



Town of Newburgh  
**Town Council Meeting**  
Wednesday, May 24, 2017

**MINUTES**

**REGULAR SESSION**

**CALL TO ORDER**

The meeting was called to order by Mrs. Aurand at 5:35 p.m. in the Council Chambers Newburgh Town Hall 23 W Jennings, Newburgh, IN.

**PLEDGE OF ALLEGIANCE**

The Pledge-of-Allegiance was led by town council.  
A moment of silence was shared following the pledge.

**REMEMBRANCES**

William "Bill" Tucker - Bill was a former member of the Newburgh Town Board, he was named Newburgh "Man of the Year," and was an honorary Kentucky Colonel. He was a member of Rolling Hills Country Club for more than four decades. He loved playing golf with his longtime foursome, and later with his son Brandon. A favorite pastime for nearly 50 years was meeting his friends at the former Wesselman's Coffee Shop for breakfast. After it closed, The Carousel became "The Coffee Shop" for years.

After discussion, it was decided that beginning on 5/25/2017 the flags in Newburgh would be flown at half mast until after Memorial Day.

A motion was made by Mrs. Hughes to fly the flags in Newburgh at half mast until after Memorial Day.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

**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

**MINUTES**

The minutes for the May 10, 2017 meeting were submitted for approval as they were electronically distributed earlier.

A motion was made by Mr. Kavanaugh to approve the minutes from April 26 as distributed.

Seconded by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

### **COMMENTS BY CITIZENS PRESENT**

Steve Adams, 819 Treelane, address the council regarding the dropping of the swim team from the pool activities. Mr. Adams was very much pro swim team. He presented many positive comments in support of the swim team. There were many people in the audience who were present to show support of having a swim team. This is an issue that needs to be addressed by the Parks Board and they will address it at their next meeting.

### **SCHEDULED REQUESTS AND APPEARANCES**

None.

### **NEW BUSINESS**

#### **MISCELLANEOUS**

- Citizens Action Coalition will be soliciting information in our community. This will begin on May 22, 2017. They will be in the area for approximately two weeks. They will be going door to door requesting information and accepting donations. They are exempt from the peddling or solicitation ordinance that we have in place. This notification was received not only by town council, but also the Newburgh Police. Solicitors and vehicles have been identified to the police.
- 2016 Good Neighbor Award Presentation to East Evansville Lowe's. Jason Atherton was present representing Lowe's and accepted the award on their behalf. They were presented the award for all of time and materials that they provided in preparing the pool for this year's activities.

#### **ORDINANCES/RESOLUTIONS/PROCLAMATIONS**

- 2017-05 An Ordinance for rezoning Jennings Station from C-1 to C-2. This change in zoning would allow the owners of Jennings Station to allocate up to 50% of the first floor square footage to apartments.

A motion was made by Mr. Kavanaugh to hear the first reading of Ordinance 2017-05.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

Ordinance 2017-05 was read by counsel.

A motion was made by Mr. Kavanaugh to accept the first reading of Ordinance 2017-05.

Second by Mrs. Hughes.

Discussion: There was discussion among the council members and one of the issues regarding the re-zoning is that they do not believe that there are enough parking spaces available for the existing tenants and by adding more apartments, this would just compound the congestion. The second point made by council was that converting retail space in the facility to apartments is not consistent with the plan defined directions of the town. Much discussion ensued. Mrs. Judy Moore and Mrs. Dottie Sessions were present and supported by other community members regarding their opposition to converting the space to apartments.

There was a call for a roll call vote:

Mr. William F Kavanaugh Nay

Mrs. Stacie M Krieger Nay

Mrs. Anne Rust Aurand Nay

Mrs. Leanna K Hughes Nay

Vote: Ayes 0; Nays 4

The proposed Ordinance was defeated.

- 2017-06 an ordinance for rezoning 218 E Gray Street from R-1 to R-1 PUD

The owners of the property are sponsoring this request. They wish to construct a house on the property. The property will be split between the existing house and the new construction. This constitutes a PUD. The new construction will be placed for sale. It is not intended to be a rental property.

A motion was made by Mr. Kavanaugh to hear the first reading of Ordinance 2017-06.  
Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

Ordinance 2017-06 was read by counsel.

A motion was made by Mr. Kavanaugh to accept the first reading of Ordinance 2017-06.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

A Motion was made by Mr. Kavanaugh to proceed with the second reading of Ordinance 2017-06 since the first reading was unanimous.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

Again, counsel read Ordinance 2017-06 for the record.

A motion was made by Mr. Kavanaugh to accept and adopt the second reading of Ordinance 2017-06.  
Second by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

- 2017-07 Amended 2017 Salary Ordinance.

With recent changes to payment of employees at the WWTF and Utility office, the existing salary ordinance must be amended to reflect the increases.

A motion was made by Mr. Kavanaugh to hear the first reading of Ordinance 2017-07.  
Seconded by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

Ordinance 2017-07 was read by counsel.

A motion was made by Mr. Kavanaugh to accept the first reading of Ordinance 2017-07.  
Second by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

A Motion was made by Mr. Kavanaugh to proceed with the second reading of Ordinance 2017-07 since the first reading was unanimous.  
Seconded by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

Again, counsel read Ordinance 2017-07 for the record.

A motion was made by Mr. Kavanaugh to accept and adopt the second reading of Ordinance 2017-07.  
Seconded by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

#### SEWER PROJECTS

- Main St. Sanitary sewer Replacement Project – Koberstein Construction.  
With the project winding down, the following two items have been submitted for consideration.  
Certificate of Substantial Completion.  
The date proposed for the substantial completion is April 27, 2017.  
A motion was made by Mrs. Hughes to grant the Certificate of Substantial Completion  
Seconded by Mr. Kavanaugh

Discussion: None  
Vote: Ayes 4; Nays 0

Pay App #2

Koberstein Construction also submitted for payment application #2 in the amount of \$19,079.25

A motion was made by Mrs. Hughes to approve the payment of \$19,079.25 to Koberstein Construction with the request being recommended by engineering.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

- Kingston Lift station Elimination Project – ISI.  
Payment application #3 was submitted by ISI for work completed on the Kingston Lift Station Elimination project. This request comes recommended by engineering. The total amount requested is \$149,350.00, less retainage of \$7,467.00 leaving a balance to be paid of \$141,882.50.  
A motion was made by Mrs. Hughes to pay the net amount requested to ISI at engineering's recommendation.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

ISI is also requesting a certificate of substantial completion for the project with a date of May 11, 2017. This request comes recommended by the town engineer.

A motion was made by Mrs. Hughes to approve the request and issue the certificate of substantial completion to ISI for the Kingston Lift Station Elimination Project.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

- Halston Force Main relocation Project - WWTP Phosphorus Removal Project – Contract with CEI.  
A motion was made by Mrs. Hughes that this item be tabled until the June 14, 2017 meeting of the Town Council which will allow time for it to be reviewed by the Utility Committee.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0
- Westlake Sewer relocation Project – IDEM Permit  
This is a public works project and it is located at 6588 West Lake. It is covered IDEM permit number 2017-06. It has been reviewed by Legal and engineering and comes recommended by both individuals.  
A motion was made by Mrs. Hughes to approve the project and the IDEM permit.  
Seconded by Mr. Kavanaugh

Discussion: None  
Vote: Ayes 4; Nays 0

- Driftwood Subdivision Sanitary Sewers  
Plan approval for Construction of the sanitary sewer comes before council to be approved. The plan has been reviewed by the town engineer and has his recommendation.  
A motion was made by Mrs. Hughes to approve the request to proceed with the installation of the sanitary sewer in the Driftwood Subdivision, based on engineering's approval.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0  
  
IDEM Permit and Contract have been submitted for acceptance and approval. This would be sewer agreement 2016-14. The estimated value of the sewer enhancements would be \$270,386.60. This contract included a betterment agreement of \$39,500.00 where existing sanitary sewer issues will be corrected while the new lines are being placed.  
A motion was made by Mrs. Hughes to approve the IDEM permit and the contract for the sanitary sewers in Driftwood Subdivision including the betterment.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0
- Victoria/Lincolnwood FM Project – IDEM 401 WQC Regional General Permit.  
The project will consist of providing 105 LF of articulated concrete mats along the creek banks to help prevent erosion and two concrete cut-off walls to encase existing sewer pipes. This project will also consist of construction of a new lift station access drive.  
A motion was made by Mrs. Hughes to approve the permit since it come recommended by engineering.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0
- Lenn Road Sewer Relocation Project – IDEM 401 WAQC Regional General Permit.  
This project comes before council with engineering's recommendation.  
A motion was made by Mrs. Hughes to approve the request.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0
- Washington Street Improvements Project – Opening of Quotes  
A motion was made by Mr. Kavanaugh to close the acceptance of bids for the project.  
Seconded by Mrs. Hughes

Discussion: None  
Vote: Ayes 4; Nays 0

There were 5 quotes submitted and opened during the meeting. The tally sheet of all quotes is attached to these minutes.

A motion was made by Mr. Kavanaugh that the quotes are to be taken under advisement.

Seconded by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

## **UNFINISHED BUSINESS**

None

## **STAFF REPORTS**

### ZONING ADMINISTRATOR

No report.

### CLERK-TREASURER

No report.

### TOWN ATTORNEY

-In regard to our procedural ordinance, if an ordinance is rejected on the first vote it is rejected and it's done. No further discussion is required.

### TOWN ENGINEER

-The phosphorus project to be completed for the WWTF. The request for approval of construction should be submitted by the end of May. Engineering is requesting permission to proceed with the work necessary to submit the proposal.

A motion was made by Mr. Kavanaugh to have engineering proceed with the submission of the project information

Seconded by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

-When working on the sewer at Driftwood Point, there will be a manhole that is currently there that will need to be replaced.

### TOWN MANAGER

-Enhancements will be made to the town entry signs identifying that the town was established in 1803, and identifying us as a sister city to Newburgh, England. Several designs were presented, and one was decided as the model for all three town entry signs.

-HNI is pursuing grants for the amphitheatre. Still waiting for word on what progress is being made.

-The pool will be opening on Saturday 27<sup>th</sup>.

## COMMISSION/COMMITTEE REPORTS

### COMMISSION

- Air Authority ~ Mrs. Krieger  
No report.
  
- Board of Zoning Appeals ~ Mrs. McGuire  
No report.
  
- Fire ~ Mrs. Aurand
  - For the previous month, there were a total of 36 runs. Eight were town runs, 25 township, 1 public relations and 2 mutual aids.
  - There were 392 hours expended by the volunteers.
  - Currently there are 38 members of the Fire Department, 4 are currently completing training. This will raise the number of volunteers to 42. The maximum number of volunteers is 45. We are approaching a full roster.
  - Still dealing with damage from the lightening strike. Base station radios have been replaced and we are moving forward. All repairs should be completed by the end of June.
  
- Historic Preservation ~ Mrs. Krieger
  - The annual party was held at Barefoot Cottage at the corner of Jennings and State. The event was well attended.
  
- Park ~ Mrs. Krieger
  - The next meeting will be held on Thursday June 1, 2017 and the main topic of discussion will be the swim team.
  
- Plan ~ Mrs. McGuire  
No report.
  
- Police ~ Mrs. McGuire
  - Eric Mitchell reported that there are a number of nuisance houses in Newburgh where they are continually being called. They are trying to figure out how best deal with these locations.
  - The Wine Fest this year was fairly uneventful which was good for the event and the town.
  - The Kingdom Run, which is sponsored by the First Christian Church, will require fewer officers this year due to some minor alterations of the course.
  - Eric requested that the Town Council approve the purchase of two new police vehicles. The purchase comes to council with the recommendation from the Police Commission. The total cost of both vehicles will not exceed \$85,000.00.
  - A motion was made by Mr. Kavanaugh to approve and proceed with the purchase of two new police vehicles, not to exceed \$85,000.00.
  - Seconded by Mrs. Hughes.
  - Discussion: None
  - Vote: Ayes 4; Nays 0



- Site Review Committee ~ Mrs. McGuire  
No report.
- Storm Water ~ Mr. Kavanaugh  
No report.
- Street ~ Mrs. Aurand
  - Cleaning and mulching the various properties around town.
  - Cleaned the drains of debris.
  - Worked on cleaning the park playground
  - Placed sod on State Street.
  - Repaired drive at fire department where the new fire truck doesn't quite make the turn and is causing a hole beside the drive.
  - Set-up for the Wine Fest.
- Utility ~ Mrs. Hughes, Mr. Kavanaugh  
No report.

#### STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger  
No report.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
  - The WWTF would like to offer a position to Adam Wagner at the starting rate of \$17.66 per hour. He will begin if approved by council and successfully passing his drug screen.  
A motion was made by Mrs. Hughes to offer a position at the WWTF to Adam Wagner pending successful passage of his drug screen at the rate of \$17.66 per hour.  
Seconded by Mrs. Aurand.  
Discussion: None  
Vote: Ayes 4; Nays 0
  - The WWTF would like to offer a position to Jason Tillitson at the starting rate of \$17.66 per hour. He will begin if approved by council and successfully passing his drug screen.  
A motion was made by Mrs. Hughes to offer a position at the WWTF to Jason Tillitson pending successful passage of his drug screen at the rate of \$17.66 per hour.  
Seconded by Mrs. Aurand.  
Discussion: None  
Vote: Ayes 4; Nays 0

#### SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand  
No report.

- Arts Commission ~ Mrs. Hughes, Mrs. Krieger  
No report.
- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire  
No report.
- Nominating ~ Mrs. Hughes, Mrs. Krieger  
No report.

#### AD HOC COMMITTEES

- Sign Committee ~ Mrs. Hughes, Mrs. Aurand  
No report
- Open Burning ~ Mr. Kavanaugh, Mrs. McGuire  
No report.
- Reflection Park ~ Mrs. Hughes, Mrs. Krieger  
-On hold due to dispute with neighbor.
- Residential Improvement Recognition ~ Mrs. Aurand, Mrs. Krieger  
No report.
- Parking Committee ~ Mr. Kavanaugh, Mrs. McGuire  
No report.
- Growth and Progress Committee ~ Mrs. Krieger, Mrs. McGuire  
No report.
- Trash ~ Mrs. Hughes, Mrs. McGuire  
-There are recycling issues. That is being addressed by our provider. A report will be available at the next meeting.

#### **MISCELLANEOUS BUSINESS**

-Issues still exist between the town and the museum regarding the old Newburgh High School trophy case and contents.

#### **APPROVAL OF CLAIMS**

The following amounts were presented to Town Council for their consideration for payment, plus any sewer adjustments that there may be:

CT \$216,458.13  
Sewer \$297,191.62  
SRF \$230,737.34

Motion by Mr. Kavanaugh to approve all claims properly signed to be paid.  
Second by Mrs. Hughes.

Discussion: None  
Vote: Ayes 4; Nays 0

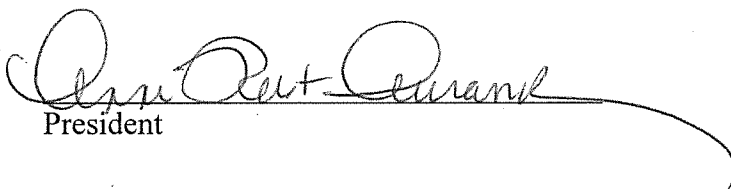
**ADJOURNMENT**

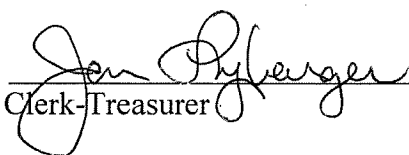
Motion by Mrs. Krieger to adjourn at 8:10 p.m.  
Second by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

05/24/2017	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
Judy Moore	310 W Water St	Re-zoning Jennings Station from C-1 to C-2
Steve Adams	819 Treelane	Newburgh Pool Swim Team

APPROVED this 24 day of June, 2017.

Newburgh Town Council

  
President

Attest:   
Clerk-Treasurer