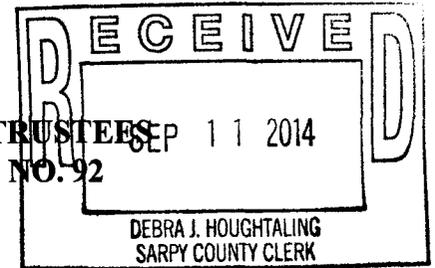


**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
OF SANITARY AND IMPROVEMENT DISTRICT NO. 92
OF SARPY COUNTY, NEBRASKA**



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 **August 28, 2014**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees Aaron Thornton, Tim Albers, Linda J. Paesl, Ann Rasmussen and Stephanie Adams. Absent: None. Also present Steven J. Olson, Attorney for the District and Jim Olmsted, Olmsted & Perry Consulting Engineers, Engineers for the District.

Notice of the meeting was given in advance thereof by publication in The Papillion Times, Papillion, Nebraska, on August 20, 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.

General discussion ensued regarding maintenance of the District's park. The Chairman advised that the mowing contractor was not trimming the grass under the park benches and the areas next to the residential fences adjacent to the park. The Chairman also advised that there was a large hole, approximately the size of a basketball, located on the south side of the sidewalk at the park. With regard to edging and trimming near the residential fences adjacent to the park, Mr. Olson noted that the contractor does not have the legal authority to enter onto private property to perform trimming work and that the District cannot lawfully pay for any work which benefits private property. It was also noted that the mowing contractor, Midland Turf Management still had not submitted a bill for mowing services performed in 2013 or 2014. The Clerk advised that she would be willing to contact tree maintenance providers to obtain bids for removing dead trees and trimming trees in the District's park.

The Board also asked Jim Olmsted to inspect the hole in the park and to hire a contractor to fill it. It was also noted that one of the basketball hoops was broken. The Board asked Mr. Olmsted to pursue repair of the basketball hoop and warranty coverage. The Board also asked Mr. Olmsted to inspect the rubber tiles in the playground area to make sure they were level.

Mr. Olmsted advised that an emergency street/sink hole repair work was recently completed at 151st Street near the District's park. Mr. Olmsted advised that a television camera inspection of the sanitary sewer beneath the damaged area revealed that there were no leaks or broken areas in the sanitary sewer.

Mr. Olson advised that the Sarpy County Engineering Department had refused to approve proposed signs in the District's park limiting parking to no more than three (3) hours on the grounds that parking could not be limited in the public right-of-way. Mr. Olson advised that the

engineers had determined that a portion of the parking space was located within the public right-of-way. The Board decided to take no further action.

The Chairman advised that recently semi-trailer trucks and dump trucks had entered the subdivision and may be damaging the district's streets. It was noted that semi-trailer trucks may be attempting to make deliveries or pick-ups to the nearby Omaha Steaks facility. It was also noted that the recent construction on Giles Road had resulted in an increase of dump truck traffic. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the Engineer for the District is hereby authorized to obtain and cause to be installed two "No Semis" signs to be located at the entrances to the subdivision.

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

The Board then discussed recent correspondence from the One-Call Center requesting the District's participation. Mr. Olson advised that he had reviewed the One-Call law and the location and ownership of underground facilities operated by the District. It was noted that Metropolitan Utilities District owns the water system which is located within street right-of-way and that the individual homeowners own the service lines from the water mains to their homes. Mr. Olson advised that the Nebraska Supreme Court has held that sanitary sewer connections running from private property to a city sewer main are privately owned. It was further noted that the District owns the sewer collection mains which are generally located beneath the center of the streets and that a couple of the sewer mains are within the District's park but there are no sewer mains that are known to exist within easements on private property and that the storm sewer system are located beneath the streets behind the curb within the street right-of-way or in the park. It was also noted that there is a considerable expense if the District joins the One-Call service as someone from the District's engineering office has to respond to every request, whether there is a conflict or not. Mr. Olson advised that the underground facilities operated by the District were all located within street right-of-ways or real property owned by the District and no construction work could be done in such areas without the District's consent. Mr. Olson advised that all operators of underground facilities are required to join the system and if the District did not join it ran the risk of a civil penalty of \$500 per day up to a maximum of \$5,000. Mr. Olson advised that the One-Call law serves a useful purpose with respect to underground facilities located within an easement on private property not owned by the operator. However, participation in the system provides little or no benefit when the underground facilities are located on real property owned by the operator, such as the District. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the District hereby elects to take no action to join the One-Call Center.

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

The Chairman noted that an election for the Board of Trustees was underway by mail in ballot and that all ballots need to be returned to the election commissioner by September 9.

The Chairman then presented for the Board's consideration an audit engagement letter from the District's auditing firm, Lutz & Company. After full and careful discussion, the following resolution was duly moved and seconded, to wit:

BE IT RESOLVED that the Chairman is hereby authorized to execute the attached audit engagement letter from Lutz & Company.

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

The Board then reviewed a three page hand-out prepared by the District's auditor's regarding the proposed budget and tax levy for the District for the fiscal year 2014/2015. It was noted that the proposed budget called for a reduction in the bond fund levy from \$.56 to \$.39 per \$100 of taxable valuation, which will result in a tax decrease for the District from \$.73 per \$100 of taxable valuation to \$.56. The Board also reviewed the budget detail regarding receipt and disbursements for the District's general and bond fund and the comparison of actual amounts to budget amounts. The Chairman directed that a copy of the hand-out be attached to these minutes for identification purposes. After full and careful discussion, the following resolution were then duly moved and seconded, to wit:

BE IT RESOLVED that the public hearing on the proposed budget for the fiscal year 2014/2015 shall be on September 10, 2014 at 6:30 o'clock p.m. at 8901 South 154th Avenue, Omaha, Sarpy County, Nebraska and the Clerk is hereby directed to publish notice of budget hearing and budget summary and notice of special hearing to set final tax request in the *Papillion Times* on August 27, 2014.

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

The Chairman also 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. 2275 through 2279 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 August 28, 2017)

- (a) Warrant No. 2275 in the sum of \$159.00, payable to Gretna Sanitation, in payment of June-August standard trash service;
- (b) Warrant No. 2276 in the sum of \$1,370.03, payable to Olmsted & Perry Consulting Engineers, Inc., in payment of inv. Nos. 01-14023 and 10-13072;
- (c) Warrant No. 2277 in the sum of \$2,968.52, payable to Omaha Public Power District, in payment of account no. 4504100020;
- (d) Warrant No. 2278 in the sum of \$3,429.38, payable to Steven J. Olson, in payment of inv. nos. 45064, 45114 and 45160;
- (e) Warrant No. 2279 in the sum of \$350.00, payable to Utilities Service Group, in payment of inv. no. 10515;

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

Thereupon the meeting adjourned.

Tim Albers, Trustee

Linda Paesl, Trustee

Aaron Thornton, Chairperson & Trustee

Ann Rasmussen, Trustee

Stephanie Adams, Trustee