

**Enrolled Minutes of the Sixty-Fifth Regular Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting (Electronic/In person Hybrid)
Monday, April 25, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, April 25, 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. 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 Toya Smith, Councilor Mark Schocke, Councilor Roger Sheeman all participated in person.

Pursuant to HMC Section 2.05.130(A)(2), the Town Council considered and reviewed the agenda in an informal proceeding in the plenary meeting room before the president called the meeting to order.

The Town Council President Bernie Zemen presided. The Town Clerk-Treasurer, Mark Herak, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen 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, Toya Smith, Mark J. Schocke, Thomas Black, Roger Sheeman and Clerk-Treasurer, Mark Herak were present. A quorum was attained.

Additional Officials Present: John Reed, Attorney with Abrahamson, Reed & Bilse; Mark Knesek, Public Works Director (remotely); John Banasiak, Metropolitan Police Commander; William R. Timmer, Jr., CFOD, Fire Chief; Edward Dabrowski, Director of Information Technology; and Kenneth J. Mika, Building Commissioner; were present. Kathy DeGuilio-Fox, Redevelopment Director was on vacation; Alex M. Brown, CPRP, Superintendent of Parks and Recreation was welcoming his 1st grandchild born on Easter Sunday.

Also present: Larry Kondrat of the Board of Waterworks Directors.

Guests: Theresa Badovich (remotely) and Robin Carlascio (remotely) of the Idea Factory were also present.

Minutes of the Previous Meetings: The minutes of the April 11, 2022 meeting will be considered at the May 9th, meeting.

Special Orders: Town Council President Bernie Zemen read A Proclamation in Honor and Recognition of Rosemary Yuhasz on the occasion of her 100th Birthday on Wednesday, April 27, 2022.

Comments from the Public or Visitors:

1. Larry Kondrat, Highland, asked if the Council was finally done screwing around with the band situation for the 4th of July Festivities. We charged Mr. Herak, when he was a Councilman, to put this all together and now we want to play games when Mr. Herak was moved to the Clerk-Treasurer's Office and now we act as if we know nothing about bands. We had a fellow in here who was willing to do the contract but he turned into a giant whiner and he stormed out of here. He refused to contact Mr. Herak. Take the vote and be done with it. President Zemen responded that hopefully that happens tonight.

Mr. Kondrat also questioned the mums. The mums, really. We have a contract here to sign and we want to fiddle around with mums. You are going to sign a contract, then amend the contract to add \$3,000, which is approximately 10% of the contract to add mums. Mums are an interesting flower. The flower of the embezzlers. You had a fellow who was selling mums for Pop Warner football, he absconded with the funds. Suddenly the mums become the most important plant on the planet to one of our Councilman. Let's go ahead and doing the planting and leave the mums out of it. It leaves a bad taste in a lot of people's mouths. He got away with \$12,000. Leave the mums alone. We had some environmentalist who were willing to plant some ragweed or natural flowers. The Town Attorney advised Mr. Kondrat that his two (2) minutes were up.

General Orders and Unfinished Business:

1. **Works Board Order No. 2022-08:** An Order of the Works Board Accepting the proposal of Dean's Lawn & Landscaping for Downtown Highland Landscape Services for the year 2022. (The Town Council delayed on this matter for future consideration at its meetings of March 14, 2022 and April 11, 2022).

Councilor Black moved the passage and adoption of Works Board No. 2022-08. Councilor Sheeman seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstain. With Councilors Zemen, Schocke, Black and Sheeman voting in the affirmative and Councilor Smith abstain. The motion passed. The order was adopted.

ON ABSTAINING, COUNCILOR SMITH INDICATED THAT THE SUCCESSFUL BIDDER FOR TOWN WAS THE SAME AS USED IN HER CONDOMINIUM COMPLEX AND SHE WAS PART OF THE SELECTION PROCESS FOR HER CONDOMINIUM COMPLEX. SHE ELECTED TO DISCLOSE THIS AND IN THE INTEREST OF AVOIDING ANY APPEARANCE OF CONFLICT OR IMPROPRIETY, DETERMINED TO ABSTAIN FROM VOTING.

**Town of Highland
BOARD OF WORKS
ORDER OF THE WORKS NO. 2022-08**

**AN ORDER OF THE WORKS BOARD ACCEPTING A PROPOSAL FROM DEAN'S LAWN
& LANDSCAPING FOR DOWNTOWN HIGHLAND LANDSCAPE SERVICES FOR THE
YEAR 2022 AS THE LOWEST RESPONSIVE AND RESPONSIBLE QUOTE**

Whereas, the Town Council, as the Board of Works of the municipality, has deemed it necessary to solicit proposals for landscape services in Downtown Highland and at three (3) Welcome to Highland sign planters; and

Whereas, the Town Council, pursuant to §3.05.030(A)(1)(a) of the HMC, serves as purchasing agency for the Public Works Department; and

Whereas, the purchase price exceeds \$15,000.00 and pursuant to §3.05.040(C) of the HMC requires the express approval of the purchasing agency; and

Whereas, the Public Works Director, pursuant to § 3.05.050(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, The Purchasing Agent, pursuant to §3.05.060(G) of the HMC, expected that the purchase, in aggregate, to be less than \$50,000 and invited quotes in accordance with Section §3.05.060(G) of the HMC; and

WHEREAS, THE FOLLOWING QUOTES WERE RECEIVED:

<u>Bidder</u>	<u>Proposal</u>
C & T Lawn & Landscape	\$41,666.00
Angotti Landscaping	\$41,096.00
Dean's Lawn & Landscaping	\$34,390.00
Allen Landscape in Highland, LLC.	NR
Choice Landscaping, LLC.	NR
Matt's Lawn Care & Landscaping	NR

Whereas, the Public Works Director has reviewed the quotes and made recommendation for award on the various classes of work based on being the lowest responsive and responsible quote.

Now, Therefore, Be it Ordered, by the Town Council of Highland, Indiana that:

1. THAT THE QUOTE FOR DOWNTOWN HIGHLAND LANDSCAPE SERVICES FOR THE YEAR 2022 FROM DEAN'S LAWN & LANDSCAPING, INC., 238 KENNEDY AVE., SCHERERVILLE, INDIANA, 46375 BE ACCEPTED AS THE LOWEST RESPONSIVE AND RESPONSIBLE QUOTE AS FOLLOWS:

<u>Task</u>	<u>Freq./Unit</u>	<u>Per</u>	<u>Each</u>
<u>Total</u>			
Spring Clean-up	1	\$2,850.00	\$2,850.00
Hardwood Mulch	1	\$5,300.00	\$5,300.00
PLANT ANNUAL FLOWERS (PER FLAT)	60	\$ 33.50	\$2,010.00
SUMMER TRIMMING	1	\$3,450.00	\$3,450.00
FALL TRIMMING	1	\$1,900.00	\$1,900.00
FALL CLEAN-UP	1	\$2,850.00	\$2,850.00
WEEDING	12	\$1,040.00	\$12,480.00
BLOW SIDEWALKS	6	\$ 450.00	\$2,700.00
MULCH AND SOIL REMOVAL, PER SQ FT	1,000	\$ 0.85	\$ 850.00

2. THE PUBLIC WORKS DIRECTOR IS HEREBY AUTHORIZED TO EXECUTE AGREEMENTS AND ALL DOCUMENTS NECESSARY TO IMPLEMENT THE WORK.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25th day of April, 2022 having passed by a vote of 4 in favor, no negatives and 1 abstain.

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

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

Attest:

 Mark Herak, Clerk Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. ACTION TO APPROVE APPOINTMENT OR EMPLOYMENT OF FULL-TIME EMPLOYEE, PURSUANT TO SECTION §3.03 OF THE COMPENSATION AND BENEFITS ORDINANCE. TIM GEMBALA, PUBLIC WORKS OPERATIONS DIRECTOR RECOMMENDS THE FOLLOWING:

The hiring of Steven Hood, to the full-time position of Pump Station Operator in Public Works (Agency) at a rate of pay of \$21.15. This will not increase the full-time workforce greater than the authorized work force strength.

Councilor Schocke moved, Councilor Sheeman seconded the appointment and hiring of Steven Hood, to the full-time position of Pump Station Operator in the Public Works Department (Agency) at a rate of pay of \$21.15 per hour. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hiring was authorized and approved.

3. **Meeting Cancellation:** The Study Session of May 2, 2022 owing to accommodate the set up and use of the Plenary Meeting Room as a polling place for the Primary Election to be held the next day, Pursuant to HMC Section 2.05.130(D). Council President Bernie Zemen cancelled the May 2nd study session.

4. **Works Board Order No. 2022-09:** An Order of the Works Board Approving and Accepting Change Order No.1 to the Service Agreement between the Highland Board of Works and Dean's Lawn and Landscaping in the amount Three Thousand and Forty-Eight Dollars (\$3,048) for Downtown Highland Landscape Services for the year 2022.

Councilor Sheeman moved the passage and adoption of Works Board No. 2022-09. President Zemen stepped down and gave the gavel to Vice President Black and seconded Councilor Sheeman's motion.

WITH LEAVE FROM THE TOWN COUNCIL, THERE WAS DISCUSSION PRIOR TO A VOTE BETWEEN COUNCILORS SCHOCKE AND SHEEMAN ON THE PENDING MOTION, REGARDING THE NEED FOR MUMS IN THE DOWNTOWN DISTRICT AND HOW LONG DO THE MUMS LAST. PUBLIC WORKS DIRECTOR ANSWERED THE QUESTIONS.

Upon a roll call vote, there were three affirmatives, 1 negative and 1 abstain. With Councilors Zemen, Sheeman and Schocke voting in the affirmative, Councilor Black voting in the negative and Councilor Smith abstain. The motion passed. The order was adopted.

ON ABSTAINING, COUNCILOR SMITH INDICATED THAT THE SUCCESSFUL BIDDER FOR TOWN WAS THE SAME AS USED IN HER CONDOMINIUM COMPLEX AND SHE WAS PART OF THE SELECTION PROCESS FOR HER CONDOMINIUM COMPLEX. SHE ELECTED TO DISCLOSE THIS AND IN THE INTEREST OF AVOIDING ANY APPEARANCE OF CONFLICT OR IMPROPRIETY, DETERMINED TO ABSTAIN FROM VOTING.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2022-09**

**AN ORDER OF THE WORKS BOARD APPROVING AND AUTHORIZING
CHANGE ORDER NO. 1 TO THE SERVICE AGREEMENT BETWEEN THE
HIGHLAND BOARD OF WORKS AND DEAN'S LAWN & LANDSCAPING FOR
DOWNTOWN HIGHLAND LANDSCAPE SERVICES FOR THE YEAR 2022**

Whereas, the Town Council, as the Board of Works of the municipality, has deemed it necessary to solicit proposals for landscape services in Downtown Highland and at three (3) Welcome to Highland sign planters; and

Whereas, On April 25, 2022, Town Council through its Board of Works, adopted Order of the Works Board 2022-08, awarding a service agreement (Agreement) to Dean's Lawn & Landscaping, Inc. in the total amount of Thirty-four Thousand Three Hundred Ninety Dollars and 00/100 (\$34,390.00), as the lowest responsive and responsible bid; and

Whereas, the Works Board has expressed interest in changing or altering the original specifications of the service agreement to include planting 154 fall mums in seven downtown planters (22 mums per bed); and

Whereas, Dean's Lawn & Landscaping, Inc. has provided a proposal to plant mums in the planters as an additional service to the Agreement in the amount of Three Thousand Forty-eight Dollars and 00/100 (\$3,048.00); and

Whereas, The Town of Highland, through its Board of Works, now desires to approve and authorize the Change Order as described.

Now, Therefore, Be it Ordered by the Town Council of Highland, Indiana that:

1. That the First Addendum to the Agreement with Dean's Lawn & Landscaping, Inc. for the Downtown Highland Landscape Services for the Year 2022 is determined to be directly related to the original agreement and is hereby approved, adopted, and ratified in each and every respect.
2. That this addendum is hereby ordered to be known as Change Order No. 1, issued to increase the original agreement in the amount of Three Thousand Forty-eight Dollars and 00/100 Cents (\$3,048.00), bringing the total value of the entire agreement with any and all change orders approved to date to Thirty-seven Thousand, Four Hundred Thirty-eight Dollars and 00/100 (\$37,438.001).
3. That the total of all change orders issued that increases the scope of this Agreement may not exceed twenty percent (20%) of the amount of the original agreement, that amount being Forty-one Thousand Two Hundred Sixty-eight Dollars and 00/100 (\$41,268.00), pursuant to IC 36-1-12-18(d).
4. That the Public Works Director is hereby authorized to execute the necessary documents with his signature.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25th day of April, 2022 having passed by a vote of 3 in favor, 1 negative, 1 abstain.

BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA

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

Attest:

Mark Herak, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2022-10:** An Order of the Works Board Authorizing the Town Council President to Execute any INDOT Agreements and all other Documents related thereto all Documents related to any INDOT programs binding the Town of Highland.

Councilor Black moved the passage and adoption of Works Board No. 2022-10. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2022-10**

**AN ORDER OF THE WORKS BOARD CONCERNING AUTHORIZATION FOR
EXECUTION OF INDOT AGREEMENTS AND GRANT PROGRAMS**

Whereas, Indiana Code Chapter 36-1-3 permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity; and

Whereas, the Town Council, acting as the Works Board of the Town of Highland, Indiana, is the legislative and executive body and is by law authorized to adopt ordinances and orders for the administration of legal and financial affairs; and

Whereas, the Indiana Department of Transportation has requested specific written authority for the execution of INDOT Agreements and Grant Programs when all members of the executive body do not sign.

Now, Therefore, Be it Ordered by the Town Council of Highland, Indiana, acting as the Works Board, that:

1. Authorization. The President of the Town Council is hereby authorized and confirmed to have the authority to execute any INDOT Agreements and all other documents related thereto and all documents related to any INDOT Grant Programs for and on behalf of and to bind the Town of Highland, Indiana.
2. Ratification. The Town Council, acting as the Works Board of the Town of Highland, Indiana, hereby ratifies all prior agreements and associated documents executed by the President of the Town Council for the Town of Highland, Indiana, prior to the effective date of this Works Board Order.

3. Effective Date. This Works Board Order is effective immediately upon its date of adoption.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 25th day of April, 2022 having passed by a vote of 5 in favor and 0 opposed.

WORKS BOARD OF THE TOWN OF
HIGHLAND, INDIANA

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

Attest:

Mark Herak, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2022-11:** An Order of the Works Board Accepting the Performance Agreements with: Ray Flores of Together; Brian Harris of Simply Elton; Jeffrey Gajewski of Dick Diamond and the Dusters; Jeremy Andrews of Eclipse Entertainment, LLC; Louis Rivas of Heavy; Rocso Calipaki of Head Houchos; Phil Angotti; Amber Anders and Leo Lopez of High Street; Chad Clifford of Crawpuppies; Alison Stage of Bad Alley Shadows; Mike Giordano of Crossthreads; Colin Peterson of Underground Prophets; Wieglos of Got Issues; Keith Uram of My Altered Angels; Dennis Pizzuro of Michelle Velez; Father Gregory of Father and Sons; Brian Wynn of Sounds Cool Live Audio, LLC; Adam Gawlikowski of Adam Gawlikowski & Friend; for Professional Entertainment and Stage Services for the Town of Highland Associated with the Independence Day Festivities and to comply with IC 22-5-1.7 et seq.

Councilor Black moved the passage and adoption of Works Board No. 2022-11. Councilor Smith seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2022-11

AN ORDER OF THE WORKS BOARD ACCEPTING THE PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH INDEPENDENCE DAY FESTIVITIES, AND TO COMPLY WITH THE PROVISIONS OF IC 22-5-1.7 ET SEQ.

WHEREAS, THE TOWN OF HIGHLAND, AS PART OF ITS EXERCISE OF PUBLIC POWERS RELATED TO CULTURE AND RECREATION, GENERALLY CONFERRED IN IC 36-10-2, ANNUALLY MARKS THE ANNIVERSARY OF THE NATION'S DECLARATION OF INDEPENDENCE WITH APPROPRIATE FESTIVALS INCLUDING LIVE MUSICAL PERFORMANCE AS ENTERTAINMENT;

WHEREAS, THE COMMUNITY EVENTS COMMISSION HAS RECEIVED PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND TO BE CONDUCTED DURING THE 2022 INDEPENDENCE DAY FESTIVAL;

WHEREAS, THE COMMUNITY EVENTS COMMISSION FAVORABLY RECOMMENDS TO THE PURCHASING AGENCY, THE APPROVAL OF THE PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT AND STAGE SERVICES FOR THE TOWN OF HIGHLAND TO BE CONDUCTED DURING THE 2022 INDEPENDENCE DAY FESTIVAL;

WHEREAS, THESE PROFESSIONAL SERVICES OWING TO THEIR UNIQUE REQUIREMENTS AND CHARACTER, AS A SERVICE, MAY BE PURCHASED IN A MANNER THAT IS DETERMINED TO BE REASONABLE, PURSUANT TO SECTION 3.05.090 OF THE HMC AND IC 5-22-6;

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

Whereas, The aggregate fees for Professional Entertainment and Stage Services for the five (5) days of The Town of Highland's 2022 Independence Day Festival exceeds \$15,000.00, pursuant to Section 3.05.040 (C) and Section 3.05.050(B)(3) of the HMC requires the express approval of the purchasing agency; and

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

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

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

Section 1. That the Performance Agreements for professional entertainment and stage services as set forth in the agreements, for all of the days of the event, for: Ray Flores of Together; Brian Harris of Simply Elton; Jeffrey Gajewski of Dick Diamond and the Dusters; Jeremy Andrews of Eclipse Entertainment, LLC; Louis Rivas of Heavy; Rocso Calipaki of Head Honchos; Phil Angotti; Amber Anders and Leo Lopez of High Street; Chad Clifford of Crawpuppies; Alison Stage of Bad Alley Shadows; Mike Giordano of Crossthreads; Colin Peterson of Underground Prophets; Wieglos of Got Issues; Keith Uram of My Altered Angels; Dennis Pizzuro of Michelle Velez; Father Gregory of Father and Sons; Brian Wynn of Sounds Cool Live Audio, LLC; Adam Gawlikowski of Adam Gawlikowski & Friend; is hereby accepted, approved and adopted;

Section 2. 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 3. That the Clerk-Treasurer is hereby authorized to issue and to execute all documents necessary to implement the purchase of services thereof;

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 25th day of April 2022 having passed by a vote of 5 in favor and 0 opposed.

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

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

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

New Business:

- 1. Proposed Ordinance No. 1766:** An Ordinance to Amend Chapter 2.50 of the Highland Municipal Code Regarding the Public Records Management Fee Schedule – Document Reproduction Certification – pursuant to I.C. 36-1-15 and IC 5-14-3 et sequitur.

Councilor Black introduced and moved the consideration of Ordinance No. 1766 at the same meeting of introduction. Councilor Schocke seconded. Upon a roll call vote, a unanimous vote being necessary to consider the Ordinance on the same night of introduction, there were five (5) affirmatives and no negatives. The motion passed. The Ordinance could be considered at the same meeting of its introduction.

Councilor Sheeman moved the passage and adoption of Ordinance 1766 at the same meeting of its introduction. Councilor Schocke seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmative votes and no negatives. The motion passed. The Ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1766
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND CHAPTER 2.50 OF THE HIGHLAND MUNICIPAL CODE REGARDING THE PUBLIC RECORDS MANAGEMENT, FEE SCHEDULE – DOCUMENT REPRODUCTION CERTIFICATION, PURSUANT TO I.C. 36-1-5 AND I.C. 5-14-3 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, IC 5-14-3 specifically provides the policy for records access for all public agencies in Indiana;

WHEREAS, The Town Council has previously adopted the provisions of IC 5-14-3, codified as Chapter 2.50 in the Highland Municipal Code;

WHEREAS, The Highland Town Council has determined that the amendment of the Highland Municipal Code regarding its provisions dealing with records management, and in order to modify its existing **FEES SCHEDULE – DOCUMENT**

REPRODUCTION- CERTIFICATION, and to update existing provisions consistent with current law to be an exercise of local authority consistent with the provisions of IC 5-14-3 and IC 36-1-3 is necessary and desirable in the conduct of its affairs;

WHEREAS, The Highland Town Council, as the town legislative body, has been advised that is desirable to further modify the existing **FEES SCHEDULE – DOCUMENT REPRODUCTION – CERTIFICATION** of the Highland Municipal Code, Chapter 2.50.100 regarding its adopted changes of Ordinance 1863 to the Public Records Management Chapter would further perfect the municipal code by selectively adopting a new fee schedule; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify the **FEES SCHEDULE – DOCUMENT REPRODUCTION- CERTIFICATION** and fix such schedule based upon the needs of the Police Department, as is necessary and desirable to amend Chapter 2.50 in order to further improve and perfect the Code; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, has been advised, that information owned by a public agency or entrusted to it may charge a fee or fees uniform to all purchasers; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, has determined that the new fee schedule does not exceed the sum of the agency's direct cost of supplying a duplicate of a computer disc or other storage medium containing a law enforcement recording and the fees to provide such information in that form will be applied uniformly to all purchasers; and

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

- 1. That Subdivision (J) of Chapter 2.50.100 of the Highland Municipal Code is hereby repealed and shall be replaced by successor subdivision, which shall be identified and read as follows:**

2.50.100 Fees schedule – Document reproduction – Certification.

(J) Notwithstanding any other provision of this chapter, when providing a duplicate of a computer tape, computer disc, microfilm, law enforcement audio recording, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee or fees, uniform to all purchasers, that does not exceed the sum of the agency's direct cost of supplying the information in that form, provided that fee is approved in this

chapter. The following fees are hereby authorized and approved to be collected pursuant to this section:

1. *Combined Media Fees, and electronic law enforcement video documents fee.*
For Law enforcement video recordings captured by an in-car camera, body camera, departmental lobby camera, departmental exterior camera, departmental interior camera or captured by a departmental booking camera will be provided for the sum of the recording base fee. Each individual incident recording will be charged as its own recording base fee.

Recording Base Fee:	\$125.00
(includes the fee of the recording and the media device to which the recording will be downloaded and stored).	

Section 7. Whereas an emergency exists, and, therefore, this ordinance shall become and be in full force and effect from and after the adoption, passage and publication in the manner prescribed by law, until its subsequent amendment or repeal by proper ordinance, *provided, any increase in fees described herein shall not go into effect until at least ninety (90) days following their publication pursuant to IC 5-3-1, as set forth in IC 36-5-2-10(d),* and not sooner than provided in the amended schedules.

Introduced and Filed on the 25th day of April 2022. Consideration on First Reading was not considered pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 25th day of April 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**

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

ATTEST:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Comments from the Town Council:

(Good of the order)

- **Councilor Toya Smith:** • *Advisory Board of Zoning Appeals Liaison* • *and Board of Sanitary Commissioners liaison.*

Councilor Smith acknowledged the Building Commissioner, Ken Mika who commented on the upcoming BZA meeting which Wednesday, April 27, 2022. Mr. Mika advised that there are two (2) items on the agenda. One item dealing with a set back of a fence and the other a sign variance for the former Dick's Sporting Good location.

Councilor Smith acknowledged the Public Works Director, Mark Knesek who commented that the recently signed Consent Decree is in the thirty (30) day remonstrance period, which is a mandatory requirement of the Government before it becomes law.

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

Councilor Schocke offered congratulation to the Park Superintendent and his wife on the birth of their first grandchild. Alex Brown was absent from the meeting as they were meeting their new grandson for the first time. His grandson, an Easter baby, arrived one week early and has been in the hospital since his birth. Councilor Schocke offered his condolences to Park Director Trevor Kinley on the loss of his mother. He commented that Park Pride Day was a huge success with over 140 volunteers cleaning and sprucing up the parks. He acknowledged that Clerk-Treasurer helped cook the hot dogs and hamburgers for the participants. There is a large softball tournament taking place this Saturday at Sharp Athletic Complex this weekend April 30th. Soccer began this weekend. The CEC is finalizing plans for the May 30th, Memorial Day Ceremony.

- **Councilor Tom Black:** *Liaison to the Board of Waterworks Directors* • *Redevelopment Commission Liaison.*

Councilor Black read the menu for Tuesdays restaurant crawl: Dan Pierogies – Ole Smoky Loaded Pierogy; Growlers – Bufalo Chicken Eggrolls; Langel’s – Cincinnati Chili; Jose’s – Penne Vodka w/breaded Chicken Breast; Sip – Fortune Cookie Latte; Sakura Bowl – Red Dragon Roll; The Green Witch – Fusilli w/onions, tomato, artichoke Basil; Fuzzyline Brewing – Meatball Bahn; Traditions – French Dip w/au jus & chips. He asked Commander Banasiak if there was anything with Traffic Safety. Commander Banasiak reported that there was nothing new to report.

Councilor Black asked Building Commissioner Mika about trees being taken down at Wirth and Grace and also off of Franklin.

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

Councilor Sheeman acknowledged Commander Banasiak who advised that the Police Commission had a special meeting last Thursday to interview three (3) candidates with prior police experience. They are meeting this Thursday to interview seven (7) additional candidates who do not have any prior police experience. They will then put together an eligibility list. Commander Banasiak said this was the lowest number of applicants they have ever had. Commander Banasiak referenced the upcoming FOP Police Memorial to honor those officers killed in the line of duty, Officer Don Shepard and Officer Robert Markley. They also recognize those members of the FOP who have passed away. It is being held on May 7, 2022, at 9:00 in the morning, at Markley Park. Prior to the Memorial, the Police Commission will inspect the officers. Commander Banasiak encourage all to attend the Memorial.

Councilor Sheeman acknowledged the Fire Chief who said the Fire Department is moving on and the new secretary is working out great. He said he is working with NIRPC on a 90/10 grant to update the Opticom System. The process is in the early infancy stages. Chief Timmer explained how the Opticom System works. He said the new door are up at Central and what a world of difference it makes. Because the doors are clear, they are talking to the manufacturer of the doors if a device exists that the operator of the rigs will know when the doors are in the closed position, so no one drives through them.

Councilor Sheeman acknowledged Ed Dabrowski, the IT Director, who commented that all of the Town Council and Department heads have taken the test and he is now going to start to roll it out to the employees starting with the Police Department.

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

Councilor Zemen acknowledged the Building Commissioner Ken Mika and asked about the upcoming Plan Commission. Mr. Mika advised that there were three (3) items on the agenda: The owner of an existing PUD is coming before the Commission with a major change overhauling the previous plan which is roughly twenty (20) years old.

The proposed car wash on Indianapolis is coming before the Commission to present their overall development plan. A developer is going to present their conceptual plans for the Ultra Plaza. Mr. Zemen expressed his condolences to the family of Laura Corpus, long time Sanitary Board Member who passed away unexpectedly. Mr. Zemen announced that is Friday, at 10, at Main Square is the annual Arbor Day Ceremony.

Comments from Visitors or Residents:

There were no comments from the public.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Schocke moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **March 30, 2022 through April 12, 2022.** Councilor Black seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$339,466.66; Motor Vehicle Highway and Street (MVH) Fund, \$31,127.08; Insurance Premium, \$771.47; LR&S, \$4,883.00; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,707.07; Information and Communications Technology Fund, \$11,348.42; Special Events, \$338.59; Police Pension, \$68,964.76; Traffic Violations and Law Enforcement Agency Fund, \$500.00; General Improvement, \$25.00; Total: \$459,132.05.

Adjournment of Plenary Meeting. There being no further items of business on the agenda, Councilor Schocke moved that the meeting be adjourned. Councilor Smith seconded. Upon a roll call vote, there were five (5) affirmatives and no negatives. The motion passed. The Plenary meeting of the Highland Town Council of Monday, April 25, 2022 was adjourned at 7:30 p.m.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of May 9, 2022.