

**Enrolled Minutes of the Twenty-Seventh Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, January 26, 2009**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 26, 2009 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 Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to a work commitment. 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 meeting.
2. The Town Council discussed Proposed Ordinance No. 1421.1375-I, particularly whether or not detailing an officer to the multi-jurisdictional GRIT would impair sufficiency of staffing for the Town of Highland.

The study session ended at 7:03 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, January 26, 2009 at 7:05 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 Brian Novak, as acting president, presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

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

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Brian Novak, and Konnie Kuiper. Councilor Dan Vassar was absent owing to a work commitment. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; George Georgeff, Metropolitan Police Commander; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Ed Dabrowski of the Park and Recreation Board; Mark Roorda and Dennis Adams of the Town Board of Metropolitan Police Commissioners; and Lisa Gauthier, Karen Ziants, and Laurel Roach of the Community Events Commission were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 15 January 2009 were approved by general consent.

Special Orders:

1. **Special Presentation:** An Appreciation of Bernie Zemen for service as the 56th President of the Legislative Body. The Acting President presented a plaque honoring Councilor Zemen for his recently concluded service as Town Council President, which read as follows:

On behalf of the people of Highland, the Town Council and the Town Clerk-Treasurer present this special expression of appreciation
to

Bernie Zemen

In recognition of his service to the Town of Highland serving as the Fifty-Sixth President of the Highland Town Council
January through December 2008.

Given on the 26th Day of January 2009 in the Town of Highland, Lake County, Indiana, by its Town Council and Clerk-Treasurer.

Communications:

1. The Clerk-Treasurer read aloud a letter from Bruce Leep communicating his regrets that he must decline the executive appointment to the Redevelopment Commission owing to a competing commitment. The matter was noted.

Appointments:

- **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Redevelopment Commission (2)** appointments to be made by Town Council.

Position currently held by Jim Kessler, expires 1 January 2009.

Position currently held by Greg Kuzmar, expires 1 January 2009.

Councilor Zemen moved that **Adam Gawlikowski**, 10224 Birchwood Circle, Highland, and **Greg Kuzmar**, 3139 Lakeside Drive, Highland be appointed to the Redevelopment Commission. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Kuzmar was reappointed as a legislative appointed and Mr. Gawlikowski was appointed as a legislative appointment. (His prior appointment was as an executive appointment.)

Unfinished Business and General Orders:

1. **Introduced Ordinance No. 1419:** An Ordinance to Establish a Special Committee to Plan, Coordinate, and Implement Appropriate Commemoration of the Centennial Anniversary of the Incorporation of the Town of Highland, Lake County, Indiana, pursuant to IC 36-1-3 and IC 36-10-2 et seq. *The ordinance was introduced and filed by Councilor Vassar at the Town Council meeting of December 22, 2008. There was no further action. The Council allowed it to be delayed from consideration at its meeting of 15 January 2008 to permit added Council review and mark-up.*

Councilor Zemen moved the passage and adoption of Ordinance No. 1419. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

TOWN OF HIGHLAND, INDIANA ORDINANCE NO. 1419

AN ORDINANCE ESTABLISHING A SELECT COMMITTEE TO PLAN, COORDINATE, AND IMPLEMENT APPROPRIATE COMMEMORATION OF THE CENTENNIAL ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, PURSUANT TO IC 36-1-3 AND IC 36-10-2 ET SEQ.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

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

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

WHEREAS, The Town Council as the governing body for the municipality, may establish, aid, maintain, and operate recreation facilities, cultural, historical programs, pursuant to its general culture and recreation powers conferred in IC 36-10-2;

WHEREAS, The Town of Highland, Lake County, Indiana, on April 4, 2010, will mark the centennial of its incorporation as a municipal corporation for the people of Highland;

WHEREAS, It is an accepted convention that the 100th anniversary of incorporation of a community is matter of great pith and moment, and should be commemorated and acknowledged through a series of activities and events with the object of celebrating this notable hallmark of time;

WHEREAS, The Town Council now desires to establish a special or select committee, for which its shall be its charge to plan, coordinate, and Implement such special events and activities so as to appropriately commemorate the centennial anniversary of the Incorporation of the Town of Highland;

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq. and IC 36-10-2 et sequitur;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1 Establishment. That a *Select Centennial Commission* is established to plan, advise, coordinate and implement such special events and activities so as to *appropriately* commemorate the centennial anniversary of the Incorporation of the Town of Highland. All corporate powers of the Town of Highland are vested in the Town Council. No individual member of the Commission or collective action of the Commission may direct action to be taken by the Town Council, any employee or contractor of the Town.

Section 2. Composition.

(A) The Commission shall consist of the following members:

(1) Two representatives of the *Highland Chamber of Commerce*, to be nominated by its governing body or its executive director, as it may direct;

(2) Two representatives of the *Highland Historical Society*, to be nominated by its governing body or its executive body, as it may direct;

(3) A representative of the *Highland Downtown Association*, to be nominated by its governing body or its executive body, as it may direct;

(4) A representative of the *School Town of Highland*, to be nominated by its governing body or its executive body, as it may direct;

(5) A representative of *Our Lady of Grace School*, to be nominated by its governing body or its executive body, as it may direct;

(6) A representative of *Highland Christian School*, to be nominated by its governing body or its executive body, as it may direct;

(7) A representative of *Calvary Christian School*, to be nominated by its governing body or its executive body, as it may direct;

(8) Two representatives of the *Highland Community Events Commission*, to be nominated by its governing body, as it may direct;

(9) Three citizen representatives of the *Town, who are residents*, to be nominated by the municipal legislative body;

(10) **No nominee may be nominated from more than one of the appointing authorities, no appointing authority may share a nominee, nor hold more than one position on the Commission at a time.**

(11) The duly elected and serving Town Council President or the Town Council President's designee, shall be a regular member with all the rights of membership and *shall serve as President of the commission*;

(12) The members of the Highland Town Council shall serve as *ex-officio* members of the commission. This means that councilors may attend meetings, vote and exercise full rights of membership, but such attendance is **not** counted toward a quorum of the commission.

(B) Except for those members who serve *ex-officio*, all members of the Commission shall be appointed by the Town Council President as municipal executive. The municipal executive shall appoint each nominee according to the following:

(1) After the adoption of this ordinance, the clerk of the legislative body shall promptly notify the parties outlined in **Section 2(A)** required to make selections and nominations by this ordinance. The officers required to make selections and nominations shall do so within fifteen (15) days after receiving that notice. Each nominee shall be appointed by the municipal executive within ten (10) days after the municipal executive receives the nominations.

(2) If a nominating party fails to make a nomination within the time specified by Section 2 of this ordinance, the municipal executive may select and appoint a person without a nomination. The municipal executive should take care to appoint persons representing the nominating authorities if possible.

(3) Except for *ex-officio* members, all members serve at the pleasure of the appointing authority. **Except for members ex-officio, the term of office shall be from the time and date of the member's appointment and continuing until June 4, 2011. In the event of a vacancy for any reason, the succeeding members shall be appointed to fill any vacancy in the same manner as the commissioner in respect to whom the vacancy occurs was appointed. A commissioner appointed under this subsection shall serve for the remainder of the vacated term.**

(4) Before beginning a member's duties, each member shall take and subscribe an oath of office in the usual form, to be indorsed upon the certificate of the member's appointment. The certificate shall be promptly filed with the clerk of the legislative body.

(5) The senior management staff person from each Department of the Town shall serve as *ex-officio*, non-voting members of the Commission, offering staff support and advice.

Section 3. Qualifications. No person shall be appointed as voting member of the Commission who has not attained the age of 18 years, who is not either a resident of Highland or associated with a business or organization which is located in Highland. Further, except for the *ex-officio* members, no person shall be appointed as voting member of the Commission who holds any other town office by appointment or election.

Section 4. Compensation and Related matters.

(A) The members of the Commission serve without compensation. However, members may receive reimbursement for expenses necessarily incurred in the performance of a member's duties, subject to law, **and with prior approval of the expense.** Members of the Commission shall not personally accept gifts, gratuities or other consideration from contracted vendors or vendors under consideration for use at a special event.

(B) A faithful performance or surety bond as prescribed by IC 5-4-1 et sequitur in the amount of eight thousand, five hundred dollars (\$8,500) shall be obtained for the Commission to cover the faithful performance of the duties of the officers and members of the Commission, including the duty to comply with IC 35-44-1-2 and the duty to account properly for all monies and property received in consequence of the duties and activities set forth in this ordinance.

(C) The clerk-treasurer shall serve as the purchasing agent for the activities of the Commission, pursuant to Section § 31.19 (D)(10) of the Municipal Code and IC 5-22 et seq.

Section 5. Organization and Structure.

(A) At its first regular meeting each year, the Commission shall elect from its members a president *pro-tempore* and a secretary.

(B) **The president *pro-tempore* shall act as presiding officer during the absence or disability of the commission President. In the event that the president, and the president *pro tempore* are absent, the secretary will preside over the remainder of the body constituting a quorum, which then shall appoint a President *Pro Tempore*, who shall perform the duties of the presiding officer for that meeting.**

(C) *Subject to the provisions of this ordinance, the president, shall preside over the meetings of the commission and shall exercise and perform such duties as are assigned to him or her by this section, as well as perform the duties customary to the office as set forth in the parliamentary authority.*

(D) The Clerk-Treasurer shall serve as Treasurer of the Commission, pursuant to IC 5-13-5-2. In order to assist with the administration of the fiscal affairs of the commission, the clerk-treasurer may either appoint a member of the commission or appoint the duly appointed and serving deputy clerk-treasurer to serve as financial secretary. The

financial secretary shall collect all valid invoices for goods or services obtained in carrying out the lawful purposes of the Commission. The financial secretary shall be responsible for the receipt of applications and associated fees, charges or contributions and properly cause them to be deposited with the Clerk-Treasurer according to the provisions of Section § 32.48. The financial secretary shall prepare and sign accounts payable vouchers to be filed for **allowance by the Town Council all according to IC 5-11-9, IC 5-11-10 and IC 36-5-4 et sequitur.**

(E) The secretary shall be responsible for preparing the agenda for Commission meetings in consultation with the presiding officer and providing public notice of the meetings of the Commission. **The secretary shall provide the agenda to the commission members at least 48 hours before a regular or specially called meeting of the Commission.** The Secretary shall take roll at the meetings of the Commission and shall cause minutes to be kept, showing the vote of the Commission members on each question and on the other official actions of the Commission, all pursuant to IC 5-14-1.5. The Secretary shall maintain copies of communications and reports considered by the Commission. In addition, the Secretary shall perform the duties customary to the office as set forth in the parliamentary authority.

(F) The Commission is a public body and shall comply with the Indiana Open Meetings Act by providing public notice of its meetings consistent with the Open Meetings Act, pursuant to IC 5-14-1.5. Its records shall be considered public records, governed by IC 5-14-3 et seq.

(G) The parliamentary authority for the Commission is Roberts Rules of Order, newly revised, to the extent that it is not inconsistent with Indiana law, the provisions of this ordinance or rules as may be lawfully adopted by the Commission. The Commission may take no action on any agenda item unless a quorum of the Commission is present. A quorum shall be **six eight** regular members of the Commission.

(H) At its first organizational meeting, the Commission shall establish dates and times for its regularly scheduled meetings. In formulating its meeting schedule, the Commission shall attempt to avoid conflict with members' work and vacation schedules. Meetings shall generally be held once per month, unless there is no business to be considered by the Commission. **Further the Commission may meet more frequently as it may direct.** Meeting dates once established shall be filed with the Clerk-Treasurer.

Section 6. Objects and Purposes of the Commission

(A) The Select Centennial Commission is established and *it shall be its duty* to plan, advise, coordinate and implement such special events, programs and activities, and related projects so as to *appropriately* commemorate the centennial anniversary of the Incorporation of the Town of Highland, which occurred on April 4, 1910. Approval of a permit by the Commission is necessary to sponsor a special event, or activity or offer merchandise related to commemorating the centennial anniversary of the Incorporation to assure compliance with policies, rules and regulations, requirements of state law and local ordinances.

(B) The **Select Centennial Commission** shall have the following powers in order to carry out its objects and purposes:

(1) To plan, advise, coordinate, publicize, promote and implement such special events, programs and activities, and related projects so as to *appropriately* commemorate the centennial anniversary of the Incorporation of the Town of Highland;

(2) Authority to approve and issue a permit, including the ability to fix and charge a fee for such permit, to applicants who may desire to sponsor a special event, or activity or offer merchandise related to commemorating the centennial anniversary of the Incorporation;

(3) Authority to solicit donors, contributions and sponsorships in the name of the municipality in order to provide resources to support the commemoration of the centennial anniversary of the Incorporation of the Town of Highland, including conducting activities designed to directly raise money;

(4) Authority to research and apply for grants as may be available in the name of the municipality in order to provide resources to support the commemoration of the centennial anniversary of the Incorporation of the Town of Highland;

(5) To develop and fix a schedule or calendar of events or activities that would commence on or around April 4, 2010 and continue until April 4, 2011;

(6) To appoint any additional standing and/or ad hoc committees to sponsor and produce specific special events;

(7) To recommend to the purchasing agent or the purchasing agency the approval of such contracts or agreements as may be necessary or desirable to carry out the commission's purposes;

(8) To carry-out the forgoing in such manner as to foster the *maximum feasible participation* of the people and associations of the Town of Highland;

(9) To take such steps or measures which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this ordinance as the Commission may deem necessary to conduct its affairs.

Section 7. Reports. The Select Centennial Commission shall prepare and submit an annual report concerning its actions to the Town Council and **Clerk-Treasurer** in December of each year. Further, the Commission shall submit a final report detailing the body of work and activities that were undertaken to *appropriately* commemorate the centennial anniversary of the Incorporation of the Town of Highland. This report should be filed within sixty (60) days following the end of the centennial celebration.

Section 8. Budget and disposition of funds

(A) After a reasonable time, the Commission shall prepare an estimate of the necessary and desirable expenditures and receipts from all sources for the carrying out objects and purposes of the Commission and this ordinance. A budget shall be developed from this estimate shall be submitted to Town Clerk-Treasurer and the Town Council for adoption.

(B) The Town Council shall make a good faith effort to provide appropriations to support the budget as submitted. The activities may be funded by appropriations in the corporation general fund as may be identified by the Town Council, special appropriations in a special fund, appropriations in the fund authorized in Section § 32.44 of the municipal code or any combination of the forgoing.

(C) The clerk-treasurer shall be the approving authority for the expenditures involving a contract valued at less than \$10,000; expenditures greater than \$10,000 require prior approval of the Town Council.

(D) Money procured from fees, charges, royalties, donations, contributions or any other lawful source identified in this ordinance shall be deposited at least **weekly, and more frequently when possible**, with the Clerk-Treasurer.

(E) The Clerk-Treasurer shall deposit the fees and receipt to the credit of the Special Fund as described in this ordinance.

(F) The Clerk-Treasurer shall keep such accounts and perform such other tasks and duties as outlined under IC 5-13-5 and IC 36-5-6.

Section 9. Special Select Centennial Commission Fund

(A) There is hereby authorized, created and established a special non-reverting operating fund, to be called the **Special Select Centennial Commission Fund**, a non-reverting Operating Fund for use by the Town on the in support of the purposes of this ordinance.

(B) That the fund is dedicated and established to provide operating resources for programs, operations and special events undertaken by the Town under advice of its **Select Centennial Commission**, pursuant to the authority of IC 36-10-2, and IC 36-1-3 et seq.

(C) That expenditures from this fund shall be governed by the following provisions:

(1) That expenditures from this fund shall for the purposes and in support of the purposes set forth in this ordinance and according to the laws and relevant guidelines governing the disposition of the assets, which comprise the fund, provided the expenditures shall be only operating in nature;

(2) That neither the establishment nor the purposes of this fund shall be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds of the municipality for the same or similar purposes;

(3) That expenditures from the Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Town Council, all pursuant to IC 5-11-10, IC 36-5-4 and IC 36-5 et seq.;

(D) That the sources of money for the fund are the following:

(1) Gifts, and donations from any person or entity given expressly for the purposes and objects of the fund, unless otherwise directed by action of the Town Council;

(2) Money procured from fees, charges, royalties, donations, contributions, grants or any other lawful source identified in this ordinance;

(3) User fees and other charges which may be authorized and fixed by the Town Council in connection with the purposes of this ordinance, upon the advise of the Select Centennial Commission;

(4) Appropriations in the Corporation General Fund as may be identified by the Town Council, special appropriations in a special fund, appropriations in the fund authorized in Section § 32.44 of the municipal code or any combination of the forgoing that may be transferred into the **Special Select Centennial Commission Fund** by action of the Town Council;

(5) That pursuant to Indiana Code Title 5, Article 13, Chapter 9, and Section § 36.05 of the Highland Municipal Code, moneys in the fund may be invested provided that the yields from the purchase and sale of any such investments are deposited with the fund;

(E) That the appropriations and the cash on deposit to the credit of the fund, shall not revert to any other fund but remain with the **Special Select Centennial Commission Fund** at year end and until such time as an ordinance is passed dealing with the disposition of the assets of this fund or by operation of the provisions of this ordinance;

(F) That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry-out the provisions of this chapter;

(G) That the **Special Select Centennial Commission Fund** may be liquidated by an ordinance approved by the Town Council. Unless otherwise provided by ordinance, the **Special Select Centennial Commission Fund** shall be retired and defeased on January 1, 2012 and after audit by the State Board Accounts. After allowing for any obligations or liabilities, any unobligated balance left on deposit in said fund, such funds shall be **transferred and** revert to the **General Fund Special Events Non Reverting Fund, authorized in Section § 32.44 of the municipal code**, unless otherwise provided by ordinance of the Town Council. The Town Clerk-Treasurer is authorized to carryout the defeasance and transfer of any remaining fund balance.

Section 10. That in addition to the fees set forth in Section § 32.47 of the Highland Municipal Code, *or any which may be raised under the authority of* Sections §32.40 thorough § 32.45 of the municipal code, in order to provide support for the activities associated with the commemoration of the centennial of the incorporation of the Town of Highland, a special event surcharge in the amount of ten percent (10%) shall be applied to the **gross proceeds of the special event fees and charges collected under that section, Section §32.44(D)** of the municipal code, which shall be then deposited into the **Special Select Centennial Commission Fund**. The surcharge shall be imposed and effective from and after the passage and adoption of this ordinance and remain in force and effect until December 31, 2010. **The Clerk-Treasurer shall be authorized to determine the frequency and manner of the collection and deposit of the surcharges.**

Section 11. Retirement and Dissolution of the Select Centennial Commission. On July 1 first following the submission and filing of the final report of the Commission as described in Section 7 of this Ordinance, the Select Centennial Commission shall be **disbanded** and **dissolved**. Any and all of its assets shall revert to the Town of Highland. The Town Council shall conduct a decommissioning by acknowledging the receipt of the Commission's final report and its work. The acknowledgment shall take place in an open meeting of the Town Council. It shall be permissible for the Town Council to confer upon the members then serving and others an appropriate token of acknowledgement and appreciation of service to the community, which may be in the form of a certificate, a plaque, or a commemorative medal as the Town Council may direct.

Section 12 Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force or effect.

Section 13. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 22nd Day of December 2008. Consideration on same day or at same meeting of introduction was not taken up, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 26th Day of January 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting 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. 1420:** An Ordinance to Amend the Sections in the Municipal Code fixing Special Event Fees and Ratifying Fees imposed in FY 2008. Councilor Herak introduced and filed Ordinance No. 1420. There was no further action.
- Proposed Ordinance No. 1421.1375-I:** An Ordinance to Amend the Wage and Salary Ordinance, authorizing retention of rank with reduction in pay for ranks of Sergeant and Corporal in consequence of specialty assignments or details.

Councilor Herak introduced and moved the consideration of Ordinance No. 1421.1375-I, at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1421.1375-I, at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1421.1375-I
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND THE ORDINANCE FIXING THE WAGE and SALARY RATES of the EMPLOYEES of the TOWN of HIGHLAND, INDIANA for 2008, in the PUBLIC WORKS DEPARTMENT.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, previously acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

Provision One: That subdivision (b) of Section 10 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new subdivision which shall be identified as subdivision (b) of Section 10 which shall read as follows:

Section 10. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Metropolitan Police Department** as follows:

(b) **Sergeants and Corporals**

(1)	Rank or Grade	Starting Rate	Incumbent Rate
	Sergeant (8)	\$2,190.68 \$	2,190.68 bi-weekly
	Corporal (10)	\$2,067.86 \$	2,067.86 bi-weekly

(2) In the event that the Town Board of Metropolitan Police Commissioners determine that is desirable or necessary to assign or detail an officer holding the rank or grade of **Sergeant** or **Corporal** to a specialty assignment or division transfer to the Crime Impact Unit of the Highland Police Department (CIU/HPD) or participates in a Multi-Jurisdictional law enforcement assignment (GRIT/FBI), while in that detail or on that assignment, the officer is to be paid at the rate set forth below, without loss of rank, and provided that the assignment and associated pay is *position-directed*, or *economically based*, and *non-disciplinary* in purpose:

Rank or Grade	Starting Rate	Incumbent Rate
Sergeant	\$2,067.86	\$2,067.86 bi-weekly
Corporal	\$2,021.67 \$	2,021.67 bi-weekly

- (3) An assignment as described above will not modify in any way the authorized limit for the rank of Sergeant or Corporal as set forth in subdivision (b)(1) of this section.

Provision Two: (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the provisions regarding wage changes set forth in provision one of this ordinance shall be effective retroactively from January 5, 2009.

(C) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes occurring between the effective date(s) set forth retroactively in this ordinance and the date of its passage and adoption;

Introduced and Filed on the 26th day of January 2009. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 26th day of January 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting 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. Action to authorize and ratify the actions of Councilor Zemen in making a series of formal (counter) offers to purchase seller's property located at 3309 Ridge Road, Highland, during the dates of December 23, 2008 through January 20, 2009 with the fourth and final counter offer accepted by the seller on January 21, 2009, pursuant to IC 36-1-4-5 and IC 36-1-4-16.

Councilor Zemen moved to authorize ratify the actions as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The actions of Councilor Zemen as described herein were ratified and approved.

5. **Works Board Order No. 2009-03:** An Order of the Works Board Authorizing and Approving a Contract for Purchase the Property Located at 3309 Ridge Road, Highland, for a price of \$52,500, in "as is " condition, contingent upon court approval and upon availability of Town funds. Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-03. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2009-03**

An Order of the Works Board Authorizing and approving an Offer and purchase agreement and price for the property at 3309 Ridge Road, Highland, in the amount of \$52,500 contingent upon court approval and funding, and authorizing the payment or deposit of earnest money in the amount of \$2,000, pursuant to IC 36-1-4-5 and IC 36-1-10.5-5.

Whereas, The Town Council as the fiscal body and purchasing agency for the Municipal Corporation did pass and adopt **Resolution No. 2008-15** at its meeting of April 14, 2008, in which it expressed interest in the possible acquisition of Highland properties located at 3309 and 3315 Ridge Road, and instructed the Public Works Director to acquire two appraisals of the properties pursuant to IC 36-1-10.5-5 et seq.;

Whereas, Pursuant to the foregoing, the Public Works Director engaged the appraisal services of Bochnowski Appraisal Company and KVT, Incorporated, both trained and licensed as brokers under IC 25-34.1, to appraise the fair market value of the property located at 3315 Ridge Road and 3309 Ridge Road;

Whereas, Bochnowski Appraisal Company and KVT, Incorporated have prepared and submitted written appraisals for the properties located at 3315 and 3309 Ridge Road and have determined the fair market value as follows:

<u>Location</u>	<u>Bochnowski</u>	<u>KVT, Inc.</u>	<u>Average</u>
3315 Ridge Road	\$133,000.00	\$132,000.00	\$132,500.00
3309 Ridge Road	\$106,000.00	\$104,000.00	\$105,000.00

Whereas, Councilor Zemen made a series of counter offers to offers for sale made by sellers of property at 3309 Ridge Road, Highland, ending with counter offer 4, made by Councilor Zemen on January 20, 2009, offering a purchase price that has been accepted by the seller, *provided the offer is approved by 5:00 p.m. January 27, 2009*;

Whereas, The seller has presented a real estate sales agreement in support of the offer made by the Town Council President and the acceptance; and,

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17 (A) (1) of the HMC serves as purchasing agency for the Municipal Corporation;

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency;

Whereas, The source of funding and the manner of financing have yet to be determined so there is at present no sufficient appropriation in order to support the purchase, but as evidence of good faith, a payment of \$2,000 earnest money is due as part of the forgoing agreement; and

Whereas, The Town Council now desires to approve acquisition of the property described herein and authorize the proper officers to complete the purchase pursuant to the terms stated herein,

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

Section 1. That the purchase of the property located at **3309 Ridge Road, Highland**, for a purchase price of \$52,500 is authorized and approved contingent upon the approval of the court supervising the property and upon the determination and availability of financing;

Section 2. That the payment of earnest money in the amount of \$2,000 is hereby authorized to evidence the good faith of the municipal corporation in this matter, subject to IC 5-11-10 and IC 36-5-4;

Section 3. That the land purchase agreement presented as an **exhibit** to this works board order is hereby approved in all respects, contingent upon financing, and subject to the laws of the state of Indiana and the ordinances of the Town of Highland;

Section 4. That the proper officers of the municipality are hereby authorized to execute all documents necessary to implement the purchase of the property subject to the contingencies herein provided;

Section 5. That the care and maintenance of the property at 3309 and 3315 is hereby assigned to the Public Works Department, and the cost of any utilities from these properties to be paid from the proper budget.

Section 6. That the Municipal Fiscal Officer and the Town Council attorney are hereby authorized to take the necessary measures to identify and secure the most optimum manner of financing for the purchase of the property subject to the constraints of current financial circumstances and financing environment, to carryout the purchase of this property.

Be it So Ordered.

Duly, Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana this 26th day of January 2009 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, Acting 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)

Agreement as exhibit is on file

Committee Reports

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison* • *Plan Commission member* • *Chamber of Commerce Co-Liaison* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Selection Centennial Commission.*

Councilor Zemen noted that an orientation meeting would be conducted for the new member of the Redevelopment Commission, Tom Crowell. Further it was noted that the Redevelopment Commission would be reviewing its program and goals with the Town Council.

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison* • *Board of Waterworks Directors Liaison* • *Community Events Commission, Liaison.*

Councilor Herak noted that three new members had been appointed to the Board of Sanitary Commissioners and noted the board was researching whether or not offering grants to support the installation of overhead plumbing in private residences was lawful. This was an element described in the comprehensive storm and waste water remedial proposal presented by the Public Works Director to deal with the flood problems that have occurred during certain rain events in town.

- **Councilor Brian Novak:** *Town Board of Metropolitan Police Commissioners, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak, serving as Acting President, noted that the Plan Commission recently elected its officers for 2009, Mario Martini as President, Dan Grimmer as Vice President and James Slagle as Secretary.

- **Councilor Konnie Kuiper:** *Fire Department Liaison* • *Park and Recreation Board, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper read aloud a letter from a Mr. Snyder, who wrote to commend the response of the Highland Police Department to a recent incident at his home. Councilor Kuiper also commended the Police Department, noting that Mr. Snyder's letter noted by name Sergeant Banasiak, Officer Hillendbrand, and Officer Snow. Councilor Kuiper also noted that the letter was accompanied by a check making a donation to the Highland F.O.P.

- **Councilor Dan Vassar:** *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners.*

Councilor Vassar was absent owing to a work commitment.

Comments from the Public for Matters not on the Agenda

1. Dennis Adams, 8421 Delaware Place, Highland, relayed a favorable comment, he attributed to Mr. Finke of the former Finke's Nightclub, in which Mr. Finke complimented the police department for its response to an incident involving him.
2. John Bach, Public Works Director, with leave from the Town Council, rose to respond to a resident's phone inquiry he received regarding the prospect of raising the Kennedy Avenue Bridge over the Little Calumet River, to bring it to the elevation of the flood control levee. Mr. Bach reported that the Lake County Highway Department, would be meeting on February 5, 2009 to discuss the matter.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Zemen moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period January 16, 2009 through to January 26, 2009. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$362,676.27; Motor Vehicle Highway and Street (MVH) Fund, \$41,889.45; Law Enforcement Cont. Education and Supply Fund, \$4,198.99; Corporation Bond and Interest Fund, \$70,062.56; Gasoline Fund, \$29,251.64; Information and Communications Technology Fund, \$6,421.05; Special Events Non-Reverting Fund, \$5,000.00; Police Pension Fund, \$125.00; Municipal Cumulative Capital Development Fund, \$31,013.12; Traffic Violations Agency Fund, \$3,096.00; Safe Neighborhood Grant Fund, \$1,615.38; Gaming Revenue Sharing Fund, \$10,900.00; Corporation Capital Fund, \$12,874.65; Total: \$579,124.11.

Adjournment. Councilor Zemen moved that the meeting be adjourned. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, January 26, 2009 was adjourned at 7:40 O'clock p.m.

There was no study session following the meeting.

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