

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
DECEMBER 10, 2013**

The town council of Leo-Cedarville met in regular session on December 10, 2013 at 7:00 p.m. at the Town Hall of Leo-Cedarville, located at 13909 Pony Express Run, Leo, IN 46765.

**ATTENDANCE:** In attendance were John Clendenen, president; Paul Steffens, Ted Garton and Kevin Veatch, council members; Peggy Garton, town manager; and John Eastes, clerk-treasurer. Vice President Tim Richards was unable to attend today's council meeting.

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

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

**MINUTES:** Without objection, council members approved the minutes of November 26, 2013 as distributed.

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

- **Street Improvement 2013 Change Order:** An adjustment of API Construction Corporation's "As-Bid Quantities" to "As-Built Quantities" for the 2013 street improvement project resulted in a decrease of \$5,088.76 and a new contract price of \$149,857.97. "Change Order No. 1 (Final)" was prepared by Schnelker Engineering, Inc. and signed by council members.
- **Storm Sewer Improvement 2013 Change Order:** An adjustment of API Construction Corporation's "As-Bid Quantities" to "As-Built Quantities" for the 2013 storm sewer improvement project in downtown Leo resulted in a decrease of \$4,019.00. Additional items of construction resulted in an increase of \$5,269.74 and a new contract price of \$220,378.74. The contract's net change increased by \$1,250.74. "Change Order No. 1 (Final)" was prepared by Schnelker Engineering, Inc. and signed by council members.
- **Acreage 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. On November 12, 2013, Council reached consensus to seek an appraisal on the properties with the thought of potentially expanding the municipal footprint in the area by joining said parcels to ground currently owned by Leo-Cedarville. The aforementioned two (2) appraisals have been copied to council members and to the property owners. Owners' of said parcels have communicated a revised "asking price" for the above-noted parcels that currently exceeds the appraisals, as noted herein. Council members continue to express an interest in purchasing the parcels and will review the matter further during the first meeting in January 2014.

- **Adoption of Comprehensive Plan:** An updated comprehensive plan draft went before the Board of Planning (Plan Commission) for certification at a public hearing that occurred 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 was published in newspapers and followed by a press release. Copies of the comprehensive plan adoption draft have been available for viewing in the town hall and on line at <http://www.communitycollaborative.com>; the Board of Planning has chosen to recommend the above-noted draft to Council for adoption by the Town of Leo-Cedarville.

Mrs. Garton introduced Jackie Turner, Project Director with RATIO Architects, Inc. (hereinafter referred to as RATIO), and followed with a brief synopsis of outreach activities and events that ultimately culminated in the Board of Planning's recommendation, with copies of supporting documentation provided to council members. Ms. Turner reviewed the comprehensive plan adoption process, as required by Indiana statute, and asked Council to adopt the new plan as recommended by the Board of Planning.

- **Town of Leo- Cedarville Comprehensive Plan Resolution:** "A resolution of the Town of Leo-Cedarville, Indiana Common Council adopting the 2013 Town of Leo- Cedarville, Indiana Comprehensive Plan as a replacement of the 1998 Town of Leo-Cedarville, Indiana Comprehensive Plan" was read in its entirety by President Clendenen and followed by a question-answer period and discussion. Mr. Veatch sought clarification regarding growth projections that had been contained in an earlier draft; Ms. Turner and Mrs. Garton noted that future population growth projections have been removed from the plan. By consensus, clerical errors in the resolution draft, as noted by Mr. Eastes and President Clendenen, were corrected.
  - **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. 2013-12. The resolution was signed by all council members present.

As the town moves forward in implementing steps within the new plan, RATIO will continue its support by providing additional assistance and technical expertise on an as-needed basis. Ms. Turner noted that the plan is a living-breathing document and may be modified as needed. If items under current discussion result in events that affect the plan, a rewrite of any element within the plan may occur at any time. In effect, the plan is designed to and should communicate Leo-Cedarville's vision for the future. Colored copies of the adopted plan will be produced and provided to Council and Board of Planning members, with additional copies on file in the town hall.

Ms. Turner thanked the town on behalf of RATIO and the firm's two associates that assisted in developing the new plan. Mrs. Garton thanked Ms. Turner for the body of work provided and noted that a positive, professional relationship with RATIO's staff and support associates exists as result working through the process of drafting a new comprehensive plan for the town of Leo-Cedarville. President Clendenen thanked Ms. Turner, the steering committee, Mrs. Garton and council members for the cooperative effort and work put forth by the

aforementioned to develop the new plan. In the first part of 2014, President Clendenen anticipates that Council will put in motion steps within the plan that are achievable and to also work on a capital improvement plan to help identify resources to pay for items called for within the adopted comprehensive plan. Council decisions in 2014 regarding the direction of public utilities within the town of Leo-Cedarville are anticipated to occur as well.

- **Riverside Gardens' Construction Project Update:** Construction meetings with associates from Martin Riley Architects and W. A. Sheets and Sons, Inc. are conducted on a biweekly basis. A punch-out list was reviewed that includes projected well completion, delivery of sand for volleyball courts, delivery of boulders for the splash creek, construction of planters, redesign of the sump pump area, and installation of picnic tables, with finishing touches to occur during the spring of 2014. A final Riverside Gardens' walk-through by the DNR (Department of Natural Resources) is expected to occur next week, as part of the grant process awarded to Leo-Cedarville.
- **Parks' Projects and Activities:** On Thursday, December 12, Cedarville Park will play host to Santa Claus from 5-7 p.m.

Allen County YMCA representatives met with the Leo-Cedarville Park Board on December 9. Beginning in 2014, the park board has partnered with the YMCA to bring non-competing programs to the community that complements the work of other service organizations. Initial activities will include a week-long sports' camp, a chefs' camp and art camp. The park board also plans to facilitate a roundtable discussion with other organizations to see if they are able to partner with the park board and YMCA to provide additional services.

- **Fall Leaf Pickup Schedule:** The Leo-Cedarville October-December leaf-vacuum pickup season has concluded with over 80 loads of leaves having been collected.
- **Christmas Tree Recycling:** Beginning December 26 and concluding on January 10, 2014, Christmas trees may be recycled during posted hours across from Riverside Gardens' Park on Schwartz Road.
- **Northeast Allen County Fire & EMS:** Leo-Cedarville's emergency service provider has requested placement on an agenda in January to discuss the department's planning for 2014 as it might coincide with or impact Council's plans for 2014. Mrs. Garton will hold a meeting with leadership from the department to help facilitate and organize topics of joint interest that the department may choose to present before Council.

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

- **Park Board Member Recommendation:** President Clendenen brought forward by recommendation Leo-Cedarville resident Dirk Schmidt's name to be appointed to a four-year term as a member of the Leo-Cedarville Park Board. President Clendenen reviewed Mr. Schmidt's background, education and current employment status. President Clendenen asked for council members' blessing to make said appointment, and no objection was received; the

power to make this appointment lies within the duties of the office of president. A letter of appointment will be drafted by Mrs. Garton and sent to Mr. Schmidt requesting his acceptance to become a member of said board, effective January 1, 2014. In 2014, the park board will be tasked with drafting an update to their master plan as well. President Clendenen continues to look for additional local residents as candidates for appointment to the park board.

- **Storm Water Board Member Recommendation:** President Clendenen brought forward by recommendation Leo-Cedarville resident Preston Short's name to be appointed to a four-year term as a member of the Leo-Cedarville Stormwater Board. President Clendenen reviewed Mr. Short's background, education and current employment status. President Clendenen asked for council members' blessing to make said appointment, and no objection was received; the power to make this appointment lies within the duties of the office of president. A letter of appointment will be drafted by Mrs. Garton and sent to Mr. Short requesting his acceptance to become a member of said board, effective January 1, 2014.

In response to Mr. Veatch's question regarding the town's efforts to seek qualified candidates for board appointment, vacancies on boards are advertised on the town sign in Cedarville Park and town website (<http://www.leocedarville.com/>) as well as in our local newspaper.

- **Leo-Cedarville Regional Sewer District:** Ongoing discussions around the topic of gaining additional sanitary sewer capacity for the regional sewer district are occurring between the L-C RSD and the City of Fort Wayne, with an expected formal request to be placed before the City of Fort Wayne by the district in the not-too-far distant future that seeks additional processing capacity.
- **Water Utility:** Mr. Proctor, of Eilbacher Fletcher, LLP, has not received information regarding an anticipated ruling by the IURC (Indiana Utility Regulatory Commission) regarding Pioneer Water, LLC's rate petition. At this writing, Mr. Proctor does not expect to receive information pertaining to a ruling on the rate petition until 2014.
- **Other Utility Discussion Topics:** Council members were given a review copy of a "Utility Feasibility Study Proposal for Professional Services" by Wesler Engineering Incorporated, with discussion planned to occur during Council's first meeting in January of 2014. Wesler Engineering is based in Indianapolis and maintains a branch office in Fort Wayne and other locations within Indiana. Representatives from Wesler Engineering were met at the October 2013 IACT (Indiana Association of Cities and Towns) conference that was held in Indianapolis. Wesler Engineering has been identified as a firm with technical expertise and capacity to assist Council as it continues discussions regarding the possibility of Leo-Cedarville providing its own utilities. The above-noted proposal is based upon topics of conversation as discussed over the past couple of months before Council and is designed to provide engineering input that would be considered as part of Council's decision-making process. The firm proposes looking at the town's existing utilities, set benchmarks and consider options that are available to Leo-Cedarville. Fort Wayne City Utilities has experience in working with Wesler Engineering, and the City of New Haven is currently working with Wesler Engineering on a similar process as proposed to Leo-Cedarville.

**REPORT of the CLERK-TREASURER:** The following items were distributed for council member review and possible action: Miscellaneous appropriation transfer lists, as batched on December 2 (Batches 1 and 2), 6 and 9 (Batches 1 and 2) of 2013; a “Monthly Financial Statement, All Funds, for the Month Ended November 30, 2013—Reconciled”; and an “Appropriations Report for the Month Ended November 30, 2013.”

A \$32,349.40 check was received from the Auditor of State and deposited into the “Riverside Gardens Construction Fund” on December 4, 2013 for claims submitted on the Land and Water Conservation Fund Grant for Riverside Gardens Park, Grant Number 18-00577. Funds received to date from the above-noted grant total \$112,855.01; \$86,694.99 of reimbursement matching grant funds remain available for the construction project. As of this date, the “Riverside Gardens Construction Fund” has \$190,713.87 in cash that is appropriated and available for the Riverside Gardens’ construction project.

An appropriately signed copy of the Allen County Highway Department “Interlocal Agreement for Miscellaneous Services and Materials between Allen County and Town of Leo-Cedarville” has been received. The above-noted interlocal agreement was adopted by Council on October 22 and recorded on December 3, 2013, extending the current interlocal agreement with the Allen County Highway Department for an additional two (2) years, with the agreement to expire on December 31, 2015.

A resolution will be prepared for Council’s December 23, 2013 meeting to properly balance year-end appropriation accounts, as noted below.

**VOUCHERS APPROVED BY COUNCIL SIGNATURES:**

- December 10, 2013 line-item form totaling \$71,501.99.

**Summary:** The total amount of all vouchers approved by Council was \$71,501.99.

**Regular Session:** Council has canceled the last regularly scheduled council meeting for 2013; a special session has been scheduled to occur at 6:00 p.m. on December 23, 2013 for the approval of vouchers and the possible transfer of 2013 fund appropriations from and to major budget classifications within various funds. Council’s first regularly scheduled meeting of 2014 is to occur on January 14.

**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**