

**EAST SHORE CONSERVANCY DISTRICT  
PUBLIC HEARING ON PROJECT ENGINEERING REPORT  
2/26/2021**

**Attending for ESCD** were Chairman Fritz Steck, Financial Director Jim Bremner, and Board Member Peter Cleveland. These three constituted a quorum of the Board of Directors. Board Member Brian Welch was absent due to a family emergency. Board Member Whitney Johnson was able to join later during the following Annual Meeting.

Mark Sullivan, CEO and Sr. Project Engineer of Midwestern Engineering Inc. was in attendance to present the PER. Alan Hux, Attorney with Taft Law was present as the ESCD attorney of record, and Kathy Clark, President of Lakeside Consulting LLC was also in attendance and acting as the ESCD's Operations Manager and Deputy Board Secretary.

**The Public Hearing was called to order** by Steck at 10:02 a.m. Steck recognized the posting of the agenda in accordance with the Indiana Open Door Law. Those in attendance were instructed that they would be muted until after the PER presentation and then unmuted for questions. He opened the public hearing by introducing Sullivan.

**Public Engineering Report:** Sullivan stated that questions should be kept just to the report as the public hearing was solely for the review of the PER. Sullivan gave a brief outline of the original sewer system, outlining the number of connections (102) that emptied into the original wetland disposal system, that disposal system's failure, and the Order of Abatement served in July of 2019 by the Marshall County Health Department and the Indiana Department of Health. He reminded everyone that due to the failing condition of that wetland disposal system, members of the East Shore Corp (ESC) board had already begun the process of becoming a conservancy district before the emergency shutdown occurred. Sullivan noted that in order to keep the system working once the disposal field was taken off line, a pump and haul program was immediately put in place that eventually cost ESC almost \$400,000.

Sullivan reviewed options discussed with the Board, including expanding the wetland system by purchasing more ground (not enough land available), building their own treatment plant (estimated at \$3,153,955), and connecting to the Town of Culver, (estimated at \$1,181,000) and those pages from the PER were presented and discussed at the public hearing. (See pages shown at public hearing attached.) Sullivan explained a lifecycle analysis of both projects and what was involved, including operations and maintenance costs. The total present worth of the connecting to Culver was less than half that of the treatment plant construction over twenty years.

After the decision was made to attempt the connection to Culver, Sullivan and others reviewed what was required, such as a pump upgrade at the Town's treatment plant (\$60,000 estimate) to handle the extra flow and the abandonment of the existing wetland system (\$175,000). These additional costs were budgeted in the PER. All costs were to show the State what was involved, and all costs were estimated.

Sullivan explained how to write and/or email the District with any questions and that there was a five-day period for submittal of same.

## **PUBLIC COMMENTS:**

### **1. Kit Moseley, 1480 East Shore Drive**

- Concerned about capacity citing the Maxinkuckee Country Club and stating that the club house was already hooked up to the system.
- Cited concerns that if the golf course ever failed (they) might decide to develop their land and that would mean many more residences that would need access to the sewer.
- She feels there needs to be some assurance that this won't happen twenty years down the road.

#### **Steck response to Moseley:**

- The club house is not on the system, just the maintenance building (one bathroom) is.
- He does expect them to join and add the club house to the system in the future.
- Steck stated that there are no future plans for the Country Club to stop being a golf course.
- Steck then reiterated that the Conservancy District Board has the ultimate power to grant any changes within the District and hooking up anyone.
- Steck noted that there exists a contract between ESC and the Town, which is transferrable to the District, that has an allocation of 130 homes. The Town's decision would be driven by their treatment capacity.
- He advised Moseley that this is something, if she is still concerned about it, that she needs to readdress to the District Board at a regular meeting, potentially set for mid-April.

#### **Clark response to Moseley:**

- Clark clarified that for anyone to develop land into a subdivision that would require decisions made by the Town of Culver, i.e. planning boards, town council, as well as the District board.

#### **Sullivan response to Moseley:**

- The Town can handle in excess of 200 to 250 more homes and the number being discussed now is 130.
- From an engineering standpoint, the system can handle considerably more homes now, and even more just by increasing the number or size of their pumps.
- The infrastructure can handle much more at this time.

### **2. Susan Thews, vacant lot at 16895 18B Road**

- Thews asked if the 130 number includes all the undeveloped lots in the District.
- Would people be allowed to finance that through their property taxes as discussed in previous meetings?

#### **Sullivan response to Thews:**

- Yes, the number was given to me by the Board.

#### **Steck response to Thews:**

- Yes, it was thought that it did include all vacant lots that people may want to develop over time. Yes, the financing could be placed on your property tax bill.

**3. Linda Whitton (18473 Queen Road)**

- Cites what she sees as an error in the PER where it states “the future maximum customers are expected to be 130,” when In the District Plan it states there are 130 residential dwellings and 19 buildable lots and she’s assuming also the country club. That adds up to 150.
- She feels this is a critical piece of information yet your engineering thinks it 130.
- Whitton states that she knows that David Smith (DNR) is under the same impression and that this needs to be clarified.
- She has other neighbors besides Susan Thews, like Ben Foster and Bill Kuhl that are concerned with this number.
- Whitton believes that the number should be corrected right now, from 130 to 150.
- She feels the 130 originally put into the PER doesn’t allow those with vacant land to build.

**Steck response to Whitton:**

- He believes that the Board knows it has to get to a higher number and he believes it will be 150.
- When the agreement with the Town, we were scrambling and simply plugged in 130.
- ESC knew at that time it had 102 users and felt the 130 number would be sufficient to allow for near-future development.
- This number is just an estimate today.

**Sullivan response to Whitton:**

- He feels Whitton may be correct and he can add a clarifying sentence to the PER. That the system is designed to handle more.
- Sullivan advises Whitton that her statements regarding what is and isn’t considered within the original number need to be addressed at a regular board meeting, not at the PER public hearing.

Adjournment at 10:56 a.m.

Kathy Clark, Deputy Board Secretary

March 14, 2021

Reviewed by Brian Welch, Board Secretary

## NAMES OF ATTENDEES 2/26/2021

### EAST SHORE CONSERVANCY DISTRICT PUBLIC HEARING AND ANNUAL MEETING

- 1 Fritz Steck, Chairman of the Board of ESCD  
902 W. 96<sup>th</sup> Street, Indianapolis IN 46260  
[fsteck@winthroscopy.com](mailto:fsteck@winthroscopy.com)
- 2 Pete Cleveland, ESCD Board Member  
1054 East Shore Drive, Culver IN 46511  
[clevelandescd@gmail.com](mailto:clevelandescd@gmail.com)
- 3 Jim Bremner, Vice Chairman and Financial Director of the Board of ESCD  
7431 N. Washington Blvd., Indianapolis IN 46240  
[jdbremner77@gmail.com](mailto:jdbremner77@gmail.com)
- 4 Whitney Johnson, ESCD Board Member  
13504 Brentwood Lane, Carmel, IN 46033  
[whitney.johnson@roche.com](mailto:whitney.johnson@roche.com)
- 5 Kathy Clark, Lakeside Consulting LLC as ESCD Operations Manager  
460 Forest Place, Culver IN 46511  
[escddistrict@gmail.com](mailto:escddistrict@gmail.com)
- 6 Mark Sullivan, CEO and Senior Project Engineer Midwestern Engineers, Inc.  
P.O. Box 295, Loogootee, IN 47553-0295  
[msullivan@midwesterneng.com](mailto:msullivan@midwesterneng.com)
- 7 Alan Hux, Attorney for ESCD, Taft Stettinius & Hollister LLP  
One Indiana Square, Suite 3500, Indianapolis IN 46204-2023  
[ahux@taftlaw.com](mailto:ahux@taftlaw.com)

#### Attendees:

- 1 Susan Thews: 2900 East Shore Drive, Culver IN 46511 [campbellthews@gmail.com](mailto:campbellthews@gmail.com)
- 2 Sally Peacock: 545 West 93<sup>rd</sup> St. Indianapolis, IN 46260 [sallypeacock@gmail.com](mailto:sallypeacock@gmail.com)
- 3 Katherine Moseley: 7 Rhynas Drive, Mount Vernon, NY 10552 [kwbm@aol.com](mailto:kwbm@aol.com)
- 4 Linda Hippenhammer: 762 East Shore Drive, Culver, IN 46511 [lhammer@gmail.com](mailto:lhammer@gmail.com)
- 5 Litt Clark: 1610 Prosperity Lane, Wilson, WY 83014 [littclark@gmail.com](mailto:littclark@gmail.com)
- 6 Mike Deery: 1650 East Shore Drive, Culver IN 46511 [m.deery@outlook.com](mailto:m.deery@outlook.com)
- 7 Rick Starkey: 5269 Roland Drive, Indianapolis IN 46228 [rstarkey@btlaw.com](mailto:rstarkey@btlaw.com)
- 8 Katy Lewallen: 1100 East Shore Drive, Culver IN 46511 [Ktz1516@yahoo.com](mailto:Ktz1516@yahoo.com)

- 9 K. C. Reese: 2130 East Shore Drive, Culver IN 46511 [kreese1922@aol.com](mailto:kreese1922@aol.com)
- 10 Judy Becker: 2450 East Shore Lane, Culver IN 46511 [judyfbecker@gmail.com](mailto:judyfbecker@gmail.com)
- 11 Jim Haist: 2388 East Shore Lane, Culver IN 46511 [Jim.haist@gmail.com](mailto:Jim.haist@gmail.com)
- 12 Julia Hollowell: 1315 E. 82<sup>nd</sup> St., Indianapolis, IN 46240 [jjhster@gmail.com](mailto:jjhster@gmail.com)
- 13 Jim Sturman: 7040 N. Pennsylvania St., Indianapolis, IN 46220 [jim@jimsturman.com](mailto:jim@jimsturman.com)
- 14 Linda Whitton: 18473 Queen Road, Culver IN 46511 [lindaswhitton@gmail.com](mailto:lindaswhitton@gmail.com)
- 15 Mary Lynn Harper: 2987 Litchfield Road, Shaker Heights, OH 44120 [dixiepass@gmail.com](mailto:dixiepass@gmail.com)
- 16 Loyal Wilson: 13515 Shaker Blvd., Cleveland OH 44120 [lwwilson48@gmail.com](mailto:lwwilson48@gmail.com)
- 17 Lin(?) UNKNOWN EXCEPT FOR NAME
- 18 Dick Swennumson: 1870 East Shore Drive, Culver IN 46511 [dick@swennumson.com](mailto:dick@swennumson.com)
- 19 Jerry Hazelwood: 2002 Captains Way, Jupiter, FL 33477 [jhaz@mail.com](mailto:jhaz@mail.com)
- 20 Dave Gibson: 1910 East Shore Drive, Culver IN 46511 [dgibson42@hotmail.com](mailto:dgibson42@hotmail.com)