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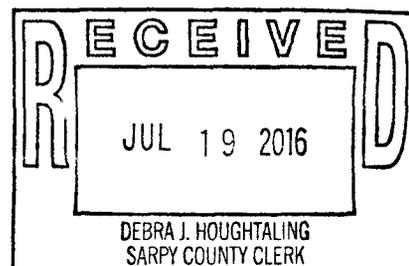
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July 15, 2016



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 June 30, 2016 for filing.

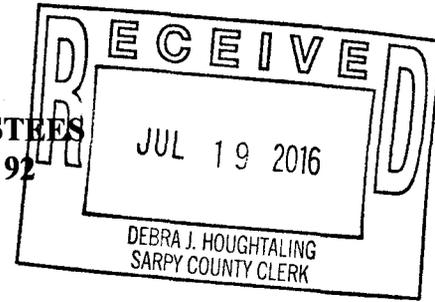
Sincerely,

Steven J. Olson/mw

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 **June 30, 2016**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees: Ann Rasmussen, Linda J. Paesl and Tim Albers. Absent: Stephanie Adams and Aaron Thornton. 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 June 15, 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 Chairman advised state law was recently amended to permit Sanitary and Improvement Districts to contract for solid waste disposal services. The Chairman also advised state law required that whenever a majority of the Board of Trustees shall deem it advisable to amend the articles of association of the District to include additional powers authorized by law, the Board of Trustees must first propose a resolution declaring the advisability of such amendment and setting out verbatim the proposed amendment to the articles of association and also setting out the time and place when the Board of Trustees shall meet to consider the adoption of such amendment. After full and careful review, the following resolutions were then duly moved and seconded, to wit:

RESOLUTION "A"

BE IT RESOLVED the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, find and determine it is advisable for the District to amend the articles of association of the District to add contracting for solid waste collection services as an additional purpose for which the District has been formed and as an additional power which the District may exercise, the expense of which all owners of real estate within the District are willing and obligate themselves to pay the tax or taxes which may be levied against all of the property in the District and special assessments against the real property benefitted which may be assessed against them;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, Article Seventh of the Articles of Association of the District is hereby amended to add contracting for solid waste collection services as an additional purpose for which the District has been formed;

BE IT FURTHER RESOLVED Article Eighth of the Articles of Association of the District is amended to provide that all owners of real estate within the District are willing and obligate themselves to pay the tax or taxes which may be levied against all the properties in the District and special assessments against the real property benefitted which may be assessed against them to pay the expenses incurred by the District, as provided by law, that are necessary for solid waste collection services;

BE IT FURTHER RESOLVED Article Ninth of the Articles of Association of the District is hereby amended to add contracting for solid waste collection services as an additional power which the District may exercise.

The hearing on the proposed resolution of advisability to amend the articles of association of the District shall be held on July 27, 2016 at 6:30 p.m. at 8901 South 154th Street, Omaha, Sarpy County, Nebraska.

Any owner of property within the District may appear and make objection to the proposed amendments to the articles of association of the District. If the owners representing a majority of the front footage of real estate within the district fail to sign and present to the board, on or prior to the hearing date, a written petition opposing the resolution, then a majority of the board of trustees, may pass the resolution and thereby adopt the proposed amendment, or amend and then pass the amended resolution, and thereby adopt the amendment as altered. The clerk of the district shall thereupon file a certificate with the county clerk and with the Secretary of State certifying such amendment to the articles, and, upon such filing, the articles of association shall be deemed to have been duly amended and the district shall thereafter have all powers included within the articles of association as amended. If, however, a petition opposing such amendment is signed by property owners representing a majority of the front footage of real estate within the district and is presented to the board on or prior to the hearing date, then the board of trustees shall not adopt the amendments to the articles of association unless and until they have submitted the issue to and received the approval of the district court which had formed the district in a proceeding wherein the objecting parties are named as parties defendant and are given the statutory time to plead or answer as in civil cases. At the hearing, the court may (1) disapprove such amendments if the court finds that such amendments will not be conducive to the public health, convenience, or welfare, or (2) approve the proposed amendments as originally submitted or alter the same, if the court finds that such amendments

will be conducive to the public health, convenience, or welfare. Proceedings before the court shall be conducted as in other civil cases, including the right of appeal.

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 July 13, 20, 27, which publication shall contain the entire wording of the proposed resolution of advisability; further, 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 Tim Albers. Voting nay thereon were the following Trustees: None. The Chairman then declared said resolution to be duly carried and adopted.

The Chairman presented the plans and specifications for the 2016 Solid Waste Collection and Disposal Services, together with an estimate of the total cost for said services as prepared by Olmsted & Perry Consulting Engineers, engineers for the District which cost estimate included engineering fees, legal fees, administration cost and other miscellaneous cost in the total sum of \$151,980.00. 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 "B"

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 92 of Sarpy County, Nebraska, find and determine that it is advisable and necessary for the District to provide for solid waste collection and disposal services to benefit the residents of the District.

The proposed solid waste collection and disposal services shall consist of the weekly collection, transportation, and disposal of residential solid waste materials, recyclable waste materials, and yard waste materials from all residents within the boundaries of the District by the Contractor and legally disposed in a permitted landfill. Recyclable materials shall also be collected by the Contractor and become its property and any revenue derived from such shall be to the benefit of the Contractor. The solid waste collection and disposal shall be at the expense of the District. The proposed contract shall be for a One (1) year term with two automatic consecutive one year renewal extensions, unless the District elects to not renew by giving written notice to the Contractor not less than sixty days prior to the renewal date. The Contractor shall furnish separate solid waste, recyclable waste, and yard waste containers to each of the 235 existing residential property owners within the District as well as the District Park for a total of 236 locations. All work shall be in accordance with the plans and specification for the 2016 Solid Waste Collection and Disposal Services for Sanitary and Improvement

District No. 92 of Sarpy County, Nebraska.

The plans and specifications for 2016 Solid Waste Collection and Disposal Services have been prepared by Olmsted & Perry Consulting Engineers, Inc., engineers employed by the District for such purpose, and filed with the Board of Trustees of the District prior to the first publication of this resolution. Said engineers also filed an estimate of the total cost of the improvements for a three (3) year term, which cost estimate is in the amount of \$151,980.00.

To pay the cost of 2016 Solid Waste Collection and Disposal Services the District shall cause to be levied annually a tax upon the assessed value of all the taxable property in the District, except intangible property, which shall be sufficient to meet the payments required for same.

That the hearing on the proposed resolution of necessity and advisability for the 2016 Solid Waste Collection and Disposal Services shall be held on July 27, 2016 at 6:30 p.m. at 8901 South 154th Street, Omaha, Sarpy County, Nebraska.

Any owner of property within the District which will become subject to said tax assessment for the 2016 Solid Waste Collection and Disposal Services may appear and make objections to the proposed solid waste collection project. This proposed resolution may be amended and passed or may be passed as proposed.

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 July 13, 20 and 27, 2016, which publication shall contain the entire wording of the proposed resolution of necessity; 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 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 hereinafter described bills, statements and invoices. After full and careful discussion, the following resolutions were then duly moved and seconded, to-wit:

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. 2366 through 2372 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 June 30, 2019)

- (a) Warrant No. 2366 in the sum of \$55.00 payable to Gretna Sanitation, Inc., in payment of invoice #20296;
- (b) Warrant No. 2367 in the sum of \$3,493.79 payable to Steven J. Olson, in payment of invoice #46674, legal services rendered;
- (c) Warrant No. 2368 in the sum of \$150.00 payable to Dostals Construction, in payment of invoice #2 parking space layout;
- (d) Warrant No. 2369 in the sum of \$803.27, payable to Olmsted & Perry Consulting Engineers, Inc., in payment of invoice #07-15077;
- (e) Warrant No. 2370 in the sum of \$1,445.00 payable to D&S Lawn Service, in payment of invoice May park mowing;
- (f) Warrant No. 2371 in the sum of \$988.13, payable to Omaha Public Power District, in payment of account no. 4504100020;
- (g) Warrant No. 2372 in the sum of \$2,165.21 payable to Olmsted & Perry Consulting Engineers, Inc., in payment of invoice #08-15077, 01-16023, 01-16059;

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 J. Paesl 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 there will be an election of the Board of Trustees by mail in ballot to be received at the office of the Sarpy County Election Commissioner by September 13, 2016 and that anyone wishing to run must submit an application to the Election Commissioner by July 25, 2016.

Thereupon the meeting adjourned.

Ann Rasmussen, Chairman & Trustee

Linda Paesl, Clerk & Trustee

Tim Albers, Trustee