

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

Meeting convened at 6:00 p.m. on June 22, 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: Present: Kurt W. Meisinger, James Grotrian, Robert Karr, David L. Martin and Dan Brandt. Absent: none.

ITEM 4

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

ITEM 5

Trustee Martin advised that the new website should go live by the next meeting.

ITEM 6a

Motion by Meisinger, seconded by Brandt to give a recommendation for approval of a replat of Lots 4 and 5 into a single lot identified as Lot 5-R, Block 7, Buccaneer Bay, Cass County, Nebraska to the County's zoning administrator, the Cass County Planning Commission and the Cass County Board of Commissioners and to authorize the Chair to execute the mylar. On roll call those voting aye: Martin, Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 7a

Trustee Karr advised that there was no roads report. Dan Dolezal, engineer, advised that the cost

to grout the manholes would be \$85 per foot.

ITEM 7b

In the absence of Ms. Agnes Lenagh, the Chair laid over to the next meeting issues related to erosion on Windward Ct and on Windward Drive near the water tower.

ITEM 7c

Trustee Meisinger advised that the area has been worked on over the years to fix and maintain the drainage site. Motion by Meisinger, seconded by Karr to approve and authorize the Chair to execute a contract in an amount not to exceed \$130,000 with Kerns Excavating Company, Inc. to maintain an erosion site previously repaired in Outlot T, and behind Lots 36 -41, Block 5. On roll call those voting aye: Martin, Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 8a

Trustee Grotrian advised that there was no committee report beyond the agenda items. Dan Dolezal advised that he observed another location in need of trees trimmed which are hanging over the road and interfering with traffic on the east side of Treasure Island Road just south of the railroad tracks. Trustee Brandt advised that he would contact Tony Wojtalewicz who is a member of the company that purchased the property.

ITEM 8b

Following discussion about the difficulties in addressing Outlot H, the Chair directed Mr. Johnson to discuss with Jacob and Erica Hike if they might be interested in a permanent easement for the purpose of providing sufficient area to construct a swimming pool without violating building regulations on setbacks.

ITEM 8c

No action was taken regarding the possible future sale of additional ground in Outlot H to residents owning property abutting Outlot H.

ITEM 8d

Dan Dolezal advised that Kerns Excavating Company, Inc. expected to place a concrete patch to finish the repair of a sinkhole near 19203 to 19217 Spyglass Ct.

ITEM 9a

Trustee Martin stated there was no water and wastewater committee report other than agenda items, except to announce that Duane Grashorn and Matt Wilson are both leaving PeopleService at the end

of August and June respectively.

ITEM 9b

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

ITEM 9c

The matter regarding a sewer main repair near 19217 Spyglass Ct. was discussed as part of Item 8d.

ITEM 9d

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

ITEM 9e

A progress report from JEO engineers regarding project 2021-2022 Wastewater Treatment Facilities Improvements is attached.

ITEM 9f

Motion by Meisinger, seconded by Grotrian to direct the preparation of a Resolution of Necessity for the construction of Wastewater System Improvements, JEO Project No. R170921.02 and publication of notice of public hearing related thereto. On roll call those voting aye: Martin, Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 9g

The Chair advised that 14C, LLC had again requested a refund from PeopleService of its overpayment for water and sewer connections. The Trustees discussed the damage caused by 14C, LLC to SID owned Lot 22, Block 29 during 14C's during 14C's construction of a house on the neighboring lot and discussed the cost to repair the lot pursuant to a bid from Wojo's Outdoors & Custom Waterfronts, LLC in the amount of \$4,056.00. Motion by Meisinger, seconded by Brandt to deny the refund to 14C, LLC for its overpayment for water and sewer connections as an offset of the damage to the SID's Lot 22, Block 29. On roll call those voting aye: Martin, Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 10a

Trustee Meisinger presented the attached finance report. Trustee Meisinger also addressed increased engineering costs for purposes of considering how to approach issues when the next budget is adopted.

ITEM 11

Motion by Brandt, seconded by Martin, to remove Warrant No. 18242 from Item 11c and to approve the balance of the Consent Agenda:

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 May 18, 2021 Meeting of the Board of Trustees
- b Approve \$550 payment, by charge to account, of administrative fee for UMB Bank, N.A., Registrar and Paying Agent for the General Obligation and Refunding Bonds Series 2020
- 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 June 22, 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>
\$ 2,811.53	18236	OPPD	Inv. service dates 5/4/21 - 6/4/21
\$ 303.60	18237	Frankel Zacharia	Inv. No. 118605 (financial reports)
\$ 6,381.80	18238	Roger K. Johnson	Inv. No. 110 (attorney fees & costs)
\$ 1,700.00	18239	Aspen Landscaping	Inv. No. 124 (mowing)
\$ 1,065.00	18240	Wojo's Outdoors	Inv. No. 1024 (mowing)
\$27,109.97	18241	Ehrhart Griffin	Inv. Nos. B7303, B7304, B7368, B7369 & B7376 (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 Clerk, be and hereby are

authorized to execute and deliver warrants for the payment of the same, all dated June 22, 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 11

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 120.41	18198	Midwest Laboratories	Inv. No. 1042765 (wastewater testing)
\$6,991.03	18199	PeopleService, Inc.	Inv. No. 38030 (July operations \$4,850.00; May bills \$2,072.03; HHS testing \$69.00)
\$1,026.00	18200	Roger K. Johnson	Inv. No. 111 (attorney fees & costs)
\$ 73.32	18201	Windstream Comm	Inv. dated 5/17/21 (well house phone)
\$ 79.13	18202	Hydro Optimization..., Inc.	Inv. No. 9681 (water well operations)

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 June 22, 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 June 22, 2026:

Construction Fund Account
(Due June 22, 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 \$2,581.98 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, Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

ITEM 12

The Chair advised that the next few meetings would be 6:00 p.m. on July 20, August 17 and September 14, 2021 and tentatively at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club. Mr. Johnson also advised that for purposes of budget adoption, there is a requirement that a public hearing be held at a meeting which is separate from the regular meeting at which the budget and levy are considered for adoption.

ITEM 13

The agenda having been completed, on motion by Martin and recognized by the Chair, the meeting adjourned at approximately 7:25 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