

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

FEBRUARY 9, 2023

6:00 P.M.

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

Attorney Trent Van Haaften administered the Oath of Office for the one-year appointment of Stefanie Miller to the Area Plan Commission.

**MEMBERS ABSENT:** None

**APPROVAL OF MINUTES:** Joe Marvel made a motion in the affirmative to approve the Minutes of the January 17, 2023 Special Meeting Minutes as emailed. Motion seconded by Mike Baehl. **Motion carried.**

Joe Marvel made a motion in the affirmative to approve the minutes of the regular January 12, 2023 meeting as emailed. Motion seconded by Keith Spurgeon. **Motion carried.**

#### **REZONING:**

DOCKET NO: 23-01-RE-APC

APPLICANT: Allen & Janet Niemeier

OWNER: Allen G. & Janet M. Niemeier

PREMISES: The Northeast Quarter of the Northwest Quarter of Section 23, Township 6 South, Range 12 West, except 14 poles in width North and South and 34 poles in length East and West off of the Southeast corner of said Quarter Quarter Section. ALSO, the North Half of the Northwest Quarter of the Northwest Quarter of Section 23, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. More commonly known as 10401 Altheide Road, Mt. Vernon, Indiana. Containing 56.23 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from R-1 (Residential Single Family) and A (Agricultural) Zoning District to A (Agricultural) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

**MARK SEIB:** Does anyone on the board have a conflict of interest? Hearing none, we will move on. Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is there anyone here to speak on this request? Please come to front microphone to speak, stating your name and address for the record.

**ALLEN NIEMEIER:** 7376 Sauerkraut Lane North, Mt. Vernon, IN. The reason for that is we were actually wanting to get a permit to build a new pole barn to replace an old barn that is there. It will be for agricultural use and we didn't know it had been zoned as R-1 Residential.

**MARK SEIB:** Does anyone on the committee have any questions for this gentleman? Hearing and seeing none you may have a seat. Does anyone in the audience have anything to say for or against this application? Hearing and seeing none we will close the public portion and open it to the board.

Mr. Seib confirmed with Mindy. Bourne that there were no emails, phone calls or letters.

**MINDY BOURNE:** This parcel is a total of 56.23 acres and a portion of it is zoned Residential and a portion of it is zoned Agriculture. From the best that I can see, the eastern edge of that is zoned Residential and the western side is Agricultural. Like he said he wants to build this pole barn but he can't in the residential portion and there is not a home on the parcel so it would be permitted in an Ag Zoning District but not in an R-1. But he does want to use it for farm storage for tractors and such. So this is the first step in the process.

**MARK SEIB:** It is now up to the board to discuss amongst themselves if they wish to take action as they see fit.

**MINDY BOURNE:** This is a recommendation to the County Commissioners. For our newer members, with rezoning the Area Plan Commission is only a recommending body, then it goes on to a legislative body for final approval. What we are doing here tonight is just making a recommendation. If the recommendation is to approve, then I will certify it to the County Commissioners and at their next meeting they will hear it.

Joe Marvel made a motion in the affirmative to recommend approval. The motion was seconded by Andy Hoehn. **Roll Call Vote (9-0). Yes. Motion passed.**

Andy Hoehn made a motion in the affirmative to approve the Findings of Facts and seconded by Mike Baehl. **Roll Call Vote (9-0). Yes. Motion passed.**

**MINDY BOURNE:** This is a recommendation to the County Commissioners and they will meet on February 22<sup>nd</sup> at 10:00 a.m. in this room. I will present it to the Commissioners, however they do like the owners to be present in case they have any questions. So if one of you can be present would be good.

**MARK SEIB:** The next is a rezone 23-02-RE-APC. The applicant is Addison Schmitt. At this time, I do have a conflict as being an adjacent property owner. I will let the Vice-President, Keith Spurgeon, take it from here and I will step down.

**REZONING:**

DOCKET NO: 23-02-RE-APC  
APPLICANT: Addison Schmitt  
OWNER: F & L Schmitt Farm, LLC  
PREMISES: Part of the Southwest Quarter of Section 34, Township 4 South, Range 13 West, lying in Harmony Township, Posey County, Indiana. More commonly

known as Goodman Road/SR 66, New Harmony, Indiana. Containing 1.64 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Petition to rezone property from A (Agricultural) Zoning District to M-2 (Medium Manufacturing) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

**KEITH SPURGEON:** I will ask the board, does anyone else have a conflict of interest with this? Hearing none, Dr. Spurgeon confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is there anyone here to speak on this request? Please come to front microphone to speak, stating your name and address for the record.

**ADDISON SCHMITT:** 9121 Damm Road, Wadesville, IN. I am here today to see if we can get 1.64 acres rezoned into M-2 Manufacturing so that my company Schmitt Metal Works can build a new shop on the new property and expand.

**KEITH SPURGEON:** Have you developed a plan as to where the building is going to go?

**ADDISON SCHMITT:** Yes, I submitted a drawing, I have another one if you want to see it? It is a 60' X 100' steel building. I don't know if you want to look at this.

**KEITH SPURGEON:** If you give it to us, we have to keep it, you don't get it back. Does anyone have any questions?

**JOE MARVEL:** Are you planning access from 66 or Goodman Road for any truck traffic?

**ADDISON SCHMITT:** Goodman Road.

**KEITH SPURGEON:** I think that is what the diagram shows.

**JOE MARVEL:** That is my only question because that is a not a very good spot to access 66 with anything slow.

**RANDY OWENS:** Any feedback from adjoining property owners?

**ADDISON SCHMITT:** I just received one phone call from one neighbor to the west of the property and they had no concerns once all of their questions were answered.

**MIKE BAEHL:** The vast majority of the work you will be doing will be during the day won't it? There won't be any truck traffic at night, only during the day?

**ADDISON SCHMITT:** Correct, it is during the day. Business hours will be 6 – 5 or 7 – 5 during the day 2 – 3 trucks a week. After a few years, when we get a few employees we may expand to 2 – 3 trucks a day.

**KEITH SPURGEON:** Does anyone else have any questions for Mr. Schmitt? Hearing none, you may have a seat. We will now open the floor to public comments. Is anyone here wishing to

Speak for or against the application? Hearing and seeing none, we will close the public portion and open it to the board to deliberate.

Dr. Spurgeon confirmed with Mrs. Bourne that there were no emails, phone calls or letters from the public concerning this application.

**JOE MARVEL:** Looks like a good plan to me. My only concern was access to 66 and he addressed that by saying they are going to use Goodman Road. Looks good to me.

Mike Baehl made a motion in the affirmative to recommend approval and seconded by Andy Hoehn. **Roll Call Vote (8-0), Mark Seib abstained. Yes. Motion passed.**

Andy Hoehn made a motion in the affirmative to approve the Findings of Facts and seconded by Greg Newman. **Roll Call Vote (8-0), Mark Seib abstained. Yes. Motion passed.**

**MINDY BOURNE:** This is a recommendation to the County Commissioners and they will meet on Wednesday, February 22<sup>nd</sup> at 10:00 a.m. in this room. I will present it to the Commissioners, however they do like the owners/applicant to be present. We will need to mark the site plan that Addison provided as Exhibit A.

Mark Seib rejoined the meeting.

**SITE DEVELOPMENT PLAN:**

APPLICANT: Michael O'Brien – Matheson Tri-Gas, Inc.

OWNER: Matheson Tri-Gas, Inc.

PREMISES: Part of the East Half of the Southeast Quarter of Section 14, Township 7 South, Range 14 West, Black Township, Posey County, Indiana, containing 5.940 acres, more or less. More commonly known as 1101 Holler Rd., Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:**

Approval of Site Development Plans in a M-2 (Manufacturing Medium/Heavy) Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with the board that no one had a conflict of interest. Mr. Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is there anyone here to speak on this application? Please come to the podium to speak, stating your name and home address for the record.

**MICHAEL O'BRIEN:** 8820 Calistoga Springs Way, Plano TX 75024. We are asking for a permit to install a new electrical substation at the Matheson Plant on Holler Road on a piece of property that is adjacent to the existing plant. This substation will take up about .5 acre of land. Last week we had the Site Plan Review. I think we answered all the questions there. It is pretty straight forward. Nothing has changed since then. I know this will be contingent on whether or not I need a Construction Design Release from the State. I am working with the State right now, they are trying to determine if I have to have one. As soon as I find out I will let your know.

**MARK SEIB:** So you are saying you have not received approval yet.

**MICHAEL O'BRIEN:** They are still reviewing my plans. There may be an exemption from that. What they are interested in is the pre-manufactured building that is going to go in the sub-station. It is manufactured by somebody they have done business with before. I just have to get the actual model that is coming and I might be able to get an exemption. If not then we will go through the process of getting a release.

**MARK SEIB:** Does anyone have any questions at this time? Hearing and seeing none from the board, you may have a seat. We will open up to the public portion. Anyone here who wishes to speak for or against the proposed Site Development Plan, please come forward. Hearing and seeing none, we will close the public portion.

Mr. Seib conferred with Mindy Bourne that there were no emails, phone calls or letters.

**MINDY BOURNE:** There was a Site Plan Review Meeting and that report is in your folder. Construction Storm Water General Permit is not required. He has not submitted the Construction Design Release yet. There were no comments from agencies with jurisdiction at this location. The Committee has made a recommendation to approve this Site Plan.

Mr. Seib reminded the board that they do not normally grant the approval final without all of the permits. Then once they have, Mindy can go ahead if it is positive motion to go ahead and accept. With that being said it is up to the board now to discuss among themselves and to take action as they see fit.

**MARK SEIB:** It appears to be a simple setup and placement which meets all of the set back requirements. Is there any discussion?

Andy Hoehn made a motion in the affirmative to approve pending State status resolved. Motion was seconded by Mike Baehl. **Roll Call Vote (9-0). Yes. Motion passed.**

Andy Hoehn made a motion in the affirmative to approve the Findings of Facts. Motion was seconded by Joe Marvel. **Roll Call Vote (9-0). Yes. Motion passed.**

**MINDY BOURNE:** Once you get your State Permits you can come into the office to get your Improvement Location Permit.

**REPLAT:**

DOCKET NO: 23-01-S-APC

APPLICANT: Joe Kiesel – Kiesel Wagner Survey LLC

OWNER: Eric D. & Melissa Marie Stockton

PREMISES: Lots #7 and #11 in Woodstone Estates Phase I of Section 13, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 2.24 acres more or less. More commonly known as 2800 Slatestone Court and 2851 Woodstone Lane, Evansville, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:**

Approval of Replat in an R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with the board that no one had a conflict of interest. Seeing none, we will move forward. Mr. Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is there anyone here to speak on this application? Please come to the podium to speak, stating your name and home address for the record.

**JOE KIESEL:** 2711 W SR 68, Haubstadt, IN 47638. Mr. Stockton and his wife own both lots. They have made some improvements to lot 11 and I believe he realized he had built over the line, so they wanted to replat the line so his improvements stay on his lot. He is looking to potentially sell the other lot in the future. So we made the adjustments in order to do so, then that way lot 7 is still viable as a one acre lot.

**MARK SEIB:** So he is just notching out a piece around it to take care of it?

**JOE KIESEL:** Correct we notched it around and to keep acreage we had to move it up and down. I think it went around a pool house and some landscape and took a little bit of lot 11 to add it to lot 7 to get it to be a one acre lot.

**JOE MARVEL:** Are those lines far enough back to where there is not going to be a problem in the future?

**JOE KIESEL:** Correct.

**MARK SEIB:** He built a home on that?

**JOE KIESEL:** Yes, his home and pool house are on lot 11 and lot 7 is vacant.

**KEITH SPURGEON:** Lot 7 is still one acre?

**JOE KIESEL:** Yes

**MARK SEIB:** Are there any other questions from the board? Thank you Joe, have a seat. At this time we will open it to the public comment. Is there anyone here wishing to speak for or against this proposed replat. Hearing and seeing none we will close the public portion.

Mr. Seib conferred with Mindy Bourne that there were no emails, phone calls or letters. With that, we will leave it up to the board to discuss amongst themselves or take action as they see fit.

Andy Hoehn made a motion in the affirmative for preliminary approval and authorize Executive Director to five final approval after 30 days have elapsed for Replat 23-01-S-APC. Motion was seconded by Greg Newman. **Roll Call Vote (9-0). Yes. Motion passed.**

**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF MOUNT VERNON, THE TOWN OF CYNTHIANA, THE TOWN OF POSEYVILLE AND UNINCORPORATED POSEY COUNTY (TABLED FROM 1/12/23 MEETING:**

The Town of Poseyville proposes to amend the Ordinance by deleting “Residential Storage Structure” as a Special Exception Use within the Town of Poseyville under Section-153.147(B) (14) Use Unit 2 Area-Wide Special Exception Uses, Section 153.270-Definitions, and Appendix A, footnote “w” of the Ordinance.

**MIKE BAEHL:** We haven’t met so we will probably have to table.

**ATTORNEY TRENT VAN HAAFTEN:** This is the piece that the Town of Poseyville is looking to amend their particular ordinance and how the County Ordinance applies to the Town of Poseyville. It is my understanding that they have not taken action on it yet. The town needs to take action on it and then it is sent this board for consideration. Like Mike said it should be tabled.

**MARK SEIB:** The town of Poseyville just hasn’t met yet.

**MIKE BAEHL:** We meet next Tuesday.

Joe Marvel made a motion in the affirmative to table any action until the next regular meeting. The motion was seconded by Andy Hoehn. **Roll Call Vote (9-0). Yes. Motion passed.**

**COMPLAINTS – TABLED:**

607 E. 4<sup>th</sup> Street, Mt. Vernon, IN (Hazlett)  
822 W. 3rd Street, Mt. Vernon, IN (King)  
Luigs Road, Wadesville, IN (Hearten)  
600 Mill Street, Mt. Vernon, IN (Allen)  
418 W. 8<sup>th</sup> Street, Mt. Vernon, IN (Stewart)

**MARK SEIB:** The first one we have is 607 E. 4<sup>th</sup> Street, Mt. Vernon, IN

**ATTORNEY TRENT VAN HAAFTEN:** That is the pallet business as I discussed last week. The Ordinance Violation was put off or it was continued with the agreement they would not continue to operate in violation of the Zoning Ordinance. In court on January 23 they stated under oath that they have not operated in violation of the ordinance, so per the agreement that Ordinance Violation was dismissed.

**MARK SEIB:** So in other words it is all done. I don’t think there is any further action that we are wanting to take. If anyone has any discussion we can discuss it but it would have to be a new complaint for us to take any new action.

Keith Spurgeon made a motion in the affirmative to consider the complaint as successfully addressed. Motion was seconded by Joe Marvel. **Roll Call Vote (9-0). Yes. Motion passed.**

**MARK SEIB:** 822 W. 3<sup>rd</sup> Street, Mt. Vernon, IN

**ATTORNEY TRENT VAN HAAFTEN:** This is one where there were trucks sitting in the yard. Currently we are down to one car parked under a tree. I am still working with Mr. King in terms of getting that one moved. We are due for Progress Hearing on April 24<sup>th</sup> in the Posey Superior Court.

Randy Owens made a motion in the affirmative to table any action until the next regular meeting. Motion was seconded by Mike Baehl. **Roll Call Vote (9-0). Yes. Motion passed.**

**MARK SEIB:** Luigs Road, Wadesville, IN

**ATTORNEY TRENT VAN HAAFTEN:** This one was one which we did go to a court trial and we did receive a judgement against Mr. Hearten. This was where there was two RV's parked in a yard. We got the judgement, so it has been adjudicated and closed. But you asked that after the first of the year I make attempts to contact Mr. Hearten and see if he is going to pay the judgement. So I am in the process of doing that.

**MARK SEIB:** So you haven't made contact so we do not know the status of that right now.

Keith Spurgeon made a motion in the affirmative to table any action until the next regular meeting. Motion was seconded by Greg Newman. **Roll Call Vote (9-0). Yes. Motion passed.**

Joe Marvel asked if this complaint was going to be seen at every meeting until he pays up. Mr. Seib answered that if the board wants to consider the matter closed then it would not be brought up at each meeting. However, if he doesn't pay and the board wants to slap a lien on his property we can do that. It is up to the board. Mr. Marvel asked for clarification as to who collects that judgement.

**ATTORNEY TRENT VAN HAAFTEN:** Think of this as a collection action, you get a judgement against someone because they did not pay you rent. You have the judgement and the next process is trying to collect. You can either try to contact them to pay up, if they don't pay up you can file what is called a Proceeding Supplemental in court. Getting them back in to do an Examination of Debtor. Typically it's pay up or I am going to take you back to court and that is what I am in the process of doing. If that doesn't work, then you will have to give me direction as to what you want me to do next.

**ANDY HOEHN:** How much money are we talking about?

**ATTORNEY TRENT VAN HAAFTEN:** I believe the judgement was for \$1,000.00. The attorney fees are around \$700-\$800 which means the balance would have been the fine.

**ANDY HOEHN:** I don't want to keep throwing money at it.

**ATTORNEY TRENT VAN HAAFTEN:** Sending a letter is not anything.

**MARK SEIB:** 600 Mill Street, Mt. Vernon, IN

**ATTORNEY TRENT VAN HAAFTEN:** This has been tabled in the past. We are waiting on Mt. Vernon to take action.

**ANDY HOEHN:** I make a motion to take this off the docket. It will probably be a while before Mt. Vernon makes any changes. If another complaint comes up we can readdress it. I look for things to change.



**JOE MARVEL:** So what Andy is saying there is an expected change with the City of Mt. Vernon Ordinance relating to this but that it will not take place any time soon. And Andy recommends we take it off of the docket then if someone complains again we will readdress it. I question this because the City of Mt. Vernon was the complainant. Does this mean we are going to see this again next month?

**ATTORNEY TRENT VAN HAAFTEN:** Has any action been taken by the city?

**ANDY HOEHN:** There has been some discussion but still trying to figure out details. I know there are issues with small gravel when it rains getting into the sewer lines and have to be cleaned out, which instigated the requirement for parking on hard surfaces. However trying to enforce no new gravel when people still have it and continue to use it, just makes a slippery slope that is becoming too costly to continue to enforce. There has been some discussion about a required size to the gravel but nothing that is heading towards a written requirement.

**MARK SEIB:** Trent, my question is if we dismiss any action on this case which has an existing violation as ordinance is currently written then are we setting a precedence for future complaints?

**ATTORNEY TRENT VAN HAAFTEN:** Your direction as a board is to indicate what type of enforcement action you want to move forward with. It is arguable and you are setting precedence.

**KEITH SPURGEON:** Is it possible to get something from the city asking us to drop this matter while there is work going on to change the ordinance on this for future reference? Like asking us not to move forward with any more complaints related to gravel while we consider a change in the ordinance, similar to what we have going on with Poseyville.

**ATTORNEY TRENT VAN HAAFTEN:** You have discretion to make decisions which is what you are on this board for. To make those decisions according to how you want to. I can't tell you which way to go. I can give you the opinion that when I walk into court with someone with a car parked in their yard for an Ordinance Violation going back to Prosecutor days and treating people equally under the ordinance why am I dragging this person into court for an alleged violation of an ordinance and not this person which is betting on the code that the ordinance is going to change. That is my expression. As your attorney I will act upon what you tell me to do. In making those decisions, I always try to be fair to the county, this board and the individual charged. So that is where I have a little bit of discomfort in all of this.

**JOE MARVEL:** I am going to comment on this because I am new to the board, but have we had violations of gravel in Mount Vernon in the past?

**MINDY BOURNE:** Yes.

**JOE MARVEL:** Then we almost need to maintain a standard.

**RANDY OWENS:** You know the city made the complaint, if the city gave us something that said we wish you to suspend evaluating this type of complaint until such and such date I could live with that. But if the city doesn't give us anything then I think we have to go ahead and enforce the ordinance.

**JOE MARVEL:** It is the City's Ordinance because the county is not this way.

**ATTORNEY TRENT VAN HAAFTEN:** No it is the County Ordinance but it is applicable in the city the way it is written.

**MINDY BOURNE:** There are different standards for incorporated and unincorporated areas and the zoning as well.

**ANDY HOEHN:** This is a can of worms anyway you go and could go on forever. You can take some place like Hawg N Sauce, the whole parking lot is gravel. Like I said this can go on forever and ever. I don't know why this one was the one that got picked to get poked. I could go through town and write you 40 of these. It was one of those things like Mark Twain said, the best way to highlight a bad law is to enforce it. I think that is what has been highlighted. We had someone who went around house after house looking for things and we have had a bunch out the wazoo. Then it became what is the point? Like I said I can get you 30 by tomorrow.

**MARK SEIB:** That is true statement, but I think the way we have continued to do the business that we have done we should table this until the complaint is pulled by the person who filed it or we get some letter saying they are changing the ordinance and I think it is time we discuss this with Mayor. That is my opinion.

Andy Hoehn had made a motion in the affirmative to take the complaint off the docket. Hearing no second to that motion it failed.

Randy Owens made a new motion in the affirmative to table any action on the complaint until there has been a discussion with the City of Mt. Vernon concerning potential changes to the ordinance. Motion was seconded by Joe Marvel. **Roll Call Vote (8-1). Yes. Motion passed.**

**MARK SEIB:** 418 W. 8<sup>th</sup> Street, Mt. Vernon, IN.

**ATTORNEY TRENT VAN HAAFTEN:** This is a complaint with a camper in the back yard with someone living in it. We did file an Ordinance Violation which is pending in Posey Superior Court. We are having trouble getting service on Mr. Stewart. It is set for progress on April 24, 2023.

Joe Marvel made a motion in the affirmative to table any action until the May board meeting. Motion was seconded by Greg Newman. **Roll Call Vote (9-0). Yes. Motion passed.**

### **DIRECTOR'S REPORT**

**MARK SEIB:** The only thing we have to report on is the Master Plan. Last month we had the proposals that were sent to us on January 17. We handed them over to Trent to check and verifying them. I believe everyone except those with a county email address received everything that was sent out. By now has everybody received those? Stefani may not have.

**ATTORNEY TRENT VAN HAAFTEN:** I included her in those as well.

**MARK SEIB:** Trent went through and gave his recommendation of what he saw... not a recommendation but comments. Trent do you have anything you want to add?

**ATTORNEY TRENT VAN HAAFTEN:** No.

**MARK SEIB:** I heard from some of the board members and I've heard from some of the members of the core group that is going to be taking care of this once we hand it off. We have some questions and some concerns. I did call for a meeting of Dave Dausman, Byron Sanders, Jenna Richardt, Mindy Bourne, Becky Wolfe, Trent Van Haaften and myself. We had an open discussion about these proposals. The end result is that we are asking for the board to let us go ahead and go into the next phase of bringing these three proposed companies to a table and tell them exactly what we are looking at. The price was between \$25,000 and \$90,000. That was a broad spectrum. We want to make sure they understand exactly what we are trying to get accomplished out of the Master Plan and what we are wanting to be the end result so that they can reprocess the bid. I've asked Byron Sanders to come to give some of his comments. I want the board to see his comments before this meeting. That is why you got them. Byron is a Posey County resident that is very highly qualified. He has worked in Vanderburgh, Warrick and Gibson Counties. He is on the core committee.

**BYRON SANDERS:** I am a forty year resident of Posey County. I was even a school teacher when I first started out. I've worked for Bristol Myers Squibb in different capacities of strategic planning and land use. Working on this team is just being an objective set of eyes to look at the process. I was really excited as a tax payer to see what we have. They sent out for the initial Request for Qualifications I think from 14 different firms. I think the first step is to ask the experts what they saw. We got feedback from only three. There was enough of a range, as Mark said we had a \$25,000 to \$95,000. That was not doing much more than amending this 2008 report to starting with a brand new sheet of paper. We as a committee didn't think that either one of those were the right solution. Probably now as a committee we feel that we are the experts and we want to go back out to the qualified firms and say that we feel that 75 to 85% of this is workable and very good. Some of this like the foundation, the area, the maps, they are the same maps. Don't recreate and utilize what works well. We want to also have them address 15 years later what's happening in our county that needs to be addressed such as like the impact of solar and wind firms wanting to come into the area, economic growth, agriculture preservation, what kind of housing do we need, transportation, do we have the infrastructure to support whatever our dreams and our visions are. We are going to refine our scope now and say this is what we want you to look at and tell them this is the foundation and we do not need to recreate the wheel. We are going to have them come in now and present to us their approach. We hope to wrap this up in a rather quick period of time and come back with a recommendation that this is the firm, this is what they would do, and this is the value they would bring. Hopefully the cost would have a very good return on the investment. Things like this is going to help us get grants, funding and so on.

**MARK SEIB:** I think you have a pretty good idea of what we are talking about and what we are trying to get accomplished. Usually if we bring them into the room together and let them look at each other, we might get a little better price. Our main goal is to make sure we get a good quality group and to make sure they know what our goals are. Then we will figure out what the price is. It looked like two of them were wanting to do the thing from start to finish and one of them only wanted to do just a redo. We feel we need a combination of the two. We need to take what we have, review it, make sure that it fits and then move on. We need to address some more of the

housing, the wind and solar, ag and all of the other. I am looking to see if you agree with what we are doing now and then once we get that finalized we will bring those prices back to this board and have the discussion with you on what they proposed and how we rate them as far as how we feel they can accomplish what we are after for Posey County and let you guys decide on one of the firms we would like to hire. Then we would take them to the County Council so they have a set figure to be able to look at and try to help us fund that.

**ANDY HOEHN:** What was sent out to them to get this wide of a range? Did they not understand?

**BYRON SANDERS:** The first request was that we needed to develop a comprehensive plan for Posey County. It was a generic description. We were a little disappointed that the firms that do this a lot didn't say in their approach that the first thing we will do is look at your existing. I think the reason we got a wide range is because we wanted to see what their interpretation of a comp plan would be. And there are groups that would come in and do a brand new plan. I think Mindy brought it up that they do so many of these comp plans, it's almost like they have a boiler plate response and they change a few names and they send it back to you. They didn't specialize enough to us and they were fairly generic. I don't think we wanted to restrict them too much to say you have to do it this way. We are going to refine our scope now to say...

**ANDY HOEHN:** You're talking about pulling them all in, right?

**BYRON SANDERS:** We are just going to send this out with a refined scope saying we have an existing and you can go look on the Area Plan Commission's website and look at this. We like it. It's 15 years old. What would you do to make this current? What we are saying is bring them in and say let's talk about it. We can have this wrapped up in a couple of weeks. We will have a criteria of selection that we will be objective about. I think the reason it was left a little broad was so we didn't miss anything.

**GREG NEWMAN:** It seems like the process has changed from when we met on the 17<sup>th</sup>. The Request for Proposals went out and it says to prepare a comprehensive plan within the unincorporated areas of Posey County. One proposal looks like it didn't do that but it was more an update. In your comments in the email you're questioning whether a 15 year old comp plan is still viable or valid. What I'm hearing tonight is that is going to be the basis for what we are starting with. I know the City of Mt. Vernon, I believe, just redid their plan and that is in process. I guess I'm wondering why rely so much on a 15 year old plan. It seems like the scope of this is being changed by the subcommittee without any further input by this committee, or am I misunderstanding?

**MARK SEIB:** I guess what we felt was that there was a lot of variation in the three. We were thinking is there any value in that book? We were going to review the entire book and going from that basis.

**GREG NEWMAN:** I understand that there is going to be some carry over from that plan.

**BYRON SANDERS:** It is a process though. It was not a Request for Proposal, it was a Request for Qualifications. We would like to see how a firm can be cost effective and utilize some of the existing information. The key thing is we have to get out there and we have to prepare ourselves

as solar or renewable energy comes at us or as economic growth occurs. We don't want to shoe horn ourselves.

**GREG NEWMAN:** Mark, you said something about rebid. Are we opening this up to anybody besides the three that have submitted?

**MARK SEIB:** I guess I misspoke when I said rebid. We are going to bring these three in. We are going to be sending them a letter saying that we are going to ask them to look our plan over, make sure that you feel that you are comfortable with doing some work on it. Is there anything worth saving on the old master plan and then bring them in to a meeting to sit down, the three of them, and bring it back to this board and have that discussion. From what I have heard, the price will usually get cheaper.

**BYRON SANDERS:** None of the three came in with a slam dunk. One of them said they would do it but it would take 13 months. Mindy was specific that we wanted it done in six months. Maybe six months isn't the window, but they didn't explain why they thought 13 months. Two groups said six months. The pricing variation in... I'm big in not having hidden costs. One group said they would do it for \$65,000, but if you do these other options it will go above or near \$100,000. I didn't like that. So I thought we should have a meeting. How many meetings do we have to have? Let's not nickel and dime us and let's put that in the original proposal. That is the reason to bring them back in.

**ANDY HOEHN:** I think that it's a valuable thing to have them brought up to speed. I think we want to look at someone that has experience doing this and maybe talk to some of the places that have already had this done and see what their experience has been. My gut on this is that I think we can drop Ripple out right away. I don't think that's going to work no matter what direction you go. I would be surprised if he would come here and sit down and talk to us.

**BYRON SANDERS:** He said under no circumstances would he do the bigger comp plan. We want a little more than just to re-edit this thing. So you are right. We've talked to the Evansville Metropolitan Planning Organization and they've had a group that has helped them with some of the ordinances and things to address. They would give us a recommendation of a firm that has good credentials. We are going to make sure we get the best.

**GREG NEWMAN:** So you are talking about opening it up for additional proposals.

**BYRON SANDERS:** I'll do whatever the board tells me to do.

**DAVID DAUSMAN:** You have the RFQ in front of you. It is not a Request for Quote. It is just for qualifications.

**JOE MARVEL:** So we can end up with more than three applicants coming back? Is that fair to say?

**ANDY HOEHN:** We are kind of admitting we did a vague request on this.

**ATTORNEY TRENT VAN HAAFTEN:** Byron was not involved in the original request in putting that all together. It was sent out and it was consistent with what has been done in other places. Jenna has been doing this a number of times and she assisted us in terms of the letter and

sending it out. There's a question about the detail that we got back or should we drill down and hold the feet to the fire in terms of more detail. That's kind of what we are after. We need to drill down with some specific questions and see if this is where you are at. Is that a fair assessment, David?

**DAVID DAUSMAN:** Byron is going to write a more detailed scope of work of what we want. There is information in that old book that is useful mostly in just data form that would probably cost twelve months and I would guess \$80,000 to regather that same data. A lot of that is just data.

**JENNA RICHARDT:** You don't want 15 year old data. One thing I would say is that we've asked for the... We took the time to put a Request for Qualifications together and we sent that out. That is telling these firms that we want a new comp plan. It doesn't mean they are going to scrap this comp plan. They are going to look at it. A comp plan is only as good as your steering committee. So all of the people that are going to be a part of this group driving the firm can speak from this current plan. But everything that needs to be redone or updated or what we say is good in here is going to have to be done because it is old. Are there any questions about that?

**BYRON SANDERS:** The foundation of this document, the area, the maps that can be layered on to recreate all of that would be an unnecessary cost. We are still talking about the same total square footage and acreage. We are still talking about the same cities. There's a lot of basis in this that didn't have to be thrown away it can just be upgraded accurately.

**RANDY OWENS:** I do agree with Jenna that the world moves so fast and technology changes so quickly, that you have to have new data.

**BYRON SANDERS:** Yes. It will be new data. It will be the same chart. The same chart will say population and the information from the Census. But it will have new data in there, but the same format that they have followed has worked.

**ANDY HOEHN:** I don't think anybody is going to start at ground zero.

**BYRON SANDERS:** The document helps you get federal funding, grants and such as that. It will pay for itself.

**MARK SEIB:** It's not that we are asking them to take that plan and start from there. It's taking that plan and is there anything that they feel like they can glean from that. That will be the core committee's decision. We just want to make sure what I want to call the moderator that are going to try to help guide this thing in making sure we get all of the slots filled and Jenna gets the things that she needs for economic development, we get the stuff for residential and being able to address that as well trying to get homes in here. There was so much variation whenever we went through this that we felt that we needed to sit down with them and making sure that we are moving forward with all of the information that we can gather whether that would be part of that book, none of that book or whatever. We want to let them explain to us what they feel we need to do.

**GREG NEWMAN:** I do think it is very important for this county to have a complete comprehensive plan that will get grant money or that we can get Ready Grant Money from. If we have to spend some money to get that done, then that is fine. Again I am confused about

whether or not we are opening this up or not. You talk about the core select committee. There's eleven people on that committee. They were going to come in after the firm was accepted. But now you are talking about that committee coming in before we vote on anything.

**MARK SEIB:** No, no, no. Once this board picks the firm, then it is up to the core committee to make sure that all bases are covered, looked at and gone through to feel that it is a complete comprehensive plan for Posey County.

**GREG NEWMAN:** You keep calling it core. It's the same eleven people that we selected. The core committee met today, but it is not those eleven people. I'm confused about what committee is pushing the direction that we are headed with these requests and whether or not we are opening this up for more firms.

**MARK SEIB:** The thing that I believe is that it is up to this board to make that decision. I wanted to find out if those three firms, whenever we had this little group of what I want to call experts in this field to be able to give us some guidance on whether or not we wanted to talk with Trent a little more and have some discussion of what was legal and what was not legal. Could we open this back up? Do we want to open this back up? Do we have any rules that we have to follow through this? Once we got into the discussion of this, I think what we are willing to do is that we are going to take these firms that we have and send a letter to them asking them to look at our old plan and then come back to us in a set around table and tell us what you want. Then we can summarize for the board before the next meeting of exactly where we are at. Then the board here can go through that process and if we have to start from scratch with asking these three companies to be here when we have the meeting. What we want to try to do at the next meeting is take up picking a firm that we feel is the best fit for what we want to do. Then with the recommendation of the experts to help us through that process, then once that is done we take it to the County Council to ask for the funding. Once we get the funding we can take it and ask the core committee take off with the process.

**GREG NEWMAN:** I truly believe that everyone sitting at this desk today/tonight and everyone who met earlier as well as the Commissioners and Council everyone is trying to do what is best for Posey County. I just want to make sure we all understand the process and we get the best product.

**BYRON SANDERS:** I will be very candid with you and tell you in good faith I couldn't recommend any of the three. Every one of them had some exceptions in their response to the qualifications that I felt didn't knock it out of the park for me. One group is saying they are going to take 11 – 13 months, before we award it to them why would it take that long, we want to get it in this year so we can get it in the budget year. One group that said 6 months but they had over 30 thousand dollars' worth of caveats there so are they going to nickel and dime us. One group hit it a little bit short by saying all they were going to do was update the existing plan. There are lots of times you will go out for an R & P and get them all back and say none of them are acceptable. It's not that they are not acceptable, but I think there is a little more work we can do here.

**RANDY OWENS:** I have to admit I am new to this particular process and this question may not be intelligent, but when you have a plan you are executing towards a goal, what are the goals and who sets those goals so that the plan... Does the plan drive the goals or do the goals drive

the plan? For example, do we want more residential housing for working families? Do we want more industry? Do we want to protect our agriculture? I don't know what our goals are.

**MARK SEIB:** That is what that eleven person steering committee will go through and put together and bring back to this board with a recommendation.

**ATTORNEY TRENT VAN HAAFTEN:** The eleven person group can be named the steering committee and do not refer to them as the core committee to eliminate any confusion.

**GREG NEWMAN:** Mark keeps talking about a core committee. The core committee met today. But there is the select committee. They have been used interchangeably.

**JOE MARVEL:** So this is going to be a sit down meeting with just the core of the steering committee?

**MARK SEIB:** Correct.

**DAVID DAUSMAN:** As someone that has spent 40 years working in construction, looking at documents and bidding them, that document was confusing to me. I knew Byron had a ton of expertise in this area. I knew that nobody else really knew him. I asked Mark if we could have a meeting. I wanted them to meet Byron and hear what he has done in the past with Vanderburgh, Posey and Gibson Counties. And to utilize his experience and Jenna's experience... I think they both have more experience than any of us in this area. The purpose of that meeting today, which I thought was a really good meeting, was to rewrite... I'm like Greg, I thought it was a Request for Quote. It is not and that is confusing. It was a Request for Qualification. In the process of speaking with Byron over the last few weeks, he's been speaking with others in this arena in surrounding counties and has brought up one other firm that I suggested we bring them in to a meeting where you can sit down and talk to them face to face like it is done in the construction world. There's no chance to interpret any different than what it really says. You get them in a room and you talk about it. This is the process to pick a firm. I think also in that process typically what happens is you get competition and you get a better price. Once that firm is picked we will meet with that firm and develop a comprehensive plan. We are in the process now of picking the group or firm.

**BYRON SANDERS:** I want to make sure there is total alignment with this group. We want something firm that these are our objectives. This is what I came up with that we want to tackle the issues of renewable energy, economic growth, farmland preservation, more housing and focus and tell you this is the goals and objectives to come out of this with and determine how we will manage them going forward. Someone else may want to say I want this added to the objectives, but we need total alignment because these firms they are going to want to know what your goals are, and what do you want as an outcome. We want to be able to say that this is what we want as an outcome so we are all saying the same thing. Then when they come up and present you can say I hear that they are looking at what I think is important.

**ANDY HOEHN:** I think the reason we had \$25,000 on one end and \$100,000 on the other is we were overly vague on our front end.

**JENNA RICHARDT:** We sent out a Request for Qualifications with all of the criteria we wanted them to submit back, Two firms did that and one just wanted to update the existing plan



and that is the one with the \$25,000 estimate. The other two were \$65,000 and \$90,000. If you looked at the \$65,000 one, they had added cost for travel and expense, which once you added it up it came to \$90,000 for the RFQ we sent out. We sent out an RFQ. Two sent back exactly what they were supposed to do. But now we are talking about narrowing down a scope to something specific that we will do in a kick off meeting after we pick a consultant. So I personally feel like we are taking a lot of time here when we don't need to. We want a firm that is super qualified and can do a good job and we have seen proposals in front of us that can do just that. I worry a little bit about nickeling and diming the heck out of a plan and what are we really going to get from that. We want quality over quantity and I think we have that in front of us.

**ANDY HOEHN:** I think what I heard was you said we had three applied and two basically were invalid, which means there was really only one at the end of the day.

**JENNA RICHARDT:** Other way around. Three applied and one just said he was going to do an update for \$25,000. The other two did exactly what they were supposed to do and they came out about the same price.

**ANDY HOEHN:** But one was more open ended than the other and almost blank checks in it?

**MARK SEIB:** Yes. The one had the process of hourly billing that could be added.

**JENNA RICHARDT:** The \$65,000 had added hidden costs to it that could run the bill up higher.

**DAVID DAUSMAN:** But the other one was 13 months.

**JENNA RICHARDT:** That is a suggestion, but yes.

**ANDY HOEHN:** Sounds like we need to talk to that one to see if we can get the numbers down and time down.

**DAVID DAUSMAN:** You are saying you want competition. You get them both...

**ANDY HOEHN:** You're talking about or Mr. Sanders was just talking about adding in another firm, kind of arbitrarily.

**BYRON SANDERS:** Not arbitrarily.

**DAVID DAUSMAN:** Not arbitrarily, they came with high references.

**ANDY HOEHN:** What do you mean, so did these three. But that is arbitrarily. No group decided on bringing in a fourth. Where did that come from? That is arbitrarily.

**DAVID DAUSMAN:** I do agree with you about Ripple as far as he did not follow the exact guidelines. I agree that he should be dropped right now. I think we would be disappointed with the end result. The other two are big firms. It is up to this panel, as far as who to choose. Byron who was the group you recommended that did a good job for Evansville?

**BYRON SANDERS:** Randell and Associates. I found out about them when I called Evansville about a referral for one of the other groups and they told me they always use this group. If you want to eliminate them because they were not in the original group, that is OK, I understand. I am just trying to get the best group of people together for the county. It is your decision. The two that you say is qualified are not to my satisfaction. They may be to yours. That is the process. I don't know if we are ready to recommend one of them now.

**AARON NEUFELDER:** That one company that is unknown, or you all know them but we don't. It was not in the original RFQ? I think we should give them a shot.

**RANDY OWENS:** Did we exclude anyone that didn't meet the deadline?

**MINDY BOURNE:** No.

**MARK SEIB:** There were 14 proposals went out. They were not included in that list and three made the deadline.

**RANDY OWENS:** Well I wouldn't be opposed to offering this other firm an opportunity, if they came recommended.

**ANDY HOEHN:** Can I go find a firm and give them up to you?

**DAVID DAUSMAN:** I guess if they come with good references.

**BYRON SANDERS:** We can be facetious if we want to but we are trying to get something done. I guess I am not understanding what the issue is?

**ANDY HOEHN:** The issue is we had a charter and a direction we were going, now we are kind of not doing that.

**BYRON SANDERS:** What kind of direction does this mean?

**MARK SEIB:** Andy, I understand what you are saying. I am not an expert in this and I don't do this on a regular basis cause I am a farmer that goes out and finds the prices that I want or the price I want and I buy it. The thing is with this we have to go through protocol or whatever you want to call it and do that and I wasn't for sure that we were getting what we were going to be needing and that is why I asked for Trent and I asked for Byron and Dave and Jenna for all of us to get together to make sure we were getting the apples for apples and trying to make sure we understood this. That is why I called this committee to put them together to make sure that Posey County was going to get the best ones to pick from and they were all pretty much on the same page to make sure that we were moving forward with this for Posey County. I believe that Mr. Ripple and his firm didn't meet the requirements that we needed to go through when he responded. So we can drop him, if that is what you want to do. That leaves us with the two, if you want to open up to allow the third one that they have used in Vanderburgh County and other things that is fine if you don't that is fine. I think we have two good firms to work with but I think it would do us due diligence to set down with them and talk with them making sure that if they have questions for us or we have questions for them to make sure that we have an understanding how everything lies with these companies and what they intend to do and how they intend to do to bring that back to this board to make a well-educated and informed decision.

**JOE MARVEL:** My only confusion was the 14 to 3 and then we had a 4<sup>th</sup>. That was where I was getting confused at. I thought they had responded to the qualification or it didn't count at all.

**RANDY OWENS:** Would it delay the process to send a request to another firm for a qualification request and how much would that add to the time line?

**GREG NEWMAN:** I don't have a problem with talking to the two firms that we think are good to get more information from them. Whatever you want to call it, they were sealed. We set over there and unsealed those and now you are talking about bringing somebody in that has access or could see the unsealed information. That just doesn't seem quite fair to the two that or the three that actually made the deadline in good faith.

**AARON NEUFELDER:** Yes, you are basically scrapping the initial proposals and doing a rescope of the whole project? If so, you need to open the bid up to the other companies under the new guidelines. If you are going to bring in a new company, why not bring them all in together and give them all the same direction? Then if they are going to come back and sharpen their pencils to bring the price down then that other company has a shot as well.

**ANDY HOEHN:** Is there not a clearinghouse when you put out a request? I know in the construction industry when cities or towns or municipalities put out a request it's out there for them all to see. Is that not the case here? And the question is, how did we pick the 14 and why wasn't this entity in the 14?

**KEITH SPURGEON:** Bids are different than Request for Qualification. When you have a bid, then yes it is that kind of a process where it is pretty cut and dry and you have to follow the guidelines. It's not what this process is. This is a Request for Qualifications. In my experience when we've done it with the school, it has not been unusual to bring those people in and to say do you understand what we are asking for and sharpen your pencils some more and let's talk about this. That is not an unusual process. I would say even with the guy Ripple that we talk about, I would still include him. Just like you've got the others that overbid because they didn't understand, he may not understand at the low end too. So if you are going to talk to one, you might as well talk to them all. He may self-eliminate.

**GREG NEWMAN:** It's the adding the firms after we went through that process. I think talking to them is ok.

**KEITH SPURGEON:** Given that this is not a bid process, I don't know that I have a problem with contacting somebody that we have not contacted before and ask if they are interested. They may say yes or they may say no. If it were a bid process I would agree with you. That would be different.

**DAVID DAUSMAN:** The bid process we are talking about is that we are trying to get the best product for the best price for the county. If you read that RFQ, and I had to read it again three times today, it really isn't a Request for Quote. Really they shouldn't have submitted a price at all, they should have submitted their qualifications.

**ANDY HOEHN:** Apparently they took it as a Request for Bid.

**DAVID DAUSMAN:** When you are doing that and you are not real clear, your number goes up because you are not clear.

**JOE MARVEL:** What do we need to do to move forward?

**JENNA RICHARDT:** I think I'm just a little concerned that we keep going back to price like we just want to try to whittle down this price. It was a Request for Qualifications. We want a competent, good firm who can do this and who knows our county. I feel like we have that and I feel like what we have done here tonight is we are splitting a whole bunch of hairs to not get to that point. So now we are going to delay this and probably have this same conversation a month from now to only talk about price again. Do we want quality or do we want cheap? What we have now is cheap and it is not helping me or my job get anywhere. At the end of the day, although I appreciate everyone's input, I'm the one that has to do the work.

**AARON NEUFELDER:** But wouldn't we be short-changing ourselves by not including that firm if they are qualified?

**JENNA RICHARDT:** That firm has never done work in this county.

**AARON NEUFELDER:** Ok. All I've heard tonight is how qualified they are.

**JENNA RICHARDT:** For the MPO and Vanderburgh County, they might be qualified.

**STEFANI MILLER:** Jenna, are you happy with the two or three that we received?

**JENNA RICHARDT:** Yes. I went through all of them and read all of them in great detail. David Ripple was just an update for the \$25,000. I feel like we need more than that. Taylor Seifker Williams has not done work in this county. They had hidden costs attached to them. American StructurePoint was the most expensive and was going to take the most time has done all of the additional work in this county and has done significant work regionally and surrounding counties to know how to best leverage the situation. So I do feel comfortable with them as a firm. They offer firm-deliverables at the end and they allow you to drive the steering committees so that you get a productive result.

**JOE MARVEL:** Do you think we need the narrowed scope meeting with them?

**JENNA RICHARDT:** I think that is the kick off meeting. You have a kick off meeting with your firm where your steering committee narrows the scope. Andy, when we did the Mount Vernon plan the first kick off meeting what did we do?

**ANDY HOEHN:** We set the goals.

**JENNA RICHARDT:** I do this day in and day out in every county. I can do it with my eyes closed.

**DAVID DAUSMAN:** Ok Jenna, I'm on the Council. I heard everything you said today about American StructurePoint and I truly respect your comments and I truly respect that they will give us what we want with the right direction. There is no doubt in my mind that if we go through

this process that we talked about today... I believe in my heart you get what you pay for. We can do better with them on price.

**JENNA RICHARDT:** So this is just about getting a better price?

**DAVID DAUSMAN:** No.

**JENNA RICHARDT:** Keep in mind this includes Poseyville and Cynthiana.

**DAVID DAUSMAN:** Oh, I know. I think they were a little high because the scope was not clear. If we could sit down and talk to them and get a clear scope... Nothing replaces eye to eye or face to face contact. I don't think I can go to the Council and recommend signing them on...

**JENNA RICHARDT:** I have no problem sitting down and talking to these firms and having them interview. They do that all of the time. I'm sure all of them would be happy to come here, talk about that...

**DAVID DAUSMAN:** That is what we decided to do at our meeting today.

**JENNA RICHARDT:** Yes, I was part of that and I agreed to that. I think it is perfectly fine that we do that. But at the end of the day are we trying to whittle them down to a base cost or are we trying to get a good quality...

**DAVID DAUSMAN:** I know. I don't want to do that.

**JENNA RICHARDT:** We had firms send us replies saying they are too busy and they are not willing to deal with us. I'm not saying they are going to do this, I'm saying I think everyone has planning across the map right now and everyone is working on infrastructure grants, everyone needs to be in an EDD. We can't even get there because we haven't even started this process. Here we are, we are going to be a month behind and still talking about the same thing. It's going to be a year and a half before I can apply for any federal funding for Posey County. We should have been doing this two years ago.

**MARK SEIB:** We actually started this five years ago. Then we had wind come in, we had solar come in and then we had Covid come in and now we are five years down the road. I totally agree with you. We need to move with this. The Council is meeting on the 22<sup>nd</sup>. We can't get it in for that date so it is going to be in March. We have a meeting before that and we can be asked to be placed on the agenda for the March meeting of the Council and then at the APC March 9 meeting the board can pick the one that they want if that is what you want to do. I have pros and cons about letting the other company in. I've had a conversation with Trent to see if that was possible and is that legal. He said sure. We can do whatever we want because it's really not that we are a sealed bid... I have no problem with taking that two and bringing them to the table and making sure they understand what we have and see where we end up at. We may end up exactly where we are today. I wanted to make sure before we got into this meeting that those three companies that we had that we were very clear on where they stood, what we were looking at, do we feel that they had an understanding of what we were wanting in doing the comprehensive plan? Not just price, but we wanted to make sure we had the quality. I don't want to see us take this plan and six months after it's adopted we've got to go back in and change something. We want to make sure we get a good price and a quality firm. With what was sent out and the

conversations that we've had, I question that. That is why I brought this group together today to try to understand exactly where we were at. I was trying to make sure that we were doing our due diligence for the county and to this board. I don't want to bring anything to this board that is not exactly complete, understandable and going in the direction we want it to go. It is basically up to this board to... I'm going to ask for a motion as to whether you want to do the two or if you want to add the third outside one or what you want to do with this so this committee can move forward. I want to make sure that on the March agenda that the County Council has it before then to ok it so we can get this process started. I wanted to get this process started back in January. I've learned sometimes we push too hard too quick. I understand where we are at right now and I understand what we have before us. We have some very qualified firms. I would like some direction from this board. If you want us to do some more digging and make sure the people are on the right track and making it the best that it can be for the county, we would be happy to do that too.

Greg Newman made a motion in the affirmative that the core committee do interviews with the three companies that submitted RFQs by the deadline and give them an opportunity to hear more about what we are wanting. We do not bring in anybody that did not submit by that deadline and that we have this done in time for us to address this at our March meeting so that the County Council can act upon it at their March meeting. Motion was seconded by Andy Hoehn. **Roll Call Vote (9-0) Yes. Motion passed.**

**APPROVAL OF PAYROLL AND BILLS:** A motion was made in the affirmative by Andy Hoehn and seconded by Joe Marvel to approve payroll and bills for last month. **Motion carried.**

**REPORT OF COLLECTIONS:** A motion was made in the affirmative by Andy Hoehn and seconded by Keith Spurgeon to approve collections. **Motion carried.**

**CITIZEN CONCERNS:** None

Mike Baehl made a motion to adjourn the meeting at 8:08 p.m. **Motion carried.**



Mr. Mark Seib – President



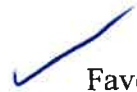
Mrs. Mindy Bourne, Executive Director

October 12, 2022

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to M-2 (Medium Manufacturing) is 1.64 acres more or less. The property is located at Goodman Road/SR 66, Cynthiana, IN. Property abutting this site is owned by the following:

1. William H. Bender, PO Box 430, Poseyville, IN 47633
2. Integrity Land Holdings, LLC, 6801 High School Rd., Poseyville, IN 47633
3. Linda Karen Goode, PO Box 22, Lovelaceville, KY 42060-0022
4. Diana Hendricks, 3300 Highway 66, New Harmony, IN 47631
5. Patricia M. Johnson Trustee Revocable T, 120 Autumn Crest Dr., Madison, AL 35757

Abutting properties are zoned A (Agricultural). This property is currently agricultural. The owners are proposing to rezone the property to M-2 (Medium Manufacturing). The uses adjacent to the proposed rezoning are as follows: Agricultural and Residential.



- ☒ Favorable recommendation by the APC
- ☐ Unfavorable recommendation by the APC
- ☐ No recommendation by the APC



PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-02-RE-APC  
PETITION TO REZONE: Addison Schmitt  
OWNER: F & L Schmitt Farm, LLC

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal ~~WILL~~/WILL NOT have an adverse impact on the current conditions in the area.

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**2. Responsible development and growth.**

The Commission finds that the proposal ~~WOULD~~/WOULD NOT be consistent with development and growth.

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**3. Comprehensive Plan.**

The Commission finds that the proposal ~~WOULD~~/WOULD NOT address the goals of the Comprehensive Plan.

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**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal ~~WILL~~/WILL NOT have effect on property values in the jurisdiction.

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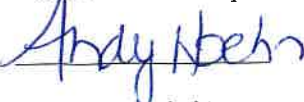
**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal ~~DOES~~/DOES NOT represent the most desirable use for which land is adapted.

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Motion made to adopt the foregoing findings of fact by:



Motion seconded by:



Adopted by Posey County Area Plan Commission

President:

Date:   
2-9-23



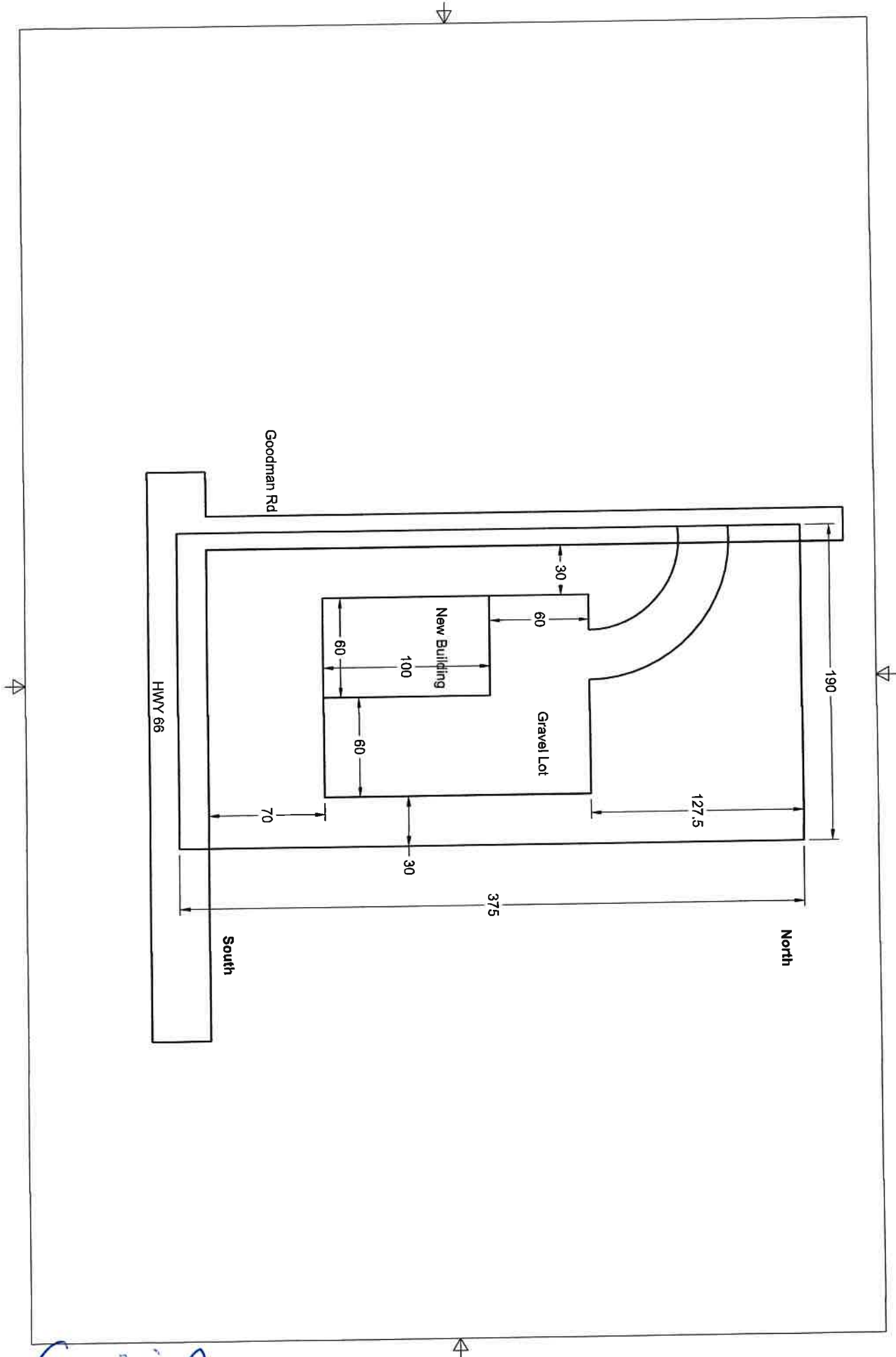


Exhibit A

January 12, 2023

Staff Comments: The property being petitioned to be rezoned from R-1 (Residential Single Family) and A (Agricultural) to A (Agricultural) is 56.23 acres more or less. The property is located at 10401 Altheide Road, Mt. Vernon, IN. Property abutting this site is owned by the following:

1. Thomas J. Martin Etal, 14541 Graves Ln., Evansville, IN 47720-8544
2. Joseph W. Fischer, 9224 Upper Mt. Vernon Rd., Mt. Vernon, IN 47620
3. Kent G. & Melissa Rexing, 3 W. Stacer Rd., Haubstadt, IN 47639
4. Connie Anne & Stan Gerard Weinzapfel, 3700 St. Philip Road S., Mt. Vernon, IN 47620
5. Timothy H. & Deborah A. Bartlett, 4200 Wildeman Rd., Mt. Vernon, IN 47620
6. Weinzapfel Custom Homes, Inc., 10453 Altheide Rd., Mt. Vernon, IN 47620-9644
7. George R. & Joann L. Goebel, 1801 S. St. Philips Rd., Evansville, IN 47712
8. Nathan Hoover, 10431 Altheide Rd., Mt. Vernon, IN 47620-9644
9. Frederick Lawrence Scheller Life Estate, 10411 Altheide Road, Mt. Vernon, IN 47620
10. Daniel M. Wolf Trustee, 10725 Upper Mt. Vernon, Mt. Vernon, IN 47620

Abutting properties are zoned A (Agricultural) and R-1 (Residential Single Family). This property is currently agricultural. The owners are proposing to rezone the property to A (Agricultural). The uses adjacent to the proposed rezoning are as follows: Agricultural and Residential.

☒ Favorable recommendation by the APC  
☐ Unfavorable recommendation by the APC  
☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-01-RE-APC  
PETITION TO REZONE: Allen & Janet Niemeier  
OWNER: Allen G. & Janet M. Niemeier

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal **WILL/WILL NOT** have an adverse impact on the current conditions in the area.

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**2. Responsible development and growth.**

The Commission finds that the proposal **WOULD/ WOULD NOT** be consistent with development and growth.

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**3. Comprehensive Plan.**

The Commission finds that the proposal **WOULD/ WOULD NOT** address the goals of the Comprehensive Plan.

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**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal **WILL/WILL NOT** have effect on property values in the jurisdiction.

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**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal **DOES/DOES NOT** represent the most desirable use for which land is adapted.

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Motion made to adopt the foregoing findings of fact by:

Joe Marsel

Motion seconded by:

Andy Hoehn

Adopted by Posey County Area Plan Commission

President: Meh Salt

Date: 2-9-23

## FINDINGS OF FACT

Mike O'Brien-Matheson Tri-Gas, Inc.  
Electrical Substation

I Andy Hahn make a motion in the findings of fact be made as follows:

1. Development is compatible with surrounding land use. Surrounding zoning is manufacturing.
2. Utilities available at site. If a new access is created, an existing city water line will need to be moved.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Not applicable for this project.
4. The plan meets the setback requirements for the M-2 Zoning District.
5. The plan meets the building coverage requirements for the M-2 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes.
8. The plan meets parking requirements. Not applicable for this project.
9. Landscaping. Not applicable for this project.
10. Building Specs. Substation Equipment Building-18'x70' prefab metal building. Height-17'
11. Signage-Not applicable for this project.
12. Recreation space.-Not applicable for this project.
13. The plan meets outdoor lighting requirement. Not sure of the specific lighting plan. Will be area lighting.
14. The development is in conformance with the Zoning Ordinance for the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County and with the Posey County Comprehensive Plan.

Motion seconded by: Joe Marvel

Adopted by Posey County Area Plan Commission

Mark L. Smith  
President, Posey County Area Plan Commission

2-9-21  
Date