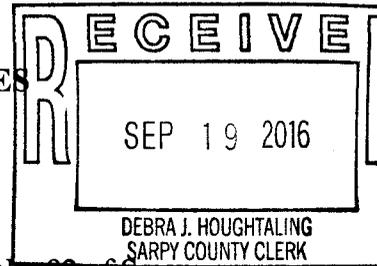


**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
OF SANITARY AND IMPROVEMENT DISTRICT NO. 92
OF SARPY COUNTY, NEBRASKA**



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 31, 2016**, at 8901 South 154th Street, Omaha, Nebraska. Present were Trustees: Ann Rasmussen, Linda J. Paesl, Aaron Thornton, Tim Albers and Stephanie Adams. Absent: None. Also present Steven J. Olson, Attorney for the District and approximately 8 residents of the District.

Notice of the meeting was given in advance thereof by publication in *The Papillion Times*, Papillion, Nebraska, on August 24, 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 a survey had been sent to all residents of the district regarding solid waste disposal. The Chairman directed a copy of the survey form and memorandum sent to the residents be attached to these minutes for identification purposes. The Chairman advised the results of this survey were as follows:

Spoiled surveys	4
Yes, In Favor	38
No, Opposed	80
No response	<u>113</u>
Total	235

The Chairman advised she would not support moving forward with solid waste collection services since the majority of the residents responding to the survey were opposed. Trustees Paesl and Albers expressed similar views. After full and careful discussion the following resolutions were then duly moved by Trustee Thornton and seconded by Trustee Albers, to wit:

BE IT RESOLVED the proposed Resolution of Advisability to Amend the Articles of Association of the District to add power to contract for solid waste collection services is hereby withdrawn;

BE IT FURTHER RESOLVED that the Resolution of Necessity for 2016 Solid

Waste Collection and Disposal Services is hereby withdrawn.

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

Trustee Thornton stated the memorandum which accompanied the survey sent to the residents was biased in favor of adoption and too lengthy. One resident also stated that he would oppose solid waste collection services if it was ever brought up again and the Board was secretive and waited too long to seek input from the residents.

Another resident requested the Board to have a monument sign with the name of the subdivision erected at the entrance to the subdivision and a "no semi-trucks allowed" sign posted at the entrance to the subdivision. After full and careful discussion, the following resolutions were then duly moved and seconded, to wit:

BE IT RESOLVED that the engineer for the District is hereby authorized to engage a contractor to install "no semi-trucks allowed" at the entrance to the subdivision; and

BE IT FURTHER RESOLVED that the engineer for the District is hereby authorized to develop a plan and cost estimate to place a monument sign with the subdivision name at the entrance to the subdivision.

On roll call on the foregoing motion, the following Trustees voted aye: Ann Rasmussen, Linda J. Paesl, Aaron Thornton, Tim Albers 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 advised the engineer recommended replacement "no parking" signs at approximately 8114 S. 151st Avenue, Greene Avenue, and 151st Street and Giles Road at 151st Street. The Board requested that an additional "no parking" sign with arrows for both ways be installed at Cornelius Circle near 151st Street.

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. 2377 through 2381 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 31, 2019)

- (a) Warrant No. 2377 in the sum of \$1,020.00 payable to D&S Lawn Service, in payment of July park mowing;
- (b) Warrant No. 2378 in the sum of \$55.00 payable to Gretna Sanitation, Inc., in payment of invoice #26998;
- (c) Warrant No. 2379 in the sum of \$1,976.41 payable to Omaha Public Power District, in payment of 4504100020;
- (d) Warrant No. 2380 in the sum of \$3,219.89 payable to Olmsted & Perry Consulting Engineers, Inc., in payment of invoice nos. 02-16023, 03-16023, 02-16059;
- (e) Warrant No. 2381 in the sum of \$4,869.95 payable to Steven J. Olson, in payment of invoice no. 46833

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. 1714, dated the date of this meeting, to the following payees 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 August 31, 2021)

- (a) Warrant No. 1714, in the sum of \$3,000.00, payable to Kuehl Capital Corporation, in payment of financial advisor fees for fiscal year 16/17, invoice no. 1614;

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, Aaron Thornton Tim Albers 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.

Ann Rasmussen, Chairman & Trustee

Linda Paesl, Clerk & Trustee

Tim Albers, Trustee

Aaron Thornton, Trustee

Stephanie Adams, Trustee