

**Enrolled Minutes of the Twentieth Regular Meeting or Special Meeting
For the Thirtieth Highland Town Council Regular Plenary
Business Meeting (In person) Monday, October 28, 2024**

The Thirtieth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, October 28, 2024 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 an in person meeting and lived streamed to the Town of Highland Facebook. Facebook permits the public to observe and record the proceedings but allows no interaction between and among the Town Council and members of the public. The public is able to participate in person. Councilor Georgeff, Councilor Doug Turich, Councilor Tom Black and Councilor Philip Scheeringa all participated in person. Councilor Alex Robertson 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 Philip Scheeringa presided over the meeting. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Doug Turich 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 George Georgeff, Doug Turich, Thomas Black, Philip Scheeringa were present. Councilor Alex Robertson was absent. Clerk-Treasurer, Mark Herak was also present. A quorum was attained.

Additional Officials Present: Alex Brown, CPRP Superintendent of Parks; Metropolitan Police Chief Ralph Potesta; John Reed, Attorney with Abrahamson, Reed & Bilse; Mike Pipta, Fire Chief; Ed Dabrowski, Director of Information Technology, Kenneth J. Mika, Building Commissioner, Mark Knesek, Public Works Director, and Redevelopment Director Maria Becerra were present.

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

Minutes of the Previous Meetings: The minutes of the October 14, 2024 Plenary meeting were approved by general consent.

Special Orders:

1. **Consideration of Proposed Additional Appropriations:** (controlled and non-controlled funds): Proposed Additional Appropriations in Excess of the 2024 Budget for the Municipal Cumulative Street Fund in the amount of \$30,000.

(a) Attorney verification of Proofs of Publication: The TIMES 14 October 2024.



AFFIDAVIT OF PUBLICATION

Northwest Indiana Times
601 W. 45th Ave.
(219) 933-3333

State of Pennsylvania, County of Lancaster, ss:

I, Tatiana Dorval, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Northwest Indiana Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Munster, for the County of Lake, in the state of Indiana, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

Publication Dates:

- Oct 14, 2024
- Oct 21, 2024

Notice ID: 39JB3VDZIFUI8KZTPstx

Publisher ID: 128711

Notice Name: Additional Appropriation October 28, 2024

Publication Fee: \$51.14

Tatiana Dorval

Agent

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Signed or attested before me on this: 10/22/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Procf.

See Proof on Next Page

TOWN OF HIGHLAND
NOTICE TO TAXPAYERS OF PROPOSED
ADDITIONAL APPROPRIATIONS

Notice is hereby given the taxpayers of the Town of Highland, Lake County, Indiana, that the Town Council of said Municipality in said Municipal Building, 3333 Ridge Road, at 6:30 p.m. on the 28th day of October 2024, will consider the following additional appropriations in excess of the budget for the current year in the following funds:

Municipal Cumulative Street Fund

Acct. 4431-0000-44010 Sidewalk Replacement \$30,000.00

TOTAL for the FUND: \$30,000.00

Funds to support these additional appropriations in the Municipal Cumulative Street Fund shall be supported by miscellaneous revenue, unreserved unobligated fund balance on deposit to the credit of the fund.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriations, as finally made, will be filed with the Department of Local Government Finance, for its review. The Department of Local Government Finance shall make a written determination of the sufficiency of funds within fifteen days of receipt of a certified copy of the action taken.

TOWN COUNCIL of HIGHLAND
Philip Scheefinga, President

By: Mark Herak
Clerk-Treasurer
10/14, 10/21 - 128711

HSPAXLP

(b) **Public Hearing:** There were no comments from the public or visitors.

c) Action on **Appropriation Enactment No. 2024-29:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Municipal Cumulative Street Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5

Councilor Georgeff introduced and moved for the consideration of Appropriation Enactment No. 2024-29 at the same meeting of its introduction. Councilor Turich seconded. Upon a roll call vote, a unanimous vote being necessary, there were four (4) affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Georgeff moved for the passage of Appropriation Enactment No. 2024-29 at the same meeting of its introduction. Councilor Black 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 enactment was passed and adopted upon the signature of the municipal executive at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2024-29**

AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET for the MUNICIPAL CUMULATIVE STREET FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

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

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

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

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

MUNICIPAL CUMULATIVE STREET FUND

Acct. No. 4431-0000-44010 Sidewalk Replacement

\$30,000.00

Total 400 Series: \$30,000.00

Fund Total: \$30,000.00

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

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

Introduced and Filed on 28th day of October 2024. 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 October 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**

Philip Scheeringa, President (IC 36-5-2-10)

ATTEST:

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

Comments from the Public or Visitors: None

Staff Reports: None

Communications:

Main Street Bureau Restaurant Crawl – October 29th from 4:00 to 9:00
Trick or Treat – October 31, from 5 o'clock pm to 7 o'clock pm
Highland Neighbors for Sustainability Pumpkin Smash – November 2
November 4th Highland Town Council Study Session Canceled

Biddy Basketball (grades k-5)- deadline to register Tuesday, November 5th
49th Annual Pumpkin Plod 10k run/5K walk- Thursday November 28
Santa's March – Saturday, November 30th at 4:45 o'clock p.m.

Appointments:

• Statutory Boards and Commissions

Executive Appointments (May be made in meeting or at another time)

Regional Statutory Commissions or Boards

Home Rule Boards and Commissions

1. **Shared Ethics Advisory Commission.** (1) appointment to be made by Town Council President. *(Note: Fill vacancy made by resignation of Rev. Tim Huizenga.) (Made pursuant to Article 5, Subdivision (A) of the Interlocal Cooperation Agreement Establishing the Shared Ethics Entity. Qualifications are to be persons who live work or hold property in the county. Further persons appointed must be of good character and not hold any positions within the local government.)*

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 Renee Reinhart, Alex Robertson, Diane Barr-Roumbus, James Roumbus Sandy McKnight, Al Simmons, Ben Reinhart, Sandy Ray, Kathy Smailis, Ben Tomera and Laura Pilewski.*
2. **Community Events Commission Multi-year positions:** (4) appointments to be made by the Town Council. **Term: 4 years.** *(Note: Currently there is one vacancy)*

Single year positions: (9) appointments to be made by the Town Council. **Term: 1 year.** *There are currently 6 of the 9 in place and serving. (Note: Currently serving, Jack Rowe, Linda Carter, Rachael Carter, Kathy Burke, Olga Briseno and Kelly Bridges)*

General Orders and Unfinished Business:

1. Proposed Ordinance No. 1792-F: An Ordinance to Amend Ordinance No .1792 to establish the wage and salary rates of the Elected Officers, the Non- Elected Officers, and the Employee of the Town of Highland, Indiana particularly regarding change to the Starting Pay and Establishing a Compensation Range in

the Fire Department as it pertains to the Chief of the Department/Fire Inspector.
(Introduced at the October 14, 2024 Town Plenary Meeting).

Councilor Black moved for the passage adoption of Ordinance No. 1792-F. Councilor Georgeff seconded. Upon a roll call vote, there were three (3) affirmatives and no (0) negatives and one (1) abstention, with Councilors Georgeff, Black and Scheeringa voting in the affirmative and Councilor Turich abstaining . 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. 1792-F
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND ORDINANCE No. 1792 to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY REGARDING A CHANGE to the STARTING PAY and Establishing a Compensation Range of the FIRE DEPARTMENT as it pertains to the CHIEF of the DEPARTMENT/FIRE INSPECTOR.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

WHEREAS, I.C. 36-5-3-2 provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the Town Legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2024 and thereafter as amended;

WHEREAS, The Town Council of the Town of Highland, as the town

legislative body, has been advised that it is necessary change the STARTING SALARY and create a COMPENSATION RANGE for the Fire Chief within the Fire Department; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the wage and salary ordinance as it pertains to the Fire Department; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Salary of the Chief of the Department/Fire Inspector is modified and a compensation range created, pursuant to the provisions indicated herein and as follows:

Section 1. That Section 12 (A) Chief of the Department/Fire Inspector of Ordinance No. 1792 be amended by repealing Section 12 (A) of that Ordinance in its entirety and replacing with the following section, which shall be numbered as Section 12 (A) and read as follows:

Section 12. *Fire Department.* That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Fire Department** as follows:

	Starting Rate	Incumbent Rate
(A) Chief of Department/Fire Inspector (1)	\$3,037.48	\$4,038.46

Section 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 3. That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the Clerk-Treasurer shall be as set forth in the Compensation and Benefits Ordinance, commonly called the Employee Handbook as amended from time to time;

Section 4. Rewritten job description will be on file for any position created, modified and authorized by this ordinance and maintained on file with the Fire Department and the Office of the Clerk-Treasurer;

Section 5. That an emergency exists for the immediate taking effect of this Ordinance which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constraints currently in force in Ordinance No. 1792 and until its repeal or amendment by subsequent enactment;

Section 6. That the provisions set forth in Section 1, shall be effective from October 28, 2024 and continue thereafter until amended , modified or repealed by passage and adoption of a successor ordinance.

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed 14th day of October 2024. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of October 2024, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed and 1 abstention. .

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

Philip Scheeringa, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

New Business:

1. Proposed Ordinance 1805: An Ordinance to Make A Technical Updating Amendment TO the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding section 5.17 authorized use of town owned and/or leased vehicles, and Repealing Prior Ordinances and Enactments in Conflict Therewith, all Pursuant to IC 36-1-3 , IC 36-5-6 ET seq and other relevant Statutes. (Introduce Only)

Councilor Black introduced and filed. There was no further action.

ORDINANCE No. 1805

of the
TOWN of HIGHLAND, INDIANA

An Ordinance to Make A Technical Updating Amendment TO the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding section 5.17 authorized use of town owned and/or leased vehicles, and Repealing Prior Ordinances and Enactments in Conflict Therewith, all Pursuant to IC 36-1-3 , IC 36-5-6 ET seq and other relevant Statutes.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(4) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and,

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt the several technical and substantive modifications necessary to carry out this requirement and to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Employee Handbook of the Compensation and Benefit Ordinance, be hereby amended by repealing Section 5.17.01, in its entirety, and replacing it with a new provision, to be styled as Section 5.17.01, which shall read as follows:

5.17 Authorized Use of Town Owned and/or leased Vehicles

5.17.01 The following individuals by title are permitted subject to the concurrence of the governing board of jurisdiction to utilize municipal leased and owned vehicles for the purpose of conducting public business, the providing of transportation to and from the work place and reasonable, limited personal business:

Metropolitan Police Chief
Metropolitan Police Commanders
Metropolitan Deputy Police Commanders
Public Works Director
Public Works Supervisors
Pump Station Mechanic

**Superintendent of Parks and Recreation
Park Director
Fire Chief
Operations Chiefs (when filling in for the Fire Chief)**

The persons identified by title and only those persons are authorized to use the vehicle for reasonable personal business. Except as otherwise restricted by rules of regulations of the Metropolitan Police Department, reasonable personal business is described as using the vehicle within Lake County, Indiana and the assigned worker could be expected to be called for duty. In all cases municipal vehicles may not be used for personal business beyond the boundaries of Lake County, Indiana. No other person but the municipal employee(s) as listed by title in this section is authorized to operate the vehicle for person use. Pursuant to Federal and State income tax guidelines, employees using town owned or leased vehicles shall keep records of personal use.

Section 2. That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 28th day of October 2024. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 11th Day of November 2024, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed.

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

Phil Scheeringa, President (IC 36-5-2-10)

Attest:

Mark Herak,
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

2. Works Board Order 2024-46A : Amending Works Board Order 2024-46, Approving and Authorizing the Metropolitan Police Chief to increase the quantity ordered of the 2025 White Police Inceptor Utility AWD Base (K8A) V6 EcoBoost from Community Ford of Bloomington, IN from five (5) to six (6) units, pursuant to IC 5-22-10 and Chapter 3.05.060 (H) of the Municipal Code.

Councilor Black moved the passage and adoption of Works Board No. 2024-46A.

Councilor Turich 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
Board of Works
Order of the Works Board 2024-46A**

An Order of the Works Board, Amending Works Board Order 2024-46, increasing the number of vehicles authorized to purchase from five (5) to six (6) of the 2025 White Police Inceptor Utility AWD Base (K8A) V6 EcoBoost from Community Ford of Bloomington, IN, pursuant to Chapter 3.05.060 (H) of the Municipal Code

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, 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 Metropolitan Police Department was recently authorized to order five (5) 2025 White Police Interceptor Utility AWD Base (K8A) from Community Ford of Bloomington, IN through the State of Indiana, with delivery in the calendar year 2025.

Whereas, the Metropolitan Police Chief has informed the Town Council that one of their current vehicles was involved in an accident and the Insurance Carrier has notified the Police Department that they totaling the vehicle, necessitating the need for an addition vehicle.

Whereas, the Metropolitan Police Department has reached out to Community Ford of Bloomington, IN to increase the authorized quantity from five (5) vehicles to six (6) vehicles of the 2025 White Police Interceptor Utility AWD Base (K8A). .

Whereas, Community Ford of Bloomington, IN with whom the order was to executed, acknowledged that the Highland Police Department can increase the order of 2025 White Police Interceptor Utility AWD Base (K8A) to six (6) vehicles.

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, the additional vehicle will be supported by a duly approved appropriation in the MCCD funds.

Whereas, The Town Council now desires to approve and authorize the Police Chief to increase the order quantity from five (5) to six (6) vehicles 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 authorizes and approves purchasing from Community Ford of Bloomington, IN one (1) additional 2025 White Police Interceptor Utility AWD Base (K8A)V6 EcoBoost. The unit price remains the same.

Section 2: That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement increasing the order quantity from five (5) to six (6) vehicles 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 28th day of October, 2024 having passed by a vote of in favor and opposed.

TOWN COUNCIL OF THE
TOWN OF HIGHLAND, INDIANA

Philip Scheeringa, President (IC36-5-2-10)

Attest:

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

3. Works Board Order No. 2024-47: An Order Authorizing and Approving the Payment of Elective Honoraria to Select Event Participants in Recognition of and in their Goodwill for their Assistance and Support of the Events under the Community Events Commission and Authorizing the Payment of Elective Honoraria for Their Participation in the Annual Highland Independence Day Festival.

Councilor Georgeff moved the passage and adoption of Works Board No. 2024-47. Councilor Turich 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.

THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2024-47

An Order Authorizing, and Approving the Payment of Elective Honoraria to the Select Event Participants in Recognition of and in Goodwill for their Assistance and Support of the Events under the Aegis of the Community Events Commission and Authorizing the Payment of Elective Honoraria for Their Participation in the Annual Highland Independence Day Festival.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission and the Town Council of Highland did rely on the support and special services of the many volunteers from community groups in carrying out its programing for the year;

Whereas, The Town Council has been reliably advised that it has been customary and is highly desirable for the payment of an honorarium or stipend to some of the participating community groups in recognition of their laudable support and contribution to the special event programming during the recent festival;

Whereas, The Town Council has been further reliably advised that many volunteers from community groups did expend time, labor and creative process to support the Town of Highland's community programming during the Independence Day Festival;

Whereas, Under its authority of IC 36-1-3, the Town Council passed and adopted Section §2.35.030 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and,

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to the support and authorization of the awarding of honoraria to certain groups,

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

Section 1. That the following named groups, bands or individuals, which participated in the most recent **Independence Day**, as identified be paid an elective

honorarium in the amount specified, in appreciation and recognition of this participation as follows:

(A)	St. Joseph College	\$ 100.00
(B)	Rick Trater	\$ 100.00
(C)	Seth Leon	\$ 100.00

Section 2. That the Town Council further finds and determines that the activities and expenses as described herein, if not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the Special Events Non Reverting Fund, when proper appropriations are accordingly approved;

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and accounts for the benefit of each of the several identified groups, depicting the expense as an Honorarium, in the amount herein fixed, to pay all groups as indicated and to take such other measures to carry-out the purposes and objects of this order;

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund or funds and accounts for the benefit of each of the several named parties herein identified, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid according to law;

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

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 October 2024, having passed by a vote of 4 in favor and 0 opposed.

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

Philip Scheeringa, President (IC 36-5-2-10)

Attest:

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

4. Works Board Order No. 2024-49: An Order of the Works Board Accepting the Performance Agreement for Professional Entertainment and Stage Services for the Town of Highland, Associated with the Trunk or Treat Party and to Comply with the Provisions of IC 22-5-1.7 ET SEQ.

Councilor Black moved the passage and adoption of Works Board No. 2024-49. Councilor Georgeff 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
Board of Works
Order of the Works Board 2024-49

An Order of the Works Board Accepting the Performance Agreement for Professional Entertainment and Stage Services for the Town of Highland, Associated with the Trunk or Treat Party, 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, with appropriate festivals including live musical performance as entertainment;

Whereas, The Community Events Commission has received a Performance Agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2024 Trunk or Treat Party;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of a Performance Agreement for professional entertainment and stage services for the Town of Highland to be conducted during the 2024 Trunk and Treat Party;

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 Section 3.05.030 (A)(1) of the HMC 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; and

Whereas, The aggregate fee for Professional Entertainment and Stage Services for the Town of Highland's 2024 Trunk and Treat Party requires the express approval of the purchasing agency; and

Whereas, The purchase of services will be supported by the several funds of the Town 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 Performance Agreement for professional entertainment services as set forth in the agreements, for the Trunk and Treat Party, for: Nelson Franco; is hereby accepted, approved and adopted;

Section 2. 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 3. That the Clerk-Treasurer is hereby authorized to issue and to execute all documents necessary to implement the purchase of services thereof;

Section 4. 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 October 2024 having passed by a vote of 4 in favor and 0 opposed.

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

Philip Scheeringa, President (IC 36-5-2-10)

Attest:

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

5. Works Board Order No. 2024-50: An Order Finding and Determining Certain Personal Property of the Municipality as no longer needed for the Purposes for which originally acquired or have been left in the Custody of an Officer or Employee of the Town of Highland and have remained unclaimed for more than one (1) year or have been deemed worthless and of no Market Value and further Authorizing and Approving Disposal of Said Property.

Councilor Georgeff moved the passage and adoption of Works Board No. 2024-50. Councilor Black seconded. Upon a roll call vote, there were three (3) affirmatives and no negatives and one (1) abstention, with Councilors Georgeff, Black and Scheeringa voting in the affirmative and Councilor Turich abstaining. . The motion passed. The order was adopted pending the signature of the Town Executive.

**The Town of Highland
Board of Works Order No. 2024-50**

AN ORDER FINDING AND DETERMINING CERTAIN PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED OR HAVE BEEN LEFT IN THE CUSTODY OF AN OFFICER OR EMPLOYEE OF THE TOWN OF HIGHLAND AND HAVE REMAINED UNCLAIMED FOR MORE THAN ONE (1) YEAR OR HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE AND FURTHER AUTHORIZING AND APPROVING DISPOSAL OF SAID PROPERTY.

Whereas, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

Whereas, The Town Council has been advised by the Fire Department that several items of personal property, and which all owned by the municipality are no longer needed for the purposes of which it was originally acquired, pursuant to IC 5-22-22; and

Whereas, The Fire Chief has recommended and requested that disposal of certain personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.; and,

Whereas, The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

Now, Therefore, Be it ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

That there are certain articles of personal property possessed or owned by the municipality that are no longer needed, unfit for the purposes for which they were acquired, pursuant to IC 5-22-22-3; or,

That these same articles of personal property possessed or owned by the municipality that have been left in the custody of an officer or employee of the Town of Highland and have remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,

That these same articles of personal property possessed or owned by the municipality, that may be deemed worthless or no market value as the estimated costs the sale and transaction of the property exceed the property value, pursuant to IC 5-22-22-8;

That these items of personal property are more particularly described in an exhibit attached (photo) to and incorporated in this works board order;

That the value of any single item of personal property is less than one thousand dollars (\$1,000) and that all the items of personal property together are less than \$5,000, all pursuant to IC 5-22-22-6; and

Section 2. That the Fire Chief is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by junking or scrapping pursuant to IC 5-22-22-8;

Section 3. That no notice of the disposal is necessary all pursuant to IC 5-22-22-6;

Section 4. That no proceeds are expected but should proceeds arise, any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the Corporation General Fund.

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 October 2024 having passed by a vote of 3 in favor and 0 opposed and 1 abstention.

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

Philip Scheeringa, President (IC 36-5-2-10)

Attest:

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

EXHIBIT OF PERSONAL PROPERTY FOR DISPOSAL



6. Works Board Order No. 2024-51: An Order Decommissioning Canine Officer Bane, Finding and Determining Canine Officer Bane is no longer fit or able to be used for the purposes for which he was obtained, Further Authorizing and Approving his retirement and the Transferring of Ownership from the Municipality to his Handler.

Councilor Turich moved the passage and adoption of Works Board No. 2024-51. Councilor Georgeff 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.

**The Town of Highland
Board of Works Order No. 2024-51**

An Order Decommissioning Police Canine Officer Bane, Finding and Determining Police Canine Officer Bane is no longer fit or able to be used for the purposes for which he was obtained, Further Authorizing and Approving his retirement and the Transferring of Ownership from the Municipality to his Handler.

Whereas, On February 25, 2021, the Highland Town Board of Metropolitan Police Commissioners, acting in accordance with applicable Indiana State Statutes and the Board's Rules and Regulations, declared that Bane, an appointed Police Canine Officer and assigning him to Officer Anthony Kowal; and

Whereas, On August 23, 2021, the Highland Town Council moved with five (5) affirmatives and no negatives to affirm and approve the commissioning of Police Canine Bane to serve with Officer Anthony Kowal; and

WHEREAS, The Town Council has been advised by the Metropolitan Police Department that Police Canine Officer Bane's handler has advised them that Police Canine Officer Bane has a medical issue that makes him no longer fit or able to be used for purposes for which he was obtained and should be retired;

WHEREAS, The Metropolitan Police Chief has recommended the retirement of Police Canine Officer Bane based upon the facts as presented by Police Canine Officer Bane's handler Officer Anthony Kowal; and

WHEREAS, The Metropolitan Police Chief further recommends the transfer of ownership to Police Canine Officer Bane's handler, Officer Anthony Kowal, all pursuant to the provisions of IC 5-22-22-6 et seq.;

WHEREAS The Town Council now desires to favor the recommendation of the Metropolitan Police Chief and take those steps necessary to authorize and approve the retirement of and transfer of ownership of Police Canine Officer Bane to his handler, Officer Anthony Kowal, pursuant to applicable law in the disposal of personal property of the municipality; and

Whereas, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

Now, Therefore, Be it ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

- (A) That there are certain articles of personal property possessed or owned by the municipality that are no longer fit or able to be used for the purposes for which it was acquired, pursuant to IC 5-22-22-3; or,
- (B) That the disposing of this article be more costly than simple private transfer.
- (C) That the value of any single item of personal property is less than one thousand dollars (\$1,000), IC 5-22-22-6; and

Section 2. That the Metropolitan Police Chief is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by private transfer without advertising pursuant to IC 5-22-22-6 at a cost \$1.00;

Section 3. That proceeds expected from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the Corporation General Fund.

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 October 2024 having passed by a vote of 4 in favor and 0 opposed.

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

Philip Scheeringa, President (IC 36-5-2-10)

Attest:

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

EXHIBIT OF PERSONAL PROPERTY FOR RETIREMENT

Five year old male German Shepard dog known as Bane

7. Presentation from Cook Government Advisors: Reviewing with the Councilor the facets of House Bill 1016. Rhonda Cook of Cook Government Advisors presented and discussed the following power point.

Merit Systems & House Enrolled Act 1016-2023

A presentation for the Town of Highland, October 28, 2024
By Rhonda Cook, Esq.



Cook Government Advisors



This Evening's Presentation

- Provide an overview of the provisions in HEA 1016-2023
- Discuss the previous law vs. new law for implementing a merit system
- Explain the basics of "what is a merit system"
- Discuss the options under HEA 1016-2023 for stopping the implementing a merit system
- Discuss best practices

Background of HEA 1016-2023

- The legislation, authored by Rep. Jim Pressel and sponsored by Senator Jack Sandlin, was supported by the professional fire fighters' union and state FOP
- Aim did not argue against merit systems in general, but testified in opposition to the provision of the bill which mandates a merit system be put in place unless there is an OPT OUT.

Before
HEA 1016

PREVIOUS LAW

- Before the passage of HEA 1016 in 2023, either the Town Council or the Active Members of the police department could bring forward for a vote the question of whether or not to have a merit system. If both agreed to create a merit system, then a merit system could be created.
- It was a local question to OPT IN to a merit system that either party could bring forward.

After
HEA 1016

NEW LAW

- Under HEA 1016, a merit system is automatically put in place as of January 1, 2025 for departments serving:
 - Populations of 20,000 or more; and
 - With at least 12 active members
- *UNLESS*, by **December 31, 2024**, a unit meeting these criteria has a merit system in place OR has REJECTED the "automatic" merit system by following a statutorily set procedure.
- For units that REJECT the automatic merit system, things stay status quo. The previous law to opt in to a merit system will be available after waiting one year.
- If there is no merit system in place nor an approved REJECTION of the automatic merit system, a merit system is effective January 1, 2025 at least for the next four years. Between January 1 and January 31, 2029 a vote must be taken by the council and active members on whether to retain or dissolve the merit system. It only takes one party to vote to dissolve in order for that to happen.
- Note: There is a process to amend or dissolve the "automatic" merit system sooner – anytime after January 1, 2025. Amending or dissolving during this time frame requires both parties to agree. Changes take effect the next January 1.

What is a Merit System?

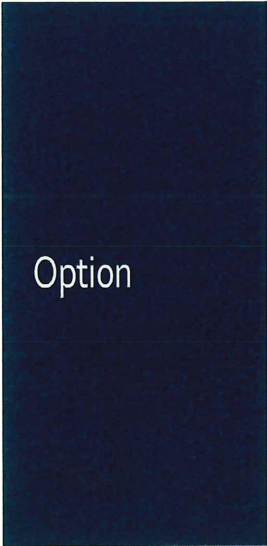
- It is a system of governance for police and fire fighters for hiring, promotion, discipline, and dismissal (does not apply to upper-level policy making positions)
- Governance of the merit system is set by an appointed Merit Commission which is made up of members according to the Indiana Code.
- For discipline, it is a new appellate layer.
- There are pros and cons to this system of governance.
- Additional costs to the town can be expected, which would need to be budgeted.

More about Merit Systems

There is a "model" merit system in the Indiana Code under 36-8-3.5, however, there can be deviation from the model with the exception of some provisions related to the make-up of the commission.

MERIT SYSTEMS HANDLE:

- Requirements for Hiring: citizenship, age, test scores (agility tests, aptitude tests), Ratings (mental alertness, character, habits, reputation)
 - Process for Promotion: Based on scores – written exam, competitive interview, performance record, length of service.
 - ELIGIBILITY LISTS are developed for hiring and promotion. Candidates that meet the minimum requirements remain on the list for a set period. When a vacancy occurs, members are hired and promoted based on best scores from all people on the list.
 - Discipline – penalties for insubordination, misconduct, etc. are set in the system rules.
- Merit systems DO NOT govern operations – they do not set salaries or make decisions on spending matters.



Option

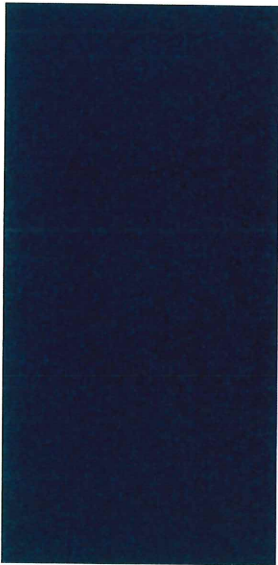
- If the council thinks a merit system would be an improvement or a straw poll is taken with the active members of the police department indicating they want a merit system, then you don't have to adopt the resolution nor go through the voting process – a merit system will go into effect January 1, 2025.

The Process to Reject the Automatic Merit System

- The council adopts a resolution to reject the automatic merit system.
 - I have recommendations for that resolution and what should be included.
- The safety board (your Board of Metropolitan Police Commissioners) adopts the procedural rules for referendum vote.
- The safety board gives notice to the active members three weeks in advance of the referendum vote.
 - Several steps involved for notice.
 - I would recommend having multiple informational sessions (3) for the benefit of the active members to learn more about merit systems and what they will be voting on.
- Within 60 days of the resolution adoption by the council, the referendum is held in accordance with required statutory procedure. Only active members can vote and be in the room while voting is taking place. Voting is by secret ballot.
- If the active members vote to uphold the council's rejection of a merit system, then a merit system is not created. If they vote against the council indicating they *do* want a merit system, then a merit system will go into effect January 1, 2025.

Summary of HEA 1016

- The new law puts the decision of having a merit system (at least for four years) in the hands of the active members of the police department.
- The council can take steps to reject, but the active members can override – it is really a decision in their hands.
- If the active members want a merit system, a unit is required to give the merit system a four-year trial before either the council or the active members can vote to dissolve it.



What happens if a merit system goes into effect under HEA 1016?

Implementing the Merit System

- If a merit system is set to go into effect January 1, 2025, then the council shall pass an ordinance "that adopts all of the provisions applicable to the establishing unit . . ."
- In the ordinance, the council shall specify which provisions of the merit system chapter in the Indiana Code are left to its discretion.
- The council is going to need to consider how to restructure its current system and what role the merit commission will now play.

Merit Commission Appointed

A Merit Commission is appointed in accordance with the statutory requirements by March 1, 2025:

- 5 Members
 - Two persons, from different political parties, appointed by the council president;
 - One person appointed by the council;
 - Two person, from different political parties, elected by the active members of the police department.
 - (Political party is determined by voter registration records in the last three primary elections)
 - No home rule deviation from the above minimum requirements AND that at least 1/3 members of the commission must be elected by the active members.
- Terms of office are four years (staggered to start).
- The model rules set commissioner qualifications as follows (IC 36-8-3.5-6)
 - Must have legal residence in the town for three consecutive years;
 - Be of good moral character;
 - Be at least 21 years of age.
 - May not be an active member of a police or fire department or agency;
 - No more than two commissioners may be past members of a police or fire dept or agency;
 - While a per diem may be paid to a commissioner, a person cannot be a commission member if the person receives any remuneration from the town;
 - An oath of office is required.

Election of the Two Members from the Police Department

- The safety board calls a special meeting for the election of the two members to be chosen by the department.
- Three weeks' notice given to all active members.
- Other procedures may be included as determined by the safety board and must be posted accordingly.

Rules Adoption

WITHIN 30 DAYS:

- Once the Merit Commission is selected, the commission shall adopt rules to govern the commission within 30 days (i.e. time and place of meetings).
- Each year the commission shall elect a president, vice president and a secretary and keep permanent record of proceedings.
- Each year the commission shall submit an annual budget.

WITHIN 90 DAYS:

- Within 90 days of the commission being selected, the commission shall adopt rules (after notice and a public hearing/filing) on:
 - Selection and appointment of persons to be employed as members of the police department subject to applicable pension statutes;
 - Promotion and demotions of members of the police department;
 - Disciplinary action or dismissal of members of the department.

Further Assistance from
Cook Government Advisors LLC

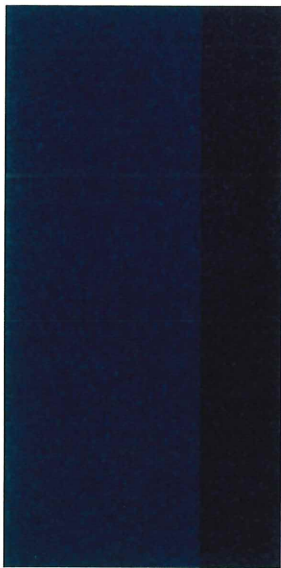


Cook Government Advisors

Proposed Next Steps

Cook Government Advisors is willing to assist with:

- Providing at least three virtual presentations opportunities to Highland Police Department active members.
- Should the Council determine to move forward with the rejection resolution, prepare the resolution and voting procedures for council approval/safety board approval.
- Brief the police chief and key department heads prepare scripts, sign-in sheets, ballots, be present the day(s) of the referendum and offer advisement until the conclusion of the referendum.



Cook Government Advisors

Questions?

Rhonda Cook
Cook Government Advisors, LLC
rcook@CookGovernmentAdvisors.com
(317) 694-1451

Councilor Turich moved to amend the agenda and add the engagement letter with Cook Government Advisors, dated October 27, 2024. Councilor Georgeff seconded. Upon a roll call vote, a unanimous vote being necessary to amend, there were four (4) affirmatives and no negatives. The motion passed. The agenda was amended.

Councilor Turich moved to approve the engagement letter with Cook Government Advisors, dated October 27, 2024 and to authorize the Town Council President to affix his signature. Councilor Georgeff seconded. Upon a roll call vote, there were four (4) affirmatives and no negatives. The motion passed.



Cook Government Advisors

Helping Clients Navigate Indiana Government

October 27, 2024

Town Council, Town of Highland
c/o Mark Herak, Town Manager
3333 Ridge Road
Highland, IN 46322
Via Email: mherak@highland.in.gov

RE: Engagement of Cook Government Advisors, LLC

Dear Council Members:

I am pleased to be able to present this proposal to you for the engagement of the Town of Highland ("Town") with Cook Government Advisors, LLC ("CGA").

Scope of Engagement

Rhonda Cook, attorney and President of CGA ("Attorney"), will provide guidance, advisement and legal services to the Town as set forth in this engagement letter.

Scope of the Project ("Project")

Attorney will advise the Town Council on the procedure for taking action in regard to the creation of a police department merit system, specifically, as it pertains to legislation passed under Indiana House Enrolled Act 1016-2023. Attorney will develop a timeline, conduct informational virtual presentations for the benefit of police department active members, engage in briefings of key departmental and Town staff, prepare a resolution for the council's consideration (if necessary), prepare notices and documents required for a police department referendum, and be present in person to oversee the voting procedure of the referendum vote, should a referendum vote be necessary.

Fees

CGA will charge the Town an hourly rate of Two Hundred Seventy-Five Dollars per hour (\$275/hour) for work or travel related to the Project. Expenses related to the project such as printing of materials, handouts, postage, etc. would be charged to the Town.

Payment of Statements

CGA will submit invoice(s) to the Town for work performed during the previous month. Payment is due promptly upon receipt of the invoice. If any invoice remains unpaid for more than 60 days, CGA may suspend the performance of services.

Termination of Engagement

The Town may, at any time, terminate CGA's services upon written notice to CGA. Such termination shall not, however, relieve the Town of the obligation to pay for all services already rendered, including work in progress and remaining incomplete at the time of termination, and to pay for all expenses incurred on behalf of the Town through the date of termination. Should the Attorney decide to resign and terminate the agreement, CGA will make every effort to provide the Town with ten (10) days' written notice of any intention to resign.

Town of Highland
October 27, 2024
Page 2

E-Verify

Pursuant to Ind Code § 22-5-1.7-11, CGA, by entering into this engagement with the Town, is required to enroll in and verify the work eligibility status of all of its newly hired employees through the E-Verify program. CGA is not required to verify the work eligibility status of all of its newly hired employees through the E-Verify program if the E-Verify program no longer exists. CGA, currently made up of one single employee, hereby states that it does not knowingly employ an unauthorized alien. CGA further affirms that it will enroll in and agrees to verify the work eligibility of all its newly hired employees through the E-Verify program.

Non-Appropriation

The parties acknowledge that the Town is a governmental entity whose funds are subject to appropriation by its fiscal body, the Town Council. Therefore, if at any time during the engagement, the Town Council should fail to appropriate sufficient funds to continue this engagement, it will become null and void. The Town shall not be obligated to perform unless and until sufficient funds are appropriated. The Town agrees to inform CGA in writing of any such non-allocation of funds at the earliest possible date and shall pay for all services provided prior to exhaustion of the appropriated funds.

Again, thank you for the opportunity to serve the Town of Highland. If this letter meets your approval, please have the Council President sign the letter in the space provided and return it to me to confirm the engagement.

Sincerely,



Rhonda Cook
Attorney and President
Cook Government Advisors, LLC

AGREED TO AND ACCEPTED:

Philip Scheeringa, President
Highland Town Council

Date



Cook Government Advisors

Helping Clients Navigate Indiana Government

October 27, 2024

Town Council, Town of Highland
c/o Mark Herak, Town Manager
3333 Ridge Road
Highland, IN 46322
Via Email: mherak@highland.in.gov

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The Town may, at any time, terminate CGA's services upon written notice to CGA. Such termination shall not, however, relieve the Town of the obligation to pay for all services already rendered, including work in progress and remaining incomplete at the time of termination, and to pay for all expenses incurred on behalf of the Town through the date of termination. Should the Attorney decide to resign and terminate the agreement, CGA will make every effort to provide the Town with ten (10) days' written notice of any intention to resign.

Town of Highland
October 27, 2024
Page 2

E-Verify

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Again, thank you for the opportunity to serve the Town of Highland. If this letter meets your approval, please have the Council President sign the letter in the space provided and return it to me to confirm the engagement.

Sincerely,



Rhonda Cook
Attorney and President
Cook Government Advisors, LLC

AGREED TO AND ACCEPTED:



Philip Scheeringa, President
Highland Town Council

10-28-2024
Date

Comments from the Town Council:

(Good of the order)

- **Councilor George Georgeff:** *Chamber of Commerce; • Liaison to the Board of Water Works • Co-Chair Town Board of Metropolitan Police Commission • Redevelopment Commission Member*

Councilor Georgeff acknowledged Metropolitan Police Chief Ralph Potesta went over the last two (2) weeks crime statistics:

Town Council Meeting notes 10/14/2024 thru 10/28/2024 – POLICE:

0 – Rapes

1 reported Robbery – Occurred October 15th - Juveniles involved – All parties know each other – Being investigated by Detective Perez.

1 Burglary – 4:40am this morning - Electric Supply business on 45th – Front door shattered – This business has several locations throughout Chicagoland & Northwest Indiana and several of these stores have supposedly been burglarized recently – Detective Peckler is following up on leads.

3 Assaults – 1 arrest - Juveniles involved at Highland Middle School.

Responded to 16 Domestic Disturbances – 1 arrest made.

8 DUI arrests

45 accidents handled – 3 of those involved Personal Injury

5 Retail Thefts – 4 arrests made Suspects from Chicago – Gary – Toledo Ohio

Thefts ranged from \$120 up to \$1,080

0 Auto thefts 0 Cars broken into

We had an individual selling political merchandise from a bus on the Highland Grove Mall property this weekend into today. We received several phone calls from individuals expressing their concerns. Mall management finally returned Ken Mika's call late this afternoon and provided written documentation stating they do not want the subject selling merchandise on their property. Our officers responded to the lot with the letter in hand and presented it to the individual who was identified as a male from Monticello Indiana. He was informed he was trespassed from the property and he packed up his merchandise and departed without incident.

Animal Warden was bit by a found canine that we have in our custody. Occurred this past Saturday. Warden was taken to the hospital as a precaution. He is back to work.

Reciprocity

OUT OF STATE LICENSE PLATES

STARTED ON Sept 25th thru Today

* 154 vehicles tagged *

— SCHOOL Buses - THIS WEEK

* Each morning I will be following

1 Bus - HIGH SCHOOL

1 Bus - MIDDLE SCHOOL

1 Bus - Elementary School

— STATS FROM MONDAY 14th thru TODAY
9 WORKING DAYS

* 71 out of state tagged

* 81 S.I.'s

* 26 COMPLAINTS

* 112 TOTAL CASES

* 11 Tows w/10 Being AT MR. TRANSMISS

* 1 PARKING CITATION

* 5 Junk veh's tagged

who gave the following report:

TC MTG 10-28-24 MARIA BECERRA

SAFE STREETS FOR ALL GRANT UPDATE

WE HELD THE FIRST *STEERING COMMITTEE MEETING*.

SURVEY IS ON THE TOWN MAIN PAGE HAVE RECEIVED OVER 100 RESPONSES

2 *PUBLIC ONSITE OUTREACHES* HAVE BEEN DONE, AT THE FIRE DEPT OPEN HOUSE AND THE LINCOLN CENTER CRAFT EVENT

CONSULTANT WILL MAKE A PRESENTATION TO THE TRAFFIC SAFETY COMMISSION AT THE NOV MTG.

THE TOWN COUNCIL WILL BE ASK TO PASS A RESOLUTION % GOAL TO REDUCE CAR ACCIDENTS/FATALITIES.

The Town of Highland has partnered with American Structurepoint to study roadway and intersection safety needs across our community as part of the Safe Streets and Roads for All (SS4A) discretionary planning grant. This study will lead to the completion of a Comprehensive Safety Action Plan. Your input is essential in shaping effective safety strategies. Together, we can identify behaviors and attitudes that impact road safety, identify mobility challenges, and develop community-supported improvements to enhance safety for all road users.

We want to hear from you! Please share your insights on the current road safety in Highland
SURVEY IS ONLINE MAIN WEBPAGE

MASTER COMPREHENSIVE PLAN

AT THE LINCOLN CENTER, DECEMBER 13TH FROM 6:00 to 7:30 THE PUBLIC IS ENCOURAGE TO COME OUT AND SPEAK ABOUT SAFETY CONCERNS ON OUR STREETS.

REDEVELOPMENT COMMISSION SPENDING PLAN WILL BE PRESENTED TO THE COMMISSION AT THE 11/18 MTG FOR APPROVAL. STATE REQUIRED SUBMISSION ON GATEWAY BY 12-1.

TOWN FREE VIDEO SHOOT IS IN THE WORKS DRONE SHOOTING TOMORROW 10-30

THE TOWN SIGN ON HIGHWAY AND RIDGE THE ELECTRIC FEED WORK FOR IS COMPLETE PENDING NIPSCO TO INSTALL A NEW METER.

DETERIORATED MURAL ON JEWETT - THE WORK ON THE SCRAPING AND PAINTING OVER THE MURAL ON JEWETT BY MILES BOOKSTORE HAS BEEN COMPLETED

ONGOING NEGOTIATIONS WITH KENNEDY DEVELOPER & LEGAL CONTINUE

INDIANAPOLIS PARCEL DISPOSITION – LEGAL NOTICE IS BEING DEVELOPED

NORTH KENNEDY PARCEL ACQUISITIONS K&S ENGINEERING DID THE FIELD WORK TO FINALIZE THE PHASE I REPORT.

THE YEAR ROUND DECORATIVE LIGHTING FOR THE DOWNTOWN BUSINESS DISTRICT WORK WILL BE COMPLETED IN TIME FOR THE HOLIDAYS.

MAIN STREET RESTAURANT CRAWL HAUNTING IN HIGHLAND, HALLOWEEN THEME FOR ALL DOWNTOWN BUSINESS

Join us for the first Halloween-themed Restaurant Crawl in the history of the event. Bewitching hours are 4-8 p.m. Tuesday, October 29. Spooky Hallow - aka downtown Highland - will be decked out for the season.

We're hoping patrons will join business owners in donning their favorite costumes to add to the fun. Specials are spooktacularly priced at \$7 or less. The food is just half the fun.

Stop by the Community Garden where members of Tri Kappa will be reading hauntingly fun children's books. Several downtown haunts will have extended hours. Hoosier Highlander has plans for some eerie fun and amazing local art! Browse the nature-inspired works of Bernadette Hanacek. Participating restaurants and their specials include:

- The Counter: Apple Cider Donut Sundae.
- Dan's Pierogies: Bloody Good Pierogi featuring four strawberry or cherry pierogi drizzled with matching flavor.
- Fuzzyline Brewery: Lamb and Beer Chili with toasted sourdough.
- Growler's: Italian Beef Au Jus with pepperrboncini and house chips.
- Jose's Family Restaurant: Four cheese ravioli with homemade marinara sauce and garlic bread.
- Langel's: Jumbo slices of cheese, sausage or pepperoni pizza.
- Naturally Jack's: 10-pack of Peanut Butter Bacon Skulls, Pumpkin Honey Spookies or pick 10 from our jars.
- Sakura Bowl: Chicken Fried Rice.
- Sip Coffee House: Hocus Pocus Latte and a pastry.

We have initiated a Welcome to Highland email to any new businesses who register with the Town.

And Facebook has a Celebrate our Small Businesses scrolling picture video.

Councilor Georgeff then commented on the temporary speed bumps. He hoped to supply the Council with locations where the Council can take and look. He said he had talked with the Metropolitan Police Chief about having them installed at Prairie and Main. He said that a speed sign already exists at that location. That particular sign tracks the passing vehicles speed and records it. They want to compare the speeds before and after the speed bump is installed. He then commented that he toured South Station with Chief Pipta, taking an inventory of the condition of the building. He said the building is starting to show its age and he asked the Fire Chief to make a list of renovations that need to be made.

• **Councilor Doug Turich:** *Park and Recreation Board Liaison • Liaison and Plan Commission Member • Advisory Board of Zoning Appeals Liaison • Redevelopment Commission Member*

Councilor Turich acknowledged Building Commissioner Ken Mika who said the BZA's last meeting, they entertained a Use Variance request for a Tattoo studio at the Art House on Kennedy Avenue. By a vote of four (4) affirmatives and 0 negatives, they voted in favor of granting the Use Variance. Once the Findings of Fact are completed and approved, they will be forwarded to the Town Council for their approval. He said the BZA meeting in November, which is the Wednesday before Thanksgiving, will be cancelled. He said the November and December Plan Commissions study sessions will be devoted to reviewing the Redevelopment Commission's resolution. He said it is more of a formality but the Plan Commission has to sign off on it. He said the floor has been poured for the new boutique hotel at Cardinal Campus. All the underground work have been completed. They should be starting the framing next week. He said the remodeling of Dunkin Donuts continues to move along. He said the remodeling should be completed by the beginning of March 2025.

Councilor Turich then acknowledged the Superintendent of Parks and Recreation Alex Brown. He said the pickleball and tennis courts projects are completed. All that remains is to complete the landscaping. The pickleballs courts are a huge success and packed every day. He said the contractor has started working on the concession stands at Main Square, Homestead, Sharp Athletic Complex, Shepard and Markley and Meadows Park. He said the locker room's at Lincoln Center will be closed this week as the floor is being replaced. The flooring is thirteen (13) years old and started turning black. He said the Highland Neighbors of Sustainability pumpkin smash is this Saturday at Main Square. He reminded everyone that the Veterans Day Ceremony is November 11th at 11:00 o'clock a.m. at the Highway of Flags.

Councilor Turich asked the park superintendent the status of the proposed fence around Main Square. Alex Brown responded that the Park Board met with Nies Engineering to review the logistics on where to place all of the openings. The general thought that where ever there was a sidewalk, there should be an opening. The other topic was whether a gate or sliding fences be installed to allow the amusement ride operator to enter. He said Nies is to meet with the Redevelopment Commission and select a design and whether the material is cast iron or brass and whether you have

brick columns or no columns at all. He said there was talk of replicating the fence around Wicker Park.

• **Councilor Alex Robertson:** *Sanitary Board Liaison • Redevelopment Commission Member • Council of Community Events Commission Liaison • Public Works Liaison • Liaison to Main Street Bureau • Liaison to the Tree Board • Liaison to the Highland Neighbor for Sustainability.*

Councilor Robertson was working and unable to attend the meeting, so Councilor Scheeringa acknowledged Public Works Director Knesek. Mark Knesek said the last piece of pipe for the first phase of the Storm Sewer Mediation Project will be installed this Wednesday. Next the contractor will begin to install and set the manholes. The last manhole to be installed will be the one before the pump station and will require by-passing pumping during the installation. All of the water connections are back in service and crews have begun to set the grades for the new sidewalks and curbs. Weather permitting, they will begin pouring the concrete for the curbs. Once the curbs are installed, the streets can be paved. He reminded the residents that once leaf pick-up begins, the crews are taken off branch pick-up and used for leaf pick-ups. Whereas branches are still being picked-up, there is not a set schedule and the residents have to call public works to be placed on a schedule for pick-up.

• **Councilor Tom Black:** *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 • Liaison Traffic Safety*

Councilor Black said the next Shared Ethics meeting will be on December 9th and it will be a zoom meeting. He announced that Redevelopment Director Becerra has agreed to take the vacant Shared Ethics Advisory Commission position. He said Traffic Safety is going to meet on the 5th of November. One of the topics on the Traffic Safety's agenda is speed bumps. He said the next Lake County Solid Waste Management meeting will be on the 21st of November.

• **Town Council President Philip Scheeringa:** *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 Member • Co-Chair Town Board of Metropolitan Police Commission • Fire Department Liaison • Information Communications and Technology Department Liaison • Building and Inspection Department Liaison.*

Councilor Scheeringa began by acknowledging Fire Chief Mike Pipta who recapped the fire activity since the October 14th. He said they had 20 calls since the last meeting, nothing of significance. He said the contractor continues to work on the roof at Central Station and the cement pad in front of the fire station has been repaired. He thanked the Highland Public Works Department for making the repairs. He said Highland did not receive the walkie grant but will reapply in January.

Councilor Scheeringa then acknowledged IT Director Ed Dabrowski who said he has changed the music downtown to reflect the Halloween theme for tonight's restaurant crawl. Also, as compared to the last plenary meeting, they are not having any face book issues. At least, people are not complaining. He said he would answer any questions anyone might have. There were no questions.

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

Comments from Visitors or Residents:

Carol Parker, Highland, speaking on behalf of the Events Commission, said we should get things in order related to the HCCE's by-laws. She said per the Town Ordinance, the Clerk-Treasurer serves as the HCCE's treasurer. At the end of the ordinance, it says the Clerk-Treasurer shall be the approving authority of the expenditure of special event revenues less than \$15,000, and greater than \$15,000, requires approval of the Town Council. In reference to the comments made earlier, regarding the \$200 Dj for the trunk or treat activity, which by the way was a huge success with over 400 kids participating based on the candy used. She went on to say, as the ordinance reads, the Clerk-Treasurer has every right to okay that was approved at a HCCE meeting. The Dj was approved at the HCCE September meeting. She said they also approved expenses for candy and other miscellaneous expenses. The Council needs to understand that there will be time when they occasionally run out of things. Its things we haven't planned for. She said the Clerk-Treasurer has not supplied the HCCE with any income statements. We do not have a clue how much money we earn. The only way we know is by people manually writing the receipts on little scraps of paper. She said they would like to know the earnings so they can plan.

The Clerk-Treasurer responded that he and Councilor Robertson has had this conversation with Mrs. Parker and Councilor Robertson has had a similar conversation with other members of the HCCE. As we explained to Mrs. Parker, revenues have no bearing on the ability to plan. The Council approved the 2024 budget, just as they did with the other departments and those departments, inclusive of the HCCE, are to live within their budget, regardless of the revenue produced. As mentioned, in 2023, the HCCE budget was \$98,000. In 2024, their budget was increased to \$132,000 because of the additional revenue created by the beer garden. To date, the HCCE have overspent their 2024 budget by \$10,000, which is why I requested an additional for them of \$15,000. They, like all other departments, are sent an expenditure report, summarizing the month's activities. The report is sent to the HCCE president and vice-president. Councilor Robertson and I also explained that the HCCE knows their revenues. The person who handles the booth rentals, knows what vendor is paying and the revenue generated. A member of the HCCE is present when the money is counted for both the beer garden and amusement rides. They handled the beer garden ticket sales so they have a general idea of the money being generated. He said the HCCE budget is funded through property taxes. If they were to rely only on revenue generated, they would be out of cash within two (2) to three (3) years.

Mrs. Parker said the Town authorized the creation of a non-reverting operating fund to be used by the HCCE to support town events. It doesn't say that the HCCE receives money

from property taxes. She said we need to be more transparent with members of the HCCE and she invited the Clerk-Treasurer to attend one of their meetings and explain this. She said they had an extra \$9,000 in electrical fees that there's no way any of us on our Committee could have planned for that the year before, yet we are held accountable for and pay for it. We generate revenue but we never see the assets going into those funds. In fact, we don't even know if the money is being receipted into the correct account. We need to have more transparency. She didn't think it was unreasonable to make such a request.

Councilor Scheeringa asked Mrs. Parker if she has contacted her liaison for that information? He said Alex would have all that information. He's at your meetings. He said your budget was increased because you are bringing in more money and the Town wants you to have better events.

Park Superintendent Brown told Mrs. Parker be glad that it is a non-reverting so the money doesn't go away at the end of the year. Say for example you have a bad summer and several days are rained out so you are not generating as much revenue but you still have your expenses. You have money in the non-reverting to pay for your expenses and save the day. He said the electrical expenses were in part caused by the HCCE decision to move the location of the beer garden.

Mrs. Parker said they have asked Councilor Robertson for the information but he has not provided it.

Larry Kondrat, Highland, said Monday, you guys had a Redevelopment Committee Meeting. Your financial guru, Dan Botich, said that the schools aren't affected by allocation areas because the schools don't derive any revenue from property taxes. Do you guys recall him saying that? This is my property tax bill payable this year for my commercial property. And here's my property tax bill payable last year. If I total them up, it comes up to \$24,452 in school taxes. He said he pays 20% more in school taxes on his home property. If I put a 30 million dollar investment in my property, you would get about 10% or 10 times this number. It would be about \$244,000 in additional taxes collected, that would normally go to the schools but because it's in an allocation area, it doesn't. If you don't believe me, I'll be more than happy to hand you my tax documents. I got to pay them this week. It's ridiculous. Now, if that man actually believes that, he either doesn't know and made a mistake or did it on purpose thinking no one would catch it.

Councilor Turich said he heard the same comment but I thought it was a mistake.

Attorney Reed said he heard the same comment and thought it was a little strange. I will ask him for clarification but what I think he meant to say was the base of everything in the TIF still goes to the various overlapping taxing districts and the amount of money that comes from the base is insignificant from the amount of money that goes into the improvement. If for example you have a base of \$10,000 that is divided seven (7) different way but when you throw in \$34 million that remains until the bonds are paid off that a much larger amount.

He then asked when the next meeting was going to be held on the south Kennedy Avenue development because it was a little iffy. More specially, on what days and time.

Ken Mika explained the process that after the Redevelopment Commission votes on it, it goes to the Plan Commission to vote on it. He said the Plan Commission study sessions scheduled for November and December will be devoted to reviewing the Redevelopment Commission's resolution. The study sessions are the first Wednesday's of each month. The meetings start at 6:30 o'clock p.m.

Councilor Scheeringa 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 Black moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period October 15, 2024 through October 29, 2024. Councilor Turich 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 October 15, 2024- October 29, 2024 in the amount of **\$508,651.22.**

General Fund, \$313,282.47; MVH Fund, \$26,113.68.; MVH Restricted, \$3,475.08; LAW Enforcement Continuing Education Training and Supply Fund, \$8,667.91; Public Safety Income Tax, \$43,584.76; Donation, \$432.42; Special Events \$2,214.28; MCCD, \$4,030.00; MUN CUM Street Fund, \$30,183.60; Information and Communications Technology Fund, \$7,028.36; Police Pension, \$69,638.66.;

Payroll Docket for payday of October 18, 2024 by fund:

General, \$319,017.05

Payroll Docket for payday of October 18, 2024;

Office of Clerk-Treasurer, \$15,387.47; Building and Inspection Department, \$9,275.20; Metropolitan Police Department, \$159,828.02; Public Works Department (Agency), \$76,948.09; Fire Department, \$1,922.60 and Information and Technology Department, \$4,205.45;
Total Payroll: \$267,566.83.

Payroll Docket for payday of October 18, 2024 by fund:

Total Payroll by fund: \$71,253.69.

Payroll Docket for payday of October 18, 2024:

Fire Department Quarterly \$66,190.15;

Total Payroll: \$66,190.15

Payroll Docket for payday of October 31, 2024 by fund:

Total Payroll by fund: \$81,417.28.

Payroll Docket for payday of October 31, 2024:

Boards & Commissions. \$11,041.60; Police Pension, \$69,531.01;

Total Payroll: \$80,572.61.

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, October 28, 2024, adjourned at 8:20 o'clock p.m.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of November 11, 2024.