



*Getting to know Buc Bay residents*

## Exercise keeps her on the move

**B**ecky Wilfong doesn't deny it: She's a fair-weather runner/walker. When it gets too cold for her liking, she performs her morning workout at Bellevue's Lied Activity Center. But come spring you'll likely see her traversing her Davey Jones block and nearby streets.

Becky and Dennis Wilfong moved to Buccaneer Bay in 2006. They wanted to build a larger home to accommodate Becky's aging father. Sadly, he passed away three years after moving.

Nine years earlier, the couple purchased Bellevue Printing Company in Old Towne Bellevue. The shop first opened in 1967 across the street from its current Franklin Street location.

So why did they pick that particular venture?

Explains Becky: "Dennis was a press operator. He had done in-house shops and commercial shops."

Becky grew up in South Omaha and graduated from Omaha South High School. She recalls that back then, sports for girls didn't exist.

"Girls were taught to do shorthand, make coffee, take dictation," she said. "They weren't taught that they could go to college. They weren't taught to join the military. They weren't taught anything like that, not what I was taught at Omaha South. We were just a number."

She soon got married, had three sons and at 31 went to Iowa Western, where she earned an associate degree in education.

She's long been fond of walking and running. Long before she and Dennis start-



**Dennis and Becky Wilfong purchased Bellevue Printing Company in 1997 in Old Towne Bellevue. When they moved to Buccaneer Bay, she passed out flyers to let neighbors know of the business.**

ed their business, she got into the habit of walking inside the Lied Center.

"I walked there for nine years, and lost 50 pounds doing that," she said. "The problem was, I got a job at the Lied, and I couldn't find time to do my walking anymore."

Eventually, when more time became available, she picked up running. Fast-forward to the COVID-19 era, Becky chose to avoid crowds and opted to run outside. She discovered there's a trail that surrounds Plattsmouth High School.

"I really like it, because it's almost like playing a video game," she said. "You go

in front of the school, and then you go around the back side where there's a neighborhood. Then you go up the other side, where it's all wooded."

She continued: "When you go up the west side, you see the highway. It's not real boring. One time around is a mile. It has one big hill, but if you have it figured out right, you're running down the hill and not up the hill. It was a lot of fun. I'd go out early in the morning."

Becky said she's seen many others using the trail.

She worked her endurance up to where

***See Wilfongs, Page 2***

# Wilfongs: Couple happy at Bay Hills

*Continued from Page 1*

she could walk four miles without stopping.

“I saw a YouTube video and found that you just run slower,” she said. “I can walk about as fast as I run, but it didn’t seem to bother my joints at all.”

Becky finds that walking and running can be beneficial in more than the obvious ways.

“I like hiking,” she said. “I like the sense of accomplishment. You can really judge how much better you’re getting after starting with no physicality at all, which I have a tendency to do at times.”

She also sees touring the neighborhood as an opportunity to expand on Bellevue Printing’s customer base.

“I have a bench on my front porch where people pick up their jobs and drop off a check,” she said. “I can service all of Buccaneer Bay that way.”

When the Wilfongs moved here 16 years ago, there were many empty lots, but the block now is entirely full.

Like other long-time residents of Bay Hills, Becky remembers how services such as internet and cell phones have improved over the years.

“Fifteen years ago, we couldn’t get cell coverage,” she said. “We had to park at the beginning of Bay Road and have our conversations there. We had very little internet at all. It’s come a long way, and it’s a lot better than it was.”



## What a difference a week makes

After the first snowfall of the season melted, the No. 1 tee box at Bay Hills Golf Course looked dry enough to play. Indeed, there were January days when some courses opened for play. Then came the Jan. 14-15 bigger snow. The photo above was taken Jan. 12, and the bottom picture was taken Jan. 20.



### Advertising is welcome

The Buccaneer Bay Newsletter is distributed to more than 400 homes, and even more eyes see it on the Buc Bay Facebook site. If you’d like to advertise your business, here are the monthly rates:

- 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 John Fey at: [jmfey1952@gmail.com](mailto:jmfey1952@gmail.com)

### Buccaneer Bay Newsletter

The Buccaneer Bay Newsletter is produced monthly for residents of Buccaneer Bay Sanitary Improvement District No. 5.

- Editor/Publisher ..... John Fey
- Designer/Creative Director ..... Gerry Fey
- Copy Editor ..... Shirley Fey
- Contributing Writers ..... All Buc Bay residents

To contact the editor or contribute stories, photos or comments email: [jmfey1952@gmail.com](mailto:jmfey1952@gmail.com).

# Goal is to make this newsletter fun

First off, I want to thank those who took the time to wish me well in my role as editor of the Buc Bay newsletter and compliment the first issue. My goal is to make this publication interesting, even humorous at times, and (hopefully) informative — but certainly not political (there's plenty of that on Facebook).

What I'd like to avoid is using this as a vehicle for complaints about the SID, your neighbors, etc.



Let's make this fun if we can. Years ago, Omaha radio personality Steve Brown's slogan was, "If it ain't fun, we aren't doing it."

So this month's column will be a hodgepodge of random thoughts.

\* \* \*

At the risk of breaking my rule about not being political, I have to comment on the Jan. 12 Omaha World-Herald. (We get the online edition, but it's the same as the one that lands in driveways of subscribers who prefer the printed one.)

On the front page that morning was the top story about the return to a mask mandate within the Omaha city limits. On page four of that same edition was this headline: "Omicrom may be near its peak." You had to read that story to recognize the headline was referring to the COVID-19 strain beginning to run its course in Great Britain and parts of the U.S.

Obviously, that's not yet the case in the Midwest as hospitalization rates continued to climb in January. But I believe we can all agree we'll be glad to see Omicron go bye-bye.

As we near the end of 24 months of the pandemic, we continue to get mixed messages from the experts in the medical field. Do you remember early in this nightmare how we were told masks like-

ly wouldn't be necessary? Months later, not only were masks recommended, we were advised to wear two masks.

Thankfully, three manufacturers developed vaccines designed to cut into the pandemic's power. And, even today, we've been told it has made a big difference. Sadly, more deaths are being reported — most, apparently, among the unvaccinated.

I have opinions on the pandemic, but I'll keep them to myself. My point is there has been so much mixed and misinformation about this and what the future might be, it's enough to make your head spin.

Let's just agree that we'll be happy when life returns to normal, whatever that might be.

\* \* \*

My wife, Shirley, and I are big UNO hockey fans — ever since the program began 25 years ago. Due to the pandemic, the past two years have been rough on the players as well as fans. The opening month of the 2020-21 season came in December, and fans weren't allowed inside Baxter Arena. After January, attendance was allowed but limited to just over 1,000.

The 2021-22 season was closer to normal, but just when we thought the worst of COVID had passed, the Omicron strain arrived in full force around Christmas. That caused changes to not just college hockey schedules but college basketball (not to mention professional sports). Creighton and Nebraska had a few games postponed and rescheduled as did UNO's hockey team.

The Mavericks were about to head to Grand Forks, N.D., for a Jan. 14-15 series with North Dakota when word came out that the games would be postponed due to infections within the UND team. Meanwhile, Denver University's series with infected St. Cloud State was shelved for the same reason. With UNO and DU both medically cleared, they decided to play in Denver that weekend.

The point of all this is? There remains so much craziness with Omicron that we should expect more in the weeks ahead.

\* \* \*

In this issue you'll read about the presence of trains in our neighborhood — especially affecting those who live close to the lakes. It's the first thing we noticed when we moved here in July 2017. Many of the people we met from the outset said the same thing: You'll get used to them after a while.

While that's true to certain extent, we find it hard to carry on outdoor conversations with the passing of a train — especially when the four (sometimes more) warning horn blasts take place. We were curious about the trains (my dad loved them), so I thought it would be pertinent to ask neighbors with knowledge about them. (Yes, I could have just Googled it like everything else.) I'm glad to include two responses on the subject.

\* \* \*

Boy, do I miss summer. The first snowfall wasn't that bad, but the Jan. 14-15 nuisance 2 to 3 inches left streets slick for a few days. It sure made my morning walk a challenge. My January goal was to not miss a single day (I succeeded), but I draw the line when I feel unsafe on pure ice — even while wearing Icetrekks on my running shoes.

I like waving to those I encounter during my walks around the neighborhood. One of our readers said it makes her day, which made *my* day. Some of you honk as you drive by, and that's cool, because it means you've spotted me and want to say hi. So feel free to keep doing that — and for others to honk away.

**Do you have a story, a story idea, photo or joke to share? Contact John Fey at [jmfey1952@gmail.com](mailto:jmfey1952@gmail.com).**

# Q&A: Trains come and go 24/7

**Editor's note:** One of the first things new Buc Bay residents discover (especially those living near the two lakes) is the constant come and go of trains. We thought you might like to know the answers to various questions about the east-west movement of the BNSF freight trains. Thanks goes to Will Pickle and Steve Kessler for supplying answers to our questions.

**Q: Why the four blasts of the whistle when a train approaches the crossing at Treasure Island Road?**

A: The grade crossing is to notify people of the oncoming train. Locomotive engineers begin to sound train horns at least 15 seconds, and no more than 20 seconds, in advance of all public-grade crossings. Train horns must be sounded in a standard blast pattern of two long, one short and one long. The pattern must be repeated or prolonged until the lead locomotive or lead cab car occupies the grade crossing.

**Q: Is there a pattern as to how many times during an hour the trains go by our neighborhood?**

A: The patterns are determined only by the amount of rail traffic that is needed to pass. There are many factors that play into how many they can push through any given area — for example, the tracks where UP crosses over BNSF's track by Hwy. 75 and Bay Road. There has to be space and time between trains passing by one another there.

**Q: Is there a maximum number of cars allowed by each train?**

A: The Federal Railroad Association does not currently have a rule that limits train size. The maximum allotment of cars is more based upon total weight and where they are going. There are yards that cannot handle large trains, or if they are going to a customer track to pickup or cut cars with small side tracks which can limit the size of the train. Some trains are limited by rules regarding how long a grade crossing can be blocked, which can also impact the length of



**The BNSF trains can be seen intersecting daily with Treasure Island Road 24 hours a day, seven days a week.**

trains. They do not want to block the main line building trains (connecting/disconnecting cars).

**Q: Why, sometimes, does the whistle sound more than four times?**

A: The extra blast in our area is likely due to someone/something obstructing the tracks, and the engineer wants the track cleared. It's a nice, gentle reminder to move. This is all about safety for the locomotive crew and whatever might be blocking the right of way for the train.

**Q: Why do trains come to a complete stop for long periods — sometimes blocking the crossing?**

There are a few reasons typically that trains stop — and sometimes block — intersections.

» When they are dropping off or cutting cars loose to a customer site or picking them up.

» Another big reason for stops is the crew runs out of hours, much like in the trucking world where a driver can only be behind the wheel for a defined num-

ber of hours. So, too, are train crews restricted. They park the train so a crew change-over can occur.

**Q: The east-bound trains often haul lots of coal. Where does the coal come from?**

A: The low sulfur coal comes from the Powder River Basin in eastern Wyoming. It's headed to many destinations.

**Q: What is the purpose for having one (or more) locomotives at the end of a train or even the middle?**

A: No matter how many locomotives are attached to a train there is only one crew. There are a few reasons for multiple locomotives attached to a train:

» Power for heavier hauls or steeper grades.

» A locomotive in the middle of the train helps keep the train from stretching out too far.

» Dead-head locomotives, where they

*See Trains, Page 5*

# Stink bugs an unwelcome guest

A recent Nextdoor post posed the question: Is anyone else plagued with the brown marmorated stink bug? Many answered yes and were surprised that they haven't gone away. We sought help from the University of Nebraska-Lincoln Plant & Pest Diagnostic Clinic. Here is the scoop from Kyle Broderick, assistant extension educator — insect diagnostician.

Numerous stink bugs occur in Nebraska, but a few invade homes to overwinter in buildings. Brown marmorated stink bugs are notorious for invading homes and can be a major nuisance pest in some eastern states. Brown marmorated stink bugs are relatively new in Nebraska, but are now fairly prevalent around the Lincoln and Omaha areas.

Brown marmorated stink bugs do not bite humans. They like to hibernate in dry, protected places, and voids within buildings provide an ideal refuge for them in the winter. During winter and spring, stink bugs can become active again, accessing living areas through cracks, vents, fireplaces, etc. They may become active especially on warmer days. The bugs emerge from hibernation in the spring and resume living outdoors.

A number of other insects will invade homes for overwintering as well. Occasionally some of these can be in considerable numbers, such as boxelder bugs and Asian lady beetles.

The easiest way to remove a large num-



**Stink bugs are pests, but they don't bite humans.**

ber of invaders is with a broom or vacuum.

If they are vacuumed, immediately dispose of the bugs outside or drown in a bucket of soapy water. Stink bugs will release an odor when disturbed, and vacuums may smell like the bugs for a little while. To avoid this, smaller numbers of stink bugs can be removed by hand with tissue paper or gloves. Stink bugs on ceilings or walls will immediately drop when disturbed. Placing a container underneath while prodding them is a way to collect them in high spots.

Beyond that, sealing entry points is the best long-term solution to limiting fall invaders. Seal cracks around windows,

doors, soffits, pipes, wires, etc., with caulk. Insects can fit into surprisingly tight spaces, so try not to overlook what seem to be small cracks.

Repair any damaged window screens. Weather strip doors and/or install door sweeps if daylight is visible around the perimeter of the door. Cap or screen the top of the chimney for homes with a fireplace. Install screening behind attic vents. Trials at the University of Kentucky demonstrate that mesh sizes of around 1/6-inch or smaller should be used.

## February highlights

**Feb. 2:** Groundhog Day (Bill Murray's favorite)

**Feb. 5:** National Weatherperson's Day (seriously?)

**Feb. 9:** National Pizza Day (yummy!)

**Feb. 12:** Abraham Lincoln's Birthday (No. 223)

**Feb. 14:** Valentine's Day (butter up your sweetheart)

**Feb. 17:** Presidents' Day (third Monday)

**Feb. 18:** National Drink Wine Day (big on Lakeside Drive)

**Feb. 22:** George Washington's Birthday (no lie)

**Feb. 28:** National Public Sleeping Day (sponsored by ZzzQuil)

## Trains: The caboose has been replaced by locomotives

*Continued from Page 4*

are broken or simply need to be relocated. They will tie these locomotives to a train to move them around the country.

Additional note: Trains no longer have a caboose. Why? They were attached to the end of a train in part to have someone at the back to ensure the train stayed all together. Today, they have an end of

train device (EOT) that sits at the back of the last car and lets the crew know if a disconnect occurs.

**Q: Any other things we should know?**

» You should always respect a train.

» Trains are heavy, and locomotives are heavy. Point of comparison, your vehicle compared to a locomotive (no train cars

included) is like a can of soda to your car. That is the weight difference. Trains will always win. It takes them a long time to stop.

» If our community wanted, we could approach BNSF about establishing a quiet zone which establishes a time frame that they would not blast their whistle. This, of course, adds a level of risk to those who are crossing the tracks during that window of quiet hours.

## 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
<b>10</b>	<b>VACANT</b>	<b>Davy Jones Cir. &amp; Davy Jones Dr. – 25 houses</b>
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
<b>15</b>	<b>VACANT</b>	<b>Spyglass Ct. – 11 houses Cypress Ct., 6 homes (17 total homes)</b>
16	Sheila Nelson – 402-297-4101	19201 – 19223 Spyglass Ct. – 16 houses
17	Rita Offutt	Ridgeway Rd. – 27 homes, Blk 15 Lots 7-35
<b>18</b>	<b>VACANT</b>	<b>Ewel Ct. – 16 homes</b>
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
<b>22</b>	<b>VACANT</b>	<b>Buccaneer Blvd. 4113 -4130 – 17 lots</b>
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
<b>Lead Coordinators</b>	<b>Jill Bobenhouse-Tesar, Jennifer Sommer and John Fey.</b> <b>If any additional changes of Block Captains are made, please send to one of the <u>Lead Coordinators.</u></b>	

# Sommer is new face for District 2

Jennifer Sommer was officially sworn in as Cass County Commissioner for District 2 on Jan. 18. She replaces longtime representative Janet McCartney, who elected to step down a year before her term was to end.

Like Janet, Jennifer will be the sole voice for Buccaneer Bay from District 2. She's excited to take on that responsibility.

"I have expressed my strong interest and excitement to represent the citizens of Cass County in this role and have filed my intent to run in the general elections next year," she said. "I recently went through a series of panel interviews with a committee consisting of the County Attorney, Clerk and Treasurer."

As the incumbent, Jennifer has filed for re-election for the 2023 term.

"I hope the citizens of District 2 and Buccaneer Bay will allow me to stay in this important role for the county. Currently, I am the only board member who resides in Buccaneer Bay and within District 2. I do believe my other running mates for the 2023 elections live within the district boundary, which is a requirement, but they are not residents of Buccaneer Bay.



Jennifer Sommer

"Although, I am running on the democratic ticket, I consider myself more of an independent and hope to advocate for all residents within Buccaneer Bay."

Asked what priorities that should be addressed by the commissioners, she listed these at the top:

- » Road maintenance and infrastructure
- » County employee retention and comprehensive benefits
- » Community growth and innovation

"As a resident of Buccaneer Bay, I feel that this new role will allow me to stay

well connected within the community to better understand the needs of our community or any concerns expressed," she said. "I do encourage my constituents to reach out to me with specific questions or areas of concern they would like to discuss."

Her County Commissioner District 2 email address is dist2comm@cassne.org. She also has a Facebook page under Commissioner Jennifer Sommer.

"I have been active in the Buccaneer Bay area and was previously responsible for the Buc Bay Facebook page, so several residents are familiar with how to reach me should a question or issue arise," she said. "In the next few months, I also plan to resume a bi-weekly coffee with a commissioner at the clubhouse every other Saturday and encourage anyone to stop by to meet me or discuss any questions or concerns."

Jennifer is looking forward to taking over as Buccaneer Bay's new representative.

"I am very excited to step into this role and advocate for Buccaneer Bay and District 2," she said, "I look forward to meeting with this community and answering any questions that may arise."

## 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](http://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.



### 2022 Board of Directors

#### President

Roger Wehrbein, Plattsmouth

#### Vice President

Del Hervey, Plattsmouth

#### Secretary

Pat Meisinger, Plattsmouth

#### Treasurer

Alicia Garbers, Plattsmouth

**Board Members:** Sandra Allgeier, Plattsmouth; Susanne Astley, Plattsmouth; Judy Attebery, Murray; Diane Berlett, Plattsmouth, George Eledge, Plattsmouth; Don Gappa, Plattsmouth; Brad Ksiazek, Plattsmouth; Mel Luetchens, Murdock; Julie Schmale, Murdock.

*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.

# Meet your Cass County Commissioners

## District 1: Dan Sharp

Dan was born and raised in Plattsmouth. He was one of 10 children. He and his wife, Kathy, have been married for 37 years. They have three children and two grandchildren. Dan is self employed and does metal fabrication and machinery installation. He was County Commissioner for 12 years (1984-1996).

Contact info:  
Email: dist1comm@cassne.org  
Cell phone: 402-510-3576



ty's first responders, and works at Lead Business Operations Consultant at Optum. A Buccaneer Bay resident, Jennifer's husband is Sean Sommer.  
Email: dist2comm@cassne.org  
Facebook:  
Commissioner Jennifer Sommer

## District 3: James Peterson

Contact info:  
Email: dist3comm@cassne.org  
Home phone: 402-430-2951



## District 5: Duane Murdoch

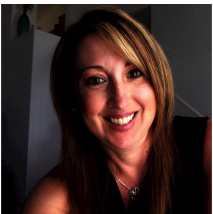


Duane is a graduate of Nehawka High School and Southeast Community College in Milford. He is a current Cass County Zoning Commission member, Nehawka Fire Board member and a former Conestoga School Board member.

A lifetime resident of Cass County. He and his wife, Eileen, have one daughter.  
Contact info:  
Email: dist5comm@cassne.org  
Home phone: 402-227-5008

## District 2: Jennifer Sommer

Jennifer was appointed to take over the remainder of Janet McCartney's position on the Board and has filed for reelection. She is director of Cass County Behind the Badge, an organization that supports the coun-



## District 4: Dan Henry

Contact info:  
Email: dist4comm@cassne.org  
Cell phone: 402-505-0709



## About the office

The primary responsibilities of the County Board of Commissioners are: the management of county funds; care for county property; adoption of the county budget; setting of tax levies and salaries of elected and appointed county officials; administration of several programs established by state law.

**Cass County**  
Nebraska

### Here is some basic information regarding the Cass County Commissioners:

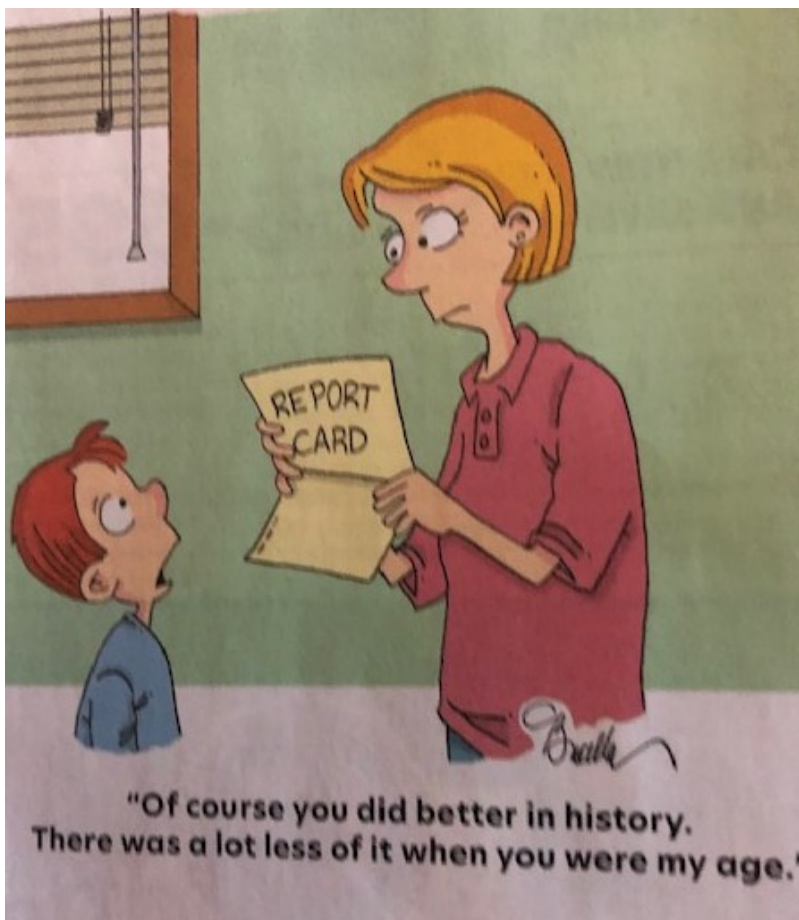
1. Where is the Cass County Board of Commissioners Office located? The Cass County Commissioners Office is located in the Cass County Courthouse room 101, Plattsmouth NE 68048.
2. How many Commissioners are on the Cass County Board? Cass County has five Commissioners with each one representing a different district in the County.
3. How long does each Cass County Commissioner serve? County Commissioners serve four-year terms.
4. Are Cass County Commissioners elected or appointed? County Commissioners are elected. When a Commissioner is unable to complete his or her term, a committee made up of the County Attorney, County Clerk and County Treasurer appoint a successor for the remainder of the term.
5. How often do the County Commissioners meet? The Cass County Commissioners meet at the Cass County Courthouse room 101 on every other Tuesday of each month at 8:00 a.m.
6. Are the County Board meetings televised on the local access channel? No, however the minutes of every meeting are published in the Plattsmouth Journal the week following the actual meeting.
7. Can the public attend County Board meetings? Yes.
8. How can I find out what is on the agenda for a commissioner meeting? Go to <http://www.cassne.org/Commissioners.html> or call the County Clerk at 402-296-9300 for agenda and minutes of previous meetings.



# This month's supply of chuckles



**This month's quiz:**  
What is the name of the dots on dice? A) Specks B) Points C) Pips D) Atoms (Answer bottom of page 10)



Shoutout to everyone who can still remember their childhood phone number but can't remember the password they created yesterday.

Not in jail, not in a mental hospital, not in a grave - I say I'm having a very good day.



**Jill** 

Bobenhouse Tesar

402-740-4121

[jilltbob@windstream.net](mailto:jilltbob@windstream.net)

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# Buccaneer Bay Market Minute!

January 1, 2022 - January 20, 2022

Home Activity	Total # of Homes	Average Days on Market	Average Sale/Pending Price
Sold/Pending	2	7	\$367,500

Current Homes For Sale - January 2022

Address	List Price
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*Considering Buying, Building, or Selling...  
or Know Someone Who Is??*

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I would love to assist you!*



\* 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.

**Quiz answer: C**

# 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
<b>Electricity</b>	Omaha Public Power District — oppd.com
<b>Natural Gas</b>	Black Hills Energy — blackhillsenergy.com
<b>Water/Sewer</b>	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
<b>Garbage</b>	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.
<b>Landline Telephone</b>	Windstream — Windstream.com
<b>Cox</b>	cox.com/chat cox.com/mybill cox.com/residential/home.html 402-933-3000
<b>Internet</b>	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
<b>Cass County Recycling</b>	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](mailto: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 1<sup>st</sup> 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 18<sup>th</sup>, 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 January 18, 2022 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 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 6:01 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 5**

Mr. Robert Sorenson introduced himself to the Trustees as a candidate for Cass County Sheriff and discussed issues he saw in the Sheriff's office and his intention to change the interaction between the department and the cities and communities in Cass County, including sanitary and improvement districts.

**ITEM 6a**

Trustee Karr discussed the snow plowing during the month indicating only one call and it involved turf damage in the right-of-way.

**ITEM 6b**

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 6c**

Following general discussion, the Chair directed Mr. Johnson to prepare an ordinance to regulate the placement of utilities in the rights of way for possible adoption.

**ITEM 6d**

Mr. Johnson advised that he had contacted Senator Clements' office regarding a statutory amendment concerning the eligibility of sanitary and improvement district for Highway Allocation funds.

**ITEM 7a**

Trustee Martin reported that there were some issues at the wastewater treatment plant. A pump failed and there was difficulty replacing it. There also was a power loss and the generator did not automatically start. PeopleService will have a company look into repairing whatever the problem is with the generator.

**ITEM 7b**

Mr. Johnson advised that Mr. Messer was unable to attend the meeting but would be submitting a written report as usual concerning water/wastewater and water billing

**ITEM 8a**

Trustee Grotrian advised that there were dead shrubs at the entrance that would have to be removed in the spring.

**ITEM 8b**

Following general discuss of an interest in dedicating funds from the sale of District lots to the reconstruction of the entrance to move the mailboxes off the road and to begin the development of the area as proposed by RDG Planning and Design discussed at meetings over the summer and fall of 2021. The proceeds would be from the sale of the following lots

- (1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> 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)

**ITEM 8c(1)**

The Chair announced a temporary recess of the Board of Trustees and the Trustees convening as Board of Adjustment and Equalization at 7:28 p.m. to address consideration of lifting a special assessment levied on a lot previously owned by the District.

**ITEM 8c(2)**

The Chair opened a public hearing at 7:28 p.m. to hear support, opposition, criticism, suggestions or observations of all interested parties concerning the possible passage of the following Resolution related to lifting special assessments previously imposed on lots now owned by Sanitary and Improvement District No. 5, Cass County, Nebraska on Lot 8R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska:

A RESOLUTION OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA TO LIFT SPECIAL ASSESSMENTS FOR WATER MAIN, SANITARY SEWER MAIN, STORM WATER SEWER MAIN AND PAVING IMPROVEMENTS PREVIOUSLY IMPOSED ON CERTAIN BENEFITTED LOTS ACQUIRED BY THE DISTRICT.

No persons spoke either in favor or opposition to the Resolution. The Chair closed the public hearing at 7:29 p.m.

**ITEM 8c(3)**

The Chair adjourned the meeting of the Board of Adjustment and Equalization and resumed the meeting of the Board of Trustees in open session at 7:29 p.m.

**ITEM 8c(4)**

Resolution introduced by Meisinger, seconded by Brandt:

**RESOLUTION TO LIFT SPECIAL ASSESSMENTS**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 5, CASS COUNTY, NEBRASKA TO LIFT SPECIAL ASSESSMENTS FOR WATER MAIN, SANITARY SEWER MAIN, STORM WATER SEWER MAIN AND PAVING IMPROVEMENTS PREVIOUSLY IMPOSED ON CERTAIN BENEFITTED LOTS ACQUIRED BY THE DISTRICT.**

WHEREAS, the Board of Trustees of Sanitary and Improvement District No. 5, Cass County, Nebraska in prior years constructed improvements including water main, sanitary sewer main, storm water sewer main and paving improvements all located within the boundaries of the District which boundaries which are located in Sections 32, 33 and 34, T13N, R13E of the 6th P.M., Cass County, Nebraska, and Sections 4 and 5, T12N, R13E of the 6<sup>TH</sup> P.M.

WHEREAS, special assessments were imposed on lots which were owned by a party other than Sanitary and Improvement District No. 5, Cass County, Nebraska to the extent such lots were specially benefitted by the improvements and only to the extent of such benefit.

WHEREAS, Sanitary and Improvement District No. 5, Cass County, Nebraska has now acquired fee simple title to the lots listed herein and any payment of the same would constitute payment from public funds and would no longer benefit the public.

WHEREAS, Sanitary and Improvement District No. 5, Cass County, Nebraska has no deficiencies in its Bond Fund caused by the nonpayment of special assessments and therefore continues to have the ability to make its payments of interest and principal of all outstanding warrants and/or bonds.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 5, Cass County, Nebraska, after having met as a Board of Adjustment and Equalization, find and determine that all outstanding special assessments, together with interest, regardless of the date of levy, against the following lot be lifted and not be subject to re-levy:

(1) Lot 8R, Block 14, Buccaneer Bay, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska.

PASSED AND APPROVED this 18<sup>TH</sup> day of January 2022.

By: /s/ Kurt Meisinger

Kurt Meisinger, Chair

ATTEST:

/s/ Dan Brandt

Dan Brandt, Clerk

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

**ITEM 8d**

The Chair acknowledged receipt of the notice of public hearing before the Cass County Planning Commission regarding an application for a Conditional Use Permit for a storage facility that would be located on property within the District's boundaries.

**ITEM 9a**

The finance report for January is attached hereto.

**ITEM 9b**

The County Treasurer's report for December 2021 is attached.

**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 all held on December 16, 2021
- b Approve payment of the claims and invoices
- c Transfer \$2,508.21 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 January 18, 2022, to be drawn on the General Fund, and which are redeemable upon presentation to the Cass County Treasurer.

**GENERAL FUND WARRANTS**  
**CONSENT AGENDA, ITEM 10b**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 397.75	18283	Frankel Zacharia	Inv. No. 122005 (financial reports and data for annual report)
\$7,903.92	18284	Roger K. Johnson	Inv. No. 177 (attorney fees & costs)
\$4,532.90	18285	Ehrhart Griffin & Assoc.	Inv. No. B7838 (Spyglass storm sewer; 4006 Buccaneer Blvd replace curb; manhole approaches; 3605 Buccaneer Blvd storm sewer) Wojo's Outdoors & Custom
\$1,642.75	18286	Waterfronts, LLC	Inv. No. 1040 (street sign installation, replacement and related work)
\$7,300.00 30,	18287	Lengemann & Assoc	Inv. dated December 18, 2021 (audit services fiscal year ended June 2021)
\$3,350.00	18288	Lakeside Landscaping, Inc.	Inv. Nos. 4810 & 4811 (snow plowing 12/28/21 & 1/1/22)
\$2,896.82	18289	OPPD	Service dates 12/6/21 - 1/06/22

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 January 18, 2022, 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 10b**

<b><u>Amount</u></b>	<b><u>Warrant</u></b>	<b><u>Service Provider</u></b>	<b><u>Purpose</u></b>
\$ 792.00	18238	Roger K. Johnson	Inv. No. 180 (attorney fees & costs)
\$ 66.04	18239	Windstream Comm	Inv. dated 12/15/21 (well house phone)
\$ 63.30	18240	Papillion Sanitation	Inv. No. 6134265 (trash service WWTP)
\$9,698.85	18241	PeopleService, Inc.	Inv. No. 39487 (\$5,112.00 for Feb. operations; \$2,197.76 Dec. bills; \$2,389.09 Quarter 4 sales tax)

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 January 18, 2022, 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 January 18, 2027:

**Construction Fund Account**  
**(Due January 18, 2027)**

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 Martin, seconded by Karr to enter closed session to protect the public interest for the purposes of:

- (a) 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; and
- (b) reviewing the listing and sale of the following SID owned lots listed with Ms. Tesar, Nebraska Realty:
  - (1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> 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.

The Chairman then restated that the Board of Trustees would enter closed session at 7:32 p.m. for the protection of the public interest for the purposes of:

- (a) 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; and
- (b) reviewing the listing and sale of the following SID owned lots listed with Ms. Tesar, Nebraska Realty:
  - (1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> 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).

Motion by Grotrian, seconded by Martin to reconvene in open session at 7:58 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**

Motion by Martin, seconded by Karr to:

a. approve and ratify the chair entering into purchase agreements for, and to authorize the Chair and Clerk to sign all necessary documents to close on, the sale of the following lots:

- (1) Lot 30R, Buccaneer Bay 1<sup>ST</sup> 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)
- (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); and

b. authorize the Chair to make counter offers to RJW Construction Inc. for the sale of the lots listed in paragraph (1) below, which lots differ from the original offer by RJW as listed in paragraph (2) below, so that the District receives the reserve price set for the auction:

- (1) (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
- (2) (3) Lot 11RR, Block 7, Buccaneer Bay Administrative Replat, a Subdivision as Surveyed, Platted and Recorded in Cass County, Nebraska
  - (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
  - (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; and

c. if the sale to RJW Construction is unsuccessful, the Chair is authorized to continue negotiating the sale of remaining lots at prices discussed in closed session.

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 13**

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

**ITEM 14**

The agenda having been completed, on motion by Grotrian and recognized by the Chair, the meeting adjourned at approximately 8:07 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