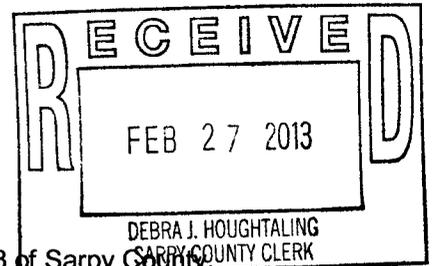


SANITARY AND IMPROVEMENT DISTRICT NO. 23
OF SARPY COUNTY, NEBRASKA

Minutes of Meeting of Board of Trustees
February 5, 2013



A meeting of the Board of Trustees of Sanitary and Improvement District No. 23 of Sarpy County, Nebraska was held on February 5, 2013 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), and Michael Quinn (402.699.1788). Absent were David Jasa (402.896.2279) and Shirley Merritt (402.896.9047). 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, Cassidy Chapman of Cassidy Chapman Law Office, and one District resident.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on January 23, 2013. 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, the Chairman provided a current copy of the Nebraska Open Meetings Act on the table.
- 2. Approval of Minutes:** The Chairman stated the next item of business on the agenda was approval of the meeting minutes from January 2013. Trustee Schuneman's name and Midwest Lab were spelled incorrectly. Trustee Knief motioned to approve the minutes with the changes. Trustee Quinn seconded. The vote was unanimous.
- 3. Resident Concerns:** Trustee Quinn stated that several residents have mentioned that whoever is doing snow removal for the school is piling it by the entrance to the parking lot. June Jordening stated that Rosser has the contract. Trustee Schuneman reported that the county snow removal has resulted in damage to District property, including destruction of his mailbox and pulling up dirt on Shepard Street. He will contact the county about these issues. Mike Bendon mentioned that the drug signs have not been replaced yet. Multiple conversations were ongoing during the discussion of these issues. The attorney asked that conversations be limited so that accurate minutes could be taken. Trustee Knief suggested recording the meeting. The attorney stated that she does not audio record meetings.
- 4. Next Meeting Date:** The next meeting of the Board will be held on March 5, 2013 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 December 31, 2012, were as follows:

General Fund	\$	175,068.35
Bond Fund	\$	94,495.65
Bond Investment	\$	0.00
Water Deposits	\$	15,000.00
Bond Reserve Fund	\$	6,478.08

Mr. Shepherd stated that the bond reserve fund is held in a CD. Discussion was had about paying it into the general fund because it was initially set up as a back up for payments for the water tower but the water tower is now paid off. The bond reserve fund has never been touched and is just sitting unused in the CD.

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 257,524. Average usage was 687 cubic feet. Minimum users were 367. Total users were 397. Average water bill was \$27.88. Mr. Shepherd reported that \$614.26 was paid in sales tax.

Mr. Shepherd next distributed to the Trustees his accounts receivable analysis showing those accounts currently in a delinquent status. Shut off notices were mailed with regard to the following accounts if balances are not received by February 15, 2013: Account 1038 Steven Mullins, Account 1055 Krista Cormaci, Account 1070 David Kurth, Account 1080 Derek Clark, Account 1088 Monica Parker, Account 1112 Tracy Swalberg, Account 1141 Jim Hamilton, Account 1143 Kristel Ashmore, Account 1163 K. Bielenberg, Account 1169 Henry Weverka, Account 1208 Ernest Henry, Account 1212 Stacey Trecek, Account 1222 Jerry Bothel, Account 1228 Daniel Bost, Account 1241 David Biodrowsky, Account 1252 Brad & Lisa Rands, Account 1259 Scott Lane, Account 1260 Jonathan Floerke, Account 1272 Brad Simpson, Account 1283 John Stapp, Account 1318 Michael Ivey, and Account 1319 Stephen Warren. Account 1228 Daniel Bost and Account 1318 Michael Ivey have deposits that have not been refunded. The deposits will be credited against their bills. There were no water shut offs last month.

- 6. Accounts Receivable:** June Jordening reported \$15,424.50 was deposited into the general fund. Includes \$300 wireless payment from Springfield/Platteview. There will be a returned check that comes out for \$26.90 on January 29, but it won't reflect with June until February. June Jordening will request a transfer from the special account to the general account of the deposits for Account 1228 Daniel Bost and Account 1318 Michael Ivey to pay for their outstanding water bills.

Engineering Issues: In a letter dated January 10, 2013 from Arthur D. Beccard of Thompson, Dressen

& Dorner, Inc., Mr. Beccard stated that they observed a continuous flow of water discharging from the threaded tap on the elevated water reservoir's southeast support leg and that said leak appeared to be a "recurrence of a similar leak that was repaired several years ago that was discharging water from a welded connection on the support leg about 60 feet above grade". Mr. Beccard furthered that he observed "the failure of the exterior paint system on the portion of that support leg below the welded area and several visible bulges or deformations on that leg. The failed paint and bulges appear to be the result of the previous leak allowing water to accumulate within the support leg and then to freeze". Mr. Beccard recommended Westmont set up a system to direct the water leak discharge at least 20 feet away from the base of the support leg to avoid soaking the soils and weakening the underlying soils that are needed to provide foundation support to said leg. He also stated that until the weather warms, they have made arrangements with Maguire Iron to "perform ultrasonic thickness testing on the lower part of the deformed support leg to obtain an assessment of possible repair". Said testing will be within the next 30 to 40 days. Maguire Iron has offered to perform the test with no additional cost to the district. Mr. Beccard also contacted the attorney via email on February 5, 2013, immediately prior to the monthly meeting. Mr. Beccard stated that the next logical step is to drain the elevated reservoir during non-freezing conditions and have a qualified company perform a detailed inspection of the damaged support leg and leak location within the interior of the reservoir so that proper repairs can be completed. The detailed inspection should consist of cutting inspection holes into the damaged southeast support leg and removal of the steel plate inside of the reservoir that was previously used to fix the original leak. Maguire Iron is planning on submitted a proposal to perform the detailed inspection on a lump sum basis with an hourly crew time rate for any repairs that are determined to be needed. The repairs would not be started without the authorization of the Board. Mr. Beccard offered to request similar proposals from other qualified companies. Trustee Schuneman wants at least three bids for fixing the water leak on the water tower. Trustee Schuneman will request these bids from Arthur.

7. Attorney Issues:

- a. The Sarpy County sewer contract revisions were discussed. Readings have to be submitted to both Sarpy and Omaha. Readings never had to be submitted to Sarpy before. The payment due date to Omaha, as Sarpy County's agent, for the monthly sewer service was modified from 10 days to 20 days. The attorney again mentioned the contradictory provisions between the Sarpy County sewer contract proposed for signature by the District and the Omaha sewer contract that is referenced in the contract and signed by Sarpy County. The attorney stated that she could not advise the District to sign the contract with Sarpy County when the provisions contradict and the District could in theory be bound by both contracts. Trustee Schuneman asked if the Gretna sewer contract with Sarpy County has similar contradictory provisions. The attorney stated that she would look into it.
- b. The attorney mentioned that she saw Dennis Kelly's lawyer at the Douglas County Courthouse and had a brief conversation about Mr. Kelly's complaints. Mr. Kelly's attorney, William Marion stated that he believes that Mr. Kelly intends on refiling in a more appropriate court. Trustee Schuneman instructed the attorney to immediately finalize the letter to the homeowners about Dennis Kelly's actions.

8. Report from G.F. Pesek: Both wells are cycling properly. The routine monthly coliform test was negative. Art Beccard of TD2 completed an onsite evaluation of the water tower. His observations and recommendations were presented with a document from the engineering firm. Layne Western will be scheduled to evaluate the static water level and draw down for each well to guide water conservation issues for the upcoming season. Layne Western will be used as a baseline. There was a resolution in 2006 about water conservation. The state of Nebraska did this in 2006. Water can be shut off if residents violate the resolution. A Resolution was adopted for the Drought Emergency Contingency Plan on May 6, 2006, and was presented for review. It established ongoing restrictions of water use and an increase of water fees in the event of water shortages or limited supplies, and imposes penalties for non-compliance. Sewer line root cutting and chemical treatment by TREKK Design Group plans are being implemented. TREKK sent a letter saying they are going to do the entire District. Pesek said that there are certain spots that have to be dealt with. Trustee Quinn stated that he has had problems in the past with roots in his sewer line. Trustee Schuneman will call about the generic bid submitted by TREKK. Trustee Schuneman wants more specifics on the bid.

There were two emergency calls from Frank with the Springfield/Platteview School District that were responded to concerning power outages on internet equipment mounted on the water tower. It is unknown whether the outage is on the District line or the school line. OPPD checked the line with Pesek and found no problems. The school may need to be billed. Trustee Schuneman stated that Gerald shouldn't be performing this work. The school should be hiring people to do it. Gerald stated that Providence acted as electrician for District while he looked into the matter and will be submitting a bill. Trustee Schuneman told Gerald to get to the bottom of it if the District's stuff wasn't the problem. Trustee Schuneman will talk to Frank about paying for the bills. Trustee Schuneman asked that Gerald submit a more detailed statement for the time that he put into investigating with the power outage.

9. Payment of Bills: All bills submitted for payment were approved by unanimous vote. Trustee Quinn motioned. Trustee Knief seconded. The detail of the approved warrants follows:

Warrant	Date	Issued to	Amount	Purpose	Invoice #
9088	01-20-13	William Christoffersen	150.00	Water Deposit Refund	Acct 1007
9089	01-20-13	Erik & Sarah Teetzel	150.00	Water Deposit Refund	1017
9090	01-20-13	Roy & Suzanne Amerson	150.00	Water Deposit Refund	1022
9091	01-20-13	Susan Strickland	150.00	Water Deposit Refund	1027
9092	01-20-13	Thomas Mitchell	150.00	Water Deposit Refund	1028

9093	01-20-13	Craig Kaster	150.00	Water Deposit Refund	1032
9094	01-20-13	Jennifer Multins	150.00	Water Deposit Refund	1038
9095	01-20-13	David Clapham	150.00	Water Deposit Refund	1057
9096	01-20-13	Homebuyers Inc.	150.00	Water Deposit Refund	1067
9097	01-20-13	Grady Reeves	150.00	Water Deposit Refund	1068
9098	01-20-13	DRW Project Solutions	150.00	Water Deposit Refund	1062
9099	01-20-13	Jeffrey & Angela Proteytor	150.00	Water Deposit Refund	1080
9100	01-20-13	Brett Campbell	150.00	Water Deposit Refund	1106
9101	01-20-13	Marie Dewey	150.00	Water Deposit Refund	1116
9102	01-20-13	Gary Lane	150.00	Water Deposit Refund	1119
9103	01-20-13	Kelvin & Nancy Jones	150.00	Water Deposit Refund	1126
9104	01-20-13	Taylor Foral	150.00	Water Deposit Refund	1127
9105	01-20-13	Fay Broomfield	150.00	Water Deposit Refund	1130
9106	01-20-13	Dann Harringa	150.00	Water Deposit Refund	1132
9107	01-20-13	Nicole Moreau Folden	150.00	Water Deposit Refund	1135
9108	01-20-13	David Boynton	150.00	Water Deposit Refund	1147
9109	01-20-13	Maria Carabantes	150.00	Water Deposit Refund	1151
9110	01-20-13	Debbie Osmera	150.00	Water Deposit Refund	1172
9111	01-20-13	James Adam	150.00	Water Deposit Refund	1189
9112	01-20-13	Tammy Shaffer	150.00	Water Deposit Refund	1201
9113	01-20-13	Timothy Marsden	150.00	Water Deposit Refund	1211
9114	01-20-13	Charles Prokupek	150.00	Water Deposit Refund	1212
9115	01-20-13	Jerry Bothel	150.00	Water Deposit Refund	1222
9116	01-20-13	Bryan Dort	150.00	Water Deposit Refund	1232
9117	01-20-13	Brian Buskirk	150.00	Water Deposit Refund	1234
9118	01-20-13	Vallery O'Conner	150.00	Water Deposit Refund	1242
9119	01-20-13	Ryan Slepicka	150.00	Water Deposit Refund	1251
9120	01-20-13	Robert Lindeman	150.00	Water Deposit Refund	1255
9121	01-20-13	Ronald Romans	150.00	Water Deposit Refund	1274
9122	01-20-13	Chris Kaiser	150.00	Water Deposit Refund	1281
9123	01-20-13	Rodney Bogh	150.00	Water Deposit Refund	1287
9124	01-20-13	Eric Schwickerath	150.00	Water Deposit Refund	1291
9125	01-20-13	Dale Johnson	150.00	Water Deposit Refund	1308
9126	01-20-13	James Smith	150.00	Water Deposit Refund	1309
9127	01-20-13	Richard Mathews	150.00	Water Deposit Refund	1311
9128	01-20-13	Michaela Fornoff	150.00	Water Deposit Refund	1315
9129	01-20-13	Holi Simms	150.00	Water Deposit Refund	1349
9130	01-20-13	Jodi Triplett	150.00	Water Deposit Refund	1351
9131	01-20-13	George Rein	150.00	Water Deposit Refund	1394
9132	01-20-13	Richard & Joanne Eurich	150.00	Water Deposit Refund	1036
9133	01-20-13	Tom Reeker	150.00	Water Deposit Refund	1165
9134	01-20-13	Jeannine Glessman	150.00	Water Deposit Refund	1245
9135	01-20-13	Lisa Miller	150.00	Water Deposit Refund	1320
9136	01-20-13	Christy Nielsen	150.00	Water Deposit Refund	1328
9137	01-20-13	Andrew Valessek	150.00	Water Deposit Refund	1346
9138	01-20-13	Andrew Waters	150.00	Water Deposit Refund	1383
9139	01-20-13	James Elliot	150.00	Water Deposit Refund	1385
9140	01-20-13	Richard & Joanne Eurich	150.00	Water Deposit Refund	1056
9141	01-20-13	Clement Delts	150.00	Water Deposit Refund	1380
9142	01-20-13	Kevin Wells	150.00	Water Deposit Refund	1165
9143	01-20-13	Kathy Scheer	150.00	Water Deposit Refund	1093
9144	01-20-13	James Sherwood	150.00	Water Deposit Refund	1235
9145	01-20-13	Chris Doner	150.00	Water Deposit Refund	1209
9146	01-20-13	Lawrence Volland	150.00	Water Deposit Refund	1352
9147	01-20-13	John Quinn	150.00	Water Deposit Refund	1172
9148	01-20-13	Debra McElroy	150.00	Water Deposit Refund	1019
9149	01-20-13	David Hannon	150.00	Water Deposit Refund	1280
9150	01-23-13	Century Link	119.84	Phone: water tower	
9151	01-23-13	Century Link	84.92	Phone - North Well	
9152	01-23-13	Century Link	84.92	Phone - South Well	
9153	02-05-13	Great Western Bank	250.00	Registrar, paying agent	6619
9154	02-05-13	City of Omaha	4,489.74	Sewer fee 88016	Oct. 12
9155	02-05-13	Nebraska Public Health	14.00	Water testing	434663
9156	02-05-13	Kersten Construction	1,768.57	Water leak repair	31422
9157	02-05-13	Linda Comstock	429.50	Accounts Payable	
9158	02-05-13	Trekk Design Group	600.00	TV Sewer	13-042
9159	02-05-13	Omaha Public Power District	2,412.70	Electrical Service	
9160	02-05-13	G.F. Pesek	3,680.00	January Maintenance	
9161	02-05-13	Terry Knief	216.70	Clerk Fees	
9162	02-05-13	June Jordening	545.28	Accounts Payable	
9163	02-05-13	Cassidy Chapman	835.00	Legal Fees	2914
9164	02-05-13	Thompson, Dreesen & Dornier Inc.	2,549.85	Engineering fees	97522, 97692, 97897
9165	02-05-13	Professional Accounting	1,056.87	Professional Acct fee	
9166	02-05-13	Professional Accounting	514.76	Year-End Acct fee	

10. Old Business:

- a. Trustee Knief will report next month on the water rate increase.
- b. Attorney Andrea Smith provided the contract for the rental land via email November 9, 2012 to Trustee Schuneman. It still needs to be signed.

- c. Trustee Schuneman will contact Rich Harman about the bond. Attorney Andrea Smith emailed Rich Harman's contact information to Trustee Schuneman on December 11, 2012. Trustee Schuneman will also meet with Mike Bendon and put together a project list for the bond before meeting with Rich Harman.
- d. 62 water deposit returns were issued this month. The rest are still in progress.
- e. Discussion was had about street parking restrictions. Trustee Knief proposed a 12:00 a.m. to 6:00 a.m. no parking restriction, which would be similar to the City of Springfield's policy. Special events at the school or the park would be exempt with written approval of the board. Trustee Quinn objected to year round restrictions because many residents, including himself, have work vehicles that cannot be parked in their driveways. The board discussed limiting the ordinance to only apply between the months of November and April. The board also discussed alternative street parking. Trustee Schuneman proposed 7:00 a.m. instead of 6:00 a.m. as the ending time for the no parking restriction. June Jordening asked if people could park in the park parking lot overnight. The board did not see issues with this except that the park isn't open year-round. Trustee Knief stated that he sent 33 letters to people who were parked on the street during the last snowfall. Not everyone listened even after letter. Additional restrictions discussed included the need for parking signs on one side of Richland Drive because of garbage trucks, no parking signs by the bar, parking yards next to the driveways, parking close to private driveways, and parking by mailboxes. Fire trucks are restricted from coming through when any vehicle is parked on the street. Trustee Schuneman motioned that the District adopt a parking ordinance prohibiting on-street parking daily between with 12:00 a.m. and 7:00 a.m. No owners of motor vehicles, trailers, boats, or seasonable vehicles can leave, park, or permit the same to stand on a street between those hours. Special events held at the Westmont Elementary School or Apollo Park would be exempt from the parking restrictions when approved in writing by the board. Parking of heavy-duty commercial vehicles will be prohibited in residential areas, unless the vehicle is loading or unloading goods or has a service call in the immediate vicinity. Parking unattached semi-trailers or auxiliary dollies on any street would be prohibited except while loading and unloading. Parking would be prohibited in an intersection or a crosswalk, within 15 feet of a fire hydrant, in front of public or private driveways, on a sidewalk or parkway, on the roadway side of a parked vehicle (double parking), or in such a manner that obstructs the free use of the street or access to the neighborhood by emergency vehicles. Off-street parking facilities will need to be hard-surfaced (asphalt or concrete) and maintained with materials sufficient to prevent mud, dust, or loose material. Parking will be prohibited in the center median strip on Richland Drive. Parking will be prohibited within four feet of a public or private driveway or mailbox. Parking will be prohibited in front of public or private driveways on both sides of the street, including a homeowner or renter's own driveway. Parking will not be allowed within 30 feet of a stop sign or intersection. Street sweeping signs will be posted in areas of the District where there is a routine street sweeping schedule and parking will be prohibited on the designated days for the entire time posted on the sign. Trustee Knief seconded the adoption of the parking restrictions motioned. Trustee Quinn objected. The motion carried. The formal parking resolution will be sent to the county board for approval, but will not be contingent on the approval.
- f. Trustee Knief will get the street sweeping bids together before the next meeting.
- g. Trustee Jasa has two mowing bids. Trustee Quinn has two additional bids. These bids will be discussed at the next meeting.
- h. Mike Bendon spoke about options for document scanning. He stated that Neat Desk would cost \$399. It comes with software to establish file folders. It allows for two-sided scanning. Neat Desk would require the use of a laptop for the software. Discussion was had regarding this proposal and in what format the documents would be stored. The attorney mentioned using Google Drive, DropBox, or flash drive for storage. Trustee Knief stated that he would look into GoDaddy storage since the District already maintains an account with GoDaddy. Mike Bendon looked through the plastic storage tubs already provided, which are a small portion of the District's files. It took him over three hours. It was agreed that it would take a significant amount of time for Mike Bendon to go through all of the files. The attorney mentioned that a bid already exists for scanning an organizing the files, but that the bid included more specific organization of the files. The attorney noted that it would cost less if the documents were not organized and just scanned. The attorney agreed to seek a new bid for the old files in her possession.

11. New Business:

- a. Trustee Knief sent letters for tree trimming. Trustee Schuneman will get a list from Trustee Knief for the next meeting to see who hasn't complied.
- b. The attorney agreed to look into whether the District can contract for a sewer cleaning service.

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

CLERK _____

CHAIRMAN 