



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, August 15, 2017
At 7:00 PM**

Call to Order: President Chad Amos called the meeting to order. Mr. Amos led the Pledge of Allegiance and Mr. Foster 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
Brett Foster
Chris Lutz, 7:30
Rusty Miller
Craig Penwell

Absent:

Mr. Amos declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Jim Hunter, Police Major
Lance Overholser, Fire Chief
C. J. Taylor, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President
Paul Utterback, Storm Water Management Board President

Approval of Agenda:

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

Public Hearing On Ordinance 07-18-2017-1An Ordinance Establishing Municipal Water Rates And Ordinance 07-18-2017-2An Ordinance Establishing Municipal Sewage Rates.

Mr. Foster made a motion to open the Public Hearing. Mr. Miller seconded the motion, motion passed. Mr. Amos inquired if there were any comments on the proposed Ordinances for Water and Sewage Rate increases. Ms. Unger stated that there were copies on the table if anyone would like to review. There were no comments. Mr. Foster made a motion to close the Public Hearing. Mr. Miller seconded, motion passed.

Approval of Prior Minutes:

Executive Session Memorandum, August 8, 2017, 6:30 –
Town Council Meeting Minutes, August 1, 2017, 7:00 PM –

Mr. Miller made a motion to approve Executive Memorandum on August 8, 2017 and Council Meeting Minutes from August 1, 2017. Mr. Foster seconded, motion passed.

Approval of Claims:

Mr. Penwell made a motion to approve the claims as presented. Mr. Foster seconded, motion passed.

Petitions by Citizens:

1. Tracy Zuchristian, 1329 Casco Bay, addressed the Council concerning her neighbor at 1349 Casco Bay who was adding large pieces of cement and rock past his sea wall into the lake and had covered a large pipe by doing so. He has also shaped the landscape so that it does not drain properly and comes onto her property. Ms. Zuchristian stated that Mr. Comer checked on it today. There was a discussion. Mr. Comer stated that the drain must be open and suggested that a letter be sent to the offender. Mr. Amos directed Mr. Culp to get with Mr. Comer and Mr. Taylor to see what needs to be included in the letter. It was suggested that Ms. Zuchristian continue her conservation with Citizens and for her to contact the Army Corp of Engineers as well as Morse Lake Marina.
2. JoAnn Rule stated that there were other issues which included two property owners, one is the same as above, that are using their mobile homes which are parked in the front yard as an extension of their homes. Mr. Amos stated that they would look into this problem.

President's Report:

1. President Amos stated that he attended a Cherish function which is an organization for abused children up to age 17. President Amos stated that Major Hunter was one of the speakers and that he did a very good job.

Council Committee Reports

1. EDC – Nothing at this time.
2. OTC – Mr. Miller stated that the Dine on the Causeway on September 9th event has sold 181 tickets. They expect to sell 300. Mr. Miller reminded everyone of the Third Thursday event at 30 West this week. Carol Griffith will be the featured artist. Mr. Amos stated that OTC has received 40 Indians tickets to give away to help with the Dine on the Causeway ticket sales.

Legal Counsel Report- Aaron Culp:

Mr. Culp informed the Council that he has received a response from the cell tower manager with regard to the extension of the lease. Mr. Culp reviewed the proposed terms: Lease will be extended by an additional eight (8), five (5) year automatic renewal terms; monthly rent shall increase to Two Thousand Three Hundred Dollars (\$2,000.00) per month; monthly rent will increase by 10% for each term beginning in 2020; Lessee agrees to pay to Lessor ten percent (10%) of the rental, license or similar payments actually received by Lessee from such Future Subtenant; and a onetime signing bonus of \$20,000. Mr. Culp stated that this was just information for this evening and the Council could think about how they wished to respond. Mr. Amos wanted to add something that the Council could review to see if we were getting the full 10% of the co-locators. Other Council members agreed. Mr. Aaron stated that he would have a document for the next Council meeting.

Cicero/Jackson Township Plan Commission Report – C.J. Taylor/Dan Strong

1. Mr. Taylor stated he had nothing this evening.
2. Mr. Strong stated he has no new information from MI Homes. Mr. Penwell inquired that at this time the ball is in MI Homes ballpark. Mr. Strong stated that the Town is now waiting on MI Homes to come back with their proposal.

Town Engineer Report-Mr. Keith Bryant:

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

August 15, 2017 Town Council Meeting

Engineer's Report

1. **IDEM Notice of Violation / Agreed Order:** The Inflow & Infiltration Investigation Plan / Flow Study & Data Analysis summary was submitted to IDEM on August 2. Flow meter data gathering continues. We continue with the data analysis, treatment plant evaluation, mitigation option preparation, cost estimate

preparation and schedule preparation. We would intend to review the options with the Council for agreement before making the submittal before October 1, 2017 to IDEM. We should plan an hour meeting for option review. Should we plan for this at the September 5 Council Meeting?

2. **MI Homes / Tamarack Development:** We are awaiting the developer's proposal for shared costs for possible sanitary system upsizing to better facilitate future growth. Once submitted we will review and the Council will need to consider if the system upsizing is justified and desirable at the cost.

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

Thank you.

Keith Bryant, PE

Old Business:

Council To Approve Application And Sign Façade Application Documents.

Ms. Tina Mendenhall addressed the Council. She stated that the Public Hearing for the Town's application to the Office of Community and Rural Affairs for the Main Street Revitalization Program for Façade Improvement was originally scheduled for this evening at 5:30 pm. This meeting was canceled. It has been rescheduled for August 30, 2017 at 7:00 pm at Red Bridge Community Building. The Town scored poorly on the previous application for not showing community support of the project. They would like to have a minimum of 70 people at the August 30th Public Hearing. Ms. Mendenhall stated that the matching funds need to be into the Town by August 21st, there will be a meeting with the business owners on August 24th, the business owners have until August 25 to submit to Ms. Mendenhall 3-5 years of improvements they have made to their buildings, and then the Public Hearing on August 30th. Ms. Mendenhall stated that there is a resolution that needs to be approved by the Council this evening. Ms. Mendenhall read Resolution 08-15-2017-2. Mr. Penwell made a motion to approve Resolution 08-15-2017-2. Mr. Foster seconded, motion passed.

Council To Consider Ordinance 07-18-2017-1An Ordinance Establishing Municipal Water Rates.

Mr. Amos read Ordinance 07-18-2017-1An Ordinance Establishing Municipal Water Rates by title and number. Mr. Amos inquired if there were any questions. There were none. Mr. Miller made a motion to approve Ordinance 07-18-2017-1An Ordinance Establishing Municipal Water Rates. Mr. Lutz seconded, motion passed unanimously.

Council To Consider Ordinance 07-18-2017-2An Ordinance Establishing Municipal Sewage Rates.

Mr. Amos read Ordinance 07-18-2017-2 An Ordinance Establishing Municipal Sewage Rates by title and number. Mr. Amos inquired if there were any questions. There were none. Mr. Foster made a motion to approve Ordinance 07-18-2017-2 An Ordinance Establishing Municipal Sewage Rates. Mr. Penwell seconded, motion passed unanimously.

Council To Consider Lease Agreement For Backhoe For Utilities Department.

Mr. Amos inquired if Mr. Culp had an opportunity to review the lease agreement. Mr. Culp stated that he did. He questioned whether or not Mr. Comer needed to get bids or quotes on this piece of equipment. Mr. Comer had discussed the issue with Mr. Henry

with C.A.T. Mr. Comer wanted the same equipment on the backhoe that he currently has. Other companies that sell backhoes do not offer the same equipment. Therefore, Mr. Culp stated the Town does not need additional quotes. Mr. Culp stated that the Lease Agreement was acceptable. Mr. Lutz made a motion to approve the purchase of the backhoe and the lease, giving Mr. Amos approval to sign documents. Mr. Miller seconded, motion passed unanimously.

Council To Decide How They Want To Proceed With The Sale Of The Trailblazer.

Mr. Amos stated that the person awarded the bid for the Trailblazer has stated that he will not be purchasing it. Mr. Amos inquired as to what the trade in value was and Ms. Unger stated that Chief Hildebrand told her it was \$1,250. Mr. Penwell made a motion to award the bid to the next highest bidder which was Randy Higginbotham for \$1,551.50. Mr. Lutz seconded, motion passed.

Council To Open Proposals For Concrete For Path To Pier.

The Parks Department received three quotes for the concrete path to the new pier.

1. Hink Hinkle Construction opened by Mr. Amos for \$5,000.
2. Prater and Sons opened by Mr. Foster for \$2,500.
3. Dorsey Concrete opened by Mr. Lutz for \$6,100.

Mr. Foster made a motion to approve the proposal from Prater and Sons for \$2,500 contingent on Mr. Culp's review. Mr. Miller seconded, motion passed.

New Business

Council To Consider Resolution 08-15-2017-1 Transfer Of Funds For Town Council.

Mr. Amos read the resolution by title and number. Mr. Lutz made a motion to approve the transfer of funds. Mr. Foster seconded, motion passed.

Council To Discuss Sewer Credit Procedure.

Ms. Unger stated that she reviewed this process at the staff meeting on August 10th. Currently the Council's policy has been to give sewer credits for the months of June, July and August. Residents must complete an application to receive the credit. Residents who have filled their pools prior to June have also received a credit on sewer. We have not had a problem for a while, but now we have quite a few homes being built, particularly in Morse Landing West and Stillwater that are installing new yards with sod and seed that will need to be watered. Ms. Unger was inquiring if the Council wanted to give credits for watering lawns outside the policy of June, July and August? The Council discussed the issue and inquired of Mr. Cambre the time involved to establish a lawn. It was decided that the Council would continue with the June, July and August credits. In addition, when a resident applies for additional sewer credit for establishing a new lawn, they will receive two months credit outside the June, July and August time frame for watering lawns. They will also receive a credit when a pool is filled. Ms. Unger said that she would bring a written policy back to the next Council meeting.

Miscellaneous

Mr. Culp stated that the proposals for the concrete path for the pier were complete.

Comments By Citizens

There were none.

Signatures on Official Documents!

Motion To Adjourn:

Mr. Foster 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 September 5, 2017, at 7:00 PM at the Cicero Town Hall.