

UTILITIES SERVICE BOARD MEETING
11/04/2024

Utilities Service Board meetings are available at CATSTV.net.

CALL TO ORDER

Board President Parmenter called the regular meeting of the Utilities Service Board to order at 5:01 p.m. The meeting took place in the Utilities Service Boardroom at the City of Bloomington Utilities Service Center, 600 East Miller Drive, Bloomington, Indiana.

Board members present: Megan Parmenter, Kirk White, Seth Debro, Molly Stewart, Jeff Ehman, Amanda Burnham, Jim Sherman

Board members absent: David Hittle, Matt Flaherty

Staff present: Matt Havey, Chris Wheeler, Hector Ortiz Sanchez, Matt Havey, James Hall, Dan Hudson, Daniel Frank

Guests present: Antonia Albaum, Aaron Pachecowe, Andy Gaschke

PETITIONS AND COMMUNICATIONS:

Antonia Albaum and her husband, Aaron Pachecowe, provided an update regarding an ongoing issue with tree roots infiltrating the sewer lateral at their home on Kirkwood Ave. Albaum noted that in May they had discussed with the board the possibility of changing the policy that places responsibility for sewer laterals on homeowners, even when it extends beyond their property lines. Albaum noted that while the USB seemed open to the policy discussion, they acknowledged it would take time. Albaum advised that since that meeting the couple filed a tort claim with the city, as advised, but it was subsequently denied. Now, they are seeking guidance on the next steps and whether there is an option to appeal the denial through the USB, as they noted a policy section mentioning appeals related to board decisions. Albaum noted that the city Risk Management office absolved the USB of appeal responsibility. Albaum expressed uncertainty about their options moving forward and requested any feedback or updates from the board. Parmenter noted that she hadn't received an update about the situation and clarified that she had been informally discussing the issue with Matt Flaherty, the couple's City Council representative. Assistant City Attorney - Wheeler advised that CBU has different types of administrative appeal processes for specific issues, such as water bill disputes, which can be brought before the USB. However, there is no general administrative appeal process available for broader grievances. This means that when a tort claim is denied, there is no further administrative appeal required before pursuing litigation. Once a tort claim is denied, the person has the option to proceed to trial if they believe they have been wronged by an administrative decision. In this case, since no administrative appeal is available, the next step would be to pursue the matter through the court system. Board member Stewart questioned if the homeowners would appeal the denial of the tort claim. Wheeler clarified that there is no appeal process available in this case, meaning that the next step would be for the individual to file a lawsuit against the city. By submitting a tort claim notice, they inform the city of their intent to sue. The city can then choose either to negotiate a resolution or to deny the claim, at which point the individual has the option to proceed with litigation in trial court. Stewart noted that there

is really nothing for the USB to decide in this case. Wheeler confirmed. Ehman questioned the specifics of the homeowners situation, noting that he believed it regarded trees planted by the city having roots that had infiltrated their sewer lateral, and because it was inward of the main it was found to be the homeowners responsibility. Albaum confirmed and expressed concern over the high cost of repairing, with quotes reaching over \$50,000, a burden beyond their financial means. She noted that they aren't alone in facing this issue and questioned the policy that places responsibility for line repairs on homeowners even beyond their property boundaries. Albaum urged the board to reconsider this policy or provide assistance to Bloomington residents in similar situations, as the cost and disruption of such repairs—particularly on a major street like Kirkwood—pose significant challenges. Wheeler explained that, given the potential for litigation, he could not discuss the city's stance in detail and noted he was not directly involved in the decision-making on this matter. Wheeler clarified that if a city-owned tree caused damage to private property, the responsibility lies outside the board's jurisdiction, as the board does not oversee city trees. However, he shared that his research into how other utilities in the state handle similar situations revealed that some offer programs where residents can make small monthly payments into a fund, which then covers future repairs to damaged lines. He shared this idea with the CBU engineering division and indicated they are exploring the possibility of implementing a similar program or other supportive options. CBU Assistant Director - Transmission & Distribution - Hall provided an update on efforts to address aging clay sewer laterals. Hall advised that CBU held an internal meeting to assess the scope of outdated lines and potential new sewer connections, working to estimate the total costs involved. Once they finalize these numbers, they plan to form a committee, which will include a council member, CBU and city engineering representatives, Housing and Neighborhood Development (HAND), and a board member, to review financial strategies used by other communities and discuss possible approaches for Bloomington. Hall added that the high expense of roadwork—around \$40,000 per street cut—is a significant concern, though in-house resources could reduce costs. A GIS analysis is underway to refine the number and extent of affected connections, allowing for a comprehensive financial proposal to be presented to the board. Sherman noted that the plan still requires CBU ratepayers to pay for the expense of the repair, and questioned if a resident that moved from a property without using the banked funds would be issued a refund. Hall clarified that the program outlined by Wheeler was simply one solution that another community had used, but CBU has not determined what, if any, option to pursue. Ehman questioned what symptoms the homeowner is having as a result of the root infiltration. Albaum described recurring sewer backups in her home, where every six to nine months, a pipe blockage causes sewage to flood through the lowest outlet, a shower. She mentioned that other neighbors face similar issues, as tree roots have infiltrated the neighborhood's main sewer line, resulting in backups that have impacted her home twice. To manage the problem temporarily, they have been using methods like regular snaking and applying tree root killer. However, a technician advised that while snaking temporarily alleviates the issue, it also gradually weakens the pipe, affecting its lifespan. Albaum emphasized that they are doing their best to maintain the pipe until a permanent solution is found. Sherman questioned if there was any possibility of removing the tree. Hall advised that the tree is overseen by the Parks Department and they were present at the recent meetings. Ehman questioned the monthly cost for the current preventative measures being taken to keep the lateral clear. Albaum advised that it cost around \$30.00 for the root killer

and \$80.00 to perform the snaking, so roughly \$200.00 per year. Pachecowe noted that the pipe is clay, and with each snaking there is a chance that the lateral will collapse altogether and essentially condemn the house since they cannot afford the repair cost. Pachecowe also noted that CBU provided pictures of root blockages in the 8" main that caused a separate sewer back-up in the neighborhood. Stewart questioned if there was any other policy or precedent regarding damage caused by other city planted trees, such as limbs falling or things that have not been maintained properly, noting that in the case of private property damage that is caused by fallen limbs, there are different scenarios for who the responsibility falls to. Wheeler advised that he does not work out of the Risk Management office, so he is not familiar with the issues that come up in cases where city trees cause damage to private property. Stewart questioned if there was any specific policy that he was aware of. Wheeler explained that responsibility for tree-related property damage typically follows state property law, considering factors like ownership of the tree and property boundaries. He admitted uncertainty about what was reviewed in this specific case and what outcomes might arise if a lawsuit were filed, as he is not directly involved. Drawing from his past legal practice, Wheeler noted his general familiarity with property rights concerning tree damage. He mentioned that the city has previously handled cases where private trees caused damage to city infrastructure, often negotiating with property owners to resolve the issue. Wheeler suggested that, by extension, similar principles might apply when city-owned trees affect private property. Stewart recommended the homeowners look into that kind of solution to the issue. Parmenter apologized for not having a solution to the issue and thanked staff for continuing to work on this matter with other city departments to find some kind of resolution and suggested following up with the Parks and Recreation board since the tree is maintained by that department.

APPEAL OF DENIAL FOR SANITARY WILL SERVE REQUEST: 5510 W STATE ROAD 48

Stoneridge Baptist Church - Andy Gaschke expressed gratitude for the positive experiences the church has had with CBU, mentioning a specific instance where they received a helpful notice regarding a potential leak. Gaschke then made a case for extending sewer services to the church's location at 5510 West State Road 48. He outlined three primary groups that would benefit: the west side community of Bloomington, the church itself, and the broader business community. Gaschke highlighted the growth potential due to increased traffic from I-69, emphasizing that improved infrastructure could support the economic expansion of the area. For the church, which operates on donations, connecting to city utilities would be more cost-effective than installing a private septic system, freeing up funds to support its community services, such as free English lessons, faith-based counseling, and other outreach programs. Additionally, he explained that the church's funds are directed toward community support rather than infrastructure expenses, underscoring the desire to use resources effectively. Pastor Gaschke concluded by respectfully requesting that the city consider an exception for connecting the church to the sewer system, offering to pay for both the connection and ongoing monthly fees, which he believes would benefit both the community and CBU. Parmenter explained that due to ongoing litigation between the city and the county residents regarding annexation, no new extensions for sewer services are being granted, except for those with an existing "will serve" commitment. Parmenter advised that the Administrative subcommittee recently discussed the matter and updated the Rules and Regulations and the changes overlapped with the appeal.

being made. Parmenter noted that the USB is unable to approve any appeals at this time. While there may be potential for change after the litigation is resolved, the current situation does not allow for moving forward with the project of connecting to the city sewer. Gaschke noted that he was aware of the tensions regarding annexation but didn't realize that it was part of the issue and was simply trying to move forward with the project. Parmenter noted that the policy may look different in a year, but currently an appeal is not possible. Stewart questioned if this project was eligible for voluntary annexation. Ehman noted that he had considered that possibility but the property is not contiguous with the existing city boundary so would not be eligible. Burnham acknowledged the statements made by Parmenter and added that many people are in a similar situation as a result of the annexation litigation and noted that it is good that he presented to USB with the information so the board is aware of the projects that are being denied sanitary sewer connection as a result of the recent policy change. Gaschke thanked the board for the opportunity to present and for their service to the community.

MINUTES

Board member Sherman moved, and Board Vice President Debro seconded the motion to approve the minutes of the 10/21/2024. Motion carried, seven ayes

CLAIMS

Standard Invoice Questions

Ehman noted the claims for training and questioned the methodology behind how those charges are assigned to specific accounts, whether it be water, wastewater, or stormwater. Ehman specifically noted charges to a recent WEFtec conference, and that in some cases the training was charged to one account and for others who attended it was charged to multiple accounts. CBU Assistant Director - Finance - Havey explained that the specific employee's assigned division determines how the charges are split. If the employee works at the Monroe Plant, their training would be charged to only Water. If someone works at the Dillman Wastewater Plant, it would be charged to the Wastewater account. Some employees in other divisions will be split across multiple accounts depending on what aspects of CBU their role supports. Parmenter noted the charges for the Engraving and Stamp Center for the engraving of an Employee of the Month plaque and requested more information about the award. Hall advised that the award is specific to the Blucher Poole Plant and something that the Plant Superintendent - Tyler Steury put in place. Updates about reward recipients will be given during future USB meetings. Parmenter questioned the 'Annual Pretreatment Sampling' charges with Pace Analytic for Catalent. Hall advised that the Pretreatment program, by permit, is required to sample industrial users each year, depending on the classification of the business, the EPA dictates how many times the sites need to be sampled each year. The charges reflect one of the annual screenings for Catalent. Often the samples are submitted at once and as the results are received they'll invoice separately, so there can be multiple charges. Hall also noted that any time CBU does this type of sampling, CBU will charge the industrial user for the cost of the testing.

Sherman moved, and Debro seconded the motion to approve the Standard Invoices:

Vendor invoices included \$175,960.30 from the Water Fund, \$12,631.46 from the Water

Construction Fund, \$1,195,810.47 from the Wastewater Fund, \$786,859.39 from the Stormwater Fund.

Motion carried, seven ayes. Total claims approved: \$2,171,261.62.

Sherman moved, and Debro seconded the motion to approve the Utility Bills:

Invoices included \$10,446.00 from the Water Fund and \$3,215.04 from the Wastewater Fund.

Motion carried, seven ayes. Total claims approved: \$13,661.04.

Sherrman moved, and Debro seconded the motion to approve the Wire Transfers, Fees, and Payroll for \$581,339.71. Motion carried, seven ayes.

Sherman moved, and Debro seconded the motion to approve the Customer

Refunds: Customer Refunds included \$157.26 from the Water Fund, \$6,749.95 from the Wastewater Funds

Motion carried, seven ayes. Total refunds approved: \$6,907.21

CONSENT AGENDA

Hall presented the following items recommended by staff for approval:

- a. Smithville, \$214.95/month, Internet upgrade at Dillman waste plant
- b. Smithville, \$99.00/month, Internet upgrade at Monroe water plant
- c. Brehob Corporation, \$10,000.00, On call services for air compressor and crane services

Consent agenda was approved pending Controller approval. Total approved: \$21,302.20

REQUEST APPROVAL OF 2024 RESIDENTIAL STORMWATER GRANT FOR 903 abd 909 N PARK RIDGE COURT

Hall presented the grant noting that this was part of the Residential Stormwater Grants that were approved for 2024, but the homeowner was anxious to get started this year and requested that this agreement be rushed. Parmenter noted that the number of projects was lower than in the past and she wished to follow-up with Carter to discuss that.

Sherman moved, and Debro seconded the motion to approve the Residential Stormwater Grant. Motion carried, seven ayes.

OLD BUSINESS: None

NEW BUSINESS: None

SUBCOMMITTEE REPORT: Parmenter noted that the Property & Planning Subcommittee will meet on November 18th.

STAFF REPORTS:

Hall presented the following:

New employee:

- Valerie Perry - Inventory Coordinator. This Purchasing position is responsible for assisting with inventory operations and ensuring the best quality, delivery, and price for supplies, equipment, and services.

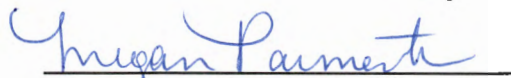
Personnel changes:

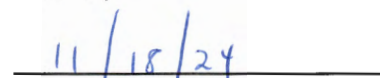
- Shane Ira accepted the role of Assistant Superintendent at the Monroe Treatment Plant. In 2010, Shane began working in T&D until 2015, when he moved to the Monroe Water Treatment Plant to become an Operator. In addition to having a CDL A, Shane has a Distribution Systems License (DSL) and the Water Treatment 5 (WT5) Certification.

- Austin Bennington accepted the position of Assistant Superintendent of Stormwater in T&D. In September, Austin celebrated 3 years at CBU. He started as a laborer and was promoted to Specialized Crew Leader in 2023. He holds a CDL A and a Distribution Systems License (DSL).

PETITIONS AND COMMUNICATIONS: None

ADJOURNMENT: Parmenter adjourned the meeting at 5:40 pm


Megan Parmenter, President


Date