

**MINUTES OF THE REGULAR PUBLIC MEETING
BOARD OF SANITARY COMMISSIONERS
TUESDAY July 18, 2023**

The Board of Sanitary Commissioners of the Sanitary District of Highland convened in a study session immediately before the Regular Public Meeting at 6:30 p.m. on Tuesday, July 18, 2023 with Commissioner Garcia presiding, in the first floor meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

Silent Roll Call: Commissioners Kathy DeGuilio-Fox, Rex Burton, Greg Cieslak, Dave Jones and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney. Clerk Treasurer Mark Herak arrived at 7:25.

A long discussion took place regarding the category classifications in preparation of the Strom Water Utility user fee.

The commission discussed the SSO Remedial Project Phase 1 – Division A. A very long discussion took place.

Study Session ended at 7:40.

At 7:40 the Regular Meeting of the Board of Sanitary Commissioners of the Sanitary District of Highland convened with Commissioner Garcia presiding, in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana. The Regular Public meeting was opened with the Pledge of Allegiance to the United States of America.

Roll Call: Commissioners Kathy DeGuilio-Fox, Rex Burton, Greg Cieslak, Dave Jones and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney.

The minutes from the June 20, 2022 public meeting are approved.

Special Order: None

Communications: Introduce Resolution 2023-16

A PROPOSED RESOLUTION of the SANITARY DISTRICT of HIGHLAND, LAKE COUNTY, INDIANA

A RESOLUTION MODIFYING AND ESTABLISHING USER FEES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF WASTEWATER PURSUANT TO I.C. 36-9-25 ET SEQ.

General Order and Unfinished Business:

- 1. Commissioner Burton motioned to approve Resolution 2023-18 Jones seconded. Upon a roll-call, there were five(5) affirmatives and no (0) negatives. The motion passes.**

**Town of Highland
Department of Public Sanitation
Resolution of the Board of Sanitary Commissioners
Resolution No. 2023-18**

A Resolution Authorizing and Approving an Agreement between London Witte Group, LLP and the Town of Highland Sanitary District to Perform Municipal Advisory Services and Bond Sale Support Services.

Whereas, The Town of Highland Department of Public Sanitation, through its Board of Sanitary Commissioners, has heretofore determined that a need exists to finance certain capital and related expenses associated with an agreement between the Hammond Sanitary District and the Town of Highland Sanitary District;

Whereas, The Town of Highland Department of Public Sanitation and its Sanitary District has been reliably advised that a need exists to engage professional financial advisory services to assist with the sale of bonds Series 2023 and related financing analysis related to the financing of the capital and related expenses associated with an agreement between the Hammond Sanitary District and the Town of Highland Sanitary District;

Whereas, London Witte Group, LLP, has offered and presented an letter proposal to provide and furnish professional support and bond sale and financial advisory services in consideration for fees to be charged and billed periodically based upon a lump sum of the value of the services completed, excluding expenses, in a not-to-exceed amount of Forty-five thousand, dollars (\$45,000);

Whereas, There are anticipated to be sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e) and IC 36-1-12-3.5, provided four of five commissioners concur;

Whereas, The Clerk-Treasurer, as purchasing agent in the associated matter, is prohibited from entering into a service agreement that exceeds \$15,000 without the express approval of the purchasing agency, which in this case, is the Board of Sanitary Commissioners, all pursuant to Section 3.05.040 (C) and Section 3.05.050 (B)(3) of the Highland Municipal Code; and,

Whereas, The Town of Highland Department of Public Sanitation and Sanitary District, through its Board of Sanitary Commissioners now desires to approve the agreement for services as herein described, authorize the desired not to exceed amount,

Now Therefore Be it Resolved by the Board of Sanitary Commissioners of the Town of Highland Department of Public Sanitation and Sanitary District, Lake County, Indiana:

Section 1. That the engagement letter proposal to provide and furnish professional support and bond sale and financial advisory services in consideration for fees to be charged and billed periodically based upon a lump sum of the value of the services completed, in a not-to-exceed amount of forty-five thousand, dollars (\$45,000) between London Witte Group, LLP, and the Town of Highland Department of Public Sanitation and Sanitary District, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement to furnish professional support and bond sale and financial advisory services in consideration for fees to be charged and billed periodically based upon a lump sum of the value of the services completed, including expenses, in a not-to-exceed amount of forty-five thousand, dollars (\$45,000) are found to be reasonable and fair;

Section 3. That there are anticipated to be sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e) and IC 36-1-12-3.5, provided four of five commissioners concur;

Section 4. That the Clerk-Treasurer be hereby authorized to appropriately allocate the costs associated with the professional services agreement between and among governmental and utility funds and further to execute the agreement with his signature.

Duly, Passed and Adopted by the Board of Sanitary Commissioners of the Town of Highland Department of Public Sanitation and Sanitary District, Lake County, Indiana, this 18th day of July 2018 having passed by a vote of five (5) in favor and no (none) opposed.

BOARD of SANITARY COMMISSIONERS
Department of Public Sanitation & Sanitary District
of the TOWN of HIGHLAND, INDIANA

Richard Garcia, President

Attest:

David Jones, Secretary

2. Commissioner Cieslak motioned to approve Resolution 2023-19 Burton seconded. Upon a roll-call, there were five (5) affirmatives and no (0) negatives. The motion passes.

**The Town of Highland Sanitary District
Resolution No. 2023-19**

An Order Affirming, Ratifying, Authorizing and Approving AGREEMENT (s) between Bond Counsel, Local Counsel and the Sanitary District to perform Professional Legal Services in support of the Issuance of the Sanitary District Bonds of 2023

Whereas, The Town of Highland Department of Public Sanitation, through its Board of Sanitary Commissioners, organized pursuant to I.C. 36-9-25 et seq., has heretofore determined that a need exists to construct improvements comprising Phase I Division A of the SSO Remedial Measures Project as mandated by the 2022 Consent Decree entered into between the Town of Highland, Indiana and the United States of America, on behalf of the United States Environmental Protection Agency (EPA) and the State of Indiana, on behalf of the Commissioner of the Indiana Department of Environmental Management (IDEM).

Whereas, The Board of Sanitary Commissioners organized pursuant to I.C. 36-9-25 et seq., did authorize the issuance and sale of Sanitary District Bonds of 2023, the sale date of which is yet to be fixed; and

Whereas, The Town of Highland Department of Public Sanitation, through its Board of Sanitary Commissioners and its Sanitary District, organized pursuant to I.C. 36-9-25 et seq., has heretofore determined that a need exists to engage professional legal services associated with the sale of the Sanitary District Bonds; and

Whereas, BARNES & THORNBURG LLP, a law firm, has consented to provide professional services related to issuing the Sanitary District Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel; and

Whereas, Law Offices of Robert F. Tweedle, a law firm, has consented to provide professional services related to issuing the Sanitary District Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the Sanitary District; and

Whereas, As purchasing agency for the Department of Public Sanitation and the Sanitary District, the Board of Sanitary Commissioners may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Board of Sanitary Commissioners may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §3.05.090; and

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

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

Now Therefore be it Ordered by the Board of Sanitary Commissioners of the Department of Public Sanitation and the Sanitary District of the Town of Highland, Lake County, Indiana;

Section 1. That the Agreement (incorporated by reference and made a part of this Order) between BARNES & THORNBURG, LLP, and the Department of Public Sanitation and the Sanitary District of the Town of Highland, to provide professional services related to issuing the Sanitary District Bonds of 2023 including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for the services, which are to be a fixed fee of \$50,000.00 are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 3.05.090 of the municipal code;

Section 3. That the Agreement (incorporated by reference and made a part of this Order) between Robert F. Tweedle, Attorney at law, and the Department of Public Sanitation and the Sanitary District of the Town of Highland to provide professional services related to issuing the Sanitary District Bonds of 2023 including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which he is already engaged by the Sanitary District is hereby approved, adopted and ratified in each and every respect;

Section 4. That the terms and charges under the agreement for the services, which are to be a fixed fee of \$25,000.00, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 3.05.090 of the municipal code;

Section 5. That the President of the Board of Sanitary Commissioners be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Board Secretary.

Be it so Ordered.

Duly, Passed, Adopted and Ordered by Board of Sanitary Commissioners of the Department of Public Sanitation and the Sanitary District of the Town of Highland, Lake County, Indiana, this 18th day of July, 2023 having passed by a vote of 5(five) in favor and none (0) opposed.

3. **Commissioner Burton motioned to approve Resolution 2023-20 DeGuilio-Fox seconded. Upon a roll-call, there were five (5) affirmatives and no (0) negatives. The motion passes.**

RESOLUTION NO. 2023-20

**DECLARATORY RESOLUTION APPROVING A PROJECT
OF THE SANITARY DISTRICT OF THE TOWN OF HIGHLAND, INDIANA**

WHEREAS, pursuant to IC 36-9-25, as amended (the "Act"), the Board of Sanitary Commissioners (the "Board") of the Sanitary District of the Town of Highland, Indiana (the "District") has determined to issue special taxing district bonds, in one or more series, in an aggregate principal amount not to exceed Nine Million Dollars (\$9,000,000) (the "Bonds") to finance all or a portion of the cost of a sewage works improvement project for use by the District, consisting of sanitary district sewer improvements, and all costs related thereto, including expenses in connection with or on account of the issuance of the Bonds (collectively, the "Project"); and

WHEREAS, the Board has reviewed the general plans for the Project previously prepared on behalf of the District and has determined the estimated cost of the Project;

WHEREAS, the Board has upon previous investigation found that there are streams and watercourses within the District that are being polluted by the discharge therein of sewage, drainage or other harmful matter and that it is necessary for the public health and welfare and of public utility and benefit to construct and maintain sewage works to prevent the pollution of such streams and watercourses, and now determines that undertaking the Project and providing for the costs thereof will further these purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SANITARY COMMISSIONERS OF THE HIGHLAND SANITARY DISTRICT, AS FOLLOWS:

Section 1. The Board hereby finds that it is necessary for the public health and welfare and will be of public utility and benefit to proceed with the Project.

Section 2. The Board hereby approves the general plans for the Project previously prepared on behalf of the District and the estimated cost of the Project, including costs of issuing the Bonds to finance the Project, in the amount of not to exceed Nine Million Dollars (\$9,000,000), all of which shall be open to public inspection by all persons interested in or affected by the acquisition of the Project.

Section 3. The Board hereby authorizes publication of a notice of the adoption of this resolution and the fact that general plans and estimates have been prepared and may be inspected. The notice shall state that the Board will conduct a public hearing on September 5, 2023, at 7:00 p.m. (local time), at the Highland Town Hall, located at 3333 Ridge Road, Highland, Indiana, at which the Board will receive or hear remonstrances from persons interested in or affected by the proceedings, and after which the Board will take final action determining the public utility and benefit of the Project and confirming, modifying and confirming, or rescinding this resolution.

Section 4. The Board hereby further authorizes publication of a notice of a public hearing on the appropriation of the proceeds of the Bonds.

Section 5. The officers and representatives of the District and any member of the Board are hereby authorized, empowered and directed, on behalf of the District, to take any other action as such individual deems necessary or desirable to effectuate the foregoing resolutions, and any actions heretofore made or taken be, and hereby are, ratified and approved.

Section 6. This resolution shall be in full force and effect from and after its adoption.

Passed and

adopted by the Board on the 18 day of July, 2023.

BOARD OF SANITARY COMMISSIONERS OF THE HIGHLAND SANITARY DISTRICT

President

Vice President

Member

Member

Member

New Business: None.

Reports: None

Comments from the Commissioners: None

Business from the floor: None

Claims:

3308	SAN DIST BD & INT	654,612.50
6201	SEWAGE OPERATING	236,327.13
6204	SEWAGE IMPOV	127,245.00
<u>6601</u>	<u>SANITARY OPERATION</u>	<u>188,289.50</u>
	Total	1,206,474.13

Commissioner Jones motioned to approve the docket. Commissioner Burton seconded. Upon a roll call, there were five (5) affirmatives and no (0) negatives. The motion passes.

Next Meeting: The next meeting will be a study session to be held at 6:30 p.m. on Tuesday August 1, 2023 . The next regularly scheduled Public Meeting will be held Tuesday, August 15, 2023 immediately following a study session at 6:30 p.m.

Adjournment: There being no other business to come before the Board of Sanitation Commissioners, Commissioner Burton moved to adjourn. Upon a voice vote, the meeting was adjourned at 7:45 pm.

The Board of Sanitary Commissioners of the Sanitary District of Highland reconvened in study session immediately after the Public Meeting.

Silent Roll Call: Commissioners Kathy DeGuilio-Fox, Rex Burton, Greg Cieslak, Dave Jones and Richard Garcia. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc. and Robert Tweedle, Attorney.

Mr. Knesek informed the commission on fees to be collected for maintenance of the pump station. A discussion took place.

Mr. Snyder stated there are no SSOs to report. He also gave an update on the pumps.

Meeting adjourned at 7:55.

Respectfully Submitted, Denise Beck, Recording Secretary