

**Enrolled Minutes of the Thirty-first Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, February 11, 2013**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, February 11, 2013 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed informally the pending appointments of the executive as well as of the legislative body.
3. The Town Council discussed informally the status of Unsafe Building proceedings with the location formerly know as Chela's located on 45th Avenue.
4. The Town Council informally discussed the planned schedule for the Beer Garden at Our Lady of Grace Church usually conducted contemporaneously with the Town's Independence Day festival conducted at Main Square.

The study session ended at 6:55 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 11, 2013 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Brian J. Novak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Herak 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 Mark Herak, Bernie Zemen, Dan Vassar, Brian Novak, and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also present: Ed Dabrowski IT Director (Contract); Greg Kuzmar, Redevelopment Commission; Larry Moes of the Town Board of Metropolitan Police Commissioners; and Richard Underkofler, Highland Foundation were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of January 28, 2013 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2013 Budget for the Special Public Safety Fund, General Improvement Fund, Municipal Cumulative Street Fund, and the Sanitary Extension and Improvement Fund, of the Sanitary District and Department of Public Sanitation **and** the Municipal Cumulative Capital Development (MCCD) Fund.
 - (a) Attorney verification of Proofs of Publication: The TIMES 1 Feb 2013. The Town Attorney indicated that the proofs complied with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2013-06:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Special Public Safety Fund, General Improvement Fund, Municipal Cumulative Street Fund, and the Sanitary Extension and Improvement Fund, of the Sanitary District and Department of Public Sanitation, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved for the consideration of Appropriation Enactment No. 2013-06 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved for the passage and adoption of Appropriation Enactment No. 2013-06 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2013-06**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND, GENERAL IMPROVEMENT FUND, MUNICIPAL CUMULATIVE STREET FUND, **and** the SANITARY EXTENSION AND IMPROVEMENT FUND, OF THE SANITARY DISTRICT AND DEPARTMENT OF PUBLIC SANITATION, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Public Safety Fund, General Improvement Fund, Municipal Cumulative Street Fund, and Sanitary Extension and Improvement Fund, of the Sanitary District and Department of Public Sanitation;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

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

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL PUBLIC SAFETY FUND

Increase

XXX.XX Highland Fire Purchase:

\$875.00

Total Series:

\$875.00

Fund Total:

\$ 875.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

<i>Increase</i>		
Acct. No. 3XX.XX Record/Releasing Liens:		\$ 4,000.00
	<i>Total Series:</i>	\$ 4,000.00
	Fund Total:	\$ 4,000.00

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE STREET FUND

<i>Increase</i>		
Acct. No. 4XX.XX Sidewalks:		\$25,000.00
	<i>Total Series:</i>	\$25,000.00
	Fund Total:	\$25,000.00

Section 4. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Sanitary Extension and Improvement Fund, of the Sanitary District and Department of Public Sanitation**, herein named and for the purposes herein specified, subject to the laws governing the same:

Sanitary District and Department of Public Sanitation

SANITARY EXTENSION AND IMPROVEMENT FUND

<i>Increase</i>		
Acct. No. 4XX.XX Sewers:		\$54,000.00
	<i>Total Series:</i>	\$54,000.00
	Fund Total:	\$54,000.00

Section 5. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 6. 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 11th Day of February 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 11th Day of February 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (d) Action on **Appropriation Enactment No. 2013-07:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development Fund (MCCD), all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved for the consideration of Appropriation Enactment No. 2013-07 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved for the passage and adoption of Appropriation Enactment No. 2013-07 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of introduction.

**Town of Highland
 Appropriation Enactment
 Enactment No. 2013-07**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT (MCCD) FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Capital Development Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

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

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Capital Development Fund** and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND:

Increase the following Accounts:

Account No. 4XX.XX-XXXX Fuel System Retrofit (partial)	\$ 50,000.00
<i>Total 400 Series:</i>	<u>\$ 50,000.00</u>
Total Increase for Fund:	<u>\$ 50,000.00</u>

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. 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 11th Day of February 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 11th Day of February 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
 Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Staff Reports:

- **Building & Inspection Report for January 2013**

No report was filed for this meeting. A report will be provided at a future date.

- **Fire Department Report for January 2013**

	Month	1st half of yr.
General Alarms	9	94
Still Alarms	8	8
Paid still alarms	3	3
Total:	<u>20</u>	

• **Workplace Safety Report for January 2013**

There were four incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2013	Total in 2012	Restricted Days 2013	Lost Workdays This Year	Restricted Days Last Year (2012)	Lost Workdays Last Year (2012)
Parks	1	1	0	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	1	1	10	0	0	0	0
Street	1	1	7	0	0	0	0
Water & Sewer	0	0	4	0	0	2	0
Maint.	0	0	1	0	0	0	0
Other	1	1	0	0	0	0	0
TOTALS	4	4	22	0	0	2	0

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

Appointments:

Legislative Appointments

Home Rule Commissions

- Main Street Bureau Board:** (12 of 17) appointments to be made by the Town Council. Term: two years ending 1 Jan 2015. (*Note: 12 vacancies.*)

Councilor Vassar moved, seconded by Councilor Kuiper that Dan Dunn, Ph.D. be appointed to the Main Street Board of Directors. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Dan Dunn was appointed.

Unfinished Business and General Orders:

- Resolution No. 2013-04:** A Resolution Approving an Interlocal Cooperation Agreement between and among the Incorporated Town of Highland, Parks District as a political subdivision, and the Waterworks District as a political subdivision for the Utilization of Construction and Reconstruction and Improvement Services Related to a Community Park.

Councilor Zemen moved the passage and adoption of Resolution No. 2013-04. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
TOWN COUNCIL RESOLUTION No. 2013-04**

A Resolution Approving an Interlocal Cooperation Agreement between and among the Incorporated Town of Highland, Parks District as a political subdivision, and the Waterworks District as a political subdivision for the Utilization of Construction and Reconstruction and Improvement Services Related to a Community Park

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, through its Public Works Department (agency) and its several political subdivisions of Highland, Lake County, Indiana are public entities 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, Parks District as a political subdivision, and the Waterworks District as a political subdivision desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., regarding the development of a community park at 3000 45th Avenue, Highland, Lake County, Indiana, to provide

for the ability to purchase materials and construct infrastructure incidental to the Improvements 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, Parks District as a political subdivision, and the Waterworks District as a political subdivision entered into by the Town of Highland by and through its Town Council, this 11th Day of February 2013 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 acting as the Works Board, the Park and Recreation Board and the Board of Waterworks Directors, all of the Town of Highland to act jointly, by naming the Park and Recreation Board as an enhanced entity of the three participating entities to mutually support and utilize certain specified services associated with the development of a community park at 3000 45th Avenue, Highland, Lake County, Indiana, to provide for the ability to purchase materials and construct infrastructure incidental to the Improvements for the mutual benefit of the participating entities, and at a shared cost;

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 all the participating entities;

Section 4. 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 5. 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 6. 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, this 11th day of February 2013. Having been passed by a vote of 5 in favor and 0 opposed.

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

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**INTERLOCAL COOPERATION AGREEMENT FOR THE
PURCHASE AND UTILIZATION OF CONSTRUCTION,
RECONSTRUCTION AND IMPROVEMENT SERVICES FOR
MUTUAL BENEFIT**

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

Whereas, The Town of Highland, through its Department of Parks and Recreation organized pursuant to IC 36-10-3 et seq., its Department of Waterworks, organized pursuant to IC 8-1.5-4 et seq., and its Department of Public Works organized under IC 36-1-3 et seq., Lake County, Indiana are political subdivisions empowered by the aforesaid Interlocal Cooperation Act, as amended with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, by a License Agreement executed April 20, 2012, BP PIPELINES (NORTH AMERICA) INC., granted the Highland Department of Parks and Recreation, its successors and assigns, a temporary right of way for construction and a License for a term of ninety-nine years for the purpose of installing, repairing, maintaining, and replacing certain landscaping improvements (the "Improvements") over and across a certain tract of land, situated in the Town of Highland, County of Lake, State of Indiana, commonly known as 3000 45th Street, the SE corner of 5th Street on 45th Street, Highland, Indiana; and

Whereas, B P FOUNDATION, INC. gave a \$25,000 grant to the Town of Highland for design and construction of the Improvements; and

Whereas, said \$25,000 BP FOUNDATION grant was appropriated by the Town of Highland to a Park Capital Project Fund managed by the Park and Recreation Department to account for design and construction expenditures incidental to the Improvements; and

Whereas, Town of Highland, through its Department of Parks and Recreation, and through its Department of Waterworks, by the Board of Waterworks Directors desires to enter into an agreement constructed pursuant to IC. 36-1-7-1, et seq., with Highland's Department of Public Works through the Works Board, to provide for the ability to purchase materials and construct infrastructure incidental to the Improvements for the mutual benefit of the participating entities, and at a shared cost; and

Whereas, the Highland Public Works Director has prepared a cost estimate for extending water service for landscape irrigation; installation of curb, gutter and roadway improvements along the 5th Street frontage of the Improvements site, attached and incorporated herein by reference.

Now Therefore, in consideration of the mutual terms, covenants, and conditions set forth herein, the Town of Highland, through its Department of Parks and Recreation through its Park and Recreation Board; through its Department of Waterworks by its Board of Waterworks Directors; and the Highland Department of Public Works through its Works Board, hereby agree as follows, to wit:

Section 1. DURATION. The duration of this agreement shall be from January 1, 2013 through December 31, 2013, provided said agreement is adopted by Resolution by each of the three political subdivisions aforesaid up to and including December 31, 2013, and may be renewable each calendar year thereafter by agreement of the parties, evidenced by passage of similar resolutions, should the purposes of this agreement or Section 7 herein require it .

Section 2. PURPOSE. The purpose of this agreement is to authorize and allow the Highland Department of Public Works through its Works Board to engage in construction, reconstruction and improvement activities on behalf of the Department of Parks and Recreation and the Department of Waterworks for the mutual benefit of the participating entities at a substantial savings for extending water service for landscape irrigation; installation of curb, gutter and roadway improvements along the 5th Street frontage of a certain tract of land, situated in the Town of Highland, County of Lake, State of Indiana, commonly known as 3000 45th Street, the SE corner of 5th Street on 45th Street, Highland, Indiana.

Section 3. ADMINISTRATION. This agreement shall be administered through an *enhanced* entity comprised of the Department of Parks and Recreation as governed by its Park and Recreation Board. The powers of the enhanced entity shall be exercised by the Park and Recreation Board and shall be construed to include all powers directly granted it under IC 36-10 et seq., and those powers permitted under IC. 36-1-7-2 and only those powers outlined in IC 36-9-2, IC 36-9-25 and IC 8-1.5-4 deemed necessary to carryout the Improvement Project described in Section 2 of this agreement.

Section 4. CLERK-TREASURER. This agreement hereby delegates to the duly elected Clerk-Treasurer of the Town of Highland, the duty to receive, disburse, and account for all moneys of this undertaking pursuant to the terms of this agreement. The Clerk-Treasurer shall perform all usual duties associated with the office and as required by law.

Section 5. TERMS. In consideration of the mutual promises contained herein, it is agreed as follows:

(a) The Department of Parks and Recreation through its Park and Recreation Board agrees and shall serve as an *enhanced entity* behalf of the three participating entities. It shall provide administration and supervision over general construction services related to the Improvement Project described herein. As for those portions of the project related to public way reconstruction and resurfacing and water line installation, the enhanced entity will carry-out administration and supervision over general construction services on behalf of the participating entities, according to standard specifications of the Town of Highland;

(b) The Town of Highland Department of Parks and Recreation, through its Park and Recreation Board acting as an enhanced entity, agrees and shall contribute the amount of **Eight Thousand, Five Hundred Dollars (\$8,500.00)** of its \$25,000 BP Foundation Grant not later than **March 28, 2013**, to be payable in a lump sum to the appropriate Fund, for work performed by workers assigned or detailed to the project by the Public Works Department (Agency), its Streets Division and its Waterworks Division, as well as the Waterworks Department.

(c) The Town of Highland Department of Parks and Recreation, through its Park and Recreation Board acting as an enhanced entity, shall support the costs of the balance of the project costs from the proceeds of the BP Amoco Grant.

Section 6. MEETINGS AND GOVERNING LAW. In acting as an enhanced entity, the Parks and Recreation Board shall adhere to and comply with all applicable laws governing its action;

Section 7. TITLE. Upon satisfactory completion and acceptance of the project, the enhanced entity is dissolved, and those improvements of public way and water infrastructure, become property of the municipality.

Section 8. COUNTERPARTS. 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.

Section 9. RECORDING. 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 under Paragraph 1 of this agreement 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 also acting as the Works Board

By: _____
Brian Novak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer

Participant Execution Date: 11 February 2013

5th Street Project Infrastructure Cost Estimate

Roadway Improvements - Contractual	Unit	Quan	Unit Price	Total	
Maintenance of Traffic	LS	1	\$ 500.00	\$ 500.00	
Highback Concrete Curb and Gutter	LF	140	\$ 16.00	\$ 2,240.00	
COMPACTED AGGREGATE, NO. 53	Tons	52	\$ 12.65	\$ 657.80	
HMA INTERMEDIATE	Tons	20	\$ 59.80	\$ 1,196.00	
HMA SURFACE	Tons	10	\$ 69.65	\$ 696.50	
Total				\$ 5,290.30	
Force Account Labor - Roadway	Unit	Quan	Unit Price	Total	
Operator	HR	16	\$ 18.98	\$ 303.68	
Truck Driver	HR	16	\$ 18.43	\$ 294.88	
Truck Driver	HR	16	\$ 18.43	\$ 294.88	
Laborer	HR	16	\$ 13.95	\$ 223.20	

Total				\$ 1,116.64	
Force Account Labor - Water Line					
	Unit	Quan	Unit Price	Total	
Operator	HR	8	\$ 18.98	\$ 151.84	
Truck Driver	HR	8	\$ 18.43	\$ 147.44	
Laborer	HR	8	\$ 13.95	\$ 111.60	
Total				\$ 410.88	
Materials - Water Line					
	Unit	Quan	Unit Price	Total	
1" Corp	EA	1	\$ 49.00	\$ 49.00	
1" Curb Stop	EA	1	\$ 112.00	\$ 112.00	
Buffalo box	EA	1	\$ 76.50	\$ 76.50	
Meter Pit	EA	1	\$ 60.00	\$ 60.00	
1" Backflow Prevention Device	EA	1	\$ 450.00	\$ 450.00	
1" Copper Tubing	LF	30	\$ 5.75	\$ 172.50	
				\$ 920.00	
Estimated Grand Total				\$ 7,737.82	
Contingency @ 10%				\$ 735.78	
				\$ 8,473.60	
Say				\$ 8,500.00	
By: John Bach, Highland Public Works Director					
November 15, 2012;					
Revised January 25, 2013 by Rich Underkofler for recommended pressure vacuum breaker type					
backflow prevention device to be installed by a licensed plumber					
Notes:					
1. It's assumed force account work would be provided by the Public Works Department.					
2. I would expect that we would overlay the entire roadway of 5th Street. The cost estimate					
provided is simply for the 8' wide parking tray; the balance would be funded with Town resources.					

Revised 1/25/2013

2. **Resolution No. 2013-05:** A Resolution Expressing the Interest of the Town Council in Possibly Acquiring Real Property located at 3305 Ridge Road, Authorizing Appraisals of the Property, all Pursuant to IC 36-1-10.5 et seq.

Councilor Herak moved the passage and adoption of Resolution No. 2013-05. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Resolution No. 2013-05**

A RESOLUTION EXPRESSING THE INTEREST OF THE TOWN COUNCIL IN POSSIBLY ACQUIRING REAL PROPERTY LOCATED AT 3305 RIDGE ROAD, AUTHORIZING APPRAISALS OF THE PROPERTY, ALL PURSUANT TO IC 36-1-10.5 ET SEQ.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality pursuant to IC 36-1-2 et seq., and

Whereas, The Town Council for the Town of Highland has previously acquired certain real estate, legally described as Lot 1 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3315 Ridge Road, Lot 2 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3309 Ridge Road and Lot 4, Block 1 of Highland Park Manor in the

Town of Highland, Lake County, Indiana, more commonly known as 8745 Cottage Grove Avenue in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road; and

Whereas, The Town Council for the Town of Highland is now interested in acquiring certain real estate, legally described as Lot 3 Block 1 of Highland Park Manor in the Town of Highland, Lake County, Indiana, more commonly known as 3305 Ridge Road, in order to provide for the future expansion of the Town Hall campus located at 3333 Ridge Road **and for the possible construction of a public safety facility**; and

Whereas, Pursuant to IC 36-1-10.5-5, the Fiscal Body of the Town of Highland shall pass a resolution to the effect that it is interested in making a purchase of specified land or a structure and shall appoint two (2) appraisers to appraise the market value of the land or structure; and

Whereas, The Town Council now desires to express its interest to purchase said real property and to approve, ratify and accept the appraisals of the property.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Town Council hereby expresses its interest to purchase real property located at 3305 Ridge Road, Highland, Indiana, pursuant to IC 36-1-10.5-5(1);

Section 2. That the Town Council hereby directs and instructs the purchasing agent or proper officer as follows:

(A) That the proper officer or purchasing agent shall appoint two (2) appraisers to appraise the fair market value of the land or structure. The appraisers must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1.

(B) That the proper officer or purchasing agent shall direct the appraisers to return their separate appraisals to the purchasing agent within thirty (30) days after the date of their appointment.

(C) That the proper officer or purchasing agent shall keep the appraisals on file for five (5) years after they are tendered; and

(D) That the proper officer or purchasing agent shall give a copy of both appraisals to the fiscal body.

Section 3. That the Municipal Fiscal Officer is hereby authorized to expend Town funds to pay for said appraisals.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 11th day of February 2013 having passed by a vote of 5 in favor and 0 opposed.

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

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CFPA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2013-10:** An Order Approving, and Authorizing an Indemnity Agreement and associated Wage reimbursement between the Town of Highland.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2013-10. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2013-10**

An Order Approving, and Authorizing an Indemnity Agreement and associated Wage reimbursement between the Town of Highland and Joseph Seremet of the Office of the Clerk-Treasurer.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees, and to this end, the Town legislative body has passed and adopted wage and salary ordinances from time to time;

WHEREAS, Section 2, subsections a through c in relevant versions of the wage and salary ordinance provide for departmental reporting of wage and hour changes, however, during a routine review, it was determined that a worker's required pay rate had not been filed correctly, presenting an underpayment, with particulars set forth in Exhibit of the accompanying Indemnity Agreement; and

WHEREAS, The Town Council now desires to approve and authorize a indemnity agreement, and reconcile wage underpayment,

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 term and provisions of the indemnity agreement reasonable and approved in each and every respect (Agreement affixed as an exhibit to this order);

Section 2. That the Works Board further hereby finds and determines that the identified sum for reimbursement to the indemnitor to be correct and in accordance with the terms of the wage and salary ordinances then in effect;

Section 3. That the proper officers are now authorized and approved to execute the indemnity agreement, that the Deputy Clerk-Treasurer must identify proper resources to support the purposes of the agreement and that the Clerk-Treasurer be authorized to make payment according to the terms this agreement and finally, filing a copy of this agreement 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 11th day of February 2013 having passed by a vote of 5 in favor and 0 opposed.

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

Brian Novak, President (IC 36-5-2-10)

Attest:

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

INDEMNITY AGREEMENT

This Agreement is made and entered into this day by and among **JOSEPH SEREMET** (the "Indemnitor") and **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (the "Indemnitee).

WHEREAS, Indemnitor and Indemnitee have agreed that Indemnitor is deserving of the starting rate of pay at the onset of employment and Indemnitee owes Indemnitor the sum of Two Hundred Forty-Nine Dollars and Sixty Cents (\$249.60) for the incumbent's back pay due and owing to him, a copy of said calculation for the back pay due to the Indemnitor is identified herein as Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, as a part of the settlement, Indemnitor has agreed to indemnify Indemnitee from any further claim with regard to the incumbent's rate of pay claims; and

WHEREAS, Indemnitee has requested that Indemnitor indemnify and hold Indemnitee harmless from any further claims for reimbursement for any past incumbent's rate of pay.

NOW, THEREFORE, for the payment of the sum of Two Hundred Forty-Nine Dollars and Sixty Cents (\$249.60) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged by the Indemnitor, Indemnitor hereby covenants and agrees to indemnify, defend and hold the Indemnitee harmless from and against any claims, demands, judgments, losses, damages, costs, expenses, actions, causes of actions, and suits at law or in equity, of whatever nature, kind, character, description, extent or duration, arising directly out of the matter of incumbent's rate of pay for the Indemnitor.

IN WITNESS WHEREOF, Indemnitor and Indemnitee have executed and delivered this Indemnity Agreement effective as of the 11th Day of February 2013.

INDEMNITOR:

JOSEPH SEREMET

INDEMNITEE:

**TOWN OF HIGHLAND, INDIANA BY
AND THROUGH ITS TOWN COUNCIL**

By: _____
BRIAN NOVAK, President

ATTEST:

By: _____
**MICHAEL W. GRIFFIN, IAMC/MMC/CPFA
CLERK-TREASURER**

EXHIBIT

Joseph Seremet Pay Correction Exhibit

Hire Date: 10/12/12

Date of Correction: 1/20/13

Hours worked during that time: 384

Starting Pay: \$9.00

Correct Pay: \$9.65

Difference: \$0.65

Calculation: 384 hours worked x \$0.65 difference of pay rates = \$249.60

- 4. Works Board Order No. 2013-11: An Order Re-Authorizing and Re-Approving An agreement between The Idea Factory and the Town of Highland to perform Professional Communications and Media Design and Development services for the Municipality, Repealing a Previously Approved Agreement.**

Councilor Zemen moved the passage and adoption of Works Board Order No. 2013-11. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2013-11**

An Order Re-Authorizing and Re-Approving An agreement between The Idea Factory and the Town of Highland to perform Professional Communications and Media Design and Development services for the Municipality, Repealing a Previously Approved Agreement

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

Whereas, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, Robin A. Carlascio and Theresa K. Badovich, d.b.a The Idea Factory, a media development and design, communication consulting alliance, has proposed to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter;

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1;

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to **Section 03.15.030; of the Highland Municipal Code;**

Whereas, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the agreement (incorporated by reference and made a part of this Order) between **Robin A. Carlascio** and **Theresa K. Badovich** doing business as the **Idea Factory**, and the Town of Highland, provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter for the period beginning **1 January 2013 through to 31 December 2013** as described herein is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, in the amount of *\$1,500 per issue*, which include publishing and coordinate a monthly newsletter to be distributed as an insert in the monthly utility invoice, and other related services are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and **Section 03.15.030** of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid to **The Idea Factory**, after presentation of an invoice for services, following their delivery;

Section 4. That the Town Council President be authorized to execute this agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Section 5. That the Works Board Order 2013-01 and the accompanying agreement is hereby superceded and made null and void by this order.

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 11th day of February 2013 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Brian, Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

AGREEMENT

This Agreement made and entered into this 11th day of February 2013, by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO and THERESA BADOVICH d/b/a THE IDEA FACTORY** (hereinafter referred to as "Idea Factory").

WITNESSETH THAT:

WHEREAS, The Town is interested engaging the services of Idea Factory for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Idea Factory is interested in entering into such an agreement and engaging its services to publish and coordinate a monthly newsletter within the Town; and

WHEREAS, The parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Idea Factory agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.

2. The term of this Agreement shall be for one (1) year beginning January 1, 2013, through December 31, 2013. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.

3. Idea Factory shall be paid for its services rendered pursuant to this Agreement, the sum of \$1,500.00 per issue and the monthly fees shall be payable to The Idea Factory at One Courthouse Square, Suite 207, Crown Point, Indiana 46307.

4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.

5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Idea Factory, this Agreement shall become null and void.

6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

7. That the Town Council President must approve a preliminary edition of the newsletter at least forty-eight (48) hours prior to publication.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this 11th day February 2013.

TOWN OF HIGHLAND

THE IDEA FACTORY

By: _____
Brian J. Novak, President

Robin Carlascio

Attest: _____
Michael W. Griffin, Clerk-Treasurer

Theresa Badovich

This instrument prepared by: Rhett L. Tauber, Esq.
Tauber Westland & Bennett P.C.
1415 Eagle Ridge Drive
Scherverville, Indiana 46375
(219) 865-8400

5. Action of the Town Council President as appointing authority to consider approval of an Annual Conflict of Interest Disclosure Statement filed by Christine Cash., who is a Hotel Manager in Lake County. Ms. Cash is also Highland's appointment to the Lake County Convention and Visitors' Bureau Board of Directors. This filing is pursuant to IC 35-44-1-3.

The Town Council President, as the appointing authority, announced his receipt of the disclosure and his approval.

Councilor Kuiper moved to affirm the action of the Town Council President. Councilor Vassar seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The approving action of the Town Council President was affirmed.

(Disclosure on file)

6. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1511 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

6.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200.00, for work associated with Highland Grove Mall Special Security.

Councilor Kuiper moved to approve the overtime payments. Councilor Zemen seconded. Upon a roll call vote there were five affirmatives and no negatives. The motion passed. The overtime payment for an exempt salaried supervisor was approved.

6.2 *The Metropolitan Police Chief requests favorable action for P. Vassar, who is an exempt salaried employee, Assistant Police Chief and Patrol Division Commander, in the amount of \$100.00, for work associated with Highland Grove Mall Special Security.*

Councilor Kuiper moved to approve the overtime payments. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives, and one abstention. With Councilors Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The overtime payment for an exempt salaried supervisor was approved.

Comments from the Town Council Members

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Liaison • Liaison to the Board of Waterworks Directors.*

Councilor Zemen invited all to tune in to his radio show on Tuesday morning and thanked the Town Attorney for sponsoring his program.

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Parks and Recreation Superintendent who noted the new signs installed in several Park locations.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar commended a Michael Bleisky a student at Highland High School, who was present, for directing a recent play. It was noted that the HHS Spring Musical is slated to be presented May 3 through 5, 2013.

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities and the status of the facade improvement program.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper recognized the Fire Chief, who noted that there was little activity to report from the Fire Department.

Councilor Kuiper recognized the Metropolitan Police Chief, who reported the recent prevention of two suicides by the intervention of Highland Police Officers.

- **Council President Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law).*

The Council President recognized the Metropolitan Police Chief who offered a summary of recent actions of the Traffic Safety Commission.

The Town Council President then present a plaque to Councilor Bernie Zemen commending his recent service as the 60th President of the Town Legislative Body.

Comments from Visitors or Residents:

1. Larry Moes, 2904 Clough Avenue, Highland, thanks the Town Council for his recent reappointment to the Town Board of Metropolitan Police Commissioners.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period January 29, 2013 through February 11, 2013. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$240,325.98 Motor Vehicle Highway and Street (MVH) Fund, \$37,882.20; Local Road and Street (LRS) Fund, \$1,330.50; Law Enforcement Continuing Education, Training and Supply Fund, \$1,478.15; Corporate Bond and Interest Exempt Bond and Interest Fund, \$62,432.56; Corporate Bond and Interest Fund, \$298,417.50; FSA Agency Fund, \$540.02; Insurance Premium Fund, \$232,509.57; Gasoline Fund, \$24,679.85; Information and Communications Technology Fund, \$6,547.39; Rainy Day Fund, \$5,000.00; Municipal Cumulative Capital Development Fund, \$132,000.00; Traffic Violations and Law Enforcement Agency Fund, \$8,348.00; Sexual Predator Grant Fund, \$1,217.45; Payroll Fund, \$4.21. Total: \$1,052,713.38.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 11, 2013 was adjourned at 7:28 O'clock p.m. No study session followed the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer