

## BOARD OF COMMISSIONERS

Noble County, Indiana  
ROOM 200, COURTHOUSE  
101 N. Orange Street  
Albion, Indiana 46701  
Phone (219) 636-7877

March 20, 1995

Ms. Andrea R. Need  
Office of Legal Counsel  
Indiana Department of  
Environmental Management  
105 S Meridian Street  
PO Box 6015  
Indianapolis IN 46206-6015

In Re: Wolf Lake, Bear Lake and High Lake  
Regional Sewer District

Dear Ms. Need:

Pursuant to Indiana Code 13-3-2-3(b), the Noble County Commissioners, as an eligible entity, is filing the attached Petition for the formation of a regional sewer district. The Noble County Commissioners, as the representative eligible entity, has approved the filing of this petition.

Furthermore, pursuant to Indiana Code 13-3-2-3(b), the Noble County Council as the authorized fiscal body of the eligible entity has authorized the eligible entity to file this petition. The Noble County Council by their signature hereto, has authorized the Noble County Commissioners to file this petition.

Respectfully Submitted,  
County Commissioners

*[Signature]* - 3-20-95  
*[Signature]*  
*[Signature]*

County Council

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

ATTESTED:

*[Signature]*  
Anita L. Huff, Auditor

PETITION TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
STATE OF INDIANA, PRAYING  
THE DEPARTMENT APPROVE THE ESTABLISHMENT  
OF THE BEAR, HIGH, WOLF LAKES SEWER DISTRICT

FILED

MAR 02 1995

BOARD OF  
COUNTY COMMISSION  
ELK COUNTY, INDIANA

WHEREAS, the district is proposed under I.C. 13-3-2-1 as amended; and

WHEREAS, the district shall be known as the "Bear, High, Wolf Lakes Sewer District"; and

WHEREAS, the place in which its principal office is to be located is temporarily  
2169 S. Lakeshore Dr. Albion, IN; and

WHEREAS, the residents of Bear, High and Wolf Lakes currently have no means of joining together to treat their sanitary sewage; and

WHEREAS, the district is being established to provide for the collection, treatment, and disposal of sewage and other liquid wastes; and

WHEREAS, raw sewage is visible in Bear lake within the proposed district; and

WHEREAS, the creation will be conducive to the public health, safety, and welfare because it will allow for a means of treating sewage other than through the individual septic systems now being utilized by all lake residents; and

WHEREAS, there is no outstanding indebtedness related to this proposed sewer district; and

WHEREAS, the current situation creates and adds to pollution by having unmonitored individual septic systems at, or below, water level thus causing health hazards for all residents; and

WHEREAS, the boundaries of the district shall be as shown on the attached legal description; and

WHEREAS, this petition is conditioned upon receiving a grant and/or loan from the United States Rural Economic and Community Development (formerly the Farmers Home Administration), the Indiana Department of Commerce or other State and/or Federal Agencies; and

WHEREAS, the maintenance and operation of the works of improvement necessary to accomplish any or all of the purposes will be paid for solely by user fees; and

WHEREAS, the Board of Trustees shall be made up of five (5) Directors all to be from the district; and

WHEREAS, the Directors shall serve terms four (4) years, and the Directors shall be elected by the residents of the district, however, the initial Directors shall be selected by the Noble County Board of Commissioners and shall be selected from the geographical areas as follows: one (1) Director from the East Shore area, one (1) Director from the North Shore area, one (1) Director from High Lake, and two (2) Directors from Wolf Lake.

WHEREAS, it is estimated that the costs of accomplishing the purpose of the district are approximately Five Million, Nine Hundred Thousand Dollars (\$5,900,000) to be funded with a grant and loan from the Rural Economic and Community Development, the Indiana Department of Commerce, or other State and/or Federal agencies, the entire cost to be funded from user fees estimated to be approximately \$37.00 per month per equivalent residential unit connected to the utility.

NOW, THEREFORE, COME THE FOLLOWING PETITIONS WHO PRAY THE APPROVAL OF THE ESTABLISHMENT OF THE BEAR, HIGH, WOLF LAKES SEWER DISTRICT:

I, the undersigned, being a freeholder in the proposed sewer district, hereby petition the Department of Environmental Management to approve the establishment of the "Bear, High, Wolf Lakes Sewer District." Further, I understand that I am privileged, prior to the filing of this petition with the Department of Environmental Management, to withdraw my name from it.

Name

Address:

Margene Kelly Business Manager on behalf of  
Merry Lea Environmental Center

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Name

Address:

<u>Ruth Bellings</u>	<u>4550 W 4th, Albion IN 46701</u>
<u>Linda Chapman</u>	<u>4513 W E Dr Albion IN 46701</u>
<u>Anne Akker</u>	<u>1879 S 475 W Albion</u>
<u>Barbara J. Laur</u>	<u>Box 257 Wolf Lake IN 46796</u>
<u>Larry Kelsore</u>	<u>Box 307 Wolf Lake IN 46796</u>
<u>Ann Shroyer</u>	<u>4644 W 1st St - Albion IN</u>
<u>Don Quale</u>	<u>Huntington In.</u>
<u>Jo Eddy</u>	<u>1020 S 4th St Kimmell IN.</u>
<u>Jack Zimmerman</u>	<u>0285H - Oakwood Dr. Albion</u>
<u>Robert E Myers</u>	<u>1962 S.E. 1st Albion IN 46701</u>
<u>Nemuel P. Holt</u>	<u>Box 154 WOLF LAKE IN 46796</u>
<u>Mary Jane Reith</u>	<u>1570 Redbud Court Graham IN 46526</u>

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Name

Address:

Tim Stein

4606 W E Dr Albion IN

Karen D. Stein

" " "

James Bowen

2169 S. Lakeland Dr. Albion, IN

Shirley Bowen

2169 S. Lakeland Dr. Albion, IN

Nellie Landrum

David H. Haur

Box 251 Wolf Lake IN 46794

Sandra Lemuel

Box #101 Wolf Lake, IN 46796

Joseph H. Hall

8307 Stand Ridge Run Ft. Wayne

Madelaine Hall

8307 Stand Ridge Run Ft. Wayne IN

Tom D. Dondrich

22235 Lakeland Dr. Albion, IN 46706

Betty J. Johnston (High Lake)

1836 W. DuPont Rd. Ft. Wayne, IN 46706

Doug Johnston

" " "

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Name

Address:

John Smead Jr.  
Lisa Smead  
John Smead Sr.  
Alice Smead Sr.  
Denice & John  
Richard John  
Carl Almack  
Betty E. Almack  
Bill Almack  
Jodi Almack  
Chae LeCout  
Bonnie Bayminger

5899 W Lewis Albion High L  
5899 W Lewis Albion High LA  
2540 S JAR High Lake  
2540 S JAR High Lake  
5879 W Lewis St. Albion High Lake  
" " " " " "  
2564 S JAR Albion, IN High Lake  
2564 S JAR Albion, IN  
2537 S. JAR Albion, IN High Lake  
2554 S. JAR Albion, IN High Lake  
2546 S JAR Albion, IN High Lake  
2506 S. Stone Albion High Lake

Name

Address:

Charles Stone

Norman L Willmann

Margie A Willmann

Joan H. Herz

Jennie E. Herz

Charles E Chapman

Helma Chapman

Bruce Bratten

Connie Bratten

Deloris Hissick

Russel Hissick

Lenore Winebrenner

Hugh Winebrenner

Mary M Metzger

Jack P Wengert

Richard H Wengert

Joel D Metzger

Duke Callison

Sam Watt

Mary Jo Young

Richard E. Rhling Sr

2410 Stone St.

Watkins Street, High Lake

Jewis St. High Lake

2317 S. Lakeshore Dr.

2317 S. Lakeshore Dr.

RR #2 Yorktown, In.

RR #2 Yorktown, In.

2851 W 750 S Geneva, In

2851 W 750 S Geneva, In

0946 S. US 33 Wolf Lake In

0946 S - US 33 Wolf Lake In

4727 W 100 S Kennel In

RR3 Box 96A Waldron AK

117 Windridge Winchester KY

4727 W 100 S Kennel In

4567 W. B. Dr. Bear Lake

1919 So 3rd St Albion

1210 S US 33

4745 W 5th St Albion In 46701

Name

~~Ronald & Lydia Wahlund~~  
Lydia Wahlund  
Rex Billings  
Mervyn L. Hoff

Address:

1192 So US 33 Wolf Lake In  
a in in  
45506 S Dr Albion In 46701  
4662 West 1st St Albion In 46701



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Name

Address:

Mr & Mrs William Martin  
Mr & Mrs Thomas Hooper  
Dan Sn  
Kathleen Keshing  
Kathryn Kuehler  
Theresa Lewis  
James H. Miller  
Raula C. Miller  
William K. Miller  
Norman K. Miller  
Mildred C. Perl  
Wayne R. Pettigrew

1791 So. 4th St. Alton, In  
5532 W. Walters St. High Lake  
1175 1/2 W. 33rd St. In.  
Box 4 1161 S. High St. Wolf Lake  
1781 S. S.R. 205 Columbia City  
4568 W. D Dr. Albion, IN 46701  
2203 S. Lakeshore Albion, In 46701  
2203 S. Lakeshore Dr. IN 46701  
4581 West E Dr. Albion IN 46701  
4525 West E Dr. Albion, IN 46701  
4525 West E Dr. Albion, In 46701  
412 W. 4th St. Ridgeway, In

Name

Address:

Gertrude Pettyjohn

412 W 21th St. Ridgeville, In 47380

June R Walker

653 Court St. Huntington, 4670

Janet S Walker

653 Court St. Huntington, 4670

**DESCRIPTION FOR  
BEAR, HIGH, WOLF LAKES SEWER DISTRICT**

Part of Noble Township (Township 33 North, Range 9 East) and Washington Township (Township 33 North, Range 8 East) in Noble County, Indiana, described as follows:

Beginning at a point in the intersection of County Road 650 West and County Road 100 South; thence easterly along County Road 100 South to the west line of Section 5, Noble Township; thence north along the west line of Section 5 to the westerly extension of County Road 50 South; thence easterly along said westerly extension and County Road 50 South to County Road 300 West; thence south along County Road 300 West and the southerly extension thereof to the easterly extension of County Road 300 South; thence westerly along the easterly extension of County Road 300 and the westerly extension of County Road 300 South to County Road 650 West; thence north along County Road 650 West to the Point of Beginning. Said boundaries incorporate all or parts of Sections 4, 5, 7, 8, 9, 16, 17, and 18 in Noble Township, and Sections 12 and 13 in Washington Township.

# Bear Lake Sewer Study

## Noble County, Indiana

Funds Needed	\$40,000
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<u>Grant Approved</u>	<u>\$20,000</u>
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Balance	\$20,000
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### Potential Sources for Balance

State Planning Grant	\$10,000
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East Shore Conservancy District	\$3,000
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Demonstration Grant	\$2,000
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Noble County	\$2,500
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<u>Merry Lea Environmental Center</u>	<u>\$2,500</u>
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Total	\$20,000
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*Minutes from Noble County Board of  
Commissioners, Noble County, Indiana*

RON BONAR - STEVE HENSCHEN - BONAR & ASSOCIATES  
EAST SHORE CONSERVANCY PROJECT

Present for this meeting was: Robert Eckert, Larry Yoder, Rector & Ruth Billings, Jack Chronister, Health Department, Mark Shumaker, Jon C. Owen, Attorney for Graft, Owen & Hogan; Mr. & Mrs. Jim Bowser.

Mr. Henschen made a presentation on how the proposed project phases were changed, Phase 1 - 4.

Mr. Henschen explained what a connection fee was. He said this would reduce a monthly rate.

Mr. Henschen gave those present a Financial Analysis, and reviewed this with the Board, and the public that was present.

Mr. Yoder asked what option 1 is. Mr. Henschen said option one is that these phases will be built as listed. This would be building the four phases at separate projects, in the order they are listed.

Mr. Henschen said there is a grant program available, which is administered at the County level for certain persons. This would have age requirements, as well as income requirements.

The grant of \$500,000 is for only one time.

Mr. Bonar said, when asked, the Option C is a 45% grant, and a 55% loan, Option B is a 30% grant and a 70% loan.

Mr. Owen asked why put Merry Lea in this project? Mr. Troyer told Mr. Owen that there is no piping to the green area.

more for the Merry Lea

, money which will cover their portion, or they can go out on their own and build for themselves. He said they would like this to be a cooperative effort.

Mr. Troyer said he thought that some of the concern was that they clean up the lake. He said if every septic system above Bear Lake was functioning properly, they could do their own, but that is not the case. He said to clean up the lake, it would be beneficial to have all of these done together.

Mr. Bonar said today is intended to be a preliminary meeting to a meeting on Wednesday. Mr. Bonar said they need to clarify if Merry Lea is involved in any way, can they get Federal Assistance. He said they will have to get some direction how this thing is headed. Mr. Bonar said that Farmer's Home has said all of their money this year has been committed. He said with the way funding is going, they are not strongly encouraging that there will be money next year. He said the money available today is the State revolving loan fund - 0 - 2% loans, and the Indiana Department of Commerce with the \$500,000 grant. He said those funds are available now in 1995. Farmer's Home, option B & C, the earliest would be 1996, and that is somewhat hazy.

According to Mr. Bonar, their analysis of the situation, is that option A is the most viable option.

Mr. Bonar said this is simply looking at the potential options, and different groupings, and what the impact of the different groupings would be.

Mr. Bonar said they seem to be open to the concept of one entity with separate phases. He said it appears to him, from that standpoint, that is a better way to go, than with four different organizations.

Mr. Troyer asked if East Shore goes on their own, what is the odds of North Shore going on their own? Mr. Bowser said they have people interested, but not interested enough to organize this. Mr. Troyer said he does not see them taking this on their own, and getting it done. Mr. Troyer said they will not be cleaning the lake if this is not all done together.

Mr. Troyer said that if we go with four different conservancies, it will not be accomplished in his tenure here.

Mr. Jacob said he would personally not want to put his name to a petition that separates these out as individual districts, but as a whole, he would.

Mr. Bowser said if they have a sewer district, their conservancy district will have to dissolve.

Mr. Eckert said he is paying \$138.00 per year for a sewer that is not hooked up.

Mr. Jacob said they are really not that far away from their objective.

Mr. Bonar said it is possibly time to get on with the public hearing.

Mrs. LeCount asked if it is the intent to stay with a conservancy district or a sewer district? Mr. Bowser said he has mixed emotions on that today. He said a conservancy district has more legal power.

Mr. Bowser said he was told the sewer district would cost more, and he did not understand that. Mr. Bonar said it was the borrowing where the difference was. If it is a conservancy district it has a tax rate, while the other is on fees collected.

Mr. Chronister said anyone within <sup>4200</sup>400 feet has to hook into a sewer.

Mr. Bowser said the sewer district, he thinks, is a lot easier to obtain, than the Conservancy district.

Mr. Jacob said from the County's point of view, a sewer district is easier for the County.

Mr. Bonar said there is a meeting this Wednesday. Mrs. LeCount said this is the first the Commissioners knew about this. Mr. Eckert said the meeting was set at the meeting Mr. Troyer attended. Mr. Troyer said he thought that was only a tentative scheduled meeting. They indicated it was set.

The meeting is at Marion on Wednesday at 2:30 P.M. Mr. Troyer said he will attend the meeting if possible.

Mr. Bowser asked who we get the loan from. Mr. Bonar said

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from the State Revolving loan fund. Mr. Jacob said the sewer district can sell bonds if they want to.

Mr. Yoder asked if the folks in Noble County want to go with a Sewer District, or a Conservancy District? He said that is what the folks in Indianapolis will want to know. Mr. Bowser said his original intent was for a sewer district. Mr. Troyer asked what the original request was. Mr. Bowser said a sewer district. He said after the meeting on Wednesday, he will know which way he would like to go.

Mrs. LeCount said we need to go with a united front. She said we want to be careful of what is said, and not to ask who is going to pay for this and why. She said perhaps we should just listen.

Mr. Yoder suggested there be a map of the areas, and the feasibility of connecting, along with a comparison of a sewer district vs. a conservancy district. They discussed this second public hearing in February, 1995, and what should be addressed.

Stone H.

MEETING MINUTES  
BEAR LAKE REGIONAL SEWER DISTRICT  
JOB 1421.11

JANUARY 18, 1995

On Wednesday, January 18, a meeting was held with the Bear Lake people and members of the EIWG group. Those present are as follows:

Frank Ryan, Indiana Dept. of Commerce	219/233-5718
Frank Ryan, Indiana Dept. of Commerce	219/788-3718
Greg Swartz, IN Public Finance	317/232-7221
John D. Clerkin, Indiana Dept. of Commerce	317/232-8907
Robert Deal, RECD	219/248-8924
Paul Serguta, IDEM	317/232-8655
Dick Weisfeld, IDEM	317/232-8620
Larry Yoder, Merry Lea	219/535-7313
Robert Eckert, Bear Lake E.S.C.D.	219/799-4743
Rex & Ruth Billings, Bear Lake E.S.C.D.	219/799-5824
Jim & Clemie Bowser, E.S.C.D.	219/799-4220
Harold Troyer, Noble Co. Commissioner	219/693-2327
Ron Bonar, Bonar & Associates, Inc.	219/424-0318, ext. 226
Mark Jesse, Bonar & Associates, Inc.	219/424-0318, ext. 239

The purpose of the meeting was to update the EIWG group from the initial December 20 meeting. We were directed to reassemble the projects into phases and prepare options that would allow for reasonable rates to be charged the users through various options of phasing and project funding. Ron began the meeting and concentrated on the project summary sheet which Steve Henschen prepared. Ron did an overview of the map, including the four phases of the projects. He also indicated that all the areas highlighted on the map drained into Bear Lake. Ron indicated that the original study had shown a line going through the Merry Lea Environmental Center property. Ron said that by phasing the project, some of the up-front costs for future phases are somewhat lumped into part of the Phase 1 funding. He added that some of these costs should be shifted to other phases as these phases are added. The summary indicated the various areas, population, dwelling units, ERC's, dollar amounts, and different financing options. The summary also indicated the rates were based on either a \$2,000 connection fee or no connection fee at all.

Bob Deal said the RECD 405 program could offer assistance with connection fees for the lower income people. Ron said that phasing must be done in order as shown on the summary sheet. The summary sheet also indicated that the operation and maintenance costs could be reduced after Phase 1 due to having more customers within the system which would reduce the per-customer O&M rate. The various options were then reviewed option by option.

To lower rates, we first split the projects into phases. It was indicated and all agreed



that the East Shore Conservancy District was the area of immediate need.

Frank Ryan of IDOC indicated that for any of the projects to meet the requirements for DOC money, the low/mod income criteria must be met. He also indicated that DOC is not usually involved in funding phases of projects.

Greg Swartz indicated that he did not see a need to chop up these areas to meet the population criteria for the 0 to 2% State Revolving Loan money. He thought it was better to have one entity instead of trying to create several chopped up districts. Greg also said he believes the State will eliminate the 3,500 population limit for the low interest money. Household income should drive the percentage rate of the pay-back of the loans, in his opinion. He believes that creating many entities to take advantage of the low interest rates is wrong.

Harold Troyer, Noble County Commissioner, indicated that Bonar had determined long ago that the income level in most of this area is in the low to mod area or very close. Bob Deal said that township income statistics for the median household income will have to be used. He said that the Township is eligible for the maximum grant of 55% of the project per the 1990 census. The census indicated that the township median household income was \$29,617, while the State non-metropolitan median household income is \$31,242. He also said that grants were only available for areas with populations of 10,000 or less. Bob Deal's user rate that they are shooting for on RECD is \$35. But he said their benchmark may be set lower due to poverty areas being included. Bob also preferred one application for the entire project and phase over XXX amount of years. He said that an environmental could be done at one time or an Environmental Impact Study (EIS) might be required. Bob said that Environmental Impact Studies are not done very often but it is done at RECD's expense and the study normally costs them about \$200,000. To his knowledge, there have only been two EIS's done through RECD. One was the LaGrange County Regional Sewer District and the other was the Patoga water system. Only very, very large projects or projects which have a potential of affecting the environment will require an EIS.

Paul Serguta of IDEM also indicated that a significant impact may require an EIS. Bob Deal added that the EIS will not affect the point system criteria used for RECD project funding and that they'd also be competing for 1996 money. All the 1995 money has been committed. He did recommend that if Bear Lake was looking to move faster than RECD would allow, they would have to seek funds elsewhere.

Greg Swartz indicated that it looks as if Option 3 is the best option that RECD has used for phases 1 through 4 or Option 1, Phase 4. This would get near the \$35/month benchmark. Frank Ryan indicated that East Shore could get DOC money and the rest could be done with another \$500,000 DOC grant if separate governmental entities were set up. This option was rejected. It was agreed by all that one entity should be set up.

Harold Troyer indicated the County would like one entity and referred to problems being encountered by Solid Waste Districts with several counties forming a district. Some of these individual counties are pulling out of the districts and Mr. Troyer felt this could be the case with several entities forming one regional sewer district.

Jim Bowser indicated about 8 or 10 years ago, they tried to expand the East Shore Conservancy District to include the north shore of Bear Lake. IDNR was involved, but the condition of the existing system was so bad that they would not let the District expand. Harold Troyer indicated at the public meeting, very few people were opposed to the district unless the rates were very high. Some discussion ensued that if Bear Lake went for RECD funding if the Enforcement Section of IDEM would back off of the East Shore Conservancy District. Frank Ryan said from past experience if an effort is made or commitment is made, that the Enforcement Section may hold off for a couple of years. Frank brought up two areas in which they have made great strides or shown a commitment to take care of the problem. These efforts are:

- Obtain a DOC planning grant to do the study for sewerage the area and also trying to get to the \$35 benchmark.
- Pursuing project funding

Bob Deal said the RECD cannot come in after the first phase is constructed with a \$60 rate in place and give a grant/loan to try to get to the \$35 benchmark. If the rest of the people are willing to pay the high rate, then everyone should pay that high rate. This is the RECD's position. It was suggested that the Regional Sewer District be petitioned to include all four areas. Ron Bonar said he had an idea which he had shared with the Commissioners that once the new system was put into operation, the East Shore Conservancy District could be disbanded. Enforcement has been on the East Shore Conservancy District for a very long time, although Jim Bowser said they have had no deadlines to set comply with.

There was some discussion that Option 4 with funding Option B be pursued. This could all be done under one RECD grant application and maybe DOC money. With phases 1, 2 and 4 in place, initially.

The directional boring under the lake was also discussed. Bob Deal was concerned about making repairs and how this would affect the EIS. Bob was also concerned about the lake crossing but also the long run to the treatment area through areas that are environmentally sensitive.

Paul Serguta and Dick Weisfeld, of IDEM, said they would both contact the Enforcement Section the following day to try to hold off the enforcement dogs. Jim Bowser said Klye Hendrix was the person he deals with in the enforcement section. Jim also indicated there is a permit pending at IDEM to clean the lagoon out. He felt this may make them look good in Klye's eyes that additional effort is still being made.

Greg Swartz said there are 6 things to do:

1. We need to research the position of RECD for funding phases.
2. We need to create a government entity for Phases 1, 2, 3, and 4. It was suggested that a regional sewer district be created.
3. IDEM representatives of the EIWG group need to contact the enforcement section to see if they will hold off on enforcement proceedings for future RECD money.

4. We need to look at an EIS and see how this may be affected by the High Lake crossing.
5. Greg Swartz needs to update the group on the 0 to 2% loan money possibly being removed from the system.
6. Pursue option 4 with financing option B.

Greg said he would summarize these six and have distributed to all those present.

At this time, we need to apply with the East Shore to fund all 4 phases. We can fund Phase 1 in 1996 with a combination of DOC money with RECD money. The EIS will probably be done if needed. If that's the case, we will ask that the application not include High Lake. This will require an additional year's delay for the EIS. Bob Deal said that wetlands, flood plains, farmland and aquifers are the 4 items that would require the EIS. It was also suggested by Bob Deal that various agencies will be asked for their opinion of the impact if construction is done outside existing rights-of-way.

Ron asked Greg Swartz what possible up-front planning monies would be available from BIF. Greg said there was not a good chance for this since the project will not use State Revolving Loan Funds.

The meeting was adjourned.

MBJ:rs

Environmental Infrastructure Working Group

Project Meeting

Community: Bear Lake Conservancy District

Date: January 18, 1995

Site: Marion (Holiday Inn Conference Room)

Meeting Attendees:

Name	Organization	Address	Phone #
Harold Troyer, Comm.	Noble County		(219) 636-7877
Jim Bowser	E Shore CD		(219) 799-4220
Bob Eckhart	" " "		(219) 457-4743
Larry Yorder	Merry Lea Center		(219) 535-7313
Ron Bonar	Bonar & Associates		(219) 424-0318
Steve Henschen	" "		" " "
John Clerkin	Commerce	One North Capitol	(317) 232-8907
Bob Deal	RECD	Columbia City	(219) 248-8924
Paul Serguta	IDEM	IN Gov't Center North-12th	(317) 232-8655
Greg Swartz	Budget Agency	212 Statehouse, Indpls	(317) 232-7221
Frank Ryan	Commerce	South Bend	(219) 288-3718
Dick Weisfeld	IDEM	IN gov't Center North - 12th	(219) 232-8620
Rex & Ruth Billings			(219) 799-5824
Jim & Clemie Bowser			(219) 799-4220

# BONAR GROUP

ENGINEERS ARCHITECTS PLANNERS SURVEYORS

616 South Harrison Street  
Fort Wayne, IN 46802  
(219) 424-0318  
Fax (219) 424-0410

3021 East 98th St., Suite 110  
Indianapolis, IN 46280  
(317) 575-6939  
Fax (317) 575-6936

158 So. Napoleon St., Suite 100  
Valparaiso, IN 46383  
(219) 462-1158  
Fax (219) 462-0329

February 27, 1996

**FEB 29 1996**

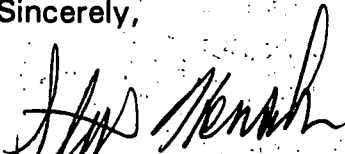
Ms. Mylene Huybers, Attorney  
Indiana Department of Environmental Management  
Office of Legal Counsel  
100 North Senate Avenue  
PO Box 6015  
Indianapolis IN 46206-6015

SUBJECT: Bear Lake, High Lake, Wolf Lake  
Regional Sewer District

Dear Ms. Huybers:

Enclosed find a petition to establish the Bear, High, and Wolf Lake Regional Sewer District executed by the Noble Township Board. A meeting was held with the Township Board prior to the public hearing, at which time they agreed to sign the petition. Please contact me if you have any questions concerning this.

Sincerely,

  
Steven Henschen, P.E.  
Engineer  
Extension 245.

:rs

Enc.

cc: Mr. Jeff Feller, IDEM, Reports & Quality Control Section, Office of Water Mgt.



# **NOBLE TOWNSHIP BOARD**

**Februsry 14, 1996**

**Ms. Mylene Huybers  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue  
LP O Box 6015  
Indianapolis IN 46206-6015**

**Subject: Petltion to Establish the Bear, High, Wolf Lakes Regional Sewer District**

**Dear Ms. Huybers:**

We understand a petition has been filed with the Indiana Department of Environmental Management (IDEM) requesting the establishment of the Bear, High, Wolf Lakes Regional Sewer District. We further understand, according to the State Statute, that each Township affected by the proposed district, as well as the County must give their authorization for this request. This authorization does not mean that a district has been created, but only that IDEM will proceed with a public hearing, gathering of evidence, and considering the request for the creation of the district.

We are giving our approval based upon these understandings and the following statements:

- The proposed sewer district will not generate revenue from property taxes.
- The proposed sewer district can only finance projects through user fees. Typically, monthly payments are collected from households connected to the sewer system.
- The Merry Lea Environmental Center would not be "exempt" from user fees. They would pay their fair share.
- The project cost estimates presented do include the cost for abandoning each septic tank.
- The district will only serve the densely populated areas on Bear Lake, High Lake and the community of Wolf Lake. Remotely located households will not be served with a sewer system.
- The actual sewage project including type of system, location of improvements, costs, schedule and monthly user fees will only be determined after the district is formed and the sewer district board of directors addresses these issues.

Ms. Mylene Huybers  
Office of Legal Counsel  
Indiana Department of Environmental Management  
February 20, 1996

- We concur with the need for a sewer system for Bear Lake and High Lake and would approve of a sewer system for Wolf Lake if left to the discretion of the property owners affected.
- We support the concept of a mechanical treatment system that minimizes the disturbance of productive farm land. We prefer a treatment system located on the Merry Lea Environmental Center property.

Sincerely,

<u>Red A. England</u>	<u>2-21-96</u>
Name/Title	Date
<u>Kenneth B. Ott</u>	<u>2-21-96</u>
Name/Title	Date
<u>Raymond Slumy (Member)</u>	<u>2-21-96</u>
Name/Title	Date

EAST SHORE CONSERVANCY DISTRICT

Bear Lake  
2169 S. Lake Shore Drive  
Albion, IN 46701  
December 22, 1994

Mr. Jon Owen, P.C.  
Attorney at Law  
127 E. Williams St.  
Kendallville, IN 46755

Dear Mr. Owen,

The following is a summary of the meeting held at the Noble County Commissioners Office on Monday, December 19, 1994. The purpose was to review the report Bonar & Associates have prepared for the sewer study on and around Bear Lake, Noble County, IN. Your copy of this report is attached and is quite lengthy, some of which is a repetition of information we already have.

The interested parties in attendance were Dr. Larry Yoder from Goshen College, representing Merry Lea Environmental Center; Mary Jane Reith, a financial backer of both the college and Merry Lea; Monty Harlan, representing the Bear Lake Church of God Camp; Mark Shumaker, our lab technician; Jack Chronister, Noble County Board of Health; the County Commissioners and our three directors of the Conservancy District.

Ron Bonar opened the meeting with some brief remarks and passed out an agenda (Exhibit 1). He indicated he would be presenting some financing packages after Steve Henschen made his presentation. Steve then reviewed the planning process and the area that was covered delineating five (5) different systems. These systems are outlined on the map "Figure 2-2" I might point out that on this map the blue area includes some property that does not belong to Merry Lea. That area is the area on the North Shore, west of 525 W and 175 S. This area includes the church camp and a number of homes which should be included in the North Shore area or System 2. When Steve was asked why the North Shore had been broken up into the three different areas, as indicated in System 3, he advised that information had come from III-A Development and Planning Commission. The newspaper add for the RFP did not designate three different areas.

Rather than review each and every page, Steve picked out certain pages of the report and commented on each. He reviewed briefly Chapters 2, 3 and 4 of the report. He reviewed in some detail the Future Wastewater Flows, Table 4. He reviewed the various collection systems in some detail as well as the disposal process.

#16



Following Steve's presentation, Ron Bonar presented cost figures and financing analysis. Attached as Exhibit 2 is the Financial Analysis for all five systems which Ron discussed in some length. In addition to the Financial Analysis, he reviewed an "Environmental Infrastructure Working Group - Intake Document" (Exhibit 3) and advised we had a meeting with this group on Tuesday, December 20, 1994 in Marion, IN. He also passed out a Cost Summary (Exhibit 4) and reviewed this document. He emphasized the fact that these figures were high, which is better then being low and then having to increase costs, making people unhappy.

On Tuesday, we met with the "Indiana Wastewater Infrastructure Financing" Committee at the Holiday Inn in Marion, IN. Attached as Exhibit 5 is a copy of the document outlining this organization. Those in attendance from our area were Ron Bonar and Steve Henschen, Bonar & Associates; Myself, Bob Eckert and Ruth Billings, Directors of the E.S.C.D.; Harold Troyer, Noble County Commissioner; and Dr. Larry Yoder, Goshen Cllege and Merry Lea. The representatives from the IWIF were Bob Deal, Rural Economic & Community Development, formerly the Farmers Home Loan Association; Greg Swartz, Indiana Public Finance (State Revolving Fund); John Clerkin, Indiana Department of Commerce; and Paul Serguta, Indiana Department of Environmental Management (also State Revolving Fund).

Ron Bonar shared with the group our plans, how we got where we are today and what we want to do. He indicated he would cover financing and hoped we could leave with some direction for the project.

Steve Henschen then reviewed basically what we had heard at the Commissioners Office on Monday. He passed out copies of the following parts of the report: Figure 2-1, 2-2; Table 3-1, page 3-3; Table 3-3, page 3-10; Figures 5-1, 5-3, 5-5, 5-7, 5-8 and 5-9. In addition the handout included the Cost Summary (Exhibit 4) and Financial Analysis (Exhibit 2).

Following Steve's presentation, Dr. Yoder made a short presentation about Goshen College and Merry Lea. He also passed out a brochure (Exhibit 6) describing Merry Lea. He covered the expansion plans that they have.

Harold Troyer pointed out that the town of Wolf Lake is setting on a gravel bed and apparently the water supply is being poluted by sewage. The schools are using bottled water to drink. Many homes are doing the same. Some are using filtered water. He also pointed out that the County Commissioners are not willing to push anything on anyone, however, if they seek their help the Commissioners will help as much as they can.

The financing was then reviewed by Ron Bonar. It was pointed out that the Bear Lake community was regarded for the CFF Grants as low to moderate income level. There are many residents that are living on fixed incomes and cannot afford a large monthly cost for a sewer. Bob Deal indicated that RECD has a plan that will loan people who do not have the money up front to install the hookup, money to obtain the hookup. This is an individual loan to that person.

The final results were that Bonar & Associates must do some revising of their plans. The suggestions from this group were:

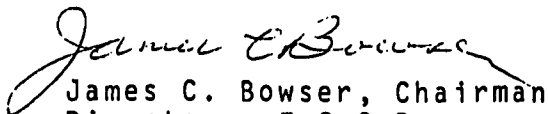
1. Solve the problem of the E.S.C.D. first, and if possible, include the Bear Lake Area. This however, would not include the Merry Lea Environmental Center and their projected expansion. Apparently this is a project that would not qualify for funding from governmental agencies.

2. Establish separate entities for both Wolf Lake and High Lake leaving Bear Lake as a separate entity. Each would then be responsible for their own sewer systems.

3. Establish one entity and do the project in phases. The draw back to this would be that the first group would be paying the biggest share of the cost until other groups are brought on board. This is not a good solution. This was a question posed by Ron Bonar.

4. Maintain the Conservancy District for the East Shore and expand or create a new Conservancy District for Bear Lake. A conservancy district is less costly to members than a sewer district. With the loans, a 35% add on is required as a buffer. This would mean that the monthly payments would be increased to cover this buffer fee, whereas, the taxation basis would reduce the taxes but still have the buffer included. Also, the Conservancy District has greater legal power than a Sewer District I have have been pushing for a sewer district, but since hearing that the conservancy district is the better of the two, I will probably change my mind and go for the conservancy district. Chapter 9, page 2 describes the differences between a conservancy district and a sewer district. I am going to study this close. I think I have covered all that is necessary at this point in time. I will keep you informed.

Sincerely,

  
James C. Bowser, Chairman  
Directors, E.S.C.D.  
2169 S. Lake Shore Dr.  
Albion, IN 46701

Exhibits

Meeting with Noble County Commissioners, Bonar & Associates,  
January 24, 1994.

Present: Harold Troyer, Steve Jacob & Joy LeCount, County Commissioners; Ron Bonar and Steve Henschen, Bonar & Associates; Tim Kelty, III-A Development; Larry Yoder, Goshen College; Anita Huff, Auditor (taking notes); and Jim Bowser, E.S.C.D.

(Before the meeting started, Tim Kelty approached me with the thought and idea that we should change the engineering firm to GRW based on the bid that they made of \$13,000.00, with an additional cost of \$3,000.00 to include the town of Wolf Lake and High Lake area. He wanted us to drop Bonar because of the additional \$20,000.00 Bonar requested. I advised Tim that he would have to sell the County Commissioners on that idea. Following this discussion, I noticed him talking to Joy LeCount and Steve Jacob. From their facial expressions, I feel he was approaching them on the same idea.)

Since the meeting was called or requested by Ron Bonar, Steve Jacob ask Bonar to start the meeting. Bonar asked Tim Kelty to review the results of the income survey. Tim advised of the following:

There were 190 households surveyed.

There were 123 responses.

There were 96 low to moderate income giving a 78% response for households.

Based on number of people, there would be a 75% low to moderate income.

If all the 67 that did not respond and if all were above the low to moderate income level, we would still have a 51% low to moderate income level required for the survey.

Tim stated he would have the survey certified by a professor at Indiana-Purdue and then call the results to the DOC. This will then validate the original application. He said we had some other options. One to go with the original planning grant. Or we could apply for a Community Planning Fund Grant which would require 50-50 participation. Tim was not aware that Bonar had already prepared an application for the E.S.C.D. to obtain a grant from the CPF.

Ron Bonar then reviewed what had already been discussed regdring funds and what the additional \$20,000 would be used to cover. It would give a preliminary study of Wolf Lake and High Lake to see the feasibility of persuing further planning as well as finalizing plans for the whole Bear Lake area.

Harold Troyer asked if it would be advisable to use part of the money to branch out rather than an in depth plan for Bear Lake. Ron advised against this.

##

Tim Kelty brought up his idea of getting GRW rather than Bonar and explained the difference in cost. After a short discussion, Steve Jacobs told Tim that we had already decided on Bonar and that we did not need to change anything. Steve pointed out that Frank Ryan of DOC had also advised us to follow the plan we had.

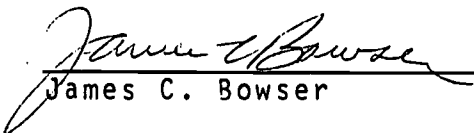
Ron Bonar then reviewed the application for the CFF application for the additional \$20,000. After it was reviewed the application was signed by Steve Jacob and Jim Bowser, but not by a representative from Goshen College. Larry Yoder is to take the application to Goshen, have it reviewed and then signed and back to Bonar & Assoc. so it can be filed by Jan. 28, 1994.

Bonar wanted to exclude 30 homes west of the Bear Lake Church Camp, the purpose of which I could not understand. After some discussion, this was abanded.

Bonar reviewed the agreement to be signed by the Commissioners. There are two, one for a wastewater collection and treatment system feasibility study for the Bear Lake area. The other is for a wastewater treatment and colleciton system feasibility study for the East Shore Conservancy District and the North Shore area, located on Bear Lake.

Bonar wants to meet with the Noble County Board of Health. Two doctors are involved, Dr. Warner and Dr. Hayes. A meeting was set up for Tuesday, Feb. 22, 1994 at noon at Pondi's Restarurant. Jack Chronister is also to be present.

After this final discussion, I asked Joy LeCout if I could meet with her or all the Commissioners without the presence of Tim Kelty. I stated I was very unhappy with him and what has happened to us because of him and III-A. Steve Jacob then advised that Tim was leaving III-A and ask that I not cry over this move.

  
James C. Bowser

Jan. 24, 1994

Meeting with County Commissioners, November 29, 1993, 2:30 P.M.

Present: Commissioners, Harold Troyer, Steve Jacob and Joy LeCount. Frank Ryan from DOC; Scott Naltner and Tim Kelty from III-A; Bob Eckert and Jim Bowsser from E.S.C.D and Ron Bonar and Steve Henschen from Bonar & Assoc.

Joy LeCount started by indicating that the scope of the plan was unclear as we would like to have had since it was discussed a year ago last April. (She refers to a meeting with Bob Murphy and Scott Naltner of III-A, Frank Ryan and Meg Dolan of DOC, Joy LeCount, County Commissioner, Myself and Bob Eckert.)

Ron Bonar then explained the scope of the plan and area. He was not aware of the number of properties involved. The agreement he presented included only the homes on the East Shore and did not include any of the North Shore. He agreed that they would do the project for \$20,000. which will include the North Shore. To include Wolf Lake and High Lake would require additional funds.

Ron Bonar advised he had a meeting scheduled with Larry Yoder from Goshen College for December 15, 1993 at 2:00 PM. He wants a representative from the Commissioners, III-A and the E.S.C.D. to be present.

Frank Ryan then advised of several alternatives we had. One was to go with the present grant and possibly ask for an expansion. Second, we could ask for separate grants for the additional work to cover Wolf Lake. He advised the Commissioners that perhaps we should look at three grants. He recommended that we go with what we have and ask for an expansion and then see what other grants can be obtained for Wolf Lake and High Lake.

The income survey was also discussed. It appears that only the East Shore was surveyed, although the names and addresses of the North Shore had been provided III-A Development. I will provide Tim Kelty with a list of the North Shore people. The plan will include the Church Camp but a grant for construction cannot include the Church Camp. I advised I would get the list to him on Nov. 30, 1993.

Frank Ryan cautioned all present to not be in a hurry. Be sure you have everything in order and are prepared to go ahead with the project. It is very important that everything is in order.

Bonar presented the proposed agreement to the Commissioners. They need for their attorney to look over the agreement before it is signed. A copy was given to all

intereseted parties.

It was evendent that Bonar and Frank Ryan were on familiar terms. This would incidate we made the best choice in an engineering firm.

Nov. 30, 1993.

I received a call from Tim Kelty that he had gone through the files on this project and did find a list of the North Shore people. He said it also looked like there had been a survey made and he was going to review the information. He advised it was not necessary for me to bring the list and that I could mail it to him.

James C. Bowser, President,  
Directors, E.S.C.D.

December 21, 1993.

Meeting with III-A Development, Department of Commerce, County Commissioners, Goshen College and ESCD at III-A Office in Kendallville, IN.

Present: From Department of Commerce were Frank Ryan, Lisa Acobert and John D. Clerkin; From ESCD, Jim Bowser and Bob Eckert; from Bonar & Assoc. were Ron Bonar and Steve Henschen; from Goshen College, Larry Yoder; from County Commissioners, Steve Jacob; and from III-A Development, Scott Naltner and Tim Kelty.

The meeting started at 11:00 AM and was over at 12:30 PM.

Ron Bonar started off by explaining the scope of the area that should be planned so that Lisa Acobert and John Clerkin were familiar with the project. He included the possibility of a wet lands and explained that it had to be above the water table and away from the water table, per IDEM. He also explained the involvement of Merry Lea and Goshen College.

He then explained the possibility of additional funding to provide a total of \$40,000.00 for planning, which would be required if Wolf Lake and High Lake were to be involved. (Note: It appears to me now that the \$40,000.00 might be just for the Bear Lake Area and not include Wolf Lake or High Lake.)

Lisa Acobert started asking questions regarding the application for the RFP. She was not clear on what area was to be included or how many homes. Bonar advised he was only made aware of 87(?) homes to be involved for all of the Bear Lake area. Frank Ryan asked Tim Kelty if all who had bid on the project were aware of the total picture. Again, as he had responded to Joy LeCount on several occasions that all had been informed and that the information was available. (Personal note: If all were aware of the total picture, why was there discrepancies and questions?)

Lisa went on to explain that the application for the RFP had a contradiction which must be straightened out before any money is allotted. That contradiction was that the area on the application was listed the Bear Lake area and the income survey only included the East Shore. These must agree and is necessary so that if an audit is made by the Federal Government, then it would not be necessary to explain what happened. She also explained that this money is Federal Money, not State money and for that reason, everything must be in order.

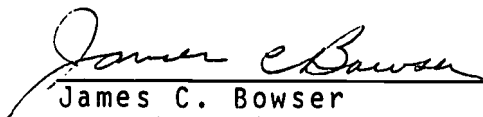
There was some discussion about the new survey being made by III-A. There was some question about whether the Low to

Moderate Income guideline would be met. According to Lisa, only the year around residents would be used to determine the income level. Those people that are here only in the summer are not to be included in determining the income level, but will be included as beneficiaries of the sewer system.

Lisa first suggested we put in for a new RFP which would involve the procedure that we have already gone through. Some discussion was had on this and then it was suggested that possibly the present application on file could be modified to change the number of beneficiaries to agree with the area involved. Steve Jacob stated that all the other bidders knew who had bid on the project as well as their costs and it would be to everyone's advantage to try for the modification. This was also brought about by the fact that Bonar has already spent money and time on the project and we would have no assurance that Bonar would get the job after a complete re-run.

After much discussion, including that fact that we had not been involved in this whole procedure it was decided that Lisa will think about our situation and make a decision. She will let the County Commissioners and III-A know what that decision is and how to proceed.

Personal note: It was quite obvious that III-A Development had made an error which is now causing problems. Also, it was quite evident that Ron Bonar as well as myself were very unhappy with what has transpired. I do not know how Steve Jacob felt, but from an earlier meeting and his reaction, he is not too pleased with Tim Kelty. If the modification can be made, then we can get started on a plan. If not, then we go back to first base and start all over again. This would cause a further, unnecessary delay.

  
James C. Bowser  
December 21, 1993





# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live*

*Evan Bayh*  
Governor  
*Kathy Prosser*  
Commissioner

100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015  
Telephone 317-232-8603  
Environmental Helpline 1-800-451-6027

May 1, 1995

Joy LeCount  
Noble County Commissioner  
Room 200, Courthouse  
101 North Orange Street  
Albion, Indiana 46701

Re: West Lakes R.S.D  
Wolf Lake, Bear Lake, and  
High Lake R.S.D

Dear Ms. LeCount:

In reviewing your Petition to the Department of Environmental Management, State of Indiana, Praying the Department Approve the Establishment of the West Lakes Regional Sewer District ("West Lakes Petition") and Petition to the Department of Environmental Management, State of Indiana, Praying the Department Approve the Establishment of the Bear, High, Wolf Lakes Sewer District ("Bear Petition"), we have determined additional information is necessary to comply with IC 13-3-2-3.

The West Lakes Petition will require an amendment to include an estimate of the cost of operating and maintaining the works, pursuant to IC 13-3-2-3(c)(7).

The Bear Petition will likewise require an amendment to include an estimate of the cost of operating and maintaining the works [IC 13-3-2-3(c)(7)]. Additionally, an amendment is necessary to bring the petition in compliance with IC 13-3-2-3(b), which requires the petition to be filed by an eligible entity. To properly document this, the signatures of the representatives of the eligible entities should be on the petition itself.

Please feel free to call me at (317) 233-1211 if you have any questions.

Sincerely,

Mylene Huybers  
Attorney  
Office of Legal Counsel

#27

JUN 08 1995

MAY 30 1995

# BONAR

**& ASSOCIATES, INC.**

ENGINEERING • ARCHITECTURE • PLANNING

FORT WAYNE  
219/424-0318

INDIANAPOLIS  
317/575-6939

VALPARAISO  
219/462-1158

May 25, 1995

RECEIVED

JUN 02 1995

Ms. Mylene Huybers  
Attorney  
Office of Legal Counsel  
Indiana Dept. of Environmental Management  
100 North Senate Avenue, Box 6015  
Indianapolis IN 46206-6015

OFFICE OF HEARINGS  
IND. ENVIRONMENTAL BOARDS

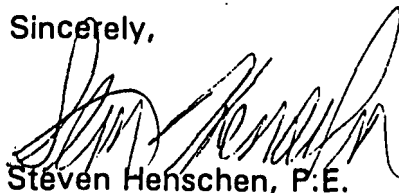
SUBJECT: Wolf Lake, Bear Lake and High Lake  
Regional Sewer District

Dear Ms. Huybers:

On behalf of the Noble County Board of Commissioners, we are responding to your letter dated May 1, 1995, and fax dated May 24, 1995, regarding the above subject petition.

As stated in your fax of 5/24/95, you indicated that the original cover letter submitted to the petition would be acceptable. We will pass on your comments to the Commissioners for their information. Your letter of May 1, 1995, also requested an estimate of the cost of operating and maintaining the works. Attached to this letter is a project cost summary highlighting the capital costs of the project and a table indicating estimated monthly sewer rates based upon various financing scenarios. The financing scenarios are based on a capital cost of approximately \$6,100,000 and an annual operation, maintenance and replacement cost of \$106,000. Please feel free to call me if you have an

Sincerely,



Steven Henschen, P.E.

Project Engineer  
Extension 245

:ras

Encs.

cc: Ms. Joy LeCount, Noble Co. Commissioner, Rm 200, 101 North Orange St., Albion IN 46701  
Mr. Steve Jacob, Noble Co. Commissioner, Rm 200, 101 North Orange St., Albion IN 46701  
Mr. Harold Troyer, Noble Co. Commissioner, Rm 200, 101 North Orange St., Albion IN 46701  
Mr. Jim Bowser, Chairman, East Shore Conserv. District

616 SOUTH HARRISON • FORT WAYNE, INDIANA 46802

FAX 219/424-0410



#28

**MINUTES OF MEETING  
BEAR LAKE, HIGH LAKE, WOLF LAKE  
REGIONAL SEWER DISTRICT  
AUGUST 3, 1995, 10 A.M.**

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**THOSE PRESENT:**

Joe Steele, Rural Economic & Community Development (RECD)  
Nick Telliha, RECD  
Bradley Thompson, RECD  
Bob Deal, RECD  
Jim Bowser, East Shore Conservancy District  
Bill Spohn, Bonar & Associates, Inc.  
Steve Henschen, Bonar & Associates, Inc.

Recorder: Steve Henschen, 219/424-0318, ext. 245

The purpose of this meeting was to review the Bear Lake, High Lake, and Wolf Lake wastewater collection and treatment system project with the State RECD office and to assist the loan applicant in determining the best project size.

1. The meeting started with Steve Henschen providing a brief overview of the location and size of the proposed project. We discussed populations, wastewater flows, and demographics of the proposed sewer district.
2. Jim Bowser then reviewed the history of the project, taking over from Jim's involvement with the East Shore Conservancy District, the East Shore Conservancy District's violation letters with IDEM, and the proposed activities with the County Commissioners to obtain planning funds and ultimately construction funds.
3. It was stated that the Commissioners of Noble County and the East Shore Conservancy District had met twice with the EIWG (Environmental Infrastructure Working Group) in December of 1994 and February of 1995 to develop the best action plan for financing of a proposed project.
4. We discussed the project costs with the group. I indicated that the feasibility study had costs broken down into the various phases. As a key component of this feasibility study, regardless of what the other areas in the proposed regional sewer district did, the East Shore Conservancy District would have to construct some type of project to comply with the IDEM Agreed Order. The project costs discussed were as follows:

Phase I (East Shore)	..... \$1,300,000
Phases I and II (East Shore/North Shore)	..... \$3,300,000
Phases I thru IV (Entire Project)	..... \$6,100,000

5. As a result of the meeting with EIWG in February, it was determined that the best project size to pursue is the Phases I and II project for a total of \$3.3 million. Since that time, additional discussion with Bob Deal has indicated that may have been too large of a project, and the wait for those funds might exceed the applicant's needs.

#31

6. The main purpose of today's meeting was to identify whether the loan and grant application should proceed with the \$3.3 million project, or would they have a better chance of obtaining funds with the \$1.3 million project. After much discussion, it was determined that the loan applicant's best chances for receiving funds in 1996 would be to pursue the \$1.3 million project for Phase I.
7. Joe Steele indicated that requesting funds in this smaller amount would not hurt the proposed sewer district's chances for receiving additional funds in the ensuing years.

Additional comments were made relating to RECD's funding involvement in this project. They are as follows:

- Jim Bowser indicated that approximately 70% of the dwelling units in this project area are occupied full-time. He feels that number is higher in the East Shore, possibly as high as 80%.
- Jim Bowser indicated a majority of the residents in this area are retired and on fixed incomes.
- Bob Deal and Joe Steele both discussed the fact that if treatment capacity is included for Merry Lea's facility, they may have to pay their share of the treatment costs, to not cause an undue burden on the residents of the Bear Lake area.
- Bradley Thompson stated that an environmental review should take place for the entire proposed project, rather than just the Phase I portion. Bill Spohn responded to Bradley that this is how we are already proceeding to conduct the environmental review.
- Bob Deal discussed with Joe Steele the possibility of using the feasibility study already prepared for the preliminary engineering report, even though the engineering report analyzes the entire regional sewer district. Joe Steele indicated that this is acceptable, as long as a discussion and project costs were provided for the Phase I project.
- Joe Steele said RECD would expect to receive approximately \$15 million in loan money and \$7 million in grant money from the Federal office in October, if things are similar to 1995's budget. He said that they have received a request for over \$85 million in loans and \$50 million in grant funds. Therefore, competition for these funds is very tough. He stressed the importance of completing the full application and environmental review as quickly as possible to have this project proceed.

These minutes reflect my recollection of the items discussed at the meeting. If you have any comments or find any discrepancies, please contact the Recorder. These minutes have been distributed to the following persons:

Joe Steele  
Nick Telliha  
Bradley Thompson  
Bob Deal  
Jim Bowser  
Bill Spohn  
Steve Henschen



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live*

*Evan Bayh*

*Governor*

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*Commissioner*

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

Telephone 317-232-8603

Environmental Helpline 1-800-451-6027

September 16, 1996

Mr. Michael E. Arney  
Lemon, Arney, Hearn & Leininger  
210 North Buffalo Street  
P.O. Box 770  
Warsaw, Indiana 46581-0770

Dear Mr. Arney:

Re: Larry Boyd, et al. v. IDEM et al.

I understand that you received a copy of IDEM's record of the Bear, High Wolf Lake Regional Sewer District formation on Friday, September 13, 1996. I have enclosed an affidavit certifying that the records you received were true and exact copies of the original documents contained in the agency files.

Please note that the copy of the record you received did not contain those documents IDEM has claimed confidential under IC 5-14-3-4. Additionally, certain maps contained in the Wastewater Collection and Treatment System Feasibility Study (document #56) were not provided to you in their entirety due to their size. If you would like full copies of these maps, please notify me so that I can make the necessary copying arrangements.

Please contact me at (317) 233-1211 if you have any questions.

Sincerely,

Mylene Huybers  
Office of Legal Counsel

Enclosure

Larry Boyd, et al.

VS.

IDEM, et al.

CAUSE NO. 57C01-9608-CP-

AFFIDAVIT CERTIFYING AGENCY RECORDS

Sandra Orcutt, being first duly sworn upon her oath, says:

1. That I am a Secretary III in the Indiana Department of Environmental Management Office of Legal Counsel.
2. That the record submitted to Michael E. Arney on September 13, 1996, consisting of 653 pages, is a true and exact copy of the original records of the Indiana Department of Environmental Management pertaining to the Order forming the Bear, High, Wolf Lake Regional Sewer District.

Signature

Sandra Orcutt

Printed

SANDRA ORCUTT

Subscribed and sworn to before me, a Notary Public, this 16 day of September, 1996.

My Commission Expires: 5-14-00

County of Residence: Boone

Carolyn M. Koontz