

MINUTES CICERO TOWN COUNCIL MEETING

December 17, 2013, Town Hall 7:00 PM

Cicero Town Hall, 70 N. Byron Street

Call To Order: President Jerry Cook called the meeting to order and led the Pledge of Allegiance. Mr. Schrumpf gave prayer. President Cook called for the roll call and the members of the Town Council were present or absent as follows:

Present: Jerry Cook
Dennis Schrumpf
Brett Foster
Kay Hartley
Eric Hayden

Absent:

President Cook declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Pat Comer, Street & Utilities Director
Dave Hildebrand, Police Chief
Steve Peachey, Fire Chief
Paul Munoz, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Kelleigh Fagan, Attorney with Church, Church, Hittle, and Antrim
Paul Utterback, Storm Water Management Board President

Approval of Agenda

Ms. Unger added under New Business Council to consider financial management reports for 2013 for water and sewer. Mr. Schrumpf made a motion to approve the Agenda as amended. Mr. Hayden seconded, motion passed.

Public Hearing On Two Rate Ordinances:

Council To Consider Ordinance 12-17-2013-1 Setting Rate For Fire Protection.

Mr. Schrumpf made a motion to open the Public Hearing on Ordinance 12-17-2013-1 Setting Rate For Fire Protection. Ms. Hartley seconded, motion passed. President Cook inquired if there were any question from the public. President Cook stated that the proposed rate for the Hydrant Rental was \$3.92. Mr. Brad Baker inquired as to exactly what this fee was for. Ms. Unger explained that with the Town's increased expenses and decreased revenue there was a need for the Council to consider other ways of increasing revenue. State law requires the Town to pay the water department for water used by the Fire Department for fire service as the water department purchases, installs, maintains and provided water to the hydrants. The amount per hydrant is set in our rate ordinance. This has been paid out of the General Fund and is being transferred to a user fee. The amount is established by taking the number of hydrants times the rate divided by the number of users. The revenue should be around \$104,000. The State law allows for the Town to do this and many Towns do. In the area our rate is lower than others Ms. Unger checked on. This answered Mr. Baker's questions. Mr. Foster made a motion to close the Public Hearing. Mr. Hayden seconded, motion passed.

Mr. Hayden made a motion to suspend the rules and pass Ordinance -17-2013-1 Setting Rate For Fire Protection on the first reading. Mr. Schrumpf seconded, motion passed. Mr. Schrumpf made a motion to approve Ordinance -17-2013-1 Setting Rate For Fire Protection at \$3.92. Ms. Hartley seconded, motion passed 4-1 with Mr. Cook voting nay.

Council To Consider Ordinance 12-17-2013-2 Setting Rate For Trash Removal.

Mr. Schrumpf made a motion to open the Public Hearing on Ordinance 12-17-2013-2 Setting Rate For Trash Removal. Mr. Foster seconded, motion passed. President Cook inquired if there were any question from the public. President Cook stated that the rate for the Trash Removal is \$11.00 and that the rate is not changing this ordinance just cleans up some paperwork. There were no questions from the public. Mr. Hayden made a motion to close the Public Hearing. Mr. Schrumpf seconded, motion passed. Ms. Hartley made a motion pass the ordinance and to suspend the rules and pass the ordinance on the first reading. Mr. Schrumpf seconded, motion passed 5-0.

Approval of Prior Minutes:

Town Council Meeting Minutes for December 3, 2013 –Mr. Hayden made a motion to approve the Minutes for December 3, 2013. Mr. Foster seconded, motion passed.

Approval of Claims

Ms. Hartley and Mr. Haden had a couple of questions which were clarified. Mr. Hayden made a motion to approve the claims as presented. Ms. Hartley seconded, motion passed.

Petitions by Citizens

There were none.

President's Report

President Cook had nothing.

Council Committee Reports

There were none.

Legal Counsel Report- Aaron Culp:

Mr. Culp introduced [Kelleigh Fagan](#), an attorney with Church, Church, Hittle, and Antrim, who will be working with Mr. Culp on municipal issues for Cicero and Fishers. Mr. Culp stated that this was her first night meeting. The Council welcomed Ms. Fagan aboard.

Cicero/Jackson Township Plan Commission Report – Paul Munoz

Mr. Munoz informed the Council of the following:

1. Mr. Munoz stated that during the time he was on leave he was to attend a strategic planning course put on by Oklahoma University's EDI which he received a scholarship in the amount \$1,300. Since he was unable to attend the university extended the scholarship to the next course which is being offered in Texas. Mr. Munoz asked if it was okay to go as he has secured discount flight arrangements and the rest of the cost would be incurred anyway. Council said it was okay.
2. Mr. Munoz informed the Council that the Ball State Graduate class selected as their final project a Cicero Redevelopment Project. The final presentation was on last Tuesday and the project that was chosen was the redevelopment of the NRG property. Mr. Munoz said he attend the final presentation. When they present him with the findings he will present the information to the Council hopefully in January.
3. Mr. Munoz informed the Council that the Plan Commission did an RFP for a program to reformat the Planning and Zoning ordinances in INDESIGN so it could be updated by the Plan Commission as needed. The consultant will also be reviewing the sign ordinance, definitions, and other areas to make them more business friendly for the

area. Mr. Strong and he are working on reviewing the RFPs and think at this time they are going to go with Ratio. This is in the budget for 2014.

Town Engineer Report

Mr. Bryant informed the Council of the following:

1. Jackson Street Pedestrian Walkway – Contractor is moving ahead. They will be shutdown the week of Christmas.
 - a. Light Pole Brackets – The specs for the light poles include brackets for banners/flags. The Contractor would like to know what kind of brackets the Town wants. Mr. Bryant stated that he was not able to obtain descriptions or visuals of the brackets. Mr. Bryant stated that this decision is not holding up the project and it could wait until the next meeting. The bracket will depend on what it to be hung on it, small banner or American Flags. Council discussed not having the American Flags on the light poles as they could cause damage. The light poles will be 14 feet tall. They will decide at the next meeting.
 - b. Feed to heat trace – Mr. Bryant stated that the heat trace needed to be replaced for the utilities under the bridge. Cost would be approximately \$5,000. INDOT has said that they would pay 80% of that but the Town would need to pay the other 20%. Council was okay with this.
 - c. Retaining Wall – Mr. Bryant discussed the retaining wall and what the plans called for was a cement wall. United has looked at it and thinks it would be better to use rip rap. They also think this will look better due to the fluctuation in the water levels in the reservoir. Council was okay with this.
 - d. Duke – Mr. Bryant stated that Duke still needs to do some work getting lines down and United it trying to move them along.
 - e. Road Closure – Road will stay closed over the Christmas Holiday week.
2. I & I Downtown Sewer Rehabilitation Project - This project is moving along. Mr. Comer stated that the contractor will fill road cut areas with cement up to one inch and then in the spring pave the rest.
3. IDEM Notice and Letter – Mr. Bryant distributed a copy of the IDEM notice response letter to the Council.
4. CVS – Mr. Bryant stated that he had contacted Mr. Forgey regarding the CVS Project punch list and outstanding reimbursement fees. Mr. Forgey stated that he was unaware of the reimbursement fees and he though the punch list was completed. Mr. Forgey stated that he would contact Mr. Drake and coordinate the installation of the trees. Mr. Butz with StructurePoint would like to get an accurate easement for the utility line. The previous easement is not correct. Mr. Bryant stated that he would like to see drawing as exactly where the utility lines are. Mr. Bryant stated that he is sure the punch list is not completed. Council directed Mr. Bryant to get back with Mr. Forgey and Mr. Butz and regarding the issues and inform them that these items need to be completed. Ms. Unger is to send documentation to Mr. Bryant regarding the reimbursement agreement and invoices.

Old Business

Council To Consider Amendment To Inter-local Agreement With White River Township For ALS Service.

Council had an extensive discussion regarding the changes in this amendment and the Inter-local for 2014 from White River for ALS Service. Mr. Culp stated that he has

reviewed the agreement and that he was okay with the language in the new Amendment. Mr. Foster expressed his displeasure of allowing the township to reduce the original agreement. Mr. Hayden stated that this has been discussed throughout the year. Mr. Schrupf made a motion to approve the Amendment. Ms. Hartley seconded, motion passed.

Council To Open Proposal To Repair Leak Above Plan Commission Office.

Ms. Unger had received one proposal. Mr. Cook opened it. It was from Freeland's Remodeling Group for the amount of \$360.00. Ms. Hartley made a motion to approve the proposal from Freeland's. Mr. Foster seconded, motion passed.

New Business

Council To Make Appointment To The Hamilton County Emergency Management Agency.

Mr. Foster made a motion to reappoint Fire Chief Peachey to the Hamilton County Emergency Management. Ms. Hartley seconded, motion passed.

Council To Consider Agreement With White River Township For ALS Service For 2014.

The discussion continued on the amount of the agreement and the area covered. Mr. Schrupf made a motion to approve the 2014 Agreement with White River Township for ALS Service. Mr. Hayden seconded, motion passed.

Council To Approve Resolution 12-17-2013-1 Transferring Funds For Fire, Police and Plan Commission.

Ms. Hartley made a motion to approve Resolution 12-17-2013-1 Transferring of Funds. Mr. Schrupf seconded, motion passed

Council To Consider Contract with Church, Church, Hittle & Antrim, for Town Attorney For 2014.

Mr. Hayden suggested that the Town have legal representation at all the regular scheduled meeting and as requested at other special meetings. There was a discussion on the amount of the contract after the health insurance policies were dropped by Mr. Culp in October. It was suggested that the amount to be added to the Contract should be specified in the contract. Ms. Unger is to get that information to Mr. Culp. Mr. Hayden made a motion to table the approval until it could be amended. Mr. Schrupf seconded, motion passed.

Council To Consider Jackson Fire Territory/Cicero Fire Department Dual Response Agreement.

After a discuss Ms. Hartley made a motion to table the Jackson Fire Territory/Cicero Fire Department Dual Response Agreement. Mr. Hayden seconded, motion passed.

Council To Consider Contract with University Research Consultants (URC) for Income Survey Of The Residents of Hidden Bay.

The Survey is for the first 80 Lots in Hidden Bay. The survey is preliminary to applying for an OCRA Grant to have the waterlines replaced in these areas. We need to see if the area qualifies and this will tell us. Mr. Foster made a motion to approve the Contract

with University Research Consultants for the Income Survey. Mr. Schrumpf seconded, motion passed.

Council To Consider Approving Umbaugh Prepare The 2013 Financial Management Reports.

Mr. Schrumpf made a motion to approve having Umbaugh complete the 2013 Financial Management Reports for water and sewer. Mr. Foster seconded, motion passed.

Miscellaneous Business

1. Ms. Unger reminded the Council of Tom Bredeweg retirement from IACT on Wednesday December 18th, 2013 from 6-8 at the new IACT facility.
2. Mr. Comer reminded everyone of the employee luncheon on Friday at Red Bridge at 11:30 am.

Comments from the Public

There were none.

Signatures on Official Documents!

Mr. Hayden made a motion to adjourn the Town Council Meeting. Mr. Foster seconded. Motion to adjourn passed.

Jerry G. Cook – President

Dennis D. Schrumpf- Vice-President

Brett S. Foster

Eric C. Hayden

Sylvia Kay Hartley

Attested: _____
Jan Unger, Clerk Treasurer

Note: The Next Cicero Town Council Meeting will be on Tuesday, December 30, 2013 @ 7:00 PM at the Cicero Town Hall.