

MINUTES OF THE MEETING  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 7  
OF  
PLATTE COUNTY, NEBRASKA

A meeting of the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, was convened in open and public session at 9:00 a.m. on Wednesday, April 3, 2019, at the office of Schumacher, Smejkal, Brockhaus & Herley, P.C. at 3403 27<sup>th</sup> Street, Columbus, Nebraska. Trustees present at the meeting were: Bill Rongisch, Stephen Stevens, Tom Goc, and Jay Marxsen. Trustees Absent: Jim Boesch. Other interested parties present: Adam Elm, Accountant for Schumacher, Smejkal, Brockhaus & Herley, P.C.

Notice of the meeting was given in advance thereof by publication in the *Columbus Telegram* on March 26, 2019, a copy of the Proof of Publication being attached to these minutes. The availability of the Agenda was communicated in the published notice and in the Notice to the Trustees of this meeting. All of the subjects addressed at this meeting were contained in the Agenda for at least 24 hours prior to the meeting, which Agenda was kept continually current and readily available for public inspection at the address listed in the meeting notice. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the meeting in the meeting area and all in attendance at the meeting were informed of the location of such copy. At least one copy of all resolutions and other reproducible written materials, for which actions are shown in said proceedings, was made available for examination and copying by members of the public at the meeting.

The undersigned Clerk hereby certifies that these minutes were written and available for public inspection within ten (10) working days after the date of said meeting.

Following roll call, the Chairman directed the Board's attention to Item No. 2 on the agenda, pertaining to discussion and approval of the December 3, 2018 meeting minutes. After a full discussion, the following resolution was moved by Trustee Marxsen and seconded by Trustee Goc, to-wit:

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska approve the December 3, 2018 meeting minutes.

On roll call for the foregoing resolution, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolution was duly carried and adopted.

The Chairman then directed the Board's attention to Item No. 3 on the agenda, pertaining to discussion and financial review of the District's accounts. Discussion was held regarding the financial state of the District. No action was taken at this time.

The Chairman then directed the Board's attention to Item No. 4 on the agenda, pertaining to discussion and approval of interest payments and redemption of registered warrants. After a full discussion, the following resolutions were moved by Trustee Goc and seconded by Trustee Stevens, to-wit:

MINUTES OF THE MEETING  
OF  
**SANITARY AND IMPROVEMENT DISTRICT NO. 7**  
OF  
PLATTE COUNTY, NEBRASKA

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, approve the redemption of 7<sup>th</sup> **Subdivision** Warrant Nos. 52-59 as of May 1, 2019 in Forty Thousand and 00/100's Dollars (\$40,000.00) of warrants with corresponding interest of Two Thousand and 00/100's Dollars (\$2,000.00).

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver 7<sup>th</sup> **Subdivision** Warrant Nos. 102-103 dated today's date and to be registered as of May 1, 2019, to the following payees and in the following amounts, said Warrants to draw interest at a rate of 5% per annum from date of registration until paid, such interest to be payable on May 1, 2020, and annually thereafter:

- A. 7<sup>th</sup> Subdivision Warrant No. 102 in the sum of Five Thousand and 00/100's Dollars (\$5,000.00), payable to R.E. Holmes for payment of interest due on Warrant Nos. 60-101.
- B. 7<sup>th</sup> Subdivision Warrant No. 103 in the sum of Three Thousand Four Hundred Ninety-Nine and 58/100's Dollars (\$3,499.58), payable to R.E. Holmes for payment of interest due on Warrant Nos. 60-101.

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver **Construction Fund #2** Warrant Nos. 111-113 dated today's date and to be registered as of May 1, 2019, to the following payees and in the following amounts, said Warrants to draw interest at a rate of 5% per annum from date of registration until paid, such interest to be payable on May 1, 2020, and annually thereafter:

- A. Construction Fund #2 Warrant No. 111 in the sum of Five Thousand and 00/100's Dollars (\$5,000.00), payable to R.E. Holmes for payment of interest due on Warrant Nos. 55-110.
- B. Construction Fund #2 Warrant No. 112 in the sum of Five Thousand and 00/100's Dollars (\$5,000.00), payable to R.E. Holmes for payment of interest due on Warrant Nos. 55-110.
- C. Construction Fund #2 Warrant No. 113 in the sum of Two Thousand Two Hundred Thirty-Three and 11/100's Dollars (\$2,233.11), payable to R.E. Holmes for payment of interest due on Warrant Nos. 55-110.

MINUTES OF THE MEETING  
OF  
**SANITARY AND IMPROVEMENT DISTRICT NO. 7**  
OF  
PLATTE COUNTY, NEBRASKA

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, that payment of the following interest amounts is hereby approved:

**Sanitary Sewer Reconstruction Fund** - \$162.86 to Arborville Congregational Church for payment of annual interest due on Sanitary Sewer Reconstruction Fund Warrant Nos. 11 & 15.

On roll call for the foregoing resolutions, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolutions were duly carried and adopted.

Still relating to Item No. 4 on the agenda, discussion was had on the approval of interest payments and redemption of registered warrants from Construction Fund #1. After a full discussion, the following resolutions were moved by Trustee Stevens and seconded by Trustee Marxsen, to-wit:

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, approve the redemption of **Construction Fund #1** Warrant Nos. 621-629 as of May 1, 2019 in Sixteen Thousand Four Hundred Eighty-Six and 84/100's Dollars (\$16,486.84) of warrants with corresponding interest of Eight Hundred Twenty-Four and 35/100's Dollars (\$824.35).

BE IT FURTHER RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, approve future redemptions of **Construction Fund #1** warrants as funds become available subsequent to May 1, 2019, and the payment of corresponding interest on those warrants.

On roll call for the foregoing resolutions, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolutions were duly carried and adopted.

Still relating to Item No. 4 on the agenda, discussion was had on the approval of interest payments and redemption of registered warrants from Construction Fund #1. After a full discussion, the following resolutions were moved by Trustee Goc and seconded by Trustee Rongisch, to-wit:

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver **Construction Fund #1** Warrant Nos. 664-665 dated today's date and to be registered as of May 1, 2019, to the following payees and in the following amounts, said Warrants to draw interest at a rate of 5% per annum from date of registration until paid, such interest to be payable on May 1, 2020, and annually thereafter:

MINUTES OF THE MEETING  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 7  
OF  
PLATTE COUNTY, NEBRASKA

- A. Construction Fund #1 Warrant No. 664 in the sum of One Thousand Eight Hundred Ninety-Two and 51/100's Dollars (\$1,892.51), payable to D.A. Davidson & Co. for annual interest due on outstanding Construction Fund #1 warrants as noted in the schedule provided by D.A. Davidson.
- B. Construction Fund #1 Warrant No. 665 in the sum of Thirty-Seven and 85/100's Dollars (\$37.85), payable to D.A. Davidson & Co. for payment of their 2% fee on Warrant No. 664.

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte 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 Construction Fund No. 1 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 benefitted by said improvement 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 improvement 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.

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte 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 designated 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.

MINUTES OF THE MEETING  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 7  
OF  
PLATTE COUNTY, NEBRASKA

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte 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 Chairperson and Clerk of the District hereby further certify, as of the date of the resignation of the above Warrants with the County Treasurer of Platte 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) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 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 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 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.

On roll call for the foregoing resolutions, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolutions were duly carried and adopted.

The Chairman then directed the Board's attention to Item No. 5 on the agenda, pertaining to discussion and approval of outstanding bills on file and bills presented during the meeting. After a full discussion, the following resolutions were moved by Trustee Stevens and seconded by Trustee Goc, to-wit:

MINUTES OF THE MEETING  
OF  
**SANITARY AND IMPROVEMENT DISTRICT NO. 7**  
OF  
PLATTE COUNTY, NEBRASKA

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver **General Fund** Warrant Nos. 482-487 dated today's date, to the following payees and in the following amounts:

- A. General Fund Warrant No. 482 in the sum of Nine and 78/100's Dollars (\$9.78), payable to One Call Concepts for payment of communication services.
- B. General Fund Warrant No. 483 in the sum of Five Hundred Seventy and 00/100's Dollars (\$570.00), payable to Fitzgerald, Vetter, Temple & Bartell for payment of legal and professional services.
- C. General Fund Warrant No. 484 in the sum of Six Hundred Thirty and 00/100's Dollars (\$630.00), payable to Dale R Johnson Ent, Inc. for payment of snow removal services.
- D. General Fund Warrant No. 485 in the sum of One Thousand Seven Hundred Sixty and 00/100's Dollars (\$1,760.00), payable to Koot's Snow Removal for payment of snow removal services.
- E. General Fund Warrant No. 486 in the sum of Four and 42/100's Dollars (\$4.42), payable to Lincoln Journal Star for payment of advertising services.

BE IT FURTHER RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, approve to pay Schumacher, Smejkal, Brockhaus & Herley, P.C. for professional services in the amount of Five Thousand Six Hundred Sixteen and 00/100's Dollars (\$5,616.00) as funds become available.

On roll call for the foregoing resolutions, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolutions were duly carried and adopted.

Still relating to Item No. 5 on the agenda, discussion was had on the approval of outstanding bills on file and bills presented during the meeting. After a full discussion, the following resolution was moved by Trustee Goc and seconded by Trustee Marxsen, to-wit:

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver **Sewer Force Main Replacement Fund** Warrant No. 59 dated today's date, to the following payee and in the following amount:

MINUTES OF THE MEETING  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 7  
OF  
PLATTE COUNTY, NEBRASKA

- A. Sewer Force Main Replacement Fund Warrant No. 59 in the sum of Twenty-Four Thousand Seven Hundred Thirty-Four and 67/100's Dollars (\$24,734.67), payable to the NDEQ for payment of semi-annual interest and principal payment on loan #C317980 due June 15, 2019.

On roll call for the foregoing resolution, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolutions were duly carried and adopted.

The Chairman then directed the Board's attention to Item No. 6 on the agenda, pertaining to discussion of the 2019 Flood (Attachment A). The Board discussed what went well and what needs to be done for future floods. Appreciation was given to Trustees for their work during the flood.

The Chairman then directed the Board's attention to Item No. 7 on the agenda, pertaining to discussion of the Post 2019 Flood Levee Inspection (Attachment B). The Board discussed contacting their insurance agent regarding options to fund repairs to the levee and dike. The Board also discussed attending FEMA meetings to see if they can get funding for levee repairs. The Board received a quote for Seven Thousand and 00/100's Dollars (\$7,000.00) from Olssen & Associates to inspect the levee and dike damages. The Board will table this item until they receive more information.

The Chairman then directed the Board's attention to Item No. 8 on the agenda, pertaining to cleaning of the levee. Cleaning will commence on Saturday, April 6, 2019 at 9:00 a.m. The Board will send an email to lake residents requesting volunteers. The Board will make a list of jobs to be completed and forward to those involved.

The Chairman then directed the Board's attention to Item No. 9 on the agenda, pertaining to discussion of the lake overflow tube. The Board discussed cost effective solutions on how to block the overflow. The Board suggested plugging it. The Board will contact the Lake Association for their input.

The Chairman then directed the Board's attention to Item No. 10 on the agenda, pertaining to discussion of snow removal and weed control. The Board will meet with the Columbus Township to discuss possible funding for snow removal. The Board will also meet with the Platte County Weed Control Board to discuss funding for weed control.

The Chairman then directed the Board's attention to Item No. 11 on the agenda, pertaining to discussion of the 2019 mowing season. After a full discussion, the following resolution was moved by Trustee Stevens and seconded by Trustee Marxsen, to-wit:

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska approve the 2019 mowings to be done by Shannon Raemakers in the amount of One Thousand Two Hundred and 00/100's Dollars (\$1,200.00).

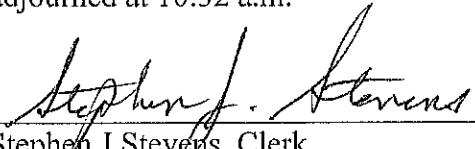
MINUTES OF THE MEETING  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 7  
OF  
PLATTE COUNTY, NEBRASKA

On roll call for the foregoing resolution, the following Trustees voted Aye: Rongisch, Marxsen, Stevens, and Goc. Voting Nay thereon were the following Trustees: None. Absent Trustees: Boesch. The Chairman then declared said resolution was duly carried and adopted.

The Board then discussed the need to find an Auditor for the 2018/2019 year. No action was taken on this issue.

No other miscellaneous business of the District was discussed.

There being no further business to come before the meeting, a motion for adjournment was duly moved by Trustee Goc and seconded by Trustee Marxsen, and unanimously carried. The meeting was adjourned at 10:32 a.m.

  
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Stephen J Stevens, Clerk

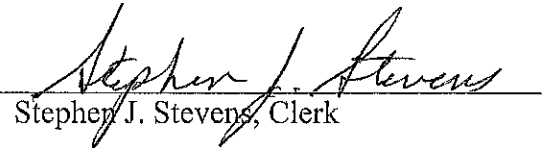


CERTIFICATE

The undersigned being Clerk of Sanitary and Improvement District No. 7 of Platte County, Nebraska, hereby certifies that Notice of a Meeting of the Board of Trustees of said District held at 9:00 a.m. on Wednesday, April 3, 2019, at the office of Schumacher, Smejkal, Brockhaus & Herley, P.C. at 3403, 27<sup>th</sup> Street, Columbus, Nebraska, was given to the City Clerk of Columbus, Nebraska at least seven days prior to the date of said meeting.

The undersigned further certifies that the agenda for said meeting of the Board of Trustees of said District was prepared and available for public inspection at the address designated in the notice of meeting published in The Columbus Telegram on March 26, 2019, and that no items were added to the agenda after the commencement of the meeting; and further, that the minutes for the meeting were available for public inspection within ten (10) days of the date of said meeting and that a copy of the minutes of this meeting were sent to the City Clerk of Columbus, Nebraska within thirty days from the date of this meeting.

Dated this 17 day of April, 2019.

  
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Stephen J. Stevens, Clerk

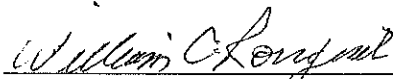
## CERTIFICATE

The undersigned hereby certify that they are the Chairperson and Clerk of Sanitary and Improvement District No. 7 of Platte County, Nebraska, (the "District) and hereby further certify as follows:

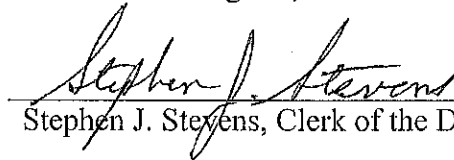
1. Annexed to this certificate is a true and correct transcript of the proceedings of the Board of Trustees of the District relating to a meeting of said District held at 9:00 a.m. on Wednesday, April 3, 2019, at the time reflected in the meeting minutes contained in said foregoing transcript (the "Meeting"). All of the proceedings of the District and of the Board of Trustees thereof which are set out in the annexed and foregoing transcript have been fully recorded in the journal of proceedings of the District and the undersigned District Clerk has carefully compared the annexed and foregoing transcript with said journal and with the records and files of the District which are in such Clerk's official custody and said transcript is a full, true and complete copy of said journal, records and files which are set out therein.
2. Advance notice for the Meeting was given by publication as set forth in the affidavit of publication contained in the foregoing transcript and was mailed to the Clerk of the municipality or county within whose zoning jurisdiction the District is located at least seven days prior to the date of the Meeting. Advance notice for the Meeting, including notice of agenda subjects, was given to all members of the Board of Trustees. All news media requesting notification of meetings were provided with advance notice of the times and places of such meetings and the subjects to be discussed.
3. All of the subjects addressed at the Meeting were contained in the agenda for the Meeting, which agenda was kept continually current and readily available for public inspection at the address listed in the meeting notice for the Meeting and a copy of which is attached to this Certificate; such subjects were contained in said agenda for at least 24 hours prior to the Meeting and each agenda item was sufficiently descriptive to give the public reasonable notice of the matters to be considered at the Meeting.
4. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posed during the Meeting in the room in which such Meeting was held and all in attendance at the Meeting were informed that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such Meeting was being held. At least one copy of all resolutions and other reproducible written materials, for which actions are shown in said proceedings, was made available for examination and copying by members of the public at the Meeting.
5. The minutes of the Meeting were in written form and available for public inspection within ten (10) working days after the Meeting or prior to the next convened meeting, whichever occurred earlier, at the office of the District; within thirty (30) days after the date of the Meeting, a copy of the minutes of the Meeting was sent to the Clerk of the municipality or county within whose zoning jurisdiction the District is located.
6. No litigation is now pending or threatened to restrain or enjoin the District from the issuance and delivery of any warrants or other obligations issued by the District or the levy and

collection of tax or other revenues or relating to any of the improvements for which any such warrants or other obligations were or are issued nor in any manner questioning the proceedings and authority under which any such warrants or other obligations were or are issued or affecting the validity thereof; neither the corporate existence or boundaries of the District nor the title of its present officers to their respective offices is being contested; no authority or proceedings for the issuance of any warrants or other obligations by the District have been repealed, revoked or rescinded as of the date hereof. All actions taken by the Board of Trustees referred to in said transcript were taken at a public meeting while open to the attendance of the public.

IN WITNESS WHEREOF, we have hereunto affixed our official signatures this 17 day of April, 2019.



William C. Rongisch, Chairman of the District



Stephen J. Stevens, Clerk of the District