

UTILITIES SERVICE BOARD MEETING
7/1/2024

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CALL TO ORDER

Board President Parmenter called the regular meeting of the Utilities Service Board to order at 5:00 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, Amanda Burnham, Jim Sherman, Seth Debro, Jeff Ehman, Molly Stewart, David Hittle

Board members absent: Kirk White, Matt Flaherty

Staff present: James Hall, Mark Menefee, Nolan Hendon, Chris Wheeler, Dan Hudson, Phil Peden, Matt Dabertin, Kevin White, Caden Swanson, Elizabeth Carter, Dan Hudson, Rene Abram, Daniel Frank

Guests present: Tim Hanson, Sam Robertson

PETITIONS AND COMMUNICATIONS:

Tim Hanson - WS Property Group - addressed the USB regarding the storm water design manual on the agenda. He mentioned a meeting held last Friday with the mayor, department heads from planning, CBU, environmental departments, and representatives from engineering firms, discussing Title 13, which Bloomington recently adopted. Hanson noted that this manual is a crucial part of Title 13, affecting its implementation. He noted that the development community, including engineering firms and developers, only became aware of Title 13 eight months ago and saw the stormwater manual for the first time last Friday. Hansen expressed concern that the USB had to approve the manual that night without input from the development community. He suggested forming a committee with representatives from engineering firms, CBU, and environmental departments, and board members to review the document thoroughly. Hanson added that this is crucial to understand its impact on Bloomington's development and costs, ensuring that the regulations do not make the cost of development in Bloomington more expensive. Sherman questioned if it was a necessity for this design manual to be approved at the meeting. Wheeler clarified that while Title 13 needed to be in place by the July 1 deadline, the design manual does not share this deadline and can be reviewed and modified over time. This meeting marked the first opportunity for review, and Elizabeth Carter was scheduled to highlight key aspects of the document. Approval was not required at this meeting; it was merely a review. Wheeler emphasized that there is an existing design manual in place, and the new document is simply an update intended to make the stormwater utility more robust, reflecting the CBU's commitment to stormwater improvement. Stewart questioned if Hanson would care to provide feedback regarding his concerns with the design manual. Hanson discussed the complexities of the storm water design manual from a design perspective. He noted that while many aspects, like storm water detention and pipe design, remain unchanged, the manual introduces new elements related to green infrastructure. These new requirements impact site usage and costs, raising concerns about whether more land is needed or if it's about better land

utilization. Consultants had limited time to review the manual, resulting in many questions and comments without thorough discussion. Hanson highlighted specific concerns, such as stringent soil mix requirements that seem impractical to achieve on-site and biofiltration requirements for parking areas that might cause significant disturbances. Hanson noted that these details need more clarity and back-and-forth discussion. The assumption was that the manual needed to be on the USB agenda for compliance, but there is a need for ongoing adjustments and possible amendments if requirements prove unachievable. Stewart questioned if it would be possible for the people Hanson is in touch with in the development community to provide comments to CBU for potential revisions. Hanson expressed that while sending in comments would be useful, a dialogue is necessary to understand the requirements. Hanson mentioned questions about whether the layered requirements would fit on a typical site and whether anyone had tried to apply them practically. One specific concern was the requirement to remove and replace four feet of existing soil with amended soil for detention facilities, which seemed out of context and possibly inaccurate. Hanson emphasized the need for time to digest these details, as there is widespread concern that with Title 13 going into effect immediately, designers would need to follow the new document without fully understanding it.

MINUTES

Board member Sherman moved, and Board Vice President Debro seconded the motion to approve the minutes of the 6/17/2024. Motion carried, six ayes

CLAIMS

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

Vendor invoices included \$145,901.64 from the Water Fund, \$13,320.16 from the Water Construction Fund, \$172,639.36 from the Wastewater Fund, \$55,799.14 from the Stormwater Fund.

Motion carried, six ayes. Total claims approved: \$387,660.30.

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

Invoices included \$10,172.57 from the Water Fund and \$14,425.28 from the Wastewater Fund.

Motion carried, six ayes. Total claims approved: \$24,597.85.

Sherman moved, and Debro seconded the motion to approve the Wire Transfers, Fees, and Payroll for \$483,949.51. Motion carried, six ayes.

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

Refunds: Customer Refunds included \$64.60 from the Water Fund, \$2,263.38 from the Wastewater Fund

Motion carried, six ayes. Total refunds approved: \$2,327.98.

Sherman moved, and Debro seconded the motion to approve the Bond Payments: Bond Payments included \$39,841.60 from the Water Fund, \$3,295,902.15 from the Water Sinking Funds, \$185,463.48 from the Wastewater Fund, and \$1,130,103.97 from the Wastewater Sinking Fund.

Motion carried, six ayes. Total bond payments approved: \$4,651,311.20.

CONSENT AGENDA

CBU Assistant Director - Transmission & Distribution (T&D) - Hall presented the following items recommended by staff for approval:

- a. Wessler Engineering, Inc., \$2,000.00, Validation of CBU's 2023 AWWA Water Audit

Consent agenda was approved as presented. Total approved: \$2,000.00

REQUEST APPROVAL OF CHANGE ORDER NO.1 WITH CRIDER & CRIDER, INC. TO PLACE 24" OF SHOT ROCK IN THE EXISTING BASIN AT WINSTON THOMAS

CBU Capital Project Coordinator - White presented the change order, noting that it does not affect the price of the contract, but does move the contract expiration day to 12/31/2024. There was a Sewer Basin allowance included in the contract that has been deemed unnecessary, but it has been determined that 24" of shot rock is needed to stabilize the sewer basin that is being demolished. The change order reallocates the funds from the Sewer Basin allowance to the installation of the shot rock. Stewart questioned if there are any other funds left in the Sewer Basin allowance. White confirmed, noting that if no further change orders are needed, CBU would expect to receive a refund of \$761,906.00. Ehman questioned what the intended use of the area would be and if the shot rock would be permanent. White confirmed, noting that the proposed maintenance and storage facilities would be located in that area. Engineering staff will ensure that the rock and soil are placed in appropriate lifts and meet the standards for future development. Ehman questioned if this is the existing old lagoon located on the West portion of the site. White confirmed.

Sherman moved, and Debroy seconded the motion to approve the agreement with Hepaco, LLC pending Controller approval. Motion carried, six ayes.

STORMWATER DESIGN MANUAL PRESENTATION

CBU MS4 Program Coordinator - Carter explained the collaborative effort behind the stormwater design manual accompanying Title 13. The manual was developed by a team including Jane Fleig, Phil Peden, Caden Swanson, Katherine Zaiger, and consultants from Clark Deitz. Title 13, passed by the City Council in May and effective today, frequently references this manual, which does not require City Council approval as it is an administrative document. This manual aligns with other departmental administrative documents and includes input from various departments. Carter highlighted that many sections of the manual remain unchanged from the previous version, last updated in 2008, but she would delve into sections that have seen significant revisions. Section one covers introductory material and references. Section two includes a statement on low-impact development (LID), moved from the ordinance to the manual, and details on pre-submittal meetings and variance procedures. The manual also outlines new permit requirements, with different submittal standards based on project size. Notably, stormwater ordinance now applies to disturbances of 2,500 square feet or more, down from the

previous one-acre threshold. The manual addresses water quantity and quality requirements, including detention release rates and green infrastructure mandates, along with alternatives such as a pay-in-lieu option if certain requirements can't be met. Parmenter questioned if there are going to be some sites that it's not feasible. Carter confirmed. Parmenter questioned if there would be times where it's the cheaper option just to pay the fee. Carter explained the requirements for water quality treatment, focusing on the mandate to treat 50% of the first inch of rain through green infrastructure before it enters the storm system. Green infrastructure, such as rain gardens and green roofs, is encouraged as a cost-effective solution compared to gray or mechanical infrastructure. Carter highlighted that many sites already incorporate green infrastructure to meet detention and water quality requirements. Carter also mentioned the necessity of a treatment train, which involves multiple BMPs (Best Management Practices) for handling stormwater to ensure water quality is maintained even if one method fails. For example, runoff from a parking lot might filter through bioretention areas before reaching a detention pond. A new stormwater permit under Title 13 includes detailed submission expectations, aiming to reduce incomplete submissions and streamline the review process. This involves clear guidelines for submitting GIS data, ensuring compatibility with the city's GIS system, and preventing past issues with unusable files. He acknowledged not being an expert on GIS but emphasized the importance of accurate data submission. The permit also specifies detailed closeout procedures, moving beyond the traditional final occupancy inspection. A new post-construction O&M (Operations and Maintenance) meeting will be required to ensure responsible parties understand long-term maintenance expectations. This meeting aims to prevent neglect of infrastructure maintenance, which has been an issue when expectations were only documented without thorough explanation. Chapters on hydrology and hydraulics have been updated with minor changes, detailing runoff rates, volumes, and storm sewer design requirements for both public and private projects. The detention requirements chapter outlines design specifications for various facilities, including wet and dry bottom basins, stormwater wetlands focusing on stormwater quantity management. The stormwater quality chapter lists various green infrastructure facilities and provides design criteria for each, based on updates from the 2008 manual. Notably, green roofs have been added as a new option. Carter noted that the appendices include abbreviations and definitions, a work-in-progress appendix B with standard green infrastructure drawings for designers, and appendix C with a preferred plant species list. This list helps engineers unfamiliar with landscaping select appropriate plants for green infrastructure, ensuring practical and effective designs. In this meeting, Burnham and Carter discuss the updates to a document's chapters and various specific topics. Burnham starts by confirming that chapters 1, 3, 4, 5, and 6 pre-existed and were only tweaked, while chapters 1 and 2 are largely new. Carter confirms that parts of chapter 2 also existed but were edited. They delve into water quality standards, particularly regarding green roofs, and the detailed sections on calculations and soil requirements. Carter mentions that the soil requirement has been consistent for the past four years, dating back to Katherine's tenure as MS4 coordinator. Burnham requested clarification on whether the previous soil requirements were suggestions or mandatory. Carter explained that the old manual included a soil requirement but also noted that while the requirement in the old manual was harder to meet,

while serving as MS4 Coordinator prior to Carter, Zaiger allowed for a more flexible requirement based on her expertise in stormwater and landscaping. Ehman questioned the need for stormwater management permits for underground utilities, clarifying whether underground utilities that cause no soil disturbance would need permits. Carter confirms that underground installations like directional boring don't require such permits as they don't disturb the surface soil. Ehman noted an error on page 10, where Table 24 lists "CCI" instead of the correct "CPI." Carter acknowledges this and agrees to make the correction. Ehman also noted the absence of the geospatial data submission template on the website, mentioned on page 14. Carter explains that the template's publication is pending the adoption of the design manual to avoid confusion among users. Ehman advised that the term "GPS" in section 248 should specify horizontal data, given the potential need for vertical data in water system submissions. Ehman suggests that Laura Haley and Chuck Winkle should review and provide input on this. On page 17, Ehman points out that the maintenance log requirements lack a column for the inspector's name, which would ensure accountability. Carter asks whether Ehman refers to the staff inspector or the person maintaining the log on behalf of the owner. Ehman clarifies that the log should include the name of the person responsible for the maintenance to ensure accountability. Carter agrees but emphasizes that, ultimately, it is the owner's responsibility to maintain the log, even if the maintenance is carried out by their staff or hired personnel. Ehman questioned the use of NOAA rain gauges for rainfall data collection. He highlighted the importance of clarifying which gauge to use based on proximity to the site, stressing the potential variability in rainfall measurements over a 24-hour period. Carter acknowledged the need for clarity on this issue to avoid ambiguity in data interpretation. Ehman questioned the requirements for managing upstream runoff into detention ponds. There was consensus on the necessity of separate outlet control structures if runoff is directed into the pond to maintain water quality standards effectively. CBU Assistant Director - Engineering - Peden elaborated that routing all upstream water through a pond can overwhelm its capacity, necessitating careful design considerations to prevent sediment resuspension and ensure the pond's ecological function. Ehman raised questions about downstream conveyance capacity, particularly if inadequacies were identified before new developments. Peden clarified that existing infrastructure evaluations include capacity assessments to mitigate downstream impacts from concentrated flows, even if improvements are required on adjacent properties with proper easements. Ehman questioned maintenance protocols for detention facilities, specifically regarding debris and trash removal. Carter noted that while maintenance reports are typically conducted quarterly, the frequency of checks can vary based on facility type and location. This flexibility aims to balance effective maintenance with practical operational needs. Ehman questioned how the safety ledges noted in the design manual will be marked. Peden explained that these features are designed to facilitate safe exit if individuals inadvertently enter the pond area and noted that he is unaware of any marking that will be placed, the structure itself will be the marker. Questions arose about the visibility and identification of safety features like ramps, prompting a discussion on design standards and accessibility guidelines for such infrastructure. Ehman questioned the visibility and identification of safety features like ramps on retention ponds, prompting a discussion on design standards and accessibility guidelines for such infrastructure. Ehman questioned

regulatory compliance regarding minimum pond depths. Peden mentioned revisions to ensure ponds are at least six feet deep to discourage aquatic plant growth and support sediment deposition. Ex Officio Hittle questioned the waiver or variance process from the design manual standards, questioning if it was purely administrative and who made the decisions. Carter explained that there is a fee for requesting waivers, similar to the planning process, and any waiver requests would come before the board. This approach aims for transparency. Petitioners, who might not meet design standards due to engineering constraints or public good considerations, would explain their reasons to the board, and staff would provide recommendations. The extent of findings and recommendations would depend on the variance's significance. Hittle confirmed that the design manual does not require Council approval but does require the USB approval. Carter confirmed and mentioned that they are taking notes to address all feedback. Hittle also asked about public engagement, given the manual's technical nature. Carter noted that CBU had not engaged with the public as it was highly technical but was open to feedback from local engineering firms. Hittle suggested a roundtable discussion with the local development community, which Carter confirmed was scheduled for July 17th with the Bloomington Economic Development Council. Stewart proposed making the manual publicly available despite its technical nature, asking if there were any downsides. Carter saw no major downside, explaining the internal review process and the intent to get the USB's initial feedback before broader public posting. Burnham clarified that the manual had already been made public via the meeting packet that is available online along with the meeting agenda. Burnham asked about the timeline and the need for the board's input. Carter emphasized that while they aimed to implement improvements quickly, they were operating off an existing manual and could take time to ensure the new one was done as well as possible. Burnham followed up, questioning when the final draft would be ready and how quickly the updated plan would be enacted. Carter preferred immediate enactment upon approval but acknowledged ongoing conversations with engineers about transition periods for projects already in progress. Parmenter raised concerns about whether previous standards had been enforced, to which Carter responded that enforcement had been limited due to staffing and focus, leading to the need for a clearer and more enforced manual. Burnham noted the need for developer input to ensure the manual's practicality and to avoid adding unnecessary bureaucratic hurdles that may discourage development. Debro summarized the discussion, highlighting the living nature of the document and encouraging stakeholders to review the current draft and direct questions to Carter or Peden. Carter noted the upcoming roundtable meeting on July 17th as another opportunity for further community engagement.

REQUEST APPROVAL OF REVISIONS TO RULES AND REGULATIONS

Carter presented the revisions and explained that the "Rules, Regulations, and Standards" document is an administrative companion to CBU ordinances, that included a chapter on stormwater that has now been replaced by new ordinance content. Previously, this document supported less robust parts of the ordinance, but Title 13's comprehensive nature negates the need for additional rules. Therefore, they propose removing section 26 of the document and replacing it with a new section focused on stormwater fees. These fees are designed to recoup

staff time, with a table showing how permit fees are calculated, using Tippecanoe County's 2018 fees as a model. The base fee correlates with land disturbance, reflecting staff time required for plan and permit reviews. Carter presented a detailed table, listing the staff positions involved in these reviews, their pay rates, and the percentage of time they spend on stormwater-related tasks. This fee structure aims to ensure that costs are accurately attributed to the necessary staff efforts for stormwater management. Carter noted additional permit fees that include charges for plan review in excess of three. There are instances in which comments CBU has added to plans are not addressed or noted prior to resubmission. Carter noted an additional permit fee for excess reviews beyond three. He mentioned that Tippecanoe County charges the same fee for similar services and emphasized its importance. The frequent issue faced by staff is that designers often ignore comments, fail to make necessary changes, and resubmit their projects unchanged. This practice makes the staff feel like they are being asked to design the project for the designers. To prevent this, a detailed manual has been created to clearly outline expectations and expedite the review process. Despite complaints about lengthy reviews, the new policy will charge \$750 for any review beyond three, aiming to discourage designers from neglecting feedback and to encourage better communication with staff. Carter noted a \$250 fee for requests for variances or waivers from design standards. This fee covers the extensive research required by staff and aims to deter applicants from frequently requesting variances, ensuring the design manual is adhered to. He also outlined the introduction of inspection fees for re-inspections due to non-compliance. Modeled after Tippy County's practices, this fee compensates for the inspector's time when revisiting non-compliant sites. The goal is to limit inspections to once a month per site, addressing cases where inspectors had to return multiple times within a short period. Carter discussed the re-inspection process for the certificate of completion, emphasizing the importance of meeting expectations clearly outlined for obtaining the certificate. Carter noted that if a project isn't ready for final inspection, repeatedly calling for re-inspections wastes valuable staff time. To discourage this practice, Carter proposed a fee for subsequent inspections after the initial one, aligning with the planning department's approach of charging for multiple occupancy inspections. This measure aims to ensure projects are adequately prepared for inspection the first time, allowing staff to allocate their time more efficiently. Sherman sought clarification on the fee structure for project permits. He questioned whether the cost per acre decreases for larger projects, using the example of comparing a five-acre project to a twenty-acre project. Sherman expressed concern about the fairness of this approach, likening it to water usage fees where higher usage results in lower costs per unit. Sherman wanted to ensure that the fee structure accurately reflects the true costs incurred by the city for larger projects. Carter explained that this pricing model was used for several reasons, primarily because developments over five acres are uncommon within city limits, and when they do occur, they are often single-family subdivisions. These types of developments do not require extensive review, despite covering large areas of land. The review mainly involves assessing drainage and stormwater systems, ensuring adequate accommodation through detention basins. The proposed fee of \$950 plus \$50 per acre is considered reasonable, as single-family houses typically do not require additional stormwater considerations. Carter emphasized the need to balance the costs, avoiding overcharging for

simple subdivisions while ensuring adequate cost recovery for more complex projects, such as the redevelopment of the hospital site, which requires significantly more time and resources. Stewart questioned if it was \$50 for five total acres or \$50 for every acre above 5 acres. Carter clarified that it was \$50 for every acre above five. Stewart recommended adjusting the language to clarify. Carter agreed. Parmenter questioned if the funds gained from these fees would stay in Stormwater. Carter confirmed. Parmenter questioned how many permits CBU typically issues. Carter advised that she anticipates roughly 30 to 40 permits per year. Parmenter questioned if the dollar amounts decided on are capturing all the cost to CBU for these services, noting that these prices were based off of Tippecanoes fee structure that was adopted in 2018, and thus may not account for current or future increases in salary rates. Carter advised that CBU wanted to start the fee structure conservatively since this is a new process. Once the process is in place, CBU will begin tracking the time spent on each type of project and see if fee amounts do cover the cost for these services.

Sherman moved, and Debroy seconded the revision to the CBU Rules, Regulations, and Standards pending clarification of “\$50 for every acre above 5 acres”. Motion carried, five ayes.

REQUEST APPROVAL OF CHANGE ORDER NO.3 WITH REYNOLDS CONSTRUCTION, LLC FOR DILMAN WWTP UPGRADE AND EFFICIENCY IMPROVEMENTS

CBU Capital Project Manager - Hudson presented the change order, noting that this is a wrap up change order before the project is closed out. There is an approximately \$6,000.00 credit for general work allowance, and another credit for around \$14,000.00 for concrete repair, totaling \$20,666.46.

Sherman moved, and Debroy seconded the approval of Change Order No.3 with Reynolds Construction, LLC. Motion carried, five ayes.

OLD BUSINESS: None

NEW BUSINESS: Sherman addressed CBU ratepayers. noting that the USB is the governing body that helps determine the rates for CBU customers. Periodically CBU must go to the Indiana Utilities Regulatory Commission for any increase to those rates. Sherman advised that the USB takes this practice very seriously. Two major values guide every decision the USB makes: ensuring sufficient and clean water, and keeping ratepayer cost at a minimum. Sherman noted that most other utilities do not operate this way, adding that most in attendance receive electrical service from Duke Energy. Sherman advised that Duke Energy currently has a proposal before the IURC to increase rates by a proposed 32%. Some of those rates are based on a guaranteed increase in Duke's profit from 9.5% to 10.5%. Part of their reason for asking for the rate increase has to do with their ongoing issues with coal ash. Sherman noted that if Duke was governed by a similar body, he would hope that the Board would not approve such a rate increase. Sherman added that rate changes that go through the USB are taken very seriously,

while rate increases that go through private enterprises like Duke, are based on different values. The next time someone wants to privatize trash or water, Sherman advised that ratepayers should look at what private industries are doing with their rates.

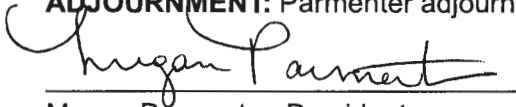
SUBCOMMITTEE REPORTS: None

STAFF REPORTS: Hall noted the addition of a new Communications Operator - Rene Abrams

PETITIONS AND COMMUNICATIONS:

Hanson expressed gratitude to the board and staff for their cooperation and for acknowledging the engineering community's input. Hanson noted that the Bloomington Economic and Development Committee is organizing a meeting on the 17th to discuss a recent ordinance, Title 13, and the county's corresponding legislation. The goal is to help developers and contractors understand the differences between the jurisdictions' rules, despite their shared guiding principle from IDEM. Parmenter thanked CBU staff for all their efforts to maintain operations following the aftermath of the storm that occurred the previous week.

ADJOURNMENT: Parmenter adjourned the meeting at 6:38 pm


Megan Parmenter, President

7/15/24
Date