

**Enrolled Minutes of the Fifty-Third Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, March 08, 2010**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, March 08, 2010 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.

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

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, March 08, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

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

Pat Popa and Pat Dunham of the Select Centennial Commission were also present.

Hon. Dan Stevenson, Sr., Indiana State Representative, District 11, was also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 22 February 2010 were approved by general consent.

**Special Orders:**

1. **Special Presentation:** State Representative Dan Stevenson, Sr. w/ legislative proclamation for Highland Centennial. State Representative Stevenson presented a special **Resolution No. 41** of the **Indiana House of Representatives**, introduced by Rep. Stevenson and Rep. Candelaria-Reardon. Passed in the Indiana House of Representatives on February 18, 2010,

the resolution commemorated the 100<sup>th</sup> Anniversary of the Incorporation of the Town of Highland as a municipality. Representative Stevenson caused the resolution to be framed and the Town Council President accepted on behalf of the Town with thanks.

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Special Events Non Reverting Fund in the amount of \$6,832.00; the General Improvement Fund in the amount of \$3,000.00; the Gaming Revenue Sharing Fund in the amount of \$1,640,346.00; Unsafe Building Fund in the amount of \$42,000.00; and the Select Centennial Commission Fund in the amount of \$26,205.00.**

- (a) Attorney verification of Proofs of Publication:

The TIMES 2 February 2010. The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.

- (c) Action on **Appropriation Enactment No. 2010-07:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the Special Events Non Reverting Fund, the Gaming Revenue Sharing Fund, the Select Centennial Fund, the Unsafe Building Fund and the General Improvement Fund, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq. Councilor Zemen introduced and moved the consideration of Enactment No. 2010-07 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered.

Councilor Zemen moved the passage and adoption of Enactment No. 2010-07 at the same meeting of 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. The Enactment was adopted.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2010-07

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL EVENTS NON REVERTING FUND, THE GAMING REVENUE SHARING FUND, THE SELECT CENTENNIAL FUND, THE UNSAFE BUILDING FUND AND THE GENERAL IMPROVEMENT FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Events Non Reverting Fund**, the **Gaming Revenue Sharing Fund**, the **Select Centennial Fund**, the **Unsafe Building Fund** and the **General Improvement Fund**;

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

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

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Events Non Reverting Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**SPECIAL EVENTS NON-REVERTING FUND:**

Acct. No. 3XX.XX Electrical Improvements:	\$ 6,832.00
<i>Total Series:</i>	\$ 6,832.00

**Total for Fund:** \$ 6,832.00

**Section 2.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**GAMING REVENUE SHARING FUND:**

Acct. No. 2xx.xx Road Salt:		\$ 30,000.00
	<i>Total Series:</i>	\$ 30,000.00
Acct. No. 3xx.xx Construction Engineering Cline Ave:		\$ 579,668.00
	<i>Total Series:</i>	\$ 579,668.00
Acct. No. 4xx.xx Cline avenue Reconstruction Local Match:		\$ 1,030,678.00
	<i>Total Series:</i>	\$ 1,030,678.00
	<b>Total for Fund:</b>	<b><u>\$ 1,640,346.00</u></b>

**Section 3.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Select Centennial Commission Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**SELECT CENTENNIAL COMMISSION FUND:**

Acct. No. 380.01 Bowling Fundraiser Expenses:		\$ 3,705.00
Acct. No. 380.02 Centennial Gala Expenses:		\$ 22,500.00
	<i>Total Series:</i>	<b>\$ 26,205.00</b>
	<b>Total for Fund:</b>	<b><u>\$26,205.00</u></b>

**Section 4.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unsafe Building Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**UNSAFE BUILDING FUND:**

Acct. No. 310.04 Demolition Expenses		\$ 42,000.00
	<i>Total Series:</i>	\$ 42,000.00
	<b>Total for Fund:</b>	<b><u>\$ 42,000.00</u></b>

**Section 5.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**GENERAL IMPROVEMENT FUND:**

Acct. No. 340.03 Recording/Release of Liens		\$ 3,000.00
	<i>Total Series:</i>	\$ 3,000.00
	<b>Total for Fund:</b>	<b><u>\$ 3,000.00</u></b>

**Section 6.** That the aggregate sum of the General Improvement Fund appropriation and all other appropriations to the Fund in the current year do not exceed the equivalent of sixteen and sixty-seven hundredths cents (\$0.1667) on each one hundred dollars (\$100) of net taxable valuation of property in the Municipality, such limitation being in this current year, FY 2010, the *estimated* amount of One million, eight hundred two thousand, three hundred ninety-two dollars (\$ 1,802,392), all pursuant to the provisions of I.C. 36-9-17-5(c).

**Section 7.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 8.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 8th Day of March 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 8<sup>th</sup> Day of March 2010, 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

Mark A. Herak, 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. Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Municipal Cumulative Capital Development Fund in the amount of \$148,679.**

(a) Attorney verification of Proofs of Publication:

The TIMES 23 February 2010. The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.

(b) **Public Hearing.** The Town Council President called the hearing to order.

1. James Diehl, 10104 Kennedy Avenue, Highland, inquired about the purposes of the increased spending.

There were no further comments or inquiries. The Town Council President closed the hearing.

- (c) Action on **Appropriation Enactment No. 2010-08:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the Municipal Cumulative Capital Development Fund, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq. Councilor Novak introduced and moved the consideration of Enactment No. 2010-08 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered.

Councilor Novak moved the passage and adoption of Enactment No. 2010-08 at the same meeting of 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. The Enactment was adopted.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2010-08

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

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

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 6-1.1-18 and I.C. 36-5-3-5;

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

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

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND:

Acct. No. 4XX.XX: Cline Avenue Reconstruction Local match:	\$ 148,679.00
<i>Total Series:</i>	\$ 148,679.00
<b>Total for Fund:</b>	<b><u>\$ 148,679.00</u></b>

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

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

Introduced and Filed on the 8<sup>th</sup> Day of March 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 8<sup>th</sup> Day of March 2010, 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**

**Mark A. Herak, 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)**

4. **Proclamation of the Municipal Executive:** A Proclamation in Recognition of and Declaring March as Developmental Disabilities Awareness Month in the Town of Highland. The Clerk-Treasurer read aloud the above-described proclamation. The Town Council President adopted and executed the proclamation by affixing his signature.

**TOWN OF HIGHLAND  
PROCLAMATION OF the TOWN EXECUTIVE**

**A PROCLAMATION IN RECOGNITION OF MARCH AS DEVELOPMENTAL DISABILITY AWARENESS MONTH**

**Whereas,** The month of March 2010 has been designated as "*Developmental Disability Awareness Month*" by the Governor of the State of Indiana in order to celebrate and recognize people with developmental disabilities; and,

**Whereas,** Developmental Disability is a natural part of the human experience and in no way diminishes the right of individuals with developmental disabilities to live independently, enjoy self-determination, make choices, contribute to society and experience in full the economic, political, social, cultural and educational mainstream of American society; and

**Whereas,** Family members, friends and members of the community can play a central role in enhancing the lives of people with developmental disabilities especially when the family and community are provided with necessary support services and public and private employers are aware of the capabilities of people with developmental disabilities to be engaged in competitive work in inclusive settings; and,

**Whereas,** The goals of this municipality and state properly include providing individuals with developmental disabilities the opportunities and support to make informed choices and decisions, live in homes and communities where such individuals can exercise their full rights and responsibilities as citizens, pursue meaningful and productive lives, contribute to their family, community State and Nation, have interdependent friendships and relationships with others, and achieve full inclusion in society.

**Now, Therefore, I, Mark A. Herak,** by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the month of March 2010, as *Developmental Disability Awareness Month* in the Town of Highland;

**Be it Further Proclaimed,** That the citizens of Highland are hereby called upon to observe the month with appropriate programs and activities; and,

**Be it Still Further Proclaimed,** That the citizens of Highland are hereby encouraged to seek counsel and input from any person or group with knowledge of and expertise in matters concerning developmental disabilities.

**In Witness Whereof,** I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 8<sup>th</sup> day of March in the year, 2010.

TOWN of HIGHLAND, INDIANA  
BY ITS TOWN COUNCIL PRESIDENT

Mark A. Herak

Attest:

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

**Communications:**

1. The Clerk-Treasurer read aloud a letter from the Metropolitan Police Chief reporting from the Traffic Safety Commission an update on the matter of the Main Street Access to Highland Grove Mall, and accident prevention measures. There was no action.

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for February 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	1	0	1	\$33,660.00	\$617.50
Signs:	2	0	2	\$1,086.00	\$509.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	19	19	0	\$112,430.00	\$2,462.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences:	1	1	0	\$1,375.00	\$84.00
Swimming pools:	0	0	0	\$0.00	\$0.00
Drain Tile /Waterproofing:	5	5	0	\$21,144.00	\$574.00
Misc. (water damage repair):	0	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>28</b>	<b>25</b>	<b>3</b>	<b>\$169,695.00</b>	<b>\$4,246.50</b>
<b>Electrical Permits</b>	<b>7</b>	<b>5</b>	<b>2</b>		<b>\$665.00</b>
<b>Mechanical Permits</b>	<b>4</b>	<b>2</b>	<b>2</b>		<b>\$349.00</b>
<b>Plumbing Permits</b>	<b>2</b>	<b>1</b>	<b>1</b>		<b>\$194.00</b>
<b>Water Meters</b>	<b>2</b>	<b>1</b>	<b>1</b>		<b>\$700.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Total:</b>	<b>4</b>	<b>2</b>	<b>2</b>		<b>\$894.00</b>

**February Code Enforcement:** 157 warnings issued and 16 citations were issued.

There were 30 building inspections, 5 plumbing inspections, and 18 electrical inspections. There was one (1) electrical exam given.

• **Fire Department Report for February 2010**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	6	19	24	
Car Fires	1	1	1	
Still Alarms	4	8	16	
Ambulance calls	0	0	0	

• **Workplace Safety Report for February 2010**

There were no incidents reported in February. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	0	0	2	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	1	1	9	0	0	0	0
Street	0	0	4	0	0	0	0
Water & Sewer	0	0	4	0	0	18	82
Maint.	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>TOTALS</b>	0	1	19	0	0	18	82

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

**Unfinished Business and General Orders:**

1. **Works Board Order No. 2010-08:** An Order of the Works Board Accepting the Bid of Republic Services, Incorporation for Collection and Disposal of Refuse and Recyclables and Authorizing the Town Council President to Execute the Agreement and All Documents necessary to Implement the Contract, all Pursuant to IC 36-9-30 Et Seq. *(The agreement increases the current rate paid by the Town by 57¢ per household per month. The rate will increase by 4% each year. The term is for two years with an option to renew two times for an additional year.)*

Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-08. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND  
Order of the Works Board 2010-08**

**An Order of the Works Board Accepting the Bid of Republic Services, Incorporation for Collection and Disposal of Refuse and Recyclables and Authorizing the Town Council President to Execute the Agreement and All Documents necessary to Implement the Contract, all Pursuant to IC 36-9-30 Et Seq.**

**Whereas,** The Town of Highland had prepared specifications, pursuant to IC 36-9-30-5, for the purpose of contracting for services for the Collection and Disposal of Refuse and Recyclables; and

**Whereas,** The Public Works Director had prepared bid specifications for Collection and Disposal of Refuse and Recyclables services and the work was bid in accordance with Section 31.20(H) of the HMC; and

**Whereas,** The following bids as described in the attached exhibit were received at 10:00 a.m. of February 9, 2010:

**Whereas**, the Public Works Director has reviewed the bids and determined that the bid of Republic Services, Incorporated, for the various class of services to be provided, to be the lowest responsive and responsible bid, and

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

**Whereas**, The Town of Highland, through its Board of Works, now desires to accept the bid and award the services contract to Republic Services, Incorporated.

**Now, Therefore, Be it Ordered**, by the Town Council of Highland, Indiana:

**Section 1.** That the Base Bid for the Collection and Disposal of Refuse and Recyclables is hereby accepted as the lowest responsive and responsible bid;

**Section 2.** That the President of the Highland Town Council and Clerk Treasurer are hereby instructed to execute the Agreement and all documents necessary to implement the Contract for services.

**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 8<sup>th</sup> day of March 2010 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, 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 to Works Board Order No. 2010-08**

Standard Bid	Days Per Week	April 1, 2010 to March 31, 2011			April 1, 2011 to March 31, 2012			April 1, 2012 to March 31, 2013			April 1, 2013 to March 31, 2014		
		Base Bid	40 CY Compactor	30 CY Open Top	Base Bid	40 CY Compactor	30 CY Open Top	Base Bid	40 CY Compactor	30 CY Open Top	Base Bid	40 CY Compactor	30 CY Open Top
Waste Management	5	\$ 15.42	\$ 385.00	\$ 325.00	\$ 16.11	\$ 402.00	\$ 340.00	\$ 16.84	\$ 420.00	\$ 355.00	\$ 17.60	\$ 439.00	\$ 370.00
Republic Services, Inc.	1	\$ 14.60	\$ -	\$ -	\$ 15.18	\$ -	\$ -	\$ 15.78	\$ -	\$ -	\$ 16.41	\$ -	\$ -

Alternate Bid	Days Per Week	April 1, 2010 to March 31, 2011			April 1, 2011 to March 31, 2012			April 1, 2012 to March 31, 2013			April 1, 2013 to March 31, 2014		
		Base Bid	40 CY Compactor	30 CY Open Top	Base Bid	40 CY Compactor	30 CY Open Top	Base Bid	40 CY Compactor	30 CY Open Top	Base Bid	40 CY Compactor	30 CY Open Top
Waste Management	5	\$ 15.30	\$ 385.00	\$ 325.00	\$ 15.99	\$ 402.00	\$ 340.00	\$ 16.71	\$ 420.00	\$ 355.00	\$ 17.46	\$ 439.00	\$ 370.00
Republic Services, Inc.	Recyclables	\$ 2.60	\$ -	\$ -	\$ 2.70	\$ -	\$ -	\$ 2.81	\$ -	\$ -	\$ 2.92	\$ -	\$ -
	MSW	\$ 11.50	\$ -	\$ -	\$ 11.96	\$ -	\$ -	\$ 12.43	\$ -	\$ -	\$ 12.93	\$ -	\$ -
	5	\$ 14.10	\$ -	\$ -	\$ 14.66	\$ -	\$ -	\$ 15.24	\$ -	\$ -	\$ 15.85	\$ -	\$ -

Current Contract	Days Per Week	Base Bid	40 CY Compactor	30 CY Open Top
Allied Waste Services	1	\$ 14.03	\$ 345.00	\$ 305.00

- Appropriation Enactment No. 2010-09:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Zemen introduced and moved the consideration of **Enactment No. 2010-09**. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there

were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Kuiper moved the passage and adoption of **Enactment No. 2010-09**. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2010-09

**An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.**

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area**, particularly represented on Clerk-Treasurer's receipt numbers 19617, 21979, and 22301, in the total amount of \$ 3,965.27 as reimbursement in support of overtime costs for detailed personnel;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

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

**Section 1.** That for the actual overtime personnel expenses of said municipality related to the G.R.I.T funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

**Metropolitan Police Department**

Increase Account: #111.30 Sworn Overtime	\$ 3,965.27
<i>Total 100 Series Increases</i>	<b>\$ 3,965.27</b>
<b>Total of All Fund Increases:</b>	<b>\$ 3,965.27</b>

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

Introduced and Filed on the 8<sup>th</sup> day of March 2010. 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 ENACTED AND ADOPTED** this 8<sup>th</sup> Day of March 2010, 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

Mark A. Herak, 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)

- Proposed Ordinance No. 1452:** An Ordinance Amending Schedules in Chapter 131 of the Highland Municipal Code and increasing certain fines that are payable before an admissions Clerk in the Ordinance Violation Bureau, all Pursuant to IC 33-36, IC 36-1-3, IC 36-1-4, IC 36-8

and IC 36-9 et Seq. *Councilor Vassar introduced and filed Ordinance No. 1452. There was no further action.*

4. **Proposed Ordinance No. 1453:** An Ordinance Amending the Ordinance Establishing the Business License and Registration and Establishing a License and Registration Fee. *Councilor Vassar introduced and filed Ordinance No. 1453. There was no further action.*
5. **Proposed Ordinance No. 1454-1431-B:** An Ordinance to Amend A Section of Chapter Fifty-One of the Highland Municipal Code, Particularly Amending Accident Report Service Charges, Pursuant to IC 36-1-3 et seq. and other relevant Statutes. *(At its meeting of 22 February 2010, the Town Council passed Works Board Order No. 2010-07 which approved an online agreement for a provider to distribute the municipal accident reports for \$25 plus a \$4 surcharge. The amendment is to reflect the service charges under the agreement's terms.)*

Councilor Zemen introduced and moved the consideration of **Ordinance No. 1454.1431-B**. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Zemen moved the passage and adoption of **Ordinance No. 1454.1431-B**. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**Ordinance No. 1454.1431-B**  
of the  
**TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND A SECTION OF CHAPTER FIFTY-ONE of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING ACCIDENT REPORT SERVICE CHARGES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.

**WHEREAS**, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units 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**, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services ;and

**WHEREAS**, The Metropolitan Police Department of Highland from time to time performs certain services, unrelated to the course of a lawful arrest or criminal processing, including but not limited to services such as immigration processing fingerprinting, elective protective fingerprinting of minor children for parents or employment processing fingerprinting, as well as limited *background checks*; and

**WHEREAS**, The Metropolitan Police Department of Highland from time to time performs certain services, related to the course of a lawful arrest or criminal processing, particularly related to bondable offenses, but for which added time and paperwork ensue and some convenience is provided in permitting avoidance of incarceration at the County Jail; and

**Whereas**, The Town Board of Metropolitan Police Commissioners has advised the legislative body that a change of the several service charges, established in part to recover costs occasioned by the municipality in the performance of these services, with such charges to be receipted and paid to the municipal treasury, would be desirable in the administration of the municipality and of benefit to the public;

**Whereas**, The Town Council believes that such fees either being changed or established for first time, all established in part to recover costs occasioned by the municipality in the performance of these services, would be necessary or desirable in the administration of the municipality and of benefit to the public;

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

**Section 1.** That the Highland Municipal Code be amended by repealing the section § 51.64 in its entirety and replacing it with a new section, to be numbered as § 51.64, which shall read as follows:

§ 51.64 SCHEDULE OF CHARGES AND FEES

(A) The service charges as set forth and contained in the following Schedule of Charges is fixed pursuant to IC 9-29-11-1(a), which provides that the fee may not be less than \$5.00:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:	
Accident Report Fee provided for a resident:	\$20.00
Accident Report Fee provided for a non-resident:	\$25.00
Accident Report Fee provided for through an on-line provider:	\$25.00*

\*The on-line provider may impose a fee in addition the authorized service charge associated with providing the on-line access.

(B) The Town Clerk-Treasurer (fiscal officer) shall receipt the fees into the fund defined by I.C. 5-2-8-2, the Law Enforcement Continuing Education and Training Fund.

**Section 2** Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 8<sup>th</sup> day of March 2010. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 8<sup>th</sup> Day of March 2010, 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**

Mark A. Herak, 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)

- Instruct the proper officer to publish notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 2010 Budget through departmental reduction for the Office of the Town Council of the Corporation General Fund. *Councilor Zemen moved to instruct and authorize the proper officer to publish notice as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication and hearing were authorized.*

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

- Councilor Bernie Zemen:** • *Park and Recreation Board Liaison* • *Town Board of Metropolitan Police Commissioners* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Chair the Select Centennial Commission* • *Chamber of Commerce, Liaison.*

Councilor Zemen commented on and inquired about a long cue or line of cars waiting to enter the EZ Clean car wash on Indianapolis Boulevard. He noted that the cue or line was stretched into the street and was notably long adversely affecting traffic. It was noted that the owner had been contacted and signs were to be posted stating that standing or stopping on US 41 was prohibited.

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

Councilor Vassar recognized the Redevelopment Director who reported on a Fair Housing Fair that was being conducted on March 25-26 by the Lake County Housing task Force, on which the Redevelopment Director serves.

The Redevelopment Director further reported that the Redevelopment Commission would be soon convening its 2<sup>nd</sup> Light Industrial Owners meeting with ownership from the Industrial Park Zoning Area, near Spring and Industrial Roads.

Councilor Vassar also commended Robin Carlascio of the Idea Factory for the recent municipal newsletters, styled as the "Gazebo Express."

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak suggested that a Traffic Light be considered as a remedy for dealing with the traffic problem at the access from Main Street to the Highland Grove Shopping Mall.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper recognized the Fire Chief who briefly reported on a multi-community response group with which he was participating, practicing responses to possible exigencies related or associated with the Little Calumet River and the flood control levee.

- **Councilor Mark Herak:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Council President Herak offered a summary of matters before the Board of Sanitary Commissioners.

Council President Herak expressed thanks to State Rep. Dan Stevenson for his hand in obtaining the Indiana House resolution commending the Town's Centennial.

#### **Comments from the Public or Visitors**

1. James Diehl, 10104 Kennedy Avenue, Highland, commented unfavorably on having to pay an assessment for the installation and sanitary sewer improvements presently being initiated for his section of Kennedy Avenue by the Board of Sanitary Commissioners.

Mr. Diehl also spoke unfavorably about the speed of cars in front of his house, the noise of loud radios and trash being thrown out by passengers in cars waiting for trains.

2. Alma Diehl, 10104 Kennedy Avenue, Highland expressed concern about the traffic problems at the access point from Main Street to the Highland Grove Mall.

**Payment of Accounts Payable Vouchers.** Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period February 23, 2010 through to March 8, 2010. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$252,883.19 Motor Vehicle Highway and Street (MVH) Fund, \$31,947.20; Forfeit and Seized Assets Fund, \$247.72; Law Enforcement Continuing Education and Training Fund, \$158.58; Flexible Savings Account (FSA) Agency Fund, \$4,071.67; Insurance Premium Fund, \$120,774.17; Gasoline Fund, \$2,019.98; Information and Communications Technology Fund, \$3,901.60; Civil Donation Fund, \$110.89; Special Events Non Reverting Fund, \$4,158.00; Centennial Commission Fund, \$1,219.71; Police Pension Fund, \$58,252.55; Traffic and Law Violations Agency Fund, \$2,478.50; Safe Neighborhood Fund, \$1,393.75; Gaming Revenue Sharing Fund, \$375.00; Corporation Capital Fund, \$24,776.24; Payroll Fund, \$321.30; Total: \$509,090.05.**

**Adjournment.** Councilor Kuiper moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, March 08, 2010** was adjourned at 8:00 O'clock p.m.

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, March 08, 2010 at 8:05 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark A. Herak, Dan Vassar and Konnie Kuiper were present. Councilor Brian Novak was present briefly but departed closely following the start time of the meeting. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Also Present:** Robin Carlascio, Town Newsletter Editor and owner of Idea Factory; Pat Popa and Pat Dunham of the Select Centennial Commission were also present.

#### **General Substance of Matters Discussed**

1. The Town Council and Pat Popa discussed the nature and quality of the placement of a notice for tickets to attend the Centennial Gala on April 10, 2010 as published in a recent edition of the monthly Town newsletter; It was noted that while on the first page, the size and treatment of the notice about the event seemed small compared to other features, including particularly a large graphic amplified short reminder about the Highland Chamber of Commerce's "Breakfast with the Easter Bunny" event.

The discussion included a colloquy among and between the persons present about finding an alternative, effective promotional venue or medium to better promote the specific Gala event and the events related to the Town's Centennial generally. The colloquy further including the nature of support for the Centennial Commission the plans for the celebrating the centennial of the Town's incorporation.

There being no further business to discuss, the Study Session immediately following the Regular Meeting of the Highland Town Council, of **Monday, March 08, 2010 was adjourned at 8:36 O'clock p.m.**

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