

MINUTES OF OCTOBER 10TH, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, October 10th, 2011 at 7:00 p.m. Present were Council Members Robert Lewis, George Schenkel, Sue Williams and Barry Worl. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There was one citizen 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.

Bob Lewis asked the council for any additions or corrections to the Council minutes from the September 12th, 2011 meeting. 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 Sue Williams, Bob, George and Sue voted in favor, Barry abstained due to his absence at the September meeting and the motion passed.

The Clerk/Treasurer gave the Treasurer's Report for the month of September, which is attached to the minutes and proceeded with the Voucher Register for the following funds from September 12th thru October 10th, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$23,968.11
Sanitation Fund	8,922.35
Sewer Fund	<u>27,660.29</u>
Total Amount of Vouchers	\$60,550.75

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 Barry Worl, all in favor and the motion passed.

REPORTS

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

- 3 background investigations
- 2 golf cart inspections
- 1 HIN checks
- 1 theft
- 1 property damage
- 2 criminal mischief
- 2 assists for the Sheriff Department
- 1 assists for the Fremont Police

There are no major problems around the lake and the Marshal and his two Deputies continue to alternate patrol days and times.

FIRE DEPARTMENT – George Schenkel reported that the Fremont Fire Department made 39 calls for the month of with two medical assists at the Town of Clear Lake.

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

There were eight Improvement Location Permits issued in September.

- Fankhauser @ 375 Lake Drive – flatwork
- Fankhauser @ 378 Lake Drive – flatwork
- Ziegler @ 374 Lake Drive – attached garage, foyer & driveway
- Hill @ 935 Lake Drive – detached garage & driveway
- Wickland @ 66 Lake Drive – exterior stairs to elevated deck
- Griest @ 898 Lake Drive – flatwork & retaining walls
- Merle @ 918B Lake Drive – single family dwelling
- Wenck @ 114 Channel Drive – board walk at ground level

Plan Commission –

- Meetings & minutes
- UDO Amendment #6 – final prep for Plan Commission and Town Council meetings
- Hauguel @ 156 Lake Drive – administrative subdivision

BZA –

- Minutes from August meeting
- Variance petitions for Adams @ 276 Lake Drive
- Variance petitions for Wenck @ 114 Channel Drive
- BZA meeting and variances

OTHER –

- New digital flood insurance rate map – meeting, research, correspondence, Clear Lake News article
- Research, site visits, discussion and correspondence about permits, projects and violations:
 1. Souder @ 842 Lake Drive – violation
 2. Riedeman @ 126 Chapel
 3. Phillips @ 644 Lake Drive
 4. Connett @ 700 Lake Drive

MEETINGS –

- BZA regular meeting – October 24th, 2011

Total hours worked – 60.75

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of September that there were 11 sewer locates, 5 alarm calls, 9 pumps were repaired or replaced and the average daily flow was 47,417 gallons per day.

Bob and Mike Stuckey with M & C Trenching had a meeting with Mark Sullivan from Commonwealth Engineering on September 29th regarding the grinder pumps. Bob & Mike wanted to compare the Town's failure rate with other towns with comparable systems. There will be another meeting in November to follow-up on Mark's research.

STREET DEPARTMENT – The trees have been removed for the Point Park road project and easements have been signed by all except one property owner. The construction of the new road will begin as soon as weather permits.

The first two days of leaf pick-up did not warrant the use of the leaf-vac, so Bob picked them up with the dump truck took them to the waste water plant in Fremont. Bob did need to have Higbee's strengthen the back bumper and hitch to accommodate the leaf-vac with cost to be determined.

BILLING DEPARTMENT

GARBAGE – There are still 4 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 \$450 for attorney fees and \$77 for the filing fee.

SEWER – We currently have 12 liens filed and 289 property owners have signed-up for auto-draw.

UNFINISHED BUSINESS – LITIGATION UPDATE

There has been no ruling on the attorney fees from the Hoagland Family Limited Partnership vs. the Town on the inverse condemnation case to date.

The Hoagland Limited Partnership deck case involving the Nevin's in Lagrange – the Supreme Court of Indiana has made a ruling, but our attorney has not been advised as of today.

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

There have been four lawsuits filed for those property owners who have chosen not to pay their annual Trash Collection Fee. Hearings should be set in six weeks.

NEW BUSINESS

ORDINANCE 2011-09: 1ST AND FINAL READING – AN ORDINANCE AMENDING THE TOWN OF CLEAR LAKE UNIFIED DEVELOPMENT ORDINANCE

Bob explained that the Council could accept the recommended changes from the Plan Commission as presented reject the changes or send it back to the Plan Commission for revisions. Bob then read Ordinance 2011-09 in its entirety. George Schenkel commented that council members had reviewed the changes and the Plan Commission had passed it with a favorable recommendation. Bob Lewis then asked for a motion to accept Ordinance 2011-09 as presented. Sue Williams made the motion to accept Ordinance 2011-09 it was seconded by Barry Worl, all were in favor and the motion passed.

ORDINANCE 2011-10: 1ST READING – AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCE FOR THE TOWN OF CLEAR LAKE.

Bob Lewis read the ordinance in its entirety and asked for a motion to accept Ordinance 2011-10 on the first reading. A motion was made by George Schenkel to accept Ordinance 2011-10 on the first reading, it was seconded by Barry Worl, all were in favor and the motion passed.

WATER QUALITY COMMITTEE

The Water Quality Committee had no report. Bob Lewis did ask Annie Skinner to check with the DNR about the declining population of pan fish in Clear Lake. Annie will check on that question and report back to Council.

There being no further business at 8:00 p.m. Bob Lewis asked for a motion to adjourn. George Schenkel made the motion to adjourn it was seconded by Barry Worl, all in favor and the motion passed.

Robert E. Lewis, President

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

GENERAL FUND CASH BEGINNING BAL – SEPT. 1, 2011	\$272,697
CASH RECEIPTS FOR SEPTEMBER	14,809
CASH DISBURSEMENTS FOR SEPTEMBER	<u>32,924</u>
GENERAL FUND CASH ENDING BAL – SEPT. 30, 2011	\$254,582
GENERAL FUND CD'S AS OF SEPT. 1, 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>
<u>TOTAL CASH AND INVEST GEN FUND SEPT. 30, 2011</u>	<u>\$754,582</u>
GARBAGE FUND CASH BEGINNING BAL – SEPT. 1, 2011	\$67,855
CASH RECEIPTS FOR SEPTEMBER	908
CASH DISBURSEMENTS FOR SEPTEMBER	<u>7,221</u>
GARBAGE FUND CASH ENDING BALANCE – SEPT 30, 2011	\$61,542
GARBAGE FUND CD'S AS OF SEPTEMBER 30, 2011	
First Federal Savings CD \$125,000 @ .65% matures 12/01/2011	125,000
<u>TOTAL CASH AND INVEST GARB FUND SEPT. 30, 2011</u>	<u>\$186,542</u>

SEWER FUND CASH BEGINNING BAL – SEPT. 1, 2011	\$195,913
CASH RECEIPTS FOR SEPTEMBER	51,195
CASH DISBURSEMENTS FOR SEPTEMBER	<u>37,421</u>
SEWER FUND CASH ENDING BALANCE – SEPT. 30, 2011	*\$209,687

SEWER FUND CD'S AS OF SEPTEMBER 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 @ .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 SEPT. 30, 2011 \$1,319,687

*Includes Sinking Fund for Bond & Interest of \$145,771 (\$21,750 is set aside monthly for semi-annual payments), \$76,005 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 \$-13,916 for operating as of September 30, 2011.

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