

MINUTES

POSEY COUNTY AREA PLAN COMMISSION SPECIAL MEETING

THE HOVEY HOUSE
330 WALNUT STREET
MT. VERNON, IN 47620

JANUARY 17, 2023
4:00 P.M.

MEMBERS PRESENT: Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President, Mr. Mike Baehl, Mr. David Dausman, Mr. Andy Hoehn, Mr. Joe Marvel, Mr. Greg Newman, Mr. Randy Owens, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne –Executive Director, Mrs. Becky Wolfe - Administrative Assistant

MEMBERS ABSENT: Mr. Aaron Neufelder

REVIEW RFQ PROPOSALS RECEIVED FOR THE COMPREHENSIVE PLAN WITHIN THE UNINCORPORATED AREAS OF POSEY COUNTY:

MARK SEIB: This evening we have the opening of the bids from consultants to help with the process of updating the Master Plan and/or the Comprehensive Plan. Requests were sent out to different agencies to see if they were willing to submit a bid. We had three replies that met the deadline of last Thursday at noon.

MINDY BOURNE: This first one is dated January 10 at 12:03 p.m. This one is from Ripple Associates, Dr. David Ripple. Under the section 6 Fee Proposal he has the cost of producing text amendments to the consolidated zoning ordinance and possibly limited comprehensive plan amendments would be \$50.00 per hour plus direct costs. Then he says before work begins, an agreement would be negotiated with a specific scope of work, schedule and amount. The amount would be commensurate with the scope of work and scheduled, and could be less than but not exceed \$25,000.

The next one we received on January 12, but it was sent via email on January 11 at 3:57 p.m. This is from Taylor Siefker Williams Design Group. They have it broken down in different phases. The base scope of services total is \$69,500.00. Then they have it broken down into optional outreach and project tasks. There is a separate fee for all of those. There's up to 14 different tasks.

The third one was received on January 12 at 10:20 a.m. This one is from American Structurepoint. Here again it is broken down into different sections. The grand total at the end is \$95,690.00.

MARK SEIB: We will now hand these over to the attorney to review and make sure it's apples to apples. After that, we will most likely take action as we see fit at the next regular meeting.

ATTORNEY TRENT VAN HAAFTEN: I will send out something to all of you about what this is. A county or municipality can develop a Comprehensive Plan. Posey County did it years ago. You have to have a Comprehensive Plan before putting a Zoning Ordinance in place. The

Zoning Ordinance has to work along with the Comprehensive Plan. It's the APC's responsibility to deal with the Comprehensive Plan. The Commissioners can direct. They can say can either we want a Comp Plan or we want an update to the Comp Plan and direct the APC to do it or the APC can do it on their own initiative. So this is an update to the Comprehensive Plan. I will send out some information to you on what the law says on these so everybody has a good understanding of that. There's a couple of citizen's guides out there that I've referred to and I will give you the link to that. The law allows in that process of developing or updating a Comp Plan that the APC can engage consultants both public and different type things. That is why we have the steering committee. There is a process of public hearings. There is a full process.

DAVID DAUSMAN: Were these three picked out? Did you send requests to these three?

MINDY BOURNE: There were approximately 14 different firms or agencies that I sent these out to through the direction of Jenna with Economic Development.

JENNA RICHARDT: They all have past experience.

DAVID DAUSMAN: This is obviously something that is what I will call opaque. There is not a scope of work and a set of drawings that you can look at a number and go well all three of you bid on the same drawings. So in order to pick one, there needs to be an interview process.

MARK SEIB: What we want to do is to let legal look through them and see how close they are with each other and what they have included in their bids and the extra wording. Once that is done, Trent will be sending his findings to all of us and letting us know what we have in the bids.

DAVID DAUSMAN: The steering committee that you have built, where do they come in?

MARK SEIB: They come in after we have received everything and set it all up and hired the firm. The APC has to hire the firm. The steering committee's job is to go through the process with the firm to find where we have issues, where we need to address different things, what's outdated, what needs to be added and those kind of things.

DAVID DAUSMAN: How soon do you want to pick one?

MARK SEIB: My intention was to do it as soon as possible. The County Council doesn't have a meeting until February 22 so that is after our next Area Plan meeting. We will have to at that meeting have the findings of what Trent has found and make a decision or have another special meeting to hire the firm after we find out what the County Council will fund and what their scope is.

DAVID DAUSMAN: Would it be part of each one of our responsibilities to read through those? How do we pick one?

ATTORNEY TRENT VAN HAAFTEN: I will say this, when I get these I will scan them all in and I will send them to all of you. It will be up to you if you want to read through all of them.

DAVID DAUSMAN: It's the opaqueness of this that scares me. These numbers are far apart.

MARK SEIB: And that is why we want Trent to look through them and see what his summary is of the different bids we received.

ATTORNEY TRENT VAN HAAFTEN: The way you guys get bids on who is going to supply diesel to the county, there are specific numbers to those. If you look at the statute, just kind of topics and areas they have to look at. It is hard to say we are going to have 15 widgets and each widget is \$.10 or \$.12, that kind of thing. I'm not going to give you any kind of statement that this is the one. I'm going to say this is what the law is looking for in terms of this process and have these guys put that into their proposal. There are public hearings that have to be held. They include conducting a public hearing or assisting in conducting a public hearing. If they haven't well they haven't paid attention to what the law requires.

KEITH SPURGEON: I can kind of see where the first step is for the attorney to look at it and make sure they have met all of the legal requirements. Let's say one of the three doesn't, so that eliminates them. We may then be down to two. Would it be prudent to invite those two to a public meeting and have them present to us before we make a decision?

MARK SEIB: Absolutely.

ATTORNEY TRENT VAN HAAFTEN: You can do that or you can appoint less than a quorum as kind of a subcommittee to take that on.

MINDY BOURNE: As you can see a couple of these packets were pretty thick. That is what they presented to us is their past history of what they have done. They have supplied in here some of the work or what they can produce.

DAVID DAUSMAN: I wonder why out of 14 requests we only got three?

MINDY BOURNE: A couple of them emailed me back and said we just don't have time or we would love to send something to you but we just don't have the staff.

JENNA RICHARDT: I will say too that from our perspective is a lot of areas are updating their plans right now. Warrick, Vanderburgh and Gibson are.

DAVID DAUSMAN: Have they engaged one of these three?

JENNA RICHARDT: Yes, American Structurepoint. They are a larger firm so they can handle that. Kiefer, Morley and some of them that were contacted have a lot on their plate. Morley specifically does a lot of work in Warrick.

RANDY OWENS: So we don't have a set budget for this? We have to go to the County Council for funding?

MARK SEIB: Correct. The past Comprehensive Plan we received a grant from the State. This time we didn't qualify. That means we have to fund it ourselves. We didn't know what kind of dollar amount we were getting in to. How long as it been since the last update?

MINDY BOURNE: 2008.

MARK SEIB: So 2008 was the last time we visited this. We didn't know what the figures were going to be. We could have put down \$50,000 and we would have only had one bid. Instead of doing that, we talked with the leadership of the County Council and the Commissioners as well. They felt that we should just present the bids to them and tell them what these bids were. If we have a recommendation, we are to send that too. If we don't, they will take a look at it and see what kind of dollar amount they have available to do it. We don't know what they are going to say about what amount the coffers have in the County and being able to fund it. It is a very important part of the County because that is where grants and things like that are based off of. It is also going to be very important because we use it at the BZA and we use it here when we have applications to see if they meet the Comprehensive Plan. That is our avenue to make sure that when someone is requesting a change that is our outlet legally to protect us if they disagree with us. If we are following the Master Plan or the Comprehensive Plan then we have a leg to stand on. After talking with Trent and several other attorneys about this trying to figure out the best way to handle the way you have your growth and where you want things to go in the County is basically through the Comprehensive Plan. That allows you the opportunity to say no.

As it stands right now, we will probably have another meeting on our regular schedule in February. We will decide if we have something after everyone has a chance to look at these and decide if we want to have a special meeting after the County Council meeting. I am leaving it up to the steering committee as to when they are going to meet or start.

Dave Ripple is the one that helped us with the last Master Plan.

DAVID DAUSMAN: Good to know.

ADJOURNMENT

Joe Marvel made a motion to adjourn the meeting at 4:26 p.m. Motion was seconded by Mike Baehl.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director