



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, February 5, 2019
At 7:00 PM**

Call To Order: President Lutz called the meeting to order, led the Pledge of Allegiance and Mr. C.J. Taylor gave the prayer. President Lutz called for the roll call and the members of the Town Council were present or absent as follows:

Present: Chad Amos
Chris Lutz
Craig Penwell
Jack Russell
Dan Strong

Absent:

Declare a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Terry Cooper, Street & Utilities Director
Jim Hunter, Police Chief
Lance Overholser, Fire Chief
C. J. Taylor, Cicero/Jackson Township Plan Commission Director
Keith Bryant, Town Engineer
Bruce Freeman, Storm Water Management Board President

Approval of Agenda:

Ms. Unger asked to add a discussion of the Staff Meeting on February 14th and a discussion of liability insurance, both under Miscellaneous. Mr. Amos made a motion to approve the amended Agenda. Mr. Penwell seconded, motion passed.

Approval of Prior Minutes:

Town Council/Department Head Meeting, January 10, 2019, 7:00 PM –

Town Council Meeting Minutes, January 15, 2019, 7:00 PM –

Mr. Penwell made a motion to approve the Town Council/Department Head Meeting Minutes for January 10, 2019, the Town Council Meeting Minutes on January 15, 2019. Mr. Russell seconded, motion passed.

Approval of Claims:

Mr. Amos made a motion to approve the Claims as presented. Mr. Penwell seconded, motion passed.

Council Committee Reports:

1. OTC – Mr. Russell informed the Council that the next OTC event will be the Taste of Chocolate February 11th from 5 p.m. to 8 p.m. The cost is \$15.00 per person.
2. EDC – Mr. Lutz stated that they are still searching for EDC members. SWU Management Board Report – Mr. Freeman stated that he had nothing this evening.

Council To Open Bids For Lift Station Upgrades.

The Council received five bids, there were three options for each bidder:

<u>Name of Bidder</u>	<u>Base Bid</u>	<u>Mandatory Alt. 1</u>	<u>Mandatory Alt. 2</u>
Maddox Industrial Group	\$645,330	\$179,308	\$204,700
Atlas Excavating, Inc.	\$749,760	\$ 12,145	\$ 37,784
Ottenweller Contracting	\$638,000	\$ -11,000	\$ - 5,000
Watson Excavating, Inc.	\$622,000	\$ 2,000	\$ 13,000
Yardberry Landscape Excav.	\$676,200	\$ 34,500	\$ 42,500

After a brief discussion Mr. Amos made a motion to take the bids under advisement. Mr. Strong seconded, motion passed.

Petitions by Citizens:

1. Mr. Kent Steury addressed the Council regarding the possibility of connecting sewer and water to his property at 7670 E. 236th Street. Mr. Steury stated that he gave MI Homes a passing lane easement and they are running sewer to the north side of 236th Street near his property. Mr. Steury would like to know if the Council is willing to allow him to connect as it will be difficult after he starts his project. He will pay the availability and tap fees. Mr. Strong stated that if they allow the connections, he would want voluntary annexation when the time comes. Mr. Culp stated that waivers for voluntary annexation are not a binding agreement. Mr. Culp suggested that there be a contract. Mr. Strong inquired who would pay for the fiscal plan. Mr. Strong stated that in the past the fiscal study was not paid by the Town. Mr. Steury acknowledged that he would have to pay for the Fiscal Study. Mr. Strong said that he would get a cost on the plan. Mr. Russell and Mr. Amos both agree that there should be a contract. Mr. Culp will prepare the contract and the Council will vote on their decision based on the contract. Mr. Steury will get with Ms. Unger on the availability fees.
2. Cpt. Frank McKeon addressed the Council concerning his property at 792 N. Peru Street. McKeon stated that he has received an order from Mr. Culp to demo his property at 792 N. Peru Street by February 15th. There was a discussion on when Mr. McKeon was first notified about the condition of the property. Mr. McKeon stated that he first heard on December 31, 2018. Mr. Culp stated that the original notice was sent July 18, 2018 regarding the public hearing, Mr. McKeon received it after the public hearing, so the public hearing was rescheduled to August 18, 2018, Mr. McKeon said that he didn't receive the notice. There was further discussion. Mr. Strong stated that he could be in favor of the extension to the end of March. Mr. Penwell inquired of Mr. McKeon if he would have the demolition completed by the end of March and he said he would. Mr. Amos inquired if that included the cleanup and Mr. McKeon said that it would. Mr. Lutz stated that it would need to be completed by March 31st and that it was not to come back to the Council. Mr. Amos inquired who would be doing the demo and Mr. McKeon stated it would be his company. Mr. Amos wanted it torn down to the foundation and no piles of debris remaining. Mr. Amos made a motion to modify the initial order sent to Mr. McKeon

by Mr. Culp to change the demolition to be completed by March 31st at 792 N. Peru Street in Cicero. Mr. Russell seconded, motion passed.

President's Report:

1. Mr. Lutz stated that they are still looking for one person for the Cicero Jackson/Township Plan Commission.
2. Mr. Lutz stated that they are still looking for two EDC Members. If anyone knows of someone that may be interested, let him know.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp stated that Mr. Issacs, developer for MI Homes, is here this evening regarding two changes to the PUD. Mr. Culp stated that these two changes have been unanimously forwarded by the Plan Commission with a favorable recommendation. Mr. Issacs addressed the Council and reviewed the progress of the development and the changes to the PUD they are requesting. The first change is the loft size in Area A. Mr. Issacs is asking for 50% of the first-floor area. The seconded change is moving lines on the map for clarification on Area B. Mr. Issacs showed slides of the development and slides that demonstrate the changes he is requesting. The Council asked for a copy of the development schedule. Mr. Issacs stated that they plan to have a model home completed by June 1st. Mr. Issacs stated that as soon as the lift station improvements are resolved they will be moving forward on the infrastructure. Mr. Lutz ask for a motion on the requested changes Mr. Issacs is proposing for the PUD. Mr. Strong made a motion to approve the two favorable recommendations from the Cicero/Jackson Township Plan Commission. Mr. Penwell seconded, motion passed 4-1 with Mr. Lutz voting nay.

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

1. Mr. Taylor stated MI Homes was covered above.

Town Engineer Report-Mr. Keith Bryant –

1. Professional Service Agreement with United – Mr. Bryant stated that this Agreement is for the I & I project for a total cost not to exceed \$235,000. This includes the design phase, bid phase and construction phase. The Preliminary Engineering Report has been approved by IDEM for the State Revolving Fund. Mr. Amos made a motion to approve the Agreement with United for the I & I Project. Mr. Penwell seconded, motion passed.
2. East Jackson Street – Mr. Bryant said that they will be advertising for bids in early March. They are waiting on Duke regarding the lights. They hope to have the project under contract by April 15th.
3. Lift Stations – Mr. Bryant stated that there is a TAC meeting tomorrow and they will review the bids.

Old Business:

Council To Discuss Illegal Discharge of Storm Water Onto Town Streets. (Tabled)

Council To Hear Update From Chief Hunter On New Hire.

Chief Hunter informed the Council that the new officer will start on February 18th. He has passed his PERF requirements. He comes to us from Lapel and already has his training. He will work a few days on the day shift and then move to evenings.

New Business

Mr. Amos To Discuss Lights Over Morse Lake Committee.

Mr. Amos informed the Council that the Lights Over Morse Lake (LOML) committee asked him to ask the Council if they are willing to give approval for \$2,500 to the LOML again this year. Ms. Unger stated that the \$2,500 as she remembers would include \$2,000 for the programs and \$500 for the setup that would come out of the Festival Fund. She stated that additionally the Council has approved \$500 from the Public Relations line item to go to LOML. There was some question on this, Ms. Unger said that she would check on it. Mr. Amos made a motion to approve up to \$3,000 to LOML. Mr. Russell seconded, motion passed.

Discussion On Speed Limit On Tollgate Road.

Police Chief Hunter informed the Council that with the annexation of Tamarack this includes Tollgate Road. Chief Hunter stated that the current speed limit on Tollgate is 45 MPH and at this time he recommends that the Council doesn't change it.

Council To Consider Ordinance No. 02-05-2019-1 An Ordinance Adopting Indiana Code 36-8-4.5-5, Item (A), 2, 3 Establishing Residency Requirements For The Fire Department

Fire Chief Overholser informed the Council that State Statute allows municipalities to set their own boundaries for hiring. This Ordinance allows firefighters/paramedics to live within 45 miles of the Town, extending the previous requirements. Mr. Culp stated that this was done for the Police a few years ago. Mr. Strong inquired about item (D) in the ordinance, where it states "Police." Chief Overholser stated that Police has been changed to Fire in the copy to be signed. Mr. Amos made a motion to approve Ordinance No. 02-05-2019-1 an Ordinance Adopting Indiana Code 36-8-4.5-5, Item (A), 2, 3 Establishing Residency Requirements For The Fire Department. Mr. Penwell seconded, motion passed.

Miscellaneous

1. Ms. Unger inquired if the Council still wants to have the Staff Meeting on February 14th as scheduled. The consensus is that they do.
2. Ms. Unger stated that she has received a request to quote our property and liability insurance from Morgan Insurance Group and inquired of the Council if they are interested in getting additional quotes for the Town's insurance. Mr. Strong inquired if the Town should look at their limits to be sure they are adequate. Ms. Unger stated that she thinks the current limit is \$5M. There was a discussion. Mr. Penwell stated that it does take a while to prepare quotes for a municipality. He does not think it is a bad idea to go out for quotes. Mr. Amos thinks that we should prepare to get quotes for 2020 and not this year.

Comments By Citizens

There were none.

Motion To Adjourn:

Mr. Penwell made a motion to adjourn. Mr. Russell seconded, motion passed.

Signatures on Official Documents!

Christopher J. Lutz, President

Chad B. Amos

Craig S. Penwell

Richard J. Russell V

Dan Strong

Attested: _____
Jan Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on February 19, 2019, at 7:00 PM at the Cicero Town Hall.