



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**Tuesday, May 16, 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  
Rusty Miller  
Craig Penwell

**Absent:**

Mr. Amos declared a quorum present.

**Others Present:** Jan Unger, Clerk Treasurer  
Pat Comer, Street & Utilities Director  
Dave Hildebrand, Police Chief  
Steve Smith, Assistant 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. Lutz asked to add a discussion of the Town's sign under Old Business. Mr. Lutz made a motion to approve the agenda as amended. Mr. Foster seconded, motion passed.

**Matt Eckerle, Umbaugh, to present information on the Park Impact Fee.**

Mr. Matt Eckerle addressed the Council concerning the Recreation Impact Fee Zone Improvement Plan dated April 24, 2017. Mr. Eckerle reviewed page 8 of the document summary of the 2107 Impact Fee calculations explaining the breakdown of the number. Mr. Eckerle stated that the Plan is for 10 years but that every 5 years the fees had to be recalculated. On page 11 were the authorized uses for which the money could be used. Money collected prior to October 2017 had to be used for the 2012 use plan and money collected after October 2017 had to be used for the projects in this new plan. Page 17 explains the deficits for the park. Page 22 had the historical recreation capital improvements expenditures funded through the Town's budget. The Impact Fees will supplement the parks capital improvements plan. Mr. Lutz inquired about a Park Board. Mr. Eckerle explained that this was not within his expertise but an overview is: The Park Board is appointed by the Town Council; the Park Board is then allowed to issue debt approved by the Town Council and would have a debt limit outside the Town's debt limit; and to submit a budget to be approved by the Town Council. Mr. Eckerle was not sure of the costs when asked by Mr. Lutz. Mr. Miller inquired if it was better to spend as

you go or to save for larger projects. Mr. Eckerle stated that cities and towns do it both ways. Some save, some spend and some save some and spend some. Mr. Miller inquired if there was a limit to how long the money could be saved. Mr. Eckerle stated that since money collected under each plan had to be spent on that plan it could become harder to allocate the funds in the proper authorized way. Mr. Amos thanked Mr. Eckerle for the information.

**Approval of Prior Minutes:**

Town Council Special Meeting, April 28, 2017, 6:00 PM -

Town Council Meeting Minutes, May 2, 2017, 7:00 PM –

Mr. Lutz made a motion to Town Council Special Meeting Minutes, April 28, 2017 and Town Council Meeting Minutes, May 2, 2017. Mr. Foster seconded, motion passed.

**Approval of Claims:**

Mr. Lutz made a motion to approve the claims as presented. Mr. Miller seconded, motion passed.

**Petitions by Citizens:**

Paul Gibson addressed the Council concerning eliminating the Nickel Plan Railroad stating that it would be a step backwards for growing vibrant towns in Hamilton County. He referred to the benefit it has been to the Kiwanis Club which did the Fair Train parking which put over \$30,000 back into the community via scholarships. The FFA has benefited from the Pumpkin Train, and Hamilton Heights students have used the train for field trips. Not to mention the Polar Express and the Dinner Train. Mr. Gibson stated that people from all over come to Hamilton County for the train. Mr. Gibson stated that he does not think the walking paths are used very much by the general public and wants to keep the railroad as it is a unique contributing asset to our community. A copy of his report is filed in the clerk treasurer's office with the minutes.

**President's Report:**

President Amos stated that he had nothing.

**Council Committee Reports**

1. OTC – Mr. Miller stated that the Mystery Dinner had about 35 attendees and went well. Chalk on the walk will be at Community Park on June 3<sup>rd</sup> from noon to 2 pm. They are continuing to work on the Dine on the Causeway event.
2. EDC – Mr. Lutz will discuss later.
3. Events – Chief Hildebrand stated that he had nothing this evening.

**Legal Counsel Report- Aaron Culp:**

1. Mr. Culp stated that the demolition of NRG building is under contract. The asbestos inspection is underway. The realtor they are working with for the sale is familiar with the process of brownfield properties and that that the current owner is under obligation for that clean up if necessary. They are waiting for the IDEM approval to move forward with getting the permit. Things should begin to happen in the next couple of weeks. There was a discussion regarding equipment being moved on to the property, Chief Hildebrand thought it was a fork truck. Mr. Penwell inquired about the flyer the realtor was distributing with a planned use for the property and wondered where it came from. Mr. Culp stated that he assumed that it came from the owner. Mr. Culp stated when asked that there will be no building permit until IDEM sign off.

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

1. Mr. Strong stated with reference to MI Homes that they are still working on the water/sewer/storm water impact with Mr. Bryant. Mr. Strong informed the Council that Mr. Jonathan Isaac, Land Acquisition Manager with MI Homes, was here this evening if they had any questions. The Council said they would wait to see what comes forward with their plan and the utility impact.
2. Mr. Strong distributed information on fence permits and the ordinance relating to fence permits for information purposes.

**Town Engineer Report-Mr. Keith Bryant:**

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

**Town of Cicero**

**May 16, 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. Flow meters were moved again last week to gather more information at the sites 3 and 4. We continue to monitor reports and loadings at the treatment plant as well. All of this will help assemble the final Compliance Plan by August of 2017.
2. **MI Homes / Tamarack Development:** Dan, Pat, CJ and I met with the developer and his engineer on May 3. The developer has provided additional information and we are evaluating water, wastewater and storm impacts. We plan to have this summarized and to the Council by the end of this week.

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

Thank you.

Keith Bryant, PE

**Old Business:**

**Council to Consider Approving Liability Insurance for 2017-2018.**

Ms. Unger stated that she would like to have the liability insurance with Walker and Associates for 2017-2018 approved this evening. Mr. Walker was at the staff meeting, discussed the policy and answered questions for the Council. Ms. Unger stated that she has returned most of the information they requested, but she and the department heads are still working on the inventory items. There may be some adjustments once that is completed. Mr. Lutz made a motion to approve the 2017-2018 Liability Insurance with Walker and Associates. Mr. Miller seconded, motion passed.

**Council to Consider Approving Consultant for Municipal Building Study.**

Mr. Penwell made a motion to table this item as they were not quite ready to make a decision. Mr. Foster seconded, motion passed.

**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 made a motion to untable. Mr. Foster seconded, motion passed. Mr. Lutz stated that he would like to update the Council on where he was at this point. Mr. Lutz has sent a letter to the president of the Port Authority and to Noblesville, Fishers and Hamilton County Councils asking for: 1. Confirmation on when the RFP's were due; 2.

An opportunity for him to review prior to a decision and if the RFP's would be on a public website; 3. What the time of review will be for the RFP's by HHPA; 4. Consideration in the HHPA scoring system as to what Cicero and the northern communities prefer; and 5. Review of the intersection improvements as he understands that it would cost upwards of \$100,000 to repair the Cicero Jackson Street crossing. Mr. Miller stated that he received an e-mail from Brenda Myers, President/CEO Hamilton County Tourism, Inc. Ms. Myers stated in her e-mail "At this point, we will put in for just south of Arcadia and then do an addendum that says we would be willing to look south if there were resources to support it and ... if the communities desired it to be there." She stated that there are other bidders so whether they get the bid or not will depend. This prompted a council discussion. Mr. Miller stated that reason Cicero was not included was because Ms. Myers is aware that Cicero has a resolution before them stating that they want the trail. Mr. Amos stated that he thought the old gas station on Cass and SR 19 would make a good depot for Cicero. Discussion continued and Mr. Amos stated that he would contact Ms. Myers. Mr. Foster made a motion to table. Mr. Lutz seconded, motion passed. Documents discussed by Mr. Lutz and Mr. Miller are on file at the Clerk Treasurer's office.

#### **Council to Discuss Entrance Signs to the Town.**

Mr. Lutz stated that the Cicero Economic Development Committee (EDC) was given the task of designing a logo for the Town. Mr. Lutz exhibited a copy of the sign the EDC has approved for entry signs into the Town. The sign contains a picture of a blue heron in a blue circle with the words Est. 1834, Cicero, Indiana, A Friendly Lakeside Community. Mr. Lutz stated that this sign would not be a branding for the Town but would be installed to replace the signs that are falling apart. He is asking the Council for the EDC to move forward with this approval. The signs will be 24" x 36". The quote for 5 signs, one at each entry into Town would be approximately \$5,000. There was a discussion, and Mr. Amos stated that he would like to include \$500 for the student who came up with the design idea; Mr. Foster agreed. Mr. Penwell stated that he thought that we should hire a company to do branding for the Town. That way we could get everything done at once. The cost for a company to do this could be around the same as we are for these five signs. Mr. Foster stated that the EDC has voted twice unanimously for this sign design and the current quote. Mr. Foster stated that the EDC, along with others, have put a lot of time, thought and effort into this project, and therefore he felt we should move forward with this project. In addition, Mr. Foster noted that the current signs are in bad shape. Mr. Miller expressed his concern with only having one post. Mr. Foster stated that this was the same company that did Fishers and they should know. Mr. Lutz made a motion to approve the entry signs at the cost of \$5,000.00 and \$500.00, contingent upon approval from the Street & Utilities Director. Mr. Foster seconded, motion passed, 4-1 with Mr. Penwell voting nay.

#### **New Business**

**Council to Consider Ordinance No. 05-16-2017-1 An Ordinance Revising Section 51.44 of Chapter V of the Municipal Ordinance of the Town of Cicero With Regard to Inflow and Infiltration Reduction Program.**

Ms. Unger stated that if this ordinance was to pass this evening that the Council would need to suspend the rules and it would need to be passed unanimously. If it did pass unanimously, this would be the first reading and it should be on the agenda for the next Council Meeting. Mr. Culp reviewed the ordinance's contents. It stated that after 180 days in violation the fine would go from \$20 a month to \$100 per month. After another 180 days, the fine would go up to \$200. This would take affect thirty days after the notice has been published in the paper. Mr. Lutz stated that he wasn't really in favor of this. Mr. Lutz felt that the Town had met the requirements by IDEM. There was a discussion on those that have not complied. Mr. Lutz inquired where the money would go and Ms. Unger stated the Wastewater Fund. There was a question about a public hearing and it was decided that this would be the first reading and that Ms. Unger would give notice of a public hearing for June 6<sup>th</sup>. Mr. Foster made a motion to table. Mr. Miller seconded motion passed.

### **Council to Consider Extending Current Republic Trash and Recycle Contract For One Year.**

Ms. Unger explained that the contract with Republic would be up this year and that the contract, if both parties agreed, could be extended for one year. At that time the contract would have to be rebid. Mr. Lutz inquired when the contract would expire and Ms. Unger stated December 31, 2017 if not extended. Mr. Penwell inquired if it would be better to rebid. Ms. Unger stated that traditionally the contract has gone up. Mr. Culp agreed that it would probably go up. Mr. Culp stated that we were allowed a three year contract with the one year extension at no increase in the cost. Mr. Penwell made a motion to approve the one year extension with Republic. Mr. Lutz seconded, motion passed.

### **Miscellaneous**

Mr. Miller informed the Council that there was a conflict between HHASA and the Babe Ruth baseball tournament schedule on the first couple of Saturdays. They are working on this.

### **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***

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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 June 6th, 2017, at 7:00 PM at the Cicero Town Hall.**