

**MINUTES OF THE REGULAR PUBLIC MEETING  
BOARD OF SANITARY COMMISSIONERS  
TUESDAY OCTOBER 3, 2023**

The Board of Sanitary Commissioners of the Sanitary District of Highland convened in a special meeting before a study session at 6:30 p.m. on Tuesday, October 3, 2023 with Commissioner Garcia presiding, in the first floor meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in order to discuss the final agenda of the regular meeting.

Oath of Office: Clerk Treasurer, Mark Herak administered the oath of office for Commissioner John Back.

**Roll Call:** Commissioners Kathy DeGuilio-Fox, John Back, Dave Jones, and Richard Garcia. Greg Cieslak was absent. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney and Toya Smith. Councilwoman

**Minutes of Previous Session:** None

**Special Order:** None

**Communications:** None

**General Order and Unfinished Business:**

**1. Sanitary District of Highland  
Board of Sanitary Commissioners  
Resolution No. 2023-27**

**Commissioner Jones motioned to approve Resolution 2023-27 Commissioner DeGuilio-Fox seconded. Upon roll-call, there were four (4) affirmatives and no (0) negatives. The motion passes.**

**A Resolution Accepting a Bid From Gatlin Plumbing & Heating, Inc. for the Eder Street Backyard Sanitary Sewer Pipe Bursting Project in the Amount of \$315,000.00 as the Lowest Responsive and Responsible Bid**

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

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

**Whereas, The Sanitary District of Highland has determined a need to replace approximately 290 feet of existing deteriorated sanitary sewer in the backyards between 3102 Eder Street and 3124 Eder Street by pipe bursting methods; and**

**Whereas, NIES Engineering, Inc. has prepared plans and specifications for the Project on behalf of the Sanitary District and the Project was bid in accordance with IC 36-1-12 et seq. and notice was published in accordance with IC 5-3-1; and**

**Whereas, The following bids were received at 2:00 p.m. on October 3, 2023:**

Gatlin Plumbing & Heating, Inc.        \$315,000.00

Engineer's Opinion of Probable Cost    \$365,000.00

**Whereas, The Sanitary District Superintendent and NIES Engineering, Inc. have reviewed the bids and determined that the bid of Gatlin Plumbing & Heating in the amount of Three Hundred Fifteen Thousand Dollars and 00/100 Cents (\$315,000.00) to be the lowest responsive and responsible bid; 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 Sanitary District of Highland, through its Board of Sanitary Commissioners, now desires to accept the bid and award the Project to Gatlin Plumbing & Heating, Inc.**

**Now, Therefore Be it Resolved by the Board of Sanitary Commissioners of the Highland Sanitary District, Lake County, Indiana, as follows:**

- 2. That the bid of Gatlin Plumbing & Heating, Inc. in the amount of Three Hundred Fifteen Thousand Dollars and 00/100 Cents (\$315,000.00) for the Eder Street Backyard Sanitary Sewer Pipe Bursting Project is hereby accepted as the lowest responsive and responsible bid;**
- 3. That the Sanitary District Superintendent is authorized to execute the agreement and all documents necessary to implement the Project.**

Duly Adopted, Resolved and Ordered by the Highland Sanitary District, Board of Commissioners, Lake County, Indiana, this 3rd day of October, 2023. Having been passed by a vote of four (4) in favor and no (none) opposed.

HIGHLAND SANITARY DISTRICT  
BY ITS BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Richard Garcia, President  
Attest:

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

New Business:

**2. Town Council of the Town of Highland  
Enactment No. 2023-22**

**Commissioner DeGuilio-Fox motioned to approve Resolution 2023-27 Commissioner Jones seconded. Upon roll-call, there were four (4) affirmatives and no (0) negatives. The motion passes.**

An Enactment Regarding the Disposition of Surplus on Deposit to the Credit of the Sanitary District Sewage Cash Reserve Fund, Authorizing its transfer to the Corporation General Fund, pursuant to HMC Section 12.10.110

**Whereas**, The Town of Highland by proper legislative action has established a Department of Public Sanitation and Sanitary District pursuant to IC 36-9-25 et seq., codified as Chapter 12.10 of the Highland Municipal Code;

**Whereas**, The Department of Public Sanitation and Sanitary District is governed by the provisions of I.C. 36-9-25 and in some cases IC 36-9-23 in its operations, rate-setting and management of assets;

**Whereas**, Indiana Code 36-1-3 particularly provides for the exercise by ordinance of powers that are expressly granted to the municipality by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

**Whereas**, Pursuant to IC 36-1-3 and IC 36-9-25 the Town adopted HMC Section 12.10.110, establishing a cash reserve fund for the wastewater and storm water utilities, for its stewardship for loans, and transfers for payments in lieu of taxes for rates that support a reasonable return on the sewage utility plant of the municipality;

**Whereas**, Pursuant to IC 36-9-25-11 (l), which expressly states that its particular provisions may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under IC 36-9-25 any other provision that the municipal legislative body considers appropriate, the Town did adopt in its most recently effective rate ordinance, rates and charges that support a reasonable return on the sewage utility plant of the municipality;

**Whereas**, HMC section 12.10.110, provides that the cash reserve fund shall be governed by the provisions of IC 8-1.5-3-11;

**Whereas**, Pursuant to IC 8-1.5-3-11 (d), the Town of Highland adopted in its budget for FY 2023 an amount to include in the corporation general fund budget, in an amount, which cannot exceed the amount in the Cash Reserve Fund at June 30 of the year of the budget's preparation and not in excess of the amount calculated in the user rate basis for ROI;

**Whereas**, The amount in the Cash Reserve Fund at June 30, 2022 was **\$1,810,005.42**; and,

**Whereas**, Pursuant to the foregoing, the Town Council as the municipal legislative body desires to transfer **all** of the adopted amount identified in the adopted budget for FY 2023,

**Now, Therefore be it Enacted** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the Town Council hereby finds and determines the following:

(A) That the Town Council adopted and the Department of Local Government Finance approved by order the budget of the Town for FY 2023, which for its municipal general fund did include an amount of up to \$150,000 to be transferred from the municipal sewage cash reserve fund;

(B) That there is a Sanitary District Sewage Cash Reserve Fund established by the municipality under Section 12.10.110 of the municipal code and the amount on deposit to that cash reserve fund at June 30, 2022 was one hundred fifty thousand dollars (\$150,000.00);

(C) That any transfer herein authorized does not impair or adversely affect compliance with any terms or conditions of any bond ordinance or resolution, indenture, contract or similar instrument binding upon the municipality;

(D) That the most recently adopted and effective rates and charges of the Department of Public Sanitation and Sanitary District provide for rates that support reasonable return on the utility plant of the municipality, pursuant to IC 36-9-25-11(l), with such reasonable return to be deposited in the Cash Reserve Fund;

**Section 2.** That for the expenses of said municipality, the amount of **One hundred fifty thousand dollars (\$150,000.00)** are hereby transferred and set apart from the **Sanitary District Sewage Cash Reserve Fund** for deposit in the **Corporation General Fund**, subject to the laws governing the same, subject to the approval of the Board of Sanitary Commissioners, as set forth in Indiana Code 8-1.5-3-11(a) as adopted by reference in HMC Section 12.10.110 (A);

**Section 3.** That the Clerk-Treasurer is hereby authorized and requested as follows:

(A) To seek the approving action of the Board of Sanitary Commissioners as set forth above; and,

(B) Upon approval, to transfer the sum identified and as authorized herein;

**Section 4.** That, in addition to the express authority conferred herein, the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby authorized and requested to take such steps as necessary to carry out the purposes of this enactment;

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

Introduced and Filed on the 25<sup>th</sup> day of September 2023. Consideration on same evening of introduction attained a vote of in favor and opposed, pursuant to IC 36-5-2-9.8.

**Duly Ordained and Adopted** this 25<sup>th</sup> day of September 2023 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed.

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

\_\_\_\_\_  
Tom Black, President (IC 36-5-2-10)

Attest:

\_\_\_\_\_  
Mark Herak

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

#### **Approval by the Board of Sanitary Commissioners**

It is hereby certified that the foregoing transfer from the cash reserve fund to the corporation general fund was considered at a regular or special meeting of the Highland Board of Sanitary Commissioners.

The transfer identified herein is duly approved pursuant to the provisions of IC 8-1.5-3-11(a), incorporated by reference in HMC Section 12.10.110 (A) and now adopted by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana, this 3 day of October 2023 having passed by a vote of 4 (four) in favor and 0 (no) opposed.

**Department of Public Sanitation & Sanitary District  
By Its Board of Sanitary Commissioners:**

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Richard Garcia, President

Attest:

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David Jones, Secretary

**Reports:** None

**Comments from the Commissioners:** None

**Business from the Floor:** None

**Next Meeting:** The next regularly scheduled Public Meeting will be held Tuesday, October 17, 2023 immediately following a study session at 6:30 p.m.

**Adjournment:** There being no other business to come before the Board of Sanitation Commissioners, Commissioner Bach moved to adjourn. Upon a voice vote, the meeting was adjourned at 6:42 pm.

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At 6:43 the Board of Sanitary Commissioners of the Sanitary District of Highland convened in a study session with Commissioner Garcia presiding, in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana

**Silent Roll Call:** Commissioners Kathy DeGuilio-Fox, John Back, Dave Jones and Richard Garcia. Greg Ciesak, absent. Also present were Mark Knesek, Public Works Director, Derek Snyder of NIES Engineering, Inc., Robert Tweedle, Attorney and Toya Smith, Councilwoman.

Mr. Knesek discussed the bids from Commonwealth for the SSO Remedial Project Phase 1-Division A. There were only two bids. LGS \$20,000,000.00 and Grimmer \$11,600,000.00. A very long discussion took place.

CMOM status is still the same.

Mr. Snyder gave an updated on the Parkway Drive project. A discussion took place on concrete replacement options.

Mr. Tweedle updated the commission on compliance issues for Consent Decree regarding capacity and the true-up. The storm water fee information has been sent to the County. The information will need to be done on an annual basis. SEH gave an estimate on what the fee would be.

Study Session ended at 6:48.