Enrolled Minutes of the Seventeenth Regular or Special Meeting For the Twenty-Eighth Highland Town Council Regular Meeting Monday, August 08, 2016

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, August 08, 2016 at 6:45 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, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

### General Substance of Matters Discussed.

- 1. The Town Attorney, Rhett Tauber, discussed his inquiry regarding the issues that were raised at the July 25<sup>th</sup> Town Council Meeting, during comments from the public in which Carol Parker presented concerns with the high grass and related issues at Seeberger Farms residential development.
- 2. The Town Council and the Town Attorney discussed the status of the Hammond Sanitary District, Highland Sanitary District tensions and the pendency of any United States EPA or U.S. Department of Justice intervention.
- 3. The Town Council reviewed the agenda of the imminent plenary business meeting of the Town Council.

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

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 08, 2016 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Town Council President, Bernie Zemen, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with 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 Herak, Dan Vassar, Steve Wagner, and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Esq., Town Attorney; John Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Randy Bowman, Assistant Inspector for Electrical Code; Susan Murovic, Advisory Board of Zoning Appeals; Greg Kuzmar, Redevelopment Commission and Ed Dabrowski IT Director (Contract) were also present.

It was noted that Minutes for July 26, 2016 would be filed at the next plenary business meeting.

**Staff Reports:** The following staff reports were received and filed.

## • Building & Inspection Report for July 2016

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	2	0	2	\$2,650.00	\$95.00
Signs:	3	0	3	\$7,000.00	\$818.50
Single Family:	1	1	0	\$195,000.00	\$2,377.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	83	83	0	\$519,637.00	\$8,642.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	2	2	0	\$5,834.00	\$190.00
Decks & Porches:	7	7	0	\$26,861.00	\$1,346.00
Fences:	20	18	2	\$74,347.00	\$2,142.00
Swimming Pools:	3	3	0	\$0.00	\$219.00
DrainTile/ Waterproofing:	3	3	0	\$21,760.00	\$439.00
Miscellaneous	5	5	0	\$6,500.00	\$531.00
TOTAL:	129	122	7	\$859,589.00	\$16,800.00
Electrical Permits	13	13	0		\$1,035.00
Mechanical Permits	18	16	2		\$1,426.00
Plumbing Permits	8	6	2		\$1,173.00
Water Meters	2	2	0		\$460.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	10	8	2		\$1,633.00

# **July Code Enforcement:**

Investigations: 182 Citations: 5

## **July Inspections:**

Building: 26 Electrical Exams: 0 Electrical: 21 Plumbing: 07 HVAC: 12

The fire Department will file for July at the next plenary business meeting.

## • Workplace Safety Report for July 2016

There were no incidents to report for June. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2016	Total in 2015	Restricted Days 2016	Lost Workdays This Year (2016)	Restricted Days Last Year (2015)	Lost Workdays Last Year (2015)
Parks	0	1	1	12	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	3	1	2	0	0	0
Street	0	0	2	0	0	0	0
Water &	0	2	4	0	0	5	0
Sewer							
Maint.	0	0	0	0	0	0	0

Other	0	0	1	0	0	0	0
TOTALS	0	6	9	14	0	5	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

### **Unfinished Business and General Orders:**

1. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. Assistant Public Works Director recommends the hiring of Jeffery Smith, to the full-time position of Utility Technician in Public Works Department (Agency) at a rate of pay of \$19.28 per hour. (Subject to filing of Nepotism certificate)

Councilor Herak moved to appoint and hire Jeffery Smith as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Jeffery Smith was appointed and hired.

2. Works Board Order No. 2016-27: A Joint Resolution of the Highland Sanitary Board of Commissioners and Order of the Highland Works Board Accepting and awarding a Quote to Gatlin Plumbing & Heating, Inc., for the Kennedy Avenue Storm Sewer Extension and Sidewalk Replacement Project in the Total amount of \$37,000 as the Lowest Responsive and Responsible Quote.

Councilor Herak moved the passage and adoption of Works Board Order No. 2016-27. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

SANITARY DISTRICT OF HIGHLAND BOARD OF SANITARY COMMISSIONERS RESOLUTION NO. 2016-22

### HIGHLAND BOARD OF WORKS ORDER OF THE WORKS BOARD NO. 2016-27

A JOINT RESOLUTION OF THE HIGHLAND SANITARY BOARD OF COMMISSIONERS AND ORDER OF THE HIGHLAND WORKS BOARD ACCEPTING AND AWARDING A QUOTE TO GATLIN PLUMBING & HEATING, INC. FOR THE KENNEDY AVENUE STORM SEWER EXTENSION AND SIDEWALK REPLACEMENT PROJECT IN THE TOTAL AMOUNT OF \$37,000 AS THE LOWEST RESPONSIVE AND RESPONSIBLE QUOTE

**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 Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing or amending them consistent with the Sanitary District Law; and

Whereas, The Sanitary District of Highland (District), through its Board of Sanitary Commissioners, has heretofore determined a need to extend the existing public storm sewer at the northwest corner of Highway Avenue and Kennedy Avenue in order to provide a discharge outlet for roof drain separations at 2803 Highway Avenue; and

Whereas, NIES Engineering, Incorporated has prepared plans and specifications for the Project on behalf of the Sanitary District and, pursuant to § 3.15.190 of the HMC, invited quotes from three (3) persons (contractors) known to deal in the class of work proposed to be done, by mailing them plans and specifications for the work, not less than seven days before the time fixed for receiving quotes; and

Whereas, the following quotes were received at 10:00 a.m. on August 2, 2016:

GATLIN PLUMBING AND HEATING, INCORPORATED \$37,000.00
REX CONSTRUCTION COMPANY, INC. \$68,660.00
GRIMMER CONSTRUCTION, INCORPORATED \$46,993.00

Whereas, the Sanitary District Superintendent and NIES Engineering, Inc. have reviewed the quotes and determined that the quote of Gatlin Plumbing & Heating, Inc. in the amount of Thirty-seven Thousand Dollars and 00/100 (\$37,000) to be the lowest responsive and responsible quote and

**Whereas,** The work includes the installation of 135 LF of 6'', SDR 35 PVC storm sewer pipe, which is to be paid from the Sewer Improvement Fund in the amount of \$10,750; and

Whereas, The work includes the removal and replacement of the public sidewalk (including ADA compliant curb ramps), concrete curb, and pavement, which is to be paid from appropriated funds of Highland Board of Works at the cost of \$26,250; and

Whereas, there are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Sanitary District of Highland, through its Board of Sanitary Commissioners, now desires to accept the quote and award the Project to Gatlin Plumbing & Heating, Incorporated,

**Now Therefore Be it Hereby Ordered** by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana; and

**Resolved** by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the Quote of Gatlin Plumbing & Heating, Incorporated in the amount of Thirty-seven Thousand Dollars and 00/100 (\$37,000.00) for the Kennedy Avenue Storm Sewer Extension and Sidewalk Replacement Project is hereby accepted as the lowest responsive and responsible bid;

**Section 2.** That the estimated share of construction costs to the Sanitary District of Highland is \$10,750.00;

Section 3. That the share of construction costs to the Highland Board of Works is \$26,250;

**Section 4.** That the Public Works Director is authorized to execute the agreement and all documents necessary to implement the Project.

**Duly Adopted**, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 16<sup>th</sup> day of <u>August, 2016</u>. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

	HIGHLAND SANITARY DISTRICT BY ITS BOARD OF COMMISSIONERS:
Attest:	Greg Cieslak, President
David Jones, Secretary	

BE IT SO ORDERED

**DULY, PASSED, ADOPTED, AND ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana this  $8th^{th}$  day of <u>August</u>, 2016 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of HIGHLAND, INDIANA

Bernie Zemen, 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. 2016-28:** An Order of the Works Board Accepting the Proposal of Mad Bomber Fire Works Productions for Professional Pyrotechnics and Fireworks Displays Services for the Town of Highland,

Associated with Independence Day and New Year's Eve Festivities, and to Comply with the Provisions of IC 22-5-1.7 et seq.

Councilor Wagner moved the passage and adoption of Works Board Order No. 2016-28. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

### Town of Highland Board of Works Order of the Works Board 2016-28

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF MAD BOMBER FIRE WORKS PRODUCTIONS FOR PROFESSIONAL PYROTECHNICS AND FIREWORKS DISPLAYS SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY AND NEW YEAR'S EVE FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence, and the special period of New Year's eve, with appropriate festivals and fireworks and pyrotechnics displays:

Whereas, The Clerk-Treasurer, pursuant to Section 3.05.050(D)(9) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality; and

Whereas, The Mad Bomber Fireworks Productions of Kingsbury Indiana has presented to the Community Events Commission a proposed agreement for professional pyrotechnic and Fire works Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional pyrotechnic and Fire works Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve Mad Bomber Fireworks Productions of Kingsbury Indiana;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$15,000.00 and *involves a commitment for more than one year*, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency; and

**Whereas**, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

**Whereas,** The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein.

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

**Section 1.** That the proposal for pyrotechnic and fireworks display services of **Mad Bomber Fireworks Productions**, 3999 E. Hupp Road, Building R-3-1, LaPorte, Indiana, 46350, prepared and presented by its Executive Secretary, Kelley Hatfield, which includes presentation of a Fireworks Display in the Evenings of July 4th, and December 31, for 2017, 2018 and 2019, according to the written terms set forth in the proposal, is hereby accepted, approved and adopted in every respect, provided that **Mad Bomber Fireworks Productions** complies with the provisions of IC 22-5-1.7 et seq., and completes the relevant portions of the attached exhibit styled as Addendum for e-verify;

**Section 2**. That the fees for performance of the service identified in the proposal of \$22,500 for the fireworks display to be conducted on July  $4^{th}$ , and \$5,000 for the fireworks display to be conducted on December 31 in each year, for a total of \$27,500 are found to be reasonable and fair for the services and *frequencies* described;

**Section 3.** That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, are both reasonable and appropriate, pursuant to Section 3.05.090 of the HMC and IC 5-22-6;

**Section 4.** That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Mad Bomber Fireworks Productions** and to execute all documents necessary to implement the purchase of services thereof;

**SECTION 5.** THAT THE PROPER OFFICERS OF THE MUNICIPALITY ARE HEREBY AUTHORIZED TO IDENTIFY THE PROPER FUNDS OF THE MUNICIPALITY THAT MAY BE LAWFULLY EXPENDED IN ORDER TO SUPPORT AND IMPLEMENT THE PURCHASE OF THESE SERVICES.

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 8th day of August 2016 having passed by a vote of 5 in favor and 0 opposed.

	TOWN COUNCIL of the TOWN of HIGHLAND, INDIANA
Attest:	Bernie Zemen, President (IC 36-5-2-10)
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)	

# CLAUSE (ADDENDUM) and AFFIDAVIT ADDENDUM TO BE ADDED TO CONTRACT FOR SERVICES TO BE PROVIDED TO TOWN OF HIGHLAND (as required by I.C. 22-5-1.7 -11, effective July 1, 2011)

#### Verification of Work Eligibility Status

- 1. Randy McCasland, Director of Operations of MAD BOMBER FIREWORKS PRODUCTIONS, (hereinafter called "Contractor") understands and agrees that:
  - (A) it is required to enroll in and verify the work eligibility status of all employees hired after the date of this contract though the E-Verify program.
  - (B) This requirement shall be waived if the E-Verify program ceases to exist. For the purposes of this paragraph, the "E-Verify program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the Immigration Reform and control Act of 1986 (P.L. 99-603); and
- 2. An authorized representative of the Contractor has signed the attached affidavit concerning the employment of unauthorized aliens.

This contract clause is developed pursuant to SEA 590 codified as IC 22-5-1.7-11 (a)(1).

# AFFIDAVIT OF SERVICE PROVIDER or CONTRACTOR WITH THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA REGARDING HIRE OF UNAUTHORIZED ALIENS

State of Indiana	)	
	)	SS:
County of Lake	)	

## <u>A</u> <u>F</u> <u>F</u> <u>I</u> <u>D</u> <u>A</u> <u>V</u> <u>I</u> <u>T</u>

I, the undersigned, authorized representative, authorized officer or agent of MAD BOMBER FIREWORKS PRODUCTIONS, hereinafter called "contractor", which has a contract for services or goods with the

Town of Highland, Lake County, Indiana, having given solemn affirmation, hereby depose(s) and say(s), that the contractor does not knowingly employ an unauthorized alien.

FURTHERETH AFFIANT SAYETH NOT.		
	Signed:RANDY McCAS	, Affiant. SLAND, DIRECTOR OF OPERATIONS
	Certificate of Notary	
	e to be the individual descri	came and appeared the affiant herein bed in and who executed the foregoing executed same for the purpose therein
In Witness Whereof, I hereunto set my hand	and official seal.	
My commission expires:	·	
County of Residence:	·	
(seal)		
		NOTARY

Affidavit pursuant to IC 22-5-1.7-11

4. Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in an amount to be identified in the **Special Local Income Tax Fund and Rainy Day Fund** to support road projects and in the amount of \$4,800 in the **Unsafe Building Fund** to support an enforcement action oat 2819 Lincoln Street.

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

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

 Councilor Mark Herak: Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.

Councilor Herak wished happy birthday and happy anniversary to Dan Vassar. He also wished the Town Attorney a happy anniversary.

Councilor Herak noted that the Board of Sanitary Commissioners selected the special environmental attorney to serve as lead counsel in the on-going Hammond Sanitary District and Highland Sanitary District and EPA matter.

• **Councilor Dan Vassar:** • *Liaison to the Park and Recreation Board.* 

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who gave a survey report regarding recreation activities. He noted that the School Town and the Parks and Recreation Department would be pooling their athletic field lighting purchases to achieve cost savings.

• **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.* 

Councilor Wagner also congratulated the workforce on the injury and incident free experience for the Month of May.

• **Councilor Konnie Kuiper:** • Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.

Councilor Kuiper acknowledged the Fire Chief, who offered a survey of Fire Department activity. The Fire Chief also reported the department's pleasure with the new rescue truck.

Councilor Kuiper acknowledged the Police Chief, who reported on matters before the Traffic Safety Commission.

Council President Bernie Zemen: Municipal Executive Chamber of Commerce Co-Liaison
 IT Liaison
 Redevelopment Commission Liaison.

The Town Council President acknowledged the Redevelopment Commission President, Mr. Greg Kuzmar who noted that the Redevelopment Commission would be meeting this Wednesday, August 10 at 6:00 p.m.

### **Comments from Visitors or Residents:**

1. Carol Kerr, 2185 Timberidge, Highland, noted recent comments by Hammond Mayor Tom McDermott voiced during a WJOB radio program in which he suggested that Highland's sending more than the allotment to the district and that they would be using valves to reduce flow. Ms. Kerr expressed concern about Highland flooding in basements.

The Town Attorney noted that basements will be protected.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period July 26, 2016 through August 08, 2016 and payroll docket for the payday of July 22, 2016. Councilor Wagner 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, 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, \$332,376.52; Motor Vehicle Highway and Street (MVH) Fund, \$7,029.01; Local Road and Streets Fund, \$8,904.59; Law Enforcement Continuing Education, Training, and Supply Fund, \$222.47; Capital Projects Retainage Agency Fund, \$5,000.00; Corporation Bond and Interest Fund, \$90,862.50; Flexible Spending Account Agency Fund, \$1,611.05; Insurance Premium Agency Fund, \$148,158.00; Information and Communications Technology Fund, \$6,204.22; Special Events Non Reverting Fund, \$24,184.89; General Improvement Fund, \$23.00; Traffic Violations and Law Enforcement Agency Fund, \$4,692.50; Gaming Revenue Sharing Fund, \$11,350.00; County Economic Development Income Tax Fund, \$75,704.15 Total: \$716,322.90.

Payroll Docket for payday of July 22, 2016:

Council, Boards and Commissions, \$8,524.00; Office of Clerk-Treasurer, \$16,110.11; Building and Inspection Department, \$8,300.95; Metropolitan Police Department,

\$106,638.45; Fire Department, \$24,885.58; Public Works Department (Agency), \$68,392.84 and 1925 Police Pension Plan Pension Fund, \$63,389.06; Total Payroll: \$296,240.99.

**Adjournment of Plenary Meeting**. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, August 08, 2016 was adjourned at 7:19 O'clock p.m. There was no study session following this meeting.

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