



**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 in open and public session at 7:15 p.m. on **January 8, 2015**, at 8901 South 154<sup>th</sup> Street, Omaha, Nebraska. Present were Trustees Rodney Martin, Jef Saveraid, and Kevin Ogg. Absent: Dale Arndt and Nick Stanley. Also present Steven J. Olson, Attorney for the District, Doug Kellner, P.E. Thompson, Dreesen & Dorner, Inc., and a resident property owner.

Notice of the meeting was given in advance thereof by publication in The Papillion Times, Papillion, Nebraska, on December 24, 2014, 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 undersigned Clerk hereby certifies that these Minutes were written and available for public inspection within ten (10) working days after the date of said meeting.

The following was discussed in regard to possible improvements to the District's park:

- The Board reviewed the aerial photograph (copy attached) showing possible location of the playground equipment in the northeast corner of the park;
- It was suggested that permanent volleyball posts be included in the project and moving the volleyball court to a more level area within the park;
- The engineer advised that there should be "safety zones" to separate the play structures;
- The engineer suggested relocating the existing benches and adding one or two new benches and trees for shade on the playground;
- Trash receptacles should be included in the project;
- The trustees will decide the type and color of new play structures based upon an approximate cost of the new structures at \$50,000.00;
- The improvements will need to be approved by either Sarpy County or the City of LaVista. The board asked the engineer and attorney to determine whether the City of LaVista or Sarpy County has jurisdiction;
- The engineer will prepare a cost estimate for further review by the Board which cost estimate shall include a park shelter, a one-half basketball court, additional parking spaces in the parking lot, an overhead light in the playground, extension of the public sidewalk on the east side of the park, relocation of the volleyball court with volleyball posts,

new play structure and swing in a 50 foot by 40 foot area with either sand or rubber tile surfacing.

Mr. Kellner then left the meeting.

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 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. 2072 and 2073 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 January 8, 2018)

(a) Warrant No. 2072 in the sum of \$1,049.26, payable to Omaha Public Power District, in payment of power services, account no. 838310061;

(b) Warrant No. 2073 in the sum of \$52.50, payable to One Call Concepts, Inc. in payment of fee for locating services 6/30, 7/31, 8/31, 9/30, 10/31, and 11/30, 2014;

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, Kevin Ogg and Jef Saveraid. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

A copy of the audit of the District dated June 30, 2014 was given to the trustees. The Board reviewed the financial statements.

The Board asked Mr. Olson to advise if the Board had any options to compel the owners of property in the District to maintain, clean up and dispose the trash and debris located on their property.

Thereupon the meeting adjourned.

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Rodney Martin, Chairman and Trustee

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Kevin Ogg, Trustee

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Jef Saveraid, Clerk and Trustee