

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 4th day of August, 2023, at 1:00 p.m., at the Cobb Community Center located within the Lake Wa-Con-Da subdivision in Union, Nebraska.

Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek. Also attending was Jim Noerrlinger.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Omaha World Herald on July 21, 2023 and July 28, 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.

The Clerk first certified that notice of this meeting concerning the project entitled Lake Wa-Con-Da 2023 Chip Seal **(REVISED)** had been posted in three (3) conspicuous places within the District with the Clerk causing to be filed a Certificate to that effect with a copy of the notice attached thereto, such notice being attached to the minutes of these proceedings and by this reference made a part hereof.

The Clerk next stated that no petition opposing the proposed Resolution of Necessity and Advisability had been filed by the property owners within the District or by any other person or entity and that no person appeared at the meeting or made any objections to the proposed Resolution of Advisability and Necessity with such being the same resolution adopted in form at the meeting of the Board of Trustees held on July 14, 2023, which resolution is set forth in its entirety in the proof of publication attached hereto and by this reference incorporated herein. After discussion of the Board, the following resolution was duly moved 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" 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 the Resolution of Necessity and Advisability for the construction of the project entitled Lake Wa-Con-Da 2023 Chip Seal **(REVISED)** be ratified and approved as proposed.

FURTHER RESOLVED, that the Chairman and Clerk be, and hereby are, authorized and directed to take such steps as are necessary to implement this resolution, including the execution of such agreement for and on behalf of the District.

There was next presented an invoice for payment by the District.

There was next presented an invoice from Blue Wing Outdoors, for the fisheries assessment, Invoice #1740, in the amount of Three Thousand Two Hundred Thirty-Four and 70/100 Dollars (\$3,234.70).

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 No. 6196 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 **August 4, 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. 6196, for the amount of Three Thousand Two Hundred Thirty-Four and 70/100 Dollars (\$3,234.70), payable to Blue Wing Outdoors.

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 surge protection for the electrical systems at the pump house. Jim Noerrlinger reported that protection of the systems necessitated a commercial grade surge protector to avoid damage to the electronics of the pump. He reported that the cost of the system would be approximately \$1,400.00. The Trustees discussed that the risk to the system and cost of repair justified such expense. The Trustees directed Jim Noerrlinger to arrange for the purchase and installation of the surge protector and the cost to be provided in advance of the next meeting for payment.

The next order of business was discussion regarding recycling service. The Trustees were reminded that trash and recycling service are presently provided by the Homeowners Association. There was discussion about the ability of the District to participate in a grant program from the County with a maximum annual reimbursement of \$1,500.00 to the District. However, this required that the District provide the service contemplated and the District is unable to participate in such a program at this time. It was proposed that the District undertake provision of recycling services. The Trustees discussed that doing so would involve administrative overhead for such services that could complicate the services provided. The Trustees generally found that there was no net benefit to the residents of the District to the Trustees becoming involved in the recycling services. As the matter had previously been raised, the Trustees felt it was appropriate to document the decision of the District. Thereafter, upon a motion duly made and seconded and upon a roll call vote, all the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers, Wayne Breyfogle and Scott Pekarek voted "Aye" with none voting "Nay" thereby adopting the following resolution:

RESOLVED that the District hereby will not provide recycling services to residents at this time.

The next order of business was discussion regarding a request by Kenny Drake. Mr. Drake owns real estate in and near the District on which he wishes to build a non-residential building. Mr. Drake reported that County regulations prevented him from constructing such a building unless his property exceeded a certain minimum size. In order to meet that size requirement, he would need to acquire several acres of real estate from a contiguous property owner. Mr. Drake has requested that the District sell a minimum amount of property owned by the District to Mr. Drake to allow for his construction plans to proceed.

The Trustees generally discussed that they would be amendable to cooperating with Mr. Drake in this matter. Discussions turned to exactly which property might be suitable. However, there was also discussion whether the District might have a future need for the property. Mr. Drake offered that he would provide the District with a right-of-first refusal to repurchase the property as well as some other portion of Mr. Drake's property, as an element of the sale. A price would have to be negotiated and such a price would also have to consider costs involved with subdividing or re-platting existing property. The Trustees agreed to continue these discussions in a spirit of cooperation.

**[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 August 4, 2023, meeting.



---

Matt Burnham, Clerk