



Town of Newburgh
Town Council Minutes, Wednesday, July 13, 2016

5:00 p.m. – Executive Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. The purpose of the meeting is discussion of pending litigation and personnel issues. This notice is given in accordance with Indiana Code 5-14-1.5-6.1.

The Regular Session of Town Council was called to order at Newburgh Town Hall, 23 W. Jennings St., by Mrs. Hughes at 5:37 p.m.

The Pledge of Allegiance was led by the Town Council.

For remembrances, the name of Ben Sloan was offered. He was retired from Atlas Van Lines and was also active in many community projects.

ROLL CALL.

- District I – William F. Kavanaugh - Present
- District II – Leanna K. Hughes - Present
- District III – Stacie M Krieger - Present
- District IV – Anne Rust Aurand - Present
- Council-at-Large – Tonya R. McGuire - Present
- Clerk-Treasurer – Jon Lybarger - Present
- Town Manager – Christy Powell - Present
- Town Attorney – Christopher Wischer – Present

All council members were present.

APPROVAL OF MINUTES.

June 22, 2016 – Executive and Regular Session (Including Rate Public Hearing) were previously distributed to council members and were approved as corrected. There was one instance where a street was improperly identified. Motion by Ms. Aurand to approve the minutes as amended. Second by Ms. Krieger. Discussion: None
Vote: Ayes 4; Nays 0; Abstention 1

SCHEDULED REQUESTS AND APPEARANCES

1. Bob Bullard with CHA reporting on Phase III of the Rivertown Trail. Jason Raughley new project manager. Within 3-4 weeks, 90 percent plans should be complete and on schedule to have the bids let in January. Todd Schulteis is VP with CHA in the Evansville office. Mr. Bullard said another meeting is scheduled for next Wednesday.
2. Jim Renne – Little Red House project – update. Grant application submitted to Vectren for \$8,000 to move utility lines. Summary of proposal to Indiana Historical Society for \$19,000 for foundation work, both preparing to move the building and establishing the foundation at the new site. Next will be a

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place based investment fund grant application through OCRA. Applications will be accepted for that beginning August 21. Mr. Renne asked the Council for a determination of a specific building site for the building to be located and to value the land on which it will be situated. He proposed a location at the Old Lock and Dam Park. There is easy access and public parking already there and it will be adjacent to the proposed amphitheater. He also asked for an estimate of the value of public services the police and street departments will provide during the moving process and what legal arrangements need to be made to allow siting the building at the park. Mrs. Hughes said the measure will be on the next Council agenda, July 27 and hopefully he will receive his answers. At some point, the HPC will need to issue a COA for the building to be placed on the property.

3. HNI a number of issues to discuss:

- a. Flower Pot Presentation – Adam Cabello reported the design committee has purchased two of the self-watering planters, which are now on private property. No more are ordered at the present, but the committee would like direction from the Council as to where to locate them in the future. Motion by Ms. Krieger to locate future planters on town property, subject to approval by either the sidewalk or the trail committee.

Second by Mr. Kavanaugh.

Discussion: Amending Motion by Ms. Aurand to relocate the two current planters to the Water Street entrances of Town Hall.

Second by Ms. Krieger.

Discussion: None

Vote on amendment: Ayes 3; Nays 1; Abstention 1.

Vote on motion: Ayes 5; Nays 0.

- b. Fireworks wrap-up

Mrs. Schaeffer said Boom Squad was a great addition to the program.

Mulzer donated \$300 worth of stone so the gator could safely move the fireworks down the bank to be positioned. With the Alcoa grant, income was \$17,762 and expenses were \$16,000 (on budget), so \$1,000 will be donate to the Newburgh Fire Department.

- c. Update on grant requests

Mrs. Schaeffer asked Council to bless the grant she's working on for developing the Meditation Park east of the Edgewater Grille. Within the grant proposal, she is asking for funds to maintain the triangular planters on State Street and landscaping for the new park. Also in the proposal is a public parking lot sign. She particularly wanted to know the Council's opinion as to whether to include fencing in the proposal. Mr. Kavanaugh said it is required. The amount she has estimated now will be \$4500 but she will apply for \$12,000 to complete the landscaping and fencing.

Motion by Mrs. McGuire to move ahead with the current plan.

Discussion: None

Second by Ms. Aurand.

Vote: Ayes 5; Nays 0.

- d. Banners

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Mrs. Schaeffer requested a schedule for hanging the Farmers Market banner at State and Jennings. Mrs. Hughes said she would ask Tavi to develop a schedule.

NEW BUSINESS.

1. Service agreement with Umbaugh.
This is an additional \$5,000 for budget consultation, Mrs. Powell said.
Motion to approve by Mrs. McGuire.
Second by Mr. Kavanaugh.
Discussion: Mrs. McGuire said the presentation was helpful.
Vote: Ayes 5; Nays 0.

2. 2014 Street Resurfacing Project – Metzger Construction
 - a. Balance Change Order #3
Mr. Hynes said the change order is instituted when the contractor does not respond to items on the punch list. The final price on the contract was \$1.34 million, minus the change order for \$66,711.57.
Motion by Mr. Kavanaugh.
Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0.

 - b. Payment Application #9
Mr. Hynes said this payment is the final for the project for \$49,947.15, minus the 5% retention for \$44,449.70.
Motion to approve by Mr. Kavanaugh.
Second by Mrs. McGuire
Vote: Ayes 5; Nays 0.

3. Halston Gravity Sewer – Payment Application #3 - Koberstein Contracting
Mr. Hynes recommended payment of \$59,420 minust the 5% retention for \$2,971 for a total payment of \$56,449.
Motion to approve by Mr. Kavanaugh.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 5; Nays 0.

4. Newburgh Sign Construction Observation.
Mrs. Powell said this is for replacement traffic signs and is 100% reimbursement from INDOT's mandate.
Motion by Mrs. Hughes.
Second by Ms. Aurand.
Discussion: None
Vote: Ayes 5; Nays 0

COMMENTS BY CITIZENS (three (3) minutes per speaker).

Mark Floyd, 409 Water St., requested the Council review the ordinance that allows burning of driftwood and other flooding flotsam. At this point it is legal in Indiana to burn driftwood but Mr. Floyd pointed out the health hazard.
Motion by Mr. Kavanaugh to establish a committee to review the ordinance.

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Second by Mrs. McGuire.

Discussion: Mr. Kavanaugh and Mrs. McGuire will review the ordinance and bring back recommendations.

Vote: Ayes 5; Nays 0.

UNFINISHED BUSINESS.

1. Parking on West Jennings Street between Jefferson and Washington.
Tabled on May 25, 2016 (Remain Tabled)

COMMISSION/COMMITTEE REPORTS

COMMISSION.

Air Authority ~ Ms. Aurand

-No meeting, no report.

Board of Zoning Appeals ~ Mrs. McGuire

-Mr. Wischer said the BZA held the required public hearing. The owner was present. Board approved the raze order, giving the owner until July 15 to obtain his own contractor to do the work. Failing that, the town will enact the raze order under code.

Fire ~ Ms. Aurand

-The roof is still leaking at the fire station. The contractor will be contacted to again try to correct the problem.

-The E11 needs the batteries replaced. The cost of the batteries will be around \$1000. The E11 is needed to run all electrical equipment when at a fire scene.

Historic Preservation ~ Ms. Krieger

-Next meeting is July 14, 2016

Park ~ Ms. Krieger

-Wrapping up the end of the summer swimming season.

-Working on the parking at the shelter house.

Plan ~ Mrs. McGuire

-No meeting, no report.

Police ~ Mrs. McGuire

-There was a meeting on June 28 where Damian Gourley was sworn in as Newburgh's newest police officer.

Site Review Committee ~ Mrs. McGuire

-Mrs. Powell said Arron Miller and his partner will be starting work on a new housing addition in Newburgh, a planned use development. There will be 20 lots in the addition. He will be looking for variances for driveway placements and sidewalks. This request will be a combination of rezoning and Planning Commission review, and will come before the Council, Mr. Wischer said.

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Storm Water ~ Mr. Kavanaugh

-No meeting, no report. Next meeting is July 16.

Dan Wollen, a graduate engineer who lives at 22 Williams Lane, has been selected to fill the open position on the Storm Water Commission.

Motion by Mr. Kavanaugh to accept Mr. Wollen as the newest board member.

Second by Mrs. Hughes.

Vote: Ayes 5; Nays 0.

Discussion: Ms. Aurand asked if there is a possible conflict of interest since he may be a contractor on a project, since he is an engineer. It was decided that there would not be a conflict of interest unless it was his project.

Vote: Ayes 5; Nays 0

-Mr. Kavanaugh also asked that Mrs. Powell send a letter of thanks to resigning board member, Greg Bailey.

Street ~ Ms. Aurand

-The town crew has been busy cleaning debris from the streets following all the storms that have been traveling through.

-The boat dock has been deployed.

-Cleaned many town properties and weeded flower beds.

-They attended 811 dig center training.

-Assisted in the set-up and tear down for the town fireworks.

-Repaired brick sidewalk on Water Street.

-Unloaded materials for new project on Gray Street.

Trash ~ Mrs. Hughes

-No meeting, no report.

Utility ~ Mrs. Hughes, Mr. Kavanaugh

- Utility Motions (If available)

Utility motions are being presented this evening.

Motion by Mrs. McGuire to have them approved by consent agenda.

Second by Mr. Kavanaugh

Discussion: Much discussion among the council members regarding whether all items should be read and voted on separately. There are pro's and con's for each.

Vote: Ayes 2; Nays 3

So each item was read and voted on individually. The items and votes are listed below. All motions were made by Mrs. Hughes.

Utility Motions for June 29, 2016

1. Motion: Tom Bodkin moved to recommend to Council to waive the requirement for Warrick Trail Apartments PUD that no tap be sold until the Mandrel test is completed; however, following the manual test, taps can be purchased but the buildings cannot be connected to the sewer until such time as the sewer has

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undergone all required testing and passed inspection; a letter of credit is not needed.

Motion seconded: Bill Kavanaugh

Discussion: A tap can be purchased and the building can be built but the building cannot be connected to the sewer until all actual testing has been completed and passed inspection. A letter of credit will not be needed. Mr. Bodkin stated this process is allowed because the sewer will be built as a private line. The motion must be approved at the town council meeting on July 13, 2016; therefore, the tap cannot be sold until July 14, 2016.

Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

2. Motion: Tom Bodkin moved to recommend to Council to approve the consent agenda.

Motion seconded: Bill Kavanaugh

Discussion: The June 2016 minutes are to reflect that motion #10 was corrected after Council approval. The motion will read: Tom Bodkin moved to recommend to Council to grant a FOG ordinance waiver for the Epworth United Christian Church subject to any changes and that periodic inspections be conducted.

Motion passed unanimously.

N/A

3. Motion: Christy Powell moved to table the discussion concerning the new development of River Estates Condos located to the east of the Newburgh Lock & Dam.

Motion seconded: Tom Bodkin

Discussion: Mr. Biggerstaff is to provide information to Mr. Hynes before the committee can determine if sufficient capacity exists and if sewer service can be made available to the area.

Motion passed unanimously.

N/A

4. Motion: Bill Kavanaugh moved to recommend to Council to purchase a hydraulic angle broom attachment for the Case high-lift loader from Diamond Equipment at a cost not to exceed \$3,568.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 5; Nays 0

5. Motion: Bill Kavanaugh moved to recommend to Council to renew the Constellation agreement for natural gas service.

Motion seconded: Leon Key

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Discussion: Mr. Key stated Constellation saved the WWTP 8% last year.
Motion passed unanimously.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 5; Nays 0

6. Motion: Leon Key moved to recommend to Council to request CEI survey and verify the Newburgh sanitary sewer is in the Restricted Public Utility Easement RPUE at 9377 Emily Court in the Huntington Ridge Subdivision due to a pool, pool deck and hot tub encroaching in to the 12-foot RPUE and built on top of the 8-inch sanitary sewer main.

Motion seconded: Bill Kavanaugh

Discussion: If structures are directly over a sanitary sewer line, a letter will be sent to inform the owner that they are responsible for moving the sanitary sewer line if the need arises.

Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 5; Nays 0

7. Motion: Tom Bodkin moved to recommend to Council to request engineering assistance to develop a cost estimate and quote package for the replacement of 2 pump bases at Lift Station No. 2. The task order should also include inspection and construction engineering.

Motion seconded: Bill Kavanaugh

Discussion: Mr. Key stated the project should be included on the Priority 1 Project List.

Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 5; Nays 0

8. Motion: Leanna Hughes moved to recommend to Council to place the Utility Committee meeting motions online by the day before the Council meetings for citizens to review in advance of the Town Council meeting and the minutes from the Utility Committee meetings will be posted after approval by the Town Council.

Motion seconded: Christy Powell

Discussion: None

Motion passed. Bill Kavanaugh voted nay.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0; Abstention 1

9. Motion: Tom Bodkin moved to recommend to Council to declare the presented list of items from the Newburgh Utility Office as surplus with no value.

Motion seconded: Leon Key

Discussion: None

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Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire

-Working on the budget

Personnel ~ Mrs. Hughes, Mrs. McGuire

-No meeting, no report.

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes, Mr. Kavanaugh.

Mr. Kavanaugh requested he be removed from the committee. Mrs. Hughes directed he be removed.

-No report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger

-No report

River Town Trail ~ Mrs. McGuire, Mrs. Hughes

-No meeting, no report. Next meeting August 1, 2016.

ZONING ADMINISTRATOR.

-Mrs. Powell said during the month, there have been applications for 5 projects with a total value of \$47,567.15, with nine permits. The fees for these permits amounted to \$1055.

-Sending code enforcement letters as we are notified of them. There are five nuisance violations that have not been abated. They have been scheduled for hearing at the next Council meeting. The Zoning Administrator will be at the next Council meeting to present her quarterly report.

CLERK-TREASURER.

-No report.

TOWN ATTORNEY.

-Sewer agreement and permit has been submitted for legal review and approval for Brookshire Subdivision, a Maken Corporation development. The engineering review is complete and ready for approval. The only issue is for an easement they will use for part of this project. The owner is Victoria Operations but he thinks this can be resolved. His recommendation was to approve the agreement and permit, contingent on resolution of the easement issue. The fee is \$719,711.45 for 190 lots and 190 taps and includes the new county park, Friedman Park.

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Motion by Mr. Kavanaugh to accept the Sewer agreement and permit as legal recommended.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 5; Nays 0

TOWN ENGINEER.

-There have been data meters located in our storm water system and normally the data retrieved from the meters is of marginal value, but with all the rain the town has been receiving, the information is tremendous.

-Wetlands have been identified by the Corp of Engineers in Keystone addition.

TOWN MANAGER.

-A bad water leak has been discovered at Preservation Hall. The cost to repair the leak will be more than \$3,360. This is not a roof leak, there is a portion of the side wall that is leaking.

MISCELLANEOUS BUSINESS.

-A thank you from town council to all who made the "Newburgh Remembers" event possible. It is going to be wonderful.

-The community parks look great. Thanks to all volunteers for your support.

-The pool is in need of repair.

-Randy Bright should be considered for the Newburgh Good Neighbor award because of the clean-up efforts after last year's 4th of July event by his group, the 'Riders for Jesus'.

APPROVAL OF CLAIM.

The following totals are being submitted to the council for their consideration for payment, plus any sewer adjustments that there may be:

Civil Town: \$338,607.85

Sewer: \$701,213.25

SRF: \$0

Motion by Mr. Kavanaugh to approve the payment of all claims.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

ADJOURNMENT.

Motion by Mrs. Hughes to adjourn at 7:45 p.m.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

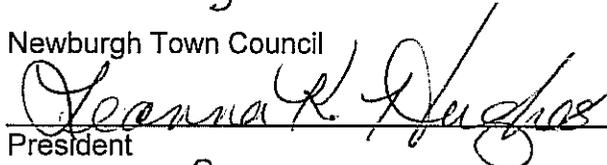
7/13/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

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Mark Floyd	409 W Water St	Open burning

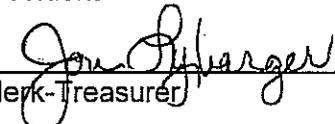
APPROVED this 10 day of August, 2016.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer