

**Enrolled Minutes of the Thirty-Seventh Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Meeting (Electronic)
Monday, April 26, 2021.**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, April 26, 2021 at 6:30 O'clock P.M. in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Special note:* This meeting was convened allowing members of the Town Council to participate electronically without being physically present, to be counted in the quorum and able to simultaneously listen and respond to matters taken up in the meeting, all pursuant to Governor Holcomb's Executive Orders 20-04 and 20-09, extended by Executive Order No. 21-08 allowing meetings to be convened pursuant to IC 5-14-1.5-3.6 for the duration of the Corona Virus COVID 19 Emergency. All members of the Town Council participated electronically with the Clerk-Treasurer participating as well using the Zoom platform. *Councilor Mark Herak and Town Council President Roger Sheeman were also present in the plenary meeting of the Highland Municipal Building.* The electronic platform Zoom allowed the public to observe and participate from on-line access. The meeting was streamed as well in real time on Facebook, which allowed the public to observe the meeting, all pursuant to IC 5-14-1.5-3.7.

The Town Council President, Roger Sheeman presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Town Council President leading in the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Mark J. Schocke, Thomas Black and Roger Sheeman. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. All were participating via the electronic platform. Councilor Mark Herak and Town Council President Roger Sheeman were present in the meeting room. A quorum was attained.

Additional Officials Present: (All electronically) John P. Reed, Town Attorney; Pat Vassar, Assistant Police Chief; William R. Timmer, Jr., CFO, Fire Chief; Mark Knesek, Public Works Director; Kathy DeGuilio-Fox, Redevelopment Director; and Alex M. Brown, CPRP, Parks and Recreation Superintendent; were present.

Also present: Edward Dabrowski of the Board of Waterworks Directors IT (Contract) Director (all electronically) was also present.

Guests: Robin Carlascio of the Idea Factory was also present (electronically).

Minutes of the Previous Meeting: The minutes of the regular meeting of April 12, 2021. was submitted for consideration. The minutes of the regular meeting of April 12, 2021 were approved by general consent.

Special Orders:

1. **Executive Proclamation:** A Proclamation of the Municipal Executive Recognizing Friday, April 30, 2021 as Arbor Day in Highland.

The Clerk-Treasurer read aloud the enrolled proclamation. The Town Council President approved the proclamation by his signature:

TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE

A PROCLAMATION RECOGNIZING FRIDAY, APRIL 30, 2021 AS ARBOR DAY IN HIGHLAND AND APRIL 25 THROUGH APRIL 30 AS TREE PLANTING WEEK

- Whereas,** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees;
- Whereas,** Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air and storm water, produce life-giving oxygen, and provide habitat for wildlife;
- Whereas,** Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products;
- Whereas,** Trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community;
- Whereas,** Trees, wherever they are planted, are a source of joy and spiritual renewal; and,
- Whereas,** On Arbor Day and during tree planting times, the Tree Board, community partners, families and friends join together to celebrate the benefits of trees and to recognize the unique beauty of our trees, which provide a lasting impression on visitors and memories for residents,



Now, Therefore, I, Roger Sheeman by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim and designate **Friday, April 30, 2021**, as **ARBOR DAY** in the Town of Highland the week of April 25 through April 30 as **TREE PLANTING Week**;

Be it Further Proclaimed, That, I urge all Highland residents to celebrate Arbor Day and to support efforts to protect our trees and urge all residents to acquire a plant a tree.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 26th day of April in the year 2021.

TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT

/s/ROGER SHEEMAN

Attest:

/s/ Michael W. Griffin, Clerk-Treasurer

2. **Ratify Executive Session.** Ratify the calling of an Executive Session for Monday, April 19, 2021 at 7:30 p.m. pursuant to HMC Section 2.05.130(A) (6), Section 2.05.130(G).

Councilor Herak moved to ratify and authorize the Executive Session as indicated. Councilor Black seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Herak, Black and Sheeman voting in the affirmative and Councilor Schocke voting in the negative, the motion passed. The meeting was ratified and approved.

Comments from the Public or Visitors:

1. Larry Kondrat, Highland, inquired about the proposed ordinance to amend the Highland Municipal Code regarding the lead time for filing for a special event involving alcohol permit in the park. Mr. Kondrat also expressed concern regarding the adequacy of information provided to Councilor Schocke related to the executive session conducted on April 19, 2021.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1729:** An Ordinance to Amend Chapters 12.20 and 12.15 of the Highland Municipal Code Regarding Technical Corrections to Provisions Regarding the Reading Months for Wastewater Summer Consumption Protocol and Aligning the Delinquency Language in the Solid Waste Chapter, Pursuant To I.C. 36-9-25 Et Seq.

Councilor Herak introduced and moved for the consideration of Ordinance No. 1729 at the same meeting of its 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 at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Ordinance No. 1729 at the same meeting of its 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 passed and adopted at the same meeting of its introduction.

**ORDINANCE NO. 1729
TOWN OF HIGHLAND**

AN ORDINANCE TO AMEND CHAPTERS 12.20 AND 12.15 OF THE HIGHLAND MUNICIPAL CODE REGARDING TECHNICAL CORRECTIONS TO PROVISIONS REGARDING THE READING MONTHS FOR WASTEWATER SUMMER CONSUMPTION PROTOCOL AND ALIGNING THE DELINQUENCY LANGUAGE IN THE SOLID WASTE CHAPTER, PURSUANT TO I.C. 36-9-25 ET SEQ.

WHEREAS, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq; and

WHEREAS, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

WHEREAS, The Legislative Body on July 21, 1969 did establish a Department of Public Sanitation and Sanitary District by passage and adoption of Ordinance No. 586 of the Town, now codified as Chapter 12.10 of the Highland Municipal Code;

WHEREAS, The Town of Highland, is a municipality located in Lake County which operates a Department of Public Sanitation, which has been continuously governed by the provisions of IC 36-9-25 et seq. at least since 1970; and,

WHEREAS, The Board of Sanitary Commissioners, noting that certain technical changes were necessary and desirable to Section 12.20.340 and Chapter 12.15 of the Highland Municipal Code, passed and adopted its Resolution No. 2021-07 recommending desirable and necessary changes to Section 12.20.340 and Chapter 12.15 of the Highland Municipal Code and now is commending these to the Town Council for its favor and action;

WHEREAS, The Board of Sanitary Commissioners, has requested that the Town Council of the Town of Highland as the legislative body favor approve and adopt these changes set forth in Resolution No. 2021-07 pursuant to IC 36-9-25 et seq., and thereby put them into force and effect;

WHEREAS, The Town of Highland, through its Town Council now wishes to still further perfect its own organization as well as that of the Department of Public Sanitation and make certain amendments to the ordinance establishing and governing the ways and means of the Sanitary District, pursuant to IC 36-9-25 et seq.; and,

WHEREAS, The Town Council now desires to favor the recommendations for amendment to the Highland Municipal Code as recommended by the Board of Sanitary Commissioners for Chapters 12.20 and 12.15 by making these amendments as commended,

Therefore, Now Be it Hereby Ordained by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That subdivision (B)(1) of Section 12.20.340 of the Highland Municipal Code be hereby deleted and repealed and be hereby amended by inserting the following replacement subdivision, to be renamed subdivision (B)(1) of Section 12.20.340, which shall read as follows:

Section 12.20.340 Special Adjustments

(B) *Summer Consumption Protocol.* There shall be a summer usage consumption protocol in order that single and two-family residential users of wastewater service shall not be unduly charged for sprinkling their lawns and other summer activities where higher consumption does not have a nexus to cost recovery and wastewater treatment.

(1) There is established a summer usage period in which shall apply to single-family and two-family residential users. The summer usage period applies to metered usage for beginning on the date the meter is read in ~~May~~, June, July, August, ~~and~~ September and ending on the date the meter is read in October;

Section 2. That Section 12.15.090 subdivisions (B) and (C) of the Highland Municipal Code be hereby deleted and repealed, then be hereby amended by inserting the following replacement language, to be renamed Section 12.15.090 subdivision (B), which shall read as follows:

12.15.090 Solid waste management fees and services.

~~(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units shall be based upon the presumptive service volume according to the following:~~

- ~~(1) Standard service volume will be provided to qualified residential dwelling units that are principally occupied by a person or persons who are not described in subsection (B)(2) of this section.~~
- ~~(2) Reduced service volume will be provided to qualified residential dwelling units that are principally occupied by persons who are 65 years of age or older, and upon approved applications to the public works director. "Principally occupied by persons who are 65 years of age or older" shall mean that at least 50 percent of the regular occupants in the dwelling are persons 65 years of age or older, or at least one occupant owner of a jointly owned dwelling is 65 years of age or older.~~
- ~~(3) Reduced service volume may be provided to other users upon special application to the public works director or his designee, expressing the reasons for such service and establishing to the satisfaction of the public works director or his designee that reduced service volume is warranted.~~

~~(C) (B) The solid waste management fees shall be payable monthly and shall be billed, whenever practicable to do so, with the utility bill associated with charges for water, wastewater, stormwater and other services. Invoices shall be issued pursuant to the billing and reading frequencies and practices of the municipal water utility, all pursuant to Chapter 12.05 HMC. Service bills (invoices) shall be payable at the same time as water service bills of said utility are payable. Solid waste management fees shall be deposited into the sanitary district special operating fund.~~

Section 3. That Section 12.15.090 of the Highland Municipal Code be hereby amended by renaming the subdivisions therein, which shall read as follows:

- Subdivision (D) shall be renamed (C)
- Subdivision (E) shall be renamed (D)
- Subdivision (F) shall be renamed (E)
- Subdivision (G) shall be renamed (F)

Section 4. That Section 12.15.120 of the Highland Municipal Code be hereby repealed and be hereby amended by inserting the following replacement section to be renamed Section 12.15.120, which shall read as follows:

12.15.120 Delinquent accounts.

~~(A) How Delinquencies Arise. Fees levied charged pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date shall be considered delinquent. Such delinquent fee together with any applicable interest shall be collectible as hereinafter set forth.~~

~~(B) As is provided by statute, all rates and charges that are not paid when due are hereby declared to be delinquent, and a penalty of 10 percent of such rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed as the due date fixed for potable water. The penalty shall attach at 30 days after the date of mailing of the bill, pursuant to HMC 12.20.350. [Ord. 1637 § 1, 2016].~~

~~(NEW) (B) Delinquent Bills and Fees. Rates or charges so established shall be paid on the due date as stated in such bills. If such rates or charges are not paid on the due date thereof, as stated in such bills, after written notice to the owner of any such lot, parcel of real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of ten percent (10%) of the amount of such charges shall attach, which charges, together with the penalty, shall be collectible in the manner hereinafter provided.~~

~~(NEW) (C) It shall be the duty of the clerk-treasurer of the town to enforce payment thereof, together with the penalty hereinabove provided.~~

- ~~(1) The clerk-treasurer shall certify to the county auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent according to law.~~
- ~~(2) Such list shall include the name or names of the owner or owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the office of the county auditor, and the amount of such rates or charges, together with the amount of the penalty.~~
- ~~(3) It shall be the duty of the county auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place~~

thereon in respect to the premises on which any such rates or charges and penalty are due and payable, in such manner and pursuant to the terms of IC [36-9-25-11\(g\)](#), [36-9-23-33](#) and [36-9-23-34](#).

- (4) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.
- (5) A lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under [IC 1-1-7-1](#)) to:

- (a) the owner of record of real property with a single owner; or
(b) at least one (1) of the owners of real property with multiple owners;
at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection.

The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

NEW (D) In addition to the methods of collection of such charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the board of sanitary commissioners shall have the right to foreclose the lien hereinbefore established. In all suits brought to foreclose such lien, the board of sanitary commissioners shall recover the amount of such charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of IC [36-9-25-11\(g\)](#), [36-9-23-33](#) and [36-9-23-34](#).

Section 5. That Sanitary District Resolution 2021-07 be made a part of this ordinance as an exhibit.

Introduced and Filed on the 26th day of April 2021. 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 ORDAINED AND ADOPTED this 26th Day of April 2021, 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

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION No. 2021 - 07

A RESOLUTION FOR TEXTUAL AMENDMENTS TO HIGHLAND MUNICIPAL CODE SECTION 12.20.340 ASSOCIATED WITH THE SUMMER USAGE PROTOCOL AS WELL AS CHAPTER 12.15 OF THE SOLID WASTE MANAGEMENT PROGRAM IN THE TOWN OF HIGHLAND, ALL PURSUANT TO IC 36-9-25 ET SEQ.

Whereas, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners (Board), pursuant to the provisions of IC 36-9-25 et seq.;

Whereas, IC 36-9-25-9 specifically provides that the Board shall manage and control all sewage works of the district and it shall collect and remove garbage, ashes, and other waste materials to prevent the pollution of watercourses within the district and to protect the public health;

Whereas, IC 36-9-25-11 provides that the Board may fix fees for the for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service;

Whereas, The Board, did recently approve and recommend to the Town Council modifications to rates and charges for wastewater and storm water management services, that included a change that made the due date and delinquency date aligned with that imposed by the water department; and,

Whereas, It has been determined that there needs to be a clarifying amendment to the provisions regarding the summer consumption adjusting protocol and the alignment of the due date and delinquency date for the fees associated with the solid waste management services,

Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Sanitary District of Highland, Lake County, Indiana, as follows:

Section 1. That subdivision (B)(1) of Section 12.20.340 of the Highland Municipal Code be hereby deleted and repealed and be hereby amended by inserting the following replacement subdivision, to be renamed subdivision (B)(1) of Section 12.20.340, which shall read as follows:

Section 12.20.340 Special Adjustments

(B) Summer Consumption Protocol. There shall be a summer usage consumption protocol in order that single and two-family residential users of wastewater service shall not be unduly charged for sprinkling their lawns

and other summer activities where higher consumption does not have a nexus to cost recovery and wastewater treatment.

(1) There is established a summer usage period in which shall apply to single-family and two-family residential users. The summer usage period applies to metered usage for beginning on the date the meter is read in May, June, July, August, and September and ending on the date the meter is read in October;

Section 2. That Section 12.15.090 subdivisions (B) and (C) of the Highland Municipal Code be hereby deleted and repealed, then be hereby amended by inserting the following replacement language, to be renamed Section 12.15.090 subdivision (B), which shall read as follows:

12.15.090 Solid waste management fees and services.

~~(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units shall be based upon the presumptive service volume according to the following:~~

~~(1) Standard service volume will be provided to qualified residential dwelling units that are principally occupied by a person or persons who are not described in subsection (B)(2) of this section.~~

~~(2) Reduced service volume will be provided to qualified residential dwelling units that are principally occupied by persons who are 65 years of age or older, and upon approved applications to the public works director. "Principally occupied by persons who are 65 years of age or older" shall mean that at least 50 percent of the regular occupants in the dwelling are persons 65 years of age or older, or at least one occupant owner of a jointly owned dwelling is 65 years of age or older.~~

~~(3) Reduced service volume may be provided to other users upon special application to the public works director or his designee, expressing the reasons for such service and establishing to the satisfaction of the public works director or his designee that reduced service volume is warranted.~~

~~(C) (B) The solid waste management fees shall be payable monthly and shall be billed, whenever practicable to do so, with the utility bill associated with charges for water, wastewater, stormwater and other services. Invoices shall be issued pursuant to the billing and reading frequencies and practices of the municipal water utility, all pursuant to Chapter 12.05 HMC. Service bills (invoices) shall be payable at the same time as water service bills of said utility are payable. Solid waste management fees shall be deposited into the sanitary district special operating fund.~~

Section 3. That Section 12.15.090 of the Highland Municipal Code be hereby amended by renaming the subdivisions therein, which shall read as follows:

Subdivision (D) shall be renamed (C)

Subdivision (E) shall be renamed (D)

Subdivision (F) shall be renamed (E)

Subdivision (G) shall be renamed (F)

Section 4. That Section 12.15.120 of the Highland Municipal Code be hereby repealed and be hereby amended by inserting the following replacement section to be renamed Section 12.15.120, which shall read as follows:

12.15.120 Delinquent accounts.

(A) *How Delinquencies Arise.* Fees levied charged pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any fee not paid by the due date shall be considered delinquent. Such delinquent fee together with any applicable interest shall be collectible as hereinafter set forth.

~~(B) As is provided by statute, all rates and charges that are not paid when due are hereby declared to be delinquent, and a penalty of 10 percent of such rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed as the due date fixed for potable water. The penalty shall attach at 30 days after the date of mailing of the bill, pursuant to HMC 12.20.350. [Ord. 1637 §1, 2016].~~

(NEW) (B) Delinquent Bills and Fees. Rates or charges so established shall be paid on the due date as stated in such bills. If such rates or charges are not paid on the due date thereof, as stated in such bills, after written notice to the owner of any such lot, parcel of real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of ten percent (10%) of the amount of such charges shall attach, which charges, together with the penalty, shall be collectible in the manner hereinafter provided.

(NEW) (C) It shall be the duty of the clerk-treasurer of the town to enforce payment thereof, together with the penalty hereinabove provided.

- (1) The clerk-treasurer shall certify to the county auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent according to law.

- (2) Such list shall include the name or names of the owner or owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the office of the county auditor, and the amount of such rates or charges, together with the amount of the penalty.
- (3) It shall be the duty of the county auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place thereon in respect to the premises on which any such rates or charges and penalty are due and payable, in such manner and pursuant to the terms of IC 36-9-25-11(g), 36-9-23-33 and 36-9-23-34.
- (4) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.
- (5) A lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1) to:
 - (a) the owner of record of real property with a single owner; or
 - (b) at least one (1) of the owners of real property with multiple owners;
at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection.

The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

NEW (D) In addition to the methods of collection of such charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the board of sanitary commissioners shall have the right to foreclose the lien hereinbefore

established. In all suits brought to foreclose such lien, the board of sanitary commissioners shall recover the amount of such charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of IC 36-9-25-11(g), 36-9-23-33 and 36-9-23-34.

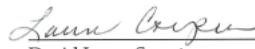
Section 5. That the Sanitary Board of Commissioners requests that this resolution be forwarded to the Town Council for its consideration and favor, amending the municipal code by ordinance with the provisions approved in this resolution.

Duly Adopted, Resolved and Ordered by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 20th day of April 2021. Having been passed by a vote of 4 for and 0 opposed.

THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:


Richard Garcia, President

Attest:


David Jones, Secretary
Laura Corpus, Acting Sec

- Proposed Ordinance No. 1730:** An Ordinance to Amend Section 11.10.225(F) of the Municipal Code which provides for a Special Event or Activity with alcohol Permit issued by the Department of Parks and Recreation and its Governance by a Park and Recreation Board, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur.

Councilor Black introduced and moved for the consideration of Ordinance No. 1730 at the same meeting of its introduction. Councilor Herak 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 at the same meeting of its introduction.

Councilor Black moved for the passage and adoption of Ordinance No. 1730 at the same meeting of its introduction. Councilor Schocke 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 passed and adopted at the same meeting of its introduction.

ORDINANCE No. 1730
of the
TOWN of HIGHLAND, INDIANA

An Ordinance to Amend Section 11.10.225(F) of the Municipal Code which provides for a Special Event or Activity with alcohol Permit issued by the Department of Parks and Recreation and its Governance by a Park and Recreation Board, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur.

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, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town of Highland, is a municipality located in Lake County, which operates a Parks and Recreation Department, which has been continuously governed by the provisions of IC 36-10-3 et seq. at least since 1969;

Whereas, The Town of Highland, through its Town Council now desires to still further perfect its own organization as well as that of the Parks and Recreation Department and make certain enhancements to the ordinance establishing and governing the Department of Parks and Recreation, pursuant to IC 36-10-3 et seq.;

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 11.10.225(F) of the Highland Municipal Code is hereby repealed in its entirety and amended with a successor section to be styled as Section 11.10.225(F) which shall read as follows:

11.10.225 Special event or activity with alcohol (SEAP).

(F) A special event with alcohol permit authorized under this section and HMC [11.10.020\(D\)](#) requires the following process:

- (1) Applicant filed request with park at least ~~420~~ 30 days before the event;
- (2) Parks and recreation superintendent will cause the application to be considered by the park board within a reasonable time;
- (3) The park and recreation board will consider the matter at a regular or specially called meeting. If the park and recreation board favors the application, it will approve the permit subject to the approval of the town council;
- (4) **The town council will consider the permit at the first regular or special meeting following the receipt of the permit action from the park and recreation board.** If the town council approves the application, the permit is granted. If it rejects the applicant ~~or fails to act 30 or more days before the event~~, the permit is denied.

Section 2. That the provisions of any existing ordinances, which are in conflict with the provisions set forth in this ordinance are of no further force or effect and are hereby repealed;

Section 3. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following 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 26th day of April 2021. 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 ORDAINED and ADOPTED/REJECTED this 26th day of April 2021 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

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

3. **Enactment No. 2021-16:** An Enactment Reducing Appropriations in the Annual Budget for Parks And Recreation Special Operating (General) Fund, Pursuant To I.C. 6-1.1-18, I.C. 36-5-3-5, Et Seq.

Councilor Herak introduced and moved for the consideration of Enactment No. 2021-16 at the same meeting of its introduction. Councilor Black 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 at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2021-16 at the same meeting of its 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 enactment was passed and adopted at the same meeting of its introduction.

TOWN of HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2021-16

AN ENACTMENT REDUCING APPROPRIATIONS in the ANNUAL BUDGET for PARKS and RECREATION SPECIAL OPERATING (GENERAL) FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the budget for the Parks and Recreation Special Operating (General) Fund;

WHEREAS, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2021, however such reduction will serve to honor the most recent guidance regarding the treatment of CARES ACT proceeds as promulgated by the State Examiner of the Board of Accounts;

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

Section 1. That for the expenses of said municipality, the following appropriations of money are hereby reduced and ordered returned and reverted to the funds herein named and for the purposes herein specified, subject to the laws governing the same:

PARK AND RECREATION SPECIAL OPERATING (GENERAL) FUND:

Reduce Account 006-0000-21005 Lincoln Center Supplies: \$12,767.00
Total Reduction to 200 Series: \$12,767.00

Total Reduction for the Fund: \$ 12,767.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be depicted in the proper documentation accompanying the filing of the Year 2021 Budget, pursuant to IC 6-1.1-17.

Section 3. 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 26th day of April 2021. Consent to consider this enactment 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 Passed and Adopted this 26th Day of April 2021, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

Duly Ratified this 24th Day of May 2021, by the Town Council of the Town of Highland, Indiana, following a public hearing. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Roger Sheeman, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- Resolution No. 2021-15:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Works Board Department Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2021-15. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION

RESOLUTION NO. 2021-15

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the WORKS BOARD DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO I.C. 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Works Board Department of the Corporation General Fund**;

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 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 unobligated appropriations of the **Works Board Department of the Corporation General Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Works Board Department

| | |
|---|---------------------|
| Reduce Account: | |
| 001-0011-3XXX Transfer to Park & Rec Fund | <u>\$ 12,767.00</u> |
| <i>Total 300 Series Decreases:</i> | <u>\$ 12,767.00</u> |
| Increase Account: | |
| 001-0011-21005 Lincoln Center Supplies | <u>\$ 12,767.00</u> |
| <i>Total 200 Series Increases:</i> | <u>\$ 12,767.00</u> |
| Total of Fund Decreases: | \$ 12,767.00 |
| Total of Fund Increases: | \$ 12,767.00 |

DULY RESOLVED and ADOPTED this 22nd Day of March 2021 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

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

5. Resolution No. 2021-17: A Resolution Authorizing the Transfer of the Proceeds of the Cares Act Reimbursement Grants to the Corporation General Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2021-17. Councilor Black 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. 2021-17

A RESOLUTION AUTHORIZING THE TRANSFER OF THE PROCEEDS OF THE CARES ACT REIMBURSEMENT GRANTS TO THE CORPORATION GENERAL FUND

WHEREAS, Pursuant to the authority granted by the State Examiner's Directive 2020-03, and the authority conferred directly under IC 36-5-6-6(a), subdivisions (1), (2), (4), and (5), the Clerk-Treasurer did establish a temporary grant fund, styled as **Fund No. 175** to be called **CARES ACT IFA FUND**;

WHEREAS, Pursuant to the authority granted by the State Examiner's Directive 2020-03, and the authority conferred directly under IC 36-5-6-6(a), subdivisions (1), (2), (4), and (5), the Clerk-Treasurer did establish a temporary grant fund, styled as **Fund No. 176** to be called **CARES ACT CDBG FUND**;

WHEREAS, That the CARES ACT IFA FUND is dedicated and established to provide an accounting entity to account for the reimbursement grant funded by the CARES ACT, distributed by Indiana Finance Authority (IFA), specifically reimbursing the Town of Highland for its *Public Health and Safety wages and salaries* paid from March 1, 2020 through November 30, 2020;

WHEREAS, That the CARES ACT CDBG FUND is dedicated and established to provide an accounting entity to account for the reimbursement grant funded by the CARES ACT, distributed by the LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT , specifically reimbursing the Town of Highland for its *COVID based expenses* paid from March 31, 2020 through the date of the filing for reimbursement;

WHEREAS, That no direct expenditures from these temporary funds shall be lawful except to transfer the reimbursement grant proceeds to the fund from which the reimbursed expenses arose, which is the **Corporation General Fund**; and,

WHEREAS, The Town Council of the Town of Highland has determined that the grant proceeds on deposit to the credit of the CARES ACT IFA FUND and the CARES ACT CDBG FUND should now be transferred to the Corporation General Fund and desiring now to authorize and execute the transfer,

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

Section 1. That the Clerk-Treasurer be and is hereby directed to transfer the following identified amounts of grant proceeds on deposit to the credit of the funds herein identified then to be transferred to and deposited to the credit of the **Corporation General Fund**:

| | | |
|-----|--|---------------|
| (A) | CARES ACT IFA FUND <i>Transfer to Corporation General Fund</i> | \$ 726,156.00 |
| (B) | CARES ACT CDBG FUND <i>Transfer to Corporation General Fund</i> | \$ 11,725.72 |

Section 2. That the Town Council further instructs the Clerk-Treasurer to create a special revenue account for the Corporation General Fund, to account for the receipts transferred from the CARES ACT FUNDS and deposited to the credit of the Corporation General Fund by authority of this resolution;

Section 3. That the Town Council still further instructs the Clerk-Treasurer to defease the funds created by him to account for the initial receipt of the CARES act proceeds, but not before an audit from the external auditor, the State Board of Accounts is completed.

DULY RESOLVED and ADOPTED this 26th Day of April 2021, 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

/s/ Roger Sheeman, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

- Works Board No. 2021-12:** An Order of the Works Board Accepting the Bid of Dave's Tree Service, Inc. for Tree Removal and Pruning Services for the Year 2021.

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-12. Councilor Zemen seconded.

After a colloquy between and among the Town Council regarding the possible criminal violations for which the owner, Dave Johnson was convicted, by general consent the order was referred for further study.

- Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$226,310 in the **Downtown Allocation Area Fund** and in the amount of \$2,160 in the **Redevelopment General Fund**.

Councilor Herak moved to approve the publication of legal notice of a public hearing on the proposed additional appropriations as set forth. Councilor

Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was authorized.

Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Fire Department, Liaison* • *Liaison to the Advisory Board of Zoning Appeals.*

Councilor Zemen acknowledged the Building Commissioner who offered a survey of matters before the Plan Commission.

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported that there were 128 couples registered for the Daddy Daughter slated to occur on Friday, April 30.

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Town Board of Metropolitan Police Commissioners, Liaison* • *Public Works Liaison* • *Economic Development Commission Liaison* • *Board of Sanitary Commissioners Liaison.*

Councilor Herak expressed condolences to Ed Dabrowski on the recent death of his brother.

Councilor Herak acknowledged the Building Commissioner who reported on matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Mark Schocke:** *Park and Recreation Board Liaison* • *Liaison to the Tree Board.*

Councilor Schocke offered a survey report of activity related to the Tree Board, thanking the Town Council President for his Proclamation for Arbor Day.

Councilor Schocke reported that the Community Events Commission was continuing its work to plan for the Independence Day festival at Main Square.

- **Councilor Tom Black:** *Liaison to the Board of Waterworks Directors.*

Councilor Black inquired of the Police Chief regarding recent thefts of cars in town.

- **Councilor President Roger Sheeman:** *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Chamber of Commerce Liaison* • *Liaison to the Community Events Commission* • *Information Technology Liaison* • *Redevelopment Commission Liaison.*

The Town Council President acknowledged the Redevelopment Director, who commented on the next downtown restaurant crawl and offered a modest survey of redevelopment activity.

Comments from Visitors or Residents: (In person and electronically)

1. Larry Kondrat, Highland, inquired about the Town Council possibly considering appointing a town manager or administrator. Mr. Kondrat expressed his opposition.
2. Terry Steagall, Highland, urged that the Town Council consider using the imminently provided ~~American Rescue Plan~~ *American Jobs Act* proceeds to *inventory and remove lead pipes* from the water system if applicable. (Amended 5.10.2021)

3. Elijah Aurand, Highland, inquired about the status of the Sanitary Sewage Overflow (SSO) plan that is under review by the U.S. EPA. Mr. Aurand also inquired about its funding.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 13, 2021 through April 26, 2021 as well as to ratify the payroll docket for the payday of April 9, 2021. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payroll dockets and other payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$415,279.02; Motor Vehicle Highway and Street (MVH) Fund, \$19,849.10; Local Road and Streets Fund, \$1,156.64; Law Enforcement Continuing Education and Training and Supply Fund, \$21,557.72; Information Communications Technology Fund, \$5,390.02; Police Pension 1925 Fund, \$68,473.83; General Improvement Fund, \$50.00; Traffic Violations and Law Enforcement Agency Fund, \$250.00; Gaming Revenue Sharing Fund, \$250.00; Special Public Safety Fund, \$1,590.00; and Public Safety Local Income Tax Fund, \$635.48; Total: \$534,481.81.

Payroll Docket for payday of April 09, 2021:

Council, Boards and Commissions, \$0.30; Office of Clerk-Treasurer, \$16,784.41; Building and Inspection Department, \$8,835.07; Metropolitan Police Department, \$127,602.14; Public Works Department (Agency), \$69,898.35; Fire Department, \$3,717.04; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$226,837.01.

Adjournment of Plenary Meeting. Having completed all matters on the agenda, noting there was no further business before the Town Council, the Town Council President adjourned the meeting. The regular plenary meeting, convened electronically, of the Town Council for Monday, April 26, 2021 was adjourned at 7:50 O'clock p.m.

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

Approved as amended by the Town Council at its meeting of May 10, 2021.

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