

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

Meeting convened at 6:00 p.m. on June 18, 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 6:03 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, Kurt Meisinger and David L. Martin. Absent: James Grotrian and Jennifer Sommer.

ITEM 4a

Trustee Martin provided a Utilities Committee Report: (1) all meters were read except one; (2) issues at the wastewater treatment plant likely resulted from a bad breaker; (3) all pressure reducing valves were rebuilt; (4) work to complete construction at the wastewater treatment plant remains delayed while waiting for materials; (5) construction of the office at the well house is slightly delayed after discovering that noise from the transformer was much greater than expected; (6) the area around each lift station was cleared; and (7) Peoples is investigating an issue at the wastewater treatment plant which likely due to faulty valves.

ITEM 4b

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

ITEM 4c

Trustee Meisinger and Mr. Johnson advised that there was no new information regarding the possibility of connecting to a water main the City of Plattsmouth intends to construct connecting the City to Metropolitan Utilities District.

ITEM 4d

The status of receiving parts to continue work at the wastewater treatment plant was addressed in the Utilities Committee report.

ITEM 4e

Motion by Martin, seconded by Karr to approve and adopt the following ordinance related to new fees and rates for solid waste disposal and for water and sanitary sewer services:

ORDINANCE NO. 24-01

AN ORDINANCE OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA, TO ESTABLISH RULES AND REGULATIONS, FEES AND RATES FOR UTILITY SERVICES INCLUDING WATER, SANITARY SEWER AND RESIDENTIAL SOLID WASTE DISPOSAL SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. General provisions for water and sanitary sewer services offered by the District.

- a. All homes, businesses and other properties which utilize water and sanitary sewer services shall connect to the District's water and sanitary sewer systems no later than completion of construction.
- b. Once connected to the District's water and/or sanitary sewer systems, the owner or user of the property becomes a customer of the District.
- c. All residences shall be subject to the residential solid waste upon completion of construction and receipt of their certificate of occupancy.
- d. Billing shall be monthly for services received in the prior month.
- e. Payment of all such billings is due by the 15TH day of each month and may be paid in the manners set forth on the District's website found at www.buccaneerbay-ne.org.
- f. All payments shall be applied to the oldest outstanding invoice followed by any subsequent invoices regardless of any instructions received with the payment.

Section 2. Applicants for new water and sanitary sewer connections or replacement of a water meter and/or a meter transceiver unit (MXU) must pay all fees and costs in advance. New connections are subject to the following fees and costs:

- a. One time connection fee and account setup fees: \$1,000.00
- b. Water meter cost: District's Cost
- c. Meter transceiver unit (MXU) cost: District's Cost Account transfers, such as upon sale of a home with an existing service, are subject to a fee of \$50.00.

Section 3. The Board of Trustees hereby determines that the fee structure for services and products provided by the District for water and sanitary sewer shall be revised as follows:

a. WATER SERVICE FEES

- (1) Turn off/on charge, first time, during business hours after disconnection for delinquency: \$100.00
- (2) Turn off/on charge, all subsequent times, during business hours after disconnection for delinquency: \$250.00
- (3) Voluntary turn off charge during business hours: \$100.00

b. WATER SERVICE USE RATES

- (1) Base fee for up to 5,000 gallons: \$17.00
- (2) Additional charge per 1,000 gallons used based on gallons used:

5,001 to 10,000	\$3.80
10,001 to 20,000	\$4.65
Over 20,001	\$5.30

(3) Rates for service outside the district boundaries:
1.5 times of above rates

c. SEWER SERVICE USE FEES

- (1) Wastewater Treatment Plant Debt Service Fee plus tax: \$21.00

This fee continues and is billed per month to the property owner, regardless of whether water is turned on or off.

(2) Monthly base fee, plus tax: \$17.00

(3) Rates for service outside the District boundaries:

1.5 times of
above rates

d. RESIDENTIAL SOLID WASTE DISPOSAL FEES

(1) Fee for trash service provided through third party contractor:

\$22.95

Section 4. DELINQUENT ACCOUNTS

a. Late accounts will receive a notice after 30 days. For payments which are over 45 days delinquent, the District will notify the resident via a disconnect notice served by certified United States mail, postage prepaid, and may thereafter shut off the water service and refuse to sell water to such water user. If water service is disconnected, in addition to the reconnection charge set forth above, the resident will be required to make a payment based on an estimated amount for the next month's water service together with payment in full of the delinquent amount.

b. To collect unpaid utility bills, the District may seek recovery in a civil action, or it may be certified to the county assessor and assessed against the premises served, and collected or returned in the same manner as other district taxes are certified, assessed, collected, and returned.

Section 5. For all checks or other forms of payment which are returned for insufficient funds, closed account or any other reason, there shall be imposed a \$35.00 charge, plus any bank fees paid by the District.

Section 6. For all emergencies related to water and sanitary sewer, please see the District's website: www.buccaneerbay-ne.org. For water turn on and turn off, please attempt to provide at least 24 hours advance notice.

Section 7. All other ordinances and resolutions approved prior to the passage, approval, and publication or posting of this ordinance which conflict with these provisions are repealed.

Section 8. This ordinance shall take effect July 1, 2024 and the new rates shall apply to all services included in the August 1, 2024 billing.

Passed and approved this 18th day of June 2024

/s/ Kurt Meisinger
Kurt Meisinger, Chair

ATTEST:

/s/ David Martin
David Martin, Clerk

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

ITEM 4f

Following brief discussion about contracting for water tower maintenance, the Chair announced that further discussion and possible action would be delayed until after Item 10 and following the possibility of having a closed session for the protection of the public interest.

ITEM 5a

Trustee Karr presented the following Roads Committee report: (1) Trustee Karr met with Dan Dolezal, engineer, regarding the reconstruction of the main entrance, but Trustee Karr advised that he did not favor any of the concepts for the reconstruction; (2) Trustee Karr met with an engineer from JEO regarding drainage on Spyglass Ct.; and (3) street signs have been ordered and will be installed to replace those missing once the signs arrive.

ITEM 6a

In the absence of both Trustees Grotrian and Sommer, Trustee Meisinger advised that the parking lot lights had been repaired.

ITEM 7a

The finance report for June 2024 is attached.

ITEM 7b

The Water Billing Report for billing through May 31, 2024 is attached.

ITEM 7c

The county treasurer's report for the month ended May 31, 2024 is attached.

ITEM 8

Trustee Martin declared his conflict of interest regarding Item 8. Motion by Meisinger, seconded by Karr to approve Warrant No. 18431 dated June 18, 2024 and in the amount of \$49.50, drawn on the Service Fee Fund, to reimburse Trustee Martin for funds advanced to utilize plugins for the District’s website to conduct the survey for the EPA Mandated Lead Service Line Inventory.

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 June 18, 2024, to be drawn on the Service Fee Fund, and which are redeemable upon presentation to the Cass County Treasurer.

SERVICE FEE FUND WARRANT

ITEM 11

(Due June 18, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 49.50	18431	David Martin	Reimbursement (plugin for website related to the EPA Mandated Lead Service Line Inventory)

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

ITEM 9

Motion by Meisinger, 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 May 21, 2024 meeting
- 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 June 18, 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 9b
(Due June 18, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 445.00	18468	Frankel, LLC	Inv. Nos. 1246 (tech) & 140814 (finance report & water billing)
\$ 2,900.00	18469	Topple Tree Service LLC	Inv. Nos. 2471 & 2473 (tree service)
\$ 4,428.43	18470	Roger K. Johnson	Inv. No. 638 (attorney fees & costs)
\$ 21,957.86	18471	Ehrhart Griffin & Assoc.	Inv. Nos. 9692 & 9698 (surveying & engineering services)
\$ 990.00	18472	Roger K. Johnson	Inv. No. 642 (Gibbons attorney fees)
\$ 3,040.00	18473	Aspen Landscaping	Inv. No. 213 (mowing)

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

June 18, 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 9b
(Due June 18, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 152.29	18432	Windstream	Inv. issued 5/15/24 (well house phone)
\$ 13,411.00	18433	PeopleService, Inc.	Inv. No. 104937 (\$11,115.00 July ops; \$2,296.00 May billing)
\$ 180.00	18434	Country Mile Wireless	Inv. No. 7PU6OF (wireless internet)
\$ 2,142.00	18435	Roger K. Johnson	Inv. No. 639 (attorney fees & costs)
\$ 14,209.65	18436	TREKK	Inv. Nos. 245& 261 (haul sludge & sanitary line cleaning)

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 June 18, 2024, with the warrants to be drawn on the Construction Fund account and if registered to draw interest at 7.00% per year and to be redeemed no later than June 18, 2024:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 9b
(Due June 18, 2024)

\$ 800.00	18225	UMB Bank	Inv. No. 980145 (admin fees bonds)
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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, Meisinger and Karr. Voting nay: none. Absent: Grotrian and Sommer. Abstaining: none. The Chair declared the resolution adopted.

ITEM 10

Trustee Meisinger confirmed with Gretna Sanitation that it initially had a good response from residents advising of their cart preferences and Trustee Meisinger identified a staging area to distribute containers, if needed, in the last week of June.

ITEM 4f (continued)

Motion by Meisinger, seconded by Martin to enter closed session for the protection of the public interest to discuss pricing for a water tower maintenance contract and negotiations of the contract. On roll call those voting aye: Martin, Meisinger and Karr. Voting nay: none. Absent: Grotrian and Sommer. Abstaining: none. The Chair declared the resolution adopted.

The Chair advised that at 6:40 p.m. the Trustees would enter closed session for the protection of the public interest to discuss pricing for a water tower maintenance contract and negotiations of the contract.

Motion by Karr, seconded by Martin to reconvene in open session at 6:53 p.m. On roll call those voting aye: Martin, Meisinger and Karr. Voting nay: none. Absent: Grotrian and Sommer. Abstaining: none. The Chair declared the resolution adopted.

Motion by Meisinger, seconded by Karr to award the tower maintenance contract to McGuire Iron based on the pricing provided plus \$7,500 to repair the hatch and install a vent, all dependant on Trustee Martin and Mr. Johnson successfully negotiating the other terms of a contract. On roll call those voting aye: Martin, Meisinger and Karr. Voting nay: none. Absent: Grotrian and Sommer. Abstaining: none. The Chair declared the resolution adopted.

ITEM 11

Trustee Meisinger requested that the agenda for the next meeting include preliminary discussion of a budget for fiscal year July 1, 2024 through June 30, 2025.

ITEM 12

The agenda having been completed, the Chair adjourned the meeting at 6:54 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