

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

Meeting convened at 6:00 p.m. on July 20, 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

A representative of RDG Planning and Design discussed with the trustees the development of a park area with a walking trail and relocated mail boxes resulting from the long term planning study. RDG will prepare further drawings for the development near the front entrance and bring it back to the Board for further review.

ITEM 6a

For the roads report, Trustee Karr advised that various street signs were down and damaged as a result of the storm and that he was working on having Wojo's replace and repair the signs pursuant to the master agreement with Wojo's approved July 21, 2020; a sink hole suddenly developed near 3300 Buccaneer Blvd, the cause and extent of which is yet to be determined; the repair on Spyglass has been completed.

ITEM 6b

In the absence of Ms. Agnes Lenagh, no action was taken in regard to possible erosion on Windward Ct and on Windward Drive near the water tower.

ITEM 6c

The Chair laid over discussion of seeking proposals to grout the manholes throughout the District after Trustee Karr advised the issue would be addressed in the report of Dan Dolezal expected in August.

ITEM 6d

Following discussion of seeking an equipment list that would be committed to the District for snow removal, no action was taken to establish minimum requirements for equipment to be eligible to submit proposals for the snow plow contract for the winters of 2021 - 2022 and 2022 - 2023.

ITEM 6e

The Chair directed Mr. Johnson to seek proposals for snow plowing for the winters of 2021 - 2022 and 2022 - 2023, and to require the submission of an equipment list that will be committed to the District to ensure compliance with the contract standards.

ITEM 7a

Trustee Grotrian advised that work had begun on the erosion repair on the west side of Spyglass Court and that trees in outlots throughout the District were damaged in the storm and that the committee would consult with Timber Tree Service to clean up the damage as needed pursuant to the master agreement approved June 23, 2020.

ITEM 7b

Mr. Johnson advised that Erica Hike was interested in an easement for the 18 acres the Hike's were interested in buying rather than only enough area to construct a swimming pool. No interest was shown by the Trustees to grant an easement beyond the area needed for to construct a swimming pool without violating building regulations on setbacks.

ITEM 7c

In the absence of the homeowner who requested to discuss the removal of the camp site in the outlot abutting 19908 Ewel Ct, no action was taken to alter the demand to remove the items of personal property from the outlot.

ITEM 7d

Motion by Martin, seconded by Meisinger, to authorize all necessary action to replat Lots 11R and 12R, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska to create Lot 11RR with the remaining 30 feet of lot 12R, which is adjacent to Lot 13RR, as an outlot of Block 7. 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 Martin stated there was no water and wastewater committee report other than agenda items.

ITEM 8b

Representatives of PeopleService presented the Water/Wastewater and Water billing report.

ITEM 8c

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

ITEM 8d

Mr. Lance Messer of PeopleService requested a chance to meet with JEO Consulting Group engineers to become aware of the proposed Wastewater System Improvements, JEO Project No. R170921.02. There was no other report.

ITEM 8e

No action was taken concerning the issue of seeking reimbursement for the costs to repair a curb stop damaged by a third party.

ITEM 8f

Mr. Johnson advised of the changes in the law concerning water shut off notices. The Chair advised that PeopleService had been working out payment plans for residents to catch up on delinquent water bills. No action was necessary.

ITEM 9a

Trustee Meisinger presented the attached finance report.

ITEM 9b

Motion by Grotrian, seconded by Brandt, to approve the engagement letter with Frankel Zacharia, LLC for the preparation of the budget for fiscal year July 1, 2021 through June 30, 2022. On roll call those voting aye: Martin, Karr, Grotrian and Brandt. Voting nay: none. Absent: none. Abstaining: Meisinger. The Chair declared the resolution adopted.

ITEM 9c

No action was necessary following discussion of the draft budget for fiscal year July 1, 2021 through June 30, 2022. Trustee Meisinger advised he would prepare the budget in the state format for further consideration at the August meeting.

ITEM 9d

After discussion, the Chair set the tax request and budget hearings for August 31, 2021 at 6:00 p.m. at the clubhouse if available and the regular meeting September meeting for September 14, 2021 at 6:00 p.m. at the clubhouse if available.

ITEM 9e

Motion by Meisinger, seconded by Martin, to approve the engagement letter with Lengemann & Associates, P.C. for the audit of the financial records of the District for fiscal year ended June 30, 2021. 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 10

Motion by Meisinger, seconded by Brandt, to approve 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 June 22, 2021 Meeting of the Board of Trustees;
- b Approve payment of the claims and invoices;
- c Transfer \$3,670.20 from Service Fee Fund to General Fund (water/wastewater electric systems usage); and
- d Declare as VOID General Fund Warrant No. 18242, payable to RDG Planning & Design.

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 July 20, 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 10

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 3,899.80	18243	OPPD	Inv. service dates 6/4/21 - 7/6/21
\$ 328.90	18244	Frankel Zacharia	Inv. No. 118917 (financial reports)
\$ 6,649.90	18245	Roger K. Johnson	Inv. No. 117 (attorney fees & costs)
\$ 1,950.00	18246	Aspen Landscaping	Inv. No. 130 (mowing)
\$ 710.00	18247	Wojo's Outdoors	Inv. No. 1027 (mowing)

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 July 20, 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 10

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 120.41	18203	Midwest Laboratories	Inv. No. 1046665 (wastewater testing)
\$11,955.95	18204	PeopleService, Inc.	Inv. No. 38038 (Aug operations \$4,850.00; May bills \$2,095.01; second quarter sales tax \$5,010.94)
\$ 792.00	18205	Roger K. Johnson	Inv. No. 118 (attorney fees & costs)
\$ 67.04	18206	Windstream Comm	Inv. dated 6/16/21 (well house phone)
\$ 4,295.59	18207	Iowa Pump Works	Inv. No. 14793 (abs scavenger)

\$ 2,743.00	18208	Core & Main	Inv. No. 121875 (software support)
\$ 675.00	18209	TREKK Design Group, LLC	Inv. No. 21-535 (sludge removal)
\$ 36.54	18210	Papillion Sanitation	Inv. No. 5958594 (trash removal)
\$ 976.25	18211	ESI	Inv. No. 823612 (service call with truck)

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 July 20, 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 July 20, 2026:

**Construction Fund Account
(Due July 20, 2026)**

\$ 275.00	18154	UMB Bank, N.A.	Inv. No. 866359 (bond payment dissemination fee)
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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; (c) 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.

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 11

The Chair advised that the next few meetings were set as part of Item 9d above.

ITEM 12

The agenda having been completed, on motion by Grotrian and recognized by the Chair, the meeting adjourned at approximately 8:34 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