

**Enrolled Minutes of the Eighty-Fourth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, March 23, 2015**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, March 23, 2015 at 6:50 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

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

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the Arzumanian Nursery Site on Indianapolis Boulevard, noting that the business was no longer operational. The discussion included whether the property should be obtained, noting it was very close to the State right of way.

The study session ended at 7:00 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, March 23, 2015 at 7:02 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, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. The meeting opened with the Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark A. Herak, Steve Wagner, Konnie Kuiper and Dan Vassar. The Clerk-Treasurer, Michael W. Griffin memorialized the proceedings. A quorum was attained.

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

Also present: Randy Bowman, Assistant Inspector for Electric; Ed Dabrowski, IT Consultant (Contract); and Steve Mileusnich and Susan Murovic of the Advisory Board of Zoning Appeals were also present.

Mitch Ripley, Esq., of HR Unlimited, Inc. was also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of 09 March 2015 were approved by general consent.

Special Orders:

1. **Public Hearing.** Proposed Changes to the Non Recurrent and Recurrent Rates and Charges of the Town of Highland Waterworks Utility.
 - (a) Verification of Proof of Publication. (*TIMES 12 March 2015*). The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments. The hearing was closed.
 - (c) **Action on Introduced Ordinance No. 1586:** An Ordinance to Amend Sections 12.05.120 (B)(3) and (D)(9) of the Highland Municipal Code Regarding the Department of Waterworks Regarding Certain Rates and Charges, all Pursuant to IC 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1,5-4 et seq. (*The Board of Waterworks Directors passed and adopted Water Resolution No. 2015-03 amending its rules regarding change to private fire protection and NSF Check administrative charges and recommending this Ordinance for hearing and adoption. Pursuant to the terms of IC 8-1.5-3-8.1 and Section 12.05.080(I) of the municipal code, this matter was introduced and set for public hearing. Councilor Wagner introduced proposed Ordinance No. 1586 and filed it at the Town Council meeting of Monday, March 09, 2015. If adopted changes will be effective April 1*)

Councilor Wagner moved the passage and adoption of Ordinance No. 1586. Councilor Zemen. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance amending certain rates was adopted.

ORDINANCE No. 1586
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND SECTIONS 12.05.120 (B)(3) AND (D)(9) of the HIGHLAND MUNICIPAL CODE REGARDING the DEPARTMENT of WATERWORKS REGARDING CERTAIN RATES AND CHARGES, all PURSUANT to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-8.1 and IC 8-1.5-4 ET SEQUITOR.

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 water utility, which has been continuously governed by the provisions of IC 8-1.5-4 at least since 1983;

Whereas, The Town Council as Legislative Body of the Municipality passed an Ordinance adopting the provisions of IC 8-1.5-4 establishing a department of waterworks controlled by a board of directors;

Whereas, The Board of Waterworks Directors has passed and adopted *Board Resolution No. 2015-03* approving and recommending certain changes to private fire protection recurrent rates and charges of the utility for adoption by the Town Council, all pursuant to IC 8-1.5-3-8.1 and Section 12.05.080 (G) through (I) of the municipal code of the Municipal Code;

WHEREAS, The Town of Highland, through its Town Council now wishes to further perfect its own organization as well as that of the water utility and make modifications to the provisions of the municipal code establishing and governing the Department of Waterworks, as approved and recommended by the Board of Waterworks Directors, all pursuant to IC 8-1.5-4, IC 8-1.5-3-8.1 and Section 12.05.080 (G) through (I) of the municipal code;

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 Town Council as the municipal fiscal and legislative body makes the following findings and determinations:

(A) That Board of Directors of the Highland Department of Waterworks, at its regular meeting of February 26, 2015 did pass and adopt Water Rate Resolution No. 2015-03 in which among other things the Board approved a modification to recurrent rates and charges and recommended its adoption by the Town Council as desirable, and urging the Town legislative body to take steps necessary to execute this recommendation;

(B) That the recommendation for certain changes to rates and charges of the municipal water utility as approved by the Board of Waterworks Directors in the form of this ordinance, was transmitted to and filed with Clerk-Treasurer as clerk of the legislative body;

(C) That the rates and charges as recommended are found and determined to be non-discriminatory, reasonable and just rates and charges for services to the patrons of the water utility;

Section 2. That Section 12.05.120 (B)(3) of the Highland Municipal Code, is hereby repealed and now amended with a successor section, styled as Section 12.05.120 (B)(3), which shall read as follows:

12.05.120 Schedule of rates and charges.

(B) Schedule of Recurrent Usage Ratio and Charges. For the use of and the service rendered by the water utility of the town of Highland, Indiana, the following rates and charges are established based upon the amount of water supplied by said water utility. Recurrent charges will include a fixed charge, a consumption charge and a fee for hydrant maintenance.

(3) Fire Protection Service Surcharge. In addition to the charges set forth in subsections (A)(1) and (2) of this section, the following surcharges for fire protection or hydrant maintenance are to be recovered from the customers of the waterworks as a monthly fee to be charged with the other charges on the utility bill, pursuant to IC 8-1.5-4-14(b):

Public Fire Protection

Size of Meter	Monthly Rates
5/8"	\$2.64
1"	6.60
1-1/4"	10.03
1-1/2"	13.20
2"	21.12
3"	39.60
4"	66.00
6"	132.00
8"	211.20

Private Fire Protection

Annual Charge

2" or less connection	\$53.69
4" connection	\$215.22
6" connection	\$485.04
8" connection	\$647.32
10" connection	\$970.14
12" connection	\$1,615.68

Section 3. That Section 12.05.120 (D)(9) of the Highland Municipal Code, is hereby repealed and now amended with a successor section, styled as Section 12.05.120 (D)(9), which shall read as follows:

(D) Schedule of Nonrecurring Fees and Charges. The following additional fees and charges are set forth as follows:

- | | |
|---|--|
| (9) Returned or NSF Checks:
(See Rule 1.17.2(H)) | Actual bank charge
plus \$7.50
administrative fee. |
|---|--|

Section 4. Schedule of Implementation. The provisions of this Ordinance shall become and be in full force and effect *on the first day of the month first following* from and after the date of its passage and adoption upon the signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 9th day of March 2015. Consideration on same day or at same meeting of introduction was not permitted, pursuant to the terms of IC 8-1.5-3-8.1 and Section 12.05.080 (I) of the municipal code.

DULY ORDAINED and ADOPTED this 23rd Day of March 2015 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**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

- 2. Public Hearing:** Proposed Additional Appropriations in Excess of the 2015 Budget for the Redevelopment General Fund in the amount of **\$10,075**.
- (a) Attorney verification of Proofs of Publication: (*TIMES 12 March 2015*). The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2015-13:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Redevelopment General Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Zemen introduced Appropriation Enactment No. 2015-13 and moved for its consideration at the same meeting of its 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 appropriation enactment could be considered at this meeting of its introduction.

Councilor Zemen moved for the passage and adoption of Appropriation Enactment No. 2015-13 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The appropriation enactment was passed and adopted at this meeting of its introduction.

**Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2015-13**

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Redevelopment General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

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

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

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

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

REDEVELOPMENT GENERAL FUND:

Increase	
Acct. No. 200.XX Fund Raising Events Supplies:	\$ 1,500.00
Acct. No. 200.04 HMS Supplies:	<u>\$ 1,595.00</u>
<i>Total Series:</i>	\$ 3,095.00

Increase	
Acct. No. 3XX.XX Fund Raising Events Services:	\$ 1,500.00
Acct. No. 3XX.XX Fund Raising Events Talent:	\$ 2,000.00
Acct. No. 310.04 Tuition and Professional Development:	\$ 1,900.00
Acct. No. 330.02 Printing Services:	<u>\$ 1,580.00</u>
<i>Total Series:</i>	\$ 6,980.00

Fund Total: \$ 10,075.00

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 moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

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 23rd Day of March 2015. Consideration on the 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, ENACTED AND ADOPTED this 23rd. Day of February 2015, 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**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

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

3. Special Appreciation or Encomium: United States Drug Enforcement Administration (DEA) seeks to express favor for work of Detective Mark Santino and Officer John Swisher for their police work associated with a major prescription fraud case.

Resident Agent in Charge Guy Baker of the U.S. Drug Enforcement Administration (D.E.A.) was present along with D.E.A. Investigator Juan Morales, and Scot Brinks, Diversion Group Supervisor Merrillville Office, D.E.A. were present to recognize Detective Mark Santino and Police Officer First Class, John Swisher for their assistance in the arrest of a local physician writing unlawful prescriptions.

The Resident Agent In Charge Baker presented a plaque holding a certification of appreciation to Detective Santino and Police Officer Swisher.

4. **Executive Proclamation:** A Proclamation in Recognition of April 2, 2015 as Autism Awareness Day in the Town of Highland and April 2015 as Autism Awareness Month.

The Town Clerk-Treasurer read aloud the following executive proclamation, after which the Town Council President indicated his adoption and then affixed his signature.

With leave from the Town Council, Mr. Lou Melgarejo was present with his family to offer words of appreciation, to speak to Autism awareness and the Light it Blue program. Mr. Lou Melgarejo, a Highland resident, is active in the Chicago Chapter of Autism Speaks.

TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE

A PROCLAMATION IN RECOGNITION OF WORLD AUTISM DAY AND PROCLAIMING APRIL AS AUTISM AWARENESS MONTH IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA

WHEREAS, Autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response; and,

WHEREAS, Autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and,

WHEREAS, Symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and,

WHEREAS, The effort to address autism continues, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and,

WHEREAS, Ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and,

WHEREAS, The TOWN of HIGHLAND, LAKE COUNTY, STATE of INDIANA is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and,

Now, Therefore, I, Mark A. Herak 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 the month of April 2015, as **Autism Awareness Month** in the Town of Highland;

Be it Further Proclaimed, that **April 2, 2015**, is **Autism Awareness Day** in the Town of Highland;

Be it Still Further Proclaimed, That the citizens of Highland are hereby encouraged to educate themselves on Autism and the myriad of issues surrounding it, as well as to become aware of the programs that have been and are being developed to support individuals with autism and their families.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 23rd day of March in the year 2015.

TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT

Mark A. Herak

Attest:

Michael W. Griffin, Clerk-Treasurer

Unfinished Business & General Orders:

1. **Resolution No. 2015-14:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 for the Corporation Exempt Bond and Interest Fund.

Councilor Zemen moved the passage and adoption of Resolution No. 2015-14. Councilor Vassar 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. 2015-14**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 FOR THE CORPORATION EXEMPT BOND AND INTEREST FUND.

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Bond Non-Exempt Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred;

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

Section 1. That the amount of **\$975.00** be borrowed for the **Corporation Bond Non-Exempt Fund** with the amount of **\$975.00** to be loaned by the **Municipal Cumulative Capital Development Fund**;

Section 2. That said loan in the amount of **\$975.00** be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Bond Non-Exempt Fund** with such loan to be repaid no later than December 31, 2015, subject to IC 36-1-8-4(b).

Section 3. That pursuant to IC 36-1-4-16, any actions authorized to be undertaken by this resolution which may have been taken by an employee or officer of the municipality prior to the date of this resolution's adoption are hereby ratified.

Duly Resolved and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this day 2015. Having been passed by a vote of 5 in favor and 0 opposed.

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

Mark Herak, President IC 36-5-2-10

Attest:

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

2. **Works Board Order No. 2015-05:** A Preliminary Order for the Community-Wide Sidewalk Repair and Replacement Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2015-05. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
Order of the Works Board No. 2015 - 05**

A PRELIMINARY ORDER FOR THE COMMUNITY-WIDE SIDEWALK REPAIR AND REPLACEMENT PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL

**IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS
BENEFITING FROM SUCH IMPROVEMENTS**

Whereas, pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, Section 8.10.080 of the Highland Municipal Code, Repair and maintenance of sidewalks and driveways, sets forth the requirements for sidewalk and driveway maintenance in the Town of Highland and provides that the Town of Highland may levy and collect assessments for the construction or repair of sidewalks and driveways, pursuant to IC 36-9-36-1, et seq., and

Whereas, The Department of Public Works has implemented a sidewalk replacement program, which includes sidewalk inspections, notification of property owners, and procedures to replace or repair public sidewalks on a voluntary and cooperative process; and

Whereas, the Public Works Department has compiled a report, attached hereto and made a part of this Order, that lists the names and addresses of property owners that have not complied with an order to repair or replace public sidewalk or driveways located with the public right-of-way, adjacent to their respective properties, all in accordance with §8.10.080 of HMC; and

Whereas, The Town Council now desires to proceed with the **SIDEWALK REPAIR AND REPLACEMENT PROJECT** and to finance the cost of such projects relating to the cost for sidewalk repair or replacement (each such portion of a project, an "Improvement"), through the Municipal General Improvement Fund; and

Whereas, the Town desires to fund the costs of the Improvements through assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36.

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

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **SIDEWALK REPAIR AND REPLACEMENT PROJECT** and to finance the cost of the improvements through the Municipal General Improvement Fund and the collection of special assessments from property owners benefited by the respective improvements, all pursuant to IC 36-9-36.

Section 2. That the Town Council hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file, general plans and specifications for each of the improvements.

Section 3. That the Town Council hereby adopts the estimate of the maximum cost of each of the improvements attached hereto as Exhibit A and directs the Clerk Treasurer to place such estimate of maximum costs on file in the office of the Town Council.

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at 7:00 P.M. on **April 27, 2015**, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

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 23rd day of March 2015 having passed by a vote of 5 in favor and 0 opposed.

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

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

- 3. Works Board Order No. 2015-06:** An Order Authorizing and Approving the Second Change Order to the Construction Contract related to the 98th Street Reconstruction Project, all Pursuant to I.C. 36-1-12-18.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2015-06. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN OF HIGHLAND
ORDER OF THE WORKS BOARD NO. 2015-06**

An Order of the Works Board Authorizing and Approving the Second Change Order to the Construction Contract with Walsh & Kelly, Inc. related to the 2800-2900 blocks of 98th Street Reconstruction Project in the amount of (\$21,769.61) (decrease), all Pursuant to I.C. 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 reconstruction and other improvements in the public roadway of 98th Street, with the project commonly known as the 98th Street Reconstruction Project; and

Whereas, The Town Council has heretofore awarded a contract to Walsh & Kelly, Inc. for the Project on July 8, 2013 in the amount of Four Hundred Forty-eight Thousand One Hundred Ninety-one Dollars and 97/100 Cents (\$448,191.97); and

Whereas, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project and to reconciled estimated quantities from the original contract amount to the actual quantities installed; and

Whereas, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed second addendum to the original construction contract, as amended by subsequent addenda, with Walsh & Kelly, Inc., particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of Twenty-one Thousand Seven Hundred Sixty-nine Dollars and 61/100 Cents (\$21,769.61); and

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, as follows:

Section 1. That Change Order No. 2 for the 98th Street Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

Section 2. That this second addendum is hereby ordered to be known as Change Order No. 2, issued to reduce the net cost to the original agreement, as amended by subsequent addenda, between the Town of Highland and Walsh & Kelly, Incorporated in the amount of Twenty-one Thousand Seven Hundred Sixty-nine Dollars and 61/100 Cents (\$21,769.61), bringing the total value of the entire agreement with any and all change orders approved to date to Four Hundred Sixty-one Thousand, One Hundred Thirty-four Dollars and 44/100 Cents (\$461,134.44);

Section 3. That as any additional units of materials included in the original contract become needed, the costs 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 contract Four Hundred Forty-eight Thousand One Hundred Ninety-one Dollars and 97/100 Cents (\$448,191.97) which may not exceed Five Hundred Thirty-seven Thousand, Eight Hundred Thirty Dollars and 64/100 Cents (\$537,830.64), 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 23rd day of March 2015 having passed by a vote of 5 in favor and 0 opposed.

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

Mark A. Herak, President (IC 36-5-2-10)

Attest:

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

4. Authorize the proper officer to publish legal notice of a public hearing to consider proposed additional appropriations in the Redevelopment General Fund in the amount of \$25,471 and the Special Economic Development Fund in the amount of \$14,500.

Councilor Vassar moved, seconded by Councilor Kuiper to authorize the proper officer to publish legal notice of a public hearing as indicated. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proper officer was authorized.

5. Ratification of the Executive Session called for Monday, March 23, 2015 at 7:45 p.m.

Councilor Zemen moved that the properly published Executive Session of the Town Council called for Monday, March 23, 2015 scheduled for 7:45 p.m. called by the Town Council President, to discuss the job performance evaluation of individual employees, which is authorized pursuant to IC 5-14-1.5-6.1(b)(9), be authorized and ratified. Councilor Vassar seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The Executive session was approved and ratified.

Comments or Remarks from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Park and Recreation Board • Liaison to the Town Board of Metropolitan Police Commissioners.*

Councilor Zemen acknowledged the Parks and Recreation Superintendent who offered cursory survey of recreation programs featured by the Parks and Recreation Department, including the Park Pride Day being the 3rd Saturday in April.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar acknowledged the Redevelopment Director who reported that the Town Theatre Board of Directors would be meeting soon. She further reported that there was a public engagement and information gathering session scheduled, to hear public feedback regarding the redevelopment program.

- **Councilor Steve Wagner:** *Information Technology Liaison • Liaison to the Advisory Board of Zoning Appeals.*

Councilor Wagner has no comments to offer in the interest of time and the need to conclude in time for the Executive Session.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported in a regional professional development gathering to be hosted at the Central Fire Station that may include approximately 100 Fire officials.

- **Council President Mark Herak:** • *Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law) • Liaison to the Board of Waterworks Directors • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission.*

The Council President acknowledged the Public Works Director who offered a survey of Waterworks and Sanitation Capital Projects. He particularly noted the Kennedy Avenue Water Main Improvement Project might be delayed until after July 3 in order to accommodate the annual Independence Day Parade.

Comments from Residents and Visitors:

1. Rick Volbrecht, 9221 Parkway Drive, Highland, indicated he had reviewed the approved minutes of the Meeting of March 9, 2015, and he noted that the responses of the Building Commissioner to his inquiries regarding sidewalk snow accumulation violation enforcement statistics was not memorialized. Mr. Volbrecht opined that the remarks of the Building Commissioner were important and he felt should be captured.
2. Mrs. _____ Nordhoff, identified herself as the mother of Joshua Headley, stabbed fatally during a weekend incident at Franco's Bar, asked that the Town Council take steps to close Franco's. She opined that there might be many police calls at that bar. She offered her remarks while weeping.
3. A woman who identified herself as Brittany, further identified herself as a former girlfriend of Joshua Hadley, associated herself with the remarks offered by Mrs. Nordhoff.
4. A woman who identified herself as Nicole _____, further identified herself as a former girlfriend of Joshua Hadley, also indicated that Joshua Hadley was her daughter's father, and urged that the Town Council take steps to close Franco's and also urged the police to apprehend Joshua Hadley's killer.

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 March 10, 2015 through March 23, 2015 as well as the payroll docket for the payday of March 6, 2015. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll

dockets were allowed, 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, \$262,715.93; Motor Vehicle Highway and Street (MVH) Fund, \$58,628.22; Local Road and Streets Fund, \$1,266.50; Law Enforcement Training and Supply Fund, \$800.75; Corporation Bond and Interest Non-Exempt Fund, \$275.00; Information and Communications Technology Fund, \$7,046.54; Solid Waste District Grant Fund, \$273.85; Police Pension 1925 Trust Fund, \$63,497.85; Traffic and Law Violations Trust Fund, \$16,163.50; Gaming Revenue Sharing Fund, \$4,067.67; Corporation Capital Fund, \$37,055.00; Total: \$451,790.81.

Payroll Docket for payday of March 06, 2015:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$13,974.33; Building and Inspection Department, \$7,590.09; Metropolitan Police Department, \$105,325.35; Fire Department, \$3,267.94; Public Works Department (Agency), \$66,967.22 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$197,124.93.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, March 23, 2015 was adjourned at 7:40 O'clock p.m.

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