

MINUTES OF THE FEBRUARY 14, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, February 14th at 7:00 p.m. Present were Council Members, Bob Lewis, George Schenkel and Sue Williams. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were ten citizens who signed the quest register.

President, Bob Lewis called the meeting to order at 7:05 p.m. by asking those in attendance to stand and recite the Pledge of Allegiance.

A vote on the minutes from the January 10th, 2011 meeting was tabled until the March meeting. There was not a quorum present of the members in attendance at the January meeting.

Bob Lewis asked the Clerk/Treasurer to give the Treasurer's report for the month of January, which is attached to the minutes and proceeded with the Voucher Register for the following funds from January 11th through February 14th, 2011.

General Fund	\$23,081.73
Garbage Fund	4,385.85
Sewer Fund	<u>49,083.84</u>
Total Amount of Vouchers	\$76,551.42

Warrants to be approved were included on the Voucher Register. President, Bob Lewis asked for a motion to accept the Treasurer's Report and the Voucher Register with Warrants. The motion was made by George Schenkel to accept the Treasurer's Report and Voucher Register as presented, seconded by Sue Williams all in favor and the motion passed.

REPORTS

MARSHAL'S REPORT – Sue Williams read the 2011 Annual Report for the Marshal's. The Marshal stated that 2010 was a very busy year at Clear Lake. With the new Golf Cart Ordinance there was a large influx of carts that needed to be registered.

The new Tahoe continues to be a great police vehicle and we would probably have had a difficult time this winter with the Crown Victoria that was retired. The department has patrolled approximately 6,000 miles since receiving the Tahoe.

Following are the statistics for 2010, not including the Sheriff's Department and Marine Patrol.

- 8 assists for the Sheriff's Department
- 1 vehicle fire
- 4 loud music complaints
- 5 thefts from vehicles – Sheriff's Department took numerous complaints also
- 2 property damage accidents
- 2 assists for the Fremont Police
- 1 residential entry

- 4 residential alarms
- 1 sex offense – subject was later shot by Fremont deputy
- 1 unsecured residence
- 1 hit and run crash
- 2 recovered property
- 2 suspicious persons/vehicles
- 1 medical assist for EMS

Marshal Gonya again thanked the Town for allowing them to serve and look forward to another great year.

FIRE DEPARTMENT – Sue Williams reported for the fire marshal that there were 44 calls for the month of January with two calls to the Town of Clear Lake and one in Clear Lake Twp.

Sewer Department – Bob Hull reported during the month of January there was one locate, 2 alarm calls, 2 pumps replaced or repaired, and the average flow was not calculated due to replacing the check valves on the main pump.

Bob Hulls request for a credit on the Town’s sewage treatment bill was approved by the Fremont Town Council in the amount of \$13,380.45 due to the bad check valves.

M & C Trenching installed a wall in the sewer repair shop to separate the space used for the computer and records keeping from the maintenance area.

Street Department – Bob reported that two additional loads of salt were purchased from Angola and one more load of sand from Fremont Sand & Gravel for the end of the year. Bob also thanked Marshal John Gonya and Deputy, Rich McCarty for patrolling, on occasion, in the snow plow.

The current garbage contract expires March 31, 2011 and it is time to advertise for bids. The following are points that will need to be in the notice.

1. Total properties requiring trash pick-up – 595
2. Length of contract – 2 years?
3. Continue Monday pick-up?
4. Spring & Fall heavy trash pick-up?
5. Continue dumpsters at 110 Lake Drive, Yacht Club, Hansbarger apartments, Condos, Town Hall and Lakeside apartments?

The Council suggested that the bids include the cost for having the big totes for recyclables with pick-up twice a month, at least in the summer months plus an option for yard waste. Along with National Serv-All – Allied Waste, Earth First out of Fort Wayne and Sanitation Solutions from Angola will be asked to bid on the contract.

ZONING ADMINISTRATOR – Amy Schweitzer – January 2011

There were no ILP’s issued for the month.

Final conclusions to Administrative Subdivision process for Mr. Spangler and the Plan Commission. Proposed UDO amendment and preparation for the Plan Commission hearing. Plan Commission Facilitator meeting to work on new by-laws and try to obtain a digital copy of the Town's Comprehensive Plan.

Variance filing for 1000 Lake Drive – John Nichols

Have discussion and correspond with appraisers/contractors about projects and property questions.

Work with Steuben County Building Department in attempt to remedy issues with “habitability” for local property

Organize and label files in Zoning Administrator's office. Total hours worked – 27.25.

UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe stated that the hearing date for Judge Wheat to determine attorney fees for the Hoagland Limited Partnership been rescheduled for April 15, in Steuben County.

The Deck Case in LaGrange County has had several motions filed since the last council meeting and continues to progress.

There is no report on the lawsuits for non-compliance to connect to the Town of Clear Lake sewer system.

The questions remain on how to pursue the surveys for recording the road right-of ways for engineering and resurfacing of the section of Lake Drive, known as Point Park Drive. A meeting will be held before the next council meeting to put this project in motion.

ORDINANCE 2011-01: 2ND READING – AN ORDINANCE RELATING TO THE COMPENSATION TO BE RECEIVED BY EACH MEMBER/ALTERNATE OF THE PLAN COMMISSION AND THE BOARD OF ZONING APPEALS.

ORDINANCE 2011-02: 2ND READING – AN ORDINANCE AMENDING OR REPEALING CERTAIN PREVIOUS CLEAR LAKE ORDINANCES AND PORTIONS OF THE CLEAR LAKE CODE.

Bob Lewis asked for a motion to read Ordinance 2011-01 and 2011-02 by summary only. A motion to read by summary only was made by George Schenkel, seconded by Sue Williams, all in favor and the motion passed.

Bob Lewis read Ordinance 2011-01 by summary only and asked for a motion to accept the ordinance. Sue made a motion to accept Ordinance 2011-01 on the second reading, seconded by George Schenkel, all in favor and the motion passed.

Bob then read Ordinance 2011-02 by summary only and asked for a motion to accept the ordinance. George Schenkel made a motion to accept Ordinance 2011-02 on the second reading, seconded by Sue Williams, all in favor and the motion passed.

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

During the public hearing Bob answered questions that were presented.

After the public hearing, Bob asked for a motion to close the public hearing and resume the public meeting. The motion was made by George Schenkel to close the public hearing and resume the public meeting, Sue Williams seconded, all in favor and the motion passed.

ORDINANCE 2011-01: 3ND READING – AN ORDINANCE RELATING TO THE COMPENSATION TO BE RECEIVED BY EACH MEMBER/ALTERNATE OF THE PLAN COMMISSION AND THE BOARD OF ZONING APPEALS.

ORDINANCE 2011-02: 3ND READING – AN ORDINANCE AMENDING OR REPEALING CERTAIN PREVIOUS CLEAR LAKE ORDINANCES AND PORTIONS OF THE CLEAR LAKE CODE.

Bob Lewis read Ordinance 2011-01 by summary only and asked for a motion to accept the ordinance on the third reading. Sue Williams made the motion to accept Ordinance 2011-01 on the third reading, seconded by George Schenkel, all in favor and the motion passed.

Bob Lewis read Ordinance 2011-02 by summary only and asked for a motion to accept the ordinance on the third reading. Sue Williams made the motion to accept Ordinance 2011-02 on the third reading, seconded by George Schenkel, all in favor and the motion passed.

NEW BUSINESS

TRINE PARTNERSHIP MEETING – George Schenkel met with the Steuben County Economic Development Corp. representing the Town of Clear Lake on February 10, 2011. The Trine University Board would like for the local municipalities to contribute funds from their Major Moves Fund totaling \$14M to build a new education facility in Angola and Trine would match their contribution. Angola and Fremont seem to be the communities pushing for the project. Hamilton is not in favor because they would like to use their Major Moves Fund for improving CR 800 S between Hamilton State Route 69.

Annie Skinner, #416 asked what the upside would be of the development and it appears that Trine would get a \$14M donation for new buildings.

Trine has looked to neighboring counties and received what George perceived as a cold reception. George explained at the meeting that Clear Lake has no Funds to contribute. George feels that this is a project that needs to be looked at by Venture Capitalists.

STEUBEN COUNTY MEETING OF TOWN MANAGERS – ALAN KORTE

Bob Lewis reported for Alan. The purpose of the meeting was to get an idea of what projects the neighboring towns have in their future and how they impact Clear Lake. They may be of help with our leaf pick-up and yard waste project.

WATER QUALITY COMMITTEE REPORT – ANNIE SKINNER

Annie stated that even though the report is finished work continues between Larry Gilbert and the area farmers. There is currently no manure being spread on any land in the Clear Lake Watershed. Farmers would like to work with County Soil and Water Conservation when they have a project that they need assistance funding. Dan Oberst on the Clear Lake Water Quality Committee continues to work with the area farmers.

Bob Lewis asked for a motion to adjourn the meeting at 8:00 p.m. A motion was made by George Schenkel adjourn the meeting, seconded by Sue Williams, all in favor and the motion passed.

Robert E. Lewis, Council President

Kay A. Kummer, Clerk - Treasurer

**TOWN OF CLEAR LAKE
CASH & INVESTMENT BALANCES
JANUARY 31, 2011**

GENERAL FUND CASH BEGINNING BAL – JAN 1, 2011	\$192,665
CASH RECEIPTS FOR JANUARY	10,424
CASH DISBURSEMENTS FOR JANUARY	<u>24,378</u>
GENERAL FUND CASH ENDING BAL – JAN 31, 2011	\$178,711
GENERAL FUND CD'S AS OF JANUARY 31, 2011	
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 JAN. 31, 2011</u>	<u>\$678,711</u>
GARBAGE FUND CASH BEGINNING BAL – JAN 1, 2011	\$8,355
CASH RECEIPTS FOR JANUARY	25,001
CASH DISBURSEMENTS FOR JANUARY	<u>4,386</u>
GARBAGE FUND CASH ENDING BALANCE JAN 31, 2011	<u>\$28,970</u>
GARBAGE FUND CD'S AS OF JANUARY 31, 2011	
First Federal Savings CD \$125,000 @ .65% matures 12/01/2011	125,000
<u>TOTAL CASH AND INVEST GARB FUND JAN. 31, 2011</u>	<u>\$153,970</u>

SEWER FUND CASH BEGINNING BALANCE – JAN 1, 2011	\$19,766
CASH RECEIPTS FOR JANUARY	59,602
CASH DISBURSEMENTS FOR JANUARY	<u>45,149</u>
SEWER FUND CASH ENDING BALANCE JAN 31, 2011	*34,219
SEWER FUND CD'S AS OF JANUARY 31, 2011	
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 JAN 31, 2011</u>	<u>\$1,194,219</u>

*Includes Sinking Fund for Bond & Interest of \$ 21,750 (\$ 21,750 is transferred monthly from Operating Fund) and Debt Service Reserve cash of \$1,827, for final bond payment, plus the \$260,000 CD at Farmers & Merchants Bank, leaving \$10,642 for operating January 31, 2011.

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