

MINUTES OF OCTOBER 8TH, 2012 TOWN COUNCIL MEETING

The regular meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, October 8th, 2012 at 7:00 p.m. Present were Council Members Bob Lewis, George Schenkel, Barry Worl and Chris Folland. Also present were Town Superintendent, Bob Hull and Town Attorney, Neal Blythe. There were eight 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.

President, Bob Lewis asked if there were any additions or corrections to the minutes of the September 10th, 2012 meeting. There being no additions or corrections Bob asked for a motion to accept the minutes as presented. The motion was made by Chris Folland, seconded by Barry Worl, all council members were in favor and the motion passed.

The Clerk/Treasurer gave the Treasurer's Report as of September 30th, 2012. Bob Lewis asked for a motion to approve the Treasurer's Report. Barry Worl made a motion to accept the Treasurer's Report for September 30th, 2012, it was seconded by Barry Worl, all council members were in favor and the motion passed.

Total disbursements on the Voucher Register are as follows:

Operating Funds	\$57,791.89
Sewer Funds	<u>73,846.96</u>
Total Amount of Vouchers	\$131,638.85

Warrants to be approved were included in the Voucher Register. Bob Lewis asked for a motion to accept the Voucher Register with Warrants. A motion was made by Barry Worl to accept the Voucher Register with Warrants as presented, seconded by George Schenkel, all council members were in favor and the motion passed.

REPORTS –

MARSHAL'S REPORT – given by Barry Worl for September 2012

- 2 background investigations
- 3 agency assists for Sheriff's Office
- 2 agency assists for Fremont Police Department
- 2 VIN checks
- 3 suspicious person
- 1 criminal mischief (vandalism)

The Marine Patrol logged nearly 100 hours on Clear Lake using the LARE grant monies to supplement the Police Department patrols. With Marine Patrol officers on the water this allowed the Town's officers more patrol time in the police vehicle. The Sheriff's department is seeking another grant for the DNR for the next boating season.

FIRE DEPARTMENT – Barry Worl reported that the Fremont Fire Department made 48 calls in the month of September. There were no calls to the Town of Clear Lake. In Clear Lake Twp. there were two medic assists, one vehicle accident and one field fire.

ZONING ADMINISTRATOR – Bob Hull reported for Amy Schweitzer – September 2012

There was one Improvement Location Permits issued in September.

- Rosella Roach, 938 SCLD – Single-family dwelling w/attached garage

PLAN COMMISSION –

- Plan Commission Executive meeting
- Comprehensive Plan update – working towards a first draft
- Administrative Subdivisions
 - Continued follow-up for Adams @ 276 Lakeview Drive
 - Application process for Parke @ 532 ECLD

BZA

- 2012-04 Development Standards Variance for Todd Rumsey @814 SCLD

OTHER

- Research, site visits, discussion and correspondence about permits, projects and violations:
 - General realtor questions about new flood map
 - Demolition permit – Roach @938 SCLD
 - Property line dispute @938 & 940 SCLD
 - Fankhauser @375 ECLD
 - Winzeler @324 ECLD
 - Richhart for 988 SCLD
 - Erlenbaugh @244 Outer Drive
 - Buchhop @778 SCLD
 - Ayres @ 766 SCLD – general questions regarding subdivision of land
 - Gallmeyer @98 WCLD
 - Bolovan @454 Point Park Drive

Total hours worked – 50.0

TOWN SUPERINTENDENT – Bob Hull

SEWER DEPARTMENT

There were 17 locates, 7 service calls, 2 pumps replaced or repaired, and an average daily flow of 46,576 gallons per day.

The Town has purchased 25 new Liberty pumps and are replacing old E-ONE pumps with the new Liberty pumps as needed.

One of the pumps in the main lift station will be pulled soon to be sent in for service.

STREET DEPARTMENT

The new leaf vac has arrived and leaf pick-up will begin on October 8th and continue until leaves raked to the roadside are picked up or snow arrives.

Property Management Solutions will be starting the storage barn for the leaf vac soon.

Paradise Point has been surveyed and three contractors have been solicited for quotes. DLZ has an estimate of \$16,000. We will determine if work will be done in 2012 after the quotes are received. Paradise Point does have a 20' right of way and there are a lot of obstacles in the right-of-way that may need to be removed or worked around.

BILLING DEPARTMENT

SEWER – There have been no new liens filed in the past month for non payment of sewer accounts. We currently have eight liens filed. One of the properties has been sold at sheriff's sale and the lien has been paid. The Town will receive payment after the second installment of property taxes in late November.

SOLID WASTE – We are still waiting for the last Small Claims for the last 2011 collection. I have one account for 2012 that has been filed with Small Claims.

TOWN – See Town Managers Report

LITIGATION UPDATE – Town attorney, Neal Blythe
Neal went to small claims for the 2011 solid waste collection. The claim was paid and he is waiting for the court to issue the check.

The Hoagland Family Limited Partnership deck case will be going to trial in December.

The Hoagland Family Limited Partnership connecting to the Town's sewer system case continues with their attorney Jonathan Cress in Steuben County.

NEW BUSINESS –

ORDINANCE 2012-04: 1ST READING, AN ORDINANCE AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REFUNDING REVENUE BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE REFUNDING OF CERTAIN PREVIOUSLY ISSUED AND CURRENTLY OUTSTANDING SEWAGE WORKS REVENUE BONDS AND AUTHORIZING THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH SEWAGE WORKS AND OTHER RELATED MATTERS CONNECTED THEREWITH

Robert E. Lewis stated that Beers Mallers Back & Salin, LLP, attorneys of Fort Wayne, employed by the Town as bond counsel, had prepared a form of bond ordinance for consideration by the Council in the matter of the Sewage Works Refunding Revenue Bonds of 2012.

Robert E. Lewis then stated that it would be in order for the Council to consider said ordinance.

Christopher D. Folland then introduced the bond ordinance, entitled “An Ordinance authorizing the issuance of sewage works refunding revenue bonds for the purpose of providing funds for the refunding of certain previously issued and currently outstanding sewage works revenue bonds and authorizing the collection, segregation and distribution of the revenues of such sewage works and

other related matters connected therewith,” and moved that said ordinance be numbered and placed on first reading, and that the same be read by title at this time.

Said motion was seconded by George Schenkel and on call of the roll was carried by the following vote:

Ayes:	Nays:
Robert E. Lewis	
George A. Schenkel	
Christopher D. Folland	
Barry W. Worl	

The ordinance having been numbered 2012-04 and having been read by title, Barry W. Worl moved that the ordinance be read a second time by title and opportunity be given for the offering of amendments. This motion was seconded by Christopher D. Folland and on call of the roll was carried by the following vote:

Ayes:	Nays:
Robert E. Lewis	
George A. Schenkel	
Christopher D. Folland	
Barry W. Worl	

Ordinance # 2012-04 was then read a second time by title and no amendments were offered.

Christopher D. Folland moved that any applicable local rules be suspended and that unanimous consent of the members present be given for consideration of Ordinance #2012-04 on the day or at the meeting at which said ordinance was introduced and for the third reading of Ordinance #2012-04 at this meeting without further consideration. This motion was seconded by Barry W. Worl and on call of the roll the vote on said motion was as follows:

Ayes:	Nays:
Robert E. Lewis	
George A. Schenkel	
Christopher D. Folland	
Barry W. Worl	

The Presiding Officer stated that the motion for the suspension of the rules and such consideration of Ordinance #2012-04 having been carried by unanimous vote of the members' present, final action on said ordinance would now be in order. He then directed the Clerk-Treasurer to read said ordinance a third time by title.

Said ordinance having been read a third time by title, George A. Schenkel then moved that the ordinance be adopted as read. This motion was seconded by Christopher D. Folland and on call of the roll was carried by the following vote:

Ayes:	Nays:
Robert E. Lewis	
George A. Schenkel	
Christopher D. Folland	

Barry W. Worl

The Presiding Officer announced that there being at least two-thirds of the members elect of the Council present at the meeting and the motion for adoption having been carried by a two-thirds vote of all such elected members, Ordinance #2012-04 had been duly passed and adopted.

There being no further business presents to the meeting, on motion duly made, seconded and unanimously carried, the meeting thereupon adjourned.

Robert E. Lewis, President

Attest: Kay A. Kummer, Clerk/Treasurer

**TOWN OF CLEAR LAKE
CASH & INVESTMENT BALANCES
SEPTEMBER 30, 2012**

BEGINNING CASH BAL – SEPTEMBER 1, 2012	
GENERAL FUND	\$60,498
MOTOR VEHICLES & HIGHWAY	46,788
MAJOR MOVES	660
LOCAL ROADS & STREETS	11,415
ECONOMIC DEVELOPMENT INCOME TAX	30,004
PUBLIC SAFETY INCOME TAX	40,030
RAINY DAY	83,603
MISCELLANEOUS FUNDS	6,158
CUMULATIVE CAPITAL DEVELOPMENT	<u>267,668</u>
	\$546,824
<u>CASH RECEIPTS FOR SEPTEMBER</u>	
GENERAL FUND	\$8,353
MOTOR VEHICLES & HIGHWAY	730
LOCAL ROADS & STREETS	307
MAJOR MOVES	160
ECONOMIC DEVELOPMENT INCOME TAX	1,293
PUBLIC SAFETY INCOME TAX	2,601
MISCELLANEOUS FUNDS	214
CUMULATIVE CAPITAL DEVELOPMENT	<u>189</u>
	\$13,847
<u>CASH DISBURSEMENTS FOR SEPTEMBER</u>	
GENERAL FUND	\$15,148
MOTOR VEHICLES HIGHWAY	37,483
LOCAL ROADS & STREETS	9,000
ECONOMIC DEVELOPMENT INCOME TAX	<u>20,000</u>
	\$81,631
GENERAL FUND CASH ENDING BAL – SEPT 30, 2012	\$479,040
Major Moves – \$127,000 @ .50% matures 12/01/2012	127,000
Cum Cap Development – \$150,000 @ .50% matures 12/01/2012	<u>150,000</u>
	\$277,000
<u>TOTAL CASH AND INVEST GEN FUND SEPT 30, 2012</u>	<u>\$756,040</u>
SANITATION FUND CASH BEGINNING BAL – SEPT 1, 2012	\$65,637
CASH RECEIPTS FOR SEPTEMBER	572
CASH DISBUSEMENTS FOR SEPTEMBER	<u>11,605</u>
SANITATION FUND CASH ENDING BAL – SEPT 30, 2012	\$54,604
SANITATION FUND CD'S AS OF SEPT 30, 2012	
First Federal Savings CD \$100,000 @ .50% matures 12/05/2012	100,000
<u>TOTAL CASH AND INVEST SANI FUND SEPT 30, 2012</u>	<u>\$154,604</u>

SEWER FUND CASH BEGINNING BALANCE – SEPT 1, 2012	\$477,978
CASH RECEIPTS FOR SEPTEMBER	47,394
CASH DISBURSEMENTS FOR SEPTEMBER	24,123
SEWER FUND CASH ENDING BALANCE – SEPT 30, 2012	*501,249
SEWER FUND CD'S AS OF SEPTEMBER 30, 2012	
First Federal Savings CD \$250,000 @ .50% matures 12/05/2012	250,000
First Federal Savings CD \$250,000 @ .50% matures 12/05/2012	250,000
Flagstar Bank CD \$200,000 @ .95% matures 02/04/2013	200,000
Flagstar Bank CD \$150,000 @ .95% matures 02/04/2013	<u>150,000</u>
TOTAL CASH AND INVESTMENTS SEPT 30, 2012	<u>\$1,351,249</u>

*Includes Sinking Fund for Bond & Interest of \$149,342 (\$21,780 is set aside monthly for semi-annual payments), \$19,023 for replacement of sewer capital assets and Debt Service Reserve Cash of \$261,827, for final bond payment, leaving \$71,057 for operating as of SEPT 30, 2012.

Bond Indebtedness as of SEPTEMBER 30, 2012 is \$2,277,000