



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
February 21, 2012
At 7:00 PM

Call To Order: President Brett Foster called the meeting to order and Dennis Schrupf gave the prayer. President Foster called for the roll call and the members of the Town Council were present or absent as follows:

Present: Brett Foster
Jerry Cook
Kay Hartley
Dennis Schrupf

Absent: Eric Hayden

Declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Dave Hildebrand, Police Chief
Steve Peachey, Fire Chief
Paul Munoz, Cicero/Jackson Township Plan Commission Director
John Culp, Town Attorney
Keith Bryant, Town Engineer
Dan Strong, Cicero/Jackson Township Plan Commission President

Approval of Prior Minutes:

Town Council Meeting Minutes, February 7, 2012, 7:00 PM – Mr. Schrupf made a motion to approve the minutes of February 7, 2012. Mr. Cook seconded, motion passed.

Approval of Agenda:

Mr. Foster added to the agenda approval to sign the Park Impact Fee Contract. Ms. Hartley made a motion to approve the agenda as amended. Mr. Cook seconded, motion passed.

Approval of Claims:

Mr. Cook made a motion to approve the claims as presented. Mr. Schrupf seconded, motion passed.

Petitions by Citizens:

There were none

President's Report:

Appointment to Plan Commission. Mr. Foster appointed Cory Sylvester, contingent on their meeting and Cory's acceptance. The appointment is a 4 year term, beginning 1-1-2012.

Council Committee Reports:

There were none.

Legal Counsel Report-John Culp:

1. Mr. Culp informed the Council that Jack Squires, a competitor of Crown Castle, contacted him regarding discussing the contract for the cell tower on Buckeye Street. They met on Friday. Mr. Squires is with Unison out of Fort Wayne. He would like to bid on the tower lease. Mr. Culp informed him that he would discuss with the

Council and if they are interested he will setup a meeting for him to meet with the Council. Mr. Culp informed the Council that he did tell Mr. Squires that he may share this information with Erin Lester of Crown Castle. Council was agreeable to meeting with Mr. Squires and Mr. Culp stated that he thought the meeting would last about thirty minutes. Mr. Culp stated that there is 9 years left on the current contract. The Council was okay with Mr. Culp giving Mr. Squires information if requested.

2. Council stated that they would like to review the Hoosier Broadband lease.

Cicero/Jackson Township Plan Commission Report-Mr. Strong.

1. Mr. Strong informed the Council that Terry Lewis was expanding the parking lot for her chiropractic business at 209 S. Peru St.
2. Mr. Strong said that there was a new insurance business going it at 7810 E. 236th St. Appleseed, LLC.
3. Mr. Strong also informed the Council that Colleen Starrett was approved for a commercial kitchen at 329 W. Buckeye.

Town Engineer Report-Mr. Keith Bryant –

1. Stringtown pike – proceeding forward.
2. IDEM I&I update – Mr. Bryant distributed letter from town to IDEM
 - a. Item one in the letter discusses the flooding and dye texting.
 - b. Item two discusses the sump pump ordinance. Mr. Bryant stated that there have been approximately 900 surveys turned in and about 854 inspections completed. There have been 13 violations. They are working to get the rest of the town to respond.
 - c. Item three stated that the Town is evaluating replacing old lines in old town.
 - d. Item four stated that the Causeway force main replacement has been completed.
 - e. The last item addresses the issues with the Indiana academy stating that the Town has notified them of the problems.
3. Jackson Street Pedestrian Walkway
 - a. Utilities – Mr. Bryant stated that Duke sent back copies of the utility agreement without the Town signatures. He asked that the Council sign again so they would have copies with signatures of all parties on it. Council agreed.
 - b. Final of land acquisition – Mr. Bryant stated that there was not a recorded right-of-way on the causeway. Therefore, the Town’s property was the edge of road to edge of road. Citizen’s Energy, who recently purchased the Indianapolis Water Company, has given the Town a proposed Non-Exclusive License Agreement for the easement. The Indianapolis Water Company would not negotiate the easement because they knew it was being sold and wanted to wait for the transfer. The Citizen’s agreement is not acceptable to the Town and Mr. Bryant stated that he was sure that INDOT would not accept it either. United is to meet with INDOT on the February 22nd to see what they say. Because there is no clear easement at this time the earliest the Walkway can be bid out is July. Mr. Foster inquired of Mr. Culp if there was any recourse in a court of law. Mr. Culp stated he would have to do some research. Mr. Culp stated that the current proposed agreement was not acceptable. The Town would need a title or permanent easement. A lease would not work. The Council gave permission for Mr. Culp and Mr. Bryant to work on getting an acceptable agreement with Citizen’s for the easement.

New Business:

Council To Consider Ordinance # 02-21-2012-1 An Ordinance Creating A Separate Fund For the Receipt And Distribution Of Money Collected From Golf Cart Registration.

Mr. Cook made a motion to approve Ordinance # 02-21-2012-1an Ordinance Creating a Separate Fund for the Receipt and Distribution of Money Collected from Golf Cart Registration. Mr. Schrupf seconded, motion passed.

Council To Consider Ordinance # 02-21-2012-2 An Ordinance Amending Chapter 77 Of Title VII Of The Cicero Municipal Code Of Ordinances Relating To Golf Cart Use.

Mr. Schrupf made a motion to Ordinance # 02-21-2012-2 An Ordinance Amending Chapter 77 of Title VII of the Cicero Municipal Code of Ordinances Relating to Golf Cart Use. Ms. Hartley seconded, motion passed.

Council To Consider Ordinance # 02-21-2012-3 An Ordinance Amending Section 36.03 Of The Town Of Cicero Municipal Code of Ordinances Relating To The Fee Schedule.

Mr. Schrupf made a motion to approve Ordinance # 02-21-2012-3An Ordinance Amending Section 36.03 of the Town of Cicero Municipal Code of Ordinances Relating to the Fee Schedule. Ms. Hartley seconded, motion passed.

Council to Discuss Impact Fee Contract For Parks Department

Mr. Cambre informed the Council that the Contract fee for updating the town's Recreation Impact Fee Study and related Ordinance will be \$22,000 With Lehman & Lehman. The original cost was going to be \$27,000 but it was negotiated that Mr. Cambre and Mr. Munoz would do some of the work. Some of the information could be used for updating the Comprehensive Plan. Mr. Cambre stated that the Recreation Impact Fee Study and related Ordinance had to be reviewed every five years by state law. Mr. Schrupf made a motion to approve the contract with Lehman & Lehman and to allow Mr. Foster to sign. Ms. Hartley seconded, motion passed. The study needs to be completed by June 16th.

Miscellaneous

Mr. Culp stated that he had reviewed the right-of-way certification form and it is okay to sign. Ms. Hartley made a motion to approve the right-of way certification form and to authorize Mr. Foster to sign. Mr. Cook seconded, motion passed.

Mr. Schrupf made a motion to approve the Appraisal & Analysis and allow Mr. Foster to sign. Mr. Cook seconded, motion passed.

Ms. Unger distributed the Cancellation of Warrants for 2009.

Ms. Unger informed the Council that the 2012 Budget has been approved by the Department of Local Government Finance.

Mr. Munoz informed the Council that he would like to have local merchants, artists, or anyone interested paint a rain barrel that will provided by the Storm Water Utility. The rain barrels will then be auctioned off on June 2nd at the Cicero Farmer's Market location. This will be done in conjunction with the Nickel Plate Arts Weekend. Mr. Munoz stated that this is similar to what other communities are doing for storm water education.

Police Chief Dave Hildebrand informed the Council that Fort Wayne received the low bid for vehicles for Carmel. He has money to purchase one vehicle and he would work with Ms. Unger on the additional appropriation for the other one he would like to purchase with money saved from 2011 and the sale of two vehicles.

Ms. Hartley informed the Council that she and Ms. Unger attended the IACR Legislative Conference last week. They found it to be very informative. Ms. Hartley stated that Cicero would need do redistricting for the Council districts before the end of the year.

Comments By Citizens

There were none.

Motion To Adjourn:

Ms. Hartley made a motion to adjourn. Mr. Cook seconded, motion passed.

Signatures on Official Documents!

Brett S. Foster – President

Jerry G. Cook- Vice-President

Sylvia Kay Hartley

Eric C. Hayden

Dennis D. Schrumpf

Attested: _____
Jan Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on March 6, 2011, at 7:00 PM at the Cicero Town Hall.