



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**June 19, 2012**  
**At 7:00 PM**

**Call To Order:** President Brett Foster called the meeting to order and Ms. Hartley 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  
Eric Hayden  
Dennis Schrupf

**Absent:**

Declared a quorum present.

**Others Present:** Jan Unger, Clerk Treasurer  
Charlie Cambre, Park Superintendent  
Pat Comer, Street/Utilities Superintendent  
Dave Hildebrand, Police Chief  
Bruce Scherer, Assistant Fire Chief  
Paul Munoz, Cicero/Jackson Township Plan Commission Director  
John Culp, Town Attorney  
Keith Bryant, Town Engineer

**Council To Open Proposals For Repair Of Front Of Fire Station.**

The Town received two proposals for the repair of the front of the Fire Station.

1. Mr. Schrupf opened the first proposal from Myers Construction Management, Inc.
  - a. Option #1 is for Tru-Brix System using Redlands Antique Oversize for \$87,000.00
  - b. Option #2 is for the traditional installation using Redland Antique Oversize for \$91,500.
  - c. Alternates:
    - i. Alternate #1 Delete removal of existing plywood and install new plywood over existing. Deduct \$1,168.00
    - ii. Alternate #2 Delete installation of the new plywood and use existing sheeting as acceptable back for the installation of the Tru-Bix or convention brick options. Deduct \$4,100.00.
    - iii. Alternate #3 Delete supply and install new light fixtures. Re-use the existing light fixtures. Deduct \$2,299.00.
2. Mr. Cook opened the second proposal from 1 Hour Door.

- a. Option #1 per the Cicero Fire Department RFP. Estimated cost is \$81,051.00.
- b. Option #2 per the Cicero Fire Department RFP. Estimated cost is \$98,133.00

Ms. Hartley made a motion to take under advisement. Mr. Schrupf seconded, motion passed.

**Approval of Prior Minutes:**

**Town Council Meeting Minutes, June 5, 2012, 7:00 PM** – Ms. Hartley made a motion to approve the Town Council Meeting Minutes of June 5, 2012 with corrections. Mr. Cook seconded, motion passed.

**Approval of Agenda:**

Mr. Schrupf made a motion to approve the Agenda as presented. Ms. Hartley 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:**

**Mr. Dan Portwood** addressed the Town Council regarding the Dogs Baseball Club. Mr. Portwood stated that this is a travel club and they would like to use the Cicero baseball fields one weekend in July for a tournament. Mr. Foster stated that the Town had a lease with the Hamilton Heights Amateur Sports Association and they have control over the fields. Mr. Portwood stated that he approached them and they have denied the Dawgs Club from using the fields even though they were allowed to use the fields last year. Mr. Portwood stated that he offered to give the proceeds of the tournament to use the fields and they were still denied. The Council inquired as to what the revenue was for a tournament and was told by Mr. Portwood that it was between \$5,000 and \$8,000. Mr. Portwood stated that he would like to keep the money at home but he cannot use the fields. Ms. Unger inquired as to what they paid to use a field. Mr. Portwood said for a tournament they paid \$800 to use the fields and they paid \$150.00 per regular season game. Mr. Portwood said that he did not know why both leagues could not play on the same fields or combine efforts. There was a lengthy discussion and Mr. Foster stated that he would contact Mr. Andy Miller, president of the HHASA to discuss. Mr. Foster also stated that Mr. Portwood and the Dawgs Club could make a presentation to the council regarding a potential lease for the Cicero Sports Complex. Ms. Unger was directed to see when the lease expired.

**Mr. Joe Katuin** addressed the Council concerning Lights Over Morse Lake. Mr. Katuin informed the Council that the funding was good for this year. The Boat Poker Run brought in approximately \$6,000 and the Golf Cart Run is yet to come. Sponsorships have been good. Mr. Katuin stated that this year because of the State Fair incident they have to complete paperwork for the state on any stages more than 4” off the ground for bands. Mr. Katuin inquired about the gazebo at Red Bridge and was told it was a permanent structure. There was a discussion on a potential fire ban. Mr. Cook said that it was up to the Fire Chief to make that decision. Mr. Katuin stated that is why they like having the three day festival, there are other things to do if something would happen with the fireworks. Mr. Katuin stated that the barge for the fireworks was ready thanks to Thomas Docks. Ms. Pam Nicholson will be the Grand Marshall. Mr. Katuin stated that

Ms. Nicholson was a founding member of the LOML Committee. Mr. Foster thanked the committee for all of their work on LOML.

**President's Report:**

President Foster read a thank you letter from Christy Wilson, president of Friends of the Park, for the Town's support in the 2<sup>nd</sup> Annual Earth Day Celebration.

**Council Committee Reports:**

There were none.

**Legal Counsel Report-John Culp:**

1. Mr. Culp stated that he had reviewed the Proposals for the Fire Building Repair.
  - a. Myers Construction Management, Inc. included a bid bond, Power of Attorney and certificate of Insurance.
  - b. 1 Hour Decorative Glass included bid bond, Power of Attorney, certificate of insurance, the E-Verify Affidavit, and the Non-collusion Affidavit.

Mr. Culp stated that he was not sure what Chief Peachey had asked for.

**Cicero/Jackson Township Plan Commission Report-Paul Munoz.**

1. **Mr. Munoz** informed the Council that the Cicero/Jackson Township Plan Commission had approved the HAND Project and was sending a favorable recommendation from the Plan Commission to the Town Council for approval of the rezone from R-3 to R-6 for the Hand Project.

**Stephanie Burbick and Michelle Westermeier** addressed the Council concerning the HAND Project. They distributed copies of the Site Plan and the Street View of the proposed project. Ms. Burbick reviewed the proposed project stating that there would be five apartments and they would provide affordable housing for seniors over 62. Ms. Burbick stated that HAND was a 501c3 and they received funding from the State, Federal, Home Loan Bank, and with permanent loans. There would be deed restriction for 20 years and HAND would own the property for that period of time. Ms. Burbick stated that they have two projects completed in Noblesville and one in the process and they have two completed in Sheridan and the possibility of adding more. Ms. Burbick said that the units were Green Building and would have low utility bills and be comfortable for seniors.

**Mr. Munoz** informed the Council that that there were two commitments that the Plan Commission asked for, a fence on the east side of the property between the project and the neighbor to the east and a side walk on the west side along SR 19. They have agreed to these. Mr. Culp asked if the Plan Commission had written certification for the recommendation and Mr. Munoz stated that he did not.

**Ms. Hartley** stated that she had a concern over the possible property tax exemption they were applying for. Ms. Hartley stated that she thought there should not be an exemption and that it would be money the Town could use. Ms. Burbick stated that currently they would pay the full assessment on the property and that since they were a 501c3 HAND did not think that they should be paying full market value on the property tax. However, there is no in-between allowable by the state. They are keeping the rents low so they can be affordable and they pay for their financial obligations and up keep on the property. There was a discussion if the state approved the deferral on the property tax if there could be a payment in lieu of taxes. Mr. Culp will check on this. There was a discussion about the Council not making a decision until the tax issue was resolved. Ms. Burbick said that

this could take up to 6 months to a year or longer. Mr. Cambre inquired about the Park Impact Fees and Ms. Burbick said they were paying these fees.

**Mr. Foster** agreed with Ms. Hartley's concern regarding the property tax exemption and stated that, if the exemption is approved, they would not be paying any property taxes. This is the main source of income for the town and all the other residents are required to pay it. They would be receiving public safety services for free at the taxpayers expense. This does not seem fair to the town's residents. Mr. Foster also stated the Council and Plan Commission had worked very hard to change the town's zoning based on population density and aesthetics. Mr. Foster felt that allowing modified R-6 zoned buildings in areas zoned for R-3 buildings could set an undesirable precedent especially on a main corridor into town. Mr. Foster liked the project but is concerned with the location and possible tax abatement. He stated that the council could vote to approve the project now or table for further review.

**Ms. Hartley** made a motion to table. There was no second.

**Mr. Hayden** made a motion to approve the Re-zone from R-3 to R-6 for the HAND project. Mr. Cook seconded, motion passed 3-2 with Mr. Foster and Ms. Hartley voting nay. Mr. Foster then congratulated HAND.

2. **Mr. Munoz** informed the Council that permits were picking up. Currently there are four building permits pending. Waraham's Pond will be sold out by the end of week.
3. **Mr. Cook** inquired if Mr. Munoz had sent out the violation letters yet. Mr. Munoz stated that he had 15 on his desk ready to go.
4. **Mr. Foster** inquired about if the minutes were on the Website yet. Mr. Munoz stated that they were.

#### **Town Engineer Report-Mr. Keith Bryant –**

1. **Jackson Street Pedestrian Walkway** - Mr. Bryant informed the Council that Jackson Street Pedestrian Walkway was moving along. The Bids should be in to INDOT on August 8<sup>th</sup> and the Contract should be approved within a month of that date. Mr. Hayden inquired if there were any decisions that needed to be made by the Council. Mr. Bryant stated that mostly they had all been made but there would be some discussion as the process proceeds.
2. **Stringtown Pike/Baseball Park Path** – Mr. Bryant stated that there were a few items to work out with the DNR. These items have been completed and they have verbally approved the project to be bid but Mr. Bryant is waiting on written notice. Mr. Bryant stated that with regard to the utilities, Frontier and United can make some minor modifications to avoid issues with Frontier if needed. The asphalt needs to come up per Jay Keith at DNR and they will correct that. Comcast has not returned any phone calls and United thinks they can shift around any issues there also. Mr. Bryant distributed cost estimates regarding this project. It is estimated that the total cost to the Town will be \$92,192. Mr. Cook made a motion to approve moving forward and advertising for bids. Mr. Schrupf seconded, motion passed. Mr. Bryant will send the Notice to Bidders for Ms. Unger to advertise on June 25<sup>th</sup> and July 2<sup>nd</sup>. Bids will be accepted on July 17<sup>th</sup>.
3. **Task Orders For Extension of Water & Sewer Lines** – The Council discussed the Task order for the extension of water and sewer lines to 216<sup>th</sup> Street south on SR 19 and to Tollgate Road on 236<sup>th</sup> going west. Mr. Comer is in favor of the study and said that it would help with the comprehensive plan. The cost of the Task Orders is \$8,000 each which Ms. Unger said could be taken out of Water and Sewer improvement. Mr. Cook

made a motion to move forward with the study for extension of water and sewer lines south on SR 19 to 216<sup>th</sup> Street. Ms. Hartley seconded, motion passed. Mr. Schrupf made a motion to move forward with the study for extension of water and sewer lines south east on 236<sup>th</sup> Street to Tollgate Road. Ms. Hartley seconded, motion passed.

4. **I & I** – Mr. Bryant informed the Council that he was continuing to work with Mr. Comer and Mr. Taylor on solutions to the I & I problems.

### **Old Business:**

#### **Council To Consider Ordinance 06-05-2012-1 Amendment To the Towns Personnel Policies Handbook Regarding Nepotism, Elective Officers and Town Employment Restricted, and Contracting with the Town.**

Mr. Schrupf made a motion to untable. Mr. Cook seconded, motion passed. Mr. Culp explained that Jody Woods with IACT and Aaron Culp worked through the Nepotism Law and have put together this ordinance and attached are Exhibits A through F which spell out the ordinance and contain documents that will need to be completed after July 1, 2012. Mr. Culp stated that it would be a Class C felony if the Town did not pass a Nepotism policy. Ms. Hartley made a motion to approve Ordinance 06-05-2012-1 Amendment To the Towns Personnel Policies Handbook Regarding Nepotism, Elective Officers and Town Employment Restricted, and Contracting with the Town. Mr. Schrupf seconded, motion passed.

#### **Council To Consider Approving The CDBG Funding Agreement.**

Ms. Unger explained that Mr. Mark McConaghy realized this did not get signed before the project started and needs to get is signed before payment. Mr. Cook made a motion to approve the CDBG Funding Agreement. Ms. Hartley seconded, motion passed.

### **New Business:**

#### **Council To Consider Resolution 06-19-2012-1 Transfer of Funds For Insurance, Vehicle Repair, Park Shelter, & CCD Projects.**

Mr. Schrupf made a motion to approve Resolution 06-19-2012-1 Transfer of Funds For Insurance, Vehicle Repair, Park Shelter, & CCD Projects. Ms. Hartley seconded, motion passed.

#### **Council To Consider Ordinance 06-19-2012-2 An Ordinance Enacting and Adopting A supplement To The Code of Ordinances For The Town Of Cicero and Declaring an Emergency.**

Ms. Unger explained that this was just an annual procedural ordinance to update the Cicero Code of Ordinances with the ordinance passed the previous year. Mr. Schrupf made a motion to pass Ordinance 06-19-2012-2 An Ordinance Enacting and Adopting A supplement To The Code of Ordinances For The Town Of Cicero. Mr. Cook seconded, motion passed.

### **Miscellaneous**

There were none.

**Comments By Citizens**

There were none.

**Signatures on Official Documents!**

**Motion To Adjourn:**

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

**Signatures on Official Documents!**

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Brett S. Foster – President

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Jerry G. Cook- Vice-President

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Sylvia Kay Hartley

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Eric C. Hayden

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Dennis D. Schrupf

**Attested:** \_\_\_\_\_  
Jan Unger, Clerk Treasurer

**The Next Cicero Town Council Meeting will be on July 3, 2012 at 7:00 PM at the Cicero Town Hall.**