INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT STATE OF INDIANA

IN THE MATTER OF THE PETITION OF ELKHART COUNTY, INDIANA TO ESTABLISH A REGIONAL SEWER DISTRICT PURSUANT TO I.C. 13-26

BEFORE THE COMMISSIONER IDEM, STATE OF INDIANA

PETITION TO ESTABLISH REGIONAL SEWER DISTRICT

Elkhart County, Indiana, by its Board of County Commissioners, tenders its Petition to the Commissioner, Indiana Department of Environmental Management (IDEM), pursuant to I.C. 13-26, for an order directing that a regional sewer district be organized as an independent political entity of the State of Indiana, and as a body corporate and politic. In support of this Petition, petitioner alleges:

1. Proposed Name. The proposed name of the regional sewer district shall be the Elkhart County Regional Sewer District.

2. Principal Office. The principal office of the district shall be located at the office of the County Commissioners, in the City of Goshen of Elkhart County, Indiana, which has a mailing address of 117 N. 2nd Street, Goshen, Indiana 46526.

3. Approval by the County Commissioners. The petition has been approved by the County Commissioners as required by I.C. 13-26-2-2. (See Exhibit A)

4. Approval by Fiscal Body. The Petition has been approved by the Elkhart County Council as required by I.C. 13-26-2-2. (See Exhibit B)

5. Territory in District. The territory to be included in the District is a part of Elkhart County, Indiana, and is more particularly detailed on the map attached to this Petition as Exhibit "D" detailing the District's proposed boundaries.

6. No State Land in District. There is no state park or recreation area, forest land or a reservoir, nor any land owned by the Indiana Department of Natural Resources in the proposed District.

7. Need. The need for the proposed District has long been recognized by residents and businesses in the area, by the Elkhart County Commissioners, the Petitioner herein and the public generally for the reason that sanitary sewage disposal is provided in the area by each homeowner or business through an on-site septic tank, many of which leak, have failed or will fail. The absence of public sanitary sewer service has contributed to suppression of development and environmental contamination in the proposed District.

8. Purpose. The purpose to be accomplished by the formation of the District is the reduction of pollution of the environment by elimination of inadequate septic systems and the construction of a sanitary sewer collection system and appropriate treatment of collected sewage.

9. Establishment. Establishment of the district will be conducive to the public health, safety, convenience and welfare of the residents of the District for the following reasons:

(A) No sanitary sewer system exists in the proposed District.

(B) Sewage collection, disposal and treatment in the proposed District is currently being provided by individual septic tanks or other on-site systems at each residence or place of business. Those on-site systems will have failed or are failing are contributing to the pollution of the environment in the proposed District and create a hazard to the health, welfare, and safety of the residents of the proposed District. In many instances replacement of the failed or failing septic tanks or other on-site systems is not feasible due to the cost, condition of the soil or parcel size.

(C) There are no publicly or privately owned treatment works in the proposed District for treatment of sanitary sewage, which situation inhibits the ability of the residents to alleviate environmental concerns created by failed and failing septic systems.

10. Indebtedness. There is no outstanding indebtedness for the purpose proposed in the proposed District. The absence of a sanitary sewer system hinders growth in the proposed District which contains the following businesses: Ideal Beach (a municipal water park). The proposed District has available all other necessary utility services for development of the real estate except sanitary sewers. The absence of sanitary sewers has limited residential growth in the proposed District because the requirements of Elkhart County and the Indiana Department of Health, as they apply to septic tanks and other on-site systems, prohibit, in many instances, construction of economically viable residential subdivisions.

11. Board of Trustees. The number, manner of selection and terms of the Board of Trustees of the District is recommended as follows:

(A). The District Board shall be five Trustees.

(B) The Board shall be composed of an Appointee of the Township Trustee and Township Board, two members of the local community appointed by the County Commissioners, one member appointed by the County Council and one appointed by the Mayor of the City of Elkhart.

The above initial appointments will then be limited in duration as follows:

- Township Appointee 1 year
- County Commissioners' Appointees 2 years each
- County Council Appointee 3 years
- Mayor's Appointee 4 years

Upon the expiration of the above appointments, all appointments by the appointing body shall be for terms of four (4) years.

Upon a vacancy on the Board of Trustees, for any reason, the appointing authority for that Trustee shall appoint a replacement Trustee to complete the term of the Trustee who vacated his office within 30 days of the Notice of Vacancy.

12. Plans for Future. The plan for financing the cost of operations of the District until it is in receipt of revenue from its operations or proceeds from the sale of bonds includes a 40-year loan from U.S.D.A. Rural Utility Services and private contributions.

13. Estimate of Cost. The estimates of the cost of accomplishing the purpose of the District, of operating and maintaining the works, the source of funding of such costs and estimates of rates and charges required for the District have been prepared by H.J. Umbaugh and Associates, Inc. A copy of the study recommendation and conclusion of that firm are attached hereto in summary form as Exhibit "F."

14. Filing of Petition. A copy of this Petition has been filed in the office of Elkhart County Commissioners, office of the Elkhart County Council, the office of the Trustee of Osolo Township who are executives of the only governmental entities having territory within the proposed district, on the date of filing herein.

15. Designated Representative. The designated representative for the petitioner is Kenneth K. Jones, President, Wightman Petrie, Inc., 4703 Chester Drive, Elkhart, Indiana 46514.

WHEREFORE, Petitioners request:

1. That a public hearing be conducted on this Petition by IDEM after the giving of the proper notice thereof;

2. That the relief requested in the Petition be granted by the Commissioner; and

3. That the Commissioner issue his order creating the Elkhart County Regional Sewer District.

Submitted this 30th day of October, 2003

THE BOARD OF COMMISSIONERS OF
ELKHART COUNTY, INDIANA

By: _____
Phil E. Neff

By: _____
Martin A. McCloskey

By: _____
Phil R. Stiver

Counsel for Petitioner:

Gordon Lord
Yoder, Ainlay, Ulmer & Buckingham
130 N. Main Street
Goshen, IN 46526

EXHIBIT "A"

ELKHART COUNTY COMMISSIONERS
RESOLUTION NO. 03-261

WHEREAS, the Osolo Township Trustee and Osolo Township Board have petitioned the Commissioner, Indiana Department of Environmental Management, for an order directing that the Elkhart County Regional Sewer District be formed:

NOW, THEREFORE, BE IT RESOLVED BY THE ELKHART COUNTY COMMISSIONERS, that it approves the formation of the Elkhart County Regional Sewer District.

ADOPTED ON THIS 19 DAY OF May, 2003.

THE ELKHART COUNTY COMMISSIONERS

By: Phil E. Neff
Phil E. Neff

Martin A. McCloskey

Phil R. Stiver

ATTEST:
Stephen J. Malone
Auditor

EXHIBIT "B"

ELKHART COUNTY COUNCIL
RESOLUTION NO. 2003-CC-11

WHEREAS, the Osolo Township Trustee and Osolo Township Board have petitioned the Commissioner, Indiana Department of Environmental Management, for an order directing that the Elkhart County Regional Sewer District be formed:

NOW, THEREFORE, BE IT RESOLVED BY THE ELKHART COUNTY COUNCIL, that it approves the formation of the Elkhart County Regional Sewer District.

ADOPTED ON THIS 4th DAY OF October, 2003.

THE ELKHART COUNTY COUNCIL,

By: _____
John K. Letherman, President

_____
Donald E. Abel, Vice President

_____
Dennis E. Sharley

_____
James L. Hartman

_____
Clarence J. Yoder

_____
Neil D. Herman

_____
C. Scott Homan

ATTEST:
_____
Auditor

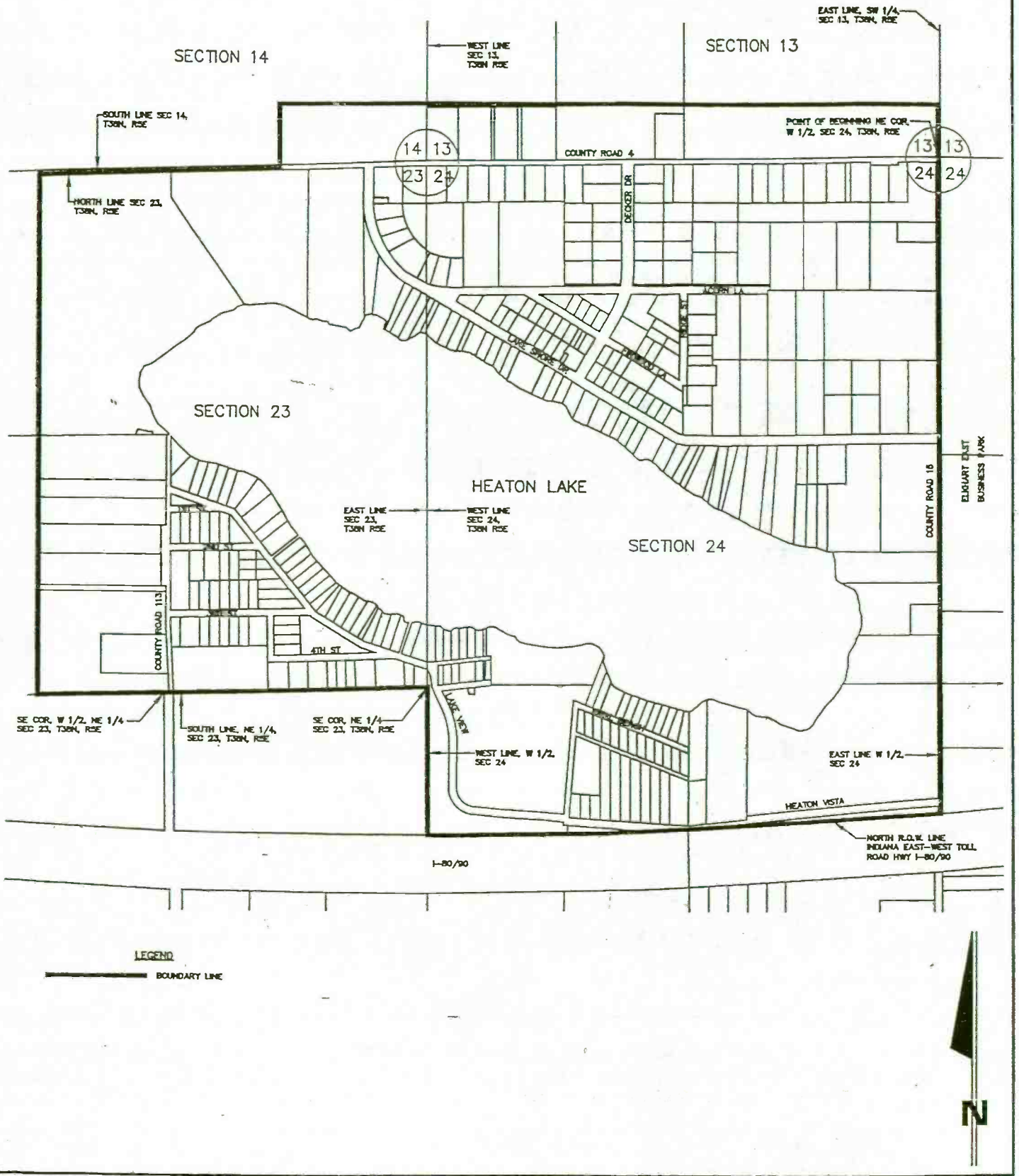
EXHIBIT "D"

Project: Heaton Lake Sanitary Sewer
Parcel: Sewer District Limits

A part of Sections 13, 14, 23 & 24, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, being more particularly described as follows:

Beginning at the northeast corner of the West Half of Section 24; thence South along the east line of said West Half to the north boundary of the Indiana East-West Toll Road; thence west along said north boundary to the west line of the West Half of Section 24; thence north along said west line to the southeast corner of the Northeast Quarter of Section 23; thence west along the south line of said quarter section to the southeast corner of the West Half of the Northeast Quarter of Section 23; thence west along the south line of said West Half 660 feet; thence north parallel to the east line of the said West Half of the Northeast Quarter to the south line of Section 14; thence east along said south line to a point 570.72 feet west of the southeast corner of Section 14; thence north at right angles 270 feet; thence east parallel with the south line of Section 14 to the west line of Section 13; thence continuing east parallel to the south line of said Section 13 to the east line of the Southwest Quarter of Section 13; thence south along said east line to the Point of Beginning.

Prepared for: Heaton Lake Sewer District
By: Peter H. Schnaars, PLS
Date: February 19, 2003
Job Number: 2000-0240



HEATON LAKE
SEWER DISTRICT BOUNDARY LINE

NOT TO SCALE

WIGHTMAN PETRIE, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
4703 CHESTER DRIVE
ELKHART, IN. 46516
PHONE: (574)-293-7762
FAX: (574)-294-3717

EXHIBIT

DRAWING NAME

EXHIBIT E

REGIONAL SEWER AND/OR WATER DISTRICT AFFIDAVIT OF GOVERNMENTAL ENTITY NOTIFICATION

Kenneth K. Jones, being first duly sworn upon oath, deposes and says:

1. I live in Elkhart County, State of Indiana, and being of sound mind and over twenty-one (21) years of age, I am competent to give this affidavit.

2. I hold the position of Agent and Representative for Elkhart County Commissioners (name of the eligible entity petitioning for establishment of district).

3. By virtue of my position with the Elkhart County Commissioners, I am authorized to make the representation contained in this affidavit on behalf of the petitioning eligible entity.

4. As required by Ind.Code § 13-26-2-1, the petitioning eligible entity will or has filed a copy of its petition with the executive of each governmental entity having territory in the district not later than ten (10) days after filing its petition with the Indiana Department of Environmental Management.

Further Affiant Saith Not.

I affirm under the penalty for perjury that the representations contained in this affidavit are true, to the best of my information and belief.

10/30/03
date

Kenneth K. Jones
signature of affiant

Kenneth K. Jones
printed name

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me a notary Public in and for said County and State, personally appeared Kenneth K. Jones, and being first duly sworn by me upon oath, says that the fact stated in the foregoing statements are true. Signed and sealed this 30th day of October, 2003.

Signature: Susan M. Ott

My commission expires: August 3, 2009

Printed: Susan M. Ott

Residence of: Elkhart County

HJU

H. J. Umbaugh & Associates

Certified Public Accountants, LLP

925 Dora Lane, Suite 1, P.O. Box 697 Plymouth, Indiana 46563
Telephone 574 935-5178 Facsimile 574 935-5928

Indianapolis Office 317 844-7288

Herschell J. Umbaugh, CPA
(1915-1989)
Myron H. Frasier, CPA
Charles A. Dalton, CPA
(Retired)

Partners & Principals
Roger L. Umbaugh, CPA
Edward W. Guntz, CPA
Gerald G. Malone, CPA
David C. Frederick, CPA
John D. Julien, CPA
John M. Seever, CPA
Colette J. Irwin-Knott
Todd A. Samuelson, CPA
Loren M. Matthes

October 29, 2003

Mr. Ken Jones
Wightman Petrie, Inc.
4703 Chester Drive
Elkhart, Indiana 46516

RE: Elkhart County Regional Sewer District

Dear Ken:

As you requested, enclosed is a copy of our September 8, 2003, presentation on the Heaton Lake project.

If you have any questions or need anything further, please do not hesitate to call.

Very truly yours,

H. J. UMBAUGH & ASSOCIATES

Stephen M. Carter

SMC/jf

Enclosure: As above

HJU

H. J. Umbaugh & Associates
Certified Public Accountants, LLP
925 Dora Lane, Suite 1, P.O. Box 697 Plymouth, Indiana 46563
Telephone 574 935-5178 Facsimile 574 935-5928

Indianapolis Office 317 844-7288

Herschell J. Umbaugh, CPA
(1915-1989)
Myron H. Frasier, CPA
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Todd A. Samuelson, CPA
Loren M. Matthes

September 8, 2003

Elkhart County Commissioners
117 North Second Street
Goshen, Indiana 46526

RE: Heaton Lake Regional Sewer District

The attached schedules (listed below) present unaudited and limited financial information for the purpose of discussion and consideration in the preliminary planning stage of the formation of a regional sewer district by appropriate officers and officials of the District. The use of these schedules should be restricted to this purpose as the information is subject to future revision and further reports.

Page 2 Schedule of Estimated Project Costs and Funding

Page 3 Calculation of Estimated Monthly Rate for Equivalent Single Family Unit

We would appreciate your questions or comments on this information, and would provide additional information upon request.

HEATON LAKE REGIONAL SEWER DISTRICT

SCHEDULE OF ESTIMATED PROJECT COSTS AND FUNDING

Estimated Project Costs: (1)		
Wastewater treatment (capital buy-in)*	$ 130,000	
Collection system	1,365,375	
Electric utility connection	20,000	
Total construction		$1,515,375
Engineering:		
Design	83,800	
Construction	71,800	
Legal	25,000	
Financing (including District formation costs)	40,000	
Other administrative costs	14,025	
Other costs (easements, environmental analysis, PER)	25,000	
Total non-construction costs		259,625
Total estimated project costs		$1,775,000
Sources:		
Bond issue (2)		$1,775,000

(1) Per consulting engineer.

(2) Other potential funding sources include grants, contributions, and connection fees.

* This fee represents an amount preliminarily agreed to with the City of Elkhart.

H. J. UMBAUGH & ASSOCIATES, ...IFIED PUBLIC ACCOUNTANTS, LLP

September 8, 2003
THE ABOVE UNAUDITED AND LIMITED FINANCIAL INFORMATION IS PRESENTED FOR THE PURPOSE OF DISCUSSION AND CONSIDERATION OF APPROPRIATE OFFICERS AND OFFICIALS AND IS SUBJECT TO FUTURE REVISION AND FINAL REPORT.

HEATON LAKE REGIONAL SEWER DISTRICT

CALCULATION OF ESTIMATED MONTHLY RATE FOR EQUIVALENT SINGLE FAMILY UNIT

	Rural Development Connection Fee*		Open Market Connection Fee*		SRF Loan Connection Fee*	
	No	Yes	No	Yes	No	Yes
Assumptions:						
Bond issue size	$1,775,000	$1,135,000	$1,775,000	$1,135,000	$1,775,000	$1,135,000
Length of term	40	40	20	20	20	20
Interest rate	4.50%	4.50%	6.00%	6.00%	3.60%	3.60%
Avg. annual debt service	$ 96,459	$ 61,679	$154,753	$ 98,954	$126,024	$ 80,584
Debt service reserve	9,646	6,168	30,951	19,791	25,205	16,117
Operation & maint. (1)	36,400	36,400	36,400	36,400	36,400	36,400
Total est. annual revenue requirement	142,505	104,247	222,104	155,145	187,629	133,101
Divide by: Equiv. units (1)	÷ 200	÷ 200	÷ 200	÷ 200	÷ 200	÷ 200
Estimated annual bill	$ 713	$ 521	$ 1,111	$ 776	$ 938	$ 666
Estimated monthly bill	$ 59.38	$ 43.44	$ 92.54	$ 64.64	$ 78.18	$ 55.46

* Assumes a connection fee of $3,200 per equivalent unit.

(1) Per consulting engineer.

H. J. UMBAUGH & ASSOCIATES, ...IFIED PUBLIC ACCOUNTANTS, LLP

September 8, 2003
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APPENDIX H

PUBLIC HEARING INFORMATION

Heaton Lake Public Meeting
Proposed Sewer Project

AGENDA

September 8, 2003
7:00 p.m.
Eastwood School

This evening's meeting facilitators are Scott Robina, Steering Committee President and Everett Lienhart, Steering Committee Vice President.

I. Introductions
   - Members of the Steering Committee
   - ✓Ken Jones, Project Engineer, Wightman Petrie, Inc.
   - ✓Bob Watkins, Elkhart County Environmental Health
   - ✓Kris Krueger, Grant Specialist, Elkhart County Government
   - ✓Steve Carter, H.J. Umbaugh
   - Public Officials in attendance
   - ✓Rochelle Owen, Technical Assistance Provider, Indiana Rural Community Assistance Program
   - Lynne Newlon, Regional Water & Sewer District Coordinator, Indiana Department of Environmental Management

II. Purpose of the Public Hearing - County Government

III. Project Need - Health Department

IV. Project Activities to date - County Government

V. Preliminary Engineering Report - Wightman Petrie

VI. Preliminary Costs - Wightman Petrie

VII. Future Funding Description - County Government

VIII. Public Comments

Please be sure to sign-in on the sheet provided prior to leaving this evening's meeting.

No.

Proof of Publication By

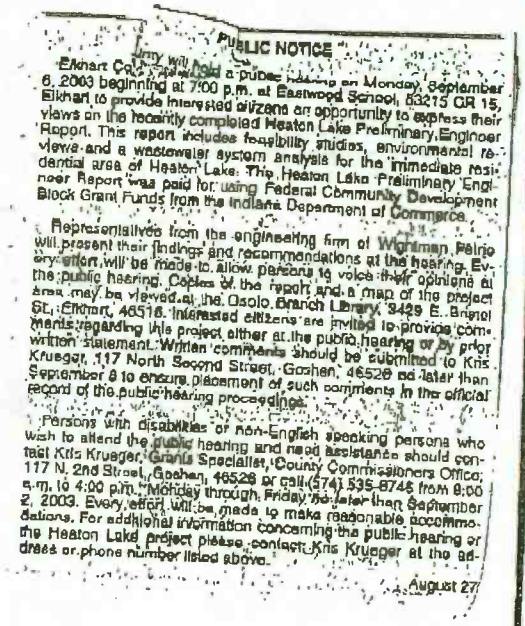
The Goshen News

Goshen, Indiana

Filed 20

Proof of Publication

COPY



PUBLIC NOTICE

Elkhart County will hold a public hearing on Monday, September 8, 2003 beginning at 7:00 p.m. at Eastwood School, 53215 CR 15, Elkhart, to provide interested citizens an opportunity to express their views on the recently completed Heaton Lake Preliminary Engineer Report. This report includes feasibility studies, environmental reviews and a wastewater system analysis for the immediate residential area of Heaton Lake. The Heaton Lake Preliminary Engineer Report was paid for using Federal Community Development Block Grant Funds from the Indiana Department of Commerce.

Representatives from the engineering firm of Wightman Petrie will present their findings and recommendations at the hearing. Every effort will be made to allow persons to voice their opinions at the public hearing. Copies of the report and a map of the project area may be viewed at the Osolo Branch Library, 3429 E. Bristol St., Elkhart, 46516. Interested citizens are invited to provide comments regarding this project either at the public hearing or by prior written statement. Written comments should be submitted to Kris Krueger, 117 North Second Street, Goshen, 46526 no later than September 8 to ensure placement of such comments in the official record of the public hearing proceedings.

Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact Kris Krueger, Grants Specialist, County Commissioners Office, 117 N. 2nd Street, Goshen, 46526 or call (574) 535-6745 from 9:00 a.m. to 4:00 p.m. Monday through Friday no later than September 2, 2003. Every effort will be made to make reasonable accommodations. For additional information concerning the public hearing or the Heaton Lake project please contact Kris Krueger at the address or phone number listed above.

August 27

STATE OF INDIANA, Elkhart County. } ss:

I, being duly sworn, on oath say that THE GOSHEN NEWS is a Daily newspaper of general circulation, printed and published in the City of Goshen, in the County and State aforesaid; that the annexed true copy was published in said newspaper one consecutive weeks as follows:

On the 27th day of August, 2003

On the _____ day of _____, _____

On the _____ day of _____, _____

On the _____ day of _____, _____

Subscribed and sworn before me this 27th day of August, 2003

Kristine F. Erb Notary Public

My commission expires March 17, 2007

Publication Fee $18.90

HEATON LAKE PUBLIC MEETING
PROPOSED SEWER PROJECT

MEETING MINUTES
SEPTEMBER 8, 2003
7:00 P.M.

TO: Member of Steering Committee
Bob Watkins, Elkhart County Environmental Health
Kris Krueger, Grant Specialist, Elkhart County Government
Steve Carter, H.J. Umbaugh
Susan Al Abbas, County Engineer
Rochelle Owens, Technical Assistance Provider, Indiana Rural Community Assistance Program

FROM: Ken Jones

Ken Jones opened the meeting with introductions.

Kris Krueger read the Public Notice.

Ken Jones began a presentation regarding the feasibility study prepared by Wightman Petrie, Inc. He also showed a video of ground water contamination which was followed by Bob Watkins speaking on environmental health issues of septic systems, costs of permits, and proposed new state rules.

The slide presentation was continued with various sewer options and their costs. Preferred option being gravity sewer system.

The meeting was opened for questions. (See attached list.)

In regards to the question of financial assistance – Rochelle Owens briefly described the IHFA grant that may be available.

Meeting adjourned 8:?? p.m..

Respectfully submitted.

Ken Jones
Project Manager

1. Question regarding the grinders – who would maintain
2. Will the 20' deep trenches be under the water level?
3. Do septic systems need to have lines run to new system?
4. Do their current septic systems need to be abandoned and if so how
5. Can the timeline be moved up?
6. What will this do to property values?
7. If they wanted lower monthly would the initial fee be higher?
8. If the power goes out do the grinder pumps work?
9. If the monthly fee would be $50 -$60, would there be any additional fees?
10. Time frame for developer's portion of system?
11. Will any wells be lost?
12. Financial Assistance?
13. What would happen to water supply?
14. How wide would the trench need to be to run from home to hook-up?
15. Who is responsible for re-seeding yards?
16. Would the new line be run down the center of the street?

HEATON LAKE RESIDENTIAL COMMUNITY
INFORMATIONAL MEETING
September 8, 2003

Please PRINT name and address

Fred Ferrell	22587 Lakeshore Dr, 46514
Steve Carter	H.J. Umbaugh + Associates
DAVE & STACY SIMMONS	22892 LAKE SHORE ..
Rochelle K Carr	RCAP
Paul H Rauch	22862 Lake Shore Dr
Rebecca Gerlach	22659 lakeshore dr
James W Riley	22886 LAKESHORE DR
Everett Lenhart	22541 LAKE SHORE DR.
Thomas McGillen	22563 Lakeshore Dr
Laurie Zimmerman	23183 Heaton Vista
Martha Hochstedler	23189 Heaton Vista
Mike + Cynthia Johansen	22775 CR 13
Jim Conkin	23019 Heaton Vista
Dave Bastian	52256-4 Ideal Beach
Kelly Kistler	23174 Lake Shore Dr
RAMONA KISER	23207 HEATON VISTA ELKHART

Wightman Petrie, Inc.
CONSULTING ENGINEERS AND LAND SURVEYORS

4703 Chester Drive, Elkhart, IN 46516
Ph. 574-293-7762 Fax: 574-294-3717

HEATON LAKE RESIDENTIAL COMMUNITY
INFORMATIONAL MEETING
September 8, 2003

Please PRINT name and address

Heidi DeArmond 22616 Lakeshore Dr.
Cindy Carder 22590 LAKESHORE DR
George + Nancy Mollenhour 22763 Fairwood Lane
Mr & Mrs Roger Belay + 22743 Fairwood Lane
Mr. + Mrs. James Kirkpatrick 52134 Ridge St.
Mike - Valerie McQueen 52120 RIDGE ST
Jonhan - 22642 Lake Shore Dr
Rosemary K. Kendzie 22714 Lake Shore Dr.
Wilma Miller 22825 CR4 Elk. In. 46514
Mary Johnson 22723 Lake Shore Dr.
Mary Sproul 23173 Heaton Vista
Helen Mathews 23221 Heaton Vista Elkhart
BRENDA BENEFIEL (Harley Pefley) 52337 CR 113 N ELKHART
Wm A West 23207 Heaton Vista Elkhart
Joseph Zimmerman 23183 Heaton Vista Elkhart
George Bowen 23097 HEATON VIST ELKHART
Wayne Campbell 22618 Lakeshore Dr Elkhart
Helen Zimmerman 23183 Heaton Vista
Walter Hochstedler 23189 Heaton Vista
Marty Morgan 22890 Lake Shore Dr
Julie Denny 52138 Decker Dr.
Don & Rita Sekora 23055 Heaton Vista

Wightman Petrie, Inc.
CONSULTING ENGINEERS AND LAND SURVEYORS
4703 Chester Drive, Elkhart, IN 46516
Ph. 574-293-7762 Fax: 574-294-3717

SIGN IN SHEET

Meeting: HEATON LAKE PUBLIC HEARING

Date: SEPTEMBER 8, 2003

NAME	ADDRESS	PHONE	EMAIL
Scott Robinia	22880 Lakeshore Dr.		
Bob Stone	23019 LAKESHORE DR.		
Ray West	23115 Heaton Vista		
DAVID & BONNIE SHANHOLT	23197 Heaton Vista		
Beth Acosta	52069 CR 15 N		
Harvey Miller	52106 Decker Dr.		
Mark Miller	22715 Firwood Ln.		
Joann Miller	22834 FIRWOOD LN.		
Doris Beckman	23001 Heaton Vista		
Deloris Yoder	23093 Heaton Vista		
[illegible]	Comissoner ✓		
TOM BYERS	Elkhart County		
Piper Tittle	LFA 325 W. Washington S. Bend		
JUDY COTHARD	22060 CR 4 ELK 46514		
Martin McCloskey	County Commissioner		
John Reaker	23161 Heaton Vista		
Sue Reaker	23141 Heaton Vista		