

**Enrolled Minutes of the Fifty-eighth Regular or Special Meeting  
For the Twenty-Ninth Highland Town Council  
Regular Plenary Meeting (Electronic)  
Monday, January 10, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, January 10, 2022 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 both an in-person and an *electronic meeting*, pursuant to Governor Holcomb's Executive Order 20-04 and 20-09 allowing such meetings pursuant to IC 5-14-1.5-3.7 for the duration of the COVID-19 public health emergency, extended by Executive Order No. 21-33. Some persons were participating remotely on a Zoom platform that allowed for real time interaction, and supported the public's ability to observe and record the proceedings. People were able to participate in person and remotely. When the agenda item provided for public comment, this was supported as well. Councilor Bernie Zemen, Councilor Mark Herak, Councilor Mark Schocke, Councilor Thomas Black and Councilor Roger Sheeman all participated in person.

The Town Council President, Roger Sheeman presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Mark A. Herak 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 (all participating in person). The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** John P. Reed, Town Attorney; Mark Knesek, Public Works Director (remotely); Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief (remotely); Alex M. Brown, CPRP, Superintendent of Parks and Recreation (remotely); Kathy DeGuilio-Fox, Redevelopment Director (remotely); Edward Dabrowski, Director of Information Technology and Kenneth J. Mika, Building Commissioner, were present.

*Also present:* George Georgeff of the Highland Redevelopment Commission was also present.

*Guests:* Thomas Brown, Brown Insurance Agency (in person); and Theresa Badovich of the Idea Factory were also present (remotely).

**Minutes of the Previous Meetings:** The minutes of the regular meeting of 27 December 2021 were submitted for consideration. They were approved by general consent.

**Special Orders:**

1. Election of the **Town Council President** for 2022, pursuant to § 2.05.040 of the Highland Municipal Code.

Councilor Herak nominated Councilor Bernie Zemen for president. There were no further nominations. Councilor Herak moved that Councilor Zemen be elected Town Council President. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives, and no negatives. **Councilor Bernie Zemen** was elected the 71<sup>st</sup> Town Council President. Councilor Zemen assumed the chair.

2. Election of the **Town Council Vice President** for 2022, pursuant to § 2.05.040 of the Highland Municipal Code.

Councilor Herak moved to elect Councilor Tom Black as vice president. Councilor Schocke seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Herak, Schocke, Black and Zemen voting in the affirmative and Councilor Sheeman abstaining, the motion passed. Councilor **Tom Black** was elected the Town Council Vice President.

3. **Consideration of Proposed Additional Appropriations:** (controlled funds): Proposed Additional Appropriations in Excess of the 2022 Budget for the Building and Inspection Department of the General Fund in the amount of \$57,152.76

- (a) Attorney verification of Proofs of Publication: The TIMES 30 December 2021. The Town Attorney indicated that the proof of publication complied with the related law.
- (b) **Public Hearing.** There public hearing was called to order.

1. Larry Kondrat, Highland, spoke in favor of the proposed additional appropriation. There were no further comments. The public hearing was closed

- (c) Action on **Appropriation Enactment No. 2022-01:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Building and Inspection Department of the General Fund, and Reducing Appropriations in the Budget of the Police Department of the General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq

Councilor Herak introduced and moved the consideration of Enactment No, 2022-01 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 the passage and adoption of Enactment No, 2022-01 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 upon the signature of the municipal executive at the same meeting of its introduction.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
Enactment No. 2022-01

**An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Building and Inspection Department of the General Fund, and Reducing Appropriations in the Budget of the Police Department of the 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 **Building and Inspection Department of the Corporation General Fund;**

**WHEREAS,** It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2022, 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 **Building and Inspection Department of the GENERAL FUND** and for the purposes herein specified, subject to the laws governing the same:

GENERAL FUND

**Building and Inspection Department**

Increase the following accounts:

001-0006-11110 Ordinance Enforcement Officer	\$	46,789.00
001-0006-11201 FICA & MEDICARE	\$	3,579.36
001-0006-11209 PERF PENSION	\$	5,380.74
001-0006-11210 PERF Annuity	\$	<u>1,403.67</u>
<i>Total for 100 Series:</i>	\$	57,152.76

**Total Increase for the Department: \$ 57,152.76**

**Section 2.** That for the expenses of said municipality, the following appropriations of money are hereby reduced and ordered returned and reverted to the funds herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL FUND

**Police Department**

Reduce the following accounts:

001-0009-11131 Code Enforcement	\$	46,789.00
001-0009-11201 FICA & MEDICARE	\$	3,579.36
001-0009-11209 PERF PENSION	\$	5,380.74
001-0009-11210 PERF Annuity	\$	<u>1,403.67</u>
<i>Total for 100 Series:</i>	\$	57,152.76

**Total Decrease for the Department: \$ 57,152.76**

**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 10<sup>TH</sup> Day of January 2022. 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 10<sup>th</sup> Day of January 2022, 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/ Bernie Zemen, President (IC 36-5-2-10)

**ATTEST:**

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

**Comments from the Public or Visitors:**

There were no comments from the public.

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

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

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	4	0	4	\$3,865,713.00	\$65,474.50
Signs:	3	0	3	\$25,000.00	\$1,598.50
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:	49	49	0	\$580,473.00	\$13,338.00
Garages:	0	0	0	\$0.00	\$0.00

Sheds:	1	1	0	\$3,369.00	\$247.50
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences:	2	2	0	\$22,000.00	\$562.50
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	1	1	0	\$3,889.00	\$157.50
Miscellaneous	5	3	2	\$60,244.00	\$1,627.50
<b>TOTAL:</b>	<b>65</b>	<b>56</b>	<b>9</b>	<b>\$4,560,688.00</b>	<b>\$83,006.00</b>
<b>Electrical Permits</b>	<b>15</b>	<b>12</b>	<b>3</b>		<b>\$1,814.00</b>
<b>Mechanical Permits</b>	<b>9</b>	<b>8</b>	<b>1</b>		<b>\$1,145.00</b>
<b>Plumbing Permits</b>	<b>11</b>	<b>8</b>	<b>3</b>		<b>\$2,216.75</b>
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>TOTAL Plumbing:</b>	<b>11</b>	<b>8</b>	<b>3</b>		<b>\$2,216.75</b>

**December Code Enforcement:**

Investigations: 022  
Citations: 001  
Warnings: 022

**December Inspections:**

Building: 25      Electrical: 17      Plumbing: 21      HVAC: 08  
Electrical Exams: 2

• **Fire Department Report for December 2021**

<u>Type of Call</u>	<u>Month</u>	<u>YTD</u>
General Alarms	10	113
Paid Still Alarms	23	311
Still Alarms	3	35
<b>Total Alarms:</b>	<b>36</b>	<b>Calls YTD: 459</b>

• **Workplace Safety Report for December 2021**

There was one workplace incident to report in December. 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	02	0	0	0	0	0
Fire	0	1	0	0	0	0	0
Police	1	4	2	0	10	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
<b>TOTALS</b>	<b>1</b>	<b>7</b>	<b>7</b>	<b>32</b>	<b>10</b>	<b>93</b>	<b>81</b>

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:

#### • Statutory Boards and Commissions

##### *Executive Appointments*

1. **Municipal Plan Commission (1) appointment to be made by Town Council President.** (Note: *Currently held by James M. Kissee (R)*) The Town Council President announced his re-appointment of **James M. Kissee, (R)** 2651 43<sup>rd</sup> Street, Highland to the Plan Commission.
2. **Advisory Board of Zoning Appeals (1) appointment to be made by Town Council President.** (Note: *Currently held by Matthew Thomas*) The Town Council President announced his re-appointment of **Matthew Thomas, 8605 Liable Road, Highland** to the Advisory Board of Zoning Appeals.
3. **Redevelopment Commission (3) appointments to be made by Town Council President.** (Note: *currently held by George Georgeff, William Leep and Sean Conley.*) The Town Council President announced his re-appointments of **George Georgeff, 2251 Oakdale, Highland; Bill Leep, 8407 Cottage Grove Place, Highland; and Sean Conley, 2852 100<sup>th</sup> Street, Highland** to the Highland Redevelopment Commission.
4. **Redevelopment Commission Non-voting School Town Advisor.** (1) appointment to be made by the Town Council President. Must be a member of the School Board or a representative of the School town but is appointed by the Town Council President. **Term does not expire until 06.30.2022.** (See IC 36-7-14-6.1(a)(d)). (Note: *Currently held by Patrick Krull.*)

It was noted that the term did not end until June 30. The Clerk-Treasurer volunteered to contact the School Town to ask about its desired appointee for the next two-year term. Pending that information, the Town Council President took no action on this appointment.

5. **Waterworks Board of Directors:** (2) appointments to be made by Town Council President. (Note: *Currently serving Curt Schroeder (D), a vacancy. Current composition of the board is two Republicans, two Democrats and once vacancy. No more than three of any one party under state law.*)

The Town Council President announced his re-appointment of **Curt Schroeder, (D)** 8100 Johnston, Highland, and **Larry Kondrat, (D), 8115 E. 4<sup>th</sup> Place, Highland** to the Board of Waterworks Directors.

6. **Board of Sanitary Commissioners:** (1) appointment to be made by Town Council President. (Note: *Currently serving Laura Corpus (D). Current composition of the board is three Republicans. No more than three of any one party under state law.*) The Town Council President announced his re-appointment of **Laura Corpus, (D)** 8840 Parkway Drive, Highland to the Board of Sanitary Commissioners.

##### *Legislative Appointments (Town Council)*

7. **Municipal Plan Commission (3) appointments to be made by the Town Council.** (Note: *Currently held by Bernie Zemen (elected official); Joseph Gryzyski (municipal employee); and G. Douglas Turich; Gryzyski (municipal employee).*  
(Must either be an elected, or appointed official or an employee of the town)  
*There is no partisan requirement for these appointments.*

It was noted that there was no action necessary if the Town Council did not intend any change.

Councilor Schocke moved to reappoint Councilor Bernie Zemen to the plan commission. Councilor Black seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. **Councilor Zemen** was reappointed to the plan commission. There was no further action. *(This is not a change)*

8. **Park and Recreation Board** (1) appointment to be made by the Town Council. *(Note: Currently held by Omar A. Torres (R). Based upon the statutory requirements for balance, this position must be republican. (Current composition for this board's four citizen positions is two democrats and two republicans)*

Councilor Herak moved to re-appoint **Omar Torres**, (R) 2120 44<sup>th</sup> Street, Highland, to the Park and Recreation Board. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Torres was re-appointed.

9. **Town Board of Metropolitan Police Commissioners** (3) appointments to be made by the Town Council. *(Note: Currently held by Larry Moes (R), Michael R. Danko (R) and James Slagle (D), who wishes to no longer serve. Based upon the statutory requirements no more than three may be of the same party. (Current composition for this is three democrats and two republicans)*

Councilor Schocke nominated **John Beebe** to the Town Board of Metropolitan Police Commissioners.

Councilor Herak joined by Councilor Sheeman nominated **Dan Stombaugh** to the Town Board of Metropolitan Police Commissioners.

The Town Council was instructed that as the Clerk-Treasurer called the roll, the Councilor should respond with the name of the nominee for whom the councilor was voting. Upon a roll call vote, Councilor Herak voted Dan Stombaugh; Councilor Schocke voted John Beebe; Councilor Black voted Dan Stombaugh; Councilor Sheeman voted Dan Stombaugh; Councilor Zemen voted Dan Stombaugh. With Dan Stombaugh receiving four votes, and John Beebe receiving one vote, **Dan Stombaugh** (R) 2049 Porte de Leau #203, Highland, was appointed to the Town Council of Metropolitan Police Commissioners.

Councilor Herak moved to re-appoint **Mike Danko** (R) 3501 Maple Place, Highland and **Larry Moes** (R) 2904 Clough Avenue, Highland to the Town Board of Metropolitan Police Commissioners. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Moes and Mr. Danko were reappointed.

10. **Redevelopment Commission** (2) appointments to be made by Town Council. *(Note: Currently held by Cyril Huerter and Robyn Radford. Both do not seek reappointment)*

The Town Council discussed the composition of the commission and whether some members of the Town Council should be appointed to the commission. Under general consent, it was determined that this appointment would be discussed further at the Town Council study session.

#### **Regional Statutory Boards or Commissions**

11. **Northwest Indiana Regional Plan Commission** (1) person who is an elected official serves at pleasure of the Town Council President/Municipal Executive. No action necessary unless change is desired. *(Note: Currently held by Michael W. Griffin.)*

The Town Council President indicated that he did not wish to change the appointment to the Northwest Indiana Regional Plan Commission.

12. **Lake County Convention and Visitors Bureau Board of Directors** (1) appointment to be made by the Town Council President. Must be a involved in hotel or hospitality industry. **Term does not expire until 06.30.2022.** *(See IC 6-9-2-3) (Note: Currently held by Christine Cash.)*

There was no action taken at this time.

13. **Economic Development Commission** (1) appointment to be made by the Town Council President. **Term does not expire until 01.30.2022.** *(Note: Currently held by Matthew Reardon.)*

The Town Council President was advised that Mr. Reardon suggested seeking another candidate for this position. The Town Council would discuss at the Study Session.

14. **Lake County Solid Waste Management District Board of Directors** (1) appointment to be made by the Town Council. Must be a member of the town council. Term is co-extensive with legislative body term unless the council acts otherwise. *(Note: Currently held by Thomas Black.)*

It was noted that there was no desire to make a change to this appointment. So, the Town Council took no added action.

#### **Home Rule Boards or Commissions**

15. **Tree Board** (2) appointments to be made by the Town Council president BUT nominated by the Town Council. See HMC Section 8.25.030 (B). *(Note: Currently serving Richard Underkofler; Michael Burns, Jr.)*

Councilor Schocke moved to renominate **Richard Underkofler**. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Richard Underkofler was renominated to the Town Council President for appointment.

The Town Council President accepted the nomination and re-appointed **Richard Underkofler**, 9205 Idlewild Drive, Highland to the Tree Board.

16. **Community Events Commission**

By general consent it was determined the appointments to the Community Events Commission would be discussed at the next Study Session.

#### **Committee Liaison Assignments (By custom, made by the Town Council President)**

The Town Council President made the following liaison assignments:

Mark A. Herak: Budget Committee Chairman; Economic Development Commission Liaison; Public Works Agency Liaison; Building and Inspection Department Liaison; Advisory Board of Zoning Appeals Liaison and Board of Sanitary Commissioners, Liaison.

Mark J. Schocke: Parks & Recreation Department Liaison; and Community Events Commission Liaison.

Tom Black: Board of Waterworks Directors, Liaison and Redevelopment Department Liaison.

Roger Sheeman: Town Board of Metropolitan Police Commissioners Liaison; Fire Department, Liaison; Chamber of Commerce Liaison; and ICT Department Liaison.

Bernie Zemen: Tree Board Liaison.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1762: An Ordinance to Amend Chapter 12.15 of the Highland Municipal Code, By Amending Solid Waste Service Fees set Forth in Section 12.15.130 of the Municipal Code and particularly Modifying or Amending Certain Other Provisions for Technical Clarity and Correctness.** *(A public hearing was conducted by the Board of Sanitary Commissioners at its meeting of Tuesday, January 4, 2022. Following the hearing, the resolution was passed and adopted by the Board of Sanitary Commissioners by a vote of 4 in favor and 0 opposed. The Secretary of the Board of Sanitary Commissioners directed a copy of this resolution to the office of the clerk treasurer as clerk of the legislative body, with a request that the Town Council of the Town of Highland, take up the matter for consideration and action at its earliest opportunity.)*

Councilor Herak introduced and moved the consideration of Ordinance No. 1762 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 the passage and adoption of Ordinance No. 1762 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 ordinance was adopted upon the signature of the municipal executive at the same meeting of its introduction.

**ORDINANCE No. 1762  
of the  
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND CHAPTER 12.15 OF THE HIGHLAND MUNICIPAL CODE, BY AMENDING SOLID WASTE SERVICE FEES SET FORTH IN SECTION 12.15.130 OF THE MUNICIPAL CODE AND PARTICULARLY MODIFYING OR AMENDING CERTAIN OTHER PROVISIONS FOR TECHNICAL CLARITY AND CORRECTNESS.

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

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

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

**WHEREAS**, IC 36-9-25-11 specifically provides that the Board of Sanitary Commissioners may fix fees for disposal of sewage and other waste discharged into the sewerage system, including -- structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, *solid waste*, sewage, storm drainage, and other drainage of a municipality, and may change fees from time to time in order to produce revenues sufficient to pay operation, maintenance and administrative expenses; and

**WHEREAS**, IC 36-9-25-9 expressly provides that *the board shall collect and remove garbage, ashes, and other waste materials to prevent the pollution of watercourses within the district and to protect the public health;*



**WHEREAS**, Pursuant to Section 12.20.360 of the Highland Municipal Code, entitled, *Annual Review*, the Board of Sanitary Commissioners has studied the current rates and charges of the district and has determined that the rates and charges associated with solid waste management services should be modified; and

**WHEREAS**, The Board has determined that establishing rates to support the costs associated with the *Solid Waste Management Program*, is necessary to provide sufficient revenues for operation, maintenance, and replacements to the program; and

**WHEREAS**, IC 36-9-25-11(e) provides that a change of fees may be made in the same manner as fees were originally established; however, if a change is made substantially pro-rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required;

**WHEREAS**, The Town of Highland through its Department of Public Sanitation and Sanitary District provides *solid waste management services* that include, weekly curbside solid waste collection, every other week curbside recycling, seasonal leaf collection, optional weekly large appliance disposal and collection, central electronics disposal, and on-demand branch collection;

**WHEREAS**, The Town of Highland through its Department of Public Sanitation and Sanitary District provides *solid waste management services for which the utilization is measurable and for which costs for administration, management and service provision are realized and the cost basis for these service elements has changed*;

**WHEREAS**, The Board of Sanitary Commissioners approved a contract with Republic Services of Indiana at its meeting of March 19, 2019 pursuant to the procedures set forth in IC 36-9-30 et seq., and IC 36-9-25 et seq.;

**WHEREAS**, The Board conducted the proper public hearing on January 4, 2022 at which it determined that the schedule of fees for Solid Waste Management services required modification in order to remain just, equitable and sufficient to support the costs associated with the program, and did pass a resolution to establish use rates for all classes of users for Solid Waste management services; and,

**WHEREAS**, The Board did transmit the resolution and the suggested ordinance for the adoption of the rates and charges for Solid Waste Management Program, and does request that the Town Council approve the rates and charges and adopt the ordinance presented,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Indiana, as follows:

**Section 1.** That the following provisions and associated rates and charges for the disposal of sewage and other waste discharged into the sewerage system, *including solid waste*, subject to IC 36-9-25-11(c) be approved;

**Section 2.** That Section 12.15.130 under Chapter 12.15 of the Highland Municipal Code be hereby deleted and repealed and be hereby amended by inserting the following replacement Section 12.15.130 under Chapter 12.15, which shall read as follows:

**Section 12.15.130                      Procedures and fees for disposal of refuse**

(A) Permitted Uses. The disposal of compactable refuse by residents of the town shall be permitted in accordance with this section. **The Town of Highland Garage dump site is only intended for a small amount of household waste on an occasional basis.**

(B) Prohibited Uses.

(1) It shall be an offense for commercial dumping or disposal of refuse by commercial vendors or any contractors.

(2) ~~Further, n~~ Non-residents of the town are prohibited under penalty from disposing of refuse at the Highland public works facility.

**(3) No resident is allowed to dump construction materials. If debris is from a contracted job, it must be taken to a landfill for disposal, at the resident's expense. Residents remodeling their homes are considered contractors.**

(C) Permit and Fees.

(1) Any person dumping refuse at the Highland public works facility shall first secure a "dumping permit" from the public works office. The permit shall identify the name, address, and phone number of the permittee; vehicle type and license number; description of the refuse to be disposed; and disposal fee. Dumping refuse without a valid permit is prohibited; said permit shall be presented to the dumpster attendant prior to dumping refuse, and the dumpster attendant shall verify that the permit is proper for the refuse being disposed. **Only single axle trailers shall be allowed to dump. Double axle trailers are prohibited.**

(2) Fees for the disposal of residential refuse by residents of the town of Highland served by the department of public sanitation shall be collected by the public works office according to the following schedule:

(a) Compactor Rate. ~~Construction and demolition debris; e~~ Extra trash (less than four feet in length):

1. Pickup truck, van, SUV or one-ton dump truck, **single axle trailer** (full): ~~\$10.00~~ **\$15.00.**

2. **Pickup truck, van, suv or one-ton dump truck, single axle trailer (1/2 full or less): \$10.00**

~~23.~~ Minimum fee (car load): \$5.00.

- (b) Open Container Rate. Extra trash; ~~construction and demolition debris~~ (over four feet in length):
1. Pickup truck, van, ~~su~~ or one-ton dump truck, ~~single axle trailer~~ : ~~\$20.00~~ \$25.00.
  2. Furniture, appliances, mattresses, and the like (each piece): \$5.00.
- (c) Tree Branch Disposal. No charge (~~office check-in required~~).
- (d) Concrete, ~~up to one cubic yard: \$5.00.~~ \$10.00 minimum charge and \$25.00 per cubic yard. (~~Standard full size pickup = 1 cubic yard, 1-ton dump truck and single axle trailer = 2 cubic yards~~).
- (D) Concrete. Disposal of concrete at the Highland public works facility is limited to no more than ~~one~~ **two** cubic yards.
- (E) Hours. The Highland public works facility shall be available for the disposal of refuse in accordance with the provisions of this chapter from Monday through Saturday Friday from the hours of ~~8:30~~ **8:00 a.m.** through 3:30 p.m. ~~and on Saturday from the hours of 8:00am through 3:30 p.m. from March through December. Dumping shall not be available on Saturday from January through February.~~
- (F) Temporary Fee Waiver by Order of the Board of Sanitary Commissioners President. Whenever an intense weather or other natural event has occurred which has unduly caused or created an unusual and involuntary increase in the volume of trash or debris experienced by residents of the town, the board of sanitary commissioners hereby authorizes that the board of sanitary commissioners president, when in his opinion the public good would require it, may issue a written order, directed to the public works director and the clerk-treasurer, indicating that for the foregoing reasons set forth in this chapter, the fees set forth in the schedule under this section for refuse services at the public works facility are waived for residents, with such waiver to be for a time certain and not to exceed a period of three weeks. Further, such order should be reported to the board of sanitary commissioners for its information in a timely manner.

**Section 3.** That the fees and charges imposed by the passage and adoption of this ordinance shall become and be effective upon all users whose property is within the district, upon its passage and adoption, pursuant to its terms and effective dates set forth herein;

**Section 4.** That upon its passage and adoption, the provisions of this ordinance shall be effective immediately, evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a), subject to any requirements for publication, which, may be required, pursuant to IC 36-5-2-10.

**Sanitary District Rate Statement.** The forgoing provisions set forth in Section 2, were captured in resolution form, introduced in the meeting of the Board of Sanitary Commissioners of Tuesday, December 21, 2021, where it was ordered for a public hearing, all pursuant to IC 36-9-25-11. The public hearing was conducted at the meeting of Tuesday, January 4, 2022. Following the hearing, the resolution was passed and adopted by the Board of Sanitary Commissioners by a vote of 4 in favor and 0 opposed. The Secretary of the Board of Sanitary Commissioners forwarded a copy of its resolution to the office of the clerk treasurer as clerk of the legislative body, with a request that the Town Council of the Town of Highland, take up the matter for consideration and action at its earliest opportunity.

Introduced and Filed on 10<sup>th</sup> day of January 10, 2022. 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 10th Day of January 2022 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/ Bernie Zemen, 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. Proposed Ordinance No. 1763:** An Ordinance to Make A Technical Updating Amendment To The Current Code of Ordinances for The Town of Highland, Particularly Amending Section 2.10.050, Authoring Control of Certain Office Access Hours of the Office of the Clerk-Treasurer, All Pursuant To IC 36-5-6 et Seq.

Councilor Black introduced and moved the consideration of Ordinance No. 1763 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 Black moved the passage and adoption of Ordinance No. 1763 at the same meeting of its introduction. Councilor Sheeman seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted upon the signature of the municipal executive at the same meeting of its introduction.

ORDINANCE No. 1763  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO MAKE A TECHNICAL UPDATING AMENDMENT TO THE CURRENT CODE OF ORDINANCES FOR THE TOWN OF HIGHLAND, PARTICULARLY AMENDING SECTION 2.10.050, AUTHORIZING CONTROL OF CERTAIN OFFICE ACCESS HOURS OF THE OFFICE OF THE CLERK-TREASURER, ALL PURSUANT TO IC 36-5-6 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and,

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt the several technical and substantive modifications necessary to carry out this requirement and to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code, be hereby amended by repealing Section 2.10.050 in its entirety, and replacing it with a new provision, to be styled as Section 2.10.050, which shall read as follows:

**2.10.050 Office space for the clerk-treasurer.**

(A) If office space exists in a building owned or leased by the town, the town council shall provide suitable office space for the clerk-treasurer and staff and records of the clerk-treasurer, all pursuant to IC 36-5-6-5.1;

(B) The clerk-treasurer shall be authorized to close public access to the building leased or owned by the town that hosts the office of the clerk-treasurer and staff in the following circumstances:

1. The last working business day of the fiscal year public access for up to half a day may be closed in order to support the ease of year end tasks;
2. In the event of exigent circumstances caused by insufficient staffing, public access may be curtailed to cover a reasonable lunch period.

(C) In all cases, the clerk-treasurer shall cause reasonable notice to be provided to the public of the closure. The clerk-treasurer shall also inform the town council president.

**Section 2.** That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on 10<sup>th</sup> day of January 2022. 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 10<sup>th</sup> Day of January 2022, 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/ Bernie Zemen, 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)

3. **Worked Board Order No. 2022-01:** An Order Authorizing and Approving the First Change Order to the Construction Contract with Rieth-Riley Construction Co.,

Incorporated Related to the 2021 CCMG Street Improvement Project, DES #2100392, all Pursuant to I.C. 36-1-12-18.

Councilor Herak moved the passage and adoption of Works Board Order No. 2022-01. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN OF HIGHLAND  
ORDER OF THE WORKS BOARD NO. 2022-01

**An Order Authorizing and Approving the First Change Order to the Construction Contract with Rieth-Riley Construction Co., Incorporated related to the 2021 CCMG Street Improvement Project, DES #2100392, all Pursuant to I.C. 36-1-12-18**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for certain street resurfacing and other improvements in the public right-of-way to be funded, in part, by the State of Indiana through its Community Crossings Matching Grant program, with the project commonly known as the 2021 CCMG Street Improvement Project;

**Whereas**, The Town Council has heretofore awarded a contract to Rieth-Riley Construction Co., Incorporated for the Project on August 16, 2021 in the amount of One Million One Hundred Forty-six Thousand Four Hundred Fifty-seven Dollars and Ninety-five Cents (\$1,146,457.95);

**Whereas**, During the course of construction of the Project, it has become necessary to adjust the original estimated quantities of materials to actual quantities used on the project;

**Whereas**, NIES Engineering, Incorporated, a licensed engineer performing construction engineering services on this project has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Rieth-Riley Construction Co., Incorporated, particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost by the amount of One Hundred Thousand Two Hundred Sixty-two Dollars and 53/100 Cents (\$100,262.53); and,

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

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

**Section 1.** That Change Order No. 1 for the 2021 CCMG Street Improvement Project, as prepared by NIES Engineering, Incorporated, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

**Section 2.** That this first addendum is hereby ordered to be known as Change Order No. 1, issued to decrease the net cost to the original agreement between the Town of Highland and Rieth-Riley Construction Co., Incorporated, in the amount of One Hundred Thousand Two Hundred Sixty-two Dollars and 53/100 Cents (\$100,262.53), bringing the total value of the entire agreement with any and all change orders approved to date to One Million Forty-six Thousand One Hundred Ninety-five Dollars and 42/100 Cents (\$1,046,195.42);

**Section 3.** That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that amount being One Million Three Hundred Seventy-five Thousand Seven Hundred Forty-nine Dollars and 54/100 Cents (\$1,375,749.54), all pursuant to IC 36-1-12-18(d);

**Section 4.** That the Proper Officers are hereby authorized to execute the necessary documents with their signatures.

**Be it So Ordered**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 10<sup>th</sup> day of January 2022, having passed by a vote of 5 in favor and 0 opposed.

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

/s/ Bernie Zemen, President (IC 36-5-2-10)

Attest:

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

Contract Number Des. No. 2100392

Change Order Number 1

CHANGE ORDER

Owner: Town of Highland, Indiana  
Project: 2021 CCMG Street Improvement Project – Des. No. 2100392  
Owner's Name: Town of Highland, Indiana  
Owner's Address: 3333 Ridge Road, Highland, IN 46322  
Contractor: Rieth-Riley Construction Co., Inc.  
Contractor's Address: 7500 W. 5<sup>th</sup> Avenue, Gary, IN 46406

DESCRIPTION OF CHANGE:

1. Adjust quantities of original contract items based on actual quantities installed, as tabulated on attached Tables 1 and 2. A decrease to the contract price in the amount of \$85,857.76.
2. Credit the contract for non-conforming HMA surface course on Jewett Avenue and Cottage Grove Place, as the Owner prefers to accept said non-conforming surface mix rather than requiring its removal and replacement with 100% virgin surface mix. Amount of credit determined as follows: difference in material cost of non-virgin HMA versus required virgin HMA (\$10.89/Ton x 596.59 Tons = \$6,496.87), as well as half the cost of milling (\$1.30/SY x 6,083 SY = \$7,907.90). A decrease to the contract price in the amount of \$14,404.77.

REASON FOR CHANGE:

1. Adjustment of contract item quantities is based on field measurements of work actually installed.
2. Rieth-Riley mistakenly placed 596.59 tons of HMA surface containing recycled asphalt pavement (RAP) on October 11, 2021. Since the Contract requires HMA surface to contain 100% virgin binder and no RAP, the HMA surface mix placed is non-conforming. Rather than requiring complete removal of the RAP-containing mix and then resurfacing with 100% virgin surface mix, it was determined to be in the Town's best interest to accept the HMA as placed due to the following: (1) the pavement appears to be in good condition, (2) the pavement is still covered by the standard 1-year warranty, (3) the mix is an INDOT-approved design, (4) adding additional days to the tight schedule could potentially delay some paving work until Spring if cold temperatures were to arrive sooner than anticipated, and (5) the proposed credit amount reasonably offsets the risk of a potentially reduced service life.



Table 1  
Town of Highland Board of Works  
2021 CCMG Street Improvement Project  
Des. No. 2100302

Change Order #1 - Change in Original Contract Quantities

Item	Description	Original Contract Amount				Actual Installed		Net Change	
		Quantity	Units	Unit Price	Amount	Quantity	Amount	Quantity	Amount
1	Mobilization/Demobilization	1	LS	\$ 69,850.00	\$ 69,850.00	1	\$ 69,850.00	0.00	\$ -
2	Maintenance of Traffic	1	LS	\$ 37,865.00	\$ 37,865.00	1	\$ 37,865.00	0.00	\$ -
3	Curb and Gutter, Concrete, Remove (Including Sawcutting and Excavation)	1,735	LF	\$ 17.00	\$ 29,495.00	1,757	\$ 29,869.50	21.50	\$ 366.50
4	Shoulder or Driveway, Concrete, Remove (Including Sawcutting and Excavation)	1,214	SY	\$ 20.50	\$ 24,887.00	1,138.40	\$ 23,327.76	(74.80)	\$ (1,559.24)
5	Asphalt Milling, 1.5 IN Depth	78,860	SY	\$ 3.85	\$ 303,511.80	78,322	\$ 303,637.25	(537.00)	\$ (1,874.55)
6	Asphalt Pavement Removal, Full Depth	370	SY	\$ 4.95	\$ 1,833.00	771.4	\$ 3,779.88	401.40	\$ 1,946.88
7	Excavation, Unclassified	88	CYS	\$ 51.00	\$ 4,488.00	50.50	\$ 2,575.50	(37.50)	\$ (1,912.50)
8	Compacted Aggregate Base for Pavement, No. 53 Limestone	183	TON	\$ 33.00	\$ 6,039.00	134.72	\$ 4,445.76	(48.28)	\$ (1,593.24)
9	HMA Patching, Intermediate, 18.0 mm	82	TON	\$ 92.00	\$ 7,544.00	209	\$ 19,298.84	147.42	\$ 11,754.84
10	HMA Wedge and Level, 9.5 mm	524	TON	\$ 70.00	\$ 37,280.00	402	\$ 28,140.00	(121.00)	\$ (9,140.00)
11	HMA Overlay, Surface, 9.5 mm, 1.5 IN	7,858	TON	\$ 58.00	\$ 455,764.00	6,580	\$ 380,462.18	(1,277.78)	\$ (55,301.82)
12	Asphalt for Tack Coat (5-10 Gallons)	79,263	SY	\$ 0.40	\$ 31,705.20	79,207	\$ 31,682.80	(56.00)	\$ (22.40)
13	Shoulder, Concrete, 4 in. (Including Agg. Base and Grout Restoration)	504	SY	\$ 87.50	\$ 44,100.00	479.70	\$ 41,973.75	(24.30)	\$ (2,126.25)
14	Shoulder or Driveway, Concrete, 5 in. (Including Agg. Base and Grout Restoration)	151	SY	\$ 75.00	\$ 11,325.00	146.70	\$ 11,002.50	(4.30)	\$ (322.50)
15	Curb Ramp, Concrete (Including Agg. Base and Grout Restoration)	377	SY	\$ 157.00	\$ 59,189.00	350	\$ 54,950.00	(27.00)	\$ (4,239.00)
16	Curb and Gutter, Concrete (Including Agg. Base, Pavement Patch and Grout Restoration)	1,735	LF	\$ 51.50	\$ 89,352.50	1,834	\$ 94,435.55	98.70	\$ 5,083.05
17	Topsoil and Mulched Seeding	214	SY	\$ 10.00	\$ 2,140.00	214	\$ 2,140.00	0.00	\$ -
18	Castling, Furnish and Adjust to Grade	14	EA	\$ 750.00	\$ 10,500.00	9	\$ 6,750.00	(5.00)	\$ (3,750.00)
19	Castling River Ring	11	EA	\$ 475.00	\$ 5,225.00	7	\$ 3,225.00	(4.00)	\$ (1,900.00)
20	Valve Box Top Section, Furnish and Adjust to Grade	1	EA	\$ 500.00	\$ 500.00	0	\$ -	(1.00)	\$ (500.00)
21	Valve Box River Ring	9	EA	\$ 425.00	\$ 3,825.00	0	\$ -	(9.00)	\$ (3,825.00)
22	Traffic Loop Detector, Repair (Including Sawcutting, Cable, Spike and Sealant)	3	EA	\$ 425.00	\$ 1,275.00	3	\$ 1,275.00	0.00	\$ -
23	Line, Thermoplastic, Solid, Yellow, 4 IN	1,780	LF	\$ 0.70	\$ 1,246.00	1,774	\$ 1,241.80	(6.00)	\$ (4.20)
24	Line, Thermoplastic, Solid, White, 4 IN	895	LF	\$ 0.75	\$ 671.25	859	\$ 644.25	(36.00)	\$ (26.99)
25	Transverse Marking, Thermoplastic, Crosswalk, White, 6 IN	2,528	LF	\$ 1.10	\$ 2,780.80	2,726	\$ 2,998.60	198.00	\$ 217.80
26	Transverse Marking, Thermoplastic, Stop Bar, White, 24 IN	549	LF	\$ 5.35	\$ 2,927.15	525	\$ 2,808.75	(24.00)	\$ (118.40)
27	Sign Post, Square, 2, Reinforced Anchor Base	53	LF	\$ 27.50	\$ 1,457.50	53	\$ 1,457.50	0.00	\$ -
28	Sign, Sheet, Encapsulated Lens with Legend, 0.080 IN Thickness	40	SF	\$ 17.50	\$ 700.00	40	\$ 700.00	0.00	\$ -
				Original Contract Amount	\$ 1,148,457.95	Net Change in Original Contract Items			\$ (65,857.78)







Table 2  
Town of Highland Board of Works  
2021 COMG Street Improvement Project  
Doc. No. 2100332

Final Project Quantities and Net Changes, By Road Segment

Item	Description	Unit Price	Units	Seg. 19		Seg. 20		Seg. 21		Seg. 22		Seg. 23		Seg. 24		Seg. 25		Seg. 26		All Segments			
				Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave	Lincoln Ave N Highway Dr to Preston Ave
1	Mobilization/De-mobilization	\$50,000.00	LS	0.04	\$ 2,000.00	0.07	\$ 3,500.00	0.01	\$ 500.00	0.01	\$ 500.00	0.01	\$ 500.00	0.04	\$ 2,000.00	0.01	\$ 500.00	0.01	\$ 500.00	0.01	\$ 500.00	1.00	\$ 50,000.00
2	Maintenance of Traffic	\$37,690.00	LS	0.04	\$ 1,506.00	0.07	\$ 2,636.55	0.01	\$ 376.65	0.01	\$ 376.65	0.01	\$ 376.65	0.04	\$ 1,506.00	0.01	\$ 376.65	0.01	\$ 376.65	0.01	\$ 376.65	1.00	\$ 37,690.00
3	Cuts and Curb, Concrete, Remove (Including Sawcutting and Excavation)	\$ 17.00	LF	-	-	65.0	\$ 1,105.00	-	-	-	-	-	-	194.0	\$ 3,302.00	23.0	\$ 391.00	65.0	\$ 1,105.00	-	-	1,795.5	\$ 30,690.50
4	Stitches or Driveway, Concrete, Remove (Including Sawcutting and Excavation)	\$ 28.50	BY	-	-	35.9	\$ 1,021.65	-	-	-	-	-	-	117.3	\$ 3,338.25	2.0	\$ 57.00	35.9	\$ 1,021.65	-	-	1,138.4	\$ 23,307.70
5	Asphalt Milling, 1.5 In. Depth	\$ 2,650	BY	3,959	\$ 10,490.50	6,328	\$ 16,764.40	1,319	\$ 3,492.40	1,266	\$ 3,345.90	2,972	\$ 7,876.20	3,783	\$ 10,000.50	873	\$ 2,299.50	3,959	\$ 10,490.50	873	\$ 2,299.50	79,322	\$ 209,627.20
6	Asphalt Pavement Removal, Full Depth	\$ 4.90	BY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	771.4	\$ 3,779.86
7	Excavation, Unbackfilled	\$ 91.00	CY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	53.5	\$ 4,858.50
8	Compacted Aggregate Base for Pavement, No. 53 Limestone	\$ 20.00	TON	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	134.72	\$ 2,694.72
9	HMA Paving, Intermediate, 10.0 mm	\$ 62.00	TON	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	209.42	\$ 12,984.24
10	HMA Paving, Intermediate, 10.0 mm	\$ 70.00	TON	-	-	65.72	\$ 4,600.80	11.73	\$ 821.10	5.00	\$ 350.00	5.45	\$ 381.50	-	-	-	-	-	-	-	-	402.90	\$ 28,167.30
11	HMA Overlay, Surface, 0.5 in., 1.5 in.	\$ 80.00	TON	329.60	\$ 26,368.00	460.11	\$ 36,808.80	108.66	\$ 8,692.80	6,170.52	\$ 493,641.60	241.37	\$ 19,309.60	303.81	\$ 24,304.80	70.87	\$ 5,669.60	306.43	\$ 24,518.40	70.87	\$ 5,669.60	4,110.46	\$ 328,462.16
12	Asphalt for Thick Coat (0.12 CMAS7)	\$ 0.40	BY	3,959	\$ 1,583.60	6,328	\$ 2,531.20	1,319	\$ 527.60	1,266	\$ 506.40	2,972	\$ 1,188.80	3,783	\$ 1,513.20	873	\$ 349.20	3,959	\$ 1,583.60	873	\$ 349.20	79,322	\$ 31,662.80
13	Stitches, Concrete, 4 in. (Including Agg. Base and Green Restoration)	\$ 67.50	BY	-	-	11.4	\$ 769.50	-	-	-	-	-	-	51.4	\$ 3,467.10	-	-	24.4	\$ 1,647.00	-	-	479.7	\$ 32,453.75
14	Stitches or Driveway, Concrete, 5 in. (Including Agg. Base and Green Restoration)	\$ 75.00	BY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	146.7	\$ 11,002.50
15	Cuts and Curb, Concrete (Including Agg. Base and Green Restoration)	\$ 157.00	BY	-	-	10.6	\$ 1,653.80	-	-	-	-	-	-	31.6	\$ 4,950.60	-	-	26.4	\$ 4,144.80	-	-	390.0	\$ 60,930.00
16	Cuts and Curb, Concrete (Including Agg. Base, Pavement Patch and Green Restoration)	\$ 91.50	LF	-	-	65.0	\$ 5,947.50	-	-	-	-	-	-	194.0	\$ 17,571.00	23.0	\$ 2,104.50	65.0	\$ 5,947.50	-	-	1,833.7	\$ 174,405.55
17	Topped and Matched Sawcutting	\$ 10.00	BY	-	-	17	\$ 170.00	-	-	-	-	-	-	52	\$ 520.00	-	-	-	-	-	-	214	\$ 2,140.00
18	Grading, Furnish and Adjust to Grade	\$ 750.00	EA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	\$ 6,750.00
19	Grading, Rear Slope	\$ 475.00	EA	1	\$ 475.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	\$ 3,325.00
20	Wave Box Top Section, Furnish and Adjust to Grade	\$ 500.00	EA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	\$ -
21	Wave Box Rear Slope	\$ 450.00	EA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	\$ -
22	Traffic Light Detector, Repair (Including Sawcutting, Curb, Slope and Sealant)	\$ 450.00	EA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	\$ 1,350.00
23	Law, Thermoplastic, Solid, Yellow, 4 in.	\$ 0.70	LF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,774	\$ 1,241.80
24	Law, Thermoplastic, Solid, White, 4 in.	\$ 1.10	LF	323	\$ 357.30	110	\$ 121.00	-	-	-	-	-	-	154	\$ 169.40	-	-	193	\$ 212.30	-	-	869	\$ 955.90
25	Thermoplastic Marking, Thermoplastic Crosswalk, White, 6 in.	\$ 3.35	LF	54	\$ 180.90	26	\$ 87.10	-	-	-	-	-	-	29	\$ 97.65	13	\$ 43.35	27	\$ 90.45	27	\$ 90.45	526	\$ 1,765.70
26	Thermoplastic Marking, Thermoplastic Stop Bar, White, 24 in.	\$ 27.50	LF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	83	\$ 2,287.50
27	Sign Post, Square, 2, Rectangular Arrow Blue	\$ 17.50	SP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	40	\$ 700.00
28	Sign, Street, Rectangular Blue with Legend, 0.80x1.00x1.00 N. Thickness	\$ 17.50	SP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7	\$ 122.50
Actual Contract Amount				Seg. 19	\$ 36,514.60	Seg. 20	\$ 67,264.08	Seg. 21	\$ 12,213.53	Seg. 22	\$ 11,450.77	Seg. 23	\$ 64,412.91	Seg. 24	\$ 34,915.63	Seg. 25	\$ 47,386.74	Seg. 26	\$ 7,854.81	TOTAL	\$ 1,060,603.19		
Original Contract Amount				Seg. 19	\$ 30,767.65	Seg. 20	\$ 71,119.15	Seg. 21	\$ 13,120.15	Seg. 22	\$ 12,647.75	Seg. 23	\$ 63,396.55	Seg. 24	\$ 38,804.50	Seg. 25	\$ 53,026.45	Seg. 26	\$ 3,370.15	TOTAL	\$ 1,146,457.69		
Net Change				Seg. 19	\$ 5,746.95	Seg. 20	\$ -3,855.07	Seg. 21	\$ -906.62	Seg. 22	\$ -1,196.98	Seg. 23	\$ 1,016.36	Seg. 24	\$ -3,888.87	Seg. 25	\$ -5,639.71	Seg. 26	\$ 4,484.66	TOTAL	\$ -885,854.50		

4. **Resolution No. 2022-02:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 of the Indiana Code and Section 3.20.040 of the Highland Municipal Code for the Corporation Bond and Interest Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2022-02. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND  
RESOLUTION NO. 2022-02

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 OF THE INDIANA CODE AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE FOR THE CORPORATION BOND AND INTEREST FUND.

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

Whereas, The Clerk-Treasurer has further advised that there is sufficient money on deposit to the credit of the **Economic Development Local Income Tax Fund** that can be temporarily transferred, pursuant to IC 36-1-8-4 and HMC Section 3.20.040;

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

**Section 1.** That the amount of \$61,576.00 be borrowed for the **Corporation Bond & Interest Fund** with the amount of \$61,576.00 to be loaned by the **Economic Development Local Income Tax Fund**, as authorized by HMC Section 3.20.040 and IC 36-1-8-4;

**Section 2.** That said loan in the amount of \$61,576.00 be repaid to the **Economic Development Local Income Tax Fund**, of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Bond & Interest Fund** with such loan to be repaid no later than December 31, 2022, subject to IC 36-1-8-4(b);

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 10<sup>th</sup> day of January 2022. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

/s/ Bernie Zemen, President (IC 36-5-2-10)

Attest:

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

5. **Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2022.** *(The Town Council seeks to have plans run January 1 through February 28, 2023)*

- **Crowel Insurance Agency.** Crowel Insurance Agency has proposed a total cost of \$321,930, representing \$306,838 for Public Agency Multi-class Liability; and Cyber Liability Coverage of \$15,102. *(See executive summary included) These numbers might be different.*
- **Brown Insurance Group.** Brown Insurance Group has proposed a total cost of \$316,011, representing \$295,285 for Public Agency Multi-class Liability including Cyber liability coverage of \$20,726. *(See executive summary proposal included)*

Under informal consideration the Town Council and Tom Brown discussed his proposal. During the informal consideration there was a colloquy concerning the possible differences between the proposals. There was a discussion regarding the desirability of having a more formal request for proposals process. The discussion also noted the desirability of having a renewal for these policies to be March 1 rather than January 1.

Councilor Herak moved that the proposal of the *Crowel Insurance Agency* be approved. Councilor Black seconded. After further discussion, Councilor Black withdrew his second to the motion. No other seconded was attained.

Councilor Schocke moved to approve the proposal of Brown Insurance Group. Councilor Sheeman seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Schocke, Black, Sheeman and Zemen voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The proposal from Brown Insurance Group was approved.

It was noted that for all the coverages, Mr. Brown has obtained assurances that the coverage would be bound retroactive from January 1, provided a letter certifying that no covered incident took place from January 1 until now.

*Town of Highland*

**Trident Coverage / Premium Summary**

Line of Business	Subject	Limits	Deductible	Proposed Premium
<b>Property</b>	Blanket Bldg. & Contents	\$62,935,275	\$10,000	<b>\$84,581</b>
	Property Off Premises	\$3,711,587	\$10,000	
	Business Inc. / Extra Expense/ Rental Value	\$4,700,000	24 Hours	
	Earthquake	\$10,000,000	\$50,000	
	Flood	\$10,000,000	\$50,000	
<b>Equipment</b>	Blanket Contractors Scheduled Equipment	\$1,200,000	\$2,500	<b>\$11,396</b>
	Blanket Unscheduled Property	\$4,716,447	\$2,500	
	Leased, Rented or Borrowed Equipment	\$100,000	\$2,500	
	Computer Hardware	\$1,113,635	\$10,000	
<b>Crime</b>	Employee Theft	\$100,000	\$1,000	<b>\$901</b>
	Forgery or Alteration	\$100,000	\$1,000	
	Money/Securities – In & Out	\$10,000	\$1,000	
	Computer Fraud	\$100,000	\$1,000	
	Funds Transfer Fraud	Included	\$1,000	
<b>General Liability</b>	CGL incl. Abuse, Molestation, EMT & Medic	\$1MM / \$2MM	\$10,000	<b>\$47,147</b>
<b>Professional Liabilities</b>	Public Officials Errors & Omission	\$1MM / \$2MM	\$10,000	<b>\$51,291</b>
	Employment Practices	\$1MM / \$2MM	\$10,000	
	Employee Eenefits	\$1MM / \$3MM	\$10,000	
	Law Enforcement	\$1MM / \$2MM	\$10,000	
<b>Commercial Automobile</b>	Auto Liability	\$1MM / \$2MM	\$0	<b>\$74,989</b>
	Auto Physical Damage	111 Vehicles	\$1,000 / \$1,000	
<b>Excess Liability</b>	Following Form over GL, Auto, E&O, EPL, EBL, LEL, Sex. Abuse, ER's	\$9MM / \$9MM	\$0	<b>\$24,980</b>
<b>Cyber Liability</b>	Cyber Liability, Expense & Reimbursement	\$1MM / \$1MM	\$25,000	<b>\$20,726</b>
<b>Total Premium:</b>				<b>\$316,011</b>

- Renewal for the Workers Compensation Plan**, effective February 1, 2022 with Indiana Public Employers Plan (IPEP) as presented by Brown Insurance Group. *The proposed premium or "contribution" is estimated to be \$90,299.*

Councilor Sheeman moved to renew Workers Compensation Plan as proposed by the Brown Insurance Group. Councilor Schocke seconded. Upon a roll call vote, there were

five affirmatives and no negatives. The motion passed. The renewal with IPEP was approved.

7. **Authorizing the proper officer to publish legal notice of a public hearing:** Public Hearing to consider additional appropriations in the amount of \$142,727 in the Unsafe Building Fund; in the amount of \$10,000 in the General Improvement Fund; in the amount of \$4,304 in the Hazardous Materials Fund; in the amount of \$110,000 in the Public Safety LIT Fund; and the amount of \$1,720,643.00 in the Redevelopment Capital Fund.

Councilor Herak moved to authorize the proper officer to public legal notice of a public hearing as indicated. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was approved.

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

- **Councilor Mark Herak:** •*Budget and Finance Chair* • *Liaison to the Advisory Board of Zoning Appeals* • *Liaison to Building and Inspection; Liaison to Public Works Department; Liaison to Board of Sanitary Commissioners; Economic Development Commission Liaison.*

Councilor Herak thanked Councilor Sheeman for his service as Town Council President.

Councilor Herak congratulated the newly elected Council President and Vice President.

Councilor Herak acknowledged the Public Works Director who offered a survey of matters undertaken by the Public Works Agency. There was a brief discussion regarding finding local match for Community Crossing Grants in 2020.

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

- **Councilor Mark Schocke:** *Park and Recreation Liaison and Community Events Commission liaison.*

Councilor Schocke congratulated the newly elected Town Council President.

Councilor Schocke acknowledged the Parks and Recreation Superintendent who reported on parks and recreation generally. The Parks and Recreation Superintendent noted that the Daddy-Daughter tickets were on sale.

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

Councilor Black wished the new president well. Councilor Black offered condolences to the Kendra family on the recent passing of Dr. Mark Kendra, late of the plan commission.

- **Councilor Roger Sheeman:** • *Chamber of Commerce Liaison* • *Information Communications Technology Department Liaison* • *Fire Department, Liaison; Town Board of Metropolitan Police Commissioners, liaison; and Redevelopment Commission Liaison.*

Councilor Sheeman acknowledged the Fire Chief who offered a survey of service and incidents of the Fire Department.

- **Council President Bernie Zemen:** • *Town Executive* • *Chair of the Board of Police Pension Trustees* • *Liaison to the Tree Board.*

Acknowledged the Zoning Administrator, who reported on matters before the Plan Commission.

The Town Council President thanked Councilor Sheeman for his service as Town Council President.

**Comments from Visitors or Residents:**

1. Carol Parker, Highland, via Zoom platform, noted that there are residents who are part of a condominium associations or renters who do not receive the newsletters for the Town or for the School Town. Ms. Parker expressed the desirability for these to be somehow made available to these residents.

It was noted that these documents are also available on the Town website.

2. Terry Steagall, Highland, via Zoom platform, referenced an electronic mail missive he had sent to the town council regarding the anniversary of the January 6, 2021 attack on the Capital as the U.S. House and the U.S. Senate were counting the reports from electors of the several states. Mr. Steagall urged the Town Council to consider a resolution supporting the John Lewis Freedom to Vote Act.
3. Larry Kondrat, Highland, expressed his opposition to the Town Council passing a resolution supporting the John Lewis Freedom to Vote Act, as suggested by Mr. Steagall.
4. Lydia Schott, Highland, via Zoom platform, congratulated the new Town Council President. Ms. Schott also suggested that the Town Calendar have notices of meetings.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Schocke moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 28, 2021 through January 10, 2022. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$223,789.68; Motor Vehicle Highway and Street (MVH) Fund, \$20,760.10; Insurance Agency Fund, \$212,231.87; Information Communications Technology Fund, \$9,124.19; Special Events Non Reverting Fund, \$1,650.00; Police Pension Fund, \$68,529.47; Municipal Cumulative Capital Development Fund, \$7,930.00; Traffic Violations and Law Enforcement Agency Fund, \$500.00; Public Safety Local Income Tax Fund, \$20,070.00; Total: \$564,585.31**

**Adjournment of Plenary Meeting.** There being no further business on the agenda, Councilor Schocke moved to adjourn the meeting. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular plenary meeting of the Town Council of Monday, January 10, 2022 at 8:10 O'clock p.m.

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

Approved by the Town Council at its meeting of \_\_\_\_\_, 2020.

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