

UTILITIES SERVICE BOARD MEETING
6/30/2025

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CALL TO ORDER

Board President Debro called the regular meeting of the Utilities Service Board to order at 5:07 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, Jim Sherman, Seth Debro, Jeff Ehman, Molly Stewart, David Hittle

Board members absent: Amanda Burnham, Matt Flaherty

Staff present: Kat Zaiger, Matt Havey, James Hall, Phil Peden, Hector Ortiz Sanchez, Chris Wheeler, Dan Hudson, Kevin White, Kelsey Thetonia, Daniel Frank, Nancy Axsom

Guests present: None

PETITIONS AND COMMUNICATIONS: None

MINUTES

White moved, and Sherman seconded the motion to approve the Regular Meeting minutes of the 6/16/2025. Motion carried, six ayes.

CLAIMS

Standard Invoices Questions

Board member Parmenter questioned charges to A&M Graphics for 'Septage Tickets in County' and noted that there are septic users within Bloomington city limits and questioned if they would also receive these tickets. CBU Assistant Director - Finance - Havey clarified that the tickets are sold to septic haulers who dump materials at the Dillman Wastewater Treatment Plant.

Parmenter noted the charge on page four for Kirby Risk related to smoke detectors and questioned the maintenance schedule for those devices at CBU. Havey advised that he would need to look into the matter. Parmenter questioned if payments to PCI were related to the discussion from the previous meeting regarding credit card processing fees that CBU is currently paying to Tyler Technologies. Havey clarified that these charges are specifically for the use of card readers for part of 2024 and all of 2025. Parmenter questioned if this fee is at all related to processing fees. Havey advised no, this is solely related to the use of credit card readers at the Service Center. Board member White abstained from voting on the payment to Indiana University on page three, #96014213.

White moved, and Board member Sherman seconded the motion to approve the Standard Invoices:

Invoices included \$276,003.07 from the Water Fund, \$813.75 from the Water Construction Fund, \$241,118.72 from the Wastewater Fund, \$474,052.58 from Wastewater Construction Fund, and \$35,999.62 from the Stormwater Fund.

Motion carried - six ayes. Total claims approved: \$1,027,987.74

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

Invoices included \$2,531.76 from the Water Fund, \$3,272.77 from the Wastewater Fund, and \$670.53 from the Stormwater Fund.

Motion carried - six ayes. Total claims approved: \$6,475.06

White moved, and Sherman seconded the motion to approve the Wire Transfers, Fees, and Payroll for \$526,357.50. Motion carried - six ayes.

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

Refunds: Customer Refunds included \$157.95 from the Water Fund and \$4,437.76 from the Wastewater Fund.

Motion carried - six ayes. Total refunds approved: \$4,595.71

White moved, and Sherman seconded the motion to approve the Water Bond Payments:

Water Bond Payments included \$3,296,340.78 from the Water Sinking Fund.

Motion carried - six ayes. Total refunds approved: \$3,296,340.78

Sewer Bond Payments and Solar Payment

Sherman questioned if CBU had current data that shows how much CBU is currently saving from the solar panels that are installed at CBU. Havey confirmed. Sherman requested that the data be shared with the USB at a future meeting.

White moved, and Sherman seconded the motion to approve the Sewer Bond Payments

and Solar Payment: Solar Payment included \$39,841.52 from the Water Fund, \$186,271.20 from the Wastewater Fund. Sewer Bond Payments included \$1,790,810.50 from the Wastewater Sinking Fund.

Motion carried - six ayes. Total refunds approved: \$3,296,340.78

CONSENT AGENDA

Zaiger presented the following items recommended by staff for approval:

- a. Snedegar Construction, Inc., \$10,000.00, On-call for excavation and boring services
- b. Monroe Owen Appraisals, \$6,000.00, Appraisal Work for Catalent Sewer Relocation project
- c. Eco-Friendly Mechanical, Inc., \$20,000.00, On-call agreement for HVAC services
- d. Economy Termite and Pest Control, Inc., \$1,115.00, Quarterly interior and exterior pest spray at Utilities Service Center
- e. Omni Management, LLC., \$13,020.00, Semi-annual autoclave maintenance at Dillman Waste Plant
- f. Bruce's Welding, \$5,500.00, Low service vault door lift repair at Monroe Water Plant

The consent agenda was approved pending Controller Approval. Total approved: \$55,635.00

REQUEST APPROVAL OF AGREEMENT FOR SERVICES WITH ETICA GROUP, INC.

CBU Assistant Director - Environmental - Thetonia advised that agreement is for a Letter of Map Amendment for the floodplain north of the Winston Thomas property which will remove the lagoon area from the FEMA maps. Etika Group has completed the modeling of the property along with the No Rise Certification which states that the existing buildings are in compliance and CBU's status in the National Flood Insurance Program is in compliance. Thetonia advised that the next steps will be updating the maps for an area that is well above base flood elevation.

White moved, Sherman seconded to approve the agreement with Etika Group, Inc. - six ayes.

REQUEST APPROVAL TO TERMINATE GROUND LEASE AND RIGHT OF WAY WITH CINGULAR WIRELESS PCS, LLC

Assistant City Attorney - Wheeler presented a recommendation regarding two longstanding lease agreements with AT&T. These leases—originally signed in 1998 and 1999 with companies later acquired by AT&T—include a ground lease and a lease and right-of-way agreement. AT&T has expressed interest in renewing the leases for an additional 25 years while significantly reducing their lease payments, a proposal Wheeler found unacceptable. Wheeler advised against renewing the agreements due to the possibility that CBU may relocate operations to Winston Thomas, making long-term commitments on the current property not prudent. Wheeler proposed allowing the existing leases to expire, one in September 2028 and the other, currently on a year-to-year basis, in November 2028. Sherman questioned the implication for AT&T. Wheeler advised that they would simply need to find another location for their tower. Debro questioned if there are any other benefits that CBU gains from having the tower on the property. Wheeler advised that CBU has the option to co-locate equipment on the tower, but after speaking with the City ITS Department, they have no need to do that, so outside of monetary gain, there is no other benefit to CBU. White questioned if the tower is located in an area that would inhibit better uses of the property. Wheeler mentioned previous discussions from Mayor Thomson regarding potential uses for the property should CBU relocate to Winston Thomas. Potential redevelopment would likely require the tower to be relocated if the footprint needed to be increased, but at that point it would not be a CBU concern.

White moved, Sherman seconded to terminate Ground Lease and Right of Way with Cingular Wireless PCS, LLC. - six ayes.

REQUEST APPROVAL OF FIRST AMENDMENT TO AGREEMENT FOR SERVICES WITH PRECISION QUALITY CONTRACTING, LLC

CBU Utilities Engineer - Menefee presented the amendment and advised that during the initial work, additional fiber optic cable was found that needed to be replaced. This amendment increases the cost of the original agreement by \$3,989.00 bringing the total contract amount to \$25,649.00.

White moved, Sherman seconded to approve Amendment No.1 with Precision Quality Contracting, LLC - six ayes.

REQUEST APPROVAL OF REQUEST APPROVAL OF RESOLUTION 2025-13 TO RECOMMEND AMENDMENTS TO TITLE 13 - STORMWATER

Thetonia presented a comprehensive update to the City's Title 13 - Stormwater ordinance, driven largely by recent changes to state legislation. The Indiana General Assembly passed a bill mandating that municipal stormwater programs cannot enforce rules or ordinances that are more stringent than the state's Construction Stormwater General Permit (CSGP). Because Bloomington's Municipal Separate Storm Sewer System (MS4) is responsible for regulating construction site runoff, the local ordinance needed to be reviewed and revised to align with the new state standards.

The proposed changes include:

- **Permit Process Streamlining:** For construction sites that do not require coverage under the state's CSGP, the city will implement a simplified application process. Despite this, the city will continue regulating drainage, especially on small private sites that install stormwater infrastructure or pose pollution risks (e.g., gas stations), to ensure proper sizing, installation, and water quality controls.
- **Performance Standards Update:** A specific local provision that prohibited plastic netting in erosion control mats was removed from the ordinance, as it was stricter than the state standard. Thetonia noted that while this language was removed to comply with the new law, the city is working with the Planning Department to potentially reintroduce it in the Unified Development Ordinance (UDO) under landscaping standards.
- **Financial Assurance Revisions:** The city has removed the requirement for performance bonds to cover the removal of active construction site erosion controls, which was seen as potentially conflicting with the new state law. However, performance bonds are still required for new stormwater infrastructure and permanent best management practices (BMPs) that involve final site stabilization. Thetonia emphasized that the city still has adequate enforcement tools to ensure compliance, including bond use for unresolved stabilization issues.
- **General Cleanup and Clarification:** The ordinance underwent a thorough review, with corrected references, clarified language, and updates to sections that had become outdated or inconsistent over time.
- **New Culvert Maintenance Provision:** A new section was added to formalize the responsibility of private property owners to maintain driveway culverts. Although the city has long encouraged this, it had not been enforceable. Including it in the ordinance allows for clearer expectations and improved operational follow-up when maintenance issues arise.

- **Drainage Easement Clarification:** In response to feedback from developers and engineers, the ordinance now clarifies that drainage easements are required not only for surface conveyances but also for underground systems that drain public rights-of-way or multiple lots. This ensures better access for maintenance and long-term infrastructure reliability.

Thetonia concluded by thanking Chris Wheeler, Liz Carter, and Caden Swanson for their assistance in drafting the revisions. White questioned the implications of adding the authority of Indiana code, Title 36, which allows municipalities to regulate stormwater on private property, specifically, what this means for property owners. Thetonia clarified that the proposed change does not impose new obligations on existing property owners. Instead, it reinforces the municipality's authority to regulate drainage requirements for new development and construction projects. This authority ensures that when someone seeks to build on a property, the city can determine how stormwater and drainage will be managed as part of the approval process. Wheeler advised that CBU has always had the authority and responsibility, the purpose of putting it in now is in response to enrolled act 1037 which created a new statute that specifies that CBU cannot be more stringent than the construction site general permit. Wheeler explained that a specific code section was added to the ordinance to clarify the city's authority and responsibilities under stormwater regulations. The purpose of including this section is to demonstrate why the city continues to enforce certain requirements that may appear more stringent than what is outlined in the state's Construction Stormwater General Permit (CSGP). Wheeler added that by explicitly citing this authority, the city aims to provide a clear justification for its actions and be able to defend its regulatory practices if challenged in the future. White noted that recent events have underscored the importance of stormwater detention and retention systems in preventing flooding. While these systems are essential, they come with maintenance costs and responsibilities—particularly for neighborhood associations that inherit retention ponds from developers. White emphasized that property owners must take responsibility for managing stormwater runoff, warning that failure to do so could lead to localized flooding issues. White asked whether the new Indiana legislation overall increases or decreases the level of stormwater regulation previously in place in the city, noting a recent trend of the state rolling back local regulatory authority, often limiting the city's ability to implement measures it considers best for the community. Wheeler explained that when Title 13 was originally developed, the state's general permits appeared to encourage municipalities to be more regulatory, using language that gave MS4 programs flexibility and authority to go beyond the baseline requirements. However, the new Indiana statute now prohibits local governments from being more stringent than the Construction Stormwater General Permit (CSGP), creating confusion. The statute does not reference the MS4 general permit, despite overlapping responsibilities. Wheeler noted that the contradiction between the general permit inviting stricter local regulation and the statute prohibiting it, has made it difficult for the city to interpret and implement the law. Wheeler advised that CBU is now expected to be less regulatory, though it's unclear how to balance that expectation with its obligations under both the statute and the CSGP.

White moved, Sherman seconded to approve Resolution 2025-13 - six ayes.

REQUEST APPROVAL OF AGREEMENT FOR SERVICES WITH WESSLER AND ASSOCIATES CONSULTING ENGINEERS, INC.

CBU Capital Projects Manager - Hudson presented the agreement to perform a preliminary engineering evaluation for the Dillman Wastewater Treatment Plant to evaluate the media in the existing sand filters. The project will include an evaluation of structural problems that may exist with the clarifiers at the plant. Total cost of the agreement will be \$35,000.00.

White moved, Sherman seconded to approve the agreement with Wessler and Associates Consulting Engineers, Inc. - six ayes.

OLD BUSINESS: None

NEW BUSINESS: Parmenter spoke about a recent trip to a nearby community and noted that the aesthetics of the water she had while visiting helped her appreciate the work performed by everyone at CBU. Parmenter noted the excessive rain Bloomington has recently experienced and questioned if CBU is currently expecting the seasonal taste & odor issues that have happened in previous years. Zaiger advised that the algae issues that typically cause the taste and odor issues are a result of extended periods of drought. Board member Ehman noted former Chair Thomas Swofford would frequently comment on the superiority of Bloomington water to wherever he had recently visited, and Ehman echoed that sentiment. White noted the importance of properly caring for and maintaining Lake Monroe, not only by the Bloomington community, but also by the surrounding counties whose watersheds feed into the lake. White also noted that CBU should make more of an effort to tell its story to the community. White acknowledges that many people in the community are skeptical of the government and by extension the services it provides. For CBU that means people opting for bottled water instead of tap because they lack trust in the service CBU provides. White challenged CBU leadership to find a way to tell the story of CBU and better share all the things that are done to provide safe drinking water to the community. Zaiger advised that CBU Conservation & Energy Resource Manager - Pontius is currently spearheading a project geared toward increasing CBU outreach to the community. Zaiger noted the most important factor in creating successful outreach, marketing, and branding is creating trust in the product.

SUBCOMMITTEE REPORT: None

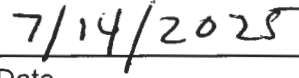
STAFF REPORTS: CBU Assistant Director - Peden announced the retirement of CBU New Project Coordinator - Nancy Axsom from CBU after 25 years of service with the City of Bloomington Utilities. Peden advised that Axsom worked as New Service Coordinator for 19 years and prior to that she worked in Customer Relations for 6 years. Peden noted that Axsom was an integral part of the Engineering Department and was involved in every new meter that was installed in the service system. Axsom was also a valuable team member who provided encouragement to staff throughout CBU. Peden advised that a retirement party is planned for Axsom on the afternoon of July 2nd.

PETITIONS AND COMMUNICATIONS: None

ADJOURNMENT: Debro adjourned the meeting at 5:40 pm

A handwritten signature in dark ink, appearing to read 'Seth Debro', written over a horizontal line.

Seth Debro, President

A handwritten date '7/14/2025' in dark ink, written over a horizontal line.

Date