

**Enrolled Minutes of the Forty-second Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, July 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, July 22, 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 Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council by general consent removed the request from Growlers seeking a controlled event permit. Members of the council expressed desire to wait until the Redevelopment Commission acted on the same request regarding use of the municipal parking lot, held in the name of the Redevelopment Department.

The study session ended at 7:02 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, July 22, 2013 at 7:03 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 Bernie Zemen 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, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Tara Tauber, Tauber Law Offices; later Rhett L. Tauber, Town Attorney did attend; John Bach, Public Works Director; Commander George Georgeff, Metropolitan Police; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Greg Kuzmar, Redevelopment Commission; Ed Dabrowski, IT (Contract) Director; Randy Bowman, Assistant Inspector for Electric; and Susan Murovic, Inspection Clerk were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of July 8, 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, in the amount of \$260,605.
 - (a) Attorney verification of Proofs of Publication. Tara Tauber, indicated that the proof of publication was in compliance with IC 5-3-1, published in the TIMES 1 July 2013.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2013-29:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Corporation Capital Fund, in the amount of \$260,605, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2013-29 at the same meeting of its introduction. Councilor Kuiper 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 the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the consideration of Enactment No. 2013-29 at the same meeting of its introduction. 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 the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2013-29**

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. 4XX.XX Street Repair Project:	<u>\$ 260,605.00</u>
Total 400-Series:	\$ 260,605.00

Total for Fund: \$ 260,605.00

Section 2. 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 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 22nd Day of July 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 12th Day of July 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)

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2013 Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of \$253,437.00.
 - (a) Attorney verification of Proofs of Publication: The Town Attorney (Tara Tauber departed upon his arrival) indicated that the proof of publication was in compliance with IC 5-3-1. It was published in The TIMES 11 July 2013.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2013-30:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of \$253,437.00, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2013-30 at the same meeting of its introduction. Councilor Kuiper 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 the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the consideration of Enactment No. 2013-30 at the same meeting of its introduction. 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 enactment was adopted at the same meeting of its introduction.

Enactment No. 2013-30

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

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

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

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

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

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND:

Increase the following Accounts:

Acct. No. 390.04 Application Software & Installation	\$ 200,000.00
Acct. No. 390.09 Resurfacing Downtown Parking Lot	<u>\$ 37,000.00</u>
Total 300 Series:	\$ 237,000.00
Acct. No. 430.03 Furniture and Fixtures	\$ 5,100.00
Acct. No. 410.01 Fuel System Retrofit (partial)	<u>\$ 11,337.00</u>
Total 400 Series:	\$ 16,437.00
Total Increase for Fund:	<u>\$ 253,437.00</u>

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

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 22nd Day of July 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 22nd Day of July 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)

- Public Hearing.** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 2800-2900 block of 98th Street to be known as the **98th Street Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2013-41)

- (a) **Verification of Proofs of Publication. (IC 5-3-1; IC 36-9-17)** The Town Attorney verified that the proof was in compliance with IC 5-3-1. It was published in the TIMES 12 July 2013.

- (b) **Open Public Hearing.** *Public Hearing Issue:* Whether the lots or tracts of land have been or will be benefited by the Improvements in the amount set forth in the Assessment Roll, such greater or lesser amount, or any amount at all. The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.

Consideration of (Confirmatory) **Works Board Order No. 2013-42:** An Order Confirming the Special Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the 98th Street Reconstruction Project. *(As drafted the waived repayment would be over 5 years an Interest rate of 7.5%. This can be changed.)*

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-42. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

TOWN OF HIGHLAND
WORKS BOARD ORDER NO. 2013-42

AN ORDER OF THE WORKS BOARD CONFIRMING THE SPECIAL MUNICIPAL GENERAL
IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM
THE 2800-2900 BLOCKS OF 98TH STREET RECONSTRUCTION PROJECT.

WHEREAS, On July 08, 2013, the Town Council of the Town of Highland, Indiana, adopted Order of the Works Board No. 2013-41 entitled "*A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the 2800-2900 Blocks of 98th Street Reconstruction Project*", a copy is attached hereto as Exhibit "A"; and

WHEREAS, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2013-41; and

WHEREAS, The Town Council now desires to confirm Works Board Order No. 2010-41.

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 confirms Works Board Order No. 2013-41;

Section 2. That the Town Council hereby sustains the presumptive assessments a indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements as defined in Works Board No. 2013-33 and confirmed in Works Board Order No. 2013-38;

Section 3. The Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

Section 4. The Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of 5 years, with interest accruing on such unpaid portions at an interest rate of 7.5% per annum, and also approves the substantially final form of Waiver Agreement attached hereto as Exhibit "B", to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

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 July 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)

Exhibit 1 of 2

**TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2013-41**

A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 2800-2900 BLOCKS OF 98TH 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. 2013-33, the Town Council confirmed Order No. 2013-38 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 2800-2900 blocks of 98th 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 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 Council hereby adopts and approves the Assessment Roll for the Improvements to the 2800-2900 blocks of 98th 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 July 22, 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.

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 8th day of July 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)

Exhibit 2 of 2 to file with the Clerk-Treasurer.

Communications:

1. **Controlled Event Permit Request.** Action regarding written request for permission to conduct a beer garden on a public property submitted by Growlers on Highway for its Sixth Anniversary Celebration, on one of three dates either Saturday, **August 24, 31 or September 1 2013**. The public property is the parking lot owned by the Town of Highland, Redevelopment department. *This is a controlled event under Chapter 5.25. Section 5.25.020 requires action by the Town Council in an open regular or special session. Request is filed on July 22, only 32 days before the first date of three that are desired for the event. The Council will also need to fix the amount of liability insurance, pursuant to 5.25.020 (D). Pursuant to that section, the Town Council has previously directed that the applicant procure liability insurance for the event which names the Town of Highland as an additional insured in the amount of Three million dollars (\$3,000,000) and provide a certificate or proof of this insurance before the event. The event will also require approval of the Highland Redevelopment Commission as the property is held by the Redevelopment Department.*

As indicated in the study session, this matter was removed from the agenda by general consent.

Unfinished Business and General Orders:

1. **Enactment No. 2013-28:** An Enactment Authorizing and Approving a Further Modification of and Amendment to the terms of the Compensation and Benefits Ordinance Regarding Hours of Work for Certain Classes of Workers and Repealing Enactment No. 2013-26, Pursuant to IC 36-1-3 and other relevant Statutes.

Councilor Herak introduced and moved for consideration at the same meeting of introduction of Enactment No. 2013-28. Councilor Kuiper 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 the same meeting of introduction.

Councilor Herak moved for passage and adoption at the same meeting of introduction of Enactment No. 2013-28. 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 passed and adopted at the same meeting of introduction.

TOWN OF HIGHLAND
ENACTMENT (ORDINANCE)
ENACTMENT NO. 2013-28

AN ENACTMENT AUTHORIZING and APPROVING A FURTHER MODIFICATION OF AND AMENDMENT TO THE TERMS OF THE COMPENSATION AND BENEFITS ORDINANCE REGARDING HOURS OF WORK FOR CERTAIN CLASSES OF WORKERS AND REPEALING ENACTMENT NO. 2013-26, 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 Enactment No. 2013-26 is hereby repealed in its entirety;

Section 2. 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 (40) or more 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 3. That Section 2.04 of the Compensation and Benefits Ordinance is hereby repealed in its entirety and shall be amended, to be numbered as Section 2.04, which shall read as follows:

§ 2.04 Regular Full-Time Employees

Regular full-time employees are those salaried or hourly paid employees who are regularly scheduled to work at least 40 hours per week, who have been appointed for ongoing employment to a position **identified as "full-time"** as established in the Wage and Salary Ordinance and the annual budget and who have completed their probationary period. All probationary and regular full-time employees are eligible for benefits identified in this Handbook after the prescribed applicable waiting period.

Section 4. 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 and remain 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 4. 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 22nd day of July 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 22nd Day of July 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)

2. **Enactment No. 2013-31:** An Enactment to Approve Regular Wage and Salary Payments for Workers in the Public Works (Agency) Department for the Date of July 19, 2013, due to a Determination to Release Workers Early, in consequence of the Prevailing Temperatures.

Councilor Zemen introduced and moved for consideration at the same meeting of introduction of Enactment No. 2013-31. Councilor Kuiper 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 the same meeting of introduction.

Councilor Kuiper moved for passage and adoption at the same meeting of introduction of Enactment No. 2013-31. 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 passed and adopted at the same meeting of introduction.

**Town of Highland
ENACTMENT NO. 2013-31**

AN ENACTMENT TO APPROVE REGULAR WAGE AND SALARY PAYMENTS FOR WORKERS IN THE PUBLIC WORKS (AGENCY) DEPARTMENT FOR THE DATE OF JULY 19, 2013, DUE TO A DETERMINATION TO RELEASE WORKERS EARLY, IN CONSEQUENCE OF THE PREVAILING TEMPERATURES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland, pursuant to IC 36-5 et sequitur;

WHEREAS, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Public Works Facility and the Public Works Agency (Department);

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 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 been advised that on Friday, July 19, 2013, owing to the temperatures reaching a high of 95.54 degrees at 1:55 p.m., the Assistant Public Works Director determined to release workers in the public works agency from the balance of the scheduled workday at 1:00 p.m., rather than the regular hour for release of 4:00 p.m.;

WHEREAS, The Town Council has been further advised that on Friday, July 19, 2013, that the Assistant Public Works Director did confer with a member of the Town Council communicating his desire and expectation that the early release would be treated as paid time off;

Whereas, The Town Council now desires to take the proper steps to authorize and approve the early release and to formally authorize and permit the pay for the period between the time of release and the usual, scheduled end of the shift for Friday, July 19, 2013;

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

Section 1. That the Town Council makes the following findings and determinations, pursuant to its authority under IC 36-1-4-16 to ratify the actions of officers *post hoc*, as well as the authority described in the preamble to this enactment:

(A) That on Friday, July 19, 2013, owing to the temperatures reaching a high of 95.54 degrees at 1:55 p.m., the Assistant Public Works Director determined to release workers in the public works agency from the balance of the scheduled workday at 1:00 p.m., rather than the regular hour for release of 4:00 p.m.;

(B) That the Assistant Public Works Director did confer with a member of the Town Council communicating his desire and expectation that the early release would be treated as paid time off;

(C) That the amount of paid time off involves twenty full-time and eight part-time or seasonal workers, none of whom would be paid more than three hours of paid time off if approved;

(D) That the amount of paid time off represents a total of approximately 81 hours and a total cost of approximately one thousand, one hundred and seventy three dollars (\$1,173) if approved;

(E) That the need for a swift determination and finding is presented in that this pay if approved is included in the pay period just ended and scheduled to be paid in a general pay day on Friday, July 26th, 2013;

Section 2. That based upon the forgoing, the Town Council does hereby authorize and approve the early release of the twenty full-time and eight part-time or seasonal workers at 1:00 p.m. on the identified date and does further authorize and permit the pay to those affected workers for the period between the time of release of 1:00 p.m. and the scheduled end of the workday and shift of 4:00 p.m. for Friday, July 19, 2013;

Section 3. That the adoption of this enactment shall in no way be construed as a precedent for the subject department or any, nor shall it be construed as creating an entitlement for any other workers in any other department who were not released but remained at work on the subject date of this enactment;

Section 4. That this an additional adopted version of this enactment shall be transmitted to and filed with the Clerk-Treasurer as a supporting document for the payroll to be paid on Friday, July 26, 2013 covering the pay period beginning Sunday, July 7, 2013 and ending Saturday, July 20, 2013.

Introduced and Filed on the 22nd day of July 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 22nd day of July 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)

- Works Board Order No. 2013-43:** An Order Approving and Authorizing An agreement between Garcia Consulting Engineers and the Town of Highland to perform Professional Engineering Services during Construction for the 98th Street Reconstruction Project in the amount not-to-exceed \$39,720

Councilor Herak moved the passage and adoption of Works Board Order No. 2013-43. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2013-43

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING ENGINEERS AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE 98TH STREET RECONSTRUCTION PROJECT IN THE AMOUNT NOT-TO-EXCEED \$39,720

Whereas, The Town Council has heretofore determined that a need exists to reconstruct the 2800-2900 blocks of 98th Street and has implemented the 98th Street Reconstruction Project; and

Whereas, Garcia Consulting Engineers (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the additional services completed, in an amount not to exceed Thirty-nine Thousand Seven Hundred Twenty Dollars and 00/100 cents (\$39,720.00); 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 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 Hereby Ordered by the Town Council acting as the Works Board of the Town of Highland, Lake County, Indiana:

Section 1. That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between Garcia Consulting Engineers and the Town of Highland for the 98th Street Reconstruction Project, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Thirty-nine Thousand Seven Hundred Twenty Dollars and 00/100 cents (\$39,720.00) is found to be reasonable and fair;

Section 3. That the Town of Highland, through its Town Council, believes that Garcia Consulting Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

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 July 2013 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of

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. *Signature Authorization.* Action to authorize and approve the Town Council to execute member signatures on Town Board of Metropolitan Police Commissioner letter commending Deputy Commander John Banasiak, Sergeant Christopher Balbo, Sergeant Randall Stewart, Corporal Shawn Anderson, and Officer Brian Stanley for their work in the *Field Training Program*.

Councilor Kuiper moved to authorize the individual members of the Town Council to sign the letter commending the officers as described. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The signatures were authorized.

5. Action to approve *compensatory time off* for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance, occurring January through June 2013.

Patrick L. Vassar	12 hours	Previously Approved: 171.5 hours.
George Georgeff	23 hours	Previously Approved: 76.0 hours.
Ralph Potesta	27.5 hours	Previously Approved: 73.5 hours

Councilor Zemen moved to approve the compensatory time to be used as paid time off as requested for Commander Georgeff and Commander Potesta. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Compensatory time was approved to be used as paid time off.

Councilor Zemen moved to approve the compensatory time to be used as paid time off as requested for Assistant Chief Vassar. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, indicating that the Assistant Chief is his brother, the motion passed. The Compensatory time was approved to be used as paid time off.

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, July 23.

- **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 expressed condolences to the family of Francis Ray on his passing. Mr. Ray was a retired, long serving Highland Fire Firefighter and former chief of the department.

Councilor Herak also noted that Firefighter Lee Barr was converting to retired status in Highland Fire Department after 40 years of service. He also noted that owing to the term limits for membership on the Lake County Public Library Board of Directors, Dennis Tobin would be leaving the Highland Park and Recreation Board as the Library Board member.

Councilor Herak recognized the Parks and Recreation Superintendent briefed the Town Council regarding special AAU events at the Lincoln Community Center.

Councilor Herak recognized the Public Works Director to brief the Town Council about the progress of the several public works projects under the Sanitary Board.

- **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.

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

Councilor Kuiper had 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 had no report.

Comments from Visitors or Residents:

1. Rick Volbrecht, 9221 Parkway Avenue, Highland, inquired about the pending construction of a new public safety facility and a new Town Hall. Mr. Volbrecht noted that the recent discussions were limited to the public safety facility. He noted that state law prohibits the separation of capital projects for the purpose of avoiding public remonstrance provisions in the law. The Town Attorney noted that no separation was taking place of the projects to avoid the remonstrance provisions in the law.

Payment of Accounts Payable Vouchers and Approval of Payroll Dockets. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period July 9, 2013 through July 22, 2013 as well as the accounts payable payroll dockets for the paydays of May 31, June 14 and June 28, 2013. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$237,258.90; Motor Vehicle Highway and Street (MVH) Fund, \$31,857.57; Law Enforcement Continuing Education, Training and Supply Fund, \$1,148.89; Insurance Premium Fund, \$144,808.48; Information and Communications Technology Fund, \$8,375.78; Special Events Fund, \$31,382.86; Traffic Violations and Law Enforcement Agency Fund, \$3,957.50; Safe Neighborhoods Grant Fund, \$2,016.00; Municipal Cumulative Street Fund, \$656.00; Corporation Capital Fund, \$20,466.94; Payroll Fund, \$2.94; Total: \$499,796.86.

Payroll Docket for payday of May 31, 2013:

Council, Boards and Commissions, \$8,577.06; Office of Clerk-Treasurer, \$12,796.91; Building and Inspection Department, \$7,000.39; Metropolitan Police Department, \$95,386.84; Fire Department, \$2,870.97; Public Works Department (Agency), \$62,255.49; and 1925 Police Pension Plan Pension Fund, \$62,255.49; Total Payroll: \$250,707.41.

Payroll Docket for payday of June 14, 2013:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$12,702.01; Building and Inspection Department, \$7,190.98; Metropolitan Police Department, \$103,846.76; Fire Department, \$2,870.97; Public Works Department (Agency), \$61,962.11; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$188,572.83.

Payroll Docket for payday of June 28, 2013:

Council, Boards and Commissions, \$10,429.00; Office of Clerk-Treasurer, \$13,040.08; Building and Inspection Department, \$7,327.40; Metropolitan Police Department, \$100,286.86; Fire Department, \$3,102.26; Public Works Department (Agency), \$64,152.76; and 1925 Police Pension Plan Pension Fund, \$62,255.49; Total Payroll: \$260,593.85.

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, July 22, 2013 was adjourned at 7:43 O'clock p.m. No study session followed the plenary meeting. However, pursuant to lawful notice under IC 5-14-1.5-6.1(b), (6)(A), (6)(B), and (9), the Town Council did convene an Executive Session beginning at 7:45 p.m. pursuant to notice. The special memorandum is on file and available for public inspection.

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