

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 28th day of October, 2020, and to be held at the 10250 Regency Circle, 2nd Floor, Omaha, Nebraska.

Present: Peggy L. Lawton, Jon Meyers, Wayne Breyfogle, Scott Pekarek and Matt Burnham. 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 October 22, 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.

There was first a brief discussion regarding the appeal that had been filed with the Nebraska Emergency Management Agency regarding the Chip and Seal Road project. Mark LaPuzza noted that the Appeal had been filed but that a response could not be expected for approximately sixty (60) days, after which time the parties involved may ask for more information or seek further delay. Mark noted that he had provided information previously identified by Kraig Thelen and Ed Hobza in a narrative and explanatory format as well as additional supporting information and materials. More detailed information, as well as photographs, were provided. While there was video offered by a resident with respect to certain areas, the Appeal correspondence did not attempt to provide videos. The videos were offered for review if requested by NEMA or other third parties.

There was then a brief discussion regarding the negotiations for the purchase of properties necessary for the Corp of Engineers Levee Improvements. Jon Meyers and Peggy Lawton reported that they had met with each individual owner and had provided the offers that had previously approved.

A motion was then made to go into Executive Session for the purpose of discussing negotiation and valuation of properties to be acquired. Upon a motion duly made and seconded and upon a roll call vote the Trustees, Peggy L. Lawton, Jon Meyers, Wayne Breyfogle, Scott Pekarek and Matt Burnham voted "Aye" with none voting "Nay" the District went into Executive Session at 11:18 a.m.

At 12:19 p.m., the public meeting was resumed following the end of the Executive Session. Upon existing from the Executive Session, the motion was duly made and seconded and upon a roll call vote the Trustees, Peggy L. Lawton, Jon Meyers, Wayne Breyfogle, Scott Pekarek and Matt Burnham voted "Aye" with none voting "Nay" to make offers for the properties identified as follows and the dollars amounts set forth:

Image Art, LLC - \$253,000.00
Hermsen - \$297,000.00
Vollman - \$264,000.00
Koller - \$330,000.00
Beck - \$275,000.00
Kothenbuetal - \$465,000.00

The terms of the sale are to be as follows: Zero down payment, no inspection, closing to occur on approximately December 1, 2020, closing costs to be paid as per usual, with title insurance and closing costs to be split evenly between the parties, and for property taxes to be prorated effective December 1, 2020, no separately identified compensation for moving or other relocation expenses, allowance for removal of attached personal property identified at the time of the Purchase Agreement, including, but not limited to movable boat docks and lifts, decorations, cabinetry, and the like. In the event of any exterior improvement being removed, the property would have to be closed up safely. Post-closing access and use of the property, prior to the condemnation, would be permitted so long as the seller remain responsible for insurance and utilities, consistent with a post-closing occupancy agreement, lease agreement or other arrangement.

Mark LaPuzza was directed to continue working with legal counsel for the Kothenbuetals in negotiating the purchase agreement consistent with these directions. Jon Meyers and Peggy Lawton would continue negotiations with other parties.

In an abundance of caution, the Trustees discussed that it would be appropriate to begin the process of condemnation for all properties which they intended to put under contract. The Trustees discussed that condemnation would be first stalled or delayed if the transactions appear to be moving forward in an appropriate and reasonable fashion. It was discussed that the process was, by statutes, a fairly quick process. It was noted that the primary potential course for delay in condemnations would come from scheduling the Board of Appraisers and, potentially, matters related to COVID-19. 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, Jon Meyers, Wayne Breyfogle, Scott Pekarek and Matt Burnham 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, hereby authorizes legal counsel to begin condemnation of all residential properties requiring taking for completion of the United States Army Corp of Engineer Levee Improvement project.

The Trustees discussed that Jon Meyers would negotiate with Noerrlinger Farm regarding any easements or other property be acquired.

**[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 October 28, 2020, meeting.



Jon Meyers, Clerk