

**UTILITIES SERVICE BOARD MEETING**  
**4/09/2024**

***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 5:03 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, Jim Sherman, Kirk White, Jeff Ehman, Matt Flaherty, David Hittle

**Board members absent:** Molly Stewart, Seth Debro

**Staff present:** John Langley, James Hall, Katherine Zaiger, Elizabeth Carter, Nolan Hendon, Chris Wheeler, Isabel Quiroz Michel, Dan Hudson, Matt Dabertin, Caden Swanson, John Arbuckle, Bryan Blake, Jane Fleig, Kriste Lindberg

**Guests present:** Kevin Hardin, Klay Hardin

**PETITIONS AND COMMUNICATIONS:** Kevin Hardin and Klay Hardin - Xtreme Lawncare advised that a bid was submitted via certified mail for the City of Bloomington Utilities (CBU) facilities mowing contract and the bid packet was not signed for or received. The notification from the carrier stated that the packet was not delivered because "no authorized recipient was available". Kevin Hardin noted that since the previous bidding process was restarted because the bidders were lacking information, that this round of bids should also be thrown out because they were lacking information. Kevin Hardin advised that he had sent an email and a text to CBU Purchasing Manager - Fuentes requesting information, and a reply was not received until 4/17/2024, and the bids were due on 4/19/2024 at 1:00 pm. The bid was sent via certified letter to ensure that it was received in time for the bid opening, yet no one signed for it. Given the circumstances, Kevin Hardin stated that the winning bid should be pulled and the process repeated. Parmenter clarified that the bid was mailed via certified mail, but no one was on-site to sign for it, so it was not received. Klay Hardin corrected, stating that the bid was actually delivered on Wednesday 4/17/2024, but not signed for or received. Kevin Hardin clarified that he had sent the bid packet on Monday because he was waiting on information, but had not received a response, so he mailed the packet before receiving a response from Fuentes. Kevin Hardin noted that the properties listed did not match what was being bid, so there was a discrepancy. Kevin Hardin again argued that the first bid was pulled because of a lack of information, this bid should also be pulled. Parmenter questioned CBU staff if time would be needed to look into the details of the matter. Staff confirmed. Parmenter noted that Staff will report back and follow up with Xtreme Lawncare. Kevin Hardin questioned when the USB will follow up, and stated that if the USB does not follow up regarding the matter, that his attorney will be in contact. Assistant City Attorney - Wheeler requested that the attorney reach out to him directly should the need arise. Kevin Hardin confirmed that he had been in contact with Wheeler. Klay Hardin noted that he had been unable to reach Wheeler by phone. Board member White advised that Wheeler was present at the meeting. Klay Hardin stated that he had

not received a return call from a message that was left two weeks ago. Kevin Hardin stated that this was another instance of a lack of information. Parmenter questioned Staff on what would be an appropriate timeline for a response. Wheeler advised that he is currently uncertain, he'll have to look into the details of the situation. Kevin Hardin questioned if anyone will begin mowing tomorrow. Wheeler advised that there is no contract currently in place. Parmenter confirmed that no contract had been brought to the Board for this service. Kevin Hardin advised that he is aware of who won the bid and for what amount and stated that he disagreed with the decision. Wheeler advised that their point had been made and CBU will look into the matter and follow up.

## **MINUTES**

***Board member Sherman moved, and Board member Burnham seconded the motion to approve the minutes of the 4/9/2024 meeting. Motion carried, five ayes***

## **CLAIMS**

### ***Standard Invoice Questions***

Burnham questioned a charge on page one for "Appraisal of IU parking lot southwest corner" and what project this is related to. CBU Utilities Engineer - Fleig advised that this is related to the ongoing storm culvert replacement project, and noted that CBU had to request a review appraisal which was not received in time for negotiations with IU, so CBU was forced to use the original appraisal. Burnham noted that all of the costs were assigned to Wastewater and wanted to make sure that this was being assigned to the correct account. Burnham questioned recurring monthly charges for fuel charges and parts and maintenance only being applied to only the Water and Wastewater accounts when the equipment being serviced is used for everything. Burnham requested that this be looked into. Ehman noted that there are some charges that are applied at a 60% and 40% split between Water and Wastewater, and other charges that apply to Water, Wastewater, and Stormwater. Ehman added that it would be beneficial for Board members if this process could be explained in a presentation at an upcoming Board meeting so that all members have a better understanding of how the process works. Parmenter questioned the charge on page three for "Vehicle repair cost for Debra Vance" and questioned what the charge was for. CBU Assistant Director - Hall advised that it was related to a payment for a vehicle damages stemming from an accident. Parmenter questioned charges for the mailing of bills, and noted there was an insert for the Earth Day celebration in the CBU monthly billing. White recused himself from the invoice items related to Indiana University charges for \$4,490.00 related to Wastewater sampling.

### ***Sherman moved, and Burnham seconded the motion to approve the Standard Invoices:***

Vendor invoices included \$273,572.26 from the Water Fund, \$18,805.56 from the Water Construction Fund, \$608,113.70 from the Wastewater Fund, \$750.00 from the Wastewater Sinking Fund, \$414,745.78 from the Stormwater Fund.

***Motion carried, five ayes. Total claims approved: \$1,315,987.30.***

### ***Sherman moved, and Burnham seconded the motion to approve the Utility Bills:***

Invoices included \$91,070.85 from the Water Fund and \$109,668.26 from the Wastewater Fund.

***Motion carried, five ayes. Total claims approved: \$200,739.11.***

***Sherman moved, and Burnham seconded the motion to approve the Wire Transfers, Fees, and Payroll for \$457,441.73. Motion carried, five ayes.***

***Sherman moved, and Burnham seconded the motion to approve the Customer Refunds:*** Customer Refunds included \$3,550.69 from the Water Fund, and \$1,235.80 from the Wastewater Fund.

***Motion carried, six ayes. Total refunds approved: \$4,786.49.***

#### **CONSENT AGENDA**

CBU Assistant Director - Environmental - Zaiger presented the following items recommended by staff for approval:

- a. Monroe Owen Appraisals, Inc., \$800.00, Appraisals for proposed parcel located near Lake Lemon
- b. Toric Engineering, Inc., \$25,000.00, On-call SCADA Instrumentation Service and Repair

**Consent agenda was approved as presented. Total approved: \$25,800.00**

#### **REQUEST APPROVAL FOR AGREEMENT FOR SERVICES WITH STANTEC CONSULTING SERVICES, INC.**

Zaiger presented the agreement and advised that it is related to the IURC Water Rate Case. Wheeler noted that Stantec will provide the actuarial calculations that break down which class pays for what percentage of these rates as they are adjusted, adding that this is phase two of that cost of service analysis.

***Sherman moved, and Burnham seconded the motion to approve the contract with Stantec Consulting Services, Inc. Motion carried, five ayes.***

#### **REQUEST APPROVAL FOR RESOLUTION 2024-11 TO DESIGNATE SURPLUS PROPERTY FOR AUCTION**

Zaiger presented the resolution noting that this is mostly related to surplus items that don't currently fit CBU heavy equipment.

***Sherman moved, and Burnham seconded the motion to approve Resolution 2024-11. Motion carried, five ayes.***

#### **REQUEST APPROVAL FOR FIRST AMENDMENT TO AGREEMENT FOR SERVICES WITH HEFLIN INDUSTRIES, INC.**

CBU Assistant Director - Transmission and Distribution - Hall presented the agreement, noting that this was part of the recent temporary chemical feed line installation at the Monroe Water

Treatment Plant. Hall noted that the ammonia line was originally going to be routed inside the chlorine room, but instead of doing that, a line will be run to the rear of the building where the ammonia is generated. This will help prevent a safety issue in the event of a leak.

***Sherman moved, and Burnham seconded the motion to approve Amendment No.1 with Heflin Industries, Inc. Motion carried, five ayes.***

## **REQUEST APPROVAL FOR RESOLUTION 2024-10 TO RECOMMEND ENACTMENT OF TITLE 13 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “STORMWATER”**

CBU MS4 Coordinator - Carter presented the resolution and advised that the first reading at Common Council will take place May 1st. Since the USB last saw Title 13, there were enough substantive changes that Staff felt it appropriate that the Board be given the opportunity to be provided another opportunity to vote on a resolution for support. Carter noted the following changes since the last vote:

- 13.01.020 Purpose: Language changed slightly to be more reflective of CBU’s purpose in regulating stormwater
- 13.01.040 Regional detention: removed prohibition of placement of detention in ROW (at Engineering’s request) and instead added language stating “and/or another location as approved by CBU”.
- Also, in the same section, changed language to clarify what the expectation is for managing upstream runoff.
- We have the estimate for in-lieu fee for Green Infrastructure set at \$22.00/cubic foot of water treated
- Updated 13.05 applicability to be reflective of CBU’s desire to be responsible for ensuring all erosion controls are in compliance as opposed to that responsibility being split between multiple departments.
- Added prohibition of plastic netting and mesh per planning’s request to the construction site erosion control section.
- 13.06.020 Post Construction - treatment train requirement moved to design manual. A LID approach must be used for directing stormwater runoff within or near parking lot islands - moved to design manual.
- Deleted 13.07 (LID section) and moved the statement to the design manual.
- 13.08, now 13.07 removed a lot of the O&M manual requirements and put them in the Design Manual instead.
- 13.09, now 13.08 removed the exemption for projects receiving ROW permits.
- 13.08 clarified required submittals for permits
- 13.08.050 (e) - clarified definition of “responsible party”. Removed redundant “responsible party” definition from Definitions section.
- 13.10 now 13.096 - Added definition of “surface parking lot”.

Ehman questioned the need for the Board to vote to approve these changes given that they occurred subsequent to the Board's initial approval. Carter advised that both her and Wheeler

felt that enough substantive changes had occurred that it warranted another vote from the Board.

***Ehman moved, and Burnham seconded the motion to approve Resolution 2024-10. Motion carried, five ayes.***

**OLD BUSINESS:** None

**NEW BUSINESS:** Board member Sherman questioned next steps regarding the petitioners at the beginning of the meeting. Wheeler advised that he has been working with the Controller's Office and the CBU Purchasing Department on this project and he'll need to speak with both to review the bid process, along with other members of City Legal to discuss the method by which they attempted to provide their bid to CBU. Wheeler added that he also wanted to speak with CBU personnel to determine what happens when certified mailings are delivered to CBU. Wheeler noted that he is unsure at the moment what this might mean for the overall bid process, and he wants to make sure that it was fair for everybody. Burnham stated that she didn't recall seeing anything related to this bid or contract. Wheeler advised that when purchasing services, it is a different process for awarding contracts than those for Public Works projects. When contracts for services are expected to exceed \$150,000.00, CBU will open the bids publicly, but not at a public meeting. The USB is also not required to award the contract, but rather vote on the contract once presented. Burnham noted that she recalled from a previous meeting that CBU has been unable to hire someone for the lawn work.

**SUBCOMMITTEE REPORTS:**

Ehman advised that the Environmental Subcommittee received a very interesting and well put together presentation from Zaiger regarding street sweeping planning that outlined efforts for prioritizing the areas of the city that would most benefit from street sweeping. Zaiger also discussed the routing optimization, data-driven approach, initial implementation, and plans for further implementation. Ehman noted that the subcommittee looks forward to updates on the status of the plan and CBU's agreement with Public Works, and welcomes those updates whenever they are available.

**STAFF REPORTS:**

Zaiger presented the following Staff updates:

New Hires

- John Arbuckle - Utilities Engineer - Engineering
- Foster Tiller - Seasonal Facilities/Meter Specialist - T&D
- Brandon Bray - Utilities Specialist I - T&D
- Joseph Gibson - Utilities Specialist I - T&D

Interdepartmental Moves

- April Ridge - Administrative Assistant - T&D

**PETITIONS AND COMMUNICATIONS:** None

**ADJOURNMENT:** Parmenter adjourned the meeting at 5:36 pm

Megan Parmenter  
Megan Parmenter, President

May 6, 2024  
Date