

SANITARY AND IMPROVEMENT DISTRICT NO. 23
OF SARPY COUNTY, NEBRASKA

Minutes of Meeting of Board of Trustees
November 6, 2012

A meeting of the Board of Trustees of Sanitary and Improvement District No. 23 of Sarpy County, Nebraska was held on November 6, 2012 at 6:30 o'clock p.m. at Westmont Elementary School, 13210 Glenn Street, Omaha, Nebraska.

Present were Trustees Don Schuneman (402.895.0967), Terry Knief (402.681.3780), Shirley Merritt (402.896.9047), and David Jasa (402.896.2279). Trustee Michael Quinn (402.699.1788) was unable to attend and provided prior notice to the remaining Trustees. Also present were Gerald Pesek of G.F. Pesek, Inc., Gary Shepherd of Professional Accounting Service, Accounts Receivable Clerk June Jordening, Accounts Payable Clerk Linda Comstock, Attorneys Chapman and Smith, and several District residents.

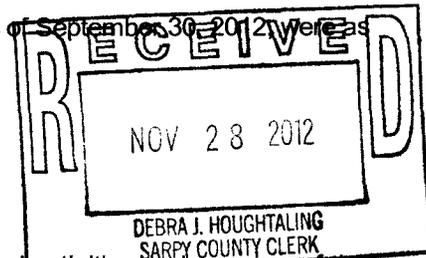
Notice of the meeting was given in advance thereof by publication in The Papillion Times on October 24, 2012. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

1. **Compliance with Open Meetings Law:** It was announced that in compliance with the Act, a current copy of the Nebraska Open Meetings Act was provided on the table by the Chairman.
2. **Approval of Minutes:** The Chairman stated the next item of business on the agenda was approval of the meeting minutes from October 2, 2012. The Chairman noted that the date of the meeting in the first paragraph was incorrect. It should be October 2, 2012, not June 5, 2012. The date of the fund balances in Section 5 was also incorrect. It should be August 31, 2012, not May 31, 2012. Lastly, the last Warrant number should be 9014 for the warrant issued to Pat and Dorothy Haws. Trustee Jasa motioned to approve the minutes with the changes. Trustee Knief seconded. The motion was passed unanimously.
3. **Resident Concerns:** Kathy Bandaras, the Treasurer for the Westmont Condominium Association appeared about the water charge of \$50 for shutting off the water for the pool. The pool is Account 1369. Discussion was had. Ms. Bandaras also mentioned the increase in water late fees. She does not have a problem with the fee personally. Mike Bendon also mentioned the late fee increase. Trustee Knief stated that the District is currently doing a trial run with the new policy. The change in fees will be voted on at the next meeting. Mike Bendon mentioned that minutes have not been filed with the courthouse since July. They are required to be filed within 30 days. Trustee Knief stated that all minutes have been filed. Mike Bendon mentioned that the siren test this past Saturday was not loud enough. Trustee Merritt agreed. Discussion was had. Trustee Merritt stated that her neighbor wants her children to be able to go down to the creek and shoot squirrels with a bow and arrow. The Chairman stated that this would be inappropriate. The attorney clarified that the law is clear about children playing in non-recreational areas, so it is not the responsibility of the District to maintain the creek in a manner safe for children's play. Discussion was had. Mike Bendon mentioned that he was upset with an article in the paper. He stated that he believes that Trustee Schuneman should have said more about Trustee Merritt.

4. **Next Meeting Date:** The next meeting of the Board will be held on December 4, 2012 at 6:30 o'clock p.m. at Westmont Elementary School, 13210 Glenn Street, Omaha, Nebraska.

5. **Professional Accounting Service:** Gary Shepherd reported that fund balances as of September 30, 2012 were as follows:

General Fund	\$	209,967.21
Bond Fund	\$	144,047.88
Bond Investment	\$	0.00
Water Deposits	\$	15,150.00
Bond Reserve Fund	\$	6,478.08



Mr. Shepherd next distributed to the Trustees copies of his graphs of general fund activities and a review of those graphs ensued. Total usage was 423,306. Average usage was 1072 cubic feet. Minimum users was 270. Total users was 395. Average water bill was \$30.75. Mr. Shepherd paid \$654.01 for sales tax for the month of September.

Mr. Shepherd next distributed to the Trustees his accounts receivable analysis showing those accounts currently in a delinquent status of 30 days and 60 days.

6. **Accounts Receivable:** June Jordening reported \$15,302.86 was deposited into the general fund. \$1404.23 lien payment is included. \$30 of the total deposit may come back as a returned check, but June Jordening is not sure. So, the deposit may end up being \$15,272.86.
7. **Engineering Issues:** Trustee Jasa presented a bid dated October 10, 2012 from Asphalt Maintenance, Inc. for \$3500 for asphalt patching. Trustee Schuneman spoke with Omni, who did not want to bid on it. Trustee Schuneman motioned to approve the bid. Trustee Jasa seconded the motion. The motion carried unanimously. Moore Brothers met with the county about the specs for the sidewalks. Moore Brothers will begin working on the sidewalks soon. On a related note, Trustee Schuneman spoke with one of the workers from Moore Brothers for speeding in the District. Trustee Schuneman passed around the list of trees that need to be trimmed. Letters will be sent to the homeowners instructing them to trim their trees. If the homeowners do not trim the trees within thirty days, as instructed by the letter, the District will contract with an outside company to trim the trees and bill the homeowners. The following account numbers are to receive notices to trim trees: Account 1005, Account 1023, Account 1026, Account 1028, Account 1039, Account 1040, Account 1043, Account 1054, Account 1055, Account 1056, Account 1061, Account 1072, Account 1074, Account 1095, Account 1097, Account 1102, Account 1122, Account 1125, Account 1130, Account 1139, Account 1140, Account 1143, Account 1155, Account 1157, Account 1164, Account 1186, Account 1196, Account 1199, Account 1201, Account 1204, Account 1219, Account 1225, Account 1228, Account 1244, Account 1245, Account 1248, Account 1252, Account 1255, Account 1260, Account 1272, Account 1277, Account 1278, Account 1291, Account 1294, Account 1301, Account 1358, Account 1361, Account 1371, Account 1381.

Gerald Pesek asked what kind of involvement the District wants the engineer to take with regard to the dam site project. Trustee Schuneman stated that he wants the full involvement of the engineer to make sure that the District's water supply is protected. The attorney stated that she has talked with Darren at TD2 about getting the sewer plans from Lamp Rynearson. The attorney will follow up with Darren to make sure that he is able to get the plans from Lamp Rynearson.

- 8. Attorney Issues:** Attorney Smith showed a draft of the proposed lease for the field to the Trustees and asked for final information to complete the lease. Discussion was had. Trustee Schuneman motioned that the lease be approved and signed based on the discussed changes. Trustee Jasa seconded the motion. All voted in favor. Attorney Chapman noted that she received sewer contracts from Attorney Jim Lang last week. Attorney Chapman will review these contracts prior to the next meeting and prepare notes and suggestions for discussion by the Trustees. Attorney Chapman asked that an agenda item be added for the next meeting to address proceeding on the contract. Attorney Chapman informed the Trustees that Dennis Kelly has formally filed suit against the District in the County Court of Sarpy County. Attorney Chapman has prepared responsive pleadings to Mr. Kelly's Complaint and will file those imminently. Attorney Chapman will seek an award of fees for the District in the responsive pleadings.
- 9. Report from G.F. Pesek:** Both wells are cycling properly. The routine monthly coliform test was negative. The results of the EPA 353.2 Nitrate/Nitrite were 0.167mg/l and 0.207mg/l less than the action level of the 10.0 set by the EPA. Layne Western will check both wells for static water level and draw down. Kersten Construction landscaped both recent water main break sites. Construction of the dam site area has started with the general contractor being Hawkins Construction. The maintenance building was prepared for the arrival of the generator. Routine sewer line cleaning was completed by TREKK Design Group. Manholes were checked and problem areas were noted and mapped. Root cutting will be done on Grissom Street and Schirra Street. Winterization maintenance projects have begun. Kersten Construction cleaned the spare dirt pile along the road to the water tower.
- 10. Payment of Bills:** All bills submitted for payment were approved by unanimous vote. Trustee Knief motioned. Trustee Jasa seconded. The detail of the approved warrants follows:

Warrant Number	Date Issued	Issued To	Amount	Purpose	Invoice #
9015	10-16-12	Century Link	84.92	Phone - South Well	402-D39-3840-169
9016		Century Link	84.92	Phone - North Well	402-D39-3839-177
9017		Nebraska Dept. of Health	14.00	Water testing	431484
9018		Great Plains One Call	23.20	Diggers hotline	912SD23
9019		Midwest Labs	30.00	Water testing	662473
9020		Omaha World Herald	7.84	Publication	153698-120930
9021		Century Link	120.12	Phone: water tower	402-891-5685-386
9022	11-06-12	Linda Comstock	301.30	Accounts Receivable	
9023		Michael Quinn	56.61	Attendance Fee	
9024		Shirley Merritt	84.91	Attendance Fee	
9025		David Jasa	42.46	Attendance Fee	
9026		Don Schuneman	70.76	Attendance Fee	
9027		All Flags	129.47	Purchase new flag	36816
9028		All Flags	126.26	Purchase new flag	35574
9029		T&L Lawn & Landscaping	375.00	Mowing - Sept	
9030		Omaha Public Power District	2,360.22	Power	
9031		Great Plains One Call	15.92	Diggers hotline	1012SD23
9032		KHI	963.00	Repair at Apollo Park	68
9033		T&L Lawn & Landscaping	529.00	Mowing - Oct	
9034		Omaha World Herald	7.84	Publication	153698-121031
9035		Professional Accounting Services	1,005.99	Accounting Service	
9036		June Jordening	545.04	Accounts Receivable	
9037		June Jordening	167.50	Garden maintenance	
9038		Terry Knief	104.90	Clerk fee	
9039		G.F. Pesek	4,030.00	October Maintenance	
9040		Cassidy Chapman	1,731.80	Legal Fees	182
9041		David Jasa	42.14	Supplies/Gas	

11. Old Business:

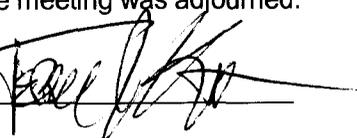
- The District is waiting on Sarpy County for the caution lights for the school.
- Concrete work for the new sidewalks is moving forward.
- In order for the new bond to move forward, the attorney needs contracts for work performed and warrant numbers that will be paid with the new bond.
- Trustee Merritt is going to start having neighborhood watch meetings, but she does not want to have them very often. Trustee Merritt is waiting on a cost for neighborhood watch signs.
- Trustee Knief will be sending out the snow removal letter and the tree trimming letter.
- The attorney has prepared a letter about repairing the sidewalks pursuant to Dennis Kelly's lawsuit.

12. New Business:

- A final vote will be had on the new water fee procedure at the next meeting. In the meantime, the existing procedure will continue.
- Linda Comstock asked about the status of water deposit refunds. Trustee Knief stated that the review is ongoing. Discussion was had regarding turning over deposits to the state for property owners that cannot be located.
- Trustee Merritt requested that a directory be put together. The previous directory was compiled by Barb Mueller in her personal time. Discussion was had.

Trustee Knief motioned to conclude. Trustee Schuneman seconded. Thereafter, there being no further business the meeting was adjourned.

CLERK



CHAIRMAN

