

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
SEPTEMBER 9, 2014**

The town council of Leo-Cedarville met in regular session at 7:00 p.m. on September 9, 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 August 26, 2014 as distributed.

GUESTS or PRESENTATIONS:

Granite Ridge Builders, Inc.: Granite Ridge Builders, Inc., represented by President Tony Reincke, Vice President Lonnie Norris and Dave Brown of D. A. Brown Engineering Consultants, Inc., came before council to share development issues, challenges and concerns regarding the potential and desired development of a new subdivision within Leo-Cedarville that would be known as Lakes of Leo Creek.

Granite Ridge Builders noted that they have been unable to obtain a letter from the L-C RSD (Leo-Cedarville Regional Sewer District) specifically stating that the L-C RSD lacks capacity within the current sanitary sewer system sufficient in scope and size to accommodate development of the above-noted new subdivision. Representatives spoke of other sewage treatment options, including Orenko wastewater solutions, but indicated that they cannot move forward until they receive a letter from the sanitary sewer district that addresses the district’s lack of capacity within the current sanitary sewer system to accommodate the subdivision development project under consideration. Various options discussed with the L-C RSD involving gravity feed lines, force main lines and lift stations are currently cost prohibitive, thereby causing Granite Ridge Builders to consider Orenko wastewater solutions. Christine Pulver and Lisa Willis, also in attendance, asked questions of Granite Ridge Builders pertaining to Orenko wastewater systems impact on the environment as well as the cost of maintenance to future homeowners.

Mr. Dave Jones, trustee for the L-C RSD (Leo-Cedarville Regional Sewer District), was present and interacted with the above-noted representatives and with council members specific to L-C RSD available sanitary sewer capacity at this time as well as the district’s ongoing discussions with Fort Wayne City Utilities that would allow the district to gain additional sanitary sewer capacity. Mr. Reincke stated that Granite Ridge Builders will not pay \$1,000,000 to extend the sanitary sewer district’s current line 10,000 feet or more because it is cost prohibitive.

Mr. Proctor stated that public dollars cannot be spent on private development, and Mr. Clendennen noted that creation of a TIF district for said area also is not possible.

Mr. Clendennen, Mr. Veatch and Mr. Garton joined in encouraging the L-C RSD to provide Granite Ridge Builders with the letter that they have requested.

Nathan Law, Ball Sate Summer Intern Presentation: Mr. Law was unable to attend tonight's meeting and will present at a future to-be-determined date and time.

TOWN ENGINEER: Having no information to present before Council, Mr. Lauer, of Schnelker Engineering, Inc., was not in attendance.

TOWN ATTORNEY: Mr. Proctor, of Eilbacher Fletcher, LLP, was in attendance and provided information and advice specific to the following:

- **Ordinance 2014-2:** “An Ordinance Repealing Town Ordinance No. 2008-01” was introduced and discussed.
 - **Action:** Mr. Veatch moved to waive reading the proposed ordinance in its entirety and Mr. Garton provided a second to the motion, which passed by unanimous voice vote. If adopted, this ordinance will repeal Ordinance No. 2008-01 that mandates how the town currently adopts an ordinance and replace it with ordinance adoption procedures as prescribed within Indiana Code. The ordinance will be available for adoption on September 23, 2014.
- **Ordinance 2014-3:** “An Ordinance Replacing References to Town Administrator to Town Manager throughout Town Code” was introduced and discussed.
 - **Action:** Mr. Richards moved to waive reading the proposed ordinance in its entirety and Mr. Veatch provided a second to the motion, which passed by unanimous voice vote. The ordinance will be available for adoption on September 23, 2014.
- **Ordinance 2014-4:** “An Ordinance Establishing an Ordinance Violations Bureau and Adopting a Schedule of Ordinance and Code Violations for the Town of Leo-Cedarville” was introduced and discussed.
 - **Action:** Mr. Veatch moved to waive reading the proposed ordinance in its entirety and Mr. Garton provided a second to the motion, which passed by unanimous voice vote. The ordinance will be available for adoption on September 23, 2014.
- **Property Ordinance Violation Discussion:** A vacant property on Donald Avenue, located within Apple Acres Subdivision, has been found in violation of town code. Notice was posted on the property and a contractor hired to perform remediation work that included lot cleanup, removal and hauling away trash, weeds cut and the boarding of broken windows, all in an attempt to improve public safety. The Allen County Building Department has been

contacted and is doing some form of enforcement on the property as well. Because of the extensive history of past code violation problems associated with said property, Mr. Proctor recommended that a demand letter for the most recent \$1,300.00 cost of remediation be sent and a fine assessed. Per town ordinance, a civil penalty in the form of a fine up to \$2,500.00 may be assessed. Mr. Proctor outlined other legal action that may be taken in the future to improve the condition of the property.

- **Action:** Mr. Garton moved to authorize the town's attorney to assess and collect a fine of \$1,000.00 for code violation as well as the collection of the \$1,300.00 recent cost of remediation specific to the above-noted property. Mr. Richards provided a second to the motion, which passed by unanimous voice vote. Mr. Proctor will send a demand letter for the cost of remediation and assess the fine.

DISCUSSION of UTILITIES: Other than as noted above, no further discussion pertaining to utilities that provide service within Leo-Cedarville occurred.

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

- **Trail Planning:** This agenda item will be discussed in October, as the town continues to review options for creating a trail that would extend to Cedarville Park.
- **Sheriff Contract:** Renewal of the current 4-year agreement with the Allen County Sheriff's Department, set to expire at midnight on December 31, 2014, remains under review. As Leo-Cedarville and Grabill currently share the cost of the above-noted agreement, Mrs. Garton will send a letter to Grabill to determine whether they wish to continue the current level of police protection service or add additional hours of service to a future contract, as recently discussed during a meeting with Grabill representatives.
- **Nuisance Ordinance Update:** Mr. Nathaniel Law, an intern from Ball State, was unable to attend tonight's meeting, and therefore this portion of his presentation has been postponed.
- **Comprehensive Plan Implementation:** Work continues on gateway and way-finding signage preliminary design work that will be presented by Mr. Law and Mrs. Garton at a future to-be-determined date and time.
- **Traffic Committee-INDOT Meeting:** A meeting with INDOT personnel has occurred. The traffic committee awaits the receipt of INDOT's traffic study report.
- **Performance Evaluations and 2015 Payroll Recommendations Update:** Employees have completed the self-evaluation process and performance evaluations have been completed for all hourly employees. Mrs. Garton presented an "Hourly Employee Wage Increase Recommendation for 2015" payroll. Council took no action on the recommendation at this time.

- **IACT Conference:** Fort Wayne is the site of this year's IACT Annual Conference and Exhibition that began today and is scheduled to run through September 11. Mrs. Garton plans to attend the event on September 10.
- **Cross Walks at Leo-Grabill and Riverside Gardens:** Work to install crosswalks on Grabill Road and Swartz Road will be included in the bid or quote process at the same time concrete work is placed for bid or quote.
- **Concrete Work:** As concrete work may be forthcoming as part of storm water installation/repair work, other identified areas that also require concrete work will be included in the bid or quote process.
- **Fall Festival:** This year's fall festival will be held from 2-5 p.m. on Saturday, September 20. Donations of candy and monetary support are still being received and appreciated. Additional adult service volunteers will be appreciated.
- **Unlimited Garbage Pick Up:** Unlimited garbage collection will be held on Saturday, September 13.
- **Traffic Study for Hosler Road:** The traffic study that was prepared as part of the initial application process to develop Lakes of Leo Creek is significant, as it includes recommendations to improve traffic flow in areas that have also been identified in the town's master plan. If possible, Mr. Clendennen would like for council members to receive an electronic copy of said study.
- **Street Lighting:** Additional street lighting has been ordered that will be added to Amstutz and Hosler school corridors.

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 September 3, 2014; a "Monthly Financial Statement, All Funds, for the Month Ended August 31, 2014—Reconciled"; an "Appropriations Report for the Month Ended August 31, 2014"; Local Road and Street 2015 budget forms 2 and 4b as updated on Gateway; and Garbage-Storm Water funds' update.

As of September 8, \$58,180.78 has been appropriately receipted back into the Garbage Service Fund from the Storm Water Fund resulting in a Garbage Service Fund balance of \$66,297.31 and a Storm Water Fund balance of \$281,201.48.

VOUCHERS APPROVED BY COUNCIL SIGNATURES:

- September 9, 2014 line-item form totaling \$18,602.94.

Summary: The total amount of all vouchers approved by Council was \$18,602.94.

Regular Session: Council will meet in regular session at 7:00 p.m. at the Town Hall of Leo-Cedarville on September 23 and October 14, 2014.

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

APPROVE:

ATTEST:

JOHN CLENDENEN, Council President

JOHN EASTES, Clerk-Treasurer