



**MINUTES**  
**Winfield Town Council Meeting**  
**Meeting date: Tuesday, August 25th, 2020**

**Call to Order:** A meeting of the Winfield Town Council was held at the Winfield Government Center, 10645 Randolph Street, Winfield, Indiana on August 25th, 2020. The meeting convened at 6:31 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

**Members not in attendance:**

**Also in attendance:** Rick Anderson, Clerk-Treasurer; Attorney David Austgen from Austgen Kuiper Jasaitis P.C.; Nick Bellar, Town Administrator/Planning and Zoning Administrator; Mike Duffy, Town Engineer; Anthony Clark, Public Works Director; Dan Ball, Town Marshal; and Jeff Kish, LOFS Fire Force

**APPROVAL OF MINUTES:**

Gerald Stiener entertained a motion to approve the minutes of the Town Council Executive Sessions of July 28, 2020, and August 11, 2020 and regular Town Council Meetings of July 28, 2020, and August 11, 2020. Dave Anderson made the motion to approve the minutes, Tim Clayton seconded the motion. The minutes were approved as presented by a vote of 5-0.

**STAFF REPORTS:**

- Nick Bellar reported recent BZA and Plan Commission items are on the agenda for tonight. He has been working on getting the Park Impact Fee Update Study underway and the Storm Water Board is currently reviewing the Storm Water Master Plan update proposal. Single family permits are up from last year, and on miscellaneous permits they are nearly double from last year.
- Anthony Clark, Public Works Director, reported they started cleaning the storm water inlets in Hidden Creek, they have about 18 done. They are still cleaning up from the last big rain storm which has pushed back some of their work but they should be back to it next week. Gerald Stiener asked if they are getting ready for snow, Tony said they are.
- Town Marshal, Dan Ball, submitted his monthly stats in writing. Dan noted the past month was quiet. School started this past week with a hybrid schedule. He has been working with them on traffic. They had some personnel changes recently in the department but otherwise no other major news.
- Jeff Kish, LOFS Fire Chief, stated they have been very busy in the last month. They had 124 calls for July.

**PUBLIC COMMENTS (Agenda Items):**



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**CITIZEN REQUESTING PLACEMENT ON AGENDA (Non-related to the Agenda):**

***Robert Kovacich, 8341 Doubletree Dr. N., Neighbor's air conditioner causing noise/vibration disturbance in his home.***

Mr. Kovacich stated he was here last year about an air conditioner his neighbor installed that is vibrating the walls and windows of his house making it unlivable. He leaves his house from 8-10 hours a day to get away from the noise. He was told last year by the Town this was a civil matter but he said it is a violation of the town's nuisance and noise ordinance. He said last year it was the end of the year and a lot of "he said, she said" going on and the Town called it a civil matter which he does not agree with. This year he had a report done by a sound engineer to do a sound analysis of the air conditioner. He provided a copy of this report to the town. Based on this report he contends that the air conditioner is in violation of the town ordinance and the Lake County ordinance. Randy, the Code Enforcement Officer for the town, stated he cannot do anything unless directed by the Town Council. He is here tonight for the Town to do something about it. He knows the air conditioner was not properly installed in the correct location. He is not referring to the outside noise of the air conditioner, that is tolerable, but there is a hum in every room of his house and that is why he demands the town enforce the ordinance based on this report. Gerald Stiener stated this is the first time he has reviewed this report and would defer to legal counsel for their review. They will then discuss it with Code Enforcement and see if there is any action they can take. Mr. Kovacich asked if he will be contacted later. Gerald said Nick Bellar will reach out to him once they hear back from Attorney Austgen. Mr. Kovacich asked who will be responsible for the cost of the repair to the air conditioner or testing that will need to be done, his test cost \$2,000 and a health and safety test still needs to be done. He stated he offered to pay for the repair of the air conditioner to his neighbor and his neighbor said no. Attorney Austgen asked Mr. Kovacich if he has filed a law suit. Mr. Kovacich said no; last year it was the end of the season and he did not have a report. Attorney Austgen asked now that he does have a report, has he hired an attorney to try to take care of this himself. Mr. Kovacich said he hasn't he is trying to save himself and the town money. Attorney Austgen stated he is not saving the town any money. Mr. Kovacich said he is taking this step by step. He doesn't understand why he needs an attorney when the town can enforce the ordinance. Attorney Austgen explained if he has a private grievance, he has a right to enforce the ordinance himself. Mr. Kovacich said he understands it is a private grievance but it is also a violation of the Town ordinances. Attorney Austgen stated that is a discretionary call by the town and they will get back to the Town Council on that. He would like to avoid getting an Attorney for a simple matter but will if he has to. He has proof now it is his neighbor's responsibility; his home is unlivable and this is not a minor complaint. Gerald stated they will get back to him

**UNFINISHED/DEFERRED BUSINESS:**

- 1. Consideration of Pay Application #4, Gough, Inc. Randolph Street Park Project, Retainage \$28,716.03.***

Rick Anderson stated they are currently holding retainage on the new pavilion. Mike Duffy stated they poured the new concrete; they still have to strip the forms and fill in the area around it with dirt. Mike recommended they defer to the next meeting. Dave Anderson made the motion to defer Pay Application #4. Jon Derwinski seconded the motion, the motion carried with all in favor 5-0.



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**2. Consideration of Resolution 2020-12, Sick Day Benefit.**

Rick Anderson stated this a follow up from the last meeting, this allows one sick day per month for a full-time employee to not exceed 36 days total. At the last meeting they discussed including something for the part-time employees. Here he has included language that will allow part-time employees to be credited with an average fractional day in the month the work occurred to be awarded at the end of each month. Gerald Stiener asked if Tim Clayton had reviewed this. Tim stated he did and he is good with it. He spoke with some of the part-time employees; it is good to offer this benefit to continue to retain quality employees. Tim Clayton made the motion to approve Resolution 2020-12, Sick Day Pay Benefit to Town Employees. Dave Anderson seconded the motion, the motion carried with all in favor 5-0.

**3. Consideration of Ordinance 229-C, Amendment to the EMS rates used by LOFS Fire Department.**

Nick Bellar stated he worked on this update to the EMS rates with Kevin Heerema of the LOFS Fire Department. They review and update this every year. Tim Clayton made the motion to approve Ordinance 229-C, Amendment to the EMS rates used by the LOFS Fire Department, in title only on first reading. Zack Beaver seconded the motion, the motion carried with all in favor 5-0. Tim Clayton made the motion to suspend the rules and hear Ordinance 229-C on second reading. Dave Anderson seconded the motion, Rick Anderson conducted a roll call vote; Dave Anderson, yes; Tim Clayton, yes; Jon Derwinski, yes; Zack Beaver, yes; Gerald Stiener, yes. Tim Clayton made the motion to adopt Ordinance 229-C, Amendment to the EMS rates used by the LOFS Fire Department. Zack Beaver seconded the motion, the motion carried with all in favor 5-0.

**AMENDED AGENDA ITEM**

Gerald Stiener entertained a motion to amend the agenda to add New Business item number 6, Ordinance 302-C. Dave Anderson made the motion to amend the agenda. Jon Derwinski seconded the motion, the motion carried will all in favor 5-0.

**NEW BUSINESS:**

**1. Consideration of Favorable Recommendation from Plan Commission for Zone Change from AG to AG-B with Special Conditions – Ordinance 306.**

Nick Bellar explained this is for a dog kennel use project that requires a rezone from AG to AG-B, it is not a commercial zoning. At the Plan Commission the motion also included a special condition of if this kennel ceases to exist, the property will revert back to AG; this was agreed on by the Petitioner. Attorney Austgen further clarified, if the ownership or transfer of the property were to occur with the same use this reversion would occur, based on the minutes of the Plan Commission meeting. Kenneth York, petitioner for the dog kennel was present and asked if that included him. Attorney Austgen said yes, he is on the Petition application as an original owner/petitioner. Tim Clayton made the motion to approve Ordinance 306, an Ordinance amending the Town of Winfield Zoning Map in title only on first reading. Dave Anderson seconded the motion, the motion carried with all in favor 5-0. Dave Anderson made the motion to suspend the rules and hear Ordinance 306 on second reading. Zack Beaver seconded the motion. Rick Anderson conducted a roll call vote; Dave Anderson, yes; Tim Clayton, yes; Jon Derwinski, yes; Zack Beaver, yes; Gerald Stiener, yes. Tim Clayton made the motion to adopt Ordinance 306, an Ordinance



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amending the Town of Winfield Zoning Map in title only on second reading. Zack Beaver seconded the motion, the motion carried with all in favor 5-0.

**2. Consideration of Favorable Recommendation from BZA for Project One Addition Special Exception.**

Nick Bellar stated according to the zoning code, to have a dog kennel you have to apply for a special exception with a parcel of AG-B zoning. They went through the special exception process with the BZA and received a Favorable Recommendation. Dave Anderson made the motion to accept the favorable recommendation from the BZA. Zack Beaver seconded the motion, the motion carried with all in favor 5-0.

**3. Consideration of Recommendation from Plan Commission for Release of Performance Bond for Providence at Stonegate Phase 4 and Establishing the Maintenance Bond Amount of \$141,350.03.**

Rick Anderson stated this was recommended by the Plan Commission and Mike Duffy. Tim Clayton made the motion to release the Performance Bond for Providence at Stonegate Phase 4 and establish the Maintenance Bond in the amount of \$141,350.03. Dave Anderson seconded the motion, the motion carried with all in favor 5-0.

**4. Consideration of Recommendation from Plan Commission for Providence at Stonegate Phase 4 Off site in the amount of \$166,339.25**

Mike Duffy reviewed the developer requested to break the offsite work from the rest of the Phase 4 performance bond due to delays with utility companies during the pandemic, but the Plan Commission and the Town Council agreed to it. Rick Anderson stated they have done this in the past for similar situations. Dave Anderson made the motion to accept the recommendation from the Plan Commission for Providence at Stonegate Phase 4 offsite work in the amount of \$166,339.25. Jon Derwinski seconded the motion, the motion carried with all in favor 5-0.

**5. Consideration of Entering into Agreement with Insperty Business Services to Provide Cloud Based Timestar Timekeeping System.**

Rick Anderson explained they are currently using a time clock system that works with their current payroll system that works very well for those in the office with a desktop computer but they have a number of employees that work outside of the office that do not have access. They spent a significant amount of time trying to get a tablet system to work off site but it was not working out. They did receive a full refund for what the town expended on that. He looked into other time clock systems and found this new system that will integrate with their current payroll software. This is a cloud-based system, the annual cost will be \$1,900 and track paid time off and sick time. They were able to view an online training for it and see the system live at the Town of Schererville which have used it for a number of years. Tim Clayton asked if this will work with the part-timers and snow plow drivers. Rick stated it will, everyone will have their own login and password. They can upgrade to biometrics in the future if they wish to as well for an additional cost. Zack Beaver asked if there was net to the town for using this. Rick answered with the current system they mostly just paid for the software; this system will be a bit more expensive but it's a far more beneficial system with all the information it can track. Their biggest issue was tracking seasonal



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snow plow drivers with the old system, it did not improve the way they tracked their hours from before. Tim Clayton made the motion to enter into an agreement with Insperity Business Services to provide cloud based Timestar Timekeeping System. Dave Anderson seconded the motion, the motion carried with all in favor 5-0.

**6. Amended Agenda Item, Ordinance 302-C.**

Attorney Austgen stated this was drafted at their request for employment on a part-time basis for Sue Haase on a salary non-exempt basis. The amount is to not exceed more than \$100 an hour. This is to assist the staff in preparation of budget and understanding municipal financing. Gerald Stiener stated they have a lot of financing going on and it will help to have someone to keep them on top of everything. Dave Anderson made the motion to approve Ordinance 302-C, an ordinance amending the 2020 Salary Ordinance in title only on first reading. Tim Clayton seconded the motion, the motion carried with all in favor 5-0. Tim Clayton made the motion to suspend the rules and hear Ordinance 302-C on second reading, Dave Anderson seconded the motion. Rick Anderson conducted a roll call vote; Dave Anderson, yes; Tim Clayton, yes; Jon Derwinski, yes; Zack Beaver, yes; Gerald Stiener, yes. Dave Anderson made the motion to adopt Ordinance 302-C, an ordinance amending the 2020 Salary Ordinance in title only on second reading. Tim Clayton seconded the motion, the motion carried with all in favor 5-0.

**TREASURERS REPORT:**

Rick Anderson presented the Treasurer’s Report through July 31, 2020 and routine claims-to-date in the amount of \$318,489.75. Gerald Stiener entertained a motion to pay the claims. Tim Clayton made a motion to pay the claims in the amount of \$318,489.75. Dave Anderson seconded the motion. After no further discussion the motion carried with all in favor 5-0.

**ANNOUNCEMENTS:** Gerald Stiener noted the upcoming meetings.

**ADJOURNMENT:**

Gerald Stiener entertained a motion to adjourn the meeting. 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 7:03 p.m.

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Gerald Stiener  
Town Council President

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Richard C. Anderson, Jr.  
Clerk-Treasurer

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Kim Wachowski  
Recording Secretary

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