

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

Meeting convened at 6:00 p.m. on August 17, 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 6:02 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

The Chair laid over discussion concerning the RDG Planning and Design drawings for the development of a park area with a walking trail and relocated mail boxes near the main entrance to the District.

ITEM 6a

For the roads report, Trustee Karr advised that the various street signs which were downed and damaged during the storm had been replaced and repaired.

ITEM 6b

Dan Dolezal, engineer, presented an overview of the comprehensive report regarding the condition of the roads within the District and related drainage along with a survey of the condition of the fire

hydrants. The Chair laid over further discussion until the next meeting after the Trustees have had an opportunity to review the report.

ITEM 6c

Mr. Johnson advised that he had reviewed the records of the Office of the Register of Deeds of Cass County and determined that the Buccaneer Blvd spur off of Cedar Creek Road west of Windward Drive had not be vacated and remained a District road for maintenance. No action was necessary.

ITEM 6d

Trustee Karr had already advised that the street signs damaged in the recent storm had been repaired or replaced. No further action was necessary.

ITEM 7a

Trustee Grotrian advised that his only communication was from a resident regarding a fire hydrant and that the matter had been resolved. Trustee Brandt advised that he had been contacted concerning a beaver constructing a dam in a waterway. Trustee Brandt stated that he had advised the property owner that it was not an issue for the District. Trustee Brandt also advised that he continued to work with Timber Tree Service to clean up trees on outlots damaged in the recent storm and those hanging over the streets and lot lines which needed pruning.

ITEM 8a

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

ITEM 8b

Mr. Lance Messer, of PeopleService, presented the attached 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

Lucas Billesbach of JEO Consulting Group, Inc., project engineers, presented a progress report regarding 2021-2022 Wastewater System Improvements, JEO Project No. R170921.02. Mr. Billesbach recommended various additions to the project which the trustees supported to include in the upcoming Resolution of Necessity.

ITEM 9a

Trustee Meisinger presented the attached finance report.

ITEM 9b

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 document for the required hearings, and thereafter consideration for adoption, at the required September meetings.

ITEM 10

Motion by Meisinger, seconded by Grotrian, 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 July 20, 2021 Meeting of the Board of Trustees;
- b Approve payment of the claims and invoices;
- c Transfer \$3,702.55 from Service Fee Fund to General Fund (water/wastewater electric systems usage) \$3,702.55.

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 August 17, 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>
\$ 539.70	18248	Frankel Zacharia	Inv. No. 119541 (financial reports)
\$ 5,035.91	18249	Roger K. Johnson	Inv. No. 125 (attorney fees & costs)
\$ 1,800.00	18250	Aspen Landscaping	Inv. No. 136 (mowing)
\$ 1,597.00	18251	Wojo’s Outdoors	Inv. No. 1030 (mowing)

\$11,918.00	18252	Dodge Partners Insurance	Inv. Nos. 53312 (Position Bond) and 52866 (Insurance)
\$14,349.81	18253	Ehrhart Griffin & Assoc.	Inv. Nos. B7435 & B7457 (Treasure Island Road realignment; replat 11R & 12R; TIRd encroachment; Spyglass storm sewer; Becker Ct storm sewer; pavement analysis)
\$ 3,800.00	18254	Timber Tree Service	Inv. unnumbered (tree trimming)
\$ 3,932.37	18255	OPPD	Inv. service dates 7/6/21 - 8/4/21

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 August 17, 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>
\$ 403.82	18212	Midwest Laboratories	Inv. No. 1050595 (wastewater testing)
\$12,174.05	18213	PeopleService, Inc.	Inv. No. 38448 (Sept operations \$4,850.00; June bills \$2,091.18; NDHHS lab testing 267.95; second quarter sales tax \$4,964.92)
\$ 817.48	18214	Roger K. Johnson	Inv. No. 126 (attorney fees & costs)
\$ 59.08	18215	Windstream Comm	Inv. dated 7/15/21 (well house phone)
\$ 2,900.00	18216	West-E-Con	Inv. No. 775 (lift station electrical service)
\$ 8,362.50	18217	TREKK Design Group	Inv. Nos. 21-097 and -699 (sludge removal)
\$ 7,857.00	18218	Kerns Excavating Co.	Inv. No. 16376 & 16498 (replace damaged curb stop and repair sewer)

main)

\$ 1,147.50 18219 Hydro Optimization..., Inc. Inv. Nos. 9794 & 9805 (labor and parts water controls)

\$ 963.18 18220 Powertech Inv. W58542 (repair generator)

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 August 17, 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 August 17, 2026:

**Construction Fund Account
(Due August 17, 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; (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 three meetings would all be held on September 16, 2021. The first of those meetings would be a special meeting to consider a Resolution of Necessity for the Wastewater Treatment Plant Improvement. The second meeting would be for the purpose of holding two public hearings, the first on the proposed tax levy for fiscal year July 1, 2021 through June 30, 2022, and the second for the proposed budget for fiscal year July 1, 2021 through June 30, 2022. The third meeting would be the regular September meeting. The meetings in October and November would be, respectively, October 19 and November 16.

ITEM 12

Items identified to include in the agenda for the September regular meeting included manhole grouting over the winter and taking action on the roads report.

ITEM 13

The agenda having been completed, on motion by Grotrian and recognized by the Chair, the meeting adjourned at approximately 8:50 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