

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

Minutes of Meeting of Board of Trustees  
November 5, 2013

A meeting of the Board of Trustees of Sanitary and Improvement District No. 23 of Sarpy County, Nebraska was held on November 5, 2013 at 6:30 o'clock p.m. at Westmont Elementary School, 13210 Glenn Street, Omaha, Nebraska.

Present were Chairwoman Jeannine Glesmann (402.616.5581), Trustee Shirley Merritt (402.896.9047), Trustee Michael Quinn (402.699.1788), Trustee Mike Bendon (402.896.2250), and Trustee Bob Burbee (402.896.1084). 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 V. Chapman of Cassidy Chapman Law Office, and many District residents.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on October 23, 2013. The publication contained the following errors: stated the meeting was to be held on Wednesday November 5, 2013, publication should have read Tuesday, November 5, 2013; and the publication listed Don Schuneman and Terry Knief as Trustees. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

- 1. Compliance with Open Meetings Law:** In compliance with the Act, the attorney provided a current copy of the Nebraska Open Meetings Act on the table.
- 2. Approval of Minutes:** Minutes were corrected in paragraph 5 to the spelling of Grissom Street. Trustee Burbee motioned to approve the October 1, 2013 minutes. Chairwoman Glesmann seconded. All trustees voted in favor.
- 3. Next Meeting Date:** The next meeting of the Board will be held on December 3, 2013 at 6:30 p.m. at Westmont Elementary School, 13210 Glenn Street, Omaha, Nebraska.
- 4. Resident Concerns:** Howard Green at 13210 Carpenter Street said he received delinquent notices for his water bill. He would like to have the minutes amended so that it says that he is not delinquent in August, September, and October. Trustee Bendon motioned that November's minutes include a statement that Howard Green was not delinquent for August, September, and October. Trustee Merritt seconded the motion. All trustees voted in favor. Terry Jones from 13219 Glenn Street asked that all letters regarding trees be sent to the condo board association instead of to the residents since the residents cannot trim the trees.
- 5. Professional Accounting Service:** Gary Shepherd reported that fund balances as of September 30, 2013, were as follows:

General Fund	\$	140,711.24
Bond Fund	\$	169,900.50
Bond Investment	\$	0.00
Water Deposits	\$	9,000.00
Bond Reserve Fund	\$	6,507.31

Mr. Shepherd distributed to the Trustees copies of his graphs of general fund activities and a review of those graphs ensued. Total usage was 326,908. Average usage was 824 cubic feet. Minimum users were 329. Total users were 397. The average water bill was \$29.01. Sales tax in the amount of \$650.26 was paid for September of 2013.

Mr. Shepherd next distributed to the Trustees his accounts receivable analysis showing those accounts currently in a delinquent status. Shut-off notices will be mailed with regard to the following accounts if balances are not received by November 15, 2013: Account 1095 Gregory Middleton, Account 1101 Jordan Sims, Account 1122 Leon Morrison, Account 1156 Vickie Klevemann, Account 1191 Amy Adair, Account 1196 Jason McKewon, Account 1201 Jeff Ryan, Account 1208 Floyd E Hult, Account 1212 Stacey Trecek, Account 1229 Ryan Mortenson, Account 1274 Don Romans, Account 1294 Ellen McGovern, Account 1311 Richard A Matthews, Account 1319 Stephen Warren, Account 1337 Sarah Hentschel, Account 1346 Mitch Watson, Account 1349 Jessica Hawthorne, Account 1379 David Spurgeon, Account 1368 Westmont Elementary.

Trustee Quinn attempt to lien, but he did not have the legal descriptions.

June Jordening received another tax-exempt letter from Westmont Elementary.

- 6. Accounts Receivable:** June Jordening reported that \$15,307.58 was deposited into the general fund for the month of October. Account 1201 has left two messages. They want to collect from the previous person. Account 1201 needs to pay \$155.61 to be current.
- 7. Report from G.F. Pesek:** Both wells are cycling properly. The routine monthly coliform test was negative.

The Deficiency Corrective Action Plan items are required to be completed by December 1, 2013. Item 1 and 2 of 179 NAC 22-006 have been timely completed as well as 179 22-008. The PTO shaft door in the south well house has been secured and trees around the tower leg footings have been removed. The contractor has completed mowing.

A contractor selected by the SID board will remove trees and vines on the fence and trees around the building foundation. The repair of the roof of the south well house is to be coordinated by the Engineers.

The wastewater system is cycling properly.

Seasonable maintenance and winterization is ongoing.

Cutters law service provided Trustee Bendon a sealed estimate. Bob Sheehan was not interested, so he did not provide an estimate. Trustee Quinn contacted J&M Retaining Walls & Tree Removal and Double T Lawn and Landscape. Cutters estimate is \$580.00, J&M estimate is \$350.00, and Double T estimate is \$300. Discussion was had about the need to keep up with spraying of weeds. Double T bid specifically mentions vines ON the fence. J&M says removal, but not spray. Double T and Cutters mentions spraying. Cutters has waste disposal of two truckloads. In the past, former Chairman, Don Schuneman, had someone do it, but it was never hauled away. Trustee Bendon prefers J&M. Trustee Bendon motioned for J&M with the stipulation that it has to be done by December 1. Trustee Quinn seconded. It was decided that a spray was not necessary this time of year anyway. All trustees voted in favor.

Mr. Pesek also provided a list of emergency contacts.

Gerald Pesek (recorder)	402.393.5581
Cell	402.679.9979
<u>Water Main Break</u>	
Kersten Construction	402.332.4141
<u>Electrician</u>	
Electric Company Omaha	402.346.1881
<u>Variable Frequency Drive (VFD)</u>	
ATL	402.343.0100
<u>Water Wells</u>	
Layne-Western	402.359.2042
<u>Power Outage</u>	
OPPD	800.554.OPPD
<u>Backup Operator</u>	
Gerry Gutoski	402.250.2203
<u>Controls and Dial-Out Phones</u>	
Dave Syslo	402.681.0506

Gerald is currently in Kearney attending classes to keep his water licenses up to date. He will be available all day Friday if Trustee Quinn gets in touch with TD2 about having them look at the well houses for the deficiencies in the NDHHS report.

- 8. Attorney Issues:** Discussion was had regarding the pending sidewalk litigation with resident, Dennis Kelly. The attorney said that she received responses to the discovery served upon Mr. Kelly's attorney and that discovery was also recently served upon the District. The District's answers to discovery are due back to Mr. Kelly's attorney on November 30, 2013.

The attorney also reported that she has received correspondence from the Sarpy County Attorney regarding an upcoming eminent domain action and correspondence from TD2 regarding the easement for the dam site. The eminent domain proceeding involves Sarpy County acquiring temporary and permanent easements on the property legally described as Block 18 Westmont 2<sup>nd</sup> Platting, a subdivision as surveyed, platted and recorded in Sarpy County Nebraska. The property will be utilized for the construction of a county owned sewer line. The sewer line is part of the infrastructure required for Traveler's Indemnity Company's data center that is being built on the southwest corner of Highway 50 and Schram Road. Trustee Bendon is concerned as to where the line will be established. He doesn't want them hooking up to the SID's private sewer. Trustee Burbee does not think that the sewer line they put in for the NRD is going to hold and doesn't want it to back up into the SID. Trustee Bendon proposed that Trustee Quinn contact TD2 about the actual plans for the redundant water line. Are there valves? Is it going under the creek? The attorney suggested that Trustee Bendon contact Gerald Pesek about the same questions.

TD2 contacted the attorney to see if she wanted to draft the easement for the redundant water line. TD2 provided the attorney with the correspondence it had been having with the NRD about the water line requirements. The attorney asked whether the board preferred to have the attorney draft the easement or if they just wanted the attorney to review the easement as drafted by the NRD.

- 9. Engineer Issues:** No new engineering reports at this time. Trustee Bendon asked Trustee Quinn if he had contacted TD2 to get the sidewalk publication. Trustee Quinn thought that Gerald Pesek was taking care of contacting TD2 about the rotting wood and insulation issues at the well house.

- 10. Payment of Bills:** All bills submitted for payment were approved by unanimous vote. Trustee Burbee

motioned for approval. Trustee Bendon seconded. All voted in favor. The detail of the approved warrants as follows:

Gary Shepherd said that Gerald Pesek billed for 10 shutoffs, but he was only told about 5. He has asked Gerald repeatedly to give him details on what accounts are being shutoff, but he refuses. He will only give a flat number without any details and it's a problem because the owners should be billed for the shutoffs.

Trustee Quinn brought up the bill from Melvin Sudbeck Homes. There is no permission for Don Schuneman to have that work done, so Trustee Quinn is not going to sign off on the bill. Chairwoman Glesmann is going to contact TD2 about the bill. It will not be paid.

Warrant	Date	Issued to	Amount	Purpose	Invoice #
9354	10.15.13	Omaha World Herald	69.47	Publication of budget, meeting notice	153698 130930
9355	10.15.13	Century Link	84.92	Phone Southwell	
9356	10.15.13	Century Link	84.92	Phone Northwell	
9357	10.21.13	Nebraska Public Health Department	15.00	Water Testing	444731
9358	10.21.13	One Call Concepts	44.65	Diggers Hotline	3091026
9359	10.21.13	Century Link	122.56	Water Tower Alarm	
9360	11.5.13	G.F. Pesek	3,355.00	Oct. Maintenance	
9361	11.5.13	Cultures Lawn Service	475.00	Mowing Service	1596
9362	11.5.13	Linda Comstock	308.74	Accts Payable	
9363	11.5.13	Abe's Trash Service	31.00	3-95 Gal Carts Park	881154
9364	11.5.13	City of Omaha	5,000.00	Sewer Fees July	94893
9365	11.5.13	City of Omaha	141.26	Sewer Fees July	94893
9366	11.5.13	June Jordening	573.28	Accts Receivable	
9367	11.5.13	Michael Bendon	119.59	Expenses Reimbursement	
9368	11.5.13	Professional Accounting Service	1,122.01	Professional Accounting Services	
9369	11.5.13	Sudbeck Homes	2,300.00	Clean Drainage Ditch	VOID
9370	11.5.13	OPPD	2,260.78	Street Lights	
9371	11.5.13	Cassidy Chapman	2,013.76	Legal Fees	
9372	11.5.13	Providence Group	106.00	Locate Curb Stop	
9373	11.5.13	Mike Quinn	213.85	Clerk Fee/Expenses	100

**11. Old Business:**

- a. Bond items – Trustee Quinn noted that he has been working with outside people to get bathrooms put in for the ball field. It is still an open issue with the teams. Trustee Bendon wants the land to be appropriately graded as well because the area behind third base does not drain properly. There are two ways to install bathrooms and a sewer line would not have to be constructed. Trustee Bendon suggested that the attorney could put together a contract with the different teams to deal with maintenance. Trustee Quinn said that there are three possible groups that would use it. A fence needs to be put up around the field. Trustee Bendon said that if the ball field is not going to be maintained, it should be ripped out. Trustee Quinn will contact TD2 regarding these issues.

Trustee Bendon wants to know the minimum and maximum bond that can be approved. The attorney will contact the bond company regarding this issue.

Trustee Quinn asked if ADA sidewalks were an issue. Trustee Bendon and the attorney explained that there is no deadline. The sidewalks just have to conform when they are replaced.

Trustee Bendon asked that the possibility of upgrading the water meters to electronic reads be considered. Chairwoman Glesmann asked what the reason would be for doing electronic meter readers. Trustee Bendon said that it would ultimately pay for itself because you wouldn't have to pay someone to walk around and get the readings. The meter parts are already getting old and will need to be replaced all the time. Gary Pesek said that there are meter-reading errors every month, so this would be quicker.

Trustee Burbee mentioned putting a fence around the maintenance field with an actual gate instead of wire. Trustee Burbee will contact companies and obtain bids.

The attorney noted that many of the ideas proposed could be investigated by the Trustees proposing them to seek out bids. Only a few of the ideas would require involvement with TD2.

Green warrants will be issued and the bond company writes the checks to the contractor.

- b. Trustee Burbee said it makes sense for the engineer to come out and do an assessment of the streets for repairs in the spring.
- c. Trustee Burbee looked at the storm sewers. There is a lot of debris and some have logs. There are a lot of leaves. Trustee Bendon stated the leaves need to be jetted out. Trustee Bendon said that in the past

Gerald Pesek would have a company come out and identify the ones that need to be jetted out and have them jet them out. Trustee Quinn made a motion that he will contact Gerald Pesek to contact Trek to do the work. They have done the work in the past. Trustee Bendon seconded the motion. All trustees voted in favor.

- d. Trustee Quinn updated the Board on tree trimming. Discussion was had that the bill for the tree trimming needs to be itemized by property so that the cost is being passed on to the appropriate homeowner. Chairwoman Glesmann motioned that Trustee Quinn look into bids and pass them on for approval from the board. Trustee Bendon seconded. All trustees voted in favor.
- e. Trustee Quinn stated that Terry Knief would be interested in taking care of the website and the Facebook page. Trustee Bendon wants a contract to make sure that things get done in a timely manner. Chairwoman Glesmann said she would make a Facebook page. Chairwoman Glesmann will talk to Terry Knief and will contact some other companies. Chairwoman Glesmann motioned. Trustee Burbee seconded. All trustees voted in favor.
- f. Terry Knief provided a box of information to Trustee Quinn. Trustee Quinn has not had an opportunity to review the list for water deposits. Trustee Bendon is willing to look into refunds that were issued with June Jordening and Linda Comstock. Trustee Bendon motioned. Trustee Burbee seconded. All trustees voted in favor.
- g. Sewer rates – Gary Shepherd hasn't put all of the information together. He needs a little more time. The attorney stated that in the past, Daren Konda from TD2 had also suggested increasing the rates and may have additional information.
- h. Sidewalks – The sidewalk has been put in in front of the pool. Trustee Quinn thinks that sod or something else needs to be put in. Trustee Burbee suggested putting seed down. Trustee Bendon motioned that Trustee Quinn talk to Moore Brothers to put seed down. Trustee Burbee seconded. All trustees voted in favor.
- i. Trustee Burbee reported that the neighborhood watch signs were not at the sheriff's office. Instead, they were at the county sign department and will be put up tomorrow.

**12. New Business:**

- a. Chairwoman Glesmann reported that she heard that a truck accessory company is going in next to the lounge. The District hasn't been contacted about this.
- b. Trustee Bendon wants Gerald Pesek to talk to TD2 about getting the motor out of the well house. There was a person interested in buying, but he isn't anymore. TD2 may know of someone to get rid of it. It could be sold for scrap, but it needs to be appropriately disconnected.
- c. Trustee Bendon wants a policy established concerning water calls. People call and say they have a leaking water meter in the basement. Who on the board should be contacted? Is it something that needs to be addressed immediately or later? Trustee Bendon believes that at least two people should have to be present for security reasons. Should a board member go and assess it first?
- d. Trustee Burbee thinks someone needs to go down to the lounge and say something about people parking on the medians. Burbee thinks that the owners of the lounge should be responsible for any repairs. The SID could just have the cars towed because the parking is on SID property. Trustee Burbee and Trustee Bendon said that Chairwoman Glesmann should draft a letter.

Chairwoman Glesmann motioned to adjourn. Trustee Burbee seconded. All trustees voted in favor.

CLERK



CHAIRMAN

