

**ENROLLED MINUTES OF THE  
HIGHLAND WATER WORKS BOARD OF DIRECTORS  
THURSDAY, NOVEMBER 10, 2022**

**Special Regular Meeting:** The Highland Water Works Board of Directors met in a Special Plenary Session on Thursday, November 10, 2022 in the lower meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana. President Smith opened the special plenary meeting at 6:31 p.m. with no study session. The meeting was opened with the Pledge of Allegiance. The minutes were recorded by Kim Webb, Recording Secretary.

**ROLL CALL:** Present on roll call were Directors George A. Smith, Jason Tharp, Rick Volbrecht, and Larry Kondrat. Director Schroeder was absent. A quorum was present. Also present were Mark Knesek, Public Works Director; Derek Snyder, NIES Engineering; Robert F. Tweedle, Board Attorney; Tom Black, Town Council; Mark Herak, Clerk Treasurer; and Kim Webb, Recording Secretary.

**MINUTES:** President Smith asked if there were any corrections to the Minutes of the Regular Meeting of October 27, 2022 as prepared and posted. Director Volbrecht moved to approve the Minutes of the October 27, 2022 meeting. Director Tharp seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.

**Special Orders:** None.

**Communications:** None.

**Comments from the Public or Visitors (Limited to Matters on the Agenda):**

**Reports:**

1. Water Works Superintendent – Mark Knesek informed the Board the punch list for the River Drive Water Main Replacement and Street Improvement Project was completed today. The project is scheduled to be complete by next week.
2. Water Works Attorney – Robert Tweedle discussed with the Board the ongoing determination of the Dyer Transport rate. Director Smith requested a letter to be drafted to notify Dyer of the desire to implement the new transport fee by the beginning of year.
3. Water Works Engineer – Derek Snyder provided an overview of the proposed Parkway Drive Water Main Replacement Project as requested by Mark Herak, Clerk Treasurer.
4. Fire Department – none.

**Unfinished Business and General Orders:**

1. Water Works District of Highland  
Board of Directors

Resolution No. 2022-16

A Joint Resolution of the Board of Works and The Water Works Board of Directors Approving and Authorizing Change Order No. 1 to the Construction Contract Between the Highland Water Works Board of Directors and Gatling Plumbing & Heating, Inc. for the River Drive Water Main Replacement and Street Improvement Project. Director Volbrecht moved to approve Resolution No. 2022-16. Discussion ensued. Director Tharp seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD No. 2022-34**

**WATER WORKS DISTRICT OF HIGHLAND  
BOARD OF WATER WORKS DIRECTORS  
RESOLUTION No. 2022-16**

**A Joint Resolution of the Board of Works and the Water Works Board of Directors Approving and Authorizing Change Order No. 1 to the Construction Contract between the Highland Water Works Board of Directors and Gatlin Plumbing & Heating, Inc. for the River Drive Water Main Replacement and Street Improvement Project**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined that a need exists to make certain public improvements and repairs to roadway infrastructure on River Drive, including the replacement of defective curb and sidewalk, pavement, and tree removal and replacement and has hereto approved a project to be described as the River Drive Water Main Replacement & Street Improvement Project (Project); and

**Whereas**, The Town of Highland has procured a Community Development Block Grant, from the U.S. Department of Housing and Urban Development through an application filing with the Lake County Community Development Department in the amount of \$102,130.00, which will offset the costs for the roadway improvements described herein; and

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

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

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

**Whereas**, On May 26, 2022, the Water Works District adopted Joint Resolution No. 2022-08 and on June 13, 2022, the Town Council through its Board of Works, adopted Order of the Works Board 2022-15, awarding a Project to Gatlin Plumbing & Heating, Inc. in the total amount of Eight Hundred Twenty-five Thousand Dollars and No Cents (\$825,000.00), to be the lowest responsive and responsible bid, of which Four Hundred Seventy-one Thousand Nine Hundred Thirty-two Dollars and No Cents (\$471,932.00) was for water works improvements and Three Hundred Fifty-three Thousand Sixty-eight Dollars and No Cents (\$353,068.00) was for roadway improvements; and

**Whereas**, During the course of construction of the Project, it has become necessary to change or alter the original specifications of the project and/or to increase or decrease the planned material quantities; and

**Whereas**, NIES Engineering, Inc., a licensed engineer performing construction engineering services on this project, has specifically identified and presented Change Order No. 1, attached herewith, which details the changes and alterations to the Project which have a net decrease in the total contract amount of Thirty-three Thousand Four Hundred Sixty-three Dollars and Twenty Cents (\$33,463.20); and

**Whereas,** The decrease in cost, as determined by NIES, is allocated to the Board of Works in the amount of Thirty-three Thousand Twenty-five Dollars and Forty Cents (\$33,025.40) and to the Water Works Board in the amount of Four Hundred Thirty-seven Dollars and Eighty Cents (\$437.80); and

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

**Whereas,** The Water Works District of Highland, through its Board of Directors, now desires to approve and authorize the Change Order as described; and

**Now Therefore Be it Resolved** by the Board of Directors of the Water Works District of Highland, Lake County, Indiana, as follows:

**Section 1.** That the First Addendum to the Construction Contract with Gatlin Plumbing & Heating, Inc. for the River Drive Water Main Replacement & Street Improvement Project, as prepared by NIES Engineering, Incorporated, a licensed engineer performing construction engineering services on this Project, is hereby determined to be directly related to the original project and is hereby approved, adopted, and ratified in each and every respect; and

**Section 2.** That this addendum is hereby ordered to be known as Change Order No. 1, issued to decrease net changes to the original agreement in the amount of Thirty-three Thousand Four Hundred Sixty-three Dollars and Twenty Cents (\$33,463.20), bringing the total value of the entire agreement with any and all change orders approved to date to Seven Hundred Ninety-one Thousand, Five Hundred Thirty-six Dollars and Eighty Cents (\$791,536.80) allocated as follows:

Board of Works	\$33,025.40
<u>Water Works District</u>	<u>\$437.80</u>
Total Change Order Amount	\$33,463.20

; and

**Section 4.** That the total of all change orders issued that increases the scope of this Project may not exceed twenty percent (20%) of the amount of the original contract, that not-to-exceed amount being Nine Hundred Ninety Thousand Dollars and No Cents (\$990,000.00), pursuant to IC 36-1-12-18(d); and

**Section 5.** That the Public Works Director is hereby authorized to execute the necessary documents with his signatures.

**Duly Adopted,** Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 14<sup>th</sup> day of November, 2022. Having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

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

\_\_\_\_\_  
Bernie Zemen (IC 36-5-2-10)

Attest:

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

**Duly Adopted, Resolved and Ordered** by the Water Works Board of Directors of Highland, Lake County, Indiana, this 10<sup>th</sup> day of November, 2022. Having been passed by a vote of 4 in favor and 0 opposed.

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

/s/George A. Smith, President

Attest:

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

2. An action to approve Pay Request No. 4 for the River Drive Water Main Replacement and Street Improvement Project in the amount of \$9,928.30 (\$17,175.00 less \$7,246.70 retainage) to Gatlin Plumbing & Heating, Inc. Director Volbrecht moved to approve the action. Director Kondrat seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.
3. Water Works District of Highland  
Board of Directors  
Resolution 2022-17

A Joint Resolution of the Board of Works and The Water Works Board of Directors Authorizing and Approving Change Order No. 1 for the Pavement Resurfacing Work for the 2600-2700 Blocks of Martha Street. Director Volbrecht moved to approve Resolution No. 2022-17. Director Kondrat seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD No. 2022-35**

**WATER WORKS DISTRICT OF HIGHLAND  
BOARD OF WATER WORKS DIRECTORS  
RESOLUTION No. 2022-17**

**A JOINT RESOLUTION OF THE BOARD OF WORKS AND THE WATER WORKS BOARD OF DIRECTORS AUTHORIZING AND APPROVING  
CHANGE ORDER NO. 1 FOR THE PAVEMENT RESURFACING WORK FOR THE 2600-2700 BLOCKS OF MARTHA STREET**

**Whereas**, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for the maintenance and repair of public streets throughout the Town of Highland; and

**Whereas**, The Town Council for the Town of Highland, on March 28, 2022 adopted Order of the Works Board No. 2022-04, Accepting Certain Bids for Road Materials and Supplies (Asphalt and Millings) for the Year 2022; and

**Whereas**, Milestone Contractors North, Inc. was awarded the bid for HMA Intermediate (delivered, placed, and compacted) for the unit cost of \$112.00 per ton, HMA Surface (delivered, placed, and compacted) for the unit cost of \$98.00 per ton, Tack Coat for the unit cost of \$9.50 per gallon, and Surface Milling (3"-6") for the unit cost of \$9.75 per square yard; and

**Whereas**, the Public Works Director has determined the quantities of the various bid items required to resurface the pavement along the 2600-2700 blocks of Martha Street following the water main replacement project along said street in 2021; and

**Whereas**, the Public Works Director, pursuant to Chapter 3.05.050(D)(1) & (6), serves as the Purchasing Agent for the Public Works Department and Water Works Department, respectively; and

**Whereas**, the Town Council as the Works Board of the Municipality, pursuant to Chapter 3.05.030(A), serves as the Purchasing Agent for the Public Works Department; and

**Whereas**, the Board of Water Works Directors, pursuant to Chapter 3.05.030(D), serves as the Purchasing Agent for the Water Works Department; and

**Whereas**, the Public Works Director has determined the total amount of the pavement resurfacing work to be \$134,443.00 and should be divided equally between the Board of Works and the Water Works Board; and

**Whereas**, during the course of the pavement resurfacing, it has become necessary to change or alter the original specifications of the work and/or to increase or decrease the planned material quantities; and

**Whereas**, NIES Engineering, Inc., a licensed engineer performing construction engineering services on this project, has specifically identified and presented Change Order No. 1, attached herewith, which details the changes and alterations to the work which have a net decrease in the total contract amount of Two Thousand Seven Hundred Seventy-six Dollars and Four Cents (\$2,776.04); and

**Whereas**, The decrease in cost, as determined by NIES, is allocated to the Board of Works in the amount of One Thousand Three Hundred Eighty-eight Dollars and Two Cents (\$1,388.02) and to the Water Works Board in the amount of One Thousand Three Hundred Eighty-eight Dollars and Two Cents (\$1,388.02); and

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

**Whereas**, The Water Works District of Highland, through its Board of Directors, now desires to approve and authorize the Change Order as described; and

**Now, Therefore Be it Resolved** by the Board of Works and the Board of Water Works Directors, Lake County, Indiana, as follows:

**Section 1.** That the First Addendum to the Construction Contract with Milestone Contractors North, Inc. for the resurfacing work for the 2600-2700 blocks of Martha Street, as prepared by NIES Engineering, Incorporated, a licensed engineer performing construction engineering services on the resurfacing work, is hereby determined to be directly related to the original contract and is hereby approved, adopted, and ratified in each and every respect;

**Section 2.** That this addendum is hereby ordered to be known as Change Order No. 1, issued to decrease net changes to the original agreement in the amount of Two Thousand Seven Hundred Seventy-six Dollars and Four Cents (\$2,776.04), bringing the total value of the entire agreement with any and all change orders approved to date to One Hundred Thirty-one Thousand, Six Hundred Sixty-six Dollars and Ninety-six Cents (\$131,666.96) allocated as follows:

Board of Works	\$1,388.02
<u>Water Works District</u>	<u>\$1,388.02</u>
Total Change Order Amount	\$2,776.04

; and

**Section 3.** That the total of all change orders issued that increases the scope of this resurfacing work may not exceed twenty percent (20%) of the amount of the original contract, that not-to-exceed amount being One Hundred Sixty-one Thousand, Three Hundred Thirty-one Dollars and Sixty Cents (\$161,331.60), pursuant to IC 36-1-12-18(d); and

**Section 4.** That the Public Works Director is hereby authorized to execute the necessary documents with his signatures.

**Duly Adopted, Resolved and Ordered** by the Board of Works of the Town of Highland, Lake County, Indiana, this 14<sup>th</sup> day of November, 2022. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

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

\_\_\_\_\_  
Bernie Zemen, President

Attest:

\_\_\_\_\_  
Mark Herak, Clerk-Treasurer

**Duly Adopted, Resolved and Ordered** by the Water Works Board of Directors of Highland, Lake County, Indiana, this 10<sup>th</sup> day of November, 2022. Having been passed by a vote of 4 in favor and 0 opposed.

**HIGHLAND WATER WORKS**

By Its Board of Directors:

/s/George A. Smith, President

Attest:

/s/Richard E. Volbrecht Jr., Secretary

4. An action to approve Pay Request No. 1 (Final) for the Martha Street Pavement Resurfacing Work in the amount of \$65,833.48 to Milestone Contractors North, Inc. Director Volbrecht moved to approve the action. Director Tharp seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.
  
5. Water Works District of Highland  
Board of Directors  
Resolution No. 2022-18

A Joint Resolution of the Board of Works, The Water Works Board of Directors and the Board of Sanitary Commissioners Accepting and Approving a Proposal from NIES Engineering, Inc. for Professional Engineering Design Service for the Parkway Drive Water Main Replacement and Street Improvement Project in the Total Amount not-to-exceed \$99,500.00. Director Tharp moved to approve Resolution 2022-18. Director Kondrat seconded. Upon a roll call vote, there were (4) affirmations and no negatives. The motion passed.

**TOWN OF HIGHLAND  
BOARD OF WORKS  
ORDER OF THE WORKS BOARD NO. 2022-36**

**WATER WORKS DISTRICT OF HIGHLAND  
BOARD OF WATER WORKS DIRECTORS  
RESOLUTION NO. 2022-18**

**SANITARY DISTRICT OF HIGHLAND  
BOARD OF SANITARY COMMISSIONERS  
RESOLUTION NO. 2022-09**

**A JOINT RESOLUTION OF THE BOARD OF WORKS, THE WATER WORKS BOARD OF DIRECTORS AND THE BOARD OF SANITARY COMMISSIONERS ACCEPTING AND APPROVING A PROPOSAL FROM NIES ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE PARKWAY DRIVE WATER MAIN REPLACEMENT AND STREET IMPROVEMENT PROJECT IN THE TOTAL AMOUNT NOT-TO-EXCEED \$99,500.00**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has determined that a need exists to rehabilitate the asphalt pavement along the 8700-8800 blocks of Parkway Drive and 150-ft of Kenilworth Street, just east of Parkway Drive; and

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

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

**Whereas**, The WW District, through its Board of Directors, has determined the need to replace and upsize the existing water main within the project boundaries, in order to improve water flow and water quality, and has determined that it would be in the best interest of the utility to coordinate the work, including surface restoration along the water main corridor, with the street improvement project; and

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

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

**Whereas,** The Project scope includes the repair and replacement of certain storm water infrastructure, which is the responsibility of SD District, and the SD District has agreed to fund its share of the construction costs and engineering services necessary to complete the work; and

**Whereas,** The Works Board, Water Works Board and Sanitary Board have heretofore determined a need to engage professional design engineering services in order to implement the Project, and

**Whereas,** NIES Engineering, Incorporated, (Consultant) has offered and presented an agreement to provide and furnish Professional Engineering Design Services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the services completed, in an amount not to exceed Ninety-nine Thousand Five Hundred Dollars and No Cents (\$99,500.00), allocated in the amounts of Twenty-eight Thousand Nine Hundred Dollars and No Cents (\$28,900.00) to the Board of Works, Sixty-five Thousand One Hundred Dollars and No Cents (\$65,100.00) to the Water Works Board and Five Thousand Five Hundred Dollars and No Cents (\$5,500.00) to the Sanitary Board; and

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

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

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

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

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

1. That the Professional Engineering Design Services Proposal (incorporated by reference and made a part of this resolution) from NIES Engineering, Inc. for the Parkway Drive Water Main and Street Improvement Project is hereby approved, adopted and ratified in each and every respect;
2. That the terms and charges under the agreement for Design Engineering services in the not to exceed amount of Ninety-nine Thousand Five Hundred Dollars and No Cents (\$99,500.00), allocated in the amounts of Twenty-eight Thousand Nine Hundred Dollars and No Cents (\$28,900.00) to the Board of Works, Sixty-five Thousand One Hundred Dollars and No Cents (\$65,100.00) to the Water Works Board and Five Thousand Five Hundred Dollars and No Cents (\$5,500.00) to the Sanitary Board, is found to be reasonable and fair;
3. That the Town Council, which is the Works Board of the municipality, the Water Works District of Highland, through its Board of Directors, and the Sanitary District of Highland, through its Board of Commissioners, believes that NIES Engineering, Inc. has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;
4. That the Public Works Director is authorized to execute the agreement and all documents necessary to implement the Project.

**Duly Adopted, Resolved and Ordered** by the Highland Town Council, Lake County, Indiana, this 14<sup>th</sup> day of November, 2022. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**Board of Works of the Town of  
HIGHLAND, INDIANA**

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Bernie Zemen, President

Attest:

\_\_\_\_\_  
Mark Herak, Clerk-Treasurer

**Duly Adopted, Resolved and Ordered** by the Water Works Board of Directors of Highland, Lake County, Indiana, this 10<sup>th</sup> day of November, 2022. Having been passed by a vote of 4 in favor and 0 opposed.

**Highland Water Works  
By Its Board of Directors:**

/s/George A. Smith, President

Attest:

/s/Richard E. Volbrecht Jr., Secretary

**Duly Adopted, Resolved and Ordered** by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 15<sup>th</sup> day of November, 2022. Having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**Highland Sanitary District  
By Its Board of Commissioners:**

\_\_\_\_\_  
Richard Garcia, President

Attest:

\_\_\_\_\_  
David Jones, Secretary

**New Business: None.**

**Business from the Floor: None.**

**Comments from the Directors on any Item of Interest to the Directors:** Director Volbrecht encouraged Robert Tweedle, Board Attorney, to foster communication with neighboring communities.

**Claims:**

Per the docket in the amount of:

6101	Water Works Operating	\$215,978.22
6102	Water Works District	\$0.00
6104	Consumer Deposits	\$57.95
6105	Water Improvements	\$85,445.54
6108	Water Capital	\$0.00
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Total		\$301,481.71

Director Volbrecht moved to approve the claims per the November 10, 2022 docket in the amount of \$301,481.71. Director Tharp seconded. Upon a voice vote, there were (4) affirmations and no negatives. The motion passed.



**Next Meeting:**

The next Plenary Meeting will be held in-person at Town Hall on Thursday, December 22, 2022 at 6:30 p.m.

**ADJOURNMENT:** With no other business to come before the Board of Water Works Directors, the meeting was adjourned.

Meeting Adjourned at 7:23 p.m.

Respectfully Submitted,

Kim Webb, Recording Secretary