

Brown & Brown, LLC

ATTORNEYS AT LAW
2027 Dodge Street, Suite 501
P.O. Box 40
Omaha, Nebraska 68101-0040

Thomas R. Brown
William C. Brown
Steven J. Olson
Matthew F. Heffron
Christine F. Delgado

James W.R. Brown
Retired, 2010

PHONE (402) 346-5010
FAX (402) 345-8853

Of Counsel
Douglas S. Lash

April 15, 2015

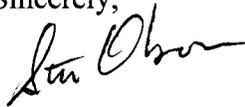
Sarpy County Clerk
Sarpy County Courthouse
1210 Golden Gate Dr., #1118
Papillion, NE 68046

In re: SID No. 92, Sarpy County, Nebraska

Dear Clerk:

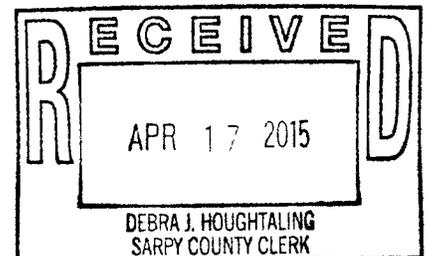
Enclosed please find the minutes of the meeting of the Board of Trustees of March 25, 2015 for filing.

Sincerely,



Steven J. Olson

SJO/maw
Enclosure



**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 25, 2015**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees Stephanie Adams, Ann Rasmussen, Linda Paesl, and Tim Albers. Absent: Aaron Thornton. Also present Steven J. Olson, Attorney for the District and Jake Zimmerer, Olmsted & Perry Consulting Engineers, Inc., engineers for the District.

Notice of the meeting was given in advance thereof by publication in The Papillion Times, Papillion, Nebraska, on March 18, 2015, 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 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 Chairman advised that the sanitary sewer in the vicinity of 1501 Irene Street had backed up on January 31 resulting in property damage to the home located at 1501 Irene Street owned by Dean and Carol Miller. The Chairman advised that the backup in the sewer had been fixed by a plumber and the plumber advised that paper products clogged the sewer and caused the backup. Mr. Olson advised that the property owners, Dean and Carol Miller, had submitted a written damage claim to the Clerk on or about February 24, 2015 for \$535 for cleaning and \$998.58 for replacement of flooring materials. Mr. Olson further advised that the claim had been tendered to the District's liability carrier for defense and indemnification. After investigation, the carrier denied the claim on the grounds that there was no evidence suggesting negligence on behalf of the District as the incident on January 31 was the first notification the District had received regarding an issue with the sewer line and the District has no control of items that are flushed into the system by its users.

The Chairman directed that a copy of the written claim by Dean and Carol Miller and the written denial of the claim by EMC Insurance Company be attached to these minutes for identification purposes.

Mr. Zimmerer advised the Board that Utilities Service Group could flush and visually inspect by a camera the entire sanitary sewer system at an approximate cost of \$6,000.00. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED, that Olmsted & Perry Consulting Engineers, Inc., engineers for the District, are hereby authorized to engage Utilities Service Group to flush and visually inspect by camera the entire sanitary sewer system at approximate cost of \$6,000.00.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Ann Rasmussen, Linda 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. Zimmerer then left the meeting.

The Chairman then presented the tabulations of the bid proposals for 2015 park mowing and a copy of the proposals from Midland Turf Management, Great Plains Tree Care and J-O's Lawn Services. After general discussion, Trustee Albers advised that he would contact Great Plains Tree Care and J-O's Lawn Services for further information on their pricing.

The Clerk advised that a street sweeper had been engaged to sweep the streets within the District on April 1. Mr. Olson advised that SID No. 165 had recently reimbursed the District for one-half of the park maintenance costs in the amount of \$3,434 and that such sum had been deposited into the District's general fund account.

The audit for the District for the period ending June 30, 2014 was given to each Trustee.

The Chairman advised that general fund warrant no. 2229 payable to Omaha Public Power District in the amount of \$1,982.88 for street lighting was issued on February 2, 2015 in order to pay then current expenses. 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 action of the Chairman and Clerk in executing and delivering warrant no. 2299, dated February 2, 2015 to the following payee and in the following amount said warrant 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
(Due February 2, 2018)

(a) Warrant No. 2299 in the sum of \$1,982.88, payable to Omaha Public Power District, in payment of electrical services;

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. 2300 through 2307 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 25, 2018)

- (a) Warrant No. 2300 in the sum of \$178.08, payable to Gretna Sanitation, in payment of January, February and March trash service;
- (b) Warrant No. 2301 in the sum of \$2,714.09, payable to Steven J. Olson, in payment of legal services rendered, invoice nos. 45415, 45484 and 45608;
- (c) Warrant No. 2302 in the sum of \$367.00, payable to Roto-Rooter Plumbing, in payment of invoice no. N104568;
- (d) Warrant No. 2303 in the sum of \$994.18, payable to Omaha Public Power District, in payment of electrical services, 4504100020;
- (e) Warrant No. 2304 in the sum of \$2,980.00, payable to Lutz, in payment of invoice nos. 170867 and 171834;
- (f) Warrant No. 2305 in the sum of \$420.00, payable to Michael Obbink, in payment of budget and audit work, invoice nos. 215 and 216;
- (g) Warrant No. 2306 in the sum of \$375.00 payable to Great Plains Tree Care in payment of invoice no. 08-2054;
- (h) Warrant No. 2307 in the sum of \$310.35, payable to Olmsted & Perry Consulting Engineers, Inc., in payment of invoice no. 01-15023 engineering services;

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

Thereupon the meeting adjourned.

Ann Rasmussen, Chairman & Trustee

Linda Paesl, Clerk & Trustee

Stephanie Adams, Trustee

Tim Albers, Trustee