

**Enrolled Minutes of the Twenty-Sixth Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Thursday, January 15, 2009**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Thursday, January 15, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper 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 meeting.
2. The Town Council discussed whether or not the fireworks contract could be repealed or broken and if so, whether or not the funds pledged to the contract could be then available to other purposes.

The study session ended at 6:55 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular (rescheduled) session on Thursday, January 15, 2009 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 Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Konnie Kuiper leading the pledge of allegiance to the United States Flag and offering a prayer.

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

**Additional Officials Present:** Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicki, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; and Cecile Petro, Redevelopment Director.

Lisa Gauthier of the Community Events Commission; and Dan Stombaugh, Jim Turoci and Jim DeGraaf of the Town Board of Metropolitan Police Commissioners were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 22 December 2008 were approved by general consent.

**Special Orders:**

1. Action to ratify the re-scheduling of this meeting for January 15, 2009 at 7:00 p.m., pursuant to Section 30.27 (D) of the Municipal Code. *(It was noted that meeting was rescheduled in respect for Councilor Herak, whose mother's funeral was conducted on Monday, January 12, 2009.)* Councilor

Kuiper moved to authorize and ratify the re-scheduled meeting as indicated. 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 rescheduling of the meeting was ratified and approved.

2. Election of the **Town Council President** for 2009 pursuant to § 30.04 of the Highland Municipal Code.

Councilor Novak nominated **Dan Vassar** for President.

Councilor Kuiper moved that nominations be closed and that Councilor Vassar be elected President of the Town Council for 2009. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. Councilor Dan Vassar was elected the 57<sup>th</sup> Town Council President. He then assumed the chair.

Councilors Vassar and Novak commended Councilor Zemen for his leadership and service as President.

3. Election of the **Town Council Vice President** for 2009, pursuant to § 30.04 of the Highland Municipal Code.

Councilor Kuiper nominated **Brian Novak** for Vice President.

Councilor Zemen moved that nominations be closed and that Councilor Novak be elected Vice President of the Town Council for 2009. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. Councilor Brian Novak was elected Town Council Vice President.

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

- **Building & Inspection Report for December 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	0	0	0	\$0.00	\$0.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	29	29	0	\$260,826.00	\$3,935.00
Addit/Remodel					
Commercial	4	0	4	\$28,475.00	\$390.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	0	0	0	\$0.00	\$0.00
Fences	2	2	0	\$5,450.00	\$172.00
Garage	0	0	0	\$0.00	\$0.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Misc. Permits	10	10	0	\$74,054.00	\$1,330.00
Misc. Flood damage repair	0	0	0	\$0.00	\$0.00
Signs	2	0	2	\$2,710.00	\$482.00
Fire Repair	0	0	0	\$0	\$0
<b>Total:</b>	<b>47</b>	<b>41</b>	<b>6</b>	<b>\$371,515.00</b>	<b>\$6,309.00</b>
<b>Electrical Permits</b>	<b>7</b>	<b>5</b>	<b>2</b>		<b>\$484.00</b>
<b>Mechanical Permits</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>\$216.00</b>
<b>Plumbing Permits</b>	<b>4</b>	<b>2</b>	<b>2</b>		<b>\$492.50</b>
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>

Water Taps	0	0	0	\$0.00
Sewer Taps	0	0	0	\$0.00
<b>Total:</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>\$492.50</b>

**December Code Enforcement:** 151 warnings issued and 8 citations were issued.

There were 46 final building inspections, 7 plumbing inspections, and 12 electrical inspections. There were 2 electrical exams given.

• **Fire Department Report for December 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	15	152	145	
Car Fires	1	17	11	
Still Alarms	14	146	125	
Ambulance calls	0	1	1	

• **Workplace Safety Report for December 2008**

There were three incidents reported in December. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	3	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	2	8	10	0	21	55	70
Street	0	6	2	3	2	0	0
Water & Sewer	0	6	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	1	1	3	0	0	0	0
<b>TOTALS</b>	<b>3</b>	<b>25</b>	<b>25</b>	<b>3</b>	<b>23</b>	<b>55</b>	<b>70</b>

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:**

• **Statutory Boards and Commissions**

*Executive Appointments made by Town Council President*

Legislative or Fiscal Body Appointments made by Town Council

**1. Municipal Plan Commission** (2) appointments to be made by Town Council President.

The Town Council President re-appointed **Judith Mayer (D)**, 3222 Eder Street, Highland as a **citizen member** of the Plan Commission, term to run until 1<sup>st</sup> Monday in January, 2013.

The Town Council President appointed **Robert E. Montgomery II (R)**, 3423 42nd Street, Highland as a **citizen member** of the Plan Commission, term to run until 1<sup>st</sup> Monday in January, 2010. This appointment is fulfilling the unexpired term of Dan Buksa.

**2. Redevelopment Commission** (3) appointments to be made by Town Council President.

The Town Council President re-appointed **Dominic Noce** 2930 Condit Street, Highland to the Redevelopment Commission, term to run until 1<sup>st</sup> day in January, 2010.

The Town Council President appointed **Tom G. Crowell** 10132 White Oak Lane, Highland to the Redevelopment Commission, term to run until 1<sup>st</sup> day in January, 2010.

The Town Council President appointed **Bruce Leep** 3106 Condit, Highland to the Redevelopment Commission, term to run until 1<sup>st</sup> day in January 2010.

3. **Economic Development Commission (1)** (*executive appointment but nominated by Town Council*)

*Legislative Nomination.* Councilor Novak moved that **George J. Vande Werken** again be the nominee of the legislative body for the Economic Development Commission. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. George Vande Werken would be presented to the Town Council President as the town council nominee for the Economic Development Commission.

*Executive Appointment.* The Town Council President re-appointed **George J. Vande Werken**, 2925 44<sup>th</sup> Street, Highland, to the Economic Development Commission, term to run until February 1<sup>st</sup>, 2013.

4. **Waterworks Board of Directors (2)** appointments to be made by Town Council President.

The Town Council President re-appointed **Fred Wanicki (R)**, 3734 Manor drive, Highland as a member of the Waterworks Board of Directors, term to run until 1<sup>st</sup> Monday in January, 2012.

The Town Council President appointed **James D. Norris (R)**, 3119 Lois Place, Highland as a member of the Waterworks Board of Directors, term to run until 1<sup>st</sup> Monday in January, 2012.

5. **Board of Sanitary Commissioners (3)** appointments to be made by Town Council President.

The Town Council President appointed **Mark Knesek (No party)**, 8118 Grace Street, Highland as a member of the Board of Sanitary Commissioners, term to run until 31 December 2009. This appointment is fulfilling the unexpired term of Jeanne Moseley.

The Town Council President appointed **Robert Johnsen (D)**, 3003 100<sup>th</sup> Street, Highland as a member of the Board of Sanitary Commissioners, term to run until 31 December 2012.

The Town Council President appointed **Thurman Ferree (D)**, 2912 Grand Boulevard, Highland as a member of the Board of Sanitary Commissioners, term to run until 31 December 2012.

*Regional Appointments*

6. **Northwestern Indiana Regional Planning Commission (1)**

Currently held by Michael W. Griffin. No action necessary unless executive desires to make change. The Town Council announced the re-appointment or continuation of appointment of **Michael W. Griffin**, the Clerk-Treasurer, 2911 99<sup>th</sup> Street, Highland, to the Northwestern Indiana Regional Planning Commission.

*Home Rule Boards or Commissions*

7. **Community Events Commission (1)**

The position vacated by Karen Biernacki, term ends January 1, 2009.

The Town Council President announced his appointment of **Robert Roach**, 9026 Price Place, Highland, to the Community Events Commission, for a term to January 1, 2013.

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

*Legislative or Fiscal Body Appointments made by Town Council*

1. **Municipal Plan Commission (3)** appointments to be made by Town Council.

Councilor Zemen moved that **Councilor Brian Novak**, 3516 Eder Place, Highland; **Councilor Bernie Zemen** 2746 43<sup>rd</sup>, Highland; and **Firefighter Dan Grimmer**, 9525 Manor Drive, Highland be appointed as **legislative appointments** to the **Municipal Plan Commission**, for terms co-extensive with their terms of office or period of employment unless the Town council appoints, at its first regular meeting in any year, another to serve as its representative. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The persons were duly appointed.

2. **Advisory Board of Zoning Appeals (1)** appointment to be made by Town Council.

Councilor Zemen moved the re-appointment of **Dave Helms**, 9306 Waymond Avenue, Highland, as the **fiscal body appointment** to the **Advisory Board of Zoning appeals**, for a term to 1<sup>st</sup> Monday in 2013. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Helms was re-appointed.

3. **Park and Recreation Board (1)** appointment to be made by Town Council.

Councilor Zemen moved the appointment of **Vicki Crowell (D)**, 10132 White Oak Lane, Highland, as a member of the Park and Recreation Board, for a term to 1<sup>st</sup> Monday in 2013. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Ms. Crowell was appointed.

4. **Town Board of Metropolitan Police Commissioners (2)** appointments to be made by the Town Council.

Councilor Zemen moved the appointment of **Dennis Adams (D)**, 8421 Delaware Place, Highland, as a member of the Town Board of Metropolitan Police Commissioners, for a term to January 1, 2012. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Adams was appointed.

Councilor Kuiper moved the re-appointment of **Jim DeGraaf (D)**, 3620 Ridge Road, Highland, as a member of the Town Board of Metropolitan Police Commissioners, for a term to January 1, 2012. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Adams was appointed.

5. **Redevelopment Commission (2)** appointments to be made by Town Council.

Without objection, the matter of the legislative appointments to the Redevelopment Commission was delayed for consideration or action as the Town Council was not ready to act.

*Regional Boards or Commissions*

6. **Lake County Solid Waste Management District Board of Directors (1)** appointment to be made by Town Council. Councilor Novak moved the appointment of **Bernie Zemen**, 2746 43<sup>rd</sup> Street, Highland, to the Board of Directors of the Lake County Solid Waste

Management District, for a term to run co-extensive with his term as a member of the Town Council or until the Town Council would act otherwise. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Councilor Zemen was appointed.

#### Home Rule Boards or Commissions

7. **Traffic Safety Commission (6)** appointments to be made by Town Council. The composition is to consist of no less than six (6) members consisting of one (1) from Town Council, two (2) from Police Department, one (1) from Fire Department, one (1) from Public Works, and (1) one Police Commission. The Chief of Police shall serve as chairman of the commission. The Chief shall appoint a secretary.

Councilor Zemen moved the appointment of the following persons as assigned to the Traffic Safety Commission, for a term to run until 31 December 2009. Councilor Novak Seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The following persons were appointed.

Brian Novak	Town Council Member
Sgt. John Banasiak	Police Representative
William Timmer, CFOD	Fire Department Representative
John Bach	Public Works Department Representative
Jim DeGraaf	Metropolitan Police Commission representative
Peter T. Hojnicky, Chairman ( <i>ex-officio</i> ) and	Police Representative

8. **Community Events Commission (11)** appointments to be made by Town Council.

Without objection, the matter of the legislative appointments to the Redevelopment Commission was delayed for consideration or action as the Town Council was not ready to act.

#### Unfinished Business and General Orders:

1. **Works Board Order No. 2009-01: An Order of the Works Board** Rejecting a Quotation from Schepel GMC commercial Truck and Accepting the Quotation of Truck City of Gary for One (1) 2008 Sterling Bullet 4500 Dump Truck as the Lowest Responsive and Responsible Quote. • Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-01. Councilor Novak 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 2009-01

**An Order of the Works Board Rejecting a Quotation from Schepel GMC commercial Truck and Accepting the Quotation of Truck City of Gary for One (1) 2008 Sterling Bullet 4500 Dump Truck as the Lowest Responsive and Responsible Quote**

**Whereas**, the Town of Highland, Department of Public Works, has determined a need to purchase a **Medium-duty Dump Truck** in order to carry out its various responsibilities and had prepared specifications for equipment pursuant to that need; and

**Whereas**, the Public Works Director, pursuant to §31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

**Whereas**, the Purchasing Agent, pursuant to §31.20(F) of the HMC, expected that the purchase would be more than \$25,000 but not more than \$75,000 and invited quotes in accordance with §31.20(F) of the HMC; and

**Whereas**, the Purchasing agent invited quotes, pursuant to §31.20(G) of the HMC, to be received at 4:00 p.m. on December 22, 2008, from the following vendors:

Christensen Chevrolet, Inc.	Schepel GMC Truck	Smith Chevrolet	Webb Ford
Art Hill Ford	Truck City of Gary		

Whereas, the following quotes have been received:

<u>Company</u>	<u>Make and Model</u>	<u>Quote</u>	<u>Trade-in</u>	<u>Net</u>
Schepel GMC	2008 GMC Top Kick\$	39,995.00	\$6,500.00	\$33,495.00
Truck City of Gary	2008 Sterling Bullet 4500	\$39,000.00	\$4,000.00	\$35,000.00

; and

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, the purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and; and

Whereas, the purchase will be supported by the Motor Vehicle Highway fund and there is sufficient appropriation in order to support the purchase; and

Whereas, the Town Council now desires to approve and authorize the Public Works Director to complete the purchase pursuant to the terms stated herein.

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

**Section 1.** That the quote of Schepel GMC Commercial Truck in the amount of \$39,995.00, less trade-in allowance of \$6,500.00, is rejected as the unit is not equipped with the snowplow prep package pursuant to the specifications;

**Section 2.** That the quote of Truck City of Gary in the amount of \$39,000.00 Thirty Nine Thousand Dollars and no cents (\$39,000.00) less Four Thousand Dollars and no Cents (\$4,000.00) trade-in of one (1) 1999 Chevrolet 3500 HD Dump Truck VIN # 1GBKC34J9XF093262 (Net Purchase Price of Thirty-five Thousand Dollars and no Cents (\$35,000.00) for the purchase of **one (1) 2008 Sterling Bullet 4500 Dump Truck** is hereby accepted as the lowest responsive and responsible bid;

**Section 3.** That the Public Works Director is hereby authorized to issue a purchase order to Truck City of Gary, 2333 West 25<sup>th</sup> Avenue. Gary, Indiana and to execute all documents necessary to implement the purchase thereof;

**Section 4.** That the Municipal Fiscal Officer is hereby authorized to expend Motor Vehicle Highway Funds in order to support and implement the purchase.

**Be it So Ordered.**

**DULY, PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana this 12<sup>th</sup> day of January having passed by a vote of 5 in favor and 0 opposed.

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

Dan Vassar, President (IC 36-5-2-10)

*Attest:*

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

- Works Board Order No. 2009-02:** An Order Authorizing the closure of the municipal building on January 19, 2009 to permit town-wide in-service worker training. • Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-02. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland  
Board of Works  
Order of the Works Board No. 2009-02**

AN ORDER FOR THE TEMPORARY CLOSING OF MUNICIPAL BUILDING AT THE  
MUNICIPAL BUILDING ON MONDAY, JANUARY 19, 2009 FOR TRAINING

Whereas, The Town Council has been reliably advised that owing to the desire to offer in-service training for administrative, clerical and other workers of the municipality and needed opportunities to address administrative needs, it may be advisable to reduce access hours to the municipal building while maintaining a scheduled workday;

**Whereas**, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

**Whereas, The Town Council now desires to modify the access hours of the Highland Municipal Building on** Monday, January 19, 2009;

**Now Therefore be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That there will be **no** hours of **public access** at the administrative and associated offices (non-public safety) at the Highland Municipal Building on **Monday, January 19, 2009**, but the usual hours of operation or the scheduled workday are unchanged;

**Section 2.** That the affected department heads and the Clerk-Treasurer shall carry out the purposes of this order, which is to provide an opportunity for in-service training for administrative, clerical and other workers of the municipality;

**Section 3.** That the Clerk-Treasurer will take steps by appropriate media release to give notice of the subject of this order;

**Section 4.** That this order shall be effective on and from its passage and adoption body;

**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 15<sup>th</sup> day of January having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of  
HIGHLAND, INDIANA**

Dan Vassar, 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. Authorization and approval of Commercial, General Liability, Property and other lines insurance policies. Hylant Indiana Municipal Insurance Program, for the term of January 1, 2009 through to January 1, 2010.

Commercial Property Insurance:	\$28,361 annual premium
Commercial Inland Marine Insurance:	\$ 5,052 annual premium
General Liability Insurance:	\$41,745 annual premium
General Auto Liability Insurance:	\$21,494 annual premium
Auto physical damage Insurance:	\$61,065 annual premium
Law Enforcement Liability Insurance:	\$11,683 annual premium
Public Officials' Liability Insurance:	\$ 9,441 annual premium
Commercial Excess Liability Insurance:	<u>\$24,947 annual premium</u>
<b>Total of all:</b>	<b>\$203,788 annual premiums</b>

Councilor Kuiper moved to approve the Insurance plans and premiums as presented under the Hylant Line. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The insurance plans and were approved.

4. Authorization and instruction to permit the proper officer to advertise for additional appropriations in the Special Events Fund and the Unsafe Building Fund. (Non-controlled funds) In addition, the authorization and instruction will include advertisement for additional appropriations in the Sanitation (Solid Waste) department of the Corporation General Fund and in the Municipal Cumulative Capital Development Fund. (Controlled Funds) • Councilor Herak moved to authorize and instruct the proper officer to publish notice as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The instruction was authorized.

5. **Resolution No. 2009-01:** A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE ECONOMIC STIMULUS INITIATIVE OF THE UNITED STATES GOVERNMENT. • Councilor Zemen moved the passage and adoption of Resolution No. 2009-01. Councilor Novak seconded. Upon a roll vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

HIGHLAND TOWN COUNCIL  
Resolution No 2009-01

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE ECONOMIC STIMULUS INITIATIVE OF THE UNITED STATES GOVERNMENT

**WHEREAS,** The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

**WHEREAS,** Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

**WHEREAS,** Cities and towns represent an economic engine of our country, being home to more than 80 percent of America's residents and more than 80 percent of the country's jobs; and

**WHEREAS,** Our nation is presently enduring an economic crisis and its consequences are being felt through northwest Indiana and the Town of Highland; and,

**WHEREAS,** Every day, persons are hearing about the impact of this crisis on our community and our residents: mortgage foreclosures, rising joblessness, government budget shortfalls, and the credit crunch are all having an impact on the places we call home; and,

**WHEREAS,** The Town of Highland and communities across America stand ready be a partner with the federal government to bring a stable economy back to our nation, back to our hometowns, and back to our families; and

**WHEREAS,** As Congress and the Administration prepare to take action on a new national economic recovery package, we are calling on Congress to include programs that help America's hometowns and families, stimulate the economy, create good jobs for our residents, and provide meaningful, long-lasting benefits to our communities; and

**WHEREAS,** The Town of Highland, was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, and Nation, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their representatives and in some cases apply to the United States Congress for redress of grievances, all for the betterment of government; and

**WHEREAS** The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana that the sense of the Town Council of Highland is as follows:

**Section 1.** That the Highland Town Council, speaking as an advocate for the people of this community urges that any economic recovery package adopted by the Congress should include funds that go directly to cities to invest in shovel ready or "formed but not funded" infrastructure projects for highways, transit, trains, clean water, sewers, broadband, and housing;

**Section 2** That the Highland Town Council, speaking as an advocate for the people of this community acknowledges that today, in cities and towns across America, there are thousands of "shovel ready" or "formed but not funded" infrastructure projects that can create good paying jobs and provide long term benefits for our community and communities across the country, particularly a storm and waste water management project that would replace the 74 miles of aging wastewater sewers, and prevent back-up in residential basement and flooding; and

**Section 3.** That the Highland Town Council, speaking as an advocate for the people of this community, further urges that any economic recovery or stimulus package should include emergency assistance to help families meet their short term needs. We know that this can be done, while stimulating the economy, with additional job training resources, health care assistance, and an extension of jobless benefits;

**Section 4.** That the Highland Town Council, speaking as an advocate for the people of this community, finally urges that that any economic recovery or stimulus package should include programs to ensure that the nation's financial markets are working well for cities and towns, so that municipalities can issue bonds to support good infrastructure projects and access credit to finance everyday operations; and

**Section 5.** That the Clerk-Treasurer be hereby further instructed to transmit and forward this resolution to United States Representative Pete Visclosky, United States Senator Richard Lugar, and United States Senator Evan Bayh, and such other persons as may be deemed to have an interest in this matter and to encourage those persons to evidence their strong desire to see the objects and purposes of this "Sense of the Council Resolution" achieved.

**ADOPTED** this 15<sup>th</sup> day of January 2009, by the Town Council of the Town of Highland, Lake County, Indiana by a vote of 5 in favor and 0 opposed.

Having voted in the affirmative  
Dan Vassar  
Bernie Zemen  
Mark Herak  
Brian Novak  
Konnice Kuiper

Having voted in the negative

**Attest:**

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

6. **Resolution No. 2009-02: A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING SUPPORT OF FULL FUNDING FOR THE LITTLE CALUMET RIVER BASIN LEVEE PROJECT.** • Councilor Novak moved the passage and adoption of Resolution No. 2009-02. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**HIGHLAND TOWN COUNCIL  
Resolution No 2009-02**

**A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING SUPPORT FOR FULL FUNDING OF THE LITTLE CALUMET RIVER FLOOD CONTROL AND RECREATION PROJECT**

**WHEREAS,** The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

**WHEREAS,** Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances;

**WHEREAS,** The U.S. Army Corps of Engineers' Little Calumet River Flood Control Project has reached a critical stage in construction;

**WHEREAS,** The local sponsor of the project, the Little Calumet River Basin Development Commission, does not have adequate funding to complete the local sponsor's responsibilities to the project; and

**WHEREAS,** The September 2008 severe flooding devastated portions of Northwest Indiana near the Little Calumet River in areas where the project has not been completed and the project must be constructed as soon as possible to prevent any future flooding;

**WHEREAS,** The Little Calumet River Basin Development Commission is seeking \$13.5 million in local funds to match the federal dollars needed to finish the project;

**WHEREAS,** The Indiana General Assembly is meeting at this time to determine funding for important state projects, several communities have suggested ways to obtain local financing, and an emergency exists in the area where the levee is not completed; and

**WHEREAS** The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana that the sense of the Town Council of Highland is as follows:

**Section 1.** That the Highland Town Council, speaking as an advocate for the people of this community supports the completion of the Little Calumet River Flood Control Project and supports the request of the Little Calumet River Basin Development Commission for \$13.5 million in State of Indiana funds to finish the construction;

**Section 2.** That the Highland Town Council, speaking as an advocate for the people of this community further requests the future repayment of \$6 million by the State of Indiana to the Northwest Indiana Regional Development Authority for its loan to the Little Calumet River Basin Development Commission to expedite completion of the project; and,

**Section 3.** That the Highland Town Council, speaking as an advocate for the people of this community, further supports the request of the City of Hammond to the State of Indiana to permit the dedication of Sales Tax Increment Financing (STIF) funds toward costs associated with the local match for construction and operating costs for the Little Calumet project;

**Section 4.** That the Clerk-Treasurer be hereby further instructed to transmit and forward this resolution to United States Representative Pete Visclosky, the proper officers of the Indiana General Assembly, Governor Daniels, and such other persons as may be deemed to have an interest in this matter and to encourage those persons to evidence their strong desire to see the objects and purposes of this "Sense of the Council Resolution" achieved.

**ADOPTED** this 15<sup>th</sup> day of January 2009, by the Town Council of the Town of Highland, Lake County, Indiana by a vote of 5 in favor and 0 opposed.

Having voted in the affirmative  
Dan Vassar  
Bernie Zemen  
Mark Herak  
Brian Novak  
Konnie Kuiper

Having voted in the negative

**Attest:**

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

7. **Resolution No. 2009-03:** A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND APPROVING and FIXING the OFFICIAL CHARGES or FEES for INFORMATION and COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS and OFFICES and ACCOUNTED in the INFORMATION and COMMUNICATION TECHNOLOGY FUND. • Councilor Herak moved the passage and adoption of Resolution No. 2009-03. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND  
Town Council Resolution No. 2009-03**

**A RESOLUTION OF THE FISCAL BODY OF THE TOWN OF HIGHLAND APPROVING AND FIXING THE OFFICIAL CHARGES OR FEES FOR INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS AND OFFICES AND ACCOUNTED IN THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND**

**WHEREAS,** The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

**WHEREAS,** IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

**WHEREAS,** The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08, which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

**WHEREAS,** Section § 31.08 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of "(i)interdepartmental charges, contributions, cost shares or assessments levied against funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;"

**WHEREAS,** Section § 31.08 (F) (1) (a) still further provides that the "charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council;"

**WHEREAS,** The proper officers of the municipality have developed and now recommend charges and rates for **FY 2009** to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

**WHEREAS,** The Town Council now desires to fix and adopt the charges and rates as recommended,

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

**Section 1.** That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year 2009 as follows:

(a) For information and communication technology services provided to the several departments repositied in the **Corporation General Fund, the annual charge is allocated at 25% of costs or \$45,231.61;**

(b) For information and communication technology services provided to the department repositied in the **Park and Recreation Fund, the annual charge is allocated at 20% of costs or \$36,185.29;**

(c) For information and communication technology services provided to the department repositied in the **Redevelopment General Fund, the annual charge is allocated at 5% of costs or \$9,046.32;**

(d) For information and communication technology services provided to the Waterworks Utility, **the annual charge is allocated at 25% of costs or \$45,231.61;**

(e) For information and communication technology services provided to the Wastewater/Stormwater Utility, **the annual charge is allocated at 25% of costs or \$45,231.61;**

**Section 2.** That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section §31.08 (D) of the Highland Municipal Code;

**Section 3.** That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

**DULY RESOLVED and ADOPTED** this 15<sup>th</sup> Day of January 2009, 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**

Dan Vassar, President

Attest:

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

8. **Introduced Ordinance No. 1419:** An Ordinance to Establish a Special Committee to Plan, Coordinate, and Implement Appropriate Commemoration of the Centennial Anniversary of the Incorporation of the Town of Highland, Lake County, Indiana, pursuant to IC 36-1-3 and IC 36-10-2 et seq. The ordinance was introduced and filed by Councilor Vassar at the Town Council meeting of December 22, 2008. There was no further action.

Without objection, the Town Council elected to delay the consideration of this item until following a study session to conduct an additional review and mark-up.

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

**Councilor Mark Herak:**

Councilor Herak noted the recent death of his mother and expressed appreciation for those who sent expressions of sympathy and prayers.

Councilor Herak, noted the effort that was understood to be underway by some persons to trigger the petition and remonstrance process for the proposed capital financing and Lincoln Community Center Retrofit and Reconstruction. Councilor Herak recalled that the project only moved forward after a community survey informing the Park and Recreation Board's deliberation.

**Bernie Zemen:**

Councilor Zemen noted that the Redevelopment Commission was moving the design standards matter for the redevelopment area forward. He also noted that the Redevelopment Director had filed for a neighborhood stabilization grant in consultation with the Building commissioner.

**Councilor Brian Novak:**

Councilor Novak commented on the initiation of a new 8.5" x 11" format utility bill for residents, having been mailed for first time in January. It was noted that owing to a programming conversion oversight, some customers who were enrolled in the direct debit program for utility payment were not properly identified, but it was corrected for future billing.

**Councilor Konnie Kuiper:**

Councilor Kuiper discussed how he recently learned, when inquiring about damage to mail boxes in towns that some attribute to collisions with snowplows, that damage often ensues the velocity of the snow discharged by the blades and not the actual contact of the blade itself.

**Councilor Dan Vassar:** *Town Executive*

The Town Council President announced the following committee and liaison assignments:

Dan Vassar	Budget Committee Chair Board of Sanitary Commissioners, Liaison
Bernie Zemen	Redevelopment Commission, Liaison Chamber of Commerce, Co-Liaison President's designee, Centennial Commission Chair
Mark Herak	Advisory Board of Zoning Appeals, Liaison Community Events Commission Committee, Liaison Board of Waterworks Directors, Liaison
Brian Novak	Town Board of Metropolitan Police Commissioners, Liaison
Konnie Kuiper	Fire Department, Liaison Chamber of Commerce, Co-Liaison Park and Recreation Board, Liaison

The Town Council will serve as the Insurance Committee.

The Town Council President read aloud prepared written remarks concerning persons whom he described as working against the progress of the Town Council. He expressed his disfavor with the efforts of these persons. The Town Council President opined that the group might be led by whom he described as Councilor Novak's opponent in the last election. The Council President went on to affirm the work of the current Council, listing what he described as accomplishments realized by the Town Council in 2008.

Amendment to Agenda. Councilor Herak moved to amend the agenda to include the appointment of the Town Council Attorney. 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 agenda was amended.

### **Appointment of Town Council Attorney**

Councilor Herak moved that Rhett L. Tauber and Tauber, Westland, and Bennett, P.C. be appointed as Town Council Attorney. Councilor Novak seconded. Upon roll call vote, there were five affirmatives and no negatives. The motion passed. Rhett L. Tauber and Tauber, Westland, and Bennett, P.C. were appointed.

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

1. Jim Diehl, 10104 Kennedy Avenue, Highland, expressed his appreciation to the Public Works Director and the street crew for its work on snow removal during the recent immoderate weather. Mr. Diehl further commended the Metropolitan Police Chief. Mr. Diehl also commended the Clerk-Treasurer.

**Payment of Accounts Payable Vouchers.** There being no further business from the public or visitors, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period December 23, 2008 through to January 15, 2009. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$4,437,484.48; Motor Vehicle Highway and Street (MVH) Fund, \$139,890.53; Forfeited and Seized Assets Fund, \$120.00 Law Enforcement Continuing Education and Training Fund, \$912.05; Corporation Bond and Interest Fund, \$189,289.00; Capital Project Retainage Fund, \$16,949.76; Insurance Premium Fund, \$98,694.76; Information and Communications Technology Fund, \$13,152.23; Solid Waste District Grant Fund, \$1,960.00; Civil Donation Fund, \$362.25; Police Pension Fund, \$352.75; Municipal Cumulative Capital Development Fund, \$11,176.13; Safe Neighborhood Grant Fund, \$1,615.38; Corporation Capital Fund, \$12,240.00; Total: \$4,924,199.53.**

**Adjournment.** Councilor Kuiper moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular (rescheduled) meeting of the Town Council meeting of Thursday, January 15, 2009 was adjourned at 7:58 O'clock p.m. A study session immediately followed.

**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 Thursday, January 15, 2009 at 8:11 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

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

**Additional Officials Present:** Ed Dabrowski of the Parks and Recreation Board; and Rhett L. Tauber, Town Attorney were also present.

### **General Substance of Matters Discussed.**

1. The Town Council and the Town Attorney discussed the status of the Lincoln Community Center Retrofit and Reconstruction Project. It was noted that a petition drive had been undertaken and may have gathered sufficient signatures to trigger the petition and remonstrance process before the bond financing process could move forward.

The Town Attorney noted the effort that would occasion a petition and remonstrance process. The Town Attorney inquired of the Town Council any impressions it may have of the project. It was noted that the Town Council still had the authority to advance or end the project as it has a vote on the bond issue.

The discussion included concerns among some regarding whether or not the park should proceed with the financing. Concerns raised in the discussion included whether or not time was appropriate to proceed with the project, even if the project had merit. Further, the discussion included a range of other opinions and impressions from disfavor with advancing the project without qualification, fully advancing the project without qualification, reservations regarding including a fitness center, and concerns about adequacy of staff to fully serve and control the facilities in place at present at the Lincoln Center. In addition, the discussion included concerns about the consequences of not allowing some form of the project to move forward, noting that there is a known consensus that the Lincoln Center is in need of repair and retrofit. The Town attorney, who also serves as the Park and Recreation Board attorney, indicated that he would communicate these impressions to the Park and Recreation Board.

2. The Town Attorney briefed the Town Council on the status of the litigation involving David Clark of 342x LaVerne Drive, Highland against the Town regarding damages from a rain event in September of 2006, which included the cave-in of a basement wall.

There being no further business for discussion before the Town Council, the study session following the standing meeting of **Thursday, January 15, 2009** was adjourned at 8:43 o'clock p.m.

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