

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 97 OF SARPY COUNTY, NEBRASKA HELD AT 5:00 P.M. ON SEPTEMBER 16, 2014, AT THE SARPY COUNTY SHERIFF'S OFFICE, PAPIILLION, NEBRASKA

The meeting of the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska was convened in open and public session at 5:00 p.m. on September 16, 2014, at 8335 Platteview Road, Papillion, Nebraska 68046.

Present at the meeting were Trustees Dave Barry, David Wennstedt Aaron Raszler, Ken Brison and Jeff Warinski. Also present was Brian C. Doyle, attorney for the District; Bob Czerwinski of E & A Consulting Group, engineers for the District; Rene and Joy Nelson of Urban Utilities, Inc.; J.P. Platisha with Kuehl Capital Corporation, municipal advisor; and John Pribamsky of Averkamp Goodnight Schwaller & Nelson, accountant for the District. No Trustee was absent.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on September 10, 2014, a copy of the Proof of Publication being attached to these minutes. Notice of the 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 Clerk then presented certified that notice of this meeting had been given to the Sarpy County Clerk at least seven days prior to the time set by the Board of Trustees for this meeting and filed his Certificate to that effect, said Certificate being attached to these minutes and made a part hereof by this reference.

The Chairman then 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 Board then reviewed its financial information and projections with J.P. Platisha of Kuehl Capital Corporation. A cash flow projection and recommendation for both the general and bond fund was presented. The Board then discussed its financial position with John Pribamsky, accountant for the District. He noted the improved cash position and cash reserve in

the general fund. He noted that excess cash in the general fund may be transferred to the bond fund if desired. He stated that between the general fund receipts and sewer and water receipts that the District had a positive cash flow and could consider future reductions to the general fund levy.

The Chairman then presented the proposed budget of the District and advised that the Budget Summary had been published in The Papillion Times on September 10, 2014, a copy of the Proof of Publication being attached to these minutes. The Chairman next called to the Board's attention the proposed Budget and advised that the proposed Property Tax Request is as follows:

Bond Fund	\$238,264.00	0.410000
General Fund	\$145,285.00	0.250003
Total	\$383,549.00	0.660003

The Chairman further advised that the budget, as proposed, provides for a total Property Tax Request of \$0.660003 (\$383,549.00), that being different from the Property Tax Request for the prior year and that in order to set the Property Tax Request at a different amount than the prior year it will be necessary for the Board to conduct a Special Public Hearing.

The Chairman then advised that Notice of a Special Public Hearing had been published for such purpose. The following resolutions were then presented and passed:

BE IT RESOLVED that:

WHEREAS, a Nebraska Revised Statute 77-1601.02 provides that the Property Tax Request for the prior year shall be the Property Tax Request for the current year for the purposes of the levy set by the County Board of Equalization unless the Governing Body of the District passes by majority vote a resolution or ordinance setting the Tax Request at a different amount; and

WHEREAS, a Special Public Hearing was held as required by law to hear and consider comments concerning the Property Tax Request;

WHEREAS the District conducted a special election through the Sarpy County Election Commissioner and such election approved the levy limit override; and

WHEREAS, it is in the best interests of the District that the Property Tax Request for the current year be a different amount than the Property Tax Request for the prior year.

NOW, THEREFORE, the Governing Body of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska by a majority vote resolves that:

1. The 2014/2015 Property Tax Request be set as follows:

Bond Fund	\$238,264.00	0.410000
General Fund	\$145,285.00	0.250003
Total	\$383,549.00	0.660003

2. A copy of this Resolution shall be certified and forwarded to the County Clerk on or before September 20, 2014.

The Clerk was then directed to attach a copy of the proposed budget to these minutes.

Upon motion made by Trustee Barry and seconded by Trustee Brison, the Board Five (5) “aye” and Zero (0) “nay” to approve the foregoing budget and resolution.

The Board next heard the monthly report of Urban Utilities, Inc. (“UU”). It was noted that inappropriate items were being flushed into the sewer system and could present future maintenance issues. The Board discussed providing notice to the residents that the only acceptable item to flush into the sewer system is toilet paper. UU also reported that a cap in the wet well was removed. They reported that water revenues were down due to the large amount of rain in August and corresponding reductions in lawn watering.

The Board then discussed the ongoing process of setting up the automatic conversion to Papillion water.

The Board then discussed the repair to the slide gate. Jochim Precast Concrete sent the gate back to the manufacturer and a rubber gasket was installed.

The Board then heard update regarding the damage to Molokai Drive. The Board’s attorney informed them that the information was submitted to the insurance carrier for the trucking company for review.

The Board then discussed getting electrical service at the volleyball court. Trustee Warinski will work with the HVLA to further evaluate.

The Board then noted that Mr. Stite’s had retained new council for his mailbox lawsuit against the District. The attorney stated that he would maintain contact with the plaintiff and his attorney and continue to work towards a resolution.

The Board then discussed the tree removal. The Board instructed its attorney to contact

the neighbor and express their apology over the handling of the tree removal.

The Board then discussed removal of volunteer trees on the dike. A proposal from J-O Lawn was submitted to apply tree stump killer. Upon motion made by Trustee Barry and seconded by Trustee Raszler, the Board Five (5) “aye” and Zero (0) “nay” to approve the tree treatment.

The Board then discussed with its engineer the restriping of the speed tables in the District. The Board was informed that due to recent litigation their engineers have recommended restriping all speed tables. The Board inquired as to the warranty of the original striping; they were informed it was a one year warranty.

The Board then was presented a memorandum regarding the SEC Municipalities Continuing Disclosure Cooperation initiative. The District’s municipal advisor and attorney advised that all required disclosure was filed and that the District did not need to participate.

The Board then reviewed the IRS Post-issuance tax exempt compliance form created by Kuehl Capital Corporation. After review of all questions, the compliance officer signed the questionnaire form and it was retained in the District’s files.

The Chairman next presented the following statements for payment from the General Fund Account of the District:

a) Fullenkamp Doyle & Jobeun for legal services and Expenses of the District (2014).	\$16,125.87
b) Urban Utilities, Inc. for WWTP September services including well house repairs, etc. (#7254).	\$3,491.81
c) Urban Utilities, Inc. for meter reading/invoicing, U.S. postal service fees, etc. for September (#7255).	\$1,390.16
d) Midwest Laboratories, Inc. for sampling and water testing (No. 734130).	\$ 96.12
e) Awerkamp, Goodnight, Schwaller & Nelson, P.C. for accounting services through August 21, 2014.	\$2,500.00
f) E & A Consulting Group, Inc. for engineering services. (#125542)	\$ 532.65
g) Tri-State Pumping, LLC for sludge removal and hauling (No. 1244).	\$ 440.00
h) J-O’s Lawn Service for mowing of various areas within	\$ 275.00

the District (08/29/14).

- | | |
|--|------------|
| i) AllTrees for removal of cottonwoods along trail, other problem trees and trees near tennis courts (08/22/14 invoice). | \$7,230.00 |
| j) Kelly R. Burns, CPA for bookkeeping fees relating to the warrants (#7789). | \$ 127.50 |
| k) DHHS for water testing services and kits provided to UU (No. 454521). | \$ 105.00 |

After discussion the Resolution contained herein below and by this reference incorporated herein was duly introduced, seconded and upon a roll call vote of “aye” by the Trustees Aaron Raszler, David Barry, David Wennstedt, Jeff Warinski, and Ken Brison, was unanimously adopted; the Trustees then passed the following resolutions:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska that the Chairman and Clerk be and hereby are authorized and directed to execute and deliver Warrants No. 4136 thru 4146 of the District, dated the date of this meeting, to the payees, for the following services and in the following amounts, said warrants to draw interest at the rate of 7% per annum, said warrants to be payable from the General Fund Account of the and to be redeemed no later than three (3) years of the date hereof, being September 16, 2017; to-wit:

- a.) Warrants No. 4136 for \$16,125.87 made payable to Fullenkamp, Doyle, & Jobeun for legal services and expenses of the District (2014).
- b.) Warrant No. 4137 for \$3,491.81 made payable to Urban Utilities, Inc. for WWTP September services including well house repairs, etc.
- c.) Warrant No. 4138 for \$1,390.16 made payable to Urban Utilities, Inc. for meter reading/invoicing, U.S. postal service fees, etc. for September.
- d.) Warrant No. 4139 for \$ 96.12 made payable to Midwest Laboratories, Inc. for water testing.
- e.) Warrant No. 4140 for \$2,500.00 made payable to Averkamp, Goodnight, Schwaller & Nelson for accounting

services and preparation of the budget/financials through August 2014.

f.) Warrant No. 4141 for \$532.65 made payable to E & A Consulting Group for engineering services.

g.) Warrant No. 4142 for \$440.00 made payable to Tri-State Pumping, LLC for sludge removal and hauling.

h.) Warrant No. 4143 for \$275.00 made payable to the J-O's Lawn & Tree Service for mowing.

i.) Warrant No. 4144 for \$7,230.00 made payable to AllTrees for removal of problem trees in various areas.

j.) Warrant No. 4145 for \$127.50 made payable to Kelly R. Burns CPA for bookkeeping and warrant cataloging service.

k.) Warrant No. 4146 for \$105.00 made payable to DHHS of Nebraska Public Health Lab for water testing kids and tests.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska the District hereby authorizes and directs the Chair 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 (the “Code”), pertaining to the General Fund Warrants;

No opinion of nationally recognized counsel in the area of municipal finance has been delivered with respect to the treatment of interest on the General Fund Warrants. Purchasers of the General Fund Warrants are advised to consult their tax advisors as to the tax consequences of purchasing or holding the General Fund Warrants.

There being no further business before the Board, the Chair adjourned the meeting.

{Remainder of page intentionally left blank}

**SIGNATURE PAGE FOR THE MINUTES OF SANITARY
AND IMPROVEMENT DISTRICT NO. 97 OF SARPY
COUNTY, NEBRASKA, MEETING HELD ON
SEPTEMBER 16, 2014 – BUDGET MEETING**

There being no further business to come before the meeting, a motion was duly made, seconded and unanimously adopted to adjourn the meeting.

David Wennstedt, Chairman

David Barry, Clerk