

MINUTES OF THE AUGUST 9TH, 2010 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the town hall on Monday, August 9th 2010 at 7:00 p.m. Present were Council Members, Bob Lewis, George Schenkel, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent Bob Hull, Zoning Administrator Amy Schweitzer and Town Attorney Neal Blythe. There were 16 citizens who signed the guest register.

President, Bob Lewis called the meeting to order at 7:00 p.m. by asking those in attendance to stand and recite the Pledge of Allegiance.

Bob Lewis asked for any additions or corrections to the July 12th minutes. There being none, Bob asked for a motion to accept the minutes as presented. George Schenkel made the motion to accept the minutes as presented, Alan Korte seconded, all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's report for the month of July, which is attached to the minutes and proceeded with the Voucher Register for the following funds from July 1st thru August 9th, 2010.

General Fund	\$43,800.86
Garbage Fund	9,670.25
Sewer Fund	<u>49,695.33</u>
Total Amount of Vouchers	\$103,166.44

Warrants to be approved were included in the Voucher Register

Bob Lewis asked for a motion to approve the Voucher Register. Sue Williams made the motion to approve the Treasurer's Report and Voucher Register, seconded by George Schenkel, all in favor and the motion passed.

REPORTS

Marshal's Report – Barry Worl reported for the Marshal that the Tahoe is finished and was on display at the Car Show on July 17th.

In July the police department responded to the following complaints:

- 2 VIN checks
- 4 HIN checks
- 3 background checks
- 2 property damage crashes – 1 semi, 1 boat
- 2 assist's for the Sheriff Department
- 4 thefts – some property recovered and 3 suspects jailed

1 disorderly subject
Numerous golf cart registrations

Emma Brown and Bruce Spangler came forward after the council meeting in June to volunteer to assist with the Neighborhood Watch Program. They will be meeting with Fremont's watch coordinator and with the director of Emergency Management in the near future.

The Sheriff's Department, Angola Police and Clear Lake Police worked together to recover much of the stolen property taken over the 4th of July week-end. The Marshal reminded all residences to lock their vehicles when not in use.

Fire Department – Barry Worl reported for the fire marshal that there were 50 calls for the month of July with two calls to the Town of Clear Lake and one in Clear Lake Twp.

Sewer Department – Bob Hull reported during the month of June there were 18 locates, 12 alarm calls, 2 pumps replaced or repaired, and the average flow was 68,400 gallons per day. All of the pumps that were found defective last fall have been repaired.

Street Department – Bob Hull reported that the engineers have completed the drawings for the road project on the west side of the lake and it is ready to go out for bid. Council voted to approve the project be put out for bid. Bids should be in by the next Council Meeting.

The property owner on Round Lake has paid his bill for mowing of his property.

Bob also reported that the renaming of the County Roads in the town is going forward with Buck Point Road being a choice for CR 850.

Building & Zoning Report – Bob Hull reported there were 4 Improvement Location Permits issued for the month of July.

Bob Lewis introduced Amy Schweitzer as the Town's new Zoning Administrator.

Billing Clerk – Bob Hull reported for Laura that there are twenty-one unpaid garbage bills and 4 late fees still unpaid for a total of \$2,862.

Sewer collections are going smoothly. There are currently seven properties with liens on them with account balances of \$7,485.43, not including those that are not connected and lawsuits have been filed on.

UNFINISHED BUSINESS

LITIGATION UPDATE: There will be a hearing on the deck matter in Lagrange on August 11th, 2010. This does not involve the Town and Neal will be attending via phone conference.

Friday, August 13th there will be a summary judgment pretrial hearing on the inverse condemnation in the Hoagland Limited Family Partnership case before going to trial. The jury trial is scheduled for September 27th thru October 1st in Steuben Circuit Court. Surveys have been provided by Mr. Hoagland to the court appointed appraisers. There will be a final hearing

on August 20th with Mr. Hoagland and his attorney on a motion to dismiss the “compel to connect” suit because it is closely related to the inverse condemnation case. The town attorney will respond negatively.

The other two lawsuits regarding “compel to connect” have legal issues regarding ownership and foreclosure matters.

PRIVATE ROAD 420 – 462: The title company reported that Point Park Plat was recorded March 29, 1921 and shows a sketch indicating a roadway. Six years later Point Park Plat was dedicated. The brief legal description shows the boundary of the plat, but that the road does not follow the boundary line. The plat was dedicated in 1935 and because the road was depicted on the plat, it is considered a public road.

It was recommended that the entire road be surveyed and dedicated as a public road with a Resolution to rename the roadway at the time it is recorded on the deeds. Bob Hull will contact the surveyors for an estimate of the work needed to accomplish the public road designation.

NEW BUSINESS

STAGGERED COUNCIL SEATS: Town needs an ordinance this year for the staggered terms to take effect with the Municipal election in 2011 and the Presidential election in 2012. A decision needs to be made as to which council seat will be on the ballot for a three-year term and which council seat will be on the ballot for the four-year term. After the 2012 election we would have staggered terms.

HERITAGE COMMITTEE REPORT: Bonnie was not in attendance, but her report stated that 750 books have been sold and the publication expense had been reached in dollar of sales.

WATER QUALITY COMMITTEE REPORT: Maryjo Fitzenrider reported that Don Lupke is the newest member of the Water Quality Committee. Don will be working with the St. Joe River Watershed Initiative because Clear Lake is at the head of the St. Joe River watershed and they are already working on grants for addressing the problems with run-off into waterways. The committee has begun their second round of testing before the end of the year. The committee is working to map critical “wet areas” around the lake that are not yet designated “wetlands”. They have also been working with the Steuben County highway department identifying the run-off areas from the gravel roads into Clear Lake’s watershed.

Maryjo asked residents to write the governor, their senators and congressmen regarding the taking of the L.A.R.E. funds, transferring them to the General Fund and not giving out grants for water quality studies.

Bob Lewis asked for a motion to adjourn the meeting at 9:15 p.m. A motion was made by Alan Korte adjourn the meeting, seconded by George Schenkel, all in favor and the motion passed.

Robert E. Lewis, Council President

Kay A. Kummer, Clerk - Treasurer

Comments from Attendees: Chris Folland recommended taking the Code of Ordinance link off of the website until codification can be finished. Emma Brown, #432 Lake Drive welcomed new zoning administrator, Amy Schweitzer. Bruce Spangler, #222 seconded Emma's comments.