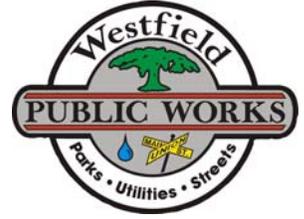


# WESTFIELD PUBLIC WORKS



## Memorandum

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

To: Westfield Town Council  
From: Kurt J. Wanninger  
CC: Bruce A. Hauk  
Date: December 10, 2007  
Re: Public Works Department Matters

TOWN COUNCIL  
ANDREW COOK  
JOHN DIPPEL  
JACK HART  
ROBERT HORKAY  
JOSEPH PLANKIS  
ROBERT J. SMITH  
RONALD W. THOMAS  
  
CLERK-TREASURER  
CINDY J. GOSSARD

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 Employees of the Month selection for November 2007 were Jeff Dean and Robert Kmetz.

Jeff Dean has been with the Westfield Public Works Department since December 30, 2002. Jeff is the Information Specialist within the Administration Division. Jeff was recognized for his extra effort this month for assisting Bruce Hauk and Kurt Wanninger with special assignments, while at the same time completing his normal responsibilities and year end projects.

Robert Kmetz has been with the Westfield Public Works Department since March 19, 2007. Robert is an Engineering Technician within the Engineering Division. Robert was recognized this month for duties that he will be carrying out over the next year for our Country. Robert has been activated for military duty in Iraq. Robert reports for training on December 10, 2007 and will be deployed in March of 2008. Robert will be returning to the WPWD in February of 2009.

Please join me in congratulating Jeff and Robert 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	\$ 3,325.00	\$ 3,055.00	\$ 2,347.00	\$ 2,413.00	\$ 1,813.00	\$ 1,813.00
Sewer Availability Fees	\$ 15,925.00	\$ 17,500.00	\$ 21,880.00	\$ 126,635.00	\$ 162,165.00	\$ 51,641.00	\$ 4,325.00	\$ 20,000.00	\$ -	\$ 10,713.90	\$ 9,325.00	\$ 9,325.00
Sewer Tap Fees	\$ 25,510.00	\$ 20,780.00	\$ 61,880.00	\$ 48,180.00	\$ 12,228.00	\$ 26,174.40	\$ 18,660.00	\$ 43,200.00	\$ 24,624.00	\$ 64,902.00	\$ 36,804.00	\$ 36,804.00
Subsequent Sewer Connection	\$ 843.60	\$ 1,007.68	\$ 3,374.40	\$ 760.00	\$ 615.60	\$ 3,473.20	\$ -	\$ 2,428.00	\$ 1,140.00	\$ 1,438.00	\$ 529.00	\$ 529.00
Water Availability Fees	\$ 39,680.40	\$ 42,457.50	\$ 21,343.50	\$ 71,420.40	\$ 131,564.70	\$ 23,454.90	\$ 56,928.24	\$ 14,333.04	\$ -	\$ -	\$ 6,714.00	\$ 6,714.00
Water-3/4" Tap Fees	\$ 21,929.00	\$ 9,525.00	\$ 23,960.00	\$ 24,340.00	\$ 8,985.00	\$ 14,165.00	\$ 26,354.00	\$ 20,184.00	\$ 11,260.00	\$ 27,025.00	\$ 16,335.00	\$ 16,335.00
Water-1" Tap Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 225.00	\$ -	\$ 200.00	\$ 1,650.00	\$ 1,300.00	\$ 875.00	\$ 650.00	\$ 900.00	\$ 450.00	\$ 500.00	\$ -	\$ -
Road Impact Fees	\$ 34,156.42	\$ 3,159.00	\$ 21,966.64	\$ 19,676.00	\$ 11,048.00	\$ 10,530.00	\$ 14,400.00	\$ 51,820.00	\$ 10,800.00	\$ 186,805.50	\$ 19,800.00	\$ 19,800.00
Plan Review Fees	\$ 10,555.00	\$ 4,575.00	\$ 11,533.00	\$ 2,340.00	\$ 6,130.00	\$ 8,875.00	\$ 6,650.00	\$ 3,255.00	\$ 4,680.00	\$ 10,280.00	\$ 2,075.00	\$ 2,075.00
Inspection Fees	\$ 4,898.21	\$ 10,323.00	\$ 8,596.61	\$ 5,234.02	\$ 4,810.00	\$ 7,807.00	\$ 7,162.46	\$ 9,773.55	\$ 7,603.50	\$ 8,961.50	\$ 4,921.00	\$ 4,921.00
Map Fees	\$ 37.50	\$ -	\$ 37.50	\$ 70.00	\$ -	\$ 37.50	\$ -	\$ 18.75	\$ 37.50	\$ 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	\$ 6,500.00	\$ 3,140.00	\$ 3,140.00
Erosion Control Penalty Fees	\$ 700.00	\$ 350.00	\$ 2,300.00	\$ 300.00	\$ 300.00	\$ 1,800.00	\$ 900.00	\$ 900.00	\$ 950.00	\$ 2,650.00	\$ 9,500.00	\$ 9,500.00
Sanitary Sewer Permitt Fees	\$ -	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ 300.00	\$ -	\$ 300.00	\$ 300.00
Water Permitt Fees	\$ -	\$ -	\$ 600.00	\$ 600.00	\$ 300.00	\$ 1,800.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 600.00	\$ 900.00	\$ 900.00
Water Service Line Protection	\$ 480.00	\$ -	\$ 96.00	\$ -	\$ 96.00	\$ -	\$ -	\$ 96.00	\$ -	\$ -	\$ -	\$ 96.00
<b>Totals per Month</b>	<b>\$ 158,421.13</b>	<b>\$ 120,904.16</b>	<b>\$ 180,669.65</b>	<b>\$ 307,380.42</b>	<b>\$ 345,817.30</b>	<b>\$ 159,158.00</b>	<b>\$ 142,050.70</b>	<b>\$ 173,964.34</b>	<b>\$ 75,572.00</b>	<b>\$ 322,726.40</b>	<b>\$ 112,577.00</b>	<b>\$ -</b>

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	\$ 4,226.00
Sewer Availability Fees	\$ 55,305.00	\$ 340,441.00	\$ 24,325.00	\$ 20,038.90
Sewer Tap Fees	\$ 108,150.00	\$ 86,582.40	\$ 86,484.00	\$ 101,706.00
Subsequent Sewer Connection	\$ 14,297.68	\$ 4,848.80	\$ 3,569.00	\$ 1,967.00
Water Availability Fees	\$ 103,481.40	\$ 226,440.00	\$ 71,201.28	\$ 6,714.00
Water-3/4" Tap Fees	\$ 55,414.00	\$ 47,500.00	\$ 57,798.00	\$ 43,360.00
Water-1" Tap Fees	\$ -	\$ 500.00	\$ 1,250.00	\$ -
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 425.00	\$ 3,825.00	\$ 2,000.00	\$ 825.00
Road Impact Fees	\$ 59,342.06	\$ 41,254.00	\$ 77,020.00	\$ 206,605.50
Plan Review Fees	\$ 26,665.00	\$ 17,346.00	\$ 14,595.00	\$ 12,355.00
Inspection Fees	\$ 23,785.82	\$ 17,851.02	\$ 24,539.51	\$ 13,782.50
Map Fees	\$ 75.00	\$ 107.50	\$ 56.25	\$ 37.50
Erosion Control Appl. Fees	\$ 4,700.00	\$ 10,600.00	\$ 17,260.00	\$ 9,640.00
Erosion Control Penalty Fees	\$ 3,350.00	\$ 2,400.00	\$ 2,750.00	\$ 12,150.00
Sanitary Sewer Permitt Fees	\$ 600.00	\$ 1,500.00	\$ 600.00	\$ 300.00
Water Permitt Fees	\$ 600.00	\$ 2,700.00	\$ 600.00	\$ 1,500.00
Water Service Line Protection	\$ 576.00	\$ 96.00	\$ 192.00	\$ 96.00
<b>Totals per Quarter</b>	<b>\$ 460,014.96</b>	<b>\$ 812,355.72</b>	<b>\$ 391,587.04</b>	<b>\$ 435,303.40</b>

Type of Fees	Yearly Totals	11 months - 2006	11 months of 2006	11 months - 2007
Encroachment Permits	\$ 23,116.00	\$ 22,111.30	\$ 22,111.30	\$ 22,111.30
Sewer Availability Fees	\$ 440,109.90	\$ 1,405,396.60	\$ 1,405,396.60	\$ 1,405,396.60
Sewer Tap Fees	\$ 382,922.40	\$ 679,332.00	\$ 679,332.00	\$ 679,332.00
Subsequent Sewer Connection	\$ 24,852.48	\$ 52,940.61	\$ 52,940.61	\$ 52,940.61
Water Availability Fees	\$ 407,895.68	\$ 1,370,659.85	\$ 1,370,659.85	\$ 1,370,659.85
Water-3/4" Tap Fees	\$ 204,072.00	\$ 404,594.50	\$ 404,594.50	\$ 404,594.50
Water-1" Tap Fees	\$ 1,750.00	\$ 4,915.00	\$ 4,915.00	\$ 4,915.00
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 7,075.00	\$ 4,340.00	\$ 4,340.00	\$ 4,340.00
Road Impact Fees	\$ 384,221.56	\$ 895,614.78	\$ 895,614.78	\$ 895,614.78
Plan Review Fees	\$ 70,950.00	\$ 130,065.00	\$ 130,065.00	\$ 130,065.00
Inspection Fees	\$ 79,958.85	\$ 87,880.88	\$ 87,880.88	\$ 87,880.88
Map Fees	\$ 276.25	\$ 525.00	\$ 525.00	\$ 525.00
Erosion Control Appl. Fees	\$ 42,220.00	\$ 24,904.00	\$ 24,904.00	\$ 24,904.00
Erosion Control Penalty Fees	\$ 20,650.00	\$ 11,700.00	\$ 11,700.00	\$ 11,700.00
Sanitary Sewer Permitt Fees	\$ 3,200.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00
Water Permitt Fees	\$ 5,400.00	\$ 900.00	\$ 900.00	\$ 900.00
Water Service Line Protection	\$ 960.00	\$ 1,728.00	\$ 1,728.00	\$ 1,728.00
<b>Gross Total for 2007</b>	<b>\$ 2,059,261.12</b>	<b>\$ 5,096,142.52</b>	<b>\$ 5,096,142.52</b>	<b>\$ 5,096,142.52</b>

Type of Fees	Nov-06	2006 Totals	2006 Totals	2004 Totals
Encroachment Permits	\$ 1,694.00	\$ 23,536.30	\$ 12,772.10	\$ 7,351.80
Sewer Availability Fees	\$ 91,127.50	\$ 1,426,546.60	\$ 3,040,962.50	\$ 1,777,782.50
Sewer Tap Fees	\$ 52,644.00	\$ 712,284.00	\$ 825,756.00	\$ 731,820.00
Subsequent Sewer Connection	\$ 3,040.00	\$ 54,840.61	N/A	N/A
Water Availability Fees	\$ 69,505.10	\$ 1,380,543.35	\$ 2,122,651.55	\$ 1,427,085.51
Water-3/4" Tap Fees	\$ 24,310.00	\$ 402,874.50	\$ 442,330.00	\$ 270,070.00
Water-1" Tap Fees	\$ 4,010.00	\$ 5,965.00	\$ 36,581.17	\$ 63,824.10
Water-1 1/2" or Greater	\$ -	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 275.00	\$ 4,490.00	\$ 4,200.00	\$ 2,700.00
Road Impact Fees	\$ 44,162.46	\$ 909,894.76	\$ 908,081.55	\$ 596,208.98
Plan Review Fees	\$ 15,635.00	\$ 136,071.50	\$ 30,075.00	\$ 24,500.00
Inspection Fees	\$ 13,675.79	\$ 93,523.36	\$ 10,536.57	\$ 6,167.77
Map Fees	\$ 525.00	\$ 525.00	\$ 104.50	N/A
Erosion Control Appl. Fees	\$ 2,700.00	\$ 26,904.00	N/A	N/A
Erosion Control Penalty Fees	\$ 850.00	\$ 13,300.00	N/A	N/A
Sanitary Sewer Permitt Fees	\$ 300.00	\$ 7,200.00	N/A	N/A
Water Permitt Fees	\$ 300.00	\$ 3,000.00	N/A	N/A
Water Service Line Protection	\$ 288.00	\$ 3,648.00	N/A	N/A
<b>Gross Total</b>	<b>\$ 324,516.85</b>	<b>\$ 5,226,125.50</b>	<b>\$ 7,436,570.94</b>	<b>\$ 4,933,639.66</b>

Type of Fees	2006 Totals	2005 Totals	2004 Totals
Encroachment Permits	\$ 23,536.30	\$ 12,772.10	\$ 7,351.80
Sewer Availability Fees	\$ 1,426,546.60	\$ 3,040,962.50	\$ 1,777,782.50
Sewer Tap Fees	\$ 712,284.00	\$ 825,756.00	\$ 731,820.00
Subsequent Sewer Connection	\$ 54,840.61	N/A	N/A
Water Availability Fees	\$ 1,380,543.35	\$ 2,122,651.55	\$ 1,427,085.51
Water-3/4" Tap Fees	\$ 402,874.50	\$ 442,330.00	\$ 270,070.00
Water-1" Tap Fees	\$ 5,965.00	\$ 36,581.17	\$ 63,824.10
Water-1 1/2" or Greater	\$ -	\$ -	\$ -
Lawn Irrigation Fees	\$ 4,490.00	\$ 4,200.00	\$ 2,700.00
Road Impact Fees	\$ 909,894.76	\$ 908,081.55	\$ 596,208.98
Plan Review Fees	\$ 136,071.50	\$ 30,075.00	\$ 24,500.00
Inspection Fees	\$ 93,523.36	\$ 10,536.57	\$ 6,167.77
Map Fees	\$ 525.00	\$ 104.50	N/A
Erosion Control Appl. Fees	\$ 26,904.00	N/A	N/A
Erosion Control Penalty Fees	\$ 13,300.00	N/A	N/A
Sanitary Sewer Permitt Fees	\$ 7,200.00	N/A	N/A
Water Permitt Fees	\$ 3,000.00	N/A	N/A
Water Service Line Protection	\$ 3,648.00	N/A	N/A
<b>Gross Total</b>	<b>\$ 5,226,125.50</b>	<b>\$ 7,436,570.94</b>	<b>\$ 4,933,639.66</b>

**ATTACHMENT #2**

**WESTFIELD PUBLIC WORKS  
MONTHLY ACCIDENT STATISTICAL REPORT  
FOR NOVEMBER 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	10	730	0	0	0	0	0	4	3193	0	0
CSC	5	440	0	0	0	0	0	1	222	0	0
Water	7	601	0	0	0	0	0	7	5652	3	3
Wastewater	8	678	1	0	0	0	1	6	3600	0	0
Street-G/M	13	1084	0	0	0	0	0	16	9311	1	1
GIS	4	316	0	0	0	0	0	2	1773	0	0
Dev/Con-Eng	9	742	0	0	0	0	0	6	1863	0	0
Inst & Controls	2	176	0	0	0	0	0	1	1101	0	0
<b>2007</b>	<b>58</b>	<b>4767</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>43</b>	<b>26715</b>	<b>4</b>	<b>4</b>
<b>2006</b>	<b>51</b>	<b>6848</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>2</b>	<b>40</b>	<b>30006</b>	<b>0</b>	<b>0</b>

11/4/07-Jon Higgenbotham drove off the road to avoid a head on collision with a car that crossed the center line. As a result, the front right running light lens cracked due to coming in contact with brush that was on the side of the road.

11/20/07-Jon Higgenbotham was backing out of a parking lot behind Kellies. He could not see behind due to a parked van beside him. As he backed out he made contact with a car that was pulling around in the lot and the vehicles collided. No damage was done to the Town vehicle but the front right quarter panel was damaged on the car. The car was being driven by a Mexican male who had no license and the car did not belong to him. Later, the owner of the vehicle provided proof of insurance. To date, the claim has not been turned in to our insurance by the other party.

11/21/07-Matt McDole was sweeping station 83's lot in the street sweeper. As he was turning around in a forward motion, he collided with a yellow post denting the front left bumper.

11/26/07-Jim Norzinsky was pulling into the back garage at Public Works to drop off a snow plow that he went to pick up. As he was pulling in, he did not clear the right side of the door frame causing a 4" gash in the door frame.

\*11/7/07-Josh Green grabbed a steel cable while seating a pump and the cable had one strand that pierced his hand. Josh was wearing gloves. Josh had not have his tetanus shot prior to this so he had a tetanus shot done as a result of this.

## ATTACHMENT #3

### WESTFIELD TOWN COUNCIL MEETING

#### PROGRESS REPORT

for

#### December 10, 2007 COUNCIL MEETING

The following covers HNTB activities for November 2007.

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

The design of 151<sup>st</sup> Street between Carey Road and Setters Road has continued. HNTB is addressing the Town Comments. Landscaping and lighting preliminary design is scheduled to be completed by the end of December 2007. A coordination meeting will be held with the Town in mid-January 2008 to discuss final aesthetic features to be included in the roundabout design.

Regarding Western Way and Greyhound Pass, HNTB has completed the appraisals for this project as currently designed. All appraisals were sent to the Town for approval. All offers are anticipated to be made before the end of 2007.

Regarding the 147<sup>th</sup> Street signal at Greyhound Pass, the traffic signal is now operational. The final inspection of the traffic signal will be held in December 2007.

2. Traffic Impact Fee Study

A final draft road impact fee study report was provided to the Public Works Department on November 12, 2007. The study and draft ordinance were introduced at the November 12<sup>th</sup> Town Council meeting. A public hearing was held on November 26, 2007 at the APC meeting and the Town Council will vote on the new impact fee ordinance at their December 10, 2007 meeting.

3. River Road Water Treatment Plant Expansion

Construction by the contractor, Shook Construction, continues on the Chlorine and Filter Buildings and detention tank supports. New roofing for both buildings was completed along with installation of the raw water main extension. Over one weekend in November there was a computer malfunction at the treatment plant, causing the detention tanks to overflow into the Contractor's excavated areas. The Contractor was requested to clean up the area and support some of their work where soil was washed away. This additional work was done at an additional cost. The regularly scheduled progress meeting was held on November 1, 2007 to review the past and upcoming construction activities. HNTB is continuing shop drawing reviews as they are submitted by the Contractor. Requests for information from the Contractor are being addressed as they are received.

The Town is completing negotiations with Indianapolis Department of Waterworks (DOW) terms of supply of untreated well water from Town wells to DOW water transmission facilities. HNTB is assisting the Town in those negotiations and in design of the well water pumping, distribution, and metering systems which are expected to be completed by the 2008 summer demand.

4. Westside Interceptor

The Contractor, Atlas Excavating, Inc., has crews installing sewer in three areas along the sewer route. Dewatering wells are being set to further handle ground water which has been slowing work. HNTB and WPWD personnel met with property owners to address concerns of how the easements are being used. HNTB and WPWD are continuing to stress to the Contractor the need to follow erosion control procedures. HNTB is monitoring several residential wells to determine if dewatering activities are impacting potable water supplies. One residential well is no longer functioning. After initially hauling in water to meet the resident's daily needs, a new well has been drilled to provide water. The next progress meeting with the Contractor is scheduled for December 12, 2007.

5. Public Works Department Facilities Expansion

The Town is under contract with Browning Construction, Inc. for the Public Works Department Expansion project. The project continues on schedule. The Salt Storage/Streets Barn and Streets Storage Building Expansion have reached substantial completion and punch lists have been prepared for final work by the contractor. This season's supply of roadway salt is being stored in the new facility. Office foundation work has been started; the office design effort is being finalized.

6. Sycamore/Birch Storm Sewers

HNTB staff and the Town of Westfield have prepared an alternate storm sewer alignment that is consistent with a property owner's request. Easement agreements are required from five property owners. Thus far, two written agreements have been signed. Upon receiving the five written agreements, the design sheets will be finalized and the Town of Westfield can proceed with easement preparation. HNTB prepared an estimate of cost to carry out the easement preparation and forwarded same to the Town of Westfield. The Town of Westfield plans to finalize the easement agreements with the property owners in December 2007. The final design and easement preparation can then be completed.

7. US 31 / SR 32 Signal Preemption

Final plans and specifications for work at ten (10) INDOT intersections were submitted to INDOT on September 5, 2007. The first signal preemption project awarded by INDOT went to Signal Construction, Inc. for installation of signal preemption equipment on US 31 at intersections with Greyhound Pass, 151<sup>st</sup> Street, and 161<sup>st</sup> Street. The Preconstruction Meeting will be held at INDOT on November 30, 2007. TIF funds will be used for these installations.

8. Miscellaneous Assistance

- a. HNTB assisted WPWD with developer permitting for water and sewer projects including Oak Manor Section III sewer, Sandpiper force main, Carey Ridge Kindergarten Expansion, Lord of Life Church, and Monon Trails.
- b. Proposed plantings along SR 32 west of US 31 will 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. On September 7, 2007 plans were submitted to INDOT and the Town for review. The Town received comments from INDOT on November 8, 2007. The comments have been addressed and will be re-submitted to INDOT on December 3, 2007.

- 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 lagoons north of 171<sup>st</sup> Street is due to expire in 2008. The renewal application has been submitted to IDEM; comments are awaited.
- e. HNTB is continuing engineering planning for a modified or new pumping station at the lagoons north of 171<sup>st</sup> Street. This pumping station will intercept a portion of the wastewater flow now reaching Oak Road Lift Station and being treated by City of Carmel, and instead pump the flow westward to the new Washington Woods Lift Station for treatment at the Westfield Westside Treatment Facility. The WPWD staff is considering bidding this project as a Performance Contracting (Energy Efficiency) Project. Bowen Engineering is assisting.

---

This portion of the Progress report covers Bowen Engineering / HNTB activities within the Performance Contracting (or Utility Energy Efficiency) Project. One active project is nearing completion: the Greyhound Pass Water Treatment Plant. The Greyhound Pass WTP new 300,000-gallon reservoir continued test operation in November 2007.

## **WPWD Item #1 First Reading- Ordinance 07-28 Road Impact Fee Amendment**

This Ordinance is being presented for a Second Reading.

This Road Impact Fee Ordinance (See “Exhibit B”) is being proposed to the Town Council to establish and revise the current Road Impact Fee Rate 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.

The Westfield Public Works Department commissioned HNTB Corporation in May to conduct a Road Impact Fee Study the specific purposes of this study were to:

- Reassess Westfield’s anticipated roadway capital improvement needs in light of the latest projections for land-se development in the area.
- Verify the road impact fees and assessment rates that should be applied to new development in order to fund roadway capital improvements necessary to serve that development.
- Develop Zone Improvement Plans in accordance with the requirements of Indiana Code 36-7-4-1300.
- Develop a road model that can be utilized to assess the every changing needs of the community as new developments are being proposed and constructed.
- Develop a Road Master Plan for Westfield and Washington Township.

The current assessed Road Impact Fee is \$188 per trip (1800 per household). The new proposed rates are divided into two zones; an east and west zone bisected by US 31. The supported rate in order to meet the level service needs over the next 10 years is \$284 per trip for the east zone and \$602 for the west zone.

All revenues fees collected for the road impact fees assessed by this Ordinance or subsequent amendments, or interest earnings on any unused funds shall be deposited in an account entitled “Town of Westfield Road Impact Revenue Fund”.

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

- Nov. 1, 2007 – Meet with Road Impact Advisory Committee and Introduce Ordinance
- Nov. 2, 2007 – File to be on Nov. 12<sup>th</sup> T.C. Meeting Agenda
- Nov. 12, 2007 – First Introduction of New Road Impact Fee Ordinance and Rates
- Oct. 17, 2007 – File to be on Nov. 24<sup>th</sup> APC Meeting
- Nov. 12, 2007 – Notice of Public Hearing must be published in the Noblesville Ledger and Noblesville Times.
- Nov. 16, 2007 – Notice of Public Hearing must be printed in the paper
- Nov. 26, 2007 – Give Presentation to APC and hold Public Hearing
- Nov. 30, 2007 – File to be on Dec. 10<sup>th</sup> T.C .Meeting Agenda
- Dec. 10, 2007 – Second Reading and adoption of new Road Impact Ordinance and Fee
- Dec. 17, 2007 – Objection period expires.

- July, 1, 2008 – New Road Impact Fee Assessed to new developments that file their development plan with the Town.

Therefore, the Westfield Public Works Department recommends to the Westfield Town Council to consider this Ordinance for final approval.

**“EXHIBIT B”**

**ORDINANCE NUMBER 07- 28**

**AN ORDINANCE ESTABLISHING AN EQUITABLE IMPACT  
FEE FOR THE PURPOSE OF PLANNING AND FINANCING  
ROAD AND STREET INFRASTRUCTURE NEEDED TO SERVE  
NEW DEVELOPMENT IN THE TOWN OF WESTFIELD**

WHEREAS, the Town Council of the Town of Westfield (“Town”) finds that it is reasonable and necessary to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the Town by providing for an equitable program to fund the capital costs of new road and street infrastructure necessary to serve newly developing areas of the Town; and

WHEREAS, the Town Council finds that it is reasonable and necessary to promote the orderly development of the Town by establishing standards by which the Town may require that new development shall pay a Road Impact Fee representing the development’s proportionate share of the capital cost of new road and street infrastructure necessary to serve new development in the Town; and

WHEREAS, the Town Council finds that new development should not be required to pay a fee for the capital costs of new road and street infrastructure greater than the development’s proportionate share of the capital costs of such infrastructure which is needed to serve such development; and

WHEREAS, the Town has caused to be prepared a comprehensive Road Impact Fee Analysis Report (“Road Impact Analysis”) by HNTB Corporation (“HNTB”) which is included as Exhibit A to this Ordinance and made a part hereof; and

WHEREAS, the cost of implementing the thoroughfare improvement recommendations of the Traffic Impact Analysis in its entirety exceeds (1) the income capacity of the Town through its ad valorem property tax receipts and other tax distributions allocated to road and street improvements relative to the prioritized chronological need of the Town for such improvements; (2) the general obligation bond capacity of the Town based upon its net assessed valuation; and (3) the revenue bond potential of the Town based upon any existing means of acquiring revenue related to such improvements; and

WHEREAS, because of the size of the Town, considering both its population and geographic area, as well as the distribution of public and private institutions, services and other facilities throughout the Town, any road or street improvement benefits all citizens of the Town equally; and

WHEREAS, it has been the stated objective of the Town that the Traffic Impact Analysis should result in the determination of a Traffic Impact Fee which meets the requirements of Indiana state law; and

WHEREAS, the Westfield Impact Fee Advisory Board, at its meeting on November 1 2007, approved and forwarded its recommendation of a per trip fee and corresponding per residence impact fee to the Westfield Advisory Plan Commission; and

WHEREAS, the Westfield Advisory Plan Commission properly noticed, advertised and conducted a public hearing on the recommended traffic impact fee from the Traffic Impact Fee Committee on November 26, 2007; and

WHEREAS, having given due deliberation to the Road Impact Analysis prepared by HNTB, the Westfield Advisory Plan Commission has recommended its adoption and the adoption of a Road Impact Fee for the Town to the Town Council; and

WHEREAS, the purpose of this Ordinance is declared as expressly not to deter growth, remedy existing infrastructure deficiencies or pay for maintenance or other “non-capital costs.”

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Westfield, Hamilton County, Indiana as follows:

Section 1. Conditional Repeal and Limitation on Imposition of Road Impact Fee.

This Ordinance shall expire and become void five (5) years after its effective date, as required by IC 36-7-4-1340, unless action is undertaken to replace it consistent with the provisions of Indiana law which contemplates a replacement impact fee ordinance.

Section 2. Establishment of Impact Zone.

a. There are hereby established for the Town two (2) road and street infrastructure Impact Zones, Zone 1 located East of US 31 and Zone 2 located West of US 31, the borders of which are co-terminus with the existing corporate boundary of the Town of Westfield, Hamilton County, Indiana, as they may be extended from time to time through annexation, over all of which the Town exercises planning and zoning jurisdiction. The Town Council specifically finds that there is a functional relationship between the components of the road and street thoroughfare element of the Road Impact Analysis and that such road and street improvement recommendations provide a reasonably uniform benefit to all of the citizens of the Town throughout the Impact Zones as of the effective date of this Ordinance. The Council further finds that all areas within the Impact Zones are contiguous, as required by IC 36-7-4-1316.

b. Except as provided below, this Ordinance shall apply uniformly to all developments within the Impact Zones hereby established for which the Town of Westfield may require a structural building permit and which create a need for new or additional road and street infrastructure. This Ordinance shall not apply to:

- i. developments meeting the requirements set forth in IC 36-7-4-1322(g);
- ii. improvements which do not require a structural building permit;
- iii. improvements which do not create a need for new or additional road and street infrastructure, including the erection of a sign, structures or fences, or

the alteration, renovation or expansion of an improvement where the use, or intensity thereof, has not changed; and

- iv. the replacement of a destroyed or partially destroyed improvement; provided, however, that the replacement improvement does not create a need for new and additional road and street infrastructure over and above the infrastructure needed for the original improvement prior to the destruction or partial destruction thereof.

Section 3. Zone Improvement Plan.

a. As a condition to the adoption of this Ordinance, the Town Council engaged HNTB to conduct a comprehensive and detailed traffic impact analysis of the Town. The Town Council now hereby finds that the resulting study and database constitute a sufficient study to constitute two zone improvement plans. The Town Council hereby adopts the Traffic Impact Analysis prepared by HNTB, dated December 2007, as the Town's Zone Improvement Plan and finds that the Zone Improvement Plan contains the following elements:

- i. A description of the nature and location of existing infrastructure in the Impact Zones.
- ii. A reasonable determination of the current level of service for the Impact Zones.
- iii. A reasonable determination of the community level of service provided within the Impact Zones.
- iv. Reasonable estimates relating to the nature and location of development that is expected within the Impact Zones during the planning period, which, for purpose of this Ordinance, is defined to be a period of ten (10) years commencing with the effective date of this Ordinance.
- v. A reasonable estimate of the nature, location, sequencing, and timing of the road and street thoroughfare requirements and costs necessary to provide the community level of service for the development contemplated in paragraph iii. hereof.
- vi. A reasonable estimate of the share of the road and street thoroughfare costs identified in paragraph iv. hereof that will be used to:
  - (1) raise the current level of service for existing development or provide service to existing development; or
  - (2) provide service to new development.
- vii. A reasonable estimate of revenues that:
  - (1) Are from sources other than Road Impact Fees; and
  - (2) Will be used to finance the cost identified in paragraph vi. (1) above.

viii. A general description of the sources and amounts of money used to pay for infrastructure during the previous five (5) years.

b. The Town Council hereby specifically adopts the Zone Improvement Plan as an official part of the Comprehensive Plan of the Town of Westfield, pursuant to IC 36-7-4-500 *et seq.*

Section 4. Establishment of Road Impact Fee.

a. Based upon the Road Impact Analysis, the Town Council finds, determines, establishes and adopts that the cost per twenty-four hour trip for Zone 1 is in the amount of \$\_\_\_\_\_ and for Zone 2 is in the amount of \$\_\_\_\_\_. This equates to Road Impact Fee of \$\_\_\_\_\_ per single family detached residence for Zone 1 and \$\_\_\_\_\_ per single family detached residence for Zone 2, and this amount is hereby adopted as the Road Impact Fee for the Town. Otherwise, the numbers of twenty-four (24) hour trips are to be based upon calculations taken from latest version of the ITE Trip Generation Manual, a study published by the Institute of Transportation Engineers (“ITE”).

b. The Town Council hereby makes as a part of the record of these proceedings all of the data collected, calculations made, and conclusions reached by HNTB in the process of developing the Road Impact Analysis, and specifically instructs the employees of the Town to make such data and all other information gathered and used in preparing the Road Impact Analysis publicly available as a public record of the Town for review during the Town’s regular business hours. The Town Council further authorizes HNTB to sell or otherwise distribute copies of the Road Impact Analysis and any of the other data collected upon which it relied, at a cost reasonably intended to compensate them for the cost of reproduction only.

c. In the event that any parcel of real estate considered in the creation of the Zone Improvement Plan undergoes a change in use, redevelopment, or modification which requires an improvement location permit, and creates a need for new infrastructure, a Road Impact Fee will only be assessed for the increase in the burden on infrastructure.

Section 5. Credit in Lieu of Payment; Exemptions.

a. Any person or entity obligated to pay a fee pursuant to the terms of this Ordinance shall have the option of financing, constructing and dedicating actual road and street thoroughfare infrastructure instead of paying all or part of the Road Impact Fee which may be due, so long as such financing, construction and dedication are accomplished pursuant to the thoroughfare improvement plan of the Town and in accordance with the road and street specifications for such road or street to be improved in force within the Town at that time. Such fee payer, or other person or entity providing the infrastructure or improvement, shall be given credit upon a verified certification from a registered engineer, architect or contractor of the actual costs of planning, financing, constructing and dedicating such road and street thoroughfare improvements or infrastructure to the Town. Such certification shall be presented prior to the issuance of any structural building or improvement location permit. In the event the actual cost of such planning, financing, construction and dedication do not equal the amount of the Road Impact Fee due pursuant to the calculation provided for in the schedule set forth in Section 4 hereof, the remaining balance shall be due by such fee payer to the Town in accordance with the provisions this Ordinance.

b. Credits against Road Impact Fees otherwise due shall be allowed pursuant to this Section 5 for all infrastructure and improvements constructed or furnished in accordance with IC

36-7-4-1313 and 1335. A fee payer or other person or entity responsible for installing infrastructure or improvements may designate in writing a method of allocating its credits to future fee payers who may be successors in interest to the credits earned by the fee payer or others, as part of the certification provided above.

c. Any person or entity otherwise obligated to pay the fee established by this Ordinance whose property was totally or partially destroyed by fire, storm or other casualty beyond their control, shall be exempt from paying the Road Impact Fee if they repair or replace the destroyed structure without creating a burden on infrastructure greater than the burden imposed by the destroyed structure. In the event it creates any additional burden, the Road Impact Fee shall be calculated based only on the increased burden created by the structure.

#### Section 6. Road Impact Fee Due Upon Issuance of Structural Building Permit.

The Road Impact Fee imposed pursuant to the terms of this Ordinance shall be due and payable upon the issuance of a structural building permit by the Town. It is understood that a structural building permit is synonymous with the term “structural building permit” as used in IC 36-7-4-1323, in that the issuance of a structural building permit authorizes the applicant to commence construction activities, structural and otherwise. The entire Road Impact Fee which is calculated pursuant to the terms of this Ordinance shall be due at the time of permit issuance unless the amount of the fee upon calculation is greater than Five Thousand Dollars (\$5,000), in which case an installment plan may be requested by the applicant in accordance with the terms of IC 36-7-4-1324.

The Westfield Impact Fee Review Board, established herein, shall establish specific rules for installment payments consistent with Indiana law. The interest rate on any installment plan or deferred payment shall be the pre-judgment rate of interest set forth in the Indiana Code.

If a fee payer so requests, the amount of the Road Impact Fee shall be assessed upon the voluntary submission of a development plan or upon the issuance of the structural building permit, whichever is earlier. For purposes of this Section 6, “assessment” means the act of calculating the amount of the Road Impact Fee which shall be due. The Town shall make such assessment within thirty (30) days of the date of such voluntary request or at the issuance of the structural building permit with or without a request.

#### Section 7. Lien Rights Established.

Pursuant to IC 36-7-4-1325, the Town of Westfield acquires a lien against the real estate which is the subject of the Traffic Impact Fee on the date the structural building permit is issued. Upon final adoption, this Ordinance shall be recorded and, thereafter, it shall constitute constructive notice of the lien rights of the Town. The Town may, in its discretion, file a specific instrument setting forth its statutory lien rights with respect to a parcel of real estate which is the subject of an installment payment of a Road Impact Fee, and such instrument shall constitute actual notice in addition to the constructive notice provided for by the recording of this Ordinance.

#### Section 8. Form of Receipt.

The Clerk-Treasurer of the Town shall issue a receipt for any and all Road Impact Fees collected, and the form of such receipt shall be as follows:

RECEIPT  
Office of Clerk – Treasurer

\_\_\_\_\_ Fund

Westfield, IN \_\_\_\_\_ 20\_\_

RECEIVED FROM \_\_\_\_\_ \$ \_\_\_\_\_  
THE SUM OF \_\_\_\_\_  
ON ACCOUNT OF \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Clerk/Treasurer

Payment type & amount

Cash \_\_\_\_\_ Check \_\_\_\_\_ M.O. \_\_\_\_\_  
E.F.T. \_\_\_\_\_ C.C./B.C. \_\_\_\_\_ Other \_\_\_\_\_

Section 9. Appeals.

a. Any fee payer who believes itself to be aggrieved by the calculation of the Road Impact Fee may appeal from such calculation to the Westfield Impact Fee Review Board created hereafter and the Westfield Impact Fee Review Board shall conduct a hearing with regard thereto. At such hearing, the fee payer shall bear the burden presenting either of the following propositions:

- i. A fact assumption used in determining the amount of the Road Impact Fee is incorrect; or
- ii. The amount of the Road Impact Fee is greater than the amount allowed under IC 36-7-4-1320, 1321, and 1322.

Upon conclusion of the presentation of evidence, the Westfield Impact Fee Review Board shall make a determination within not more than thirty (30) days, upon the facts presented and may make such adjustments in the Road Impact Fee as they believe are appropriate under the circumstances, if any.

b. An appeal under this Section 9 must be filed not later than thirty (30) days after the issuance of the structural building permit. The appeal shall be initiated with the filing of a Petition for Review with the Clerk-Treasurer's office, together with a filing fee in the amount of One Hundred Dollars (\$100). The filing fee shall be refunded in full (1) if the Petition for Review is granted and the Road Impact Fee is eliminated, reduced or adjusted by the Westfield Impact Fee Review Board, by independent action of the Town, or by a court having jurisdiction, and (2) if the reviewing body determines that the amount of the fee, reductions, or credits was arbitrary or capricious. The Petition for Review shall be in a form calculated to inform the Westfield Impact Fee Review Board of the nature of the complaint, the parties to the action, and the relief requested. In addition, the petition shall describe the new development on which the Road Impact Fee has

been assessed, all facts relating to the assessment of the Road Impact Fee, and the reasons petitioner believes that the amount of the Road Impact Fee assessed is erroneous or is greater than the amount allowed by the fee limitations set forth in the enabling statute.

c. The Town shall not deny the issuance of a structural building permit on the basis that the Road Impact Fee has not been paid or condition issuance of the permit on the payment of the Road Impact Fee. If the Road Impact Fee totals One Thousand Dollars (\$1,000) or less, the Town may require the fee payer to pay the Road Impact Fee or initiate an appeal under this Section 9 before the structural building permit is issued.

Section 10. Establishment of Road and Street Thoroughfare Fund.

a. The Town Council hereby establishes the Road and Street Thoroughfare Fund of the Town of Westfield. These Funds shall be a non-reverting fund and shall receive any and all sums collected pursuant to this Ordinance to be utilized for the purposes set forth herein. The Fund shall consist initially of one account based upon the current existence of one Impact Zone. In the event, and only in the event, that an additional Impact Zone for the Town is created hereafter, a separate account shall be maintained for each separate Impact Zone established with the Town. Interest earned on the Fund or on any account within the Fund shall be deposited and maintained within the Fund or the separate account. The Clerk-Treasurer of the Town shall maintain records of the Fund or any account which may be established therein, and shall make an annual report of the Fund and accounts which shall be available to the public and fee payers, upon request.

b. Pursuant to IC 36-7-4-1332(e), the Clerk-Treasurer is designated as the Town official responsible for acting upon refund requests. In order to facilitate refunds when they may be due, the Clerk-Treasurer is directed to identify the purpose of any Road Impact Fee paid in order that a refund, if any, may be paid from the Fund or account into which the fee was originally deposited.

Section 11. Use of Road Impact Fees Collected Pursuant to this Ordinance.

Any and all fees collected pursuant to the provisions of this Ordinance may be utilized for the following purposes only by the Town, acting by and through its Town Council, which, for purpose of this Ordinance, is identified as the “infrastructure agency” contemplated by IC 36-7-4-1317:

a. Providing funds to be utilized by the Town for the purpose of paying the capital costs of new road and street infrastructure that is necessary to serve the new development within the corporate limits of the Town and that is identified in the Zone Improvement Plan;

b. An amount not to exceed five percent (5%) of the annual collections of the fee may be utilized for expenses incurred by the Town for the consulting services used to establish this Ordinance;

c. To pay any refund due pursuant to the terms of this Ordinance; and

d. To pay the debt service cost on an obligation issued to provide new road and street infrastructure described in paragraph (a) herein.

Section 12. Establishment of Westfield Impact Fee Review Board.

a. There is hereby created the Westfield Impact Fee Review Board, whose members shall be appointed by the Town Council, consisting of three (3) citizen members. A member of the Westfield Impact Fee Review Board may not be a member of the Westfield Advisory Plan Commission. One member of the Westfield Impact Fee Review Board shall be a real estate broker licensed in the State of Indiana, one member shall be an engineer licensed in the State of Indiana, and the third member shall be a certified public accountant. Each member shall serve at the pleasure of the Town Council for calendar year terms commencing with their initial appointment and concluding on December 31<sup>st</sup> of the year in which he or she is appointed, unless reappointed.

b. In the event of a conflict of interest or other condition which causes a duly appointed member of the Westfield Impact Fee Review Board to disqualify himself or herself on any matter before the Board, such member shall notify the Town Council in writing of their intent not to participate in such matter. Thereafter, the Town Council may appoint a temporary replacement member for the limited purpose of hearing that petition for which the regular member is disqualified. Any such replacement member shall meet the qualifications of the member he or she is replacing.

c. The Westfield Impact Fee Review Board shall have only those duties and responsibilities established in IC 36-7-4-1338. Upon the organization of the Westfield Impact Fee Review Board, the members shall establish rules of procedure to the extent they are consistent with Indiana state law and, specifically, to provide the ways and means to carry out the specific provisions of this Ordinance regarding petitions for review, refunds, credits, and other matters. The rules shall specifically provide that in the event that no development occurs or only a portion of the anticipated development occurs, a refund in whole or in part of such fee paid shall be made, with interest. The Board may impose reasonable requirements to insure that, in fact, no development has occurred, or something less than what was paid for is all that will occur on the real estate which was the subject of the initial assessment.

d. Members of the Westfield Impact Fee Review Board shall serve without compensation. At their first meeting, they shall elect from their membership a chairperson who shall serve until his or her replacement has been duly elected. At the first meeting after the first day of January in each year, the membership shall elect from the then duly appointed members a chairperson. The chairperson shall be responsible for leading the Board in conducting its business.

Section 13. IC 36-7-4-1300 Series.

The Town Council specifically acknowledges the existence of Indiana statute IC 36-7-4-1300 *et seq.*, which regulates the imposition of Traffic Impact Fee ordinances by municipal corporations within the State of Indiana. It is the intent of the Road to comply with this law, and this Ordinance shall be construed in all respects to be consistent with it. The substantive and procedural requirements of IC 36-7-4-1300 *et. seq.* shall control in the event of any conflicts with this Ordinance.

Section 14. Effective Date.

This Ordinance shall be effective six (6) months following its adoption in accordance with Indiana law.

Section 15. Savings Clause.

If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 16. Construction of Clause Headings.

The clause headings appearing herein have been provided for convenience and reference and do not purport to and shall not be deemed to define, limit or extend the scope or intent of the clause to which they pertain.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

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

**WESTFIELD TOWN COUNCIL**  
**Hamilton County, Indiana**

**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  
Brian J. Zaiger, Attorney at Law  
KRIEG DEVAULT, LLP  
12800 North Meridian  
Carmel IN 46032  
317-238-6266

## **Consent Agenda Items**

### **Performance Bond Release**

- Viking Meadows – Valley View Section 1
- Viking Meadows – The Meadowlands Section 1

### **Maintenance Bond Release**

- None

### **Change Orders**

- None