

**ENROLLED MINUTES OF THE  
HIGHLAND WATER WORKS BOARD OF DIRECTORS  
THURSDAY, JULY 22, 2021**

**Study Session.** The Highland Water Works Board of Directors convened in study session immediately before the Regular Public Meeting at 6:33 p.m. on Thursday, July 22, 2021 in the lower meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

**ROLL CALL:** Present on roll call were Directors George A. Smith, Jason Tharp, Rick Volbrecht, Curt Schroeder, and Ed Dabrowski. A quorum was present. Also present were Mark Knesek, Public Works Director, serving as Recording Secretary, *pro tempore*; Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Michelle Quinn, Post-Tribune reporter; and Michael Griffin, Clerk Treasurer. Kim Webb, Recording Secretary was absent with prior notice given.

1. Robert Tweedle, Board Attorney, discussed with the Board the two Resolutions on the agenda in regards to the Hammond Water Works Rate Agreements. Discussion ensued regarding the implementation schedule of the water rate increases.
2. Derek Snyder, NIES Engineering, discussed the progress on the Martha Street Water Main Replacement Project. Mark Knesek, Public Works Director, invited the Board Members to visit the construction site on Friday, July 23, 2021 at 9:00 a.m. to view the bore and jack operations.

**Regular Meeting:** The Highland Water Works Board of Directors met in its Regular Public Session on Thursday, June 24, 2021 in the lower meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, directly following the study session. President Smith opened the meeting at 7:29 pm. COVID-19 precautions were exercised. The session was opened with the Pledge of Allegiance. The minutes were recorded by Mark Knesek, serving as Recording Secretary, *pro tempore*.

**ROLL CALL:** Present on roll call were Directors George A. Smith, Jason Tharp, Rick Volbrecht, Curt Schroeder, and Ed Dabrowski. A quorum was present. Also present were Mark Knesek, Public Works Director, serving as Recording Secretary, *pro tempore*; Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Michelle Quinn, Post-Tribune reporter; and Michael Griffin, Clerk Treasurer. Kim Webb, Recording Secretary was absent with prior notice given.

**MINUTES:** President Smith asked if there were any corrections to the Minutes of the Regular Meeting of June 24, 2021 as prepared and posted. Director Tharp moved to approve the Minutes of the June 24, 2021 meeting. Director Volbrecht seconded. Upon a vote *viva voce* the motion passed.

President Smith asked if there were any corrections to the Minutes of the Special Public Meeting/Public Hearing of July 8, 2021 as prepared and posted. Director Schroeder moved to approve the Minutes of the Special Public Meeting/Public Hearing of July 8, 2021. Director Tharp seconded. Upon a vote *viva voce*, there were (4) affirmations, no negatives and (1) abstention by Director Volbrecht, who was not present for the July 8, 2021 meeting. The motion passed.

**Special Orders:** None.

**Communications:** None.

**Unfinished Business and General Orders:**

1. Highland Water Works  
Board of Directors  
Resolution No. 2021-20

A Resolution approving and authorizing a settlement agreement resolving pending litigation between the Town of Highland Waterworks Department and the City of Hammond Waterworks Department. Director Volbrecht moved to approve Resolution No. 2021-20. Director Dabrowski seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**HIGHLAND DEPARTMENT OF WATER WORKS  
WATER WORKS BOARD OF DIRECTORS  
RESOLUTION No. 2021-20**

**A RESOLUTION APPROVING AND AUTHORIZING A SETTLEMENT AGREEMENT RESOLVING PENDING LITIGATION BETWEEN THE TOWN OF HIGHLAND WATERWORKS DEPARTMENT AND THE CITY OF HAMMOND WATERWORKS DEPARTMENT.**

**WHEREAS**, The Town Council as Legislative Body of the Municipality passed an Ordinance adopting the provisions of IC 8-1.5-4 establishing a department of waterworks controlled by a board of directors;

**WHEREAS**, The aforementioned Chapter incorporates the provisions of IC 8-1.5-3-4 entitled *Powers and Duties*, making it applicable to departments of waterworks, indicating that for the purposes set forth in those statutes, the board of directors serves as both the governing board and the municipal legislative body;

**WHEREAS**, Section 12.05.060 (A) of the Highland Municipal Code The Board of Directors has general supervisory powers over the waterworks;

**WHEREAS**, On or about July 31, 2006, the Town of Highland, through its Board of Waterworks Directors and the Hammond Waterworks Department (HWWD) entered into a purchase agreement whereby HWWD agreed to provide to the Town of Highland an adequate supply of potable water, and the Town of Highland agreed to purchase same from HWWD;

**WHEREAS**, On November 16, 2020, the Hammond Common Council adopted Ordinance No. 9486 amending water rates for the Town of Highland;

**WHEREAS**, Following the adoption of Ordinance 9486, The Town of Highland, through its Board of Waterworks Directors, along with the communities of Dyer, Griffith, Munster and Whiting filed a statutory objection to the amended rates under Ind. Code § 8-1.5-3-8.2 with the City of Hammond Clerk on November 20, 2020 alleging that the rates were discriminatory, unreasonable, and unjust in violation of Ind. Code § 8-1.5-3-8.

**WHEREAS,** The Town of Highland, through its Board of Waterworks Directors, along with the communities of Dyer, Griffith, Munster and Whiting also filed an action for declaratory judgment and damages under the caption Town of Highland, Indiana et al. v. City of Hammond, Indiana, et al, Cause No. 45D02-2011-PL-000802 (Lake County Superior Ct.), on November 20, 2020 alleging that HWWD was not authorized to raise rates under each of the Communities' Prior Agreements by Ordinance and that such action constituted a breach of those contracts;

**WHEREAS,** The Board of Waterworks Directors has determined it is in the interest of operational and administrative economy as well as in the best interest of the Department of Waterworks to resolve the pending litigation to enable it to enter into a new water purchase agreement with HWWD;

**WHEREAS,** The Board of Waterworks Directors now desires to approve and authorize the settlement agreement with HWWD;

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Board of Waterworks Directors of the Waterworks District and the Department of Waterworks of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the Board of Waterworks Directors as the governing body of the Waterworks District and the Department of Waterworks of the Town of Highland hereby finds and determines that the terms and provisions of the Settlement Agreement and Mutual Release to be reasonable and approved in each and every respect (Agreement affixed as an exhibit to this Resolution);

**Section 2.** That this action ratifies and memorializes the action of the Board of Waterworks Directors taken at its meeting of Thursday, June 24, 2021, pursuant to IC 36-1-4-16;

**Section 3.** That the proper officials, agents and employees of the Town are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Town in accordance with the provisions of the Settlement Agreement;

**Section 4.** That the Board of Waterworks Directors authorizes the Utility Superintendent to retain a copy of this resolution and exhibit for the files of the utility, and to transmit a copy of this resolution as information to the Town Council, the Town Clerk-Treasurer and to the City of Hammond Department of Waterworks to evidence its approval and adoption;

**DULY RESOLVED and ADOPTED** this 22<sup>nd</sup> Day of July 2021 by the Board of Waterworks Directors of the Waterworks District and the Department of Waterworks of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**WATERWORKS BOARD of DIRECTORS  
TOWN of HIGHLAND, INDIANA**

**/s/George A Smith, President**

Attest:

**/s/Richard Volbrecht, Secretary**

**EXHIBIT**

SETTLEMENT AGREEMENT AND MUTUAL RELEASE#

2. Highland Water Works  
Board of Directors  
Resolution No. 2021-21

A Resolution approving an agreement between the Town of Highland Waterworks Department and the City of Hammond Waterworks Department approving a Wholesale

Purchase Agreement for potable water. Director Tharp moved to approve Resolution No. 2021-21. Director Volbrecht seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**HIGHLAND DEPARTMENT OF WATER WORKS  
WATER WORKS BOARD OF DIRECTORS  
RESOLUTION No. 2021-21**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE TOWN OF HIGHLAND WATERWORKS DEPARTMENT AND THE CITY OF HAMMOND  
WATERWORKS DEPARTMENT APPROVING A WHOLESALE PURCHASE AGREEMENT FOR POTABLE WATER.**

**WHEREAS**, The Town Council as Legislative Body of the Municipality passed an Ordinance adopting the provisions of IC 8-1.5-4 establishing a department of waterworks controlled by a board of directors;

**WHEREAS**, The aforementioned Chapter incorporates the provisions of IC 8-1.5-3-4 entitled *Powers and Duties*, making it applicable to departments of waterworks, indicating that for the purposes set forth in those statutes, the board of directors serves as both the governing board and the municipal legislative body;

**WHEREAS**, Section 12.05.060 (A) of the Highland Municipal Code The Board of Directors has general supervisory powers over the waterworks;

**WHEREAS**, Section 12.05.060 (B) of the Highland Municipal Code Authorizes the Board of Waterworks Directors to purchase by contract electricity, water, gas, power, or any other commodity or service, for the purpose of furnishing the commodity or service to the patrons of the municipally owned utility or to the municipality itself;

**WHEREAS**, Section 12.05.060 (C) of the Highland Municipal Code further provides that if the Board of Waterworks Directors wants to purchase the commodity or service from a public utility and the parties cannot agree on a rate or charge to be paid for it, either party may apply to the commission or other appropriate state or federal regulatory agency to establish a fair and reasonable rate or charge to be paid for the commodity or service;

**WHEREAS**, The Town of Highland through its Department of Water works needs a water purchase agreement which will provide an adequate supply of Lake Water to serve its Town's water users, it being understood that water users shall include residential, commercial, and industrial users located within the territorial limits of the Town;

**WHEREAS**, It is understood that Town of Highland through its Department of Water works may also supply the Town of Dyer;

**WHEREAS**, The City of Hammond Waterworks Department is a municipal utility organized and existing under and by virtue of the laws of the State of Indiana;

**WHEREAS**, The City of Hammond Waterworks Department is authorized by law to enter into contracts for a term of up to twenty (20) years and to resell Lake Water at a point of delivery within its city limits to municipal water users;

**WHEREAS**, The Town of Highland through its Department of Water desires to obtain a supply of Lake Water from the City of Hammond Waterworks Department in order to provide reliable, adequate supplies of Lake Water on an economical and efficient basis for its Town's water users;

**WHEREAS**, The City of Hammond Waterworks Department has determined that it is appropriate to contract with Town of Highland through its Department of Water, to supply to it Lake Water; and,

Whereas, The Town of Highland through its Department of Waterworks desires to contract with the City of Hammond Waterworks Department to continue its supply of potable lake water,

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Board of Waterworks Directors of the Waterworks District and the Department of Waterworks of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the Board of Waterworks Directors as the governing body of the Waterworks District and the Department of Waterworks of the Town of Highland hereby adopts and approves the agreement between the Town of Highland through its Waterworks Department and the City of Hammond Waterworks Department, as an exhibit affixed to this resolution, for the wholesale purchase of potable water for the benefit of the Town of Highland;

**Section 2.** That this action ratifies and memorializes the action of the Board of Waterworks Directors taken at its meeting of Thursday, June 24, 2021, pursuant to IC 36-1-4-16;

**Section 3.** That the proper officials, agents and employees of the Town are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Town in accordance with the provisions of the Agreement, provided it is approved by the all the required proper governing authorities;

**Section 4.** That the Board of Waterworks Directors authorizes the Utility Superintendent to retain a copy of this resolution and exhibit for the files of the utility, and to transmit a copy of this resolution as information to the Town Council, the Town Clerk-Treasurer and to the City of Hammond Department of Waterworks to evidence its approval and adoption;

**DULY RESOLVED and ADOPTED** this 22<sup>nd</sup> Day of July 2021 by the Board of Waterworks Directors of the Waterworks District and the Department of Waterworks of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**WATERWORKS BOARD of DIRECTORS  
TOWN of HIGHLAND, INDIANA**

**/s/George A Smith, President**

Attest:

**/s/Richard Volbrecht, Secretary**

**EXHIBIT**

PURCHASE AGREEMENT WITH CITY OF HAMMOND

3. An action to approve Pay Request No. 1 for the Martha Street Water Main Replacement Project in the amount of \$163,234.94 (\$171,826.25 less \$8,591.31 retainage) to Gatlin Plumbing & Heating, Inc. Director Dabrowski moved to approve the motion. Director Volbrecht seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**New Business:** None.

**Reports:**

1. Water Works Superintendent – No report.
2. Water Works Attorney – No report.
3. Water Works Engineer – No report.
4. Fire Department – No report.

**Business from the Floor:**

**Claims:**

Per the docket in the amount of:

061	Water Works District	\$0.00
062	Consumer Deposits	\$367.56
064	Water Works Operating	\$232,801.45
066	Water Improvements	\$14,842.84
068	Water Capital	\$0.00

Total

\$248,011.85

Director Volbrecht moved to approve the claims per the July 22, 2021 docket in the amount of \$248,011.85. Director Dabrowski seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**Next Meeting:**

The next Plenary Meeting will be held on Thursday, August 26, 2021 at 6:30 p.m.

**ADJOURNMENT:** With no other business to come before the Board of Water Works Directors, the meeting was adjourned.

Meeting Adjourned at 7:45 p.m.

Respectfully Submitted,

Kim Webb, Recording Secretary