

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

Meeting convened at 6:00 p.m. on November 17, 2020 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 Chairman Kurt Meisinger at 6:00 p.m.

ITEM 2

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

ITEM 3

Roll Call: Kurt W. Meisinger, Dan Brandt, Robert Karr, David L. Martin and James Grotrian.
Absent: none.

ITEM 4

No persons were present to address the Trustees on issues not otherwise on the agenda.

ITEM 5

Trustee Meisinger disclosed that he worked at Frankel Zacharia, and while not a member of the firm with any ownership interest, he intended to abstain in voting on any motion related to consideration of the proposal for Technology Solutions Proposal submitted by Frankel Zacharia, LLC. Following initial discussion, the Chair laid the matter over for consideration at the next meeting.

ITEM 6

The Chair advised that Trustee Martin determined that the District did not utilize any Spiral equipment for its water and wastewater systems. Motion by Meisinger, seconded by Martin, to approve the early termination of the tower lease with Spiral Communications effective midnight December 16, 2020 contingent on Spiral removing its equipment from the tower within 60 days and Spiral returning the key to the tower. On roll call those voting aye: Meisinger, Brandt, Karr, Grotrian and Martin. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 7

Following discussion about the significant cost increase for the County Election Commissioner to administer the election, motion by Martin, seconded by Meisinger, to approve the invoice from the Cass County Election Commissioner for the cost of the 2020 election for the Board of Trustees and authorize issuance of a warrant to Roger K. Johnson to reimburse his payment of the same. On roll call those voting aye: Meisinger, Brandt, Karr, Grotrian and Martin. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 8a

Mr. Wilson, of PeopleService, presented the attached report on Water/Wastewater and Water billing.

ITEM 8b

Following discussion of options to improve the water and wastewater systems by, for example, constructing a third ISAM, installing a grinder or screen, constructing a new water well, rebuilding the Sterling Court booster station or constructing a water treatment plant, the Trustees concluded that it was necessary to request that the engineer attend the next meeting to answer more questions from all the members. The chair laid the matter over to the next meeting further consideration of the request for a contract proposal from JEO Consulting Group, Inc. to engineer the improvements to the water and sanitary sewer systems and infrastructure.

ITEM 8c

Mr. Wilson advised that he was still waiting to meeting with a representative of a company that installs slip lining to repair sanitary sewer mains which have collapsed. The Chair laid over consideration of a contract to install slip lining in a portion of the District's sanitary sewer main.

ITEM 8d

Motion by Meisinger, seconded by Martin, to approve payment of the semi-annual interest, principal and administrative fee for the Nebraska Department of Environmental Quality State Revolving Fund loan for the construction of the wastewater treatment plant, and direct delivery of the same on or before December 15, 2020 of \$40,104.95. On roll call those voting aye: Meisinger, Brandt, Karr, Grotrian and Martin. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 9a

Trustee Karr provided verbal roads report.

ITEM 9b

The Chair laid over discussion and action on the reconstruction of the Windward Court cul-de-sac

to remedy significant ponding and approval of a task order with Omni Engineering for the work in order to determine other areas in need of repair.

ITEM 9c

The Chair laid over discussion of issues related to District responsibility for, and possible repair and abate of, erosion on fairway 16 of the golf course property if runoff is determined to be from Spyglass runoff, and consider entering into a contract with Ehrhart Griffin & Associates to engineer repairs and let bids.

ITEM 9d

The Chair laid over consideration of a contract with Ehrhart Griffin & Associates to engineer repairs and let bids for the repair of a sink hole in the street near 4420 and 4416 Windward Drive to determine other areas in need of repair for a single contract.

ITEM 10a

Trustee Grotrian provided a verbal grounds report. Trustee Brandt noted that he had spoken to Amy Hasse of RDG Planning and Design in regard to the long range planning study and advised that RDG had received 118 survey responses. Trustee Brandt advised that 4C Construction, the contractor building the house on Fairway, had damaged the lot next door which is owned by the District. The Chair directed Mr. Johnson to request relief from the county building inspector by for example denying the occupancy permit until the District's lot is restored.

ITEM 10b

Trustee Grotrian had the Chair lay over to the next meeting discussion of a conservation easement to record against Outlot H, the park area owned by the District involving approximately 90 acres.

ITEM 10c

Trustee Grotrian had the Chair lay over consideration of proceeding toward a sale of approximately 18 acres of Outlot H by an abutting resident.

ITEM 10d

Trustee Grotrian had the Chair lay over consideration of the possible sale of additional ground in Outlot H to residents owning property abutting the outlot pending approval of a conservation easement.

ITEM 10e

Motion by Grotrian, seconded by Martin, to approve a master agreement with Sam McCandless for removing trees on District property and using task orders as the need requires, and with that

agreement to work with property owners who are unable to remove obstructions on trees in the right-of-way abutting their property and pay the cost up front to have Mr. McCandless remove any obstructions. On roll call those voting aye: Meisinger, Brandt, Karr, Grotrian and Martin. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 11

The attached finance report was presented by Trustee Meisinger.

ITEM 12

Motion by Meisinger, seconded by Martin, to approve the Consent Agenda as follows:

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 October 20, 2020 meeting of the Board of Trustees; and
- b Approve payment of the claims and invoices.

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 and Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated November 17, 2020, to be drawn on the General:

General Fund Account

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$2,854.25	18189	Roger K. Johnson	(reimburse payment of attached election invoice from Cass County Election Commissioner)
\$2,920.86	18190	OPPD	Inv. service dates 10/6/20 - 11/4/20
\$ 351.40	18191	Frankel Zacharia	Inv. No. 113721 (financial report)
\$6,125.84	18192	Roger K. Johnson	Inv. No. 46 (attorney fees & costs)
\$2,175.00	18193	Aspen Landscaping, Inc.	Inv. No. 113 (mowing)
\$ 835.00	18194	Wojo’s Outdoors	Inv. No. 1011 (mowing)

\$2,400.00	18195	Lakeside Landscaping, Inc.	Inv. No. 3838 (snow plow contract)
\$9,352.62	18196	Ehrhart Griffin & Assoc.	Inv. No. B6904 (Shoreline to Island Rd erosion and ravine erosion)

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 and the Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated November 17, 2020, 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

<u>Warrant No.</u>	<u>Amount</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 169.91	18156	Midwest Laboratories	Inv. No. 1015520 (wastewater testing)
\$6,959.61	18157	PeopleService, Inc.	Inv. No. 36653 (Dec Service \$4,850.00; Oct billing \$2,056.71; testing NDHHS \$52.90)
\$ 60.62	18158	Windstream Comm	Inv. dated 10/15/20 (utilities phone)
\$ 396.00	18159	Roger K. Johnson	Inv. No. 46 (attorney fees & costs)

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 and Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated November 17, 2020, 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 17, 2025:

**Construction Fund Account
(Due November 17, 2025)**

None.

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; ©

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 \$2,690.55 be transferred from the Service Fee Fund to the General Fund (OPPD electric service less the cost of street lighting).

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

ITEM 13

The Chair advised that the next two meetings are tentatively set for 6:00 p.m. on December 15, 2020 and January 19, 2021 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club, if possible, or if not then either Plattsmouth State Bank Community Room in Plattsmouth, the Plattsmouth Library Auditorium, Nebraska Public Power District Building or other location in Plattsmouth.

ITEM 14

The agenda having been completed, on motion by Grotrian, recognized by the Chair, the meeting adjourned at approximately 7:49 p.m.

Dan Brandt, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

James Grotrian, Trustee