

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

Meeting convened at 6:00 p.m. on April 23, 2024, 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.

The Chair was called away to a medical emergency.

ITEM 1

The Clerk called the Meeting 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: James Grotrian, Robert Karr, Jennifer Sommer and David L. Martin. Absent: Kurt Meisinger.

ITEM 4a

Messrs. John Reimer and Brandon Vandermey of Viking Industrial Painting provided a presentation regarding a proposed contract for water tower maintenance which is renewable annually. There was a significant question and answer session about the tower and about how the program would address issues and prioritize work. No action was necessary. Trustee Martin advised that another company requested a chance to make a presentation and then proposal.

ITEM 4b

Trustee Martin advised that there was a delay in work on the wastewater treatment plant while waiting on the delivery of parts. The tablet for reading water meters worked well with issues at only about four or five residences. The well house remodeling project was proceeding quickly. There may be two residences sharing one connection which would violate the Rules and Regulations.

ITEM 4c

PeolpeService's report is attached. The mowing contract should include the lift stations and the access to the wastewater treatment plant added. If it is necessary to add the locations, the Board recognizes that there will be an adjustment in price.

ITEM 4d

Trustee Martin and Mr. Johnson advised that there was no new information regarding water system improvements including possible connection to a water main the City of Plattsmouth may construct to connect to Metropolitan Utilities District.

ITEM 4e

There was discussion about suspending the lawn and landscaping watering policy for 2024. Action on the question will be considered in Item 4f.

ITEM 4f

Motion by Grotrian, seconded by Karr to adopt the revised Water System and Sanitary Sewer System Rules and Regulations dated this date. On roll call those voting aye: Grotrian, Martin, Sommer and Karr. Voting nay: none. Absent: Meisinger. Abstaining: none. The Clerk declared the resolution adopted.

ISSUE 5a

Trustee Karr reported that he was meeting Dan Dolezal to evaluate street repairs for patching or overlay. Replacing the sod that died at the erosion repair site was necessary. Trustee Karr was waiting on a proposal from JEO for repairs at the water tower.

ITEM 5b

Motion by Karr, seconded by Martin to terminate the snow plow contract with Lakeside Landscaping, Inc. and authorizing the solicitation of proposals. On roll call those voting aye: Grotrian, Martin, Sommer and Karr. Voting nay: none. Absent: Meisinger. Abstaining: none. The Clerk declared the resolution adopted.

ITEM 6a

Trustee Grotrian reiterated that the mowing contract would require an amendment to include the lift stations and road to the wastewater treatment plant if not already included. A downed tree on the west side of the main entrance was removed.

ITEM 6b

Trustee Grotrian asked Mr. Johnson to review the proposals for the mowing contract. Aspen Landscaping was the low bidder at \$620.00 per mowing. The other two bids came in at \$700.00 and \$1,250.00. Following the review, Trustee Grotrian advised that, as decided by the Board at the last meeting, the Committee awarded the mowing contract to Aspen Landscaping.

ITEM 6c

Following discussion concerning entrance improvements and a park on a lot near the entrance, Trustee Sommer advised that she would begin the hunt for a grant writer. No formal action was necessary.

ITEM 7

Motion by Grotrian, seconded by Martin to approve and authorize the Chair to execute, a contract with Gretna Sanitation for District-wide trash collection service for a five-year term. On roll call those voting aye: Grotrian, Martin, Sommer and Karr. Voting nay: none. Absent: Meisinger. Abstaining: none. Trustee Martin declared the resolution adopted.

Trustee Martin raised the issue of which committee would be responsible for addressing issues related to trash collection and suggested renaming the water and wastewater committee to the “utilities committee” and have it be responsible for handling trash collection issues. The Trustees did not oppose these actions.

ITEM 8

Following discussion concerning a mass mailing for transition to Gretna Sanitation for District-wide trash collection service, no action was necessary.

ITEM 9a

The finance report for April 2024 is attached.

ITEM 9b

The Water Billing Report for April 2024 is attached.

ITEM 9c

The county treasurer’s report for the month ended March 31, 2024 is attached.

ITEM 10

Trustee Martin declared his conflict of interest.

Motion by Grotrian, seconded by Sommer to approve Warrant No. 18414, dated April 23, 2024, to be drawn on the Service Fee Fund, to reimburse Trustee Martin for funds advanced in the amount of \$1,225.29 for reimbursement the District’s cost for participation in text notification system and for the purchase of a Samsung tablet for water meter reading.

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 are, and hereby are, approved and that the Chair and Clerk are, and hereby are, authorized to execute and deliver warrants for the payment of the same, all dated April 23, 2024, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

GENERAL FUND WARRANT

ITEM nine

(Due April 23, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 1,225.29	18414	David Martin	Reimbursement (text notification system; Samsung tablet for water and wastewater systems operations)

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

ITEM 11

Motion by Grotrian, seconded by Sommer 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 March 19, 2024 meeting
- b Approve payment of the claims and invoices
- c Transfer \$3,309.36 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 April 23, 2024, 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 April 23, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 1,033.00	18449	Frankel, LLC	Inv. Nos. 1133 (tech) and 138553 (finance report, water billing report and review county treasurer’s report)
\$ 9,750.00	18450	SMA Construction, LLC	Inv. (relocate mail boxes) and Inv. (concrete work)
\$ 400.00	18451	Topple Tree Service LLC	Inv. No. 2450 (tree service)
\$ 7,637.50	18452	Roger K. Johnson	Inv. No. 603 (attorney fees & costs)
\$ 1,293.08	18453	Ehrhart Griffin & Assoc	Inv. No. B9539 (engineering)

\$ 3,675.74	18454	OPPD	Inv. service 3/6/24-4/5/24 (electric)
\$ 310.00	18455	JEO Consulting Group, Inc.	Inv. No. 149877 (design water tower overflow)
\$147,234.00	18456	Kerns Excavating Co. Inc.	Inv. Nos. 17939 & 17943 (storm sewer/manhole drop; clear, grub, grade and storm inlet)

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 April 23, 2024 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 April 23, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 5,355.18	18415	Core & Main	Inv. No. T828429 (510M S/Point)
\$ 97.08	18416	Papillion Sanitation	Inv. No. 6897664T050 (trash removal)
\$ 16,543.51	18417	PeopleService, Inc.	Inv. No. 104594 (\$11,115.00 May ops; \$2,300.00 March bills; \$3,046.51 1 ST quarter sales tax; \$47.00 coliform samples)
\$ 1,746.00	18418	Roger K. Johnson	Inv. No. 600 (attorney fees & costs)
\$ 379.14	18419	Railroad Management	Inv. No. 502900 (10" water main)
\$ 81.81	18420	Windstream	Acct. 090963225; Inv. issued 3/15/24 (well house phone)
\$ 2,000.00	18421	Viking Industrial Painting	Dated March 27 (clean out & inspect tank)
\$ 400.00	18422	Nebraska Rural Water	Membership dues

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 April 23, 2024, 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 April 23, 2024:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 11b
(Due April 23, 2024)

\$	400.00	18223	JEO Consulting Group, Inc.	Inv. No. 149330/Pay App No. 27 (WWTP expansion)
\$	20.00	18224	Roger K. Johnson	Inv. No. 604 (attorney fee WWTP)

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

ITEM 12

There were no items identified for the next meeting agenda.

ITEM 13

Mr. Johnson advised that the only information to share was public record and that was the fact that the appeal had been dismissed for procedural reasons in that the order appealed was not a final order. Therefore, no closed session was necessary.

ITEM 14

The agenda having been completed, the Clerk adjourned the meeting at 7:55 p.m.

James Grotrian, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

Recorded by:

Jennifer Sommer

Roger K. Johnson, Attorney for the District