

**Enrolled Minutes of the Forty-Seventh Regular or Special Meeting
Special Meeting (Electronic/Hybrid)
Twenty-Ninth Town Council of Highland
Monday, August 16, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a **special** meeting Monday, August 16, 2021 at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.*

*This meeting was convened as an hybrid in person and *electronic meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.7 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 21-18. Some persons were participating remotely on a Zoom platform that allowed for real time interaction between and among all the Town Council and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When an agenda item provided for public comment, this was supported as well. All members of the Town Council were present in person. The Clerk-Treasurer was present in person too.

The meeting was streamed live on the Town of Highland, Indiana Facebook page and participation was supported by the Zoom on-line communication platform.

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

Silent Roll Call: Councilors Bernie Zemen, Tom Black, Mark Schocke and Roger Sheeman, were present in person as indicated. Councilor Mark Herak was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Officials Present: John P. Reed, Town Attorney; Mark Knesek, Public Works Director; Peter T. Hojnicky, Police Chief, and William R. Timmer, Jr., CFOD, Fire Chief; were also present (electronically).

Additional Officials Present: Ed Dabrowski, IT Consultant/Director (Contract) and Board of Waterworks Directors, was present in person.

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

Special Orders:

1. **Ratify the Meeting.** Ratify the special meeting with its additional purposes, pursuant to HMC Section 2.05.130(A) (4) and Section 2.05.130(F).

Councilor Black moved to ratify and approve the additional purposes for the special meeting. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The meetings purposes were ratified and approved.

2. **Action regarding Community Crossings Grant Project for 2021.**

- (a) **Works Board Order No. 2021-25:** An Order of the Works Board Accepting the Bid of Rieth-Riley Construction Co., Inc. for the 2021 Community Crossing Matching Grant Street Improvement Project Being the Lowest Responsive and Responsible Bid in the amount of One Million One Hundred Forty-Six

Thousand Four Hundred Fifty-Seven Dollars and Ninety-Five Cents (\$1,146,457.95).

- (b) **Works Board Order No. 2021-26:** An Order Approving and Authorizing An agreement between NIES Engineering, Incorporated and the Town of Highland to perform Professional Engineering Services during Construction for the 2021 Community Crossings Matching Grant (CCMG) Street Improvement Project in the amount not-to-exceed \$58,500.

Councilor Zemen moved the passage and adoption of *both* Works Board Order No. 2021-25 and Works Board Order No. 2021-26. Councilor Black seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board orders were adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2021-25

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF RIETH-RILEY CONSTRUCTION CO., INC. FOR THE 2021 COMMUNITY CROSSING MATCHING GRANT STREET IMPROVEMENT PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF ONE MILLION ONE HUNDRED FORTY-SIX THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS AND NINETY-FIVE CENTS (\$1,146,457.95)

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 determined a need to improve the certain roadway sections, listed in Appendix A, attached hereto and made a part of this Order, compiled into one (1) project identified as the 2021 Community Crossings Match Grant Street Improvement Project, Des. No. 2100392 (Project);

Whereas, The Town had applied and were successfully awarded a Community Crossings Matching Grant for the Project from the State of Indiana in the amount of Five Hundred Thousand Dollars (\$500,000.00), which represents fifty percent of the estimated construction cost, the formal agreement of which was approved by Works Board Order No. 2021-13 on May 10, 2021;

Whereas, NIES Engineering, Incorporated had prepared plans and specifications for the Project and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1;

Whereas, the following bids were received at 10:00 a.m. on August 10, 2021:

	<u>Bidder</u>	<u>Base Bid</u>
1.	Rieth-Riley Construction, Inc.	\$1,146,457.95
2.	Milestone Contractors North, Inc.	\$1,159,041.35
	Engineer's Estimate	\$1,039,341.60

Whereas, NIES Engineering, Incorporated and the Director of Public Works have reviewed the bids and determined that the bid of Rieth-Riley Construction, Incorporated in the amount of One Million One Hundred Forty-six Thousand Four Hundred Fifty-seven Dollars and Ninety-five Cents (\$1,146,457.95) to be the lowest responsive and responsible bid;

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 Town of Highland, through its Town Council acting as the Works Board, now desires to accept the recommendation of the Public Works Director and award a construction contract to Rieth-Riley Construction, Incorporated for the 2021 Community Crossings Match Grant Street Improvement Project,

Now, Therefore, Be It Resolved, by the Town Council of the Highland, Indiana acting as the Works Board as follows:

Section 1. That the bid of Rieth-Riley Construction, Incorporated for the 2021 Community Crossings Match Grant Street Improvement Project in the amount of One Million One Hundred Forty-six Thousand Four Hundred Fifty-seven Dollars and Ninety-five Cents (\$1,146,457.95) is hereby accepted as the lowest responsive and responsible bid.

Section 2. That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

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 16th day of August 2021, having passed by a vote of 4 in favor and 0 opposed.

**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)

**Appendix A
2021 Community Crossings Matching Grant Project List**

Route Name	From	To	Estimate Cost
41 st Street	5 th St	Ellen Dr	\$91,064.65
O'Day Dr	Martha St	Highland Pl	\$45,108.60
Highland St	O'Day Dr	Martha St	\$16,147.20
Highland Pl	41 st St	Martha St	\$34,919.95
Cottage Grove St	Wirth Rd	Lincoln Av	\$74,180.65
Cottage Grove Pl	Wirth Rd	Lincoln Av	\$49,270.10
Johnson St	41 st St	Martha St	\$21,611.20
Boulevard Dr	44 th St	44 th St	\$70,104.80
Ohio Pl	Wirth Rd	Dead End	\$72,021.10
38 th St	130 th W of Ohio Pl	120 th E of Ohio Pl	\$8,202.15
Jewett Ave	Orchard Dr	Kleinman Rd	\$20,750.40
Strong St	Kennedy Av	5 th St	\$93,379.85
Grand Blvd	Kennedy Av	5 th St	\$60,974.05
Eder Av	Duluth Av	Parrish Av	\$47,110.20
Eder Ct	Dead End	Eder Av	\$6,228.15
Parrish Ave	Glenwood Av	North Dr	\$22,289.40
North Dr	Parrish Av	270 th E of Grace St	\$61,075.35
Oakdale Dr	Ridgewood Av	Ridgewood Av	\$51,539.40
Lincoln Av	N Parkway Dr	Prairie Av	\$39,767.65
Wildwood Dr	Bluebird Ln	37 th Pl	\$73,119.15
37 th Pl	Wildwood Dr	Idlewild Av	\$13,120.15
38 th Pl	Wildwood Dr	Idlewild Av	\$12,847.15
Idlewild Av	Martha St	37 th Pl	\$60,396.55
39 th Pl	Hook St	Kennedy Av	\$38,804.50
Wildwood Ct	Dead End	45 th St	\$53,055.45
Waymond Av	45 th St	Dead End	\$9,370.15
			\$1,146,457.95

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2021-26**

AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN NIES ENGINEERING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING SERVICES DURING CONSTRUCTION FOR THE 2021 COMMUNITY CROSSINGS MATCHING GRANT (CCMG) STREET IMPROVEMENT PROJECT IN THE AMOUNT NOT-TO-EXCEED \$58,500

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 determined a need to improve the certain roadway sections, listed in Appendix A, attached hereto and made a part of this Order, compiled into one (1) project identified as the 2021 Community Crossings Match Grant Street Improvement Project (Project); and

Whereas, The Town had applied and was successfully awarded a Community Crossings Matching Grant for the Project from the State of Indiana in the amount of Five Hundred Thousand Dollars and 00/100 Cents (\$500,000.00), which represents fifty percent of the estimated construction cost; and

Whereas, NIES Engineering, Inc. had prepared plans and specifications for the Project and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, The Town has heretofore awarded a construction contract to Rieth-Riley Construction, Inc., in the amount of One Million One Hundred Forty-six Thousand Four Hundred Fifty-seven Dollars and 95/100 Cents (\$1,146,457.95) to be the lowest responsive and responsible bid and has further determined a need to engage professional engineering services during construction to supervise, inspect, and manage the construction activities on the Project on behalf of the Town; and

Whereas, NIES Engineering, Inc. (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction for the Project in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services in the amount of Fifty-eight Thousand Five Hundred Dollars and no Cents (\$58,500.00); 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 Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between NIES Engineering, Inc. and the Town of Highland for the 2021 Community Crossings Match Grant Street Improvement Project, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Engineering Services during Construction in the not to exceed fee amount of Fifty-eight Thousand Five Hundred Dollars and no Cents (\$58,500.00) is found to be reasonable and fair;

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

Section 4. That the President of the Town Council be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

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 16th day of August 2021, having passed by a vote of 4 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)

**Appendix A
2021 Community Crossings Matching Grant Project List**

<u>Route Name</u>	<u>From</u>	<u>To</u>	<u>Estimate Cost</u>
41 st Street	5 th St	Ellen Dr	\$91,064.65
O'Day Dr	Martha St	Highland Pl	\$45,108.60
Highland St	O'Day Dr	Martha St	\$16,147.20
Highland Pl	41 st St	Martha St	\$34,919.95
Cottage Grove St	Wirth Rd	Lincoln Av	\$74,180.65
Cottage Grove Pl	Wirth Rd	Lincoln Av	\$49,270.10
Johnson St	41 st St	Martha St	\$21,611.20
Boulevard Dr	44 th St	44 th St	\$70,104.80

Ohio Pl	Wirth Rd	Dead End	\$72,021.10
38 th St	130 th W of Ohio Pl	120 th E of Ohio Pl	\$8,202.15
Jewett Ave	Orchard Dr	Kleinman Rd	\$20,750.40
Strong St	Kennedy Av	5 th St	\$93,379.85
Grand Blvd	Kennedy Av	5 th St	\$60,974.05
Eder Av	Duluth Av	Parrish Av	\$47,110.20
Eder Ct	Dead End	Eder Av	\$6,228.15
Parrish Ave	Glenwood Av	North Dr	\$22,289.40
North Dr	Parrish Av	270 th E of Grace St	\$61,075.35
Oakdale Dr	Ridgewood Av	Ridgewood Av	\$51,539.40
Lincoln Av	N Parkway Dr	Prairie Av	\$39,767.65
Wildwood Dr	Bluebird Ln	37 th Pl	\$73,119.15
37 th Pl	Wildwood Dr	Idlewild Av	\$13,120.15
38 th Pl	Wildwood Dr	Idlewild Av	\$12,847.15
Idlewild Av	Martha St	37 th Pl	\$60,396.55
39 th Pl	Hook St	Kennedy Av	\$38,804.50
Wildwood Ct	Dead End	45 th St	\$53,055.45
Waymond Av	45 th St	Dead End	\$ 9,370.15

\$1,146,457.95

NIES AGREEMENT as EXHIBIT on File

- 3. Works Board Order 2021-27:** A Preliminary Order for the 3500 block of Jewett Ave Street Improvement Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements.

Councilor Black moved the passage and adoption of Works Board Order No. 2021-27. Councilor Schocke seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board order was adopted.

**TOWN OF HIGHLAND
ORDER OF THE WORKS BOARD NO. 2021 - 27**

A PRELIMINARY ORDER FOR THE 3500 BLOCK OF JEWETT AVE STREET IMPROVEMENT 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");

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;

Whereas, Several residents of the **3500 block of Jewett Avenue** have requested consideration of the Town of Highland to install concrete curbs and public sidewalks;

Whereas, The cost for curb and sidewalk shall be paid for by the adjoining property owners based upon front footage of their property through a special assessment pursuant to the Special General Improvement District statute;

Whereas, The Town Council desires to proceed with the **3500 Block of Jewett Avenue Street Improvement Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund;

Whereas, The Town has retained NIES Engineering, Inc. to prepare plans and specifications for the **3500 Block of Jewett Avenue Street Improvement Project**; and,

Whereas, The Town desires to finance the costs of the improvements pursuant to 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, acting as the Works Board, as follows:

Section 1. That the Town Council acting as the Works Board, hereby makes a preliminary determination to proceed with the **3500 Block of Jewett Ave Street Improvement 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 pursuant to IC 36-9-36;

Section 2. That the Town Council, acting as the Works Board, hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file cross-sections, general plans and specifications for each of the improvements;

Section 3. That the Town Council, acting as the Works Board, 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 acting as the Works Board, 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 **6:30 P.M. on August 30, 2021**;

Section 5. That 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 16th day of August 2021, having passed by a vote of 4 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)

- 4. Authorize a Special Meeting.** Authorize a special meeting of the Town Council for August 30, 2021 at 6:30 p.m., pursuant to HMC Section 2.05.130(A) (4), and Section 2.05.130(F) in order to conduct a public hearing on the matter of the improvement project as set forth in Works Board Order No. 2021-27 and such matters as may be determined necessary or desirable.

Councilor Schocke moved to authorize a special meeting of the Town Council for August 30, 2021 at 6:30 p.m. in order to conduct a public hearing in the matter of the improvement project as set forth in the Works Board Order N. 2021-27. Councilor Black seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The meeting was authorized.

There being no further business to come before the Town Council, the special meeting of the Town Council, of Monday, August 16, 2021 was adjourned at 6:35 O'clock p.m. The regular study session then immediately was convened.

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

Approved at the meeting of the Town Council of _____.

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