

Tippecanoe & Chapman Regional Sewer District Board Meeting Minutes

North Webster Community Center – P.O. Box 572 North Webster, IN 46555-0572

The Tippecanoe Chapman Regional Sewer District Board met in regular session on Monday, August 9, 2021 6:30 pm at the North Webster Community Center and via Zoom at:

<https://us02web.zoom.us/j/244811872?pwd=ZklJZkJKJRWFCVhSUDRXMTZJVzUrZz09>

Meeting ID: 244 811 872 Passcode: 041891 One tap mobile+1626-6799,244811872#,,,,*041891#
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MEETING ATTENDANCE: Meeting was called to order at 6:30 pm by Jon Tyler, and the Pledge of Allegiance was given in unison.

I. ROLL CALL:

TCLRSD Board: Jon Tyler, Bob Weaver, Chuck Simpson, Kim Hathaway, and Jeff Thornburgh, Brian Davison, and Ed Ormsby

Carson, LLP: Atty. Andrew Boxberger

Baker Tilly: Jeff Rowe (via Zoom)

JPR: Steve Henschen, P.E., Jennifer Ransbottom

II. APPROVAL OF MINUTES (July 12th, 2021)

a.) July 12th Meeting Minutes

Kim Hathaway motions for the approval of the meeting minutes. Motion seconded by Jeff Thornburgh. Motion approved unanimously.

III. APPROVAL OF FINANCIAL REPORTS

a.) Approval of Financial Reports and Bank Reconciliations for June.

Bank Reconciliation –

As of July 31st, the District has \$440,553 in their account.

IV. APPROVAL OF CLAIMS

Kim Hathaway presented claims for \$108,188.65:

- Crossroads Bank – Interest on Ban
- Carson, LLP – Legal Services
- Baker Tilly – Accounting Services
- JPR – Engineering Services
- Paige R. Hubner – Notary Services

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Jeff Thornburg motions for the approval of Claims. Motion seconded by Chuck Simpson. Motion approved unanimously.

Chuck Simpson made the comment that there was a check written to JPR on July 15th, 2021 that they have not received yet. He indicated they are going to look into this and if JPR has not received it, the check will be void and another check will need to be written out to the Engineering company. Jennifer Ransbottom indicated she will check with JPR's controller.

Ed Ormsby motions for approval of the claims as presented. Motion seconded by Brian Davison. Motion approved unanimously.

V. SUBCOMMITTEE REPORTS

- a.) Finance Committee did not have any comments to present at this meeting as there was no meeting held.
- b.) Engineering Committee – Steve Henschen provided a brief overview of the Engineering Committee meeting.
 - JPR engineers went through their hydraulic design and pipe sizing with the Engineering Committee to primarily look at what their different pipe sizing alternatives were in consideration of what future growth may be in the system.
 - With both pressure sewer and vacuum, you have limited growth opportunities.
 - The main point was to take a second look at activity areas of growth within the District boundaries. There are about 360 empty lots that are buildable type lots.
 - In addition to that, there are 400 potential future customers outside of the District boundary lines.
 - It was appropriate to build for some future growth. The reasonable amount for potential future connections they concluded was around 300-400 for both Tippecanoe and Chapman Lakes. The Engineering Committee agreed this was a reasonable approach.
 - The second part of the meeting was review of the five main pump station sites. Site selection and negotiations have begun with all five sites. Four of the sites are progressing very well.
 - JPR has begun the informal process of appraising those lands they will need to acquire so they can begin working on the tentative offers. The proposed offers will come before the Board before anything is issued.
 - The last item was the pre-selection equipment. JPR has prepared the following:
 - Grinder stations
 - Combination error release valves
 - Check valves
 - Flow meter

Steve would like to advertise the equipment this week and if all goes well, they will come back to the Board with recommendations for those packages.

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Chuck Simpson asked how many vendors are they going to send this to? Steve Henschen replied they typically send out to all the manufacturers they work with on these types of projects.

Andy Boxberger asked if the air release valves have the American Steel requirement? Steve Henschen responded that some do and those that don't are because they are not considered iron and steel product because the material cost of the entire unit is less than 50% of iron and steel. They have all the AIS language in the quotation packages.

Ed Ormsby motions for the approval to advertise the pre-selection packages. Motion seconded by Jeff Thornburgh. Motion approved unanimously.

VI. PER AND ENGINEERING UPDATE

Engineering and Land Acquisition – Steve Henschen presented to the Board the JPR Update Memo.

1.) PER

- a.) Archaeological work is complete and submitted. Steve indicated he received notice from the sub-consultant that they missed a few areas and they are finishing up this work.
 - i. Fieldwork is complete. The wetlands area has been identified, mapped, and completed.

b.) USDA RD Application

- i. Public input session from last month has been submitted to RD.
- ii. The Environmental Review Report is 95% complete.
- iii. They are waiting on comments to letters from the State Historic Preservation Office (SHPO) and once they have their input, they should have the report finalized within two weeks.

2.) PER Timeline

a.) SRF

- i. The project scored No. 7 on the list and still within the fundable range.
- ii. They are also still waiting to hear back from SRF. This will be further discussed by Jeff.
- iii. SWIF announcements will be made in mid-August.

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b.) USDA RD

- i. Their funding year begins in October. JPR hopes to have feedback and availability of funding from them next month as well.

SURVEY/DESIGN

1.) Survey Work

- a.) Survey work is 100% complete with the exception of additional topo for pump station sites.
- b.) Initial field checks for septic system inverts.

2.) Designing Horizontal Pipeline Alignments for Pressure Sewer and Force Main

- a.) They have their initial design layout complete and are now revising based on feedback from utilities. They sent these out to all the affected utilities and are looking for maps and locating. Adjustments are being made based on this information.

3.) Preliminary Hydraulic design/sizing of pressure sewers and force mains complete.

- a.) This is complete. They have met with the Engineering Committee to finalize.

4.) Utility Coordination is Continuing

5.) Road Restoration/ Right-of-Way Research

- a.) Met with County Highway Department who will issue permits for all public right of ways, whether maintained by them or not. They expect to have on-going meetings with them as they proceed. They have expressed their desire to have no pressure sewers or force mains under paved roads. This is going to be difficult to accomplish with passing fiber. JPR is currently investigating this and whether it is feasible.

6.) Grinder Pump Stations

- a.) Grinder placements are being worked on as customers call in. We have been having a lot of activity from our initial mailers. We have been meeting with property owners in-person and by phone. We have also been having all day meeting on Fridays when a group of neighbors or property owner's requests for a group meeting. Beginning in September or October, we will begin making our own judgement on where grinder stations will go for property owners who have not yet reached out to us yet. Of course, if they call in after September, we will continue to meet with them.

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7.) Equipment Pre-Selection

- a.) JPR has notified vendors of their awards on the grinder stations.
- b.) August pre-selection packages will be prepped for distribution.
- c.) October pre-selection packages will be prepped for distribution and will include:
 - Chemical Feed and Odor Control Equipment;
 - Pump Station Equipment;
 - Standby Generator Sets.

EASEMENT AND LAND ACQUISITION

- a.) Title Search
 - i. Initial title searches are 100% complete;
 - ii. Tippecanoe mailings were all sent out in July;
 - iii. Approximately 1,200 or 77% of packages sent for Tippecanoe;
 - iv. Approximately 625 or 71% packages sent for Chapman;
 - v. We have been receiving a lot of feedback from property owners who indicated they are no longer the property owners or need the updated deeds;
 - vi. The mailings have certainly generated a lot of calls.

Were you able to secure anything for the Northern pumping stations on Chapman Lake? Steve Henschen responded that this is 1 of the 5 they are still searching for an alternative.

Chuck Simpson asked if someone comes to JPR and wants to know where the easement or grinder station is, can they be that specific? Steve Henschen responded with yes, that is why they are having Friday group meetings and there are plans available for every property owner that show initial grinder locations from the aerial photography completed during the study phase. They don't switch it around too much unless they receive feedback or a request from the property owner.

Steve Henschen indicated his first response to property owners is that they are in accordance with the District's policies and guidelines and their number one policy is they share grinder pumps wherever possible. The second most important policy is that they stay as close to the road as possible unless the property owner can connect by gravity as the District has up to 100 feet. There are some scenarios where the distance is 110 feet and they suggest the best approach to following the guidelines would be for the property owner to submit a variance request and the Engineering request will decide what to do.

Chuck Simpson asked if the property owner visited the District office Monday, Wednesday or Friday with their easement package, can someone in the office show them. Steve Henschen responded with yes, the plans are available in the office for the property owners to view and ask questions.

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Jeff Thornburgh indicated there were some topics that Steve Henschen and Andy Boxberger were experience in and they wanted to go over and he would like to go over these areas of discussion in front of the Board so they have part of the decision-making process. Some of the topics include:

- How they deal with certain situations of sewage producing facilities.

Andrew Boxberger indicated he is also receiving questions such as what defines a campground and mobile home court.

Steve Henschen suggests this be discussed during the Agenda setting discussion prior to the next Board meeting.

A property owner indicated he attended the Board meeting to have his questions answered. He indicated he has a unique situation where he was forced to relocate his well based upon another house that was built and the septic was put in the back, next 30 feet to his well and he had to put it across the street. It's a complicated situation and he did sue the County. They ended up relocating his well. Now with the sewer he has an issue with the well across the street. The property owner would like to know if it would be a single-tap fee or more than one. The Board suggested that the property owner meet with Steve Henschen to discuss his unique situation in more detail. The property owner asked if Steve Henschen makes the decision or does the Board make the decision? The Board responded that the Engineer will make the initial decision and if there is an appeal and a variance is needed, Steve Henschen would be able to go over that with him.

VII. LEGAL COUNSEL UPDATE

- a.) Atty. Boxberger has signed Memorandum of Understanding for treatment with the City of Warsaw. Andrew Boxberger distributed a copy to the Board and has the original copy. Atty. Boxberger will get with Steve Henschen and Jeff Thornburgh to discuss the MOU in more detail because they will need a signed Interlocal Agreement before they close on financing. This will be a few weeks out. The MOU sets out the parameters of the District's treatment with them. There are still cost, etc. that need to be discussed with the City of Warsaw.
- b.) As of July 1st, the Tippecanoe and Chapman Lakes RSD is now eligible to have remote participation. At the Board's request Carson, LLP put together a Remote Participation Policy. Essentially, this Policy includes the following:
 - At least 50% of the Board members need to be present;
 - Members of the public as well as the Board need to be seen and heard;
 - The Board cannot attend more than two (2) consecutive meetings remotely (State law);
 - The Board cannot attend more than four (4) meetings a year remotely (State law);
 - Section 6 states that the Board cannot discuss rates and charges or increase penalties via remotely.

Jeff Thornburgh made the motion to approve the resolution as presented for the Remote Participation Policy. Motion seconded by Ed Ormsby. Motion approved unanimously.

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- c.) New septic system exemption procedure timeline.
- i. Atty. Boxberger indicated they sent out with the initial letter advising people that they are entitled to an exemption if (1) they have more than 10-acres or (2) their septic system is less than 10-years-old. The statute says the Board has to send out an official notice once they have their permits. The Board does not have their permits yet.
 - ii. Atty. Boxberger's recommendation to everyone if they get a request to file an exemption is to forward the request to the Attorney's office as they have a pretty good system going. They have been working with the Health Department and another District and can get the requests taken care of. The Attorney has a formal letter they send out to the property owner who filed for an exemption that lets the property owner know they will need to contact the Health Department for inspection, and then the Health Department will fill out a form to send back to the Attorney's office. Once the Attorney has the form from the Health Department, they will forward along the request to the Board for final approval.

The Board asked what is considered as a new septic system and Atty. Boxberger responded that any septic system that is less than 10-years-old from the date of installation. If it's less than 10-years-old, the property owner may qualify for an exemption. If the system is 5-years-old, the property owner may qualify for a 5-year exemption. The property owner may file for two separate 5-year extensions or up to 20 years but the septic system needs to be inspected every 5 years after the extension. The useful life of a septic system is 20 years.

The Board asks if a customer decides to file for an exemption but has exhausted their extensions, what is the result after that and what is the cost? Atty. Boxberger replies the property owner is then required to connect to the system and the cost will depend on whatever the cost is to install the grinder pump station at that time. The District will provide the grinder pump station; however, the property owner will need to pick up the grinder pump and install it themselves.

The Board indicated they do not want to pay for the cost of a grinder pump and have it sitting for 15 years. The Board also indicated the property owner will need to meet District standards on their own and any of the debt service maintained during that time. The property owner will be responsible for a capacity charge. Jeff Rowe added there is a statute that limits the capacity charge a District can charge specific customers over a period of time for property owners that were qualified for an exemption.

Atty. Boxberger indicated he will include in the letter language that warns the property owner of higher costs of connection to the sewer in the future. Atty. Boxberger confirmed that the exemption is good for 10 years from the date of installation of the septic system.

The Board asks what if there were any changes to the property during the exemption period, would the property owner then be required to upgrade to sewer standard or abandon the septic tank? Atty. Boxberger responded that the

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exemption runs with the land or the life of the septic. If the septic does not meet the septic inspection standards, the property owner will be required to connect to the sewer system.

- iii. Atty Boxberger indicated there are property owners who want to know exactly where the grinder system is going to go. The property owner may have their easement surveyed at their own costs subject to the engineers approving that location; however, if the engineers get in the field and the surveyed easement does not work, any costs with any delays will reflect on the homeowner. The

Board can certainly allow property owners to have a survey done and have specific meets and boundaries description of the easement area but that will be at the cost of the property owner. Atty Boxberger also indicated that if the property owner says they want their survey and the grinder pump station at a certain location, then they may also get into a situation where they can install the grinder station at the desired location; however, they may not be able to gravity feed to it.

Atty. Boxberger suggests the Board vote and make it an official policy for property owners to get surveys of easement locations as long as they pay for it themselves subject to the Engineer's approval.

Jeff Thornburgh makes the motion to have an official policy that states homeowners can get meets and bounds and survey descriptions at their own cost subject to Engineering approval. Motion seconded by Chuck Simpson. Motion approved unanimously.

If a homeowner is going to tear down and rebuild, how much time will the property owner have if the construction has already been done. Atty. Boxberger indicated they have another upcoming discussion on vacant lots.

Vacant Properties

Atty. Boxberger indicated they had a few calls from property owners who plan to build and want to request sewer for their site.

- 1) You don't want to have a grinder pump sitting unused for a few years;
- 2) Cost – Once the Board receives their bond, the Board will have their rate and debt service based on the number of EDU's they will have. Once they have a cut-off date or Bond Commitment date the property owners will have an understanding that the District is building the sewer on the commitment to have a connection. If someone were to come to the Board after this date wanting to tear down their house and not have a sewage producing structure on the lot, the normal path is to not charge the property owner for treatment but the property owner will be responsible to pay debt service for perpetuity. This discussion is important because it will be brought up in the rate ordinance or in the scenario if someone wants to build and have a connection to a vacant lot, there will also be a debt service charge. The Board will have no force connection rights and Atty. Boxberger indicated they will need to have a formal Agreement and they will have this recorded.

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Bob Weaver asks if the project goes out to bid and the property owner changes their mind about wanting to connect to the sewer system, can they still install the grinder pump and not put the pumps in? Steve Henschen responds that if it is a Type I pump and only for that lot, they will most likely install the grinder station and pumps and start it up. Once it is operating, they will opt out and use it for other parts of the system until the homeowner decides to connect. If a property owner wants the District to place a grinder station on their property in anticipation of a future connection, the homeowner will be responsible for a debt service fee until they have connected. Once they are connected, they will pay full rate once the debt service fee has been paid.

Atty. Boxberger suggests for a motion to allow for vacant lots to be able to connect subject to a written Agreement to pay debt service associated with that installation subject to the entire rate.

Jon Tyler motions for the approval to sign Easements for vacant lots in the anticipation of putting in infrastructure on those vacant lots subject to a written Agreement and then, paying debt service. Motion seconded by Brian Davison. Motion approved unanimously.

The District does not know what the debt service charge is at this time; however, the property owners will need to be committed to the amount if they want to be a part of the project.

The Board asks if there is not a vacant lot and there is not going to be a service there and the homeowner is not requesting service to be there, what happens in this case? Is there any debt service charge for this property? Atty. Boxberger responded with, "No", there is no debt service charge; however, there is the case where the District may need an easement such as in the case of private property or private lanes. Atty. Boxberger indicated this may be a case where only a mainline easement is needed. The Agreements can be modified to fit these scenarios.

VIII. FINANCIAL CONSULTANT UPDATE

a.) Interlocal Agreement Update

- i. Memorandum of Understanding (MOU) – Preliminary Rate Study was provided to the Board.

- 1.) The information was revised based on updated project cost estimates provided by JPR.

The last study completed looked at three options:

- 1) Lakeland option;
- 2) Warsaw option;
- 3) New wastewater treatment plant option.

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- 2.) The updated Preliminary Study only focuses on connection to the City of Warsaw. The first update reflects the updated project costs which in total is \$41.5M. Back in 2018, the Warsaw option was \$37.5M. The project is now a little higher than the 2018 costs associated with the project. The estimated project funding, assuming an SRF funding as opposed to USDA. Baker Tilly is focusing on SRF funding since the District fell within fundable range on the PPL list.

There are two series of bonds, Series A and Series B, the difference being that under Series A, the finance consultant is assuming a 20-year bond and under Series B, the finance consultant is assuming a maximum of a 35-year bond. The reason for looking at two different series is because they don't want to issue debt for an asset that extends beyond the life of that asset.

The first scenario assumes no grant and the entire project being funded by loan money.

The second scenario assumes that they are backing into the amount of grant that would be needed to target an \$80/mo. sewer bill. In order to target this monthly sewer bill, the District would need to receive roughly \$21.6M in forgivable loan or grant money to buy down the debt service to achieve the \$80/mo. bill.

On page 3 of the handout, Jeff Rowe summarized the estimated ongoing, operation, maintenance, and replacement cost. The collection and admin cost totals \$431,000. They also estimated the wholesale treatment cost for the City of Warsaw totals a little over \$500,000. Building in funds for future asset replacements as the system ages is roughly at \$103,000. Total operation, maintenance, and replacement cost is a little over \$1M.

Baker Tilly and Carson, LLP will be working together on the wholesale sewer treatment cost (\$500K) and create a final and formal Interlocal Agreement that will establish what the rate will be. They have assumed up to this point that the District will pay the existing wholesale rate that is in place for the City's current contract customers which are the Town of Leesburg and the Town of Winona Lake. They have assumed the same flow rate but have not yet calculated the flat fee that goes towards maintenance and replacement towards the sewage collection system. This is typically based on the collection system the District would utilize. They have not gone through these calculations. The Town of Winona currently pays \$1,100/mo. towards the Town's collection system. If the District comes close to the Town of Winona Lake, this will add an additional \$10-\$12K dollars per year towards the District's collection costs paid to the City of Warsaw. Baker Tilly and Carson, LLP will need to firm up these numbers. Based on the estimated average usage of the District and the current contract rate, the District is currently looking at \$500K/yr.

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Jeff Rowe also provided an update for the equivalency of single-family dwelling units and compared to 2018 report they are slightly higher. Baker Tilly will be working with JPR to determine a final EDU count that the Board is comfortable with.

Page 5 shows the calculation of what the monthly rate would be assuming no grant. If the District were to proceed with this funding package with no grant, the District would be looking at a total rate of \$138/mo.

The funding agencies like for the District to look at a target monthly rate and the \$138/mo. is considered a high monthly rate. Based on the funding package the District would need to receive \$21.6M dollars to achieve a monthly sewer rate of \$80/mo. rate.

Baker Tilly and JPR are currently waiting on the following:

- 1) SRF – financing package (forgivable grant money they can offer the District)
- 2) SWIF – Grant amount

Baker Tilly indicated other funding options include:

- 1) USDA
- 2) Combination/partnership between USDA and SRF
- 3) Potentially breaking or dividing the project into phases if funding is not available.

Baker Tilly is also keeping a close eye on the Federal Infrastructure Bill.

Baker Tilly would like to first continue with pursuing SRF.

This concludes Baker Tilly's topics of discussion.

IX. Office Space and Hours

- a.) Office hours at the NWCC are M, W, & F from 9 AM – 4PM.

X. Public Meetings/Open House Dates

- a.) August 28th (8:30-11:30 AM).

XI. PUBLIC INPUT

Property Owner:

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Greg Fitzloff

RE: MOU and capacity issue with Warsaw

Question: Will the mainline that is coming out of Leesburg go to the City of Warsaw?

Answer: (Brian Davison) The mainline will tie into the City of Warsaw. Brian Davison indicated with the airport expansion project, they anticipated and had earlier conversations that this would be a possibility. They have a line running through where they can tie in at Pound and 100, the road that runs by the airport.

Question: Between where the line leads this District and where it connects to Warsaw, will the line still be owned by the District...correct?

Answer: (Brian Davison) Correct.

Question: Along that line, between the District and that connection, there is a lot of available properties, was that included in the study at all?

Answer: (Steve Henschen and Atty. Boxberger) It's outside of the District boundaries. It might have been studied but was not included in the project.

Comment: Because that is going to be non-residential but could potentially be commercial or industrial and possibly a heavier load should be decided.

Answer: (Jon Tyler) Anything within the City's system would, then they would provide service for that area even though our line may run right passed it.

Comment: There are a couple pieces of property there that are currently in the City but not served by the City that are trying to tap into a line.

Answer: Brian Davison) We would ask to take ownership of x amount of line from this District and probably need to upsize it at that point. The Tippecanoe and Chapman Lake project is supposed to be modest in growth. The District is not planning for future development and the project is to handle existing situations.

Robert Payton

Lake Tippecanoe – Paytona Bay

Question: In the Agreement with Warsaw, I didn't understand the part where it says, "the District will also provide necessary in-pipe treatment of the sewage of the District's collection system key sewage characteristics that are compatible to Warsaw."

Answer: (Brian Davison) That falls under a couple different categories. If you have industrial, it limits what industries can't release. The District would need to ensure the industries are only releasing what they are supposed to. The other problem you have with these sewer systems is they develop a hydrogen sulfide which becomes sulfuric acid which hits the air and deteriorates structures very rapidly so Leesburg has a treatment system to maintain that hydrogen sulfide so that it is not tearing up our system when it hits us. That must be something else in their provisions and their designs for that treatment.

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Question: Is that in our engineering design?

Answer: (Brian Davison) Yes. Sulfide is a deadly gas so we were very concerned if we needed to do something if that gas is present.

Comment: (Board) It's not treatment of the waste per say, it's the way the waste is presented for future treatment

Question: Empty lots will not be paying a debt service?

Answer: (Atty. Boxberger) Correct. If there is an empty lot and they don't ask to have a service, they will not be part of the project and they will not have a debt service. There will be no infrastructure or connection for them so when we do final count and EDU's and theoretically the size of the pipe, how big the pump stations are, none of those problems will be included in the analysis.

Question: What if they wanted to be included later and they want to build on or develop that lot?

Answer: (Atty. Boxberger) We will need to have capacity for them and they will need to pay a capacity charge at that time. We would go back and theoretically reimburse the rest of the District for all the money they have paid up to date so they can become a part of the system. Connecting year one the capacity charge is really low. 20 years from now, I've seen capacity charges up near \$8,000.

Ed Ormsby made the motion to adjourn the meeting. Motion seconded by Chuck Simpson. Motion approved unanimously.

Meeting adjourned at 8:55 P.M.