

47 resolution making the Board's adoption of such rates and charges, and recommending final
48 action by the Council of the City to give effect to such system or rates and charges by ordinance;
49 and
50

51 WHEREAS, the Board, having considered all of the matters referenced above adopted its
52 Resolution Number 2021-01 on October 26, 2021 which proposed a newly revised user fee
53 system of rates and charges to take effect on January 1, 2022 and to remain in effect until further
54 notice, to continue to collect said fees through the property tax statements of affected property
55 owners and scheduled a public hearing upon said matters for November 23, 2021 at the Board's
56 regular meeting scheduled for that date and authorized publication of notice of same in the
57 manner required by law; and
58

59 WHEREAS, the Board gave notice of such hearing by publication in two newspapers of
60 general circulation in the City, namely *The Post-Tribune* and *The Times*, both on Monday,
61 November 1, 2021 in the manner required by I.C. §5-3-1-2(b), and such hearing was conducted
62 as scheduled on November 23, 2021; and
63

64 WHEREAS, the Board, at the conclusion of said public hearing, adopted and approved its
65 Resolution 2021-___, confirming its final action on the newly revised system of rates and
66 charges for said user fees effective January 1, 2022, their collection by a charge appearing on the
67 semiannual property tax statements of affected property owners in the City, and recommending
68 the adoption and enactment of these actions by the Council; and
69

70 WHEREAS, the Council has carefully evaluated the materials prepared by the Board in
71 connection with the proposed rate system, and has had the opportunity to ask questions
72 concerning the proposed adoption of the newly revised rate system; and
73

74 WHEREAS, the Council has concluded that the adoption of the proposed newly revised
75 system of Storm Water rates and charges proposed is in the best interest of all of the residents of
76 the City, that the expense of proper maintenance, planning and development for the Storm Water
77 system require adequate resources which are not otherwise obtainable, and that failure to address
78 the storm water management needs of the City will expose it to worsening overflows,
79 inundations, legal challenges by governmental authorities and even higher costs to its residents;
80 and
81

82 WHEREAS, the Council desires to approve said newly revised system of rates and
83 charges and their collection through a charge appearing on the semiannual property tax
84 statements of affected property owners in the City.
85

86
87 THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart that:
88

89 SECTION ONE. The User Fee system of Rates and Charges for the City Storm Water
90 Department which is proposed to take effect on January 1, 2022 and remain in effect until further
91 notice, as described and set out in Exhibit "A" attached, is hereby adopted and approved in every
92 respect.

93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140

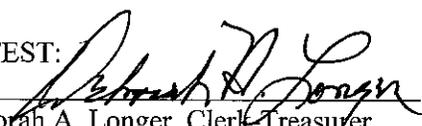
SECTION TWO. The Council hereby authorizes and directs that collection of said user fees and charges continue to be accomplished through a charge appearing on the semiannual property tax statement of each affected property owner of the City, commencing with the first installment of 2021 real estate taxes payable in 2022.

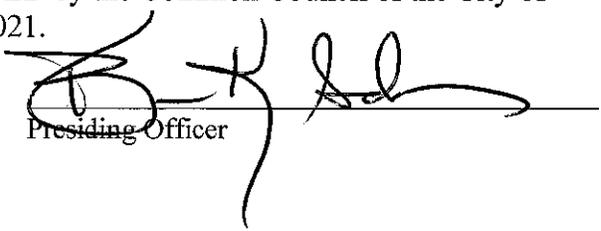
SECTION THREE. The Clerk-Treasurer is directed to give notice of the enactment of this Ordinance to the officials of Lake County administering the property tax billing and collection system, and to those officials of the State of Indiana required by law.

SECTION FOUR. All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

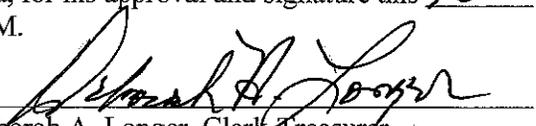
ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 15th day of December 2021.

ATTEST:


Deborah A. Longer, Clerk-Treasurer

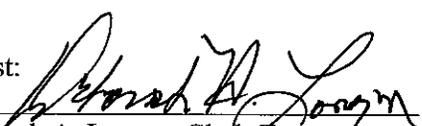

Presiding Officer

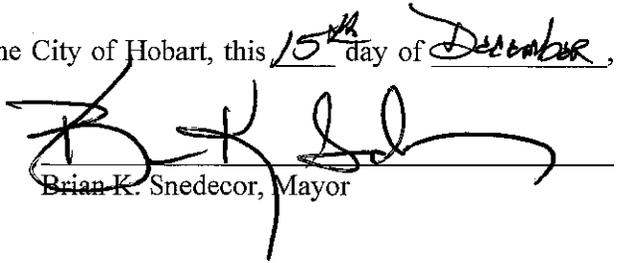
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this 15th day of December 2021 at 6:45 o'clock P.M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 15th day of December, 2021.

Attest:


Deborah A. Longer, Clerk-Treasurer


Brian K. Snedecor, Mayor

141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186

EXHIBIT A
to
City of Hobart Common Council Ordinance No. 2021 - 44

CITY OF HOBART STORM WATER MANAGEMENT BOARD OF DIRECTORS
SCHEDULE OF USER FEE RATES AND CHARGES

JANUARY 1, 2022 until further notice

Section 1. Application. This schedule shall apply to every parcel of real estate within the boundaries of the City of Hobart which is improved by a residence, other building, structure or appurtenance which results in an adjusted impervious area. An adjusted impervious area of not more than 1650 square feet shall constitute 1 Equivalent Runoff Unit (“ERU”).

Section 2. Definitions. For the purposes of this schedule, the terms following shall have the specified meaning:

a. **Residential Customer.** An owner of a parcel of real estate within the City improved by a single-family dwelling.

b. **Non-Residential Customer.** An owner of a parcel of real estate within the City which is improved by a building, structure or appurtenance other than a single-family dwelling.

c. **Adjusted Impervious Area.** The area of a parcel of real estate covered by buildings, roadways, walks and structures which prevent the free absorption of rain water by the soil. An Adjusted Impervious Area of 1650 square feet equals one ERU. For the purposes of this schedule, a single family dwelling (residential customer) is assumed to have 1 ERU, irrespective of size.

Section 3. Establishment of Rates. The Department shall assign each owner of a parcel of real estate a classification as to whether such owner is a residential or non-residential customer as to that parcel. Non-residential customers, for each parcel, shall have that parcel further classified as to the number of ERUs for the parcel based on the adjusted impervious area of the parcel. The non-residential classes of parcels for rate purposes are established as those having up to five (5) ERUs, those having from five (5) to ten (10) ERUs, those having from ten (10) to twenty-five (25) ERUs, those having from twenty-five (25) to fifty (50) ERUs. The Department shall determine, for each non-residential parcel, the number of ERUs for the parcel based on the impervious area of the parcel. The owner of each parcel of real estate in the City of Hobart, commencing January 1, 2022, and increasing each year thereafter on January 1, shall pay a storm water fee, annually as follows:

187
188
189

(A) Residential Customers

	<u>Annual Rates Effective January 1</u>		
	<u>2022</u>	<u>2023</u>	<u>2024</u>
Customer Charge	\$ 44.40	\$ 52.68	\$ 61.08
ERU Charge	<u>101.30</u>	<u>102.40</u>	<u>103.45</u>
Totals	<u>\$145.70</u>	<u>\$155.08</u>	<u>\$164.53</u>

190
191
192
193

(B) Non-Residential Customers

	<u>Annual Rates Effective January 1</u>		
	<u>2022</u>	<u>2023</u>	<u>2024</u>
Customer Charge	\$ 44.40	\$ 52.68	\$ 61.08
ERU Charge per ERU:			
First 2 ERUs	101.30	102.40	103.45
Next 68 ERUs	67.87	68.61	69.31
Over 70 ERUs	34.44	34.82	35.17

194
195
196
197
198
199
200

Section 4. Payment of User Fees. The user fees prescribed in this schedule shall be collected through a charge appearing on the semiannual property tax statement of each affected property owner of the City. The amount to be charged on each semiannual property tax statement shall be an amount equal to applicable annual rate for the property owner.

Section 5. Enforcement. The Storm Water Management Department of the City of Hobart may impose a lien on the real estate of a person or organization who, for a period of more than sixty (60) days, fails to pay the full rates and charges prescribed herein when due, and may foreclose upon the lien when necessary or desirable. This paragraph is not intended to limit the legal and equitable rights of the Department to obtain appropriate enforcement of the sums due by any other lawful means.

201
202
203
204
205
206
207
208

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CITY OF HOBART, INDIANA
STORM WATER MANAGEMENT BOARD OF DIRECTORS

Resolution No. 2021 - 02

A Resolution Confirming the Proposed Establishment of a New Revised System of User Rates and Charges for the Support of the Operation and Maintenance of the City Storm Water System, Confirming a Spending Plan for the Department of Storm Water Management, Providing for Payment and Collection of Such Fees through the Property Tax Statements of Affected Property Owners, and Recommending Adoption of Said User Rates, Charges and Manner of Collection by Ordinance of the Common Council.

WHEREAS, the Board of Directors ("Board") of the City of Hobart ("City") Department of Storm Water Management ("Department"), which is comprised of persons who are also the members of the City Board of Sanitary Commissioners pursuant to I.C. §8-1.5-5-4(g), has determined that it is necessary to secure additional funds for the operation and maintenance of the Department's storm water system; and

WHEREAS, the Board has carefully considered the need to extend, improve, reconstruct, replace or upgrade substantial portions of the City storm water system in order to provide an environmentally responsible, healthful, efficient and effective means of controlling, directing and treating storm water flows within the City, all as required by the laws of the United States and the State of Indiana; and

WHEREAS, the Board has compiled a proposed spending plan ("Plan") consisting of the determination, over the five (5) year period commencing January 1, 2021 and ending upon further action and notice of the Board, of the minimum amount of funds necessary for the operation and maintenance of the City storm water system as required by I.C. §8-1.5-5-7(b); and

WHEREAS, the Board has also carefully considered the adoption of a system of user fees and charges which equitably spreads the cost of funding the Plan among residential and commercial property owners, taking into account those factors authorized by I.C. §8-1.5-5-7(d), and making classifications employing the variations authorized by I.C. §8-1.5-5-7(e); and

WHEREAS, the Board, having considered all of the matters referenced above adopted and approved its Resolution No. 2021-01 on October 26, 2021 which proposed the adoption of a newly revised user fee system of rates and charges, proposed the implementation of the Plan, and proposed to authorize that said fees continue to be collected through a charge appearing on the semiannual property tax statements of affected property owners in the City as authorized by I.C. §8-1.5-5-7(c); and

WHEREAS, the Board, as required by the provisions of I.C. §8-1.5-5-7(b), conducted a public hearing upon such proposals after due notice to the public was published in the manner required by §5-3-1-2(b) on Tuesday, November 23, 2021, and having heard the presentations at public hearing and having deliberated upon same now desires to authorize the foregoing

47 proposed actions, to spread same upon the public record, and to recommend their final adoption
48 by the Common Council.

49
50 THEREFORE, BE IT RESOLVED by the City of Hobart Storm Water Management
51 Board of Directors that:

52
53 1. The Newly Revised User Fee system of Rates and Charges for the City Storm
54 Water Department for the period from and after January 1, 2022 which is attached hereto as
55 Exhibit "A," is confirmed and approved as the proposal of the Board, subject only to final
56 adoption by the Common Council as required by law; and

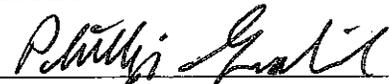
57
58 2. The Spending Plan for the City Storm Water Department for the period from
59 January 1, 2021 through further action and notice of the Board, which is attached hereto as
60 Exhibit "B," is confirmed as the final action of the Board and is hereby made effective according
61 to its terms.

62
63 3. The Board hereby officially proposes to authorize continuing collection of said
64 user fees through a charge appearing on the semiannual property tax statement of each affected
65 property owner of the City, which shall take effect with the property tax billing for 2021 payable
66 2022 and which shall include billing for the authorized annual fee as specified for each property
67 of the City appearing in Exhibit "A," and

68
69 4. The Board calls upon, urges and recommends that the Common Council of the
70 City adopt and approve the Newly Revised User Fee System of Rates and Charges described in
71 Exhibit "A," and approve the collection of such rates and fees through a charge appearing on the
72 semiannual property tax statement of each affected property owner of the City, commencing with
73 the property tax billing for 2021 payable in 2022, first installment.

74
75 ALL OF WHICH is adopted as the Resolution of the City of Hobart Storm Water
76 Management Board of Directors on this 23 day of November, 2021.

77
78
79
80 
81 ROBERT B FULTON, President

82 ATTEST:
83 
84 PHILLIP GRALIK, P.E., Secretary

85
86
87
88
89
90
91
92

93
94
95
96
97
98
99

EXHIBIT A
to
City of Hobart Storm Water Management Board of Directors
Resolution No. 2021- 02

100
101
102

CITY OF HOBART STORM WATER MANAGEMENT BOARD OF DIRECTORS
SCHEDULE OF USER FEE RATES AND CHARGES

103
104
105

JANUARY 1, 2022 until further notice

106
107
108
109
110

Section 1. Application. This schedule shall apply to every parcel of real estate within the boundaries of the City of Hobart which is improved by a residence, other building, structure or appurtenance which results in an adjusted impervious area. An adjusted impervious area of not more than 1650 square feet shall constitute 1 Equivalent Runoff Unit (“ERU”).

111
112
113

Section 2. Definitions. For the purposes of this schedule, the terms following shall have the specified meaning:

114
115
116

a. **Residential Customer.** An owner of a parcel of real estate within the City improved by a single family dwelling.

117
118
119
120

b. **Non Residential Customer.** An owner of a parcel of real estate within the City which is improved by a building, structure or appurtenance other than a single family dwelling.

121
122
123
124
125
126
127

c. **Adjusted Impervious Area.** The area of a parcel of real estate covered by buildings, roadways, walks and structures which prevent the free absorption of rain water by the soil. An Adjusted Impervious Area of 1650 square feet equals one ERU. For the purposes of this schedule, a single family dwelling (residential customer) is assumed to have 1 ERU, irrespective of size.

128
129
130
131
132
133
134
135
136
137
138

Section 3. Establishment of Rates. The Department shall assign each owner of a parcel of real estate a classification as to whether such owner is a residential or non-residential customer as to that parcel. Non-residential customers, for each parcel, shall have that parcel further classified as to the number of ERUs for the parcel based on the adjusted impervious area of the parcel. The non-residential classes of parcels for rate purposes are established as those having up to five (5) ERUs, those having from five (5) to ten (10) ERUs, those having from ten (10) to twenty-five (25) ERUs, those having from twenty-five (25) to fifty (50) ERUs. The Department shall determine, for each non-residential parcel, the number of ERUs for the parcel based on the impervious area of the parcel. The owner of each parcel of real estate in the City of Hobart, commencing January 1, 2022, and increasing each year thereafter on January 1, shall pay a storm water fee, annually as follows:

139
140
141

142
143
144
145

146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172

(A) Residential Customers

	<u>Annual Rates Effective January 1</u>		
	<u>2022</u>	<u>2023</u>	<u>2024</u>
Customer Charge	\$ 44.40	\$ 52.68	\$ 61.08
ERU Charge	<u>101.30</u>	<u>102.40</u>	<u>103.45</u>
Totals	<u>\$145.70</u>	<u>\$155.08</u>	<u>\$164.53</u>

(B) Non-Residential Customers

	<u>Annual Rates Effective January 1</u>		
	<u>2022</u>	<u>2023</u>	<u>2024</u>
Customer Charge	\$ 44.40	\$ 52.68	\$ 61.08
ERU Charge per ERU:			
First 2 ERUs	101.30	102.40	103.45
Next 68 ERUs	67.87	68.61	69.31
Over 70 ERUs	34.44	34.82	35.17

Section 4. Payment of User Fees. The user fees prescribed in this schedule shall be collected through a charge appearing on the semiannual property tax statement of each affected property owner of the City. The amount to be charged on each semiannual property tax statement shall be an amount equal to applicable annual rate for the property owner.

Section 5. Enforcement. The Storm Water Management Department of the City of Hobart may impose a lien on the real estate of a person or organization who, for a period of more than sixty (60) days, fails to pay the full rates and charges prescribed herein when due, and may foreclose upon the lien when necessary or desirable. This paragraph is not intended to limit the legal and equitable rights of the Department to obtain appropriate enforcement of the sums due by any other lawful means.

173
174
175
176

EXHIBIT B

**Hobart Storm Water Management Department Capital Improvement Plan
2021 through 2025**

Project	2021	2022	2023	2024	2025	Total
Stinky Creek Project	\$3,500,000					\$ 3,500,000
CCMG Project Local Match		\$400,000				400,000
Wisconsin St. Project			1,200,000			1,200,000
IT Upgrades	150,000					150,000
Mapping	200,000	200,000	200,000	200,000	200,000	1,000,000
New Chicago Project--Phase 1			750,000			750,000
Other Capital Projects	<u>700,000</u>	<u>700,000</u>	<u>700,000</u>	<u>700,000</u>	<u>700,000</u>	<u>3,500,000</u>
Total Estimated Capital Improvements	4,550,000	1,300,000	2,850,000	900,000	900,000	10,500,000
Less: Bond funded projects	<u>(3,500,000)</u>					<u>(3,500,000)</u>
Total Cash-funded projects:	1,050,000	1,300,000	2,850,000	900,000	900,000	7,000,000
Divided by: 5 years:						<u>5</u>
Estimated average annual capital improvements:						\$1,400,000