

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

Meeting convened at 6:00 p.m. on May 17, 2022 at First State Bank Nebraska, second floor community room, 446 Main Street, Plattsmouth Nebraska. 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 6:06 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: Robert Karr, Dan Brandt, Kurt W. Meisinger, David L. Martin and James Grotrian. Absent: none.

**ITEM 4**

No citizens not on the agenda were present to address the Board.

**ITEM 5a**

Trustee Martin presented a verbal water and wastewater committee report addressing noting that several repairs had been made since the last meeting and that there would be additional repairs coming in the near future. Sanitary sewers were jetted and additional sludge hauling was therefore necessary. Future items include raising manholes, cleaning the water tower as required by state regulations to be done every 5 years, and fire hydrants need to be repaired and/or raised.

**ITEM 5b**

Attached is the water and wastewater report from system operator Lance Messer of PeopleService.

**ITEM 5c**

The chair laid over consideration or HVAC replacement or installation at the wastewater treatment

plant and the well house until Mr. Messer of PeopleService and Mr. Billesbach of Embris Group, engineers could identify the necessary equipment.

**ITEM 5d**

The Chair advised that there were no additional details available regarding the City of Plattsmouth's connection to Metropolitan Utilities District for a water supply, other than what was reported in the Plattsmouth Journal. Trustee Martin will follow up with Lucas Billesbach for any updates.

**ITEM 5e**

The chair laid over consideration of preparing grant applications for water protection improvements.

**ITEM 5f**

Motion by Meisinger, seconded by Martin to approve payment of Invoice No. 9197, in the amount of \$39,569.77 consisting of the semi-annual interest, principal and administrative fee for the Nebraska Department of Environment and Energy State Revolving Fund loan for the construction of the wastewater treatment plant, to transfer that amount from the Service Fee Fund, where fees are collect for the purpose of making the payment, to the Bond Fund, and direct delivery of payment on or before June 15, 2022. On roll call those voting aye: Karr, Grotrian, Brandt, Martin and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

**ITEM 5g**

No action was taken to consider payment of a claim for a sanitary sewer backup at 2709 Fountain Cir absent of a written claim for damages.

**ITEM 6a**

Trustee Karr provided a verbal roads report.

**ITEM 6b**

Attached is a report prepared by the Chair discussing the various road and drainage repairs identified by Dan Dolezal, engineer, Ehrhart Griffin and Associates and the financing of the same. To complete all of the drainage repairs the chair would anticipate a \$0.15 increase in the bond levy based on probable construction costs, engineering costs, legal costs, warrant issuance costs and interest, bond issuance costs. No action was taken to request an engineering contract proposal from Ehrhart Griffin and Associates for the design of road and drainage improvements selected from the report prepared by Dan Dolezal, engineer for the District.

**ITEM 6c**

Motion by Martin, seconded by Meisinger to approve expenditures of approximately \$300,000, and authorize Trustee Karr to work with Dan Dolezal, engineer, to perform joint and crack filling, street sealing, and road and drainage repairs of the highest priority identified in the report prepared by Dan Dolezal but also taking into account traffic volumes in selecting projects. On roll call those voting aye: Karr, Grotrian, Brandt, Martin and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

**ITEM 6d**

There was general discussion regarding improvements to extend Treasure Island Road in about 1993. In doing so its alignment did not stay within the right-of-way and encroached on Lots 26, 27, 28R and 30, Block 26, Buccaneer Bay, a subdivision as surveyed, platted and recorded in Cass County, Nebraska, and resulted in additional unneeded right-of-way on Lots 76 through 82, Block 26, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska, the river side of the road. These improvements were with property owner consent and various documents executed for that purpose. Some of those documents were never recorded with the Office of the Register of Deeds of Cass County, Nebraska. The correction advised by Mr. Johnson, legal counsel, was to seek dedications of right-of-way from the property owners affected to realign the right-of-way to follow the road, with an easement extending 5 feet beyond the area dedicated for public use as roads and for the placement of utilities. Mr. Johnson obtained the dedications and easements to realign Treasure Island Road with a vacation of right-of-way on the other side of the road. Motion by Martin, seconded by Grotrian, to adopt, contingent on approval by the Cass County, Nebraska Board of Commissioners, an Ordinance entitled:

**ORDINANCE NO. 22-02**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 CASS COUNTY, NEBRASKA ACCEPTING DEDICATIONS OF RIGHTS OF WAY AS DESCRIBED IN THE EXHIBITS ATTACHED HERETO.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 CASS COUNTY, NEBRASKA:**

**Section 1.** The owners of Lot 30, Block 26, Buccaneer Bay, a subdivision as surveyed, platted and recorded in Cass County, Nebraska have dedicated property in said lot to be used by the public for street purposes and for the placement of utilities. A copy of said dedication is attached hereto as Exhibit A.

**Section 2.** The Board of Trustee of Sanitary and Improvement District No. 5 Cass County, Nebraskan hereby accepts the dedication of right of way set forth in Section 1 hereof.

**Section 3.** The owners of Lot 28R, Block 26, Buccaneer Bay, a subdivision as surveyed, platted and recorded in Cass County, Nebraska have dedicated property in said lot to be used by the public for street purposes and for the placement of utilities. A copy of said dedication is attached hereto as Exhibit B.

**Section 4.** The Board of Trustee of Sanitary and Improvement District No. 5 Cass County, Nebraskan hereby accepts the dedication of right of way set forth in Section 3 hereof.

**Section 5.** The owners of Lots 26 and 27, Block 26, Buccaneer Bay, a subdivision as surveyed, platted and recorded in Cass County, Nebraska have dedicated property in said lots to be used by the public for street purposes and for the placement of utilities. A copy of said dedication is attached hereto as Exhibit C.

**Section 6.** The Board of Trustee of Sanitary and Improvement District No. 5 Cass County, Nebraskan hereby accepts the dedication of right of way set forth in Section 5 hereof.

**Section 7.** This ordinance shall take effect upon passage.

Passed and approved this 17<sup>TH</sup> day of May 2022.

Sanitary and Improvement District  
No. 5 Cass County, Nebraska

/s/ Kurt Meisinger  
Kurt Meisinger, Chair

ATTEST:

/s/ Dan Brandt  
Dan Brandt, Clerk

**CONSENT TO, AND ACCEPTANCE OF,  
DEDICATION OF RIGHT OF WAY**

The Board of Commissioners of Cass County, Nebraska hereby consent to the acceptance of the above dedications of rights of way, Lots 26, 27, 28R and 30, Block 26, Buccaneer Bay, a subdivision as surveyed, platted and recorded in Cass County, Nebraska by the Board of Trustee of the District, all of which are within the boundaries of Sanitary and Improvement District No. 5, Cass County, Nebraska.

\_\_\_\_\_, 2022.

Cass County, Nebraska, by and  
through its Board of Commissioners

By: \_\_\_\_\_  
Dan Henry, Chair

ATTEST:

\_\_\_\_\_  
Geri Draper, County Clerk

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

**ITEM 6e**

As discussed, to obtain the dedications of right-of-way on Lots 26, 27, 28R and 30, Block 26, it was necessary to vacate the portion of the original right-of-way on Lots 76 through 82, Block 26, Buccaneer Bay. Motion by Brandt, seconded by Grotrian, to adopt, contingent on approval by the Cass County, Nebraska Board of Commissioners, an Ordinance entitled:

**ORDINANCE NO. 22-03**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 CASS COUNTY, NEBRASKA TO VACATE THAT PORTION OF TREASURE ISLAND ROAD LOCATED IN BLOCK 26, BUCCANEER BAY, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN CASS COUNTY, NEBRASKA SUBJECT TO THE RETENTION OF A UTILITY EASEMENT OVER THE SAME; TO PROVIDE FOR OWNERSHIP OF THE SAME TO REVERT TO THE ADJACENT PROPERTY OWNERS, SUBJECT TO THE UTILITY EASEMENT; TO REPEAL ALL ORDINANCES IN CONFLICT.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5 CASS COUNTY, NEBRASKA:**

**Section 1.** That portion of Treasure Island Road describe on the attached Exhibit A, which includes portions of Lots 76 through 82, Block 26, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska, is vacated, with ownership reverting to the adjacent property owners pursuant to Nebraska law, but subject to the reservation of a utility easement for the benefit of Sanitary and Improvement District No. 5 Cass County, Nebraska. This utility easement runs to the benefit of other utilities, but such occupation of the right of way shall be subject to any ordinances otherwise adopted by the Board of Trustees which regulate the use of the rights of way throughout the District.

**Section 2.** The utility easement shall be defined as follows:

A permanent utility easement for the purposes of, but not limited to, constructing, reconstructing, locating, relocating, altering, inspecting, repairing, replacing, maintaining, and installing various utilities operated by Sanitary and Improvement District No. 5 Cass County, Nebraska the as is necessary and convenient for all to the District. The use of the easement area by other utilities is authorized, but shall be subject to regulation by the District's Board of Trustees. This easement also is for the purpose of Sanitary and Improvement District No. 5 Cass County, Nebraska conducting reconstructing and maintaining the street.

**Section 3.** This vacation further reserves the right of ingress and egress in a reasonable manner in and around the Easement area to perform all necessary functions concerning the roadway reconstruction and maintenance and for the purpose of constructing, reconstructing, locating, relocating, altering, inspecting, repairing, replacing, maintaining, and installing various utilities operated by Sanitary and Improvement District No. 5 Cass County, Nebraska and for other utilities with that use subject to regulation by the District's Board of Trustees.

**Section 4.** Used of this retained easement is subject to the following: Any use of the easement property shall be done in a good and workmanlike manner. All work will be done at the expense of the District or of other utilities using the easement area; and in no event, other than for use made at the property owner's request shall the property owner have any liability or expense related to the District or another utilities use of the easement area. The District or the utility using the easement area shall restore the easement property, and any area outside the easement if disturbed, in a proper manner consistent with its use, including the grass, topography, and soil to substantially the same condition that existed prior to the District's or another utilities use of the easement area. The District and any other utility using the easement area, as it relates to its use of the easement area, will hold the property owner harmless from any claim by any person regarding the easement area or the District's, or other utility's use thereof. The property owner agrees not to construct any buildings or structures, or any other above-ground improvement, on the surface of the easement area. Nor shall Grantor landscape or place objects in or around the inlet or outlet of any drainage tube in any manner which blocks or interferes with the functioning of the tube or drainage system. The property owner shall maintain the easement area as it relates to the owner's use of the same and will provide the other general maintenance such as mowing. The property owner will hold the District or other utility using the easement area harmless from all liability for the property owner's use of the easement.

**Section 5.** This grant is for a permanent easement which runs with the land and inures to the benefit of Grantee and its heirs, successors and assigns, and is binding on Grantor's heirs, administrators, successors and assigns.

**Section 6.** All previous ordinances or parts of ordinances in conflict are repealed.

**Section 7.** This ordinance is adopted and shall take immediate effect upon being recorded in the Office of the Register of Deeds of Cass County, Nebraska.

PASSED AND APPROVED this 17<sup>TH</sup> day of May 2022.

Sanitary and Improvement District  
No. 5 Cass County, Nebraska

/s/ Kurt Meisinger  
Kurt Meisinger, Chair

ATTEST:

/s/ Dan Brandt  
Dan Brandt, Clerk

**CONSENT TO VACATION OF PORTION OF TREASURE  
ISLAND ROAD RIGHT OF WAY LOCATED IN BLOCK 26,  
BUCCANEER BAY, A SUBDIVISION AS SURVEYED, PLATTED  
AND RECORDED IN CASS COUNTY, NEBRASKA**

The Board of Commissioners of Cass County, Nebraska hereby consent to the vacation of a portion of Treasure Island Road describe on the attached Exhibit A, which includes portions of Lots 76 through 82, Block 26, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska, with ownership reverting to the adjacent property owners pursuant to Nebraska law, but subject to the reservation of a utility easement for the benefit of the District and for the benefit of other utilities but which use is subject to any ordinances or resolutions adopted by the Board of Trustees regarding regulation of the rights of way throughout the District.

By: \_\_\_\_\_  
Dan Henry, Chair

ATTEST:

\_\_\_\_\_  
Geri Draper, County Clerk

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

### **ITEM 7a**

Trustee Grotrian provided a verbal grounds report and advised that there was a tree to drop and leave on the ground in an outlot. Trustee Brandt had confirmed that the tree was on the outlot and not the abutting neighbors' property. Trustee Grotrian also advised that one area of Outlot H that abuts Buccaneer Blvd., between the abutting west property line of the lot on which the golf course clubhouse is located and Lot 4C, Buccaneer Bay Replat II had been missed in the mowing contract which would require an addendum. Mr. Johnson was directed to obtain a modification of the contract.

### **ITEM 7b**

The chair laid over discussion and action on the assignment of the funds totaling \$181,155.25 from the lot sales for one or more of the following possible uses:

- (1) construction of a parking lot and relocation of the mail boxes, construction of park grounds with a dog park, equipment and a walking trail, on the property located on the east side of Buccaneer Blvd between Bay Road north to well house 2;
- (2) future development of the property located on the east side of Buccaneer Blvd between Bay Road north to well house 2;
- (3) construction of infrastructure for whatever future purpose is determined for the property located on the east side of Buccaneer Blvd between Bay Road north to well house 2; or
- (4) other options.

### **ITEM 7c**

Following extensive discussion, motion by Meisinger, seconded by Karr to direct Mr. Johnson to approach the Postmaster with plan 3 concept drawing, a copy of which is attached hereto, to clarify which entity will pour the concrete pad and which will physically move the cluster boxes; to obtain written consent to the new general location for the cluster mail boxes in the parking lot with detailed plans for approval to follow; and for the Postmaster to select either the north or south side of the parking lot. On roll call those voting aye: Karr, Grotrian, Brandt, Martin and Meisinger. Voting nay: none. Absent: none. Abstaining: None. The Chair declared the resolution adopted.

### **ITEM 7d**

The Chair laid over consideration of an engineering agreement for the construction of a parking lot and other necessary improvements for the relocation of the main entrance mailbox clusters.

### **ITEM 7e**

Following discussion of removing the park designation from outlots H, K and T, and Outlot 1, Block 29, because the same are required to handle storm water runoff from street drainage which satisfies the legal requirement that the land be used for a public purpose.



**ITEM 8a**

Trustee Meisinger presented the attached finance and water/wastewater revenue reports for May 2022.

**ITEM 8b**

Trustee Meisinger presented the County Treasurer’s reports for the months ended March 31 and April 30, 2022.

**ITEM 9**

Trustee Brandt advised that he had received a call from a resident in August 2021 that tree branches had fallen in the street. As a grounds committee member, in response to the call Trustee Brandt, while removing the branches from the road a locust thorn became embedded in his ankle. The thorn was not discovered until much later after problems developed with his ankle. Following insurance and related payments the attached is the remaining amount paid from Trustee Brandt’s personal funds. Trustee Brandt declared on the record his conflict of interest in seeking reimbursement for medical care resulting from the injury and that he would be abstaining from consideration of the matter. Following discussion concerning whether Trustee Brandt’s response to the branches was as a member of the grounds committee or volunteering to assist a resident with a private matter, motion by Grotrian, seconded by Martin to approve payment of the claim and to approve the issuance of General Fund Warrant No. 18308 in the amount of \$935.38 payable to Dan Brandt for reimbursement of medical expense related to grounds committee work for the District clearing trees branches from the street in response to a resident’s report. On roll call those voting aye: Karr, Grotrian, Martin and Meisinger. Voting nay: none. Absent: none. Abstaining: Brandt. The Chair declared the resolution adopted.

**ITEM 10**

Motion by Meisinger, seconded by Martin to approve the Consent Agenda:

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 regular meeting held on April 19, 2022 subject the correction of dates on the receipt of notice signed by the Trustees and pages 5 and 6 of the minutes related to the issuance of warrants; and
- b Approve payment of the claims and invoices, with the exception of General Fund Warrant No. 18308 which was previously approved.

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 May 17, 2022, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

**GENERAL FUND WARRANTS**  
**CONSENT AGENDA, ITEM 10b**  
**(Due May 17, 2022)**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 500.00	18307	Frankel Zacharia	Inv. No. 124934 (financial reports; water billing data; update data from treasurer's reports)
\$ 935.38	18308	Dan Brandt	Statement (medical expense related to volunteer work for the District)
\$ 25.00	18309	Frankel Zacharia Tech Serv	Inv. No. 3235 (hosting services)
\$ 17,385.16	18310	Kerns Excavating Co.	Inv. No. 16875 (Spyglass storm sewer)
\$ 5,696.04	18311	Roger K. Johnson	Inv. No. 235 (attorney fees & costs)

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 May 17, 2022, to be drawn on the Service Fee Fund, and which are redeemable upon presentation to the Cass County Treasurer:

**SERVICE FEE FUND WARRANTS**  
**CONSENT AGENDA, ITEM 10b**  
**(Due May 17, 2022)**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 2,703.80	18266	Core & Main	Inv. No. 288082 (impeller meters; cable; and touchpad)
\$ 962.25	18267	Embris Group, LLC	Inv. No. 220003.00 (water facility plan amendment: study and report)

\$ 803.78	18268	Iowa Pump Works	Inv. No. 17756 (replace ultraviolet components)
\$ 7,385.78	18269	PeopleService, Inc.	Inv. No. 40329 (\$5,112.00 June operations; \$2,230.08 April billing; \$43.70 lab)
\$ 313.34	18270	Railroad Manage. Co. III	Inv. No. 458897 (4" sewer line)
\$ 684.00	18271	Roger K. Johnson	Inv. No. 236 (attorney fees & costs)
\$ 38,928.95	18272	TREKK Design Group	Inv. Nos. 22-410 (jetting sanitary sewer)
\$ 1,210.65	18273	USA Blue Book	Inv. No. 848984 (blower PRV)
\$ 64.66	18274	Windstream Comm	Inv. dated 4/15/22 (well house phone)

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 May 17, 2022, 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 May 17, 2027:

**CONSTRUCTION FUND WARRANTS**  
**CONSENT AGENDA, ITEM 10b**  
**(Due May 17, 2022)**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$201,317.13	18168	Building Crafts, Inc.	Pay App. No. 2 (WWTP expansion)
\$ 10,983.75	18169	JEO Consulting Group, Inc.	Pay App No. 9 (WWTP expansion)
\$ 6,000.00	18170	Roger K. Johnson	Inv. No. 237, Pay App 4 Atty Fee Sheet (BCI No. 2 & JEO No. 9 WWTP expansion)
\$ 4,615.04	18171	Roger K. Johnson	Inv. No. 237, Pay App 4 Atty Fee Sheet (BCI No. 2 & JEO No. 9 WWTP expansion)

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; (c) 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.

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

#### **ITEM 11**

No closed session was held regarding litigation entitled Gibbons v Bock 27 Lake Lot Owners Assn v Kappas Enterprises, LLC, Burlington Northern Railroad, SID 5 of Cass County Nebraska et al: Case No. CI21-307.

#### **ITEM 12**

Other than items laid over from this meeting, one item to include on the agenda for the next meeting was whether the county, through a former assessor, sold at auction part of a publically dedicated road, Dutch Harbor Drive and to see if a determination can be made regarding what is shown as Dutch Harbor Drive on the County's GIS Property Look Up database. Trustee Meisinger announced that the next few meetings would be held at 6:00 p.m. on June 21, July 19 and August 23, 2022, all tentatively at First State Bank Nebraska, second floor community room, 446 Main Street, Plattsmouth Nebraska until the golf course club house room is available in the fall.

#### **ITEM 12a**

Trustee Meisinger discussed that the election of the Board of Trustees would be this September and that various notices, applications, ballots and related would be coming in the mail this summer.

**ITEM 13**

The agenda having been completed, on motion by Brandt, recognized by the Chair, the meeting adjourned at approximately 7:53 p.m.

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

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

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

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

Recorded by:

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

\_\_\_\_\_  
Roger K. Johnson  
Attorney for the District