

**Enrolled Minutes of the Twenty-Ninth Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, February 23, 2009**

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, February 23, 2009 at 6:30 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, Brian Novak, Konnie Kuiper and Dan Vassar 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 discussed the request regarding utility records and the recent changes in the access to records act that affected this matter. It was noted that before the recent statutory changes, the CRC would be allowed regularly to access the enrollment records of the utility for non-commercial uses. It was further noted that any policy of access must be uniform.
3. The Town Council discussed the appointments to the Community Events Commission.
4. The Town Council discussed the competing merits of selecting Ridgewood or Idlewild as the next General Improvement Project for the Town Council to undertake.

The study session ended at 7:04 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, February 23, 2009 at 7:05 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 Dan Vassar, presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

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

Roll Call: Present on roll call were Council Members Bernie Zemen, Mark Herak, Dan Vassar Brian Novak, and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Mark Roorda of the Town Board of Metropolitan Police Commissioners; Lisa Gauthier and Karen Ziants of the Community Events Commission were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 09 February 2009 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2009 Budgets in the **General Improvement Fund** in the amount of **\$3,000.00**.
 - (a) Attorney verification of Proofs of Publication: The Town Attorney verified that the proofs of publication were in compliance with IC 5-3-1.
The TIMES 12 February 2009.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2009-10:** An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **General Improvement Fund** in the amount of **\$3,000.00**. Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Enactment No. 2009-10. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Enactment No. 2009-10. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment adopted.

**Town of Highland
Appropriation Enactment
Enactment No. 2009-10**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE GENERAL IMPROVEMENT FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, and IC 36-9-17 ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **General Improvement Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

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

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND:

Acct. No. 340.03 Recording/Release of Liens	\$ 3,000.00
<i>Total Series:</i>	\$ 3,000.00
Total for Fund:	<u>\$ 3,000.00</u>

Section 2. That the aggregate sum of the General Improvement Fund appropriation and all other appropriations to the Fund in the current year do not exceed the equivalent of sixteen and sixty-seven hundredths cents (\$0.1667) on each one hundred dollars (\$100) of net taxable valuation of property in the Municipality, such limitation being in this current year, FY 2009, the *estimated* amount of Two million, three hundred fifteen thousand, two hundred fifty-four dollars (\$ 2,315,254), all pursuant to the provisions of I.C. 36-9-17-5(c).

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and filed on the 23rd day of February 2009. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 23rd Day of February 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 (IC 36-5-2-10)

Attest:

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

Communications:

1. Letter from Second Christian Reform Church Mission Committee requesting permission to obtain names and addresses of people who have recently moved into town for the purpose of welcoming these persons and inviting them to church.

The Town maintains no specific record as described. However, utility records do maintain records that depict persons who enroll for utility services. Chapter 34 of the Highland Municipal Code, Public Records Access is silent on this matter. IC 5-14-3-4(b)(20) reads as follows: "... the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency: The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1): (A) Telephone number. (B) Address. (C) Social Security number."

Federal and state law forbid disclosing Social Security Number. A recent iteration of the statute expressly prohibited this disclosure. In the current iteration, however, as the public entity, you may at your discretion, grant the requested disclosure related to addresses of utility customers for the purposes stated in the letter.

Councilor Zemen moved to deny the request. Councilor Novak seconded. Upon a roll call vote, there were three affirmatives and two negatives. With councilors, Zemen, Novak and Vassar voting in the affirmative and Councilors Kuiper and Herak voting in the negatives, the motion passed. The request was denied.

Appointments:

• Statutory Boards and Commissions

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Redevelopment Commission.**(Executive) (1) Appointment to be made by Council President. This appointment would fill the vacancy made by Mr. Leep's declined appointment. The Town Council President as municipal executive announced his appointment of Ms. **Selena Rich**, 9234 Grace Place, Highland, Indiana.
2. **Community Events Commission** (11) appointments to be made by Town Council.
Special terms renew for four years (2) appointments

Councilor Novak moved the re-appointment of **Dawn Wolak**, 3836 Highway Avenue, Highland and **Karen Ziants**, 9018 Woodward, Highland, to their current positions on the Community Events Commission. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Ms. Wolak and Ms. Ziants were re-appointed.

Councilor Novak moved the appointment or reappointment of the followings persons to the Community Events Commission. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The following persons were appointed to one-year terms:

Rose James, 3338 LaPorte Street, Highland.
John Brezlin, 8539 Henry Street, Highland.
Shelly Mayden, 3107-99th Street, Highland
Brandon Wolak, 3836 Highway Avenue, Highland.
Ellen L. Jasin, 3504-81st Street, Highland.
Ericka Rozenich, 3106 Farmer Drive, Highland.

Unfinished Business and General Orders:

1. **Resolution No. 2009-11:** A Resolution Approving and Renewing the Shared Ethics Interlocal Agreement between and among the Cities of Whiting and Crown Point and the Towns of Highland, Munster and Schererville. Councilor Novak moved the passage and adoption of Resolution No. 2009-11. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND, LAKE COUNTY, INDIANA
TOWN COUNCIL
RESOLUTION NO. 2009-11

A RESOLUTION RE-AUTHORIZING THE ENTRY INTO AN INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND UTILIZATION OF ETHICS TRAINING AND ADMINISTRATION SERVICES FOR MUTUAL BENEFIT AND APPROVING THE THIRD AMENDED AGREEMENT

Whereas, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually purchase and utilize equipment and supplies for the mutual benefit of each other;

Whereas, The city of Crown Point, the Town of Highland, the Town of Munster, the Town of Schererville, and the City of Whiting are signatories to An Interlocal Cooperation Agreement regarding Shared Ethics dated November 21, 2005 and last amended on October 22, 2007;

Whereas, The political subdivisions that are signatories to the Interlocal Cooperation Agreement for Shared Ethics desire to further amend the agreement in order to provide for the ability to better provide and utilize resources and services for the mutual benefit of the participating entities, and at a shared cost, particularly related to administration of shared ethical values;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA:

Section One: That Third Amendment to the Interlocal Cooperation Agreement for Shared Ethics, incorporated herein as an **exhibit** to this resolution, is hereby approved and adopted.

Section Two: That the President of the Town Council is hereby authorized and permitted to enter into the Third Amendment of the Interlocal Cooperation Agreement for purchase and utilization of ethics training and administration services for mutual benefit, pursuant to the applicable provisions of Indiana Code 36-1-7-1, et seq., as amended from time to time; further, the Clerk-Treasurer is hereby authorized to attest the execution of said agreement by the President of the Town Council;

Section Three That this Resolution shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of Highland, Lake County, Indiana.

Duly passed, resolved and adopted by the Highland Town Council of the Town of Highland, Lake County, Indiana, this 23rd Day of February, 2009 by a vote of 5 in favor and 0 opposed.

TOWN of HIGHLAND, LAKE COUNTY, INDIANA
By its Town Council:

Dan Vassar, President

Attest:

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

2. **Works Board Order No. 2009-06:** An Order of the Works Board Approving the Ridgewood Avenue (Phase II) Improvement Project and Approving and Authorizing An agreement

between Garcia Consulting and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof. Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-06. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Novak, Kuiper, and Vassar voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The order was adopted.

Before the roll call was conducted, Councilor Herak inquired whether or not RFPs or RFQ's were employed in the selection of engineering firm proposed. It was noted that none were used.

**THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2009-06**

AN ORDER OF THE WORKS BOARD APPROVING THE RIDGEWOOD AVENUE (PHASE II) IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN GARCIA CONSULTING AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF.

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 received a petition from the residents in the 2000-2200 blocks of Ridgewood Avenue a requesting consideration to reconstruct the 2000-2200 blocks of Ridgewood Avenue in a timely manner, a copy of which is attached herewith; and

Whereas, The Town Council has heretofore determined that a need exists to reconstruct the 2000-2200 blocks of Ridgewood Avenue pursuant to the request and to procure design engineering services associated with said street reconstruction and other improvements, to be known as the Ridgewood Avenue (Phase II) Improvement Project;

Whereas, Garcia Consulting has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in an estimated fee of Twenty-four Thousand Dollars (\$24,000); 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); and

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 the Public Works Director is hereby authorized and approved to proceed with the reconstruction the 2000-2200 blocks of Ridgewood Avenue to be known as the Ridgewood Avenue (Phase II) Improvement Project;

Section 2. That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting 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 for preliminary design engineering services in the not to exceed fee amount of Twenty-four Thousand Dollars (\$24,000) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Town Council, believes that Garcia Consulting has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement, pursuant to *I.C. 5-16-11.1-5 and Section § 31.64 of the Highland Municipal Code*;

Section 5. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 23rd day of February, 2009 having passed by a vote of 4 in favor and 1 opposed.

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

Dan Vassar, President

Attest:

Michael Griffin, Clerk-Treasurer

3. **Action on Municipal Group Dental Plan effective March 1, 2009.**

Guardian (current provider) proposed a 12% increase to premiums for renewal. The Agent Broker, Brown Insurance Group, has recommended a group dental plan offered by United Health Care, which will propose a 7% increase over current rates, and will lock in the rate for two years. A savings credit will be issued for the first year netting a 1% increase for 1st year. The rates are as follows:

Single: \$30.35 per month
Family: \$88.12 per month.

Councilor Zemen moved to select and approve United Health Care and the underwriter for the municipal group dental plan. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. United Health Care was selected and approved.

4. **Appropriation Enactment No. 2009-12: An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.** Councilor Herak introduced and moved the consideration of the Enactment No. 2009-12. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered. Councilor Herak moved the passage and adoption of Enactment No. 2009-12 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-12

AN ENACTMENT APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET FROM MONIES RECEIVED AS A GRANT FROM THE STATE OR FEDERAL GOVERNMENT, PURSUANT TO I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 ET SEQ.

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Indiana Department of Agriculture**, particularly represented on Clerk-Treasurer's receipt number 012375, in the amount of \$500.00 as reimbursement in support of a particular grant funded project;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

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

Section 1. That for the expenses of said municipality related to the promotion or marketing of a *Farmers' Market* by the Parks and Recreation Department, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named and for the sole purpose of repairing or replacing the damaged property:

PARKS AND RECREATION OPERATING (GENERAL) FUND

Increase Account:	#386.00 Recreation Programs.	\$ 500.00
	<i>Total 300 Series Increases</i>	\$ 500.00
	Total of All Fund Decreases:	\$ 500.00
	Total of All Fund Increases:	\$ 500.00

Section 2. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1-5-14 *et seq.*

Introduced and Filed on the 23rd day of February 2009. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 23rd Day of February 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 (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. **Resolution No. 2009-13:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Special Events Non-reverting Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. Councilor Herak moved the passage and adoption of Resolution No. 2009-13. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-13**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL EVENTS NON-REVERTING FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Special Events Non-reverting Fund**;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

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

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Special Events Non-reverting Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2009 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

SPECIAL EVENTS NON-REVERTING FUND

Reduce Account #111.02 Event Coordination Workers.	<u>\$ 2,000.00</u>
<i>Total 100 Series Reductions</i>	\$ 2,000.00
Increase Account #386.09 Entertainment	<u>\$ 2,000.00</u>
<i>Total 300 Series Increases</i>	\$ 2,000.00
Total of All Fund Decreases:	\$ 2,000.00
Total of All Fund Increases:	\$ 2,000.00

DULY RESOLVED and ADOPTED this 9th Day of February 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 (IC 36-5-2-10)

Attest:

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

6. **Proposed Ordinance No. 1422:** An Ordinance Establishing a Limited Group Medical Benefit for Municipal Employees, related to Medical Infertility Services, Self-Funded by the Municipality, with such benefit expiring on 31 December 2009. Councilor Herak introduced and moved the consideration of the Ordinance No. 1422 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Ordinance could be considered. Councilor Herak moved the passage and adoption of Ordinance No. 1422 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Ordinance was adopted.

ORDINANCE NO. 1422
OF THE
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE ESTABLISHING A LIMITED GROUP MEDICAL BENEFIT FOR MUNICIPAL EMPLOYEES, RELATED TO MEDICAL INFERTILITY SERVICES, SELF-FUNDED BY THE MUNICIPALITY, WITH SUCH BENEFIT EXPIRING ON 31 DECEMBER 2009., PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

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

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

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10-8 further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that the establishment of a program for medical infertility services for its public workforce, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to authorize and establish such a program for medical infertility services for its public workforce on a limited basis;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That there is established for the municipality a program for medical infertility services for its public workforce pursuant to and consistent with the provisions of the relevant governing law;

Section 2. That the Town will provide reimbursement for medical infertility services for its public workforce for all full-time employees and the Clerk-Treasurer, who are already covered under the group health, subject to the provisions herein.

Section 3. That the Town reserves the right to change alter, modify or cancel this plan coverage with or without notification.

The Plan

Section 4.(A) That the Town provides full-time employees with a **group medical infertility insurance** plan after an employee has completed at least thirty (30) days on the job. The coverage begins on the first of the month after the successful completion of the first thirty (30) days of employment. If the full-time employees are eligible for participation in the medical group plan of the Town at the time of the adoption of this ordinance, they are immediately eligible for this added benefit without a further waiting period. The plan is described as follows:

(B) The Town will reimburse medically insured employees and their spouses for verified, uninsured costs related to certain reproductive services. These services include the following:

1. Health services and associated expenses for infertility treatment, including assisted reproductive technology, regardless of the reason for the treatment. *This ordinance and plan does not apply to services required to treat or correct underlying causes of infertility.*
2. Surrogate parenting, donor eggs, donor sperm and host uterus.
3. Storage and retrieval of all reproductive materials, examples of which include eggs, sperm, testicular tissue and ovarian tissue.

(C) Employees who wish to participate in the plan described herein will submit to the regular group medical insurer the costs associated with a procedure covered under this ordinance. If denied by the regular insurer, the covered worker or spouse will submit the rejection and the EOB (explanation of benefits) to the Office of the Clerk-Treasurer for review. If the procedure or service is one covered under the terms of this ordinance, the clerk-treasurer may prepare a reimbursement to the worker for the cost of the service, subject to the value of the benefit limitations set forth in this ordinance.

(D) The maximum amount that will be reimbursed to any eligible employee or spouse, will not exceed the amount of **six-thousand, five hundred dollars (\$6,500) for services that are incurred prior to January 1, 2010**, unless a shorter period is established by ordinance.

(E) All employees or spouses who participate in this program shall be required to provide the proper authorizations for certain disclosure of private health information.

Section 5.(A) That the source of the funding for this program shall be self-funded by the Town of Highland for its covered employees and their spouses from the Rainy Day Fund, provided the ordinance establishing the fund is properly amended to permit this purpose.

(B) That the Clerk-Treasurer shall take the steps necessary to carry out the administration of this program from the fund identified herein, including causing any additional appropriations hearing that may be necessary, and setting aside the amount of money necessary to cover the liability likely to be incurred under the terms of this ordinance.

Section 6. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing compensation and benefits, known as the compensation and benefits ordinance and commonly promulgated as the Personnel Compensation and Benefits Policy;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;
- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;
- (d) That this ordinance and the plan it establishes shall expire on January 1, 2010.

Section 7. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a), and shall expire as indicated in the provisions of Section 6 (d) of this ordinance.

Introduced and Filed on the 23rd day of February 2009. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 23rd Day of February 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 (IC 36-5-2-10)

Attest:

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

- 7. Proposed Ordinance No. 1423:** An Ordinance making certain Amendments to the Rainy Day Fund. Councilor Herak introduced and moved the consideration of the Ordinance No. 1423 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Ordinance could be considered. Councilor Herak moved the passage and adoption of Ordinance No. 1423 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Ordinance was adopted.

**ORDINANCE NO. 1423
of the
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO AMEND THE TERMS RELATED TO THE RAINY DAY FUND OF THE TOWN OF
HIGHLAND, PURSUANT TO IC 36-1-8-5.1**

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,

WHEREAS, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 The Highland Municipal Code is hereby amended by adding a new Chapter to be numbered ____ and to be entitled: Rainy Day Fund, which shall read as follows:

RAINY DAY FUND

§ XXX.01 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the Rainy Day Fund, pursuant to IC 36-1-8-5.1 et seq.

(B) The Rainy Day Fund is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, including meeting exigencies as herein may be defined and such other purposes permitted by IC 36-1-8-5.1 and as are identified in this subchapter.

(C) The sources of funding for the Rainy Day Fund may include the following:

1. Unused and unencumbered funds transferred pursuant to and identified in IC 36-1-8-5; IC 6-3.5-1.1-21.1; IC 6-3.5-6-17.3; or IC 6-3.5-7-17.3.
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. An appropriation in the annual budget in the several funds of the municipality as maybe identified and approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d);
4. Unreserved, undesignated fund balances which may be identified in the several funds of the municipality, as maybe approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d); and

(D) The Rainy Day Fund is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) In any fiscal year, the Town Council may transfer not more than ten percent (10%) of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the Rainy Day Fund as authorized by IC 36-1-8-5.1.

(F) The Rainy Day Fund is established and remains in effect until such time as the fund is repealed or rescinded by action of the Town Council.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the Rainy Day Fund shall only be used for the following purposes:

1. To make temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt as provided in IC 36-1-8-4;
2. To pay the deductibles on insurance not already provided for in other funds of the municipality;
3. To pay monetary settlements, damages or claims in consequence of a legal cause of action;
4. **To pay and provide resources for the reimbursement of costs borne by municipal employees for medical infertility services subject to the ordinance which may authorize and establish such an employee group benefit;**

(B) Notwithstanding IC 36-5-2-9.6, the *affirmative vote of four (4) members* of the Town Council is necessary for the following uses of the fund:

1. To pay the deductibles on insurance not already provided for in other funds of the municipality.
2. To pay monetary settlements, damages or claims in consequence of a legal cause of action.

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the Rainy Day Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the Rainy Day Fund may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Rainy Day Fund does not revert to the corporation general fund nor to any other fund but shall remain with the Rainy Day Fund until such time as an

ordinance is passed and adopted regarding its disposition. Notwithstanding IC 36-5-2-9.6, an ordinance abolishing and defeasing the Rainy Day Fund and authorizes a transfer of any remaining unexpended, unencumbered assets of the fund to a particular fund, must be passed by at least four (4) members of the Town Council.

Section 2. That the provisions provided in Ordinance No. 1356 and restated in Ordinance No. 1408, which particularly provide the following are still in full force and effect:

(A) That on *or about* **January 1 2008**, the unobligated, unencumbered fund balance of the Health (Self) Insurance shall be transferred to and deposited to the credit of the **Rainy day Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund; and

(B) That the provisions provided in Ordinance No. 1356 which particularly provide that Unless otherwise provided by act of the fiscal body, on or after October 1 2008, after all the encumbered obligated fund balance of the Health (Self) Insurance is discharged, **and following an audit by the Indiana State Board of Accounts**, the Health (Self) Insurance Fund shall be defeased, abolished and repealed in its entirety;

Section 3. That the fund established by Ordinance No. 1356, and re-established by Ordinance No. 1408 named the Rainy Day Fund, which exists at the time of the adoption of this ordinance, has continuity of existence. The cash on deposit to the credit of the fund established by Ordinance No. 1356 and re-established by Ordinance No. 1408 as well as all its assets and liabilities, held prior to the passage and adoption of this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found to be an approved source of money for the fund.

Section 4. That any and all such ordinances in conflict with the provisions of this ordinance, including Ordinance No. 1356 and re-established by Ordinance No. 1408, subject to Section 2 of this ordinance, are hereby repealed and are of no further force or effect. The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions ordinance.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 23rd day of February 2009. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 23rd day of February 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL 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)

Comments from the Town Council (Good of the Order)

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison* • *Plan Commission member* • *Chamber of Commerce Co-Liaison* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Selection Centennial Commission.*

Councilor Zemen noted that the Northwest Indiana Forum was sponsoring a presentation to be made by Baker Daniels on the American Recovery and Reinvestment Act (Stimulus bill) and the impact for local governments.

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison* • *Board of Waterworks Directors Liaison* • *Community Events Commission, Liaison.*

Councilor Herak noted that the Board of Sanitary Commissioners was working on designing the current conceptual flood control plan into a series of component projects and an associated timeline.

- **Councilor Brian Novak:** *Town Board of Metropolitan Police Commissioners, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak noted and welcome the return of Officer Kelly Hayes to active duty at the Metropolitan Police Department. He also noted that the Traffic Safety Commission continues to study a traffic issue at intersection of Highway Avenue and Johnston Street.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Park and Recreation Board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no special comments.

- **Councilor Dan Vassar:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners.*

Council President Vassar had no special comments.

Comments from the Public for Matters not on the Agenda

1. Jim Diehl, 10104 Kennedy Avenue, Highland, commented unfavorably on the rejection of the records request of Second Christian Reformed Church.
2. Ed Mackowiak, 2022 - 38th Street, Highland, complained about certain house buying companies placing signs on utility poles and whether the Town had an ordinance prohibiting this and, if so, if there was any enforcement effort.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period January 16, 2009 through to February 23, 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, \$252,513.46; Motor Vehicle Highway and Street (MVH) Fund, \$88,711.61; Forfeited and Seized Assets Fund, \$800.00; Information and Communications Technology Fund, \$5,621.17; Municipal Cumulative Capital Development Fund, \$13,209.00; Safe Neighborhood Grant Fund, \$1,615.38; Gaming Revenue Sharing Fund, \$9,850.00; Corporation Capital Fund, \$23,643.93; Total: \$395,964.55

Adjournment. Councilor Zemen moved that the meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, February 23, 2009 was adjourned at 7:37 O'clock p.m.

There was no study session following the meeting.

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