



**MINUTES**  
**Winfield Town Council Meeting**  
**Meeting date: Tuesday, July 12, 2022**

**Call to Order:** A meeting of the Winfield Town Council was held at the Winfield Government Center, 10645 Randolph Street, Winfield, Indiana on July 12, 2022. The meeting convened at 7:27 PM.

**Pledge of Allegiance**

Rick Anderson conducted roll call:

**Council Members in attendance:** Zack Beaver, Jon Derwinski, Tim Clayton and Gerald Stiener. Dave Anderson was not in attendance.

**Also in attendance:** Nick Bellar, Town Administrator/Planning and Zoning Administrator; Attorney David Austgen from Austgen Kuiper Jasaitis P.C.; Rick Anderson, Clerk-Treasurer; Anthony Clark, Public Works Director; Michael Duffy, Town Engineer

**PUBLIC COMMENT (Agenda Items):** None

**CITIZENS/INDIVIDUALS REQUESTING PLACEMENT ON AGENDA (Non-related to the Agenda):**

Todd Kleven, Director of Land Acquisition for Lennar Homes with offices at 1700 E. Golf Road, Schaumburg, Illinois, and Crown Point resident, addressed the Council requesting placement on the Agenda to discuss ongoing issues at Aylesworth Subdivision.

Gerald Stiener entertained a motion to amend the Agenda and add this as item #4 under Old Business. Motion was made by Tim Clayton and seconded by Zack Beaver. All were in favor. Motion carried 4-0.

**OLD BUSINESS:**

**1. *Consideration of Pay Application #5, Rieth-Riley Construction, 109<sup>th</sup> Ave. and Grand Blvd. Intersection Project \$48,233.00***

A motion to defer action on the pay application was made by Tim Clayton, the motion was seconded by Zack Beaver. All were in favor. This agenda item was deferred at the consent of the Council 4-0.

**2. *Report on Bids for 121<sup>st</sup> Ave. Paving CCMG Project***

Mike Duffy reported that Milestone Contractors was the lowest responsible bidder and have turned in everything that was required for the contract. He recommended to move forward with a Notice of Award in the amount of \$1,181,885.00. Tim Clayton made a motion to recommend Milestone Contractors North in the amount of \$1,181,885.00, and to allow Town Council President to sign. Motion was seconded by Zack Beaver. All were in favor. Motion carried 4-0.

**3. *Second Reading for Ordinance 114-B, Employee Policy Updates.***

Tim Clayton made a motion to Adopt Ordinance 114-B in Title Only on Second Reading, an Ordinance establishing a replacement Employee Policy Manual for the Town of Winfield, Lake County, Indiana, repealing all Ordinances, Regulations, and Employee Policies currently existing,



**MINUTES**  
**Winfield Town Council Meeting**  
**Meeting date: Tuesday, July 12, 2022**

and all matters related thereto. Zack Beaver seconded the motion. All were in favor. Motion carried 4-0.

**4. Discussion of Permit and Occupancy Approval for Aylesworth Subdivision**

Tim Clayton explained they received a request of adding 50 occupancies for new homes for the new lift station while it is awaiting final parts for installation. There have been discussions between Town Council and Lennar looking to go forth with the approval of doing that. There will be some terms involved in that process. Gerald Stiener asked if this will require an amendment to the agreement they have right now, because now it requires Lennar not to have occupancy. Nick Bellar went through the list of terms: the Town will take care of hauling the waste out of the wet well; Lennar will reimburse the Town those costs; Lennar will also sign-off to the Town all Lift Station parts that are obtained at this point and any they have POs out for. Gerald Stiener explained that means if Lennar should walk from the project, all those parts that have been ordered for the Lift Station would now belong to the Town to finish completion. Nick continued, this agreement is only with Lennar, it can not be transferred to another company.

Todd Kleven thanked the Council for meeting with him and appreciated the cooperation. He is asking to no longer “come to the alter” per se, to continue building homes. Thanks to Jeremy Lin, they understand there was a line item asking them to pump the wet well in low flows which sparked their attention. They are willing to be compliant that they will not surpass 50 occupancies. They will work with the Town and reimburse for pumping. The temporary lift station panel was a way to get it started, but with supply chain issues, it became a permanent panel. Gerald Stiener commented that Dave Austgen would draft a modification to the agreement.

Zack Beaver wanted clarification about 50 occupancies vs. agreed upon 50 permits. Occupancy is when flow starts. Zack’s understanding was that they wouldn’t go past 50 permits, regardless of whether they would be occupied, until the Lift Station was done. Todd said they would most likely surpass 50 permits and seek occupancy. This will allow them to continue with their building plan, and the main goal to get the cash flow in the community this year. Todd is hoping that the permanent panel will arrive in December and that they will be up and running by the time they need 50 occupancies. There are nine permits in the office right now, making a total of 22, and they will definitely surpass 50 permits. They will not surpass 50 occupancies and keep the lift station in the low flow state. Zack again asked for clarification between agreed upon permits vs.

occupancies. If there are 50 occupancies, what is the cap on permits for this year? Todd said allowing them to go vertical, helps out the erosion control and the aesthetics and just gets it done that much quicker. Within the next 5 months, he would like 50 additional permits, along with those 22 already in process and could keep the number of permits to 72. He is 2 months behind on building permits. Tim Clayton said he is good with that number. Todd said the 50 low flow occupancies is a calculation Jeremy came up with that would not put the pumps under stress. There is still capacity for the school and future connectivity. Gerald Stiener asked Zack if there is a number he would be more comfortable with? Zack’s concern is that they will be in the same position in December. Zack asked Todd what is the number he is looking for by January. Todd said 10 permits a month for the next 5 months, plus the 13 that were approved and the 9 more in the office, so total of 72 would meet his business plan. Tim Clayton confirmed he is good with 72



**MINUTES**  
**Winfield Town Council Meeting**  
**Meeting date: Tuesday, July 12, 2022**

permits and 50 occupancy by the end of the year. Dave Austgen suggested Todd Kleven provide a weekly report of permits approved. Nick Bellar said he already does a permit recap in his monthly reports, and can break it down by how many are in Aylesworth. Zack said the report would be helpful. He thinks the development is important to the community, but he doesn't want things to progress so fast that the infrastructure is not ready to handle it. This is a concern to this Town on everything we do, since we are growing so fast. He is concerned about changes in the economy, interest rates going up and things slowing down and is concerned that the Town has to take this risk with its infrastructure. Todd Kleven stated his opinion is that this is a very positive thing which allows the community more cash flow in 2023, which will allow progress to continue. Gerald Stiener said he doesn't see much difference between 50 or 72 occupancies, and that's from the Town standpoint. The homes would still need to have Indiana American Water, NIPSCO and all the other utilities that are out of Town control. Todd Kleven said as a status update, the water is charged and they are in the process of transferring that over. All the off site has been installed and connected. They are working very diligently with NIPSCO, trying to assist them with the system upgrades. He does not see them surpassing 72 permits, and is willing to agree to that number as long as they can get the occupancy and cash flow. Zack agreed to the number of permits and occupancies, but wanted to make sure everyone was aware that he is worried, and if more are requested in 6 months, the "ask" won't be favorably received. Todd said he is personally watching the construction on a daily basis, and can provide a progress status weekly or daily if desired. Tim Clayton made a motion to approve the agreement for Lennar to allow issuance of 72 building permits, and up to 50 occupancies, subject to staff comments and legal review and preparation of legal agreements, and gave approval to Town Council President to sign. Zack Beaver seconded the motion. Jon Derwinski asked to abstain from the vote. 3 were in favor, 1 abstain. Motion carried 3-1-0.

**ADJOURNMENT:**

Tim Clayton made a motion to adjourn the meeting. The motion was seconded by Zack Beaver. All were in favor, the motion carried 4-0. The meeting adjourned at 7:47 pm.

\_\_\_\_\_  
Gerald Stiener  
Town Council President

\_\_\_\_\_  
Richard C. Anderson Jr.  
Clerk-Treasurer

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Monika Valente  
Recording Secretary