

**Enrolled Minutes of the Ninety-second Regular or Special Meeting
For the Twenty-Sixth Highland Town Council
Regular Meeting
Monday, September 26, 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, September 26, 2011 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 Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper, and Brian Novak 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 imminent agenda of the regular meeting.
2. The Town Council President, with leave of the Town Council, directed that item 1, Introduced Ordinance No. 1497.1375-R: "*An Ordinance to amend the Wage and salary Ordinance ...*," intended to increase the pensions for the beneficiaries of the 1925 Police Pension Fund, be removed from the current agenda to allow for further Town Council discussion.
3. The Town Council discussed the vacancy on the Board of Waterworks Directors created by the resignation of former director Fred Wanicki. The Town Council President indicated that he had been considering a candidate for the position from existing applicants for some time. It was noted that former waterworks board member, Art Burkman, had recently applied for consideration for appointment to the Board of Waterworks Directors or the Plan Commission. Mr. Burkman had recently retired.
4. The Town Council discussed the recommendation to accept the Cline Avenue Reconstruction Project as completed.
5. The Town Council President and the Town Council discussed a request from the Metropolitan Police Department to allow an additional appropriation in the amount of \$35,000 to the Special Public Safety Fund. No final determination ensued.

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, September 26, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor 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, Dan Vassar, Konnie Kuiper and Brian Novak. 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; George M. Georgeff, Metropolitan Police Department; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Darren Suroviak, Metropolitan Police Sergeant; and Gina Banks, Chamberlain Clerk were also present.

Minutes of the Previous Meeting

The Clerk-Treasurer indicated that the enrolled minutes of the meeting of September 12, 2011 would be ready for the Town Council at its next meeting.

Appointments:

• Statutory Boards and Commissions

Executive Appointments made by Town Council President

Board of Waterworks Directors (unexpired term of Fred Wanicki) expires 2012

The Town Council President announced his appointment of **Rachel Delaney** (R), 3146 Glenwood Avenue, Highland, to the unexpired term of the position vacated by Fred Wanicki (R) on the Board of Waterworks Directors. The the unexpired term expired on first Monday in January and until a successor was appointed and qualified.

Unfinished Business and General Orders:

1. **Introduced Ordinance No. 1497.1375-R:** An Ordinance To Amend The Ordinance Adopted To Establish The Wage And Salary Rates Of The Elected Officers, The Non-Elected Officers, And The Employees Of The Town Of Highland, Indiana, Particularly, Authorizing And Establishing A Special First Class Salary Tenure Based Authorized For The Metropolitan Police Department. *(The amendment intends to increase the pension benefit paid by the 1925 Fund, as requested by the representatives in the Police Department. If adopted employer costs for the 1977 defined benefit plan will increase. This will affect 9.75% increase to the pensions paid under the terms of the 1925 Plan. The proposal was discussed at study sessions of June 13, 2011 (following the regular meeting); July 18, 2011; August 1, 2011 and August 15, 2011.) Introduced and filed by Councilor Herak at the Town Council meeting of August 22, 2011. There was no further action. Once introduced, the Town Council will need to act to fill the blank, determining if the effective date of the increase will be October 1, 2011 or January 1, 2012.*

It was noted that with Leave from the Town Council, the Town Council President withdrew Introduced Ordinance No. 1497.1375-R to permit further deliberation by the Council.

2. **Works Board Order No. 2011-37:** An Order Authorizing and Approving an Agreement between Government Fixed Asset Services , Inc. and the Town of Highland to Perform Professional Capital Asset Accounting Services. Councilor Vassar moved and Councilor Kuiper seconded the passage and adoption of Works Board Order No. 2011-37. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

THE TOWN OF HIGHLAND ORDER of the WORKS BOARD NO. 2011-37

An Order Authorizing and Approving an Agreement between Government Fixed Asset Services , Inc. and the Town of Highland to Perform Professional Capital Asset Accounting Services.

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 determined that the establishment of accessible, organized and accurate record of capital assets possessed by the municipality, is required under certain financial guidelines of the State and Federal governments, and herefore highly desirable;

Whereas, The Clerk-Treasurer reports that since the current capital asset record was first assembled and organized in 1988 with the additional inclusion of the assets associated with the Parks and Recreation Department being incorporated in 1994, it is recommended that a project be undertaken to perform a comprehensive review and refurbishment of the town wide capital asset record, including a review of the current capital thresholds and work to make the capita asset record conform to the appropriate standards;

Whereas, Government Fixed Asset Services, Incorporation has offered and presented an agreement to provide and furnish professional capital asset accounting 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 twenty-three thousand, five hundred dollars (\$23,500); and

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);

Whereas, The Clerk-Treasurer, as purchasing agent in the associated matter, is prohibited from entering into a service agreement that exceeds \$10,000 without the express approval of the purchasing agency, which in this case, is the Town Council, all pursuant to Section §31.18(C) and Section § 31.19 (B)(1) of the Highland Municipal Code;

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

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

Section 1. That it is hereby authorized and approved to initiate a project to perform a comprehensive review and refurbishment of the town wide capital asset record, including a review of the current capital thresholds and where necessary, to make the capital asset record conform to the appropriate standards;

Section 2. That the Professional Capital Asset Accounting Services proposal, (incorporated by reference and made a part of this Order) between Government Fixed Asset Services, Incorporation and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement to provide and furnish professional capital asset accounting 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 twenty-three thousand, five hundred dollars (\$23,500) are found to be reasonable and fair;

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.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of September 2011 having passed by a vote of 5 in favor and 0 opposed.

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

Brian J. Novak, President

Attest:

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

Agreement on file.

- 3. Works Board Order No. 2011-38:** An ORDER Acknowledging the completion of the Punch list items as being completed to the construction Contract SR-31459, related to the Cline Avenue Reconstruction Project No. 0400711, Northern Terminus at Ridge Road and southern Terminus at 45th Avenue, a Federal Aid Highway Project, and Approving Final Acceptance of the Project. Councilor Herak moved the passage and adoption of Works Board Order No. 2011-38. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

**THE TOWN of HIGHLAND
ORDER of the WORKS BOARD NO. 2011-38**

AN ORDER ACKNOWLEDGING THE COMPLETION OF THE PUNCH LIST ITEMS AS BEING COMPLETED TO THE CONSTRUCTION CONTRACT SR-31459, RELATED TO THE CLINE AVENUE RECONSTRUCTION PROJECT NO. 0400711, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45TH AVENUE, A FEDERAL AID HIGHWAY PROJECT, AND APPROVING FINAL ACCEPTANCE OF THE PROJECT.

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 No. 0400711**;

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 report of contact final inspection, which indicates that all punch list matters have been completed, the project is fully complete and recommends to the Town final acceptance of the completed project; and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to acknowledge the completion of the punch list items, and to accept the recommendation of First Group Engineering for final acceptance of the completed project as described;

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

Section 1. That the Town Council , which is also the Board of Works for the municipality, hereby acknowledges that First Group Engineers, in consequence of its construction engineering services, has specifically identified and presented a report of Contract Final Inspection, which indicates that all punch list matters have been completed, the project is fully complete and recommends to the Town final acceptance of the completed project;

Section 2. That the Town Council , which is also the Board of Works for the municipality, hereby further acknowledges, accepts and approves the report of Contract Final Inspection, finds that all punch list matters are now completed, the project is fully complete and accepts the **Cline Avenue Reconstruction Project**, identified under Contract SR-31459, Project No. 0400711 as completed and final;

Section 3. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures, including but not limited to the Report of Contract Final Inspection and Recommendation for Acceptance.

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 26th day of September 2011 having passed by a vote of 5 in favor and 0 opposed.

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

Brian J. Novak, 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)

With leave from the Town Council, Councilor Herak asked the Public Works Director to inquire about the adequacy of lighting at Wirth Road and Cline Avenue.

- 4. Works Board Order No. 2011-39:** An Order Authorizing, Approving and Accepting a Storm Sewer Utility Easement Agreement with Mr. and Mrs. Eli and Milka Kosier, as Grantor and the Town of Highland as Grantee. Councilor Kuiper moved and Councilor Vassar seconded the passage and adoption of Works Board Order No. 2011-39. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2011-39**

An Order Authorizing, Approving and Accepting a Storm Sewer Utility Easement Agreement with Mr. And Mrs. Eli and Milka Kosier, as Grantor and the Town of Highland as Grantee

WHEREAS, Mr. and Mrs. Eli and Milka Kosier, (hereinafter sometimes described as Grantor) have a real property interest in certain real property located in the Town of Highland, Lake County, Indiana, which is legally described as follows:

- *East 50 feet of Lot 122 and West 52 feet of Lot 121 in the Boulevard Estates 4th Addition to the Town of Highland, Lake County, Indiana as recorded in Plat Book 35, page 54, in the Office of the Recorder, Lake County, Indiana, commonly known as 3705 Boulevard Drive, Highland, Indiana.*

WHEREAS, The Grantor wishes to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a **utility easement** for the purpose of installing a storm sewer, which is legally described as follows:

The west five feet (5') of the East 50 feet of Lot 122 in the Boulevard Estates 4th Addition to the Town of Highland, Lake County, Indiana as recorded in Plat Book 35, page 54, in the Office of the Recorder, Lake County, Indiana.

WHEREAS, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that a utility easement for this storm sewer and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

NOW, THEREFORE, BE IT HEREBY ORDERED, that the Utility Easement Agreement between Mr. And Mrs. Eli and Milka Kosier, as Grantor, and the Town of Highland, as Grantee, incorporated herein by reference, is hereby approved and ratified in each and every respect.

BE IT FURTHER ORDERED that the Town Council President is hereby authorized to execute the Agreement by his signature as thereto attested by the Clerk-Treasurer.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of September 2011 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, 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)**

- **Bernie Zemen:** • *Liaison to the Park and Recreation Board* • *Liaison to the Redevelopment Commission* • *Liaison to the Highland Chamber of Commerce.*

Councilor Zemen recognized the Parks and Recreation Superintendent who reported on the progress of the Lincoln Center Reconstruction. He noted the process was "slightly behind schedule", but that what was described as Phase II was nearing completion.

Councilor Zemen recognized the Redevelopment Director, Cecile Petro, who reported that the Redevelopment Commission was meeting in study session Wednesday, September 28 along with the Main Street Bureau Board of Directors.

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

Councilor Herak acknowledged the Public Works Director, wishing him a Happy Birthday, and Mr. Bach offered a cursory progress or status report on several public works projects.

Councilor Herak also commended Sergeant Suroviak, wishing him well on his imminent retirement from the Metropolitan Police Department.

- **Councilor Dan Vassar:** • *Plan Commission Member.*

Councilor Vassar noted that there was nothing new to report from the Plan Commission.

Councilor Vassar recognized Operation SOS and reported that the group had a collection drive underway, with a packing event to pack the collections in boxes to then ready them for sending to servicemen and women serving in the foreign theaters of conflict. The packing day, he reported, was scheduled for Sunday, November 20, 2011 at Wicker Park.

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

Councilor Kuiper recognized the Fire Chief who reported on assisting with fire suppression, extinguishing and related support to the Griffith Fire Department, fighting a fire at the Mansards Apartments in Griffith. The Fire Chief further reported that the annual Open House for the Fire Department was scheduled for October 8, 2011 from 11:00 a.m. to 3:00 p.m.

- **Council President Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Chairman, Board of Police Pension Trustees* • *Municipal Executive.*

The Council President acknowledged the Parks and Recreation Superintendent and engaged in a colloquy with him regarding availability of bathrooms in several parks in Town. The Town Council President noted that he had received an inquiry from a resident regarding the subject.

Comments from the Public or Visitors

There were no comments from visitors or residents.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period September 13, 2011 through to September 26, 2011 as well as the payroll accounts payable dockets for the paydays of August 12, 2001 and August 26, 2011. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$242,935.56; Motor Vehicle Highway and Street (MVH) Fund, \$ 8,305.27; Local Road and Street (LRS) Fund, \$7,153.85; Law Enforcement Cont. Education and Supply Fund, \$2,026.98; Information and Communications Technology Fund, \$4,099.28; Special Events Non Reverting Fund, \$1,826.50; Special Events Non-Reverting Fund, \$1,826.50; Municipal Cumulative Capital Development Fund, \$2,125.00; General Improvement Fund, \$36.00; Traffic and Law Violation Agency Fund, \$11,548.00; Municipal Cumulative Street Fund, \$1,368.00; Sexual Predator Grant Fund, \$4,712.00; Gaming Revenue Sharing Fund, \$38,188.43; Corporation Capital Fund, \$2,815.95; Special Public Safety Fund, \$222,033.03; Total: \$174,616.00.

Payroll Accounts Payable Docket for August 12, 2011.

Office of the Clerk-Treasurer, \$11,211.12; Building and Inspection Department, \$7,361.12; Metropolitan Police Department, \$94,251.70; Fire Department, \$2,748.03; Public Works (Agency) Department, \$59,044.03; 1925 Police Pension Trust Fund, \$0.00. Grand Total: \$186,542.89.

Payroll Accounts Payable Docket for August 26, 2011.

Office of Boards and Commissions, \$8,361.03; Office of the Clerk-Treasurer, \$11,378.73; Building and Inspection Department, \$6,803.80; Metropolitan Police Department, \$109,014.32; Fire Department, \$2,868.54; Public Works (Agency) Department, \$55,274.63; 1925 Police Pension Trust Fund, \$56,126.27. Grand Total: \$249,827.32.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, September 26, 2011 was adjourned at 7:35 O'clock p.m. A study session followed the meeting.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, September 26, 2011 at 7:50 O'clock P.M. in the regular place, but the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings but only after being brought into the meeting after it was underway. A quorum was in place.

Also Present: Rhett L. Tauber, Town Attorney was also present.

General Substance of Matters Discussed.

1. The Town Attorney and the Town Council discussed properties that were being disposed of through a so-called Sheriff's sale. Owing to the unkept condition of one property in particular, the desirability of acquiring a particular property was discussed.

The discussion included the ways and means for such acquisition, what procedures that the Town Council would be required to observe if it determined such an acquisition was desirable and what if any comparative merits there may be in enlisting the Redevelopment Commission to employ its authority for acquisition, as the redevelopment law possibly had different or less procedural requirements. It was noted that the Town Attorney would review the matter further to better determine the requirements for acquiring a particular property if it was determined to be desirable.

The Town Attorney departed at this time.

2. The Town Council President raised the recently transmitted letter from the Metropolitan Police Chief regarding a request for additional appropriations in the amount of \$35,000 from the Special Public Safety Fund to support the acquisition of a specially trained police dog. The Town Council President sought consensus on placing the request before the Town Council to permit authorization of the required additional appropriations hearing to initiate spending authority. The Town Council President asked that the discussion continue after he departed, as he had to report to a work commitment and could not remain to the conclusion of the study session.

The Town Council President departed at this time.

The Town Council further discussed the matter without consensus or resolution.

3. The Town Council discussed briefly taking steps to either amend the governing ordinance or offer some other clarifying guidance to eliminate the requirement that the Town Council approve or authorize the payment of overtime for exempt salaried personnel who otherwise are not entitled to receive overtime pay. The matter would be further discussed.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, September 26, 2011 was adjourned at 8:07 p.m. O'clock.

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