



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

Call to Order: A meeting of the Winfield Town Council was held at the Winfield Government Center, 10645 Randolph Street, Winfield, Indiana on September 28, 2021. The meeting convened at 7:00 PM. The Pledge of Allegiance was recited.

Rick Anderson conducted roll call:

Members in attendance: Gerald Stiener, Dave Anderson, Tim Clayton, Jon Derwinski, and Zack Beaver

Also in attendance: Rick Anderson, Clerk-Treasurer; Attorney David Austgen from Austgen Kuiper Jasaitis P.C.; Nick Bellar, Town Administrator/Planning and Zoning Administrator; Anthony Clark, Public Works Director; Dan Ball, Town Marshal; and Haley Crnarich, Office & Events Coordinator

MINUTES TO BE APPROVED:

Gerald Stiener entertained a motion to approve the meeting minutes from Town Council Executive Sessions of August 24, 2021, and September 14, 2021, and Town Council Meeting of August 24, 2021, and September 14, 2021. Dave Anderson made a motion to approve the minutes as presented and Jon Derwinski seconded the motion. The minutes were approved as presented by a vote of 5-0.

STAFF REPORTS SUBMITTED IN WRITING AND VERBAL:

- Nick Bellar, Town Administrator, presented the building data and mentioned they are up from last year. BZA had a use variance request for Hobby Farm. Plan Commission had Christian Horizons primary plat approved for Crown Point Christian Village Expansion. Primary plat for The Estates of Wynbrook is also approved. Zone change request for that will be at an upcoming Town Council meeting. PDM documents for the Middle School project are finalized. PDM documents for Aylesworth are finalized with signature execution occurring shortly.
- Tony Clark, Public Works Director, was pleased to announce the two new Public Works employees are doing good.
- Dan Ball, Town Marshal, shared his monthly stats. Traffic stats are low because of 109th being shut down. Traffic on 117th is moving well. The Chaplain responded to a call late and stayed with the officer. They have met with the donor and trainer with the new canine. The canine has been selected and has already started his initial training. Sergeant Garpow will start his training next month. Marshal Ball stated they should have the canine ready around the first or second week of December.
- Jeremy Campbell, Fire Chef for LOFS Fire Force, announced that he is coming back from medical leave. Last month he reported 54 calls in Winfield and 111 in the district. He is predicting well over 1,000 before the year is over. They are in the process of training at 5807 E 109th and will continue to train at that location.

PUBLIC COMMENTS (Agenda Items):



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

Jennifer Menear, 6568 E 114th Place (Prairie Crossing) came in front of the council to ask for a denial for the Variance from Use – Hobby Farm Use. Jen stated no one in her subdivision has over 5 acers and for a hobby farm to be approved 80% of the neighborhood needs 5 or more acers. She stated they chose to live in a subdivision and not on a farmland and they are the only neighbors who are directly impacted by the chickens. Jen said the coop can not be seen from the street, although they can see if from their front yard. The chickens are out quite a bit, and they sometimes wonder over which causes their dogs to react. The dogs have gotten to the chickens and now it is a consistent worry making sure the dogs don't escape. She added if a permit was sought to build the coop it would have been denied as it is against the covenants and town code.

UNFINISHED/DEFERRED BUSINESS:

1. *Update on Traffic Master Plan.*

Mike Duffy stated they are working on strategies for the different intersections and trying to come up with solutions.

2. *Welcome to Winfield Signage.*

Nick Bellar reported he has been working on the signage for the past few weeks with the help of Tony and Mike. The Street Department put together a scale frame to visualize it better. He had two proposals: one from Landmark Sign Group for \$21,818.28 and one from Legacy Sign for \$26,059. Nick recommended moving forward with Landmark Sign Group for this project. Gerald Stiener entertained a motion to approve the agreement with Landmark Sign Group as presented. Dave Anderson made a motion and Tim Clayton seconded the motion. The motion carried 5-0.

3. *Report on 2021 Roadway Crack Seal Project Bids.*

Rick Anderson explained they took bids for the Roadway Crack Seal Project at the last Town Council meeting. Those preliminary bids were presented to the council. The lowest bidder was National Industrial Maintenance at \$95,220. American Pavement's bid was \$197,300. Mike talked to National Industrial Maintenance, and they confirmed they had everything covered. He then compared their bid to the last crack seal project (2019), and it was similar. Gerald Stiener entertained a motion to approve the bid with National Industrial Maintenance subject to legal review. Tim Clayton made a motion to accept the bid for National Industrial Maintenance subject to legal review and to allow the president's signature when documents are ready in the amount of \$95,220. Zack Beaver seconded the motion, the motion carried 5-0.

4. *Second Reading of Ordinance 229-D Revisions of EMS Rates and Charges.*

Dave Anderson read the second reading of ordinance 229-D in title and made a motion to adopt Ordinance 229-D. Zack Beaver seconded the motion. The motion carried 4-1.

5. *Presentation of Proposed 2022 Town of Winfield Budget.*

Rick Anderson presented the 2022 Town of Winfield Budget. Special tax increase of \$1.1 million per House Enrolled Act 1271 which was approved 2 weeks ago. As the town continues to grow, Winfield has the lowest tax in the state of Indiana for all cities and towns within the population range. Rick explained the town has \$1.1 million more to put into the budget for 2022. The town's



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

levy for the general fund was around \$.09 and the average for other communities like Winfield's was about \$0.90. Rick explained the town was incorporated with less than 1,000 residents and did not provide police protection, fire protection, or a street department crew. Final adoption of the budget will be on October 26th. Rick went on to explain the town hired a financial firm that assisted in providing documentation to the state. The DLGF was concerned with property owners in Winfield and taxing districts which includes the schools, county, and township. Any home that is in Winfield that has a homestead exemption (virtually all of homes) and value over \$175,000, is already at a tax cap therefore will not be affected. Rental units may be affected slightly and commercial will be affected although that will be minor as well. Overall, most residents will not pay more in taxes based on this change.

The \$1.1 million with the property tax levy appeal was successful but unfortunately, puts the town more into tax caps. Rick explained the town will only net a little over \$800,000 which means \$800,000 more to work with within the 2022 budget. There is also an annual increase based on growth quotient that is usually between 3-4%. This year the town received 4.3% at \$49,682. Another side effect of having an increased property tax rate is the town's excise tax. Rick elaborated in the county the excise tax is divided up by all the municipalities based on what their property tax levy is. Therefore, the town will see an increase of \$46,000 in excise tax up through this year the town has used the CCD fund for funding the Marshal department. By doing a reestablishment every year, next year will be at \$29,640.

Rick reported the town saw a 10% increase on assessed value, the largest since 2008. This is also before any of the new subdivisions started to build. Sources of revenue include state distributions and county distributions. The largest increase within local revenue is the building department with building permits and applications that developers pay. Rick is anticipating over \$675,000 for the end of 2021 and for 2022 \$800,000 in building department fees. The town recently reviewed the park impact fee and with the revenue that is coming in will significantly increase as well.

On the other side of revenue considerations, Rick explained the town was fortunate, reporting total Covid impact for the past year and a half less than \$100,000. This was mainly caused by the reduced gasoline tax when shutdown occurred. The town is back to where they were in terms of the gas tax revenue source. Rick said the town will also see significant increases in population-based revenue beginning in 2023 as the population will be over 7,000. He explained some revenue takes a year before they kick in and population based is one of those.

The biggest non-tax component on the revenue side of the budget is building department. There is a continued strengthen in Wyndance, Deer Creek, and Latitude and will remain strong this year. The additions of Clover Grove and Aylesworth along with additional subdivisions coming through. Rick explained all indications of the housing market for next year are good. He added significantly to inspector payroll along with a full-time building department assistant, so the building department has additional staff and support for the increased workload.



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

Estimated operating balance of all the funds combined will be at 30-35%. Rick stated over the last 4 years they been working down on the cash balances, but this gets the town back to 2018 levels. If the net assessed value continues to grow with the development, Rick said he will need to take a more conservative approach to restore the operating balance to have flexibility going forward. Again, the Marshal budget was funded fully within the general fund. The CCD fund will be utilized for vehicles, capital improvements, and equipment for 2022. There is also money budgeted for the Randolph Street sidewalk project which will go to the park as well as engineering design fees for 117th and Randolph Street roundabout that has federal funding for coming up within a few years. Local roads and streets and motor vehicle highway has a 20% increase in 2023 after the census is certified.

Rick stated while working with Tony they will continue with the contract mowing with the town's parks and government building. Public works payrates were increased by approximately 30% as of last month. The Marshal Department adds 2 additional full-time officers which brings them up to 7 with an 8th added in 2023 and a 9th added in 2024. Deputy Marshal pay rates will increase 15%.

Again, adding a full-time Building Department Clerk and adding a position to split the Town Administrator/Zoning and Planning into 2 positions. Rick explained with the development going on the Planning and Zoning Department is not like it was, therefore adding staff to assist the increased workload. A Fire Chief position was also added on the 2022 budget. There is no significant funding for the downtown master plan which is TIF dollars. Rick said they are seeing an increase in the TIF, but as they see more rooftops in Winfield the town will see more commercial growth in the district. Although there has been growth, rebuilds and renovations within the town that increases assessed value, there hasn't been a significant new large commercial value recently. Rick noted he thinks the town will get there within the next year or two.

The town has also added funding to cover dependents for full-time employees for 2022. As the town departments continue to grow, Rick stated they realized they can not recruit without having that benefit.

In the CCD fund there is financing for two police SUVs included for the Marshal Department and two additional Street Department vehicles which could be a combination of a large plow or mowing equipment but ultimately will be up to Tony. An additional \$179,000 left in the CCD budget for other capital improvements. The tax cap impact is almost \$390,000. This will be a hit to General Motor Vehicle Highway, CCD, RDC and Culminative Fire funds. The tax cap will be ten times what it was in 2021.

General fund proposed budget is a little over \$2 million which is up 67%. MVH (main street fund) is up 34%. Most of the other funds are consistent. Rick stated they are using the \$1.1 million to move the marshal funds into general fund and loosening up the CCD so they can fund capital improvements as well.



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

Rick explained the three groups of budgets. First, the controlled budget is the one that is sent down to the state where they do all the analysis. The control budget holds the property tax revenue. This control budget is \$4.5 million, which is a \$1.3 million increase from this year (42%).

Non-controlled budgets include county tax that the town receives. Beginning in 2023 CEDIT and public safety numbers will double because the town's tax levy increased. The non-controlled town budget is \$946,000. This includes a Marshal donation fund, solid waste for trash pick-up, park improvements, and casino gaming admissions.

The last group of budgets are the utility funds. Rick said they are flat and again; it is optional to budget utilities although it is preferred. Total amount for sewer and storm water is \$1.5 million. Top dollar number for the budget for 2022 is just short of \$7 million including utilities. This is a \$1.5 million increase from 2021 (29%).

For comparison, Winfield's total budget for 1996 was \$135,000. Operational funds increased by 40% for 2022. Staff raises are included in the budget generally 3%. Tax rate was at the \$0.30 for 2021 range which will increase to the \$0.60 range.

Rick reiterated that virtually no property owner will not have to pay more property taxes due to the higher tax rate. In 2021 For every dollar included in Winfield property tax \$0.15 comes back to Winfield. In 2022 it will go up to \$0.23. Rick included a line item for each one and noted there is still discussion time within the next four weeks. He has maximized what the property tax levy can be so that can't be changed.

Gerald Stiener opened the Public Hearing on proposed 2022 Town of Winfield Budget at 7:45pm. After no public comment, the Public Hearing was closed at 7:45pm.

Gerald Stiener entertained a motion to approve First Reading, Ordinance 320, Town of Winfield Budget. Dave Anderson made a motion to approve Ordinance 320 on first reading in title. Tim Clayton seconded the motion. The motion carried 5-0.

NEW BUSINESS:

1. Referral from Board of Zoning Appeals, No Recommendation on BZA Docket 2021-04, Variance of Use for Hobby Farm Use in R-1 Zoning.

Nick explained this is a request for Hobby Farm Use in an R-1 zoned district. The petitioner wanted to have 15 or so chickens. There was an issue with the neighbor regarding a dog which is how the town found out about the chickens. The town notified them and said they are not allowed to have them, and they said they would like to keep them. The BZA met and held the public hearing on the 2nd Thursday of September. There was three of five members in attendance and the vote was split 2-1, therefore no majority vote on the BZA. Dave Anderson made a motion to defer this item to October 12th. Tim Clayton seconded the motion. Zack Beaver asked if Attorney Dave Austgen had a chance to review the covenants. Attorney Austgen said he doesn't have a file in



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

front of him. Zack then asked if there is anything in the code that deals with conflicts with the covenants and the ordinances. Attorney Austgen stated the town is not enforcers of private covenants; it will go to the property owners who are connected by their contract. Zack asked if there is a distinction between the towns involvement or is a covenant violation a civil matter that residents will have to take to the HOA. Attorney Austgen responded yes, they enforce the zoning ordinance and it's use regulations by the use variance application. He referenced the documentation that Jen passed out at the beginning from Kelly Law Firm referenced the code section and standards relating to use variance that are imposed upon petitioner. Attorney Austgen advised to council to read the documentation as the law is stated within it. Gerald Stiener noted while he was glancing through the document that he saw a comment about a permit for the coop and asked if there was anything on file. Nick stated they have nothing on file, but there is potential that it came in as a typical shed. The motion carried 5-0.

2. Consideration of Renewal of Mowing Contract for 2022 Season, Crew Cut Professional Lawn Maintenance.

Tony Clark requested to defer this as he is meeting with their contractor on the upcoming Monday. Dave Anderson made a motion to defer, and it was seconded by Jon Derwinski. The motion carried 5-0.

3. Consideration of Renewal of Snow Plowing Contract for 2021-2022 Winter Season, South County Landscape.

Tony noted the town is contracting South County Landscaping along with another company to make sure there is enough plows and people to cover any snow event that may occur. There is an increase in the monthly flat rate fee this year. Dave noted if South County has a sub that doesn't show there may need to be legal language in the contract to cover. Dave Anderson made a motion to approve subject to legal review to make sure there are remedies in case an employee is a no show. Jon Derwinski seconded the motion. Zack Beaver questioned the flat rate and how it differs from last year. Nick explained the individual truck rate was broken down to certain types of trucks, now it is more generally described if trucks are used at all. The motion carried 5-0.

4. Consideration of First Pay Application, Rieth-Riley, 109th & Grand Intersection Improvements \$236,871.82.

Rick presented the 109th and Grand improvements pay application. This is the first one with Rieth-Riley on this project, as reviewed by Mike Duffy of \$236,871.82. Mike explained this pay application was for construction they had to do on the road. Gerald Stiener noted they should be put on notice due to delays Gerald Stiener entertained a motion to approve first pay application to Reith-Riley. Tim Clayton made a motion to pay first application to Reith-Riley in the amount of \$236,871.82. Dave Anderson seconded the motion. The motion carried 5-0.

5. Consideration of Ordinance 312-G, Amendment to 2021 Salary Ordinance for Non-Elected Employees.

Rick presented a minor amendment to the salary ordinance for non-elected officers and employees of the town, specifically addressing Town Marshals. Originally, they were all classified



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

individually but have since changed that to a salary range of \$40,000-\$45,000. Gerald Stiener made a motion to approve Ordinance 312-G in first reading. Zack Beaver read the ordinance in title and Tim Clayton seconded the motion. The motion carried 5-0.

Dave Anderson made a motion to suspend the rules on ordinance 312-G on seconded reading. Tim Clayton seconded the motion. Rick Anderson conducted a roll call vote; Zack Beaver, yes, Jon Derwinski, yes; Dave Anderson, yes; Tim Clayton, yes; Gerald Stiener, yes. Gerald Stiener made a motion to adopt Ordinance 312-G on second reading. Zack Beaver made the motion to adopt Ordinance 312-G in title only and proceeded to read the title in full. Tim Clayton seconded the motion. The motion carried 5-0.

6. *Crown Point Christian Village Development Moratorium Review and Recommendation from Plan Commission, PC 2020-01, Zone Change PDR to PDR, Christian Horizons, Crown Point Christian Village with Conditions, Consideration of Ordinance 321.*

Attorney Dave Austgen will provide a resolution and suggested waiving the effects of the state that is imposed by the resolution and conduct business. He noted he will have the moratorium resolution for the next meeting.

Attorney Mark Anderson on behalf of Crown Point Christian Village introduced himself as being present for the two agenda items. Attorney Dave Austgen stated this matter is on a favorable recommendation from the Plan Commission for zone change as applied for and discussed, reviewed, analyzed, and drafted. The ordinance now meets everyone's expectation and understandings of that the zone change will be for plan development zoning for the town. It had conditions for approval in section 1 and 2 of the ordinances. Public meeting minutes and site plan approval as well. Attorney Dave Austgen explained he is satisfied with it as he has worked with Nick and Attorney Anderson and clients on it for the last several weeks. He said it is ready to go from a staff and legal perspective.

Gerald Stiener entertained a motion to waive the moratorium inactive regarding Crown Point Christian Village. Dave Anderson made a motion to resend resolution 2020-11 moratorium on Crown Point Christian Village development subject to Attorney's comments. Tim Clayton seconded the motion.

Gerald Stiener entertained a motion to adopt Ordinance 321 in title. Dave Anderson made a motion to adopt Ordinance 321 and read the title in full. Tim Clayton seconded the motion. The motion carried 5-0.

Gerald Stiener entertained a motion to approve Exhibit C the development agreement between Town of Winfield and Crown Point Christian Village. Dave Anderson made a motion; Zack Beaver seconded the motion. The motion carried 5-0.

Attorney Dave Austgen noted the extension connection of sanitary sewer to Crown Point Village Property. He explained there is still an understanding that needs to be reached related to the sewer



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, September 28, 2021

line extension to a church facility and a campground. Engineers need to work on this. Additionally, owners of these parcels need to be contacted. Nick Bellar stated they will have a call scheduled that week or the following week.

Attorney Dave Austgen noted there is a place in the development agreement noting public meeting action tally and date that will also need to be inserted.

TREASURER’S REPORT:

Rick Anderson presented the treasurer’s report through August and site claims. He noted some unusual items included in the claims were Reith-Riley pay application, tree removal on 109th, Harvest Festival expenses, and three payrolls. Total amount of claims is \$607,430.63. Gerald Stiener entertained a motion to pay the claims. Tim Clayton made a motion to pay the claims in the total of \$607,430.63. Jon Derwinski seconded the motion. The motion carried 5-0.

ADJOURNMENT:

Dave Anderson made a motion to adjourn, and it was seconded by Tim Clayton. All were in favor, the motion carried 5-0. The meeting adjourned at 8:11 p.m.

 Gerald Stiener
 Town Council President

 Richard C. Anderson, Jr.
 Clerk-Treasurer

Date of Approval _____