

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
AUGUST 13, 2013**

The town council of Leo-Cedarville met in regular session on August 13, 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; Paul Steffens and Ted Garton, council members; Peggy Garton, town manager; and John Eastes, clerk-treasurer. Vice President Tim Richards and council member Kevin Veatch were unable to attend. Town attorney Pat Proctor, of Eilbacher Fletcher, LLP and town engineer Jim Lauer, of Schnelker Engineering, Inc. were present for portions of the meeting as noted below.

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

AGENDA: Mr. Steffens 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 approved the minutes of July 23, 2013 as distributed.

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

- **Road Projects:** Mr. Lauer provided an update on the public works’ project known as “Street Improvements—2013,” noting that bids were received on August 8, 2013. Mr. Lauer recommended that the town accept API Construction Corporation’s bid of \$154,946.73 as the lowest, responsible, responsive bid, subject to available fund appropriations. Mr. Eastes summarized the availability of unencumbered Motor Vehicle Highway, Local Road and Street and Cumulative Capital Development fund appropriations.
- **Action:** Mr. Steffens moved to accept API Construction Corporation’s bid of \$154,946.73. Mr. Garton provided a second to the motion, which passed by unanimous voice vote. Council members signed a copy of the construction contract and letter authorizing API Construction Corporation to proceed with the project in accordance with the contract dated October 13, 2013.

Mr. Lauer presented a Schnelker Engineering, Inc. “Authorization to Proceed” agreement for the ‘Resident Project Representation Phase for the Street Improvements—2013 project.’”

- **Action:** At a maximum fee of \$12,000 for professional services to be rendered, Mr. Steffens moved to accept the above-noted “Authorization to Proceed” with terms of payment as contained therein. Mr. Garton provided a second to the motion, which passed by unanimous voice vote.

- **Lionsgate Passage Community Association:** A Lionsgate Association Maintenance letter of August 2, 2013 was presented and discussed. Mrs. Garton will draft a letter that clarifies the town's current street improvement/maintenance projects.
- **Old Downtown Leo Storm Water Project:** Mr. Lauer reported that the present \$219,128.00 old Leo storm water construction project is well under way and anticipates that API Construction Corporation may well complete work in the very near future.
- **Riverside Gardens' Project 2013 Construction Meeting:** An August 6 construction meeting was conducted by Mrs. Garton and attended by associates from Martin Riley architects and W. A. Sheets and Sons, Inc. The firm of W. A. Sheets and Sons, Inc. has begun work on providing park upgrades, with a significant amount of work accomplished on converting an existing walking trail to a concrete surface near the mesic garden area and along the west edge of the park that leads up to the grand gazebo. Well test bores have also been completed, as the construction project moves forward in a timely fashion.
- **Parks Projects and Activities:** The Leo-Cedarville Park Board held its first Riverside Gardens' Park family campout and movie night on August 9. The event was well attended and deemed a success. A second car show is scheduled to occur in Riverside Gardens on August 16 and Cedarville Park will host the town's annual fall festival from 2-5 p.m. on September 28.
- **Employee Wage Recommendations:** 2014 wage recommendations were provided for hourly employees.
 - **Action:** After discussing the above-noted recommendations, council reached consensus to table further discussion until all council members are present.
- **Employee Evaluation Discussion:** Mr. Proctor provided legal counsel regarding actions that are deemed appropriate as part of the employee evaluation process. As establish by Ordinance 2011-04, the town manager shall "Supervise the employees of the Town, including establishing goals for the employees, monitoring work on a day-to-day basis, evaluating employee job performance and discipline (other than termination from employment), and maintain employee files." While individual council members may review employee evaluations, a discussion of an employee's evaluation may only occur by Council during a closed-door executive session. Council is responsible for and may set goals for the position of town manager and for reviewing the town manager's job performance and for the hiring and/or termination of employees. Mr. Proctor noted that the town was incorporated in 2005 and that the position of town manager was created (effective January 1, 2012) to promote daily operational efficiency and that any change in the above-noted town manager's authority or duties would require a modification to the existing ordinance that created the position of town manager.

Mrs. Garton stated that, by permission, the employee evaluation process currently utilizes a modified copy of "Allen County's Human Resources Department Evaluation Form," but council members may wish to bring forward another evaluation form for consideration.

President Clendenen stated that he specifically disagrees with Mr. Veatch's position, as expressed during Council's meeting of July 23, that Leo-Cedarville's town council fulfills an "H R" (Human Resources) role. President Clendenen also does not support Mr. Richards' request for council members to be able to receive employee goals and objectives for the coming year as well as review employee performance evaluations for all employees. President Clendenen stated that he believes the above-noted functions fall under the scope of authority as vested in the position of town manager. Mr. Garton added his support to President Clendenen's statements.

President Clendenen suggested that Mr. Proctor and Mrs. Garton consider developing standard operating procedures related to human resource activities. Mr. Proctor will come back to Council at a later date to discuss the above-noted topics further.

- **Comprehensive Plan Update:** RATIO Architects, Inc. has prepared a "first draft" of the town's new "Envision Comprehensive Plan." The comprehensive plan steering committee has reviewed the "first draft" and will introduce the initial plan at a community open house forum scheduled for August 29 from 6-8 p.m. at Leo-Cedarville's Park Pavilion, located at 9825 St. Joseph Street, Leo, Indiana. Posters, newspaper advertisements and face book will be utilized to advertise this event.
- **Art at Riverside Gardens:** An August 2, 2013 letter from "The Art at the Riverside Committee" was presented and discussed. The Leo-Cedarville Chamber of Commerce is sponsoring its first juried art show that is scheduled to be held on September 28 at Riverside Gardens' Park. The Chamber plans to award at least two (2) \$1,000.00 scholarships during the 2013-2014 school year and is seeking donations in support of the art show.
- **IACF Conference:** The annual 2013 Indiana Association of Cities and Towns Conference will be held in Indianapolis October 6-8 and attended by Mrs. Garton and council members, as personal schedules permit. Following the conclusion of the aforementioned conference, Mrs. Garton will attend meetings of the Indiana Manager's Association on October 9.

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

- **Salary Ordinance Adjustment:** President Clendenen brought forward a "2013 Nunc Pro Tunc Salary Adjustment for Billing Clerk" ordinance for possible action.
 - **Action:** Mr. Garton moved to waive reading the proposed ordinance in its entirety and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote.
 - **Action:** After a brief discussion, Mr. Steffens moved to adopt the above-noted ordinance. Mr. Garton provided a second to the motion, which passed by unanimous voice vote. The ordinance was assigned Number 2013-5 and signed by all council members present.

- **“Resolution Establishing Account Appropriation for Fund 475”**: On July 23, action was tabled on the “Resolution Establishing Account Appropriation for Fund 475,” as Council reached consensus to seek advice from Mr. Proctor. Mr. Proctor provided advice regarding possible use(s) of the existing fund balance of \$133.83, as contained within the “475 Donations—Riverside Gardens” fund, and modified the resolution draft by removing the phrase “to the account denominated “Donations--Other Capital,” which bears Account No. 475002451” and reconstructing the sentence to read, “The amount of \$133.83 that has been deposited in Fund 475 shall be appropriated for the repayment of Riverside Gardens Improvement loan through IAB Bank principal and interest.”
- **Action**: Mr. Garton moved to adopt the “Resolution Establishing Account Appropriation for Fund 475” as modified, and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote. The resolution was assigned Resolution Number 2013-6 and signed by all council members present.
- **Ordinance 2008-1**: Discussion on Ordinance 2008-1, “Procedures for Adopting Proposed Ordinances,” as adopted on February 5, 2008, was tabled, with no action taken at this time.
- **Water Utility Rate Hearing Process**: Mr. Proctor provided an update on the town’s “Petition to Intervene,” as filed before the IURC (Indiana Utility Regulatory Commission), regarding Pioneer Water, LLC’s rate request. A full evidentiary hearing is to be held in Indianapolis on October 29, 2013 with the town’s response to the above-noted rate hearing due on or before August 15, 2013. At Mr. Proctor’s request, President Clendenen will plan to attend the October 29 hearing, as noted above.
- **2014 Budget**: After reviewing modifications to appropriations and estimated revenue that will impact the 2014 General Fund and Rainy Day Fund, consensus was reached in support of Mr. Eastes’ efforts to fully populate 2014 budgetary data in Indiana’s Gateway website. Council still needs to adopt 2014 wage and salary scales for all employees, including elected officials.

REPORT of the CLERK-TREASURER: The following items were distributed for council member review and possible action: A reconciled funds’ report, as of July 31, 2013; an appropriation report, as of July 31, 2013; a copy of an \$850,000.00 “Grabill Bank Promissory Note,” as retired by payment in full on July 12, 2013; a copy of an email from Jennifer Brown, Nationwide Retirement Solutions, dated August 8, 2013; a DLGF July 30, 2013 “Other Post-Employment Benefits Reporting” memorandum; a copy of Ordinance 2004-05, “An Ordinance Establishing a Donations Fund for the Riverside Gardens Park within the Town of Leo-Cedarville, Indiana”; a copy of an August 9, 2013 Allen County Solid Waste District letter specifying “2014 Programs Budget”; a “Limited Delegation of Authority for Entering and Editing Data in the Indiana Gateway Website” form; and miscellaneous appropriation transfer lists, as batched on July 24 and 31 and August 9 and 13, 2013.

The following CEDIT Fund account changes have occurred to allow for reporting 2013 interest expense and principal payments as separate items: Account Number 444002381 title has changed from “CEDIT—Loan Payment” to “CEDIT—Loan Principal Payment” and Account

Number 444002382, "CEDIT—Loan Interest Payment," was created. Pursuant to a telephone discussion and opinion received on August 2 from Mr. Proctor, a resolution is not necessary to transfer money between two accounts in the same classification area of a fund (such as between 444002381 and 444002382). Therefore, on August 12, an appropriation transfer along with a one-time adjustment to account for 2013 year-to-date interest expense occurred as part of the process to record the first payment on the new IAB refinance loan, as closed on July 12, 2013.

On August 6, as per an email notification to council members and directive received from the DLGF (Department of Local Government Finance), 2012 "Riverboat Wagering Revenue" in the amount of \$21,343.89 was transferred from the "Stormwater Fund" to the "General Fund"; anticipated 2013 and 2014 riverboat wagering revenue will be deposited in the "General Fund" and not the "Stormwater Fund."

All employment taxes for the month of July 2013 have been deposited with appropriate federal and state agencies and Indiana's monthly WH-1 report has been filed.

On August 6, a joint budget review meeting was held with President Clendenen and Town Manager Garton.

- **Gateway "TIF Management"**: Council will need to fulfill the additional delegation of authority requirement for entering and editing information in the "TIF Management" section of the Indiana Gateway website. No action was taken at this time.

VOUCHERS APPROVED BY COUNCIL SIGNATURES:

- August 13, 2013 line-item form totaling \$120,589.52.

Summary: The total amount of all vouchers approved by council was \$120,589.52.

Regular Session: Council will meet in regular session at 7:00 PM at the Town Hall of Leo-Cedarville on August 27 and September 10, 2013.

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

APPROVE:

ATTEST:

JOHN CLENDENEN, Council President

JOHN EASTES, Clerk-Treasurer