

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 APRIL 19, 2016 AT 8335 PLATTEVIEW ROAD, PAPILLION, NEBRASKA

The meeting of the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska was convened in an open and public session at 5:00 p.m. on April 19, 2016, at the Sarpy County Sheriff's Station, Papillion, Nebraska, 68046.

Present at the meeting were Trustees David Barry, Ken Brison, David Wennstedt, Shellie Zeeb, and Jeff Warinski. In addition to the Trustees, also present at the meeting were Bob Czerwinski of E & A Consulting Group, Inc., engineers on behalf of the District; Joy and Rene Nelson of Urban Utilities; Brian Doyle of Fullenkamp, Doyle & Jobeun, attorney's on behalf of the District; and Adam Flanagan of Kuehl Capital Corporation, municipal financial advisor to the District. No Trustee was absent.

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.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on April 9, 2016, 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 publicized 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 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 the Certificate to that effect, said Certificate being attached to these minutes and made a part hereof by this reference.

The Board then heard the report of Urban Utilities ("UU"). The recommend that the guide rail bases attached to the pump in the lift station be replaced. They are nearing the end of their useful life and UU recommends replacing them now. UU will work with E&A to get price

from a contractor for the work. UU also reported that the required site plan for the wastewater treatment plant has been submitted to the Nebraska Department of Health and Human Service. UU is getting prices for replacing the aspirator pumps with blowers in the treatment plant. All backflow and cross connection notices have been posted on the Hawaiian Village website. The notification will appear on the next two months water/sewer bill. The Board also discussed trees dropping pine needles into an intake at the treatment plant. UU reported that is not causing any harm and that it just needed to be cleaned out more frequently.

The Board then heard the financial report from Kuehl Capital Corporation (“KCC”). KCC reported that preliminary assessed valuation for the District had increased. Payment on the bonds has been made. The Board then reviewed the remainder of the financial statement.

The Board then discussed striping the chevrons on the speed tables located within the district. The Board discussed with their engineer the advantages and disadvantages of tape, reflective paint, and reflective paint with glass beads. All three are consistent with the requirements of the Manual on Uniform Traffic Control Devices. Upon motion made by Trustee Barry and seconded by Trustee Brison, the Board voted five (5) “ayes” and zero (0) “nay” to approve the use of reflective paint with glass beads and directed its engineer to proceed with re-striping the chevron’s within the District.

The Board then discussed the status of the benches for the dike path. E&A reported that the contractor said 3-6 weeks and that approximately 3 weeks had passed. Once the contractor receives them, they will be installed.

The Board discussed weed eradication and sterilization at the boat storage area. The work will be performed towards the end of May when most boats have been removed from storage.

The Board then discussed damage caused by dumped gravel on Molokai Street and that water issues had the potential to cause damage to the street pavement. The Board requested its attorney contact the adjacent property owner regarding the contractor who dumped material. Upon motion made by Trustee Barry and seconded by Trustee Warinski, the Board voted five (5) “ayes” and zero (0) “nay” to approve the District’s engineer to secure a contractor to perform the repair work and to install a French drain.

The Board then discussed channel dredging at the outlot. The Board noted that the sandbar is currently lower than the grate and therefore there is no current need for dredging as the grate is not blocked. The Board and its engineer will continue to monitor.

The Board then discussed the property to the south of the District where one well for the District is located. The Board noted that the District has an easement and agreement with the property owner regarding the well. The property owner is installing a fence to contain her dogs within her property. UU and the Chairman met with the property owner and determined a location for the fence that is located slightly on the easement. It was agreed by all parties that this location would be best for maintenance. The Board then asked its attorney if there was any concern of adverse possession. The Board's attorney stated that you cannot adversely possess against a governmental body. He also noted that this would not meet the requirements of adverse possession as the fence is being allowed permissively and therefore is not hostile. The Board discussed that the location was mutually beneficial to everyone.

The Board then discussed the trees planted on common area on Kauai Street. The Board noted that no permission was granted for planting the trees. The Board noted that residents should approach the SID first before planting or doing anything to SID owned property.

The Board then discussed the previously submitted claim from Bud Wright. The Board noted that the cause of the water backup was a tree root that had grown through the private drain line. The Board stated that the drainage of water from the street did not cause the backup but only helped to identify it. Upon motion made by Trustee Wennstedt and seconded by Trustee Barry, the Board voted five (5) "ayes" and zero (0) "nay" to deny the claim from Bud Wright and to instruct the attorney for the District to provide him notice of the decision.

The Chairman next presented the following invoices and statements to be paid out of the General Fund Account of the District:

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| a.) | Omaha Public Power District for power supply and street lighting (acct. no. 7333000080). | \$5,529.74 |
| b.) | Urban Utilities, Inc. for WWTP April maintenance, Postal Service charges, emergency services, sampling, etc. (#7726). | \$3,723.00 |
| c.) | Urban Utilities, Inc. for meter reading/invoicing, NE Dept. of Revenue form prep., etc. for April (#7727). | \$1,220.39 |

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| d.) | Midwest Laboratories, Inc. for water testing and preparation of samples (#799647). | \$ 102.05 |
| e.) | E & A Consulting Group, Inc. for engineering services relating to general maintenance and the trail improvements of the District (#131676, 131677). | \$ 570.70 |
| f.) | Tri-State Pumping, L.L.C. for sludge removal and hauling from WWTP (No. 2231, 2242, 2254). | \$1,980.00 |
| g.) | Vierregger Electric Co. for repairs to light fixtures in shed and related services (No. 17327). | \$ 209.00 |
| h.) | CDS Enterprise for completion of the Trail Improvements project and pursuant to Pay Est. No. 2 – Final. | \$4,267.11 |

Upon motion made by Trustee Zeeb and seconded by Trustee Warinski, the Board voted five (5) “ayes” and zero (0) “nay” to approve the payments from the General Fund Account of the District. The Clerk was then directed to attach copies of the invoices to these minutes.

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

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. 4289 through 4296 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, and to be payable from the General Fund Account of the District and to be redeemed no later than three (3) years of the date hereof, being April 19, 2019 (the “**General Fund Warrants**”); to-wit:

- a.) Warrant No. 4289 for \$5,529.74 made payable to Omaha Public Power District for power supply and street lighting.
- b.) Warrant No. 4290 for \$3,723.00 made payable to Urban Utilities, Inc. for April maintenance, Postal Service charges, emergency services, sampling, etc.
- c.) Warrant No. 4291 for \$1,220.39 made payable to Urban Utilities, Inc. for meter reading for April and related services.

d.) Warrant No. 4292 for \$102.05 made payable to Midwest Laboratories, Inc. for water testing.

e.) Warrant No. 4293 for \$570.70 made payable to E & A Consulting Group, Inc. for engineering services relating to general maintenance.

f.) Warrant No. 4294 for \$1,980.00 made payable to Tri-State Pumping, LLC for sludge removal and hauling from WWTP.

g.) Warrant No. 4295 for \$209.00 made payable to Vierregger Electric Company for repairs to lighting fixtures in shed.

h.) Warrant No. 4296 for \$4,267.11 made payable to CDS Enterprise for completion of the Trail Improvements project.

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.

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**SIGNATURE PAGE FOR THE MINUTES OF SANITARY
AND IMPROVEMENT DISTRICT NO. 97 OF SARPY
COUNTY, NEBRASKA, MEETING HELD ON APRIL 19,
2016**

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