

BOARD OF WORKS MEETING - SPECIAL
DECEMBER 28, 2007
TIME: 8:00 A.M.

PRESENT: Mayor Frank Manus, Mike Riley and Glenn Tebbe.

Pledge of Allegiance was recited.

Minutes of December 14th were approved.

Attorney David Heger of Barnes & Thornburg Law Firm of Indianapolis was present representing KS Bearings concerning the environmental contamination that has migrated onto the north side of the Greensburg County Club Golf Course. KS is working with IDEM on trying to clean up this contamination.

New environmental regulations have been brought forth by IDEM and Mr. Heger and KS are working with the City Attorney Steve Taylor to put in place a new restrictive covenant to protect the users and employees of the golf course and citizens of Greensburg. KS and IDEM have approved and granted termination of the 2001 covenants when the new covenant is executed.

The Country Club is looking to the City to take the lead on this matter.

Keith Wells and another member of the Country Club Board were present and had questions concerning their employee's health with any drilling that might occur on the property and any ground contamination and vapors.

Mayor Manus stated that KS is paying for all the clean up and Mr. Heger confirmed that KS is paying for all of the clean up and are trying to get their insurance to cover the \$5 million dollars that it will cost.

KS is also putting in a system to try and vacuum out the chemicals.

City Attorney Steve Taylor questioned the language in the covenant as to the use of the term recreational in the covenant as the property is used as a golf course. Also, he questioned the inspection and reporting language requirement in the covenant. He would

like that language changed and clarified to have only a written letter report instead of an engineering study. Steve also understands the covenant restriction would be required to be modified if some of the contamination moves to a different area of the real estate to include that portion of the real estate. He believes there may be potential health issues and a potential liability issue for the City. He indicated this covenant is stricter than the previous covenant. He was not aware the Country Club had any issues until recently. This covenant will continue to restrict the use of the property and, if amended as suggested, will only require the City to give a written report to IDEM annually indicating that no change of use has occurred on the restricted area.

Glenn Tebbe reminded everyone that the original restrictive covenant was signed in 2001. He further stated that the City has not had any insight into this revised covenant until the last couple of months. There are 10-12 test wells. KS created the problem and if the City should have to do anything then KS should have to reimburse the City.

Mike Riley questioned why KS, Country Club and the City were not all sat down together to discuss all of this instead of meeting with each one separately.

Motion by Mike Riley and seconded by Glenn Tebbe to accept and approve this modified restrictive covenant for the contaminated area of the City golf course subject to amendments to exclude the word “recreational” and to define the reporting requirement to be simply a written letter from the City certifying that there has been no change in use of the real estate and to not require any engineering study by the City. Further, any money expenditures required by the City to comply with the reporting would be the responsibility of KS Bearings. Ayes Mike Riley, Glenn Tebbe and Frank Manus. Nays none. So passed.

City Attorney Steve Taylor stated the highest bidder for the old Senior Center vacant lot was Neal Funeral Home of Osgood for \$153,300 and the highest bidder for the Old City Hall was Kim Gerrian and Jason Meyer for \$175,500. Both bidders had included a 10% check with their bids as was the stipulation.

The Old City Hall transaction was completed on Thursday and the money is in Escrow and will be given to the Clerk-Treasurer.

Motion by Glenn Tebbe and seconded by Mike Riley to approve the sale of the Old City Hall as pending. Ayes Glenn Tebbe, Mike Riley and Frank Manus. Nays none. So passed.

Travis Neal addressed the Board and requested an extension due to their Bank requesting a letter from IDEM. Their Bank will not accept the letter from SESCO. They still want the property and have their drawings done and ready to build.

Motion by Glenn Tebbe and seconded by Mike Riley to extend the time frame for the closing of the sale of the Old Senior Center vacant lot for 30 days to January 27th, 2008. Ayes Glenn Tebbe, Mike Riley and Frank Manus. Nays none. So passed.

Motion by Glenn Tebbe and seconded by Mike Riley to approve the Recovery Plan for Disaster for the Clerk-Treasurer's Office. Ayes Glenn Tebbe, Mike Riley and Frank Manus. Nays none. So passed.

Darren Burkhart of HNTB gave an update on the current projects and submitted pay request #7 on the West Side Sewer for \$169,000. The Industrial park engineering report draft is being completed.

Meeting adjourned at 9:15 A.M.

PRESIDING OFFICER _____

ATTEST:

Clerk-Treasurer