

**Enrolled Minutes of the Third Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Special Meeting
Monday, February 01, 2016**

The Special Meeting of the Highland Town Council was called to order at 7:04 p.m. at the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers. The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Council President Zemen reciting the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Konnie Kuiper and Dan Vassar. 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: William R. Timmer, Jr., CFOD, Fire Chief was also present.

Special Orders:

1. **Works Board Order No. 2016-04:** An Order Approving and Authorizing the Fire Chief to Enter into a Capital Lease-Purchase Agreement with Huntington Bank for the Acquisition of E-100 Rescue Vehicle and Finding this to be a Special Purchase, pursuant to IC 5-22 et seq.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2016-04. Councilor Herak 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 2016-04**

AN ORDER APPROVING AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A CAPITAL LEASE-PURCHASE AGREEMENT WITH HUNTINGTON BANK FOR THE ACQUISITION OF E-100 RESCUE VEHICLE AND FINDING THIS TO BE A SPECIAL PURCHASE, PURSUANT TO IC 5-22 ET SEQ., AND CHAPTER 3.05 OF THE HIGHLAND MUNICIPAL CODE.

Whereas, The Town of Highland Fire Department, as part of its public duties, has responsibility for fire suppression, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Fire Chief, pursuant to Section 3.05.050 (D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

Whereas, The Fire Chief has determined that the current Rescue Vehicle has exceeded its useful life and its safe utility for the purposes of the Fire Department;

Whereas, The Purchasing Agent, pursuant to Section 3.05.065 (F) of the Highland Municipal Code and IC 5-22-10-5, did not solicit bids or proposals in support of the acquisition of one (1) **2015 19' E-One SS Rescue Unit**, offered for sale by Fire Service, Incorporated, because he believed that this particular purchase constitutes a "special purchase" owing to the fact there *exists a unique opportunity to obtain these vehicles at a substantial savings to the governmental body;*

Whereas, The Purchasing Agent, recommends that the one (1) **2015 19' E-One SS Rescue Unit**, offered for sale by Fire Service, Incorporated, be purchased at the price of three hundred ninety-nine thousand, nine hundred ninety-nine dollars (\$399,999);

Whereas, The Clerk-Treasurer, informed about the unique opportunity to purchase the vehicle, solicited capital lease-purchase proposals from financial institutions known to offer such services, and received the following responses as specified:

Responder:	Net Interest Rate	Term
-------------------	--------------------------	-------------

Huntington Bank (Public Capital)	2.30%	8 years
Indianapolis, Indiana	2.00%	5 years
Closing Fee: \$500		
Escrow Fee: \$350		
First Financial Bank (Equipment Finance)	2.35%	8 years
Cincinnati, OH	2.16%	5 years
REV Vehicles for Life	2.63%	7 years
Highland, Indiana	2.39%	5 years
Closing Fee: \$400		
Public Finance.com	2.74%	8 years
Franklin, Indiana	2.485%	5 years
First Midwest Bank (Equipment Finance)	3.491%	8 years
Highland, Indiana	3.043%	5 years
Peoples Bank	3.78%	8 years
Munster, Indiana	3.12%	5 years

Whereas, The Fire Chief has identified **Fire Service, Incorporated**, to be a desirable source vendor for the purchase of **one (1) 2015 19' E-One SS Rescue Unit**, offered for sale by **Fire Service, Incorporated**, be purchased for the price of **three hundred ninety-nine thousand, nine hundred ninety-nine dollars (\$399,999)**;

Whereas, The Clerk-Treasurer, owing to the useful life of the vehicles, the likely size of the annual payments, and upon review of the several responses for financing, recommends that the Fire Chief be authorized to acquire the **one (1) 2015 19' E-One SS Rescue Unit**, by lease-purchase, with **Huntington Bank Public Capital**, at a fixed rate of **2.00%**, using level principal payments, for the lease term of five (5) years, with **Huntington Bank Public Capital** acquiring the vehicle from **Fire Service, Incorporated**; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030(A)(1)(d) of the Highland Municipal Code serves as purchasing agency for the Fire Department;

Whereas, The purchase price exceeds \$15,000.00 and involves a capital lease purchase pursuant to Section 3.05.040 (C) and Section 3.05.050 (B)(2) of the Highland Municipal Code, the purchasing agent requires the express approval of the purchasing agency to execute the purchase;

Whereas, The purchase will be supported by a budgeted account in the *Municipal Cumulative Capital Development Fund* and there is or expected to be sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the Fire Chief to enter into a purchase agreement with Fire Service, Incorporated to be financed by a separate lease-purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby finds and determines the following regarding one (1) **2015 19' E-One SS Rescue Unit**, offered for sale by Fire Service, Incorporated:

- (A) That the 2015 19' E-One SS Rescue Unit is a "demonstrator" and would usually retail for \$500,000 or more if selected as a custom order by the factory, and the retail delivered price of \$399,999 *offers a substantial savings to the Town of Highland*;
- (B) That if acquired as recommended, the 2015 19' E-One SS Rescue Unit would be available to the Department in about 30 days, as opposed to a wait of up to one (1) year for any custom bid vehicle, offering considerable time savings and greater utility to the Department for the Town's public safety needs;
- (C) That the body of the 2015 19' E-One SS Rescue Unit is built by R. D. Murry, the same manufacturer of the bodies of the current front line pumpers owned by the Department, which allows consistency in repair and parts acquisition, representing an additional cost of ownership **savings**;

Section 2. **That based upon the findings and determinations set forth in Section 1**, the Town Council as the Works Board of the municipality hereby finds and determines that the acquisition of one (1) **2015 19' E-One SS Rescue Unit**, offered for sale by Fire Service, Incorporated, for the price of **three hundred ninety-nine thousand, nine hundred ninety-nine dollars (\$399,999)**, qualifies as a "**special purchase**" because there exists a unique opportunity to obtain this vehicle at a substantial savings to the governmental body, all pursuant to Section 3.05.065 (F) of the Highland Municipal Code and IC 5-22-10-5;

Section 3. That the purchase of the identified unit is hereby authorized and approved and the Fire Chief is hereby directed to execute the purchasing agreement with *Fire Service, Inc., 9545 North Industrial Drive, St. John, Indiana, 46373*;

Section 4. That the Fire Chief is hereby further directed and authorized to lease-purchase one (1) **2015 19' E-One SS Rescue Unit**, offered for sale by Fire Service, Incorporated, with **Huntington Bank Public Capital, at a fixed rate of 2.00% for the lease term of five (5) years, with** Huntington Bank Public Capital according to terms set forth in a lease-rental proposal, for the total amount of four hundred twenty thousand, twenty-three dollars and fifty-nine cents plus closing and escrow costs (\$420,023.59 plus closing and escrow costs), with **Huntington Bank Public Capital** acquiring the vehicle from Fire Service, Inc., 9545 North Industrial Drive, St. John, Indiana, 46373;

Section 5. That the Town Council acting as the works board, hereby further finds and determines that the terms of the capital-lease with Huntington Bank Public Capital are reasonable and fair;

Section 6. That the Town Council President is authorized and directed to execute the capital lease-purchase agreement with **Huntington Bank Public Capital**, as attested thereto by the Clerk-Treasurer and any additional documents in order to implement this lease purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 1st day of February 2016 having passed by a vote of 4 in favor and 0 opposed.

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

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

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1(6);IC 36-5-6-5)

- Resolution No. 2016-06:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code for the **Corporation Non-Exempt Bond and Interest in the amount of \$703,169** from the **Cumulative Capital Development Fund**.

Councilor Herak moved the passage and adoption of Resolution No. 2016-06, seconded by Councilor Kuiper. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2016-06**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE INDIANA CODE AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Non-Exempt Bond and Interest Fund** is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred;

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

Section 1. That the amount of **\$703,169.00** be borrowed for the **Corporation Non- Exempt Bond Fund** with the amount of **\$703,169.00** to be loaned by the **Municipal Cumulative Capital Development Fund**;

Section 2. That said loan in the amount of **\$703,169.00** be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Non-Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2016, subject to IC 36-1-8-4(b).

Duly Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 1st day of February 2016. Having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

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

Attest:

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

3. **Resolution No. 2016-07:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code for the **Corporation Exempt Bond and Interest in the amount of \$905** from the **Rainy Day Fund**.

Councilor Herak moved the passage and adoption of Resolution No. 2016-07, seconded by Councilor Vassar. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND
RESOLUTION NO. 2016-07

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT TO IC 36-1-8-4 OF THE INDIANA CODE AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Exempt Bond and Interest Fund** is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

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

Section 1. That the amount of **\$905.00** be borrowed for the **Corporation Exempt Bond and Interest Fund** with the amount of **\$905.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$905.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2016, subject to IC 36-1-8-4(b).

Duly Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 1st day of February 2016. Having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

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

Attest:

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

4. **Resolution No. 2015-08:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code for the **Park District Exempt Bond and Interest in the amount of \$90,401** from the **Rainy Day Fund**.

Councilor Herak moved the passage and adoption of Resolution No. 2016-08, seconded by Councilor Vassar. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND

RESOLUTION NO. 2016-08

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE INDIANA CODE AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Park District Exempt Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy Day Fund** that can be temporarily transferred;

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

Section 1. That the amount of **\$90,401.00** be borrowed for the **Park District Exempt Bond and Interest Fund** with the amount of **\$90,401.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$90,401.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Park District Exempt Bond and Interest Fund** with such loan to be repaid no later than December 31, 2016, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 1st day February 2016. Having been passed by a vote of 4 in favor and 0 opposed.

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

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

Attest:

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

Adjournment. Councilor Vassar moved that the special meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The Special meeting of the Town Council of Monday, February 01, 2016 was adjourned at 7:10 O'clock p.m. The Town Council immediately convened in study session.

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