana, as follows:

1. That the proposal of Insituform Technologies USA, LLC for the Annual Service Agreement – CIPP Lining of Sanitary Sewers is hereby accepted as the lowest responsive and responsible proposal.
2. That the Sanitary District Superintendent is authorized to execute the Annual Service Agreement and all documents necessary to implement the Work, including but not limited to, issuing an Annual Work Order in the amount of \$800,000 to \$1,000,000.

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 19th day of September, 2023. Having been passed by a vote of four (4) in favor and no (0) opposed.

HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:

Richard Garcia, President
Attest:

David Jones, Secretary

**2. SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2023-26**

Commissioner Cieslak motioned to approve Resolution 2023-26 Commissioner DeGuilio-Fox seconded. Upon roll-call, there were four (4) affirmatives and no (0) negatives. The motion passes.

A Resolution Approving a Proposal from NIES Engineering, Inc. for Professional Design Engineering Services For the Eder Street Backyard Sanitary Sewer Pipe Bursting Project for an Amount Not-To-Exceed \$20,000.00

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

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

Whereas, The Sanitary District of Highland has determined a need to replace approximately 290 feet of existing deteriorated sanitary sewer in the backyards between 3102 Eder Street and 3124 Eder Street by pipe bursting methods; and

Whereas, NIES Engineering, Inc., (Consultant) has submitted a proposal to provide and furnish Professional Design Engineering Services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Twenty Thousand Dollars (\$20,000.00); and

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

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

Now, Therefore Be it Resolved by the Sanitary Board of Commissioners for the Town of Highland, Lake County, Indiana, as follows:

1. That the Professional Design Engineering Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Inc. for the Eder Street Backyard Sanitary Sewer Pipe Bursting Project is hereby approved, adopted and ratified in each and every respect;
2. That the terms and charges under the agreement for Professional Design Engineering Services in the not-to-exceed amount of Twenty Thousand Dollars (\$20,000.00) is found to be reasonable and fair;
3. That the President of the Sanitary Board of Commissioners of Highland be authorized to execute the Agreement with his signature as attested thereto by Secretary of the Sanitary Board of Commissioners of Highland.

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 19th day of September, 2023. Having been passed by a vote of four (4) in favor and no (0) opposed.

HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:

Richard Garcia, President
Attest:

David Jones, Secretary

New Business: None

Reports: None

Comments from the Commissioners: None

Business from the Floor: None

Claims:

6201	SEWAGE OPERATING	401,436.62
6204	SEWAGE IMPOV	16,924.75
6601	SANITARY OPERATION	215,905.23
	Total	634,266.60

Next Meeting: The next meeting will be a study session to be held at 6:30 p.m. on Tuesday October 3, 2023. The next regularly scheduled Public Meeting will be held Tuesday, October 17, 2023 immediately following a study session at 6:30 p.m.

Adjournment: There being no other business to come before the Board of Sanitation Commissioners, Commissioner Burton moved to adjourn. Upon a voice vote, the meeting was adjourned at 7:04 pm.

Respectfully Submitted, Denise Beck, Recording Secretary

MINUTES OF THE REGULAR PUBLIC MEETING
BOARD OF SANITARY COMMISSIONERS
TUESDAY OCTOBER 3, 2023

The Board of Sanitary Commissioners of the Sanitary District of Highland convened in a special meeting before a study session at 6:30 p.m. on Tuesday, October 3, 2023 with Commissioner Garcia presiding, in the first floor meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

Oath of Office: Clerk Treasurer, Mark Herak administered the oath of office for Commissioner John Back.

Roll Call: Commissioners Kathy DeGuilio-Fox, John Back, Dave Jones, and Richard Garcia. Greg Cieslak was absent. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney and Toya Smith. Councilwoman

Minutes of Previous Session: None

Special Order: None

Communications: None

General Order and Unfinished Business:

1. Sanitary District of Highland
Board of Sanitary Commissioners
Resolution No. 2023-27

Commissioner Jones motioned to approve Resolution 2023-27 Commissioner DeGuilio-Fox seconded. Upon roll-call, there were four (4) affirmatives and no (0) negatives. The motion passes.

A Resolution Accepting a Bid From Gatlin Plumbing & Heating, Inc. for the Eder Street Backyard Sanitary Sewer Pipe Bursting Project in the Amount of \$315,000.00 as the Lowest Responsive and Responsible Bid

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

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

Whereas, The Sanitary District of Highland has determined a need to replace approximately 290 feet of existing deteriorated sanitary sewer in the backyards between 3102 Eder Street and 3124 Eder Street by pipe bursting methods; and

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

Whereas, The following bids were received at 2:00 p.m. on October 3, 2023:

Gatlin Plumbing & Heating, Inc. \$315,000.00

Engineer's Opinion of Probable Cost \$365,000.00

Whereas, The Sanitary District Superintendent and NIES Engineering, Inc. have reviewed the bids and determined that the bid of Gatlin Plumbing & Heating in the amount of Three Hundred Fifteen Thousand Dollars and 00/100 Cents (\$315,000.00) to be the lowest responsive and responsible bid; 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 Sanitary District of Highland, through its Board of Sanitary Commissioners, now desires to accept the bid and award the Project to Gatlin Plumbing & Heating, Inc.

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Highland Sanitary District, Lake County, Indiana, as follows:

2. That the bid of Gatlin Plumbing & Heating, Inc. in the amount of Three Hundred Fifteen Thousand Dollars and 00/100 Cents (\$315,000.00) for the Eder Street Backyard Sanitary Sewer Pipe Bursting Project is hereby accepted as the lowest responsive and responsible bid;
3. That the Sanitary District Superintendent is authorized to execute the agreement and all documents necessary to implement the Project.

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 3rd day of October, 2023. Having been passed by a vote of four (4) in favor and no (none) opposed.

HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:

Richard Garcia, President
Attest:

David Jones, Secretary

New Business:

**2. Town Council of the Town of Highland
Enactment No. 2023-22**

Commissioner DeGuilio-Fox motioned to approve Resolution 2023-27 Commissioner Jones seconded. Upon roll-call, there were four (4) affirmatives and no (0) negatives. The motion passes.

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Sanitary District Sewage Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to HMC Section 12.10.110

Whereas, The Town of Highland by proper legislative action has established a Department of Public Sanitation and Sanitary District pursuant to IC 36-9-25 et seq., codified as Chapter 12.10 of the Highland Municipal Code;

Whereas, The Department of Public Sanitation and Sanitary District is governed by the provisions of I.C. 36-9-25 and in some cases IC 36-9-23 in its operations, rate-setting and management of assets;

Whereas, Indiana Code 36-1-3 particularly provides for the exercise by ordinance of powers that are expressly granted to the municipality by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

Whereas, Pursuant to IC 36-1-3 and IC 36-9-25 the Town adopted HMC Section 12.10.110, establishing a cash reserve fund for the wastewater and storm water utilities, for its stewardship for loans, and transfers for payments in lieu of taxes for rates that support a reasonable return on the sewage utility plant of the municipality;

Whereas, Pursuant to IC 36-9-25-11 (l), which expressly states that its particular provisions may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under IC 36-9-25 any other provision that the municipal legislative body considers appropriate, the Town did adopt in its most recently effective rate ordinance, rates and charges that support a reasonable return on the sewage utility plant of the municipality;

Whereas, HMC section 12.10.110, provides that the cash reserve fund shall be governed by the provisions of IC 8-1.5-3-11;

Whereas, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2023 an amount to include in the corporation general fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

Whereas, The amount in the Cash Reserve Fund at June 30, 2022 was \$1,810,005.42; and,

Whereas, Pursuant to the foregoing, the Town Council as the municipal legislative body desires to transfer all of the adopted amount identified in the adopted budget for FY 2023,

Now, Therefore be it Enacted by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the Town Council hereby finds and determines the following:

(A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2023, which for its municipal general fund did include an amount of up to \$150,000 to be transferred from the municipal sewage cash reserve fund;

(B) That there is a Sanitary District Sewage Cash Reserve Fund established by the municipality under Section 12.10.110 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2022 was one hundred fifty thousand dollars (\$150,000.00);

(C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;

(D) That the most recently adopted and effective rates and charges of the Department of Public Sanitation and Sanitary District provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 36-9-25-11(1), with such reasonable return to be deposited in the Cash Reserve Fund;

Section 2. That for the expenses of said municipality, the amount of **One hundred fifty thousand dollars (\$150,000.00)** are hereby transferred and set apart from the **Sanitary District Sewage Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Sanitary Commissioners, as set forth in Indiana Code 8-1.5-3-11(a) as adopted by reference in HMC Section 12.10.110 (A);

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

(A) To seek the approving action of the Board of Sanitary Commissioners as set forth above; and,

(B) Upon approval, to transfer the sum identified and as authorized herein;

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

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

Introduced and Filed on the 25th day of September 2023. Consideration on same evening of introduction attained a vote of in favor and opposed, pursuant to IC 36-5-2-9.8.

Duly Ordained and Adopted this 25th day of September 2023 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed.

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

Tom Black, President (IC 36-5-2-10)

Attest:

Mark Herak

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

Approval by the Board of Sanitary Commissioners

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Sanitary Commissioners.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a), incorporated by reference in HMC Section 12.10.110 (A) and now adopted by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana, this 3 day of October 2023 having passed by a vote of 4 (four) in favor and 0 (no) opposed.

**Department of Public Sanitation & Sanitary District
By Its Board of Sanitary Commissioners:**

Richard Garcia, President

Attest:

David Jones, Secretary

Reports: None

Comments from the Commissioners: None

Business from the Floor: None

Next Meeting: The next regularly scheduled Public Meeting will be held Tuesday, October 17, 2023 immediately following a study session at 6:30 p.m.

Adjournment: There being no other business to come before the Board of Sanitation Commissioners, Commissioner Bach moved to adjourn. Upon a voice vote, the meeting was adjourned at 6:42 pm.

At 6:43 the Board of Sanitary Commissioners of the Sanitary District of Highland convened in a study session with Commissioner Garcia presiding, in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana

Silent Roll Call: Commissioners Kathy DeGuilio-Fox, John Back, Dave Jones and Richard Garcia. Greg Ciesak, absent. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney and Toya Smith, Councilwoman.

Mr. Knesek discussed the bids from Commonwealth for the SSO Remedial Project Phase 1-Division A. There were only two bids. LGS \$20,000,000.00 and Grimmer \$11,600,000.00. A very long discussion took place.

CMOM status is still the same.

Mr. Snyder gave an updated on the Parkway Drive project. A discussion took place on concrete replacement options.

Mr. Tweedle updated the commission on compliance issues for Consent Decree regarding capacity and the true-up. The storm water fee information has been sent to the County. The information will need to be done on an annual basis. SEH gave an estimate on what the fee would be.

Study Session ended at 6:48.