SEP 25 2013
DEBRA J. HOUGHTALING
SARPY COUNTY CLERK

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 **September 17, 2013,** at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees Stephanie Adams, Ann Rasmussen, Linda J. Paesl and Tim Albers. Absent: Aaron Thornton. Also present 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 September 4, 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 advised that the Chairman was unable to be present for the meeting. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

> BE IT RESOLVED that Tim Albers is hereby appointed as 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, Tim Albers and Linda J. Paesl. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

The Chairman then presented for the Board's consideration the proof of publication of the "Notice of Budget Hearing and Budget Summary" and "Notice of Special Hearing to Set Final Tax Request" as published in *The Papillion Times* on September 4, 2013. No owners of property in the District appeared at this public hearing to oppose the budget.

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

> WHEREAS, Nebraska Revised Statute §77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Board of Trustees of SID No. 92 of Sarpy County passes by a majority vote a resolution setting the tax request at a different amount; and

WHEREAS, it is in the best interests of SID No. 92 that the property tax request for the current year be for a different amount than the property tax request for the prior year.

BE IT RESOLVED that the attached Budget is hereby adopted: that the 2.5% Base Limitation Percent Increase in the Total Restricted Funds Authority from the Total Restricted Funds Authority in the budget for the last fiscal year is hereby approved; that the 2013/14 dollar requirement totaling $209,304.97 is hereby established based upon a rate of $.730000 per $100.00 of taxable valuation; $48,742.25 to be credited to the District's general fund based upon a rate of $.170000 per $100.00 of taxable valuation; and, $160,562.72 to be credited to the District's construction or bond sinking fund based upon a rate of $.560000 per $100.00 of taxable valuation.

BE IT FURTHER RESOLVED that the Board of Trustees for the District hereby adopts a property tax request for a different amount than the property tax request for the prior year.

BE IT FURTHER RESOLVED that Steven J. Olson, Attorney for the District, be and hereby is directed on behalf of the Board of Trustees to forward a certified copy of this resolution to the County Clerk of this County prior to October 13, 2013.

BE IT FURTHER RESOLVED that Steven J. Olson, Attorney for the District, be and hereby is directed on behalf of the Board of Trustees to certify said budget and dollar requirement to the County Board and County Clerk of this county, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts on or before September 20, 2013.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Ann Rasmussen, Tim Albers and Linda J. Paesl. 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 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. 2247 through 2251 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 September 17, 2016)

(a) Warrant No. 2247 in the sum of $13,213.49, payable to Olmsted & Perry Consulting Engineers, Inc., in payment of engineering services rendered – park improvement plan, inv. #02-13072 ;

(b) Warrant No. 2248 in the sum of $5,228.56, payable to Steven J. Olson, in payment of legal services rendered, inv. #44477 and inv. #44432;

(c) Warrant No. 2249 in the sum of $2,500.00, payable to Lutz, in payment of budget and audit, inv. #155424;

(d) Warrant No. 2250 in the sum of $1,979.98, payable to Omaha Public Power District, in payment of 4504100020, statements dated July 30, 2013 and August 29, 2013;

(e) Warrant No. 2251 in the sum of $105.00, payable to Gretna Sanitation, in payment of sanitation services rendered park/playground statement dated July 31, 2013;

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, Tim Albers and Linda J. Paesl. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

Mr. Olson advised that general fund warrant no. 2242 dated June 27, 2013 in the amount of $100.00 to NP Dodge Insurance Company in payment of the premium on the bonds for the chairman and clerk should be cancelled because the bond premium was previously paid by Brown & Brown on February 18, 2013. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that general fund warrant no. 2242 dated June 27, 2013 payable to NP Dodge Insurance Company in the amount of $100.00 is hereby cancelled.

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

Trustee Albers advised that Riva Bishop, property owner at 15302 Rock Creek Drive, requested the installation of "no parking" signs along the street. Mr. Olson advised that in order to install "no parking" signs the District would have to submit a request and location map to the Sarpy County Board for approval. The Board requested Mr. Olson to contact the District's engineers, Olmstead and Perry Consulting Engineers, Inc. and request that they prepare a location map for "no parking" signs in the vicinity of 15302 Rock Creek Drive.

A general discussion then ensued regarding the possible underwriting and fiscal agent fees arising out of the issuance of construction fund warrants and general obligation bonds to fund the cost of the 2013 Park Improvements.

The Chairman advised that the engineers of the District were moving forward with replacing damaged sign/poles at the following locations:

1. A faded stop sign at 151st and Robin Drive
2. A bent stop sign pole at 151st and Irene
3. A leaning stop sign at 151st and Rock Creek Drive
4. An extra tall sign at 151st and 151st/Rock Creek Drive
5. Two (2) leaning Park residents signs at the park
6. New sign at 152nd and Greene Ave.

Thereupon the meeting adjourned.

Stephanie Adams, Clerk & Trustee	Ann Rasmussen, Trustee
Linda Paesl, Trustee	Tim Albers, Trustee