

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 on the 15th day of September, 2023, at 9:00 a.m., at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek. Also attending was Mark J. LaPuzza, attorney for the District, Ed Hobza, Thompson, Dreessen & Dorner, Inc., John Kuehl of D.A. Davidson & Co., and Jim Noerrlinger.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Omaha World Herald on September 8, 2023, 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 10250 Regency Circle, Suite 300, Omaha, Nebraska 68114.

The meeting was called to order. Upon roll call, all of the Trustees were present.

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.

There was next presented in accordance with the provisions of Neb. R.R.S. Section 77-1632, the publication concerning the Board of Trustees recommendation that the property tax request for tax year 2023-2024 be set at a different amount than the 2022-2023 tax request. It was further reported that no person had appeared at the meeting in response to such hearing notice. The Clerk was directed to attach a copy of such notice to the minutes of these proceedings.

After discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that it is advisable that the property tax request for tax year 2023-2024 be set at a different amount than the 2022-2023 tax request as set out in the proof of publication attached hereto and incorporated herein by this reference, as follows:

1. The 2023-2024 property tax request be set at \$861,343.94 (\$1.440859), broken down as follows:

Bond Fund	\$657,578.60 - \$1.100000
General Fund	\$203,765.34 - \$0.340859
TOTAL	\$861,343.94 - \$1.440859

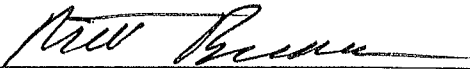
2. The total assessed value of property differs from last year's total assessed value by 4%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$1.391481 per \$100 of assessed value.
4. The District proposes to adopt a property tax request that will cause its tax rate to be \$1.440859 per \$100 of assessed value, broken down as follows:

Bond Fund	\$657,578.60 - \$1.100000
General Fund	\$203,765.34 - \$0.340859
TOTAL	\$861,343.94 - \$1.440859
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the District will increase last year's budget by 27%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2023.

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

The Clerk 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.

Matt Burnham, 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 September 15, 2023, meeting.

  
\_\_\_\_\_  
Matt Burnham, Clerk

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 on the 15th day of September, 2023, at 9:05 a.m., at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek. Also attending was Mark J. LaPuzza, attorney for the District, Ed Hobza, Thompson, Dreessen & Dorner, Inc., John Kuehl of D.A. Davidson & Co. and Jim Noerrlinger.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Omaha World Herald on September 7, 2023, 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 10250 Regency Circle, Suite 300, Omaha, Nebraska 68114.

The meeting was called to order. Upon roll call, all of the Trustees were present.

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.

It was next reported in accordance with the provisions of Neb. R.R.S. Section 13-501 through 13-513, the District's certified public accountants were directed to prepare a proposed budget and further that the Clerk attended to the required publication of notice with regard to the budgetary hearing to be held by the Board of Trustees. The Clerk had been directed to give the appropriate notices in accordance with the Nebraska Budget Act and that a budgetary hearing for the District be held on the 15th day of September, 2023, at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

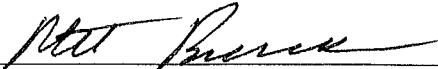
There was next presented the publication of this budgetary hearing as presented in Omaha World Herald. It was next reported that such notice of the budgetary hearing along with a budget summary had been published in accordance with law. A presentation of the budget was made and at least three (3) additional copies of the budget were available for inspection. It was further reported that it appeared that no person had appeared at the meeting in response to such notice of the budgetary hearing and the Clerk was directed to attach a copy of such notice to the minutes of these proceedings.

After a lengthy discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek, voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that the budget hearing is hereby adjourned.

The Clerk 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.

Matt Burnham, 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 September 15, 2023, meeting.

  
\_\_\_\_\_  
Matt Burnham, Clerk

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 on the 15th day of September, 2023, at 9:15 a.m., at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek. Also attending was Mark J. LaPuzza, attorney for the District, Ed Hobza, Thompson, Dreessen & Dorner, Inc., John Kuehl of D.A. Davidson & Co., and Jim Noerrlinger.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Omaha World Herald on September 7, 2023, 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 10250 Regency Circle, Suite 300, Omaha, Nebraska 68114.

The meeting was called to order. Upon roll call, all of the Trustees were present.

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.

Discussion was had concerning the budget hearing which was held immediately prior to this meeting. After a lengthy discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek, voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that the budget and tax levy as tentatively set forth be adopted as the final budget and levy in accordance with Exhibit "A" attached hereto and by this reference made a part hereof. Further that the Clerk of the District be directed to file a copy of the adopted budget with the levying board of the State Auditor's office as well as certifying the levy to the Cass County officials as well as attaching a proof of publication to such adopted budget.

With the budget for the District having been adopted, it was then stated that it would be appropriate at this time to levy the tax in accordance with the budget statement. After a full and complete discussion and upon a motion duly made and seconded, and upon the following roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, that Sanitary and Improvement District No. 1 of Cass County, Nebraska, levy and collect for the year 2023-2024 a tax of \$1.440859 per One Hundred and no/100 Dollars (\$100.00) actual valuation of taxable

property in the District, except intangible property, said tax to be credited to the appropriate fund as indicated below:

\$0.340859 on each One Hundred and no/100 Dollars (\$100.00) actual valuation to be credited to the General Fund of the District and thereby collect \$203,765.34 in taxes to be credited to this fund; and

\$1.100000 on each One Hundred and no/100 Dollars (\$100.00) actual valuation to be credited to the Construction (Bond) Fund of the District and thereby collect \$657,578.60 in taxes to be credited to this fund.

FURTHER RESOLVED, that the Clerk of this District be and hereby is directed to deliver and file with the County Clerk of Cass County, Nebraska and the Auditor of Public Accounts, a copy of this resolution.

There were next presented various statements and invoices for payment by the District.

There were next presented statements from BOK Financial, for paying agent fee, as follows: (i) Series 2016 GO Refunding, statement dated July 20, 2023, in the amount of Seven Hundred and no/100 Dollars (\$700.00), and (ii) Series 2022 GO Bond and Series 2022 GO Bond, in the amount of One Thousand Two Hundred and no/100 Dollars (\$1,200.00); said statements being in the aggregate amount of One Thousand Nine Hundred and no/100 Dollars (\$1,900.00).

There was next presented correspondence from Thompson, Dreessen & Dornier, Inc., engineers for the District, presenting Payment Recommendation No. 1 in favor of Midwest Coatings Company, Inc., for the project entitled Lake Wa-Con-Da 2023 Chip Seal, in the amount of Three Hundred Sixty Thousand One Hundred Twenty-Seven and 35/100 Dollars (\$360,127.35).

There were next presented statements from Kraig J. Thelen, for services rendered in connection with Federal Disaster DR 4420 NE, as follows: (i) Statement No. 52, having a zero balance, and (ii) Statement No. 53, having a zero balance.

There were next presented invoices from Thompson, Dreessen & Dornier, Inc., engineers for the District, for services rendered in construction-related matters through September 3, 2023, as follows: (i) Invoice #157943, in the amount of One Thousand Eight Hundred Seventeen and no/100 Dollars (\$1,817.00), (ii) Invoice #158016, in the amount of Six Thousand Three Hundred Forty-Seven and 15/100 Dollars (\$6,347.15), and (iii) Invoice #159004, in the amount of Eight Thousand Six Hundred Thirty-Nine and 501/00 Dollars (\$8,639.50); said invoices being in the aggregate amount of Sixteen Thousand Eight Hundred Three and 65/100 Dollars (\$16,803.65).

There were next presented statements from Nebraska Public Power District, for lighting at Highway 75, Account #211010041398, **having a credit balance in the amount of Fifty-Five and 36/100 Dollars (\$55.36), so no payment is due at this time.**

There were next presented statements from Omaha Public Power District for street lights and other electrical services, Account #5843000090, from May 1, 2023 to July 31, 2023, in the aggregate amount of Six Thousand Nine Hundred Eighty-Two and 09/100 Dollars (\$6,982.09).

There were next presented invoices from Nebraska Public Health Environmental Lab, for testing of water, as follows: (i) Invoice #565744, having a zero balance, (ii) Invoice #566826, having a zero balance, and (iii) Invoice #567924, having a zero balance.

There were next presented invoices from One Call Concepts, Inc., for line locates within the District, as follows: (i) Invoice #3060594, in the amount of Ten and 40/100 Dollars (\$10.40), and (ii) Invoice #3070594, in the amount of Seven and 58/100 Dollars (\$7.58); said invoices being in the aggregate amount of Seventeen

and 98/100 Dollars (\$17.98). **The Board was next reminded that it has a credit balance in the amount of Forty-Nine and 59/100 Dollars (\$41.59), so no payment is due at this time.**

There were next presented invoices from Wilbur-Ellis, for miscellaneous maintenance purchases, as follows: (i) Invoice #31797, in the amount of Fifty-Three and 09/100 Dollars (\$53.09), and (ii) Invoice #31826, in the amount of One Hundred Ninety-Nine and 95/100 Dollars (\$199.95); said invoices being in the aggregate amount of Two Hundred Fifty-Three and 04/100 Dollars (\$253.04).

There was next presented correspondence from Jim Noerrlinger presenting invoices for the cost of a fire hydrant flow test kit to be split in thirds with the Village of Union and Village of Nehawka. The District is to pay Noerrlinger Construction Inc., for their services in the amount of One Hundred Ninety-One and 32/100 (\$191.32).

There was next presented correspondence from Jim Noerrlinger presenting and requesting payment in favor of Kreifels Electric L.L.C., for the overload protectors in two drinking water well houses and installation of two new lights, as follow: (i) Invoice #6547, in the amount of Two Thousand Six Hundred Thirty-Three and 57/100 Dollars (\$2,633.57), and (ii) Invoice #6580, in the amount of One Thousand One Hundred Forty-Nine and 29/100 Dollars (\$1,149.29); said invoices being in the aggregate amount of Three Thousand Seven Hundred Eighty-Two and 86/100 Dollars (\$3,782.86).

There was next presented correspondence from Jim Noerrlinger presenting and recommending payment in favor of AgriVision, for the trade of the SID tractor for a new skid loader, Purchase Order dated August 23, 2023, in the amount of Fifteen Thousand Two Hundred Sixty-One and 72/100 Dollars (\$15,261.72).

There were next presented invoices from Thompson, Dreessen & Dorner, Inc., engineers for the District, for services rendered in miscellaneous District matters through September 3, 2023, as follows: (i) Invoice #157942, in the amount of Five Hundred Sixty-Two and 50/100 Dollars (\$562.50), and (ii) Invoice #159003, in the amount of One Hundred Fifty and no/100 Dollars (\$150.00); said invoices being in the aggregate amount of Seven Hundred Twelve and 50/100 Dollars (\$712.50).

There was next presented a statement from Pansing Hogan Ernst & Buser LLP, attorneys for the District, for legal services performed through August 31, 2023, in the amount of Twenty-Two Thousand Two Hundred Five and 50/100 Dollars (\$22,205.50), and costs advanced in the amount of Two Thousand Four Hundred Seventy-Nine and 05/100 Dollars (\$2,479.05); said statement being in the aggregate amount of Twenty-Four Thousand Six Hundred Eighty-Four and 55/100 Dollars (\$24,684.55).

There were next presented invoices from Lake Wa-Con-Da Association, for miscellaneous District expenses, as follows: (i) Invoice #2123, in the amount of Eight Thousand Five Hundred and no/100 Dollars (\$8,500.00), (ii) Invoice #2124, in the amount of Eight Thousand Five Hundred and no/100 Dollars (\$8,500.00), (iii) Invoice #2125, in the amount of Eight Thousand Five Hundred and no/100 Dollars (\$8,500.00), (iv) Invoice #2126, in the amount of Eight Thousand Five Hundred and no/100 Dollars (\$8,500.00), (v) Invoice #2127, in the amount of Eight Thousand Five Hundred and no/100 Dollars (\$8,500.00), (vi) Invoice #2128, in the amount of Eight Thousand Five Hundred and no/100 Dollars (\$8,500.00), (vii) Invoice #2132, in the amount of Three Hundred Twenty-Three and 52/100 Dollars (\$323.52), (viii) Invoice #2133, in the amount of One Hundred Ninety-Four and 14/100 Dollars (\$194.14), (ix) Invoice #2136, in the amount of One Thousand Five Hundred Eighty-Two and 33/100 Dollars (\$1,582.33), (x) Invoice #2138, in the amount of One Thousand Twenty-Three and no/100 Dollars (\$1,023.00), (xi) Invoice #5000, in the amount of Two Hundred Fifty-Four and 34/100 Dollars (\$254.34), (xii) Invoice #5014, in the amount of Two Thousand Seven Hundred Sixty-Five and no/100 Dollars (\$2,765.00), and (xiii) Invoice #5015, in the amount of One Thousand Five Hundred Twelve and no/100 Dollars (\$1,512.00); said invoices being in the aggregate amount of Fifty-Eight Thousand Six Hundred Fifty-Four and 33/100 Dollars (\$58,654.33).

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. 6197 and 6199, 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 five percent (5%) per annum (interest to be payable on February 10 of each year) and to be redeemed no later than **September 15, 2028**, 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. 6197, for the amount of One Thousand Nine Hundred and no/100 Dollars (\$1,900.00), payable to BOK Financial.

Warrant No. 6198, for the amount of Three Hundred Sixty Thousand One Hundred Twenty-Seven and 35/100 Dollars (\$360,127.35), payable to Midwest Coatings Company, Inc.

Warrant No. 6199, for the amount of Sixteen Thousand Eight Hundred Three and 65/100 Dollars (\$16,803.65), 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. 6200 through 6226 of the District, dated the date of this meeting, to the following payee and in the following amount, said Warrant 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 **September 15, 2026**, 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. 6200, for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 6201, for the amount of One Thousand Nine Hundred Eighty-Two and 09/100 Dollars (\$1,982.09), payable to Omaha Public Power District, Account #5843000090.

Warrant No. 6202, for the amount of Two Hundred Fifty-Three and 04/100 Dollars (\$253.04), payable to Wilbur-Ellis.

Warrant No. 6203, for the amount of One Hundred Ninety-One and 32/100 Dollars (\$191.32), payable to Noerrlinger Construction.

Warrant No. 6204, for the amount of Three Thousand Seven Hundred Eighty-Two and 86/100 Dollars (\$3,782.86), payable to Kreifels Electric L.L.C.

Warrant Nos. 6205 through 6207, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 6208, for the amount of Two Hundred Sixty-One and 72/100 Dollars (\$261.72), payable to AgriVision.

Warrant No. 6209, for the amount of Seven Hundred Twelve and 50/100 Dollars (\$712.50), payable to Thompson, Dreessen & Dorner, Inc.

Warrant Nos. 6210 through 6213, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 6214, Four Thousand Six Hundred Eighty-Four and 55/100 Dollars (\$4,684.55), payable to Pansing Hogan Ernst & Buser LLP.

Warrant Nos. 6215 through 6225, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 6226, for the amount of Three Thousand Six Hundred Fifty-Four and 33/100 Dollars (\$3,654.33), payable to Lake Wa-Con-Da Association.

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, 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 within 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 benefited 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 Chairman 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.

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 \$5,000,000 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.

The next order of business was discussion regarding budget planning for the 2024-2025 fiscal year. The Trustees asked that a meeting be scheduled in July or August, following the announcement of preliminary evaluations. This meeting would involve the fiscal agent and accountant for the District and would be a single agenda item meeting.

The next order of business was discussion regarding hail damage to the caretaker's house from a recent storm. There was discussion regarding the quality of shingles that might be used and whether the District was willing to incur incremental expense over and above insurance proceeds to install more durable shingles. The Trustees agreed that installation of a higher class of shingles was preferable. The Trustees directed for the work to be performed and charges to be billed appropriately.

The next order of business was discussion regarding Directors and Officers insurance and other insurance policies maintained by the Lake Wa-Con-Da Homeowners Association (the "Association"). The Treasurer of the Association noted that he believed the Association may have been obtaining insurance coverage for the Trustees and may also have been insuring certain District assets. It was noted that this cost may have originated sometime in the past, particularly if the District had difficulty obtaining insurance due to its unique character as a government entity. The Association was directed to provide all relevant insurance policies to Mark LaPuzza as attorney for the District. Mr. LaPuzza is then directed to review the insurance policies and identify any duplicate coverage.

The next order of business related to recycling services within the District. The Association is presently providing recycling services. However, it had come to the attention of the Association that the District appears to be eligible for a \$1,500.00 annual reimbursement for recycling costs. It was noted that the reimbursement would only be available if the District, as opposed to the Association, was the party providing recycling services. There was significant discussion regarding the net value of the recycling program as well as additional expenses to the District involved in its participation. Nonetheless, the Trustees discussed that the property owners within the District appeared to desire continued recycling services and therefore the Trustees believed it was in the best interest of the District to engage a contractor for recycling services. The Trustees discussed that recycling services currently provided through the Association appear

to be consistent with the expectations of the property owners in the District. The Association was directed to provide contact information for its current contractor to Mark LaPuzza, as legal counsel for the District, to enable contracting for such services. Thereafter, upon a motion duly made and seconded and upon a roll call vote, all the Trustees, Peggy Lawton, Jon Meyers, Matt Burnham Wayne Breyfogle and Scott Pekarek voted "Aye" with none voting "Nay" thereby adopting the following resolution:

RESOLVED that the District hereby authorizes the contracting for recycling services for the District, consistent with current services provided through the Lake Wa-Con-Da Homeowners Association.

RESOLVED FURTHER that the District authorizes entering into an Interlocal Cooperation Agreement with Cass County, Nebraska for the purpose of receiving a reimbursement for recycling expenses, consistent with current County practices.

RESOLVED FURTHER that the Chairman and Clerk of the District are hereby authorized and directed to execute such further documents and agreements as may be necessary to effectuate these resolutions.

The next order of business was discussion regarding recent Sheriff patrols within the District. There was an extended discussion regarding public and private designations of various similarly situated subdivisions. The Trustees directed Mark LaPuzza to continue investigation into the interaction between private and public control.

The next order of business was discussion regarding potential options for stocking fish in the lake. It was discussed that there are a variety of options and a variety of expenses involved in stocking the lake. It was also discussed that there are structures that could be installed in the lake that would benefit spawning and juvenile fish to allow for continued growth of fish populations without the necessity of continued restocking. The Trustees agreed to continue investigating these matters.

The next order of business was discussion regarding billing from the Association to the District for services provided by the Association by and through its contractors. The Trustees were reminded of the significant volume of services provided by the Association, including those related to the Association's employment of Jim Noerrlinger as caretaker. The Association requested an increase in payment from \$8,500.00 to \$9,200.00 to reflect additional Association out-of-pocket expenses. Thereafter, upon a motion duly made and seconded and upon a roll call vote, all the Trustees, Peggy Lawton, Jon Meyers, Matt Burnham Wayne Breyfogle and Scott Pekarek voted "Aye" with none voting "Nay" thereby adopting the following resolution:

RESOLVED that the District hereby authorizes an increase in the amount of incremental payments made to the Lake Wa-con-da Homeowners Association from \$8,500.00 to \$9,200.00.

RESOLVED FURTHER that the Chairman and Clerk of the District are hereby authorized and directed to execute such further documents and agreements as may be necessary to effectuate this resolution.

The next order of business was discussion regarding FEMA and NEMA matters. The Trustees were reminded that all matters related to the 2019 flooding had been fully and finally resolved and adjudicated. Jim Noerrlinger reported that he continued to work with Kraig Thelen to prepare emergency readiness documentation to use in the event of a future flood. The progress in establishing procedures was reported to be proceeding well. Mark LaPuzza, attorney for the District, reminded the Trustees that any need for legal documentation, such as form leases, should be brought to his attention. Additionally, the Trustees were reminded that any matters that would benefit from the involvement of the District engineer should be directed to Ed Hobza of Thompson Dreesen & Dorner, Inc.

The next order of business was discussion regarding the potential sale of land to Kenny Drake. Mark LaPuzza reported that Mr. Drake had been in contact with his office after receiving preliminary guidance that the Board would likely cooperate with a request for the sale of property. As for the actual property to be conveyed, Mr. Drake stated that his only need was that a minimum acreage contiguous to his own property would be needed. However, the Trustees generally agreed that the portion of the property which had been identified by Mr. Drake and surveyed was not as expected by the District. The Trustees directed Matt Burnham to communicate with Mr. Drake so that a new survey could be performed consistent with the District's concerns.

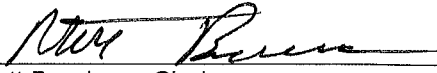
The issue was raised that the District would need to determine an appropriate purchase price for the sale of the property. The Trustees discussed that there was significant available information including the purchase price paid by Mr. Drake for the Trustees to consider. It was also discussed that Mr. Drake had expressly stated that he would grant the District a right of first refusal on the property as well as any easements which may be desired by the District. These offers and concessions might impact the value of the property conveyed and, therefore, were proper for consideration in determining a purchase price for the property. No purchase price was discussed specifically.

The Trustees were informed that the engineering firm of Thompson Dreesen & Dorner, Inc. had been retained by Mr. Drake for the sake of convenience. However, Ed Hobza, engineer for the District, and an engineer with the firm of Thompson Dreesen & Dorner, Inc. noted that he had not been actively involved in the survey matters. Mark LaPuzza reported that he had not been engaged by Mr. Drake and had not performed an investigation as to whether the property acquisition from the District as proposed would satisfy Mr. Drake's development concerns. Broadly speaking, it was understood that Mr. Drake would need 20 acres of contiguous property in order to obtain a building permit that did not include a residential structure. Whether the property would require re-platting or some other County approval was left to Mr. Drake for his consideration.

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

The Clerk 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.

Matt Burnham, 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 September 15, 2023, meeting.

  
\_\_\_\_\_  
Matt Burnham, Clerk