

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

Minutes of Meeting of Board of Trustees
May 25, 2016

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 25th day of May, 2016 at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska. Present were: Trustees, Daniel R. Young, Steven C. Wickersham and H. Marty Nordlund. James L. Johnson and James A Mullen were absent.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on May 11, 2016, 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 Acting Chairman, Steven C. Wickersham.

The Acting Chairman 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 Acting Chairman announced that the first matter for consideration was the approval of the Minutes from the meeting held on December 3, 2015. After a review and discussion of the Minutes, the minutes were unanimously approved.

The Acting Chairman announced that the next matter for consideration was the completion of the project known as Paving Maintenance 2015 Project, which was authorized by the Board at its meeting on September 10, 2015. Shawmark, Inc. was awarded the contract as the low bidder of the project in the amount of \$54,071.25 at the board meeting on October 5, 2015. The Acting Chairman announced that the Clerk had presented a Final Estimate from Lamp Rynearson & Associates, engineers for the District, certifying that the all of the work for the Paving Maintenance 2015 Project had been completed in accordance with the contract documents. The engineers further certified that the balance due on the contract was \$6,762.70 and that \$41,692.05 had been previously paid. They further recommended payment to the Contractor in the amount of \$6,762.70. The Chairman announced that it would be appropriate for the Board to consider accepting the work performed by the contractor and authorizing a final payment in the amount of \$6,762.00. After thorough discussion, and upon motion duly made, seconded and by roll call vote as follows, the following resolution was unanimously adopted.

<u>Trustee</u>	<u>Vote</u>
James A. Mullen	Absent
James L. Johnson	Absent
Steven C. Wickersham	Yes
Daniel R. Young	Yes
H. Marty Nordlund	Yes

the following resolution was adopted:

RESOLVED, that under the provisions of *Neb. Rev. Stat.* § 31-749 and all other applicable provisions of law, the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska, do and the same hereby does approve the Final Estimate issued by its engineers on March 14, 2016 and does hereby accept the project as complete as certified by its engineers.

The Acting Chairman announced that the next matter for consideration was the ratification of the acceptance of the street sweeping bids received from the engineers for the District. The Acting Chairman informed the Board that four bids had been received for street sweeping and that the lowest qualified bid was that of Clean Sweep Commercial in the amount

of \$450.00. He further informed the Board that the engineers for the District had been notified to proceed with the street sweeping in a timely manner following the winter season. After thorough discussion and unanimous consent, the Board ratified and confirmed the proceeding with the acceptance of the street sweeping bid of Clean Sweep Commercial.

The Acting 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 Acting 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>
2800	OPPD (issued 1-4-16)	308.29
2801	OPPD (issued 2-1-16)	306.93
2802	OPPD (issued 3-2-16)	306.74
2803	OPPD (issued 4-6-16)	306.72
2804	OPPD (issued 5-9-16)	306.37

The Acting 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 statements from Lamp Rynearson & Associates, Inc. in the total amount of \$2,033.84 for engineering services; an invoice from BH Media Group, Inc. (The Papillion Times) in the amount of \$11.89 for publication expense; an engineer recommendation for payment to Shawmark, Inc. for Paving Maintenance 2015 in the amount of \$6,762.70; invoice from Skyline Sign Company in the amount of \$159.64 for street sign repair; an invoice from Erickson | Sederstrom PC in the amount of \$3,005.12 for legal fees and costs; an invoice from Infinity CPA Group, Inc. in the amount of \$140.00 for accounting services; an invoice from Cornerstone

Insurance Group in the amount of \$574.00 for liability insurance; and statements from Utilities Service Group in the amount of \$1,945.14 for sewer line cleaning; upon motion duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
James A. Mullen	Absent
James L. Johnson	Absent
Steven C. Wickersham	Yes
Daniel R. Young	Yes
H. Marty Nordlund	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. 2800 through 2812 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 May 25, 2019, 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. 2800 in the amount of \$308.29, payable to Omaha Public Power District;
- B. General Fund Warrant No. 2801 in the amount of \$306.93, payable to Omaha Public Power District;
- C. General Fund Warrant No. 2802 in the amount of \$306.74, payable to Omaha Public Power District;
- D. General Fund Warrant No. 2803 in the amount of \$306.72, payable to Omaha Public Power District;
- E. General Fund Warrant No. 2804 in the amount of \$306.37 payable to Omaha Public Power District;
- F. General Fund Warrant No. 2805 in the amount of \$2,033.84, payable to Lamp Rynearson & Associates, Inc.;

- G. General Fund Warrant No. 2806 in the amount of \$11.89, payable to BH Media Group, Inc.;
- H. General Fund Warrant No. 2807 in the amount of \$6,762.70, payable to Shawmark, Inc.;
- I. General Fund Warrant No. 2808 in the amount of \$159.64, payable to Skyline Sign Company;
- J. General Fund Warrant No. 2809 in the amount of \$3,005.12 payable to Erickson | Sederstrom PC;
- K. General Fund Warrant No. 2810 in the amount of \$140.00 payable to Infinity CPA Group, Inc.;
- L. General Fund Warrant No. 2811 in the amount of \$574.00 payable to Cornerstone Insurance Group; and
- M. General Fund Warrant No. 2812 in the amount of \$1,945.14 payable to Utilities Service Group;

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

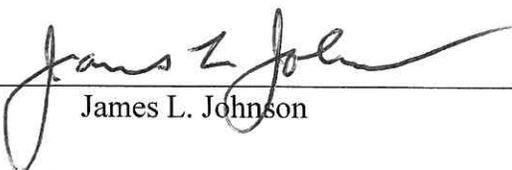
lawfully do so, the District hereby designates the above Warrants as its "qualified tax exempt obligations" under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986 as amended and covenants and warrants that the District does not reasonably expect to issue warrants or bonds or other obligations aggregating in the principal amount of more than \$10,000,000 during the calendar year in which the above Warrants are to be issued.

The Acting Chairman announced that the next matter for discussion was any new business of the District. Attorney Matthew V. Rusch addressed the Board. Mr. Rusch explained to the Board that he had been assisting Thomas J. Guilfoyle, attorney for the District, while Mr. Guilfoyle was out of the office due to health concerns. Mr. Rusch advised the Board that the District has received three checks from Metropolitan Utilities District which represented a refund of the amount the District had expended for the pioneer main connection. Mr. Rusch informed the Board that the checks had been deposited into the General Fund Account of the District since the District no longer has a bonded indebtedness. The information was provided to the board members for informational purposes only.

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	Absent
James L. Johnson	Absent
Steven C. Wickersham	Yes
Daniel R. Young	Yes
H. Marty Nordlund	Yes

the meeting was adjourned.


James L. Johnson

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 6
day of June, 2016.



Chairperson



Clerk

AGENDA

Sanitary and Improvement District No. 52 of
Sarpy County, Nebraska
May 25, 2016

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 December 3, 2015

3. Items to Discuss

- a. Final Acceptance of Paving Maintenance and Repair Project 2015
- b. Ratification of street sweeping bid

4. Ratification of General Fund Warrants:

Warrant <u>No.</u>	<u>Payee</u>	<u>Amount</u>
2800	OPPD (issued 1-4-16)	308.29
2801	OPPD (issued 2-1-16)	306.93
2802	OPPD (issued 3-2-16)	306.74
2803	OPPD (issued 4-6-16)	306.72
2804	OPPD (issued 5-9-16)	306.37

5. Payment of General Fund Bills:

Warrant <u>No.</u>	<u>Payee</u>	<u>Amount</u>
2805	Lamp Rynearson & Associates, Inc.	2,033.84
2806	BH Media Group, Inc. (Papillion Times)	11.89
2807	Shawmark, Inc.	6,762.70
2808	Skyline Sign Company	159.64
2809	Erickson Sederstrom PC	3,005.12
2810	Infinity CPA Group, Inc.	140.00
2811	Cornerstone Insurance Group	574.00
2812	Utilities Service Group	1,945.14

6. New business, if any.

7. Adjournment.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE MEETING

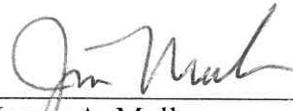
The undersigned Trustee hereby acknowledges receipt of Notice of the meeting of the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska, to be held on May 25, 2016, at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska at 4:00 P.M.



Steven C. Wickersham

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING

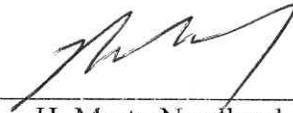
The undersigned Trustee hereby acknowledges receipt of Notice of the meeting of the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska, to be held on May 25, 2016, at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska at 4:00 P.M.



James A. Mullen

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF 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 May 25, 2016, at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska at 4:00 P.M.



H. Marty Nordlund

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF 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 May 25, 2016, at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska at 4:00 P.M.


Daniel R. Young

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF 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 May 25, 2016, at the offices of Werner Enterprises, I-80 and Highway 50, Omaha, Nebraska at 4:00 P.M.


James L. Johnson

Deb Arkfeld

From: Matt Rusch
Sent: Monday, May 09, 2016 3:41 PM
To: 'sids@sarpy.com'
Cc: 'cityclerk@papillion.org'; Matt Rusch; Deb Arkfeld
Subject: SID No. 52 of Sarpy County, Nebraska - Notice of May 25, 2016 meeting
Attachments: SID 52 - May 25, 2016 notice of meeting.pdf

Sir or Madam:

I am assisting Mr. Tom Guilfoyle, attorney for the District, while he is away from the office with health concerns.

Please see attached Notice of Meeting to be held May 25, 2016 in the above-captioned SID. Please acknowledge receipt of the Notice by replying to this e-mail.

Thank you for your assistance.

Matt Rusch
Erickson | Sederstrom
Regency Westpointe
10330 Regency Parkway Drive
Omaha, NE 68114

402 | 397-2200 | office |
402 | 390-7129 | direct |
402 | 980-9131 | mobile |
402 | 390-7137 | facsimile |

mrusch@eslaw.com | E-mail |

| CONFIDENTIALITY NOTICE |

This e-mail message and any attachments are for the sole and exclusive use of the intended recipient(s) and may contain confidential, privileged and/or proprietary information. Any unauthorized review, use, disclosure and/or distribution is strictly prohibited. If you are not the intended recipient(s), please immediately contact the sender by reply e-mail and destroy any and all copies of the original e-mail message and any attachments.



Please consider the environment before printing this e-mail.

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 25th day of May, 2016, 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 payment of the contractor for the Paving Maintenance 2015 Project, the consideration of the payment of bills and general business of the District.

JAMES L. JOHNSON, Clerk