

MINUTES OF DECEMBER 12TH, 2011 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, December 12th, 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, Town Attorney, Neal Blythe and Town Marshal, John Gonya. 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.

Bob Lewis asked the council for any additions or corrections to the Council minutes from the November 14th, 2011 meeting. There being no additions or corrections, Bob asked for a motion to approve the minutes as presented. Sue Williams made the motion to accept the minutes as presented, seconded by Alan Korte, all were in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's Report for the month of November, which is attached to the minutes and proceeded with the Voucher Register for the following funds from November 15th thru December 12th, 2011.

Total disbursements from checking accounts are as follows:

General Fund	\$39,939.49
Sanitation Fund	11,979.00
Sewer Fund	<u>19,932.16</u>
Total Amount of Vouchers	\$71,850.65

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:

- 3 background investigations
- 1 VIN checks
- 1 theft
- 2 unsecured residences
- 1 medical assist
- 1 assist for the State Police
- 1 alarm

There are no major problems around the lake and the Marshal and his two Deputies continue to alternate patrol days and times. The County Sheriff has set a new policy that the Communication Dept. will call the Marshal at anytime there is a call for service to the Clear Lake area if there is no officer on duty.

FIRE DEPARTMENT – Barry Worl reported that the Fremont Fire Department made 51 calls for the month of November with two medical assists in Clear Lake Township.

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

There was one Improvement Location Permits issued in November.

- Bordner/Hauguel @ 156 Lake, new single-family dwelling

BZA –

- Minutes from October meeting
- Meetings with Worl & Hauguel for November meeting
- Begin drafting changes to BZA Rules of Procedure

OTHER –

- Research, site visits, discussion and correspondence about permits, projects and violations:
 1. Riedeman – 126 Channel Drive, administrative subdivision & addition to primary structure
 2. Richhart – 880 Lake Drive, garage research and correspondence

MEETINGS –

- BZA regular meeting – regularly scheduled December cancelled

“Off –season” things to do –

- Check 2011 ILP’s for compliance
- Brochure of regulations for recreational vehicles
- Notify property owners impacted by the new flood map
- Complete certification for variances granted in 2010 & 2011
- Organize contacts and e-mails

Total hours worked – 44.5

TOWN SUPERINTENDENT

SEWER DEPARTMENT – There were no issues for the month of November.

STREET DEPARTMENT – The motor on the salt/sand spreader has been replaced due to corrosion from the salt getting into the motor last winter and is now mounted on the truck along with the snow blade.

For those residents who had their leaves picked up this year the program was a big success. Due to equipment failure and weather conditions there are still some leaves to be picked up. In total we were able to pick-up 32 loads of leaves which amounted to 800 cubic yards.

The new street signs are in and will be installed as weather permits.

BILLING DEPARTMENT

GARBAGE – There are four accounts that the Town’s attorney has filed in small claims.

SEWER – We currently have 12 liens filed and 292 property owners have signed-up for auto-draw. To date 13 generator permits have been issued.

UNFINISHED BUSINESS – LITIGATION UPDATE

The delinquent accounts for garbage fees have been filed in small claims and the property owners have asked the judge for a hearing. The hearing date is to be determined.

The Hoagland Limited Partnership deck case involving the Nevin's in Lagrange – Judge Brown has recused himself from the case. All parties involved have ten days to select a new judge.

In the inverse condemnation case with the Hoagland Family Limited Partnership, the Hoaglands have made a motion regarding the attorney fees that they believe that they are due more in the settlement with the insurance company. This case will be going to the appellate court on appeal.

The three properties owned by the Hoagland Limited Family Partnership are still scheduled for mediation on December 15th, 2011.

NEW BUSINESS

ORDINANCE 2011-10: 3rd 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 the ordinance by title only. George Schenkel made a motion to read Ordinance 2011-10 by title only, it was seconded by Alan Korte, all were in favor and the motion passed.

Bob read Ordinance 2011-10 by title only and asked for a motion to accept the ordinance. Alan Korte made the motion to accept Ordinance 2011-10 on the 3rd reading, Sue Williams seconded the motion, all were in favor and the motion passed.

ORDINANCE 2011-11: 2ND AND FINAL READING – AN ORDINANCE SETTING SALARIES AND WAGES OF THE OFFICERS AND EMPLOYEES FOR THE TOWN OF CLEAR LAKE, INDIANA FOR THE YEAR 2012

Bob Lewis asked for a motion to read Ordinance 2011-11 and Ordinance 2011-12 by title only. George Schenkel made the motion to read Ordinance 2011-11 and Ordinance 2011-12 by title only, it was seconded by Barry Worl, all were in favor and the motion passed.

Bob read Ordinance 2011-11 by title only and asked for a motion to accept the ordinance on its 2nd and final reading.

ORDINANCE 2011-12: 2ND READING – AN ORDINANCE RELATING TO THE COMPENSATION TO BE RECEIVED BY EACH MEMBER OR ALTERNATE OF THE PLAN COMMISSION AND THE BOARD OF ZONING APPEALS.

Bob read Ordinance 2011-12 by title only and asked for a motion to pass the ordinance on the second reading. A motion was made by Sue Williams to accept Ordinance 2011-12 on the 2nd reading, Alan Korte seconded the motion, all were in favor and the motion passed.

NEW BUSINESS

RESOLUTION 05-2011: A RESOLUTION TO TRANSFER FUNDS

Bob Lewis read the following Resolution to Transfer Funds:

Transfer from CCD Fund 400 – Capital Outlay	\$52,500
To CCD Fund 300 Other Services & Charges	3,500
To CCD Fund 300 Street Repairs	49,000
Transfer from MVH Fund 300 – Other Services & Charges	3,500
To MVH Fund 200 – Fuel & tires	2,000
To MVH Fund 200 – Street signs	1,500
Transfer from General Fund	29,400
To Rainy Day Fund	29,400

Bob asked for a motion to approve the transfers in Resolution 05-2011. The motion was made by Sue Williams to transfer the funds in Resolution 05 – 2011, Alan Korte seconded the motion, all were in favor and the motion passed.

STEUBEN COUNTY ECONOMIC DEVELOPMENT CORPORATION REPORT –

The representative for Clear Lake, Dave Harris, gave a detailed report on the changes being considered by the Economic Development Corporation Board of Directors. As changes take place the Town of Clear Lake will likely lose its representative on the Board although they will be able to attend the meetings. A decision will need to be made by the Council on continuing the Town’s contribution to the Corporation regarding development in Steuben County. As businesses move to Steuben County or develop in our back yard we need to remember that the people these businesses employee will add to our county option income tax base and in turn adds to our revenues helping to reduce the tax rate for our property taxes. Dave will continue to keep the Council informed on the progress of the Corporation.

WATER QUALITY COMMITTEE

Annie Skinner reported on the decline of the pan fish population in Clear Lake. There was a meeting at the Town Hall on December 19th with a biologist from Fawn River. They do stock walleye, rainbow and brown trout in Clear Lake. The water is becoming too clear and it would help to manufacture habitat for fish by adding rock sea walls to your existing concrete walls. Fishermen also need to clean their boats before going from one lake to another.

There is additional concern with the confined dairy operation west of the race track on 300 N. The Water Quality Committee is continuing to work with the land owners in the water shed of Clear Lake in the hopes of developing better land management practices that will help to prevent sediment from entering the streams that feed Clear Lake.

Bob Lewis reported that the renaming of the streets is moving forward and reflected on the projects that the Town was able to get completed in the past year.

There being no further business at 8:20 p.m. Bob Lewis asked for a motion to adjourn. George Schenkel made the motion to adjourn it was seconded by Barry Worl, all were in favor and the motion passed.

Robert E. Lewis, President

Kay A. Kummer, Clerk-Treasurer

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

GENERAL FUND CASH BEG BAL – Nov. 1, 2011	\$250,247
CASH RECEIPTS FOR NOVEMBER	19,127
CASH DISBURSEMENTS FOR NOVEMBER	<u>29,884</u>
GENERAL FUND CASH END BAL – NOV. 30, 2011	\$239,490
GENERAL FUND CD'S AS OF NOVEMBER 1, 2011	
General Fund – \$75,000 @ .31% matures 11/30/11	\$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>
<u>TOTAL CASH & INVEST GEN FUND NOV 30, 2011</u>	<u>\$739,490</u>
GARBAGE FUND CASH BEG BAL – NOV. 1, 2011	
	\$49,678
CASH RECEIPTS FOR NOVEMBER	0
CASH DISBURSEMENTS FOR NOVEMBER	<u>12,276</u>
GARBAGE FUND CASH END BAL – NOV. 30, 2011	\$37,402
GARBAGE FUND CD'S AS OF NOVEMBER 30, 2011	
First Fed Sav CD \$125,000 @ .65% matures 12/01/2011	\$125,000
<u>TOTAL CASH/INVEST GARBAGE FUND NOV. 30, 2011</u>	<u>\$162,402</u>
SEWER FUND CASH BEG BAL – NOV. 1, 2011	
	\$230,521
CASH RECEIPTS FOR NOVEMBER	51,384
CASH DISBURSEMENTS FOR NOVEMBER	<u>23,115</u>
SEWER FUND CASH END BAL – NOV. 30, 2011	*\$258,790
SEWER FUND CD'S AS OF NOVEMBER 30, 2011	
Farmers & Merch CD \$260,000 @ .31%, matures 11/30/2011	\$260,000
First Federal Sav CD \$250,000 @ .65%, matures 12/01/2011	250,000
First Federal Sav 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 & INVESTMENTS NOV. 30, 2011 **\$1,258,790**

*Includes Sinking Fund for Bond & Interest of \$189,271 (\$21,750 is set aside monthly for semi-annual payments), \$74,958 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 \$-7,266 for operating as of November 30, 2011.

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