

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
FEBRUARY 25, 2014**

The town council of Leo-Cedarville met in regular session at 7:00 p.m. on February 25, 2014 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: Mr. Veatch moved to accept the agenda and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote.

MINUTES: Without objection, council members approved the executive session minutes as distributed and regular session minutes of February 11, 2014 as corrected.

GUEST: Mr. Ray Pulver was in attendance to request and discuss the following information:

- The contract fee to initially employ the services of FAVAC, LLP (Intelligent Analytical Solutions) to assist the town in placing a value on Pioneer Water, LLC and to assist the town regarding its “Petition to Intervene” that was filed on behalf of the town in the matter that went before the IURC (Indiana Utility Regulatory Commission) in Pioneer Water, LLC’s rate case was \$4,800.00. [In 2013, FAVAC, LLP was paid an additional \$1,100.00 in consulting fees for services performed during the above-noted rate-case hearing that were outside the scope of the original contract.]
- The contract fee to employ the services of Wesler Engineering to provide a utility feasibility study designed to provide Council with technical expertise pertaining to the possibility of Leo-Cedarville providing its own utilities is \$5,000.00. [To date, no contract payment has been made.]

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

- **2014 Road Improvements:** Mrs. Garton provided Council with and reviewed a copy of Mr. Lauer’s February 21, 2014 letter pertaining to potential “Street Improvements—2014.” The letter provided costs, as estimated in 2013, and recommend that all streets be checked for “spot repair, crack sealing and/or resurfacing due to the damage caused by winter weather.” Mrs. Garton wants to prepare for bidding said work as soon as possible.
- **Trail Along State Road 1:** Mr. Lauer’s above-noted letter states that plans have been completed for a north-bound trail that would begin at Cedarville Park. Mr. Lauer is to bring

a preliminary design of the trail for presentation at the March 25, 2014 council meeting. Clarification of a potential trail, as noted herein, will be forthcoming at a future meeting.

- **Officer Litzenberg:** Allen County Sheriff's Department Officer Litzenberg would like to meet with one or two members of council to discuss the topic of providing additional police officer protection for Leo-Cedarville.
- **ADA Transition Plan:** An update regarding the "Town of Leo-Cedarville ADA Transition Plan" (American Disabilities Act) and "Funding Schedule" was discussed.
 - **Action:** Mr. Steffens moved that Leo-Cedarville advertise a "Town of Leo-Cedarville ADA Transition Plan" with no less than \$2,500.00 annually to be expended to repair, modify, or construct sidewalks in compliance with ADA regulations and standards. Mr. Garton provided a second to the motion, which passed by a unanimous voice vote.
- **Comprehensive Plan Update:** Chapter 10's implementation of recommendations contained within the "Town of Leo- Cedarville, Indiana Comprehensive Plan," as adopted on December 10, 2013, was reviewed and discussed. Mrs. Garton provided an update on two developers that are currently interested in subdivision development within Leo-Cedarville. Concern regarding current capacity for utility services as well as the expansion of said services' capacity was discussed and noted.
- **Annexation:** Mrs. Garton introduced the topic and recommended an area contiguous property be considered for future annexation.
- **Riverside Gardens' Construction Project Update:** Completion of construction work for the Riverside Gardens' improvement project remains dependent upon the weather. A "2014 Leo-Cedarville Tentative Park's Department Schedule" was provided to council members. A May 27, 2014 ribbon-cutting ceremony is planned and will involve children from our local schools.
- **Freedom Festival:** A Leo-Cedarville Foundation press release announcing this year's July 3-4, 2014 Freedom Festival has been sent to media sources.
 - **Action:** Mr. Garton moved that Leo-Cedarville contribute \$4,500.00 to the Leo-Cedarville Foundation in support of the 2014 Freedom Festival. Mr. Veatch provided a second to the motion, which passed by a majority voice vote. Mr. Clendenen and Mr. Richards abstained from voting on the appropriation expenditure.
- **Garbage Service:** Due to legislation currently under consideration by the state legislature, Mrs. Garton recommended that the town enter into a one-year extension of the current garbage service contract, which is set to expire June 1, 2014, rather than requesting RFPs (Request for Proposal) and entering into a straight-bid contract process at this time. Consensus was reached to have the town's current service provider, National Serv-All, submit a one-year contract for review by Mr. Proctor.

- **Town Truck:** A brief overview of repairs due to salt damage on the town's current dump truck, which has accumulated 105,889 miles, was provided. Mr. Garton shared information regarding Fort Wayne's financing and replacement procedures for vehicles within its fleet of trucks.

An Indiana Municipal Management Association February 4, 2014 email detailing Indiana's "House/Senate floor calendar" was distributed for Council's review. Council also received information on an IACT (Indiana Association of Cities and Towns) "Maximizing the Quality of Life in Your Community" workshop to be held in Carmel on March 18, 2014.

COUNCILMAN RICHARDS: Mr. Richards attended the EACS' (East Allen County Schools) board meeting of February 18 and reported on an EACS' plan/program that would give students and school employees' options in the event an armed intruder entered a school facility. The plan, known as ALICE (alert, lockdown, inform, counter and evacuate), is an acronym representing alternative ways to respond during a crisis, rather than choosing to only "shelter in place."

With an emphasis on "safe passage to schools," Mr. Richards brought attention to the town's current sidewalk ordinance that specifically requires snow removal by property owners. Council members discussed removal of snow from around fire hydrants and bus stops, along with a desire to improve community safety as it considers the possibility of snow falls that may develop in the future. Mrs. Garton provided an overview of maintenance procedures that have been employed throughout the current snow removal season.

COUNCILMAN GARTON: Mr. Garton plans to meet with representatives of Northeast Allen County Fire & EMS and the Allen County Sheriff's Department to explore topics of mutual interest at 10:00 a.m. on Saturday, March 1, 2014.

COUNCILMAN VEATCH: Mr. Veatch plans to meet with Mr. Proctor to discuss revisions to the current draft "Resolution Opposing 'Nationalized' Common Core Standards" within the state of Indiana, as prepared and introduced by Mr. Veatch on January 14, 2014.

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

- **Town Attorney:** Mr. Proctor, of Eilbacher Fletcher, LLP, came before Council and provided updates specific to the following: Offers to purchase adjoining parcels of property along Schwartz Road; property compliance and environmental issues that may exist on a specific property within the town; an updated draft of a "New Haven City Court and Town of Leo-Cedarville, Indiana Interlocal Agreement"; and an "Executive Order of the President of the Leo-Cedarville Town Council Appointing Members to the Leo-Cedarville Stormwater Board."
- **Action:** Mr. Veatch moved to authorize Council President Clendenen to enter into an interlocal agreement by and between the Town of Leo-Cedarville and the New Haven City Court, subject to acceptance of Mr. Proctor's current revisions to the original draft. Mr. Richards provided a second to the motion, which passed by a unanimous voice vote.

- **Action:** Mr. Veatch moved to accept the “Executive Order of the President of the Leo-Cedarville Town Council Appointing Members to the Leo-Cedarville Stormwater Board” as prepared by Mr. Proctor. Mr. Garton provided a second to the motion, which passed by a unanimous voice vote. President Clendenen signed the executive order appointing Gary Queckboerner to a one-year term, John P. Abel to a two-year term, and Preston Short to a three-year term.
- **Purchase of Acreage within Leo-Cedarville:** Mr. Proctor reported that sellers have accepted Council’s offers to purchase two (2) adjoining parcels of property that contain an approximate total of 4.51 acres of bare ground that lie along the east side of Schwartz Road. Mr. Proctor will order survey and title work for the properties, hereinafter identified as “1.95 Acres +/- Tracts of Grabill Road and East of Schwartz Road” and “2.56 Acres +/- Tracts of Grabill Road and East of Schwartz Road.”
- **Wesler Engineering Utility Feasibility Study Contract:** Mr. Proctor referenced desired modifications to the original contract draft as prepared by Wesler Engineering. Council reached consensus to accept a Wesler Engineering \$2,000,000.00 limit of liability specific to this contract only. President Clendenen will sign the contract once revisions have been approved by Mr. Proctor. Council will revisit the question of a limit to Wesler Engineering liability on any future contract that may occur.
- **Water Utility:** Council members were provided with a preliminary, but not final, “Appraisal Report of Pioneer Water, LLC for the Town of Leo-Cedarville,” as prepared by FAVAC, LLP (Intelligent Analytical Solutions). A completion of the utility valuation process is anticipated in a timely manner.
- **Leo-Cedarville Regional Sewer District:** At the L-C RSD’s (Leo-Cedarville Regional Sewer District) meeting of February 20, the L-C RSD board voted unanimously to provide preliminary allocation approval to Granite Ridge Builders for sanitary sewer capacity for lots that would lie within the town of Leo-Cedarville, contingent upon the L-C RSD being able to finalize an acceptable contract with Fort Wayne City Utilities. While attending said meeting with Mrs. Garton, President Clendenen shared that the town has contracted the services of Wesler Engineering to provide guidance regarding the possibility of Leo-Cedarville providing its own utilities. The sanitary sewer district indicated that it will provide paperwork as requested.

REPORT of the CLERK-TREASURER: The following items were distributed for council member review and possible action: A miscellaneous appropriation transfer list, as batched on February 20, 2014; a “Monthly Financial Statement, All Funds, for the Month Ended January 31, 2014—Reconciled”; an “Appropriations Report for the Month Ended January 31, 2014”; a “2014 Budget Order” from the Department of Local Government Finance; a “State Board of Accounts Annual Report,” as filed on Gateway February 12 and advertised on February 20, 2014 with Fort Wayne Newspapers; a December 23, 2013 Legislative Services Agency Memorandum regarding the possible impact of elimination of personal property assessments; and Town of Leo-Cedarville “2013 Estimated Personal Property Tax,” as prepared by the Allen County Auditor’s Office.

- **Estimated Change in 2015 Circuit Breaker Losses:** Based upon information as provided by the Legislative Services Agency, an estimated tax revenue reduction of \$10,276.00 may result for Leo-Cedarville if personal property assessments are eliminated totally by the state legislature. If there is 30% floor elimination in personal property assessments, tax revenue is estimated to decline by \$1,465.00.

The 2013 year-end rollover of accounts has occurred, as evidenced by the above-noted 2014 financial statements; January 2014 sales tax has been deposited and monthly report filed, as of February 19, 2014; the capital assets' register has been updated through December 31, 2013; and seven 2014 budget appropriations have been redistributed, as evidenced by the above-noted miscellaneous appropriation transfer list.

VOUCHERS APPROVED BY COUNCIL SIGNATURES:

- February 25, 2014 line-item form totaling \$56,089.98.

Summary: The total amount of all vouchers approved by Council was \$56,089.98.

Regular Session: Council will meet in regular session at 7:00 p.m. at the Town Hall of Leo-Cedarville on March 11 and 25, 2014.

ADJORNMENT: Mr. Richards moved to adjourn the meeting and Mr. Veatch provided a second to the motion, which passed by unanimous voice vote.

APPROVE:

ATTEST:

JOHN CLENDENEN, Council President

JOHN EASTES, Clerk-Treasurer