



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

Call to Order: A meeting of the Winfield Town Council was held at the Winfield Government Center, 10645 Randolph Street, Winfield, Indiana on Tuesday, April 25, 2023. The meeting convened at 7:00pm. The Pledge of Allegiance was recited.

Nick Bellar conducted roll call:

Members in attendance: Tim Clayton, Dave Anderson, Jon Derwinski, Zack Beaver, and Michael Lambert

Members not in attendance: Clerk-Treasurer, Rick Anderson

Also in attendance: Nick Bellar, Town Administrator/Planning and Zoning Administrator; David Austgen, Town Attorney, Michael Duffy & Shaun Finney, Engineers, DLZ; Tony Clark, Public Works Director, and Pamela Spengler Recording Secretary.

PUBLIC COMMENTS (Agenda Items): None.

CITIZENS/INDIVIDUALS REQUESTING PLACEMENT ON AGENDA (Non-related to the Agenda): None.

MINUTES TO BE APPROVED:

Dave Anderson made a motion to approve the minutes from the Joint Town Council and Sewer Board Executive Session of March 28, 2023; Town Council Meeting of March 28, 2023; Town Council Executive Session of April 11, 2023, and Town Council Meeting of April 11, 2023. The motion was seconded by Jon Derwinski. The motion carried with all in favor 5-0.

STAFF REPORTS SUBMITTED IN WRITING AND VERBAL

Nick Bellar presented the Building Department data. The Planning Commission has received secondary plat approval for the Lifewell Church Project, and Aylesworth Phase 3, which is a large 177 lot phase. Grand Ridge Phase 1; Estates of Wynbrook Phase 1 with all the performance bond recommendations on the agenda tonight. The final public community meeting for the new Comprehensive Plan was held on April 19th with approximately 20 residents attending: providing some good input on the plan. The Comprehensive Plan planning should be completed by the middle of June, and ready for a Request for Public Hearing. The New Randolph Street Park sign will be installed next week.



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

Tony Clark reported that the new street sweeper is working well. The new backhoe delivery has been delayed until the end of May. Tony brought to the attention of the Board the need for more extensive road repairs in some areas of the Town. Some of the roads are having problems; they have been patched multiple times, but they are still deteriorating. Mike Duffy asked for the list of streets so that DLZ could look at them. The possibility of adding curbing to one of the roads at the time of repair was discussed. Along with the possibility of adding sidewalks; in some areas, at the time of road resurfacing. Tony also discussed Randolph Street Park; parking lot and pathways which need crack seal, seal coated, and pavement repairs in some areas. Tony presented a quote from Site Services in the amount of \$24,323.00. Mike Duffy requested additional clarification on the type and thickness of the asphalt along with additional specific details of the work to be done. Tony is also contacting additional contractors for bids. Tony updated the Council on the current projects going on throughout the Town. With the purchase of the new equipment, the public works department has taken over all the moving in the Town. There is currently no longer a need to outsource the moving. Tony also requested an increase in the amount of spending before a purchase order is needed; directly related to the average amount of basic expenses. The increase would allow for basic maintenance expenses to be covered without the need for a purchase order. This would allow for time to be reallocated away from paperwork to more important needs. Dave Anderson made a motion to raise the purchasing authority amount for the Public Works Director from \$250.00 to \$500.00. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

The Council was updated on the training of the fire force, extrication class and driver operator classes. The truck is working out great. There were 52 calls for the month of March. Of those 39 were EMS calls. The remainder were miscellaneous calls. They will be attending the Touch-A-Truck event in May.

Zack Beaver gave an update on the Police Department. Two members will be starting the Academy and have finished their PT tests. In approximately three to four months, they will have completed the training and be ready to go out on the road.

UNFINISHED/DEFERRED BUSINESS:

OLD BUSINESS:



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

NEW BUSINESS:

- 1. *Recommendation from Sewer Board, Consideration of Pay Application #6, Gibson St. Lift Station, Integral Construction, \$398,523.00, Taft Middle School Infrastructure Project.***
This is a recommendation from the sewer board. The funds were provided to us from the Crown Point Community School Corporation for infrastructure projects related to their middle school construction. Dave Anderson made a motion to Pay Application #6, Gibson St. Lift Station, Integral Construction, \$398,523.00, Taft Middle School Infrastructure Project. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.
- 2. *Recommendation from Sewer Board, Consideration of Letter of Engagement with Barnes & Thornburg, Bond Counsel, Winfield Building Corporation Series 2023 First Mortgage Bonds.***
Nick Bellar explained that this is the financing for the next phase of the wastewater treatment plant expansion. Dave Anderson made a motion to Enter into a Letter of Engagement with Barnes & Thornburg, Bond Counsel, Winfield Building Corporation Series 2023 First Mortgage Bonds. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.
- 3. *Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$297,897.18, for Lifewell Church Phase 1.***
Michael Duffy presented the performance bond recommendation for Lifewell Church Phase 1. Dave Anderson made a motion to Approve the Performance Bond Establishment in the amount of \$297,897.18, for Lifewell Church Phase 1. The motion was seconded by Jon Derwinski. All were in favor. Motion carried 5-0.
- 4. *Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$4,831,435.95, for Aylesworth Phase 3.***
Michael Duffy explained that the performance bond recommendation is only for Phase 3. The lift station and the 109th improvements will come later, on this agenda. This is strictly for the infrastructure for Phase 3. Which is in the amount of \$4,831,435.95. Michael explained the process of creating a punch list that the developer will need to address. Once the items on the punch list are completed. DLZ will go back and verify that everything on the punch list was completed. The development will then be walked three years later when the developer requests to end the performance bond. And anything found at that time will need to be repaired before the performance bond is ended. Dave Anderson made a motion to Approve the Performance Bond Establishment in the amount of \$4,831,435.95, for Aylesworth Phase 3. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

5. *Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$107,730.70, for Aylesworth 109th Ave. Improvements.*

Michael Duffy discussed the roundabout going into that intersection. He also explained that the developer has a certain amount of infrastructure that they need to put in on 109th, as part of the normal subdivision development process. Due to the timing and nature of the subdivision phase and our project, it is best to break out the 109th improvements as a separate bond. This is only their portion of the improvements which include acceleration/deceleration lanes and paving. The recommended amount from the Plan Commission is \$107,730.70. Dave Anderson made a motion to Approve the Performance Bond Establishment in the amount of \$107,730.70, for Aylesworth 109th Ave. Improvements. The motion was seconded by Zack Beaver. To answer Jon Derwinski's questions, Michael Duffy explained this is just for the other entrance off 109th. This will be for the acceleration/deceleration lane for the right-in/right-out area. All were in favor. Motion carried 5-0.

6. *Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$385,000.00, for Aylesworth Phase 3, minor lift station.*

Michael Duffy explained this is a separate performance bond because lift stations have different requirements and are handled differently in Town. The recommended amount from the Plan Commission is \$385,000.00. Dave Anderson made a motion that we approve the Performance Bond Establishment in the amount of \$385,000.00, for Aylesworth Phase 3, minor lift station. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

7. *Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$2,223,895.00, for Grand Ridge Phase 1.*

Michael Duffy brought to the attention of the Council that the amount was wrong. That the correct amount needed to include 10% as per the Town ordinance, which would make the total performance bond establishment amount of \$2,446,284.50. Dave Anderson made a motion to approve the Performance Bond Establishment for Grand Ridge Phase 1. That was recommended by the Planning Commission in the amount of \$2,446,284.50. Also referenced on the memorandum, day-to-day percent of 2023 to Doug Ehens from DLZ. The motion was seconded by Michael Lambert. All were in favor. Motion carried 5-0.

8. *Recommendation from Winfield Plan Commission, Performance Bond Reduction to the amount of \$729,415.50, for Grand Ridge Phase 1.*

Michael Duffy explained the Developers for Grand Ridge; prior to getting their final plat, has started putting the infrastructure in, so they have asked for the reduction, which they're allowed by ordinance. The value of the remaining improvements plus 10% as required by ordinance is



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

\$729,415.50. Dave Anderson made a motion to approve Performance Bond Reduction to the amount of \$729,415.50, for Grand Ridge Phase 1. The motion was seconded by Michael Lambert. All were in favor. Motion carried 5-0.

9. Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$522,500.00, for Grand Ridge Lift Station and offsite sanitary sewer main.

Michael Duffy explained that this subdivision has an actual lift station associated with it, as he described earlier. Because of this it has different performance and bonding requirements. The recommended amount from the Plan Commission is \$522,500. An important point of clarification is that this performance bond is strictly for the lift station. It is not inclusive, the force main is handled through the regular performance bond. That was a mistake on the agenda, but the Bond memo is correct. Dave Anderson made a motion to approve the Performance Bond Establishment in the amount of \$522,500.00, for the Grand Ridge Lift Station. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

10. Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$1,292,049.00, for Estates of Wynbrook Phase 1.

Michael Duffy explained that Estates of Wynbrook Phase 1 is currently installing infrastructure. However, they came in for their final plat so; they need to post their performance bond, which is \$1,292,049.00 as recommended by the Plan Commission and by DLZ. Dave Anderson abstained from this vote. Zack Beaver made a motion to Accept the Recommendation from Winfield Plan Commission, Performance Bond Establishment in the amount of \$1,292,049.00, for Estates of Wynbrook Phase 1. The motion was seconded by Jon Derwinski. Motion carried 4-0 with 1 abstention.

11. Consideration of Ordinance 347, Amending Town Replacement Zoning Map Ordinance No. 208-C, Wyndance Springs PDR.

Ken Thieneman from Thieneman Construction, representing Wyndance Springs went over the re-submitted final stormwater management plans dated April 21, 2023, and re-submitted final engineering plans dated April 21, 2023, that were presented to the Plan Commission. The SWPPP and Town Checklist were revised on April 25, 2023. And the response letter addressing DLZ's concern letter of March 17, 2023. The road in the development has been re-designed. The number of units was reduced from 50 to 48, increasing the number of parking spots in the development. They worked with engineering on elevations, over-flows, the retention pond, sanitation and inlets and outlets. They have met with the Fire Department regarding their recommendations. Along with their concerns of fire truck accessibility, parking in the development and size and types of



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

trees in the right of way. They also adjusted the development signage and gazebo. He pointed out the additions of curbing and a sidewalk along 109th. He also explained the plan for a pre-construction video along with a temporary construction entrance off of 109th. He is here requesting a zone change from PDR to PDR. They also discussed the traffic study that was completed as per ordinance. Dave Anderson made a motion to Adopt Ordinance 347, Amending Town Replacement Zoning Map Ordinance No. 208-C, Wyndance Springs PDR. The motion was seconded by Michael Lambert. Tim Clayton, yes; Dave Anderson, yes; Michael Lambert, yes; Jon Derwinski, yes; Zack Beaver, no. Motion carried 4-1.

12. Consideration of Ordinance 348, Amending Chapter 71 of the Winfield Code Governing Traffic Rules for the Town of Winfield, Establishing Regulations Regarding Compression Release Engine Braking.

Nick Bellar explained that this is a request that was received. The Town has received a number of complaints from residents along 109th Ave. He worked with Attorney's Austgen Office on creation of this. There is also a Violation Fee Schedule included for the specific violation of compression braking. This Ordinance will make this a violation of the Town Code. And it allows signs to be posted in town. Dave Anderson made a motion to Approve Ordinance 348, Amending Chapter 71 of the Winfield Code Governing Traffic Rules for the Town of Winfield, Establishing Regulations Regarding Compression Release Engine Braking, in title only. The motion was seconded by Michael Lambert. All were in favor. Motion carried 5-0.

Dave Anderson made a motion to suspend the rules to hear this on second reading. Ordinance 348, Amending Chapter 71 of the Winfield Code Governing Traffic Rules for the Town of Winfield, Establishing Regulations Regarding Compression Release Engine Braking, in title only. Nick Bellar conducted roll call: Tim Clayton, yes, Dave Anderson, yes, Jon Derwinski, yes, Zack Beaver, yes, and Michael Lambert, yes.

Dave Anderson made a motion to Adopt Ordinance 348, Amending Chapter 71 of the Winfield Code Governing Traffic Rules for the Town of Winfield, Establishing Regulations Regarding Compression Release Engine Braking. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

13. Consideration of Ordinance 349, Amending Chapter 155 Subdivision Control, Regarding the Regulation of Flag Lots.

Nick Bellar explained that this is a recommendation from the Plan Commission on the creation of flag lots in Town. Dave Anderson made a motion to Approve Ordinance 349, in title only, Amending Chapter 155 Subdivision Control, Regarding the Regulation of Flag Lots. Tim Clayton



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

seconded the motion. Dave Anderson; yes, Tim Clayton, yes; Jon Derwinski, no; Zack Beaver, no; Michael Lambert, no. Motion failed 2-3.

Dave Anderson made a motion to place Consideration of Ordinance 349, Amending Chapter 155 Subdivision Control, Regarding the Regulation of Flag Lots on the next agenda for work study. Zack Beaver seconded the motion. All were in favor. Motion carried 5-0.

14. Consideration of Ordinance 350, Amending Chapter 156 Zoning, Regarding Outdoor Lighting Standards.

Nick Bellar explained that this is a cleanup ordinance for the outdoor lighting standards regarding architectural lighting in town. The Town has had a dark skies policy for a very long time. This removes uplighting for architectural reasons. There are other provisions in the code for certain types of light, for example flags. This is strictly for architectural lighting. Dave Anderson made a motion to Adopt Ordinance 350; in title only, Amending Chapter 156 Zoning, Regarding Outdoor Lighting Standards. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

15. Consideration of Ordinance 351, Amending Chapter 156 Zoning, Regarding the Regulation of Hobby Farms.

This is a recommendation from the Planning Commission. It's a cleanup ordinance, but it also reduces the total amount of chickens that a hobby farm can have. Michael Lambert made a motion to defer this matter for work study. The motion was seconded Zack Beaver. Michael Lambert, yes; Zack Beaver, yes; Jon Derwinski, yes; Dave Anderson, abstention. Motion carried 4-0-1.

16. Consideration of Ordinance 352, Amending Chapter 156 Zoning, Appendix A: District Use Table.

This is also a recommendation from the Plan Commission, after reviewing the district use table to see if it complies with the Community Character along with the preservation of commercial space. The Plan Commission is recommending amending Chapter 156 Zoning, removing the hurdle for developers, developing restaurants with bars, making a restaurant with a bar permitted use in C-3. This removes the special exception from the Board of Zoning Appeals to develop a restaurant with a bar in the C-3 area. This also included removing nursing homes from the commercial classification. Nursing homes are permitted in residential districts with a special exception from the Board of Zoning Appeals. Nursing Homes are often tax exempt and are also noncontributing to the TIF district. Dave Anderson made motion to adopt Ordinance 352, Amending Chapter 156



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 25, 2023

Zoning, Appendix A: District Use Table. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

17. Consideration of Acceptance of Right-Of-Way Easement on Randolph Street for Clover Grove Passing Blister.

This is the final piece of the right-of-way easement that we need for the Clover Grove passing blister. This will be a passing blister on the east side of Randolph St. Dave Anderson made a motion to Accept the of Right-Of-Way Easement on Randolph Street for Clover Grove Passing Blister. The motion was seconded by Zack Beaver. All were in favor. Motion carried 5-0.

TREASURER’S REPORT

Nick Bellar presented the Treasurer’s Report through the end of February with a set of routine claims in the amount of \$1,195,579.64. Dave Anderson made a motion to approve the claims in the amount of \$1,195,579.64. The motion was seconded by Jon Derwinski. All were in favor. The motion carried 5-0.

FUTURE MEETINGS:

- Plan Commission – Thursday, April 27, 2023, at 6:00 PM
- Storm Water Board – Tuesday, May 9, 2023, at 6:30 PM
- Redevelopment Commission – Tuesday, May 9, 2023, at 6:45 PM
- Town Council – Tuesday, May 9, 2023, at 7:00 PM
- Board of Zoning Appeals – Thursday, May 11, 2023, at 5:30 PM
- Plan Commission – Thursday, May 11, 2023, at 6:00 PM
- Sewer Board – Tuesday, May 23, 2023, at 6:30 PM
- Town Council – Tuesday, May 23, 2023, at 7:00 PM
- Plan Commission – Thursday, May 25, 2023, at 6:00 PM

ADJOURNMENT:

Dave Anderson made a motion to adjourn the meeting. Zack Beaver seconded the motion. All were in favor, the motion carried 5-0. The meeting was adjourned at 8:54 p.m.

Tim Clayton
Town Council President

Richard C. Anderson Jr.
Clerk-Treasurer

Date of Approval

Pamela Spengler
Recording Secretary