

**Enrolled Minutes of the Thirtieth Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, March 09, 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 Monday, March 09, 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 the subject of the appointments that were listed on the agenda and the readiness of the Council to make its nominations or its appointments to the Community Events Commission.
3. The Town Council discussed the supplemental agreement for First Group Engineering for the Cline Avenue Reconstruction Project, the subject matter of Works Board Order No. 2009-08.
4. The Clerk-Treasurer reminded the Town Council of the invitation to attend the ARC Bridges luncheon on Friday at the Highland site.
5. The Town Council discussed briefly the merits of participating in the new round of police hiring grants for the recently adopted American Recovery and Reinvestment Act (ARRA) or Stimulus funds that may be available. It was noted that the program only would fully fund the cost of an officer paid at the 4<sup>th</sup> class level for three years. It was further noted that the municipality would need to come up with the costs not met from the grant beginning in the second through twenty plus years of any officer's hire.

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

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, March 09, 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 Dan Vassar presided and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with the Town Councilor Brian Novak 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; Jack Lannon, Public Works General Supervisor; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, CFOD, Fire

Chief; Cecile Petro, Redevelopment Director; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Lisa Gauthier of the Community Events Commission; Mark Roorda and Dennis Adams of the Town Board of Metropolitan Police Commissioners; Jim Slagle of the Municipal Plan Commission and the Advisory Board of Zoning Appeals and Ed Dabrowski of the Park and Recreation Board were also present.

Hon. Richard Novak of the North Township Board and Hon. Frank Mrvan, North Township Trustee, were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 23 February 2009 were approved by general consent.

**Special Orders:**

1. **Proclamation of the Municipal Executive:** A Proclamation in Recognition of and Declaring March as Developmental Disabilities Awareness Month in the Town of Highland. *The Town Council President requested that the proclamation be read aloud. Upon completion of the reading by the Clerk-Treasurer, the Town Council President executed the proclamation with his signature.*

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

• **Building & Inspection Report for February 2009**

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	22	22	0	\$159,092.00	\$2,723.50
Addit/Remodel					
Commercial	1	0	1	\$6,200.00	\$357.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	0	0	0	\$0.00	\$0.00
Fences	0	0	0	\$0.00	\$0.00
Garage	0	0	0	\$0.00	\$0.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Misc. Permits	4	4	0	\$16,090.00	\$446.00
Misc. Flood damage repair	0	0	0	\$0.00	\$0.00
Signs	5	0	5	\$102,100.00	\$2,361.50
Fire Repair	0	0	0	\$0	\$0
<b>Total:</b>	<b>32</b>	<b>26</b>	<b>6</b>	<b>\$283,482.00</b>	<b>\$5,888.00</b>
<b>Electrical Permits</b>	<b>8</b>	<b>6</b>	<b>2</b>		<b>\$845.00</b>
<b>Mechanical Permits</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>\$667.00</b>
<b>Plumbing Permits</b>	<b>4</b>	<b>3</b>	<b>1</b>		<b>\$312.50</b>
<b>Water Meters</b>	<b>4</b>	<b>4</b>	<b>0</b>		<b>\$400.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Total:</b>	<b>8</b>	<b>7</b>	<b>1</b>		<b>\$712.50</b>

**February Code Enforcement:** 129 warnings issued and 15 citations were issued.

There were 18 final building inspections, 9 plumbing inspections, and 23 electrical inspections. There were no electrical exams given.

• **Fire Department Report for February 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	5	18	24	
Car Fires	1	2	1	
Still Alarms	10	19	16	
Ambulance calls	0	0	0	

• **Workplace Safety Report for February 2009**

There was one incident reported in February. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	0	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	1	1	8	0	0	0	21
Street	0	0	6	0	0	3	2
Water & Sewer	0	0	6	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
<b>TOTALS</b>	1	1	25	0	0	3	23

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:**

The Town Council President noted that the Town Council was not ready to make its appointments or nominations. With leave from the Town Council, these agenda matters were not taken up.

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Community Events Commission (3)** appointments to be made by Town Council, for one-year term positions.
2. **Select Centennial Commission (3)** nominees to be made by Town Council, and appointed by the Town Council President.

**Unfinished Business and General Orders:**

1. **Works Board Order No. 2009-07:** An Order Approving and Re-Authorizing the Entry into a Service Agreement with SBC for Certain Telecommunications (CENTREX) and Broadband Services, under §31.22 of the Municipal Code. There is no increase from the current service fees.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-07. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**An Order Approving and Re-Authorizing the Entry into a Service Agreement with SBC for Advanced Centrex Services, under §31.22 of the Municipal Code.**

**Whereas,** The Town of Highland Office of Clerk-Treasurer, has elected to seek certain economies for the voice telecommunications services, because no other office by law is specifically directed to perform this function, and, from time to time, it is necessary to purchase and or lease services in order to better carryout the functions of the office and the municipality; and

**Whereas,** The Clerk-Treasurer has recommended a renewal for the existing telecommunications services and has secured a quote from SBC, the current provider, for Centrex services for 31 lines in the total monthly amount of \$340.50, for a period of 36 months;

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to §31.17(A) and (B) of the Code serves as purchasing agency for the executive departments of the municipality, and the utilities when costs are to be shared; and

**Whereas,** The value of the agreement exceeds ten thousand (\$10,000) and is for a term of greater than one year, pursuant to §31.18(C) of the HMC, requires the express approval of the purchasing agency; and

**Whereas,** The Highland Municipal Code Section §31.22 provides that the purchase of services may in a manner that the purchasing agency determines to be reasonable; and

**Whereas,** The payments will be supported by an appropriations and funds of the **Information and Communications Technology Fund**; and

**Whereas,** The Town Council now desires to approve and authorize the Clerk-Treasurer to enter a service agreement pursuant to the terms stated herein.

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

**Section 1.** That the Clerk-Treasurer is hereby directed and authorized to execute the necessary documents to support the acceptance and approval of the following telecommunications Advanced Centrex services, for a term not to exceed 36 months, offered by SBC in the monthly amounts set forth and identified as follows:

SBC Centrex Line Services (31 @ \$10 ea.)	\$310.00 monthly
SBC Centrex Caller ID/5ESS (3 @ \$7.50 ea.)	\$ 22.50 monthly
SBC Centrex Calling Name Display/ (4 @ \$2.00 ea.)	<u>\$ 8.00 monthly</u>
<b>Total:</b>	<b>\$340.50 monthly</b>

**Section 2.** That purchase agency believes the manner of this purchase of services is reasonable, as are the charges for the term of thirty-six months.

**Section 3.** That the Clerk-Treasurer is authorized and directed to execute the agreement and any additional documents in order to implement Advance Centrex services.

**Section 4.** That the Clerk-Treasurer be directed to cause the charges approved under this Works Board Order to be posted to and supported by an appropriation in the **Information and Communications Technology Fund**.

**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 9<sup>th</sup> day of March 2009 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, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

- 2. Works Board Order No. 2009-08: An Order Acknowledging The Cline Avenue Improvement Joint Project and Authorizing and Approving An Supplemental agreement between First**

Group, Incorporated and the Town of Highland to perform Design Engineering and Professional services in support of thereof.

Councilor Novak moved the passage and adoption of Works Board Order No. 2009-08. Councilor Zemen 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. 2009-08**

**AN ORDER ACKNOWLEDGING THE CLINE AVENUE IMPROVEMENT JOINT PROJECT AND AUTHORIZING AND APPROVING AN SUPPLEMENTAL AGREEMENT TO AN EXISTING AGREEMENT BETWEEN FIRST GROUP, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT OF THEREOF**

**Whereas,** The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to improve the section of Cline Avenue that has its northern terminus at Ridge Road and its Southern terminus at 45<sup>th</sup> Avenue, evidenced by the adoption of Resolution No. 2005-10 adopting an Interlocal cooperation agreement with the Town of Griffith on 14 March 2005, share costs related to this project;

**Whereas,** The Town has applied for Surface Transportation Program (STP) Group I funds for this Project through the Northwestern Indiana Regional Planning Commission (NIRPC); and

**Whereas,** The Town has heretofore determined that a need exists to engage professional design engineering services associated the Project in order to demonstrate progress and commitment to the Project; and

**Whereas,** The Town Council did pass and adopt Works Board Order No. 2005-22, on June 27, 2005, which approved an agreement to provide and furnish design engineering and professional services detailed and specifically described as Field survey, Environmental, Categorical Exclusion, Design Study Report, Road design including Cady Marsh Ditch structure and soils investigation and Street lighting, in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in a total amount of *Two Hundred five Thousand Dollars and 00/100 Cents (\$205,000.00)* all for the **Cline Avenue Reconstruction Project**, with a northern terminus of Ridge Road and a southern terminus of 45<sup>th</sup> Avenue;

**Whereas,** First Group Engineering, Incorporated, (Consultant) has determined that the scope and cost of the project has increased over the life of the project sufficiently enough that it has offered and presented a supplemental agreement, styled as **Supplemental Agreement No. 1**, to the existing Agreement to provide and furnish design engineering and professional services detailed and specifically described as Field survey, Environmental, Categorical Exclusion, Design Study Report, Road design including Cady Marsh Ditch structure and soils investigation and Street lighting, in consideration for additional fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in the supplemental amount of *ninety nine thousand, nine hundred sixty and 00/100 Cents (\$99,960)*, bringing the new effective total agreement to *three hundred four thousand, nine hundred sixty dollars and 00/100 Cents (\$304,960.00)* all for the Cline Avenue Reconstruction Project, with a northern terminus of Ridge Road and a southern terminus of 45<sup>th</sup> Avenue;; 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), for the Field survey, Environmental, categorical exclusion and Design Study Report; and

**Whereas,** As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

**Whereas,** The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

**Whereas,** The Town of Highland, through its Town Council now desires 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 Supplemental Agreement No. 1 to the existing Professional Engineering Agreement (incorporated by reference and made a part of this Order) between First Group Engineering, Incorporated, and the Town of Highland, for the Cline Avenue Project, improving the section of Cline Avenue that has its northern terminus at Ridge Road and its Southern terminus at 45<sup>th</sup> is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That the terms and charges under the supplemental agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 31.62 of the municipal code;

**Section 3.** That the Town of Highland, through its Town Council, believes that First Group Engineering, Incorporated has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

**Section 4.** That the Town Council President as well as the members of the Town Council be authorized to execute the Agreement with their signatures as attested thereto by the Clerk-Treasurer, and approved as to legality and form by the Town Council Attorney.

**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 9<sup>th</sup> day of March 2009 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. Works Board Order No. 2009-09:** An Order of the Works Board Authorizing and Approving a Change Order on the Kennedy Avenue Reconstruction Project Contract R-30936-A, all pursuant to IC 36-1-12-18.

Councilor Herak moved the passage and adoption of Works Board Order No. 2009-09. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2009-09**

**AN ORDER AUTHORIZING and APPROVING A FIRST CHANGE ORDER to the CONSTRUCTION CONTRACT R-30936-A RELATED to the KENNEDY AVENUE IMPROVEMENT PROJECT, NORTHERN TERMINUS AT LITTLE CALUMET RIVER AND SOUTHERN TERMINUS AT RIDGE ROAD, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18**

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

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

**Whereas,** First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Grimmer Construction, Inc., particularly in support of costs associated with items outlined and adjustment for common excavation for Undercutting which has a net effect of increasing the contract cost; and

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

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

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

**Section 1.** That the First Addendum to the Construction Contract R-30936-A with Grimmer Construction, Inc. for the **Kennedy Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

**Section 2.** That this first addendum is hereby ordered to be known as **Change Order No. 1**, issued to add net increases to the original agreement in the net increased amount of nine thousand, eight hundred, eighty-eight and fifty cents (\$9,888.50), bringing the total value of the entire agreement with any and all change orders

approved to date to seven million, three hundred forty-five thousand, five hundred twenty-seven dollars and thirty cents (\$7,345,527.30) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation, making the local cost of the current change order an increase of one thousand, nine hundred seventy-seven dollars and seventy cents (\$1,977.70);

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

**Section 4.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being seven million, three hundred-thirty-five thousand, six hundred thirty-eight dollars and eighty cents (\$7,335,638.80)) which may not exceed eight million, eight hundred two thousand, seven hundred sixty-six dollars and twenty cents (\$8,802,766.20) all pursuant to IC 36-1-12-18(d);

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

**Be it So Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9<sup>th</sup> day of March 2009 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, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Resolution No. 2009-14:** A Resolution Expressing the Sense of the Town Council opposing the Elimination of Township Government. *Councilor Zemen moved the passage and adoption of Resolution No. 2009-14. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.*

After motion to adopt but before roll call, Councilor Novak and Councilor Zemen offered comments commending Township government in particular, and commending the North Township Government in particular.

**HIGHLAND TOWN COUNCIL  
Resolution No 2009-14**

**A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE STATUS OF TOWNSHIP GOVERNMENTS and URGING THE DEFEAT of SB 512**

**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,** Senate Bill 512 if enacted will eliminate Township government and effective 2013 abolish the office of township trustee and transfer all township duties and responsibilities to the county executive; and

**WHEREAS,** The North Township Trustee's offices has a highly trained and dedicated staff that provide vital health and social services to the neediest and most vulnerable segment of the local population. The accomplishments and benefits of the North Township Trustee's office include the following:

1. Immediate Service
2. Emergency Service
3. Established Disaster Relief Centers
4. Coordinated all Social Services & Churches to become more efficient by eliminating waste & fraud, ie: churches, salvation army
5. Energy Assistance Program site
6. Payments directly to necessary vendors and not clients
7. Employment Programs

8. Education Programs
9. Job / Education Fairs
10. Flexibility of Hours
11. Flexibility of Assistance
12. Meet monthly with clients for accountability
13. Assistance granted upon contingency of workfare, education, job search
14. Medical Assistance, ie: dental, optical, medical
15. Prescription Assistance
16. Burial / Cremation Assistance
17. Mortgage/Rent Assistance
18. Utility Assistance, ie: water, gas, electric
19. Food/Household Assistance
20. Senior Citizen Programs
21. Warming Shelters
22. Youth Programs
23. Provide Parenting Support through Parents as Teachers
24. Support through schools for parent / child involvement
25. On demand Dial-A-Ride Bus Service
26. School Clothing Programs
27. School Supply Programs
28. Necessary home furnishings
29. Indiana Coalition of Housing and Homeless partner
30. Senior Emergency Outreach Program
31. Subsidize loss due to criminal acts; and

**WHEREAS**, the Town Council of the Town of Highland, Lake County, Indiana, believes that the loss of the acquired skill and expertise of the North Township Trustee and his staff, together with the existing and anticipated budgetary pressure on County government, will inevitably lead to the elimination of vital health and social services to our neediest citizens and families;

**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 it is the sense of the Town Council of Highland, urges in the strongest possible terms, the defeat of Senate Bill 512 in the Indiana General Assembly.

**DULY RESOLVED and ADOPTED** this 9<sup>th</sup> Day of March 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. 2009-15:** A Resolution Regarding An Exchange of Property Previously Approved and Authorized by the terms of a Certain Agreement Between the Civil Town of Highland and the School Town of Highland entitled "AGREEMENT to EXCHANGE REAL ESTATE and as to CROSSING GUARDS", finally adopted August 18, 1992, Perfecting an omitted Property Conveyance, by Authorizing and Approving a Warranty Deed to Transfer the Property, all pursuant to IC 36-1-11-8.

Councilor Herak moved the passage and adoption of Resolution No. 2009-15. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland  
RESOLUTION NO. 2009-15**

**A RESOLUTION REGARDING AN EXCHANGE OF PROPERTY PREVIOUSLY APPROVED AND AUTHORIZED BY A CERTAIN AGREEMENT BETWEEN THE CIVIL TOWN OF HIGHLAND AND THE SCHOOL TOWN OF HIGHLAND ENTITLED "AGREEMENT to EXCHANGE REAL ESTATE and as to CROSSING GUARDS", FINALLY ADOPTED AUGUST 18, 1992,**

**PERFECTING AN OMITTED PROPERTY CONVEYANCE BY AUTHORIZING AND APPROVING A WARRANTY DEED TO TRANSFER THE PROPERTY, ALL PURSUANT TO IC 36-1-11-8**

**WHEREAS**, The Civil Town of Highland (Civil Town) and the School Town of Highland (School Town), by their respective Boards of Trustees, entered into an agreement in 1988 calling for the transfer of certain lands and the payment of certain funds from the School Town to the Civil Town and from the Civil Town to the School Town to insure that property at Orchard Park School would not be developed and that the Building Trades program would continue;

**WHEREAS**, The Civil Town and the School Town did adopt an agreement styled as "Agreement to Exchange Real Estate and as to School Crossing Guards" in August 1992, in furtherance of a series of agreements calling for the transfer of certain lands and the payment of certain funds from the School Town to the Civil Town and from the Civil Town to the School Town, to preserve the public recreational use of property at Orchard Park School, provide lots to support the Building Trades program, to provide for cost sharing in support of school crossing guard services, and to provide greater utility of particular Civil Town property by conveying it to the School Town of Highland;

**WHEREAS**, The "Agreement to Exchange Real Estate and as to School Crossing Guards" in part provided for the transfer from the Civil Town of Highland to the School Town of Highland of a particular lot and building that had been used for the Town's Civil Defense group;

**WHEREAS**, The School Town of Highland has continuously occupied and utilized the property, since the adoption of the agreement in August 1992, but it has recently been discovered, that the 1992 Agreement did not perfectly depict or carry-out the transfer as intended;and

**WHEREAS**, The School Town of Highland and the Civil Town of Highland now mutually desired to take such steps as necessary to perfect the agreement, carry out the purposes of the Agreement and authorize the transfer of the property as intended,

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

**Section 1.** That the Agreement entitled "Agreement to Exchange Real Estate and As to Crossing Guards" is hereby affirmed, ratified as to its adoption in August 18, 1992, in all respects;

**Section 2.** That is hereby found, determined and affirmed that the agreement entitled "Agreement to Exchange Real Estate and As to Crossing Guards," in part was approved to include the transfer from the Civil Town of Highland to the School Town of Highland of a particular lot and building that had been used for the Town's Civil Defense group, the proper description of which was omitted or not perfected in the exhibits of the agreements, and that property is legally described as follows:

Lots 16, 17, 40 and 41, Block 3, Wicker Boulevard Addition to Highland, as per plat thereof, recorded in Plat Book 16, page 24, in the Office of the Recorder of Lake County, Indiana.

Having no commonly known as street address.

**Section 3.** That in order to carry out and further perfect the purposes of the August 1992 agreement, particularly completing the transfer from the Civil Town of Highland to the School Town of Highland of a particular lot and building that had been used for the Town's Civil Defense group, the Warrant Deed, included as an exhibit to this resolution, is hereby authorized and approved and the Town Council President and Clerk-Treasurer are authorized to execute the warranty deed with their signatures, all pursuant to IC 36-1-11-8.

**DULY RESOLVED and ADOPTED** this 9<sup>th</sup> Day of March 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. 1424:** An Ordinance to Amend the Highland Municipal Code, authorizing the Fire Department to Impose Charges for Certain Instances of Stand-by time.

Councilor Novak introduced and moved the consideration on the same meeting of introduction of Ordinance No. 1424. 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 on the same meeting of introduction.

Councilor Novak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1424. 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 on the same meeting of introduction.

ORDINANCE NO. 1424  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE IN ORDER TO ESTABLISH A NEW SUBCHAPTER CALLED STAND BY OR READINESS SERVICES COMPRISED OF SECTIONS § 93.06 AND § 93.07 REGARDING FEES AND OTHER CHARGES RELATED TO CERTAIN SERVICES OF THE FIRE DEPARTMENT AND THE IMPOSITION OF FEES FOR STAND BY TIME, ALL PURSUANT TO IC 36-1-8, IC 36-1-3 AND IC 36-8-12.2-8 AS AMENDED.

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

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, The Town Council has been advised that it may be necessary or desirable to authorize a protocol for cost recovery for incidents to which the Fire Department deploys resources to stand by or be in readiness on site to provide protection and more rapid response, and which are not already covered by the hazardous materials response or another law;

WHEREAS, The Fire Chief has advised the Town Council of the desirability of amending the Chapter 93 regarding the recovery of costs for incidents to which the Fire Department deploys resources to stand by or be in readiness on site to provide protection and more rapid response, and which are not already covered by the hazardous materials response or another law;

WHEREAS, The Town Council has determined that it would be of great public benefit to authorize a user fee that may be charged to recover the costs of services described herein to support and carryout the 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 following sections of the Highland Municipal Code in order to further perfect the operation of the Town and its utilities;

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

**Section 1.** That the Highland Municipal Code be amended by adding a new subchapter to be called *Stand by and Readiness Services for Special Events* to be composed of two new sections to be numbered § 93.06 and § 93.07, which shall read as follows:

STAND-BY AND READINESS SERVICE FOR SPECIAL EVENTS

§ 93.06 SPECIAL EVENT STAND BY SERVICES.

(A) Definitions. As used in this section, the following definitions shall apply:

- (1) "Special Event" includes an event to which the public is an invitee, in which there will be a gathering or assembly of persons. This may include rallies, exhibitions, festivals, concerts, political gatherings, fairs, shows, athletic event, and ceremonial events.
- (2) "Event responsible party" is the organizer, organization, committee, corporation or person responsible for the special event.
- (3) "Stand by or readiness services" includes the assignment or deployment of equipment, resources and members of the Highland Fire Department at the site of a special event as a precautionary measure, waiting to be engaged to provide public safety at the site and any exigent services that may arise or be needed at the special event site. It does not include any exigent services or calls that may arise of site and to which the members of the Highland Fire Department necessarily respond.

(B) The Highland Fire Department is authorized to impose a service charge on a person that is an event responsible party with respect to a special event to which the Highland Fire Department has deployed equipment, resources and to which members of the fire department were assigned provided that;

(1) the responsible party has requested the readiness or standby services of the Highland Fire Department and has been made aware of the special user fees that will be charged for such services; and

(2) the town legislative body has approved the imposition of the service fees in advance of any special event.

(C) The department *may* bill the responsible party for the total value of the services provided, as determined from the schedule of service charges described in Section § 93.07. The value shall also take into account the following:

(1) The actual wages and salary including payroll taxes, and any cost of benefits treated as compensation that are discretely measurable of personnel earned in the course of the stand by or readiness services;

(2) The actual cost of supplies and resources that were consumed or exhausted in the course of the stand by or readiness services; and

(3) The cost of replacement or repair to any equipment lost (unrecovered) or damaged in the course of the of the stand by or readiness services.

(D) The department may not bill under this section for services provided that duplicate services provided by another governmental entity.

(E) The Fire Chief shall be responsible for the billing and collection and the execution of the provisions of this section. In all invoices or documents for billing, the Clerk-Treasurer shall counter sign any invoice before it is sent. Any invoice that does not have both the signature of Fire Chief and the Clerk-Treasurer is void. Further, the Fire Chief shall provide a copy immediately to the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

(F) The Clerk-Treasurer shall be further empowered to approve the manner and form of the billing document and suitable protocols;

(G) In addition to any other lawful penalties that may apply, a responsible party is subject to a penalty for failure to pay the full amount of a charge made under this section within sixty (60) days after the issuance of the bill for payment by the fire department. The amount of the penalty is ten percent (10%) of the amount of the charge that remains unpaid on the due date.

**Section 2.** That the Highland Municipal Code be amended by adding a new section to be numbered § 93.07, which shall read as follows:

§ 93.07. FEES for STAND BY READINESS SERVICES at SPECIAL EVENTS

*Fees for Special Readiness or Stand by Services*

(A) There is an initial response equipment fee, to be charged as a one-time flat charge for special event to which the identified equipment is dispatched or assigned. The charges shall be as follows:

For each Non-command vehicle:	\$250.00
For each Command vehicle:	\$100.00

(B) There is an elapsed time equipment fee, to be charged based upon the accrued time spent by each piece of equipment for each incident to which the identified equipment is dispatched. The charges shall be as follows:

For each Non-command vehicle:	\$150.00 per hour
For each Command vehicle:	\$ 50.00 per hour

(C) There is an elapsed time Personnel fee, to be charged based upon the accrued time spent by each firefighter assigned or detailed to the particular special event. The charges shall be as follows:

Elapsed time Personnel response fee: actual hourly rate plus Social Security and Medicare taxes per hour per assigned firefighter, as established by the most recently adopted and effective wage and salary ordinance of the Town.

(D) In addition to the foregoing, the Fire Department is authorized and instructed to recover actual costs for materials and supplies expended or lost in consequence of the readiness or stand by services provided at a given special event, describing with reasonable particularity the item expended, a unit cost if possible and a total cost.

(E) All fees lawfully charged under the provisions of this subchapter, shall be deposited with the Clerk-Treasurer who shall deposit the fees into the Corporate General Fund. These fees shall be available for appropriation for use by the Fire Department.

**Section 3** Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force nor effect;

**Section 4.** That services provided, after October 29, 2008 and prior to the adoption of this ordinance, that are described by this ordinance, may now be invoiced and charged according to the terms of this ordinance.

**Section 5.** Whereas an emergency exists for the immediate taking effect of this Ordinance, it 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 9<sup>th</sup> Day of March 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 9<sup>th</sup> Day of March, 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, Town Council President

Attest:

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

### **Comments from the Town Council Members (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 reported the Redevelopment Commission meeting times.

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

Councilor Herak noted that there was warning issue regarding the sanitary pump station located at the Suburban Bible Church on 41<sup>st</sup> Avenue. Councilor Herak asked for follow-up with the church to address the concern.

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

Councilor Novak noted that the Traffic Safety Commission had concluded its review and was recommending 4-way stop signs at the 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 comments.

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

Council President Vassar commented favorably on the activity of the Board of Sanitary commissioners noting that the board was conducting its Meeting of March 17, 2009 at 6:30 p.m. at the Lincoln Community Center. In addition to its usual business, the Board would be discussing the storm water storage (retention) solution to be presented by representatives of Burke and Associates for the Homestead Gardens Neighborhood. Residents of that neighborhood were invited to attend.

**Comments from the Public or Visitors.**

1. Jim Diehl, 10104 Kennedy Avenue, Highland, noted that he recently joined the public works director on a tour of the several flood control levees in Town. He noted again the amount of storm water that is stored on his property and expressed his desire that the Town Council commit storm water control resources to his end of town.
2. Ursula Piech, 8331 Parrish Avenue, Highland, inquired about the impact of the Sense of the Council Resolution regarding Township Governments.
3. Rich Novak, 4412 Baring Avenue, East Chicago, Indiana, thanked the Town Council for its support of Township government and the adoption of the Sense of the Council resolution.
4. Ursula Piech, 8331 Parrish Avenue, Highland, expressed her belief that other North Township Trustees were not as "good" as the current one. She expressed her reservation about the need to maintain Township government.
5. Jim Slagle, 3504 Eder Place, Highland, commented favorably on preserving Township government.
6. Ed Beatty, 9023 Hess Drive, Highland, commented on the AAU tournament that was conducted at the Fieldhouse of the Lincoln Community Center and the leaking roof that occasioned the event. Mr. Beatty indicated his unhappiness with the leaking and its occurrence during the regional invitational event at the Center. Mr. Beatty urged the repair of the roof at the Lincoln Center Fieldhouse.

Mr. Beatty also remarked about his concern about the ponding of water in his Hess Drive neighborhood on the streets. Mr. Beatty opined his belief that roof run off from the Second Christian Church on Ridge Road and Fifth Street, may contribute or exacerbate the problem.

**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 February 24, 2009 through to March 09, 2009. Councilor Kuiper 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, \$286,900.68; Motor Vehicle Highway and Street (MVH) Fund, \$32,638.57; Law Enforcement Continuing Education and Training Fund, \$1,541.63; Flexible Savings Account (FSA) Agency Fund, \$3,414.80; Insurance Premium Fund, \$102,251.16; Information and Communications Technology Fund, \$6,447.46; Civil Donation Fund, \$643.26; Special Events Non Reverting Fund, \$680.00; Rainy Day Fund, \$177,000.00; Police Pension Fund, \$58,297.24; Traffic Violations Agency Fund, \$1,354.50; Safe Neighborhood Grant Fund, \$1,615.38; Total: \$672,784.68.**

**Adjournment.** Councilor Zemen moved that the regular meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of **Monday, March 09, 2009** was adjourned at 7:58 O'clock p.m. No study session followed.

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