



**TOWN OF CICERO  
TOWN COUNCIL MEETING MINUTES  
TUESDAY, JUNE 4, 2024 at 7:00 PM**

**Call to Order:** President Lutz called the meeting to order at 7:10 PM and led the Pledge of Allegiance. Ms. Gary gave the prayer. Mr. Lutz called for roll call. Members of the Cicero Town Council were present or absent as follows:

<b>Present:</b>	Joseph Cox	<b>Absent:</b>	Dennis Johnson
	Eric Hayden		
	Christopher Lutz		
	Emily Pearson		

**Declare a Quorum Present:** President Lutz declared a quorum with four members present.

**Others Present:**

- Rhonda Gary, Clerk Treasurer
- Jeff Rednour, Police Chief
- Lance Overholser, Fire Chief
- Frank Zawadzki, Cicero/Jackson Township Plan Commission Director
- Terry Cooper, Street & Utilities Director
- Jim Hunter, Parks Superintendent
- Aaron Culp, Town Attorney
- Keith Bryant, Town Engineer
- Bruce Freeman, Storm Water Management Board President
- Dan Strong, Project Coordinator

**Approval of Agenda:** Mr. Hayden made a motion to approve the agenda as amended. Ms. Pearson seconded, motion carried 4-0.

**Approval of Prior Minutes:**

**Town Council Staff Meeting Minutes, May 16, 2024, 7:00 PM**

Mr. Hayden made a motion to table the Town Council Staff Meeting Minutes from May 16, 2024 for further review. Mr. Cox seconded, motion carried 4-0.

**Town Council Meeting Minutes, May 21, 2024, 7:00 PM**

Mr. Hayden made a motion to approve the Town Council Meeting Minutes from May 21, 2024. Mr. Cox seconded, motion carried 4-0.

**Approval of 6/4/2024 Claims:** Mr. Hayden made a motion to approve the claims dated 6/4/2024 as presented. Ms. Pearson seconded, motion carried 4-0.

**Public Hearing – Annexation** – Mr. Culp gave a brief history and explanation of the 23333 Tollgate Road/United Methodist Church property annexation. The annexation is voluntary and will allow the town to extend the trail without interruption. Afterwards, Mr. Hayden made a motion to open the public hearing. Mr. Cox seconded, motion carried 4-0. President Lutz asked for any public comments. Ms. Mayer asked an unrelated question. President Lutz informed Ms. Mayer that there will be a time for additional public comments later during the Comments by Citizens section of the agenda. There was no further discussion. Afterwards, Mr. Hayden made a motion to close the public hearing. Mr. Cox seconded, motion carried 4-0.

### **Public Hearing – Water Rate Increase –**

Mr. Bryant gave an overview which included Cicero's goals and requirements to provide safe water to users to include fire protection and water flow. Mr. Hayden stated that the town is proposing a 5% rate increase in 2024 and a 5% rate increase in 2025. Mr. Culp added that the town's water is a nonprofit entity.

Mr. Cox made a motion to open the public hearing. Ms. Pearson seconded, motion carried 4-0. President Lutz then opened the hearing to the public for comments. Cicero resident, Mr. Shively, asked what the town is doing differently to need this increase. Mr. Hayden stated that cost increases in supplies and labor as well as an aging infrastructure are the main motivation for the increase. Cicero resident, Ms. Mayer, inquired about a credit for the elderly. President Lutz responded that they have not as the rates are set by rate studies and shortfalls would have to be absorbed somewhere else. Mr. Culp added that rates must be the same for all resident as to not discriminate or single out a certain group. Cicero resident, Mr. Williams, asked if the town's motivation is for expansion and inquired about new construction. President Lutz responded by telling Mr. Williams that the town has a tap and availability fee structure in place for new development. Cicero resident, Ms. Schultze, inquired if this is a one-time increase. Mr. Hayden responded that the increase is 5% in 2024 and 5% in 2025 and that they were not sure after that. Cicero resident, Mr. Caskey, inquired about the capacity. President Lutz said that the town is at full capacity. He added that some of the rate increase will be used for additional capacity, but growth is not the driving factor. President Lutz stated that rate increases usually happen at the beginning of the year, but this rate increase was delayed until September. The town has operated in a prudent fashion by implementing small annual rate increases. Cicero resident, Ms. Armour inquired about a water quality report. Mr. Cooper stated that there is a water quality report on the town's website as there is every year. Someone asked if there will be more wells. President Lutz responded, "Yes." There were no other comments or questions.

Mr. Hayden made a motion to close the public hearing. Ms. Pearson seconded, motion carried 4-0.

### **Public Hearing – Sewer Rate Increase –**

Mr. Bryant gave an overview of the current situation of the status of the wastewater treatment plant and lift stations. He started by saying that the plant is 35 years old and initially designed for 20-25 years of life. He complimented the town saying that the plant has been very well maintained to get that kind of life from it. Additionally, it has proven to be more cost effective to do the project all at once as opposed to trying to piece mill it. Afterwards, he talked about an agreed order with IDEM. Mr. Hayden stated that the council takes these rate increases very seriously. He added that surrounding communities are more expensive and that he's proud of what Cicero is able to do for the residents. Ms. Pearson agreed with Mr. Hayen and added that Cicero's rates are cheaper than surrounding municipalities even after the rate increases. Mr. Cox added that rate increases are needed for expansion, or the town could be fined by the state. We are at a critical point. A resident asked how much the rate increases will be. President Lutz stated that in September 2024 there will be a 15% increase and an additional 15% in 2025.

Mr. Hayden made a motion to open the public hearing. Ms. Pearson seconded, motion carried 4-0. President Lutz opened the hearing to the public for comments. Cicero resident, Mr. Hirl, addressed the council and said that he appreciates that he is able to flush his toilet and he thinks

the rates are reasonable. Mr. Caskey inquired if the town had considered connecting to the county's wastewater treatment plant. President Lutz replied that the town had considered that option, but it would be more costly. Mr. Caskey believes the rate increase seems reasonable if it includes infrastructure costs if the town is close to maximum capacity now. Mr. Byrant added that the town is close to max. capacity. Cicero resident, Mr. Armour, inquired about a letter of insurance for underground pipes that he received in the mail and not from the town. He asked if that's something he should consider. Mr. Culp advised that he would need to see the letter before commenting on it. There were no further comments.

Mr. Hayden made a motion to close the public hearing. Ms. Pearson seconded, motion carried 4-0. President Lutz advised the public that this concludes the public hearing portion of the meeting. He invited and encouraged all to stay but said that the town will move on to other business on the agenda and he wouldn't be offended if they wished to leave.

#### **Council Committee Reports:**

1. OTC Report – Ms. Pearson had no report at this time.
2. EDC Report – Mr. Cox stated that the EDC is meeting tomorrow, but he had nothing to report at this time.
3. SWU Management Board Report – SWU President Freeman had nothing at this time.

**Legal Counsel Report** – Mr. Culp had nothing at this time.

#### **Cicero/Jackson Township Plan Commission** – Director's Report – May 2024

Permit Revenue: May 2024 = \$5,086 YTD: \$19,738

May 2023 = \$9,570 YTD: \$42,312

Difference: Month = \$-4,484 YTD: -\$22,574

A total of 24 building permits were issued in May 2024. Sixteen were within the corporate limits (none of which was for a new home). Eight permits were issued in Jackson Township (none of which was for a new home). Estimated Cost of projects permitted: \$583,456

Additional notes:

Mr. Zawadzki continues to work on the Certified Flood Plain Management Course, a 40-hour course and will be a requirement from IDEM starting in 2025. There was a public engagement event regarding the comprehensive plan at Red Bridge Park on Saturday June 1<sup>st</sup>. The survey portion of the comp plan has begun! The QR codes have been placed at several locations in Town, on the Town's website as well as throughout the Township. Mr. Zawadzki encouraged the public to scan the QR Code to take the survey to offer their thoughts and opinions.

The next Planning Commission meeting scheduled for June 12, 2024 at Town Hall has been cancelled due to lack of business this month.

#### **Town Engineer Report** –

1. Tamarack – Mr. Byrant reported that they have completed their inspection and sent a punch list to MI Homes on 5/23/24. Once those items are complete, they will reinspect and recommend the council to accept the infrastructure.

2. Water – Mr. Bryant stated that Peerless Midwest continues to test at different well locations.
3. Wastewater – Mr. Bryant said that they are moving ahead with SRF in accordance with the contract with Reynolds. Mr. Bryant also stated that a letter was received from IFA concerning the WWTP Expansion Project PER and that the town must respond by 6/17/24. The SRF has a target approval date of June 24, following the environmental public comment period. This should not have a detrimental impact on the progress. Reynolds has ordered equipment and getting ready to pour concrete.
4. Tollgate Road – Mr. Bryant relayed that Midwest Paving is on site and putting in the underdrains. They are expanding the road 18” on each side. They will replace piping, mill and do the striping. Mr. Bryant estimates they will be done in 2-4 weeks depending on mother nature.
5. Brinton Street Storm Water Rehab Project – Mr. Bryant stated that he would like for council to approve Pay Application No. 5 to Insituform. Mr. Hayden made a motion to approve the pay application. Mr. Cox seconded, motion carried 4-0. Insituform is to inspect the outfall pipe to be lined when the reservoir levels allow, proceed with the final task for the project.
6. Jackson Street CCMG – Mr. Bryant distributed handouts for engineering on Jackson Street which included four options. He went on to discuss bump-outs and seating options. In the end, Mr. Hayden made a motion to approve Option 2 which addressed the number of reduction of parking spaces with the option to clarify and adjust at a later date. Ms. Pearson seconded, motion carried 3-1 with President Lutz voting nay. Building ADA access was discussed, and it was agreed to come to a conclusion to allow the project design discussion to continue at the June 13<sup>th</sup> staff meeting. Mr. Bryant will be advised of the findings.

**Old Business:** Mr. Hayden made a motion to untable the Mendenhall Agreement (tabled from the previous meeting). Mr. Cox seconded, motion carried 4-0. President Lutz asked if there was any discussion. There was none. Mr. Hayden then made a motion to approve and allow President Lutz to sign the agreement. Mr. Cox seconded, motion carried 4-0.

**New Business:** Mr. Strong presented quotes for the trail on Tollgate Road. After a brief discussion, Mr. Hayden made a motion to approve and allow President Lutz to sign the quote from Globe Asphalt Paving Co. in the amount of \$17,975.00. Ms. Pearson seconded, motion carried 4-0.

**Miscellaneous:**

- a. Mr. Culp explained the RHI (Rehabilitation Hospital of Indiana) agreement and said that it is an annual event and asked the council to consider the agreement. After a brief conversation with Mr. Caskey, concerning boating in the no wake area and liability, Mr. Hayden made a motion to approve and allow President Lutz to sign the agreement. Mr. Cox seconded, motion carried 4-0.
- b. Mr. Culp inquired if the council would consider and approve the water and sewer rate increase ordinances. At that time Mr. Hayden made a motion to approve Ordinance Number 05-08-2024-02 establishing municipal water rates. Ms. Pearson seconded, motion carried 4-0.
- c. Mr. Hayden then made a motion to approve Ordinance Number 05-08-2024-03 establishing municipal sewer rates. Mr. Cox seconded, motion carried 4-0.

- d. Mr. Caskey inquired about truck traffic on Jackson Street. He thought that the council had discussed trying to eliminate it at one point. Council had no recollection of it.
- e. Ms. Pearson stated that Cicero Friends of the Park had a ‘Kids Go Fishing Day’ last Saturday and it was a great event. She thanked all those who helped make it happen.

**Comments by Citizens:** Ms. Mayer inquired about paying for all of the projects discussed tonight. President Lutz explained to Ms. Mayer that the town maintains different accounts for the town, water and sewer which are all separate funds. The water and sewer accounts are nonprofit and operate solely and independently. He also touched on the different sources of funds that the town receives i.e. property taxes, local roads and streets, motor vehicle highway, local income tax, etc. He also stated that the town has applied for and received a Community Crossings Matching Grant from the Indiana Department of Transportation to assist with the Jackson Street project. The town will be responsible for 25% of the covered expenses as well as expenses not covered by the grant. We have not yet determined exactly how to pay for these projects, but it will be discussed at our next meeting. President Lutz also talked about the trail extension at 23333 Tollgate Road. He said that in the future those things will be discussed when new development occurs.

**Motion to Adjourn:** Mr. Hayden made the motion. Ms. Pearson seconded, motion carried 4-0.

**Signatures on Official Documents!**

***Signatures of Cicero Town Council***

AYE		NAY
_____	Christopher J Lutz	_____
_____	Joseph R Cox	_____
_____	Eric C Hayden	_____
_____	Dennis D Johnson	_____
_____	Emily K Pearson	_____

Attested: \_\_\_\_\_  
Rhonda Gary, Clerk Treasurer

**The Next Cicero Town Council Meeting will be on June 18, 2024 at 7:00 PM at Cicero Town Hall.**