



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
TUESDAY, AUGUST 6, 2024 at 7:00 PM**

Call to Order: President Lutz called the meeting to order 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:

Present: Joseph Cox
Eric Hayden
Dennis Johnson
Christopher Lutz
Emily Pearson

Absent:

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

Others Present: Rhonda Gary, Clerk Treasurer
Jeff Rednour, Police Chief
Lance Overholser, Fire Chief
Terry Cooper, Street & Utilities Director
Jim Hunter, Parks Superintendent
Aaron Culp, Town Attorney
Keith Bryant, Town Engineer
Dan Strong, Project Coordinator

Approval of Agenda: Mr. Hayden made a motion to approve the agenda as amended. Mr. Cox seconded, motion carried 5-0.

Approval of Prior Minutes:

Town Council Staff Meeting Minutes, July 11, 2024, 7:00 PM

Town Council Meeting Minutes, July 16, 2024, 7:00 PM

Town Council Special Meeting Minutes, July 23, 2024, 7:00

Town Council Special Meeting Minutes, July 23, 2024, 7:15

Mr. Hayden made a motion to approve the minutes from July 11 and 16, 2024 as presented. Mr. Cox seconded, motion carried 5-0.

Ms. Pearson made a motion to approve both minutes from July 23, 2024 as presented. Mr. Johnson seconded, motion carried 5-0.

Approval of 8/6/2024 Claims: Mr. Cox made a motion to approve claims dated 8-6-24 as presented. Mr. Johnson seconded, motion carried 5-0.

Jackson Street Demo – Open Bids (7:15) – Mr. Strong stated that he had two sealed bids/responses from the four firms he solicited bids from to demo the property on Jackson Street. The bids were as follows:

Mr. Hayden opened a bid from 20/20 Excavating Spec. in the amount of \$53,210.00.

Mr. Cox opened a bid from Casey-Bertram in the amount of \$80,525.00.

Mr. Hayden made a motion to approve the low bid contingent and based on review by Mr. Culp and Mr. Strong. Ms. Pearson seconded, motion carried 5-0.

Council Committee Reports:

1. OTC Report – Ms. Pearson reported that OTC met with Friends of the Park (FOP) on 8/5/24 and discussed the pocket park. OTC will not be renewing their 501c(3) exemption status. OTC has paid the liability policy (\$950) and gave a copy of the lease to Mr. Culp. There are no provisions if OTC dissolves.
2. EDC Report – Mr. Cox stated that the meeting was cancelled this month as it is a quiet period right now.
3. SWU Management Board Report – SWU President Freeman was not present.

Legal Counsel Report – Mr. Culp stated that he had an update from the previous council meeting concerning the BZA decision question. He went on to say that he had spoken with Noblesville and Westfield. By law BZA is the final decision and cannot be overruled by the council. He will continue to look into options and share his findings.

Cicero/Jackson Township Plan Commission – Mr. Zawadzki was not present but emailed his monthly report and the following. The Plan Department has started the implementation of a more comprehensive notification system for BZA and Plan Commission meetings.

Mr. Strong then gave a more detailed update on the plan that Mr. Culp, Mr. Zawadzki and he have been working on to date. Mr. Culp added that starting list serve to post agendas is a good plan. Council consensus was that they are ok with it and continue to move forward.

Town Engineer Report –

1. Tamarack – Mr. Bryant stated that he has emailed Mr. Howard but has not received a response concerning the punch list for Section 4. There was a brief discussion concerning degradation on Tollgate Road by the trail. Mr. Bryant will reach out to MI Homes as it should still be under warranty.
2. Water – Mr. Bryant said that there has been no movement, and Peerless Midwest continues looking for more raw water sources.
3. Wastewater – Mr. Bryant reported that he responded to IDEM Enforcement for the PER approval and construction commencement milestone. The project contractor, Reynolds Construction, continues with subcontractor coordination, schedule preparation, material and equipment orders for the plant improvements. They have submitted numerous equipment and material shop drawings which we have reviewed for contract compliance. The contractor has mobilized to site and began demolition activities. They have begun the excavation for the new oxidation ditch soon. The BAN closing is still scheduled for August 21, 2024. The Town has committed local funds as a temporary measure to bridge the time gap so that no delay in construction activities will occur. The PER was submitted to the SRF Group on March 27, 2024. At this point, we should have BAN proceeds in hand before we need to make payment #1 to Reynolds.
4. Tollgate Road – Mr. Bryant asked that the council approve Pay Applications 4&5 that he emailed. He said all that is left is the final grading and seeding. Mr. Hayden made a motion to approve Pay Applications 4&5. Mr. Cox seconded, motion carried 5-0.

5. Brinton Street Storm Water Rehab Project – Mr. Bryant informed the council that Insituform has completed that last segment of lining along Brinton Street. Mr. Bryant emailed earlier that the project has been successful and will extend the life of the storm system in this area. Mr. Hayden made a motion to approve and allow President Lutz to sign Pay Application #6 and the Certificate of Substantial Completion. Ms. Pearson seconded, motion carried 5-0.
6. Jackson Street CCMG – Mr. Bryant distributed a bid tabulation worksheet and stated that Ms. Gary has sent the signed Notice of Award, Construction Agreement, bid and other required CCMG paperwork to INDOT. He has spoken to Midwest Paving who submitted the lowest most responsive and responsible bid about some saving recommendations. They are working with the subcontractors to identify any savings for consideration. Council will look over the bid tabulation for cost savings as well and consider seating areas as well. We have 4-6 weeks to consider changes before issued a Notice to Proceed to the contractor after INDOT provides the CCMG funds to the town.

Old Business:

- a. Food & Beverage Tax Ordinance No. 07-02-2024-01 – Mr. Culp briefly went through the process of establishing the food and beverage tax that the town is in the process of implementing. He stated that the town began this process in November 2023 and has followed all the necessary steps. He added that the tax will become effective 1/1/2025. Afterwards, Mr. Cox made a motion to approve F&B Tax Ordinance No. 07-02-2024-01. Ms. Pearson seconded, motion carried 5-0.
- b. Trail Bids – Mr. Strong started by asking the council to revoke the previously accepted and approved quote as the bidders didn't seem to understand the scope of the project. Mr. Hayden made a motion to reject the previously approved bid for the trail on Tollgate Road. Mr. Cox seconded, motion carried 5-0. Mr. Strong then stated that he solicited three bids and secured two for the project and asked council to consider them. The bids were from: Globe Asphalt Paving Co. - \$23,770.00
EA Asphalt Services, LLC - \$24,969.33
After a brief conversation, Mr. Hayden made a motion to approve and allow President Lutz to sign the lower quote. Mr. Johnson seconded, motion carried 5-0.

New Business: There was none.

Miscellaneous:

- a. Advertising – President Lutz stated that he would like for the town to be as transparent as possible when advertising town meetings i.e. posting on the website, etc. Chief Overholser gave a brief overview and informed the council that once live streaming begins that should eliminate a lot of these issues.
- b. Executive Session – President Lutz scheduled an executive session for 8/15/24 at 8:00 PM. Ms. Gary will advertise.

Comments by Citizens: Mr. Smith, Cicero resident, distributed a handout and approached the council to request an easement modification on his property as his HOA will not approve it unless the town approves it. Conversation ensued and, in the end, council asked Mr. Cooper and Mr. Bryant to take a look at it and report back to them.

Motion to Adjourn: Mr. Hayden made the motion. Mr. Cox seconded, motion carried 5-0.

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 August 20, 2024 at 7:00 PM at Cicero Town Hall.