

**ENROLLED MINUTES OF THE
HIGHLAND WATERWORKS BOARD OF DIRECTORS
THURSDAY, NOVEMBER 29, 2018**

Study Session. The Highland Water Works Board of Directors convened in study session immediately before the Regular Meeting at 6:30 p.m. on Thursday, November 29, 2018 in the upper 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 silent roll call were Directors George Georgeff, Ed Dabrowski, George A. Smith, Larry Kondrat, and Curt Schroeder. Also present were Derek Snyder, NIES Engineering, Inc.; John Bach, Public Works Director; Mark Knesek, Operations Director; Rhett Tauber, Board Attorney; Bernie Zemen, Highland Town Council; Michael Griffin, Clerk Treasurer; and Kim Webb, Recording Secretary.

1. John Bach, Public Works Director, discussed with the Board a letter received from Derek Snyder, NIES Engineering, dated November 28, 2018 regarding a Proposal for Design Engineering Services for the 5th Street Water Main Replacement Project – 100th Street to 98th Street.
2. John Bach, Public Works Director, discussed with the Board a letter received from Derek Snyder, NIES Engineering, dated November 29, 2018 regarding a Proposal for Design Engineering Services for the 81st Street Water Main Replacement and Sidewalk/Curb/Apron Improvement Project – Indianapolis Boulevard to Sycamore Avenue.
3. The Board discussed Resolution No. 2018-14, a Resolution approving and authorizing Change Order No. 1 to the construction contract between the Highland Water Works Board of Directors and Gough, Inc. for the 45th Avenue and 5th Street Water Main Replacement Project – Phase 1 in the amount of \$5,836.32. The change order is to adjust planned quantities to actual quantities.
4. The Board discussed Resolution No. 2018-15, a Joint Resolution of the Board of Works, the Water Works Board of Directors, and the Sanitary Board of Commissioners approving and authorizing Change Order No. 2 to the construction contract between the Highland Water Works Board of Directors and Rex Construction Co., Inc. for the Wicker Park Manor Water Main Replacement and Street Improvement Project in the total amount of \$15,403.34, of which \$873.75 is the Waterworks Board portion. The change order is to adjust planned quantities to actual quantities.
5. The Board discussed Resolution No. 2018-16, a Resolution amending the 2018 Capital Project Budget of the Waterworks to be paid from its Waterworks Improvement Fund.

6. The Board discussed an action to approve Pay Request No. 3 for the 45th Street Water Main Replacement Project – Phase 1 in the amount of \$40,942.53 (\$45,491.70 less \$4,549.17 retainage) to Gough, Inc.
7. The Board discussed an action to approve Pay Request No. 6 for the Wicker Park Manor Water Main Replacement and Street Improvement Project in the amount of \$26,420.57 to Rex Construction Co., Inc.
8. John Bach, Public Works Director, discussed with the Board a letter from Verizon Wireless regarding re-evaluating the current license agreement for the cell site leasing at the Highland Water Tank.
9. Michael Griffin, Clerk Treasurer, discussed with the Board the business at 3309 45th Street (Overstuffed Skillets & Sandwiches). The business was unable to open a Water Utility account due to an outstanding balance from a previous owner. The Board discussed available options to collect the past due balance.

Regular Meeting. The Highland Water Works Board of Directors met in its Regular Session on Thursday, November 29, 2018 at 7:00 p.m. in the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland Indiana. Director Georgeff opened the meeting. The minutes were recorded by Kim Webb, Recording Secretary. The session was opened with the Pledge of Allegiance.

ROLL CALL: Present on roll call were Directors George Georgeff, Ed Dabrowski, George A. Smith, Larry Kondrat, and Curt Schroeder. A quorum was attained. Also present were Derek Snyder, NIES Engineering, Inc.; John Bach, Public Works Director; Mark Knesek, Operations Director; Rhett Tauber, Board Attorney; Bernie Zemen, Highland Town Council; Michael Griffin, Clerk Treasurer; and Kim Webb, Recording Secretary.

MINUTES: President Georgeff asked if there were any corrections to the Minutes of the Regular Meeting of October 25, 2018 as prepared and posted. Director Smith moved to approve the minutes of the Regular Meeting on October 25, 2018. Director Dabrowski seconded. On a vote *viva voce*, the motion passed.

Special Orders: None.

Communications:

1. A letter received from Derek Snyder, NIES Engineering, Inc., dated November 28, 2018 regarding a Proposal for Design Engineering Services for the 5th Street Water Main Replacement Project – 100th Street to 98th Street.

2. A letter received from Derek Snyder, NIES Engineering, Inc., date November 29, 2018 regarding a Proposal for Design Engineering Services for the 81st Street Water Main Replacement and Sidewalk/Curb/Apron Improvement Project – Indianapolis Boulevard to Sycamore Avenue.

Unfinished Business and General Orders:

1. Highland Waterworks
Board of Directors
Resolution No. 2018-14

The Board discussed Resolution No. 2018-14, a Resolution approving and authorizing Change Order No. 1 to the construction contract between the Highland Water Works Board of Directors and Gough, Inc. for the 45th Avenue and 5th Street Water Main Replacement Project – Phase 1 in the amount of \$5,836.32. Director Kondrat moved to approve Resolution 2018-14. Director Smith seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**WATER WORKS DISTRICT OF HIGHLAND
Board of Directors
Resolution No. 2018-14**

A Resolution Approving and Authorizing Change Order No. One to the Construction Contract between the Highland Water Works Board of Directors and Gough, Incorporated for the 45th Avenue and 5th Street Water Main Replacement Project – Phase 1 in the amount of \$5,836.32

Whereas, the Waterworks District of Highland (District) is governed by its Board of Waterworks 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 waterworks and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The Town of Highland, Board of Works, had determined to make certain improvements to the intersection of 45th Avenue and 5th Street and has implemented the 45th Avenue and 5th Street Intersection Project; and

Whereas, the District had heretofore determined a need to replace the existing water main on 5th Street from approximately 100 feet north of 45th Avenue to 98th Street and on 45th Avenue from approximately 250 feet west of 5th Street to approximately 250 feet east of 5th Street, due to its condition, in conjunction with the intersection improvement project and had engaged NIES Engineering, Incorporated to prepare plans and specifications for the water works improvements, to be known as 45th Avenue and 5th Street Water Main Replacement Project (Project); and

Whereas, NIES Engineering, Inc. had prepared plans and specifications for both Phase 1 and Phase 2 of the Project on behalf of the Water Works District and Phase 2 of the Project was bid in accordance with IC 36-1-12 *et seq.* with notice being published in accordance with IC 5-3-1; and

Whereas, on April 26, 2018, the Waterworks District adopted Resolution No. 2018-07, Declaring an Emergency, Accepting a Proposal and awarding a Construction Contract to Gough Construction, Incorporated for the 45th Avenue and 5th Street Water Main Replacement Project – Phase 1 in the amount of One Hundred Thirty-seven Thousand Six Hundred Thirty-five Dollars and 43/100 (\$137,635.43) to be the lowest responsive and responsible bid; and

Whereas, during the course of construction of the Project, it has become necessary to change or alter the original specifications of the project and/or to increase or decrease the planned material quantities; and

Whereas, NIES Engineering, Inc., a licensed engineer performing construction engineering services on this project, has specifically identified and presented Change Order No. 1, attached herewith, which details the changes and alterations to the Project which have a net increase in the contract amount of *Five Thousand Eight Hundred Thirty-six Dollars and 32/100 Cents (\$5,836.32)*; and

Whereas, The Waterworks District of Highland, through its Board of Directors, now desires to approve and authorize the Change Order as described.

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

Section 1. That the First Addendum to the Construction Contract with Gough, Incorporated for the 45TH AVENUE AND 5TH STREET WATER MAIN REPLACEMENT PROJECT – PHASE 1, as prepared by NIES Engineering, Incorporated, a licensed engineer performing construction engineering services on this Project, is hereby determined to be directly related to the original project and is hereby approved, adopted, and ratified in each and every respect;

Section 2. That this addendum is hereby ordered to be known as Change Order No. 1, issued to increase net changes to the original agreement in the amount of *Five Thousand Eight Hundred Thirty-six Dollars and 32/100 Cents (\$5,836.32)*; bringing the total value of the entire agreement with any and all change orders approved to date to One Hundred Forty-three Thousand Four Hundred Seventy-one Dollars and 75/100 (\$143,471.75); and

Section 3. That the total of all change orders issued that increases the scope of this Project may not exceed twenty percent (20%) of the amount of the original contract, that amount being of One Hundred Sixty-five Thousand One Hundred Sixty-two Dollars and 52/100 Cents (\$165,162.52), pursuant to IC 36-1-12-18(d); and

Section 4. That the Proper Officers are hereby authorized to execute the necessary documents with their signatures.

Duly Approved and Adopted by the Board of Directors of the Waterworks District of Highland, Lake County, Indiana this 29th day of November, 2018 by a vote of 5 in favor and 0 opposed.

**BOARD of WATERWORKS DIRECTORS
WATERWORKS DISTRICT of HIGHLAND, INDIANA**

/s/George Georgeff, President

Attest:

/s/George A Smith, Secretary of the Board of Directors

2. The Board discussed Resolution No. 2018-15, a Joint Resolution of the Board of Works, the Water Works Board of Directors, and the Sanitary Board of Commissioners approving and authorizing Change Order No. 2 to the construction contract between the Highland Water Works Board of Directors and Rex Construction Co., Inc. for the Wicker Park Manor Water Main Replacement and Street Improvement Project in the total amount of \$15,403.34, of which \$873.75 is the Waterworks Board portion. Director Schroeder moved to approve Resolution 2018-15. Director Smith seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2018-44**

**WATERWORKS DISTRICT OF HIGHLAND
BOARD OF WATERWORKS DIRECTORS
RESOLUTION NO. 2018-15**

**SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2018-21**

A JOINT RESOLUTION OF THE BOARD OF WORKS, THE WATER WORKS BOARD OF DIRECTORS, AND THE SANITARY BOARD OF COMMISSIONERS APPROVING AND AUTHORIZING CHANGE ORDER NO. 2 TO THE CONSTRUCTION CONTRACT BETWEEN THE HIGHLAND WATER WORKS BOARD OF DIRECTORS AND REX CONSTRUCTION, INC. FOR THE WICKER PARK MANOR STREET IMPROVEMENT AND WATER MAIN REPLACEMENT PROJECT

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined that a need exists make certain public improvements and repairs to roadway infrastructure on Wicker Park Drive between 81st Street and River Drive; on Walnut Drive between Wicker Park Drive and Robertson Place; and on Robertson Place between 81st Street and Walnut Drive, including the replacement of defective curb and sidewalk, pavement, and tree removal and replacement and have hereto approved a project to be described as the Wicker Park Manor Improvement Project (Project); and

Whereas, the Waterworks District of Highland (WW District) is governed by its Board of Waterworks Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

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

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

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

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

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

Whereas, On April 26, 2018, the Waterworks District adopted Joint Resolution No. 2018-06; on May 14, 2018, Town Council through its Board of Works, adopted Order of the Works Board 2018-20; and on May 15, 2018, the Sanitary Board of Commissioners adopted Resolution No. 2018-10, all awarding a Project to Rex Construction, Incorporated in the total amount of Seven Hundred Forty-nine Thousand Seven Hundred Ninety-four Dollars and 00/100 (\$749,794.00), to be the lowest responsive and responsible bid, of which Four Hundred Sixty-six Thousand Five Hundred Eighty-four Dollars and 50/100 Cents (\$466,584.50) was for waterworks improvements; and

Whereas, during the course of construction of the Project, it has become necessary to change or alter the original specifications of the project and/or to increase or decrease the planned material quantities; and

Whereas, NIES Engineering, Inc., a licensed engineer performing construction engineering services on this project, has specifically identified and presented Change Order No. 2, attached herewith, which details the changes and alterations to the Project which have a net increase in the total contract amount of Fifteen Thousand Four Hundred Three Dollars and 34/100 Cents (\$15,403.34); and

Whereas, The increase in cost, as determined by NIES, is allocated to the Board of Works in the amount of Thirteen Thousand Two Hundred Ninety-five Dollars and 29/100 Cents (\$13,295.29); to the Water Works Board in the amount of Eight Hundred Seventy-three Dollars and 75/100 Cents (\$873.75); and to the Sanitary Board in the amount of One Thousand Two Hundred Thirty-four Dollars and 30/100 Cents (\$1,234.30); and

Whereas, The Town of Highland, through its Board of Works, now desires to approve and authorize the Change Order as described; and

Whereas, The Waterworks District of Highland, through its Board of Directors, now desires to approve and authorize the Change Order as describe; and

Whereas, The Sanitary District of Highland, through its Board of Commissions, now desires to approve and authorize the Change Order as described.

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

Section 1. That the Second Addendum to the Construction Contract with Rex Construction, Incorporated for the Wicker Park Manor Street Improvement and Water Main Replacement Project, as prepared by NIES Engineering, Incorporated, a licensed engineer performing construction engineering services on this Project, is hereby determined to be directly related to the original project and is hereby approved, adopted, and ratified in each and every respect;

Section 2. That this addendum is hereby ordered to be known as Change Order No. 2, issued to increase net changes to the original agreement in the amount of Fifteen Thousand Four Hundred Three Dollars and 34/100 Cents (\$15,403.34), bringing the total value of the entire agreement with any and all change orders approved to date to Seven Hundred Seventy Thousand, Seven Hundred Twenty-six Dollars and 91/100 (\$770,726.91) allocated as follows;

Board of Works	\$13,295.29
Water Works District	\$873.75
<u>Sanitary District</u>	<u>\$1,234.30</u>
Total Change Order Amount	\$15,403.34

; and

Section 4. That the total of all change orders issued that increases the scope of this Project may not exceed twenty percent (20%) of the amount of the original contract, that original being of Eight Hundred Ninety-nine Thousand, Seven Hundred Fifty-two Dollars and 80/100 (\$899,752.80), pursuant to IC 36-1-12-18(d); and

Section 5. That the Public Works Director is hereby authorized to execute the necessary documents with his signatures.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 10th day of December, 2018. Having been passed by a vote of ____ in favor and ____ opposed.

BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA

Mark Herak (IC 36-5-2-10)

Attest:

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

Duly Adopted, Resolved and Ordered by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 29th day of November, 2018. Having been passed by a vote of 5 in favor and 0 opposed.

HIGHLAND WATERWORKS
BY ITS BOARD OF DIRECTORS:

/s/George Georgeff, President

Attest:

/s/George A. Smith, Secretary

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 18th day of December 2018. Having been passed by a vote of ____ in favor and ____ opposed.

Richard Garcia, President

Attest:

David Jones, Secretary

3. The Board discussed Resolution No. 2018-16, a Resolution amending the 2018 Capital Project Budget of the Waterworks to be paid from its Waterworks Improvement Fund. Director Dabrowski moved to approve Resolution 2018-16. Director Schroeder seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**Water Works District of Highland
Board of Directors
Capital Budget Resolution No. 2018-16**

**A RESOLUTION AMENDING THE 2018 CAPITAL PROJECT BUDGET OF THE WATERWORKS TO BE PAID FROM ITS
WATERWORKS IMPROVEMENT FUND**

Whereas, The Highland Waterworks 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 waterworks 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 Waterworks 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 Waterworks to be necessary for the sound management and control of the waterworks 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 Waterworks, Lake County, Indiana, as follows:

Section 1. That for the Capital expenses as hereinafter identified of said Waterworks, 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 Waterworks Improvement Fund:

5 th Street Water Main Project – Phase 1 (CN)	\$5,836.32
<u>Wicker Park Dr/Robertson Pl/Walnut Dr Water Main Replacement Project (CN)</u>	<u>\$6,403.32</u>
Total	\$12,239.64

Section 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;

Section 3. That the Superintendent of the Waterworks 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;

Section 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;

Section 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 Waterworks Board of Directors of Highland, Lake County, Indiana, this 29th day of November 2018. Having been passed by a vote of 5 in favor and 0 opposed.

HIGHLAND WATERWORKS
BY ITS BOARD OF DIRECTORS:

/s/George Georgeff, President

Attest:

/s/George A. Smith, Secretary

4. The Board discussed an action to approve Pay Request No. 3 for the 45th Street Water Main Replacement Project – Phase 1 in the amount of \$40,942.53 (\$45,491.70 less \$4,549.17 retainage) to Gough, Inc. Director Dabrowski moved to approve the action. Director Kondrat seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.
5. The Board discussed an action to approve Pay Request No. 6 for the Wicker Park Manor Water Main Replacement and Street Improvement Project in the amount of \$26,420.57 to Rex Construction Co., Inc. Director Smith moved to approve the action. Director Dabrowski seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.
6. Director Smith moved to approve an action to allow the current tenant at 3309 45th Street (Overstuffed Skillets & Sandwiches) to obtain Utility Service retroactive to the date of occupancy. Director Smith further moved to send a notice and demand for payment to the owner, per the Water Works Ordinance, for the outstanding liability. Director Kondrat seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

New Business: None.

Reports:

1. Waterworks Superintendent – No Report.
2. Waterworks Attorney – An Appearance has not been entered in the lawsuit against Mr. Marks (Re: Resolution 2018-10). A Motion for default judgement has been filed.

3. Waterworks Engineer – The 45th Street, 5th Street, and Wicker Park Projects are complete except for submitting the record drawings. Once the drawings are received, there will be a request to release the retainage.
The proposals, discussed under Communications, will be added to the agenda for consideration at the next Water Board meeting.
4. Fire Department – No Report.

Business from the Floor: None.

Claims:

Per the docket in the amount of:

061	Water Works District	\$0.00
062	Consumer Deposits	\$89.18
064	Waterworks Operating	\$227,089.01
066	Water Improvements	\$64,176.95
068	Water Capital	\$0.00
<hr/>		
Total		\$291,355.14

Director Smith moved to approve the claims per the November 29, 2018 docket in the amount of \$291,355.14. Director Dabrowski seconded. On a vote *viva voce*, the motion passed.

Next Meeting:

Due to the Christmas Holiday, Director Smith moved to schedule the next Public Meeting on Thursday, December 20, 2018. Director Kondrat seconded. On a vote *viva voce*, the motion passed. The next Public Meeting will be held on Thursday, December 20, 2018 at 7:00 p.m. following a regular study session at 6:30 p.m. at the Town Hall.

ADJOURNMENT: With no other business to come before the Board of Waterworks Directors, the meeting is adjourned.

Meeting Adjourned at 7:24 p.m.


Respectfully Submitted,
Kim Webb, Recording Secretary