

**Enrolled Minutes of the Eighty-Fourth Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, May 23, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, May 23, 2011 at 6:36 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 Bernie Zemen, Mark Herak and Konnie Kuiper were present. Councilor Brian Novak was absent owing to a work commitment. Councilor Dan Vassar was absent owing to work-related travel. 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 imminent agenda of the regular meeting.
2. It was noted that The Town Council President Brian Novak, had been called to work unexpectedly.
3. The request to authorize the acting pay for Corporal Balbo was discussed as to the additional request to make the pay retroactive to April 4, 2011. It was not noted that since this act would require suspending the existing wage and salary ordinance, which provides that pay changes cannot be effective earlier than the start of the month in which they are filed or approved.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 23, 2011 at 7:02 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council Vice President Konnie Kuiper, as acting president, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Acting President Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak and Konnie Kuiper were present. Councilor Brian Novak was absent owing to a work commitment. Councilor Dan Vassar was absent owing to work-related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Jared Tauber, Attorney with Tauber, Westland and Bennett; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

**Also Present:** Peggy Glennie, Select Centennial Commission member was also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 25 April 2011 and the Special Meeting of May 16, 2011 were approved by general consent.

**Special Orders**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget in the Metropolitan Police Department of the Corporation General Fund in the amount of \$37,534.03.

- (a) Attorney verification of Proofs of Publication: The TIMES 3 May 2011. Mr. Jared Tauber reported that the proofs of publication were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Acting President called the public hearing to order. There were no comments presented written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2011-14:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget of the in the Metropolitan Police Department of the Corporation General Fund in the amount of \$37,534.03. *Councilor Herak introduced and filed Enactment No. 2011-14. There was no further action.*
2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget in the **Parks Non-Reverting Capital Fund in the amount of \$535,000.**
- (a) Attorney verification of Proofs of Publication: The TIMES 3 May 2011. Mr. Jared Tauber reported that the proofs of publication were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Acting President called the public hearing to order. There were no comments presented written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2011-18:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget in the Parks Non-Reverting Capital Fund in the amount of \$535,000. *Councilor Zemen introduced and filed Enactment No. 2011-18. There was no further action.*

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for April 2011**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	7	0	7	\$815,280.00	\$10,256.50
Signs:	1	0	1	\$200,000.00	\$2,480.00
Single Family:	1	1	0	\$178,000.00	\$2,190.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	97	97	0	\$414,940.00	\$9,837.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	2	2	0	\$3,622.00	\$168.00
Decks & Porches:	2	2	0	\$4,780.00	\$373.00
Fences:	13	13	0	\$46,459.00	\$1,475.00
Swimming pools:	5	5	0		\$365.00
Drain Tile /Waterproofing Misc.:	3	3	0	\$24,398.00	\$461.00
<b>Total:</b>	<b>134</b>	<b>126</b>	<b>8</b>	<b>\$1,687,479.00</b>	<b>\$27,937.00</b>
<b>Electrical Permits</b>	<b>20</b>	<b>18</b>	<b>2</b>		<b>\$2,910.50</b>
<b>Mechanical Permits</b>	<b>11</b>	<b>10</b>	<b>1</b>		<b>\$967.50</b>
<b>Plumbing Permits</b>	<b>11</b>	<b>10</b>	<b>1</b>		<b>\$1,629.00</b>
<b>Water Meters</b>	<b>2</b>	<b>2</b>	<b>0</b>		<b>\$880.00</b>
<b>Water Taps</b>	<b>5</b>	<b>4</b>	<b>1</b>		<b>\$1,520.00</b>
<b>Sewer/Storm Taps</b>	<b>3</b>	<b>1</b>	<b>2</b>		<b>\$1,320.00</b>
<b>Total Plumbing Permits:</b>	<b>21</b>	<b>17</b>	<b>4</b>		<b>\$5,329.00</b>

**April Code Enforcement:**  
Warnings: 165

Citations: 12

**April Inspections:**

Building: 39      Electrical: 29      Plumbing: 14      Electrical Exams: 4

• **Fire Department Report for April 2011**

	Month	Y.T.D.
General Alarms	14	42
Car Fires	1	5
Still Alarms	6	17
Paid still alarms	1	
<b>Total:</b>	22	

• **Workplace Safety Report for April 2011**

There were two incidents in April. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	0	25	3
Fire	0	0	2	0	0	0	0
Police	0	2	9	0	0	39	23
Street	1	1	1	0	0	0	0
Water & Sewer	1	1	1	4	77	88	0
Maint.	0	0	1	0	0	68	0
Other	0	1	2	0	0	0	0
<b>TOTALS</b>	2	5	18	4	77	220	26

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.

**Appointments:**

*Legislative Appointments*

**Community Events Commission:** (9) legislative appointments each with 1 year term.

Councilor Herak, seconded by Councilor Zemen, moved the appointment of the following persons to the one-year term positions on the Community Events Commission. Upon a roll call vote there were three affirmatives and no negatives. The motion passed. The following persons were appointed:

- |   |                                       |   |
|---|---------------------------------------|---|
| H | Rose James<br>3338 LaPorte Street     | (Legislative Appointment)<br>Term Ends: <b>(1 Jan 2012)</b>     |
| H | Maria Culbertson<br>3118 Ridge Road   | (Legislative Appointment)<br>Term Ends: <b>(1 Jan 2012)</b>     |
| H | Phillip Culbertson<br>3118 Ridge Road | (Legislative Appointment)<br>Term Ends: <b>(1 Jan 2012)</b>     |
| H | Brandon Wolak<br>3836 Highway Avenue  | (Legislative Appointment)<br>Term Ends: <b>(1 Jan 2012)</b>     |
| H | Ericka Rozenich<br>3106 Farmer Drive  | (Legislative Appointment)<br>Term Ends: <b>(1 Jan 2012)</b>     |
| H | Bob Benham<br>3930 Jewett Street      | (Legislative Appointment)<br>(773) 655-1555 Term Ends: 1 Jan 12 |
|   | Kimberly J. Kosmas                    | (Legislative Appointment)                                       |

H 3629 43<sup>rd</sup> Street

Term Ends: 1 Jan 12

**Unfinished Business and General Orders:**

1. **Resolution No. 2011-19:** A Resolution of the Town of Highland Council approving the Order of the Highland Plan Commission with regard to the Resolution of the Highland Redevelopment Commission Designating and Declaring certain areas as Redevelopment Areas and Approving a Redevelopment Plan.

Councilor Herak moved the passage and adoption of Resolution No. 2011-19. Councilor Zemen seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland  
Town Council  
Resolution No. 2011-19**

**A RESOLUTION OF THE TOWN OF HIGHLAND COUNCIL APPROVING THE ORDER OF THE HIGHLAND PLAN COMMISSION WITH REGARD TO THE RESOLUTION OF THE HIGHLAND REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING CERTAIN AREAS AS REDEVELOPMENT AREAS AND APPROVING A REDEVELOPMENT PLAN**

WHEREAS, The Highland Redevelopment Commission (the "Commission"), the governing body of the Town of Highland Department of Redevelopment (the "Department"), pursuant to IC 36-7-14-1, et seq. (the "Act"), approved and adopted its Resolution No. 2011-04; and

WHEREAS, The Department, pursuant to the Act, has conducted surveys and investigations and has thoroughly studied the areas within the Town of Highland, Indiana (the "Town") proposed to be designated as an Redevelopment Project District within the meaning of the Act; and

WHEREAS, The Highland Plan Commission of Highland, Indiana (the "Plan Commission") is the duly designated and acting official planning body and is charged with the duty of developing a general plan for the development of the Town of Highland, Indiana (the "Town"); and

WHEREAS, The Plan Commission, on April 20, 2011 issuing its written order approving the Declaratory Resolution 2011-04 and the Redevelopment Plan for the Highland Redevelopment Area and certifying that the Declaratory Resolution and the Redevelopment Plan conform to the plan of development for the Town of Highland; and

NOW, THEREFORE, BE IT RESOLVED by the Highland Town Council, as follows:

1. That the approving order of the Highland Plan Commission, attached hereto as a certification to Redevelopment Commission Resolution No. 2011-04 and made a part hereof, is in all respects approved, ratified and confirmed.
2. That this Resolution shall be in full force and effect from and after its adoption by the Town Council and signing by the President thereof, as attested thereto by the Town Clerk-Treasurer.

**DULY RESOLVED and ADOPTED** this 23<sup>rd</sup> Day of May 2011 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.

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

/s/ Konnie Kuiper, Acting 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. **Works Board Order No. 2011-16:** An Order Finding And Determining Certain Personal Property Of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired Or As Worthless And Further Authorizing And Approving Disposal Or Transfer Of Said Property.

Councilor Herak moved the passage and adoption of Works Board Order No. 2011-16. Councilor Zemen seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
BOARD of WORKS ORDER NO. 2011-16

AN ORDER FINDING and DETERMINING CERTAIN PERSONAL PROPERTY of the MUNICIPALITY as NO LONGER NEEDED for the PURPOSES for WHICH ORIGINALLY ACQUIRED OR AS WORTHLESS and FURTHER AUTHORIZING and APPROVING DISPOSAL OR TRANSFER 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 Public Works Director that a storage shed and other items of personal property, located at 8745 Cottage Grove Avenue, Highland, all owned by the municipality are no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

**WHEREAS,** The Public Works Director has recommended that a disposal of the 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 hereby finds and determines the following:

(a) That there are certain articles of personal property owned by the municipality, located at 8745 Cottage Grove Avenue, that are no longer needed, unfit for the purposes for which they were acquired and may be deemed worthless, pursuant to IC 5-22-22-8;

(b) That the value of the property is less than the estimated costs of the sale and transportation of the property, pursuant to IC 5-22-22-8;

(c) 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 worth less than \$5,000, all pursuant to IC 5-22-22;

(d) That among the items of personal property, there is a storage shed, located at 8745 Cottage Grove Avenue, Highland, that is no longer needed, pursuant to IC 5-22-22 et seq.;

(e) That the value of the shed is less than one thousand dollars (\$1,000), all pursuant to IC 5-22-22;

**Section 2.** That the Public Works Director is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by lawful method, without advertising, pursuant to IC 5-22-22-6, provided that the proper officers make a list of the personal property that is disposed of under the terms of this section and this order, and file it with the clerk-treasurer, all pursuant to the provisions of IC 5-22-22 et seq.

**BE IT SO ORDERED.**

**DULY ADOPTED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 23<sup>rd</sup> day of May 2011 having passed by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Konnie Kuiper, Acting 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. **Works Board Order No. 2011-17:** An Order Authorizing and Approving the Third Change Order to the Construction Contract related to the Idlewild Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2011-17. Councilor Herak seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

**An Order Authorizing and Approving the Third Change Order to the Construction Contract related to the Idlewild Avenue Reconstruction Project, all Pursuant to I.C. 36-1-12-18**

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Idlewild Avenue, with the project commonly known as the Idlewild Avenue Reconstruction Project; and

**Whereas,** The Town Council has heretofore awarded a contract to Walsh & Kelly, Incorporated for the Project on August 16, 2010 in the amount of Five Hundred Seventy-six Thousand Thirty-one Dollars and 75/100 Cents (\$576,031.75); and

**Whereas,** During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

**Whereas,** Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one proposed addendum to the original construction contract with Walsh & Kelly, Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

**Whereas,** the Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

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

**Section 1.** That Change Order No. 3 for the Idlewild Avenue Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this third addendum is hereby ordered to be known as Change Order No. 3, issued to decrease the net cost to the original agreement between the Town of Highland and Walsh & Kelly, Incorporated in the amount of One Thousand Two Hundred Seventy Dollars and No/100 Cents (\$1,270.00) bringing the total value of the entire agreement with any and all change orders approved to date to Five Hundred Seventy-Two Thousand, Seven hundred fifty-four Dollars and 5/100 Cents (\$572,754.05);

**Section 3.** That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being Five Hundred Seventy-six Thousand Thirty-one Dollars and 75/100 Cents (\$576,031.75) which may not exceed Six Hundred Ninety-one Thousand Two Hundred Thirty-eight Dollars and 10/100 Cents (\$691,238.10), all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**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 23<sup>rd</sup> day of May, 2011 having passed by a vote of 3 in favor and 0 opposed.

**Town Council of the Town of  
Highland, Indiana**

Konnie Kuiper, Acting 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. Works Board Order No. 2011-18: An Order Authorizing And Approving A Ninth Change Order To The Construction Contract Sr-31459 Related To The Cline Avenue Reconstruction Project, Northern Terminus At Ridge Road And Southern Terminus At 45th Avenue, A Federal Aid Highway Project, All Pursuant To Ic 36-1-12-18.**

Councilor Zemen moved the passage and adoption of Works Board Order No. 2011-18. Councilor Herak seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2011-18**

**AN ORDER AUTHORIZING and APPROVING A NINTH CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE**

ROAD AND SOUTHERN TERMINUS AT 45<sup>TH</sup> AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

**Whereas**, In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

**Whereas**, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed addendum to the original construction contract, to be known as the eighth addendum; and

**Whereas**, Addendum nine adds a net increase in the amount of \$10,586.70 owing to the need to remove and replace landscaping that was in direct conflict with the new storm sewer; and

**Whereas**, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

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

**Section 1.** That the Ninth Addendum to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That this Ninth Addendum is hereby ordered to be known as **Change Order No. 9**, issued to add net increase to the original agreement in the net increased amount of **ten thousand, five hundred eighty-six dollars and seventy cents (\$10,586.70)**, bringing the total value of the entire agreement with any and all change orders approved to date to four million, three hundred sixty-three thousand, three hundred seventy-six dollars and eighty-four cents (**\$4,363,376.84**) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

**Section 3.** That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

**Section 5.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

**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 23rd day of May 2011 having passed by a vote of 3 in favor and 0 opposed.

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

Konnie Kuiper, Acting 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. Action to authorize expenditure from the promotion account of the Office of the Town Council for municipal staff to attend event associated with the Indiana League of Municipal Clerks and Treasurers on June 8, 2011, in Merrillville. *Councilor Herak moved to authorize as a public relations or promotion of town business expenditure fees associated with attendance at the closing banquet of the Indiana League of Municipal Clerks and Treasurers at Merrillville for municipal staff or officials, in part owing to the presentation to the Deputy Clerk-Treasurer and the Encumbering Officer of the professional designation of Indiana Accredited Municipal Clerk (IAMC)*

at the event. Councilor Zemen seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The expenditure was authorized.

6. **Proposed Ordinance No. 1493:** An Ordinance To Amend The Highland Municipal Code By Repealing The Subchapter Establishing The Municipal Cumulative Capital Development Fund, And Amending By Re-Establishing The Subchapter, With The Same Sections In The Highland Municipal Code, All Pursuant To IC 36-1-3, IC 36-5-2, IC 36-9-15.5 and IC 6-1.1-41 Et Seq. *(This ordinance should only be introduced. No final action may take place until after the convening of a public hearing.)*

Councilor Herak introduced and filed Ordinance No. 1493. There was no further action on the Ordinance. Councilor Herak moved and Councilor Zemen seconded that the Clerk-Treasurer publish the necessary legal notice for a public hearing regarding the proposal to re-establish the municipal cumulative capital development fund. Upon a roll call vote, there were 3 affirmatives and no negatives. The motion passed. The publication for a public hearing was authorized.

7. **Proposed Ordinance No. 1494:** An Ordinance to Amend Section § 177.10 of Chapter 177 of the Highland Municipal Code, regarding Public Works Projects, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-9-25 et sequitur.

Councilor Herak introduced and filed Ordinance No. 1494. There was no further action.

8. Action to approve pay for employee who is temporarily replacing another employee at a higher grade level, after thirty (30) full days in the position, pursuant to Section § 4.01 of the Compensation and Benefits Ordinance.
  - 8.1 The Metropolitan Police Chief requests the approval of pay at a higher grade level for Police Corporal Christopher M. Balbo to be acting Sergeant to be retro-active to April 3, 2011. Cpl Balbo was given his brevet appointment effective March 1, 2011. Filed May 2011. *(The Town Council will need to suspend the Wage and Salary Ordinance No. 1375 as Section 2. (b) provides in pertinent part that "Such other increases or change of biweekly or hourly pay executed pursuant to this ordinance shall not be made effective earlier than the month in which it is properly filed.")*
  - 8.2 The Metropolitan Police Chief requests the approval of pay at a higher grade level for Police Officer First Class Glenn Cox to be acting Corporal to be effective May 29, 2011. Filed in May 2001. Ofc. Cox was given his brevet appointment effective May 1, 2011. *(Earliest that pay can be increased is May 31, 2011.)*

Councilor Zemen moved to approve the increase and the rate for Corporal Balbo, effective only to May 1, 2011 and to approve the increase and the rate for Officer Cox on May 31, 2011. Councilor Herak seconded. Upon a roll call vote, there were 3 affirmatives and no negatives. The motion passed. The rates and increases were approved. *(It was noted that with only three councilors present, the request regarding the effective date of the pay modification going outside the month in which it was filed, as it involved a modification to the existing ordinance, would require at least a two-thirds vote in the same evening of introduction. It was further noted that the matter could be addressed at the next plenary meeting of the Town Council.)*

9. **Works Board Order No. 2011-19:** An Order of the Works Board Accepting the Bid of Midwestern Electric, Incorporated for the Signal Preemption Installation Of Emergency Vehicle Preemption Equipment Project Being the Lowest Responsive and Responsible Bid in the amount of Two Hundred Eighty-nine Thousand, Nine Hundred Eighty-Four Dollars and 75/100 Cents (\$289,984.75) with an Optional Element in the amount of Thirty-five thousand, four hundred ninety-nine Dollars and 75/100 cents (\$35,499.75). Councilor Zemen moved and Councilor Herak seconded the passage and adoption of the Works Board Order No. 2011-19. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND  
Board of Works  
Order of the Works Board No. 2011-19

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF MIDWESTERN ELECTRIC, INCORPORATED FOR THE SIGNAL PREEMPTION INSTALLATION OF EMERGENCY VEHICLE PREEMPTION EQUIPMENT PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF TWO HUNDRED EIGHTY-NINE THOUSAND,

NINE HUNDRED EIGHTY-FOUR DOLLARS AND 75/100 CENTS (\$289,984.75) WITH AN OPTIONAL ELEMENT IN THE AMOUNT OF THIRTY-FIVE THOUSAND, FOUR HUNDRED NINETY-NINE DOLLARS AND 75/100 CENTS (\$35,499.75)

**Whereas**, the Town Council for the Town of Highland determined that a need exists to improve the traffic control devices through-out the Town by adding Signal Pre-emption technology, to support the safe and rapid response of emergency providers and vehicles during exigencies; and

**Whereas**, First Group Engineering, Incorporated, Consulting Engineers had prepared plans and specifications for the selection and installation of Signal Pre-emption Equipment for the Town of Highland and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

**Whereas**, the following bids were received at 9:00 a.m. on April 13, 2011:

**Bid received:** Hawk Enterprises  
1850 East North Street, Crown Point, IN 46307  
Option #1: \$410,480.00  
Option #2: \$161,000.00

**Bid Received:** Midwestern Electric  
1620 East Chicago Avenue, East Chicago, IN 46312  
Option #1: \$289,984.75  
Option #2: \$35,499.75

**Whereas**, First Group Engineering, Incorporated, Consulting Engineers and the proper officers of the Fire and Metropolitan Police Departments have reviewed the bids and determined that the bid of *Midwestern Electric, Inc.*, in the amount of Two Hundred Eighty-nine Thousand, Nine Hundred Eighty-Four Dollars and 75/100 Cents (\$289,984.75) with an Optional Element in the amount of Thirty-five thousand, four hundred ninety-nine Dollars and 75/100 cents (\$35,499.75) to be the lowest responsive and responsible bid;

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

**Whereas**, The Town of Highland, through its Town Council, which is also the Works Board of the municipality, now desires to accept the recommendation of the First Group Engineering, Incorporated, Consulting Engineers and the proper officers of the Fire and Metropolitan Police Departments and award a construction contract to *Midwest Electric, Incorporated* for the *Highland Signal Pre-emption Equipment Improvement Project*.

**Now, Therefore, Be It Hereby Ordered**, by the Town Council of the Highland, Indiana, as the Works Board of the municipality as follows:

**Section 1.** That the bid of that the bid of *Midwestern Electric, Inc.*, in the amount of Two Hundred Eighty-nine Thousand, Nine Hundred Eighty-Four Dollars and 75/100 Cents (\$289,984.75) with an Optional Element in the amount of Thirty-five thousand, four hundred ninety-nine Dollars and 75/100 cents (\$35,499.75) is found and determined to be the lowest responsive and responsible bid and is hereby accepted.

**Section 2.** That the proper officer in the Metropolitan Police Department or the Fire Department and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

**Be it So Ordered.**

**Duly Adopted**, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 23<sup>rd</sup> day of May 2011. Having been passed by a vote of 3 in favor and 0 opposed.

BOARD OF WORKS OF THE TOWN OF  
HIGHLAND, INDIANA  
Konnie Kuiper, Acting 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)

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

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen recognized the Parks and Recreation Superintendent who reported on the progress of the Lincoln Center Reconstruction. It was noted that Phase I, would soon be completed and occupancy could take place. It was further noted that the Community Events Commission would be conducting its annual Memorial Day Ceremony at 10:00 a.m. at Main Square Park on Monday, May 30, 2011. The Parks and Recreation Superintendent also reported that the Park and Recreation Board had adopted a resolution to prohibit smoking in the parks and its properties.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Waterworks Directors • Liaison to the Board of Sanitary Commissioners.*

Councilor Herak reported that the Board of Sanitary Commissioners adopted a clarifying rule regarding its policy on watershed issues near private properties and to what extent it would intervene with resources.

- **Councilor (Acting President) Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Metropolitan Police Chief who reported favorably on a cooperative initiative with the Building Commissioner to assign the VIPS to assist in the enforcement of junk vehicle ordinance and related nuisance regulations.

#### **Comments from the Public or Visitors**

1. Mr. Ted Oberc, 2704 Lincoln, Highland, inquired whether or not the Opticom Project awarded earlier in the meeting could be possibly re-bid since there was only one response to the bids as specified.
2. Mr. Tom Black, 3515 Garfield Avenue, Highland inquired whether or not any grants may be available to support projects to retrofit existing lighting with energy saving technology.
3. Josh Scheeringa, 2639 Clough, Highland, inquired as to the rationale of the proposed smoking ban for the parks. He further expressed his reservations about such a policy.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 26 , 2011 through to May 23, 2011 as well as the Payroll Dockets of April 8, 2011, April 22, 2011 and May 6, 2011. Councilor Zemen seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll were allowed and the clerk-treasurer was authorized to make payment.

#### **Vendors Accounts Payable Docket:**

**General Fund, \$382,206.83; Motor Vehicle Highway and Street (MVH) Fund, \$24,403.20; Local Road and Street (LRS) Fund, \$3,682.00; Forfeited and Seized Assets Fund, \$430.00; Law Enforcement Cont. Education and Supply Fund, \$4,582.19; Capital Retainage Agency Fund, \$36,276.31; Flexible Savings Agency Fund, \$689.67; Insurance Premium Fund, \$128,466.80; Information and Communications Technology Fund, \$8,702.47; Solid Waste District Grant Fund, \$2,910.00; Special Events Non Reverting Fund, \$443.97; Special Centennial Commission Fund, \$200.00; Police Pension Fund, \$12,100.00; Municipal Cumulative Capital Development Fund, \$35,533.72; Traffic and Law Violations Agency**

**Fund, \$7,784.00; Safe Neighborhood Grant Fund, \$17,400.00; Sexual Predator Grant Fund, \$9,780.01; Gaming Revenue Sharing Fund, \$29,325.14; Corporation Capital Fund, \$6,340.00; Special Public Safety Fund, \$1,325.00; Payroll Fund, \$4.70; Total: \$712,586.01.**

**April 8 Payroll Payable Docket:**

**Office of the Clerk-Treasurer, \$12,303.32; Metropolitan Police Department: \$101,975.39; Building and Inspection: \$7,296.62; Public Works Department (Agency), \$51,160.51; Fire Department, \$2,822.55; Total: \$175,558.39.**

**April 22 Payroll Payable Docket:**

**Council, Boards and Commissions, \$8,317.00; Office of the Clerk-Treasurer, \$12,626.63; Metropolitan Police Department: \$94,889.89; Building and Inspection: \$6,728.62; Public Works Department (Agency), \$50,333.44; Fire Department, \$22,637.26; Police 1925 Pensions, \$58,256.41; Total: \$253,789.25.**

**May 6 Payroll Payable Docket:**

**Office of the Clerk-Treasurer, \$12,345.63; Metropolitan Police Department: \$100,051.35; Building and Inspection: \$6,731.12; Public Works Department (Agency), \$55,699.83; Fire Department, \$2,822.55; Total: \$177,650.48.**

**Adjournment.** Councilor Zemen moved that the plenary meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, May 23, 2011 was adjourned at 7:46 O'clock p.m. There was no study session following the meeting.

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