

**Enrolled Minutes of the Twenty-Eighth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, February 13, 2017**

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, February 13, 2017 at 6:40 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, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council and the Town Attorney discussed the Binding Letter of Intent between the Hammond Sanitary District and the Town of Highland Sanitary District.

The study session ended at 7:00 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, February 13, 2017 at 7:01 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, Dan Vassar presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper 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, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

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

Also present: Bill Leep, Redevelopment Commission; Steve Mileusnich and Susan Murovic of the Advisory Board of Zoning Appeals; and Ed Dabrowski IT Director (Contract) were also present.

Mr. Marty Wielgos, District Manager of the City of Hammond Sanitary District and Department of Public Sanitation was also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 30 January 2017 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2017 Budget for the **Unsafe Building Fund, General Improvement Fund, Indiana**

Bicentennial Legacy Project Fund, the LOIT Special Distribution Fund, and the Rainy Day Fund, all in various amounts.

- (a) Attorney verification of Proofs of Publication: The TIMES 02 February 2017. The Town Attorney stated that the proofs of publication complied with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments or remonstrances. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2017-06:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Unsafe Building Fund, General Improvement Fund, Indiana Bicentennial Legacy Project Fund, the LOIT Special Distribution Fund, and the Rainy Day Fund**, all in various amounts, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Appropriation Enactment No. 2017-06 and moved its consideration at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Appropriation Enactment No. 2017-06 at the same meeting of its introduction. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of introduction.

**Town of Highland
 Appropriation Enactment
 Enactment No. 2017-06**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the UNSAFE BUILDING FUND, GENERAL IMPROVEMENT FUND, INDIANA BICENTENNIAL LEGACY PROJECT FUND, LOIT SPECIAL DISTRIBUTION FUND AND THE RAINY DAY 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 **Unsafe Building Fund, General Improvement Fund, Indiana Bicentennial Legacy Project Fund, the LOIT Special Distribution Fund, and the Rainy Day 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 **Unsafe Building Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

| | |
|------------------------------------|---------------------|
| UNSAFE BUILDING FUND | |
| Acct. No. 310.05 Demolition Costs: | <u>\$ 96,668.00</u> |
| <i>Total Series:</i> | \$ 96,668.00 |
| Fund Total: | \$ 96,668.00 |

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

| | |
|--|--------------------|
| GENERAL IMPROVEMENT FUND | |
| Acct. No. 3XX.XX Record/Releasing Liens: | <u>\$ 5,000.00</u> |
| <i>Total Series:</i> | \$ 5,000.00 |

Fund Total: \$ 5,000.00

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

| | |
|---|-------------------|
| INDIANA BICENTENNIAL LEGACY PROJECT FUND | |
| Acct. No. 3XX.XX Framing and Plaques: | <u>\$1,520.95</u> |
| <i>Total Series:</i> | \$1,520.95 |
| Fund Total: | \$1,520.95 |

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

| | |
|---------------------------------------|----------------------|
| LOIT SPECIAL DISTRIBUTION FUND | |
| Acct. No. 3XX.XX Transfers: | <u>\$ 387,776.08</u> |
| <i>Total Series:</i> | \$ 387,776.08 |
| Fund Total: | \$387,776.08 |

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

| | |
|-----------------------------|----------------------|
| RAINY DAY FUND | |
| Acct. No. 3XX.XX Transfers: | <u>\$ 147,076.08</u> |
| <i>Total Series:</i> | \$ 147,076.08 |
| Fund Total: | \$147,076.08 |

Section 6. 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 7. 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 February 2017. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of February 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

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

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2017 Budget for the **Municipal Cumulative Capital Development (MCCD)** Fund in the amount of \$97,000.
 - (a) Attorney verification of Proofs of Publication: The TIMES 02 February 2017. The Town Attorney verified that the proofs of publication complied with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments or remonstrances. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2017-07:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Municipal**

Cumulative Capital Development (MCCD) Fund in the amount of \$97,000, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Appropriation Enactment No. 2017-07 and moved its consideration at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Appropriation Enactment No. 2017-07 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of introduction.

**Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2017-07**

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 | |
| Acct. 055-0000-410XX Fire Pickup Trucks: | \$ 85,000.00 |
| Acct. 055-0000-410XX Fire Helmets: | \$ 12,000.00 |
| <i>Total Series:</i> | \$ 97,000.00 |
| Fund Total: | \$ 97,000.00 |

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 February 2017. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 13th Day of February 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

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

| | | | | | | | |
|--------------------------|---|---|----|---|---|----|----|
| Parks | 0 | 0 | 1 | 0 | 0 | 12 | 0 |
| Fire | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Police | 0 | 0 | 6 | 0 | 0 | 2 | 21 |
| Street | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Water & Sewer | 0 | 0 | 6 | 0 | 0 | 14 | 0 |
| Maint. | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | 0 | 0 | 16 | 0 | 0 | 28 | 21 |

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:

Legislative Appointments

Home Rule Commissions

- 1. Main Street Bureau Board:** (17) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2019. *There were 10 of the 17 in place and serving. Currently serving are Darlene Barron, Daniel Dunn, PhD, Mario George, Tracy Oprea, Julie Larson, Julie Larson, Alicia Rosignol, Jennifer Duncan, Marion Case, Marie Russo, Dawn Diamantopolous. Not all of these have asked for reappointment. See the list provided by Redevelopment Dept.*

Councilor Herak moved to appoint or reappoint the persons listed below to the Board of Directors of the Main Street Bureau. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The persons were appointed or reappointed to terms ending on the first Monday in 2019.

Dawn Diamantopolous
2622 Wicker Avenue

Marion D. Case
10036 Prairie Circle

Marie Russo
2185 Ramblewood Drive

Julie Larson
3727 41st Lane

Darlene Barron
8423 Gordon Drive

Lola McKay
9408 Anthony Place

J. Douglas Van Ramhorst
3236 Garfield Avenue

Mario DeGeorge
3744 Wirth Road

Mary Wells
3236 Garfield Avenue

Unfinished Business and General Orders:

- 1. Introduced Ordinance No. 1638:** An Ordinance to amend Chapters 11.05 and 11.10 regarding modifying the prohibition on alcoholic beverages to allow it in conjunction with a companion event at the Main Square and the Sharp Athletic Complex, with Park Board issuing a special exemption permit in limited circumstances. *(This ordinance is presented pursuant to actions taken by the Town Council at its meeting of November 14, 2016 in which it approved the concept of allowing sales of alcohol as a companion to other events hosted in certain parks. The specific action came in response to a request from Joel Ratajack for his Rockopelli Event. The ordinance was introduced and filed by Councilor Herak at the Town Council Meeting of December 28,*

2016. The introduced ordinance was marked up to address a concern regarding Town Council approval to be necessary for granting Special Events with Alcohol Permit. This mark up and review occurred at its Study Session of Monday, February 6, 2017.)

Councilor Wagner moved the passage and adoption of the introduced Ordinance No. 1638. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1638 (REVISED)
of the
TOWN of HIGHLAND, INDIANA

An Ordinance to Amend Chapters 11.05 and 11.10 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur.

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 enactment of an ordinance passed by the legislative body; and

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town of Highland, is a municipality located in Lake County, which operates a Parks and Recreation Department, which has been continuously governed by the provisions of IC 36-10-3 et seq. at least since 1969;

Whereas, The Town of Highland, through its Town Council now desires to still further perfect its own organization as well as that of the Parks and Recreation Department and make certain enhancements to the ordinance establishing and governing the Department of Parks and Recreation, pursuant to IC 36-10-3 et seq.;

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

Section 1. That Section 11.05.090 of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 2. That the Highland Municipal Code, be hereby amended by creating a successor section regarding Parks and Recreation, to be styled as Section 11.05.090 which shall read as follows:

11.05.090 Fees for particular activities.

(A) Park and recreation facilities and programs shall be made available to the public free of charge as far as possible. However, if it is necessary in order to provide a particular activity, the board may charge a reasonable fee.

(B) Monies procured from reasonable fees charged in connection with providing a particular activity, program, or for use of park and recreation facilities shall be deposited ~~at least once a month~~ **daily** with the clerk-treasurer of the town of Highland into the parks and recreation (general) fund.

(C) Monies procured from reasonable fees charged by the parks and recreations department in connection with concession or food stands shall be deposited ~~at least once a month~~ **daily** with the clerk-treasurer of the town of Highland into the parks and recreation (general) fund.

(D) Expenditures from the parks and recreation general fund may be made from the proper category of expense only after an appropriation has been made in the manner provided by statute for making other appropriations and shall be disbursed only on approved claims allowed by the board and signed by the president and secretary of the parks and recreation board pursuant to IC 5-11-10, 36-5-4, and 36-10-3. [Ord. 1404 § 2, 2008. Code 2000 § 150.03].

Section 3. That Section 11.10.020 of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 4. That the Highland Municipal Code, be hereby amended by creating a successor section regarding Parks and Recreation, to be styled as Section 11.10.020, which shall read as follows:

11.10.020 Interpretation, waivers and special exceptions.

(A) Any requirement or provision of this chapter relating to any act shall extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any unemancipated minor the doing of any willful or malicious act prohibited by the provisions hereof by the parent or legal guardian of such minor.

(B) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the department in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the board.

(C) ~~Special Exceptions.~~ **Waivers from Rules.** Any act otherwise prohibited by this chapter, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed within custodial quarters within the park or is performed under, by virtue of, or strictly in compliance with the provisions of a **waiver** permit issued by the board and approved by the town council 30 days prior to the event. Any such permit issued hereunder by the board shall not be effective and valid unless said **waiver** permit has been approved by the town council. Notwithstanding anything contained herein to the contrary, the board shall not issue any permit for the drinking, sale, possession or consumption of alcoholic beverages within the parks ~~or Sharp Athletic Complex~~, subject to the exceptions in **this section (HMC 11.10.220(B), (C) & (D))**.

(D) **Special Event with Alcohol.** Notwithstanding subsection (C) of this section, the park board may issue a **Special Event with Alcohol Permit** ~~permit for an special event or activity involving that includes the sale and consumption of alcoholic beverages to the Highland community events commission, for events to be conducted at the Main Square Park or at the Sharp Athletic Complex, from October 21 through and including October 23, 2016, provided there is no prohibition subject to terms of HMC 11.10.220. This subsection expires on October 24, 2016, and will be of no further force or effect from that date forward.~~

Section 5. That Section 11.10.220 of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 6. That the Highland Municipal Code, be hereby amended by creating a successor section regarding Parks and Recreation, to be styled as Section 11.10.220 which shall read as follows:

11.10.220 Alcohol and drugs.

(A) No person shall drink, sell, possess, make a gift or offer for sale any alcoholic beverage or drugs within the parks nor shall any person within the parks use, administer, receive, offer for sale, possess, or make available to himself, or to any other person or animal, any alcoholic beverage or drugs.

(B) Notwithstanding subsection (A) of this section **and Section 11.10.225 of this Code**, alcoholic beverages may be sold, dispensed, and consumed in the Lincoln Community Center solely in conjunction with a catered event, banquet, permitted event or special event conducted in and confined to a specific location designated for assemblies and rentals. This authorization is subject to provisions of IC 7.1-1 et seq. and 905 IAC 1 et seq. No person shall use, administer, receive, offer for sale, possess or make available to himself or to any person or animal any drugs.

~~(C) Notwithstanding subsection (A) of this section, alcoholic beverages may be sold, dispensed, and consumed in the Main Square Park solely in conjunction with a single special event conducted by the Highland community events council, provided a permit has been issued by the park and recreation board, under HMC 11.10.020(D). This subsection expires on October 24, 2016, and will be of no further force or effect from that date forward. [Ord. 1623 § 4, 2016].~~

Section 7. That the Highland Municipal Code, be hereby amended by adding a new section regarding Parks and Recreation, to be styled as Section 11.10.225 which shall read as follows:

11.10.225 Special Event or Activity with Alcohol (SEAP)

(A) Notwithstanding section 11.10.220 of this code, alcoholic beverages may be sold, dispensed, and consumed solely in conjunction with a special event or activity authorized by a ~~special event (exception)~~ **Special Event with Alcohol Permit (SEAP)** issued by the park and recreation board, under this Section and HMC 11.10.020(D), and approved by the Town Council.

(B) Unless there is an activity or event operating with a valid special exception permit issued by the park board under this Section and HMC 11.10.020(D), the prohibitions under section 11.10.220 still apply.

(C) ~~No special exception permit~~ **Special Event with Alcohol Permit (SEAP)** shall be issued by the park board under this Section and HMC 11.10.020(D), unless there is a companion event or activity for which a regular permit may be granted. A special event permit authorized under this Section and HMC 11.10.020(D), may NOT be granted where (1) there is no companion activity or (2) the sole activity or event is the sale, dispensing and consumption of alcohol.

(D) A **Special Event with Alcohol Permit (SEAP)** authorized under HMC 11.10.020(D) shall be only issued and valid for an event or activity is limited to the following venues:

- (1) Main Square Park
- (2) Sharp Athletic Complex
- (E) ~~No special exception permit~~ Special Event with Alcohol Permit (SEAP) shall be issued by the park board unless it also has been approved by the Town Council, according to this section.
- (F) A Special Event with Alcohol Permit authorized under HMC Sections 11.10.225 and 11.10.020(D) requires the following process:
 - (1) Applicant filed request with Park at least 120 days before the event;
 - (2) Parks and Recreation Superintendent will cause the application to be considered by the park board within a reasonable time;
 - (3) The park and recreation board will consider the matter at a regular or specially called meeting. If the park and recreation board favors the application, it will approve the permit subject to the approval of the Town Council;
 - (4) If the town council approves the application, the permit is granted. If it rejects the applicant or fails to act 30 or more days before the event, the permit is denied.

Section 8. That the provisions of any existing ordinances, which are in conflict with the provisions set forth in this ordinance are of no further force or effect and are hereby repealed;

Section 9. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following 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 28th day of December 2016. Consideration on same day or at same meeting of introduction was not considered pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED/REJECTED this 13th day of February 2017 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

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

2. **Resolution No. 2017-05:** A Revised Resolution Of The Fiscal Body Of The Town Of Highland Approving And Fixing The Official Charges Or Fees For Information And Communication Technology Services Provided By The Municipality To Its Executive Departments And Offices And Accounted In The Information And Communication Technology Fund. (This is a corrective to reduce the actual charges originally adopted in Resolution No. 2017-01, which was based upon proposed but not adopted budget for ICT Fund.)

Councilor Wagner moved the passage and adoption of Resolution No. 2017-05. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Town Council Resolution No. 2017-05**

A REVISED RESOLUTION OF THE FISCAL BODY OF THE TOWN OF HIGHLAND APPROVING AND FIXING THE OFFICIAL CHARGES OR FEES FOR INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS AND OFFICES AND ACCOUNTED IN THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08 (now codified as Section 3.45.110), which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

WHEREAS, Section 3.45.110 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of *"interdepartmental charges, contributions, cost shares or assessments levied against funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;"*

WHEREAS, Section 3.45.110 (F) (1) (a) still further provides that the *"charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council"*;

WHEREAS, The Highland Town Council did pass and adopt Resolution No. 2017-01 at its Meeting of January 30, 2017, which it has been now determined had fees based upon a preliminary budget of the ICT Fund but not the adopted one;

WHEREAS, The proper officers of the municipality have developed and now recommend charges and rates for **FY 2017, revised to align with the adopted budget of the ICT Fund**, to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

WHEREAS, The Town Council now desires to fix and adopt the charges and rates as recommended,

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

Section 1. That the fees adopted in Resolution No. 2017-01 are hereby repealed and of no further force nor effect;

Section 2. That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year 2017 as follows:

(a) For information and communication technology services provided to the several departments reposed in the **Corporation General Fund, the annual charge is allocated at 25% of costs or \$50,605;**

(b) For information and communication technology services provided to the department reposed in the **Park and Recreation Fund, the annual charge is allocated at 20% of costs or \$40,484;**

(c) For information and communication technology services provided to the department reposed in the **Redevelopment General Fund, the annual charge is allocated at 5% of costs or \$10,121;**

(d) For information and communication technology services provided to the Waterworks Utility, **the annual charge is allocated at 25% of costs or \$50,605;**

(e) For information and communication technology services provided to the Wastewater/Stormwater Utility, **the annual charge is allocated at 25% of costs or \$50,605;**

Section 3. That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section 3.45.110 (D) of the Highland Municipal Code;

Section 4. That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

DULY RESOLVED and ADOPTED this 13th Day of February 2017, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President

Attest:

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

3. **Resolution No. 2017-08:** A Resolution Regarding the Disposition of Appropriated Resources in the Special LOIT Distribution Fund and the Rainy Day Fund, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2017-08. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed and the resolution was adopted.

TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2017-08

A Resolution Regarding the Disposition of Appropriated Resources in the Special LOIT Distribution Fund and the Rainy Day Fund, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

WHEREAS, The Town of Highland by proper legislative action has established a **Community Crossings Grant Capital Fund**, pursuant to IC 36-1-3, codified as Section § 3.45.129 of the Highland Municipal Code;

WHEREAS, HMC Section 3.45.129(3)(a) provides that the sources for this fund include *"Money transferred into and deposited in the fund created by this section from the LOIT special distribution fund established in HMC Section 3.45.128 and the rainy day fund established in Article III of the chapter, and such other local matching resources lawful for application to a particular project;"*

WHEREAS, The Town Council did identify appropriations that may be transferred to the Community Crossings Grant Capital Fund in the recently approved appropriations in the Special LOIT Distribution Fund and in the Rainy Day Fund;

WHEREAS, The Public Works Director and the Clerk-Treasurer jointly have requested and recommended the identified amounts be transferred to the Community Crossings Grant Capital Fund; and,

WHEREAS, The Town Council now desires to favor the request and recommendation of the Public Works Director and the Clerk-Treasurer, in support of the projects that will be undertaken from the Community Crossings Grant 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 herein 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 the existing appropriations of the **Special LOIT Distribution Fund** were appropriated for the sole purpose of transfer to the Community Crossings Grant Capital Fund, to provide part of the local match for several projects for which a matching grant has been awarded under the provisions of the Local Road and Bridge Matching Grant Fund, pursuant to IC 8-23-30 is now hereby authorized and directed to be transferred from the Special LOIT Distribution Fund in the amount to be identified herein and deposited to the credit of the Community Crossings Grant Capital Fund;

Section 3. That, further, it has been shown that certain existing appropriations of the **Rainy Day Fund** were appropriated for the sole purpose of transfer to the Community Crossings Grant Capital Fund, to provide part of the local match for several projects for which a matching grant has been awarded under the provisions of the Local Road and Bridge Matching Grant Fund, pursuant to IC 8-23-30 is now hereby authorized and directed to be transferred from the proper appropriation of the Rainy Day Fund in the amount to be identified herein and deposited to the credit of the Community Crossings Grant Capital Fund;

Section 4. That, pursuant to the foregoing, the Clerk-Treasurer be authorized and is hereby directed to transfer the following identified amounts as follows:

(A) Transfer from the **Special LOIT Distribution Fund** the amount identified in the proper account and deposit the transferred proceeds to the credit of the **Community Crossings Grant Capital Fund** as follows:

SPECIAL LOIT DISTRIBUTION FUND
Acct. No. 3XX.XX Transfers:

\$ 387,776.08

COMMUNITY CROSSINGS GRANT CAPITAL FUND

To the credit of cash (unappropriated) on deposit to the fund: \$ 387,776.08

(B) Transfer from the Rainy Day Fund the amount identified in the proper account and deposit the transferred proceeds to the credit of the Community Crossings Grant Capital Fund as follows:

RAINY DAY FUND
Acct. No. 3XX.XX Transfers: \$ 147,076.08

COMMUNITY CROSSINGS GRANT CAPITAL FUND

To the credit of cash (unappropriated) on deposit to the fund: \$ 147,076.08

Total of cash and appropriations expended and transferred from the Special LOIT Distribution and Rainy Day Funds: \$ 534,852.16

Total of cash to be receipted and deposited to the Community Crossings Grant Capital Fund: \$ 534,852.16

Section 5. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution.

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

DULY RESOLVED and ADOPTED this 13th Day of February 2017 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

Attest:

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

4. Works Board Order No. 2017-02: An Order Finding And Determining Certain Personal Property Of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired Or Have Been Left In The Custody Of An Officer Or Employee Of The Town Of Highland And Have Remained Unclaimed For More Than One (1) Year or Have Been Deemed Worthless and of No Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2017-02. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
BOARD of WORKS ORDER NO. 2017-02**

AN ORDER FINDING And DETERMINING CERTAIN PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED OR HAVE BEEN LEFT IN THE CUSTODY OF AN OFFICER OR EMPLOYEE OF THE TOWN OF HIGHLAND AND HAVE REMAINED UNCLAIMED FOR MORE THAN ONE (1) YEAR OR HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE, AND FURTHER AUTHORIZING AND APPROVING DISPOSAL OR TRANSFER OF SAID PROPERTY

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the Metropolitan Police Department that several items of personal property particularly, several computers whose warranties have expired, all owned by the municipality are no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

WHEREAS, The Metropolitan Police Chief has recommended that disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.;

WHEREAS, The Metropolitan Police Chief has further recommended that disposal of the personal property be executed by the purchasing agent, all pursuant to the provisions of IC 5-22-22-3; and

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

- (A) That there are certain articles of personal property possessed or owned by the municipality, that are no longer needed, unfit for the purposes for which they were acquired, pursuant to IC 5-22-22-3; or,
- (B) That there are certain articles of personal property possessed or owned by the municipality, that have been left in the custody of an officer or employee of the Town of Highland and have remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,
- (C) That there are certain articles of personal property possessed or owned by the municipality, that may be deemed worthless or no market value as the estimated costs the sale and transportation of the property exceed the property value, pursuant to IC 5-22-22-8;
- (D) That they these items of personal property are more particularly described in **an exhibit** attached to and incorporated in this works board order;
- (E) That the value of any single item of personal property is less than one thousand dollars (\$1,000), **and** that all the items of personal property together are less than \$5,000, all pursuant to IC 5-22-22;

Section 2. That the Metropolitan Police Chief is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by public or private sale or transfer without advertising pursuant to IC 5-22-22-6;

Section 3. That no proceeds are expected but should proceeds arise, any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the proper fund.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 13th day of February 2017 having passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

Attest:

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

Exhibit of Personal Property for Disposal

| BRAND | MODEL | SERIAL | TAG | PURCHASED | CURRENT WORTH |
|-------|---------------|--------------------------|------|-----------|---------------|
| DELL | OPTIPLEX 780 | 1GZKDQ1 | 1482 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 780 | 1H1LDQ1 | 1483 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 780 | 1H2KDQ1 | 1478 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 780 | 1H3KDQ1 | 1470 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 780 | 1H3LDQ1 | 1479 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 780 | 1H4JDQ1 | 1480 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 780 | 1H4KDQ1 | 1474 | 4/12/2011 | No Value |
| DELL | OPTIPLEX 790 | 9K9ZPS1 | 1548 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 790 | 9K80QS1 | 1538 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 790 | 9KC1QS1 | 1537 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 790 | 9KD0QS1 | 1536 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 790 | 9KG1QS1 | 1547 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 790 | 9KGZPS1 | 1550 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 790 | 9KH2QS1 | 1549 | 6/1/2012 | 100.00 |
| DELL | OPTIPLEX 7010 | 5H359Z1 | 1588 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H549Z1 | 1593 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H559Z1 | 1589 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H629Z1 | 1595 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H639Z1 | 1590 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H649Z1 | 1587 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H659Z1 | 1596 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H729Z1 | 1592 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H829Z1 | 1591 | 11/6/2013 | 200.00 |
| DELL | OPTIPLEX 7010 | 5H839Z1 | 1594 | 11/6/2013 | 200.00 |
| ACER | AL1706 | ETL460C135612067514000 | | 5/26/2006 | No Value |
| ACER | AL1716 | ETL460C00560700928PY11 | | 4/21/2006 | No Value |
| ACER | AL1716 | ETL460C00560700BF9PY11 | | 4/21/2006 | No Value |
| DELL | 1504FP | MY-05R108-47603-336-DF91 | 0 | 4/20/2003 | No Value |
| DELL | 1504FP | MY-05R108-47603-336-DF9Z | 0 | 4/20/2003 | No Value |
| DELL | 1504FP | MY-05R108-47603-336-DFA6 | 0 | 4/20/2003 | No Value |
| DELL | 1703FP | CN-02Y315-71618-41C-ACEH | | 4/1/2004 | No Value |
| DELL | 1703FP | CN-02Y315-71618-42L-DB1X | | 4/1/2004 | No Value |
| DELL | 1703FP | CN-02Y315-71618-42L-DB6J | | 4/1/2004 | No Value |
| DELL | 1703FP | CN-02Y315-71618-42L-DB73 | | 4/1/2004 | No Value |
| DELL | 1703FP | CN-02Y315-71618-42L-DC1A | | 4/1/2004 | No Value |
| DELL | 1800FP | MX-07R477-48323-36B-04GT | 0 | 7/1/2003 | No Value |
| DELL | E173FP | CN-0D5428-72201-4CO-7K9L | | 2/10/2005 | No Value |
| DELL | E173FP | MY-0F7170-47603-4CH-AR5R | | 2/10/2005 | No Value |
| DELL | E173FP | MY-0F7170-47603-4CH-AR5S | | 2/10/2005 | No Value |
| DELL | E173FP | MY-0F7170-47603-4CH-AR64 | | 2/10/2005 | No Value |
| DELL | E173FP | MY-0F7170-47603-4CH-AR5T | | 2/10/2005 | No Value |

| BRAND | MODEL | SERIAL | TAG | PURCHASED | CURRENT WORTH |
|-------|---------|------------------------------|------|-----------|---------------|
| DELL | E197FP | CN-OWH320-46633-683-0A4L | | 3/20/2007 | No Value |
| DELL | 1908FPt | MX-OG324H-74262-88P-3P3L | | | No Value |
| DELL | OFF816 | CN-OFP816-74261-7AQ-7WKU | 1333 | 1/15/2008 | No Value |
| DELL | OFF816 | CN-OFP816-74261-7AO-7W0U | 1331 | 1/15/2008 | No Value |
| DELL | OFF816 | CN-OFP816-74261-7AO-7WTU | 1330 | 1/15/2008 | No Value |
| DELL | 1708FP1 | CN-OPM372-72872-7AB-1D1I | 1327 | 1/15/2008 | No Value |
| DELL | 1708FP1 | CN-OPM372-72872-7AB-1D9I | 1335 | 1/15/2008 | No Value |
| DELL | 1908FPt | CN-OG434H-71618-87N-GE3R-A00 | | | No Value |
| DELL | 1908FPb | CN-OG313H-74261-8CF-6KHL | | | No Value |
| DELL | 1908FPt | CN-OG434H-74443-89R-G199 | | | No Value |

END of EXHIBIT

- Works Board Order No. 2017-03:** An Order of the Works Board Accepting the Recommendation of Garcia Consulting Engineers and Authorizing the Release of Retainage to Walsh & Kelly, Incorporated for the 3400 block of Condit Street Reconstruction Project in the amount of \$30,165.28.

Councilor Herak moved the passage and adoption of Works Board Order No. 2017-03. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN OF HIGHLAND
 ORDER OF THE WORKS BOARD NO. 2017-03

AN ORDER OF THE WORKS BOARD ACCEPTING THE RECOMMENDATION OF GARCIA CONSULTING ENGINEERS AND AUTHORIZING THE RELEASE OF RETAINAGE TO WALSH & KELLY, INCORPORATED FOR THE 3400 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$30,165.28

Whereas, the Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Condit Street, with the project commonly known as the 3400 block of Condit Street Reconstruction Project (Project); and

Whereas, The Board of Works had heretofore awarded a contract to Walsh & Kelly, Incorporated for the Project on April 25, 2016 in the amount of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 07/100 Cents (\$434,788.07); and

Whereas, The Board of Works had heretofore approved Change Order No. 1 and Change Order No. 2 that decreased the original contract amount by Two Thousand One Hundred Thirty-one Dollars and 20/100 cents (\$2,131.20) bringing the total value of the Contract to Four Hundred Thirty-two Thousand Six Hundred Fifty-six Dollars and 87/100 Cents (\$432,656.87.00); and

Whereas, Garcia Consulting Engineers has heretofore determined that the Project is complete pursuant to the terms of contract specifications and has recommended the release the balance of retainage held in the amount of Thirty Thousand One Hundred Sixty-five Dollars and 28/100 Cents (\$30,165.28); and

Whereas, The Board of Works now desires accept the recommendation of Garcia Consulting and authorize and approve the release of retainage held in the amount of the Thirty Thousand One Hundred Sixty-five Dollars and 28/100 Cents (\$30,165.28).

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That construction work performed by Walsh & Kelly, Incorporated for the 3400 block of Condit Street Reconstruction Project is hereby accepted and approved in each and every respect; and

Section 2. That the recommendation from Garcia Consulting Engineers to release retainage held in the amount Thirty Thousand One Hundred Sixty-five Dollars and 28/100 Cents (\$30,165.28) is hereby accepted; and

Section 3. That the Office of the Clerk Treasurer is authorized and instructed to release retainage held in the amount of Thirty Thousand One Hundred Sixty-five Dollars and 28/100 Cents (\$30,165.28) to Walsh & Kelly, Incorporated.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 13th day of February 2017 having passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

Attest:

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

6. **Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.** *Assistant Public Works Director recommends the following:*

(A) The hiring of David Ewan, to the full-time position of Utility Worker/Driver C in Public Works Department (Agency) at a rate of pay of \$15.40 per hour. This will not increase the full-time workforce greater than the authorized work force strength.

Councilor Herak moved to approve the hiring and appointment of David Ewan to the full-time position of Utility Worker/Driver C at the rate indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hiring and appointment were approved.

7. **Renewal of Group Dental Plan.** Current provider, United Health Care (UHC) rates are proposed for renewal at Employee only at \$34.92; Employee and Spouse at \$76.46; Employee plus children \$73.49 and for Employee and family at \$125.66 per month; The current rates are the same. The proposed rates from United Health care represent a 0% increase over the 2016 rates. If approved, Brown Insurance Group would be agent of record. In addition, renewal is currently March 1, 2017.

Councilor Herak moved to approve the renewal of the current group dental plan with United Health Care at the rates indicated. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The group dental plan was approved and renewed.

8. **Renewal for the Workers Compensation Plan,** effective February 1, 2017, with Indiana Public Employers Plan (IPEP) as presented by Brown Insurance Group. *The proposed premium or "contribution" is estimated to be \$104,894. This represents a decrease of 1.16% under the previous year. The experience modifier is quite good.*

Councilor Herak moved to renew the Group workers compensation plan with Indiana Public Employers Plan (IPEP) as presented by the Brown Insurance Group, effective from February 1. Councilor Wagner seconded. Upon a roll call

vote, there were five affirmatives and no negatives. The motion passed. The workers compensation plan was approved.

9. **Action on Binding Letter of Intent & Settlement Agreement Concerning Sewage Collection and Treatment Agreement Fees and LTCP/SCO Capital Costs.** *The Board of Sanitary Commissioners approved the document at its special meeting of February 7, 2017, via SD Resolution No. 2017-04. I.C. 36-9-25-10(14) Provides that Board may enter into contracts or agreements in the name of the municipality, with the approval of the executive. The Town Council should authorize the municipal executive (Town Council President) to evidence approval of the agreement as passed by the Board of Sanitary Commissioners.*

With leave from the Town Council, the Town Attorney offered a summary of the provisions in the binding letter of intent, noting the provisions that were "immediately binding" from those that would be part of ongoing negotiations. *(The entire document is on file with the Office of the Clerk-Treasurer and the Highland Department of Public Sanitation.)*

1. **Immediately Binding Terms.** Upon acceptance of this letter by the Highland Town Council and Hammond Board of Sanitary Commissioners, the following terms relating to the settlement of past claims and related issues shall be immediately binding and completed in accordance with the deadlines set forth below:

- (a) **Capacity Certifications.** HSD will in good faith review and approve capacity certification applications from Highland in the normal course (in accordance with applicable laws and procedures).
- (b) **Highland Past Capital Cost Contribution.** Highland shall pay \$3,627,205 (the "Highland Prior Capital Contribution") to HSD within 180 days of the date of this Letter of Intent, subject to the timing of any bonding requirements, as reimbursement for prior capital improvements identified in Exhibit A.
- (c) **True Up Payments.** Highland agrees to pay HSD \$885,993 for previously demanded true-up payments and \$162,606.09 for true-up payments in 2016 (the "Highland True-Up Payment") to fully, unconditionally and without exception settle and close any and all questions, disputes or claims of amounts due to HSD by Highland through the date of this Letter of Intent pursuant to Section 6 of the Agreement. The resolved amounts originally demanded by HSD and resolved by this payment are listed in Exhibit B. The payments shall be in 35 equal instalments of \$29,127.75 and a final instalment of \$29,127.84 each over 36 months.
- (d) **Interim Rate.** Within 30 days of the date of this Letter of Intent, Highland shall be subject to a rate of \$1.20/1,000 gallons plus a \$7.69/month customer charge for wastewater treatment until the implementation of the rate structure established by the cost-of-service study, as provided in Section 2.b.

Upon implementation of the rate structure established by the cost-of-service study, the Parties shall reconcile the two rates by retroactively applying the rate structure established by the cost-of-service study to the charges incurred by Highland during the Interim Rate period. HSD shall then issue Highland within thirty (30) days a credit or debit for the difference, which shall be applied to Highland's future invoices in equal monthly instalments over the same number of months that the Interim Rate was in effect or such other time agreed upon by the parties in writing.

2. Amended Agreement. Upon the acceptance of this Letter of Intent by the Highland Town Council and Hammond Board of Sanitary Commissioners, HSD and Highland will, in good faith, promptly undertake negotiation of the following terms for the First Amendment to the Agreement. HSD and its counsel shall be responsible for preparing the initial draft of the First Amendment, which will be in a form customary for transactions of similar scope and significance to the parties and will include, in addition to those matters specifically set forth in this letter, customary representations, warranties, indemnities, covenants, and other customary matters. Matters for further negotiation and memorialization in a subsequent agreement include as follows:

- (a) **LTCP Capital Costs.** Highland agrees to pay its proportionate share of HSD's LTCP capital costs. The parties agree to negotiate in good-faith on the estimated allocation, amount, timing, and form of payment of the LTCP capital costs upon (1) approval of the LTCP by IDEM and EPA and (2) approval of Highland's SSO plan by IDEM and EPA.
- (b) **Cost-of-Service Study.** Highland and HSD agree that future rates shall be set pursuant to a cost-of-service study conducted in accordance with the parameters provided in Exhibit C. The parties agree to negotiate in good-faith on the further details of this study, including engagement of an independent third-party consultant, scope of work, and other details as necessary.
- (c) **Future Peak Pumping Capacity.** Highland shall pay \$255,000 peak flow capacity for each additional peak MGD instantaneous flow rate required for Highland to resolve its SSO issues, subject to capacity of HSD's System and adjusted for inflation as necessary. Subject to additional capital expenditures or further limitations needed by HSD, this per MGD cost shall be applied if further peak capacity needed by Highland for SSO compliance. The parties agree to negotiate in good-faith to determine (1) how much additional peak flow capacity required by Highland to resolve its SSO issues in the most cost-effective manner; and (2) timing for when Highland can increase its capacity. This peak capacity charge shall only be applicable to the First Amendment to the Agreement.
- (d) **Engineering.** The parties agree to cooperate and work in good faith on any engineering issues as needed for Highland or HSD in connection with its efforts to comply with their SSO and CSO remediation efforts, respectively, provided however that nothing in the First Amendment to the Agreement shall require the parties to pay for each other's engineering costs.

Councilor Herak moved to authorize the Town Council President as municipal executive to approve the agreement evidencing the Town Council's and his approval. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Binding Letter of Intent was approved by the Town Council and its President.

10. Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in the amount of **\$945,342** in the **Community Crossings Grant Capital Fund** and in the amount of **\$100,000** in the **Economic Development Local Income Tax (LIT) Fund**.

Councilor Herak moved, seconded by Councilor Wagner to authorize the proper officer to publish legal notice of a public hearing for proposed additional appropriations as indicated. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication for the public hearing as indicated was authorized.

11. Authorizing the proper officer to publish legal notice for a public hearing to receive public input regarding an application of the Town of Highland for a one-year

program for Community Development Block Grant Funds in the amount of \$102,130.

Councilor Herak moved, seconded by Councilor Wagner to authorize the proper officer to publish the legal notice for a public hearing related to the Community Development Block Grant for the fiscal year 2017-2018, with the hearing to be conducted on March 13. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication for the public hearing was approved.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison*

Councilor Zemen acknowledged the Building Commissioner who noted that the Plan Commission meeting for January was cancelled.

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

Agenda Amendment. Councilor Herak moved to amend the agenda to allow consideration of a revision to a previously approved instruction of the Town Council regarding seeking of RFQ/RFPs for the retrofitting of the Town Theater Marquee and the Box Office. Councilor Wagner seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended to consider the following matter.

Instruction regarding Expenditures for the RFQ/RFPs for the Town Theater Box Office and Marquee. *At its meeting of January 30, 2017 the Town Council passed a motion directing the Redevelopment Commission to terminate the (Town Theater) project, and instructed it that there be no further expenditures except to seek RFQ's (sic) for the Box Office and the Marquee. Bill Leep from the Redevelopment Commission explained why that the instruction to seek RFQ/RFPs for the two assets may be undesirable and sought to have that part of the instruction modified.*

Councilor Herak moved to eliminate from the earlier motion the requirement to seek RFQ/RFPs for the Box office and Marquee. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The requirement to seek RFQ/RFP for the box office and the marquee were eliminated.

Councilor Herak acknowledged the Public Works Director who offered a summary of projects in the queue.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Liaison.*

Councilor Wagner noted that the Redevelopment Director was absent owing to news that her Dad had suddenly turned ill. Councilor Wagner sent his affirming thoughts.

Councilor Wagner acknowledged the Building Commissioner who offered a report on matters pending before the Advisory Board of Zoning Appeals. The Building Commissioner also reported that the preliminary report on the suggested amendments to the Comprehensive Zoning Ordinance was would be presented by Arsh Group on Thursday, February 23, 2017 at 5:30 p.m. at the Highland Municipal Building.

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

Councilor Kuiper acknowledged the Fire Chief who reported on two major fires to which the Highland Fire Department responded, one being a structural fire in town and the other an assist with a fire at the Pilot Truck Stop in Gary.

- **Councilor President Dan Vassar:** Town Executive • Chair of the Board of Police Pension Trustees • *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who indicated that the Tree survey is underway and noted that the firm engaged to perform the work would be in public parkways as well as parks. They would be wearing green vests.

The Council President expressed condolences to the family of Michael Burbridge, who was recently late of Highland. The Town Council President recalled the number of teams he coached or managed and the extent of his volunteerism.

Comments from Visitors or Residents:

1. Marty Wielgos, Manager, Sanitary District of City of Hammond, offered approving remarks regarding the Town Council's action on the Binding Letter of Intent. He further recalled the history of cooperation between the Town of Highland and the City of Hammond, noting the \$1.75 million dollar loan Highland had granted to Hammond to support the redevelopment of the former Kennedy Park Apartments, which is now host to a major hotel and several restaurants.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period January 31, 2016 through February 13, 2017. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket 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, \$222,064.47; Motor Vehicle Highway and Street (MVH) Fund, \$5,955.53; Local Road and Street Fund, \$830.00; Law Enforcement Continuing Education & Training Fund, \$975.16; Corporation Bond and Interest Fund, \$779,637.50; Insurance Premium Agency Fund, \$295,679.63; Information Communications Technology Fund, \$55,204.98; Solid Waste District Grant Fund, \$512.00; Special Events Non Reverting Fund, \$260.00; Capital Cumulative Improvement (CCI) Fund, \$24,341.00; Traffic Violations and Law Enforcement Agency Fund, \$7,917.00; Total: \$1,393,377.27.

Adjournment of Plenary Meeting. Councilor Wagner moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 13, 2017 was adjourned at 7:46 O'clock p.m. There was no study session following this meeting.

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