

**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 24th day of August, 2020, and to be held at the 10250 Regency Circle, 2<sup>nd</sup> Floor, 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, Ed Hobza of Thompson, Dreessen & Dorner, Inc., and Jim Noerrlinger.

Absent: None.

Notice of the meeting was given in advance thereof by publication in The Plattsmouth Journal on August 20, 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.

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 Trustees were reminded that the meeting was held for the express and single purpose of discussing property acquisitions with respect to the various properties which need to be acquired as a part of the levy improvement project.

It was discussed, additionally, that matters regarding negotiation strategy and pricing would be proper subjects for discussion in Executive Session of the Board. That being addressed, there was a discussion as to the timing required for acquisition. Ed Hobza of Thompson, Dreessen & Dorner, Inc., engineer for the District, indicated that all properties needed to be vacant on or around January 1, 2021, in order to allow the project to proceed in the previously-discussed timelines for the work to be performed by the Corp of Engineers. The reason for this timeline was based upon the requirement of the approximately five (5) months' worth of work by the District to complete its required work and obtain the materials needed, allowing the project to be handed over to the Corp in July for bidding, with the hope that the work could be performed by the Corp of Engineers to begin in November of 2021.

It was also discussed that the District would be within its power to allow individuals to remove private property, and even fixtures, in advance of the demolition.

At 11:13 a.m., a motion was made, seconded and unanimously approved to enter into Executive Session for the purpose of discussing negotiation strategy and pricing with respect to property acquisitions.

At 11:56 a.m., the Executive Session was called to a close upon motion duly made and seconded and unanimously approved.

As a result of the actions taken in Executive Session, the Trustees discussed that it would be a benefit to the District and the impacted residents to make offers for the purchase of the Vollman and Koller properties. It was further discussed that it would be advantageous to obtain an appraisal of all properties where a purchase price was not being offered at this time. It was further discussed that it would be to the benefit of all parties involved to fix a dollar amount provided for moving assistance of \$5,000.00 to be paid at closing in consideration of all purchase price amounts. It was discussed that negotiation should continue with respect to all properties, and that written offers and purchase agreements could be entered into in advance of the next meeting of the Board of Trustees of the District, provided that any purchase agreement not expressly authorized by the Board must be subject to ratification before such agreement is effective. After discussion of the Board, the following resolution was duly moved and seconded and upon a roll call vote the Trustees, Peggy L. Lawton, Jon Meyers, Wayne Breyfogle, Phillip Wright and Scott Pekarek voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that Jon Meyer and Peggy Doty are hereby authorized and directed to continue all negotiation on behalf of the District with respect to property acquisitions.

FURTHER RESOLVED, that the District shall offer all consensual sellers \$5,000.00 in moving allowance to be paid at closing over and above any purchase price or other consideration.

FURTHER RESOLVED, that the District shall offer to purchase the Vollman property for the price of \$227,000.00 on customary terms for residential real estate transactions of this kind.

FURTHER RESOLVED, that the District shall offer to purchase the Koller property for the price of \$297,500.00 on the customary terms for residential real estate transactions of this kind.

FURTHER RESOLVED, that the District shall, as necessary, obtaining appraisals of properties to be acquired for the purpose of continuing communications and discussions as to the valuation of the properties to establish reasonable and appropriate prices for the purchase thereof.

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SIGNATURES APPEAR ON THE FOLLOWING PAGE]**