

TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINTUES
NOVEMBER 17, 2009

ATTENDANCE:

Paul Steffens – Council President
John Clendenen – Vice President
Mike Young
John Eastes
Gordon Liechty, Jr.
Pamela Spannuth – Clerk-Treasurer
Pat Proctor – Town Attorney
Jim Lauer – Town Engineer
Tim Richards – Stormwater Utility Board Chairman

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

The agenda was unanimously approved with flexibility.

GERIG ROAD RESIDENT – Mr. and Mrs. Sean Elsten was present to request reimbursement for excavation work they did at their residence on Gerig Road that diagnosed the cause of a chronic flooding problem. Mr. Elsten presented a history of the problem and what he feels was the origin. He stated they have spent approximately \$15,000.00 of their own money diagnosing and fixing the problem; they are requesting that the town reimburse them for the excavation work totaling \$2,175.00. Mr. Richards, along with Mr. Proctor and Mr. Lauer discussed details relating to what improvements were done to alleviate this problem. Discussion also ensued regarding the possible origins of this problem. The Elstens stated that they had a dry basement until 2007 and that their severe flooding problems began following road improvements on Gerig Road. Mr. Lauer stated that homes in this area have historically had flooding and drainage problems due to the sandy condition of the soil in the area and further stated that homes should not have been built with basements in that particular area. Mr. Young asked if the flooding problem has been permanently alleviated as a result of the improvement that was done. Mr. Lauer stated that it is possible, but would recommend that the residents always be aware of the need to maintain the proper sump system. Mr. Dick Worman was present to provide his input on the history of the problem and feels the problem dates back to 2002. Mr. Eastes reviewed the document that itemized the expenses incurred by the Elstens. He asked several questions relating to this issue: The first question that was asked was whether the improvements benefited more than just one property. The repair has apparently helped alleviate the severe flooding problem on the north side of Gerig Road as well. Mr. Eastes further asked Mr. Richards and Mr. Lauer whether the diagnostic work that was paid for by the Elstens was of benefit to the town; both gentlemen agreed. Mr. Eastes moved to reimburse the Elstens \$2,175.00 for the costs incurred by excavating the area to determine the cause of the problem based upon the questions he asked; Mr. Young seconded. Mr. Clendenen asked Mr. Elsten where the excavating work took place at his property. Further explanation was provided by the

Elstens as well as by Mr. Tim Richards. Mr. Richards stated that the stormwater utility board chose to repair this problem because the repair would assist in alleviating other residences in the area. Mr. Clendenen stated that he does not wish to set the precedence that the town council gets involved with private property issues and repairs. He does, however, feel that there is a public benefit to this specific repair. Mr. Proctor recommended that this motion be backed up by resolution, and further recommended that the council request that the stormwater utility board consider reimbursing the town's general fund for this expenditure. The motion to reimburse passed unanimously. Mr. Clendenen moved that the stormwater utility be requested to reimburse the general fund for the \$2,175.00. Mr. Eastes seconded. The motion carried by unanimous vote.

RIGHT-OF-WAY REPAIR REQUEST - Mr. Richard Liechty was present to request that the council reconsider funding the improvement needed within the town's right-of-way along Main Street by Marco's Pizza, specifically the parking area that falls between the town's paved street and the business' private property. Mr. Richard Liechty has a bid from Wayne Asphalt for the improvement. He stated that this proposed improvement would significantly improve the quality of parking in this area as the parking area is shared by three businesses. He feels that it would not be aesthetically pleasing to leave an unimproved area between the paved road and the improvement at his property. Mr. Eastes asked Mr. Lauer his opinion regarding the condition of the area and if it would continue to disintegrate; Mr. Lauer stated that it would over time. Mr. Clendenen stated that Marcos has signs posted that prohibit parking for any other businesses and feels that the improvement would only benefit one business. Mr. Richard Liechty stated he would request that those signs be removed with the exception of several dedicated parking spaces. Mr. Clendenen asked if the town has assisted with an improvement such as this in the past; Mr. Lauer stated the town has not. Mr. Young expressed his opinion that by assisting in improving this area, the town is improving the downtown and that should be the business of the town council. Mr. Young made the motion that the town helps the Leo Downtown Development program by paying the costs to pave the town's property on the north side of Main Street up to the property line of Liechty's parking lot in front of Marco's Pizza and to be done at the same time the Liechtys pave the rest of their lot. Bids should be taken by both parties to save costs; the town's share is not to exceed \$2,310.00. Mr. Eastes asked if this estimate is a competitive price. Mr. Lauer stated that he feels the estimate may be a little high. It is possible that the contractor who is currently resurfacing several roads throughout town could add this as a change order. Councilman Liechty suggested that for safety reasons, there should actually be some differentiation between the area where the road is versus the parking area. He stated that by having the area entirely asphalt it could create a driving hazard. Mr. Clendenen feels that the town should not get in the business of paving right-of-ways beyond the roads to suit businesses and the council should be careful what precedence is set. Discussion ensued about how the town should view this issue. Mr. Young feels that the right thing to do is to assist in this business' attempt to improve downtown parking. Mr. Proctor noted that Mr. Liechty does have a valid point that there should be some designation between what is private business property vs. the town's public property. Mr. Eastes provided input relating to his experience as a business owner within another community. He feels that it may premature to make a decision on this improvement due to the lack of

a larger plan. Mr. Steffens brought up a similar issue addressed in the past regarding defining parking spaces from the roadway along Hosler Road. Upon calling for a vote, the motion failed with Mr. Young voting in favor; all remaining council members voted against. Mr. Richard Liechty asked how fast the downtown plan is moving and whether he should wait to continue with his improvements. There are no finalized plans to improve the downtown parking areas.

NOVEMBER 3, 2009 MINUTES – The minutes were approved with a grammatical correction.

ATTORNEY - Mr. Proctor discussed the Notice of Tort claim that was received by the town. He recommends that this notice be provided to the town's liability insurance carrier. Ms. Spannuth will make sure the insurance company is noticed.

PARK BOARD ORDINANCE DETAILS – Ms. Kimm was present to discuss a request by a renter to permit alcoholic beverages at the park pavilion during a wedding reception. Ms. Kimm presented copies of the original ordinance as well as the version as codified in the 2002 book of ordinances. She is requesting that the council support the park board's wishes to develop a specific set of criteria that must be met to allow any alcoholic beverages during a rental in the parks. She cited what the Allen County Parks require which includes the mandating that the renters hire at least two police officers to be present at the event. She referenced the current park board ordinance and feels that it is within the authority of the park board to establish these rules but would like the support of the town council on this issue. Mr. Eastes addressed the requirement to have two off-duty officers present and appreciates that suggestion. Ms. Kimm stated that the park board will provide the council with a list of recommended criteria within 45 days. The council agreed that with proper safety criteria established placing all responsibility on the renter; they would not be against this proposal. Mr. Proctor recommended that any conflicts within the ordinance regarding any prohibition should be clarified.

NORTHEAST FIRE AND EMS – Mr. Steve Herman was present to request financial assistance for the purchase of a 75-foot ladder truck. Ms. Spannuth stated that the council resolved to not spend the approved budget within the cumulative fire fund as they were unaware there would be a need in 2009. The funds will not be available to spend until 2010. Mr. Eastes stated that he feels that the funds within the town's cumulative fire fund should continue to accumulate and eventually be used for a future station within the town. He isn't against assisting the fire department in their needs; however, he feels the expenditure should come from the town's General Fund. He recommends that the fire department come back to the council in January with this request. Ms. Spannuth recommends that the council look at how the year is ending financially and what funds are available prior to the end of the fiscal year. Mr. Clendenen agrees that available funds should be looked at prior to the end of the year. Ms. Spannuth will provide a report on available funds for the second meeting in December.

TOWN IMPROVMENT UPDATES – Mr. Lauer updated the council on the status of the town improvements currently under construction; Manning Street should be asphalted

within a week. He discussed a problem that was encountered and resolved during the construction process on Manning. He also cautioned that road salt should not be used on Manning Street this winter because of the new concrete curb. He stated that the Riverside Garden's Restroom construction is almost complete. He provided input regarding possible interest by the council to build a fire station within the town limits. He recommended that the council look at how the Harlan fire station was constructed as the Amish community helped build this station.

CAPITAL IMPROVEMENT PLANNING – Mr. Clendenen provided copies of a document on how to develop a capital improvement plan. He stated that there are firms that can assist in creating a detailed plan. He also said that a committee could be formed. A copy of a sample capital improvement plan from another small community was presented and will be left at the town office for review. He asked that the council take the time to review these documents and be prepared to discuss this at the next meeting.

VOUCHERS – The council signed the November 17, 2009 voucher form. Partial payment to Strauser Brothers Construction for the Riverside Gardens Restroom and partial payment to Wayne Asphalt for Manning Street were approved within the vouchers.

ADJOURN – The motion to table the remaining agenda and adjourn the meeting was unanimously approved.

APPROVED:

ATTEST:

Paul Steffens
Council President

Pamela Spannuth
Clerk-Treasurer