

## MINUTES OF NOVEMBER 14<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, November 14<sup>th</sup>, 2011 at 7:00 p.m. Present were Council Members Robert Lewis, 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 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 October 10<sup>th</sup>, 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 all in favor and the motion passed.

Minutes for the September 12<sup>th</sup> public hearing for the 2012 Budget were presented and Bob Lewis asked for any additions or corrections. Bob then asked for a motion to accept the minutes from the public hearing as presented. George Schenkel made the motion to approve the minutes from the 2012 Budget public hearing, it was seconded by Alan Korte, all in favor and the motion passed.

Minutes for the October 10<sup>th</sup> special meeting to adopt the 2012 Budget were presented and Bob Lewis asked for any additions or corrections. Bob then asked for a motion to accept the minutes for the adoption meeting as presented. The motion was made by Sue Williams, seconded by Barry Worl, all in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's Report for the month of October, which is attached to the minutes and proceeded with the Voucher Register for the following funds from October 11<sup>th</sup> thru November 14<sup>th</sup>, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$107,888.54
Sanitation Fund	10,816.41
Sewer Fund	<u>28,220.25</u>
Total Amount of Vouchers	\$146,925.20

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 as presented. A motion was made by Barry Worl to accept the Voucher Register with Warrants as presented, it was seconded by George Schenkel, all in favor and the motion passed.

### REPORTS

#### MARSHAL'S REPORT – Barry Worl

The police department responded to the following incidents in October:

- 3 background investigations
- 6 VIN checks
- 1 theft – jet-ski trailer
- 1 unsecured premise – open window
- 2 criminal mischief
- 2 assists for the Sheriff Department
- 1 assists for the Fremont Police
- 1 medic assist with EMS
- 1 suspicious vehicle
- 1 welfare check
- 1 possible missing hunter - unfounded

The Marshal is asking for residents to report on a white Chevrolet S10 pickup, late 90's to early 2000's or the driver. It is possibly linked to the jet-ski trailer theft from the Marina.

FIRE DEPARTMENT – Barry Worl reported that the Fremont Fire Department made 36 calls for the month of with one medical assist at the Town of Clear Lake and one possible missing person in Clear Lake Township.

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

There were four Improvement Location Permits issued in October.

- Phillips @ 644 Lake Drive – residential remodel
- Elliot @ 602 Lake Drive – flatwork
- Wenck @ 114 Channel Drive – elevated deck
- Stephens @ 960 Lake Drive – detached garage & driveway

Plan Commission –

- Meeting minutes – September 19<sup>th</sup>, 2011
- November meeting cancelled

BZA –

- Complete minutes from August meeting
- Meeting preparation for October 24 meeting
  - Adams @ 276 Lake Drive
  - Wenck @ 114 Channel Drive
  - Stephens @ 960 Lake Drive
  - Public hearing yard signs
- October 24 meeting follow-up
- Preparation for November 21 BZA special meeting for variances
  - Worl @ 787 Lake Drive
  - Hauguel @ 156 Lake Drive
- Meeting with Town Attorney regarding State statues changes and creation of forms

OTHER –

- Research, site visits, discussion and correspondence about permits, projects and violations:
  - Marina
  - Richhart @ 880 Lake Drive
  - Davis @ 280 #13 condos
  - Printer research

MEETINGS –

- BZA special meeting – November 21<sup>st</sup>, 2011

Total hours worked – 65.50

TOWN SUPERINTENDENT

SEWER DEPARTMENT – Bob Hull reported during the month of October that there were 16 sewer locates, 4 alarm calls, 2 pumps were repaired or replaced and the average daily flow was 45,532 gallons per day.

Siemens converter at main lift station failed and has been replaced. Curb boxes and wires for the grinders on Point Park Drive had to be relocated before the street work could begin.

STREET DEPARTMENT – The Point Park project is now complete with the exception of placing the limestone along the edge of the street. There were three areas between driveways that Bob was not happy with and API came back to lay additional asphalt.

Bob applauded the Council and others involved with this project for making sure that the roadway was placed correctly and right-of-way easements were signed and recorded. The Town now has a road they can be proud of.

LEAF PICK-UP – Most of Bob’s time this month has been dedicated to the Leaf Pick-up Project. Delmar Dove, who mows the lawn at the Town Hall and Rich McCarty, one of the Town’s Deputy Marshals have been assisting Bob with this project. Prior to the machine breaking down on November 8<sup>th</sup> they had picked up 21 loads of leaves measuring 525 cubic yards.

BILLING DEPARTMENT

GARBAGE – There are still 4 accounts that are delinquent. The Town attorney, Neal Blythe has filed these accounts in Small Claims Court and the date is set for Tuesday, November 29<sup>th</sup>.

SEWER – We currently have 12 sewer liens filed and 290 property owners have signed-up for auto-draw.

LITIGATION UPDATE – TOWN ATTORNEY

Special Judge, Allen Wheat has ruled a settlement agreement for \$29,593.83, plus costs on the inverse condemnation case in Hoagland Family Limited Partnership vs. the Town, pending an appeal by the Hoagland's.

The Hoagland Limited Partnership deck case involving the Nevin's in Lagrange has not seen any significant progress.

SEWER LAWSUITS – Non connection to the Town of Clear Lake sewer system.

Neal is working on settlement due from the Hewes lawsuit since they connected to the Town of Clear Lake sewer system on September 1<sup>st</sup>.

The lawsuit with the Jetmore property is going forward even though they have filed bankruptcy.

The three properties owned by the Hoagland Limited Family Partnership are still scheduled for mediation in December 15, 2011 in Columbia City with John Whiteleather, mediator.

#### UNFINISHED BUSINESS –

ORDINANCE 2011-10: 2<sup>ND</sup> READING – AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCE FOR THE TOWN OF CLEAR LAKE.

Bob Lewis asked for a motion to read Ordinance 2010-10 by title only. A motion was made by Sue Williams to read by title only, it was seconded by Alan Korte, all were in favor and the motion passed.

#### NEW BUSINESS

ORDINANCE 2011-11: 1<sup>ST</sup> READING – AN ORDINANCE SETTING SALARIES AND WAGES OF THE OFFICERS AND EMPLOYEES FOR THE TOWN OF CLEAR LAKE, INDIANA FOR THE CALENDAR YEAR 2012.

Bob read Ordinance 2011-11 in its entirety and asked for a motion to accept the ordinance on the 1<sup>st</sup> reading. A motion was made by George Schenkel to accept Ordinance 2011-11 on the 1<sup>st</sup> reading, it was seconded by Sue Williams, all in favor and the motion passed.

Bob asked for a motion to suspend the public meeting and open the public hearing for Ordinance 2011-10 and 2011-11. The motion was made by Barry Worl to suspend the public meeting and open the public hearing, it was seconded by Alan Korte, all were in favor and the motion passed.

Bob opened the public hearing for discussion on Ordinance 2011-10, codification of the Town's ordinances and Ordinance 2011-11, wages and salaries for town employees and elected officials for the calendar year 2012.

After Bob answered questions on the ordinances he asked for a motion to close the public hearing and resume the public meeting. A motion was made to close the public hearing and resume the public meeting by George Schenkel it was seconded by Alan Korte, all were in favor and the motion passed.

Upon resuming the public meeting Bob asked for a motion to accept Ordinance 2011-10 on the 2<sup>nd</sup> reading and Ordinance 2011-11 on the 1<sup>st</sup> reading. A motion was made by Alan Korte to accept Ordinance 2011-10 on the 2<sup>nd</sup> reading and Ordinance 2011-11 on the 1<sup>st</sup> reading, it was seconded by Barry Worl, all were in favor and the motion passed.

**ORDINANCE 2011-12: 1<sup>ST</sup> READING – AN ORDINANCE RELATING TO THE COMPENSATION TO BE RECEIVED BY EACH MEMBER/ALTERNATE OF THE PLAN COMMISSION AND THE BOARD OF ZONING APPEALS**

Bob Lewis read the ordinance in its entirety and asked for a motion to accept Ordinance 2011-12 on the 1<sup>st</sup> reading. A motion was made by Sue Williams to accept Ordinance 2011-12 on the first reading, it was seconded by Barry Worl, all were in favor and the motion passed.

**WATER QUALITY COMMITTEE**

Maryjo Fitzenrider reported that the water testing had ended for the year. E-coli readings were reported to the county. The Alvin Patterson and Cyrus Brouse ditches reported higher than normal concentrations of e-coli while the Peter Smith ditch on the northeast corner of the lake reported low amounts. The data will be turned over to the Hoosier Riverwatch for further study.

There being no further business at 7:50 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.

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Robert E. Lewis, President

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Kay A. Kummer, Clerk/Treasurer

**TOWN OF CLEAR LAKE  
CASH & INVESTMENT BALANCES  
OCTOBER 31, 2011**

GENERAL FUND CASH BEG BAL – Oct. 1, 2011	\$254,582
CASH RECEIPTS FOR OCTOBER	15,940
CASH DISBURSEMENTS FOR OCTOBER	<u>20,275</u>
GENERAL FUND CASH END BAL – OCT. 31, 2011	<b>\$250,247</b>
GENERAL FUND CD’S AS OF OCTOBER 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 Veh Hwy – \$50,000 @ .31% matures 11/30/2011	50,000
Cum Cap Devel – \$150,000 @ .65% matures 12/01/2011	150,000
Cum Cap Devel – \$100,000 @ .31% matures 11/30/2011	100,000
	<u>\$500,000</u>
<b><u>TOTAL CASH &amp; INVEST GEN FUND OCT 31, 2011</u></b>	<b><u>\$750,247</u></b>
GARBAGE FUND CASH BEG BAL – OCT. 1, 2011	
	\$61,542
CASH RECEIPTS FOR OCTOBER	606
CASH DISBUSEMENTS FOR OCTOBER	<u>12,470</u>
GARBAGE FUND CASH END BAL – OCT. 31, 2011	<b>\$49,678</b>
GARBAGE FUND CD’S AS OF OCTOBER 31, 2011	
First Fed Sav CD \$125,000 @ .65% matures 12/01/2011	\$125,000
<b><u>TOTAL CASH/INVEST GARB FUND OCT. 31, 2011</u></b>	<b><u>\$174,678</u></b>

SEWER FUND CASH BEG BAL – OCT. 1, 2011	\$209,687
CASH RECEIPTS FOR OCTOBER	47,188
CASH DISBURSEMENTS FOR OCTOBER	<u>26,354</u>
SEWER FUND CASH END BAL – OCT. 31, 2011	<b>*\$230,521</b>
SEWER FUND CD'S AS OF OCTOBER 31, 2011	
Farmers & Merch CD \$260,000 @ .31%, mat 11/30/2011	\$260,000
First Federal Sav CD \$250,000 @ .65%, mat 12/01/2011	250,000
First Federal Sav CD \$250,000 @ .65%, mat 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
<b><u>TOTAL CASH &amp; INVESTMENTS OCT. 31, 2011</u></b>	<b><u>\$1,340,521</u></b>

\*Includes Sinking Fund for Bond & Interest of \$167,521 (\$21,750 is set aside monthly for semi-annual payments), \$76,531 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 \$-15,358 for operating as of October 31, 2011.

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