

**Enrolled Minutes of the Thirty-Ninth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, June 24, 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, June 24, 2013 at 6:50 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 and Bernie Zemen were present. Councilor Konnie Kuiper was absent. 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 Metropolitan Police Chief discussed a recent petitioner before the Traffic Safety Commission, Controlled Substance Managers, Inc., who were seeking permission for occasional use of the parking lot near 8001 Kennedy Avenue for semi-tractors to park while a special controlled substance test is conducted. The Traffic Safety Commission have preliminary approval but encouraged the representatives of Controlled Substance Managers to attend tonight's meeting in case the Town Council had questions.
3. The Fire Chief, William R. Timmer, Jr., CFOD appeared briefly to offer a cursory report regarding incidents related to the brief but profound weather incident and the damage, which was caused. Following the report the Fire Chief departed to resume attention to the matters about which he reported.

The study session ended at 7:17 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, June 24, 2013 at 7:18 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 Dan Vassar 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, and Brian Novak. Councilor Konnie Kuiper was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

It is noted that Councilor Konnie Kuiper did join the meeting at 7:30 p.m.

Additional Officials Present: Jared Tauber, Tauber Law Offices; John Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Randy Bowman, Assistant Inspector for Electric was also present.

Minutes of the Previous Meetings:

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

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2013 Budget for the Corporation Capital Fund.
 - (a) Attorney verification of Proofs of Publication: Attorney Tauber indicated that the proofs of publication were in compliance with IC 5-3-1. The Post-Tribune 4 June and 11 June 2013.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no public comments. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2013-23:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Corporation Capital Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5. *(The source of this proposed additional are the proceeds of the Corporation Bonds of 2013, which were sold June 20, 2013.)*

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2013-23. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at this same meeting of introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2013-23. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was adopted at this same meeting of introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2013-23**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the CORPORATION 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 **Corporation Capital Fund;**

WHEREAS, The proposed appropriations support reconstruction projects for streets within the Town, consisting of roadway reconstruction, repaving and street repair in said Town, including the incidental expenses necessary to be incurred in connection with said project and the issuance of bonds on account thereof;

WHEREAS, The funds to meet such additional appropriation are to be provided by the issuance and sale of bonds by the Town therefore 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 **Corporation Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION CAPITAL FUND:

Acct. No. 310.01 Legal Services:	\$ 20,000.00
Acct. No. 310.06 Bond Sale Fin Advisory	<u>\$ 10,000.00</u>
<i>Total 300-Series:</i>	\$ 30,000.00
Acct. No. 4XX.XX Street Repair Project:	<u>\$1,700,000.00</u>
<i>Total 400-Series:</i>	\$1,700,000.00
Total for Fund:	\$1,730,000.00

Section 2. That for the balance of the unappropriated proceeds of the bond proceeds, adjusted for any discount made in consequence of the sale, the Clerk-Treasurer is authorized and instructed to cause publication of the appropriate legal notice for a public hearing to consider the additional appropriations;

Section 3. 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 4. 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 24th Day of June 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 24th Day of June 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 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)

• Building & Inspection Report for May 2013

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	2	0	2	\$189,380.00	\$2,650.00
Signs:	3	0	3	\$10,347.00	\$862.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo	1	1	0	\$187,000.00	\$2,325.50
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	142	142	0	\$1,000,281.00	\$17,337.00
Garages:	1	1	0	\$15,285.00	\$371.50
Sheds:	1	1	0	\$3,300.00	\$106.00
Decks & Porches:	16	16	0	\$66,705.00	\$3,297.50
Fences	13	13	0	\$37,433.00	\$1,290.00
Swimming Pools	9	9	0	0	\$657.00

DrainTile/ Waterproofing	5	5	0	\$73,004.00	\$1,124.00
Misc.	3	3	0	\$90,000.00	\$201.00
TOTAL:	196	191	5	\$1,672,735.00	\$30,222.00
Electrical Permits	23	17	6		\$3,312.00
Mechanical Permits	14	12	2		\$1,144.00
Plumbing Permits	9	6	3		\$1,177.15
Water Meters	6	6	0		\$1,380.00
Water Taps	1	1	0		\$200.00
Sewer/Storm Taps	2	2	0		\$600.00
TOTAL Plumbing:	18	15	3		\$3,357.15

May Code Enforcement:

Investigations: 242
Citations: 15

May Inspections:

Building: 46 Electrical: 39 Plumbing: 14 HVAC 11
Electrical Exam: 1

• **Fire Department Report for May 2013**

	Month	1st half of yr.
General Alarms	8	39
Still Alarms	7	23
Paid still alarms	5	22
Total:	20	

• **Workplace Safety Report for May 2013**

There was one incident. 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	0	2	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	2	10	0	0	0	0
Street	0	1	7	0	0	0	0
Water & Sewer	1	1	4	22	0	2	0
Maint.	0	0	1	0	0	0	0
Other	0	2	0	0	0	0	0
TOTALS	1	8	22	22	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.

Unfinished Business and General Orders:

- 1. Works Board Order No. 2013-33:** A Preliminary Order for the 2800-2900 blocks of 98th Street Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements.

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-33. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
Order of the Works Board No. 2013 -33

A PRELIMINARY ORDER FOR THE 2800-2900 BLOCKS OF 98TH 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, The residents of the **2800-2900 blocks of 98th Street** have requested consideration of the Town of Highland to install concrete curbs and sidewalks; and

Whereas, The cost for curb and sidewalk 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 **98th 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 **98th 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 resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **98th 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 July 8, 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 is So Ordered.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 24th day of June, 2013 by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

/s/Brian J. Novak, President

Attest:

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

- Works Board Order No. 2013-34:** An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Lease-Purchase Agreement with First Midwest Bank for two (2) 2014 Ford Interceptors from Lakeshore Ford of Chesterton, Indiana through the State of Indiana pursuant to I.C.5-22.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2013-34. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board No.2013-34

An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Lease-Purchase Agreement with First Midwest Bank for two (2) 2014 Ford Utility AWD Interceptors from Lakeshore Ford of Chesterton, Indiana through the State of Indiana pursuant to I.C.5-22.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$75,000.00.

Whereas, The price for the purchase exceeds \$50,000.00 and, pursuant to Section 3.05.040 (C) as well as Section 3.05.050 (B)(1)(b) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Metropolitan Police Chief has identified Lakeshore Ford of Chesterton, IN through the State of Indiana to be a desirable source vendor for the lease-purchase of two (2) 2014 Ford Utility Police Interceptors at price of \$52,030.00., as previously determined in Works Board Order 2013-19; and

Whereas, The Metropolitan Police Chief reports that bids were solicited, opened and read aloud on June 4, 2013 at the Highland Municipal Building, pursuant to Section 3.05.060 (A)(3) of the Highland Municipal Code, with the following responses for the lease financing as specified:

Bidder:	Interest Rate
First Midwest Bank (Highland) Highland, Indiana	2.72%
Municipal Leasing Consultants Grand Island, Vermont	3.99%

Whereas, The Metropolitan Police Chief has determined to acquire the two(2) vehicles by Lease-Purchase, with First Midwest Bank, at a fixed rate of 2.72% with First Midwest acquiring those vehicles from Lakeshore Ford; and

Whereas, The Metropolitan Police Commission and the Metropolitan Police Chief have represented seeking additional bids or quotes would not advance the process and may add undue cost to acquisition in time and money; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The lease- purchase payments of the vehicles will be supported by the Municipal Capital Cumulative Fund (MCCD); and

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council acting as the Works Board of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1: That the Metropolitan Police Chief is hereby directed and authorized to lease to purchase two (2) 2014 Ford Utility Police Interceptors, from First Midwest Bank in the annual lease- rental amount set forth in the lease agreement for a term of three (3) years, for the total amount of fifty two thousand and thirty dollars and no cents plus interest (\$52,030.00 plus interest), with First Midwest acquiring the cars from Lakeshore Ford of Chesterton, IN at the market price of \$25,758.00 and \$26,272.00;

Section 2. That the terms of the Lease with First Midwest are reasonable and fair;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the lease-purchase agreement and any additional documents in order to implement this purchase and then file these documents 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, acting as the Works Board of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 24th day of June 2013 having passed by a vote of 4 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/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Note: At this time, 7:30 p.m. Councilor Kuiper arrived and assumed his place with the Town Council.

- 3. Resolution No. 2013-24:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Building And Inspection Department Of The Corporation General 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 Zemen moved the passage and adoption of Resolution No. 2013-24. 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
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2013-24

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the BUILDING and INSPECTION DEPARTMENT of the CORPORATION GENERAL 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 **Building and Inspection Department of the Corporation General 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 is has been shown that certain existing unobligated appropriations of the **Building and Inspection Department of the Corporation General 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:

CORPORATION GENERAL FUND

Building and Inspection Department

Reduce Accounts:

Acct.#310.04 Tuition, Training & Development:	\$ 800.00
Acct.# 330.03 Notice of Zone Change Signs:	<u>\$ 330.00</u>
Total Reduction 300 Series:	\$ 1,130.00

Increase Accounts:

Acct.#200.03 Miscellaneous Supplies:	\$ 330.00
Acct.#210.03 Garage & Motor Supplies:	<u>\$ 800.00</u>
Total 200 Series Increase	\$ 1,130.00

Total of All Fund Decreases:	\$1,130.00
Total of All Fund Increases:	\$1,130.00

DULY RESOLVED and ADOPTED this 24th Day of June 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)

4. **Enactment No. 2013-25:** An Enactment to Approve Overtime Payments for Exempt Salaried Personnel as set forth in Section 3 of the Wage and Salary Ordinance, Waiving Section 2.01 of the Compensation and Benefits Ordinance, and Suspending Section 10 (e) (3) and (4) of Salary Ordinance in order to authorize a Particular Pay rate.

Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Enactment No. 2013-25. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at this same meeting of introduction.

Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Enactment No. 2013-25. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at this same meeting of introduction.

Town of Highland
ENACTMENT NO. 2013-25

AN ENACTMENT TO APPROVE OVERTIME PAYMENTS FOR EXEMPT SALARIED PERSONNEL AS SET FORTH IN SECTION 3 of the WAGE AND SALARY ORDINANCE, WAIVING SECTION 2.01 of the COMPENSATION and BENEFITS ORDINANCE, and SUSPENDING SECTION 10 (E) (3) and (4) OF SALARY ORDINANCE IN ORDER TO AUTHORIZE A PARTICULAR PAY RATE.

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;

WHEREAS, One Exempt Salaried Officer was authorized and directed to work a special detail, providing patrol by police car, unrelated to a special event, but rather undertaken as a particular law enforcement initiative;

WHEREAS, The current wage and salary ordinance provides for no particular rate for overtime worked for this, except as may be experienced under the terms of Section § 4.03.02 of the Compensation and Benefits Ordinance, which reads: *"Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle;*

WHEREAS, Absent action by the Town Council, the current language governing such pay for such an assigned detail, when worked by exempt salaried persons, is silent, and there is no guidance about what schedule or work cycle exempt salaried employees are subject to, since overtime pay is not regularly payable to exempt salaried employees;

WHEREAS, The provisions of Enactment No. 2012-18, authorizing an extended waiver of certain provisions of Section 10 of the Wage and Salary Ordinance as well as Sections § 04.03.01 and 2.01 of the Compensation and Benefits Ordinance have expired;

WHEREAS, The Metropolitan Police Chief has recommended that the Town Council authorize for payments to be made to the particular exempt salaried personnel, to be based upon actual hours worked on the detail at a rate of 1.5 times the exempt salaried officer's base pay plus longevity not at the rate of a usual patrol

officer but at the hourly equivalent of the salary for Commander, an assignment in the metropolitan police department; and,

WHEREAS, The Town Council now desires to act to permit the pay as recommended,

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

Section 1. That the provisions of Section 10 (e) (3) of the Wage and Salary Ordinance as amended, particularly reading *"Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignment will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant"*, shall be temporarily suspended and modified to permit an exempt salaried worker to **be paid at an overtime rate at 1.5 times the assigned officer's composite (Commander) rate for work NOT supported by a grant and for which a non-exempt officer would usually be assigned;**

Section 2. That the provisions of Section 10 (e) (4) of the Wage and Salary Ordinance as amended, particularly reading, *"No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect,"* shall be temporarily suspended and waived for the purpose of permitting **R. Potesta, CID Commander**, to be paid at the hourly rate of **\$46.89** for the eight (8) hours worked in uniform patrol duty in the **month of May 2013**, which is 1.5 times the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing patrol duties, for a total amount of **\$375.12;**

Section 3. That under the terms of Section § 04.03.01 of the Compensation and Benefits Ordinance, which provides that *"exempt salaried employees will not receive overtime pay or compensatory time off, unless specifically authorized by the Town Council..."* and Section § 2.01 which identifies the position of Commander in the Police Department as an Exempt position under the terms of the FLSA, *thereby not eligible for overtime payments*, the adoption of this enactment shall be approval of overtime pay for the exempt salaried employee herein identified;

Section 4. That the forgoing action is limited to the instance herein described and the provisions of Section 10 of the Wage and Salary Ordinance and Sections § 2.01 and § 4 of the Compensation and Benefits Ordinance otherwise remain in full force and effect, nor shall this approval and waiver be seen as predictive of any further authorizations or approval of such pay;

Section 5. That the Clerk-Treasurer shall have authority to implement within a reasonable time these provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance, if any, and the date of its passage and adoption.

Introduced and Filed on the 24th day of June 2013. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 24th day of June 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)

5. **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.**
 - 5.1 *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 for work associated with Highland Grove Mall Special Security.*

Councilor Zemen moved to approve the overtime pay for Commander Potesta. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives.

6. **Enactment No. 2013-26:** An Enactment Regarding Certain Part-Time Workers Fixing the Maximum Hours Allowable, Amending the Compensation and Benefits Ordinance.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Enactment No. 2013-26. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at this same meeting of introduction.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Enactment No. 2013-26. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at this same meeting of introduction.

TOWN OF HIGHLAND
ENACTMENT (ORDINANCE)
ENACTMENT NO. 2013-26

AN ENACTMENT AUTHORIZING and APPROVING A MODIFICATION OF AND AMENDMENT TO THE TERMS OF THE COMPENSATION AND BENEFITS ORDINANCE REGARDING HOURS OF WORK FOR CERTAIN CLASSES OF WORKERS, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10-8 further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that in order to permit deliberation on the full effects of the Affordable Health Care Act relative to employment health benefits, consistent with Federal and State Statutes, a modification of and amendment to certain work hours provisions in the compensation and benefits ordinance commonly known as the Employee Handbook, would be of benefit to support and carryout the public purposes of the municipality,

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Sections 2.05 and Sections 2.06 of the Compensation and Benefits Ordinance are hereby repealed in their entirety and shall be amended, to be numbered as Sections 2.05 and Sections 2.06, which shall read as follows:

§ 2.05 Regular Part-Time Employees

Regular part-time employees are those salaried or hourly paid employees who are hired with the understanding that they will regularly work less than ~~70~~ 60 hours per pay period, **and no more than an average of LESS THAN 30 hours per week.** Part-time employees are not eligible for employee benefits, except as set forth in this Handbook if they meet the eligibility requirements or as required by law, **subject to the legal requirements of the Affordable Health Care Act.** A part-time employee who becomes a full-time employee will have seniority and benefits based on the date the employee becomes full-time.

§ 2.06 Temporary Employees

Temporary employees are those salaried or hourly paid employees who are hired with the understanding that their tenure with the Town is for a fixed period of time. Temporary employees may work any number of hours up to and including ~~full-time~~ **forty hours (40) hours per week.** Temporary employees will not receive any benefits from the Town, except as required by law. A temporary employee who becomes a regular full-time employee will have seniority and benefits based on the date the employee becomes full-time.

Section 2. That this enactment is to be construed as a companion enactment complimentary to any ordinance or enactment passed from time to time establishing compensation and benefits, known as the Compensation and Benefits Ordinance and commonly promulgated as the Municipal Employees Handbook;

(A) That this enactment shall be effective to the extent that it is not in conflict with Federal or State law;

(B) That all other ordinances, enactments and resolutions related to the subject matter of this enactment and not in conflict with its provisions, remain in full force and effect;

(C) That the provisions regarding scheduled hours shall be the responsibility of each department. Subject to the adopted budget, nothing in this amendment should be construed to reduce service coverage or limit the ability of departments to add additional regular part-time employees to protect service levels;

Section 3. That as an emergency exists, this enactment shall become and remain in full force and effect immediately from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the Clerk-Treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 24th day of June 24 2013. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 24th Day of June 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)

7. Works Board Order No. 2013-35: An Order of the Works Board Authorizing and Approving Cost Sharing with the County Regarding enhancing orthophotography, fixing a formula for contribution.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2013-35. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2013-35**

An Order Authorizing and Approving Cost Sharing with the County Regarding enhancing orthophotography, fixing a formula for contribution.

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 including the enhanced access and data management that is associated with aerial captured orthophotography;

Whereas, The Town has been reliably advised the State of Indiana Office of Information Technology is managing services to update the aerial capture of statewide orthophotography, based upon standard minimum specifications;

Whereas, The Town has been further advised that the Office of the Lake County Surveyor seeks to obtain enhanced specifications above the baseline standard specifications, acquiring orthophotography to the 6-inch level and one-foot LiDAR postings for all of Lake County;

Whereas, The Town has been still further advised that the cost for the enhanced service in cooperation with State of Indiana Office of Information Technology is \$70,723, of which the Office of the Lake County Surveyor has committed \$20,308, the United States Department of the Interior, National Park Service has committed \$8,030, and the United States Geological Survey has committed \$21,300, leaving an unfunded balance of \$21,085;

Whereas, The Office of the Lake County Surveyor seeks further voluntary contributions to cover the remaining unfunded balance, reporting that the Town of Munster has committed \$1,085, based upon a formula of approximately five cents (5.015¢) per capita as its basis;

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

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 authorize and approve a commitment of funding for services as herein described,

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

Section 1. That the Town of Highland supports the aerial capture of statewide orthophotography as well as commissioning enhanced specifications above the baseline standard specifications, acquiring orthophotography to the 6-inch level and one-foot LiDAR (light detection and ranging technology) postings for all of Lake County;

Section 2. That the Town of Highland further finds and determines that the formula of approximately five cents (5.015¢) per capita, rounded to nearest full dollar, as a basis for the Town's contribution toward the costs of commissioning the enhanced specifications, to be reasonable, with that amount being hereby fixed as one thousand, ninety dollars and no cents (\$1,090.00);

Section 3. That the Town Council acting as the Works Board of the Town, hereby authorizes and approves making a voluntary cooperative contribution, in the amount identified in Section 2 of this Order, to support costs associated with the aerial capture of statewide orthophotography as well as commissioning enhanced specifications above the baseline standard specifications, acquiring orthophotography to the 6-inch level and one-foot LiDAR (light detection and ranging technology) postings for all of Lake County;

Section 4. That the contribution and the amount described herein is authorized provided there is no further procedural requirement to support payment or contributions under IC 36-1-7;

Section 5. That the Clerk-Treasurer transmit this order to Shannan Lefever, the Lake County GIS Director in order to communicate this action.

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 24th day of June 2013 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD 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)

8. **Works Board Order No. 2013-36:** An Order Approving and Authorizing An agreement between Joey Rega Tours and Events and the Town of Highland to provide Entertainment services in Support of the Community events Commission's Annual Independence Day Festival Conducted at Main Square.

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-36. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2013-36**

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN JOEY REGA TOURS AND EVENTS AND THE TOWN OF HIGHLAND TO PROVIDE ENTERTAINMENT SERVICES IN SUPPORT OF THE COMMUNITY EVENTS COMMISSION'S ANNUAL INDEPENDENCE DAY FESTIVAL CONDUCTED AT MAIN SQUARE.

Whereas, Pursuant to IC 36-10-2-2, the Town of Highland, as a municipal government has express powers to establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs; and

Whereas, *Joey Rega Tours and Events* has offered and presented an agreement to provide and furnish bands, performers and related entertainment services in support of the annual Independence Day Festival in consideration for fees based upon a lump sum of the value of Seventeen Thousand Dollars (\$17,000); and

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

Whereas, The Community Events Commission has approved and recommends the approval by the Town Council as Paying Agency, of the agreement with *Joey Rega Tours and Events*; and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and 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, in its role as the Works Board as follows:

Section 1. That the Professional Entertainment Services proposal, (incorporated by reference and made a part of this Order) between *Joey Rega Tours and Events* and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement to provide entertainment services from July 3 through July 7 2013 in the amount of Seventeen Thousand Dollars (\$17,000.00), to cover the compensation for all bands, performers and production services is found to be reasonable and fair;

Section 3. That the Town of Highland, through its Board of Works, believes that Joey Rega Tours and Events has demonstrated professional competence and qualifications to perform the particular professional services called for in the Agreement and associated project;

Section 4. That the Clerk-Treasurer and the President of the Community Events Commission be authorized to execute the Agreement with their signatures.

Be is So Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 24th day of June 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

Attest:

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

*Agreement for Entertainment Services
Town of Highland
Council of Community Events*

In consideration for the sum indicated herein, **JOEY REGA TOURS and EVENTS, 2631 41st Street, Highland, Indiana 46322** will provide to the Town of Highland, Lake County, Indiana, for the Community Events Commission, the following bands or performers at the following times, and dates to perform for the period of time indicated, providing entertainment for the Independence Day Festival at Main Square Park Gazebo, 3001 Ridge Road, Highland, Indiana as follows:

July 3, 2013:

5:00 p.m. to Midnight

Band/Performer:	Jeff Sarver Duo	6:30 p.m.
Band/Performer:	Doors Tribute Unplugged	7:30 p.m.
Band/Performer:	Dick Diamond and the Dusters	9:00-11:30 p.m.

July 4, 2013:

1:00 p.m. to Midnight

Band/Performer:	Highland Pop Warner Dance Team	1:30 p.m.-2:00 p.m.
Band/Performer:	Jeff Sarver Duo/Doors/Bowie and more	4:00 p.m. – 6:00 p.m.
Band/Performer:	Dancing Noodles	6:30 p.m. – 8:30 p.m.
Band/Performer:	Fireworks at Homestead Park	9:00 p.m.
Band/Performer:	Together	9:30 p.m.-11:30 p.m.

July 5, 2013:

5 p.m. to Midnight

Band/Performer:	Hot Rod Heathens	5:15 p.m.-6:45 p.m.
Band/Performer:	Miss Megan Owens	7:30 p.m.-9:00 p.m.
Band/Performer:	Allen Wronko Band	10:00 p.m.-11:30 p.m.

July 6, 2013:

Band/Performer:	David Blixt	2:00 p.m.-3:30 p.m.
Band/Performer:	Timepeace (Unplugged)	3:45 p.m.-5:30 p.m.
Band/Performer:	Michael Turner Band	6:30 p.m.-8:30 p.m.
Band/Performer:	Voices (Temptations & More)	9:30 p.m.-11:30 p.m.

July 7, 2013:

Band/Performer: Ed Pakan	1:00 p.m.-2:30 p.m.
Band/Performer: Ralph's World	3:30 p.m. to 4:30 p.m.
Band/Performer: Ted Tomczak & Take 5 Polka Band	5:00 p.m.-7:00 p.m.
Band/Performer: The Relics	7:30 p.m.-9:30 p.m.

In consideration for the services described herein, **JOEY REGA TOURS and EVENTS (JRT)** shall be paid the total sum of **\$17,000.00** of which is due and payable according to the following schedule:

The amount of **\$15,850.00** is to be paid to JRT before the start of performances on July 3, 2013.

It is expected that JRT will pay each performer or band according to terms agreed upon between JRT and the several bands or performers listed herein;

The balance of **\$1,150** will be paid to JRT upon the delivery to the Community Events Commission of proofs payment to the several bands or performers by the promoter and not before the conclusion of the entertainment, July 7, 2013. **The proofs should not reflect the amount paid by contract between JRT and the performer. It should evidence that payment was made upon mutually acceptable terms set forth in an agreement between JRT and the performer.**

A **JOEY REGA TOURS and EVENTS** may engage bands or performers as agreed upon in the agreement. However, in the event of an exigency a band or performer must be engaged that is not listed in this agreement, no engagement/agreement is final unless it is signed by the Clerk-Treasurer as purchasing agent, evidencing approval of the band. In the event that the compensation is for an amount in excess of \$10,000, the agreement will require approval of the Highland Town Council.

That in the event any of the parties to this Agreement shall default in any of the terms and provisions hereof, and any other party initiates legal proceedings as a result of said default, the prevailing party in said litigation shall be entitled to recover his/her/its reasonable attorney fees and expenses as a result of the defaulting parties' default herein.

This Agreement constitutes the entire understanding between the parties related to the subject matter hereof, supersedes all prior written and/or oral agreements, and may be modified only by a separate written instrument signed by the parties hereto.

This contract is at-will in character and may be terminated by a majority vote of the Community Events Commission, Town Council or by action of the Clerk-Treasurer as purchasing agent. This agreement being in excess of \$10,000 will require approval by the Highland Town Council, according to its Purchasing Code.

*This Agreement constitutes the entire understanding between **JOEY REGA TOURS and EVENTS and the Town of Highland** related to the subject matter hereof, supersedes all prior written and/or oral agreements, and may be modified only by a separate written instrument signed by the parties hereto.*

This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.

Approved by the parties as indicated below:

JOEY REGA TOURS and EVENTS
2613 41st Street
Highland, Indiana 46322

Printed: _____

(Signature) Authorized Officer

Date: _____

Town of Highland, Lake County, Indiana
3333 Ridge Road
Highland, Indiana 46322

John Breslin, President

Michael W. Griffin, IAMC/MMC/CPFA

Community Events Council

Town Clerk-Treasurer

Date: _____

Date: _____

If agreement with Joey Rega Tours is in Excess of \$10,000, approval of the Town Council is required.

Approved by the Town Council of Highland at its meeting of _____ 2013.

Town of Highland, Lake County, Indiana
3333 Ridge Road
Highland, Indiana 46322

Brian J. Novak, President
Highland Town Council

Attest:

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

9. Works Board Order No. 2013-37: An Order Purchase of a Brush Chipper Machine from the Solid Waste District Grant Fund.

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-37. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2013-37**

An Order Approving and Authorizing the Public Works Director to Purchase from Vermeer Midwest a Drum Style Brush Chipper pursuant to I.C. 5-22 and Section 3.05 of the Municipal Code

Whereas, The Town of Highland Public Works Director, as part of its public duties, has a responsibility to maintain public ways, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The price for the purchase exceeds \$10,000.00 and, pursuant to Section 3.05.040 (C) as well as 3.05.050 (B)(1)(b) of the Highland Municipal Code requires the express approval of the purchasing agency; and

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

Whereas, The Public Works Director, pursuant to Section 3.05.050 (A) (1) of the Highland Municipal Code, serves as the Purchasing Agent for the Public Works Department; and

Whereas, The Purchasing Agent, pursuant to 3.05.060(G) of the Highland Municipal Code, expected that the purchase would not be in excess of \$50,000.00 and therefore, would like to purchase in the open market in accordance with 3.05.060 (G) (2) of the Highland Municipal Code; and

Whereas, The purchase of this Drum Style Capacity Brush Chipper will be supported by the Solid Waste Fund.

Whereas, The Town Council now desires to approve and authorize the Public Works Director to complete the purchase pursuant to the terms and stated herein.

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 Town Council acting as the Works Board hereby finds and determines as follows:

(a) That the purchase as an individual purchase represents a duly executed small purchase pursuant to IC 5-22 and Section 3.05.060(G)(2) of the Highland Municipal Code;

(b) That identified Vermeer Midwest of Aurora, Illinois to be a source for the equipment, based upon reasonable requirements, that this purchase qualifies as a small purchase and, therefore, can be made in the open market, all pursuant to Section 3.05.060 (G)(2) of the Highland Municipal Code;

Section 2. That the terms and charges for the Drum Style Brush Chipper are in the unit amount of thirty eight thousand four hundred fifty two dollars and 00/100 cents (\$38,452.00), with a trade-in credit in the amount of eleven thousand five hundred dollars and 00/100 (\$11,500.00), for a total net cost of twenty six thousand nine hundred fifty two and 00/100 (**\$26,952.00**) is found to be reasonable and fair;

Section 3. That the Public Works Director is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents 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 24th day of June 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/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

10. Action of the Town Council noting the **Conflict of Interest Disclosure Statement** filed by **Mario Martini**, who is a member of the Highland Plan Commission and the Advisory Board of Zoning Appeals. Mr. Martini seeks to make sales of office equipment and some certain regulated commodities (natural gas) under the aegis of Sigma Business Technologies, also d.b.a. *Sigma Energy* and *Ink Plus Ink*, an enterprise in which Mr. Martini is a partner. This filing is pursuant to IC 35-44.1-1-4(d). (If approved by municipal executive, the statement must "be submitted to the governmental entity and be accepted by the governmental entity in a public meeting of the governmental entity before final action on the contract or purchase".)

Councilor Zemen moved, seconded by Councilor Vassar to approve the conflict disclosure statement as filed by Mario Martini. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The conflict disclosure statement was approved.

NEW BUSINESS

Agenda Amended. Councilor Herak moved to amend the agenda to add two contracts with Comcast for adding its internet service to the Public Works Facility and the Lincoln Community Center. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended.

Comcast Internet Service. The IT Director had filed during the day two contracts to allow Comcast to provide direct internet service to the Public Works Facility, 8001 Kennedy Avenue, and the Lincoln Community Center, 2450 Lincoln Street.

Councilor Herak moved to approve the agreements from Comcast and authorize the proper officer to sign evidencing its approval. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The agreements were 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 persons to listen to his radio show broadcast on WJOB 1260 AM, to be broadcast on Tuesday, June 25.

- **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 the events for the Independence Day that were scheduled.

Councilor Herak recognized the Public Works Director to brief the Town Council about the progress of the distribution of the new solid waste refuse and recycling containers throughout the Town, noting the new rates (a reduction) were to go into effect on July 1, 2013.

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

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going activities with the Facade Improvement Grant Program. It was also noted that the Redevelopment Department had an Student Intern from Purdue University Calumet, serving for the summer.

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

Councilor Kuiper commended the Fire Department for its work this evening in response to damages incurred owing to the intense, inclement weather that came through earlier in the evening.

- **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 shared his hopes for a victory by the Chicago Blackhawks the National Hockey League Team of the City of Chicago as it was playing the Bruins for the Stanley Cup.

Comments from Visitors or Residents:

1. Cathy Bodnar, 9225 Woodward, Highland, a United States Postal Service worker, thanked the Town Council for its passage of a sense of the Town Council resolution protesting elimination of Saturday mail delivery. (*Resolution No. 2013-22 passed by the Town Council at its meeting May 28, 2013.*)
2. Dr. David Cox and Ms. Mari Spore, both of Controlled Substance Managers, Inc., introduced themselves ready to answer questions that members of the Town Council may have regarding their request for temporary, short term parking of tractor trailers semis at the 8001 Kennedy Avenue site, as part of its business, performing post incident substance abuse tests for CDL drivers. The Town Council, Dr. Cox and Ms. Spore had an informal colloquy regarding the business. No reservation was expressed.

The Metropolitan Police Chief suggested that he may prepare some memorandum of understanding regarding the request.

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 May 29, 2013 through June 24, 2013. Councilor Vassar seconded. Upon a vote *viva voce*, 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, \$412,835.08; Motor Vehicle Highway and Street (MVH) Fund, \$53,572.27; Local Road and Street (LRS) Fund, \$2,513.00; Law Enforcement Continuing Education, Training and Supply Fund, \$422.08; Flexible Spending Account Agency Fund, \$1,694.07; Insurance Premium Fund, \$146,653.61; Gasoline Agency Fund, \$34,709.90; Information and Communications Technology Fund, \$11,835.67; Solid Waste District Grant Fund, \$26,952.00; Donation Fund, \$853.47; Special Events Fund, \$785.69; Police Pension Fund, \$62,336.23; Municipal Cumulative Capital Development Fund, \$47,299.05; Traffic Violations and Law Enforcement Agency Fund, \$15,855.00; Safe Neighborhoods Grant Fund, \$3,248.98; Municipal Cumulative Street Fund, \$6,842.50; Payroll Fund, \$2.57; Total: \$828,411.17.

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, June 24, 2013 was adjourned at 8:04 O'clock p.m. No study session followed the plenary meeting.

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