

MINUTES OF THE DECEMBER 13TH, 2010 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the town hall on Monday, December 13th, 2010 at 7:00 p.m. Present were Council Members Robert Lewis, George Schenkel, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were seven citizens who signed the guest register.

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

President Bob Lewis thanked George Schenkel for conducting the October Council meeting in his absence. George then presented Sue Williams with a check to the Faith Community Health Clinic as a memorial to her husband Tom. Sue accepted graciously on behalf of the Clinic.

Bob Lewis continued with the meeting and asked for any additions or corrections of the minutes from the November 8th, 2010 meeting. There being no changes Bob asked for a motion to accept the minutes as presented. A motion was made by Alan Korte to accept the minutes as presented, George Schenkel seconded, all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's report for the month of October, which is attached to the minutes and proceeded with the Voucher Register for the following funds from November 8th thru December 13th, 2010

General Fund	\$291,619.81
Garbage Fund	130,304.10
Sewer Fund	<u>524,545.76</u>
Total Amount of Vouchers	\$946,469.67

Warrants to be approved were included in the Voucher Register. Bob asked for a motion to accept the Treasurer's Report and the Voucher Register with Warrants. Sue Williams made the motion to approve the Treasurer's Report and Voucher Register as presented, seconded by Barry Worl, all in favor and the motion passed.

RESOLUTION: 04-2010

Transfer of funds From: Motor Vehicles & Highway – Other Services & Charges	\$3,800
To: Motor Vehicles & Highway – Capital Outlay	\$3,800

Bob Lewis read the resolution in its entirety and asked for a motion to accept the resolution as read. George Schenkel made the motion to accept Resolution 04-2010 to transfer funds, seconded by Alan Korte, all in favor and the motion passed.

RESOLUTION: 05-2010

Transfer of funds From: General Fund	\$27,000
To: Rainy Day Fund	\$27,000

Bob Lewis read the resolution in its entirety and asked for a motion to accept the resolution as read. Barry Worl made the motion to accept Resolution 05-2010 to transfer funds, Sue Williams seconded the motion, all in favor and the motion passed.

RESOLUTION: 06-2010

Transfer of funds From: Sanitation Fund	\$25,000
To: Sewer Fund	\$25,000

As a loan to be repaid in February 2011

Bob Lewis read the resolution in its entirety and asked for a motion to accept the resolution as read. George Schenkel made a motion to accept Resolution 06-2010 to transfer funds, Alan Korte seconded the motion, all in favor and the motion passed.

REPORTS

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 48 calls for the month of November with four calls to the Town of Clear Lake and three in Clear Lake Twp.

Friday, December 10, 2010 there was a water rescue of three duck hunters from the waters of Clear Lake. Their boat was swamped as they were leaving the lake about 12:30 pm and fortunately a worker on the east side of the lake saw the event and called 911. One person was air lifted to Fort Wayne and the other two were taken to Cameron Hospital in Angola. Marshal Gonya praised all departments who assisted in the rescue.

MARSHAL'S REPORT – Barry Worl reported for Marshal Gonya the change in schedule for the Marshal and Deputies McCarty and Compton. In his letter, Marshal Gonya stated that it has been a pleasure serving the residents of Clear Lake and looks forward to the continued partnership between the Police Department and the Town in 2011.

ZONING ADMINISTRATOR – Amy Schweitzer – November 2010

ILP #2010-17 Niles Schwartz – 772 Lake Drive – Remodel

November 3rd Plan Commission certified and forwarded UDO text amendments with favorable recommendation to the Town Council.

Review and research existing Administrative Subdivision process.

Amy had discussions with various residents/contractors on potential projects and organized office.

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of November that there were 15 locates, 5 service calls, replaced 2 pumps and the average daily flow was 44,906 gallons per day.

A valve box to a grinder was damaged by a tree contractor. The valve has been repaired and the Billing Clerk has billed the homeowner. The rest of the system is working well.

Bob attended a Indiana Rural Water meeting in Columbus from December 6-8 as an educational class for his licenses and other information.

STREET DEPARTMENT – The school system has requested several trees be trimmed due to scratching of the buses. Bob will be working with a tree trimmer to get this done by the end of the year.

The new salt spreader has been installed and is working well after making a few minor adjustments.

Road signs have been replaced due to damage by a semi-truck and trailer misdirected into the Town. The billing clerk has billed the owner of the truck for the cost of repairs.

UNFINISHED BUSINESS

DECK CASE IN LAGRANGE COUNTY – hearing before Judge Brown tomorrow, December 14th regarding summary judgment motion after which the town will be able to file summary judgment for the town.

Neal is working with Hunt, Suedhoff preparing for the hearing in January on case to determine attorney fees on the Hoagland Family Limited Partnership inverse condemnation case.

Neal has spent the past month working on resolution for sewer lawsuits on the property owners who have not connected to the Clear Lake Sewer System. There is a problem with the Jetmore's because they have abandoned the property and do not care what happens to it.

PRIVATE ROAD 420 – 462: tabled until January 2011

ORDINANCE 2010-09: AN ORDINANCE SETTING SALARIES AND WAGES OF THE OFFICERS AND EMPLOYEES FOR THE TOWN OF CLEAR LAKE, INDIANA FOR THE CALENDAR YEAR 2011

ORDINANCE 2010-10: AN ORDINANCE AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS FALLING DUE PRIOR TO REGULAR MEETING DATES OF TOWN COUNCIL.

ORDINANCE 2010-11: AN ORDINANCE ADOPTING THE TOWN OF CLEAR LAKE ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN

Bob Lewis asked for a motion to read the above ordinance by summary only. George Schenkel made the motion to read Ordinance 2010-09, Ordinance 2010-10 and Ordinance 2010-11 by summary only, seconded by Sue Williams, all in favor and the motion passed.

Bob Lewis read Ordinance 2010-09 by summary only and asked for a motion to accept the ordinance on the second reading. Alan Korte made the motion to accept Ordinance 2010-09 on the second reading, seconded by Sue Williams, all in favor and the motion was accepted.

Bob Lewis read Ordinance 2010-10 by summary only and asked for a motion to accept the ordinance on the second reading. Alan Korte made the motion to accept Ordinance 2010-10 on the second reading, seconded by Barry Worl, all in favor and the motion was accepted.

Bob Lewis read Ordinance 2010-11 by summary only and asked for a motion to accept the ordinance on the second reading. Alan Korte made the motion to accept Ordinance 2010-11 on the second reading, seconded by Sue Williams, all in favor and the motion was accepted.

PUBLIC HEARING ON ORDINANCE 2010-09, ORDINANCE 2010-10, ORDINANCE 2010-11

Bob Lewis asked for a motion to suspend the public meeting and open the public hearing. George Schenkel made the motion to suspend the public meeting and open the public hearing, seconded by Sue Williams, all in favor and the motion passed.

After much discussion on all of the above ordinances from the attending property owners Bob Lewis asked for a motion to close the public hearing and open the public meeting. George Schenkel made the motion to close the public hearing and open the public meeting, seconded by Sue Williams and the motion passed.

Bob Lewis read Ordinance 2010-10 by summary only and asked for a motion to accept the ordinance on the third reading. The motion was made by Alan Korte to accept Ordinance 2010-10 on the third reading, seconded by Barry Worl, all in favor and the motion passed.

Bob Lewis read Ordinance 2010-11 by summary only and asked for a motion to accept the ordinance on the third reading. The motion was made by Alan Korte to accept ordinance 2010-11 on the third reading, seconded by George Schenkel, all in favor and the motion was accepted.

ORDINANCE 2011-12: AN ORDINANCE AMENDING THE CLEAR LAKE UNIFIED DEVELOPMENT ORDINANCE

Bob Lewis read portions of the 70 pages of changes to the UDO highlighting some of the changes.

Bob Lewis read Ordinance 2010-12 in its entirety and asked for a motion to accept the changes as recommended by the Clear Lake Plan Commission. The motion was made by George Schenkel to accept the changes to the Unified Development Ordinance as recommended by the Plan Commission, seconded by Sue Williams, all in favor and the motion was accepted.

WATER QUALITY COMMITTEE REPORT:

Maryjo Fitzenrider reported that the Clear Lake Land Conservancy along with the Water Quality Committee had a meeting on November 9th, 2011 at the Catholic Church with 54 people in attendance. The meeting was to inform property owners in the Clear Lake Watershed of the results of the study performed by the Davey Group out of Fort Wayne. The report has been posted on the Town's website.

At the Steuben County Lakes Council meeting on December 4th, there was concern about the abandoned cattle feed lot on CR 600 even though that property is in the Pigeon Creek Watershed. Because of the St. Mary's water problem there seems to be more transportation of cattle waste across the Ohio-Indiana state line. Indiana has no legislation at this time regarding movement of cattle waste across state lines.

The Committee qualified for a grant from the Steuben County Lakes Council for \$250 to purchase more water testing supplies to continue more testing for the Cyrus Brouse Ditch.

The committee is working on Best Management Practices with local agencies and the land owners in an attempt to find funding for some of the projects that could be pursued.

There being no further business, Bob Lewis asked for a motion to adjourn the meeting at 8:05 p.m. George Schenkel made the motion to adjourn, Barry Worl seconded, all in favor and the motion passed.

Robert E. Lewis, President

Kay A. Kummer, Clerk – Treasurer

During the public session, Bob Lewis read the letter he had written to Mayo Sanders, regarding the structure between Clear Lake and Round Lake. The County Commissioners response is to keep the structure on the County Bridge inventory. There was further discussion on the possibilities of how to ensure the longevity of the structure.

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

GENERAL FUND CASH BEGINNING BALANCE – NOVEMBER 1, 2010	\$457,086
CASH RECEIPTS FOR NOVEMBER	13,000
CASH DISBURSEMENTS FOR NOVEMBER	<u>88,245</u>
GENERAL FUND CASH ENDING BALANCE – NOVEMBER 30, 2010	\$381,841

GENERAL FUND CD'S AS OF NOVEMBER 30, 2010	
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>\$225,000</u>

TOTAL CASH AND INVESTMENTS GENERAL FUND NOV. 30, 2010 \$606,841

GARBAGE FUND CASH BEGINNING BALANCE – NOVEMBER 1, 2010	\$168,933
CASH RECEIPTS FOR NOVEMBER	24
CASH DISBURSEMENTS FOR NOVEMBER	<u>5,304</u>
GARBAGE FUND CASH ENDING BALANCE NOVEMBER 30, 2010	<u>\$163,653</u>

TOTAL CASH AND INVESTMENTS GARBAGE FUND NOV. 30, 2010 \$163,653

SEWER FUND CASH BEGINNING BALANCE – NOVEMBER 1, 2010	\$647,572
CASH RECEIPTS FOR NOVEMBER	67,259
CASH DISBURSEMENTS FOR NOVEMBER	<u>43,869</u>
SEWER FUND CASH ENDING BALANCE NOVEMBER 30, 2010	*670,962

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

TOTAL CASH AND INVESTMENTS NOVEMBER 30, 2010 \$1,330,962

* Includes Sinking Fund for Bond & Interest of \$186,821 (\$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 \$222,314 for operating.

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

