



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, April 17, 2018
At 7:00 PM**

Call To Order: President Rusty Miller called the meeting to order and lead the Pledge of Allegiance. Mr. Foster gave the prayer. President Miller 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:

Mr. Miller declared a quorum.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Dave Hildebrand, Police Chief
Lance Overholser, Fire Chief
C. J. Taylor, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney – 7:30 PM
Dan Strong, Cicero/Jackson Township Plan Commission President

Approval of Agenda:

Mr. Foster made a motion to approve Agenda as amended. Mr. Penwell seconded, motion passed.

Council To Hold Public Hearing On Additional Appropriations.

Mr. Miller asked Ms. Unger to read the Additional Appropriations which she did. Mr. Miller asked for a motion to open the Public Hearing. Mr. Foster made a motion to open the Public Hearing on the Additional Appropriations. Mr. Amos seconded, motion passed. Mr. Miller inquired of the public if there were any questions. There were none. Mr. Miller asked for a motion to close the Public Hearing. Mr. Foster made a motion to close the Public Hearing. Mr. Amos seconded, motion passed.

Approval of Prior Minutes:

Town Council Executive Meeting Memorandum, April 3, 2018, 6:30 PM –

Town Council Meeting Minutes, April 3, 2018, 7:00 PM –

Town Council/Department Head Meeting, April 12, 2017, 7:00 PM –

Mr. Lutz asked to remove the Department Head Meeting for April 12th and put it on the May 1st agenda. Mr. Amos made a motion to approve the Executive Meeting Memorandum for April 3rd and the Town Council Meeting Minutes, April 3rd, 2018. Mr. Lutz seconded, motion passed.

Approval of Claims:

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

Petitions by Citizens:

There were none.

President's Report:

1. Mr. Miller stated that he had nothing.

Council Committee Reports:

1. EDC – Mr. Lutz stated that he had no update.
2. OCT Report – Mr. Miller stated that they did not have a Board Meeting this month. The candidate's forum will be Wednesday, April 18th at Red Bridge Community Building at 6:00 PM. This week is the Third Thursday event. OTC has decided to sell tickets at the Third Thursday events, they can also be purchased online.
3. 911 Committee Update – Mr. Lutz discussed the 911 Budget prepared by Mr. Snowden for the County. As stated, Cicero's portion would be \$315,000. Mr. Snowden prepared the information that was requested of him. There will be a meeting on Monday, April 23rd which Mr. Lutz will not be able to attend. He asked the Council who might be able to go. Mr. Miller stated that he would go. There was a discussion regarding the cost and how many runs Cicero has that are not mutual aid. Chief Overholser stated that 53% of the runs were outside of the town's limits. It was decided to not make any assumption at this point and wait and see what the county decides before the Council does anything else.

Town Engineer Report-Mr. Keith Bryant –

Mr. Bryant was not available.

Old Business:

Council To Consider Ordinance 04-17-2018-1 Additional Appropriations For MVH And Police.

Mr. Foster made a motion to approve Ordinance 04-17-2018-1 Additional Appropriations for MVH and Police. Mr. Penwell seconded, motion passed 5-0.

Clarification On The Intercept Service Agreement.

Ms. Unger explained to the Council that this agreement was passed at the last meeting, but the agreement listed the Fire Department as the signees. She checked Mr. Culp and it really needs to be signed by the Town Council. It is available for the Council to sign this evening.

Council To Consider Agreement For the Community Building Addition with Pickett's Homes and Remolding, LLC.

Mr. Amos made a motion to approve the agreement with Pickett's Home and Remolding, LLC for the community building addition. Mr. Lutz seconded, motion passed.

Council To Consider Agreement For Deaton's Waterfront Service or installation of Kayak/Canoe Launch.

Mr. Amos made a motion to approve the agreement with Deaton's Waterfront Service for the installation of the Kayak/Canoe launch. Mr. Lutz seconded, motion passed.

Council To Approve Contract For Paving Along Community Park And At Entrance To Wareham's Pond Addition.

Mr. Miller stated that they received two quotes for the paving on the west side of Community Park and at the entrance to Wareham's Pond addition. Mr. Miller stated that one was from E & B Paving for \$40,249.00 and one from Baumgartner & Company for \$69,873.17. Mr. Miller ask for a motion to approve the low bid. Mr. Lutz made a motion to approve E & B Paving for \$40,249.00. Mr. Foster seconded, motion passed.

New Business

Council To Consider Resolution 04-17-2018-2 Transfer of Funds for Stormwater.

Mr. Penwell made a motion to approve Resolution 04-17-2018-2 Transfer of Funds for Stormwater. Mr. Amos seconded, motion passed.

Council To Consider Appeal On Property Taxes For 331 E. Jackson.

Ms. Unger explained that when she received the property tax bill for the property at 331 E. Jackson Street, which the Council agreed to pay in the purchase agreement she was surprised that the assessed value was considerably more than any of the appraisals the Town received in May of 2017. She checked with the County and they said she could appeal the assessed value. Ms. Unger has that appeal ready if the Council approves. Mr. Foster made a motion to have Ms. Unger file an appeal on the property taxes for 331 E. Jackson Street. Mr. Amos seconded, motion passed.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp inquired if the Council still wanted him to send a letter to the Hoosier Port Authority regarding the railroad crossing on Jackson Street. Mr. Culp thought we might be looking into a grant to repair the tracks. Ms. Unger stated that Mr. Penwell, Mr. Cambre, Ms. Kmicikewycz and she attended an AM meeting last week and received information on an INDOT program for local Trax Rail Overpass. In talking with AIM, she thought that the Jackson Street crossing might qualify but since then Ms. Kmicikewycz has checked into it and Ms. Kmicikewycz does not think it will. There was a discussion regarding new management of the railroad and their intent to repair the crossings. The Council said they would wait and see if this crossing gets repaired properly by the new management.
2. Mr. Culp informed the Council that he has all the information to send the letter to the Indiana Academy regarding the violations of allowing I&I into the town's sanitary sewer. Mr. Comer stated that he has talked to them and they are aware of the situation but have not taken the steps to repair. Mr. Lutz stated that if Mr. Culp can get the letter completed prior to Friday he would contact the Academy in an attempt to discuss in person first.
3. Mr. Culp stated that he has contacted Libby Roberts with Church Church Hittle and Antrim to see if she is interested in working with the Council on the leave time issue. If she is, he asked for a letter of engagement. He is waiting on that.

Cicero/Jackson Township Plan Commission Report-C.J. Taylor/Mr. Strong.

1. Mr. Strong stated that they have an agreement with MI Homes for Sanitary Sewer and Water Service for the Tamarack Subdivision which is acceptable. All the issues have been resolved. Mr. Culp stated that the final sticking issue was the performance bond and the maintenance bond. MI Homes will be making a road cut across 236th Street and

they were afraid that the construction standards they would be replacing the pavement with for that section would exceed the current standards of the road. That could cause a problem with that section and they did not want to be responsible for the maintenance. That maintenance portion has been removed from the agreement. The performance bond will still apply. Mr. Culp stated that the agreement now met his approval. The existing MRU paid by Mr. Steckley will be used first. Proof of ownership of that section will need to be completed. Mr. Amos made a motion to approve the agreement and allow Mr. Miller to sign. Mr. Penwell seconded, motion passed.

2. Mr. Lutz inquired about the next steps for the development. Mr. Strong stated that they will schedule a TAC Meeting with all parties involved in the next couple of weeks. Then it will go to the Plan Commission and then back to the Council. Mr. Issacs stated that they would like to break ground around June 1st. Annexation should be completed in July. MI would like to start pulling building permits in October or November. It will be a super volunteer annexation. Mr. Culp stated that MI Homes will pay for the fiscal study. The Town will get two quotes for the study and MI will pay for the lowest. Mr. Comer inquired if they have to get an easement from the Archdiocese. He was told they are talking with them and they will need an easement. They will start building in Section 1 which has 102 lots. From Tollgate to Morse Landing West and from 236th to Eagles Ridge.

Miscellaneous

There were none.

Comments By Citizens

There were none.

Motion To Adjourn:

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

Signatures on Official Documents!

Robert J. Miller, President

Christopher J. Lutz, Vice-president

Chad B. Amos

Brett S. Foster

Craig S. Penwell

Attested: _____
Jan Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on May 1, 2018, at 7:00 PM at the Cicero Town Hall.