



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, December 3, 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	

Mr. Lutz declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
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. Russell made motion to approve the Agenda as presented. Mr. Russell seconded, motion passed.

Approval of Prior Minutes:

Town Council Executive Session, November 14, 2019, 6:00 PM–
Town Council/Department Head Meeting, November 14, 2019, 7:00 PM–
Town Council Executive Session, November 19, 2019, 6:00 PM–
Town Council Meeting Minutes, November 13, 2019, 7:00 PM –

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

Approval of Claims:

Mr. Amos made a motion to approve the claims as presented for December 3, 2019. Mr. Russell seconded, motion passed.

Petitions by Citizens:

There were none.

President's Report:

President Lutz had nothing.

Council Committee Reports:

1. OTC – Mr. Russell stated that OTC has elected new officers: Dee Holt is the president, Julie Overton is the vice-president, Terri Strong is the Treasurer and Jama Furnung is the secretary.
2. EDC – Mr. Lutz inquired if Ms. Unger is getting the minutes from the EDC meeting. Ms. Unger said, “Yes”. Mr. Lutz stated that the EDC will be meeting on the first Monday each month at 6:00 pm, however, there will be not meeting in January and April.
3. SWU Management Board Report – Mr. Freeman informed the Council that the property owner on Shoreline with the illegal storm discharge has contacted Mr. Cooper and that he has had a plumber evaluate the problem. Mr. Cooper stated that the only way to resolve the problem is to run the water to the back of the house. Mr. Lutz stated he thinks there is another option. Mr. Cooper stated that the Storm Water Board wants to keep the problem on the property. There was further discussion. Mr. Freeman said that at this point they need to wait and see what the property owner does.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp stated that there have been a couple of notices to have sewer liens removed. Mr. Culp stated that we could not do that.
2. Mr. Culp asked the Council for an Executive Session to be scheduled before the next Council meeting. He stated that there are several issues that would fall under potential litigation. The Council decided to move the Staff meeting on December 12th from 7:00 pm to 5:30 pm and have the Executive Session begin at 6:30 pm.

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

Mr. Taylor presented the following report and reviewed it with the Council:

**Director's Report
December 2019**

<u>Permit Revenue:</u>	November 2019 = \$2,594	YTD: \$70,120
	November 2018 = \$330	YTD: \$56,298
	Difference: Month = \$2,264 / 686%	YTD: \$13,822 / 25%

Plan Commission has issued a total of 13 building permits for November 2019. Seven were inside the corporate limits (of which 0 were new homes). Plan Commission has issued seven in Jackson Township (of which 1 was a new home).

Mr. Taylor has performed final inspections and issued certificates of occupancy on five homes in the Tamarack Subdivision.

M I Homes has applied for a rezone / PUD amendment regarding the Tamarack Subdivision. This will be reviewed by the Plan Commission and a recommendation will be made to the Town Council.

Lennar Homes has applied for rezone / PUD for a proposed subdivision named Auburn Estates, with 169 total building sites. This will be reviewed by the Plan Commission and a recommendation will be made to the Town Council.

Stan Widows has applied for a rezone of his property at 369 East Jackson Street. This will be reviewed by the Plan Commission and a recommendation will be made to the Town Council.

Dark Side Roasters (a local coffee roaster) plans to open a “pop-up” coffee shop in the Alexander’s ice cream building on a trial basis during the ice cream off season. They are working through the aesthetic review process now.

“The Rugged” is a new barber shop in town. It is located in the rear part of the newly remodeled building at 770 S. Peru St.

Mr. Strong informed the Council that MI Homes would be coming to the next Plan Commission meeting on December 11th to request a modification to their plot plans.

Town Engineer Report-Mr. Keith Bryant –

Mr. Bryant presented the following report and reviewed it with the Council regarding East Jackson Street project:

1. The underground storage tanks were removed without additional issues at this time.
2. Streetlight electrical service:
 - a. United has had other conversations with Duke. Their new contact is asking for the Town to select 1 of the 2 options before they work on a credit. United has asked for each to consider.
 - b. SLC has sent costs for the 2 options. United has asked Duke to consider the savings to not redo what they have already done that does not comply with the contract documents.
3. United has on numerous occasions, made it clear to the contractor, Schutt-Lookabill Co., Inc. (SLC) that it is critical to complete the final milling and HMA surface this year before the asphalt plants close. They have confirmed this and provided a schedule to the Town on 10/31 indicating this completion.
4. On 11/20 when paving was to be started per their provided schedule, SLC send us an email with waivers from their paving subcontractor. Basically, they asked the Town to accept the end-product with no warranty if they applied on frozen ground or temps below 45 deg F. This is basically what our project specifications require as well. They were told that no waivers would be signed, and we asked them to coordinate and complete the paving as required by the contract.
5. They also in the same email had another waiver due to no “fixed points” to pave against (basically at the Big Dogs / golf cart business area). We also denied this as SLC has told us all along that the buried underground storage tank would not impact the paving. We believe that they could have addressed this.
6. United reached out to SLC on 11/22 and 11/25 but did not receive a response until 11/26 in regard to the paving plan and status. At that time, they indicated that they did not work out the waiver situation with their subcontractor and that they planned to complete everything except paving if the temperatures did not allow. We pointed out to them again that the temperatures on 11/25 – 11/27 met the contract requirements as did some of the weather the prior week – all within their last schedule for paving. It is likely that their subcontractor had more end of year work to complete than possible.
7. We will continue to discuss with SLC but are not optimistic about the weather forecast and SLC’s subcontractor paving this year.

There was further discussion revolving around the issue of plowing snow this winter considering the condition of the road. Mr. Russell inquired about the County plowing and it is believed that they would have the same problems. Mr. Bryant stated that he expects a request for extension of time will come from SLC.

Mr. Lutz ask Mr. Bryant to check the height of the curbs on E. Jackson as some seem to be 6” and others 2” in height.

Mr. Lutz inquired about the Big Dogs ramp. There was a discussion and Mr. Bryant stated he would be talking to the contractor about it.

Mr. Bryant stated that the lift station in Tamarack is up and running. They still have to do training.

Mr. Bryant stated since we now have project financing and a contractor schedule established, we need to request a milestone change from the Agreed Order with IDEM. Mr. Bryant presented a letter and asked for permission for Mr. Lutz to sign. The consensus of the Council was to allow Mr. Lutz to sign.

Old 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. *(Remained Tabled)*

Council To Discuss Lease With Ultimate Tournament Series.

Council was not ready to discuss yet.

Council To Discuss Available EDUs.

Mr. Bryant informed the Council that he met with Water Superintendent Joe Higgins and Utilities Director Terry Cooper. After review of the monthly operations reports at the plant it was determined that there is a total of 150 EDUs in wastewater. There could be problem with water during dry periods. Mr. Bryant thinks that imposing some watering restrictions would be a good idea. That would ensure that the Town keeps the minimum one-day storage of water in the air.

Mr. Bryant stated in that in conclusion they recommend that the Town allow 75 EDUs on the East side of Town and 75 EDUs on the West side of Town. The Town should impose some water limitations, there is a conservation ordinance in place that may need to be adjusted. The Town needs to move forward with improvements to the sewer and water treatment plants.

There was a lengthy discussion on these issues. Ms. Unger will send out the current water conservation ordinance for the Council to review. Mr. Cooper said that it could take up to three years to get through the process of planning and upgrades to the plants.

Mr. Russell made a motion to allow 50 EDUs each on the East and West sides of Town. Another discussion began and Mr. Russell withdrew his motion. Regarding water conservation Mr. Cooper suggested using odd and even address numbers to minimize the amount of watering in one day. Mr. Strong inquired if the plants are upgraded would we still use watering conservation. Mr. Cooper stated that it is good to have water conservation in our ordinance. Mr. Bryant suggested that we discuss with Mr. Rogers at Baker Tilly, he may have some insight into what other cities and towns do. Mr. Lutz was against all watering restrictions. Mr. Strong suggested that something be written into materials given to developers about watering. Mr. Russell made a motion to conserve 50

EDUs and allow 50 EDUs to be available for each the east and west sides of Town. Mr. Penwell seconded, motion passed 3-2 with Mr. Lutz and Mr. Amos voting nay.

New Business:

Miscellaneous

1. Mr. Russell stated that he, Chief Hunter and Chief Overholser attended a meeting in Fishers where Angela Ellison with the Community Health Network discussed Critical Incident Training and the Emergency Assistance Program. Mr. Russell stated that some of our employees will be attending the training.

Comments By Citizens

1. There were none.

Signatures on Official Documents!

Motion To Adjourn:

Mr. Strong 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 December 17, 2019, at 7:00 PM at the Cicero Town Hall.