

**BOARD OF TRUSTEES MEETING
FOR SANITARY AND IMPROVEMENT DISTRICT NO. 2
OF KNOX COUNTY, NEBRASKA ON
JUNE 18, 2022**

This meeting of the Board of Trustees of Sanitary and Improvement District No. 2 of Knox County, Nebraska was called to order by Chairperson Jim Coburn on June 18, 2022 at 11:00 a.m. with trustees Debbie Veldhuizen, Greg Blomberg, Rod Tompkins, Denny Tilton and Jim Coburn in attendance.

1. The Chair noted compliance with the Open Meetings Act including a posting of the Act in the meeting room.

2. The Chair indicated that the first order of business was to reconsider actions taken by the Board at the meeting of February 5, 2022. The Chair explained that the February 5, 2022 meeting included motions and voting by one of the trustees who was not physically present at the meeting. In order to correct any claim of a violation of the Open Meetings Act, the Board would reconsider all actions at the February 5, 2022.

a. At the meeting on February 5, 2022, a motion carried providing that Rod Tompkins could improve roads at his own expense. The trustees discussed at the June meeting the propriety of such a resolution including making such a motion without plans and specifications or an identification of the roads to be improved. Attorney Fitzgerald recommended that the Board table this matter pending further discussion of the specific items contained in the agenda for this meeting. The Board tabled this item to be possibly discussed at a later point in the meeting.

b. The next item on the agenda was to approve the minutes of November 19, 2021. Motion by Rod, seconded by Debbie, to approve the minutes of November 19, 2021. There followed discussion among the trustees that the actual corrected version of the November 19, 2021 minutes was not present at the meeting. With the agreement Rod and Debbie to withdraw the motion to approve, the Board tabled this item until a corrected version of the November 19, 2021 minutes can be presented to the Board to consider.

c. Motion by Denny, seconded by Debbie, to get insurance on the leased tractor. Following vote, all members voting, the motion passed unanimously. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

d. The next item concerned action or ratification of prior action concerning the resignation of the "clerk". Attorney Fitzgerald indicated that Neb. Rev. Stat. § 31-733 provides that the clerk shall be a member of the Board of Trustees. The Chair inquired as to whether any of the trustees was willing to serve. Rod agreed that he would

serve. Debbie nominated Rod Tompkins, seconded by Jim Coburn. No other trustees indicated an interest as serving as trustee. The Chair closed the nominations and called for a voice vote on electing Rod as Clerk. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

e. Attorney Fitzgerald indicated that he would serve as the attorney for the District at \$200 per hour. There followed a discussion concerning the work to be assigned to the attorney and the attorney estimated that he had five hours of time in work up for the Board up to the date of the meeting. Motion by Rod, seconded by Debbie, to hire Fitzgerald, Vetter, Temple, Bartell & Henderson as attorneys for the District at the rate of \$200 per hour. The Chair called for a vote. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

f. Motion by Greg, seconded by Denny, to ratify the approval and payment of invoices 4078 and 4079 which were bills for attorney's fees approved at the February 5, 2022 meeting. The Chair called for a vote, all members voting, the Board ratified the prior approval and payment of invoices 4078 and 4079. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

g. There being no further matter discussed at February 5, 2022 requiring reconsideration or ratification, the Chair moved on to the next item of business.

3. This item on the agenda was for nominations and election of clerk and the Board already took action at Section 2.d. of the Agenda so this item is moot.

4. Motion by Greg, seconded by Denny, to acquire the statutory bond necessary for the Clerk and to authorize the officers of the Board to acquire the necessary bond. Chairman called for a vote. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

5. The following were the bills presented to the Board:

Grossenberg Bill	\$857.67
Santee Utility	\$1,680.00
Cedar Knox PPD	\$99.50
Crofton Journal	\$19.64
Denny Tilton	\$400
Freeman	\$393.60
City of Crofton	\$25.00 (for a year's use of the Crofton City Hall meeting room)

Motion by Denny, seconded by Greg, to approve and pay the bills. The Chair called for a vote and the matter passed unanimously with all trustees voting. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

6. There followed discussion concerning a CPA firm for the District. Presently, the CPA firm for the District is Dana F. Cole & Company. No motion was made on this item.

7. The next item was preliminary budget discussion for fiscal year 2022-23. The Board agreed that this item should be tabled.

8. There followed a discussion concerning hiring an engineer to develop plans and specifications for road construction projects for improvement of SID roads. Greg questioned whether or not the Board could take action in the absence of any development plans and specifications. Motion by Rod to hire Dwain Warriner to do repair work on 2.8 miles of road for \$20,000. There was no second to this motion. There followed a discussion concerning the expense for road maintenance for the District in light of the present budgetary resources of the District.

9. The Chair discussed the possibility of using TIF funding for financing road improvements. The Chair will provide additional information concerning this matter at a later meeting.

10. There followed a discussion concerning road access into the District. No motion was made, but the Board agreed to wait until item 15 on the agenda to discuss this further.

11. Loreta Tompkins has provided to the Board in a letter dated April 7, 2022 a request to replat lots 2652, 2653 and 2654, Block 1, Devils Nest pursuant to a sketch plat entitled Devil's Nest Replat 3. There followed a discussion concerning whether or not the Board should agree to permit abandonments of cul-de-sacs and the possibility that abandonment might create an issue of precedent. The Chair indicated that he personally believed if the landowner owned all lots adjacent to the cul-de-sac to be abandoned, the Board ought to agree to permit the abandonment. Denny suggested that the vacating or abandoning of cul-de-sacs to adjoining landowners at no expense to the landowner for the underlying land might create a bad precedent or be improper. Attorney Fitzgerald observed that typically adjacent landowners receive the underlying land in the event of abandonment or vacations and, typically, the cul-de-sac was a right-of-way easement on

land that already belonged to the lot owners. Motion by Rod, seconded by Debbie to approve the request by Loreta Tompkins dated April 7, 2022 to replat 3 lots pursuant to the Devils Nest Replat 3 sketch plat prepared by Landmark Surveying. The Chair called for a vote. Aye-Debbie, Jim, and Denny. Nay-Greg. Abstained-Rod. Motion passed.

12. There then followed a discussion concerning a cul-de-sac abandonment requested by Devils Nest Development, LLC in a letter to the Board dated May 17, 2022. The company is requesting abandonment of the following cul de sacs:

Country Club Drive:

Spy-Glass Place

Merrion Circle

Pineburst Circle

Oak Hills Drive:

Un-named cul de sac at lots 1009 through 1017.

According to the letter, Devils Nest Development owns the lots abutting these cul-de-sacs and plans to combine lots to create larger building sites. The individual lots have a grade which is too steep and area which is too small for viable building lots. The combined lots will have an entrance off the main road and create fewer entrances onto main roads. Motion by Rod to abandon the cul-de-sacs requested, seconded by Debbie. The Chair called for a vote. Aye-Jim, Debbie, Rod and Denny. Nay-Greg.

13. The Board has received a proposed Interlocal Agreement from Knox County for ownership and maintenance of an access road. Motion to approve the Interlocal Agreement by Rod, seconded by Debbie. The Interlocal Agreement presented to the Board passed unanimously. The Chair signed the Interlocal Agreement and will get it to the County for approval. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

14. There then occurred a discussion relative to manhole covers within the District. There was a particular manhole that had been photographed. The discussion of the Board concerned whether to fill in all manholes and whether or not that matter was before the Board at that time. Motion by Jim, seconded by Debbie, to fill the particular manhole presented in the photograph which is in the proximity of Brimstone and Sagebrush. Motion passed unanimously with all members voting. Aye-Debbie, Greg, Jim, Rod and Denny. Nay-None.

15. There then followed a discussion concerning work to be performed by Dwain

Warriner up to \$20,000 on the Miller Road. Motion by Rod, seconded by Denny, to hire Warriner to do up to \$20,000 in maintenance work on the access road. The Chair called for a vote. Aye-Denny, Debbie, Jim and Rod. Nay-Greg.

16. The discussion then concerned when the next meeting of the Board will be and the Board agreed to schedule a meeting for July 30, 2022 at 11:00 a.m. The Chair indicated that he will handle the matter of getting published notice.

17. There being no further business, the Chair adjourned the meeting.

Rod Tompkins, Clerk