



**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 **October 3, 2013**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees Rodney Martin, Gene Mackey, Darran Holst, and Richard Verby. Absent: Dale Arndt. Also present Steven J. Olson, Attorney for the District and Sarah Stein, property owner in the District.

Notice of the meeting was given in advance thereof by publication in *The Papillion Times*, Papillion, Nebraska, on September 25, 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 Board recognized Sarah Stein, 14703 Josephine St. Ms. Stein addressed the Board for approximately one-half hour during which she stated her complaints regarding the district's attorney and engineer, the 2013 Paving Repair Project and the drainage problem on her property. Ms. Stein read to the Board a nine page letter she prepared. The Chairman directed that a copy of said letter be attached to these minutes for identification purposes. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the Board of Trustees for the District hereby agrees to be responsible for the cost of the work performed by Navarro Construction of approximately \$562.00 to replace that portion of the deteriorated driveway at 14703 Josephine St., caused by improper drainage from the street.

On roll call on the foregoing motion, the following Trustees voted aye: Rodney Martin, Gene Mackey, 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 Board then discussed the Financial Advisory Agreement with Kuehl Capital Corporation. 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 the Board does hereby approve and accept the contract for Financial Advisory/Fiscal Agent services with Kuehl Capital Corporation and the Chairman be, and hereby is, authorized on behalf of the District to execute such contract.

On roll call on the foregoing motion, the following Trustees voted aye: Rodney Martin, Gene Mackey, 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 then 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 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 hereby are authorized and directed to execute and deliver warrant nos. 2023 through 2028 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 than the date noted below, to wit:

GENERAL FUND ACCOUNT

(Due October 3, 2016)

- (a) Warrant No. 2023 in the sum of \$100.00, payable to NP Dodge Insurance Agency, in payment of chairman/clerk bond, invoice #29228;
- (b) Warrant No. 2024 in the sum of \$85.00, payable to Kelly R. Burns CPA PC, in payment of bookkeeping in connection with audit, invoice #7584;
- (c) Warrant No. 2025 in the sum of \$2,052.62, payable to Omaha Public Power District, in payment of power services, account no. 8383100061, statements dated August 29 and September 27, 2013;
- (d) Warrant No. 2026 in the sum of \$2,200.00, payable to John E. Schultz CPA, in payment of preparation of budget and audit field work, statement dated September 11, 2013;
- (e) Warrant No. 2027 in the sum of \$250.00, payable to Great Western Bank, in payment of registrar services, for period of 3/1/2013 to 9/1/2013;
- (f) Warrant No. 2028 in the sum of \$1,650.00, payable to Upper-Cut Lawns, in payment of mowing services, August and September 2013;

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 they hereby are, authorized and directed to execute and deliver warrant nos. 2010 and 2011, dated the date of this meeting, to the following

payees and in the following amounts to be drawn on the Construction Fund of the District and to draw interest at the rate of 7% per annum, interest to be payable on July 1 of each year, and to be redeemed on later that the dated noted below, subject to extension of said maturity date by order of the District Court, Sarpy County, Nebraska, after notice is given as required by law, to wit:

CONSTRUCTION FUND ACCOUNT

(Due October 3, 2018)

(a) Warrant No. 2011 in the sum of \$398.10, payable to Thompson Dreesen & Dorner, Inc., in payment of engineering services for 2013 Paving Repair, invoice no. 101072;

(b) Warrant No. 2010 in the sum of \$4,089.38, payable to Steven J. Olson, in payment of legal services for 2013 Paving Repair, statements dated August 8, September 8 and October 2, 2013;

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: Rodney Martin, Gene Mackey, 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.

Thereupon the meeting adjourned.

Gene Mackey, Trustee

Darran Holst, Trustee

Richard Verby, Clerk and Trustee

Rodney Martin, Chairman and Trustee