

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
MARCH 10, 2015**

The town council of Leo-Cedarville met in regular session at 7:00 p.m. on March 10, 2015 at the Town Hall of Leo-Cedarville, located at 13909 Pony Express Run, Leo, IN 46765.

ATTENDANCE: In attendance were Kevin Veatch, president; council members Paul Steffens, Greg Peck and Raymond Pulver, Jr.; Peggy Garton, town manager; and John Eastes, clerk-treasurer. At 7:01 p.m., Vice President Tim Richards joined the meeting in progress.

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

AGENDA: Upon reaching consensus, Council accepted the agenda as distributed with flexibility.

MINUTES: Council did not approve the regular session minutes of February 24, 2015 as distributed and chose not to introduce a written amendment to the aforementioned minutes. Mr. Eastes indicated that he was unwilling to write a summary of the minutes’ draft for Council’s consideration as an amendment.

- **(Action:** President Veatch indicated that he was not willing to sign the minutes and moved not to approve the February 24, 2015 minutes as drafted. Following Mr. Peck’s second to the motion, discussion occurred as is noted in the paragraphs that follow. The motion passed by a majority voice vote as follows: Mr. Veatch, Mr. Steffens and Mr. Peck voted in support of the motion; Mr. Richards abstained; and Mr. Pulver voted not to support the motion.)

President Veatch indicated that he had some issues with the minutes as prepared. Mr. Veatch stated that state statute requires that the minutes record at a minimum, those in attendance, topics discussed and action taken. He went on to state that any Council can legally go beyond that and offer more detail, but 15 paragraphs on a web site discussion in comparison to having only one paragraph on the State Road 1 curve safety issue would misrepresent to the community where our priorities are, and they certainly do not reflect his priorities, which he stated as the safety concern at the State Road 1 curve, traffic issues at Leo elementary and High School and the community master plan. Mr. Veatch concluded that for a topic where no action was taken there was too much detail in the minutes.

Mr. Pulver stated that the majority of the meeting two weeks ago involved a very good, in-depth, thorough discussion pertaining to the town’s website. However, Council was still waiting to receive information back from the state [INDOT], which may take two weeks before INDOT’s response is received, that the town’s attorney and engineer were not present, and that the State Road 1 curve is also a huge priority for him as well. Mr. Pulver’s view is that the reason discussion had been limited regarding the State Road 1 curve is because Council is waiting to receive further legal and engineering advice before moving forward.

Mr. Peck viewed the town's website discussion as general and not as in-depth as reflected in the minutes; Mr. Peck perceived that Council was simply discussing action that may be needed in the future. Mr. Peck noted that Council had not arrived at any decision regarding the town's website or whether the town manager may need additional assistance that pertains to the town's website. Mr. Peck commented that the reason Mr. Proctor or Mr. Lauer were not at the last meeting is because the town had not heard back from the state [INDOT] and therefore there was no need for them to have been in attendance. Mr. Peck also referenced that the minutes did not cover much on the extensive work that had gone into the preparation of the residential town-wide garbage service contract that was to be let for bid. Mr. Peck concluded by stating that he thinks we need to take a couple of steps back and think about what we are doing.

Mr. Richards noted that he had not been in attendance at the last meeting and could not speak to the minutes draft under discussion. Mr. Richards shared that there had been a time when town council minutes had been fairly lengthy and that he had received feedback from neighbors and citizens that had found them difficult to follow because of their length and the way they are printed in the Courier. Mr. Richards' personal opinion is that Council should make sure that the minutes cover topics discussed and that those points that Council may want to emphasize be part of the record, thus communicating the spirit of conversation held. Mr. Peck added that anyone could contact Mrs. Garton and get a copy of the minutes.

After the above-noted vote had occurred, Mr. Pulver indicated that he was disappointed in the aforementioned vote and read the following into the record:

“The town council meeting minutes are intended to be a historical document that anyone can read in the future and get a very [good] understanding and perspective of the topics discussed.

“That includes how in depth the conversation went, the spirit of the debate, arguments made, and where each council person stands on the topic. Some meeting minutes will be long and some will be short.

“The minutes should not be cliff notes, nor should they be sanitized. This would be doing the residents a huge disfavor. We all should realize the minutes are not written for the town council or town manager.

“The minutes are written for the public. We need to leave it to their discretion whether or not they read them.

“We hold the council and the town to a very high standard, and I am glad we do so.”

GUEST PRESENTATIONS or PUBLIC COMMENT: Public comment was received from Ms. Jane King, Mr. R. W. Burgess and Mr. David Baker.

TOWN ENGINEER: Mr. Lauer, of Schnelker Engineering, Inc., met with Council to discuss 2015 road improvements, trail planning and storm sewer work.

- **Trail Planning:** Mr. Lauer reviewed the following two options for creating a trail that would extend to Cedarville Park.
 - Option “A,” as proposed, would create a ten-foot wide trail from Cedarville Park to Amstutz Road. With an estimated trail length of 5,230 feet, this option produces an estimated construction cost of \$507,000.
 - Option “B,” as proposed, would create a ten-foot wide trail from Cedarville Park to Amstutz Road. With an estimated trail length of 4,200 feet, this option produces an estimated construction cost of \$770,000.

Option “A” would require the purchase of one easement and Option “B” would require the purchase of six easements. Option “B” would also require the town to meet INDOT construction standards. Any cost to acquire an easement or easements is not included in the above-noted estimates.

Mr. Veatch indicated that a capital improvement plan needs to be developed and soft costs estimated specific to each section that may be constructed. Completion of a large public works’ project of this nature would likely require more than one year and would necessitate projected annual funding requirements.

Clarification was provided as to why trails are designed to be a minimum width of ten feet.

- **2015 Road Improvements:** A review of some roads and streets identified for consideration as part of a public works’ project to be known as “Street Improvements—2015” was discussed.

Storm sewer work is planned for Key Court and Broad Axe Trail, and a new storm sewer is planned for the Cedarville Park Area. This work will be done in sections by the Leo-Cedarville Storm Water Utility.

Different portions of Pony Express Run have been identified for slab replacement/repair, and Markham Court will be reviewed for possible slab replacement/repair as well. Pony Express Run work will be inconvenient for motorists over the course of approximately one month, as time will be required to allow concrete work to cure. ADA ramps will also be included in this year’s public works’ project, with a concentration on finishing Lions Gate.

It is anticipated that Hosler, Amstutz and Gerig Roads will be receiving additional traffic flow during the repaving of State Road 1 that is on INDOT’s calendar and scheduled to occur in 2016.

Three Rivers Barricade will be contacted to do piano-key road striping on Grabill and Schwartz Roads at Riverside Gardens; other areas in Leo-Cedarville will also be identified for road striping.

The above-noted work should be included as part of this year’s street improvements and is expected to be let for bid in May.

COUNCIL MEMBERS' CURRENT BUSINESS:

- **Utilities:** No update was provided.
- **Leo-Cedarville Comprehensive Master Plan Implementation:** Mr. Lauer, of Schnelker Engineering, Inc., and Mrs. Garton will continue to meet to assign a “soft cost” to items contained within each section of the town’s “Envision” master plan. Mr. Veatch emphasized that meaningful discussion and decision-making cannot occur until “soft cost” estimates are known.

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

- **State Road 1 Curve at Cedarville Park:** An update of information received and action taken was discussed.

Ms. Jane King, a homeowner for the past eleven years that resides at an address on Main Street, spoke of the many accidents that have occurred on State Road 1 at the curve located at Cedarville Park, as they have significantly impacted her family’s life. By way of example, within two weeks after Ms. King’s family had taken up residency, an F-250 pickup truck crashed onto the front porch of her home; the bumper of this truck rest just 12 inches from her sleeping five-year old child. This crash, which occurred in the early morning hours of that fateful day, was the first of multiple crashes that Ms. King’s family has endured. Ms. King, a mother with three children, expressed concern for her family’s safety and implored Council to support having a barrier constructed that would prevent vehicles and large trucks from crashing onto her property and into her residence. Four months after the most recent crash that has impacted her residence, Ms. King and her family are living in an apartment and still not able to move back into their home.

Mrs. Garton and Mr. Lauer have met with Ms. King and officials of INDOT (Indiana Department of Transportation) and reported information ascertained back to Council. Two officials from INDOT attended a recent town council meeting in an unofficial capacity and participated in discussion specific to improving safety at the above-noted location as well. Upon collaborating with INDOT, Mr. Lauer and Mrs. Garton have put forth the idea of creating an earthen berm to improve safety. As discussed previously, this would require the town to close two streets: Main and Saint Joseph. To date, INDOT personnel have unofficially spoken of a need for more reflective signage on State Road 1, as a noted gap in signage exists at this time. INDOT personnel believe that closing Main and Saint Joseph Streets along with the installation of additional reflective signage in the area of the curve will improve safety for the homeowner and motorists as they enter the curve. The town’s attorney, Mr. Proctor, of Eilbacher Fletcher, LLP, has also written a letter to INDOT’s attorney, Mr. Mark Hawkins, urging immediate action to improve safety at the curve. Council has requested that visuals be prepared by INDOT to aid in the decision-making process. INDOT has communicated that they intend to have something back to Council as well as a response to Mr. Proctor’s letter within the next two to three weeks. The town currently awaits INDOT’s response, as the curve is under their jurisdiction.

Mr. Veatch indicated that Adam Widener, a reporter for Channel 15 television, is following the above-noted issue and that Mr. Widener had recently interviewed Mr. Veatch on Thursday, March 5, specific to the town's ongoing concerns and actions taken that may lead to improving safety at the above-noted location. Mr. Widener has contacted INDOT and gotten some responses from them and also contacted our town attorney and town manager. Channel 15 is following the story and is expected to air a clip at 5 p.m. and 6 p.m. on Thursday, March 12 that is germane to the discussion at hand.

Sixteen of the most recent 18 crashes were worked by the Allen County Sheriff's Department yielding the following findings: Nine crashes involved people from the immediate area (Four of the nine drivers were under the age of 19.), and seven crashes involved people not from the immediate area. The majority of crashes involved only one vehicle. One crash involved a motorcycle and two crashes were alcohol related.

Mr. Peck indicated that he had reached out to Chief Troy Hershberger in the Traffic Division (Allen County Sheriff's Department Chief of Operations). Chief Hershberger and Mr. Peck ran all of the accidents that have occurred at the curve over the past four to five years and believe this produced information that may help solve the problem. Chief Hershberger also provided Mr. Peck with a contact in the national safety sector of highways with whom he would like Mr. Peck to speak. Chief Hershberger and Mr. Peck believe that a lot of the accidents were due to driver inattention and that rumble strips and additional electric, blinking signage will help improve and may solve the safety problem issue. Chief Hershberger and Mr. Peck discussed rumble strips similar to those on State Road 33 near Churubusco. The aforementioned rumble strip installation is designed significantly different than those typically encountered. From a police and emergency services provider standpoint, Chief Hershberger and Mr. Peck believe closing Main and Saint Joseph Streets would create another safety concern, as traffic would be diverted down some very tight side streets. Mr. Peck stressed to Ms. King that everyone on Council has been talking about and concerned with improving safety at the curve.

Mr. Veatch assured Ms. King that Council intends to keep pressure on INDOT to help improve safety at the curve on State Road 1 at Cedarville Park.

- **EACS (East Allen County Schools) Traffic Flow and Traffic Control Officer:** Mrs. Garton, Mr. Veatch and Mr. Pulver met with personnel from EACS recently as a follow-up specific to suggestions that had been made to improve safety and reduce traffic congestion at Leo High School. Emphasis on moving traffic onto school campus and off the highway was discussed at length. Mrs. Garton, Mr. Veatch and Mr. Pulver expressed that town leadership is motivated to help EACS improve safety at Leo High School. To that end, and as a good-faith effort, Mrs. Garton will attempt to source possible candidates that would be willing to fulfill the role of traffic control officer for the balance of the current academic school year. Mr. Pulver intends to provide names of retired police officers that may be willing to assist in providing this service. The cost for the town to provide this service will need to be estimated as well. EACS was challenged to implement a solution that will improve safety and reduce traffic congestion at Leo High School by the start of the next school year.

- **New Dump Truck:** The town's 2015 Ford F-550 has been delivered to W.A. Jones for fitting of hardware and equipment that are part of the purchase price.
- **Park Board Master Plan Information:** The new five-year master plan final draft will be available for public inspection at the Town Hall of Leo-Cedarville from March 23 through April 4, 2015. A hearing to receive public comment is scheduled to be held on April 6, 2015 and thereafter is scheduled to go before the Leo-Cedarville Park Board for its approval and adoption at its regular monthly meeting.
- **Zoning Ordinance Violations' Update:** Two ongoing zoning ordinance violations are in process; a fine has been collected on one property.
- **Town Website:** The following information has been provided to the webmaster, Detailed Web Design, for inclusion on the town's website: Two years of park board, storm water board, board of zoning appeals and plan commission minutes; two years of budget and financial information; and many years of town council minutes.

The newest publication of ordinances and resolutions that were digitized by Sunshine Publishing will be loaded and replace prior published information that heretofore had been placed in different areas throughout the website. Other areas of the website are being updated including, e.g., park rental information.

Mrs. Garton indicated that she has done everything that she can from her end and that the webmaster is working diligently to have all requested updates completed before the next council meeting that is scheduled to occur on March 24.

A request has been received to place a link on the town's website to a nonprofit recycling resource, Wheels for Wishes. Mr. Veatch would like to view the town's website after the above-noted revisions have been completed before taking action on this request. Mr. Veatch also believes that Council needs to determine the long-term purpose of the website before allowing the establishment of links to other websites.

Future Business: Garbage contract bids are tentatively scheduled for discussion and possible action on April 14, 2015. To date, three bid packets have been picked up by potential garbage service providers.

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 March 9, 2015; a "Monthly Financial Statement, All Funds, for the Month Ended February 28, 2015—Reconciled"; an "Appropriations Report for the Month Ended February 28, 2015"; two sound system quotes from Sweetwater Sounds; and a 2015 Northeast Allen County Fire and EMS Contract.

February 2015 sales tax has been deposited and the monthly report filed, and all employment taxes for the month ended February 28, 2015 have been deposited with appropriate federal and state governmental agencies.

On Wednesday, March 4, the following two budget information files were created at Mrs. Garton's request: A "2014 Budget Year Compiled for Town Website.pdf" and "2015 Budget Year Compiled for Town Website.pdf." These files are designed to allow citizens to review each of the town's funds as budgeted and include computations as to revenue estimates, cash balance estimates and appropriations based upon those estimates.

Per the request of your clerk-treasurer, Sweetwater Sounds has prepared two preliminary sound system hardware quotes intended as guidance for council members' consideration pertaining to the possibility of providing citizens with Internet access to digital voice recordings of meetings conducted by various Leo-Cedarville boards and town council.

- **2015 Northeast Allen County Fire and EMS Contract:** (**Action:** Mr. Steffens moved to accept a Northeast Allen County Fire and EMS, Inc. "FIRE and EMS Protection Contract" for services rendered beginning on January 1, 2015, with an annual cost of \$44,000.00; Mr. Peck provided a second; and the motion to enter into the contract passed by unanimous voice vote.)

VOUCHERS APPROVED by COUNCIL SIGNATURES:

- March 10, 2015 line-item form totaling \$37,657.33.

Summary: The total amount of all vouchers approved by Council was \$37,657.33.

Regular Session: Council is scheduled to meet in regular session at 7:00 p.m. at the Town Hall of Leo- Cedarville on March 24 and April 7, 2015.

Mr. Richards encouraged council members to pay attention to the lobbying position that IACT (Indiana Association of Cities and Towns) takes on various issues. Mr. Richards does not agree with some of IACT's lobbying positions, e.g., municipal government annexation.

Prior to adjournment, Mr. Mike Baker thanked the town council for listening to the audience.

ADJORNMENT: Mr. Richards moved to adjourn the meeting and Mr. Peck provided a second. A unanimous voice vote in support of the motion was received and the meeting was adjourned.

APPROVE:

ATTEST:

KEVIN VEATCH, Council President

JOHN EASTES, Clerk-Treasurer