

## MINUTES OF THE APRIL 11<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, April 11<sup>th</sup>, 2011 at 7:00 p.m. Present were Council Members George Schenkel, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were nine citizens who signed the guest register.

Council member, George Schenkel 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, George Schenkel asked those in attendance for a moment of silence to reflect and remember Larry Armstrong who passed away on March 30, 2011, a past president of the Town Council who also served as the Town's representative on the Steuben County Economic Development Corp and was the Republican Party Chairperson and to also remember Edward Disser who passed away on March 29<sup>th</sup>, another patriarch of the Town of Clear Lake.

George continued the meeting by asking for a motion to approve the January 10<sup>th</sup>, 2011 Town Council minutes. Sue Williams made the motion to accept the January 10<sup>th</sup> Town Council meeting minutes as presented, seconded by Alan Korte, a yea vote was given by Sue Williams, Barry Worl and Alan Korte. George Schenkel abstained due to his absence at the January 10<sup>th</sup> meeting.

The February and March meeting minutes were tabled due to a lack of a quorum of members who were present at those meetings.

The Clerk/Treasurer gave the Treasurer's report for the month of March, which is attached to the minutes and proceeded with the Voucher Register for the following funds from March 15<sup>th</sup> thru April 11<sup>th</sup>, 2011.

Following are the total disbursements for:

General Fund	\$28,492.87
Sanitation Fund	558.85
Sewer Fund	<u>8,731.35</u>
Total Amount of Vouchers	\$37,783.07

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

### REPORTS

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

1 background check

2 assists' for the Sheriff Department  
2 assists' for the Fremont Police  
1 traffic hazard

March was a slow month, but the department will be increasing their patrol hours as summer approaches. The LARE grant for Marine patrol was reduced by half by Governor Daniels so the Town's officers will be spending more time in the boat this summer. Sheriff Gonya will continue to work with the Marine Patrol to provide the best possible service for the boating public.

There continues to be problems with the new radio system with the County and the coverage at Clear Lake. The vendor has been made aware of the problems and will continue working to resolve the issues. Marshall Gonya will continue documenting the problems and working with the Communications Director.

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 51 calls for the month of March with two calls to the Town of Clear Lake and five in Clear Lake Twp.

ZONING ADMINISTRATOR – Amy Schweitzer – March 2011

ILP #2011-02 Kevin Moran - #36 Lake Drive  
Shed on an accessory lot – replaces the improperly issued permit from June 2009

Plan Commission – worked with Executive Committee on UDO text amendment and incorporating regulations into the UDO for recreational vehicles.

Board of Zoning Appeals – minutes for February and organized Nichols Variance file  
There are no variance cases for the April meeting.

Total hours worked – 28.

#### TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of March that there were ten sewer locates, 5 alarm calls, pumps were replaced or repaired and the average daily flow was 22,375 gallons per day. The system is working well.

STREET DEPARTMENT – Bob continues to work with API on the drainage problem at 142 Lake Drive. They have assessed the problem and will be coming back with a laser to determine if more fall can be engineered into the swale to eliminate the standing water.

M & C Trenching will be making their rounds removing the winter road sand from the Town's catch basins around the lake.

The snow plow and sand/salt spreader have been removed from the truck. The truck has been power washed and paint replaced anticipating the pothole repairs this spring. Prospect Street is in need of limestone after winter plowing.

Alan Korte asked about the new replacement grinder pumps and Bob stated that he is still working with the supplier on some minor retrofitting issues.

#### BILLING DEPARTMENT

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

SEWER – No new liens for the month of March.

#### UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe reported that the two fence issues have been completely resolved and they can be taken off the list of litigations.

Neal will be in court tomorrow regarding the Nevin's vs. Hoagland Limited Partnership deck case with Judge Brown in LaGrange County on procedural motions and the case will be moving forward. The court is looking to schedule the jury trial in August 2012. Neal could be ready in two weeks and the Hoagland's have requested the trial to take place in the winter months.

The sewer cases are moving forward.

#### SANITATION BID

Regarding the Sanitation bid, Neal is waiting to hear from Allied Waste, Inc.'s attorney regarding their position on the procedure followed in the bid process.

PRIVATE ROAD STATUS – The attorney is waiting on Burlage on the survey to be completed with supporting documents for the property owners showing the platted roadway and existing roadway. Surveyors have been working and survey should be completed in the next week.

#### NEW BUSINESS:

##### ORDINANCE 2011-04: 1<sup>ST</sup> READING – AN ORDINANCE TO INCREASE THE FEE FOR CERTIFICATION OF TOWN DOCUMENTS

George Schenkel explained the need for the ordinance and asked for a motion to read the ordinance by summary only. Sue Williams made the motion to read Ordinance 2011-04 by summary only, seconded by Alan Korte, all in favor and the motion passed.

George Schenkel read Ordinance 2011-04 by summary only and asked for a motion to pass the ordinance on the 1<sup>st</sup> reading. A motion was made by Alan Korte to accept Ordinance 2011-04 on the first reading, seconded by Barry Worl, all in favor and the motion passed.

##### RESOLUTION 03-2011: RESOLUTION TO DISBURSE FUNDS

Clear Lake Town Council requested a contribution of \$250 be made to the Clear Lake Township Land Conservancy in memory of Jon Fitzenrider, a member of the Clear Lake Board of Zoning Appeals and \$250 on behalf of Larry Armstrong a past President of the Clear Lake Town Council. A request is also made for a contribution of \$250 to the Clear Lake Lutheran Church in memory of Robert Federspiel, a president of the Clear Lake Town Council and son of Frank Federspiel, the first President of the Board of Trustees for the Town of Clear Lake. All contributions are to be made from the Rainy Day Fund.

George Schenkel read Resolution 03-2011 and asked for a motion to approve the disbursement of funds. Sue Williams made the motion to approve Resolution 03-2011, it was seconded by Alan Korte, all in favor and the motion passed.

### BASEMENT FINISHING

The following Clear Lake organizations: Clear Lake Association, History Committee, Water Quality and Lions Club are in need of storage space for their documents relating to the Town. The lower level in the Town Hall has the space, but needs to be finished. Specification sheets were sent to local contractors to determine what the cost would be.

Two sealed quotes were received for the finishing of the lower level of the Town Hall. George Schenkel opened the quotes and asked Alan Korte and Bob Hull to review the quotes to make sure that both quotes were comparative before a vote was taken.

### WATER QUALITY COMMITTEE

Annie Skinner was unavailable and the report was given by Joan Stanley. The Water Quality Committee is very concerned on the inadequacies of the silt control fences at the construction sites. The rainy season has begun and there appears to be two sites in violation. The committee requests that the Zoning Administrator inspect all construction sites and determine if the contractors are in violation of the Unified Development Ordinance. Bob Hull made a note to do site visits and report to the Zoning Administrator.

George Schenkel also recognized the award given to the Water Quality Committee through the Clear Lake Township Land Conservancy from the Indiana Lakes Management Society for "Outstanding Lake/Watershed Association of the Year for 2010". The Water Quality committee works tirelessly for our community to preserve the natural beauty and quality of our Lake and surrounding ecosystem. Many thanks to Annie Skinner and her volunteers. George Schenkel requested that the meeting be suspended while Alan and Bob reviewed the quotes for finishing the basement.

George reconvened the meeting to hear the results of the review of bids for the basement project.

Property Management Solutions, Round Lake quote was \$15,667 and SFM Construction from Butler totaled \$18,672.76. The quotes did not include finishing the electrical, duct work or cost of the doors and trim package but did include the labor for installation of the doors and trim.

After examination of both quotes by Alan Korte and Bob Hull, George Schenkel asked for a motion to accept the bid from Property Management Solutions for \$15,667. The motion was made by Alan Korte to accept the quote from Property Management Solutions, seconded by Barry Worl, all in favor and the motion passed.

The contract was awarded to Property Management Solutions, Don Crapo owner.

Thank you letters were read from the Clear Lake Township Land Conservancy for the contribution made by the town in memory of Jon Fitzenrider who had served on the Board of Zoning Appeals and from the Clear Lake Catholic Church for the contribution in memory of Robert Federspiel, a past President of the Town Council. Emma Brown thanked the Town Council members for the contributions made in Jon & Bob's memory.

There being no further business, George Schenkel asked for a motion to adjourn the Town Council meeting at 8:20 p.m. The motion was made to adjourn the meeting by Alan Korte, seconded by Sue Williams, all in favor and the motion passed.

---

George A. Schenkel, Vice-President

---

Kay A. Kummer, Clerk/Treasurer

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

GENERAL FUND CASH BEGINNING BAL – MAR 1, 2011	\$168,938
CASH RECEIPTS FOR MARCH	11,240
CASH DISBURSEMENTS FOR MARCH	<u>25,634</u>
GENERAL FUND CASH ENDING BAL – MAR 31, 2011	<b>\$154,544</b>

GENERAL FUND CD'S AS OF MARCH 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>

**TOTAL CASH AND INVEST GEN FUND MAR 31, 2011      **\$654,544****

GARBAGE FUND CASH BEGINNING BAL – MAR 1, 2011	\$24,575
CASH RECEIPTS FOR MARCH	204
CASH DISBURSEMENTS FOR MARCH	<u>53</u>
GARBAGE FUND CASH ENDING BALANCE – MAR 31, 2011	<b>\$24,726</b>

GARBAGE FUND CD'S AS OF MARCH 31, 2011

First Federal Savings CD \$125,000 @ .65% matures 12/01/2011	125,000
--	---------

**TOTAL CASH AND INVEST GARB FUND MAR 31, 2011      **\$149,726****

SEWER FUND CASH BEGINNING BALANCE – MAR 1, 2011	\$254,175
CASH RECEIPTS FOR MARCH	51,138
CASH DISBURSEMENTS FOR MARCH	<u>12,525</u>
SEWER FUND CASH ENDING BALANCE – MAR 31, 2011	<b>*292,788</b>
SEWER FUND CD'S AS OF MARCH 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 @ 1.81% matures 08/03/2011	<u>200,000</u>
	960,000
<b><u>TOTAL CASH AND INVESTMENTS MAR 31, 2011</u></b>	<b><u>\$1,252,788</u></b>

\*Includes Sinking Fund for Bond & Interest of \$ 65,250 (\$ 21,750 is transferred monthly from Operating Fund), \$226,686 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 -\$ 975 for operating March 31, 2011.

**Bond Indebtedness as of March 31, 2011 is \$2,438,000**