

**Enrolled Minutes of the Fiftieth Regular or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Meeting (Electronic/Hybrid)
Monday, September 13, 2021**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, September 13, 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 *electronic and in person 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. 21-22. 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. Councilors Mark Herak, Mark Schocke, Tom Black and Roger Sheeman were present in person. Councilor Bernie Zemen participated remotely by Zoom.

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 Councilor Tom Black 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, Mark J. Schocke, Thomas Black and Roger Sheeman. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained. Councilors Herak, Schocke, Black, and Sheeman all participated in person. Councilor Zemen participated remotely by the Zoom platform. His participation was contemporaneous to the meeting, and he could be both seen and heard by participants, visitors as well as the Town Council members.

Additional Officials Present: John Reed, Town Attorney (via Zoom), Tim Gembala, Operations Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Theresa Badovich, Idea Factory (via Zoom); Carlos Aburto, Park and Recreation Board; and Ed Dabrowski IT Director (Contract) and Board of Waterworks Directors were present.

Minutes of the Previous Meeting:

The minutes of the regular meeting of August 23, 2021 and the special meeting of August 30, 2021, were approved by general consent.

Special Orders:

1. **Public Hearing.** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 3500 Block of Jewett Street to be known as the **Jewett Street Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2021-29)
 - (a) Verification of Proof of Publication. (IC 5-3-1; IC 36-9-17) The TIMES 02 September 2021. The Town Attorney indicated that the proof of publication complied the relevant law (remotely).

(b) Open Public Hearing. *Public Hearing Issue:* Whether the lots or tracts of land have been or will be benefited by the Improvements in the amount set forth in the Assessment Roll, such greater or lesser amount, or any amount at all. The Town Council President called the public hearing to order.

1. Larry Kondrat, Highland, spoke in favor of the project.

There were no further comments. The hearing was closed.

(c) Consideration of **Confirmatory Works Board Order No. 2021-32:** An Order Confirming the Special Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Jewett Street Reconstruction Project. (Interest and years to be filled by the Town Council)

Councilor Herak moved the passage and adoption of the Works Board Order No. 2021-32, subject to filling the blanks as to interest and term of waived payment. Councilor Black seconded.

The Town Council President invited suggestions for filling the blanks. By general consent, the interest rate blank was filled as Seven percent (7%) and the term for the waived payment blank was filled with five (5) years.

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 WORK BOARD NO. 2021-32

AN ORDER CONFIRMING THE MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3500 BLOCK OF JEWETT AVE. STREET IMPROVEMENT PROJECT

WHEREAS, On August 30th, 2021, the Town Council of the Town of Highland, Indiana, adopted Works Board Order No. 2021-29 entitled "A Preliminary Order Adopting and Approving Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the 3500 Block of Jewett Ave. Street Improvement Project", a copy is attached hereto as Exhibit "A";

WHEREAS, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2021-29; and,

WHEREAS, The Town Council now desires to confirm Works Board Order No. 2021-29,

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 hereby confirms Works Board Order No. 2021-29;

Section 2. That the Town Council hereby sustains the presumptive assessments as indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements (as defined in Works Board Order No. 2021-28);

Section 3. The Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

Section 4. The Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of **5 years**, with interest accruing on such unpaid portions at an interest rate of **seven percent (7%)** per annum, and also approves the substantially final form of Waiver Agreement attached hereto as Exhibit "B", to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

Be it So Ordered.

EXHIBIT B

**TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2021-29**

**A PRELIMINARY ORDER ADOPTING AND APPROVING
MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL
ASSESSMENT ROLLS FOR PROPERTY OWNERS
BENEFITING FROM THE 3500 BLOCK OF JEWETT AVE.
STREET IMPROVEMENT PROJECT**

Whereas, Pursuant to Ind. Code 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, Pursuant to Works Board Order No. 2021-28, the Town Council confirmed Order No. 2021-27 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 3500 Block of Jewett Ave. (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and,

Whereas, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as Exhibit A (each, an "Assessment Roll"), has been prepared and filed with this Town Council,

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

Section 1. That the Town Council hereby adopts and approves the Assessment Roll for the Improvements to the 3500 Block of Jewett Ave.;

Section 2. That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at 6:30 p.m. on September 13th, 2021, 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 Improvements.

Be it So Ordered.

Duly adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 30th day of August, 2021 by a vote of 5 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)



- (b) **Public Hearing.** The Town Council President called the public hearing to order.
1. Larry Kondrat, Highland, inquired about the purposes of the bond issue and the appropriations that would support the projects it proposes to support. Mr. Kondrat inquired whether the fact that the bond appropriation included improvements to the Sharp Athletic Complex suggested that the plans to relocate it as part of the Highland Downtown Redevelopment Plan were abandoned or changed.

It was noted that there were no plans to relocate the facility that were imminent.

The Parks and Recreation Superintendent offered an overview of the several projects that were planned as part of the bonded capital improvements.

- (c) Action on **Appropriation Enactment No. 2021-40:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the **Park Non Reverting Capital Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2021-40 and moved for its consideration at the same meeting of its introduction. Councilor Schocke 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. 2021-40 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 enactment was passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2021-40

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Park Non Reverting Capital 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 **Park Non Reverting Capital 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 **Park Non Reverting Capital Fund** and for the purposes herein specified, subject to the laws governing the same:

PARK NON REVERTING CAPITAL FUND

Increase:	
Acct. No. 010-0000-31001-0021 Legal Services:	\$ 50,000.00
Acct. No. 010-0000-31006-0021 Financial Advisory Services:	\$ 30,000.00
Acct. No. 010-0000-33005-0021 Master Plan Update services:	\$ 63,000.00
Series Total:	\$ 143,000.00

Increase:	
Acct. No. 010-0000-43005-0021 Park Benches & Tables:	\$ 70,000.00
Acct. No. 010-0000-46001-0021 Trails Improvements:	\$ 710,000.00
Acct. No. 010-0000-46004-0021 Homestead Park Improvements:	\$ 110,000.00
Acct. No. 010-0000-46005-0021 Lakeside Park Improvements:	\$ 45,000.00
Acct. No. 010-0000-46006-0021 Main Square Improvements:	\$ 87,000.00
Acct. No. 010-0000-46007-0021 Markley Park Improvements:	\$ 110,000.00
Acct. No. 010-0000-46008-0021 Meadows Park Improvements:	\$ 470,000.00

Acct. No. 010-0000-46012-0021 Sharp Athletic Improvements:	\$ 520,000.00
Acct. No. 010-0000-46013-0021 Sheppard Park Improvements:	\$ 775,000.00
Acct. No. 010-0000-46017-0021 Tree removal replacement:	\$ 50,000.00
Acct. No. 010-0000-46018-0021 Vehicles:	<u>\$ 210,000.00</u>
Series Total:	\$3,157,000.00
Fund Total:	\$3,300,000.00

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 acknowledging 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 13th Day of September 2021. 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 AND ADOPTED this 13th Day of September 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. Consideration of Proposed Additional Appropriations: (controlled and non-controlled funds): Proposed Additional Appropriations in Excess of the 2021 Budget for the Works Board Department of the General Fund in the amount of \$791,160. Further consideration of proposed additional appropriations in the General Improvement Fund in the amount of \$51,623 and in the **Community Crossings Grant Fund** in the amount of \$146,458.00.

(a) Attorney verification of Proofs of Publication: The TIMES 26 August 2021. The Town Attorney noted that the proof of publication complied with the governing law (remotely)

(b) **Public Hearing.** The Town Council President called the public hearing to order.

1. Larry Kondrat, Highland, Indiana, inquired about the amount proposed to fund the COVID stipends, suggesting that the amount was much higher than that proposed by Councilor Schocke.

It was noted that the amount proposed was based upon a \$5,000 payment, for firefighters and all full-time workers. The amount required that payroll tax and INPRS for the workers covered by it was necessarily included. That was not contemplated in the earlier proposal, which was for a five thousand dollar amount for the police and the fire fighters.

It was further noted that the COVID Stipends plus the vaccination incentive would not exceed \$3,016 for each firefighter, each full-time worker and selected workers identified in exhibits affixed to the enabling ordinance.

Mr. Kondrat expressed concern about any unused amount remaining in the appropriation. Without objection from the Town Council, the clerk-

treasurer indicated that once the final amount was ascertained, he would prepare an enactment to reduce the unused amount remaining in the appropriation if its approved.

There were no further comments. The Town Council President closed the public hearing.

- (c) **Action on Appropriation Enactment No. 2021-41:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Works Board Department of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2021-41 and moved its consideration at the same meeting of its introduction. Councilor Schocke 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. 2021-41 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 enactment was passed and adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2021-41

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Works Board Department of the Corporation 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 **Works Board Department of the Corporation 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 **Works Board Department of the Corporation General Fund** and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

Works Board Department

Acct. 001-0009-11127 Covid Appreciation Stipends		\$ 791,160.00
	Total 100 Series:	\$ 791,160.00
	Total for the Department:	\$ 791,160.00
	TOTAL for the FUND:	\$ <u>791,160.00</u>

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 13th Day of September 2021. 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 AND ADOPTED this 13th Day of September 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)

- (d) Action on **Appropriation Enactment No. 2021-42: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the General Improvement Fund and the Community Crossings Grant Fund**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Enactment No. 2021-42 and moved its consideration at the same meeting of its introduction. Councilor Schocke 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. 2021-41 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 enactment was passed and adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2021-42

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the General Improvement Fund and the Community Crossings Grant 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 **General Improvement Fund** and in the **Community Crossings Grant 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 **General Improvement Fund** and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Increase	
Acct. No. 083-0000-44022 Curbs & Sidewalks:	\$ 51,623.00
<i>Total 400 Series:</i>	\$ 51,623.00
Fund Total:	\$ 51,623.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Community Crossings Grant Fund** and for the purposes herein specified, subject to the laws governing the same:

COMMUNITY CROSSINGS GRANT FUND

Increase:	
Acct. 104-0000-44081 CCMG Projects 2021:	\$ 146,458.00
Total for Fund:	\$ 146,458.00

Section 3. 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 4. 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 13th Day of September 2021. 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 AND ADOPTED this 13th Day of September 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)

4. Executive Proclamation: A Proclamation Proclaiming the September 17 to 23, 2021 as United States Constitution Week in the Town of Highland, Lake County, Indiana.

The Town Clerk-Treasurer read aloud the enrolled proclamation. The Town Council President announced his approval and executed his signature on the proclamation.



Comments from Visitors

1. Larry Kondrat, Highland, commented on the manner in which the candidate as a prospective hire for the Director of Information Technology was selected. Mr. Kondrat asked about the proposed salary and how it was determined.

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

• **Building & Inspection Report for August 2021**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	12	0	12	\$1,222,162.00	\$22,447.00
Signs:	5	0	5	\$24,237.00	\$1,423.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	80	80	0	\$738,166.00	\$17,560.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	3	3	0	\$6,604.00	\$676.50
Decks & Porches:	4	4	0	\$23,074.00	\$1,194.00
Fences:	15	14	1	\$59,471.50	\$2,527.50
Swimming Pools:	3	3	0	\$0.00	\$324.00
DrainTile/ Waterproofing:	11	11	0	\$93,942.00	\$2,640.00
Miscellaneous	26	26	0	\$159,250.00	\$7,254.50
TOTAL:	159	141	18	\$2,326,906.50	\$56,0476.50
Electrical Permits	17	7	10		\$2,483.00
Mechanical Permits	19	15	4		\$2,269.00
Plumbing Permits	15	11	4		\$2,660.20
Water Meters	2	0	2		\$1,400.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	17	11	6		\$4,060.20

August Code Enforcement:

Investigations: 024
Citations: 000
Warnings: 024

August Inspections:

Building: 69 Electrical: 33 Plumbing: 12 HVAC: 08
Pool Inspections: 00 Electrical Exams: 02

• **Fire Department Report for August 2021**

<u>Type of Call</u>	<u>Month</u>	<u>YTD</u>
General Alarms	06	75
Paid Still Alarms	26	206

Still Alarms	03	23
Total Alarms:	35	Calls YTD: 304

• **Workplace Safety Report for August 2021**

There was one workplace incident to report in July. The following report was filed.

Department	Injuries this Month	Year to Date 2021	Total in 2020	Restricted Days 2021	Lost Workdays This Year (2021)	Restricted Days Last Year (2020)	Lost Workdays Last Year (2020)
Parks	0	0	2	0	0	0	0
Fire	0	1	0	0	0	0	0
Police	0	2	2	0	0	0	0
Street	0	0	1	0	0	0	0
Water & Sewer	0	2	2	32	0	93	81
Maint.	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	5	7	32	0	93	81

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.

Appointments:

- 1. Main Street Bureau Board:** Up to (4) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2023. *There are currently 13 of the 17 in place and serving.*

Councilor Herak moved the appointment of **Sandra McKnight**, XXXX, Highland, to the Main Street Bureau Board. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Ms. McKnight was appointed to the Main Street Bureau Board.

Unfinished Business and General Orders:

- 1. Proposed Ordinance No. 1745:** An Ordinance of the Town of Highland, Indiana, Authorizing Issuance of General Obligation Park Bonds and Appropriating the Proceeds Thereof.

Councilor Herak introduced Ordinance No. 1745 and moved its consideration at the same meeting of its introduction. Councilor Schocke 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 Ordinance No. 1745 at the same meeting of its introduction. Councilor Black 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.

With leave from the Town Council, Jimmy Shanahan of Taft Law, (Via Zoom) offered an overview of the proposed bond issue. It was noted that it would be sold in two series, with one being bid upon by the Town for its investment and to lower costs to the park department. The term would be set to align with the useful life of the assets that it would cover.

TOWN OF HIGHLAND
ORDINANCE NO. 1745

AN ORDINANCE OF THE TOWN OF HIGHLAND, INDIANA, AUTHORIZING ISSUANCE OF GENERAL OBLIGATION PARK BONDS AND APPROPRIATING THE PROCEEDS THEREOF

Whereas, The Park and Recreation Board (the "Board") of the Highland Park District (the "District") has determined to issue general obligation bonds in an amount not to exceed \$3,300,000 to fund the cost of the planning, construction, development and improvements of park facilities, all as more particularly described in the Declaratory Resolution adopted by the Board on August 19, 2021, for park and recreation purposes and for the benefit of the taxpayers of the Town (the "Project");

Whereas, The Town Council of the Town (the "Council") is authorized and required to approve the issuance of bonds of the District, pursuant to IC 36-10-3-25(c); and,

Whereas, The estimated cost of the Project at the present time is in the approximate amount of \$3,300,000, and the Council finds that no provision has been made on account thereof in the District's existing budget; that a need exists for the making of an additional appropriation for such purpose,

Now, Therefore, be it Ordained by the Town Council of the Town of Highland, Lake County, Indiana, that:

Section 1. The Town Council hereby approves the issuance of bonds of the District in an amount of approximately \$3,300,000 for the Project;

Section 2. That an appropriation of the proceeds of the General Obligation Park Bonds, Series 2021 in the amount of \$3,300,000 be and the same is hereby made to be applied on the cost of the Project, said appropriation to include the incidental expenses necessary to be incurred in connection with the Project and the issuance of bonds on account thereof; that said appropriation shall be in addition to all appropriations provided for in the existing budget, and shall continue in effect until the completion of the Project, all pursuant to IC 5-1-2-1.

Introduced and Filed on the 13th day of September 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 13th Day of September 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; IC 36-5-2-10.2)

2. Resolution No. 2021-43: A Resolution Regarding the Disposition of Appropriated Resources in The Works Board Department of General Fund of the Municipality, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2021-43. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN COUNCIL OF THE TOWN OF HIGHLAND
RESOLUTION NO. 2021-43

A Resolution Regarding the Disposition of Appropriated Resources in The Works Board Department of General Fund of the Municipality, Authorizing Their transfer to the Community Crossings Grant Capital Fund.

WHEREAS, The Town of Highland by proper legislative action has established a **Community Crossings Grant Capital Fund**, pursuant to IC 36-1-3, codified as Article III of Section § 3.45 of the Highland Municipal Code;

WHEREAS, HMC Section 3.45.180 (A)(7) provides that resources from this fund may be used: "*to pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;*"

WHEREAS, HMC Section 3.45.129 (A)(3)(a) provides that sources for the Community Crossing Grant Fund may include: "Money transferred into and deposited into the fund created by this section, from such other local matching resources lawful for application to a particular project;"

WHEREAS, IC 8-23-30-3 provides that sources for the *Community Crossing Grant Fund* that are used to serve as a local match for an eligible project funded from the State's **Local Road and Bridge Matching Grant Fund**, includes (1) **any money** the local unit is authorized to use **for a local road or bridge project**, (2) money received by the local unit as a special distribution of local income taxes under IC 6-3.6-9-17, or money from the local unit's rainy day fund;

WHEREAS, The Public Works Director has requested and recommended the identified amount on deposit to and appropriated in the *Works Board Department* of the **Corporation General Fund**, be transferred to the Community Crossings Grant Capital Fund to support Highland's local road and street projects approved in the grant application; and,

WHEREAS, The Town Council now desires to favor the request and recommendation of the Public Works Director and the Clerk-Treasurer, in support of the projects that will be undertaken from the Community Crossings Grant Capital 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 herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it is now hereby authorized and instructed that the amount of two hundred seventy-four thousand, six hundred eighty-six dollars (\$274,686) be now transferred from the proper appropriation of the **Works Board Department in the Corporation General Fund**, and deposited to the credit of the cash balance in the *Community Crossings Grant Capital Fund* and shown below:

CORPORATION GENERAL FUND

Works Board Department

Acct. 001-0011-39999 Local Share Transfer CCMGF:		<u>\$ 274,686.00</u>
	Total Series:	\$ 274,686.00

Section 3. That, pursuant to the foregoing, the Clerk-Treasurer be authorized and is hereby requested to transfer the amount identified herein;

Section 4. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution.

Section 5. That the money transferred may be expended from the Community Crossings Grant Capital Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 13th Day of September 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. Works Board Order No. 2021-31:** A Joint Resolution of the Board of Works, Water Works Board, and the Sanitary Board Accepting and Approving a Proposal from NIES Engineering, Inc. for Professional Construction Engineering Services For the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project in the Total Amount of \$54,500.00

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-31. 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
BOARD OF WORKS

ORDER OF THE WORKS BOARD NO. 2021-31

WATER WORKS DISTRICT OF HIGHLAND
BOARD OF WATER WORKS DIRECTORS
RESOLUTION NO. 2021-23

SANITARY DISTRICT OF HIGHLAND
BOARD OF SANITARY COMMISSIONERS
RESOLUTION NO. 2021-24

A JOINT RESOLUTION OF THE BOARD OF WORKS, WATER WORKS BOARD, AND THE SANITARY BOARD ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES FOR THE 3500 BLOCK OF JEWETT AVENUE WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$54,500.00

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 that a need exists to make certain public improvements and repairs to roadway infrastructure on the 3500 Block of Jewett Avenue, including pavement, curb and gutter, sidewalk, driveway aprons and parkway trees and have hereto approved a project to be described as the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project (Project); and

Whereas, the Water Works District of Highland (WW District) is governed by its Board of Water Works Directors, pursuant to the provisions of IC 8-1.5-4 et seq.; and

Whereas, IC 8-1.5-4-4 specifically provides that the Board of Water Works Directors shall manage and control all works of the water works and may purchase, acquire, construct, reconstruct, operate, repair and maintain all water works; and

Whereas, The WW District, through its Board of Directors, has determined the need to replace and upsize the existing water lines within the Project boundaries, as described herein, in order to improve water flow and water quality; has determined that it would be in the best interest of the utility to coordinate the work with the Project; and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Sanitary District of Highland (SD District) 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 Project scope includes the repair and replacement of certain storm water facilities, which are the responsibility of SD District and have agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

Whereas, The Works Board, Water Works Board, and Sanitary Board have heretofore determined a need to engage Professional Construction Engineering Services in order to implement the Project, and

Whereas, NIES Engineering, Inc. (Consultant) has offered and presented an agreement to provide and furnish Professional Construction Engineering Services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Fifty-four Thousand Five Hundred Dollars (\$54,500.00) allocated in proportional shares equivalent to the percentage of construction work being completed for each agency; and

Whereas, The Town of Highland, through its Board of Works, now desires to accept and approve the agreement for services as herein described; and

Whereas, The Water Works District of Highland, through its Board of Directors, now desires to accept and approve the agreement for services as herein described; and

Whereas, The Sanitary District of Highland, through its Board of Commissioners, now desires to accept and approve the agreement for services as herein described; and

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

Now, Therefore Be it Resolved by the Board of Works for the Town of Highland, Board of Directors of the Highland Water Works District, and the Board of Commissioners of the Highland Sanitary District; Lake County, Indiana and, as follows:

1. That the Professional Construction Engineering Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Inc. for the 3500 Block of Jewett Avenue Water Main Replacement and Street Improvement Project is hereby approved, adopted and ratified in each and every respect;
2. That the terms and charges under the agreement for Construction engineering services in the not-to-exceed amount of Fifty-four Thousand Five Hundred Dollars (\$54,500.00) allocated in the amount as follows:

- a. Thirty Thousand Dollars and no Cents (\$30,000.00) to the Town of Highland Board of Works is found to be reasonable and fair;
 - b. Eighteen Thousand Dollars and no Cents (\$18,000.00) to the Water Works District of Highland is found to be reasonable and fair;
 - c. Six Thousand Five Hundred Dollars and no Cents (\$6,500.00) to the Sanitary District of Highland is found to be reasonable and fair
3. That the Town Council, which is the Works Board of the municipality; the Water Works District of Highland through its Board of Directors; and the Sanitary District of Highland through its Board of Commissioners believes that NIES Engineering, Inc. has demonstrated professional competence and 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;
 4. That the Public Works Director, acting also as Water Works District Superintendent and Sanitary District Superintendent, is authorized to execute the agreement and all documents necessary to implement the Project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 13th day of September, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA**

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

Attest:

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Duly Adopted, Resolved and Ordered by the Highland Water Works District, Board of Directors, Lake County, Indiana, this 26th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND WATER WORKS
BY ITS BOARD OF DIRECTORS:**

/s/ George A. Smith, President

Attest:

/s/ Richard E. Volbrecht, Jr., Secretary

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 17th day of August, 2021. Having been passed by a vote of 5 in favor and 0 opposed.

**HIGHLAND SANITARY DISTRICT
BY ITS BOARD OF COMMISSIONERS:**

/s/ Richard Garcia, President

Attest:

/s/ David Jones, Secretary

4. **Works Board Order No. 2021-33:** An Order of the Works Board Accepting the Memorandum of Understanding and Agreement Regarding the Association of Indiana Counties Tax Refund Exchange and Compliance System (TREC) in Order to Protect Against Non Collection of Unpaid Water Services.

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-33. 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
Board of Works
Order of the Works Board 2021-33**

AN ORDER OF THE WORKS BOARD ACCEPTING THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT REGARDING THE ASSOCIATION OF INDIANA COUNTIES TAX REFUND EXCHANGE AND COMPLIANCE SYSTEM (TREC) IN ORDER TO PROTECT AGAINST NON COLLECTION OF UNPAID WATER SERVICES.

Whereas, The Town of Highland, as part of its exercise of public powers has established a department of waterworks organized under IC 8-1.5-4 et seq.;

Whereas, IC 8-1.5-3-8(j) made changes limiting the ability of the municipal water utility to require the co signature of a property owner and mandating that the responsibility for the payment of any user charges by a person occupying the property when that person is not the property owner ;

Whereas, Association of Indiana Counties has consented to serve as a "clearinghouse" for counties and municipal governments and facilitate participation in the state's debtor identification program for persons who refuse to satisfy an unpaid utility bill and under the authority of IC 6-8.1-9.5 et seq., to enlist the Indiana Department of Revenue to intercept unpaid fees from Indiana tax refunds;

Whereas, This memorandum of understanding requires the approval of the municipal legislative body in order to allow the municipal water department to participate in this program to limit losses especially owing to the changes described in IC 8-1.5-3-8(j);and,

Whereas, The Town Council now desires to approve, authorize and allow the approval of the memorandum of understanding according 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 memorandum of understanding/ agreement for the Association of Indiana Counties Tax Refund Exchange and Compliance System (TRECS) is hereby approved in all respects;

Section 2. That the clearinghouse fees for performance of the services identified as a local collection assistance fee for each delinquent debt submitted to the Indiana Department of Revenue and collected through set off, is found to be reasonable and fair;

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 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 13th day of September 2021 having 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)

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT
ASSOCIATION OF INDIANA COUNTIES TAX REFUND EXCHANGE AND COMPLIANCE SYSTEM**

This **MEMORANDUM OF UNDERSTANDING AND AGREEMENT** ("Agreement") is entered into this 13 day of September, 2021, by and between the Governing Body of the Unit of Local Government of

Town of Highland, Lake County, IN ("Claimant Agency") and the Association of Indiana Counties, Inc., acting as the Indiana Local Government Debt Setoff Clearinghouse ("Clearinghouse").

RECITALS

WHEREAS, The Indiana Code IC 6-8.1-9.5, (the "Code"), authorizes the Indiana Department of Revenue ("Department") and claimant agencies (as defined in the Code) to cooperate in identifying debtors (as defined in the Code) and obtaining the setoff of tax refunds to satisfy, in whole or in part, a debt (as defined in the Code) owed to a Claimant Agency; and

WHEREAS, The Code establishes a procedure by which an Indiana nonprofit that represents units of local government exclusively in Indiana may establish a clearinghouse to: (i) compile and consolidate debts owed to claimant agencies in a format that is consistent with the Department's requirements for the setoff of tax refunds under the Code; (ii) act as an intermediary on behalf of a Claimant Agency with respect to the Department for purposes of the Code; and (iii) submit an application for the setoff of tax refunds with the Department on behalf of a Claimant Agency under the Code; and

WHEREAS, The Code provides that the Department may enter into a contract with the Clearinghouse to establish the debt setoff program under the Code (the "Program"); and

WHEREAS, Pursuant to the Code, the Clearinghouse has registered with Department to submit delinquent debts on behalf of a local agency and has thereby become authorized to submit delinquent debts on behalf of claimant agencies under the Code; and

WHEREAS, Claimant Agency is a local unit of government authorized to submit a debt owed to it to the Clearinghouse pursuant to the Code; and

WHEREAS, Claimant Agency desires to enter into this Agreement with Clearinghouse in order to participate in the Program in order to increase the collection rate of debts owed to Claimant Agency; and

WHEREAS, Clearinghouse has agreed to submit debts on behalf of Claimant Agency pursuant to the Program:

NOW THEREFORE, in consideration of the mutual covenants and agreements, terms and conditions contained herein, Claimant Agency and Clearinghouse mutually agree as follows:

I. TERM/TERMINATION. The Code authorizes Department and Clearinghouse to implement the Program effective as of January 1, 2018. This Agreement shall become a legally binding agreement between Claimant Agency and Clearinghouse. This Agreement shall remain and continue in full force and effect from year to year unless modified or terminated in writing by either party upon ninety (90) days written notice to the other party. Upon termination of this Agreement all sums due and owing from either party to the other shall remain a lawful obligation of the party and be due and payable. Clearinghouse will erase all claimant data files from its debt setoff system upon termination.

II. REPRESENTATIONS AND OBLIGATIONS OF CLAIMANT AGENCY

- A. Claimant Agency hereby designates, appoints, and authorizes Clearinghouse to process delinquent debts to be submitted to Department. For purposes of the Program, "Delinquent Debt" means:
- (i) a single account or monetary obligation which is at least twenty-five dollars (\$25.00) owed by a debtor to a Claimant Agency; or,
 - (ii) any group of accounts or monetary obligations, that, when combined, total at least twenty-five dollars (\$25.00), owed by the same debtor to a Claimant Agency.

Each account or monetary obligation may have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for the sum.

- B. Claimant Agency shall comply with any and all applicable provisions of Indiana Code prior to the submission of a debt to Clearinghouse for setoff.
- C. Claimant Agency shall, upon execution of this Agreement, file a participation form with Clearinghouse designating a debt setoff coordinator and a debt setoff contact. Such participation form shall be updated on an annual basis and at any time there is a change in the information provided thereon. Clearinghouse shall administratively provide participation forms, as needed, for use by Claimant Agency. The debt setoff coordinator shall be the designated local government employee authorized to receive notices and communication from Clearinghouse to insure that the requirements of this Agreement and the requirements of the Code are met. The debt setoff coordinator shall supply Clearinghouse with any and all information that in the opinion of Clearinghouse is necessary for the proper implementation of this Agreement. The debt setoff contact will receive all referrals from debtors.
- D. Claimant Agency shall use a file format specified by Clearinghouse to prepare debt files and adjustments to debt files that Claimant Agency certifies to Clearinghouse are owed to Claimant Agency and that Claimant Agency desires to have Clearinghouse submit to Department. The Clearinghouse shall timely notify the Claimant Agency of any changes to the file format and the Claimant Agency covenants and agrees that it shall immediately implement any changes required by Clearinghouse. Clearinghouse will establish capability of date and time stamping submitted debt files for priority setting.
- E. Claimant Agency shall transmit a debt file to Clearinghouse in a method and format acceptable to the Clearinghouse. The Claimant Agency shall make every effort to submit a file to Clearinghouse the week of January 4.
- F. Claimant Agency shall, after a debt file has been submitted to Clearinghouse, advise Clearinghouse of any debtor repayment or protests and instructions to delete or reduce a delinquent debt by

submitting a new debt file. If Claimant Agency accepts full or partial payment against a debt file that has been submitted to Clearinghouse and sufficient notice is not provided to Clearinghouse to make a timely change to debt file reflecting the payment, Claimant Agency is responsible to refund any resulting fee that may be due to debtor. If Claimant Agency erroneously submits a debt file to the Clearinghouse the claimant agency is responsible for any fees charged the debtor by the Clearinghouse or Department of Revenue.

- G. Upon receipt of notice by the Department under IC 6-8.1-9.5-4 that a tax refund is available, Claimant Agency shall, within fifteen (15) days of the Department's notice provide debtor with the notice required under IC 6-8.1-9.5-5 and, if properly contested by the debtor, provide the debtor with the hearing required under IC 6-8.1-9.5-7(b)

III. REPRESENTATIONS AND OBLIGATIONS OF CLEARINGHOUSE

- A. Clearinghouse shall, upon receipt of Claimant Agency's debt file, compile the information and submit the data to the Department.
- B. Clearinghouse shall make access to Internet-based functionality available to Claimant Agency through which Claimant Agency shall submit debt files.
- C. Clearinghouse shall direct that funds received from Department will be remitted to Claimant Agency within a reasonable time from the date of receipt from Department. Thereafter, Clearinghouse will provide the Claimant Agency an accounting of funds collected which will include the name of the debtor and the amount of the debt setoff by debt unique identification number.
- D. Clearinghouse will provide a toll free telephone number for use by Claimant Agency to receive technical support and provide information on the use of the Clearinghouse internet-based functionality and the processing of debts for submission to Department. Technical support and information shall be available from 8:00 a.m. until 5:00 p.m. (EST), Monday through Friday, excluding holidays. Voicemail and e-mail access shall also be provided as a part of the support/information response system.

IV. UNDERSTANDING OF PARTIES

- A. To recover the costs incurred by Department in collecting debts, the Code authorizes Department to charge the debtor a fee on any funds Department collects for a Claimant Agency. This fee will be added to the amount due when the collection is made and Department will retain the fee once collected. To recover the costs incurred by Claimant Agency in submitting debts for collection, a local collection assistance fee of twenty dollars (\$20.00) is imposed by Clearinghouse on each delinquent debt submitted to Department and collected through setoff. Department must collect this fee as part of the debt and remit it to Clearinghouse. If Claimant Agency is due a refund of more than twenty-five dollars (\$25.00), Department will establish the tax refund setoff in the amount of the delinquent debt plus its Department fee and the local collection assistance fee. If Department is able to collect only part of a debt through setoff, its fee has priority over the local collection assistance fee and over the remainder of the delinquent debt. The local collection assistance fee has priority over the remainder of the delinquent debt.
- B. The Code establishes that the priority in multiple claims to refunds must be in the order in time that the Clearinghouse submits a claim for collection on behalf of the Claimant Agency. When multiple claims among local claimant agencies are submitted for setoff to Clearinghouse, the claims have priority based on the date and time each claimant agency requested Clearinghouse to submit debts on its behalf. The date and time of submission of the debt file shall constitute the date and time to establish the priority. Clearinghouse shall use submission receipt date and time of original file for priority date and time of specific debt. Additions to a delinquent debt through accrued interest and/or penalties will not change the priority date. Any new delinquent debt for same local Claimant Agency will have a new submission date and time, including new debts for a previously submitted debtor.
- C. Existing submitted delinquent debts may be adjusted upwards for interest and fees, and will retain their original priority order. A later new delinquent debt, even if from the same debtor shall be date stamped by Clearinghouse with the later submission date.
- D. In the event of partial payment of a delinquent debt, Claimant Agency may continue to submit the balance of the debt, if twenty-five dollars (\$25.00) or more, as a part of subsequent data files. If the delinquent debt is reduced to an amount of less than twenty-five dollars (\$25.00), it may be combined with a future delinquent debt submission for the same debtor, and will be treated as a part of the new delinquent debt for purposes of priority and imposition of the local collection assistance fee.
- E. Claimant Agency acknowledges that Claimant Agency is responsible for the notice and hearing requirements of the Code pursuant to IC 6-8.1-9.5. Clearinghouse shall not accept a debt file that is not prepared as specified by Clearinghouse, that has not been certified by Clearinghouse as having

complied with the notice and hearing procedures as set forth in the Code pursuant to IC 6-8.1-9.5. Clearinghouse agrees to submit delinquent debts to Department; provided, however Claimant Agency is solely responsible for complying with the Code, specifically including the notice and hearing provisions and other requirements of the Code.

- F. Intercepted funds will be disbursed by Department to Claimant Agency at the direction of Clearinghouse. Claimant Agency shall establish and maintain any necessary accounts to receive intercepted funds as directed by Clearinghouse. Clearinghouse shall timely direct Claimant Agency to establish and maintain such necessary accounts.

V. COMPENSATION

- A. Clearinghouse shall receive as compensation for its services the twenty dollars (\$20.00) local collection assistance fee collected by Department on each delinquent debt that is submitted by Clearinghouse and collected through a successful interception. "Successful Interception" occurs when Department matches all or a portion of a debt submitted by Clearinghouse against a State tax refund for interception and payment towards a delinquent debt owed to Claimant Agency.
- B. Claimant Agency authorizes Department to retain and remit the local collection assistance fee to Clearinghouse for each successful debt interception submitted by Claimant Agency. Claimant Agency agrees that Clearinghouse shall retain the local collection assistance fee collected by it in the event Claimant Agency is required, by statute or otherwise, to return to a debtor funds that have been set-off by Department.

VI. INDEMNIFICATION; REIMBURSEMENT; DISCLAIMER. Claimant Agency fully understands and warrants to Clearinghouse that by submission of any delinquent debt submitted to Clearinghouse for setoff Claimant Agency has complied with all of the provisions of this Agreement and all of the provisions of the Code that are required prior to submission of a debt for setoff. Claimant Agency shall hold Clearinghouse free and harmless and shall indemnify Clearinghouse against any and all damages, claims, of action, injuries, actions, liability, or proceedings arising from the failure of Claimant Agency to so perform. Claimant Agency shall be responsible for the repayment of any sums received by it, including interest, penalties and court costs, to a debtor in the event a court of competent jurisdiction rules that said repayment is due to a debtor or debtors. Except as expressly stated in this Agreement, Clearinghouse disclaims any representations and warranties that might otherwise be implied in connection with this Agreement and Clearinghouse's services, including, without limitation, any implied warranties of merchantability, fitness for a particular purpose, date accuracy, system integration, and non-infringement.

VII. NOTICE. Any notice required to be given under this Agreement shall be sent by certified or registered mail postage prepaid to:

Association of Indiana Counties (Clearinghouse);
Janice Figueroa (Acting Deputy) (debt setoff coordinator)
Town of Highland (Claimant Agency)
3333 Ridge Road, Highland, IN 46322 (Claimant Agency address);

VIII. ASSIGNMENT; SUBCONTRACTING. This Agreement is not assignable by either party. To facilitate efficient administration of the Program, Clearinghouse may utilize the services of contractors in connection with Clearinghouse's obligations under this Agreement, provided that Clearinghouse shall remain responsible for any such contractor's acts and omissions in connection with this Agreement as if such acts and omissions were conducted by Clearinghouse's own personnel. Any contractor personnel authorized to request or receive information relating the Clearinghouse's exchange of date with Department or Claimant Agency for purposes of administering the Program shall be designated, in writing, to Claimant Agency as contemplated herein.

IX. CONFIDENTIAL INFORMATION; OWNERSHIP RIGHTS.

- A. In the course of performance of this Agreement, the parties may find it necessary to disclose to the other party certain confidential information ("Confidential Information"). Confidential Information includes, but is not limited to, information relating to the parties' employees, trade secrets, customers, vendors, finances, operations, products, and other business information. Except as otherwise provided by law, the following terms apply to Confidential Information: (i) the receiving party shall treat as confidential and use the same degree of care as it employs in the protection of its own similar confidential information, but in no event less than a reasonable degree of care; and, (ii) the receiving party will only use the information in connection with its business dealings with

the disclosing party, and shall disclose information only to employees or contractors having a need to know and who agree to be bound by the terms of this Section, unless otherwise authorized in writing by the disclosing party. Information shall not be subject to these terms if: (i) it is in the public domain at the time of disclosure, or enters the public domain without breach of this Agreement; (ii) it is known to the receiving party prior to the disclosure, or it is independently developed by the receiving party; or (iii) it is obtained by receiving party in good faith from a third party not under obligation of secrecy to the disclosing party. Receiving party will be permitted to disclose that portion of Confidential Information which is the subject of a court or government agency order to disclose, provided the receiving party gives prompt notice to the disclosing party to allow the disclosing party to contest such order. The obligations set forth in this Section survive termination, rescission, non-renewal or expiration of this Agreement

- B. All information, including but not limited to printed, written, oral or computer-formatted information, which Clearinghouse may gain access to during the course of the performance of this Agreement shall be the property of Claimant Agency, shall be held in the strictest confidence, and shall be used solely for the business purposes that are the subject of this Agreement. Clearinghouse shall maintain confidentiality of such information not only during the course of the performance of this Agreement, but following its termination.
- C. Claimant Agency acknowledges that, as between the parties, Clearinghouse owns and retains title to all intellectual property rights embodied in, or practiced by, Clearinghouse in connection with the Program and the proprietary methods utilized by Clearinghouse in performance of its services under this Agreement, and no licenses of such intellectual property rights to Claimant Agency are granted or implied by this Agreement.

X. MISCELLANEOUS

- A. This Agreement represents the full and final understanding of the parties with respect to the subject matter described herein and supersedes any and all prior agreements or understandings, written or oral, express or implied. This Agreement may be modified or amended only by a written statement signed by both parties.
- B. The laws of the State of Indiana shall govern the terms and conditions of this Agreement.
- C. Claimant Agency shall enter into no other contract for similar tax return intercept services with any other entity so long as this Agreement remains in effect.
- D. This Agreement is subject to appropriation.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and date first above written, all by authority of their respective governing bodies.

CLAIMANT AGENCY

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

Roger Sheeman, President – 5th Ward

Bernie Zemen, Vice President - 1st Ward

Mark A. Herak – 2nd Ward

Mark Schocke – 3rd Ward

Thomas Black – 4th Ward

Attest:

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

ASSOCIATION OF INDIANA COUNTIES

David Bottorff, Executive Director

ATTEST:

Ryan Hoff, General Counsel

5. **Works Board Order No. 2021-34:** An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and HELIOS RISING, INCORPORATED, as Licensee, and Approving a Reasonable License fee, Ratifying Actions Previously Taken.

Councilor Herak moved the passage and adoption of Works Board Order No. 2021-34. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

The Town of Highland
ORDER of the WORKS BOARD NO. 2021-34

An Order Authorizing, Approving and Adopting a LICENSE Agreement with The TOWN of HIGHLAND, as Licensor and HELIOS RISING, INCORPORATED, as Licensee, and Approving a Reasonable License fee, Ratifying Actions Previously Taken.

WHEREAS, THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, a municipal corporation organized pursuant to the laws of Indiana (hereinafter sometimes described as Licensor) owns and has title to certain real property located in the Town of Highland, Lake County, Indiana, which is particularly described in an exhibit attached to this order;

WHEREAS, HELIOS RISING INCORPORATED, a private corporation organized pursuant to the laws of Minnesota (hereinafter sometimes described as Licensee) has previously entered into a license agreement for a term certain desires to fix the terms of a license agreement, with similar terms to the one approved by the Town Council August 12, 2019 by Works Board Order No. 2019-23, governing the granting of a license permitting a construction storage yard on premises of the Town of Highland (sometimes herein described as Licensor) as particularly described herein;

WHEREAS, IC 36-8-2-4 provides that a municipality may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, IC 36-8-2-10 provides that a municipality may regulate the operation of businesses, crafts, professions, and occupations;

WHEREAS, IC 36-8-2-11 provides that a municipality may regulate solicitation by persons offering goods or services to the public;

WHEREAS, IC 36-7-2-2 provides that a municipality may regulate the use, improvement, and maintenance of real property and the location, condition, and maintenance of structures and other improvements; and

WHEREAS, The Licensor wishes to grant to the Licensee, a license agreement for permitting a construction storage yard on premises of the Licensor as particularly described herein;

NOW, THEREFORE, **BE IT HEREBY ORDERED** by the Highland Town Council, Lake County, Indiana as follows:

Section 1. That the **Attached License Agreement**, presented by HELIOS RISING INC., CONTRACTING COMPANY, INC., as licensee, to permit a construction storage yard on premises of the Licensor as particularly described herein is hereby approved in each and every respect;

Section 2. That the **TERM OF THE LICENSE SHALL BE** for a period of one (1) month as set forth in the licensing agreement set forth herein, and that the licensee initially shall pay a security deposit in the amount of three thousand dollars (\$3,000) to be deposited with the Town of Highland in its Corporation General Fund and a **monthly** license fee to the Licensor in the amount of three thousand dollars (\$3,000), as provided in the terms of the license agreement **beginning August 27, 2021** for an initial license term of one month, and any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of

this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty (30) days' prior written notice to the other;

Section 3. That the Town Council hereby finds and determines that the license fee herein approved is reasonably related to the administrative cost of exercising the regulatory power associated with the licensed activity, pursuant to IC 36-1-3-8(a)(5);

Section 4. That pursuant to IC 36-1-4-16, with the passage and adoption of this works board order, any actions taken by an officer regarding this license agreement in advance of this action, are hereby ratified and approved;

Section 5. That the proper officer of the municipality be hereby authorized to execute the License Agreement by the officer's signature.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 13th day of September 2021 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL as the Works BOARD of the
TOWN of HIGHLAND, INDIANA**

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

Attest:

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

LICENSE AGREEMENT

THIS LICENSE is made and entered into this day, **2 AUGUST 2019**, by and between HELIOS RISING, INC., located at 1205 S. MISSION STREET, Suite 12, W MOUNT PLEASANT, MICHIGAN 48858, hereinafter referred to as "Licensee", and Town of Highland, located at 3333 Ridge Road, Highland, IN 46322, hereinafter referred to as "Licensor".

WHEREAS, The Licensee is desirous of using the property located at 8001 Kennedy Avenue (Sharp Athletic Complex Parking Lot), the south 100 feet by 175 feet of the existing parking lot ("the Premises") for an initial term of one (1) month beginning **27th AUGUST 2021** for the purposes of construction storage yard and then on a month to month basis thereafter for the sum of \$3,000 per month, and Licensor is willing to license the Premises to Licensee for such purpose. Any holding over by Licensee beyond the expiration of the initial term, shall give rise to a license from month to month and all other provisions of this LICENSE shall continue. Such license from month to month may be terminated by either Licensor or Licensee upon giving thirty days' prior written notice to the other.

NOW THEREFORE, for mutual consideration, it is hereby agreed that payment shall be due on the fifth day of each month. The Premises shall be used and licensed for storage of equipment and materials. Notwithstanding the above, the Premises shall not be used for the storage of fuel or other Hazardous Substances, except in the amounts necessary for Licensee's operation of its equipment. For the purposes of this LICENSE, the term "Hazardous Substances" shall mean any material or substance which is regulated by any local, state or federal governmental entity because of its dangerous, hazardous, toxic or flammable characteristics.

Licensee further agrees to indemnify, defend and hold the Licensor harmless from any and all claims for personal injury or property damage that may be brought as a result of the activities of the Licensee on the Premises.

Licensee shall, at its sole cost and expense, comply with all laws, rules, ordinances and regulations of all governing bodies and obtain all necessary permits and licenses as required for the use of the property. Licensee shall provide and coordinate all street use operations as required by the local authorities having jurisdiction.

Licensee shall indemnify, defend and hold Licensor, its agents, employees, and lenders, harmless from and against any and all loss of rents and/or damages, liabilities, judgments, claims, expenses, penalties, and attorneys' and consultants' fees arising out of or involving any Hazardous Substance brought onto the Premises by or for Licensee, or any third party under the control of Licensee. Licensee shall not bear any responsibility, whether for indemnity or under any other legal theory, and Licensor shall indemnify, defend and hold harmless Licensee and its agents, employees and affiliated companies, for any loss, damage, injury, cost or expense arising out of or in any way related to any Hazardous Substance or Hazardous Substance contamination resulting from any negligent act or omission, willful misconduct or breach of this LICENSE by Licensor or its agents and employees, or any Hazardous Substance or Hazardous Substance contamination at, adjacent to or emanating from the Premises which pre-existed the commencement date of this LICENSE or was otherwise not caused by Licensee's use of the Premises.

Licensee shall provide Licensor with a certificate of insurance showing Licensee's commercial general liability insurance coverage in an amount not less than \$2,000,000 and providing that Licensor is an additional insured on the Licensee's policy.

Licensee shall deposit \$3,000 with Licensor upon execution hereof the Security Deposit as security for Lessee's faithful performance of its obligations under this LICENSE. If Licensee fails to pay License fee, or otherwise Defaults under this LICENSE, Licensor may use, apply or retain all or any portion of said Security Deposit for the payment of any amount already due Licensor, for Rents which will be due in the future, and/ or to reimburse or compensate Licensor for any liability, expense, loss or damage which Licensor may suffer or incur by reason thereof. If Licensor uses or applies all or any

portion of the Security Deposit, Licensee shall within 10 days after written request therefor deposit monies with Licensor sufficient to restore said Security Deposit to the full amount required by this LICENSE. Within 30 days after the expiration or termination of this LICENSE, Licensor shall return that portion of the Security Deposit not used or applied by Licensor. No part of the Security Deposit shall be considered to be held in trust, to bear interest or to be prepayment for any monies to be paid by Licensee under this LICENSE.

The Premises have been inspected and are accepted by Licensor and Licensee in their present condition. Licensee shall, at its own expense and at all times, keep the premises neat, clean and in acceptable condition. Licensee agrees to leave the Premises in as clean a condition, or cleaner, than Licensee finds it. Any repairs to Premises, including without limit repairs to the fences, driveway access and landscape to the extent caused by Licensee will be the sole responsibility of Licensee and shall be completed by Licensee prior to the expiration of the term of this LICENSE. Any improvements to the Premises required for Licensee's use shall be the sole responsibility of Licensee.

Upon the execution of this LICENSE, Licensee shall deliver to Licensor the first month's LICENSE payment and deposit in the amount of \$6,000.

If Licensee defaults in any of its obligations under this LICENSE, Licensor shall have all rights and remedies available at law or in equity as a result of such default.

Licensee shall take all reasonable steps to maintain security at premises. Licensee will assume all responsibility for the protection of its equipment and materials from theft or vandalism or other hazards. Licensor shall not be responsible for the acts or omissions of any third person, on or off the premises, which directly or indirectly causes any harm to Licensee, its employees, agents, officers, directors, invitees, or contractor, or its/their property, or the property of others.

Licensees shall not assign or hypothecate this LICENSE or any other interest or sublet the Premises or any part thereof.

Licensee shall keep the premises free from any liens arising out of any work performed for, materials furnished to, or obligations incurred by Licensee, and shall hold Licensor harmless against the same. In the event Licensee becomes insolvent, bankrupt, or if a receiver, assignee or other liquidating officer is appointed for the business of Licensee, Licensor may cancel this Agreement at its option.

Licensor warrants to the Licensee that it is either the fee owner of the Premises or has by other means the right to LICENSE the Premises to Licensee and will protect the Licensee from any claims for license fees or damages arising out of any actual or reputed interest in the Premises property by any other person or corporation.

It is hereby mutually agreed and understood that this LICENSE contains all agreements, promises and understandings between Licensor and Licensee and that no prior or contemporaneous verbal or oral agreements, promises or understandings shall or will be binding upon either the Licensor or Licensee in any dispute, controversy or proceeding law, and any addition, variation or modification to this LICENSE shall be void and ineffective unless in writing signed by the parties hereto.

If Licensor and/or Licensee signs as a corporation, the person or persons executing this LICENSE on behalf of Licensor and/or Licensee do hereby covenant and warrant that Each is a valid and existing corporation, that each has and is qualified to do business in the state where the Premises are located, that the corporation has full right and authority to enter into this LICENSE, and that the person or persons signing on behalf of the corporation were authorized to do so. If Licensor and/or Licensee signs as a partnership, the person or persons executing the LICENSE on behalf of each do hereby covenant and warrant that Licensor and/or Licensee is a valid and existing partnership and that the person or persons so executing and initialing as required in this Section have authority to do so on behalf of each in accordance with the Partnership Agreement, and that this LICENSE is binding upon each in accordance with its terms and enforceable against the assets of the partnership and the general partners, individually.

THIS LICENSE AGREEMENT is signed by the parties as of the date hereinabove recited.

(LICENSEE)

(LICENSOR)

HELIOS RISING, INCORPORATED

TOWN of HIGHLAND
PUBLIC WORKS DEPARTMENT

By: _____
Title: Pierce L. Butler, Director/Officer

By: _____
Mark Knesek, Public Works Dir.

6. **Controlled Event Permit.** Action regarding permission to conduct a festival of the Main Street Bureau on a public way submitted by it, September 28, 2021. *This is a controlled event under Chapter 5.25. Section §5.25.020(B) requires action by the Town Council in an open regular or special session. Request is not filed at least 60 days before the desired event but was just presented to the Town Council. The Council will also need to fix the amount of liability insurance, pursuant to §5.25.020 (D). Pursuant to that section, the Town Council has previously directed that the applicant procure liability insurance for the event which names the Town of Highland as an additional insured in the amount of Three million dollars (\$3,000,000) and provide a certificate or proof of this insurance before the event. (Tentative)*

- (a) **Proposed Ordinance No. 1746:** An Ordinance Amending Chapter 5.25 of the Highland Municipal Code Controlled Events, Modifying Its Terms Regarding its Application to Events Sponsored by the Municipality, all Pursuant to IC 36-1-3, IC 36-1-4, IC 36-8 and IC 36-9 et Seq.

Councilor Herak introduced Ordinance No. 1746 and moved its consideration 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 ordinance could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption Ordinance No. 1746 at the same meeting of its introduction. Councilor Black 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.

Ordinance No. 1746
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AMENDING CHAPTER 5.25 OF THE HIGHLAND MUNICIPAL CODE CONTROLLED EVENTS, MODIFYING ITS TERMS REGARDING ITS APPLICATION TO EVENTS SPONSORED BY THE MUNICIPALITY, ALL PURSUANT TO IC 36-1-3, IC 36-1-4, IC 36-8 AND IC 36-9 ET SEQ.

Whereas, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

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 passage of an ordinance passed by the legislative body;

Whereas, I.C. 36-9-2-7 provides that municipalities may regulate the use of public ways; and,

Whereas, I.C. 36-8-2-4 A unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

Whereas, I.C. 36-8-2-9 A unit may regulate public gatherings;

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 Council of the Town of Highland, has been advised that an amendment to Chapter 5.25 regarding controlled events, should be considered as its advance timetable regarding the filing of application when the controlled event applicant is an entity under the aegis of the municipal government; and,

Whereas, The Town Council determines that such an amendment to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with powers previously described as well as the powers granted under IC 36-1-3 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 5.25.020 of the Highland Municipal Code is hereby amended according to the following and shall read as follows:

5.25.020 Approval for controlled event.

(A) In addition to any other required permits and permissions, approval shall be obtained from the town council when any person or persons desires to conduct a controlled event.

(B) **Except as otherwise provided, A** application or request for permission must be made in writing and filed with the clerk of the legislative body at least 60 days before the desired date of the controlled event. The clerk-treasurer shall be authorized and empowered to develop such application guidance or forms consistent with the administration of this chapter.

(C) **When the applicant is the municipality, through its executive departments, its administrative bodies, or agencies, no formal application is required provided that a request shall be filed in sufficient time to permit the town council to act in a regular or special meeting in advance of the event.**

(E) (D) The town council must act in a regular or special meeting upon the application or request, where it may, in its discretion, issue such permit and likewise, in its discretion, may refuse the issuance of a permit.

(E) (E) All applicants that are not a municipal executive department, administrative body or agency, who are issued a permit under this chapter shall be required to procure liability insurance coverage in an amount satisfactory to the town council that designates the town of Highland, Indiana, as an additional insured for the period of time that the controlled event is being conducted.

(E) (F) It shall be an offense to conduct a controlled event without complying with the provisions of this chapter. [Ord. 1416 § 2, 2008. Code 2000 § 119.02].

Section 2. 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) and its publication as prescribed in IC 36-5-2-10(b) if required.

Introduced and Filed on the 13th day of September 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 13th Day of September 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; IC 36-5-2-10.2)

(b) Request from Main Street Bureau seeking permission for its event of September 28, 2021 as a controlled event.

Councilor Herak moved to approve the request from the Main Street Bureau to conduct a controlled event, where alcohol would be dispensed on Highway Avenue, a public way. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The controlled event permit was granted.

7. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.

(a) The hiring of the identified candidate, Edward Dabrowski, to the full-time position of Director of Information Technology in Information Communication Technology Department at a rate of pay to be fixed by amendment to the wage and salary ordinance.

(At its meeting of Monday, August 23, 2021 the Town Council acted to postpone this matter until the next plenary meeting, that meeting being Monday, September 13, 2021. This is solely on the issue of hiring. There is no authorized wage or salary for this position and it would require separate action by Ordinance.)

Councilor Black moved to postpone indefinitely the matter of the hiring of an IT Director. Councilor Herak seconded. The Clerk-Treasurer advised that under our parliamentary authority such a motion would have the effect to bar being able to ever hire an IT director as moved.

With leave from the Town Council, Councilor Black withdrew his motion and Councilor Herak withdrew his second.

Under informal consideration, the town council had an extended colloquy regarding the salary that the IT Director would be paid. There was a colloquy between Councilor Herak and the Town Council President regarding the manner in which the process for

determining a prospective candidate for the position and the proposed pay was arrived upon. Councilor Herak expressed his displeasure with the process.

Action. Councilor Schocke moved to place the matter of IT Director hiring and the issue of IT Director salary at the next study session of September 20, and then consider it at the next Town Council plenary meeting. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The matter of IT Director hiring, and the issue of IT Director salary would be delayed until the study session for further discussion and set for action at the next plenary meeting.

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

- **Councilor Bernie Zemen:** *Park and Recreation Board Liaison • Fire Department, Liaison*

Councilor Zemen acknowledged the Fire Chief who shared a thank you from the Scheidt family for the response to the accident where their son Tyler was killed.

The Fire Chief further reported on Fire department activities.

Councilor Zemen acknowledged the Building Commissioner who reported on plan commission matters, noting it was cancelling its meeting in September.

Councilor Zemen acknowledged Superintendent of Parks and Recreation, who offered a survey of programs and events under the aegis of the parks and recreation department.

- **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 and • Liaison to the Advisory Board of Zoning Appeals.*

Councilor Herak acknowledged the Operations Director, who offered a brief report on activities in the Public Works Department.

Councilor Herak acknowledged the Building Commissioner, who offered a brief report on matters before the Advisory Board of Zoning Appeals. Further the Building Commissioner announced jointly with the Redevelopment Director that OLIVE GARDEN was in fact rehabilitating the site of the former Old Country Buffet, 10445, Indianapolis Boulevard, and locating a restaurant there.

Councilor Herak acknowledged the Police Chief, who offered a brief report on the crime watch program.

- **Councilor Mark Schocke:** *Liaison to the Tree Board • Liaison to the Community Events Commission*

Councilor Schocke noted this new polo shirt with the Town of Highland logo purchased by the Town for the members of the Town Council.

Councilor Schocke reported that the Tree Board continued to work on grants for obtaining trees in furtherance of the urban forestry plan.

Councilor Schocke noted the recent 20th anniversary of the terrorist attacks on the World Trade Center Twin Towers in New York, and the Pentagon on September 11, 2001.

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

Councilor Black noted that the Traffic Safety Commission approved the traffic plans of the proposed Auto Wash development proposed for the site of the former Mr. Kenny's nightclub across from Miner Dunn on Indianapolis Boulevard.

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

The Town Council President acknowledged offered remarks regarding the 20th Anniversary of the attacks of September 11, 2001. He then invited all to observe a moment of silence.

The Town Council President acknowledged the Redevelopment Director who reported on the 1st anniversary of the downtown restaurant crawl, and then outlined the heightened plans for the next crawl on September 28.

Comments from Visitors or Residents

1. Larry Kondrat, Highland, expressed his concerns for the manner in which the Town Council President met with the owners of Webb relative to the tax abatement it was granted.

Mr. Kondrat opined that the negotiations were secret. Mr. Kondrat opined negatively regarding the manner in which the IT position was handled and called for a "no confidence" vote on the Town Council President

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Black moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 24, 2021, through September 13, 2021 and the payroll docket for payday of August 13, 2021. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives, 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, \$537,999.96; Motor Vehicle Highway and Street (MVH) Fund, \$17,998.10; Local Road and Street Fund, \$31,747.55; Law Enforcement Continuing Education and Training and Supply Fund, \$62.00; Insurance Premium Agency Fund, \$225,437.79; Information Communications Technology Fund, \$12,639.29; Police Pension Fund, \$68,529.44; Cumulative Capital Improvement Fund, \$899.48; Municipal Cumulative Capital Development Fund, \$21,052.91; Shared Ethics Initiative Fund, \$5,090.50; Community Crossings Grant Fund, \$15,780.34; Public Safety Local Income Tax Fund, \$7,860.00; Total: \$945,097.36.

Payroll Docket for payday of August 13, 2021:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,091.35 Building and Inspection Department, \$7,726.68; Metropolitan Police Department, \$129,311.60; Public Works Department (Agency), \$69,046.41; Fire Department, \$3,853.14; and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$225,029.18.

Adjournment of Plenary Meeting. There being no further business on the agenda, the Town Council President declared the regular plenary meeting of the Town Council of Monday, September 13, 2021, adjourned at 8:30 O'clock p.m.

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

Approved by the Town Council at its meeting of _____, 2021.

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