

Newburgh Town Council Meeting
Date: Wednesday, August 13, 2014

The Newburgh Town Council met in Executive Session on Wednesday, August 13, 2014, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District I William F. Kavanaugh, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher C. Wischer. Absent was 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 5:32 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and Noah Tyring from Boy Scout Troop 330. Rhonda Healy was introduced; Ms. Healy is a candidate for Ohio Township Trustee. A moment of silence was observed for Charles Gardner, past Town Council member. Ms. Buehlman asked to keep Town employees in their thoughts as there have been several illnesses and injuries.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

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 - Christopher C. Wischer

Absent was District II - Tonya R. McGuire

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the July 23, 2014 Town Council meeting minutes.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Ben Jenkins, 333 State Street, April 25 and 26, 2015, New Recording Studio

Roy Benjamin Jenkins, 7988 Waterfront Court, Newburgh, stated he and Thomas DuPont plan to open a recording studio/record label at the back of the property on 333 State Street toward the end of March 2015 with hopes of attracting musicians to the area. A Battle of the Bands is scheduled for April 25, 2015 on the property.

2. Barge Right In Committee

Committee members include: Phillip Field, Brenda Bender, Janet Bockelman, Father Joe Ziliak, Jim Renne, Deb Zaro, Jane Schroeder, Brett Sprinkle, Carol Schaefer, Lori Buehlman and Mrs. Hughes.

Barge Right In will be held on Saturday, August 30, 2014 from 10:00 a.m. to 4:00 p.m. American Energy & Power (AEP) will provide the tow boat Legacy and Evansville Marine will provide a barge which will be accessible for free tours at Newburgh's Riverfront Plaza. In Town Hall, Hanover College, Alcoa and AEP representatives will highlight past river experiences and speak on the river's importance. River Works Discovery will have several displays.

MOTION by Mrs. Hughes to use Town Hall, the esplanade, Riverfront Plaza and Trolley and to waive all fees; however, the committee will be responsible for the driver's fee and cost of fuel.

SECOND by Mr. Kavanaugh.

DISCUSSION: Expenses are estimated at \$500.00. Donations will be accepted with funds benefiting the fire department's water safety division.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes for the Town of Newburgh to donate \$100.00 to the Barge Right In event.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None presented.

UNFINISHED BUSINESS

1. Jim Bush, Urban Obstacle Course Run on November 29, 2014

MOTION by Mr. Kavanaugh to table Urban Obstacle Course Run to the September 10, 2014 council meeting.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

NEW BUSINESS

1. Resolution 2014-02, Acceptance Resolution of Preliminary Engineering Report (PER) to obtain assistance from the Waste Water State Revolving Fund Loan Program.

MOTION by Mr. Kavanaugh for the first reading of Resolution 2014-02, Resolution of Preliminary Engineering Report to obtain assistance from the Waste Water State Revolving Fund Loan Program.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Resolution 2014-02, Town of Newburgh, Indiana Preliminary Engineering Report acceptance resolution.

MOTION by Mr. Kavanaugh to approve Resolution 2014-02, Resolution of Preliminary Engineering Report to obtain assistance from the Waste Water State Revolving Fund Loan Program.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. 2014 EDIT Pavement Resurfacing Project – Notice to Proceed

Mr. Hynes stated the paving includes: Water, Gray, Fillmore, First, Third and Fourth Streets, Bell and Frame Roads, Phelps and Forest Park Drives, the entrance road to the cottages and the swimming pool

parking lot. If approved the Notice to Proceed would become effective August 14, 2014 with construction to begin August 20, 2014.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve the Notice to Proceed for the 2014 EDIT Pavement Resurfacing Project.

SECOND by Mr. Moore.

DISCUSSION: Mr. Hynes stated Commonwealth Engineering Inc. (CEI) will oversee the construction engineering and the construction inspection.

MOTION carried: ayes 4, nays 0.

3. Ordinance 2014-08, Rezoning 1113 Highway 662 from Commercial 2 to Commercial 3

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2014-08, Rezoning 1113 Highway 662 from Commercial 2 to Commercial 3.

SECOND by Ms. Aurand.

DISCUSSION: Ms. Aurand stated the request passed unanimously at Plan Commission.

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2014-08, an ordinance to amend the Newburgh, IN comprehensive zoning map by rezoning certain real estate in Newburgh, IN.

MOTION by Mr. Kavanaugh to approve the first reading of Ordinance 2014-08, Rezoning 1113 Highway 662 from Commercial 2 to Commercial 3.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2014-08, Rezoning 1113 Highway 662 from Commercial 2 to Commercial 3.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2014-08, an ordinance to amend the Newburgh, IN comprehensive zoning map by rezoning certain real estate in Newburgh, IN.

MOTION by Mr. Kavanaugh to adopt Ordinance 2014-08, Rezoning 1113 Highway 662 from Commercial 2 to Commercial 3.

SECOND by Ms. Aurand.

DISCUSSION: Mike Loehr stated Mr. and Mrs. Bill Boyken plan to construct a residence on the property.

MOTION carried: ayes 4, nays 0.

4. Ordinance 2013-12, Williams Annexation

The ordinance is being readopted so that the proper agencies can be notified.

MOTION by Mr. Kavanaugh to reapprove Ordinance 2013-12, Williams Annexation.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Sidewalk Improvement Agreement with Commonwealth Engineering Inc.

Mr. Hynes stated this project includes the remainder of Jennings Street plus State Street sidewalks, the final design completion, construction engineer and construction instruction. The project is expected to be completed in four (4) months.

MOTION by Mr. Kavanaugh to approve the Sidewalk Improvement Agreement with Commonwealth Engineering Inc.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Aurand stated BZA met on July 28, 2014 and approved the American Legion conditional use application for an electronic sign. Bruce Miller attended the BZA meeting and informed the commission he will present a variance and a side yard setback on Primrose Court at the next meeting and invited members to view his property.

FIRE - Mr. Moore

No report.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Buehlman stated the committee will meet on August 14, 2014. Ms. Aurand will attend the meeting in Mrs. McGuire's absence.

PARK – Mrs. Hughes

Ms. Buehlman stated the pool closed for the season on August 10, 2014. A cottage usage report was compiled showing 47% occupancy rate from the period January 1 through August 7, 2014. The batting cage removal project was completed at a very nominal cost to the Town.

PLAN – Ms. Aurand

Ms. Aurand stated the plan commission met Monday and approved the Boyken property rezoning.

POLICE – Mr. Kavanaugh

Chief Sprinkle stated National Night Out was held August 5, 2014 and went well. A new computer server was installed. Officer candidate interviews are underway. The new hiring pool will be in place on December 1, 2014. The Humvee updates are nearly complete. The simunition equipment has arrived with training later this evening. Major Mitchell was recognized for a life-saving event with a bronze merit award. In June, the following were issued: 46 citations, 86 warnings and one (1) Town ordinance violation. In July, there were 41 citations, 73 warnings and one (1) Town ordinance violation issued.

MOTION by Mr. Kavanaugh to approve a credit card for Major Mitchell.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

STORM WATER – Mr. Kavanaugh and Mr. Moore

The next meeting will be held on August 18, 2014.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew completed the washout repair on Overlook Court. Jefferson Park Bridge and the Trail Bridge were repaired, cleaned and stained. A vacant property at 520 Filmore was cleaned. Trees and shrubs were cleared along the bus routes. The IHOP landscaping was pruned and work has begun on the lot next to the Edgewater.

UTILITY – Mrs. Hughes

Mrs. Hughes read the motions from the August 6, 2014 Utility meeting.

MOTION by Mrs. Hughes to allow Jagoe Homes to tap lots 1-16 after the air test is completed and with the understanding that a letter of credit will be put in place and the mandrel test will follow.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to direct CEI to draft a proposed modification to the Newburgh Sanitary Sewer Design and Construction Standards, Section 12B.02.A paragraph 3, which allows for the connection of sanitary sewer laterals to truck lines by special methods; to direct CEI to draft a detail drawing for inclusion in the Newburgh Sanitary Sewer Design and Construction Standards detailing the connection of a lateral tap to a truck line; and, to allow the two (2) parcels in the Leo Miller Farms minor subdivision to connect to the Pecka Ditch sanitary sewer interceptor line with the special tap method to be developed by CEI.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to participate in the cost sharing with Danny Ubelhor at a cost not to exceed \$20,600.00 for the sewer extension on Oak Grove Road.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to require St. Mary's to execute an encroachment agreement at St. Mary's Epworth Crossing for a light pedestal installed on top of the ITT lift station's standby force main.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the purchase of a replacement pump for the Blue Lake lift station at a cost not to exceed \$7,951.43 plus freight.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop a corrective action plan for the 8268 Oak Drive project to include: verifying that the lateral is located in the right-of-way; acquiring necessary temporary/permanent easements required for the project; development of a project drawing(s); development of a quote package; and providing a project construction cost estimate.

SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to verify the easements in Wyngate Subdivision.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to approve the repair of the sanitary sewer at 3244 Woodview Drive in Old Hickory subdivision at a cost not to exceed \$6,000.00. The repair will include installing a manhole at the end of the line and replacing two lateral wyes and stubs in the easement.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to move forward with the open market bonds issue as soon as possible to cover: the refund of the 2005 Bond issue; the \$700,000 sewer repair work that needs to be completed in the corporate limits of the Town; and, the refund of the BANS.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to create the preliminary engineering report for State Revolving Fund (SRF) for other projects on the priority list that are not currently before the SRF which would include, but not limited to: Kingston Lift Station Elimination; Deaconess Lift Station; Halston Force Main; Lincoln Avenue Phase III Widening; and, other projects that committee includes as needed, and these projects be funded in 2015.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to obtain quotes for the Water Street project.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve a waiver and allow manhole A5 and B2 to remain in the right-of-way at Ella Drive and Willow Pond Road.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the waiver of the manhole rim height requirement on SR 261.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the emergency repair at the intersection of Monroe and Water Street in which the repair was completed by Hydromax at a cost not to exceed \$5,840.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the renewal of the Constellation contract.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to change the policy to state that the Utility Commissioner must sign off on all sewer plans.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage Joseph L. Smith and Faegre, Baker, Daniels as the Town's lobbyist currently, when directed and for the upcoming legislative session.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mrs. Hughes stated finance will meet tomorrow at 2:00 p.m. at Hamilton Point.

PERSONNEL – Mr. Kavanaugh

MOTION by Mr. Kavanaugh to transfer Mike Burch to the open Collections System Operator position effective August 14, 2014 at an hourly rate of \$16.75 with current full-time benefits.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to advertise the open position of Pump Station Specialist.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The Zoning Administrator position will be discussed at the August 27, 2014 Town Council meeting.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The Rivertown Trail Committee and Park Board met on August 11, 2014 to discuss and prepare a Trail and Event Policy. The draft presented to council members will be voted on at the next Rivertown Trail meeting on September 8, 2014. The Urban Obstacle Course Run was discussed and is on the September 8th agenda.

SIDEWALK – Mrs. Hughes

Mike Feltz, CHA consulting, updated the council on Safe Routes to School (SRTS). At last month's meeting, the council was informed all bids were above the engineer estimate. The Evansville Metropolitan Planning Organization (MPO) has agreed to transfer money from their SRTS fund to cover the shortfall. The project has been awarded to River Town Construction. A preconstruction date will be set for the last week of August, mobilizing the contractor after Labor Day.

Phase III Trail title research revealed two (2) abandoned short-line railroads along the trail. Additional research for property transfer documentation was conducted with nothing found. The additional research will relieve the Town of fault should any problems arise in the future. Appraisers will be contacted for right-of-way work. INDOT has requested an update of the environment document; a CHA representative will contact INDOT to further discuss this request. The letting is scheduled for September 2015.

ARTS COMMISSION – Mrs. Hughes

Mrs. Hughes stated many individuals are excited about the possibility of an amphitheater. A joint meeting inviting council members and Park Board was suggested for an idea exchange.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated the preliminary budget has been completed and will be reviewed by the Finance Committee.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated Jon Lybarger, Marilyn Doyle and Chief Sprinkle met regarding Peddler Permits. A draft will be prepared and presented to council in the near future with plans to become effective in January 2015.

Mr. Wischer hopes to close on the open market bonds by September 30, 2014 provided the Town can be rated by September 8th.

Kristen Head, an associate with Bamberger and assistant to Mr. Wischer, will attend Park Board meetings on a regular basis and attend council meetings when necessary.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated Vectren has nearly completed the pavement work; a walk-through will be scheduled. Wage rates will be needed for the sidewalk and sanitary sewer project specifications.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman met with Trista Smith, Ohio Township Library Director, regarding the open position on the Park Board.

Ms. Buehlman will meet with Bliss McKnight, insurance representatives, for an in depth review of Town buildings.

The Federal Transportation project's quarterly reports have been accepted.

MISCELLANEOUS BUSINESS

Ms. Buehlman stated there were no accidents or complaints associated with the pool this year. The pool provides a service for Town residents, adults and children, and should not be judged on a profit-

loss basis. The guards receive life-skills training and valuable experience. A pool report will be prepared when all invoices have been received.

APPROVAL OF CLAIMS

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

Civil Town - \$345,819.72

Sewer - \$552,257.80

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mrs. Hughes.

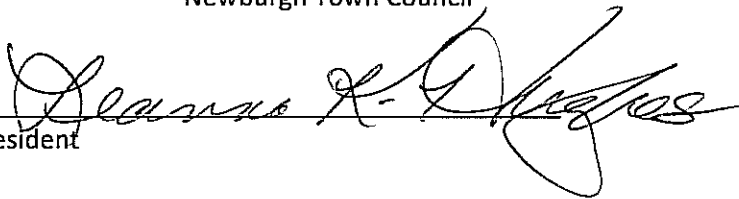
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mrs. Hughes adjourned the meeting at 7:25 p.m.

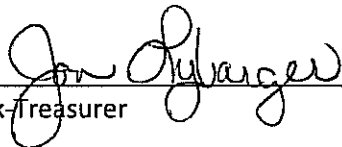
APPROVED this 27 day of August, 2014

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer



Lori S. Buehlman
Town Manager

August 4, 2014

To whom it may concern,

On August 4, 2014, the Newburgh Plan Commission conducted a public hearing on a proposed change in zoning for 1113 Highway 662 from C2 General Commercial District to C3 Neighborhood Commercial District. This is to certify pursuant to IC 32-36-7-4-605 that the proposed rezoning goes forward to the Newburgh Town Council with a favorable recommendation having received seven (7) affirmative votes. Seven (7) members of the Newburgh Plan Commission were present for the public hearing.

A handwritten signature in black ink, appearing to read "Lori S. Buehlman", followed by a long horizontal line extending to the right.

Lori S. Buehlman