

Newburgh Town Council Meeting  
Date: Wednesday, September 10, 2014

The Newburgh Town Council met in Executive Session on Wednesday, September 10, 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 5:35 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and Life Scout Ben Kuykendall of Troop 318. A moment of silence was observed for Rick Davis, a friend of Newburgh.

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. Kavanaugh to approve the August 27, 2014 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None scheduled.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None present.

UNFINISHED BUSINESS

No unfinished business.

NEW BUSINESS

1. Bid Opening, Metal Carport, 514 Polk Street, Newburgh

MOTION by Mr. Kavanaugh to close the acceptance of bids for the metal carport at 514 Polk Street, Newburgh, IN.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to open the bids for the metal carport at 514 Polk Street, Newburgh, IN.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer opened the bids. Three (3) bids were received: King Mechanical in the amount of \$101.00; Russell Powell for \$202.00; and Joshua Crochet in the amount of \$205.00.

MOTION by Mr. Kavanaugh that the bids be taken under advisement for legal review and award the bid at the September 24, 2014 Town Council meeting.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 3, nays 1 (Aurand).

## 2. Pest Control for Certain Town Properties

The Town is looking for better service and better pest control. Three (3) businesses, Ben the Bug Man, Orkin and Swat Pest, responded to the request for proposals and submitted estimates which will be reviewed by council.

MOTION by Mr. Kavanaugh to table Pest Control for Certain Town Properties to the September 24, 2014 Town Council meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

## 3. Task Order 2014-16, Wastewater Treatment Plant Phosphorus Removal

This task order sets the parameters for a study.

MOTION by Mr. Kavanaugh to approve Task Order 2014-16, Wastewater Treatment Plant Phosphorus Removal.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

## 4. Engineering Services Agreement for Deaconess Lift Station, Force Main and Gravity Sewer

This sewer project is part of a bond issue.

MOTION by Mr. Kavanaugh to approve the Engineering Services Agreement for Deaconess Lift Station, Force Main and Gravity Sewer.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

## 5. Engineering Services Agreement for Kingston Lift Station Elimination Project

MOTION by Mr. Kavanaugh to approve the Engineering Services Agreement for Kingston Lift Station Elimination Project.

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

6. Engineering Services Agreement for Lincoln Avenue Phase III Sewer Relocation Project  
MOTION by Mr. Kavanaugh to approve the Engineering Services Agreement for Lincoln Avenue Phase III Sewer Relocation Project.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

7. Engineering Services Agreement for Halston Force Main Redirect Project  
This is the last of the four State Revolving Fund (SRF) projects. The Halston Force Main will be relocated and rebuilt.  
MOTION by Mr. Kavanaugh to approve the Engineering Services Agreement for Halston Force Main Redirect Project.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

8. Engineering Task Order Agreement for the following:  
A. Task Order 2014-10 Amendment, Geographic Information System Mapping Update  
B. Task Order 2014-24, Triple Crown and Kingston Lift Station Modeling  
C. 2014 Preliminary Engineering Report – Multiple Sewer Projects

MOTION by Mr. Kavanaugh to approve the Engineering Task Order Agreement for Task Order 2014-10 Amendment, Geographic Information System Mapping Update.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to approve the Engineering Task Order Agreement for Task Order 2014-24, Triple Crown and Kingston Lift Station Modeling.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to approve the 2014 Preliminary Engineering Report, Multiple Sewer Projects.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

9. Sewer Plan Approval, Contract and Indiana Department of Environmental Management (IDEM) Permit, 6999 Oak Grove Road, Daniel Ubelhor  
Mr. Wischer stated the total cost of the extension is \$51,400.00 of which the Town will contribute \$20,600.00 upon completion.

MOTION by Mr. Kavanaugh to approve Sewer Plan Approval, Contract and IDEM Permit, 6999 Oak Grove Road, Daniel Ubelhor.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

10. Pay Application #1 for 2014 Street Resurfacing to Metzger Construction

MOTION by Mr. Kavanaugh to table Pay Application #1 for 2014 Street Resurfacing to Metzger Construction.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

11. Rezoning 116 Plum Street

No action was taken at the Plan Commission; therefore, this item is not ready for council.

MOTION by Mrs. Hughes to approve the Ghostly Stroll on Saturday, October 25, 2014 at 4:30 p.m.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

#### COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

The board has not met since the last council meeting.

FIRE - Mr. Moore

Chief Campbell stated the new fire truck committee will attend a preconstruction meeting in Wisconsin in mid-October and the truck should be completed in March 2015.

The EMS contract will be voted on at the Warrick County Council meeting on Monday, September 15, 2014 at 4:00 p.m. in the old courthouse in Boonville.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Aurand stated she will represent the council at the HPC meeting tomorrow, September 11, 2014.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board does have concerns about pest control at the properties. The trail use policy is under review. Mr. Bush withdrew his request for the Obstacle Run. The Park Board did not feel this was a suitable event for the properties.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission met on September 8, 2014. A zoning petition was heard for 116 Plum Street from Residential 1 to Commercial 2, general commercial. No action was taken. A continuance may be requested to prepare a use and development commitment.

A total of 28 permits were issued in August 2014 for 15 projects amounting to \$2,084.00 in permit fees and a total valuation of \$506,400.00 which includes two (2) new homes.

POLICE – Mr. Kavanaugh

The Police Commission will meet on October 13, 2014; three (3) new reserve officers will be sworn in.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Mr. Kavanaugh stated the September meeting has been cancelled; the next meeting will be held on October 20, 2014.

STREETS – Mr. Moore

Mr. Hynes stated the paving projects are underway with the surface coat applied on First, Third, Fourth and Fillmore. A guard rail will be constructed over the culvert on Third at Fillmore. Indiana American Water responded quickly to rectify a water main issue. Crews are now working in the Hillcrest and Gray Street area and will move to Water Street next week. The end of October deadline should be met for all Phase I paving.

Mr. Moore stated the Street Crew trimmed the trees and shrubs along the bus route on Hillcrest and Outer Gray Streets. A sinkhole was repaired on Outer Gray and pothole patched in Forest Park. A downed tree was removed from Westerfeldt Drive. The crew was sent to Sharon Place due to a weed ordinance violation and proceeded to maintain the lawn, landscape and parking lot. All Town properties continue to be mowed and trimmed and drains cleaned.

UTILITY – Mrs. Hughes

Mrs. Hughes read the Motions from the September 3, 2014 Utility Committee meeting.

MOTION by Mrs. Hughes to recalculate Mr. Kuykendall's sewer bill using the 9,300 gallon average.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to grant a waiver to allow Engelbrecht Place Section II Phase III to run the sewer line longitudinal within the right-of-way.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to allow Engelbrecht Place Section II Phase III to connect to the 15 inch sewer line at 1 foot above the flow line.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the change order for the 103 State Street repair, adding a cost not to exceed \$5,128.59 to the previous quote from Deig Brothers.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the purchase of new decant actuators from Action Automation at a cost not to exceed \$11,314.00 plus freight.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the repairs to the Master Lift Station pump from Straeffer Pump at a cost not to exceed \$10,730.00 plus freight.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to formally approve the emergency repair at 103 State Street.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the Standard Operating Procedures for sewer emergencies.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The next Utility meeting will be held on October 1, 2014 at 10:00 a.m.

FINANCE – Mrs. Hughes

Mr. Lybarger stated the 2015 budget has been submitted to the county for review and to the state for publishing. The public hearings are scheduled on October 8 and 22, 2014.

PERSONNEL – Mr. Kavanaugh

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The Rivertown Trail Committee reviewed the Trail and Event Policy which will be presented to council in October. The next meeting will be held on October 13, 2014 at 10:00 a.m.

SIDEWALK – Mrs. Hughes

A meeting will be held in the near future.

ARTS COMMISSION – Mrs. Hughes

Mrs. Hughes stated the Arts Commission will meet on October 6, 2014.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated two new construction permits were processed.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated he spoke with two (2) companies regarding the codification of the Town's ordinances, Municode and American Legal, with an estimated cost of \$12,000.00. A three-year installment plan is available and an update is recommended at five-year increments.

MOTION by Mrs. Hughes to direct Mr. Wischer to review the contract received from American Legal.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

TOWN ATTORNEY – Mr. Wischer

MOTION by Mrs. Hughes to approve the agreement between Warrick County and the Town to subordinate the Town's sewer easement for a subdivision.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Kristen Head, an associate with Bamberger and assistant to Mr. Wischer, did attend the Park Board meeting and will attend an additional meeting on a regular meeting, possibly Historic Preservation.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the final Preliminary Engineering Report (PER) for the Epworth Medical Corridor Sanitary Sewer project was submitted to IDEM on Monday. The project is now in the easement acquisition phase; easements will be procured in October. Appraisals are also underway. In early October, bids will be solicited with a bid opening in late November. The SRF expects to close on this project in early December.

The Sidewalk committee will meet in the near future to discuss sidewalk areas that may not meet the Americans with Disabilities Act (ADA) requirements. Some sidewalk areas contain trees which the Town hopes to save, and there are some intersections where the road exceeds the 2% slope.

MOTION by Mr. Kavanaugh to approve the conflict waiver letter for Mr. Wischer in his dealings with easement purchases along Epworth Road from the Schnur Family Trust.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman reminded everyone of the Zion Car Show this Saturday. Council members who will assist with the judging are to report at 1:00 p.m. The Sir Brit Car Show is the following weekend. The final HNI car show is this Friday Night. Cones will be provided in the Town Hall parking lot to hold spaces for the classic cars but the handicapped spots must remain available.

Ms. Buehlman stated she heard the Indiana Association of Cities and Towns (IACT) conference was poorly attended.

Peggy Welch, from the office of Lieutenant Governor Sue Ellspermann, will meet with Ms. Buehlman on Friday.

The Trolley is again in need of repair as the headlights are not working.

MOTION by Mrs. Hughes to direct Ms. Buehlman to contact CHA with a preference of green space in an area on State Street between Main and Gray Streets.

SECOND by Ms. Aurand.

DISCUSSION: Ms. Aurand stated when choosing the ground cover, ease of maintenance should be considered along with avoiding anything causing visual obstructions.

MOTION carried: ayes 4, nays 0.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh stated the Town's EDIT funds may decrease from the County due to a formula revision.

Mr. Lybarger stated the revision has been figured in the 2015 budget.

Ms. Aurand thanked the Barge Right In committee for their efforts. Ms. Buehlman stated Phillip Field was instrumental in making the event a success. Approximately 4,200 people attended.

APPROVAL OF CLAIMS

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

Civil Town – \$75,140.04

Sewer - \$523,254.72

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mrs. Hughes.

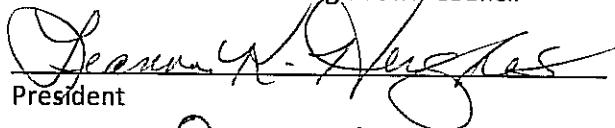
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

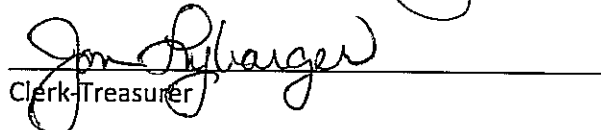
Mrs. Hughes adjourned the meeting at 7:30 p.m.

APPROVED this 24<sup>th</sup> day of September, 2014.

Newburgh Town Council

  
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President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer