

MINUTES OF THE MAY 9TH, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, May 9th, 2011 at 7:00 p.m. Present were Council Members Bob Lewis, George Schenkel, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were fourteen 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 for a motion to approve the February 14th, 2011 Town Council minutes. George Schenkel made a motion to accept the February minutes as presented; seconded by Sue Williams a yea vote was given by Bob Lewis, George Schenkel and Sue Williams. Barry Worl and Alan Korte abstained due to their absence at the February 14th meeting.

Bob Lewis continued the meeting asking for a motion to approve the March 14th Town Council minutes as presented. The motion was made by Barry Worl to accept the March 14th minutes as presented; seconded by George Schenkel a yea vote was given by Bob Lewis, George Schenkel and Barry Worl. Sue Williams and Alan Korte abstained due to their absence at the March 14th meeting.

After confirming that all council members had reviewed the April 10th, 2011 Town Council minutes, Bob Lewis asked for a motion to accept the minutes as presented. The motion was made by Alan Korte to accept the April 11th minutes as presented, seconded by Sue Williams, all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's report for the month of April, which is attached to the minutes and proceeded with the Voucher Register for the following funds from April 12th thru May 9th, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$24,990.87
Sanitation Fund	14,196.85
Sewer Fund	<u>22,437.34</u>
Total Amount of Vouchers	\$61,625.06

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

REPORTS

MARSHAL'S REPORT – Barry Worl reported that there was no report from Marshal Gonya.

FIRE DEPARTMENT – Barry Worl reported for the fire marshal that there were 30 calls for the month of April with two calls to the Town of Clear Lake.

ZONING ADMINISTRATOR – Amy Schweitzer – April 2011

- There were no new Improvement Location Permits issued in April
- Site visits were made on existing permits
- Erosion control was checked at active major construction sites.

Plan Commission – worked with Executive Committee on UDO text amendment and incorporating regulations into the UDO for recreational vehicles and prepared for the May 2nd plan commission meeting.

Time was spent doing research, site visits, discussion with property owners and correspondence regarding permits & projects.

General digital and e-mail file organization.

Total hours worked – 23.25

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of April that there were ten sewer locates, six alarm calls, pumps were replaced or repaired as needed and the average daily flow was 20,897 gallons per day. M & C Trenching is in the process of doing the annual inspection of the grinders. The circulation pump in the lift station will be replaced this week.

STREET DEPARTMENT – Bob continues to wait for API to return and reshape the ditch at 142 Lake Drive to help get the water to the canal.

M & C Trenching excavated the ditch and catch basin in the street easement south of the condo garages to help eliminate the water standing in the roadway.

All of the catch basins have been cleaned.

Pot holes are being filled as time allows.

The process of renaming town streets has begun.

BILLING DEPARTMENT

TOWN – The 2011 Directory has been printed and any additional changes will be made in 2012.

GARBAGE – The last delinquent fee for garbage has been connected through Small Claims Count for 2010. One account had to be written-off due to bankruptcy filing.

SEWER – Due to a bankruptcy filing \$443.50 had to be written off in the Sewer account. Another lien has been filed on the property owner.

UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe reported that the meeting last month in Lagrange County with Judge Brown on the case of Nevin's vs Hoagland Limited Partnership has been set for a two week jury trial in August 2012. The Hoagland's have asked for the Indiana Supreme Court to intervene and appoint a new judge because they do not believe that their motions have been acted upon in a timely fashion.

There will be a status conference for the sewer litigation June 20th and hopefully get this case resolved in 2011. One of the properties has been abandoned and Neal is trying to determine who is responsible for the property.

The attorney's fees for inverse condemnation are still to be resolved.

POINT PARK DRIVE – Neal spoke with Jim Burlage and progress is being made. The field work is complete and Neal will move forward to prepare legal documents as soon as the survey is ready.

ORDINANCE 2011-04: 2ND READING – AN ORDINANCE CREATING A FEE FOR CERTIFICATION OF TOWN DOCUMENTS

Bob Lewis asked for a motion to read by summary only. George Schenkel made the motion to read Ordinance 2011-04 by summary only, Alan Korte seconded the motion, all in favor and the motion passed.

Bob Lewis read Ordinance 2011-04 by summary only and asked for a motion to accept Ordinance 2011-04 on the 2nd reading. Sue Williams made the motion to accept Ordinance 2011-04 on the 2nd reading, Alan Korte seconded the motion, all in favor and the motion passed.

Bob Lewis asked for a motion to close the council meeting and open the public meeting. Alan Korte made the motion to close the council meeting and open the public meeting, Barry Worl seconded the motion, all in favor and the motion passed.

Bob Lewis asked those in attendance if there were any question on the ordinance and the town attorney explained the purpose of the ordinance. There being no further discussion, Bob asked for a motion to close the public meeting and reconvene the council meeting. The motion was made by Alan Korte to close the public meeting and reconvene the council meeting, seconded by Barry Worl, all in favor and the motion passed.

ORDINANCE 2011-04: 3RD READING – Bob Lewis asked for a motion to read Ordinance 2011-04 by summary only. The motion was made by George Schenkel to read Ordinance 2011-04 by summary only, seconded by Sue Williams, all in favor and the motion passed. Bob Lewis read Ordinance 2011-04 by summary only and asked for a motion to accept Ordinance 2011-04 on the 3^{re} reading. The motion was made by George Schenkel to accept Ordinance 2011-04 on the 3rd reading, seconded by Sue Williams, all in favor and the motion passed.

NEW BUSINESS:

Dave Harris was appointed to fill the member position on the Board of Zoning Appeals completing Jon Fitzenrider's term ending on December 31, 2011. Bob Lewis asked for a motion to accept Dave's appointment. Alan Korte made the motion to accept Dave Harris's appointment to the Board of Zoning Appeals, George Schenkel seconded the motion, all in favor and the motion passed.

ORDINANCE 2011-05: 1ST READING – AN ORDINANCE AMENDING THE SALARY ORDINANCE FOR THE YEAR 2011.

Bob Lewis asked for a notion to read Ordinance 2011-05 by Summary only. Sue Williams made the motion to read Ordinance 2011-05 by summary only, seconded by Barry Worl, all in favor and the motion passed.

Bob read Ordinance 2011-05 by summary only and asked for a motion to accept the ordinance on the 1st reading. George Schenkel made a motion to accept Ordinance 2011-05 on the first reading, seconded by Alan Korte, all in favor and the motion passed.

ORDINANCE 2011-06: 1ST READING – AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO OBTAIN A CREDIT CARD ACCOUNT AND ESTABLISHING PROCEDURES FOR CREDIT CARD USE.

Bob Lewis read Ordinance 2011-06 in its entirety and asked for a motion to accept the ordinance on the first reading. Sue Williams made the motion to accept Ordinance 2011-06 on the first reading, seconded by Alan Korte, all in favor and the motion passed.

AMERICAN LEGAL PUBLISHING: Bob Lewis presented the proposal from American Legal for a cost estimate of \$2100-\$2700 to have the Town's ordinances codified. In addition to the printed supplement the Town also subscribes to the Folio online. Bob Lewis asked for a motion to accept the proposal from American Legal and for the Clerk-Treasurer to go forward with the process. Barry Worl made the motion to accept the proposal from American Legal for codification of the Town's ordinances, Sue Williams seconded the motion, all in favor and the motion passed.

WATER QUALITY COMMITTEE

Annie Skinner reported that she has been in communication with Dan Oberst and the farmers have begun to repair their sink holes in the drainage systems. The Water Quality Committee will be having a training session on May 21st at 9:00 am for people interested in helping with water testing this summer. There will be testing where the water enters the lake every two weeks and deep water testing in the middle of the lake once a month. They will be testing for phosphorus and chlorophyll.

Jim Skinner, president of the Clear Lake Township Land Trust spoke about the Conservancy's concern with the wash-outs on some of the county roads and the clay tile on the Conservancy land that drains into Koeneman Lake that is over 100 years old and in need of replacement. The Conservancy has been working with the Steuben County Surveyor only to hear that these county roads are not very high on their priority list. The Conservancy continues to look for solutions to the problem of farm land run-off entering our most valued possession.

There being no further business, Bob Lewis asked for a motion to adjourn the Town Council meeting at 7:45 p.m. The motion was made to adjourn the meeting by George Schenkel, seconded by Alan Korte, all in favor and the motion passed.

Robert E. Lewis, President

Kay A. Kummer, Clerk/Treasurer

**TOWN OF CLEAR LAKE
CASH & INVESTMENT BALANCES
APRIL 30, 2011**

GENERAL FUND CASH BEGINNING BAL – APRIL 1, 2011	\$154,544
CASH RECEIPTS FOR APRIL	13,891
CASH DISBURSEMENTS FOR APRIL	<u>14,539</u>
GENERAL FUND CASH ENDING BAL – APRIL 30, 2011	\$153,896

GENERAL FUND CD'S AS OF APRIL 30, 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 APRIL 30, 2011 \$653,896

GARBAGE FUND CASH BEGINNING BAL – APRIL 1, 2011	\$24,726
CASH RECEIPTS FOR APRIL	4
CASH DISBURSEMENTS FOR APRIL	<u>559</u>
GARBAGE FUND CASH ENDING BALANCE – APR 30, 2011	\$24,171

GARBAGE FUND CD'S AS OF APRIL 30, 2011

First Federal Savings CD \$125,000 @ .65% matures 12/01/2011	125,000
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TOTAL CASH AND INVEST GARB FUND APRIL 30, 2011 \$149,171

SEWER FUND CASH BEGINNING BALANCE – APR 1, 2011	\$292,788
CASH RECEIPTS FOR APRIL	47,385
CASH DISBURSEMENTS FOR APRIL	<u>18,822</u>

SEWER FUND CASH ENDING BALANCE – APRIL 30, 2011 ***321,351**

SEWER FUND CD'S AS OF APRIL 30, 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

TOTAL CASH AND INVESTMENTS APRIL 30, 2011 **\$1,281,351**

*Includes Sinking Fund for Bond & Interest of \$ 87,000 (\$21,750 is set aside monthly for semi-annual payments), \$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 \$5,838 for operating as of April 30, 2011.

Bond Indebtedness as of Aril 30, 2011 is \$2,438,000