

**Enrolled Minutes of the Ninth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, April 09, 2012**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 09, 2012 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Dan Vassar, Mark Herak, Brian Novak, and Konnie Kuiper were present. Councilor Bernie Zemen was absent owing to the birth of his first grand daughter. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the color of paint applied to a fence located at 3548 Liable Road.
3. The Town Council discussed apparent abandoned located at 3010 98th Street and whether the current "junk car" ordinance could be effectively applied.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 09, 2012 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council Vice-President Dan Vassar, as acting president, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Brian Novak 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 Dan Vassar, Mark Herak, Konnie Kuiper and Brian Novak. Councilor Bernie Zemen was absent owing to the birth of his first grandchild. 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 T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth Mika, Building Commissioner; Rob Johnsen, Assistant Public Works Director and Cecile Petro, Redevelopment Director were present.

Also present: Ed Dabrowski IT Director (Contract) was also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of March 26, 2012 were approved by general consent.

Special Orders:

1. **Public Hearing.** Considering the matter of the proposed establishment of a *General Improvement District* to be associated with a project to improve the 3500 block of Garfield Avenue to be known as the **Garfield Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (*Works Board Order No. 2012-07, was passed and adopted at the Town Council meeting of March 26, 2012, giving approval to the project and the General Improvement District subject to this public hearing.*)
 - (a) Verification of Proofs of Publication. (IC 5-3-1;IC 36-9-17) The TIMES: 29 March 2012. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
 - (b) **Public Hearing on Issue:** Whether the benefits that will accrue to the property liable to be assessed for the improvement will equal the maximum estimated cost of the improvement. The Acting President called the hearing to order. He recognized the Public Works Director who offered a presentation describing the reconstruction project and the parameters of the General Improvement District. The Public Works Director indicated that the curb would be assessed at the rate of \$14.00 per lineal foot. The sidewalks, if assessed to the property owner, would be at the rate of \$17.50 per lineal foot. The comments were as follows:
 1. Tom Black, 3550 Garfield Avenue, inquired about the number of property holders on a petition necessary to cause the project to move forward. Mr. Black expressed opposition to the project.
 2. Frank Tokoly, 3520 Garfield Avenue, Highland, noting he canvassed the block seeking signatures for the petition, also indicated that as he did so, he shared the information regarding the possible costs. He spoke in favor of the project.
 3. Barbara Morton, 3539 Garfield Avenue, Highland, inquired about the sidewalk replacement aspects of the project. Ms. Morton described her sidewalks as “new” and wondered whether they should be replaced. She further stated her fear that she could not afford to pay any assessment.
 4. Ron Johnson, 3540 Garfield Avenue, Highland, indicated that he favored the project and signed the petition. He further stated that he has concerns for those who may not be able to pay the assessment. He suggested that the project not go forward at this time.
 5. Carlos _____, 3536 Garfield Avenue, Highland, he reported that he paid for repair to his sidewalk from damage done to it by contractor on a previous project.
 6. David Gallagher, 3531 Garfield Avenue, Highland, reported an incident in which he desired to replace his sidewalk and was advised by a town worker that he was not permitted to do so. Mr. Gallagher expressed his concern for those persons who may have difficulty paying the assessment. He expressed his belief that the current curb design cause damage to one of his vehicle’s tires. He stated he favored the project.
 7. David Tokar, 2611 Clough Avenue, Highland, inquired about from whom one would seek redress in the event of a contractor’s poor work or bad engineering.
 8. Mr. Tokoly, 3520 Garfield Avenue, Highland, spoke of his 34 years as a resident, the poor condition of street, and his strong support for the project. He further suggested that some way be found to assist those who may have difficulty paying any assessment.

9. Mary Gutierrez, 3512 Garfield Avenue, Highland, expressed favor for the project. She further suggested that perhaps the residents could help their neighbors who may have a financial hardship.
10. Mrs. Lopez, 3544 Garfield Avenue, Highland, expressed support for the project.
11. Melissa Argus, 3516 Garfield Avenue, Highland, spoke in favor of the project.
12. Ms. Morton, 3539 Garfield Avenue, Highland, inquired about an unrelated code enforcement encounter she experienced. The Building Commissioner indicated he would follow-up with her.
13. Mr. Lopez, 3544 Garfield Avenue, Highland, spoke in favor of the project. Expressed concern for those who may have an inability to pay and the timeline for the project.

There were no further comments. The Acting President closed the public hearing.

- (c) Consideration of **Works Board Order No. 2012-10**. Councilor Kuiper moved the passage and adoption of Works Board Order No. 2012-10. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

TOWN OF HIGHLAND
Order of the Works Board No. 2012-10

AN ORDER CONFIRMING WORKS BOARD ORDER NO. 2012-07 ENTITLED "PRELIMINARY ORDER FOR THE GARFIELD AVENUE RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS"

Whereas, On March 26, 2012, the Town Council of the Town of Highland, Indiana adopted Works Board Order No. 2012-07 entitled "*Preliminary Order for Garfield Avenue Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements*", a copy of which is attached hereto and incorporated herein; and

Whereas, The Town Council has held a Public Hearing, after publication and mailing of notice as required by law, and has heard all interested persons regarding Works Board Order No. 2012-07; and

Whereas, The Town Council now desires to confirm Works Board Order No. 2012-07,

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

Section 1. That the Town Council hereby *finds and determines* that the benefits that will accrue to the property liable to be assessed for the improvements (as defined in Works Board Order No. 2012-07) will be in excess of the maximum estimated cost of the improvement.

Section 2. That the Town Council hereby confirms Works Board Order No. 2012-07.

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

Be it So Ordered.

Duly adopted and Ordered by the Town Council, acting as the works board of the Town of Highland, Lake County, Indiana, this 9th day of April 2012 by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

Attest:

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

EXHIBIT

TOWN OF HIGHLAND
Order of the Works Board No. 2012-07

AN ORDER for the PRELIMINARY CONSIDERATION of the GARFIELD AVENUE RECONSTRUCTION PROJECT and FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND and SPECIAL ASSESSMENTS from PROPERTY OWNERS BENEFITING from SUCH IMPROVEMENTS

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

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

Whereas, several residents of the **3500 blocks of Garfield Avenue** have requested consideration of the Town of Highland to install concrete curbs and to replace substandard sidewalks; and

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

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

Whereas, the Town has retained Garcia Consulting to prepare plans and specifications for the **Garfield Avenue Reconstruction Project**; and

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

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

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

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

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

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at **7:00 P.M. on April 9, 2012**, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 26th day of March, 2012 by a vote of 5 in favor and 0 opposed.

/s/Bernie Zemen, President

Attest:

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

Councilor Herak, Councilor Novak and Councilor Kuiper thanked the persons for their comments during the public hearing

Staff Reports:

• **Fire Department Report for February 2012**

	Month	Y.T.D.
General Alarms	11	26
Still Alarms	9	12
Paid still alarms	4	18
Total:	24	

• **Workplace Safety Report for February 2012**

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

Department	Injuries this Month	Year to Date 2012	Total in 2011	Restricted Days 2012	Lost Workdays This Year	Restricted Days Last Year (2011)	Lost Workdays Last Year (2011)
Parks	0	0	0	0	0	0	0
Fire	0	0	1	0	0	1	0
Police	2	4	3	0	0	0	0
Street	0	0	5	0	0	2	0
Water & Sewer	1	1	4	0	0	4	77
Maint.	0	0	1	0	0	0	0
Other	0	0	2	0	0	0	0
TOTALS	3	5	16	0	0	7	77

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

Unfinished Business and General Orders:

1. Action to authorize the proper officer to advertise for a public hearing to consider proposed additional appropriations in the Special Public Safety Fund in the amount of \$24,030.69; in the Corporation General Fund, in the amount of \$160,479.58, funded in part by a reduction of \$70,000; in the Parks and Recreation General Fund in the amount of \$26,642.67, funded in part by a reduction of \$9,800; in the Redevelopment General Fund in the amount of \$2,460.94; in the Motor Vehicle Highway Fund, in the amount of \$24,304.88; in the Sanitary District Operating Fund in the amount of \$6,786.54, and in the Police Pension Fund, the amount of \$27,935.39.

Non-Controlled Fund. Councilor Herak moved to authorize the proper officer to publish the legal notice for a public hearing on additional appropriations in the Special Public Safety

Fund. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Public Hearing was authorized.

Controlled Funds. Councilor Herak moved to authorize the proper officer to publish the legal notice for a public hearing on additional appropriations in the several controlled funds described above. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Public Hearing was authorized.

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

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • 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 congratulated Councilor Zemen on the arrival of his first grandchild.

Councilor Herak noted that April 21 would be the annual Park Pride Day.

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

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities.

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

Councilor Novak had no report.

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

Councilor Kuiper had no report.

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

Council President Zemen was absent.

Comments from the Public or Visitors

1. David Tokar, 2611 Clough Avenue, Highland, reported that he had participated in the sidewalk replacement program and that there was a problem that was not yet remediated. The Public Works Director would follow-up.
2. Ryan Thomas, 3015 W. 98th Place, reported about a neighbor's dog that is not adequately restrained, attached their Labrador. Mr. Thomas was asking about the adequacy of the current dangerous dog ordinance to properly redress this on-going problem. Mr. Thomas asked if the neighbor could be barred from owning any dog. The Acting President indicated that this matter would be studied further at the next study session.

Payment of Accounts Payable Vouchers. Councilor Novak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the

period February 28, 2012 through April 09, 2012. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$159,953.74; Motor Vehicle Highway and Street (MVH) Fund, \$15,784.85; Local Roads and Streets Fund, \$552.84; Law Enforcement Cont. Education and Supply Fund, \$1,613.52; FSA Agency Fund, \$3,717.12; Information and Communications Technology Fund, \$4,217.05; Civil Donation Fund, \$988.59; Safe Neighborhood Grant Fund, \$2,016.00; Sexual Predator Grant Fund, \$2,880.00; Payroll Fund, \$2.89. Total: \$191,726.60.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, April 09, 2012 was adjourned at 8:30 O'clock p.m. There was no study session following the plenary meeting.

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