



MINUTES
Winfield Town Council Meeting
Meeting date: Tuesday, April 24th, 2018

Call to Order: A meeting of the Winfield Town Council was held at the Winfield Government Center, 10645 Randolph Street, Winfield, Indiana on April 24th, 2018. The meeting convened at 6:32 PM. The Pledge of Allegiance was recited.

Rick Anderson conducted roll call:

Members in attendance: Gerald Stiener, Jim Simmons, and Bridget Baird.

Members not in attendance: Tim Clayton and Dave Anderson

Also in attendance: Attorney Ryan Deutmeyer from Austgen Kuiper Jasaitis P.C.; Rick Anderson, Clerk-Treasurer; Nick Bellar, Town Administrator/Planning and Zoning Administrator; Mike Duffy, Town Engineer; Dan Ball, Town Marshal; Mitch Floyd, Street Department Supervisor; Bob Greaney, LOFS Fire Department Representative; Kim Wachowski, Office and Events Coordinator.

APPROVAL OF MINUTES:

Gerald Stiener entertained a motion to approve the minutes of the Joint Sewer Board and Town Council Executive Session of March 27th, 2018, and Regular Town Council Meeting Minutes of March 27th, 2018. Jim Simmons made the motion to approve the minutes, Bridget Baird seconded the motion. The minutes were approved as presented by a vote of 3-0.

SPECIAL ACTION:

Oath of Office for Deputy Brock Moore.

Rick Anderson administered the Oath of Office to the Town's third full-time Deputy, Brock Moore. Town Marshal, Dan Ball, then presented Brock with his deputy badge and welcomed him officially to the Town.

CORRESPONDENCE:

Dr. Teresa Eineman, Superintendent of Crown Point Community Schools, Operating Levy Referendum.

Earlier in the week Dr. Eineman provided the Town Council with an informative packet on the Operating Levy Referendum for Crown Point Community Schools that is currently on this year's election ballot. She is here tonight to go over that information and explain the positive impact this levy has had for the school system and present the advances and achievements the school has been able to make since this referendum passed seven years ago. Dr. Eineman spoke on her background and her time here as a resident of the Town of Winfield. She explained that when a property tax cap was implemented after the recession which impacted school funding, the Indiana Governor allowed an Operating Levy Referendum to be placed on the ballot to assist in school funding. The amount at that time was \$.21 and it has remained the same for this renewal. They are not seeking additional funding and this allows the school to continue to operate at the average range of funding. The first time this referendum was proposed it was well received and supported by many of the local organizations. The amount of \$.21 is one of the lowest operating levy amounts in Lake County. Dr. Eineman stated these funds go towards the employment of over 70 teachers throughout their school system, extra-curricular activities, and registered nurses for each school. Dr. Eineman stated Crown Point Community Schools have become one of the highest ranking in the County and because of that they receive the lowest amount of funding. She stressed that quality schools play a large roll in property values in the area and draw new home owners into the area. They are dedicated to continuing to provide a quality school system to the families of this area. Jim Simmons asked if there was



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a new projection of funds with the growth in the area. Dr. Eineman stated yes, they are reviewed every year and this is how they make their projections. She stated that with their current projections they should be prepared for the next seven years. Jim stated he only just recently heard about this referendum, were they planning on sending any notice to residents in the area before election day to also make them aware of this and encourage their support. Dr. Eineman stated that is what they are in the process of doing now with a 14 day marketing campaign and personal visits to various boards and organizations in the area.

STAFF REPORTS:

- Nick Bellar stated the Plan Commission has been busy, they will be addressing some recent recommendations for Stonegate and Deer Creek subdivision on the agenda tonight. McDonald's and Wiseway will be undergoing extensive remodels. He is also monitoring the sewer project and the park project is starting back up, the contractor has remobilized.
- Dan Ball gave a verbal report on the stats for the end of March. There was an increase in traffic stops due to a grant program for part-time officers.
- Mitch Floyd stated the Street Department will start branch chipping up again tomorrow and they will be mowing later this week.
- Bob Greaney, representative from the LOFS Fire Department, reported on the new Fire Chief, Jason Gikas. The pump tanker that the Town assisted with refurbishing should be completed in May. They would like to meet with the Town on a new contract for the Fire Department soon. Gerald Stiener said they will be able to meet with them once their consultant is back from vacation. Bob then presented the monthly stats report.

PUBLIC COMMENTS (Agenda Items): None

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

Robert Shane Brazeal, 11260 State Street, Occupancy Permit Granted to Phillippe Builders incorrectly for 11260 State St. per pending approval from Lake County Drainage Board.

Mr. Brazeal explained the history of his relationship with Phillippe Builders who built his home on a 5-acre lot he purchased on State Street in 2016. The home permit application was approved and issued by the Town. During construction Lake County issued a cease and desist letter for the work as it impacted a Lake County regulated drain. Lake County was in contact with Phillippe Builders and lifted the cease and desist when Phillippe was to file for approval from Lake County. Mr. Brazeal was not a part of this conversation or notified at the time. He received his certificate of occupancy in November of 2016. This issue over the drainage ditch was not properly resolved by Phillippe, he did not find out about this until July of 2017 when Lake County came out again at the request of his neighbor Terry Willie. Now Phillippe is trying to get him to pay for the cost to fix the problem, he believes Phillippe was supposed to cover the cost and is taking legal action against them. He believes the Town should not have issued the certificate of occupancy when the drain was not approved. He understands that the drain is not Winfield's jurisdiction but states that other neighboring communities such as Crown Point have it in their Ordinances to work with the County on similar matters. He is asking the Town to adopt a code like this to prevent this from



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happening again. He would also like the Town to revoke Phillippe's license with the Town for selling him a house that was not up to code. Gerald Stiener asked if the house is not up to code. Mr. Brazeal stated the drain is a temporary drain that Lake County could rip out if they wanted to at any time and charge him for the cost. Gerald asked if the building itself is up to code. Mr. Brazeal stated it might be but the lot is not up to code. Gerald stated they can look into possibly revising their codes to prevent this in the future but the drain is Lake County's there is nothing the Town can do about it. Mr. Brazeal read a Crown Point ordinance that requires the City to be involved on any project that impacts a County owned property. He feels that because of the gap in the Town's Ordinances, the Town should own up to this issue. Jim Simmons asked if that Crown Point Ordinance was apart of their building department or storm water plan, it does make a difference; if it is not included in their building department for inspections it is not enforced any differently than the Town of Winfield. Mr. Brazeal stated he did not know, he's asking the Town to look into that. Jim explained that if it is in Lake County's ordinances it is their property, jurisdiction, and surveyor that are responsible. The Town is not as established as other communities in Lake County, they are continually working on revising and updating the Town Codes but they have not covered everything yet. In some cases, it takes an issue like this to enact a revision or new ordinance to make sure this does not happen in the future. Jim Simmons stated they cannot just revoke Phillippe's license over this instance as it does not involve the actual home, it would most likely not be justifiable legally. Gerald asked Nick if Lake County has contacted him about the issue. Nick said he did reach out to them again recently but has not heard back; he has not spoken with them since the original cease and desist order. Gerald stated they can definitely review and redefine the Town polices but they do not have jurisdiction over regulated Lake County drains.

Terry Willie, 11188 State Street, also spoke on the issue as he was the one to contact Lake County and the Town over this issue and other issues involving Graper Ditch. He believes the Town has a moral obligation to get involved. He explained past issues with other neighbors affecting the ditch and affecting drainage for everyone in the area. He brought up another resident who was issued a home permit in the area that required a driveway over Graper Ditch knowing Lake County controls the ditch and has caused more damage and problems to the area. He would like the Town to review the codes that could have prevented those issues related to that property. Mr. Willie stated there is a lack of provisions for those who do not live in subdivisions. He also stated the Town needs to change the distance policy for public notices on zone changes. There have been three zone changes on State Street and he was only notified for one, yet he is still impacted by all the changes that were made. Gerald stated they are valid points and asked Nick Bellar and Mike Duffy to look into making some changes.

UNFINISHED/DEFERRED BUSINESS:

1. *Update on Randolph Street Park Project.*

Mike Duffy stated Grimmer has remobilized at the park. They will be doing preliminary work to prepare for paving the parking lot and installing drains under the ponds.

2. *Update on Doubletree East Sewer Project.*

Mike Duffy stated they are moving along.



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3. Discussion of 2018 Roadway Improvements, Community Crossings and Additional Projects.

Rick Anderson reported they received the funds for the Community Crossings Grant for the repaving on Randolph Street, 101st Avenue to 129th Avenue. Walsh and Kelly is still under contract for the work. He has remaining funds for a small roadway project. He suggested possibly doing a small older subdivision road or possibly the small part of road around the bridge on 109th Avenue east of Colorado Street. Rick would just like to get started before running into school conflicts in the fall. A discussion is had on if that area around the bridge could be worked on by the Town and how much of the road is owned by Lake County, Mike said he will check on that. Jim stated they could submit project ideas to Mike and he can check with Walsh and Kelly on what would fall within budget. A discussion is had on the park, Rick reminded the Council the CDBG funds can only be used on an existing park, so they will have to wait until spring of next year for phase 2.

NEW BUSINESS:

1. Ordinance 280-A, Amendment to 2018 Salary Ordinance, for Non-Elected Employees.

Rick Anderson stated this is to include the third Town Deputy Marshal to the Ordinance. Jim Simmons made the motion to approve Ordinance 280-A in title only and read the entire title. Bridget Baird seconded the motion, the motion carried with all in favor 3-0. Jim Simmons made the motion to suspend the rules and hear Ordinance 280-A on second reading. Bridget Baird seconded the motion, Rick Anderson conducted a roll call vote. Bridget Baird, yes; Jim Simmons, yes; Gerald Stierer, yes. Bridget Baird made the motion to adopt Ordinance 280-A in title only on second reading. Jim Simmons seconded the motion, the motion carried with all in favor 3-0.

2. Recommendation from Plan Commission, Performance Bond Deer Creek Phase 2, \$413,369.29.

Mike Duffy stated this was approved last night by the Plan Commission. He reminded the Council that this was a phase that was approved awhile ago but was never built on, it has now been taken over by a new development company. Jim Simmons made the motion to accept the recommendation from the Plan Commission for the Deer Creek Phase 2 Performance Bond in the amount of \$413,369.29. Bridget Baird seconded the motion, the motion carried with all in favor 3-0.

3. Recommendation from Plan Commission, Performance Bond Deer Creek Phase 3, \$1,138,006.76.

Mike Duffy stated this was also just approved last night by the Plan Commission. Gerald Stierer asked if this completes the entire subdivision. Mike said it does not include 14 possible lots. Nick Bellar explained there is a potential phase 4 but it would require a bridge to be built for access and is unlikely to be developed any time soon. Jim Simmons made the motion to accept the recommendation from the Plan Commission for the Deer Creek Phase 3 Performance Bond in the amount \$1,138,006.76. Bridget Baird seconded the motion, the motion carried with all in favor 3-0.

4. Recommendation from Plan Commission, Docket PC 2018-1, Zone Change, Providence at Stonegate, Ordinance 208-A.

Nick Bellar explained this is a result of a replatting for Providence at Stonegate due to a wet land reserve, they had to shift a road over and lost 8 lots. Jim Simmons made the motion to approve Ordinance 208-A in title only on first reading and proceeded to read the entire title. Bridget Baird seconded the motion, the



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motion carried with all in favor 3-0. Bridget Baird made the motion to suspend the rules and hear Ordinance 208-A on second reading, Jim Simmons seconded the motion. Rick Anderson conducted a roll call vote; Bridget Baird, yes; Jim Simmons, yes; Gerald Stienen, yes. Jim Simmons made the motion to adopt Ordinance 208-A on second reading in title only. Bridget Baird seconded the motion, the motion carried with all in favor 3-0.

TREASURERS REPORT:

Rick presented the Treasurer’s Report through April 30th, 2018 and routine claims-to-date in the amount of \$232,998.78 and noted the unusual claims. Gerald Stienen entertained a motion to pay the claims. Jim Simmons made a motion to pay the claims in the amount of \$232,998.78. Bridget Baird seconded the motion, the motion carried with all in favor 3-0.

ANNOUNCEMENTS: Gerald Stienen noted the various upcoming meetings.

ADJOURNMENT:

Gerald Stienen entertained a motion to adjourn the meeting. Bridget Baird made a motion to adjourn and it was seconded by Jim Simmons. All were in favor, the motion carried 3-0. The meeting adjourned at 7:29 p.m.

 Gerald Stienen
 Town Council President

 Richard C. Anderson, Jr.
 Clerk-Treasurer

 Kim Wachowski
 Recording Secretary

Date of Approval _____