

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

Meeting convened at 6:00 p.m. on January 19, 2021 by Virtual Meeting via Fee Conference Call, (712) 770-4613, Access code 654604#. 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 open to the public.

ITEM 1

Meeting called to by order by Chairman Kurt Meisinger at 6:01 p.m.

ITEM 2

The Chair announced that the Open Meetings Act is available on the State Legislature's website and that documents related to agenda items would be emailed to anyone requesting them during the meeting.

ITEM 3

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

ITEM 4

Trustee Martin recommended approval of the revised Technology Solutions Proposal submitted by Frankel Zacharia, LLC. Motion by Grotrian, seconded by Brandt, to approve, and authorize the execution of the revised Technology Solutions Proposal with Frankel Zacharia, LLC. On roll call those voting aye: Grotrian, Martin, Karr and Brandt. Voting nay: none. Absent: none. Abstaining: Meisinger. The Chair declared the resolution adopted.

ITEM 5

Mr. Johnson advised that the state Legislature was considering Legislative Bill 83 related to the Open Meetings Act to allow virtual meetings during certain emergencies. Mr. Johnson suggested that it might be advantageous to request an amendment to the Bill to ask for an exemption to the requirement contained in Neb. Rev. Stat. §31-727.02 to provide 7 days advance notice of meetings to the county in the event of a local emergency such as a tornado or other calamity. Trustee Grotrian recommended directing Mr. Johnson to submit a letter with proposed language to Senator Clements with carbon copies to Senator Flood who introduced the LB83 and to each Trustee. Motion by

Meisinger, seconded by Karr, to direct Mr. Johnson to prepare a letter to Senator Clements, with carbon copies to Senator Flood who introduced the LB83 and to each Trustee, outlining proposed language establishing an exemption to the requirement contained in Neb. Rev. Stat. §31-727.02 to provide 7 days advance notice of meetings to the county in the event of a local emergency such as a tornado or other calamity. 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 6a

The report from PeopleService regarding Water/Wastewater and Water billing is attached.

ITEM 6b

Motion by Meisinger, seconded by Brandt, to approve and authorize the Chair to execute a contract with Theile Geotech, Inc. as a subconsultant to JEO Consulting Group, Inc. for soils testing as part of the expansion of the wastewater treatment plant and other wastewater system improvements. 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 and Clerk to execute all necessary documents related to applying for State Revolving Fund financing for the expansion of the wastewater treatment plant and other wastewater system improvements. 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 during the day he received photos taken of the District's lot adjacent to the lot on which 14C, LLC constructed its house and used the District's causing damage to it in order to respond to the letter received from the attorney for 14C, LLC regarding the refund of the overpayment for water and wastewater connections. The discussion involved demanding an agreement from 14C, LLC to pay for the cost to grade, seed, place matting and install a silt fence prior to spring rains. No action was necessary.

ITEM 7a

Trustee Karr provided a verbal roads report. Trustee Karr noted that he worked with Lakeside regarding the snow plowing and the placement of sand/salt at certain intersections. Trustee Karr also advised that the County had ordered the replacement street signs and posts for installation in the spring.

ITEM 8a

Trustees Grotrian and Brandt provided a verbal grounds report. Trustee Grotrian noted the Papio NRD awarded a contract to an engineering firm regarding the extension of the walking trail across the Platte River on the Highway 75 bridge and that in working with RDG Planning and Design it would make sense to pass along that information for the District's planning. Trustee Brandt advised that he had been in contact with RDG and that they were finishing up the report from the survey and would be ready to discuss it with Trustees in small groups or at a meeting, and following that they would be ready to have public input meetings.

ITEM 9a

Trustee Meisinger presented the attached finance report.

ITEM 9b

Trustee Meisinger acknowledged receipt of the filed final audit report for fiscal year ended June 30, 2020 and the communication to the Board of Trustees from the auditor.

ITEM 10

Motion by Brandt, seconded by Karr, 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 Direct Mr. Johnson to prepare a letter on behalf of the Board of Trustees to Cass County in support of the development of the 18 acres +/- near the wastewater treatment plant as proposed by Anthony W. Wojtalewicz.
- b Approve the Minutes of the December 15, 2020 Meeting of the Board of Trustees.
- c 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 January 19, 2021, to be drawn on the General:

General Fund Account

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 2,747.98	18203	OPPD	Inv. service dates 12/5/20-1/5/21
\$ 614.95	18204	Frankel Zacharia	Inv. No. 114823 (financial reports)
\$ 6,466.70	18205	Roger K. Johnson	Inv. No. 61 (attorney fees & costs)
\$ 2,352.50	18206	RDG Planning and Design	Inv. No. 37438 (master planning)
\$ 9,732.00	18207	Kerns Excavating Co., Inc.	Inv. No. 16095 (erosion repair near 4106 Buccaneer Blvd)
\$ 8,925.00	18208	Lakeside Landscaping, Inc.	Inv. Nos. 3961, 3994, 4039 and 4056)
\$ 7,200.00	18209	Lengemann & Assoc., P.C.	Inv. dated December 21, 2020 (audit financial records year ended June 30, 2020)
\$6,906.70	18210	Ehrhart Griffin & Assoc.	Inv. No. B7049 (engineering services)

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 January 19, 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 Account

<u>Warrant No.</u>	<u>Amount</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 100.41	18165	Midwest Laboratories	Inv. No. 1024215 (wastewater testing)
\$10,979.74	18166	PeopleService, Inc.	Inv. No. 37042 (Feb. service \$4,850.00; Dec. billing for \$2,075.86; NDHHS lab \$77.05; 2020 4 TH quarter sales tax \$3,976.83)
\$ 1,350.00	18167	Roger K. Johnson	Inv. No. 619 (attorney fees & costs)
\$ 56.41	18168	Windstream Comm	Inv. dated 12/20 as estimated (utilities)

phone)

§ 36.54 18169 Premier Waste Solutions Inv. No. 715964 (trash service)

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 January 19, 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 January 19, 2026:

**Construction Fund Account
(Due January 19, 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 \$2,517.44 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 11

The Chair advised that the next two meetings are tentatively set for 6:00 p.m. on February 23 and March 23, 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. The Chair requested that if the February meeting is in person that the items laid over in December be placed back on the agenda.

ITEM 12

The agenda having been completed, on motion by Brandt, recognized by the Chair, the meeting adjourned at approximately 6:59 p.m.

Dan Brandt, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

James Grotrian, Trustee