

UTILITIES SERVICE BOARD MEETING

November 13, 2007

Utilities Service Board meetings are recorded electronically or stenographically and are available during regular business hours in the office of the Director of Utilities.

Board President Swafford called the regular meeting of the Utilities Service Board to order at 5:02 p.m. The meeting was held in the Utilities Service Board room at the City of Bloomington Utilities Department Administrative Building in Bloomington, Indiana.

Board members present: Tom Swafford, Jeff Ehman, Pedro Roman, Julie Roberts, Tim Henke and ex-officio members Tim Mayer and Tom Micuda. Staff members present: Patrick Murphy, John Langley, Mike Bengtson, Jane Fleig, Mike Hicks, Phil Peden, Jon Callahan, Tom Staley, Chris Clothier, Vickie Renfrow, Mike Trexler and Michael Horstman. Others present: Sarah Morin representing the Herald Times, Ben Beard representing Gentry Estates, Jeff Kaden representing Indiana University, Richard Martin representing Monroe County Plan Commission, Kevin Robling, Corporate Council for the City of Bloomington, Margaret Fette representing the Libertarian Party, Mike Craterfield representing MS Consultants, Kevin Enright, Monroe County surveyor and Paul Elling representing Donohue and Associates.

MINUTES

Board member Roberts moved and Board member Ehman seconded the motion to approve the minutes of the October 29th meeting with the correction that Julie Roberts was present at the meeting. Motion carried. 4 ayes, 3 members absent, (Henke, Banach and Whikehart).

CLAIMS

Board member Roberts moved and Board member Roman seconded the motion to approve the claims as follows:

Claims 0791674 through 0791747 including \$169,703.37 from the Water Operations & Maintenance fund and 2,150.00 for water hydrant meter rental for a total of \$171,853.37 from the Water Utility; Claims 0731001 through 0731071 including \$203,349.36 from the Wastewater Operations & Maintenance fund for a total of \$203,349.36 from the Wastewater Utility; and a total of \$456.88 from the Wastewater/Stormwater Utility. Total claims approved – \$375,659.61.

Board member Roberts asked about the claim for American Machine and Conveyor. It was for 24 water sampling stations. She wondered what those were. Deputy Director Langley explained that they are permanent sampling locations for compliance with the Clean Water Act. It is for disinfection by-product monitoring which will be required for the next 10 to 12 years.

Motion carried, 5 ayes, 2 members absent, (Banach and Whikehart).

Wire transfers and fees for the month of October 2007:

Board member Henke moved and Board member Roberts seconded the motion to approve the wire transfers and fees for the month of October 2007 in the amount of \$559,561.02.

Motion carried 5 ayes, 2 members absent, (Banach and Whikehart)).

APPROVAL OF CHANGE ORDER NUMBER 1 WITH BOWEN ENGINEERING CORP. FOR THE DILLMAN ROAD WWTP DISINFECTION AND DECHLORINATION IMPROVEMENTS:

Capital Projects Manager Hicks said there is no change in the scope of work in the original contract through out the project. This change order will finalize the project. The project is now substantially and finally complete. There were allowances built into the original contract amount. In this case it was \$50,000 for unforeseen things or things that might be added. There was also a rock excavation allowance built in to the contract amount of \$8,400. There were 5 items that required spending \$27,590 out of the \$50,000. Only \$2,150 of the rock excavation amount was spent. A credit will come back to Utilities from the contract amount. It will be a deduction of \$28,860. The original amount of the contract was \$719,800. The adjusted contract amount will be \$690,940.

Board member Ehman moved and board member Roberts seconded the motion to approve Change Order Number 1 with Bowen Engineering Corp. for the Dillman Rd. WWTP Disinfection and Dechlorination Improvements. Motion carried, 5 ayes, 2 members absent, (Banach and Heknke).

APPROVAL OF THE RESOLUTION WITH INDOT AGREEING TO EXECUTE THE INDOT CONTRACT FOR THE ESTIMATED AMOUNT OF \$790,000.00:

Utilities Engineer Fleig reminded the USB of a letter that had been received from INDOT about a month earlier indicating that the cost reimbursement for the State Road 45/46 widening project and the State Road 45 widening from State Road 45/46 to Pete Ellis Drive would be combined. The plan now is to go forward with the State Rd. 45, or E. 10th St., widening. This is currently on the INDOT March 5, 2009 bid letting. There is a 12 inch water main along there that will require re-location. Ms. Fleig referred the USB to a memo in their packet that explains how this will be moving forward and the fact that the two projects will be separate yet will both be covered by the reimbursement from the State. The staff is first asking the USB to approve a resolution which sets forward their intention to enter into an agreement with INDOT to fund the amount of money required for the water line relocation. This situation is similar to the one with the State Rd. 48 widening. The design work needs to be finished and incorporated into the INDOT plan so the relocation can happen during INDOT's construction work. This resolution is a funding mechanism that indicates that the USB will pay the cost estimate of \$790,000 to INDOT for the water line relocation. Ms. Fleig reminded the board that with State Rd. 48 an estimate was prepared based on INDOT's typical unit costs. When the bids came in they were considerably lower. This is a similar situation where the USB must commit to what the estimate said but the amount paid will be what the bids come in at.

APPROVAL OF AGREEMENT WITH INDOT FOR WATER LINE RELOCATION AT STATE ROAD 45:

Ms. Fleig said that this agreement is a formality that the USB must sign for \$790,000 based on the cost estimate prepared by Utilities' Engineers. It includes line items with unit costs that probably are much higher than will actually be seen. She reminded them that they are only committed to 10% of the water operating budget for utility relocations because the State has allowed for hardship funds. In the 2008 budget \$1.2 million was set aside to cover the expenses for the by-pass and State Rd. 45. That should be the limit of the requirement for Utilities' funding. The final bid price will come out of that amount.

Board member Henke asked how Utilities will be invoiced for the remaining amount of up to \$1.2 million. Ms Fleig said that the rest will come in when the by-pass project actually moves forward. The combined estimates for the by-pass and E. 10th St. were around \$8 million but Utilities will only be responsible for the \$1.2 million. The money will have to stay in the 2008 budget. Ms. Fleig believes

the project will start in 2009. That is when the additional money will come in. She thinks there will be another agreement with INDOT laying out what is owed and that will come to the USB.

APPROVAL OF AGREEMENT FOR CONSULTING SERVICES WITH BEAM, LONGEST AND NEFF FOR SR 45/PETE ELLIS DRIVE WATER MAIN REPLACEMENT:

This entire project must be designed and there is a very short time frame before the March 5th bid-letting date. Beam, Longest and Neff have put together a standard agreement for consulting services. They have been doing the scoping work for the water line relocation along the by-pass and 10th St. They are familiar with the projects and INDOT design standards. There is a time frame to complete the work of 40 days from the notice to proceed. They are asking for compensation in the amount of \$79,500. This is a not to exceed amount for the design work. There is a scope of services included that is the relocation of about 3,100 feet of 12 inch water main from the by-pass to just east of Pete Ellis Dr.

Board member Ehman asked if Beam, Longest and Neff is the only candidate who could achieve this in 40 days. Ms. Fleig said that is probably not the case but Utilities does have a history with them on this project since they have been doing the study of the water line relocation and are very familiar with the project.

Mr. Ehman asked if this meant that they have the knowledge base so we wouldn't have to spend money to get them up to speed. Ms. Fleig agreed. Mr. Ehman asked if that is reflected in the quoted price. He wondered if the price is better than another firm could offer to do that work in 40 days. Ms. Fleig said she is not comfortable answering that question. She thinks the quote is in line with the construction estimate and in line with the typical percentage of fee that an engineering firm would charge.

Board member Roman moved and board member Ehman seconded the motion to approve the resolution with INDOT agreeing to execute the INDOT contract for the estimated amount of \$790,000.00. Motion carried, 5 ayes, 2 members absent, (Banach and Whikehart).

Board member Roberts moved and board member Ehman seconded the motion to approve the agreement with INDOT for water line relocation at State Road 45. Motion carried, 5 ayes, 2 members absent (Banach and Whikehart).

Board member Roberts moved and board member Roman seconded the motion to approve the agreement for consulting services with Beam, Longest and Neff for SR 45/Pete Ellis Drive water main replacement. Motion carried, 5 ayes, 2 members absent, (Banach and Whikehart).

Board member Henke commented that he thinks there needs to be a discussion with the staff about big contracts. This is a situation where Beam, Longest & Neff are obviously in the right position to do this job. The 40 day schedule doesn't allow many other options. He doesn't like being in a position where the USB has to discuss something that must be approved in a hurry.

Ms. Fleig pointed out that the design fees are included in the costs that will be reimbursable when they go above 10% of the annual water budget.

APPROVAL OF AGREEMENT FOR CONSULTING SERVICES WITH ms CONSULTANTS, INC. FOR GRIFFY DAM IMPROVEMENTS:

Utilities Engineer Fleig said that she is bringing forward another contract for consulting services, in this case with ms Consultants, Inc. There are some issues with Griffy Dam that require repairing.

The DNR requires that this dam be inspected every two years because it is considered a high hazard dam. It is classified high hazard because of the size of the drainage system that goes to it and the potential loss of property and life downstream if there were to be a catastrophic failure. The last 2 inspections have shown some deficiencies. Some of these, such as weeds and growth, were taken care of by Utilities staff. There are other things that Utilities cannot do on its own. A design needs to be put together and a contractor will have to be hired to do the items Utilities staff cannot take care of themselves. The deficiencies that have shown up in the annual reports are what they have been asked to address in their contract. It includes things such as leaking concrete, leaking abutments, there is still some vegetation to be removed, the site needs to be secured with adequate fencing and leaking in the draw down conduit must be addressed. The DNR is concerned anytime there is leaking in a dam. The Griffy dam is an earthen one and could potentially be undermined by leaking. The DNR has also asked that some sub-surface drainage be installed.

The contract being presented is to approve preliminary design through the final design work and preparing an emergency action plan, which is something the DNR is requiring. The fee for this amount of work is \$55,000. Utilities has also asked them to include construction inspection and administration which will be about another \$35,000. That work will not be authorized to begin until it is known what will be done by whom and whether or not the plan is to move forward with construction inspection. The entire 2nd phase may not be necessary. Their schedule indicates that they are ready to begin as soon as the contract is awarded. Construction could begin in April of 2008. It is important to get construction going to reassure the DNR that things are moving forward.

Board member Roman said that at the top of the contract it says that this contract is in draft form has been provided for information purposes only. The final terms for any agreement between the parties will be subject to legal review and ratification. He asked if the contract they are to approve will be modified and then brought back for approval. Ms. Fleig said that the contract had been provided 2 weeks earlier and was taken to an Administrative Subcommittee. On the following page is a line strike where some verbal changes that were approved by City Attorney Renfrow have been written in. When this contract was brought forward ms Consultants wasn't sure if it would all have to be re-typed or if a strike out would be O.K. Ms. Renfrow said the strike out would be O.K.

Mr. Roman asked why Utilities is being asked to spend the money to fix this dam. He wanted to know if Utilities is using the lake and if they own the dam. Ms. Fleig said that Utilities owns the lake and the dam. Mr. Roman said that Utilities does not own Griffy Lake. Board President Swafford said that the City of Bloomington owns the lake and Utilities is responsible for it. Mr. Roman asked if there is any contract or agreement that makes Utilities liable for the dam. Ms. Renfrow made a comment from the audience at this time that could not be heard. Board member Henke asked Mr. Roman if he was suggesting that Griffy Lake is deeded to some other entity. Mr. Roman said that it is deeded to the City of Bloomington. Ms. Renfrow spoke from the audience again. She approached the microphone and said that Griffy is a water source with a decommissioned water treatment plant and it is all owned by Utilities. If it were privately owned the DNR would have all the same requirements. Mr. Roman said that he understood that if the treatment plant were damaged and a liability it would be the responsibility of Utilities but the dam is a part of the lake in that it is what created the lake. He asked that the tax-payers projects that Utilities is responsible for be clarified. Ms. Renfrow said this is not a tax-payers project. It is a Utilities project and all of Utilities' projects are funded by rate payers. As owners of the facility, the dam and the surrounding land, Utilities is responsible when the DNR says that the dam must be fixed. Mr. Henke pointed out that the dam and the lake pre-date the formation of the USB. He asked if, when the legislation to create the USB was passed, there was some language that the assets would become the USB's. Ms. Renfrow said that all the assets belong to the City of Bloomington. The City has assigned responsibility for those assets to the Utilities Department to maintain and operate them. Utilities does not take title to properties. Mr. Roman said that he was asking what the connection is between the rate payers and the dam. He is wondering if

there is a lease with the city to use the property or if Utilities owns the dam. Ms. Renfrow said that Utilities is not a separate thing from the City. It is a department of the City. Mr. Roman agreed that Utilities is owned by the City. Ms. Renfrow explained that the City is the entity that is able to own property whereas the Utilities Department may not own properties because it is not a separate legal entity. It is only the department of the City that has the responsibility to operate the Utilities and take care of the assets. It does that on a separate operating budget that is rate based. Mr. Roman said that he thought it was a municipally owned Utility. Ms. Renfrow said that the municipal entity is the City. Mr. Roman said he thought there were certain properties that are owned by the Utilities. Ms. Renfrow said they had never been deeded. They are the assets that are owned for Utility purposes and the responsibility to take care of them has been delegated by the City to its Department of Utilities. Mr. Roman said it has been given by the Common Council to the municipally owned Utility. Ms. Renfrow said it is a municipally owned Utility because the City is the municipality that owns the Utilities. Mr. Roman asked if it is alright to use rate payers money to improve any property that needs improvement. Ms. Renfrow said it would only apply to property that is a part of the assets that the Utilities Department has responsibility for. Rate payers funds may not be used for just any City property. If it is Utility related in that Utilities has responsibility for it, which is certainly the case with Griffy Lake, Griffy Dam and the old treatment plant, then it's not just a right to use the funds for that purpose but is a responsibility to use them to stay in compliance with State regulations.

Board member Ehman said that in the course of doing the Griffy Master Plan they will do the work to determine how much it would cost to demolish the old treatment plant. He wanted to know at what point the Utility would no longer have responsibility for the land given that the use is primarily recreational. Ms. Renfrow said that couldn't take place until it is formally re-assigned. That has occurred in the past, for example, Twin Lakes, Leonard Springs or Wapehani Bike Park. Until there is a formal re-assignment of those assets Utilities must do the things required to keep them in good repair, especially when there is State enforcement action. Board member Roberts pointed out that part of what the Griffy Lake task force is looking at is whether or not the City might be interested in keeping the treatment plant as an emergency water supply and re-commissioning the building. Ms. Renfrow said it is very unusual for assets to be re-assigned.

Board member Henke asked if someone had been hired to consult on the treatment plant. Ms. Fleig said that it is being included in the Griffy Master Plan that the Parks and Recreation Department is administering.

Board member Roberts moved and board member Henke seconded the motion to approve the agreement with ms Consultants, Inc. for Griffy Dam Improvements. Motion carried, 5 ayes, 2 members absent, (Banach and Whikehart).

APPROVAL OF AGREEMENT FOR CONSULTING SERVICES WITH DONOHUE AND ASSOCIATES, INC. FOR JORDAN RIVER AND LOWER SPANKERS STORM CULVERT RECONSTRUCTION:

Utilities Engineer Fleig informed the USB that the County has been doing work on two bridges, one under south Walnut Street and the other is under 1st Street. The Jordan River goes off to the east and connects to a previous project at Washington and 2nd Street where improvements were made that stopped just west of Washington St. That leg of the Jordan needs to be completed to the bridge work at 1st and Walnut. Going north from the bridge work is the Spankers Branch, which is an underground box culvert. It also needs to be reconstructed. At one point it goes underneath the Player's Pub where it would be very difficult to do any work on it so it needs to be moved to the east side of Walnut St. in the public right-of-way. It will continue along Walnut to Smith Ave. to connect to the existing culvert.

The Administrative Subcommittee considered this contract and recommended that it be approved. Donohue and Associates have done a lot of large culvert projects for Utilities. They started to design this project several years ago but it was put on hold with the change in administration. At this time it has become a priority again. This contract is for Donohue and Associates to complete the design work. They have already done about 50% of it. Because there have been a number of changes in the last five years they will have to go back to do additional survey work. The contract is not to exceed \$228,900. This is a very large project. The culvert will be 16 feet wide and 4 ½ feet high which will require a lot of concrete and rebar and the design is quite extensive. They plan to begin the survey work in December and will work on the design through December of 2008. In January of 2009 bids will be let and construction will begin. The plan is for this project to follow on the heels of the County's project that is going on right now since people will already be used to having lanes narrowed due to construction.

Utilities Director Murphy reminded the USB that the funding for this project is included in the bond from the wastewater rate increase. This project has \$3.8 million dedicated for it.

Board member Roberts asked if this project is required for compliance. Ms. Fleig said that over the years several inspections have been done of these underground tunnels and box culverts. The plan was to make improvements in phases. The first phase was Wylie culvert project which was fairly small. Then the "big dig" was done on Kirkwood Ave. This project is next on the list because it has structural issues and needs to be replaced. There isn't really a choice as to whether or not the project is undertaken.

Board President Swafford commented that Utilities assumed responsibility for storm water in 1998. The list of storm water projects is multi-million dollars. It will take a long time to bring the system into compliance. There will be many more projects after this one. Mr. Murphy pointed out that there are also some neighborhood storm water projects that have been identified such as Bryan Park and Southdowns.

Board member Roman asked if any other firm had been contacted to get comparison prices. Ms. Fleig said Donohue had already started the design 5 years ago. This is really just a completion of their work. It didn't seem to be appropriate to go to a new firm which would have to start at the beginning.

Board member Henke asked why this project was stopped part way to completion. Utilities Director Murphy said that there wasn't enough money available at that time to finish it. Mr. Henke asked if any other projects were started, then stopped, as this one was. Ms. Fleig said that some neighborhood projects such as Bryan Park were stopped part way through. Mr. Murphy said that in the case of the Lower Spankers Culvert project it is the most downstream part of a major storm water plan. The work will continue to move upstream and eventually hook up to (somewhere that I couldn't hear). Mr. Henke said he would like to know what projects come off the shelf and for what reason. He thinks the USB should be involved in the prioritization of the projects. Mr. Murphy said that this project was publicly addressed during the discussion of the rate increase. He agreed that there should be a discussion of other projects that haven't moved forward. Some of them are extremely expensive.

Board member Roberts moved and board member Roman seconded the motion to approve the agreement with Donohue and Associates, Inc. for Jordan River and Lower Spankers Storm Culvert Reconstruction. Motion carried, 5 ayes, 2 members absent (Banach and Whikehart).

APPROVAL OF THE SEWER EXTENSION MAP:

Planning Director Micuda said that it has taken 5 years to come up with the new sewer extension map. It has been proposed by the City of Bloomington through a vote by the Utilities Engineering Subcommittee to replace the map that was adopted 5 years ago in 2002. That map had set the boundary of the City of Bloomington planning jurisdiction which was the sewer extension boundary. When that map was adopted in 2002 there was a problem in that there were a lot of areas outside of the City that over many decades had been developed with City of Bloomington sewers. The charge for the Task Force was to look at the areas that had been sewered in the past to see if there were areas where the map should be extended. The new map identifies areas outside the City that sewers may be extended to. The criteria that were used to come up with those areas were that they be contiguous with the City or that they are adjacent or contiguous with areas in the County that have already received sewers. This was intentionally done to fill in holes or gaps. Some subdivisions out in the County that will eventually have failing septic tanks were also identified for sewers. Also, along the south east and south west boundaries, areas that are inside of the interceptors but don't have sewers were identified for sewer extensions. An attempt was also made to make sure there are no engineering or logistical issues that would prevent sewer service from being extended. The County had originally proposed a larger extension but over the course of time and discussions with Utilities staff, Planning staff and with the County, the extensions were gradually shrunk to come up with the map being considered. This map is supported by the City Administration, the Utilities staff, the County Plan Commission and it received a unanimous vote for recommendation by the Engineering Subcommittee. The identified areas will receive sewers when the properties' developers come in to request it as part of development.

Board member Roman asked if the purpose of the map is to create some consistency among the isolated areas that have sewers. Mr. Micuda said that is correct. Board member Henke said that this process was not just about filling in blanks. It started when the County's Solid Waste Task Force took up the issue on a county wide basis. The City's Utilities were only involved in part of the County; they also dealt with Ellettsville and some of the other rural systems. The original push to expand the sewer service came from the County Health Department. The County Plan Department and Plan Commission also became involved in the Solid Waste Task Force. When they originally put together their map and brought it to the USB to ask for service for those areas it was reduced by more than half. None of the infill is because it just looks good on the map. Everything has been vetted over several criteria including the County Plan Commission and the County Plan staff vetting it for future development. Not for any specific kind of development because this allows either a residential or employer developer to go to the County Plan Commission to propose a use that requires sewer service. This is not a rubber stamp for any particular kind of plan. All plans will still have to go to the County Plan Commission. Mr. Roman said that the County Plan Commission is made up of many different people with different opinions. He asked to what extent the current Plan Commission is willing to adopt this map and act accordingly. He said that by "act accordingly" he means the City and Utilities is giving the Plan Commission something that is going to help them to develop the County in a better manner helping everyone to avoid having septic tanks. At the same time he would expect them to commit to abide by these maps and act according to the County's own zoning. For example to the east of the City there are areas designated by the map that have slopes of 12 degrees. The County should consistently apply their zoning regulations in exchange for Utilities allowing sewer extensions. This is because what Utilities is offering as a benefit for the community could become a problem if the County fails to abide by their zoning. He wants to make sure that the Director and his staff have the mechanisms to make sure the County is doing things the way they have to. He wants to make sure that everyone on both the County & City Plan Commissions are in agreement with this plan. He has talked to some County Plan Commissioners who are not even aware of this new map. He just wants to make sure there is a Community consensus to carry forward with this.

Board member Henke said that during the process there were always 3 Plan Commissioners and 2 County Commissioners involved. It has been an on going process with lots of involvement. Mr.

Micuda said that they have engaged the current County Plan Commission in these discussions. He said that County Plan Commissioner Richard Martin is present for this meeting. Other County Plan Commissioners have been involved in reviewing the various proposals along the way to arrive at the final map. Mr. Roman said he had not said that Richard Martin had not been involved in creating this map. He wants to make sure that the entire County Plan Commission has come to a consensus about these maps which means more than the 3 members who were on the committee. He said that he got a phone call an hour before the Engineering Subcommittee meeting from a member of the Plan Commission who is also an elected official of the County asking if he could come to the meeting so he could see what the maps look like. Mr. Micuda said that he could assure Mr. Roman that the County Plan Commissioners were aware of the map and he can have Mr. Martin speak to that at the appropriate time.

Board member Roman asked Plan Director Micuda specifically about a parcel on the North East side of the map. Mr. Micuda said that area is a combination of two existing subdivisions that are on fairly old septic systems. The long dead end street to the south is one of the two subdivisions and just to the north is another existing subdivision that are both on septic systems. Eventually septic service will be a problem for both of these subdivisions. Just west of this area is some open ground that may or may not be developed in the future. Because there is sewer to the South it could be possible to someday alleviate the situations with these subdivisions. Mr. Roman asked what kind of ground it is. Is it a place where development would be suitable? Mr. Micuda said the development would be contingent on the developer meeting County Plan Commission Rules and Regulations. If that occurs development would occur and sewer would be brought in which would also serve those subdivisions.

Mr. Roman asked about a parcel on the North West side of the map. He asked exactly where North Park is in that area. Mr. Micuda pointed out North Park and explained that it is not included in the area for sewers because they are developing with a private sanitation system. Mr. Roman asked about property just to the west of North Park. He thought that the North East corner of the property was included in North Park. Mr. Micuda said he did not believe so.

Mr. Roman then asked about an area at the intersection of Fullerton Pike, Rockport Rd. and South 37. He wanted to know what the land is like, what could be developed there and if it is under County Jurisdiction. Mr. Micuda said it is in the County's jurisdiction. The western portion of this triangle of land has business zoning and could have non-residential uses. The eastern portion is residentially zoned. Mr. Roman asked if Mr. Micuda had any information about why the County wants to be able to develop that particular piece of land. Mr. Micuda said the County would have to speak to that but a couple of reasons that he is aware of is that a large portion of the property is adjacent to the City's jurisdiction to the North and the City does expect their property to be developed with sewer. Another portion of it is adjacent to Monroe Hospital which is sewer. There is a sewer line that runs along the Fullerton Pike right-of-way that could be available. Mr. Roman asked what the zoning status of the piece of property to the North of the triangle is. He said he remembered hearing that it is an expired PUD. Mr. Micuda said it is an expired industrially zoned planned unit development. The City's Comprehensive Plan calls for office or medical development in the future which Mr. Micuda assumes will happen. Mr. Roman asked if this has been brought to the Council recently for their consideration. Mr. Micuda said it has not. What he expects to happen is either the Planning staff will bring it to the Plan Commission to let them determine whether they want to keep the zoning on the books or allow it to expire, or a developer could come forward to petition for a new zoning approval. Mr. Roman asked if that was the one they couldn't agree on because of the road. Mr. Micuda said that one was directly to the North.

Richard Martin, the Vice President of the Monroe County Plan Commission, said that this process began about 3 ½ years ago when the Waste Water Task Force was created. It was an outgrowth of a desire to deal with problems with multiple septic systems going in surrounding the area of

Bloomington. It was also influenced by the decision at North Park to put in a package sewage treatment plant rather than to hook on to the City of Bloomington's sewers. There had been a lot of frustration with the existing RE1 zoning which the County inherited from the City when they took over the 2 mile fringe. There was no choice but to plot 1 acre lots with septic systems. There was no question that in the future that would create a problem. The other aspect of it is that there are some specific areas of the County around Bloomington that are on septic systems on small lots. They have become problematic over time. They entered into a discussion with Utilities about how to approach this. The original map they brought to Utilities suggested that the entire two mile fringe be sewered. There were prioritizations for why they wanted sewers. At the top of the list were employment opportunities. When a perspective employer considers Monroe County they need property and the process of getting all the infrastructure in place was felt to inhibit orderly community growth over the long term. Utilities staff identified areas that were problematic for service and areas where service would be more reasonably applied. That information went back to the Waste Water Task Force who drew something similar to the present map. The Plan Commission then presented the map to the USB Engineering Subcommittee in November of 2006. At the current demand for both commercial and residential housing this map allows about a 5 year supply of land adjacent to the City of Bloomington. There are four other communities in Monroe County that are now being serviced by sewer and growth may take place in those areas as well. Through this past year the City Planning and Utilities staffs have worked on the map. No one outside of the people at the present meeting has seen the most current version of the map. That is because in the past month it has been determined that some of the information the County Plan Department has been using was not the same as the City's information. Some pieces had been left out that the County thought had been sewered but they weren't. Mr. Martin went on to say there are very few vacant parcels suitable for residential development on this map. There is a large section in the North West that has been almost entirely zoned for Industrial/Commercial uses. There is an area in the South between the two interceptors that has almost been completely developed. The area West of Bloomington but East of Leonard Springs Rd. is almost completely developed with just small amounts of infill. On the East side of Bloomington there are some areas indicated on the map that are also almost completely developed. Almost all of the indicated land will have to be re-zoned by the County for it to be used effectively. Very little of it is currently zoned in such a way that people would find it advantageous to develop it at the current density. The developers will be able to take advantage of the sewer by coming to the Plan Commission to ask for increased density. The areas on the East side are required to have sewers to be developed. There are some areas there that were specifically set aside in the County's Comprehensive Plan that have to do with sewers. The only high density area on the map that already exists is a small area of PRO 6 which is on Smith Rd.

Mr. Martin said that where employment opportunities are concerned, the triangle of land that Board member Roman asked about is currently a TIF district which is a part of a TIF district that includes Monroe Hospital. The plan is to use revenue from that TIF district to work on a bridge project across the creek that would allow the creation of an East West connector. There isn't enough area to do much with it but if the bridge can be built it will improve transportation in that part of the County.

Mr. Martin re-iterated that the original request had been for much more but the objective was to make sure there was a supply available by providing sewer capabilities to parcels in such a way that it would not skew the market in some fashion. There was a desire to avoid providing a windfall for particular property owners although the ones that do have an opportunity for sewers will have an advantage. Something had to be done to accommodate the area and it did not make sense to continue to develop one acre lots with septic everywhere.

Board member Roberts asked about a piece of property just north of the triangle of land at Fullerton Pike. There are two areas there that are the only white spots that are left out. Mr. Martin explained that they are quarries. He went on to say that his instructions to Plan Director Micuda was to put a

pencil on the paper and draw a continuous line around the City of Bloomington without lifting the pencil to create the sewer jurisdiction. The only exception would be a couple of areas that already have sewers one of them being the Westmont area past the airport and another is south where the plant is.

Board member Roman asked about the one acre lots with septic. He wanted to know if that was a zoning that the County inherited from the City's jurisdiction. Mr. Martin said it was. Mr. Roman wanted to know why the County hasn't changed the zoning. Why don't the Commissioners pass new zoning regulations so the County has the planning the County would like? Mr. Martin said the County is embarking on a project that would allow the County to do that. For the zoning to be changed it must be included in the County's Comprehensive Plan. That area is not included in the current Comprehensive Plan. The County Plan Commission operates with 2 Comprehensive Plans. One is the County's and the other is the old one from the City. They also operate with 2 sets of zoning ordinances. One of the things the Plan Commission wants to avoid as they move forward with the Comprehensive Plan is having the continual debates about where there would be sewers. When planning is reduced to a decision by a board which has authority over a particular infrastructure it is no longer community planning. It is an infrastructure group doing the community planning. One of the things to be accomplished is to remove the USB from the County Planning function where they have to perform by default. Mr. Roman agreed that the USB should not be involved in planning issues and the County should zone according to what is viable for the County. He follows meetings of the County Plan Commission where people approve things on the condition that a sewer is available. The same people could be asked if they have a sewer and if they don't have one be told no, sorry, no re-zoning, no PUD, no development of whatever it is. There are 2 sides to this. He understands that nobody wants the USB making planning decisions but at the same time the bodies that should be making the planning decisions should be making those decisions and not creating conditions to the decisions for infrastructure they do not have. If the County doesn't have sewers in certain areas it is something the County must deal with. The County can not make planning decisions based on infrastructure they do not own.

Mr. Roman asked, as an example, about the land to the east of Bloomington. If a sewer is required for development there and the City does not provide one will the land go undeveloped. Mr. Martin said it would be developed with a package sewer plant. City of Bloomington Utilities is not the only Utility option that developers have. Mr. Roman said that is the point. There would be a way to manage it.

Mr. Roman asked if when Mr. Martin was talking about the TIF if he was talking about the by-pass from 46 through the hospital property to Fullerton Pike and then (something I didn't understand). Mr. Martin said no he is talking about a bridge across the road at that particular location. He said that is all they would ever have the money for. Mr. Roman asked if it is in the TIF. Is the TIF money being spent on the location of the TIF or somewhere else? Mr. Martin said the TIF money would be used to do the design work on the bridge that would provide connectivity between the populated parts of the County through the TIF to the area of the hospital and the commercial node on the corner. Mr. Roman asked specifically where the bridge is to be located. Mr. Martin said it is further to the east and pointed to a place on the map. Mr. Roman said it is not in the TIF district. Mr. Martin said it is where the sewer line goes across. Mr. Roman asked again if it is not in the TIF area. Mr. Martin replied that one of the things the bridge has to do is to bridge the sewer line.

Board member Roman asked Mr. Martin if he knew if there had been any public discussion of the map by the County Planning Commissioners or if the new map had come up too fast for it to be considered by the entire commission. Mr. Martin said that the November, 2006 version of the map was brought to the Plan Commission. In fact they created that map. It is not significantly different from the current one. It is certainly different in the details. The general outline, with the 3 exceptions

that were discussed earlier, is essentially the same map. Mr. Roman asked if the County needs will be served for a period of time like 3 or 4 years or something like that. Mr. Martin said that at the present rate that they are getting petitions it will serve considerably longer than that. Mr. Roman asked if the map were approved would the County expect this process to be repeated constantly. Mr. Martin said that if it takes 3 years to complete every time the process might begin again in a year or two. About 40% of the area included in this is for employment development. That was their first priority, making sure that suitable employment space is available. Some of the areas in the North Western part are very large open tracts that are now serviced by rail because of the new rail line that is up there. It's the only place in the County that will be getting regular rail service. There is an opportunity to do some employment up in that area that hasn't existed for quite some time.

Board member Ehman asked Mr. Martin if the Executive Committee had been given the authority of the Plan Commission to act on its behalf in producing the map. He wondered why the USB did not receive a letter from the County Plan Commission saying that they are all on board with the map also. Mr. Martin said that is because of the way this arrangement has to work. They are operating under a set of rules which were established in 1996 or 1997 which said that when the USB has agreed and when the Plan Commission has agreed then a sewer may be put in place. The USB agreeing to this map doesn't place a sewer anywhere. The County Plan Commission still has to agree to it. Utilities will not engage in placing sewers until the Plan Commission gets a petition in front of them and approves it. Eventually the County will complete their Comprehensive Plan and then they can do re-zoning of these areas. At that point in time they can state that these areas are zoned for this density because sewer is available. That hasn't occurred and probably won't occur for some time. The USB is taking care of everything at one time whereas the County will do theirs' one petition at a time until they are in a position where they can re-zone the entire area in some fashion and bring it into consistency with the zoning in the rest of the County. That might be done as a specific zoning for this area represented by the map which is what they have been working on for other small communities such as Stinesville, Harrodsburg, Smithville/Sanders and the area around the outside of Ellettsville. It can also be done as a part of a general re-zoning in the County which probably will take place after, and as a result of, the Comprehensive Planning effort which is going on now.

Board member Henke said the whole process has been chicken and egg. They didn't know who or what should come first. It was clear that the County was trying to do long range planning both for employment and the health issues revolving around septic systems, etc. The Commissioners were very much involved in getting it started. But this is USB realm. He feels that with their consultation, which the USB has received a lot of both from Utilities staff and the County, the USB needs to be the leaders in saying this is where the sewers are going to go. There has been a lot of consultation. He does not personally feel that any other bodies should sign off first. This is an area where the USB should lead with lots of consultation.

Board member Roman said that this is the point he was trying to make with Mr. Martin. Basically what they are doing is approving an area where the USB is committing to provide sewer but the County will choose where and how and what zoning. Board President Swafford said it is in accordance with the USB's Rule and Regulations. Everything that is done will be in accordance with the USB's Rules and Regulations from the Utility. All they are doing is approving an area. And this has been going on for 3 years now.

Mr. Roman asked if there is any commitment on the part of the County to do something in exchange for the maps. Mr. Martin said that depends on what he means by commitment. Mr. Roman said he meant will they at least come up with something that is reliable and comprehensive. Mr. Martin said they are not allowed to do that. They have to respond to particular petitions that come before them at this point. Mr. Roman said that's the same position he thinks the USB should have. The problem is how they will know whether a sewer should go someplace if they don't what will go where, how much

it will cost or what the demand for the sewer will be. He doesn't personally know those things so he asks Utilities Director Murphy or the professional staff about them. He feels he is in the same situation as the Plan Commission. Mr. Martin disagreed with him. He believes the Utilities staff has already looked at the options and opportunities that already exist. They have already told the USB and the Plan Commission where things could not be done very well and where things could not be done. They are committed to making it possible provided it is paid for. No Utilities funds are being committed to this. Mr. Roman said he is aware of that. Mr. Martin went on to say if the petitioner comes in to Utilities and says now they have a project and it financially isn't going to work for them because it costs too much to get the sewer job done then they're going to have to figure out a different project. Mr. Roman agreed and said he was thinking more about discretionary (something I couldn't understand). It isn't known how much sewer capacity this is going to take because it depends on what a petitioner asks. As an example, if a factory of 2,500 employees is added it could overburden the system. The Plan Commission does a general zoning and planning of things. Then you have petitions. Petitions are more often about exceptions than not. He thinks that each body will find themselves in the same situation. He doesn't know how Utilities can take care of that if they cannot ask questions of the petitioners. Mr. Martin said either the USB is in the planning business or it's not in the planning business. They will have to decide that. Board President Swafford said the USB is not in the planning business. Mr. Roman said that the Plan Commission is not in the sewer business.

Monroe County Surveyor Kevin Enright said that in 1997 the City and the County joined in an interlocal agreement. At that time he was on the Plan Commission. He is the only person who is currently on the Plan Commission who was on it in 1997. He has been involved in the process of implementing the interlocal agreement where the County took over jurisdictional control of the 2 mile fringe. The location of the Urban Services boundary is a very critical fact. It is an important map within the County's Comprehensive Plan. It is a guiding tool for zoning and the decisions that are reviewed for the petitioners. The Plan Commission is in an awkward, catch 22 position where there needs to be cooperation between City Planning, County Planning and with the USB. It causes a 3 way labyrinth that petitioners must go through in order to have their projects reviewed. It is very frustrating for them. He appreciates all the efforts everyone has made to resolve this dilemma. The map that is currently being considered differs radically from the one that was reviewed a year ago. He has the version that the Monroe County Plan Commission reviewed in October of 2006. He has been at practically every work session. There were issues he raised at the October work session when the map was reviewed. He doesn't believe those issues were communicated through the process. At that time they were looking at an area called Edgewood Hills, which is one of the parcels identified on the map. It was the subject of an earlier work session that was held with the Health Department that had reviewed the septic failures within the subdivision and how it related to the other subdivisions in the County jurisdiction. There was no spike of excess failures within this subdivision that would require it to be expedited for sewer service. Yet that seems to be the reason for extending the sewer out into that area. He really doesn't understand how this came to pass.

Another subject Mr. Enright has concerns over is the working of the Solid Waste Task Force. Generally the Plan Commission would delegate this work to the staff. They do the bulk of the work. Mr. Enright talked to County Plan Director Zody about the operations of the sub-committee which he is a member of. Mr. Zody said there has been a great deal of attrition over the time this map has been created. That has meant that it basically became the work of just a few people. These few people are now representing themselves as speaking for the entire Plan Commission yet the current Plan Commission has not seen this map. There have not been any discussions about it at work sessions. There are a lot of things they would like to see. This is an overlay that would fit in with different zoning categories they have. They might be in agreement with it and there might be areas where they have exceptions. Right now, as of this date, they have not seen it and have not had time

to review it. He asked that he be allowed to have a copy of the digital data so they can overlay it with their layers and do some work and analysis with it.

Board member Henke asked Mr. Enright if he was aware that the Executive Committee of the County Plan Commission had met with the USB's Engineering Subcommittee to review this map. Was that not public knowledge amongst the Plan Commissioners? Mr. Enright said that his point is that the work of this map, the revisions have not been brought back to the Plan Commission, either to one of the formal meetings with the public or to a work session. He thinks this is a public issue. It will have impacts on people who live in the County and they would like to be aware of it and have time to come to an open public meeting to provide their input.

Board President Swafford said he would like to make one thing clear. This is the USB's map. It is not a County map. This is where the USB has said they can provide sewer. Whether the County chooses to extend sewers into these areas or not will be up to the Plan Commission. As far as he is concerned, as one member only of this board, whether the Plan Commission has seen the map doesn't change whether the USB will add other land or take any land away. This is where after extensive review with Utilities staff, working with the County Plan Commission and the Executive Committee the USB says we can supply sewer. The Engineering Subcommittee has approved this map. Whether the County intends to extend sewer or not is the County's business. He isn't concerned that nobody from the County side has seen the map. He understands Mr. Enright's concerns. There are probably areas that should or should not be added to this. There will be an opportunity for that to take place as time goes on.

Board member Roman said that it is clear that the County initiated this process not the USB. So it is as much the County's map as Utilities. Mr. Swafford reiterated that it is not the County's map. It is the USB's. Mr. Roman said that in the process that has been explained by Board member Henke and Plan Commission member Martin it is everybody's map. It is a community map to provide the best possible service to the people who live here and to prevent problems with septics and other issues, so everyone is involved in this. He asked Mr. Enright if he is currently serving on the Plan Commission. Mr. Enright confirmed that he is. Mr. Roman asked when he was informed of the meeting because he finds it hard to believe the members of the Plan Commission haven't even seen the map. Mr. Enright said it was not discussed at the last Plan Commission meeting. Mr. Martin confirmed that it had not been discussed at the last meeting. Mr. Enright said it is about communication. He just wants it to be clear from the County Plan Commission perspective how things operate. The issues that he had discussed and raised were not communicated. He feels it is necessary for him to take the extra step to come to the USB to communicate it himself. There has been a failure of communication.

Board member Henke said that he agrees with Mr. Enright on one respect. That is attrition. He said that after 3 ½ years of talking about this every 2 weeks he has become a little impatient.

Ben Beard representing Gentry Development respectfully requested that the USB does pass the map this evening. It is obvious from the discussion that it has been many years in the process. He wanted to point out one thing about whose map this is. At the end of the Fernandez period they had introduced a map to the USB for sewer extensions. That map was quite different from the one being considered. Once the Mayoral positions changed to Mayor Kruzan it was put on hold. Part of the inquiry was how they knew how the map corresponded with what the County's intentions were. It was in response to that inquiry that the County took up the question. He doesn't think it is quite accurate to say this was initiated originally by the County. This whole issue arose by the Utilities adopting Rule 24 which requires the Mayor's approbation for any sewer extensions. One of the reasons he is imploring the USB to pass the map is because for petitioners Rule 24 created a dilemma that was unsolvable. If they went to the County and said here is a project that is outside the sewer service

area, the County would say they needed to have a letter from Utilities saying they could get sewer service. When they came to Utilities they would be asked if they have County approval. They would say no because they have to get a letter from Utilities that says they can get sewer before it can be addressed as a petition at the County. The terms of Rule 24 required that it be authorized by the County. That put all petitioners in a position of the ultimate catch 22. You can't go to the County because you can't get any kind of letter indicating any ability to get sewer and you couldn't go to the USB to get approval for sewer because it wasn't approved by the County.

Board member Ehman said that several petitions had been passed. It might have been problematic but he doesn't think it's a fair statement to say it never happened.

Mr. Beard said that he is only aware of 2 or 3 projects that were approved by the USB after Rule 24. He is aware of at least one and maybe others at the County that have been put on hold until some map is produced by the USB so that the petition can even be heard. That is why he is imploring them to pass this map. They are not saying to the County that they must allow any petition that comes up because sewer extensions have been made possible. It simply gets the process beyond the threshold question and this is that when you submit a petition you have to indicate and show verification that you can get sewer for the project. He thinks that maybe some of these other concerns are legitimate but are ones that should be addressed in the appropriate venue which would be the Plan Commission and the Plan Department. They are planning issues. They were looking for direction from this USB saying O.K. please let us go ahead with our planning function but we can't unless we know these petitions have the ability to get sewers. He thinks that is the crux of it. At the risk of over simplifying he thinks it is pretty much that simple that as a petitioner he goes to the County and they say sorry, go to Utilities and they go to Utilities who say sorry go to the County. There is no way out of it. This simply provides a way to break that log jam and allow petitions to be heard. From there on it is just like any old petition, it has been and will be approved on its merits. He doesn't think that by approving this map the USB is limiting the County Planning purview in the least. They are simply allowing it to happen.

Mr. Beard went on to say that as Mr. Martin had mentioned he was on the Waste Water Task Force for the County. Another part of the genesis for that task force was that without the ability to go to City sewage there was still demand for development in the County and the question was if City sewers are not available how will they service the developer. The most likely 2 methods for doing that were septic, which have inherent problems and the other is package treatment plants which seem to be the most viable alternative. Then it was observed that it probably is not to anyone's advantage to have a situation that encourages the proliferation of package plants out in the County. Particularly in areas that are very likely to be annexed in the future by the City. They would much rather have sewer extensions from the City but if they can't do that the developments must be serviced somehow and it would most likely be package plants. That was part of the motivation to get something from the Utilities that says O.K. lets get this resolved so we can break this log jam and not end up with a consequence we don't want. Another interesting phenomenon was by limiting sewer extensions, particularly in the 2 mile fringe, his understanding is there has been a proliferation of subdivisions on 1 acre lots with septic. That was zoned by the City. He thinks that what happened was when that was originally put in the zoning it was used as a kind of holding zone. Because at that time they couldn't make the numbers work as far as development of one acre lots on septic. It just didn't work. He thinks that one acre zoning was used because they expected to develop there in the future. They would put it on one acre lots for the time being but eventually they would change it. As time went on and economics became viable there was a proliferation of these subdivisions out in the County that are 1 unit per acre with septic. It's one of those unintended consequences. He hopes that the USB will see their way to approving this map tonight.

Plan Commission member Martin said he would like to address the public process issue of it. He showed a copy of the 2006 map that was delivered to the USB. If the two maps are compared they look very similar. It is the map that came out of the October, 2006 work session. The Plan Commission talked about it extensively in their 2006 work session and at least at one of the Plan Commission meetings where they presented it. They have been trying to give people updates on it as they go along. There was a report prepared that was delivered to members of the Plan Commission. They have certainly been aware of this activity. Most of them have participated in it. Not everyone comes to every work session. He is certain that at least on one occasion Mr. Enright saw a map that was very similar to the map that is being passed. They can all make different choices. This is an activity which came back to the Plan Commissioners and they had to make choices about what they would cut and what they would prioritize. It can be noticed on that map there are areas that have been designated and given an A priority or a B priority. They originally set out to meet a couple of objectives; one of them was to make sure there are employment areas available, and the other was to make sure there are residential opportunities around the entire community. He thinks they have met both of those criteria. The charge from the USB was to prioritize the original list they had and they have done that. Certainly they could have chosen some other places and the USB may not like some of the places they have chosen. They didn't like some of them they chose the first time. This is not a process that is going to stop. It is going to keep going. They don't know how fast it's going to go. They do believe they have enough capacity to meet the existing needs. It is also true that they have had people come to their meetings from the areas that are now serviced by septic systems and told them that they wanted sewers. In fact that neighborhood up there (he pointed to the map) already has a plan for sewers which was drawn up by Bynum Fanyo, (he believes) about 8 years ago. They have never been able to bring it off because the piece of ground in between had been a vacant parcel so there has been no way to bring the sewer back there. Hopefully this will get that project underway. If one looks at the Health Department's records about failing systems one would see that in all of these areas around the community and within the community of Bloomington itself where there are septic systems there are failures on a regular basis that must be dealt with. This is one way of solving those problems. For people who don't deal with septic systems, it is almost as expensive to put in a septic system of the kind the County will now approve as it is to put in a sewer. It is that economics that is driving this as much as anything else at this point. Go ahead and put in a Presby system on your own and find out whether you would want a new Presby system or you want to get hooked on to the sewer. It's been a shock for several people.

Board President Swafford asked for a motion to approve the sewer map.

Board member Henke moved that the sewer map be approved. There was no second.

Board member Henke said that there have been dozens of people who have committed hundreds of hours to this. It should have been approved 2 ½ years ago. There has been lots of process. He feels that the USB needs to lead although he's not sure if it can be called leading 3 ½ years later. He feels it is the USB's purview and responsibility. Having said that, Mr. Martin just reminded him about Edgewood Hills; at one time the people in that area were concerned about a lot of septic problems they were having. They wanted to try to find a way to solve them. It is within 1,000 feet of Lake Monroe. That is just one example of why the USB should approve this map. Lots of people looked at this map; lots of people try to do what's best for the community. Just this one little example justifies that the USB move forward.

Board President Swafford asked again for a second to the motion.

Board member Roberts seconded the motion that the sewer map be approved.

Board member Roman asked if there is anyway the board can modify a small aspect of the map. Mr. Swafford said he could ask for an amendment to the map.

Board member Roman made a motion to amend the map to remove the triangle of land at Fullerton Pike, Rockport Rd. and S.R. 37. Board member Ehman seconded the motion.

Board member Roman explained that he made the motion because he thinks it fails to provide anything of value to the area. He also thinks that the stated objective for a TIF is disturbing from the point of view of all the other plans for along that area. If the new planned for by-pass of 4 lanes happens all the plans for distribution and transmission lines will be disturbed. Right now that is a few years away. There is no reason for this to be there. The USB provides for sewer, we don't provide these cover ups or whatever. Board President Swafford said the USB only provides for sewer. Mr. Roman agreed. He said this is a technical issue and he knows the planners see it in both ways and say there are as many reasons to include that parcel as to exclude it. He thinks if it is taken out the maps will pass.

Board member Mayer said that he had a comment about that particular parcel. First of all there is a brand new sewer that runs along Fullerton Pike right on the North edge of that parcel. His other point is that terrain is very tortured at that point. It's full of hills and dales with lots of valley in the area through there. He thinks it would be very difficult to septic it. He said that is his lay observation. He doesn't know why the USB would want to take that property out of this equation.

Board member Henke commented that there are obviously some board members who would like to remove this piece of property. He asked City Plan Director Micuda if he would like to talk them out of it. Mr. Micuda said that he would re-state what he stated before. The reason the area was included was, as Mr. Mayer mentioned, it does have adjacency to existing sewer and it does have adjacency to the City planning jurisdiction which were 2 of the major criteria used to identify areas that should be included on this map. Some of the area has non-residential zoning on the west side and would be surrounded on three sides of the intersection by sewer development. That was the logic for it to be included on the original map.

Board President Swafford said that he is opposed to taking it out. There is a sewer line there so it makes sense to include it as part of the map. Whether it has a TIF or no TIF it makes no difference to him. That is nothing the USB has jurisdiction over.

Board President Swafford asked for a role call vote on the amendment to remove the triangle of land at Fullerton Pk., Rockport Rd. and S.R. 37 from the map. The results were as follows:

Board member Roman: yes
Board member Ehman: yes
Board member Roberts: no
Board member Henke: yes
Board member Swafford: no.

Motion carried 3 ayes, 2 nays, 2 members absent, (Banach and Whikehart).

Board member Henke explained that he voted yes in order to get the whole map approved.

Board President Swafford asked if there were any further comments on the original motion.

Board member Ehman said that he had some comments that aren't directed at anyone in particular but just to board members and anyone that is listening. He said he really appreciates the efforts of

this group. In the 2 or 3 petitions that have been approved it has been very difficult acting as a planner and not having the certainty of this map. Now, having this map, they won't be in a position of having to go willy nilly, do we do this or not. For the development they looked at on S. Walnut, for the Blackwell development South of the Speedway, it is good to have that certainty. He said he knows the community and the development community in particular, needs to have that certainty. He has now heard from Mr. Martin that the Plan Commission wasn't in a position to approve or deny the map, but if there had been a letter from them that said, "We support the input given by our representatives to the USB", he would be in a much more comfortable position, especially after the comments made by County Surveyor Enright. He said it would also have been good to have a similar letter from the City Plan Commission saying the same thing. He said it won't prevent him from voting on this. Without Rule 24 in place he would like for someone, within this motion, to clearly define the meaning of the map regarding the decisions the USB makes and the authority they may be granting to someone else.

Board President Swafford said he would try to do that. If the USB approved the map all they are saying is that sewer will be provided to these areas based on the guidelines that Utilities operates on. Everything must be in accordance with the USB's Rules & Regulations. How it is zoned will be up to the County. Rule 24 is still in effect for certain areas until it is modified. That will be the next step once the map is approved. All that is being done is to approve where sewer can be extended. Whether the County lets it happen or not is up to them. All the USB is saying is that these are the areas where the USB, as the Utility, has said they can have sewer which must meet all the standards. Mr. Ehman asked if this meant that a petitioner would no longer have to come to the USB to ask for permission to have a sewer. Mr. Swafford said that is correct. Those will be handled as any other petitioner who comes to ask to have a sewer hooked up within the City. Mr. Henke said that he thinks that in effect this replaces the existing map. It has an area A and an area B. It is just a new area A and B. So beginning in 2 weeks they will start talking about the text for the new rule now that they have the new map.

Board member Roman said he was under the impression that Rule 24 had expired. Mr. Henke said that the USB's Legal Counsel has said that it has not expired.

Board member Roberts commented that she really agrees that Lake Monroe and all of the community's water supplies must be protected, the cleaner the better. For her it's a double deal no matter what is done by saying this is how much land is needed for the next 5 years, then there's 5 more years and 5 more years. It's the growth paradigm. It has to shift. In the next 20 years it is going to stand on its head but for right now, the more sewer there is, the more development can be concentrated so green space can kept available.

Motion carried, 5 ayes, 2 members absent (Banach and Whikehart).

OLD BUSINESS:

No old business was presented.

NEW BUSINESS:

No new business was presented.

SUBCOMMITTEE REPORTS:

There were no Subcommittee meetings.

STAFF REPORTS:

Utilities Director Murphy asked Assistant Director of Finance Horstman to report to the USB about the 2006 State Board of Accounts Audit Report.

Assistant Director of Finance Horstman said that there was only one audit comment which dealt with some of the wastewater liens and penalties had not been recorded with the County Recorder. Their research showed that a lot of these occurred in 2002, 2003 and 2004. Utilities' response laid out the plan for dealing with this. At the last USB meeting Mr. Horstman requested approval of a write-off policy for accounts under \$40. Reports of these accounts are being put together. Mr. Horstman will bring them to the USB at the next meeting for approval of writing off those accounts. This will help to address the number of delinquent accounts that the State Board of Accounts brought up. In addition to that the accounting department is in the process of identifying around 900 to 1,000 old delinquent accounts that require action. There are 2 different types of accounts, one where there is a delinquent tenant or resident but the previous owner of the property is responsible for that bill. The title to the land has changed since the bill was incurred so the previous owner is liable. The other is a situation where the owner is current but it is a previous tenant who left the bill. Letters concerning these will be sent out during the next week. They will be filing a lot of liens based on the response from the letters. This will allow some of the very old accounts to be written off if there is no response to the letters. There may be some questions as these letters go out.

Utilities Director Murphy said that 2 proposals for the peer review have been received. One is from Hanum, Wagle and Cline and the other one is WHPA which is Whitman Hydro Planning Associates. The first is about \$12,500 and the second is \$32,000. The staff has reviewed the 2 proposals. WHPA approached Utilities with the request to submit their proposal. Hanum, Wagle and Cline is a firm that was recommended by Crowe Chisek because the firm would not have the ability to undertake the project themselves so they wouldn't have a vested interest. Mr. Murphy, City Legal Counsel Renfrow, Assistant Director of Engineering Bengtson and Deputy Director Langley have reviewed both proposals. They will be prepared to make a recommendation depending on how the USB would like them to proceed. Board President Swafford asked Mr. Murphy to put them on the agenda for the next meeting to let the USB decide what they want to do at that time. Mr. Murphy said that copies will be made for the members of the USB. The staff will make a recommendation.

Utilities Director Murphy said that a Rules and Regulations meeting has been scheduled for November 26th at 4:00 p.m. to discuss Rule 24. He also suggested that the USB members ear mark 4:00 p.m. before every meeting as a time for any committee.

PETITIONS AND COMMUNICATIONS:

There were no petitions or communications.

ADJOURNMENT:

The meeting was adjourned at 7:13 p.m.

L. Thomas Swafford, President