

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

Town council met at 4:30 in Executive Session at Newburgh Town Hall, 23 W. Jennings St., 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 was opened at Newburgh Town Hall, 23 W. Jennings, Newburgh, IN at 5:35 p.m. by Mrs. Hughes

The Pledge of Allegiance was led by the Town Council.

We then celebrated a time of remembrance. Two individuals who were prominent in our community were lifted up: Jerry Meece, and Jay Ayers.

ROLL CALL

The roll was called by Mrs. Hughes with the following results.

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 –absent
Clerk-Treasurer – Jon Lybarger - present
Town Manager – Christy Powell - present
Town Attorney – Christopher Wischer –present

APPROVAL OF MINUTES

The minutes from the April 27, 2016 meeting were distributed electronically prior to the meeting.

Motion by Ms. Krieger to approve the April 27, 2016 minutes as distributed.

Second by Ms. Aurand.

Vote: Ayes 3; Nays 0; Abs 1

The minutes from the May 11, 2016 meeting were distributed electronically prior to the meeting.

Motion by Ms. Krieger to approve the May 11, 2016 minutes as distributed.

Second by Ms. Aurand.

Vote: Ayes 4; Nays 0

COMMENTS BY CITIZENS

Mrs. Hughes asked to move this agenda item.

Two persons were present in the audience who did not sign in, but information was asked of them.

One was the owner of a new business in the community, a photography studio located in the downtown area.

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

The other was representing Evansville Christian High School which will be located in the area of Outer Lincoln and Epworth road.

NEW BUSINESS.

Report of Town Engineer

Sewer Plan Approval and IDEM Permit for Evansville Christian School
Mr. Hynes reported on the sewer plan and IDEM permit request from Evansville Christian School. Mr. Hynes said his office has reviewed the plans and recommended the Town enter the agreement with Epworth United Methodist Church and Evansville Christian Church and issue the sewer construction permit. Mr. Wischer prepared the agreement and the IDEM Permit. Construction cost estimate is \$107,511.25, Mr. Wischer said. The sewer permit is Permit 2016-03. Motion by Mr. Kavanaugh to approve the sewer plan and issue the permit.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to accept the IDEM procedure.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

1. Warrick Trail Apartments – Sewer Plan Approval and IDEM Permit
Warrick Trail is in the same area of the Wellness Trail off Epworth Road. This item should be treated as two separate items. The first is the approval of the plan and the second the acceptance of the IDEM permit.
Mr. Hynes said his office has reviewed the plans and recommended approval. Mr. Wischer prepared the construction permit and the sewer agreement and the IDEM application. Construction cost estimate is \$20,907.50. Permit is 2016-2.

Motion by Mr. Kavanaugh to adopt the sewer agreement for the Warrick Trail Apartments.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to accept the IDEM permit procedure

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

2. Halston Gravity Sewer – Payment Application No. 1 to Koberstein Contracting. A pay application was presented by Koberstein Contracting for \$92,957.00 with a hold back of \$4,647.85. Net payment would be \$88,309.15.
Motion by Mr. Kavanaugh to approve payment of the net amount to Koberstein Contracting.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0
3. Epworth Rd. Sewer Extension – Payment Application No. 13 to BBI
A payment application was presented from Blankenburger Brothers Inc for \$245,264.00, with a holdback of \$12,263.20. The net payment would be \$233,000.80. Mr. Hynes said the project is near completion.
Motion to approve net payment by Mr. Kavanaugh.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0
4. Epworth Rd. Sewer Extension – A request for a Certificate of Substantial Completion was presented by Blankenburger Brothers Inc. On May 4, 2016, they reached substantial completion. Mr. Hynes requested the certificate and would mark the one-year date on the contract.
Motion to approve certificate by Mr. Kavanaugh
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0
5. Epworth Rd. North Gravity Sewer – A permit application to Norfolk Southern Railroad was presented. In doing this extension, the line will cross the highway and the railroad to provide service north of the intersection. The highway permit has been submitted. The fee for the railroad application will be \$2,500. The fee will come from the SRF through the Sewer Department.
Motion to grant the permit was made by Mr. Kavanaugh
Second by Mrs. Hughes
Discussion: Mr. Kavanaugh asked if the \$2,500 is from the SRF. It is, through the Sewer Department
Vote: Ayes 4; Nays 0
6. Epworth Rd. North Gravity Sewer – An application for an Army Corps of Engineers Section 404 Permit was presented for crossing the Edwards Ditch. This permit is required as part of the Clean Water Act.
Motion to process the 404 permit application made by Mr. Kavanaugh.
Second by Mrs. Hughes.

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

Discussion: None
Vote: Ayes 4; Nays 0

7. Epworth Rd. North Gravity Sewer – An application was presented for IDEM WQC Section 401 Water Quality Certification Regional General Permit for the Edwards Ditch. Mr. Hynes said it obligates the town to follow the Clean Water Act as administered through the State.
Motion by Mr. Kavanaugh to process the IDEM application.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

8. Epworth Rd. North Gravity Sewer – An application was presented for a DNR Construction-in-a-Floodway Permit. Permit is required to move forward.
Motion by Mr. Kavanaugh to send forward the application to the DNR.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

9. Epworth Rd. North Gravity Sewer – Hold Harmless Agreement with Warrick County for Lockyear Ditch. Mr. Wischer has reviewed the document and recommends passage. It is required each time a town sewer project crosses a county ditch. This has been signed many times, Mr. Hynes said.
Motion to approve by Mr. Kavanaugh
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

10. Kingston Lift Station Elimination Project – An application was presented for the Army Corps of Engineers Section 404 Permit for the Kingston Lift Station. It is required because they are doing work within the Waters of the United States.
Motion to follow the engineering recommendation by Mr. Kavanaugh
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

11. Kingston Lift Station Elimination Project – An application for the IDEM WQC Section 401 Permit was presented. It is required to continue with the project.
Motion to follow the recommendation of engineering by Mr. Kavanaugh
Second by Mrs. Hughes
Discussion: None

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

Vote: Ayes 4; Nays 0

12. Introduction of Ordinance 2016-08 Sewer Bond Ordinance.
Mr. Wischer said he is targeting June 8 for it to be read and presumably adopted.
Motion by Mr. Kavanaugh to introduce the ordinance.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

13. Introduction of Ordinance 2016-09 Sewer Rate Ordinance
Mr. Wischer said it will be advertised and presented for adoption on June 22. Mr. Wischer said there will be a public hearing on that date.
Motion by Mr. Kavanaugh to introduce the ordinance.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

14. Ordinance 2016-10 Increase in Town Towing Fee.
Motion by Mr. Kavanaugh for the first reading of Ordinance 2016-10
Second by Ms. Krieger
Discussion: Mrs. Hughes wanted it clarified as to who was being towed. Chief Sprinkle said it is for those who are leaving their cars because of arrest, etc., not for parking violations.
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to accept the first reading of ordinance 2016-10.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh for the second reading of the ordinance 2016-10.
Second by Ms. Krieger
Discussion: None
Vote: Ayes; Nays 0

Motion by Mr. Kavanaugh to adopt Ordinance 2016-10 to increase the Town Towing Fee from \$25 to \$50.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

15. Ordinance 2016-11 An Ordinance regarding limits on parking of trailers and non-motorized vehicles on town streets.

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

Motion by Mr. Kavanaugh for the first reading of ordinance 2016-1.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4, Nays 0

Motion by Mr. Kavanaugh to accept the first reading of ordinance 2016-11.
Second by Mrs. Hughes
Discussion: Ms. Aurand wanted to see the suggestions included in the ordinance. Mr. Wischer said the original proposal included motorized vehicles, but Council members suggested only non-motorized vehicles. They may remain on the street or public property for 72 hours and must be moved at least 500 feet. Mr. Wischer said he interprets non-motorized vehicles as trailers, boat trailers and non-motorized campers. Mr. Kavanaugh asked about the \$25 fine. Ms. Aurand asked if it applies to the area next to the boat dock. Chief Sprinkle said they will tag the vehicle after 72 hours and again after the second 72 hours.
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh for adoption of ordinance 2016-11.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS.

1. Halston Gravity Sewer Extension – C.O. #1 to Koberstein Contracting, Inc. - Tabled from 5/11/16 meeting.
Motion to remove from the table by Ms. Aurand.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

Change order No. 1. The payment request for \$20,315 is for updating manholes in the project area.

Motion to approve by Mr. Kavanaugh
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

2. Epworth Road Medical Corridor Sanitary Sewer Expansion Project – C.O. #6 to BBI - Tabled from 5/11/16 meeting.
Motion by Ms. Aurand to remove from table.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

The change order request No. 6 from BBI is for an additional \$21,789 on the \$3.7 million contract. This is the balance change order.
Motion by Mr. Kavanaugh to approve change order No. 6 request.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

COMMISSION/COMMITTEE REPORTS

COMMISSION.

Air Authority ~ Ms. Aurand
No meeting. No Report.

Board of Zoning Appeals ~ Mrs. Hughes
Demolition of 2 Gray Street delayed until next BZA meeting. Certified letters sent. The owners did not respond, nor did they appear before the BZA. Tavi received a call from Steve Nicholson, one of the owners. He has been informed verbally of the procedure. He waited too long to go pick up the letters at the Post Office. Mr. Wischer said the letter can be hand delivered to the owners and certified.

Fire ~ Ms. Aurand

- New fire truck paperwork is complete; expected delivery is November.
- Two new firefighters.
- Training upgrade
- County training
- Roof is still leaking. MCF has not repaired it yet.

Historic Preservation ~ Ms. Krieger

- HPC Annual party with HNI at the Refinery on 5/12/16. Mr. and Mrs. Rhodes presented the annual Business Preservation Award by HNI.
- Mr. Wischer gave a presentation which qualified all present for continuing education credits. Next meeting is 6/9 at 5:45 p.m.

Park ~ Ms. Krieger
No meeting. Several volunteers have done some painting at the park and Mrs. Wilsbacher has planted some flowers.
Mr. Kavanaugh recommended the CHS art class and Alcoa for consideration for one of the annual Town awards for their work at the park
The pool is ready to open.

Plan ~
No meeting. No report.

Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016

Police ~ Chief Sprinkle

Resignation of Officer Jason Dailey. Last day will be June 7. Pool officer moving up to fill the vacancy. Also, June Police Commission is meeting Tuesday, June 28, 4:30.

Site Review Committee ~

No meeting. No Report

Storm Water ~ Mr. Kavanaugh

Property on St. Catherine: Asked engineering to look at property to be sure building is not in right of way. Two manholes are affected by this drainage issue. No drainage easement recorded that Mr. Wischer could locate. There is a private property issue. Mr. Kavanaugh said many problems have arisen because of all the rains.

Still looking for another board member to replace Mr. Bailey. He is still serving.

Other drainage issues.

Street ~ Ms. Aurand

- Winefest: Street Department did all the set up and moved the parking bumpers.
- Storm Water damage: limbs
- Pothole patching: 4 tons of patch in the last 2 weeks.
- Work at pool and IHOP
- Cleaned drains

Parking lines need to be painted on Market Street between Water and Jennings. Ms. Aurand suggested marking both sides of the street. Mr. Kavanaugh said it has been discussed to mark the stop sign on Water Street at Market.

Motion to approve by Ms. Aurand

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

Trash ~ Mrs. Hughes

No meeting.

Recycle Center is closing, Mr. Kavanaugh announced . Alice VanSant asked if cardboard can be recycled. Yes, it can.

The Town will send letter to Solid Waste Management District asking to keep the center open.

Mr. Kavanaugh said if the center closes, the site reverts to the Town.

Heavy trash date will be announced.

Utility ~ Mrs. Hughes

No report

**Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016**

STANDING COMMITTEES

**Finance ~Mrs. Hughes, Mrs. McGuire
Meeting May 26, 2016.**

Personnel ~ Mrs. Hughes, Mrs. McGuire
Termination of Scott Heck from Sewer Department
Motion to terminate effective immediately with separation agreement by Mrs. Hughes
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4 Nays 0

New administrative assistant started today.

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes
Met today. Thinking of projects for 2017 budget.
Mr. Kavanaugh removed from committee.
Mrs. Powell said grants are available from INDOT for streets and bridges. She said she and Mr. Hynes will develop an application. July 5 is application deadline.

Arts Commission ~ Mrs. Hughes, Ms. Krieger
Next meeting June 6, 2016 at 5:30 p.m.

River town Trail ~
Mrs. Powell said she has updated Trail Use Policy and hopes it will be discussed at the next meeting, June 6, 4 p.m.

ZONING ADMINISTRATOR

2 Gray St.
Six property improvements projects for additional \$134,355.00 valuation; \$645 this month.

CLERK-TREASURER.

LOIT Distribution is 75 percent to MVH; 25 percent to Rainy Day.

TOWN ATTORNEY.

No report.

TOWN ENGINEER.

No further report.

TOWN MANAGER.

**Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016**

No report.

MISCELLANEOUS BUSINESS.

- Thanks to those who volunteered to spruce up the park.
- Ms. Aurand: Newburgh resident Caitlyn Foye is Miss Indianapolis 500. Letter of recognition and appreciation will be sent. Ms. Aurand suggested inviting her to the July 4th program.
- Thank you from Krista Haas from St. Johns.
- Ms. Aurand voiced concern about renters ringing Preservation Hall bell. Mr. Lybarger said he has added a statement to the rental agreement that the bell shall not be used by renters. Possibly could hang the rope up high and only use it by appointment.
- WATS request for town support. Mr. Lybarger said the request is for \$5,000. He expects representatives at a July meeting to make that request.
- *Midwest Adventures On-Line* visiting Newburgh in October: HNI has asked to rent one of the cottages.
- Motion by Mr. Kavanaugh to waive rental fee on Lockmaster cottage for one night.
- Second by Ms. Krieger
- Vote: Ayes 4; Nays 0

Memorial Day observance Saturday, 11 a.m. Rose Hill Cemetery.

APPROVAL OF CLAIM.

Claims to be paid including any sewer adjustments there may be.

Civil Town \$277,603.33
Sewer \$249,838.65
SRF \$0

Motion by Mr. Kavanaugh to approve presented claims.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

ADJOURNMENT.

Motion by Ms. Krieger to adjourn at 7:32 p.m.

Second by Ms. Aurand

Discussion: None

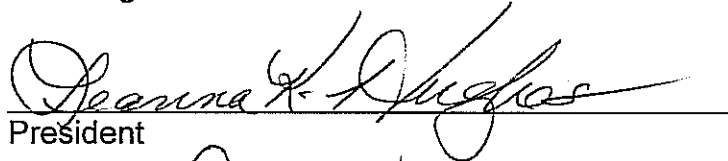
Vote: Ayes 4; Nays 0;

5/25/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

**Town of Newburgh
Town Council Meeting, Wednesday, May 25, 2016**

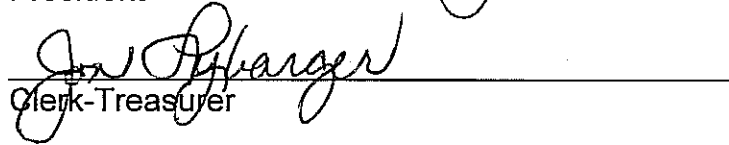
APPROVED this 8 day of June, 2016.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer