



The regular session was opened and called to order by Mrs. Hughes at 5:30 p.m. on February 24, 2016.

The pledge of allegiance was lead by Kyle Probus who is a member of Scout Troup 352 which meets at Newburgh United Methodist Church. After the pledge, a moment of silence was observed for the loss of many friends and neighbors in Warrick County. During the time of silence, it was asked that if you did pray, that our troops should be remembered.

ROLL CALL was conducted by the clerk-treasurer

District I – William F Kavanaugh

District II – Leanna K Hughes

District III – Stacie M Krieger

District IV – Anne Rust Aurand

Council at large – Tonya R McGuire

Clerk-Treasurer – Jon Lybarger

Town manager. – Christy M Powell

Town Attorney – Chris Wischer

All members were present with the exception of Mrs. McGuire and Mr. Kavanaugh. There was a quorum so the meeting could be held.

### **APPROVAL OF MINUTES**

February 10, 2016 – Regular Session Minutes were presented for approval.

Motion by Ms. Aurand to approve the February 10, 2016 Town Council Minutes as distributed..

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

### **NEW BUSINESS**

1. A request was presented for the use of the River Town Trail for the Deaconess Healthier U walk on June 4<sup>th</sup>. It is expected that between 75 and 100 people will attend this activity. It is free to the public. The walk will start at the Trail Head and follow the trail along the riverfront. The walk begins at 8:15 a.m. and should be over by 10 a.m. No police or road closures will be required.

Motion by Ms. Krieger to approve the walk.

Second by Ms. Aurand

Discussion: None  
Vote: Ayes 3; Nays 0

2. The personnel Committee Recommendations for Salary increases and an updated Salary Ordinance.

The new ordinance, 2016-03, has been updated by the personnel committee and is ready for consideration by the council.

Motion by Ms. Aurand to proceed with the first reading of Ordinance 2016-03.

Second by Ms. Krieger

Discussion: none

Vote: 3 Ayes; 0 nays

First reading of ordinance by Mr. Wischer.

Motion by Ms. Aurand to accept the first reading of ordinance 2016-03.

Second by Ms. Krieger

Discussion: The changes presented in this reading were for a two (2) percent increase for employees of the town for 2016. Also, Item number 10 in the ordinance would affect the police department. This section would identify increases for police officers who would receive higher education degrees. As written, each person who would receive an Associates Degree would receive an increase of \$500 every year after attaining that degree. Likewise, for a Bachelors degree, they would receive \$1,000 and \$1,500 for a Masters degree. If no degrees are received, officers would receive merit increases only.

Vote: Ayes 3; Nays 0

A second reading of the ordinance could not be conducted do to a lack of council members available to vote. This ordinance will be held over to the next meeting for consideration under old business.

3. PC Quest – Retainer Agreement.

PC Quest, our Information Technology service provider, has submitted a quote for a monthly service contract. Under this contract the town would pay for 20 hours of service at \$75 per hour or \$1,500 per month to provide whatever support is required. If the town would exceed the 20 hours, the town would then pay a flat rate of \$75 per hour for hours over the 20 hour limit.

Motion by Ms. Aurand to table this topic until other quotes for service could be solicited.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

4. CHA Supplemental Contract #2 for RTT IIIA (This includes the addition of the pedestrian bridge for the new section of trail.)  
The bridge would be between Mulzer's and the Williams property. No increase should be incurred with these changes. A question was posed as to whether this should go before the Trail Committee in March. It was decided that the Trail Committee did not need to review the contract.

Motion by Mrs. Hughes to approve the agreement.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

5. Halston Gravity Sewer Extension – Construction Bid Opening.

Motion by Ms. Aurand to close the acceptance of bids.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

Five bids were received and reviewed for content and the proposed bid amount. All bids being in order, the six bid amounts are as follows:

PPMI	\$298,450.00
Deig Brothers	\$298,789.00
Blankenberger Bros	\$283,100.00
Koberstein Cont.	\$242,670.00
M. Bowling, Inc.	\$250,950.00
Ragle, Inc	\$309,999.00

Motion by Ms. Aurand to take the bids under advisement.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

6. Willow Pond Basin SS Master Plan – Agreement with CEI.

Motion by Ms. Krieger to approve the agreement.  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

7. Lincoln Ave. Widening Phase III SS Relocation – Contract Amendment with CEI.

The amendment is to provide sewer hook-ups for residents who have leach beds. Due to the widening, there is not enough property to support a leach bed.

Motion by Ms. Krieger to approve the contract amendment.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

8. Victoria LS Flow and Condition Assessment Study – Agreement with CEI.  
This lift station has been in service for 16 years. The equipment is getting old and needs to be reviewed to determine what upgrades are required for the Lift Station.

Motion by Ms. Krieger to approve the agreement with CEI.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

9. MLS Basin Flow Study – Amendment with CEI.  
Meters to be installed to determine how much flow is currently passing through the system and to aid in determining the extent of an upgrade.

Motion by Ms. Krieger to approve the contract amendment.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

10. Epworth Medical Corridor SS Exp – Contract Amendment with CEI  
This project is nearing substantial completion. It should have been completed on 2/3/2016, but was extended due to amendments in the original contract

Motion by Ms. Krieger to approve the contact Amendment

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

11. Kenosha Hills LS Elimination Project – Contract Amendment with CEI  
This is part of the Willow Pond Basin project, this entails the removal of a grinder pump. Easements will be required for 8 properties.

Motion by Ms. Krieger to approve the Contract Amendment

Second by Ms Aurand

Discussion: None

Vote: Ayes 3; Nays 0

12. Halston Gravity Sewer Extension – Contract Amendment with CEI  
Fees for Repair and resident.

Motion by Ms Krieger to approve the Contract Amendment  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

13. Renew General Services Agreement with CEI.  
This would be dealing with task orders and on-call services.

Motion by Ms Krieger to approve the Contract Amendment  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

14. Ralph Wright SS Extension – Acceptance for Maintenance  
Work has been completed at the site at a cost of \$18,487.15.

Motion by Mrs. Hughes to approve the Acceptance of Maintenance  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

15. Cancellation of Warrants.  
This is for the town of Newburgh. Checks that have been outstanding for over two years may be cancelled. One such check has been identified for the Sewer Department.

16. Motion by Ms Krieger to approve the Cancellation of the Warrant.  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

First Christian Church 5K request for trail use and street closure  
Representatives from First Christian Church are requesting the use of the trail for a 5K race on may 15, 2016. They have talked with the police chief regarding street closures and security. It is expected that 300 people will participate in this event. The event should run from 1p.m. to 6p.m.

Motion by Ms Krieger to approve the Contract Amendment  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

## **UNFINISHED BUSINESS**

1. Jennings and State St. SW Improvements – pay Appl. #6 to River Town  
Construction...tabled 1/27/2016

Motion by Mrs. Hughes to remove from table  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

The town is in negotiations with River Town Construction regarding the actual completion of their contract. As a sign of good faith of the part of the town, it was suggested that the town release \$10,000 of the retainage and pay River Town Construction. The remaining monies would continue to be retained until a final agreement is reached.

Motion by Mrs. Hughes to approve the Contract Amendment  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

Motion by Mrs. Hughes to Retable this item until the next meeting.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

2. Ordinance 2016-02 – an Ordinance prohibiting use of public ways for private purposes and prohibiting children from playing in the streets...Tabled 2/10/2016.

Motion by Mrs. Hughes to remove from table  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0

Motion by Ms. Krieger to have the first reading of Ordinance 2016-02.  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

Motion by Mrs. Hughes for acceptance of the first reading of 2016-02.  
Second by Ms. Krieger  
Discussion: Much discussion was presented on this issue by residents of the town of Newburgh and the council members. The majority of persons present believed that there was really no need for this ordinance. Where it may be a good ordinance for the city of Carmel and Indianapolis, it does not seem to fit with the lifestyle in Newburgh. Discussion was also brought to light regarding children impeding traffic. The police chief informed the citizens that there are state laws that cover this type of situation and there should be no need to create a local ordinance that covers something that is already covered. Also,

regarding the issue of small children playing in the street, the chief mentioned that if the children are minors, Child Protective Services could be contacted and could become involved.

Vote: Ayes 0; Nays 3

## **COMMISSION/COMMITTEE REPORTS**

### **COMMISSION**

#### **Air Authority – Ms. Aurand**

No meeting, No report.

#### **Board of Zoning Appeals – Mrs. McGuire**

There is a vacant position on the board and it was recommended that Mr. Jim Moore fill the vacant position. Mr. Moore was present at the meeting and confirmed that he was amenable to the recommendation. This would be for a 4 year term to the board.

Motion by Mrs. Hughes to appoint Mr. Moore to the Board for a 4 year term.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

#### **Fire – Ms. Aurand**

Chief Campbell provided the information regarding the department. One of the vehicles, the ladder truck, is currently in Louisville for some repairs. It should be back in service quickly.

He also provided run numbers for the month of January. A total of 20 runs were made in January with 5 runs being in town and the remainder in the township or county. The total number of man hours expended by the department during the month were 350 with 289 being associated with fire runs.

#### **Historic Preservation – Stacie M Krieger**

Discussing was conducted regarding the Simpson Brick Building. After talking with Mrs. Busing, it was found that there are no immediate plans to develop the property on which the building resides. Historic Newburgh, Inc. has taken the saving of this structure as a project. They will be creating a go-fund-me site to raise funds for the relocation of the structure. The town has already committed to providing a site for relocation. It was determined that this is not a historic landmark and funding from Indiana Landmarks is not available.

#### **Park – Ms. Krieger**

No Report.

#### **Planning – Mrs. McGuire**

Seven permits were sold during the month of January. For a total renovation value of \$71,880. The monies raised by the permit fees was \$316 with \$50 being

raised by the issuance of a Certificate of Appropriateness. Various homes in town are covered by these permits.

The house at 2 Gray St continues to be an issue. Although a permit for renovations has been issued, it appears that there has been no work performed at the site. A report will be sent regarding the status of this house.

Two properties in town are rapidly deteriorating and they are located at 110 E Gray and 306 Sycamore. Renovations need to be made to save these properties.

Motion by Ms. Krieger to contact these property owners and determine what actions they are planning to improve these properties.

Second by Mrs. Hughes

Discussion: Viewed pictures of some of the conditions at the sites. Holes in roof, doors falling off and general lack of preventative maintenance.

Vote: Ayes 3; Nays 0

#### **Police – Mrs. McGuire**

- Brett presented a renewal contract from Hamrick's towing. This would be a three year contract. The new contract indicates an increase in towing rates, but Hamrick's rates haven't been increased for at least 6 years. The new rates are in line with industry standards.

Motion by Mrs. Hughes to accept the new contract.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

- The next item presented by the chief was in regards to the Newburgh 5k-8k race that will be held on April 30, 2016. The course is the same this year as in previous years. Same road closures, and the same amount of security.

Motion by Mrs. Hughes to approve the event for 2016

Second by Ms. Krieger

Discussion: Please inform the merchants regarding the times and running of the race.

Vote: Ayes 3; Nays

#### **Site Review Committee – Mrs. McGuire**

No meeting, No Report.

#### **Storm Water – Mr. Kavanaugh**

No Report

#### **Streets – Ms. Aurand**

The street department has been performing the following jobs:

- Cleaning and repairing the dock and boat ramp
- Clean and patch streets
- Cleaning drains in Forest Park
- Spread sand and salt for two snow events.



- Removed Christmas lights from town properties
  - Repaired sink hole at IHOP
- Other jobs were completed that fell within their job duties.

After the report on the street department, two other items were brought up for discussion:

1. Water street beginning at Plum is a dead end street. Some vehicles have been stranded in that area. Should the street be better marked that it is a dead end? No decision was reached.
2. Mrs. Hughes suggested that the maintenance department should take over the responsibility of mowing. This recommendation was made because it appears with the addition of the Rivertown Trail, the street department seems to be understaffed to handle this three-season task. Much discussion was had and no decision was reached. More research and discussion is required for this topic.

**Trash** – Mr. Kavanaugh  
No Report

**Utility** – Mrs. Hughes  
Negotiations continue on ironing out an agreement with Chandler regarding meter reads. It is believed that an agreement is nearing resolution.

#### **STANDING COMMITTEES**

Finance – Mrs. Hughes  
No Report

Personnel – Mrs. Hughes  
No Report

#### **SPECIAL BOARDS/COMMITTEE REPORTS**

Sidewalk – Mrs. Hughes  
No Report

Arts Commission – Mrs. Hughes  
No report

River Town Trail – Mrs. McGuire  
Meeting scheduled for March 7, 2016

#### **ZONING ADMINISTRATOR**

Zoning issues were covered during the planning commission report.

#### **CLERK-TREASURER**

Annual reports nearing completion and ready to be sent to the state.

## **TOWN ATTORNEY**

Chris made the council aware that there may be a conflict of interest in regards to the Kingston Lift Station. Chris is the attorney of record for the Martins and also the town of Newburgh. A right-of-way signoff will have to be provided from the Martins.

Motion by Mrs. Hughes to waive the conflict of interest issue.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

Chris also mentioned that Kristin head now works for Berry Plastics and is no longer associated with BFOH.

## **TOWN ENGINEER**

No report

## **TOWN MANAGER**

- Roof is leaking in the stairwell. There is an estimate to repair the roof of \$4,300. Will be seeking a second estimate for repair.
- Cold in chambers we need to have the thermostat checked.

## **COMMENTS BY CITIZENS PRESENT**

- Melinda Mitchell requested a status on her public records request. She was informed that all information has been gathered and reviewed and would be available at Town Hall later in the week.
- Melinda Mitchell also requested that the comments by citizens be moved to earlier in the meeting
- Melinda also suggested that Ken Oliver be appointed as world ambassador for the Town of Newburgh. He is well traveled and always is promoting our town.
- Mark Floyd signed up to speak, but left the meeting early.
- Dan Bure(SP) not signed up – Issue regarding the fee being charged from the utility department when card payments are made. The process was explained and why we have the charge. Also, parking lot development at AT&T. No longer an issue. It appears that neighbors were opposed to having a parking lot in that location.

## **MISCELLANEOUS BUSINESS**

- Reggie Porter – Newburgh, England – bus service is being cut for their town. This in essence will isolate the town.
- Planning commission minutes – are completed and are being reviewed and will be sent to for final review.
- Newburgh Building Commission – commissions are expired – reappoint the officers: Randy Wheeler, Mae Mason, and Judy Moore with Ms. Aurand to be

liaison between council and the commission. There was discussion regarding exactly what period of time for which they are being re-appointed.

Motion by Ms. Aurand to re-appoint the incumbents.

Second by Ms. Krieger

Discussion: none

Vote: Ayes 3; Nays 0

- Motion by Ms. Aurand to appoint Mrs. McGuire to the plan commission as not only the liaison but also the voting appointee to the commission.

Second by Ms. Krieger

Discussion: much regarding appointment in her absence.

Vote: Ayes 2; Nays 1

- Voting positions on the utility commission. There was discussion regarding who can and cannot vote during a utility commission meeting. The town attorney and town engineer at one time were able to vote, but that was revoked some time ago.

Motion by Ms. Aurand to remove the citizen position from the makeup of the utility commission.

Second by Ms. Krieger

Discussion: Ms. Hughes wishes to send this to utility for discussion for their input on the makeup of the utility commission.

Vote: Ayes 1; Nays 1; abstain 1

## **APPROVAL OF CLAIMS**

Mrs. Hughes requested that the totals of claims be presented for approval. The following would be the totals with any sewer adjustments that there may be.

Civil Town - \$204,990.28

Sewer - \$246,741.50

SRF - \$254,657.50

Motion by Mrs. Hughes for the approval of all claims.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

Hold the presses:

A late utility motion was presented by Christy Powell

The following motion was omitted from the Feb. 2 utility meeting. This was under Leon's Capacity, Management, Operation and Maintenance (CMOM) Project Priority List as letter a.

Motion by Mrs. Hughes to recommend to Council to set the emergency high priority repairs on the collection system at \$250,000.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

**ADJOURNMENT**

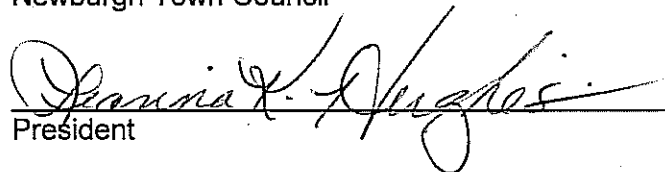
Motion by Mrs. Hughes to adjourn.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 3; Nays 0  
Meeting adjourned at 8:30 p.m.

Persons signing in to speak at the council meeting were:

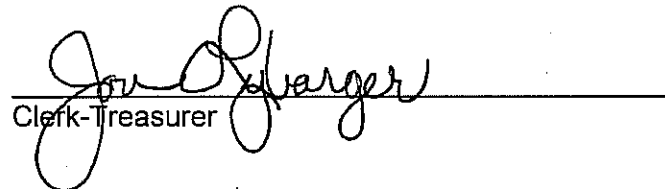
Name	Address	Discussion Topic
Bailey Harter-Martin	7022 Shamrock Circle	5k Request
Melinda Mitchell	101 Yorkshire Dr	Public information Request- what is status, Will you move public comments back to beginning of meeting,
Linda Rich	10077 Kimberly Ln	Windsor Point, Children playing in street
Leah Morris	213 Fairfax	Children playing in street
Darla Richardson	212 Fairfax	Windsor Pt (ordinance), Children playing in street
Mark Floyd	409 W Water St	Open Burning

APPROVED this 9 day of March, 2016.

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

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