

**Enrolled Minutes of the Thirty-First Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, March 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, March 23, 2009 at 6:35 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, Brian Novak, Konnie Kuiper and Dan Vassar were present. Councilor Mark A. Herak was absent, delayed in arrival owing to traffic. 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 possible application for Justice Assistance Grants to support the purchase video cameras for placement in police patrol cars as well as purchase eight tazers plus supplies. Commander Georgeff requested that the agenda be amended to permit consideration and approval of the filing of the grant application.
3. The Town Council and the Town Attorney discussed the disposition of the litigation initiated by Dave Clark regarding the cave-in of a basement wall at his property (now abandoned) located at **3421** LaVerne Drive. It was reported that Mr. Clark may wish to dismiss his lawsuit and join with a pending class action also brought against the town related to flooding in basements associated with a storm event of September 2006. The Town Attorney reported his expectation that the Town would soon proceed under the Unsafe Building Law to declare and find the house on Laverne an unsafe building and demolish the house.
4. The Town Council discussed the ways and means of disposing of the houses located at 3315 and 3309 Ridge Road, as acquired by the Town Council. The discussion included the merits of allowing the houses to be used by the Fire Department as training opportunities by setting allowing them to be burned as well as other demolition techniques. The discussion included whether or not the houses may be disposed by permitting interested parties to at their own expense remove the houses.

The study session ended at 6:58 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 23, 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 Council President Dan Vassar, presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Councilor Konnie Kuiper 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 L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Commander George Georgeff, Metropolitan Police Department; 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 of the Community Events Commission; and Ed Dabrowski of the Park and Recreation Board were also present.

Minutes of the Previous Session

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

Appointments:

• Statutory Boards and Commissions

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Community Events Commission** appointments to be made by Town Council, for one-year term positions. (3) *positions remain to be filled.*

Councilor Zemen moved the appointment of **Julie Ritchey**, 8817 Park Place Drive, Highland, to a term ending on January 1, 2010, on the Community Events Commission. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Ms. Ritchey was appointed.

2. **Select Centennial Commission (3)** nominees to be made by Town Council, and appointed by the Town Council President. *Pursuant to the Ordinance, the Town Council has three nominees that the Town Council President shall appoint.*

Councilor Novak moved the nomination of **Kathy Grimler**, 3916 Bayberry Lane, Highland, **Lee Ann Kerber**, 2942 Franklin Avenue, and **Paul Doherty**, 2929 Condit, Highland as the legislative nominees for consideration and appointment by the Town Council President to the Select Centennial Commission. Council Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The persons were the legislative nominees for the Select Centennial Commission.

The Town Council President indicated that he would make the appointments.

Unfinished Business and General Orders:

1. **Enactment No. 2009-16:** An Enactment to Appropriate FEMA Reimbursements to the Metropolitan Police Department and the Fire Department of the Corporation General Fund. *Indiana Department of Homeland Security by way of FEMA reimbursed several departments for actual personnel expenses incurred responding to the recent storm event. In addition, there was a contribution provided for other expenses unrelated to actual costs. The actual costs may be appropriated without a hearing pursuant to IC 6-1.1-18.5-7.5. The other contributions require the formal appropriation procedure.*

Councilor Herak introduced and moved the consideration of Enactment No. 2009-16 on the same meeting of introduction. Councilor Kuiper 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 by the Town Council.

Councilor Herak moved the passage and adoption of Enactment No. 2009-16 on 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. 2009-16

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 Homeland Security**, particularly represented on Clerk-Treasurer's receipt numbers _____, in the amount of \$ 13,769.01 and \$7,465.31 as reimbursement in support of activities conducted in response to a emergency event determined to be funded by FEMA;

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 actual personnel expenses of said municipality related to the emergency event determined to be funded by FEMA through the Indiana Department of Homeland Security to reimburse the municipality for its actual personnel expenses incurred for the particular event, 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:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Account: #111.23 Dispatcher Overtime	\$ 1,113.66
#111.30 Sworn Overtime	\$ 3,168.33
Total 100 Series Increases	\$ 4,281.99

Fire & EMS Department

Increase Account: #111.05 Clerical Wages	\$ 156.94
#111.13 Firefighters Compensation	\$ 4,410.50
Total 100 Series Increases	\$ 4,567.44

Total of All Fund Decreases:	\$ 8,849.43
Total of All Fund Increases:	\$ 8,849.43

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 March 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 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)

- Resolution No. 2009-17:** A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE SPENDING OF ANY AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) MONEYS THAT MAY BE GRANTED TO THE

TOWN OF HIGHLAND, TO BE SPENT TO THE EXTENT POSSIBLE WITH DOMESTIC SOURCES.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-17. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Resolution was adopted.

HIGHLAND TOWN COUNCIL

Resolution No 2009-17

A RESOLUTION ARTICULATING THE "SENSE OF THE TOWN COUNCIL" REGARDING THE SPENDING OF ANY AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) MONEYS THAT MAY BE GRANTED TO THE TOWN OF HIGHLAND, TO BE SPENT TO THE EXTENT POSSIBLE WITH DOMESTIC SOURCES

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, The economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

WHEREAS, Those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress has approved and President Obama has signed into law a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, Our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, Any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

WHEREAS, Any economic recovery plan spending should – to every extent possible- include a commitment from The **Town of Highland** to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place;

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

Section 1. That the Highland Town Council will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed;

Section 2. That the Highland Town Council commits to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the Town of Highland by the American taxpayers; AND

Section 3. That as the legislative body of the Town of Highland, the Highland Town Council commits to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

DULY RESOLVED and ADOPTED this 23rd 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)

3. Instruct the proper officer to publish notice pursuant to IC 5-3-1 for a public hearing on proposed additional appropriations in excess of the 2009 Budget for several departments of the Corporation General Fund. *Councilor Herak moved that he proper officer be instructed to publish notice as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication for a hearing on proposed additional appropriations was approved.*

Agenda Amendment. Councilor Novak moved that the Agenda be amended to permit consideration of a Justice Assistance Grant Agreement to participate with the Lake County Sheriff's Office in the allocation of proceeds for FY 2009. 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 agenda was amended.

4. **Byrne Justice Assistance Grant Agreement with the Lake County Sheriff's Department and other police departments regarding the allocation and sharing of grant proceeds for FY 2009.** It is noted that the agreement will allow the JAG proceeds in the amount of \$4,951.05 to be retained by Lake County and \$28,055.95 to be spent on as requested by the Highland Metropolitan Police Department. (Total value of allocation \$33,007)

Councilor Novak moved that the agreement be approved. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The agreement was approved.

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 reported that the United States EPA has communicated by letter that the former Bult Oil Property is fully remediated.

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

Councilor Herak commended the Board of Sanitary Commissioners for its convening and conduct of a meeting on Tuesday, March 17, 2009 at the Lincoln Community Center in which it reported its plan for storm water management in the Homestead gardens area of the Town. Residents from that area were invited to attend to hear the presentation of the storm water management plan as presented by representatives from Chris Burke and Associates and to pose questions about the project.

Councilor Herak also noted the recent Traffic Safety Commission action resulting in placement of an additional stop sign at intersection of Johnston and Highway Avenue. Councilor Herak expressed concern about placement of too many such signs.

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

Councilor Novak noted that he received thanks from residents in the neighborhood regarding the action of the Traffic Safety Commission resulting in the addition of a stop sign 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 commended the Board of Sanitary Commissioners for its convening and conduct of a meeting on Tuesday, March 17, 2009 at the Lincoln Community Center in which it reported its plan for storm water management in the Homestead gardens area of the Town. Residents from that area were invited to attend to hear the presentation of the storm water management plan as presented by representatives from Chris Burke and Associates and to pose questions about the project.

The Council President also expressed his “disappointment” with the local daily newspaper not sending reporter to cover these efforts to address the flooding issues in Highland.

Comments from the Public for Matters not on the Agenda

1. Jim Gogolak, 9437 Wildwood Drive, expressed his appreciation to the Town Council for its adoption of Resolution No. 2009-17.
2. Greg Prosky, 8402 Grace Street, Highland, inquired about the passage by the Town Council at a previous meeting its sense of the Council resolution regarding the preservation of Township Government. Mr. Prosky inquired about how that action could overturn the referendum in which voters eliminated the Township Assessor office.

Mr. Prosky was advised that the resolution did not have that effect and that the Township Trustee office was separate from the Township Assessor office.

3. Jennifer Bartos, 8946 Cottage Grove Street, Highland, requested that the Town Council reevaluate its policy on utility deposits. Ms. Bartos identified herself as a landlord and that she believed that deposits should be raised to \$100. She indicated that she believed that the current deposit was not adequate to cover the utility bill. Ms. Bartos further suggested that tenants with past due accounts not be allowed to open any new accounts. She further requested that the policy that no new service be allowed until past due amounts are paid be changed as well.

It was noted that the deposit on the utility accounts actually is only applied for the water service portion of the bill.

4. Shirley Johnson, 9546 Hook Street, Highland, reported her concern about a solicitor who was marketing energy services from Border Energy as an alternative to NIPSCO. Ms. Johnson expressed her disfavor of allowing these types of sales in town. She further expressed her displeasure with the person walking into her backyard to solicit. She called the police and learned that the solicitor had obtained a license under the Town’s ordinance governing peddling and solicitations.

A colloquy ensued between and among the Town Council members, the Town Clerk-Treasurer, the Town Attorney and Ms. Johnson regarding the regulatory procedure, what

the licensing process provides, whether or not there could or should be a ban on such activity.

5. Cheryl Paris, 2628-37th Street, Highland, reported the instance of flooding in her yard that she represented had not before occurred prior to the construction of a patio by her neighbor. She presented but did not file pictures of the flooding in her yard for review by the a Town Council. She did represent that the Building Commissioner had been advised and followed up on the matter.
6. Jim Diehl, 10104 Kennedy Avenue, Highland, reported again his continuing concern about standing water near his yard and along the nearby railroad property and his concern about this water being a harbor for mosquitoes.

Mr. Diehl further inquired as to why the persons who were appointed to the commissions this evening were not present so that they may be introduced to the public.

Payment of Accounts Payable Vouchers. There being no further business from the public, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period March 10, 2009 through to March 23, 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, \$159,748.08; Motor Vehicle Highway and Street (MVH) Fund, \$34,055.11; Law Enforcement Continuing Education, Training and Supply Fund, \$363.36; Capital Projects Retainage Agency Fund, \$40,550.00; Innkeepers Tax Fund, \$2,539.00; Gasoline Agency Fund, \$8,838.50; Information and Communications Technology Fund, \$105,364.09; Solid Waste Grant Fund, \$100,000.00; Civil Donation Fund, \$331.64; Special Events Non Reverting Fund, \$5,000.00; Rainy Day Fund, \$225,000.00; Highland Building Acquisition Project Fund, \$4,819.00; Highway of Flags Fund, \$25,603.00; General Improvement Fund, \$45,015.00; Safe Neighborhood Grant Fund, \$1,615.38; Gaming Revenue Sharing Fund, \$225,000.00; Corporation Capital Fund, \$37,602.46; Payroll Fund, \$21.48; Total: \$1,021,466.10.

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, March 23, 2009 was adjourned at 7:48 O'clock p.m. A study session followed.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, March 23, 2009 at 8:02 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.

Mark Roorda of the Town Board of Metropolitan Police Commissioners was also present.

Police Commander George Georgeff was also present.

General Substance of Matters Discussed.

1. The Town Council discussed with Police Commander George Georgeff a written request dated 12 March 2009, made by the Town Board of Metropolitan Police Commissioners

seeking Town Council permission to hire two officers under the Federal Cops Hiring Recovery Program (CHRP).

It was noted that the current actual sworn staff level is 41. It was further noted that the authorized force strength without additional action by the Town Council is 42.

Commander Georgeff represented that the CHRP funds the hiring of the officer at 100% of actual cost for a three-year period. Further that the staffing level was required to be maintained for one additional budget cycle following the end of the three-year funding period. Commander Georgeff further reported that in some cases if a unit determined that the staffing level could not be maintained, a the unit could apply for a waiver.

The discussion included the issue of the ways and means of funding the police costs while the freeze on the property tax operational levy remains at the 2007 level. The discussion included the budget and funding risk associated with the adequacy of funding for the staffing in the budget cycle following the third year of the grant period.

The discussion further included the assignment or detailing of officers to the GRIT or other agencies and its affect on the adequacy of local staffing. It as noted that only one officer was detailed to the GRIT.

In the course of the discussion, the Town Council suggested that it may only be inclined to support application for one (1) additional officer under the terms of the CHRP and not two as requested by the Town Board of Metropolitan Police Commissioners.

2. The Town Council discussed a recent Tazer demonstration in the Highland Metropolitan Police Department involving Assistant Chief Vassar. The discussion included an observation about the risk of flammability when using the tazer if mace is used as well that has certain propellants.

There being no further business for discussion before the Town Council, the study session following the standing meeting of **Monday, March 23, 2009** was adjourned at 9:00 o'clock p.m.

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