

## MINUTES OF THE SEPTEMBER 13<sup>TH</sup>, 2010 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the town hall on Monday, September 13<sup>th</sup>, 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 and Town Attorney, Neal Blythe. There were 26 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 August 9<sup>th</sup> minutes. There being none, Bob asked for a motion to accept the minutes as presented. Alan Korte made the motion to accept the minutes as presented, Sue Williams seconded, all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's report for the month of August, which is attached to the minutes and proceeded with the Voucher Register for the following funds from August 12<sup>th</sup> thru September 13<sup>th</sup>, 2010.

General Fund	\$12,791.70
Garbage Fund	5,304.11
Sewer Fund	<u>39,541.21</u>
Total Amount of Vouchers	\$57,637.02

Warrants to be approved were included in the Voucher Register

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

### REPORTS

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

Marshal's Report – Barry Worl reported for the Marshal that the summer went very well and with the assistance of the Sheriff's Department Marine Patrol there was an office on duty every week-end.

In August the police department responded to the following complaints:

- 4 background checks
- 3 VIN checks
- 1 HIN checks
- 5 golf cart registrations
- 3 assists for the Sheriff Department

- 2 assists for the Fremont Police
- 1 assist for the State Police
- 2 criminal mischiefs - vandalism
- 1 fireworks complaint

The new police vehicle has received several compliments from both citizens and fellow officers. It has allowed the officers to sit and watch for suspicious activity without being noticed.

The police boat will be removed from the water near the end of the September.

Zoning Administrator – Bob Hull reported

- 1 permit for remodel @880 Lake Drive – Gregg Richhart
- 1 administrative subdivision for 634 Lake Drive – Ben & Erin Culler

Sewer Department – Bob Hull reported during the month of June there were 9 locates, 10 service calls and the average flow was 864,000 gallons per day.

Street Department – Bob Hull that quotes have been received for road resurfacing that will be opened tonight. Bob also expressed a need for a new salt spreader. He will be working on getting quotes before the end of the year.

Billing Clerk – Bob Hull reported for Laura that September 18<sup>th</sup> will be heavy trash pick-up. Second notices have gone out this month for Garbage fees, final notices will go out in October. Property owners who have not paid by the 1<sup>st</sup> of November will have Small Claims filed against them.

Sewer collections are going smoothly. There are currently six properties with liens on them with account balances of \$7,731.28, not including the five properties that are not connected and lawsuits have been filed on.

### UNFINISHED BUSINESS

LITIGATION UPDATE: The Nevin vs. Hoagland deck case in Lagrange County is waiting on a motion for summary judgment.

The fence case that was to be dismissed last March is still pending because of language used by Mr. Hoagland. Neal asked if the Council was still in favor of dismissing the case. Bob Lewis asked for a motion to dismiss the fence case. George Schenkel made a motion to dismiss the fence case with the Hoagland Limited Family Partnership, Sue Williams seconded, all in favor and the motion passed. Ratification needs to include the Board of Zoning Appeals, Town Zoning Administrator and Town Superintendent.

For the lawsuits filed compelling property owners to connect to the Clear Lake Sewer System we received a response from only one. Mr. Hoagland made a motion on behalf of the Hoagland Limited Family Partnership to dismiss the lawsuit and the motion was denied. Neal will be moving forward on the Hewes and Jetmore lawsuits with default judgment.

Mr. Hoagland, on August 20<sup>th</sup> asked for a motion to continue the inverse condemnation case and Judge Wheat denied the motion. The jury list has gone out and the deadline to pass claims that are to be pursued will be September 15<sup>th</sup>. The civil rights claim was taken out. The trial will be September 27<sup>th</sup> thru October 1<sup>st</sup> in Steuben Circuit Court. Neal asked that the council be represented at the trial.

PRIVATE ROAD 420 – 462: Neal and Bob Hull will continue to work with the two surveyors on what is needed so that Point Park Drive is recorded in a legal manner for all parties involved. The survey needs to be certified and recorded in Steuben County in the best interest of the Town and the property owners.

### NEW BUSINESS

BIDS FOR ROAD RESURFACING: Bob Hull reported that the following bids were received and compared by the engineer for the work on Lake Drive from #136-158. The work will also include a swale at the southwest end of the roadway to help eliminate the standing water at the culvert.

1. Excell Paving Plus	\$41,301.95
2. Parrish Excavating	40,352.00
3. E & B Paving	32,721.00
4. Brooks Construction	32,582.60
5. T –E, Inc.	31,394.00
6. API	29,971.80

API was awarded the contract with the provision that they meet all of the requirements.

A motion was made by George Schenkel to accept the bid from API for \$29,971.80, seconded by Barry Worl, all in favor and the motion passed.

BUDGET 2011: Bob Lewis asked the Clerk-Treasurer to present the 2011 Budget for the Town of Clear Lake. After the Budget was presented, Bob asked for a motion to suspend the council meeting and open the public meeting. The motion was made by George Schenkel, seconded by Sue Williams, all in favor and the motion passed.

The Budget for 2011 was discussed with the property owners with no remonstrance's being filed.

George Schenkel made a motion to close the public hearing and continue the Council meeting, seconded by Sue Williams, all in favor and the motion passed.

### ORDINANCE 2010-06: AN ORDINANCE REVISING LOCAL PLANNING AND ZONING FEES – 1<sup>ST</sup> READING

Bob Lewis read the ordinance in its entirety and asked for a motion to accept on the 1<sup>st</sup> reading. Alan Korte made the motion to accept on the first reading, seconded by Sue Williams, all in favor and the motion passed.

ORDINANCE 2010-07: AN ORDINANCE AMENDING CLEAR LAKE ORDINANCE 295 AS CODIFIED AS CLEAR LAKE CODE 130.05 – 1<sup>ST</sup> READING

Bob Lewis read the ordinance in its entirety and asked for a motion to accept on the 1<sup>st</sup> reading. George Schenkel made the motion to accept on the 1<sup>st</sup> reading, seconded by Sue Williams, all in favor and the motion passed.

ORDINANCE 2010-08: AN ORDINANCE ESTABLISHING STAGGERED TERMS FOR TOWN COUNCIL MEMBERS AND CLEAR LAKE CLERK-TREASURER – 1<sup>ST</sup> READING

Bob Lewis read the ordinance in its entirety and asked for a motion to accept on the 1<sup>st</sup> reading. Barry Worl made the motion to accept the ordinance on the 1<sup>st</sup> reading, seconded by George Schenkel, all in favor and the motion passed.

CONTINUING BUSINESS

HERITAGE COMMITTEE REPORT: Bonnie Brown gave a brief history of how the History Book came about. Bill Geiger had asked Bonnie if she would be interested in doing a book on the history of Clear Lake and she readily agreed. That was the beginning. The historic calendar followed with the purpose of generating some cash for the book project. With advanced sales and Family Sponsors by November 2009 the project was in the black. As of today there are only about 140 books remaining. Do not delay purchasing your books for Christmas gifts.

WATER QUALITY COMMITTEE REPORT:

The St. Joe Water Shed Initiative is working of Federal Grant #319 to receive grant funding, but they need a plan for water shed to qualify. This is for the West Fork of the St. Joe Water Shed.

The LARE grant is about finished and the consultants will be reporting to the Water Quality Committee next month. The committee has been working with the County Surveyor on a tile with erosion going into the Cyrus Brouse Ditch south of 120 on 750E.

The Steuben County Lakes Council Water Quality Committee will be including Cyrus Brouse in their testing next May, July & August. Bob Lewis said that he will work on a letter of thanks to the Council for including the Cyrus Brouse in their testing.

Bob Lewis asked for a motion to adjourn the meeting at 8:15 p.m. A motion was made by George Schenkel to adjourn the meeting, seconded by Alan Korte, all in favor and the motion passed.

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Robert E. Lewis, Council President

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Kay A. Kummer, Clerk - Treasurer

Comments from Attendees: There was much discussion on the bridge between Round Lake and Clear Lake. The County as deemed that the bridge, which is 15' 10" is no longer considered a bridge because it is less than 20" in length, but is a structure. The County did the original installation, but now they do not want to maintain it. The Council will continue to work with the County to see what can be done. Bob will also check with Terry Cornelius on specifics on the original installation.

There was again much discussion on the road on Point Park and what will be done to get it legally recorded in the town. That project continues.

**TOWN OF CLEAR LAKE  
CASH & INVESTMENT BALANCES  
SEPTEMBER 30, 2010**

GENERAL FUND CASH BEGINNING BALANCE – SEPTEMBER 1, 2010	\$242,100
CASH RECEIPTS FOR SEPTEMBER	13,336
CASH DISBURSEMENTS FOR SEPTEMBER	<u>15,533</u>
GENERAL FUND CASH ENDING BALANCE – SEPTEMBER 30, 2010	<b>\$239,903</b>

GENERAL FUND CD'S AS OF SEPTEMBER 30, 2010	<u>\$225,000</u>
Motor Vehicles Highway – \$50,000 @ 1.17% matures 11/20/10	
Cumulative Capital Development – \$100,000 @ 1.27% matures 11/20/10	
General Fund – \$75,000 @ 1.27% matures 11/20/10	

**TOTAL CASH AND INVESTMENTS GENERAL FUND SEPTEMBER 30, 2010 \$464,903**

GARBAGE FUND CASH BEGINNING BALANCE – SEPTEMBER 1, 2010	\$177,396
CASH RECEIPTS FOR SEPTEMBER	769
CASH DISBURSEMENTS FOR SEPTEMBER	<u>5,304</u>
GARBAGE FUND CASH ENDING BALANCE SEPTEMBER 30, 2010	<b><u>172,861</u></b>

**TOTAL CASH AND INVESTMENTS GARBAGE FUND SEPTEMBER 30, 2010 \$172,861**

SEWER FUND CASH BEGINNING BALANCE – SEPTEMBER 1, 2010	\$477,227
CASH RECEIPTS FOR SEPTEMBER	196,253
CASH DISBURSEMENTS FOR SEPTEMBER	<u>42,253</u>
SEWER FUND CASH ENDING BALANCE SEPTEMBER 30, 2010	<b>*631,227</b>

SEWER FUND CD'S AS OF SEPTEMBER 30, 2010	
Farmers & Merchants CD \$260,000 @ 1.27% matures 11/20/10	260,000
Flagstar Bank CD - \$200,000 @ 1.40% matures 02/03/2011	200,000
Flagstar Bank CD - \$200,000 @ 1.81% matures 08/03/2011	<u>200,000</u>
	660,000

**TOTAL CASH AND INVESTMENTS SEPTEMBER 30, 2010 \$1,291,227**

\* Includes Sinking Fund for Bond & Interest of \$143,222 (\$21,800 is transferred monthly), Debt Service Reserve of \$261,827, for final bond payment, of which \$260,000 has been moved to a certificate of deposit at Farmers & Merchants Bank, interest will be added quarterly, leaving \$154,916 for operating.

**Bond Indebtedness as of September 30, 2010 is \$2,593,000**