

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
APRIL 8, 2014**

The town council of Leo-Cedarville met in regular session at 7:00 p.m. on April 8, 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. Proctor, of Eilbacher Fletcher, LLP was in attendance and presented as noted herein.

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 March 25, 2014 as distributed.

**GUEST:** Allen County Commissioner Linda Bloom and Bill Hartman, Director of the Highway Department of Allen County, came before Council and reported on proposed 2014 road improvement projects throughout portions of Allen County. Mrs. Garton requested that Ms. Bloom and Mr. Hartman review the current condition of Hursh Road and Halter Road.

Mr. Clendenen shared his belief that it is good that Indiana’s legislators look at the way governmental functions are conducted, and followed by sharing his concern regarding appointed boards that have the power to make decisions that may significantly impact citizenry and yet do not have to answer to voters via the electoral process. As a case in point, Mr. Clendenen noted that the local regional sanitary sewer board is appointed by Allen County and that the town of Leo-Cedarville has no control over the decision-making process of said board. Mr. Clendenen believes that more oversight of appointed boards is needed.

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

- **2014 Road Improvements:** Mr. Lauer, of Schnelker Engineering, Inc., has completed drawings for “Street Improvements—2014” and is recommending that ramps in the construction area be updated to meet required ADA standards. An estimate as to what is involved in the potential construction area is yet to be determined. Funds expended for ramp construction would count toward meeting “Town of Leo-Cedarville ADA Transition Plan” requirements and would be included as part of the 2014 road improvement bid package.
- **Trail Planning:** On-site verification of preliminary topo work and elevations are to be completed within the next ten days by Schnelker Engineering. Preliminary design for a north-bound trail that would begin at Cedarville Park will follow once the aforementioned work has been accomplished, as per Council’s request of March 25, 2014.

- **ADA Transition Plan:** Public display and inspection of the “Town of Leo-Cedarville ADA Transition Plan,” as adopted by Council on November 12, 2013, has remained in-progress within the town hall. Prioritized repairs, modification or replacement of sidewalks and curbs will begin as part of anticipated 2014 street improvements, as no remonstrance to the aforementioned fully-adopted plan was received.
- **Comprehensive Plan Implementation:** Copies of the “Town of Leo-Cedarville, Indiana Comprehensive Plan,” as adopted on December 10, 2013, have been provided to all Leo-Cedarville Board of Planning (Plan Commission) members.
- **Riverside Gardens’ Update:** Completion of construction work for the Riverside Gardens’ improvement project remains weather-dependent, but the grand opening and ribbon-cutting ceremony is on schedule and planned to occur at noon on May 27, 2014. Council members were provided a copy of a punch-out list generated from today’s construction meeting with associates from Martin Riley Architects and W. A. Sheets and Sons, Inc.

**EAST ALLEN COUNTY SCHOOLS:** No additional information regarding East Allen County Schools was reported at this time.

**COUNCILMAN GARTON:** Mr. Garton reported having met with additional personnel from Northeast Allen County Fire and EMS, Inc. and provided an overview of items discussed to date surrounding the topic of possibly locating a firehouse facility within the town of Leo-Cedarville.

Mr. Ray Pulver was in attendance, participated in a spirited discussion with various council members, and requested information specific to the aforementioned service provider as it pertains to the town of Leo-Cedarville: Number and types of emergency runs (fire or EMS) in the last 12 months as well as dispatch and response times on runs to Leo-Cedarville. As the meeting progressed, Mrs. Garton sent an email to Northeast Allen County Fire and EMS personnel requesting information on behalf of Mr. Pulver.

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

**Town Attorney:** Mr. Proctor, of Eilbacher Fletcher, LLP, came before Council and provided legal advice specific to the following:

- **Leo Tire and Wheel:** Objective evidence clearly points toward Leo Tire and Wheel’s violation of a long-standing written agreement with the town of Leo-Cedarville regarding the number of tires permitted on the property. Council members are concerned about a potential safety hazard to Leo-Cedarville and the surrounding community, noting possible risks to the environment and water supply. It is believed that the entire town may be required to evacuate and businesses close for an unknown period of time if a fire were to occur at said location. Leo-Cedarville has two actionable options immediately available: Ordinance violations and enforcement of the contract agreement with Leo Tire and Wheel.

- **Action:** Mr. Veatch moved that Mr. Proctor send a letter to Leo Tire and Wheel in reference to the current agreement on file and notification of fine. Mr. Richards provided a second, and the motion passed by a unanimous voice vote.
- **Action:** To provide the town's attorney with the ability to continue enforcement of the aforementioned agreement without further Council approval, Mr. Garton moved to authorize the town's attorney, Mr. Proctor, to take any and all means to bring Leo Tire and Wheel within code and to make them compliant with the aforementioned agreement. Mr. Veatch provided a second, and the motion passed by a unanimous voice vote.
- **Nuisance Ordinance Discussion:** The town's current nuisance ordinance was briefly discussed, with Mr. Proctor noting his desire to continue discussion with the State Attorney General's Office before providing an update draft for Council's consideration.
- **Resolution 2014-5, A "Resolution of the Town of Leo-Cedarville Town Council Approving Contract with City of New Haven"** was introduced and discussed. Council determined that it is in the best interest of the Town of Leo-Cedarville to process ordinance violations, including violations of local traffic ordinances, through the New Haven City Court.
  - **Action:** Mr. Richards moved to adopt Resolution 2014-5, and Mr. Veatch provided a second. The motion passed by a unanimous voice vote and was signed by council members.
- **Interlocal Agreement: A "New Haven, Indiana and Town of Leo-Cedarville, Indiana Interlocal Agreement"** was presented.
  - **Action:** Mr. Richards moved that the Town of Leo-Cedarville enter into the above-noted interlocal agreement with the City of New Haven and its city court, and Mr. Steffens provided a second. The motion passed by a unanimous voice vote and was signed by President Clendenen.
- **Purchase of Schwartz Road Properties:** In keeping with Council action of February 11 and March 25, 2014, Mr. Proctor provided an update on title work that awaits completion before closing on the purchase of the two Schwartz Road properties. Mr. Brent Clifton met with Mr. Proctor during tonight's council meeting; closing is tentatively planned to occur on April 23, 2014. Mr. Proctor will communicate required funds' wire transmittal information to Mr. Eastes so that a warrant may be approved during council's meeting of April 22, as noted below.
- **Utilities:** The following items pertain to the possibility of Leo-Cedarville providing its own utilities:

Council members were provided with an April 7, 2014 email update from Ryan Brauen, of Wesler Engineering Incorporated, detailing items "Completed or In-Process" as well as "Next Steps"; a March 28, 2014 email copy from Wesler Engineering specific to Wesler's request for information from the L-C RSD (Leo-Cedarville Regional Sewer District) on behalf of the town of Leo-Cedarville; and a March 25, 2014 copy of a response letter to

Wessler's aforementioned request, as prepared by Mr. John Gastineau, of Carson Boxberger, LLP on behalf of the L-C RSD.

Per Mr. Clendenen, it appears that Wesller Engineering has been provided with Pioneer Water, LLC's information as requested and the L-C RSD is working on their response.

**REPORT of the CLERK-TREASURER:** The following items were distributed for council member review and possible action: A Nationwide contact information update, as received March 26, 2014; a "Monthly Financial Statement, All Funds, for the Month Ended March 31, 2014—Reconciled"; and an "Appropriations Report for the Month Ended March 31, 2014."

March 2014 sales tax has been deposited and the monthly report filed.

On March 27, 2014, a Land and Water Conservation Fund Grant deposit of \$17,104.98 was received from the Auditor of State for the Riverside Gardens' Park improvement project, Grant # 18-00577, and deposited in the Riverside Gardens' Construction Fund. \$179,594.99 of the original \$199,550.00 grant award has been received to date, with \$19,955.01 of remaining grant funding available for the project. Per Martin Riley Architects, \$147,950.00 of work remains to be completed on the \$729,000.00 Riverside Gardens' Park upgrade contract with W.A. Sheets and Sons, Inc.; the balance to complete payment on the contract, including retainage of \$58,105.00, is \$206,055.00.

**VOUCHERS APPROVED BY COUNCIL SIGNATURES:**

- April 8, 2014 line-item form totaling \$269,455.10.

**Summary:** The total amount of all vouchers approved by Council was \$269,455.10.

**Regular Session:** Council will meet in regular session at 7:00 p.m. at the Town Hall of Leo-Cedarville on April 22 and May 13, 2014.

**ADJORNMENT:** Mr. Richards moved to adjourn the meeting and Mr. Garton 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**