

MINUTES OF THE SEPTEMBER 12TH, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, September 12th, 2011 at 7:00 p.m. Present were Council Members Robert Lewis, George Schenkel, Sue Williams 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 President, Robert Lewis called the meeting to order at 7:00 p.m. by asking those in attendance to stand and recite the Pledge of Allegiance.

At the beginning of the meeting Council opened three bids for the road project in the Point Park Subdivision. Phil Hibbert, the engineer from DLZ left the meeting to exam the bids to make sure that all bidders were applying the same specifications to their bids.

Bob Lewis continued the council meeting asking for any additions or corrections to the Town Council minutes for August 8th, 2011. There being no additions or corrections, Bob asked for a motion to approve the minutes as presented. George Schenkel made a motion to accept the minutes as presented, seconded by Alan Korte all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's Report for the month of August, which is attached to the minutes and proceeded with the Voucher Register for the following funds from August 9th thru September 8th, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$24,908.01
Sanitation Fund	6,971.35
Sewer Fund	<u>38,393.65</u>
Total Amount of Vouchers	\$70,273.01

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 George Schenkel to accept the Voucher Register with Warrants as presented, seconded by Sue Williams, all in favor and the motion passed.

REPORTS

MARSHAL'S REPORT – The police department responded to the following incidents in July:

- 2 background investigations
- 4 HIN checks
- 1 VIN check
- 1 security alarm
- 1 medical assist
- 3 assists for the Sheriff Department
- 1 assists for the Fremont Police

Now that we have passed the Labor Day holiday patrol hours will be reduced. This summer the Marshal's department had fewer calls than in the past 3 summers unlike the crime rates both locally and nationally.

The Marine patrol has finished the season. The Town's officers will continue using the boat until the weather turns and it is necessary to put the boat away for the season.

The Sheriff's Department dive team was able to recover most of the items in the lake from the hunters near drowning last December. The boat had been recovered last spring. They are a recovery dive team and can be activated at any time the need arises at Clear Lake and plan more training at Clear Lake in the future.

The Police Department now has a Facebook page. Citizens can subscribe by clicking the "subscribe via sms" button and updates will be sent to your phone. The Nixle system will be activated as soon as the Marshal has an ID card made up and then citizens can subscribe to that service and be updated on alerts at Clear Lake. The Marshal will post information on both.

FIRE DEPARTMENT – George Schenkel reported that the Fremont Fire Department made 50 calls for the month of August with two medical assists at the Town of Clear Lake.

ZONING ADMINISTRATOR – Bob Hull reported for Amy Schweitzer – August 2011

There were five Improvement Location Permits issued in August.

- Worl @ 787 Lake Drive – room addition
- Martin @ 796 Lake Drive – roof overhang
- Johnston @ 180 Lake Drive – screen porch on existing deck
- Hansbarger @ 300 Lake Drive – enclose existing patio
- Miller @ 628 Lake Drive - fence

Plan Commission –

- Meetings & minutes
- Post meeting for subdivision – Joe Moore
- UDO Amendment #6

BZA –

- Variance petitions for Martin, Stephens and Johnston
- BZA meeting and preparation
- Post meeting follow-up with applicants

OTHER –

Research, site visits, discussion and correspondence about permits, projects and violations: Parker @ 28 Lake Drive – decorative fence
Wenck @ 114 Channel Drive - violation
Hauguel – Administrative Subdivision
Wilcox @ 782 Lake Drive

Phillips @ 644 Lake Drive
Rumsey @ 814 ski locker
Firestine @ 20 Joann Court - flood insurance information

MEETINGS –

- Plan Commission Special Meeting – September 19, 2011

Total hours worked – 73.25

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of August there were 21 sewer locates, 9 alarm calls, 27 pumps were repaired and replaced and the average daily flow was 64,177 gallons per day.

STREET DEPARTMENT – Eagle Asphalt has sealed and striped the Town Hall parking lot.

NIPSCO is in the process of removing the tops of the trees in Point Park. When they are finished Rod's Tree Service will finish removing the trunks of the trees and grinding the stumps in preparation of the road work. There is one property owner at 464 Lake Drive who has not signed the road right-of-way easement.

The catch basin at 494 Lake Drive (Jeff Gay) is not draining properly and will need to be repaired.

Two vegetation notices were sent out this month. One has been taken care of and the other still has some time left to comply.

Most of Bob's time in August was spent on the Point Park project.

BILLING DEPARTMENT

GARBAGE – There are 6 accounts that are delinquent. Letters have gone out letting the property owners know that their accounts will be turned over to our attorney for collection and the cost will include another \$400 for attorney fees.

SEWER – We currently have 9 liens filed and 288 property owners have signed-up for auto-draw.

Those property owners not using auto-draw will receive their coupon books for 2012-2013 by the end of October.

The property at 124 Penner Drive has been hooked up to the sewer, leaving 4 properties to comply.

There have been 8 generator permits issued to date.

LEAF PICK-UP – Bob Hull reported that he and Alan Korte had been researching the possibility of leaf pick-up for Town property owners. They had a meeting with Steve Christman from the Northeast Indiana Solid Waste Management District to determine what alternatives are available. During the meeting it was determined that the NISWMD has a leaf-vac that they allow surrounding communities to borrow for picking up their leaves. What it would require would be for the Town to

get on the schedule to pickup the machine, pick up leaves in Town and take the leaves to the wastewater plant in Fremont where the NISWMD turns the leaves a couple times a year to make compost for distribution in the communities. This is a LEAF PICK-UP PROGRAM ONLY. If you have any brush or tree branches you can take them to the wastewater plant in Fremont. The NISWMD visits each of their 11 locations about twice a year with their tub grinder to pulverize all of the tree branches to add to the compost materials. For more information visit their website at www.niswmd.org. There is also a link on the Bulletin Board at www.clearlakefun.org. under the cameras listed as residential hazardous & problem waste disposal. Watch for your Clear Lake News for the dates of the leaf pick-up.

Maryjo Fitzenrider will be working with NISWMD on a flyer to distribute to Clear Lake residents.

POINT PARK PROJECT: Phil Hibbert, from DLZ returned with the bids. Following are the companies and bid amounts

API Construction	\$84,002.50
Brooks Construction	91,629.00
Parrish Excavating	107,030.00

Because there is one property owner at 464 who has not signed her road right-of-way easement there was some discussion on how to proceed with the contract. Due to the time involved with taking the property through eminent domain it was decided to vote on the contract and stop construction at the property line of the property owners at 464 so as not to delay the road work and cause a hardship for the other property owners on the street. The contractor being awarded the bid would adjust the bid accordingly.

Bob Lewis asked for a motion to accept the bid from API Construction for \$84,002.50. The motion was made by Alan Korte to accept the bid from API Construction, seconded by George Schenkel, all in favor and the motion passed.

UNFINISHED BUSINESS

There was a hearing with Judge Wheat on the attorney fees for the Hoagland Family Partnership inverse condemnation case regarding the sewer line. After four hours of presentations the court took no arguments and instructed the attorneys to present briefs and finding of facts in 45 days. At that time the judge will make a ruling on the amount of attorney fees that the Hoagland's will be awarded.

The Hoagland Limited Partnership deck case involving the Nevin's in Lagrange County is still waiting on a decision by the Indiana Supreme Court to determine if the hearing will be moved to another location.

One of the lawsuit cases for connecting to the Clear Lake sewer system was settled in Steuben Superior Court. The defendants have agreed to connect to the sewer at 124 Penner Drive by the end of August. After that time a judgment will be determined by the court on what is due the Town.

The three properties owned by the Hoagland Limited Family Partnership are still scheduled for mediation in December 2011.

The Jetmore property is scheduled for sheriff's sale in October. Neal has had some phone calls from interested parties.

NEW BUSINESS

ORDINANCE 2011-08: 1ST READING – AN ORDINANCE AMENDING THE CLEAR LAKE SOLID WASTE AND RECYCLING ORDINANCE

Bob Lewis read the ordinance in its entirety and asked for a motion to accept on the first reading. A motion was made by Alan Korte to accept Ordinance 2011-08 on the first reading, seconded by George Schenkel, all in favor and the motion passed.

Bob Lewis asked for a motion to close the council meeting and open the public hearing. The motion was made by Alan Korte and seconded by George Schenkel.

Bob asked those property owners at the public hearing if they had any questions on the ordinance. After some discussion Bob asked for a motion to close the public hearing and resume the council meeting. Sue Williams made the motion and Alan Korte seconded the motion to close the public hearing and resume the council meeting, all in favor and the motion passed.

ORDINANCE 2011-08: 2ND READING – AN ORDINANCE AMENDING THE CLEAR LAKE SOLID WASTE AND RECYCLING ORDINANCE

Bob Lewis asked for a motion to read the Ordinance by summary only. The motion to read Ordinance 2011-08 by summary only was made by Alan Korte, seconded by George Schenkel, all in favor and the motion passed.

Bob Lewis read Ordinance 2011-08 by summary only and asked for a motion to accept Ordinance 2011-08 on the 2nd reading. The motion was made by Sue Williams to accept Ordinance 2011-08 on the 2nd reading, seconded by Alan Korte, all in favor and the motion passed.

ORDINANCE 2011-08: 3RD READING – AN ORDINANCE AMENDING THE CLEAR LAKE SOLID WASTE AND RECYCLING ORDINANCE

Bob Lewis read Ordinance 2011-08 by summary only and asked for a motion to accept Ordinance 2011-08 on the 3rd reading. The motion was made by Alan Korte to accept Ordinance 2011-08 on the 3rd reading, seconded by Sue Williams, all in favor and the motion passed.

WATER QUALITY COMMITTEE

Maryjo Fitzenrider reported that the last Hoosier River Watch testing of the four county ditches leading to Clear Lake was on August 14th.

At the end of August Joan Stanley with several committee members and a graduate student from IPFW participated in a study of Macro-Invertebrate. They took samples of Macro-invertebrae from all of the ditches leading into the lake.

The Water Quality Committee was also involved with Fremont Elementary School's educational program involving seventh graders, called Water Works Day working with students and discussing the importance of clean water and the effects of a watershed. The committee has been asked to participate in the future.

There being no further business, Bob Lewis asked for a motion to adjourn the Town Council meeting at 8:40 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
AUGUST 31, 2011**

GENERAL FUND CASH BEGINNING BAL – AUG. 1, 2011	\$284,335
CASH RECEIPTS FOR AUGUST	14,441
CASH DISBURSEMENTS FOR AUGUST	<u>26,079</u>
GENERAL FUND CASH ENDING BAL – AUG. 31, 2011	\$272,697

GENERAL FUND CD'S AS OF AUG. 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 AUG. 31, 2011 \$772,697

GARBAGE FUND CASH BEGINNING BAL – AUG. 1, 2011	\$73,592
CASH RECEIPTS FOR AUGUST	1,234
CASH DISBURSEMENTS FOR AUGUST	<u>6,971</u>
GARBAGE FUND CASH ENDING BALANCE – AUG. 31, 2011	\$67,855

GARBAGE FUND CD'S AS OF AUG. 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 AUG. 31, 2011 \$192,855

SEWER FUND CASH BEGINNING BAL – AUG. 1, 2011	\$328,885
CASH RECEIPTS FOR AUGUST	56,215

CASH DISBURSEMENTS FOR AUGUST 189,187

SEWER FUND CASH ENDING BALANCE – AUG. 31, 2011 ***\$195,913**

SEWER FUND CD'S AS OF AUGUST 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 @ .95% matures 02/13/2013	200,000
Flagstar Bank CD \$150,000 @ .95% matures 02/13/2013	<u>150,000</u>
	1,110,000

TOTAL CASH AND INVESTMENTS AUG. 31, 2011 \$1,288,885

*Includes Sinking Fund for Bond & Interest of \$124,021 (\$21,750 is set aside monthly for semi-annual payments), \$77,505 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 \$-7,440 for operating as of August 31, 2011.

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