

UTILITIES SERVICE BOARD MEETING
7/17/2023

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CALL TO ORDER

Board Vice President Parmenter called the regular meeting of the Utilities Service Board to order at 5:06 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: Amanda Burnham, Megan Parmenter, Molly Stewart, Kirk White, Seth Debro, Jim Sherman, Ex Officio Scott Robinson, Ex Officio Jim Sims

Board members absent: Jeff Ehman

Staff present: Vic Kelson, Holly McLaughlin, Katherine Zaiger, Chris Wheeler, Jane Fleig, Matt Havey, Caden Swanson

Guests present: Eric Kamen, Mee Jung Kim

Board member Debro moved, and Board member Parmenter seconded the motion to add a Petitions section to the beginning of the meeting while keeping item XIII.) Petition and Communications as well. Motion carried, six ayes.

Landlord - Bryan Rental Inc. - Eric Kamen advised that a water supply line to a toilet in the basement of 409 E. 4th St. broke and caused a high usage bill. Mee Jung Kim is the restaurant owner and is not fluent in English and was unable to read the door tag notification that City of Bloomington Utilities (CBU) placed on the property door when the leak was detected. Burnham clarified the statement for the month of May was the first invoice that showed increased use and then more significant use was on the June statement. Burnham noted that the door tag was placed to alert the business of high usage on May 3rd, but the problem persisted until June 14th. Kamen advised that once they were made aware of the leak, they removed the toilet and capped it so this issue should not occur again. Board member Sherman questioned if the notice provided by CBU is delivered only through door tags, or if there was notice provided via postal mail. CBU Director - Kelson advised no, notice is provided through door tags only. Sherman noted that there is also the option to sign-up for email notification as well. Burnham questioned if the customer was aware of the online water tracking services provided by CBU. Kamen advised yes, they are aware now, and he is certain that the tenant received notice from CBU, they simply weren't able to read or understand the notification. Sherman questioned if the email notifications were only delivered to certain customers. Kelson advised notifications are delivered to all customers who sign up for the service using the online portal. Kelson further clarified that typically in situations such as this sewer bills can be adjusted based on the amount of water that was used that did not flow to the sanitary sewer. In this case, CBU was informed by the customer that the water flowed to a sump connected to the sanitary sewer, so no adjustment could be made. Refunds for water charges can only be granted by the Board. Board member White questioned if there was any Board precedent regarding cases like this. Kelson noted that adjustments are made to sanitary sewer bills all the time in cases where the supply line to a

home breaks and the water that is released clearly never entered the sanitary sewer, but there are limitations according to the rules regarding granting adjustments to water in situations where it is unclear how much, if any, water didn't reach the sanitary sewer. Adjustments in those cases must be approved by the Board. Sherman noted that there have been previous cases with the Board where adjustments were made to the sanitary sewer, but the water portion has never been adjusted in his memory. Board member Stewart clarified that the customer is not requesting an adjustment to the water, they are only asking for adjustment to the sanitary sewer bill. Kamen noted they will take any relief. White noted that in this case, all the water did flow to the sanitary sewer and was processed at the plants at an expense to CBU. Bloomington City Legal - Assistant City Attorney - Wheeler advised that CBU has modeled how it handles the adjustment of water and wastewater bills off of the rules outlined by the Indiana Utilities Regulatory Commission (IURC) policies. CBU is not regulated under this particular section by the IURC, but they have put together policies that they encourage utilities to adhere to. Wheeler noted IURC 170 IAC 6-1-14 that looks specifically at if the meter is operating correctly, and in the case of a faulty meter, the water charges should be adjusted. But if the meter is operating correctly it is not the CBU or the Board's responsibility to determine what the water was used for, and adjustments to the water bill are never considered. Where relief can be found is on the wastewater side when the customer can prove that water that flowed through the meter did not enter the sanitary sewer, but that is not the situation in this case. Wheeler noted that policy dictates no adjustment be made in this case and cautioned the Board, if they decide to provide an adjustment, they be certain that they are not doing so arbitrarily and in a way that could allow other customers to complain that they didn't receive the same kind of adjustment, or that CBU is not enforcing the policy even handedly. Wheeler also noted that throughout his tenure in the position, no adjustments have been made in similar cases. Burnham questioned if the Board needed to vote on this issue. Wheeler advised yes. Burnham questioned if there was any further action that could be taken. Wheeler advised that any decision made by this Board can be appealed. The customer is free to have a trial court review it and some cases have gone to the IURC, but in most cases the IURC decides not to weigh in because they lack the jurisdiction. Sherman noted that payment plan options are available. Wheeler confirmed that was an option to spread out the payments. Kamen noted that the entire basement was flooded and the majority of the water went through the sump pump. Kelson asked if the sump pumps discharged to the sanitary sewer. Kamen advised yes. White questioned CBU's practice on how long the payment plan can be extended. Assistant Director - Finance - Havey advised it could be as long as necessary, but in most cases it lasts between two to three months. White noted that in this case it should span a longer period, and questioned if CBU charges interest on these payments. Havey advised no. White noted that this is an unfortunate situation and staff should work to make the payment process flexible to help the customer, but making an adjustment in this case sets a precedent that would be difficult to manage in the future. Ex Officio Sims questioned if there had been a discussion about assistance programs. Kelson advised that the only available financial assistance program that CBU offers is only available to residents and not businesses. Sims questioned if anyone had provided any other options for financial assistance as well. CBU Communications Manager - McLaughlin noted that financial assistance programs had not been discussed but CBU has a handout with assistance options that is provided to

customers, and offered to provide it to Kamen. Kamen agreed. Sherman questioned if insurance would cover part of the cost. Kamen advised that he had considered trying to represent his tenant to the insurance company, but it seems unlikely that insurance would cover the cost, thus not worth the effort.

Sherman moved, and White seconded the motion for no adjustment to the customer bill and the offering of a payment plan. Motion carried, six ayes.

Parmenter questioned regarding this issue, is there a way that CBU can encourage incoming tenants to sign up for online notifications to cut down on the likelihood of a similar situation in the future. Kelson advised that it would be ideal if customers were automatically signed up for those notifications, but the current systems don't allow for that. Parmenter noted that the international community could be especially difficult to get the word out, but perhaps going out into the community to make people aware of this service would be the answer. Kelson asked Burnham if CBU created a one page flyer to inform customers about signing up for these notification services, would landlords be open to distributing them. Burnham advised yes, any resources are welcome, but not all landlords are as communicative with their tenants. Debro noted that flyers should be made, but the information should be spread across social media, and given the international population barrier, CBU may need to come up with more innovative ways of spreading this message, such as putting up posters down 4th St. to inform tenants. Sherman noted it is equally important to spread this information to residential customers as well, and that the information should emphasize the negatives of not getting notifications about water loss. Kelson noted that this type of information can be distributed with a bill insert, but the most timely way to have customers sign up for these notifications would be during the new customer sign-up process. Burnham questioned how many customers are signed up for this notification program. McLauchlin advised no, but she would look into it. Burnham noted that having that data could provide the opportunity to develop strategies to increase the number of customers who use it.

MINUTES

Board Vice President Parmenter moved, and Board member Debro seconded the motion to approve the minutes of the July 3rd meeting. Motion carried, six ayes.

CLAIMS

Standard Invoices Questions

Burnham questioned the recent inconsistencies in charges for concrete that have happened on the last two Standard Invoices list in which it is unclear what project the concrete charges are for. CBU Assistant Director - Havey advised that staff can work to do a better job of making sure there is consistency across these charges. Burnham questioned if the charges for Panel Screens are just for random drug screenings, or if CBU is experiencing an uptick in COVID cases. Kelson advised that CBU has not been experiencing an uptick. Zaiger advised that the charges are for drug panel screens for new CDL recipients.

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

Vendor invoices included \$283,339.91 from the Water Fund, \$40,480.89 from the Water Construction Fund, \$117,608.15 from the Wastewater Fund, and \$18,720.96 from the Stormwater Fund.

Motion carried, six ayes. Total claims approved: \$460,149.91.

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

Invoices included \$108,911.31 from the Water Fund and \$24,040.90 from the Wastewater Fund.

Motion carried, six ayes. Total claims approved: \$132,952.21.

Parmenter moved, and Debro seconded the motion to approve the Wire Transfers, Fees, and Payroll for \$551,670.44. Motion carried, six ayes.

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

Refunds: Customer Refunds included \$25.25 from the Water Fund, \$4,118.85 from the Wastewater Fund, and \$6.51 from the Sanitation Fund.

Motion carried, six ayes. Total refunds approved: \$4,150.61.

CONSENT AGENDA

Kelson presented the following items recommended by staff for approval:

- a. Wessler Engineering, Inc., \$7,700.00, SCADA asset management plan
- b. B.L. Anderson Co., Inc., \$3,690.00, Annual flow meter calibration
- c. American Trucking, LLC, \$22,000.00, Asphalt paving and repairs
- d. Dotlich Inc., \$900.00, Crane for lift station generator removal/replacement

Consent Agenda approved as presented. Total approved: \$34,290.00

REQUEST FOR APPROVAL OF RESOLUTION 2023-11 DESIGNATE SURPLUS PROPERTY

Havey presented the resolution to designate surplus property and outline the list of items proposed for future auction.

Parmenter moved, and Debro seconded the motion to approve Resolution 2023-11 to Designate Surplus Property. Motion carried, six ayes.

REQUEST FOR APPROVAL OF CHANGE ORDER 2 FOR CULVERT RECONSTRUCTION PROJECT

CBU Utilities Engineer - Fleig presented Change Order No. 2 for the Jordan River Culvert Reconstruction Project. Fleig advised that this change order will close out the project and is a net increase of \$44,650.10 for a portion of additional rock excavation that was required. A portion amounting to \$112,200 of this was paid by an allowance that was in the contract. This will bring the final contract amount to \$13,235,317.46.

Parmenter moved, and Debro seconded the motion to approve Change Order No.2 for Culvert Reconstruction Project. Motion carried, six ayes.

REQUEST FOR APPROVAL OF AGREEMENT WITH INDIANA BROWNFIELDS PROGRAM

CBU Assistant Director - Environment Zaiger presented the agreement for the site access agreement with the Indiana Brownfields Program, or their selected consultant, for assessment of the Watermen Detention Sites. Zaiger advised that there is a chance the site may be contaminated, so CBU is performing due diligence to inspect the site and confirm if it is contaminated. Burnham questioned what specifically the Brownfields Program is. Zaiger advised that it helps identify sites that may have or are suspected of having contamination as a result of prior history of having above or below ground storage tanks, or processing involving hazardous materials. The Brownfields Program helps different groups redevelop these sites in a safe manner. Parmenter questioned what type of expenses could be associated with this project since it is City owned property. Zaiger advised that for the assessment, CBU hopes to have it entirely funded by the Indiana Finance Authority (IFA), this will include a grant to pay for the agreement. Kelson clarified that if the property needs to be remediated, the cost would depend on who owns the property, and the property of most concern is owned by Public Works, but there are three total parcels in the project and the other two are owned by CBU and the Redevelopment Commission. Burnham questioned what was currently located on the parcels. Wheeler advised there is nothing currently located at these sites. Kelson clarified that one of the parcels was exposed to industrial use and CBU is performing due diligence of the adjacent site to ensure there is not a neighborhood detention facility built on a contaminated parcel.

Parmenter moved, and Debro seconded the motion to approve the agreement with Indiana Brownfields Program. Motion carried, six ayes.

REQUEST FOR APPROVAL OF AGREEMENT WITH CUMMINS

Wheeler presented the agreement for annual maintenance of all CBU lift and booster station generators with a not to exceed amount of \$61,418.00.

Parmenter moved, and Debro seconded the motion to approve the agreement with Cummins. Motion carried, six ayes.

OLD BUSINESS: None

NEW BUSINESS: None

SUBCOMMITTEE REPORTS:

Burnham outlined a self-assessment exercise that McLauchlin performed with the Board regarding Effective Utilities Management (EUM). Burnham advised that after all members have completed the assessment, the next step will be to draw up the Strategic Plan which will be presented to the Board at a later date.

STAFF REPORTS:

CBU Assistant Director - Peden noted, regarding the earlier petitioners, that having a sump pump that discharges to the sanitary sewer is a City of Bloomington building code violation, and had the sump been properly discharging to the surface, the open flow of water would have

drawn more attention to the situation and possibly led to a faster resolution. Peden introduced CBU Utilities Engineer - Caden Swanson. Kelson advised that CBU received a grant from the IFA for \$90,100 dollars to purchase GPS equipment and a device called a Swordfish that can be inserted into a pipe to determine the material to help with the Lead Service Line Inventory. Kelson advised that at the following Finance Subcommittee meeting scheduled for July 31st, CBU will present the financial analysis for the proposed Winston Thomas site project, and the 2024 budget presentation.

PETITIONS AND COMMUNICATIONS: None

ADJOURNMENT: Burnham adjourned the meeting at 5:58 pm

Amanda Burnham
Amanda Burnham, President

07-31-23
Date