

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

Meeting convened at 6:00 p.m. on March 21, 2023 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 *Omaha World-Herald*, a newspaper of general circulation in Cass County, 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, Christine Gibson and Robert Karr. Absent: David L. Martin.

The Chair nominated Robert Karr as acting clerk for the meeting in the absence of David L. Martin. Trustee Grotrian seconded the nomination. Trustee Karr accepted the appointment as acting clerk.

ITEM 4

No persons were present who were not on the agenda who wished to address the Board.

ITEM 5

Mr. Johnson discussed the Open Meetings Act and advised of changes to the agenda to delete the item related to citizens wishing to address the Board without being on the agenda. In lieu of such an item, a form would be available on the District's website for citizens to request to be placed on the agenda for a specifically identified issue and Trustees would advise when communications were received about addressing the Trustees.

ITEM 6a

Engineer Lucas Billesbach presented information regarding plans and an estimate of probable cost for remodeling of Well House No. 1 to create an office for the District's utility operator and a central

monitoring station for the water and wastewater systems. Discussion concerned using the space for new wastewater treatment plant controls, an additional testing area, additional storage of systems records and an onsite space for the water/wastewater committee to meet with the operator of the water and wastewater systems.

ITEM 6a(1)

Mr. Johnson advised that he had contacted the Nebraska Department of Environment and Energy about State Revolving Fund financing to remodel the well house via a change order to the current wastewater treatment plant project. Mr. Johnson advised that SRF funds would be available for that part of the remodeling project which is related to wastewater operations but not to water operations. The project engineer would provide the break down between wastewater and water operations on a percentage basis.

ITEM 6a(2)

Following discussion, the Chair asked Mr. Billesbach to (1) obtain actual costs from Building Crafts, Inc. for the remodeling of Well House No. 1 to create an office for the District's utility operator and a central monitoring station and (2) to percent out the portions attributable to water and to wastewater for purposes of determining availability of funding from the different sources of funding.

ITEM 6b

In Trustee Martin's absence, the Chair reported that a water main break was repaired.

ITEM 6b(1)

The Chair acknowledged receipt of report regarding the 2023 water tower inspection.

ITEM 6b(2)

Mr. Johnson advised that he had discussed with Mike Jensen, the director of the county's zoning and building inspection department, regarding the following matters:

(A) The County does have a requirement for a septic system permit. Mr. Johnson advised Mr. Jensen that by statute, residences within the District were required by statute to connect to the District's sanitary sewer system.

(B) Mr. Jensen advised that the County's building inspection does include confirmation of the installation of a water meter. To the extent that a house did not have a meter, it simply would have been overlooked.

(C) Mr. Jensen advised that going forward the department would confirm connection to the District's and water and wastewater systems to obtain a certificate of occupancy.

ITEM 6b(3)

Mr. Johnson advised that he confirmed that there is a prohibition of septic systems within 500 feet of a water well that is part of a community system and 1,000 feet for a wastewater system lagoon.

ITEM 6c

The report from PeopleService regarding water and wastewater operations is attached.

ITEM 6c(1)

Mr. Johnson advised that he had spoken with Mr. Messer and confirmed that the water meter had been installed in the house in which occupancy was permitted without a meter.

ITEM 6d

Mr. Billesbach advised that he had spoken to the Nebraska Department of Environment and Energy and confirmed that the City of Plattsmouth has committed to proceed with the connection to Metropolitan Utilities District which would make it possible for the District to become a wholesale buyer of water from the City of Plattsmouth.

ITEM 6e

The Chair advised that most of the control components for the wastewater treatment plant improvement had arrived and that the contractor would be onsite within a week or two

ITEM 6e(1)

Trustee Meisinger recommended modifying Change Order No. 3 to delete Change Proposal No. 6, wiring a docking station for the booster station.

Motion by Meisinger, seconded by Grotrian to approve Change Order No. 3 modified to include only Change Proposal No. 4 for the installation of an 8-inch main from Manhole 2 to the UV Basin in the amount of \$9,660.96 and Change Proposal No. 7 for the relocation of the water and air between SAR structures in the amount of \$3,748.92. On roll call those voting aye: Karr, Meisinger, Grotrian and Gibson. Voting nay: none. Absent: Martin. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6f

The Chair laid over discussion and consideration of a method to gain access to the Ewel Court/Becker Court lift station.

ITEM 6f(1)

The Chair laid over discussion and consideration of authorizing Topple Tree Service to clear a path to the Ewel Court/Becker Court lift station after coordination with the property owner(s).

ITEM 7a

For the roads report, Trustee Karr advised that maintenance of the gravel portion of Buccaneer Blvd. serving the property located at 4218 Cedar Creek Road, but only to a point just north of its driveway, is necessary. The Chair advised that the other properties north of 4218 Cedar Creek Road were not in the District and do not pay taxes to the District. Trustee Karr also noted that the snow plowing resulted in damage to a sprinkler head which the owner understood was his to repair and some damage to sod which was in the right-of-way.

ITEM 7b

Mr. Johnson advised that Mr. Dolezal continued to prepare plans for the 2023 road repair project. The Chair laid over discussion and consideration of approval of plans for the project.

ITEM 8a

Trustee Grotrian advised that there was no report for Grounds.

ITEM 8b

The Chair advised that OPPD had run some cable for the lighting of the parking lot and relocation of the main entrance cluster mail boxes.

ITEM 8c

The Chair advised that Country Mile Wireless requested a reduction in the insurance requirement to \$3,000,000 to lease space on the water tower for placement of wireless internet equipment. No Trustee voiced an objection. Mr. Johnson advised that he would prepare a lease with such a change and present it to Country Mile Wireless. Mr. Johnson advised that if signed by Country Mile Wireless, the lease would come before the Board of Trustees for consideration for approval.

ITEM 9

The Chair advised that Mr. Johnson had found a state statute giving the District some power to regulate dogs and other animals pursuant to *Neb. Rev. Stat. §31-727(b)(i)*. Following discussion regarding the difficulties in administering such regulations, no Trustee requested that consideration of the matter be placed on the next agenda.

ITEM 10a

Trustee Meisinger presented the attached reports regarding finance and utility revenue reports for March 2023.

ITEM 10b

The Chair acknowledged receipt of the Treasurer’s Reports for the month ended February 28, 2023.

ITEM 11

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 meeting minutes for February 21, 2023
- b Approve payment of the claims and invoices
- c Transfer \$2,475.52 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 March 21, 2023, 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
(Due March 21, 2023)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 9,400.00	18375	Lakeside Landscaping, Inc.	Inv. Nos. 5794, 5795 & 5883 (plowing & sand/salt streets)
\$ 2,819.99	18376	OPPD	Inv. (service dates 2/03/23 - 3/06/23)
\$ 601.25	18377	Frankel Zacharia	Inv. Nos. 3880 (Tech) and 130489 (financial & IRS Forms)
\$ 5,326.14	18378	Roger K. Johnson	Inv. No. 401 (attorney fees & costs)

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 March 21, 2023, 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
(Due March 21, 2023)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$11,048.10	18335	PeopleService, Inc.	Inv. No. 42486 (\$5,577.00 April ops; \$2,262.40 Feb bills; \$3,174.20 repair water tower outlet & lights; \$34.50 testing)
\$ 1,415.75	18336	Embris Group, L.L.C.	Inv. No. 159 (well house remodeling)
\$ 66.93	18337	Windstream	Inv. dated 02/15/23 (well phone)
\$ 2,286.00	18338	Roger K. Johnson	Inv. No. 400 (attorney fees & costs)

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 March 21, 2023, with the warrants to be drawn on the Construction Fund account and if registered to draw interest at 7.00% per year and to be redeemed no later than March 21, 2028:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 11b
(Due March 21, 2023)

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

ITEM 12

The Chair advised that the next meeting would be held at First State Bank Nebraska, second floor community room, 446 Main Street, Plattsmouth Nebraska on April 18, 2023.

ITEM 13

The agenda having been completed, the Chair adjourned the meeting at approximately 7:56 p.m.

Christine Gibson, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

Recorded by:

James Grotrian, Trustee

Roger K. Johnson, Attorney for the District