

MINUTES OF THE OCTOBER 4TH, 2010 TOWN COUNCIL MEETING

A public meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, October 4th, 2010. Present were Council Members Bob Lewis, George Schenkel, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull, Town Marshal, John Gonya and Town Attorney, Neal Blythe. There were two citizens in attendance.

Council President, Bob Lewis called the meeting to order at 9:40 a.m.

Attorney, Neal Blythe reported on the inverse condemnation case with the Hoagland Family Limited Partnership. It was suggested by Judge Wheat that the Town and Mr. & Mrs. Hoagland resolve the lawsuit on Tuesday, October 5th. The town inadvertently installed the sewer pipe on the Hoagland property at 1114 and 1121 Lake Drive. The settlement determined to be paid to the Hoagland's by the court is \$15,000. Sewer easements will be prepared for each property to allow for maintenance of the sewer lines located beneath the surface at 1114 and 1121 Lake Drive. Mr. & Mrs. Hoagland have agreed to sign the easements upon receiving payment of \$15,000 from the Town's insurance provider at the time of the sewer installation. The attorney fees portion of the lawsuit will be determined at a later date. All other lawsuits regarding the inverse condemnation were dropped. Lawsuits for not connecting to the Town of Clear Lake sewer system remain unresolved.

Bob Lewis asked for a motion to ratify the inverse condemnation lawsuit. A motion was made to ratify the inverse condemnation lawsuit by Alan Korte, seconded by George Schenkel, all in favor and the motion passed.

Regarding the lawsuits for the Hoagland Family Limited Partnership for the properties at 804, 1114 and 1121 Lake Drive for not connecting to the Town of Clear Lake sewer system, Neal will be filing a summary judgment. The time line for all three properties to be connected should be by October 2011. There will not be a fee for capacity and laterals as they were included in the original sewer bond. There will be an inspection fee of \$200 to connect from the house to the grinder with that cost paid by the Hoagland's. Daily fines from the date of the lawsuit until connection, plus all bond and interest payments from inception will be determined in the discovery process.

PARK POINT PARK: Neal is working with the surveyor to get a description of what was originally platted and what is currently used as a public road. If there is a utility easement with NIPSCO for their poles it does not follow the current hard surface.

RESOLUTION 03-2010: RESOLUTION TO TRANSFER FUNDS

Council requested that the following transfers of funds be made:

Transfer From:	General Fund – Capital Outlay	\$24,200
To:	General Fund – Other Professional Services – Streets	24,200
Transfer From:	LOIT Fund – Personnel – Town Marshal	\$ 1,000

To: LOIT Fund – Equipment Repairs

\$ 1,000

Bob Lewis asked for a motion to accept the transfer of funds as requested. George Schenkel made a motion to accept the request for transfer of funds, seconded by Sue Williams, all in favor and the motion passed.

WARRENTS TO BE APPROVED: Warrants totaling \$30,536.07 were presented for approval.

Bob Lewis asked for a motion to approve the warrants as presented. A motion was made by Barry Worl, seconded by George Schenkel, all in favor and the motion passed.

FRANCHISE FEES: The issue of a franchise fee was brought before the council. After much discussion it was decided to leave the franchise fee at 0% although the state says that the Town is allowed to have the cable company charge a pass through fee of 5%.

MISCELLANEOUS: Jim Skinner asked about the possibility of changing the sewer collection pipe around the lake from a gravity system to a pressure system. Jim's concern is preserving the quality of the water in Clear Lake. A loop would need to be installed in the current system from the old hotel to the condos on the north side of the lake to complete the system. Bob Hull said that he will consult with Commonwealth Engineers on the possibility and report his findings to the Council.

2011 BUDGET APPROVAL: Scheduled for October 11, 2011

TOWN COUNCIL STAGGERED SEATS: Ordinance will be ready for October 11 meeting.

There being not further business Bob Lewis asked for a motion to adjourn at 11:00 a.m.

A motion was made by Barry Worl to adjourn the council meeting at 11:00 a.m., seconded by Sue Williams, all in favor and the motion passed.

Respectfully Submitted

Robert E. Lewis, President

Attested: Kay A. Kummer, Clerk/Treasurer