

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

Meeting convened at 6:00 p.m. on October 19, 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 6:03 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, Robert Karr, David L. Martin and Dan Brandt. Absent: James Grotrian.

ITEM 4

Cary Thomsen, RDG Planning and Design, presented revised drawings for a park and walking trail, with relocated mail boxes, at the main entrance to the District. No action was necessary at this time.

ITEM 5

Jennifer Sommer introduced herself as a candidate for the Board of County Commissioners.

ITEM 6

Motion by Martin, seconded by Meisinger to recommend to the County's zoning administrator, the Cass County Planning Commission and the Cass County Board of Commissioners, approval of a replat of Lots 11 and 12, Block 23, into a single lot identified as Lot 11-R, Block 23, Buccaneer Bay, Cass County, Nebraska and to authorize the Chair to execute the mylar. On roll call those voting aye: Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 7a

For the roads report, Trustee Karr advised that additional street signs had been received and that

there was a hole in the street near 4102 Buccaneer Blvd.

ITEM 7b

Dan Dolezal, engineer, presented an overview of the revised 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 further opportunity to consider the report.

ITEM 7c

A potential buyer of the lot located at 3605 Buccaneer Blvd and asked if the Board would consider relocating the storm drain currently installed through the middle of the lot. Following general discussion, the Chair laid over further consideration to receive from Mr. Dolezal a better estimate of the cost to move the storm drain.

ITEM 7d

Resident Stephen Fleharty addressed the Trustees regarding the installation of “No parking this side of street” signs on the north side of Davy Jones Dr. The Chair advised that signs from that location had been stolen and that more signs have been received to replace the signs. No action was necessary.

ITEM 8a

In the absence of Trustee Grotrian, Trustee Brandt advised that there was no report beyond items on the agenda.

ITEM 8b

Mr. Johnson reported that no interested parties appeared at the auction advertised to sell the lots as approved at the meeting held April 20, 2021. No formal action was taken. The Chair laid over the matter for further consideration and directed Mr. Johnson to contact real estate agents to see if there was any willingness to reduce fees to list the lots for sale.

ITEM 8c

Resident Stephen Fleharty discussed with the Trustees the possible removal of scrub trees and noxious weeds from the outlot behind his residence. Following discussion, the Chair laid over the item until after there was a chance to have the county weed board advise if the trees and shrubs noxious and removal is required.

ITEM 9a

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

ITEM 9b

Mr. Lance Messer, of PeopleService, presented the attached Water/Wastewater and Water billing report. Mr. Messer also advised that he would be doing minor maintenance items in the next couple of weeks.

ITEM 9c

Mr. Messer reported that Johnson Service Company could not schedule the slip line repair of a portion of the sanitary sewer main and that the price would change in the spring. Following discussion, the Chair directed Mr. Messer to obtain quotes from other companies who perform slip lining services.

ITEM 9d

The chair laid over further discussion and possible approval of a contract with Kerns Excavating Company, Inc. to grout the manholes throughout the District until after Mr. Dolezal had determined which manholes required grouting.

ITEM 9e

Motion by Meisinger, seconded by Brandt to approve, and authorize the Chair to execute, an amendment to the contract for water and wastewater operations agreement with PeopleService, Inc. based on the Consumer Price Index adjustment provision pursuant to the contract. On roll call those voting aye: Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 9f

The Chair advised that the purchase of a power washer to maintain the waste water treatment plant was a maintenance item not requiring Board action.

ITEM 10a

Trustee Meisinger presented the attached finance report.

ITEM 11

Motion by Brandt, seconded by Meisinger, 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 special meeting concerning the Resolution of Necessity for improvements to the Waste Water Treatment Plan held on September 16, 2021;

- b Approve the Minutes of the budget hearing meeting held on September 16, 2021;
- c Approve the Minutes of the regular meeting all held on September 16, 2021;
- d Approve payment of the claims and invoices;
- e Transfer \$7,019.31 from the Service Fee Fund to General Fund (water/wastewater electric systems usage); and
- f Approve payment of the semi-annual interest, principal and administrative fee for the Nebraska Department of Environment and Energy State Revolving Fund loan for the construction of the wastewater treatment plant, and direct delivery of the same on or before December 15, 2021 of \$39,749.50.

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 October 19, 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 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 7,479.25	18261	OPPD	Two invoices with service dates of 8/4/21 - 9/3/21 and 9/3/21 - 10/4/21
\$ 5,567.00	18262	Frankel Zacharia	Inv. No. 120178 (financial reports and budget for fiscal year July 1, 2021 through June 30, 2022)
\$ 6,507.33	18263	Roger K. Johnson	Inv. No. 144 (attorney fees & costs)
\$ 1,600.00	18264	Aspen Landscaping	Inv. No. 148 (mowing)
\$ 1,215.00	18265	Wojo's Outdoors	Inv. No. 1034 (mowing)
\$ 4,935.52	18266	Ehrhart Griffin & Assoc.	Inv. Nos. B7632 & B7633 (pavement analysis; storm water management; replat Lots 11R & 12R; Treasure Island Rd encroachment; Spyglass storm sewer)

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 October 19, 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 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$19,366.03	18226	PeopleService, Inc.	Inv. No. 38863 (\$2,000.01 for Sept. invoice; \$5,112.00 Nov. operations; \$2,197.76 Aug bills ; \$25.00 State of Neb. Form 94; \$6,171.66 third quarter sales tax; \$3,694.00 2020 - 2021 maintenance overage; \$165.60 NDHHS lab testing)
\$ 522.00	18227	Roger K. Johnson	Inv. No. 145 (attorney fees & costs)
\$ 63.40	18228	Windstream Comm	Inv. dated 9/15/21 (well house phone)
\$ 36.54	18229	Papillion Sanitation	Inv. 6047068 (trash removal)

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 October 19, 2021, with the warrants to be drawn on the Construction Fund account:

CONSTRUCTION FEE FUND WARRANTS
CONSENT AGENDA, ITEM 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 191.00	18155	Roger K. Johnson	Inv. 142 (reimbursement for public hearing notice for the Resolution of Necessity on WWTP expansion project)

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, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: None. The Chair declared the resolution adopted.

ITEM 12

The Chair advised that the next two meetings would all be held on November 16 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club, and on December 16 at a location to be determined.

ITEM 13

The agenda having been completed, on motion by Brandt and recognized by the Chair, the meeting adjourned at approximately 8:02 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