

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

Meeting convened at 6:00 p.m. on May 21, 2024, 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 verifying that notice of the meeting, stating the availability of the Agenda, was published in the *Omaha World-Herald*, a newspaper of general circulation in Cass County, 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**

The Chair called the Meeting to order at 6:01 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: James Grotrian, Robert Karr, Kurt Meisinger and David L. Martin. Absent: Jennifer Sommer.

**ITEM 4**

Mr. Jake Dugger of Maguire Iron, a water tower construction and maintenance company, presented the Trustees background on the company's experience with water tower maintenance and its maintenance contract proposal for the District's tower.

**ITEM 5**

District resident David Mixan addressed the Trustees regarding the contract for district-wide trash service and billing all residences for the cost of the service. The Board reiterated that the contract was for residential trash service and that it is correct that it applied to all residences of the District and that all would be billed.

**ITEM 6**

The Chair acknowledged receipt of correspondence from John and Judy Slobodnik regarding district-wide trash service. It was noted that the structure on the property has a certificate of occupancy.

### **ITEM 7a**

Motion by Martin, seconded by Grotrian to contract with JEO Consulting Group for services related to drainage improvements near 19230 Spyglass Ct and 19238 Spyglass Ct. On roll call those voting aye: Grotrian, Martin, Meisinger and Karr. Voting nay: none. Absent: Sommer. Abstaining: none. The Clerk declared the resolution adopted.

### **ITEM 7b**

Mr. Steve Parr, an engineer with JEO Consulting Group, presented the attached analysis of the Districts roads. No action was taken.

### **ITEM 7c**

Trustee Karr presented the Streets Committee Report. Priority items for maintenance include (1) the main entrance, (2) Windward at Cedar Creek Road and (3) Fairway Dr. near Davy Jones Dr.

### **ITEM 7d**

Mr. Marrett Lane, an engineer with JEO Consulting Group, discussed improvements to which would correct erosion issues caused by discharging water from the water tower. After discussing possible modifications to tower operations which were mentioned by Mr. Dugger of Maguire Iron, the matter was laid over to determine how to proceed.

### **ITEM 8a**

Trustee Martin provided a Utilities Committee Report, noting that he was (1) still attempting to determine an approach to conducting the Lead and Copper Survey mandated by the federal government; (2) the well house remodeling project was still going well; and (3) even after new water meter reading technology was implemented, homeowners at three residences (down from at least 10) still must install new meters due to having inaccurate readings.

### **ITEM 8b**

Mr. Eric Field had contacted Trustee Martin before the meeting to advise that he would not be attending the meeting to discuss the wastewater backup at 19635 Ridgeway Rd Plattsmouth, NE 68048.

### **ITEM 8c**

There was no PeolpeService report.

### **ITEM 8d**

Trustee Martin and Mr. Johnson advised that there was no new information regarding water system improvements including possible connection to a water main the City of Plattsmouth may construct to connect to Metropolitan Utilities District.

**ITEM 8e**

Trustee Martin advised that they were still waiting to receive parts to complete the improvements to the wastewater treatment plant. The hope is that the project will be completed by July 1.

**ITEM 8f**

The Utilities Committee Report addressed the well house remodeling project.

**ITEM 8g**

Following discussion, Resolution introduced for adoption by Grotrian, seconded by Meisinger:

RESOLUTION

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO LOAN NO. C318036 BETWEEN THE DISTRICT AND NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY ("NDEE"); TO AUTHORIZE AND DIRECT THE CHAIR AND CLERK TO EXECUTE THE AMENDMENT; TO APPROVE THE PROMISSORY NOTE RELATED TO AMENDMENT NO. 1 TO LOAN NO. C318036; TO AUTHORIZE AND DIRECT THE CHAIR AND CLERK TO EXECUTE THE PROMISSORY NOTE; TO AUTHORIZE AND DIRECT THE CHAIR AND CLERK TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO SECURING THE ADDITIONAL FUNDING FROM NDEE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT; AND TO AUTHORIZE AND DIRECT THE DISTRICT'S LEGAL COUNSEL TO FILE A COURT PROCEEDING AND TAKE ALL ACTION NECESSARY TO CONVERT THE PROMISSORY NOTE FOR THE ADDITIONAL FUNDING INTO BONDED INDEBTEDNESS ON PAR WITH OTHER BONDS OF THE DISTRICT.

WHEREAS, Sanitary and Improvement District No. 5, Cass County, Nebraska (District) constructed improvements to its wastewater treatment plant to provide for sufficient capacity;

WHEREAS, said construction was financed through the Nebraska Department of Environment and Energy (NDEE), State Revolving Fund program;

WHEREAS, said construction commenced approximately the spring of 2022;

WHEREAS, during construction unforeseeable circumstances were discovered which necessitate incurring additional costs; and

WHEREAS, the original funding for the improvements was exceeded by approximately \$150,000.00 necessitating an amendment to the loan from NDEE; and

WHEREAS, it is necessary for legal counsel for the District to file a court proceeding to convert the Promissory Note for the additional funding into Bonded indebtedness on par with other Bonds of the District.

NOW, THEREFORE, BE IT RESOLVED that Amendment No. 1 to Loan No. C318036 Between the District and Nebraska Department of Environment and Energy ("NDEE") is approved and the Chair and Clerk are authorized to execute the same.

BE IT FURTHER RESOLVED that the Promissory Note related to Amendment No. 1 to Loan No. C318036 is approved and the Chair and Clerk are authorized to execute the same.

BE IT FURTHER RESOLVED that the Chair and Clerk are hereby authorized and directed to execute the all other documents necessary to facilitate the Loan Amendment to secure the additional financing though NDEE for additional financing of the construction of improvements to the wastewater treatment plant.

BE IT FURTHER RESOLVED that legal counsel for the District is authorized and directed to file a court proceeding to convert the Promissory Note for the additional funding into Bonded indebtedness on par with other Bonds of the District.

PASSED AND APPROVED THIS 21<sup>ST</sup> day of May 2024.

By: /s/ Kurt Meisinger  
Kurt Meisinger, Chair

ATTEST:  
/s/ David Martin  
David Martin, Clerk

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

**ITEM 9a**

Trustee Grotrian reported that two trees had fallen requiring removal and that Topple Tree, the District's regular contractor, handled the removal, and in addition, due to their location, a few more

trees in outlots would require removal. Trustee Grotrian also advised that he was working with Aspen Landscaping to perform some additional work to clean up the road to the wastewater treatment plant.

**ITEM 10a**

The finance report for May 2024 is attached.

**ITEM 10b**

The Water Billing Report for billings as of April 1, 2024 is attached.

**ITEM 10c**

The county treasurer’s report for the month ended April 30, 2024 is attached.

**ITEM 11**

Trustee Martin declared his conflict of interest regarding Item 11. Motion by Meisinger, seconded by Grotrian to approve Warrant No. 18457, dated May 21, 2024 and in the amount of \$404.05, drawn on the General Fund, to reimburse Trustee Martin for funds advanced to mail the district-wide notice concerning trash collection on July 1, 2024.

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 are, and hereby are, approved and that the Chair and Clerk are, and hereby are, authorized to execute and deliver warrants for the payment of the same, all dated May 21, 2024, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

**GENERAL FUND WARRANT**

**ITEM 11**

**(Due May 21, 2024)**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 404.05	18457	David Martin	Reimbursement (district-wide trash collection)

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: Grotrian, Meisinger and Karr. Voting nay: none. Absent: Sommer. Abstaining: Martin. The Chair declared the resolution adopted.

**ITEM 12**

Trustee Meisinger declared his conflict of interest regarding Item 12. Motion by Martin, seconded by Karr to approve Warrant No. 18458, dated May 21, 2024 and in the amount of \$334.03, drawn on the General Fund, to reimburse Trustee Meisinger for funds advanced to mail the district-wide notice concerning trash collection on July 1, 2024.

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 are, and hereby are, approved and that the Chair and Clerk are, and hereby are, authorized to execute and deliver warrants for the payment of the same, all dated May 21, 2024, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

**GENERAL FUND WARRANT**

**ITEM 12**

**(Due May 21, 2024)**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 334.03	18458	Kurt Meisinger	Reimbursement (district-wide trash collection)

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: Grotrian, Martin and Karr. Voting nay: none. Absent: Sommer. Abstaining: Meisinger. The Chair declared the resolution adopted.

### **ITEM 13**

Motion by Martin, seconded by Karr 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 April 23, 2024 meeting
- b Approve Invoice No. 9724 from the Nebraska Department of Environment and Energy, State Revolving Fund, in repayment of the loan for the construction of the wastewater treatment plant, to transfer \$38,837.28 from the Service Fee Fund to the Construction fund for the loan payment, and to authorize the County Treasurer to make the payment to the Department
- c Approve payment of the claims and invoices
- d Transfer \$2,967.36 from the Service Fee Fund to General Fund (water/wastewater electric systems usage)

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 21, 2024, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

**GENERAL FUND WARRANTS**  
**CONSENT AGENDA, ITEM 13c**  
**(Due May 21, 2024)**

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 1,145.00	18459	Frankel, LLC	Inv. Nos. 1189 (tech) and 140244 (finance report, water billing and State Revolving Fund analysis)
\$ 971.70	18460	Cassem, Tierney	Inv. and court order (mediation services)
\$ 350.00	18461	Topple Tree Service LLC	Inv. No. 2465 (tree service)
\$ 8,131.13	18462	Roger K. Johnson	Inv. No. 619 (attorney fees & costs)
\$ 720.00	18463	Triple M Construction, Inc.	Inv. No. 1247 (concrete work)
\$ 3,333.30	18464	OPPD	Inv. service 4/5/24-5/7/24 (electric)
\$ 1,860.00	18465	Aspen Landscaping	Inv. No. 209 (mowing)
\$ 10,809.00	18466	Kerns Excavating Co. Inc.	Inv. Nos. 17961 (raise inlets; shoulder work; and extend fire hydrant)
\$ 140.00	18467	Brandt Sprinkler Services	Inv. No. 40 ( damage when work was done on Windward

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 21, 2024 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 13c**  
**(Due May 21, 2024)**

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 725.39	18423	Core & Main	Inv. No. U592928 (Sensus Command Link)
	18424	NOT ISSUED	
\$ 13,431.00	18425	PeopleService, Inc.	Inv. No. 104709 (\$11,115.00 June ops; \$2,316.00 April billing)
\$ 2,268.00	18426	Roger K. Johnson	Inv. No. 620 (attorney fees & costs)
\$ 379.14	18427	Railroad Management	Inv. No. 503782 (4" sewer pipeline)
\$ 86.99	18428	Windstream	Acct. 090963225; Inv. issued 4/16/24 (well house phone)
\$ 2,540.00	18429	Kerns Excavating	Inv. No. 17961 (repair water leak & valve boxes)
\$ 56.08	18430	Melvin Sudbeck Homes	Refund water/sewer connection deposit

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: Martin, Grotrian, Meisinger and Karr. Voting nay: none. Absent: Sommer. Abstaining: none. The Chair declared the resolution adopted.

**ITEM 14**

The Chair advised that the mailing to the residents was sent regarding the transition to Gretna Sanitation for District-wide trash collection service.

**ITEM 15**

Trustee Meisinger requested that the agenda for the next meeting include consideration of amending Ordinance No. 23-02 entitled: AN ORDINANCE OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA, TO ESTABLISH RULES AND REGULATIONS, FEES AND RATES FOR WATER AND SANITARY SEWER SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; AND TO PROVIDE AN EFFECTIVE DATE.

**ITEM 16**

The agenda having been completed, the Chair adjourned the meeting at 9:02 p.m.

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

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

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

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

Recorded by:

\_\_\_\_\_  
Jennifer Sommer

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