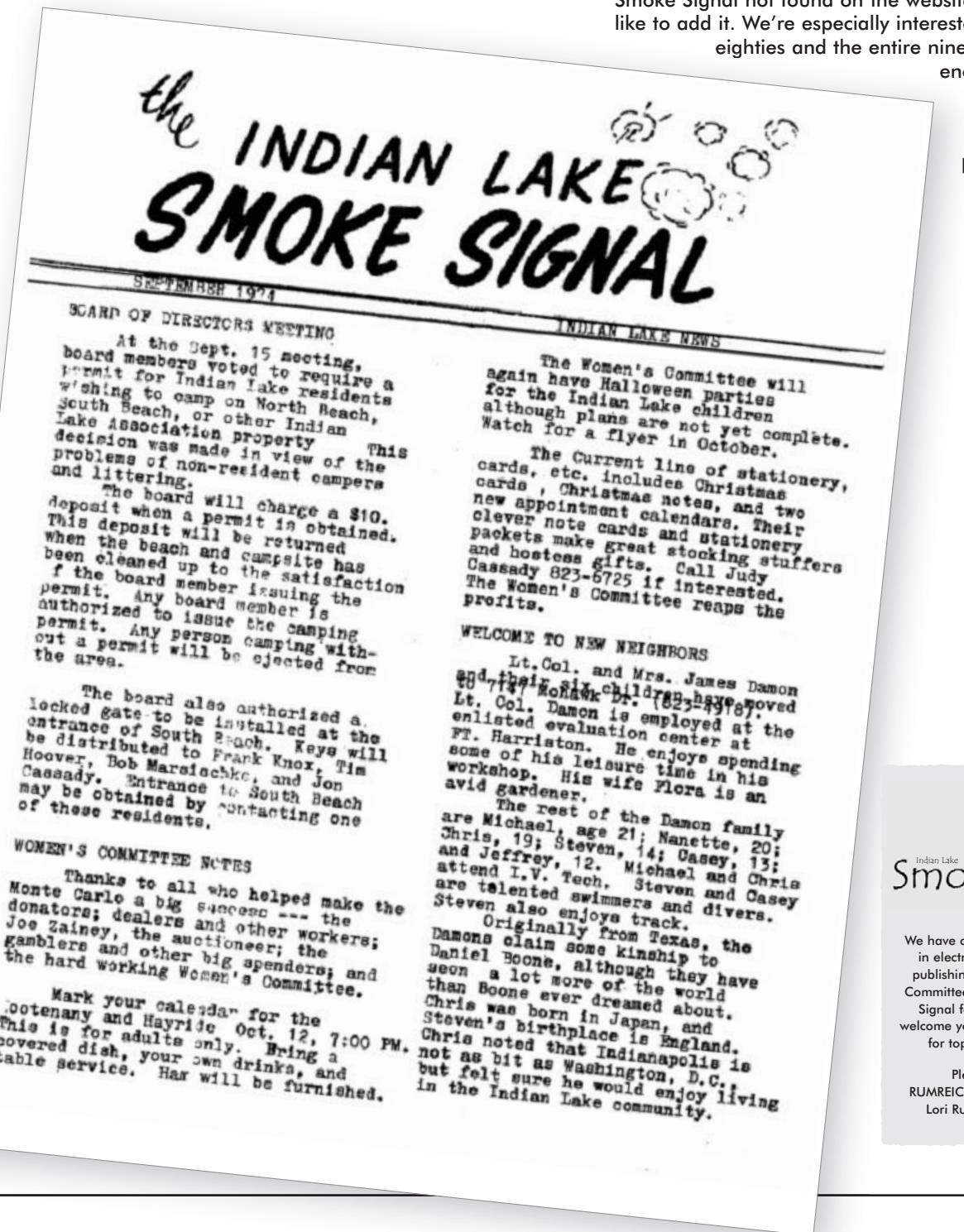


# Smoke Signal Archive Online

If you're trying to find an article from a recent issue, or want to experience Indian Lake life from the sixties and seventies, visit the Smoke Signal archive at:

[http://s93475566.onlinehome.us/indian\\_lake/smokesig](http://s93475566.onlinehome.us/indian_lake/smokesig)

The archive contains over fifty issues of the *Smoke Signal*, dating from the very first issue in 1963 to the present. The older issues make for interesting reading.



The Smoke Signal archive is part of the new Indian Lake Improvement Association website, which can be found at [http://s93475566.onlinehome.us/indian\\_lake](http://s93475566.onlinehome.us/indian_lake). The website contains an Indian Lake photo album as well as commonly requested documents/forms.

The fifty issues in the archive may seem like a lot, but it's only a small fraction of the estimated 300 issues that have been printed so far. If you have an old issue of the Smoke Signal not found on the website, we'd very much like to add it. We're especially interested in the late eighties and the entire nineties. If we can find enough back issues, we may even go to print, as part of an Indian Lake history book.

# Indian Lake Smoke Signal

• INDIAN LAKE IMPROVEMENT ASSOCIATION •

## President's Message

by Mark Rumreich

# Indian Lake Wins INDOT Settlement

It's taken two years of hard work to build our case, but our efforts have finally paid off. On November 9, Indian Lake reached a settlement agreement with INDOT for damages due to negligence in erosion control at the 2005 Pendleton Pike road project.

## HISTORY OF THE CASE

In 2004, INDOT and its subcontractors Gradex and E&B Paving began work to improve Pendleton Pike, from Post Road to Oaklondon Road.

**INDOT has  
agreed to pay  
Indian Lake  
\$253,782.14**

for projected dredging expenses to remove sediment entering Indian Lake, due to the lack of proper erosion controls at the job site.

Lanes were being added, and the bridge over Indian Creek was being replaced. Our watershed watchdogs noticed that little or no erosion control measures were being used for the project. Andy Van Treese brought this to the attention of the board, and we contacted the Marion County Soil and Water Conservation District as well as the City of Lawrence. We provided them with photos of the site taken by Jim Hoskins. As the project progressed, there was no observable improvement in the level of erosion control used, but the board felt somewhat powerless against the State of Indiana.

On July 22, 2005, we experienced a major storm event, with over two inches of rain over a period of a few hours. At the August board meeting, Andy Van Treese reported that an INDOT construction barrel had washed up on the Indian Creek shore near Papoose, and that an island of sediment had formed directly east of the peninsula. This island would come to be known as INDOT Island. Andy had been pushing to call Rafael Sanchez, Call 6 For Help, for some time. With the formation of INDOT Island, the board finally agreed that it was time.

Andy contacted Rafael Sanchez, who was anxious to help. We explained the problem and showed him our dredging operation in action. On Monday August 15, 2005, WRTV Channel 6 broadcast the story. INDOT scrambled to add bright orange silt fencing and many triaxles of rip-rap at the bridge site where the INDOT side of the story was filmed, in preparation for the broadcast. Rafael concluded the piece stating that Indian Lake would meet with INDOT to try to resolve the problem.

The subsequent meeting with INDOT officials revealed that they were not



President's Message continued from page 1...

willing to do anything more regarding erosion control. Greg Pankow of INDOT stated that if we didn't like it, we could file a tort claim with the Indiana Attorney General. That's exactly what we did.

In the following months, we received a rejection letter from the Indiana Attorney General, stating that INDOT is indemnified through its contractors, Gradex and E&B Paving, and is therefore not liable. We then filed claims with Gradex, both through their liability insurance carrier and their performance bond carrier. Both claims were rejected, on the grounds that Gradex had done its job as specified in the contract.

Realizing that we had hit a dead-end, the board voted to pursue legal action. But the board could not gamble with the Association's money on a case that might not pay off, so we were limited to finding a law firm that would take our case on a contingency basis. This was difficult enough, but we had to find a firm that had expertise in environmental law, and who was willing to take on INDOT. Most law firms do business with the state of Indiana, and told us that they had a conflict of interest in taking on our case.

Ed French, Andy Van Treese, Gary Keithley & I interviewed three promising firms that were willing to consider our case. In the fall of 2006, we selected Plews, Shadley, Racher & Braun for the job. They were clearly the best firm for the job, and were willing to work on a contingency basis.

The next year was spent building the case. We obtained and studied hundreds of pages of INDOT documents pertaining to the case. We obtained aerial photos of the entire job site, showing the exposed soil and lack of erosion controls. The smoking gun was a June 8, 2004 inspection report from Bill Howard of the Marion County Soil and Water showing unsatisfactory erosion controls on all counts, and showing soil from the project entering Indian Creek.

Another hurdle in the case was finding an expert witness qualified to calculate the amount of sediment that left the Pendleton Pike job site, and willing to testify against INDOT. Ninety percent of the twenty-or-so soil experts that I interviewed performed work for the state, and had a conflict in taking on our case. We were fortunate enough to find Greg Bright of Commonwealth Biomonitoring who was both willing and able to help us. Mr. Bright eventually calculated that 3280 tons of sediment (that could have been prevented by proper erosion controls) entered our lake from the project. Merrell Brothers of Kokomo provided a formal quotation of \$271,682.14 to remove the calculated amount of sediment from Indian Lake.

On December 22, 2006, ILIA filed litigation in the Marion County Superior Court against INDOT, Gradex and E&B entitled Indian Lake Improvement Association v. INDOT, et al.

...continued on page 5

## Special Offer for ILIA Women

Curves gym has extended a special offer to Indian Lake women. It will give a \$10 sign-up discount to all Indian Lake women and also donate \$10 to the neighborhood association. Curves has two nearby locations; 8150 Oaklandon Road, and next to Wal-Mart on Pendleton Pike.

We've also received some free two-week trial membership coupons, and will provide them to the first people who ask. Contact Lori Rumreich for a coupon.

## Dog Service for Indian Lake Residents



Need someone to check in on your dog during the day? Long-time Indian Lake friend and neighbor Becky Parker did, and recruited her brother and sister-in-law to walk her dogs and check on her home each weekday afternoon. Now they'd like to extend the offer to Indian Lake residents who might have a similar need on a daily or vacation-only basis. Please contact Becky for more details at 402-9804.



## Across the Fence

### WELCOME TO OUR NEW NEIGHBORS

We have 2 new neighbors on Winona Drive. We welcome **Kevin and Kimberly Hunt**. They have moved into Jean Vietor's home at 6911 Winona Drive. Both hail from California. We also welcome **Josh and Jessica Mott**. They moved into the Stearns home at 6909 Winona Drive. Josh is from California and Jessica is from this area. Josh's mother also moved to Indianapolis and moved to the northwest side of the city.

Welcome also to **Ben and Jen Sloccum** and family. Ben is originally from Kalamazoo, Michigan, and Jen is an Indianapolis native. They moved into the former Augsburger residence on West Drive. Ben is the son of Indian Lake residents Terry and Linda Sloccum.

We look forward to seeing them all at our neighborhood events.

### LIGHT THE LAKE

Once again Indian Lake will glow with the warmth and spirit of the holidays with the light of luminaries! The Civic Committee will be providing area homes with 5 bags and candles. We will be distributing these to your mailboxes on Saturday, December 8th. Keep the luminaries.

On Sunday, December 23rd beginning at 6:00 p.m. place a small amount of dirt, rock or sand in the bottom of each bag. Place the candle in the bag and set them along the street in front of your home. Then light the candle. We may have a few extra candles if you need additional. The candles will last approximately 10 hours.

If you will not be home, please ask a neighbor to light yours. If no one is available, please contact Ruth Norrington at 460-8576, so that we can arrange for a Civic Committee member to place your lights. You can also contact Ruth if you need assistance in lighting your lights.

Then Sunday evening take a slow drive around the lake or walk in your area to see the glow and warmth of our wonderful lake community.

Finally, don't forget to dispose of the bags on Sunday.

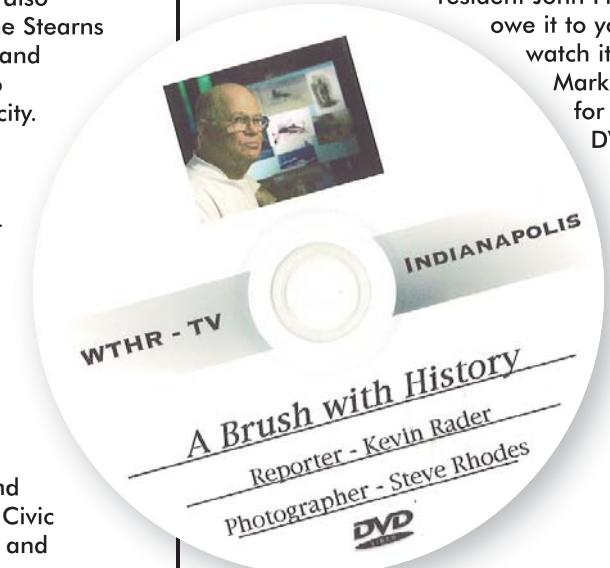
Thank you for all your participation with this!

### UPCOMING DATES

Annual Meeting  
January 21 at 7:00 p.m.  
Jenn Park Pavilion

## A Brush with History

For those who missed WTHR-TV's documentary story "A Brush with History" about Indian Lake resident John Flack, you owe it to yourself to watch it. Contact Mark Rumreich for a free DVD copy.



## When You Need To Call



KEEP THIS WITH YOUR  
INDIAN LAKE PHONE DIRECTORY

Assessments - Gary Keithley	823-6561
Beach reservations - any board member	
Boat slip rentals - Jeff VanTreese	823-6690
Bylaws and rules - Bob Karnak	826-1505
Civic Committee - Sherry Wallace	823-1579
Property maintenance - Fred Lee	823-4687
Security - Jeff VanTreese	823-6690
Smoke Signal - Lori Rumreich	823-3897

### BOARD OF DIRECTORS

Mark Rumreich (president)	823-3897
Bob Karnak (vp)	826-8952
Gary Keithley (secretary/treasurer)	823-6561
Ed French	823-4431
Jim Hoskins	826-4944
Mike Hurd	823-0313
Fred Lee	823-4687
Paul Legge	823-7133
Andy VanTreese	823-8990
Jeff VanTreese	823-6690

## Volunteers Recap North Beach Wall

The community would like to thank Dan Haines of Haines Construction, Jeff Van Treese, Matt Zainey, Kevin Zainey (and his 4 Kids, Rachel painted the bonding on the wall), Dan Van Treese, and Andy Van Treese for their efforts recapping the North Beach wall. Also thanks to Ed French for his donation of sand. This project was much needed and will surely last for years to come. There is a portion of the wall that actually needs rebuilding. This will be a project in the near future.

*Good job volunteers!*



President's Message continued from page 2...

The past few months have been devoted to the pre-trial discovery phase, where both sides show each other their hands, to avoid surprises in the courtroom. This is a grueling stage of the game, as each side asks dozens of probing questions and requests hundreds of documents, many of which have little relevance to the case. Gary Keithley spent countless hours locating and providing documents, many dating back to the sixties.

On October 31, 2007, Gary, Andy and I attended a pre-trial mediation meeting, to try to reach a settlement with INDOT, Gradex and E&B. At 9 AM, each party made its presentation, afterward separating into different rooms. Four hours later, we received word

that the defendants jointly offered us \$20,000 - less than a tenth of what we were asking for. We countered that we would reduce our demand by \$20,000, and that they should come back with a more realistic number. At 4:30 PM, we received word of the new figure - \$22,500. We packed up our bags and went home.

Still disappointed from the mediation, I received a call from our attorney at 5 PM the next day.

He had gotten a call from INDOT's attorney saying that they wanted to settle. Apparently the lack of a reasonable offer in mediation was because of bickering amongst INDOT, Gradex and E&B, not due to lack of merit of our case. The next few days were spent hashing out the details of an agreement. INDOT wanted to be sure that the settlement would be used for dredging, and we agreed to set up Indian Lake Dredging LLC as a holding company for this purpose. INDOT also asked that we reduce our demand by eliminating the mobilization expense from the Merrell Brothers quote, because we already have equipment we intend to use on-site. We agreed, and executed the settlement agreement on Nov 9. We are now setting up the LLC and expect to have funds transferred before the end of the year. The contract also allows us to pursue a separate additional settlement with Gradex, which we intend to do.

### WHAT WILL WE DO WITH THE MONEY?

With the settlement money, we must first pay our legal expenses, as well as our expert witness fee. Next, we plan to pay off the dredge loan, which has roughly three years remaining. Our spoils area is completely full, and will need to be re-excavated in the spring. The remainder of the settlement will give us the opportunity to do work in parts of the lake that have been neglected due to cost constraints. This means working in the creek and working in the west end of the lake. In upcoming months, the board will develop a plan to use the remaining funds to enhance our dredging activities.

Thanks to Andy Van Treese for being the instigator behind this crusade, and to Ed French III, Jeff Van Treese, Jim Hoskins and the rest of the board who put in time and effort to help me with this case, especially Gary Keithley, who shouldered much of the burden of the discovery process, and who will shoulder the burden of administering the LLC.



## Singles Scene?

Is the Civic Committee branching out into the singles scene? Not quite.

These illegal signs recently started popping up around the neighborhood, along with similar signs in nearby neighborhoods.

So is there really an IndianLakeSingles website? Well, yes and no. If you go to IndianLakeSingles.com, you'll find a website, but it has little to do with Indian Lake.

The only copy reads: Without cost or obligation to me, please review my personal profile form below and tell me more about being introduced to quality single men and women through Indianlake Singles.... Other than that, the design sports a few generic clip art photos and a "submit my profile now" button. No "about us" page, no terms and conditions.



There's nothing Indian Lake about IndianLakeSingles.com -- other than the occasional Indian Lake landscape it blights when some dude sticks their cheap signs all over the neighborhood.



## Summer Vacation Nature Checklist

Grackle (*Quiscalus quiscula*)

Along with summer, the 2007 Vacation Nature Checklist contest has come to an end. Because of the tremendous response, additional winning categories were added. The observant winners were:



Most Total Species Observed: **Kathryne Zainey**

Most Mammals: **Marlow Rumreich**

Most Reptiles: **Travis Norrington**

Most Insects: **Lucas Norrington**

Youngest Naturalist: **Laine Rumreich**

Only Hummingbird Moth Reported:

**Suzy McDaniel**

All bird species were identified with the exception of the Grackle and the Baltimore Oriole. Grackle's can generally be found at a birdfeeder containing a mix of seeds. During the summer months, the trees at the east end of Papoose Bay often hold the beautiful orange and black Baltimore Oriole. Additional identified species were Summer Tanager, Blue Grosbeak, Pileated Woodpecker, Bald Eagle, Cormorant, Northern Flicker and Starling for a total of 35 species.

All twelve species of mammals on the checklist were observed as well as all thirteen species of insects with a couple naturalists adding preying mantis and one adding hummingbird moth

and walking stick to the insect list for a total of sixteen.

Eleven species of reptile - all of the checklist species with the exception of the Red-eared Slider- and in addition a Rat Snake was identified.

Thank you to everyone who participated. These completed checklists are a wonderful reminder of the terrific variety of wildlife we have around Indian Lake.

## Need a Notary?

If you need a notary public, we've got several in the neighborhood who are willing to make their services available to all ILIA residents.

### ON THE NORTH SIDE

Call Kristine Thomas at 536-2081 during the day to make arrangements for notarizing in the evening. Call Marge Crouch on her cell phone at 557-5478 to make notarizing arrangements with her.

### ON THE SOUTH SIDE

Call Mike Hurd on his cell phone at 691-4600 to make notarizing arrangements with him.

None of our notaries will charge for notarizing, but in lieu of payment, you may make a \$5 donation to the Indian Lake Island restoration fund, c/o Gary Keithley.



## Indian Lake Crime Watch Pays Off

With the crime incidents on the rise recently in Lawrence, our quiet, park-like neighborhood is no exception. Our family experienced this personally when two burglars on the run from a break-in at a home in the near-by Trilobi neighborhood, chose our home to break into as well.

Both my daughter and I were home one afternoon when we received a call from our neighbor, Rick Nelson, advising that a Lawrence Police officer had driven down our street and advised him of the two men on the run from the Trilobi break-in. They gave a partial description of the men and asked us to be on the lookout. Because we do have an active neighborhood crime watch in our section of the neighborhood, we started calling around to our other neighbors to alert them. We also checked down at the lakefront for those who might be enjoying the lake to let them know of the incident.

A short while later, when our doorbell rang, we checked through the peephole and saw two men fitting the description on our front porch. Checking through the peephole before opening the door is not a practice we have normally followed. But because we had the warning through our crime watch efforts, we did check that day and immediately called 911. The two then ran around to the back where we could hear them breaking in through the patio doors on our lower level (the doors were locked and barred!). We immediately ran out the front door and to some of our wonderful neighbors for help. A few minutes later, officers began arriving and checking the house, apprehending both burglars in our home.

We are so very grateful for our neighborhood crime watch and God's gracious protection that day, without which, we can only guess what the outcome might have been. We truly have wonderful neighbors and our experience shows what can be done when we know our neighbors and work together to watch out for each other. If you don't have a crime watch group established for your section of the Indian Lake neighborhood, we would strongly encourage you to check into getting one started.

Judy Testin

### EDITOR'S NOTE

- Kathi Cummings is the crime watch coordinator for Winona Drive and the west end of Indian Lake Blvd South Drive.
- Sarah Rohrman is the crime watch coordinator for Indian Lake Blvd West Drive.
- Anne Sharp is considering starting a crime watch group on the north side.
- There is no crime watch group for the east end of South Drive.

In addition to the break-in incident, there have been a number of recent cases of solicitors canvassing the neighborhood, looking for homes to burglarize. They claimed to be selling books for charity, asking for contributions for IU, or even offering to wash cars. Thanks to suspicious neighbors, the police were called, and the men were picked up. One of them was found to have multiple outstanding arrest warrants for burglary.

All solicitors are required to carry a license from the City of Lawrence. (A license from the City of Indianapolis does not work in Lawrence!) If you answer your door to a solicitor, ask to see a Lawrence license and ask them to leave if they can't produce one.

Most importantly, if you see suspicious activity in the neighborhood CALL LAWRENCE POLICE DEPARTMENT IMMEDIATELY and have it checked out. Neighbors looking out for neighbors is the best way to keep our neighborhood safe.