

**Enrolled Minutes of the Seventieth-Sixth Regular Meeting or Special Meeting
For the Twenty-Ninth Highland Town Council
Regular Plenary Business Meeting (Electronic/In person Hybrid)
Monday, September 26, 2022**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary session on Monday, September 26, 2022 at 7:00 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 Zemen, Councilor Toya Smith, Councilor Schocke, Councilor Tom Black, 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 & Bilsse, Alex Brown, CPRP, Superintendent of Parks and Recreation, were remote; Mark Knesek, Public Works Director; Pete Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Edward Dabrowski, Director of Information Technology; Kenneth J. Mika, Building Commissioner and Maria Becerra, Redevelopment Director were present.

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

Minutes of the Previous Meetings: The minutes of the September 12, 2022 Plenary meeting and September 19, 2022 Special Plenary meeting were approved by general consent.

Special Orders:

1. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for property located at 8333-8357 Indianapolis Blvd., **Highland**, to allow the petitioner the use of the location for an Autobody Collision Repair Center. The property is located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district, in which Autobody Collision Centers are not a listed, permitted use. The petitioner, RPS Capital Investments, LLC was represented by Attorney Jared Tauber.. *(The petition supports the variance)*

The Advisory Board of Zoning Appeals met in regular session on Wednesday, July 27, 2022. As part of their agenda, by a vote of four (4) in favor and none (0) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council for the petitioner's use variance. The findings of fact were memorialized and approved by the board in written form at its meeting of 24 August 2022. *(90 days ends 22 November 2022).*

Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance and approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes its recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment. Jared Tauber began by introducing himself to the Council and advising that he represents RPS Capital Investments. They're a real estate investment firm, who handles properties all over the country and most recently took over an area where the Antique Mall is located. The Mall is pretty much rented but there is one building that it sits on the east side of that property that is completely vacant. It's a seventeen thousand square foot parcel and owned by DLC Management. There hasn't been much action on this building and my clients have that property under contract as they have a national tenant wanting to locate there. But in order to make that happen, they need a variance and went before the BZA back in July. They received a 4-0 favorable recommendation from the BZA which was forwarded to the Council to approve. What I did was put together a little presentation which was forwarded to you by the Clerk-Treasurer. Caliber Collision is a high-class establishment, with 1,400 service centers nationwide and about \$4B in revenue. I know there was some concern about the location, as it is located on US41. I provided an aerial of the property and as you can see, the building is pretty far from Indianapolis Boulevard. The visibility of the building is actually blocked by the outlet buildings, one which is to become a coffee shop. You will also note there is ample space behind the building to park vehicles and all work will be performed inside the building. My clients apologize that they could not be here today but their flights out of Florida were cancelled because of the hurricane. They do not look like your typical autobody shop but more like retail space. All the vehicles that are waiting to be worked on would be in the back and it will be enclosed by a fence. Looking at the aerial once again, it shows railroad tracks behind the building, more of an industrial park setting and a little bit to the southeast a storage facility. This project will not affect any of the neighbors. If the project is approved, my clients plan on closing on the property, as soon as possible and are planning on investing \$2M into the building. Lastly, one of the things we did was work out with the ABZA a covenant on the property. If you are gracious enough to grant us the Use Variance, the Use Variance runs with this particular business and if they ever decide to close or leave, any new car repair facility would have to come before the ABZA again.

The Clerk-Treasurer advised that the Council can either accept the recommendation from the ABZA or deny the recommendation from the ABZA. If the Council doesn't act by November 22, 2022, the ninety-day window will expire and the recommendation of the ABZA stands.

Councilor Schocke asked Mr. Mika if there were any remonstrators at the hearing and if he was satisfied that all the requirements had been met. Mr. Mika responded that there were no remonstrators and all of the requirements had been met.

(B) Action on the Recommendation. Councilor Sheeman moved to accept the recommendation of the Advisory Board of Zoning Appeals and grant the use variance. Councilor Schocke seconded.

Motion to Amend. Prior to the roll call vote, Councilor Sheeman made a motion to amend his original motion to include the restrictive covenant, as prepared by the petitioner attorney and reviewed by the Town's attorney, that runs with the business. Councilor Schocke seconded. Upon a roll call vote on the amended motion, there were five affirmatives and no negative. The amendment passed.

The original motion was then considered with the amendment. Councilor Sheeman restated his motion to accept the recommendation of the Advisory Board of Zoning Appeals and grant the use variance inclusive of the restrictive covenant. Upon a roll call vote, there were three affirmatives and two negatives, with Councilors Sheeman, Schocke and Zemen voting in the affirmative and Councilors Smith and Black voting in the negative. The motion passed. The Use Variance was granted.

HIGHLAND TOWN COUNCIL
RESTRICTIVE COVENANT

In consideration for the granting of a use variance by the Town of Highland, the Petitioner, RPS Capital Investments, LLC, does enter into this Restrictive Covenant. The undersigned, its heirs, successors, and assigns hereby covenants, promises, and agrees that it shall not allow the real estate commonly known as 8333-8357 Indianapolis Boulevard, Highland, IN 46322 (the "Property") to be used as a body collision repair center unless the business is operating as a "Caliber Collision" center which is a nationally recognized brand in the automotive services business. If at any time Caliber Collision no longer operates its business on the Property, the undersigned agrees that any further use of the Property as a body collision repair center must be approved by the Town of Highland through a separate use variance application.

The Property is legally described as follow:

THAT PART OF THE EAST 12 CHAINS OF THE WEST 16 CHAINS OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER LYING SOUTHWEST OF THE WESTERLY RIGHT OF WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD COMPANY, IN SECTION 21, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2ND P.M., IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTOIN, 1056 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTH 89 DEGREES 01 MINUTES, 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER. 526.0 FEET, TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER WHICH IS 530.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 196.34 FEET; THENCE NORTH 53 DEGREES 10 MINUTES 00 SECONDS EAST, TO THE WESTERLY RIGHT OF WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD COMPANY, 310.90 FEET, THENCE SOUTH 36 DEGREES 49 MINUTES 00 SECONDS EAST, ALONG THE WESTLY RIGHT OF WAY LINE OF THE CHESAPEAKE AND OHIO RAILROAD COMPANY, 462.38 FEET TO A POINT 1056 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 21.51 FEET, TO THE POINT OF THE BEGINNING

Commonly known as 8333-8357 Indianapolis Boulevard, Highland, IN 46322.

WITNESSETH his hand this ____ day of October, 2022.

RPS Capital Investments, LLC, an Indiana
limited liability company

By: _____

Scott Phillips, Member

SWORN TO BEFORE ME and subscribed in my presence this ____ day of _____, 2022.

Notary Public, State of Indiana
My Commission Expires

2. **Advisory Board of Zoning Appeals Docket:** Petition for a **Use Variance** for properties located at 9227 Indianapolis Blvd., **Highland** and 9224-9292 Spring Street, to allow the petitioner the use of the locations for an Offsite New Car Parking Lot. The property is located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district, in which Offsite Park Lots are not a listed, permitted use. The petitioner, Garber Chevrolet was represented by Attorney Jared Tauber.. *(The petition supports the variance)*

The Advisory Board of Zoning Appeals met in regular session on Wednesday, July 27, 2022. As part of their agenda, by a vote of four (4) in favor and none (0) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council for the petitioner's use variance. The findings of fact were memorialized and approved by the board in written form at its meeting of 24 August 2022. *(90 days ends 22 November 2022).*

Pursuant to IC 36-7-4-918.6, the Town Council may act to GRANT the requested use variance or approve the use variance or it may REJECT the requested use variance and DENY the use variance. If not acted upon by the Town Council within 90 days after the ABZA makes its recommendation, the action of the Advisory Board of Zoning Appeals stands.

(A) Opportunity for Comment. Jared Tauber began by stating the property in question is abutted on one side by Indianapolis Boulevard and located in a B-3/General Business District/Indianapolis Boulevard Zoning overlay district. The rear properties are in a residential district. I believe there are plans for two single-family homes with the front portion being the parking lot. The property is somewhat limited in reference to what could be built due to the fact it is located in a floodplain and has floodway issues. Literally, no structures can ever be there. In fact, there are culverts that run under the ground which the Spring Ditch passes through. We were at the same ABZA Meeting as the 1st petitioner. There were many residents in attendance from Spring Street and we had a very good conversation with them. They all seemed satisfied with our explanation of what we were proposing. One of the things we offered to do was with the lots facing Spring Street, that plans exist for residential homes, that when it came to build, we would build single family homes and not multi-family. The residents were very appreciative. Whereas, the plans are finalized as we still have to go before the Plan Commission we said we would keep the lighting or bleed from the lighting away from the homes as best we could. I have attached similar sort of use variances for other car dealerships that the Council has passed. One was the Web Hyundai Dealership and I know there were some issues with the neighbors as it was too close to the neighborhood in the Meadows. Our petitioner's property is roughly 130 feet away from the neighbor's property lines and whereas the Webb dealership was only like thirty feet away, or something like that. I distributed to the Clerk-Treasurer the same presentation I passed out at the ABZA Meeting. As you will note, this is not going to look like a parking lot. There's going to be trees planted in front and fencing in the back that would face the Spring Street residences.

And were going to have a lot of vegetation. As we mentioned earlier in our presentation, there's nothing can be built upon it as the spring street ditch runs underneath.

Councilor Black asked where were the cars going to be unloaded as he didn't want a repeat of the Webb Hyundai where the cars are unload on a side street in the neighborhood.

Attorney Tauber said the cars (which will be new cars) will be loaded in the front, off of Indianapolis Boulevard. The cars will be physically unloaded at their Chevy dealership on the boulevard and driven to this site.

Councilor Schocke said he realized that the petitioner still needs approval from the Plan Commission but he wanted to know about their drainage plan as when he thinks a parking lot, it is a lot of asphalt and where is the water going to go.

Attorney Tauber said there will be retention ponds for both of these properties. We know that the resident to the right said their back-yard floods

(B) Action on the Recommendation. Councilor Sheeman moved to accept the recommendation of the Advisory Board of Zoning Appeals and grant the use variance. Councilor Schocke seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Use Variance was granted.

Comments from the Public or Visitors:

Larry Kondrat, Highland, asked about Appropriation Enactment 2022-19 and Appropriation Enactment 2022-20 and the purpose of moving the \$11,646 from the Water Debt Fund? Asked to explain by the Council President, the Clerk-Treasurer explained that at one of our earlier meetings, Parker Criswell from the Reedy Group was presenting to the Council on circuit breakers and when asked why the discrepancy between their forecast and the actual, Parker explained that we are required to submit our budgets so early to the State that not all of the data is finalized. The Clerk-Treasurer explained the same thing happened in last year's budget when Clerk-Treasurer Griffin estimated the debt financing portion of the budget. When the actual numbers came in for the bonds, Mr. Griffin had overestimated the amount of debt payment the State was going to pay the Town. The State does not permit overpayment, so the Town is required to reduce the line item in the fund and then submit to the SBOA via the gateway portal. Larry then asked if by reducing the line items it then brings the debt payment owed by the Town in line with the amount of revenue from the State. The answer was in the affirmative. He then asked about the Park Bond, was it for the recent Park's 5-year capital plan. He was informed that it was from the refinancing of the Lincoln Center.

He then commented on the two ABZA variance just approved by Council. These matters were on the September 12, 2022 agenda. The petitioner's attorney, Jared Tauber asked for a continuation until the 26th meeting. It seems fundamentally unfair to the public to be advised that a meeting is on a certain date, via public notice and have the project continued to another date. How is the public notified of the new date? The public should be able to remonstrate for the project or against the project on line via zoom. The public needs to have a way to object.

Communications:

1. Fall Clean-up, Tuesday, October 11, 2022. Not included are construction debris, concrete, household hazardous waste, leaves.
2. Acknowledge the resignation of Laura Steyer as 25 September 2022 from the Tree Advisory Board. Councilor Zemen will become Liaison to the Tree Advisory Board.

Staff Reports: None

Appointments:

• **Home Rule Boards and Commissions**

1. **Tree Board:** (1) appointment to be made by the municipal executive, but requiring nomination from the Town Council. (Blane Roberts)
 - a. Nomination by the Town Council. (*The council would pass a motion to nominate.*)

Councilor Black moved to nominate Blane Roberts for the consideration of the Town Council President for appointment to the Tree Board. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Blane Roberts was nominated.

The Town Council President accepted the nomination of Blane Roberts

General Orders and Unfinished Business: none

New Business:

1. **Controlled Event Permit.** Action regarding permission to conduct a festival of the Main Street Bureau on a public way submitted by it, September 27, 2022.

When the applicant is the municipality, through its executive departments, its administrative bodies, or agencies, no formal application is required provided

that a request shall be filed in sufficient time to permit the town council to act in a regular or special meeting in advance of the event.

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

COUNCILOR BLACK MOVED TO APPROVE THE SPECIAL EVENT WITH ALCOHOL PERMIT (SEAP) FOR THE MAIN STREET'S RESTAURANT CRAWL TO BE HELD SEPTEMBER 27, 2022. THE STREET CLOSURE WILL BE HIGHWAY AVENUE. COUNCILOR SMITH SECONDED. UPON A ROLL CALL VOTE, THERE WERE FIVE (5) AFFIRMATIVES AND NO NEGATIVES. THE MOTION PASSED. THE SEAP PERMIT FOR THE PARK AND RECREATION BOARD WAS APPROVED.

2. **ENACTMENT NO. 2022-19: AN ENACTMENT REDUCING APPROPRIATIONS IN THE ANNUAL BUDGET FOR WATER WORKS DISTRICT DEBT SERVICE FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

Councilor Black introduced and moved for the consideration of Enactment No. 2022-19 at the same meeting of its introduction. Councilor Sheeman 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 Black moved for the passage adoption of Enactment No. 2022-19 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. Enactment No. 2022-19 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. 2022-19**

AN ENACTMENT REDUCING APPROPRIATIONS IN THE ANNUAL BUDGET FOR WATER WORKS DISTRICT DEBT SERVICE FUND, OF THE TOWN OF HIGHLAND PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the budget for the Water Works District Debt Service 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, however such reduction will return the resources dedicated to support such reduced appropriations to the cash on deposit to the credit to the Water Works District Debt Service Fund; and,

NOW, THEREFORE BE IT ENACTED by the Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. 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:

WATER WORK'S DISTRICT DEBT SERVICE FUND:

Reduce Account:

6102-0000-39011 Payment of Principals:	<u>\$11,646.00</u>
Total Reduction to 300 Series:	\$11,646.00

Total Reduction for the Fund: \$11,646.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and, *if possible*, that these reductions be used to reinforce the available financial support for the adopted and filed budget for FY 2022, pursuant to IC 6-1.1-17;

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th day of September 2022. Consent to consider this enactment 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 Passed and Adopted this 26th Day of September 2022, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

**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)

3. **ENACTMENT NO. 2022-20: AN ENACTMENT REDUCING APPROPRIATIONS IN THE ANNUAL BUDGET FOR PARKS AND RECREATION BOND (GENERAL) FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

Councilor Black introduced and moved for the consideration of Enactment No. 2022-20 at the same meeting of its introduction. Councilor Smith 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 Black moved for the passage adoption of Enactment No. 2022-20 at the same meeting of its introduction. Councilor Smith 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. 2022-20**

AN ENACTMENT REDUCING APPROPRIATIONS in the ANNUAL BUDGET for PARKS and RECREATION BOND (General) FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the budget for the Parks and Recreation Bond (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, however such reduction will return the resources dedicated to support such reduced appropriations to the cash on deposit to the credit of the Park and Recreation Bond (General) Fund; and,

NOW, THEREFORE BE IT ENACTED by the Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. 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:

PARK AND RECREATION BOND FUND:

Reduce Account 4418-0000-39011 Payment of Principal:	<u>\$128,904.00</u>
Total Reduction to 300 Series:	\$128,904.00
Total Reduction for the Fund:	<u>\$ 128,904.00</u>

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be depicted in the proper documentation accompanying the filing of the Year 2022 Budget, pursuant to IC 6-1.1-17.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th day of September 2022. Consent to consider this enactment 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 Passed and Adopted this 26th Day of September 2022, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

**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)

- 4. Works Board Order No. 2022-29:** An Order of the Works Board Approving and Authorizing the Restoration and Restoration Costs for Repairs and Equipment Procurement from Lindco Equipment Sales, Inc. for Public Works Vehicle No.20, a 2002 GMC C8500 Single -Axle Dump Truck in the Amount of \$61,822 as a Special Purchase pursuant to I.C. 5-22 and Chapter 3.05 of the Municipal Code.

Councilor Black moved the passage and adoption of Works Board Order No. 2022-29. Councilor Schocke seconded.

Discussion:

Councilor Sheeman asked the Public Works directed the rationale behind a stainless-steel bed. The truck is almost twenty-one years one. The steel bed lasted almost 20 year. A stainless-steel bed will probably last longer. You won't have the truck another 20 years. So why are you putting a stainless-steel bed.

Mr. Knesek responded that stainless-steel beds are the industry standard with all the salt it carries causing a steel bed to rust out.

Councilor Sheeman asked if the Public Works Director quoted a steel bed or what the cost would be.

Mr. Knesek responded that he hadn't sought quotes for a steel bed or could provide a cost nor did he know if they even made steel beds.

Councilor Sheeman then asked could the new bed be transferred to another truck.

Mr. Knesek said it could not be as the bed is pretty customized. He also added that besides not being able to buy a replacement truck and get delivery within the year, this is truck is pre-emissions testing and it doesn't have to go through all that emissions.

Councilor Sheeman wanted to know if the Public Works Director sought any bids from any other source than the one mentioned in the resolution.

Mr. Knesek responded no. He said he wasn't aware of any other company that manufactures such bed and they used this company that last time they retrofitted a bed and it worked out great.

The President asked if there were any other questions, hearing none, he called for the question.

Upon a roll call vote of the elected officials, there were five (5) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman, Black and Zemen voting in

the affirmative. The motion passed. Works Board Order No. 2022-29 was adopted.

**Town of Highland
Board of Works Order of the Works No. 2022-29
Board of Sanitary Commissioners Resolution No. 2022-08
Water Works Board Resolution No. 2022-13**

A JOINT ENACTING INSTRUMENT OF THE BOARD OF WORKS, THE SANITARY BOARD OF COMMISSIONERS AND THE WATER WORKS BOARD OF DIRECTORS AUTHORIZING AND APPROVING THE RESTORATION AND RESTORATION COSTS FOR REPAIRS AND EQUIPMENT PROCUREMENT FROM LINDCO EQUIPMENT SALES, INC. FOR PUBLIC WORKS VEHICLE NO. 20, A 2002 GMC C8500 SINGLE-AXLE DUMP TRUCK IN THE AMOUNT OF \$61,822.00, AS A SPECIAL PURCHASE ALL PURSUANT TO §3.05.065(F) OF THE HIGHLAND MUNICIPAL CODE AND I.C. 5-22-10-5

WHEREAS, THE DEPARTMENT OF PUBLIC WORKS (DEPARTMENT) HAS IN ITS FLEET A 2002 GMC C8500 SINGLE-AXLE DUMP TRUCK, WHICH IS USED TO CARRY OUT THE VARIOUS FUNCTIONS OF THE PUBLIC WORKS DEPARTMENT, INCLUDING HAULING AND DISPOSAL OF SOLID WASTE AND VARIOUS OTHER FUNCTIONS FOR THE WATER AND SEWER DIVISIONS; AND

WHEREAS, THE FLEET SUPERVISOR AND PUBLIC WORKS DIRECTOR HAD DETERMINED THAT THE CAB, CHASSIS AND DRIVE TRAIN WERE IN VERY GOOD CONDITION; HOWEVER, THE DUMP BODY AND INTEGRATED V-BOX SPREADER (EQUIPMENT) HAD REACHED ITS USEFUL LIFE; AND

WHEREAS, THE FLEET SUPERVISOR AND PUBLIC WORKS DIRECTOR HAVE DETERMINED A NEED TO REPLACE CERTAIN EQUIPMENT AND SUPPLIES AND HAVE FURTHER DETERMINED THE PURCHASE PRICE WILL BE BELOW \$150,000; AND

WHEREAS, THE FLEET SUPERVISOR AND PUBLIC WORKS DIRECTOR RECOMMEND TO PURCHASE THE EQUIPMENT FROM LINDCO EQUIPMENT SALES, INCORPORATED (LINDCO), PURSUANT TO §3.05.065 (F) BECAUSE OF THE COMPATIBILITY OF THE EQUIPMENT, ACCESSORIES, AND REPLACEMENT PARTS CONSISTENT WITH OTHER TRUCKS AND EQUIPMENT IN THE PUBLIC WORKS FLEET; AND

Whereas, the Public Works Director, pursuant to §3.05.050(D)(7) of the HMC, serves as the Purchasing Agent for the Department of Public Works; and

Whereas, §3.05.065(F) of the HMC provides that the purchasing agent may make a special purchase when: (1) the compatibility of equipment, accessories, or replacement parts is a substantial consideration in the purchase; and (2) only one source meets the using agency's reasonable requirements; and

WHEREAS, LINDCO PROVIDED A QUOTE FOR THE ONE (1) DUMP BODY AND ONE (1) V-BOX SPREADER, INCLUDING INSTALLATION AND OTHER ANCILLARY EQUIPMENT IN THE AMOUNT OF SIXTY-ONE THOUSAND EIGHT HUNDRED TWENTY-TWO DOLLARS AND NO CENTS (\$61,822.00); AND

Whereas, the Town Council, as Board of Works of the Town of Highland, pursuant to §3.05.030 of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, the Board of Sanitary Commissioners, pursuant to §3.05.030(E) of the HMC serves as purchasing agency for the Highland Sanitary District; and

Whereas, the Board of Waterworks Directors, pursuant to §3.05.030(D) of the HMC serves as purchasing agency for the Highland Water Works District; 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 agencies; and

Whereas, the purchase will be supported by the Solid Waste District Grant Fund, Sewer Operating Fund, and the Water Operating Fund and there are sufficient appropriations in order to support the purchase; and

Whereas, the Board of Works, the Sanitary Board of Commissioners, and the Water Works Board of Directors now desire to approve and authorize the Public Works Director to complete the purchase pursuant to the terms stated herein.

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

Section 1. That the proposal (attached hereto and made part of this Resolution) from Lindco Equipment Sales, Inc. in the amount of Sixty-one Thousand Eight Hundred Twenty-two dollars and no cents (\$61,822.00) for the Special Purchase of equipment necessary to restore Public Works Vehicle No. 20, a 2002 GMC C8500 Single-Axle Dump Truck, including one (1) dump body and one (1) V-Box spreader, including installation and other ancillary equipment, is hereby accepted;

Section 2. That the purchase shall be funded in equal shares (1/3) by the Highland Board of Works through the Solid Waste Fund, the Highland Sanitary Board of Commissioners through the Sewer Operating Fund, and the Highland Water Works Board of Directors through the Water Operating Fund,

Section 3. That the Public Works Director is hereby authorized to issue a purchase order to Lindco Equipment Sales, Incorporated and to execute all documents necessary to implement the purchase thereof.

Duly Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of September, 2022 having passed by a vote of _____ in favor and _____ opposed.

Bernie Zemen, President

Attest:

Mark Herak, Clerk Treasurer

Duly Passed and Ordered by the Sanitary Board of Commissioners of Highland, Indiana, Lake County, Indiana, this 26th day of September, 2022 having passed by a vote of _____ in favor and _____ opposed.

THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:

Richard Garcia, President

Attest:

David Jones, Secretary

Duly Passed and Ordered by the Board of Water Works Directors of Highland, Lake County, Indiana, this 22nd day of September, 2022. Having been passed by a vote of _____ in favor and _____ opposed.

THE WATER WORKS DISTRICT OF HIGHLAND
BY ITS BOARD OF DIRECTORS:

George A. Smith, President

Attest:

Richard E. Volbrecht, Jr., Secretary

- 5. Works Board Order No. 2022-30:** An Order of the Works Board Approving and Authorizing an Agreement between Nies Engineering, Incorporated and the Town of Highland to perform Professional Engineering Services for the 2022 Redistricting – Ward Map Update and Boundary Descriptions Project in the amount not-to-exceed \$6,900.

Councilor Schocke moved the passage and adoption of Works Board Order No. 2022-30 and authorizing the Town Council President to sign the agreement. Councilor Sheeman seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman, Black and Zemen voting in the affirmative. The motion passed. Works Board Order No. 2022-30 was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2022-30**

**AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN NIES
ENGINEERING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM
PROFESSIONAL ENGINEERING SERVICES FOR THE 2022 REDISTRICTING –
WARD MAP UPDATE AND BOUNDARY DESCRIPTIONS PROJECT IN THE
AMOUNT NOT-TO-EXCEED \$6,900**

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), being required by I.C. 3-5-10, to redraw the Election Districts per the 2020 decennial census and file such Ordinance with the Lake County Board of Elections and Registration no later than December 31, 2022; and,

Whereas, the Town Council has determined a need exists to outsource such project and has implemented the 2022 Redistricting – Ward Map Update and Boundary Descriptions Project; and at fees, listed in Table 1, attached hereto and made a part of this Order, compiled into one (1) project identified as the 2022 Redistricting – Ward Map Update and Boundary Descriptions Project (Project); and

Whereas, NIES Engineering, Inc. (Consultant) has offered and presented an agreement to provide and furnish professional engineering services for the 2022 Redistricting – Ward Map Update and Boundary Descriptions Project in consideration for fees to be charged and billed based upon a lump sum of the value of the services in the amount of not-to exceed Six Thousand Nine Hundred Dollars and no Cents (\$6,900.00); and

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

Whereas, Section 3.05.090 of the Highland Purchasing Code provides that the purchasing agency may purchase services in whatever manner the purchaser deems to be reasonable;

Whereas, Section 3.05.040 (C) of the Highland Purchasing Code prohibits the purchasing agent from executing any agreement which exceeds the purchasing value limits set forth in the Purchasing Code, which Section 3.05.050 (B)(3) fixes at over \$15,000; and,

Whereas, Section 3.05.030 (A)(1) identifies the Town Council (works board) as the proper purchasing agency for this professional services agreement;

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

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

Section 1. That the Professional Engineering Services for the 2022 Redistricting – Ward Map Update and Boundary Descriptions Project, between NIES Engineering, Inc. and the Town of Highland for the 2022 Redistricting – Ward Map Update and Boundary Descriptions Project, is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Engineering Services during Construction in the not-to-exceed fee amount of Six Thousand Nine Hundred Dollars and no Cents (\$6,900.00) is found to be reasonable and fair;

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

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

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 26th day of September, 2022 having passed by a vote of 5 in favor and 0 opposed.

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

Bernie Zemen, President

Attest:

Mark Herak, Clerk-Treasurer

Table 1
2022 NIES Engineering Personnel Hourly Rates

Classification	Hourly Rate	
	From	To
Intern	\$45.00	\$45.00
Clerical	\$51.00	\$60.00
Senior Clerical	\$60.00	\$70.00
Administrative Assistant	\$70.00	\$82.00
Senior Administrative Assistant	\$80.00	\$92.00
Technician Level 1	\$70.00	\$80.00
Technician Level 2	\$80.00	\$90.00
Technician Level 3	\$90.00	\$105.00
Technician Level 4	\$104.00	\$120.00
Technician Level 5	\$112.00	\$130.00
Technician Level 6	\$120.00	\$135.00
Engineer Level 1	\$90.00	\$105.00
Engineer Level 2	\$105.00	\$125.00
Engineer Level 3	\$125.00	\$125.00
Engineer Level 4	\$135.00	\$135.00
Engineer Level 5	\$150.00	\$150.00
Project Manager	\$135.00	\$135.00
Senior Project Manager	\$200.00	\$200.00
Principal Level 1	\$145.00	\$145.00
Principal Level 2	\$155.00	\$155.00
Senior Principal	\$205.00	\$205.00

6. **Works Board Order No. 2022-31:** An Order of the Works Board Accepting the Recommendation of Nies Engineering, Inc. to release retainage in the of \$30,000 to Rieth-Riley, Construction Company, Inc. for the 2021 CCMG Street Improvement Project, DES. #2100392.

Councilor Black moved the passage and adoption of Works Board Order No. 2022-31. Councilor Sheeman seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and 0 negatives, with Councilors Smith, Schocke, Sheeman, Black and Zemen in the affirmative. The motion passed. Works Board Order No. 2022-31 was adopted.

THE TOWN OF HIGHLAND
ORDER OF THE WORKS BOARD NO. 2022-31

**AN ORDER OF THE WORKS BOARD ACCEPTING THE RECOMMENDATION OF
 NIES ENGINEERING, INC. TO RELEASE RETAINAGE IN THE AMOUNT OF**

**\$30,000.00 TO RIETH-RILEY, CONSTRUCTION CO., INC. FOR THE 2021 CCMG
STREET IMPROVEMENT PROJECT, DES. #2100392**

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 street reconstruction and other improvements in the public right-of-way to be funded, in part, by the State of Indiana and the Community Crossings Matching Grant Program, with the project commonly known as the 2021 CCMG Street Improvement Project (Project); and

Whereas, The Board of Works had heretofore awarded a contract to Rieth-Riley, Construction Co., Inc. 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); and

Whereas, The Board of Works had heretofore approved Change Order No. 1 that decreased the original contract amount by One Hundred Thousand Two Hundred Sixty-two Dollars and 53/100 Cents (\$100,262.53) bringing the total value of the Contract to One Million Forty-six Thousand One Hundred Ninety-five Dollars and 42/100 Cents (\$1,046,195.42); and

Whereas, NIES Engineering, Inc. has heretofore determined that the Project is complete pursuant to the terms of contract specifications and has recommended the release of retainage held in the amount of Thirty Thousand Dollars and 00/100 Cents (\$30,000.00); and

Whereas, The Board of Works now desires to accept the recommendation of NIES Engineering, Inc. and authorize and approve the release of retainage held in the amount of the Thirty Thousand Dollars and 00/100 Cents (\$30,000.00).

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

Section 1. That construction work performed by Rieth-Riley Construction Co., Inc. for the 2021 CCMG Street Improvement Project is hereby accepted and approved in each and every respect; and

Section 2. That the recommendation from NIES Engineering, Inc. to release retainage held in the amount Thirty Thousand Dollars and 00/100 Cents (\$30,000.00) is hereby accepted; and

Section 3. That the Office of the Clerk Treasurer is authorized and instructed to release retainage held in the amount of Thirty Thousand Dollars and 00/100 Cents (\$30,000.00) to Rieth-Riley Construction Co., Inc.

Be it So Ordered

Duly Passed, Adopted, and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of September, 2022 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

Bernie Zemen, President

Attest:

Mark Herak, Clerk Treasurer

- 7. Appropriation Transfer Resolution No. 2022-21:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From and Among Major Budget Classifications to the Community Crossings Grant Fund as Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Black moved the passage and adoption of Appropriation Transfer Resolution No. 2022-21. Councilor Smith seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and no negatives. The motion passed. Appropriation Transfer Resolution 2022-21 was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2022-21**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS to the COMMUNITY CROSSINGS GRANT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions to the **Community Crossing Grant Fund;**

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the **Community Crossing Grant Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

COMMUNITY CROSSING GRANT FUND

Community Crossing Grant Fund

Reduce Account:	#2405-0000-39902 CCMG Fund	\$705,950.45
	<i>Total 300 Series Decrease</i>	\$705,950.45
Increase Account:	#2405-0000-39072 CCMG Projects 2022	\$705,950.45
	<i>Total 300 Series Increase</i>	\$705,950.45
	<i>Total 300 Series Increases</i>	\$705,950.45
	<i>Total 300 Series Increases</i>	\$705,950.45
	Total of All Fund Decreases:	\$705,950.45
	Total of All Fund Increases:	\$705,950.45

DULY RESOLVED and ADOPTED this 26th Day of September 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 33-16-4-1; IC 36-5-6-5)

8. **Works Board Order Number 2022-32:** An Order of the Works Board Accepting the Performance Agreements with: Got Issues; Crossthreads and Dennis, Andrew & Michele for Professional Entertainment Services for the Town of Highland, associated with Main Street's Restaurant Crawl of September 27, 2022 and to comply with IC 22-5-1.7 et seq.

Councilor Schocke moved the passage and adoption of Works Board Order No. 2022-32. Councilor Black seconded. Upon a roll call vote of the elected officials, there were five (5) affirmatives and no negatives. The motion passed. Works Board Order No. 2022-32 was adopted.

Town of Highland
Board of Works
Order of the Works Board 2022-32

AN ORDER OF THE WORKS BOARD ACCEPTING THE PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT SERVICES FOR THE TOWN OF HIGHLAND, ASSOCIATED WITH MAIN STREET'S RESTAURANT CRAWL OF SEPTEMBER 27, 2022 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 CLOSING OF LOCAL STREETS WITH APPROPRIATE FESTIVALS INCLUDING LIVE MUSICAL PERFORMANCE AS ENTERTAINMENT;

WHEREAS, THE MAIN STREET BUREAU HAS RECEIVED PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT SERVICES FOR THE TOWN OF HIGHLAND TO BE CONDUCTED DURING MAIN STREET'S RESTAURANT CRAWL, TO BE CONDUCTED SEPTEMBER 27, 2022;

WHEREAS, THE MAIN STREET BUREAU FAVORABLY RECOMMENDS TO THE PURCHASING AGENCY, THE APPROVAL OF THE PERFORMANCE AGREEMENTS FOR PROFESSIONAL ENTERTAINMENT SERVICES FOR THE TOWN OF HIGHLAND TO BE CONDUCTED DURING MAIN STREET'S RESTAURANT CRAWL, TO BE HELD ON TUESDAY, SEPTEMBER 27, 2022;

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

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

Whereas, The purchase 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 services as set forth in the agreements, Tuesday, September 27, 2022, Got Issues at a cost of \$500 and Dennis, Andrew & Michele at a cost of \$500; Crossthreads at a cost of \$500, 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 26th day of September 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)

PERFORMANCE AGREEMENT

Town of Highland - Town Council
3333 Ridge Road
Highland, IN 46322

Date: 9-5, 2022

Entertainer:
Band Name: GoT Issues
Address:
City, State Zip:
Phone:

For:
Backyard Barbeque at Main Square
3001 Ridge Road, Highland, IN 46322
Date: 9-27, 2022 Time: 6:00 PM

Description

This agreement is for the personal services of performers on the engagement described below, is made on _____, 2022 between Town of Highland - Town Council (hereinafter "Purchaser") and GoT Issues (hereinafter "Artist").

1. Name and address of place of performance: Main Square Gazebo, 5th & Ridge Road, Highland, IN 46322.
2. Date of Performance: Sept 27, 2022
3. Performance time: 6:00 PM
4. Contact: Sandy McKnight, (219) 545-3800
5. Type of Event: Highland Council of Community Events BACKYARD BBQ
6. Sound System and Lighting will be provided by: Town of Highland - Town Council
7. Special provisions: None
8. Contract price: \$ 500⁰⁰, flat guarantee, made payable to Dave Trevino P after the concert.
9. It is understood that this contract agreement is binding on both Purchaser and Artist. If Purchaser cancels the engagement for any reason other than an Act of God, including, but not limited to, a pandemic, the full amount is due to the Artist. If the engagement is cancelled by the Artist for any reason other than an Act of God, they are to provide alternate entertainment.
10. No Reliance on Outside Representations. The Parties represent and warrant that in making their decision to enter into this Agreement they have been represented by their own counsel and that they have not, except as herein stated, relied upon any express or implied representations of the other's agents or representatives concerning any matter related to this Agreement. The Parties acknowledge that they either: (a) have fully obtained whatever information and advice they desire regarding the effect of this Agreement; or (b) are willing to go forward with this Agreement without that information or advice and to assume whatever risks that decision may entail.

PERFORMANCE AGREEMENT

Town of Highland - Town Council
3333 Ridge Road
Highland, IN 46322

Date: 9/21, 2022

Entertainer:
Band Name: Dennis, Andrew + Michele
Address: _____
City, State Zip: _____
Phone: _____

For: Highland Main Street
Restaurant Crawl
Highway Avenue, Highland, IN 46322
Date: 9/27, 2022 Time: _____

Description

This agreement is for the personal services of performers on the engagement described below, is made on 9/21/22, 2022 between Town of Highland - Town Council (hereinafter "Purchaser") and Dennis, Andrew + Michele (hereinafter "Artist").

1. Name and address of place of performance: Restaurant Crawl, Highway Avenue, Highland, IN 46322.
2. Date of Performance: 9/27/22, 2022
3. Performance time: 5:30pm
4. Contact: Sandy McKnight, (219) 545-3800
5. Type of Event: Highland Main Street – Restaurant Crawl
6. Sound System and Lighting will be provided by: None
7. Special provisions: None
8. Contract price: \$ 500.00, flat guarantee, made payable to Dennis Pizzuto after the concert.
9. It is understood that this contract agreement is binding on both Purchaser and Artist. If Purchaser cancels the engagement for any reason other than an Act of God, including, but not limited to, a pandemic, the full amount is due to the Artist. If the engagement is cancelled by the Artist for any reason other than an Act of God, they are to provide alternate entertainment.
10. No Reliance on Outside Representations. The Parties represent and warrant that in making their decision to enter into this Agreement they have been represented by their own counsel and that they have not, except as herein stated, relied upon any express or implied representations of the other's agents or representatives concerning any matter related to this Agreement. The Parties acknowledge that they either: (a) have fully obtained whatever information and advice they desire regarding the effect of this Agreement; or (b) are willing to go forward with this Agreement without that information or advice and to assume whatever risks that decision may entail.

1

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

Attest:

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

9. CONFLICT OF INTEREST DISCLOSURE STATEMENT. (ANNUAL) ACTION OF THE TOWN COUNCIL PRESIDENT AS APPOINTING AUTHORITY TO CONSIDER APPROVAL OF AN ANNUAL CONFLICT OF INTEREST DISCLOSURE STATEMENT FILED BY MARIA BECERRA, WHO IS A INDEPENDENT CONTRACTOR WITH MCCOLLY REALTY IN LAKE COUNTY. MS. BECERRA IS ALSO HIGHLAND'S REDEVELOPMENT DIRECTOR. THIS FILING IS PURSUANT TO IC 35-44-1-3.

- (a) Councilor Black moved to approve the Conflicts Disclosure Statement as filed by Maria Becerra, appointed as Highland's New Redevelopment Director. Councilor Sheeman seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The statement was approved.

Discussion:

The Conflict of Interest Disclosure Statement was originated by the Clerk-Treasurer after Councilor Schocke asked the new Redevelopment Director the relationship with Commission Member Georgeff as both are employed by McColly Realty and work out of the same office and after she was asked whether she would continue showing real estate and her response was after 4:30 on weekdays and on Saturday or Sunday, it was her time. She did say, she did not have a problem signing the document.

Redevelopment Commission Chairman Sean Conely wanted clarification of the purpose in having Maria signed Conflict of Interest statement. Is the Council simply accepting this form as a form regarding potential conflict of interests and she's not going to involve herself in any or by Maria signing it, she has a conflict and is acknowledging it. He was questioning the timing of this agreement and why was it a part of this meeting.

Councilor Schocke asked Attorney Reed if he had seen the document as Councilor Schocke said he received his packet over the weekend but didn't look over the document or review the statute as he is not familiar with Indiana Code. I didn't check out the case law. I have no familiarity with Conflict of Interests Statements.

Attorney Reed said he did review the document and spoke Maria about it. John's interpretation of the document is it is saying Maria has a conflict and disclosing it. That sort of presupposes that there is a conflict. He gave an example if Maria sold a house in Highland, how could that involve a conflict. However, if Maria would sell a business within the TIF district that's different but Maria wouldn't do that. I think it is more prudent to have Maria sign the Shared Ethics Pledge, the same that our elected officials signed as that basically says, I will not participate in anything that could possibly be a conflict of interest or that I could benefit from due to my position at the time rather than saying, here's a conflict that I have and I want you to know about it.

Councilor Schocke asked if this form was required.

Attorney Reed said he did not believe this form is required unless you actually have a conflict. This form doesn't say, if a conflict arises, I won't participate. This form says I have a conflict and I want to make the Council know, right now and let you know I will act accordingly. I don't think that's the case here. I still say signing the Shared Ethics Form is the way to go, as if something comes up, I will not participate. I didn't advise Marie as I'm not Maria's attorney. But as I have

said, when you read this statement, you're basically saying, I have a conflict, and here's what it

Councilor Black asked Attorney Reed if it would be sufficient to say that this disclosure is saying I have a appearance of a conflict and I won't proceed in any action that would cause a conflict. Isn't it similar to the Conflict of Interest Statement signed by Christine Cash, Highlands' representative to the South Shore Convention and Visitors Bureau.

Attorney Reed responded yes, as I think she is a manager or operator of a local hotel. There's nothing wrong with Maria signing it as long as, we acknowledge that we're not saying she has a conflict.

Councilor Schocke asked I understand conceptually how realtors make money. I know that they usually work on a commission basis. So, if they sell a piece of property, they get a certain percentage of the sales price, and if there's a selling agent and a listing agent and a buying agent and they share in the spilt of the proceeds. Let's just say somebody like a developer calls the Redevelopment Office and says, Hey, I want to build a Chick-Fil in Highland. Could you recommend an agent to me or do you know of a piece of property available. And our Redevelopment Director then say okay, I know of a lot of good people. Is there some type of referral basis. I don't know how this all works but I know that sometimes like in the in the legal field, there are referral feeds, if like, you know, if you steer a client in a certain way. It's a fee that you can share, and that's where I see the potential of conflict. I don' know if that's a thing or not, because I'm not educated in the real estate world when it comes to how realtor fees are made. So that's the question I have. That's where I see the potential,

Maria then spoke and said she did not problem signing any documents that the Council would ask of me or the Commission or the document Attorney Reed just recommended. He doesn't see an issue one way or the other. So, if the Council feels that this is something that should be on record, I don't have a problem with that. I know, in my years of experience, I know the difference between right and wrong. I have been on boards where I had to sign a conflict of interest statement. I am very familiar with them. I understand what's right and what's wrong. I would never recommend to anyone an agent to represent them. If somebody asks, I'm going to say I can't.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Conflict of Interest Statement was accepted.

UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

state Form 54266 (R2/6-15) 1 Form 236

STATE BOARD OF ACCOUNTS.

Indiana Code 35-44.1-1-4

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D

Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from IC 35-44.1-14. Care should be taken to review IC 35-44.1-1-4 in its entirety.

1. Name and Address of Public Servant Submitting Statement: Maria Becerra

9025 Price Place, Highland, Indiana 46322

2. Title or Position with Governmental Entity: Highland Redevelopment Director

3. a. Governmental Entity: Town of HIGHLAND LAKE COUNTY INDIANA

b. County: L A K E

4. This statement is submitted (check one):

a. as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or

b. X as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.

5. Name(s) of Contractor(s) or Vendor(s): McColly Reality
2000 45th Street, Highland, Indiana 46322 (Porte Deleau Plaza)

6. Description(s) of Contract(s) or Purchase(s) (Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependents name and relationship.):

Independent Contractor in the business of buying and selling homes and commercial properties in the Town of Highland.

7. **Description of My Financial Interest (Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.):**

Independent Contractor in the company described in line 5

(Attach extra pages if additional space is needed.)

8.Approval of Appointing Officer of Body (To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university):

We being the TOWN COUNCIL of the TOWN of HIGHLAND

TOWN of HIGHLAND
INDIANA

The below named public servants to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 3544.1-1-4; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

Town Council President

Town Councilor Vice President

Town Councilor

Town Councilor

Town Councilor

9. Effective Dates (Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.):

September 26, 2022

September 26, 2022

Date Submitted (month, day, year) Date of Action on Contract

At the Town Council Meeting of: September 26, 2022

Attest:

Mark Herak, Clerk-Treasurer

Affirmation of Public Servant: This disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed:

(Signature of Public Servant)

Date:

(month, day, year)

Printed Name: Maria Bercerra

E-mail
Address mbecerra@highland.in.gov

Within fifteen (15) days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts by uploading it here <https://gateway.ifionline.org/sboa/coi/> which is the preferred method of filing, or by mailing it to the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2765 and the Clerk of the Circuit Court of the county where the governmental entity took final action on the contract or purchase.

10. Authorizing the proper officer to publish legal notice of a public hearing: Public Hearing to consider additional appropriations in the amount of \$100,262.53 in the **Community Crossing Matching Grant Fund.**

Councilor Sheeman moved to authorize the publication of a legal notice of a public hearing to consider proposed additional appropriations as indicated. Councilor Black seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication and hearing were approved.

Comments from the Town Council:

(Good of the order)

Councilor Toya Smith: • *Sanitary Board Liaison* • *and Public Works.*

Councilor Smith acknowledged the Building Commissioner, Ken Mika who commented that the ABZA has a somewhat light schedule with the only item being a fence set-back issue on a corner lot. From Building & Inspection, the building previously known as Nine, soon to become the Car Spa, is pretty much down to the ground. The demolition crew started last Thursday. The new gas station at the corner of Hart and 41, they have begun to set the footings. I'll be out there tomorrow inspecting. The addition on Web Hyundai continues. They are pretty much completed there.

Councilor Smith then acknowledged Public Works Director, Mark Knesek. Mark reiterated what Councilor Black had mentioned during his committee report that the October 3rd Town Council Study Session, several members of the Water Board will be in attendance to explain the need for a 59% increase in water rates. He said his crews are repairing, for the 3rd time, an 18 inch which serves as a back-up under the new paved parking lot at Sharp. They have the 20" main feed line in the newly paved Sharp Athletic Park Lot. That pipe wasn't even on our 5- year plan. They are dealing

with a sink hole (collapsed sanitary sewer) between First Financial and Georgetown Manor. It is a 10-inch line which the bank dumps directly into. They said for the last 6 months, they've been smelling sewage and continued to dump bleach down the drains. The Town hired Grimmer to fix starting tomorrow, so expect 1 lane of Kennedy Avenue to be closed. This happens to be pvc pipe which usually doesn't break. The Community Crossings is in full swing with the concrete portions being removed. They are starting at the north end of Town. They are pulling all of the curbs and handicapped ramps. He wanted to emphasize, since this is a federal grant, federal guidelines apply. If a handicap ramp, that previously existed but leads to nowhere (like out into the street and not an adjoining handicamp ramp), that ramp cannot be replaced as it. It has to be removed and filled in with black dirt and seed will be put in.

Councilor Sheeman asked the Public Works Director isn't this late in the season to start these projects as other communities seemed like they started in the spring.

Mark responded that it was about this time last year that we started the project. The letting are twice a year and our letting was in the second half of the year. Once the concrete is done, they will start to mill the streets. He asked if everyone noticed the mums in the planter boxes. He mentioned that the Welcome to Highland signed has been updated, removing Mark Herak's name and replacing it with Toya Smith. He said a homeless man was living in the space between the 2 signs. Hopefully, he has found a better spot. He reminded residents that fall clean-up is October 11th. Things that are not allowed or won't be picked up is concrete, construction debris, paint, hazardous household materials, electronics and leaves. Electronics can be brought to the garage and disposed of there.

Councilor Schocke brought up the repaving of Martha. He had received the request from his high school math teacher Mr. Jones. The plan was to let the street settle and then pave next year as a trench had been dug to loop the water system with the system on the west side of the tracks. The water board has agreed to pay their portion of \$65,000 and Councilor Schocke was asking about the Town's portion. The Clerk-Treasurer has said he's been in communication with the Public Works Director. The problem is the Town has to come up with \$251,000 just for their portion of River Drive and the Community Crossings Matching Grant. He emphasized that they were trying to find the money but don't expect to many streets to be paved next year as there simply isn't the money.

Councilor Schocke said I am not in favor of any type of additional taxation but this is one of the cases that I would favor a wheel tax.

The Clerk-Treasurer said he is working on a rough Ordinance for a wheel tax and hopes to present something to the Council in about 2 weeks. Neighboring communities who currently have a wheel tax are; Munster, Crown Point, Dyer, Valpo, Gary, Merriville. Most Ordinances are the same. I am waiting to hear back from the BMV on the number of vehicles registered in Highland.

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

Councilor Schocke recognized Park and Recreation Superintendent, Alex Brown who said several youth ball programs are well into their season like youth soccer. He reminded Councilor Zemen that he would be late to the Restaurant Crawl as he and his wife have their first lesson in pickle ball.

Councilor Schocke said youth basket has open registration right now. Grades K -1 is non-draft and grades 2 – 5 are draft, so there's a skill assessment in October. He's looking forward to that as he's got his coaching pants, clipboard and whistle and is ready to go. He may even pull out his white board and diagram some plays.

Councilor Sheeman asked Councilor Schocke about his record and he said it's not great.

Councilor Schocke wanted to say thanks to Park & Recreation, especially the park crews under Trever Kinley. They really worked hard to get Main Square ready for the BBQ Festival last weekend. In addition to their normal duties of maintaining the parks, they had to set up all of the fencing for the beer garden. It was really a nice event with lots of vendors, live music and the guy announcing he bands on Saturday night.

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

Councilor Black introduced and recognized the new Redevelopment Director Maria Becerra. He said we are really looking forward to seeing some good things come out of Redevelopment and looking forward to working with her. He reminded the Council that at the October 3rd, Town Council Study Session, members of the water board will be in attendance to discuss their rationale for a 59% water rate increase.

- **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 the Metropolitan Police Chief, Pete Hojnicky who said they did advertise for 4 new police cars. They advertised both ways, vehicles that use just gasoline and also hybrids, the hybrids get an extra six to eight miles per gallon and will cost an additional \$2,500. The Police Department also applied for a grant that could offset some of the costs of the hybrid. We advertised for Explorers as we seem to like them better as you sit a little bit higher and can see traffic better and they command a higher resale price. He commented that despite the cool weather it should be a good night for the restaurant crawl. They are planning on having 3 or 4 bike officers.

Councilor Sheeman asked how the recruiting is coming along and how many applications they have received. The Chief responded we have received some already with a couple already certified. They are going to do the testing both on Friday night and Saturday morning at Lincoln Center to accommodate the applicants work schedule. Councilor Sheeman then recognized Highland Fire Chief Bill Timmer who said they have been busy. They were on standby at both stations on Sunday because of the Veterans Victory Motorcycle Ride sponsored by North Township Trustee Andrian Santos which basically splits the Town in 2. He said there is the Restaurant Crawl on Tuesday and after a 2-year absence, the Fire Department will be hosting their open house of October 8th. He said they did a simulated table top drill with Army Corps last week, simulating the Little Cal overflowing. It worked out nicely and gives us confidence that we can handle a flood. Besides Highland, Hammond, Munster and Griffith all participated. They had a significant fire the other night at a duplex on North Drive. There were 2 dogs in the house with 1 surviving and the second didn't. The police department arrived a few minutes earlier than we did but because of the smoke and fire they couldn't get the dogs out. Our folks arrived already geared up and entered the house, bringing both dogs out. We received as a donation a few years ago, a resuscitator kit for animals. I believe firmly that that that's what saved the second dog. The kit fits over their nose.

Councilor Sheeman then asked the Chief about staffing. How many do we have?

The Chief responded that we wish we had twice as many. You have some firefighters who are very dedicated, who are out on every call and others not so dedicated. The other night, we had a CO call. It was only myself and another firefighter that answered the call. But at the duplex fire on North Drive, we had fire fighters everywhere. We usually get a good turnout depending upon the time of day. Before we had fire fighters who worked downtown and could respond to calls during the daytime. That isn't the case anymore. Several of our fire fighters work at the steel mills or refiners and are working 12 hour shifts and cannot leave their jobs to respond. The availability of good people is becoming smaller and smaller. Remember we are paid on call.

Councilor Sheeman asked the Chief if he every advertised for fire fighters.

The Chief responded we have tried ads in the paper, we tried face book but most interested firefighters with a job or family cannot attend fire school for 6 months, 3 days a week. It's a takes a commitment. It's a rough job.

Councilor Sheeman then recognized Ed Dabrowski, IT Director who once again cautioned people not to open emails with attachments from names you are not familiar with. He will once again he will be conducting a cybersecurity awareness training. He said we are learning some new software in our firewall. Our employees don't even know it is going on. Last week, we experienced some outages on our websites which had to do with server maintenance.

Councilor Sheeman asked Ed about the Comcast contract. Ed asked for clarification as there were two, with the one with the old legacy, no longer in existence because of the

FCC. We are still getting some stuff as they haven't completely turned everything off. We are currently in the process of looking for better rates from Comcast. Historically, Comcast comes back every 2 years, offering the same rate but faster speed. Unlike AT&T who brags about their service and then a year later raise their prices and their service suffers.

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

Councilor Zemen began by congratulating Attorney Reed on the fine showing by Munster football, at last Friday's in Munster between Highland and Munster. This marks 5 years in a row that Highland has beaten Munster. He said after his pickle ball lesson (his wife signed them up) he'll be at the Crawl, eating and listening to the bands. He then acknowledged Ken Mika, Building & Inspection Commissioner and inquired as to items on this week's Plan Commission. Ken said there is nothing on this week's agenda but they will have items for the agenda in 2 weeks.

That concluded comments from the Council and President Zemen then turned it over to comments from visitor's or residents, reminding them to limit it to 2 minutes.

Comments from Visitors or Residents:

LARRY KONDRAT, HIGHLAND, Last week, you guys had a fellow come in here after Mr. Reed told us that this self-storage, air conditioned, climate control self-storage was a no go and he was sure he was going to withdraw. Yet, the owner of the property shows up here and starts talking about the project again, trying to convince the Council to go with the project. Is the project withdrawn or is the clock ticking, tik-tok, and in 90 days will the no recommendation take effect. You got a letter from the petitioner's attorney, verified that it was a no-go, they were withdrawing, yet the owner shows up at a study session and feels it is still a go. So, either the owner doesn't know what's he doing or his attorney don't know what he's doing or Mr. Reed doesn't know what he is doing. Since so many people don't know what they are doing, it would seem to me that you should put it on the agenda and vote it down. Make it very clear to this fellow that you have no interest in a self-storage as you enter Highland. Make it very clear because it is my understanding that even though Mr. Reed has a fancy letter but this guy has a vote from the ABZA and you've got 90 days to accept or reject it. If you don't reject it, it gets accepted by default.

Councilor Schocke said I'm pretty sure we actually did reject it or we accepted their withdrawal. We voted on their withdrawal.

Mr. Kondrat said that except this guy doesn't know anything about that. He went through this thing and I would think that the guy who just put up the money would be the guy who knows. I didn't get that impression that he actually withdrew. We extended him the courtesy to say, Hey, Council, I don't know what to do, even though you thought you made it clear that the Council does not want this type of project. I am recommending

that you go ahead and have a vote on this project, one way or the other so that its very clear to individual that you either want a climate controlled self-storage unit as the very first building or business in the area or you don't. You don't want the project accepted by default.

Attorney Reed, who was still on the call, interjected that the Town received clear documentation that the petitioner was withdrawing everything.

Councilor Sheeman said it is covered in the minutes that the petitioner withdrew. A motion was made and seconded to accept the withdrawal.

Larry said, at the last meeting, didn't he hand you guys a drawing. The drawing was the exact same drawing of the project as given to the BZA. If he thought he had withdrawn, why would he attend the study session and provide the exact same drawing. I think you are running out of time and these big city, New York lawyers are going to mop the floor with you

Erica Smith Gomez, Highland, I'm here tonight on behalf of the Highland Athletic Booster Club. I don't know if you guys remember but I was here like four years ago talking about the banners in downtown Highland. I'm here tonight to give you an update on that because this year, while you guys are enjoying the restaurant crawl tomorrow night and you're looking up and enjoying those banners from the current school year, we will surpass 400 banners for our student athletes. I'm here really to say Thank you. The program has gone off without a hitch compared to 2 years ago when covid hit and we were taking senior photos in my garage with the photographer. I can't speak enough of the cooperation provided by the Town garage, always accommodating, particular, Sandy, Bart, Jeff and Dennis. We drop them off and up they would go. When the season was over, they would return the banners. Now every athlete who wants a banner gets one. No one is turned down. Thank you

Terry Steagall, Highland, I think we have some mixed signals in regards to the Redevelopment Commission. Last week, Councilors Schocke and Smith wanted to zero out the Redevelopments Budget. Yet, when the representative from DLC was speaking to the Council, Councilor Shocke led him to believe the renovation of the Ultra property would be the perfect use for TIFF and the Town should participate. I think a TIFF project should go there but remember what Building Commissioner Mika said. He thought the building was obsolete and needed to be torn down. The developer was acknowledging to you that he doesn't have a lot of options for that property, especially in today's market. I think the Council needs to get serious with the ah Redevelopment Commission and the owners of property and determine what, if anything the Town is willing to put into that project. Otherwise, you're just spinning your wheels like the Wheel Tax. The Council has to realize it will take a long time to do something with a building like that since the building has been vacant many years and only served as a grocery store. And has the Council done any more with 1st Metropolitan Builders, as that too will involve TIFF. The Council owes him an answer so he doesn't keep wasting his time.

The Council responded that in regards to 1st Metropolitan Builders, that project is still in the work. The developer is still working on the plans.

Councilor Zemen asked if there were any other comments. Hearing none, he closed comments from the public and brought it back to the Council. He then entered a motion to pay claims.

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 **September 13, 2022 through September 27, 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, \$249,513.07; Special Events, \$12,432.31; Law Enforcement Continuing Education, Training and Supply Fund, \$530.16; Gasoline Fund, \$32,007.40; Information and Communications Technology Fund, \$11,951.02; MVH, \$21,619.08; Traffic Violations, \$500.00; Community Crossing Grant, \$30,000.00; LR&S, \$2,015.81; Corporation Bond (Exempt), \$1,500.00; Police Pension; 68,954.23.
Total: \$431,023.08.**

PAYROLL DOCKET FOR PAYDAY OF SEPTEMBER 23, 2022:

OFFICE OF CLERK-TREASURER, \$14,294.45 BUILDING AND INSPECTION DEPARTMENT, \$10,206.19; METROPOLITAN POLICE DEPARTMENT, \$142,831.79; PUBLIC WORKS DEPARTMENT (AGENCY), \$68,405.26; FIRE DEPARTMENT, \$5,093.57; INFORMATION AND TECHNOLOGY DEPARTMENT, \$3,690.41; TOTAL PAYROLL: \$244,521.67.

PAYROLL DOCKET FOR PAYDAY OF SEPTEMBER 30, 2022:

COUNCIL, BOARDS AND COMMISSIONS, \$10,169.88; 1925 POLICE PENSION PLAN PENSION FUND, \$68, 846.58; TOTAL PAYROLL: \$79,324.58.

Adjournment of Plenary Meeting. THERE BEING NO FURTHER BUSINESS ON THE AGENDA, THE TOWN COUNCIL PRESIDENT DECLARED THE REGULAR PLENARY MEETING OF THE TOWN COUNCIL OF MONDAY, SEPTEMBER 26, 2022, ADJOURNED AT 8:56 O' CLOCK P.M.

Mark Herak
Clerk-Treasurer

Approved by the Town Council at its meeting of October 10, 2022.

