

TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
AUGUST 2, 2011

ATTENDANCE:

John Clendenen – Council President
John Eastes – Council Vice-President
Paul Steffens
Gordon Liechty, Jr.
Tim Richards
Pamela Spannuth – Clerk-Treasurer
Peggy Garton – Town Administrator
Patrick Proctor – Town Attorney

7:00 – Council President Clendenen called the meeting to order with the Pledge of Allegiance.

JULY 19, 2011 MINUTES – The council approved the July 19, 2011 meeting minutes with several grammatical corrections.

RIGHT OF WAY CONCERN – Mr. Tom Morrical and Mr. John Miller were present to discuss their concern regarding a platted right-of-way located adjacent to 10007 Black Street which was recently purchased by them. Mr. Proctor explained the concern that has been raised with the barn located on the platted right-of-way. The owners would like to make improvements to the small barn as it is in extremely poor condition. Since the building is located in a right-of-way, Mr. Proctor stated he feels that the town should not issue an improvement location permit. Peggy Garton, the town's zoning administrator, stated that she does not issue ILP's for repairs existing structures. Discussion ensued regarding the jurisdiction of the Allen County Building Department to issue permits for the repair or remodeling of existing structures. Discussion ensued regarding the stop work order that was put on the project through the Allen County Building Department at the request of a town official. Mr. Proctor provided input on the options that the council has when addressing this property issue. The council can choose to either maintain the right-of-way (platted alleyway), or choose to vacate this parcel. Mr. Proctor also stated that if the town chooses not to vacate the right-of-way, the town should require the removal of the barn in question from the right-of-way. Mr. Morrical stated that if the barn was located in the right-of-way, than the town is the owner and should be responsible for the removal; Mr. Proctor clarified that the town merely maintains the public right-of-way and is not the legal owner of the barn. If the right-of-way is vacated, the Indiana Code states that the property would be divided by the adjacent property owners. Mr. Clendenen added that the council needs to consider any possible future right-of-way needs for stormwater management, walkways, etc. prior to vacating town right-of-way and would like to seek additional input from the town engineer prior to any decisions being made. Mr. Liechty Jr. pointed out that there is a wellhead also located on the right-of-way and the barn in question is blocking access to back

yard of the adjacent property using the right-of-way; Mr. Liechty, Jr. owns the adjacent property. Mr. Miller stated that he is not interested in having the town vacate the right-of-way. Mr. Proctor stated that there should be concern given to structures and buildings located in the right-of-way as they could be legally viewed as exposing the town to liability issues. Mr. Morrill expressed his frustration with having a stop work order placed on this barn.

HSA/HEALTH INSURANCE CORRECTION – Mr. Eastes stated that he is concerned with the manner in which the town had previously chosen to process HSA and health insurance payments. He explained the reasoning behind his concern and provided a solution to fixing the problem. He recommends that each full time employee receive a benefit package equal to the amount able to be legally funded annually to an HSA account. Further calculations will be made and a definitive figure will be provided to the council at the next meeting.

SIGNALLED CROSSWALKS – Ms. Garton stated she has been given an estimate of \$15,000 - \$20,000 per crosswalk. Additional information will be sought regarding the concept of signaling the crosswalks on Amstutz Road.

CABLE FOR PRESENTATIONS – Mr. Clendenen moved to allow Mr. Eastes to spend up to \$200.00 to purchase the appropriate cable(s) needed to utilize the monitor in the council chambers for presentations. Mr. Liechty, Jr. seconded. The motion passed by unanimous vote. Mr. Eastes stated that he estimates the cost to be approximately \$150.00.

CELL PHONE – Mr. Richards provided input regarding cell phone usage and what position the town should take. Different municipalities have different policies and positions for cell phone usage and how it's accounted for. Further research will be done prior to a decision.

FINANCIAL REPORT – Ms. Spannuth provided a current fund and appropriation report.

AUTHORIZATION TO PROCEED FOR HOSLER ROAD TRAIL – Mr. Clendenen presented an authorization to proceed for the purpose of beginning the pre-preliminary design for a trail along Hosler Road for a cost of \$6,000.00. This proposal would include up to three concept drawings. Mr. Richards moved to approve this authorization to proceed; Mr. Eastes seconded. The motion passed by unanimous vote.

2012 BUDGET – Ms. Spannuth discussed the 2011 budget and the proposed timeline. Ms. Spannuth and Mr. Eastes will work on a preliminary budget to be presented and discussed further at the next meeting.

2012 SALARY DISCUSSION – Mr. Eastes opened discussion regarding 2012 salaries and benefits. No decisions were made on this topic.

VOUCHERS – The August 2, 2011 line item voucher form was approved via signatures.

ADJOURNED – Meeting was adjourned until August 16, 2011.

APPROVED:

JOHN CLENDENEN
Council President

ATTEST:

PAMELA SPANNUTH
Clerk-Treasurer