



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, August 20, 2019
At 7:00 PM**

Call To Order:

Present: Chris Lutz
Chad Amos
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
Aaron Culp, Town Attorney
Keith Bryant, Town Engineer
Bruce Freeman, Storm Water Management Board President

Approval of Agenda:

Mr. Amos made a motion to approve the agenda. Mr. Strong seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes, August 6, 2019, 7:00 PM –
Town Council Executive Meeting Memorandum, August 12, 2019, 6:30 PM –
Town Council Budget Meeting, August 12, 2019, 7:00 PM –

Mr. Strong made a motion to approve the three sets of minutes listed above. Mr. Russell seconded, motion passed.

Approval of Claims:

Mr. Amos made a motion to approve the claims as presented for August 20th. Mr. Penwell seconded, motion passed.

President's Report:

1. President Lutz reviewed the meeting he attended regarding the Communication LIT that was discussed. Carmel, Westfield, Sheridan, Fishers and Cicero were in attendance. There was a discussion regarding the possible reallocation of the existing LIT. There was a discussion regarding using the US 2020 Census data. There was a discussion regarding the difference between the Public Safety LIT and the Public Safety Communications LIT. Mr. Lutz stated that it appears that this problem is wider than just Hamilton County and that the State would like for the County to come up with the solution. He suggested that everyone talk to their legislators regarding this issue. Mr. Lutz stated that there would most likely be another meeting.

Council To Open Bids For the I & I Project.

The Council received 4 bids:

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| 1. Mr. Penwell opened the bid from 3D Company, Inc. | \$1,389,000.00 |
| 2. Mr. Russell opened the bid from Granite Inliner LLC | \$1,753,871.50 |
| 3. Mr. Strong opened the bid from Atlas Excavating, Inc. | \$1,704,802.00 |
| 4. Mr. Amos opened the bid from Portland Utilities Construction Co., LLC | \$2,179,645.00 |

Mr. Amos made a motion to take the bids under advisement and review. Mr. Penwell seconded, motion passed. Mr. Bryant stated that the bid estimate was \$1,400,000.

Petitions by Citizens:

1. Tiffany Lunsford introduced her husband D.J. Lunsford who came forward. Mr. Lutz inquired if the Council had a chance to review the property. Mr. Amos stated that he has looked at it and there is a pipe in the ground, and it is an active drain. Mr. Taylor stated that he spoke with the homeowners' association representative and that the HOA will not allow any structure in easements. Mr. Lunsford reviewed what he is planning to do and that they are willing to move the fence to the high point of the easement. He stated that the HOA representative is here if the Council wants to hear from him. Mr. Bill Holliday stated that if the Council starts to allow structures in easements that is opening a can of worms. Currently, they have several issues in Morse Landing West where water stands. Mr. Holliday stated that they want to protect the drainage. Mr. Holliday stated that Morse Landing caused some of the problems in the area with trees, fences and gardens in the drainage areas that back up to Morse Landing West. Mr. Holliday recommends that the Council does not allow anything in easements. Mr. Penwell stated that regardless of the decision on this petition he would like for the Council to not allow any structures in easements in the future. Mr. Penwell stated that the Utilities Director has advised no on this request. Mr. Strong stated that he is not in favor of anything in the drainage. Mr. Lunsford stated that he understands. Mr. Amos made a motion to approve the petition to allow the Lunsford to install a fence in the easement. Mr. Penwell seconded, motion failed 0-5 with all Council voting nay.

Council Committee Reports:

1. OTC – Mr. Russell stated that the Dine on the Causeway event happened on Saturday and was successful. Mr. Cambre stated that when the tables and chairs were picked up from the Dine on the Causeway a spindle was damaged, but they were able to repair it. He also stated that they filled the holes where the stakes were driven for the tent in Red Bridge Park with tar. OTC is now working on the Street Festival which will be held on September 14th. At 4:00 pm that evening, the Town will have a short ribbon cutting ceremony for the completed Façade Project.
2. EDC – Mr. Lutz stated that Ms. Kmicikewycz reviewed, at the Department Head meeting, the expense required for the Kiosk and asked the Council what they are willing to contribute. Mr. Lutz stated that the Council has not resolved what they are willing to do yet.
3. SWU Management Board Report – Mr. Freeman stated that two of three violation letters sent out are being addressed by the property owners. The third letter has not been picked up. This is for the Shoreline situation. They will continue to try to contact the owners.

4. Façade – Ms. Unger stated that Ms. Mendenhall would not be here this evening but has requested that Mr. Lutz sign the Certificate of Substantial Completion for several of the buildings. There will be more to come, and she asked if the Council could include in their motion for Mr. Lutz to sign as they are given to her. In addition, there is Close Out Form 1 for the Cicero Façade project, which is the first step in the completion of the OCRA reporting. Mr. Amos made a motion to approve Mr. Lutz signing the Certificates of Substantial Completion which are presented this evening and the future Certificates as they come in along with the Close Out Form 1. Mr. Russell seconded, motion passed.
5. Nickel Plate Reindeer Express – Mr. Strong stated that there is nothing this evening.

Legal Counsel Report- Aaron Culp:

1. Public Safety LIT Update - Mr. Culp stated that Arcadia passed the Resolution on August 19th. It passed unanimously. It was transmitted to the County Auditor today, August 20th. The Auditor has 10 days to distribute to the other County entities. Once Cicero receives their notification, Cicero must then schedule its public hearing. Notice of this hearing must be published at least 10 days in advance of the hearing. Mr. Culp stated that Cicero will most likely hold their public hearing on September 17th. Mr. Russell inquired as to what would happen if another entity decides to pass their own.

Cicero/Jackson Township Plan Commission Report - C. J. Taylor, Plan Commission Director/Dan Strong, Plan Commission President.

1. Mr. Taylor stated he doesn't have anything this evening.
2. Mr. Strong stated that Tamarack would be moving forward to Section 2 soon. They have had a lot of interest.

Town Engineer Report-Mr. Keith Bryant –

1. I & I project – Mr. Bryant stated that he does not have much to add on the I & I project. He will be taking the bids back to the office for review and talking with the low bidder. Mr. Bryant stated that it cannot be awarded until the financing has been secured. That should be completed within 90 days.
2. East Jackson Street – Mr. Bryant stated that this project is moving forward. The contractor has all of the pipe in the ground and the lighting foundations have been set. They have a water leak and they are looking for it. They think it is in one of the gaskets.
3. Tamarack – Mr. Bryant stated that they have been notified that the infrastructure for Morse Landing and Hidden Bay lift stations is ready. He has heard nothing regarding Tamarack's lift station. He stated that they are planning to have a preconstruction meeting on Monday, August 26th at 1 pm.

Old Business:

Council To Approve Paving Alleys From The Market To Jackson And From Harrison To SR 19.

There was a question regarding the proposed amount. Mr. Cooper said he would look into it, but he thinks the wording is wrong. Mr. Amos made a motion to approve \$18,795 for the alley paving. Mr. Penwell seconded, motion passed.

New Business:

Council To Consider Resolution 08-20-2019-1 Transfers For Fire Department.

Chief Overholser stated that this transfer is to cover an \$1,800 generator. Mr. Penwell made a motion to approve Resolution 08-20-2019-1 Transfers for the Fire Department. Mr. Russell seconded, motion passed.

Council To Consider Ordinance 08-20-2019-2 2020 Salary Ordinance.

Mr. Lutz inquired if there were any questions and there were none. Mr. Amos made a motion to approve Ordinance 08-20-2019-2 2020 Salary Ordinance. Mr. Penwell seconded, motion passed.

Council To Consider Resolution 08-20-2019-3 Reduction Of Appropriation In The Façade Improvement Fund.

Ms. Unger explained that in preparing the 2020 Budget she realized that this appropriation is not going to be used in 2019 so she wants to reduce the appropriation so it could be re-appropriated in 2020. Mr. Penwell made a motion to approve Resolution 08-20-2019-3 Reduction of Appropriation in the Façade Improvement Fund. Mr. Amos seconded, motion passed.

Miscellaneous

1. Ms. Unger inquired if it is okay for Mr. Culp to write an amendment to our Fixed Asset policy. Currently, it states \$5,000 for Town Business and \$1,000 for Utilities. Ms. Unger would like to change that to \$5,000 for Utilities also. Council was good with that.

Comments By Citizens

1. Mr. Holliday stated that he would like for the Council to consider not allowing any structures in easements. Mr. Holliday would like to meet with the Street and Utilities Director and review some of the issues in Morse Landing West concerning drainage. Mr. Lutz told him that would be a good place to start and then possibly involve the Storm Water Management Board and then to the Council. Mr. Holliday stated that Mr. Steckley is no longer involved since the last lot was sold. Mr. Holliday stated that he also wants to address the streetlights, sidewalks and trees in the front yards.
2. Mr. Taylor informed the Council that another petition would be coming to the Council for easement encroachment that was not a fence but a deck. The Council had a discussion about the issues with structures in easements. Mr. Penwell made a motion to not allow anything to be built in any easement, no exceptions. Mr. Strong seconded, motion passed 4-1 with Mr. Lutz voting nay.

Signatures on Official Documents!

Motion To Adjourn:

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

CICERO TOWN COUNCIL SIGNATURES:

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NAY

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| _____ | Christopher J. Lutz | _____ |
| _____ | Chad B. Amos | _____ |
| _____ | Craig S. Penwell | _____ |
| _____ | Richard J. Russell, V | _____ |
| _____ | Dan Strong | _____ |

Attested: _____
Janice L. Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on September 3, 2019, at 7:00 PM at the Cicero Town Hall.