

TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
NOVEMBER 18, 2008

ATTENDANCE:

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

Pamela Spannuth – Clerk-Treasurer, Peggy Garton – Town Administrator

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

AGENDA – The council unanimously agreed to accept the agenda with flexibility. Mr. Eastes moved, Mr. Liechty seconded.

PUBLIC SPEAKS - Mr. Fritz Helper expressed support to the elected officials and complimented them for what they do. He referenced a recent meeting and reminded the council that they should both exemplify and demand respect and civility during meetings.

Discussion ensued about order and decorum at meetings. Mr. Clendenen referenced the town's original ordinances pertaining the subject of order. Mr. Eastes recommends that the council adopt Robert's Rules of Order.

TOWN ADMINISTRATOR UPDATES:

TORNADO SIREN – The location for the new tornado siren has been established. Ms. Garton has met with the company regarding proper placement which will be at the corner of Halter and Hosler Roads. Although the siren will be located within the town's right-of-way, Ms. Garton is seeking approval from East Allen County Schools. Electric utility service will be established following EACS approval.

FALL CLEAN UP –

The annual Fall Leaf Pick-Up at the Leo-Cedarville Park is scheduled for Saturday, November 22 from 9:00 – 11:00 a.m.

FURTHER BUDGET DISCUSSION –

Mr. Steffens moved to adopt the 2009 Budget as prepared. Mr. Liechty seconded. Mr. Eastes clarified that a budget cut would not affect, or reduce, the property tax rate. Ms. Spannuth confirmed that fact and further explained that the only way to cut the property tax rate is to establish a set rate. She cautioned against that as the town's assessed valuation would likely drop significantly due to HB 1001 and the town could risk a significant property tax levy shortfall. Mr. Eastes sought confirmation from the other members of the council that they intend to spend conservatively in the 2009 budget year. The council agreed with Mr. Eastes although Mr. Clendenen pointed out that the council

has historically been conservative in their spending. The 2009 Budget passed unanimously.

**TREE INSPECTION RESULTS** – Ms. Garton discussed the results of the tree inspection performed by the arborist. She provided the results of the two quotes that were received for tree pruning and removal as \$6480.00 and \$4795.00. Mr. Eastes moved to accept the lower quote as provided by Jason Pence for tree pruning and removal as advised by the town’s arborist; Mr. Young seconded. The motion passed unanimously.

**BRUSH ALONG GRABILL ROAD BRIDGE** - Jason Pence has submitted a quote for clearing the remaining brush along both sides of the Grabill Road Bridge for a total of \$4,000.00; the town would be responsible for traffic control. The county has agreed to clear the first 100 feet of brush along the west side of the bridge. Discussion ensued about the manner of conducting traffic control. Mr. Liechty recommended waiting until the leaf vacuum season is over and utilizing the town’s maintenance department. It was also suggested that the part-time maintenance man may be able to provide traffic control when he isn’t working on leaf pick-up. Mr. Young moved to accept the quote for \$4,000.00 from Jason Pence to clear the remaining trees and brush on both sides of the Grabill Road Bridge. Mr. Eastes seconded. The motion passed unanimously.

**APPROPRIATION TRANSFER** – Mr. Clendenen moved to transfer \$9,500.00 from the General Fund appropriation G451 (town improvements) to G361 (right of way maintenance) in the sum of \$9,500.00; Mr. Steffens seconded. Motion passed unanimously. This transfer was needed for tree maintenance and to balance funds.

**SMALL PICK-UP TRUCK** – Mr. Clendenen discussed the small pick-up truck that the town has the opportunity to purchase. The truck would be less expensive to operate and would be useful for general needs as the town’s 2-ton pick-up is very costly to operate. Mr. Young stated that the truck would be an extra expense and since fuel prices have dropped significantly the town truck shouldn’t be quite as costly to operate as it has been. Mr. Eastes expressed concern that the community could view the purchase of this particular truck as a conflict of interest. He also spoke of the likelihood that the prices of vehicles will go down allowing for the opportunity to purchase a different vehicle for a reasonable cost. There was no further discussion on the matter.

**WEBSITE REDESIGN UPDATE** – Ms. Garton provided a brief update on the status of the town’s redesigned website. As soon as the service is switched to the new provider, the website will ‘go live’.

**ADA HANDRAILS** – The town reviewed the quote for fabricating and installing ADA handrails at the town hall. Discussion ensued about the length and details of the handrails. Mr. Liechty suggested that the council receive one more bid from a local welder prior to making a decision.

**ATTORNEY RETAINER PROPOSAL** – Discussion ensued on the specific details of the proposed agreement such as the effective date of the agreement. Mr. Eastes sought input

regarding any pending need for attorney services. Mr. Young and Mr. Steffens both liked the idea of having the attorney available for feedback. Ms. Garton also expressed that she likes to have access to the attorney without being concerned about billing hours. Both Mr. Eastes and Mr. Liechty expressed a few concerns about the town attorney's performance. Mr. Young moved to accept the attorney representation agreement. Mr. Steffens seconded the motion. The agreement was accepted with a majority vote. Mr. Liechty abstained; Mr. Eastes voted "present". Mr. Young amended the motion to make the retainer agreement effective Jan 1 – June 30, 2009. Mr. Steffens seconded. Motion passed by those who voted in favor of the agreement.

NATIONAL SERV-ALL – Brief discussion ensued about pros and cons of the town directly billing for trash services together with the stormwater utility bill. The combined billing would start in 2009. Mr. Clendenen sought input from those present on whether they would prefer monthly or quarterly billing; all input favored quarterly billing. Mr. Steffens and Mr. Liechty both agreed that quarterly billing would be best. Mr. Clendenen moved to bill for trash removal services quarterly through the town's stormwater utility billing. Any first-year cost savings will be retained to offset the cost of establishing this service. Mr. Liechty seconded the motion; motion passed unanimously.

REMOVAL OF TREES FROM TOWN RIGHT-OF-WAY – Ms. Garton and Mr. Liechty talked about the proposed policy for the removal of trees from town right-of-way. Ms. Garton recommended that the council review several sample resolutions from other communities prior to adoption. She also urged the council to schedule time to work on several other proposed policies needed, such as a sidewalk policy. Mr. Liechty moved to table the proposed resolution; Mr. Eastes seconded. The council unanimously agreed.

NOISE ORDINANCE DISCUSSION – Mr. Proctor, town attorney, is prepared to review the proposed revisions to the town's noise ordinance. Mr. Clendenen moved to table Mr. Proctor's presentation of the noise ordinance revisions until the January 20<sup>th</sup> council meeting; Mr. Eastes seconded. The motion passed unanimously.

RESOLUTION 2009-09 STOP SIGN AT BARRONESS PLACE – Mr. Eastes moved to adopt the revised 'Schedule A' referencing the addition of a stop sign on Baroness Place at Poplar Creek Place in Lionsgate Passage; Mr. Young second. The resolution passed by unanimous vote.

RESOLUTION 2009-10 – UNEXPENDED APPROPRIATIONS – Mr. Clendenen read the resolution, which states that the town council resolves not to spend in 2008 unspent appropriations within specified funds. Mr. Eastes moved to adopt resolution 2009-10; Mr. Liechty seconded. Discussion ensued relating to how this resolution affects the 2009 budget year. Specifically, such action enables the DLGF to view previously approved appropriations within certain funds as a fund's cash balance vs. a liability. Resolution 2009-10 passed by unanimous vote.

SR1/AMSTUTZ RD MEETING – Ms. Garton updated the council on the town’s meeting with INDOT regarding the concerns that were brought regarding the proposed movement of the intersection.

TOWN GATEWAY SIGNAGE – Ms. Garton again presented the proposal for new town gateway signage to be placed at the entrance of the town limits on Schwartz Road as well as Hosler Road. The cost per sign including installation is \$892.00. She provided a sample of the composite product that would be used to create the sign as wooden signs have significant maintenance issues. Mr. Liechty stated that he would also like to see a gateway sign on Amstutz Road as people enter the town limit. Mr. Liechty moved to purchase three town gateway signs; Mr. Steffens seconded. Motion passed unanimously.

VOUCHERS - The following vouchers were approved; two (2) line item voucher forms dated November 18 – various (\$16,913.35), August, September and October invoices from Eilbacher Fletcher LLP – attorney (\$1635.69), Brooks Construction – road resurfacing (\$219,625.66), Brooks Construction - retainer (\$30,386.68).

GERIG ROAD STORMWATER PROBLEM – Mr. Young brought up the issue of the drainage problem located at the Worman property on Gerig Road. He expressed his concern that this is not a priority due to the stormwater utility’s limited funds, and feels this problem should be alleviated as soon as possible. He inquired whether the town council would be willing to subsidize the stormwater utility to get the work done faster. Mr. Tim Richards, stormwater utility member, was present at the council meeting. The topic will be on the next agenda for further discussion.

ADJOURN – Meeting adjourned until December 2, 2008.

APPROVED:

ATTESTED:

John Clendenen  
Council President

Pamela Spannuth  
Clerk-Treasurer