

TOWN COUNCIL OF THE TOWN OF LEO-CEDARVILLE  
MEETING MINUTES  
MARCH 3, 2009

ATTENDANCE:

Paul Steffens – Council President  
John Clendenen – Vice-President  
John Eastes  
Gordon Liechty, Jr.  
Mike Young

Pamela Spannuth – Clerk-Treasurer, Jim Lauer – Town Engineer

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

AGENDA – Motion was unanimously approved to accept the agenda with flexibility.

NOISE ORDINANCE – Mr. Larry Easterday was present to provide his input on the proposed noise ordinance. He spoke about the nuisance that the propane cannon has created and has discussed how disturbing it is in his area; he stated that it sounds like a 12 gage shotgun going off on regular intervals when in use. He suggested that the farmer find other means for bird control such as hawk calls to scare the birds away from the crops. He feels that the proposed noise ordinance would address his concerns as it's written. Mr. Fritz asked what allows the council to enforce an ordinance outside the town boundaries. Ms. Amy Slentz referred to IC 36-8-2-4 and IC 36-8-2-8; she disagrees with the attorney's opinion that the town can enforce this ordinance outside the town boundaries. She further stated that the business significantly reduced the use of the cannon last year and tried using other means of bird control as well. The town attorney will be present at the next meeting to address concerns and questions regarding this proposed ordinance.

Mr. Eastes asked Ms. Slentz questions about her produce business such as the size of the blueberry patch and how long they've had the crop. Mr. Easterday stated he has been a Leo-Cedarville resident since 2001 and the cannon has been in use for the last four summers. Mr. Young stated his concern over how tight the ordinance is and does not want to scare people away from living in the town. General discussion ensued regarding this issue. Mr. Liechty does not support the enforcement of the ordinance outside the corporate limits and further stated that the ordinance as written could even restrict things like church chimes. He stated he has concerns with sections D1(a) and D2 and also stated that he does not think that Halloween should be considered an exempted holiday. All concerns will be passed on to the town attorney prior to the meeting on the 17<sup>th</sup>.

MINUTES – The February 17, 2009 meeting minutes were approved with several corrections.

**STREET SUBCOMMITTEE REPORT** – Mr. Lauer presented a listing of streets that need improvements. Mr. Clendenen stated that the estimate for Amstutz Road is only for milling and resurfacing at this time in order to allow the town more time to prepare for a major improvement project. Other streets and areas in need of road improvements were listed as well as cost estimates. All listed projects are in addition to the Manning Street improvement project in which the drawings and specifications have been completed and are ‘shovel ready’. Mr. Lauer recommended that the town not begin the Manning Street project prior to exhausting the possibility of receiving stimulus funds. Mr. Liechty asked whether the Witmer Park project could be broken down into two separate projects because the cost exceeds the town’s annual budget for street improvements. Mr. Lauer recommended that road improvements begin in the back of the development and that work progress toward Grabill Road as funds permit; this will keep heavy equipment off of newly resurfaced streets.

**FINANCIAL REPORT** – Ms. Spannuth presented the financial report for the month ending February 28, 2009.

**PART-TIME MAINTENANCE WAGE** – The council discussed the request by the town administrator to increase the hourly rate for the temporary part-time maintenance person. Mr. Eastes supported the request to grant a raise to the part-time maintenance employee who has previously been with town. Mr. Eastes moved to pay the part-time maintenance employee an hourly rate of \$12.00; Mr. Clendenen seconded. The motion passed unanimously.

**ADA HANDRAIL** – The council reviewed the quotes for fabrication and installation of ADA handrails at the town hall. Extensive cement work will also be required due to the grade of the existing ramp; several quotes were received for that work as well. Additional information will be sought from the town administrator or town engineer prior to further discussion.

**RIP RAP NEEDED ON NORTH SIDE OF BRIDGE** – Mr. Clendenen sought clarification on the location of the erosion problem that has been brought to the council’s attention by Ms. Cindy Kimm. The county will be contacted regarding this concern as this may be covered under their major bridge fund.

**TOWN HALL CLEANING** – The council received a quote for cleaning services for the town hall including the carpets. Ms. Garton will be consulted regarding this proposal prior to any decisions regarding cleaning.

**SIDEWALK COMMITTEE** – Several people have responded to the advertisement for sidewalk committee members.

**RIVERSIDE GARDENS RESTROOM** – The proposed restroom project was submitted for possible stimulus funding. Mr. Lauer discussed the need to apply for a state permit prior to proceeding construction. The permit needs to be issued by the State Building Commissioner; a County Building Permit is also needed. Mr. Eastes asked what the estimated cost of the building alone would be.

The building alone is estimated to be around \$125,000.00. No estimate was provided for running utility services to the building.

PIONEER WATER PROPOSAL TO REDUCE TAP FEE – Mr. Gordon Liechty Sr. was present at the meeting to discuss the proposal to reduce the water utility tap fee along the two lines that the town helped fund. Ms. Spannuth expressed her concern that the town's financial interest in these two lines needs to be protected if the council agrees to a reduction. Mr. Liechty Jr. spoke about a possible 10-year expiration term on the two agreements that the town has with the utility and suggested that a reduction may generate interest and enable the town to recoup more funds than it will at the current tap rates. Mr. Young recommended that the town attorney be consulted regarding the legality of the proposal to reduce the tap fee on Hosler Road and State Road 1 to \$1,500.00. Ms. Spannuth will meet with Mr. Proctor to discuss this proposal and will place this topic on the next agenda for further discussion.

LEAF VAC STORAGE AGREEMENT – The council reviewed the proposed agreement for the storage of the leaf vacuum. Mr. Clendenen expressed specific concern over one of the terms of agreement. Ms. Spannuth will have the town attorney review the agreement prior to acceptance.

PROPOSED ORDINANCE 2009-02 – ESTABLISHMENT OF SOLID WASTE SERVICES FUND - Mr. Clendenen moved to waive the full reading of the ordinance; Mr. Liechty seconded. The motion passed unanimously. Mr. Clendenen moved to introduce ordinance 2009-02; Mr. Liechty seconded. The ordinance was introduced by unanimous vote and will be on the next agenda for adoption.

NON PROFIT ORGANIZATION EXEMPTION – Mr. Eastes requested that the council consider removing all non-profit organizations from being subject to the stormwater utility fee. He requested that the council consider this and would like to have this topic placed on a future agenda for further discussion and consideration.

BRIDGE FUNDING DISCUSSION – Mr. Clendenen discussed the topic of the bridge-funding proposal, which was presented by the Allen County Commissioners. He will provide copies of a power point presentation to all council members and will discuss this further at a future meeting.

INSURANCE – Mr. Eastes briefly discussed difficulties with a small entity establishing a Section 125 Cafeteria Plan. This topic will be removed from the agenda.

COMPLAINT – The council reviewed a complaint received about the barbed wire fence along Halter Road. The history on this topic was briefly reviewed, as this has been a reoccurring complaint. No action was taken at this time.

STORMWATER UTILITY BOARD – The council acknowledged the resignation of Lloyd Vollmuth from the Stormwater Utility Board. The council wishes to extend their appreciation for his service to the town. This vacancy will be advertised in the Courier and placed on the town’s website.

VOUCHERS – The March 3, 2009 line item voucher form was approved via signatures.

AJOURNED – The meeting was adjourned until March 17, 2009.

APPROVED:

ATTEST:

PAUL STEFFENS  
Council President

PAMELA SPANNUTH  
Clerk-Treasurer