

TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
MARCH 2, 2010

ATTENDANCE:

Paul Steffens – Council President
John Clendenen – Vice President
Mike Young
Gordon Liechty, Jr.
John Eastes
Pamela Spannuth – Clerk-Treasurer
Peggy Garton – Town Administrator
Pat Proctor – Town Attorney
Jim Lauer – Town Engineer

7:00 – Mr. Steffens called the meeting to order with the Pledge of Allegiance.

AGENDA – The council unanimously approved the agenda with flexibility.

REQUEST FOR VACATE OF RIGHT OF WAY – Ms. Garton discussed the request by Ms. Bonnetta Lantz for the council to consider granting a vacate of right-of-way between lots 151 and 152 in Cedarville. This request came before the council in 1999 but was tabled with no action taken. The right-of-way has previously been used as a driveway; there was question by Ms. Lantz whether adjacent property owners have the right to restrict the use. Mr. Proctor stated that since this is a public right-of-way, public use cannot be restricted. If the town council does not envision any future need for retaining this as public property, he supports the council proceeding with vacating this right-of-way. The petitioning property owner would be responsible for the costs involved in the public notice and other legal expenses involved in the process. Mr. Young recommended that the council consider vacating the entire right-of-way between the two crossroads (Clay Street to Ewing Street). A public hearing will need to be held regarding this matter if the property owner chooses to proceed with the process.

THERESE BROWN – Therese Brown, Clerk of the County Court, was present at the meeting to introduce herself to those present. She is currently running for Allen County Commissioner.

DRAINAGE BACK-UP PROBLEM – Ms. Garton discussed the issue of a severe drainage back-up problem located at the intersection of Amstutz Road and Hosler Road. The sewer district has examined this issue via camera; the cause of the problem was not determined. The next step for defining the cause of the problem would be exploratory and involves excavation within the street. Mr. Lauer described the infrastructure in this area including the locations of the storm sewer and sanitary sewer lines. He feels that at this point, it is the town's responsibility to determine the cause of this problem. Mr. Lauer provided the council with two quotes to do this work. J&S Excavating provided a

quote not to exceed \$7,875.00, and Kurtz Excavating quoted a price not to exceed \$4,313.00. Due to the location, traffic would have to be re-routed for the better part of a day; neither quote included costs involved with traffic control. Mr. Clendenen moved to accept the quote from Kurtz Excavating not to exceed \$4,313.00, Mr. Eastes seconded. Mr. Liechty, Jr. added that there have been problems in the area as a result of previous public works projects, such as utilities, etc. He asked if the town would be responsible for the repair if it is determined that the town did not cause the damage. Mr. Proctor stated that since the town is ordering the excavation work to be done, the town is responsible for the cost, however, may seek reimbursement from the responsible party if it is determined another entity caused the problem. The motion to accept the quote from Kurtz Excavating passed unanimously.

STREET IMPROVEMENT PROJECTS 2010 – Mr. Clendenen discussed his desire to proceed with the proposed street improvement projects that were discussed at the last meeting. Mr. Eastes agreed that at a minimum, the engineering work be done for multiple projects in order to get them shovel ready. He feels that the town should take advantage of getting a significant amount of improvement projects completed during a time when bids are coming in significantly low. Mr. Clendenen moved to direct Schnelker Engineering to proceed with the preliminary and final design phase for improvements on Amstutz Road (Hosler to Schlatter), Souder Road (Grabill Road to South Corporate Limits), Brighton Park (Miscellaneous Concrete Repairs), Witmer Park Addition, Phase I, II, and II, and Hosler Road (Amstutz Road to Beightle-Nettelhorst Ditch Bridge) for a total sum of \$82,100.00. Mr. Eastes seconded. Discussion ensued regarding the time frame for any construction work to be done. The motion passed by unanimous vote.

Mr. Clendenen presented several articles pertaining to the significant cost savings being realized by communities in today's market

Mr. Eastes moved to transfer \$61,000.00 from the capital appropriations in the Motor Vehicle Highway Fund to the Engineering appropriation (M311) for the purpose of paying for the engineering. Mr. Clendenen seconded. The motion passed unanimously.

UNCOLLECTABLE TRASH ACCOUNTS – Mr. Proctor discussed the problem with uncollectible trash accounts. Mr. Proctor stated he would like to prepare a form letter demanding payment for unpaid services. Mr. Clendenen discussed the process of reviewing some of the circumstances being encountered. Mr. Proctor recommended that rules be adopted addressing the standard that is used when any case-by-case decisions are made.

OPEN DOOR LAW – Mr. Proctor discussed the issue of open door law as it pertains to the use of email.

RIVERSIDE GARDENS CHANGE ORDER / COMPLETION – Mr. Lauer addressed several changes and repairs that need to be made to the new Riverside Gardens restroom facility. The park board has reviewed Change order #3 and supports it's approval. Mr. Clendenen moved to accept Change Order #3 based on the park boards recommendation;

Mr. Eastes seconded. The Change Order was approved by a majority vote; Mr. Young abstained. Mr. Clendenen moved to approve the certificate of substantial completion as recommended by the park board. Mr. Eastes seconded; motion passed by a majority with Mr. Young abstaining.

NO THROUGH TRAFFIC APPLE ACRES – The ordinance regarding the establishment of a “no through traffic” in Apple Acres still needs to be drafted. The town attorney will be requested to draft this ordinance.

SR1/AMSTUTZ ROAD - April 14 is the date for letting the bid for the realignment work at SR1 and Amstutz Road. The end of May, beginning of June is the expected start date for this work. Work will take place throughout the summer.

SIDEWALK/TRAIL ALONG SR1 – Ms. Garton stated that INDOT provided the town with the minimum safety requirement necessary to be followed in order for the state to permit a trail or sidewalk to installed parallel to SR 1. Significant right of way would need to be purchased. Mr. Lauer stated that he does not feel that it is feasible for the town to do this due to extent of right of way that would need to be purchased for safety standards. Discussion ensued regarding INDOT’s plans to resurface SR1 in 2014, and whether a walkway could be done at that time. The same safety standards would still apply. Anything done regarding this walkway would have to be town funded or funds obtained by the town; INDOT has no funds available for improvements of this nature.

REQUEST FOR TOWN ADVERTISEMENT – Ms. Garton brought a request to the council to make a donation towards a publication in support of the induction of Ms. Tonya Burns-Cohrs into the Indiana Basketball Hall of Fame. Ms. Burns-Cohrs is a 1981 graduate of Leo High School and played basketball for Iowa State University; her jersey was retired following her graduation. She also had the opportunity to play professional basketball. Ms. Burns-Cohrs now coaches at Woodland. Mr. Eastes recommended that the town recognize Ms. Tonya Burns-Cohrs on April 24, 2010 by giving her keys to the town. All the council supported this recommendation. The park sign will reserved for this date if available.

CENSUS – The 2010 census forms are out in the mail. People are encouraged to fill this out and return this to the census bureau.

FEBRUARY 16, 2010 MINUTES – The February 16, 2010 minutes were approved as written.

FIRE DEPARTMENT ROUNDTABLE – Mr. Eastes updated the council on the recent roundtable meeting that Mr. Eastes and Mr. Clendenen attended. He discussed the concern about the potential negative affects on the fire department if the state discontinues the use of township trustees. He recommended that in the future, the town provide additional funds to the fire department for equipment related expenditures only if the town retains ownership/title of the equipment. He expressed his concern about the

problems that may be encountered if the township retains title and the trustee is no longer in place.

NIRCC – Mr. Steffens referenced a letter from the Northeast Indiana Regional Coordinating Council regarding possible available funds for capital projects. Mr. Dan Avery, from the NIRCC, will be asked to attend at council meeting at his earliest convenience.

VOUCHERS – The March 2, 2010 line item voucher form was approved via signature.

APPROVE:

ATTEST:

PAUL STEFFENS
Council President

PAMELA SPANNUTH
Clerk-Treasurer