

TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
AUGUST 18, 2009

ATTENDANCE:

Paul Steffens – Council President
John Clendenen – Vice-President
Mike Young
Gordon Liechty, Jr.
John Eastes
Pamela Spannuth – Clerk-Treasurer, Peggy Garton – Town Administrator, Jim Lauer – Town Engineer, Patrick Proctor – Town Attorney

7:00 – Council President Steffens called the meeting to order with the Pledge of Allegiance.

AGENDA – Unanimously approved with flexibility.

CARRIE SHAPPELL – Ms. Carrie Shappell was present to discuss a proposal for a splash pad at the Riverside Gardens Park. She was asking that the council consider amending the restroom plans to include the provisions needed to accommodate a future splash pad. Mr. Steffens stated he understands the purpose of long range planning within capital improvement projects as it can often save money in the long run. Mr. Eastes agreed as well. Discussion ensued regarding the significant water consumption and discharge associated with a splash pad facility as well as the various configurations of such systems. Further general discussion ensued.

REQUEST FOR SPEED LIMIT REDUCTION & HANDICAP SIGN ON AMSTUTZ ROAD – Ms. Skow was present to request that the council approve the installation of a handicap street sign on North Amstutz Road as well as reducing the speed limit in this area. She discussed the dangers posed to residents along this portion of the road by the poor visibility combined with vehicles traveling at high rate of speed; she specifically referenced concerns regarding her elderly mother who needs to cross the road to access her mailbox. Ms. Garton agreed that this portion of the road has visibility issues. Mr. Lauer, town engineer, stated that a handicap sign is considered an informational sign and has no objections to the placement of the sign. No ordinance is needed prior to installing an informational sign. The reduction of the speed limit would require an ordinance. Mr. Clendenen recommends that the town set the speed limit along this road to be consistent with the other arterial roads within the town. Mr. Clendenen moved that the town purchase two handicap person signs to be placed at 15720 Amstutz Road, north and southbound lanes. Mr. Eastes seconded; the motion passed unanimously.

CITIZEN INPUT RE: RESTROOMS AT RIVERSIDE GARDENS – Mr. Dave Hawthorne was present to provide input on the proposed Riverside Gardens restroom facility. He summarized the history of the Riverside Gardens Park, including citing all of the efforts given by the previous advisory board. He discussed the vision of establishing

a farmers market and expressed disappointment with previous events. He is not against a restroom being built at the park but feels that there should be plans for events at the park before a restroom is built. Mr. Clendenen stated that he had shared the same concerns but has become aware of interested parties/organizations that had been interested in hosting events at the park but had chosen not to use the park due to the lack of restroom facilities. Mr. Eastes provided input on some of the park's history and stated that a restroom would provide another reason to bring people to the park. He applauded Mr. Hawthorne's contributions to the community and previous service to the Riverside Gardens Park. Ms. Spannuth and Ms. Garton also confirmed that the lack of restrooms have deterred interested renters from time to time. Mr. Young would like more input from the people regarding proceeding with a restroom facility. Ms. Kimm addressed this by referencing the questionnaire that was sent out to the community previously regarding people's vision for the park. The number one request was for a restroom at the park. She discussed the previous difficulties regarding establishing a farmers market due to board of health regulations. She stated that the park board is no longer an advisory committee as they have been officially established as an official park board. She talked about the recent waterskiing event and a kayaking event that will take place there. She, as well, would like to have an established farmers market at the park. She does feel that the park board should not have to be the sole planning organization for a majority of the events. Ms. Garton stated that the community was already surveyed regarding their vision on the park and that the council should respect the community's input. Mr. Eastes asked Ms. Kimm about the park's master plan and vision. Discussion ensued regarding such. Mr. Liechty feels that the park would be better utilized if a restroom facility were built.

RIVERSIDE GARDENS RESTROOM BID – Mr. Lauer presented the bid tabulation for this restroom. The lowest bid was presented by Strawser Brothers Construction, Inc. in the amount of \$139,846.00. Mr. Clendenen moved that the town of Leo-Cedarville award the bid to Strawser Brothers Construction for their bid amount of \$139,846.00. Mr. Eastes seconded the motion. Mr. Lauer discussed the changes that would be needed if the council wishes to plan for a future splash pad/water feature, but stated that the unknowns regarding the future design of a splash pad facility could make current planning difficult. The different methods that water is circulated or discharged from a splash pad facility were also discussed. Mr. Eastes stated that he supports the idea of modifying the plans to accommodate a future water feature. The motion to award the bid to Strawser Construction passed by a majority with Mr. Young abstaining. Mr. Eastes moved to request a quote for a change order to include provisions that would allow for the future installation of a splash pad or water feature. Mr. Clendenen seconded the motion. Mr. Clendenen stated that he values the park boards input on this topic as well and expressed his appreciation for the services they are providing to the community. The motion passed unanimously.

AMSTUTZ ROAD – Mr. Lauer presented to the council the low bid that was received for the partial milling and resurfacing of Amstutz Road. The lowest bid in the amount of \$112,625.00 was submitted by API Construction. In response to the request made by the residents of Lakeview Drive to resurface their road, Mr. Lauer provided the estimate of \$13,525.00 for an overlay of 1" of asphalt on Lakeview Drive. This price is based on the

asphalt price used for the Amstutz Road project. This would be a permissible change order as it is below 20% of the contract price of the original project. Mr. Eastes moved that the resurfacing of Lakeview Drive be added to the project cost. Mr. Young seconded. Mr. Liechty asked how long Lakeview Drive could last without a resurface; the estimate provided was 4 to 5 years. He further stated that it might be a gamble in pricing if the council waited to resurface Lakeview Drive, as asphalt prices are currently very low. A preconstruction meeting is scheduled for August 25th; work will begin early to mid September. Mr. Steffens reviewed the order of priority of roads that need resurfaced, Lakeview is the first road that falls within the acceptable change order limits. Discussion ensued about other projects that should be considered while the oil prices are low and work is coming in at affordable rates. Manning was discussed as well as other projects. Discussion ensued regarding whether the council should take advantage of the low prices at this time if the budget can support it. The motion passed by a majority with Mr. Liechty abstaining. Mr. Clendenen moved to award the bid to API Construction for the bid price of \$112,625.00 with the addition of Lakeview Drive as an addendum. Mr. Eastes seconded. The motion passed unanimously. Mr. Clendenen moved that Schnelker Engineering be directed to prepare a bid package for Manning Street with options for resurfacing Multirose Lane, Wayne Street (Hosler to Walnut), and Ewing Street (at Washington St.). Mr. Eastes seconded. Passed unanimously.

STORMWATER CONCERNS – Mr. Young discussed his concerns about the number of delinquencies and liens associated with the stormwater utility fee.

Mr. Young made the motion to “direct the Town Attorney to draft ordinances which would do the following; dissolve the Storm Water Utility Board in a manner similar to our Park Board that does not have the authority to charge a fee; discontinue billing home owners, churches, businesses, cemeteries, etc. the current storm water user fee under Ordinance #2007-06 which the existing utility booklet expires June 20, 2010, or sooner; Transfer storm water funds, which are presently \$88,000 over to the general fund or a storm water cumulative fund. The Storm Water board and its expenditures will then be financed by a storm water cumulative fund or the general fund. Storm water will then become the budgeting responsibility of the Town Council from that point forward. The Storm Water Board will continue making decisions on storm water issues while staying within the ordinances same as they do now.” * *Document attached to minutes.*

Mr. Clendenen stated that Mr. Young’s motion is against the rules of order as this motion was made previously and turned down. He cited “reconsideration” section from the town’s adopted rules of order. Discussion ensued regarding the purpose of the utility and the fee associated. Mr. Liechty brought it to the council’s attention that the conversation might be considered out of order. After examination of the rules, Mr. Proctor does not feel that Mr. Young’s motion is out of order. Mr. Eastes seconded Mr. Young’s motion for the purpose of discussion. Ms. Kimm requested that Mr. Young strike the statement regarding the park board not being able to charge a fee as they are a formal parks department by ordinance and can in fact charge a fee. Mr. Young stated that the council should have a say in what stormwater work is to be done as the stormwater board has already had a complete turnover. He stated that there are three seats up for election next year and he wants people to be aware of his desires to eliminate the stormwater fee. Mr. Proctor discussed the implications regarding the elimination of the

stormwater utility, board and fee. Mr. Clendenen spoke in defense of the stormwater board and the work they have done. He stated that there were many infrastructure improvements made over the last few years as a result of the stormwater utility boards leadership as well as the financial support of the fee. Mr. Eastes also does not like to charge the not for profits and suggested that the motion be tabled at this time to allow the council more time to consider it. Discussion ensued about the NPDES regulations and the original purpose of the establishment of the utility. Mr. Liechty expressed his disapproval of charging a storm water fee specifically as it concerns the not-for-profit entities. He was not in favor of dissolving the board as the responsibilities of mandatory State and Federal compliance would fall on the council. Mr. Clendenen called for a vote on the motion. The motion failed by all voting against exception of Mr. Young.

2010 BUDGET – Ms. Spannuth briefly discussed the proposed 2010 budget. This will be discussed further at the next meeting.

ORDINANCE 2009-06 NIMS – Mr. Clendenen moved to suspend the second reading of Ordinance 2009-06, an ordinance adopting the National Incident Management System. Mr. Eastes seconded the motion. Motion passed unanimously. Mr. Clendenen moved to adopt ordinance 2009-06; Mr. Eastes seconded. Ordinance 2009-06 passed unanimously.

BRIDGE MAINTENANCE AGREEMENT – The council signed two copies of the agreement with Allen County regarding bridge maintenance.

BENEFITS DISCUSSION – Mr. Eastes discussed his desire to adjust the amount the maintenance employee receives for health benefits by increasing his stipend in the amount needed to offset the taxes deducted from the stipend. He also would like to increase the amount being paid towards insurance benefits. He further wishes to have the insurance vendor paid directly. This topic will be on the next agenda for further discussion.

VOUCHERS – The August 18, 2009 voucher form was signed by the council.

ADJOURNED – The meeting was adjourned until September 1, 2009.

APPROVE:

Paul Steffens
Council President

ATTEST:

Pamela Spannuth
Clerk-Treasurer