



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, April 18, 2017
At 7:00 PM

Call to Order: President Chad Amos called the meeting to order. Mr. Amos led the Pledge of Allegiance and Ms. Unger said the prayer. Mr. Amos called for the roll call. The members of the Town Council were present or absent as follows:

Present: Chad Amos
Chris Lutz
Rusty Miller
Craig Penwell

Absent: Brett Foster

Mr. Amos declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Pat Comer, Street & Utilities Director
Dave Hildebrand, Police Chief
Lance Overholser, Fire Chief
Dan Strong, Interim Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Keith Bryant, Town Engineer
Paul Utterback, Storm Water Management Board President

Deen Rogers, Umbaugh, To Discuss The Water & Wastewater Financial Management Reports.

Mr. Rogers distributed copies of the Financial Management Reports to the Council. He then reviewed the water report. Mr. Rogers stated that Cicero was well within the requirements for reserves. He compared the budget for 2016 to actual revenue and expenditures. There was a net increase in the balance for 2016. Mr. Rogers compared the 2017 budget to the 2016 actual results and there was a decrease in the 2017 budget. Mr. Rogers discussed the forecasted receipts and disbursements for 2017, 2018 and 2019. That forecast showed a fairly steady balance with a slight decrease. Mr. Rogers discussed the fact that the current water bond issue would be paid off in December of 2019 and that the reserve could be used to make that payment. Mr. Rogers then reviewed the wastewater report. This report showed similar patterns. There is still an outstanding bond that runs until 2034. Ms. Unger inquired about the rate study and Mr. Rogers stated that both funds are holding their own. Mr. Comer stated that there are no projects currently scheduled for water but there are things that will come up and improvements that will have to be made. Mr. Comer stated that with wastewater there will be an agreed order and the cost of that could be considerable, but at this point we do not know what that cost will be. Mr. Bryant agreed with the cost for the agreed order with IDEM. Mr. Rogers stated that Umbaugh has often used Cicero as an example with the small rate increases. This has kept the utility cost up with inflation and there has not been a need to have large increases in the rates. Some towns have had to increase by 15% or even

double their current rates. Cicero has increased their rates 1.5 to 2 percent per year over the last 14 years. Mr. Rogers inquired if there were any questions. Mr. Lutz inquired what the bonding ability of the water department would be after the current bond was paid off. Mr. Rogers said he would get back with him. The Council thanked Mr. Rogers for the information and said they would get back with him on what they want to do with the rates. Mr. Roger stated that once they decide they could prepare the rate sheets and give the information to Mr. Culp to write the ordinance.

Approval of Agenda:

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

Approval of Prior Minutes:

Town Council Meeting Minutes, April 4, 2017, 7:00 PM – Mr. Penwell made a motion to approve the Town Meeting Minutes for April 4, 2017 as presented. Mr. Miller seconded, motion passed.

Approval of Claims:

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

Petitions by Citizens:

T.J. Tryon addressed the Council concerning the Cicero Triathlon. Mr. Tryon stated that he would like the Council to consider retracting the decision of the event committee to not allow the Cicero Triathlon. Mr. Tryon stated that Cicero was in violation of the Public Access Law. Mr. Culp stated that the Town was not in violation of the Public Access Law, that this committee was informal and dealt with items that related to their departments. There was a discussion in which Mr. Tryon stated that he wanted copies of all documents that related to the meeting in which this decision was made. Mr. Tryon stated that he has given \$10,000 to the Chamber of Commerce, \$2,000 to the Friends of the Park and also given money to Our Town Cicero. There was another discussion ending with what Mr. Tyron really wanted, which was to meet with the event committee and request a retraction of their decision to not allow the Triathlon. Mr. Amos asked the committee to schedule a meeting with Mr. Tryon. Mr. Tryon then stated that he retracted his request for documents relating to the Committee’s decision.

President’s Report:

President Amos stated that he had nothing.

Council Committee Reports

1. OTC - Mr. Miller had nothing for OTC – Mr. Miller reported the following:
 - a. The Murder Mystery Dinner is April 27th. It is not sold out at this point.
 - b. 3rd Thursdays are going well. The next one will be April 20th.
 - c. There will be no board meeting this month.
2. EDC Committee - Mr. Lutz reported the following:
 - a. There was no meeting this month.
 - b. Regarding On Ramp; Mr. Lutz inquired if the EDC was to be addressing this. The Council said they were. Mr. Culp stated that he has a proposed contract he just needs to know what the Council wants to do. Mr. Lutz stated that he would try to move this forward.

Legal Counsel Report- Aaron Culp:

Mr. Culp stated that he had nothing.

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

1. MI Home - Mr. Strong stated that MI Homes would be meeting with Mr. Bryant and Mr. Comer on April 26th to discuss utilities.
 - a. Mr. Strong had distributed a copy of the Planned Development (PD) for the Council to review. Mr. Lutz asked for an electronic version of the PD.
 - b. Mr. Strong stated that MI will be on the Council agenda either May 2nd or May 16th.
 - c. Mr. Amos inquired about “No Parking on the Streets” in the PD. Mr. Strong stated that he is working with Mr. Culp on that.
 - d. Mr. Amos asked to have no parking on the grass also in the Home Owners Association (HOA) requirements.
 - e. Mr. Miller inquired if they would be asking for any utility upgrades from the Town. Mr. Strong stated that he didn’t know yet since they haven’t met with Mr. Bryant and Mr. Comer. Mr. Strong stated that he was mostly working with the deficiencies in the PD. Mr. Bryant stated that what was needed previously may have changed.

Town Engineer Report-Mr. Keith Bryant:

Mr. Bryant reported the following:

1. IDEM Notice of Violation / Agreed Order: The evaluation of the I & I sources and wastewater treatment plant continues. At this point, we need some more rain to better evaluate.

Old Business:**Council To Consider Baseball Contract.**

Mr. Miller made a motion to untable. Mr. Lutz seconded, motion passed. Mr. Miller inquired if there were any questions from the Council on the short term contract with HHASA that Mr. Culp prepared. There were none. Mr. Lutz made a motion to approve the Baseball Contract with HHASA. Mr. Miller seconded, motion passed.

Council to Consider Advertising for RFPs for Municipal Building Study.

Mr. Penwell inquired of Mr. Culp the process for requesting RFPs for the Municipal Building Study. Mr. Culp stated that the requests could be sent out. The RFPs should be presented to the Council to open and then taken under advisement for the committee to review.

Council To Consider Resolution 03-21-2017-4 A Resolution Of The Town Of Cicero In Support Of Utilizing The Nickel Plate Railroad Property For Walking Trails.

Mr. Lutz stated that it would take \$100,000 just to fix the Jackson Street RR crossing. Many of the previous stated repair costs were inaccurate. There was a discussion. Mr. Lutz stated that he did not want to bring this up for a vote this evening as he did not have the support to have it passed. Mr. Lutz stated that he would like to have the full council. There were questions about why we were getting involved and how the trail would be funded. Mr. Lutz stated that he did not have an answer as to how the trail would be

funded at this time but that possibly through grants. Mr. Lutz believes that the best thing for the Council to do is to show our support for the trail instead of the rails. The resolution will be put on the next Council meeting.

New Business

Council To Consider Ordinance No. 04-18-2017-1 An Ordinance Of The Town Of Cicero Updating Chapter 157, It's Impact Fee Ordinance.

The new Park Impact Fee will take effect on January 1, 2018. The current fee is \$843 and the new fee will be \$604. Mr. Amos read the Ordinance by title and number. Mr. Miller made a motion to approve Ordinance No. 04-18-2017-1 an Ordinance of the Town of Cicero Updating Chapter 157, its Impact Fee Ordinance. Mr. Lutz seconded, motion passed.

Council To Consider Ordinance No. 04-18-2017-2 An Ordinance Of The Town Of Cicero, Hamilton County, Indiana, To Establish A Non-reverting Fund For Hazardous Materials Response.

Mr. Amos read the Ordinance by title and number and asked if there were any questions. There were none. Mr. Lutz made a motion to approve Ordinance No. 04-18-2017-2 an Ordinance of the Town Of Cicero, Hamilton County, Indiana, to Establish a Non-reverting Fund for Hazardous Materials Response. Mr. Penwell seconded, motion passed.

Council To Consider Ordinance No. 04-18-2017-3 Town Of Cicero Town Council An Ordinance Amending The Town Of Cicero, Indiana Personnel Policies Handbook Regarding Post Accident Testing.

Mr. Amos read the Ordinance by title and number and asked if there were any questions. There were none. Mr. Penwell made a motion to approve Ordinance No. 04-18-2017-3 Town of Cicero Town Council an Ordinance Amending the Town Of Cicero, Indiana Personnel Policies Handbook Regarding Post Accident Testing. Mr. Miller seconded, motion passed.

Council To Approve Post-Accident Policy Referred To In Ordinance 04-18-2017-3.

Mr. Penwell made a motion to approve the Post-accident Policy. Mr. Miller seconded, motion passed.

Council To Discuss A Dollar Amount For MKSK To Do A Study For The Pocket Park Final Design.

Our Town Cicero (OTC) would like to have MKSK do a study for the Pocket Park at Jackson and Short Streets. The cost is \$1,500. OTC is contributing \$750 to the project and would like the Town to contribute \$750. Mr. Miller made a motion to approve contributing the \$750 for the study. Mr. Lutz seconded, motion passed.

Council To Consider Approving Letter Of Support For Hamilton Heights School Corporation Who Applied For A Grant To Show That They Have Approval To Place A Bench And Bike Rack On The Town's Property.

Hamilton Heights School Corporation is applying for a grant. They have secured the cash portion of the grant and are asking for the Town to participate by showing support of the project by allowing a bike rack and bench placed on Town property. Two letters were presented one for approval for placing the bike rack and bench on the Town's property. Mr. Penwell made a motion to approve the letter showing support by allowing the school to place the bike rack and bench on the Town's property. Mr. Lutz seconded, motion passed. The second letter was for a labor contribution from the Parks Department to the project. Mr. Lutz made a motion to approve the labor contribution contingent on Mr. Cambre's approval. Mr. Penwell seconded, motion passed.

Miscellaneous

1. Health Insurance - Ms. Unger inquired of Mr. Culp if a spouse covered under Medicare was included in the spousal carve out in the Town's insurance policy. Mr. Culp stated that it is prohibited by federal law and regulations to exclude someone who is on Medicare.
2. Ms. Unger informed the Council that the Town's liability insurance would be up in mid-June and she has asked our insurance company to have the renewal to her by May 16th. Ms. Unger asked someone on the Council to review. Mr. Penwell stated that this was not his area of expertise but he would look it over.

Comments By Citizens

Ms. Unger asked to address the Council with her concerns regarding the Resolution 03-21-2017-4 a Resolution of the Town of Cicero In Support Of Utilizing The Nickel Plate Railroad Property For Walking Trails. Ms. Unger stated that Mr. Lutz would not bring the resolution up for vote this evening because he did not have the support of the council and wanted to wait until he had support. Ms. Unger stated that she was not sure that doing away with the railroad was what most of the residents wanted and asked if Mr. Lutz has poled the public. Mr. Lutz stated that he hadn't formally but those that he has talked to are in favor of the trail. Ms. Unger stated that she thought that it had been approved to install the trail along the rail and Mr. Lutz stated that had not been approved. Mr. Lutz further stated the Port Authority rejected this when the Northern Hamilton County Trail Committee approached the Port Authority after public input during the trail plan. Ms. Unger stated that once the rails were gone that a piece of history would also be gone. She stated that there are very few places in Indiana that this type of train can be found. Ms. Unger stated that she did not think it was in the best interest for Cicero to burn bridges. Ms. Unger stated that she was not in favor of removing the train and that did not mean that she was not in favor of a trail but if it was either or she was in favor of the train. The trail was not originally planned to be on the railroad right-of-way. Ms. Unger was not sure what would be gained by passing the Resolution. Ms. Unger inquired if there was funding for the trail through the town and Mr. Lutz thinks it would give credence to the Port Authority to assist with the trail continuing from Noblesville. This prompted a conversation among the Council, particularly with Mr. Penwell and Mr. Lutz. Mr. Penwell stated that he was neither for or against the Resolution at this point, he

needed more information. Mr. Penwell is concerned, that with the train going north from Arcadia and the trail going south from Noblesville, there would be a void in Cicero with tracks in disrepair. There was a discussion on the funding for a trail. At this time Fishers is prepared to move forward with the trail as is Noblesville. What happens to the rails in Marion County and North of Noblesville? There is no answer to this at this time. The three units responsible for the full length of the rails are, Noblesville, Fishers and Hamilton County. Mr. Culp stated that the Port Authority has sent out RFPs for RR repair but some of the units may not participate or say no. Mr. Amos closed this discussion.

Signatures on Official Documents!

Motion To Adjourn:

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

Signatures of Cicero Town Council

Chad B. Amos, President

Robert J. Miller, Vice-president

Christopher J. Lutz

Brett S. Foster

Craig S. Penwell

Attested: _____
Jan Unger, Clerk Treasurer

The next Cicero Town Council Meeting will be on May 2, 2017, at 7:00 PM at the Cicero Town Hall.