

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

Meeting convened at 6:00 p.m. on August 22, 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 verifying that notice of the meeting, stating the availability of the Agenda, was published 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 6:05 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: Christine Gibson, Kurt W. Meisinger, David L. Martin and Robert Karr.
Absent: James Grotrian.

ITEM 4

Mr. Johnson advised, in response to a question from Trustee Martin, that Country Mile was responsible for the cost of the inspection. Mr. Johnson also advised that he had provided Country Mile with an opportunity to find a different company at a lower price to perform the inspection and that Country Mile advised that it could not find an alternative. Motion by Martin, seconded by Karr to approve and enter into a contract with Viking Industrial Painting to inspect the installation of equipment on the water tower by Country Mile Wireless, Inc. On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 5

Following extensive discussion, motion by Martin, seconded by Karr to issue a Request for Proposals for a single trash hauler for the District seeking quotes for (a) one 95-gallon trash/landfill bin picked up weekly; (b) optional 95-gallon yard-waste bin picked up weekly from April through November and then used for trash from December through March; and (c) optional 95-gallon recycle bin to be picked up bi-weekly.

Following further discussion, Martin amended his motion to provide for two options for trash service:

1. One can for weekly trash plus 1 can at residence option for (a) weekly trash, and (b) weekly yard waste, seasonal and trash out of season or bi-weekly recycling.
2. One can for weekly trash plus 1 can for weekly yard waste, seasonal and trash out of season plus 1 can for bi-weekly recycling.

Under either bid option, residents are not required to have the 2ND or 3RD cans, but all residents shall be billed the same amount regardless of whether they have 1, 2 or 3 cans.

Karr seconded the motion as amended. Following additional discussion, on roll call those voting aye: Meisinger, Martin and Karr. Voting nay: Gibson. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6a

Trustee Martin advised that on Tuesday, August 29, a water main valve and hydrant would be replaced on Buccaneer Blvd which would necessitate a boil order for at least 2 days. The valve required replacement since it failed to work. State regulations require providing residents notice of the boil order. Available trustees agreed to walk the neighborhoods and place boil notices on residents' doors.

ITEM 6a(1)

Zach Schulz, a licensed engineer with JEO Consulting Group, Inc., introduced himself and advised that he was taking over as the resident engineer for the wastewater treatment plant improvements project. Mr. Schulz presented a report and answered questions about the project. The issues addressed included:

There is an issue with the UV system failing to handle the needed gallons per minute in disinfecting wastewater. The system is falling short of the 388 gallons per minute as required in the specifications. The contractor is working, and will continue to work, with the manufacturer to resolve this issue. There also is an issue with whether the specifications called for an adequate number of gallons per minute, that is 388 as opposed to 600 gallons per minute when the discharge valve is fully open.

The Board raised an issue regarding whether the design and specifications were adequate and appropriate. The specific question is whether, even if the equipment meets the specifications called out, were the specifications sufficient to perform at 600 gallons a minute with the valve fully opening.

The floor in the UV basin is not sloped correctly and therefore it does not drain correctly. The contractor is presenting options to JEO to resolve the issue. This issue is on the contractor's punch list.

Water that comes into the UV basin drains solids that fall into the basin out into a sand basin. This system as designed is not functioning and likely will not function adequately. JEO is looking at alternate options to correct the design flaw.

The contractor's punch list includes an acceptable corrective action to address overflow pipes installed too high.

The lift station on Sterling Court is scheduled for a test start on August 28. Additional finish work is required to complete the construction.

Based on aesthetics, JEO is considering alternate communications technologies between the treatment plant and Sterling and Ridgeway lift stations

ITEM 6a(1)(a)

Mr. Schulz reviewed his letter of recommendation dated August 18, 2023. Motion by Karr, seconded by Meisinger to approve Change Order No. 4 to the contract with Building Crafts, Inc., consisting of demolition old UV walls, stilling wells in all SBRs and relocate control panel to power pole, all related to the construction of the wastewater treatment plant improvements. On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6a(1)(b)

Mr. Schulz reviewed his letter of recommendation dated August 18, 2023. Motion by Meisinger, seconded by Martin to approve Pay Application No. 12R1 for Building Crafts, Inc., based on the recommendation of JEO Engineers, related to construction of the expansion of the wastewater treatment plant. On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6a(2)

Motion by Meisinger, seconded by Martin to approve Invoice 80287 from Thiele Geotech, Inc. for services related to construction of the expansion of the wastewater treatment plant improvements. On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6b

The Chair acknowledged receipt of the attached PeopleService report for Water/Wastewater and

Water billing. There were no questions.

ITEM 6c

Mr. Johnson advised that he had spoken to an engineer for the City of Plattsmouth regarding the possible water connection by the City to Metropolitan Utilities District and was advised that construction likely was 18 months away.

ITEM 6d

Motion by Meisinger, seconded by Martin to authorize the purchase of a laptop computer for operating the water and wastewater systems at a cost not to exceed \$1,000.00 and with use limited to the District's systems when used by PeopleService personnel. On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6e

Motion by Meisinger, seconded by Karr to approve a new contract with PeopleService, Inc. for operations and maintenance of the District's Water and Wastewater Systems and authorize the chair to execute the same on October 1, 2023. On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6f

Motion by Martin, seconded by Karr to approve and adopt the following ordinance related to new fees and rates for water and sanitary sewer services:

ORDINANCE NO. 23-02

AN ORDINANCE OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA, TO ESTABLISH RULES AND REGULATIONS, FEES AND RATES FOR WATER AND SANITARY SEWER SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA:

Section 1. General provisions for water and sanitary sewer services offered by the District.

- a. All homes, businesses and other properties which

utilize water and sanitary sewer services shall connect to the District's water and sanitary sewer systems no later than completion of construction.

b. Once connected to the District's water and/or sanitary sewer systems, the owner or user of the property becomes a customer of the District.

c. Billing shall be monthly.

d. Payment of all such billings is due by the 15TH day of each month and may be paid in the manners set forth on the District's website found at www.buccaneerbay-ne.org.

Section 2. Applicants for new water and sanitary sewer connections or replacement water meter and/or meter transceiver unit (MXU) must pay all fees and costs in advance. New connections are subject to the following fees and costs:

- a. One time connection fee and account setup fees: \$1,000.00
- b. Water meter cost: District's Cost
- c. Meter transceiver unit (MXU) cost: District's Cost

Account transfers, such as upon sale of a home with an existing service, are subject to a fee of \$50.00.

Section 3. The Board of Trustees hereby determines that the fee structure for services and products provided by the District for water and sanitary sewer shall be revised as follows:

- a. WATER SERVICE FEES
 - (1) Turn off/on charge, first time, during business hours after disconnection for delinquency: \$100.00
 - (2) Turn off/on charge, all subsequent times, during business hours after disconnection for

delinquency: \$250.00

(3) Voluntary turn off charge during business hours: \$100.00

b. WATER SERVICE USE RATES

(1) Base fee for up to 5,000 gallons: \$17.00

(2) Additional charge per 1,000 gallons used based on gallons used:

5,001 to 10,000 \$3.80

10,001 to 20,000 \$4.65

Over 20,001 \$5.30

(3) Rates for service outside district boundaries: 1.5 times all above rates

c. SEWER SERVICE USE FEES

(1) Wastewater Treatment Plant Debt Service Fee plus tax: \$16.00

This fee continues per month billed to the property owner, regardless of whether water is turned on or off.

(2) Monthly base fee, plus tax: \$17.00

(3) Rates for service outside District boundaries: 1.5 times all above rates

Section 4. DELINQUENT ACCOUNTS

a. Late accounts will receive a notice after 30 days. For payments which are over 45 days delinquent, the District will notify the resident via a disconnect notice served by certified United States mail, postage prepaid, and may thereafter shut off the water service and refuse to sell water to such water user. If water service is

disconnected, in addition to the reconnect charge set forth above, the resident will be required to make a payment based on an estimated amount for the next month's water service together with payment in full of the delinquent amount.

b. To collect unpaid water and/or sanitary sewer bills, the District may seek recovery in a civil action, or it may be certified to the county assessor and assessed against the premises served, and collected or returned in the same manner as other district taxes are certified, assessed, collected, and returned.

Section 5. For all checks or other forms of payment which are returned for insufficient funds, closed account or any other reason, there shall be imposed a \$35.00 charge, plus any bank fees paid by the District.

Section 6. For all emergencies related to water and sanitary sewer, please see the District's website: www.buccaneerbay-ne.org. For water turn on and turn off, please attempt to provide at least 24 hours advance notice.

Section 7. All other ordinances and resolutions approved prior to the passage, approval, and publication or posting of this ordinance which conflict with these provisions are repealed.

Section 8. This ordinance shall take effect August 23, 2023 and new rates shall apply to all services provided **after** the date on which meters are read in September 2023.

Passed and approved this 22ND day of August 2023.

/s/ Kurt Meisinger
Kurt Meisinger, Chair

ATTEST:

/s/ David Martin
David Martin, Clerk

On roll call those voting aye: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6g

Motion by Martin, seconded by Meisinger to approve a contract with the low bidder, in an amount not to exceed \$17,000, to sandblast and paint the fire hydrants in the District using the appropriate color for the cap based on pressure readings provided by PeopleService. On roll call those voting

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

ITEM 6h

At the request of Trustee Martin, the Chair laid over consideration of the purchase of a heating and air conditioning system for the Waste Water Treatment Facility.

ITEM 7a

For a Committee report, Trustee Karr advised that the temporary repair of the sink hole on Windward seemed to be holding, but that the temporary repair on Ewel had not performed. Trustee Karr also advised of damage to pavement on Davy Jones resulting from a contractor unloading heavy equipment and that Omni had arrived and filled some cracks but missed several and in performing the work used only a leaf blower rather than a high pressure air hose to clean out the cracks before sealing them.

ITEM 7a1

No action was necessary regarding authorization for curb repairs since the same was standard maintenance.

ITEM 7b

The Chair laid over consideration of spraying street gutter lines with vegetation killer except on Sterling Ct.

ITEM 7c

The Chair laid over consideration of the 2024 street improvements project together with costs and the impact on the levy of an improvements project.

ITEM 7d

The Chair laid over consideration of engaging an engineer to prepare final plans, together with an engineer's estimate of probable cost, for a 2024 street improvements project, seek approval of funding from Ameritas, the District's fiscal agent, and directing the preparation of a Resolution of Necessity proposing the project.

ITEM 8a

The Chair advised that Trustee Grotrian was unable to attend the meeting but reported that one tree was taken down. Trustee Gibson advised that the owner of Lot 9, Block 1 was willing to sell the property to the District but did not want to take a loss in selling it. Trustee Gibson stated that she

would bring back documents and related for the Board to consider making an offer on the lot.

ITEM 8a1

Trustee Karr advised that the mailboxes were in the correct sequence requested by the Postmaster. Finish work remained incomplete.

ITEM 9a

The Chair presented the August finance report and the July utility revenue report, both of which are attached.

ITEM 9b

The Chair presented the Treasurer's Reports for the month ended July 31, 2023.

ITEM 9c

The Chair presented the proposed budget outline for fiscal year July 1, 2023 through June 30, 2024. No trustees requested changes to what was outlined.

ITEM 10

Motion by Meisinger, seconded by Martin 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 July 18, 2023;
- b Approve payment of the claims and invoices; and
- c Transfer \$3,706.16 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 August 22, 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 10b
(Due August 22, 2023)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 547.50	18401	Frankel Zacharia	Inv. Nos. 4184 (Tech) and 133994 (finance and related report)
\$ 3,142.00	18402	Wojo's Outdoors & Custom Waterfronts, LLC	Inv. No. 1077 (mow & trim)
\$ 2,235.00	18403	Kerns Excavating Co.	Inv. No. 17544 (Windward Dr. Sink hole)
\$ 6,281.27	18404	Roger K. Johnson	Inv. No. 492 (attorney fees & costs)
\$ 200.00	18405	Dodge Partners Insurance	Inv. Nos. 104915 & 12353 (2022 & 2023 public officials position bonds)
\$ 4,050.03	18406	OPPD	Inv. (service dates 7/5/23 - 8/3/23)
\$ 1,975.61	18407	Ehrhart Griffin & Assoc.	Inv. No. B9021 (engineering services)

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 22, 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 August 22, 2023)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 7,887.88	18366	PeopleService, Inc.	Inv. No. 43597 (\$5,577.00 Sept ops; \$2,310.88 June bills)
\$ 6,425.07	18367	PeopleService, Inc.	Inv. No. 001 (sewage discharge from WWTP)
\$ 612.00	18368	Roger K. Johnson	Inv. No. 493 (attorney fees & costs)

\$ 156.33	18369	Roger K. Johnson	Receipt dated 4/18/23 (reimbursement Windstream invoice)
\$ 1,512.92	18370	Electric Pump	Inv. Nos. 902294 & 902531 (valve replacement & lift station repair)
\$ 3,600.00	18371	Trekk Design Group	Inv. Nos. 794 & 811 (pumping & trucking)
\$ 73.54	18372	Windstream	Inv. dated 7/17/23 (well phone)

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 22, 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 August 22, 2023:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 11b
(Due August 22, 2023)

\$ 776.00	18209	Thiele Geotech, Inc.	Inv. No. 80287 (WWTP expansion)
\$ 966.63	18210	JEO Consulting Group, Inc.	Inv. No. 143210/Pay App No. 22 (WWTP expansion)
\$ 11,291.99	18211	Roger K. Johnson	Inv. No. 17 (attorney fee WWTP)
\$224,097.10	18212	Building Crafts, Inc.	Pay App. No. 12R1 (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; © 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: Meisinger, Martin, Gibson and Karr. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

ITEM 11

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 September 19, 2023.

ITEM 13

Mr. Johnson advised that there was no need for a closed session.

ITEM 14

The agenda having been completed the Chair adjourned the meeting at 9:08 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