

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

Meeting convened at 6:00 p.m. on April 19, 2022 at First State Bank Nebraska, second floor community room, 446 Main Street, Plattsmouth Nebraska. 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 6:06 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: Robert Karr, Dan Brandt, Kurt W. Meisinger and James Grotrian. Absent: David L. Martin.

ITEM 4

No citizens not on the agenda were present to address the Board.

ITEM 5a

In the absence of Trustee Martin, there was no water and wastewater committee report.

ITEM 5b

System operator Lance Messer of PeopleService presented the attached report regarding water and wastewater operations. Important matters identified include: (1) the first 25% of the sanitary sewer jetting is almost complete; (2) water quality has improved with cleaning well 1974-1; (3) PeopleService has been flushing fire hydrants which causes sediment to break loose in the water mains and results in water discoloration and a possible need to clean or change soft water filters; (4) construction of the wastewater treatment plant expansion is progressing well; (5) PeopleService is discussing with engineer Lucas Billesbach what percentages of water when blending wells 1974-1 and 2011-1 would provide the most compliance with regulations; (6) there was a sanitary sewer backup at the end of Ridgeway Road but it did not result in damage to the home's basement.

ITEM 5c

Motion by Meisinger, seconded by Grotrian to approve, and authorize the Chair to sign, Amendment No. 2 to the Agreement Between Owner and Engineer for Professional Services related to 2021 Wastewater Treatment Plant Expansion project involving design and construction services to include design of wire transfer switches for the booster station and the five lift stations as part of the 2021 Wastewater Treatment Plant Expansion project. On roll call those voting aye: Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: Martin. Abstaining: None. The Chair declared the resolution adopted.

ITEM 5d

Mr. Messer of PeopleService advised that he had reviewed the needed equipment for the wastewater treatment plant and the well house with Lucas Billesbach and they concluded that replacing the window or through the wall units was the best option. Motion by Meisinger, seconded by Brandt to have Mr. Billesbach identify the appropriate units to install. On roll call those voting aye: Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: Martin. Abstaining: None. The Chair declared the resolution adopted. The Chair laid over further consideration of the HVAC installation at the wastewater treatment plant and the water well house.

ITEM 5e

The Chair advised that Mr. Billesbach had contacted the City of Plattsmouth administration and the City's engineer requesting needed information regarding the status of Plattsmouth's connection to Metropolitan Utilities District. Pending additional information, the Chair laid over for further discussion the possible water system solution of either construction of a water treatment plant to treat for, among other things, arsenic and manganese; connection to the water main that the City of Plattsmouth will install to connect the City to Metropolitan Utilities District's system north of the Platte River.

ITEM 5f

Motion by Meisinger, seconded by Karr to approve and authorize payment of membership dues for membership in the Nebraska Rural Water Association. On roll call those voting aye: Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: Martin. Abstaining: None. The Chair declared the resolution adopted.

ITEM 6a

Trustee Karr provided a verbal roads report and advised that Wojo's had installed additional street signs; an inspection of the spur of Buccaneer Blvd off of Cedar Creek Road, serving 4218 Cedar Creek Road, appeared to have adequate gravel at this time.

ITEM 6b

The Chair laid over consideration of requesting an engineering contract proposal from Ehrhart Griffin and Associates for the design of road and drainage improvements selected from the report prepared by Dan Dolezal, engineer, from the District wide survey of roads, drainage and related.

ITEM 6c

Motion by Grotrian, seconded by Brandt to adopt the Ordinance No. 2022-1 to regulate the placement of utilities in the rights of way. On roll call those voting aye: Karr, Grotrian, Brandt and Meisinger. Voting nay: none. Absent: Martin. Abstaining: None. The Chair declared the resolution adopted.

ITEM 7a

Trustee Grotrian advised that there was no grounds report this month.

ITEM 7b

Discussion regarding use of the funds from the sale of the following lots included (1) the use of all funds to construct a park grounds with a dog park, equipment and a walking trail; (2) dividing the funds between construction of a parking lot and relocation of the mail boxes located just inside of the main entrance to the District and use any remaining amounts for the construction of park grounds with a dog park, equipment and a walking trail. Possible locations for the parking lot include (1) inside the main entrance on the east side of Buccaneer Blvd and move the cluster mailboxes to that location; (2) an area south of the south well house, located to avoid interfering with the intersection of Treasure Island Road and Buccaneer Blvd, and move the cluster mailboxes to the south end of that parking lot; locate the parking lot for the park on walking trails to two locations, the boxes serving Buccaneer Blvd and Lakeside Drive on Outlot 2 which is located at the southeast end of the island between Lakeside Drive and Buccaneer Blvd, and move the boxes serving Treasure Island Road, Cape Horn Circle, Captain Morgan Court, Fountain Circle, Lakeview Circle and Bay Circle to the island in Bay Circle which already has parking stalls and is .35326 acres of that location; and (3) in a park area constructed approximately half way between Bay Road and the turn off of Treasure Island Road leading to the wastewater treatment plant.

- (1) Lot 30R, Buccaneer Bay 1ST Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska
- (3) Lot 11RR, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (4) Outlot Y, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.46)
- (18) Lot 7R, Block 7, Buccaneer Bay Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska

- (19) Lot 8R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (21) Lot 2R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (22) Lot 3R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (23) Lot 4R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (24) Lot 9R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (25) Lot 22, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (37) Outlot U, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.85)

The Chair laid over further discussion to the next meeting.

ITEM 7c

The Chair noted that discussion of relocating the mailbox clusters currently placed on Buccaneer Blvd in the right-of-way at the main entrance was discussed in Item 7b.

ITEM 7d

The Chair laid over consideration of an engineering agreement to engineer the construction of a parking lot and the necessary improvements for the relocation of the main entrance mailbox clusters.

ITEM 8a

Trustee Meisinger presented the attached finance and water/wastewater revenue reports for April.

ITEM 9

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 regular meeting held on March 22, 2022;
- b Approve payment of the claims and invoices; and
- c Transfer \$2,563.31 from the Service Fee Fund to General Fund (water/wastewater

electric systems usage)

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 February 19, 2022, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

GENERAL FUND WARRANTS
CONSENT AGENDA, ITEM 9b
(Due April 19, 2022)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$5,190.01	18300	Ehrhart Griffin & Assoc.	Inv. No. B8006 (surveying TI Rd; manhole grouting; fire hydrant elevation; miscellaneous)
\$ 458.50	18301	Frankel Zacharia	Inv. No. 123869 (financial reports; water billing data; update data from treasurer's reports)
\$ 25.00	18302	Frankel Zacharia Tech Serv	Inv. No. 3139 (hosting services)
\$7,935.39	18303	Roger K. Johnson	Inv. No. 224 (attorney fees & costs)
\$3,200.00	18304	Lakeside Landscaping, Inc.	Inv. No. 5041 (3/7 & 3/9)
\$2,957.45	18305	OPPD	Service dates 3/7/22 - 4/4/22
\$1,704.00	18306	Wojo's Outdoors & Custom Waterfronts, LLC	Inv. 1048 (install road signs)

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 February 19, 2022, 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 9b
(Due April 19, 2022)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 9,808.81	18256	PeopleService, Inc.	Inv. No. 40117 (\$5,112.00 May operations; \$2,230.08 March billing; 1 st quarter taxes; \$69.00 lab)
\$ 2,646.00	18257	Roger K. Johnson	Inv. No. 225 (attorney fees & costs)
\$ 63.62	18258	Windstream Comm	Inv. dated 3/16/22 (well house phone)
\$ 6,800.00	18259	TREKK Design Group	Inv. Nos. 22-167 (remove obstruction from sanitary sewer; pump WWTP)
\$19,535.22	18260	Sargent Drilling	Inv. No. 28254 (pull & set pump)
\$ 1,651.35	18261	Wiese Plumbing & Excav	Inc. No. 18359 (install 009 RPZ WWTP)
\$ 2,960.00	18262	Kerns Excavating Co.	Inv. No. 16824 (grout manholes & remove concrete from manhole)
\$ 71.52	18263	Papillion Sanitation	Inv No. 6220314T050
\$ 1,753.03	18264	Powertech	Inv No. W64552 (trouble shoot transfer switch)
\$ 313.34	18265	Railroad Manage. Co. III	Inv. No. 456849 (10" waterline)

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 February 19, 2022, 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 February 19, 2027:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 9b
(Due April 19, 2022)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$89,425.80	18165	Building Crafts, Inc.	Pay App. No. 1 (WWTP expansion)

\$34,056.25	18166	JEO Consulting Group, Inc.	Statement 11 (Pay App No. 1 balance) & Pay App No. 8 (WWTP expansion)
\$ 5,186.60	18167	Roger K. Johnson	No. 3 Atty Fee Sheet (BCI No. 1 & JEO No. 8 WWTP expansion)

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

ITEM 10

No closed session was held. Mr. Johnson advised that Plaintiffs Gibbons had filed a cross complaint against Kappas Enterprises, LLC and SID No. 5 regarding the public dedication of the right-of-way and a representative of Kappas Enterprises placing a fence in the right-of-way to block people's access to it. Mr. Johnson advised that he had filed an answer alleging that the unimproved portion of Treasure Island Road was dedicated to the public and not for a private party to block.

ITEM 11

Items for the next agenda include payment of the State Revolving Fund bond for the construction of the original wastewater treatment plant; application for a water protection grant; crack sealing and asphalt sealing ; levy necessary to complete a major roads reconstruction project throughout the District at an estimated cost of \$7,000,000. The Chair also advised that the next meetings would be 6:00 p.m. on May 17, June 21, July 19 and August 23, 2022 all tentatively at First State Bank

Nebraska, second floor community room, 446 Main Street, Plattsmouth Nebraska until the golf course club house room is available in the fall.

ITEM 12

The agenda having been completed, on motion by Grotrian and recognized by the Chair, the meeting adjourned at approximately 7:16 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