



**TOWN OF CICERO  
TOWN COUNCIL MEETING MINUTES  
Wednesday, May 8, 2019  
At 7:00 PM**

**Call To Order:** President Lutz called the meeting to order, led the Pledge of Allegiance and Mr. 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:** Chris Lutz  
Craig Penwell  
Jack Russell  
Dan Strong

**Absent:** Chad Amos

Declare a quorum present.

**Others Present:** Jan Unger, Clerk Treasurer  
Charlie Cambre, Park Superintendent  
Jim Hunter, Police Chief  
Lance Overholser, Fire Chief  
C.J. Taylor, Cicero/Jackson Township Plan Commission Director  
Aaron Culp, Town Attorney  
Bruce Freeman, Storm Water Management Board President

**Approval of Agenda:**

Mr. Russell ask to add under Miscellaneous a discussion on the certified salary for fire/police for PERF. Mr. Russell made a motion to approve the Agenda as amended. Mr. Penwell seconded, motion passed.

**Approval of Prior Minutes:**

**Town Council Meeting With Individual Department Heads, April 11, 2019, 6:00 PM**  
**Town Council/Department Head Meeting Minutes, April 11, 2019, 7:00 PM –**  
**Town Council Meeting With Department Head, April 16, 2019, 6:00 PM –**  
**Town Council Meeting Minutes, April 16, 2019, 7:00 PM –**  
**Town Council Retreat, April 17, 2019, 6:00 PM –**

Mr. Penwell made a motion to approve all five sets of minutes listed above. Mr. Russell seconded, motion passed.

**Approval of Claims:**

1. Ms. Unger asked to add to the claims an invoice for Mendenhall & Associates for \$2,000 for their work on the Façade Project. Mr. Strong made a motion to approve the claims for May 8, 2019. Mr. Penwell seconded, motion passed.

**Petitions by Citizens:**

1. There were none

**President's Report:**

1. President Lutz asked the Council for approval for a Proclamation for Craig Waltz, Hamilton Heights Music Director, naming May 11<sup>th</sup> Craig Waltz Day. Mr. Penwell made

a motion to approve the Proclamation for Mr. Waltz. Mr. Russell seconded, motion passed.

2. The tracking projects list and retreat feedback – President Lutz inquired about tracking projects and the concept of this document. Mr. Lutz inquired if this would be okay. Mr. Culp stated that it is okay but that it would be a public document in most cases. Mr. Culp also said it would not have to be a public document depending on the content and how it is being used. There was a discussion on how this would work.

**Council Committee Reports:**

1. OTC – Mr. Russell stated that they are working on the Dine and that they have secured John McLaughlin for music.
2. EDC – Mr. Lutz stated that there was a joint meeting with the Council and the EDC. The Council did not have a quorum. Mr. Lutz stated that he had sent out a power point. The takeaway from the meeting was that the EDC would continue exploring mixed use or light industrial locations. They are not looking for heavy manufacturing. Logical directions would be to the west or State Road (SR) 19. SR 19 currently has drainage issues and cannot be developed. The EDC will keep the Council updates.
3. SWU Management Board Report – Mr. Freeman informed the Council that the Storm Water Management Board met last week. They are still working on gathering information. They have some prices on the Shoreline property. They are going to meet with the homeowner and discuss what is going on there. At this time, they are holding off on Morse Landing to make sure there are funds available.

**Legal Counsel Report- Aaron Culp:**

1. Mr. Lutz stated that he received a call from Wayne Township regarding the E 911 document. He asked Mr. Culp to amend to include them. Mr. Lutz stated that there is a county meeting on Monday, May 13<sup>th</sup> regarding E 911. He will work to get a meeting of northern entities next week.

**Cicero/Jackson Township Plan Commission Report-Mr. Taylor**

1. Mr. Taylor stated that he would get his monthly report out soon.
2. Mr. Taylor informed the Council that he has been interviewing for the Administrative Position for the Plan Commission. He would like to hire someone with a two week overlap before Ms. Russell leaves.
3. There will be not Plan Commission Meeting this month.

**Town Engineer Report-Mr. Keith Bryant –**

1. Mr. Bryant is not available but submitted the following report:
  - a. SRF – I & I Reduction Project: Field work, design and plan / specification preparation for the project has continued. We hope to be in a position to bid (subject to SRF approval and financing impacts) by June or July of 2019.
  - b. MI Homes / Tamarack Development: The project construction continues. Much of the sanitary sewer has been installed and tested for Section 1. Most of the water system is also complete. The sanitary forcemain on Jackson Street that will impact traffic has not yet been completed or scheduled. The lift station pump resubmittal has recently been received and is under review.
  - c. Morse Landing Section 1 / Hidden Bay Front Lift Station Improvements: We have reviewed various material submittals, but no work will begin until the pumps and controls are

delivered. We recently received submittals on the pumps and controls, and they are under review.

- d. East Jackson Street Project: Change Order No. 2 – to add the revised streetlights back into the project is included for review and potential approval tonight. The Contractor (Schutt-Lookabill) is mobilizing to the site. We have reviewed multiple material submittals from the Contractor over the last couple of weeks. We anticipate pipeline (water and storm sewer) work to begin in the next couple of weeks. In talking to them today, they plan to work on their staging area tomorrow, they are having construction staking performed, will begin saw cutting pavement for pipeline work, plan to receive water system material by the middle of next week and begin water system installation by May 20. They may want to close Harrison to Broadway the week of the 20th but they are still working on a traffic plan to submit that we will share once we receive it.
2. Mr. Strong stated that by changing the wattage to 60 from 80 there is a deduct from the original costs. Mr. Bryant had previously asked if the Council would make a decision on the lighting at this meeting. Mr. Penwell made a motion to approve Change Order No. 2 to include the lighting with the reduction in wattage from 80 to 60. Mr. Russell seconded, motion passed.

## **Old Business:**

### **Council To Hear Update From Tina Henderson on Façade Project.**

Ms. Henderson presented the following agenda:

1. Pay Application #5 needs to be formally approved by the Council. Ms. Unger stated that the Council approved this on April 17<sup>th</sup> at their retreat meeting.
  - a. Total amount of Pay Application #5 is \$148,140.15
    - i. CDBG claim voucher has been submitted to OCRA for \$100,000.
    - ii. DNR Grant To pay \$45,788.50
    - iii. Local Funds from the Façade Restoration Fund will pay \$2,351.65.
2. Pay Application #6 needs formal approval from the Council this evening.
  - a. Total amount of Pay Application #6 is \$50,865.38
    - i. One hundred percent (100%) paid by OCRA Grant. Mr. Penwell made a motion to approve Pay Application #6. Mr. Russell seconded, motion passed.
3. Mendenhall and Associates Invoice for \$2,000 was addressed earlier under Claims.

### **Change Orders**

1. Change Order #3 is under revision for Elliott's building.
2. Change Order #4 for 64 W. Jackson needs Board Approval. They are going to repaint the front with a different color. The cost is \$1,760 and the owners will pay for this. Mr. Strong made a motion to approve Change Order #4. Mr. Russell seconded, motion passed.
3. Change Order #5 is a deduct to 220 W. Jackson for \$7,000. Mr. Penwell made a motion to approve Change Order #5. Mr. Russell seconded, motion passed.
4. Ms. Henderson stated that the requested extension of time for 90 days has been approved by CDBG.

**Council To Discuss Illegal Discharge of Storm Water Onto Town Streets.**

Mr. Penwell made a motion to untable. Mr. Russell seconded, motion passed. Mr. Penwell then made a motion to remove from the agenda. Mr. Russell seconded, motion passed.

**Mr. Strong Asked For Mr. Stuary's Request To Be Connected To Town Utilities Continued On The Agenda Until Resolved.**

*(Continued)*

**Council To Reconsider Sports Complex Lease.**

Mr. Lutz discussed the proposed changes to the Sports Complex Lease stating that instead of five years the lease would be for one year. Additionally, Mr. Lutz stated that the Town should receive payment within 10-days after completion of the event. We should receive a check for approximately \$1,300 from the last event. Mr. Penwell made a motion to approve the changes. Mr. Russell seconded, motion passed.

**New Business**

**Council To Consider Resolution 05-08-2019-1 An Amendment To Resolution 07-18-2000 Entitled Return Check Policy.**

Mr. Penwell made a motion to approve Resolution 05-08-2019-1 An Amendment To Resolution 07-18-2000 Entitled Return Check Policy. Mr. Russell seconded, motion passed.

**Council To Consider The Revised Mailbox Replacement Policy.**

Mr. Penwell made a motion to approve the Revised Mailbox Replacement Policy. Mr. Russell seconded, motion passed.,

**Council To Consider Ordinance 05-08-2019-2 Amending The Ambulance and Medical Service Fees.**

Chief Overholser explained that when the Town took over the ambulance service from the volunteers, the Town did not have any fee schedule in place. This ordinance establishes Ambulance and Medical Service Fees for the town. Mr. Culp stated that the fees are a 3% increase over the volunteer fees. Mr. Russell made a motion to approve Ordinance 05-08-2019-2 Amending the Ambulance and Medical Service Fees. Mr. Penwell seconded, motion passed.

**Council To Consider Ordinance 05-08-2019-3 An Ordinance Amending The Deposit Fees.**

Ms. Unger informed the Council that there was a new law passed and signed by the Governor. Representative Woody Burton sponsored the bill, HB 1347. Ms. Unger asked Mr. Culp to give further information. Mr. Culp stated that the law takes away the property owners' accountability. Their tenants will now be responsible for the water utility services and the Town will not be able to go back on the property owner for unpaid bills. There has been some discussion on signing a contract with the owner as a co-signer, increasing the deposit amount, increasing the utility cost to cover lost revenue and

possibly putting the sewer and other items that are not water in the owner's name. Mr. Culp stated that everyone thought the bill was dead but then it was attached to another bill. Ms. Unger said there is a lot of discussion going on with the Clerk Treasurers and that she would be attending a meeting next week where she hoped to get further information. Mr. Culp also stated that he would be at a conference at the end of the month where he is also hoping to get further information. Ms. Unger asked to have this ordinance tabled until we have better direction. Mr. Russell made a motion to table Ordinance 05-08-2019-3 An Ordinance Amending The Deposit Fees. Mr. Penwell seconded, motion passed.

**Council To Consider Ordinance 05-08-2019-4 An Ordinance Amending The Reconnection Fee For Water Shutoff For Non-payment.**

Ms. Unger stated that HB 1347 may also affect what the Council would like to do with this amendment and asked them to table this item also. Additionally, there were a couple of other items Ms. Unger would like to include, such as not reconnecting after hours, or charging an additional fee for after hour connections and paying past due bill plus current bill. Mr. Penwell made a motion to table Ordinance 05-08-2019-4 An Ordinance Amending The Reconnection Fee For Water Shutoff For Non-payment. Mr. Russell seconded, motion passed.

**Council To Consider Ordinance 05-08-2019-5 An Ordinance Amending Chapter 75 Entitled Traffic Schedules Of The Cicero Municipal Code of Ordinances.**

Mr. Culp stated that he worked with Chief Hunter on this ordinance for stop signs and speed limits for the property annexed into Cicero with the MI Home Development. Chief Hunter stated that they would move the city limits after the passage of this ordinance. Mr. Penwell made a motion to approve Ordinance 05-08-2019-5 An Ordinance Amending Chapter 75 Entitled Traffic Schedules Of The Cicero Municipal Code of Ordinances. Mr. Russell seconded, motion passed.

**Council To Consider Resolution 05-08-2019-6 A Resolution Authorizing The Execution and Delivery Of A Master Equipment Lease-Purchase agreement With The Indiana Bond Bank And Allowing The President To Sign.**

Ms. Unger stated that the Indiana Bond Bank needs Mr. Lutz to sign the lease and the Escrow Agreement. Ms. Unger stated that Mr. Culp has reviewed both. These documents are for the VAC truck. Mr. Penwell made a motion to approve Resolution 05-08-2019-6 A Resolution Authorizing The Execution and Delivery Of A Master Equipment Lease-Purchase Agreement With The Indiana Bond Bank And Allowing The President To Sign. Mr. Russell seconded, motion passed.

**Miscellaneous**

1. Ms. Unger inquired if Council would like to have Tom Pitman with Barnes & Thornburg give the Redevelopment Commission and update on Tax Increment Financing (TIF). She suggested that she would have the letters ready to sign to be sent to overlapping taxing units as required by law at this meeting also. The Council decided they would meet on June 4<sup>th</sup> at 6:00 pm as the Redevelopment Commission.

2. Budget information – Ms. Unger stated that she is beginning to work on the 2020 Budget. She has prepared worksheets for each department which includes the current budget information for their department, room for their proposed 2020 budget and an area for comments. She will be sending this out in the next week. Additionally, she has scheduled September 17<sup>th</sup> as the date for the Public Hearing and October 1<sup>st</sup> at the date for the adoption.
3. Mr. Russell address the possible change in classification for the 77 PERF plan for fire and police. Mr. Russell stated that he thinks it is important to change the certified salary for fire and police from 2<sup>nd</sup> year office to a higher classification. Mr. Russell stated that he has asked Chief Hunter and Chief Overholser to see if they have funds in their budget to do this yet this year. Mr. Lutz stated that he thinks that the Council is going to discuss this at Budget time. Mr. Strong also stated that he thinks that this is going to be discussed at Budget time. He would like to look at the full budget picture.

**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!**

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Christopher J. Lutz, President

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Chad B. Amos

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Craig S. Penwell

\_\_\_\_\_  
Richard J. Russell V

\_\_\_\_\_  
Dan Strong

Attested: \_\_\_\_\_  
Jan Unger, Clerk Treasurer

**The Next Cicero Town Council Meeting will be on May 21<sup>st</sup>, 2019, at 7:00 PM at the Cicero Town Hall.**