

**Enrolled Minutes of the Ninety-Fifth Regular Meeting or Special Meeting  
For the Twenty-Ninth Highland Town Council Regular Plenary  
Business Meeting (Electronic/In person Hybrid) Monday, June 12, 2023**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, June 12, 2023 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

\*This meeting was convened as both an in person and an electronic meeting. Some persons were participating remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When the agenda item provided for public comment, this was supported as well. Councilor Zemen, Councilor Toya Smith, Councilor Tom Black, Councilor Roger Sheeman all participated in person, Councilor Schocke was absent.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding in the plenary meeting room before the president called the meeting to order.

The Town Council President Tom Black presided. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Tom Black 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, Toya Smith, Thomas Black, Roger Sheeman were present, Councilor Mark. J. Schocke was absent. Clerk-Treasurer, Mark Herak was also present. A quorum was attained.

**Additional Officials Present:** Alex Brown, CPRP, Superintendent of Parks and Recreation and Mark Knesek, Public Works Director were remote. John Reed, Attorney with Abrahamson, Reed & Bilse, Metropolitan Police Chief Ralph Potesta; William R. Timmer, Jr., CFOD, Fire Chief and Kenneth J. Mika, Building Commissioner; Redevelopment Director Maria Becerra were present. Ed Dabrowski, Director of Information Technology was absent.

*Guests:* Theresa Badovich (remotely) and Robin Carlascio (remotely) of the Idea Factory were also present.

**Minutes of the Previous Meetings:** The minutes of the May 22, 2023 Plenary meeting were approved by general consent.

**Special Orders:**

1. **Administration of Oath of Office** for Police Officer Candidates **Zachary T. Buss, Christopher N. Wanat and Tristan L. Baker** were appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 8 June 2023, with the appointment to be effective June 11, 2023, but not earlier than approval by Indiana Public Retirement System (INPRS).

Councilor Sheeman moved that the Town Council of Highland hereby determines that the herein named candidates meet the qualifications for such position, as determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council which is the Town Legislative Body on this 12th day of June, 2023. Councilor Zemen seconded the motion. Upon a roll call vote of the elected officials, there four (4) affirmatives and no negatives. The motion passed.

- (a) *Instruction and Administration of Oath.* The Town Clerk-Treasurer offered the outline, rationale and instruction related to the oath of office for the police officer candidate. The clerk-treasurer then administered the oath of office to the officer.
- (b) *Presentation of Badge by Metropolitan Police Commission Chair and/or Town Council President or the Metropolitan Police Chief.* Metropolitan Police Commissioner Danny Stombaugh and the Town Council President Tom Black presented the police badge to Police Officers Buss, Wanat and Baker.

The Town Council President and members of the Town Council welcomed the new officers, who then introduced members of their friends and family who were in attendance.

Administration  
 of  
 Police Officer's Oath  
 Police Officer Candidate  
 Christopher N. Wanat  
 Monday, June 12, 2023  
 Town of Highland  
 Metropolitan Police Department

Metropolitan Police Department Police Chiefs  
 Established 1955

Ted Hanson (1955)  
 Harold Yoder (1956-57)  
 William Graham (1958-62)  
 Stephen Ranich (1962-69)  
 William Needles (1969-75)  
 Robert Brakley (1976)  
 Al Prendergast (1976-79)  
 James M. Turoci (1979-85)  
 Richard Hawkins (Interim) (1/28/84-5/28/85)  
 Richard Rakoczy (1985-93)  
 Lawrence L. Woods Jr. (1994 to 1997)  
 Joseph A. Kwasy (1997 to 9/30/00)  
 Paul Gard (06/22/00-12/14/00)  
 James M. Turoci (1/2/15/00 to 02/15/02)  
 Peter T. Hojnicky (02/16/02 to 02/06/23)  
 Ralph J. Potesta (02/07/23 to present)

Town Board of Metropolitan Police Commissioners	Town Council
Chairman	President
Steve Jurczak	Thomas Black
Michael Danko	Bernie Zemen
Terry Krooswyk	Toya Smith
Larry Moes	Mark Schocke
Danny Stombaugh	Roger Sheeman
Town Clerk-Treasurer	
Mark A. Herak	
Town Attorney	
John P. Reed	
Town Board of Metropolitan Police Commissioners Attorney	
John P. Reed	
Chief of Police	
Ralph J. Potesta	

OATH OF OFFICE FOR POLICE OFFICER

I, Christopher N. Wanat, do solemnly (swear or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully, diligently and impartially discharge my duties as a Police Officer of the Town of Highland, Indiana, according to law, and to the best of my ability, (so help me God).

Christopher N. Wanat

IN WITNESS, SUBSCRIBED AND SWORN OR AFFIRMED TO BEFORE ME, AN OFFICIAL AUTHORIZED TO TAKE ACKNOWLEDGEMENTS, ON THIS 12TH DAY OF JUNE 2023.

MARK A. HERAK, CLERK-TREASURER  
 TOWN OF HIGHLAND

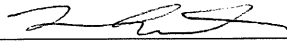
STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF LAKE     )

**CERTIFICATE of APPOINTMENT**

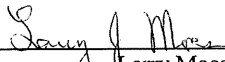
This is to certify that the Town Board of Metropolitan Police Commissioners for the Town of Highland, acting in accordance with applicable law, on the 8th day of June 2023 in the Town of Highland in said County and State, in which it is set forth and declared Christopher N Wanat being of good moral character, was duly appointed to the position of Police Officer, subject to a probationary period, in and for said Town to serve during the probationary or regular appointment if conferred, only during good behavior, subject to the terms and provisions of the Rules, Regulations and Standard Operating Procedures duly adopted and in force for the Highland Metropolitan Police Department and for the citizens of the Town of Highland, all pursuant to I.C. 36-8-9 et seq., with said appointment to be effective, upon its approval, beginning on the 11th day of June , 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and send this certification to be made part of the records of the Town of Highland, Lake County, Indiana this 8th day of June 2023.

**By: Town Board of Metropolitan  
Police Commissioners of Highland**



Michael Danko, Vice Chairman



Larry Moes, Secretary

Pursuant to IC 5-4-1-2(a), the oath which is to be signed by the person taking the oath, and certified to by the officer before whom the oath was taken, may be found attached to this certificate or affixed to its reverse side.

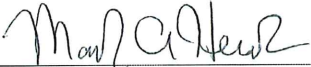
**OATH OF OFFICE**

I, **Christopher N. Wanat** do solemnly (swear or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as Police Officer of the Town of Highland, Indiana, according to law, and to the best of my ability, so help me God.

\_\_\_\_\_  
Christopher N. Wanat

IN WITNESS WHEREOF as subscribed and sworn/affirmed before me, I hereunto set my hand and Corporate seal of the Town of Highland, Indiana this 12 day of JUNE, 2023. I certify that I am the duly elected, qualified, acting and serving Clerk-Treasurer for the Town of Highland, and as such empowered pursuant to IC. 33-16-4-1; IC 36-5-6-5 to make acknowledgments.

**Authority Expiration:** The Director of the Lake County Combined Board Certified the Election of March 2, 2022, officially on March 18, 2022. I was qualified to office upon my oath administered March 3, 2022, to serve for a term of twenty-two months commencing at noon March 3, 2022 and concluding before noon January 1, 2024 and until a successor is elected and qualified. IC 36-5-6-2(b)

  
\_\_\_\_\_  
Mark A. Herak  
Town of Highland Clerk-Treasurer



I.C. 36-8-9-4(a)(c)Highland Municipal Code § 51; I.C. 5-4-1-1

Town Board of Metropolitan Police Commissioners	Chairman	Steve Jurczak
Town Council	President	Thomas Black
Michael Danko	Bernie Zemen	
Terry Krooswyk	Toya Smith	
Larry Moes	Mark Schocke	
Danny Stombaugh	Roger Sheeman	
Town Clerk-Treasurer	Mark A. Herak	
Town Attorney	John P. Reed	
Town Board of Metropolitan Police Commissioners Attorney	John P. Reed	
Chief of Police	John P. Reed	
	Ralph J. Potesta	

IC.5-4-1-1  
 IN WITNESS, SUBSCRIBED AND SWORN OR AFFIRMED TO BEFORE ME, AN  
 OFFICIAL AUTHORIZED TO TAKE ACKNOWLEDGMENTS, ON THIS 12TH  
 DAY OF JUNE 2023,  
 Mark A. Herak, CLERK-TREASURER  
 TOWN OF HIGHLAND

OATH OF OFFICE FOR POLICE OFFICER  
 I, Zachary T. Buss, do solemnly (swear or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully, diligently and impartially discharge my duties as a Police Officer of the Town of Highland, Indiana, according to law, and to the best of my ability, (so help me God).

Zachary T. Buss

Administration  
 of  
 Police Officer's Oath  
 Police Officer Candidate  
**Zachary T. Buss**  
 Monday, June 12, 2023

Town of Highland  
 Metropolitan Police Department

- |  |  |  |
|--|--|--|
| Metropolitan Police Department Police Chiefs<br>Established 1955 | Ted Hanson (1955)<br>Harold Yoder (1956-57)<br>William Graham (1958-62)<br>Stephen Ranich (1962-69)<br>William Needles (1969-75)<br>Robert Brakley (1976)<br>Al Prendergast (1976-79)<br>James M. Turoci (1979-85)<br>Richard Hawkins (Interim) (12/28/84-5/28/85)<br>Richard Rakoczy (1985-93)<br>Lawrence L. Woods Jr. (1994 to 1997)<br>Joseph A. Kwasny (1997 to 9/30/00)<br>Paul Gard (06/22/00-12/14/00)<br>James M. Turoci (12/15/00 to 02/15/02)<br>Peter T. Hojnicky (02/16/02 to 02/06/23)<br>Ralph J. Potesta (02/07/23 to present) | Metropolitan Police Department Police Chiefs<br>(Established 1955) |
|--|--|--|

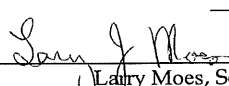
STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF LAKE     )


**CERTIFICATE of APPOINTMENT**

This is to certify that the Town Board of Metropolitan Police Commissioners for the Town of Highland, acting in accordance with applicable law, on the 8th day of June 2023 in the Town of Highland in said County and State, in which it is set forth and declared Zachary T Buss being of good moral character, was duly appointed to the position of Police Officer, subject to a probationary period, in and for said Town to serve during the probationary or regular appointment if conferred, only during good behavior, subject to the terms and provisions of the Rules, Regulations and Standard Operating Procedures duly adopted and in force for the Highland Metropolitan Police Department and for the citizens of the Town of Highland, all pursuant to I.C. 36-8-9 et seq., with said appointment to be effective, upon its approval, beginning on the 11th day of June , 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and send this certification to be made part of the records of the Town of Highland, Lake County, Indiana this 8th day of June 2023.

**By: Town Board of Metropolitan  
Police Commissioners of Highland**

  
\_\_\_\_\_  
Larry Moes, Secretary

  
\_\_\_\_\_  
Michael Danko, Vice Chairman

Pursuant to IC 5-4-1-2 (a), the oath which is to be signed by the person taking the oath, and certified to by the officer before whom the oath was taken, may be found attached to this certificate or affixed to its reverse side.

OATH OF OFFICE

I, **Zachary T. Buss** do solemnly (swear or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as Police Officer of the Town of Highland, Indiana, according to law, and to the best of my ability, so help me God.

\_\_\_\_\_  
Zachary T. Buss

IN WITNESS WHEREOF as subscribed and sworn/affirmed before me, I hereunto set my hand and Corporate seal of the Town of Highland, Indiana this 12 day of June, 2023. I certify that I am the duly elected, qualified, acting and serving Clerk-Treasurer for the Town of Highland, and as such empowered pursuant to IC. 33-16-4-1; IC 36-5-6-5 to make acknowledgments.

**Authority Expiration:** The Director of the Lake County Combined Board Certified the Election of March 2, 2022, officially on March 18, 2022. I was qualified to office upon my oath administered March 3, 2022, to serve for a term of twenty-two months commencing at noon March 3, 2022 and concluding before noon January 1, 2024 and until a successor is elected and qualified. IC 36-5-6-2(b)



Mark A. Herak  
Mark A. Herak  
Town of Highland Clerk-Treasurer

I.C. 36-8-9-4(a)(c)Highland Municipal Code § 51; I.C. 5-4-1-1



Administration  
 of  
 Police Officer's Oath  
 Police Officer Candidate  
**Tristan L. Baker**  
 Monday, June 12, 2023  
 Town of Highland  
 Metropolitan Police Department

Metropolitan Police Department Police Chiefs  
 Established 1955

Metropolitan Police Department Police Chiefs  
 (Established 1955)

Ted Hanson (1955)  
 Harold Yoder (1956-57)  
 William Graham (1958-62)  
 Stephen Ranich (1962-69)  
 William Needles (1969-75)  
 Robert Brakley (1976)  
 Al Prendergast (1976-79)  
 James M. Turcol (1979-85)  
 Richard Hawkins (Interim) (12/28/84-5/28/85)  
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 Peter T. Hofnicki (02/16/02 to 02/06/23)  
 Ralph J. Potesta (02/07/23 to present)

Town Board of Metropolitan Police Commissioners	Town Council
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Steve Jurczak	Thomas Black
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Terry Krooswyk	Toya Smith
Larry Moes	Mark Schocke
Danny Stombaugh	Roger Sheeman
Town Clerk-Treasurer Mark A. Herak	
Town Attorney John P. Reed	
Town Board of Metropolitan Police Commissioners Attorney	Chief of Police
John P. Reed	Ralph J. Potesta

OATH OF OFFICE for POLICE OFFICER

I, Tristan L. Baker, do solemnly (swear or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully, diligently and impartially discharge my duties as a Police Officer of the Town of Highland, Indiana, according to law, and to the best of my ability, (so help me God).

Tristan L. Baker

IN WITNESS, SUBSCRIBED AND SWORN OR AFFIRMED TO BEFORE ME, AN OFFICIAL AUTHORIZED TO TAKE ACKNOWLEDGEMENTS, ON THIS 12TH DAY OF JUNE 2023.

MARK A. HERAK, CLERK-TREASURER  
 TOWN OF HIGHLAND

STATE OF INDIANA    )  
                              ) SS:  
COUNTY OF LAKE    )

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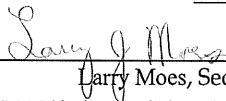
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**By: Town Board of Metropolitan  
Police Commissioners of Highland**



Michael Danko, Vice Chairman



Larry Moes, Secretary

Pursuant to IC 5-4-1-2 (a), the oath which is to be signed by the person taking the oath, and certified to by the officer before whom the oath was taken, may be found attached to this certificate or affixed to its reverse side.

**OATH OF OFFICE**

I, **Tristan L. Baker** do solemnly (swear or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as Police Officer of the Town of Highland, Indiana, according to law, and to the best of my ability, so help me God.

\_\_\_\_\_  
Tristan L. Baker

IN WITNESS WHEREOF as subscribed and sworn/affirmed before me, I hereunto set my hand and Corporate seal of the Town of Highland, Indiana this 12 day of JUNE, 2023. I certify that I am the duly elected, qualified, acting and serving Clerk-Treasurer for the Town of Highland, and as such empowered pursuant to IC 33-16-4-1; IC 36-5-6-5 to make acknowledgments.

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\_\_\_\_\_  
Mark A. Herak  
Town of Highland Clerk-Treasurer

I.C. 36-8-9-4(a)(c)Highland Municipal Code § 51; I.C. 5-4-1-1

**Comments from the Public or Visitors:**

Larry Kondrat, Highland, asked about Transfer Resolution No. 2023-09. He wanted to know where the money was coming from and what was the purpose of the transfer.

The Clerk-Treasurer explained the Town receives approximately \$52,000 each month that is applied to the CEDIT Economic Development Income Fund. During last years

budget process, the Council placed \$250,000 into the account 4436-0000-471.18 -resurfacing of local roads and street. With the starting of the Community Crossings Project, the money needed to be transferred into the correct accounts or line item so the money could be spent from the proper account.

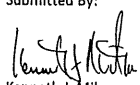
**Communications:** None

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

Building Report May, 2023

PERMIT TYPE	#	Res.	Comm.	Est. Cost	Fee Collected
Commercial Buildings	0			\$ -	\$ -
Comm. Additions/Remodel	7		7	\$ 217,809.00	\$ 4,179.00
Signs	5		5	\$ 41,304.00	\$ 1,972.50
Single Family	1	1		\$ 362,280.00	\$ 6,333.00
Duplex/Condo	0				
Residential Additions	2	2		\$ 108,000.00	\$ 1,258.50
Residential Remodeling	59	59		\$ 858,395.00	\$ 18,373.50
Concrete/Asphalt/Flatwork	13	13		\$ 118,674.00	\$ 3,186.00
Garages	1	1		\$ 25,800.00	\$ 718.50
Sheds/Pergolas/Gazebos	3	3		\$ 4,429.00	\$ 411.00
Decks & Porches	8	8		\$ 45,880.00	\$ 2,746.50
Fences	26	26		\$ 98,988.00	\$ 4,036.50
Above/In ground pools	6	6			\$ 324.00
Drain Tile/Waterproofing	3	3		\$ 69,563.00	\$ 1,429.50
Misc: Road Cuts (9)	9	9			\$ 1,633.50
<b>Total Building Permits</b>	<b>143</b>	<b>131</b>	<b>12</b>	<b>\$ 1,951,122.00</b>	<b>\$ 46,602.00</b>
<b>Electrical Permits</b>	<b>21</b>	<b>17</b>	<b>4</b>	<b>\$ -</b>	<b>\$ 2,836.00</b>
<b>Mechanical Permits</b>	<b>21</b>	<b>21</b>		<b>\$ -</b>	<b>\$ 2,549.00</b>
Plumbing Permits	14	13	1	\$ -	\$ 2,188.85
Water Meters	2	2		\$ -	\$ 630.40
Water taps	1	1		\$ -	\$ 200.00
Sewer/Storm Taps	1	1		\$ -	\$ 300.00
<b>Total Plumbing Permits</b>	<b>18</b>	<b>17</b>	<b>1</b>	<b>\$ -</b>	<b>\$ 3,319.25</b>

May 2023 Code Enforcement: 138 Investigations were done, 13 Citations & 85 Warnings were issued. Inspections done for the month of May 2023 were as follows: 24 Building Inspections, 15 Plumbing Inspections, 10 HVAC and 19 Electrical Inspections. There were no Electrical Exams given.

Submitted By:  
  
 Kenneth J. Mika

**2023**  
 TOWN OF HIGHLAND INJURIES FOR THE MONTH  
**MAY**

CASE	DATE	DEPARTMENT	DESCRIPTION	Record Only	OSHA	Not OSHA	Filed with
	OF INJURY			No Med Treatment	Recordable	Recordable	
			NO INJURIES FOR THE MONTH				

RO = Record Only

DEPT	2023		2022	2023		Last Year	
	INJURIES	YEAR TO		RESTRICTED	LOST DAYS	RESTRICTED	LOST DAYS
	THIS MONTH	DATE	Total Injuries Last Year	DAYS THIS YEAR	THIS YEAR	DAYS 2022	2022
PARK & REC			3	8	51		25
FIRE							
POLICE	2	4	7	33	41		67
STREET			1				44
WATER							
SEWER		1	1				
MAINTENANCE			5				77
OTHER							
<b>TOTALS</b>	<b>2</b>	<b>5</b>	<b>17</b>	<b>41</b>	<b>92</b>	<b>0</b>	<b>213</b>

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

**Mark Herak**

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**From:** Denise Beck  
**Sent:** Monday, June 12, 2023 7:33 AM  
**To:** Mark Herak; Chad Kinley  
**Cc:** William Timmer  
**Subject:** May Fire Department Stats

Good Morning Mark and Chad,

Types of Calls:	2023	YTD
General Alarms	4	40
Paid Still Alarms	41	151
Totals	45	194

**Chief Report:**

Inspections 18  
After Hours Meeting 17.5 hours  
After Hours Fire Calls 26 hours  
Saturday Hours at Station 12 hours

*Denise Beck*  
Highland Fire Department  
2901 Highway Ave.  
Highland, IN 46322  
(219)-923-9876

**Appointments:**

**• Statutory Boards and Commissions**  
*Executive Appointments*

1. **Economic Development Commission.** (1) Appointment to be made by the municipal executive, but requiring nomination from the Town Council. Term ends just before February 1<sup>st</sup>. (*Currently the position is vacant*)

- a. Nomination by the Town Council. *(The council would pass a motion to nominate.)*
- b. Appointment by executive. *(If nominee is acceptable, the Town Council President may appoint.)*

The Town Council President, as municipal executive, said he would delay this appointment until a later date.

#### Home Rule Boards and Commissions

2. **Community Events Commission** *Multi-Year position: (1) appointment to be made by the Town Council President. Term: 4 years. (Positions currently held by Jacqui Herrera and Sandy McKnight)*
3. • **Tree Board:** (1) appointments, to be made by the municipal executive, but requiring nomination from the Town Council. *(Position currently held by Natalie Stromberg.)*
  - a. Nomination by the Town Council. *(The council would pass a motion to nominate.)*
  - b. Appointment by executive. *(If nominee is acceptable, the Town Council President may appoint.)*
4. **Municipal Plan Commission** (1) (vacancy) appointment to be made by Town Council President. *(Note: Unexpired term of Hunter Balczon, Esq., (D), term ending 1<sup>st</sup> Monday January 2025) No more than two of any party. Current composition is 2 Republicans, 1 Democrat.*

#### Legislative Appointments

Regional Statutory Commissions or Boards

#### Home Rule Commissions

1. **Main Street Bureau Board:** (17) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2025. *There are currently 8 of the 17 in place and serving. Currently serving are Rhonda Bloch, Teri Yovkovich, Renee Reinhart, Alex Robertson, Diane Barr-Roumbus, James Roumbus, Sandy McKnight, Al Simmons and Ben Reinhart.*
2. **Community Events Commission** *Multi-year positions: (4) appointments to be made by the Town Council. Term: 4 years. (Note: Currently vacant)*

*Single year positions: (8) appointments to be made by the Town Council. Term: 1 year. (Note: There are currently 7 of the 8 in place and serving, Jack Rowe, Carol*



*Parker, Maria Armagast, Michelle Coon, Linda Carter, Rachael Carter, Erica Fizer  
Katsepas )*

The Town Council President, as municipal executive, said he would delay appointments until a later date.

**General Orders and Unfinished Business:** None

**New Business:**

1. **WORKS BOARD ORDER NUMBER 2023-17:** A JOINT RESOLUTION OF THE BOARD OF WORKS AND THE WATER WORKS BOARD OF DIRECTORS AND THE BOARD OF SANITARY COMMISSIONERS ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES DURING CONSTRUCTION FOR THE PARKWAY DRIVE IMPROVEMENT PROJECT IN THE TOTAL AMOUNT NOT-TO-EXCEED \$110,000.00.

Councilor Smith moved the passage and adoption of Works Board No. 2023-17.  
Councilor Sheeman seconded.

Discussion: The Clerk-Treasurer informed the Council that of the \$110,000, \$32,000 would be paid by the Board of the Works, \$69,000 from the Water Board and \$9,000 from the Sanitary Board.

Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The order was adopted pending the signature of the Town Executive.

TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2023-17

WATER WORKS DISTRICT OF HIGHLAND  
BOARD OF WATER WORKS DIRECTORS  
RESOLUTION No. 2023-07

SANITARY DISTRICT OF HIGHLAND  
BOARD OF SANITARY COMMISSIONERS  
RESOLUTION No. 2023-12

A JOINT RESOLUTION OF THE BOARD OF WORKS, THE WATER WORKS BOARD OF DIRECTORS AND THE BOARD OF SANITARY COMMISSIONERS ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES FOR THE PARKWAY DRIVE IMPROVEMENT PROJECT IN THE TOTAL AMOUNT NOT-TO-EXCEED \$110,000.00

Whereas, The Town of Highland, through its Board of Works pursuant to IC 36-1-2-24(3) and IC 36-1-12, has determined the need to make certain public improvements and repairs to roadway infrastructure along the 8600-8800 blocks of Parkway Drive and a 150-ft portion of Kenilworth Avenue directly adjoining Parkway Drive (including pavement, curb and gutter, sidewalk, driveway aprons and parkway trees) and has hereto approved a project to be described as the Parkway Drive Improvement Project (Project); and

Whereas, The Water Works District of Highland (WW District), through its Board of Directors pursuant to IC 8-1.5-4 and IC 36-1-12, has determined the need to replace and upsize the existing water mains 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 Water Works District to coordinate the work with the Project; and has 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), through its Board of Commissioners pursuant to IC 36-9-25 and IC 36-1-12, has determined the need to replace certain storm sewer infrastructure within the Project boundaries, as described herein; has determined that it would be in the best interest of the Sanitary District to coordinate the work with the Project; and has 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, Incorporated, (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 One Hundred-Ten Thousand Dollars and No Cents (\$110,000.00), allocated in the amounts of Thirty-two Thousand Dollars and No Cents (\$32,000.00) to the Board of Works, Sixty-nine Thousand Dollars and No Cents (\$69,000.00) to the Water Works Board and Nine Thousand Dollars and No Cents (\$9,000.00) to the Sanitary Board; and

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

Whereas, The 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.

Now, Therefore Be it Resolved by the Board of Works for the Town of Highland, the Board of Directors of the Highland Water Works and the Board of Commissioners of the Highland Sanitary District, Lake County, Indiana, 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 Parkway Drive 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 One Hundred Ten Thousand Dollars and No Cents (\$110,000.00), allocated in the amounts of Thirty-two Thousand Dollars and No Cents (\$32,000.00) to the Board of Works, Sixty-nine Thousand Dollars and No Cents (\$69,000.00) to the Water Works Board and Nine Thousand Dollars and No Cents (\$9,000.00) to the Sanitary Board, 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, believe 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 is authorized to execute the agreement and all documents necessary to implement the Project.

**Duly Adopted, Resolved and Ordered** by the Town of Highland, Board of Works, Lake County, Indiana, this 12<sup>th</sup> day of June, 2023. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

TOWN OF HIGHLAND, INDIANA  
BY ITS BOARD OF WORKS:

\_\_\_\_\_  
Tom Black, President

Attest:

\_\_\_\_\_  
Mark Herak, Clerk-Treasurer

**Duly Adopted, Resolved and Ordered** by the Highland Water Works District, Board of Directors, Lake County, Indiana, this 25<sup>th</sup> day of May, 2023. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

HIGHLAND WATER WORKS DISTRICT  
BY ITS BOARD OF DIRECTORS:

\_\_\_\_\_  
George A. Smith, President

Attest:

\_\_\_\_\_  
Richard E. Volbrecht Jr., Secretary

**Duly Adopted, Resolved and Ordered** by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 6<sup>th</sup> day of June, 2023. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

HIGHLAND SANITARY DISTRICT  
BY ITS BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Richard Garcia, President

Attest:

\_\_\_\_\_  
David Jones, Secretary

2. **Transfer Resolution 2023-09:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From and Among Major Budget Classifications In the CEDIT Econ. Dev. Income Tax Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Appropriation Transfer Resolution 2023-09. Councilor Sheeman seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The order was adopted pending the signature of the Town Executive.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2023-09**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS to the COMMUNITY CROSSINGS GRANT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions to the **Community Crossing Grant Fund**;

**NOW, THEREFORE BE IT RESOLVED** 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That is has been shown that certain existing unobligated appropriations of the **Community Crossing Grant Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**COMMUNITY CROSSING GRANT FUND**

**CEDIT Econ. Dev. Income Tax Fund**

Reduce Account: #4436-0000-471.18 Cedit Resurf of Local Strs \$245,822.00  
*Total 400 Series Reductions*

\$245,822.00

**Community Crossing Grant Fund**

Increase Account: #2405-0000-410.20 CCMG Projects 2023 \$188,322.00

Increase Account: #2405-0000-410.19 CCMG Engineering (PE)  
\$25,500.00

*Total 300 Series Increases*

Increase Account: #2405-0000-410.21 CCMG Engineering CE)  
\$32,000.00

*Total 300 Series Increases*

<b>Total of All Fund Decreases:</b>	<b>\$245,822.00</b>
<b>Total of All Fund Increases:</b>	<b>\$245,822.00</b>

**DULY RESOLVED and ADOPTED** this 12<sup>th</sup> Day of June 2023 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

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

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Tom Black, President (IC 36-5-2-10)

Attest:

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Mark Herak  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. Works Board Order No. 2023-18: An Order Approving and Authorizing the Fire Chief to Purchase Four (4) Rescue Tools from MacQueen Equipment, LLC., of 1125 7<sup>th</sup> Street E., St. Paul, MN 55106, pursuant to I.C. 5-22-8 et seq.

Councilor Sheeman moved the passage and adoption of Works Board Order No. 2023-18. Councilor Smith seconded.

Discussion: The Fire Chief said the equipment being purchased are relatively innovative as they are battery powered. The fireman loved them as the Department already has some battered operated tools and they weigh less and easier to handle. This set replaces a twenty-five (25) year old set. He said they still haven't decided where they are going to put them.

Councilor Sheeman added that the new equipment saves a tremendous amount of time once the fire department is upon the scene because with the old equipment,

you had to unravel the hose and hook it up to a power source. With the new equipment, the fire fighter simply picks up the equipment and its operational. When minutes and seconds count, eventually it could save a life.

Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The order was passed and adopted pending the signature of the Chief Executive.

Town of Highland  
Board of Works  
Order of the Works Board 2023-18

An Order Approving and Authorizing the Fire Chief to Purchase Rescue Tools from MacQueen Equipment, LLC of 1125 7<sup>th</sup> Street E., St. Paul, MN 55106, for four (4) tools of one (1) each of: Spreader, Cutter, Combo Tool, Ram pursuant to I.C. 5-22-8-3.

**Whereas,** The Town of Highland Fire Department, as part of its public duties, has a responsibility for public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas,** The Fire Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00.

**Whereas,** The Fire Chief, pursuant to Section 3.05.050(D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

**Whereas,** The Purchasing Agent, pursuant to §3.05.060(F)(1) of the HMC, expected that the purchase, in aggregate, to be at least \$50,000 and not more \$150,000 and invited quotes in accordance with Section §3.05.060(F)(1) of the HMC; and

**WHEREAS, THE FOLLOWING QUOTES WERE RECEIVED:**

<u>Bidder</u>	<u>Proposal</u>
MacQueen	\$53,263.00
Holmatro	\$56,754.00
Genesis	\$60,078.00

**Whereas,** the Fire Chief has reviewed the quotes and made recommendation for award on the various items based on being the lowest responsive and responsible quote; and

**Whereas,** The Fire Chief has identified MacQueen Equipment, LLC., of St. Paul, MN to be a desirable source vendor for the purchase four (4) tools, of one (1) each of: Spreader; Cutter; Combo Tool; Ram for a total cost of \$53,263.00; and

**Whereas,** The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (E) as well as Section 3.05.060 F(1)(3) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(3) of the Highland Municipal Code serves as the purchasing agency for the Fire Department; and

**Whereas,** The Fire Chief, pursuant to Section 3.05.050 (D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

**Whereas,** The cost of the Rescue Tools will be supported by the Public Safety Income Tax Fund and there is sufficient appropriation in order to support the purchase; and

**Whereas,** The Town Council now desires to approve and authorize the Fire Chief to complete the purchase pursuant to the terms and stated herein,

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby finds and determines that the offer from MacQueen Equipment, LLC., 1125 7<sup>th</sup> Street E, St. Paul, MN, to be the lowest responsive and responsible offer having offered a total cost of \$53,263 for four (4) tools, one (1) each of: Spreader; Cutter; Combo Tool; Ram; all pursuant to IC 5-22-8-3 and Section 3.05.060(F)(3) of the Highland Municipal Code;

**Section 2.** That the Fire Chief is authorized and approved to purchase from MacQueen Equipment, LLC., of St. Paul, MN. four (4) tools, one (1) each of: Spreader; Cutter; Combo Tool; Ram for a **net** total of **\$53,263.00**; all pursuant to IC 5-22-8-3 and Section 3.05.060 (F) (3) of the Highland Municipal Code;

**Section 3.** That the Fire Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**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 12<sup>th</sup> day of June,, 2023 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of**



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Tom Black, President (IC 36-5-2-10)

Attest:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. Works Board Order 2023-19: An Order Approving and Authorizing the Fire Chief to Purchase One (1) Extrication Tool from Garner Sales, 105 Magnolia Lane, Cooksville, IL 61730, pursuant to I.C. 5-22-8 et seq.

Councilor Sheeman moved the passage and adoption of Works Board No. 2023-19.  
Councilor Smith seconded.

Discussion: The Clerk-Treasurer explained that the Fire Chief serves as the purchasing agent for the Fire Department but any expenditures over \$15,000 must be approved by the purchasing agency which is the Town Council.

Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The order was adopted pending the signature of the Chief Executive.

**Town of Highland  
Board of Works  
Order of the Works Board 2023-19**

**An Order Approving and Authorizing the Fire Chief to Purchase Extrication Tool from Garner Sales, of 105 Magnolia Lane, Cooksville, IL 61730, for one (1) each of: Extrication Tool pursuant to I.C. 5-22-8-2.**

**Whereas,** The Town of Highland Fire Department, as part of its public duties, has a responsibility for public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas,** The Fire Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00.

**Whereas,** The Fire Chief, pursuant to Section 3.05.050(D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

**Whereas,** The Purchasing Agent, pursuant to §3.05.060(G)(1) of the HMC, expected that the purchase, in aggregate, to be a small purchase valued less than \$50,000 and invited quotes in accordance with Section §3.05.060(G)(1) of the HMC; and

**WHEREAS, THE FOLLOWING QUOTES WERE RECEIVED:**

<u>Bidder</u>	<u>Proposal</u>
Garner Sales	\$9,000.00

**Whereas,** the Fire Chief has reviewed the quote and made recommendation for award on the various items based on being the lowest responsive and responsible quote; and

**Whereas,** The Fire Chief has identified Garner Sales, of Cooksville, IL 61730 to be a desirable source vendor for the purchase of one (1) each of Extrication Tool for a total cost of \$9,000.00; and

**Whereas,** Pursuant to Section 3.05.040 (E) as well as Section 3.05.060 G(1) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(3) of the Highland Municipal Code serves as the purchasing agency for the Fire Department; and

**Whereas,** The Fire Chief, pursuant to Section 3.05.050 (D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

**Whereas,** The cost of the Extrication Tool will be supported by the Public Safety Income Tax Fund and there is sufficient appropriation in order to support the purchase; and

**Whereas,** The Town Council now desires to approve and authorize the Fire Chief to complete the purchase pursuant to the terms and stated herein,

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby finds and determines that the offer from Garner Sales, 105 Magnolia Lane, Cooksville, IL, to be the lowest responsive and responsible offer having offered a total cost of \$9,000 for one (1) each of an Extrication Tool: all pursuant to IC 5-22-8-2 and Section 3.05.060(G)(1) of the Highland Municipal Code;

**Section 2.** That the Fire Chief is authorized and approved to purchase from Garner Sales, of Cooksville, IL for, one (1) each Extrication Tool for a **net** total of **\$9,000.00**; all pursuant to IC 5-22-8-2 and Section 3.05.060 (G)(1) of the Highland Municipal Code;

**Section 3.** That the Fire Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**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 12<sup>th</sup> day of June, 2023 having passed by a vote of 4 in favor and 0 opposed.

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

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Tom Black, President (IC 36-5-2-10)

Attest:

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Mark Herak  
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. A Resolution of the Board of Works Establishing rental policy, fee schedule, penalties and regulations by Non-Profits located in Highland for usage of and access to Town-Owned Crowd Control Barriers.

Councilor Sheeman moved the passage and adoption of Works Board No. 2023-20.  
Councilor Smith seconded.

Discussion: Councilor Sheeman asked Attorney Reed if rather than a works board order, he thought it should be an ordinance as it deals with regulations and things like that and not just works board order. We're not approving an expenditure or anything like that and I believe this should be an ordinance instead.

Attorney Reed responded that he can certainly make it an ordinance and I can rewrite it that way, as that is not a problem. He would recommend doing that in the future. As far as an ordinance goes, it doesn't require the payment of any money and it only deals with one specific classification.

Councilor Sheeman responded that it should be an ordinance because there may be other nonprofits that may come forward to use them and we need to have a policy in place which would require another works board order which is why I feel this should be an ordinance instead.

Attorney Reed responded that it didn't matter either way, it's the Council's call . I would recommend passing the works board order tonight just for this one party and we'll change it going forth.

Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The order was adopted pending the signature of the Chief Executive.

**Town of Highland  
Board of Works  
Order of the Works Board No. 2023-20**

**A Resolution of the Board of Works Establishing rental policy, fee schedule, penalties and regulations by Non-Profits located in Highland for usage of and access to Town-Owned Crowd Control Barriers and All Matters Related Hereto.**

**WHEREAS**, the Town of Highland, Lake County, Indiana, owns equipment and property that, from time-to-time, may be rented or leased to outside parties; and

**WHEREAS**, the Town of Highland, Lake County, Indiana, owns and uses crowd control barriers; and

**WHEREAS**, the Town Council of the Town of Highland, Lake County, Indiana, being duly informed and advised has determined that it is appropriate and advisable to establish a Board of Works rental policy and fee schedule for non-profits located within the boundaries of the Town of Highland for rental of the Town owned crowd control barriers.

**Now, Therefore, Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality as Follows:**

**Section 1.** The Town Council of the Town of Highland hereby establishes a fee schedule and regulations, based upon the following criteria, for use of the Town's owned Crowd Control Barriers by said non-profits as follows:

- a. The actual number of Crowd Control Barriers used; and
- b. The actual number of days the Crowd Control Barriers are in use; and
- c. The non-profit must be physically located within the boundaries of the Town of Highland; and

- d. The non-profit renting the Crowd Control Barriers is responsible for the pick-up and return the barriers via their own vehicle and employees; and
- e. The non-profit must use a qualified representative to unload and reload the barriers at the non-profit's location; and
- f. The representative of the non-profit who is moving the barriers must be approved by Public Works Director or his/her designee of the Town of Highland; and
- g. The route chosen for any transport of the barriers to the non-profit's location must be approved by Public Works Director or his designee of the Town of Highland; and
- h. The Town of Highland has full discretion to deny any rental request; and
- i. The non-profit will provide all insurance and proof of insurance required by the Town of Highland; and
- j. The non-profit's rental of the barrier(s) is at the non-profit's own risk and said non-profit will hold the Town harmless for any malfunctions, injury or damage the barrier(s) may cause in case of any breakage or accidents while in the possession of the renter; and
- k. The non-profit agrees to compensate the Town of Highland if any barriers are damaged in any way or missing while in the non-profit's possession. This compensation will be equal to the fair market value or actual costs to repair or replace the barriers *and* any costs incurred by the Town to rent similar barriers for any scheduled Town sponsored event at which the damaged or missing barriers were to be utilized; and.
- l. The Town of Highland may waive or discount fees for any qualified non-profit organizations that are based in the Town of Highland.

**Section 2.** Any and all fees, if required, collected from rental of the barriers will be directly deposited into the Town's General Fund Miscellaneous Revenue Account.

**Section 3.** If any section, clause, provision or portion of this Works Board Order shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Works Board Order.

**Section 4.** That this Order of the Works Board shall be effective from and after its approval and adoption by the Town Council of the Town of Highland, Indiana; and

**Section 5.** That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**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 12<sup>th</sup> day of June, 2023 having passed by a vote of 4 in favor and 0 opposed.

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

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Tom Black, President

Attest:

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Mark Herak, Clerk-Treasurer

**Comments from the Town Council:**  
*(Good of the order)*

- **Councilor Bernie Zemen:** *Liaison to the Board of Water Works Directors • Liaison and Plan Commission Member • Liaison to the Tree Board • Liaison to the Highland Neighbors for Sustainability.*

Councilor Zemen began by acknowledging Ken Mika, Building Commissioner who said in 2 weeks, the Plan Commission will have on its agenda to approve, a primary and secondary subdivision approval and zoning overlay District Development Plan for Osborn Partners in reference to the climate control self-storage units. All of the engineering work is complete and consistent with the ordinance requirements. He said his office received this morning the recorded subdivision plat for Griffland Center, first edition through the Recorder's Office. It was recorded on June 9<sup>th</sup>, which is a day before the extension deadline. All that is yet to be determined if SJ Highland receives their HUD financing.

Councilor Zemen commented that the rest of his Boards meet later in the month and he'll have a report at the June 26<sup>th</sup> meeting.

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GINA PIMENTEL  
RECORDER  
STATE OF INDIANA  
LAKE COUNTY  
RECORDED AS PRESENTED

**2023-015113**  
9:41 AM 2023 Jun 9

**COVENANT**

THIS COVENANT ("Covenant") is made as of the 6 day of June, 2023 by SJ Highland, LLC ("Company"), whose address is 4700 E. 53<sup>rd</sup> Street, Davenport, Iowa 52807.

**RECITALS:**

WHEREAS, Company is the owner of certain real property legally described on Exhibit A attached hereto containing approximately 11 acres (the "Company Parcel");

WHEREAS, Company intends to construct on approximately 9 acres of property adjacent to the Company Parcel a senior living facility, to be developed under the R3 PUD Provisions of the Town of Highland Zoning Code as of the date this Covenant is recorded (the "Senior Living Facility"); and

WHEREAS, Company desires to bind the Company Parcel and present and future owners and occupants thereof with a senior housing covenant, as set forth below:

**AGREEMENT:**

NOW, THEREFORE, Company declares, covenants and agrees for itself and its successors and assigns (in whole or in part), subject to the terms and conditions set forth below, as follows:

1. Covenant. In order to preserve the character of the Senior Living Facility and overall development, if Apartments, as defined in Title 18 of the Highland Municipal Code, are developed, occupancy of the units at such Apartments shall be restricted to any person(s) of the age of 55 years or over, which person(s) must be a leaseholder and the primary occupant of the unit (hereinafter "Permissible Primary Occupant"). Other occupants may be allowed, provided that Permissible Primary Occupancy is established, as follows: (1) A husband or wife, regardless of age, residing with his or her spouse who is a Permissible Primary Occupant; (2) A child or children of a Permissible Primary Occupant residing with a Permissible Primary Occupant, provided the child or children is or are over the age of 23 year or over; or, (3) an individual or individuals, age 23 or over, residing with and providing physical or economic support to Permissible Primary Occupant. The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any of the units from entertaining guests, of any age, in their units, including temporary residency not to exceed ninety (90) days in a calendar year.
2. Successors and Assigns. The term "Company," wherever used in this instrument, is intended, in each instance, to include the successors and assigns of Company. The covenant contained herein shall run with the land.
3. Miscellaneous. This Covenant shall be governed by and construed in accordance with the laws of the State of Indiana. The section headings herein are intended for convenience only and shall not be construed with any substantive effect in this Covenant. In the event of any conflict between the statements made in the recitals to this Covenant and the provisions

**FILED**

JUN 09 2023

PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

25  
6515  
LK

contained in the body of this Covenant, the provisions contained in the body of this Covenant shall govern.

4. Application of Covenant. Notwithstanding anything to the contrary herein, this Covenant shall apply to the entire parcel described on Exhibit A hereto, whether developed as a senior living facility, or undeveloped, as contemplated herein. In the event the intended Senior Living Facility is not constructed or is later re-constructed or converted to another use on the parcel adjacent to the Company Parcel, this Covenant shall not restrict the Company, or any successors or assigns, from developing, constructing, re-constructing or converting anything on the Company Parcel that is otherwise allowed or approved in accordance with applicable local codes and ordinances. In such event, Company, or its successors or assigns, shall be able to record a release of the Covenant.

5. Sovereignty. To the extent that the restrictions described above violate any federal or state law or regulation, those restrictions shall be deemed revised to the extent necessary to comply with such law or regulation, in keeping with the purpose of maintaining the age restricted residency requirement.

6. Indiana Law. This Covenant shall be governed by, and shall be construed and enforced according to, the laws of the State of Indiana.

7. Modification and Termination. This Covenant shall not be amended, modified, or terminated without the prior written approval of the Town Council of the Town of Highland, Indiana. Within thirty (30) days of executing an amendment, modification, or termination with the Office of the Recorder of Lake County and, within thirty (30) days after recording, provide a true copy of the recorded amendment, modification or termination to the Town Council of the Town of Highland, Indiana. Notwithstanding the foregoing, approval as required herein shall not be unreasonably withheld or conditioned for the release contemplated and set forth in Section 4 above.

8. Conflict of and Compliance with Law. If any provision of this Covenant is also the subject of any law or regulation established by and federal, state or local government, the strictest standard or requirement shall apply. Compliance with this Covenant does not relieve the property owner of its obligation to comply with any other applicable laws.

DATED as of the date first above written.

SJ Highland LLC, an Iowa limited  
liability company

By: James V. Russell

Its: Manager




State of IOWA )  
                          ) ss.  
County of SCOTT )

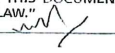
I, the undersigned, a Notary Public in and for said County and State, do hereby certify that James V. Russell, the manager of SJ Highland, LLC appeared before me this day in person and acknowledged that he signed, sealed and delivered the within instrument as his free and voluntary act, and as the free and voluntary act of said company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 6 day of June 2023.

[SEAL]

  
Notary Public



"I AFFIRM, UNDER THE PENALTIES FOR PERJURY THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW."  
PREPARED BY: 

### LEGAL DESCRIPTION

That part of the west half of the north half of the southeast quarter of the southeast quarter and the east half of the southeast quarter of the southeast quarter of Section 27, Township 36 north, Range 9 west of the Second Principal Meridian described as follows: beginning at the southwest corner of said west half; thence N0°05'27"W along the west line of said west half, 661.02 feet to the northwest corner thereof; thence S89°40'53"E along the north line of said west half and the north line of said east half, 1327.98 feet to the northeast corner of said east half; thence S0°01'01"W along the east line of said Section 27, 688.70 feet; thence N89°25'59"W, 210.00 feet; thence S0°00'39"W, 2.82 feet; thence N89°42'07"W, 453.35 feet to the west line of said east half; thence N0°02'13"W, 30.00 feet to the south line of said west half; thence N89°42'07"W along said south line, 663.37 feet to the point of beginning, excepting therefrom Lot 1 of Griffland Center Inc. First Addition to the Town of Highland as recorded in Plat Book 63, Page 3 and containing 20.11 acres (more or less) in Lake County, Indiana.

### EXHIBIT A

**Councilor Toya Smith:** • *Sanitary Board Liaison* • *Public Works Liaison* • *Advisory Board of Zoning Appeals Liaison* • *Liaison to the Building and Inspections.*

Councilor Smith began by acknowledging Ken Mika, Building Commissioner who said at the BZA's May 24<sup>th</sup> meeting, they approved the Findings of Fact for a variance for Price Point Builders for a garage set-back as 8327 Grace Street. This month, the BZA has on its agenda a set-back variance for a fence located at 8037 Parrish Avenue. Other than that, there are no other items on the BZA's agenda. He commented from the Building side, they issued a building permit to Price Point Builders for the house located at 8327 Grace Street and have begun the foundation for the single family home. The work continues on the gas station and convenient mart at the intersection of Hart Road and Indianapolis Blvd. He said he believed the gas pumps have been installed, the canopy assembled and they are now applying the base asphalt coat. The Highland Christian School addition is coming along nicely. They are working at a fast pace, trying to complete before school starts. The car wash on the boulevard have completed pretty

much most of the underground site work and are now working on installing the actual equipment for the car wash.

Councilor Sheeman asked Mr. Mika regarding the car wash, which he drives by it almost every day, as he thought the owners were to install a pork chop prohibiting a left turn out of the car wash.

Ken Mika said he believed something was in place. There are two (2) right ins based upon the traffic configuration approved by Traffic Safety and only one (1) right out.

Councilor Sheeman said unless the pork chop was installed today, it wasn't there last week and I think we all agreed that a pork chop was needed.

Ken Mika said he would go back and check as he thought something was in place.

Councilor Smith then acknowledged Mark Knesek, Public Works Director who made mention to Councilor Sheeman that he thought there's some more concrete work that needs to be done at the car wash. He didn't think the exit was completely done as there is a big void that still needs to be taken care of. He then began talking about what his crew does when they arrive at a water main break. The first thing we do when we arrive on a water main break is to assess the situation as to what kind of property damage the flowing water will cause? Is the water flowing towards the house or away from the house? The one we had Saturday, one of the houses started experiencing a little seepage so we shut the water off. We try to get the water shut down as soon as possible to avoid property damage. Secondly, we really never shut down the main. There is still some pressure on the main so the residents will have a slow trickle. When we dig up the break, we need to keep the trench safe from filling up with water for our employees and not run the risk of the trench collapsing on them because the water is still on.

**Councilor Mark Schocke:** • *Park and Recreation Board Liaison • Council of Community Events Commission Liaison • Liaison to Main Street Bureau .*

Councilor Schocke was on vacation with his family and not present and no one called on Park Superintendent Alex Brown. .

- **Councilor Roger Sheeman:** *Town Board of Metropolitan Police Commissioners Liaison • Fire Department, Liaison • Chamber of Commerce Liaison • • Information Communications and Technology Department Liaison.*

Councilor Sheeman began by acknowledging Ralph Potesta, Metropolitan Police Chief who began by saying he reached out to the Chief's from Dyer and Schererville whose communities had festivals this weekend and wanted to know if either community had any incidents or what type of crowds they experienced. He didn't think they had anything major but they had a large influx of people coming from Illinois. There were a lot of teenage incidents after hours. As of tonight's, meeting he has not heard back from them. He then went over the stats for the month of May.

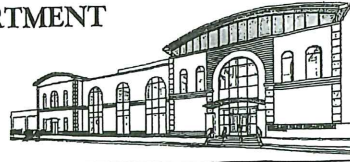
The robbery listed was caused by a group of juveniles and an apprehension was made and charges filed. Of the three (3) residential burglaries, two (2) of the victims knew the suspects. They have no leads on the third burglary. They had a series of vehicle thefts, mainly involving the theft of catalytic converters. There were 2 auto thefts, one was from the Hamptons in Highland and the other from a dealership car lot. The Police Department handled 894 calls for the month of May, with 9 being accidents, 32 adult arrests and 317 tickets written and 392 warnings issued. He said whereas our stats are down, he expects June and July to pick-up as people are getting out more.



**HIGHLAND POLICE DEPARTMENT**

3315 RIDGE ROAD  
 HIGHLAND, IN 46322-2097  
 (219) 838-3184

RALPH J. POTESTA, CHIEF OF POLICE



Highland Police Department **May 2023** Activity

**Robberies: One (1)**

May 21 3500 blk Highway (Juveniles) (2:45AM) (apprehensions)

**Burglaries: Two (2)**

May 1 8400 blk Delaware (3:50AM 4/30) (apprehension)

May 3 2700 blk 81<sup>st</sup> (past 2 to 3 weeks)

May 29 3500 blk Condit (1:45AM 5/29) (apprehension)

**Theft From Vehicles: Two (2)** CC denotes: Catalytic Converter

May 3 8630 Kennedy (Hydrant) (5:40AM 4/22) CC

May 27 2300 blk Martha *- TOOLS* (3:00PM 5/26 to 10:00AM 5/27)

( 1 was locked/ & 1 had item(s) removed from the exterior)

**Vehicle Theft: Two (2)**

May 19 9400 blk Hampton (11:00PM 5/18 to 4:00AM 5/19)

May 30 8844 Indpls Blvd. (Guaranteed Motors) (past 2 weeks)

Cases Handled:	894	OWI Arrests:	4
Accidents Investigated:	109	Tickets Written:	317
Adult Arrests:	32	Warnings Written:	392

*Includes Grant*

He then acknowledged Fire Chief, Bill Timmer , who thanked the Council and Clerk-Treasurer for approving the rescue tools, as they will really improve their efficiency. He said we've been extremely busy because of the dry weather. We were grateful for the rain yesterday. The cottonwood population is an inch thick in some people's yards. Due to that, we have had at least 2 major fires. We had a small campfire, that spread across that yard and burned up a plastic fence. It was a stockade kind of fence, which burned across the yard, then underneath the deck of the house next door, burning up a Christmas tree that was next to the deck and burning the siding of the deck. Then about a week and a half ago, we had a young man that was charging his batteries on his boat, as he was preparing to go fishing in the morning. There was a short in an extension cord that caused the garage door and garage to catch on fire. It is the same scenario as the cotton wood caught on fire and spread to the house next door and caused the back of that house to burn, which then spread to the next house and another garage. That fire burned a stockade fence and two (2) Nipsco poles and in turned damaged the two (2) garages on either side. On top of this, we had a brush fire on the banks of the Cady Marsh, so everyone is a little worn out. I'm still doing reports on all these fires and don't have a positive cause of the fires but the dry weather and cotton woods did contribute. Sadly, one of these families forgot to renew their home owner's insurance. He re-emphasized that everyone should check their home owner's coverage as most standard coverages only provide for 10% of whatever your house is insured at for a detached garage. In other words, if your house is insured for \$300,000, the insurance carrier will only cover your detached garage and contents for \$30,000 and that's not a lot of money. Think about the things you keep in your garage. I know in my garage, I have tools, a riding lawn mower and other things. You might want to consider adding another rider on your policy. He said they had another fire last Saturday. Similar to the other fires. This home owner had one of those lawn sweepers that suck up the lawn clippings like a vacuum cleaner. He lives on Kennedy Avenue and he had finished sucking up the cotton wood seeds from his driveway and lawn. He put the clippings in a garbage can next to the garage. It looks to us, like it's spontaneously combusted overnight which caught the garbage can on fire and being next to the garage, it set the garage on fire. Then his past weekend, with the high winds causing some wires to come down and with the dry ground and cotton woods, caused the poles to catch on fire so that's about 5 or 6 fires. So, if you see some fire fighters walking around a little tired, just so you know they have been working really hard. Everybody did well and nobody got hurt. And finally, we had our 2 probationary firefighters graduate from fire fighter's school, with one (1) actually receiving an award. It is a six (6) month school, so we are really happy for those two (2) fire fighters. On the other note, we did have two (2) fire fighters leave the department. One of them got married and moved to Michigan City and the other just didn't have the time to commit to the department. Its fortunate we do have some young energetic fire fighters as my back is getting too old rolling up hoses and other type of work necessary.

Councilor Sheeman asked the Chief if it would make sense to make a public announcement to remind the citizens to be more careful especially with these dry conditions and it probably wouldn't hurt if they watered their grass or weeds or other vegetation.

Councilor Sheeman then read from the report prepared by Ed Dabrowski, IT Director. For the week beginning May 22<sup>nd</sup> through June 11<sup>th</sup>, there were 35 tech calls for service. Five (5) were from the police department, nine (9) from the Clerk-Treasurer's office, three (3) from Public Works, five (5) from Parks, two (2) from the Fire Department and one (1) from Redevelopment and five (5) town wide. Luckily, most of them were low in nature, with 2 being medium. There were three (3) hours spent in that time period on just basic administrative duties, like paying bills. There was one and a half hours of training on-line training.

	5/22/2023	5/7/2023
	6/11/2023	5/21/2023
CT	9	6
PD	5	3
PW	3	2
Parks	5	3
Bldg	5	3
Fire	2	0
Redev	1	0
Town	5	4
	35	21
High	0	0
Medium	2	0
Low	33	21
	Three Week Period	2 hrs Admin Duties
	Memorial Day Holiday	0.5 hr online training
	3 hrs Admin Duties	
	1.5 hr online training	
	on email protection	

Council Sheeman told the Council he would like to address something that has been bugging him lately and that's the Town of Council has adopted Roberts Rules of Orders and we seem to have gotten away from that. You are the Chairman of the meeting, even though your Council President, you should be addressed as Chairman. The Clerk-Treasurer is here just to take vote and announce the vote. The Chairman of the meeting should announce whatever the motion is and say how it passes. That's not the Clerk-Treasurer's job and the Council should review Robert's Rules of Order to make sure that we're following what we have adopted in the Town.

Councilor Black then asked Clerk-Treasurer Herak if he had any questions. The Clerk-Treasurer commented on the new equipment purchased by the Fire Department. He

mentioned that the funding is similar to the Appropriation Transfer Resolution adopted earlier in the meeting. In that case, the money came from Cedit. Similarly, when the Council created the 2023 budget, they created a line or account in the Public Safety Income Tax fund for Rescue Tools which will be funded by the roughly the \$52,000 Highland gets each month from the Public Safety Tax. Earlier in the year, the Town used Public Safety money to buy new radios for the Police Department. He also told Attorney Reed that the ACH was sent to KPMG this afternoon.

- **Town Council President Tom Black:** *Town Executive (I.C. 36-1-2-5-(4); I.C. 36-5-2-2; I.C. 36-5-2-7); • Board of Trustees of the Police Pension Fund, Chair (By Law) • Budget Committee Chairman • Redevelopment Commission Liaison and Member • Member of the Lake County Solid Waste Management District Board • Member of the Northwestern Indiana Regional Planning Commission (NIPRC) • Shared Ethics Representative.*

Councilor Black began by stating that Redevelopment Director Maria Becerra was unable to attend and did extend her apologies for not being able to attend tonight's meeting. Tom went on to say the Redevelopment Commission presented to Nephilim Studios a check for \$40,000 for their portion of the Redevelopment Grant. He said at tomorrow's Redevelopment Commission Meeting, the Commission will be approving the contract with SEH to prepare and file the Safe Street Application. The price from SEH was a not to exceed \$9,800. The other quote was from Baker-Tiley for \$15,000.

That concluded comments from the Council and President Black then turned it over to comments from visitor's or residents, reminding them to limit it to 2 minutes.

#### **Comments from Visitors or Residents:**

Linda Carter, Highland and President of the HCCE began by thanking all of the Council and Clerk-Treasurer for attending the Memorial Day Service. She said they had a great time, a good turnout and got lots of compliments from the people that this was one of the best services they had had. So, thank you for joining. And the other thing I wanted to ask is one of the participants who participated in last year's twi-light parade and is participating again this year, the Fallen Heroes, wants to know if they can push their donations cart behind the marchers, down each the sides for the parade route and ask for donations to help their organization. They told me at the park, that a VIP told them that they weren't allowed to do that. I asked Chief Potesta who said it is not his call but bounce it off the Council. They emailed me again and I need an answer to tell them.

The Clerk-Treasurer said he forwarded the email to Attorney Reed but he felt that this organization is no different than the Knight of Columbus, who carry their flag down the parade route and attendees of the parade toss donations onto their flag. Attendees can choose to toss money onto the flag if they desire. They are actually a participant in the parade, filling out a parade application. They are not soliciting in the true sense of soliciting. Highland has on the books an ordinance prohibiting soliciting during the parade and on the parade route. The same ordinance prohibits food businesses not



located on Highway or Jewett from selling food or food products in direct competition to the vendors selling food at Main Square at the 4<sup>th</sup> of July festival. I took the Fallen Heroes request to be the same as the Knights of Columbus.

Attorney Reed said I don't want to say that we're discriminatory because it's not really the right word but it would not be equal to allow one group to do it and not allow the other. To me, they're not soliciting as they are participants in the parade. You can either choose to put money in their cart as it is going down the street or you don't have to.

Linda concluded by thanking Larry Kondrat for letting St. James use his popcorn machine for the upcoming St. James Fest.

Olga Briseno, Highland said she is a member of the Highland Plan Commission and would like to respectfully ask the Council a quick question. We do have an opening on the Plan Commission and it is a Democrat that we're waiting for the appointment to be made. So, I just wanted to ask the Council why you guys haven't done that yet. Is there a reason why?

Councilor Black said that with the Plan Commission, as with any other commissions that are open, I think we're going to leave it to the next Council to make the appointments. I think we've had our opportunity to appoint people for our own personal stamp or whatever we want to call it and we'll go ahead and leave the appointments to the next Council.

Larry Kondrat, Highland urged Councilor Black not to wait six (6) months to appoint someone to the Plan Commission. He thought it was shameful to wait for six (6) months before appointing someone to the Plan Commission. He said he personally finds it refreshing that you allow the Clerk-Treasurer an opportunity to offer his opinion and keep us updated on what's going on in Town. If anyone knows what is going on in Town, it is this guy. Mr. Sheeman didn't have problem when the other long winded Clerk-Treasurer spoke.

Councilor Sheeman said he asked him to speak.

Larry continued that he is a little saddened to find out that they are gonna continue on this Griffland project with the senior living facility as I see they filed their stuff at the very last moment. This project should have died a long time ago but the people on the Plan Commission decided to extend the deadline another six (6) months after a previous six (6) month extension. So here we are again going into the next election and everybody who voted for this ought to suffer the consequences. It's shameful. I particularly enjoy Mr. Herak's comments.

Linda Carter asked to say one more thing. She wanted to say they are still looking for volunteers to work the ticket booth. They have eleven (11) slots still open. She asked if the Council could ask if they could ask any Board or Commission members to see if

they might be interested. She said that Bernie, Mark Schocke and Sean Conley have volunteered to help. They particularly need help on the day of the parade

Councilor Black asked if there were any other comments. Hearing none, he closed comments from the public and brought it back to the Council. He then asked for a motion to pay claims.

**Payment of Accounts Payable Vouchers.** There being no further comments from visitors or residents, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **May 24, 2023 through June 13, 2023**. Councilor Smith seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Accounts payable vouchers May 24, 2023 to June 13, 2023 in the amount of **\$705,870.66**.

**General Fund, \$389,011.25; MVH Fund, \$23,531.59; LAW Enforcement Continuing Education, Training and Supply Fund, \$85.96; Information and Communications Technology Fund, \$12,251.41; Hazmat Response, \$2,061.25; Special Events, \$676.25; MCCC, \$12,307.28; Traffic Violations, \$3000.00; Public Safety Income Tax, \$12,368.92; CEDIT, \$441.67; Gasoline, \$31,506.93; Insurance Premium, \$218,628.15.**

Payroll Docket for payday of June 2, 2023 by fund:

General, \$278,672.43

Payroll Docket for payday of June 2, 2023:

Office of Clerk-Treasurer, \$16,130.10; Building and Inspection Department, \$10,671.83; Metropolitan Police Department, \$122,468.69; Public Works Department (Agency), \$74,390.17; Fire Department, \$5,093.05 and Information and Technology Department, \$4,009.55; Total Payroll: \$232,763.39.

Adjournment of Plenary Meeting. There being no further business on the agenda, the Town Council President declared the regular plenary meeting of the Town Council of Monday, June 12, 2023, adjourned at 7:21 O'clock p.m.

Mark Herak  
Clerk-Treasurer

Approved by the Town Council at its meeting of June 26, 2023.