



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**Tuesday, February 21, 2017**  
**At 7:00 PM**

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

**Present:** Chad Amos  
Brett Foster  
Chris Lutz  
Rusty Miller  
Craig Penwell

**Absent:**

President Amos 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  
Dan Strong, Interim Cicero/Jackson Township Plan Commission Director  
Aaron Culp, Town Attorney

**Approval of Agenda:**

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

**Approval of Prior Minutes:**

**Town Council Special Meeting Minutes, February 7, 2017, 6:30 PM –**

**Town Council Staff Meeting Memorandum, February 7, 2017, 7:00 PM -**

Mr. Lutz made a motion to approve the February 7, 2017 Town Council Special Meeting Minutes, and the February 7, 2017 Town Council Meeting Minutes. Mr. Miller seconded, motion passed.

**Approval of Claims:**

Ms. Unger informed the Council that she has added a claim for \$16,028.08 for the LED Lighting purchased from Ace Hardware. Mr. Penwell made a motion to approve the claims as amended. Mr. Foster seconded, motion passed.

**Petitions by Citizens:**

**TJ Tryon** with Heartland Endurance Sports addressed the Council concerning the 2017 Cicero Triathlon. He stated he was here this evening to ask permission to have the Triathlon on July 22, 2017. Mr. Amos inquired if he had completed the Event Application and given it to Police Chief Hildebrand. Mr. Tryon had not. He stated that Ms. Jane Hunter with the Chamber had taken care of all of that in the past. Mr. Amos directed Mr. Tryon to get a copy of the application from Ms. Unger.

**President's Report:**

President Amos had nothing this evening.

### **Council Committee Reports:**

1. OTC Report – Mr. Miller informed the Council of the following:
  - a. The Taste of Chocolate was successful with approximately 200 attendees.
  - b. The 3<sup>rd</sup> Thursday was very successful with artist Kat Ho presenting her work.
  - c. The Murder Mystery Dinner will be April 27<sup>th</sup>.
  - d. Chalk on the Walk will be June 6 & 7 in conjunction with the Kids Go Fishing Day.
2. EDC Report –
  - a. Mr. Foster exhibited the Town Logo that the EDC had reviewed and the proposed five Town entry signs. Mr. Foster stated that he took the lead on this project and that this logo was selected from entries from the school. Mr. Foster stated that Mr. McConnell and Ms. Wilgus were here from the EDC. Ms. Wilgus stated that it was a unanimous vote by the EDC members. Mr. Foster stated that this was a Logo and not a Branding for the Town. Mr. Amos stated that the staff were worried that the bird/lake was not completely representative of the town and would like to look at other options. Ms. Wilgus stated that it was a process and perhaps public input would be good. The logo could be displayed in the Utility Office and some other locations around Town.
  - b. Ms. Wilgus distributed a copy of the EDC’s Mission Statement.
  - c. Mr. Foster stated that Mr. McConnell was working on some other projects.
3. Events Committee – Chief Hildebrand had nothing to report.

### **Legal Counsel Report- Aaron Culp:**

1. Mr. Culp stated that Mr. Sethi and Mr. Reynolds are currently soliciting quotes from professional demolition companies and are expecting to select someone by the end of the week (provided the quotes are submitted by then). Per his last conversation with their attorney, they plan to comply with the order and have been in touch with Mr. Culp and Assistant Fire Chief Steve Smith on a regular basis. As their compliance with this order is the best possible outcome for Cicero we are permitting them to precede contingent on them providing us with:
  - a. The name of the contractor
  - b. Evidence of an agreement
  - c. A clearly defined timetable including completion dates.
  - d. Any other information we may request.

If they fail to proceed or to provide any of the information, we still have the obligation of proceeding at any time. Mr. Culp stated that he has prepared based on the Hearing outcome a NRG Demolition Order for Council approval. Mr. Penwell made a motion to approve the NRG Demolition Order. Mr. Lutz seconded, motion passed.

1. Mr. Culp stated that with regard to On Ramp Indiana the Town has assigned this project to the EDC to see if the Town can get Wi-Fi through On Ramp Indiana.

### **2. Cicero/Jackson Township Plan Commission Report-Mr. Strong.**

1. Mr. Strong stated that he has discussed the Council’s suggested layout for the Arbor Home addition with the Arbor representatives. Mr. Strong stated that Mr. Munoz was here this evening representing Arbor Homes and turned the meeting over to him. Mr. Munoz introduced Christian Rector who was with him representing Arbor. Mr. Munoz stated that they were here this evening to ask Council for a continuance. Mr. Munoz stated that Arbor needed more time to review requests from the Council. Mr. Amos inquired if he had any feedback on the suggestions. Mr. Munoz stated the main thoroughfare runs north and south from 234<sup>th</sup> Street to Brinton Street and currently it

begins on the east side of the proposed commercial district which may become part of the TIF District. If you move the thoroughfare to the west side of the commercial district, it may be slower to develop which would be less money coming in on the TIF.

Additionally, the proposed thoroughfare from the Council goes through the retention/detention pond which may be difficult to work with from the drainage aspect. Mr. Amos inquired about the driveways coming out onto the thoroughfare. Mr. Munoz said they are looking at that. Mr. Amos would like to see three different neighborhoods defined. There was a discussion. Mr. Lutz stated that he is not strongly in favor of the project as it is currently defined. He would like to see the first section as R4 and then progress faster out to R3 and upgrade the PUDs. Mr. Munoz stated their concern was the cost of infrastructure and the storm water issues. He stated that they did understand the Council's concern for larger lots. Mr. Munoz stated that by moving the streets it could cause a problem with the availability to bring water in the future. Mr. Culp informed the Council that this project could be an ongoing discussion between the Council and Arbor and could be tabled as needed. Mr. Penwell is hesitant at this time and would like to see more R3 where it currently stands. He is not in favor of 350 homes at R3. Mr. Foster concurs. Mr. Lutz made a motion to table. Mr. Penwell seconded, motion passed.

2. Mr. Strong stated that he should receive the preliminary home development standards from MI Homes by the end of the week along with the covenants. MI Homes should be on the March 8<sup>th</sup> Plan Commission Meeting. Mr. Lutz inquired if they have turned in an application. Mr. Strong said he should receive it on Friday. The legal ad should be in the paper on Thursday, February 23<sup>rd</sup>. It might be May before they come to the Council. Mr. Lutz inquired if there have been any meetings with the local residents. Mr. Strong stated that they are waiting to have a community meeting.

### **Town Engineer Report-Mr. Keith Bryant –**

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

#### **Town of Cicero**

#### **February 21, 2017 Town Council Meeting**

#### **Engineer's Report**

1. **IDEM Notice of Violation / Agreed Order:** The evaluation of the I & I sources and wastewater treatment plant has continued. The Town has continued sampling at strategic locations in the collection system and we have continued to evaluate loading information with Pat Comer and the plant personnel. Also, we have obtained good wet weather readings at the first two flow meter locations and have coordinated new locations with Town personnel who have moved the meters to their third phase locations. Since then we have been relatively dry but the latter part of this week could yield good wet-weather data. The meters will continue to be moved as wet weather data is obtained in order to further pinpoint collection system I& I contributions. All of this will help assemble the final Compliance Plan by August of 2017.

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

Thank you.

**Keith Bryant, PE**

### **Old Business:**

#### **Council To Open Proposals For The Pier Project In Red Bridge.**

Mr. Amos stated that they have received two proposals for the Red Bridge Pier Project. Mr. Lutz opened the proposal from Thomas Docks. Their proposal was for \$93,700.

Mr. Foster opened the proposal from Deaton's Waterfront Services. Their proposal was for \$99,951.20.

Mr. Penwell stated that the issue with the engineer was resolved. Mr. Foster made a motion to table and take the proposals under review. Mr. Lutz seconded, motion passed. Mr. Cambre stated that he would like for the Council to move forward with this approval this evening. Mr. Foster inquired if Mr. Culp and Mr. Bryant could review this evening. Mr. Cambre stated that Mr. Bryant has looked at both designs previously. Mr. Lutz made a motion to untable. Mr. Miller seconded, motion passed. Mr. Foster made a motion to approve the most responsive and responsible proposal based on review of Mr. Culp. Mr. Miller seconded, motion passed.

#### **Council To Open Quotes For Demolition Of 40 Short Street.**

Ms. Unger stated that she sent our criteria for this project but some of the contractors had some different ideas on how they would do it. Ms. Unger thinks we should review the proposals to be sure they are proposing the same thing; the Council received three. Mr. Miller opened the proposal from Gasho Earthworks LLC. The amount of the bid was \$13,000. Mr. Penwell opened the proposal from 20/20 Excavating Specialist. The amount of the proposal was \$14,500. Mr. Amos opened the proposal from Casey-Bertram. The amount of the proposal was \$14,750. Mr. Penwell made a motion to table for review. Mr. Foster seconded, motion passed.

#### **Council To Consider Ordinance 02-21-2017-1 Amendment To Town Of Cicero Personnel Policies Handbook Section 5.10 USE OF EQUIPMENT AND VEHICLES.**

Mr. Amos read the Ordinance by number and title and asked for a motion. Mr. Miller made a motion to approve Ordinance 02-21-2017-1 Amendment To Town Of Cicero Personnel Policies Handbook Section 5.10 USE OF EQUIPMENT AND VEHICLES. Mr. Lutz seconded, motion passed.

#### **Council To Discuss Both Baseball Contracts With HHASA & NYB Tournaments And Field Mix Purchase.**

Mr. Miller and Mr. Culp have been working on the contract for the baseball fields. Mr. Miller stated that the contract needed to be simplified. Mr. Miller stated that the problem with vandalism needed to be spelled out and that he thought the Town should be responsible for repair of the vandalism. Mr. Cambre stated that recently bulbs have been broken and some damage to the light fixtures, feces smeared on the walls, graffiti written on the dugouts, roofing shingles pulled off and downspouts busted. Some of this repair can be done in-house. Mr. Penwell inquired if a camera could be relocated to this area. Perhaps signage would help. Chief Hildebrand stated that it is difficult to monitor by vehicle as it is somewhat isolated and when they start to drive back anyone there can leave before they get there. Additionally, there are enough trees, etc. that obstruct THE view.

Mr. Miller stated that Adam Decker (the Director of Noblesville Youth Baseball) is currently working on the fields. Mr. Comer stated THAT #53 stone has some dust in it but it could become mushy. Mr. Comer stated that #8 Stone is cleaner but harder to walk on, so the stone is still a problem. Mr. Miller stated that Mr. Decker is working to resolve the water problems on the infields.

Back to the vandalism Mr. Amos suggested Chief Hildebrand and Mr. Cambre work on signage and a camera.

Mr. Miller went back to the contract. With regard to utilities, he stated that HHASA should not be responsible for all of the utilities since Mr. Decker would be using the fields also for tournaments. The Town could pay the bills and bill each entity annually. Mr. Miller stated that he could get someone to run the concessions. If Mr. Decker ran the concessions, he would take most of the profits as he would hire people to work. Mr. Penwell inquired if Mr. Miller felt good about getting someone to run the concession and Mr. Miller thought he could. Mr. Miller stated that Mr. Decker would like a 5 year contract and that 50% of the profits would go to the Town to put back into a non-reverting fund for the fields.

Mr. Miller showed a video of the work being completed by Mr. Decker. Mr. Lutz stated that there was not an engineering study completed and we are attempting to keep the cost down. Mr. Miller said the work would be done in phases: 1. Get the infields playable; 2. Deal with the drainage and add additional drainage if necessary; and 3. Pave the paths and parking lot. There was a discussion. Mr. Miller stated that he and Mr. Culp would work on the contracts and have them ready for review by the Council on March 8<sup>th</sup>.

Mr. Miller stated that they would like to bring in dirt for the baseball fields. The cost would be \$45 per ton and they need 130 ton. They would bring in only 20-25 tons at a time. The total cost would be around \$5,850 and Mr. Miller asked if the Town could pay for this. Mr. Miller made a motion to pay up to \$6,000 out of the CCD Miscellaneous line item for the dirt. Mr. Foster seconded, motion passed.

## **New Business**

### **Council To Consider Federal Field Services For Outdoor Warning Siren Annual Preventative Maintenance Inspection Agreement And Give Permission To Sign.**

Mr. Amos asked for a motion to approve this agreement and to allow Fire Chief Overholser to sign and to allow him to sign all future agreements with Federal Field Services for Siren Inspections. Mr. Foster made the motion as stated above. Mr. Lutz seconded, motion passed.

### **Council To Consider Transfer Of Funds Resolution 02-21-2017-2 To The Unsafe Building Fund.**

Mr. Amos read the Transfer by number and title and asked for a motion. Mr. Miller made a motion to approve Transfer Of Funds Resolution 02-21-2017-2 To The Unsafe Building Fund. Mr. Lutz seconded, motion passed.

### **Council To Consider Transfer Of Funds Resolution 02-21-2017-3 For Fire Department.**

Mr. Amos read the Transfer by number and title and asked for a motion. Mr. Lutz made a motion to approve Transfer of Funds Resolution 02-21-2017-3 for Fire Department. Mr. Foster seconded, motion passed.

## **Miscellaneous**

1. Mr. Penwell informed the Council that they have the contracts back from MKSK for the Main Street/Jackson Street intersection and for the Main Street Trail. Mr. Culp has reviewed and made some changes and it has been sent back to MKSK to review.
2. Mr. Penwell welcomed back Ms. Kmicikewycz.

3. Mr. Penwell informed the Council that the RFP for the Municipal Building study is about ready. He is reviewing it and when he is done he will send to the Council for review and make any changes if necessary. Mr. Foster stated that the EDC may have some architects that would be available to do some rendering of the building. Mr. Penwell stated that if anyone had any companies that they wanted the RFP sent to, let him know.

**Comments By Citizens**

There were none.

**Motion To Adjourn:**

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

**Signatures on Official Documents!**

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Chad B. Amos, President

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Robert J. Miller, Vice-president

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Christopher J. Lutz

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Brett S. Foster

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Craig S. Penwell

Attested: \_\_\_\_\_  
Jan Unger, Clerk Treasurer

**The Next Cicero Town Council Meeting will be on March 7, 2017, at 7:00 PM at the Cicero Town Hall.**