

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
MAY 13, 2014**

The town council of Leo-Cedarville met in regular session at 7:00 p.m. on May 13, 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:** By consensus, council members accepted the agenda as distributed.

**MINUTES:** Without objection, council members approved the regular session minutes of April 22, 2014 as distributed.

**TOWN ENGINEER:**

- **2014 Road Improvements:** “Street Improvements—2014” bids will be opened at 10:00 a.m. on May 22, 2014 at the Town Hall of Leo-Cedarville.
- **Trail Planning:** Mr. Lauer, of Schnelker Engineering, Inc., presented a preliminary design for a north-bound trail that would begin at Cedarville Park. Items pertinent to residential parking, potential right-of-way and setback requirements, effect of trees, crosswalks and current construction costs were discussed by Council. Discussion also included the potential cost of curbing versus the purchase of additional right-of-way as well as future infrastructure improvement plans of other governmental entities, e.g., INDOT (Indiana Department of Transportation), along State Road 1. Consensus was reached to have town representatives meet with INDOT regarding preliminary trail design and then follow with a future meeting to discuss the proposed trail location with property owners that may be impacted by construction of said trail. Emphasis on community safety and protection of pedestrians was noted throughout the above-noted preliminary trail planning discussion.

**TOWN ATTORNEY:** Mrs. Garton reported the following on behalf of Mr. Proctor:

- **Leo Tire and Wheel:** Leo Tire and Wheel has been notified that the \$500.00 fine will not be waived but will be suspended as a gesture of the town’s hope that Leo Tire and Wheel can find a way to operate its business in compliance with the terms of its agreement with the town. Council members received a copy of Mr. Proctor’s May 7, 2014 letter to Jack Morris of Benson, Pantello, Morris, James & Logan, LLP regarding Leo Tire and Wheel as well as a copy of a May 13, 2014 email communication from Mr. Proctor to Mrs. Garton germane to the subject at hand.

Mr. Garton voiced his concern regarding suspension of the above-noted fine, because of Leo Tire and Wheel’s past historical compliance issues. In due course, consensus was

reached to support Mr. Proctor's current approach. Monitoring of Leo Tire and Wheel will continue.

- **Nuisance Ordinance Discussion:** Mrs. Garton plans to meet with Mr. Proctor regarding proposed revisions to the town's current nuisance ordinance following the ribbon-cutting ceremony in Riverside Gardens on May 27.
- **Contract with New Haven:** Per this date, the interlocal agreement with the City of New Haven for processing ordinance violations through the New Haven City Court, including violations of local traffic ordinances, is scheduled to be brought for final approval before the governing body of New Haven.

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

- **Wessler Engineering Update:** Council members were presented with a review of a May 12, 2014 email update from Ryan Brauen, of Wessler Engineering Incorporated, detailing items "Completed or In-Process" as well as information recently inserted into the utility feasibility study report process. In that Mr. Dave Jones and Mr. Ray Pulver, trustees for the L-C RSD (Leo-Cedarville Regional Sewer District) were in attendance, President Clendenen thanked the L-C RSD for providing Wessler Engineering with a timely response to Wessler's request for additional information, recognizing that the L-C RSD is currently involved with its own time-consuming, major construction project.

An email containing a work-in-process utility feasibility study draft is expected from Wessler Engineering by Friday, May 16, and will be followed with a hard copy for council members' review.

- **Riverside Gardens' Update:** Completion of construction work for the Riverside Gardens' improvement project is progressing, with final grading, seeding and a small amount of concrete work remaining weather dependent. As a matter of safety, additional padding for the volleyball court area will be installed.

Notices have been sent to participating vendors and contractors as well as state and local dignitaries announcing the grand opening and ribbon-cutting ceremony that has been scheduled to occur at noon on May 27, 2014. Local school children have also been invited to attend the above-noted event. A rain date of May 28 has been set aside if needed.

- **Park Board:** As of its meeting of May 12, the Leo-Cedarville Park Board plans to employ the services of Martin Riley Architects to help the board prepare a new five-year comprehensive master plan.

The YMCA of Fort Wayne will be offering the following fun-filled summer activities at our parks: "Y on the Fly," a sport camp, art camp and chefs' camp.

- **Leo-Cedarville's Annual Freedom Festival** is scheduled to be held on Thursday and Friday, July 3 and 4, at Riverside Gardens' Park. A "Cruise In" and "Freedom Concert" are scheduled for Thursday, July 3, and the annual 5-K Run along with other festival events, live entertainment and fireworks scheduled for Friday, July 4.
- **Officer Litzenberg:** Allen County Sheriff's Department Officer Litzenberg would like to meet with two members of council to discuss the topic of providing additional police officer protection for Leo-Cedarville. President Clendenen wishes to involve the town of Grabill and Officer Litzenberg's command also in the discussion process, as Leo-Cedarville considers possible modifications to the 2015 police protection contract.
- **Letter of Concern:** A May 12, 2014 email detailing a concern by an EACS (East Allen County Schools) district official was distributed to council members for their review.
- **Intern Request:** A request for an internship has been received from a local student that is currently enrolled at Ball State University. The internship would be comprised of 200 hours of hands-on experience under the direct guidance and supervision of Town Manager Garton.
  - **Action:** Upon completion of Council's discussion, Mr. Veatch moved to allow the town manager to proceed with entering into an independent contractor agreement with a Ball State University summer intern student, with contract terms to include 200 service hours for a contract fee of \$1,450.00. Mr. Richards provided a second to the motion, which passed by a unanimous voice vote.
- **Comprehensive Plan Implementation:** The agenda item specific to the "Town of Leo-Cedarville, Indiana Comprehensive Plan," as adopted on December 10, 2013, was not discussed.

**REPORT of the CLERK-TREASURER:** The following items were distributed for council member review and possible action: A "Monthly Financial Statement, All Funds, for the Month Ended April 30, 2014—Reconciled" and an "Appropriations Report for the Month Ended April 30, 2014." In due course, Mr. Eastes highlighted key components of the aforementioned financial statements.

April 2014 sales tax has been deposited and the monthly report filed, and all employment taxes for the month ended April 30, 2014 have been deposited with appropriate federal and state governmental agencies. Also, wire transfers to Fidelity National Title Company, LLC totaling \$51,092.18 occurred on April 23 to allow the town to close on the purchase of two properties on Schwartz Road.

The outstanding balance on an original \$699,709.97, 2.7% loan supported by CEDIT funds, as originated on July 12, 2013 and due to mature on July 12, 2018, was \$579,328.56 as of May 12, 2014. The next monthly payment of \$12,492.52 is due to occur on June 12.

**VOUCHERS APPROVED BY COUNCIL SIGNATURES:**

- May 13, 2014 line-item form totaling \$65,665.43.

**Summary:** The total amount of all vouchers approved by Council was \$65,665.43.

**Regular Session:** Council will meet in regular session at 7:00 p.m. at the Town Hall of Leo-Cedarville on May 27 and June 10, 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:**

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**JOHN CLENDENEN, Council President**

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**JOHN EASTES, Clerk-Treasurer**