

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 JULY 15, 2014 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 open and public session at 5:00 p.m. on July 15, 2014, at the Sarpy County Sheriff's Station, Papillion, Nebraska, 68046.

Present at the meeting were Trustees Aaron Raszler, Jeff Warinski, David Barry, Ken Brison and David Wennstedt. Also present were Rene and Joy Nelson of Urban Utilities, Inc., WWTP contractor on behalf of the District, Bob Czerwinski with E&A Consulting Group, Inc., engineers for the District, and the District's attorney, Brian Doyle. 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 Omaha World-Herald on July 9, 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. 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 monthly report of Urban Utilities ("UU"). All operations on the water system and the wastewater treatment plant were normal. UU noted that the sewer treatment plant was running well and that the conversion done last year was working well.

The Board then discussed the automatic switch to Papillion water at low pressure. The

engineer for the City of Papillion is reviewing.

The Board next discussed the tree removal and tree trimming bids. Bids were received from AllTrees and All About Trees. All Trees had the low bid of \$5,725.00. The location of the disposal of the logs greater than 18" inches was discussed. E&A will talk with the adjacent property owner as trees appear to be directly on the property line.

Upon motion made by Trustee Raszler and seconded by Trustee Brison, the Board voted five (5) "ayes" and zero (0) "nays" to accept the bid of All Trees.

The Board next discussed the asphalt walking trail. E&A engineers estimate for remove and replace with 6 foot wide/6 inch depth is \$83,000.00. The Board discussed that the existing trail was in deteriorating condition and that repairs are needed. The Board discussed making asphalt repairs to the trail after the tree removal is completed. The Board also discussed the need to review its finances in the upcoming fiscal year before moving forward on a project of this size.

The Board discussed the slide gate at the dike. The installer of the gate is talking with the manufacturer about why it is not operating water tight.

The Board then discussed the Bohac Driveway. It was noted that they water frequently and that some minor pooling is not uncommon. Roloff will mill the concrete to try and resolve the issue, but the driveway is so flat that milling may or may not resolve the problem. The depression is less than 1/8" deep, which is well within the tolerance for concrete placement

The Board discussed the boulders at the boat storage drive. E&A informed the board that the standard requirement for objects in the right-of-way is to be a minimum two feet back from the curb. All Trees will move the boulders when they are out trimming the trees.

The Board discussed the Stites' lawsuit. The Board attorney informed them that an offer to settle the matter was made and that no response has been received from Stites' attorney.

The Board then discussed the trees and seawall at the Bruckner property adjacent to the lake. Contact was made by a Trustee informing them of the hazard.

The Board then discussed the bill from E&A. It was explained that the tasks performed were for general maintenance for April 2013 through March 2014. It was noted that recent general fund bills were typically less than \$100.00.

The Board then discussed the preliminary financial information from Kuehl Capital Corporation, the financial advisor to the District. Based upon preliminary tax valuations from Sarpy County the bond fund levy will be able to be decreased \$0.02 per \$100 of valuation and

the general fund levy may also be able to be reduced. The Board will evaluate with its financial advisor once final tax valuations are received and determine what is in the best interests of the District.

Upon motion made by Trustee Brison and seconded by Trustee Raszler, the Board voted five (5) “ayes” and zero (0) “nay” to transfer \$40,000.00 from the service fee fund to the general fund.

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

a.)	Omaha Public Power District for power supply and street lighting (Acct. no. 7333000080).	\$13,846.75
b.)	Urban Utilities, Inc. for WWTP July maintenance, Postal Service charges, copies, misc. repairs, pipe fittings, etc. (#7214).	\$3,360.59
c.)	Urban Utilities, Inc. for meter reading/invoicing, NE Dept. of Revenue form prep., etc. for July (#7215).	\$1,344.73
d.)	Midwest Laboratories, Inc. for water testing and preparation of (#727383).	\$ 96.12
e.)	E & A Consulting Group, Inc. for engineering services relating to general maintenance of the District (#124935).	\$18,228.27
f.)	Geis, Inc. for removal of fallen tree and related debris hauling (#13562).	\$ 625.00
g.)	J-O’s Lawn Service for mowing of various areas within the District (6/21, 6/24 & 7/8 invoices).	\$1,100.00
h.)	Kuehl Capital Corporation for financial advisor/fiscal agent services through 2015 (#1306).	\$9,000.00

Upon motion made by Trustee Wennstedt and seconded by Trustee Barry, 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 herein was duly introduced, seconded and upon a roll call vote of “aye” by the

Trustees Ken Brison, Dave Barry, Jeff Warinski, David Wennstedt and Aaron Raszler, was adopted; the following resolutions were then passed:

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. 4118 through 4125 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 District, to be redeemed no later than three (3) years of the date hereof, being July 15, 2017, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska after notice is given as required by law, to-wit:

- a.) Warrant No. 4118 for \$13,846.75 made payable to Omaha Public Power District for power supply and street lighting.
- b.) Warrant No. 4119 for \$3,360.59 made payable to Urban Utilities for July maintenance, etc.
- c.) Warrant No. 4120 for \$1,344.73 made payable to Urban Utilities for July meter reading services, etc.
- d.) Warrant No. 4121 for \$96.12 made payable to Midwest Laboratories, Inc. for water testing.
- e.) Warrant No. 4122 for \$18,228.27 made payable to E & A Consulting Group, Inc. for engineering services relating to general maintenance and completion of the roads improvement project.
- f.) Warrant No. 4123 for \$625.00 made payable to Geis, Inc. for removal and hauling of dead trees and related debris.
- g.) Warrant No. 4124 for \$1,100.00 made payable to J-O's Lawn & Tree Service for mowing.
- h.) Warrant No. 4125 for \$9,000.00 made payable to Kuehl Capital Corporation for fiscal agent/financial advisory services for 2014-2015.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy 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 1786, 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. 97 of Sarpy 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 1786 as amended and covenants and warrants that the District does not reasonable 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.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy 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 of Sarpy 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 less 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 exceptions 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 Sections 1.148-2 (b) (2) of the Income Tax Regulations under the Internal Revenue Code of 1786, as amended, and under the Internal Revenue Code of 1786.

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**SIGNATURE PAGE FOR THE MINUTES OF SANITARY
AND IMPROVEMENT DISTRICT NO. 97 OF SARPY
COUNTY, NEBRASKA, MEETING HELD ON JULY 15,
2014**

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