

**MINUTES OF THE MEETING OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 5,  
CASS COUNTY, NEBRASKA**

Meeting convened at 6:00 p.m. on April 20, 2021 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club. Attached hereto are: the agenda for the meeting; the Affidavit of Printer regarding publication of notice of the meeting, which communicated the availability of the agenda, in the *Plattsmouth Journal*, Plattsmouth, Nebraska; advance notice of the meeting as provided to the County Clerk of Cass County and all Trustees; and the Trustees' acknowledgment of receipt of said notice and agenda. All proceedings were taken while convened with attendance open to the public.

**ITEM 1**

Meeting called to order at 6:05 p.m.

**ITEM 2**

The Chair announced the locations of the Open Meetings Act and documents related to the agenda.

**ITEM 3**

Roll Call: Present: Kurt W. Meisinger, Robert Karr, David L. Martin and Dan Brandt. Absent: James Grotrian.

**ITEM 4**

No persons were present to address the Trustees on issues not otherwise on the agenda.

**ITEM 5**

Trustee Martin advised he would finalize new website's initial layout for trustee comment this week.

**ITEM 6a**

Trustee Martin stated there was no water and wastewater committee report other than agenda items.

**ITEM 6b**

The report from PeopleService regarding Water/Wastewater and Water billing is attached.

**ITEM 6c**

Mr. Johnson advised that he had received no response from the attorney for 14C, LLC to his most

recent letter regarding damage to Lot 22, Block 29 owned by the District during 14C's construction of the adjacent house and no action was taken regarding to the request for a refund of 14C's overpayment of water and sewer connection fees. The Chair laid over further consideration of the requested refund.

#### **ITEM 6d**

The progress report from JEO engineers regarding 2021 - 2022 Wastewater Treatment Facilities Improvements is attached.

#### **ITEM 6e(1)**

Motion by Martin, seconded by Meisinger, to select the screen method, rather than grinder method, for pretreatment of waste in order to removing solid particles and items from the influent line at the wastewater treatment plant to remove things such as rags, plastics, cloth, and stringy material. On roll call those voting aye: Martin, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: Karr. The Chair declared the resolution adopted.

#### **ITEM 6e(2)**

Following questions and the need for additional information to determine which option to select for the replacement of the Sterling Court lift station improvements, the Chair laid the matter over to the next meeting pending receipt of the requested information.

#### **ITEM 6f**

Motion by Meisinger, seconded by Martin, to approve payment of the semi-annual interest, principal and administrative fee for the Nebraska Department of Environmental Quality State Revolving Fund loan for the construction of the wastewater treatment plant, and direct delivery of the same on or before June 15, 2021, in the amount of \$39,927.89. On roll call those voting aye: Karr, Martin, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

#### **ITEM 7a**

For roads committee report, Trustee Karr advised that he was waiting on a response from Wojo's Outdoors & Custom Waterfronts LLC regarding installation of the street signs. Trustee Karr also reported a request for rock maintenance on the road at 4218 Cedar Creek Rd. The Chair asked Mr. Johnson to determine if the road remained dedicated to the public or whether the road had been vacated and the same constituted a driveway.

#### **ITEM 7b**

No further discussion followed Trustee Karr advising that he and Mr. Johnson would begin

reviewing the snow plowing contract after which proposals would be sought for snow plowing and street treatment for the 2021 - 2022 and the 2022 - 2023 winters.

**ITEM 7c**

Mr. Johnson reviewed the surveys and drawings of the realigned Treasure Island Road. Following discussion the Chair directed Mr. Johnson to meet with the home owners to attempt resolution of the issues involving replat and easements for utilities and drainage.

**ITEM 8a**

There was not grounds committee report beyond the agenda items.

**ITEM 8b**

Based on the list of properties prepared there was general discussion of which of the District's properties should and should not be mowed and of areas mowed in the past but which should be discontinued. Thereafter, Trustee Brandt advised that he and Mr. Johnson would finalize the contract and solicit competitive proposals.

**ITEM 8c**

The Chair laid over discussion of the request of Jacob and Erica Hike to purchase approximately 18 acres of Outlot H from the District.

**ITEM 8d**

The Chair laid over discussion of the possible future sale of additional ground in Outlot H to residents owning property abutting Outlot H.

**ITEM 8e & 8g**

Trustee Martin advised that he did not intend to bid on the sale of Lot 30R, Buccaneer Bay 1<sup>ST</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska included in agenda items 8g and 8h. The chair advised that Items 8e and 8g would be taken together as a single item.

Motion by Meisinger, seconded by Brandt, to enter closed session to protect the public interest for the purpose of discussing the sale and the terms of sale, including any reserve prices, of the following lots owned by the District by auction as required by law and if auction fails then by negotiated sale:

- (1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska
- (2) Lot 1C-1 Buccaneer Bay, a Subdivision as Surveyed, Platted and

- Recorded in Cass County, Nebraska (3.98)
- (3) Lot 12R, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (4) Outlot Y, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.46)
  - (5) Outlot Z, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.26)
  - (6) Outlot P, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.505)
  - (7) Outlot T, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (7.37)
  - (9) Outlot H, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (91.73)
  - (10) Outlot J, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (1.12)
  - (11a & b) Outlot K, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (1.10 & 4.27)
  - (17a & b) Tax Lot 5 located in the SW 1/4 of the NE 1/4, Section 4, Township 12, Range 13E of the 6<sup>TH</sup> P.M., Cass County, Nebraska (.34 & 1.52)
  - (18) Lot 7R, Block 7, Buccaneer Bay Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (19) Lot 8R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (20) Lot 11R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (21) Lot 2R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (22) Lot 3R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (23) Lot 4R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (24) Lot 9R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (25) Lot 22, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (26) Outlot VR, Buccaneer Bay 1<sup>st</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska (3.91)
  - (27) Tract of Land in between Lot 1, Block 15 and Lot 10, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.027)
  - (28) Outlot A, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.31)
  - (31) Outlot 1, Block 30, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.517)

(33) Sublot 1 of Outlot X, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska

(34) Outlot 3, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska

(37) Outlot U, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.85)

(38) Lot 1C-2, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (4.18)

(39) Outlot 1, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.645)

(40) Outlot 2, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska

(41) Outlot 1, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (2.176)

(42) Outlot WR, Buccaneer Bay 1<sup>ST</sup> Addition, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.49)

On roll call those voting aye: Karr, Martin, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

The Chairman advised that the Board of Trustees would enter closed session to protect the public interest for the purpose of discussing the sale and the terms of sale, including any reserve prices, of the following lots owned by the District by auction as required by law and if auction fails then by negotiated sale:

(1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska

(2) Lot 1C-1 Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (3.98)

(3) Lot 12R, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska

(4) Outlot Y, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.46)

(5) Outlot Z, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.26)

(6) Outlot P, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.505)

(7) Outlot T, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (7.37)

(9) Outlot H, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (91.73)

(10) Outlot J, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (1.12)

(11a & b) Outlot K, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (1.10 & 4.27)

(17a & b) Tax Lot 5 located in the SW 1/4 of the NE 1/4, Section 4,

- Township 12, Range 13E of the 6<sup>TH</sup> P.M., Cass County, Nebraska (.34 & 1.52)
- (18) Lot 7R, Block 7, Buccaneer Bay Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (19) Lot 8R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (20) Lot 11R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (21) Lot 2R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (22) Lot 3R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (23) Lot 4R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (24) Lot 9R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (25) Lot 22, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (26) Outlot VR, Buccaneer Bay 1<sup>st</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska (3.91)
  - (27) Tract of Land in between Lot 1, Block 15 and Lot 10, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.027)
  - (28) Outlot A, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.31)
  - (31) Outlot 1, Block 30, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.517)
  - (33) Sublot 1 of Outlot X, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (34) Outlot 3, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (37) Outlot U, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.85)
  - (38) Lot 1C-2, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (4.18)
  - (39) Outlot 1, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.645)
  - (40) Outlot 2, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (41) Outlot 1, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (2.176)
  - (42) Outlot WR, Buccaneer Bay 1<sup>ST</sup> Addition, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.49)

Motion by Martin, seconded by Meisinger, to reconvene in open session at 8:44 p.m. On roll call

those voting aye: Karr, Martin, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

**ITEM 8f & 8h**

Motion by Meisinger, seconded by Brandt, to direct Mr. Johnson to take the necessary action to replat Lot 12R, Block 7 and Lot 11R Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska into a single residential lot and to create an outlot sufficient for the existing utilities located on Lot 12R and to thereafter offer for sale as required by law and on the terms directed in closed session the following lots:

- (1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska
- (3) Lots 11R & 12R, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska after replatting the same and after reserving the newly created outlot for the utilities located thereon
- (4) Outlot Y, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.46)
- (6) Outlot P, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.505)
- (10) Outlot J, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (1.12)
- (18) Lot 7R, Block 7, Buccaneer Bay Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (19) Lot 8R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (20) Lots 11R & 12R, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska after replatting the same and after reserving the newly created outlot for the utilities located thereon
- (21) Lot 2R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (22) Lot 3R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (23) Lot 4R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (24) Lot 9R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (25) Lot 22, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (26) Outlot VR, Buccaneer Bay 1<sup>st</sup> Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska (3.91)
- (27) Tract of Land in between Lot 1, Block 15 and Lot 10, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County,

Nebraska (.027)

(34) Outlot 3, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska

(37) Outlot U, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.85)

(39) Outlot 1, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska (.645)

(40) Outlot 2, Block 28, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska

(42) Outlot WR, Buccaneer Bay 1<sup>ST</sup> Addition, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.49)

On roll call those voting aye: Karr, Martin, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: none. The Chair declared the resolution adopted.

### **ITEM 8i**

Following a review of the survey and drawings of Outlot P the Chair directed Mr. Johnson to follow up with the surveyor regarding the location of the fencing and any other items which might be encroaching on Outlot P owned by the District.

### **ITEM 9a**

Trustee Meisinger presented the attached finance report.

### **ITEM 10**

Mr. Johnson advised that Legislative Bill 83 as amended to include changes to Neb. Rev. Stat. §31-727.02 addressing emergencies and creating an exception to the 7 day advance notice to the county for SID meetings was adopted by the Legislature with an Emergency clause so the effective date is April 22, 2021.

### **ITEM 11**

Motion by Brandt, seconded by Meisinger, to approve the Consent Agenda as follows:

Be It Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska to approve the consent agenda:

- a Approve the Minutes of the March 23, 2021 Meeting of the Board of Trustees.
- b Approve payment of the claims and invoices.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement



District No. 5 of Cass County, Nebraska that the following bills, statements and invoices be and hereby are approved, and that the Chair and Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated April 23, 2021, to be drawn on the General:

**GENERAL FUND WARRANTS**  
**CONSENT AGENDA, ITEM 11b**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 2,423.12	18221	OPPD	Inv. service dates 3/8/21 - 4/5/21
\$ 455.40	18222	Frankel Zacharia	Inv. No. 116439 (financial reports)
\$ 6,818.25	18223	Roger K. Johnson	Inv. No. 92 (attorney fees & costs)
\$ 900.00	18224	Lakeside Landscaping, Inc.	Inv. No. 4428 balance (snow plow)
\$ 2,447.50	18225	RDG Planning and Design	Inv. No. 37775 (master planning)
\$26,527.08	18226	Ehrhart Griffin & Assoc.	Inv. Nos. B7235 & B7236 (street surveying, engineering services for erosion and storm water, pavement analysis, expenses)
\$ 1,000.00	18227	Aspen Landscaping	Inv. No. 118 (mowing)
\$ 996.92	18228	Cass County Treasurer	Inv. No. 31621 (signs - Roads Dept)
\$ 1,500.00	18229	Frankel Zacharia Tech	Inv. No. fzts 2228 (website services)

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the following bills, statements and invoices be and hereby are approved, and that the Chair and the Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated April 23, 2021, with the warrants to be drawn on the Service Fee Fund account, which warrants are redeemable upon presentation to the Cass County Treasurer:

**SERVICE FEE FUND WARRANTS**  
**CONSENT AGENDA, ITEM 11b**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 100.42	18182	Midwest Laboratories	Inv. No. 1034491 (wastewater testing)

\$10,449.18	18183	PeopleService, Inc.	Inv. No. 37629 (May operations \$4,850.00; March bills 542 \$2,075.86; 1 <sup>st</sup> quarter sales tax \$3,488.82; HHS testing \$34.50)
\$ 270.00	18184	Roger K. Johnson	Inv. No. 92 (attorney fees & costs)
\$ 64.95	18185	Windstream Comm	Inv. dated 3/16/21 (utilities phone)
\$ 1,578.45	18186	Johnson Supply Co.	Inv. No. 7466 (camera & clear sewer)
\$ 36.54	18187	Papillion Sanitation	Inv. No. 5870470 (trash removal)
\$ 7,961.73	18188	Iowa Pump Works	Inv. No. 13752 (submersible sewage pump)
\$ 284.84	18189	Railroad Management Co.	Inv. No. 436686 (license #303465 crossing fee for 10" water main)
\$ 200.00	18190	Nebraska Rural Water Assoc	Statement (annual membership dues)
\$ 8,000.00	18191	JEO Consulting Group, Inc.	Inv. No. 123342 (request 3 WWTP)

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the following bills, statements and invoices be and hereby are approved, and that the Chair and Clerk, be and hereby are authorized to execute and deliver warrants for the payment of the same, all dated April 23, 2021, with the warrants to be drawn on the Construction Fund account and to draw interest at 7.00% per year and to be redeemed no later than April 23, 2026:

**Construction Fund Account  
(Due April 23, 2026)**

None.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that both the Board and the District find and determine, and covenant and warrant, and agree that (a) the facilities for which the above Warrants are issued are for essential governmental functions and are designed to serve members of the general public on an equal basis; (b) there are no persons with rights to use said facilities other than as members of the general public; © ownership and operation of said facilities is with the District or another political subdivision; (d) none of the proceeds of the Warrants will be loaned to any person and to the extent that special assessments have been or are to be levied for any said

facilities, such special assessments have been or are to be levied under Nebraska law as a matter of general application to all property specially benefitted by such facilities in the District; (e) the development of the land in the District is for residential or commercial use; (f) the development of the land in the District for sale and occupation by the general public is proceeding with reasonable speed and (g) the District hereby authorizes and directs the Chair or Clerk to file, when due, an Information Reporting Form pursuant to Section 149(e) of the Internal Revenue Code of 1986 pertaining to the above Warrants.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that the District covenants, warrants and agrees as follows: (a) to take all actions necessary under current federal law to maintain the tax exempt status (as to taxpayers generally) of interest on the above Warrants; and (b) to the extent that it may lawfully do so, the District hereby designates the above Warrants as its “qualified tax exempt obligations” under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that the District does not reasonably expect to issue warrants or bonds or other obligations aggregating in the principal amount of more than \$10,000,000 during the calendar year in which the above Warrants are to be issued.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that this and the preceding Resolutions are adopted as the Certificate with Respect to Arbitrage of the District pertaining to the above Warrants and the District and Chair and Clerk of the District hereby further certify, as of the date of the registration of the above Warrants with the County Treasurer of Cass County, Nebraska, as follows:

1. No separate reserve or replacement fund has been or will be established with respect to the above Warrants. This District reasonably anticipates that moneys in its Bond Fund reasonably attributable to the above Warrants in excess of the lesser of: (a) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 125% of average annual debt service due on the above Warrants will be expended for payment of principal of and interest on the above Warrants within 13 months after receipt of such moneys. That amount which is currently held in the District’s Bond Fund which exceeds the amount which is to be expended for payment of principal and interest on the above Warrants within 13 months after receipt of such moneys, plus that amount arrived at pursuant to the immediately preceding sentence, will not be invested in any securities or any other investment obligations which bear a yield, as computed in accordance with the actuarial method, in excess of the yield on the above warrants.

2. To the best of their knowledge, information and belief, the above expectations are reasonable.
3. The District has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its bonds.
4. This Certificate is being passed, executed and delivered pursuant to Section 1.148-2(b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

Be It Further Resolved by the Board of Trustees of Sanitary and Improvement District No. 5 of Cass County, Nebraska that \$2,193.29 be transferred from the Service Fee Fund to the General Fund (OPPD electric service less the cost of street lighting).

On roll call those voting aye: Martin, Karr, Brandt and Meisinger. Voting nay: none. Absent: Grotrian. Abstaining: None. The Chair declared the resolution adopted.

**ITEM 12**

The Chair requested that the agenda for the next meeting include purchase of a spare SBR feed pump for the wastewater treatment plant. The Chair also advised that the next two meetings are tentatively set for 6:00 p.m. on May 18 and June 22, 2021 at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club, if possible, or if not then at a location in Plattsmouth and virtual only if no space is available in Plattsmouth.

**ITEM 13**

The agenda having been completed, on motion by the Chair, the meeting adjourned at approximately 8:47 p.m.

\_\_\_\_\_  
Dan Brandt, Trustee

\_\_\_\_\_  
Kurt W. Meisinger, Trustee

\_\_\_\_\_  
David L. Martin, Trustee

\_\_\_\_\_  
Robert Karr, Trustee

\_\_\_\_\_  
James Grotrian, Trustee