

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 9:00 a.m. on the 9th day of November, 2021, at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

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

Absent: None.

Notice of the meeting was given in advance thereof by publication in The Plattsmouth Journal on November 4, 2021, 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 were next presented various statements and invoices for payment by the District.

There was next presented a statement from Thompson, Dreessen & Dorner, Inc., engineers for the District, for services on the USACE Levee Project through October 27, 2021, Invoice #146782, in the amount of One Thousand Seven Hundred Twenty-Five and 74/100 Dollars (\$1,725.74).

The Clerk next directed the attention of the Board of Trustees to the fact that D.A. Davidson & Co. will place One Thousand Seven Hundred Twenty-Five and 74/100 Dollars (\$1,725.74) in warrants at this time and that the contracted charge for such placement of warrants is two percent (2%) or Thirty-Four and 52/100 Dollars (\$34.52) in accordance with the financing agreement previously adopted by the Board. The Chairman recommended the issuance of a warrant for such amount to D.A. Davidson & Co.

There was next presented a statement from Nebraska Public Power District, for lighting at Highway 75, Account #211010041398, **having a credit balance in the amount of Ninety-Two and 40/100 Dollars (\$92.40).**

There was next presented a statement from Omaha Public Power District for street lights and other electrical services, Account #5843000090, from August 31, 2021 to September 29, 2021, in the amount of Two Thousand Four Hundred Eighty-One and 03/100 Dollars (\$2,481.03).

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Noerlinger Construction, Inc., for equipment rental, for miscellaneous tasks throughout the District, Invoice #659, in the amount of One Thousand Four Hundred Eighty-Two and 50/100 Dollars (\$1,482.50).

There was next presented a statement from FNIC, for renewal of Clerk Bond, Invoice #180138, in the amount of One Hundred Seventy and no/100 Dollars (\$170.00).

There was next presented a statement from Mike Litke's Tree Service, for removal of two (2) Cottonwood trees and a Maple tree near 2481 W. Shore Drive, Invoice dated November 1, 2021, in the amount of Two Thousand Two Hundred Fifty and no/100 Dollars (\$2,250.00).

There was next presented a statement from Nebraska Public Health Environmental Lab, for water testing, Invoice #544530, **having a zero balance.**

There were next presented statements from One Call Concepts, Inc., for line locates within the District, as follows: (i) Invoice #1090567, in the amount of Three and 84/100 Dollars (\$3.84), and (ii) Invoice #1100563, having a zero balance; said statements being in the aggregate amount of Three and 84/100 Dollars (\$3.84). **The Board was next reminded that it has a credit balance in the amount of Thirty-Eight and 44/100 Dollars (\$38.44), so no payment is due at this time.**

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Lincoln Turf, for delivery and installation of sod around the basketball court, Invoice #992, in the amount of Two Thousand Seven Hundred Nine and 24/100 Dollars (\$2,709.24).

There was next presented a statement from Helena Agri-Ent., LLC, for the miscellaneous purchases for products to be used within the District, Invoice #301641983, in the amount of One Thousand Forty-Two and 47/100 Dollars (\$1,042.47).

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 27, 2021, Invoice #146781, in the amount of Eight Hundred Twenty and 60/100 Dollars (\$820.60).

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.

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:

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. 6016 and 6017 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 **November 9, 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. 6016, for the amount of One Thousand Seven Hundred Twenty-Five and 74/100 Dollars (\$1,725.74), payable to Thompson, Dreessen & Dorner, Inc.

Warrant No. 6017, for the amount of Thirty-Four and 52/100 Dollars (\$34.52), payable to D.A. Davidson & Co.

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. 6018 through 6024 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 9, 2024**, 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. 6018, for the amount of Two Thousand Four Hundred Eighty-One and 03/100 Dollars (\$2,481.03), payable to Omaha Public Power District, Account #5843000090.

Warrant No. 6019, for the amount of One Thousand Four Hundred Eighty-Two and 50/100 Dollars (\$1,482.50), payable to Noerrlinger Construction, Inc.

Warrant No. 6020, for the amount of One Hundred Seventy and no/100 Dollars (\$170.00), payable to FNIC.

Warrant No. 6021, for the amount of Two Thousand Two Hundred Fifty and no/100 Dollars (\$2,250.00), payable to Mike Litke's Tree Service.

Warrant No. 6022, for the amount of Two Thousand Seven Hundred Nine and 24/100 Dollars (\$2,709.24), payable to Lincoln Turf.

Warrant No. 6023, for the amount of One Thousand Forty-Two and 47/100 Dollars (\$1,042.47), payable to Helena Ag-Ent., LLC.

Warrant No. 6024, for the amount of Eight Hundred Twenty and 60/100 Dollars (\$820.60), 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 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 the outstanding FEMA and NEMA appeal for emergency flood fighting and temporary emergency road. Kraig Thelen noted that the District had been provided, just within the last day, a request for information (RFI). It was discussed that response to the RFI, together with appropriate documentation, would need to be prepared and that Jon Meyer, Kraig Thelen, Ed Hobza, Jim Noerrlinger and Mark LaPuzza would work together to prepare the response.

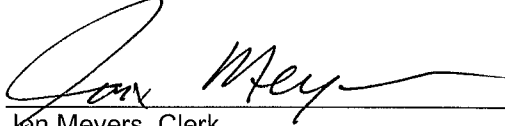
The next order of business was discussion regarding the Corp of Engineers levy project. Ed Hobza provided a report that contracts had not been finalized and that the Corp continued to provide drafts of information. The Trustees expressed a general frustration that the project was not proceeding in a timely fashion in line with previously established documentations.

The next order of business was discussion regarding the road repair project for the upcoming year. The Trustees provided direction to Ed Hobza to put together a project for road repair. The Trustees discussed that it would be desirable for the repair work to be done prior to heavy equipment operations by contractors for the Corp, both because the roads would maintain useability during the project and because the District has been assured by the Corp that downstream contracts will require contractors to repair any damage caused. It was noted that Jim Noerrlinger should take efforts to document conditions of the roads on a regular basis and before major construction activities begin.

**[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.

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 9, 2021, meeting.



Jon Meyers, Clerk