



**TOWN OF CICERO  
TOWN COUNCIL MEETING MINUTES  
Wednesday, November 6, 2019  
At 7:00 PM**

**Call To Order:**

**Present:** Chad Amos  
Chris Lutz J  
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 as presented. Mr. Russell seconded, motion passed.

**Approval of Prior Minutes:**

**Town Council Department Head Minutes October 10, 2019, 7:00 PM–**

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

Mr. Amos made a motion to approve the minutes listed above. Mr. Russell seconded, motion passed.

**Approval of Claims:**

There was discussion regarding the claim for Schuck-Lookabill for \$135,870.64. Mr. Lutz asked Mr. Bryant about the some of the items listed. Mr. Bryant stated that the lighting has the wrong tops, but the invoice is for less than the final on the lights. Mr. Amos inquired about the electrical and Mr. Bryant stated that the electrical is under paid also at this time. Mr. Amos made a motion to approve the claims as presented for November 6th. Mr. Russell seconded, motion passed.

**President's Report:**

1. President Lutz had nothing this evening.

**Petitions by Citizens:**

1. Michelle Cook, 220 E. Jackson Street, stated that she would like to discuss the Duke Lighting stand in her front yard. Council said that they would discuss with Mr. Bryant later if that is okay.

**Council Committee Reports:**

1. OTC – There was no report.
2. EDC – There was no report.
3. SWU Management Board Report – Mr. Freeman stated the Board decided they would get with Mr. Culp and have him send a letter to the property owner on Shoreline who has pipe running water onto the street. The owner has so far ignored the Board’s attempts to discuss resolution with them.

**Legal Counsel Report- Aaron Culp:**

1. Mr. Culp stated that he prepared a Full and Irrevocable Release of Town Liability document for the owners of the property located at 29 E. Jackson Street, Big Dawgs, to have the E. Jackson Street contractor remove and replace the concrete in front of the business. Mr. Culp stated that all parties have signed including the lessee. Mr. Strong stated that he would like to make sure that the contractor is coordinating the project with the lessee.

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

1. Mr. Taylor presented the following report:

**November 2019**

<b><u>Permit Revenue:</u></b> October 2019 = \$7,791	YTD: \$67,526
October 2018 = \$5,693	YTD: \$55,968
Difference: Month = \$2,098 / 37%	YTD: \$11,558 / 21%

Plan Commission has issued a total of 25 building permits for October 2019. Seventeen were inside the corporate limits (of which seven were new homes). We have issued 8 in Jackson Township (of which one was a new home). The business owner who we sent a violation notice to for building and grounds changes and not going through the aesthetic review process has responded. Plan Commission is now working with him to bring him into compliance.

Mr. Taylor spoke again with the owner of The 19 Brewery (across from the school) who stated that he has some of his employees working on it again. We should start seeing significant changes.

MI Homes continues to build and sale at a quick pace. Thirty-three of the 76 total lots in Section 1 are permitted and/or under construction. Also, MI reported that 22 lots have already sold. They are hoping to close on at least two homes in November; however, that will depend on the lift station being operational. Mr. Taylor has notified them that he would not issue any occupancy certificates until the sanitary sewer system is fully operational.

2. Mr. Taylor stated that MI is starting to move dirt for Section 2. They are filling in the pond and scraping dirt in preparation. They will be at the Plan Commission meeting in December to discuss a replat. They would like to build more villas and less single-family homes.

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

1. East Jackson Street – Mr. Bryant stated that he has spoken with the contractor and they are planning to pave next Wednesday. There was a discussion on paving and the temperature. Mr. Cooper stated that he has not had any response from Midwest, the paving contractor, in his attempts to contact. The Council stated that if the paving does not get completed, they want the saw cuts leveled out.

- a. Regarding the electrical panels:
    - i. Duke selected the locations that are best for the power service.
    - ii. The plans are different than what was built. They should have been out of the roadway where vehicles and snowplows would not hit them. The panels are as wide as possible and not built correctly.
    - iii. Mr. Bryant stated that they are working with the general contractor to get them moved back and have them much narrower. They should have been back to back. Mr. Amos inquired as to why they are 10 feet high. Mr. Bryant distributed photos of electrical stands, the specs and some options. There was a discussion on whether or not a padmount could be used and Mr. Bryant stated that it could not contain all of the equipment. Mr. Bryant reviewed the handout. The discussion continued as to what the solution might be.
    - iv. Mr. Bryant stated that one the of options would be to move the panel on North Broadway further north to the pole and change the size or type of mount. Ms. Cook thinks that would be better.
    - v. On South Broadway there was an extensive discussion as to where the best location would be. There is no resolution with the Council, and they want to look at that area again. One problem is that there is a 2” waterline in that area that the Water Department just installed.
    - vi. Ms. Cook discussed the electrical stand stating that it depreciates the value of her home and asked if the Council would like that in their front yard. She is extremely unhappy with the situation but will wait to see what the engineer can get resolved.
  - b. Mr. Penwell stated that he does not like the direction the E. Jackson Street Project is going. He is concerned with the delays, lighting, questions whether or not the paving will be completed and lack of communication. He thinks the contractor should be informed that the Council is considering calling the bond. There was a discussion on this process. Mr. Bryant stated that the best thing for everyone would be to get the job done and to get it done right. Mr. Penwell stated that they are 69 days past the scheduled completion date, and they need to be motivated. More discussion. Mr. Strong stated that he wants to make sure that the drives are completed.
2. Tamarack – Mr. Bryant stated that MI Homes has received their wastewater construction permit for Section 2. Not sure where they are with the lift stations at this time. Mr. Taylor stated that they are ready to go on their end, and that Duke should be installing the transformer on November 12<sup>th</sup>.
  3. I & I Project – Mr. Bryant stated that the Bond has been closed. He asked the Council to approve the Notice of Award. Mr. Penwell made a motion to approve the Notice of Award and allow Mr. Lutz to sign the Notice and all subsequent documents related to the I & I Project. Mr. Russell seconded, motion passed.
  4. Mr. Amos inquired if there is water pressure issue on E. Jackson Street as he has heard the pressure is lower from three for four residents. Ms. Cook stated that she has low pressure. Mr. Cooper will check but stated that the pressure should be better. Mr. Cooper stated that they are committed to shut down the old line this Friday.

## **Old Business:**

### **Council To Discuss Next Application For Community Crossings Matching Grant.**

Ms. Kmicikewycz stated that she is seeking clarification from the Council on what they would like to apply for in the next Community Crossings Matching Grant process. Ms. Kmicikewycz inquired if the W. Jackson/Main Streets intersection is their number one priority. She informed the Council that if the E. Jackson Street project is not completed, it is Mr. Cooper's and her understanding that Cicero cannot apply in January. They would have to wait until the June application process. Mr. Strong stated that it would be better to wait until July as it would give more time to prepare the bid application. Mr. Lutz stated that it would also give time to get cost estimates and figure out from where the money will come. Mr. Lutz also stated that there needs to be a sponsor from Council for the project. Perhaps it could be Mr. Strong or Mr. Amos. Ms. Kmicikewycz stated that the Council needs a vision for other pieces of the project. Mr. Strong stated that they may want the Storm Water Board involved if there are any storm issues.

## **New Business:**

### **Council To Consider Ordinance Number 11-06-2019-1 An Ordinance Amending Chapter 50 of Title V of the Cicero Municipal Code of Ordinances As It Pertains To The Town's Water Shutoff Policy And Other Issues Related To Water Procedures.**

Ms. Unger had Mr. Culp review the ordinance, stating that the procedures and policies we are currently using are no longer compliant with the State Code. Mr. Culp stated that the individual living in the residence is the person responsible for the water bill. Sewer, trash and storm water can still have a lien filed on the property. This ordinance clarifies the procedures that the Utility currently uses for unpaid water bills, the process of shutting off the water and getting it turned back on. It also changes the turn on fee to \$60, requires that in order to get the water turned back on the past due bill, current bill and the turn on fee must be paid. Additionally, if there are two shutoffs the user must pay a deposit regardless if it is the owner or a lessee. Mr. Russell took exception to the \$60.00 turn on fee He stated that the Council, in a previous meeting, had stated that the turn on fee should be \$120. There was an extensive discussion on the issue of the turn on fee. Mr. Amos inquired about the deposit, the deposit is the average of three-months of bills times two. Mr. Culp stated that you cannot charge a deposit to everyone as it is a violation of the Fair Housing Act. You can do a credit check or the deposit can be applied to the bill at the time service is stopped. Mr. Russell would like to 1) have a list of the municipalities for which Ms. Unger checked the turn on fees; 2) have Mr. Cooper review the Ordinance; and 3) determine what constitutes an emergency. Mr. Russell made a motion to table. Mr. Penwell seconded, motion passed.

### **Council To Consider Ordinance 11-06-2019-2 An Amendment To The 2020 Salary Ordinance 09-17-2019-3.**

Mr. Amos made a motion to approve Ordinance 11-06-2019-2 An Amendment To The 2020 Salary Ordinance 09-17-2019-3. Mr. Russell seconded, motion passed.

**Council To Consider Resolution 11-06-2019-3 Transferring Funds For Town Council and Fire.**

Mr. Strong inquired about the transfer from Fill In to Overtime. Chief Overholser stated that it is due to sick leave and not being able to find fill in help, had to use full time staff. Mr. Amos made a motion to approve Resolution 11-06-2019-3 Transferring Funds For Town Council and Fire. Mr. Russell seconded, motion passed.

**Miscellaneous**

- 1. Ms. Cook reported that only she and one other neighbor are having water pressure issues.

**Comments By Citizens**

- 1. There were none.

**Signatures on Official Documents!**

**Motion To Adjourn:**

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

***CICERO TOWN COUNCIL SIGNATURES:***

AYE		NAY
_____	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 November 19, 2019, at 7:00 PM at the Cicero Town Hall.**