

## UTILITIES SERVICE BOARD MEETING

05/24/2021

***Utilities Service Board meetings are recorded and available during regular business hours in the Director of Utilities' office.***

Board President Capler called the regular meeting of the Utilities Service Board to order at 5:00 p.m. The meeting was held via Zoom and Facebook Live.

**Board members present:** Amanda Burnham, Jean Capler, Megan Parmenter, Julie Roberts, Jim Sherman, Kirk White, Scott Robinson (ex officio), and Jim Sims (ex officio). Board members absent: Jeff Ehman.

**Staff present:** Jane Fleig, James Hall, Nolan Hendon, Dan Hudson, Vic Kelson, Laura Pettit, Brandon Prince, Brad Schroeder, Cindy Shaw, LaTreana Teague, Missy Waldon, and Chris Wheeler.

**Guests present:** B Square Beacon, Chandler Nelson.

### MINUTES

***Board member Roberts moved, and Board member Burnham seconded the motion to approve the minutes of the May 10th meeting. The motion received a roll call vote as follows: Capler-yes, Parmenter-yes, White-yes, Burnham-yes, Sherman-yes, Roberts-yes. The motion passed.***

### CLAIMS

***Roberts moved, and Burnham seconded the motion to approve the standard claims:***

Vendor invoices submitted included \$131,733.43 from the Water Utility, \$136,875.88 from the Wastewater, and \$15,750.92 from the Stormwater Utility.

***The motion received a roll call vote as follows: Parmenter-yes, Roberts-yes, Burnham-yes, White-yes, Capler-yes, Sherman-yes. Total Claims approved: \$284,360.23.***

***Roberts moved, and Burnham seconded the motion to approve the utility claims as follows:*** Utility invoices submitted included \$99,212.33 from the Water Utility and \$58,007.16 from the Wastewater Utility.

***The motion received a roll call vote as follows: Capler-yes, Sherman-yes, Roberts-yes, Burnham-yes, White-yes, Parmenter-yes. Total Claims approved: \$157,219.49***

***Roberts moved, and Burnham seconded the motion to approve the wire transfers, fees, and payroll in the amount of \$374,860.85. The motion received a roll call vote as follows: White-yes, Sherman-yes, Burnham-yes, Roberts-yes, Parmenter-yes, Capler-yes. The motion passed.***

***Roberts moved, and Burnham seconded the motion to approve the customer refunds:*** Customer refunds submitted included \$212.42 from the Water Fund and \$900.03 from the Wastewater Fund.

***The motion received a roll call vote as follows: Capler-yes, Parmenter-yes, Roberts-yes, White-yes, Burnham-yes, Sherman-yes. Total Claims approved: \$1,112.45.***

## CONSENT AGENDA

CBU Director Kelson presented the following items recommended by staff for approval:

- Harrell-Fish, Inc., \$3,750.00, Replace 4-inch piping between bulk tanks 1 and 2 at Monroe WTP.
- Schmidt Associates, \$9,215.00, Third Amendment to the agreement for plant roof replacements at Dillman.
- Electric Plus, Inc., \$7,005.00, First Amendment to the agreement for additional work needed for the LED lighting conversion project at the Utilities Service Center.
- Thieneman Construction, Inc., \$1,014.00, First Amendment to the agreement for bar screen rebuild at Blucher Poole WWTP.
- Bruce Home Improvements, dba Bruce's Garage Door, \$8,000.00, On-call services for garage door repair.

**As no items were removed from the Consent Agenda by the Board, the agreements were approved. Total contracts approved: \$28,984.00.**

### **REQUEST FOR APPROVAL OF AGREEMENT WITH HARRELL-FISH, INC.**

CBU Purchasing Manager Shaw presented an agreement to the board to replace the air cooling system at the Monroe Water Treatment Plant. The contract is for \$59,500.00. The air cooling system is composed of one 40-ton condenser and two 20-ton coils. The old system has a different type of freon, so they will have to drain the freon when they convert the equipment and recharge the system.

Sherman asked, what do they do with the freon? Shaw answered that they vacuum it out of the machine, and they are under federal guidelines on how to dispose of the freon. It does not go into the environment.

***Roberts moved, and Burnham seconded to approve the agreement with Harrell-Fish, Inc. The motion received a roll call vote as follows: White-yes, Parmenter-yes, Capler-yes, Burnham-yes, Sherman-yes, Roberts-yes. The motion passed.***

### **REQUEST FOR APPROVAL OF AGREEMENT WITH THERMO ELECTRON NORTH AMERICA, LLC.**

Assistant Director of Environmental Programs Hall presented a contract to the board to purchase equipment from Thermo. One is an inductive coupled plasma mass spectrometer, and the other is an atomic absorption machine. Both of these machines are used to detect the presence of metals and will give us capabilities to detect a broad range of metals that we have never had and at lower detection limits than we ever had. In the future, this will be important with the new Lead and Copper Rule and being able to turn those samples around in a timely and cost-efficient manner. A cost-benefit analysis was completed over roughly a year and a quarter and spent about \$40,000 on outside laboratory pricing.

***Roberts moved, and Burnham seconded to approve the agreement with Thermo Electron. The motion received a roll call vote as follows: Roberts-yes, Sherman-yes, Burnham-yes, Parmenter-yes, White-yes, Capler-yes. The motion passed.***

## **REQUEST FOR APPROVAL OF AGREEMENT WITH VET ENVIRONMENTAL ENGINEERING, LLC.**

Hall presented an agreement to the board for subsurface soil delineation and soil excavation and disposal management. The contract with VET is to delineate a particular area of the Hidden River stormwater line replacement project. There was an area between Third St. and Smith Ave. that had contamination from an old dry cleaner site that has migrated into the right-of-way. There is a process called “contained-in” where we can delineate the area and the contamination and send it straight to a landfill. The material is considered hazardous because it is a listed waste, not because it is a characteristic waste. IDEM will allow us to take the hazardous waste label off and dispose of it in a landfill. VET is helping us to delineate the area to see how far and how much we need to take out and dispose of it in this manner.

Roberts asked Hall to describe the difference between listed and characteristic. Hall said characteristic waste could be a chemical above a certain concentration. It can have a PH, or it may be flammable. The F-listed waste is generated from a process; it does not matter how much or how little is there. In this dry cleaning, it was virgin product, and as soon as it spilled on the ground in that area, anything it touched became a listed hazardous waste. It did not have to meet a certain threshold. We were digging up the dirt in that area, so we are responsible for removing it properly.

Roberts asked if no matter what it touches, it is suddenly hazardous waste, how is it ok to put it in a landfill? Hall answered that the “contained-in” rule says that the EPA will remove the listing from it if it meets a certain concentration threshold. Based on our testing, it will meet that threshold. The EPA has made an exemption for sites like this, in particular, old dry cleaning sites. Roberts asked if the concentration is low enough to where it is not a concern, and Hall confirmed that.

Sherman asked if they would have to dig up Third St. Hall answered they would not, as most of the concentration from the site is from Third St., south, going to Smith Ave. along Lincoln St. CBU is only responsible for the portion where we are digging up and removing the soil. It is still an ongoing site. As IDEM gets further along in their investigation, they may find it has migrated somewhere else, and they require the owner of the property (or it gets put into some kind of program, or they ask someone else) to clean it up. Since we are trying to move this project forward, we will dig up the soil, and we are responsible for its disposal.

Burnham asked if there is any concern for the residential homeowners that are on Lincoln St. and in that area that they need to be notified of this?

Hall said not in the portion that we are doing. A company is working on the site doing vapor intrusion testing, and that is how we found out that there was contamination. The company is testing close to the building to find out if there are any vapors. It is a halogenated solvent that is in there that can vaporize and get into sewer lines and come back up into homes along the edge of buildings. They will let people know that there are issues there. Our issues are not affecting that. Roberts asked if there would be any chance that the EPA grant the city received for College Ave. and Walnut St., that we could be included if we have to clean up more of it, or will it be the homeowner’s problem.

Hall was unfamiliar with the EPA grant but said he assumed the landowner would be responsible for cleaning up the contaminated area.

***Roberts moved, and Burnham seconded to approve the agreement with VET Environmental Engineering, LLC. The motion received a roll call vote as follows: White-yes, Roberts-yes, Sherman-yes, Capler-yes, Burnham-yes, Parmenter-yes. The motion passed.***

## **REQUEST FOR APPROVAL OF AGREEMENT WITH BUILDING ASSOCIATES, INC.**

CBU Capital Projects Manager Hudson presented a contract to replace seven roofs at the Dillman Wastewater Treatment plant and one large roof at the Monroe WTP. The total cost is \$1,263,400.00.

***Roberts moved, and Burnham seconded to approve the agreement with Building Associates, Inc. The motion received a roll call vote as follows: Capler-yes, White-yes, Sherman-yes, Burnham-yes, Roberts-yes, Parmenter-yes. The motion passed.***

## ***Request for Approval of Resolution 2021-07 - Designate Fire Hydrant as Surplus Gift to the Family of Mark Raper – Brandon Prince***

Assistant Director of T&D Prince presented to the board Resolution 2021-07 that will designate a fire hydrant as a surplus gift to the family of Mark Raper. CBU lost the long-time employee on May 15th. He worked at CBU for over 30 years. City Attorney Wheeler asked Prince to confirm for the board that the hydrant has no market value to the City of Bloomington and that it would cost more to transport it for disposal than to try and sell it. Prince confirmed.

***Roberts moved, and Burnham seconded to approve Resolution 2021-07.***

***The motion received a roll call vote as follows: Capler-yes, Parmenter-yes, White-yes, Burnham-yes, Sherman-yes, Roberts-yes. The motion passed.***

Capler announced to the public to leave questions and comments via the CBU Facebook page during the live stream or the Zoom chat to be read later during Petitions and Communications.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

## **SUBCOMMITTEE REPORTS:**

Burnham reported the Rules and Regulations Subcommittee met on Thursday, May 20th, to discuss two items:

1. Recommendation to Approve Revisions to the Rules and Regulations - Water and Sewer Main Extensions

The Indiana Utility Regulatory Commission (IURC) asked all utilities in its jurisdiction to follow all rules that apply to water and wastewater mains. The subcommittee looked at the policies and made updates based on the changes to what the IURC requests. Wheeler commented that last year, the Indiana State Legislature enacted IC 8-1-2-101.5, which mandates all utilities, whether municipal or otherwise or whether under the jurisdiction of the IURC or otherwise, to follow IURC administrative rule regarding extension of water and wastewater mains. CBU waited to receive a full analysis of the recent legality of the new law before bringing the new amendments to the board. These amendments bring rules and regulations standards for water and wastewater mains extensions into compliance with IC 8-1-2-101.5. Staff, along with the Subcommittee, recommend the adoption of the proposed edits. The IURC gives utilities as much discretion to decide whether they will extend their services inside the city.

CBU had to change how it does business and show that when customers in the city limit request extension of water and wastewater, the extension will happen. Assuming that with the calculations and shared costs, if there are any, the customer is going to make the payment. We

do not decide if we will extend; we will allow the extension to occur. We have to follow the calculations the IURC set forth in determining whether CBU will do the extension for free or whether there will be an extension done at a shared cost with the proposed customers through, almost always, the developer. Another big change that the IURC provides is how the calculation is a little different from how CBU calculates the cost, and we have to set forth those calculations. We can still have discretion outside of the city limits regarding whether or not there will be service provided. That section has not changed. Section 24, dealing with requirements that customers agree voluntarily to annex or sign waivers of annexation before we determine whether we will extend any wastewater mains. We are not required to provide service for the water mains, just like we have always done in the past, for customers outside city limits.

***Roberts moved, and Burnham seconded to approve the amendments to the rules and regulations of the water and wastewater extensions.***

***The motion received a roll call vote as follows: Parmenter-yes, Roberts-yes, Burnham-yes, White-yes, Capler-yes, Sherman-yes. The motion passed.***

2. Recommendation to Approve Resolution 2021-06 – Written Policy on Remote Attendance of Board Meetings and Subcommittee Meetings by members of the Utilities Service Board

Recently, our Indiana General Assembly adopted rule 1437 in the 2021 Regular Session that amends our Indiana Code. It is to change the way they will permit political subdivisions to conduct their public meetings. In the past, pre-pandemic, we have been required to meet face to face exclusively. For over a year, we have been meeting virtually by order of the Governor. It has been happening by executive order in light of the health emergency declared by the Governor in early 2020. That health emergency continues today, but we will have to go back to meeting face to face when it is over. The amendment to the code allows us to do hybrid meetings. The policy follows the statute by allowing at least a couple of board members at any given meeting to meet remotely while the rest of the board meets face to face. There has to be a physical quorum meeting together in a room. For this board, we will need four members to meet at the CBU administrative building face to face, while the remaining members meet remotely if they need or choose to. The members who want to meet remotely would have to let us know the Wednesday preceding the meeting on Monday to give proper notice that it will be a hybrid meeting. CBU will probably conduct the hybrid meeting through Zoom, which will also allow the public to attend. The policy is not for the public to meet remotely but for the board members to meet remotely. We cannot have hybrid meetings until we have a written policy. Staff and the Subcommittee recommend approval of Resolution 2021-06 with the written policy attached.

Roberts asked if there a recommendation from the statehouse about how much of staff have to attend physically, or any percentage of the public, or is it just the board? Wheeler said he was unaware of any guidance but said the policy is simply to allow the board members to meet remotely. Nothing says that any staff members have to be in the room with the board when the board meets face to face or in a hybrid manner.

Ass an ex officio, Robinson asked if he counts towards quorum for the board members who meet in person, given that he does not vote.

Wheeler answered, as an ex officio, if we are using Zoom, he would be able to join by Zoom all of the time.

Sherman said, on many occasions, we have outside people come to the meetings. For example, during the cost-of-service analysis, Crowe sent several people. Would they also be able to join by Zoom? Assuming CBU bears the cost of their travel to get here, if they join by Zoom, it might be beneficial to CBU.

Wheeler said, same as with the ex officios, if we get the technology that allows Zoom meetings to happen with meeting face to face, then yes, anybody who wished to meet using the Zoom

remote technology will have the opportunity to do so. Including our consulting experts who might travel down from Indianapolis or elsewhere.

***Roberts moved, and Burnham seconded to approve Resolution 2021-06. The motion received a roll call vote as follows: Capler-yes, Sherman-yes, Roberts-yes, Burnham-yes, White-yes, Parmenter-yes. The motion passed.***

#### **STAFF REPORTS:**

Kelson welcomed Kirk White to the USB.

Dennis Dooley is a new Water Plant Operator at MWTP.

Gene DeFelice is the Plant Maintenance Mechanic at Dillman WWTP

Ruby Hopkins is an intern in T&D

Toby Axsom is a Meter Technician II

We are continuing to work on the water rate case. We are still in the discovery phase and have gotten data requests. It is going well.

We have met with staff from I.T.S and CATS on technological approaches for virtual meetings.

Sherman asked for an update on a customer who joined the USB meeting on May 10 regarding a sinkhole in her yard. Sherman also requested regular updates on the outcomes of customer requests. Kelson reported that it appears that there is a privately -owned section of storm sewer that has become completely blocked and crushed. We do not know how exactly, but we are working with the homeowner to determine what needs to be done.

#### **PETITIONS AND COMMUNICATIONS:**

A guest from B Square Beacon commented on the policy of hybrid meetings via the Zoom chat. As they understand the policy enacted today, the commenter said this could be the last USB meeting the public will be able to access by Zoom because the policy will only allow the public to access on those occasions where at least one board member chooses to participate via Zoom. They said that in the future they hoped that as some of the other groups are planning to use hybrid meetings as a matter of course, they hoped the board might eventually revisit the policy and offer public access to its meetings via Zoom. They also welcomed Mr. White to the USB as a new board member.

Capler thanked the guest for their comment. Kelson added that the purpose of the Resolution is to establish a policy to be able to hold hybrid meetings. It is our intention to continue to do hybrid meetings via Zoom.

**ADJOURNMENT:** Roberts moved to adjourn; the meeting adjourned at 5:50 pm.

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Jean Capler, President

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Date