

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
MARCH 13, 2012**

The town council of Leo-Cedarville met in regular session on March 13, 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. Veatch 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 28, 2012, with an addendum noting the change in time and location of the public hearing for the alcoholic beverages' enabling ordinance, as noted herein.

**PUBLIC HEARINGS:** Three (3) public hearings are scheduled for March, 27, 2012 as noted below. In summary, they are:

- At 7:00 PM, a hearing on an alcoholic beverages' enabling ordinance request received from JR's Pub;
- At 8:00 PM, a hearing on a draft resolution that would permit the establishment of an "Economic Revitalization Area" that would pave the way for granting a tax abatement request received from Leo-CHS, LLC; and
- At 8:30 PM, a tax abatement hearing request received from Leo-CHS, LLC.

**PUBLIC COMMENT and SPECIAL PRESENTATION(S):**

- **Tax Abatement Request Update:** President Clendenen spoke of the municipality's ability to grant tax abatement as a tool for economic development. Mr. Clendenen also noted that a resolution draft had been prepared that would designate an ERA (economic revitalization area) within the town, with the intent of presenting same at a public hearing and with the intent of adopting the resolution during the same public hearing. If the resolution draft were to be adopted, the town would then be able to move forward on the tax abatement request that lies before Council. Mr. Clendenen noted that tax abatement options may extend for a period of up to ten (10) years. The aforementioned resolution was acted on, as noted below.
- Mr. Clendenen suggested that the town require the current applicant pay a tax abatement application fee of \$250, being careful to note that document submission requirements for the current applicant should not be considered as setting a precedent for future tax abatement applicants, with the town reserving the right to modify fee and document requirements, as deemed appropriate, and as permitted by Indiana Code.

- Lutheran Medical Group's Patricia Hays, Senior Vice President for Regional Service Development, expressed the professional staff's long-term support for the residents of Leo-Cedarville and surrounding communities. Diana Parent, project engineer for Sperry Van Ness and consultant for Lutheran Medical Group, expressed appreciation for the manner in which the town has handled various requests and the various application processes required to date. A public hearing on the requested tax abatement is scheduled as noted herein.

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

- **March 27 Council Meeting Moved to Park Pavilion:** Following public hearings as noted herein, the March 27, 2012 regular session of the town council of Leo-Cedarville will be held at the Leo-Cedarville Park Pavilion, located at 9825 St. Joseph's Street, Leo, IN 46765, and not at its regular advertised meeting location at the town hall located at 13909 Pony Express Run, Leo, IN 46765.
- **March 27 Public Hearing Date Set for Alcoholic Beverages' Enabling Ordinance:** Council has scheduled a public hearing to be held at 7:00 PM on March 27, 2012 for the purpose of receiving public comment regarding an alcoholic beverages' enabling ordinance under consideration for adoption by the town and requested by the petitioner, JR's Pub, located at 15011 and 15013 State Road One, Leo, IN 46765. The public hearing will be held at the Leo-Cedarville Park Pavilion, located at 9825 St. Joseph's Street, Leo, IN 46765. Council moved the original public hearing date from March 13 to March 27, as noted herein.
- **March 27 Public Hearing Date Set for Creation of an ERA (Economic Revitalization Area):** Mr. Richards moved that Council approve a resolution draft "*Establishing an Economic Revitalization Area*" for a public hearing; Mr. Garton provided a second; and the motion passed by unanimous voice vote. Mrs. Garton then scheduled a public hearing to be held at 8:00 PM on March 27, 2012, to hear and receive remonstrance and objections from persons interested in or affected by the creation of an "Economic Revitalization Area" located on Center Street, State Road One, Hosler, Wayne, Main and Walnut, in the downtown commercial district of "old Leo."
- **March 27 Public Hearing Date Set for Request for Tax Abatement:** Mr. Clendenen moved that Council hold a real estate Tax Abatement Hearing, as requested by Leo-CHS, LLC; Mr. Veatch provided a second; and the motion passed by unanimous voice vote. Mrs. Garton then scheduled a public hearing to be held at 8:30 PM on March 27, 2012, to hear and receive remonstrance and objections from persons interested in or affected by proceedings pertaining to a request for tax abatement received from Leo-CHS, LLC. A medical office building, to be located at 10400 and 10429 Hosler Road, is in the planning stages by the above-noted applicant. Tax abatement for personal property may be considered at a later date.
- **Park Board Request:** As part of working toward preparing a Riverside Gardens' grant application, members of the Leo-Cedarville Park Board unanimously recommended that

Council accept the engineering work proposal of Martin Riley, submitted by the firm with a total not-to-exceed cost of \$50,500. Mr. Clendenen reminded Council that a resolution had been passed and adopted committing \$199,000 in CEDIT funds in support of the Riverside Gardens' improvement project. Mr. Clendenen noted that \$400,000-\$500,000 of potential improvements are under consideration for Riverside Gardens, to include a maintenance shed, picnic area, splash pad, handicap playground area, benches, volleyball court, etc., all part of the original grant application submission process.

- Mr. Clendenen moved that Council enter into a contract with Martin Riley to assist with any remaining IDNR grant issues, at a not-to-exceed cost of \$3,500; Mr. Veatch provided a second; and the motion passed by unanimous voice vote.
- Based upon Martin Riley's offer to provide all professional engineering services for the Riverside Gardens' park improvement project at a not-to-exceed cost of \$47,000, Mr. Clendenen moved to accept the firm's offer contingent upon the town receiving final approval of the land and water grant for Riverside Gardens; Mr. Steffens provided a second; and the motion passed by unanimous voice vote.
- **Trees in Right-of-Way:** With a grant application date of April 15, an Arborwise, Ltd. proposal was presented before Council to assist the town in securing an Indiana DNR grant to replace up to 66 Ash trees that were removed last fall within the town. The approximate purchase cost to replace said trees was estimated at \$13,200. If the town were to be awarded the 50-50 IDNR grant, the town's portion of the 66-tree purchase cost was estimated to be \$6,600. Arborwise's normal fee to prepare the grant is \$1,700, but the town would only be required to pay Arborwise \$850, as the remaining \$850 balance would be donated to the town and treated as an in-kind cost toward the town's matching portion of the grant. Mr. Richards stated his belief that replacing 66 trees does not rank high enough as a budgetary priority item, citing the town's current commitments to Northeast Fire and EMS, the Hosler Road trail project and the possible installation of a children's splash pad in Riverside Gardens. Council reached consensus to not act on Arborwise's proposal at this time.
- **Town Employee Manual:** At the request of the Town Manager and by consensus, no action was taken and discussion on the manual was tabled until a later date.
- **Request to Use Town Hall:** A request to use the town hall to collect signatures in support of the EACS "yellow petition" drive was received. By consensus, and to allow residents to sign either a yellow or blue petition, Council has designated the week of March 26 (Monday through Friday), between the hours of 9:00 AM and noon, as a time made available for residents to sign the petition of their choosing at the town hall of Leo-Cedarville. Town Manager Garton will sign both the yellow and blue petitions and then make them available for residents that wish to sign, thus allowing for daily operations to continue in a normal, uninterrupted fashion.

The following items were distributed to members of Council, with action taken as noted herein:

- **ORDINANCE 2012-6, “Credit Card Ordinance”**: Mr. Richards moved to waive reading the entire proposed ordinance; Mr. Veatch provided a second; and the motion passed by unanimous voice vote. Mr. Richards moved to adopt the ordinance; Mr. Steffens provided a second; and the motion passed by unanimous voice vote.
- **ORDINANCE 2012-7, “An Ordinance Preapproving the Payment of Certain Claims by the Clerk-Treasurer of the Town of Leo-Cedarville”**: Mr. Richards moved to waive reading the entire proposed ordinance; Mr. Veatch 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.

**REPORT of COUNCILMAN VEATCH:** In recognition that Northeast Fire and EMS estimates \$186,400 in initial paramedic service startup costs to enhance current service at the local level, and after providing information via a handout, Mr. Veatch moved that the Town of Leo-Cedarville contribute \$41,008 in support of Northeast Fire and EMS’ proposal to provide paramedic service, contingent only on department contributions from participating communities being sufficient for the enhanced service to be initiated; Mr. Garton provided verbal support and a second; and the motion passed by unanimous voice vote. Because Council wishes to expend Rainy Day and Cumulative Capital Fire Funds in support of the above-noted department’s proposal, Mr. Clendenen requested that Mr. Eastes investigate the availability of line item appropriations within each of the above-noted funds and to seek additional information from the State Board of Accounts as to the flexibility of line item appropriations as currently budgeted within said funds.

**REPORT of COUNCILMAN GARTON:** Mr. Garton presented Council with a “Leo/Cedarville Mower Proposal” that included bid quotes for the purchase of a Grasshopper commercial mower from Outdoor Concepts of Bluffton, Indiana; Heckley Auto in Woodburn, Indiana; and VanGorder Sales of Albion, Indiana.

Based upon his research that included speaking with dealers and professional mowers, Mr. Garton believes that Grasshopper would be an appropriate equipment purchase for the town. Mr. Garton cited Grasshopper’s longer life expectancy, ease of use, maintenance and durability as some of its key attributes. In addition, Mr. Garton stated that the dealer will train the town’s personnel to perform oil changes and normal maintenance, and that the lowest bidder, VanGorder Sales of Albion, will provide the town with a “loaner” mower if they are unable to repair the equipment the same day in their shop. The town would be responsible for delivery and pickup of the mower to VanGorder Sales’ facility.

Mr. Garton moved that the town purchase a 61-inch Grasshopper 30 HP diesel, Model 930D, from VanGorder Sales in the amount of \$14,877; Mr. Steffens provided a second; and the motion passed by unanimous voice vote. By consensus, Council reversed a previous decision and will not replace the tires or overhaul the current zero-turn mower’s engine.

**REPORT of COUNCILMAN RICHARDS:** Mr. Richards clarified information he brought to the council’s February 14 meeting regarding the Leo-Cedarville Regional Sewer District upgrades. While the district continues to move forward in upgrading the system, he erred in

discussing an actual increase as a rate study will have to be conducted to determine what, if any, the impact on monthly fees will be.

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

- By conference call, Mr. Proctor advised Mrs. Garton and Mr. Eastes that he had reviewed the “Determination of Eligibility” letter and resulting claim for payment received from the Indiana Department of Workforce Development.
  - On March 3, and based upon Mr. Proctor’s review, Mr. Eastes paid the town’s portion of the quarterly unemployment claim in the amount of \$120.92.
- All employment taxes for the month of February 2012 have been deposited with the appropriate agencies of the federal and state government; all funds have been reconciled to February 29, 2012; the billing software module has been updated to correct a minor software problem that was preventing the processing of storm water liens; on behalf of the town, storm water liens were filed by Ms. Day on March 12 with the Allen County Recorder’s office; the “Consultation Agreement” between the town and Mrs. Spannuth, executed by President Clendenen on February 23, 2012, awaits Mrs. Spannuth’s signature to finalize the agreement; a demonstration of Key-Fund governmental accounting software, by Keystone Software Systems, is scheduled for March 20, beginning at 5:30 PM at the town hall; the Municipal Clerk Institute held on March 4-8 at Ball State University was very valuable and attended by 105 clerk-treasurers, controllers and deputies; Mr. Eastes is scheduled to attend “Gateway Budget Forms” training at Fort Wayne’s IPFW campus on Thursday, March 15; and the “Indiana League of Municipal Clerks and Treasurers 76 Annual Conference and State Board of Accounts School” is scheduled June 24 through June 28, in Indianapolis.

The following items were distributed for discussion:

- A report of February 29, 2012 reconciled fund balances;
- January through December 2011 “Stormwater Fund” revenue monthly detail;
- January through December 2011 “Garbage Service Fund” revenue monthly detail;
- “2012 Budget Order” information for Leo-Cedarville, Grabill, Springfield Township, Cedar Creek Township, Scipio Township and Milan Township;
- Sunshine Publishing pricing to refresh ordinance CDs; and
- Nationwide Retirement Solutions’ notice of proposed changes to the town’s plan.

Mr. Eastes concluded his report by noting his intention to begin an ongoing, as-needed process of rebalancing appropriation line items within various funds and that the total amount of all vouchers submitted for approval before council was \$34,163.34.

**VOUCHERS APPROVED BY COUNCIL SIGNATURES:**

- March 13, 2012 line-item form totaling \$34,163.34.

**Summary:** The total amount of all vouchers approved by council was \$34,163.34.

**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**