

UTILITIES SERVICE BOARD MEETING

June 8, 2010

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, Julie Roberts, Jeff Ehman, John Whikehart and ex-officio members Tim Mayer and Tom Micuda. Staff members present: Patrick Murphy, John Langley, Michael Horstman, Jane Fleig, Mike Hicks, Mike Bengtson, Phil Peden, Rachel Atz and Jon Callahan. Others present: Bob Madden, Marty Mann, Pam Dugan and Adam Casey representing the Lake Lemon Conservancy District, IU SPEA professor Bill Jones, Ann Fox, Sam Patterson, Pat Sutherland and Sue Mayer.

MINUTES

Board member Roberts moved and Board member Ehman seconded the motion to approve the minutes of the May 25th meeting. Motion carried, 4 ayes, 3 members absent, (Banach, Frank and Roman).

CLAIMS

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

Claims 1090620 through 1090672 including \$86,686.04 from the Water Operations & Maintenance fund and \$200.00 for water hydrant meter rental for a total of \$86,886.04 from the Water Utility; Claims 1030352 through 1030377 including \$89,014.74 from the Wastewater Operations & Maintenance fund and \$1,080.00 from the Wastewater Sinking fund for a total of \$90,094.74 from the Wastewater Utility; and claims 1070017 through 1070020 for a total of \$3,586.69 from the Wastewater/Storm water Utility and \$5,080.00 from the Wastewater/Storm water Construction fund for a total of \$8,666.69 from the Wastewater/Storm water Utility. Total claims approved – \$185,647.47.

Board member Roberts asked about the claim for Elizabeth Caulkins for a sewer back up. Utilities Director Murphy said it was a claim filed with Risk Management. The deductible is \$10,000 but this claim was for more than that so Utilities paid the difference. This was a claim that Utilities is accountable for.

Motion carried, 4 ayes, 3 members absent, (Banach, Frank and Roman).

REQUEST FROM LAKE LEMON CONSERVANCY TO PUT DREDGING FROM THE LAKE ON LITTLE AFRICA:

Utilities Deputy Director Langley explained the Conservancy is actually asking to deposit dredging from the lake on two different locations owned by the City of Bloomington, one is Little Africa which is named for its shape and the other is off the north shore in Brown County. He introduced Bill Madden, the Executive Director of the Lake Lemon Conservancy, and Bill Jones who is with the School of Public and Environmental Affairs. Mr. Madden introduced Marty Mann who is the Chairman of the

Lake Lemon Conservancy District Board of Directors, Pam Dugan who is on the Board of Directors, several residents from the Conservancy and Adam Casey who is the Lake Biologist.

Mr. Madden said the District is celebrating its 15th year of existence having been formed in 1995. After 15 years they feel they are doing a pretty good job. The Board is healthy and vibrant. The Lake has also come a long way. Thousands of feet of lineal shoreline have been protected, exotic weeds are being controlled and homes are being renovated and rehabilitated. More lake friendly septic systems are being put in. The fishery is one of the best in the State of Indiana. Lake Lemon has always been the best sailing lake and has generally got a great reputation around Indiana. The Lake is 50 years old. Data suggests the life expectancy of the lake is 125 years. The half life is being approached and the lake is filling in. Deltas are being formed and there is ground where there used to be lake, which is why they have come to the USB. The Conservancy is asking for Utilities help and assistance in sustaining Lake Lemon for the generations to come.

Mr. Madden went on to say Bill Jones has been studying Lake Lemon for 20 years. He does water testing and has done research on the lake and is a noted national limnologist. Mr. Jones will give a presentation on the Lake.

Mr. Jones gave a power point presentation that is attached to these minutes.

Board President Swafford asked about the quality of the sediment being removed from the lake and if it could be used for other purposes. Mr. Jones said the quality is good and at this time it is being used by a farmer at the other end of the lake as a soil amendment. The soil is washed into the lake from the watershed and then the productivity of the lake adds a lot of organic matter. The testing of the soil showed that it is not toxic. There are no pesticides or materials in it that would keep it from meeting the permit requirements of the Corps of Engineers. Mr. Swafford asked if the sediments would belong to the Utilities Department once they are deposited. Mr. Jones said that might be the case. He said there are dredging projects around the country where the material has been bagged and sold. The proposal was to put it on the land and shape it as upland habitat but he sees no reason why it couldn't be sold.

Someone (Mr. Madden?) said they had given Utilities Deputy Director Langley 2 large volumes of soil testing. Eight sites were tested around the entire reservoir. It all came back looking very good. There is a slight elevated arsenic level but within the parameters, so when the Corps issued the permit they did say it could be used as fill material or put in a garden. They did not recommend it be used for food uptake.

Board member Mayer asked how much this will raise the elevation of the land. Mr. Madden said he thinks it would be about 30 feet. The two sites would give about 10 to 15 years of capacity. At this time the disposal site is on a private piece of property with a one year annual renewal agreement. There is concern that if this site is lost through non-renewal of the annual contract there will be no place to put the sediment. Also, the lengthy travel time to this site cuts down on the amount of sediment that can be removed by about a third. For the past three years the dredging equipment has been leased while the technological requirements were worked out. Just last month the Conservancy went ahead and bought all the equipment. This is an investment of about \$400,000. One concern is if the disposal site is lost they will have the equipment without any place to put the material.

Board member Micuda pointed out that on the map provided the Little Africa site was different than the other site in that no buffer is shown between the fill material and the lake itself. He asked if something would be done to make sure the fill doesn't just wash right back into the lake. Mr. Mann said the map might not be accurate but there would be a minimum of 50 feet of trees and wetlands around both sites that won't be disturbed. There will be silt fencing and barriers. They will get an

IDEM Rule 5 Erosion Control Permit which will require sediment buffers and things like that. This will be an ongoing management task for the Conservancy District. They don't want to create an eyesore for the residents or the public that uses the lake. The "construction site" aspect of it will be kept back behind the trees. Mr. Micuda said the scale of the map made it less clear.

Board member Ehman asked if there are any possible negative consequences to doing these projects. Mr. Mann said that as a civil engineer his main concern is safety since they will be dealing with very large pieces of equipment. They have a Safety Committee and have put together a safety manual. The operation has been insured and they have hired heavy machinery operators. They also have a consulting contract with their previous contractor to provide advice and assistance for the first couple of years. He said he isn't very concerned about environmental impacts because they are so careful about getting the permits. Mr. Madden said the material that is being excavated is more solid than typical dredge material. There is water associated with it so it will have to be de-watered and the water retained so it doesn't go back in the lake. That comes under the 401 Water Quality certification IDEM has that says materials cannot be discharged back into the lake until they have been cleaned. The forestry officials mentioned benefits to wildlife and plants. There are some valuable wetland areas at Lake Lemon. There is a family of Bald Eagles and also Blue Herons. This project will not disturb any existing wetlands. The navigation channels around the edges of the Lake will be worked on but the valuable wetlands and the upper end of the Lake will be left intact. The disposal sites were selected with that in mind so there won't be noise and pollution in areas that are sensitive.

Mr. Ehman said the Forester who was consulted and Lee Huss, the City's Urban Forester, had both indicated this project would create new grassland habitat. Mr. Jones said it would be upland habitat in an area where there isn't a lot of upland habitat. Mr. Ehman asked if there was any maintenance planned for that. It won't stay as grassland for long without maintenance. Mr. Madden (?) said they would defer to the experts about that. He anticipates that there will be a long term maintenance program. A few years ago the Conservancy took over Riddle Park from CBU and maintains it with a long term sustainability plan. If this project is successful they will hire additional engineers and environmental experts to develop a long term plan to manage the sites once they are developed and finished. It will probably be a phased approach so disturbance is minimized at any given time. If the experts say it will be better to maintain the sites as open sites they will do so.

Mr. Ehman said these properties belong to Utilities. He asked if the Conservancy would still be willing to manage them. Mr. Mann said if the USB approves this the Conservancy will take over long term management and maintenance of these lands at least through the balance of their 50 year lease with CBU. They promised they would never come back and ask for a dime to maintain the sites.

Board member Roberts said she saw on one of the slides that at this time there is a 75 minute trip to the site where the sediment is currently being placed. That is a lot of discharge into the lake as well as being inefficient. She asked how long it will take to get to these other two sites. Mr. Madden said it will just take minutes. They expect to be able to double the work load allowing them to remove up to 500 cubic yards per day. Ms. Roberts asked what the current rate is. Mr. Madden said it is about 240 cubic yards per day.

Board President Swafford asked if there are any neighbors who are opposed to this project. Mr. Mann said they have not yet run into anyone in opposition. They have a monthly meeting and a website where they have been advertizing this project. There has been a lot of interest but no negative input. He thinks it is likely there will be at least a few people who won't like it, at least in the heat of the construction part and when the barge goes by their house making a lot of noise. Mr. Madden said the neighbor who is closest to Little Africa is an Ornithologist at IU and is very supportive of the project. The Woods, who live closest to the North Lakeshore Drive site, are also in favor of it because they have been on the lake from the very beginning and they know it is filling in.

Board member Ehman moved and board member Roberts seconded the motion to approve the request from the Lake Lemon Conservancy District to put dredging from the lake on Little Africa. Motion carried, 4 ayes, 3 members absent, (Banach, Frank and Roman).

OLD BUSINESS:

Board member Ehman asked about the status of the clarification that has been requested from Attorney Renfrow regarding the trigger for increasing the amount of water the DNR will sell to Utilities. Utilities Director Murphy said he had discussed this with Dave McGimpsey, Utilities' attorney from Bingham McHale. He asked Mr. McGimpsey to clarify if it is automatic that more water will be made available with the plant expansion, or in order to secure 30 mgd is it necessary to demonstrate the capacity to produce that. If the requested rate increase is approved to cover the expansion is it a quid pro quo that more water will be available to Utilities. Mr. McGimpsey was not able to clarify that. Mr. Ehman said the question he had, based on what Attorney Renfrow had previously told the USB, is if Utilities withdrawal of water from the lake is based on community need, not plant capacity. Mr. Murphy said he will check into that.

NEW BUSINESS:

No new business was presented.

SUBCOMMITTEE REPORTS:

There were no subcommittee meetings.

STAFF REPORTS:

Utilities Director Murphy said he had a tort claim that is about a settlement for a sewer back-up. The claim went to court and the claimant was awarded \$5250.00. There is a \$10,000 deductible. This was from May.

Mr. Murphy went on to report that on Thursday and Friday of last week Assistant Director of Engineering Mike Bengtson, Superintendent of Operations Tom Staley and Assistant Superintendents Rick Schroeder and Paul Chastain were witnesses in a jury trial presided over by Judge Harris, a special judge from Morgan County. This trial was about the Cadavid law suit. The insurers had wanted Utilities to settle their claim but Attorneys Robling and Rice recommended against that and Mr. Murphy agreed. The jury found in Utilities favor and no damages were awarded. They determined that Utilities had done everything they were supposed to.

PETITIONS AND COMMUNICATIONS:

Pat Sutherlin who lives in Dogwood Estates at 2500 E. Mofit Lane said she built her house in 1990 and she has no water pressure. Several years ago she was told a new system was going to be put in across from Dogwood Estates and she would have water pressure after that. It did increase the water pressure in Dogwood Estates but not on Mofit Lane. She wants to know why she can't get water pressure where she lives when she was told she would have it.

Utilities Assistant Director of Engineering Bengtson said they knew that Dogwood Estates had a long term low pressure problem. A booster was installed a few years ago to increase the pressure however Ms. Sutherlin is not hooked into that system. Mr. Bengtson said the Engineering Department would look into the problem to see if they can help with it. Ms. Sutherlin said she had

been trying to find out about this since 1990. She doesn't even have enough pressure to pressure wash her driveway. Mr. Bengtson gave her his direct phone number and asked her to call and talk to him about this. Board President Swafford said Mr. Bengtson would check into this then report back to the USB and they would see what could be done to fix her problem.

ADJOURNMENT:

The meeting was adjourned at 5:51 p.m

L. Thomas Swafford, President