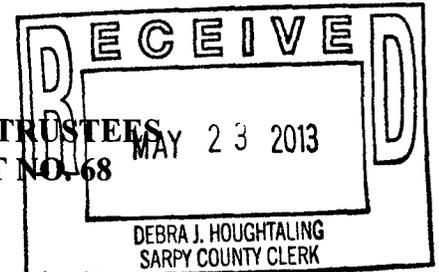


**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
OF SANITARY AND IMPROVEMENT DISTRICT NO. 68  
OF SARPY COUNTY, NEBRASKA**



A meeting of the Board of Trustees of Sanitary and Improvement District No. 68 of Sarpy County, Nebraska, was convened at 7:15 p.m. on **May 2, 2013**, at 8901 South 154<sup>th</sup> Street, Omaha, Nebraska. Present were Trustees Dale Arndt, Gene Mackey, Rodney Martin, Darran Holst and Richard Verby. Absent: None. Also present approximately eight residents and Steven J. Olson, Attorney for the District.

Notice of the meeting was given in advance thereof by publication in The Papillion Times, Papillion, Nebraska, on April 17, 24 and May 1, 2013, a copy of the Proof of Publication being attached to these Minutes. Notice of this meeting was sent to the Sarpy County Clerk, Sarpy County Courthouse, Highway 370 and 84th Street, Papillion, Nebraska, and to the LaVista City Clerk, LaVista City Hall, 8116 Park View Blvd., LaVista, Nebraska not less than seven (7) days prior to the date of this meeting. Notice of this 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 Chairman advised that agenda item no. 3, "Park-Mowing Proposals," would be considered by the Board after agenda item nos. 4-7 were completed.

The Chairman stated that the public hearing on the proposed Resolution of Necessity for the 2013 Paving Repair would be held. The Chairman presented the proof of publication that notice of the hearing on the proposed Resolution of Necessity had been published in the *Papillion Times* on April 17, 24 and May 1, 2013. The Clerk certified that the notice of the hearing on the proposed Resolution of Necessity had been posted in three conspicuous places within the boundaries of the District prior to this meeting. The Chairman also stated that no petition opposing the Resolution of Necessity had been filed by any of the property owners within the District nor by any other persons. No persons appearing at the meeting made any objections to the proposed Resolution of Necessity. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 68 of Sarpy County Nebraska, that said District finds and determines that it is advisable and necessary for the District to remove existing pavement and replace with 9" Uniform Thickness PCC Paving in the following locations within SID No. 68 (Echo Hills subdivision):

In 146<sup>th</sup> Street

At a point 70 feet south of the intersection of the centerlines of 146<sup>th</sup> Street and Echo Hills Drive, remove and replace 95 square yards of payment.

### In 147<sup>th</sup> Street

At a point 50 feet south of the intersection of the centerlines of 147<sup>th</sup> Street and Echo Hills Drive, remove and replace 79 square yards of pavement.

Also, at a point 160 feet south of the intersection of the centerlines of 147<sup>th</sup> Street and Echo Hills Drive, remove and replace 55 square yards of pavement.

### In 150<sup>th</sup> Street

At a point 120 feet south of the intersection of the centerlines of 150<sup>th</sup> Street and Olive Street, remove and replace 19 square yards of pavement.

Also, at the intersection of the centerlines of 150<sup>th</sup> Street and Margo Street, remove and replace 75 square yards of pavement.

Also, at a point 170 feet south of the intersection of the centerlines of 150<sup>th</sup> Street and Margo Street, remove and replace 66 square yards of pavement.

### In Josephine Street

From a point 350 feet west, to a point 90 feet west of the intersection of the centerlines of Josephine Street and 147<sup>th</sup> Street, remove and replace 717 square yards of pavement.

Also, at a point 40 feet west of the intersection of the centerlines of Josephine Street and 147<sup>th</sup> Street, remove and replace 9 square yards of pavement.

Also, at point 50 feet east of the intersection of the centerlines of Josephine Street and 147<sup>th</sup> Street, remove and replace 80 square yards of pavement.

Also, at a point 130 feet east of the intersection of the centerlines of Josephine Street and 147<sup>th</sup> Street, remove and replace 71 square yards of pavement.

Also, at a point 410 feet east of the intersection of the centerlines of Josephine Street and 147<sup>th</sup> Street, remove and replace 70 square yards of pavement.

Also, at a point 40 feet west of the intersection of the centerlines of Josephine Street and 146<sup>th</sup> Street, remove and replace 15 square yards of pavement.

### In Olive Street

At a point 220 feet east of the intersection of the centerlines of Olive Street and 150<sup>th</sup> Street, remove and replace 14 square yards of pavement.

Also, at a point 480 feet east of the intersection of the centerlines of Olive Street and 150<sup>th</sup> Street, remove and replace 34 square yards of pavement.

Also, at a point 620 feet east of the intersection of the centerlines of Olive Street and 150<sup>th</sup> Street, remove and replace 156 square yards of pavement.

In Echo Hills Drive

At a point 300 feet west of the intersection of the centerlines of Echo Hills Drive and 147<sup>th</sup> Street, remove and replace 379 square yards of pavement.

Also, at a point 60 feet west of the intersection of the centerlines of Echo Hills Drive and 147<sup>th</sup> Street, remove and replace 86 square yards of pavement.

Also, at a point 360 feet east of the intersection of the centerlines of Echo Hills Drive and 147<sup>th</sup> Street, remove and replace 48 square yards of pavement.

Also, at a point 300 feet east of the intersection of the centerlines of Echo Hills Drive and 146<sup>th</sup> Street, remove and replace 248 square yards of pavement.

The above-described work is to include removing and replacing PCC integral curb and gutter, removing and replacing approximately 2,316 S.Y. of PCC concrete pavement, repair of subgrade, adjusting manhole rings and covers to grade, sodding, and all other work necessary or incidental to the construction of 2013 Paving Repair in accordance with the plans and specifications. The improvement is to be located in dedicated public right-of-way within the boundaries of SID No. 68. The improvement shall be designated as 2013 Paving Repair. All work shall be as shown on the project drawings and described by the specifications and construction contract documents.

The plans, specifications, and cost estimate for this improvement have been made and filed, prior to the First Publication of this Resolution, with the Clerk of the District by the District's engineering firm, Thompson, Dreessen & Dornier, Inc. The engineer's estimate of the total cost of this improvement, including all engineering fees, legal fees, interest, administration costs, and miscellaneous costs is \$166,672.00.

To pay for the cost of said improvement the Board of Trustees shall have the power to issue negotiable bonds after such improvements have been constructed or installed; said bonds to be called "Sanitary and Improvement District Bonds" and to be payable and to bear interest as provided by the statutes by the State of Nebraska. The Board of Trustees shall have the power to assess, to the extent of special benefits, the cost of such portions of said improvement as are local improvements against properties found especially benefited thereby. All special assessments which may be levied upon properties specially benefited shall, when

collected, be set aside and constitute a sinking fund for the payment of interest and principal of said bonds. The District shall also cause to be levied annually a tax upon the assessed value of all taxable property in the District, except intangible property, which together with said sinking fund, derived from special assessments, shall be sufficient to meet payments of interest and principal of said bonds as the same shall become due; said tax shall be known as the "Sanitary and Improvement District Tax" and shall be payable annually in money. The outer boundaries in which it is proposed to make special assessments for said improvements are the outer boundaries of said Sanitary and Improvement District No. 68 of Sarpy County, Nebraska.

On roll call on the foregoing motion, the following Trustees voted aye: Gene Mackey, Rodney Martin, Darran Holst and Richard Verby. Voting nay thereon were the following Trustees: Dale Arndt. The Chairman then declared said resolution to be duly carried and adopted.

The Chairman then distributed a copy of the Storm Sewer Inspection Report prepared by Thompson, Dreessen & Dorner dated February 18, 2013. The Chairman directed that a copy of the said report be attached to these minutes.

The Chairman advised that general fund warrant no. 2014 for \$865.00 to Dale's Diversified Services was issued in order to pay then current expenses. The Chairman also presented the hereinafter described bills, statements, and invoices.

After full and careful discussion, the following resolutions were then duly moved and seconded, to wit:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 68 of Sarpy County, Nebraska, that the action of the Chairman and Clerk in executing and delivery warrant no. 2014 dated as hereafter indicated to the following payee and in the following amount, said warrant to be drawn on the General Fund account of the District and to draw interest at the rate of 7% per annum and to be redeemed no later than the date noted below as hereby ratified and confirmed, to wit:

GENERAL FUND ACCOUNT  
(Due April 11, 2016)

(a) Warrant No. 2014 in the sum of \$865.00, payable to Dale's Diversified Services dated April 16, 2013, in payment of tree removal and general maintenance;

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 68 of Sarpy County, Nebraska, that the Chairman and Clerk be, and here by are authorized and directed to execute and deliver warrant

nos. 2015 and 2016 dated the date of this meeting to the following payees and in the following amounts, said warrants to be drawn on the General Fund account of the District and to draw interest at the rate of 7% per annum and to be redeemed no later then the date noted below, to wit:

GENERAL FUND ACCOUNT  
(Due May 2, 2016)

- (a) Warrant No. 2015 in the sum of \$345.00, payable to NP Dodge Insurance Agency, in payment of general renewal;
- (b) Warrant No. 2016 in the sum of \$1,026.79, payable to Omaha Public Power District, in payment of power services;

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 68 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 upon 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 1986, 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. 68 of Sarpy County, Nebraska, that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under current 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 obligation" under Section 265(b)(3)(B)(ii) 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.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 68 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 Treasurer 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 expectations 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 Section 1.148(b)(2) of the Income Tax Regulations of the Internal Revenue Code of 1986, as amended.

On roll call on the foregoing motion, the following Trustees voted aye: Dale Arndt, Gene Mackey, Rodney Martin, Darran Holst and Richard Verby. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

The Chairman advised that general fund warrant nos. 2004, 2006, and 2010 payable to Steven J. Olson should be cancelled as the amounts represented by said warrants were paid under construction fund warrant no. 2004 issued April 11, 2013. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that general fund warrant nos. 2004, 2006 and 2010 issued to Steven J. Olson be and hereby are cancelled.

On roll call on the foregoing motion, the following Trustees voted aye: Dale Arndt, Gene Mackey, Rodney Martin, Darran Holst and Richard Verby. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

Mr. Olson advised that Marty Hocevar, auditor for the District, had recently advised him that he would no longer be able to prepare the audit and budget for the District as Mr. Hocevar was winding down his accounting practice and preparing to retire. Mr. Olson advised that it would be necessary to hire a new auditor for the District.

The Chairman advised that agenda item no. 3, "Park-Mowing Proposals" would now be considered. Trustee Arndt excused himself from the meeting. The Chairman reviewed the proposals from Upper Cut Lawns and Dale's Diversified Services which were previously considered by the Board at the meeting on April 11. The Chairman advised that he had received a petition signed by nineteen property owners in the District stating that they were unhappy with the way the park has been maintained and that they would like the mowing contract to be awarded to someone other than a member of the Board. The Chairman directed a copy of said petition be attached to these minutes for identification purposes. Resident Patti Goodman advised that her home abutted the park and that she recently obtained an appraisal on her house for refinancing purposes and the appraiser advised her that the appraised value had been reduced by approximately \$5,000.00 due to the poor condition of the park. Other property owners advised there were safety issues with the asphalt path because overgrown weeds made it difficult to push strollers on the asphalt path. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the proposal for Upper Cut Lawns to mow, fertilize and maintain the District's park as indicated therein in the total sum of \$4,900.00 be and hereby is accepted.

On roll call on the foregoing motion, the following Trustees voted aye: Gene Mackey, Rodney Martin, Darran Holst and Richard Verby. Voting nay thereon were the following Trustees: None. Abstaining: Dale Arndt. The Chairman then declared said resolution to be duly carried and adopted.

The Chairman advised that he would contact Upper Cut Lawns to notify them of the acceptance of the proposal.

A general discussion then ensued regarding a "park clean up day" in which the property owners of the District would be encouraged to meet at the park and engage in maintenance and clean up.

Thereupon the meeting adjourned.

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Richard Verby, Clerk & Trustee

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Rodney Martin, Chairman and Trustee

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Dale Arndt, Trustee

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Gene Mackey, Trustee

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Darran Holst, Trustee