

**STEUBEN LAKES REGIONAL WASTE DISTRICT  
BOARD OF TRUSTEES MEETING  
JUNE 13, 2013  
13-6R  
6:00 P.M.**

MEMBERS PRESENT:

Bob Coder  
Bill Heckley  
Harry Krebs  
Jim Kidd  
Lyndon Tucker  
George Pifer  
Jim Van Vlerah

MEMBERS ABSENT:

Also Present

--- Andy Boxberger - District Attorney  
--- Kenneth Jones - Jones Petrie Rafinski  
--- John Julien - Umbaugh

Bill Heckley called the meeting to order at 6:00 p.m.

Bill Heckley read the following statement: At the end of the meeting, the public will be given an opportunity to speak. In the interest of time, each person shall be limited to 3 minutes. Your comment will be part of the public record of the meeting so we ask that you present them in a professional manner and speak to issues relevant to the business of the District.

**PUBLIC HEARING**

Bill Heckley: Our first thing on the agenda is the public hearing will now be held to seek input for the Lake Pleasant project application to obtain financial assistance in the form of a loan or a grant for the needed wastewater infrastructure from USDA and Rural Development. So do we have...will ask for you who are against and then for, for the project and if you would come forward to the mic and give us your name and address and then, uh, speak to whatever issues you are wanting. So we'll start with against. Is there anyone here who would like to speak against the Lake Pleasant Project? Will you come forward please and...

My name is Roberta Tierney, and I live on Lake Pleasant and I am not really against the project but you didn't offer a kind of a neutral position, so, and I understand that there is a Bill before the State Legislature that would exempt the people who don't want to be part of a sewer district with, with Lake Pleasant since we're sort of in the formative stages of this, would, would any decisions be postponed until there's an outcome on that Bill?

Bill Heckley: Tim, do you want, uh,

Tim Frederick: Um, right now, the only exemptions that would be allowed for um, people is if their system is under a certain age and if they, if it passed in qualifications, in qualifications of the State Department of Health. Other than that, that is the only exemptions that was, that was passed this year, I think as part of 1497, I believe. So, so if your system is over ten years old then, um, then you

wouldn't qualify. But if it's newer than ten years than you have to have it certified by a, a certified professional.

Roberta Tierney: So the present Bill that is working its way through the legislature would, would not have any effect until that actually passes and if in fact um, Lake Pleasant, um project has voted to go forward and then this Bill was passed, it wouldn't be retroactive.

Tim Frederick: Uh, the actual session, the legislative session ended April 29, and so all the Bills that was passed, I think have been signed into law, um, but as far as making them retroactive that's something that would depend on how the legislatures write the legislation.

Bill Heckley: For, for this year, they're done.

Roberta Tierney: They're done. Ok, this year until January.

Tim Frederick: Yes.

Andy Boxberger: Yes, there was, there was a modification to the existing exemption that allowed the, uh, the septic system, I think it allowed for an additional extension of that exemption I think was the legislation. The only one....an additional five years. So that's, that is the only one that I'm aware of. I'm not sure if there's, again, the session is done, so I don't know if there's...

Bill Heckley: Thank you.

Good evening, my name is Dan Duntun. I, our cottage is 135 LN 250 E., there at Lake Pleasant. I actually live in Lafayette. I took a couple of hours off work, drove three hours to get here today to share information with you that you may or may not be aware of. I used to work for the Department of Natural Resources, the Division of Soil and Water Conservation. In fact, I was a supervisor for 22 counties in the northern half of Indiana, so obviously I have a passion for soil and water conservation. And I just wanted to make sure that you were aware of some of the facts about Lake Pleasant that I was able to obtain from a couple of individuals from the Lake and River Enhancement Program. Uh, through DNR as well as I visited with somebody from the Division of Water, uh, from the DNR. And, um, I'm not going to go through all four classes, as you probably are already aware of --- the oligotrophic, the mesotrophic, and eutrophic, and hypertrophic. Uh, the four layers, um, there's only according to DNR, less than 10% of the lakes in Indiana are in the class one. The best lake quality, uh. Then, uh there is fewer in all the others. Uh, I gotta lot of notes here but I'm not going to go through all of it so that I don't waste any time. Uh, but I wanted to kind of point out that some of the tests that have been run for Lake Pleasant. Back in 1970's, uh, Indiana Tropic State Index was, uh, indicated that Lake Pleasant had an index of 40. That put them in the class two, the mesotrophic. And, uh, in 1992 uh, the number went from 40 to 11, which is quite a significant drop in, in that time period. Again, another test was taken in 2005, and uh, the 11 by the way was easily a class one, one of the best lakes in, in the State. And, what that does, is class one means that the water is pretty much drinkable. You could actually drink water out of a class one lake. And that is what Lake Pleasant is now still. So in 1992 it was a class one. In 2005 another test was taken and it was a class one. And in 2012 another test was taken and it was a class one again, and so over these 20 years plus, Lake Pleasant has been stable at a class one rating which is the best rating you can have and the DNR has said that less than 10% of lakes in the State are that way. IDEM, um, I received some information from them and they did some sampling and they published an Indiana Lakes Water Quality Assessment Report in 2012. In this report uh, they randomly sampled 68 lakes in the State and quite a majority of them were in the

northeast, obviously because of the quantity of lakes here. And they determined that 7.5% of the lakes that were randomly tested were in the class one category. So that's you know, 7 or 8 out of 100 lakes are in this class one and Lake Pleasant has been that way for 20 years. Uh, so that is something to keep in mind. Also, uh, if you're not familiar with Lake Pleasant there are 280 acres of riparian buffer marshland around or a part of Lake Pleasant. And, if you are familiar with wetlands, they're considered the kidney of the environment you might say, because they remove a lot of the impurities, the pollutants from the water. So 280 acres of, of purifying wetlands really is a large area. And of course there is not going to be any developments or anything, along those areas. Some interesting facts, uh, wetlands can remove 20-60% of metals in the water. They can trap and retain 80-90% of sediment from runoff and eliminate 70-90% of the entering nitrogen. So, with 280 acres of wetlands already there, obviously it's doing a good job as a natural purifier. I'm sure that you've read reports or seen things where, uh, businesses and, and nature centers, and that type of thing have actually put in wetlands, rather than, building a water treatment facility, uh, as their natural purifying uh, source to take care of the water. The final point I would like to make here is when I was asked about this, uh, "survey" the person was obviously very biased. Uh, very much in favor of pushing for a, a, sewer system for everybody to hook up to. And, and, I was never told about any of the costs or anything and the interesting thing is I'm wondering, if he would have come to me and said well, we want to have, don't you want to have clean water for your kids and your grandkids to swim in. Of course, I, I do. Well, then we better get a sewer system in here. Well, if I didn't know some of this information, well, yeah, of course, who wouldn't want to do that? Uh, but it was obviously kind of a bias situation and it would have been nice to have a third party and a non-biased individual doing the survey so that everybody had a chance to uh, put their two cents worth in and really know what's going on. And, if everybody, that for the past 20 years, that the lake was at the highest level of water purity and water clarity and all that. I'm, I'm not a betting man, but I would think that a lot of people would have said, that we're already at the highest level we can be. We have the 280 acres of natural wetlands that is naturally purifying the water, we'd we'd we don't don't need it, and so, um, I would just hope that you might reconsider what's been going on here so that we don't spend money, force taxpayers to pay, pay for this, and use government funds for something th.. you know, truthfully if you look at the, and I can provide you with the documentation and all of that if you are interested, but, uh, 7, 7.5% of the lakes are only in this class one and Lake Pleasant has been there for a long time for over 20 years and it's been stable. To me, it just doesn't make sense. I obviously have a passion for the environment being involved with the DNR and Division of Soil and Water Conservation. And, uh, I would think efforts if they were put more towards the lakes in the lower than class three and class four where it really is important and we need to purify those waters I think efforts should be put more towards those areas. So, I just hope you might reconsider and at least table this until so we can get a more accurate survey with a non-biased person and be able to look up some of this information, um to verify this information that I have shared with you. Ok, thank you.

Bill Heckley: Thank you.

Bill Dunten: Thank you.

Bill Heckley: Anyone else against? Is it?

My name is Dan Thiele, and I am a resident of Little Otter Lake so I am not impacted by this particular project but I just want to state that I appreciate the Board, uh, allowing the gentleman to make his point, He traveled a long way from Lafayette and I think he may have gone over three minutes but appreciate the discretion on you letting him be heard.

Bill Heckley: Anyone else against? Is there anyone to speak for?

Wayne Wilson: Lake Pleasant, 540 LN 250C Lake Pleasant, and I want to say I have been waiting 32 years, almost 33 years for the sewer and the, and it is finally getting close and I definitely recommend this for the future and for our homes are becoming homes now and not cottages. Thank you.

Bill Heckley: Anyone else for?

Ken Schlemmer, 75 LN 250CA Lake Pleasant. Um, I am the president of Seller's Shady Shores Association and I just wanted to restate that you know, last year, you know we had a decent turnout for the meeting but we had the sewer update and a status last summer, and the decision by the residents was made to, ok, let's take a vote to see if we had a majority for or against the project, and we did. I feel we did everything in our power to at least to talk to everyone and give everyone the chance to either vote yes or no. If you were a no, clearly you were a no, and if you were neutral, you were a no, against the project. Um, but we did, the end result was the majority of the residents were in favor. Um, so I just, myself personally, I'm in favor of the project but just wanted to restate that you know that, again the majority of the residents in the area that would be affected by this did vote for the project. So, thank you.

Board Member: One question. Did you have a majority of the residents at the meeting?

Ken Schlemmer: Um, we had, so, I, I guess I can't really can't answer that for sure. Ok, because we did not actually take a roll call. Um, we had probably a turnout of about 40 people, so I think it was a decent turnout, but I don't think that, I can't say, if I told you that I had the majority I could not prove that we had a majority. Ok, so it was a good turnout and again, uh, you know, I was the one, I was lucky or unlucky depending on how you look at it of trying to touch everybody. Um, that would be affected by this. And um, you know that the people that voted for it, they had to sign, you know, we got signatures for it. If some folks refused to sign, some folks were neutral, they were counted as a no. Ok, so only people that actually signed for the project were the ones counted as a yes and for it, and again, we had a majority.

Board Member: Did you canvas the other people that weren't there?

Ken Schlemmer: Yes. We went to everyone... in fact we con..., because I don't have my notes in front of me right now but I have the statistics of the, the numbers of the people that we actually talked to directly, that were either, and they were either yes, yes or no or neutral and they don't want to sign, and um, there were approximately about 7, no, I think 9. Nine people who we were not able to contact, and I actually mailed, sent certified mail out to, to try to contact them. I got like 2 back and that was it. So but again, if no response, neutral and no response was counted as a no. So, only, again people that signed yes were counted as yes.

Board Member: Thank you.

Bill Heckley: Thank you. Anyone else wanting to speak for?

Jan Stuckey: I'm Jan Stuckey, and I'm at cottage 535 LN 250C and I am the secretary of the Lake Pleasant Association and the meeting to which Ken just referred. We had 47 people present from um, Lake Pleasant cottages and nine people present from the Collins Lake Addition, and in addition, several people voted by proxy because they knew we were going to be discussing this at our meeting,

and so they sent messages with other people. And, again, like Ken, I didn't bring, you know, which way those votes went at the time, but we did canvas all of the people. Um, the gentleman, Mr. Dunten, I have some questions for him, um in regards to the surveys between 1970 and 2012. Um, I am also a biology chemistry major and a medical technologist. So, I am approaching this from the medical standpoint. I want to know how much the standard of measurement has changed from 1970 to 2012. What are your, your coefficients of variations. Um, are you still measuring against the same chemical contamination that is in the water as well as the layer of buildup. And as in the medical community, when we're doing your sugar tests and your bilirubin tests, etc., it's always the comparison against the norm. So is 7% clear water nowadays does that have the same meaning as 7% clear water in the 1970's? I have been at the cottage since um, the early 1970's. My husband who is also here has been there since 1959. We have numerous photographs of the wetlands eroding away. It may be surveyed to be 200 plus, 270 some acres I think he said, of um, wetland designation, but how much of it has remained as wetland? I want to preserve it for the children and the children's children, and I just see too much damage happening too fast to the wildlife as well as the natural floor around the lake. So I'm very much in favor of going with the rest of the lake communities and updating our sewer systems, our septic systems and make it safe for the future. Thank you.

Lyndon Tucker: Excuse me, Lyndon Tucker. Of the 47, how many are actually in, in that group? That when you count part of your association, plus a total number?

Jan Stuckey: We have in the lake, in the Seller's Lake Association, Ken, help me out here, I believe we have 82 dwellings. The 47 members that were present without bringing the attendance roster, I don't know how many individual dwellings were actually represented. I know we had a couple of deceased houses in that area. We contacted their family members or inheritance parties. Um, again, without going back to our roster, in attendance, I don't know. We did a survey and contacted everybody via certified methods to get a vote yes or no, and to reiterate what he said no response became a no and a neutral was a no, and a no was a no.

Board Member: It was one vote per household?

Jan Stuckey: One. Yes. One, yes, one household vote, um, if you owned two lots that would be affected by having to install sewers then you had two votes. Yeah, but, but um, per mailing address.... *inaudible talk*. Yeah. Anything else?

Bill Heckley: Thank you. Anyone else for? Anyone else want to speak for? You know, as the Board, you know this... they took their surveys, right, Tim?

Tim Frederick: Yes.

Bill Heckley: They presented them to the township trustees. So they had to convince the township trustee, trustees, that this was a good project. Then, from there, it was brought to us. We didn't go, at, after anything to add them into our district. The township trustees, both trustees that were, uh, uh, involved here are the ones who put their area in our district.

Lyndon Tucker: They petitioned?

Bill Heckley: That's correct. And we accepted that. Any other questions? Tim, what else do I have to do here?

Tim Frederick: um.

Bill Heckley: Just close the...

Tim Frederick: Yeah, um... Anything from the engineer?

Bill Heckley: Yeah, Ken, do you want anything, do you have anything to say?

Ken Jones: Not unless there is anything you want me to address. No, not really.

Tim Frederick: And this is just to present it for funding.

Bill Heckley: George.

George Pifer: I have a question, it is my understanding that the water table out there is quite high. Is that correct?

Ken Jones: That is what I understand. Yes.

George Pifer: And, as a result, putting in septic systems is difficult. Is that true or not?

Ken Jones: I think it grows more difficult as those regulations change over time.

George Pifer: Yeah.

Bill Heckley: Alright, we?

Ken Schlemmer: Again, Ken Schlemmer, 75 LN 250CA Lake Pleasant. Um, yeah, the water table is relatively high. Now, I can't speak for everybody but I know in um, you know, the area that I'm at... you know, we have a septic tank of course at our cottage. I mean you literally dig a hole a foot and a half in the ground and you got water. You know, so, just to directly answer your question, yeah, I would say the water table is, is high there. You know, just based on that. Um, and I don't think I'm ..... in regards to this. Obviously some of the homes are on a higher elevation than where I'm at so, you know, but...

Bill Heckley: Ok, we're ready to close

Andy Boxberger: Close the public hearing.

Bill Heckley: Close the public hearing then?

Dan Duntun: Could I say?

Bill Heckley: Just a minute here.

Dan Duntun: Uh, just real quick. We had our septic tank checked early last year and pumped out and the person doing the checking said ours is perfectly working well and uh, uh, and not emitting any nutrients into the water, as far as they could tell.

Tim Frederick: That is Mr. Dunten speaking.

Dan Dunten: Oh, thank you.

Tim Frederick: We, we got to have that for our minutes.

Lyndon Tucker: Excuse me, can you answer the, her question about test methods and?

Dan Dunten: I was just uh reporting on what Jim Ray and Greg Bieberdorf sent me from the Lake and River Enhancement Program. Uh, some documents that they, they gave me and under the executive, uh, the executive summary, I think it's called, they called Lake Pleasant an oligraphic (sp) uh, lake, which means that it is a class one, so that is what I was referring to.

Lyndon Tucker: So, really, her question, you can't answer.

Dan Dunten: I don't know along those numbers, or any of that stuff.

Lyndon Tucker. Alright.

Bill Heckley: Alright, we'll close the public hearing then for Lake Pleasant project.

Tim Frederick: It is 6:25.

Bill Heckley: Yeah. 6:25.

### **END OF PUBLIC HEARING**

#### **APPROVAL OF MAY 9, 2013 REGULAR MEETING MINUTES CHANGES OR ADDITIONS.**

The Board presented minutes of the May 9, 2013 meeting for review and approval. Upon motion made by Harry Krebs and seconded by Jim Kidd, the Board unanimously approved the minutes of the May 9, 2013 meeting.

#### **FINANCIAL REPORTS**

The financial reports, check register, project check register, bank account report, and claims, were presented for review. Lyndon Tucker moved and Bob Coder seconded the motion to accept the financial reports as presented, which motion was unanimously approved.

#### **OLD BUSINESS**

Umbaugh Report on Class II Rates - John Julien - Mr. Julien, of Umbaugh reported on Class II rates. John Julien also stated that the District is in good financial shape, and expressed to the Board that some great options are available, and the District may be able to defer rates in the future.

#### **NEW BUSINESS**

None.

## DISRICT BUSINESS AND OTHER GENERAL MATTERS

Northeast Corner of District Engineering Report - Tim Frederick stated that Rural Development has yet to release answers regarding funding. Ken Jones recommended keeping the Rural Development and USDA as separate entities so timelines don't suffer.

Lake Pleasant Accept PER & EE - Tim Frederick stated that the Board needs to determine if it wants to accept the PER and Environmental Report so that it can be sent for funding request. Jim Kidd moved and Bob Coder seconded the motion to accept Lake Pleasant PER and Environmental Report, which motion was unanimously approved. Tim also recommended a motion for JPR to submit the report to the USDA for funding. Kenneth Jones explained to the Board that this motion is to ask if funding is available for this project, and in no way locks the Board into funding for this project. It is only asking for availability. Jim Van Vlerah moved and Lyndon Tucker seconded the motion for JPR to proceed with funding obligations with USDA for funding, which motion was unanimously approved.

Miller Poultry Update - Tim Frederick stated that Miller Poultry had received one bid, with no additional information available at this time.

Tim Frederick stated that some of the District's employees received additional training. Employee, Wade Reiser, took first place in the backhoe competition, and Leslie Brown, lab technician, received first place for lab testing skills. Tim stated that he has been working towards and has received a certification for the national recognition of qualifying for the utility management certification for knowledge and complex field of water and wastewater management.

### Public Comments -

Bill Byrne, owner of Cleveland Homes, owns 3 mobile home parks, and owes the District approximately \$9,431.38. He stated that he is being billed for vacant lots for over three years and would like to have these vacant lots removed from payments. He will provide District with more information regarding these lots. Bill Heckley stated that the Board will review his information and a decision will be rendered.

Laurel Pocock - owns a cottage on 40 LN 250 Lake Pleasant, and also some farmland, and stated that he received no contact from anyone regarding sewer installation.

There being no further business to come before the meeting, Mr. Heckley asked for a motion to adjourn. Such motion was made, seconded and unanimously carried, the meeting was adjourned.