

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
NOVEMBER 12, 2013**

The town council of Leo-Cedarville met in regular session on November 12, 2013 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; Paul Steffens, Ted Garton and Kevin Veatch, council members; Peggy Garton, town manager; and John Eastes, clerk-treasurer.

Mr. Clendenen called the meeting to order and led attendees in the “Pledge of Allegiance.”

**AGENDA:** By consensus and without objection, council members accepted the agenda.

**MINUTES:** Without objection, council members approved the minutes of October 22, 2013 as distributed.

**REPORT of the TOWN MANAGER:** Mrs. Garton presented the following, with action as noted therein:

- **Americans with Disabilities Act Resolution:** A “Resolution of the Town Council of Leo-Cedarville, Indiana Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and Procedures” was introduced and discussed.
  - **Action:** Mr. Steffens moved to adopt the resolution; Mr. Richards provided a second to the motion, which passed by a unanimous voice vote and was assigned Resolution No. 2013-11. The resolution was signed by President Clendenen in the presence of Council and witnessed by Clerk-Treasurer Eastes.
- **Commercial Property Appraisal Update:** On September 10, 2013, Council reached consensus to order a commercial appraisal on a property located within the downtown area of old Leo. Upon recently learning that a potential purchase offer may be in process, the appraisal order had temporarily been suspended. By consensus, Council desires not to delay further and will continue with the commercial property appraisal order for the property in question.
- **Comprehensive Plan Update:** An updated comprehensive plan draft is scheduled to go before the Board of Planning (Plan Commission) for certification at a public hearing scheduled to occur at 7:00 p.m. on November 18, 2013 at Leo-Cedarville’s Park Pavilion, located at 9825 St. Joseph Street, Leo, Indiana. Notice of the public hearing has been published in newspapers and will be followed with a press release; copies of the comprehensive plan adoption draft may be viewed in the town hall and on line at <http://www.communitycollaborative.com>. The Board of Planning will receive public input and may choose to recommend to Council the above-noted draft for adoption, not

recommend the draft for adoption or they may choose to send the draft to Council without a Board of Planning recommendation. A representative of RATIO Architects, Inc. will be available to answer questions that may arise as part of the process. Mr. Richards questioned a RATIO representative directly regarding future population projections noted in the original draft; Mrs. Garton will seek further clarity regarding said projections.

- **Riverside Gardens' Construction Project Update:** A very extensive list of completed project items is available for council member review in Mrs. Garton's office. Planned soon-to-be completed project items were reviewed along with an anticipated end-of-year construction schedule. The project experienced a minor delay of approximately one week due to the required replacement of oversized rebar in the splash pad area. The newly created pond will be monitored throughout the coming days to confirm the pond's integrity to hold anticipated future water levels. Final work on the project will probably occur in the spring of 2014.
- **Riverside Gardens' Overflow Parking:** In the very near future, the excavating contractor plans to spread existing on-site material to create an overflow parking area on the east side of Schwartz Road.
- **School Area Street Lighting:** Council reviewed a concerned citizen's safety request to improve lighting surrounding the middle and high school areas. Mrs. Garton highlighted standard operating procedures that are in place to care for street light outages as discovered or reported. In response to Mr. Veatch's questions, and by reference to the town's subdivision control ordinance and master plan, lighting policy and procedures pertaining to new and existing subdivisions were reviewed.
- **Acres within Leo-Cedarville:** The owners of two (2) parcels of property that lie along Schwartz Road have initiated discussion that includes the possibility of Leo-Cedarville purchasing said parcels that approximates a combined total of 4.51 acres of bare ground; the two (2) parcels are zoned for agricultural use. The owners of said parcels have proposed a value of \$80,000. Council reached consensus to seek an appraisal on the property with the thought of potentially expanding the municipal footprint in the area by joining said parcels to ground currently owned by Leo-Cedarville. Mr. Richards supported seeking an appraisal but believes that Council should utilize a process that prioritizes purchases of this nature, as other desirable properties may become available for purchase in the future. Mr. Richards stated that the above-noted parcels would not make his top-three list of properties for purchase consideration at this time and expressed concern about having available cash to purchase other desirable properties should the opportunity present itself. As Leo-Cedarville's land-use planner, Mrs. Garton stated that properties are probably not going to become available for purchase at the most opportune time and that a Council decision to purchase or not purchase real property in the future will have to be made on a case-by-case basis.
- **December 24 Council Meeting:** The last regularly scheduled council meeting for 2013 may be cancelled, as it occurs on Christmas Eve.

- **Parks' Projects and Activities:** On Friday, December 13, Cedarville Park will play host to Santa Claus from 5-7 p.m.
- **Community Food Bank:** The local Grabill Food Bank is embracing Meijer's "Simply Give" program to fight against community hunger, with double-match days to occur on November 15 and 16. Between November 3, 2013 and January 4, 2014, Meijer plans to give at least \$1 million in distributions to local food pantries.
- **Fall Leaf Pickup Schedule:** The October-December leaf-vacuum pickup schedule is posted online at the town's website. There will not be leaf pickup on Veterans' Day, Thanksgiving Day and the day after Thanksgiving.

**PRESIDENT CLENDENEN:** Mr. Clendenen presented the following, with action as noted therein:

- **2014 Salary and Wage Ordinance:** President Clendenen brought forward the "2014 Salary Ordinance" for "second reading."
  - **Action:** Mr. Steffens moved to waive reading the proposed ordinance in its entirety and Mr. Richards provided a second to the motion, which passed by unanimous voice vote.
  - **Action:** Mr. Steffens moved to adopt the above-noted "2014 Salary Ordinance." Mr. Richards provided a second to the motion, which passed by a voice vote of four (4) members in support of the motion; Mr. Garton abstained. The ordinance was assigned Number 2013-7 and signed by all four (4) council members in support of adopting the salary ordinance.

[Mr. Eastes notes that any reference to "HAS contribution" or "HAS contributions" for the positions of "Town Manager" and "Town Maintenance Employee" should read "HSA contribution" or "HSA contributions." HSA contributions refer to "Health Savings Account" contributions.]

- **Leo-Cedarville Regional Sewer District:** Regarding the L-C RSD (Leo-Cedarville Regional Sewer District) recent adoption of new sanitary sewer rates, council members received the following: "Notice of a Hearing on a Petition Objecting to a New Rate Ordinance." The Board of Commissioners of Allen County will conduct a public hearing on November 18, 2013 at 6:30 p.m. at Metea County Park, 8401 Union Chapel Road, Fort Wayne, Indiana.

With an interest in gaining sanitary sewer capacity for 120-150 additional residences, a developer interested in constructing a new subdivision within Leo-Cedarville has entered into discussions with the L-C RSD. Mr. Garton indicated that he has attended several meetings of the L-C RSD and stated that it appears that the district has additional capacity. L-C RSD meetings have also been attended by President Clendenen and Town Manager Garton. It is Mr. Garton's impression that the developer is willing to pay for additional sanitary sewer infrastructure that would provide for the addition of 120-150 residences. The L-C RSD's to-

date proposal would require the developer to pay for the entire cost of oversizing infrastructure beyond the additional 120-150 residential sewer capacity requested. L-C RSD board member Pulver was in attendance and provided additional clarification at Mr. Garton's request. Mr. Pulver stated that it is his personal opinion, and not a board position, that "Growth should pay for growth." Other options appear to be available to the developer if discussions do not result in meeting-of-the-minds with the L-C RSD.

Mr. Veatch is concerned about potential septic tank negative consequences on the environment for some areas within the town, noted his concern that current sanitary sewer upgrade planning by the L-C RSD will not take care of providing relief for some property owners that have existing septic tanks and asked if Leo-Cedarville could pass an ordinance prohibiting new septic tank installations within the town. Mr. Veatch stated that he believes the town should not allow septic tank installations for new development that may become a problem for the environment in the future. President Clendenen indicated that the town has tried to keep a rural, country flare; large parcels of ground lie within town limits. Because the answer to said question has not been researched and is not known at this time, Mrs. Garton indicated that she will seek information on the topic. Mrs. Garton and President Clendenen clarified that septic tank systems within Leo-Cedarville are currently regulated and approved by the Allen County Board of Health.

- **Water Utility:** On November 8, Mr. Proctor, of Eilbacher Fletcher, LLP and Thomas (Ted) Nitza, Jr. of FAVAC, LLP attended a hearing conducted by the IURC (Indiana Utility Regulatory Commission) regarding Pioneer Water, LLC's rate petition. The IURC reviewed and will take under advisement the town's negotiated rate settlement with Pioneer Water, LLC. Leo-Cedarville and Pioneer Water, LLC are now waiting on the IURC's ruling. A deadline for receipt of said ruling is not known at this time.

**Other Utility Discussion Topics:** President Clendenen, Town Manager Garton and Mr. Garton met with a representative of Wessler Engineering Incorporated to discuss the possibility of Leo-Cedarville providing its own utilities. Wessler Engineering is based in Indianapolis and maintains a branch office in Fort Wayne and other locations within Indiana. President Clendenen noted that an RFP (Request for Proposal) has been requested.

President Clendenen and Mr. Garton met this week with Director Kumar Menon and Deputy Director Matthew Wirtz of Fort Wayne City Utilities in a productive meeting that explored possible opportunities that could bring all utilities within Leo-Cedarville together as one entity. Preliminary discussions involving a wide range of topics including the possibility of forming a relationship with Fort Wayne City Utilities similar to partnerships that have been formed with other communities, e.g., as the partnership between Fort Wayne City Utilities and the town of Zanesville, Indiana. Mr. Richards noted that he is not ruling anything out but has not endorsed or currently supports entering into such a relationship.

- **REPORT of VICE PRESIDENT RICHARDS:** Mr. Richards reported that the East Allen County Schools Transportation Committee continues to receive updated information pertinent to the daily operation of the school district; the committee will meet again on Wednesday, November 13. Mr. Richards reported that the transportation department

frequently dispatches a school bus to transfer students from a bus that is not operating properly and heard discussion of such an event while attending the East Allen County Schools Board meeting of November 5. On a weekly basis, the district's staff members require assistance from the transportation department to meet students' individual needs as well. To that end, safety and security procedures have been implemented to protect students and staff members. The district provides services to a combined total of 18 Amish and parochial schools.

On November 9, Mr. Richards attended a town hall forum at the Hoagland Pavilion that was hosted by 1<sup>st</sup> District Allen County Councilman Kevin Howell. The topic of conversation centered on Indiana's potential adoption of "common core" education standards. Indiana State Senator Dennis Kruse, from District 14, participated in the forum; Senator Kruse currently serves as chairman of the Indiana Senate Education Committee. Mr. Richards returned with materials detailing information pertinent to the state's consideration of adopting national "common core" education standards.

From an historical standpoint, "common core" education standards were developed with the thought of replacing NCLB (No Child Left Behind); Indiana was one of the first states that voted to move forward on the adoption of "common core." However, Indiana is now considering pausing further implementation of "common core," thereby allowing for further review.

**REPORT of the CLERK-TREASURER:** The following items were distributed for council member review and possible action: Miscellaneous appropriation transfer lists, as batched on October 23, November 4 and 7 of 2013; a "Monthly Financial Statement, All Funds, for the Month Ended October 31, 2013—Reconciled"; an "Appropriations Report for the Month Ended October 31, 2013"; and a "Resolution Appropriating Expenditure of Money to the Town General Fund Improvements Account."

- **Gateway Budget Submission:** As noticed by email to council members on October 23, Leo-Cedarville has successfully submitted all budget forms for 2014 through the "Indiana Gateway for Government Units" website. The submission included General Fund Form 1 modifications as adopted by Council on October 22, 2013.
- **Gateway Debt Management Reporting:** Due to the receipt of an unrestricted donation of \$10,000 from the Leo-Cedarville Foundation that was applied against the town's existing iAB loan on October 21, 2013, an updated amortization schedule is required and will be submitted upon the receipt of a new iAB loan amortization schedule; an updated amortization schedule has been requested.
- **Grant Reimbursement:** On October 28, an approved grant reimbursement claim of \$44,100 was deposited in the Riverside Gardens' Construction Fund.
- **Appropriation Resolution:** A "Resolution Appropriating Expenditure of Money to the Town General Fund Improvements Account" was introduced and discussed.

- **Action:** Mr. Veatch moved to adopt the resolution; Mr. Steffens provided a second to the motion, which passed by a unanimous voice vote and was assigned Resolution No. 2013-10. The resolution was signed by all council members present.

**VOUCHERS APPROVED BY COUNCIL SIGNATURES:**

- November 12, 2013 line-item form totaling \$148,289.03.

**Summary:** The total amount of all vouchers approved by Council was \$148,289.03.

**Regular Session:** Council will meet in regular session at 7:00 PM at the Town Hall of Leo-Cedarville on November 26 and December 10, 2013.

**ADJORNMENT:** Without objection, as there was no further business to come before Council, President Clendenen adjourned the meeting.

**APPROVE:**

**ATTEST:**

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**JOHN CLENDENEN, Council President**

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**JOHN EASTES, Clerk-Treasurer**