

MINUTES CICERO TOWN COUNCIL MEETING

November 5, 2013, Town Hall 7:00 PM
Cicero Town Hall, 70 N. Byron Street

Call To Order: Vice-president Dennis Schrupf called the meeting to order and led the Pledge of Allegiance. Ms. Hartley gave prayer. Vice-president Schrupf called for the roll call and the members of the Town Council were present or absent as follows:

Present: Dennis Schrupf
Brett Foster
Kay Hartley
Eric Hayden

Absent: Jerry Cook

Vice-president Schrupf 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
Dan Strong, Cicero/Jackson Township Plan Commission President
Paul Utterback, Storm Water Management Board President

Approval of Agenda

Mr. Schrupf added under Old Business for the Council to formally award the Downtown Sewer Improvement (I&I) project to CAT Excavating. Ms. Hartley made a motion to approve the agenda as amended. Mr. Foster seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes for October 15, 2013 –Mr. Foster made a motion to approve the Minutes for October 15, 2013. Ms. Hartley seconded, motion passed.

Approval of Claims

Mr. Hayden made a motion to approve the claims as presented. Mr. Foster seconded, motion passed. Ms. Unger stated that the Sewer Construction account has been established and the money deposited. She will be paying bills out of it which will show up on a separate docket.

Petitions by Citizens

There were none.

President's Report

President was not available.

Council Committee Reports

There were none.

Legal Counsel Report- John Culp:

Mr. Culp informed the Council that he was having a telephone conference call with a resident in Wareham's Pond regarding who is responsible for repairing the sewer lateral at his property.

Cicero/Jackson Township Plan Commission Report – Dan Strong

Mr. Strong stated that while Mr. Munoz was on leave, he was trying to get caught up on everything that was outstanding.

Ms. Hartley inquired about the gas station property on Cass and SR 19. Mr. Strong stated that they were just cleaning it up and that nothing was planned for it at this time as far as he knew.


Town Engineer Report


Mr. Bryant was not available but submitted the following written report:

**Town of Cicero
November 5, 2013 Town Council Meeting
Engineer's Report**

1. **Jackson Street Pedestrian Path Project** – The Contractor has continued material submittals through our office. The Contractor continues to mobilize and deliver equipment and materials.
2. **Cicero –Downtown Sewer Improvements (I & D):** The bonds have been closed. The Contractor was issued the contingent Notice of Award as approved by the Council. We have been reviewing material shop drawings from the contractor for compliance with the bid documents. **We ask that the Council formally award the project to CAT Excavating at tonight's meeting for the bid amount of \$794,377 and also pass a motion to allow the Council President, Jerry Cook, to sign the necessary construction contract paperwork.**

As always, feel free to contact me via phone or email should any questions arise between now and the next Council Meeting.


Keith Bryant, PE
United Consulting



Old Business

Council To Discuss Issues Mr. Boyd Brought To Council Concerning Property Line, Public Docks, Sidewalk & Lights, Fire Hydrant at the Waterfront Property.

Mr. Schrupf opened the discussion stating that the connectivity issue for the stairs for the restaurant was the primary problem and that the Council had previously stated that they were willing to have Cicero Capital use that property provided there was a hold harmless agreement. As far as the fire hydrant, he has conferred with Fire Chief Peachey. Chief Peachey informed him that the hydrant on the Cicero Capital property could be used by the Town if needed, without ownership. The hydrant is on the property to make sure that there is a continuous supply of water to the building's sprinkler system in case of a fire. Mr. Schrupf stated that as far as the lighting and sidewalks they could be completed later after we have a feel for the flow of traffic. With regard to the

repositioning of the docks, it might be cleaner, but it really could not be determined and Mr. Schneider from the Morse Lake Waterways Association was not sure.

Mr. Foster stated that he thought that each item should be addressed and voted on separately. Mr. Foster stated that everyone in town wants to see this project move forward, that Cicero Capital has put a lot of money and time in this project and we should help in any way we can.

There was a lengthy discussion on each of the four items being addressed.

1. Repositioning and turning of the Docks –There was a discussion on the repositioning of the docks which included safety, access, and debris. Mr. Foster made a motion to reposition the Town’s docks at the expense of Cicero Capital which will be reimbursed to Cicero Capital when TIF money is available. Reimbursement amount not to exceed the cost estimate prepared by Deaton’s Waterfront Service which is \$3,337.50. Ms. Hartley seconded the motion. Motion passed 3-0-1 with Mr. Schrupf abstaining.
2. Approval for restaurant’s boardwalk to connect from Cicero Capital property to the Town of Cicero’s water access. There was considerable discussion about the small piece of property owned by the Town which included an easement, transfer of property, or trading the Town’s property for a piece of Cicero Capital’s property at the corner of Main and Jackson regarding. Mr. Foster stated that the town will never use or need this land, which is about the size of a mini-barn, and will also eliminate liability for the town. It will allow the boat dock access to connect to the restaurant by installing a small sidewalk. Mr. Foster made a motion to get three appraisals of the piece of property owned by the Town on which the restaurant’s stairs will land in preparation to deeding the property to Cicero Capital. Town will initiate the appraisals and Cicero Capital will pay contingent on the cost. Mr. Hayden seconded, motion passed 4-0.
3. Continue Jackson Street sidewalk and lighting to the south on Main Street. Mr. Comer stated that he and Mr. Bryant discussed the sidewalk and because of the grade they do not think it would meet ADA standards on Buckeye Street. Additionally, Mr. Comer stated that there needs to be improvements at the Main Street/Jackson Street intersection in the future which could change the position of the lighting and sidewalk. Mr. Schrupf stated that when the Jackson Street Pedestrian Walkway was complete the Council could sit down and determine what would need to be done next. The Council agreed with Mr. Schrupf. Mr. Foster stated that future TIF revenue from the restaurant could be used for a project like this.
4. Developer’s fire hydrant. Mr. Schrupf said that Fire Chief Peachey stated that the Town need to have ownership of the hydrant in order to use it and that the developer should install an isolation valve on the hydrant. Mr. Boyd stated that he would have the hydrant removed and Chief Peachey stated that it could not be removed as it is on the property to make sure that there is a continuous supply of water to the building’s sprinkler system in case of a fire. Chief Peachey stated that other large facilities in Town had their own hydrants. The Council agreed that the Town did not want to accept hydrant.

Council To Approve Signing Funding Agreement With HCCDBG for Buckeye Street Sidewalk.

Ms. Unger stated that this agreement was for funding for the Buckeye Street Sidewalk project and this is the last of the CDBG funding. This is the same contract that has been

signed each year as we have worked with the CDGB for sidewalk funding. Ms. Hartley made a motion to approve the agreement. Mr. Foster seconded, motion passed.

Council To Consider Participating In Countywide Radio Project Lease And Allowing President Cook To Sign a Memo Of Understanding For The New Radios. Total Lease Not To Exceed \$145,000.

Police Chief Hildebrand informed the Council that the County was changing out their radios and the Town had no choice but to get new radios to be able to communicate with the other agencies. The County will have a collective Countywide lease. Chief Hildebrand and Chief Peachey have evaluated what their needs will be and will make a list. They are waiting to get all the figures from the County before we know exactly what the Town's cost will be. Chief Hildebrand stated that the Council needed to give President Cook permission to sign a Memo of Understanding for the lease, which will be paid out over 7 years. Mr. Hayden made a motion to participate in the Countywide lease in an amount not to exceed \$145,000. Mr. Foster seconded, motion passed. Ms. Hartley inquired if there were any grant funds available. Chief Hildebrand stated that there were for the Fire but not police. Chief Peachey said they were working on this but it would take up to 18 months for them to know if they got the funding.

Council To Hear Update On OCRA Grant For Hidden Bay.

Mr. Comer stated that Mr. Schrupf, Ms. Unger and he attended a meeting with representatives from OCRA and Tina Henderson to discuss the probability of the Town receiving funding for the water lines in Hidden Bay. Mr. Comer stated that the meeting was not very promising but that Ms. Henderson would like to proceed with a salary survey of the sections needing repair. Cost for this will be less than \$1,500. Ms. Unger stated that the money would come from water and she would like a vote for approval to proceed. There was a discussion on the repositioning of the docks, which included safety, access, and debris. Mr. Hayden made a motion to approve proceeding with the salary income survey. Mr. Foster seconded, motion passed. Ms. Unger stated that funding was getting less and less for the OCRA Program and we might want to consider opting back into the CDGB program with the County, in the future.

Council To Formally Award The Downtown Sewer Improvement (I&I) Project To CAT Excavating.

Mr. Hayden made a motion to award the Downtown Sewer Improvement project to CAT Excavating and to allow President Cook to sign the Documents. Mr. Foster seconded, motion passed.

New Business

Council To Discuss With Cyndi Watson, Dental, Eye, & Life Insurance Policies.

Mr. Schrupf stated that the Council has reviewed the information distributed by Ms. Watson along with the department heads. The department heads have recommended that the Council continue with the current Eye Med Vision, Kansas City Life Dental and Prudential short term disability. Mr. Schrupf suggested that the Council change the Life insurance to Standard as there is a small saving by doing this. Ms. Hartley made a motion to continue with our current vision, dental and short term disability plans and to change the life policies to Standard. Mr. Foster seconded, motion passed.

Council To Consider A One Year Extension For Trash Removal.

Ms. Unger stated that the contract was up with Republic for trash service at the end of the year. The contract states that we can have a one year extension. Republic has presented a letter stating that they would like to have the one year extension and there would be no change to the costs. Mr. Craig Lutz was here representing Republic. There was a discussion. Mr. Comer stated that he would like to move the Heavy Trash day back to October if possible and that in the past we had four dumpsters; this year we only received three. Mr. Comer thinks we can use four. Ms. Unger inquired if it was possible to have a longer contract or longer option for extension with the same company. Mr. Culp stated that the State required rebidding every so often and he would check with Charlie Pride at the State Board of Accounts to see what he says. Mr. Foster made a motion to approve the one year extension with Republic at the same cost. Ms. Hartley seconded, motion passed.

Council To Consider Ordinance 11-05-2013-1 An Ordinance Establishing Operating Budgets For The Water Company And the Wastewater Treatment Company.

Ms. Unger stated that the budget was completed with input from Mr. Comer. Mr. Hayden made a motion to approve Ordinance 11-05-2013-1 An Ordinance Establishing Operating Budgets For The Water Company And the Wastewater Treatment Company. Ms. Hartley seconded, motion passed.

Council To Discuss Proposal From Frontier On New Agreement For Telephone Landline Service.

Ms. Unger explained to the Council that Mr. Trammel with Frontier contacted her regarding the contract for landline phone service. He proposed an agreement that would save the Town \$112,632.20 over three years. Ms. Unger stated that she has spoken with the department heads and they are okay with agreement. The new agreement would include internet access. Currently we have two departments using Frontier. The others would not have to change, but it is included in the agreement. Ms. Unger explained that she had given the agreement to Aaron Culp and he stated that the Town could not agree to certain items in the agreement. Mr. Culp has a copy of the agreement that can be changed and sent back to Frontier for review. Mr. Culp has suggested to Ms. Unger on the phone that the Council could approve contingent on getting an acceptable agreement. Mr. Foster made a motion to approve the agreement with Frontier contingent on Mr. Culp working out the details of the agreement with Frontier and to give President Cook permission to sign. Mr. Hayden seconded, motion passed.

Miscellaneous Business

Mr. Comer thanked Dennis Schrupf and the Boy Scouts for helping a couple out that had a fence violation. They removed the fence and the couple was very appreciative.

Comments from the Public

There were none.

Signatures on Official Documents!

Mr. Foster made a motion to adjourn the Town Council Meeting. Ms. Hartley 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, November 19, 2013 @ 7:00 PM at the Cicero Town Hall.