

SANITARY AND IMPROVEMENT DISTRICT NO. 52
OF SARPY COUNTY, NEBRASKA

Minutes of Meeting of Board of Trustees
February 5, 2014

A meeting of the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska, was convened in open and public session beginning at 4:00 p.m. on the 5th day of February, 2014 at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska. Present were: Robert E. Synowicki, Jr., Gregory L. Werner, Daniel R. Young and James A. Mullen. Absent was Gale L. Wickersham and Richard S. Reiser.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on January 29, 2014, a copy of the Affidavit of Publication being attached to these Minutes. Notice of the meeting was simultaneously given to all members of the Board of Trustees, and their Acknowledgements of Receipt of Notice are attached to these Minutes. Notice has also been given to the County Clerk. Availability of the agenda was communicated in the published Notice and in the Notice to the Trustees of the meeting. A copy of the agenda is attached to these Minutes. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public.

The following proceedings were had:

The meeting was called to order by Thomas J. Guilfoyle, Attorney for the District.

Mr. Guilfoyle 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.

Mr. Guilfoyle advised that the first matter for discussion would be the resignation of Mr. Richard Reiser. Mr. Reiser provided notice to Mr. Guilfoyle that he would be resigning

from his position as Chairman of the Board of Trustees and as a member of the Board. After a thorough and complete discussion, and by motion duly made and seconded, and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
Richard S. Reiser	Absent
Gregory L. Werner	Yes
Robert E. Synowicki, Jr.	Yes
Gale L. Wickersham	Absent
Daniel R. Young	Yes

the following resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska do and the same hereby does, accept the resignation of Mr. Richard S. Reiser from the Board of Trustees and as Chairman of the Board of Trustees, effective immediately.

Mr. Guilfoyle advised that the next matter for discussion would be the appointment of a new successor member to the Board. Robert Synowicki nominated James A. Mullen be appointed to the Board. He stated since Mr. Mullen was corporate counsel for Werner Enterprises, he would be a good candidate to succeed Mr. Reiser, who also was an attorney with Werner Enterprises. After a thorough and complete discussion, James A. Mullen was nominated, and by motion duly made and seconded, and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
Gregory L. Werner	Yes
Robert E. Synowicki, Jr.	Yes
Gale L. Wickersham	Absent
Daniel R. Young	Yes

the following resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska do and the same hereby does, appoint James A. Mullen to serve as the successor member of the Board of Trustees to succeed and replace Mr. Richard Reiser.

The next order of business was the appointment of a Successor Chairman for the District to serve for the remaining two-year term. After a thorough and complete discussion, James A. Mullen was nominated, and by motion duly made and seconded, and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
James A. Mullen	Abstain
Gregory L. Werner	Yes
Robert E. Synowicki, Jr.	Yes
Gale L. Wickersham	Absent
Daniel R. Young	Yes

the following resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska do and the same hereby does, appoint James A. Mullen to serve as Chairman of the District for the remainder of the two-year term.

The next order of business was the necessity of ordering a Trustee Bond for the new Chairman. In accordance with Nebraska law, it is necessary for the District to purchase a bond in the amount of \$5,000.00 for the Chairman of the District. Thomas J. Guilfoyle, attorney for the District, was directed to obtain the appropriate bond and to file the same with the County Clerk's office.

The newly appointed Chairman then announced that the next matter for consideration was the approval of the Minutes from the meeting held on October 23, 2013. After a review and discussion of the Minutes, the minutes were unanimously approved.

The Chairman announced that the next matter for consideration was the matter entitled Sanitary Sewer Maintenance. Thomas J. Guilfoyle addressed the Board regarding the sewer maintenance. He advised the Board that the company that had been writing the District's liability insurance would no longer write the same. Mr. Guilfoyle had received an application for insurance by a new company and the new application requested the District's sewer maintenance program. The Chairman produced a letter from Lamp Rynearson, engineers for the District, recommending a schedule for routine maintenance of the utilities throughout the District. The Chairman circulated the letter among the Trustees and after careful review and discussion, the following Motion was duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
James A. Mullen	Yes
Gregory L. Werner	Yes
Robert E. Synowicki, Jr.	Yes
Gale L. Wickersham	Absent
Daniel R. Young	Yes

the following Resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska, do and the same hereby does approve and adopt as its maintenance schedule, those dates and times as set forth in the attached letter from Lamp Rynearson & Associates to the District.

The Chairman announced that the next matter for consideration was the ratification of warrants drawn on the General Fund Account of the District and payable to Omaha Public Power District. The Chairman announced that at a prior meeting the Chairman and Clerk were authorized to issue warrants payable to Omaha Public Power District for street lights as they became due to avoid problems caused by payment delays occasioned by delays in meetings. Such warrants are to be ratified at the meeting following their issuance. Warrants were issued as follows:

<u>Warrant No.</u>	<u>Payee</u>	<u>Amount</u>
2728	OPPD (issued 11-4-13)	306.48
2729	OPPD (issued 12-2-13)	306.35
2730	OPPD (issued 1-3-14)	307.05

The Chairman announced that the next matter for discussion was the consideration of bills to be paid from the General Fund of the District. The Clerk presented an invoice from Erickson | Sederstrom, PC in the total amount of \$1,808.96 for legal fees and costs; statements from Lamp Rynearson & Associates, Inc. in the amount of \$2,344.61 for engineering services; an invoice from the World Herald Media Group in the amount of \$10.66 for publication expense; a statement from Jerry Jensen Construction, Inc. in the amount of \$15,910.50 for Paving Maintenance 2013; a statement from Omaha Public Power District in the amount of \$306.64 for street lights; and a statement from Infinity CPA Group LLC in the amount of \$105.00 for accounting services; upon motion duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
James A. Mullen	Yes
Gregory L. Werner	Yes
Robert E. Synowicki, Jr.	Yes
Gale L. Wickersham	Absent
Daniel R. Young	Yes

the following resolution was adopted:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrant Nos. 2728 through 2736, of the District, dated the date of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of 7% per annum (interest to be paid when due) and to be redeemed no later than February 5, 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. General Fund Warrant No. 2728 in the amount of \$306.48, payable to Omaha Public Power District;

- B. General Fund Warrant No. 2729 in the amount of \$306.35, payable to Omaha Public Power District;
- C. General Fund Warrant No. 2730 in the amount of \$307.05, payable to Omaha Public Power District;
- D. General Fund Warrant No. 2731 in the amount of \$1,808.96, payable to Erickson & Sederstrom PC;
- E. General Fund Warrant No. 2732 in the amount of \$2,344.61, payable to Lamp Rynearson & Associates, Inc.;
- F. General Fund Warrant No. 2733 in the amount of \$10.25, payable to World Herald Media Group;
- G. General Fund Warrant No. 2734 in the amount of \$15,910.50 payable to Jerry Jensen Construction, Inc.;
- H. General Fund Warrant No. 2735 in the amount of \$306.64 payable to Omaha Public Power District; and
- I. General Fund Warrant No. 2736 in the amount of \$105.00 payable to Infinity CPA Group LLC.

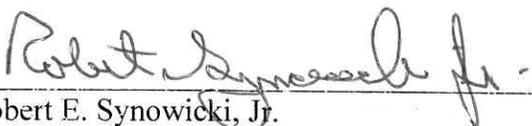
BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska that both they and the District hereby find and determine and covenant, and warrant and agree that (a) the facilities for which the above Warrants are issued are designed to serve members of the general public on an equal basis; (b) there are no persons with right to use said facilities other than as members of the general public; (c) ownership and operation of said facilities is with the District or another political subdivision; (d) none of the proceeds of the Warrants will be loaned to any person and to the extent that special assessments have been or are to be levied for any said facilities, 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 such facilities in the District; and (e) the District hereby authorizes and directs the Chairman or Clerk to file, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue Code of 1986 pertaining to the above Warrants.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under the 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 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.

There being no further business to come before the meeting, upon motion duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
James A. Mullen	Yes
Gregory L. Werner	Yes
Robert E. Synowicki, Jr.	Yes
Gale L. Wickersham	Absent
Daniel R. Young	Yes

the meeting was adjourned.


Robert E. Synowicki, Jr.



LAMP RYNEARSON
& ASSOCIATES
ENGINEERS | SURVEYORS | PLANNERS

14710 W. Dodge Rd., Ste. 100
Omaha, Nebraska 68154
[P] 402.496.2498
[F] 402.496.2730
www.LRA-Inc.com

January 27, 2014

Chairman and Board of Trustees
Sanitary and Improvement District No. 52
of Sarpy County, Nebraska
c/o Mr. Thomas J. Guilfoyle, Attorney
Erickson & Sederstrom
10330 Regency Parkway Drive, Suite 100
Omaha, NE 68114

REFERENCE: S.I.D. No. 52 (Prairie Corners)
General Maintenance
LRA Job No. 0171003.90-375

Dear Members of the Board:

This letter is written to advise the Board regarding the general maintenance program that Lamp, Rynearson & Associates (LRA) has in place for the referenced District. The District was formed in the early 1970's and there are various types of maintenance required.

Sanitary Sewer:

There is currently a section of the District that is jetted every 6 months at an approximate annual cost of \$1,300. That sewer section is west and south of the intersection of 144th Street and Conestoga Road. We recommend continuing that jetting on a bi-annual basis.

We recommend the Board initiate a routine sanitary sewer jetting schedule that divides the full District into 4 areas. This would ensure that each segment of the District is cleaned every 4 years. The approximate annual cost for this annual jetting would be \$1,500.

Storm Sewer:

The District's storm sewers are generally a low maintenance type of infrastructure. Maintenance, and repairs should be performed as problems arise on an as needed basis.

Paving:

The pavement is reviewed annually for repair needs. LRA meets with Chad Harrington to review the District and put together a recommendation for repairs including pavement removal and replacement, crack sealing and pothole repairs. The approximate annual construction cost for this work is \$20,000.

On an annual basis (in the spring), LRA solicits for bids to sweep the District's streets. The streets are typically swept in April. The approximate annual cost to sweep the streets is \$500.

Leaving a Legacy of Enduring Improvements to Our Communities - PURPOSE STATEMENT

ENGINEERS SURVEYORS PLANNERS

S.I.D. No. 52 (Prairie Corners)
General Maintenance
LRA Job No. 0171003.90-375
January 27, 2014
Page 2

Street Name and Regulatory Signs:

LRA performs an annual review and provides recommendation for repairs to the District. Annual costs for sign repairs is approximately \$500.

If you have any questions, please contact us.

Sincerely,

LAMP, RYNEARSON & ASSOCIATES, INC.



D. Joe Oetken, P.E.
Senior Construction Engineer

c: James Mullen
Robert Synowicki

AGENDA

Sanitary and Improvement District No. 52 of
Sarpy County, Nebraska
February 5, 2014

1. Meeting called to Order – Announcement to be made by Chairman as follows:
“A current copy of the Nebraska Open Meetings Act is available for review by anyone in attendance. [indicate where the copy is located].”
2. Review of the Minutes of October 23, 2013
3. Items to Discuss
 - a. Sanitary Sewer Maintenance
 - b. Liability Insurance – application asks for maintenance schedule.
 - c. Resignation of Mr. Richard Reiser from the Board of Trustees effective 2-28-14
 - d. Appointment of new member to the Board
 - e. Appointment of new Chairman to the Board

4. Ratification of General Fund Warrants:

<u>Warrant No.</u>	<u>Payee</u>	<u>Amount</u>
2728	OPPD (issued 11-4-13)	306.48
2729	OPPD (issued 12-2-13)	306.35
2730	OPPD (issued 1-3-14)	307.05

5. Payment of General Fund Bills:

<u>Warrant No.</u>	<u>Payee</u>	<u>Amount</u>
2731	Erickson Sederstrom PC	1,808.96
2732	Lamp Rynearson & Associates, Inc.	2,344.61
2733	World Herald Media Group (Papillion Times)	10.25
2734	Jerry Jensen Construction, Inc.	15,910.50

2735	Omaha Public Power District	306.64
2736	Infinity CPA Group LLC	105.00

6. New business, if any.

7. Adjournment.

CERTIFICATE

The undersigned hereby certify that they are the Chairperson and Clerk of Sanitary and Improvement District Number 52 of Sarpy 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 on the date and 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 of said body 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, posted 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, which actions are shown in said proceedings, was made available for examination and copying by members of the public at the Meeting.

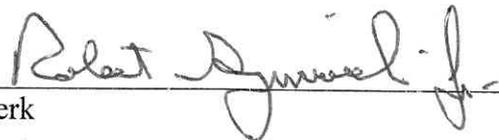
5. The minutes of the Meeting were in written form and available for public inspection after the Meeting at the office of the District; a copy of the Minutes of the Meeting was sent to the Clerk of the municipality or county within whose zoning jurisdiction the District is located.

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 24 day of February, 2014.



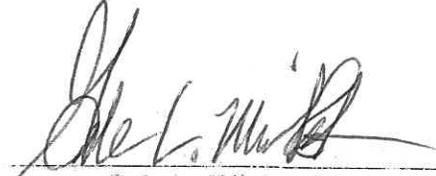
Chairperson



Clerk

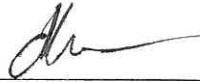
ACKNOWLEDGEMENT OF RECEIPT OF NOTICE MEETING

The undersigned Trustee hereby acknowledges receipt of Notice of the meeting of the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska, to be held on February 5, 2014, at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska at 4:00 P.M.


Gate L. Wickersham

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING

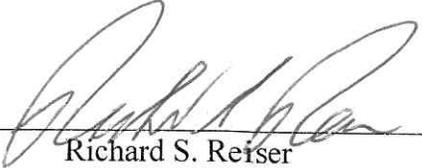
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Gregory L. Werner

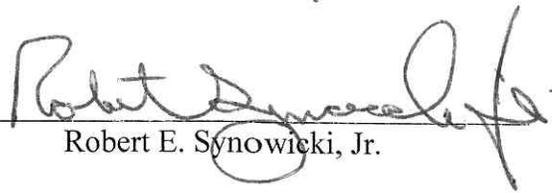
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Richard S. Reiser

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Robert E. Synowicki, Jr.

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Daniel R. Young

Deb Arkfeld

From: Sandra Mills [smills@sarpy.com]
ent: Thursday, January 23, 2014 11:57 AM
To: Tom Guilfoyle
Subject: RE: SID 52 - Meeting set for February 5, 2014

Thank you for the e-mail.

Sincerely,

Sandy Mills

Administrative Assistant
Sarpy County Clerk's Office
1210 Golden Gate Drive
Papillion, NE 68046
(402) 593-5957
(402) 593-4471 Fax

From: Tom Guilfoyle [mailto:tguil@eslaw.com]
Sent: Thursday, January 23, 2014 11:29 AM
To: SID
Subject: SID 52 - Meeting set for February 5, 2014

Dear Sir or Madam:

Please see attached Notice of Meeting to be held on February 5, 2014 in the above-captioned SID. Please acknowledge receipt of the Notice by replying to this e-mail.

Thank you for your assistance.

Tom

Thomas J. Guilfoyle
Erickson | Sederstrom, P.C.
10330 Regency Parkway Drive, Suite 100
Omaha, NE 68114
(402) 397-2200
Direct Line: (402) 390-7124
Fax: (402) 390-7137
guilfoyle@eslaw.com

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: To the extent this communication (including any attachments) addresses any federal tax matter, it was not written to be (and may not be) relied upon to (i) avoid penalties under the Internal Revenue Code or (ii) promote, market or recommend to another party any transaction or tax-related matter so addressed.

This message is intended only for the named recipient. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

ERICKSON | SEDERSTROM, P.C.
Attorneys
10330 Regency Parkway Drive
Omaha, Nebraska

NOTICE

NOTICE is hereby given that a meeting of the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska will be held at 4:00 P.M. on the 5th day of February, 2014, at the offices of Werner Enterprises, 14507 Frontier Road (I-80 and Highway 50), Omaha, Nebraska, which meeting shall be open to the public.

An agenda for such meeting is kept continuously current and is available for public inspection at the office of counsel for the District at 10330 Regency Parkway Drive, Omaha, Nebraska, and includes the consideration of the payment of bills and general business of the District.

ROBERT E. SYNOWICKI, JR., Clerk