

**Enrolled Minutes of the One Hundredth Regular Meeting or Special Meeting
For the Twenty-Ninth Highland Town Council Regular Plenary
Business Meeting (Electronic/In person Hybrid) Monday, August 28, 2023**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, August 28, 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 Mark Schocke, Councilor Tom Black were present. Councilor Roger Sheeman 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 over the meeting. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen 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, Mark Schocke, Thomas Black were present. Councilor Sheeman was absent. Clerk-Treasurer, Mark Herak was also present. A quorum was attained.

Additional Officials Present: Kim Webb, Assistant Public Works Director; John Reed, Attorney with Abrahamson, Reed & Bilsse; Metropolitan Police Chief Ralph Potesta; Mike Pipta, Fire Chief; Kenneth J. Mika, Building Commissioner; Redevelopment Director Maria Becerra and Ed Dabrowski, Director of Information Technology were present. Dave Byers, Parks and Recreation Director was remote.

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

Minutes of the Previous Meetings: The minutes of the August 14 Plenary Meeting was approved by general consent.

Special Orders:

1. **Ceremony: Administration of Oath of Office for Highland Fire Chief Mike Pipta.**

Chief Mike Pipta was appointed the 10th Fire Chief by the Town Council at its meeting of August 28, 2023, to be effective August 14, 2023.

- (a) Recommendation of the Highland Fire Fighters' Association
- (b) Action of the Council
- (c) Administration of Oath.

The Clerk-Treasurer read the names of the previous 9 Highland Fire Chiefs.

*The motion – The Town Council of Town of Highland hereby certifies that acting in accordance with applicable law and Chapter 9.05 of the Highland Municipal Code, and upon the receipt of the recommendation of the Highland Fire Fighters' Association on this 28th day of August 2023, in the Town of Highland in said County and State, declares Mike Pipta is duly appointed to the Office of Fire Chief in and for said Town, to serve pursuant to the provisions of law administered by the appointing authority and for the citizens of the Town of Highland.

The Clerk-Treasurer called up those members of the Highland Fire Fighter's Association who were present at the meeting. According to Chapter 9.05 of the Highland Municipal Code, the Highland Fire Fighter's Association are supposed to make a non-binding recommendation to the Council on their desire who should be the next Fire Chief. He then asked the President of the Highland Fire Fighters' Association, Morgan Wright, for the Fire Fighter's recommendation? He said it was Fire Fighter Mike Pipta.

Councilor Zemen moved that the Town Council of Town of Highland hereby certifies that acting in accordance with applicable law and Chapter 9.05 of the Highland Municipal Code, and upon the receipt of the recommendation of the Highland Fire Fighters' Association on this 28th day of August 2023, in the Town of Highland in said County and State, declares Mike Pipta is duly appointed to the Office of Fire Chief in and for said Town, to serve pursuant to the provisions of law administered by the appointing authority and for the citizens of the Town of Highland. Councilor Schocke seconded the motion. Upon a roll call vote of the elected officials, there four (4) affirmatives and no negatives. The motion passed

The Town Council President and members of the Town Council welcomed the new Fire Chief.

The Clerk-Treasurer read the names of the previous 9 Fire Chiefs.

HIGHLAND FIRE DEPARTMENT CHIEF HISTORY

- John Jansen (1918-65)
- Al Wiers (1936)
- John Jansen (1937-65)
- Harold Butch Koedeyker (1966-69)
- Earl Tolen (1970-73)
- Art Dykshis (1973-75)
- Jim Dale (1976-85)
- Barney Swinford (1985-88)
- Bill Haas (1989-92)
- William Timmer (1993-23)
- Michael Pijta (2023-)

STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

CERTIFICATE OF APPOINTMENT

FIRE CHIEF in the TOWN of HIGHLAND

This is to certify that Town Council for the Town of Highland, acting in accordance with applicable law and Chapter 9.05 of the Highland Municipal Code, and upon the receipt of the recommendation of the Personnel Committee of the Highland Fire Fighters' Association, on the indicated day, month and year, in the Town of Highland in said County and State, in which it is set forth and declared that Mike Pipta was duly appointed to the office of Fire Chief in and for said Town, to serve pursuant to the provisions of law administered by the appointing authority and for the citizens of the Town of Highland.

APPROVED BY THE HIGHLAND TOWN COUNCIL WHICH IS THE TOWN LEGISLATIVE BODY, UPON PROPER MOTION AT ITS MEETING OF AUGUST ON THE 28TH DAY OF 2023, WITH SAID APPOINTMENT TO BE EFFECTIVE AUGUST 14, 2023.

BY: TOWN COUNCIL OF HIGHLAND,
LAKE COUNTY, INDIANA

Thomas Black, President

Mark A. Herak, Town Clerk-Treasurer

OATH OF OFFICE

I, Mike Pipta, 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 Fire Chief and Executive of the Fire Department of the Town of Highland, according to law, and to the best of my ability, so help me God.

Mike Pipta, Fire Chief

SUBSCRIBED AND SWORN BEFORE ME, this 28th day of August, 2023. In witness hereof, I hereunto set my hand and Corporate seal of the Town of Highland, Indiana. I certify that I am the duly elected, qualified 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 administer oaths and make acknowledgments.

Authority Expiration: Lake County Combined Election Board Certified the Selection by caucus of March 2, 2022 officially March 18, 2022. I was qualified to office upon my oath administered March 3, 2023, to serve for the balance of the term remaining from that date and until a successor is elected and qualified. IC 36-5-6-2(b)

Mark A. Herak, Clerk-Treasurer

Fire Chief Mike Pipta began by saying it's been roughly two (2) weeks since we lost Chief Timmer but we have to move forward. It's gonna be a little difficult but we're gonna manage. He wanted to thank everyone for their support offered during the passing of Chief Timmer.

Ron Staroscsak said he has known Mike all of his life as we both grew up on the north end of Highland. He said Mike has always been for the Town of Highland, no matter what we did and throughout the fire service. You know, some of us have with the department almost forty-five (45) years. We've learned a lot. We've been together through thick and thin and Mike's always there and always thinking about citizens of Highland. We really are glad that he's taking this adventure and making this a part of his future in the Fire Department. We all appreciate. Thank you, Mike.

Comments from the Public or Visitors:

Larry Kondrat, Highland, said tonight the Council is voting on a refund to Mrs. Kathy Camp. It's on the accounts payable voucher. It's on page 3 of the journal ledger. She's asking for a refund of \$200 because she couldn't attend or participate in the BBQ Fest which nothing could be further from the truth. Now, she attempts to un-donate or un-sponsor from the event. On Friday, we find that Ms. Burke and Ms. Briseno we're campaigning at a Town sponsored event, on Town property. They even posted pictures on social media. One of them even claims the dunk tank was for charity. I recall at an earlier meeting; Attorney Reed said the Town cannot take proceeds from the event and give to charity directly. If a vendor wants to give a portion of their proceeds, that's acceptable. Not only did they campaign but they stuck their campaign signs in the ground. Mr. Black, you said before the 4th of July that campaign literature and signs had to associated with a booth, that the parties had to rent a booth. The next night, a member of the Council of Community Events was wearing a Community Events shirt with a Ms. Camp Burke campaign button. Not only that, we have Ms. Burke and Ms. Briseno selling tickets in the beer garden and when they gave people their tickets, they handed out insulated beer can holders and campaign information. He brought out both items for display. You'll be voting on a refund of a sponsorship for Ms. Burke. I've never heard of someone un-sponsoring. She said she couldn't attend but in reality she benefitted. It's come to my attention that members of the Council of Community Events were wearing her buttons. Members of the HCCE, while working the event, cannot be wearing campaign buttons at a Town sponsored event on Town property. You can't use public funds or tax payer's dollars for political purposes on town property with town funds and using town equipment. The event is a barbecue fest, which was on park property which receive public funds. The same with the police that provide security at the event. Their salaries are paid through tax dollars.

Councilor Black thanked Mr. Kondrat for bringing it to the Council's attention. He said the Council is trying to address it.

Mrs. Burke, Highland, responded that she had been attending all of the Council of Community Events meetings and the reason for the refund was that she made the

donation from campaign fund, Kathy Camp-Burke for Highland Clerk Treasurer. There was discussion at one of the meeting on whether the donation could come from my campaign fund and use my name or any other name on the banner. I received the refund today and it was made out to me. I would ask the check be re-issued to my campaign account, committee to elect Kathy Camp Burke. I want to keep it legal. If I had made it out of my personal account, I would have used McColly Real Estate. I volunteered my time to sell tickets at the ticket booth because I had been going to the meetings. They needed the help. I was wearing my t-shirt during the 4th of July Festival when I was also volunteering. I don't know why Mr. Kondrat has a problem with this today from the BBQ.

Councilor Black said that the difference between the 4th of July and the BBQ Fest was that during the 4th of July, the different organizations rented booth space and we permitted campaigning from their booths, whereas, the BBQ Fest, the campaigning took place at a Town sponsored event where no booth space was rented. He then turned to Attorney Reed for advice.

Attorney Reed said it all depends upon what the fact are. I've heard what I believe to be the facts but I wasn't there. I'm not testifying but if campaigning was being done from a ticket booth, or people passing out campaign materials when they passed out tickets while working for the event, is a potential problem. This is not so much of a problem for the Town Council but rather the election board. I happen to sit on that board. I'm not gonna tell you how I would vote or what I would do because I don't know all the facts right. I don't know if it's only a rumor or and innuendo and I don't decide things on rumors. You can't stop them from wearing a shirt or somebody's campaign button. But, if they were handing out materials along with the exercise of a public duty, that's a bigger problem.

Kathy Burke responded that she did not hand out insulated beer cup holder while working the ticket booth. I did pass out them to my friends as I walked throughout the park. The bag was behind her when she was in the ticket booth.

Olga Briseno, Highland, said she doesn't normally go to the Council of Community Events meetings but I was there on behalf of one of my precinct members who had requested that I go and talk about what we would be able to sell. She said she sat right next to Councilor Black, who was representing Councilor Schocke. She said she would have followed whatever rules that were set. I was in the dunk tank. Tom you were in the dunk tank. You never said anything. You were there when they said it was going to be politician day. Kathy, Bernie and Alex were there. I was told by text that I could put a sign out there. She said, I was told it was allowable.

Councilor Schocke asked who told her it was permissible. She said she was told by Linda Carter. Olga said she did hand out campaign cards while working in the beer trailer but only if a person asked for one and I did have my t-shirt on. If I did something that was wrong, I don't want anybody else getting in trouble for that, particularly someone who volunteers their time as well. This is the first time I've ever run, as you know, and this is all I knew. Tom, if you had said something at that Community Events meeting, I would have followed whatever you said were the rules as I respect those in position of authority.

Councilor Black said I thought the rules were rather clear, that the rules of the 4th of July festival were in place, that is, if you rented a booth, you could pass out whatever campaign literature you wanted but you couldn't use a Town sponsored event, in a Town sponsored trailer to promote your campaign. If you would have said at one of those meetings, you were going to be passing out campaign material, which you did not, I would have spoken up and said you couldn't do it.

Olga said, if I had known that was the rule, I would have stepped out of the booth to pass out my literature. But to there is a larger issue. I have is this whole idea of volunteers versus maybe hiring staff or whatever and I've heard all of your arguments and I have nothing to say about that, because those are your experiences. My experience and what I see in Highland, is that we should have an engaged community and once we have engaged community, then I think that people will feel a stronger part of it and that is just something that's been one of my philosophies.

Connie Wachala, Highland, said I'm just gonna say a few words. We have a great town here. I would like to say, let's stop the attacks. Let's stop the bullying. Let's stop the rumors and the innuendo.

Communications: No Study Session on September 4, 2023 in observance of the Labor Day Holiday.

Condolences was offered to the family of Tom Crowel, who was a Town Councilman in the 70's and to the family BJ Zandstra, a long-time former fireman, both whom passed away during the past month.

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

2023 Highland BBQ August Net Profit Summary

Revenues	
Art/Crafts Booth	\$1,030.00
Food Booths	\$2,355.00
Beverage Services	\$10,477.00
Sponsorship	\$1,100.00
Game Reveue	\$369.00
Total Revenues	\$15,331.00
Expenses	
Misc. Supplies	\$56.76
Printing & Promotion	\$352.50
Event Insurance	\$511.00
Sanitation	\$2,305.00
Equipment Lease Rentals	\$682.00
Permits	\$108.41
Sound System	\$2,600.00
Entertainment	\$7,700.00
Beverage Services	\$5,238.50
Total Expenses	\$19,554.17
Net Profit	-\$4,223.17

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 1st. *(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 Balczo, Esq., (D), term ending 1st Monday January 2025*) *No more than two of any party. Current composition is 2 Republicans, 1 Democrat.*

Council President Black said he would not make the appointment but rather let the new Council make the appointment.

5. **Redevelopment Commission:** (1) appointment to be made by Town Council President. (*Note: vacancy created by the resignation of Bill Leep – term expires 1st Monday in 2024*)
6. **Board of Sanitary Commissioners:** (1) appointment to be made by the Town Council President. (*Currently held by Rex Burton (R).*) *Current composition of the board is three Democrats, two Republicans. No more than three of any one party under state law* *Appointments to be made by Town Council President.*

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 11 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, Ben Reinhart, Sandy Ray and Kathy Smallis.

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 No. 2023-30:** An Order of the Works Board Accepting the Proposal of Mad Bomber Fire Works Productions for Professional Pyrotechnics and Fireworks Displays Services for the Town of Highland, Associated with Independence Day and New Year's Eve Festivities, and to comply with the Provisions of IC 22-5-1.7 et seq.

Approval and instruction. Action to approve and instruct the Town Council President to affix his signature to the Agreement between the Town of Highland and Mad Bomber Fire Works Production for the Town of Highland, associated with Independence Day and New Year's Eve Festivities.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2023-30 and to have the Town Council President to affix his signature to the Agreement between the Town of Highland and Mad Bomber Fire Works Production . Councilor Schocke seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed. The works board was adopted pending the execution of the Agreement by both parties.

Town of Highland
Board of Works
Order of the Works Board 2023-30

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF MAD BOMBER FIRE WORKS PRODUCTIONS FOR PROFESSIONAL PYROTECHNICS AND FIREWORKS DISPLAYS

SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY AND NEW YEAR'S EVE FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

WHEREAS, THE TOWN OF HIGHLAND, AS PART OF ITS EXERCISE OF PUBLIC POWERS RELATED TO CULTURE AND RECREATION, GENERALLY CONFERRED IN IC 36-10-2, ANNUALLY MARKS THE ANNIVERSARY OF THE NATION'S DECLARATION OF INDEPENDENCE, AND THE SPECIAL PERIOD OF NEW YEAR'S EVE, WITH APPROPRIATE FESTIVALS AND FIREWORKS AND PYROTECHNICS DISPLAYS;

Whereas, The Clerk-Treasurer, pursuant to Section 3.05.050(D)(9) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality;

Whereas, The *Mad Bomber Fireworks Productions* of Kingsbury Indiana has presented to the Community Events Commission a proposed agreement for professional pyrotechnic and Fireworks Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional pyrotechnic and Fireworks Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve *Mad Bomber Fireworks Productions* of Kingsbury Indiana;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the municipality, pursuant to HMC Section 3.05.030 (A), serves as purchasing agency for the municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction;

Whereas, The purchase price exceeds \$15,000.00 and *involves a commitment for more than one year*, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency;

Whereas, The purchase of services will be supported by an appropriation in the Special Event Non Reverting Fund and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal for pyrotechnic and fireworks display services of **Mad Bomber Fireworks Productions**, 3999 E. Hupp Road, Building R-3-1, LaPorte, Indiana, 46350, prepared and presented by its Director of Operations, Randy McCasland, which includes presentation of a Fireworks Display in the Evenings of July 4th, and December 31, for 2024, 2025 and 2026, according to the written terms set forth in the proposal, is hereby accepted, approved and adopted in every respect, provided that **Mad Bomber Fireworks Productions** complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

Section 2. That the fees for performance of the service identified in the proposal of **\$34,500** for the fireworks display to be conducted on July 4th, and **\$8,000** for the fireworks display to be conducted on December 31 in each year, for a total of **\$42,500** are found to be reasonable and fair for the services and *frequencies* described;

Section 3. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

Section 4. That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Mad Bomber Fireworks Productions** and to execute all documents necessary to implement the purchase of services thereof;

Section 5. That the passage and adoption of the agreement is subject to review by the Town Attorney and the addition of an appropriate *"force majeure clause"*; (as amended at the meeting)

Section 6. That the proper officers of the municipality are hereby authorized to identify the proper funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of August 2023 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

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

Attest:

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

**MAD BOMBER
Fireworks Productions
AGREEMENT**

This agreement entered into this 28th day of August, 2023 by and between MIAND, INC., d/b/a Mad Bomber Fireworks Productions, of Kingsbury, Indiana (hereinafter referred to as "Seller"), and the Highland Community Events Commission, (hereinafter referred to as "Buyer"), of Highland, Indiana.

Witnesseth:

Whereas, Seller agrees to provide and Buyer agrees to purchase two (2) Fireworks Displays in accordance with the program agreed upon, and

Whereas, Buyer has agreed that it will pay Seller a total sum of \$42,500.00 for both Displays, and

Whereas, Upon acceptance of this agreement, Seller has agreed to WAIVE any Earnest Money Deposit.

Both Seller and Buyer mutually agree to the following terms, conditions, and stipulations:

1. **Time.** Seller will present said Fireworks Displays on the evenings of July 4, 2024 and December 31, 2024, it being understood that should there be inclement weather the day of the display the Seller has sole discretion to cancel display. An alternate display date will be given within six months of the original date agreeable to both the Seller and Buyer.

2. **Cancellation.** The fee for cancellation for any reason, other than the reasons as stated in paragraph 3, below, of the Fireworks Display is forty percent (40%) of the agreement price if Buyer chooses to not select another display date within six months of the original display date.

3. **Force Majeure.** If Seller or Buyer fails to perform one or more of its contractual duties hereunder, the consequences set out in this paragraph will follow if and to the extent that that party proves: (a) that its failure to perform was caused by an impediment beyond its reasonable control; (b) that it could not reasonably have been expected to have taken the occurrence of the impediment into account at the time of the conclusion of the contract; and (c) that it could not reasonably have avoided or overcome the effects of the impediment.

A party invoking this Clause shall be presumed to have established the conditions described in the preceding paragraph in the case of the occurrence of one or more of the following impediments: war (whether declared or not), armed conflict or the serious threat of the same (including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization; civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience; act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or

any other public health crisis, including quarantine or other employee restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, blizzard, earthquake, volcanic activity, landslide, tidal wave, tsunami, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment, factories and of any kind of installation, prolonged break-down of transport, telecommunication or electric current; general labor disturbance such as but not limited to boycott, strike and lock-out, go-slow, occupation of factories and premises; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject Party ("Force Majeure Event").

This provision shall become effective only if the Party failing to perform notifies the other party within a reasonable time of the extent and nature of the Force Majeure Event, limits delay in performance to that required by the Event, and takes all reasonable steps to minimize damages and resume performance.

4. **Display Area.** Buyer will provide a sufficient area for the Display, including a minimum spectator set back of 350' feet at all points from the discharge area. Buyer will provide protection of the display by roping-off or other suitable means. Buyer will provide adequate police protection to prevent spectators from entering display area. Buyer agrees to search the fallout area at first light following a night display.

5. **Secure Discharge Area.** Seller reserves the right to terminate the Display in the event that persons enter the secured discharge area and security is unable to secure the discharge area.

6. **Personnel.** Seller agrees to provide Technicians to take charge of and present said Display.

7. **Insurance.** Seller agrees to provide Liability Insurance in the amount of \$10,000,000.00 for the benefit of both the Buyer and Seller, Buyer to me named as an "additional insured".

8. **Substitution.** Seller retains the right to substitute produce of equal or greater value in the event of shortages or unavailability of any particular item on the proposal.

9. **Attachments.** Seller and Buyer agree to include Attachments, if any. See Attachments: July 4, 2024 display, price \$34,500.00, and December 31, 2024 Display, price \$8,000. Buyer agrees to extend this agreement for same price displays for 2025 and 2026.

10. **Payment.** Buyer agrees to pay the agreed upon price(s) within thirty (30) days of the Display(s). A late charge of one and one-half percent (1.5%) per month will be due to Seller upon the failure of payment to occur within said thirty (3) day timeframe. Buyer agrees to pay any and all collection costs, including reasonable attorney's fees and court costs, incurred by Seller in the collection or attempted collection of any amount due under this agreement and invoice.

11. **Choice of Law and Venue.** This agreement shall be interpreted in accordance with the laws of the State of Indiana. Any litigation that arises in relation to this agreement must be filed and litigated in the Superior or Circuit courts in the County of Lake, State of Indiana.

12. **Agreement Binding.** Both Seller and Buyer hereto do mutually and severally guarantee terms, conditions, and payments of this contract, these articles to be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

Mad Bomber Fireworks Production

BUYER: TOWN of HIGHLAND
Community Events Commission

By: _____
Randy McCasland,
Director of Operations

By: _____
*(Its duly authorized agent, who represents
that he/she has fully authority to Bind the Buyer)*

Date: _____

Date: August 28, 2023

Print Name: Thomas A. Black

Address: 3333 Ridge Road
Highland, IN 46322

Phone: (219) 838-1080

CLAUSE (ADDENDUM) and AFFIDAVIT ADDENDUM TO BE ADDED TO CONTRACT FOR
SERVICES TO BE PROVIDED TO TOWN OF HIGHLAND
(as required by I.C. 22-5-1.7 -11, effective July 1, 2011)

Verification of Work Eligibility Status

1. Randy McCasland, Director of Operations of MAD BOMBER FIREWORKS PRODUCTIONS, (hereinafter called "Contractor") understands and agrees that:

- (A) it is required to enroll in and verify the work eligibility status of all employees hired after the date of this contract through the E-Verify program.
- (B) This requirement shall be waived if the E-Verify program ceases to exist. For the purposes of this paragraph, the "E-Verify program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the Immigration Reform and control Act of 1986 (P.L. 99-603); and

2. An authorized representative of the Contractor has signed the attached affidavit concerning the employment of unauthorized aliens.

This contract clause is developed pursuant to SEA 590 codified as IC 22-5-1.7-11 (a)(1).

2. Ordinance No. 1785: An Ordinance to Amend Chapter 12.25 of the Municipal Code regarding modifying and establishing user fees for the Management of Stormwater pursuant to IC-36-9-25 Et Sequitur.

Councilor Schocke introduced and moved for the consideration of Proposed Ordinance No. 1785 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four (4) affirmatives and no (0) negatives. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Schocke moved for the adoption of Ordinance 1785 at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four (4) affirmatives and no (0) negatives. The motion passed. The Ordinance was passed and adopted upon the signature of the municipal executive at the same meeting of its introduction.

ORDINANCE No. 1785
of the
TOWN of HIGHLAND, INDIANA

An Ordinance to Amend Chapter 12.25 of the Highland Municipal Code Regarding Modifying and Establishing User Fees for the Management of Stormwater Pursuant to IC 36-9-25 Et Sequitur.

Whereas, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

Whereas, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

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

Whereas, The Sanitary District of Highland 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 Town of Highland, is a municipality located in Lake County which operates a Department of Public Sanitation, which has been continuously governed by the provisions of IC 36-9-25 et seq. at least since 1970; and,

Whereas, The Board of Sanitary Commissioners, following a public hearing conducted on August 15, 2023, passed and adopted its Resolution No. 2023-17 recommending desirable and necessary changes to Chapter 12.25 of the Highland Municipal Code and recommended to the Town Council for its favor and action; and,

Whereas, The Board of Sanitary Commissioners, has requested that the Town Council of the Town of Highland as the legislative body favor approve and adopt these rates and charges pursuant to IC 36-9-25-11 and thereby put them into force and effect; and,

Whereas, The Town of Highland, through its Town Council now wishes to still further perfect its own organization as well as that of the Department of Public Sanitation and make certain amendments to the ordinance establishing and governing the rates and charges of the Sanitary District pursuant to IC 36-9-25-11; and

Whereas, the Town Council now desires to favor the recommendations for amendment to the Highland Municipal Code as recommended by the board of Sanitary Commissioners for Chapter 12.25 by making these amendments as commended,

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 12.25 of the Highland Municipal Code be hereby amended by repealing in its entirety that section and replacing it with a new section to be numbered as Chapter 12.25, which shall read as follows:

Chapter 12.25 STORM WATER MANAGEMENT

Sections:

- 12.25.010 Definitions.**
- 12.25.020 Stormwater Utility Billing.**
- 12.25.030 Stormwater Utility User Fee.**
- 12.25.040 User Fee Structure.**
- 12.25.050 Billings and Terms of Payment.**
- 12.25.060 Exempt Properties.**
- 12.25.070 Appeals of Fee Determinations.**
- 12.25.080 Compatibility of provisions**

12.25.010 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. They shall be complementary to and not contradictory of the definitions set forth in this section.

BOARD: The board of sanitary commissioners of the Sanitary District of Highland, Indiana, or any duly authorized officials acting on its behalf.

CODE: Town of Highland Municipal Code.

COUNTY REGULATED DRAIN: Part of the stormwater conveyance system under the jurisdiction of the Lake County Drainage Board, including certain ditches, tiles, and sewers.

DISTRICT: The Sanitary District of Highland, acting by and through its Board of Sanitary Commissioners.

DRAIN: Any separated storm sewer, tile, ditch, stream, swale or other stormwater conveyance, channel or conduit.

EXEMPT DRAIN: Drains that are regulated by the Lake County Drainage Board.

IMPERVIOUS AREA: Real property that has been paved and/or covered with buildings and impervious materials which include, but are not limited to, concrete, asphalt, rooftop, blacktop and compacted gravel, such that the natural infiltration of water into the soil is prevented.

INFILTRATION: A process by which stormwater percolates into the ground.

LOT/PARCEL: A part or portion of land having a distinct legal description that is formally set forth in a conveyance instrument.

PROPERTY CLASS CODE: A three-digit land use code number generated from the Lake County Assessors offices used to differentiate properties' use and primary purpose. For purposes of the Town's Stormwater Utility User Fee, this property class code will be used to determine each parcel's monthly user fee.

PUBLIC STORMWATER FACILITIES: The various stormwater and drainage works under the control and/or ownership of the Town and/or the District, Lake County, state of Indiana or federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins, swales or other structural components and equipment designed to transport, move, hold, treat or regulate stormwater.

RETENTION: The holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration or emergency bypass.

SEWAGE WORKS: Shall have the same meaning as defined in IC 36-9-1-8.

STORM SEWER: A sewer designed or intended to convey only stormwater, surface runoff and drainage, and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a stream, lake, watercourse, ditch or combined sewer.

STORMWATER AND STORMWATER RUNOFF: The water resulting from rains falling or snow or ice melting within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

STORMWATER SYSTEM: All constructed facilities, structures and watercourses under the ownership and/or control of the Town and/or the District, used for collecting, storing and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, culverts, swales, retention and detention basins and pumping stations; and excluding therefrom, any part of the system of drains and watercourses under the jurisdiction of the Lake County Drainage Board or under ownership other than the Town and/or the District.

STORMWATER UTILITY USER FEE: A charge imposed on users of the Town's and/or the District's Public Stormwater Facilities and Stormwater System.

STORMWATER UTILITY CUSTOMER/USER: The owner of a lot or parcel of land located within the Town of Highland and or the District.

SUPERINTENDENT: The public works director or a designee acting as the administrative leader of the utility.

TOWN: Town of Highland, Indiana, acting by and through its Town Council.

12.25.020 Stormwater Utility Billing

A Stormwater Utility User Fee shall be imposed on real estate parcels and lots in the Town and/or the District based on the Lake County Property Class Code for real

property within the Town and/or the District, according to the service address for each parcel or lot's taxpayer ID number, which charge shall be assessed against the owner thereof who shall be considered the Stormwater Utility Customer/User.

12.25.030 Stormwater Utility User Fee.

The Stormwater Utility User Fee set forth in this chapter, together with the taxes levied under IC 36-9-25 et seq., must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses of the sanitary district and sewage works, to pay the principal and interest on bonds of the sanitary district and sewage (storm water/wastewater) works as they become due and payable, and to provide money for the revolving fund authorized.

12.25.040 User Fee Structure

For the period beginning **January 1, 2024** and continuing thereafter, the following fees and charges are in effect:

For the purposes stated herein, there is hereby assessed a Stormwater Utility User Fee to each Stormwater Utility Customer/User within the corporate limits of the Town and/or the District in an amount as determined pursuant to the table below. Properties within the Town and/or the District will be assigned the following monthly user fees:

USER FEE TABLE

Property Class Code	Description	Monthly Fee
100-199	Agriculture	
	Category 1 (0.0000-20.0000 acres)	\$8.00
	Category 2 (Over 20.0000 acres)	\$16.00
300	Industrial Vacant Land	\$8.00
301 - 399	Industrial	
	Category 1 (0.0000-0.2500 acres)	\$16.00
	Category 1 (0.2501-0.7500 acres)	\$64.00
	Category 1 (0.7501-2.2500 acres)	\$192.00
	Category 2 (Over 2.2500 acres)	\$320.00
400	Commercial Vacant Land	\$8.00
401 - 499	Commercial	
	Category 1 (0.0000-0.3000 acres)	\$16.00
	Category 1 (0.3001-0.9000 acres)	\$64.00
	Category 1 (0.9001-2.7000 acres)	\$192.00
	Category 2 (Over 2.7000 acres)	\$320.00
500	Residential Vacant Land	\$8.00
501 - 515	Residential One Family	\$16.00

520 - 525	Residential Two Family	\$32.00
530 - 535	Residential Three Family	\$48.00
550	Residential Condo	\$16.00
599	Other Residential Structures	\$16.00
600 - 699	State, County, Municipal, Township, School, Library, Church, Cemetery and Other Exempt Properties	
	Category 1 (0.0000-1.2000 acres)	\$16.00
	Category 1 (1.2001-3.6000 acres)	\$64.00
	Category 1 (3.6001-10.8000 acres)	\$192.00
	Category 2 (Over 10.8000 acres)	\$320.00
800 - 875	Utility, State Assessed LHP, Railroad, Pipeline and Telephone	
	Category 1 (0.0000-2.4000 acres)	\$16.00
	Category 1 (2.4001-7.2000 acres)	\$64.00
	Category 1 (7.2001-21.6000 acres)	\$192.00
	Category 2 (Over 21.6000 acres)	\$320.00

The Board will re-evaluate the fee schedule if there is a new property class code added to the Assessments in the Town and/or the District. As new property class codes are added, an appropriate user fee will be set and charged.

12.25.50 Billings and Terms of Payment.

(A) **Billings.** All Stormwater Utility User Fees shall be charged and collected by means of the Lake County Treasurer's Property Tax Bill and distributed to the Stormwater Utility as such.

(B) **Terms of Payment.** The Stormwater Utility User Fee shall be due on the same payment date as the due date stated on the Lake County Treasurer's Tax Bill. It shall be a violation of this Ordinance to fail to pay a Stormwater Utility User Fee when due. All bills for stormwater user fees not paid on or before the due date, shall be subject to a collection or delinquent payment charge as imposed by the Lake County Treasurer and shall be reflected on the Lake County Treasurer's Tax Bill.

(C) **Collection.** Failure to pay a Stormwater Utility User Fee included in the Lake County Treasurer's Tax Bill may result in property and or land being made eligible for the Lake County Treasurer's Tax Sale. Delinquent Stormwater Utility User Fees may be collected in a civil action by the Town and/or the District or Lake County Treasurer, and the Town and/or the District or Lake County Treasurer shall be permitted to also collect its reasonable attorney's fees and Court costs incurred in connection with such collection efforts.

12.25.060 Exempt Properties.

Federal State, Town and County Roadways. Streets, roads and highways and bike paths owned by Federal, State, Town and/or County authorities shall be exempt from the Stormwater Utility User Fee. They form an integral part of the Stormwater System. These Primary elements of the drainage system yield community-wide benefits and are installed to service the general public's interests.

12.25.070 Appeals of Fee Determinations.

If a Stormwater Utility Customer/User determines that the user fee assigned to said user's real property is incorrect due to an error in the property's classification code, said Stormwater Utility Customer/User shall have the right to appeal.

(A) The Stormwater Utility Customer/User shall obtain and complete a petition to appeal stormwater assessment form ("Petition") which, after being fully completed, shall be returned to the Town of Highland clerk-treasurer together with any documentation supporting the appeal.

(B) The Superintendent shall investigate the appeal and, upon review thereof, shall render a written determination to the Board and the Stormwater Utility Customer/User that either the original user fee determination should be affirmed, or the Stormwater Utility User Fee should be adjusted in accordance with the Petition.

(C) If a petition to appeal is denied, said determination shall be forwarded to the Stormwater Utility Customer/User by certified mail, return receipt requested. The Stormwater Utility Customer/User shall then have thirty (30) days from the date of mailing of said determination to request reconsideration of the Superintendent's decision by the Board. Any additional facts concerning the appeal shall be submitted in writing to the Board, along with a copy of the original Petition and supporting documents. The Superintendent shall submit a written report to the Board regarding the reasons for the Superintendent's determination in the case, along with any documents used in denying the appeal.

(D) Thereafter, the Board shall review all documentation and, if requested in writing by the Stormwater Utility Customer/User, conduct a hearing to determine and resolve the appeal. Such hearing will be scheduled by the Board and the Stormwater Utility Customer/User will be notified by certified mail of the date of such hearing, which notice shall be received by the Stormwater Utility Customer/User at least seven (7) days prior to the date of such hearing. Whether

or not a hearing is held, a written opinion shall be rendered by the Board within forty five (45) days after the hearing or submission of documentation if no hearing is conducted. The written opinion of the Board shall constitute the final determination of the District. The hearing before the Board shall be electronically recorded and, if requested by the Stormwater Utility Customer/User, a transcript of the hearing shall be provided to the Stormwater Utility Customer/User. The Stormwater Utility Customer/User will be charged a cost per page as from time to time determined by the Board in accordance with applicable law as amended from time to time.

(E) A Stormwater Utility Customer/User aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with applicable Indiana law. Any judicial review must be filed with a court of competent jurisdiction within thirty (30) days of the date of the Board's determination.

(F) If a reduction is ordered by the Board or any Court of competent jurisdiction, the Stormwater Utility Customer/User shall be credited accordingly for any overpayment made from the date of the Petition.

(G) Dispute or appeal of a user fee shall not be a valid reason for nonpayment of the originally assessed Stormwater utility User Fee by the Stormwater Utility Customer/User.

12.25.080 Compatibility of provisions.

The provisions of this chapter shall be considered a companion to the rates and charges as well as the associated rules and regulations in effect for the waste water management function of the district.

Section 2. The provisions of this Ordinance amending the municipal code shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a), provided as follows:

(A) That the fees and charges set forth herein shall be made effective from January 1, 2024 and thereafter, until their repeal or modification by passage and adoption of the necessary enabling instruments;

(B) That pursuant to 36-9-25-11(c) the fees and charges imposed by the passage and adoption of this ordinance shall become and be effective upon all users whose property is within the District, having been approved by the Board of Sanitary Commissioners and hereby adopted by the Town Council, which is the legislative body.

Introduced before the Board of Sanitary Commissioners as a resolution on August 1, 2023. The resolution was ordered for a public hearing on August 15, 2023. Following the hearing, the Board passed the resolution as amended and directed that the matter be set before the Town Council for its consideration, all pursuant to IC 36-9-25-11.

Introduced and Filed on the 28th day of August 2023. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8

DULY ORDAINED and ADOPTED this 28th Day of August 2024 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

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

Attest:

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

3. Authorizing the proper officer to publish legal notice of a public hearing: A Public Hearing to consider additional appropriations in the amount of \$5,000.00 in the Special Events Fund and \$25,000 in the Redevelopment Capital Fund. If approved, the public hearing will be held on September 25, 2023, at 6:30 P.M. O'clock in the Municipal Building, 3333 Ridge Road, Highland.

Councilor Zemen moved to authorize the publication of a legal notice of a public hearing to consider proposed additional appropriations in the Redevelopment Capital Fund in the amount of \$25,000; the Special Events Public Relations/Donations Fund in the amount of \$5,000 as indicated. Councilor Schocke seconded.

Discussion:

Councilor Black asked if the motion could be made in two (2) motions? He was told yes.

Councilor Schocke said he has concerns about the \$25,000 for Redevelopment Capital but he has no problem allowing the proper officer to advertise for a public hearing.

Councilor Black said his concern is if we advertise for \$25,000 and the quotes come in substantially

Upon a roll call vote, there were three (3) affirmatives with Councilors Zemen, Smith and Schocke voting in the affirmative and one (1) negative with Councilor Black voting in the negative. . The motion passed. The publication and hearing were approved. The meeting will take place on the 24th day of September. The meeting is scheduled to begin at 6:30.

Councilor Schocke asked to amend the agenda. Councilor Smith seconded.

Discussion:

Councilor Schocke said there's been some interesting developments with the Council Community Events and I think at this point we should just repeal the ordinance that authorizes them because it's just obvious they are not a functioning group.

The Clerk-Treasurer asked the maker of the motion to amend his motion to repeal in its entirety Ordinance No. 1398 but leave in section 32.44 – Special Events Non-Reverting Operating Fund.

Councilor Schocke amended his motion and Councilor Smith amended her second.

Councilor Black asked if there was any additional discussion. Hearing none, he called for the question to amend the motion to add repealing Ordinance No. 1398 with the exception of section 32.44.

Councilor Schocke introduced and moved to appeal Ordinance No. 1398 with the exception of section 32.44. Councilor Smith seconded. Upon a roll call vote, a unanimous vote being necessary, there were four (4) affirmatives and no (0) negatives. The motion passed. The agenda was amended.

Councilor Schocke moved for the passage to repeal Ordinance 1398 with the exception of section 32.44. Councilor Smith seconded.

Discussion:

Councilor Zemen said this is the first that he is hearing of it and needs more information to fully understand the effects of the motion.

Upon a roll call vote, a two-thirds vote being necessary, there were two (2) affirmatives and two (2) negatives, with Councilors Schocke and Smith voting in the affirmative and Councilors Zemen and Black voting in the negative. The motion fails.

Councilor Schocke then read a passage from code that stated in the event of a tie, the Clerk-Treasurer could cast the tie breaking vote.

Councilor Black asked the Clerk-Treasurer if it was his desire to cast the tie breaking vote?

The Clerk-Treasurer declined to cast a vote. The early motion failed.

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 congratulating Mike Pipta on being named the 10th Fire Chief in the history of Highland. He said Mike has huge shoes to fill. He said he got to see him first hand in action yesterday with the fire at Tradition's. When Bernie arrived on the scene the building was still blazing pretty good. Mike was doing a tremendous job in his new role. Councilor Zemen said it was a sad thing, as he didn't know if the 125 year old building could be salvaged after seeing some of the pictures.

Chief Pipta was complimentary of not only the Highland Fire Department but all of the departments who responded and came together to put out the fire. He thanked Councilor Zemen for taking in the homeless cat.

Councilor Zemen reminded everyone of big restaurant crawl tomorrow night. He said we close both ends of Highway and we have bands playing right at the fire station. He mentioned the Fire Department is selling tacos. He said it's a great, great time. It's a lot of fun and it looks like the weather is going to cooperate. He then mentioned the passing of longtime Highland resident and business owner Don Scheeringa. Don's wake was yesterday and the funeral today. Mr. Scheeringa owned the farm adjacent to Strack's.

Councilor Zemen then acknowledged Ken Mika, Building Commissioner who said at next Wednesday's Plan Commission Meeting there will be a presentation from the Redevelopment Commission about combining existing allocation areas. Eventually a resolution will have to be passed. That is the only item on the agenda.

Councilor Zemen said the Water Board Met last Thursday which was short and sweet and he couldn't remember any topics. He said the Tree Board met but they didn't have a quorum. He read from prepared statement from the Highland Neighbors for Sustainability. They said they met on August 2nd at the Highland Branch of the Public Library. They hosted an event on invasive species, hosted by professional Mandy Glance. Approximately eighteen people were in attendance. Mandy gave her presentation on invasive plants in Indiana like English Ivy and hazardous poison hemlock and how to control them. She said invasive species are often plants from foreign countries. When they are planted here, they don't have any natural predators to keep them under control and spreading. They compete with our native Indiana species and crowd out those sources of food for bees and other pollinators. She said it's a growing problem if we want to keep our food supply secure. He said Rory Koiser, and IUN student, completed her summer internship with the Shirley Hines

Land Trust where she developed and hosted programs on plastics. She also worked on effective communications regarding sustainability efforts and climate resilience.

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 congratulating new Fire Chief Mike Pipta and to all the Fireman for all the hard work they do.

Councilor Smith then acknowledged Ken Mika, Building Commissioner who said the BZA met last week and will be forwarding a favorable recommendation to the Town Council. The Council probably won't see the Findings of Fact until its 1st meeting in October. The favorable recommendation was concerning a use variance in the industrial area for a Tae Kwon do studio. Approval of the Findings of Facts is the only thing on the docket at this time. He said from the Building and Inspection Department, they conducted a final inspection on the gas station at 41 and Hart Road and issued an occupancy permit. He said the car wash is progressing nicely but still have a couple of weeks of work before an occupancy permit will be issued. They issued occupancy this week to two (single) family homes built on thirty-eighth street and Liable Road.

She then acknowledged Assistant Public Works Director Kim Webb who said work is progressing nicely on the Community Crossing Grant road projects. The crews are removing curbs and making them ADA compliant. Once the curb work is completed, the contractor will then begin milling the streets. She said Parkway Drive is not scheduled to start until after the holiday but the contractor assured the Town the project will be completed by the end of November.

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

Councilor Schocke began by congratulating Mike Pipta as the new Fire Chief.

Councilor Schocke then called upon Dave Byers, Parks & Recreation Director, who said Mr. Brown said he could do it via zoom otherwise he would have been there in person. He was still in his office at Lincoln Center. He said the last couple of weeks have been very busy. We hosted a garage sale at Lincoln Center on August 19th. We had over seventy (70) vendors participating. Then, on the next day, we hosted an AAU Basketball Showcase Event. We have another AAU tournament coming up on September 10th. We're already gearing up for fall. Our program brochures, which you see here, hit Highland doorsteps last Wednesday. You should have that in your mailbox and registrations are now open for all the programs that are advertised in the brochure. Our crew has been working on dismantling the playgrounds at Markley Park and Brantwood Park. They're starting those this week and then the new playground installations will begin the week after Labor Day. The residents are looking forward to the new playground equipment. And then we're always looking

for new part-time staff at Lincoln Center. If you know any high schoolers, local college kids or even adults looking for a part time job, please encourage them to apply either online or here in person at the Lincoln Center.

Councilor Schocke then thanked the Park Crews for all their efforts in having the soccer fields in immaculate shape for the opening weekend of soccer, especially in having to mow the grass in the extreme heat.

- **Councilor Roger Sheeman:** *Town Board of Metropolitan Police Commissioners Liaison • Fire Department, Liaison • Chamber of Commerce Liaison • Information Communications and Technology Department Liaison.*
- **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 congratulating Mike Pipta on his appointment as the new Fire Chief and thanked the entire Department for their work in putting out the fire at Tradition's. He said he received nothing but compliments from the people who were at the scene. He said they told him the team did a great job. It was a great effort by all and obviously a thank you to the neighboring communities who assisted.

Chief Pipta commented that all departments throughout Lake County work well together. I'm very proud to work with the neighboring departments and our guys. He also complimented the guys for the farewell they gave to Chief Timmer. It was outstanding. Chief Pipta introduced his brother. He thanked his brother for coming and showing his support. He really appreciated him coming.

Councilor Black then complimented the members of the HCCE for putting on the BBQ Fest. He said the HCCE did a good job and maybe it can grow a little each year and we'll have another major festival to compliment the 4th of July. He also reminded everyone of the big restaurant crawl on Tuesday. He said he could only remember a few of the items on the menu like a large slice of pizza from Langels, a smashed burger from FuzzyLine.

Councilor Black then acknowledged Metropolitan Police Chief Ralph Potesta who began by congratulating Mike Pipta on his appointment to Fire Chief and for the work the fire fighters did in putting out the fire at Tradition's and in preventing it from spreading to the adjacent buildings. As I resident, I thank you. He said school has started and he has talked to our School Resource Officer Rick Hoffman who said there were no major issues with the starting of school. Chief Potesta said they continue to have speeding issues before and after the start of school on Kennedy Avenue. They have scheduled additional patrols and are issuing tickets.

Councilor Black then acknowledged IT Director, Ed Dabrowski who also began by congratulating Mike Pipta for becoming the next Fire Chief and said everything is working well in the IT world.

Councilor Black asked the Clerk-Treasurer if he had anything. The Clerk-Treasurer offered his congratulations to Mike Pipta for becoming the new Fire Chief and for the fine efforts of not only the Highland Fire Fighters but also the neighboring fire fighters who assisted in putting out the Tradition's fire. We were very fortunate that no one was injured.

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:

Larry Kondrat, Highland, began by asking Councilor Smith if she was asked to participate in dunk a politician night sponsored by the HCCE and asked to bring a sign? She responded in the negative. He then said, it appears that you seem to be left out a lot. He then asked the same question of the Clerk-Treasurer, who responded the same as Councilor Smith that he was not asked by the HCCE to participate in the dunk tank or bring a sign. Larry then said, it seems strange that two (2) candidates were not asked to participate while others were. It seems the HCCE was selective in whom they chose to participate and have made it political once again. He said regarding the signs and literature being passed out at the beer ticket trailer that the literature must have fallen out of the sky. He said somebody really needs to go to the Board of Elections with this and maybe this will be referred to the prosecutor as this wasn't accidental but on purpose. It was done in the coordination with the HCCE.

Connie Wachala, Highland said these attacks, they've just got to stop. This is not just good for our community or for our town. You know, I've heard the Council of Community Events called dysfunctional. They work just fine. Everybody thinks that their festivals are fine. They work well. They're not dysfunctional but the Council is dysfunctional, as nothing gets done. We need so many things in Town. We could use a Town Manager so that things could be done as this is a dysfunctional Council. We could use a sustainability professional to prepare the Town for the future. This Council, who never wants to spend money on anything wants to hire a party planner. The Post Tribune article of June 25th, reviewing the Griffith festivals said the Griffith festivals have lost over \$668,000 over a ten (10) year period. The businessmen or the small businesses in Griffith say the festivals cut into their profits, making it hard to maintain their businesses.

Councilor Smith responded to Connie's comments, saying you come here meeting after meeting telling this Council not to badger the HCCE or each other but then you come here and do the exact same thing to us, which you are accusing the Council of doing. You talk about bullying. Let's talk about bullying. I'm not for bullying and I don't sit here and don't bully anyone so I don't appreciate when you come here and

lecture and accuse this Council of bullying when that is exactly what you are doing to this Council. You preach about getting along. In a recent real estate release, Highland ranked number 6 in the hottest real estate markets in the Country and I'm proud of that but you get up her and you disrespect us. May I say that I'm not for bullying but that's what I feel you do at these meetings.

Connie said that calling out bullying is not bullying and nobody else has told me that.

Councilor Schocke said to Connie, we'll I'm the second one to tell you that as I agree with Councilor Smith.

Connie said, we'll the 2 of you always vote together.

Councilor Smith then said, you come to our meeting and speak on the various causes you represent and I respect that because you have a right to do that but you cannot take my right away. I will not allow you to do that but you come here every time and when you don't agree with my views, you say it is bullying. I respect your opinion and I thank you as I would never try to take your right away. God Bless.

Connie said, when I hear someone come up here and talks about rumors or lies, its hard for me to not to speak. This is hard for me. It's hard for me to come up here and speak to you, I would still prefer not to do it. You guys are the ones with the voice.

Councilor Smith said everybody hears what you are saying and it's hard for us to defend ourselves from these attacks.

Connie asked when did she attack Councilor Smith or the Council?

Councilor Smith said a lot of time when you get up and speak, you make it sound that we as a body are doing something personally against you or a certain group and I'm here to tell you that I'm not attacking anyone. I'm not bullying anyone.

Connie said, I just told you people come up here and do attack and I come and counter attack. Let me say it again, counter attacks are not bullying.

As Connie was returning to her seat, there was an altercation between her and Larry Kondrat, with Larry Kondrat exclaiming, lady, leave me alone.

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 **August 16, 2023 through August 29, 2023.** Councilor Schocke 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 July 12, 2023 to July 25, 2023 in the amount of **\$685,102.65**.

General Fund, \$513,365.41; MVH Fund, \$18,170.59; LAW Enforcement Continuing Education, Training and Supply Fund, \$1942.69; Information and Communications Technology Fund, \$18,345.73; LR&S, \$24,127.08; Special Events, \$33,686.15; M CCD, \$2,171.91; Traffic Violations Fund, \$750.00; Public Safety Income Tax, \$4,381.86; Donation, \$465.82; Police Pension, \$67,695.41;

Payroll Docket for payday of August 11, 2023 by fund:

General, \$332,700.43

Payroll Docket for payday of August 11, 2023:

Office of Clerk-Treasurer, \$16,384.12; Building and Inspection Department, \$10,328.92; Metropolitan Police Department, \$167,993.36; Public Works Department (Agency), \$78,990.09; Fire Department, \$5,093.05 and Information and Technology Department, \$4,009.55; Total Payroll: \$282,799.09.

Payroll Docket for payday of August 25, 2023 by fund:

General, \$343,629.96

Payroll Docket for payday of August 25, 2023:

Office of Clerk-Treasurer, \$16,382.25; Building and Inspection Department, \$10,901.33; Metropolitan Police Department, \$156,988.56; Public Works Department (Agency), \$75,348.36; Fire Department, \$29,719.90 and Information and Technology Department, \$4,009.55; Total Payroll: \$293,347.95.

Payroll Docket for payday of August 31, 2023 by fund:

Total Payroll by fund: \$79,044.71

Payroll Docket for payday of August 31, 2023:

Boards & Commissions. \$10,642.82; Police Pension, \$67,587.76;
Total Payroll: \$78,230.58.

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, August 28, 2023, adjourned at 7:26 O'clock p.m.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of September 11, 2023.