

WESTFIELD PUBLIC WORKS



ACTING TOWN MANAGER/
DIRECTOR OF PUBLIC WORKS
BRUCE A. HAUK

TOWN COUNCIL
ANDREW COOK
JOHN DIPPEL
JACK HART
ROBERT HORKAY
JOSEPH PLANKIS
ROBERT J. SMITH
RONALD W. THOMAS

CLERK-TREASURER
CINDY J. GOSSARD

Memorandum

To: Westfield Town Council
From: Kurt J. Wanninger
CC: Bruce A. Hauk
Date: October 4, 2007
Re: Public Works Department Matters

Dear Members of Council, I would like to take this opportunity to update you regarding some of the activities that have taken place within the Public Works Department over the last month.

Fees Collected

(See Attachment 1)

Department Safety Statistics

(See Attachment 2)

HNTB Progress Report

(See Attachment 3)

Employee of the Month

The department's Employee of the Month selection for September 2007 was Bridget Derbique. Bridget has been with the Westfield Public Works Department since June of 2007. Bridget is the Inquires Clerk within the Customer Service Division. Please join me in congratulating Bridget on this significant achievement.

ATTACHMENT #1

Yearly Permit Fees-2007

Type of Fees	January	February	March	April	May	June	July	August	September	October	November	December
Encroachment Permits	\$ 1,943.00	\$ 175.00	\$ 1,130.00	\$ 2,275.00	\$ 2,765.00	\$ 3,325.00	\$ 1,875.00	\$ 3,065.00	\$ 2,347.00			
Sewer Availability Fees	\$ 159,920.00	\$ 17,500.00	\$ 21,860.00	\$ 126,835.00	\$ 162,165.00	\$ 51,641.00	\$ 4,325.00	\$ 20,000.00	\$ -			
Sewer Tap Fees	\$ 25,510.00	\$ 20,760.00	\$ 61,860.00	\$ 48,180.00	\$ 12,230.00	\$ 26,174.00	\$ 18,660.00	\$ 43,200.00	\$ 24,624.00			
Subsequent Sewer Connection	\$ 843.60	\$ 10,079.68	\$ 3,374.40	\$ 760.00	\$ 615.60	\$ 3,473.20	\$ -	\$ 2,429.00	\$ 1,140.00			
Water Availability Fees	\$ 39,680.40	\$ 42,467.50	\$ 21,343.50	\$ 71,620.40	\$ 131,564.70	\$ 23,454.90	\$ 55,928.24	\$ 14,333.04	\$ -			
Water-3/4" Tap Fees	\$ 21,920.00	\$ 9,525.00	\$ 23,960.00	\$ 24,340.00	\$ 8,965.00	\$ 14,165.00	\$ 26,384.00	\$ 20,184.00	\$ 11,260.00			
Water-1" Tap Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750.00	\$ -	\$ 500.00			
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
Lawn Irrigation Fees	\$ 225.00	\$ -	\$ 200.00	\$ 1,560.00	\$ 1,300.00	\$ 875.00	\$ 650.00	\$ 900.00	\$ 450.00			
Road Impact Fees	\$ 34,196.42	\$ 3,196.00	\$ 21,966.64	\$ 19,676.60	\$ 11,400.00	\$ 10,530.00	\$ 14,400.00	\$ 51,620.00	\$ 10,800.00			
Plan Review Fees	\$ 10,535.00	\$ 4,575.00	\$ 11,535.00	\$ 2,340.00	\$ 6,130.00	\$ 8,875.00	\$ 6,660.00	\$ 3,255.00	\$ 4,980.00			
Inspection Fees	\$ 4,886.21	\$ 10,323.00	\$ 8,966.61	\$ 5,234.02	\$ 4,810.00	\$ 7,607.00	\$ 7,162.46	\$ 8,773.55	\$ 7,603.50			
Map Fees	\$ 37.50	\$ -	\$ 37.50	\$ 70.00	\$ -	\$ 37.50	\$ -	\$ 18.75	\$ 37.50			
Erosion Control Appl. Fees	\$ 1,500.00	\$ 1,700.00	\$ 1,500.00	\$ 3,100.00	\$ 3,200.00	\$ 4,300.00	\$ 2,700.00	\$ 4,000.00	\$ 10,580.00			
Erosion Control Penalty Fees	\$ 700.00	\$ 350.00	\$ 2,300.00	\$ 300.00	\$ 900.00	\$ 1,800.00	\$ 900.00	\$ 900.00	\$ 960.00			
Sanitary Sewer Permit Fees	\$ -	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ 300.00			
Water Permit Fees	\$ -	\$ -	\$ 600.00	\$ 600.00	\$ 300.00	\$ 900.00	\$ 300.00	\$ -	\$ 300.00			
Water Service Line Protection	\$ 480.00	\$ -	\$ 960.00	\$ -	\$ 96.00	\$ 96.00	\$ -	\$ 96.00	\$ -			
Totals per Month	\$ 168,421.13	\$ 120,944.18	\$ 180,689.65	\$ 307,380.42	\$ 345,817.30	\$ 159,158.00	\$ 142,050.70	\$ 173,964.34	\$ 75,572.00	\$ -	\$ -	\$ -

Type of Fees	1st Qtr Total	2nd Qtr Total	3rd Qtr Total	4th Qtr Total
Encroachment Permits	\$ 3,248.00	\$ 8,365.00	\$ 7,277.00	\$ -
Sewer Availability Fees	\$ 55,935.00	\$ 340,441.00	\$ 24,325.00	\$ -
Sewer Tap Fees	\$ 108,150.00	\$ 86,582.40	\$ 66,484.00	\$ -
Subsequent Sewer Connection	\$ 14,297.68	\$ 4,848.80	\$ 3,569.00	\$ -
Water Availability Fees	\$ 103,481.40	\$ 226,440.00	\$ 71,261.28	\$ -
Water-3/4" Tap Fees	\$ 55,414.00	\$ 47,500.00	\$ 57,798.00	\$ -
Water-1" Tap Fees	\$ -	\$ 500.00	\$ 1,250.00	\$ -
Water-1 1/2" or Greater	\$ 425.00	\$ 3,825.00	\$ 2,000.00	\$ -
Lawn Irrigation Fees	\$ 59,342.06	\$ 41,254.00	\$ 77,020.00	\$ -
Road Impact Fees	\$ 21,665.00	\$ 17,345.00	\$ 14,565.00	\$ -
Plan Review Fees	\$ 23,765.82	\$ 17,851.00	\$ 24,539.51	\$ -
Inspection Fees	\$ 75.00	\$ 107.50	\$ 56.25	\$ -
Map Fees	\$ 4,700.00	\$ 10,600.00	\$ 17,260.00	\$ -
Erosion Control Appl. Fees	\$ 3,800.00	\$ 2,400.00	\$ 2,760.00	\$ -
Erosion Control Penalty Fees	\$ 600.00	\$ 1,500.00	\$ 600.00	\$ -
Sanitary Sewer Permit Fees	\$ 600.00	\$ 2,700.00	\$ 600.00	\$ -
Water Permit Fees	\$ 576.00	\$ 96.00	\$ 192.00	\$ -
Water Service Line Protection	\$ 480.00	\$ -	\$ 96.00	\$ -
Totals per Quarter	\$ 460,014.96	\$ 812,355.72	\$ 391,957.04	\$ -

Type of Fees	Yearly Totals
Encroachment Permits	\$ 18,890.00
Sewer Availability Fees	\$ 420,071.00
Sewer Tap Fees	\$ 201,746.40
Subsequent Sewer Connection	\$ 22,115.48
Water Availability Fees	\$ 401,162.68
Water-3/4" Tap Fees	\$ 160,712.00
Water-1" Tap Fees	\$ 1,750.00
Water-1 1/2" or Greater	\$ -
Lawn Irrigation Fees	\$ 6,250.00
Road Impact Fees	\$ 177,619.06
Plan Review Fees	\$ 58,596.00
Inspection Fees	\$ 66,176.75
Map Fees	\$ 239.75
Erosion Control Appl. Fees	\$ 32,590.00
Erosion Control Penalty Fees	\$ 8,900.00
Sanitary Sewer Permit Fees	\$ 3,000.00
Water Permit Fees	\$ 3,000.00
Water Service Line Protection	\$ 864.00
Gross Total for 2007	\$ 1,063,957.72

Type of Fees	9 months - 2006
Encroachment Permits	\$ 17,213.30
Sewer Availability Fees	\$ 1,166,919.10
Sewer Tap Fees	\$ 676,300.00
Subsequent Sewer Connection	\$ 48,380.61
Water Availability Fees	\$ 1,209,440.55
Water-3/4" Tap Fees	\$ 358,314.50
Water-1" Tap Fees	\$ 905.00
Water-1 1/2" or Greater	\$ 3,135.00
Lawn Irrigation Fees	\$ 3,355.00
Road Impact Fees	\$ 757,235.32
Plan Review Fees	\$ 102,240.00
Inspection Fees	\$ 63,690.95
Map Fees	\$ 200.00
Erosion Control Appl. Fees	\$ 19,844.00
Erosion Control Penalty Fees	\$ 8,260.00
Sanitary Sewer Permit Fees	\$ 5,000.00
Water Permit Fees	\$ 600.00
Water Service Line Protection	\$ -
Totals for 9 months of 2006	\$ 4,341,893.33

Type of Fees	2005 Totals	2006 Totals	2007 Totals
Encroachment Permits	\$ 2,300.00	\$ 2,353.30	\$ 12,772.10
Sewer Availability Fees	\$ 91,960.00	\$ 1,426,546.60	\$ 3,040,982.50
Sewer Tap Fees	\$ 63,466.00	\$ 712,284.00	\$ 825,756.00
Subsequent Sewer Connection	\$ 17,305.20	\$ 5,840.61	N/A
Water Availability Fees	\$ 70,923.15	\$ 1,380,543.35	\$ 2,122,051.55
Water-3/4" Tap Fees	\$ 35,225.00	\$ 420,874.50	\$ 442,330.00
Water-1" Tap Fees	\$ 905.00	\$ 3,135.00	\$ 1,500.00
Water-1 1/2" or Greater	\$ -	\$ 4,490.00	\$ 4,200.00
Lawn Irrigation Fees	\$ 375.00	\$ 4,490.00	\$ 4,200.00
Road Impact Fees	\$ 32,107.00	\$ 909,894.76	\$ 908,081.55
Plan Review Fees	\$ 24,910.00	\$ 138,015.00	\$ 30,075.00
Inspection Fees	\$ 10,373.69	\$ 93,523.38	\$ 10,334.57
Map Fees	\$ -	\$ 525.00	\$ 104.50
Erosion Control Appl. Fees	\$ 1,600.00	\$ 26,904.00	N/A
Erosion Control Penalty Fees	\$ 2,900.00	\$ 13,300.00	N/A
Sanitary Sewer Permit Fees	\$ 300.00	\$ 7,200.00	N/A
Water Permit Fees	\$ 300.00	\$ 3,000.00	N/A
Water Service Line Protection	\$ -	\$ 3,048.00	N/A
Gross Total	\$ 354,430.04	\$ 5,228,125.50	\$ 7,436,570.94

Type of Fees	2005 Totals	2006 Totals	2007 Totals
Encroachment Permits	\$ 2,300.00	\$ 2,353.30	\$ 12,772.10
Sewer Availability Fees	\$ 91,960.00	\$ 1,426,546.60	\$ 3,040,982.50
Sewer Tap Fees	\$ 63,466.00	\$ 712,284.00	\$ 825,756.00
Subsequent Sewer Connection	\$ 17,305.20	\$ 5,840.61	N/A
Water Availability Fees	\$ 70,923.15	\$ 1,380,543.35	\$ 2,122,051.55
Water-3/4" Tap Fees	\$ 35,225.00	\$ 420,874.50	\$ 442,330.00
Water-1" Tap Fees	\$ 905.00	\$ 3,135.00	\$ 1,500.00
Water-1 1/2" or Greater	\$ -	\$ 4,490.00	\$ 4,200.00
Lawn Irrigation Fees	\$ 375.00	\$ 4,490.00	\$ 4,200.00
Road Impact Fees	\$ 32,107.00	\$ 909,894.76	\$ 908,081.55
Plan Review Fees	\$ 24,910.00	\$ 138,015.00	\$ 30,075.00
Inspection Fees	\$ 10,373.69	\$ 93,523.38	\$ 10,334.57
Map Fees	\$ -	\$ 525.00	\$ 104.50
Erosion Control Appl. Fees	\$ 1,600.00	\$ 26,904.00	N/A
Erosion Control Penalty Fees	\$ 2,900.00	\$ 13,300.00	N/A
Sanitary Sewer Permit Fees	\$ 300.00	\$ 7,200.00	N/A
Water Permit Fees	\$ 300.00	\$ 3,000.00	N/A
Water Service Line Protection	\$ -	\$ 3,048.00	N/A
Gross Total	\$ 354,430.04	\$ 5,228,125.50	\$ 7,436,570.94

MONTHLY ACCIDENT STATISTICAL REPORT
FOR SEPTEMBER 2007

Location	# of employees	# of Hours Worked	Employee Accidents/ Month	Disabling Accidents/ Month	Lost Work Days	Restricted Work Days	OSHA Recordable Accidents	# of Vehicles	# of Miles Driven	# of Vehicle Accidents for the Month	Chargeable Accidents for the Month
Administrative	11	1141	0	0	0	0	0	4	2715	0	0
CSC	5	528	0	0	0	0	0	1	189	0	0
Water	7	754.25	0	0	0	0	0	7	7422	0	0
Wastewater	7	757.5	0	0	0	0	0	6	5699	1	1
Street-G/M	13	1418.5	0	0	0	0	0	16	11245	0	0
GIS	4	438.5	0	0	0	0	0	2	2404	0	0
Dev/Con-Eng	9	946.5	0	0	0	0	0	6	4589	0	0
Inst & Controls	2	185	0	0	0	0	0	1	1141	0	0
	58	6169.25	0	0	0	0	0	43	35404	1	1
2006	50	6985.25	1	0	0	6	1	39	26744	0	0

**On 9/26/07 Josh Pickett was backing out of the lift station on Union Street and backed into a foam board sign advertising for Valley Farms Apartments causing the foam to break. The sign was glued back together and the owner was notified. No damage to vehicle 146.

ATTACHMENT #3

WESTFIELD TOWN COUNCIL MEETING October 8, 2007

Progress Report Executive Summary

1. TIF Projects – The 146th Multi-Use Path, Greyhound Pass and Western Way, 151st Street and East Side Access Road. The design of 151st Street between Carey Road and Setters Road has continued. Preliminary plans were submitted August 31, 2007 for Town review. Comments have been received and are being addressed. This project is scheduled for summer 2008 construction. Regarding Western Way and Greyhound Pass, the Notice to Proceed was issued on September 19, 2007. The installation of the poles and signals will be followed by resurfacing. The project shall be complete 60 days from the Notice to Proceed.
2. Traffic Impact Fee Study. Draft results have been discussed with the Public Works Department, and minor revisions to the analysis are underway. It is anticipated that the study will have a public hearing at the October 22, 2007 Plan Commission meeting. It is further anticipated that the new impact fee ordinance will be introduced at the November 12, 2007 Town Council meeting.
3. River Road Water Treatment Plant Expansion. Construction by Contractor Shook Construction continues on the Chlorine and Filter Buildings. Meetings were held with the Westfield IT Department to incorporate requested security-related changes into the project. Three new wells north of the River Road WTP site continue in design for inclusion in this project.
4. Westside Interceptor. The Contractor has crews installing sewer in three areas along the sewer route. HNTB is monitoring several residential wells to determine if dewatering activities are impacting potable water supplies. Currently there has not been a significant impact. The next progress meeting with the Contractor is scheduled for October 10, 2007.
5. Public Works Department Facilities Expansion. The Town's contract with Browning Construction, Inc. for the Public Works Department Expansion project continues on schedule. Salt Storage Barn structural steel erection, Streets Storage Building framing and final office building design are under way. Site utility relocation is nearing completion; office foundation excavation will start soon.
6. Sycamore/Birch Storm Sewers. Following requested alignment adjustments, storm sewer design documents will be completed in early October.

TOWN OF WESTFIELD

PROGRESS REPORT for

October 8, 2007 COUNCIL MEETING

The following covers HNTB activities for September 2007.

1. TIF Projects – The 146th Multi-Use Path, Greyhound Pass and Western Way, 151st Street and East Side Access Road

The design of 151st Street between Carey Road and Setters Road has continued. Preliminary plans were submitted to the Town August 31, 2007. HNTB received the Town comments on September 27, 2007. Comments are being addressed. Landscaping and lighting design will begin the early part of October; they are scheduled to be completed by the end of December.

Regarding Western Way and Greyhound Pass, HNTB continues to proceed with the appraisals for this project as currently designed. Two appraisals were sent to the Town for approval. Offers are anticipated to be made before the end of the year.

Regarding the 147th Street signal at Greyhound Pass, a change order for the project was prepared to delete the signal pole replacements at the Marsh Driveway/Greyhound Pass and Thatcher Lane/151st Street intersections. Notice-to-Proceed date for the project is October 1, 2007. The contractor will begin work next week. Work will be completed by the end of November.

2. Traffic Impact Fee Study

Draft analysis results have been provided to WPWD that identify the road improvements that will be needed by 2017 and the per-trip impact fees that can be supported. Meetings were held between WPWD and HNTB on September 21 and September 26 to discuss the draft analysis results and the schedule for finishing the impact fee analysis study. Minor revisions to the analysis are underway. It is anticipated that the Impact Fee Study will be presented to the Plan Commission and have a public hearing at the October 22 meeting. The impact fee ordinance is expected to be introduced at the November 12 Town Council meeting.

3. River Road Water Treatment Plant Expansion

Construction by Contractor Shook Construction continues on the Chlorine and Filter Buildings. Meetings were held with the Westfield IT Department to incorporate requested security-related changes into the project. The regularly scheduled progress meeting was held on September 6, 2007 to review the past and upcoming construction activities. HNTB is continuing shop drawing review as they are submitted by the Contractor.

HNTB is designing the addition of three new wells to the Town raw water supply and a metered connection to Indianapolis Water Company (IWC) in preparation for selling water to IWC.

4. Westside Interceptor

HNTB is continuing to review shop drawings as they are submitted by the contractor, Atlas Excavating, Inc. The Contractor has crews installing sewer in three areas along the sewer route. HNTB is monitoring several residential wells to determine if dewatering activities are impacting potable water supplies; currently, there has not been a significant impact. The next progress meeting with the Contractor is scheduled for October 10, 2007.

5. Public Works Department Facilities Expansion

The Town is under contract with Browning Construction, Inc. for the Public Works Department Expansion project. Browning's work continues on schedule. Salt Storage Barn structural steel erection, Streets Storage Building framing and final office building design are under way. Site utility relocation is nearing completion and office foundation excavation will start soon.

6. Cherry Tree Raw Water Main

The new Cherry Tree Raw Water Main continues in operation, having been substantially complete since May 25, 2007. Punch list items, including route grading and seeding, were completed in September. Retainage will be held until satisfactory completion of final inspection.

7. Sycamore/Birch Storm Sewers

HNTB staff is discussing with the Town of Westfield a route alignment adjustment to accommodate the needs of an affected property owner. It is expected that the design phase will be completed in early October.

8. US 31 / SR 32 Signal Pre-emption

After waiting for base information from INDOT, the final plans and specifications for work at ten (10) INDOT intersections were submitted to INDOT on September 5, 2007 for their review. Andy Cook is attempting to expedite this review process.

9. Miscellaneous Assistance

- a. HNTB assisted WPWD with developer permitting for water and sewer projects including Oak Manor Section III sewer, and Sandpiper force main.
- b. Proposed plantings along SR 32 west of US 31 will now be dealt with as a WPWD project separate from the INDOT road improvement project. Landscaping will not be shown on INDOT plans but will be included in separate documents for a bid or quote solicitation. The plans were submitted to INDOT along with the roadway plans on September 7, 2007 and were given to the Town to review as well. Feedback is expected soon from INDOT and the Town.

- c. Construction for the added Westside Wastewater Treatment Facility adding office and lab space by contractor Patterson Horth is proceeding with the Contractor well ahead of schedule.
- d. The Town's National Pollutant Discharge Elimination System (NPDES) permit allowing discharge from the lagoon north of 171st Street is due to expire in 2008. The renewal application, due in October 2007, has been completed and forwarded to WPWD for submission to IDEM.
- e. HNTB is working with WPWD in planning a pumping station which would relieve flow to the Oak Road Lift Station (treated by City of Carmel), or going to the lagoon, and direct it westward to the new Washington Woods Lift Station for treatment at the Westfield Westside Treatment Facility.

This portion of the Progress report covers Bowen Engineering (BEC) / HNTB activities within the Performance Contracting (or Utility Energy Efficiency) Project. The only active project is the Greyhound Pass Water Treatment Plant (WTP). WPWD personnel are testing the new Greyhound Pass WTP 300,000 gallon water reservoir prior to placing it in service in October. HNTB is assisting where needed.

WPWD Action Item #1 First Reading - Ordinance 07-23 Stormwater User Fee

This Ordinance is being presented for a First Reading.

This Stormwater User Fee Ordinance is being proposed to the Town Council to establish a Stormwater Division within the Town of Westfield's Public Works Department, under the jurisdiction of the Council for the purpose of implementing capital improvements, operation and maintenance activities, and public education and outreach to comply with federal and state requirements.

All improved properties located within the Town will be assessed the storm water utility fee. This includes properties that are and are not served by water and sanitary sewer service. All properties contribute stormwater drainage runoff whether they receive water and sanitary sewer service, thereby contributing to the community's drainage issues.

Monthly fees for Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Four Dollars (\$4.00) per month for any water meter opening larger than 3/4 inch. Any Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$16.50). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

Monthly fees for Non-Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at the rate of Five Dollars (\$5.00) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch with the exception of multi-unit residential users. Any Non-Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Five Dollars (\$5.00), and will be billed bi-annually Thirty Dollars (\$30.00). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

Monthly fees for Multi-Unit Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch. Any Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$30.00). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

All revenues fees collected for the stormwater service, including but not limited to, department user fees, penalties assessed by this Ordinance or subsequent amendments, or interest earnings on any unused funds shall be deposited in an account entitled “Town of Westfield Stormwater Revenue Fund”.

The following is the time line as established by Indiana Code for the implementation of the Stormwater Utility Fee Ordinance:

- September 26, 2007 – Stormwater & Wellhead Protection Education and Outreach Mtg. (15-20 min.) and then the Storm Water User Fee introduction and presentation to the public.)
- October 8, 2007 - Introduce Ordinance to Town Council
- October 18, 2007 - Notice of Public Hearing must be received by newspaper for publication.
- October 23, 2007 - Notice of Public Hearing must be published in the Noblesville Ledger and Noblesville Times.
- October 23, 2007 - Notices mailed to improved properties located within the Public Works Service Area with the Town’s Jurisdictional boundary.
- November 12, 2007 – Town Council holds a public hearing on the Water Stormwater User Fee, Ordinance No. 07-23.
- November 19, 2007 – Objection period expires.
- January 1, 2008 – Stormwater User Fee billing begins

Therefore, the Westfield Public Works Department recommends to the Westfield Town Council to consider this Ordinance for a Second Reading and Public Hearing on November 12, 2007.

Exhibit “A”

ORDINANCE NUMBER 07- 23

GENERAL ORDINANCE OF THE TOWN OF WESTFIELD TO ESTABLISH A STORMWATER SEWER WORKS DIVISION WITHIN THE TOWN OF WESTFIELD PUBLIC WORKS DEPARTMENT AND TO ESTABLISH A SCHEDULE OF RATES AND CHARGES FOR THE USE OF THE STORMWATER SYSTEM OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Westfield, Indiana (the “Town”) owns a municipal public works system for the purpose of collecting and disposing of sewage of the residents of the Town and surrounding areas in a sanitary manner; and

WHEREAS, a portion of the public works of the Town consists of a stormwater collection and conveyance system, (“Stormwater System”); and

WHEREAS, the Town desires to establish a stormwater sewer works division (the “Stormwater Division”) within the Town of Westfield’s Public Works Department, under the jurisdiction of the Council for the purpose of implementing capital improvements, operation and maintenance activities, and public education and outreach to comply with federal and state requirements; and

WHEREAS, the Town desires to establish a distinct just and equitable schedule of fees and charges for the users of the Stormwater System; and

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT:

SECTION I: DEFINITIONS

For the purpose of this article, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined herein shall be construed to have the meanings given by common and ordinary use as defined in the latest edition of Webster’s Dictionary.

a. APPROVED PLANS:

Plans approved by the Town according to a permits and plan review which will govern all improvements made within the Town that require a stormwater system or changes or alterations to the existing stormwater system.

b. LOT:

The smallest separately segregated parcel, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes by the Westfield Washington Township Assessor.

c. RESIDENTIAL PROPERTY:

Any lot or parcel existing in the public works system service area on which resides a family dwelling unit.

d. NON- RESIDENTIAL PROPERTY:

All properties not encompassed within the definition of Residential Property with water or sewer service intended to measure flow to/from the Town’s utility service.

e. MULTI-UNIT RESIDENTIAL PROPERTY:

A multi-unit residential building is a building containing “two or more dwelling units.” A dwelling unit is an individual unit which is rented or owned to be primarily used, or intended to be used, as a domicile, condominiums, mobile home parks and co-operative apartments. This does not include institutions that provide medical care.

f. PERSON:

Any natural individual, corporation, partnership, institution, or other entity.

g. METER:

A water meter or sewage meter intended to measure flow to/from the Town’s utility services.

h. STORMWATER:

The chemical compound of hydrogen and oxygen which is produced from atmospheric clouds as rain, snow, sleet, and hail.

i. STORMWATER SYSTEM:

All facilities constructed in an easement or right of way, including structures and natural watercourses under the ownership, and/or control of the Town, used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including any and all of the following: inlets, creeks, channels, catch basins, ditches, streams, streets culverts, retention or detention basins and pumping stations, and excluding there from, any part of the system of drains and water courses under the jurisdiction of Hamilton County , waters of the State of Indiana, private drainage systems, or drainage systems which are the responsibility of a homeowners associations.

j. STORMWATER DEPARTMENT USER FEE:

A charge imposed on users of the Town's Stormwater System.

k. SURFACE WATER:

Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

l. TOWN:

Shall mean the Town of Westfield, Indiana acting by and through the Town Council, or any successor municipal entity.

m. TOWN COUNCIL:

Shall mean the Town Council of the Town of Westfield, Indiana or any other successor entity, or any duly authorized officials acting on its behalf.

n. PUBLIC WORKS SERVICE AREA:

All property within the corporate boundary of the Town of Westfield, Hamilton County, Indiana.

SECTION II: STORMWATER USER FEE

A stormwater user fee shall be imposed on all property within the Public Works Service Area, including those classified as non-profit or tax-exempt, for services and facilities provided by the Town. This user fee is deemed reasonable and is necessary to pay for the repair, replacement,

planning, improvement, operation, regulation and maintenance of the existing and future stormwater system for the Town of Westfield, Indiana.

SECTION III: STORMWATER RATE STRUCTURE FEE AND RATE

For the purposes stated herein, there is hereby assessed a stormwater user fee to each stormwater user within the Public Works Service Area of the Town of Westfield, Hamilton County, Indiana, in an amount as determined below. For purposes of imposing the stormwater user fee, all lots and parcels within the public works system service area are classified as either:

1. Residential Properties
2. Non- Residential Properties
3. Multi-Unit Residential Properties

1. RESIDENTIAL PROPERTIES:

Monthly fees for Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Four Dollars (\$4.00) per month for any water meter opening larger than 3/4 inch. Any Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Sixteen Dollars and Fifty Cents (\$16.50). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

2. NON- RESIDENTIAL PROPERTIES:

Monthly fees for Non-Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at the rate of Five Dollars (\$5.00) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch with the exception of multi-unit residential users. Any Non-Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Five Dollars (\$5.00), and will be billed bi-annually Thirty Dollars (\$30.00). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

3. MULTI-UNIT RESIDENTIAL:

Monthly fees for Multi-Unit Residential Properties located within the Public Works Service area that receive water service or sanitary sewer service only, are hereby established at a rate of Two Dollars and Seventy-five cents (\$2.75) per month for a 3/4 inch water meter opening or smaller and Twenty Dollars (\$20.00) per month for any water meter opening larger than 3/4 inch. Any

Multi-Unit Residential Properties located within the Public Works Service area that does not receive water or sanitary sewer services, will be billed at a monthly minimum rate of Two Dollars and Seventy-five cents (\$2.75), and will be billed bi-annually Thirty Dollars (\$30.00). The bi-annual monthly billings will occur on June 1 and December 1 of the calendar year.

SECTION IV: FEE ESTABLISHMENT PROCEDURE

This stormwater user fee rate is designed to recover and be able to pay the cost of rendering stormwater service to the users of the stormwater system, and shall be the basis for assessment of the Town's stormwater user fee. This stormwater user rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variation in the demand for services. This rate shall be evaluated annually as to its sufficiency to satisfy the needs of the Town.

SECTION V: BILLING AND PAYMENT PENALTIES

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- a. The rates and charges for all users shall be prepared and billed monthly.
- b. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- c. As provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

SECTION VI: ADJUSTMENT OF FEES

That the rules and regulations promulgated by the Town, after being approved by the Town Council, shall among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the public works system and the Fee Structure to the Town Council and that any decision concerning the Fee Structure of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

SECTION VII: PRIVATE STORMWATER FACILITIES

- a. The Town shall have no responsibility for the installation, maintenance and repair of private stormwater facilities or private drain systems.
- b. No newly-constructed stormwater systems or drains shall cross the property of another private owner unless such private owner has granted an easement for such private stormwater system or drain, and which easement is duly recorded in the office of the Hamilton County Recorder.
- c. All costs and expenses incident to the installation and connection of the private drain or private drainage system shall be borne by the owner. The owner shall indemnify the Town for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain, including backwater damages from the public stormwater system.
- d. The connection or outlet of a stormwater systems or private drain into the public stormwater system shall conform to Town specifications and standards for storm drainage works. Any deviation of the prescribed procedure or material must be approved by the Public Works Department before installation.
- e. No unauthorized person shall uncover, make any connection with or open into, use, alter or disturb any public stormwater sewer or appurtenance thereof without first contacting the department of the Public Works.
- f. All excavations or construction or installation of private stormwater systems or drainage facilities shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the specifications and standards for storm drainage works of the Town.
- g. All private construction and installation of stormwater systems shall include proper restoration and provisions for erosion and sediment control in accordance with the specifications and standards for storm drainage works of the Town and all other stormwater systems or drainage requirements.
- h. No property owner shall change the stormwater runoff pattern of the property of such owner in such a way that neighboring properties or Town property is adversely affected. Consideration and provisions must be made for stormwater systems or drainage to and from neighboring properties in connection with land alterations.

SECTION VIII: DELINQUENT FEES AND PENALTIES AS LIENS

Delinquent charges for stormwater user fee rates, services, applied penalties, and recording fees constitute a lien upon the property and may be collected in accordance with provisions of IC 36-9-23-32 and 36--23-35.

SECTION IX: VIOLATIONS, ENFORCEMENT AND PENALTIES

Failure to pay a stormwater user fee rates when due shall constitute a violation of this Ordinance, which shall be enforced by the Town and such persons as the Town may appoint for such purpose, which shall also include the cost of recovery, including attorney-fees, other costs of collection and recording fees.

SECTION X: STORMWATER REVENUE FUND

All revenues earned and fees collected for stormwater service, including but not limited to, department user fees, penalties assessed by this Ordinance or subsequent amendments, or interest earnings on any unused funds shall be deposited in an account entitled “Town of Westfield Stormwater Revenue Fund” and shall be subject to the provisions of Indiana Code 36-9-23, as amended. Funds from this account shall not revert to any other Town Utility or the General Fund of the Town and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the Town issued pursuant to the provisions of Indiana Code 36-9-23, as amended, revenues deposited in the Stormwater Revenue Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing such outstanding bonds. Disbursements from the Stormwater Revenue Fund shall be authorized by the Westfield Clerk-Treasurer and, as required by law, the Town Council. Such disbursements shall be used exclusively for the operation, maintenance and improvement of the Town’s Stormwater Division, which includes, but is not limited to, the following:

- a. Stormwater management services, such as public education and outreach, studies, design, permit review, plan preparation and development review.
- b. Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance, and/or treatment infrastructure.
- c. Project costs related to constructing major or minor structural improvements to the Town’s stormwater system.
- d. Administrative costs associated with the management of the stormwater department.
- e. Debt service financing of the Town’s stormwater-related capital improvements.
- f. Funding of studies such as water quantity and quality monitoring, aerial photography, associated with the planning of the stormwater related infrastructure.
- g. Implementation of long range stormwater plans developed and approved by the Indiana Department of Environmental Management for elimination of combined sewer overflows.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

This ordinance shall be in full force and effect from and after its passage, approval, recordings and publications as provided by law.

ADOPTED AND PASSED THIS ___ DAY OF ___, 2007, BY THE
WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL Hamilton County, Indiana
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WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstain

J. Andrew Cook

J. Andrew Cook

J. Andrew Cook

Jack Hart

Jack Hart

Jack Hart

John Dippel

John Dippel

John Dippel

Bob Smith

Bob Smith

Bob Smith

Ron Thomas

Ron Thomas

Ron Thomas

Robert Horkay

Robert Horkay

Robert Horkay

Joseph Plankis

Joseph Plankis

Joseph Plankis

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Steven M. Sherman, Attorney at Law
KRIEG DEVAULT, LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204
317-238-6233
KD_IM-1133643_4_DOC

Consent Agenda Items

Performance Bond Release

- None

Maintenance Bond Release

- None

Change Orders

- Washington Woods Lift Station and Sewer Change Order #3
 - Change Order 3 - \$2,927.00
- 147th Street and Greyhound Pass Intersection Improvement
 - Change Order 1 - (\$10,873.00)