



TOWN OF CLEAR LAKE, INDIANA
REGULAR TOWN COUNCIL MEETING
January 18, 2022

The Regular Council meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Tuesday January 18, 2022, at 7:00PM. Present were Town Council President Darin Thorp- via Teleconference, Council Members Brent Schlosser, Dan Rippe, Molly Weber, and George Schenkel. Clerk/Treasurer - Jessica Swander, Marshal – Chris Emerick, and Zoning Administrator - Larry Lillmars were also in attendance. There were six residents who signed the guest register and one attendee via teleconference.

Council President Darin Thorp called the meeting to order at 7:00 p.m. starting with the sighting of the Pledge of Allegiance.

ELECTION OF OFFICERS:

Darin Thorp discussed Roberts Rules on Elections of Officers.

I. Council President.

Brent Schlosser Nominated Darin Thorp for Council President.

No other nominations were given.

A roll call vote was taken. Molly Weber- Yes, Dan Rippe- Yes, Darin Thorp- Abstain, George Schenkel- Yes, Brent Schlosser- Yes.

Darin Thorp declared Council President for the year 2022.

II. Council Vice President.

Brent Schlosser Nominated Molly Weber for Vice President.

No other nominations were given.

A roll call vote was taken. Molly Weber- Abstain, Dan Rippe- Yes, Darin Thorp- Yes, George Schenkel- Yes, Brent Schlosser- Yes.

Molly Weber declared Council Vice President for the year 2022.

III. Secretary.

Dan Rippe nominated Clerk- Treasurer Jessica Swander as Secretary.

No other nominations were given.

A roll call vote was taken. Molly Weber- Yes, Dan Rippe- Yes, Darin Thorp- Yes, George Schenkel- Yes, Brent Schlosser- Yes.

COUNCIL ACTIONS:

1. Approval of minutes from the Special Town Council meeting held December 15, 2021, at 7:00PM. Darin Thorp presented the minutes to the Council. Darin then asked for any additions or corrections. No corrections were given.

Molly Weber made a motion to pass the Special Town Council minutes as presented. Seconded by Dan Rippe. George Schenkel abstained from the vote. Motion passed.

2. Approval of minutes from the Regular Town Council meeting held December 20, 2021, at 7:00PM. Darin Thorp presented the minutes to the Council. Darin then asked for any additions or corrections. No corrections were given.

Dan Rippe made a motion to pass the Regular Town Council minutes as presented. Seconded by Brent Schlosser. George Schenkel abstained from the vote. Motion passed.

3. Approval of Voucher Register with Warrants – Jessica Swander presented the Voucher Register with Warrant details.

Disbursements on the Voucher Register are as follows:

Operating Funds:	\$52,945.53
Sewer Funds:	<u>\$24,573.12</u>
Total Disbursements:	\$77,518.65

Dan Rippe made a motion to accept the Voucher Register with Warrants. Seconded by Molly Weber. Motion passed.

Unfinished Business:

1. Baker Tilly Sewer Rate Study was introduced by Dan Rippe which will be used to inform an amendment to the current sewer rate Ordinance at a public hearing ten days after publication. Dan introduced Alex Hilt, from Baker Tilly, to present the rate study, conclusions, and recommendations.

Alex Hilt, from Baker Tilly, went through the sewer report in its entirety. Capital improvement, large increase in sewage flow to Fremont, and significant legal fees has impacted the cash balance in the Sewer Fund.

Alex Hilt discussed how long it would take to rebuild the Sewer improvement Fund and the difference vs rebuilding and being in debt service with a new bond.

Dan Rippe stated that the unfortunate fact of having a 21-year-old system now is the associated repairs and replacement parts. Alex agreed that most places issue a bond, but by the time a bond is paid off there are needs to repair and update what the bond was used for.

George Schenkel asked questions regarding the increased usage and the bond that was paid off.

Molly Weber asked about commercial usage and the cost their usage incurs on the Town vs Residential and the current commercial charge.

Darin Thorp asked about the allowance for raised and inflation. Alex stated that there is an allowance for inflation and an unidentified cost of 3%. Darin questioned if that 3% would come close to the current inflation.

Brent Schlosser asked about the scenarios and whether any reserve could be used to cover cost of the estimated inflation should it be needed. Alex stated that yes it can be used.

Molly Weber questioned the rate in the study and found it to be incorrect. The current combined sewer and depreciation charge to residents is 86.11. Molly requested that the study be updated with the current rate. Alex and Jessica Swander discussed that the last rate increase that was passed in 2017 was due to an increase from the Town of Fremont increasing their rates.

Alex asked Council about the ARP funds and intentions for the fund because the final rule that recently came out stated that revenue loss can be used for any government use. Utility projects can be used and promoted among the funds.

Dan Rippe made a motion to open to the public for public comment. Seconded by Brent Schlosser. Motion passed.

Jim Hauguel asks about the volume adjustment over time. He stated that he doesn't want it over funded. He asked the reserve to be looked at separate from volume. He also asked that Council look at volume over months summer vs winter and make assumptions based on those numbers.

Dan Rippe stated that they are currently looking at monthly and yearly. The volume has increased by roughly 30% per month since the beginning of Covid and that volume has stayed consistent.

Evelyn Schlosser asked what the above average fees are for 2021.

Alex stated that they are litigation fees. Dan Rippe stated that it was over the last four years in 2018, 2019, and the pause in 2020 was made up for legal fees in 2021 and future costs in the analysis is a four-year average.

Evelyn Schlosser asked if the legal fees were from one party or more than one party.

Darin Thorp and Dan Rippe both agreed that they could not speak about pending litigation.

Evelyn Schlosser asked if the Town sees it going up in 2022, 2023, and so forth.

Dan Rippe stated that it is basing assumptions on a four-year average. He stated it is worth another discussion, but he feels this is where it should be at and where it should stay.

Evelyn Schlosser asked if it came out of operating.

Jessica Swander stated that it does come out of operating.

George Schenkel stated to Alex that he reduced it because there were circumstances that increased the fees in 2021 to an unusual high cost. So, the future costs were adjusted downwards.

Dan Rippe made a motion to close public comment. Seconded by Brent Schlosser. Motion passed.

Dan Rippe discussed corrective actions for the Rate Study.

- Billing Rate of \$86.11
 - Rules for the ARP Funds and if it will play a part in the rate assessment.
 - Decide on assumptions of litigation costs using a four-year average.
 - Volume increase separate from separate expenses.
 - Commercial services/rentals and assumption associated with those.
 - 3% inflation allowance.
 - Consider employee compensation increase in the out years.
2. Council Objectives with updates were provided by Dan Rippe. He stated that Council had reviewed a draft copy on January 13, 2022, at a Special Session Town Council meeting and that comments made at that meeting had been incorporated into the copy that he

presented. Dan stated his goal is for Council to agree that the list is final pending updates from Council assignments being decided.

Dan Rippe made a motion to accept the 2022 Town objectives as written with the stipulations noted above. Seconded by Brent Schlosser. Motion passed.

Brent Schlosser made a subsidiary motion to add Fremont Fire Territory to the objectives. Seconded by Dan Rippe. Motion passed.

Council discussed the Fire Territory and what it would look like for the Town.

1. Covid Sick Pay Resolution was discussed by Dan Rippe and the need to continue the sick pay for all employees. Dan Stated the following: In 2019, the Town had a sick pay policy referred to as EIB which provided employees time-off when struck with illness, this benefit rolled over year to year. In August of 2019, the Town Council Terminated EIB. In 2020, the Town Council adopted a resolution for Covid sick pay that ended in December of 2020. In 2021, Town Council amended the 2020 Resolution extending it through December 31, 2021. Covid-19 continues to be a daily threat to our country and its work force. There is a broader need to review and propose a more comprehensive sick pay policy like what the Town had in 2019, which is included in the Town Objectives. A measure we can act on today is to extend certain portions of the 01-2021 resolution extending it through December 31, 2022, and adding a cap in the number of hours covered for full and part time employees.

Dan Rippe made a motion to introduce Resolution 01-2022 Amending Covid-19 Stay at Home-Sick Pay. Seconded by Brent Schlosser. Motion Passed.

Jessica Swander read out loud Resolution 01-2022 Amending Covid-19 Stay at Home-Sick Pay.

Dan Rippe made a motion to open public for public comment and concerns. Seconded by George Schenkel. Motion passed.

No public comments were given.

Dan Rippe made a motion to close for public comment and concerns. Seconded by Brent Schlosser. Motion passed.

Brent Schlosser made a motion to suspend the Rules and read it by title only for a final reading. Seconded by Molly Weber.

Jessica Swander read out loud Resolution 01-2022 Amending Covid-19 Stay at Home-Sick Pay by title only.

Dan Rippe made a motion to approve Resolution 01-2022 Amending Covid-19 Stay at Home-Sick Pay with correction on the word capped. Seconded by Brent Schlosser. Motion passed.

New Business:

1. Plan Commission Appointments were discussed by Dan Rippe and the process by which Council appoints member.

- I. Town Council Appointments by nomination.

Dan Rippe nominated Jessica Swander for Plan Commission. Seconded by Brent Schlosser. Motion passed.

Darin Thorp nominated Dan Rippe for Plan Commission. Seconded by Brent Schlosser. Motion passed.

Molly Weber nominated George Schenkel for Plan Commission. Seconded by Dan Rippe. Motion passed.

- II. Town Council President Appointed Citizen Members.

Dan Rippe nominated Bill Hanna for Plan Commission. Seconded by Brent Schlosser. Motion passed.

Molly Weber nominated Jim Hauguel for Plan Commission. Seconded by George Schenkel. Motion passed.

2. BZA Member alternate seat was discussed by Council.

Molly Weber made a motion to table BZA Alternate Appointment until the next meeting. Seconded by George Schenkel. Motion passed.

3. Council Department Appointments.

Darin Thorp nominated Dan Rippe for Infrastructure. Seconded by Molly Weber. Motion passed.

Dan Rippe nominated Darin Thorp for Infrastructure. Seconded by Molly Weber. Motion passed.

Dan Rippe nominated Brent Schlosser to the Steuben County Economic Development and Police and Fire. Seconded by Molly Weber. Motion passed.

Dan Rippe nominated George Schenkel to Human Relations. Seconded by Brent Schlosser. Motion passed.

Dan Rippe nominated Molly Weber to Human Relations. Seconded by George Schenkel. Motion passed.

4. Peterson Consulting Services Inc was discussed by Jessica Swander. Jessica stated that the service provided the Town with an annual report of its Capital Assets which is required annually by Law. Jessica stated that the price had gone up for the reporting year 2021 and would need to be approved by Council.

Dan Rippe made a motion to approve Peterson Consulting Services, Inc to perform its Capital Asset evaluation and report for \$850.00. Seconded by George Schenkel. Motion passed.

5. Communications survey update was given by Dan Rippe. Dan stated the following: The survey has been mailed out to residents. Plan Commission investigation into Inadequate Public Participation has identified poor communication as a significant contributor in discussions with the residents, 73% of residents are seasonal, and in today's electronic age,

connecting with our residents requires the Town to use other platforms in combination with the web page and The Harold Republican newspaper. This is not just a Plan Commission issue but a Town issue and should include the Town Council's oversight. The Plan Commission has taken the time to generate a mailer, which is posted on the Town Conference Room wall to establish a call-to-action request of residents, a survey to understand preferred methods of communication, and a postage paid return envelope. The Call-to-Action request and Survey have been reviewed favorably by our attorney, several residents, town employees, and one council member. Response threshold has been set to 80% or 529 residents and will likely require a follow-up to the original request.

Dan Rippe made a motion to open to the public for public comments and questions. Seconded by Molly Weber. Motion passed.

Resident John Wilhelm suggested that the website be improved to send messages through so the Town can receive comments.

Dan Rippe stated that the survey options are for one-way communication from the Town to the resident. This survey is asking the best way to communicate with the resident. Its notification from the Town of upcoming meetings, status, and services. It wouldn't be a method of communicating back.

Resident Dan Luepke wanted to give a thumbs up on it and stated that communication is key and the more you can do it the better off everyone will be.

Resident Jim Hauguel stated that he has survey software and would be willing to duplicate or replicate this request because not everyone will get it. He can replicate it electronically and can send it out to people so it may be easier to complete it and that we could get a higher return rate.

Dan Rippe stated that he appreciated the offer and that the current emails on file were not sufficient now to send them out via email. He wants to make sure the Town is authorized to send out survey and communication in that manner or via text message with their phone numbers. Dan stated that he will be tracking them with a number.

Dan Rippe made a motion to close the public comment and questions. Seconded by Brent Schlosser. Motion passed.

Dan Rippe made a motion to proceed with the mailer as written for a cost of around \$1,000.00 inclusive of the tracking. Seconded by Molly Weber. Motion passed.

Council discussed getting the word out to the public on the website and bulletin board about the survey so that the residents will be looking for them.

6. Annual Attorney Agreement was introduced by Dan Rippe. Dan stated that we currently use the services of Hawk, Haynie and Kammeyer & Smith as our Towns Attorney. With the coming of the new year is the renewal of our employment agreement. David Hawk represented the Town well in 2021 and will continue to do so in the coming year. A contract for employment of attorney has been prepared for council which outlines the Term, Scope of support, and Compensation; before proceeding are there any questions.

Dan Rippe read out loud the Annual Attorney Agreement in its entirety.

Dan Rippe made a motion to open for public comment and questions. Seconded by Molly Weber. Motion passed.

Dan Rippe made a motion to close the public comment and questions. Seconded by Molly Weber. Motion passed.

Resident Don Luepke asked if the hourly fee included travel.

Dan Rippe stated that the hourly rate does include travel.

Dan Rippe made a motion to approve the Annual Attorney Agreement. Seconded by Molly Weber. Motion passed.

REPORTS:

1. Financial Report – Jessica Swander presented the financial report showing financials through December 31, 2021. Report is on file.
2. Marshal's Report- Chris Emerick discussed Marshal activity around the lake. Report is on file.
3. Fire Department Report- Brent Schlosser read the Fire Department Report. Report is on file.
4. Zoning Administrator- Larry Lillmars discussed activity around the lake. Report is on file.
5. Superintendent- Guy Rodgers discussed activity around the lake. Report is on file.

Guy wanted to remind residents not to blow their snow in the streets because it is a safety hazard for himself and equipment.

Guy Rodgers requested grinders for the Sewer Department.

Dan Rippe made a motion to approve the purchase of 12 grinders. Seconded by Molly Weber. George Schenkel asked if they were in the budget. Dan Rippe stated that they were and the Town orders 24-36 per year. Motion passed.

COUNCIL REPORT:

Dan Rippe wanted to mention to the residents about the white boards. The information it contains for Town Council and for Plan Commission.


GENERAL DISCUSSION:

Resident Evelyn Schlosser stated that on the Town of Clear Lake calendar, the listing on the verbiage is incorrect stating that the meetings are Monday and not Tuesday and to also post on the bulletin board that the meetings have been changed from Mondays to Tuesdays.

There being no further business or discussions, Council President Darin Thorp adjourned the meeting at 9:14 p.m.



Darin Thorp, Council President



Attest: Jessica Swander, Clerk/Treasurer