



# WINFIELD PLAN COMMISSION MEETING MINUTES FEBRUARY 13, 2020 @ 6:00PM

The Winfield Plan Commission held a meeting on Thursday, February 13, 2020 at the Winfield Town Hall at approximately 6:00 p.m. Those present: Tim Clayton, Dave Anderson, Alex Nickla, Gerald Stiener, Jim Hajek, and Mark Nelson. Joe Gacsy was absent. Also present: Town Attorney, Ryan Deutmeyer, Town Administrator Nick Bellar; and Mike Duffy, Town Engineer.

## ORGANIZATIONAL SESSION:

**Appointment of:** **President** – Gerald Stiener nominated Tim Clayton for President. Jim Hajek seconded the motion, the motion carried with all in favor 6-0.

**Vice President** – Dave Anderson nominated Mark Nelson for Vice President. Gerald Stiener seconded the motion, the motion carried with all in favor 6-0.

**Secretary** – Dave Anderson nominated Alex Nickla as Secretary. Jim Hajek seconded the motion, the motion carried with all in favor 6-0.

**Attorney** – Gerald Stiener made the motion to retain Attorney Ryan Deutmeyer of Austgen Kuiper Jasaitis P.C. Mark Nelson seconded the motion, the motion carried with all in favor 6-0.

## MINUTES: December 12, 2019

Dave Anderson made the motion to accept the minutes from December 12, 2019. Jim Hajek seconded the motion. Gerald Stiener asked if legal reviewed these minutes. Attorney Deutmeyer stated they did. The motion carried with all in favor 6-0.

## OLD BUSINESS:

### **1. Recommendation to the Town Council: Performance Bond release and Maintenance Bond amount for Wyndance Phase 3.**

Nick Bellar stated there is no update from the last meeting in which this was deferred. Mr. Thieneman informed Nick that he would not be at tonight's meeting but he may send legal representation instead. There was no one present representing Mr. Thieneman at this meeting. Nick reviewed that the issue is that Phase 3 of Wyndance has a park site, at the time of approval as reflected in the minutes, there was much discussion about this park. Nick has highlighted the discussion from the minutes that the Plan Commission has reviewed. Dave Anderson said Mr. Thieneman stated the POA is supposed to put in the park. Gerald Stiener said at the last meeting Mr. Thieneman asked for a written legal opinion, and asked if that was ever issued. Attorney Deutmeyer stated he discussed this with Nick and Attorney David Austgen and Attorney Austgen's opinion was that if Mr. Thieneman wants a written opinion he can be provided with the approved minutes from the meeting. Attorney Deutmeyer stated if Mr. Thieneman asks for more, they will submit a letter that refers back to their opinion in the meeting minutes. Jim Hajek asked if they are able to base their decision more by the discussions in the past minutes than what is on the plat. Attorney Deutmeyer stated that is correct, that is the representation that was presented at the time. Dave Anderson made the motion to defer taking action on recommendation to the Town Council for Performance and Maintenance Bond amount for Wyndance Phase 3. Gerald Stiener seconded the motion. Gerald asked if it should be removed from the agenda. Attorney Deutmeyer advised it should be left on for now as Mr. Thieneman did make the comment at the previous meeting that he was having surgery. Nick stated he was to be out for surgery last month and he spoke with Mr. Thieneman via email and was told them he would not be present but legal representation might be able to make it. The Commission agreed to give Mr. Thieneman one more month to attend a meeting before removing this item from the agenda. After no further discussion the motion carried with all in favor 6-0.

## NEW BUSINESS:

### **1. Recommendation to the Town Council: Performance Bond reduction for Latitude Phase 1.**

Mike Duffy stated Latitude still has to surface pave the entire phase and do their road improvement to 117<sup>th</sup> Avenue; they cannot go below the 30% threshold. He also explained Latitude had a separate bond just for their offsite work for the water main. The water main has been checked off on by Indiana American Water. Since the town does not maintain the water lines, he recommended the Commission also release that separate bond in its entirety. Mike stated the Performance Bond reduction for Phase 1 is \$493,334.41. Mark Nelson asked if that was including the water main amount. Mike said it is a separate amount of \$234,742 for the water main.

Mark Nelson asked if it should be a separate recommendation. Clerk-Treasurer Rick Anderson, was present and stated it should be a separate recommendation, both items have to go through the Town Council. Gerald asked about the offsite roadwork they still have to do. Mike explained this is only for the water main, the road work is contained within the Performance Bond for the subdivision. Jim Hajek made the motion to send a favorable recommendation to the Town Council for the Performance Bond reduction for Latitude Phase 1 in the amount of \$493,334.41. Mark Nelson seconded the motion, the motion carried with all in favor 6-0. Jim Hajek made the motion to send a favorable recommendation to the Town Council to release the Performance Bond for the offsite work regarding the water main in its entirety. Mark Nelson seconded the motion, the motion carried with all in favor 6-0.

**STAFF REPORT/ATTORNEY REPORT**

Nick Bellar did not have anything further to report.

With no further business before the Commission, Jim Hajek made a motion to adjourn, seconded by Mark Nelson, passed by voice vote 6-0.

**ADJOURNMENT:** 6:16 pm

Attest:

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Plan Commission President

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Plan Commission Secretary

Transcriber: Kim Wachowski  
Administrative Assistant

