

**ENROLLED MINUTES OF THE
HIGHLAND WATER WORKS BOARD OF DIRECTORS
THURSDAY, AUGUST 26, 2021**

Study Session. The Highland Water Works Board of Directors convened in study session immediately before the Regular Public Meeting at 6:35 p.m. on Thursday, August 26, 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; Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Tom Black, Town Council; Michael Griffin, Clerk Treasurer; and Kim Webb, Recording Secretary.

1. Mark Knesek, Public Works Director, discussed with the Board the grading and seeding that will be done at the Indy Blvd. elevated water tank by Krooswyk that will keep rain water from pooling around the newly painted tank supports. The estimated cost is \$1,700.00 and will be paid for by Suez.

M.E. Simpson is in the process of doing annual hydrant flushing in the town.

2. Robert Tweedle, Board Attorney, discussed with the Board the Resolution on the agenda in regards to the Dyer, Highland, and Hammond Water Purchase Agreement. Discussion ensued.
3. Derek Snyder, NIES Engineering, discussed the progress on the Martha Street Water Main Replacement Project. The water main is in place and all services are connected. An increase in flow and a decrease in pressure was noted when the main was put into service. The project should be complete by mid-September.

Bids were received earlier this month for the 3500 Block of Jewett Ave. Water Main and Street Improvement Project. The water portion of the project includes installing a new 8" main to replace an old, dead-end 3" line.

Regular Meeting: The Highland Water Works Board of Directors met in its Regular Public Session on Thursday, August 26, 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 7:00 pm. The session was opened with the Pledge of Allegiance. The minutes were recorded by Kim Webb, Recording Secretary.

ROLL CALL: Present on roll call were Directors George A. Smith, Jason Tharp, Rick Volbrecht, Curt Schroeder, and Ed Dabrowski. Also present were Mark Knesek, Public Works Director;

Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Tom Black, Town Council; Michael Griffin, Clerk Treasurer; and Kim Webb, Recording Secretary.

MINUTES: President Smith asked if there were any corrections to the Minutes of the Regular Meeting of July 22, 2021 as prepared and posted. Director Volbrecht moved to approve the Minutes of the July 22, 2021 meeting. Director Dabrowski seconded. Upon a vote *viva voce* the motion passed.

Special Orders: None.

Communications: None.

Unfinished Business and General Orders:

1. Highland Water Works
Board of Directors
Resolution No. 2021-22

A Joint Resolution of the Board of Works, Water Works Board, and the Sanitary Board accepting and awarding a bid to Dyer Construction Co., for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the total amount of \$568,658.00 as the lowest responsive and responsible bid. Director Dabrowski moved to approve Resolution No. 2021-22. Director Tharp seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2021-30**

**WATER WORKS DISTRICT OF HIGHLAND
BOARD OF WATER WORKS DIRECTORS
RESOLUTION No. 2021-22**

**SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION No. 2021-13**

A JOINT RESOLUTION OF THE BOARD OF WORKS, WATER WORKS BOARD, AND THE SANITARY BOARD ACCEPTING AND AWARDING A BID TO DYER CONSTRUCTION Co., INC. FOR THE 3500 BLOCK OF JEWETT AVENUE WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$568,658.00 AS THE LOWEST RESPONSIVE AND RESPONSIBLE BID

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 to make certain public improvements and repairs to roadway infrastructure on the 3500 Block of Jewett Avenue, including pavement, curb and gutter, sidewalk, driveway aprons and parkway trees and have hereto approved a project to be described as the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project (Project); and

Whereas, the Waterworks District of Highland (WW 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 Water Works 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 WW District, through its Board of Directors, has determined the need to replace and upsize the existing water lines within the Project boundaries, as described herein, in order to improve water flow and water quality; has determined that it would be in the best interest of the utility to coordinate the work with the Project; and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Sanitary District of Highland (SD District) is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 *et seq.*; and

Whereas, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

Whereas, The Project scope includes the repair and replacement of certain storm water facilities, which are the responsibility of SD District and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, NIES Engineering, Inc. had prepared plans and specifications for the Project on behalf of the Board of Works, Water Works District, and the Sanitary District, and the Project was bid in accordance with IC 36-1-12 *et seq.*; and notice was published in accordance with IC 5-3-1; and

Whereas, the following bids were received at 10:00 a.m. on August 12, 2021:

Dyer Construction Co., Inc.	\$568,658.00
Gough, Inc.	\$606,111.00
Grimmer Construction, Inc.	\$626,966.00
Gariup Construction Co., Inc.	\$657,500.00
Engineer's Estimate	\$519,780.00

Whereas, NIES Engineering, Inc. has reviewed the bids and determined that the bid from Dyer Construction Co., Inc. in the amount of Five Hundred Sixty-eight Thousand Six Hundred Fifty-eight Dollars and 00/100 (\$568,658.00) to be the lowest responsive and responsible bid.

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 Town of Highland, through its Board of Works, now desires to accept the recommendation of the Public Works Director and award a construction contract to Dyer Construction Co., Inc. for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project, in the amount of \$321,286.58 for street and right-of-way improvements; and

Whereas, The Water Works District of Highland, through its Board of Directors, now desires to accept the recommendation of the Water Works Superintendent and Water Works Engineer and award the bid for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project to Dyer Construction Co., Inc. in the amount of \$185,676.04 for water works improvements; and

Whereas, The Sanitary District of Highland, through its Board of Commissioners, now desires to accept the recommendation of the Sanitary District Superintendent and Sanitary District Engineer and award the bid for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project to Dyer Construction Co., Inc. in the amount of \$61,695.38 for sanitary district improvements.

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

1. That the Bid of Dyer Construction Co., Inc. in the amount of Five Hundred Sixty-eight Thousand Six Hundred Fifty-eight Dollars and 00/100 (\$568,658.00) for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project is hereby accepted as the lowest responsive and responsible bid.
2. That the Town of Highland, through its Board of Works, acknowledges and approves its share of the work for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the amount of Three Hundred Twenty-one Thousand Two Hundred Eighty-six Dollars and 58/100 Cents (\$321,286.58);
3. That the Waterworks District of Highland, through its Board of Directors, acknowledges and approves its share of the work for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the amount of One Hundred Eighty-five Thousand Six Hundred Seventy-six Dollars and 04/100 Cents (\$185,676.04);
4. That the Sanitary District of Highland, through its Board of Sanitary Commissioners, acknowledges and approves its share of the work for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the amount of Sixty-one Thousand Six Hundred Ninety-five Dollars and 38/100 Cents (\$61,695.38);
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 30th day of August, 2021. Having been passed by a vote of _____ in favor and _____ opposed.

**BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA**

Roger Sheeman (IC 36-5-2-10)

Attest:

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

Duly Adopted, Resolved and Ordered by the Waterworks Board of Directors of Highland, Lake County, Indiana, this 26th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND WATERWORKS
BY ITS BOARD OF DIRECTORS:**

/s/George A. Smith, President

Attest:

/s/Richard E. Volbrecht Jr., Secretary

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 17th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:**

/s/Richard Garcia, President

Attest:

/s/David Jones, Secretary

2. Highland Water Works
Board of Directors
Resolution No. 2021-23

A Joint Resolution of the Board of Works, Water Works Board, and the Sanitary Board accepting and approving a proposal from NIES Engineering, Inc. for professional construction engineering services for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the total amount of \$54,500.00. 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.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2021-31**

**WATER WORKS DISTRICT OF HIGHLAND
BOARD OF WATER WORKS DIRECTORS
RESOLUTION NO. 2021-23**

SANITARY DISTRICT OF HIGHLAND

**BOARD OF SANITARY COMMISSIONERS
RESOLUTION No. 2021-14**

A JOINT RESOLUTION OF THE BOARD OF WORKS, WATER WORKS BOARD, AND THE SANITARY BOARD ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES FOR THE 3500 BLOCK OF JEWETT AVENUE WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$54,500.00

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 to make certain public improvements and repairs to roadway infrastructure on the 3500 Block of Jewett Avenue, including pavement, curb and gutter, sidewalk, driveway aprons and parkway trees and have hereto approved a project to be described as the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project (Project); and

Whereas, the Water Works District of Highland (WW District) is governed by its Board of Water Works 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 Water Works Directors shall manage and control all works of the water works and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The WW District, through its Board of Directors, has determined the need to replace and upsize the existing water lines within the Project boundaries, as described herein, in order to improve water flow and water quality; has determined that it would be in the best interest of the utility to coordinate the work with the Project; and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Sanitary District of Highland (SD District) is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq.; and

Whereas, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

Whereas, The Project scope includes the repair and replacement of certain storm water facilities, which are the responsibility of SD District and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Works Board, Water Works Board, and Sanitary Board have heretofore determined a need to engage Professional Construction Engineering Services in order to implement the Project, and

Whereas, NIES Engineering, Inc., (Consultant) has offered and presented an agreement to provide and furnish Professional Construction Engineering 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-four Thousand Five Hundred Dollars (\$54,500.00) allocated in proportional shares equivalent to the percentage of construction work being completed for each agency; and

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

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

Now, Therefore Be it Resolved by the Board of Works for the Town of Highland, Board of Directors of the Highland Water Works District, and the Board of Commissioners of the Highland Sanitary District; Lake County, Indiana and, as follows:

1. That the Professional Construction Engineering Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Inc. for the 3500 Block of Jewett Avenue Water Main Replacement 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-four Thousand Five Hundred Dollars (\$54,500.00) allocated in the amount as follows:
 - a. Thirty Thousand Dollars and no Cents (\$30,000.00) to the Town of Highland Board of Works is found to be reasonable and fair;
 - b. Eighteen Thousand Dollars and no Cents (\$18,000.00) to the Water Works District of Highland is found to be reasonable and fair;

- c. Six Thousand Five Hundred Dollars and no Cents (\$6,500.00) to the Sanitary District of Highland is found to be reasonable and fair
3. That the Town Council, which is the Works Board of the municipality; the Water Works District of Highland through its Board of Directors; and the Sanitary District of Highland through its Board of Commissioners believes that NIES Engineering, Inc. 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 Public Works Director, acting also as Water Works District Superintendent and Sanitary District Superintendent, 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 30th day of August, 2021. Having been passed by a vote of _____ in favor and _____ opposed.

**BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA**

Roger Sheeman (IC 36-5-2-10)

Attest:

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

Duly Adopted, Resolved and Ordered by the Highland Water Works District, Board of Directors, Lake County, Indiana, this 26th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND WATER WORKS
BY ITS BOARD OF DIRECTORS:**

/s/George A. Smith, President

Attest:

/s/Richard E. Volbrecht, Jr., Secretary

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 17th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:**

/s/Richard Garcia, President

Attest:

/s/David Jones, Secretary

3. Highland Water Works
Board of Directors
Resolution No. 2021-24

A Resolution approving an agreement between the Town of Highland Waterworks Department, the Town of Dyer Utility Board, and the City of Hammond Waterworks Department approving a Wholesale Purchase Agreement for Potable Water. Director

Dabrowski moved to approve Resolution No. 2021-24. Director Tharp 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. 2021-24**

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE TOWN OF HIGHLAND WATERWORKS DEPARTMENT, THE TOWN OF DYER UTILITY BOARD, 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, The Town of Highland through its Department of Water works entered into a water purchase agreement with the City of Hammond Waterworks Department through which the City of Hammond Waterworks Department will provide an adequate supply of Lake Water to serve the Town of Highland'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 Lake Water to the Town of Dyer;

WHEREAS, The Town of Dyer, Indiana is an operator of municipal utilities, including of water works, by its duly authorized Utility Board, which is organized and existing under and by virtue of the laws of the State of Indiana;

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 Waterworks 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 Dyer through its Utility Board desires to obtain a supply of Lake Water from the Town of Highland 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 Waterworks and the Town of Dyer through its Utility Board, to supply Lake Water to the Town of Dyer; and,

WHEREAS, The Town of Highland through its Department of Waterworks desires to contract with the City of Hammond Waterworks Department and the Town of Dyer through its Utility Board, to supply Lake Water to the Town of Dyer,

WHEREAS, The Town of Dyer through its Department of Waterworks desires to contract with the City of Hammond Waterworks Department and the Town of Highland through its Department of Waterworks through its Utility Board 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, the Town of Dyer, through its Utility Board and the City of Hammond Waterworks Department, as an exhibit affixed to this resolution, for the wholesale sale of potable water for the benefit of the Town of Dyer;

Section 2. 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 3. 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 Highland Town Council, the Town Clerk-Treasurer, the Town of Dyer and to the City of Hammond Department of Waterworks to evidence its approval and adoption.

DULY RESOLVED and ADOPTED this 26th Day of August 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 E. Volbrecht Jr., Secretary

EXHIBIT

PURCHASE AGREEMENT WITH TOWN OF DYER AND CITY OF HAMMOND

4. An action to approve Pay Request No. 2 for the Martha Street Water Main Replacement Project in the amount of \$308,511.07 (\$324,748.50 less \$16,237.43 retainage) to Gatlin Plumbing & Heating, Inc. Director Volbrecht moved to approve the motion. Director Schroeder 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	\$70,400.19
062	Consumer Deposits	\$60.55
064	Water Works Operating	\$244,826.97

066	Water Improvements	\$38,895.73
068	Water Capital	\$493,974.73
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Total		\$848,158.17

Director Volbrecht moved to approve the claims per the August 26, 2021 docket in the amount of \$848,158.17. Director Dabrowski seconded. Upon a roll call vote, there were (5) affirmations and no negatives. The motion passed.

President Smith requested a report from the fiscal officer. Michael Griffin provided an overview of his monthly financial report and the bond sale results. Michael pointed out that improvements have been made in unaccounted water over the past year. The Board further discussed water audit targets for the water system.

Next Meeting:

The next Plenary Meeting will be held on Thursday, September 23, 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 7:27 p.m.

Respectfully Submitted,

Kim Webb, Recording Secretary