



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, January 15, 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	Absent:
	Chris Lutz	
	Craig Penwell	
	Jack Russell	
	Dan Strong	

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:

Mr. Lutz stated that he is moving the E 911 item to after approval of the minutes. Mr. Amos made a motion to approve the amended Agenda. Mr. Russell seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes, January 2, 2019, 7:00 PM –
Town Council Executive Session Memorandum, January 3, 2019, 6:00 PM –
Town Council Emergency Meeting Minutes, January 3, 2019 – 7:00 PM

Mr. Amos made a motion to approve the Town Council Meeting Minutes, January 2, 2019, the Executive Session Memorandum January 3, 2019 and the Council Emergency Meeting Minutes on January 3, 2019. Mr. Penwell 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. Penwell made a motion to untable. Mr. Amos seconded, motion passed. Mr. Lutz stated that the Agreement was completed on January 3, 2019 at the Emergency Meeting. Mr. Amos stated that he has spoken with Mr. Steve Schwartz and Mr. Schwartz is in attendance this evening along with Mr. Brad Beaver, both members of the County

Council, to answer any questions we may have. Mr. Lutz thanked the two County Councilmen for coming this evening.

Mr. Schwartz stated that he was involved in several of the meetings and understands there is a list of grievances from the northern communities. Mr. Lutz stated that the contract Cicero was asked to sign was for one year. There was nothing about future years. Then he found out that it was expected by the County that the second year would be 25% and continue until the Town was paying the full amount. Mr. Schwartz stated that he would not be in favor of asking for more than 10% from the northern communities. Mr. Schwartz stated that the perfect solution was to pass the LIT Public Safety Tax and that is where he stands, but that would not come from the county council.

Mr. Beaver stated that he is president of the Council this year. He stated that he thinks the distribution of the amounts to each entity is fair and asked if the Town was disputing that. Mr. Beaver asked 1) if the town council has a different way of calculating the amount that the northern entities should be responsible 2) if the town has representation on the 911 board and 3) if the council thinks that the amounts to each entity are fair. Mr. Lutz stated yes, yes and no. Mr. Lutz stated that there are more fair ways such as radio airtime, assessed value, population or take it out of LIT prior to it being distributed to the entities. Because of Mutual Aid, each northern community gets charged for a single event because there is not enough staff in any one community to cover an incident. When Noblesville has an incident, they can send two officers and get one charge. If Cicero has an incident, they may have to call Arcadia, both towns get charged for one incident. Mr. Amos stated the same thing, that when Carmel has a call for service they can send as many officers as needed and get one charge. When Cicero has a call for service, they may have to call three or four other communities. In general, the larger communities would most likely have more officers even with our mutual aid.

Mr. Beaver stated that he understands that there was no representation from the northern communities on the E 911 Council and that is being addressed. He stated there is one now. All of the small entities receive one collective vote. Mr. Beaver gave a history of how the current E 911 system was developed. He believes it is a good system. Mr. Beaver stated that Mr. Schwartz was correct that the LIT Public Safety tax would be the best solution. The problem is that it would take two of the large cities to go together to and vote for it. Or, the county council and they would not do it. They all decided that they just want to pay based on their own calls for service. Nobody wants to raise taxes but someone needs to do that. Mr. Beaver stated that he would not vote for raising the LIT. Mr. Beaver stated that he understands that the property tax caps have hurt the small towns. Mr. Beaver stated that they need cooperation from the large cities.

Mr. Amos stated that in early 2018 information was received regarding how much each community would owe. They started to work on it and then were told that the LIT was going to pass. So, no further work was done. Then in November, Cicero was told that they had to sign the agreement or lose access to E911. At that time, Cicero had not received the documents at all and the deadline was too late to even consider anything else. Mr. Beaver stated that the LIT was not high on his list of priorities. Mr. Schwartz stated the LIT must come from the cities. Mr. Beaver stated that the LIT had to come either from the County or the Cities, not both. Mr. Beaver stated that that it is not his

desire to run the cost up on the small towns. Mr. Amos stated that the Town would have had more time if they were not told the LIT would pass. Mr. Amos stated that he did not want to have to go to his staff next year and say we are going to have to make personnel cuts.

Mr. Lutz inquired how much the County spent on 911 prior to the cities paying minus the amount received from the state for 911 phone tax. Mr. Beaver did not know. Mr. Beaver stated that the funding should come from the cell phone tax. Mr. Amos asked if the auditor office would have that information and was told they should. Mr. Amos stated that two of the Commissioners are in favor of 25% next year for the northern communities. Mr. Beaver stated that he would report back to the Council and that it is his intention to meet with each of the small communities. He stated that if they decided to go to 25% each community would have an opportunity to speak to the Council.

Mr. Amos stated that before we moved on, he wanted to introduce Dennis Quakenbush, the newly elected Sherriff who is in attendance.

Approval of Claims:

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

Petitions by Citizens:

1. There were none.

President's Report:

1. Mr. Lutz appointed Dennis Schrumpf to Cicero Jackson/Township BZA.
2. Mr. Lutz stated that they are still looking for one person for the Cicero Jackson/Township Plan Commission. Mr. Strong and Mr. Taylor are talking with someone and should have an appointment for the next meeting.

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 he would be meeting with Mr. Joe Cox and Mr. Jacob Edwards regarding the two appointments that are currently vacant. Mr. Lutz asked the Council to be thinking of projects for the EDC.

Legal Counsel Report- Aaron Culp:

1. Council To Consider Agreement With Aaron Culp To Serve As Town Attorney – Mr. Culp was not available but had sent his contract. Mr. Amos made a motion to approve the contract for Mr. Culp for 2019. Mr. Russell seconded, motion passed.

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

1. Mr. Taylor stated that he and Mr. Strong met with MI Homes and discussed their model home permits. Mr. Taylor also stated that the would be reviewing the MI Phase II construction plans.

Town Engineer Report-Mr. Keith Bryant –

1. East Jackson Street Project – Mr. Bryant stated that United is working on the design for this project. They plan to have it ready for bid in February. He did need to know where the two bump-outs would be located. Mr. Bryant stated that it was discussed to have them on the northeast and southwest corners of the Jackson and Harrison intersection. Council said that was correct.

2. Bids – Mr. Bryant informed the Council that they have been getting better bids on projects.
3. I & I Project – Mr. Bryant stated that the Preliminary Engineering Report has been approved and they will have it at the next meeting for signatures.
4. Bids for upgrades for lift stations – Mr. Bryant stated that the bids for the Hidden Bay and the Morse Landing lift stations will be opened at the February 5th Town Council meeting. United has distributed more plans this time for the project and are hoping for competitive bids.
5. Mr. Lutz inquired regarding the East Jackson Street project how far along United was with the Task Order. Mr. Bryant stated that they plan to bid in February and open the bids the first meeting in March. That would be well before the April deadline for the Community Crossing Matching Grant.
6. Mr. Strong stated that MI Homes was waiting for information from the Town on the lift station upgrades. They need it to move forward with their lift station. Mr. Bryant stated that as soon as we have an accepted bid the information could be given to MI Homes.
7. Mr. Amos inquired about the Main and Jackson Street project. Mr. Bryant stated that he is working with United's transportation department.

Old Business:

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

Council To Appoint Jerry Cook To The Cicero Police Commission.

Mr. Amos made a motion to appoint Mr. Jerry Cook to the Police Commission. Mr. Penwell seconded, motion passed.

Presidential Appointments To Cicero Economic Development Commission. (2)

Mr. Lutz stated he hoped to have these at the next meeting.

Council To Consider Local Roads And Bridges Matching Grant Agreement And Give Mr. Lutz Permission To Sign.

Mr. Penwell made a motion to approve Local Roads and Bridges Matching Grant agreement and give Mr. Lutz permission to sign. Mr. Strong seconded, motion passed.

New Business

Council To Determine The Fire Rescue To Be Excess Property And Give Permission To Sell.

Mr. Lutz inquired what year the Rescue is. Chief Overholser stated it is a 2003. Mr. Lutz inquired what the life expectancy is and Chief Overholser stated it is 20 years. Mr. Amos made a motion to declare the Fire Rescue to be excess property and give permission for the fire department to sell. Mr. Russell seconded, motion passed. Mr. Amos asked Chief Overholser how they intend to sell the Rescue. Chief Overholser stated by bid and Mr. Amos asked them to research a minimum bid amount.

Council To Consider Job Description For A New Position, Labor Class III/Foreman.

There was a brief discussion. Mr. Amos made a motion to approve the job description for the Labor Class III/Foreman position. Mr. Strong seconded, motion passed.

Council To Consider Ordinance 01-15-2019-1 An Amendment To 2019 Salary Ordinance 09-18-2018-3.

The salary amendment coincides with the Labor Class III/Foreman position. Mr. Penwell made a motion to approve Ordinance 01-15-2019-1 an Amendment to 2019 Salary Ordinance 09-18-2018-3. Mr. Russell seconded, motion passed.

Miscellaneous

1. Tina Henderson addressed the Council to give an update on the Façade Project. Ms. Henderson stated that she has two pay applications for the project. The first one is for \$27,588 from RenCon. Mr. Amos made a motion to pay Application and Certificate for Payment to ReCon for \$27,588 and allow Mr. Lutz to sign. Mr. Penwell seconded, motion passed. The second Application is for \$89,635.83 from ReCon. Mr. Amos made a motion to pay Application and Certificate for Payment to ReCon for \$89,635.83 and allow Mr. Lutz to sign. Mr. Penwell seconded, motion passed.
 - a. Ms. Henderson informed the Council of the following:
 - i. The Project is currently on schedule.
 - ii. The majority of masonry repairs on all the building are near completion thankfully due to the mild weather in November and December.
 - iii. Owners of the buildings receiving awnings will be approached by R+B very soon about color selections
 - iv. A signage company called “Hoosier Sign Guy” will be approaching owners of the buildings to receive information about the design specifics. He will also coordinate with Mr. Taylor regarding town signage regulations.
 - b. The contractor is preparing the documents for the Aesthetic Review for the Plan Commission. Ms. Henderson stated that contractor is having monthly meetings. The Council requested that Mr. Taylor be invited to those meetings.
 - c. Ms. Henderson distributed and reviewed the first Finance and Expenditure Update.
2. Ms. Unger distributed the outstanding check list from 1-1-2016 to 12-31-2017. Ms. Unger stated that these checks will be removed from the outstanding list and the funds will be distributed back in to the Fund from which they were issued. This is done according to State Law.
3. Ms. Unger informed the Council that in reviewing the Park year-end balance there seemed to be a problem. At the January 10th Staff Meeting Ms. Unger stated that the Park Fund had a negative balance from the beginning of the year. As she began to research this, it was found that the property tax distribution for December was mis-coded. That has been corrected. The Park Fund now has a positive year end balance.
4. Discussion on snowplowing/mailboxes – Mr. Cooper informed the Council that the property owners at 1010 W. Morse Drive called regarding the mailbox being knocked over by the snow plow. Mr. Cooper took photos of the mailbox, which he exhibited for the Council, clearly showing the post was rotten at the bottom. Mr. Cooper stated that Ms. Unger has given him a copy of our policy and the application form. Mr. Taylor had called Silverthorne to inquire about the cost of the post and was told it costs \$350.00. Mr. Cooper stated the mailbox was not damaged. Mr. Cooper asked if the Council wants to adhere to our policy. Our policy states that we will replace the post with a 4”x4” post or pay \$40 to the owner so they can replace. Mr. Amos stated that we have addressed this issue several times. He suggested that we review the policy and work on some

different verbiage. Mr. Amos also asked Ms. Unger to research to see what we have done in the past. In the meantime, Mr. Cooper can give the property owners a copy of the policy and the application for the Council to review. Mr. Russell suggested that we have the Plan Commission review the policy to see if they have any suggestions.

Comments By Citizens

There were none.

Motion To Adjourn:

Mr. Amos made a motion to adjourn. Mr. Penwell 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 5, 2019, at 7:00 PM at the Cicero Town Hall.