

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

Meeting convened at 6:00 p.m. on March 23, 2021 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 order 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, Robert Karr, David L. Martin, Dan Brandt and James Grotrian.
Absent: none.

ITEM 4

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

ITEM 5

The Chair reported on the development of the District's new website.

ITEM 6a

Trustee Martin advised that there was no water and wastewater committee report outside of the items on the agenda.

ITEM 6b

The report from PeopleService regarding Water/Wastewater and Water billing is attached. Mr. Wilson of PeopleService advised that the severe cold weather resulted in ice damaging several parts of the wastewater plant.

ITEM 6f

Motion by Meisinger, seconded by Brandt, to approve, and authorize the chair to execute, a contract in the amount of \$7,500.00 with Kerns Excavating Co., Inc. to repair the sewer main near 19217 Spyglass Ct. by removing the street, repairing bad joints in the pipe, backfilling the street and installation of an asphalt patch. On roll call those voting aye: Grotrian, Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 6c

Motion by Meisinger, seconded by Brandt, to approve, and authorize the chair to execute, a contract in the amount of \$5,500.00 with Johnson Service Company, Kearney, Nebraska to slip line repair 376' of the sanitary sewer main on Spyglass Ct. and to reinstate 9 service connections. On roll call those voting aye: Grotrian, Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 6d

Mr. Johnson advised that he responded to the letter from counsel for 14C, LLC that constructed a house adjacent to District property and damaged the lot during construction and for which 14C was requesting a refund of an overpayment on water and sewer connection fees. Mr. Johnson advised that he had not received a response. The Chair laid over further consideration of the requested refund of the overpayment.

ITEM 6e

Following discussion, no action was taken regarding approval of a contract with Kerns Excavating Co., Inc. for repairs to the Sterling Court lift station.

ITEM g

The attached progress report regarding 2021 - 2022 Wastewater Treatment Facilities Improvements prepared by JEO Consulting Group, Inc., project engineers, was presented at the meeting.

ITEM 7a

For roads committee report, Trustee Karr advised that the street signs were in and ready for installation by Wojo's Outdoors & Custom Waterfronts LLC.

ITEM 8a

For the grounds committee report, Trustee Grotrian advised that the owner of the golf course was considering subdividing portions of its property for housing development.

ITEM 8b

Trustee Brandt advised that the mowing contract was up and that he intended to seek competitive proposals for mowing District property.

ITEM 8c

Motion by Brandt, seconded by Karr, to approve, and authorize the chair to execute, a task order to the Master Agreement dated July 21, 2020 with Wojo's Outdoors & Custom Waterfronts LLC to repair Lot 22, Block 29 with seeding and erosion control blankets at a cost of \$1,496.00, but to delay the repair until after the house construction on the adjacent property was completed, including final grading and sodding. On roll call those voting aye: Grotrian, Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 8d

The Chair laid over discussion of the request of Jacob and Erica Hike to purchase approximately 18 acres of Outlot H from the District.

ITEM 8e

The Chair laid over discussion of the possible future sale of additional ground in Outlot H to residents owning property abutting Outlot H.

ITEM 8f

Following discussion, the Chair asked that the agenda for the next meeting include consideration of the sale of each lot owned by the District without infrastructure and not identified for development of public improvements by RDG Planning & Design in the long range plan, and the Chair laid over consideration of auctioning Lots 2R, 3R and 4R, Block 14, Buccaneer, Bay a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska.

ITEM 9a

Trustee Meisinger presented the attached finance report.

ITEM 10

Mr. Johnson advised that Senator Clements had contacted him that morning about the preparation of an amendment to Legislative Bill 83 related to allowing virtual meetings during certain emergencies with the amendment addressing exceptions to the 7 day advance notice to the county for SID meetings as required by Neb. Rev. Stat. §31-727.02. Senator Clements advised that Senator Flood as the sponsor was drafting a proposed amendment.

ITEM 11

Motion by Meisinger, seconded by Brandt, 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 February 23, 2021 Meeting of the Board of Trustees.
- 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 March 23, 2021, to be drawn on the General:

GENERAL FUND WARRANTS
CONSENT AGENDA, ITEM 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 2,887.48	18215	OPPD	Inv. service dates 2/4/21-3/8/21
\$ 790.30	18216	Frankel Zacharia	Inv. No. 115941 (financial reports)
\$ 6,964.00	18217	Roger K. Johnson	Inv. No. 85 (attorney fees & costs)
\$ 6,000.00	18218	Lakeside Landscaping, Inc.	Inv. Nos. 4428 & 4474 (snow plow)
\$ 2,622.50	18219	RDG Planning and Design	Inv. No. 37663 (master planning)
\$ 9,815.82	18220	Ehrhart Griffin & Assoc.	Inv. No. B7109 (engineering services erosion, pavement analysis, mileage)

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 March 23, 2021, 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 WARRANTS
CONSENT AGENDA, ITEM 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 100.40	18175	Midwest Laboratories	Inv. No. 1030511 (wastewater testing)
\$ 7,233.68	18176	PeopleService, Inc.	Inv. No. 37431 (April operations \$4,850.00; Feb. bills \$2,072.03; HHS testing \$311.65)
\$ 198.00	18177	Roger K. Johnson	Inv. No. 85 (attorney fees & costs)
\$ 63.34	18178	Windstream Comm	Inv. dated 2/16/21 (utilities phone)
\$13,975.00	18179	TREKK Design Group, LLC	Inv. Nos. 20-1238, 20-1326 & 21-80 (sludge hauling)
\$ 2,250.00	18180	Thiele Geotech, Inc.	Inv. 73058 (WWTP soil testing)
\$ 8,000.00	18181	JEO Consulting Group, Inc.	Inv. No. 122825 (request 2 WWTP)

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 March 23, 2021, 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 March 23, 2026:

Construction Fund Account
(Due March 23, 2026)

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 \$2657.57 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: Grotrian, Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 12

The Chair requested that the agenda for the next meeting include purchase of a spare SBR feed pump for the wastewater treatment plant. The Chair also advised that the next two meetings are tentatively set for 6:00 p.m. on April 20 and May 18, 2021 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club, if possible, or if not then at a location in Plattsmouth and virtual only if no space is available in Plattsmouth.

ITEM 13

The agenda having been completed, on motion by Brandt, recognized by the Chair, the meeting adjourned at approximately 7:20 p.m.

Dan Brandt, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

James Grotrian, Trustee