

1. Public Rate Hearing

Documents: [MAY 2 2013 STORMWATER BOARD PUBLIC NOTICE OF CANCELLATION OF PUBLIC RATE HEARING ON RESOLUTION 2013-01.PDF](#)

2. Utility Board Resolution

Documents: [MAY 2 2013 STORMWATER BOARD STORMWATER UTILITY BOARD RESOLUTION 2013-01.PDF](#)

3. Exhibit A

Documents: [MAY 2 2013 STORMWATER BOARD EXHIBIT A RATE STRUCTURE FROM RESOLUTION 2013-01 FOR PUBLIC NOTICE.PDF](#)



**PUBLIC NOTICE  
OF THE CANCELLATION OF A PUBLIC HEARING OF THE BOARD OF DIRECTORS  
OF THE ZIONSVILLE DEPARTMENT OF STORMWATER MANAGEMENT**

Public notice is hereby given that a public hearing of the Board of Directors of the Zionsville Department of Stormwater Management with respect to proposed rates, fees and charges for all property owners in the Zionsville Stormwater District, scheduled for Thursday, May 2, 2013 at 6:30 pm in the Beverly Harves Meeting Room of the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana **has been cancelled.**

Gavin Merriman  
Stormwater Program Manager

**RESOLUTION NO. 2013-01  
OF THE DEPARTMENT OF STORM WATER MANAGEMENT  
TOWN OF ZIONSVILLE, INDIANA**

**A RESOLUTION APPROVING A  
SCHEDULE OF RATES AND CHARGES FOR THE  
DEPARTMENT OF STORM WATER MANAGEMENT**

WHEREAS, the Town of Zionsville, Indiana (“Town”) collects and treats storm water and costs of collecting and treating storm water are presently not being paid; and

WHEREAS, the Town, by and through its Town Council (the “Town Council”), created a Storm Water Utility and the Department of Storm Water Management (“Department”) in Ordinance No. 2010-08, to provide for the funding of storm water facilities, collection, disposal and drainage of storm and surface water in the Town; and

WHEREAS, all territory within the corporate boundaries of the Town is included in and constitutes the special taxing district known as the Zionsville Storm Water District (“District”); and

WHEREAS, IC 8-1.5-5-7 provides that the Board of Directors (“Board”) of the Department, after holding a public hearing and obtaining the approval of the Town Council, may assess and collect user fees from all the property in the District; and

WHEREAS, the Board will provide notice of a public hearing, hold a public hearing on the user fees, rates and charges and obtain the approval of the Town Council as provided in IC 8-1.5-5-7(b); and

WHEREAS, the Board has reviewed a report from Christopher B. Burke Engineering, Ltd. (“Report”) addressing current and future demands and funding needs for a storm water utility of the District in order to comply with federal and state storm water legal and regulatory requirements and to provide ongoing capital improvements to the storm water infrastructure, and has made a determination as to the initial sums that must be invested and expended to comply with such legal requirements; and

WHEREAS, the Board, based upon the Report, has determined that it is necessary and desirable to impose rates and charges in order to provide for the operation and maintenance of the storm water system, as well as to provide money to fund the initiation of certain proposed projects; and

WHEREAS, the Board has determined that the initial rates and charges (“Storm Water Utility Fee”) for the Department should be established as this time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department of Storm Water Management of the Town of Zionsville, Indiana, as follows:

1. The monthly user fee per ERU will be \$3.86.

2. The monthly user fee will be based on Equivalent Residential Units (“ERU”). This allocation of expenses provides for the fact that all properties in the Town place demands on the storm water system and benefit from the storm water management activities of the Department. The ERU rates are calculated as follows:

- a. ERU (Equivalent Residential Unit) of 4400 square feet was calculated based on representative impervious surface of single family residential properties;
- b. Single family residential properties will be assessed 1 ERU;
- c. Non-residential properties and certain multi-family residential properties will be assessed in multiples of ERU based on the actual impervious area (subject to 1 ERU based minimum). This category shall consist of the following properties classified (based on the property class as determined by Boone County) as:
  - Agricultural properties
  - Apartment complexes
  - Businesses
  - Churches and other places of religious affiliation
  - Commercial property
  - Community centers
  - Education facilities, including properties owned by the Zionsville Community Schools Corporation and its affiliates
  - Federal, state and local government property
  - Hospitals and medical centers
  - Industrial property
  - Common areas of multi-family properties containing four or more units (charged to the homeowners association or property manager)
  - Retirement centers
  - Properties whose primary function is not as a single family residence
  - Common areas of residential properties, including, but not limited to, parking lots, recreational areas, office areas, maintenance areas and all other areas not occupied by residential units.
- d. Duplexes will be assessed 1 ERU;

- e. Each Unit of a multi-family residential condominium property will be assessed ½ ERU and common areas assessed similar to commercial site;
- f. Vacant (unimproved) properties will not be assessed;
- g. Per ERU utility rate for parcels located within the Rural District and outside the Town (Urban) District are calculated as 0.71 of that ERU used within the Town (Urban) District;
- h. Properties assessable hereunder will be assessed a fee regardless of tax-exempt status;
- i. Public roads and railroads will not be assessed; and
- j. No credits or caps on the Fee are being established at this time. The Board is open to future consideration and discussion of credits and caps regarding the schedule of rates and charges.

3. The Storm Water Utility Fee will be phased in over a three year period in order to reach the full monthly user fee on the following schedule:

Town (Urban) District

Year 1 (2013) 1/3 ERU- \$1.29  
 Year 2 (2014) 2/3 ERU- \$2.58  
 Year 3 (2015) Full ERU- \$3.86

Rural District

Year 1 (2013) 1/3 ERU- \$0.92  
 Year 2 (2014) 2/3 ERU- \$1.83  
 Year 3 (2015) Full ERU- \$2.74

4. If the monthly Storm Water Utility Fee is not paid by the due date stated on the bill, a late charge of ten percent (10%) will be assessed, together with costs of collection, including reasonable attorney's fees.

5. The Department of Storm Water Management shall establish the total monthly Storm Water Utility Fee and the policies and procedures for determining impervious surface area, establishing the ERU and its multiplier, billing and collection procedures, and the credit process, and shall make the same available for public inspection.

6. The Secretary of the Board is hereby directed to file a copy of this Resolution with the Town of Zionsville, Indiana, and request approval by and through the Town Council of the rates and charges as set forth herein.

7. The sections, paragraphs, sentences, clauses, phrases and words of this Resolution are separate and severable, and if any word, phrase, clause, sentence, paragraph or section of this

Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Resolution.

8. The rates and charges approved in this Resolution are effective upon passage of an ordinance by the Town Council approving this Resolution and the rates and charges authorized herein in accordance with IC 8-1.5-5-7. The rates and charges shall be billed when the Board so determines with staff of the Department that it is prudent and operationally feasible to begin charging and collecting the fees after approval and adoption of an ordinance by the Town Council.

9. All prior resolutions and parts of prior resolutions, including Board Resolution No. 2011-01, and Board Resolution No. 2012-01, insofar as they are in conflict herewith, are hereby repealed.

DULY PASSED AND ADOPTED this 9<sup>th</sup> day of April, 2013, by the Board of Directors of the Department of Storm Water Management of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 2 in favor and 1 opposed.

BOARD OF DIRECTORS OF THE ZIONSVILLE  
DEPARTMENT OF STORM WATER MANAGEMENT

Sanjay B. Patel  
Sanjay Patel, President

For

Opposed

John M. Connor  
John Connor, Vice President

For

Opposed

Candace Ulmer  
Candace Ulmer, Secretary

For

Opposed

ATTEST:

Gavin Merriman  
Printed Name

Gavin Merriman  
Signature

## Exhibit A

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- d. Duplexes will be assessed 1 ERU;

- e. Each Unit of a multi-family residential condominium property will be assessed  $\frac{1}{2}$  ERU and common areas assessed similar to commercial site;
- f. Vacant (unimproved) properties will not be assessed;
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