

Action Item #4 - Agreement/Memorandum of Understanding (MOU):

The Public Works Department has estimated the fees water and sanitary availability and connection fees for the Justus at Bridgewater, LLC (Apartments). After reviewing the fees, Justus at Bridgewater, LLC is requesting consideration for reduced water and sanitary availability and connection fees due to economic hardship. The cost of the fees has caused them to consider development delay because these fees will not exist after the sale of the utility, creating an unintended hardship. Ordinance 13-07 gives the board authority to reduce utility fees based on an unintended hardship (Ordinance 13-07, Section 1c)

The Public Works Department is providing the invoices and Ordinance 13-07 to the Board of Public Works and Safety for considering the reduction of fees for water and sanitary availability and connection fees for the Justus at Bridgewater, LLC.



Westfield Public Works Charges
Invoice

Date: _____

Name: _____

Address: _____

City, State, Zip: _____

Location : _____

Connection Fees

Sewer:

Residential
Commercial

_____ + _____ X _____ = EDU'S

EDU'S _____ X = \$ _____

Water:

Residential
Commercial

EDU'S _____ X = \$ _____

Additional Meter(s) _____ = \$ _____

¾ X 5/8 Meter
1" Meter
2" or Greater

Sewer \$ _____ + Water \$ _____ = Total Fee(s) \$ _____

Availability Charges

Sewer: EDU'S _____ X = _____

Water: EDU'S _____ X = _____

Total Availability Charge = _____

Total Charge = _____

Notes: _____



Westfield Public Works

2706 E. 171st Street
 Westfield, IN 46074
 317-896-5452 fax 317-867-0202

Invoice No. _____

INVOICE

Customer

Name Justus at Bridgewater LLC
 Address 1398 North Shadeland Ave
 City Indianapolis IN ZIP 46219
 Phone _____

Date 4/26/2013
 Order No. _____
 Rep _____
 FOB _____

Qty	Description	Unit Price	TOTAL
1	Estimated Water and Sanitary Avail & Connection Fees	\$1,602,595.00	\$1,602,595.00
-1	Economic Hardship Discount	\$1,202,595.00	(\$1,202,595.00)
	Economic Hardship Discount is applied to this development to insure construction starts this year and not waiting until next year after the utility sale.		

Payment Details

Cash
 Check

Check # _____

SubTotal	\$400,000.00
Shipping & Handling	\$0.00
Taxes IN	
TOTAL	\$400,000.00

Office Use Only

Please make checks out to Westfield Public Works and mail to Customer Service Department of Public Works * 2728 E. 171st Street * Westfield, IN 46074*

Thank You

ORDINANCE NO. 13-07

AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD TO AUTHORIZE ADDITIONAL JURISDICTION TO THE BOARD OF PUBLIC WORKS AND SAFETY

WHEREAS, the City of Westfield ("City") is governed by its duly elected Mayor and Common Council ("Council") and is charged with the duties to maintain efficient and effective processes in the administration of services provided to the citizens of the City; and

WHEREAS, the City has created the Board of Public Works and Safety ("BPW") pursuant to Indiana law and wishes to utilize it as a quick and efficient means to address issues within that Board's expertise; and,

WHEREAS, IC 36-1-3-6 grants municipalities the power to operate and govern local affairs by adopting ordinances prescribing the specific manner in which said power is to be exercised:

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF WESTFIELD, INDIANA, AS FOLLOWS:

Section 1. That certain issues are presented to the Council such as appeals, reviews, and other relief many of which are more appropriate for the jurisdiction of the BPW. These matters include but are not limited to:

- a) Appeals from fines related to illegal sanitary sewer discharges and discharges into the storm water sewer system.
- b) Requests for reductions of fees and fines imposed by the Westfield Code of Ordinances and allowed by such for reductions.
- c) Any fee, fine and/or charge for utility services owned by the City that as imposed create an unintended hardship on a citizen of the City for which relief should be granted.
- d) Initiation and management and of fees related to any extraordinary costs associated with the storm water fees and management of the storm water system, including but not limited to repairs and special fees for areas creating an increased burden on the system.

Section 2. That the BPW allows for a more efficient and effective management of the issues related to the above and as such, should and is now declared to be the proper entity to hear appeals and reviews outlined above and are hereby granted the authority to act in the best interests of the City and its citizens. The Director of Public Works is also authorized to present to the

BPW those issues that are appropriate for relief and to prepare policies and procedures in furtherance of this Ordinance.

Section 3. No charge, fee or potential fine or charge filed in the Noblesville City Court for resolution shall be eligible for relief under this Ordinance.

Section 4. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. Any portion of this Ordinance later deemed invalid shall not operate to invalidate the remaining portions. All acts undertaken to establish this Ordinance and all prior acts undertaken to accomplish the intent of this Ordinance are hereby ratified.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS 11 DAY OF Feb 2013.

WESTFIELD CITY COUNCIL

Voting For

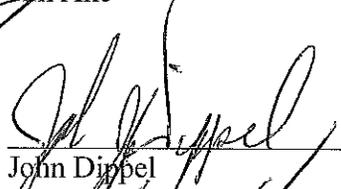
Voting Against

Abstain


Jim Ake

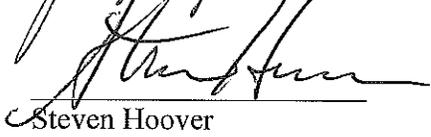
Jim Ake

Jim Ake


John Dippel

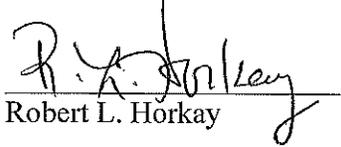
John Dippel

John Dippel


Steven Hoover

Steven Hoover

Steven Hoover


Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Cindy Spoljaric


Cindy Spoljaric

Cindy Spoljaric

Robert J. Smith

Robert J. Smith

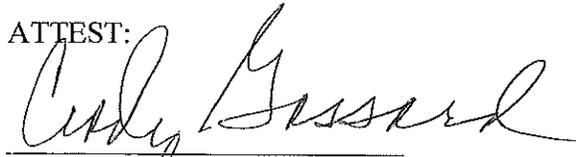
Robert J. Smith


Robert W. Stokes

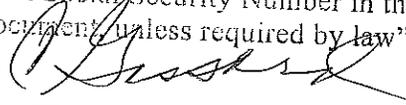
Robert W. Stokes

Robert W. Stokes

ATTEST:


Cindy Gossard, Clerk Treasurer

"I affirm, under the penalties of perjury,
that I have taken reasonable care to review
each Social Security Number in this
document, unless required by law"


Signed

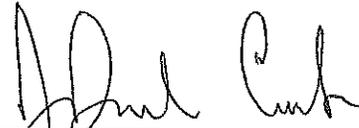
I hereby certify that ORDINANCE 13-07 was delivered to the Mayor of Westfield

on the 12 day of Feb, 2013, at 11:59 m.


Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 13-07

this 14 day of February, 2013.


J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 13-07

this _____ day of _____, 2013.

J. Andrew Cook, Mayor

ATTEST:


Cindy Gossard, Clerk Treasurer

This document prepared by
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