Enrolled Minutes of the Eighty-second Regular or Special Meeting For the Twenty-Eighth Highland Town Council Regular Plenary Meeting Monday, February 11, 2019

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, February 11, 2019 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

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

General Substance of Matters Discussed.

- The Town Council reviewed and discussed the agenda of the imminent regular meeting.
- 2. The Town Council discussed the manner in which the matters for consideration are placed on the agenda and the reaction by some of the recipients of the meeting packets of the information. The discussion included concern about the misunderstanding and then misrepresentation on some social media regarding the proposed additional appropriation for the interlocal cooperation Federal aid project for signage and mileage markers for the two major bicycle and pedestrian trails managed by several jurisdictions in Porter and Lake County, and generally coordinated by NIRPC.
- 3. The Town Council and the Building Commissioner discussed several landscaping business vehicles parked at the residence at 9218 Highland Place and whether that was in compliance with the Highland Municipal Code. The Building Commissioner indicated that he would follow-up.

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

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 11, 2019 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Steve Wagner presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Town Council President reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Susan Murovic of the Advisory Board of Zoning Appeals; Larry Kondrat of the Board of Waterworks Directors; and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 28 January 2019 were approved by general consent.

Special Orders:

- 1. Consideration of Proposed Additional Appropriations: (Non-Controlled Fund) Proposed Additional Appropriations in Excess of the 2019 Budget for the Park Non Reverting Capital Fund. It is proposed at \$1,015,716 but will be adopted at \$304,519.
 - (a) Attorney verification of Proofs of Publication: The TIMES 31 Jan 2019. The Town Attorney indicated the proof of publication complied with IC 5-3-1.
 - (b) **Public Hearing**. The Town Council President called the hearing to order. The following comments were offered:
 - 1. Eric Sprenne, 3118 Wirth Road, Highland, asked for clarification regarding the proposed additional appropriation of \$1,015,716, the likely adopted amount of \$304,519 noting that the amount was larger than 20%, which is the local contribution.
 - The Town Clerk-Treasurer explained that the amount represented the sum of the twenty percent local match, the construction engineering amount and a modest 1% contingency amount. It was further pointed out that Highland was working a the lead "enhanced entity" for 10 other participating entities under NIRPC sharing costs for the signage project. All participating entities would be contributing to these appropriated costs, which Highland's share being \$18,702.88.
 - Larry Kondrat, 8115 Fourth Place East, Highland, asked for further clarification confirming his understanding the costs were being shared by all participants and what Highland's actual share or cost would be.
 - The Clerk-Treasurer confirmed that the net costs to Highland the amount ultimately to be appropriated would be funded by contributions from the participating entities.

There being no further comments, the Town Council President closed the public hearing.

(c) Action on **Appropriation Enactment No. 2019-11**: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Parks Non Reverting Capital Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5

Councilor Herak introduced Enactment No. 2019-11 and moved for its consideration 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 for passage and adoption of Enactment No. 2019-11 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 Appropriation Enactment Enactment No. 2019-11

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PARKS NON REVERTING CAPITAL FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the Park Non Reverting Capital Fund;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

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

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Park Non Reverting Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PARK CAPITAL NON REVERTING FUND

 Proposed
 Adopted

 Acct. No. 010-0000-49002 ILA Bicycle Trail Signage:
 \$ 1,015,716.00
 \$ 304,519.00

 Total Series:
 \$ 1,015,716.00
 \$ 304,519.00

Fund Total: \$ 1,015,716.00 \$ 304,519.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

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

Introduced and Filed on the 11th Day of February 2019. 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 11th Day of February 2019, 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

/s/ Steve Wagner, President (IC 36-5-2-10)

ATTEST:

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

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

• Building & Inspection Report for January 2019

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	4	0	4	\$33,486.00	\$998.50
Signs:	5	0	5	\$30,623.00	\$1,762.50
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	20	20	0	\$125,119.00	\$2,587.00
Remodeling:	20	20	U	\$123,117.00	\$2,307.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	1	1	0	\$7,920.00	\$169.50
Fences:	0	0	0	\$0.00	\$0.00
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	7	7	0	\$61,839.00	\$1,286.50
Miscellaneous	3	3	0		\$403.50
TOTAL:	40	31	9	\$258,987.00	\$7,208.00
Electrical Permits	9	6	3		\$795.00
Mechanical Permits					
Micchaillear I crimito	12	11	1		\$1,173.00
Plumbing Permits	12 5	11 4	1 1		\$1,173.00 \$415.00
			1 1 3		
Plumbing Permits	5		1 1 3 0		\$415.00
Plumbing Permits Water Meters	5 4	4 1			\$415.00 \$4,373.94

January Code Enforcement:

Investigations: 68 Citations: 27 Warnings: 68

January Inspections:

Building: 26 Electrical: 21 Plumbing: 05 HVAC: 16

Electrical Exams: 2

• Fire Department Report for January 2019

Type of Call	<u>Month</u>	2 nd half of year
General Alarms	19	19
Paid Still Alarms	25	25
Still Alarms	10	10
Total Alarms:	54	54

• Workplace Safety Report for January 2019

There was one workplace incident to report in January. The following report was filed.

Department	Injuries this Month	Year to Date 2019	Total in 2018	Restricted Days 2019	Lost Workdays This Year (2019)	Restricted Days Last Year (2018)	Lost Workdays Last Year (2018)
Parks	0	0	4	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	0	3	0	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	0	0	4	0	0	80	46
Maint.	1	1	1	0	2	0	0
Other	0	0	0	0	0	0	0
TOTALS	1	1	14	80	2	80	46

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. Proposed Ordinance No. 1695: An Ordinance to Amend the Highland Municipal Code by addition of a new Section establishing the Cumulative Capital Improvement Fund, all Pursuant to IC 36-1-3, IC 36-5-2, and IC 6-7-1-31.1 et seq.

Councilor Herak introduced and moved the consideration of Ordinance No. 1695 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 proposed ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1695 at the same meeting of introduction. 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 proposed ordinance was padded and adopted at the same meeting of introduction.

ORDINANCE NO. 1695 of the TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE BY ADDITION A NEW SECTION ESTABLISHING THE CUMULATIVE CAPITAL IMPROVEMENT FUND, ALL PURSUANT TO IC 36-1-3, IC 36-5-2, AND IC 6-7-1-31.1 ET SEQ.

- WHEREAS, The Town Council is the fiscal body of the Town of Highland;
- WHEREAS, IC 6-7-1-31.1 requires that the fiscal body of each town shall by ordinance or resolution establish a cumulative capital improvement fund, and describes its sources of revenue and its purposes;
- WHEREAS, IC 36-5-2-9 Provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town;
- 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;
- 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 is determined to formally establish its existing Cumulative Capital Improvement Fund particularly comply with the instruction in IC 6-7-1-31.1, that requires the establishment of the fund by resolution or ordinance;
- WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to formally 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.** That the Highland Municipal Code be amended by adding a new section to be numbered Section 3.45.200, which shall read as follows:

3.45.200 CUMULATIVE CAPITAL IMPROVEMENT FUND

- Establishment and Sources of Funds. There is hereby authorized, created and established a fund of the Town of Highland, to be called the Cumulative Capital Improvement Fund, pursuant to IC 6-7-1-
- That the fund is dedicated and established to provide resources for the purposes permitted by IC 6-7-1-31.1 as may be amended from time to time and as set forth in this code;
- That the distribution of cigarette taxes as described particularly in IC 6-7-1-30.1 that is not dedicated for the corporation general fund, will be retained and deposited in the Town of Highland Cumulative Capital Improvement Fund;
- That in addition to the funds described in the previous subdivision, the receipts described in subdivision (D) of this section, may be deposited to the cumulative capital improvement fund.
- That the Cumulative Capital Improvement Fund that has been in place as part of the municipal treasury, an in place at the time of this code amendment, shall continue and shall be deemed to be the one an same fund herein authorized and described and will remain in effect each year thereafter until such time as the fund may be rescinded by action of the Town Council or operation of law.
- (B) Purposes, Uses and Permissible Expenditures. That expenditures from this fund shall for the purposes, uses and in support of the purposes or uses permissible for the funds as described and set forth in this code as may be amended from time to time, may only be used for the following purposes:
 - (1) to purchase land, easements, or rights-of-way;
 - (2) to purchase buildings;
 - (3) to construct or improve city owned property;
 - (4) to design, develop, purchase, lease, upgrade, maintain, or repair:
 (a) computer hardware;

 - (b) computer software;
 - (c) wiring and computer networks; and
 - (d) communications access systems used to connect with computer networks or electronic gateways;
 - (5) to pay for the services of full-time or part-time computer maintenance employees; (6) to conduct nonrecurring in-service technology training of unit employees;

 - (7) to undertake Internet application development;
 - (8) to retire general obligation bonds issued by the town for one (1) of the purposes stated in subdivision (B)(1), (2), (3), (4), (5), or (6); or
 - (9) for any other governmental purpose for which money is appropriated by the fiscal body of the city or town.
- (C) No Expenditures Except Upon Appropriation. That expenditures from the 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;
- (D) Investments Authorized. That pursuant to Indiana Code 5-13-9, and Chapter 3.40 of the Highland Municipal Code, moneys in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited to the credit of the fund;
- (E) Preservation and Disposition of Fund Assets. That subject to subdivision (F), all unused and unencumbered money on deposit to the credit of the Cumulative Capital Improvement Fund does not revert to the corporation general fund nor to any other fund but shall remain with the Cumulative Capital Improvement Fund, all pursuant to IC 6-7-1-31.1(b).
 - (F) That the Town may at any time, by ordinance or resolution, transfer to:
 - (1) its general fund; or
 - (2) an authority established under <u>IC 36-7-23</u>; money that has been derived under IC 6-7-1-31.1 that has been deposited in the Cumulative Capital Improvement Fund.
- Section 2. That the cumulative capital improvement fund operating before and at the time of the passage and adoption of this enabling ordinance is hereby ratified and authorized, pursuant to IC 36-1-4-16and all lawful activity attributed to the fund is hereby approved and continues under the authority of this ordinance and code amendment.
- Section 3. Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force nor effect;
- 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).

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Introduced and Filed on the 11th Day of February 2019 Consideration on 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 11th Day of February 2019, 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

/s/Steven Wagner, Town Council President

Attest:

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

2. Proposed Ordinance No. 1696: An Ordinance to Amend the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding Modifying Jury Duty Leave to Comport with Guidance from the State Board of Accounts and Repealing Prior Ordinances and Enactments in Conflict Therewith, Pursuant to IC 36-1-3 and other relevant Statutes. (The Clerk-Treasurer requests that the proposed ordinance be introduced without further action to allow further review of the provisions in the ordinance.)

Councilor Zemen introduced and filed proposed Ordinance No. 1696. There was no further action.

3. Authorizing the proper officer to publish legal notice of a public hearing: Public Hearing to consider additional appropriations in the amount of \$2,047,125.00 in the Redevelopment Capital Fund.

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

Comments or Remarks from the Town Council: (For the Good of the Order)

• **Councilor Bernie Zemen:** Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.

Councilor Zemen acknowledged the IT Consultant (Contract) who reported on work at the Lincoln Community Center being done to improve Wi-Fi coverage.

Councilor Zemen commended the Fire Department and all the others for its recent response to a significant Fire at one of the buildings as part of the Hampton in Highland Apartment Complex, Friday, February 8, 2019.

Councilor Zemen expressed condolences to the Town Council President on the death of his granddaughter's mom.

Councilor Zemen expressed condolences to Lake County Commissioner Mike Repay on the death of his wife Amanda Repay.

• **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent who reported on the recent Special Needs Recreational Event; he further noted the Daddy Daughter Dance, with attendance of 550.

Councilor Vassar expressed condolences to the Town Council President on the death of his granddaughter's mom.

Councilor Vassar expressed condolences to Lake County Commissioner Mike Repay on the death of his wife Amanda Repay.

Councilor Vassar commended the Fire Department and all the others for its recent response to a significant Fire at one of the buildings as part of the Hampton in Highland Apartment Complex, Friday, February 8, 2019. He further thanked the people of Highland who have offered clothing and other goods to support these persons who are without housing.

• **Councilor Mark Herak:** •Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.

Councilor Herak also expressed condolences to the Town Council President on the death of his granddaughter's mom.

Councilor Herak further expressed condolences to Lake County Commissioner Mike Repay on the death of his wife Amanda Repay.

Councilor Herak also commended the Fire Department and all the others for its recent response to a significant Fire at one of the buildings as part of the Hampton in Highland Apartment Complex, Friday, February 8, 2019. He further thanked the neighboring communities' fire departments that assisted.

Councilor Herak acknowledged the Public Works Director who offered a brief report regarding the continuing review of the proposed consent decree with the US EPA and the Highland Department of Public Sanitation., and offered a survey of various projects.

• Councilor Konnie Kuiper: • Fire Department, Liaison • Chamber of Commerce Co-Liaison.

Councilor Kuiper also commended the Fire Department and all the others for its recent response to a significant Fire at one of the buildings as part of the Hampton in Highland Apartment Complex, Friday, February 8, 2019. He noted that he was present at the scene and was especially impressed with the manner of managing the response.

• **Councilor President Steve Wagner:** Town Executive • Chair of the Board of Police Pension Trustees • Advisory Board of Zoning Appeals Liaison.

Council President Wagner also commended the Fire Department and all the others for its recent response to a significant Fire at one of the buildings as part of the Hampton in Highland Apartment Complex, Friday, February 8, 2019. He further commended the department for its care of the equipment, which led to its readiness.

The Council President acknowledged the Building Commissioner who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

Comments from Visitors or Residents:

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1. Larry Kondrat, 8115 Fourth Place East, Highland, noting that he had visited the Highland Christian Church, on Kennedy Avenue that was offering immediate support for the persons made homeless, opined that perhaps money contributions would be of greater need at this time.

Mr. Kondrat further suggested that perhaps the Town could serve as a coordinating body assisting with the homeless residents' needs in future incidents.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period January 29, 2019 through February 11, 2019. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$331,061.34; Motor Vehicle Highway and Street (MVH) Fund, \$107,851.89; Local Road and Street Fund, \$18,689.80; Law Enforcement Continuing Education and Training and Supply Fund, \$3,021.13; Corporation Bond and Interest Fund, \$194,512.50; Insurance Agency Fund, \$180,403.90; Information Communications Technology Fund, \$5,809.41; Solid Waste District Grant Fund, \$593.12; Civil Donation Fund, \$78.10; Police Pension Fund, \$200.00; Municipal Cumulative Capital Development Fund, \$471.00; Traffic Violations and Law Enforcement Agency Fund, \$6,000.00; Gaming Revenue Sharing Fund, \$2,855.90; Total: \$851,548.09.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 11, 2019 was adjourned at 7:46 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO Clerk-Treasurer	
Approved by the Town Council at its meeting of	, 2019.
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO	