

**Enrolled Minutes of the Fourth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular (Rescheduled Meeting)
Monday, January 30, 2012**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular (rescheduled) meeting on Monday, January 30, 2012 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors 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 imminent agenda of the regular (rescheduled) meeting.
2. The Town Council discussed the matter of the requested tax abatement for Culver's. The discussion included whether a condition may be placed upon the abatement compelling Culver's to use union building trades in construction.
3. The Town Council discussed readiness to consider and make appointments to the Town Board of Metropolitan Police Commissioners.

The study session ended at 7:05 O'clock p.m.

Regular (rescheduled) meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular (rescheduled) session on Monday, January 30, 2012 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Bernie Zemen 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, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

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

Also present: Ed Dabrowski IT Director (Contract); Jim Norris, Board of Waterworks Directors; Dennis Adams, Town Board of Metropolitan Police Commissioners; and Jim Slagle formerly of the Municipal Plan Commission were also present.

Others present: Sgt. Michael O'Donnell, Griffith Police Chief Ron Kottka, Griffith Police Officer Peter Christ, and Ray Kocoj of the Highland Elks, Dan Sapp of the Highland Elks, Ed Hodge of the Highland Elks and Fred Terpstra of Culvers Restaurants were also present.

Minutes of the Previous Meetings

The minutes of the regular (reschedule) meeting of 27 December 2011, the minutes of the special meeting of 6 January 2012, the minutes of the special meeting of 9 January 2012 and the minutes of the regular (rescheduled) meeting of 16 January were approved by general consent.

Special Orders:

1. **Public Hearing on the Matter of Resolution No. 2012-10 in which the Town Council designated an Economic Revitalization Area (ERA).** The Economic Revitalization Area was designated by the Town Council for an area commonly known as Commercial Corridors in the Town of Highland, Indiana at its meeting of January 16, 2012. At the same meeting, the Town Council fixed the date of January 30, 2012 as the date to hear testimony, remonstrances and objections from persons affected by or interested in the designated Economic Revitalization Area.

The purpose of the Economic Revitalization Area (ERA) is to permit the Town Council as the designating body to offer in certain instances, the new tax value of real property improvements, new machinery or equipment to be added to the tax base gradually over a fixed period of up to ten years, while the taxpayer still pays the regular taxes on the property pre-improvement. This process is commonly called tax abatement.

- (a) Review of Proofs of Publication and required filings: Times 19 January 2012. The Town Attorney Mr. Tauber indicated that the proofs were in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments or remonstrances. The hearing was closed.
- (c) Consideration of **Resolution No. 2012-10: A Resolution Confirming Designation of an Economic Revitalization Area** for area commonly known as Commercial Corridors in the Town of Highland, Indiana.

Councilor Kuiper moved the passage and adoption of Resolution No. 2012-09. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Vassar, Novak, Kuiper and Zemen voting in the affirmative and Councilor Herak abstaining, the motion passed. The Resolution was adopted.

Councilor Herak explained that he owned property in the proposed area of the Economic Revitalization Area, as such he would abstain from the roll call.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2012-10**

**A RESOLUTION CONFIRMING AN ECONOMIC REVITALIZATION AREA COTERMINOUS And
COEXTENSIVE WITH THE COMMERCIAL CORRIDOR(S) II REDEVELOPMENT AREA**

WHEREAS, Indiana Code 6-1.1-12.1 *et seq.*; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities and installation of new machinery and equipment in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

WHEREAS, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of the Preliminary Resolution and a Final Resolution, and

WHEREAS, The Town Council adopted **Resolution 2012-07** fixing 7:00 PM, Monday, January 30, 2012 in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic Revitalization Area and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units with a report consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed Economic Revitalization Area ten days prior to the public hearing; and

WHEREAS, Having conducted the public hearing on Monday, January 30, 2012, in which the Town Council received evidence concerning the Economic Revitalization Area, including all remonstrances and objections from interested persons, the Town Council now desires to take appropriate action regarding the designation of an Economic

Development Area (ERA), based upon that evidence, the Statement of Benefits and the Council's independent investigation;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. That the Town Council hereby finds and determines that designations of location(s) described in Exhibit A, known as the *Commercial Corridors Redevelopment Area* as an Economic Revitalization Area(s) is consistent with its guidelines, endeavoring to create a positive image for the town through well designed, high quality development; to increase jobs and generate tax revenues through new development; to encourage development of business opportunities for all; to encourage private investment on the several major public ways which are located within the Redevelopment Commercial Corridor II and are generally, Ridge Road, Indianapolis Boulevard, 45th Avenue and Cline Avenue; to enhance district neighborhoods through increased well planned economic opportunities; and to facilitate rehabilitation and expansion of the building at this location(s);

Section 2. That the Town Council hereby still further finds and determines as follows:

(a) That real estate located described in Exhibit A, known as the *Commercial Corridors Redevelopment Area* continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

(b) That the goal for a net increase of *two hundred to three hundred (200-300) full-time equivalent (FTE) jobs* as set forth in the *Statement of Estimated Benefits* associated with the ERA designation can reasonably be expected to result within the *Economic Revitalization Area* with average salaries of **\$ 30,000 to \$40,000** per year from private investment that would not occur but for a property tax abatement incentive; and

(c) That the goal for a *forty million dollar (\$40,000,000.00)* net increase in the assessed value of real estate can reasonably be expected to result within the *Economic Revitalization Area* from private investment that would not occur but for a property tax abatement incentive; and

(d) That the totality of the benefits expected increased private investment within the *Economic Revitalization Area* is sufficient to justify property tax deductions; and

(e) That in making the foregoing findings and determinations regarding designation of the real estate as an *Economic Revitalization Area*, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town.

(f) That the foregoing findings of fact are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement within the Highland Redevelopment Area have been met.

Section 3. That **Resolution 2012-07** adopted by the Town Council on January 16, 2012 is hereby confirmed and the real estate located and described in Exhibit A, known as the *Commercial Corridors Redevelopment Area*, is hereby declared, designated and found to be an *Economic Revitalization Area*.

Section 4. That a property owner or owners within the *Economic Revitalization Area* who seek tax abatement must submit an application on a form approved by the Redevelopment Commission and a "Statement of Benefits" (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application will establish standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives and design standards of the Redevelopment Commission.

Section 6. That along with the application, an Application Fee shall be paid, hereby fixed in the amount of \$250.00 to defray actual processing and administrative costs and an Economic Development Fee, not to exceed 15% of the tax savings over the course of the tax abatement, shall be paid, all subject to law.

Section 7. That as part of the consideration of all abatement applications, the Town Council will conduct a public hearing before making its decision whether or not to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

Section 8. That the Clerk-Treasurer is authorized and directed to file a copy of this resolution, including a description of the real estate as contained in **EXHIBIT I**, with the Lake County Auditor.

DULY RESOLVED and ADOPTED this 30th Day of January 2012, 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**

/s/ Bernie Zemen , President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC; 1-1-4-1(5);IC 36-5-6; IC 36-5-6-7)

EXHIBIT A

Legal Description of Redevelopment Area II for the Commercial Corridors

**TOWN OF HIGHLAND, INDIANA
HIGHLAND REDEVELOPMENT COMMISSION**

Highland Commercial Corridors Redevelopment Area:
Boundary Description

- COMMENCING,** At south right-of-way line of LaPorte Avenue, as extended, to its intersection with the west railroad right-of-way and lot line of a property owned by Pennsylvania New York Central Transportation Company (key number 42-07-21-505-001.000-026) as the **Point of Origin**;
- THENCE:** Continuing north along west railroad right-of-way and west lot line of a property owned by Pennsylvania New York Central Transportation Company to its intersection with the south right-of-way line of Grand Boulevard;
- THENCE:** Continuing west along the south right-of-way line of Grand Boulevard to its intersection with the west right-of-way line of Sycamore Avenue;
- THENCE:** Continuing north along the west right-of-way line of Sycamore Avenue approximately 100 feet;
- THENCE:** Continuing west perpendicular to the west right-of-way line of Sycamore Avenue approximately 700 feet to its intersection with the east right-of-way of real property owned by the Northern Indiana Public Service Company (key number 45-07-21-151-007.000-02);
- THENCE:** Continuing northwest along the east right-of-way of real property owned by the Northern Indiana Public Service Company approximately 175 feet to its intersection with the east right-of-way line of Indianapolis Boulevard (US Route 41);
- THENCE:** Continuing north and north east along the east right-of-way line of Indianapolis Boulevard (US Route 41) to its intersection with the southwest corner property line of EMRO resubdivision Lot 1 except the westerly 30 feet being key number 45-07-17-478-003.000-026;
- THENCE:** Continuing easterly, northerly, southerly, easterly and then northerly along the property line of EMRO resubdivision Lot 1 except the westerly 30 feet being key number 45-07-17-478-003.000-026 to its intersection with real property owned by the Trustee of North Township (key number 45-07-17-478-001.000-026) being 3.572 acres;
- THENCE:** Continuing northerly along the west property line of EMRO resubdivision Lot 1 except the westerly 30 feet being key number 45-07-17-478-003.000-026 to its intersection with the Town of Highland corporate limits, being the centerline of the Little Calumet River;
- THENCE:** Continuing westerly along the Town of Highland corporate limits, being the centerline of the Little Calumet River, to its intersection with its intersection with southwesterly real property line as extended northwest being a property owned by the Little Calumet River Basin Development Commission (key number 45-07-17-476-005.000-026) being 1.639 acres;
- THENCE:** Continuing southeasterly along the southwesterly real property line as extended northwest being a property owned by the Little Calumet River Basin Development Commission (key number 45-07-17-476-005.000-026) being 1.639 acres approximately 50 feet to its intersection with the northern property line of said property, also being the north shoreline of the Little Calumet River;
- THENCE:** Continuing southeasterly along the southwesterly real property line owned by the Little Calumet River Basin Development Commission (key number 45-07-17-476-005.000-026) being 1.639 acres and as extended approximately 2,500 feet to its intersection with the west right-of-way line of Indianapolis Boulevard (US Route 41);
- THENCE:** Continuing south along the west right-of-way line of Indianapolis Boulevard (US Route 41) to its intersection with the south right-of-way line of Ridge Road;
- THENCE:** Continuing south along the west right-of-way line of Indianapolis Boulevard (US Route 41) to its intersection with the south right-of-way line of Ridge Road;
- THENCE:** Continuing west along the south right-of-way line of Ridge Road approximately 160 feet; thence south approximately 102 feet, thence 6 feet east; thence 119 feet south to its intersection with the northwesterly utility right-of-way owned by the Northern Indiana Public Service Company being key number 45-07-20-479-006.000-026; thence northeast approximately 157 feet and thence approximately 10 feet east to the west right-of-way line of Indianapolis Boulevard (US Route 41);
- THENCE:** Continuing south along the west right-of-way line of Indianapolis Boulevard (US Route 41) approximately 205 feet to its intersection with the southeasterly property line of utility right-of-way owned by the Northern Indiana Public Service Company being key number 45-07-20-479-006.000-026; thence southwesterly approximately 215 feet to its intersection with the north right-of-way line of Ridgewood Street;

- THENCE:** Continuing due south to its intersection with the south right-of-way line of Ridgewood Street;
- THENCE:** Continuing and meandering south along the west real property lot lines of parcels zoned and classified as B-3 (General Business District) or B-PUD (Business Planned Unit Development District) on, fronting or adjacent to parcels fronting the right-of-way line of Indianapolis Boulevard (US Route 41) to its intersection with the southeast property line of Hampton of Highland Phase 2 (key number 45-07-29-476-009.000-026) as owned by Hampton Associates; thence west along the south property line of said parcel to its intersection with the west right-of-way line of Waymond Avenue and continuing west to the east property line of Hampton of Highland Phase 1 (key number 45-07-29-476-001.000-026) as owned by Hampton Associates; thence south and west along said property line to its intersection with the east right-of-way line of Prairie Avenue;
- THENCE:** Continuing north along the east right-of-way line of Prairie Avenue approximately 425 feet and then west perpendicular to its intersection with the west right-of-way line of Prairie Avenue, also being the northeast corner of a real property being Shaver's 45th Avenue Commercial Addition Unit 1 Lot 1 except the West W 100 feet and north 100 feet as owned by Dwight T. Shaver;
- THENCE:** Continuing west and then south along the real property lot line being Shaver's 45th Avenue Commercial Addition Unit 1 Lot 1 except the West W 100 feet and north 100 feet as owned by Dwight T. Shaver to its intersection with the north right-of-way line of 45th Avenue;
- THENCE:** Continuing west along north right-of-way line of 45th Avenue approximately 880 feet to the Town of Highland and Town of Munster Corporate Limits and thence south along said corporate limits to the south right-of-way line of 45th Avenue;
- THENCE:** Continuing south along said corporate limits, also being the west right-of-way line of Wildwood Court approximately 400 feet;
- THENCE:** Continuing east along perpendicular to said corporate limits, also being the west right-of-way line of Wildwood Court along the southern real property lot lines of parcels zoned and classified as B-1 (Neighborhood Business District) on, fronting or adjacent to parcels fronting the southern right-of-way line of 45th Avenue to its intersection with the western right-of-way line of Prairie Avenue;
- THENCE:** Continuing south along the western right-of-way line of Prairie Avenue to the southern right-of-way line of Industrial Drive and thence east along the said southern right-of-way approximately 230 feet to its intersection with northwest corner parcel lines a real parcel being Lot 1 of Montague Addition (key number 45-07-32-228-009.000-026);
- THENCE:** Continuing south along said west parcel lines a real parcel being Lot 1 of Montague Addition (key number 45-07-32-228-009.000-026) and as extended approximately 310 feet to the southwest corner of a real parcel being Lot 2 of Montague Addition (key number 45-07-32-228-010.000-026);
- THENCE:** Continuing east along said real parcel being Lot 2 of Montague Addition (key number 45-07-32-228-010.000-026) and as extended approximately 1,065 feet to its intersection with the west right-of-way line of Indianapolis Boulevard (US Route 41);
- THENCE:** Continuing south along said west right-of-way line of Indianapolis Boulevard (US Route 41) approximately 940 feet to the southern railroad right-of-way line owned by the Grand Trunk Railroad being key number 45-07-32-502-002.000-026;
- THENCE:** Continuing southeast along said railroad right-of-way line owned by the Grand Trunk Railroad & Western Railroad being key number 45-07-32-502-002.000-026 to its intersection with the railroad right-of-way line owned by Norfolk Southern (Penn. New York Central Trans. Co.) being key number 45-07-33-505-003.000-026;
- THENCE:** Continuing south along said railroad right-of-way line owned by Norfolk Southern (Penn. New York Central Trans. Co.) being key number 45-07-33-505-003.000-026 to its intersection with the Town of Highland/Town of Schererville Corporate Limits, also being the centerline of the Main Street;
- THENCE:** Continuing east along said Town of Highland/Town of Schererville Corporate Limits, also being the centerline of the Main Street to its intersection with the east right-of-way line of Kennedy Avenue;
- THENCE:** Continuing north along said east right-of-way line of Kennedy Avenue approximately 500 feet to its intersection with the northern property line of key number 45-07-33-376-011.000-026 (being Part East 1/2 Southwest Section 33 Township 36 Range 9 consisting of 3.05 acres (966.64 x 225.46 x 1006.03 x 220.80 feet) except for the south 88 feet) as extended east to the east right-of-way line of Kennedy Avenue and thence continuing east along said property line as extended perpendicular to the east right-of-way of Kennedy Avenue to its intersection with the west right-of-way of Kennedy Avenue;
- THENCE:** Continuing west along said northern property line of key number 45-07-33-376-011.000-026 (being Part East 1/2 Southwest Section 33 Township 36 Range 9 consisting of 3.05 acres (966.64 x 225.46 x 1006.03 x 220.80 feet) except for the south 88 feet) to its intersection with the east lot line of a parcel line being Lot 5 of the Highland Corporate Center (key number 45-07-33-376-003.000-026);
- THENCE:** Continuing northwest along said east lot line of a parcel line being Lot 5 of the Highland Corporate Center (key number 45-07-33-376-003.000-026) and as extended northwest approximately 1,450 feet to its intersection with the east railroad right-of-way line owned by Norfolk Southern (Penn. New York Central Trans. Co.) being key number 45-07-33-505-003.000-026;
- THENCE:** Continuing north along said east railroad right-of-way line owned by Norfolk Southern (Penn. New York Central Trans. Co.) being key number 45-07-33-505-003.000-026 to a point approximately 298 feet south of Main Street, being the southwest corner of a 0.29 acre real parcel (key number 45-07-33-126-002.000-026) ;

- THENCE:** Continuing east along said south property line of the 0.29 acre real parcel (key number 45-07-33-126-002.000-026) and as extended approximately 3,970 feet including real property of parcels zoned and classified as B-1 (Neighborhood Business District) and B-3 (General Business District) on, fronting or adjacent to parcels fronting the southern right-of-way line of 45th Street to its intersection with the Town of Highland/Town of Griffith Corporate Limits;
- THENCE:** Continuing north along said Town of Highland/Town of Griffith Corporate Limits (being the centerline of 45th Street and continuing along said corporate limits to the centerline of Cline Avenue and thence north along said corporate limits being the centerline of Cline Avenue a point approximately 265 feet north of the centerline of Ridge Road, being the north lot line extended of a 0.279 acre real parcel owned by the Archibald Candy Company (key number 45-07-22-479-024.000-026) and thence west along said northern parcel line as extended to its intersection with the west right-of-way line of Cline Avenue;
- THENCE:** Continuing west along said northern parcel line of the 0.279 acre real parcel owned by the Archibald Candy Company (key number 45-07-22-479-024.000-026) and continuing west to include real property of parcels zoned and classified as B-3 (General Business District) on, fronting or adjacent to parcels fronting the northern right-of-way line of Ridge Road to its intersection with the west right-of-way line of Kleinman Avenue and thence continuing west further approximate 225 feet to the northeast corner property line of a 0.35 acre parcel owned by Herak Realty LLC (key number 45-07-22-455-011.000-026);
- THENCE:** Continuing west along said northern property line of a 0.35 acre parcel owned by Herak Realty LLC (key number 45-07-22-455-011.000-026) approximately 75 feet and thence south approximately 200 feet to its intersection with the north right-of-way line of Ridge Road;
- THENCE:** Continuing west along said north right-of-way line of Ridge Road to the east right-of-way line of Orchard Avenue and thence north approximately 225 feet;
- THENCE:** Continuing west to include real property of parcels zoned and classified as PB (Professional Business District) on, fronting or adjacent to parcels fronting the northern right-of-way line of Ridge Road to its intersection with the west right-of-way line of Johnson Avenue and continuing approximately 145 feet west and 175 feet south (including the Highland Professional Center being Douthett's Addition, Block 7 and 8 except the North 362 feet – key number 45-07-22-377-022.000-026) to its intersection with the north right-of-way line of Ridge Road;
- THENCE:** Continuing west along said north right-of-way line of Ridge Road approximately 235 feet to its intersection with the southeast corner of a parcel (Vander Tuuk & Kaznak's Resubdivision Lot 1 – key number 45-07-22-377-008.000-026);
- THENCE:** Continuing north along said east parcel line (Vander Tuuk & Kaznak's Resubdivision Lot 1 – key number 45-07-22-377-008.000-026) approximately 367 feet and thence west 228 feet along the north parcel line to its intersection with the east right-of-way line of Grace Street and continuing as extended to the west right-of-way line of Grace Street (also being the northeast corner of a 2.167 parcel owned by the Town of Highland – key number 45-07-22-355-007.000-026);
- THENCE:** Continuing west along said north parcel line of a 2.167 parcel owned by the Town of Highland – key number 45-07-22-355-007.000-026) and thence south to its intersection with the north right-of-way line of Ridge Road and continuing south to the south right-of-way line of Ridge Road;
- THENCE:** Continuing east along said south right-of-way line of Ridge Road to a point approximately 101 feet west of the western right-of-way line of Grace Street (being the northwest corner of a parcel Oak Ridge Addition easterly ½ of Lot 10 – key number 45-07-22-358-010.000-026) and thence south along said west parcel line to its southern parcel line and thence east along said parcel line and as extended to the west right-of-way line of Grace Street and continuing as extended to the east right-of-way line of Grace Street (being the west property line of a 0.639 parcel – key number 45-07-22-381-001.000-026);
- THENCE:** Continuing south along said west property line of a 0.639 parcel – key number 45-07-22-381-001.000-026 approximately 20 feet to its south property line and continuing east approximately 114 feet to its east property line and thence north approximately 238 feet to its intersection with the south right-of-way line of Ridge Road;
- THENCE:** Continuing east along said south right-of-way line of Ridge Road to the point of intersection with the northwest corner of a 0.159 acre parcel approximately 307 feet west of the west right-of-way of Kleinman Avenue (being a parcel owned by the Town of Highland Water Department (Key number 45-07-22-456-012.000-026);
- THENCE:** Continuing south along the west property line of said 0.159 acre parcel approximately 400 feet to the south property line of a 1.023 parcel also owned by the Town of Highland Water Department (Key number 45-07-27-202-007.000-026);
- THENCE:** Continuing east along the south property line of said 1.023 parcel also owned by the Town of Highland Water Department (Key number 45-07-27-202-007.000-026) and as extended 167 feet and thence approximately 150 feet southeast to its intersection with the west right-of-way line of Kleinman Avenue;
- THENCE:** Continuing southeast approximately 34 feet to the centerline of Kleinman Avenue and thence approximately 31 feet to the east right-of-way line of Kleinman Avenue and thence north along said east right-of-way line of Kleinman Avenue approximately 260 feet to its point of intersection with the southwest corner of a 0.53 acre parcel (key number 45-07-27-226-001.000-02 as owned by JSM Powerhouse Holding LLC);
- THENCE:** Continuing east along said south property line of a 0.53 acre parcel (key number 45-07-27-226-001.000-02 as owned by JSM Powerhouse Holding LLC) and as extending to include real property of parcels zoned and classified as B-3 (General Business District) on, fronting or adjacent to parcels fronting the southern right-of-way line of Ridge Road and the western right-of-way line of Cline Avenue to its intersection with the south right-of-way line of 38th Street;
- THENCE:** Continuing west along said south right-of-way line of 38th Street (also being the north property line of Forest Park Plaza – key number 45-07-27-233-000.000-026) approximately 280 feet, thence south along said Forest Park Plaza property line approximately 330 feet, thence west along said Forest Park Plaza property line approximately 120 feet; thence south along

said Forest Park Plaza property line approximately 55 feet; thence east along said Forest Park Plaza property line approximately 400 feet to its intersection with the west right-of-way line of Cline Avenue;

- THENCE:** Continuing south along said west right-of-way line of Cline Avenue to the north right-of-way line of Ernie Strack Drive (being a point approximately 642 feet north of the 45th Avenue north right-of-way line);
- THENCE:** Continuing west along said north right-of-way line of Ernie Strack Drive (being a point approximately 642 feet north of the 45th Avenue north right-of-way line as extended west perpendicular to the west right-of-way line of Cline Avenue) to its intersection with the west right-of-way line of Kleinman Avenue;
- THENCE:** Continuing south along said west right-of-way line of Kleinman Avenue to its intersection with a point being 125 feet north of the northern right-of-way line of 45th Avenue (also being the northeast corner of Boulevard Estates 5th Addition to Highland Lot 145);
- THENCE:** Continuing west and as extended along said west right-of-way line of Kleinman Avenue to its intersection with a point being 125 feet north of north parcel line of Boulevard Estates 5th Addition to Highland Lot 145 to its intersection with the northwest corner and lot lines of Madolyn's Addition Lot 1 (key number 45-07-27-454-037.000-026) and thence south along said western property line approximately 125 feet to the north right-of-way line of 45th Street;
- THENCE:** Continuing west along said north right-of-way line of 45th Street to its intersection with the southeast corner property line of a 0.609 parcel (key number 45-07-27-377-009.000-026);
- THENCE:** Continuing northwest along said east property line of a 0.609 parcel (key number 45-07-27-377-009.000-026) approximately 191 feet to its northeast corner and its northern property line;
- THENCE:** Continuing west along said north property line of a 0.609 parcel (key number 45-07-27-377-009.000-026) and as extended west approximately 6,275 feet along the north parcel lines of parcels zoned and classified as B-1 (Neighborhood Business District) and B-3 (General Business District) on, fronting or adjacent to parcels fronting the northern right-of-way line of 45th Street to its intersection with the east right-of-way line of Spring Street;
- THENCE:** Continuing north along said east right-of-way line of Spring Street to its intersection with the south property line of a 0.41 acre parcel being Hart's Acres 2nd Addition South 30 Feet of North 400 Feet of Lot 1 Block 2 (key number 45-07-28-304-010.000-026) as extended east to the east right-of-way line of Spring Street and thence west to the southeast corner of said 0.41 acre parcel.
- THENCE:** Continuing west along said 0.41 acre parcel being Hart's Acres 2nd Addition South 30 Feet of North 400 Feet of Lot 1 Block 2 (key number 45-07-28-304-010.000-026) south property line to its southwest corner (also being the southeast corner of a 0.73 parcel Hart's Acres 2nd Addition South 100 Feet of North 400 Feet of Block 1 Lot 73 - key number 45-07-28-304-004.000-026);
- THENCE:** Continuing northwest along the east property line of said 0.73 parcel Hart's Acres 2nd Addition South 100 Feet of North 400 Feet of Block 1 Lot 73 (key number 45-07-28-304-004.000-026) and as extended northwest and including properties fronting Indianapolis Boulevard (US Route 41) to its intersection with the north right-of-way line of Hart Road;
- THENCE:** Continuing west approximately 50 feet along said north right-of-way line of Hart Road to its intersection with the southeast corner and property lines of 1.55 acre parcel owned by Edward Nowakowski (key number 45-07-28-301-004.000-026);
- THENCE:** Continuing north along the east property line of said 1.55 acre parcel owned by Edward Nowakowski (key number 45-07-28-301-004.000-026) and as extended north along the east parcel lines of parcels zoned and classified as B-3 (General Business District) on, fronting or adjacent to parcels fronting the east right-of-way Indianapolis Boulevard (US Route 41) to its intersection with the north right-of-way line of Martha Street (being a point approximately 400 feet east of the east right-of-way Indianapolis Boulevard (US Route 41));
- THENCE:** Continuing east along said north right-of-way line of Martha Street (being a point approximately 400 feet east of the east right-of-way Indianapolis Boulevard (US Route 41) approximately 137.5 feet and then north approximately 385 feet to the north easement of the Cady Marsh Ditch;
- THENCE:** Continuing west along said north easement of the Cady Marsh Ditch to its intersection with a southeast corner of a parcel (being Wicker Park Gardens Addition Part Out Lot A Lying Westerly of Schneider Avenue to Wicker Park Boulevard and South 30 Feet of Vacated Parkway Boulevard – key number 45-07-28-101-015.000-026);
- THENCE:** Continuing north approximately 20 feet, northwest approximately 30 feet, north approximately 30 feet and then northwest approximately 125 feet along the property lines of said parcel (being Wicker Park Gardens Addition Part Out Lot A Lying Westerly of Schneider Avenue to Wicker Park Boulevard and South 30 Feet of Vacated Parkway Boulevard – key number 45-07-28-101-015.000-026) to its intersection with a point on the northern property line of said parcel being approximately 138 feet southeast of the east right-of-way Indianapolis Boulevard (US Route 41);
- THENCE:** Continuing north along the east parcel lines of parcels zoned and classified as B-3 (General Business District) on, fronting or adjacent to parcels fronting the east right-of-way Indianapolis Boulevard (US Route 41) to its intersection with a 0.92 acre parcel owned by the Northern Indiana Public Service Company (key number 45-07-21-351-001.000-026) and thence north approximately 42 feet along said parcel line to its intersection with the south right-of-way line of Ridge Road;
- THENCE:** Continuing east along the south right-of-way line of Ridge Road to its intersection with the east right-of-way line of Osbourne Street as extended south;
- THENCE:** Continuing north along said east right-of-way line of Osbourne Street as extended south to the east right-of-way line of Osbourne Street and continuing north to its intersection with a parcel owned by the Northern Indiana Public Service Company (key number 45-07-21-302-001.000-026);

- THENCE:** Continuing northeast along said parcel owned by the Northern Indiana Public Service Company (key number 45-07-21-302-001.000-026) to its intersection with the west railroad right-of-way and lot line of a property owned by Pennsylvania New York Central Transportation Company (key number 45-07-21-505-002.000-026);
- THENCE:** Continuing north along said parcel owned by Pennsylvania New York Central Transportation Company (key number 45-07-21-505-002.000-026) approximately 167 feet, thence east approximately 25 feet and then north approximately 125 feet to its intersection with the south right-of-way line of LaPorte Avenue, as extended, to its intersection with the west railroad right-of-way and lot line of a property owned by Pennsylvania New York Central Transportation Company (key number 42-07-21-505-001.000-026), also being the **Point of Origin**;

EXHIBIT II

HIGHLAND COMMERCIAL CORRIDORS ECONOMIC REVITALIZATION AREA:

REPORT ON STATEMENT OF BENEFITS (all on file)

2. **Public Hearing:** On the matter of Granting Tax abatement, for a period not to exceed 10 years, to Petitioner Mr. Fred Terpstra of Culver's Butter burgers Restaurant, bringing \$500,000 in new assessed value and 10 new jobs. (*Resolution No. 2012-07 was adopted at 16 January 2012 Council meeting setting this matter for consideration at this meeting.*)
 - (a) Attorney verification of proof of publication: The TIMES 19 January 2012. The Town Attorney verified that the proofs were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Council President called the hearing to order.
 1. David McAvoy, 3101 Lakeside Drive, Highland, inquired about the amount of tax that Culver's would owe if the tax abatement was granted. *The Redevelopment Director explained how the abatement works, including that all current taxes continue to be paid but the taxes that would be due upon the new improvements would be gradually imposed over ten years.*

There were no further inquiries. The hearing was closed.

- (c) Consideration of **Resolution No. 2012-09:** A Resolution Confirming Terms and Conditions Applicable to an Application for a Property Tax Abatement for area commonly known as 3940 and 3950 Ridge Road in the Town of Highland, Indiana.

Councilor Kuiper moved the passage and adoption of Resolution No. 2012-09. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted and the tax abatement was granted.

TOWN OF HIGHLAND, INDIANA RESOLUTION NO. 2012-09

A RESOLUTION CONFIRMING TERMS AND CONDITIONS APPLICABLE TO AN APPLICATION FOR A PROPERTY TAX ABATEMENT FOR THE IMPROVEMENT OF TWO PARCELS LOCATED AT 3940 & 3950 RIDGE ROAD

Applicant: Mr. Fred Terpstra d/b/a Culver's Restaurant

WHEREAS, Indiana Code 6-1.1-12.1 *et seq.*; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, Property tax abatement, if approved, is applied as a deduction in the increase in assessed value that results from investment in new construction or rehabilitation of property; and

WHEREAS, On December 12, 2011, the Highland Town Council adopted **Resolution No. 2011-54** designating an Economic Revitalization Area (ERA) and on January 16, 2012 adopted **Resolution No. 2012-06** confirming an ERA at 3904 & 3950 Ridge Road; and

WHEREAS, An application for property tax abatement for the new construction of a restaurant (the "Project") to be located on premises legally described as Lots #35 and #36 of the N.E. ¼ Sec. 27-36-9 #1 in the Town of Highland, Lake County, Indiana a/k/a 3940 & 3950 Ridge Road (the "Real Estate" legally described at Exhibit A) was received from

Mr. Fred Terpstra d/b/a Culver's Restaurant, a copy of which is attached and incorporated herein by reference at Exhibit B; and

WHEREAS, Said application proposes construction costs of \$950,000.00 for the restaurant that would bring thirty five (35) new jobs to Highland with an estimated \$360,000 annual payroll that may not proceed but for approval of tax abatement by the Town Council; and

WHEREAS, \$470,200 and \$400 are the most recent assessed values of the properties that are the subject of this resolution, values assessed before improvements on the two premises were added by the applicant; and

WHEREAS, \$1,287,600 is the estimated assessed value of the property upon completion of the Project; and

WHEREAS, The Real Estate is located within an Economic Revitalization Area within the Town of Highland; and

WHEREAS, The Act empowers the Town Council to approve a deduction as percentage of the increase in assessed value that results from investments in new construction or rehabilitation of property by following a hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution; and

WHEREAS, The Town Council adopted **Resolution 2012-06** fixing 7:00 PM, Monday, January 30, 2012, in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving testimony, remonstrances and objections from persons interested in or affected by the proposed application for tax abatement and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed application ten days prior to the public hearing; and

WHEREAS, Town of Highland has heretofore established a Economic Revitalization Area consistent with its guidelines to create a positive image for the town through well designed, high quality development; increase jobs and generate tax revenues through new development; encourage development of business opportunities for all; encourage private investment along the corridor; enhance district neighborhoods through increased well planned economic opportunities; and to aid in the elimination of incomplete or inappropriate land uses; and

WHEREAS, Real estate located at 3940 & 3950 Ridge Road, Highland, Indiana continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

WHEREAS, In considering the application and statement of benefits submitted by the petitioner, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town; and

WHEREAS, The Town Council now desires to affirmatively act upon the application for tax abatement from Mr. Fred Terpstra d.b.a. Culver's Restaurant, a petitioner who seeks to invest, redevelop and rehabilitate property located at 3940 & 3950 Ridge Road, a property located in the established Economic Revitalization Area,

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. Having reviewed the designation application and statement of benefits as filed by the petitioner, pursuant to IC 6-1.1-12.1 et seq., and having conducted a public hearing on Monday, January 30, 2012 regarding this matter, the Town Council as the designating body for the Town of Highland hereby makes the following findings and determinations, pursuant to IC 6-1.1-12.1-3(b):

(A) That the Town Council finds and determines in the affirmative that the estimate of the value of the redevelopment or rehabilitation project located at **3940 & 3950 Ridge Road, Highland**, consisting of construction costs of \$950,000.00 will yield an estimated final assessed value of **\$1,287,600.00**, representing an estimated \$817,000 (80% of construction costs) increase over the current assessed value of **\$470,600** is reasonable for projects of this nature;

(B) That the Town Council finds and determines in the affirmative that the estimate of thirty five (35) individuals who will be employed can be reasonably expected to result from the proposed redevelopment and rehabilitation;

(C) That the Town Council finds and determines in the affirmative that the estimate of a \$360,000.00 annual payroll with average salaries of \$10,285.71 FTE per year for those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(D) That the Town Council finds and determines in the affirmative that all other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(F) That the Town Council finds and determines in the affirmative that the totality of benefits from the increased private investment by the applicant within the Economic Revitalization Area is sufficient to justify the deduction authorized by this resolution.

Section 2. That **Resolution 2012-06** adopted by the Town Council on January 16, 2012, is hereby confirmed and the application for **property tax abatement** upon the *increase in assessed value* in consequence of a conversion of a sporting goods facility and warehouse to an auto dealer facility, located at 3940 & 3950 Ridge Road, which is the subject of this resolution, is hereby approved for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and the terms of this resolution;

Section 3. That pursuant to enabling authority provided at IC 6-1.1-12.1-2(i)(6), as a condition of approval for the deduction in assessed value, the applicant shall contribute **\$9,500.00** to the Town of Highland Economic Development Fund at closing from loan proceeds secured for construction of the Project. This payment shall be paid prior to final processing of this designation application.

Section 4. The Clerk-Treasurer is authorized and directed to file a certified copy of this resolution, including a description of the real estate (N.E. ¼ Sec. 27-36-9 lots #35 & #36 in the Town of Highland, Lake County, Indiana (a/k/a 3940 & 3950 Ridge Road) as contained in Exhibit **A** to this Resolution, with the Lake County Auditor, and such authorities as may be necessary to perfect this tax abatement authorization, pursuant to IC 6-1.1-12.1-3(d).

DULY RESOLVED and ADOPTED this 30th Day of January, 2012 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**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

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

EXHIBIT FOLLOWS.

EXHIBIT A

LEGAL DESCRIPTION OF 3940 AND 3950 RIDGE ROAD

3940 RIDGE ROAD

Part of the East 440 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27, Township 36 North, Range 9 West of the 2nd Principal Meridian, described as commencing at a point in the center of Ridge Road 191.178 feet Northwest of the East line of said Section 27 at the intersection of the center line of Cline Avenue and Ridge Road; thence Northwesterly along the center of said Ridge Road 251.55 feet; thence South to the North line of the South 7 acres of the East 440 feet of the said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence East along the North line of said South 7 acres 250 feet; thence North to the point of beginning, except therefrom that part described as follows: Commencing at a point in the center of Ridge Road 442.728 feet Northwest of the East line of said Section 27 at the intersection of the center line of Cline Avenue and Ridge Road; thence Southeasterly along the center of said Ridge Road 166.20 feet; thence South 190.24 feet; thence due West to the West line of said East 440 feet; thence North to the point of beginning, in the Town of Highland, Lake County, Indiana. Key No. 27.17-35 (Parcel No. 45-07-27-228-005.000.026),

3950 RIDGE ROAD

Part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27, Township 36 North, Range 9 West of the 2nd Principal Meridian, in Highland, Lake County, Indiana, described as beginning at the intersection of the East line of said Section 27 with the center line of Ridge Road at a point 96.70 feet South of the Northeast corner of said Section 27; thence South 232.09 feet along the East line of said Section 27; thence West 245.00 feet at right angles of said East line of Section 27; thence North 257.18 feet at right angles to aforesaid 245 foot line to the center line of Ridge Road; thence Southeasterly on the center line of Ridge Road 246.54 feet to the place of beginning, excepting the Northerly 40 feet which is embraced in Ridge Road and also excepting that part granted to the State of Indiana by right-of-way grant, dated February 25, 1961 and recorded March 27, 1961 in Deed Record 1150, page 518, as Document No. 319407, and also excepting that part condemned in Cause No. C61-656, Lake Circuit Court, filed May 11, 1961 and excepting the West 55 feet measured along the South line thereof. Key No. 27-17-36 (Parcel No. 45-07-27-228-006.000-026).

3940 to 3950 RIDGE ROAD

C. 27-36-9. 17

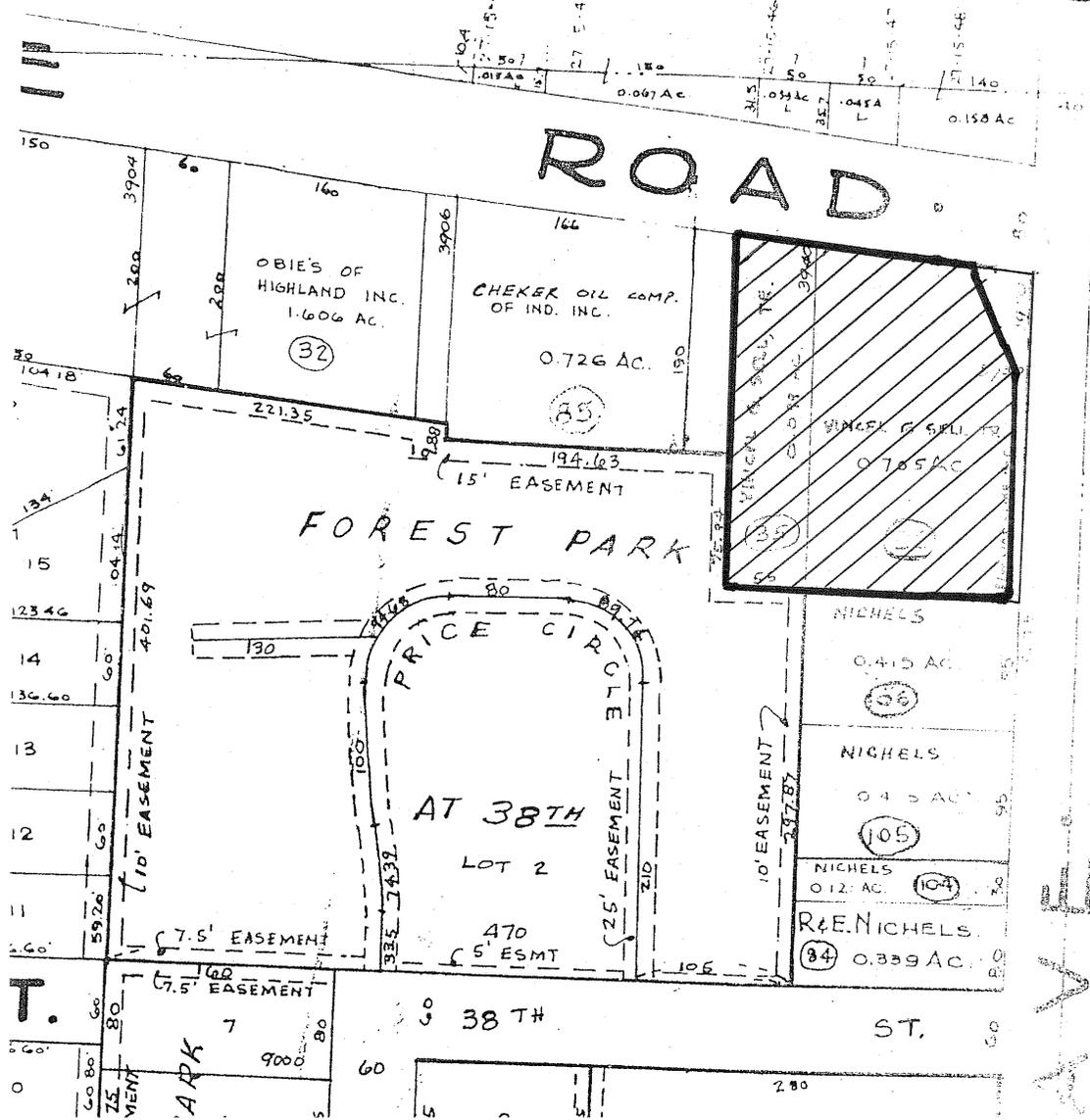


EXHIBIT B

Application for property tax abatement for construction of a new building (the "Project") to be located on premises legally described as Lots #35 & #36 N.E. 1/4 Sec. 27-36-9 in the Town of Highland, Lake County Indiana a/k/a 3940 & 3950 Ridge Road (the "Real Estate" legally described at Exhibit A) received from Mr. Fred Terpstra d/b/a Culver's Restaurant.

3. "Receipt" and Acknowledgment of a special donation in the amount of \$10,000 proffered by the Highland Elk's Lodge, to support the Summer G.R.E.A.T. Program. (*Town Council should act to accept.*)

Ray Kocoj of the Highland Elks, Dan Sapp of the Highland Elks, Ed Hodge of the Highland Elks explained that when contacted by the GREAT Program for Highland and Griffith, it was reported that funding has been reduced. The Elks lodge applied for and was given a grant sponsored by the National Elks that could be used for this program. Proceeds would be held by the Elks, and as needed, the Elks would remit payment supporting activities funded by the grant.

The grant was acknowledged and accepted by general consent.

Communication:

1. The Clerk-Treasurer read a communication of **Jim Slagle** resigning his appointment from the Municipal Plan Commission and the Advisory Board of Zoning Appeals. It was noted that no action is necessary as the resignation is effective upon filing pursuant to IC 5-8-3.5 et seq., and IC 5-8-4-4.

• Statutory Boards and Commissions

Legislative Appointments

1. **Town Board of Metropolitan Police Commissioners (2)** appointments to be made by Town Council. (*Note: currently serving Dennis Adams (D) and Jim DeGraaf (D)*)

Councilor Novak moved seconded by Councilor Herak to re-appoint **Dennis Adams**, 8421 Delaware Place, Highland, to another 3-year term on the Town Board of Metropolitan Police Commissioners. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Dennis Adams was reappointed.

Councilor Novak moved, seconded by Councilor Herak to appoint **James Slagle**, 3504 Eder Place, Highland, to a three-year term on the Town Board of Metropolitan Police Commissioners. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. James Slagle was appointed.

Legislative Appointments

1. **Municipal Plan Commission.** Up to (3) appointments to be made by Town Council, if desired. (*Note: These may be Elected or Apointed Officials or employees of Town. Currently one vacancy. Others continue to serve unless the legislative body acts to change. Currently: Don Haynes (employee) and Bernie Zemen (Elected Official) are serving; vacancy from Dan Grimmer resignation*)

Councilor Vassar moved the appointment of **Joseph Grzymiski**, 3110 Farmer Drive, Highland, a part-time Highland Firefighter, to the municipal plan Commission. Councilor Herak seconded. Upon roll call vote, there were five affirmatives and no negatives. The motion passed. Joseph Grzymiski was appointed as a legislative appointment.

Unfinished Business and General Orders:

1. **Resolution No. 2012-11:** A Resolution of the Fiscal Body Approving and Fixing the Official Charges or Fees for Information and Communication Technology Services Provided by the Municipality to its Executive Departments and Offices and Accounted in the Information and Communication Technology Fund.

Councilor Herak moved and Councilor Vassar seconded to pass and adopt Resolution No. 2012-11. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
Town Council Resolution No. 2012-11

A RESOLUTION OF THE FISCAL BODY OF THE TOWN OF HIGHLAND APPROVING AND FIXING THE OFFICIAL CHARGES OR FEES FOR INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS AND OFFICES AND ACCOUNTED IN THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08, which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

WHEREAS, Section § 31.08 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of *"interdepartmental charges, contributions, cost shares or assessments levied against funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;"*

WHEREAS, Section § 31.08 (F) (1) (a) still further provides that the *"charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council;"*

WHEREAS, The proper officers of the municipality have developed and now recommend charges and rates for FY 2012 to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

WHEREAS, The Town Council now desires to fix and adopt the charges and rates as recommended,

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

Section 1. That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year 2012 as follows:

(a) For information and communication technology services provided to the several departments reposed in the **Corporation General Fund, the annual charge is allocated at 25% of costs or \$44,495.00;**

(b) For information and communication technology services provided to the department reposed in the **Park and Recreation Fund, the annual charge is allocated at 20% of costs or \$35,596.00;**

(c) For information and communication technology services provided to the department reposed in the **Redevelopment General Fund, the annual charge is allocated at 5% of costs or \$8,889.00;**

(d) For information and communication technology services provided to the Waterworks Utility, **the annual charge is allocated at 25% of costs or \$44,495.00;**

(e) For information and communication technology services provided to the Wastewater/Stormwater Utility, **the annual charge is allocated at 25% of costs or \$44,495.00;**

Section 2. That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section §31.08 (D) of the Highland Municipal Code;

Section 3. That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

DULY RESOLVED and ADOPTED this 30th Day of January 2012, 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

Bernie Zemen, President

Attest:

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

2. **Works Board Order No. 2012-03:** An Order Approving and Authorizing the Metropolitan Police Chief to purchase Three (3) 2012 Chevrolet Impala Police Interceptors with Special Equipment Packages outright, pursuant to IC 5-22 and §31.18(C) of the Municipal Code.

Councilor Kuiper moved and Councilor Vassar seconded to pass and adopt Works Board Order No. 2012-03. 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 2012-03**

AN ORDER APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO PURCHASE THREE (3) 2012 CHEVROLET IMPALA POLICE INTERCEPTORS WITH SPECIAL EQUIPMENT PACKAGES OUTRIGHT, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has 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 that since the unit price will likely be around \$25,000.00 rendering a contract for purchase in excess of \$75,000.00, formal bids were sought for a purchase of three (3) 2012 Chevrolet Impala Police Cars, each equipped with a special police accessory package, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief reports that bids were solicited, opened and read aloud on January 17, 2012 at the Highland Municipal Building, pursuant to Section § 31.20 (H) of the Highland Municipal Code, with the following responses for the purchase of police cars as specified:

Bidder:	Unit Cost	Trade-In Value	Total:
Uebelhor & Sons	\$21,639.00	\$14,000.00	\$50,917.00
Christenson Chevrolet	\$21,734.75	\$14,900.00	\$50,304.25

Whereas, The Christenson Chevrolet has been found to be the lowest responsive and responsible bidder and is a desirable source vendor for the purchase of three (3) 2012 Chevrolet Impala Police Cars, each equipped with a special police accessory package at a unit price of \$21,734.75 each, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

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 §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The purchase payments will be supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to purchase three (3) Chevrolet Impala Police Cars, pursuant to the terms 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 Metropolitan Police Chief is hereby directed and authorized to purchase three (3) Chevrolet Impala Police Equipped Cars outright from Christenson Chevrolet, for the total amount of fifty thousand three hundred four dollars and twenty-five cents (\$50,304.25), at the market price of \$21,734.75 each, less trade-in credits of \$14,900.00;

Section 2. That the Metropolitan Police Chief is authorized and directed 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 30th day of January 2012 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

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

3. **Proposed Ordinance No. 1504:** An Ordinance of the Town of Highland, Indiana, concerning the funding of capital improvement projects by the Board of Parks and Recreation of the Town through the issuance and sale of general obligation bonds, and other matters connected therewith.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1504 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 unanimously. The ordinance could be considered at the same meeting of introduction.

Councilor Vassar moved the passage and adoption of Ordinance No. 1504 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed unanimously. The ordinance was adopted at the same meeting of introduction.

**TOWN OF HIGHLAND
ORDINANCE NO. 1504**

An Ordinance of the Town of Highland, Indiana, concerning the funding of capital improvement projects by the Board of Parks and Recreation of the Town through the issuance and sale of general obligation bonds, and other matter connected therewith

WHEREAS, the Board of Parks and Recreation (the "Board") of the Town of Highland, Indiana (the "Town"), has determined to issue general obligation bonds in an amount not to exceed \$2,000,000 to fund certain capital improvements as more particularly described in the Declaratory Resolution adopted by the Board on December 15, 2011, and to pay costs of issuance of the bonds (collectively, the "Project"); and

WHEREAS, the Town Council of the Town is authorized to approve the issuance of obligations of the District by the Board;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, INDIANA, THAT:

Section 1. The Town Council hereby approves the issuance of general obligation bonds of the District by the Board in an amount not to exceed \$2,000,000 to apply to the cost of the Project.

Section 2. The Town represents that"

- (i) The bonds are not private activity bonds as defined in Section 141 of the Internal Revenue Code (the "Code");
- (ii) The Town hereby designates the tax-exempt bonds as qualified tax-exempt obligation for the purpose of Section 265(b) of the Code;
- (iii) The reasonably anticipated amount of qualified tax-exempt obligations (including tax-exempt leases but excluding qualified 501(c)(3) obligations and other private activity bonds) which will be issued by the Town and all entities subordinate to the Town during 2012 does not exceed \$10,000,000; and
- (iv) The Town, any body acting in the name of the Town, and any entities subordinate to the Town, have not designated and will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2012.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Introduced and filed on the 30th day of January, 2012. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to INDIANA CODE 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 30th day of January, 2012, 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

By: _____
Bernie Zemen, President

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

4. **Proposed Ordinance No. 1505:** An Ordinance Authorizing The Town Of Highland To Borrow Money And To Issue Temporary Loan Warrants Therefore For The Year 2012, All Pursuant To I.C. 36-5-2-12.

Councilor Novak introduced and moved the consideration of Ordinance No. 1505 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed unanimously. The ordinance could be considered at the same meeting of introduction.

Councilor Novak moved the passage and adoption of Ordinance No. 1505 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed unanimously. The ordinance was adopted at the same meeting of introduction.

The Clerk-Treasurer indicated that the loan amounts should be understood as not to exceed amounts. It was very likely that the actual amounts would be much less when the final cash flow and arbitrage calculations were completed.

**TOWN OF HIGHLAND
ORDINANCE No. 1505**

AN ORDINANCE AUTHORIZING THE TOWN OF HIGHLAND TO BORROW MONEY AND TO ISSUE TEMPORARY LOAN WARRANTS THEREFORE FOR THE YEAR 2012, ALL PURSUANT TO I.C. 36-5-2-12.

WHEREAS, The Town Council of the Town of Highland ("Town") hereby finds that an emergency exists for the borrowing of money with which to meet the expenses of said Town that will be incurred in 2012 to be paid from the Town *General Fund*, and the *Parks & Recreation Fund*, all of said Town, which expenses must be met prior to the receipt of taxes for the year 2011 collectible in the year 2012 and thereafter;

WHEREAS, The Clerk-Treasurer has presented to the Town Council a recommendation that the Town issue temporary loans in the amount not to exceed to exceed **\$3,100,000.00** for the *General Fund* and the *Parks & Recreation Fund*, in the amounts and subject to the terms hereinafter set forth:

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Town Council of the Town of Highland, Indiana ("Town"), as follows:

Section 1. That the Town issue temporary loans for and on behalf of the General Fund and the Parks & Recreation Fund in the aggregate principal *amount not to exceed* **\$3,100,000.00**. The loans shall be used for meeting expenses of the Town included in the regular budget and appropriations adopted for the year 2012 which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2012;

Section 2. That such temporary loans shall be evidenced by warrants of the Town dated as of the date of delivery thereof, bearing interest at a rate not to exceed **6% per annum** (*the exact rate to be determined by bids*), which interest shall be payable at the time of the final payment of the principal of said warrants and said warrants shall mature and be payable *in amounts not to exceed* as follows:

<u>FUND</u>	<u>TOTAL</u>	<u>MATURING</u>
General	\$ 2,700,000.00	December 31, 2012
Parks & Recreation	\$ 400,000.00	December 31, 2012

Section 3. That interest shall be calculated on a **366 day basis**. A sufficient amount of the revenues of the Town to be derived from the Town General and the Parks & Recreation Funds' levy is hereby appropriated and pledged for the payment of the principal amount of said warrants to be issued at maturity on account of the taxes for the year 2011, collectible in the year 2012 and a sufficient amount of the revenues of the Town to be derived from such Funds are hereby appropriated and pledged for the payment of interest on said warrants at maturity.

Section 4. That the Clerk-Treasurer of said Town is hereby authorized and directed to pay the principal amount of the warrants from the tax revenues of each fund and the interest on the warrants from the designated Fund upon the presentation thereof at or after maturity. *The warrants will be delivered on or about February 29, 2012.*

Section 5. That said warrants shall be signed by the President of the Town Council and the seal of the Town shall be affixed thereto and attested by the signature of the Clerk-Treasurer of the Town.

Section 6. That said warrants shall be payable at the office of Clerk-Treasurer of the Town. Said warrants shall, on the face thereof, indicate that they are issued for the Town General and the Parks & Recreation Funds and payable out of the respective Fund's revenues.

Section 7. That said warrants shall be issued in substantially the following form, all blanks to be properly filled in prior to delivery, to-wit:

No. ____

UNITED STATES OF AMERICA
STATE OF INDIANA COUNTY OF LAKE
TOWN OF HIGHLAND, INDIANA
TEMPORARY LOAN WARRANT
_____ FUND

FOR VALUE RECEIVED, The Town of Highland, Indiana, will pay to _____ at the office of the Clerk-Treasurer, Lake County, Indiana, on December 31, 2012, the sum of _____ Dollars (\$_____) with interest thereon, at the rate of ____% per annum, computed from the date hereof to the date of maturity, calculated on a 366-day basis.

This warrant evidences a temporary loan aggregating _____ (_____) authorized by Ordinance passed and adopted by the Town Council of Highland, Indiana on _____, and in accordance with Indiana Code, Article 36, Title 5, Chapter 2, and all other acts amendatory thereof or supplemental thereto, for the purpose of procuring a temporary loan for the _____ Fund of said Town.

This warrant is issued in anticipation of the tax levies made for the _____ Fund in the year 2011, collectible in the year 2012 and thereafter, which tax levies are now in the course of collection for the payment of the principal amount and the interest thereon, a sufficient amount of the revenues to be derived from the _____ Fund levy, has been and is hereby appropriated and pledged.

This temporary loan warrant has been designated as a qualified obligation pursuant to Section 265(b)(3) of the Internal Revenue Code.

It is hereby certified that in the execution of this warrant, all provisions of the Constitution and the Statutes of the State of Indiana relating thereto have been complied with, that the _____ Fund tax levy from which the principal amount of and interest on this warrant is payable, together with other revenues in that Fund, is a valid and legal levy; and that said Town will reserve a sufficient amount in the _____ Fund for the payment of the principal of and interest on this warrant.

IN WITNESS WHEREOF, the Town of Highland, Indiana, has caused this warrant to be signed in its name by the President of the Town Council and attested by the Clerk-Treasurer as of the ____ day of February, 2012.

TOWN OF HIGHLAND, INDIANA

{SEAL}

By: _____
President of the Town Council
Town of Highland, Indiana

Attest:

Clerk-Treasurer
Town of Highland, Indiana

Section 8. The Clerk-Treasurer shall cause to be published a Notice of such sale in accordance with legal requirements. The Notice shall state the time and place of sale, the total amount thereof, the time of payment, the terms and conditions on which bids shall be received and the sale made, and such other information as the Clerk-Treasurer shall determine necessary or appropriate to inform prospective bidders.

Section 9. Bidders shall **not** submit a good faith deposit.

Section 10. The Town Council hereby authorizes the Clerk-Treasurer to receive and open the bids and upon compilation of the bids, to award the warrants to the bidder providing the lowest interest cost, after deducting therefrom the premium bid if any. All bids shall be not less than par.

Section 11. The Clerk-Treasurer shall have full right to reject any and all bids and to waive any informalities.

Section 12. That in order to preserve the exclusion of interest on any tax exempt series of warrants from gross income for Federal income tax purposes and as an inducement to purchasers of the warrants, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another governmental unit, will use proceeds of the warrants or property financed by the warrant proceeds other than the Town or another governmental unit will own property financed by warrant proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract or to any other type or arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No warrant proceeds will be loaned to any entity or person. No warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the warrant proceeds.

(c) The Town will, to the extent necessary to preserve the exclusion of interest on the tax-exempt warrants from gross income for federal income tax purposes, rebate all required arbitrage profits on warrant proceeds or other monies treated as warrant proceeds to the federal government as provided in Section 148 of the Internal Revenue Code of 1986, and will set aside such monies in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

(d) The Town will file an information report with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

(e) The Town will not take any action nor fail to take any action with respect to the warrants that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the tax-exempt warrants pursuant to Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the warrants, nor will the Town act in any other manner which would adversely affect such exclusion.

Section 13. That all ordinances in conflict with this one are hereby repealed and have no further force or effect.

Introduced and Filed on the 30th day of January 2012. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 30th Day of January 2012 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**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

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

5. **Action of the Town Council as appointing authority to consider approval of an Annual Conflict of Interest Disclosure Statement filed by Danny Stombaugh possesses ownership in A-1 Radiator Service which is contracted from time to time to provide repair services or parts to the Town of Highland. Mr. Stombaugh is also a member of the Town Board of Metropolitan Police Commissioners. This filing is pursuant to IC 35-44-1-3.**

Councilor Herak moved to approve the Conflict of Interest Statement as filed. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The statement was approved.

- 6. Action to approve pay for employee who is temporarily replacing another employee at a higher grade level, after thirty full days in the position, pursuant to Section § 4.01 of the Compensation and Benefits Ordinance. Chief Hojnicky and the Town Board of Metropolitan Police Commissioners request approval for Corporal G. Garza, who assumed the position of Acting Sergeant on January 1, 2012 to be after 30 days in position.**

Councilor Kuiper moved to approve the higher pay for Corporal Garza as acting Sergeant as indicated. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher-grade of pay was approved.

- 7. Action to approve signature for the Town Council commending six month attendance without call off for several in the Metropolitan Police Department.**

Councilor Herak moved to authorize and approve the commendation as indicated for all the listed officers with the exception of Pat Vassar. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The commendations were approved and the Councilors were authorized to sign the letters of acknowledgement.

Councilor Herak moved to authorize and approve the commendation as indicated for Pat Vassar. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Herak, Novak, Kuiper and Zemen voting in the affirmative and Councilor Vassar abstaining, the motion passed. The commendation were approved and the Councilors were authorized to sign the letter of acknowledgement.

Councilor Vassar reported that he abstained to avoid the appearance of a conflict as Pat Vassar is his brother.

- 8. Action to renew Group Employee Dental Plan with *United Health Care*, as presented by Brown Insurance Group.
Employee alone monthly rate: \$32.08
Employee Family monthly rate; \$93.14**

Councilor Novak moved to approve the renewal for the Employee Group Dental Plan as presented by Brown Insurance Group. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The dental plan renewal was approved.

**Comments from the Town Council Members
(For the Good of the Order)**

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

Councilor Herak welcomed Mr. Jim Slagle to the Town Board of Metropolitan Police Commissioners.

- Councilor Dan Vassar:** • Redevelopment Commission Liaison • Park and Recreation Board Liaison .

Councilor Vassar acknowledged the Redevelopment Director who offered a brief report regarding the Main Street Board and its Arts and Music subcommittee.

Councilor Vassar acknowledged the Parks and Recreation Superintendent who offered a brief report regarding the grand opening event for the refurbished Lincoln Community Center, slated for Saturday, February 12.

Councilor Vassar commended the Public Works Director and the Department members for their recent snow plowing.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison.*

Councilor Novak has no report.

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

Councilor Kuiper recognized the Metropolitan Police Chief who offered a brief report regarding the matters before the Traffic Safety Commission.

- **Councilor Bernie Zemen:** *Town Executive* • *Chamber of Commerce Liaison* • *Police Pension Board Chairman* • *Plan Commission member.*

Councilor Zemen recognized the Building Commissioner who reported briefly on matters pending before the Plan Commission.

Comments from the Public or Visitors

1. Jim Slagle, 3504 Eder Place, Highland, thanked the Town Council for its appointment to the Town Board of Metropolitan Police Commissioners.

With leave from the Town Council, the Public Works Director reported about an apparent misunderstanding regarding modifications to the Flood Zone Map, and the steps that were underway to correct it to reflect the Letters of Map Revision that were in fact approved owing to the efforts of the Town Council. It was noted some residents were being advised that they could not in fact get the lower premiums for flood insurance or even eliminate it, which is contrary to what our officials understood to be possible owing to the approval of the letters of map revision.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Novak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period January 17, 2012 through January 30, 2012 and the payroll dockets for December 30, 2011 and January 13, 2012. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$155,615.40; Motor Vehicle Highway and Street (MVH) Fund, \$32,411.06; Local Road and Street (LRS) Fund, \$1,775.30; Law Enforcement Cont. Education and Supply Fund, \$2,331.08; Information and Communications Technology Fund, \$5,965.10; Civil Donation Fund, \$31.97; Special Events Non Reverting Fund, \$5,000.00; Rainy Day Fund, \$357,500.00; Municipal Cumulative Capital Development Fund, \$511,265.59; Traffic and Law Violations Agency Fund, \$6,526.50; Safe Neighborhood Grant Fund, \$2,016.00; Sexual Predator Grant Fund, \$2,880.00; Total: \$1,142,231.70.

Payroll Docket for December 30, 2011:

Council, Boards and Commissions, \$10,462.00; Office of Clerk-Treasurer, \$11,972.95; Building and Inspection Department, \$6,412.98; Metropolitan Police Department, \$90,737.21; Fire Department, \$2,830.67; Public Works Department (agency), \$53,493.85; and Police Pension Fund of 1925, \$58,016.91. Total Payroll: \$ 233,926.57.

Payroll Docket for January 13, 2012:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$11,490.48; Building and Inspection Department, \$6,446.12; Metropolitan Police Department, \$102,611.08; Fire Department, \$2,764.46; Public Works Department (agency), \$52,877.42; and Police Pension Fund of 1925, \$0.00. Total Payroll: \$ 176,189.56.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular (rescheduled) plenary meeting of the Town Council of Monday, January 30, 2012 was adjourned at 7:47 O'clock p.m. No study session followed the meeting.

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