



**Clark County Park District  
Emergency Regular Board Meeting  
February 21, 2019  
7:00p.m.**

- 1. Call To Order**
  - a. Commissioner Blankenship called the meeting to order at 8:14p.m.
- 2. Roll Call**
  - a. Commissioners in attendance were Joey Ewing, Don Pine, Lisa Thomas, Jeff Wallace, Roy Sweet, and Roy Sweet. Also in attendance was Executive Director Jeff Tippett.
- 3. Approval of Agenda**
  - a. Wallace motioned to approve the agenda. Sweet second. 6 ayes, 0 nays. Motion carried.
- 4. Public Comment**
  - a. None
- 5. New Business**
  - a. Discussion and Vote to approve fund for expenses regarding retrieval of sunken house boat
    - i. Wallace explained that the reason they are having the emergency meeting without the usual 48 hour notice is because of the fact that they have a boat that has sunk in public waters and the EPA and DNR have pressed us for the removal process to begin. On the prepping on Monday, they did not know until today the plan and the dates of when things would be happening.
    - ii. Thomas added that they also did not know that they were going to ultimately be responsible for the expense.
    - iii. Sweet commented that in lieu of taking this out of any one line item, we should give Mr. Tippett the okay to take out whatever the cost is to get this boat and get this situation rectified.
    - iv. Pine stated that he agrees. He stated that it may come down to a revised budget. His understanding is that we are being held liable for this, period.
    - v. Tippett explained that the U.S. EPA will take control of it, but they will seek reimbursement from us. Pine asked if there is any advantage to the Board saying yes, we will pay for it to which Tippett responded yes. Tippett explained that if the EPA comes after us, they will add 30% to it plus we will have attorney fees, too, because we will be involved in a civil suit. Ewing stated that Tippett said "if they come after us," Tippett clarified that they will come after us. Krebbs, the ILEPA representative, told Tippett that they will seek the monies from us.



- vi.** Pine commented that he doesn't doubt that for a minute. If next month, we talk about this and say yeah, we approve that, what difference does it make? Why tonight do we have to say do it.
- vii.** Blankenship explained that we have to guarantee the guy the money or he won't even be coming. Pine clarified that is why he is asking. So if he isn't getting paid, he isn't coming.
- viii.** Tippet explained that this is the guy who is raising the boat. We are actually dealing with 3 different companies. Jesse James, since he is doing the air bags, he hires another guy, Nick with EMI diving, and together for \$12,000, they raise the boat. The EPA people take care of all the fuel spills, containment, and break all of the ice so that we can get the boat out. Jesse James meets them at the ramp with a trailer to put the boat on together and get it out.
- ix.** Ewing inquired to how did we arrive at all these players, who contacted who, ordering Jesse James boat salvage, the EPA, how did we arrive at all these names and companies to help us. Tippet explained that the environmental services were actually contacted by the boat owner, who called Jesse James to salvage the boat. He is a separate company, he doesn't want anything to do with their bill. Ewing clarified that they are EPA approved and liable so if the boat breaks in half. Tippet stated that they are not federally approved, but they are state approved and that is good enough for Krebbs who is with the ILEPA. Blankenship commented that if you go Federal, then everything doubles in price, you have to use federally approved people, it's going to be a lot more money he thinks.
- x.** Thomas commented that it would take more time.
- xi.** Wallace commented that these guys, Krebbs and Jesse, they were very organized and they definitely knew what was going on and led the entire discussion. It was very evident to him early on that where we stood in the picture. And with DNR, they wanted the boat, especially Rob Wellum, the boat has got to be out of there now. The pressure became on us because we are the only one that can actually fund it.
- xii.** Blankenship inquired as to whether Krebbs has the authority to call the Federal EPA or not. Tippet explained that Krebbs actually runs the pollution side of it. Rob Wellum would run the enforcement side of it. The fines would come from Rob Wellum. Blankenship commented that Wellum would want to start fining someone by the day, to which Tippet responded pretty close. Pine asked if that would be us, to which Blankenship responded yeah and it could be up to \$100,000.
- xiii.** Tippet stated that right now they are expecting that it will be \$35,600 or in that area. Thomas stated that we are not using competitive bidding.



Blankenship commented that no we are not, but we are not the ones running this, we have no control.

- xiv.** Sweet asked what the boat owner has said about his liability, did he just say I can't do anything. Tippettt explained that he has \$2,000. Blankenship commented \$2,000 for the rest of his life if that's what it takes.
- xv.** Ewing commented, even on him, we have got to get the boat out of here. We have risk management. Surely our insurance will step in and reimburse us for the whole extraction of the boat. Our lake is insured through them along with our docks and the boats tied to them. I really don't think that we are out \$30,000, you have to pay it and walk away. He would have to say that our risk management would step in. Our premiums might go up or we may be cancelled. Blankenship stated that maybe they will go after the guy or something.
- xvi.** Pine commented that this Jesse James isn't going to do anything until he has a check in his hand. Blankenship stated or at least guaranteed one when he is finished.
- xvii.** Ewing stated that if that is the case we can't sit here all night and just take \$100 out of each line item, we are going to have to write the guy a check and we are going to have to figure out where the funds come out when that bill is presented to us.
- xviii.** Wallace commented that Tippettt stated his first thought was to take it out of the erosion fund. Tippettt commented that they cannot take it all out of the erosion fund as there is not that much in there. He has a purchase that he is going to make out of the erosion fund and that is for matting for next year for erosion control. Wallace commented that he is going to need money for hardhats and high viz vests.
- xix.** Pine clarified that they are being told that they need to come up with money now, who made the declaration, who told us. Tippettt responded that the EPA told him that it would be in our best interest to get ahead of this and we do it. We just take it over and say alright we are guaranteeing the money. If it goes to the federal level, which it will if he calls Krebbs in the morning and say that the Board said no you can't have the money. He will just take it to a federal level and we are going to wind up in a lawsuit. He will have to call and say that Clark County won't pay for it, go get it. Pine asked why they would come after us and not the owner to which Tippettt replied because they know that the owner does not have the money.
- xx.** Ewing stated that they would come after us to get their funds, then it would be up to us to go after the boat owner to reimburse us, and on down the line.



- xxi.** Thomas commented that the less entities we involve, the less it will cost us in attorney fees.
- xxii.** Wallace commented his guess is that if the feds go after him and the money isn't there, they are gonna somehow end up coming back on us and getting money and at that point the cost is going to be way extrapolated out. Blankenship added that their attorney costs will be \$15,000 trying to get it out of him, it may be an exaggeration, but.
- xxiii.** Pine commented that where he is at is that there has been a lot insinuated, but nobody has given us anything in writing that say you have to do it, you have to pay for it, but they are trying to strong arm us into coughing up the money now. That doesn't set well with him.
- xxiv.** Blankenship asked if he wants Wellum to give us a ticket first. Thomas asked if we had talked to our attorney about this. Tippet responded that she told him this is exactly what would happen, you are going to get sued by the U.S. EPA if he doesn't have any money, they are going to come after you. You are ultimately responsible, it's your lake.
- xxv.** Ewing stated that in the same token, what if we didn't have any money. Then who would they go after. Blankenship commented that they are going to file a motion to discover funds, they are going to know that you have money. It's not like you are going to hide \$600,000.
- xxvi.** Thomas asked if Geiler said anything about recovering this from the owner. Tippet responded that all she said was to let her know what the Board wants to do. Blankenship commented that they want their money back, even if it is \$1 per day.
- xxvii.** Wallace commented that he feels that we just have to let these guys do this, if we let the feds do it, it's going to cost us all of our arms and all of our legs to get it done. We just have to worry about recovering our money after we get the boat out.
- xxviii.** Thomas asked what the total cost was going to be to which Tippet responded that he has a preliminary figure of \$14,000 in to environmental services at this point. He talked to the owner today who said they would be \$3,200 a day for three days and Jesse James, which is the lifter of the boat says \$12,000 which comes to a grand total of \$35,600.
- xxix.** Sweet asked who will be breaking the ice to get the boat out and Tippet responded that is the environmental services people.
- xxx.** Thomas clarified that they have to give him an amount that he can spend. Blankenship asked so \$40,000 to which Tippet responded that would give them an extra day if it had to be, if something goes out of whack, that is an extra day. If Jesse James finds something with the boat and it's going to cost extra money, I will call a meeting.



- xxxi. Ewing commented that he doesn't think that they can put a dollar amount on this and Blankenship agreed. Blankenship commented that they could always have another emergency meeting and fix it.
- xxxii. Wallace stated that they are going to shut down access to the boat ramp and they are going to shut down access to the storage area.
- xxxiii. Tippet commented that they have a safety plan in affect, they have an action plan in affect, they have an emergency action plan in effect, they have a contingency, it is all written out.
- xxxiv. Sweet asked if they want to give Tippet \$50,000. Ewing stated that surely they can get the boat out for \$50,000. We will put a cap on it there at \$50,000, tentatively approved now to go ahead and start the paperwork and once we have hard dollars he would call another meeting and they will discuss where it needs to come from. Hopefully we will have more information to us by then. Sweet asked do you think that if Tippet tells them he has \$50,000 now to do it, or as long as he assures them that we have the money to do it.
- xxxv. Thomas stated that they have to give Tippet authority to enter in to that verbal or written contract because of the dollar amount.
- xxxvi. Ewing commented that he would be okay with that, if it goes over \$50,000, then call another emergency meeting and we will discuss it when it comes up.
- xxxvii. Ewing motioned to approve \$50,000 for the extraction of the sunken house boat. Sweet second. Thomas aye, Wallace aye, Sweet aye, Blankenship aye, Ewing aye, Pine aye. Motion carried.
- xxxviii. Wallace commented that he doesn't feel that they may not want to discuss too much about how they are going to have to get this money all back because he doesn't want to, if somebody wants to come back and listen to the tapes and what they discuss on that.
- xxxix. Sweet commented that Tippet needs direction, at least he need to know that the Board has got his back on talking to the attorney about overseeing this project. In his opinion, she needs to be active in this thing. Thomas stated every step of the way. Tippet commented that he has already spoken to her once. Thomas stated that every step she needs to know what is going on. Blankenship commented so that she can recover every step. We need to track the wages that are going to it from our maintenance crew. Tippet responded that it is already being done.

#### 6. Adjourn

- a. Thomas motioned to adjourn the meeting. Wallace second. 6 ayes, 0 nays. Motion carried.
- b. Meeting was adjourned at 8:32 p.m.