



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Red Bridge Community Building
Wednesday, November 20, 2018, 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. Mr. 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	

Mr. Miller declared a quorum.

Others Present:

- Jan Unger, Clerk Treasurer
- 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
- Keith Bryant, Town Engineer
- Dan Strong, Cicero/Jackson Township Plan Commission President
- Bruce Freeman, President of Stormwater Management Board

Approval of Agenda:

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

Approval of Prior Minutes:

Town Council Meeting Minutes, November 7th, 2018, 7:00 PM – Mr. Lutz made a motion to approve the minutes of November 7th, 2018 as presented. Mr. Amos seconded, motion passed.

Approval of Claims:

Mr. Amos made a motion to approve the claims as presented. Mr. Foster seconded, motion passed.

President's Report:

1. President Miller distribution of Christmas cards to the Department Heads for them and their staff.

Council Committee Reports:

1. OTC Report – Mr. Miller reported that Jama Fernung, owner of Delullios restaurant, is a new board member for OTC. Mr. Miller reported that December 1st will be the Tree

Lighting Festival. Mr. Miller stated that OTC is interested in assisting with the Kiosk but do have some concern regarding ongoing costs. They have a few questions.

2. EDC Report – Mr. Lutz stated that EDC is also interested in assisting with the Kiosk, but they are interested in the potential reoccurring expenses. Mr. Miller stated that the Chamber might also be asked if they are interested.
3. Chief Hunter stated that Jackson Street would be closed on December 1st from 4-7 pm.

Council To Open Bids For Morse Landing And Hidden Bay Lift Station Upgrades.

The Council received one bid for the Morse Landing and Hidden Bay Lift Station Upgrades.

1. Atlas Excavating, Inc. Base Bid - \$749,760
 - a. Mandatory Alternate No.1 - \$ 38,790
 - b. Mandatory Alternate No.2 - \$ 48,400

Council To Hold A Public Hearing On Ordinance 10-09-2018-2 An Ordinance of the Town of Cicero Adopting New Stormwater Utility Rates.

Bruce Freeman, President of the Stormwater Management Board, addressed the attendees and stated that Mr. Taylor has a presentation on the history and reasoning behind the stormwater rates. Mr. Taylor gave the following presentation:

Cicero Stormwater Utility

In 2003 the EPA mandate that stormwater runoff be managed took effect in Indiana. “The purpose of this rule is to establish requirements for storm water discharges from **municipal separate storm sewer system (MS4)** conveyances so that public health, existing water uses, and aquatic biota are protected.”

This EPA mandate however; *did not* provide any additional funding to the states or communities affected. Some communities funded and managed their stormwater programs via their sanitary sewer utility and adjusted sewer rates to do so.

The Cicero Town Council decided to establish a stormwater utility in order to maintain transparency and a separation of funding and management between the sanitary sewer utility and the stormwater utility.

Why manage Stormwater Runoff?

- ❖ *Because the EPA and IDEM said we have to.*
- ❖ *Because it protects the environment.*
- ❖ *Because it protects health and property.*

Managing stormwater runoff plays a key role in preventing pollution of our lakes and streams.

Stormwater runoff is rainfall that flows over the ground surface. It is created when rain falls on roads, driveways, parking lots, rooftops and other paved surfaces that do not allow water to soak into the ground.

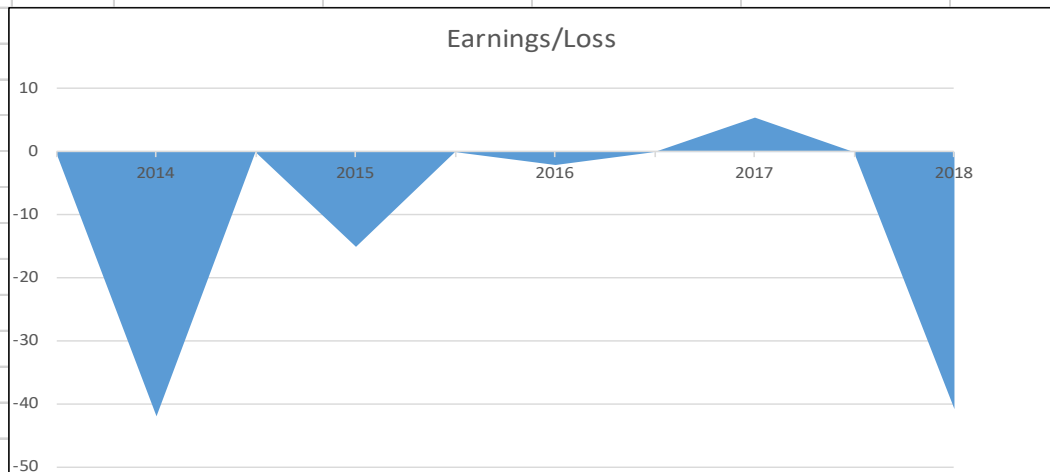
Stormwater runoff is the number one cause of stream impairment in urban areas.

What does your Cicero Stormwater Utility do? Your Stormwater Utility performs many functions, some of which are:

- ❖ *Maintain catch basins and piping.*
- ❖ *Monitor storm sewer outfalls for contaminants.*
- ❖ *Public Education regarding runoff management.*
- ❖ *Partially funds street sweeping to reduce contaminants and debris from entering the waterways from the streets.*

The current Stormwater Utility rates generate approximately \$100,000 per year. The proposed rate increase will generate approximately \$30,000 per year in additional funds.

Year	Start Balance	Ending Balance	Earnings/Loss
2014	381,381	339,460	-41,921
2015	339,460	324,360	-15,100
2016	324,360	322,317	-2,043
2017	322,317	327,663	5,346
2018	327,663	286,844	-40,819
January 1, 2014 through September 30, 2018			-94,537



How did we determine the new rates? The average residential lot was estimated at 1 tenth (0.1) of an acre. Therefore 0.1 acre is 1 Equivalent Residential Unit (ERU) 1 ERU = \$3.95 per month. For Example: If a non-residential property contains 4 tenths (0.4) of an acre, the calculation is 4 ERU's x \$3.95 = \$15.80 per month.

Mr. Miller stated that he has two Petitions by Citizens he will address at this time:

1. Ann Hoehn, Public Library Director, addressed the Council. She stated that the Library Board met the other evening and their comment was that they think the proposed rate was a little high. They thought it would be nice if it was a little lower. They asked her to come to the meeting and relay that information.
2. Vialo Weis, Jr., Department Director of the Indiana Conference Headquarters for the Seventh-Day Adventist Church, addressed the Council. Mr. Weis stated that this is a substantial increase. Their rate would be going up eight times, from \$300 per year to \$2,400 a year. Mr. Weis thinks this will be a huge impact on not-for-profits.

At this time Mr. Miller declared the Public Hearing open. Mr. Lutz stated that there is a general rate increase in addition to the conversion to the ERU system. Mr. Lutz inquired if this is in line with other cities and towns. Mr. Bryant answered by saying that many other communities do exactly what we are proposing. He also stated that others do something similar, New Castle still has the same rate for everyone. Mr. Amos stated that we have not changed the rate for stormwater since it was implemented 13 years ago. Mr. Foster agreed that the rate needed to be increased but not with 100% implementation. He thought it may be a hardship on churches and not-for-profits. Mr. Amos stated that there is an opportunity to get some credit if businesses installed properly engineered and designed rain gardens or ponds which could amount to a 10% decrease in costs. Also, a Best Manage Practice program could result in a 15% decrease in costs when properly managed. There was a discussion and it was decided if a business wants to discuss one of these, they could contact Mr. Taylor.

Mr. Amos made a motion to table. Mr. Penwell seconded, motion passed.

Petitions by Citizens:

1. **Tom Warner** addressed the Council concerning the sump pump at 1089 Shoreline Drive that is continually discharging water onto the street. Mr. Warner stated that water is being discharged 24/7 365 days a year. In the summer it is a nuisance, wet street and yards. In the winter it is a hazard as it ices over the street. Mr. Comer stated that there is not other outlet for the water. When Shorewood installed the curbs and streets, they did not put perforated pipe behind the curbs, a catch basin and there is no swell in the back. Mr. Comer stated that the previous owner moved the outlet from the backyard to the front, cut the curb and it now drains onto the street. Mr. Comer stated that it is a health issue. Mr. Comer also informed the Council that there is a pool in the same neighborhood that also drains to the street. To install perforated pipe or a line to the existing catch basin several drives would have to be cut. Mr. Comer stated that he has not spoken with the current owner. Mr. Amos asked Mr. Comer to talk to the current owners about a possible solution. Mr. Amos also asked Mr. Bryant to take a look and report at the next Council meeting. Mr. Comer stated that this area stays wet all the time.

Legal Counsel Report- Aaron Culp:

1. Update on Indiana Academy I & I issue – Mr. Culp stated that he has no update other than the letter the Town received. Indiana Academy thinks they have found the main source of the I & I. They are working on a possible solution.

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

Mr. Taylor and Mr. Strong stated that they didn't have anything this evening. Council inquired about how MI Homes is going. Mr. Strong stated that the development is moving along. They will be coming to the Plan Commission and then to the Council regarding the Planned Unit Development (PUD).

Town Engineer Report-Mr. Keith Bryant –

1. MI Homes – Mr. Bryant stated that this is a tough time to get bids. They will review the current bid and circle back to the other potential bidders. This will probably be rebid.
2. I & I – Mr. Bryant stated that United has prepared his response to the Indiana State Revolving Fund and he has the letter here this evening for Mr. Miller to sign if approved. Mr. Amos made a motion to approve the letter and allow Mr. Miller to sign. Mr. Foster seconded, motion passed.
3. E. Jackson Street – Mr. Bryant stated that he would have the Task Order before the next meeting. The Town will be meeting with INDOT on December 5th. Bids will have to be in by April 15th, 2019. Mr. Lutz requested a meeting with Mr. Bryant and Mr. Amos regarding E. Jackson Street.

Old Business:

Council To Consider Whether Or Not To Put The Town's Name In The Hat For The Drawing Of A 42" Kiosk Being Randomly Given Away By Indiana Housing & Community Development Authority (IHCDA).

Ms. Unger stated that the resolution number for this project is Resolution 11-20-2018-2 and there is a second document that needs to be signed by the President with the Town's commitments for the Kiosk if received. There was a discussion and it was determined that if the Town is interested that the Council needs to approve the resolution this evening. Mr. Foster made a motion to approve Resolution 11-20-2018-2 and allow Mr. Miller to sign the commitments document. Mr. Lutz seconded, motion passed.

Council To Consider Hiring Of Ninth Office For Police Department.

Mr. Foster made a motion to untable. Mr. Amos seconded, motion passed. Mr. Amos inquired of Ms. Unger if she received her answer regarding the Town's LIT distribution for 2019. Ms. Unger stated that yes and it would be the higher amount approved in the 2019 budget. Mr. Amos made a motion to approve hiring a ninth man for the police department for 2019. Mr. Foster seconded, motion passed.

Council To Consider Contract Agreement With Pickett Construction For Remodel Of The Police Station.

Mr. Amos made a motion to untable the Agreement with Pickett Construction. Mr. Penwell seconded, motion passed. Ms. Unger stated that this was tabled to allow time for

the Council to review. The amount of the agreement is \$41,850. Mr. Amos made a motion to approve the Agreement with Picket Construction for the Remodel of the Police Station. Mr. Lutz seconded, motion passed.

Council To Consider Ordinance 11-07-2018-2 Amending The Town's Sick Time Policy.

Mr. Amos made a motion to untable. Mr. Foster seconded, motion passed. There was no discussion. Mr. Amos made a motion to approve Ordinance 11-07-2018-1 Amending The Town's Sick Time Policy. Mr. Lutz seconded, motion passed 4-1 with Mr. Lutz voting nay.

Council to Consider Replacing Water Main On East Jackson Between SR 19 And Edge Of Town.

There was some discussion as to why this was back on the agenda. Ms. Unger thought we were waiting on an estimate. It was determined that the estimate for the water main was submitted on November 7th by Mr. Bryant which totaled \$226,000. Additionally, there was a discussion on the manholes that Mr. Bryant and Mr. Comer are going to evaluate. Mr. Bryant stated that they have not looked at the manholes but have some time to do this. There was a discussion. Ms. Unger stated that there is \$253,773 in the water improvement fund and this would take most of that. On the other hand, it would seem that this needs to be completed for the East Jackson Street road project. Mr. Amos made a motion to approve installing the water line on East Jackson from Harrison to the east side of Town. Mr. Lutz seconded, motion passed.

New Business

Council To Consider Resolution 11-20-2018-1 Transferring Funds For Town Council, Plan, Fire And Police.

Ms. Unger stated that these transfers are just moving funds from one line item appropriation to another within each budget to keep items balanced. Mr. Mr. Foster made a motion to approve Resolution 11-20-2018-1 Transferring Funds for Town Council, Plan, Fire and Police. Mr. Amos seconded, motion passed.

Council To Discuss Interlocal Agreement Between Hamilton County, Indiana and the Town of Cicero, Indiana, Regarding A Service Agreement Concerning E-911 And Emergency Dispatch Services Presented To Cicero By The County.

Mr. Lutz stated that he has reviewed the agreement. This agreement was submitted to the units without any meetings or consulting. Mr. Lutz would like to meet with the northern community leaders to discuss and move forward with a united front to the County. Mr. Lutz asked the Council if they would be in favor of him scheduling such a meeting. The Council was good with this plan. Mr. Lutz stated that he would like to schedule an executive session to discuss the contract. He stated that last year we were presented with a \$120,000 service fee and that in the current agreement there is no amount mentioned. Mr. Amos stated that previously the Town has had zero cost for E-911 service by the County. Mr. Culp stated that Arcadia made the same decision at their meeting last night. There was a brief discussion on population-based costs instead of per run. Mr. Lutz stated that he would try to schedule a meeting as soon as possible as the County is

wanting a response by December 4th. Mr. Miller stated that residents pay property tax and he thought that should cover the E-911 cost. Mr. Amos made a motion to table. Mr. Foster seconded, motion passed.

Miscellaneous

1. Ms. Unger inquired if the Council is interested in addressing the Stormwater Rate Ordinance at this time. Initially they wanted to wait until December 4th Council Meeting. Then Mr. Lutz stated that he would like to see the rate phased in. He stated that there are two different things taking place, first the rate increase and second the implementation of the ERU system. Mr. Culp clarified that they are in fact the same and could not be treated differently. One ERU equals 0.1 of an acre which is the average residential equivalent. Many times businesses have more than 0.1 of an acre in impervious area. Mr. Culp stated that there has to be parity. For example, if you decide to phase in at 25% for four years, you would have to also phase in the increase for residential the same way. There was a discussion. Mr. Come stated that the Town is under an agreed order with IDEM for its I & I issues. If you phase the rate increase in over four years, you would not make much headway. Mr. Comer stated that Stormwater has been assisting with the current wastewater bond. It is expected that they will help with the SRF Bond for which the Town is currently applying for Phase 1 of the I & I Plan. Mr. Murphy stated that Stormwater is part of the problem with the I & I, stormwater is getting into the sanitary and it needs to be separate. Mr. Taylor stated that if the transition is made at this time the impact would not be so great in the future if there is another rate increase. Mr. Foster stated that he is good with the rate increase but wants to lessen the impact on businesses and churches. Mr. Mehlan, member of the Stormwater Board, stated that some businesses and churches could lessen the impact by reducing the impervious surface. This is what the Catholic Church, Cicero Christian Church and the Library have done. Mr. Comer stated that CVS also has a best management practice, but they will need to show records that they have maintained it. Mr. Mehlan stated that he thinks we should move forward and work with the businesses. Mr. Amos made a motion to untable. Mr. Penwell seconded, motion passed. Mr. Bryant stated that currently the Town is working on funding for Phase 1 of the I & I issue. That cost is around one million. There are two other phases that may need to be completed. Phase 2 will cost another million and Phase 3 at the Plant will cost approximately six million. Mr. Penwell stated that the Council should move forward with the Stormwater Management Board's recommendation. He stated to the public that he heard their concerns but feels the Council needs to move forward. Mr. Amos made a motion to approve Ordinance 10-09-2018-2 An Ordinance of the Town of Cicero Adopting New Stormwater Utility Rates. Mr. Penwell seconded, motions passed.

Comments By Citizens

None.

Signatures on Official Documents!

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 December 4, 2018, at 7:00 PM at the Cicero Town Hall.