

**Newburgh Town Council Meeting**  
**Date: Wednesday, May 14, 2014**

The Newburgh Town Council met in Executive Session on Wednesday, May 14, 2014, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Chris Wischer. Absent were District I William F. Kavanaugh and District II Tonya R. McGuire. The purpose of the meeting was discussion of personnel matters and pending litigation.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

**CALL TO ORDER**

Council President Leanna K. Hughes called the Regular Session to order at 5:37 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed to remember our troops.

**ROLL CALL**

Those present at the meeting:

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Chris Wischer

Absent were:

District I - William F. Kavanaugh

District II - Tonya R. McGuire

**APPROVAL OF MINUTES**

**MOTION** by Mr. Moore to approve the April 13, 2014 Town Council meeting minutes.

**SECOND** by Ms. Aurand.

**DISCUSSION:** None

**MOTION** carried: ayes 3, nays 0.

**SCHEDULED REQUESTS & APPEARANCES**

1. Kate Fischer, 6597 Heathervale Court, representing FC Tucker Realty, the Downtown Merchants and Historic Newburgh Inc. (HNI), expressed an interest in holding a downtown Cruise-In from 5:00 to 9:00 p.m. on the second Friday of the month, June through September. Mrs. Fischer said they hope to attract 50 cars for the first meeting. Donations will be accepted with proceeds for HNI for an outdoor sound system for the eventual downtown kiosk. Mrs. Fischer will meet with Chief Sprinkle to determine places to park and include the map on the back of the flyer.

**MOTION** by Mrs. Hughes to close the Town Hall parking lot and provide support as needed.

**SECOND** by Mr. Moore.

**MOTION** carried: ayes 3, nays 0.

## PETITION AND COMMENTS FROM CITIZENS PRESENT

None requested.

## UNFINISHED BUSINESS

1. Ordinance 2014-01, Amending Title 13 to Allow a Special Use Permit for Electronic Message Signs  
MOTION by Mrs. Hughes to table Ordinance 2014-01 until full Council is in attendance.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

## NEW BUSINESS

1. 2013 Outstanding Citizen Award and Community Service Award

MOTION by Mrs. Hughes to table the presentation.

SECOND by Mr. Moore.

DISCUSSION: Mrs. Hughes said it would be better to wait until Mr. Kavanaugh is present. No representatives from Newburgh United Methodist Church were present to receive the award.

MOTION carried: ayes 3, nays 0.

2. Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1

MOTION by Mrs. Aurand to table discussion and action of Ordinance 2014-05.

SECOND by Mr. Moore

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

3. Ordinance 2014-06, Designated Depositories

Ordinance to remove Integra and Bank of Evansville, both no longer operating, and add German American Bank

MOTION by Mr. Moore for the first reading of Ordinance 2014-06, Designated Depositories .

SECOND by Mrs. Hughes.

DISCUSSION: Mrs. Hughes asked why choose a bank outside Town limits. Mr. Lybarger said he's been in discussion with German American representative and the bank offers competitive interest rates and lease agreements. The Town does not have accounts with all the banks on the designated list.

VOTE: 3 ayes; 0 nays

MOTION by Mr. Moore to accept the first reading of Ordinance 2014-06, Designated Depositories.

SECOND by Mrs. Aurand.

MOTION carried: ayes 3, nays 0.

Mr. Wischer stated the second reading must be delayed until next meeting because four members are required for a second reading.

4. Pavement Coring Quote, Metzger Construction Co., Inc.

Mr. Hynes explained coring is needed on secondary streets to insure pavement is thick enough for milling. Sewer rehab projects require coring along main roadways before proceeding. Cost is \$75.00 per core x 24 = \$1,800.00. There may be a cost sharing opportunity between Sewer and Civil Town which will be submitted as an addendum.

MOTION by Mr. Moore to approve the Pavement Coring Quote from Metzger Construction Co., Inc.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

#### COMMISSION REPORTS

AIR AUTHORITY – Ms. Aurand

No report.

PLANNING COMMISSION – Ms. Aurand

New member, Matt Pressley was welcomed. Jim Seibert's rezoning petition received a favorable recommendation. The sign ordinance was returned to the Commission by Council with a request to expand the area between signs from 200 feet to 400 feet, which received a favorable recommendation with a 5-2 vote. The number of permits issued this year is ahead of the same period last year, 55 this year as opposed to 38; 40 projects for a valuation of \$210,144.00. April 1-30, 15 projects and 17 permits, with \$1,115.00 collected.

BOARD OF ZONING APPEALS – Ms. Aurand

Conditional Use Permit application for Fairfax Drive for online sales did not receive a positive recommendation from BZA.

FIRE – Fire Chief Paul Campbell

Mr. Wischer said fire truck specs are finished and the notice is ready to publish. The bidding is open through June 24, 2014. He said four companies want to submit bids. He is concerned about getting the process complete to avoid an increase in pricing.

MOTION to publish notice and solicit bids for fire truck by Mr. Moore.

SECOND by Ms. Aurand.

DISCUSSION: Ms. Aurand asked if Newburgh helped with storm damage in Chandler and Boonville. Offer was made but didn't need.

MOTION carried: ayes 3, nays 0.

HISTORIC PRESERVATION COMMISSION – Mrs. McGuire

Ms. Buehlman said Preservation Week celebration was May 1 at the Lockmaster Houses. HNI and HPC worked together. June 12 is next scheduled HPC meeting.

PARK – Mrs. Hughes

Last week final group of pool employees were hired. Park Board is concerned if the pool will be ready to open on time. Ms. Buehlman said the weather has caused delays but the pool employees will help get things ready: cleaning and getting equipment ready and inventoried; readying the concession area.

Ms. Buehlman said they may not paint the pool house interior this year since the weather has been so damp to this point but the pool should open on schedule on Memorial Day weekend.

Tennis lessons are going to be offered again this summer, Ms. Buehlman said.

Request for assistance to fund installation of lights at Newburgh Youth Soccer field.

The soccer organization raised over half the \$32,420.00 needed. This is on Town property. Parks Board recommends support as able.

MOTION by Mrs. Hughes to allow \$2,000.00 to \$3,000.00 for the lights.

SECOND by Mr. Moore for \$3,000.00.

DISCUSSION: Ms. Aurand asked if the motion is only a pledge. Right now, she said, she does not support funding lights at the soccer field because there are so little available funds. Mrs. Hughes is concerned about participants getting injured.

Who will own the lights after they are installed? The property belongs to the town. Ms. Aurand asked about maintenance. And, why didn't the Park Board make a formal recommendation? She is also concerned about lights encouraging vandalism and youth to congregate. Mr. Lybarger said the town has contributed to the facility previously. Ms. Buehlman said the Town is not responsible for monthly maintenance.

Mr. Wischer will review the current lease.

No vote was taken on this motion.

MOTION by Ms. Aurand to table until next meeting.

SECOND by Mr. Moore.

MOTION carried: ayes 3, nays 0.

#### POLICE – Chief Sprinkle

The Chief stated patrol hours on the trail have been cut in half in order to patrol the park. Seems to have helped. The park closes at dark.

They've seen gang activity. A Council member reported a group of 8-10 youth, which the police ordered to disperse. It was the same group that has been run off before. Graffiti has been painted near the Prayer Garden. Known gang members have been spotted. Trying to stay on top of it. Having only one officer per shift is a problem.

Chief Sprinkle would like the Peddlers Ordinance revoked. One peddler recently was arrested for stealing from homes while peddling. The chief can only do Indiana background checks and most of these peddlers are from out of state. Mrs. Hughes will establish an ad hoc committee to develop recommendations.

Chad Bailey's last day is May 25. He is currently on PTO and Police Commission recognized his good standing.

The Rivertown Trail Run went well.

The old van sold for \$650.

Chief Sprinkle expects to interview for five new reserve officers. There are none now.

He has conditionally offered a position to Michael Jones. He will be sworn in most likely July 14 and begin at the Academy on July 21.

For April, 118 citations and warnings were issued.

#### STORM WATER – Mr. Kavanaugh and Mr. Moore

Ms. Buehlman said her office is receiving a huge number of drainage complaints. Peachtree has dropped more. Leroy was going to get out there and look at it. The next meeting is Monday, May 19, 6 p.m.

She attended the annual MS4 Conference. As usual, there is a list of things to do and no funding offered to complete them.

#### STREET – Mr. Moore

Mr. Moore stated the Street crew has finished mulching. Banners were installed downtown. A drainage trench was cut in the in the alley between Jefferson and Washington. Rock was placed in the alley between Cypress and Gray. The department continues to mow, trim and repair pot holes. A ditch was cleaned on Frame Road in front of St. John's Church. A large limb was removed from Posey Street. A barricade was placed at the sidewalk cave-in on the River Bend Overlook. The crew assisted with set-up and tear-down for the Rivertown Trail Run.

Ms. Aurand asked the crew to return to the alley between Cyprus and Gray as it has again washed out. Ms. Buehlman stated an offer of employment was made to Kyle Moser but he declined. As a result, Desire'e Daniel is assisting the Street crew until Paul Dobrzysnski begins this summer. Council members offered advice on employee utilization and the use of a mowing service until the Street Department is fully staffed.

UTILITY – Mrs. Hughes

Mrs. Hughes read the motions from the May 7, 2014 Utility meeting.

MOTION by Mrs. Hughes to stay enforcement of LaVeranda existing permit for 30 days. During this 30 day period, the property owner can resubmit appropriate documentation to the sewer department to reflect a change that would necessitate a new permit.

SECOND by Mr. Moore.

DISCUSSION: Jackie Chen questioned the fact that the trap has been inspected every 3 months and no grease has been found. Tom Bodkin clarified that the motion was to stay enforcement of the current permit to give Jackie Chen time to show that she does not need to follow the current permit. Leon Key stated that the problem they currently have is that it is a full service kitchen, and when it sells, the new owner could use it as a full service kitchen. If this happens, the sewer department will immediately be after them for compliance. Jackie Chen stated that she would disclose that the kitchen is not full service due to the capacity of the grease trap.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the consent agenda, including leak adjustments.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the repair of the pump at the Victoria Lift Station at a cost not to exceed \$3,907.57 from Straeffer Pump & Supply.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the purchase of a new pump for the Heathervale Lift Station at a cost not to exceed \$4,354.00 from Straeffer Pump & Supply.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to have Chris Wischer draft and send a violation letter to Hamilton Point regarding the ongoing sanitary wipes problem, and have the letter state that they need to contact Leon Key for details.

SECOND by Mr. Moore.

DISCUSSION: The letter will reflect a deadline and include a notice of violation fees.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to have Chris Wishcer notify St. Mary's that they have encroached on our force main and may have damaged it.

SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to engage CEI for engineering assistance concerning a sanitary sewer main in Meadowbrook Subdivision between MH 15-91 and 15-92 that is collapsing.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to engage CEI to design the necessary sewer fix for the sewer and street repairs for Peachtree and Orchard.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to have Chris Wischer send a letter of non-compliance to Jaliscos.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve a certification bonus of \$500.00 for Marcus Jolly due for receiving an IDEM Operator Class B Certification.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to waive the requirement for the sewer lines to be in the easement with regards to Brookstone Subdivision.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to move the water line that is directly over the top of the sewer line at 320 Jennings and speak to Indiana American Water about paying for some the cost to move the water line. Cost not to exceed \$9,000.00.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes for the Town of Newburgh to build a lift station on the southeast corner of the Old Stone House Estates and provide sewer access to potential developers who may purchase the land.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes for the Town of Newburgh to provide Preservation Hall, Lock & Dam, both Cottages, and the Council Chambers at no cost for use during an IWEA seminar on September 16, 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to allow Mr. Keisel a short extension (approximately 30 days) to pay his storm water and trash fees that are currently in collection.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to table the Newburgh Country Store adjustment issue until the June Utility Committee Meeting so Susan can speak to Roger Johnson in more detail regarding the leak.

SECOND by Mr. Moore.

DISCUSSION: The matter will be discussed at the next Utility Committee meeting.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the purchase of a new copier for the Utility Office from Hoosier Business at a cost not to exceed \$10,461.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to grant a leak adjustment for Greg Gogel (not included in the consent agenda).

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

#### STANDING COMMITTEES

FINANCE – Mrs. Hughes

The committee will begin meeting as soon as Mrs. McGuire is feeling better.

PERSONNEL – Mr. Kavanaugh

Mrs. Hughes said the committee is planning a personnel discussion Tuesday, May 20 and meet with Lori on Thursday, May 22, both at Town Hall. The Clerk-Treasurer's office will send the announcement. The plan is to talk with Ms. Buehlman and review previous applications as needed.

#### SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh and Mrs. McGuire

Ms. Buehlman said Mr. Wischer has located a trail policy and is reviewing it. There are problems with uncoordinated events, such as the recent St. John's event. The next meeting is May 19.

SIDEWALKS – Mrs. Hughes

Ms. Buehlman said sidewalk bids will be let July 9. She is finishing the INDOT paperwork.

ARTS COMMISSION – Mrs. Hughes

Summer Sundays, 2-4 p.m., to clean Riverfront Plaza have been scheduled. Four or five groups have already committed. HNI is helping line up groups.

ZONING ADMINISTRATOR – Mrs. Aurand

Ms. Buehlman said there have been 50 permits issued to date this year, as opposed to 38 for the period last year.

CLERK-TREASURER – Jon Lybarger

Mr. Lybarger has received confirmation from Kansas State Bank regarding the payment schedule for the police vehicles. November 1 is first payment and then May 1, through 2018. He spoke with Tony Loudermilk at German American Bank about leasing rates. Audit is going well.

TOWN ATTORNEY – Chris Wischer

The briefing is complete and now awaiting a decision as to whether the State Supreme Court will hear the appeal on the Newburgh/Chandler issue.

TOWN ENGINEER – David Hynes

Rivertown Trail and parking proposal for Lock and Dam Park

Mr. Hynes and Mrs. Hughes have discussed re-striping the parking area. Mr. Hynes submitted a proposal to designate space for the trail and move parking out towards the street, away from the wall. Parking would be changed to a diagonal set up and concrete parking stops added. Park Board and Trail Committee will consider. Mrs. Hughes said that arrangement will be difficult for events that are held at the park, specifically Fiddler Fest and the Wine, Art and Jazz Festival, however, long term, it will be safer for people on the trail.

Ms. Aurand asked about the width of the trail. Mr. Hynes said the trail will be 12 feet wide and parking spaces will be 20 feet long by 10 feet wide. Ms. Aurand also asked if people going west when they pull out from the proposed parking will be ticketed for an illegal u-turn. She also asked about the low spot that collects water and debris. Will that be addressed along with this? Mr. Hynes said he thinks there is a drainage inlet down there and it may be blocked.

Paving: The pre-bid meeting for paving is 10:30 a.m., June 3. Bids are to be opened June 11. Mr. Hynes is worried there are more repairs that need to be done along with paving that needs to be done than there is funding available. Some drainage issues need to be addressed ahead of repaving where the pavement will be impacted. Will do these in two phases.

Epworth Road sewer project is starting final design. Mr. Wischer has finished the title work and now we need to get the property appraised and acquired. Mr. Wischer said he has the title searches and it won't take long to finish.

TOWN ADMINISTRATIVE MANAGER – Lori Buehlman

Input needed for newsletter articles.

May 20 is Crusader Quest, with students visiting downtown.

Mr. Wischer has reviewed the insurance claim for the Fire Department roof and the Lincoln short/long term disability contract.

MOTION by Mrs. Hughes to contract with MCF to complete repairs on the Fire Department roof (insurance claim).

SECOND by Mr. Moore

MOTION carried: ayes 3, nays 0.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that all claims are paid in the following amounts including any sewer adjustments:

Civil Town: \$379,340.31

Sewer Operations: \$633,800.06

SECOND by Ms. Aurand

MOTION carried: ayes 3, nays 0.

ADJOURNMENT

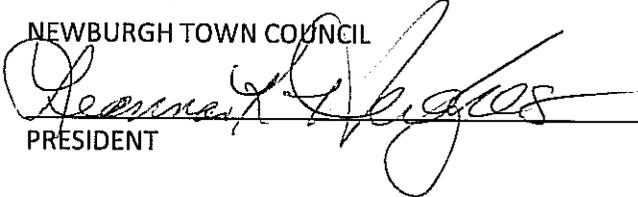
MOTION by Mrs. Hughes to adjourn at 7:52 p.m.

SECOND by Mr. Moore

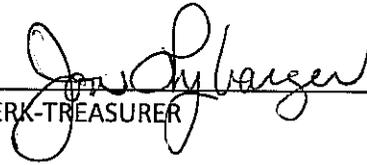
MOTION carried: ayes 3, nays 0.

APPROVED THIS 28 DAY OF May, 2014

NEWBURGH TOWN COUNCIL

  
PRESIDENT

ATTEST:

  
CLERK-TREASURER