

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

Meeting convened at 6:00 p.m. on August 20, 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.

ITEM 1

The Chair called the Meeting to order at 6:07 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: Jennifer Sommer, Kurt Meisinger, James Grotrian and Robert Karr. Absent: David L. Martin.

With Trustee Martin absent, Chairperson Meisinger appointed Robert Karr as acting clerk.

ITEM 4

No persons appeared to address the Board as part of open session for public comment.

ITEM 5a

The Chair advised that there was not need to discuss with Chanel Hill a property which is believed to not have water and/or sewer connections.

ITEM 5b

The Chair provided a committee report regarding utilities: water tower cleaning should be the week of August 26; construction of the wastewater treatment plant improvements has been completed; and there are options other than a pressure reducing valve to manage the discharge of water to empty the water tower for maintenance.

ITEM 5c

No action was taken following review of the PeopleService Water/Wastewater & billing report.

ITEM 5d

Completion of the construction of the wastewater treatment plant improvements was noted as part of the committee report.

ITEM 5e

Motion introduced by Meisinger, seconded for adoption by Grotrian:

ORDINANCE NO. 24-01

AN ORDINANCE OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA, TO PROHIBIT THE CONSTRUCTION OF PRIVATE WATER WELLS WITHIN THE DISTRICT'S BOUNDARIES; TO PROVIDE FOR THE TRANSFER OF COSTS INCURRED BY THE DISTRICT TO ENSURE COMPLIANCE WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY RULES AND REGULATIONS FOR EXISTING WATER WELLS; TO PROVIDE FOR THE TRANSFER OF COSTS INCURRED BY THE DISTRICT TO ENFORCE COMPLIANCE WITH THIS ORDINANCE AND TO PREVENT THE INSTALLATION OF A NEW WATER WELL; AND 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. The water system operated by Sanitary and Improvement District No. 5, Cass County, Nebraska is a public water supply.

Section 2. Nebraska Administrative Code, Rules and Regulations, Title 179, Chapter 7, section 7-006 SITING, 7-006.01 provides as follows:

All wells, treatment and storage facilities, and other appurtenances necessary for the continued operation of a public water system must be located:

1. To protect against damage or breakdown as a result of floods, fire, earthquakes, or other natural disasters to the greatest extent possible, and
2. To prevent contamination of the drinking water by existing sources of pollution to the greatest extent possible.

Section 3. To protect the District's public water supply and satisfy

obligations created by Nebraska Administrative Code, Rules and Regulations, Title 179, Chapter 7, section 7-006 SITING, 7-006.01, the Board of Trustees of Sanitary and Improvement District No. 5, Cass County, Nebraska prohibits construction of private water wells, or activating private water wells which have been constructed but not become functional, within the boundaries of the District.

Section 4. Except as provided in Section 5 below regarding reimbursement for costs incurred by the District to ensure a private water well is in compliance with Nebraska Department of Environment and Energy, existing, fully functional private water wells in place as of August 20, 2024 are exempt from this ordinance.

Section 5. If the District incurs costs to ensure that existing private water wells are in compliance with Nebraska Department of Environment and Energy rules and regulations, the owner of the private water well shall reimburse the District.

Section 6. If the District incurs cost to prevent the installation of a new private water well, the party against whom the enforcement action is taken shall reimburse the District for all such costs incurred in bringing about compliance with this ordinance.

Section 7. All ordinances and resolutions in conflict herewith which were adopted and approved prior to the passage of this Ordinance are repealed.

Section 8. This ordinance shall take effect September 1, 2024.

PASSED AND APPROVED this 20TH day of August 2024.

By: /s/ Kurt Meisinger
Kurt Meisinger, Chairperson

ATTEST:

/s/ Robert Karr
Robert Karr, Acting Clerk

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

ITEM 5f

Following discussion, no action was taken regarding submitting an application for a \$10,000 Water System Security Grant.

ITEM 5g

Motion by Meisinger, seconded by Karr to authorize the Chair to execute an amendment to the

Operations and Maintenance Agreement with PeopleService, Inc. as the same relates to the annual maintenance/repair (non-capital) expenditures. On roll call those voting aye: Karr, Sommer, Grotrian and Meisinger. Voting nay: none. Absent: Martin. Abstaining: none. The Chair declared the resolution adopted.

ITEM 6a

For a Roads Committee report, Trustee Karr advised that he has a list of potholes to repair; a homeowner on Windward Drive has filled a pothole in front of his house; and a resident has expressed concern over cyclists hitting the potholes. Trustee Karr also reported that Mr. Dolezal is redesigning the construction project for the main entrance.

ITEM 6b

Trustee Karr discussed the roads maintenance project for the fall of 2024. No action was necessary.

ITEM 6c

Following discussion regarding improvements to the front entrance, no action was taken.

ITEM 6d

Resolution No. 24-02 was introduced for adoption by Meisinger, seconded for adoption by Sommer:

RESOLUTION No. 24-02

A RESOLUTION OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 OF CASS COUNTY, NEBRASKA APPROVING THE POSTING OF SIGNAGE IN THE PARKING LOT TO MAINTAIN AVAILABLE PARKING FOR THE CLUSTER MAIL BOXES AND TO PREVENT OVERNIGHT PARKING; AND TO USE LANGUAGE FOR THE SIGNAGE AS SET FORTH HEREIN.

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

WHEREAS people park near the cluster mailboxes in the District's parking lot blocking access to the boxes;

WHEREAS cars have been parked overnight in the District's parking lot which residents find disturbing; and

WHEREAS the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska have determined that the issues identified herein are issues of safety and security.

NOW, THEREFORE, BE IT RESOLVED that signs be set on each end of the cluster mailboxes, with arrows pointing toward each other, with the following language: **NO PARKING BETWEEN SIGNS.**

BE IT FURTHER RESOLVED that signs with the following language be posted at various locations in the District's parking lot: **NO PARKING 10:00 P.M. TO 6:00 A.M.**

PASSED AND APPROVED this 20TH day of August 2024.

By: /s/ Kurt Meisinger
Kurt Meisinger, Chairperson

ATTEST:

/s/ Robert Karr
Robert Karr, Acting Clerk

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

ITEM 7a

Trustee Sommer advised that there was nothing new to report regarding grounds.

ITEM 8a

The finance report for August 2024 is attached.

ITEM 8b

The Water Billing Report for billing through July 31, 2024 is attached.

ITEM 8c

The county treasurer's report for the month ended July 31, 2024 is attached.

ITEM 8d

Trustee Meisinger advised that no new items were brought to his attention since the Board reviewed the budget for fiscal year July 1, 2024 thru June 30, 2025 was outlined at the last meeting. Trustee Meisinger advised that minor changes or adjustments were made because of various statutory limits and because of more exact costs of the District's bonded indebtedness. Adoption of the budget will be considered at the September meeting.

ITEM 9

Motion by Meisinger, seconded by Karr 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 July 23, 2024 meeting
- b Approve payment of the claims and invoices
- c Transfer \$4,467.65 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 20, 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 9b
(Due August 20, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 771.20	18486	Frankel, LLC	Inv. Nos. 1384 (tech) & 141600 (finance report & water billing)
\$ 6,600.00	18487	Aspen Landscaping	Inv. Nos. 216 & 220 (mow & spray District lots)
\$ 638.00	18488	Roger K. Johnson	Inv. No. 674 (Gibbons attorney fees)
\$ 4,295.60	18489	Roger K. Johnson	Inv. No. 676 (attorney fees & costs)
\$ 720.00	18490	Triple M Construction, Inc.	Inv. No. 1247 (replace driveway portion damaged in road maintenance)
\$ 4,833.77	18491	OPPD	Inv. service 7/8/24-8/7/24 (electric)
\$ 2,025.00	18492	JEO Consulting Group, Inc.	Inv. No. 152913 (Spyglass drainage)

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 20, 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 9b
(Due August 20, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$12,874.95	18445	Gretna Sanitation	August trash collection
\$13,466.00	18446	PeopleService, Inc.	Inv. No. 105393 (\$11,115.00 Sept ops; \$2,316.00 July bills & \$35.00 NFS chk)
\$ 2,592.00	18447	Roger K. Johnson	Inv. No. 677 (attorney fees & costs)
\$ 84.58	18448	Windstream	Inv. issued 7/16/24 (well house phone)
\$ 2,219.87	18449	Hydro Optimization	Inv. No. 12081 (maintenance e.g. water/wastewater controls)

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 20, 2024, to be drawn on the Construction Fund, and which are redeemable upon presentation to the Cass County Treasurer:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 9b
(Due August 20, 2024)

\$ 30.45	18226	Roger K. Johnson	Inv. No. 668 (postage WWTP improvements)
\$45,116.00	18227	Midwest Mechanical Serv	Pay App No. 2 (WWTP improvements)

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

ITEM 10

Items to include on the agenda for the next meeting are selection of an option presented by JEO engineers for an erosion repair project on Spyglass Ct and to consider applying for a grant from the Lower Platt South Natural Resources District if the erosion repair qualifies for a grant.

ITEM 11

The agenda having been completed, the Chair adjourned the meeting at 7:30 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