



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, October 9, 2018
At 7:00 PM**

Call To Order: President 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
Aaron Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President
Bruce Freeman, Storm Water Management Board President

Approval of Agenda:

Mr. Miller added Ordinance 10-09-2018-4 Additional Appropriation for Fire Arms Training. Mr. Amos made a motion to approve Agenda as amended. Mr. Amos seconded, motion passed.

Council To Consider Approval Of Ordinance 09-18-2018-1 An Ordinance For Appropriations and Tax Rates for Town of Cicero for 2019.

Mr. Miller inquired if there were any questions or discussion on the 2019 Appropriations. There were none. Mr. Amos made a motion to approve Ordinance 09-18-2018-1 An Ordinance for Appropriations and Tax Rates for Town of Cicero for 2019. Mr. Penwell seconded, motion passed 4-1 with Mr. Lutz voting nay.

Approval of Prior Minutes:

Town Council Meeting Minutes, October 1, 2018, 7:00 PM –

Mr. Miller noted that in the minutes he stated that Mr. Miller declared a quorum and that he was absent. Ms. Unger stated that she would correct. Mr. Lutz made a motion to approve the Minutes of October 1, 2018 as amended. Mr. Foster seconded, motion passed.

Approval of Claims:

There were none.

Petitions by Citizens:

1. There were none.

President's Report:

1. President Miller stated that he had nothing this evening.

Council Committee Reports:

1. OTC Report – Mr. Lutz stated that OTC would like to know if the Town would be interested in paying half of the cost of a live tree to be planted in the Pocket Park? The cost is \$1,500 and the Town's portion would be \$750. The Council didn't have a problem doing this. They ask where the money would come from and Ms. Unger stated that it could come out of the Council's Emergency Management line item. Mr. Comer then ask the Council if they wanted to put lights on the Causeway again this year for the holidays. If they did the cost would be approximately \$1,700 to rent a lift. The Council said they did want the lights on the Causeway. Ms. Unger stated it could come out of the same fund. Mr. Amos made a motion to approve spending \$2,450 out of the Council's Emergency Management line items for the tree and the lift. Mr. Penwell seconded, motion passed.
2. EDC Report – Mr. Lutz stated there was nothing this evening.

Legal Counsel Report- Aaron Culp

1. NRG update – Mr. Culp informed the Council that he received a call from Mr. Paul Munoz regarding a certified letter he received from Ashok Sethi stating that he wanted Mr. Munoz's home e-mail, home phone and address as he wanted to talk to him about unfinished Town business with him. Mr. Munoz will not respond to this request. Mr. Culp stated that even though he has not heard from Mr. Sethi it is apparent that he is not giving up on the issues.
 - a. NRG weed situation – Mr. Culp stated that Mr. Sethi has not responded to letters regarding the weeds at the NRG location. Mr. Culp inquired if the Council wanted him to send another letter? The ordinance says Mr. Sethi would have 14 days to resolve the problem. If the issue was not resolved, then the Town could go on the property and cut the weeds. Chief Hunter stated that he was not sure that we had access to the property. There was a discussion and the Council stated they wanted Mr. Culp to send the letter giving him 14 days.
2. Indiana Academy I & I Issue – Mr. Culp inquired if the Council would like him to send another harsher letter to the Indiana Academy regarding their I & I problem. There was a discussion as what could be done. Mr. Culp stated that as of now there is no time line. Cicero is under an order from IDEM to correct the Town's I & I issues. Part of the problem is the Academy. Another letter could be sent with a timeline stated that if action is not taken Cicero will disconnect service at the end of the year. Mr. Culp has sent letters and Mr. Comer has talked to them starting in April this year. Mr. Comer stated that he is not sure they know where to start or where the problem is. Mr. Comer stated that they went from 1.5 gallons per hour to 26 gallons per house during the last rain event. Mr. Lutz stated that he would expect to see a plan by the end of the year and a contract signed to have the work completed. Mr. Amos stated that he thought they should put a plan together and find out where the problem is.
3. Mr. Lutz inquired of Mr. Culp where he was with the sick time policy was as far as a new ordinance. Mr. Culp stated that he has a draft for Ms. Roberts to look at but hasn't talked with her yet. Mr. Lutz stated that he would like to have this on the agenda on November 7th.

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

1. Mr. Taylor inquired of the Council how they wanted to proceed with the property at 792 N. Peru that burnt in 2016. Mr. Culp suggested that they have a hearing at the Town Council on November 7th to review the situation, then give them 30 days to correct or the Town will tear it down and file a lien on the property.

Town Engineer Report - Mr. Keith Bryant

Mr. Bryant not available.

Old Business:

Council To Discuss Bulk Water Rate.

Ms. Unger stated that the Water Salesman for selling bulk water was ready to go. She said that Mr. Comer has tested it and he was concerned about the \$2.00 per 100 gallons, thinking this may be too high. Ms. Unger stated it made the price .02 per gallon. The Council passed the ordinance on August 7, 2018 after consideration about the rate. Ms. Unger inquired if the Council wanted to leave it at \$2.00 per gallon or reduce. There was a question about who else and how much other towns charge. Mr. Comer stated that he did not think anyone close sold bulk water as some of the customers come from 50 miles away. The Council stated they were okay with leaving the rate at \$2.00 per 100 gallons.

Council To Consider Agreement Between The Town of Cicero And Republic Services For Trash Removal.

Mr. Miller inquired if there were any questions or discussion on the agreement with Republic. Mr. Culp stated that he worked with Republic on the contract and there were a few changes, but he is good with it as presented. Mr. Foster made a motion to approve the contract with Republic and allow Mr. Miller to sign. Mr. Penwell seconded, motion passed.

New Business

Council To Consider Ordinance 10-09-2018-1 An Ordinance Establishing Operating Budgets For The Water Company And Wastewater Treatment Company For The Year 2019.

Mr. Miller inquired if there were any questions or discussion on the Water and Wastewater budgets. There were none. Mr. Amos made a motion to approve Ordinance 10-09-2018-1 an Ordinance Establishing Operating Budgets for the Water Company and Wastewater Treatment Company for the year 2019. Mr. Penwell seconded, motion passed.

Council To Consider ESRI Renewal For Maintenance.

Mr. Lutz made a motion to approve the ESRI renewal for maintenance for \$2,700. Mr. Amos seconded, motion passed.

Stormwater Utility Management Board to present to the Council their recommendation of Resolution SWU 12-28-2018 A Resolution of the Town of Cicero's Stormwater Management Department Board of Directors Recommending the Adoption of New Stormwater Utility Rates and asking the Council to set Town Ordinance 10-09-2018-2 An

Ordinance of the Town of Cicero Adopting New Stormwater Utility Rates for Public Hearing.

Mr. Bruce Freeman, president of the Stormwater Management Board took the floor and presented to the Council the Stormwater Management Board's Resolution SWU 12-28-2018 A Resolution of the Town of Cicero's Stormwater Management Department Board of Directors Recommending the Adoption of New Stormwater Utility Rates. Mr. Freeman explained that 14 years ago the stormwater rate was set at \$3.15 and has not been changed since. The fund needs more revenue and the Stormwater Management Board is supporting an \$.80 increase in residential rates. They are also recommending that non-residential real estate be converted from a flat rate to the use of Equivalent Residential Unit (ERU). Their impervious areas, which include the buildings, parking lots (paved or gravel), and other areas be calculated at the rate of 1 ERU equals .01 acre. The new rate proposal is \$3.95. An example would be Dr. Shields property is currently charged \$3.15 and without the ERU system for commercial property the new cost would be \$3.95. By using the ERU system because of the parking lot the cost would go up to \$26.90 per month. Mr. Lutz inquired as to why the commercial property would be higher than residential and asked if this was common practice? Mr. Murphy stated that the ERU system was the fairest way to calculate rates. Larger buildings and parking lots have a much larger area of impervious area and place a much larger amount of rain water into the stormwater system. Mr. Murphy stated that most other communities do charge this way. Mr. Murphy stated that if the property had a retention pond, rain garden or a Best Management Practice program they would get some credit. Mr. Lutz wanted to know what the need was to adjust rates. Mr. Murphy stated that there is a need to increase funds for projects and for emergencies. He stated that most of Cicero Shores has corrugated pipe in the ground that is getting some age on it and you never know when it will need repair or replacement. Also, there are some projects on the horizon that have not been completed but will need to be at some point. The Stormwater Board anticipates that the Council will be asking them to make partial payment on the SRF Bond for the I & I project.

Mr. Miller stated that he is being charged by the County for drainage. He thought that he was being charged twice, once by the County and once by the Town. Mr. Comer stated that there is a county drain in the Greystone addition, where he lives, for which they are responsible.

There was a discussion about how to increase the cost to businesses. All at once, phase it in or do not do the ERUs. Mr. Freeman stated that the change in rates would bring in between \$35,000 and \$40,000. Mr. Freeman stated that the rate increase could start at anytime. It did not have to start at the first of the year as there would be some other increases with trash and utilities. Mr. Foster inquired if there could be discounts for non-for-profits and Mr. Culp stated that everyone had to be treated the same. Mr. Culp stated that businesses had the ability to manage their stormwater by installing a retention pond, rain garden or other acceptable features. They could also have a stormwater manage plan for their property. Ms. Unger stated that the Town would be the hardest hit by the increases and that we were not asking anything out of the businesses that the Town would not be paying also. Mr. Lutz inquired if there was a means for an appeal and Mr. Culp stated that it was provided for in the ordinance. Ms. Unger suggested that the Council set for a Public Hearing on November 20th. Ms. Unger inquired if the Council would like notices sent to businesses that would be highly effected. There was a discussion. It should

be posted on the website and the water bill. Mr. Murphy stated that he thought the increase was fair. Mr. Mehlan, Stormwater Board member, stated that he thought the increase was reasonable and he did not think the rate increase should be delayed. He stated that if the Council could not come to a conclusion on businesses, they could start the new rate as a flat rate and separate the businesses at this time. Mr. Penwell stated that he was concerned that there could be a hardship for some businesses. Mr. Amos inquired of Mr. Strong what he thought as a previous business owner. Mr. Strong stated that he had gone through this before and you just had to deal with it.

It was determined that the Council should hold a Public Hearing on the ordinance on November 20th. The meeting should be advertised, posted on the website, and Facebook. The meeting should be moved to Red Bridge Community building.

Council To Consider The Following Documents For the Annexation Of MI Homes Tamarack Development.

1. **The Plan** - the Plan was reviewed and approved by the Council on September 11, 2018.
2. **Resolution 10-09-2018-3 Adopting A Fiscal Plan For the Annexation of Property Contiguous To The Town of Cicero** – Mr. Strong inquired of Mr. Culp if there should be approve of the definitions? Mr. Culp stated that they were included. Mr. Lutz made a motion to approve Resolution 10-09-2018-3 Adopting a Fiscal Plan for the Annexation of Property Contiguous to the Town of Cicero. Mr. Penwell seconded, motion passed.
3. **The Annexation Policy** – Mr. Penwell made a motion to approve the Annexation Policy. Mr. Foster seconded, motion passed.
4. **Ordinance 09-04-2018-2 An Ordinance Annexing Territory By Voluntary Petition** – Mr. Penwell made a motion to approve Ordinance 09-04-2018-2 an Ordinance Annexing by Voluntary Petition. Mr. Lutz seconded, motion passed.

Council To Consider Ordinance Number 10-09-2018-4 Additional Appropriation For the Fire Arms Training Fund.

Chief Hunter explained that there was not enough in the current appropriation to fund the bullet proof vest for which they received a 50/50 grant. Fifty percent of the expenditure will be received back from the grant in the next 6-8 months. Mr. Amos made a motion to approve Ordinance Number 10-09-2018-4 Additional Appropriation for the Fire Arms Training Fund. Mr. Lutz seconded, motion passed.

Miscellaneous

1. Mr. Lutz stated that he has heard no discussion on the Nationwide PEHP or 457 plans. He would like to know the difference is fees from the current user and Nationwide. He would also like for the department heads to survey their employees to see how many are interested in the PEHP plan. Mr. Lutz stated that he was assuming that Fire was taking the lead on this.
2. The Council inquired about the Department Head Meeting on the 11th and Ms. Unger stated that it would be consolidated with the Council Meeting on October 16th.
3. Chief Hunter stated that in the past there was discussion on having new hires to the police department, that would be taking Police Academy, to sign a document that if they left the Cicero Police Department prior to completing 36 months they would need to pay back a prorated amount of the Academy to the Town. Chief Hunter stated that they have a draft

of the contract that he would like to have Mr. Culp review and have Mr. Miller sign if the Council was in favor of this process for the most recent new hire.. Mr. Foster made a motion to approve the contract between new police employees and the Town for prorated pay back if they sever employment prior to 36 months and allow Mr. Miller to sign. Mr. Amos seconded, motion passed.

4. Mr. Comer inquired if the polygraph test the Council wanted new hires to take prior to employment was for all departments or just Fire and Police. Mr. Amos said that it was just for Fire and Police.

Comments By Citizens

1. There were none

Motion To Adjourn:

Mr. Amos made a motion to adjourn. Mr. Foster 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 October 16, 2018, at 7:00 PM at the Cicero Town Hall.