

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

Meeting convened at 6:00 p.m. on October 22, 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 6:06 p.m.

ITEM 2

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

ITEM 3

Roll Call: Present: Jennifer Sommer, Kurt Meisinger, Frank Gorhau Jr., John Bolton and David L. Martin. Absent: None.

ITEM 4

No persons appeared to address the Board as part of open session for public comment.

ITEM 5

Motion by Meisinger seconded by Gorhau to recommend that the County Board of Commissioners approve an administrative subdivision of Lot 8R, being a replat of original Lots 8 and 9, Block 23, Buccaneer Bay Subdivision, Cass County, Nebraska and to authorize the Chair to sign the mylar. On roll call those voting aye: Gorhau, Bolton, Sommer and Meisinger. Voting nay: none. Absent: None. Abstaining: Martin. The Chair declared the resolution adopted.

ITEM 6

The following committee assignments were agreed upon:

<u>Committee</u>	<u>Chair</u>	<u>Second Member</u>
Utilities:	Martin	Gorhau
Roads and Storm Water Management:	Bolton	Sommer
Grounds and Recreation:	Sommer	Bolton
Finance:	Meisinger	Gorhau

ITEM 7a

Trustee Martin provided a Utilities Committee Report and advised that a water system Pressure Reducing Valve had failed on Friday about noon, resulting water pressures at some locations reaching as high as 170 PSI, had been replaced; the water and wastewater treatment facilities have been winterized; water tower maintenance has been completed; cables and wires located inside the tower have been reorganized; and the results of the lead service line report will be submitted to the State by the end of the week.

ITEM 7b

Mr. Johnson advised that he had received PeopleService Water/Wastewater & billing report in the afternoon but was not in the office to print it for the meeting.

ITEM 7c

Following some discussion of a proposal from HOA to provide Cyber Protection Information Technology services for the water/wastewater infrastructure, the Chair laid the matter over to the next meeting for further consideration and possible action.

ITEM 7d

No action was necessary following discussion of the right-of-way agreement requested by the City of Plattsmouth which includes construction of a rock equipment route down the centerline of the Treasure Island Rd right- of-way west of the current end of the paved cul-de-sac for the purpose of accessing the properties on which the city will construct a portion of a water main from Metropolitan Utilities District's well field on the north side of the Platte River to Plattsmouth.

ITEM 8a

Trustee Bolton provided the attached Roads and Storm Water Management Committee Report. Trustee Bolton also asked that the agenda for the next meeting include discussion of the roads

maintenance project for the summer of 2025.

ITEM 8b

Motion by Martin, seconded by Gorhau to award a 2-year contract, with the District having an option for an additional (3RD) year, to MADs Lawn and Landscape incorporating the list of equipment into the Exhibit A: “Complete List of Snow Removal Equipment” as required in the Request for Proposals. On roll call those voting aye: Martin, Gorhau, Bolton, Sommer and Meisinger. Voting nay: none. Absent: None. Abstaining: none. The Chair declared the resolution adopted.

ITEM 9a

For a Grounds and Recreation Committee Report, Trustee Sommer advised that: the parking lot signage has been installed; she has started researching playground equipment for a park near the parking lot; and she received a report that a contractor to whom a contract previously was awarded to repair a sink hole at the back lot line of 4004 Buccaneer Blvd, which is alleged to have been caused by storm water runoff, never showed up to do the work. Trustee Sommer asked that the issue of the sink hole matter be included on the agenda for the November meeting.

ITEM 10

Trustee Meisinger for the Finance Committee report presented the following reports:

ITEM 10a

The attached finance report for October 2024.

ITEM 10b

The attached Water Billing Report for billing through September 30, 2024.

ITEM 10c

The attached county treasurer’s reports for the months ended August 31 and September 30, 2024.

ITEM 11

Motion by Meisinger, seconded by Sommer 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 for the budget hearing meeting held September 17, 2024

- b Approve the minutes for the regular meeting held September 17, 2024
- c Approve payment of the claims and invoices
- d Approve the transfer of \$5,225.69 from the Service Fee Fund to the 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 October 22, 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 11c
(Due October 22, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 4,985.00	18500	Frankel, LLC	Inv. Nos. 1511 (tech) & 142625 (budget, finance report & water billing)
\$ 2,088.80	18501	Roger K. Johnson	Inv. No. 700 (reimbursement for payment to Cass County for the election expenses)
\$ 100.00	18502	Dodge Partners Insurance	Inv. No. 12394 (surety bond premium)
\$ 544.00	18503	Roger K. Johnson	Inv. No. 703 (Gibbons attorney fees)
\$ 5,252.37	18504	Roger K. Johnson	Inv. No. 701 (attorney fees & costs)
\$ 5,592.35	18505	OPPD	Inv. service 9/5/24-10/7/24 (electric)
\$ 1,860.00	18506	Aspen Landscaping	Inv. Nos. 223 (mow District lots)

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 October 22, 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 11c
(Due October 22, 2024)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$12,874.95	18456	Gretna Sanitation	Inv. No. 354809 (September trash collection)
\$28,705.75	18457	PeopleService, Inc.	Inv. No. 105848 (\$11,560.00 Nov Serv; \$2,316.00 Sept billing; maintenance overage \$11,230.00; \$35.00 NFS chk; \$25.00 waste reduction & 3,539.75 3 RD quarter sale tax)
\$ 425.00	18458	Plumber Dave, Inc.	Inv. No. 2526 (Replace shut off valves & rework piping for control panel)
\$48,571.67	18459	Maguire Iron, Inc.	Inv. No. 6443 (maintenance water tower sphere & replace pressure relief valve)
\$ 1,854.00	18460	Roger K. Johnson	Inv. No. 702 (attorney fees & costs)
\$11,532.81	18461	Precision Lighting	Inv. Nos. J19553 & J19552 (well house remodeling)
\$10,040.50	18462	Trekk Design Group	Inv. Nos. 1519 & 1330 (work on pump, Jetvac plant & sludge hauling)
\$ 81.66	18463	Windstream	Inv. issued 9/16/24 (well house phone)
\$ 6,292.32	18464	Kerns Excavating Co.	Inv. No. 18253 & 18254 (rock parking areas well house and

wastewater treatment plant)

\$ 1,030.00 18465 Powertech Inv. No. W81963 (electrical work)

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 October 22, 2024, to be drawn on the Construction Fund, and which are redeemable upon presentation to the Cass County Treasurer:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 11c
(Due October 22, 2024)

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; (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: Sommer, Gorhau, Meisinger, Martin and Bolton. Voting nay: none. Absent: None. Abstaining: none. The Chair declared the resolution adopted.

ITEM 12

An item to include on the agenda for the next meeting is to set the dates for the January through March meetings.

ITEM 13

Mr. Johnson advised that a closed session for the protection of the public interest to discuss 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; and Gibbons v. Kappas Enterprises, LLC and SID 5 of Cass County Nebraska; and SID 5 v. Kappas, all at Case Number CI21-307 was not needed.

ITEM 14

The agenda having been completed, the Chair adjourned the meeting at 8:02 p.m.

Frank Gorhau, Jr., Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

John Bolton, Trustee

Recorded by:

Jennifer Sommer, Trustee

Roger K. Johnson
Attorney for the District