



**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
OF SANITARY AND IMPROVEMENT DISTRICT NO. 92  
OF SARPY COUNTY, NEBRASKA**

A meeting of the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, was convened at 6:30 p.m. on **June 5, 2013**, at 8901 South 154<sup>th</sup> Street, Omaha, Nebraska. Present were Trustees Stephanie Adams, Ann Rasmussen, Linda J. Paesl and Tim Albers. Absent: Aaron Thornton. Also present Jim Olmsted and Jake Zimmer, Engineer for the District 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 May 22, 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, 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 Clerk noted that the Chairman, Aaron Thornton, was not present for the meeting. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

**BE IT RESOLVED** that the Trustee Tim Albers is hereby appointed Acting Chairman for the purposes of this meeting only.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Ann Rasmussen, Linda J. Paesl, and Tim Albers. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

Mr. Olmsted and Mr. Zimmer advised that they and a manufacturer's representative had recently inspected the park equipment and no deficiencies were found in the equipment. A general discussion then ensued regarding possible improvements to the park area. In particular, the Board discussed replacement of the play equipment and reviewed new play equipment available from Miracle Equipment Company. The Board also discussed replacement of the surface material in the park area with a tile rubber product or a poured rubber surface. The Board requested that Mr. Olmsted and Mr. Zimmer to prepare a more specific plan to improve the park to include the following:

- Installation of one or more lights in the west area of the park;
- Installation of rubberized tile surface in the play area;
- Purchase and installation of approximately \$90,000 in play equipment from Miracle Equipment Company;
- Expansion of the basketball court to a full court;
- Concrete parking stalls;

- Relocation of the swings.

The Board asked Mr. Olmsted and Mr. Zimmer to have the information prepared for the next meeting of the Board on June 27, 2013 at 6:30 p.m.

Mr. Zimmer advised that he would review the information regarding Sarpy County's authorization for the District to install "no parking" signs within the District and he would obtain replacement signs and have them installed.

The Acting Chairman advised that general fund warrant no. 2235 for \$300.00 to Clean Sweep Commercial, Inc. and no. 2232 for \$990.77 to Omaha Public Power District where issued in order to pay then current expenses. The Acting Chairman also presented the hereinafter described bills, statements and invoices.

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

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that the action of the Chairman and Clerk in executing and delivering warrant nos. 2235 and 2232, dated as hereafter indicated to the following payee 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 is hereby ratified and confirmed, to wit:

#### GENERAL FUND ACCOUNT

- (a) Warrant No. 2232 in the sum of \$990.70, payable to Omaha Public Power District dated April 16, 2013 due April 16, 2016 in payment of electrical services;
- (b) Warrant No. 2235 in the sum of \$300.00, payable to Clean Sweep Commercial, Inc. dated May 2, 2013 due May 2, 2016 in payment of street sweeping invoice no. 2554;

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that the Chairman and Clerk be, and hereby are authorized and directed to execute and deliver warrant nos. 2236 through 2240 dated the date of this meeting to 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 June 5, 2016)

- (a) Warrant No. 2236 in the sum of \$105.00, payable to Gretna Sanitation, in payment of sanitation services rendered;
- (b) Warrant No. 2237 in the sum of \$1,557.09, payable to Olmsted & Perry Consulting Engineers, Inc., in payment of engineering services rendered;
- (c) Warrant No. 2238 in the sum of \$989.62, payable to Omaha Public Power District, in payment of electrical services;
- (d) Warrant No. 2239 in the sum of \$1,420.00, payable to Steven J. Olson, in payment of legal services rendered;
- (e) Warrant No. 2240 in the sum of \$500.00, payable to Bankers Trust, in payment of annual administrative fee;

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 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. 92 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. 92 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: Stephanie Adams, Ann Rasmussen, Linda J. Paesl, and Tim Albers. Voting nay thereon were the following

Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

Mr. Olson advised that the auditor for the District, Martin Hocesvar was retiring and that it would be necessary to appoint a new auditor to prepare the budget and audit for the District. The Board reviewed proposal from Lutz & Company, Certified Public Accountants to prepare the financial statements and budget document for the sum of \$4,750. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED, that the proposal from Lutz & Company, Certified Public Accountants attached hereto dated June 3, 2013 for preparation of financial statements and budget documents in the sum \$4,750 is hereby accepted.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Ann Rasmussen, Linda J. Paesl, and Tim Albers. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

Mr. Olson advised that SID 165 had recently reimbursed the District the sum of \$4,735 in payment of one-half share of the park expenses for the preceding year.

Thereupon the meeting adjourned.

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Ann Rasmussen, Clerk & Trustee

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Tim Albers, Trustee

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Stephanie Adams, Trustee

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Linda Paesl, Trustee