



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, MARCH 20, 2023
AT 7:30 A.M. EST
ONSITE MEETING**

This meeting was conducted onsite. All Councilors participated in person.

Council Members Present: Jason Plunkett, President; Brad Burk, Vice-President; Joe Culp, Josh Garrett, Craig Melton, and Bryan Traylor

Absent: Alex Choi

Also Present: Heather Harris, Town Council Attorney; Lance Lantz, Director of Department of Public Works; ZFD Chief James VanGorder, Amy Lacy, Municipal Relations Coordinator; and other Town Department Staff

OPENING

A. Call meeting to order

B. Pledge of Allegiance

Plunkett Good morning. I will now call the Monday, March 20, 2023 Regular Town Council meeting to order. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

REQUEST TO ADD AGENDA ITEM

Plunkett At this point, I would call for a motion to request to add an agenda item under New Business 9A. This would be Consideration of a Resolution to Declare an Emergency for Solid Waste Collection and Disposal.

Garrett So moved.

Plunkett First by Councilor Garrett.

Burk Second.

Plunkett Second by Vice President Burk. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

APPROVAL OF THE MEMORANDUM OF THE MARCH 6, 2023 REGULAR MEETING

Plunkett Up next is the approval of the March 6, 2023 Town Council Meeting Memorandum. A copy has been posted. Are there any questions from Councilors? I'll make a motion to approve.

Melton Second.

Plunkett Second by Councilor Melton. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

APPROVAL OF THE MARCH 20, 2023 CLAIMS

Plunkett Up next would be the approval of the March 20, 2023 Claims. Are there any questions from Councilors?

Melton Motion to approve.

Plunkett First by Councilor Melton.

Burk Second.

Plunkett Second by Vice President Burk. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Up next would be Request to Speak on Agenda Item. Amy, do we have any requests to speak on agenda items?

Lacy No we do not.

Plunkett Thank you.

MAYOR/ADMINISTRATION UPDATE

Plunkett Up next would be Mayor/Administration Update. I did not receive anything in our packet for the Mayor or the Administration Update.

TOWN COUNCIL UPDATE

Plunkett Up next would be Town Council Update. Are there any updates from Councilors? Okay.

TRASH & RECYCLING SERVICES SEALED BID OPENING

Plunkett Moving along, we have the next item up is the Trash and Recycling Services Sealed Bid Opening. We are not required to take a vote on this Councilors. This is the opening of the bids that have been received and we have Lance Lantz. Good morning Lance.

Lantz Good morning. Normally I try and be as expeditious as possible. Today is not one of those days. I'm camping out here for a moment so allow me to get set up and with me this morning is Linda Dafoe. She is the Administrative Assistant in the DPW and she's here to help keep me organized and keep this process on track. While I'm moving up here we can begin – for a long time, a very long time, one of the services the Town has provided is a trash and recycling residential service for residents in the urban service district. It has been a number of years, in fact, since 2009, since the Town has last engaged in a contract procurement of this type. So for, for those in the audience and listening, if you currently pay your trash bill through the Town and WM is your service provider this, in fact, pertains to you.

Back on December 28th, the Town was notified by WM, formerly Waste Management, that they were capitalizing on their 90-day opportunity to issue a non-renewal letter for the Town. Therefore, the current contract terms expire on March 29th. We immediately then began the public bid solicitation process, developed specifications and advertised publicly. So what is this new trash contract going to look like? Basically, it is the same as the services that we are used to from the past. This is a weekly trash collection and a bi-weekly residential recycling collection. All residents will be provided one cart for their recyclable, loose recyclable materials as we have in the past but now all residents will also receive a, a nearly identical container or cart for their residential trash. The reason for this is there essentially are no more handpicked contracts. The

days, particularly in a highly urbanized area, the days of any type of trashcan being set out requiring employees to hand load into the rear of a truck are gone and most, if not all, of the qualified vendors are not entertaining these types of contracts any longer. However, this will give us the best price. Obviously, there is less employee overhead and those employees that operate the automated vehicles are not going to experience the injury rates they have and, of course, this would eliminate a lot of the loose, the broken bag syndrome, loose trash, animal infiltration, etc. So all in all, it's a much better process and I'm excited to see this implemented Town-wide.

We did receive in a timely manner three bids this morning as of the deadline of 7:30 a.m. and to help kind of lend some clarity to this process, I'm going to hand out some forms for you and explain them briefly. If Linda would be so kind as to share one of each of those with the Council. So as I mentioned, this is a schedule very similar to what we've been used to with the addition of the residential trash cart. The terms of this contract and, of course, these are the specifications that we issued that will lead to a contract but this contract contemplates an initial three-year term. Contractors are allowed to submit an escalating per household price in each of those three years. Upon the conclusion of that initial three-year term, the contract is extendable for an additional three years upon mutual concurrence by both parties provided that that three-year extension remains at the fixed third-year price of the initial three-year contract.

So, going back to the forms, the first form I'd draw your attention to and could I have one for reference please – thank you – is what's titled Exhibit B Digital Format. So when I open these bids, just so you understand or know what I'm looking for – I will be looking for this piece of paper which will be, have been completed by the contractor within their sealed bid and you can see, hopefully this is fairly self-explanatory, across that top line, Line 1 is the monthly charge that these contractors will propose per resident for each of Year 1, 2 and 3 and then, of course, to calculate that far right column, you take the months times the number of customers established at the issuance of the bid specifications which was 6,387 multiply that 12 months and you have an annual cost for that service.

The next line below that labeled Line 2 is the same for the municipal trash and recycling. We have trash dumpsters and we have recycling dumpsters. All of those have been identified and quantified and were contained within the bid specifications so contractors can provide a monthly service fee for that service on each of three years. Once all of those things have been added up, that bottom line in that first table which says Base Bid Proposal where it reads Three-Year Total Base Bid Initial Contract Amount – all those services are added together and that is the value of the account or the contract initially and I would point out here that this obviously is an escalating account. As new users come on, it automatically increases so we don't have to do anything once we've established this base unit rate per residence but we do need to have that initial contract amount for purposes of comparison. That is the number that will be used to determine who was the lowest responsive and responsible bidder and also contractors are required to submit various bonds, bid bonds, performance bonds, payment bonds. So we need a value of the contract initially.

You will see below that there is an Alternate Bid Proposal Form. I was asked to include at the Town's discretion – this is not part of the base bid, this is not part of the calculations necessary to determine the lowest responsive and responsible bidder – but there was interest in a post-holiday, pretty much free for all trash system after the, for one week your collection after the holidays you can put about anything out you want that's not unreasonably heavy and that is then, obviously, a return to a handpicked. You know, we can distribute carts to accommodate all that so that would be one occasion if the Town chooses to select this alternate that hand trash would be – you look like you're leaning in with a question –

Garrett

Me?

Lantz

Yes.

Garrett

Yes. Does the lowest bid win automatically?

Lantz

So if you submit the lowest bid amount and you are deemed to be responsive and responsible and those are terms that are defined in the statute, then yes, we are bound to award this to the lowest qualified firm.

Garrett

Thank you.

Burk

Lance, I do have a couple questions since you're entertaining them now – you mentioned bi-weekly recycling it's on here. I just want to clarify – that's not an opt-in, that's a, everyone will be provided that service?

Lantz

Correct.

Burk

Okay, thank you.

Lantz

And if I, if I may interrupt your questions – I'm sorry this brings up a good point – the baseline at the, at the onset of the contract is that every household will be provided one trashcan and one recycle can. For anyone who doesn't feel that's adequate for their house, you can request up to one additional can for each of the services. Now, that will be a charge that will be determined by the awarded contractor to that resident for those additional cans but it does not affect the collection rate. Our contractors were told that they could charge for the additional can to deliver them, get them out, charge them rent for a year much like our current, our previous Ray's Trash you could get a trashcan from them for like \$97 a year, so the contractors can charge for the can but they still have to collect at the same rate. Did that make sense?

Burk

Yes.

Lantz

Okay.

Burk

Yes.

Lantz

Sorry for that interruption.

- Burk No, that's fine. That was good. Thank you.
- Lantz That was a good reminder for that point.
- Burk You're thinking of questions I haven't thought of. Um –
- Garrett Councilor Burk, can I just ask one question related to that?
- Burk Yes.
- Garrett Is there any thought given to all the thousands of existing cans that exist out there that will now no longer be taken in terms of how those will be recycled, disposed of – is that on the homeowner at this point?
- Lantz No, anyone who has a can that has been provided previously from Ray's and then assumed by WM, if WM is not the awarded contractor, they will come out and collect those cans.
- Garrett Wrong question –
- Lantz Sorry.
- Garrett So, for example, I have a can –
- Lantz Oh, a personal –
- Garrett Personal cans that now and this contractor no longer needed, is there a way to facilitate properly getting rid of those with this contract?
- Lantz Not under this contract. That's left to the property owner, the homeowner. If the Town and the Administration wants to look at developing a program, we could do that but it is not part of this contract.
- Garrett Okay. I don't know how you throw it out if you can't put it in the can that you're given.
- Lantz Understood.
- Burk You might have to take to it to like a –
- Garrett Yes, and we can figure that out later. I was just curious.
- Lantz There, there, we are dealing a lot today with the finances and the rate amounts. Implementation is an entirely another issue depending on who is a successful bidder today –
- Garrett Well let me just plant that seed then just to –
- Lantz Of course, it's nothing we haven't, haven't considered –
- Garrett Got it.

- Lantz But there is no plan as part of this process today.
- Garrett I'll stick to the finances then.
- Burk Lance, this may be an implementation question then but did we specify at all within the recycling part of the contract types of recycling or is it just kind of, I mean, that's such a broad term to say well you cover recycling but I think Ray's –
- Lantz It is –
- Burk Currently covers plastics 1 through 7, there's like a Styrofoam exemption – did we specify anything or is it just kind like recycling?
- Lantz We did not specify that because we did not want to put anyone in breach of contract. We can't control the secondary markets for those. We have requested letters or commitments from the secondary processors who is going to receive their waste who is going to receive what type of waste. That'll be part of the review of the bids in, in depth once this, this morning is over but we did not require specifications simply because we can't control the markets.
- Burk Do we then determine kind of where the, where the trash is ultimately disposed – maybe you alluded to, there's a separate contract or is that just, I would assume, whoever you go with wherever they already have a contract where they dispose, that's who we end up using.
- Lantz That is correct. They have to provide that information with –
- Burk Right.
- Lantz Not only recycling but trash. Where's it going, many of them have their own facilities now so if they self-perform they can certainly list that.
- Burk That makes sense. And then the last thing, just to clarify – on the heavy trash pickup what would be the, what was the ask at this point of the Town that they would provide for heavy trash pickup?
- Lantz Are you referring, like our spring heavy trash program or the –
- Burk Well, it could be –
- Lantz The post-holiday?
- Burk Could be per year, it could be one heavy item per month, I mean there are different ways to do it.
- Lantz So what is contemplated under this contract is one single post-holiday, unlimited trash, residential trash collection. Okay, that is not, that is separate from the Town's heavy trash program that we implement typically in the spring. Now the heavy trash services, our spring cleanup, just to use a term to keep it –

Burk Yes –

Lantz More clear, is not part of this contract –

Burk Okay.

Lantz However, explanations were provided to the bidders with the understanding that once a contract is in place the Town intends to continue with that heavy trash program. Now, that's typically been on the Town's dime. It is outside of this contract but we made them aware, gave them historic data, this is typically what's generated and the expectation will be you will work with the Town to implement our heavy trash program outside of this contract.

Burk Yes, I know people really value that so hoping we can –

Lantz We really, really hope to keep it going.

Burk Right.

Lantz I know I already have my stuff cued up.

Burk I know you do brother. Thank you.

Lantz All right, I think we were going through forms so that is the bid form just so you see what I'm reading and what the contractors are submitting. Out of all these packets we're just looking for one sheet of paper initially. This is a tally sheet also that I have provided to you. To anyone who wants to play along at home can record these numbers as I read them out and just note that while the bid form has the data organized horizontally, this has it vertically. I have pre-populated you'll see with company names across the top. Those are the list of specification holders that could have possibly submitted bids this morning. I believe that has covered all of my trash, all of my prefatory comments.

Once again, once we open these bids, they'll be reviewed for accuracy, completion and compliance with specifications and awarded to the lowest responsible and responsive bidder according to law and what's next after this bid opening and after they're reviewed and a lowest responsible bidder has been determined, at your April 10th meeting this Board will at least consider an ordinance to codify the trash rates under the new contract. You may be asked to conduct a public hearing on this. I've been told that that would probably be a good thing to do, however, the statute is silent to the need to hold a public hearing if you're not self-performing. Simply, we don't really have any say in what rates we receive, we have no influence on them so we're not setting a rate other than what this passthrough fee is. If we were doing this ourselves, we would have to have a rate, explain why we want to charge what we do, like we do with the wastewater utility but I leave that to the attorneys to determine what the appropriate courses of action are and I will point out I had provided in an email a schedule of events to keep this on track. If it is determined that this body should entertain a, or hold a public hearing, we would want to basically have that

prepared by the end of this week in order to get it published 10 days in advance of your April 10th meeting.

Plunkett Lance –

Lantz Yes –

Plunkett Before, before you, before you jump into opening these, I just want a quick point of clarification – you said the last time – I’ve had a lot of residents ask me about this process.

Lantz Yes –

Plunkett And when the last time we’ve gone through it and you mentioned earlier 2009 was the last trash bid. Is that correct? Fourteen years ago?

Lantz That is correct.

Plunkett Okay. So, I mean, I think that’s important for everybody to know. Obviously, a lot of things have happened over the last 14 years in addition to the acquisition of the prior trash company. Like I would certainly anticipate some, some changes which would likely facilitate a need from this Council to come in with additional funding at some point too.

Lantz Yes, it is quite possible. Because this is a passthrough account, meaning that we receive payments from customers and then turnaround and when we’re invoiced from the contractor, pay them, you know, theoretically, the same amount. This is a zero-sum game –

Plunkett Sure.

Lantz Dollars in, dollars out. And during the implementation which I have no idea what will look like yet because we really can’t have conversations, real conversations until we learn what’s in these submittals today but when we get into implementation, there may be some financial transactions necessary for the Town to cover any stop gap or funding gap between the old rate and the new rate.

Plunkett Thank you.

Lantz All right –

Plunkett Do you want like a drumroll or something? I mean, how do we do this? I’m not really going to do a drumroll.

Lantz Anything you like.

Melton Lance, while you’re doing that I have one quick question regarding the Boone County Solid Waste District. Since this is a passthrough, does the Town of Zionsville collect or does – who pays the Boone County Solid Waste District?

Lantz That's the contractor. The contractor has to handle any reporting or fees required from their operations.

Melton Okay, thank you.

Lantz All right, the first bid I have, I believe, is from Waste Management, WM, as they are moving to. All right and it will take me a moment to find – thank you kind voice from the audience – okay, the three-year total base bid – sorry for that well-timed pause, right? Everybody's so curious –

Burk Yes.

Lantz The total three-year total base bid initial contract amount is \$4,101,564.24. Going up to Line 1 under the monthly year charges for combined residential trash and recycling, Year 1 is \$17, Year 2 is \$17.85, Year 3 is \$18.74. I am going to not read that right amount because it's just calculated and you'll see why in just a moment. Under Line 2, in each of the three years there is no charge for the municipal trash and recycling collections in our dumpsterized facilities so that is 0 across the board. That means, of course, Line 1 equals their first three-year contract. Down below they are proposing no charge in any year for an unlimited post-holiday residential trash collection.

The next bid received is from Republic Services. I may need one of my many implements that I brought this morning. Nope, I found it. All right, the bid summary received from Republic Services – the three-year total base bid initial contract amount \$4,567,626.10. Moving up to Line 1, the monthly charges in Year 1 \$18.78, Year 2 \$19.63, Year 3 \$20.51 for a line total of \$4,508,990.59. Moving to Line 2 in the combined municipal trash and recycling, the monthly charge in Year 1 is \$1,557.62, in Year 2 \$1,627.71, in Year 3 \$1,700.96 for a line total of \$58,635.51. Under the Alternate Bid Proposal Form for a one-week post-holiday residential unlimited trash they are indicating that is included so that is no additional charge.

We have a final bid this evening, this morning. I'm used to doing this in the afternoons. Thank you. Once again, a kind voice from the wilderness. The third bid, third and final bid this morning is from Priority. The base bid amount is \$2,827,239.84. Moving to Line 1, the residential monthly charge beginning in Year 1 \$11.95, Year 2 is \$12.31, Year 3 is \$12.68. That line total is \$2,827,239.84. That is because Line 2 there is no price indicated. We would need to verify whether that is included or not part of the bid that is subject to confirmation, I suppose, by the submitter. We will have to be having conversations following today's proceedings. Down at the Alternate Bid Proposal Form, again, there is no price indicated so it is unclear whether that is included or they are not submitting on that alternate.

Well I suppose that you've all probably been following along so what we call this is the apparent low or the as-read low bidder subject to review of qualifications and the full submittal and that would be Priority Waste in an initial contract amount of \$2,827,239.84. So we will now take these bids and review them. We will want to move smartly. As I mentioned, our current contract expires on March 29th and WM is under no obligation to continue services past that day and

certainly not at their current rate. President Plunkett indicated there's an additional agenda item. I believe that's related to this and I can come back and help with that conversation when you reach that point on the agenda. So that concludes the bid opening this morning and we look forward to reviewing all these and getting this new contract in place as rapidly as possible with as minimal disruptions to services that we can achieve. Any other questions before I sit down for a moment?

Burk We'll talk to you again soon.

Lantz I suspect we will.

Plunkett Thank you.

Lantz Thank you.

OLD BUSINESS

Consideration of an Ordinance Amending the 2023 Salary Ordinance Ordinance 2023-07 (Final Reading)

Plunkett Up next on the agenda is Old Business. The first item on Old Business is a Consideration of an Ordinance Amending the 2023 Salary Ordinance. This is Ordinance 2023-07. This is a final reading and we have Chief VanGorder to present.

VanGorder Thank you. Mr. President and members of the Council, I come before you for a second reading of a new job description for the Zionsville Fire Department. This is the mechanic job description. A red-lined version and proposed version of the Salary Amendment was presented at your last meeting. Excuse me. During that meeting, there was some question regarding the salary at \$55,000 – whether that was going to be adequate for the position that was proposed. Following that meeting, I had the opportunity to sit down with HR Director, Jo Kiel, and review all job descriptions within the Town of Zionsville, a very in-depth process was completed by our HR Department with job ratings and classification and that position does rate out to a Class 22. To ensure that that job matches all other job descriptions within the Town of Zionsville for compensation, I would ask that we increase that amount and the maximum salary from \$55,000 to the \$58,891 so it matches all job descriptions in the Town of Zionsville. It would have a rating of 22. Other than that, I would be more than happy to answer any questions you have and, as a reminder, it would be asked for approval on the second reading as well as an approval of the job description. Happy to answer any questions you may have.

Plunkett The only question I have is with that modification from \$55,000 to \$58,000 and, Heather, maybe this is a question for you – does that change action we took on the last, at the last Council meeting?

Harris So we only did it on first reading, correct?

- Plunkett So we can modify? Yes, that's correct.
- Harris Yes, yes. So all we would need is a motion to amend –
- Plunkett Amend.
- Harris With the new amount stated and then a second and then we would have a vote on just the motion to amend and then a vote as amended. We'd need a second motion, second vote.
- Plunkett And Chief that, what was that last number again? What'd you say \$58,891?
- VanGorder Yes sir, \$58,891.
- Plunkett Okay.
- Burk You want me to offer an amendment?
- Plunkett Well, any questions? Obviously, want to open up Council questions.
- Melton I just want to thank you for the increase. After reading the job description, it really seems like they basically have to be a super hero, an engineer, a firefighter, and the fix all of all the problems so I think that increase is really needed for that position to get some quality in that position. I did have another question – based on like maybe a potential catastrophic event to equipment, is there any kind of protections that that person would need from lawsuits pending or anything like that? I just, having somebody in-house like that just kind of made me think of that.
- VanGorder No, I appreciate it. It's a great question. Keep in mind, the Fire Department does maintain general liability insurance. We don't work on other outside agencies' fire trucks and this is an entry level position so we have a Director of Fleet Services who actually performs these functions right now so we're not adding any addition services that are not already being completed, we are just adding staff to that position to help support the workload that we have.
- Melton Fantastic. Thank you.
- Plunkett Any other questions from Councilors? I, I would make a motion to amend Ordinance 2023-07 from \$55,000 to \$58,891.
- Burk Second.
- Garrett Amend and approve?
- Plunkett And approve the ordinance on final reading.
- Burk Second.
- Plunkett Second by Vice President Burk. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

NEW BUSINESS

Consideration of a Resolution to Declare an Emergency for Solid Waste Collection and Disposal Resolution 2023-08

Plunkett Up next is New Business. The first item on New Business is a Consideration of a Resolution to Declare an Emergency for Solid Waste Collection and Disposal and I'm going to lean on Heather –

Harris Yes.

Plunkett For most of this and Lance.

Harris So Lance, I'll keep an eye on Lance in case he gives me a frowny face which will make me know that I'm explaining it incorrectly but –

Lantz I have delivered a process. I now standby to assist in its implementation.

Harris Yes, we appreciate you Lance. So, as we've been working through this process of a new bid, one of the things we recognized is that we're going, so likely have a period of time from the time the contract ends with Waste Management until we can fully negotiate a new contract with a new vendor and/or Waste Management for a new contract as we've talked about this morning. So we will have probably a couple of months during that period where we are going to need some sort of temporary bridge contract to allow us to continue services so there's no gap for the residents of the Town of Zionsville. One of the things that Waste Management noted and Lance mentioned it earlier, in their letter to the Town is that they would likely need an upward rate adjustment and you heard from all three responsive bidders this morning that there would be an increase in the rate even if you went with the lowest contracted amount that was stated. So we're going to have this period of time that we're going to also need to come back to the Council with some sort of financial proposal probably during the next meeting to be able to capture that additional amount between what we currently have as the rate that's published for the residents of the Town and whatever will be this new amount needed for this bridge period of time.

So there is a statute within the public works statute that allows for the Town to use what's called the emergency procurement statute whereby the Town of Zionsville Town Council would declare an emergency. This is not an emergency. I know there was a little bit of back and forth on an emergency this weekend. It's a different statute then declaring an emergency, for example, for the pandemic that we just went through or for a snowstorm that would be coming through. All that's needed here is that there is a declaration by the Town Council that this,

there, there is an emergency situation that we need to address. It would be similar to if the roof had a leak and we needed to fix it right away so further damage was not, was not caused. And so what we're asking for in the resolution is a declaration of the emergency which allows us to trigger the statute to be able to enter into a contract. This would be for just the period of time which would need to be negotiated prior to March 29th up until the time that the new contract with the responsive and responsible bidder is fully executed and the service is able to commence. So there may be a bridge and we may have a contract but we may have some other time period where they're ramping up getting trashcans delivered, etc. So this, again, would just be for the short-term period of time. I understand there's a couple of vendors that may be able to do this. It may ultimately not be either responsive bidder to the long-term services contract but that's what we're requesting in the resolution that's before you today. And we've got a lot of unknowns as you might imagine as we're going through this process which is why this is coming to you kind of late in the process and so there will be three bidders, obviously, that we have that we also need to reflect in our minutes that were stated earlier which would be Waste Management, Republic Services and Priority. So the resolution would allow us to solicit all three of these companies for a proposal to do this interim services agreement. Any, anything I missed, Lance?

Lantz I think that's good. Thank you.

Harris Okay, perfect.

Plunkett For the record, this is Resolution Number 2023-08. Are there any questions for Lance or Heather?

Burk I mean we, obviously, we need to do this. I'm just curious what, what date did we hear from our current provider that they would be –

Harris I believe that was December 28th –

Plunkett 12/28.

Harris Of last year.

Burk So that's when they told us that we would –

Harris Yes.

Burk Not have service after the 29th?

Harris As I understand it, the Waste Management contract was ending and they provided notice to the Town Council and I believe I sent a copy of that letter indicating that they were not going to seek an extension of the current contract due to the rate not being increased –

Burk Right.

Harris And some of the, some of the pressures and I think you're probably seeing that from all the responsive bidders that Waste Management cited was the increased cost of fuel, the increased cost of maintenance for their trucks as well as labor costs which we know a lot of our businesses are struggling with.

Burk And at this point, obviously, Priority is the lowest bid, although it sounded like maybe there were some questions that they didn't clarify. If, would it be your understanding that if we would've stayed with –

Plunkett Well to be clear, this is a completely different -

Burk I understand. The question would be if we would've stayed with the long-term bidder would that have changed this at all?

Harris No –

Burk Okay.

Harris It would not have because we would still need to go back and set a new rate which we're going to have to do at the April 10th meeting so regardless, you would need some sort of short-term contract. They may have been able to continue services because they already are doing that –

Burk And that's kind of what I meant.

Harris But I think part of the, part of the challenge here is also the rate and so we're going to have to come back and we don't, we would not have known how to set the rate prior to this bid process so even if it were Waste Management, I still think we would've needed a bridge contract even though they would've been able to quickly mobilize to start providing services.

Burk Right. That's what I I wanted to know.

Harris Yes.

Burk So it really wouldn't have changed –

Harris Yes.

Burk This outcome.

Harris It would not have.

Burk Okay.

Harris Yes.

Burk Thank you.

Garrett Lance, are you reasonably confident that by doing this action there will be no gap in service or no huge increase for residents in that temporary period?

- Lantz So this is our only opportunity to make sure that any break in service is as minimal as possible.
- Garrett Okay.
- Lantz I am not overly optimistic but, again, we have not been able to have real conversations with these contractors until after this bid opening today. Obviously, anyone who has the capacity to provide interim services is not interested in two or three months of service so I can say if we don't take this action today, I will guarantee that we will be without trash service.
- Garrett Okay.
- Harris And Councilor Garrett, one thing we've contemplated, there's about a 12-day period of time, well there is a 12-day period of time from when the current contract ends until the April 10th meeting in which a potential new rate would be considered for the long-term contract so it is possible and likely that we would come back to this Council and recommend that for that 12-day period the Town find resources to bridge the gap because we have not promulgated a new rate so if, if, for example, I think it was \$11.95 – I think it's \$9 now, so the Town would pick up the \$1.95 extra for that 12-day period of time on some sort of prorated basis until the new rate could be promulgated.
- Garrett Is there – because we are declaring an emergency and our next meeting is delayed a week because of spring break, is there a way to have a virtual meeting sooner if necessary or does it have to be in person?
- Harris There is no possible way to have a virtual meeting. We would have to have Councilors present, some Councilors pursuant to the electronic meetings policy could join virtually but that would only be 3 of the 7 members.
- Garrett So you'd have to have 4 present?
- Harris Correct.
- Garrett Is there anything we could do next week to or is that too soon before we all leave on? I just –
- Harris Oh to do a special meeting on the rate setting?
- Garrett Yes, I mean, I don't want to leave this to like the last minute –
- Harris Yes.
- Garrett I mean it sort of already is the last minute but I would like to just know that our residents, myself included, are getting our trash pickup.
- Harris Right, right. We could consider a special meeting on the rate but there's still a lot of back and forth and when you're negotiating a three-year contract, that may not be able to be completed in a week's time with the new vendor.

Garrett Sure.

Harris So, I don't know that that's going to change the outcome in terms of needing to have a bridge agreement. In fact, I would say it wouldn't unless Lance – well, I mean it's, I mean it's –

Lantz No.

Harris Nothing's impossible but it would be, it would be challenging to get it through at this point.

Garrett I just I guess I'm, I think this body is very open to figuring out ways to support this process because I don't think anything wants their constituents to go without trash for an extended period of time. That's bad for business.

Harris Yes, and I think one of the things that Lance mentioned earlier and I need to take a look at it as well is whether or not we'd want to have a public hearing for the rate setting. I don't think it is necessary and so we just, I, I want to maybe benchmark against a couple of other communities how they've handled it. I think it's been handled differently. Obviously, we're, the public is on notice now, right, that we are going through this process and we're talking about a potential rate increase in this meeting this morning but that's a little bit of an unknown. We, we could put our heads together and see if a special meeting is possible for next week so maybe we'll circle back and see what steps we need to take to be able to facilitate that. If we did –

Garrett It's all speed and risk mitigation –

Harris Right.

Garrett There's that balance, right?

Harris Right and if we did do a special rate increase, if we did a rate increase I guess we would be looking at it for not just the interim contract but for the full contract it would be a go forward. The other thing we could do is just come back and, with an additional appropriation request which would require a public hearing and that would give us time to prepare that for the April 10th meeting. We would not be able to get that done in advance of next week because of the public hearing 10-day requirement.

Garrett Got it. Okay.

Lantz I would like to, I don't like coming before this body without answers but I only received information this morning so I don't know what's going to unfold hopefully very quickly in the next few days but to Heather's point, there is an absolute guaranteed contractual gap between March 29th and at least your April 10th meeting. That is the contractual element of this. There is also implementation. So the contractor has time, has 20 days after notification of award – okay, and that's not a contract, that's once they are told you are the low bid and we will, we do intend to award this contract, we've allowed 20 days for

contract negotiation and then there's up to 90 days for full implementation. So while we have a procedural gap in the rate, we have yet to talk actual implementation in how quickly these new facilities can be deployed and services begun under the new contract. So, I don't mean to be alarmist but don't, let's not focus on a 12-day or 15-day gap. Let's consider this something more significant potentially.

Garrett Can you update this body, Lance, even over an email just over time just to track the progress? Because I'm sure we'll –

Lantz You didn't even have to ask that.

Garrett Okay.

Lantz I would have done that because this is, this is a very important function of this Board, the Administration of the Town and requires a lot of close communication and working together to implement this as efficiently and quickly as possible.

Plunkett So to move, to move this forward and get this established do we have to understand, do we have to, to pass the resolution then understand the responsive bidders for short term or do we understand those first and then pass the resolution?

Harris Yes, so under this, under the requirement for an emergency declaration, the minutes of the meeting in which you declare the emergency declaration also have to list the bidders in which you are going to extend an invitation for this emergency contract. And so the three bidders would be the three responsive bidders today that provided a bid – Waste Management, Republic Services and Priority. And so that is the three that will receive the invitation for this opportunity.

Garrett I know that there are three other listed on this sheet, I know they did not respond just to catch all, is there any reason why you would not list them just to on, on the off chance that one of them wanted a temporary contract? Is there any harm in doing that?

Harris There –

Garrett Obviously, I'd rather focus on the three that submitted bids but –

Lantz So I would defer to Ms. Harris on that on no harm, no foul of just listing everyone and keeping options entirely open, however, there, this does not absolve the Town from responsible contracting so we have by virtue of the proposals today, the financial statements, the capacities, the equipment lists, etc. from the three who submitted already so it's not, we can't go out and find Fred in a pickup truck and say can you take care of us for a few months, right? So, Heather, as to –

Harris Yes.

- Lantz Whether or not we should include those other names who were specifications holder, I leave it to you.
- Harris Yes, I, I tend to agree with you Councilor Garrett that probably better safe than sorry since we are working with a tight timeline to make sure we continue services so if you'd like to include all 6, the only thing we need to do is read their names into the record which I'm happy to do. It looks like there is actually –
- Plunkett Eight.
- Garrett There are 6 not 8.
- Harris Yes.
- Lantz Let me, I did receive this morning from TK Trashcans an indication that they do not intend to submit –
- Harris Okay.
- Lantz So you could remove that from the list.
- Harris So it looks like –
- Lantz I believe as of Friday those were all people who had not indicated a disinterest, an interest.
- Harris So if we –
- Lantz Sorry for the double negative.
- Harris If we modified that list then it would be Waste Management of Indiana, WM of Indiana, Priority Waste, Republic Services of Indiana, On Point Waste Services and is it Rehrig?
- Lantz I believe so.
- Harris Pacific Company.
- Plunkett All right, any other questions for Heather or Lance? I will make a motion to approve Resolution 2023-08.
- Burk Second.
- Plunkett Second by Vice President Burk. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- Motion passes 6 in favor, 0 opposed.

Thank you Lance, Heather.

Presentation by Councilor Craig Melton

Plunkett Up next on New Business is a presentation by Councilor Craig Melton.

Melton Yes, good morning everybody. I was just going to ask that Dr. Krista Latham and Captain Sterling step up to the podium real quick if you don't mind please. And Chief Spears, of course, please. Today I just wanted to take a little time to celebrate a local woman resident who offers her expert trainings to our local law enforcement agencies here in Boone County. Dr. Krista Latham, a Professor of Biology and Anthropology at the University of Indianapolis and the Director of Human Identification Center, Dr. Latham believes very strongly that everyone deserves dignity in life and dignity in death. Dr. Latham was instrumental in helping the Boone County Sheriff's Department identify the victim in the 1992 Jane Doe cold case. Dr. Latham volunteered to help put a name to the deceased found at the edge of a farmer's field in 1992. Dr. Latham used DNA extracted from the deceased and utilized new emerging technology to help with the eventual success of identifying the deceased as Maggie Ann Sniegowski, Jr. Dr. Latham has volunteered her time training our local departments on crime scene investigation and proper handling and identification of human remains. Dr. Latham has trained officers from the Lebanon Police Department, Whitestown Police Department and our very own Zionsville Police Department. Not only does Dr. Latham serve in the above-listed capacities, she has also faithfully served on the Zionsville Safety Board as this Council's appointment. We celebrate National Women's Month, this Council has determined that Dr. Krista Latham is a standout servant to our community and she is very much appreciated and we wanted to thank you for your service and dedication to our community giving a voice to those who may not be able to thank you. Dr. Latham, today we want to celebrate your service with this certificate of appreciation and present you with a token of thanks with a Zionsville Police Department challenge coin as well. Thank you for your expertise and through your selfless volunteerism and your service to your community. So I just want to thank you and there's a presentation there, a certificate.

OTHER MATTERS

Plunkett Up next on New Business is Other Matters. Are there any other matters from Councilors?

Melton I do have one other thing Mr. President. I've been asked several times lately what is Zionsville doing well as I run for my reelection campaign. This next topic is what comes to mind when we think about what Zionsville is doing well. I want to congratulate my neighbor, Amelia Lower, and the Zionsville High School Royalties and Choralaires after a job well done performing at the Orlando, Florida Heart of America Nation competition. They were awarded first place in all three categories – Best Visuals, Best Vocals and the Best of Show. Congratulations.

ADJOURN

Plunkett Very good. Anything else from Councilors? Otherwise, I'd entertain a motion to adjourn.

Culp Second.

Plunkett I'll make a motion to adjourn.

Culp I'll make a motion to adjourn.

Melton Second.

Culp Sorry.

Plunkett Second by Councilor Culp. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

The next Regular Zionsville Town Council meeting is scheduled for Monday, April 10, 2023 at 7 p.m. in the Zionsville Town Hall Council Chambers. Please note the shift in dates due to the spring break holiday due to spring break – I'm sorry. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville