

MINUTES CICERO TOWN COUNCIL MEETING

**December 3, 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
Eric Hayden

Absent: Kay Hartley

President Cook 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
Aaron Culp, Town Attorney

Approval of Agenda

Mr. Hayden added to Committee Reports an update on Cicero Volunteer Fire Department. Ms. Unger added to New Business a discussion on the Inter-local Agreement Amendment presented by White River Trustee. Mr. Hayden made a motion to approve the agenda as amended. Mr. Foster seconded, motion passed.

Council To Open Proposals For Town Interior Lighting Project.

The Council received two proposals for the lighting project. Mr. Foster opened the one from OMNI Electric, LLC. The amount of the proposal was \$8,800 for installation. Mr. Schrumpf opened the proposal from John P. Stover Electric. The amount of the proposal was \$104,000 for all supplies and installation. There was a discussion about why the proposals were so different. Ms. Unger read the request for the proposals. It seemed like the request asked for supplies and installation. The Council decided there are too many factors that were unclear and thought the request should be sent out for the next meeting. Mr. Schrumpf made a motion to reject all proposals. Mr. Foster seconded, motion passed. Mr. Schrumpf made a motion to request new proposals. Mr. Foster seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes for November 19, 2013 –Mr. Foster made a motion to approve the Minutes for November 9, 2013. Mr. Schrumpf seconded, motion passed.

Approval of Claims

Mr. Hayden made a motion to approve the claims as presented. Mr. Schrumpf seconded, motion passed.

Petitions by Citizens

There were none.

President's Report

President Cook set a Special Council Meeting for December 30th, 2013 @ 7:00 PM for the purpose of paying claims.

Council Committee Reports

Cicero Volunteer Fire Department (CVFD) – Mr. Hayden informed the Council that he and Mr. Schrupf met with the CVFD on November 21st for the purpose of working on a revised contract with the Town. They would like to have the new contract in place by March 2014. In the mean time the Town needs to sign the old contract dating it for the first quarter. Mr. Hayden stated that the volunteers are asking for the annual payment to be changed from \$200 to \$300. Mr. Hayden stated that this could be discussed at the Department Head meeting on December 12th.

Legal Counsel Report- John Culp:

Mr. Culp had nothing.

Cicero/Jackson Township Plan Commission Report – Dan Strong

Mr. Strong and Mr. Munoz were not available. Police Chief Hildebrand informed the Council that Mr. Strong asked him to report that Mr. Strong and Ms. Gunn were all caught up on the permits and everything seemed to be going well. Mr. Munoz indicated to Mr. Strong that he would be back on December 10th.

Town Engineer Report

Mr. Bryant informed the Council of the following:

1. Jackson Street Pedestrian Walkway –
 - a. Mr. Bryant distributed a copy of the monthly prepared by the inspector.
 - b. Mr. Bryant stated that everything was going well
2. Downtown Sewer Rehabilitation Project –
 - a. Mr. Bryant stated that the project has began starting on N. Byron Street and that they would not be working in the area of Mr. Salvagin's house until after the holidays
 - b. Replace Water Main South of Jackson – Mr. Bryant said the project includes work in the alley south of Jackson Street from Main Street to a point approximately 200' east of Pearl. The main intent was to replace the sanitary line and laterals but due to the existing storm proximity, size and condition, it is also being replaced. Finally, the corridor is so narrow and the existing waterline is so close, the project includes replacement of the waterline. To do this, we must install a temporary water line to allow service continuation, install the deeper sanitary line, waterline and storm line. Once the new water line is tested, the services are moved to the new main. The contractor has asked for consideration to install the new water main first south of the existing line. Based upon our research this would result in the new line being 2' or 3' beyond the platted alley – which is why we have the scope of work as indicated above included in the project. If the relocation was allowed, we would still be north of the existing power poles and gas line that appear to have been outside the alley right of way all of these years. The advantage to this would be some advantage for maintenance of the utilities in the future but the obvious disadvantage is the location and questionable right to be in area. Another advantage is the temporary line would not be required, which could result in completion of this segment sooner – otherwise it may wait until spring or be drilled in. Mr. Culp stated that he would have to research this. There was a discussion by the Council. They were okay with putting the line outside the alley right-of-way. Mr. Culp stated that he would need to look into this a little further. Mr. Hayden made a motion to

approve installing the water main in the location suggest by Mr. Bryant provided the attorney agrees that we are still within the prescriptive right-of-way. Mr. Schrupf seconded, motion passed.

3. Mr. Doug Drake's alley access issue – Mr. Bryant stated that he has sent an e-mail to his contact at CVS and tried to make a couple of calls but has had no response. Mr. Bryant stated that he will need to get some information from Mr. Munoz. Council discussed how to handle this. It was decided to wait until Mr. Munoz gets back to work and then follow up with a letter from the attorney if necessary.
 - a. Ms. Unger stated that she had three outstanding reimbursement bills, September, October, and November that have not been paid also.

Old Business

Council To Discuss Whether Or Not To Proceed With The Income Survey For Hidden Bay For The OCRE Grant.

Ms. Unger stated that the e-mail from Tina Henderson regarding the salary survey for the OCRA Grant stated that her company would not have time to do the survey. She suggested a couple of possibilities, one of which would have Ball State do the survey costing less than \$2,000. There was a discussion as to whether to proceed with this since OCRA was not very positive about having the money. Ms. Unger stated that she thought we should do the survey because if we don't, we will not know if we even qualify for the grant if funds are available. Ms. Unger stated that the Hidden Bay Project was the reason for getting out of the County HUD program and we need to know so if we don't qualify we can go back to the County program. Mr. Hayden made a motion to approve having Ball State conduct the survey. Mr. Foster seconded, motion passed.

Council To Consider Signing Resolution 12-03-2013-1 A Resolution Of The Town Council Of The Town Of Cicero Approving And Adopting An Inter-local Agreement.

It was stated that this agreement was for the Police Department only. Fire will be decided later after they find out about the grant. Mr. Culp stated that he put the amount in for the monthly which was missing in the first draft. Mr. Foster made a motion to pass Resolution 12-03-2013-1 A Resolution Of The Town Council Of The Town Of Cicero Approving And Adopting An Inter-local Agreement. Mr. Schrupf seconded, motion passed.

Council to Consider Signing The Inter-local Agreement For The New Radios.

There was a discussion by the Council and Mr. Culp stated that he has reviewed it and it is the same as the County gave to each entity involved in the radio purchase. Mr. Schrupf made a motion to approve the Inter-local Agreement with the County for the New Radios. Mr. Foster seconded, motion passed.

New Business

Council To Consider Amendment to the Inter-local Agreement With White River Township For 2013 ALS Service.

Ms. Unger distributed the Amendment to the Inter-local agreement provided by White River Trustee. Ms. Unger stated that there was a written amount on the amendment which had a plus sign in front of it. This amount was actually what they paid as their final payment. The original agreement was for \$104,750. They paid a total for the year

of \$91,267. This is all they intend to pay. Chief Peachey stated that when the agreement was signed Jackson Township had not presented an agreement for the northern part of White River ALS Service. Later they provided an agreement and part of the \$104,750 was to go to Jackson Township. Mr. Foster stated that he did not see the benefit of signing an agreement that gave Council approval for White River to not fulfill its obligations of the original contract. Mr. Foster stated that we just went through this with Jackson Township and ended up settling out of court for half the amount owed us on that contract. Mr. Foster felt this could set a bad precedent and was concerned they could come back and refuse to pay us next year as well. There was extensive discussion. The Amendment was not clear to the Council, Ms. Unger and Mr. Culp. Mr. Schrupf made a motion to table and have White River clarify the amendment and the council will reconsider at the December 17th Town Council Meeting. Mr. Hayden seconded, motion passed.

Miscellaneous Business

1. Toy distribution for Fire Department – Chief Peachey reminded the Council of the annual toy collection. The toys are distributed at the King’s Treasurer Christmas party for needy families. The boxes are around town at different businesses.
2. Kiwanis Parade – Ms. Unger stated the Kiwanis Parade will be December 7th at 1 pm. At the parade Santa collects unwrapped toys for King’s Treasurer also.

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. Schrupf- 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 17, 2013 @ 7:00 PM at the Cicero Town Hall.