



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, May 2, 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
Craig Penwell

Absent: Rusty Miller

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
Keith Bryant, Town Engineer
Paul Utterback, Storm Water Management Board President

Approval of Agenda:

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

Approval of Prior Minutes:

Town Council/Department Head Meeting Memorandum, April 13, 2017, 7:00 PM –
Town Council Executive Session Memorandum, April 18, 2017, 6:00 PM –
Town Council Meeting Minutes, April 18, 2017, 7:00 PM –
Town Council Executive Session Memorandum, April 20, 2017, 6:00 PM –

Mr. Penwell made a motion to approve the Department Head Meeting Memorandum of April 13, 2017, the Executive Session Memorandum of April 18, 2017, the Town Council Meeting minutes of April 18, 2017 and the Executive Session Memorandum of April 20, 2017. Mr. Lutz seconded, motion passed.

Approval of Claims:

Ms. Unger informed the Council that she had an additional claim from Thomas Docks for work on the Pier Project. She needed clarification from Mr. Culp and Mr. Cambre on whether this could be paid at this time. Mr. Culp has informed her that it is okay as 1/3 of the work is complete. Mr. Foster made a motion to approve the claims as amended. Mr. Lutz seconded, motion passed.

Petitions by Citizens:

Mary Sue Devlin addressed the Council concerning 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. Devlin stated that she would like this Resolution to remain tabled at this time until more information was available. She stated that Cicero is in a unique position as many towns have train stations but no tracks; Cicero has tracks but no station. She stated that the State of Indiana has a comprehensive plan for train projects. Ms. Devlin stated that she would like the Council to move forward carefully and with research.

Brett Morrow addressed the Council concerning the train. Mr. Morrow stated that the train has been a part of life in Cicero and the surrounding area. Mr. Morrow stated that the train was down currently but he thinks it could be back in operations in 3-5 years. Mr. Morrow stated that he was in favor of trails and uses the Monon regularly. He stated that Cicero will have connectability to Noblesville and the other trails when Noblesville finishes their trail on the levy. Mr. Morrow stated that he thought getting a trail out to Koteewi Park would be most beneficial. Mr. Morrow stated that he knows a lot of this is politics but doesn't think Cicero has to get involved. He asked that the Council please table until all Council members are present and additional information is collected.

President's Report:

President Amos stated that he had nothing.

Council Committee Reports

1. OTC – Mr. Morrow stated that the Dine On The Causeway event was moving forward on September 9th. They are expecting to have an increase from the previous year in attendees from 215 to 350. Mr. Morrow stated that OTC would like for the Town to clean the restrooms and lights along the causeway. OTC will paint the restrooms again this year. Mr. Cambre stated he was on board with the cleaning of the restrooms. Mr. Penwell made a motion to approve up to \$850 to have the lights and posts cleaned along the causeway and for the Parks Department to have the restrooms cleaned. Mr. Lutz seconded, motion passed.

Legal Counsel Report- Aaron Culp:

Mr. Culp stated that he has had numerous e-mail conversations with Mr. Sethi regarding the demolition of the NRG Building. Mr. Sethi has a bid from one contractor and is waiting on the second. They have been discussing the demolition permit and wanted clarification on what could and could not be done. Mr. Culp believes that that issue has been resolved. Mr. Culp stated that he believes the demolition will start in May. He has spoken with Mark Reynolds. Mr. Sethi is planning to come to Indiana sometime in June. They are planning on fencing the east side of the property where there is no fence currently. Mr. Culp stated that he did not think there was any need for additional action at this time. Mr. Amos stated that if the demolition has not begun by May 22, 2017 he asks Mr. Culp to send a written letter to Mr. Sethi stating he needs to get started.

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

1. MI Home – Jonathan Isaac, Land Acquisition Manager with MI Homes, addressed the Council concerning the Tamarack development which spans along Tollgate from 236th to Morse Landing Drive and east to Morse Landing and Morse Landing West. Mr. Isaac reviewed and updated presentation on the 112 acre development. Mr. Isaac stated that he

would be meeting with Mr. Comer and Mr. Bryant regarding the utilities for the development. He demonstrated the areas of the development which include the following. A1 and A2-duplexes and/or single story homes. The pricing will be \$225,000 to \$250,000 and \$240,000 to \$280,000 respectively. B-single family homes with 70 foot lots. Pricing will be \$240,000 to \$280,000. C-single family homes with 85 foot lots. Pricing will be over \$300,000. D1-2 acres of NC; and D2 which 3 single family homes could be built on this parcel not included in the development. Mr. Isaac showed renditions of what the housing would look like in each section. He stated that there would be 5 foot perimeter sidewalks. They are talking with the Methodist Church regarding the property they own adjoining the development. There will be street lights and he showed the proposed plan for positioning. Additionally, each home will have dusk to dawn lights. There will be a pool house and playground. As far as parking or no parking on the streets, he would like for this to be a Town ordinance so it can be enforced by the police. Mr. Isaac stated that there would be a professional manager of the Home Owners' Association.

- a. Mr. Penwell inquired about section D2. He wanted to know if the two additional homes when built would be similar to section B. Mr. Strong said they would and there would be one access to 236th Street.
- b. Mr. Foster inquired about the 25 foot setback. He stated that would only accommodate one mid-size vehicle side by side between the sidewalk and the house. If there is no parking on the street, this would be a problem for families with more than 2 vehicles. Mr. Isaac stated that if parking on the street is allowed it is usually on the opposite side of the road from the fire hydrants and mailboxes. Mr. Foster stated that this works well in Greystone Village where he lives.
- c. Mr. Lutz inquired what MI had experienced in the market with the duplexes. Mr. Isaac stated that they have put these in other communities and he would send Mr. Lutz the market information. Mr. Lutz stated that he would like to see current information and ones that have been around 5-10 years. Mr. Culp stated that A1 and A2 are age targeted. These areas will include yard maintenance and snow removal.
- d. Mr. Lutz inquired if the PUD included variation in the street appearances. Mr. Isaac stated that they can do better definitions in the architectural standards. Mr. Lutz stated that he would like to have that clarified.
- e. Mr. Lutz inquired about the covenants and how the pool fit in to their plans. Mr. Isaac stated that the pool was incorporated into the PUD and that they were legally tied together. The discussion continued.
- f. Mr. Strong stated that he wanted the Council to know that the Methodist Church would like to do a voluntary annexation at the same time this development is annexed.

Town Engineer Report-Mr. Keith Bryant:

Mr. Bryant reported the following:

1. I & I – Mr. Bryant stated that the flow meter data is being checked. The meters will probably be moved again tomorrow.
2. Discussion on properties either not in compliance with I&I Inspection or have violations that have not been resolved. Mr. Bryant stated that the utilities department

has done most everything they can to get the inspections completed. Some people will just not respond. There are failed inspections that have not been repaired, those that will not make the necessary repairs and those that just haven't responded to have the inspections completed. They are down to around 30 not completed. Mr. Bryant stated that the Town could take them to court or change the ordinance to include higher fees. Mr. Culp stated that he was in favor of changing the ordinance. There could be several steps take to get to the maximum fine of \$2,500. Mr. Culp was asked to get with Mr. Comer and Mr. Bryant and write an ordinance. Mr. Lutz inquired if the number incomplete was reasonable. Mr. Bryant stated that IDEM would probably not take issue with these few but everyone needs to be under the same criteria.

Old Business:

Council To Open RFPs For Municipal Building Study.

Mr. Penwell informed the Council that the committee met with three of the companies to review what was expected in the RFPs and answer any questions. They did not meet with one of the companies.

1. Mr. Penwell opened the RFP from SPS (Strategic Planning Studio). Their proposal was for \$19,850 plus reimbursable up to \$5,733.
2. Mr. Foster opened the RFP from Holstead Architects. Their proposal was for not to exceed \$30,000. They would offer a discount of 33% if they do construction.
3. Mr. Lutz opened the RFP from RQAW (Architecture, Engineers & Architects). Their proposal was for \$15,000 plus up to \$1,500 reimbursable.
4. Mr. Penwell opened the RFP for R&B (Architecture, Planning, and Preservation). Their proposal was for \$15,000.

Mr. Penwell made a motion to table for the committee (Mr. Penwell, Mr. Strong, and Ms. Kmicikewycz) to review. Mr. Foster seconded, motion passed.

Council To Discuss Water And Wastewater Rates.

Ms. Unger stated that Mr. Rogers with Umbaugh presented the Financial Manage Reports for water and wastewater at the last meeting. He stated that currently the funds were in good condition and the decision would be up to the Council if they wanted to move forward with rate increases. Mr. Rogers stated that Cicero has done a great job with keeping up with inflation and emergencies in addition to being able to complete some very large projects without bonding. Mr. Amos stated that at the last meeting the Council discussed a 2% increase for water and 3% for sewer for each of the next three years. Mr. Lutz stated that he would like to see the surrounding community rates before he decides. Mr. Penwell and Mr. Foster stated that they were good with the rates proposed. Ms. Unger stated that she would get with Mr. Rogers and Mr. Culp to discuss the process.

Mr. Lutz stated that the Storm Water Utility Board was considering raising rates also. The current rate is \$3.15 and has not been changed since it was implemented in 2005. Mr. Foster added that the average statewide is \$5.00.

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.

Remained tabled.

New Business

Council To Consider Disposal Of Excess Equipment.

Ms. Unger stated that the list presented is equipment that either is old and could not be serviced or broken. There was a discussion on what had to go before the Council for disposal. Mr. Culp stated that if it is a capital asset it would need to go before the Council as stated by State Law. Ms. Unger said that would include assets over \$5,000 for the General Funds and \$2,500 for the utilities. Mr. Penwell made a motion to approve disposal of the items on the list. Mr. Foster seconded, motion passed.

Review Of 2017-2018 Town's Liability Insurance.

Ms. Unger stated that the Council has a summary of the proposed rates for 2017-2018. She also informed the Council that Doug Walker with Walker and Associates was willing to come and answer any questions they might have on the policy. There were several questions that the Council had regarding where the increases were, an executive summary, cyber coverage and employer practices liability. Mr. Amos asked Ms. Unger if she would contact Mr. Walker and see if he was available for either the Staff Meeting on May 11th or the next Town Council Meeting on May 16th.

Council To Consider Resolution 05-02-2017-1 Transfer Of Funds For Community Crossing Match.

Ms. Unger explained that this transfer is in accordance with the Community Crossings requirements that all the funds had to be in the same fund for payment. Mr. Lutz made a motion to approve Resolution 05-02-2017-1 Transfer of Funds for Community Crossing Match. Mr. Foster seconded, motion passed.

Council To Consider Ordinance 05-02-2017-2 Additional Appropriation For Community Crossings Paving Invoice.

Ms. Unger stated that this is an additional appropriation but as she understood it did not have to go through the normal appropriation process. This is to pay for the Paving Project in conjunction with the Community Crossing Grant. Mr. Foster made a motion to approve Ordinance 05-02-2017-2 Additional Appropriation for Community Crossings Paving Invoice. Mr. Lutz seconded, motion passed.

Miscellaneous

Mr. Culp inquired about the progress the tenant was making toward moving out of 40 Short Street in preparation of demolition. Ms. Unger stated that she has been in contact with the tenant and she is planning to be out on May 8th. The utilities have been taken care of, the tenant had called for shutoff and I have called for meter removal. Ms. Unger stated that the gas would shutoff but the meter would not be removed until later. Ms. Unger wanted to know if that would be of concern if Carmel police were in the building for training. Mr. Amos said that it wouldn't. Mr. Culp stated that if it was not our staff

doing the training then the Town would need a letter holding the Town harmless. Mr. Amos stated that he would let them know.

Comments By Citizens

There were none

Signatures on Official Documents!

Motion To Adjourn:

Mr. Lutz made a motion to adjourn. Mr. Penwell 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 16, 2017, at 7:00 PM at the Cicero Town Hall.