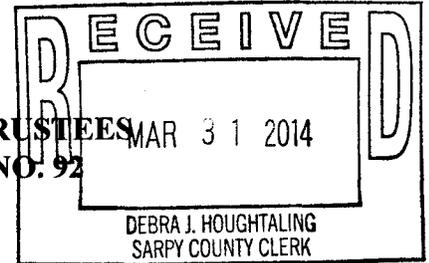


**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
OF SANITARY AND IMPROVEMENT DISTRICT NO. 92
OF SARPY COUNTY, NEBRASKA**



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 **March 20, 2014**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees Ann Rasmussen, Stephanie Adams, Tim Albers and Linda J. Paesl. Absent: Aaron Thornton. Also present Steven J. Olson, Attorney for the District, Jake Zimmerer, Olmsted & Perry Consulting Engineers, Inc. and Bodie Dostel, Dostel Construction Co.

Notice of the meeting was given in advance thereof by publication in *The Papillion Times*, Papillion, Nebraska, on March 5, 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, 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, Aaron Thornton, 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 Trustee Stephanie Adams 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: Ann Rasmussen, Stephanie Adams, 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.

Bodie Dostel advised that work had commenced on the 2013 Park Improvements consisting of removal of concrete and excavation of the play areas and installation of new shingles on the park shelter. Mr. Dostel further advised that:

- concrete would be poured to form the swing/ playground areas and the sidewalks in the next seven to ten days;
- the new playground equipment would be shipped by the manufacturer the week of March 31;
- the rubber surface tiles would be shipped by the manufacturer the week of April 14;
- the tiles would be installed by six installers who were certified by the manufacturer;

- the rubber surfacing tiles should be fully installed by the end of April with overall completion of the entire project on May 15.

The Board requested Jake Zimmerer to inspect the park sidewalk and advise if there were any areas that should be replaced. Mr. Zimmerer and Mr. Dostel then left the meeting.

Trustee Albers advised that he had been contacted by Dawn Stock, a resident of SID No. 165, whose residence abuts the District's park. Mr. Albers advised that Dawn Stock was concerned that she had not been notified that the District had undertaken the 2013 Park Improvements project. Trustees Rasmussen and Paesl pointed out that Board considered, and decided against, contacting SID No. 165 about the 2013 Park Improvements because of the lack of a response from SID No. 165 to the 2012 request from the District that SID No. 165 advise if it was in favor or opposed to the possible installation of a splash park in the District's park.

Trustee Albers also presented an e-mail from Dawn Stock regarding concerns about mowing to the District's park. The Chairman directed a copy of the e-mail 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 attorney of the District is hereby requested to send a notice of the next Board meeting on April 23, 2014 at 6:30 p.m. at 8901 South 154th Avenue, Omaha, Sarpy County, Nebraska to Joe Guelden of Midland Turf Management and request that he come to the meeting to review the scope of work.

On roll call on the foregoing motion, the following Trustees voted aye: Ann Rasmussen, Stephanie Adams, 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 Clerk advised that Clean Sweep submitted a bid to sweep the District's streets for \$550.00, a \$250.00 increase from previous years and Clean Sweep advised that the District had been undercharged for several years and the District's charges should have been based upon 2.3 miles of streets in the District multiplied by \$250 for the street sweeper. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the Clerk is hereby authorized to accept the bid from Clean Sweep to sweep the District's streets in the amount of \$550.00 with the streets to be swept on or about April 1, 2014.

On roll call on the foregoing motion, the following Trustees voted aye: Ann Rasmussen, Stephanie Adams, 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. 2265 through 2267 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 March 20, 2017)

- (a) Warrant No. 2265 in the sum of \$41.00, payable to Gretna Sanitation, in payment of April standard service;
- (b) Warrant No. 2266 in the sum of \$991.49, payable to Omaha Public Power District, in payment of acct. no. 4504100020, March;
- (c) Warrant No. 2267 in the sum of \$1,937.59, payable to Steven J. Olson, in payment of legal services rendered, invoice no. 44869;

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 they hereby are, authorized and directed to execute and deliver warrant no. 1693, 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 3% 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 March 20, 2019)

- (a) Warrant No. 1693 in the sum of \$1,825.00, payable to Steven J. Olson, in payment of legal services re: 2014 bond issue;

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: Ann Rasmussen, Stephanie Adams, 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 Board discussed whether an event should be planned regarding the reopening of the park after completion of the 2013 Park Improvements.

Thereupon the meeting adjourned.

Ann Rasmussen, Clerk & Trustee

Tim Albers, Trustee

Linda Paesl, Trustee

Stephanie Adams, Trustee