

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
JULY 9, 2013**

The town council of Leo-Cedarville met in regular session on July 9, 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: Mr. Veatch moved to accept the agenda with flexibility and Mr. Richards provided a second to the motion, which passed by unanimous voice vote.

MINUTES: Without objection, council approved the minutes of June 25, 2013 as corrected.

REPORT of the TOWN MANAGER: Mrs. Garton presented the following:

- **Comprehensive Plan Update:** RATIO Architects, Inc. has prepared the first draft of the town’s new comprehensive plan. During the month of August, the comprehensive plan steering committee is to review the draft, with the intent of having the plan presented in a public forum no later than sometime in September.
- **Road Projects:** Mr. Lauer, of Schnelker Engineering, has completed plans for bidding the public works’ project known as “Street Improvements—2013.” The bid process will commence upon the return of Mr. Lauer from vacation.
- **Storm Water Plans for Old Downtown Leo:** Bids to repair and install new storm water drainage in the old downtown area of Leo are to be available for the Leo-Cedarville Stormwater Board’s review on July 17. Said bids, as well as the storm water board’s recommendation/action, will be placed on council’s agenda of July 23.
- **Downtown Parking:** Mrs. Garton is reviewing parking issues and concerns within the old downtown area of Leo.
- **Parks Projects and Activities:** Leo-Cedarville’s annual Freedom Festival was deemed successful, as held on Friday and Saturday, June 28 and 29. In addition to hosting the freedom festival, Riverside Gardens’ Park currently sports Friday evening “free concerts” and will play host to a family campout and movie night on August 9 and an art show on September 28. Also on September 28, Cedarville Park will be the site the annual fall festival.
- **Maintenance:** A verbal report pertaining to maintenance throughout the town was provided.

- **Employee Evaluations:** Employee evaluations are scheduled to be completed in a timely fashion to facilitate the salary-wage recommendation process.
- **Lily Pads:** A citizen's concern regarding lily pad growth in the reservoir area was presented. Concerns regarding lily pad growth within the town's waterways are to be referred to the DNR (Department of Natural Resources), as the department has final authority over the waterway in question. The DNR has been contacted regarding the matter and information provided to those residents that have voiced their concern.
- **West Nile Virus Warning:** A news release warning has been issued by the Allen County Health Department stating that West Nile virus has been found in Allen County mosquitoes. The news release states, "The Department of Health no longer routinely sprays when West Nile is detected."
- **Leo-Cedarville Community Garage Sales:** Town-wide garage sales are scheduled to occur September 5, 6 and 7.
- **Unlimited Garbage Pickup:** Unlimited garbage pickup is scheduled to follow town-wide garage sales on September 14.
- **East Allen County Schools:** The Board of School Trustees of the East Allen County Schools has invited the town council and town administrative staff to a July 16 "Meet & Greet Reception for Dr. Kenneth Folks, EACS Superintendent of Schools."
- **IACT:** Mr. Steffens and Mrs. Garton plan to attend an IACT (Indiana Association of Cities and Towns) Round Table presentation and discussion in Waterloo on August 21. Further, an IACT Conference will be held in Indianapolis and is scheduled for October 6, 7 and 8 for those wishing to attend.

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

- **Riverside Gardens Improvement Project:** An update on improvement project funding, grant and construction process was provided and discussed.
 - "An Ordinance Establishing a Riverside Gardens Construction Fund for the Town of Leo-Cedarville, Indiana and Appropriating Monies Paid into Said Fund for Payment of the Riverside Gardens Improvement Project," as modified per council's request of June 25, was brought forward for "second reading" and possible action.
 - (**Action:** Mr. Richards moved to waive reading the ordinance draft, as noted above, in its entirety; and Mr. Garton provided a second to the motion, which passed by unanimous voice vote.)

After significant discussion regarding portions of the ordinance draft, council reached consensus to amend a portion of the draft to read "The first \$330,000 of [Strike "All"] unrestricted donations for the Park that are deposited into the fund (i.e. donations that

are not restricted by the donor for another specific use in the park) shall be first applied to repaying accrued interest and outstanding principal on the iAB loan before being used for any other park project.” Council also reached consensus to strike “Section 4, Termination of Fund,” in its entirety.

- **(Action:** President Clendenen moved to amend the ordinance as noted above; and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote.)
- **(Action:** Mr. Steffens moved to adopt the ordinance as amended; and Mr. Garton provided a second to the motion, which passed by unanimous voice vote.) The ordinance, as amended, was assigned Number 2013-4 and signed by all council members.)
- **Leo-Cedarville Riverside Gardens’ Park Board Motion:** In a special meeting held on July 3, 2013, the Leo-Cedarville Park Board passed a motion in support of the town council of Leo-Cedarville entering into and awarding a bid contract in the amount of \$729,000 to W. A. Sheets and Sons, Inc. to provide upgrades to Riverside Gardens’ Park.
 - **(Action:** In support of the park board’s motion, President Clendenen moved to formally accept W. A. Sheets and Sons, Inc.’s bid of \$729,000, comprised of a “Base Bid” of \$659,000 plus an “Alternate A-1” bid of \$70,000, for upgrades to Riverside Gardens’ Park, subject to closing on the refinance loan with IAB Financial Bank and receipt of contract review approval by Mr. Proctor, attorney for the town of Leo-Cedarville. Mr. Steffens provided a second to the motion, which passed by unanimous voice vote.)
- **Water Utility Rate Hearing and Valuation Process:** Mr. Thomas (Ted) Nitza Jr., of FAVAC, LLP (Intelligent Analytical Solutions), updated council on the hearing process before the IURC (Indiana Utility Regulatory Commission) regarding Pioneer Water, LLC’s rate increase petition that is set for public hearing on July 11 at 6:00 PM at the Leo-Cedarville Park Pavilion, located at 9825 St. Joseph Street, Leo, Indiana.

By consensus, President Clendenen will represent the town at the above-noted hearing as it pertains to the “Petition to Intervene” filed on behalf of the town. Mr. Nitza offered talking points, anticipates that the town’s response to the rate case proposal will be due the IURC during the latter part of July, and he encouraged citizens to attend the rate hearing.

Mr. Nitza and Dr. Maneesh Sharma (not present but also of FAVAC, LLP) are working on behalf of the town in both the rate hearing and valuation process of the utility. Mr. Nitza noted that an on-sight inspection of Pioneer Water, LLC’s facilities occurred on Monday, July 8, 2013, and that the valuation process will be completed shortly after the town’s response to the rate hearing has been filed.

- Support for the town’s Freedom Festival was noted and appreciation for Mrs. Garton and the town’s maintenance staff was expressed.

- **REPORT of the CLERK-TREASURER:** The following items were distributed for council member review: A “Monthly Financial Statement, All Funds, for the Month Ended June 30, 2013—Reconciled,” an “Appropriations Report for the Month Ended June 30, 2013,” a “Revenue Report for the Month Ended June 30, 2013” presenting all year-to-date revenue, a “Gateway TIF Management” memorandum from the DLGF (Department of Local Government Finance) and a miscellaneous appropriation transfer list, as batched on July 8, 2013.
 - An additional delegation of authority for entering and editing data in the Indiana Gateway website requires an update to include authority to enter information within the “TIF Management” section. (**Action:** No action of appointment was taken at this time.)
 - On June 25, 2013, the Common Council of the City of Fort Wayne passed Resolution R-59-13, and as a member of the Allen County Income Tax Council cast “71.40” votes in favor of an ordinance that will increase the county option income tax rate by an additional “0.35” percent. Given that the Common Council of the City of Fort Wayne has the majority of votes out of a possible vote score of 100, the increased income tax rate will become effective October 1, 2013.
 - On July 2, 2013 the U.S. Department of Treasury announced a one-year delay in the employer mandate to provide health coverage to employees for employers of 50 or more employees who work a minimum of 30 hours per week, including seasonal and part-time employees. At this writing, Leo-Cedarville’s current employee count, including council members, lies below the triggering threshold of 50 or more employees.
 - For purpose of submitting, on or before September 3, the proposed 2014 budget for non-binding review by the Allen County Council, the date of August 27 is requested to complete the initial budget draft process.
 - For purpose of advertising as part of the 2014 budget adoption process, the following were suggested:
 - On October 8, 2013, at 7:00 p.m., conduct a public hearing on the 2014 budget; and
 - On October 22, 2013, at 7:00 p.m., conduct the 2014 budget adoption hearing.
 - (**Action:** By consensus, council agreed to establish the above-noted dates and times for public hearings as part of the 2014 budget adoption process.)
 - Guidance from council is needed to establish 2014 wage and salary scales as well as resolutions not to spend portions of 2013 budget appropriations, as previously approved by the DLGF.
 - (**Action:** President Clendenen requested that Mrs. Garton and Mr. Eastes be prepared to discuss appropriation items related to the 2014 budget adoption process at the next meeting of council, as scheduled for July 23, 2013.)

VOUCHERS APPROVED BY COUNCIL SIGNATURES:

- July 9, 2013 line-item form totaling \$20,801.52.

Summary: The total amount of all vouchers approved by council was \$20,801.52.

Regular Session: Council will meet in regular session at 7:00 PM at the Town Hall of Leo-Cedarville on July 23 and August 13, 2013.

MOTION TO ADJORN: Mr. Garton moved to adjourn the meeting and Mr. Richards provided a second to the motion, which passed by unanimous voice vote.

APPROVE:

ATTEST:

JOHN CLENDENEN, Council President

JOHN EASTES, Clerk-Treasurer