

**Enrolled Minutes of the Twenty-First Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, November 10, 2008**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 10, 2008 at 6:30 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 A. Herak, Dan Vassar, Brian Novak 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.
2. The Town Council discussed whether or not it was ready to take up the LAMAR licensing agreement, (Works Board Order No. 2008-30 on the agenda). It was noted that Mr. Pettit of LAMAR had spoken with the Town Council President about the agreement. The terms of the license fixing the annual licensing fee being unchanged over the course of 15 years was discussed. It was determined that the matter should be delayed for discussion at a study session.
3. The Town Council discussed whether or not there was any further steps to be taken to implement the withdrawal from the IURC. It was noted that there was nothing further to be done except for receipt of the certificate of results on the public question from the Board of Elections and Voter Registration.
4. The Town Council discussed issues raised by the Redevelopment Director about the possible adoption of the Ordinance banning alcohol in public ways and places, and its possible negative effects on economic development in the downtown area, particularly concerning outdoor dining.

The study session ended at 7:02 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 10, 2008 at 7:07 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 Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Lisa Gauthier, Karen Ziants and Laurel Roach of the Special Events Advisory Committee; and Ed Dabrowski of the Park and Recreation Board were also present.

### Minutes of the Previous Session

The minutes of the regular meeting of 27 October 2008 and the special meeting of November 3, 2008 were approved by general consent.

### Special Orders:

#### 1. Public Hearing on Proposed Solid Waste Management Fees.

- (a) Attorney verification of Proof of Publication. The Town Attorney verified that the proofs were in order and in compliance with IC 5-3-1.
- (b) Public Hearing on Proposed Rates. The Town Council President called the hearing to order. The following public comments were received:
  1. Joe Bartok, 9324 Spring Creek Drive, Highland, Indiana, inquired about the possibility of making the senior citizen discount as much as \$5 dollars less than the general rate instead of the current dollar discount.
  2. Rick Volbrecht, 9221 Parkway Drive, Highland, read aloud a letter in which he expressed a belief that the trash fees were being increased to circumvent the property tax freezes in Lake County. He believed these user fees were collected in excess of the needs for the service provided.
  3. Joe Bartok, 9324 Spring Creek Drive, Highland, inquire about the disposition of recycling moneys and whether or not those affected the rates charged by the weekly trash collection vendor.
- (c) **Introduced Ordinance No. 1412:** An Ordinance revising and Amending the Highland Municipal Code, CHAPTER 170, PARTICULARLY REGARDING THE FEES CHARGED FOR THE SOLID WASTE MANAGEMENT PROGRAM of the Town, particularly, all pursuant to IC 36-1-5 and IC 36-9-30 et seq. *Introduced and filed by Councilor Vassar at meeting of 27 October 2008.* If adopted, monthly charge to be increased from \$15.25 to the following monthly charges:

Beginning Dec. 1, 2008: \$16.25 monthly (Seniors Citizens deduct \$1.00)  
Beginning May 1, 2009: \$16.90 monthly (Seniors Citizens deduct \$1.00)

Councilor Herak moved the passage and adoption of Ordinance No. 1412 as introduced. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1412**  
of the  
**TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE REVISING AND AMENDING THE HIGHLAND MUNICIPAL CODE, CHAPTER 170, PARTICULARLY REGARDING THE FEES CHARGED FOR THE SOLID WASTE MANAGEMENT PROGRAM of the TOWN, PARTICULARLY, ALL PURSUANT TO IC 36-1-5 AND IC 36-9-30 ET SEQ.**

**WHEREAS**, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances

WHEREAS, The legislative body of the this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The Town Council, is persuaded that it is necessary to make certain technical corrections to the current code of ordinances in order to further perfect the operation of the municipally and to advance the public interest;and

WHEREAS, The Indiana Code further provides under IC 36-1-4 for the general powers of units to provide for the operation of a government;

WHEREAS, The Indiana Code still further provides under IC 36-1-3 certain powers granted expressly by statute and powers deemed necessary or desirable in the conduct of municipal affairs;

WHEREAS, The Indiana Code still further provides under IC 36-9-2-16 and IC 36-9-30 that a unit may regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage including the power to fix the price to be charged for that service;

WHEREAS, The Town Council determines that certain amendments to certain provisions of the Highland Code of Ordinances to be necessary or desirable in the conduct of municipal affairs and consistent with the laws of the state governing the operation of a government;

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

**Section 1.** That subdivision (I) of § 170.08 of the Highland Municipal Code be hereby deleted and repealed and be hereby amended by inserting the following replacement subdivision, to be renamed subdivision (I) of § 170.08, which shall read as follows:

**§ 170.08 SOLID WASTE MANAGEMENT FEES and SERVICES.**

(I) The solid waste management and other fees shall be charged according the following schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption an ordinance, pursuant to the terms of IC 36-9-30 et seq.:

**Solid Waste Management Fees Schedule**

Monthly solid waste management fees

(1)	For the period beginning June 1, 2006:	
	(a) Single-family dwelling per unit:	\$14.00
	(b) Two-family dwelling per unit:	\$14.00
	(c) Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$13.00
	(d) Recycling container replacement fee:	\$6.00
(2)	For the period beginning April 1, 2007:	
	(a) Qualified dwelling unit (per unit):	\$14.60
	(b) Two-family dwelling per unit:	\$14.60
	(c) Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$13.60
	(d) Recycling container replacement fee:	\$ 6.00
(3)	For the period beginning April 1, 2008:	
	(a) Qualified dwelling unit (per unit):	\$15.25
	(b) Two-family dwelling per unit:	\$15.25
	(c) Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$14.25
	(d) Recycling container replacement fee:	\$ 6.00

- (4) **For the period beginning December 1, 2008:**
- (a) Qualified dwelling unit (per unit): \$16.25
  - (b) Two-family dwelling per unit: \$16.25
  - (c) Single and two-family dwellings principally occupied by persons 65 years of age or older: \$15.25
  - (d) Recycling container replacement fee: \$ 10.00
- (5) **For the period beginning April May 1, 2009:**
- (a) Qualified dwelling unit (per unit): \$16.90
  - (b) Two-family dwelling per unit: \$16.90
  - (c) Single and two-family dwellings principally occupied by persons 65 years of age or older: \$15.90
  - (d) Recycling container replacement fee: \$10.00

**Section 2.** This Ordinance shall become and be effective from and after its passage and adoption and publication in the manner prescribed by law, provided that it shall introduced without action to consider on the same night of its introduction and a public hearing shall be conducted before its final adoption all pursuant to IC 36-9-30-21.

Introduced and Filed on the 27<sup>th</sup> day of October 2008. Consideration on same day or at same meeting of introduction was not permitted, pursuant to IC 36-9-30-21.

**DULY ORDAINED and ADOPTED** this 10<sup>th</sup> Day of November 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

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

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

Attest:

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

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for October 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	0	0	0	\$0.00	\$0.00
Duplex/Condo	1	1	0	\$215,000.00	\$2,360.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	152	152	0	\$1,080,825.00	\$14,613.00
Addit/Remodel Commercial	9	0	9	\$351,986.00	\$4,129.00
Addit/Remodel Schools/Church remodel/addtn.	0	0	0	\$0.00	\$0.00
Sheds	1	1	0	\$350.00	\$121.00
Fences	12	12	0	\$45,485.00	\$1,392.00
Garage	2	2	0	\$31,500.00	\$674.00
Swimming Pools	1	1	0	\$0.00	\$20.00
Misc. Permits	13	13	0	\$61,585.00	\$1,418.00
Misc. other	4	4	0	\$0.00	\$264.00
Signs	4	4	4	\$11,195.00	\$1,004.00
Fire Repair	0	0	0	\$0	\$0
<b>Total:</b>	<b>199</b>	<b>186</b>	<b>13</b>	<b>\$1,797,926.00</b>	<b>\$25,995.00</b>
<b>Electrical Permits</b>	<b>29</b>	<b>23</b>	<b>6</b>		<b>\$2,490.00</b>

Mechanical Permits	17	15	2	0	\$1,076.00
Plumbing Permits	16	13	3		\$1,415.30
Water Meters	3	3	0		\$300.00
Water Taps	0	0	0		\$0.00
Sewer Taps	0	0	0		\$0.00
<b>Total:</b>	<b>19</b>	<b>16</b>	<b>3</b>		<b>\$1,715.30</b>

**October Code Enforcement:** 142 warnings issued and 11 citations were issued.

There were 27 final building inspections, 10 plumbing inspections, and 27 electrical inspections. There were 2 electrical exams given.

• **Fire Department Report for October 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	13	127	123	
Car Fires	3	14	9	
Still Alarms	6	123	107	
Ambulance calls	0	1	1	

• **Workplace Safety Report for October 2008**

There were three incidents reported in October. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	3	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	0	6	10	0	21	55	70
Street	1	6	3	3	2	0	0
Water & Sewer	2	6	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>22</b>	<b>25</b>	<b>3</b>	<b>23</b>	<b>55</b>	<b>70</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

- 1. Introduced Ordinance No. 1406:** An Ordinance Amending the Highland Municipal Code by Amending Chapter 130 to Prohibit the Furnishing and consumption of Alcoholic Beverages in Municipal Buildings, on Municipal realty, and all public ways and easements, all Pursuant to IC 36-1-3, IC 36-1-4, IC 36-8 and IC 36-9 et Seq. At its meeting of September 8, 2008, the Town Council instructed that the proper steps be taken to prohibit the furnishing and consumption of alcohol on municipal properties, public ways, easements, and buildings. This ordinance was drafted in consequence of that action. *At the Town Council meeting of September 22, 2008, Councilor Vassar introduced and filed Ordinance No. 1406. There was no further action. Town Council conducted mark-up on the ordinance at its study session of November 3, 2008. It has been modified to exempt residential block parties as well approved licensees from this prohibition.*

Councilor Kuiper moved the passage and adoption of Ordinance No. 1406. Councilor Vassar seconded, upon a roll call vote there were three affirmatives and two negatives. With Councilors Kuiper, Vassar and Novak voting in the affirmative and Councilors Herak and Zemen voting in the negative, the motion passed. The ordinance was adopted without amendment.

Prior to the roll call but after the motion to adopt was seconded, the following amendments were offered:

Councilor Herak moved that the ordinance be amended to add an additional provision exempting the Chamber of Commerce's annual Zest Fest from the alcohol prohibition. There was no second and the amendment failed.

Councilor Herak moved that the ordinance be amended to add an additional provision exempting Growler's Downtown Highland annual anniversary event from the alcohol prohibition. There was no second and the amendment failed.

Councilor Herak moved that the ordinance be amended to add an additional provision exempting Sharp Athletic Complex from the alcohol prohibition. There was no second and the amendment failed.

ORDINANCE NO. 1406  
Of the  
TOWN of HIGHLAND, INDIANA

**AN ORDINANCE AMENDING THE HIGHLAND MUNICIPAL CODE BY AMENDING CHAPTER 130 to PROHIBIT THE FURNISHING AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN MUNICIPAL BUILDINGS, ON MUNICIPAL REALTY, AND ALL PUBLIC WAYS AND EASEMENTS, ALL PURSUANT TO IC 36-1-3, IC 36-1-4, IC 36-8 AND IC 36-9 ET SEQ.**

**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 passage of an ordinance passed by the legislative body;

**Whereas**, I.C. 36-9-2-7 provides that municipalities may regulate the use of public ways; and,

**Whereas**, I.C. 36-8-2-4 A unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

**Whereas**, I.C. 36-8-2-9 A unit may regulate public gatherings;

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

**Whereas**, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with powers previously described as well as the powers granted under IC 36-1-3 et seq.;

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

**Section 1.** That the Highland Municipal Code be amended by adding a new section to be numbered Section § 130.05 and to be styled as **ALCOHOLIC BEVERAGES PROHIBITED**, which shall read as follows:

**§130.05 ALCOHOLIC BEVERAGES PROHIBITED**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ALCOHOLIC BEVERAGE.** This term shall include but not be limited to beer, hard cider, flavored malt beverage, liquor and any beverage defined in I.C. 7.1-1-3-5.

(B) Except as provided in subdivision (C), it is an offense for a person or persons to furnish, barter, deliver, sell, exchange, provide, give away or consume alcoholic beverages on or in the following public places:

- (1) All buildings, improvements or grounds owned or leased by the municipality.
- (2) **All Public ways, alleys, sidewalks, bump-outs, public landscaping and easements owned or leased by the municipality.**

- (3) All property, real and personal owned or leased by the municipality.
- (4) All vehicles, motorized and non motorized, owned or leased by the municipality.

(C) *Exemption.* The provisions of Section § 130.05 (A) and (B) shall not apply to the following:

- (1) The provisions of Section § 130.05 (A) and (B) shall not apply to activities that would otherwise be prohibited by their language, taking place on a public way or sidewalk for which a license to encroach was granted, and an associated agreement to particularly to allow this activity was approved by passage and adoption of Resolution No. 2007-30, on July 9<sup>th</sup>, 2007 with the agreement being executed August 8<sup>th</sup>, 2007. This exemption shall apply so long as the license to encroach remains in force and the terms of the associated agreement are honored;
- (2) The provisions of Section § 130.05 (A) and (B) shall not apply to residential block parties that are authorized and approved by proper authority of the Town of Highland, under Section § 71.27. *For the purposes of this subdivision, Section §71.25 shall include residential block parties that may be conducted in or on a public way.*

**Section 2.** That Section §130.99 titled as *Penalty* of the Highland Municipal Code be amended by repealing it in its entirety and replacing it with a new section to be numbered 130.99, *entitled Penalty, which* shall read as follows:

§ 130.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in Section § 10.99.

(B) An officer of the Town of Highland Metropolitan Police Department may issue an ordinance violation citation to any person, firm or corporation who violates or fails to comply with this chapter.

(C) The penalty for the violation of Section § 130.02 of this chapter shall be a fine not to exceed \$2,500 for each offense.

(D) Violation of Section § 130.03 shall subject the violator to a fine of not less than Twenty-Five Dollars (\$25.00) and no more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

(E) Any person, entity or organization who shall violate Section § 130.04 of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk of the Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(F) If such persons, entity or organization shall violate Section § 130.04 any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$25 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

(G) **Violation of Section § 130.05 shall subject the violator to a fine of not less than Twenty-Five Dollars (\$25.00) and no more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.**

(H) The penalty for violations of §§ 130.15 through 130.18 of this chapter shall be punished by a fine not to exceed \$100 for each offense. Each violation of said sections shall constitute a separate offense.

**Section 3.** That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption, upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication as prescribed in IC 36-5-2-10(b).

Introduced and Filed on the 22<sup>nd</sup> day of September 2008. Consideration on same day or at same meeting of introduction was not proposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 10<sup>th</sup> Day of November 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 2 opposed.

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

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

**Attest:**

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

2. **Proposed Ordinance No. 1415:** An Ordinance to Amend the Municipal Code and Establish the Law Enforcement Continuing Education Fund of the Town of Highland, pursuant to IC 5-2-8 et seq., and IC 36-5et seq.

Councilor Herak introduced and filed Ordinance No. 1415 and moved for its consideration at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Vassar moved the adoption of Ordinance No. 1415 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1415**  
of the  
**TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE AND ESTABLISH THE LAW ENFORCEMENT CONTINUING EDUCATION FUND OF THE TOWN OF HIGHLAND, PURSUANT TO IC 5-2-8 ET SEQ., AND IC 36-5ET SEQ.**

**WHEREAS,** The Town Council is the fiscal and legislative body of the Town of Highland;

**WHEREAS,** IC 5-2-8 et seq. provides for a program of continuing education for law enforcement officers, describing a fund, a local law enforcement continuing education fund to support the purposes of the program; and,

**WHEREAS,** In the interest of administrative ease and clarify, the municipal fiscal officer has recommended that it is desirable for the legislative body to adopt an ordinance based upon the terms of the particular state law, establishing a local law enforcement continuing education fund funded by the receipt of fees collected under the authority of IC 9-29-11-1 (Accidents fees), IC 9-29-4-2 (Vehicle Inspection Fees), IC 33-37-5-8(c) (Law Enforcement Continuing Ed Fees (\$4)), and IC 35-47-2-3 (Gun Permits Fees);

**WHEREAS,** IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS,** IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

**WHEREAS,** IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

**WHEREAS,** The Town Council has determined that it would be desirable to adopt an ordinance based upon the terms of the particular state law, establishing a local law enforcement continuing education fund funded by the receipt of fees collected under the authority of IC 9-29-11-1 (Accidents fees), IC 9-29-4-2 (Vehicle Inspection Fees), IC 33-37-5-8(c) (Law Enforcement Continuing Ed Fees (\$4)), and IC 35-47-2-3 (Gun Permits Fees); and

**WHEREAS,** The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

**WHEREAS,** It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

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

**Section 1** The Highland Municipal Code is hereby amended by adding a new subchapter to be numbered sections §51.07 through §51.11 and to be entitled: *Law Enforcement Continuing Education and Equipment Fund*, which shall read as follows:

**LAW ENFORCEMENT CONTINUING EDUCATION and EQUIPMENT FUND**

**§ 51.07 ESTABLISHMENT**

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the Law Enforcement Continuing Education and Equipment Fund, pursuant to IC 5-2-8-2 (c).

(B) The purpose of the Law Enforcement Continuing Education and Equipment Fund is to provide resources to support the continuing education and training program of the Town of Highland Metropolitan Police Department and for the acquisition of equipment and supplies for law enforcement purposes, all pursuant to IC 5-2-8-6.

(C) The sources of funding for the Law Enforcement Continuing Education and Equipment Fund may include the following:

1. The receipt of fees the following fees:
  - (a) Accident Report Fees as authorized by IC 9-29-11-1 and Section § 51.64 of the Municipal Code;
  - (b) Motor Vehicle Inspection Fees as authorized by IC 9-29-4-2 and Section § 51.61 of the Municipal Code;
  - (c) Law Enforcement Continuing education fees as authorized and fixed by IC 33-37-5-8(c); and
  - (d) Gun Permit fees as authorized and fixed by IC 35-47-2-3;
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;

**§ 51.08 PURPOSES, USES and PERMISSIBLE EXPENDITURES**

(A) Expenditures from the Law Enforcement Continuing Education and Equipment Fund shall be used for the continuing education and training of law enforcement officers employed by the Town of Highland Metropolitan Police Department and for the acquisition of equipment and supplies for law enforcement purposes, all pursuant to IC 5-2-8-6;

(B) Expenditures from the Law Enforcement Continuing Education and Equipment Fund shall be used to support the law enforcement continuing education and training program as established by IC 5-2-8-2(b). Pursuant to IC 5-2-8-2(f), it may include expenditures made to provide to each law enforcement officer employed by the Town of Highland Metropolitan Police Department continuing education concerning the following:

1. Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
2. Guidelines for making felony and misdemeanor arrests in cases involving abuse.
3. Techniques for handling incidents of abuse that minimize the likelihood of injury to the law enforcement officer and promote the safety of a victim.
4. Information about the nature and extent of abuse.
5. Information about the legal rights of and remedies available to victims of abuse.
6. How to document and collect evidence in an abuse case.
7. The legal consequences of abuse.
8. The impact on children of law enforcement intervention in abuse cases.
9. Services and facilities available to victims of abuse and abusers.
10. Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
11. Policies concerning arrest or release of suspects in abuse cases.
12. Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
13. Landlord-tenant concerns in abuse cases.
14. The taking of an abused child into protective custody.
15. Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.
16. Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
17. Response to a sudden, unexpected infant death.

**§ 51.09 EXPENDITURE UPON APPROPRIATION**

Expenditures from the Law Enforcement Continuing Education and Equipment Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ 51.10 INVESTMENTS AUTHORIZED

Money in the Law Enforcement Continuing Education and Equipment Fund may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ 51.11 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Fund does not revert to the corporation general fund nor to any other fund but shall remain with the Law Enforcement Continuing Education and Equipment Fund until such time as an ordinance or state law is passed and adopted regarding its disposition.

**Section 2.** That the fund which is currently named the Law Enforcement Continuing Education and Equipment Fund, which exists at the time of the adoption of this ordinance, has continuity of existence. The cash on deposit to the credit of the fund, the appropriations remaining as well as all its assets and liabilities, held prior to the passage and adoption of this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found to be an approved source of money for the fund.

**Section 3.** This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 10<sup>th</sup> day of November 2008. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 10<sup>th</sup> day of November 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

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

ATTEST:

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

3. **Works Board Order No. 2008-29:** An Order Authorizing and Approving the First Change Order to the Construction Contract related to the Branton Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18. If adopted, the change order will reduce the net cost by \$77,249.96. Councilor Vassar moved the passage and adoption of Works Board Order No. 2008-29. Councilor Novak 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. 2008-29

**An Order Authorizing and Approving the First Change Order to the Construction Contract related to the Branton Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18**

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

**Whereas**, The Town Council has heretofore awarded a contract to Reith-Riley Construction Company, Incorporated for the Project on June 25, 2007 in the amount of Nine Hundred Twenty-four Thousand Seven Hundred Forty-eight Dollars and 46/100 Cents (\$924,748.00); and

**Whereas**, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

**Whereas**, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Reith Riley Construction Company, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

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

**Section 1.** That Change **Order No. 1** for the Branton Avenue Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this **first addendum** is hereby ordered to be known as **Change Order No. 1**, issued to *reduce* the net cost to the original agreement between the Town of Highland and Riley-Riley Construction Co., Incorporated in the amount of Seventy-seven Thousand Two Hundred Forty-nine Dollars and 96/100 Cents (\$77,249.96), bringing the total value of the entire agreement with any and all change orders approved to date to Eight Hundred Forty-seven Thousand Four Hundred Ninety-eight Dollars and 50/100 Cents (\$847,498.50);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Nine Hundred Twenty-four Thousand Seven Hundred Forty-eight Dollars and 46/100 Cents (\$924,748.50) which may not exceed One Million One Hundred Nine Thousand Six Hundred Ninety-eight Dollars and 20/100 Cents (\$1,109,698.50), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**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 10<sup>th</sup> day of November 2008 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**

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

Attest:

\_\_\_\_\_  
Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2008-30:** An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and LAMAR Advertising Company, as Licensee, and approving a reasonable license fee.

By general consent, the Town Council elected to delay consideration of the Works Board Order until it have been discussed at a subsequent study session.

5. **Enactment No. 2008-48:** An Enactment Authorizing and Approving a wellness initiative for the municipal workforce supporting flu vaccinations for full-time workers, firefighters, to be paid at the expense of the municipality as employer.

Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Enactment No. 2008-48. Councilor Herak 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.

Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Enactment No. 2008-48. Councilor Novak 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 adopted.

AN ENACTMENT AN ENACTMENT AUTHORIZING AND APPROVING A WELLNESS INITIATIVE FOR THE MUNICIPAL WORKFORCE SUPPORTING FLU VACCINATIONS FOR FULL-TIME WORKERS, FIREFIGHTERS, TO BE PAID AT THE EXPENSE OF THE MUNICIPALITY AS EMPLOYER, 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 36, Article 1, Chapters 3 provides that a unit of local government unit has all powers granted it by statute and all other powers *necessary or desirable* in the conduct of its affairs, even though not granted by statute;

**WHEREAS**, Title 36, Article 1, Chapters 3 further provides that a unit of local government desiring to exercise powers under IC 36-1-3, must adopt an ordinance prescribing a specific manner for exercising the power;

**WHEREAS**, The Town Council of the Town of Highland, has been advised of the desirability of establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses; and,

**WHEREAS**, The Town Council of the Town of Highland, has determined that establishing a wellness initiative in which flu shot vaccinations are made available to full-time members of the municipal workforce, fire fighters of the Highland Fire Department, as well as their spouses to be a desirable action that will promote worker wellness and well being and reduce absenteeism due to flu related illness,

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

**Section 1.** That a wellness initiative authorizing flu shot vaccinations to be paid from public funds as a employer provided benefit is hereby approved and authorized for the following identified groups:

- (A) Full-time members of the municipal workforce and the Clerk-Treasurer;
- (B) Member firefighters of the Highland Fire Department;
- (C) Spouses of full-time members of the municipal workforce, the Clerk-Treasurer and member firefighters of the Highland Fire Department;

**Section 2.** That this authorization is effective from October 1, 2008, continuing until its expiration on December 31, 2008 and shall be construed as an elective group benefit and not an entitlement;

**Section 3.** That this benefit is subject to sufficiency of appropriations available for expenditure pursuant to I.C. 6-1.1-18;

**Section 4.** 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 10<sup>th</sup> Day of November 2008. 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 10<sup>th</sup> Day of November 2008, 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**

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

**ATTEST:**

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

**NEW BUSINESS:**

Councilor Herak moved to amend the agenda to include the appointment of a person to Town Board of Metropolitan Police Commissioners. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended.

*Appointment of member to Town Board of Metropolitan Police Commissioners.* Councilor Vassar moved the appointment of Mark Roorda, (R), 3254 Glenwood Street, Highland to the Town Board of Metropolitan Police Commissioners for the unexpired term of the position vacated by John Koval. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Roorda was appointed.

**Comments from the Town Council Members  
(Good of the Order)**

**Councilor Mark Herak:** *Parks and Recreation Board Liaison Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak reported that the Sanitary District would be receiving a report for an action plan regarding the flood issue at its meeting of Tuesday, November 19, 2008.

**Councilor Dan Vassar:** • *Building and Inspection Committee • Plan Commission member.*

Councilor Vassar had no comments.

**Councilor Brian Novak:** • *Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

Councilor Novak noted that a majority of the voters in the recent referendum on the withdrawal of the Highland waterworks from the jurisdiction of the IURC, favored withdrawal.

**Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper had no special comments.

**Councilor Bernie Zemen:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President noted that a ceremony for Veteran's Day would be conducted at the Highway of Flags on Tuesday, November 11, 2008 at 11 a.m.

**Comments from the Public or Visitors.**

1. Rick Volbrecht, 9221 Parkway Drive, Highland, offered congratulations to the Town Council regarding the outcome of the recent IURC referendum. Mr. Volbrecht further opined that the outcome was influenced by a flyer that was sent out by the Waterworks Board. He further inquired whether or not tax dollars or user fees were used and what the flyer mailing cost.
2. Joe Bartok, 9324 Spring Creek Drive, Highland, inquired about the change order which was reducing the total cost of the Branton Avenue Reconstruction Project.
3. Dennis Adams, 8421 Delaware Place, Highland, inquired whether or not a vendor had approached the Town volunteering to perform some sewer repairs as a demonstration project to demonstrate the effectiveness of his no excavation technique for sewer lining. Mr. Adams further inquired whether or not any steps were taken to accept the offer and move forward.

4. Vern Sieb, 3024 Lakeside Drive, Highland, inquired about the possible effects of the recent no alcohol policy on other restaurants and sidewalks cafes in the Town Mr. Sieb further inquired whether or not there would be any enforcement of the alcohol consumption will be contained to private property.
5. Dean Stammers, 9324 Spring Creek Drive, Highland, spoke in favor of the Town securing a license agreement with LAMAR.
6. Vern Sieb, 3024 Lakeside Drive, Highland, inquired about the challenges with drainage and what steps were being taken to move forward and solve the recent problems with flooding.
7. Jim Diehl, 10105 Kennedy Avenue, Highland, opined that part of the stormwater problem is flows that emanate from Griffith and Schererville and come into .

**Payment of Accounts Payable Vouchers.** There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period October 28, 2008 through to November 10, 2008. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$274,286.53; Motor Vehicle Highway and Street (MVH) Fund, \$19,611.55; Federal Forfeited and Seized Asset Fund, \$3,259.80; Law Enforcement Continuing Education and Training Fund, \$3,408.62; FSA Agency Fund, \$3,086.49; Insurance Premium Fund, \$100,038.79; Information and Communications Technology Fund, \$5,232.69; Solid Waste District Grant Fund, \$1060.00; Donation Fund, \$197.81; Local Major Moves Fund, \$8,310.60; Rainy Day Fund, \$4,500.00; Municipal Cumulative Capital Development Fund, \$5,726.83; Safe Neighborhood Grant Fund, \$1,615.38; Municipal Cumulative Street Fund, \$1,860.00; Gaming Revenue Sharing Fund, \$13,500.00; Corporation Capital Fund, \$1,485,840.89; Total: \$1,931,565.98.**

**Adjournment.** Councilor Kuiper moved that the regular meeting be adjourned. Councilor Vassar seconded. Upon a vote, voce, the motion passed. The regular meeting of the Town Council meeting of Monday, November 10, 2008 was adjourned at 8:11 O'clock p.m. No study session followed.

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