

**Enrolled Minutes of the Fortieth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, July 24, 2017**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 24, 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, Steven 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 discussed the agenda of the imminent meeting.

The study session ended at 7:00 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, July 24, 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 the 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, Steven 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, Town Attorney; Pat Vassar, Assistant Police Chief; Bob Johnsen, Assistant Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRC, Parks and Recreation Superintendent and Kenneth J. Mika, Building Commissioner were present.

Additionally present: Ed Dabrowski, IT Consultant; was additionally present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 10 July 2017, were approved by general consent.

Special Orders:

1. **Public Hearing in Consideration of Proposed Additional Appropriations:** Proposed Additional Appropriations in Excess of the 2017 Budget for the Municipal Cumulative Capital Development (MCCD) Fund in the amount of **\$30,792.00**, and for the **Motor Vehicle Highway (MVH) Fund** in the amount of **\$32,792.00**.
 - (a) Attorney verification of Proofs of Publication: The TIMES 14 July 2017. The Town Attorney indicated that the proof of publication complied with I.C. 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments. The hearing was closed.

- (c) Action on **Appropriation Enactment No. 2017-27**: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Municipal Cumulative Capital Development Fund** and the **Motor Vehicle Highway (MVH) Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Appropriation Enactment No. 2017-27 and moved its consideration at the same meeting or evening of its introduction. Councilor Wagner seconded. Upon a roll call motion, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting or evening of introduction.

Councilor Herak and moved the passage and adoption of Appropriation Enactment No. 2017-27 at the same meeting or evening of its introduction. Councilor Wagner seconded. Upon a roll call motion, 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 or evening of introduction.

**TOWN OF HIGHLAND
 APPROPRIATION ENACTMENT
 Enactment No. 2017-27**

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Municipal Cumulative Capital Development Fund and the Motor Vehicle Highway 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 **MCCD and the MVH Funds**;

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 the Motor Vehicle Highway Fund** and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Increase	
Acct. No. 390.04 Application Software	\$ 13,984.00
Acct. No. 390.06 Software Training	<u>\$ 15,030.00</u>
<i>Total 300 Series</i>	\$ 29,014.00
Acct. No. 410.02 Town Hall Rehabilitation	\$ 1,778.00
<i>Total 400 Series</i>	<u>\$ 1,778.00</u>
Total for Fund:	\$30,792.00

MOTOR VEHICLE HIGHWAY FUND

Increase	
Acct. No. 230.05 Road Salt	\$ 32,752.00
<i>Total 200</i>	<u>\$ 32,752.00</u>
Total for Fund:	\$32,752.00

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 24th Day of July 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 24th Day of July 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)

General Orders and Unfinished Business:

1. **Proposed Enactment No. 2017-28:** An Enactment Transferring a Dormant Fund Balance *Not* raised by Either a General or Special Taxing Levy, and Authorizing the Fund's Defeasance and Abolition, Pursuant to IC 36-1-3 et Sequitur.

Councilor Herak introduced Enactment No. 2017-28 and moved its consideration at the same meeting or evening of its introduction. Councilor Zemen seconded. Upon a roll call motion, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting or evening of introduction.

Councilor Herak and moved the passage and adoption of Enactment No. 2017-28 at the same meeting or evening of its introduction. Councilor Zemen seconded. Upon a roll call motion, 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 or evening of introduction.

ENACTMENT No. 2017-28
of the
TOWN of HIGHLAND, INDIANA

AN ENACTMENT TRANSFERRING A DORMANT FUND BALANCE NOT RAISED BY EITHER A GENERAL OR SPECIAL TAXING LEVY, AND AUTHORIZING THE FUND'S DEFEASANCE AND ABOLITION, PURSUANT TO IC 36-1-3 ET SEQUITUR.

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

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

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

WHEREAS, I.C. 36-1-8-5 provides expressly for the transfer of dormant fund balances existing in funds of the municipality which raised funds through either a general or special tax levy but is silent for those funds whose balances were not raised from any general or special tax levy;

WHEREAS, The Town Council has been advised of some dormant funds of the unit without a cash balance, which funds remain on account to the municipality *but which balances when raised were not raised by any general or special tax levy on the unit*;

WHEREAS, The Town Council has been further advised of some dormant funds of the unit, which balance is currently on account to the municipality *but which was not raised by any general or special tax levy on the unit*;

WHEREAS, The Town Council has been still further advised that the purposes for which the balances were raised for the subject funds have been fulfilled, abandoned, or assumed by another fund of the unit;and

WHEREAS, The Town Council has been still further advised that since these funds were not raised by any general or special tax levy of the unit, the provisions of IC 36-1-8-5, which would ordinarily be relied upon to address these dormant balance, does not apply; and,

WHEREAS, The Town of Highland, through its Town Council now desires to dispose of the dormant fund balances, under its authority conferred by IC 36-1-3 et seq., as if these funds were governed by IC 36-1-8-5;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby finds and determines the following:

(A) That there is an unused, unencumbered balance on deposit to the credit of the *Legacy Foundation Grant Fund*, a fund created by the receipt of the ADVANCE GRANT, to pay the artist fee for art work rendered on a wall located at a business at **2821 Jewett Street**, Highland, Indiana as part of the on-going downtown redevelopment;

(B) That the unused, unencumbered balance on deposit to the credit of the *Legacy Foundation Grant Fund* is five hundred dollars (\$500.00); and,

(C) That the costs for which the grant was obtained were fully paid by the Redevelopment General Fund and for this project, the fund has no unused or encumbered cash on deposit to its credit related to the costs of the project for which the grant was sought;

(D) That the purposes for which the *Legacy Foundation Grant Fund* was established have been fulfilled;

Section 2. That owing to the foregoing findings and determinations, the unused, unencumbered balance on deposit to the credit of the *Legacy Foundation Grant Fund* in the amount five hundred dollars (\$500.00) be transferred to the **Redevelopment General Fund of the Corporation**;

Section 3. That the *Legacy Foundation Grant Fund* be hereby defeased and abolished, provided such defeasance and abolition not be executed before an external audit of the State Board of Accounts has been conducted;

Section 4. That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the fund and to carry-out the provisions of this ordinance;

Section 7. Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 24th day of July 2017. Consideration on First Reading Sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED and ADOPTED this 24th Day of July 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;IC 36-5-2-10.2)

2. **Resolution No. 2017-26:** An Exigent Resolution Providing for the Transfer of Appropriation Balances From And Among Major Budget Classifications in the Motor Vehicle Highway Fund and the Municipal Cumulative Capital Development Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2017-26. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2017-26

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MOTOR VEHICLE HIGHWAY FUND and THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO I.C. 6-1.1-18-6.

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

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

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

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

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT (MCCD) FUND

Reduce Accounts:		
#390.04 Application Software		\$ 13,983.49
#390.06 Software Training		\$ 15,029.99
	<i>Total 300 Series Reductions</i>	\$ 29,013.48

Reduce Accounts:		
#410.02 Town Hall Rehabilitation		\$ 1,778.52
	<i>Total 400 Series Reductions</i>	\$ 1,778.52

Increase Account:		
#300.08 Public Works Trucks Capital Lease		\$ 30,792.00
	<i>Total 300 Series Increases</i>	\$ 30,792.00

Total of All MCCD Fund Decreases:	\$ 30,792.00
Total of All MCCD Fund Increases:	\$ 30,792.00

MOTOR VEHICLE HIGHWAY (MVH) FUND

Reduce Accounts:		
#230.05 Road Salt		\$ 32,752.00
	<i>Total 200 Series Reductions</i>	\$ 32,752.00

Increase Account:		
#300.08 Public Works Trucks Capital Lease		\$ 32,752.00
	<i>Total 300 Series Increases</i>	\$ 32,752.00

Total of All MVH Fund Decreases:	\$ 32,752.00
Total of All MVH Fund Increases:	\$ 32,752.00

DULY RESOLVED and ADOPTED this 24th Day of July 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)

3. **Resolution No. 2017-29:** A Resolution Authorizing, Delegating and Instructing the Town Council President to Vote for members of the Board of Directors of Trust between the Town of Highland and the Accelerating Indiana Municipalities (AIM) formerly the Indiana Association of Cities and Towns, Operating as a Cooperative Health Benefit Arrangement, pursuant to I.C. 5-10 et seq.; and IC 36-1-3.

Councilor Wagner moved the passage and adoption of Resolution No. 2017-29. 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
Resolution No. 2017-29**

A RESOLUTION AUTHORIZING, DELEGATING AND INSTRUCTING THE TOWN COUNCIL PRESIDENT TO VOTE FOR MEMBERS OF THE BOARD OF DIRECTORS OF TRUST BETWEEN THE TOWN OF HIGHLAND AND THE ACCELERATING INDIANA MUNICIPALITIES (AIM) FORMERLY THE INDIANA ASSOCIATION OF CITIES AND TOWNS, OPERATING AS A COOPERATIVE HEALTH BENEFIT ARRANGEMENT, PURSUANT TO I.C. 5-10 ET SEQ; AND IC 36-1-3.

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

WHEREAS, Title 5, Article 10, Chapters 2.2 and 2.6 enables a public employer to provide programs of group health insurance by purchasing policies of group insurance or establishing self-insurance programs;

WHEREAS, Title 5, Article 10, Chapter 8 further enables two or more public employer to establish a common and unified plan of group insurance for employees, including retired employees;

WHEREAS, The Town Council of the Town of Highland, previously approved the Town of Highland's participation and founding membership in a cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns, now known as the Accelerating Indiana Municipalities, authorizing entry into an Agreement and Declaration of Trust of the IACT Medical Trust, now known as the AIM Medical Trust;

WHEREAS, The cooperative health benefit arrangement for the good of all qualified members of AIM forming the AIM Medical Trust, is governed by a board of directors;

WHEREAS, All member cities and towns of the cooperative health benefit arrangement for the good of all qualified members of AIM, formerly the Indiana Association of Cities and Towns forming the AIM Medical Trust, is empowered to participate in the election of the board of directors; and

WHEREAS, The Town Council of the Town of Highland now desires to delegate, and confer authority upon the Town Council President to complete and submit the official ballot on behalf of the Town of Highland,

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

Section 1. That the Town of Highland is a founding member in the cooperative health benefit arrangement for the good of all qualified members of AIM, formerly the Indiana Association of Cities and Towns operated as the AIM Medical Trust;

Section 2. That the Town of Highland as a participating member in the cooperative health benefit arrangement for the good of all qualified members of the Indiana Association of Cities and Towns operated as the AIM Medical Trust, is entitled to submit a ballot in the election of the Board of Directors of the Trust;

Section 3. That the Town Council of the Town of Highland now authorizes, delegates and instructs the Town Council President to complete the authorized ballot for the forthcoming election of members to the **Board of Directors of the AIM Medical Trust**, voting for no more than two nominees for consideration to serve on the Board for a three-year term, which commences August 1, 2017;

Section 4. That the Town Council of the Town of Highland also takes legislative notice that there are two nominees, of which only two may be elected, those nominees being (1) Jenny Percy, Danville Town Clerk-Treasurer, a current member; and (2) Caroline Shaw, City of Bloomington Human Resources Director and current member;

Section 5. That the Town Council of the Town of Highland further instructs the Town Council President to select the nominees for a term on the Board of Directors, and submit the completed ballot on or before the deadline of Friday, July 28, 2017;

DULY RESOLVED AND ADOPTED this 24th Day of July 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
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

- 4. Resolution No. 2017-30:** A Resolution to Approve and Adopt an Interlocal Cooperation Agreement between the Town of Griffith and the Town of Highland for Mutual Benefit to Share Expenses Related to the 45th Avenue Improvement Project, between Forrest Drive and Cline Avenue.

Councilor Wagner moved the passage and adoption of Resolution No. 2017-30. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND, LAKE COUNTY, INDIANA
TOWN COUNCIL
RESOLUTION NO. 2017-30**

A RESOLUTION AUTHORIZING THE ENTRY INTO AN INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND UTILIZATION OF CONSTRUCTION SERVICES FOR MUTUAL BENEFIT

Whereas, The Town Council of Highland, Lake County, Indiana, acting as the Works Board of the municipality has reviewed the needs and requirements regarding the providing of maintenance and improvement services to the public ways of the Town; and,

Whereas, The Town Council of Highland, Lake County, Indiana, acting as the legislative body of the municipality, has been advised that the provisions of Indiana 36-1-7-1 *et seq.*, as amended from time to time, permit political subdivisions and entities to make the most efficient use of their powers by enabling political subdivisions to mutually purchase and utilize equipment, supplies and services for the mutual benefit of the participating governmental entities; and,

Whereas, The Town of Highland, Lake County, Indiana, is a political subdivision empowered by the terms and provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time, to enter into agreements with participating governmental units for the purchase and utilization of equipment, supplies and services; and,

Whereas, The Town of Griffith, Lake County, Indiana is also a political subdivision or entity empowered by the aforesaid Interlocal Cooperation act, as amended with authority to contract on behalf of and with each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, Town of Highland, Lake County, Indiana, by and through its Town Council and Town of Griffith, Lake County, Indiana, by and through its Town Council, each seek to enter into an agreement constructed pursuant to IC. 36-1-7-1, *et seq.* with and among each other to provide for the ability and flexibility to purchase and utilize supplies, and re-construction and improvement services for the mutual benefit of the participating entities, at a shared cost particularly related to the 45th Avenue Resurfacing Project a public way contiguous to and shared by both jurisdictions and funded by resources associated with the Local Road and Bridge Grant Fund of the State of Indiana; and

Whereas, The Town of Highland, Lake County, Indiana, by and through its Town Council, has determined that entry into a joint agreement with Town of Griffith, Lake County, Indiana, by and through its Town Council for the purchase and utilization of supplies, equipment and professional engineering services for the participating governmental units is in the best interests of the residents of the Town of Highland, and therefore, has determined that it is advisable to enter into and become a participating unit under such an agreement pursuant to applicable provisions of State Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA:

Section One: That the Town Council of the Town of Highland, Lake County, Indiana, shall take all appropriate and legal measures to enter into an Interlocal Cooperation Agreement with the Town of Griffith, by and through its Town Council in order to purchase and utilize supplies, equipment and to engage in construction, reconstruction and improvement activities on behalf of the participating entities for the mutual benefit of the participating entities at a substantial savings for the following services related to the Resurfacing Project involving **45th Avenue between Ridge Road and 45th Avenue.**

Section Two: That the President of the Town Council is hereby authorized and permitted to enter into an Interlocal Cooperation Agreement for the purchase and utilization of equipment, supplies and services for the mutual benefit of the political subdivisions herein named, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time; further, the Clerk-Treasurer is hereby authorized to attest the execution of said agreement by the President of the Town Council;

Section Three: That a copy of the Interlocal Cooperation agreement between and among the two parties shall be attached to this Resolution and incorporated herein by reference;

Section Four: That this Resolution shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of Highland, Lake County, Indiana.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 24th day July 2017. 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)

**INTERLOCAL COOPERATION AGREEMENT for the PURCHASE and UTILIZATION of
CONSTRUCTION, SERVICES for MUTUAL BENEFIT CONNECTED with a HIGHWAY IMPROVEMENT
PROJECT**

Whereas, Indiana Code 36-1-7-1, *et seq.*, allows local government entities to make the most efficient use of their powers by enabling them to mutually purchase and utilize equipment, supplies and services for the mutual benefit of each other; and

Whereas, The Town of Highland, through its Town Council organized pursuant to and the Town of Griffith through its Town Council organized under IC 36-5 *et seq.*, Lake County, Indiana are political subdivisions empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, The Town of Highland, through its Town Council and the Town of Griffith through its Town Council all as participating entities now desire to enter into an agreement constructed pursuant to IC. 36-1-7-1, *et seq.*, with Highland's Town Council, to provide for the ability to provide construction services for the mutual benefit of the participating entities, and at a shared cost;

Now Therefore, In consideration of the mutual terms, covenants, and conditions set forth herein, the Town of Highland, by and through its Town Council and the Town of Griffith by and through its Town Council hereby agree as follows:

Section 1. DURATION. The duration of this agreement shall be from May 1, 2017 through December 31, 2017, provided said agreement is adopted by Resolution by each of the governing boards of the relevant two aforesaid political subdivisions as participating entities, prior to that date, or up to and including September 1, 2017, and may be renewable each calendar year thereafter by agreement of the parties, evidenced by passage of similar resolutions, should the purposes of this agreement or Section 7 herein require it .

Section 2. PURPOSE. The purpose of this agreement is to authorize and allow the Town of Highland through its Town Council to engage in construction, reconstruction and improvement activities on

behalf of the two participating entities for the mutual benefit of the participating entities at a substantial savings for the following services related to the Community Crossings Grant Project involving **improvement of 45th Avenue, Forrest Drive to South Cline Avenue.**

Section 3. ADMINISTRATION and AUTHORITY DELEGATION. This agreement shall be administered through an *enhanced* entity comprised of the Town of Griffith's Works Board, as defined by IC 36-1-2-24 (4). The powers of the enhanced entity shall be as follows:

(a) The powers of the enhanced entity shall be exercised by the Griffith Works Board, as defined by IC 36-1-2-24 (4), and shall be construed to include all powers directly granted it under IC 36-5 et seq., those powers permitted under IC. 36-1-7-2 and only those powers exercisable by the participating entities individually and deemed necessary to carry-out the Improvement Project described in section 2 of this agreement.

(b) Change orders will be provided for review and concurrence by all participating entities. By adoption and approval of this agreement, the Town of Highland has consented to make review and concurrence a ministerial task to be undertaken by a person or officer each will respectively authorize and, once chosen, will be empowered to evidence review and concurrence on behalf of the respective participating entity by letter transmitted to the Highland Works Board acting as an enhanced entity. The Town of Griffith by and through its Works Board, as defined by IC 36-1-2-24 (4), will finally approve all change orders and its proper officers will evidence approval by their signatures.

Section 4. ACCOUNTS and FINANCE. This agreement hereby delegates to the duly elected Clerk-Treasurer of the Town of Griffith, the duty to receive, disburse, and account for all moneys of this undertaking pursuant to the terms of this agreement. The Clerk-Treasurer shall perform all usual duties associated with the office and as required by law.

Section 5. TERMS. In consideration of the mutual promises contained herein, it is further agreed as follows:

(a) The Town of Highland by and through its Town Council agrees that the Griffith Town Council, which is the municipal works under IC 36-1-2-24, shall serve as an enhanced entity behalf of the two participating entities. The enhanced entity shall provide administration and supervision over general construction services related to the improvement project described herein. As for those portions of the project related to public way resurfacing, and all other improvement installation, the enhanced entity will carry-out administration and supervision over general construction services on behalf of the participating entities, according to specifications outlined in the project specifications as drafted and duly approved for the improvement project described herein;

(b) The Town of Highland through its Town Council agrees and shall contribute the amount of *One hundred one thousand, four hundred sixty Dollars and eighty-six cents (\$101,460.86)* to the Griffith Works Board acting as an enhanced entity, payable from its Community Crossings Matching Grant Fund to be payable upon terms as the enhanced entity may direct, not later than September 30, 2017;

(c) The Town of Griffith through its Town Council agrees and shall contribute the amount of *Three hundred eighty-six thousand, four hundred ninety-seven Dollars and twenty-one Cents (\$386,497.21)* to the Griffith Works Board acting as an enhanced entity, payable from proper Fund or Funds of the Town as it may identify, to be deposited in an appropriate fund, to be payable over the course of the project not later than **September 30, 2017**;

(d) Further, that the participating entities described in subdivision (c) of Section 5 of this agreement consent to pay the amount herein identified and any that may lawfully be incurred in consequence of this project as a *pro-rata* share of the net amounts due, allowing for that portion of the contribution that under the terms of the community crossings grant or otherwise, would be otherwise reimbursable to each participating entity individually but will be instead reimbursable to the enhanced entity;

(e) Still further, following the conclusion of construction herein, in the event that costs are below the initial estimates used to determine the initial contributions of the participating entities producing refunded savings, the enhanced entity will make a "good faith settlement" with the participating entities as an estimated pro-rata share of the net amounts due of the refunded savings, after allowances;

(f) Still further, following the conclusion of construction herein described, in the event that costs are above the initial estimates used to determine the initial contributions of the participating entities producing additional costs, the participating entities will contribute to the enhanced entity as a pro-rata share of the net amounts due of the additional costs, as identified;

Section 7. MEETINGS and GOVERNING LAW. In acting as an enhanced entity, the Griffith Works Board, as defined by IC 36-1-2-24 (4) shall adhere to and comply with all applicable laws governing its action when acting as a Town Council;

Section 8. TITLE. Upon satisfactory completion and acceptance of the project, the enhanced entity is dissolved, and those improvements of public way and other infrastructure improved or installed in consequence of the 45th Street Improvement Project described herein, become property of the respective individual political subdivisions, to the extent those improvements lie within the particular lawful boundaries of the particular political subdivisions, all according to governing law.

Section 9. COUNTERPARTS. This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

Section 10. RECORDING. Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective under Paragraph 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN of HIGHLAND, INDIANA
3333 Ridge Road, Highland, Indiana 46322-2089

By and Through its Town Council

By: _____
Dan Vassar, President

Attest:

Michael W. Griffin, IAMC/ MMC/CPFA/CPFIM/CMO,
Clerk-Treasurer
Town of Highland, Indiana

Participant Execution Date: _____

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective under Paragraph 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN of GRIFFITH, INDIANA
111 North Broad Street, Griffith, Indiana 46319

By and Through its Town Council

By: _____
Rick Ryfa, President

Attest:

John Volkman, Clerk-Treasurer
Town of Griffith, Indiana

Participant Execution Date: _____

5. **Commendation Letter for Day Off and Signature Authorization.** Action to approve Letters of Commendation for exemplary public service leading to the award of a single paid day off for several workers in the **Metropolitan Police Department**. Pursuant to Section 4.13 of the Compensation and Benefits Ordinance, for the day off to be effective requires the approval of the board of jurisdiction and the Town Council. The Town Board of Metropolitan Police Commissioners has granted preliminary approval to several letters of commendation regarding several employees who have worked six (6) months without calling off. Action should include approval for the members of the Town Council to sign the letters of commendation. *The Police Chief and the Town Board of Metropolitan Police Commissioners are asking for approval of a letter of commendation for six months of work without calling off and not having an at-fault accident for the following:*

*Commander Ralph Potesta
Commander John Banasiak
Sergeant Michael O'Donnell
Sergeant Shawn Anderson
Corporal Brandon Norris
Lance Corporal Gregory Palmer*

*Officer Brian Orth
Officer David Byers
Officer Daniel Matusik
Officer Lee Natelborg
Officer Brian Stanley
Officer Mike Yonkman
Officer Darren Conley and
Officer Gerardo Garza, Jr.*

Councilor Kuiper moved to approve the letter of commendation and to authorize the Town Councilors to sign the letter. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The letters were authorized and the Town Council members could sign.

6. **Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in the amount of \$284,595.00 in the Sanitary District Capital Fund and in the amount of \$24,000 in the Sanitary District Special Payment Fund.** *(This hearing will be conducted by the Board of Sanitary Commissioners)*

Councilor Herak moved to authorize the proper officer to publish notice for a public hearing on proposed additional appropriations in the funds identified in the amounts indicated, with the hearing to be conducted by the Board of Sanitary Commissioners. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication and hearing were authorized.

Comments from the Town Council:

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

Councilor Zemen acknowledged the Building Commissioner who reported that the Plan Commission granted 2nd plat approval and the final PUD Plan for the Cardinal Campus Development. The Building Commissioner further reported that the Plan Commission had recommended favorable approval of the replacement Zoning Ordinance (Code), to replace the existing code in its entirety.

- **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 offered happy birthday greetings to the Clerk-Treasurer and the Councilor Zemen.

Councilor Herak acknowledged the Assistant Public Works Director, who offered a report on sanitary district and water utility projects.

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

Councilor Wagner acknowledged the Building Commissioner, who offered an overview of matters before the Advisory Board of Zoning Appeals.

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

Councilor Kuiper acknowledged the Assistant Police Chief, who reported that the transition to a new school resource officer will begin in two weeks.

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

The Council President acknowledged the Parks and Recreation Superintendent who reported on the imminent annual Community Theater production of State Fair at Main Square.

The Town Council President congratulated teams in the Highland Baseball program that were competing in State and regional competitions.

Comments from Visitors or Residents:

1. Kim Quioz, 9003 O'Day Drive, Highland, expressed concerns about an issue with a neighbor and the neighborhood. Ms. Quioz was not specific.

It was noted and the Town Council President asked that the matter be presented to the proper department head following the meeting.

2. Larry Kondrat, 8115 4th Place East, Highland, asked about the prospective relocation of the public works facility and what might be put in its place.

It was noted that no determination had been made regarding the relocation site and what would be put in its place.

3. _____ Aurand, 9315 Farmer Drive, Highland, inquired whether the Town Council considered offering a live stream of Council meetings on the internet. Mr. Aurand volunteered to assist with the task.

4. Vernon Sieb, 3024 Lakeside Drive, Highland, inquired about the status of enforcement of the proscriptions regarding "junk vehicles" on the site of A-Line Movers in the Industrial Park.

It was noted that there was a change in the authorizing law and it informs the local code. It was further noted that steps were taken to assure that the trailers were properly registered and tagged.

Mr. Sieb also expressed concerns regarding the condition of the loading dock at A-Line Movers.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **July 11, 2017 through July 24, 2017** and the **payroll docket for July 07, 2017**. Councilor Herak 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, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$218,991.17; Motor Vehicle Highway and Street (MVH) Fund, \$34,456.82; Local Road and Streets Fund, \$173,051.54; Parks/VIPS Public Safety Fund, \$6,678.00; Law Enforcement Continuing Education, Training, and Supply Fund, \$3,178.96; Corporation Bond and Interest Fund, \$227,954.00; Information and Communications Technology Fund, \$6,009.02; Special Events Non Reverting Fund, \$25,443.20; Police Pension Fund, \$67,779.12; Cumulative Capital Improvement Fund, \$2,640.00; Municipal Cumulative Capital Development Fund, \$5,209.36; Traffic Violations and Law Enforcement Agency Fund, \$4,667.00; Total: \$776,058.19.

Payroll Docket for payday of July 7, 2017:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,625.76; Building and Inspection Department, \$8,934.74; Metropolitan Police Department, \$121,085.20; Fire Department, \$3,675.19; Public Works Department (Agency), \$70,247.340 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$217,568.23.

Good of the Order: The Town Council President congratulated Jared Tauber and his wife on the news of the pregnancy with twins.

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, July 24, 2017 was adjourned at 7:35 O'clock p.m.

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