

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 12th day of September, 2024, at 9:00 a.m., at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers and Wayne Breyfogle. Also attending was Mark J. LaPuzza, attorney for the District, 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 Omaha World Herald on September 5, 2024 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 was next presented in accordance with the provisions of Neb. R.R.S. Section 77-1632, the publication concerning the Board of Trustees recommendation that the property tax request for tax year 2024-2025 be set at a different amount than the 2023-2024 tax request. It was further reported that no person had appeared at the meeting in response to such hearing notice. The Clerk was directed to attach a copy of such notice to the minutes of these proceedings.

After discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers and Wayne Breyfogle voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that it is advisable that the property tax request for tax year 2024-2025 be set at a different amount than the 2023-2024 tax request as set out in the proof of publication attached hereto and incorporated herein by this reference, as follows:

1. The 2024-2025 property tax request be set at \$969,250.00 (\$1.591300), broken down as follows:

Bond Fund	\$761,366.50 - \$1.250000
General Fund	\$207,883.50 - \$0.341300
TOTAL	\$969,250.00 - \$1.591300

2. The total assessed value of property differs from last year's total assessed value by 2%.

3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$1.414141 per \$100 of assessed value.
4. The District proposes to adopt a property tax request that will cause its tax rate to be \$1.591300 per \$100 of assessed value, broken down as follows:

Bond Fund	\$761,366.50 - \$1.250000
General Fund	\$207,883.50 - \$0.341300
TOTAL	\$969,250.00 - \$1.591300

5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the District will decrease last year's budget by 27%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2024.

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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 September 12, 2024, meeting.



Matt Burnham, Clerk

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 12th day of September, 2024, at 9:05 a.m., at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers and Wayne Breyfogle. Also attending was Mark J. LaPuzza, attorney for the District, John Kuehl of D.A. Davidson & Co. and Jim Noerrlinger.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Omaha World Herald on September 5, 2024 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.

It was next reported in accordance with the provisions of Neb. R.R.S. Section 13-501 through 13-513, the District's certified public accountants were directed to prepare a proposed budget and further that the Clerk attended to the required publication of notice with regard to the budgetary hearing to be held by the Board of Trustees. The Clerk had been directed to give the appropriate notices in accordance with the Nebraska Budget Act and that a budgetary hearing for the District be held on the 12th day of September, 2024, at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

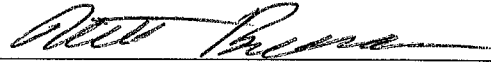
There was next presented the publication of this budgetary hearing as presented in the Omaha World Herald. It was next reported that such notice of the budgetary hearing along with a budget summary had been published in accordance with law. A presentation of the budget was made and at least three (3) additional copies of the budget were available for inspection. It was further reported that it appeared that no person had appeared at the meeting in response to such notice of the budgetary hearing and the Clerk was directed to attach a copy of such notice to the minutes of these proceedings.

After a lengthy discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers and Wayne Breyfogle, voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District
No.1 of Cass County, Nebraska, that the budget hearing is hereby
adjourned.

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 September 12, 2024, meeting.



Matt Burnham, Clerk

MINUTES OF MEETING
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 1
OF CASS COUNTY, NEBRASKA

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Present were: Peggy L. Lawton, Matt Burnham, Jon Meyers and Wayne Breyfogle. Also attending was Mark J. LaPuzza, attorney for the District, 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 Omaha World Herald on September 5, 2024 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.

Discussion was had concerning the budget hearing which was held immediately prior to this meeting. After a lengthy discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Peggy L. Lawton, Matt Burnham, Jon Meyers and Wayne Breyfogle, voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 1 of Cass County, Nebraska, that the budget and tax levy as tentatively set forth be adopted as the final budget and levy in accordance with Exhibit "A" attached hereto and by this reference made a part hereof. Further that the Clerk of the District be directed to file a copy of the adopted budget with the levying board of the State Auditor's office as well as certifying the levy to the Cass County officials as well as attaching a proof of publication to such adopted budget.

With the budget for the District having been adopted, it was then stated that it would be appropriate at this time to levy the tax in accordance with the budget statement. 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, Matt Burnham, Jon Meyers and Wayne Breyfogle 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, levy and collect for the year 2024-2025 a tax of \$1.591300 per One Hundred and no/100 Dollars (\$100.00) actual valuation of taxable property in the District, except intangible property, said tax to be credited to the appropriate fund as indicated below:

\$0.341300 on each One Hundred and no/100 Dollars (\$100.00) actual valuation to be credited to the General Fund of the District and thereby collect \$207,883.50 in taxes to be credited to this fund; and

\$1.250000 on each One Hundred and no/100 Dollars (\$100.00) actual valuation to be credited to the Construction (Bond) Fund of the District and thereby collect \$761,366.50 in taxes to be credited to this fund.

FURTHER RESOLVED, that the Clerk of this District be and hereby is directed to deliver and file with the County Clerk of Cass County, Nebraska and the Auditor of Public Accounts, a copy of this resolution.

There were next presented various statements and invoices for payment by the District.

There was next presented a statement from Kraig J. Thelen, for services rendered in connection with Federal Disaster DR 4420 NE, Statement No. 66, in the amount of Two Hundred Nine and no/100 Dollars (\$209.00).

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 Sixty-Five and 11/100 Dollars (\$65.11).**

There was next presented an invoice from Helena-Agri-Eng., LLC, for the purchase of herbicides, Invoice #381563629, in the amount of Nine Hundred Sixty-Two and 13/100 Dollars (\$962.13).

There was next presented an invoice from Midwest Laboratories, Inc., for the purchase of supplies, Invoice #1199847, in the amount of Five Hundred Eighty-Two and no/100 Dollars (\$582.00).

There was next presented an invoice from Nebraska Public Health Environmental Lab, for test sampling, Invoice #581064, in the amount of Fifteen and no/100 Dollars (\$15.00).

There was next presented an invoice from Thompson, Dreessen & Dorner, Inc., engineers for the District, for services rendered in miscellaneous District matters through August 11, 2024, Invoice #165310, in the amount of One Thousand Two Hundred Nine and 90/100 Dollars (\$1,209.90).

There was next presented a statement from Pansing Hogan Ernst & Buser LLP, attorneys for the District, for legal services performed in miscellaneous District matters through August 31, 2024, in the amount of Twelve Thousand One Hundred Forty-Two and 50/100 Dollars (\$12,142.50), and costs advanced in the amount of Four Hundred Seventy-Nine and 69/100 Dollars (\$479.69); said statement being in the aggregate amount of Twelve Thousand Six Hundred Twenty-Two and 19/100 Dollars (\$12,622.19).

There was next presented an invoice from Lake Wa-Con-Da Association, for miscellaneous costs, Invoice #5278, in the amount of Seven Hundred Forty-Four and 28/100 Dollars (\$744.28).

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 No. 6355, 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 **BOND** Fund of the District and to draw interest at the rate of **seven percent (7%)** per annum (interest to be payable on February 10 of each year) and to be redeemed

no later than **September 12, 2029**, 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. 6355, for the amount of Two Hundred Nine and no/100 Dollars (\$209.00), payable to Kraig J. Thelen.

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. 6356 through 6363 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 **seven percent (7%)** per annum and to be redeemed no later than **September 12, 2027**, 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. 6356, for the amount of Nine Hundred Sixty-Two and 13/100 Dollars (\$962.13), payable to Helena Agri-Ent., LLC.

Warrant No. 6357, for the amount of Five Hundred Eighty-Two and no/100 Dollars (\$582.00), payable to Midwest Laboratories.

Warrant No. 6358, for the amount of Fifteen and no/100 Dollars (\$15.00), payable to Nebraska Public Health Environmental Lab.

Warrant No. 6359, for the amount of One Thousand Two Hundred Nine and 90/100 Dollars (\$1,209.90), payable to Thompson, Dreesen & Dorner, Inc.

Warrant Nos. 6360 and 6361, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 6362, for the amount of Two Thousand Six Hundred Twenty-Two and 19/100 Dollars (\$2,622.19), payable to Pansing Hogan Ernst & Buser LLP.

Warrant No. 6363, for the amount of Seven Hundred Forty-Four and 28/100 Dollars (\$744.28), payable to Lake Wa-Con-Da 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, 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.

With respect to the budget, there was extended discussion regarding the significant capital expenditures of the District expected to be coming in the next two to four years. It was discussed that the District is in need of a replacement water system, whether installation of an entirely new water tank reserve structure or connection to Cass County Rural Water. Either of these would be six to seven figure projects for the District to undertake. Additionally, it was discussed that the District may need to offer a wastewater

system as changes in requirements have made it difficult for some owners to replace or expand their individual septic tanks. As such, the District has significant concerns regarding the ability to incur such costs out of its annual budget.

The next order of business was discussion regarding matters related to the Lake Wa-Con-Da Homeowners Association. The Trustees were reminded that the Association had started to undertake analysis of its expenditures in light of a desire for the District to more carefully control and oversee costs charged by the Association. The Association has begun to identify physical assets which it had owned and maintained for the benefit of the District with the expectation that ownership and maintenance responsibilities will be transferred to the District. The District is willing to accept ownership of these assets as the District uses these materials to provide government services. It was discussed that no assets would be transferred until appropriate insurance arrangements had been made for the District.

It was also discussed that the chip seal road installed for the District in the spring has settled into a good quality surface. Although there was significant dust associated with the installation, heat, use and time had allowed the road surface to settle such that dust is no longer a significant issue.

Peggy Lawton noted she had not run for re-election and that this meeting would be her last meeting as a member of the Board of Trustees. Everyone at the meeting thanked Peggy Lawton for her years of service as a Trustee and wished her well.

There was a brief discussion regarding the process for seating the Board of Trustees after the 2024 election. Mark LaPuzza noted that while election results are sometimes available online, the District does not accept election results as official until the physical notice is received and processed by his office. After the election results come in, each candidate would be notified of the election results. The individuals receiving votes sufficient to be elected to the Board would be contacted separately and would be given the opportunity to confirm their interest in serving on the Board. In the unlikely event that the election resulted in a tie between candidates having confirmed their interest in the Board, the decision would be decided by a random selection, such as a coin flip.

**[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 September 12, 2024, meeting.

A handwritten signature in black ink, appearing to read "Matt Burnham", written over a horizontal line.

Matt Burnham, Clerk