

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

Minutes of Meeting of Board of Trustees  
January 7, 2014

A meeting of the Board of Trustees of Sanitary and Improvement District No. 23 of Sarpy County, Nebraska was held on January 7, 2014 at 6:30 o'clock p.m. at Westmont Elementary School, 13210 Glenn Street, Omaha, Nebraska.

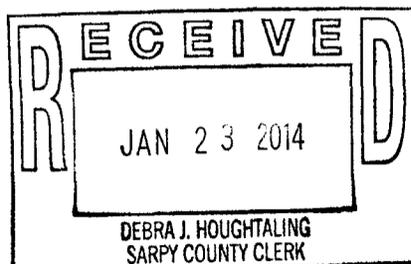
Present were Chairwoman Jeannine Glesmann (402.616.5581), Trustee Shirley Merritt (402.896.9047), Trustee Michael Quinn (402.699.1788), Trustee Mike Bendon (402.896.2250), and Trustee Bob Burbee (402.896.1084). Also present were Gerald Pesek of G.F. Pesek, Inc., Gary Shepherd of Professional Accounting Service, Accounts Receivable Clerk June Jordening, Accounts Payable Clerk Linda Comstock, Cassidy Chapman of Cassidy Chapman Law Office, and several District residents.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on December 25, 2013. 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, Chairwoman Glesmann provided a current copy of the Nebraska Open Meetings Act on the table.
- 2. Approval of Minutes:** Discussion was had on the necessary corrections for the past month's minutes. Trustee Burbee motioned to approve the December 3, 2013 minutes. Trustee Quinn seconded. All trustees voted in favor.
- 3. Next Meeting Date:** The next meeting of the Board will be held on February 4, 2014 at 6:30 p.m. at Westmont Elementary School, 13210 Glenn Street, Omaha, Nebraska.
- 4. Resident Concerns:** Ron Cook is concerned about the meeting minutes being distributed. He went to the store about a week ago and the minutes were not there. The website hasn't been updated since September of 2013. He wanted to know when the minutes would be distributed at the store. Trustee Quinn estimated that within 10 days.

David Hannon is going to have some tree work done and some shrubs removed. He wants to be reimbursed because the work is being done on "common area." According to the graph presented, the work may be on District property, but no one is sure. He does maintain the area by mowing. It needs to be cleaned up because it looks bad. There used to be a garden there. Trustee Bendon doesn't think the District should pay for it. Trustee Bendon suggesting measuring to see if it is District property. He said that a survey was done about ten years ago and pins were left. Trustee Bendon said that they would need to find out where the pins are to be able to measure appropriately. Trustee Glesmann is going to look into it.

Dan Williams called Trustee Quinn about a week and a half ago. He has a purchase contract on the store and the three acres around it though his company, Williams Enterprises, LLC. They plan to put up a retail building. They have already mowed and torn down trees. They want to clean the property up. Mr. Williams is going to meet with the Nebraska Roads Department to add some dirt to the property. Mr. Williams inquired about the water and sewer fees and the easement details. Gary Shepherd said he though it was \$750 for a hook up for water and sewer the last time he checked. Mr. Shepherd looked it up and that price is for residential, not commercial. Gerald Pesek said the main is on the street and it is eight inches. Mr. Shepherd asked if Mr. Williams's company would need a Masters-like agreement. Mr. Williams stated that his building wouldn't need a lot of water. He believes one ¾ meter will feed the building. The building is fully occupied with tenants. There is an automotive retailer that has committed to going in. The automotive retailer also does installation of those parts. There may be one bay left. Trustee Bendon asked about landscaping plans. Mr. Williams stated that there is none for the front of the building. Trustee Bendon is concerned that it be dressed up and made more attractive. Mr. Williams asked if there are requirements by the District. Trustee Burbee suggested that he look it up with the county. Mr. Williams stated that he owns a lot of buildings in Sarpy County and hasn't run across a lot of design requirements in the past. Papillion has more requirements on design. He stated that all the traffic would come in through Richland Drive. Mr. Williams said that he has buildings in Shadow Lake and Springfield. Trustee Bendon asked where the trash containers would go. Mr. Williams said the walls around the



dumpster would be brick and 6 feet tall. Trustee Burbee asked if cars would be washed there and Mr. Williams said no. Trustee Bendon stated that he is concerned about property values across the street. Trustee Bendon said he wouldn't buy there. Mr. Williams stated that the garage doors, approximately seven of them, would be white with windows. The building will be a light tan and brick. He said it's a very clean look. It does not look industrial. Trustee Bendon disagreed and said that if the back of the building is going to be metal, it will look industrial. Trustee Bendon asked the attorney if the District has to provide water and sewer. The attorney stated that she did not believe that the board had to unilaterally agree to provide water and sewer, but that it may be inevitable that it be provided. It is Mr. Williams's understanding that if water and sewer are available, they have to be provided. Mr. Williams said that he wants to be a good neighbor and clean the property up. He would be open to planting trees and working with the District to make the property more appealing. Mr. Williams said he could technically go through the bar and the store to get water or he could create a well, but he doesn't want to have to do either. He would prefer to work with the District. Trustee Bendon would find the building more appealing if it were turned around. Mr. Williams stated that he does not see semi traffic being created. He stated that the bar is tied up in a very cheap rental agreement because the owners of the bar remodeled. Mr. Williams said that he anticipates that construction will begin when the ground thaws. The tenants want to be in by July 1, so they will need to move fast. The retailer is a local Sarpy County guy who has been in business for over 20 years; Ultimate Truck. Nothing is stored outside. They do window tinting, but no motor changes or things that would create grease.

Ron Cook is concerned about snow removal. Trustee Burbee stated that District doesn't pay for it, the county does.

5. **Professional Accounting Service:** Gary Shepherd reported that fund balances as of November 30, 2013, were as follows:

General Fund	\$	144,054.10
Bond Fund	\$	170,380.64
Bond Investment	\$	0.00
Water Deposits	\$	8,700.00
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 242,145. Average usage was 618 cubic feet. Minimum users were 374. Total users were 397. The average water bill was \$27.77.

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 January 15, 2014:

Account Number	Account Name	Current Balance
1037	Nicholas Vincent	\$83.80
1091	Victoria MacDonald	\$63.80
1095	Gregory Middleton	\$69.34
1101	Jordan Sims	\$63.60
1105	Russell Swanson	\$63.96
1131	Russell McDonald	\$63.80
1141	Jim Hamilton	\$73.80
1147	Pam Ferrell	\$84.91
1153	Thomas Smith	\$63.69
1171	James Jirkovsky	\$51.41
1181	Aleksandr Yegudkin	\$63.80
1191	Amy Adair	\$63.80
1196	Jason McKewon	\$54.00
1201	Management One	\$63.80
1208	Federal Nat Mtg Assoc.	\$63.80
1259	Brian May	\$43.64

1282	Steven Pope	\$63.80
1302	Jason Piller	\$62.42
1312	Joseph Ousch	\$63.80
1318	Michael Ivey	\$56.90
1337	Sarah Hentschel	\$63.80
1349	Jessica Hawthorne	\$63.80
1399	Orthopedic Marketing	\$241.00

June Jordening stated that some residents are complaining that they are getting notices of shut offs and they shouldn't be because they are partially paying. Mr. Shepherd is going to change his stamp to say "If not paid in full by the 15<sup>th</sup>, the water will be shut off." Account 1076 Alisha Barrett paid \$75 dollars and said "that should be enough." He then said that if it wasn't enough he would turn it back on himself. He also gave Ms. Jordening a post-dated check for \$100 for January 15. Trustee Bendon asked what would happen if the check was deposited before the 15<sup>th</sup>.

6. **Accounts Receivable:** June Jordening reported that \$12,607.08 was deposited into the general fund for the month of December. There is a correction for what was reported at the November 2013 meeting. It was short by a penny.
7. **Report from G.F. Pesek:** Both wells are cycling properly. The routine monthly coliform test was negative. Providence Group continues to work on the tank and engine removal from the north well site. All NDHHS 2013 samples and requirements have been completed. The lift station was cleaned and one pump was replaced. A spare pump has been ordered from ATL Sales. Electric Company of Omaha replaced the automatic light sensor on the flag pole. The flag is not going up and down now.
8. **Engineering Issues:** Mr. Pesek reported that he works with the engineers, Olson & Associates, regarding the VA cemetery. He thinks the District needs to deal with the fence from the tower to the bottom of the hill. It needs to be straightened out before anything else can be done. Trustee Bendon said it would be better if the fence was on their property so the District doesn't have to deal with it. Chris Olson from Olson & Associates would like to schedule a meeting on February 19. He wants to go over the plans. Trustee Burbee suggested he come to the next District meeting.
9. **Attorney Issues:** Trustee Bendon doesn't see a problem with Sarpy County cutting across the land for the easement. The attorney stated that the only real issue is how much the District gets paid for the easement. The attorney suggested that the board consider getting an independent appraisal separate from the appraisal provided by Valuation Services, as they represent Sarpy County. Trustee Bendon reported that he attended the public hearing that it lasted only 20 seconds because it wasn't open for comment.
10. **Payment of Bills:** Linda Comstock was contacted by Sarpy County wanting copies of the bills paid to Omaha. They said that Omaha is not paying Sarpy County. Trustee Bendon thinks that the District should wait to see if it is actually the bills that are needed or if it is usage reports. Ms. Comstock has already made the copies so that they are ready to go. She also asked if trash pick up was being stopped at the park over the winter. Trustee Bendon asked that it be put on the agenda. Mr. Pesek said that there are four total bins at the shed and the park, but the District only pays for two. Cutters submitted a bill for snow removal last month, but no one remembers authorizing them to provide any services. Trustee Quinn is going to call them.

All bills submitted for payment were approved by unanimous vote. The detail of the approved warrants is as follows:

Warrant	Date	Issued to	Amount	Purpose	Invoice #
9391	12.15.13	Omaha World Herald	\$7.79	Publication	153698-131130
9392	12.15.13	Century Link	\$84.92	Phone north well	
9393	12.15.13	Century Link	\$84.92	Phone south well	

9394	12.22.13	Abe's	\$47.25	Trash service	
9395	12.22.13	Century Link	\$122.52	Water tower	
9396	12.22.13	NE Public Health	\$70.00	Water testing	446768
9397	12.27.13	Dutton and Associates	\$5,000.00	Budget	26462
9398	12.27.13	Dutton and Associates	\$1,860.00	Budget	26462
9399	1.7.14	City of Omaha	\$5,000.00	Sewer fee September 2013	96633
9400	1.7.14	City of Omaha	\$260.07	Sewer fee September 2013	96633
9401	1.7.14	Abe's Trash Service	\$31.00	Trash Service Apollo Park	901134
9402	1.7.14	Linda Comstock	\$317.82	Accounts Payable	
9403	1.7.14	Great Western Bank	\$250.00	Registrar and paying agent fee	Acct 6619
9404	1.7.14	Ralston Insurance Company	\$50.00	Bond Jeannine	85937
9405	1.7.14	Trekk Design Corp	\$1912.50	Sewer Cleaning	13-966
9406	1.7.14	Electric Co. of Omaha	\$165.18	Install ejector at lift station	37587
9407	1.7.14	Electric Co. of Omaha	\$118.76	Replace photo cell at flag pole	37860
9408	1.7.14	OPPD	\$2461.68	Electrical Service	
9409	1.7.14	Kersten Construction	\$1824.00	Valve box and curb stop repairs	31689, 31707, 31708, 31713, 31714, 31725
9410	1.7.14	Cutters Lawn Service	\$60.00	Snow removal	1632
9411	1.7.24	June Jordening	\$548.76	Accounts receivable	
9412	1.7.14	Terry Knief	\$84.30	Update website	
9413	1.7.14	Thompson, Dressen Doiner	\$1078.52	Engineer fees	102573
9414	1.7.14	Cassidy Chapman	\$1057.02	Legal fees	3379
9415	1.7.14	Mike Quinn	\$106.62	Clerk fees	
9416	1.7.14	G.F. Pesek	\$3384.90	General paint	
9417	1.7.14	Professional accounting Service	\$1734.98	Professional acct service	
9418	1.7.14	Omaha World Herald	\$7.79	Publication	153698-131031
9419	1.7.14	Moore Brothers	\$5000.00	Sidewalk's Richlands	
9420	1.7.14	Moore Brothers	\$1136.00	Sidewalk's Richlands	
9421	1.7.14	Maguire Iron Inc.	\$5000.00	Water tower repairs	IVC0070 11
9422	1.7.14	Maguire Iron Inc.	\$5000.00	Water tower repairs	IVC0070 11
9423	1.7.14	Maguire Iron Inc.	\$1628.00	Water tower repairs	IVC0070 11

**11. Old Business:**

- a. Trustee Quinn worked with TD2 to get a proposal for the fence along Westmont Drive and the shed. He also has a proposal for work on the ball fields. Everything has to be redone at the ball field. The proposal from 2008 on the water meters was \$108,000.
- b. Tree trimming is becoming more of an issue because people have asked Trustee Quinn where the trees are located. Mike Lutes is not interested in trimming trees because of legalities. Mr. Pesek used to trim trees. Trustee Bendon believes that former board members also trimmed the trees. Discussion was had.
- c. Terry Knief submitted an estimate for three different levels of service as a media/IT manager for the District. Website maintenance services range from \$600 per year to \$2400 per year. Social media management services range from \$150 per month to \$300 per month. Trustee Bendon suggested that everyone review the information and come back to discuss it.
- d. Trustee Bendon reviewed the box of information about water deposits from Trustee Quinn. He said there was minimal information in there. Trustee Glesmann asked if anyone had asked for the previous

- clerk's spreadsheet. Trustee Quinn said he gave that to Trustee Bendon. Trustee Bendon said it isn't helpful. He is going to sit down with Ms. Comstock and her spreadsheet to see what warrants have been issued for what deposits and if they have cleared the bank. Mr. Shepherd noted that he might have letters that he wrote about deposits.
- e. Mr. Shepherd submitted a proposal for sewer rate increases at the last meeting. Trustee Bendon went back over the sewer rates from 2010 on. Trustee Bendon noted that Mr. Shepherd's proposal is spot on with what Trustee Bendon came up with. The only difference is in how infrastructure is calculated. Billing runs from the middle of the month. Mr. Shepherd stated that he doesn't have a problem with Trustee Bendon's numbers. Mr. Shepherd's number is a little over a dollar more a month. Trustee Quinn believes that a letter should be sent to the residents in advance. Trustee Bendon proposed putting a postcard together quickly. Trustee Glesmann suggested that Mr. Shepherd do it with the postal imprint. The attorney said the resolution needs to be drafted and published prior to voting on it. Trustee Bendon suggested making the new rate the difference between his proposal and Mr. Shepherd's proposal. Trustee Bendon motioned that the sewer rate be increased by \$6.50 starting March 1, 2014. Trustee Burbee seconded. The attorney will prepare a resolution for publication and adoption at the next meeting. Mr. Shepherd and the attorney will communicate to ensure that the postcards go out around the time of the publication.
  - f. Trustee Glesmann drafted a letter to the bar owner about median parking.
  - g. Trustee Glesmann motioned for the easement exhibit description to be used by the attorney to prepare the easement for the water line for the dam site project. Trustee Quinn seconded the motion. All voted in favor. Trustee Burbee questioned if there is a possibility that the line would freeze. Discussion was had. Mr. Pesek advised moving forward with the easement.
  - h. The flag doesn't move up or down on the flagpole. Trustee Glesmann tried to move it down and it wouldn't move. The flag is very worn and she would also like to get a new flag. Trustee Glesmann will look for someone to fix the pole. Trustee Bendon will buy the flag.
  - i. Trustee Burbee said that residents are concerned about the no parking signs being put up. Discussion was had.

**12. New Business:**

- a. The attorney presented the board with a letter that she had received that day from Valuation Services regarding the eminent domain proceeding with Sarpy County. Trustee Bendon asked that she scan it and email it to all of the board members for discussion at the next meeting.
- b. Trustee Bendon prepared a job description and bid for mowing and trimming services. It was distributed for discussion at the next meeting.
- c. The District now has a Facebook page. Trustee Glesmann put it together.

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

CLERK



CHAIRMAN

