

**Enrolled Minutes of the Ninetieth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, July 13, 2015**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 13, 2015 at 6:46 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner 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 agenda of the imminent regular meeting.
2. The Town Council, the Town Attorney, and the Town Clerk-Treasurer discussed the recent ruling of the Indiana Court of Appeals in favor of the customer communities in the still ongoing litigation between the Hammond Sanitary District and the several customer communities regarding the validity of the current treatment contract between and among the several communities.

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, July 13, 2015 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, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Bob Johnsen, Assistant Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Cecile Petro, Redevelopment Director were present.

Also present: George Georgeff, Police Commander; Greg Kuzmar, Redevelopment Commission; Steve Mileusnich of the Advisory Board of Zoning Appeals; Ed Dabrowski IT Director (Contract); and Randy Bowman, Assistant Inspector for Electrical were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of June 15, 2015 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2015 Budget for the Hazardous Materials Response Fund in the amount of \$3,600.00.
 - (a) Attorney verification of Proofs of Publication: The TIMES 19 June 2015. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council called the public hearing to order. There were no comments or objections. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2015-27:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Hazardous Materials Response Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Kuiper introduced and moved the consideration of Enactment No. 2015-27 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at its same meeting of introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2015-27 at the same meeting of its 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 enactment was adopted at its same meeting of introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2015-27**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the HAZARDOUS MATERIALS RESPONSE FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Hazardous Materials Response 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 **Hazardous Materials Response Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

HAZARDOUS MATERIALS RESPONSE FUND

Acct. No. 2XX.XX MSA Altair Haz Mat Gas Detectors:	\$ 3,200.00
Acct. No. 2XX.XX Haz Mat Isolation Kits	\$ 125.00
Acct. No. 2XX.XX Haz Mat PPV Ventilation Fan Premix	<u>\$ 275.00</u>
<i>Total Series:</i>	\$ 3,600.00

Fund Total: \$ 3,600.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

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

Introduced and Filed on the 13th Day of July 2015. Consideration on the 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 13th Day of July 2015, 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

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

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

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2015 Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of \$27,720.00.

- (a) Attorney verification of Proofs of Publication: The TIMES 19 June 2015. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council called the public hearing to order. There were no comments or objections. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2015-28:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Municipal Cumulative Capital Development (MCCD) Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Zemen introduced and moved the consideration of Enactment No. 2015-28 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at its same meeting of introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2015-28 at the same meeting of its introduction, approving only the amount of \$8,600. 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 enactment was adopted at its same meeting of introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2015-28

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

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

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

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

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

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Increase:	Proposed:	Approved:
Acct. 3XX.XX Street Light Replacement:	\$ 8,600.00	\$ 8,600.00
	<i>Total Series:</i>	\$ 8,600.00
Increase:	Proposed:	Approved:
Acct. 4XX.XX Pedestrian Crosswalk Signals:	\$ 19,120.00	\$ 00.00
	<i>Total Series</i>	\$ 00.00
Fund Total:	\$ 27,720.00	\$8,600.00

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 13th Day of July 2015. Consideration on the 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, ENACTED AND ADOPTED this 13th Day of July 2015, 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**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

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

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for June 2015**

Permit Type	Numb	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	5	0	5	\$554,064.00	\$6,934.00
Signs:	3	0	3	\$7,200.00	\$855.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	1	1	0	\$25,500.00	\$445.00
Residential Remodeling:	72	72	0	\$650,800.00	\$10,830.00
Garages:	2	2	0	\$32,450.00	\$754.00
Sheds:	2	2	0	\$15,924.00	\$360.50
Decks & Porches:	11	11	0	\$55,357.00	\$2,420.00
Fences	21	21	0	\$58,584.00	\$1,903.50
Swimming Pools	6	0	6	\$0.00	\$438.00
DrainTile/ Waterproofing	3	3	0	\$29,777.00	\$527.00
Miscellaneous	4	3	1	\$100,000.00	\$334.50
TOTAL:	130	115	15	\$1,529,656.00	\$25,801.50
Electrical Permits	22	21	1		\$1,634.50

Mechanical Permits	26	22	4		\$2,086.00
Plumbing Permits	13	8	5		
Water Meters	7	1	6		\$4,613.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	20	9	11		\$4,613.00

June Code Enforcement:

Investigations: 262
Citations: 20

June Inspections:

Building: 39 Electrical: 44 Plumbing: 17 HVAC 19
Electrical Exams: 2

• **Fire Department Report for June 2015**

	Month	1st half of year
General Alarms	9	56
Still Alarms	2	30
Paid still alarms	7	45
Total:	18	

• **Workplace Safety Report for May 2015**

There was one incident to report for May. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2015	Total in 2014	Restricted Days 2015	Lost Workdays This Year (2015)	Restricted Days Last Year (2014)	Lost Workdays Last Year (2014)
Parks	0	0	1	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	0	2	0	0	0	1
Street	0	2	2	0	0	0	0
Water & Sewer	1	1	7	0	0	170	56
Maint.	0	0	3	0	0	35	47
Other	0	0	1	0	0	0	0
TOTALS	1	3	16	0	0	205	104

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.

• **Workplace Safety Report for June 2015**

There was one incident to report for June. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2015	Total in 2014	Restricted Days 2015	Lost Workdays This Year (2015)	Restricted Days Last Year (2014)	Lost Workdays Last Year (2014)
Parks	0	0	1	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	0	2	0	0	0	1
Street	0	2	2	0	0	0	0

Water & Sewer	1	2	7	0	0	170	56
Maint.	0	0	3	0	0	35	47
Other	0	0	1	0	0	0	0
TOTALS	1	4	16	0	0	205	104

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.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time)

(Appointments have been placed on agenda in case there is readiness to act)

Home Rule Commissions

1. **Community Events Commission:** (3) appointments to be made by the Town Council President. **Term: 4 years.** *(Note: currently one vacancy with term expiring on Jan 1 2019; one vacancy expiring 2017, one vacancy term whose expired 2018 that has not been filled)*

The Town Council President, as municipal executive, announced his appointment of **Elmo Parlor, 3044 Duluth Avenue, Highland** to an executive position in a multi-year appointment, expiring 2017 on the Community Events Commission. It was noted that this would create a vacancy on his former position in one of the annual term legislative appointments.

Legislative Appointments

2. **Community Events Commission:**

Removal of Commission members. Councilor Zemen moved that **Marie and Philip Culbertson** 3118 Ridge Road, Highland, be recalled and removed from the Community Events Commission. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The persons named were recalled and removed from the Community Events Commission.

It was noted that with the previous actions, there then were three vacancies in legislative appointments with terms all expiring in January 2016.

Appointments of members for balance of unexpired terms.

Councilor Vassar moved the appointment of **Alayna Kaim**, 3620 42nd Place, Highland, Indiana; **Christopher Kornaus**, 8216 Grace Place, Highland; and **Deanna Christ**, 8216 Grace Place, Highland, to the unexpired terms just vacated from the Community Events Commission, all with terms expiring in January 2016. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The three named persons were appointed.

Unfinished Business and General Orders:

1. **Resolution No. 2015-29:** An Exigent Resolution Providing For The Transfer of Appropriation Balances From and Among Major Budget Classifications in the **Shared Ethics Initiative Fund** as Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2015-29. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2015-29

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SHARED ETHICS INITIATIVE FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Shared Ethics Initiative Fund**;

NOW, THEREFORE BE IT RESOLVED 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Shared Ethics Initiative Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SHARED ETHICS INITIATIVE FUND

Reduce Account:		
#380.13 Ethics Summit:		\$ 2,805.00
	<i>Total 300 Series Decreases</i>	\$ 2,805.00
Increase Accounts:		
#200.01 Miscellaneous Supplies		\$ 2,805.00
	<i>Total 200 Series Increases</i>	\$ 2,805.00
Total of All Fund Decreases:		\$2,805.00
Total of All Fund Increases:		\$2,805.00

Section 3. That this resolution is contingent upon and subject to the concurrent action of the Board of Joint Delegates of the Shared Ethics Entity, which is expected to be taken up at its nearest scheduled meeting, with its concurrence and favor.

DULY RESOLVED and ADOPTED this 13th Day of July 2015 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

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

- Proposed Enactment No. 2015-30:** An Exigent Resolution Providing For The Transfer of Appropriation Balances From and Among Major Budget Classifications in the **Corporation Capital Fund** as Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Vassar introduced filed proposed Enactment No. 2015-30. There was no further action.

3. **Proposed Ordinance No. 1595:** An Ordinance of the Town Authorizing Issuance of a Promissory Note in the amount of \$1,700,000. *The Town Council at its Meeting of April 27, 2015 passed and adopted Works Board Order No. 2015-12, identifying and approving a resurfacing and repair plan for several streets, local roads and public ways in the Town, in the estimated cost of \$1,663,580. This step is to provide financing for the approved street resurfacing program for 2015.*

Councilor Vassar introduced and moved the consideration of Proposed Ordinance No. 1595 at the same meeting of its introduction. Councilor Kuiper 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 its same meeting of introduction.

Councilor Vassar introduced and moved the passage and introduction of Proposed Ordinance No. 1595 at the same meeting of its 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 at its same meeting of introduction.

EXHIBIT "A"
ORDINANCE NO. 1595
OF THE TOWN OF HIGHLAND, INDIANA

AN ORDINANCE AUTHORIZING ISSUANCE OF PROMISSORY NOTE

WHEREAS, The Town of Highland, Lake County, Indiana (the "Town") is a Town organized and existing under the provisions of Indiana Code 36-5; and

WHEREAS, The Town Council of the Town (the "Town Council") finds that the present facilities of the Town are not adequate to provide the proper services to present and future Town residents utilizing its facilities; and

WHEREAS, The Town Council finds that there are not sufficient funds available or provided for in existing tax levies with which to pay the total cost of the street repair and street maintenance paving project in said Town as approved by the Town Council with its works board order No. 2015-12 (the "Project"), and that the Town should issue a promissory note in the amount not to exceed \$1,700,000 for the purpose of providing funds to be applied on the Project, and that promissory note in such amount should now be authorized; now therefore,

BE IT ORDAINED by the Town Council that, for the purpose of obtaining funds to be applied on the cost of the Project, there shall be issued and sold the negotiable, general obligation of the Town to be designated as "General Obligation Promissory Note of 2015." Said note shall be in the principal amount of not to exceed One Million Seven Hundred Thousand Dollars (\$1,700,000), bearing interest at a rate or rates not exceeding four percent (4%) per annum (the exact rate or rates to be determined through negotiations with a financial institution), which interest shall be payable beginning July 1, 2016, and semi-annually thereafter on January 1 and July 1 in each year. The note shall be fully registered in the name of the financial institution which owns the note and shall be paid in installments on January 1 and July 1 over a period ending not later than January 1, 2020, on the dates and in the amounts as determined at the time of sale of the note, provided that the installment payment schedule shall provide approximately level annual payments over the life of the note.

The original date shall be the date of delivery of the note. Principal and interest installment payments shall be payable by check mailed one business day prior to the interest payment date or by wire transfer on the payment date to the person in whose name the note is registered on the register maintained at the office of the Clerk-Treasurer of the Town (the "Registrar and Paying Agent"), as of the twenty-fifth day of the month immediately preceding such interest payment date. The note is transferable by the registered owner at the designated office of the Registrar and Paying Agent upon surrender and cancellation of the note and on presentation of a duly executed written instrument of transfer, and thereupon a new note of the same aggregate outstanding principal amount and maturity will be issued to the transferee or transferees in exchange therefor.

The Town agrees that on or before the fifth business day immediately preceding any payment date, it will deposit with the Registrar and Paying Agent funds in an amount equal to the principal and interest installment payment on the note, which shall become due on the next payment date. Funds to pay the principal and interest installment payments on the note shall come from property taxes levied and collected on taxable property within the Town or from any other revenue source legally available to the Town.

In connection with any notice or other communication to be provided to owner of the note by the Town or the Registrar with respect to any consent or other action to be taken by owner of the note, the Town or

the Registrar, as the case may be, shall establish a record date for such consent or other action and give notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

The note may be subject to optional redemption prior to maturity based upon negotiations with the financial institution which agrees to purchase the note. Official notice of any allowed redemption shall be mailed by the Town or Registrar and Paying Agent to the registered owner of the note, not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption. The cost and expenses of the preparation and mailing of said notices of redemption shall be paid by the Town.

Such notice having been mailed as above provided, the amount of the note designated for redemption shall, on the date specified in such notice, become due and payable at the then applicable redemption price, at the place at which the same is expressed in such notice to be redeemable. Such amount of the note shall be redeemed by the Registrar and Paying Agent on behalf of the Town by the payment of such redemption price to registered owner out of funds held by the Registrar and Paying Agent for that purpose. From and after the date of redemption so designated, unless default shall be made in the redemption of the note upon presentation, interest on amount of the note designated for redemption shall cease. If not so paid on presentation thereof, the note shall continue to bear interest at the rate therein specified.

If, when the note authorized hereby shall have become due and payable in accordance with their terms, the whole amount of the principal and the interest and the premium, if any, so due and payable upon the amount of the note then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America the principal of and interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held by the Registrar and Paying Agent for such purpose under the provisions of this Ordinance, and provision shall also be made for paying all Registrar and Paying Agent's fees and expenses and other sums payable hereunder by the Town, then all moneys, obligations and time certificates of deposit held by the Registrar and Paying Agent pursuant to this paragraph shall be held in trust and said moneys and the principal and interest of said obligations and time certificates of deposit when received, applied to the payment, when due, of the principal and the interest, and registered owners of the note shall not be entitled to payment of any principal and/or interest from Town. The Registrar and Paying Agent shall within thirty (30) days after such obligations or time certificates of deposits shall have been deposited with it, cause a notice signed by the Registrar and Paying Agent to be mailed to the registered owners of the note setting forth (a) a description of the obligations so held by it, and (b) that the registered owner shall be entitled to be paid principal and/or interest from such funds and income of such securities held by Registrar and Paying Agent and not from Town.

Said note shall be executed in the name of Town by the manual or facsimile signature of the President of its Town Council, and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town Council, who shall cause the seal of the Town to be imprinted or impressed on the note. In case any official whose signature or facsimile of whose signature shall appear on the note shall cease to be such officer before the issuance or delivery of such note, such signature or such facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

In order to preserve the exclusion of interest on the note from gross income for federal income tax purposes and as an inducement to purchaser of the note, the Town represents, covenants and agrees that:

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

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

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

(d) The Town will file an information report form 8038-G with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

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

The Town represents that it reasonably expects that tax-exempt bonds, warrants and other evidences of indebtedness issued by or on behalf of it or any subordinate entity, during the calendar year in which the note will be issued will be less than \$10,000,000 principal amount. This amount includes all obligations issued by, or on behalf of the Town and subordinate entities, including building corporation bonds. At least 95% of the net proceeds of the note shall be used for governmental activities of Town. The Town hereby designates the note as a qualified tax exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

The note shall be issued in substantially the following form, all blanks to be filled in properly prior to delivery:
Registered
Registered
No. 1 \$1,700,000

UNITED STATES OF AMERICA
State of Indiana County of Lake

TOWN OF HIGHLAND
GENERAL OBLIGATION PROMISSORY NOTE OF 2015

<u>Interest Rate</u>	<u>Final Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>	<u>CUSIP</u>
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Registered Owner:

Principal Sum: ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS

Town of Highland, Lake County, Indiana (the "Town"), a town organized and existing under the laws of the State of Indiana, in Lake County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner (named above), the Principal Sum set forth above in installments of \$_____ on each January 1 and July 1 beginning July 1, 2016, and to pay interest on the outstanding Principal Sum at the Interest Rate per annum set forth above from the Original Date, which interest is payable on July 1, 2016, and each January 1 and July 1 thereafter until the full Principal Sum has been paid. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Principal and interest shall be payable by the Clerk-Treasurer of the Town, Highland, Indiana (the "Registrar and Paying Agent"), by check mailed one business day prior to the interest payment date or by wire transfer of immediately available funds on the interest payment date to the registered owner. Payment shall be made to the person in whose name this note is registered as of the twenty-fifth day of the month immediately preceding such interest payment date. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Registrar and Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the registered owner by 2:30 p.m. (New York City time).

This note is issued by Town pursuant to an ordinance adopted by the Town Council of said Town on July 13, 2015 (the "Ordinance"), and in strict accordance with the governing statutes of the State of Indiana, particularly Indiana Code 36-5 and 35-9-41, for the purpose of providing funds to be applied on the cost of the street repair and street maintenance paving project in said Town.

The note [is] [is not] subject to optional redemption prior to maturity.

[Notice of redemption identifying the principal amount of the note to be redeemed will be mailed to the registered owners of note.

If all or a portion of this note is called for redemption, and payment is made to the Registrar and Paying Agent in accordance with the terms of the Ordinance, the portion of the note paid shall cease to bear interest from and after the date fixed for the redemption in the call.]

This note is transferable by the Registered Owner hereof at the office of the Registrar and Paying Agent, upon surrender and cancellation of this note and on presentation of a duly executed written instrument of transfer and thereupon a new note of the unpaid principal amount and maturity will be issued to the transferee or transferees in exchange therefor.

The Town and the Registrar and Paying Agent may deem and treat the person in whose name this note is registered as the absolute owner hereof.

It is hereby certified and recited that all acts, conditions and things required by the laws and constitution of the State of Indiana to be done precedent to and in the issuance, sale and delivery of this note have been properly done, happened and performed in regular and due form as provided by law, and that the

note does not exceed any constitutional or statutory limitation of indebtedness. The full faith and credit of Town is hereby irrevocably pledged to the punctual payment of the principal of and interest on this note according to its terms and the Town will levy a tax and appropriate funds to pay such principal and interest.

The Town has designated this note a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

IN WITNESS WHEREOF, Town has caused this note to be executed in its name by the manual or facsimile signature of the President of its Town Council and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town.

TOWN OF HIGHLAND,
LAKE COUNTY, INDIANA

By: _____
Mark A. Herak, President, Town Council

Attest:

By: _____
Michael W. Griffin, IAMC/MMC/CPFA/
CPFIM/CMO, Clerk-Treasurer

[End of Note Form]

BE IT FURTHER ORDAINED that the Clerk-Treasurer of the Town be and is hereby directed to give notice of the determination of the Town Council to issue the promissory note to fund the Project. Such notice shall be published one time in The Times and The Post-Tribune within thirty (30) days of adoption of this Ordinance.

BE IT FURTHER ORDAINED that prior to the sale of said note to a financial institution, the Clerk-Treasurer is hereby directed to seek to obtain quotes from financial institutions, and the award shall be made by the Clerk-Treasurer to the financial institution that presents the best quote in the judgment of the Clerk-Treasurer. As part of the delivery of the note to the purchaser, the opinion of Shanahan & Shanahan LLP, bond counsel of Chicago, Illinois, approving the legality of said note, will be furnished to the purchaser at the expense of the Town. The terms of the sale may contain such other terms and conditions as the attorney for the Town shall deem advisable.

BE IT FURTHER ORDAINED that the matter of appropriating the proceeds of the note authorized at this meeting be taken up for consideration as soon as notice of the hearing on said appropriation can be given as provided by law, and that the Clerk-Treasurer of the Town be and he hereby is directed to give notice of the public hearing to be held prior to the final action on such appropriation, which notice shall be published twice, one week apart, in The Times and The Post-Tribune; also, that said notice shall be posted in three (3) public places in the Town, and that such first publication and posting shall be made at least ten (10) days prior to the date set for such public hearing.

Introduced and Filed on the 13th day of July 2015. Consideration on First Reading Sustained a vote of 4 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 13th Day of July 2015, 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**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

4. **Proposed Ordinance No. 1596:** An Ordinance of the Town of Highland, Indiana, Concerning the Funding of Capital Improvement Project by the Highland Waterworks District through the Issuance and Sale of Bonds and other Matters Connected Therewith. *The Board of Waterworks Directors at a special meeting convened on Thursday July 9, 2015 took steps to authorize the issuance of special taxing district bonds in the amount of \$1.2 million, in order to provide financing on the Kennedy Avenue Water Main replacement and Repair Project. This step is needed to authorize the process further.*

Councilor Kuiper introduced and moved the consideration of Proposed Ordinance No. 1596 at the same meeting of its introduction. Councilor Vassar 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 its same meeting of introduction.

Councilor Kuiper introduced and moved the passage and introduction of Proposed Ordinance No. 1596 at the same meeting of its introduction. Councilor Zemen 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 at its same meeting of introduction.

EXHIBIT C

**ORDINANCE NO. 1596
OF THE
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE OF THE TOWN OF HIGHLAND, INDIANA, CONCERNING THE
FUNDING OF CAPITAL IMPROVEMENT PROJECT BY THE HIGHLAND
WATERWORKS DISTRICT THROUGH THE ISSUANCE AND SALE OF BONDS
AND OTHER MATTER CONNECTED THEREWITH**

WHEREAS, The Board of Directors (the "Board") of the Waterworks District (the "District") of the Town of Highland, Indiana (the "Town"), has determined to issue bonds of the District in an amount not to exceed \$1,200,000 to fund the construction of the Kennedy Avenue Water Main Replacement Project and to pay costs of issuance of the bonds (the "Project"); and

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

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

Section 1. The Town Council hereby approves the issuance of the bonds of the District by the Board in an amount not to exceed \$1,200,000 to apply to the cost of the Project.

Section 2. The Town represents that:

- (i) The bonds are not private activity bonds as defined in Section 141 of the Internal Revenue Code (the "Code");
- (ii) The Town hereby designates the tax-exempt bonds as qualified tax-exempt obligations for the purpose of Section 265(b) of the Code;
- (iii) The reasonably anticipated amount of qualified tax-exempt obligations (including tax-exempt leases but excluding qualified 501(c)(3) obligations and other private activity bonds) which will be issued by the Town and all entities subordinate to the Town during 2015 does not exceed \$10,000,000; and
- (iv) The Town, any body acting in the name of the Town, and any entities subordinate to the Town, have not designated and will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2015.

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

Introduced and filed on the 13th day of July, 2015. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

Introduced and Filed on the 13th day of July 2015. Consideration on First Reading Sustained a vote of 4 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 13th Day of July 2015, 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**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

5. **Proposed Enactment No. 2015-31:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing A Permanent Transfer to the **Waterworks District Capital Fund**, pursuant to I.C. 8-1.5-3-11 et seq., and IC 36-1-3 et seq.

Councilor Zemen introduced and moved the consideration of Proposed Enactment No. 2015-31 at the same meeting of its introduction. Councilor Kuiper 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 its same meeting of introduction.

Councilor Zemen introduced and moved the passage and introduction of Proposed Enactment No. 2015-31 at the same meeting of its 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 at its same meeting of introduction.

**TOWN COUNCIL of the TOWN of HIGHLAND
ENACTMENT NO. 2015-31**

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing A Permanent transfer to the Waterworks District Capital Fund, pursuant to I.C. 8-1.5-3-11 et seq. and IC 36-1-3 et seq.

WHEREAS, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

WHEREAS, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

WHEREAS, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

WHEREAS, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

WHEREAS, Pursuant to IC 8-1.5-3-11 (f), provides that the Cash Reserve Fund may be used to make loans to other utilities of the municipality not to exceed five years in term;

WHEREAS, Pursuant to IC 8-1.5-3-12, provides that the municipality may borrow from the Cash Reserve Fund for current purposes in anticipation of taxes levied and to be collected or for carrying out an eligible efficiency project as defined in IC 36-9-41-1.5);

WHEREAS, IC 8-1.5-3-11(c)(5) that surplus earnings are those cash earnings remaining after provisions have been made to take care of current obligations including "*any other priority fund requirements fixed by law*";

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 36-1-3-4 (b) prescribes that that a unit has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute and it further provides that the omission of a power from a list of statutory grants does not imply the that a unit lacks that power;

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

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body desires to make a permanent transfer of a portion of a balance on deposit to the credit of the **Waterworks Cash Reserve Fund** to the **Waterworks District Capital Fund**, that will not abridge or impair any adopted amount identified in the adopted budget for FY 2015 for transfer to the General Fund,

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

Section 1. That the Town Council hereby makes the following findings and determinations:

- (A) That pursuant to the provisions of IC 8-1.5-3-11(c)(5) that surplus earnings are those cash earnings remaining after provisions has been made to take care of current obligations including *"any other priority fund requirements fixed by law"*;
- (B) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code;
- (C) That the project known as the *Kennedy Avenue Water Main Replacement and Improvement Project* is a significant and important capital improvement of the utility for which some use of the Cash Reserve Fund seems necessary and desirable;
- (D) That the project known as the *Kennedy Avenue Water Main Replacement and Improvement Project* will be funded from the proceeds of a \$1.2 million dollar bond issue, some remaining funds on deposit to the Waterworks District Capital Fund which are not be fully sufficient to support the total costs of the project;
- (E) That pursuant to the provisions of IC 8-1.5-3-11(d), the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2015, which for its municipal general fund did include an amount of up to \$ 800,000 to be transferred from the municipal utility cash reserve fund;
- (F) That there exists a considerable cash balance in the Cash Reserve Fund, significantly in excess of the amount of \$800,000, such that the amount above \$800,000 could be treated as additional resources that could be committed to the Kennedy Avenue Water Main Replacement and Improvement Project;
- (G) That it is hereby found and determined that any amount above \$800,000 on deposit to the Water Cash Reserve Fund is *a resource that could and should be used to meet priority fund requirements fixed by law, therefore is not "surplus earnings"* under the provisions of IC 8-1.5-3-11, and thereby can be transferred from the Water Cash Reserve Fund and should be committed to the *priority fund* from which most of the expenses associated with the Kennedy Avenue Water Main Replacement and Improvement Project are to be expensed;
- (H) That it is further found and determined that any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or any budgetary commitments of the municipality;

Section 2. That based on the forgoing findings and determinations:

- (A) **That any and all money on deposit to the credit of the Waterworks Cash Reserve Fund that is in excess, above and apart from an assigned balance of eight hundred thousand dollars (\$800,000) is hereby deemed to be non-surplus earnings as it is found to be money needed to meet priority fund requirements;**
- (B) **That it is to be transferred and set apart from the Waterworks Cash Reserve Fund for deposit into the Waterworks District Capital Fund, subject to the laws governing the same;**

Section 3. That the Clerk-Treasurer is hereby authorized and requested to execute the instructions set forth in this enactment generally, and in Section 2 in particular, transferring the sum identified and as authorized herein, *provided* that the Town Council passes and adopts Enactment 2015-32 and there is a corresponding approving action by the Board of Waterworks Directors, pursuant to IC 8-1.5-3-11(a);

Section 4. That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

Section 5. That the money transferred may be expended from the **Waterworks District Capital Fund**, for purposes expressly identified in this enactment, permitted by law and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 13th day of July 2015. Consideration on same evening of introduction attained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th day of July 2015 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**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

6. **Proposed Enactment No. 2015-32:** An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the **Corporation General Fund**, pursuant to I.C. 8-1.5-3-11 et seq. *This is a transfer contemplated when the FY 2015 Budget was adopted.*

Councilor Zemen introduced and moved the consideration of Proposed Enactment No. 2015-32 at the same meeting of its introduction. Councilor Vassar 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 its same meeting of introduction.

Councilor Kuiper introduced and moved the passage and introduction of Proposed Enactment No. 2015-32 at the same meeting of its introduction. Councilor Vassar 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 at its same meeting of introduction.

**TOWN COUNCIL of the TOWN of HIGHLAND
ENACTMENT NO. 2015-32**

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Water Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to I.C. 8-1.5-3-11 et seq.

WHEREAS, The Town of Highland by proper legislative action has established a Department of Waterworks pursuant to IC 36-1.4-4, codified as Chapter 12.05 of the Highland Municipal Code;

WHEREAS, The Department of Waterworks is governed by the provisions of IC 8-1.5-4 and IC 8-1.5-3 in its operations and management of assets;

WHEREAS, Indiana Code 8-1.5-4-11 particularly provides for the establishment by ordinance of a Cash Reserve Fund for the waterworks, for its stewardship for loans, and transfers for payments in lieu of taxes and under IC 8-1.5-3-8(e) for rates that support reasonable return on the utility plant of the municipality;

WHEREAS, Pursuant to IC 8-1.5-3-11 (b), the Town of Highland has established a Waterworks Cash Reserve Fund, under Section 12.05.050 (A) of the Highland Municipal Code;

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2015 an amount to include in the corporation general fund budget, in an amount, which could have been equal to the amount in the Cash Reserve Fund at June 30 of the current year, that is the year of the budget's preparation;

WHEREAS, The amount in the Cash Reserve Fund at June 30, 2014 was \$924,236.53; and,

WHEREAS, Pursuant to IC 8-1.5-3-11 (d), the Town Council as the municipal legislative body desires to transfer a **portion** of the adopted amount identified in the adopted budget for FY 2015,

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

Section 1. That pursuant to the provisions of IC 8-1.5-3-11(d), the Town Council hereby finds and determines the following:

- (A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2015, which for its municipal general fund did include an amount of up to \$ 800,000 to be transferred from the municipal utility cash reserve fund;
- (B) That there is a Waterworks Cash Reserve Fund established by the municipality under Section 12.05.050 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2014 was nine hundred twenty-four thousand, two hundred thirty-six dollars and fifty-three cents (\$924,236.53);
- (C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;
- (D) That the most recently adopted and effective rates and charges of the Department of Waterworks provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 8-1.5-3-8(e), with such reasonable return to be deposited in the Cash Reserve Fund;

Section 2. That for the expenses of said municipality, the amount of Three hundred thousand dollars (\$300,000) are hereby transferred and set apart from the **Waterworks Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Waterworks Directors, as set forth in Indiana Code 8-1.5-3-11(a);

Section 3. That the Clerk-Treasurer is hereby authorized and requested as follows:

- (A) To seek the approving action of the Board of Waterworks Directors as set forth above; and,
- (B) Upon approval, to transfer the sum identified and as authorized herein;

Section 4. That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

Section 5. That the money transferred may be expended from the Corporation General Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

Introduced and Filed on the 13th day of July 2015. Consideration on same evening of introduction attained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th day of July 2015 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**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

Approval by the Board of Waterworks Directors

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Waterworks Directors.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a) by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana, this ____ day of _____ 2015 having passed by a vote of ____ in favor and ____ opposed.

**THE HIGHLAND WATER WORKS
BY IT'S BOARD OF DIRECTORS:**

Keith Bruxvoort, President

Attest:

George M. Georgeff, Secretary

7. **Works Board Order No. 2015-18:** An Order Affirming, Authorizing And Approving Agreement(S) As Engagement Letters Between Bond Counsel, Local Counsel And The Town Of Highland To Perform Professional Legal Services In Support Of The Issuance Of The Public Works Promissory Notes Supporting The Costs Associated With The Public Way Resurfacing Project As Approved By The Town Council.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2015-18. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2015-18**

AN ORDER AFFIRMING, AUTHORIZING AND APPROVING AGREEMENT(S) AS ENGAGEMENT LETTERS BETWEEN BOND COUNSEL, LOCAL COUNSEL AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL LEGAL SERVICES IN SUPPORT OF THE ISSUANCE OF THE PUBLIC WORKS NOTES SUPPORTING THE COSTS ASSOCIATED WITH THE PUBLIC WAY RESURFACING PROJECT AS APPROVED BY THE TOWN COUNCIL.

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to resurface the several public ways, roads and streets in need of repair as catalogued by the Public Works Director;

Whereas, The Town of Highland, through its Town Council acting as the Works Board, acted to accept a project list of the Public Works Director cataloging a series of streets and public ways in need of resurfacing, modest repair and on-going maintenance for the 2105 season, in the estimated total cost of One million, six hundred, sixty-three thousand, five hundred eighty dollars and no cents (\$1,663,580.00), having passed and adopted *Works Board Order No. 2015-12* on April 27, 2015;

Whereas, The Town has heretofore determined that a need exists to obtain special financing in the form of Public Works Project Note, pursuant to IC 36-9-41 et seq., to support expenses associated with the foregoing project;

Whereas, The Town has now determined that a need exists to engage special professional legal services associated with the special financing activities, particularly the sale and issuance of a public works project note;

Whereas, **Shanahan and Shanahan**, LLC, a law firm, has consented to provide special professional services related to issuing the public works project note, and other services related to service as Bond Counsel, presenting an engagement letter dated July 6, 2015; and

Whereas, **Tauber Law Offices**, PC, a law firm, has consented to provide special professional services related to issuing the Bond Anticipation Note including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality, presenting an engagement letter dated July 9, 2015; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section § 3.15.060; and

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

Whereas, The Board by a vote of at least two-thirds in the affirmative has determined that it is expedient and in the best public interest to employ professionals for the planning and financing of the work, such that it is expected that there will be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 36-1-12-3.5; and

Whereas, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve the agreement for services as herein described,

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Agreement, presented as a letter of engagement, incorporated by reference and made a part of this Order, between **Shanahan and Shanahan, LLP**, and the Town of Highland, to provide professional services related to issuing the Promissory Note of 2015 including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 3.15.060 of the municipal code;

Section 3. That the Agreement, presented as a letter of engagement, incorporated by reference and made a part of this Order, between **Tauber Law Offices, PC**, a law firm, to provide professional services related to issuing the Promissory Note of 2015 including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality is hereby approved, adopted and ratified in each and every respect;

Section 4. That the terms and charges under the agreements for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 3.15.060 of the municipal code;

Section 5. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

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 13th day of July 2015, having passed by a vote of 4 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/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Resolution No. 2015-33:** An Exigent Resolution Providing For The Transfer of Appropriation Balances From and Among Major Budget Classifications in the **Corporation Capital Fund** as Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2015-33. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2015-33**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the CORPORATION CAPITAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Corporation Capital Fund**;

NOW, THEREFORE BE IT RESOLVED 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Corporation Capital Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION CAPITAL FUND

Reduce Account:		
#092-0000-44024 Construction Police Station Project:		\$ 3,738.00
	<i>Total 400 Series Decreases</i>	\$ 3,738.00
Increase Account:		
#092-0000-340.11 Special Construction & Property Liability:		\$ 3,738.00
	<i>Total 300 Series Increases</i>	\$ 3,738.00
	Total of All Fund Decreases:	\$3,738.00
	Total of All Fund Increases:	\$3,738.00

DULY RESOLVED and ADOPTED this 13th Day of July 2015 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**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

9. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. The Assistant Public Works Director requests the appointment of **Louis Williams** to the Full-time position of Utility Worker/Driver Level C, at the approved hourly wage of \$ 14.35 The request makes no net change in the approved staffing level of the full-time workforce.

Councilor Vassar moved to approve and authorize the appointment of Louis Williams to full-time position as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The full-time hire of Louis Williams as indicated was approved.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen Acknowledged the Parks and Recreation Superintendent who reported that the department had hosted the Women's College Basketball Showcase.

Councilor Zemen further commended the several departments on the execution of the recent Independence Day Festival.

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

Councilor Vassar acknowledged the Redevelopment Director, who reported that the Theater Board would be meeting on Thursday July 16.

Councilor Vassar also commended the Parks and Recreation Department for its ability to support the Babe Ruth Tournament, which was conducted around July 4 while it was also significantly required to support the Independence Day Festival.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison; Information Technology Liaison.*

Councilor Wagner was absent owing to work commitment.

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

Councilor Kuiper acknowledged the Fire Chief who offered a brief report regarding the low number of service incidents during the Independence Day holiday.

Councilor Kuiper acknowledged the Building Commissioner who reported on Plan Commission matters, noting that the new Taco Bell Restaurant was opened and operating at the out lot near Meijer's.

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

Council President Herak recognized the Town Attorney, who reported on the recent successful ruling favoring the customer communities rendered by the Indiana Court of Appeals in consequence of the on-going Hammond litigation over the service contract between the customer communities and the Hammond Sanitary District.

Council President Herak commended all the departments and the Community Events Commission on the recent well executed Independence Day Festival and events.

The Council President reported the recent conclusion of Shared Ethics Advisory Commission sponsored Ethics Training for the full-time workers of the municipality.

Comments from Visitors or Residents:

There were no comments.

Payment of Accounts Payable Vouchers. There being no comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period June 16, 2015 through July 13, 2015 as well as the payroll dockets for the paydays of May, 15, May 29, June 12, and June 26, 2015. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$449,363.29; Motor Vehicle Highway and Street (MVH) Fund, \$37,226.58; Local Road and Street Fund, \$9,942.23; Law Enforcement Training and Supply Fund, \$3,670.80; Corporation Bond and Interest Non-Exempt Fund, \$615,000.00; Flexible Spending Account Agency Fund, \$1,034.56; Insurance Premium Fund, \$142,871.82; Information and Communications Technology Fund, \$14,304.76; Civil Donation Fund, \$3,810.60; Special Events Non-reverting Fund, \$27,581.74; Police Pension Fund, \$63,497.86; Municipal Cumulative Capital Development Fund, \$655,415.91; Traffic Violations and Law Enforcement Agency Fund, \$19,774.50; Municipal Cumulative Street Fund, \$4,016.55; Total: \$ 2,047,511.20.

Payroll Docket for payday of May 15, 2015:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$12,521.11; Building and Inspection Department, \$7,860.21; Metropolitan Police Department, \$110,148.09; Fire Department, \$3,638.72; Public Works Department (Agency), \$58,259.83 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$192,427.96

Payroll Docket for payday of May 29, 2015:

Council, Boards and Commissions, \$8,652.00; Office of Clerk-Treasurer, \$14,952.19; Building and Inspection Department, \$7,839.56; Metropolitan Police Department, \$99,305.86; Fire Department, \$3,182.94; Public Works Department (Agency), \$61,341.59 and 1925 Police Pension Plan Pension Fund, \$63,417.12; Total Payroll: \$258,691.26.

Payroll Docket for payday of June 12, 2015:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$14,866.50; Building and Inspection Department, \$7,639.31; Metropolitan Police Department, \$115,049.18; Fire Department, \$3,197.94; Public Works Department (Agency), \$62,373.87 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$203,126.80.

Payroll Docket for payday of June 26, 2015:

Council, Boards and Commissions, \$10,602.00; Office of Clerk-Treasurer, \$15,563.87; Building and Inspection Department, \$8,994.25; Metropolitan Police Department, \$106,963.92; Fire Department, \$3,452.28; Public Works Department (Agency), \$63,533.99 and 1925 Police Pension Plan Pension Fund, \$63,417.12; Total Payroll: \$272,527.43.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 13, 2015 was adjourned at 7:49 O'clock p.m. No study session followed the plenary meeting.

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