

MINUTES OF THE OCTOBER 11TH, 2010 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the town hall on Monday, October 11th, 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 12 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 September 13th 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 September, which is attached to the minutes and proceeded with the Voucher Register for the following funds from September 13th thru October 11th, 2010.

General Fund	\$23,828.48
Garbage Fund	5,304.10
Sewer Fund	<u>31,888.67</u>
Total Amount of Vouchers	\$61,021.25

Warrants to be approved were included in the Voucher Register

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

REPORTS

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 36 calls for the month of September with one call to the Town of Clear Lake and one in Clear Lake Twp.

MARSHAL'S REPORT – Barry Worl reported for the Marshal that with the season changing and residents closing their summer homes for the winter that they should be leave with the appearance that the homes are lived in. Put a light or two on a timer, have someone stop to remove unwanted papers from the paper box or driveway and have snow removed when necessary.

For those property owners leaving the lake for the winter, the marshal will see you in the Spring For those year-round residents, the Marshal and his Deputies will continue to patrol the Town and have someone in the office a few days a week for administrative duties.

In September the police department responded to the following incidents:

- 2 background checks
- 1 VIN checks
- 2 HIN checks
- 1 residential entry
- 2 assists for the Sheriff Department
- 1 assist for the Fremont Police
- 1 loud music/noise complaint

The police boat was removed from the water in late September, but is still available if needed.

ZONING ADMINISTRATOR – Amy Schweitzer

- 1 permit, new home @ 634 Lake Drive – Ben & Erin Culler
- 1 permit, major remodel @ 880 Lake Drive – Gregg Richhart
- 1 permit, garage foundation @ 176 Lake Drive – Gregg Richart

There will be one Variance petition #2010-06, D. Miller @ 628 Lake Drive – October 18th.
Administrative Subdivision approved for Ben & Erin Culler, 634 Lake Drive.

SEWER DEPARTMENT – Bob Hull reported during the month of September that there were 16 locates, 6 service calls and the average flow from 08/18-09/17 was 78,194 gallons per day.

A valve installed during the original construction at 7955 E 750 N was found to be defective and has been repaired.

STREET DEPARTMENT – Street projects are underway and running smoothly.

A riser pipe was installed at 748 Lake Drive in the swamp in an attempt to keep the culvert pipe open and slow the flow of water into the lake.

A new catch basin flat grate was installed at 1039 Lake Drive and the domed one was removed.

Road sides have been mowed, several signs replaced and potholes filled.

BILLING DEPARTMENT – Bob Hull reported for Laura that Final notices will be going out for those not paying their annual Garbage fees. Property owners who have not paid by the 1st of November will have Small Claims filed against them. If you are having a problem with garbage pickup, please call the Town Hall ASAP on Mondays so that dispatch can be notified. If you would like to call them, their number is 419-636-3904.

Sewer collections are going smoothly. There are currently six properties with liens on them with account balances totaling \$8,331.93, not including the five properties that are not connected and lawsuits have been filed upon.

UNFINISHED BUSINESS

LITIGATION UPDATE – Neal Blythe, Town Attorney reported that the Inverse Condemnation Case filed by Hoagland Limited Family Partnership trial began on September 27th. During the second day of the trial it was recommended by Judge Wheat that all parties work together on a settlement. The town received all of the easements that it needs to maintain the sewer and all of the lawsuits were dropped between the Hoaglands and other named parties. The case has been settled with the Town’s Insurance Company. The judge has made his decision and there can be no appeal. As soon as the insurance company delivers the settlement check to Mr. Hoagland’s attorney, Mr. and Mrs. Hoagland will sign the easements for the town to maintain the sewer on their properties. The judge will make a decision on the Hoagland’s attorney fees at a later date.

A question was asked if there should be a lien filed on the Hoagland properties and Neal stated not at this time because of the lawsuits in process for compelling to connect to the sewer system. The lawsuits will show-up on a title search.

PRIVATE ROAD 420 – 462: Neal has communicated with one of the two surveyors on what is required for the Point Park Drive Project. He is hoping to hear from the second one soon so that the quotes will be on the same scope of work.

2011 BUDGET ADOPTION – The Clerk-Treasurer presented the 2011 budget. Bob Lewis asked for a motion to adopt the 2011 Budget. Alan Korte made the motion to accept the 2011 budget as presented, seconded by Barry Worl, all in favor and the motion passed.

Bob Lewis explained that the Council was going to have a Public Hearing on three ordinances and asked for a motion to suspend the council meeting for the hearings. Alan Korte made a motion to suspend the Council meeting and open the Public hearing, Sue Williams seconded and the motion passed.

Bob Lewis asked for a motion to read the Ordinances by summary only. A motion was made by George Schenkel to read by summary only, seconded by Sue Williams and the motion passed.

Bob read the ordinances by summary only.

ORDINANCE NO 2010-06: AN ORDINANCE REVISING LOCAL PLANNING AND ZONING FEES: This ordinance revises the fees for local planning and zoning functions following the implementation of the Unified Development Ordinance.

ORDINANCE NO 2010-07: AN ORDINANCE AMENDING CLEAR LAKE ORDINANCE 295 AS CODIFIED AS CLEAR LAKE CODE 130.05: This ordinance amends Clear Lake Ordinance 295, which has been codified as Clear Lake Code 103.05, to allow bow and arrow hunting of deer within the corporate limits of the Town of Clear Lake under the direction of the Indiana Department of Natural Resources.

ORDINANCE NO 2010 – 08: AN ORDINANCE ESTABLISHING STAGGERED TERMS FOR TOWN COUNCIL MEMBERS AND THE CLEAR LAKE CLERK-TREASURER: This ordinance establishes staggered terms and elections for the Clear Lake Town Council members and the Clear Lake Clerk-Treasurer.

After much discussion from the Clear Lake Property Owners on the above ordinances, Bob Lewis asked for a motion to close the Public Hearing and reconvene the Council Meeting. The motion was made by Sue Williams, seconded by Alan Korte, all in favor and the motion passed.

Bob Lewis read Ordinance 2010-06: An Ordinance revising Local Planning and Zoning Fees by summary only and asked for a motion to accept the ordinance on the second reading. A motion was made by Alan Korte to accept Ordinance 2010-06 on the second reading, seconded by Sue Williams, all in favor and the motion was accepted.

Bob Lewis read Ordinance 2010-06: An Ordinance revising Local Planning and Zoning Fees by summary only and asked for a motion to accept on the 3rd reading. A motion was made by George Schenkel to accept Ordinance 2010-06 on the third reading, seconded by Sue Williams, all in favor and the motion was accepted.

Bob Lewis read Ordinance 2010-07: An Ordinance amending Clear Lake Ordinance 295, which has been codified as Clear Lake Code 130.05 by summary only and asked for a motion to accept the ordinance on the second reading. A motion was made by George Schenkel to accept Ordinance 2010-07 on the second reading, seconded by Alan Korte, all in favor and the motion was accepted.

Bob Lewis read Ordinance 2010-07: An Ordinance amending Clear Lake Ordinance 295, which has been codified as Clear Lake Code 103.05 by summary only and asked for a motion to accept the ordinance on the third reading. A motion was made by Sue Williams to accept the Ordinance 2010-07 on the third reading, seconded by Alan Korte, all in favor and the motion was accepted.

Bob Lewis read Ordinance 2010-08: An Ordinance establishing Staggered Terms for Town Council Members and the Clear Lake Clerk-Treasurer by summary only and asked for a motion to accept the ordinance on the second reading. Barry Worl made a motion to accept Ordinance 2010-08 on the second reading, seconded by Sue Williams, all in favor and the motion was accepted.

CONTINUING BUSINESS

WATER QUALITY COMMITTEE REPORT:

Bob Lewis reported for the committee that work has been completed on the feasibility study by the Davey Resource Group. There will be a presentation of their findings on November 9th, 2010 at 7:00 pm at St. Paul's Catholic Church. The consultants will present their findings and answer questions from the community.

Bob Lewis asked for a motion to adjourn the meeting at 7:40 p.m. A motion was made by George Schenkel to adjourn the meeting, seconded by Barry Worl, all in favor and the motion passed.

Robert E. Lewis, Council President

Kay A. Kummer, Clerk - Treasurer

Comments from Attendees: Jerry McArdle, 294 Lake Drive asked about Amy Schweitzer coming back as Zoning Administrator. Jerry also would like to have somebody to lobby the state for more of our property tax money to be returned to the Town. The Clerk/Treasurer reported that the Town is a member of the Indiana Association of Cities & Towns and they do have a presence at the capital and they represent the Town.

Larry Cutshall, 462 Lake Drive asked about the bridge. The Town Superintendent, Bob Hull reported that it is now the Town's responsibility. There was much discussion on actions that could be taken in the future for the bridge. No action will be taken at this time.

**TOWN OF CLEAR LAKE
CASH & INVESTMENT BALANCES
OCTOBER 31, 2010**

GENERAL FUND CASH BEGINNING BALANCE – OCTOBER 1, 2010	\$239,903
CORRECTION TO BEGINNING BALANCE – OCTOBER 1, 2010 (CD'S MISTAKENLY OMITTED IN SEPTEMBER 2010)	225,000
CASH RECEIPTS FOR OCTOBER	14,048
CASH DISBURSEMENTS FOR OCTOBER	<u>21,865</u>
GENERAL FUND CASH ENDING BALANCE – OCTOBER 31, 2010	\$457,086
GENERAL FUND CD'S AS OF OCTOBER 31, 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	
<u>TOTAL CASH AND INVESTMENTS GENERAL FUND OCTOBER 31, 2010</u>	<u>\$682,085</u>
GARBAGE FUND CASH BEGINNING BALANCE – OCTOBER 1, 2010	\$172,861
CASH RECEIPTS FOR OCTOBER	1,376
CASH DISBURSEMENTS FOR OCTOBER	<u>5,304</u>
GARBAGE FUND CASH ENDING BALANCE OCTOBER 31, 2010	<u>\$168,933</u>
<u>TOTAL CASH AND INVESTMENTS GARBAGE FUND OCTOBER 31, 2010</u>	<u>\$168,933</u>
SEWER FUND CASH BEGINNING BALANCE – OCTOBER 1, 2010	\$631,227
CASH RECEIPTS FOR OCTOBER	47,743
CASH DISBURSEMENTS FOR OCTOBER	<u>53,198</u>
SEWER FUND CASH ENDING BALANCE OCTOBER 31, 2010	*647,572
SEWER FUND CD'S AS OF OCTOBER 31, 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
<u>TOTAL CASH AND INVESTMENTS OCTOBER 31, 2010</u>	<u>\$1,307,572</u>

* Includes Sinking Fund for Bond & Interest of \$165,022 (\$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 \$220,723 for operating.

Bond Indebtedness as of October 31, 2010 is \$2,593,000