

MINUTES OF THE JULY 11TH, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, July 11th, 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 ten 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.

George Schenkel asked for any additions or corrections to the June 13th, 2011 Town Council minutes. There being no additions or corrections, George asked for a motion to approve the minutes as presented. Alan Korte made a motion to accept the June 13th minutes as presented seconded by Sue Williams, yea votes by Alan Korte, Sue Williams and Barry Worl. George Schenkel abstained due to his absence from that meeting.

The Clerk/Treasurer gave the Treasurer's report for the month of June, which is attached to the minutes and proceeded with the Voucher Register for the following funds from June 14th thru July 11th, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$37,638.67
Sanitation Fund	6,993.35
Sewer Fund	<u>92,558.09</u>
Total Amount of Vouchers	\$137,190.11

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 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 reported that the first full month of summer went fairly well. Each officer is spending some time in the boat and the Marine Patrol continues to patrol on the weekends.

The police department responded to the following incidents in June:

- 2 background investigations
- 3 VIN checks
- 6 HIN checks
- 7 golf cart inspections
- 1 medical assist

- 1 assists for the Sheriff's department
- 1 assists for the Fremont police
- 1 recovered property – bike

During the 4th of July the lighting system went out on the patrol boat. The marina advised that the wiring for the boat is in need of repair. The Marina made the necessary repairs to get the boat in working condition and one of the deputies will be getting estimates on the needed repairs.

FIRE DEPARTMENT – Barry Worl reported for the Fremont fire marshal that there were 44 calls for the month of June with one call to Clear Lake Township and six to the Town of Clear Lake.

ZONING ADMINISTRATOR – Amy Schweitzer – June 2011

There was one Improvement Location Permit issued in June for a new garage at #20 Lake Drive due to Memorial Day storm.

- There was one certificate of occupancy issued for 222 Lake Drive
- Sedimentation concerns at 1000 Lake Drive – Nichols

Plan Commission –

- Special Plan Commission meeting for UDO Amendment
- UDO review and mark-ups and meetings to discuss same
- Preliminary development of new forms
- Preliminary review of minor subdivision of land

BZA –

- Beth & Bob Martin – 796 Lake Drive
- Development standards for August 15th meeting

OTHER –

- Research, site visits, discussion and correspondence about permits, projects and violations: Baker/Wichland @ 66 Lake Drive, Roth – zoning question, Bauman – 714 Lake Drive, Lakeside Hotel – zoning question

MEETINGS –

- August 1 – Plan Commission
- August 15 – BZA

Total hours worked – 41

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of June that there were 9 sewer locates, 7 alarm calls, 24 pumps were replaced or repaired and the average daily flow was 47,097 gallons per day. There were only 4 service calls over the 4th of July.

STREET DEPARTMENT – Bob reported that DLZ has some of the design work completed for the Point Park Project, but does not want to get too far ahead until all of the Road Right-of-Ways are signed and recorded. The project is on track to begin soon after Labor Day.

Bob would like to have some drainage work done at the public launch at Lake and Channel Drive so that work will be complete if there are funds available to resurface that area this fall.

Roadsides have been mowed twice in the past month and several potholes have been filled.

There was one complaint on weeds this month and the owner mowed as soon as he received the notice.

BILLING DEPARTMENT

GARBAGE – Auto-draw payments will be applied on July 15th for those who have signed up. Late fees will be added to accounts not paid in full on July 16th and statements sent out.

SEWER – Payment was received from the County on four liens totaling \$3,946.25 leaving eight liens outstanding. There is one lien, possibly two that will be filed this month if payment is not received by the deadline.

UNFINISHED BUSINESS

LITIGATION UPDATE – Town attorney, Neal Blythe reported that there is going to be a hearing on Monday, August 1st at 2:30 p.m. in Steuben County Court House on the town's default judgment regarding the Hewes lawsuit. The court wants clarification on what the order should say. First judgment should come after August 1st when the sewer is hooked-up on the Hewes property then damages will be assessed. On August 19th at 8:30 a.m. there will be a hearing in Steuben County Court to determine attorney fees on the Hoagland Family Limited Partnership inverse condemnation case.

The second sewer connection lawsuit with the Jetmore's at 291 Lake Drive continues to be unresolved. The property has been vacated, the owners have filed bankruptcy, the county still has their name as the title deed holder. Neal sent a letter to one Mortgage Company and they sent the letter on to another Mortgage Company and the second Mortgage Company called and stated that they have no interest in the property. Neal is considering adding the second Mortgage Company to the lawsuit.

The third lawsuit with the Hoagland Limited Family Partnership pertaining to 804, 1014 & 1021 Lake Drive not connecting to the Town's sewer system. The judge issued a requesting order that the case go to mediation. Mediation will take place on December 15th, 2011 at 9:00 a.m. in Columbia City, IN at the offices of John Whitleather. The first phase of the trial is set for February 15th, 2012 with the second phase a couple months later. There will need to be motions filed prior to the trial.

The Judge in Lagrange County is still waiting for a ruling from the Indiana Supreme Court on the case between the Nevins and the Hoagland Limited Family Partnership regarding the deck.

George Schenkel asked Neal to explain the Common Wage Board requirement for public works projects between July 1st and December 31st, 2011. During the last legislative session, in an attempt to raise the threshold from \$150,000 to \$250,000 for the requirement of the Common Construction Wage for projects there was a drafting error that struck the current threshold of \$150,000 altogether. So to put a bid out for a public works project a Common Wage Board is required to determine the prevailing wage on the project. Neal is working with DLZ to establish this five member Board so that the road projects in the Town will be ready to be let out for bid.

NEW BUSINESS:

ORDINANCE 2011-07: AN ORDINANCE AMENDING THE CLEAR LAKE UNIFIED DEVELOPMENT ORDINANCE

George Schenkel stated that the Clear Lake Plan Commission had a public hearing on June 20th, 2011 regarding the text changes in the UDO. The Plan Commission has certified the changes with a favorable recommendation to the Clear Lake Town Council. It is the Council's responsibility to accept the recommendations, reject the recommendations entirely or send back to the Plan Commission with recommendations.

George Schenkel read Ordinance 2011-07 in its entirety and asked for a motion to accept the ordinance. Alan Korte made the motion to accept Ordinance 2011-07 as presented, Sue Williams seconded the motion, all in favor and the motion passed.

WATER QUALITY COMMITTEE

Annie Skinner had a slide presentation of the recent work done on the dam in Koeneman Lake. Dan Oberst a retired engineer who is a land owner and on the Water Quality Committee had been asked to inspect the dam and determine the viability. Dan determined that the dam had a crack that was growing weekly and caves caused by erosion on both sides 16' and 14' deep. The dam was in danger of collapse. Working with Steve Jackson, a neighboring farmer who has worked with Annie on the Cyrus-Brouse ditch, got a crew together to work on the dam. They cleared a roadway to the lake and had loads of glacier rock delivered. There were eleven people working to install a barrier of nylon mesh in the caves on both sides of the dam and then to pass rocks in the caves to stop the erosion and the collapse of the dam. The cost to the Conservancy for preventing this collapse was \$10,000. Without help from our neighbors this would have been a much higher number. This is the 20th anniversary of the Clear Lake Township Land Conservancy and Jim Skinner has asked that we all help to celebrate on July 30th at their Gala and help to raise funds for projects such as this one.

Annie Skinner also noted that the new representative from the L.A.R.E. division of the D.N.R., Doug Nussbaum was doing a site visit at the time and was very pleased to see the farmers working with the lakers in protecting the quality of the water in Clear Lake. This could be favorable for being awarded the \$75,000 grant application when the L.A.R.E. funds are available again from the State.

There being no further business, George Schenkel asked for a motion to adjourn the Town Council meeting at 7:40 p.m. The motion was made to adjourn the meeting by Barry Worl, seconded by Sue Williams, all in favor and the motion passed.

Robert E. Lewis, President

Kay A. Kummer, Clerk/Treasurer

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

GENERAL FUND CASH BEGINNING BAL – JUNE 1, 2011	\$137,827
CASH RECEIPTS FOR JUNE	185,523
CASH DISBURSEMENTS FOR JUNE	<u>35,741</u>
GENERAL FUND CASH ENDING BAL – JUNE 30, 2011	\$287,609

GENERAL FUND CD'S AS OF JUNE 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 JUNE 30, 2011 **\$787,609**

GARBAGE FUND CASH BEGINNING BAL – JUNE 1, 2011	\$60,618
CASH RECEIPTS FOR JUNE	18,440
CASH DISBURSEMENTS FOR JUNE	<u>7,056</u>
GARBAGE FUND CASH ENDING BALANCE – JUNE 30, 2011	\$72,002

GARBAGE FUND CD'S AS OF JUNE 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 JUNE 30, 2011 **\$197,002**

SEWER FUND CASH BEGINNING BAL – JUNE 1, 2011	\$346,926
CASH RECEIPTS FOR JUNE	58,056
CASH DISBURSEMENTS FOR JUNE	<u>86,393</u>
SEWER FUND CASH ENDING BALANCE – JUNE 30, 2011	*\$318,589

SEWER FUND CD'S AS OF JUNE 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 JUNE 30, 2011 \$1,278,589

*Includes Sinking Fund for Bond & Interest of \$80,521 (\$21,750 is set aside monthly for semi-annual payments), \$227,506 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 \$8,735 for operating as of June 30, 2011.

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