

## MINUTES OF THE MARCH 14<sup>TH</sup>, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, March 14<sup>th</sup>, 2011 at 7:00 p.m. Present were Council Members Robert Lewis, Barry Worl and George Schenkel. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were three 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.

After opening the meeting, Bob Lewis asked those in attendance for a moment of silence to reflect and remember two members of the Clear Lake community who passed away in February, Jon Fitzenrider 24<sup>th</sup> and Bob Federspiel on the 26<sup>th</sup>. They will be missed.

Bob continued the meeting with the Town Attorney, Neal Blythe opening of the Sanitation bids from Sanitation Solutions, Angola, IN and Allied Waste, Bryan, OH. Neal stated that he would need time to compare the bids and award the bids later in the meeting or possibly continue the meeting until a later date.

A vote on the February 14<sup>th</sup>, 2010 minutes was tabled until the April meeting. There was not a quorum of members present that were in attendance at the January meeting.

The Clerk/Treasurer gave the Treasurer's report for the month of February, which is attached to the minutes and proceeded with the Voucher Register for the following funds from February 15<sup>th</sup> thru March 14<sup>th</sup>, 2011.

Following are the total disbursements for:

General Fund	\$18,779.39
Sanitation Fund	22.85
Sewer Fund	<u>12,432.82</u>
Total Amount of Vouchers	\$31,235.06

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. George Schenkel 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 01- 2011 – A resolution to repay inter-fund loan

Bob Lewis read the resolution in its entirety and asked for a motion to accept the resolution. George Schenkel made the motion to accept Resolution 01-2011 to repay the \$25,000 loan made to the Sewer Fund from the Sanitation Fund in December 2010, seconded by Barry Worl, all in favor and the motion passed.

RESOLUTION 02-2011 – A resolution to void an outstanding check

Bob Lewis read the resolution in its entirety and asked for a motion to accept the resolution. Barry Worl made the motion to void General Fund ck# 11083, September 1, 2008 to the Indiana Water Association for \$100 and receipt the funds into the General Fund, George Schenkel seconded the motion and the motion passed.

## REPORTS

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 48 calls for the month of February with three calls to the Town of Clear Lake and four in Clear Lake Twp. Barry stated that the Fremont Fire Department will be asking for bid specification from their board for a fire truck to replace 1983 Rescue Truck that has been taken out of service. They are asking for a QUINT vehicle that will equipped with a 75’ ladder and be used as a Rescue vehicle. The cost is estimated to be between \$580,000 and \$650,000. Erik Hufnagle wants all entities that use the Fremont Fire Department, to be aware that they are trying to keep their equipment up to date.

MARSHAL’S REPORT – Barry Worl reported for Marshal Gonya that the police department responded to the following incidents in February 2011:

- 4 background checks
- 2 security alarms
- 2 assist’s for the Sheriff Department
- 1 assist for the Fremont Police
- 1 Medical assist

Handgun application permits are now online through the State Police. The applicant still pays the local fee at the Town Hall, which covers the cost of doing background checks. Fingerprints are done digitally by a company at the Ramada Inn once a week. John will check the website periodically for local applications to process.

John is also updating the database, on a secured server, that can be accessed by Deputies and 911 operators, only in case of an emergency. John asks that all property owners update their emergency information with Laura at the Town Hall.

The County has switched their radio system to a digital system and until a new antenna is installed between Fremont and Clear Lake, coverage is limited. Communication will continue through mobile phone and computer until this problem is resolved.

ZONING ADMINISTRATOR – Amy Schweitzer – February 2011

ILP #2011-01, John Nichols, 1000 Lake Drive

Replace lake side deck/incorporating an attached structure under the deck – variance approved

Plan Commission – meeting preparation, attend, authoring of meeting minutes  
Executive committee meeting  
UDO text amendment – administrative subdivision  
Prepare new rules of procedure  
Comprehensive Plan – review and obtain digital/editable file

Board of Zoning Appeals – meeting preparation, attend, authoring of meeting minutes-  
Nichols @ 1000 Lake Drive – variance granted  
Preparation to train new BZA members

Other – discussion and correspondence with appraisers/contractors/ property owners about projects and property questions.

Erosion control e-mail reminder to active construction sites.

Total hours worked – 34.50.

### TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of February that there was one sewer locate, 3 alarm calls, some pumps were replaced or repaired and the average daily flow was 18,666 gallons per day.

M & C Trenching installed two of the new Liberty pumps and they are working well.

STREET DEPARTMENT – February was a very busy month with snow and ice. Several ton of sand and salt were used on the streets and there is enough reserve in the barn to finish the season.

The tornado siren at the Public Beach went off unexpectedly last week and Bob called Clear Lake Electric in to fix the problem. It was tested manually and is working normally at this time.

BILLING DEPARTMENT – Laura is working with Graphics 3 out of Coldwater to have all of the changes incorporated in the 2011 directory in preparation of delivery before Memorial Day week-end.

GARBAGE – Laura will be going to small claims court again this month in an attempt to collect on the last delinquent garbage account.

SEWER – There will be four more liens filed this month for non-payment of sewer accounts.

### UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe reported that motions are being made in the Hoagland Limited Partnership deck case in LaGrange County with a hearing being scheduled in mid to late April. If the case goes to trial the court is looking at August 2012 for a week-long jury trial.

All signatures have been received for the dismissal of the Hoagland Limited Partnership fence case and documents have been sent to Andrew Kruse's office for their signatures and then the case will hopefully be disposed of.

The sewer cases will be going forward to the judge, now that the weather will allow construction to begin on the hook-up. They will be working on compelling property owners to hook-up and then following up with the damages portion of the lawsuit.

PRIVATE ROAD STATUS – Bids were sent out for the survey work and one was received from Burlage & Assoc. today for \$5,800. Compared to the previous bid submitted by Rolland and Associates for \$6,500 Neal suggested that the Council make a motion on the bid submitted from Burlage & Assoc.

Bob Lewis asked for a motion to accept the bid from Burlage & Assoc for \$5,800 to survey the road right-of-way in the Point Park Subdivision. George Schenkel made the motion to accept the bid of \$5,800, Barry Worl seconded the motion and the motion passed. As soon as Burlage completes the survey Rolland & Associates will begin the engineering. The county GIS department asked if this would not be a good time to rename the road because of the Lake Drive and Lake Drive intersections. Letters will be going out to property owners regarding the road work and suggestions for street names.

#### NEW BUSINESS:

#### CERTIFICATION OF UDO AMENDMENTS

#### ORDINANCE 2011-03: AN ORDINANCE AMENDING THE CLEAR LAKE UNIFIED DEVELOPMENT ORDINANCE

Bob Lewis read the ordinance in its entirety and stated that the Council could either accept the amendments as presented reject the amendments or return the amendments to the Plan Commission for modification. George Schenkel made a motion to accept the amendment as recommended by the Plan Commission, seconded by Barry Worl, all in favor and the motion passed.

#### STEBEN COUNTY ECONOMIC DEVELOPMENT CORP

The Steuben County Economic Development Corp. has had several meetings brought about by the Trine Proposal. They would like to make a change in the by-laws of the corporation for the number of votes required to pass an issue from a majority to 2/3rds of its members.

#### TRINE PARTNERSHIP NEGOTIATING MEETING

George Schenkel has been asked to participate in the negotiations and reported that Trine has a project that will cost about \$13.8 M and they would like to get the Steuben County communities to contribute half of the total amount or \$6.9 M. George reported that Angola has committed \$1,000,000 and the other communities committed are Fremont, Hamilton and Ashley. Those not committed are Clear Lake, Hudson, Orland and Steuben County. The project includes building, on Trine's campus a Technology Commercial Lab, a Biomedical Engineering Lab and an Entrepreneurial Center anticipating bringing business to Steuben County. The County was not at the last meeting and they would be the largest contributor with over \$5 M.

## BASEMENT FINISHING

Council reviewed the quotes for finishing the basement. A motion was made by George Schenkel to table the project until specifications could be worked out and all bidders would be working on the same specs, seconded by Barry Worl, all in favor and the motion passed.

## SANITATION BIDS

After comparing the bids, Neal noted that Sanitation Solutions, LLC was the lowest bidder on the Part #A with a bid of \$140.40 per household per year on the two year contract. Allied Waste, Inc. presented a bid of \$150.00 per household per year with a 5% increase in the 2<sup>nd</sup> year of the contract. Neither Sanitation Solutions nor Allied Waste provided a bid for Part #B which included yard waste.

Bob Lewis asked for a motion to accept the bid from Sanitation Solutions, LLC bid of \$140.40 per household. The motion was made by George Schenkel to accept the bid from Sanitation Solutions, LLC Barry Worl seconded, and the motion passed.

There being no further business, Bob Lewis asked for a motion to adjourn the meeting at 8:20 p.m. A motion was made by Barry Worl to adjourn the meeting, George Schenkel seconded, all in favor and the motion passed.

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Robert E. Lewis, President

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Kay A. Kummer, Clerk/Treasurer

**TOWN OF CLEAR LAKE  
CASH & INVESTMENT BALANCES  
FEBRUARY 28, 2011**

GENERAL FUND CASH BEGINNING BAL – FEB 1, 2011	\$178,711
CASH RECEIPTS FOR FEBRUARY	11,522
CASH DISBURSEMENTS FOR FEBRUARY	<u>21,295</u>
GENERAL FUND CASH ENDING BAL – FEB 28, 2011	<b>\$168,938</b>
GENERAL FUND CD’S AS OF FEBRUARY 28, 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>
<b><u>TOTAL CASH AND INVEST GEN FUND FEB 28, 2011</u></b>	<b><u>\$668,938</u></b>
GARBAGE FUND CASH BEGINNING BAL – FEB 1, 2011	\$28,970
CASH RECEIPTS FOR FEBRUARY	4
CASH DISBURSEMENTS FOR FEBRUARY	<u>4,399</u>
GARBAGE FUND CASH ENDING BALANCE – FEB 28, 2011	<b>\$24,575</b>
GARBAGE FUND CD’S AS OF FEBRUARY 28, 2011	
First Federal Savings CD \$125,000 @ .65% matures 12/01/2011	125,000
<b><u>TOTAL CASH AND INVEST GARB FUND FEB 28, 2011</u></b>	<b><u>\$149,575</u></b>

SEWER FUND CASH BEGINNING BALANCE – FEB 1, 2011	\$34,219
CASH RECEIPTS FOR FEBRUARY (includes CD of \$200,000)	242,659
CASH DISBURSEMENTS FOR FEBRUARY	<u>22,703</u>
SEWER FUND CASH ENDING BALANCE – FEB 28, 2011	<b>*254,175</b>
SEWER FUND CD'S AS OF FEBRUARY 28, 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 @ 1.81% matures 08/03/2011	<u>200,000</u>
	960,000
<b><u>TOTAL CASH AND INVESTMENTS FEB 28, 2011</u></b>	<b><u>\$1,214,175</u></b>

\*Includes Sinking Fund for Bond & Interest of \$ 43,500 (\$ 21,750 is transferred monthly from Operating Fund), \$225,855 for replacement of sewer capital assets and Debt Service Reserve cash of \$1,827, for final bond payment, plus the \$260,000 CD at Farmers & Merchants Bank, leaving -\$17,037 for operating February 28, 2011.

**Bond Indebtedness as of February 28, 2011 is \$2,438,000**