

BUCCANEER BAY NEWSLETTER

For residents of Buccaneer Bay

January 2022



Getting to know Buc Bay residents

Janet McCartney ready to relax

When they moved into Buccaneer Bay more than 20 years ago, Janet McCartney and her husband, Paul (no, not *the* Paul McCartney) joined just a handful of residents in the fairly new subdivision. Today, Janet says, there are close to 700 homes — with little room left to build.

Janet spent nearly two decades serving in area politics as a board member of our SID (Sanitation and Improvement District) and, more recently, a Cass County Commissioner. That's just part of what kept her busy. She served on the Plattsmouth Rural Fire Board, as an elder at her church and was past president of the Women's Association. She's also a member of the Plattsmouth Rotary Club.

But toward the end of last year, Janet decided it was time to step down from her time-consuming position as a Cass County District 2 Commissioner. She announced that she won't complete her third term.

Janet decided it she needed to make time for herself and Paul. That included giving up her additional roles as Buccaneer Bay's leader of the Neighborhood Watch program which led to the formation of block captains and distributor of welcome packets for new residents.

"At 73, I just can't take it any longer," she said. "I had all these different committee meetings to go to, because some of those on the board were too busy to attend."

The native of Creston, Iowa, probably didn't envision being that involved when the couple moved to Plattsmouth for the first time in the 1970s. Janet and Paul



Janet and Paul McCartney enjoy life in their Bay Hills home on Lakeside Drive. Janet spent more than 30 years in various political positions, including SID Boards and, most recently, nearly three terms as a District 2 Cass County Commissioner. She also started the Buccaneer Bay newsletter in 1997. She and Paul have two sons, eight grandchildren and three great-grandchildren.

were raising their two sons in Plattsmouth, then Sarpy County and, finally, Bay Hills after their two sons were grown. Their current home on Lakeside Drive is their third Bay Hills residence.

After graduating from Creston High School in 1967, Janet attended the town's junior college before moving to Omaha, where she was employed by Mutual of Omaha. She met her future husband at the nearby Presbyterian Church at a square dance. They've been married more than 50 years.

In the mid-1980s, Janet enrolled at the College of Saint Mary and earned her

bachelor's degree in computer information management in 1987. Six years later, she was awarded her master's in management at Bellevue University.

Paul McCartney worked at Offutt Air Force Base's underground headquarters while with Northwestern Bell. His job was to maintain central office equipment and teletype machines. He eventually retired from AT&T Information Systems in March 1994.

By then the couple was fully settled at Bay Hills. Before long, Janet became in-

See McCartney, Page 2

From the Editor, John Fey

Filling Janet's shoes not an easy task

As you'll note, the Buccaneer Bay newsletter has a new look — as well as a new captain steering the ship. For those who don't know me (which is most of you), I'm John Fey. You might recognize me as the neighborhood walking guy — which rhymes with my last name (fie, not fay).

My wife, Shirley, and I moved here in July 2017 after living in Omaha for



more than four decades. Like many of our residents, we were looking to downsize to a bit more quiet neighborhood, and that's just what we found in Bay Hills.

Shirley and I graduated from Papillion High School in 1970. Yes, that makes us senior citizens who are enjoying retirement. My family moved from New Ulm, Minn., to Papillion in the summer of 1963. Shirley's dad was nearing the end of his 25-year Air Force career when her family

moved from Bellevue to Papillion in 1967.

My dream job since high school was to work for the Omaha World-Herald, and although it took me longer than expected, I did serve 20 years at the paper, starting in 1988. I spent most of that time in sports — first covering western Iowa high school athletic events — later as a copy editor.

Shirley enjoyed a long career as an administrative assistant in the UNO athletic department starting in 1976. She worked as hockey coach Mike Kemp's secretary from the program's beginning in 1997 until leaving in 2012 for Home Instead Senior Care.

A few years after hockey's inaugural season, I took on the task of newsletter editor for the program's booster club. I continue to produce the monthly newsletter during each season. In 2008, I volunteered to take command of the Omaha Running Club's newsletter, which is produced on a quarterly basis. I was an active runner, starting in 1979, but knee surgery in 2004 turned me

into a walker. That's why you'll see me strolling around the bottom of the hill and, once in a while, up past the water tower.

We moved into the new duplexes (aka townhomes) that continue to pop up on Lakeside Drive — parallel to the 10th fairway. We were the first to arrive, adding to the longer-standing homes at the end of the block. Over the next four years, nine more units were constructed, and, supposedly, the plan is for more to come.

Since we were the first to arrive, I appointed myself as "mayor" of Lakeside Drive. When new folks moved in, I introduced myself with cookies and a welcome packet as our block continued to grow over the years.

We quickly became acquainted with our neighbors at the far end of the block, specifically, Max and Alice Bobenhouse and Paul and Janet McCartney. In fact, Janet stopped by shortly after we ar-

See Editor, Page 3

McCartney: Commissioners didn't take kindly to a woman

Continued from Page 1

terested in local politics. To this day, she can't explain why she got involved, but she remembers her first year as a Cass County Commissioner 12 years ago.

"In my first term," she said, "I was treated like dirt, because women weren't supposed to be on a county board. But they soon caught on that I did know enough with my master's degree. I knew enough about figuring things out."

She was elected to the position by beating the incumbent. She did it by rolling up her sleeves.

"I went door to door with everybody in my district," she said. "I left a flyer if nobody was home."

"Because nobody out here knew what was going on."

Janet McCartney on why she started the Buccaneer Bay newsletter.

She was reelected to a second term and again to a third before choosing to step down. A committee of three will select her replacement among three candidates: Ron Nolte, Ed Utterback and Jennifer Sommer later this month.

Not long after moving to Bay Hills, Janet took on the task of putting together the monthly community newsletter, starting

in 1997. To her recollection, she never missed an issue, although some were published later than she wanted. Why did she do it?

"Because nobody out here knew what was going on," she said. "Then I got involved with Neighborhood Watch."

In the newsletter's early years, Janet would print copies from home and hand-deliver them. Eventually, she distributed the newsletter electronically. Unfortunately, her computer recently crashed, causing her email database to be lost.

By passing along her Bay Hills duties, Janet will have more time to enjoying her husband, eight grandchildren and three great-grandchildren.

We all say thanks and wish her the best.

Editor: Reader participation will help boost the newsletter

Continued from Page 2

rived to welcome us and drop off a packet full of everything we needed to know about settling at Bay Hills.

We've enjoyed our "new" Christmas gatherings here with our three sons and their families. We tried not to let COVID-19 change our routine the past couple of years.

The first month here, we found out that Janet was the go-to person when it came to anything and everything government-related. As one of the longest residents of Bay Hills, Janet and Paul have seen our SID explode with new construction — both near the lakes and on top of the hill. They can tell you about the "good old days" of Bay Hills — for example, when Bay Road was gravel.

Janet, in addition to serving as newsletter editor since 1997, has been a Cass County Commissioner for 12 years. That means lots of committee meetings and board meetings. If anybody deserves some free time after all that, it's Janet McCartney.

When I read her intention of stepping down as newsletter editor, my first thought was that I didn't want to see it go away. To me, a newsletter is a great communication tool. Yes, the SID meeting minutes might be a tad tedious to read, but it's still important for people to be informed.



Christmas 2021 at Fey Manor called for a shot of Fireball. From left are Adam, John, Gerry and Derek. (Photo by Shirley Fey.)

I don't see a lot of changes to the newsletter, but I would like to tweak it a bit by adding a monthly feature on a resident. Of course, I couldn't think of a better person to start with than Janet. She certainly deserves our thanks for all she's done for our community.

A newsletter works best with participation from readers. I wouldn't be opposed to a "letters to the editor" space if there are folks who want to share their thoughts, air complaints, swap interesting stories, etc. Again, it would depend on people willing to do that, so don't be bashful!

I wanted to get this first issue out as soon as possible, and distribution will be a challenge. Janet's email database was lost when her computer crashed, so I'm basically starting from scratch. I'm confident the mailing list will grow over time.

I hope you'll continue to read this newsletter. Please forward it to others in the Bay Hills neighborhood who might not be on the distribution list. Remember, this newsletter will thrive with reader reaction.

Contact me at jmfey1952@gmail.com.

Advertising is welcome

This first newsletter will include the advertisements from December at no charge. If you'd like to continue your ad, please mail a check by the 15th of the month to John Fey, 3030 Lakeside Drive. The rates remain the same:

Business-size card — \$2.00

1/4-page size — \$4.00

1/2-page size — \$5.00

Full page — \$10

New advertisements/business cards should be emailed (as a jpeg) to: jmfey1952@gmail.com

The Buccaneer Bay newsletter is produced each month for residents of Bay Hills. Articles, letters to the editor, photos, etc., need to be submitted by the 15th of each month for publication consideration. Submissions are subject to editing for style, length and naughty language. Please contact editor John Fey at jmfey1952@gmail.com.

NEIGHBORHOOD WATCH BLOCK CAPTAINS (Last Updated – 1-1-2022)

Block Captain #	Block Captain Name	Block Captain Territory
1	Helen Mooney – 402-570-6920 Chanel Hill – 402-208-6130	Treasure Island Rd. from Cape Horn Cir. To end of road., 27 homes
2	Mary Moneke – 402-298-8055	Cape Horn Cir. 26 homes
3	Chris Crisman – 402-699-8338	Captain Morgan Ct. 10 homes
5	Karen Deyke – 402-296-5832	Front half of Bucc. Blvd. up to Ewel Ct. 3501-3617 – 10 houses
6	Jeff Groshans – 720-644-7418	Buccaneer Blvd. 3811 – 3911, 11 houses
7	Jennifer Sommer – 402-296-3686	Buccaneer Blvd. 3706 – 3810, 12 Houses
8	Pam Petersen – 402-296-3022	Buccaneer Blvd. 3920 – 4016 – 15 houses
9	Terry Fleharty – 402-296-4544	Sterling Ct. – 23 houses
10	VACANT	Davy Jones Cir. & Davy Jones Dr. – 25 houses
11	Linda Goodman – 402-917-2914	Rainey Cir. – 11 houses
12	Patty Weirauch – 402-298-7325	Fairway Cir. – 10 houses
13	Cheryl Myers – 402-296-6924	Becker Ct. – 9 homes
14	Carol Kellison – 402-296-0282	19309 – 19413 Spyglass Ct. 22 houses
15	VACANT	Spyglass Ct. – 11 houses Cypress Ct., 6 homes (17 total homes)
16	Sheila Nelson – 402-297-4101	19201 – 19223 Spyglass Ct. – 16 houses
17	Rita Offutt	Ridgeway Rd. – 27 homes, Blk 15 Lots 7-35
18	VACANT	Ewel Ct. – 16 homes
19	Jill Bobenhouse-Tesar – 402-298-7171	Townhomes on Sailboat Lake – 36 houses
20	Jill Bobenhouse-Tesar – 402-298-7171	Homes on Sailboat Lake, Blk 27, 32 houses
21	Renie Kula – 402-296-5239	Buccaneer Blvd. 4018-4109 – 16 houses
22	VACANT	Buccaneer Blvd. 4113 -4130 – 17 lots
23	Agness Lenaugh – 531-205-7797	4320 – 4416 Windward Dr. 708 – 714 Windward Ct. – 14 houses
24	Barb Hamlin – 402-298-9911	3501-3618 Fairway Dr. – 17 lots
25	Lauri Deseck – 402-672-9866	4211 – 4319 Windward Dr – 20 homes
26	Jeanne Thompson – 402-216-4287	3224 – 3335 – Fairway Dr. 17 lots
27	Janet McCartney – 402-298-7168	Lakeside Dr. – 1 home, 8 townhomes, 2 townhomes under construction
28	Rita Offutt	Ridgeway Rd. – 28 homes – Blk 14, Lot 10 Blk 15 1-6, 36-56
30	Lyle & Michelle Ostrander – 402-296-4654	4420-4432 Windward Dr. 819-841 Wedgwood Ct. – 20 homes
31	Judy Link – 402-298-8750	21034 Treasure Island Rd. – End 6 homes
Lead Coordinators	Jill Bobenhouse-Tesar, Jennifer Sommer and John Fey. If any additional changes of Block Captains are made, please send to one of the <u>Lead Coordinators.</u>	

New Year's resolutions to think about

Have you noticed that near the end of a year and the beginning of a new year the onslaught of advertisements for fitness facilities/health clubs? It's not coincidence, because a lot of people resolve to get in shape after pigging out over the holidays.

As for your favorite newsletter editor, I long ago resolved to not make any New Year's resolutions. On the other hand, for those who do, here are some suggestions I lifted from Parade Magazine (feel free to ignore any or all):

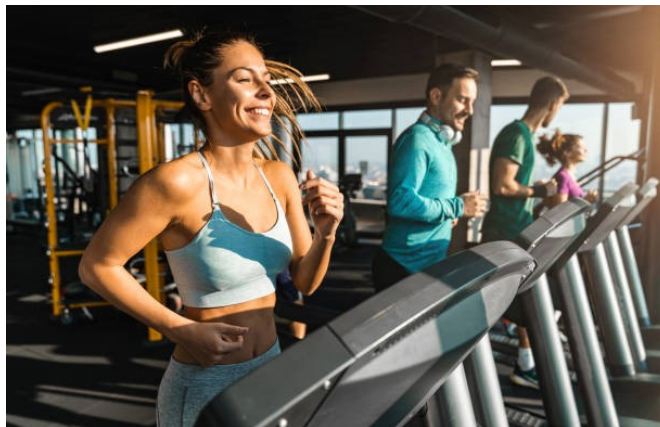
1. Focus on a passion, not the way you look.

Influencer Mik Zazon, who's on a mission to "normalize normal bodies," tells *Parade*, ". . . I want to inform readers that resolutions are in fact NOT an invitation to start a diet or a workout plan but a beautiful reminder that a new year can bring new life to our passions."

2. Work out to feel good, not be thinner.

Instead of obsessing over the scale, obsess over how amazing you feel since you started being more active. Numbers don't mean much.

3. Stop gossiping.



Increasing physical activity and dieting are among the most popular resolutions made this time of year. Just turn on your TV, and you'll see advertisements for fitness centers offering great deals.

Don't be that person. Spread positivity.

4. Give one compliment a day.

You never know — it just might make that person feel a whole lot better.

5. Go a whole day without checking your email.

Nobody's going to die. It can wait until tomorrow. (Editor's note: Not going to happen at 3030 Lakeside Drive.)

6. Do random acts of kindness

Anyone can be kind, and it costs you nothing.

7. Read a book a month.

Haven't you heard? Reading is good for

your brain, it can reduce stress, and it can improve your memory and concentration.

8. Go someplace new.

Step outside of your comfort zone and do something daring. It's good for the soul and forces you to learn new things.

9. Clear out the clutter.

Clutter is literally bad for your health. Research says it stresses you out. Make 2022 the year of organization and cleanliness.

10. Turn off your phone one night a week.

You're sleeping anyway, right?

Cass County Historical Society information and news

Cass County Historical Society Museum

646 Main Street, Plattsmouth, NE

Winter Hours — November-March:

Tuesday-Saturday — Noon-4 p.m.

Summer Hours — April—October:

Tuesday-Sunday — Noon—4 p.m.

Closed Sundays and Mondays

Admission: \$2.50 for adults, free for museum members and children under age 12.

Website: casscountynemuseum.org

Mission Statement: The Cass County Historical Society shall collect, preserve, and study materials to document, interpret and present the history of Cass County Nebraska to the public.



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The board usually meets the fourth Tuesday of the month.

Cass County Historical Society Foundation: Dave Pankonin, President; Pat Meisinger, Secretary; Leigh Jean Koinzan, Treasurer; Mel Luetchens, Board Member; Roger Wehrbein, Board Member; Bruce Wiles, Board Member.

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Buccaneer Bay Market Minute!

January 1, 2021 - January 1, 2022

Home Activity	Total # of Homes	Average Days on Market	Average Sale/Pending Price
Sold/Pending	27	12	\$340,795

Current Homes For Sale - January 2022

Address	List Price
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10 Year History of Buccaneer Bay Home Sales

Year	Total # of Homes Sold	Existing Homes	New Construction	Average Days on Market	Average Sale Price
2011	13	12	1	72	\$179,684
2012	13	12	1	72	\$257,797
2013	25	23	2	61	\$229,157
2014	13	11	2	52	\$229,528
2015	47	46	1	30	\$237,327
2016	24	21	3	31	\$245,631
2017	22	17	5	21	\$248,630
2018	46	38	8	32	\$270,796
2019	28	21	7	41	\$269,436
2020	34	28	6	27	\$285,584
2021	27	26	1	12	\$340,795



* Denotes Properties listed by other Real Estate Agencies & For Sale By Owner.

"If you have a brokerage relationship with another agency, this is not intended as a solicitation."

Statistical information from Great Plains REALTORS® Multiple Listing Service & Cass County. Information has not been verified, and is subject to change.

Utilities

Utilities for the residents of Buccaneer Bay are provided by a combination of private companies and the SID 5 Water System.

Utility/Service	Contact Information
Electricity	Omaha Public Power District — oppd.com
Natural Gas	Black Hills Energy — blackhillsenergy.com
Water/Sewer	SID 5 Water System – Call PeopleService, Inc at 402-932-8143 or 888-527-9853 to establish/shut off service or for general customer service. The PeopleService, Inc. 24-hour emergency response number is 888-861-1921. Information on the water and sewer fees can be found in the SID 5 Water and Sanitary Sewer Rules, Regulations, Fees and Rates Ordinance. SID 5 Backflow Preventers and Their Uses SID 5 2015 Annual Water Quality Report
Garbage	There are numerous garbage services available. Residents are strongly encouraged to contact the various providers to determine the service that best meets their needs. Some of the providers for our area are: Papillion Sanitation Waste Management Some of these providers offer a discount down to \$12.18 per month.
Landline Telephone	Windstream — Windstream.com
Cox	cox.com/chat cox.com/mybill cox.com/residential/home.html 402-933-3000
Internet	There are a few different options for internet service and those options are continually changing. The list below is a few of the providers that service Buccaneer Bay. Residents are urged to research the best solution for them. Windstream DSL NEXTLINK – nextlinkinternet.com COX- cox.com/residential/home.html
Cass County Recycling	The Cass County Recycling Center provides a location for Cass County residents to drop off yard waste, metal, large appliances and used motor oil for free or a nominal charge. Please visit their web site for their location, fees and hours. cassne.org/Recyclecenter.html

SID#5 Covenants – Architectural Control

The Buccaneer Bay Architectural Control process of reviewing requests for changes on your property is now being managed by Agnes Lenagh. Her email address is lenagh13@gmail.com. She will be working with Mike Jensen, Cass County Zoning Administrator.

There are 8 sets of Covenants for Buccaneer Bay. It seems like every time a new section of Buccaneer Bay opened up another set of covenants was made. I try to make sure that every resident in Buccaneer Bay gets a copy of the covenants that is for their section of the neighborhood. Some realtors will provide a copy of the covenants to the buyer, but I don't think all of them do. Most of the covenants have some sort of termination clause.

All sets of covenants are filed at the Register of Deeds office at the Court House. Not all of the covenants have the same number of years that the covenants are in force.

HILLS COVENANTS in the second section titled: “**AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**”, which covers the following: These covenants shall run with the land and be binding upon the current and future Owners of all Lots in Blocks One (1) through Six (6), inclusive; all Lots in Blocks Fifteen (15) through Twenty (20), inclusive; Lots one (1) through Five (5) in Block Seven (7), and; Lot Ten (10) in Block Fourteen (14), all in Buccaneer Bay, a subdivision as surveyed, platted and recorded in Cass County, Nebraska, until the year 2029, together with any Lots created by a replat of these Lots, and shall be continued for successive periods of twenty-five (25) years unless sooner modified or terminated in writing by seventy-five percent (75%) or more of the then record owners of the Properties, with one vote per Lot.

BAY LAKE COVENANTS in the second section titled: “**AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**”, which covers the following Blocks: Block 21, 22, 23, 24, and 26 until the year 2000, at which time the covenants shall be extended for **successive terms** of 25 years, which should make them good until 2025.

Block 31 in Buccaneer Bay includes Windward Dr. and all side streets in this section, approved in September 2008 for term of 25 years, which would then expire in 2033.

Blk 28 Lots 8A/B, Lots 9A/B, and Lot 10 on Lakeside Dr. These first 2 townhomes and one house are under the original covenants for Lakeside Dr. approved May 18, 2005 for a term of 25 years, which should terminate in 2030.

Blk 28, Lots 1A – 24B, minus Lots 8A/B, 9A/B and Lot 10 on Lakeside Dr. as described in the Covenants from Lone Tree Holdings. Approved May 18, 2017 for a term of 30 years, which would terminate in 2047.

Bucc Bay 1st Edition – Lots 1R – 39R – Davy Jones Dr. and Davy Jones Cir. Filed February 14, 1996 for a term of 25 years, which would expire in **February 2021, if not renewed.**

Blk 29 Lots 1-26 Fairway Cir., Blk 30 Lots 1-6 – Fairway Dr. – Covenants and restrictions shall run with and bind the land and for a term of twenty-five years. Filed May 18th, 2005, which would expire in 2030.

Blk 27 Lots 1A – 20B, and Lots 21 – 62 – Sailboat Lake – The Covenants and restrictions shall run with and bind the land for a term of 25 years. Filed December 23, 1996, which would expire in **December 2021, if not renewed.**

Residents under the covenants that will be expiring can be renewed by having residents who want to have the covenants continue review and update them. Each set of covenants has a specification of how many signatures are required to approve the revised covenants. It has been done, but it takes a lot of work. Once the covenants are out of date, that section of residents will no longer have to follow any restrictions for their section.

Note: The process below may be modified as the Newsletter and Welcome Packages are being updated.

Each time a new resident moves in they receive a Welcome Package that has a copy of the covenants for their location. The information on new residents come in an email from Peoples Service. Jill Bobenhouse-Teaser will take on putting the Welcome Packages together and provide the packages to the appropriate Block Captain so the new resident can fill out a Data Sheet being sent back to one of the members taking over for Janet. The changes will require the new information to be added to the Buccaneer Bay Phone Directory, if the new resident approves, and update the Block Captains list as residents move in and out.

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

Meeting convened at 6:00 p.m. on December 16, 2021 in the Auditorium of the Plattsmouth Public Library, 401 Avenue A, Plattsmouth, Nebraska. Attached hereto are: the agenda for the meeting; the Affidavit of Printer regarding publication of notice of the meeting, which communicated the availability of the agenda, in the *Plattsmouth Journal*, Plattsmouth, 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

Meeting called to order at 6:04 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, Dan Brandt, Kurt W. Meisinger and David L. Martin. Absent: none.

ITEM 4

No persons were present seeking to address the Trustees regarding items not on the agenda.

ITEM 5a

Trustee Grotrian reported that the manhole elevations had been repaired so that it should allow for better clearing of snow from the streets. There were no other items reported.

ITEM 5b

The Chair laid over consideration of requesting an engineering contract proposal from Ehrhart Griffin and Associates for the design of road and drainage improvements selected from the report prepared by Dan Dolezal, engineer, from the District wide survey of roads, drainage and related.

ITEM 5c

Following some general discussion, the Chair directed Mr. Johnson to prepare a discussion draft of an ordinance to regulate the placement of utilities in the rights of way.

ITEM 5d

Mr. Johnson discussed his conversations with the Nebraska Department of Transportation and Lenny Thorne regarding Highway Allocation funding by the State and maintenance of the roads if claimed in the County's inventory. Mr. Johnson advised that NDOT reported that the District's roads were not included in the County's inventory for purposes of claiming Highway Allocation funds. Mr. Johnson then advised that he had discussed with Lenny Thorne, head of the Cass County Department of Roads, the possibility of the county including the District's roads in the county's inventory. Mr. Thorne provided the outline of how allocation funds are determined. It was Mr. Thorne's position that the roads in the District would result in insufficient funds to cover the cost of snow plowing in the District. Following further discussion, the Chair directed Mr. Johnson to reach out to Senator Robert Clements to inquire about introducing a legislative bill to make Sanitary and Improvement Districts eligible for Highway Allocation based on the lane miles within the district so long as those lane miles were not included in the inventory of the county in which the district is located.

ITEM 6a

Trustee Grotrian related that other than one down tree from the storm which is on District property, there was nothing new to report for grounds.

ITEM 6b

The Chair advised that he and Mr. Johnson carefully reviewed the proposals submitted by Ms. Patty Scarlett and Ms. Jill Bobenhouse-Tesar. In reviewing the calculation of realtor fees for selling the lots, Ms. Tesar's proposal resulted in lower realtor fees. The trustees also reviewed the lots to list with Ms. Tesar. Motion by Grotrian, seconded by Martin to engage Ms. Tesar's services to offer to the public for sale the following lots:

- (1) Lot 30R, Buccaneer Bay 1ST Addition, an Administrative Replat, as Surveyed, Platted and Recorded in Cass County, Nebraska
- (3) Lot 11RR, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (4) Outlot Y, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (.46)
- (18) Lot 7R, Block 7, Buccaneer Bay Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (19) Lot 8R, Block 7, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (21) Lot 2R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (22) Lot 3R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (23) Lot 4R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (24) Lot 9R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (25) Lot 22, Block 29, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
- (37) Outlot U, Buccaneer Bay - Replat II, as Surveyed, Platted and Recorded in Cass County, Nebraska (2.85)

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

ITEM 7a

Trustee Martin advised as the water and wastewater committee report the following:

- (1) the District's water operator, Lance Messer, was finding a number of maintenance items requiring attention which he would be giving in the near future;
- (2) the water leak on Becker Court was caused by a contractor hitting the water main while making a new connection;
- (3) with filters in a residents house becoming full and dark more quickly, Trustee Martin intended to discuss causes and options to correct this issue;
- (4) during the power outage, Mr. Messer had reported that all emergency equipment functioned as it was supposed to function; and
- (5) the Board of Trustees should consider again installing a generator for the booster station.

ITEM 7b

Mr. Lance Messer, of PeopleService, was unable to attend the meeting, but the written report was provided the Trustees.

ITEM 7c

Motion by Meisinger, seconded by Martin, to approve a contract with Kerns Excavating Company, Inc. to grout the manholes at locations in the District identified by Dan Dolezal, engineer, at a cost of \$85 per foot with a total amount not to exceed \$15,000 unless an overage would be needed to finish grouting a final manhole. On roll call those voting aye: Grotrian, Karr, Martin, Meisinger and Brandt. Voting nay: none. Absent: none. Abstaining: none. The Chair declared the resolution adopted.

ITEM 7d

Mr. Johnson reported on the status of the State Revolving Fund loan for the construction of the Wastewater Treatment Plant and System improvements. No action was necessary.

ITEM 7e

Motion by Martin, seconded by Brandt to approve a contract in the approximate amount of \$7,500 with Trekk Design Group to

clean the Becker Ct lift station and jet the forced main in order to maintain the lift station with floating degreaser. On roll call those voting aye: Grotrian, Karr, Martin, Meisinger and Brandt. Voting nay: none. Absent: none. Abstaining: none. The Chair declared the resolution adopted.

ITEM 7f

The Chair advised that he had signed as required one of the annual surveys, and had reviewed the other prepared by JEO Consulting Group, engineers, for wastewater and drinking water needs to establish eligibility for funding through the State Revolving Fund Program. No action was necessary.

ITEM 8a

The finance reports for November and December are attached, with Warrant No. 18282 not included in the December report.

ITEM 8b

The County Treasurer’s report for November is attached.

ITEM 8c

Motion by Meisinger, seconded by Karr to approve and authorizing the Clerk to execute the annual statement for the District. On roll call those voting aye: Grotrian, Karr, Meisinger and Brandt. Voting nay: Martin. Absent: none. Abstaining: none. The Chair declared the resolution adopted.

ITEM 8d

The Chair briefly reviewed the draft audit report for fiscal year ended June 30, 2021 which would be finalized and submitted as required by law.

ITEM 8e

The Chair advised that he had reviewed, executed, and submitted the management representation letter and Journal Entries, as required by auditing standards, to the District’s auditor for the audit of the financial records of the District for year ended June 30, 2021.

ITEM 9

Motion by Meisinger, seconded by Brandt to approve the reimbursement of Trustee Martin for the renewal of the website buccaneerbay-ne.com in the amount of \$167.44, General Fund Warrant No. 18281. On roll call those voting aye: Grotrian, Karr and Meisinger. Voting nay: Brandt. Absent: none. Abstaining: Martin. The Chair declared the resolution adopted.

ITEM 10

Motion by Brandt, seconded by Meisinger 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 regular meeting of November 16, 2021;
- b Approve payment of the claims and invoices stated below; and
- c Transfer \$2,371.68 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 December 16, 2021, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

GENERAL FUND WARRANTS

CONSENT AGENDA, ITEM 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 2,756.85	18276	OPPD	Service dates 11/3/21 - 12/06/21
\$ 552.10	18277	Frankel Zacharia	Inv. No. 121546 (financial reports and data for annual report)
\$ 5,584.30	18278	Roger K. Johnson	Inv. No. 167 (attorney fees & costs)

\$12,474.48	18279	Ehrhart Griffin & Assoc.	Inv. Nos. B7763 & B7764 (Lots 11 and 12, Block 7 Administrative Replat; Spyglass Court Storm Sewer Extension; Buccaneer Blvd Repair; Manhole Approaches; Buccaneer Blvd Storm Sewer Reroute; Becker Court Sewer Extension; Pavement Analysis and Miscellaneous)
\$ 1,175.00	18280	Sam McCandless d/b/a Timber Tree Service	Inv. Undated (cut down and trim various trees as directed)
\$13,050.00	18282	Hall Concrete Corp	Inv. 189 (manhole repair)

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 December 16, 2021, 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 11b

<u>Amount</u>	<u>Warrant</u>	<u>Service Provider</u>	<u>Purpose</u>
\$ 180.00	18233	Roger K. Johnson	Inv. No. 168 (attorney fees & costs)
\$ 72.21	18234	Windstream Comm	Inv. dated 11/16/21 (well house phone)
\$ 625.00	18235	TREKK Design Group	Inv. No. 21-1014 (sewer cleaning)
\$ 436.50	18236	Hydro Optimization & Automation Solutions, Inc.	Inv. No. 10009 (utility controls maintenance)
\$10,828.82	18237	People Service, Inc.	Inv. No. 39276 (\$5,112.00 for Jan. operations; \$2,197.76 Nov. bills; \$284.05 lab testing; \$2,144.75 air release valve replacement; \$1,090.26 pressure washer)

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 December 16, 2021, with the warrants to be drawn on the Construction Fund account and to draw interest at 7.00% per year and to be redeemed no later than December 16, 2026:

**Construction Fund Account
(Due December 16, 2026)**

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

ITEM 11

Motion by Grotrian, seconded by Karr to enter closed session to protect the public interest for the purpose of discussing 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: Case No. CI21-307. On roll call those voting aye: Grotrian, Karr, Martin, Meisinger and Brandt. Voting nay: none. Absent: none. Abstaining: none. The Chair declared the resolution adopted.

The Chairman then restated that the Board of Trustees would enter closed session at 7:24 p.m. to protect the public interest for the purpose of discussing 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: Case No. CI21-307.

Motion by Martin, seconded by Meisinger, to reconvene in open session at 7:42 p.m. On roll call those voting aye: Grotrian, Karr, Martin, Meisinger and Brandt. Voting nay: none. Absent: none. Abstaining: none. The Chair declared the resolution adopted.

ITEM 12

The Chair advised that the next few meetings would be 6:00 p.m. on January 18, 2022 and February 22, 2022, tentatively at 3200 Buccaneer Blvd, Plattsmouth, Nebraska, inside the clubhouse of Bay Hills Golf Club.

ITEM 13

The agenda having been completed, on motion by Grotrian and recognized by the Chair, the meeting adjourned at approximately 7:43 p.m.

Dan Brandt, Trustee

Kurt W. Meisinger, Trustee

David L. Martin, Trustee

Robert Karr, Trustee

James Grotrian, Trustee

Recorded by:

Roger K. Johnson
Attorney for the District