



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, March 6, 2018
At 7:00 PM**

Call To Order: President Rusty Miller called the meeting to order. Scouts Jake and Tyler Drummond led 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	Absent:
	Brett Foster	
	Chris Lutz	
	Rusty Miller	
	Craig Penwell	

Declare 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
Shae Kmicikewycz, Community Development Specialist
C. J. Taylor, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President

Approval of Agenda:

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

Approval of Prior Minutes:

Town Council Meeting Minutes, February 20, 2018, 7:00 PM –

Town Council Special Meeting Minutes, March 1, 2018, 6:30 PM –

Mr. Foster made a motion to approve the Town Council Meeting Minutes, February 20, 2018 and the Town Council Special Meeting Minutes March 1, 2018. Mr. Penwell seconded, motion passed.

Approval of Claims:

Ms. Unger asked the Council to consider adding a claim for Mendenhall and Associates for the Façade Project in the amount of \$13,000. Mr. Amos made a motion to approve the Claims including the claim for Mendenhall and Associates. Mr. Lutz seconded, motion passed.

Petitions by Citizens:

1. Zack Lawson –Mr. Lawson addressed the Council explaining that he would like to put a fence in the easement on the west side on his property. If the fence was not allowed, he would like to plant trees in that easement. Mr. Taylor presented photos that show the area in question and where the fence was allowed under current ordinance and where he wanted it. There was a discussion regarding the drainage, his property and the adjoining property drain to a shallow swell at the property line. Mr. Miller inquired of Mr. Comer

if he had a problem with a fence in this easement. Mr. Comer stated that he was not in favor of allowing fencing in easements and that this easement did drain to the back. When asked, Mr. Lawson stated that it was a black aluminum picket style fence. It was decided that this fence would not impede drainage. Mr. Amos made a motion to allow a 48” tall aluminum picket style fence 5 feet off the easement line and that Mr. Lawson was to sign an agreement to be attached to his deed that if the fence needed to be removed for access from the utilities that he or future property owners would remove it at their expense. Mr. Lutz seconded, motion passed.

Council To Open Bids For The 2018 Resurface Project.

The Council received seven bids for the 2018 Resurface Project. They were opened as follows:

Grady Brothers	\$678,800
E&B Paving	\$489,870
Midwest Paving	\$524,491
Baumgartner	\$598,279
F.E Harding	\$651,496
Milestone	\$615,000
DC Construction	\$722,170

Mr. Foster made a motion to award E&B Paving the project contingent on Mr. Culp and Mr. Comer reviewing the bid packets. Mr. Amos seconded, motion passed.

President’s Report:

1. President Miller to report on Nickle Plate RR meeting in Atlanta on February 27, 2018. Mr. Miller stated that the train is scheduled to run from Atlanta to Arcadia beginning is mid-June. Hamilton County Tourism has secured six passenger cars and two engines which are being refurbished in Tennessee and will come by rail to Tipton. They will then be unloaded to be transported around a break in the line and reinstalled back onto the tracks to Atlanta. Dee Holt will be the Executive Director. Currently, the train is scheduled to run from Atlanta to Arcadia in 2018 and expand to Cicero and Noblesville in 2019. They will first be repairing the tracks with the \$1.5 million they have to work on this project. Wylie Brown will be heading up the track work. Mr. Miller inquired about the Cicero Jackson Street crossing and was told that the RR would be doing something but not reconstruction. Current concern is leveling the track as some of the passenger cars are 2-story tall. Mr. Miller stated that it was a good meeting and several County officials were there.
2. Mr. Lutz stated that he hates to see this project move forward but since it is he thinks we should welcome the project and offer assistance where we can. Mr. Amos inquired if there was anything said about the old Gas America station. Mr. Miller stated there wasn’t. They are planning on getting platforms first.

Council Committee Reports:

1. MSRP/Façade Improvement – Ms. Kmicikewycz stated that she wanted to address the three questions the contractors inquired about during the evaluation process for the bids.
Question 1: During construction, who will be the Town's direct report since the General Contractor signs contract with the Town? The General Contractors want to go through a single person who can be the liaison with the Contractor, the building owners and Town. They would like someone who could make time and money decisions without going back to the Council each time. The Council decided on Ms. Kmicikewycz recommendation

there will be two people appointed as the town's main contacts. We have decided to set up a small Committee to make sure that decisions, permitting, road closures, etc. can be handled as quickly as we are able to do. The two primary contacts will be Jan Unger and Shae Kmicikewycz. Ms. Kmicikewycz stated that there will also be a committee which will include Craig Penwell, Ms. Unger, Police Chief Dave Hildebrand/Jim Hunter, Fire Chief Lance Overholser, Pat Comer (Street and Utilities), C.J. Taylor (Planning), and Dan Strong (Planning and Town Projects Coordinator)--these cover almost all of our departments and if we keep them informed of the project, we will be able to get permits, roads closed, etc. in a timely manner. Ms. Kmicikewycz then went to Question 3 before 2.

Question 3 – Internally, will the town expedite sidewalk closures without needing permits? Will the town permit full width closures of some areas where the businesses being worked on are vacant, if the General Contractor provides "cross here" signs at intersections? We will have a Committee set up, see question 1, so we can answer questions quickly and determine permitting, etc. as quickly as possible.

Question 2 - Will the town extend its tax-exempt status to the purchase of GC materials, since the town is the "owner"? The Town Attorney, for legal reasons, and the Town Council agreed not to extend its tax-exempt status. We understand that during the project the Town has an easement of the first 10 feet of the building, but once the project is completed the Town would no longer have this easement and it would go back to private ownership.

Ms. Kmicikewycz informed the Council that they had a pre-bid walkthrough today and that the bids will be submitted in 2-3 weeks. Construction should begin early summer, around June. There will be visuals of the projects in the clerk treasurer's office for the public to see. The project is required to be completed in 18 months but should be done by fall 2018.

2. **Mr. Penwell** inquired if there was any update on the Jackson and Main Streets intersection and the Sports Complex. Ms. Kmicikewycz stated that she is working with Mr. Cambre, Mr. Miller and Mr. Strong to prepare RFP's for the Study. They will be getting public input also. Mr. Lutz stated that the league is also involved. Ms. Kmicikewycz stated that she and Mr. Strong were working with Mr. Bryant to see if a mini-round-a-bout would fit at the Main and Jackson Streets intersection. Mr. Bryant stated that he should have a preliminary this week. Mr. Bryant wants to make sure there are not any red flags. Next, he would submit a task order to map out the possibilities. Mr. Penwell stated they would need the second step for the grant. Mr. Strong thanked Mr. Bryant for the 6-8 hours United is putting in without charging.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp informed that the attorney for MI Homes has reviewed the last edited version of the agreement. They still have some questions. Mr. Culp, Mr. Taylor and Mr. Strong are meeting with MI next week to discuss. Hopefully, they will be ready for the March 20th Town Council meeting.
2. Mr. Culp stated that he has sent out packets for proposals for bond council for the SRF project. They are due on March 20th.
3. Mr. Culp stated at his last office day he 4-5 meetings and this process seems to be working well.

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

1. Mr. Taylor submitted the following:

Director's Report, March 6, 2018

Barbara Allison (Admin. Assistant) has resigned due to health reasons.

Permit Revenue: February 2018 = \$ 2862 YTD: \$ 3,627

February 2017 = \$ 2728 YTD: \$ 3,142

Increase = \$ 134 or 5%

We have issued a total of 7 building permits for February. Three of those permits were inside the corporate limits (of which 0 were for new homes), and 4 in Jackson Township (of which 0 were for new homes).

We continue to follow up on non-compliance properties.

Two Nuisance Properties – 1. The homeowner has agreed to have a property cleaned up by March 31st. 2. Nuisance property is being cleaned up as the tenant moves out.

Training: Feb. 7th: Building / Fire code class – DHS building safety division

Feb. 8th: Floodplain Management class – Purdue

Mar. 1st: Trained Individual (Stormwater) - White River Alliance

Please feel free to email, call or stop by the office anytime.

At your service!

C.J. Taylor

Town Engineer Report-Mr. Keith Bryant –

Mr. Bryant discussed the following:

1. Task Order For SRF Application for I & I Project – Mr. Bryant informed the Council that there was a pre-plan meeting today for the SRF process and he distributed a copy of the agenda. Mr. Bryant stated that he has not heard back from IDEM regarding their acceptance of the compliance plan submitted on 9-29-2017. He has contacted IDEM and told them that at this point Cicero needs to know if they are going to accept the plan. Mr. Bryant also submitted to the Council Task Order No. 2018-02-March 5, 2018 for management of Infiltration/Inflow Mitigation Project -SRF PER & Coordination Services in the amount of \$25,800. Mr. Penwell stated that it appeared that the Town has already completed a lot of the items required on the agenda. Mr. Bryant stated that normally the cost is higher but because of the completed items United is charging less. Mr. Bryant stated that they will still have to go through the process on the agenda. Mr. Amos also brought up the fact that we are not sure that SRF will accept the examination performed by the State Board of Accounts (SBOA) and the Financial Management Reports prepared by Umbaugh as the audit they require. Ms. Unger is thinking they will as the SBOA is mostly only doing the examination unless there is a reason to do a full audit. Mr. Penwell inquired if this was project included Phase I & II or just Phase I. Mr. Bryant stated it was just for Phase I. Mr. Penwell made a motion to approve Task Order No. 2018-02-March 5, 2018 for management of Infiltration/Inflow Mitigation Project -SRF PER & Coordination Services in the amount of \$25,800. Mr. Amos seconded, motion passed.
2. Council To Discuss East Jackson Street Sidewalks And Lights – Mr. Bryant submitted a revised Task Order No. 2018-02 – March 5, 2018 for East Jackson Street Walk Path Project – Design, Bid and Construction Administrative Services in the amount of \$19,850. On the north side of Jackson Street, the sidewalk would go from SR19 to Catherine Street. On the south side of Jackson Street, the sidewalk would go from SR19 to the edge of Town. The sidewalk on each side will be 8’ wide. Mr. Bryant would also coordinate the street light project in the areas mentioned above.

- a. Mr. Lutz stated that Mr. Amos, Mr. Comer, Mr. Bryant and himself have reviewed these areas of sidewalk and Mr. Lutz has a presentation of the project. Mr. Lutz reviewed the current condition of the sidewalk, the proposed Northern Hamilton County Trail Plan and stated that curb project could be completed later. Mr. Amos stated that he has spoken with all but three property owners and all of the property owners are in favor of the project and are okay with the 8' wide sidewalks and the proposed tree removal. He has also talked with Brett Decker who owns the properties from SR19 to 49 E. Jackson and he is also okay with the project. Mr. Lutz then reviewed the cost estimates. The proposed project estimate by United was originally \$424,346. With the Town completing some of the work the estimate could be cut to \$382,058. Mr. Lutz proposed to use \$300,000 out of the reserve for MVH, and \$85,000 out of the General Obligation Bond. There was a lengthy discussion regarding the use of these funds and the project. Ms. Unger stated that she was not in favor of depleting the MVH reserves or of doing both sides of the road at the same time. She suggested just doing the south side and then doing the north side later. Ms. Unger was concerned about match money for the Community Crossing Matching Grant for future projects and for the Jackson Main street intersection. The Council was not in favor of splitting up the project. In the end, Mr. Amos made a motion to approve Task Order No. 2018-02 – March 5, 2018 for East Jackson Street Walk Path Project – Design, Bid and Construction Administrative Services in the amount of \$19,850. Mr. Lutz seconded, motion passed 5-0.

President Miller call for a brief recess. Meeting then reconvened.

Old Business:

Council To Discuss Cost Of Cleaning of the Street Lights.

Mr. Cambre reviewed three proposals for cleaning the lights and railing on the Causeway.

AquaPro Solutions, LLC - \$1050 for rails, lights and restrooms.

AquaPro Solutions, LLC - additional \$100 for the handicap ramp.

Russell Phillips - \$2,400 to clean lights and rails two times a month.

Adam Decker - \$400 for cleaning the 22 lights each time.

Mr. Cambre recommended that we use AquaPro Solutions, LLC for a one-time cleaning prior to the Dine on the Causeway.

Council To Approve Lease Documents For The Ambulance Through The Indiana Bond Bank Using US Bancorp As The Leasing Agent And Giving President Miller Permission To Sign.

Mr. Amos made a motion to approve the lease documents for the Ambulance through the Indiana Bond Bank using US Bancorp as the Leasing Agent and giving President Miller permission to sign. Mr. Lutz seconded, motion passed.

New Business

Council Consider Approval For Triathlon, Saturday, June 23, 2018.

Mr. Cambre addressed the Council concerning Tuxedo Brothers, Inc. application to hold a Cicero Triathlon. Mr. Cambre introduced Mr. Don Carr who will manage the triathlon. Mr. Carr reviewed his program and stated that he has met with all the departments. The triathlon will be held June 23rd and will he start registration at 6:30 am with a start time of 8 am. Mr. Carr stated that everything should be wrapped up and cleaned up by noon. Mr. Cambre stated that Mr. Carr will be setting up on June 22nd. Mr. Penwell inquired if they were confident that they would be able to run the triathlon successfully and Mr. Carr said he was. Mr. Amos made a motion to approve the Triathlon event for June 23rd. Mr. Foster seconded, motion passed.

Council To Approve Park Labor Joining The Town PERF Plan.

Ms. Unger stated that park labor is not currently covered under the Town’s PERF Plan. By approving this document, park labor could be added in July. Mr. Amos made a motion to approve adding park labor to the Town’s PERF Plan and giving permission for Mr. Miller to sign. Mr. Penwell seconded, motion passed.

Council To Discuss Cicero Sewage Works Continuing Disclosure Annual Audit Filing.

Ms. Unger inquired of Mr. Lutz what he was wanting to discuss concerning the Annual Audit Filing. Ms. Unger stated that this Disclosure Annual Audit Filing concerned the State Board of Accounts examination. Mr. Lutz was inquiring about the Financial Management Reports prepared by Umbaugh. Mr. Lutz would like to have Umbaugh come in to a Council meeting and explain their report. Ms. Unger stated that she would contact them for a date.

Miscellaneous

1. Mr. Lutz would like to have a follow up meeting on the personnel handbook issues. It was decided to hold this meeting on March 19th, 2018 at 6:30 pm at the Town Hall.
2. Mr. Cambre reminded the Council of the Spring Fling being held on March 10th at Red Bridge Community Building. This will include craft vendors from 10am to 3pm and a spaghetti dinner from 6 to 7pm.

Comments By Citizens

There were none.

Motion To Adjourn:

Mr. Foster made a motion to adjourn. Mr. Amos 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 March 20, 2018, at 7:00 PM at the Cicero Town Hall.