

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

Meeting convened at 6:00 p.m. on March 18, 2025, 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 6:02 p.m.

ITEM 2

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

ITEM 3

Roll Call: Present: Jennifer Sommer, Kurt Meisinger, John Bolton and David L. Martin. Absent: Frank Gorhau, Jr.

ITEM 4

Two residents were present who addressed the Board regarding issues with trash collection and with unkept yards and parking vehicles and campers in yards.

ITEM 5a

Trustee Martin presented the written report of the Utilities Committee, a copy of which is attached to these minutes.

ITEM 5b

No report was received.

ITEM 5c

Trustee Martin advised that he talked to staff at Hydro Optimization and Automation about the steps

they had taken to assess threats to the District's water and wastewater systems. Trustee Martin advised that HOA did not intend to complete a physical assessment. Trustee Martin also advised that HOA had assessed the computer system which uses the Internet to operate, which passed the standard established by HOA. Lastly, Trustee Martin reported that necessary assessments had been completed and that there was no plan to engage a third party to seek to penetrate the systems.

ITEM 6a

Trustee Bolton presented the written report of the Roads and Storm Water Management Committee, a copy of which is attached to these minutes.

ITEM 6b

Trustee Bolton advised that, along with other road repair projects for the District, Kerns Excavating included projects to repair sink holes on Lakeside Dr. and Davy Jones Dr. on the south side of the road, and to the east of 3201 Davy Jones Drive, near the creek crossing.

ITEM 6c

The Chair laid over discussion and consideration of contracting with Kerns Excavating to repair erosion at the back lot line of the property located at 4004 Buccaneer Blvd. to provide time for an engineer to evaluate the cause of the erosion.

ITEM 6d

The Chair laid over discussion regarding an application for a grant from the Lower Platte South Natural Resources District, under its Community Assistance Program, for "Spyglass Ct. Drainage Improvements" so that Mr. Johnson can receive an update from Mr. Meier of JEO Consulting Group regarding the status of the NRD's funding and of the application.

ITEM 6e

Mr. Johnson discussed the contents of a telephone call from an attorney representing Omaha Public Power District regarding the work stoppage issued by the District on an OPPD project near the 4000 to 4200 blocks of Buccaneer Blvd. The attorney raised issues with the lack of markings pursuant to OneCall and instead providing a GIS map of the general location of the water mains throughout the District. PeopleService advised that providing the GIS map was sufficient according to OneCall staff. The contractor had advised at the time that it did not intend to locate the water mains using the GIS map and likely would bore through some water mains. As a result, an order to stop work in the right-of-way was issued to prevent damage to the water mains. When the contractor pulled off the job site, it left barrels and a pile of sand in the right-of-way. The Chair laid over the matter of removal until further inquiry could be made to OneCall.

ITEM 7a

Trustee Sommer advised that there were no other issues to discuss related to Grounds and Recreation beyond items previously discussed at the meeting. Trustee Meisinger advised that he had received a communication about branches from dead trees in outlots overhanging private property. Trustee Martin advised that he would contact Topple Tree Service about removing branches if they actually overhung the property line.

ITEM 7b

The Chair laid over discussion of a proposed bond or escrow payment for the repair of damage to the outlots that might result from the construction of a water main by the City of Plattsmouth in any easement area granted by the District to the City.

ITEM 7c

The Trustees discussed several issues with having the State of Nebraska evaluate the risk of fire in the outlots and to develop a plan to clear the same. There was discussion concerning the following issues: the work would be on a 50/50 basis at \$2,000 per acre up to 40 acres per year; coordination with homeowners; only one owner having raised an issue; other residents who might have an interest in privacy with the growth in place; funds better spent on road repairs; erosion if trees and ground cover are removed; loss of funding after one year leaving areas incomplete in clearing; and delaying any decision for 18 months until the State could potentially confirm the availability of funds. The Chair directed Mr. Johnson to add this to his calendar for approximately 18 months in the future. No action was taken.

ITEM 7d

The Chair laid over to the discussion and consideration of the sale of Outlot P. Since the lot was previously put up for sale by auction, the lot now could be sold direct. The Chair asked Mr. Johnson to review the records and advise of the reserve price for the sale of the Outlot. No action was necessary.

ITEM 8a

Trustee Meisinger presented the written finance report of the Finance Committee for March 2025, a copy of which is attached to these minutes.

ITEM 8b

Trustee Meisinger presented the written water billing report of the Finance Committee for February 2025, a copy of which is attached to these minutes.

ITEM 8c

The County Treasurer's report for the month ended February 28, 2025 is attached to these minutes.

ITEM 9

No residents were present showing an interest in filling the anticipated vacancy on the Board of Trustees upon the resignation of Trustee Sommer.

ITEM 10

Motion by Meisinger, seconded by Martin to accept, with regrets, the resignation of Jennifer Sommer from the Board of Trustees effective upon adjournment of the meeting. On roll call those voting aye: Meisinger, Martin and Bolton. Voting nay: none. Absent: Gorhau. Abstaining: Sommer. The Chair declared the resolution adopted.

ITEM 11

The Chair laid over consideration to appoint a resident to the Board of Trustees, effective upon adjournment of the meeting, to fill the vacancy resulting from the resignation of Jennifer Sommer.

ITEM 12

Motion by Meisinger, seconded by Martin to approve the Consent Agenda together with payment of the OPPD electric bill upon receipt as a regular invoice and the related transfer from the Service Fee Fund to the General Fund:

- a Approve the minutes for the meeting held February 18, 2025;
- b Approve payment of claims and invoices for March 2025; and
- c Approve the transfer of \$3,201.05 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 March 18, 2025, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

GENERAL FUND WARRANTS **CONSENT AGENDA, ITEM 12b**

(Due March 18, 2025)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 257.00	18530	Frankel, LLC	Inv. Nos. 2661 (tech) & 145603 (finance & water billing reports)
\$ 2,867.25	18531	Roger K. Johnson	Inv. No. 783 (attorney fees & costs)
\$ 1,144.00	18532	Roger K. Johnson	Inv. No. 785 (Gibbons attorney fees)
\$20,287.50	18533	MADS Lawn & Landscape	Inv. No. 2640 (salt/sand & plow Feb/March)
\$ 292.00	18534	Dodge Partners Insurance	Inv. No. 180450 (umbrella insurance premium)
\$ 4,463.97	18535	Ehrhart Griffin & Assoc.	Inv. Nos. C398 (drone & general engineering) & C404 (survey pavement improvement project)
\$ 3,597.25	18536	OPPD	Inv. for service 2/5/25 - 3/6/25 (electric service)

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 March 18, 2025 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 12b
(Due March 18, 2025)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 180.00	18492	Country Mile Wireless	Inv. No. O0NYB9 (utilities internet)
\$ 774.00	18493	Roger K. Johnson	Inv. No. 784 (attorney fees & costs)
\$13,915.00	18494	PeopleService, Inc.	Inv. No. 106996 (\$11,560.00 April ops, \$2,320.00 Feb bills & \$35.00

NSF Check)

\$12,874.95	18495	Gretna Sanitation	Inv. No. 366136 (April trash service)
\$ 82.22	18496	Windstream	Acct. 090963225 (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 March 18, 2025, to be drawn on the Construction Fund, and which are redeemable upon presentation to the Cass County Treasurer:

CONSTRUCTION FUND WARRANTS
CONSENT AGENDA, ITEM 12b
(Due March 18, 2030)

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

ITEM 13

Following discussion regarding a new location for meetings beginning June 2025, the Chair laid the matter over to the next meeting to seek proposals from Ms. Sommer for space on the northeast corner of 6TH Street and Main in Plattsmouth and from the owners of the clubhouse at the golfclub located in the District.

ITEM 14

The next meeting will be April 22 and May 20, 2025 in the community room at First State Bank Nebraska.

ITEM 15

The agenda having been completed, the Chair adjourned the meeting at 7:31 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