

**Town of Newburgh**  
**Town Council Minutes for Wednesday December 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 St, Newburgh, IN by Mrs. Hughes.

The Pledge of Allegiance was led by the Town Council.

**REMEMBRANCES**

Karen Hester - She had worked for the YWCA in Evansville. Karen loved to watch NASCAR with her son and she enjoyed cooking for her family.

Bill Bullock - He was a retired General Baptist Minister having pastored, New Hope G.B. church in Boonville, IN, Mt. Olive G.B. Church in Newburgh, IN, Garvinwood G.B. Church in Evansville, IN, Luzerne G.B. Church in Greenville, KY, Green River Chapel G.B. in Central City, KY and Mt. Vernon G.B. Church in Mt. Vernon, IN. He was a member of Mt. Gilead G.B. Church in Boonville, IN. Before his calling into the ministry, he served in the U.S. Navy in the South Pacific, during WWII, on LST 277, receiving several silver stars for invasions, and the WWII Victory Commemorative Medal. He served on the Council of Associations with the General Baptist denomination with the headquarters in Poplar Bluff, MO. He performed hundreds of weddings and funerals during his pastorate. Upon his retirement from the ministry, he was Building Inspector for the town of Newburgh, having retired from this position in 2000.

Evangeline Herr - She retired from the Evansville Public Library after 40 years of service. Evangeline was on the Board of Trustees of Ohio Township Library and instrumental in getting the new Newburgh library built. She was a lifetime member of St. John the Baptist Catholic Church in Newburgh.

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

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**APPROVAL OF MINUTES.**

Approval of the November 22, 2016 minutes.

Motion by Ms. Krieger to accept the minutes as electronically distributed prior to the meeting.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

**SCHEDULED REQUESTS AND APPEARANCES**

1. HPC Regarding Historic District Expansion. The HPC recommended to the Council the creation of four secondary districts. The ordinances will be considered January 25, 2017. Jeff Cox, current chair of the Commission, spoke to the Council on the recommendations. A public hearing has been held for comments. Mrs. Hughes indicated the Council would study the proposed ordinances and listen to HPC recommendations and public comments when the ordinances are considered. Mr. Kavanaugh noted the ordinances are numbered 2016 because they were introduced this year. Mr. Wischer said a court reporter took minutes of the public hearing and those should be distributed to Council prior to that meeting.

**NEW BUSINESS.**

1. Introduction of Ordinance 2016-23 Historic District Expansion – East Section.
2. Introduction of Ordinance 2016-24 Historic District Expansion – North Section.
3. Introduction of Ordinance 2016-25 Historic District Expansion – West Section.
4. Introduction of Ordinance 2016-26 Historic District Expansion – Northwest Section.
5. Supplement #2 for RTTIIIA between INDOT and the Town. Mrs. Powell explained this supplement moves the funding window out for the third phase of Rivertown Trail.  
Motion by Mr. Kavanaugh to adopt agreement change for expanding the funding window.  
Second by Ms. Aurand.  
Discussion: No  
Vote: Ayes, 4; Nays, 0.
6. Heritage Federal Sanitary Sewer Extension – Acceptance of Sewer for Maintenance. Mr. Hynes recommended the extension for \$11,000.  
Motion by Mr. Kavanaugh to accept sewer extension for maintenance.  
Second by Mrs. Hughes  
Discussion: None  
Vote: Ayes, 4; Nays, 0.

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7. Coppers Edge SS Extension – Plan Approval/Agreement and IDEM Permit.  
Motion by Mr. Kavanaugh to approve the plan from the developer, on engineering recommendation.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes: 4; Nays 0

Motion by Mr. Kavanaugh to adopt the IDEM permit 2016-7.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes, 4; Nays, 0.

8. Main St. Sewer Replacement – Notice of Award to Koberstein Contracting.

Mr. Hynes said the quotes had been opened at the last meeting. He recommended the lowest quote submitted and asked Council to issue a notice of Award to Koberstein. The notice to proceed will be issued after January 1, 2017.

Motion by Mr. Kavanaugh to approve the quote and send the notice of award.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes, 4; Nays, 0.

9. Mrs. Hughes asked for a motion to suspend the rules and discuss an item not listed on the agenda: the labor standards services contract.

Motion by Ms. Aurand to suspend the rules.

Second by Ms. Krieger

Discussion: None

Vote: Ayes, 4; Nays, 0.

10. Karen Conia asked Council to approve the agreements for representing the town in labor standards issues for three construction projects.

Motion by Mrs. Hughes to approve the agreement for the Kingston project, the Deaconess FM project and the Halston development project.

Second by Mr. Kavanaugh.

Discussion: None.

Vote: Ayes, 4; Nays, 0.

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

Steve Shoemaker – Mr. Shoemaker said his question had already been answered.

**UNFINISHED BUSINESS.**

None

**COMMISSION/COMMITTEE REPORTS.**

**COMMISSION.**

**Air Authority** ~ Ms. Aurand

No report.

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**Board of Zoning Appeals ~ Mrs. McGuire**

No report.

**Fire ~ Ms. Aurand**

No report.

**Historic Preservation ~ Ms. Krieger**

No report.

**Park ~ Ms. Krieger**

No Report.

**Plan ~ Mrs. McGuire**

Two rezoning requests were heard at the meeting which will be reported at the Town Council meeting on December 28. The Commission voted against the recommendation for rezoning for an apartment complex at Sharon Road and Law Drive. The Commission voted to recommend rezoning the Williams property at 662 and Ellerbusch from C-4 to R-4 for a residential development. Mrs. Powell said she hopes to provide the Council with the plat and the traffic study before the meeting.

**Police ~ Mrs. McGuire**

-Eric Mitchell discussed the retirement presentation in January for Daryl Healy at the commission meeting. Mr. Kavanaugh will not be at the meeting so it will be rescheduled.

**Site Review Committee ~ Mrs. McGuire**

No Report

**Storm Water ~ Mr. Kavanaugh**

The next meeting will be December 19, 6 p.m.

**Street ~ Ms. Aurand**

- The Forest Park project is about complete.
- The same type of bulbs have been installed in all the street lights downtown.
- Work continues on drain cleaning and leaf blowing.
- Third and Monroe drainage project is complete.
- The Street Department should not be expected to clean up trash left from any organization's events. Mrs. Powell and Mrs. Hughes said the town will remind organizers that janitorial services need to be coordinated particularly with a 2-3 day event. Mrs. Hughes said no one anticipated the crowd on Saturday for Newburgh Celebrates Christmas.

**Utility ~ Mrs. Hughes**

All utility motions were made by Mrs. Hughes. Council seconds and voting are shown below.

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Utility Motions for December 7, 2016

1. Motion: Bill Kavanaugh moved to table the bid opening to Friday 12/9/2016 at 11:00 a.m.  
Motion seconded: Leanna Hughes  
Discussion: None  
Motion passed unanimously.

**No Action required by Town Council.**

2. Motion: Bill Kavanaugh moved to close the bid opening.  
Motion seconded: Leon Key  
Discussion: None  
Motion passed unanimously.

**No Action required by Town Council.**

3. Motion: Bill Kavanaugh moved to have CEI take the LS #2 Pump Base replacement quotes under advisement.  
Motion seconded: Leon Key  
Discussion: None  
Motion passed unanimously.

**No Action required by Town Council.**

4. Motion: Leon Key moved to recommend to Council to approve the sale of sanitary sewer taps once sewer plans are approved and the sewer construction permit and sewer agreement has been accepted by Council for Spring Creek Subdivision, but not allow the sewer laterals to be connected until the sanitary sewer is completed and accepted.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**  
**Vote: Ayes 4; Nays 0.**

5. Motion: Leon Key moved to recommend to Council to grant the encroachment for Access Storage.  
Motion seconded: Susan Helms  
Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**

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**Vote: Ayes 4; Nays 0.**

6. Motion: Christy Powell moved to recommend to Council to move the Phelps Drive sewer project to the Priority #1 Project List.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

**Second by Mr. Kavanaugh.**

**Vote: Ayes 4; Nays 0.**

7. Motion: Leon Key moved to recommend to Council to abandon the encroachment agreement with Vectren, abandon the old force main line and vacate the easement, and vacate the Old Lift Station easement and abandon the site. (See attached map)

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

**Second by Mr. Kavanaugh.**

**Vote: Ayes 4; Nays 0.**

8. Motion: Tom Bodkin moved to recommend to Council to waive the 46 person seating capacity maximum and allow a 130 person seating capacity for LaVeranda, limited to the current owner and contingent upon no further FOG code violations.

Motion seconded: Christy Powell

Discussion: None

Motion passed. Vote: 3 Yes, 1 No (Leon Key), and 1 abstain (Tom Bodkin).

**Second by Mr. Kavanaugh.**

**Vote: Ayes 4; Nays 0.**

9. Motion: Tom Bodkin moved to approve the consent agenda.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

**No action required by Town Council.**

10. Motion: Tom Bodkin moved to recommend to Council to approve the request to repair Pump No. 1 at the Victoria Lift Station by contractor Straeffer Pump & Supply, Inc. at a cost not to exceed \$14,269.70 plus freight.

Motion seconded: Christy Powell

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Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**  
**Vote: Ayes 4; Nays 0.**

11. Motion: Tom Bodkin moved to recommend to Council to approve the request to repair Pump No. 2 at the Victoria Lift Station by contractor Straeffer Pump & Supply, Inc. at a cost not to exceed \$15,698.27 plus freight.

Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**  
**Vote: Ayes 4; Nays 0.**

12. Motion: Tom Bodkin moved to recommend to Council to approve the request to purchase spare pump parts for the Victoria Lift Station by contractor Straeffer Pump & Supply, Inc. at a cost not to exceed \$5,120.86 plus freight.

Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**  
**Vote: Ayes 4; Nays 0.**

13. Motion: Tom Bodkin moved to recommend to Council to approve the request for \$500.00 certification bonuses are awarded to Alec Moore (IWEA CS Class I) and Edwin Hodges (IWEA CS Class 4).

Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**  
**Vote: Ayes 4; Nays 0.**

14. Motion: Tom Bodkin moved to recommend to Council to approve the request to purchase a new digester blower motor from vendor Electric Motors, Inc. at a cost not to exceed \$6,457.21 plus freight.

Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

**Second by Mr. Kavanaugh.**  
**Vote: Ayes 4; Nays 0.**

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15. Motion: Tom Bodkin moved to recommend to Council to approve the request to repair a plant WAS pump by contractor Straeffer Pump & Supply, Inc. at a cost not to exceed \$11,863.00.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

**Second by Mr. Kavanaugh.**

**Vote: Ayes 4; Nays 0.**

16. Motion: Tom Bodkin moved to recommend to Council to award the bid to BBI for the Halston Force Main Project and for Council to specifically find that the other two bidders are non-responsive due to failure to submit all necessary paperwork with the bid.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

**Hold until later. Will be resubmitted once issues are resolved.**

17. Motion: Tom Bodkin moved to recommend to Council to engage CEI to put an agreement together to assist the WWTF as needed on the Plum and Jennings MH Replacement Project.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

**Second by Mr. Kavanaugh.**

**Vote: Ayes 4; Nays 0.**

18. Motion: Tom Bodkin moved to recommend to Council to approve the CEI 2017 Retainer Agreement.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

**Second by Mr. Kavanaugh.**

**Vote: Ayes 4; Nays 0.**

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

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

**No action required by Town Council.**



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Utility Motions for December 9, 2016  
Special Meeting for Deaconess Force Main and Lift Station Project Bid  
Opening

1. Motion: Bill Kavanaugh moved to close the bids on the Deaconess Force Main and Lift Station Rehabilitation Project.  
Motion seconded: Susan Helms  
Discussion: None  
Motion passed unanimously.

No action required by Town Council.

2. Motion: Bill Kavanaugh moved to take the bids received under advisement for legal and engineering review and report to Council at the December 14, 2016 meeting or at their earliest convenience.  
Motion Seconded: Susan Helms  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh.  
Vote: Ayes 4; Nays 0.

3. Motion: Bill Kavanaugh moved to adjourn the meeting.  
Motion Seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

No action required by Town Council.

**STANDING COMMITTEES**

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

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

**SPECIAL BOARDS/COMMITTEE REPORTS**

Sidewalk ~ Mrs. Hughes  
No Report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger  
Mrs. Hughes said an ad hoc committee is going to meet monthly to work on a submission for the Land Water Conservation Fund grant for the Amphitheater.

River Town Trail ~ Mrs. McGuire, Mrs. Hughes

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No Report.

**AD HOC COMMITTEES**

Sign Committee – Mrs. Hughes, Ms. Aurand  
-Still waiting on word from counsel regarding new regulations regarding signage.

Open Burning – Mr. Kavanaugh, Mrs. McGuire  
Met, but no report at this time.

Meditation Park – Mrs. Hughes, Ms. Krieger  
No Report.

Residential Improvement Recognition – Ms. Aurand, Ms. Krieger  
No report

Parking Committee – Mr. Kavanaugh, Mrs. McGuire  
Mr. Wischer said he will follow up on the Vectren parking lot discussion.

Growth and Progress Committee – Ms. Krieger, Mrs. McGuire  
No Report.

**ZONING ADMINISTRATOR**

No Report. However, Mrs. Powell said a site review committee meeting was held to discuss the Williams property proposal for Driftwood Park by Mattingly Homes. The BZA will meet to consider a request for a reduced setback for garage construction on Lynda Browne's property.

**CLERK-TREASURER.**

The Additional Appropriation was approved and has been applied.  
Mr. Lybarger said he roasted 12 pounds of chestnuts for the Saturday of Newburgh Celebrates Christmas. He said he cleaned the lobby of Town Hall and emptied trash containers following the Saturday event but did not clean the floor, which was sticky with candy cane crush residue. He agreed with Ms. Aurand that organizations must be responsible for clean-up of the downtown and Town property.

**TOWN ATTORNEY.**

The INDOT case is scheduled for trial in January. The SRF pre-closing for the bond issue should have taken place today. All the easements have been obtained. Interest rates are changing in 2017.

**TOWN ENGINEER.**

It was requested by the town engineer that the town hold the projects for Plum and Jennings, and Main Street until after the first of the year. Road closures will be necessary for these two projects and it may disrupt holiday activities.  
Mr. Hynes asked the Council to direct him to prepare a Civil Town retainer proposal for 2017 from Commonwealth Engineering.  
Motion by Mr. Kavanaugh to have Mr. Hynes prepare the proposal.  
Second by Mrs. Hughes

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Discussion: None  
 Vote: Ayes, 4; Nays, 0.

**TOWN MANAGER.**  
 No Report.

**MISCELLANEOUS BUSINESS**

Ms. Aurand said Reg Porter's last day on the Newburgh, England, Town Council will be December 31. They are moving to their daughter's home. Mrs. Powell will send a good wishes card to them from Council.

**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 - \$303,248.74  
 Sewer - \$367,772.65  
 SRF - \$0

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

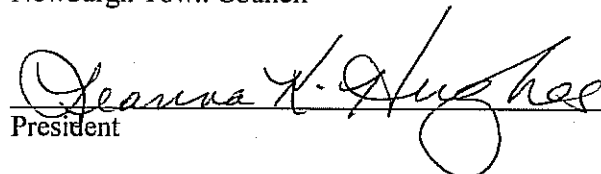
**ADJOURNMENT.**

Motion by Mr. Kavanaugh to adjourn at 6:55 p.m.  
 Second by Mrs. Hughes  
 Discussion: None  
 Vote: Ayes 4; Nays 0

12/14/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
Steve Shoemaker	578 W Water St.	

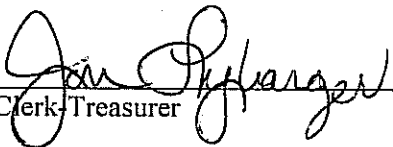
APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Newburgh Town Council

  
 President

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ATTEST:

  
Clerk-Treasurer