



**TOWN OF CICERO**  
**MINUTES OF THE TOWN COUNCIL MEETING**  
**May 15, 2012**  
**At 7:00 PM**

**Call To Order:** Mr. Eric Hayden called the meeting to order and Mr. Schrupf gave the prayer. Mr. Hayden called for the roll call and the members of the Town Council were present or absent as follows:

**Present:** Eric Hayden  
Kay Hartley  
Dennis Schrupf  
Jerry Cook (8:00 PM)

**Absent:** Brett Foster

Declared a quorum present.

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

**Council to open sealed bids for Police Cars.**

Ms. Unger informed the Council that there was a bid that came in after 4:00 PM. The person submitting the bid stated that they read in the paper the bids were due by 5:00 PM and had the newspaper article stating 5:00 PM. Ms. Unger said that the Legal Ad, posted notices, and the Town's Website all said 4:00 PM. No one is sure where the article in the newspaper came from; it was nothing the Town submitted. Mr. Culp advised that the Council reject the late bid as it did not meet the deadline in the legal notice and proceed with the opening of the other bids. The Council agreed.

Bids on the 2006 Chevy Impala:

1. Ms. Hartley opened the first bid from Steve Finneran. The amount was \$6,981.00
2. Mr. Schrupf opened the second bid from Elizabeth Amick. The amount was \$7,711.00.
3. Mr. Hayden opened the last bid from Joe Farinella. The amount was \$7,152.00.

Ms. Hartley made a motion to approve the bid from Elizabeth Amick for \$7,711.00. Mr. Schrupf seconded, motion passed.

Bids on the 2007 Chevy Impala:

1. Ms. Hartley opened the first bid from Elizabeth Amick. The amount was \$5,711.00.
2. Mr. Schrupf opened the second bid from Gary Brown. The amount was \$5,855.00.
3. Mr. Hayden opened the bid from Susan Underwood. The amount was \$5,100.00.

Mr. Schrupf made a motion to approve the bid from Gary Brown in the amount of \$5,855. Ms. Hartley seconded, motion passed.

**Approval of Prior Minutes:**

**Town Council Meeting Minutes, May 1, 2012, 7:00 PM** – Ms. Hartley inquired about the one million and five million insurance under the approval for Prater's bid on the

Washington Avenue Sidewalk Project. It should be changed to one million and two million. Ms. Hartley made a motion to approve the Town Council Meeting Minutes, May 1, 2012 as amended. Mr. Schrupf 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:**

Ms. Hartley made a motion to approve the Claims as presented. Mr. Schrupf seconded, motion passed.

**Petitions by Citizens:**

There were none.

**President's Report:**

President Foster was not available.

**Council Committee Reports:**

There were none.

**Legal Counsel Report-John Culp:**

1. Mr. Culp informed the Council that Indiana passed anti-nepotism policy. It becomes effective July 1<sup>st</sup>, 2012. Mr. Culp stated that the Town would need to adopt this policy in order to be in compliance with state regulations. Ms. Unger said she would check with the Town's HR consultants.
2. Mr. Culp informed the Council that Cicero has been named as a defendant in a lawsuit in Hamilton County Superior Court 3 in a foreclosure suit. Cicero was named because they filed a sewer lien on the property. Mr. Culp stated that due to the small amount of the lien he has advised Ms. Unger to do nothing.
3. Mr. Culp reviewed the policy for receiving quotes and proposals on public works projects. If the project amount is between \$25,000 and \$50,000 the Town must invite at least three quotes in writing, they must be sealed and opened at a public meeting. If the Town rejects all quotes the Town may then negotiate for the price of the project with the contractors. If the project is less than \$25,000 the Town must invite at least three quotes and this can be done by phone, fax, or written invitation and the quotes may be returned by phone, fax, or in writing. If the project is between \$50,000 and \$100,000 the Town must invite at least three quotes in writing, they must be sealed and opened at a public meeting. If the Town rejects all quotes the Town has to redo the process and it cannot negotiate the price. If the project is over \$100,000 the Town must advertise and use bid form 96. Chief Peachey inquired if one of three quotes was over \$100,000 would the Town have to redo the process and rebid. Mr. Culp stated that the Town could accept the lowest bid under \$100,000.

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

Mr. Strong gave an update on the last Plan Commission Meeting.

1. Christine's Café received approval on their sign package.
2. Cicero Market received approval on the proposed cooler and dumpster.
3. HAND Senior Living did not receive approval for their proposed development. They are going to review and revise their plan and come back to the plan commission.
4. Speedway received sign approval; this will be changing from Gas American to S or Speedway.
5. Mr. Comer stated that he e-mailed out the costs for fixing the drainage in the alleys on each side of the new Cicero Market sight. Mr. Strong informed Mr. Comer that they are researching this and further information will come.

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

1. Jackson Street Pedestrian Walkway –
  - a. Mr. Bryant stated that at the last meeting the Town was waiting on the Town's insurance company to give approval on coverage and to get approval from Citizens Energy to add the word negligence in the agreement. The insurance has now given their approval and Citizens has approved adding the word negligence.
  - b. Ms. Hartley stated that there were three other items that she would like to have changed:
    - i. First in section 15. Liens. Ms. Hartley would like to have the number of days to release a lien changed from ten (10) to either sixty (60) or (90).
    - ii. Second and Third in section 12. Applicable Laws. Ms. Hartley would like to have governance of the laws where it states the Consolidated City of Indianapolis to be change to Town of Cicero and Marion County to be changed to Hamilton County.
  - c. Mr. Culp stated that he has addressed those items previously and Citizens was not willing to change. He will consult with Mr. Allen again.
  - d. Mr. Culp stated that he would like to have all Council members present to approve and sign the agreement. A date and time was discussed to no avail. Mr. Culp stated that perhaps the other two council members would come in later in the meeting as Mr. Foster had suggested.
  - e. Mr. Bryant stated that the next deadline for IDEM to receive and review plans is May 23<sup>rd</sup>.
2. Stringtown Pike Path
  - a. Mr. Bryant stated that United has sent the submittal letter to DNR and he distributed copies of the letter to the Council. Once United gets their approval they can move forward. They are still waiting on some of the utilities to respond and they will be calling them. There is not a lot of utility work that will need to be completed. They should be able to proceed with DNR approval.
3. I&I
  - a. Mr. Bryant informed the Council that 47 of 52 competed manholes have been completed. 28 have passed 19 failed. Should have all the field work completed this week and then they can evaluate how to proceed to correct the problems.
4. Extending utilities, SR 19 and west 236<sup>th</sup>. Task orders
  - a. Mr. Bryant distributed the Task orders and the Council will take under advisement and discuss at the next meeting.
5. Mr. Comer was asked if the utilities could install the path around the baseball fields and if they had started. Mr. Comer said they could not proceed until DNR gave their approval but they were planning to do the work.
6. Mr. Bryant informed the Council that, Ice Miller, the consultants for Citizens did not think there needed to be a legal description of the easement on the causeway. They just wanted to have a drawing. There was a discussion on exhibits. The Council and Mr. Culp thought there should be legal descriptions and if they wanted to add a drawing they could. Mr. Bryant will discuss with Citizens.

## **Old Business:**

### **Council To Award The Park Shelter Contract.**

There was a lengthy discussion on the bids submitted. Mr. Culp informed the Council that it should be given to the lowest most responsive and responsible. Mr. Cook made a motion to approve the bid from Hink Hinkle Construction LLC for the amount of \$25,780.00. Ms. Hartley seconded, motion passed.

## **New Business:**

### **Council To Discuss Iron Filter Media Replacement. – see pat's notes**

Mr. Comer advised the Council that the media that is in the iron filters is 19 years old and is starting to break down. The Water Company had Peerless-Midwest pull samples and tested them. It will cost around \$25,000.00 for this project. Mr. Comer said that it needed to be repaired as soon as possible. Mr. Cook declared an emergency and made a motion to approve the repair. Mr. Schrupf seconded, motion passed.

## **Miscellaneous**

Mr. Culp asked the Council if they wished to proceed with the approval on the Easement Agreement for the Causeway project. Mr. Cook had arrived and Mr. Foster had not. The Council wanted to proceed. Ms. Hartley reiterated her concerns mentioned above regarding the lien release and the venues for litigation. Mr. Culp stated that he would discuss with them again but he is under the opinion that Citizens will not budge. Mr. Cook made a motion to approve the Non-exclusive, Perpetual Easement Agreement by and between the Town of Cicero, IN (Grantee) and The Department of Public Utilities for the City of Indianapolis, IN, acting by and through the Board of Directors for Utilities as Trustee, in Furtherance of the Public Charitable Trust for the Water System (Grantor) subject to the attorney discussion the three points made by Ms. Hartley. Mr. Schrupf seconded. Motion passed 3-0 with Ms. Hartley abstaining.

## **Comments By Citizens**

There were none.

## **Signatures on Official Documents!**

### **Motion To Adjourn:**

Mr. Schrupf made a motion to adjourn. Ms. Hartley 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 June 5, 2012, at 7:00 PM at the Cicero Town Hall.**