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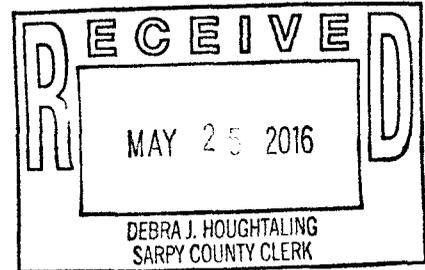
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May 23, 2016



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 April 28, 2016 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 **April 28, 2016**, at 8901 South 154<sup>th</sup> Street, Omaha, Nebraska. Present were Trustees, Ann Rasmussen, Linda Paesl, and Aaron Thornton. Absent: Stephanie Adams and Tim Albers. 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 April 20, 2016, 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 Clerk presented the plans and specifications for the 2015 Street Repair, Phase 1 and Phase 2, together with an estimate of the total cost of said improvement as prepared by Olmsted & Perry Consulting Engineers, engineers for the District, which cost estimate included engineering fees, legal fees, administration costs and other miscellaneous costs in the sum of \$24,700.00 (Phase 1) and \$25,000.00 (Phase 2). The Chairman directed a copy of said cost estimate be attached to these minutes for identification purposes.

After full and careful review of same, and full discussion, the following resolutions were then duly moved and seconded, to wit:

**RESOLUTION "A"**

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that said District finds and determines that it is advisable and necessary for the District to reconstruct approximately 185.8 square yards of deteriorated street pavement, and installation of 3 concrete collars around existing manhole covers, all within the boundaries of S.I.D. No. 92. The work shall consist of the removal of deteriorated, cracked, and displaced concrete pavements, the reconstruction of the street pavement subgrades, the replacement of removed concrete with new portland cement concrete paving, surface restoration, and concrete testing.

The improvement is to be located in dedicated public right-of-way within the Sanitary and Improvement District or on real property owned by the Sanitary and Improvement District. The improvement shall be designated as 2015 Street Repair-Phase 1. All work shall be as shown on the project drawings and described by the specifications and construction contract documents.

The plans, specifications and cost estimate for this improvement have been made and filed, prior to the First Publication of this Resolution, with the Clerk of the District by the District's engineering firm, Olmsted & Perry Consulting Engineers, Inc. The engineer's estimate of the total cost of this improvement, including all engineering fees, legal fees, interest, administration costs and miscellaneous costs is \$24,700.00.

To pay for the cost of said improvement the Board of Trustees shall have the power to issue negotiable bonds after such improvements have been constructed or installed; said bonds to be called "Sanitary and Improvement District Bonds" and to be payable and to bear interest as provided by the statutes by the State of Nebraska. The Board of Trustees shall have the power to assess, to the extent of special benefits, the cost of such portions of the improvement as are local improvements against properties found specially benefited thereby. All special assessments which may be levied upon properties specially benefited shall, when collected, be set aside and constitute a sinking fund for the payment of interest and principal of said bonds. The District shall also cause to be levied annually a tax upon the assessed value of all taxable property in the District, except intangible property, which together with said sinking fund, derived from special assessments, shall be sufficient to meet payments of interest and principal of said bonds as the same shall become due; said tax shall be known as the "Sanitary and Improvement District Tax" and shall be payable annually in money. The outer boundaries in which it is proposed to make special assessments for said improvements are the outer boundaries of said Sanitary and Improvement District No. 92 of Sarpy County, Nebraska.

That the hearing on the proposed resolution of necessity and advisability for the 2015 Paving Repair, Phase 1, shall be held on May 25, 2016 at 6:30 p.m. at 8901 South 154<sup>th</sup> Street, Omaha, Sarpy County, Nebraska.

Any owner of property which might become subject to assessment and contemplated improvement may appear and make objections to the proposed improvement. The proposed resolution may be amended and passed or may be passed as proposed.

If a petition opposing this resolution, signed by property owners representing a majority of front footage which may become subject to assessment for the cost of said improvement be filed with the clerk of the District within three (3) days before the date of the meeting for the hearing on said resolutions, this

resolution shall not be passed.

### RESOLUTION "B"

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, that said District finds and determines that it is advisable and necessary for the District to reconstruct approximately 259.8 square yards of deteriorated street pavement all within the boundaries of S.I.D. No. 92. The work shall consist of the removal of deteriorated, cracked, and displaced concrete pavements, the reconstruction of the street pavement subgrades, the replacement of removed concrete with new portland cement concrete paving, surface restoration, and concrete testing.

The improvement is to be located in dedicated public right-of-way within the Sanitary and Improvement District or on real property owned by the Sanitary and Improvement District. The improvement shall be designated as 2015 Street Repair-Phase 2. All work shall be as shown on the project drawings and described by the specifications and construction contract documents.

The plans, specifications and cost estimate for this improvement have been made and filed, prior to the First Publication of this Resolution, with the Clerk of the District by the District's engineering firm, Olmsted & Perry Consulting Engineers, Inc. The engineer's estimate of the total cost of this improvement, including all engineering fees, legal fees, interest, administration costs and miscellaneous costs is \$25,000.00.

To pay for the cost of said improvement the Board of Trustees shall have the power to issue negotiable bonds after such improvements have been constructed or installed; said bonds to be called "Sanitary and Improvement District Bonds" and to be payable and to bear interest as provided by the statutes by the State of Nebraska. The Board of Trustees shall have the power to assess, to the extent of special benefits, the cost of such portions of the improvement as are local improvements against properties found specially benefited thereby. All special assessments which may be levied upon properties specially benefited shall, when collected, be set aside and constitute a sinking fund for the payment of interest and principal of said bonds. The District shall also cause to be levied annually a tax upon the assessed value of all taxable property in the District, except intangible property, which together with said sinking fund, derived from special assessments, shall be sufficient to meet payments of interest and principal of said bonds as the same shall become due; said tax shall be known as the "Sanitary and Improvement District Tax" and shall be payable annually in money. The outer boundaries in which it is proposed to make special assessments for said improvements are the outer boundaries of said Sanitary and Improvement District No. 92 of Sarpy County, Nebraska.

That the hearing on the proposed resolution of necessity and advisability for the 2015 Paving Repair, Phase 2, shall be held on May 25, 2016 at 6:30 p.m. at 8901 South 154<sup>th</sup> Street, Omaha, Sarpy County, Nebraska.

Any owner of property which might become subject to assessment and contemplated improvement may appear and make objections to the proposed improvement. The proposed resolution may be amended and passed or may be passed as proposed.

If a petition opposing this resolution, signed by property owners representing a majority of front footage which may become subject to assessment for the cost of said improvement be filed with the clerk of the District within three (3) days before the date of the meeting for the hearing on said resolutions, this resolution shall not be passed.

BE IT FURTHER RESOLVED, that notice of said hearing shall be given by publication in the *Papillion Times*, a legal newspaper, Sarpy County, Nebraska for three (3) consecutive weeks on May 11, 18 and 25, 2016, which publication shall contain the entire wording of the proposed resolution of necessity and that notice shall be given by posting same in three (3) conspicuous places within the boundaries of the District as required by *Neb. Rev. Stat. §31-745*; and further, that the Clerk of the District shall give notice not less than seven (7) days prior to said hearing to the Sarpy County Clerk as required by *Neb. Rev. Stat. §31-727.02*.

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

The Board then reviewed and discussed a draft resolution calling for special election to authorize exceeding the levy and "lid" limit for property taxes provided in *Neb. Rev. Stat. §13-519* and *77-3442* so the District would have sufficient funds to pay for solid waste disposal. Mr. Olson advised further review was necessary before the Board could consider adopting such a resolution.

The Chairman then presented the hereinafter described bills, statements and invoices.

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. 2354 through 2359 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 April 28, 2019)

- (a) Warrant No. 2354 in the sum of \$541.41, payable to Olmsted & Perry Consulting Engineering, Inc., in payment of invoices 14-15077 and 05-15077;
- (b) Warrant No. 2355 in the sum of \$111.00, payable to Gretna Sanitation, in payment of park trash service inv. nos. 13858 and 10589;
- (c) Warrant No. 2356 in the sum of \$2,256.02, payable to Steven J. Olson, in payment of legal services rendered, invoice no. 46514;
- (d) Warrant No. 2357 in the sum of \$550.00, payable to Clean Sweep Commercial Inc. Parking Lot Services, in payment of invoice. no. 4603;
- (e) Warrant No. 2358 in the sum of \$989.60, payable to Omaha Public Power District, in payment of electrical services, account no. 4504100020;
- (c) Warrant No. 2359 in the sum of \$1,250.00, payable to Bankers Trust, in payment of invoice nos. 26120, 26122 and 26164;

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

Mr. Olson advised SID No. 165 had recently paid to SID 92 the sum of \$6,347.04 in payment of a one-half share of the 2015 park expenses.

Thereupon the meeting adjourned.

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Ann Rasmussen, Chairman & Trustee

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Linda Paesl, Clerk & Trustee

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Aaron Thornton, Trustee