

Council postpones vote on trash proposal

By Jeanne Davant

Manitou Springs City Council on Tuesday put off action on a single-hauler trash program after uncovering some confusion about the city's proposed contract with Bestway Disposal.

Council scheduled a work session on the contract for next Tuesday night and postponed a final vote until its May 4 meeting.

City Attorney Jeff Parker told Council he interpreted the contract as setting a fee schedule that would stand for the next five years. Parker also said he thought the contract should specify how the city would use the \$48,000 annual fee the company would pay.

Bestway owner Phil Kiemel and Mayor Marc Snyder said they had assumed during negotiations that the contract would be renegotiated annually and that the company could propose an increase in fees. A substantial increase in fuel costs would be one thing that might trigger a price increase.

"What we've talked about all along was setting the price annually and being able to negotiate that," Kiemel said.

Snyder said the contract could be re-bid if Council didn't consider a price hike acceptable.

"The city has the absolute right to get out," he said. But Parker said that was not how he read the contract and recommended that a provision be inserted to clarify it.

Next Tuesday, Council also will consider how the \$48,000 franchise fee will be spent. Under the proposed contract, the hauler will bill customers.

One of the original goals of the program, however, was for the city eventually to take over billing and pass on further savings to customers.

Mayor addresses trash issues

Mayor Marc Snyder responded in writing Tuesday night to some questions citizens have asked about a proposal for a single trash hauler in Manitou Springs. Here are some excerpts from the document Snyder distributed at Tuesday's Council meeting.

Q. Given the importance of this proposal, why wasn't it brought to a vote of the citizens?

A. It still can be. Measures are referred to the ballot in two ways: By a majority vote of City Council or by a citizens petition. Through this process we now have a concrete and viable proposal for our community's consideration.

Q. Why can't each of us choose our own hauler? What happened to Freedom of Choice in Manitou?

A. This is difficult. By definition, a single hauler means only one. We are merging our individual choice into a community choice when the contract is up for re-bid.

Q. Since many of us have no garage to keep our trash containers in, why doesn't the proposal mention anything about bear-proof containers?

A. All of the public comments indicated that there currently are no effective "bear-proof containers" and the best defense to bears getting in your trash is to put out your containers on the morning of pick up and retrieve them as soon after pick up as possible.

Q. With several trash haulers, each citizen enjoys some clout in getting his or her complaints heard and addressed. We also get lower prices as well as better service. Monopolies produce the opposite. So how are we assured of keeping the same level of service?

A. The contract contains steep fines and penalties for unacceptable service. A \$500 fine should get a better response than one customer calling with a complaint. Knowing that the contract can be re-bid each year, the provider has every incentive to keep prices down and service levels high.

Q. When you get only one bid, shouldn't you automatically re-bid it?

A. No. It is not uncommon for only one bid-to be received. In fact, on the same day that this bid was received the City also received only one bid, which was accepted, for the current phase of the Fountain Creek Restoration work.

Q. Shouldn't Springs Waste be given a second opportunity to bid?

A. No. It is very unfortunate that Springs Waste did not submit a bid. It would be unfair to now let them bid after their competitor's bid has been made public.

Part of the franchise fee could be used to update the city's billing software, which is nearly 20 years old and couldn't handle the added load. It would also help cover costs of staff training and mailing.

Finance Director Mike Leslie said the new software, which would cost almost \$100,000, could be paid for over several years.

More recently, however, "we've been discussing dedicating the first year's revenue to roads, then discussing whether we want to bring that software in house," Councilwoman Aimee Cox said.

Snyder said he supports using the fee for road repairs and administration for the first two years.

"I wasn't aware that the \$48,000 is for roads," Councilman Rick Barry said. "Is there anything else I need to know about?"

Barry said he would like to see more information about some basics of the program, including how it will reduce the city's carbon footprint and the number of trucks on residential streets.

Snyder said several changes occurred to the contract during negotiations last week. In response to citizen concerns about higher costs, a provision for twice-weekly collection of trash from city facilities was deleted. Bestway also agreed to honor senior citizen rates currently in effect.

That wasn't enough to satisfy some of the residents who overflowed Council chambers Tuesday night.

"I'm adamantly against this proposal, and it has nothing to do with trash," said Chad Holladay. "What I am asking is that this be brought to a vote of the people. I think it's the right of the people in this town to make that decision ... It really seems like this is already a done deal and the people are not being heard."

Similar thoughts were voiced by a majority of the people who spoke at a meeting on the trash program last Wednesday. Citizens also objected to the fact that Bestway was the only company to submit a bid. Springs Waste attended a pre-bid meeting but did not bid on the contract. Springs Waste owner Dan Shrader said he had questions about the contract that weren't answered.

At Tuesday's meeting, most speakers seemed to be in favor of a single-hauler program.

"It is our responsibility to take this green initiative seriously," said Julius Andrew Kovats. "I think this is an excellent idea and that we should move forward."

"This was an initiative that was brought to this forum by the citizens," Chip Spangler said. "It appears to be a contract that is in our best interests."

The trash issue has been one of the most contentious in recent city history.

"We have gotten more criticism than I could ever imagine," Council-woman Ingrid Richter said. "I've been called names in e-mails. It has been a tormenting and humiliating experience at times."

The issue of a vote on the trash proposal wasn't directly addressed Tuesday night, but Councilman Ed Klingman said council members are aware people feel the proposal takes away their freedom of choice.

"When you look at a move that does limit people's choice, you have to take it very seriously," Klingman said. "Every one of these people is wrestling with it. I know I am."

Council voted 6-1 in favor of Cox's motion to table the ordinance authorizing the single-hauler program until the May 4 meeting. Councilman Matt Carpenter, who has participated in the

negotiations, said he thought contract details could be worked out quickly and questioned the need to wait, but voted for the motion. Snyder dissented after stating he favored a special meeting next week to finalize the contract and pass the enabling ordinance.

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