

ORDINANCE NO. 25-2019

AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES SET FORTH IN ORDINANCE 12-2015 COLLECTED BY THE TOWN OF PLAINFIELD, INDIANA, FROM OWNERS OR PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN

WHEREAS, the Town of Plainfield, Indiana (the "Town"), has established, acquired, and financed its sewage works pursuant to Ind. Code 36-9-23 et. seq., as amended, and other applicable provisions of Indiana law (collectively, the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage in and outside the Town; and

WHEREAS, Ind. Code § 36-9-23-25 authorizes this Council to adopt by ordinance a just and equitable schedule of fees for the services rendered by the Town's sewage works utility and system; and

WHEREAS, the current schedule of existing user rates and charges for the sewage works utility and wastewater system is set forth in Ordinance No. 12-2015 ("Prior Ordinance"), adopted by the Town Council of the Town ("Council") on July 27, 2015; and

WHEREAS, by prior ordinance, the Town Council has provided for the supervisory powers, control and technical operation of the sewage works utility to be governed by a board of directors (the "Board") of the Town's Department of Waterworks established by Ind. Code § 8-1.5-4; and

WHEREAS, the Town desires to make certain capital improvements to its sewage works treatment plant, wastewater collection system and its stormwater system and to further provide for other improvements to its sewage works and stormwater system (collectively, the "Capital Improvement Plan"); and

WHEREAS, the Board and Town have engaged Baker Tilly Municipal Advisors, LLC (the "Municipal Advisor") to prepare a wastewater and storm water financial analysis and report reviewing the sufficiency of such existing user rates and charges as well as considering the issuance of sewage works revenue bonds to pay the costs of the improvements set forth in the Capital Improvement Plan; and

WHEREAS, the Municipal Advisor has prepared and submitted a wastewater and storm water financial analysis and report dated July 19, 2019 (the "Rate Report") which concludes that existing user rates and charges are insufficient to (i) pay all the maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, legal and other necessary expenses incident to the operation of the wastewater and storm water utilities, and (ii) pay the principal and interest on the proposed sewage works revenue bonds and such other existing and outstanding revenue bonds; and

WHEREAS, following review and consideration of the Rate Report by the Board, the Board determined, pursuant to Resolution No. 2019-01 adopted on October 14, 2019, that the user rates included in the Rate Report are just, reasonable and equitable charges for services to the patrons of the Town's wastewater and stormwater utilities and recommended to the Town Council that such rates and charges should be adopted; and

WHEREAS, pursuant to Ind. Code § 36-9-23-26, this Council may change or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, the Clerk-Treasurer of the Town has given notice of the public hearing on the proposed user rates and charges set forth herein pursuant to the Act; and

WHEREAS, a public hearing was held before this Council on November 11, 2019 at which time testimony from interested persons was received, after introduction of this Ordinance and pursuant to the Act; and

WHEREAS, Ind. Code § 36-9-23-25(e), authorizes this Council to exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, to ensure that the user rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service, and whereas rates and charges too low to meet these requirements are deemed unlawful; and

WHEREAS, as required by Indiana Code 36-9-23-26(b), the Town Council hereby states that the percentage difference in this Ordinance between user rates and charges imposed on users of the sewage works for service to property located outside the Town's corporate boundaries versus property located within the Town's corporate boundaries, is approximately 14.892% (the percentage differences vary slightly for each of the categories shown in Sections 3(a) and 3(b) on Schedule 1 of this Ordinance, but are for each category not less than 14.465% and nor more than 14.999% percentage difference); and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLAINFIELD, INDIANA:

Section 1. The Council hereby finds and determines that, based upon the Rate Report and upon the recommendation of the Board, the existing user rates and charges set forth in Section 3(a)(1) (Treatment Rate and Base Rate) for metered users and in Section 3(b) for unmetered users set by the Prior Ordinance are insufficient to pay all the maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, legal and other necessary expenses incident to the operation of the wastewater and storm water utilities and systems, and interest charges on existing and proposed bonds or other obligations.

Section 2. The Council finds and determines that the proposed user rates and charges as set forth in the Rate Report and recommend by the Board are just and equitable and therefore should be adopted.

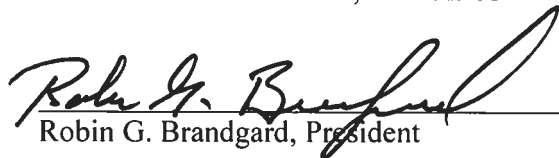
Section 3. Section 3(a)(1), Section 3(a)(2), Section 3(b), Section 3(g) and Section 5(a)(i) through (iii) of Ordinance No. 12-2015 is hereby amended and there are hereby established for the use of and the services rendered by the wastewater and storm water utilities of the Town of Plainfield, Indiana the following recurring user rates and changes: See Schedule 1 attached hereto and incorporated herein.

Section 4. The user rates and charges as revised and fixed by this Ordinance shall become effective for services rendered prior to and billed on and after the following dates:

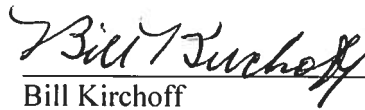
- (a) Phase I – January 1, 2020;
- (b) Phase II – January 1, 2021;
- (c) Phase III – January 1, 2022; and
- (d) Phase IV – January 1, 2023.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PLAINFIELD, INDIANA THIS 25TH DAY OF NOVEMBER, 2019 BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED.

TOWN COUNCIL, TOWN OF PLAINFIELD
HENDRICKS COUNTY, INDIANA



Robin G. Brandgard, President



Bill Kirchoff

Kent McPhail




Lance K. Angle



Dan Bridget

Attested by:



Mark J. Todisco, Clerk-Treasurer
of the Town of Plainfield

Schedule 1

SCHEDULE RATES AND CHARGES FOR THE TOWN OF PLAINFIELD'S
WASTEWATER UTILITY

See attached.

PLAINFIELD (INDIANA) MUNICIPAL WASTEWATER UTILITY

SCHEDULE OF PRESENT AND PROPOSED RATES AND CHARGES - INSIDE TOWN

	Present (1)	Proposed			
		Phase I	Phase II	Phase III	Phase IV
Section 3(a) 1)					
<u>All Flow (Per 1,000 gallons)</u>	\$4.88	\$5.22	\$5.53	\$5.70	\$5.87
Section 3(a) 2)					
<u>Base Charge (per month)</u>					
5/8 - 3/4 inch meter	\$5.85	\$6.26	\$6.64	\$6.84	\$7.05
1 inch meter	10.86	11.62	12.32	12.69	13.07
1 1/4 inch meter	15.88	16.99	18.01	18.55	19.11
1 1/2 inch meter	21.59	23.10	24.49	25.22	25.98
2 inch meter	35.80	38.31	40.61	41.83	43.08
3 inch meter	79.10	84.64	89.72	92.41	95.18
4 inch meter	135.85	145.36	154.08	158.70	163.46
6 inch meter	305.90	327.31	346.95	357.36	368.08
8 inch meter	542.30	580.26	615.08	633.53	652.54
Section 3(b)					
<u>Unmetered Users (rate per month):</u>					
Single family residence/unit	\$35.13	\$37.58	\$39.82	\$41.04	\$42.27
Apartment or trailer court/unit	26.35	28.19	29.87	30.78	31.70
Deer Path and Belleville Residential Units	35.13	37.58	39.82	41.04	42.27
Retail establishment:					
First 3 employees	35.13	37.58	39.82	41.04	42.27
Each additional employee	8.78	9.40	9.96	10.26	10.57
Gasoline service station:					
W/o car wash facilities	52.70	56.37	59.73	61.56	63.41
With car wash facilities	87.83	93.95	99.55	102.60	105.68
Restaurant, drive-ins & taverns w/ eating and/or drinking facilities:					
First 2 employees	35.13	37.58	39.82	41.04	42.27
Each additional employee	11.59	12.40	13.14	13.54	13.95
Laundromats - per washer	26.35	28.19	29.87	30.78	31.70
Car wash, manual - per bay	87.83	93.95	99.55	102.60	105.68
Shop or office in home	70.26	75.16	79.64	82.08	84.54
Professional office:					
First 2 employees	35.13	37.58	39.82	41.04	42.27
Each additional employee	11.59	12.40	13.14	13.54	13.95
School/student	1.41	1.50	1.59	1.64	1.69
Churches, lodges & veterans organization w/o eating and/or drinking facilities:					
For each 200 members	35.13	37.58	39.82	41.04	42.27
Government offices:					
First 3 employees	35.13	37.58	39.82	41.04	42.27
Each additional employee	8.78	9.40	9.96	10.26	10.57
Industrial (sanitary flow only):					
First 3 employees	35.13	37.58	39.82	41.04	42.27
Each additional employee	8.78	9.40	9.96	10.26	10.57

(1) Present rates were approved by the Town Council on July 27, 2015 pursuant to Ordinance No. 12-2015.

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PLAINFIELD (INDIANA) MUNICIPAL WASTEWATER UTILITY

(Cont'd)

SCHEDULE OF PRESENT AND PROPOSED RATES AND CHARGES - OUTSIDE TOWN

	Present (1)	Proposed			
		Phase I	Phase II	Phase III	Phase IV
Section 3(a) 1)					
<u>All Flow (Per 1,000 gallons)</u>	\$5.61	\$6.00	\$6.35	\$6.55	\$6.74
Section 3(a) 2)					
<u>Base Charge (per month)</u>					
5/8 - 3/4 inch meter	\$6.72	\$7.19	\$7.63	\$7.86	\$8.09
1 inch meter	12.48	13.35	14.15	14.58	15.02
1 1/4 inch meter	18.26	19.53	20.70	21.32	21.96
1 1/2 inch meter	24.82	26.55	28.15	28.99	29.86
2 inch meter	41.16	44.04	46.68	48.08	49.52
3 inch meter	90.96	97.29	103.13	106.22	109.41
4 inch meter	156.22	167.10	177.13	182.44	187.91
6 inch meter	351.78	376.27	398.85	410.81	423.14
8 inch meter	623.64	667.06	707.08	728.29	750.15
Section 3(b)					
<u>Unmetered users (rate per month):</u>					
Single family residence/unit	\$40.38	\$43.19	\$45.73	\$47.16	\$48.53
Apartment or trailer court/unit	30.29	32.39	34.30	35.37	36.40
Deer Path and Belleville Residential Units	40.38	43.19	45.73	47.16	48.53
Retail establishment:					
First 3 employees	40.38	43.19	45.73	47.16	48.53
Each additional employee	10.09	10.80	11.43	11.79	12.13
Gasoline service station:					
W/o car wash facilities	60.57	64.79	68.60	70.74	72.80
With car wash facilities	100.95	107.98	114.33	117.90	121.33
Restaurant, drive-ins & taverns w/ eating and/or drinking facilities:					
First 2 employees	40.38	43.19	45.73	47.16	48.53
Each additional employee	13.32	14.25	15.09	15.56	16.01
Laundromats - per washer	30.29	32.39	34.30	35.37	36.40
Car wash, manual - per bay	100.95	107.98	114.33	117.90	121.33
Shop or office in home	80.76	86.38	91.46	94.32	97.06
Professional office:					
First 2 employees	40.38	43.19	45.73	47.16	48.53
Each additional employee	13.32	14.25	15.09	15.56	16.01
School/student	1.62	1.72	1.82	1.88	1.94
Churches, lodges & veterans organization w/o eating and/or drinking facilities:					
For each 200 members	40.38	43.19	45.73	47.16	48.53
Government offices:					
First 3 employees	40.38	43.19	45.73	47.16	48.53
Each additional employee	10.09	10.80	11.43	11.79	12.13
Industrial (sanitary flow only):					
First 3 employees	40.38	43.19	45.73	47.16	48.53
Each additional employee	10.09	10.80	11.43	11.79	12.13
Section 5(a)(i) - (iii)					
<u>Excessive Strength Surcharges*</u>					
Rate surcharge based upon suspended solids (In excess of 250 milligrams per liter of fluid)	\$0.10	\$0.11	\$0.12	\$0.12	\$0.13
Rate surcharge based upon BOD (In excess of 250 milligrams per liter of fluid)	0.10	0.11	0.12	0.12	0.13
Rate surcharge based upon NH - N (In excess of 15 milligrams per liter of fluid)	0.67	0.72	0.76	0.78	0.80
* Inside and outside town.					
Section 3(g)					
<u>West Central Conservancy District (Per 1,000 gallons)</u>	\$4.38	\$4.69	\$4.97	\$5.12	\$5.27

(1) Present rates were approved by the Town Council on July 27, 2015 pursuant to Ordinance No. 12-2015.