



**TOWN OF CICERO  
TOWN COUNCIL MEETING MINUTES  
Tuesday, September 4, 2018  
At 7:00 PM**

**Call To Order:** President Rusty Miller called the meeting to order and lead the Pledge of Allegiance. Mr. Brett 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  
Jim Hunter, Police Chief  
Lance Overholser, Fire Chief  
C. J. Taylor, Cicero/Jackson Township Plan Commission Director  
Shae Kmicikewycz, Community Development Specialist  
Aaron Culp, Town Attorney  
Keith Bryant, Town Engineer  
Dan Strong, Cicero/Jackson Township Plan Commission President

**Approval of Agenda:**

Ms. Unger asked to move the last item under New Business to Petitions by Citizens as the owner of the residence requesting water service is in attendance. Mr. Foster made a motion to approve Agenda as amended. Mr. Amos seconded, motion passed.

**Council To Open Bids For Solid Waste, Recycling, Collection and Disposal.**

Ms. Unger stated that the Council has three bids.

1. Waste Management's bid was opened by Mr. Amos. It was a No Bid.
2. Ray's Trash Service bid was opened by Mr. Foster. Their bid was for \$402,567.44 per year.
3. Republic Services bid was opened by Mr. Lutz. Republic graduated their bids each year. Year 1 \$302,832; Year 2 \$314,945.28; Year 3 \$327,563.28; and Year 4 \$340,686.

Mr. Amos made a motion to take the bids under advisement for Mr. Culp to review. Mr. Foster seconded, motion passed.

## **Council To Hold Public Hearing On Ordinance 07-03-2018-1 An Ordinance Setting Bulk Water Rates.**

Mr. Foster made a motion to open the Public Hearing. Mr. Penwell seconded, motion passed. Mr. Miller inquired if there were any questions of the public. There were none. Mr. Amos made a motion to close the Public Hearing. Mr. Penwell seconded, motion passed.

1. **Council To Consider Ordinance 07-03-2018-1** – Ms. Unger stated that this ordinance refers to bulk water being sold by the truck loads. Currently, the Town does not have a bulk water rate. This ordinance states that bulk water will cost \$2.00 per 100 gallons. Mr. Foster made a motion to approve Ordinance 07-03-2018-1 An Ordinance Setting Bulk Water Rates. Mr. Lutz seconded, motion passed.

### **Approval of Prior Minutes:**

Town Council Meeting Minutes, August 21, 2018, 7:00 PM – Ms. Unger noted there is a typo she that will correct. Mr. Foster made a motion to approve with the correction. Mr. Penwell seconded, motion passed.

### **Approval of Claims:**

Mr. Penwell a motion to approve the Claims for September 4, 2018 as presented. Mr. Amos seconded, motion passed.

### **Petitions by Citizens:**

1. Ms. Rhonda Thorpe, 110 N. Byron Street, Cicero, IN addressed the Council concerning her need to connect to the Town's water system. Ms. Thorpe stated that this is an ancestral home and it was never hooked into the Town's water system. The well that provides water is dry and she needs to decide if she wants to install a new well or hook onto the Town water system. She would like to hook on to the Town's system. Mr. Comer does not want to hook into the Cass Street line as it is only a 2" and will need to be replace soon. He informed her that she would have better service from the Byron Street line. This line is across the road. To bore under the road to the meter will cost \$1,582.65. Ms. Thorpe stated that she is asking the Town to pay all or portion of this cost. Mr. Lutz made a motion to pay ½ of that cost which is \$791.35. Mr. Amos seconded, motion passed.

### **President's Report:**

1. Mr. Miller stated that he is re-appointing Mr. Greg Bowman to the Cicero Fire Commission Merit Board.
2. Mr. Miller stated that there is a problem with October Cicero Town Council meetings.
  - a. October 2<sup>nd</sup> there would not be a quorum. The Council needs to hold a public hearing on the Fiscal and Annexation Plan. It was decided that they would meet on October 1<sup>st</sup> for the public hearing at 7:00 pm. This will also be the Town Council Meeting. Ms. Unger stated that October 2<sup>nd</sup> is the adoption of 2019 Budget and it could not be changed to the 1<sup>st</sup> as there was not enough time between the public hearing on the budget and the adoption.
  - b. The Council decided to meet October 9<sup>th</sup> for the adoption of the 2019 Budget and the for approval of the Annexation Plan.
  - c. Staff meeting will be as scheduled on September 13<sup>th</sup>.
  - d. There was a discussion as to if there needs to be a meeting on October 16<sup>th</sup> and this will be decided later.

**Council Committee Reports:**

1. OTC Report – Ms. Sue Baker stated that September 5<sup>th</sup> will be the last day to purchase Dine on the Causeway tickets. Ms. Baker also stated that they have reached 300 participants.
2. EDC Report – Mr. Lutz stated that they would be meeting on September 5<sup>th</sup> and he was going to see if the EDC is interested in working on an industrial park.

**Legal Counsel Report- Aaron Culp:**

1. Mr. Culp stated that he has reviewed all the bids for the trash collection and they are complete. Mr. Culp stated that Republic is the low bidder so Council could award the bid this evening. Mr. Culp did state that the Town could not accept Republic’s option for the fourth year as the amount would have to be the same as it is for the 3<sup>rd</sup> year. Mr. Amos made a motion to approve Republic Services for the Town’s trash collection for the years 2019, 2020, 2021. Mr. Lutz seconded, motion passed.
2. Mr. Culp stated that he would be sending a mowing letter to the owner of NRG stating that the property needs to be mowed and trimmed. Mr. Culp stated that he has had a few dozen correspondences with the owner of the property over the week or so and believes that the owner now knows that all communication with the Town should be directed to him. Mr. Culp stated that there is a possibility that the owner would to move the cleanup from IDEMs oversight to being self-directed. Mr. Culp inquired if the Council would like for Mr. Culp to contact Taft and have them ask IDEM to maintain control of the site cleanup. All of the Council were in favor of this. Mr. Lutz stated that he is satisfied with Mr. Culp’s handling of this situation with the owner of NRG and confirmed the Council wants Mr. Culp to continue as he has been.

**Cicero/Jackson Township Plan Commission Report-C. J. Taylor/Dan Strong:**

1. Mr. Taylor submitted the following Director’s Report:

**Director's Report September 2018**

**Permit Revenue:** August 2018 = \$7,510.00 YTD: \$46,099.00

August 2017 = \$7641.00 YTD: \$46,751.00

Difference: Month = **\$131.00 / 2%** YTD: **\$652.00 / 1%**

We have issued a total of 27 building permits for August.

14 have been inside the corporate limits (of which 0 have been new homes).

We have issued 13 in Jackson Township (of which 1 have been new homes).

Mr. Strong and I gave a presentation before the Cicero Kiwanis Club regarding the Tamarack Subdivision.

I have been following up on code violations and some “construction without a permit” violations. Please feel free to email, call or stop by the office anytime.

At your service! C.J. Taylor

2. Mr. Culp stated that the Annexation Fiscal Plan is ready for the Council to confirm this evening. There would be no vote just acceptance. Mr. Culp stated that then Ms. Unger would advertise for a Public Hearing on the annexation on October 1, 2018 at 7:00 pm. Then on October 9<sup>th</sup>, 2018 the Council could pass the Annexation Ordinance. The Ordinance could be filed on December 14<sup>th</sup>, 2018. All Council agreed with the final Annexation Fiscal Plan. Mr. Culp asked for the Ordinance Number and Ms. Unger stated it is 09-04-2018-2. Mr. Culp stated tonight is the Ordinance introduction.

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

Mr. Bryant updated the following:

1. I & I – Mr. Bryant stated that United is still waiting on SRF to approve the preliminary engineering report. Should hear something in the next month or so.
2. MI Homes – Mr. Bryant stated that they have most of the Storm Sewers in. They are waiting on IDEM's response to water and wastewater. Mr. Lutz inquired about the complaint from a resident regarding runoff. Mr. Bryant stated that they have visited the site a couple of times; once it was showing nothing and the second time it was a little wet. This issue is at the County level now as the resident contacted them. Mr. Bryant stated that United has been working with IDEM to clarify some of the questions they have regarding the lift stations, so MI could get their Construction Permit. Mr. Bryant stated that United was still working on the lift stations' design.

With the HHPA owners moving forward with the rail banking and trial project between Fishers and Noblesville, we are looking at reusing materials. The owners are currently in the process of appraising the line and we have provided them with list of materials we would like to retain.

## **Old Business:**

### **Council To Hear Report From Tina Henderson Regarding Bids For Façade Project And OCRA's Decision.**

This was not untabled; however, Ms. Kmicikewycz stated that Ms. Henderson is meeting with the building owners and business owners on Friday to make sure everyone is on the same page. Also, Ms. Kmicikewycz stated that she and Tina were going to get together with Ms. Unger and review the numbers prior to Friday. Mr. Lutz asked Ms. Kmicikewycz to have Ms. Henderson put together a timeline and summary for the Council. He stated that this started a couple of years ago and he would like to review.

### **Council To Discuss Community Crossings Matching Grant And Moving Forward With Application.**

Mr. Lutz stated that this project was approved at the last meeting. There is still an unresolved issue with the lighting. There was a short discussion on the lighting. Ms. Kmicikewycz stated that she has everything she needs to move forward with the application.

## **New Business**

### **Council To Consider Re-appointing Mark Heaver To The Cicero Fire Department Merit Board.**

Mr. Foster made a motion to re-appoint Mark Heave to the Cicero Fire Department Merit Board for a four-year term. Mr. Amos seconded, motion passed.

### **Council To Discuss Repair Of Jackson Street RR Crossing.**

Mr. Lutz stated that on August 9<sup>th</sup> Mr. Comer contacted Rhonda Klopfenstein regarding improvements needed on the Jackson Street railroad crossing. Mr. Comer received a response from Ms. Klopfenstein as follows and Mr. Lutz asked for it to be included in the minutes. From Rhonda Klopfenstein: “With the HHPA owners moving forward with the rail banking and trial project between Fishers and Noblesville, we are looking at reusing materials. The owners are currently in the process of appraising the line and we have provided them with list of materials we would like to retain. The goal is to rebuild the Jackson Street crossing hopefully next summer with slightly used materials to help defer the 100k estimate.”

#### **Council To Consider 2019 Holiday Schedule.**

Mr. Amos made a motion to approve the 2019 Town of Cicero Holiday Schedule. Mr. Lutz seconded, motion passed.

#### **Council To Consider Ordinance 09-04-2018-1 An Ordinance Amending Section 33.01 of Chapter 33 Of Title III Of The Cicero Municipal Code Of Ordinances, Residency Requirements For Police Officers.**

Chief Hunter stated that he would like to extend the residency requirement for Cicero Police Officers to include not just Hamilton County or 15 miles but to include counties contiguous to Hamilton County. Mr. Lutz stated that this does not include take home vehicles, they would still have to live within 15 miles, no change. Chief Hunter stated that this is comparable to other departments. Mr. Foster made a motion to approve Ordinance 09-04-2018-1 An Ordinance Amending Section 33.01 of Chapter 33 Of Title III Of The Cicero Municipal Code Of Ordinances, Residency Requirements For Police Officers. Mr. Amos seconded, motion passed.

#### **Miscellaneous**

1. Mr. Cambre stated that the Parks had their annual Car Show on Labor Day. They had a record number of cars, around 156. It was a long day, sold lots of food. All went well.
2. Mr. Cambre stated that they had a band play on the Pier at Red Bridge Park on September 1<sup>st</sup>. Their name is Okinawa Americana, there were approximately 60 in attendance. Mr. Cambre stated that he is working to have more concerts on the pier next year.
3. Mr. Cambre stated that the Parks Department will be having the dedication for the Canoe/Kayak Launch on September 15<sup>th</sup> at 10 AM. The Legion and the Friends of the Park are having a kid fishing day with the Legion providing hot dogs and the Friends of the Park providing fishing poles and bait.
4. Ms. Unger asked if the Council would get with her regarding any changes they might be proposing to the budget. If things can be worked out a head of time, it would make the public hearing and adoption go smoothly. Mr. Amos stated that there is one change he would like to make. He would like to take the \$30,000 for station maintenance out of the Police Budget and use the Bond fund for the repairs. Mr. Penwell was not in favor of using the Bond Funds. There was a discussion in which it may be possible to use CCD or CCI funds instead of the Bond. The Council agreed with doing this. Chief Hunter inquired if they would be removing all the maintenance fund dollars or leaving some for general maintenance. They said they would leave some maintenance money in that line item. Mr. Hunter will get with Ms. Unger regarding the changes.

5. Ms. Unger asked the Council when they would like to approve the Salary Ordinance. Ms. Unger stated that it is ready and she would send it to the Council for review.

**Comments By Citizens**

1. There were none.

**Motion To Adjourn:**

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

**Signatures on Official Documents!**

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Robert J. Miller, President

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Christopher J. Lutz, Vice-president

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Chad B. Amos

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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 September 18, 2018, at 7:00 PM at the Cicero Town Hall.**