



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, July 3, 2018
At 7:00 PM**

Call To Order: President Rusty Miller called the meeting to order and lead the Pledge of Allegiance. Mr. C.J. Taylor 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
Chris Lutz
Rusty Miller
Craig Penwell

Absent: Brett Foster

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
Keith Bryant, Town Engineer
Aaron Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President

Approval of Agenda:

Ms. Unger asked to add a discussion on Ordinance 07-03-2018-1 discussing bulk water rates. Mr. Lutz made a motion to approve Agenda as amended. Mr. Amos seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes, June 19, 2018, 7:00 PM –

Town Council Special Meeting on June 27, 2018, 6:15 PM –

Mr. Amos made a motion to approve the Minutes for the Town Council Meeting on June 19, 2018 and the Town Council Special Meeting on June 27, 2018. Mr. Lutz seconded, motion passed.

Approval of Claims:

Mr. Amos made a motion to approve the Claims for July 3rd, 2018 as presented. Mr. Penwell seconded, motion passed.

Petitions by Citizens:

1. **Greg & Jennifer Maiden**, 1005 Spinner Ct, to request approval to put their fence in an easement. Mr. Maiden distributed photographs and a plot plan of their property and explained what they would like to do. Mr. Taylor and Mr. Strong have looked at the property and the plan for the fence. There was no swell or utilities in the easement they wished to cross. Mr. Amos made a motion to approve the request for 1005 Spinner Court contingent on Mr. & Ms. Maiden recording a document stating that they are responsible for removing the fence if utilities need in the easement. Mr. Penwell seconded, motion

passed. Mr. Penwell suggested that the Council schedule a time to discuss fences in easements in general.

President's Report:

1. Mr. Miller informed the Council that he will be gone to his corporate office in Wisconsin on Monday July 9th and returning late July 12th. He will miss 3 meetings: OTC board meeting, Plan Commission and the Staff Meeting. If any of the Council would like to attend in his place, they may do so. Mr. Amos stated that he will try to attend the OTC meeting. Mr. Lutz may attend also.

Council Committee Reports:

There were none.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp stated that Taft is available for a meeting July 31st at 6:30 pm. There was a discussion on the billing. Mr. Culp will check on how much time will be put into their research and if the TIF funds can be used to pay for it.
2. Mr. Culp inquired if the Council is interested in joining a class action law suit that Taft is putting together against Opioid manufactures. Mr. Culp stated that there is no upfront cost and that all the other communities in the county have joined. Mr. Amos stated that he would like to see the agreement in writing. The Council agreed.

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

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

Director's Report

July 2018

<u>Permit Revenue:</u> June 2018 = \$4,383.00	YTD: \$34,457.00
June 2017 = \$5,166.00	YTD: \$34,021.00
Difference: Month = (\$783.00 / 15%)	YTD: \$436.00 / 1%

A total of 18 building permits were issued for the month of May. Fourteen (14) of those were inside the corporate limits (of which 0 have been new homes). We have issued four (4) in Jackson Township (of which 0 have been new homes). We have issued a conditional permit to M/I Homes allowing them to start on the grade work and site prep. We are currently waiting on their response to Keith's comments on the construction plans. When we receive approval from Keith, we will allow installation of infrastructure to begin.

I have completed an MS4 Compliance and Enforcement Certified Inspector class. Which certifies me to conduct stormwater inspections of job sites and existing stormwater management devices.

I have also completed the INDOT LPA certification required to participate in the MPO. Please feel free to email, call or stop by the office anytime.

2. Mr. Strong stated that MI Homes has submitted their request for the Morse Landing and the Hidden Bay lift station upgrades.
3. Mr. Strong informed the Council that he has the agreement from Casey Bertram for the demolition of the building at 150 W. Jackson Street for Mr. Miller to sign this evening.
4. Mr. Lutz inquired about the announcement for MI Homes Tamarack addition. Mr. Strong stated that he is still waiting on information from MI Homes. They are talking about a groundbreaking ceremony with the Council and shovels.

Town Engineer Report - Mr. Keith Bryant

1. I & I – SRF – Mr. Bryant stated that the Preliminary Engineering Report has been submitted to the State Revolving Fund. There are some minor comments. The public

hearing has been scheduled for July 17th. The public will have 5 days after the hearing to submit any comments in writing.

2. MI Homes – Mr. Bryant stated that with the request for the lift station upgrades United has prepared Engineering Task Order No. 2018-04—July 3, 2018. The Task Order included upgrading the lift station at Hidden Bay by replacing the pumps and controls and for the Morse Landing lift station replacing the structure in addition to the pumps and controls. The cost for engineering for the design phase, bid phase and the construction phase totals \$106,000. There was a brief discussion and then Mr. Penwell made a motion to approve the Task Order and allow Mr. Miller to sign. Mr. Lutz seconded, motion passed.
3. Mr. Bryant stated that United is waiting for resubmittal from MI Homes on their design plans.

Old Business:

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

Mr. Lutz made a motion to untable. Mr. Amos seconded, motion passed. Ms. Kmicikewycz addressed the Council concerning the meeting they had with OCRA on June 18th. Ms. Kmicikewycz stated that OCRA has gotten back with them and that OCRA does not have any available funding for our project, so OCRA is not able to grant the additional funds requested. However, OCRA reached out to Mary Shaw with the Historic Restoration Grant Program from the Department of Natural Resources (DNR) and they have the ability to fund our option 1 request at \$145,000 or more. In order to receive these funds and solidify the actual dollar amount that will be awarded from DNR, Ms. Henderson will need to complete an application for each individual building. DNR can expedite our request within a few days after receiving each individual application. Ms. Kmicikewycz stated that there would be no additional match. Ms. Purkey has pulled out of the project. Everyone else should be able to stay. Ms. Kmicikewycz stated at the July 17th Council meeting Ms. Henderson will have more information. There was a discussion and Mr. Lutz inquired if all of the property owners have seen the bids and Ms. Kmicikewycz stated that they have. Mr. Amos made a motion to table. Mr. Penwell seconded, motion passed.

Council To Consider Ordinance 05-15-2018-3 An Ordinance To Amend Chapter Twenty-three Of Article Seven Of The Cicero/Jackson Township Zoning Ordinance Regarding The Storage Or Parking Of Recreational Vehicles, Boats And Trailers.

Mr. Lutz made a motion to untable. Mr. Amos seconded, motion passed. Mr. Culp stated that the ordinance has been revised to apply to residential and commercial properties only and not to agriculture. Mr. Lutz made a motion to approve Ordinance 05-15-2018-3 An Ordinance To Amend Chapter Twenty-three Of Article Seven Of The Cicero/Jackson Township Zoning Ordinance Regarding The Storage Or Parking Of Recreational Vehicles, Boats And Trailers. Mr. Penwell seconded, motion passed. Mr. Culp stated that the ordinance needed to be advertised one time within the next 30 days.

Council To Make Decisions On Features To Be Included On The Community Crossings Matching Grant Application For East Jackson Street Improvements.

Mr. Lutz reviewed with the Council the estimates that were previously discussed and approved by the Council. Mr. Lutz stated that previously it was estimated that to complete the East Jackson Street project they may need to use up to \$85,000 out of the General Obligation Bond. He stated that he has been in discussion with Ms. Unger and this may not be necessary. He stated that he, Mr. Comer and Mr. Bryant walked the sight this evening and they would like to include the 4-5 bump outs and replace the existing lights east of SR 19 with the project. The lights are approximately \$5,500 each and the bump outs \$15,000 each. Mr. Bryant was asked about the drainage issue with the bump outs and he stated that an inlet was included in the pricing. Mr. Lutz reviewed his financial plan for the project stating that the additions above were not included in the original project. Ms. Unger reviewed her costs strictly being taken from the MVH Fund with the exclusion of the bump outs and the additional lighting. She thought that the costs could be covered in the MVH Fund, but not with the additions. Ms. Unger stated with the State's requirements of spending half of the MVH revenue on paving that all the paving allocation funds should be transferred to the Community Crossings Matching Grant Fund to be isolated for paving purposes. Mr. Lutz stated that we could just move what was need for this project and leave the rest in the MVH Fund at this time. With the addition of replacing the existing lighting and adding an extra bump outs, there may not be enough money in MVH. Mr. Lutz stated that the project is still anticipated to cost less than the original estimate and that we could use funds from the GO Bond if needed.

Open Bids For Dock.

Ms. Unger stated that they have one bid for the dock. Mr. Lutz opened the bid from Heather Fryman. The bid was for \$2,750.00. Mr. Amos made a motion to accept the bid from Ms. Fryman. Mr. Penwell seconded, motion passed.

New Business

Council To Discuss Ordinance 07-03-2018-1 An Ordinance Setting Bulk Water Rates.

Ms. Unger explained that Mr. Comer has installed the Water Buddy for filling water tank trucks. He came to Ms. Unger inquiring about the rate to charge. Ms. Unger has spoken with Mr. Rogers at Umbaugh regarding the rates. She has prepared an ordinance and Mr. Rogers has noted some changes. Ms. Unger arrived at the rates by dividing the current minimum charge by 3000 gallons and multiplying it by 100. This formula calculates to be \$.65 per 100 gallons. There was a discussion regarding the language in the ordinance and the rate. The Council wanted Ms. Unger to contact Mr. Rogers and see if there would need to be a rate study and if there was any reason they couldn't charge more based on the fact that the Town would need to maintain the pump, software and the drive.

Miscellaneous

1. Ms. Unger inquired if the Council would like for her to include the 911 service cost for \$13,413.82 in the Council's budget for 2019. This is the figure sent in a letter to the Council from the Hamilton County Council. The Council said for the time being, yes.

Comments By Citizens

1. There were none.

Motion To Adjourn:

Mr. Amos 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 July 17, 2018, at 7:00 PM at the Cicero Town Hall.