

**Enrolled Minutes of the Thirty-Sixth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, April 22, 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, April 22, 2013 at 6:30 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 Deputy Clerk-Treasurer, Katy Dowling 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 Community Events Commission

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, April 22, 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 Deputy Clerk-Treasurer, Katy Dowling, 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 Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

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

Also Present: Mike Maloney and Greg Kuzmar of the Redevelopment Commission and Bob Johnson, Assistant Public Works Director.

Minutes of the Previous Meetings:

The minutes of the regular meeting will be on the April 13, 2013 agenda.

Special Orders:

1. **Plan Commission Docket No. 2011-02:** Petitioner is seeking a rezoning of property located at 2121 - 45th Street, Highland from B-3 General Business District to R-# PUD Residential Multi-Family Planned Unit Development District. Petitioner: E.T. Gastevich Enterprises, LLC. The matter is now certified by the Municipal Plan Commission with action being NO recommendation provided. The matter was considered at the Plan Commission meeting of March 20, 2013. The Finds of Fact were memorialized and approved by the Plan Commission at its meeting of April 17, 2013.

- (a) **Action of Ordinance No. 1535:** An Ordinance to Amend the Zoning Map as Requested by the Petitioner.

Councilor Zemen moved to reject Ordinance No. 1535. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion to reject Ordinance No. 1535 was approved.

2. **Public Hearing:** Considering the matter of the proposed establishment of a General Improvement District to be associated with a project to improve the 3200 Block of Condit Street to be known as the Condit Street Reconstruction Project financing the cost of these improvements through the Municipal General Improvement Fund.

The Public Works Director provided a presentation on the Condit Street Improvement Project. This presentation reviewed the need for the improvements, the costs associated with the improvements and identified how the sewer improvements and road improvements will be paid for. Councilor Herak inquired about the relocation of the water mains. The Public Works Director indicated that in this particular area, the plumbing is in the backyard and that the alley has provided adequate access. Councilor Kuiper inquired about the length of the project. Mr. Bach indicated approximately six to eight weeks.

- (a) Attorney verification of Proofs of Publication: The TIMES: 12 April 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.

Frank Sturgis, 3220 Condit Street, inquired if he would be required to install a sump pump. The Public Works Director reviewed the issues with storm water connections that empty into the sanitary system.

Amanda Grzybowski, 3205 Condit, inquired about options for payment for the cost of the general improvements. Mr. Bach reviewed the assessment procedures and the payment options.

Cheryl Griffin, 3225 Condit Street, commented that the street is in very poor condition and stated further that she hopes this project will be done as soon as possible.

Councilor Zemen inquired as to when 3300 block of Condit Street would be reconstructed. Mr. Bach indicated that he hopes this project will be done in 2014.

There being no further comment, the hearing was closed.

- (c) Action on **Works Board Order No. 2013-23**: An order confirming Works Board Order No. 2013-18 Entitled "Preliminary Order for the Condit Street Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefitting from such Improvements."

Councilor Herak moved for the passage and adoption of Resolution No. 2013-23. 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
Order of the Works Board No. 2013-23

AN ORDER CONFIRMING WORKS BOARD ORDER NO. 2013-18 ENTITLED "PRELIMINARY ORDER FOR THE CONDIT STREET RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITTING FROM SUCH IMPROVEMENTS"

Whereas, On April 8, 2013, the Town Council of the Town of Highland, Indiana adopted Works Board Order No. 2013-18 entitled "*Preliminary Order for 3200 Block of Condit Street Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefitting from such Improvements*", a copy of which is attached hereto and incorporated herein; and

Whereas, The Town Council has held a Public Hearing at 7:00pm on Monday, April 22, 2013, after publication and mailing of notice as required by law, and has heard all interested persons regarding Works Board Order No. 2013-18; and

Whereas, The Town Council now desires to confirm Works Board Order No. 2013-18.

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

Section 1. That the Town Council hereby determines that the benefits that will accrue to the property liable to be assessed for the improvements (as defined in Works Board Order No. 2013-18) will be in excess of the maximum estimated cost of the improvement.

Section 2. That the Town Council hereby confirms Works Board Order No. 2013-18.

Section 3. That the Town Council hereby orders that the improvements be completed and hereby determines to levy special assessments against the owner of property to be benefited by the improvements in a total amount not to exceed the estimate of maximum cost for the Improvements, which assessments are to be levied upon completion of the Improvements and determined in accordance with the provisions of I.C. 36-9-36.

Be it So Ordered.

Duly adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 22nd day of April 2013 by a vote of 5 in favor and 0 opposed.

HIGHLAND, INDIANA

TOWN COUNCIL OF THE TOWN OF

Brian Novak, President

Attest:
Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer

EXHIBIT

TOWN OF HIGHLAND
Order of the Works Board No. 2013 - 18

**A PRELIMINARY ORDER FOR THE 3200 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT
AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL
ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS**

Whereas, Pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, Several residents of the **3200 blocks of Condit Street** have requested consideration of the Town of Highland to install concrete curbs and to replace substandard sidewalks; and

Whereas, The cost for curb and sidewalk replacement shall be paid for by the adjoining property owners based upon front footage of their property through a special assessment pursuant to the Special General Improvement District statute; and,

Whereas, The Town Council desires to proceed with the **Condit Street Reconstruction Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund; and

Whereas, The Town has retained Garcia Consulting to prepare plans and specifications for the **Condit Street Reconstruction Project**; and

Whereas, The Town desires to finance the costs of the improvements pursuant to assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36.

Now Therefore, be it ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board, as follows:

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **Condit Street Reconstruction Project** and to finance the cost of the improvements through the Municipal General Improvement Fund and the collection of special assessments from property owners benefited by the respective improvements pursuant to IC 36-9-36;

Section 2. That the Town Council hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file cross-sections, general plans and specifications for each of the improvements;

Section 3. That the Town Council hereby adopts the estimate of the maximum cost of each of the improvements attached hereto as Exhibit A and directs the Clerk Treasurer to place such estimate of maximum costs on file in the office of the Town Council;

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at **7:00 P.M. on April 23, 2013**, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

Be it So Ordered.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 8th day of April, 2013 by a vote of 5 in favor and 0 opposed.

HIGHLAND, INDIANA

TOWN COUNCIL OF THE TOWN OF

Brian J. Novak, President

Attest:

Katy Dowling, IAMC/CMC/ CPFIM
Deputy Clerk-Treasurer

Appointments:

Legislative Appointments

Home Rule Commissions

3. **Community Events Commission:** (4 of 9) appointments to be made by the Town Council. **Term: 1 year.** (Note: Three vacancies and one resignation filed by Bob Benham.)

Councilor Vassar moved, seconded by Councilor Kuiper that Kelly Bridges and Fiona Culbertson be appointed to the Community Events Commission. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Kelly Bridges and Fiona Culbertson were appointed.

Unfinished Business and General Orders:

1. **Introduced Appropriation Enactment No. 2013-11:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget for the Special Public Safety Fund, Economic Development Fund, and the Redevelopment Capital Fund, all pursuant to IC 6-1.1-18 and IC 36-5-3-5. The enactment was introduced at the meeting of April 8, 2013.

Councilor Vassar moved the passage and adoption of introduced Appropriation Enactment No. 2013-11. Councilor Kuiper seconded. Upon a roll call vote, the motion passed with 4 votes in favor of and against. Councilors Zemen, Vassar, Kuiper and Novak voted in the affirmative and Councilor Herak voted in the negative.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2013-11

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND, ECONOMIC DEVELOPMENT FUND, AND THE REDEVELOPMENT CAPITAL FUND 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, Economic Development Fund, and Redevelopment Capital Fund;**

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

Acct. No. 410.04 Police Vehicles:		\$ 12,714.00
	<i>Total 400 Series:</i>	\$ 12,714.00
	Fund Total:	\$ 12,714.00

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 **Economic Development Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

ECONOMIC DEVELOPMENT FUND

Acct. No. 400.xx Berm Construction Project:	\$ 76,000.00
<i>Total 400 Series:</i>	\$ 76,000.00
Fund Total:	\$ 76,000.00

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 **Redevelopment Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

REDEVELOPMENT CAPITAL FUND

Acct. No. 340.02 EDD Grant Program (Facade Improvement):	<u>\$ 77,000.00</u>
<i>Total 300 Series:</i>	<u>\$ 77,000.00</u>
Acct. No. 400.00 Real Estate Assembly Options:	\$ 92,191.00
Acct. No. 400.01 Purchase Real Estate:	\$ 24,000.00
Acct. No. 420.01 Way finding Signs:	\$ 24,000.00
Acct. No. 420.02 Decorative Lighting:	<u>\$ 33,809.00</u>
<i>Total 400 Series:</i>	\$174,000.00
Fund Total:	\$251,000.00

Section 4. 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 5. 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 8th Day of April 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 1 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 22nd Day of April 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:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2013-15:** An Exigent Resolution Proving For the Transfer of Appropriation Balances From And Among Major Budget Classifications in the Municipal Cumulative Capital Development Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action pursuant to IC 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2013-15. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

RESOLUTION NO. 2013-15

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Municipal Cumulative Capital Development Fund**;

NOW, THEREFORE BE IT RESOLVED 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Account:

#230.09 PD Bullet Proof Vests	<u>\$ 4,100.00</u>
Total 200 Series Decreases	<u>\$ 4,100.00</u>

Increase Account:

#4XX.XX Police Vehicle Accessories	<u>\$ 4,100.00</u>
Total 400 Series Increases	<u>\$ 4,100.00</u>

Total of All Fund Decreases:	\$4,100.00
Total of All Fund Increases:	\$4,100.00

DULY RESOLVED and ADOPTED this 22nd Day of April 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:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Works Board Order No. 2013-21:** An Order of the Works Board Authorizing Midwestern Electric, Incorporated to Perform the Traffic Signal Annual Inspection and Maintenance for 2013 and Comply with Provisions of IC 22-5-1.7 et seq.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2013-21. Councilor Zemen seconded.

Under discussion, Councilor Herak inquired if the maintenance agreement would correct any perceived issues with the timing of traffic signals. The Public Works Director indicated that this contract is only for maintenance and that he has hired an

engineer to evaluate of the timing of traffic signals and pedestrian crossing at intersections.

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 2013-21

AN ORDER OF THE WORKS BOARD AUTHORIZING MIDWESTERN ELECTRIC, INCORPORATED TO PERFORM THE TRAFFIC SIGNAL ANNUAL INSPECTION AND MAINTENANCE FOR 2013 AND COMPLY WITH PROVISIONS OF IC 22-5-1.7 ET SEQ.

WHEREAS, THE TOWN OF HIGHLAND, DEPARTMENT OF PUBLIC WORKS, AS PART OF ITS PUBLIC DUTIES, HAS RESPONSIBILITY FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS IN THE TOWN OF HIGHLAND; AND

WHEREAS, ROUTINE ANNUAL TRAFFIC SIGNAL INSPECTIONS AND MAINTENANCE IS NECESSARY TO ASSURE THAT TRAFFIC SIGNALS AND ASSOCIATED EQUIPMENT IS GOOD WORKING CONDITION FOR THE PUBLIC'S SAFETY AND WELFARE; AND

WHEREAS, MIDWESTERN ELECTRIC, INCORPORATED HAS PROVIDED A PROPOSAL TO PERFORM THE WORK, ATTACHED HERETO, AT A TOTAL COST OF **\$12,322.57** AND THE WORK INCLUDES CONFLICT MONITOR CHECK, CONTROLLER CABINET AND INTERSECTION INSPECTION, AND ANNUAL RE-LAMP AND OVERHEAD INSPECTION (WITH AND WITHOUT PEDESTRIAN SIGNALS) AS WELL AS THE OVERHEAD INSPECTION WITH PEDESTRIAN SIGNALS FOR LIGHT EMITTING DIODE (LED) EQUIPPED LIGHTS; AND

Whereas, The Public Works Director, pursuant to Section 3.05.050 (D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to Section 3.05.040 (C) of the HMC requires the express approval of the purchasing agency; and

Whereas, The purchase will be supported by the Motor Vehicle Highway fund and there is sufficient appropriation in order to support the work; and

Whereas, The Town Council now desires to authorize the Public Works Director to complete the work pursuant to the terms stated herein,

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

Section 1. That the proposal for Midwestern Electric, Incorporated, *attached hereto* and made a part of this Order, is approved pursuant to the terms contained therein, provided that it complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the Works Board for the Town of Highland believes that Midwestern Electric, Incorporated has demonstrated professional competence and qualifications to perform the particular professional services called for in the proposal and associated project;

Section 3. That the Works Board for the Town of Highland finds the fees and charges for the services as set forth in the proposal for inspection and maintenance work on traffic control system, from Midwestern Electric, Incorporated to be reasonable and fair and hereby approved;

Section 4. That the Public Works Director is hereby authorized to issue a purchase order to Midwestern Electric, Incorporated and to execute all documents necessary to implement the work;

SECTION 5. THAT THE MUNICIPAL FISCAL OFFICER IS HEREBY AUTHORIZED TO EXPEND MONEY FROM THE APPROPRIATE FUND OR FUNDS OF THE MUNICIPALITY IN ORDER TO SUPPORT AND IMPLEMENT THE WORK.

Be it So Ordered.

DULY, PASSED AND ADOPTED by the Town Council acting as the Board of Works of the Town of Highland, Lake County, Indiana this 22nd day of April 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:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2013-22:** An Order of the Works Board Authorizing a Project Application to NIRPC for Federal Funding to Support the Design and Construction of a HAWK Signal at the Intersection of the CrossTown Bicycle Trail and 45th Avenue, pursuant to IC 36-1-2-24(3).

Councilor Vassar made a motion to approve Works Board Order No. 2013-22. Councilor Kuiper seconded.

Under discussion, the Public Works Director indicated that he and the Superintendent of Parks and Recreation were contacted by NIRPC in reference to installing a signal in this area utilizing grant funds. The Public Works Director indicated that he is simply asking for an approval, or a denial, of this order to ensure that he is utilizing his time on efforts that the Town Council is interested in pursuing. The Public Works Director played a video that provided an overview of the purpose and function of a HAWK Signal.

A discussion ensued between and among the council about the timing of the signal, how it "appears" to pedestrians, and about the potential for traffic back-ups while the signal is in use. Councilor Kuiper asked if the current warning lights would remain in place. Mr. Bach indicated that he was not sure of the protocol with regard to the HAWK Signal and other signals, but that they would be following all proper protocols.

Upon a roll call vote, Councilors Zemen, Vassar, and Kuiper voted in favor of and Councilors Herak and Novak voted against. The motion passed by a vote of 3-2. The order was adopted.

THE TOWN of HIGHLAND
ORDER of the WORKS BOARD NO. 2013-22

AN ORDER AUTHORIZING, APPROVING, AND RATIFYING A PROJECT APPLICATION TO THE NORTHWEST INDIANA REGIONAL PLANNING COMMISSION FOR FEDERAL FUNDING TO SUPPORT THE DESIGN AND CONSTRUCTION OF A HIGH INTENSITY PEDESTRIAN ACTIVATED CROSSWALK (HAWK) SIGNAL AT THE INTERSECTION OF THE CROSSTOWN BICYCLE TRAIL AND 45TH AVENUE

Whereas, Northwest Indiana Regional Planning Commission (NIRPC) has issued a solicitation to local municipalities within its area of jurisdiction for High Priority/Low Cost Systematic Highway Safety Improvement Projects; and

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 heretofore determined that the intersection of the Crosstown Bicycle Trail with 45th Avenue presents a challenge to pedestrians and bikers wanting to cross 45th Avenue, due to the volume of traffic that is present; and

Whereas, The State of Indiana has recently approved the installation of **High Intensity Pedestrian Activated CrossWalks (HAWK)** at pedestrian/bicycle crossings, which allows pedestrians and cyclists to cross the highway under the protection of a traffic control device; and

Whereas, The Town of Highland believes that the installation of a HAWK signal on 45th Avenue at the Crosstown Bicycle Trail is a High Priority/Low Cost Systematic Highway Improvement that would enhance the use of the regional trail system and provide a safer means of crossing 45th Avenue; and

Whereas, It has been estimated that the cost for the HAWK signal, including design and construction engineering services is \$165,937 which, if approved, would be 90% federally funded and the remaining 10% would be shared in equal amounts between the Town of Highland and the Town of Griffith; and

Whereas, The Town Council for the Town of Highland now desires to submit an application to the NIRPC for federal funding to design and construct a HAWK signal as herein described.

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

Section 1. That the Town Council finds that the construction of a **High Intensity Pedestrian Activated CrossWalk (HAWK)** Signal at the intersection of the Crosstown Bicycle Trail and 45th Avenue is in the best interest of the Town of Highland as it promotes a safer environment for pedestrians and cyclists as they traverse a major public thoroughfare;

Section 2. That the Public Works Director, acting in his capacity as the "Employee in Responsible Charge" (ERC), is hereby instructed to submit an application with the Northwest Indiana Regional Planning Commission (NIRPC) for federal funds for the Construction of a **High Intensity Pedestrian Activated CrossWalk (HAWK)** Signal at the intersection of the Crosstown Bicycle Trail and 45th Avenue in the Highway Safety Improvement Category (HSIP);

Section 3. That the Town Council hereby commits to fund its share of the project in an amount not to exceed \$8,300, which represents 5% of the total cost of the project;

Section 4. That the Town of Highland agrees to serve as the "Lead" agency for the Project and the Public Works Director and Parks Superintendent are authorized to implement the Project, if approved by the NIRPC; pursuant to the practices and policies of the Indiana Department of Transportation.

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 22nd day of April 2013 having passed by a vote of 3 in favor and 2 opposed.

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

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

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2013-24:** A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefitting from the Condit Street Reconstruction Project.

Councilor Herak moved for approval of Works Board Order No. 2013-24. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2013-24

A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT
FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3200 BLOCK
OF CONDIT STREET RECONSTRUCTION PROJECT

WHEREAS, pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

WHEREAS, pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

WHEREAS, pursuant to Order of the Works No. 2013-23, the Town Council confirmed Order No. 2013-18 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 3200 block of Condit Street (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

WHEREAS, an assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as Exhibit A (each, an "Assessment Roll"), has been prepared and filed with this Town Council.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby adopts and approves the Assessment Roll for the Improvements to the 3200 block of Condit Street;

Section 2. That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at **7:00 p.m. on May 13, 2013**, and the Town Council further directs the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 22nd day of April, 2013, by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

Brian Novak, President

Attest:

Katy Dowling
Deputy Clerk-Treasurer

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 offered no report.

- **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 briefed the Town Council on participation in Park Pride Day, noting 100 participants.

Councilor Herak recognized the Public Works Director to brief the Town Council about any flooding issues during the most recent heavy rain event. Mr. Bach indicated that issues were minimal.

Councilor Herak inquired as to whom is responsible for maintenance around the "nature area" on the Hammond side of the berm as it is steep and not graded. The Public Works Director indicated that the Army Corp of Engineers set the design and can cover the upgrades.

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

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going activities at the Highland Theatre. It was also noted that many of the globes that sit atop the kiosk signs are missing.

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

Councilor Kuiper offered no report.

- **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).*

Councilor Novak offered no report.

Comments from Visitors or Residents:

There was no public comment offered.

Payment of Accounts Payable Vouchers and Approval of Payroll Dockets. 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 April 9, 2013 through April 22, 2013 and approval of the payroll dockets from payday April 5, 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 Deputy Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$245,557.55; Motor Vehicle Highway and Street (MVH) Fund, \$21,280.97; Local Road and Street (LRS) Fund, \$5,474.90; Law Enforcement Continuing Education, Training and Supply Fund, \$2,211.93; Information and Communications Technology Fund, \$8,373.00; Donation Fund, \$605.90; Special Events Fund, \$71.23; Police Pension Fund, \$62,336.23; General Improvement Fund, \$24.00; Traffic Violations and Law Enforcement Agency Fund, \$9,697.50. Total: \$355,633.21.

Payroll Dockets:

Payroll Docket for payday of April 5, 2013 - \$173,818.04

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, April 22, 2013 was adjourned at 8:05 O'clock p.m. No study session followed the plenary meeting.

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer