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MARCH 4, 2008

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March 4, 2008

REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, March 4, 2008. Present were Chairman Sandra L. Bowden, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Peter D. O’Bryan, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman Bowden called the meeting to order at 9:00 a.m.

2. INVOCATION

Father Tri Tang Pham, St. Helen Catholic Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Attorney William Collins led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Addition: Item 13.D.2. – Commissioner O’Bryan requested the County Attorney to draft a Resolution opposing Senate Bill 2406, relating to aggregate mining.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously made the above change to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION RECOGNIZING MARCH 2008 AS AMERICAN RED CROSS MONTH

Commissioner O’Bryan read and presented the Proclamation to Executive Officer Sara Ruwe.

5.B. PRESENTATION OF PROCLAMATION RECOGNIZING APRIL 6, 2008 AS PARENTS AND CHILDREN’S DAY IN INDIAN RIVER COUNTY

Vice Chairman Davis read and presented the Proclamation to Executive Director Nancy Kline of the Early Learning Coalition.

5.C. PRESENTATION ANNOUNCING CITY OF FELLSMERE 97TH BIRTHDAY CELEBRATION – FELLSMERE DAY APRIL 5, 2008

Chairperson for the Fellsmere Beautification Committee, Polly Coe, announced the celebration and the events that will take place on April 5, 2008.

6. APPROVAL OF MINUTES

6.A. JOINT PUBLIC SCHOOL CONCURRENCY WORKSHOP – JANUARY 31, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Joint Public School Concurrency Workshop of January 31, 2008. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Minutes of the Joint Public School Concurrency Workshop of January 31, 2008, as written and distributed.

6.B. REGULAR MEETING OF FEBRUARY 5, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of February 5, 2008. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the Minutes of the Regular Meeting of February 5, 2008, as written and distributed.

7. CONSENT AGENDA

Commissioner O'Bryan requested Items 7.K., 7.T. and 7. Y. be pulled for discussion.

7.A. REPORTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD:

7.A.1. NOTICE OF CONVICTIONS REPORT – JANUARY 2008

7.A.2. FELLSMERE WATER CONTROL DISTRICT MEETING SCHEDULE FOR FISCAL YEAR 2008

NO BOARD ACTION REQUIRED OR TAKEN

7.B. APPROVAL OF WARRANTS – FEBRUARY 8 – FEBRUARY 14, 2008

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of February 8, 2008 to February 14, 2008, as recommended in the memorandum of February 14, 2008.

7.C. APPROVAL OF WARRANTS – FEBRUARY 15 – FEBRUARY 21, 2008

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of February 15, 2008 to February 21, 2008, as recommended in the memorandum of February 21, 2008.

**7.D. 2008 ELECTION OF LAND ACQUISITION ADVISORY COMMITTEE
(LAAC) CHAIRMAN AND VICE CHAIRMAN**

The Board acknowledged the re-election of Dr. Richard H. Baker as Chairman and Adam Bolinger as Vice Chairman of the Land Acquisition Advisory Committee for the year 2008.

7.E. APPOINTMENT TO THE ECONOMIC DEVELOPMENT COUNCIL (EDC)

The Board noted for the record the appointments from the Town of Orchid, Town Manager Deb C. Branwell as its representative, and Vice Mayor Sue Joyce as her Alternate, to the Economic Development Council (EDC), with both terms expiring in 2010.

7.F. PROPERTY ACQUISITION – TAX ROLL REMOVAL & TAX CANCELLATION

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-032**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.
(66th Avenue – Richard and Maryann Rentschler)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-018**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.
(53rd Street Extension – Waterland Operating Company)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-019**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (CR-510 – Tammy Vogel)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-020**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (45th Street at US #1 – Donn Waltrip)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-021**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (CR-510 and US #1 – Sarah E. Fender)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-022**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (74th Avenue – Samuel A. Block Trustee)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-023**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(70th Avenue – Cathy Sue Woolsey)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-024**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(70th Avenue – Harry Jones and Pauline Jones)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-025**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(Oslo Road and 43rd Avenue – Oslo Venture)

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-026**, canceling taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

(16th Street, east of US #1 – Thomas R. Nason and Diane W. Nason)

7.G. RESOLUTION ALLOWING THE REPRESENTATIVE FROM WORK FORCE DEVELOPMENT BOARD TO SERVE ON THE ECONOMIC DEVELOPMENT COUNCIL WITHOUT RESIDING IN INDIAN RIVER COUNTY

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved

Resolution 2008-027, providing for the Work Force Development Board member to serve on the Economic Development Council without having to reside in the County.

7.H. STATE LOBBYIST AGREEMENT RENEWAL

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Professional Services Agreement with Lobbyist Ronald L. Book, and authorized the Chairman to sign same, as recommended in the memorandum of February 18, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.I. OUT OF COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR TO ATTEND LOCAL GOVERNMENT FINANCE AND TAX SEMINAR

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved out of County travel for the County Administrator to attend the 2008 Local Government Finance and Tax Seminar in Orlando, Florida, on March 27th and 28th, 2008, as recommended in the memorandum of February 25, 2008.

7.J. RIGHT-OF-WAY ACQUISITION 7625 85TH STREET (WEST OF 75TH COURT ON THE SOUTH SIDE OF CR510) REDLANDS CHRISTIAN MIGRANT ASSOCIATION, INC.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Option 1, the purchase of the needed right-of-way at a price of \$3,780.00, and authorized the Chairman to execute the Purchase and Sale Agreement, as recommended in the memorandum of February 11, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.K. FINAL RELEASE OF RETAINAGE, AMERICAN ACQUISITION GROUP, LLC, INVOICE NO. 7, FINAL INVOICE, WORK ORDER #4

Commissioner O'Bryan voiced concern that American Acquisition Group, LLC, (AAG) had not fulfilled their contract obligations.

Public Works Director Jim Davis explained that the engineering design had not been far enough along for AAG to have been able to complete the right-of-way acquisition.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the final Release of Retainage in the amount of \$5,527.58, as recommended in the memorandum of February 18, 2008.

**7.L. AUTHORIZATION TO DESIGNATE ENVIRONMENTAL SYSTEMS
RESEARCH INSTITUTE, INC. (ESRI) AS A SOLE SOURCE PROVIDER FOR
ESRI'S GIS AND MAPPING SOFTWARE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved that ESRI, Inc. be designated as the sole source provider for ESRI software and maintenance agreements for their software and waive the standard bid procedures authorizing the County Administrator to approve the issuance of necessary purchase orders to ESRI, Inc., as recommended in the memorandum of February 20, 2008.

**7.M. PROCLAMATION HONORING PARAMEDIC JOSEPH WILSON ON HIS
RETIREMENT FROM INDIAN RIVER COUNTY FIRE RESCUE**

The Board noted the Proclamation for the Record.

**7.N. WORK ORDER No. 13 (ENGINEERING/SURVEY), MASTELLER, MOLER,
REED & TAYLOR, INC., INDIAN RIVER DRIVE PHASE TWO,
RIGHT-OF-WAY MAPPING PROJECT**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Invoice No. 2363-6174, dated February 5, 2008 for final payment and release of retainage in the total

amount of \$5,179.40 for Work Order No. 13, as recommended in the memorandum of February 20, 2008.

7.O. WORK ORDER NO. 10 FINAL PAY AND RELEASE OF RETAINAGE, MASTELLER, MOLER, REED & TAYLOR, INC., INDIAN RIVER DRIVE PHASE I, RIGHT-OF-WAY MAPPING PROJECT

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Invoice No. 2026-6165, dated February 5, 2008 for final payment and release of retainage in the total amount of \$5,782.60 for Work Order No. 10, as recommended in the memorandum of February 20, 2008.

7.P. RIGHT-OF-WAY ACQUISITION, LUCIEN CLARK, 60 OLD DIXIE HWY, VERO BEACH

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative No. 1, approving the \$4,570.00 purchase, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of February 21, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.O. 27TH DRIVE NORTH OF 4TH STREET SUBDIVISION WATER ASSESSMENT PROJECT, UCP No. 2906 APPROVAL OF FINAL PAYMENT TO CONTRACTOR AND RELEASE OF RETAINAGE, W.I.P. No. 473-169000-07523 BID NUMBER 2007083

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the total project construction cost of \$32,039.60, and approved Application for Payment No. 2 – Final, as final payment to the Contractor, Tim Rose Contracting, Inc., in the amount of \$5,260.46, as recommended in the memorandum of February 13, 2008.

7.R. RENEWAL OF CONTINUING CONTRACT AGREEMENTS FOR PROFESSIONAL SERVICES FOR CERTAIN PROFESSIONAL CONSULTANTS

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the renewal of the Continuing Contract Agreements with Hydromentia, Inc.; Malcolm Pirnie, Inc.; G. K. Environmental, Inc.; Peninsula Hydrologic Data Specialists, Inc.; and Carter Associates, Inc., for another three-year period, ending March 15, 2011. The Board also authorized the Chairman to execute said agreements, as recommended in the memorandum of February 15, 2008.

AMENDMENTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.S. APPROVAL OF APPLICATION NO. 2 – FINAL FOR UTILITIES LABOR
CONTRACTOR UNDERGROUND UTILITIES, INC. FOR CONSTRUCTION OF
A WATER MAIN AND FIRE HYDRANT AT THE PELICAN ISLAND
ELEMENTARY SCHOOL – UCP 3008**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the total project amount of \$12,539.80, and authorized the payment of Application No. 2 – Final to Underground Utilities, Inc. for \$626.99, as recommended in the memorandum of February 22, 2008.

**7.T. APPROVAL OF BID AWARD FOR IRC BID NO. 2008030, ANNUAL BID
FOR UTILITY OPERATIONS WAREHOUSE STOCK, UTILITIES
DEPARTMENT/UTILITIES OPERATIONS CENTER**

Commissioner O’Bryan wanted to know if there was an inventory control system in place, to which Utilities Director Erik Olson replied that there was, and he explained how the audit system worked.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the bid be awarded to HD Supply Waterworks, LTD, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of February 25, 2008.

7.U. APPROVAL OF BID AWARD FOR IRC BID # 2008035, DEMOLITION OF TWO (2) CONDEMNED STRUCTURES, BUILDING DIVISION

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the bid be awarded to Fischer & Sons, LLC as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of February 25, 2008.

The two lowest overall bids, submitted by Samsula Waste and Freedom Waste, have been determined to be non-responsive by the Building Department, neither are currently licensed for this activity in Indian River County.

7.V. ECOLOGICAL ASSOCIATES, INC., CONTRACT AMENDMENT NO. 4

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Contract Amendment No. 4 to the Agreement with Ecological Associates, Inc., as recommended in the memorandum of February 20, 2008. NFWF Grant Agreement 2006-0114-005 provides 100% funding on a cost reimbursement basis,

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.W. RELEASE OF RETAINAGE FOR WORK ORDER NO. 1 WITH MALCOLM
PIRNIE FOR THE MAIN RELIEF CANAL**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized payment of Malcolm Pirnie's final invoice for release of retainage in the amount of \$989.51, as recommended in the memorandum of February 25, 2008.

7.X. MISCELLANEOUS BUDGET AMENDMENT 007

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-028**, amending the fiscal year 2007-2008 Budget.

**7.Y. VETERANS COUNCIL OF INDIAN RIVER COUNTY, INC., ANNUAL
FINANCIAL AUDIT**

Commissioner O'Bryan wanted to ensure that the audit would not impact the Veterans Council from supplying any services to the Veterans. Administrator Baird explained the procedures saying that any agency receiving \$25,000.00 or more in funding was required to have an annual audit completed and submitted to the County within 120 days of their fiscal year. He further clarified that staff does not have the ability to make exceptions, only the Board does.

John Matthews, past President of the Veterans Council, disclosed that he had worked as the Chairman of the Audit Committee this past year. He provided the processes and

details of the Audit Committee, and confirmed that if this extension were granted, the audit would be completed by April 1, 2008. He also requested the Board to authorize the release of the budgeted funds necessary to pay the van drivers who transport veterans back and forth to the West Palm Beach Veterans Administration Facility.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative No. 1, the Veterans Council's request for an extension of their annual independent financial audit until April 1, 2008 and payment for any legally reimbursable expense submitted by the Veterans Council.

7.Z. RECIPROCAL EASEMENT AGREEMENT BETWEEN SCHOOL BOARD OF INDIAN RIVER COUNTY AND INDIAN RIVER COUNTY FOR 57TH STREET RIGHT-OF-WAY, MIDDLE SCHOOL "BB"

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Reciprocal Easement Agreement between School Board of Indian River County and Indian River County, and authorized the Chairman to execute same, as recommended in the memorandum of February 26, 2008.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.AA. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR BRIDGE
REPLACEMENTS AND WIDENING OF 66TH AVENUE FROM SOUTH OF
SR60 TO 59TH STREET AMENDMENT No. 4**

ON MOTION by Vice Chairman Davis, SECONDED by
Commissioner Flescher, the Board unanimously approved

Amendment No. 4, to the Agreement between Arcadis
G & M, Inc. and Indian River County, as recommended in
the memorandum of February 22, 2008.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.BB. WORK ORDER No. 1 (ENGINEERING/SURVEYING), KIMLEY HORN &
ASSOCIATES, INC. FINAL PAY AND RELEASE OF RETAINAGE, INDIAN
RIVER BLVD. PROPOSED SIDEWALK TOPOGRAPHIC SURVEY, IRC
PROJECT No. ~~0746~~ 0745 CONTINUING PROFESSIONAL SURVEYING &
MAPPING/GIS SERVICES CONTRACT 0725**

ON MOTION by Vice Chairman Davis, SECONDED by
Commissioner Flescher, the Board unanimously approved
payment of Invoice No. 3328791, dated January 31, 2008
for final payment and release of retainage in the total
amount of \$7,219.88 for Work Order No. 1, to be funded as
specified and as recommended in the memorandum of
February 21, 2008.

7.CC. AS-BUILT RESOLUTION AND ASSESSMENT ROLL FOR PAVING AND DRAINAGE IMPROVEMENTS TO 31ST AND 32ND AVENUE SW FROM 10TH STREET SW TO 13TH STREET SW IN GROVENOR ESTATES S/D, IRC PROJECT #0420

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-029**, certifying “as built” costs for certain paving and drainage improvements to 31st and 32nd Avenue SW from 10th Street SW to 13th Street SW, designated as Project No. 0420, and other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

7.DD. 2008 ELECTION OF MPO TECHNICAL ADVISORY COMMITTEE (MPOTAC) CHAIRMAN AND VICE CHAIRMAN

The Board noted the election of Jason Nunemaker as Chairman, and Chris Mora as Vice Chairman, of the Metropolitan Planning Organization’s Technical Advisory Committee (MPOTAC) for the year 2008.

**7.EE. 2008 ELECTION OF ENTERPRISE ZONE DEVELOPMENT AGENCY
(EZDA) CHAIRMAN AND VICE CHAIRMAN**

The Board noted the re-election of Karl Zimmerman as Chairman and Gwenda Thompson as Vice Chairman of the Enterprise Zone Development Agency for the year 2008.

**7.FF. KASHI CHURCH FOUNDATION'S REQUEST FOR FINAL PLAT APPROVAL
FOR A SUBDIVISION TO BE KNOWN AS VILLAGE OF KASHI P.D.- PHASE I**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously granted final plat approval for Village of Kashi P.D. Phase 1, as recommended in the memorandum of February 18, 2008.

**7.GG. MACHO PRODUCTS, INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR
A PLAT-OVER-SITE-PLAN SUBDIVISION TO BE KNOWN AS MACHO
DISTRIBUTION CENTER**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously granted final plat approval for the Macho Products Distribution Center Subdivision, as recommended in the memorandum of February 26, 2008.

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES - NONE**

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

9.A.1. BOARD CONSIDERATION TO APPROVE PURCHASE OF THE “JONES’S PIER” SITE UNDER THE COUNTY ENVIRONMENTAL LANDS PROGRAM (ADMINISTRATIVE)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Chief of Environmental Planning Roland DeBlois displayed an aerial map and pictures to show the details of the property and homestead. He recapped the backup memorandum of February 26, 2008 and told of its historical significance. He reviewed the details of the proposals and provided estimates of available funds.

Chief DeBlois expressed that Mr. Jones was willing to sell the entire 16-½ acres, with the understanding that he be allowed to live on the property for the duration of his life. After that, the homestead would be conserved as a visitor’s center and museum. He also told how the piers would offer opportunities for boaters to dock, fish, and visit the property.

Four appraisals were obtained in 2006, and staff was concerned that they were over one year old. Chief DeBlois acknowledged that Florida Communities Trust (FCT) had reviewed the appraisals and approved a maximum approved purchase price of \$8,130,000.00. He provided cost estimates for managing and developing the property, and announced that the Land Acquisition Advisory Committee (LAAC) had voted 10 to 7 to support the purchase for conservation purposes.

In response to Commissioner O'Bryan's query, Community Development Director Robert Keating affirmed that the County has no prohibition against removing historic structures, and he felt that it would be a challenge to develop the property as a separate tract.

The Chairman opened the public hearing.

Diane Bickhart, oldest niece of Mr. and Mrs. Jones, gave a brief history of the homestead and told what it had meant to her and her family throughout the years. She reviewed the acquisition costs for the property and asked that it be preserved as "a reminder of how things used to be." She disclosed that if the County did not purchase the land for historic preservation, it would go on the market for \$10 to \$12 million; however, her family preferred the land be preserved as a part of Florida's history.

Nancy Beale urged the Board to purchase the Jones's property so future generations could experience the joy of "this unique piece of history."

Gregory Garcia pointed out that the "entire" property is a historical site and had been in one family for 119 years. He clarified that Mr. and Mrs. Jones did not want the property divided. He described the wildlife and trees on the property and felt it was important to preserve these for future generations.

Christine Flagler, neighbor, read the letter that she had written for the Press Journal, and urged the Board to vote in support of the hammock restoration project.

Tom Hughes wanted the property to be protected for future generations.

Keith Thompson thought this was an important part of history and wanted the Board to vote in favor of the land acquisition.

Bill Hagerty, neighbor, voiced concerns over increasing the river access, how it would be accomplished, and the parking problems that would be associated with it. He wanted the property left as it is.

Garrett Donlin, 1010 Morningside Drive, said his property abuts the Jones's property. He wanted the property to be preserved because of its historical significance, and said it reflects the "perfect mix of commercial fishing and farming," which is what the pioneers needed to survive.

Richard Jones, owner of the property, gave an account of his life and property. He said he wanted the property sold to the County so it would leave him a heritage, and he asked the Board for their consideration.

Lenora Mustapick felt that purchasing the property would be a strategic move to save a slice of "pioneer life."

Jens Tripson, 2525 14th Street, encouraged the County to purchase the property, and suggested the eastern 14 acres of the property be kept as agriculture.

Ruth Stanbridge, 4835 66th Avenue, County Historian and former County Commissioner, felt the property has been a valuable asset to the County. She said it took 15 years to get the Jungle Trail on the National Historic Register but thought it would only take about two months to get the Jones property on the register. She encouraged the Board to continue the legacy for Indian River County citizens and the generations to follow.

There were no additional speakers and the Chairman closed the public hearing.

After a lengthy discussion, the Board agreed with the desire to preserve the property's historical significance, but voiced concerns over maximizing public access, the use of the property, overnight dockage, lack of a "current" appraisal, the cost associated with returning the site back to its historical value, and whether the purchase would be in the best interest of the County.

Commissioner O'Bryan stressed additional concern over the County's funds and the tightening of tax dollars. He expressed a desire to only purchase the historical parcel, and said that if that were not feasible, then the appraisal for \$7 million should be considered.

Chairman Bowden expressed the need for a management plan, one that would meet the needs of the current and future community, as well as one that the County could afford. She wanted this item taken back to staff for renegotiation.

Matt Sexton announced that FCT saw this transaction as a priority, and made sure the grant funds would be available. He disclosed that FCT did not require a new appraisal since the contract had been signed within one year of the appraisal, and they were contributing \$3.7 million. He told the Board that to get another appraisal would mean another extension.

Although the Chairman closed the public hearing she allowed Mr. Garcia to speak.

Gregory Garcia reiterated that Mr. Jones would not concede to separating the properties, and wanted to know if the Board had issues with the appraisal or the money.

Clerk's Note: The Chairman called for a recess at 10:35 a.m. so Mr. Garcia could consult with Mr. Jones. The Chairman reconvened the meeting at 10:52 a.m. with all members present.

Commissioner O'Bryan admitted how difficult the choice had been but he said he wanted to do the right thing with County tax dollars. He reviewed the appraisals and divulged that the Property Appraiser had given him an early indication that the property's assessed values would go down 5 to 10% for the next tax roll. He proposed that 5% be deducted for the current declining housing market and offered to purchase the 16½ acres for \$6,750,000.00.

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Vice Chairman Davis, to enter into an
agreement to purchase the entire parcel for \$6,750,000.00.

Under discussion, Commissioner O'Bryan emphasized the importance of moving forward due to FCT's urgency with the appraisal; Vice Chairman Davis wanted to see more public access and historical aspects in the management plan; and Commissioner Flescher wanted to see a positive management plan.

Matt Sexton said that Mr. Jones had agreed to drop his price to \$7 million. He informed the Board that the management plan would include public access opportunities, and that FCT was willing to work with staff.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board agreed to enter into an agreement to purchase the entire Jones's Pier property for \$6,750,000.00.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**9.A.2. WINTER GROVE SUBDIVISION PETITION WATER SERVICE, 28TH AND
29TH COURTS AND 70TH PLACE, NORTH OF NORTH WINTER BEACH
ROAD – 69TH STREET, INDIAN RIVER COUNTY PROJECT NO. UCP 3013,
PRELIMINARY ASSESSMENT – RESOLUTION III (ADMINISTRATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Manager of Assessment Projects Dan Chastain reviewed his memorandum of February 19, 2008, and told the Board that staff was ready to move forward.

The Chairman opened the public hearing, there were no speakers, and the Chairman closed the public hearing.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-030**, confirming the special assessments in connection with water main expansion to Winter Grove Subdivision (28th and 29th Courts and 70th Place, north of 69th Street) in Indian River County, Florida; and providing for special assessment liens to be made of record.

9.B. PUBLIC DISCUSSION ITEMS - NONE

9.C. PUBLIC NOTICE ITEMS

9.C.1. NOTICE OF SCHEDULED PUBLIC HEARING ON MARCH 11, 2008:

ORDINANCE AMENDING CODE SECTION 102.04 “ORDER OF BUSINESS” TO ADD “INFORMATIONAL ITEMS” TO THE BOARD’S AGENDA (LEGISLATIVE)

9.C.2. NOTICE OF SCHEDULED PUBLIC WORKSHOP ON MARCH 13, 2008:

INVITATION FROM SCHOOL BOARD TO ATTEND A JOINT WORKSHOP TO DISCUSS ITEMS OF MUTUAL INTEREST (ADMINISTRATIVE)

9.C.3. NOTICE OF EXECUTIVE SESSION ON MARCH 11, 2008: THE COUNTY

ADMINISTRATOR WILL SCHEDULE AN EXECUTIVE SESSION MEETING WITH THE BOARD OF COUNTY COMMISSIONERS TO DISCUSS IAFF UNION NEGOTIATIONS AT A TIME TO BE ANNOUNCED

The Chairman read the notices into the record.

10. COUNTY ADMINISTRATOR’S MATTERS DEPARTMENTAL MATTERS

10.A. RENEWAL OF EMPLOYMENT AGREEMENT

Administrator Joseph Baird outlined the two contract renewal options, as listed in his memorandum of February 25, 2008.

Vice Chairman Davis sought clarification pertaining to the severance package.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, to approve Option 2, to renew the contract of County Administrator Joseph Baird, for a three year period with no increase in salary, a decreasing severance package each year of the agreement, and cost of living adjustments only during year two and three of the agreement.

Under discussion, Commissioner Wheeler indicated which items in the contract he wanted to see removed or negotiated; Vice Chairman Davis voiced issues with the severance package; Commissioner Flescher did not agree with the separation and maintenance aspects of the contract; and Chairman Bowden felt the County was fortunate to have Administrator Baird.

Discussion ensued as to removing the separation clause, deleting the pager, and whether to change the clause where the Administrator could resign if under pressure from one or more County Commissioners, to three or more County Commissioners.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, to delete the word "pager" from the contract.

The Chairman CALLED THE QUESTION and by a vote of 3-2, (Commissioners Wheeler and Flescher opposed) the Motion carried. The Board approved Option 2, renewing the Employment Agreement for a three year period with no increase in salary, a decreasing severance package each year of the agreement, and cost of living adjustments only

during year two and three of the agreement; and to remove
“pager” from the contract.

AGREEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT - NONE

11.B. EMERGENCY SERVICES - NONE

11.C. GENERAL SERVICES - NONE

11.D. HUMAN RESOURCES

11.D.1. INDIAN RIVER COUNTY PRESCRIPTION DISCOUNT CARD PROGRAM

Director of Human Resources James Sexton announced that the prescription discount cards are available to Indian River County residents. He emphasized that it is not an insurance plan, and it would not replace Medicare, Group D, Part D, or any other medical insurance that covers prescriptions. He pointed out that the card is for the un-insured, under-insured, or for prescription medications that are not covered by an insurance plan. He told the Board that information pertaining to the discount card program would be added to the County’s website.

NO BOARD ACTION REQUIRED OR TAKEN

11.E. HUMAN SERVICES - NONE

11.F. LEISURE SERVICES - NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

11.H. RECREATION - NONE

11.I. PUBLIC WORKS - NONE

11.J. UTILITIES SERVICES

**11.J.1. SCHUMANN DR. EAST OF KILDARE DRIVE UTILITY CANAL CROSSINGS
REPLACEMENT PROJECT IN SEBASTIAN, UCP No. 3045**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (a) the expenditure of funds for this project in the total amount of \$49,874.78, and (b) authorized the Chairman to execute Work Authorization No. 2007-015 in the amount of \$37,081.20 to Underground Utilities, Inc., as recommended in the memorandum of February 8, 2008.

WORK AUTHORIZATION ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.2. CONSULTING SERVICES WORK ORDER NO. 17 AMENDMENT 1 WITH
KIMLEY-HORN FOR PERMITTING, DESIGN AND CONSTRUCTION
SERVICES FOR REPLACEMENT OF THE INSTALLATION OF A NEW
INLINE PUMP STATION AT 90TH AVE. AND CR510 – UCP 2669**

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved Amendment 1 to Work Order No. 17 with Kimley-Horn in the amount of \$3,500.00 for additional work associated with this project, and authorized the Chairman to execute the same, as recommended in the memorandum of February 12, 2008.

AMENDMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

12. COUNTY ATTORNEY MATTERS

12.A. NECESSITY OF TAKE RESOLUTION FOR PARCELS OF PROPERTY

**LOCATED AT THE SOUTHWEST CORNER OF STATE ROAD 60 AND 66TH
AVENUE**

Deputy County Attorney William DeBraal recapped the Backup memorandum dated February 27, 2008. He requested that the Board pass the Resolution of Necessity which will formally state that this property is needed by the County for improvements to 66th Avenue. He said it would give the County authority to file an action in condemnation in eminent domain and prosecute that action. He requested the Board make an unconditional offer of \$1,500,000.00,

about 14% above the appraised value, which would be made in mitigation of attorney's fees in eminent domain.

Attorney DeBraul responded to concerns over future expenses and he explained the details of the appraisals.

County Attorney Collins further explained the details of going to court in eminent domain as well as the specifics of the appraisals. He acknowledged that staff is trying to avoid certain expenses of trial by making the best offer and keeping the cost down.

In response to Commissioner Wheeler's query, Attorney DeBraul affirmed that 7.39 acres would need to be purchased for the right-of-way, and he emphasized the reasons.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-031**, declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

13. COMMISSIONER ITEMS

13.A. COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN - NONE

13.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN

13.B.1. PROPOSAL – LEASE OF BARNs AND GROUNDS AT THE HALLSTROM FARMSTEAD

Vice Chairman Davis reported that the Historical Society is prepared to make the necessary improvements but could not do so without a lease from the County. He proposed that the County Attorney's office draft a lease which would allow them to move forward.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and directed the County Attorney's Office to prepare a lease with the Society of the original barns and the surrounding grounds as outlined in the Proposal, and as recommended in the memorandum of February 27, 2008.

13.C. COMMISSIONER JOSEPH E. FLESCHER - NONE

13.D. COMMISSIONER PETER D. O'BRYAN

13.D.1. BOARD OF COUNTY COMMISSIONER MEETINGS

Commissioner O'Bryan asked the Board to consider rescheduling the April 1, 2008 meeting to April 29, 2008. The request was due to so many people being away for Spring Break, which is scheduled from March 31, 2008 through April 4, 2008.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved to reschedule the Regular Board Meeting of Tuesday April 1, 2008 to Tuesday, April 29, 2008, as recommended in the memorandum of February 25, 2008.

13.D.2. ADDITION TO MARCH 4, 2008 BCC AGENDA

Commissioner O'Bryan informed the Board that he had received an e-mail from Bob Adair on February 29, 2008, (copy on file) which revealed that Senator Bennett had filed Senate Bill 2406 relating to aggregate mining. He told how the bill prohibits local governments from enacting or enforcing any ordinance, resolution, regulation, rule, policy, or other action that prohibits or prevents the construction or operation of a limestone mine. He felt this would preempt any local regulatory authority on mining applications, and requested the Board authorize the County Attorney to draft a Resolution opposing this Bill, then bring it back to the Board for discussion.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Bowden, the Board unanimously authorized the County Attorney to draft a Resolution strongly opposing Senate Bill 2406 related to aggregate mining, as recommended in the memorandum of March 3, 2008.

Attorney Collins said the Senate Bill would preempt limestone mining but because he did not think limestone is in this County he did not feel it would affect us. He indicated that the first resolution that the County had passed this year was a resolution opposing State preemption over mining for construction aggregate materials. The resolution resolved that local governments should continue to have ultimate permitting authority over mining of construction and aggregate materials, and that the Board is supposed to state preemption of aggregate mining regulations. He confirmed that this was done on January 8, 2008, and revealed that the only change would be to make specific reference to SB 2406, which may not apply unless there is limestone in the County.

There was a brief discussion regarding local control, and the clarification of limestone or limerock.

Clerk's Note: Chairman Bowden announced that the County had received a check in the amount of \$103,000.00 from the U.S. Department of Interior National Park Service.

13.E. COMMISSIONER GARY C. WHEELER - NONE

14.A. EMERGENCY SERVICES DISTRICT - NONE

14.B. SOLID WASTE DISPOSAL DISTRICT - NONE

14.C. ENVIRONMENTAL CONTROL BOARD - NONE

15. ADJOURNMENT

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 11:50 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____
BCC/LAA/2008Minutes