

TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
MAY 19, 2009

ATTENDANCE:

Paul Steffens – Council President

John Clendenen – Vice President

John Eastes

Gordon Liechty, Jr.

Michael Young

Pamela Spanuth – Clerk-Treasurer, Peggy Garton, Town Administrator, Jim Lauer –

Town Engineer, Patrick Proctor – Town Attorney, County Commissioner Nelson Peters

7:00 – Mr. Steffens opened the meeting with the pledge of allegiance.

AGENDA – The May 19, 2009 agenda was unanimously approved with flexibility.

BRIDGE FUNDING DISCUSSION – County Commissioner, Nelson Peters, was present to discuss the proposed inter-local agreement between the town of Leo-Cedarville and Allen County. Mr. Peters discussed the history behind the struggle the county has had with funding the maintenance of bridges. Mr. Peters is seeking town council approval of an inter-local agreement between the town and the county. In summary, the agreement states that the town council supports the county council if they vote to increase the wheel/surtax. Further, the county is asking for 65% of the increase in the additional revenue to be returned to them. The county would then retain these funds for the purpose of maintaining all of the bridges in the county, including those within the town. Mr. Peters feels that the county council would not be willing to increase the wheel/surtax if the incorporated communities within Allen County do not agree to a remittance of 65% back to the county for bridge maintenance. He is not asking the Leo-Cedarville council to increase the tax since that is the decision of the county council, but he is asking for the political support from the town council backing the county council's decision.

Commissioner Peters stated that if all of the communities don't approve the inter-local agreement, it is unlikely that the county council will approve the increase. Mr. Young asked if Leo-Cedarville could retain the entire increase and take on the responsibility of its own bridges. Mr. Peters stated that he doubts that the county council will approve that. Many other incorporated communities within the county have already passed this agreement. Ms. Spanuth asked what the average impact would be per license plate. Mr. Peters stated that it's estimated that the average wheel/surtax per plate may go from \$7.50 per plate to approximately \$20.00, although that figure varies according to the value of the vehicle being registered. Commissioner Peters feels that this is a local solution to a State problem and feels that this funding solution is better than a state mandated solution. Mr. Young suggested that the town consider contributing to the county the funds required to maintain our bridges without supporting an increase of the wheel/surtax. Mr. Peters stated that the only other solution he can see is to raise property taxes, which would have a larger overall impact on each homeowner than an increase in the wheel/surtax. Mr. Proctor stated that he was unsure why the county is tying the inter-local agreement to the

tax where the county can choose to raise the tax without the approval of the individual communities. Mr. Peters stated that the county has the resources to maintain the bridges cheaper than the individual communities. The county council meets on June 18<sup>th</sup>. The increase in the wheel/surtax would need to be passed by July 1. Mr. Proctor requested that the council table until the next meeting to allow time for his review and final opinion. Mr. Clendenen stated that he has actively participated in the bridge task force meetings and recognizes the efforts they have put forth to find solutions. He further stated that the state may legally require the county to maintain the bridges and they will have a significant funding gap if a solution isn't implemented. Mr. Clendenen's position is that the wheel/surtax is a 'user fee' and appropriately puts the burden on the users of the bridges. Mr. Peters added that the wheel/surtax was established in 1987 and has never been increased in Allen County; other counties have increased their wheel/surtax rates gradually over the years. Discussion ensued about the history of the previously established county bridge fund. Mr. Clendenen added that the county lost significant revenue with the large annexations by the City of Fort Wayne. Eastes asked about the savings that the county might have realized from the annexations; Mr. Peters assured him that the loss in revenue far exceeds the savings. Discussion ensued regarding the verbiage within the agreement and changes could be proposed to the county council. Mr. Eastes moved to table further discussion on the inter-local cooperative agreement between the county and the Town of Leo-Cedarville. Mr. Young seconded. The motion passed unanimously.

#### CAPITAL PLANNING:

**MANNING STREET** – Mr. Mike Moore, owner of Moore's Welding, was present seeking information regarding the status of the proposed improvement project on Manning Street. He stated that he proceeded with the improvement project at his place of business with the understanding that the street was going to be improved. He discussed the problems that the current road grade has had on local traffic and his business. Discussion ensued about the proper way to improve this road. Mr. Lauer, town engineer, stated that the road must be milled down to address the storm drainage issue as the road has been significantly built up over the years. The construction of an appropriate storm drainage system is vital to properly address the problem in this area.

**AMSTUTZ ROAD** – Discussion ensued about the deteriorating condition of Amstutz Road and that it should also be considered a high priority. Mr. Lauer stated that a milling and resurfacing of the road would last approximately five years. During this time frame, the town can properly plan for a significant upgrade along this main arterial road. A complete and proper improvement project is estimated to cost approximately 2.5 million, which would include proper walkways, turning lanes for the school and a widened bridge. Mr. Liechty asked if the Amstutz Road Bridge would fall under the responsibility of the county if the wheel/surtax increase were approved; Mr. Lauer affirmed that it would be the counties responsibility.

**STORMWATER** - Mr. Lauer stated that the stormwater utility would be encountering several major projects as a result of the upcoming 2010 State

Road1/Amstutz Road improvement. The proper handling of stormwater runoff from the area will require stormwater system upgrades at both Ivans Lane and Riverdale Drive.

Discussion ensued about bonding and whether the town should consider this route as interest rates and construction rates are very low. Mr. Clendenen mentioned the State Revolving loan fund and pledging future CEDIT dollars. It is possible that a lower rate may be available through the local bank depending on their position with the new rules and regulations.

The road subcommittee will meet to discuss the projects and projected funding needs. Ms. Spannuth along with Mr. Lauer will look into several funding options and provide a recommendation for the funding of these projects.

RIVERSIDE GARDENS RESTROOM FACILITY – Mr. Lauer stated that the sewer district approved a service line connection for the Riverside Gardens Restroom. The town will have to apply for a state building permit for this facility. Discussion ensued about funding for this project. Ms. Spannuth stated that the restroom facility could be funded through the town's General Fund if necessary. Mr. Clendenen moved to let the bid for the Riverside Gardens Restroom facility and approve the agreement with Schnelker Engineering for the authorization to proceed. Mr. Liechty seconded. Motion passed unanimously.

WATER TAP FEE REDUCTION PROPOSAL – Mr. Proctor presented two draft agreements to lower the tap in fees on the Hosler Road and SR1 water mains. Mr. Proctor's agreements reflect a reduction of the tap fees to \$1,500.00. Mr. Proctor stated that although there is a ten-year expiration date regarding the recovery of connection fees, the town should continue to protect its initial financial investment. Mr. Proctor provided detailed information regarding his findings through legal research and communication with the Indiana Uniform Regulatory Commission. Mr. Lauer suggested that the town approach Pioneer Water to buy out the town. Mr. Proctor suggested the simplest way to handle this is for the town to acquire the utility. Mr. Proctor will provide copies of the revised agreements to Pioneer Water for their review. Mr. Eastes moved to table further discussion until the next meeting to allow time for the appropriate parties to further review the amended agreement. Mr. Young seconded; motion to table passed unanimously.

MAY 5 MINUTES – Approved with a grammatical correction.

SIDEWALK REPAIR – Ms. Garton mentioned the sidewalk in front of the Leo Barbershop that is in a state of disrepair. The estimate for repairing this section of downtown sidewalk plus repairing the damaged curbing at the town hall is \$350.00. This work would be done in conjunction with the ADA handicap ramp at the town hall. Mr. Eastes moved to approve the additional work of the sidewalk and driveway repair. Mr. Clendenen seconded; motion passed unanimously.

NO LEFT-TURN – Mr. Diehl, principal of Leo Elementary, requested that the council consider posting a “No Left Turn” sign on Hosler Road to prevent westbound traffic from turning left and causing congestion and/or creating a traffic circle at this location. An ordinance will be drafted stating such for introduction at the next meeting.

GARBAGE BILLING – The council briefly discussed proposed details relating to suspended garbage accounts. The council agreed that all suspended accounts should be subject to a restart fee. Discussion ensued relating to the maximum time an account should be able to be suspended. Ms. Spannuth suggested six months.

TABLE AGENDA - Mr. Clendenen moved to table the remaining items on the agenda; Mr. Eastes seconded. The motion passed by a majority with Mr. Liechty voting against.

VOUCHERS – The May 19, 2009 line item voucher form was approved.

APPROVE:

ATTEST:

Paul Steffens  
Council President

Pamela Spannuth  
Clerk-Treasurer