

MINUTES OF MEETING
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 1
OF CASS COUNTY, NEBRASKA

A meeting of the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, was convened in open and public session at 11:00 a.m. on the 8th day of April, 2020, and to be held at the 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present: Peggy L. Lawton, Jon Meyers, Wayne Breyfogle, Phillip Wright and Scott Pekarek. Also, in attendance were Mark J. LaPuzza, attorney for the District, Kraig Thelen, and Ed Hobza of Thompson, Dreessen & Dorner, Inc.

Absent: None.

Notice of the meeting was given in advance thereof by publication in The Plattsmouth Journal on April 2, 2020, a copy of the proof of publication being attached to these minutes. Notice of this meeting was simultaneously given to all members of the Board of Trustees, and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the published notice and in the notice to the Trustees of this meeting. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public. The agenda was at all times available at the office for the District at Regency Center, Suite 300, 10250 Regency Circle, Omaha, Nebraska 68114.

The attorney for the District noted that the meeting was being conducted with one or more individuals participating telephonically pursuant to Executive Order 20-03 of the Governor of the State of Nebraska, Pete Ricketts. The option to participate in the meeting telephonically was provided to all individuals requesting such information and was posted at the published location of the meeting at least one hour prior to the commencement of the meeting. It was confirmed at the outset of the meeting that all telephone participants could hear and be heard by those in physical attendance and those participating telephonically.

It was first publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

The Board was next presented with consideration of its outstanding bills and invoices.

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Noerrlinger Construction, Inc., for services entitled Equipment Rental – March 2019 Flood (Lake Wa-Con-Da), Invoice #628, in the amount of One Hundred Seventy-Five and 50/100 Dollars (\$175.50).

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Final Grade Construction & Conservation, for services entitled Trucking – March 2019 Flood (Lake Wa-Con-Da), Invoice #241, in the amount of Six Hundred Seventy-Five and 46/100 Dollars (\$675.46).

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Noerrlinger Construction Inc., for services entitled **Equipment Rental – March 2019 Flood (Lake Wa-Con-Da)**, Invoice #630, in the amount of Sixty-Seven and 50/100 Dollars (\$67.50)

There were next presented statements from Kraig J. Thelen, for work performed on FEMA Disaster DR 4420, as follows: (i) Statement dated February, 2020, in the amount of Two Thousand Four Hundred Seventy-Nine and 50/100 Dollars (\$2,479.50), and (ii) Statement dated March, 2020, in the amount of One Thousand Five Hundred One and no/100 Dollars (\$1,501.00); said statements being in the aggregate amount of Three Thousand Nine Hundred Eighty and 50/100 Dollars (\$3,980.50).

There was next presented a statement from Thompson, Dreessen & Dorner, Inc., engineers for the District, for services provided for the project entitled **March 2019 Flood (Lake Wa-Con-Da)**, Invoice #136519, in the amount of Two Hundred Twenty-Five and no/100 Dollars (\$225.00).

There were next presented statements from Nebraska Public Power District, for lighting at Highway 75, Account #211010041398, as follows: (i) Statement dated November 18, 2019, in the amount of Thirty-One and 78/100 Dollars (\$31.78), (ii) Statement dated December 17, 2019, in the amount of Sixteen and 78/100 Dollars (\$16.78), (iii) Statement dated January 17, 2020, in the amount of Sixteen and 78/100 Dollars (\$16.78), (iv) Statement dated February 18, 2020, in the amount of Sixteen and 78/100 Dollars (\$16.78), and (v) Statement dated March 17, 2020, in the amount of Sixteen and 78/100 Dollars (\$16.78). **The Board was next reminded that it has a credit balance in the amount of Ninety-Eight and 92/100 Dollars (\$98.92), so no payment is due at this time.**

There was next presented a statement of Summary Account #5843000090 from Omaha Public Power District, for street lights and other electrical services, Statement dated March 5, 2020, in the amount of Two Thousand One Hundred Sixty-Nine and 23/100 Dollars (\$2,169.23).

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Lake Waconda Association, for receipt reimbursements for miscellaneous District maintenance, as follows: (i) AgriVision, Invoice #3028968, in the amount of One Hundred Sixty-Three and 40/100 Dollars (\$163.40), (ii) AgriVision, Invoice #3029716, in the amount of One Hundred Eighty-Eight and 45/100 Dollars (\$188.45), (iii) Metropolitan Utilities District, in the amount of Three Hundred Fifty-Eight and 86/100 Dollars (\$358.86), Ebay, for hydraulic pump on the 4430 tractor, in the amount of Eight Hundred Eighty-Seven and 24/100 Dollars (\$887.24); said invoices being in the aggregate amount of One Thousand Five Hundred Ninety-Seven and 95/100 Dollars (\$1,597.95).

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Noerrlinger Construction Inc., for equipment rental for miscellaneous tasks throughout the District, Invoice #627, in the amount of Four Hundred Thirty-Six and 50/100 Dollars (\$436.50).

There was next presented a statement from The Harry A. Koch Co., for renewal of Chairman bond, Invoice #163117, in the amount of One Hundred Seventy and no/100 Dollars (\$170.00).

There was next presented a statement from One Call Concepts, Inc., for line locates within the District, Invoice #0020552, in the amount of Five and 39/100 Dollars (\$5.39). **The Board was next reminded that it has a credit balance in the amount of Thirty-Seven and 17/100 Dollars (\$37.17), so no payment is due at this time.**

There was next presented a statement from Thompson, Dreessen & Dorner, Inc., engineers for the District, for miscellaneous District maintenance through March 29, 2020, Invoice #136518, in the amount of One Thousand Eight Hundred Sixty-Six and 40/100 Dollars (\$1,866.40).

There were next presented statements from Nebraska Public Health Environmental Lab, for testing services performed, as follows: (i) Invoice #521806, having a zero balance, (ii) Invoice #522615, having a zero balance, and (iii) Invoice #523631, having a zero balance, **so no payment is due at this time.**

There was next presented a statement from Midwest Laboratories, Inc., for water testing kits, Invoice #961085, in the amount of Forty-Two and 65/100 Dollars (\$42.65).

There was next presented an Estimate from Mixan Mudjacking, Inc., for Lake Waconda levee repairs, Estimate dated April 3, 2020, in the amount of One Thousand Five Hundred and no/100 Dollars (\$1,500.00).

There were next presented statements from Pansing Hogan Ernst & Bachman LLP, attorneys for the District, for legal services performed through March 31, 2020, as follows: (i) Miscellaneous District matters, in the amount of Four Thousand Seven Hundred Fifty-Eight and 10/100 Dollars (\$4,758.10), and (ii) March 2019 Flood, in the amount of Two Thousand Three Hundred Thirty-Seven and 50/100 Dollars (\$2,337.50); said statements being in the aggregate amount of Seven Thousand Ninety-Five and 60/100 Dollars (\$7,095.60).

The previously described bills, invoices, recommendations and statements having been presented for the Board's consideration and after review and discussion of such items, the following resolution was duly moved and passed on a **5-0** vote.

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that the Chairman and Clerk be and they hereby authorized and directed to execute and deliver Warrant Nos. 5529 through 5533, of the District, dated the date of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the **BOND** Fund of the District and to draw interest at the rate of seven percent (7%) per annum (interest to be payable on February 10 of each year) and to be redeemed no later than April 8, 2025, subject to extension of said maturity date by order of the District Court of Cass County, Nebraska, after notice is given as required by law, to-wit:

Warrant No. 5529, for the amount of One Hundred Seventy-Five and 50/100 Dollars (\$175.50), payable to Noerrlinger Construction, Inc.

Warrant No. 5530, for the amount of Six Hundred Seventy-Five and 46/100 Dollars (\$675.46), payable to Final Grade Construction & Conservation.

Warrant No. 5531, for the amount of Sixty-Seven and 50/100 Dollars (\$67.50), payable to Noerrlinger Construction Inc.

Warrant No. 5532, for the amount of Three Thousand Nine Hundred Eighty and 50/100 Dollars (\$3,980.50), payable to Kraig J. Thelen.

Warrant No. 5533, for the amount of Two Hundred Twenty-Five and no/100 Dollars (\$225.00), payable to Thompson, Dreessen & Dorner, Inc.

FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that the Chairman and Clerk be and they hereby authorized and directed to execute and deliver Warrant Nos. 5534 through 5541, of the District, dated the date of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of six percent (6%) per annum and to be redeemed no later than April 8, 2023, subject to extension of said maturity date by order of the District Court of Cass County, Nebraska, after notice is given as required by law, to-wit:

Warrant No. 5534, for the amount of Two Thousand One Hundred Sixty-Nine and 23/100 Dollars (\$2,169.23), payable to Omaha Public Power District, Account No. 5843000090.

Warrant No. 5535, for the amount of One Thousand Five Hundred Ninety-Seven and 95/100 Dollars (\$1,597.95), payable to Lake Waconda Association.

Warrant No. 5536, for the amount of Four Hundred Thirty-Six and 50/100 Dollars (\$436.50), payable to Noerrlinger Construction Inc.

Warrant No. 5537, for the amount of One Hundred Seventy and no/100 Dollars (\$170.00), payable to The Harry A. Koch Co.

Warrant No. 5538, for the amount of One Thousand Eight Hundred Sixty-Six and 40/100 Dollars (\$1,866.40), payable to Thompson, Dreesen & Dorner, Inc.

Warrant No. 5539, for the amount of Forty-Two and 65/100 Dollars (\$42.65), payable to Midwest Laboratories, Inc.

Warrant No. 5540, for the amount of One Thousand Five Hundred and no/100 Dollars (\$1,500.00), payable to Mixan Mudjacking, Inc.

Warrant No. 5541, for the amount of Seven Thousand Ninety-Five and 60/100 Dollars (\$7,095.60), payable to Pansing Hogan Ernst & Bachman LLP.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that both they and the district hereby find and determine and covenant, warrant and agree as follows: the improvements and/or facilities being financed or refinanced by the above Warrants are for essential governmental functions and are designed to serve members of the general public on an equal basis; all said improvements have from the time of their first acquisition and construction been owned, are owned and are to be owned by the District or another political subdivision; to the extent special assessments have been or are to be levied for any of said improvements, such special assessments have been or are to be levied under Nebraska law as a matter of general application to all property specially benefited by said improvements in the District; the development of the land in the District is for residential or commercial use and the development of the land in the District for sale and occupation by the general public has proceeded and is

proceeding with reasonable speed; other than any incidental use of said improvements by a developer during the initial period of development of said improvements, there have been, are and will be no persons with rights to use such improvements other than as members of the general public; none of the proceeds of said Bonds or any refinanced indebtedness have been or will be loaned to any private person or entity; the District hereby authorizes and directs the Chairperson or Clerk to file or cause to be filed, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue Code of 1986, as amended, pertaining to the above Warrants; and the District does not reasonably expect to sell or otherwise dispose of said improvements and/or facilities, in whole or in part, prior to the last maturity of the above Warrants.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that the District hereby 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)(i)(III) 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.

FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that this and the preceding Resolutions are hereby adopted as the Certificate With Respect to Arbitrage of the District pertaining to the above Warrants and the District and the Chairman 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. The District reasonably anticipates that monies in its Bond Fund reasonably attributable to the above Warrants in excess of the lesser of: (a) ten percent (10%) of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) one hundred twenty-five percent (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 thirteen (13) months after receipt of such monies. 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 thirteen (13) months after receipt of such monies, 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.

There were next presented receipts from the Douglas County Treasurer's office representing deposits to the District's Bond Fund for Federal Grants/Funding, from November 27, 2019, through March 25, 2020, in the aggregate amount of One Hundred Thirty Thousand Four Hundred Forty-Three and 70/100 Dollars (\$130,443.70).

The next order of business was an update regarding FEMA funding and applications. Kraig Thelen reported that he continued to be in communication with FEMA representatives and continued to provide information necessary for processing of reimbursements and applications. Most recently, he was specifically asked to provide evidence of the District's efforts to maintain the roads in the District over the last few years. He explained that this evidence was necessary to show that the District had engaged in maintenance activities to allow for reimbursement of repairs. It was discussed that Ed Hobza would provide Mark LaPuzza with evidence of those repairs, from the 2015 Chip Sealing project, to present, including reasonably available estimates, and that Mark LaPuzza would prepare correspondence on SID letterhead for delivery to FEMA.

The next order of business was discussion regarding the need for a topographical survey. Ed Hobza reported that a topographical survey was necessary for a number of upcoming District projects with respect to planning and project coordination. It was discussed that the expense of the survey should be considered in light of those projects. The Trustees discussed that Thompson, Dreesen & Dorner, Inc. would be the appropriate party to prepare for such survey unless the matter was required to be put out for bid. Mark LaPuzza reported that he would investigate the requirements with respect to such a survey, but that the nature of the survey work, as a professional service, could be provided by the District's engineers.

The next order of business was discussion regarding a water line locator. Jim Noerrlinger reported that he had tested a water line locator and that it had been able to accurately locate water lines within the District. Previous attempts at finding such equipment had been unsuccessful, and the Trustees discussed that purchasing such a piece of equipment was clearly in the best interest of the District. Jim Noerrlinger had tested and obtained pricing for the equipment at the request of the Trustees following the previous meeting.

Thereafter, upon a motion duly made and seconded and upon a roll call vote, all the Trustees, Peggy L. Lawton, Jon Meyers, Wayne Breyfogle, Phillip Wright and Scott Pekarek voted "Aye" with none voting "Nay" thereby adopting the following resolution:

RESOLVED that the purchase of a water line locator for the District is hereby authorized in an amount not to exceed to \$7,000.00.

FURHTER RESOLVED, that Jim Noerrlinger is hereby authorized to take such actions as reasonably necessary to cause the purchase and delivery of the water line locator.

**[THE BALANCE OF THIS PAGE LEFT INTENTIONALLY BLANK –
SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

There was next reviewed the Agenda which had been available for public inspection in accordance with the law prior to this meeting of the Board of Trustees and reported that all matters considered by the Board at this meeting appeared on the Agenda.

Jon Meyers, as Clerk for Sanitary and Improvement District No. 1 of Cass County, Nebraska (the "District") does hereby certify that the above proceedings are a true and accurate statement of the proceedings had by the District at its April 8, 2020, meeting.



Jon Meyers, Clerk