

UTILITIES SERVICE BOARD MEETING

August 6, 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 5:17 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, Tim Henke, Julie Roberts, Jeff Ehman, Jason Banach, Pedro Roman and ex-officio member Tim Mayer. Staff members present: Patrick Murphy, John Langley, Michael Horstman, Tom Staley, Mike Bengtson, Mike Hicks, Jane Fleig and Phil Peden. Others present: Scott Dompke representing GRW Engineers, Ben Beard representing Gentry Estates, Margaret Fette representing the Libertarian Party, Hewetson?, and Sue Mayer.

MINUTES

Board member Roberts moved and Board member Henke seconded the motion to approve the minutes of the July 9th and July 23rd meetings. Motion carried, 7 ayes.

CLAIMS

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

Claims 0791106 through 0791162 including \$71,155.90 from the Water Operations & Maintenance fund for a total of \$71,155.90 from the Water Utility; Claims 0730683 through 0730711 including \$116,978.85 from the Wastewater Operations & Maintenance fund and \$9,354.95 from the Wastewater Construction fund for a total of \$126,333.80 from the Wastewater Utility; and claim #0770083 for a total of \$830.19 from the Wastewater/Stormwater Utility. Total claims approved – \$198,319.89.

Board member Banach asked about the claim for pumping out the Rusgan Lift Station. Superintendent of Operations Staley explained that a storm had knocked out the power to the Lift Station so it had to be pumped out while repairs were being made.

Board member Mayer asked about a claim for new water lines. He wanted to know if they are on private property and is it work being done for home owners. Mr. Staley said that several years ago the USB gave the staff authority to replace homeowner's water lines if it benefits the Utilities Department. There are situations where more than one residence is on a line and it is beneficial to divide them out. Because the T & D staff is not licensed to do residential plumbing work they hire a licensed plumber to take care of the plumbing in the house.

Board President Swafford asked about the Greeley and Hansen claim for the Agreed Order. He wanted to know if they would be making a report to the USB some time. Utilities Director Murphy said that he and Assistant Director of Engineering Bengtson suspect that the characterization of that claim is wrong. They think it was actually for the Dillman Road WWTP headworks project. It's a claim that should be paid. Assistant Director of Finance Horstman looked the claim up and discovered that it actually is a claim for the Agreed Order.

Motion carried. 7 ayes.

APPROVAL OF THE GRW ENGINEERS CONTRACT MODIFICATION #1

Assistant Director of Engineering Bengtson introduced Scott Dompke from GRW Engineers. Mr. Dompke explained that GRW is requesting a \$15,000 addition to an existing contract for \$36,400 which was executed in 2003. The contract was for a project that is associated with the Agreed Order. The negotiations for the Agreed Order were so extended it pushed the compliance plan back by at least two years. The prices in the original bid were very good and it's easier to add to an existing project than to create an entirely new project. The contractor agreed to honor the original prices. The changes included both additions and deletions. One of the additions includes a mini-basin that had not been a part of the funding for the original project. This project is funded by a State Revolving Fund loan which requires submittal of a report that shows the project is in compliance with the Clean Water Act. This meant that an amendment was needed for the Preliminary Engineering Report which is the funding document. It is a part of the Wet Weather Program which is a part of the compliance plan for the Agreed Order. It adds a new water shed to the four basins that were already in the contract.

GRW has been working under the existing contract since 2003 and are approaching the end of the maximum amount. There is also a time extension that is a part of the amendment because of the additional work to be done.

Board President Swafford asked what the increase in price is for this additional work. Mr. Dompke said that it is about \$250,000 of additional construction work.

Utilities Director Murphy told the USB that a Change Order for this project had been approved about a month ago. The project is sewer lining which is a part of the Agreed Order that initially was estimated to be \$1.5 million. Reynolds InLiner was the initial contractor but their price came in so far below the predicted price it allowed some additional work to be included which required more engineering work from GRW. SRF doesn't allow a change order to exceed 20% of the original project without rebidding.

Board member Roman asked if there was a copy of the original contract that. He questioned the wording "the City of Bloomington acting by and through its Utilities Service Board", then at the end of the contract it says "Utilities Service Board by Tom Swafford". Mr. Roman said he is confused about the name of the USB. Utilities Director Murphy said that Attorney Vickie Renfrow with the City of Bloomington Legal Department had reviewed and approved the contract. Mr. Roman believes that the contract should say just "Utilities Service Board" throughout the document. He would like to see consistency with the previous contract.

Board member Henke said that he thought that Utilities' legal name was City of Bloomington Utilities. Now it is being called CUD, City Utilities Department. He would like for Ms. Renfrow to explain this sometime.

Director Murphy pointed out that this contract is about an Agreed Order that is through the City of Bloomington.

Board President Swafford said that if Ms. Renfrow had approved a document then it is legal.

Board member Henke reminded Mr. Dompke that when he last did a presentation for the USB about the Wet Weather Plan he had indicated that there would be monthly workshops. He wanted to know if these workshops were for the staff only.

Assistant Director of Engineering Bengtson said that the next thing on the horizon for the USB is the submittal of the Sanitary Sewer Overflow Elimination Plan. The staff has been having monthly meetings with Greeley and Hansen to discuss the problems that couldn't be solved by lining sewers and things like that. Mr. Henke said that he believes it is very important to keep track of all the projects that are on going and planned. He asked that an updated Extensions and Replacements list be supplied to the USB. It's important that the USB be kept up to date on the big picture. Mr. Bengtson said that he views projects that are financed by the SRF quite differently than ones that have been budgeted for. Board President Swafford said that all of it has to be paid for so it helps to have an inclusive list to look at. Mr. Murphy pointed out that the USB cannot refuse to fund the Agreed Order.

Director Murphy said that he had just talked to Attorney Renfrow who said that Utilities is a department of the City of Bloomington which is why the contract is written the way it is.

Board member Ehman moved and board member Roberts seconded the motion to approve the GRW Engineers Contract Modification 1. Motion carried, 7 ayes.

OLD BUSINESS:

No old business was presented.

NEW BUSINESS:

No new business was presented.

SUBCOMMITTEE REPORTS:

Board member Henke said that a Property & Planning meeting had just been held. There were three items of discussion and the staff is getting more information on two of the items.

Board President Swafford said that there had been an Engineering Subcommittee meeting the previous week where Black & Veatch presented the Long Range Water Plan. Because the meeting was just informational no action was taken. The subcommittee recommended that a public workshop be held in the next couple of weeks. Although it is an Engineering Subcommittee Mr. Swafford said he would like for as many of the USB as possible to attend. He hopes to have as much public input as possible.

Board member Ehman asked if there would be an opportunity for the Board to discuss and evaluate the options. Mr. Swafford said there would be.

Board member Henke asked if there would be a meeting soon to discuss Rule 24. Mr. Swafford said that the next meeting would be to consider the County sewer extension maps.

Mr. Henke asked that there be more than one public meeting about the Long Range Water Plan.

STAFF REPORTS:

There were no staff reports.

PETITIONS AND COMMUNICATIONS:

There were no petitions or communications.

ADJOURNMENT:

The meeting was adjourned at 5:23 p.m.

L. Thomas Swafford, President