



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

Also Present: Adam Steuerwald, Town Council Attorney; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of Public Works; Michael Susong, Stormwater Management Division Supervisor; Bobby Knox, Stormwater Technician; 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 June 20th Zionsville Town Council meeting. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

APPROVAL OF THE MEMORANDUM OF THE JUNE 5, 2023 REGULAR MEETING

Plunkett Up first on the agenda is the approval of the Memorandum of the June 5, 2023 regular meeting. A copy has been posted. Are there any questions from Councilors?

Garrett I make a motion to approve.

Melton Second.

Zionsville Town Council
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Plunkett First by Councilor Garrett, second by Councilor Melton. 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.

APPROVAL OF THE JUNE 20, 2023 CLAIMS

Plunkett Up next is the Approval of Claims. Are there any questions from Councilors on claims? I did have a couple, Cindy, if you're okay to come up. Let me find them here. All right, so we've got on page 9 of claims, I mean, it doesn't necessarily jump to all those but there are a bunch of fees, bank fees –

Poore Right.

Plunkett I'm assuming those fall under the claims that can be paid without approval. Is that correct?

Poore That is correct. Those are automatically taken out of the account at the end of every month.

Plunkett Okay and then the Ice Miller \$3,430, I'm assuming that's also for Ice America? Another month of Ice America work?

Poore Yes.

Plunkett Okay and then I think the last question I have on claims, there is a \$4,853 return check. Do we know what that was?

Poore I don't have it in front of me. I'd have to get that information.

Poore Actually, I believe it was for a permit and then Planning has been notified and they're working with the person to get another form of payment in.

Plunkett Okay, so that was a check that was paid to us –

Poore Correct.

Plunkett Okay. That's all I had. Anybody else have any questions for Cindy?

Melton I had a question regarding, you said Ice Miller is the claim for Ice America? Is that right?

Plunkett Yes, they've been, that's the last four or five months' worth of –

Poore Yes.

- Plunkett \$3,000 a month of work on Ice America bills.
- Melton So I see –
- Plunkett Or –
- Melton I see a Barnes & Thornburg on here that says \$806 services for Ice America. So, are they working in conjunction together against this?
- Poore They do collaborate.
- Plunkett We have three law firms working on an Ice America settlement that we're going to talk about shortly.
- Melton Okay, thank you.
- Plunkett Any questions other questions for Cindy?
- Burk No.
- Plunkett I would make a motion to approve claims.
- Burk Second.
- Plunkett Second by Vice President Burk. All those in favor, signify by saying aye.
- All Aye. All those opposed same sign.
[No response]
- Motion passes 5 in favor, 0 opposed.

REQUEST TO SPEAK

- Plunkett Up next is Request to Speak on Agenda Item. I have one. Amy, are there any other requests to speak?
- Lacy No, that is all.
- Plunkett Did we steal your microphone?
- Lacy Yes, we're just short one so we're sharing down here.
- Plunkett All right. I've got one request to speak. This is John Ulmer. John, if you would, when you get a chance or when you come up here, if you would just please state your name, address, you'll have three minutes. Once you get to two minutes I'll give you the thumbs up to let you know you've got one left.
- Ulmer Good morning. My name is John, John Ulmer. I live at 1880 South 950 East in Zionsville. I'm here representing the Eagle Creek Watershed Alliance as its Chairman Retired and back in 2005 the Watershed Alliance began working to improve water quality in the Eagle Creek watershed, obviously, and we worked

with a lot of the agricultural community at that time to reduce fertilizer loading and nutrient loading in the stream the, and that went on and on.

Today, really what I'm here to talk about is algae because today with the development going on and using up all the farmland, we're converting that farmland that was well managed to developments which just adds rooftops, sidewalks, streets and really creates a lot of, it all goes into our stormwater system. So the nutrient loading into Eagle Creek has changed basically from the source being residential landscape contractors to whom lawn fertilizer is an income item from farming where fertilization was an expense item and I just wanted to really point that out that those two business models are sort of different and I was interested that we were having a stormwater presentation and I think that it would be good if we could monitor and see what our nutrient loads are today and similar to climate change, not just kick the can down the road to people that are younger than us to fix it. That's all I got. Thank you very much.

MAYOR/ADMINISTRATION UPDATE

Plunkett Thank you. Up next on the agenda is the Mayor/Administration Update and we did not receive anything from the Mayor or the Administration so we'll move on to the Council Update.

TOWN COUNCIL UPDATE

Plunkett I just wanted to update the Council and the public that our July 3rd Town Council meeting has been cancelled. Obviously, we'll restate that at the end of the meeting but I just wanted to make sure everyone was aware of that. Any other Council updates?

OLD BUSINESS

Plunkett Up next is Old Business. We have no Old Business items, so we'll move on to New Business.

NEW BUSINESS

Stormwater Presentation

Plunkett Item 8A which is a Stormwater Presentation and we have Mr. Lantz to walk us through that.

Lantz I'm only the facilitator this morning. I brought the brains of the organization with me so – all right, we're live. Well, thank you this morning for this time on the agenda. With me this morning also we have from our small but mighty Stormwater Division we have the Division Supervisor, Michael Susong, Senior Stormwater Inspector, Bobby Knox, and Stormwater Inspector, Steve Parker. So, you're looking at the sum total of, of the Stormwater Division.

Just to kick things off, on a high-level overview, we're not here because we necessarily think that you'll find this as fascinating as we do but we, under some

new permit requirements are required to get in front of elected officials at least once a year and do at least a light explanation or refreshing of our stormwater program as a permit. We are an MS4 community. That is a municipal separate storm sewer system, meaning that we have a separate from sanitary system that collects the rainwater, conveys it through ditches, pipes, advances and eventually ends up into the Eagle Creek, for the most part, in our area. So as part of an MS4 community, we hold an NPDES permit. That is the same acronym that you might have heard with the sanitary sewer presentations. It is the same type of permit. We must take efforts to make sure that our stormwater runoff is as clean as possible. Now, unlike a sanitary sewer, we can't bring everything to one location and treat it and ship it back into the environment. So, our permit is formed by six minimum control measures and behind those minimum control measures are a litany of programmatic indicators and, of course, those are types of things that's like if you do this you can expect that result. So Michael and team will walk through those six MCMs as the basis of the presentation today and the highest-level overview of our program, our permit program, and then we'll kind of dive into some other little Stormwater Division efforts. So, with that I will turn things over to Michael initially and let him kick off the meat and potatoes here.

Susong

Good morning. The first one we're going to talk about is MCM 1 – Public Education and Outreach. The goal of MCM 1 is to communicate to residents, Town staff, contractors and visitors that Zionsville is an MS4. The Town's website has information about the Stormwater Division and our efforts. Let me get our laser point out – so that's that. Blue is the New Green is a 10-minute video that is presented to each new hire for the Town to bring awareness on stormwater matters. And then the White River Alliance – get my screen to adjust there just a little bit – is an Indianapolis-based organization that helps with this effort and Zionsville is one of several local communities that work together with this organization.

MCM 2 is Public Participation and Involvement. The intent for this MCM is to provide opportunities for members of the community to get involved in the MS4 efforts and to take actions. Clear Choices is associated with, is ran by White River Alliance. People can take a pledge such as using lawn fertilize, using less lawn fertilizer, preventing litter and many more. The annual creek cleanup known as Creekfest is a great opportunity for the community to come out and help clean the creek and to raise awareness. Report-a-polluter is a good way to reach out to us if someone in the community were to see anything that is out of line or of a concern.

Lantz

I warned Michael I was going to do this because interrupting is what I do – but I'd like to call out something on this slide and the previous slide and that is the White River Alliance and sort of the child of the White River Alliance is Clear Choices Clean Water Indiana. Back around 2004 when the Town of Zionsville had to initiate these steps as a clean water community, we were charged with educating the public and back in the day that was gee, you know, send a postcard out once a week or, excuse me, once a year but by partnering with the White River Alliance, we came together with Noblesville, Fishers, Carmel, Hamilton County and we said hey, we all gotta do the same thing, right, so if we pool our money under this umbrella organization, we could probably do some really cool stuff. So instead of sending out postcards or stapling up fliers to telephone poles,

we've evolved this as far as creating television commercials. Now, they don't run prime time on the big networks but they're out there. But the neat thing that, that came out of that was this Clear Choices Clean Water because we have to report to IDEM annually how many people we think received our clean water message and you can listen to demographics, if you run a spot on the radio, they say well, you know, today 1,000 people probably heard your message. Well, this Clear Choices Clean Water is an interactive website that you can enter as much or as little information as you like and you can see what your actual footprint is just on your parcel. You can say I have a quarter acre and if I, there's a number of pledges, if I am going to replace X percent of my yard with native plantings or I'm going to eliminate phosphorus from my fertilizer, it will run some little quick numbers and tell you you by your actions have reduced 500 pounds of blue green algae based on your decisions on your property. So, I really, if you have a chance and you feel at all compelled after this presentation, just Google Clear Choices Clean Water Indiana and see what it does for you because it's really a neat website. And, obviously, being a website it's not just clicks that we can count, it's actual live pledges so we can say if you've clicked a pledge, we've probably reached you with some level of messaging. Sorry –

Susong

No, we're good. So, I'll forge on and continue along in the slides to just keep things moving along here. MCM 3 is Illicit Discharge Detection and Elimination. In practical terms, our goal for this MCM is to prevent illegal dumping into stormwater inlets and eliminating cross connections of wastewater pipes that are connected to stormwater pipes. The photos of an oily, oil sheen, milky water being poured into a stormwater inlet and then the milky discharge out of this culvert are web-based examples of what we want to prevent. The map to the right is the MS4 area which is the area that is the Town is responsible for conducting these efforts and it is a, it is an IDEM classification of MS4 area which is the Indiana Department of Environmental Management.

MCM 4 – Construction Site Stormwater Runoff Control. There is a considerable amount of staff time that is dedicated to this MCM. Stormwater permits are issued in advance of building permits. Our permit plan reviews focus on both drainage and erosion control for both residential and non-residential projects. And up next is Bobby Knox to speak on this topic.

Knox

Good morning. So with this MCM, myself and Steve Parker, we conduct routine inspections on any stormwater site that receives a permit, whether that be an individual lot or a larger construction site over 1 acre. We conduct these routine inspections through a web-based inspection program called PermiTrack. PermiTrack is pretty unique because it allows us to develop an inspection program that is tailored to each site because no site is ever the same. There's different features for every single site. We conduct these routine inspections over the course of the year and over the life of the project. Sometimes we may do more depending on the stages. If it's mass earthwork we'll be out there a little bit more but once it starts to finish up and stabilize we may back off those inspections. We also conduct inspections based on complaints. We respond to those the same day. These complaints can range from mud tracking to dust control to dirty water leaving the site. That's all I have for this slide. I'll turn it back over to Michael. Thanks.

Susong So MCM 5 – Post Construction Stormwater Runoff Control. The purpose of this MCM is to detain stormwater and to clean it. To achieve this requirement, best management practices, which are commonly referred to as the BMPs, include items such as ponds, grass lines, swales, swirl chambers and others. The picture on the left is a dry pond which, if you look right here you can see it, these gravel paths which help to bring the water into the outlet control structure. Both, both dry and wet ponds essentially function in the same manner. They slow down stormwater and allow it to flow out at a meter grade. There are, there are maintenance responsibilities that owners need to be aware of and are required to do to ensure that these BMPs function properly. Also, the swirl chambers are essentially large water filters that are made, and the size of a manhole structure and typically have a lid with the manufacturer's name on it. So, so these are the post construction stormwater BMPs and up next is Bobby Knox.

Knox So here is MCM 6 – Municipal Operations Pollution Prevention and Good Housekeeping. I would like to note these two photos are not of any Town-owned facilities though here the Stormwater Department we are required, required to inspect each Town-owned facility four times a year. When we are doing the inspections, we inspect the municipal service building, the Fire Departments, Police Station, all the parks, so when we are inspecting these, we are looking for any source of pollutions out there. We are also checking to make sure all chemicals are being stored in secondary containment. We are looking to make sure there is no erosion, trash is being picked up. So if we find anything, we'll notify the proper Town staff. Along with that, we also inspect our Town-owned infrastructure. Here are three types of inlets that we see throughout Town. This is a flat inlet. You typically see these in the roadway where it's depressed where water can't get to the side to get off the road. These create an issue because a lot of the debris whenever it rains, especially in the fall, these, these things will become blocked. The staff at the Street Department will conduct monthly cleanings of these. If we have a rain event greater than a half an inch we will conduct cleaning automatically.

Here is a curb inlet. You see these typically in a subdivision. These are nice because the curbs actually convey the water to these inlets. They, these things can also plug with leaves and other debris matter but it has an overflow up here at the top. We'll come out there and clean these things off.

This right here is a beehive inlet. These are typically in the rear yards of subdivisions. They take a defined swale that directs water to these and we, sorry – and we try to keep any type of foreign objects out of the swale. This includes fences, landscaping, trees so these things do not block the flow of water.

Next slide – Other stormwater efforts that we have here in Town – we have a street sweeper here and we typically collect about 145 tons of material removed from the roadway each year. We try to complete two full rounds of street sweepings on all curbed roads. Along with that, we try to sweep the main roads in and out of Town four times a year. Here are some of the projects that we have done in-house here. So this location is at 6th and Poplar. It's been a known flooding issue for years. We came in and installed the structure and a pipe and got that issue resolved. Here, I believe, was an old inlet with some old pipes. It was deteriorated enough that we had to come in and replace it and then this is on

the trail just behind our facility at the municipal service building. Due to existing conditions changing, we had water flowing over the pathway here creating a mossy condition. So we installed a structure with a pipe and eliminated that issue.

Lantz Home stretch, I promise. So, it's not all about regulations, right? We do our darndest to keep the Town compliant with the stormwater permit but there, I don't think I need to really go through all the benefits of fresh water. It's vital to life and if there's one or two takeaways from today, it would be that your stormwater team is keeping this Town compliant and doing everything they can to increase or improve the water quality in Eagle Creek. I love that picture to the right. We're seeing more and more kayaks, more and more people out engaging with waterways but the biggest thing to take away, I hearken back to that Clear Choices Clean Water Indiana. Take a minute and realize that even on our little half-acre Shangri-La's we can take actions ourselves at the local level to improve water quality. So, we're always happy to answer questions – now, in the future, when you wake up in the middle of the night tonight and you're like what did he say about that and you can call me then that's fine – we're here for you.

Garrett Lance, can you, I know it's not part of the presentation but I haven't heard any concerns from residents in a while – capacity especially in the Village, is it, are you feeling better about that?

Lantz I really am. Now the Village is, of course, very challenging all right?

Garrett Yes.

Lantz When you look overhead and you see all the overhead wires, multiply that by about three or four and that's what's underground. So there's not always a lot of real estate to get pipes and, of course, being an entirely gravity system, you're at the mercy of topography. Over the last, oh probably since about 2018, we have invested well over \$1 million dollars in about three project locations – 4th Street, if you've, if you happen to look at like Zionsville the Village in a cross-section, 4th Street's kind of like the bottom of the V, right? Everything has kinda gotta go to 4th Street and then south. There were two projects along 4th Street which really took care of a lot of localized flooding when we're getting inundating rain and then we also had a major project over on 3rd Street. So those are some great successes that do make us and probably some residents sleep better at night but I don't think we'll ever, ever see, it's very impractical to get to the Village to drain as though it were a start from scratch subdivision. So, very hard to retrofit stormwater.

Garrett And then, I don't know how to ask this question but I guess I'll just ask it – our new, as I've experienced our new trash collector and I know they're in the process of transitioning to standardized buckets, the auto picker, as I sort of walk the neighborhood afterwards, leaves a lot of trash and that trash drains to, at least in Raintree, our little stream that drains to Eagle Creek that sort of addresses some of the things that was in the presentation. Is that going to get better do you think with the automated system in terms of it does impact water quality?

Lantz It's my expectation that it will.

Garrett Okay.

Lantz With properly closed lid containers. Right now and for many years it's just been a hodge podge of any type can out there, hand tossed, all sorts of things encountered but I do expect it to be better. When we notice failures for service, we do alert the haulers.

Garrett Okay. And last question – sorry for so many questions but –

Lantz I wasn't expecting this on stormwater. This is exciting!

Garrett You mentioned the street sweeping which I love when that comes through the neighborhood but it's, it's, it is more infrequent than I like just because I see the good results. Is there any thought in the 2024 budget of looking to perhaps up that program? I know it requires both machinery and personnel to do that but is that anything you're thinking through? It's certainly something I'd be supportive of as, as it relates to not only sort of the beautification of Zionsville –

Lantz Mm hmm –

Garrett But also preventing things from going into the waterways.

Lantz What a great idea. Certainly we can. We'd love to be able to sweep the streets as frequently as possible. I think any additional effort would mean moving into a contracting scenario –

Garrett Okay.

Lantz We certainly don't want to spend another \$350,000, \$400,000 on a piece of equipment and hire someone because it's very intensive with labor and equipment. So, to supplement our in-house then we could institute a contracted, a blended approach, and get some contracting. So, I think maybe look forward to seeing that in the budget request.

Garrett I look forward to seeing it. That's all I got.

Burk Yes, I just want to thank this crew. Maybe it's unheralded but incredible work and appreciate the presentation. It is very, very important not only for Zionsville but the surrounding community and all of our waterways. Kind of picking up where Josh may have been going in terms of dollars and sense, and you know this body's always thinking about dollars and sense and budgeting coming up here sooner than later. Lance, is there anything that you're thinking two, three, four years down the road, and it could be something like equipment for road sweeping, but are there any specific needs that you see that we should be putting on our radar screen and may even be ARPA dollars but is there something specifically that this team could use moving forward and, again, I know when you get to budgeting you'll probably have all kinds of great ideas but anything else the top of your head that we should be thinking about?

Lantz No, at this time there is nothing alarming or things that give me pause. As I mentioned, we had several or a few stormwater projects in the Village that really, are performing well so in the Village we always have pockets of problems and it's, you know, you haven't, you say you haven't heard of it because we've, we've had a dryer spring, right and a dryer summer so these things manifest and the complaints come in when we have a particularly wet season but right now there is nothing significant I see coming down the pike as far as stormwater goes.

Burk Well if that changes let us know. Here to help.

Lantz You'll be one of the first seven to know.

Burk Great work.

Melton I had one question about the, to kind of play off of Mr. Ulmer's question about the Eagle Creek Watershed. Does Zionsville calculate or audit the, like the nutrient loads that are going into Eagle Creek? Is that why, is that something we would do or something we're interested in doing or?

Lantz Well that information is available right now online. We co-fund a Super Gage site there just off the bridge on Main Street/Zionsville Road. That Super Gage has been collecting data for a number of years and it archives it and can be checked by anyone. I don't have the website off the top of my head but if you Google Super Gage Zionsville you'll probably be, likely be taken to that site. It's through the partnership with the USDS but that, that's a single point, right? It's kind of nice and it is relatively far downstream. Water has made its way mostly across our landscape by the time we're at that brunk or that stretch of, of Eagle Creek but that's always one data point and although it is a really, really cool gage and there's not a lot of them that exist and USDS and DEM, everybody loves them because there's a litany of data, it's only one single point, right, to measure impact across the stream reach you got to have two but the further upstream you go the more tributaries you encounter and so it's very hard to identify upstream where exactly – I did not do that – but, I mean, I did do that simply by conjuring of the will. So, there, Joe has pulled up the USGS Super Gage site and they've re-tooled their site lately so you probably have to scroll down but you can see all of the other parameters that it measures and then if it's something from long ago you can actually submit a query through the website and go back in history as long as they've captured the data.

Melton Great, Yes, that's great to see that. I've seen them actually pull that tube out of the water and collect the data at one point so that was kind of neat. With the classification area of the MS4 area, the IDEM area, I think on back to the presentation there was a map and it looks like –

Lantz Mm hmm –

Melton It looks like my neighborhood is a part of that out in the rural district and I know we have an ongoing issue out there where we have 11 ponds and we've done, we're just trying to control that algae growth so many different ways. We've attempted to use stone edging to try and keep the erosion from allowing more nutrients to go into the water and then we've also used tilapia as a process to kind

of keep down on the algae as installing those every year which I think they die off and I think they create a little bit of a load themselves once they pass away but is there any new like technology, new thought process as we move forward with developments in Zionsville regarding pond edges, pond drainage, obviously using less chemical to treat your lawn is one option but as we know, we can't really control what homeowners do in general, though we can control what we do moving forward with the new ponds and their edge requirements or things of that nature. Is there any new thought process to that?

Lantz Oh absolutely. The general direction of stormwater management is stop trying to force it to do what you think it should and take a look at nature and just copy what nature's been doing just fine for thousands of years. So changes in pond design, absolutely. In the age of, of your neighborhood those were purely flood control. They are just holes in the ground to let the water sit so it doesn't flood out people downstream. Since then, there have been a current pond or a modern pond has plantings, it has two shelves. It has a safety ledge and a safety ledge, right? All these ponds are very attractive nuisances. Kids want to jump in them, fish in them, look at them, they look intriguing. So new ponds instead of just kind of sloping down then they hit the water and keep on going down there's now a safety ledge above the water and then there's a safety ledge slightly below the water and where that ledge also offers the opportunity is for native plantings, the bulrushes, those types of plant, now they, everything has its own downfall right? You have biomass, you have die off in the fall much like the fish you mentioned, if you have aquatic plants everything in Indiana is going to go dormant right and then you've got some plant material in the fall but there is no better filter, water filtration than native plantings and so that's the change in the pond configurations and if I'm leaving something out important I assume one of you will tap me on the back and say get out of my way – but the very best thing you can do typically in a, in a subdivision, your pond is maintained by someone else but it's also in a common area so make sure as you're wanting your common areas to look nice, make sure you talk to your service providers and just start with a no phosphorus fertilizers because that's probably the biggest contributor to the algae blooms that we get in the fall and the stagnant water conditions so make sure that they're using environmentally friendly practices.

Melton That's great info. Thank you.

Plunkett Thanks Lance, Mike, Bobby – appreciate it. Thank you very much.

Lantz Get out of here, right?

Culp Sit down.

Lantz Thank you for your time this morning. We do appreciate it.

Plunkett All right, I do, before we move on, I do want to make a quick note. We've had two motions that were made and approved by this Council and I mistakenly said they were approved at 5 in favor, 0 opposed. We have 6 Councilors so just so that we're on record, 6 in favor, 0 opposed on both the Memorandum of the June 5th Town Council meeting and the approval of the June 20, 2023 claims were both approved 6 in favor, 0 opposed.

Presentation of a Request from Zionsville Cultural District Regarding Summer Concert Series

Plunkett Up next is a Presentation of a Request from the Zionsville Cultural District Regarding the Summer Concert Series and we have Candace Ulmer to present. Good morning Candace.

Ulmer Good morning. Candace Ulmer, 1880 South 950 East in Zionsville. I am the Treasurer for the Zionsville Cultural District and the Chair of our concert series. Back in April of '22, I came before you and asked for a \$100 fee waiver because we have a Kona Ice Truck come and I think it was a food fee, something like that and you graciously waived that for us back then and I think you might have the previous minutes of that meeting if you go back to like pages 24 to 26. The discussion came up of having the concert series be a "Town" sponsored event and I think it was a discuss but I don't think any action was taken from what I could read of the minutes there. So, I think to clean up or do some housekeeping, I might need to come back for 2023 and ask for a waiver of that \$100 event fee on the food or beverage that was one thing.

And then I wanted to talk to you about being a Town sponsored event because I guess I don't know the process. I think I was told in the minutes to come back but I didn't know when. So I'm coming back probably later than never. I, why you have, if you do that yearly for the Zionsville Cultural District, I was looking or, or hoping maybe you might consider a, a clause on it because we are a little different than a lot of the nonprofits that are around here and make use of the Town's Community Enrichment Grant. We are a 501(c)(3), we are a volunteer Board. We have no brick and mortar; we have no costs for employees or anything like that. I was going to print out for the, for our budget to show you where we spend the money between the general fund and the programs and it was a little skewed in 2021 and '22 because we had a gracious developer contribute \$10,000 to us to start, an endowment at the Community Foundation for the future of the arts and culture for Zionsville and it's under the Cultural District name so that money came in and went out and it kinda makes the, the pie look a little funny but basically we're like 98 program is where our funding goes to and 98% programs, 2% is the general fund and out of that general fund is just bare necessities – envelopes, stamps, things like that. That fund is funded by, I guess our Board members, even though they're volunteer they're a bit a pay to play. They pay \$120 a year, that's it. Our mission and it always has been is to promote the arts, culture and the history of Zionsville to its residents and visitors. That's our, our top. We do not have any other memberships or any other, any other, anything else. That was almost – so that's why I'm asking to be a Town sponsored event with maybe a, what do you call it – daylight clause or something like that to be renewed every five years or something for a consideration of you.

The next thing I would like for you to consider is a line item in the food and beverage fund for the concert series. I just did a quick budget last night of looking things, we pay, usually \$700 for a band for our concerts and we are so limited on that because the areas around us whether it be Carmel, Whitestown are more of a town-sponsored event, not just event but they're in the town's budget

whereas we are not. So, I worked up and I was looking at if we could get on the 2024 Town Council budget or the budget in the food and beverage for \$20,000 that would help us immensely have some security come January when, when we're looking at bands for the 2024 concert series but also help us promote and perpetuate the free concert series. We don't charge the residents or anything. The only, it's just a win-win for us and it's part of our vision and mission and that helps us give other concentration to the public art we've put up. You've seen the Lincoln Memorial, hopefully, most of you have seen the side of the Bender Building with the older pictures on it and the electrical boxes. I can't say where but we will have another building coming up pretty soon where we're doing art on the side of it so, that is our mantra and that is where we put all our focus on. Two of the Board members we've been on here for 12 years. Many of the other ones, our lowest membership is three years and, like I said, it's all a volunteer Board and our passion is not to raise money for the Zionsville Cultural District as much as funding our programs that we try to do. So, I guess my ask today is I think I need to have this fee waived for 2023.

Plunkett Yes, Candace, I think the, we had or I think in the next, in the upcoming meetings we're going to have a couple of things – we've got a solicitor resolution or ordinance coming through that's going to affect our, our fee schedule. There's a request from the Fire Department too so it might be – I did look at those notes and it was something that it looks like we requested you to come back and do this again but I don't think, I mean, if it's something that this Council has been supportive of in the past I don't know why we would continue to make the Cultural District come back and do this every year –

Garrett Yes.

Plunkett So maybe, maybe the answer is and Adam, I don't know if this is a question for you but when we, excuse me – when we modify the fee schedule, can we both add this as a Town sponsored event and waive whatever fee specific to the Cultural District if that's a decision we, we decide to move forward with?

Ulmer That would be fine, that would be fine.

Steuerwald It would be better to put it in the ordinance and in writing so that way everybody in the future –

Ulmer Mm hmm –

Steuerwald Knows –

Plunkett Yes –

Steuerwald And she doesn't have to show minutes of meetings for a –

Plunkett Yes –

Steuerwald For a permit.

- Garrett Candace, when, when is the event that, that you need the fee waived for just to make sure we –
- Ulmer That’s August.
- Garrett Oh, it’s not until August. Okay, so we’ll have time to do it.
- Ulmer It’s the Lincoln Park Concert Series. We don’t have to worry about that down in Lions Park. It’s in August.
- Garrett Okay.
- Ulmer Yes. And just so the other thing so you know on our budgeting, we’re most, we do a 990-N that is a postcard that we file every year because our revenues are under \$50,000. So nobody, there’s no 990 that people can look up and see with the IRS what our, our monies are. We do a 990-N and, to me, I want to keep it that way because I think to us that just, that keeps in the forefront of us our programs and that’s where our money is going that we raise.
- Plunkett Perfect. Any questions or anything from Councilors?
- Burk No, I just appreciate the hard work of you and your Board. It’s an incredible series and, again, it’s a huge asset to the Town and you guys are burdening this. There aren’t fees and I was curious – I was going to ask but you’ve already kind of disclosed it’s \$20,000 essentially to put together. I thought it was actually probably more than that, to put together the series. Go ahead –
- Ulmer It is but I’m, we are, I based that on bands at \$1,000 –
- Burk Yes –
- Ulmer At minimum. Some go more, but I, we, we are good stewards of our money but, I mean, I based that on \$1,000 and part of our sound man for three months at five weeks a month which sometimes you can have during that summertime and stuff, Yes.
- Burk This is probably just because of the work that I do but I am curious if, since you don’t charge for the concerts at all, is your \$50,000 that you raise is that all just private donations or do you secure grant dollars?
- Ulmer It is private donations when I really have to go out to the, to the donor database. Otherwise, we, we are trying to seek sponsorships. We seek sponsorships from the community, business community which has been hard after COVID and coming out of COVID. Those have changed immensely. That’s why to have some comfort zone for the concerts regardless of what the economy might be going on business wise around us. I was asking to be in the food and beverage budget.
- Burk Yes.
- Ulmer Yes.

Burk The \$100 waivers that's not complicated at all, I think the bigger challenge is how can we get you some funds moving forward maybe from the general fund to help pay for this? I'd, I'd be open to having that conversation so let's talk about that as we plan for 2024 budgets.

Ulmer Okay. Thank you so very much.

Plunkett Thank you very much Candace.

Consideration of a Resolution Regarding the Appropriation of Additional Funds – Resolution 2023-12 (DPW Community Crossings)

Plunkett Up next on the agenda is a Consideration of a Resolution Regarding the Appropriation of Additional Funds. This is Resolution 2023-12. This is the DPW Community Crossings. We have Cindy and Lance both here if anybody has questions. I will say for this Council, we've made comments in the past about how we wouldn't vote on additional appropriations if we didn't have a reconciled balance or account. This particular, these dollars are coming from a grant fund that after working with Cindy would've been at 0 at the beginning of this year and then the request from Lance now which was just from the, from the government. So, it is, it is a reconciled account. It's, it's an appropriation that was advertised at the last meeting. You'll recall we had multiple advertised appropriations and didn't take action on those so – Lance, Cindy, if I missed something or if there's anything you guys want to come up or Councilors if you have any questions on that. Yes, I mean, otherwise I would make a motion to approve Resolution 2023-12.

Choi Second.

Plunkett Second by Councilor Choi. 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.

Settlement in Seaside Lawsuit

Plunkett Last New Business item – Councilors, you'll notice this is the Seaside Settlement Lawsuit. I have asked that the Mutual Release and Settlement Agreement be included in our Council packets. As we've had in the past, this is similar to other situations where we've come to this Council to give Council leadership the ability to sign and enter into a contract on behalf of the Town Council, just like we did with the Emergency Declaration for trash a few months ago. This is, this is no different. You'll notice in the Release it requires signatures by Seaside, Zionsville Town Council, the Mayor, the Parks Department and the Parks Board. So, any questions?

Garrett Yes –

Plunkett I will say this has been reviewed, as some of you have noticed even on the claims recently, this has been reviewed by our legal representation outside of our retainer. It's, it's been reviewed by the Mayor's legal team and, obviously, Seaside as well.

Garrett So, I'm going to, I'm going to go on a little riff here why I don't think this should be signed yet. I don't know – six months, eight months, President Plunkett, you and this Council have been asking for financial controls audit of, of the Town because of financial errors. The Mayor has not been receptive to that. This lawsuit is a result partially of financial control errors. It's not an indictment of the financial team. I believe in Cindy and I believe in the folks there but we've been trying to get to the root of bad processes that exist that we may not know even exist, that cause issues like this and I don't know why the Mayor will not sign up our, our preferred vendor or any vendor to go through and look and look at this stuff. We're basically told everything is fine, everything is under control. I don't feel this Council should sign off on this lawsuit until that is signed off by the Mayor and it's unfortunate that it always seems to have to come to this but if she would like to resolve this lawsuit, I would like to know that the financial systems and processes that underly all of this are solid so that we aren't doing this again in four months and cleaning up another mess. So, I personally will not vote for this until she does that. I think it's a pretty reasonable request. We have the money. I think for every dollar we spend on finding financial process errors will save tenfold in avoiding future mistakes and I feel this may be the only way we will get her to listen to us. So, I am firmly opposed to signing off on this now. We spent \$20,000 in legal fees to get to this point. I don't know why we won't spend \$30,000 in audit fees to get there either. So, that is, that is my feeling on this.

Plunkett Yes, I think it's part of including this in the packet I think for public transparency. Everybody, that seems to be a nice buzzword so, in full transparency, we were billed \$59,211.75 in October and paid that and then the settlement is now an additional \$45,000 plus, as we've talked about, \$3,430 four or five times throughout the course of this year so we're up in excess of \$60,000 on a \$59,000 claim that was already paid once. Now this is being paid by the insurance company, at least the \$45,000, which is part of the reason why we see our insurance premiums going up so –

Burk So, Jason, to be clear – the \$45,000 that would be paid in this agreement, that's essentially just agreeing to use the insurance dollars to pay the claim for Seaside?

Plunkett That's correct.

Burk So it's not exactly Town dollars. We've already paid the Town dollars and essentially the legal fees and potentially more to come, right?

Plunkett Yes, I mean, the only hesitation with, with declining this, I mean, as, as Josh mentioned, I mean, I've requested that the Mayor would work with us on anything finance related for about the last six months and that's been continued

to be shot down. My only concern with, with not moving forward with this now is how much longer are we going to continue to pay Ice Miller, Barnes & Thornburg, Nooning & Whitsitt, everybody to come in and continue to try to move this along? And, it's only as good as the settlement. I mean, it's only as good as the negotiated settlement. So this was, this was negotiated by those parties and if, if we don't sign it's, it's possible that that gets pulled and then we're at a spot where we, the insurance company may not pay it, we have to pay it individually so –

Burk Yes. I think there's some risks not paying it knowing that this is really not Town dollars, this is insurance paying for this. We're moving it through as a passthrough and if we don't we face continued potential legal fees for this. I agree it would've been nice just to get this handled upfront, we didn't. It's cost us a heck of a lot of time and money to get to this point. But as a secondary question, I know Cindy presented last meeting and I got the impression and, Cindy, I don't want to put you on the spot, but in terms of, in terms of doing an audit, did I not hear you say that you, in particular, I don't know about the Administration or bosses above your, above you but you were open to some sort of audit of all best practices but you just had asked that maybe we wait a couple months maybe until August before we do that audit. You're not opposed to it, you just thought that there was just a lot of clean up that you wanted to have happen before we got into that kind of audit. Is that correct?

Poore That is correct. We know right now there are some gaps because we just changed financial systems so my ask was that we at least have a little bit of time. I've already started the process of, of updating our internal controls to marry up to the new financial system and then once we get those done, I'm more than happy to have an audit of that.

Garrett I have no indication that when Cindy is ready that the Mayor will suddenly change her mind. I mean, I'm not trying to force an audit at a specific time. I certainly will wait when Cindy is ready, I trust her but that needs to be done and I've had no indication that that will be done. So –

Burk Yes, no, I agree with you. Cindy, do you believe, is it your understanding that if you agree that we should do an audit that the, that the Mayor would be supportive of that?

Poore I mean I would, we've talked about it. I would probably rather talk to her again just to make sure but from my understanding they're open to the audit but I would definitely want to circle back to them.

Burk Yes, I think that's important. Thank you.

Poore Mm hmm.

Plunkett Any other questions or anything from Councilors? I don't know, Adam, do we have to take a vote here?

Steuerwald I don't think so but if you want to take a vote –

- Melton Councilor Plunkett, are we the first ones to sign this document?
- Plunkett I don't know if anyone else has signed it. I know the Parks Board had a meeting to discuss it the night before.
- Melton Shouldn't we be the last ones?
- Logsdon Good morning Councilors. Jarod Logsdon, Superintendent of Parks. Both the Park Board and Parks Department have signed this document at the last meeting.
- Plunkett So the Parks Board and the Parks Department have signed off on this. Do we know if the Mayor has signed off on it yet?
- Logsdon I don't have that information.
- Plunkett Okay. Well, I'm comfortable holding off until the Mayor signs off on it.
- Garrett Do we need to continue it then?
- Plunkett Umm –
- Garrett If there's no vote, I can't, I don't understand why there's no vote.
- Plunkett Yes, I don't know. We can continue it. We'll just continue it –
- Burk I think the –
- Garrett I know but I don't understand like I get it if we're going to continue it but I don't understand why we wouldn't be voting on something that we are signing.
- Plunkett Well, that –
- Garrett Or is it just your duty as the President to sign it?
- Plunkett Yes, it's just you guys giving me the authority to do it as Council President. That's all this is. And the reality is –
- Garrett Is this meaning we're voting to give you the authority or you have the authority now?
- Plunkett I don't know if I have the authority now or not.
- Steuerwald So this has already been gone through insurance. Now this is just money to pay the claim.
- Garrett I understand but we are signing as the Town, President Plunkett is signing as the Town Council. Does he sign based on behalf of a vote that we authorize his signature or is he as President already authorized to sign because he is signing as the, because if he is signing as the President versus signing as the Town Council those are two different things.

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Steuerwald Right. I would imagine he already has general authority to sign all agreements on behalf of the Town Council as the Town Council President. It's probably in your resolutions or a previous vote.

Garrett Okay.

Burk So this seems like it's just really more for information then because we don't need to take action to give him authority to sign. He can sign when he feels like he's ready to sign.

Steuerwald Right. If you want to approve the agreement and wait on the Mayor's signature before he signs, he could do that to not wait until the next meeting or if you would rather –

Garrett I'd rather continue it if you're not going to wait to sign it until I think we have a better answer. That answer sounds kind of gray area to me Adam.

Steuerwald Okay.

Garrett If you don't mind.

Steuerwald Yes.

Melton Is the money coming directly from the insurance company or is the insurance money coming to the Town and then we re, repay it out? Have we received the insurance money to pay? Is that how this is working? I guess I don't understand –

Plunkett So this agreement says Zionsville shall pay Seaside \$45,000, the settlement payment. My understanding is that's going to come from the insurance company and then we will write the check.

Melton So we haven't received the money?

Plunkett You've got the same paperwork and settlement agreement that I have. So –

Garrett Well, let me do this. If you're going to wait to sign it –

Plunkett Yes –

Garrett Just to make this to go above and beyond, may not need to – I would like to make a motion to continue this until another, to the next meeting which gives you the time, I think, President Plunkett, to wait to sign it if that's what you intend to do. Is that fair?

Plunkett Yes.

Garrett All right. I'll make a motion to continue to the next meeting.

Culp Second.

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Plunkett Second by Councilor Culp. First by Councilor Garrett, second by Councilor Culp. All those in favor signify by saying aye.

Choi, Culp, Aye.
Plunkett,
Garrett, Melton

Plunkett All those opposed same sign.

Burk Aye.

Motion passes 5 in favor, 1 opposed.

OTHER MATTERS

Plunkett Up next is Other Matters. Is there anything from Councilors?

ADJOURN

Plunkett Okay, then lastly, I would make a motion to adjourn.

Garrett Second.

Plunkett Second by Councilor Garrett. 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 Town Council meeting is scheduled for Monday, July 17, 2023 at 7:30 a.m. in the Zionsville Town Hall Council Chambers. Final notice will be posted in compliance with the Indiana Open Door Law. Thank you.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville