

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 accordance with Executive Order No. 20-03 at 9:00 a.m. on Thursday, January 21, 2021, at the Columbus Housing Authority-Community Room, 2554 40<sup>th</sup> Avenue, Columbus, Nebraska. Trustees present at the meeting were: Doug Brackhan, Tom Goc, Jay Marxsen, Roger Seefeld, and Jerry Slusarski. Trustees Absent: None. Other interested parties present: Jenny Reppert, Platte County Treasurer; Adam Elm, Accountant for Schumacher, Smejkal, Herley & Elm, P.C.; Craig Jones, First National Capital Markets, Inc. Representative; Mark Fitzgerald, Attorney for Fitzgerald, Vetter, Temple, Bartell & Henderson; Shelia Cermak; Bill Rongisch; Lance Lehr; Jeff Lehr; Barb Lehr; and Nicki Lehr.

Notice of the meeting was given in advance thereof by publication in the *Columbus Telegram* on January 15, 2021, 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 November 6, 2020 meeting minutes. After a full discussion, the following resolution was moved by Trustee Goc 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 November 6, 2020 meeting minutes.

On roll call for the foregoing resolution, the following Trustees voted Aye: Brackhan, Goc, Marxsen, Seefeld, and Slusarski. Voting Nay thereon were the following Trustees: None. 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 of Lance Lehr's request for detachment from the District. The attorney for the District discussed with the Board the process of detachment of property within the District and summarized part of the statutory process for detachment from an SID. Part of the Statute permits an owner to petition the Board

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to have the owner's property detached from the District. At the hearing for consideration of such a resolution, the Board is to determine if the land proposed for detachment: 1) has an area of 25 acres or more; 2) is wholly detached from the main area of the SID and separated from the SID by a distance of at least 1,000 feet at the nearest points; 3) is undeveloped and predominately devoted to agriculture; and 4) has no improvements placed on it by the SID and the property receives no current services from the District. The attorney indicated that the Lehr property in question here does not qualify. The other way to detach is by a resolution of the Board of Trustees. The Trustees propose a resolution declaring the advisability of such detachment and setting out in verbatim the terms and conditions thereof and also setting out the time and place when the Board will meet to consider adoption of the resolution. Notice of the time and place when the resolution is set for consideration is to be published. The City of Columbus is entitled to notice. The attorney read from the Statute:

If the owners representing a majority of the area of real estate within the district fail to sign and present to the board of trustees or the administrator, on or prior to the hearing date, a written petition opposing the resolution, then a majority of the board of trustees or the administrator may pass the resolution and thereby adopt the proposed detachment, except that no such resolution shall be adopted if the district is then indebted on any outstanding bonds or warrants of the district unless the holders of such bonds and warrants shall sign written consents to the detachment prior to the adoption of the resolution of detachment.

The attorney indicated to the Board that the creditors of the District had a right to essentially veto the detachment resolution. After a full discussion, the following resolution was moved by Trustee Goc and seconded by Trustee Brackhan, to-wit:

BE IT RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska approve the attorney for the District investigate the detachment process further including contacting creditors in order to prepare a proposed resolution for the Board to consider at its next meeting.

There followed a discussion concerning reimbursement for costs.

The Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska indicated that the motion should be amended to include reimbursement for all costs, including attorney fees, from this point forward, by the property owners. Both the moving party and the Trustee making the second agreed to this amendment. Representatives attending from the Lehr group also agreed to this resolution.

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

Lance Lehr, Jeff Lehr, Barb Lehr, Nicki Lehr, and Shelia Cermak left the meeting at 10:00 a.m.

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The Chairman then directed the Board's attention to Item No. 5 on the agenda, pertaining to the discussion and approval of refinancing some of the District's debts. Craig Jones was present to discuss information on refinancing with the Board. After a full discussion, the following resolution was moved by Trustee Marxsen and seconded by Trustee Seefeld, to-wit:

BE IT RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska approve tabling the decision to refinance the District's debt until the next meeting.

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

The Chairman then directed the Board's attention to Item No. 6 on the agenda, pertaining to the discussion and hiring of Johnson Trucking to provide snow removal services for the District. After a full discussion, the following resolution was moved by Trustee Goc and seconded by Trustee Seefeld, to-wit:

BE IT RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska approve hiring Johnson Trucking to provide the District with snow removal services.

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

Mark Fitzgerald left the meeting at 10:30 a.m.

The Chairman then directed the Board's attention to Item No. 7 on the agenda, pertaining to the discussion and regulation of 4-wheeler usage near the west levee. Trustees Seefeld and Slusarski will make a sign to inform taxpayers not to drive on the levee.

The Chairman then directed the Board's attention to Item No. 8 on the agenda, pertaining to the discussion of training and maintaining the District's lift station. The Board discussed maintenance duties and who would be responsible for performing those duties. No action was taken at this time.

The Chairman then directed the Board's attention to Item No. 9 on the agenda, pertaining to discussion of the District's status with FEMA/NEMA. Bill Rongisch was present to update the Board on the project with FEMA/NEMA. No action was taken at this time.

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The Chairman then directed the Board's attention to Item No. 10 on the agenda, pertaining to discussion and approval of a budget for the maintenance and phone services of the lift station. After a full discussion, the following resolution was moved by Trustee Seefeld and seconded by Trustee Slusarski, to-wit:

BE IT RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 7 of Platte County, Nebraska pre-approve payments up to One Thousand Two Hundred and 00/100's Dollars (\$1,200.00) per year for the phone services and maintenance of the lift station.

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

The Chairman then directed the Board's attention to Item No. 11 on the agenda, pertaining to payment of outstanding bills on file and bills presented during the meeting. After a full discussion, the following resolution was moved by Trustee Seefeld 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, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver **General Fund** Warrant Nos. 565-571 dated today's date, to the following payees and in the following amounts:

- A. General Fund Warrant No. 565 in the sum of Twelve and 44/100's Dollars (\$12.44), payable to the Columbus Telegram for payment of advertising services.
- B. General Fund Warrant No. 566 in the sum of Two Thousand Seven Hundred Forty-Three and 60/100's Dollars (\$2,743.60), payable to Schumacher, Smejkal, Herley & Elm, P.C. for payment of bookkeeping and professional services.
- C. General Fund Warrant No. 567 in the sum of Seven Hundred Fifty and 00/100's Dollars (\$750.00), payable to DA Davidson for payment of professional services.
- D. General Fund Warrant No. 568 in the sum of Four Hundred Thirty-Nine and 41/100's Dollars (\$439.41), payable to Fitzgerald, Vetter, Temple, Bartell & Henderson for payment of legal services.
- E. General Fund Warrant No. 569 in the sum of Fifty-Seven and 75/100's Dollars (\$57.75), payable to Platte County Election Commissioner for payment of election services.
- F. General Fund Warrant No. 570 in the sum of Two-Hundred Eighteen and 19/100's Dollars (\$218.19), payable to Doug Brackhan for reimbursement of supplies for the lift station.

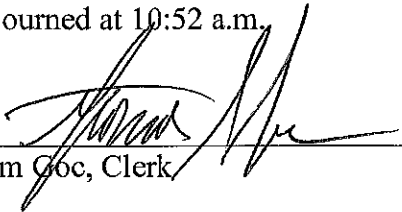
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G. General Fund Warrant No. 571 in the sum of One Hundred Sixty-Nine and 67/100's Dollars (\$169.67), payable to Frontier Communications for lift station phone services.

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

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 Marxsen and seconded by Trustee Goc, and unanimously carried. The meeting was adjourned at 10:52 a.m.


  
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Tom Goc, 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 Thursday, January 21, 2021, at the Columbus Housing Authority-Community Room, 2554 40<sup>th</sup> Avenue, 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 January 15, 2021, 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 31 day of January, 2021.

  
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Tom Goc, Clerk

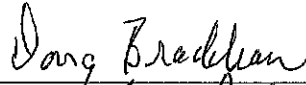
## CERTIFICATE

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:

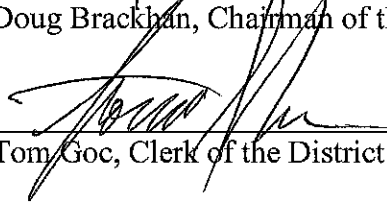
1. Annexed to this certificate is a true and correct transcript of the proceedings of the Board of Trustees of the District relating to a meeting of said District held at 9:00 a.m. on Thursday, January 21, 2021, at the time reflected in the meeting minutes contained in said foregoing transcript (the "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 31 day of January, 2021.



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Doug Brackhan, Chairman of the District



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Tom Goc, Clerk of the District