



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, APRIL 17, 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; Josh Garrett, Craig Melton, and Bryan Traylor
Absent: Alex Choi, Joe Culp

Also Present: Adam Steuerwald, Town Council Attorney; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of Department of Public Works; Jarod Logsdon, Superintendent of Parks & Recreation; 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 to order the Monday, April 17, 2023 Town Council meeting. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

APPROVAL OF THE APRIL 17, 2023 CLAIMS

Plunkett Up first on the agenda is approval of claims for the April 17, 2023 claims. Are there any questions from Councilors?

Garrett I make a motion to approve.

Plunkett First by Councilor Garrett.

Zionsville Town Council
April 17, 2023

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 5 in favor, 0 opposed. Thank you, Amy.

REQUEST TO SPEAK

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

Lacy No, we do not.

MAYOR/ADMINISTRATION UPDATE

Plunkett Very good. Up next would be Mayor/Administration Update and we did not receive any update from the Mayor or Administration.

TOWN COUNCIL UPDATE

Plunkett Are there any Council updates?

Traylor Looking for an update, if there is one, on the Fire Chief insurance claim.

Plunkett I signed –

Traylor Legal insurance claim I should say.

Plunkett Sure. I signed, for this Council's update, an updated tolling agreement on Friday the 14th which would extend the opportunity for sides to meet and negotiate on this. I believe the one that I signed had the Fire Chief's signature on there so we would now just be waiting for the Admin, for the Mayor to sign.

Traylor So this is the - we reached the deadline and we extended it once and now we're extending it again?

Plunkett That's correct.

Traylor Okay.

Garrett Are we extending it with active discussions or are we just kicking the can down the road? Because I'm kind of, I'm getting, I'm with Councilor Traylor like I don't know what the hell we're waiting on here at this point.

Zionsville Town Council
April 17, 2023

- Plunkett Yes, I mean, my understanding is that the intent to the tolling agreement is to, to move, allow for additional time for all parties to meet and settle, arbitrate and come to a resolution.
- Garrett I know you're engaged so I appreciate it.
- Plunkett Well that's –
- Garrett My complaint is not with you.
- Plunkett That's as engaged as I'm allowed to be.
- Garrett Yes, sure.
- Traylor So during the previous extension did we ever have a meeting where everybody sat down and negotiated in good faith?
- Plunkett No. I also believe, in full disclosure, I believe that that first extension fell over spring break/Easter so schedules could certainly have been difficult to try to accommodate, I would imagine.
- Traylor It would've been difficult to try to accommodate but there was no effort is what I'm hearing maybe?
- Plunkett I was never forwarded dates, I can tell you that –
- Traylor All right.

OLD BUSINESS

- Plunkett Up next on the agenda is Old Business. We have no Old Business items.

NEW BUSINESS

Consideration of A Resolution Regarding the Appropriation of Additional Funds (Parks-Fund 403) **Resolution 2023-11 (Public Hearing)**

- Plunkett Up next would be a New Business item. This is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is from Parks Fund 403, Resolution 2023-11 and we have Jarod Logsdon. Good morning, Jarod.
- Logsdon Good morning Council. As the central spine of our trails and pathway system, the Zionsville Rail Trail is a beloved amenity in our park system that is vital to the daily activity and wellness of our residents. The expansion of this trail both north and south as well as a year-round trailhead facility was presented and approved as a bond request in 2019. The Zionsville Parks and Recreation Department is entering its third year of this project having welcomed the community to the southern expansion and making significant process in the northern expansion.

With the award of the \$1.8 million dollar grant from the Next Level Trails Program, an opportunity was presented to not only complete the outstanding capital projects but also improve drainage and widen and replace the existing Rail Trail pavement as it reached its ends of, ends of life. Bundling the northern expansion and the widening project allowed significant savings in duplicate mobilization and administrative costs. The additional fund request seeks to allocate \$500,000 to reestablish 10% of contingency for unknown and unanticipated change orders and quantity discrepancies. As the northern expansion and widening project failed to secure bids during its first posting, the project was changed from lump sum to a ticket-based bid based on engineered calculations. As the project progresses, we are noticing the need for additional excavation and stone along the corridor, the need for unanticipated undercuts and expanded plantings. I will also mention that this request was originally proposed in the 2023 budgeting process as an \$800,000 request from Fund 103. In 2022, Fund 103 were the capital savings of the park system prior to joining the General Fund and in 2023 with this budget, Parks was pulled out of that General Fund and re-added to Fund 103, therefore, Fund 103 changed from a capital reserve only to capital savings and operating. So and within Fund 403, in 2022 there were fund, these funds allocated towards the project but in the strategy of changing from Fund 403 to 103 these funds were not encumbered, therefore, they were not brought into the 2023 budget. So we're simply asking for your consideration to reallocate those to finish out the project as awarded in 2022. Happy to answer any questions about the project.

Garrett Can you go through that again for me?

Logsdon Yes.

Garrett It's too early for me. There were too many numbers. This was budgeted in 2022, not spent, not encumbered, was not in the 2023 budget. Let me ask you this – so how much was budgeted and not spent in 2022?

Logsdon \$900,000 was budgeted and \$430,000 was not spent.

Garrett 430 not spent. And then, so were you under budget in 2022 by \$430,000 or did you spend \$430,000 in other places?

Logsdon We were under budget. So \$900,000 was allocated towards construction, \$600,000 was going towards this project, \$430,000 reverted and we allocated the other portion to the pickleball project.

Garrett So the money –

Logsdon Because, because our estimate from, for the bridge at Starkey Avenue came under what we anticipated.

Garrett I guess here's my problem is that this wasn't in the 2023 budget. We went through a lot of process to figure out budgets. If this had been in the 2023 budget, there is a very realistic possibility other things you have asked for wouldn't have made it through the budget so you're kind of asking for both here at this point and it's just for a contingency. Personally, my opinion is if you need contin –

like, if there's a change order that comes up you've got to figure out like any other household – is this change order worth what's in my budget and should I find the money somewhere else? So, this is a different ask than I feel you had an ask last meeting which was kind of a once-in-a-lifetime opportunity to take advantage of grants and funds and things like that. I'm just going to, I'm going to ask you to stay within your budget myself. If, if there's change orders you've got to figure out where else that's coming from. If there's cost overruns, you've got to determine if that's something we really can eat. I just, I have an issue with just kind of giving any department, not just you, I'm not picking on you –

Logsdon

Yes –

Garrett

A blank checkbook just in case. You've got to live within your means. That's where I'm at.

Burk

Jarod, if you were to not receive this particular ask, what would happen to the particular Rail Trail project because you're mentioning contingency?

Logsdon

Right. Well, just because of the way invoices have landed, we are anticipated to use, utilize a portion of this contingency to pay out the last of that so should this not get funded, we will look at phase 2 prior to releasing the contractor to, to work on it and likely remove a portion of it. So we explored potentially narrowing the widening but that didn't make sense. We don't want to put in that investment just to have a choke point along our Rail Trail. Ultimately the goal was to have a uniform trail that we can maintain in a prescriptive manner.

Burk

Is this ask within the Parks savings?

Logsdon

Yes, so that is the reason it was from 4, 403 because that is where the funds were allocated from last year. Again, the strategy was to change in 2023. We were going to use 103 and that was simply just because that had healthier cash reserves but now that that is operating and capital, we want to be mindful of that and not request these funds at that time.

Burk

Is the, I know you're making the ask, did the Parks Board, did they, have they agreed that this is probably a prudent spend from your savings account?

Logsdon

Yes, as these funds were allocated last year, it was approved and I've spoken with the Park Board President.

Burk

Thank you.

Plunkett

Yes, Jarod, my question is kind of along the lines of both Vice President Burk and even Councilor Garrett. You and I had an email exchange on the 10th of, of April where you said that you would provide an overview of revisions to phase 2 should funding not be secured and that we should or that I should expect that document within a week. And then I got an update on Friday, just a parks general update, I think we all got that, where you kind of reiterated that this was going to be requested but then said that should Monday's request not be fulfilled, the Parks Department will be required to change the scope of work through change order prior to phase 2 widening beginning to remove lengths of the project. My

question is – is this your overview of the revisions or was that sent separately? I mean, I guess what I'd like to see is if this doesn't get approved does it stop? Or what doesn't get, what doesn't get completed moving forward? Obviously in that same email you said kind of a head's up for an additional appropriation – excuse me – an additional request that at some point is going to be coming for another \$200,000 which in the original email you mentioned that the timing of what you're going to request coming up didn't work –

Logsdon Right.

Plunkett Before but apparently it does at this point which is fine. I mean, I may be certainly supportive of that and I'm not saying I'm opposed to this. What I'm saying is nothing is good or bad until compared to the alternative and I don't know what the alternative is. So, I mean, that's kind of where I am. I don't know what if this doesn't happen –

Logsdon Yes –

Plunkett I still don't know what doesn't get completed and I thought we were going to have that for this meeting so.

Logsdon Yes, originally working with our contractors we were looking at changing the width from 12 foot down to 10 or something like that as we replaced but ultimately after doing a little exercise on that, that seemed like a bad investment so creating that choke point. So we just didn't have the time to get the calculations for how much of the segment of phase 2 would be removed from the project should these not be awarded.

Plunkett How much time would you need to put that together?

Logsdon I could probably have it by the May 1st meeting.

Burk Yes, I don't think you want to reduce anything from 12 to 10.

Logsdon Yes.

Burk I mean if you're going to do it, you want to do it right and I think it's just a matter of continuing this and then maybe coming back with some additional information. I mean it seems like the right play at this point.

Logsdon Yep.

Traylor Do, do we have fund balance information on Fund 403?

Logsdon I'm not sure we have that at this time.

Plunkett I think I actually got an, I was going to say I got an email this morning unless – well, I'll let Cindy.

Poore The fund balance is \$904,118.

- Logsdon Thank you, Cindy.
- Garrett Jarod, I don't watch the Parks Board's meetings – apologies but I just don't so I don't want to say something that's unfair but I feel like the answer to their problems is always to come back to this Council for more money. I would like to hear like what are their other solutions to this problem? Like, what else can they cut to solve for this? Can they come up with half the money? Like we have written a lot of checks for Parks outside of the budget process in the last two years and I am growing uncomfortable with it only because as we continue to dig ourselves out from the financial mess and Cindy's doing a nice job of digging, not out, not in, but I still don't feel like we have a full grasp of this Town's financials so it gets harder and harder to write these checks, create these bonds and that's not an indictment of you, that's just the situation that we are in so I, that's why, I mean it's one of the reasons why I just say no is I haven't seen all the alternatives. Like I just feel like this is just an ask for \$500 grand and I don't have a general sense of what happens if we say no and I don't have a sense of where else can some of this money get, come from. It's just kind of an ask which is the easy path and I kind of want you to earn it so I don't know if you want to continue this until we get more information. Right now I'm a no. I am open to additional information but not yet.
- Traylor And I'd just like to voice my biggest concern on this is after hearing the balance of \$900,000, we're asking for an appropriation of \$500,000 when I have some significant question marks about the accuracy of the fund balances. The accuracy of any of our financials and that's not Cindy's fault, that's, Cindy's trying to, trying to get us dug back out as, as Councilor Garrett said but we're not there yet. We're not to where we have a crystal-clear view of our financial situation yet and to ask for \$500,000 of a \$900,000 balance makes me really nervous to get, when I'm not positive that there's really \$400,000 left there. That make sense?
- Garrett Yes.
- Traylor Yes, all right.
- Melton Jarod, for Trailside the rail extension from what's that – 875 across by the school – is that what these funds are for?
- Logsdon No, Councilor Garrett asked for a forecast of all the additional appropriation requests that we'd have on the horizon and as Councilor Plunkett mentioned, in February this request was \$800,000 still from Fund 103. That was prior to talking to Crowe and forming a different strategy so of that \$800,000, \$500,000 was going to go to the Rail Trail project, \$200,000 was going to go to that Trailside connection and \$100,000 was going to go towards improving the Pleasant View Elementary connection. While the opportunity for our contractor to complete those two school projects has passed since we didn't have funding for that, in speaking with the Department of Public Works, there is an opportunity to potentially bundle the Trailside connection with their project since theirs is just about to be bid. So Lance and I have been working together on that scope and that would be bid as an option to be included with their projects and then still utilize Park funds should they be approved when requested at a later date. So I just wanted to put all our cards on the table. Rail Trail connections is one of the

top six priorities from the 5-Year Master Plan. We feel that connection is extremely important, especially the Park Board have been pushing for that so we did want to move that forward but within our active widening project, that window had closed but now another opportunity is here so that is why it would be before you soon.

Melton I'd really like to see that stretch of pathway completed. I don't really personally mind how wide it is but if this is going to slow that down, I don't want to slow that down but I think this is kind of a separate equation with this being additional funds.

Plunkett I will just real quick – this is a public hearing and I have proof of publication of the public notice of the public hearing. At this point I will open the public hearing. Any members of the public who would like to comment? Having seen none, I will close the public hearing. I got bits and pieces of, of each one of your guy's thoughts. I mean I don't necessarily want this to stop it from happening if it needs to happen but I'd like to understand what the ramifications of not approving it would be. I mean, personally, I'd like to see it continued to the May 1st meeting so we can give Jarod time to put this together and present at that meeting.

Garrett If, is there, I mean, if we just turn it down is there any, is it better to continue it or just turn it down until there's, like I kind of want the Parks Board to really debate this and figure out some alternatives. Like I don't know if that's enough time for them. Does it reset the clock if we turn it down or does this just kind of –

Plunkett I feel like we'd have to publish this again since we have a public hearing –

Garrett Okay.

Plunkett If we decline this – Adam, is that correct?

Steuerwald Yes.

Plunkett So we would, so it would move at least 10 days for publication and –

Steuerwald Yes.

Plunkett But, if we continue it we wouldn't have to publish it again because we've already had our public hearing.

Steuerwald Correct.

Traylor I think the question is if we were to continue it does the amount, does two weeks until the next meeting give the Parks Board enough time to meet and come back to us with information or is it better to decline it, reset the clock to give them more time. I don't know.

Plunkett Well these are not to exceed numbers, right on the public hearing?

Steuerwald Yes. You can always decrease that.

Plunkett So I guess maybe would you, the Parks Board have enough time between now and the May 1st meeting to put together a scenario if it's not approved then this is what it looks like or this is what we're going to modify or change to –

Logsdon Yes, I believe we could work with our project team to get those numbers, yes.

Traylor And, I'm really not sure what you can do to alleviate my concerns, but I think you've heard them, you know, that we're pulling from an account that only has \$900,000. That's sounds like a lot of money but when you're pulling \$500,000 out of it, you've got questions about the accuracy of the fund balances and you, I'd like to see more cushion in there personally.

Plunkett And will there be other requests?

Traylor Right.

Plunkett I mean that's the other thing. It's people so –

Garrett And, if the project team includes finance components to that, Jarod, I mean, I want to see – if, if maybe the number changes, right? Like maybe it's \$250,000 and you guys find places elsewhere in your budget for \$250,000, I would like to see some, some options there, right? So at least we know all right, if we give you \$250,000 we're losing this. To see that there really is a priority versus just another ask.

Logsdon Okay.

Traylor So I'd make a motion to continue.

Garrett Second.

Plunkett First by Councilor Traylor, second by Councilor Garrett.

Garrett That's me. That's all right.

Plunkett All those in favor of a continuation signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 5 in favor, 0 opposed. Thanks Jarod.

OTHER MATTERS

Plunkett Are there any other matters from Councilors?

Traylor I just want to put something on the public record. I've gotten a lot of feedback on the intersection of 400 South and 875 East and I just want to put it out there that

while there's been concern that there is the perception that there's a lot of accidents happening, we've gotten some data that kind of conflicts with that but the neighborhoods that butt up to that have, have expressed continued concern. I think in the past, prior and I'm going to give Mr. Lantz a head's up that I might need his help on this but in the past if a resident wanted to petition for something additional that the staff does not support, they had the option of going to the Safety Board to have that reviewed and then the Safety Board would make a recommendation and it would come to us. At this point I don't believe after October of 2020, since then, I don't believe the Safety Board any longer has that authority so if it, I just want to make sure I'm accurate that if a resident wanted to petition for a 4-way stop, which is what they are pushing for and I'm not pushing for it because I believe the data and am in favor of, of the current staff recommendation of not putting a 4-way stop at that intersection, but if they wanted to push it a step further the accurate next step will be for them to petition the Council for that? Is, I see Mr. Lantz getting up – I just want to make sure I understand the process so that they can understand the process.

Lantz That's correct. This would be the body, as you control the traffic ordinances for the Town of Zionsville, you would make the ultimate decision on whether to add a new stop condition. I will say that in light of the recent discussions, I've reached back out to the county because that happens to be a jurisdictional road right between our jurisdiction and the County Highway jurisdiction and they are amenable as we are to revisit that intersection. The last study was performed by LTAP, the Local Technical Assistance Program, out of Purdue and we could either have that same agency come back into Town update traffic counts to look for any type of justification or warrant. So we're already talking with them. The reason we're not jumping on that immediately is because there is a county bridge culvert project in that area that's changing traffic patterns and, of course, we're going to be having a major intersection closure here in a couple of months so we don't want to record data when it's not an accurate representation of what's happening out there. So as soon as the dust settles from these projects and that will have been what about two years since the last official study was done, we'll hit that again.

Traylor All right, thank you. Thank you. So just to reiterate that there's highly likely another study coming after all of the construction on Oak Street and that roundabout is completed but if somebody wanted to petition the Council, I would be happy to recommend their, they be put on the agenda, however, I would tell you that if you were to petition the Council, we have statistics and facts that say no, you would need to come with statistics and facts that say yes that this is accurate because it's not, it's not going to be approved because you just because you think it needs it or you want it, you need to have the facts to back it up. That was all. Thank you.

Plunkett Any other matters from Councilors?

ADJOURN

Garrett I'll make a motion to adjourn.

Burk Second.

Zionsville Town Council
April 17, 2023

Plunkett Vice President – first by Councilor Garrett, 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 5 in favor, 0 opposed.

The next Regular Town Council meeting is scheduled for Monday, May 1, 2023 at 7 p.m. in the Zionsville Town Hall Council Chambers. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville