

**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 27th day of November, 2018, and to be held at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present: Jon Meyers, Wayne Breyfogle, Peggy L. Lawton and Gary P. Bruechert.

Absent: Phillip Wright.

Notice of the meeting was given in advance thereof by publication in The Plattsmouth Journal on November 22, 2018, 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.

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.

Counsel for the District first presented the Certificate of Results of the Election from the Cass County Election Commissioner with respect to the District's election of September 11, 2018. Such certificate indicated that Jon Meyers, Wayne Breyfogle, Peggy L. Lawton, Gary P. Bruechert and Phillip Wright had been elected to serve for a two (2) year term for the Board. It was indicated that each of such individuals were owners or designees of owners of real estate within the District boundaries (*as defined by Section 31-727(3) Reissue Rev. Stat. of Neb. 1943*) and, as a consequence, qualified to serve in such capacity. Each individual being in attendance at the meeting indicated a willingness to accept the position of Trustee on the Board.

Discussion was next had with respect to the outstanding matters of the District and the powers and responsibilities of the Board in general. Discussion was also had with respect to the powers and responsibilities of the positions of Chairman and Clerk of the District. Upon conclusion of such discussion, the following roll call vote was taken during which the Trustees: Wayne Breyfogle and Peggy L. Lawton voting "Aye", with none voting "Nay", and Gary Bruechert and Jon Meyers abstaining, thereby adopting and approving the following resolution:

RESOLVED, that Gary Bruechert be hereby elected to serve in the capacity of Chairman for Sanitary and Improvement District No. 1 of Cass County, Nebraska, until the next regularly scheduled election of the Board of Trustees.

FURTHER RESOLVED, that Jon Meyers be hereby elected to serve in the capacity of Clerk for Sanitary and Improvement District No. 1 of Cass County, Nebraska, until the next regularly scheduled election of the Board of Trustees.

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

There were next presented statements from Nebraska Public Power District, for lighting at Highway 75, Account #211010041398, as follows: (i) Invoice dated September 18, 2018, in the amount of Sixteen and 78/100 Dollars (16.78), (ii) Invoice dated October 17, 2018, in the amount of sixteen and 78/100 Dollars (\$16.78), and (iii) Invoice dated November 16, 2018, in the amount of Sixteen and 78/100 Dollars (\$16.78); **said statements having a credit balance in the amount of One Hundred Thirty-Two and 40/100 Dollars (\$132.40).**

There were next presented statements of Summary Account #5843000090 from Omaha Public Power District, for street lights and other electrical services, in the aggregate amount of Three Thousand Nine Hundred Eighty-Eight and 19/100 Dollars (\$3,988.19).

There were next presented statements from One Call Concepts, Inc., for line locates within the District, as follows: (i) Invoice #8090552, in the amount of Five and 64/100 Dollars (\$5.64), and (ii) Invoice #8100545, in the amount of Seventy-Five Cents (\$.75); said statements being in the aggregate amount of Six and 39/100 Dollars (\$6.39). **The Board was next reminded that it has a credit balance in the amount of Ninety-One and 60/100 Dollars (\$91.60), and no payment is due at this time.**

There was next presented a statement from Flinn Paving Co., Inc., for asphalt patching within the District, Invoice #3132, in the amount of Fourteen Thousand Seven Hundred Thirty and no/100 Dollars (\$14,730.00).

There was next presented a statement from Thompson, Dreessen & Dorner, Inc., engineers for the District, for services rendered in miscellaneous District maintenance matters through October 7, 2018, as follows: (i) Invoice #128173, in the amount of Two Thousand One Hundred Sixty-Five and 74/100 Dollars (\$2,165.74), and (ii) Invoice #128596, in the amount of Five Thousand Twenty-Six and 50/100 Dollars (\$5,026.50); said statements being in the aggregate amount of Seven Thousand One Hundred Ninety-Two and 24/100 Dollars (\$7,192.24).

There was next presented a statement and an Invoice from Midwest Farmers Cooperative, for purchases as follows: (i) Ruby Fieldmaster, Statement dated September 30, 2018, in the amount of One Thousand Two Hundred Sixty-Two and 84/100 Dollars (\$1,262.84), (ii) Ruby Fieldmaster, Receipt #22220, in the amount of One Thousand One Hundred Six and 21/100 Dollars (\$1,106.21), (iii) Ruby Fieldmaster, Receipt #14804, in the amount of One Thousand One Hundred Eighty-Six and 85/100 Dollars (\$1,186.85), and (iv) Propane, Receipt #P28684, in the amount of One Thousand Three Hundred Twenty-Six and 33/100 Dollars (\$1,326.33); said statements being in the aggregate amount of Four Thousand Seven Hundred Seventy-Three and 43/100 Dollars (\$4,773.43).

There was next presented a statement from Layne Christensen, for annual pump testing and maintenance, Invoice #92091478, in the amount of Eight Hundred Ten and 66/100 Dollars (\$810.66).

There were next presented statements from Nebraska Public Health Environmental Lab, for testing Coliform by Colilert, as follows: (i) Invoice #505947, in the amount of Fifteen and no/100 Dollars (\$15.00), and (ii) Invoice #506996, in the amount of Fifteen and no/100 Dollars (\$15.00); said statements being in the aggregate amount of Thirty and no/100 Dollars (\$30.00). Also presented is the Routine Sample Schedules and Cost Estimates, from Nebraska Public Health Environmental Lab, for water testing for the 2019-year, Public Water System ID #NE3102519, in the amount of Nine Hundred Eighty-Nine and no/100 Dollars (\$989.00). **The Board will have a credit balance after this warrant has been issued.**

There was next presented a statement from Pansing Hogan Ernst & Bachman LLP, attorneys for the District, for legal services performed in miscellaneous District matters through October 31, 2018, in the

amount of Three Thousand Thirty-Four and 50/100 Dollars (\$3,034.50), and costs advanced in the amount of Eight Hundred Seventy-Nine and 82/100 Dollars (\$879.82); said statement being in the aggregate amount of Three Thousand Nine Hundred Fourteen and 32/100 Dollars (\$3,914.32).

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 cleaning up burn pile, storm clean up and soil haul in the Ag levee, Invoice #597, in the amount of One Thousand One Hundred Ninety-Six and no/100 Dollars (\$1,196.00).

There was next presented correspondence from Jim Noerrlinger, requesting reimbursement to the Lake Waconda Association, for the payment of Nebraska Public Health Environmental Lab, Invoice #504758, in the amount of Forty-Five and 90/100 Dollars (\$45.90); along with anticipated amounts due until the end of the year, for the total amount of One Hundred Six and 90/100 Dollars (\$106.90).

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 4-0 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. 5315 through 5326, 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 November 27, 2021, 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. 5315, for the amount of Three Thousand Nine Hundred Eighty-Eight and 19/100 Dollars (\$3,988.19), payable to Omaha Public Power District, Account #5843000090.

Warrant Nos. 5316 and 5317, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 5318, for the amount of Four Thousand Seven Hundred Thirty and no/100 Dollars (\$4,730.00), payable to Flinn Paving Co., Inc.

Warrant No. 5319, for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 5320, for the amount of Two Thousand One Hundred Ninety-Two and 24/100 Dollars (\$2,192.24), payable to Thompson, Dreessen & Dorner, Inc.

Warrant No. 5321, for the amount of Four Thousand Seven Hundred Seventy-Three and 43/100 Dollars (\$4,773.43), payable to Midwest Farmers Cooperative.

Warrant No. 5322, for the amount of Eight Hundred Ten and 66/100 Dollars (\$810.66), payable to Layne Christensen.

Warrant No. 5323, for the amount of Nine Hundred Eighty-Nine and no/100 Dollars (\$989.00), payable to Nebraska Public Health Environmental Lab.

Warrant No. 5324, for the amount of Three Thousand Nine Hundred Fourteen and 32/100 Dollars (\$3,914.32), payable to Pansing Hogan Ernst & Bachman LLP.

Warrant No. 5325, for the amount of One Thousand One Hundred Ninety-Six and no/100 Dollars (\$1,196.00), payable to Noerlinger Construction Inc.

Warrant No. 5326, for the amount of One Hundred Six and 90/100 Dollars (\$106.90), payable to Lake Waconda 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, 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.

The Clerk then presented for the consideration of the Trustees the plans and specifications for Lake Pumping Road Crossing (Lake Wa-Con-Da) prepared by Thompson, Dreessen & Dorner, Inc., the consulting engineers for the District, for the cost of such improvement in the total amount of Fifty-Four Thousand Three Hundred and no/100 Dollars (\$54,300.00). The Clerk was directed to attach a copy of the engineer's estimates of the costs to the minutes of these proceedings. After discussion, the resolution attached hereto and by this reference made a part hereof was duly introduced and upon a motion properly made and seconded, a roll call vote was had upon such motion during which the Trustees, Gary P. Bruechert, Jon Meyers, Wayne Breyfogle and Peggy L. Lawton voted "Aye" with none voting "Nay" thereby adopting the following resolution:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that a hearing be had on the proposed Resolution of Advisability and Necessity for the construction of Lake Pumping Road Crossing (Lake Wa-Con-Da) at the Caretaker's Shop located within the Lake Wa-Con-Da subdivision in Union, Nebraska, at 11:00 a.m. on December 22, 2018, at which time owners of the property within the District who might become subject to assessment for the improvement contemplated by the proposed Resolution of Advisability and Necessity may appear and make objections to the proposed improvement, and if a petition opposing the proposed resolution is signed by property owners representing the majority of the front footage which may be subject

to assessment for the costs of improvements set out in the resolution is filed with the Clerk of the District within three days before the date set for hearing on such resolution, such resolution shall and will not be passed.

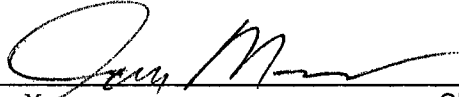
FURTHER RESOLVED, that notice of such hearing be given by publication in The Plattsmouth Journal of Plattsmouth, Cass County, Nebraska, for two (2) consecutive weeks beginning on the 6th day of December, 2018, and ending on the 13th day of December, 2018, which publication shall contain the entire wording of the proposed Resolution of Advisability and Necessity, and that notice shall be posted in three (3) conspicuous places within the District as required by Section 31-745, Reissue Rev. Stat. of Neb. 1943.

The Board also discussed numerous projects including repairs to water tanks, caretaker repairs and road work. All projects to be held until after the bid on the Lake Pumping Road Crossing project.

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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 November 27, 2018, meeting.



Jon Meyers, Clerk