



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, September 6, 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
Craig Penwell
Chad Amos
Chris Lutz
Rusty Miller

Absent:

Mr. Foster declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Dave Hildebrand, Police Chief
Lance Overholser, Fire Chief
Paul Munoz, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Paul Utterback, Storm Water Management Board President

Approval of Agenda:

Mr. Foster added a discussion on the bugs accumulated on the Cicero Jackson Street Walkway railing and lights and approval to release retainage due to Thieneman Construction Inc. Mr. Amos made a motion to approve the agenda as amended. Mr. Penwell seconded, motion passed.

Approval of Prior Minutes:

Joint Town Council/EDC Meeting Minutes, July 6, 2016;

Town Council Department Meeting Memorandum, August 11, 2016, 7:00 PM;

Town Council Meeting Minutes, August 16, 2016, 7:00 PM:

Mr. Lutz made a correction on the July 6th Minutes. Mr. Penwell made a motion to approve all of the Town Council Meeting Minutes of July 6th and August 16th and the Department Memorandum of August 11th. Mr. Miller seconded, motion passed.

Approval of Claims:

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

Petitions by Citizens:

There were none.

President's Report:

President Foster stated that he had nothing this evening.

Council Committee Reports:

Events Committee – Chief Hildebrand stated that the Events Committee would be meeting tomorrow to discuss the 2017 Triathlon. Chief Hildebrand stated that because of weather this year the date was rescheduled to a Sunday. Next year they would possibly like to have it on Sunday and inquired if the Council had issue with this and they did not.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp had nothing at this time.

Cicero/Jackson Township Plan Commission Report-Mr. Strong

1. Council To Consider Reimbursement Agreement With Arbor Homes – Mr. Strong stated that Arbor Homes wants to proceed with initial feasibility study for water and wastewater. United stated that they would do this at a cost up to \$3,000. Arbor will also need United to review their site plan when it is ready. This Reimbursement Agreement between the Town and Arbor Homes requires Arbor Homes to reimburse the Town for United's services regarding studies. Mr. Strong also informed the Council that Arbor representatives would like to attend a Town Council Meeting to review their plan and answer any questions the Council might have. Mr. Amos made a motion to approve the Reimbursement Agreement and allow Mr. Foster to sign. Mr. Lutz seconded, motion passed. Mr. Foster then stated the Arbor could attend the October 4th Town Council meeting.
2. Mr. Lutz asked Mr. Strong if they would prepare some information for the Council regarding Arbor Homes to discuss at the Staff Meeting on September 15th so the Council would be more informed on October 4th.
3. Mr. Lutz inquired of Mr. Munoz if Kokomo was getting everything cleanup from the tornados. Mr. Munoz stated that it would be a while before that happened. It was stated that the Hamilton Heights' football team and cheerleaders went up to help along with Chief Hildebrand and Chief Overholser. Many other communities in the area have also helped.
4. Mr. Culp stated that he has spoken with the property owner on Cape Charles regarding the running of a business out of his home. The property owner was very polite and wanted to comply with the violation letter. He claims that all commercial activities have ceased and just the truck or car he drives to and from work is in his drive. Mr. Culp asked Mr. Munoz and Chief Hildebrand to keep an eye out and if the activity began again to let him know. As of right now, Mr. Culp will not pursue any further action.

Town Engineer Report- Mr. Keith Bryant-

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

Town of Cicero

September 6, 2016 Town Council Meeting

Engineer's Report

1. **SR 19 Sidewalk Project:** The contractor, Dorsey, has completed the work. Mr. Comer and I walked the project on August 26. Dorsey was sent the final change orders some time ago. We followed up with an email to Mr. Dorsey to obtain the signed change orders and final invoice on August 26. We also left him a detailed voicemail today and sent another email in regards to this. Upon receipt of the signed change orders and invoice, the Town will need to submit information for reimbursement following completion in accordance with the agreement. This needs to occur before October 1, 2016.
2. **IDEM Notice of Violation / Agreed Order:** The Town now has formal approval of the Town's I & I Investigation Plan. We will continue to evaluate the lift station basin data, the Town has ordered flow

monitor equipment, the Town continues property inspections and sewer video work is to be scheduled with wet weather periods. All of this will help assemble the final Compliance Plan.

3. **Arbor Homes Development:** Dan Strong is to discuss the development project on the east side of the City. The developer has agreed to reimburse the Town for our time to evaluate the impact and needs related to the sanitary and drinking water system for the development. We have agreed verbally to limit our time for this evaluation only to no more than \$3,000. We can proceed with this work if the Council agrees and asks us to do so.

As always, feel free to contact our office to discuss any project or other needs.

Thank you.

Keith Bryant, PE

Mr. Comer stated that the SR 19 was done with the exception of some landscaping which will need to be done in the spring. Mr. Amos inquired about some weeds growing along one of the properties. Mr. Comer stated that it was weeds or wild flowers depending on who you were talking to.

Mr. Comer stated that the Town has permission to redo the manhole on SR 19 and include the cost in the reimbursement the Town will get from INDOT. Mr. Comer stated that they will do this repair on Monday, September 12th. Jackson Street will be closed and the recommended detours are Washington Street and Harrison Street. SR 19 will be restricted. They have flyers ready to post.

Mr. Comer stated that with regard to the IDEM agreed order for I & I they have completed Stringtown and are working on Bayshore.

Old Business:

Council To Consider Lease/Purchase For SCBA Equipment And Cardiac Monitors.

Chief Overholser reviewed the research he has completed and recommended to the Council that the Fire Department purchase the MSA SCBA equipment which have the 15 year warranty and use the Indiana Bond Bank which has the best interest rate. There was a brief discussion. Mr. Amos made a motion to approve Chief Overholser's recommendation and give Ms. Unger authority to sign the appropriate documents. Mr. Lutz seconded, motion passed.

Council To Discuss Town's Health Insurance Plan And To Approve Short Term Disability Company.

Mr. Penwell informed the Council that they had directed the insurance committee to investigate the other insurance carriers for the Town's health insurance. IACT Medical Trust is the current carrier and they were projecting a 15% increase. The insurance committee met with another insurance company to get information regarding what was available to the Town for health insurance. Mr. Penwell stated that he was concerned as this company was just starting a group similar to the Trust but at this time had no committed entities. If we committed we would be the first and only at this time and we just came off a bad year of claims. Mr. Penwell recommended that we stay with the Trust for the present and look at something else in 2-3 years. Mr. Lutz made a motion to stay with IACT Medical Trust for the Town's health insurance. Mr. Amos seconded,

motion passed. Ms. Unger stated that she has received further information and that it looks like the rate increase will be around 10%.

Mr. Penwell then stated that, with Prudential no longer providing Short Term Disability effective October 1st, Ms. Watson found another company to provide that service. Nippon can provide the same Short Term Disability to the employees with no waiting time for pre-existing and at a lower cost. The staff has reviewed the options and they prefer to go with Nippon. Mr. Penwell stated that for Long Term Disability the Town will stay with American Fidelity. Mr. Penwell made a motion to approve Nippon for the Short Term Disability and stay with American Fidelity for long term. Mr. Lutz seconded, motion passed.

Council To Discuss Inflow and Infiltration (I & I) Inspections.

Mr. Comer stated that the ordinance for the I & I Inspections was passed in 2011. There are still about 400 properties that have not been inspected despite original notices and surveys being sent to property owners and hang tags being placed on door in 2015 and again this year. Mr. Comer inquired if the Council was inclined to start charging penalties. There was a discussion about how to proceed with final notification and letting property owners know that there was a deadline for contacting the Wastewater Department to get this completed or there would be a \$20 per month fine. Mr. Penwell made a motion to allow Mr. Comer, Ms. Unger and the utility clerk to figure out the best way and to proceed with the fines after notification. Mr. Amos seconded, motion passed.

Mr. Comer stated that he would like to have a copy of inspections of all new housing regarding their sump pumps if applicable or know if they didn't have one. That way the wastewater staff can record the information in their data base. Mr. Munoz stated that he does inspect this and will give Mr. Comer the information.

Council To Decide Chamber Fees.

Mr. Penwell made a motion to pay the Chamber Fees. Mr. Amos seconded, motion passed.

Mr. Lutz To Discuss Council Project Efficiency.

Mr. Lutz stated that he would like to work more efficiently to get projects completed. This issue came up when the discussion of the Chamber fees resurfaced. Mr. Lutz would like to have a running list of projects and who is responsible for moving them forward. He thinks this would just make the Council work more efficiently. Mr. Lutz stated that he would be responsible for keeping the list. There was a discussion among the Council about some of the projects including the list of capital projects, the NRG facility and working with Umbaugh on the capital project and long range plan. Mr. Foster suggested a special meeting to discuss the capital project and include Umbaugh. Ms. Unger distributed a list that she had of projects/decisions that need to be acted on. Ms. Unger stated that Umbaugh is working on the project currently by gathering information. She is not sure that what the Council wants is exactly what Umbaugh is working on. Ms. Unger suggested that someone from the Council speak to Jason Semler at Umbaugh to be sure we were on track. Mr. Foster stated that he would call Mr. Semler in the morning and tell him not to do any more billable hours until they have talked. The Council decided to

have a special meeting on October 4th, 2016 at 6:00 pm to discuss capital projects and invite Umbaugh.

New Business

Council To Consider Federal Field Services Agreement For Outdoor Warning Siren Annual Preventative Maintenance Inspection.

Chief Overholser stated that this was an annual service agreement for the warning sirens. Mr. Penwell made a motion to approve the Federal Field Services Agreement for Outdoor Warning Siren Annual Preventative Maintenance Inspection and give Mr. Foster permission to sign. Mr. Miller seconded, motion passed.

Council To Consider Ordinance 09-06-2016-1 Water And Wastewater Budget For 2017.

Ms. Unger informed the Council that she and Mr. Comer have worked on the 2017 Budget for Water and Wastewater. Adjustments have been made in a few of the line items but it is similar to this year's budget with the exception of the I & I project. Mr. Amos made a motion to approve the 2017 Water and Wastewater Budget. Mr. Lutz seconded, motion passed.

Council To Consider Resolution 09-06-2016-2 Transfer of Funds For General.

Mr. Amos made a motion to approve Resolution 09-06-2016-2 Transfer of Funds for General Fund. Mr. Miller seconded, motion passed.

Council To Consider 2017 Holiday Schedule For Town Of Cicero.

Mr. Lutz inquired as to what the "Pursuant Indiana Code 1-1-9-1(b)" was? Ms. Unger stated that it was giving the Council the authority to set the holidays for the Town. Mr. Culp agreed. Mr. Amos made a motion to approve the 2017 Holiday Schedule. Mr. Lutz seconded, motion passed.

Miscellaneous

1. The Our Town Cicero (OTC) organization would like to spray wash the street lights and railing on the Cicero Jackson Street Walkway. They would like to have the same treated by an exterminator for spiders and bugs. Mr. Penwell stated that Ms. Unger checked with AAA Exterminating and they cannot treat anything that close to the water. Mr. Comer stated that he has spoken with the company that would be cleaning the rails and lights with a spray washing and he is okay with them doing it as it is a low psi they are using. Mr. Cambre is going to pay for the cleaning of the public dock and ramp. There was a discussion; Council is okay with the cleaning. Mr. Penwell stated that the OTC can present the bill to the Town for possible consideration of the Town to pay.
2. Release of retainage due to Thieneman Construction Inc. Ms. Unger stated that this project is complete. Mr. Comer stated that he is satisfied with the UV system. Mr. Amos made a motion to approve the release of the retainage due to Thieneman Construction Inc. and to give Mr. Foster permission to sign the release. Mr. Lutz seconded, motion passed.
3. Mr. Cambre informed the Council that the Car Show at Red Bridge Park was a success. This was the 25th year for the show. He had 134 cars participate. It was a good day.

Comments By Citizens

Motion To Adjourn:

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

Signatures on Official Documents!

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 September 20, 2016, at 7:00 PM at the Cicero Town Hall.