



TOWN OF CLEAR LAKE, INDIANA
REGULAR TOWN COUNCIL MEETING
November 15, 2021

The Regular Council meeting of the Town Council of Clear Lake, Indiana was held at the Town Hall on Monday, November 15, 2021, at 7:00PM. Present were Town Council President Darin Thorp, Council Members Bonnie Brown, Brent Schlosser, Dan Rippe, and Tyson Johnston. Clerk/Treasurer - Jessica Swander, Marshal – Rex Snider, Zoning Administrator - Larry Lillmars, and Street/Sewer Superintendent - Guy Rodgers was also in attendance. There were twenty-seven residents who signed the guest register and eleven attendees 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.

COUNCIL ACTIONS:

1. Dan Rippe requested a moment before proceeding with the agenda. Darin Thorp gave Dan the floor. Dan Rippe stated that as discussed at the November 8th Special Meeting, the urgent matter of the Zoning Administrator's position and he had some new information and risk mitigation to inform Council of after the posting of the agenda.

Dan Rippe made a motion that the agenda pertaining to unfinished business include Zoning Administrator as item b. Seconded by Brent Schlosser. Motion passed.

2. Approval of minutes from the Regular Town Council meeting held October 18, 2021, at 7:00PM. Darin Thorp presented the minutes to the Council. Darin then asked for any additions or corrections. Brent Schlosser asked for a correction in the minutes.

Bonnie Brown made a motion to pass the Regular Town Council minutes with correction. Seconded by Dan Rippe. 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:	\$43,485.34
Sewer Funds:	<u>\$59,717.19</u>
Total Disbursements:	\$103,202.53

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

Unfinished Business:

1. Dan Rippe introduced the 2022 Salary Ordinance.

Dan Rippe made a motion to read out loud Ordinance Setting Salaries and Wages of the Officers and Employees for the Town of Clear Lake, INDIANA for the Year 2022 for the second and final reading. Seconded by Tyson Johnston. Motion passed.

Dan Rippe read out loud Ordinance Setting Salaries and Wages of the Officers and Employees for the Town of Clear Lake, INDIANA for the Year 2022.

Dan Rippe made a motion to pass Ordinance Setting Salaries and Wages of the Officers and Employees for the Town of Clear Lake, INDIANA for the Year 2022. Seconded by Brent Schlosser. Motion passed.

2. Dan Rippe stated that on November 5th we received the resignation of our current zoning administrator making it the 4th resignation in recent history. This revolving door poses a significant risk to the Town. Enhanced vetting and interviewing were applied to the last two candidates; however, we continue to experience turnover. Council concluded at the November 8th Special Council meeting that a deeper dive into the root cause was necessary before pursuing a new candidate. Council person Brown has resided over each person who has resigned. While following the common denominator I have identified eyewitness accounts of zoning administrators being berated and called derogatory names. I fielded calls directly from Brenda, our Town Clerk, who was made to fear retribution if she did not remove a resident's testimony from Plan Commission minutes. Brenda, out on Family Medical Leave, stated she will not be returning if she must interface with Council Person Brown. Additionally, our Town Clerk/Treasurer is also looking at her options to not have to be exposed to the oppressive office dynamics. Council Person Brown's poor leadership and interpersonal behaviors are not helpful and are putting our Town at risk of a hostile workplace claim or at a minimum eliminating our ability to keep and attract talented people vital to our operations. With that said and for the greater good of the Town, I ask Council Person Brown to take action by voluntarily resigning from her remaining term on the Plan Commission. Dan stated to Bonnie that if she did not feel comfortable taking that action today, he asked that she took a moment to discuss this with the Council President outside of the public meeting.
3. Dan Rippe asked to continue with the floor for a second recommendation for Council. Dan Stated that he has developed the UDO compliance assessment tool and performed the role between the last two zoning administrators to eliminate the risk of a gap in coverage and to gather front line knowledge of potential root causes for the high turnover.

Dan Rippe made a motion to be assigned Zoning Administration responsibilities beginning 11/22 and until such time council completes its deep dive and identifies a new Zoning Administrator. Seconded by Darin Thorp. Tyson Johnston had concerns that the person suggesting the resignation was now the one taking the person's place. Dan Rippe stated that the resignation is from Plan Commission not the Zoning Administrator's position. Roll Call vote was taken. Darin- Yes, Tyson-Yes, Bonnie- No, Brent- No, Dan- Yes. Motion passed.

New Business:

1. Resolution for Sewer Loan from Rainy Day was discussed by Darin Thorp.

Dan Rippe made a motion to introduce Resolution for Extension of Temporary Rainy Dan Fund Loan. Seconded by Brent Schlosser. Motion passed.

Dan Rippe read out loud Resolution for Extension of Temporary Rainy Dan Fund Loan.

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

A resident asked for a better understanding of the loan. Jessica Swander discussed the original 2018 loan from Rainy Day to the Sewer Funds and the need for an extension due to inflation of costs, increased usage due the pandemic, and the sewer projects that have been done and completed over the year.

Residents James McClain and John Starner both asked about rate increases being necessary to building the funds up or if there was an alternative. Dan Rippe stated that a professional rate study is being done and that they will help us with what the next step would be.

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

Dan Rippe made a motion to read by title only for second and final reading. Seconded by Brent Schlosser. Motion passed.

Dan Rippe read out loud Resolution for Extension of Temporary Rainy Dan Fund Loan.

Dan Rippe made a motion to pass Resolution for Extension of Temporary Rainy Dan Fund Loan. Seconded by Tyson Johnston. Motion passed.

2. Resolution General Fund Reimbursement Cares Act was introduced by Dan Rippe.

Dan Rippe made a motion to read out loud Reimbursement of General Fund from Cares Act grant. Seconded by Tyson Johnston. Motion passed.

Dan Rippe read out loud Resolution General Fund Reimbursement Cares Act.

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

Resident Joe Moore asked for clarification on what the Resolution was about. Jessica Swander discussed the reimbursement the Town received for the Clear Lake Police Department Payroll from 2020, but those funds were not received until February of this year in the amount of \$1,120.00 that now needs to transfer to the General Fund since that is where the Police are paid from.

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

Dan Rippe made a motion to ready by title only. Seconded by Brent Schlosser. Motion passed.

Brent Schlosser read out loud Resolution General Fund Reimbursement Cares Act.

Dan Rippe made a motion to pass Resolution General Fund Reimbursement Cares Act. Seconded by Tyson Johnston. Motion passed.

3. Plan Commission Recommended UDO Changes was discussed by Bonnie Brown. Bonnie discussed the process of how the changes happen. Bonnie explained the publication process and the public hearings on the UDO Changes. Bonnie thanked those who came to the meeting to discuss their concerns.

Dan Rippe asked to be recognized and stated that despite the efforts of the Plan Commission and its transparency over the past eleven months there are around 32 community members expressing concern over changes to accessory buildings enlightening a significant process issue in the way proposed changes are communicated to our residents. He stated it was ok, every citizen is entitled to an opinion, however we would like to gather those inputs earlier if possible. Having read through all emails there are indications there is confusion about the context of the changes, what the current UDO affords with respect to accessory structure features, architectural controls, and enforcement. Therefore, the late opinions although important are not as informed as those residents who participated in the Aug 2nd public meeting and his take-a-ways are that the Plan Commission, responsibly, and in good faith, executed their duty, and that it is a significant process issue having implications across all proposed changes and must be addressed before proceeding: Considerations found were as follows; The methods used to collect resident input across all changes had deficiencies leading to a less informed recommendation. Community engagement was measured by attendance at meetings. The process moved forward changes that without the benefit of the community's sensitivity to Accessory Structures

Dan Rippe made a motion to table the Recommended UDO Changes, the current UDO be left in place, bring them back to Plan Commission, and Plan Commission review all changes for a recommendation back to Town Council no later than November 2022. Assign the following actions to Plan Commission; Identify root cause for the process and method escapes leading to the late community feedback. What media was used to convey the accessory structure standard? Implement corrective actions to the process. Employ the updated process ensuring the community has ample opportunity to provide an informed opinion on all changes. Provide in process updates and a final report on findings/recommendations to Town Council during standard council meetings. Seconded by Darin Thorp. Tyson Johnston asked if the community didn't understand other changes or just one. Dan stated that he didn't believe that anyone could discern if all the UDO changes were understood by the community when the community might not be aware. Dan Stated he agreed that something got missed and that the entire package needs to take a thorough look at all of it. Roll Call Vote was taken. Tyson- Yes, Bonnie- Yes, Darin- Yes, Brent- Yes, Dan- Yes. Motion Passed.

Dan Rippe made a motion to table Ordinance Amending the Clear Lake UDO until completion of actions by Plan Commission. Seconded by Tyson Johnston. Roll call Vote was taken. Tyson- Yes, Bonnie- Yes, Darin- Yes, Brent- Yes, Dan- Yes. Motion Passed.

REPORTS:

1. Financial Report – Jessica Swander presented the financial report showing financials through October 31, 2021. Report is on file.
2. Marshal's Report- Rex Snider discussed Marshal activity around the lake. Report is on file.

Rex Snider presented a quote for ElanCity for two new speed radar signs for \$5,849.00

Brent Schlosser made a motion for Chris Emerick to purchase the new speed radar signs for \$5,849.00. Seconded by Tyson Johnston. Motion passed.

Brent Schlosser discussed First Net with ATT and switching over for our Town Cell service.

Brent Schlosser made a motion to approve switching service to First Net with ATT. Seconded by Tyson Johnston. Motion passed.

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.

COUNCIL REPORT:

GENERAL DISCUSSION:

Resident George Schenkel wanted to express that he knows the difficult balancing line they just walked with the UDO. He stated that Dan was spot on with publication. He stated there needs to be a new way to get information out, the bulletin board has been used in the past for surveys.

Resident Joe Moore asked about minimum hours worked for the police officers. Rex Snider responded stating that currently each officer is working eighteen hours every two weeks, but that it adjusts throughout the year per the budget. Joe asked about what is being done about the skiers and surfers at night. Rex stated that it is a state law. If they are not going over the speed limit, there is nothing they can do about it if the boat is not up on plane. Pulling a skier, they can stop them.

Resident Jim Hauguel wanted to applaud the actions for the UDO changes. He suggested a shift in approval for June and July so that it is not done at the end of the year.

Resident Dave Shultz via teleconference stated he was impressed with how the meeting was handled tonight. He knows how difficult and thankless it can be. He found out about the UDO changes two days ago. He would like to help however he can get the UDO changes to September. He wants the process of inclusion from the community.

Resident Scott Lazur stated all the changes had been communicated but wanted to know how the community didn't know and how they just now found out if they didn't find out through out the year through the process with Plan Commission. He also asked how to make it better.

Resident Kylie Moore said they she wanted to piggyback that there is no excuse for poor communication. She wants to know why video conference isn't being used while Jessica writes down questions that are being typed from participants. She said there would be more community participants.

Dan Rippe said he agreed with using multiple platforms, but there would need to be a distinction between legal notices and information sharing and he wasn't sure what the general consensus was.

Resident Jim Hauguel said as a former IT person we are working on a get information versus a push information.

Resident Ken Geckel said he is the worst with technology, but if the word was out early in January, then people who know ahead of time to come to those meetings.

Resident Brandy Brown wanted to give a different perspective and stated that the people in front of them work immense hours just to get their work done. She stated if anyone has experience and can help, then help and contribute because she is sure they would be more than happy to have them on board.

Resident Joe Moore asked if nonresidents are allowed a voice along with residents.

Resident George Schenkel stated that yes, they are allowed to have a voice. They are absolutely allowed to have a voice.

Resident Eric Brown asked if any landowner has the right to have a voice to the whole council relative to the representative to their specific ward when anyone that owns property has the same voice that I have as a full-time resident.

Resident George Schenkel stated to Eric that he does have a voice because he gets the right to vote the people in, but when it comes to feedback, they should listen to all owners.

Resident Eric Brown asked how many were voted on by the public and how many were appointed by raising their hands.


Brent Schlosser stated he would like to commend those who were appointed because there was a time there was an exodus in the Town Government due to people not being able to either physically, mentally, or by choice of their own and resigned. During a pandemic the people who are appointed and he wanted to commend them for stepping up during a time with others couldn't or wouldn't.

Resident Chris Baker is glad to see someone has picked up the Hewes property and commended them and is willing to volunteer to help with anything. He also wanted to thank Council for tabling the UDO changes. He wasn't aware the business standards were to this point yet.

Resident Brian Weber asked Brent Schlosser to retract his comment about people being mentally or physically able to maintain on this board. People resigned due to threats and repeated threats against them. Brian told him he needs to be careful what he says as a board member and that he is incorrect. He wishes him to retract his comments.

Brent Schlosser said he would revise his comment to include, decided to leave for other reasons.

There being no further business or discussions, Council President Darin Thorp adjourned the meeting at 8:32 p.m.



Darin Thorp, Council President



Attest: Jessica Swander, Clerk/Treasurer