

**Enrolled Minutes of the Thirty-fifth Regular or Special Meeting  
For the Twenty-Eighth Highland Town Council  
Regular Meeting  
Monday, May 08, 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, May 08, 2017 at 6:45 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.

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

*Regular meeting.* The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 08, 2017 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, Dan Vassar, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Town Council President 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 Councilor 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; Peter Hojnicky, Metropolitan Police Chief; 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:* Steve Mileusnich of the Advisory Board of Zoning Appeals; Steve Jurczak, Larry Moes, and Terry Krooswyk of the Town Board of Metropolitan Police Commissioners were also present.

*Guest Present:* Linda Johnsen, Manager, Highland Branch of the Lake County Public Library was also present.

**Minutes of the Previous Meetings:** The minutes of the regular meeting of 24 April 2017 and the special meeting of 29 April 2017 were approved by general consent.

**Special Orders:**

1. **Consideration of Additional Appropriations:** Proposed Additional Appropriations in Excess of the 2017 Budget for the **Community Crossings Grant Fund** and the **Economic Development LIT Fund**.

- (a) Attorney verification of Proofs of Publication: The TIMES 27 April 2017. The Town Attorney indicated that the proof 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. 2017-18:** An Enactment Appropriating Additional Moneys in in Excess of the 2017 Budget for the **Community Crossings Grant Fund and the Economic Development LIT Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment 2017-18 at the same meeting of introduction. Councilor Zemen 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 its introduction.

Councilor Herak moved the passage and adoption of Enactment 2017-18 at the same meeting of introduction. Councilor Zemen 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 its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2017-18**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the COMMUNITY CROSSINGS GRANT FUND AND THE ECONOMIC DEVELOPMENT LOCAL INCOME TAX 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 **Community Crossings Grant Fund** and the **Economic Development Local Income Tax 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 **Community Crossings Grant Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

<b>COMMUNITY CROSSINGS GRANT FUND</b>	
Acct. 104.0000.47004 45- Ave Resurfacing share for IGCA:	<u>\$ 101,460.00</u>
<i>Total Series:</i>	\$ 101,460.00
<b>Fund Total:</b>	<b>\$ 101,460.00</b>

**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 **Economic Development Local Income Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

<b>ECONOMIC DEVELOPMENT LOCAL INCOME TAX FUND</b>	
Acct. 250.0000.47005 Downtown Parking Lot Rehabilitation:	<u>\$ 80,000.00</u>
<i>Total Series:</i>	\$ 80,000.00
<b>Fund Total:</b>	<b>\$ 80,000.00</b>

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

Introduced and Filed on the 8<sup>th</sup> day of May 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 8<sup>th</sup> Day of May 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. Administration of Oath of Office** for Police Officer Candidate **Justin M. O'Malley**. Police Officer Candidate O'Malley was appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 13 April, 2017, with the appointment to be effective 07 May 2017, but not earlier than approval by the Indiana Public Retirement System.
- (a) Action by Town Council determining that the named Candidate Meets the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council.

Councilor Kuiper moved to approved the candidate as qualified as determined by the Town Board of Metropolitan Police Commissioners and now approved by the Town Council. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The candidate was found qualified.

- (b) Administration of Oath. The Clerk-Treasurer offered instruction regarding the purposes and nature of the oath of office required for police officers. The Clerk-Treasurer then administered the oath. The Police Officer candidate swore the oath.
- (c) Presentation of Badge by Metropolitan Police Commission Chair and/or Town Council President or the Metropolitan Police Chief. The Police Chief and Chair of the Town Board of Metropolitan Police Commissioners presented the Officer O'Malley his badge.

Office O'Malley offered remarks regarding his pleasure at being appointed and then introduced his wife, parents, in-laws and others present.

- 3. Update:** Mr. Linda Johnsen, Manager, Highland Branch of the Lake County Public Library, to brief on the summer reading program. Ms. Johnsen presented a survey regarding the summer reading program, with the Theme, "Building a Better World." Ms. Johnsen also noted that the Town's newly designated Poet Laureate would be offering a workshop on poetry.

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

• **Building & Inspection Report for April 2017**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00

Commercial Additions or Remodeling:	3	0	3	\$28,500.00	\$460.50
Signs:	2	0	2	\$10,100.00	\$682.50
Single Family:	1	1	0	\$285,000.00	\$3,823.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	63	63	0	\$389,904.00	\$8,374.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	1	1	0	\$2,134.00	\$107.00
Decks & Porches:	5	5	0	\$20,551.00	\$1,085.50
Fences:	21	20	1	\$81,838.00	\$2,625.50
Swimming Pools:	3	3	0	\$0.00	\$246.00
DrainTile/ Waterproofing:	3	3	0	\$11,976.00	\$371.00
Miscellaneous	6	4	2	\$221,988.00	\$748.50
<b>TOTAL:</b>	<b>108</b>	<b>100</b>	<b>8</b>	<b>\$1,052,051.00</b>	<b>\$18,523.50</b>
<b>Electrical Permits</b>	<b>14</b>	<b>13</b>	<b>1</b>		<b>\$1,410.00</b>
<b>Mechanical Permits</b>	<b>7</b>	<b>6</b>	<b>1</b>		<b>\$683.50</b>
<b>Plumbing Permits</b>	<b>6</b>	<b>5</b>	<b>1</b>		<b>\$1,019.75</b>
<b>Water Meters</b>	<b>3</b>	<b>3</b>	<b>0</b>		<b>\$690.00</b>
<b>Water Taps</b>	<b>1</b>	<b>1</b>	<b>0</b>		<b>\$200.00</b>
<b>Sewer/Storm Taps</b>	<b>2</b>	<b>2</b>	<b>0</b>		<b>\$600.00</b>
<b>TOTAL Plumbing:</b>	<b>12</b>	<b>11</b>	<b>1</b>		<b>\$2,509.75</b>

**April Code Enforcement:**

Investigations: 56  
Citations: 00

**April Inspections:**

Building: 24      Electrical: 25      Plumbing: 07      HVAC: 08  
Electrical Exams: 3

• **Fire Department Report for April 2017**

	Month	1 <sup>st</sup> half of year
General Alarms	17	53
Still Alarms	05	23
Paid still alarms	40	106
<b>Total:</b>	<b>62</b>	

• **Workplace Safety Report for April 2017**

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

Department	Injuries this Month	Year to Date 2017	Total in 2016	Restricted Days 2017	Lost Workdays This Year (2017)	Restricted Days Last Year (2016)	Lost Workdays Last Year (2016)
Parks	0	0	1	0	0	12	0
Fire	0	0	1	0	0	0	0
Police	0	1	6	0	120	2	21
Street	0	0	1	0	0	0	0
Water & Sewer	0	0	6	0	0	14	0

Maint.	1	1	1	0	0	0	0
Other	0	0	0	0	0	0	0
<b>TOTALS</b>	<b>1</b>	<b>2</b>	<b>16</b>	<b>0</b>	<b>120</b>	<b>28</b>	<b>21</b>

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. Community Events Commission:**

(A) Appointments to be made by the Town Council. **Term: 1 year.** (3 annual positions available. 1 unexpired term)

Councilor Zemen moved to appoint **Ed Mansoun** to the Community Events Commission to the unexpired term of Sonya Clark. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Mansoun was appointed to the Community Events Commission.

**Unfinished Business and General Orders:**

**1. Resolution No. 2017-19** A Resolution Regarding the Disposition of Appropriated Resources in the Rainy Day Fund, Authorizing its Transfer to the **Community Crossings Grant Fund.**

Councilor Kuiper moved the passage and adoption of Resolution No. 2017-19. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN COUNCIL of the TOWN of HIGHLAND  
RESOLUTION NO. 2017-19**

A Resolution Regarding the Disposition of Appropriated Resources in the Rainy Day Fund, Authorizing its Transfer to the Community Crossings Grant Fund.

**WHEREAS,** The Town of Highland by proper legislative action has established a rainy day fund, pursuant to IC 36-1-8-5.1, codified as Section § 210.116 of the Highland Municipal Code;

**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 Article III of Section § 3.45 of the Highland Municipal Code;

**WHEREAS,** HMC Section 3.45.180 (A)(7) provides that resources from this fund may be used: *“to pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;”*

**WHEREAS,** HMC Section 3.45.129 (A)(3)(a) provides that sources for the Community Crossing Grant Fund may include: *“Money transferred into ..... from the LOIT special distribution fund, established in HMC [3.45.128](#), the municipal rainy day fund established in Article III of this chapter, and such other local matching resources lawful for application to a particular project;”*

**WHEREAS,** IC 8-23-30-3 provides that sources for the *Community Crossing Grant Fund* that are used to serve as a local match for an eligible project funded from the State’s Local Road and Bridge Matching Grant Fund, includes money from the local unit’s rainy day fund;

**WHEREAS,** The Public Works Director and the Clerk-Treasurer jointly have requested and recommended the identified amount be transferred to the Community Crossings Grant Capital Fund to support Highland’s contribution to the Town of Griffith for its 45<sup>th</sup> Avenue Resurfacing project, funded by the Local Road and Bridge Matching Grant 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 certain existing appropriations of the **Rainy Day Fund are no longer needed for the purposes for which they** were appropriated, and are therefore available for a transfer to the Community Crossings Grant Capital Fund;

**Section 3.** That it is now hereby authorized and instructed that the amount of thirty-nine thousand, two hundred seventy-nine dollars (\$39,279) transferred from the proper appropriation of the Rainy Day Fund and deposited to the credit of the Community Crossings Grant Capital Fund and shown below:

Acct. No. 3XX.XX	Transfers:	\$39,279.00
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**Section 4.** That, pursuant to the foregoing, the Clerk-Treasurer be authorized and is hereby requested to transfer the amount identified herein;

**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.

DULY RESOLVED and ADOPTED this 08<sup>th</sup> Day of May 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. 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 Trey Westerland, to the full-time position of Utility Worker B in Public Works Department (Agency) at a rate of pay of \$12.43 per hour. This will not increase the full-time workforce greater than the authorized work force strength.*

(B) *The hiring of Brett Teske, to the full-time position of Pump Station Operator in Public Works Department (Agency) at a rate of pay of \$19.17 per hour. This will not increase the full-time workforce greater than the authorized work force strength.*

Councilor Herak moved to approve the appointment and employment of Trey Westerland to the full-time position of Utility Worker B at the hourly rate indicated and Brett Teske to the full-time position of Pump Station Operator at the hourly rate indicated. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The persons were hired as indicated.

**3. Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in the amount of \$64,785 in the Redevelopment General Fund.**

Councilor Herak moved to authorize the proper officer to publish legal notice of an additional appropriation as indicated. Councilor Kuiper seconded. Upon a roll call vote there were five affirmatives and no negatives. The motion passed. The proper officer was authorized to publish legal notice.

**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 had no report.

- **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.*

Councilor Herak acknowledged the Public Works Director who then reported on the status of several projects undertaken by the Board of Sanitary Commissioners.

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

Councilor Wagner commended the article in the Town's monthly newsletter regarding the progress of recovery for Officer John Swisher.

- **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 several incidents to which the Fire Department responded..

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

The Town Council President congratulated the Parks and Recreation Superintendent and his wife on the recent graduation of their daughter Corrie Brown from Indiana University.

Council President Vassar acknowledged the Parks and Recreation Superintendent, who offered a brief survey of recreation matters.

**Comments from the Public or Visitors:**

1. Larry Kondrat, 8115- 4<sup>th</sup> Place East, Highland, inquired about any plans and their disposition of a development to be located at the current site of the Sharp Athletic Complex and the Public Works Facility. He referenced the Times News account in which Mayor McDermott commented on the possibility of constructing a convention center at that site and attributed the idea to Councilor Zemen.

Mr. Kondrat was advised that the reference to a convention center was offered in passing, made as a possibility by a single councilor and was not actively being sought or planned.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 25,

2017 through May 08, 2017 as well as the payroll docket for the payday of April 28, 2017. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for the vendor docket and the payroll 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, \$312,205.34; Motor Vehicle Highway and Street (MVH) Fund, \$19,765.20; Law Enforcement Continuing Education, Training, and Supply Fund, \$288.91; Insurance Premium Agency Fund, \$149,457.79; Information and Communications Technology Fund, \$8,244.88; Solid Waste District Grant Fund, \$1,199.00; Civil Donation Fund, \$16.20; Special Events Non Reverting Fund, \$27.88; Police Pension Fund, \$67,631.80; Cumulative Capital Development Fund, \$33,434.52; General Improvement Fund, \$72.00; Traffic Violations and Law Enforcement Agency Fund, \$9,223.00; Gaming Revenue Sharing Fund, \$129,465.00; Total: \$731,031.52.**

**Payroll Docket for payday of April 28 2017:**

**Council, Boards and Commissions, \$8,299.00; Office of Clerk-Treasurer, \$12,887.57; Building and Inspection Department, \$8,708.86; Metropolitan Police Department, \$109,319.15; Fire Department, \$24,633.46; Public Works Department (Agency), \$62,730.77 and 1925 Police Pension Plan Pension Fund, \$67,551.06; Total Payroll: \$294,129.87.**

**Adjournment of Plenary Meeting.** Councilor Zemen 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, May 08, 2017 was adjourned at 7:37 O'clock p.m. There was no study session following this meeting.

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