

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

Meeting convened at 6:00 p.m. on May 18, 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 6:07 p.m.

ITEM 2

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

ITEM 3

Roll Call: Present: Kurt W. Meisinger, James Grotrian, David L. Martin and Dan Brandt. Absent: Robert Karr.

ITEM 4

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

ITEM 5

Trustee Martin advised he had emailed login names and passwords to all Trustees for their review and recommendations regarding site design.

ITEM 6a

Trustee Grotrian advised that the District should evaluate manholes raised to an unacceptable height. Mr. Johnson advised that he had passed on to Trustee Brandt a request from Trustee Karr to look at having overhanging tree limbs near the water tower site trimmed.

ITEM 7a

Following a report by Trustee Brandt of a camp site in the outlot owned by the District off of Ewel Court, the Chair directed Mr. Johnson to make demand on the trespasser to remove the items making

up the camp site.

ITEM 7b

Trustee Brandt advised that the contract for the solicitation for mowing services was ready to issue.

ITEM 7c

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 7d

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

ITEM 7e

The Trustees reviewed the survey results of (1) Outlot P; (2) part of Outlot 2L; (3) Outlot S; (4) Lot 100, Block 26 and (5) Lot 99, Block 26. It was determined that no encroachment existed on Outlot P. However, it was discovered that a single strand wire fence and wooden posts, as well as a boat, were encroaching into the right of way at (1) Outlot S; (2) Lot 100, Block 26 and (4) Lot 99, Block 26. The Chair directed Mr. Johnson issue a soft demand of the property owners of (1) Outlot S; (2) Lot 100, Block 26 and (4) Lot 99, Block 26 remove the encroachments.

ITEM 8a

Trustee Martin stated there was no water and wastewater committee report other than agenda items.

ITEM 8b

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

ITEM 8c

Trustee Grotrian advised that Kerns Excavating Co., Inc. had completed the sewer main repair near 19217 Spyglass Ct., and would complete the asphalt replacement as soon as plants were running.

ITEM 8d

The Chair laid over discussion of the slip line repair of a portion of the sanitary sewer main by Johnson Service Company.

ITEM 8e

No action as taken to authorize the purchase of a spare SBR feed pump for the wastewater treatment plant with the intention of including a spare pump in the system improvement project, JEO Project No. R170921.02.

ITEM 8f

Mr. Johnson advised that he had received communication from the attorney for 14C, LLC regarding the request for a refund of 14C's overpayment of water and sewer connection fees for Lot 22, Block 29. No action was taken on the refund request following Mr. Johnson's report.

ITEM 8g

Lucas Billesbach of JEO Consulting Group, Inc., project engineers, reported that design of the 2021-2022 Wastewater Treatment Facilities Improvements was on schedule.

ITEM 8h

Following a report by Lucas Billesbach, motion by Meisinger, seconded by Martin, to approve the installation of below ground improvements to the lift station at Sterling Court, JEO Project No. R170921.02. On roll call those voting aye: Martin, Brandt, Grotrian and Meisinger. Voting nay: none. Absent: Karr. Abstaining: none. The Chair declared the resolution adopted.

ITEM 9a

Trustee Meisinger presented the attached finance report.

ITEM 10

Motion by Brandt, seconded by Grotrian, 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 April 20, 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 May 18, 2021, to be drawn on the General Fund, and which are redeemable upon

presentation to the Cass County Treasurer.

GENERAL FUND WARRANTS
CONSENT AGENDA, ITEM 10b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$2,717.82	18230	OPPD	Inv. service dates 4/5/21 - 5/4/21
\$ 354.20	18231	Frankel Zacharia	Inv. No. 117427 (financial reports)
\$7,420.94	18232	Roger K. Johnson	Inv. No. 102 (attorney fees & costs)
\$1,700.00	18233	Aspen Landscaping	Inv. No. 123 (mowing)
\$1,856.90	18234	Wojo's Outdoors	Inv. Nos. 1021 & 1022 (street sign installation and mowing)
\$1,500.00	18235	Frankel Zacharia Tech	Inv. No. fzts2417 (website 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 Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated May 18, 2021, to be drawn on the Service Fee Fund, and which are redeemable upon presentation to the Cass County Treasurer:

SERVICE FEE FUND WARRANTS
CONSENT AGENDA, ITEM 10b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 256.41	18192	Midwest Laboratories	Inv. No. 1038942 (wastewater testing)
\$6,986.04	18193	PeopleService, Inc.	Inv. No. 37831 (June operations \$4,850.00; April bills approx 542 \$2,079.69; HHS testing \$56.35)
\$ 450.00	18194	Roger K. Johnson	Inv. No. 103 (attorney fees & costs)
\$ 71.43	18195	Windstream Comm	Inv. dated 4/15/21 (well house phone adj. credit)
\$4,250.00	18196	TREKK Design Group, LLC	Inv. No. 21-356 (pump south tank at

WWTP and haul 10 loads of sludge)

\$ 284.85 18197 Railroad Management Co. Inv. No. 438323 (license #304259 crossing fee 4" sewer main)

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 May 18, 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 May 18, 2026:

**Construction Fund Account
(Due May 18, 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 \$2,498.14 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: Martin, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: Karr. Abstaining: None. The Chair declared the resolution adopted.

ITEM 12

The Chair advised that the next two meetings are tentatively set for 6:00 p.m. on June 22 and July 20, 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 and recognized by the Chair, the meeting adjourned at approximately 6:53 p.m.

Dan Brandt, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

Recorded by:

James Grotrian, Trustee

Roger K. Johnson
Attorney for the District