



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, April 5, 2016
At 7:00 PM

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

Present: Brett Foster
Chad Amos
Chris Lutz
Rusty Miller

Absent: Craig Penwell

Mr. Foster declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Lance Overholser, Fire Chief
Paul Munoz, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney

Approval of Agenda:

Mr. Amos made a motion to approve the agenda as presented. Mr. Miller seconded, motion passed.

Deen Rogers With Umbaugh Will Review The Financial Management Reports For Water And Wastewater.

Mr. Rogers distributed copies of the 2015 Financial Management Reports for both the Municipal Water Works and the Municipal Sewage Works. Mr. Rogers stated, for the benefit of the new Council members, that Umbaugh has been completing the Financial Management Reports for the Town since 2004. Mr. Rogers stated that the Council has turned these reports into rate studies at times. He believes that this has been a good thing for Cicero as it has avoided a large increase all at once. Mr. Rogers stated that Umbaugh has used Cicero as a model when talking to other municipalities about their rates. Mr. Rogers then reviewed the two Financial Management Reports for the Council. He stated that last year there were large projects that had been planned for both utilities that resulted in transfers of investments to the operating budgets. Because the Council has been fiscally responsible with the rate increases these funds were available and the Town did not have to borrow money. Mr. Rogers stated that both utilities are financially where they should be. The Council thanked Mr. Rogers for this information.

Council To Hold Public Hearing On Additional Appropriations For Park And General Funds.

Mr. Miller made a motion to open the Public Hearing on the additional appropriations for the Parks and the General Funds. Mr. Amos seconded, motion passed. Mr. Foster reviewed the Additional Appropriations and asked if there were any questions. There

were none. Mr. Amos made a motion to close the Public Hearing. Mr. Lutz seconded, motion passed.

Council To Consider Approval Of Ordinance 04-05-2016-1 Additional Appropriations For Park And General Funds.

Mr. Amos made a motion to approve Ordinance 04-05-2016-1 Additional Appropriations for Park and General Funds. Mr. Lutz seconded, motion passed unanimously.

Approval of Prior Minutes:

Town Council Meeting Minutes, March 15, 2016, 7:00 PM – Ms. Unger stated that she had changed Mr. Amos’ motion to adjourn to Mr. Miller. Mr. Lutz made a motion to approve the Town Council Meeting Minutes for March 15, 2016. Mr. Miller seconded, motion passed.

Approval of Claims:

Mr. Amos made a motion to approve the Claims as presented. Mr. Lutz seconded, motion passed.

Petitions by Citizens:

There were none.

President’s Report:

1. President Foster stated that he had nothing this evening.

Council Committee Reports:

1. Events Committee – There was nothing.

Legal Counsel Report- Aaron Culp:

Mr. Culp informed the Council on the following:

1. Mr. Culp informed the Council that he has received numerous inquiries regarding the lease on the Town’s cell tower. The current lease held by Crown Castle expires in 2019. Mr. Culp stated that previous Councils have not wanted to negotiate a new lease until closer to the expiration date and they had decided to wait until January 2017. Some offers have come from the current holder and others from vendors wanting to acquire the site. All have offered to purchase the lease, have a permanent lease/easement, or outright purchase the property. No actual dollars have been offered. The current contract of the cell tower was for five years with five, five year renewal periods. Ms. Unger thought the last installment was around \$50,000. The Council wanted to know where the other towers were and was told one was on the South water tower and one on the West water tower. There was a discussion regarding the cell tower. Mr. Munoz stated that there was a variance for a new tower on 221st Street going before the BZA. After the discussion Mr. Lutz stated that we should address in January 2017 and the Council agreed.
2. Mr. Culp stated that he received an e-mail regarding the use of Town own equipment for personal use. Mr. Culp stated that this was not permissible. There were potential issues that might arise if there was damage to the piece of equipment and/or injury to a person that the Town’s insurance would not cover. Additionally, the State Board of Accounts would find this unacceptable and are looking at these things more closely. There was a discussion on this which included some what-ifs and Mr. Culp stated that the Town’s equipment should not be used for personal use.

Cicero/Jackson Township Plan Commission Report-Mr. Munoz:

1. Mr. Munoz stated that he had nothing.

Town Engineer Report-Mr. Keith Bryant:

Mr. Bryant discussed the following:

1. Mr. Bryant informed the Council that United has not heard back from INDOT on the Agreed Order for Sewer yet.
2. Ultraviolet System for the Wastewater Treatment Plant was completed on February 17th and in service. April 1st the disinfectant season started. Mr. Bryant stated that he had several completion documents for Mr. Foster to sign this evening. Mr. Amos made a motion to approve the completion documents and allow Mr. Foster to sign. Mr. Lutz seconded, motion passed.
3. SR 19 – Mr. Bryant informed the Council that United has received approval to proceed with the sidewalks and curbs to complete the SR 19 project. This information has been given to Dorsey and he expects them to begin this work on April 11th. He stated that they should be able to finish in a week. The Order from INDOT stated the project needs to be done by April 30th.
4. Hidden Bay Project – Mr. Bryant informed the Council that the Sub-contractor for C.A.T on the Hidden Bay water main project has submitted a bill in excess of their contract. United has been reviewing and negotiating with the Sub as United did not feel that the bill was justified. Mr. Bryant distributed a document showing where the Sub stated they went over and above the original contract with the parking areas and where they had been asked to do additional work. Mr. Bryant stated that the areas shown were actually on the original drawing and evidentially they did not look at the drawings. Additionally the Sub put down thicker asphalt than was required. The Sub was asking for an additional \$17,933. There was a lengthy discussion on this. Mr. Lutz said he could see paying possibly paying a third of the bill if they did work we asked them to do. Mr. Amos stated that he did not think we should be talking with the Sub and that we should not pay any additional billing to the Sub. Mr. Foster asked Mr. Bryant what he thought the Council should do. Mr. Bryant stated that he thought the payment we have made is adequate. Mr. Foster stated that we should go with the recommendation of the engineer. Mr. Foster directed Mr. Bryant to prepare a letter to be sent to the General Contractor stating we feel the bill has been paid in full.

Old Business:

Mendenhall And Associates To Discuss Closing Hidden Bay Project.

Colleen Freeman addressed the Council concerning the Hidden Bay Project. Ms. Freeman stated that she had several documents to close this project out for the OCRA Grant and needed Mr. Foster to sign if acceptable. Mr. Amos made a motion to approve the closing documents and allow Mr. Foster to sign. Mr. Miller seconded, motion passed.

New Business

Council To Approve Continuing Disclosure Services With Umbaugh & Associates For The 2013 Sewage Works Revenue Bonds And Approve Either Mr. Foster Or Ms. Unger To Sign.

Ms. Unger stated that the State requires this disclosure and that Umbaugh has completed this for us in the past. Mr. Culp added that this was an annual disclosure. Mr. Amos made a motion to approve Mr. Foster signing the document. Mr. Lutz seconded, motion passed.

Miscellaneous

1. Mr. Comer informed the Council that the department heads would be meeting with the second LED vendor on April 8th at 8:30 am at the Police Station.
2. Mr. Amos stated that the money from Malcon for Medicaid/Medicare Billing Service that the Town thought would be put into the Town's General Fund was deposited into the Volunteer Fire Fund. Fire Chief Overholser stated that the money had to be deposited into the fund that it was billed out of. This will be addressed at the Staff Meeting. Chief Overholser stated that this money was currently set aside in the Volunteer Fund.
3. Mr. Miller informed the Council that Jason Semler with Umbaugh would be here at 7:00 pm at the Staff Meeting to discuss financial planning.

Comments By Citizens

There were none.

Signatures on Official Documents!

Motion To Adjourn:

Mr. Amos made a motion to adjourn. Mr. Lutz seconded, motion passed.

Brett S. Foster, President

Chad B. Amos, Vice-president

Christopher J. Lutz

Robert J. Miller

Craig S. Penwell

Attested: _____
Jan Unger, Clerk Treasurer

The next Cicero Town Council Meeting will be on April 19, 2016, at 7:00 PM at the Cicero Town Hall.