

**Enrolled Minutes of the Forty-fifth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, October 09, 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, October 09, 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 Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen 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.
2. The Town Council discussed the need to manage the filings on the agenda. It was noted that the current municipal code provides for the Clerk-Treasurer and the President to manage the process. It further empowers the Clerk-Treasurer to establish written filing guidelines and timetables. The Town Council President suggested a noon deadline on the Friday immediately before the Town Council Meeting. The Clerk-Treasurer noted that he would work on written guidance as the code suggests.
3. The Fire Chief reported on the progress and status of the Ambulance services transitions from Prompt Ambulance to successor services. He noted that most communities were selecting Superior as the successor agency.

The study session ended at 7:02 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, October 09, 2017 at 7:05 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 Mark Herak, Dan Vassar, Steven Wagner, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett Tauber, Esq. Town Attorney; Pete Hojnicky, Police Chief; Mark Knesek, Operations Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building Commissioner; and Kathy DeGuilio-Fox, Redevelopment Director were present.

Additionally present: Susan Murovic, Advisory Board of Zoning Appeals; and Ed Dabrowski, Contract Information Technology Consultant were additionally present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 25 September 2017, was approved by general consent.

Special Orders:

1. **Pre-Adoption Hearing of the Proposed Fiscal Year 2018 Budget for the Town of Highland.**
 - (a) Verification of Publication: *(Under latest law, no publication by unit just by Department of Local Government Finance online Gateway. The proposed components of budget must be submitted to the Gateway at least 10 days before the Preliminary Hearing.) The Clerk-Treasurer noted that the proposed budget notice was filed with the Gateway on September 28, 2017. (See IC 6-1.1-17-3)*
 - (b) Introduction of **Proposed Ordinance No. 1658: An Ordinance of Appropriations and Budget Levies and Rates for the 2017 Budget.** Councilor Wagner introduced and filed the proposed ordinance.

Fund Name	Proposed Budget	Proposed Tax Levy	Proposed Tax Rate	750,360,057
Corporation General	\$ 7,926,589	\$ 5,540,127	0.7383	
Debt Service	\$ 2,154,267	\$ 2,533,137	0.3376	
Local Income Tax (Public Safety LOIT)	\$ 555,309	\$ -	0.0000	
Police Pension	\$ 844,088	\$ 3,216	0.0004	
Local Road and Streets	\$ 374,201	\$ -	0.0000	
Motor Vehicle Highway	\$ 1,212,610	\$ -	0.0000	
LE Continuing Education	\$ 45,500	\$ -	0.0000	
Park and Recreation	\$ 2,409,690	\$ 1,195,426	0.1593	
Park Bond	\$ 1,449,188	\$ 2,271,090	0.3027	
Cumulative Capital Improvement	\$ 90,000	\$ -	0.0000	
Cumulative Capital Development	\$ 407,746	\$ 550,000	0.0733	
Economic Development Income Tax	\$ 600,000	\$ -	0.0000	
Redevelopment General	\$ 268,213	\$ 286,898	0.0382	
Redevelopment Capital	\$ 187,234	\$ -	0.0000	
Redevelopment Bond	\$ 239,068	\$ 328,837	0.0438	
Solid Waste District Grant	\$ 170,000	\$ -	0.0000	
Information and Communications Technology	\$ 218,020	\$ -	0.0000	
VIPS/Park Public Safety Fund	\$ 6,000	\$ -	0.0000	
Special Events Non Reverting	\$ 70,531	\$ -	0.0000	
	\$ 19,228,254	\$ 12,708,731	\$1.6937	

- (c) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments or remonstrances. The hearing was closed.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at the regular meeting of the **Town Council, Monday, October 23, 2017 at 7:00 p.m.**

The Clerk-Treasurer noted that the proposed budget was not balanced but that he expected that the budget when ready for final adoption would be.

2. **Pre-Adoption Hearing of the Proposed Fiscal Year 2018 Budget of the Sanitary District, pursuant to IC 6-1.1-17-20.** *Under amendments to IC 6-1.1-17-20, the proper officers shall submit the proposed budget and property tax levies to the municipal fiscal body. The proposed budget and levy shall be submitted to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The final adoption vests with the Town Council. The Town Council should take its final action at its meeting of October 23, 2017.*

(a) **Verification of Publication:** *(Under latest law, no publication by unit just by Department of Local Government Finance online Gateway. The proposed components of budget must be submitted to the Gateway at least 10 days before the Preliminary Hearing.) The Clerk-Treasurer noted that the proposed budget notice was filed with the Gateway on September 28, 2017. (See IC 6-1.1-17-3)*

(b) **Introduction of Proposed Ordinance No. 1657:** An Ordinance of Appropriations and Budget Levies and Rates for the 2018 Budget. Councilor Zemen introduced and filed the ordinance. There was no further action.

Fund Name	Proposed Budget	Proposed Tax Levy	Proposed Tax Rate	750,360,057
Special Sanitary General	\$ 2,468,688	\$ 461,904	0.0616	
Special Sanitary Debt Service	\$ 2,198,058	\$ 4,060,451	0.5411	
Special Sanitary Debt Service Exempt from Circuit Breakers	\$ 235,472	\$ 277,712	0.0370	
	\$ 4,902,218	\$ 4,800,067	\$ 0.6397	

(c) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments or remonstrances. The hearing was closed.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at the regular meeting of the **Town Council, Monday, October 23, 2017 at 7:00 p.m.**

The Clerk-Treasurer noted that the proposed budget was not fundable but that he expected that the budget when ready for final adoption would be.

3. **Pre-Adoption Hearing of the Proposed Fiscal Year 2018 Budget of the Waterworks District, pursuant to IC 6-1.1-17-20.** *Under amendments to IC 6-1.1-17-20, the proper officers of the special taxing district shall submit the proposed budget and property tax levies to the municipal fiscal body. The proposed budget and levy shall be submitted to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The final adoption vests with the Town Council. The Town Council should take its final action at its meeting of October 23, 2017.*

- (a) Verification of Publication: *(Under latest law, no publication by unit just by Department of Local Government Finance online Gateway. The proposed components of budget must be submitted to the Gateway at least 10 days before the Preliminary Hearing.)* The Clerk-Treasurer reported that the proposed budget notice was filed with the Gateway on September 28, 201. (See IC 6-1.1-17-3)
- (b) Introduction of **Proposed Ordinance No. 1656**: An Ordinance of Appropriations and Budget Levies and Rates for the 2018 Budget. Councilor Herak introduced and filed the proposed ordinance. There was no further action.
- (c) **Public Hearing**. The Town Council President called the public hearing to order. There were no comments or remonstrances. The hearing was closed.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at the regular meeting of the **Town Council, Monday, October 23, 2017 at 7:00 p.m.**

- 4. **Consideration of Proposed Urban Tree Management Plan**. The Parks and Recreation Department administered a grant to cause a comprehensive inventory of trees located in public areas of the Town. This activity was a predicate activity for the development of an Urban Tree Management Plan. The proposed plan has been subjected to several opportunities for public input during the course of its development. Owing to the conditions of some the Federal sources of funding for the project, a public hearing is now scheduled regarding the proposed, enrolled Urban Tree Management Plan.

- (a) **Verification of the proof of publication**: (The TIMES of NWI, 28 September 2017). The Town Attorney verified that the public notice complied with IC 5-3-1.

(b) Public Hearing. There was first a presentation by Mr. Jim Semelka, a Licensed Arborist, who offered a Powerpoint® assisted presentation regarding the enrolled Urban Tree Management Plan. It was noted that this was presented in longer form at the Park and Recreation Board meeting. The public comments followed.

- 1. Susan Kolodziej, 3605 42nd Place, Highland, Indiana, stated that she did not want any trees near her property. Her comment was noted.
- 2. Larry Kondrat, 8115 4th Place east, Highland, Indiana, inquired whether there was a preferred type of tree for planting in yards and in the parkways. It was noted that the final report may have some, but that the silver maple would NOT be among them.
- 3. Mary Hackett, 3320 Ridge Road, Highland, Indiana, commented favorably on the plan, inquiring whether there was any flexibility in the proposed plan. The arborists stated that some flexibility in choices of tree species would be likely in the final report.
- 4. Brian _____, 3100 block of Franklin Street, Highland, Indiana expressed concerns regarding trees that would be bear berries and its negative effects on automobiles parked near them, and other fruit bearing trees and the impact of rotting fruit fallen from the trees.
- 5. **Resolution No. 2017-37**: A Resolution Adopting and Approving an Urban Tree Management Plan for the Town of Highland.

It was noted that the resolution adopting the plan would be delayed to allow for the public input to be considered and incorporated into the final Urban Tree Management Plan. There was no further action.

5. **Plan Commission Docket: Replacement of Comprehensive Zoning Ordinance • Plan Commission Docket 2017-03** The municipal plan commission determined it was necessary and desirable to repeal and replace the existing comprehensive zoning ordinance. The Plan Commission, on its own motion, considered the replacement zoning ordinance at its meeting of 19 July 2017. At that meeting by a vote of 4 in favor and zero opposed, the Plan Commission certified the accompanying ordinance and replacement zoning code favorably to the Town Council. Findings of Fact were memorialized and approved by the Plan Commission at its meeting of 16 August 2017.

Pursuant to IC 36-7-4-606(b)(1), having received a favorable recommendation, the Town Council may either approve the recommendation and adopt the ordinance, reject the recommendation, or amend the proposal in both cases send it back to the Plan Commission with written reasons for rejection or amendment. The Plan Commission then has 45 days to consider the action of the Town Council. If the Plan Commission fails to act or approves the amendment, the ordinance stands as passed by the Town Council at the end of the 45-day period. If the Plan Commission disapproves the rejection or the amendment, the action of the legislative body stands only if it is confirmed by a vote within 45 days after the commission certifies its disapproval. If the Town Council does not act within the 45 days, the original ordinance takes effects as recommended by the Plan Commission.

In the current instance, if no action occurs within 90 days, the recommendation of the Plan Commission is adopted 90 days tolls on October 17, 2017. ZONING CODE REPLACEMENT

- (a) Certification of Action by the Plan Commission depicted in the Findings of Fact. The Clerk-Treasurer reported on the certification of the findings of fact reporting the favorable recommendation for adoption of the ordinance.
- (b) **Introduced Ordinance No. 1659** of the Town of Highland, Repealing Title 18 of the Municipal Code in its Entirety and amending with a replacement Zoning Code for the Town of Highland to be codified as Title 18. *(This ordinance may be immediately considered without moving its consideration at the same meeting of introduction pursuant to IC 36-5-2-9.8(b)(1).)*

Councilor Zemen moved the passage and adoption of Ordinance No. 1659. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1659
of the
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to REPEALING AND REPLACING the HIGHLAND MUNICIPAL ZONING CODE
and DECLARING an EMERGENCY**

WHEREAS, The Highland Plan Commission has conducted an investigation as to the repeal and replacement to the Highland Municipal Zoning Code within the Town of Highland;

WHEREAS, The Petition and Application for said proposed repeal and replacement was submitted to the Highland Plan Commission, and a Public Hearing was held thereon according to said Ordinance No. 1659, and said Commission recommends favorable approval; and

WHEREAS, After due consideration and study, the Town Council of said Town does believe that said repeal and replacement will be advantageous to said Town and will insure the public health, safety, welfare and morals of the citizens thereof in the areas affected.

WHEREAS, It would be and is in the best interest of the Town of Highland to repeal and replace the Highland Municipal Zoning Code;

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 of Highland Municipal Zoning Code codified as Title 18 of the Highland Municipal Code shall be repealed and replaced in its entirety by the Highland Zoning Ordinance dated June 2017, which consists of 206 pages attached to this Ordinance and incorporated by reference, and shall be codified and enrolled in the Highland Municipal Code as Title 18, and the provisions of Section 1.01.040 shall apply;

Section 2. That pursuant to IC 36-7-4-601, in adopting this replacement comprehensive zoning ordinance (code), the Town Council hereby pledges, affirms and certifies that it is acting for the following purposes:

- (A) securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- (B) lessening or avoiding congestion in public ways;
- (C) promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- (D) otherwise accomplishing the purposes of IC 36-7-4 et seq.;

Section 3. That after adoption of this zoning ordinance, the Municipal Plan Commission shall publish notice of adoption in accordance with IC 5-3-1 and include the necessary information all pursuant to IC 36-7-4-610(a);

Section 4. That whereas an emergency exists, this ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law and until its subsequent amendment or repeal by proper ordinance.

Certificate of the Municipal Plan Commission

It is hereby certified that the foregoing proposed zoning amendment was considered at a regular or special meeting by the Highland Municipal Plan Commission, having sustained a vote of four (4) in favor and zero (0) opposed, was duly forwarded with a **favorable recommendation** for adoption to the Town Council of Highland by the Highland Municipal Plan Commission on the 19th day of July, 2017.

TOWN OF HIGHLAND PLAN COMMISSION

By: /s/Mark Schocke, President

By: /s/ Mark Kendra, Secretary

Action by Legislative Body

Duly Ordained and Adopted pursuant to the provisions of IC 36-5-2-9.8(b)(1), the recommendation of the Plan Commission is noted and the Ordinance is hereby (adopted/defeated/adopted as modified) by the Town Council of the Town of Highland, Lake County, Indiana, this 9th day of October 2017, having sustained by a vote of 5 in favor and 0 opposed in support of the (adoption/~~defeat~~/adoption & modification) herein described.

**TOWN COUNCIL OF THE
TOWN OF HIGHLAND, INDIANA**

/s/DAN VASSAR, Town Council President

Attest:

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

TEXT of the BALANCE of the CODE on FILE

Communications:

1. The Town Council received and acknowledged the communication of **James D. Norris** resigning his appointment to the Board of Waterworks Directors. It was noted that no further action was necessary as the letter of resignation is effective upon filing pursuant to IC 5-8-3.5 et seq., and IC 5-8-4-4.

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

- **Building & Inspection Report for September 2017**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	7	0	7	\$268,400.00	\$4,417.00
Signs:	8	0	8	\$18,365.00	\$2,239.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	78	78	0	\$510,238.00	\$10,416.00
Garages:	1	1	0	\$38,162.00	\$707.00
Sheds:	2	2	0	\$6,600.00	\$335.50
Decks & Porches:	4	4	0	\$5,676.00	\$705.00
Fences:	15	15	0	\$69,660.00	\$1,951.50
Swimming Pools:	2	2	0	\$0.00	\$164.00
DrainTile/ Waterproofing:	3	3	0	\$24,235.00	\$533.50
Miscellaneous	2	2	0	\$0.00	\$292.00
	122	107	15	\$941,336.00	\$21,761.00
Electrical Permits	21	17	4		\$1,939.00
Mechanical Permits	13	11	2		\$1,227.00
Plumbing Permits	11	8	3		\$1,525.95
Water Meters	2	2	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	2	2	0		\$600.00
TOTAL Plumbing:	15	12	3		\$2,555.95

September Code Enforcement:

Investigations: 51
Citations: 11
Warnings: 51

September Inspections:

Building: 34 Electrical: 18 Plumbing: 06 HVAC: 12
Electrical Exams: 4

- **Fire Department Report for September 2017**

	Month	2nd half of year
General Alarms	12	42
Still Alarms	02	14
Paid still alarms	36	97
Total:	47	

- **Workplace Safety Report for September 2017**

There were two incidents to report for August. 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	1	6	6	0	273	2	21
Street	0	0	1	0	0	0	0
Water & Sewer	1	2	6	0	0	14	0
Maint.	0	2	1	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	1	10	16	0	273	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.

General Orders and Unfinished Business:

- Proposed Enactment No. 2017-36:** An Enactment to approve specific rate of overtime pay for Exempt Salaried Personnel, pursuant to Section §4.03.03 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

Councilor Herak introduced and moved the consideration of Enactment No. 2017-36 at the same meeting of its 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 No. 2017-36 at the same meeting of its 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
 ENACTMENT NO. 2017-36**

AN ENACTMENT TO APPROVE OVERTIME PAYMENTS FOR EXEMPT SALARIED SUPERVISORY PERSONNEL AS SET FORTH IN SECTION 4.03. 04 OF THE COMPENSATION and BENEFITS ORDINANCE, and SUSPENDING SECTION 10 (G) (4) OF SALARY ORDINANCE IN ORDER TO AUTHORIZE A PARTICULAR PAY RATE AND ITS PAYMENT.

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, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, One Exempt Salaried Officer was authorized and directed to work a special detail, providing patrol by police car, unrelated to a special event, but rather undertaken as a particular law enforcement initiative;

WHEREAS, The current wage and salary ordinance provides for no particular rate for overtime worked by exempt salaried supervisory workers in the assignments herein shown, except as may be experienced under the terms of Section § 4.03.05 of the Compensation and Benefits Ordinance, which reads: *“Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off*

schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle;

WHEREAS, Section 4.03.02 of the Compensation and Benefits Ordinance commonly called the Employee Handbook, does provide that *"Except as provided in Section 4.03.03, with the approval of the department head, all salaried supervisory personnel exempt from the Fair Labor Standards Act may be scheduled and receive appropriate overtime pay or compensatory time off. Such pay will not be calculated at any time and one half premium but rather at the straight time hourly calculation of the particular worker's composite pay, unless otherwise provided in this handbook or the wage and salary ordinance.;*

WHEREAS, Section 4.03.04 of the of the Compensation and Benefits Ordinance commonly called the Employee Handbook does further provide that *"In all cases, when the overtime assignment involves a task or duty that is not part of the regular task or duty associated with the exempt supervisory worker, the rate of pay must authorized in an ordinance of the Town Council",*

WHEREAS, The current language governing such pay for such an assigned detail not part of the regular task or duty associated with the exempt supervisory worker, when worked by exempt supervisory workers, requires that the rate of pay be authorized in an ordinance of the Town Council;

WHEREAS, The Metropolitan Police Chief has recommended that the Town Council authorize for payments to be made to the particular exempt salaried personnel, to be based upon actual hours worked on the detail at a rate of 1.0 time the exempt salaried officer's base pay plus longevity not at the rate of a usual patrol officer but at the hourly equivalent of the salary for Commander, an assignment in the metropolitan police department; and,

WHEREAS, The Town Council now desires to act to permit the pay as recommended,

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

Section 1. That the provisions of the most recently adopted Wage and Salary Ordinance as amended, have no existing assigned detail for covering the particular overtime sought by the exempt supervisory officers;

Section 2. That the provisions of Section 10 (G) (4) of the Wage and Salary Ordinance as amended, particularly reading, *"No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect,"* shall be temporarily suspended;

Section 3. That pursuant to the terms of Section 4.03.04 of the of the Compensation and Benefits Ordinance commonly called the Employee Handbook, which reads: *"In all cases, when the overtime assignment involves a task or duty that is not part of the regular task or duty associated with the exempt supervisory worker, the rate of pay must authorized in an ordinance of the Town Council"* the adoption of this enactment shall serve as authorization in an ordinance of the Town Council and serving further as approval of overtime pay for the exempt salaried employees herein identified;

Section 4. That the following details or assignments which are not associated with the duties of the following named exempt salaried supervisory workers, holding the position of Commander in the Highland Police Department are hereby allowed to be paid in the rate of pay identified, which is represents the converted composite hourly rate of the biweekly salary for each person identified herein;

(A) R. Potesta, CID Commander, to be paid at the hourly rate of **\$36.28** for the following:

(1) four (4) hours worked in *special park patrol duty* in the **month of August 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing park patrol duties, for a total amount of **\$145.12**;

(2) four (4) hours worked in *special park patrol duty* in the **month of September 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing park patrol duties, for a total amount of **\$145.12**;

(3) six (6) hours worked in *uniform patrol duty* in the **month of September 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing patrol duties, for a total amount of **\$217.68**;

(B) J. Banasiak, Administrative Commander, to be paid at the hourly rate of **\$36.28** for the following:

(1) four (4) hours worked in *special park patrol duty* in the **month of August 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing park patrol duties, for a total amount of **\$145.12**;

(2) four (4) hours worked in *special park patrol duty* in the **month of September 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing park patrol duties, for a total amount of **\$145.12**;

(3) six (6) hours worked in *uniform patrol duty* in the **month of September 2017**, which is one time the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of *Division Commander*, a senior administrative position not usually performing patrol duties, for a total amount of **\$217.68**;

Section 5. That the forgoing action is limited to the instance herein described and the provisions of Section 10 of the Wage and Salary Ordinance and Sections § 2.01 and § 4 of the Compensation and Benefits Ordinance otherwise remain in full force and effect, nor shall this approval and waiver be seen as predictive of any further authorizations or approval of such pay;

Section 6. That the Town Council President a municipal executive be authorized to sign authorizing forms for the payment of the overtime;

Section 7. That the Clerk-Treasurer shall have authority to implement within a reasonable time these provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance, if any, and the date of its passage and adoption.

Introduced and Filed on the 9th day of October 2017. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 9th day of October 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. **Resolution No. 2017-38:** A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services.

Councilor Wagner moved the passage and adoption of Resolution No. 2017-38. Councilor Zemen 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. 2017-38**

A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services

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

WHEREAS, The Incorporated Town of Highland and the School Town of Highland, Lake County, Indiana are municipal corporations empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability and flexibility to obtain for the Highland Students certain gang resistance training, a heightened law enforcement presence in the local public schools as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

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

Section 1. A joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the School Town of Highland entered into by the Town of Highland by and through its Town Council, this 9th Day of October 2017 is hereby authorized and approved in each and every respect.

Section 2. The purpose of this agreement is to authorize and allow the Town Council of the Town of Highland and the School Board of Trustees to act as a joint board of the two participating entities to mutually support and utilize certain specified services associated with the School Resource Officer Program for the mutual benefit of the participating entities at shared costs.

Section 3. The Clerk-Treasurer of the Town of Highland is hereby authorized to execute the duties related to the payment, collection and accounting for all moneys of this joint undertaking, pursuant to the terms of this agreement, in a manner that is mutually acceptable with the duly constituted and acting fiscal officer of the School Town of Highland.

Section 4. The governing boards of the participating entities may be convened as a joint board, or may act as a joint board at separate meetings of the respective governing bodies of the participating entities in which the entities concur.

Section 5. The governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide.

Section 6. The President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures and any additional documents in order to implement the agreement.

Section 7. This agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

Section 8. That upon its approval, this agreement repeals the agreements governing the school resource officer program, the first adopted January 17, 1997 and its succeeding agreements.

Section 9. That 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.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 9th day of October 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)

INTERGOVERNMENTAL AGREEMENT

This Interlocal Governmental Agreement made and entered into in accordance with I.C. 36-1-7 by and between the TOWN OF HIGHLAND (hereinafter called "Town") and the SCHOOL TOWN OF HIGHLAND (hereinafter called "School Town"), both municipal and corporations organized and operating under the laws of the State of Indiana.

WITNESSETH THAT:

WHEREAS, the Town desires to provide a Town of Highland Police Officer to the School Town to serve in the capacity as School Resource Officer to instruct both the G.R.E.A.T. curriculum and the Officer Friendly program, and to perform other related duties.

THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Town agrees to provide to the School Town the service of one (1) Highland police officer to serve as a School Resource Officer. The purpose of the School Resource Officer will be to minimize the

potential for hate crimes/bullying, alcohol and drug-related use, gang-related activities, and disruption and/or criminal behavior in and around schools, such as theft, vandalism, truancy, etc. in the most effective and efficient manner possible. Said officer, who shall remain an employee of the Town, shall provide services as presented in a School Resource Officer Job Description, a copy of which is on file with the Town and the School Town. Said job description may be amended from time to time by a written amendment to this Agreement signed by representatives of both parties.

2. In consideration of the same, the School Town agrees to pay for said services in accordance with the terms of this Agreement the amount of **\$72,637.48 for a period of 180 days** during the **2017-2018** school year. The basis for said compensation to the Town is presented as an exhibit to this agreement incorporated herein by reference. The School Town's compensation shall be paid in two (2) equal installments, as follows:

- (A) the first being due on or before December 31, 2017;
- (B) the second payment being due on or before June 30, 2018.

3. The Clerk-Treasurer of the Town shall be authorized to execute the duties of receiving payments from the School Town as described in paragraph two (2) and of disbursing and accounting for all such monies in a manner consistent with the terms of this Agreement.

4. The School Resource Officer will be assigned on a full-time basis to the School Town the equivalent of up to one hundred eighty (180) days during the school year. The School Town will only be financially responsible for the equivalent number of days actually worked by the School Resource Officer.

5. The School Resource Officer will wear clothing that will easily identify him or her as a police officer.

6. The School Resource Officer will not take personal time off when school is in session. If sick, he must notify the receptionist at the School Town Administration Center. A substitute may be assigned subject to mutual approval of the Police Chief and the School Superintendent.

7. Lunch must be eaten in a School Town cafeteria unless prior arrangements have been made with the Superintendent/designee.

8. The Town will assume all costs and responsibility of initial and ongoing training associated with the School Resource Officer position. Any vehicle or additional equipment or expenses necessary for the program shall be paid for by the Town.

9. The Town shall be responsible for selecting the police officer to serve as the School Resource Officer, subject to the consent and approval of the School Town. The School Town has final authority on the content of all instructional materials used by the School Resource Officer.

10. The administration of the terms of this Agreement shall supersede any previous Agreement and shall be accomplished through the Superintendent of the School Town or designee and the Chief of Police or designee.

11. Any other provision of this Agreement to the contrary notwithstanding this Agreement may be changed or modified only with the written consent of both parties.

12. All notices or communications provided herein shall be in writing and delivered either in person or via certified or registered United States mail, return receipt requested, and with the proper postage prepaid, addressed to the party for whom such notice or communication is intended.

13. Should any part, term, or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining portion or provisions shall not be affected thereby.

14. No failure or delay in performance of the executed service Agreement by either party shall be deemed to be a breach when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, the binding order of any court or governmental authority, or any other cause, whether of the kind enumerated above or otherwise, not within the control of the party claiming suspension, actually provided that no cause or contingency shall relieve the School Town of its obligation to make payment for the services of the School Resource Officer programs actually provided by the Town.

15. 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.

16. 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 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

Through its Town Council

By: _____
Dan Vassar, Town Council President

Attest:

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

Participant Execution Date: _____

Approved as to Legality and Form:

Rhett L. Tauber, Attorney

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective 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.

SCHOOL TOWN OF HIGHLAND, INDIANA
9145 Kennedy Avenue, Highland, Indiana 46322

Through its Board of Trustees

By: _____
Robert Kuva, President

Attest:

Patrick Krull, Secretary

Participant Execution Date: _____

Approved as to Legality and Form:

 Rhett L. Tauber, Attorney

Assumed Cost for School Resource Officer
2017-2018
Exhibit

	2017	2018
Salary		
Base Salary 1st Class Patrol Officer	\$61,561.24	\$61,561.24
Assigned officer's longevity	\$1,289.60	\$1,393.60 #
One Time Pay Premium		
	62,850.84	62,954.84
Subtotal:		
Benefits		
Medical Insurance (Family coverage)	\$24,176.28	\$26,593.91 **
Dental Insurance	\$1,507.92	\$1,507.92 **
Life Insurance (.186 per \$1000 of gross payroll, up to \$50k)	\$111.60	\$111.60
Dependent life insurance coverage (\$1.50/mo)	\$18.00	\$18.00
Medicare	\$911.34	\$912.85
Employer Contribution to PERF	\$12,711.65	\$12,734.31 ***
Workers Compensation Insurance (2.14/\$100 salary)	\$1,345.01	\$1,347.23
Law Enforcement Liability Insurance (no discrete premium)		
Subtotal Benefits:	\$40,781.80	\$43,225.82
Grand Total:	\$103,632.64	\$106,180.66
Instruction Days: 180		
School Year Days: 260	2017	2018
	<i>Daily rate based upon 260 days</i>	
** Assumes a 10% increase	\$ 398.59	\$ 408.39
<i>School Compensation for 2017-2018 School Year:</i>		
FIRST SEMESTER: 2017 Days Students are in School = 89 based upon school calendar		
<i>Daily rate: =(\$104,097.31/260) = \$400.37</i>	Semester 1:	<u>\$ 35,474.25</u>
SECOND SEMESTER: 2018 Days Students are in School = 91		
<i>Daily rate: (\$107,187.74/260) = \$412.26</i>	Semester 2:	<u>\$ 37,163.23</u>
	School Total:	\$ 72,637.48
*** PERF PUBLIC SAFETY Employer is 17.5%		
<i>based on the 1st Class Patrol Officer plus 20 years longevity</i>		
1st Installment Due by December 31, 2017:		\$ 36,318.74
2nd Installment Due by June 30, 2018:		\$ 36,318.74
# Longevity changed in 2016 modified each year of service with 12 yrs and 12 in 2018		

3. **Resolution No. 2017-39:** A Resolution Articulating The "Sense Of The Town Council" Regarding Recent Acts of Violence at Charlottesville, Virginia.

Councilor Wagner moved the passage and adoption of Resolution No. 2017-39. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING RECENT ACTS of VIOLENCE in CHARLOTTESVILLE, VIRGINIA

WHEREAS, The Town of Highland was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, and Nation, for whom their elected public servants commit their judgment and industry to promote the general welfare and common public good;

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances;

WHEREAS, The First Amendment of the United States Constitution provides that Congress shall make no law abridging the freedom of speech, or the right of the people to peaceably assemble, and to petition the government for redress of grievances;

WHEREAS, The *Declaration of Independence* establishes bedrock principles of our democracy, and among them that "*All Men Are Created Equal, Endowed by Their Creator with the Unalienable Rights, of Life, Liberty and the Pursuit of Happiness*"; and

WHEREAS, Our nation's foundational principles have guided us to value, respect, protect, and nourish our diversity of thought, ideas, and people;

WHEREAS, The very strength and resilience of our country is attributable to ours being a nation where men and women of different races, faiths, sexual orientations, and political beliefs are indivisibly united as one in the greatest country ever known to this world, the *United States of America*; and

WHEREAS, The Town Council of the Town of Highland, Lake County, Indiana, along with all of our good community of citizens sincerely mourn the victims of the tragic events in Charlottesville, Virginia, occurring on August 12, 2017, stand united, and resolute in our repudiation of the hatred promoted by the various wings of white supremacists demonstrators in Charlottesville, Virginia; and

WHEREAS, The Town Council, resolute in its support for the free-speech rights of Americans, strongly asserts that we must avoid ignoring or appearing to tacitly condone the espousing of hate speech or violence, threatened or committed, by any groups seeking to commit acts of domestic terrorism against racial, ethnic, and religious minorities or other classes of protected individuals as was the case in Charlottesville;

WHEREAS The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

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

Section 1. That it is the sense of the Town Council of the Town of Highland to repudiate, condemn, censure and rebuke white supremacists, Neo-Nazis, the Ku Klux Klan, and any other group that espouses hate and works to undermine the very ideals of who we are as Americans;

Section 2. That it is the further sense of the Town Council of the Town of Highland to strongly denounce and reprove the acts of violence in Charlottesville as domestic terrorism;

Section 3. That it is the still further sense of the Town Council of the Town of Highland to celebrate the rich diversity of creation, of our Town, State and Nation;

Section 4. That it is the still further sense of the Town Council of the Town of Highland to reprove and rebuke those whose works are so undertaken as to spread hate and disunity, while deeply wounding the foundational values that animate our Town, State and Nation.

Section 5. That the Clerk-Treasurer be hereby further instructed to transmit and forward this resolution to the President of United States of America, Indiana's United States Senators and the Representative in the United States House of Representatives from Indiana's First Congressional District, the Governor of Indiana, the Indiana State Senator from District One, the Indiana State Representative from District Twelve and such persons as may be deemed to have an interest in this matter and to encourage those persons to evidence their strong desire to see the objects and purposes of this "*Sense of the Council Resolution*" achieved.

DULY RESOLVED and ADOPTED this 9th Day of October 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. 2017-24:** A Joint Resolution of the Board of Works and the Water Works board of Directors Accepting and Approving a Proposal from NIES Engineering, Inc. for Professional Engineering Design Services the Wicker Park Drive/Walnut Avenue/Robertson Place Water Main And Street Improvement Project in the Total Amount of \$52,000.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2017-24

WATERWORKS DISTRICT OF HIGHLAND
BOARD OF WATERWORKS DIRECTORS
RESOLUTION NO. 2017-24

A JOINT RESOLUTION OF THE BOARD OF WORKS AND THE WATER WORKS BOARD OF DIRECTORS ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES THE WICKER PARK DRIVE/WALNUT AVENUE/ROBERTSON PLACE WATER MAIN AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$52,000.

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 determined that a need exists make certain public improvements and repairs to roadway infrastructure on Wicker Park Drive between 81st Street and River Drive; on Walnut Drive between Wicker Park Drive and Robertson Place; and on Robertson Place between 81st Street and Walnut Drive, which includes the improvement Sycamore Avenue between Grand Boulevard and River Drive, including the replacement of defective curb and sidewalk, pavement, and tree removal and replacement; and

Whereas, The Town of Highland has filed an application for Community Development Block Grant funding (FY 2017), with the Lake County Community Development Department, which will offset the costs for the improvements in the amount of \$ 119,653.63; and

Whereas, the Waterworks District of Highland (District) is governed by its Board of Waterworks Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

Whereas, IC 8-1.5-4-4 specifically provides that the Board of Directors shall manage and control all works of the waterworks and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The Water Works District of Highland (District), through its Board of Directors, has determine the need to replace and upsize the existing water main within the project boundaries, as described herein, in order to improve water flow and water quality and has determined that it would be in the best interest of the utility to coordinate the work with the street improvement project; and

Whereas, The Works Board and Waterworks District Board of Directors has heretofore determined a need to engage the professional engineering design services in order to implement the Project, and

Whereas, NIES Engineering, Incorporated, (Consultant) has offered and presented an agreement to provide and furnish Professional Engineering Design Services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Fifty-two Thousand Dollars (\$52,000.00) allocated in the amount of Thirty-seven Thousand Five Hundred Dollars and no Cents (\$37,500.00) to the Waterworks District and Fourteen Thousand Five Hundred Dollars and no Cents (\$14,500.00) to the Board of Works; and

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

Whereas, The Water Works District of Highland, through its Board of Directors, now desires to accept and approve the agreement for services as herein described; and

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

Now, Therefore Be it Resolved by the Board of Directors of the Highland Waterworks, Lake County, Indiana and the Board of Works for the Town of Highland, as follows:

1. That the Professional Engineering Design Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Incorporated for the Wicker Park Drive/Walnut Avenue/Robertson Place **Water Main And Street Improvement Project** is hereby approved, adopted and ratified in each and every respect;
2. That the terms and charges under the agreement for construction engineering services in the not to exceed amount of Fifty-two Thousand Dollars (\$52,000.00) allocated in the amount of Thirty-seven Thousand Five Hundred Dollars and no Cents (\$37,500.00) to the Waterworks District and Fourteen Thousand Five Hundred Dollars and no Cents (\$14,500.00) to the Board of Works is found to be reasonable and fair;
3. That the Water Works District of Highland, through its Board of Directors and Town Council, which is the Works Board of the municipality believes that NIES Engineering, Incorporated has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;
4. That the Water Works District Superintendent/Public Works Director is authorized to execute the agreement and all documents necessary to implement the Project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 9th day of October, 2017. Having been passed by a vote of 5 in favor and 0 opposed.

**Board of Works of the Town of
HIGHLAND, INDIANA**

Dan Vassar (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)

Duly Adopted, Resolved and Ordered by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 28th day of September, 2017. Having been passed by a vote of ____ in favor and ____ opposed.

**Highland Waterworks
By Its Board of Directors:**

George A. Smith, President

Attest:

George Georgeff, Secretary

5. **Works Board Order No. 2017-24:** An Order of the Works Board Authorizing, Approving and Accepting a Settlement and Release Agreement between Indiana Land Trust Company, f.k.a. Lake County Trust Company as Trustee of Trust No. 5843 and the Town of Highland, particularly involving part of Property Located at 2921 45th Street, Highland.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2017-24. Councilor Zemen 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. 2017-25**

An Order Authorizing, Approving, and Accepting A Settlement Agreement between Indiana Land Trust Company, fka Lake County Trust Company, as Trustee of Trust No. 5843 and the Town of Highland, particularly Involving Part of Property Located at 2921 45th Street, Highland.

Whereas, The Department (Agency) of Public Work of Highland has previously determined the need to construct, and improve the intersection located at 45th and Fifth Streets, commonly referred to as **the 45th and Fifth Street Intersection Improvement Project**;

Whereas, The Project requires the acquisition of public rights of way upon property owned by the Indiana Land Trust; and

Whereas, On June 13, 2017, the Town of Highland filed a Complaint for Appropriation of Real Estate in the matter of Town of Highland vs. Lake County Trust Company, a Corporation of Indiana, as Trustee under the provisions of a Trust Agreement dated the 1st day of March 2007, and known as Trust No. 5843 now known as Indiana Land Trust Company, which is pending under Cause No. 45-D05-17-06-PL-0063 in the Lake Superior Court, Hammond, Indiana ;

Whereas, In the Litigation, the Town of Highland sought to acquire a portion of the property ("Acquired Property") legal description and parcel plat drawing attached herein, in order to construct road improvements with regard to the 45th Street and 5th Street Intersection Improvement Project;

Whereas, Indiana Land Trust and the Town have agreed to resolve and settle the disputes by and between them without any admission of liability by any party, on terms set forth in an agreement, which is the object and purpose of this works board order;

Whereas, The Town Council acting as the works board of the municipality does now desire to adopt and approve this settlement agreement with the Indiana Land Trust, in furtherance of the 45th Street and 5th Street Intersection Improvement Project,

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the Settlement and Release Agreement between the Town of Highland and the Lake County Trust Company, a Corporation of Indiana, as Trustee under the provisions of a Trust Agreement dated the 1st day of March 2007, and known as Trust No. 5843 now known as Indiana Land Trust Company, regarding a portion of property located at 2921 45th Street, Highland , which is incorporated by its reference, is hereby authorized, approved, accepted and ratified in each and every respect;

Section 2. That in consideration of the mutual promises and covenants contained in the aforementioned agreement the Town of Highland shall pay to the Indiana Land Trust the sum of Fourteen Thousand Dollars (\$14,000.00);

Section 3. That Town of Highland, accepts from the Indiana Land Trust, a conveyance of property by way of a Warranty Deed involving a portion of property legally described as:

Part of Lots 17 and I 8 in Erie Subdivision No. 1 of the Industrial Center Land Company, recorded in Plat Book 26, page 36, in the Office of the Recorder of Luke County, Indiana and being that pan of the grantor's land depicted on attached Right of Way Parcel Plat marked as Exhibit "8", described as follows:

Beginning at the southeast corner of said Lot 18, said corner being the southeast corner of the grantor's land on the north right of way line of 45th Street; thence North 89 degrees, 19 minutes, 19 seconds West 160.19 feet along a south line of the grantor's land and the north right of way line of said 45th Street to a point designated as "221" on said parcel plat; thence North 00 degrees 40 minutes 41 seconds East 10.00 feet to a point designated as "222" on said parcel plat; thence South 89 degrees, 19 minutes 19 seconds East 160.07 feet to a point on the east line of the grantor's land; thence South 00 degrees, 00 minutes 49 seconds East 10.00 feet along said east line of the grantor's land to the southeast corner thereof and the north right of way line of said 45th Street, said point being the point of beginning and containing 0.037 acres, more or less.

Section 3. That the agreement adopted by this order is incorporated herein as an exhibit to this order;

Section 4. That the Town Council President and the Clerk-Treasurer are hereby authorized and directed to evidence this acceptance, approval and adoption of the easements and agreement by affixing their signatures to the agreement.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9th day of October 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 Bradley Patricks, 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 Zemen moved to authorize the appointment and hiring of Bradley Patricks. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The candidate was hired.

Comments from the Town Council:

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

Councilor Zemen acknowledged the Redevelopment Director. The Redevelopment Director reminded all of the Festival of the Trail Saturday, October 14, 2017.

- **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 reported on the Martha Street project noting its delay because of the weather.

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

Councilor Wagner acknowledged the Building Commissioner, who reported on matters pending 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.*

No comments or report.

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

The Town Council President thanked Mr. Richard Underkofler and the Arborists for the work on the Tree Inventory.

The Town Council President reminded all of the Fall Clean up Day, for Public Sanitation.

Comments from Visitors or Residents:

1. Terry Steagall, 8577 Kleinman Road, Highland, expressed thanks to the Town Council for adopting the sense of the Council Resolution on Charlottesville. He expressed concerns about the recently announced intentions of the President of the United States regarding the ending of the "Deferred Action for Childhood Arrivals" (DACA) persons and expressed his hope that the Town Council would consider a sense of the Town Council resolution regarding the DACA matter.

Councilor Herak, with leave from the Town Council, indicated that he believed that the Town Council would not likely be taking up the matter.

2. Larry Kondrat, 8115 4th Place East, Highland, sought clarification on the language in the Sense of the Town Council Resolution regarding Charlottesville.
3. Dr. Ted F. Radziwiecki, 3316 Ridge Road, Highland, Indiana, presented a formal letter setting forth his allegation that he experienced damage to his home related to the Police Station construction.
4. Tom Mathis, 3433 W. 900 N. Wheatfield, Indiana, expressed concerns about the construction site owned by Councilor Kuiper where Hillside Funeral Home was constructed. Mr. Mathis alleged that the site was not in compliance with the terms of the drainage ordinances and the terms of his occupancy permit. He further challenged the parking compliance.

The Town Attorney indicated he would follow up with the Building Commissioner regarding the matter.

Payment of Accounts Payable Vouchers. Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **September 26, 2017** through **October 09, 2017** and the **payroll docket for September 29, 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, 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, \$224,798.39; Motor Vehicle Highway and Street (MVH) Fund, \$15,801.14; Local Road and Street (LR&S) Fund, \$9,422.91; Law Enforcement Continuing Education, Training, and Supply Fund, \$2,637.83; Flexible Spending Agency (FSA) Fund, \$1,633.35; Gasoline Payment Agency Fund, \$1,073.38; Information and Communications Technology Fund, \$5,862.93; Solid Waste District Grant Fund, \$56,470.00; Police Pension Trust Fund, \$67,775.30; Traffic Violations and Law Enforcement Agency Fund, \$7,556.00; Gaming Revenue Sharing Fund, \$16,421.20; Special Community Crossings Grant Fund, \$101,460.00; Public Safety LIT Fund, \$21,020.00; Economic Development Local Income Tax Fund, \$90,517.74; Total: \$622,450.17.

Payroll Docket for payday of September 29, 2017:

Council, Boards and Commissions, \$10,244.00; Office of Clerk-Treasurer, \$13,100.82; Building and Inspection Department, \$8,623.45; Metropolitan Police Department, \$118,700.57; Fire Department, \$4,035.77; Public Works Department (Agency), \$66,002.89 and 1925 Police Pension Plan Pension Fund, \$67,618.39; Total Payroll: \$288,325.89.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, October 09, 2017 was adjourned at 8:15 O'clock p.m.

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