

**Enrolled Minutes of the Eighteenth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, September 10, 2012**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 10, 2012 at 6:40+

O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed with Keith Bruxvoort, President of the Waterworks Board of Directors, the substance of the proposed increase and modifications to the water rates and charges. The discussion referenced whether the rates increase should be implemented over a two-year increment rather than the no increment approach as proposed.

The Waterworks Board President indicated that the last general rate increase was November 1990. He further described the new rate design, employing a rate for consumption, a flat rate for fixed costs, and the hydrant maintenance or fire protection fee. It was also noted that for the first time, the rates included a component for a return on investment for the general civil government, based upon 7.2% ROI, but halved, so it would produce approximately \$255 k annually that could eventually find its way to support general government services.

A colloquy regarding the merits of incremental increases and the capital and operating expense needs of the utility occurred between Councilor Novak and the Waterworks Board President.

The study session ended at 7:04 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 10, 2012 at 7:06 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Mark Herak 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 Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Cecile Petro, Redevelopment Director; and Katy Dowling, Deputy Clerk-Treasurer were present.

Also present: Ed Dabrowski IT Director (Contract); Keith Bruxvoort, President, Waterworks Board of Directors were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of August 27, 2012 were approved by general consent.

Special Orders:

1. **Executive Proclamation:** A proclamation in recognition of U.S. Constitution Week, September 17-23 in the Town of Highland. The Clerk-Treasurer read aloud the proclamation described. The Town Council President announced his adoption executed by his signature.

TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE

A PROCLAMATION IN RECOGNITION OF U.S. CONSTITUTION WEEK
SEPTEMBER 17-23, 2012

Whereas, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

Whereas, September 17, 2012 marks the two hundred twenty-fifth anniversary of the signing of the Constitution of the United States of America by the 1787 Constitutional Convention, led by George Washington, James Madison and Benjamin Franklin, brilliant men who created a new of government that became the standard for self-government to the world; and

Whereas, It the privilege and duty of the American people to commemorate the anniversary of the drafting of this magnificent document, the guardian of our liberties; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States, designating September 17 through 23 as Constitution Week,

Now, Therefore, I, Bernie Zemen by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the week September 17 through 23, as U.S. *Constitution Week* in the Town of Highland;

Be it Further Proclaimed, That the citizens of Highland are hereby urged to reaffirm the ideals the Framers of the Constitution possessed in 1787 by reflecting on the privilege of being an American with all the rights and responsibilities which that privilege involves.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 10th day of September in the year of our Lord, two thousand twelve, the period of Highland's incorporation, the one hundred-second and the Independence of the United States of America, the two hundred thirty-sixth.

TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT

Bernie Zemen

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2012 Budget in the Sanitary District Cooperative Equipment Fund in the amount of \$31,591.76.
(a) Attorney verification of Proofs of Publication: (The TIMES 28 August 2012) The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2012-40:** An Enactment Appropriating Additional Moneys in Excess of the 2012 Budget in the **Sanitary District Cooperative Equipment Fund** in the amount of **\$31,591.76**.

Councilor Herak introduced Enactment No. 2012-40 and moved for its consideration at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of introduction

Councilor Herak moved the passage and adoption of Enactment No. 2012-40 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of introduction

**Town of Highland
Appropriation Enactment
Enactment No. 2012-40**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SANITARY DISTRICT COOPERATIVE EQUIPMENT FUND, PURSUANT TO I.C. 6-1.1-18, IC 36-1-7, and I.C. 36-5-3-5.

WHEREAS, The Board of Sanitary Commissioners requests a hearing and determination that it is necessary to appropriate more money than was appropriated in the annual budget for the **Sanitary District Cooperative Equipment Fund;**

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 **Sanitary District Cooperative Equipment 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 **Sanitary District Cooperative Equipment Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

Sanitary District Cooperative Equipment Fund

Acct No. 310.xx	Brokerage Fees	\$ 1,250.00
Acct No. 390.xx	Distribution of Fund Assets (Munster)	\$15,170.88
Acct No. 390.xx	Distribution of Fund Assets (Highland Sanitary District)	<u>\$15,170.88</u>
	Total 300 Series	\$31,591.76

Total for Fund: \$31,591.76

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. 5-14-1.5et seq.

Introduced and Filed on the 10th Day of September 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 10th Day of September 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

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

3. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2012 Budget in the Sanitary District Special Public Safety Fund in the amount of \$3,724.00.
- (a) Attorney verification of Proofs of Publication: (The TIMES 28 August 2012) The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2012-41:** An Enactment Appropriating Additional Moneys in Excess of the 2012 Budget in the Sanitary District Special Public Safety Fund in the amount of \$3,724.00.

Councilor Herak introduced Enactment No. 2012-41 and moved for its consideration at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of introduction

Councilor Herak moved the passage and adoption of Enactment No. 2012-41 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of introduction

**Town of Highland
Appropriation Enactment
Enactment No. 2012-41**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SANITARY DISTRICT SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, AND Section 477 of Public Law 182-2009 (ss).

WHEREAS, The Board of Sanitary Commissioners requests a hearing and determination that it is necessary to appropriate more money than was appropriated in the annual budget for the **Sanitary District Special Public Safety Fund**;

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 **Sanitary District Special Public Safety 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 **Sanitary District Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

Sanitary District Special Public Safety Fund

Acct No. 2XX..xx	Supplies	\$3,724.00
	Total 200 Series	\$3,724.00
	Total for Fund	\$3,724.00

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. 5-14-1.5*et seq.*

Introduced and Filed on the 10th Day of September 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 10th Day of September 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

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

4. Public Hearing: Proposed Additional Appropriations in Excess of the 2012 Budget in the Innkeeper Tax Fund in the amount of \$8,000.00.

- (a) Attorney verification of Proofs of Publication: (The TIMES 28 August 2012) The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2012-36:** An Enactment Appropriating Additional Moneys in Excess of the 2012 Budget in the Innkeeper Tax Fund in the amount of \$8,000.00.

Councilor Herak introduced Enactment No. 2012-36 and moved for its consideration at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of introduction

Councilor Herak moved the passage and adoption of Enactment No. 2012-36 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of introduction

Town of Highland
Appropriation Enactment
Enactment No. 2012-36

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the INNKEEPER TAX FUND, 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 **Innkeeper Tax 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 **Innkeeper Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

INNKEEPER TAX FUND:

Acct. No. 3XX.XX Visitor Welcoming/Gateway Sign Repair	\$ 8,000.00
<i>Total 300 Series:</i>	\$ 8,000.00
Total for Fund:	<u>\$ 8,000.00</u>

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 the 10th Day of September 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 10th Day of February 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

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

5. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **8216 Kennedy Avenue Avenue, Highland**, to allow its use as a Daycare, in property previously used for business purposes and which is currently zoned as B-1 Neighborhood Business District. Petitioner: Meagan Bennett. The Advisory Board of Zoning Appeals by a vote of four (4) in favor and 0 opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 25 July 2012. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 22 August 2012. (90 days ends 23 October 2012). Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation and grant the requested use variance or it may reject (over rule) the favorable recommendation and deny the use variance**.

It was noted that the petitioner was present for the action.

Councilor Vassar moved to accept the favorable recommendation and to grant the use variance. Councilor Kuiper seconded. Upon a roll call vote there were five affirmatives and no negatives. The motion passed. The use variance was granted.

It was noted that the monthly newsletter reported that the following matter was to occur at 7:30 p.m. Owing to that, although not a legal requirement, the Town Council by general consent allowed that this matter be delayed until the time certain as mistakenly published in the newsletter. The matter was taken up immediately following *Unfinished Business and General Orders*.

6. **Public Hearing.** Proposed Changes to the Non Recurrent Rates and Charges of the Town of Highland Waterworks Utility.

- (a) Verification of Proof of Publication. (TIMES 29 August-2012) The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
- (b) Public Hearing. The Town Council President called the public hearing to order. The following persons offered comments:
 1. Charles B. King, 9207 Southmoor, Highland, indicated his opposition to the rate increase and inquired whether the City of Hammond as supplier was causing the increase.
 2. Mary King, 9207 Southmoor, Highland, suggested tabling or delaying the matter so that there can be greater education of residents to better understand the reasons for the increase. She inquired about what "doubling of the rate" meant. (In the monthly newsletter, the Waterworks Board President was quoted indicating that the average water bill would likely double, referring only to the water portion of the several services that are invoiced on the bill.)
 3. Carol _____, 2105 Timberridge Lane, Highland, expressed opposition to the increase and inquired whether other existing revenue sources, such as gaming moneys could be used for the capital needs and not require the increase.
 4. Lawrence Woods, Sr., 9232 Waymond Avenue, Highland, spoke in opposition to the increase in rates. Inquired why the rates were not raised years ago rather than now after 22 years since the last general increase.
 5. Don Dyskra, President of Whispering Oaks Townhouse Association, noted that the association pays for residents' sprinklers and inquired the effect the rate increase would have on that service.
 6. Peggy Glennie, 9919 Hess Drive, Highland, inquired why the proposed rate change included a doubling of the service deposit.
 7. Rod Fozkos, _____, expressed his belief that residents should receive a better explanation for the increase. Mr. Fozkos, suggested perhaps a phased increase.
 8. Tom Black, 3515 Garfield Avenue, Highland, spoke in opposition to the rate increase and suggested a phased approach.
 9. Unnamed resident was permitted to speak, regarding what he understood to be a \$7,000 shortfall in operations for the water utility and inquired where the increase was being directed. He further asked what a typical bill would look like if the increase were adopted.

With leave from the Town Council, the Waterworks Board President, Keith Bruxvoort was recognized and encouraged to speak to the issues raised by the residents and on the matter of the proposed increase.

The Waterworks Board President described that the typical resident bill for water services would include a fixed cost rate of \$11.50, a hydrant maintenance fee of \$2.64 and a rate based upon actual consumption in the amount of \$1.61 per 1,000 gallons used.

He further assuaged the misunderstanding regarding the "doubling remark" would only affect the water portion of the bill, not the entire bill of services. H opined that this would mean perhaps a \$6 to \$7 dollar increase to the total bill per month.

The Waterworks Board President further explained the manner in which the Dyer water is transported through the Highland water system but the water is sold by Hammond Waterworks.

The Waterworks Board President further explained the current negotiation with the City of Hammond waterworks regarding rates it desires to add to cover costs of its operation, some of which it is asserted do not have any nexus to the Town of Highland.

With leave from the Town Council, the Waterworks Board President engaged in colloquy with several of the residents present further clarifying the reasons for the increase and the possible direct effects on the actual monthly bill for those present.

10. Rod Fozkos, _____ further inquired whether the rates charged for transportation could be increased to the Town of Dyer.
11. Carol _____, Timber Ridge Lane, Highland, inquired about the sanitary fees and was advised that the Board of Sanitary Commissioners fix those rates, which was not the subject of the public hearing.
12. Charles D. Cook, _____, noted that Lowell could not access Lake Michigan water. He further remarked that Lake Michigan was part of the "commons" and as a lost cost fresh water source he expressed concern regarding its future.
13. Mary King, 9207 Southmoor, Highland, inquired why the rate needed to be changed at this time describing it as "urgent". She expressed opposition to increasing the rates at once.
14. Charles King, 9207 Southmoor, Highland, inquired if "summer rates" could be extended.

Mr. King was advised that the summer rate is applied to the wastewater portion of the bill and is under the aegis of the Board of Sanitary Commissioners.

There being no further comments, the Town Council President closed the hearing, thanking all for their comments.

(c) Action on Introduced Ordinance No. 1520: An Ordinance to Amend Chapter 190 of the Highland Municipal Code Regarding the Department of Waterworks by Amending portions of Section §190.11 regarding Rates and Charges, all pursuant to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1.5-4 et sequitur. *At its meeting of August 23, 2012, the Board of Waterworks Directors approved rates and charges changes and transmitted this ordinance for the consideration of the Town Council. Councilor Herak introduced and filed the Ordinance at the Town Council meeting of August 27th, 2012. In pertinent part, the governing law reads: "After the hearing, the municipal legislative body shall adopt the ordinance establishing the rates and charges, either as originally introduced or as modified. A copy of the schedule of rates and charges adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk." All pursuant to IC 8-1.5-3-8.1(c) and Section § 190.07(H)(4) of the Municipal Code.*

Councilor Kuiper moved that the hearing be continued regarding Ordinance No. 1520 until the next meeting. Councilor Novak seconded. Upon a roll call vote there were three negatives and two affirmatives. With Councilors Herak, Vassar and Zemen voting in the negative and Councilors Novak and Kuiper voting in the affirmative, the motion did not pass. The hearing was not continued.

Councilor Herak moved to adopt (introduced) Ordinance No. 1520. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Herak, Vassar, Kuiper and Zemen voting in the affirmative and Councilor Novak voting in the negative, the motion passed. The ordinance was adopted. The rates were effective with the first utility bills being issued in October.

AN ORDINANCE to AMEND CHAPTER 190 of the HIGHLAND MUNICIPAL CODE REGARDING the DEPARTMENT of WATERWORKS by AMENDING PORTIONS OF SECTION §190.11 REGARDING RATES AND CHARGES, all PURSUANT to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1.5-4 ET SEQUITUR.

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

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

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

WHEREAS, The Town of Highland, is a municipality located in Lake County, which operates a water utility, which has been continuously governed by the provisions of IC 8-1.5-4 at least since 1983;

Whereas, The Town Council as Legislative Body of the Municipality passed an Ordinance adopting the provisions of IC 8-1.5-4 establishing a department of waterworks controlled by a board of directors;

Whereas, The Board of Waterworks Directors has passed and adopted *Board Resolution No. 2012-12* approving and recommending certain changes to non-recurrent rates and charges of the utility for adoption by the Town Council, all pursuant to IC 8-1.5-3-8.1 and Section § 190.07 of the Municipal Code;

WHEREAS, The Town of Highland, through its Town Council now wishes to further perfect its own organization as well as that of the water utility and make modifications to the provisions of the municipal code establishing and governing the Department of Waterworks, as approved and recommended by the Board of Waterworks Directors, all pursuant to IC 8-1.5-4, IC 8-1.5-3-8.1 and Section § 190.07 of the municipal 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 Town Council as the municipal fiscal and legislative body makes the following findings and determinations:

(A) That Board of Directors of the Highland Department of Waterworks, at its regular meeting of August 26, 2012 did pass and adopt Water Rate Resolution No. 2012-12 in which among other things the Board approved a modification to recurrent rates and charges and recommended its adoption by the Town Council as desirable, and urging the Town legislative body to take steps necessary to execute this recommendation;

(B) That the recommendation for certain changes to rates and charges of the municipal water utility as approved by the Board of Waterworks Directors in the form of this ordinance, was transmitted to and filed with Clerk-Treasurer as clerk of the legislative body;

(C) That the rates and charges as recommended are found and determined to be non-discriminatory, reasonable and just rates and charges for services to the patrons of the water utility;

Section 2. That Section §190.11 of the Highland Municipal Code, is hereby repealed and now amended with a successor section, styled as Section §190.11, which shall read as follows:

§ 190.11 SCHEDULE OF RATES AND CHARGES

Preamble. This schedule of rates and charges operates in concert with and complimentary to the Rules and Regulations of the Waterworks as adopted by the Board of Waterworks Directors. Any conflict between rates and charges in set forth the Rules and Regulations of the Waterworks and this chapter shall be resolved in favor of the rates and charges set forth in this section.

(A) *Schedule of Recurrent Usage Rates and Charges.* For the use of and the service rendered by the water utility of the Town of Highland, Indiana, the following rates and charges are established based upon the amount of water supplied by said water utility. *Recurrent charges will include a fixed charge, a consumption charge and a fee for hydrant maintenance.*

Monthly Charges

- (1) Consumption charge \$1.61 per 1,000 Gallons consumed

Supplier cost tracker. The consumption charge includes the cost of supply (purchased water). As this cost is adjusted to the water utility, upon notice of one billing cycle, the rate may be adjusted to reflect the change in cost of supply, without additional procedures.

- (2) Minimum Monthly Charges

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed:

<u>Size of Meter</u>	<u>Monthly Fixed Fee</u>
5/8"	\$ 11.50
1"	26.14
1-1/4"	38.83
1-1/2"	50.54
2"	79.82
3"	148.14
4"	245.74
6"	489.74
8"	782.54

(3) **Fire Protection Service Surcharge**

In addition to the charges set forth in subdivisions (A)(1) and (A)(2), the following surcharges for fire protection or hydrant maintenance are to be recovered from the customers of the waterworks as a monthly fee to be charged with the other charges on the utility bill, pursuant to IC 8-1.5-4-14(b):

Public Fire Protection

<u>Size of Meter</u>	<u>Monthly Rates</u>
5/8"	\$ 2.64
1"	6.60
1-1/4"	10.03
1-1/2"	13.20
2"	21.12
3"	39.60
4"	66.00
6"	132.00
8"	211.20

Private Fire Protection

Fire Sprinkler connection - per annum:

4" connection	\$ 215.22
6" connection	485.04
8" connection	647.32
10" connection	970.14
12" connection	1,615.68

(4) Temporary Users

Temporary users of hydrants shall be charged for the water used based on the rates set forth in the Schedule of Rates and Charges most currently in effect and prevailing.

(B) *Delinquent payment penalty.* All bills for water service not paid on the due date thereof, as stated in such bills, shall be subject to a collection or **delinquent** payment charge of ten percent (10%) on the first three dollars (\$3.00) and three percent (3%) on the excess over three dollars (\$3.00). *Also see late payment charge.* (Confer Waterworks Rule 2.2)

(C) *Schedule of nonrecurring fees and charges.* The following additional fees and charges are set forth as follows:

(1) Service Deposit:

Residential	\$ 30.00 \$60
Small Business	50.00 \$75
Large business (Car wash, laundromat, restaurant)	200.00

(Confer Waterworks Rule 1.8)

(2) Construction Water Use:

Without meter. See building inspector for charges
 (Confer Waterworks Rule 1.10)

(3) Service Charge for Meters:

3/4" (5/8")	Meter Cost plus 50.00
1"	Meter Cost plus 50.00
1-1/2"	Meter Cost plus 50.00
For larger meters	Meter Cost plus 50.00

- (4) Tapping / Inspection Charge
 - Residential \$200.00
 - Commercial/Industrial \$330.00
- (5) Meter Testing (Residential)..... \$ 35.00
Meter testing all others..... Actual cost plus \$15.00
 (Confer Waterworks Rule 1.16(j))
- (6) Read-O-Matics:
- (7) Frozen or Carelessness/ Repair of Meter:
 Fee scheduled by Water Department (Confer Waterworks Rule 1.16 (e))
- (8) *Late or delayed payment charges.* A late or delayed payment penalty may be charged for unpaid balances, which may remain after one billing cycle following the delinquency.
 Three percent (3%) per month on unpaid balance

Service Restoration Charges:
Turn Off Charge \$ 15.00
Turn On Charge \$ 15.00
 (Confer Waterworks Rule 1.17.1(b))

Urgent service restoration surcharge: \$ 50.00
In addition to the service restoration fees above, a surcharge in the identified amount will be charged to restore water services Monday through Thursday after 3:00 p.m.
- (9) **Returned or NSF Checks:...Actual bank charge plus \$5.00 administrative Fee.**
 (Confer Waterworks Rule 1.17.1 (h))
- (10) Maintenance of Service Pipes & Meter Boxes:
 Water wastage service fee after grace period\$20 per day
 (Confer Waterworks Rule 1.14)
- (11) Manual Meter Reading Surcharge Fee\$28.33 per month
 (Confer Waterworks Rule 1.17.2)

(D) *Annual Review Required.* The board of waterworks directors shall review the rates and charges set forth in Rules 2.1 through 2.3 to determine their sufficiency. The Board of Waterworks Directors may recommend a change in rates and charges if upon review it is determined that all rate components experience an aggregate (net) cost increase of more than five percent. This excludes costs of purchased supply managed by a tracker.

Section 3. Schedule of Implementation. The provisions of this Ordinance shall become and be in full force and effect *on the first day of the month first following* from and after the date of its passage and adoption upon the signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 27th day of August 2012. Consideration on same day or at same meeting of introduction was not permitted, pursuant to the terms of IC 8-1.5-3-8.1 and Section § 190.07 (l).

DULY ORDAINED and ADOPTED this 10th Day of September 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 1 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
 Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Staff Reports:

- **Building & Inspection Report for July 2012**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00

Parks	0	0	0	0	0	0	0
Fire	0	0	1	0	0	1	0
Police	0	5	3	0	0	0	0
Street	3	6	5	12	0	2	0
Water & Sewer	0	3	4	0	0	4	77
Maint.	1	1	1	2	0	0	0
Other	0	0	2	0	0	0	0
TOTALS	4	15	16	14	0	7	77

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

Unfinished Business and General Orders:

- Works Board Order 2012-33:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Fox Valley Technical College of Appleton, Wisconsin a week long Evidence Technician Training to be held in Highland, Indiana on August 11 - 18, 2012, pursuant to I.C. 5-22 and ratified pursuant to IC 36-1-4-16.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2012-33. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
 Board of Works
 Order of the Works Board 2012-33**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Fox Valley Technical College of Appleton, Wisconsin a week long Evidence Technician Training to be held in Highland, Indiana on August 11 - 18, 2012, pursuant to I.C. 5-22 and IC 36-1-4-16.

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 Chief has identified Fox Valley Technical College of Appleton, Wisconsin to be the only vendor that offers this unique course in Evidence Technician Training at a price of \$19,200.00 (\$800.00 per student enrolled in the training).

Whereas, The price for the purchase exceeds \$10,000.00 and, pursuant to §31.18(c) as well as §31.19(B) (1) (b) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(3) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to §31.20(G) of the Highland Municipal Code, expected that the purchase would not be in excess of \$25,000.00 and therefore, would like to purchase in the open market in accordance with §31.20(G) of the Highland Municipal Code; and

Whereas, The purchase of this Evidence Technician Training will be supported by the Safe Neighborhood Grant, Fund #87, Project 15.

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

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

Section 1: That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed small purchase pursuant to IC 5-22 and §31.20(G)(2) of the Highland Municipal Code;

Section 2: That the terms and charges for the evidence training are in the unit amount of eight hundred dollars and 00/100 cents (\$800.00) per enrolled, in the total amount of nineteen thousand, two hundred dollars (\$19,200.00) is found to be reasonable and fair;

Section 3: That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 35-5-1-4-14.

Section 4. That any actions related to the purchase of special training services as herein described that may have taken place before the passage and adoption of this order be further affirmed, ratified and authorized, pursuant to IC 36-1-4-16, which provides that a unit may ratify any action of the unit or its officers or employees if that action could have been approved in advance provided that such ratification of an action must be made by the same procedure that would have been required for approval of the action in advance.

Be It So Ordered.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10th day of September 2012 having passed by a vote of 5 in favor and 0 opposed.

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

Bernie Zemen, President (IC 36-5-2-10)

Attest:

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

2. Authorize the proper officer to publish a notice for proposed additional appropriations in the Gaming Revenue Sharing Fund in the amount of \$35,000.00 to meet obligation for road salt in the multijurisdictional road salt purchase agreement of the State.

Councilor Herak moved the authorization of the above legal notice. Councilor Vassar seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The hearing and notice were authorized.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak acknowledged the Public Works Director who offered a cursory overview of pending projects and roadwork.

Councilor Herak recognized the Parks and Recreation Superintendent who provided a cursory survey of park programs as well as reporting that a Recreation Director candidate had been identified.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities and the status of the facade improvement program. She noted that Apex Construction had applied recently for a facade improvement grant.

Councilor Vassar expressed thanks for the support of the Parks and Recreation Department and the Town the past many years to Highland Little League. He noted that he would be soon "retiring" from the position at its President.

Councilor Vassar inquired about the status of paving on the 8700 block of Parrish Avenue to which the Public Works Director responded.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison* • *Town Board of Metropolitan Police Commissioners Liaison* • *Chamber of Commerce Liaison.*

Councilor Kuiper recognized the Fire Chief who offered a cursory survey of departmental activity.

- **Councilor Brian Novak:** *Advisory Board of Zoning Appeals, Liaison* • *Traffic Safety Commission Member* • *Northwestern Indiana Regional Planning Commission member* • *Lake County Solid Waste Management District Board Member.*

Councilor Novak recognized the Building Commissioner who offered a brief survey regarding matters before the Advisory Board of Zoning Appeals.

Councilor Novak also recognized the Metropolitan Police Chief who offered a cursory survey of matters before the Traffic Safety Commission.

- **Councilor Bernie Zemen:** *Town Executive* • *Chamber of Commerce Liaison* • *Police Pension Board Chairman* • *Plan Commission member* • *Liaison to the Board of Waterworks Directors.*

Council President Zemen had no report.

Comments from Visitors or Residents:

There were no comments.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 28, 2012 through September 10, 2012. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$144,114.32; Motor Vehicle Highway and Street (MVH) Fund, \$8,675.32; Local Road and Street (LRS) Fund, \$15,601.71; VIPS Park Public Safety Fund, \$910.00; Forfeit and Seized Assets Fund, \$6,943.20; Capital Projects Retainage Agency Fund, \$65,453.60; FSA Agency Fund, \$837.09; Gasoline Agency Fund, \$16,729.70; Information and Communications Technology Fund, \$4,226.85; Civil Donation Fund, \$11.19; Special Events Non Reverting Fund, \$763.38; Traffic Violations and Law Enforcement Agency Fund, \$4,383.00; Sexual Predator Grant Fund, \$11,209.52; Gaming Revenue Sharing Fund, \$1,662.80; Corporation Capital Fund, \$7,316.31; Payroll Fund, \$2.19. Total: \$430,388.38.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, September 10, 2012 was adjourned at 8:30 O'clock p.m. There was no study session following the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer