

**MINUTES OF THE MEETING OF
SANITARY AND IMPROVEMENT DISTRICT NO. 5,
CASS COUNTY, NEBRASKA**

Meeting convened at 6:00 p.m. on November 16, 2017 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club. Attached hereto are: the agenda for the meeting; the Affidavit of Printer regarding publication of notice of the meeting, which communicated the availability of the agenda, in the *Plattsmouth Journal*, Plattsmouth, Nebraska; advance notice of the meeting as provided to the County Clerk of Cass County and all Trustees; and the Trustees' acknowledgment of receipt of said notice and agenda. All proceedings were taken while convened with attendance open to the public.

ITEM 1

Meeting called to by order by the Chair, David Martin, at 6:09 p.m.

ITEM 2

The locations of the Open Meetings Act and the documents related to the agenda were announced.

ITEM 3

On roll call, those present: Trustees David L. Martin, James Grotrian, Gary Petersen and Carol Walker. Those absent: none.

ITEM 4

No persons were present wishing to address the Board of Trustees.

ITEM 5

Motion by Grotrian, seconded by Martin, to recommend to the County's zoning administrator, the Cass County Planning Commission and the Cass County Board of Commissioners approval of a replat of Sublot 1 of 101, Block 26, Buccaneer Bay, an Administrative subdivision, Cass County, Nebraska to create Lots A and B of Sublot 101, Block 26, Buccaneer Bay, an Administrative subdivision, Cass County, Nebraska with the understanding that the property owners are responsible for connecting to the utilities at their own expense. On roll call those voting aye: Grotrian, Walker, Petersen and Martin. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 6

The Chair laid over to the next meeting consideration of a request from Spiral Communications for a license to occupy the right of way for the installation of fiber optic cable.

ITEM 7

The Chair read the statement provide by Ken Grigsby addressing his interest in appointment to the Board of Trustees to fill the vacancy created by the resignation of Janet McCartney following the meeting of September 27, 2017. Mr. Mark Kula, the other interested resident was present and addressed the Trustees. Motion by Grotrian, seconded by Walker, to appoint Mark Kula to fill the vacancy created by the resignation of Janet McCartney following the meeting of September 27, 2017. On roll call those voting aye: Grotrian, Walker and Martin. Voting nay: none. Absent: Petersen. Abstaining: None. The Chair declared the resolution adopted.

ITEM 8

No action was taken following general discuss about the various issues resulting from the June 16, 2017 storm.

ITEM 8a

Trustee Grotrain noted that he obtained a price to remove the remaining trees, but was not happy with the price and intended to seek a lower price. The Chair advised that he had received additional paperwork from FEMA that he would complete and submit. Mr. Johnson advised that as soon as all the invoices had been received and paid he would ask the county treasurer to provide copies of the cancelled warrants and checks for all expenses.

ITEM 8b

The Trustees generally concluded that no additional funding for clean up from the June 16, 2017 storm was needed at this time.

ITEM 8c

Trustee Grotrian advised that it would be some period of time to prepare a Debris Management Plan in conjunction with the Cass County Emergency Management Agency for the disposal of trees and other damaged items as a result of storms. No action was necessary.

ITEM 9a

The Chair advised that two repairs were completed to the roads, one using crushed concrete to fill washout in the shoulder on Buccaneer Blvd and a cold patch on Ridgeway that hopefully hold over the winter.

ITEM 9b

Mr. Dan Dolezal reviewed the bids received for the contract for the road reconstruction phase of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017.

Motion by Grotrian, seconded by Martin, to award the contract for the road reconstruction phase of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017 to the sole bidder, Oldcastle Midwest, Inc. d/b/a Omni Engineering. On roll call those voting aye: Grotrian, Walker and Martin. Voting nay: none. Absent: Petersen. Abstaining: None. The Chair declared the resolution adopted.

ITEM 9c

Mr. Dan Dolezal reviewed the bids received for the contract for the storm water reconstruction phase of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017. Motion by Grotrian, seconded by Martin, to award the contract for the storm water reconstruction phase of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017 to the lowest responsive bidder, Kerns Excavating, Inc. On roll call those voting aye: Grotrian, Walker and Martin. Voting nay: none. Absent: Petersen. Abstaining: None. The Chair declared the resolution adopted.

ITEM 10

Trustee Walker presented the attached grounds report. Mr. Johnson noted that the sign property as referenced in the report was related to signs placed on SID owned property and not private property listed for sale, for example.

ITEM 11

The finance report is attached. Trustee Grotrian again noted that the general fund is diminished because of the storm expenses from June 16,

ITEM 12a

The Chair noted that there was no general water and wastewater report.

ITEM 12b

The Chair noted that the remaining balance due on the Bond obtained from the Nebraska Department of Environmental Quality for the construction of the wastewater treatment plant is \$529,476.01 following the December 15, 2017 payment and which is scheduled for payoff on December 15, 2025.

ITEM 12c

The Chair laid over to the next meeting discussion and consideration of a contract to clear dumped trees and debris, and to cut trees, on Outlot 1, Block 29 to provide access to water and/or sanitary sewer lines. Mr. Nelson advised that he would provide additional information for the next meeting.

ITEM 12d

No action was necessary following discussion and a request for a contract proposal from Erhart Griffin to evaluate the required contractor services to grout various manholes throughout Phase VI development and in other manholes in the District all of which work requires confined space entry.

ITEM 12e

Motion by Grotrian, seconded by Martin, to advise the property owners of Lot 62R Block 27, Buccaneer Bay Replat III; Lot 1 of 3CR, Block 27, Buccaneer Bay Replat II; and Lot 3 of 3CR, Buccaneer Bay Replat II that the District intends to install water supply lines with stop boxes, and sanitary sewer stub outs, to the lots and as with other phases to impose special assessments to pay for the improvements, and to take the formal action necessary to make the improvements and impose the assessments. On roll call those voting aye: Grotrian, Walker and Martin. Voting nay: none. Absent: Petersen. Abstaining: None. The Chair declared the resolution adopted.

ITEM 13

Mr. Nelson and Ms. Nelson of Urban Utilities presented the attached reports from Urban Utilities on the water and wastewater systems and water billing.

ITEM 14

Motion by Martin, seconded by Grotrian:

Be It Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska to approve the consent agenda:

- a Approve the minutes of the meeting of Trustees on October 25, 2017
- b Pay the attached claims and invoices.
- c Approve payment of invoices for services related to the 2017 Road and Storm Water Management Reconstruction Project approved by the Resolution of Necessity adopted September 27, 2017

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the following bills, statements and invoices be and hereby are approved, and that the Chair or Vice Chair and the Clerk be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated November 16, 2017, with the warrants to be drawn on the General Fund account and to be redeemed no later than November 16, 2020:

General Fund Account

(Due November 16, 2020)

Warrant No. 17046 in the amount of \$2,110.31, payable to Omaha Public Power District, for electrical usage October 2017, with a copy of the invoice attached hereto.

Warrant No. 17047 in the amount of \$1,050.00, payable to Mixan Concrete & Earth Services for street repairs to Ridgeway Road and Buccaneer Blvd, Invoice Nos. 204 and 205, copies of which are attached hereto.

Warrant No. 17048 in the amount of \$5,148.00, payable to Roger K. Johnson, for general legal and related services for October 2017, Invoice No. 21874, a copy of which is attached hereto.

Warrant No. 17049 in the amount of \$360.00, payable to Roger K. Johnson, for legal and related services regarding Hellbusch claim during October 2017, Invoice No. 21874, a copy of which is attached hereto.

Warrant No. 17050 in the amount of \$54.00, payable to Roger K. Johnson, for legal and related services regarding the June 16, 2017 storm during October 2017, Invoice No. 21874, a copy of which is attached hereto.

Warrant No. 17051 in the amount of \$221.73, payable to Urban Utilities for street sign installation resulting from storm damage on June 16, 2017, with a copy of the invoice attached hereto.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the following bills, statements and invoices be and hereby are approved, and that the Chair or Vice Chair and the Clerk be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated November 16, 2017, with the warrants to be drawn on the Service Fee Fund account, which warrants are redeemable upon presentation to the Cass County Treasurer:

Service Fee Fund Account

Warrant No. 17015 in the amount of \$1,242.00, payable to Roger K. Johnson, for general legal and related services for October 2017, Invoice No. 21874, a copy of which is attached hereto.

Warrant No. 17016 in the amount of \$161.00, payable to Midwest

Laboratories, for wastewater testing for October 2017, Invoice No. 871013, a copy of which is attached hereto.

Warrant No. 17017 in the amount of \$8,588.17, payable to Urban Utilities, Inc., for November 2017 operation and maintenance of the water and wastewater systems, and water and wastewater billing services, together with expenses, Invoice No. 8197, a copy of which is attached hereto.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the following bills, statements and invoices be and hereby are approved, and that the Chair or Vice Chair and the Clerk be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated November 16, 2017, with the warrants to be drawn on the Construction Fund account and to draw interest at 7.00% per year and to be redeemed no later than November 16, 2022:

**Construction Fund Account
(Due November 16, 2022)**

Warrant No. 17005 in the amount of \$202.58, payable to the Plattsmouth Journal, for publication of the notices to bidders for the 2017 Road and Storm Water Management Reconstruction Project, with a copy of the printer's affidavits setting forth the cost attached hereto.

Warrant No. 17006 in the amount of \$10.12, payable to Roger K. Johnson, for legal and related services regarding the 2017 Road and Storm Water Management Reconstruction Project.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that both the Board and the District find and determine, and covenant and warrant, and agree that (a) the facilities for which the above Warrants are issued are for essential governmental functions and are designed to serve members of the general public on an equal basis; (b) there are no persons with rights to use said facilities other than as members of the general public; (c) ownership and operation of said facilities is with the District or another political subdivision; (d) none of the proceeds of the Warrants will be loaned to any person and to the extent that special assessments have been or are to be levied for any said facilities, such special assessments have been or are to be levied under Nebraska law as a matter of general application to all property specially benefitted by such facilities in the District; (e) the development of the land in the District is for residential or commercial use; (f) the development of the land in the District for sale and occupation by the general public is proceeding with reasonable speed and (g) the

District hereby authorizes and directs the Chair or Clerk to file, when due, an Information Reporting Form pursuant to Section 149(e) of the Internal Revenue Code of 1986 pertaining to the above Warrants.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the District covenants, warrants and agrees as follows: (a) to take all actions necessary under current federal law to maintain the tax exempt status (as to taxpayers generally) of interest on the above Warrants; and (b) to the extent that it may lawfully do so, the District hereby designates the above Warrants as its “qualified tax exempt obligations” under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that the District does not reasonably expect to issue warrants or bonds or other obligations aggregating in the principal amount of more than \$10,000,000 during the calendar year in which the above Warrants are to be issued.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that this and the preceding Resolutions are adopted as the Certificate with Respect to Arbitrage of the District pertaining to the above Warrants and the District and Chair and Clerk of the District hereby further certify, as of the date of the registration of the above Warrants with the County Treasurer of Cass County, Nebraska, as follows:

1. No separate reserve or replacement fund has been or will be established with respect to the above Warrants. This District reasonably anticipates that moneys in its Bond Fund reasonably attributable to the above Warrants in excess of the lesser of: (a) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 125% of average annual debt service due on the above Warrants will be expended for payment of principal of and interest on the above Warrants within 13 months after receipt of such moneys. That amount which is currently held in the District’s Bond Fund which exceeds the amount which is to be expended for payment of principal and interest on the above Warrants within 13 months after receipt of such moneys, plus that amount arrived at pursuant to the immediately preceding sentence, will not be invested in any securities or any other investment obligations which bear a yield, as computed in accordance with the actuarial method, in excess of the yield on the above warrants.
2. To the best of their knowledge, information and belief, the above expectations are reasonable.
3. The District has not been notified of any listing of it by the

Internal Revenue Service as an issuer that may not certify its bonds.

4. This Certificate is being passed, executed and delivered pursuant to Section 1.148-2(b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that \$1,800.40 be transferred from the Service Fee Fund to the General Fund (OPPD electric service for October 2017 less the cost of street lighting and for warrant preparation costs for November 2017).

On roll call those voting aye: Grotrian, Walker, Petersen and Martin. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 15

The Chair noted that the December date and time were previously set for December 12, 2017 at 6:30 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club. The Chair then directed Mr. Johnson to determine the availability of Spiral Communications to be at the January meeting at 6:00 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska on one of the following days to discuss the use of the right of way throughout the District to install fiber optic cable to each residence throughout the District: January 16, 17 or 24 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club.

ITEM 16

The agenda having been completed, the meeting adjourned on motion by Martin at approximately 7:43 p.m.

James Grotrian, Trustee

Gary Petersen, Trustee

David L. Martin, Trustee

Carol Walker, Trustee

Mark Kula