

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

Meeting convened at 6:00 p.m. on February 21, 2018 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 6:00 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, Gary Petersen, Carol Walker and James Grotrian. Those absent: Mark Kula.

ITEM 4

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

ITEM 5

Mr. Monty Poland did not appear to address the Trustees regarding involvement of the county in providing services to the residents of the District.

ITEM 6

Trustee Martin discussed the need to contract with a utility locating service for the street and storm water drainage project and the Spiral Communications, LLC fiber project, as well as ongoing locate services. Trustee Martin advised that he would attempt to bring several proposals to the next meeting for consideration and laid over the contract to the next meeting.

ITEM 7

Following discussion regarding a flat fee for water usage of \$500 and the addition of a requirement to utilize a backflow prevention device when utilizing a District hydrant for water, the Chair delayed action on the proposed a right of way agreement with Spiral Communications, LLC for the placement of fiber optic cable and other related improvements until the next meeting.

ITEM 8

Motion by Grotrian, seconded by Walker, to recommend approval to the County's zoning administrator, the Cass County Planning Commission and the Cass County Board of Commissioners regarding the replat of Lots 51 and 52, Block 31, Replat II, Buccaneer Bay Subdivision, Cass County, Nebraska to create Lot 51-R, Block 31, Replat II, Buccaneer Bay Subdivision, Cass County, Nebraska and authorize the Chair and Clerk to sign the mylar. On roll call those voting aye: Walker, Petersen, Martin and Grotrian. Voting nay: none. Absent: Kula. Abstaining: None. The Chair declared the resolution adopted.

ITEM 9

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

ITEM 9a

Trustee Grotrian advised that the tree located adjacent to the property of resident Dan Kunce was the last tree requiring removal due to the storm and that he had authorized a contractor to remove the tree.

ITEM 9b

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

ITEM 9c

The Chair laid over consideration of 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.

ITEM 10a

In the absence of trustee Kula, Trustee Martin advised that the snow removal contractor came back out following a call to improve the snow removal effort for the last snow.

ITEM 10b

The Chair advised that weather was the delay on beginning of the road reconstruction phase of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017.

ITEM 10c

The Chair advised that weather was the delay on beginning of the storm water reconstruction phase of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017.

ITEM 11

Trustee Walker advised that there was no grounds report.

ITEM 12

Trustee Grotrian presented the attached finance report and reiterated that since the general fund is diminished by the approximately \$25,000 in unanticipated expenses related to mitigating damage from the June 16, 2017 storm, it likely would require the registration of warrants for a period of time.

ITEM 13a

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

ITEM 13b

The Chair advised that there was no general Committee Report.

ITEM 13c

The Chair advised 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 13d

The Chair laid over to the next meeting 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 until it is determined whether and to what extent the same will be resolved by some work that is required as part of the 2017 Road and Storm Water Management Reconstruction Project adopted September 27, 2017.

ITEM 13e

The Chair reported that the cost was \$85.00 per foot to contract with Kerns Excavating Company to grout manholes and laterals throughout Phase VI development and that there were approximately 35 manholes in the phase. The matter died for lack of a motion to enter into a contract for such services.

ITEM 13f

The Chair advised that the cost estimate to construct the sanitary sewer connection to Lot 3 of 3CR, Buccaneer Bay Replat II was \$8,600.00. The chair advised that an 8" stub out for sanitary sewer was available to Lot 1 of 3CR, Block 27, Buccaneer Bay Replat II. The Chair advised that both lots would be required to utilize grinder pumps and to both make the water taps to the water main using Kerns Excavating Company and to tap the water main at the same time with a possible cost savings if tapped when the connection was made to the sanitary sewer main for Lot 1 of 3CR, Block 27, Buccaneer Bay Replat II. Motion by Walker, seconded by Martin, to have Ehrhart Griffin provide the design and have Kerns Excavating provide the tap and connection services to the lots upon payment by the lot owners to the District of the tap and connection costs. On roll call those voting aye: Walker, Petersen, Martin and Grotrian. Voting nay: none. Absent: Kula. Abstaining: None. The Chair declared the resolution adopted.

ITEM 13g

Motion by Martin, seconded by Grotrian, to advertise for bids for a contract to paint the exterior of the water tower. On roll call those voting aye: Walker, Petersen, Martin and Grotrian. Voting nay: none. Absent: Kula. Abstaining: None. The Chair declared the resolution adopted.

ITEM 14

The Chair laid over action until additional revenues were received to pay for the work necessary to resolve the issues to obtain recorded easements necessary for storm water drainage and/or for water and sewer infrastructure:

- a. Lot 9, Blk 1- drainage Buccaneer Blvd. and Becker Court. Drainage flows to the Golf Course property and could be a potential problem in the future
- b. Lots 2 & 3, Block 18 - on Becker Court and has a sewer force main requiring an easement if not located within the side yard lot line easement
- c. Lot 17, Block 5 - drains Cypress Court
- d. Lot 16, Block 3 - a lift station and storm water drainage from Rainey Court to the golf course which may result in a potential problem in the future
- e. Lot 10, Block 17 - drainage from Ewel Court which could become an issue
- f. Lots 26 & 27, Block 17 - a sewer line which may or may not be located in the side yard lot line easements and feeds a lift station at the bottom of the hill between Ewel & Becker Court

ITEM 15

Motion by Grotrian, seconded by Walker:

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 January 17, 2018
- 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 in the absence of the Clerk that Trustee Walker, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated February 21, 2018, with the warrants to be drawn on the General Fund account and to be redeemed no later than February 21, 2021:

**General Fund Account
(Due February 21, 2021)**

Warrant No. 17066 in the amount of \$2,714.01, payable to Omaha Public Power District, for electrical usage December 2017, with a copy of the invoice attached hereto.

Warrant No. 17067 in the amount of \$190.40, payable to Frankel Zacharia, for finance committee work for January 2018, Invoice Nos. 93726, a copy of which is attached hereto.

Warrant No. 17068 in the amount of \$7,600.00, payable to Ritterbush & Piotrowski, for the audit of the District’s financial records for fiscal year ended June 30, 2017, Invoice No. 18145, a copy of which is attached hereto.

Warrant No. 17069 in the amount of \$5,300.00, payable to Lakeside Landscaping for snow removal and related services in January 2018, Invoice Nos. 1677 and 1711, copies of which are attached hereto.

Warrant No. 17070 in the amount of \$5,606.50, payable to Roger K. Johnson, for general legal and related services for January 2018, Invoice No. 21928, a copy of which is attached hereto.

Warrant No. 17071 in the amount of \$216.00, payable to Roger K. Johnson, for legal and related services regarding the June 16, 2017 storm, Invoice No. 21928, 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 February 21, 2018, 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. 17025 in the amount of \$648.00, payable to Roger K. Johnson, for general legal and related services for January 2018, Invoice No. 21928, a copy of which is attached hereto.

Warrant No. 17026 in the amount of \$171.70, payable to Midwest Laboratories, for wastewater testing for January 2018, Invoice No. 882887, a copy of which is attached hereto.

Warrant No. 17027 in the amount of \$1,418.00, payable to JEO Consulting Engineers, for services related to a study of necessary improvements to the water and wastewater systems, Invoice No. 100859, a copy of which is attached hereto..

Warrant No. 17028 in the amount of \$8,183.11, payable to Urban Utilities, Inc., for February 2018 operation and maintenance of the water and wastewater systems, and water and wastewater billing services, together with expenses, Invoice No. 8275, a copy of which is attached hereto.

Warrant No. 17029 in the amount of \$4,778.50, payable to Ehrhart Griffin Associates, engineers, for services related to the sanitary sewer connections for Lot 3 of 3CR, Buccaneer Bay Replat II and Lot 1 of 3CR, Block 27, Buccaneer Bay Replat II, Invoice No. B4745, 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 February 21, 2018, 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 February 21, 2023:

Construction Fund Account (Due February 21, 2023)

Warrant No. 17009 in the amount of \$11,736.01, payable to Ehrhart Griffin & Associates, engineers, for the 2017 Road and Storm Water Management Reconstruction Project, Invoice No. B4734, a copy of which is attached hereto.

Warrant No. 17010 in the amount of \$586.80, 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 \$2,403.87 be transferred from the Service Fee Fund to the General Fund (OPPD electric service for January 2018 less the cost of street lighting and for warrant preparation costs for February 2018).

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

ITEM 16

The Chair set the next regular meeting for March 28, 2018 at 6:00 p.m. at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club.

ITEM 17

The agenda having been completed, the meeting adjourned on motion by Martin at approximately 7:45 p.m.