

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

Meeting convened at 6:00 p.m. on April 22, 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 on April 10, 2025 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: 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 Martin, seconded by Bolton to ratify all actions taken at the March 18, 2025 meeting following the Omaha World-Herald's failure to publish the meeting notice. On roll call those voting aye: Meisinger, Martin and Bolton. Voting nay: None. Absent: None. Abstaining: Gorhau. The Chair declared the resolution adopted.

ITEM 6

Motion by Meisinger, seconded by Gorhau to appoint resident Shawn Epp to fill the vacancy resulting from the resignation of Trustee Jennifer Sommer. On roll call those voting aye: Meisinger, Martin, Gorhau and Bolton. Voting nay: None. Absent: None. Abstaining: None. The Chair declared the resolution adopted.

ITEM 7

The Chair advised that the bank will no longer be available for meetings after May. The Trustees discussed various locations as possible meeting venues. Motion by Meisinger, seconded by Gorhau to hold the June meeting at Sommer Butts Brew and BBQ LLC, 546 Main Street Suite A, Plattsmouth for \$70 rent. On roll call those voting aye: Meisinger, Martin, Gorhau, Epp and Bolton. Voting nay: None. Absent: None. Abstaining: None. The Chair declared the resolution adopted. The Chair announced that additional locations will be investigated as possible venues.

ITEM 8a

Trustee Martin presented the attached Utilities Committee's report. Trustee Martin highlighted that Peoples replaced a transducer which had failed and had resulted in a loss of communication between the wells and the water tower.

ITEM 8b

No reports were received from PeopleService regarding water and wastewater operations for either February or March 2025.

ITEM 8c

No action was taken following discussion regarding a Cyber security assessment of District's water and wastewater systems.

ITEM 9a

Trustee Bolton presented the attached Roads and Storm Water Management Committee's report. Following discussion, Trustee Bolton advised that he would contact Mr. Dolezal to proceed with an overlay of a portion of Buccaneer Blvd. identified by Mr. Dolezal at an approximate cost of \$110,000.

ITEM 9b

After significant discussion and input from the owners of 4004 Buccaneer Blvd., the Chair laid the matter over for further investigation issues related to the cause(s) of erosion at the back lot line of the property located at 4004 Buccaneer Blvd., as well as possible repairs to, and responsibility for, any repairs.

ITEM 9c

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 10a

No Grounds and Recreation Committee Report was received.

ITEM 10b

No action was taken in regard to requiring the City of Plattsmouth to either post a bond or escrow funds to ensure the repair of damage to the outlots from construction of its water main.

ITEM 10c

The Chair laid over to the discussion and consideration of the sale of Outlot P.

ITEM 10d

No action was taken regarding the status of the apparent Outlot shown on the original plat as Q which abuts Treasure Island Rd. to the east and 20008 Treasure Island Rd. to the south.

ITEM 10e

Trustee Martin advised that the tree in the outlot which overhung a building on a private lot had been removed.

ITEM 10f

Trustee Bolton advised that more information would be provided regarding the evaluation of the risk of fire in the outlots and the Chair laid the matter over.

ITEM 11a

Trustee Meisinger presented the attached April Finance Committee report.

ITEM 11b

Trustee Meisinger presented the attached March water billing report.

ITEM 11c

The County Treasurer's report for the month ended March 31, 2025 is attached to these minutes.

ITEM 11d

Following discussion, the Chair laid over the financial and bond levy impacts of options to refund and reissue the 2020 bonds, issuing a bond for additional funds sufficient for a District-wide road reconstruction project, or refund and reissue the 2020 bonds and include in the issuance an amount of new bonds for additional funds sufficient for a District-wide road reconstruction project.

ITEM 12

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

- a Approve the minutes for the meeting held March 18, 2025;
- b Approve payment of claims and invoices for April 2025; and
- c Approve the transfer of \$2,861.53 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 April 22, 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 April 22, 2025)**

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 416.50	18537	Frankel, LLC	Inv. Nos. 2807 (tech) & 146409 (finance & water billing reports)
\$ 3,516.50	18538	Roger K. Johnson	Inv. No. 797 (attorney fees & costs)
\$ 616.00	18539	Roger K. Johnson	Inv. No. 794 (Gibbons attorney fees)
\$ 400.00	18540	Topple Tree Service	Inv. No. 24308 (tree removal & brush removal)
\$ 707.75	18541	Cass County Dept of Roads	Inv. No. 1234 (street signage, posts & hardware)

\$ 3,257.39	18542	OPPD	Inv. for service 3/6/25 - 4/3/25 (electric service)
\$19,285.00	18543	MADS Lawn & Landscape	Inv. Nos. 2646, 2669 & 2670 (snow & sand)

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 April 22, 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 April 22, 2025)

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 168.12	18497	Windstream	Invs. dated March 17 and April 16, 2025 Acct. 090963225 (well house phone)
\$ 400.00	18498	Neb. Rural Water Assoc.	Year 2025 (membership dues)
\$ 2,142.00	18499	Roger K. Johnson	Inv. No. 796 (attorney fees & costs)
\$12,874.95	18500	Gretna Sanitation	Inv. No. 366136 (May trash service)
\$ 9,390.00	18501	A/C Thermal Protection Co.	Inv. No. 697-2504-1 (wastewater plant repairs)
\$ 417.05	18502	Railroad Management III	Inv. No. 522958 (license 10 inch water pipeline crossing)
\$17,471.22	18503	PeopleService, Inc.	Inv. No. 107228 (\$11,560.00 May ops, \$2,328.00 March billing & \$35.00 NSF Check; 1 ST quarter sales tax)
\$ 529.00	18504	David Martin	Reimbursement for Inv. No. 753320 (group text messaging capability)

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 April 22, 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 April 22, 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: Gorhau, Meisinger, Epp and Bolton. Voting nay: None. Absent: None. Abstaining: Martin. The Chair declared the resolution adopted.

ITEM 13

The May 20, 2025 meeting will be held at 6:00 p.m. in the community room at First State Bank Nebraska and the June 17, 2025 meeting at 6:00 p.m. at Sommer Butts Brew and BBQ LLC, 546 Main Street Suite A, Plattsmouth.

ITEM 14a

Utilities Committee matters continued.

Motion by Meisinger, seconded by Martin to enter into closed session for the protection of the public interest for the purpose of receiving legal advice regarding the District's obligations pursuant to the One Call Act and related to the PeopleService contract for water and sanitary sewer operations. On roll call those voting aye: Gorhau, Meisinger, Martin, Epp and Bolton. Voting nay: None. Absent: None. Abstaining: None. The Chair declared the resolution adopted. The Chair advised that the Trustees would enter closed session for the protection of the public interest for the purpose of receiving legal advice regarding obligations pursuant to the One Call Act and related to the PeopleService contract to provide water and sanitary sewer operations at 8:26 p.m.

Motion by Meisinger, seconded by Martin to reconvene in open session at 8:59 p.m. On roll call those voting aye: Meisinger, Martin, Gorhau, Epp and Bolton. Voting nay: None. Absent: None. Abstaining: None. The Chair declared the resolution adopted.

ITEM 14b

Following discussion regarding One Call obligation to locate and mark water lines, no action was taken.

ITEM 14c

Following discussion regarding, no action was taken to request OPPD to remove obstructions remaining in the rights-of-way, left by an OPPD contractor that was working in the 4000 to 4200 blocks of Buccaneer Blvd. after pulling off the project as the result of the Stop Order issued by the District.

ITEM 15

The agenda having been completed the Chair adjourned the meeting at 9:01 p.m.

Frank Gorhau, Jr., Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

John Bolton, Trustee

Recorded by:

Shawn Epp, Trustee

Roger K. Johnson
Attorney for the District