



Town of Newburgh
Town Council Minutes for Wednesday, September 14, 2016

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

The Regular Session of Newburgh Town Council was called to order at 5:36 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, IN

The Pledge of Allegiance was led by the Town Council.

REMEMBERANCES

John Lidy – a retired veteran and coach who will be remembered by many.
Brody Lofton – a 7th grade student at Castle North Middle School.
A moment of silence was shared and all were asked to remember our troops.

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

APPROVAL OF MINUTES.

Approval of the August 24, 2016 minutes.

Motion by Ms. Aurand to approve the Minutes from August 24, 2016 as they were distributed to the council electronically.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

SCHEDULED REQUESTS AND APPEARANCES

1. Newburgh Museum – 'Lewis and Clark Expedition Visit to Newburgh'
Ray Graham presented information regarding a re-enactment of the Lewis and Clark Expedition that will be traveling down the Ohio and will be stopping at Newburgh. There will be 21 people in the party and they will be traveling on two boats. There will also be a support vehicle traveling with them. The visit will be on October 9 – 10 and they are requesting use of the Lock and Dam Park including the building. They would also like to have access to the West cottage for the night of October 9th. He requested that any fees be waived if possible.

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Motion by Mr. Kavanaugh to provide the properties for the event if they are available.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

2. Rivertown Storytellers – Tammy Deicken
Rivertown storyteller's activity on Saturday October 8, 2016 at the Lou Dennis Park. Family oriented ghost or Halloween stories. Requesting that fees be waived for the use of the shelter facility at the Lou Dennis Park. They also have a banner that they would like to place at the town clock. There was discussion about the hanging of the banner. New laws and regulations being passed may affect the display of message banners.
It was mentioned that since these laws have not yet gone into effect, we, as a town, can still allow such messages to be posted.
Motion by Ms. Aurand to allow Rivertown Storytellers use of the park facility and also placement of the banner by the clock.
Second by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
3. HPC - Expansion update – Jeff Cox, Et. Al
It has been determined that mailings for the expanded historic district do not need to be mailed by registered or certified mail. These notices can be sent using normal postage. The HPC is requesting that the council give their approval to proceed with the mailing of the information.
Motion by Ms. Krieger to move forward with the mailings for the new historic district.
Second by Mr. Kavanaugh.
Discussion: What is the purpose of the mailing? The first mailing is needed to inform property owners of what and why they are expanding the historic district and also inform residents of the public information meeting. The second mailing will be to inform the public of a public hearing regarding the establishment of the expanded district.
Vote: Ayes 4; Nays 0
4. WEHT/WTVW – T. Matt Wetzel Account executive.
Mr. Wetzel is with channel 7 NBC and 25 CW stations. He wants to help promote Newburgh anyway he can. He has been trying to work with the merchants, but not having much participation by the group.
If there are any ways in which he can help publicize the community, we just need to contact him. He is offering himself as a resource to the town and the community.
5. Merchants regarding Christmas Lamp Post Décor.
New decorations for the historic lampposts. The old displays are wearing out. They have been repaired a number of times. Mrs. Hughes said merchants are looking at the possibility of replacing the old ones with ones that can be illuminated. Not every lamp post will be decorated with the bells. The town will purchase the sample bell only. The merchants will bear the expense for new decorations.

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NEW BUSINESS.

1. Public Hearing for vacate of public alley way.
Motion by Mr. Kavanaugh to open the public hearing to vacate a public alley way.
Second by Ms. Krieger.
Vote: Ayes 4; Nays 0

Joint presentation was given by Mr. Jim Wilsbacher and Mr. Aaron Jost, who own adjacent properties, 119 W Jennings and 111 W Jennings. They wish to pave the alley since it is used as the primary entrance to their properties. They would like the alley vacated by the town, and they will then be responsible for alley care and maintenance. They will maintain the easements for utility connections.

Motion by Mr. Kavanaugh to close the public hearing.
Second by Ms. Aurand.
Vote: Ayes 4; Nays 0

The ordinance for alley vacation should have been listed with the notice of public hearing. Since it wasn't, the rules of order will need to be suspended in order to hear the ordinance.

Motion by Mr. Kavanaugh to suspend the rules to hear Ordinance 2016-16 for alley vacation.
Second by Ms. Aurand.
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to hear the first reading of Ordinance 2016-16.
Second by Ms. Aurand.
Discussion: none
Vote: Ayes 4; Nays 0

The ordinance was read by Mr. Wischer, town attorney.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-16.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

Since the first reading passed with a unanimous vote, there was a continuation with the second reading of Ordinance 2016-16.

Motion by Mr. Kavanaugh for the second reading of Ordinance 2016-16.
Second by Ms. Aurand.
Discussion: None
Vote: Ayes 4; Nays 0

Again the ordinance was read by Mr. Wischer, town attorney.

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Motion by Mr. Kavanaugh to accept the second reading and adopt Ordinance 2016-16.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 4; Nays 0

2. Olde Piper Subdivision – Acceptance of Sanitary Sewers for maintenance. This comes recommended by Commonwealth Engineering for acceptance. The amount of the sewer is \$44,470.00.

Motion by Mr. Kavanaugh to accept the maintenance of the sewers as recommended by Commonwealth Engineering.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 4; Nays 0

3. Silver Bell Saturday – Leanna Hughes

This item was bypassed since it was covered under scheduled requests and appearances as Merchants regarding Christmas Lamp Post Décor.

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

Courtney Marx – 211 Middle St – Ordinance 2013-06 Chickens in the Town of Newburgh. Mr. Marx asks that council reconsider ordinance 2013-06 to allow for chickens in town. He asks that all fines be waived in relation to this issue.

Council will respond to Mr. Marx at the October 12 council meeting.

Motion by Mr. Kavanaugh to suspend any fines that may be incurred.

Second by Mrs. Hughes.

Discussion: Perhaps look at the ordinance in Rockport and other surrounding communities.

Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS.

1. Ordinance 2016-12 Codification of Ordinances... Tabled August 23, 2016.

Motion by Mr. Kavanaugh to remove this item from table.

Second by Ms. Krieger.

Vote: Ayes 4; Nays 0

Counsel is recommending that ordinance 2016-12 be approved and accept the new code of ordinances that have been prepared for the Town of Newburgh.

Motion by Mr. Kavanaugh for the first reading of Ordinance 2016-12.

Second by Ms. Aurand.

Discussion: none

Vote: Ayes 4; Nays 0

The ordinance was read by Mr. Wischer, town attorney.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-12.

Second by Ms. Aurand.

Discussion: None

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Vote: Ayes 4; Nays 0

Since the first reading passed with a unanimous vote, there was a continuation with the second reading of Ordinance 2016-12.

Motion by Mr. Kavanaugh for the second reading of Ordinance 2016-12.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 4; Nays 0

Again the ordinance was read by Mr. Wischer, town attorney.

Motion by Mr. Kavanaugh to accept the second reading and adopt Ordinance 2016-12.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 4; Nays 0

2. Ordinance 2016-14 Zoning Amendments... Tabled August 10, 2016.

Motion by Mr. Kavanaugh to remove this item from table.

Second by Ms. Krieger.

Vote: Ayes 4; Nays 0

Counsel is recommending that ordinance 2016-14 be approved.

Motion by Mr. Kavanaugh for the first reading of Ordinance 2016-14.

Second by Mrs. Hughes.

Discussion: none

Vote: Ayes 4; Nays 0

The ordinance was read by Mr. Wischer, town attorney.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-14.

Second by Mrs. Hughes.

Discussion: The zoning amendments only apply to C2 zoned properties.

Christy Powell volunteered to notify any existing C2 property owners in the town limits and inform them of the change in the ordinance.

Vote: Ayes 4; Nays 0

Since the first reading passed with a unanimous vote, there was a continuation with the second reading of Ordinance 2016-14.

Motion by Mr. Kavanaugh for the second reading of Ordinance 2016-14.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

Again the ordinance was read by Mr. Wischer, town attorney.

Motion by Mr. Kavanaugh to accept the second reading and adopt Ordinance 2016-14.

Second by Ms. Krieger.

Discussion: None

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Vote: Ayes 4; Nays 0

COMMISSION/COMMITTEE REPORTS.

COMMISSION.

Air Authority ~ Ms. Aurand
No meeting.

Board of Zoning Appeals ~ Mrs. McGuire
No meeting.

Fire ~ Ms. Aurand
No report.

Historic Preservation ~ Ms. Krieger
No report.

Park ~ Ms. Krieger
-Mrs. Hughes was at the park meeting.
-Plans for Newburgh amphitheater
-Remove sign at the boat ramp that says to watch for pedestrians; it blocks the drivers' views.
-Park cleanup is being performed by Lowe's. This is a donation to the town to clean, paint and perform some construction to the park building.

Plan ~ Mrs. McGuire
Reported by Mrs. Powell
-New plat was approved and will be coming to council for approval.
-Williams development- is currently being surveyed for residential use.
-Rezoning will be needed to R3.

Police ~ Mrs. McGuire
Report by Eric Mitchell
-It has been quiet around the station.
-They have been working on reducing overtime.
-Firehouse Subs is donating a new AED device.
-They are finalizing the pool of new recruits.
-Possible reduction of towing fee.
-Working on a new citation report by officer.

Site Review Committee ~ Mrs. McGuire
According to Christy, items were covered in previous reports.

Storm Water ~ Mr. Kavanaugh
-No report, although work will begin on the Jefferson Park Bridge project on September 28, 2016.

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Street ~ Ms. Aurand

-FIT

-Fiddler fest - set up and taken down.

- Bicentennial Torch will go through Newburgh. It will be passed at several locations.

-Placement of Rip-Rap at and around IHOP.

-Taking care of abandoned properties.

-Painted benches around town.

Utility ~ Mrs. Hughes

- Utility Motions (If available)

All utility motions were made by Mrs. Hughes

Utility Motions from the September 7, 2016 Utility meeting.

1. Motion: Leanna Hughes moved to recommend to council to approve a one-time new sod irrigation adjustment for Walt Van Zilen at 2930 Courtz Court using the 4,300 gallon well water average for June 2016.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Vote: Ayes 4; Nays 0

2. Motion: Susan Helms moved to recommend to Council to purchase 1,001 Sequencing Batch Reactor (SBR) aeration diffuser membranes and the lubricant used for installation from BL Anderson Company, Inc. at a cost not to exceed \$5,197.50 plus freight.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Vote: Ayes 4; Nays 0

3. Motion: Leon Key moved to recommend to Council to proceed with Commonwealth Engineering Incorporated's (CEI) Kingston Lift Station Elimination Design and Easement Acquisition Amendment to: determine if the line can be moved to service platted lots near the southeast corner of Vann and Bell Road; determine the additional cost to relocate the sewer line along the south and east boundary of the Martin property; revise the final plans to accommodate a sewer lateral from the Ubelhor property north of Acapulco; investigate timelines and phasing of the project; and, revise to accommodate the Triple Crown Lift Station Elimination project with a cost of not to exceed \$7,500.00 for the amendment.

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Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Vote: Ayes 4; Nays 0

4. Motion: Leon Key moved to recommend to Council to accept CEI's Deaconess Lift Station Elimination Project Final Design and Easement Acquisition Assistance Amendment to: determine if the line can be moved for the benefit of the property owner; review and plan revisions for the Evansville Christian School; and, add to the plan's provisions for the replacement of manhole (MH) 03-52B on the south side of Lincoln Avenue with a cost not to exceed \$4,500.00 for the amendment.

Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Vote: Ayes 4; Nays 0

5. Motion: Leon Key moved to recommend to council to allow Ubelhor Properties to use low pressure pumping systems on the four (4) new lots for future addition in Kensington Manor.

Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Vote: Ayes 4; Nays 0

6. Motion: Leon Key moved to recommend to Council to direct CEI to review the lift station capacity for the 5499 Bell Road Development and if sufficient capacity does not exist for the development, estimate the cost for a lift station upgrade and propose what improvements would be necessary to fulfill the capacity needs.

Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Vote: Ayes 4; Nays 0

7. Motion: Leon Key moved to recommend to Council to approve CEI's Annual Modeling Contract Amendment for Yearly Renewal for model runs to determine if capacity is available in the system at the estimated cost of \$15,000.00.

Motion seconded: Susan Helms

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Discussion: Mr. Key stated this contract will cover the capacity requests that are occasionally needed.

Motion passed unanimously.

Second by Mr.. Kavanaugh

Vote: Ayes 4; Nays 0

8. Motion: Leon Key moved to recommend to Council to approve the Jennings Street Alley Sanitary Sewer Rehabilitation Option #1: Cure in Place Pipe (CIPP) 6" line the existing sewer and reconnect the laterals at a cost not to exceed \$12,300.00.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second by Ms. Krieger

Vote: Ayes 4; Nays 0

9. Motion: Leon Key moved to recommend to Council to allow the short section on Frame Road in Copper's Edge to be in the right-of-way.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Vote: Ayes 4; Nays 0

10. Motion: Leanna Hughes moved to recommend to Council to approve the consent agenda.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

N/A for Town Council Action.

11. Motion: Leon Key moved to adjourn the meeting.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

N/A for Town Council Action.

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire

-Work continues on the 2017 budget. The public hearing on the budget bill be on October 12, 2016. The budget must be submitted to the state by October 1.

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Personnel ~ Mrs. Hughes, Mrs. McGuire
No Report.

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes
No report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger
-Things are going well. Carol Schaefer is working on many grants to get funds for the amphitheatre, Meditation Park and the Red Brick house project.

River Town Trail ~ Mrs. McGuire, Mrs. Hughes
-Crossing choices over River Town Trail
-A benefactor to build a shelter at the new trail head. Also may offer the share-a-ride bicycles at that location.

AD HOC COMMITTEES

Sign Committee – Mrs. Hughes, Ms. Aurand
-Sign regulations review. The town attorney is looking into updates on sign law guidelines.

Open Burning – Mr. Kavanaugh, Mrs. McGuire
-No report.

Meditation Park –
-Discussions are ongoing.

ZONING ADMINISTRATOR.

-Eleven projects have been started in the town with a value of \$19,345.00.
Thirteen building permits have been issued with fees collected of \$540.20.
-Todd Corn, attorney for people who own 2 Gray Street, would like to fix the property. Mr. Wischer informed them that much action would have to be taken on their part in order to stop the raze order.

CLERK-TREASURER.

No report.

TOWN ATTORNEY.

No report.

TOWN ENGINEER.

-The Halston Gravity Sewer project which was completed by Koberstein Contracting on August 8. Koberstein wants to start the warranty period for the project.
Motion by Mr. Kavanaugh to accept the project as complete and begin the warranty period.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

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TOWN MANAGER.

-No Report.

MISCELLANEOUS BUSINESS.

-From Newburgh England – Reg and Shirley Porter have sold their house. He will be leaving his position as president of the council. They will be moving closer to family members.

APPROVAL OF CLAIMS.

The following amounts are presented to the council for their consideration and approval. Plus any sewer adjustments there may be.

Civil Town - \$425,942.33
Sewer - \$643,143.05
SRF - \$1,035.15

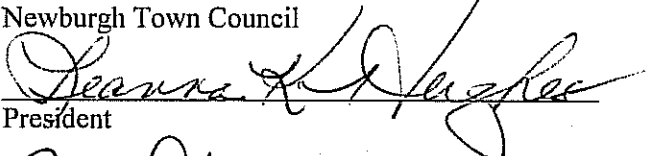
Motion by Mr. Kavanaugh to approve the warrants as presented.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

ADJOURNMENT.

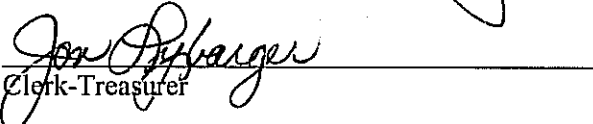
Motion by Mrs. Hughes to adjourn at 7:50 p.m.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

9/14/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
Courtney Marx	211 Middle St	Ordinance 2013-6
Ray Graham	8051 Wyngate Circle	Request use of town facilities
T. Matt Wetzel	4812 Elizabeth Lane	Business and community dev.

APPROVED this 28 day of September, 2016.

Newburgh Town Council


 President

ATTEST:


 Clerk-Treasurer