

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 9:05 a.m. on the 2nd day of September, 2015, at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present: Gary Kaplan, Jon Meyers, Phillip G. Wright, Hugh I. Abrahamson and Wayne Breyfogle.

Absent: None.

Notice of the meeting was given in advance thereof by publication in The Plattsmouth Journal on August 27, 2015, 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 Clerk first 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 2nd day of September, 2015, at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

The Clerk next presented the publication of this budgetary hearing as presented in The Plattsmouth Journal. The Clerk next reported that such notice of the budgetary hearing along with a budget summary had been published in accordance with law. The Clerk 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, Gary Kaplan, Jon Meyers, Phillip G. Wright, Hugh I. Abrahamson 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 ***amended and the amended budget and tax levy 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, the Chairman 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, Gary Kaplan, Jon Meyers, Phillip G. Wright, Hugh I. Abrahamson 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 2015-2016 a tax of \$1.110000 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:

\$0.400000 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 \$155,131.96 in taxes to be credited to this fund; and

\$0.710000 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 \$275,359.24 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.

The Board was next presented with consideration of its outstanding bills and invoices.

The Clerk next presented to the Board the final estimate with regard to Lake Wa-Con-Da 2015 Chip Seal and its installation by Kerns Excavating Co., Inc., which recommended that a final and complete payment be made in the total amount of Fifteen Thousand Six Hundred Ninety-Nine and 81/100 Dollars (\$15,699.81) with such being final payment and the final estimate for work completed on such project. The Clerk also presented the Certificate of Completion from the District's engineers, Thompson, Dreessen & Dorner, Inc., recommending that final payment and acceptance of such project be made by the District. Upon a motion duly made and seconded, and upon the following roll call vote, the Trustees, Gary Kaplan, Jon Meyers, Phillip G. Wright, Hugh I. Abrahamson and Wayne Breyfogle 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 District's project entitled Lake Wa-Con-Da 2015 Chip Seal be accepted as completed in accordance with recommendation of the District's engineers, Thompson, Dreessen & Dorner, Inc. and that final payment be made in the following scheduled amount:

<u>Contractor</u>	<u>Amount</u>
Kerns Excavating Co., Inc.	\$15,699.81

There was next presented a statement from Nebraska Public Power District, for lighting at Highway 75, from July 15, 2015, through August 15, 2015, having a credit balance in the amount of One Hundred Twenty and 48/100 Dollars (\$120.48).

There was next presented a statement of Summary Account #5843000090 from Omaha Public Power District, for street lights and other electrical services, in the amount of Two Thousand Six Hundred Four and 20/100 Dollars (\$2,604.20).

There were next presented statements from Midwest Farmers Cooperative, for miscellaneous purchases made, as follows: (i) Invoice #007662, in the amount of Two Hundred Thirty-Three and 47/100 Dollars (\$233.47), and (ii) Invoice #007846, in the amount of One Hundred Nine and 55/100 Dollars (\$109.55); said statements being in the aggregate amount of Three Hundred Forty-Three and 02/100 Dollars (\$343.02).

There was next presented a statement from Nebraska Public Health Environmental Laboratory, for well water testing, Invoice #466518, in the amount of Three Hundred Ninety-Five and no/100 Dollars (\$395.00).

There was next presented a statement from One Call Concepts, Inc., for line locates within the District, Invoice #5070567, in the amount of Five and 55/100 Dollars (\$5.55). **The Board was next reminded that it has a credit balance at this time.**

There was next presented correspondence from Thompson, Dreessen & Dorner, Inc., engineers for the District, presenting and recommending payment in favor of Noerrlinger Construction Inc., for rental of skid loader used for cleaning the burn pile, Invoice #561, in the amount of Eighty-Five and 50/100 Dollars (\$85.50).

There was next presented a statement from Pansing Hogan Ernst & Bachman LLP, attorneys for the District, for legal services performed through August 31, 2015, in the amount of One Thousand Seven Hundred Eighty-Six and 50/100 Dollars (\$1,786.50), and costs advanced in the amount of One Hundred Twelve and 52/100 Dollars (\$112.52); said statement being in the aggregate amount of One Thousand Eight Hundred Ninety-Nine and 02/100 Dollars (\$1,899.02).

There were next presented statements from Thompson, Dreessen & Dorner, Inc., engineers for the District, for service rendered in miscellaneous District maintenance matters, as follows: (i) Invoice #111395, in the amount of Three Thousand Six Hundred Eighty-Five and 50/100 Dollars (\$3,685.50), and (ii) Invoice #111396, in the amount of Seven Thousand Two Hundred Thirty-Four and 01/100 Dollars (\$7,234.01); said statements being in the aggregate amount of Ten Thousand Nine Hundred Nineteen and 51/100 Dollars (\$10,919.51).

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, with any other exceptions duly noted above:

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. 5044 through 5055, 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 September 2, 2018, 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:

Warrants Nos. 5044 through 5046, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 5047, for the amount of Six Hundred Ninety-Nine and 81/100 Dollars (\$699.81), payable to Kerns Excavating Co., Inc.

Warrant No. 5048, for the amount of Two Thousand Six Hundred Four and 20/100 Dollars (\$2,604.20), payable to Omaha Public Power District, Account #5843000090.

Warrant No. 5049, for the amount of Three Hundred Forty-Three and 02/100 Dollars (\$343.02), payable to Midwest Farmers Cooperative.

Warrant No. 5050, for the amount of Three Hundred Ninety-Five and no/100 Dollars (\$395.00), payable to Nebraska Public Health Environmental Laboratory.

Warrant No. 5051, for the amount of Eighty-Five and 50/100 Dollars (\$85.50), payable to Noerrlinger Construction, Inc.

Warrant No. 5052, for the amount of One Thousand Eight Hundred Ninety-Nine and 02/100 Dollars (\$1,899.02), payable to Pansing Hogan Ernst & Bachman LLP.

Warrant Nos. 5053 and 5054, each for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 5055, for the amount of Nine Hundred Nineteen and 51/100 Dollars (\$919.51), 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, warrant and agree as follows: the improvements and/or facilities being financed or refinanced by the above Warrants are for essential governmental functions and are designed to serve members of the general public on an equal basis; all said improvements have from the time of their first acquisition and construction been owned, are owned and are to be owned by the District or another political subdivision; to the extent special assessments have been or are to be levied for any of said improvements, 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 said improvements in the District; the development of the land in the District is for residential or commercial use and the development of the land in the District for sale and occupation by the general public has proceeded and is proceeding with reasonable speed; other than any incidental use of said improvements by a developer during the initial period of development of said improvements, there have been, are and will be no persons with rights to use such improvements other than as members of the general public; none of the proceeds of said Bonds or any refinanced indebtedness have been or will be loaned to any private person or entity; the District hereby authorizes and directs the Chairperson or Clerk to file or cause to be filed, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue Code of 1986, as amended, pertaining to the above Warrants; and the District does not reasonably expect to sell or otherwise dispose of said improvements and/or facilities, in whole or in part, prior to the last maturity of 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 \$10,000,000 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 Board also undertook an extended conversation with Daren Konda of Thompson, Dreessen & Dorner, Inc., engineers for the District, regarding post-construction projects that the Board should consider over the next ten (10) years. A copy of the items and projected costs were directed to be attached to the minutes. At the conclusion of the discussion by the Board, it unanimously approved Item 1.1 Turf Restoration – Levee Overseeding in the amount of \$4,000.00, as well as Item 4.1 Siding on Caretaker's House in the amount of \$8,600.00. All other items were reviewed and discussed, with no action being taken on them at this time.

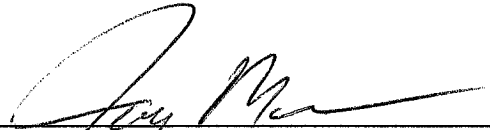
The Board also discussed the tentative General and Construction Fund expenditures to be undertaken by the Board, including a review of various refinancing options for bonds outstanding on the District's Construction Fund. The Board elected not to pursue any refinancing at this point. In view of the reconstruction work being completed, the Board asked John Kuehl of D.A. Davidson to provide quarterly reports comparing the expenditures of the District as presented in the budgeted items with actual expenditures to allow for close monitoring of the District expenses.

The Board finally discussed the condition of the fish population in the lake. Daren Konda indicated that he had been in touch with the Game and Parks Commission regarding fish population and demographics. Materials from the Bureau were to be forwarded to the Board prior to its next scheduled meeting. A representative from the Game and Parks Commission was requested to be at the Board's next meeting to discuss options the Board may have with regard to establishing an appropriate fish population.

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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 September 2, 2015, meeting.



Jon Meyers, Clerk