

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
Thomas J. McCusker

James W.R. Brown
Retired, 2010

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

Of Counsel
Douglas S. Lash

January 6, 2016

Deb Houghtaling
Sarpy County Clerk
Sarpy County Courthouse
1210 Golden Gate Dr., #1250
Papillion, NE 68046

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

Dear Clerk:

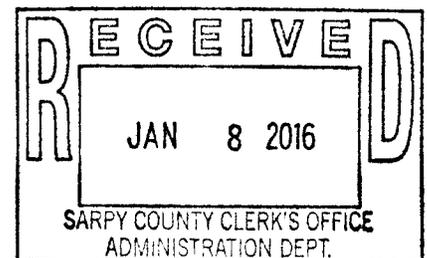
Enclosed please find the minutes of the meeting of the Board of Trustees of December 16, 2015 for filing.

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 **December 16, 2015**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees Stephanie Adams, Ann Rasmussen, Linda Paesl, Aaron Thornton and Tim Albers. Absent: none. 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 December 2, 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 Chairman advised general fund warrant nos. 2336 and 2337 payable to D & S Lawn Service each in the amount of \$1,020.00 in payment of park mowing/fertilizing and nos. 2334 and 2335 payable to Omaha Public Power District each in the amount of \$989.83 for street lighting were issued 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 nos. 2334, 2336 and 2337, dated October 10, 2015 to the 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 is hereby ratified and confirmed, to wit:

GENERAL FUND ACCOUNT
(Due October 10, 2018)

- (a) Warrant No. 2334 in the sum of \$989.83, payable to Omaha Public Power District, in payment of electrical services, account no. 4504100020, statement September 29, 2015;
- (b) Warrant No. 2336 in the sum of \$1,020.00, payable to D & S Lawn Service, in payment of park mowing and fertilizing, statement October 5, 2015;

(c) Warrant No. 2337 in the sum of \$1,020.00, payable to D & S Lawn Service, in payment of park mowing and fertilizing, statement October 5, 2015;

BE IT FURTHER 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. 2335, dated November 10, 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 November 10, 2018)

(a) Warrant No. 2335 in the sum of \$989.83, payable to Omaha Public Power District, in payment of electrical services, account no. 4504100020, statement October 29, 2015;

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. 2338 through 2348 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 December 16, 2018)

(a) Warrant No. 2338 in the sum of \$159.00, payable to Gretna Sanitation, in payment of October, November and December trash service;

(b) Warrant No. 2339 in the sum of \$83.12, payable to Stephanie Adams, in payment of 2015 trustee meeting fee;

(c) Warrant No. 2340 in the sum of \$83.12, payable to Ann Rasmussen, in payment of 2015 trustee meeting fee;

(d) Warrant No. 2341 in the sum of \$55.41, payable to Aaron Thornton, in payment of 2015 trustee meeting fee;

(e) Warrant No. 2342 in the sum of \$83.12, payable to Tim Albers, in payment of 2015 trustee meeting fee;

- (f) Warrant No. 2343 in the sum of \$1,108.20, payable to Linda Paesl, in payment of 2015 clerk/trustee meeting fee;
- (g) Warrant No. 2344 in the sum of \$2,849.26, payable to Steven J. Olson, in payment of legal services rendered, invoice nos. 46069, 46126, and 46202;
- (h) Warrant No. 2345 in the sum of \$4,354.00, payable to Chastain-Otis, in payment of policy renewal property & liability insurance, invoice no. 26514;
- (i) Warrant No. 2346 in the sum of \$1,615.00, payable to D & S Lawn Service, in payment park mowing/fertilizing, statements November 2, 2015 and December 3, 2015;
- (j) Warrant No. 2347 in the sum of \$994.39, payable to Omaha Public Power District, in payment of electrical services account no. 4504100020, statement November 25, 2015;
- (k) Warrant No. 2348 in the sum of \$2,100.00, payable to Lutz, in payment of invoice no. 1158325, 2015 audit;

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. 1707, dated the date of this meeting, to the following payee and in the following amounts to be drawn on the Construction Fund of the District and to draw interest at the rate of 7% per annum, interest to be payable on July 1 of each year, and to be redeemed no later than the date 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
(Due December 16, 2020)

- (a) Warrant No. 1707, in the sum of \$3,233.99, payable to Olmsted & Perry Consulting Engineers, in payment of engineering services, street repairs, invoice nos. 01-15077, 02-15077, 03-15077, 06-15023, 07-15023, and 08-15023;

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

The Board discussed the process to engage a contractor to mow and fertilize the District's park in 2016. After full and careful discussion, the following resolution as then duly moved and seconded, to wit:

BE IT RESOLVED any bids to mow and fertilize the District's park in 2016 shall be submitted to the Clerk by March 1, 2016.

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

The Chairman then submitted the bid proposal from Mackie Construction, Inc. for Phase I of 2015 Pavement Repair in the amount of \$19,635.00. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the Board of Trustees hereby accepts the bid proposal from Mackie Construction, Inc. in the amount of \$19,635.00 for Phase I of 2015 Pavement Repair.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Ann Rasmussen, Linda Paesl, Aaron Thornton and Tim Albers. 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 bid proposal for Phase II of the 2015 Pavement Repair from Mackie Construction, Inc. in the amount of \$19,968.15. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the Board of Trustees hereby accepts the bid proposal from Mackie Construction Inc. for Phase II of 2015 Pavement Repair in the amount of \$19,968.15.

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

The Chairman advised the District's auditing firm, Lutz & Company, requested the Chairman to execute the attached representation letter. Mr. Olson advised he had reviewed the letter and it was accurate. After full and careful discussion, the following resolution was then duly moved and seconded, to wit:

BE IT RESOLVED that the Chairman is authorized to execute the attached representation letter to Lutz & Company.

On roll call on the foregoing motion, the following Trustees voted aye: Stephanie Adams, Ann Rasmussen, Linda Paesl, Aaron Thornton 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 state law had been recently amended to permit Sanitary and Improvement Districts to contract for solid waste disposal within the District. The Board asked Mr. Olson to develop more information from potential contractors regarding the scope and cost of disposal, whether large pickups would be permitted, and whether there would be a charge to return existing cans and bins to the contractors.

Thereupon the meeting adjourned.

Ann Rasmussen, Chairman & Trustee

Linda Paesl, Clerk & Trustee

Stephanie Adams, Trustee

Tim Albers, Trustee

Aaron Thornton, Trustee