

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
FEBRUARY 28, 2012**

The town council of Leo-Cedarville met in regular session on February 28, 2012 at 7:00 PM at the Town Hall of Leo-Cedarville, located at 13909 Pony Express Run, Leo, IN 46765.

**ATTENDANCE:** In attendance were John Clendenen, president; Tim Richards, vice president; Ted Garton, Paul Steffens, and Kevin Veatch, council members; John Eastes, Clerk-Treasurer; and Peggy Garton, Town Manager.

**AGENDA:** Mr. Steffens moved to accept the agenda with flexibility and Mr. Richards provided a second to the motion, which passed by unanimous voice vote.

**MINUTES:** Council approved the minutes of February 14, 2012 as amended.

**SPECIAL PRESENTATION(S) AND PUBLIC SPEAKS:**

- **Northeast Fire and EMS:** President Joe Stech, EMS Chief Scott Yoder and Dr. Thomas Dykstra, medical director for the organization, presented 2012 budget information and a “Paramedic Proposal” action plan under consideration, with initial paramedic service startup costs anticipated of \$186,400. If Northeast Fire and EMS is able to provide paramedic service to the community, then the current issue of a resident being billed by two (2) emergency service providers, when both Three Rivers Ambulance Authority (TRAA) and Northeast Fire and EMS respond to a medical emergency, would be significantly reduced. President Clendenen will appoint a committee of two councilmen to acquire information sufficient to bring a recommendation before council, including an appropriate amount of contribution in support of the Northeast Fire and EMS proposed plan.
- **J R’s Pub:** Michele Wagler came before council indicating her desire to expand current business operations to include a three-way permit, thereby requesting the town adopt an enabling ordinance for alcoholic beverages. Mr. Proctor, legal counsel for the town, provided historical background information surrounding the topic, including a legal challenge that went before the Indiana Court of Appeals. A draft of an “Alcohol Enabling Ordinance” will be prepared by Mr. Proctor and a public hearing on the proposed ordinance is to be scheduled for March 13, as part of the regularly scheduled town council meeting. Introduction of an enabling ordinance during this council meeting is anticipated as well. **ADDENDUM:** On March 13, the public hearing for the alcoholic beverages’ enabling ordinance was rescheduled to March 27, 2012 and will be held in the Leo-Cedarville Park Pavilion, located at 9825 St. Joseph’s Street, Leo, IN 46765, and not at the town hall as originally planned.
- **Tax Abatement Request:** Diana Parent, project engineer for Sperry Van Ness and consultant for Lutheran Medical Group, requested that Council grant property tax abatement for a 4,200 square feet full-service medical office facility, approved for

commercial development by the Plan Commission on February 20, with the proposed project site to be located across from Leo Elementary at 10429 Hosler Road. The medical group's intentions are to be open six days per week and offer staffing that would include two full-time physicians, two full-time registered nurses, and two full-time medical assistants. The facility will offer full lab services and a minor procedure room as part of daily operations. An initial \$1.3 million investment is planned to bring the aforementioned medical service either to Grabill or Leo-Cedarville, with the Leo-Cedarville site selection being Lutheran Medical Group's preferred location of service. Mr. Proctor, legal counsel for the town, advised counsel on the procedures required for granting tax abatement. Action on the requested tax abatement was tabled and will be considered as a future agenda item.

**REPORT of the TOWN MANAGER:** Mrs. Garton reported that

- The Pioneer Village Homeowner's Association has submitted a request for the town to assume responsibility for only the future electrical utility cost when posts are converted from a non-lighted to lighted state. Mr. Richards moved that the town assume responsibility for the future electrical utility cost for up to 20 post conversions in Pioneer Village; Mr. Veatch provided a second; and the motion passed by unanimous voice vote.
- Mrs. Garton will contact Mr. Proctor to determine appropriate action on a "Determination of Eligibility" letter received from the Indiana Department of Workforce Development.

The following items were distributed, with action taken as noted herein:

- **Ordinance 2012-4:** *"An Ordinance Regulating the Turning of Vehicles Onto Amstutz Road When Exiting the Circle Drive at Leo High School"* was recommended by Mrs. Garton and discussed by members of council. Mr. Richards moved to waive reading the entire proposed ordinance; Mr. Veatch provided a second; and the motion passed by unanimous voice vote. Mr. Steffens moved to adopt the ordinance; Mr. Garton provided a second; and the motion passed by unanimous voice vote.
- **Resolution 2012-05:** *"Resolution of the Town of Leo-Cedarville Designating Alternate Purchasing Agents for Town Council"* was introduced. Mr. Veatch moved to adopt the resolution; Mr. Steffens provided a second; and the motion to adopt the resolution passed by unanimous voice vote.
- **Resolution 2012-6:** *"Resolution to appoint members to the Board of Planning"* was introduced. Mr. Richards moved to adopt the resolution; Mr. Garton provided a second; and the motion to adopt the resolution passed by unanimous voice vote.
- **Resolution 2012-7:** *"Resolution to appoint members to the Board of Zoning Appeals"* was introduced. Mr. Richards moved to adopt the resolution; Mr. Veatch provided a second; and the motion to adopt the resolution passed by unanimous voice vote.

**REPORT of TOWN ENGINEER:**

- Jim Lauer, of Schnelker Engineering, presented quotes for “Amstutz Road—Crosswalk Signalization” and “Hosler Road Trail Improvements—2012.”
- Mr. Richards moved that the town enter into a contract authorizing Schnelker Engineering to proceed with the “Preliminary Design Phase and Final Design Phase for the new ‘Crosswalk Signals’ to be located on Amstutz Road south of the bridge and at the school entrance cross walk,” payable as per the terms of the quote; Mr. Veatch provided a second; and the motion passed by unanimous voice vote.
- Mr. Richards moved that the town enter into a contract authorizing Schnelker Engineering to proceed with the “Preliminary Design Phase, Final Design Phase, Bid Phase and Construction Contract Administration Phase for the ‘Trail’ to be constructed along Hosler Road from Amstutz Road to the East Allen County School Property at the southeast corner of Hosler Road and Halter Road,” payable as per the terms of the quote; Mr. Steffens provided a second; and the motion passed by unanimous voice vote.

**Ordinance 2012-5:** “*Town Volunteers*” was recommended by Mr. Eastes and Mr. Proctor. Mr. Veatch moved to waive reading the entire proposed ordinance; Mr. Garton provided a second; and the motion passed by unanimous voice vote. Mr. Garton moved to adopt the ordinance; Mr. Steffens provided a second; and the motion passed by unanimous voice vote.

**Credit Card Ordinance Tabled:** By consensus, upon receiving further input from Mr. Proctor, Mr. Clendenen, Mr. Veatch and Mr. Eastes, the draft before council will be modified to include removal of references to the clerk-treasurer as a potential card holder that were contained in the original draft. Mr. Eastes recommended that only Mrs. Garton, town manager, be issued a town credit card, as she would be the at-risk person on the account. Mr. Clendenen noted that the town may, on occasion, find value in more than the town manager being issued a town credit card. Council will discuss the topic of possible holders of a town credit card the next time the ordinance is brought before the body for adoption. Mr. Veatch suggested lengthening the time frame for the card holder to submit objective evidence of purchase, as the original draft states that “Within seventy-two (72) hours of the purchase, the person using the credit card shall provide the Clerk-Treasurer with a copy of the credit card receipt,” including an itemized list of purchase details. The ordinance is available for adoption at its next presentation before the town council.

**First Reading of Proposed Ordinance:** “*An Ordinance Preapproving the Payment of Certain Claims by the Clerk-Treasurer of the Town of Leo-Cedarville*” was introduced. Mr. Steffens moved to waive reading the entire proposed ordinance; Mr. Richards provided a second; and the motion passed by unanimous voice vote. Mr. Proctor presented update changes from the current ordinance that was last modified on November 4, 1997. Council will consider the ordinance for adoption at the next regular meeting, scheduled for March 13, 2012.

**REPORT of COUNCILMAN GARTON:** As the town is considering its equipment purchase and repair needs for the upcoming 2012 mowing season, Mr. Garton indicated that his to-date

research indicates that any new mowing equipment that may be purchased should probably use diesel and not gasoline as its fuel source. Upon Mr. Garton's recommendation, consensus was reached to overhaul the current zero-turn mower's engine, thereby extending the life of the equipment and the ability to continue to use a leaf vacuum attachment that fits only on the current mower. Additional information substantive to making a new equipment purchase recommendation is anticipated in the near future.

**REPORT of the CLERK-TREASURER:** Mr. Eastes reported that

- All employment taxes for the month of February 2012 have been deposited with the appropriate agencies of the federal and state government; the capitalized to-date cost to remodel the office area to accommodate the new council chambers was \$8,095.27; the debit card attached to the town's checking account has been cut up and cancelled; all purchasing authority cards in possession of the clerk-treasurer's office have been cut up and destroyed; the March 1 report deadline for Indiana's Gateway "Debt Submission" was successfully submitted on February 22; the town's "1782 Notice" receipt form was faxed on February 23, 2012 to the Department of Local Government Finance with "No changes requested"; the billing software module in use by the utility billing clerk will be receiving a software patch/update to repair the system's lien processing capabilities; the town received a "Determination of Eligibility" letter from the Indiana Department of Workforce Development, with a March 5, 2012 "Right of Appeal" deadline; and a "Consultation Agreement" between the town and Mrs. Spannuth was signed by President Clendenen on February 23, 2012 and awaits Mrs. Spannuth's signature to finalize the agreement.

The following items were distributed and discussed:

- "Determination of Eligibility" letter from the Indiana Department of Workforce Development; Funds' Report of February 27, 2012; budget status year-to-date reports for various funds; an employment "Hours Report Summary" for the month of February; an Allen County Election Board letter of February 22, 2012; a February 15, 2012 invoice in the amount of \$10,573.99 from the Allen County Highway Department for 2010 and 2011 traffic striping; a "Cancellation of Old Outstanding Warrants" that remained unpaid for a period of two years as of December 31, 2011; a copy of the town's "1782 Notice"; and a transaction copy of the town's "Annual City/Town Financial Report."
- A request to approve purchase of the KEY-FUND accounting software package upgrade quote in the amount of \$6,750 was submitted for council approval, requiring a 50 percent deposit of \$3,375 upon acceptance of the quote. After reaching consensus, Council chose to table the request, with members indicating their desire to see a product demonstration.
- Mr. Eastes noted that he had emailed a February 27, 2012 four-page memorandum to council members that included a request for council to change the "Utility Billing Clerk" job description to read "Deputy Clerk-Treasurer," with the immediate supervisor to be changed from the office of the town manager to the office of the elected clerk-treasurer. President Clendenen stated that he believes the billing clerk's job description and

immediate supervisor should remain as written in the “Town of Leo-Cedarville Personnel Policy Handbook” draft currently under consideration, with the billing clerk’s position and immediate supervisor to remain with the town manager. Mrs. Garton noted that she agrees with and strongly supports the position that Mr. Clendenen stated, as noted herein.

**VOUCHERS APPROVED BY COUNCIL SIGNATURES:**

- February 28, 2012 line-item form totaling \$33,177.97;
- February 28, 2012 line-item form totaling \$955.00; and
- February 28, 2012 line-item form totaling \$1,884.29.

The total amount of all vouchers approved by council was \$36,017.26.

**MOTION TO ADJORN:** Mr. Richards moved to adjourn the meeting; Mr. Veatch provided a second; and the motion to adjourn passed by unanimous voice vote.

**APPROVE:**

**ATTEST:**

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**JOHN CLENDENEN, Council President**

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**JOHN EASTES, Clerk-Treasurer**