

## MINUTES OF THE JUNE 13<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, June 13<sup>th</sup>, 2011 at 7:00 p.m. Present were Council Members Bob Lewis, Sue Williams, Barry Worl and Alan Korte. Also present were Town Superintendent, Bob Hull, Town Marshal, John Gonya and Town Attorney, Neal Blythe. There were twelve 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 then asked for a moment of silence for the passing of Jim Zachrich and Orabelle Densel, both long time residents of Clear Lake.

Bob Lewis asked if there were any additions or corrections for the May 9<sup>th</sup>, 2011 Town Council minutes. There being no additions or corrections, Bob asked for a motion to approve the May 9<sup>th</sup> Town Council minutes as presented. Alan Korte made a motion to accept the May 9<sup>th</sup> 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 May, which is attached to the minutes and proceeded with the Voucher Register for the following funds from May 10<sup>th</sup> thru June 13<sup>th</sup>, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$14,539.24
Sanitation Fund	7,055.30
Sewer Fund	<u>35,468.37</u>
Total Amount of Vouchers	\$57,062.91

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 Barry Worl, all in favor and the motion passed.

### REPORTS

MARSHAL'S REPORT – Marshal Gonya first reported on the Memorial Day week-end storm addressing the question of why the tornado sirens were not sounded. The sirens at Clear Lake are fired from the Steuben County Emergency Management Offices and only when the National Weather Bureau issues a tornado warning or when a funnel cloud is sighted by weather spotters. Marshal Gonya is going to check out the possibility of overriding the County system when severe weather appears and firing the tornado sirens from the Town Hall.

The police department responded to the following incidents in May:

- 3 background investigations
- 3 VIN checks
- 2 HIN checks
- 2 golf cart inspections
- 1 criminal mischief
- 3 assists for the Sheriff's department
- 2 assists for the Fremont police

Due to State Budget restraints, the Marine Patrol officers' have agreed to a lower hourly wage in order to work the same hours as provided the past several year. They will be using the Town's boat for patrolling on weekends to keep their presence on the lake.

Bob Lewis asked the Marshal to explain the purpose of renaming some of the streets within the corporation limits. John stated that with the turnover in emergency responders and with some coming from Ohio who are not familiar with the lake and have a difficult time locating addresses when the town has so many intersections of Lake Drive and Lake Drive. The county has been requesting that changes be made for several years. The committee is trying to have the changes affect as few properties as possible and incorporate some names from the history of the lake.

FIRE DEPARTMENT – Barry Worl reported for the Fremont fire marshal that there were 61 calls for the month of May with two calls to Clear Lake Township and seven to the Town of Clear Lake, five of which were due to the storm Memorial Day weekend.

ZONING ADMINISTRATOR – Amy Schweitzer – May 2011

- There were five new Improvement Location Permits issued in May, four for flatwork and one for primary structure
- There were four certificates of occupancy issued with one remaining to be issued

Plan Commission – meeting and minutes, executive committee meetings, deck committee meetings, preliminary development of new ILP form, UDO review and mark-ups and two administrative subdivisions were recorded.

Research, site visits, discussion and correspondence about permits and projects were done for six locations. There was a revised resolution for the Moran's at 36 Lake Drive. There was continued discussion with County Building Department concerning 66 Lake Drive and a brief meeting with the Town's attorney regarding recording of variance certifications.

Total hours worked – 50

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of May that there were 18 sewer locates, 36 alarm calls, 33 pumps were replaced or repaired and the average daily flow was 28,967 gallons per day. The biggest share of repairs this month was storm related.

STREET DEPARTMENT – Bob reported that API returned to reshape the ditch at 142 Lake Drive to help get the water to the channel.

A new city limits sign was installed on 750 N just west of Penner Drive.

Jim Burlage Associates has completed the survey work for Point Park Drive. The maps are finished along with the legal descriptions. The Town's attorney can now proceed with the document preparation for the property owners to sign giving the Town a right-of-way for the road work to begin. DLZ has started the engineering process.

Potholes are being filled as time allows.

There are several dead ash trees in the road right-of-ways that will need to be removed as the budget allows beginning this fall.

The process of renaming streets in the corporation has also begun. This process is in conjunction with the County Emergency Management Service.

### BILLING DEPARTMENT

GARBAGE – The transition to a new trash hauler is working out very well. Communication between their employees and the office is excellent and concerns or problems with property owners have been resolved.

SEWER – Payment was received today from the County on four liens leaving ten outstanding.

### UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe reported that there is going to be a hearing on Monday, June 20<sup>th</sup> at 10:00 in Steuben County Court House for a pretrial hearing regarding the lawsuit with the Hoagland Limited Family Trust for not connecting to the Clear Lake sewer system. A motion for a default judgment has been filed on the Hughes property regarding not connecting to the Clear Lake sewer system. The last lawsuit involves the Jetmore's and they have filed bankruptcy although they still own the property Neal is working with GMAC Mortgage Company regarding this lawsuit.

The Hoagland's have appealed to the Indiana Supreme Court to have the jurisdiction of deck case between them and the Nevin's removed from LaGrange County. The case has not been determined at this time, but all other parties oppose the move.

A hearing to determine attorney's fees for inverse condemnation has been scheduled for August 19<sup>th</sup>

POINT PARK DRIVE – Documents have been received from Jim Burlage with different colored areas denoting the original platted roadway, where the new roadway will be and the existing hard surface of the roadway. Neal anticipates having the documents ready by the July Council meeting for property owners in that subdivision to sign. Construction estimated to begin before Labor Day.

ORDINANCE 2011-05: 2<sup>nd</sup> READING, PUBLIC HEARING & 3<sup>RD</sup> READING – AN ORDINANCE AMENDING THE SALARY ORDINANCE FOR THE YEAR 2011.

ORDINANCE 2011-06: 2<sup>nd</sup> READING, PUBLIC HEARING & 3<sup>RD</sup> READING – AN ORDINANCE AUTHORIZING THE CLERK-TREASURER TO OBTAIN A CREDIT CARD ACCOUNT AND ESTABLISHING PROCEDURES FOR CREDIT CARD USE.

Bob Lewis asked for a motion to read Ordinance 2011-05 and Ordinance 2011-06 by Summary only. Alan Korte made the motion to read Ordinance 2011-05 and Ordinance 2011-06 by summary only, seconded by Sue Williams, 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 2nd reading. Barry Worl made a motion to accept Ordinance 2011-05 on the second reading, seconded by Alan Korte, all in favor and the motion passed.

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

Bob asked for a motion to close the Public meeting and open the Public hearing. Barry Worl made the motion to close the Public meeting and open the Public hearing, seconded by Sue Williams, all in favor and the motion passed.

After discussion with those property owners in attendance Bob asked for a motion to close the Public hearing and reconvene the Public meeting. The motion was made by Barry Worl, seconded by Alan Korte, all in favor and the motion passed.

Bob Lewis read Ordinance 2011-05 by summary only and asked for a motion to accept the ordinance on the 3<sup>rd</sup> reading. A motion was made by Sue Williams to accept Ordinance 2011-05 on the 3<sup>rd</sup> reading, seconded by Barry Worl, all in favor and the motion passed.

Bob then read Ordinance 2011-06 by summary only and asked for a motion to accept the ordinance on the 3<sup>rd</sup> reading. A motion was made by Alan Korte to accept Ordinance 2011-06, seconded by Sue Williams, all in favor and the motion passed.

#### NEW BUSINESS:

#### CLEAR LAKE ASSOCIATION:

The Clear Lake Association sends a request to the Town and other organizations annually to see if there is a need that the Association could contribute funds to for a special project. This year the Town Council has asked for a contribution of \$1,000 to go towards the cost of finishing the rooms in the lower level of the Town Hall. Bob Lewis asked for a motion to accept the amount of \$1,000 as a contribution from the Clear Lake Association. The motion was made by Alan Korte that the request of \$1,000 be made to the Clear Lake Association, seconded by Sue Williams, all in favor and the motion was accepted.

#### WATER QUALITY COMMITTEE

Annie Skinner stated that water quality begins with education leading into the subject of the “Neck-high Naturalists” which is the adult version of the “Knee-high Naturalists”. Don Lupke reported on the Mustard Garlic pull on May 31<sup>st</sup> at the Turn Bull Nature Preserve. Nate Simon supplied the trash bags and those in attendance filled 19 bags with 284 pounds of the invasive garlic mustard weed. Nate Simon will be in charge of the next event on July 9<sup>th</sup> at Koeneman Lake. The discussion will be on how the wetlands surrounding Clear Lake affect the quality of the water that enters the lake. The event will begin at the Clear Lake Lutheran Church from 10:30 until noon.

Annie reported that the committee has begun the training process for testing the water around the lake for sediment and chemical load. The committee is also beginning to test the water coming into the lake from the four ditches for e-coli bacteria. The dam at Koeneman Lake is being checked for its integrity and also to see if there is a need to dredge the lake.

#### FIRE CONTRACT

Barry Worl reported that the Fire Contract Agreement with the Town of Fremont for 2012 will remain at the 2011 level of \$23,800. Bob Lewis asked for a motion to accept the fire contract for 2012 with the Town of Fremont. The motion was made to accept the 2012 Fire Contract by Barry Worl, seconded by Alan Korte, all in favor and the motion passed.

There being no further business, Bob Lewis asked for a motion to adjourn the Town Council meeting at 8:00 p.m. The motion was made to adjourn the meeting by Barry Worl, seconded by Alan Korte, 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  
MAY 31, 2011**

GENERAL FUND CASH BEGINNING BAL – MAY 1, 2011	\$153,896
CASH RECEIPTS FOR MAY	11,463
CASH DISBURSEMENTS FOR MAY	<u>27,532</u>
GENERAL FUND CASH ENDING BAL – MAY 31, 2011	<b>\$137,827</b>

GENERAL FUND CD'S AS OF MAY 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 MAY 31, 2011      **\$637,827****

GARBAGE FUND CASH BEGINNING BAL – MAY 1, 2011	\$24,171
CASH RECEIPTS FOR MAY	50,644
CASH DISBURSEMENTS FOR MAY	<u>14,197</u>
GARBAGE FUND CASH ENDING BALANCE – MAY 31, 2011	<b>\$60,618</b>

GARBAGE FUND CD'S AS OF MAY 31, 2011

First Federal Savings CD \$125,000 @ .65% matures 12/01/2011	125,000
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**TOTAL CASH AND INVEST GARB FUND MAY 31, 2011      **\$185,618****

SEWER FUND CASH BEGINNING BAL – MAY 31, 2011	\$321,351
CASH RECEIPTS FOR MAY	50,137
CASH DISBURSEMENTS FOR MAY	<u>24,562</u>

SEWER FUND CASH ENDING BALANCE – MAY 31, 2011      **\*346,926**

SEWER FUND CD'S AS OF MAY 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

**TOTAL CASH AND INVESTMENTS MAY 31, 2011**      **\$1,306,926**

\*Includes Sinking Fund for Bond & Interest of \$ 108,750 (\$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 \$9,663 for operating as of May 31, 2011.

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