

MINUTES OF THE JANUARY 10TH, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, January 10th, 2011 at 7:00 p.m. Present were Council Members Robert Lewis, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were six citizens who signed the guest register.

Council 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 December 13th, 2010 Council Meeting Minutes as they were presented. There being no changes Bob asked for a motion to accept the minutes. A motion was made by Sue Williams 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 December, which is attached to the minutes and proceeded with the Voucher Register for the following funds from December 14th, 2010 thru January 10th, 2011.

Following are the total disbursements for:

General Fund	\$45,536.76
Garbage Fund	30,304.10
Sewer Fund	<u>238,581.19</u>
Total Amount of Vouchers	\$314,422.05

Warrants to be approved were included in the Voucher Register. President, Bob Lewis 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.

REPORTS

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 50 calls for the month of December with three calls to the Town of Clear Lake and four in Clear Lake Twp. The Fire Marshall also sent their annual report of calls listing the types of calls. Total calls for 2010 were 553 totaling 3,233.90 man hours.

MARSHAL'S REPORT – Barry Worl reported for Marshal Gonya that the police department responded to the following incidents in December 2010:

6 background checks

- 2 security alarms
- 5 assist's for the Sheriff Department
- 1 assist for the Fremont Police
- 1 assist for the Fremont Fire Department
- 1 near drowning w/sunken boat

Almost losing three duck hunters on the lake was the biggest challenge for the month. One of the men that were rescued was flown to Fort Wayne for treatment and the other two were treated and released from Cameron Hospital in Angola. Those units participating in the rescue were the Fremont Fire Department, Sheriff's Department, DNR and Fremont Police. Many thanks for their assistance.

The new patrol hours are working well for the all in the department.

ZONING ADMINISTRATOR – Amy Schweitzer – December 2010

ILP #2010-18 Hazenhurst Condominiums – flatwork at the garages

Amy continues to research existing Administrative Subdivision process.

Research with assistance from Chad Hoover – Steuben County GIS
Formulating conclusions

Continue to have on going discussions with various residents/contractors on potential projects.

Letter to Moran concerning violations/ILP issues at 36 Lake Drives

Continue organizing Administrator's office and labeling files. Research active Clear Lake building permits and compare with Steuben County building permits for 2010.

Total hours worked for December – 22.75.

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of December that there were 7 locates, 5 pumps replaced or repaired and the average daily flow was 50,218 gallons per day. Bob also reported that there has been a noticeable increase in the processing fee from Fremont the last two months and he has been researching what the cause could be. Initially Bob had thought that surface water was entering the system, but because the electrical usage was consistent with prior months he made a phone call to the company that services the meter. The company suggested that it is the relief valves on the line. Bob had all of the relief valves checked between the town and Fremont and they were all working properly. M & C Trenching found that both of the main check valves at the lift station were mal-functioning allowing air to enter the line. Because the check valves were allowing air into the line the town was getting an incorrect reading of liquids going through the line. One of the valves was changed last Friday and the other one will be replaced tomorrow. Bob will continue to monitor the readings and work with Fremont to negotiate a credit to our account by presenting comparison numbers from last year.

STREET DEPARTMENT – Sevit’s Tree Service completed trimming trees and brush around the lake prior to the end of the fiscal year.

The new salt/sand spreader is working well. Adequate amounts of sand and salt have been applied to the road to date and we have ample supply available for future in-climate weather.

BILLING DEPARTMENT – Laura is beginning to ask for changes in the Directory for 2011 to make sure that all information is correct.

GARGABE – There is one property owner that has been taken to Small Claims for non-payment and one that Laura was unable to file in Small Claims because they have filed for bankruptcy.

SEWER – There were two liens filed in December for non-payment and another one not filed due to bankruptcy filing. The town received payment from the County for three liens and those liens have been released.

UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe reported that he had a stipulation document for all of the Council members to sign regarding the Hoagland Limited Partnership fence case. After all parties have signed the document it will be presented to the Steuben County Circuit Court.

The issue of attorney fees from the Hoagland Limited Partnership inverse condemnation case has been continued until April 2011.

The Hoagland Limited Partnership deck case with the Nevins and other defendants continues in LaGrange County.

PRIVATE ROAD STATUS – Neal will be having a meeting with Steve Bruns and Roland Assoc. on Thursday regarding the solution for this issue in conjunction with the new UDO.

NEW BUSINESS:

ELECTION OF OFFICERS – After some discussion, a vote was taken and Bob Lewis unanimously retains the position of President of the Town Council.

BOARD OF ZONING APPEALS – Bob Lewis announced that Bonnie Brown has accepted the vacated position on the Board of Zoning Appeals and Dave Harris will be the alternate.

ORDINANCE 2011-01: 1ST READING – AN ORDINANCE RELATING TO THE COMPENSATION TO BE RECEIVED BY EACH MEMBER/ALTERNATE OF THE PLAN COMMISSION AND THE BOARD OF ZONING APPEALS.

Bob Lewis read Ordinance 2011-01 in its entirety and asked for a motion to accept the ordinance. Alan Korte made a motion to accept Ordinance 2011-01 on the first reading, Sue Williams seconded, all in favor and the motion was accepted.

ORDINANCE 2011-02: 1ST READING – AN ORDINANCE AMENDING OR REPEALING CERTAIN PREVIOUS CLEAR LAKE ORDINANCES AND PORTIONS OF THE CLEAR LAKE CODE.

Bob Lewis, Alan Korte and Barry Worl read Ordinance 2011-02 in its entirety and Bob Lewis asked for a motion to accept the ordinance. A motion was made by Alan Korte to accept Ordinance 2011-02 on the 1st reading, seconded by Sue Williams, all in favor and the motion passed.

WATER QUALITY COMMITTEE REPORT:

Annie Skinner reported that the Water Quality Committee has finished the water study and have received the natural resource assessment. There are two hard copies of the study and one will be at the Town Hall for review. The Clear Lake Conservancy will be passing along an ordinance to the Town Council regarding the wetlands around Clear Lake.

The land owners have a list of recommendations for Better Management Practices on their properties and Dan Oberst, from the Water Quality Committee, will continue to work with them on finding funding through local agencies.

YEAR IN REVIEW:

- The Town continues to provide municipal services to property owners even with reduced funding from the County property taxes and State revenues.
- Town Manager, Bob Hull was able to get 5200 lineal feet of road engineered and resurfaced in 2010. As property tax funds are available, additional sections of roads in the town will be added. Bob continues to investigate a sealer for the resurfaced roads to prolong their life span and to work with surveyors and Town Attorney, Neal Blythe to determine dedication of road-ways for future project. Bob also keeps watch over the sewer system and is tracking pumps to determine when pumps will need to be replaced.
- Billing Clerk, Laura Farquhar is at the Town Hall, Monday thru Friday to discuss your billings questions. She also collects information from property owners for the Directory that the Lions Club has published for the town along with her many other tasks.
- Kay has gotten through her first full year as Clerk/Treasurer making sure that the books are in balance, the 2011 Budget was submitted to the County Auditor on time and she passed her first State Board of Accounts audit. She has also worked with Council members and Neal Blythe organizing changes to the Code of Ordinance Book.
- Amy Schweitzer, our new Zoning Administrator and also a community planner who has worked with Ground Rules. Amy has stepped into the position of Zoning Administrator with great results and admiration from those she has worked with.

- Marshal, John Gonya, although having moved up to the position of Deputy Sherriff in Steuben County has assured the Council that the Town will continue to have good police coverage with the assistance of his Deputies McCarty and Compton.
- Town Attorney, Neal Blythe continues to stay on top of all of the litigation between the town and the Hoagland Limited Partnership. Lawsuits have been filed with the three property owners who have not connected with the sewer. He has worked writing ordinances and making sure that the Clerk is kept informed on procedures.
- Agreement was established with the County regarding the Round-Clear Lake Bridge.
- A new fire protection contract was negotiated with the Town of Fremont for 2011.
- Larry Armstrong continues to be the liaison between the Town and the Steuben County Economic Development Corporation to assist in bringing businesses to the County.
- With the assistance of the Department of Natural Resources the Town had nine deer eliminated from area herds.
- The Clear Lake Association continues to show their support of the Town by providing a donation for swim buoys, the cottage number signs at intersections and by donating the two Blue Spruce trees at the Town Hall.
- For 2011, with the financial assistance of the Clear Lake Conservancy, the Town hopes to finish the rooms in the lower level of the Town Hall so that the History and Water Quality Committees will have storage for their documents and supplies.
- Yard waste disposal continues to be a matter of discussion at Town Council meetings and around the lake with property owners. At this time we do not have a solution. Any plan of operation would be welcomed.
- Clear Lake contingency plan is in place and it is time for review.

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

Robert E. Lewis, President

Kay A. Kummer, Clerk/Treasurer

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

GENERAL FUND CASH BEGINNING BAL – DEC 1, 2010	\$381,841
CASH RECEIPTS FOR DECEMBER	128,857
CASH DISBURSEMENTS FOR DECEMBER	<u>318,033</u>
GENERAL FUND CASH ENDING BAL – DEC 31, 2010	\$192,665
GENERAL FUND CD'S AS OF DECEMBER 31, 2010	
General Fund – \$75,000 @ .31% matures 11/20/11	\$75,000
Major Moves – \$125,000 @ .65% matures 12/01/2011	125,000
Motor Vehicles Highway – \$50,000 @ .31% matures 11/30/2011	50,000
Cum Cap Development – \$150,000 @ .65% matures 12/01/2011	150,000
Cum Cap Development – \$100,000 @ .31% matures 11/30/2011	100,000
	<u>\$500,000</u>
<u>TOTAL CASH AND INVEST GEN FUND DEC. 31, 2010</u>	<u>\$692,665</u>
GARBAGE FUND CASH BEGINNING BAL – DEC 1, 2010	\$163,653
CASH RECEIPTS FOR DECEMBER	6
CASH DISBURSEMENTS FOR DECEMBER	<u>155,304</u>
GARBAGE FUND CASH ENDING BALANCE DEC 31, 2010	<u>\$8,355</u>
GARBAGE FUND CD'S AS OF DECEMBER 31, 2010	
First Federal Savings CD \$125,000 @ .65% matures 12/01/2010	125,000
<u>TOTAL CASH AND INVEST GARB FUND DEC. 31, 2010</u>	<u>\$133,355</u>

SEWER FUND CASH BEGINNING BALANCE – DEC 1, 2010	\$670,962
CASH RECEIPTS FOR DECEMBER	86,314
CASH DISBURSEMENTS FOR DECEMBER	<u>737,510</u>
SEWER FUND CASH ENDING BALANCE DEC 31, 2010	*19,766
SEWER FUND CD'S AS OF DECEMBER 31, 2010	
Farmers & Merchants CD \$260,000 @ .31% matures 11/30/2011	260,000
First Federal Savings CD \$250,000 @ .65% matures 12/01/2011	250,000
First Federal Savings CD \$250,000 @ .65% matures 12/01/2011	250,000
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>
	1,160,000
<u>TOTAL CASH AND INVESTMENTS DEC 31, 2010</u>	<u>\$1,179,915</u>

Includes Sinking Fund for Bond & Interest of \$ 0, PAYMENT WAS MADE ON DECEMBER 31, 2010 (\$21,750 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 \$17,939 for operating.

Bond Indebtedness as of January 1, 2011 is \$2,438,000