

AGENDA
UTILITIES SERVICE BOARD MEETING

City of Bloomington Utilities
600 E. Miller Dr.
Bloomington, Indiana 47401

Jean Capler, President
Amanda Burnham, Vice President
Jason Banach
Julie Roberts
Jeff Ehman
Megan Parmenter
Jim Sherman
Jim Sims, ex-officio
Scott Robinson, ex-officio

Tuesday, February 16, 2021

4:00 P.M. Finance Subcommittee Meeting

- **Burnham**
- **Banach**
- **Ehman**

- I. Call to Order
- II. Proposed amendments to Section 24 of the CBU Rules, Regulations, and Standards of Service – Vic Kelson
- III. Petitions and communications*
- IV. Adjournment

* Brief public comment will be limited to 5 minutes per person.

SECTION 24 ~~GROWTH POLICIES~~ COMPREHENSIVE PLAN

24.1. ~~Growth Policies~~ Comprehensive Plan. In developing a Sewer Service Area Map (“SSAM”~~);~~) and in its decisions to extend sanitary sewer service, accept wastewater, or allow connection to an interceptor from proposed development, the Utility considered and will continue to consider the City of Bloomington ~~Growth Policies~~ Comprehensive Plan and the Monroe County Comprehensive Plan, as applicable and as provided in this Rule, as well as input from City and County governmental officials and non-governmental organizations and individuals.

24.2 Area A — Service Area. The SSAM will designate Area A as the area in which the Utility ~~shall~~ may allow sewer connections. The Utilities Service Board hereby authorizes the Director of the Utility to make the decision as to whether a request for extension of sanitary sewer service shall be granted in Area A of the SSAM: ~~for areas located inside or outside of the City’s municipal boundaries. The Director may grant a request for extension of sanitary sewer service in Area A to a parcel or parcels located outside of the City’s municipal boundaries if the owner or owners of the parcel(s) have submitted a valid petition for voluntary annexation that complies with the requirements of Indiana Code § 36-4-3-5.1 or Indiana Code § 36-4-3-5. Alternatively, the Director may grant a request for extension of sanitary sewer service in Area A located outside of the City’s municipal boundaries if the request is in compliance with provision 24.8. In all requests for extension of sanitary sewer service in Area A, the~~ Utility staff will determine what information is required from the applicant and advise as to what information is necessary to process the request. Any connection or extension must be in compliance with all applicable federal, state and local rules and regulations. ~~Any request must be in compliance with provision 24.8.~~

24.3 Time for Processing Area A Requests. The Director and Utility Staff shall complete processing of all requests for sanitary sewer service in Area A within 30 days of receipt of all necessary materials. In the event changes are made in the proposal for sanitary sewer service received by the Utility Staff, the 30 day period will run from the date that information regarding those changes is received. Applicants for sewer extensions within Area A may appeal the application of standards and specifications, rules and regulations, and service denial in area A to the Utilities Service Board.

24.4 Procedure for Appeal. The denial of a request for sewer extension in Area A may be appealed to the Board by filing a written appeal with the CBU Director’s Office within ten (10) working days of receipt of denial of the request. The appeal will be heard at the next regularly scheduled Board meeting for which it can be added to the agenda.

24.5 Area B — Exclusionary Area. The SSAM will designate all areas outside of Area A as Area B. ~~Sanitary~~ Any request for sanitary sewer service ~~shall generally not be extended to~~ in Area B ~~unless requests are~~ shall be made in writing to the Utilities Administration to be considered by the Utilities Service Board. The same application materials required for an Area A request shall

be required for an Area B request. The Director of the Utility will notify the offices of the City and County Planning Departments and Plan Commissions, the Mayor, the City Common Council, the City Legal Department, the County Commissioners, the County Health Department, the County Drainage Board, and the County Legal Department, and any other party deemed appropriate, that an exemption to the prohibition on sewer service extensions into Area B is being considered, and will request input regarding the request for extending sewer service. Upon receiving said input, the request will first be heard by the appropriate sub-committee of the Utilities Service Board, which will recommend approval or denial to the full board.

24.6 Time for Processing Area B Requests. Requests for service in Area B must be heard by the subcommittee of the Utilities Service Board for the first time within 30 working days from the date request for service is made to the Utilities Administration Office. Upon referral by the subcommittee, the Board will place the matter for hearing at the next regularly scheduled Board meeting for which it can be placed on the agenda.

24.7 Applicant's Obligation for Costs. Under no circumstances shall the Utility's approval of a request for permission to extend sanitary sewer service obligate it to construct or pay for the construction of any sanitary sewer extension or connection to the City's sanitary sewer collection system. All such costs are to be borne by the party requesting the extension or connection. The applicant for a sewer service extension must make any upgrades to the Utility collection systems that are required to accommodate the impact of the new connection.

24.8 Waiver of Right to Protest Annexation; and Voluntary Annexation. ~~Consistent with the provisions of Indiana law, no~~No sanitary sewer extension shall be approved in either Area A outside of the municipal boundaries or in Area B unless the owner of the property to be served has waived ~~or agreed to waive~~ the right to remonstrate to annexation in a form and within the time frames required by the Corporation Counsel and City Controller.
At the discretion of the Director of Utilities, a sanitary sewer extension outside of the City's municipal boundaries may also be conditioned on the submission of a valid petition for voluntary annexation that complies with the requirements of Indiana Code § 36-4-3-5.1 or Indiana Code § 36-4-3-5.

SECTION 24 COMPREHENSIVE PLAN

24.1. Comprehensive Plan. In developing a Sewer Service Area Map (“SSAM”) and in its decisions to extend sanitary sewer service, accept wastewater, or allow connection to an interceptor from proposed development, the Utility considered and will continue to consider the City of Bloomington Comprehensive Plan and the Monroe County Comprehensive Plan, as applicable and as provided in this Rule, as well as input from City and County governmental officials and non-governmental organizations and individuals.

24.2 Area A — Service Area. The SSAM will designate Area A as the area in which the Utility may allow sewer connections. The Utilities Service Board hereby authorizes the Director of the Utility to make the decision as to whether a request for extension of sanitary sewer service shall be granted in Area A of the SSAM for areas located inside or outside of the City’s municipal boundaries. The Director may grant a request for extension of sanitary sewer service in Area A to a parcel or parcels located outside of the City’s municipal boundaries if the owner or owners of the parcel(s) have submitted a valid petition for voluntary annexation that complies with the requirements of Indiana Code § 36-4-3-5.1 or Indiana Code § 36-4-3-5. Alternatively, the Director may grant a request for extension of sanitary sewer service in Area A located outside of the City’s municipal boundaries if the request is in compliance with provision 24.8. In all requests for extension of sanitary sewer service in Area A, the Utility staff will determine what information is required from the applicant and advise as to what information is necessary to process the request. Any connection or extension must be in compliance with all applicable federal, state and local rules and regulations.

24.3 Time for Processing Area A Requests. The Director and Utility Staff shall complete processing of all requests for sanitary sewer service in Area A within 30 days of receipt of all necessary materials. In the event changes are made in the proposal for sanitary sewer service received by the Utility Staff, the 30 day period will run from the date that information regarding those changes is received. Applicants for sewer extensions within Area A may appeal the application of standards and specifications, rules and regulations, and service denial in area A to the Utilities Service Board.

24.4 Procedure for Appeal. The denial of a request for sewer extension in Area A may be appealed to the Board by filing a written appeal with the CBU Director’s Office within ten (10) working days of receipt of denial of the request. The appeal will be heard at the next regularly scheduled Board meeting for which it can be added to the agenda.

24.5 Area B — Exclusionary Area. The SSAM will designate all areas outside of Area A as Area B. Any request for sanitary sewer service in Area B shall be made in writing to the Utilities Administration to be considered by the Utilities Service Board. The same application materials required for an Area A request shall be required for an Area B request. The Director of the Utility will notify the offices of the City and County Planning Departments and Plan Commissions, the Mayor, the City Common Council, the City Legal Department, the County Commissioners, the County Health Department, the County Drainage Board, and the County Legal Department, and any other party deemed appropriate, that an exemption to the prohibition on sewer service extensions into Area B is being considered, and will request input regarding the request for

extending sewer service. Upon receiving said input, the request will first be heard by the appropriate sub-committee of the Utilities Service Board, which will recommend approval or denial to the full board.

24.6 Time for Processing Area B Requests. Requests for service in Area B must be heard by the subcommittee of the Utilities Service Board for the first time within 30 working days from the date request for service is made to the Utilities Administration Office. Upon referral by the subcommittee, the Board will place the matter for hearing at the next regularly scheduled Board meeting for which it can be placed on the agenda.

24.7 Applicant's Obligation for Costs. Under no circumstances shall the Utility's approval of a request for permission to extend sanitary sewer service obligate it to construct or pay for the construction of any sanitary sewer extension or connection to the City's sanitary sewer collection system. All such costs are to be borne by the party requesting the extension or connection. The applicant for a sewer service extension must make any upgrades to the Utility collection systems that are required to accommodate the impact of the new connection.

24.8 Waiver of Right to Protest Annexation and Voluntary Annexation. No sanitary sewer extension shall be approved in either Area A outside of the municipal boundaries or in Area B unless the owner of the property to be served has waived the right to remonstrate to annexation in a form and within the time frames required by the Corporation Counsel and City Controller. At the discretion of the Director of Utilities, a sanitary sewer extension outside of the City's municipal boundaries may also be conditioned on the submission of a valid petition for voluntary annexation that complies with the requirements of Indiana Code § 36-4-3-5.1 or Indiana Code § 36-4-3-5.