

DONALD G. FURLOW  
BRUMBAUGH & QUANDAHL P.C.  
4855 South 118<sup>th</sup> Street, SUITE 100  
OMAHA, NE 68137

**NOTICE OF MEETING AND HEARING OF NECESSITY**

SANITARY AND IMPROVEMENT  
DISTRICT NO. 96 OF  
SARPY COUNTY NEBRASKA

NOTICE IS HEREBY GIVEN that a meeting of the Board of Trustees of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska, will be held at 7:00 p.m. on October 24, 2013 **at the Chalco Natural Resource Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska, for a hearing of necessity** which meeting will be open to the attendance of the public. A regular meeting of the District will follow the hearing of necessity. Agenda for such meetings, kept continuously current, are available for public inspection at the Law Offices of Brumbaugh & Quandahl, 4855 South 118<sup>th</sup> Street, Suite 100, Omaha, Nebraska 68137. The purpose of the hearing of necessity will be to consider and pass, or amend and pass the following Resolution(s) to wit:

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District 96 of Sarpy County, Nebraska, find and determine that it is advisable and necessary for the District to enter into the bid letting process and ultimately an agreement for a capital improvement project referred to as the 2013 Street Reconstruction, OPCE Project Number 13063, whose purpose and costs are further described as:

To construct and reconstruct portions of the streets and other infrastructure, which is located in the District known as Willow Creek, a subdivision as surveyed, Platted and recorded in Sarpy County, Nebraska.

The outer boundaries of the area in which it is proposed to make special assessments, if any, for said improvements are the outer boundaries of said S.I.D. 96 of Sarpy County, Nebraska.

The extent of the work of the 2013 Street Reconstruction, OPCE project Number 13063, shall include the reconstruction of approximately 2,032 square yards of deteriorated street pavement within the boundaries of S.I.D. 96 of Sarpy County, Nebraska. The work shall further consist of the removal of deteriorated, cracked, and displaced concrete pavement, the reconstruction of the street pavement subgrade, the replacement of removed concrete with new Portland cement

concrete paving, sidewalk reconstruction, asphaltic concrete patching, crack-sealing, street sign installation and repair, surface restoration, and subgrade and concrete testing.

The probable costs of the proposed project for the work described herein above are as follows:

a.	Site Preparation	\$ 1,500.00
b.	Remove & Reconstruct Concrete Pavement (2,032 SY @ \$47.92)	\$ 97,380.00
c.	Saw Cut Pavement (143 LF @ \$4.00)	\$ 572.00
d.	Reconstruct Subgrade (2,032 SY @ \$2.00)	\$ 4,064.00
e.	Remove & Reconstruct Sidewalk(137SF@\$8.00)	\$ 1,096.00
f.	Asphaltic Concrete Patch	\$ 2,000.00
g.	Crack Sealing	\$ 7,500.00
h.	Surface Restoration	\$ 2,000.00
i.	Replace Existing Sign ( ea. @ \$ )	\$ 800.00
j.	Testing Allowance	<u>\$ 750.00</u>
	TOTAL	\$117,662.00
k.	Legal	\$ 5,883.00
l.	Engineering	\$ 23,532.00
m.	Contingency	\$ 14,709.00
	ESTIMATED GRAND TOTAL	<u>\$ 161,785.00</u>

Any property owner of the District may appear and support or object to the adoption of the foregoing resolution(s).

The general meeting, which will immediately follow the hearing of necessity, will consider: payment of obligations incurred by the District, ratification of previously issued warrants and other general affairs of the District.

SANITARY AND IMPROVEMENT  
DISTRICT NO. 96 OF  
SARPY COUNTY, NEBRASKA  
Clerk of the District

SANITARY AND IMPROVEMENT DISTRICT NO. 96  
OF SARPY COUNTY, NEBRASKA

Agenda for Trustees' Regular Meeting to be held October 24, 2013 at 7:00 P.M. at the Chalco Natural Resources Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska, or as soon the regular meeting could be convened as is practicable.

**Hearing Upon Resolution of Necessity:**

1. Review, amend and adoption of Resolution of Necessity pursuant to Section 31-744 and 31-375 Nebraska Revised Statutes 1943, as amended.

**Regular Meeting:**

1. General affairs of the District.
2. Grading Project for District Park

CERTIFICATE

The undersigned, Clerk of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska, hereby certifies that the foregoing Agenda was prepared and available for public inspection at the address shown in the Notice of the Meeting and no items were added to the Agenda after commencement of the meeting.



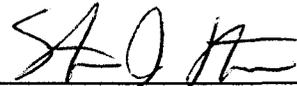
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Clerk of Sanitary and Improvement  
District No. 96 of  
Sarpy County, Nebraska

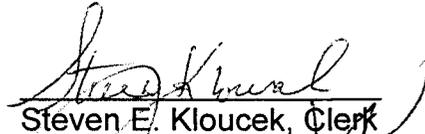
ACKNOWLEDGMENT OF RECEIPT OF NOTICE

The undersigned Trustees of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska, hereby acknowledge receipt of advance Notice of a Regular Meeting and the Hearing on Necessity, all which were given in compliance with Sections(s) 31-744 and 31-375 Nebraska Revised Statutes, 1947, as amended, for adoption of Resolution(s) of Necessity and a regular meeting of the Board of Trustees of said District and the Agenda for such meeting held at 7:00 o'clock P.M. on October 24, 2013, at the Chalco Natural Resources Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska, or as soon the regular meeting could be convened as is practicable.

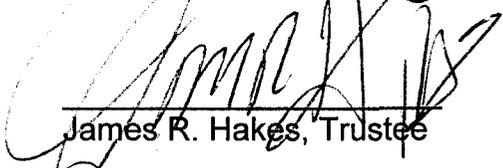
Dated this 24<sup>th</sup> day of October, 2013.



Steve Staskiewicz, Chairman



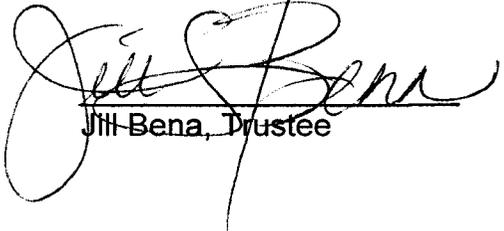
Steven E. Kloucek, Clerk



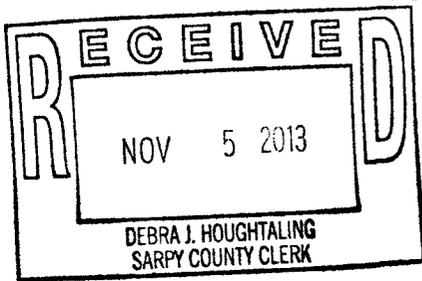
James R. Hakes, Trustee



Dave LeFaivre, Trustee



Jill Bena, Trustee



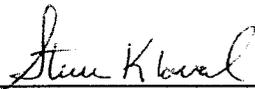
## CERTIFICATE

I, Steven E. Kloucek, Clerk of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for public inspection at Suite 100, 4855 South 118<sup>th</sup> Street, Omaha, Nebraska, 68137; that such subjects were contained in said Agenda for at least twenty-four hours prior to said meetings; that the Minutes of the Board of Trustees of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska from which the foregoing proceedings have been extracted, were in written form and available for public inspection within ten (10) working days prior to the next convened meeting of said body.

I also hereby acknowledge and state that advance notice of the Hearing on Necessity, and public hearing all which were given in compliance with Sections(s) 31-744 and 31-375 Nebraska Revised Statutes, 1947, as amended, for adoption of Resolution(s) of Necessity and a Regular Meeting of the Board of Trustees of said District were published in The Bellevue Leader once per week for two consecutive weeks, the last date of publication being October 9, 2013 and by posting notices in at least three conspicuous places within the District, all in accordance with law. Advanced notice of a Regular Meeting was also published in The Bellevue Leader one time on or about October 9, 2013 as required by law.

That advance notice of said meeting was also given to the City Clerk of the City of Bellevue, Nebraska, and the County Clerk of Sarpy County, Nebraska, Papillion City Clerk by regular U.S. mail deposited in the post office or some subdivision of the postal department where mail may properly and legally be deposited for collection and transmission on or before the 27<sup>th</sup> day of September, 2013; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subject to be discussed at said meeting.

Dated this 24<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Clerk  
Sanitary and Improvement District #96

## CERTIFICATE

The undersigned hereby certify that they are the Chairperson and Clerk of Sanitary and Improvement District Number 96 of Sarpy County, Nebraska, (the "District") and hereby further certify as follows:

1. Annexed to this certificate is a true and correct transcript of the proceedings of the Board of Trustees of the District relating to a meeting of said District held on the date and at the time reflected in the meeting minutes contained in said foregoing transcript (the "Meeting"). All of the proceedings of the District and of the Board of Trustees thereof which are set out in the annexed and foregoing transcript have been fully recorded in the journal of proceedings of the District and the undersigned District Clerk has carefully compared the annexed and foregoing transcript with said journal and with the records and files of the District which are in such Clerk's official custody and said transcript is a full, true and complete copy of said journal, records and files which are set out therein.

2. Advance notice for the Meeting was given by publication as set forth in the affidavit of publication contained in the foregoing transcript and was mailed to the Clerk of the municipality or county within whose zoning jurisdiction the District is located at least seven days prior to the date of the Meeting. Advance notice for the Meeting, including notice of agenda subjects, was given to all members of the Board of Trustees. All news media requesting notification of meetings of said body were provided with advance notice of the times and places of such meetings and the subjects to be discussed.

3. All of the subjects addressed at the Meeting were contained in the agenda for the Meeting, which agenda was kept continually current and readily available for public inspection at the address listed in the meeting notice for the Meeting and a copy of which is attached to this Certificate; such subjects were contained in said agenda for at least 24 hours prior to the Meeting and each agenda item was sufficiently descriptive to give the public reasonable notice of the matters to be considered at the Meeting.

4. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the Meeting in the room in which such Meeting was held and all in attendance at the Meeting were informed that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such Meeting was being held. At least one copy of all resolutions and other reproducible written materials, for which actions are shown in said proceedings, was made available for examination and copying by members of the public at the Meeting.

5. The minutes of the Meeting were in written form and available for public inspection within ten (10) working days after the Meeting or prior to the next convened meeting, whichever occurred earlier, at the office of the District; within thirty (30) days after the date of the Meeting, a copy of the minutes of the Meeting was sent to the Clerk of the municipality or county within whose zoning jurisdiction the District is located.

6. No litigation is now pending or threatened to restrain or enjoin the District from the issuance and delivery of any warrants or other obligations issued by the District or the levy and collection of tax or other revenues or relating to any of the improvements for which any such warrants or other obligations were or are issued nor in any manner questioning the proceedings

and authority under which any such warrants or other obligations were or are issued or affecting the validity thereof; neither the corporate existence or boundaries of the District nor the title of its present officers to their respective offices is being contested; no authority or proceedings for the issuance of any warrants or other obligations by the District have been repealed, revoked or rescinded as of the date hereof. All actions taken by the Board of Trustees referred to in said transcript were taken at a public meeting while open to the attendance of the public.

IN WITNESS WHEREOF, we have hereunto affixed our official signatures this 24<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Clerk

DOCS/741785.1

## **SANITARY AND IMPROVEMENT DISTRICT NO. 96 OF SARPY COUNTY, NEBRASKA**

A District Hearing on Necessity for adoption of a construction resolution was held on October 24, 2013, at 7:00 P.M. at the Chalco Natural Resources Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska. A Regular Meeting of the District immediately followed the Hearing on Necessity.

**Present:** Steve Staskiewicz, Chairman; Steven E. Kloucek, Clerk; James R. Hakes, Jill Bena, Dave LeFaivre, Trustees, Attorney Don Furlow; and **Jake Zimmerer** for the District's Engineers. Also present was District resident Jerold Johnson whose address is 14602 Borman Street, Omaha, Nebraska 68138.

**Absent: None**

Advance notice of the hearing on necessity was given by publication in The Bellevue Leader on October 2, 2013 and October 9, 2013, the designated method for giving advance notice, and a copy of the Proof of Publication is attached to these Minutes. Advance notice of the regular meeting was given by publication in The Bellevue Leader October 9, 2013, the designated method for giving advance notice, and a copy of the Proof of Publication is attached to these Minutes. Advanced Notice was also given to the Board of Trustees and a copy of their Acknowledgment of Receipt of notice and Certificate of the Clerk of the District of such notice is also attached to these Minutes. Notice was also given to the City Clerk of the City of Bellevue, and the County Clerk of Sarpy County, per the attached Certificate of the Clerk of the District.

The Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the Meeting was being held.

The Clerk certifies that notice of this hearing concerning the capital improvement project the 2013 Street Reconstruction, OPCE Project Number 13063 was posted in at least three (3) conspicuous places within the District, all which were given in compliance with Sections(s) 31-744 and 31-375 Nebraska Revised Statutes, 1947, as amended. The Clerk stated that no petition opposing the Proposed Resolution of Necessity was timely filed by any of the property owners within the District or by any other person or entity and that only Mr. Jerold Johnson a District resident appeared at the meeting or made but he did not make any objection to the proposed Resolution of Necessity, which resolution is set forth in its entirety in the Proof of Publication, as certified to by the Clerk, attached hereto and incorporated herein by reference. Availability of the Agenda was communicated in the advance notice and in the notice to the Board of Trustees and to the City Clerk. All proceedings were taken while the meeting was open to the attendance of the public.

The Chairman stated that the first item of business was the consideration, amendment and adoption of a Resolution of Necessity for a capital improvement project referred to as the 2013 Street Reconstruction, OPCE Project Number 13063 to construct and reconstruct portions of the District's streets and other infrastructure improvements all of which are located in the District's boundaries. A discussion was held regarding the resolution with the District's Engineer, Jim Olmsted. Information describing the project and its necessity was supplied by the Engineers and is attached hereto. After a thorough discussion among the Board members and comments offered by District resident Jerold Johnson, the following Resolution(s) of Necessity were adopted pursuant to the provisions of Sections(s) 31-744 and 31-375 Nebraska Revised Statutes, 1947, as amended. Upon motion duly made and seconded, the vote being as follows:

Steve Staskiewicz	Aye
Steven E. Kloucek	Aye
James R. Hakes	Aye
Dave LeFavre	Aye
Jill Bena	Aye

the following Resolutions were adopted:

**RESOLVED** by the Board of Trustees of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska, the Resolution(s) of Necessity was adopted, as published without amendment and pursuant the provisions of to the provisions of Sections(s) 31-744 and 31-375 Nebraska Revised Statutes, 1947, as amended. That in the opinion of the Board and the also the District's Engineer opinion a capital improvement project referred to as the 2013 Street Reconstruction, OPCE Project Number 13063 be undertaken by the District and funded from its construction fund to construct and reconstruct portions of the District's Streets and other infrastructure all of which improvements are within the District's boundaries. A copy of the work to be performed is attached and further described in the notice for hearing of necessity. The Board further decided that the work and the cost of the project should conform to the District's Engineer's letter of necessity and the published notice.

A copy of the proof of publication containing the cost breakout and the specifications of the project is attached hereto. There were no amendments thereto.

**RESOLVED** by the Board of Trustees of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska, that the District's Engineer with the assistance of counsel are hereby empowered to let bids and advertise for bids to obtain qualified contractor(s) for the completion of the project referred to as the 2013 Street Reconstruction, OPCE Project Number 13063 pursuant to Sections(s) 31-7488 of the Nebraska Revised Statutes, 1947, as amended. That upon review of the Board of the results, which will be supplied to each Trustee by the District's Engineer of the bidding by qualified contractors, the Trustees will thereafter when a separate meeting to approve and ratify the bids will be held. In the interim between bid approval and the meeting to ratify the results the Chairman and Clerk are hereby empowered to execute all necessary contracts and other documentation to let the contract to the lowest qualified bidder. In the event Bond counsel may require any amendments to these minutes the District's attorney is empowered to make those changes. At the next meeting of the Board the contract and any changes to these minutes will be reviewed and ratified.

**The meeting on the hearing on necessity was adjourned and the regular meeting commenced immediately thereafter.**

The Chairman stated that the first item of business of the regular meeting was the consideration of Grading of the District's Park berms: this topic was incorporated into the discussions held regarding the improvements to the District. The Trustees agreed to scrape the District's berms in the park to flatten them to aid the local police in their surveillance of the park and include the cost of repairs in the bid for OPCE Project Number 13063. A copy of the Engineer's letter setting forth the specs and costs of the Park project is attached hereto. Upon motion duly made and seconded, the vote being as follows:

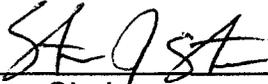
Steve Staskiewicz	Aye
Steven E. Kloucek	Aye
James R. Hakes	Aye
Dave LeFaivre	Aye
Jill Bena	Aye

the following Resolution was adopted:

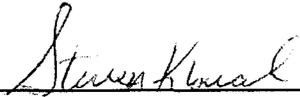
**RESOLVED** by the Board of Trustees of Sanitary and Improvement District No. 96 of Sarpy County, Nebraska that the berms in the District's Park be graded to flatten them out to aid local law enforcement with their surveillance of the park. The Board further decided that the work and the cost of the project should conform to the District's Engineer's letter.

The following general affairs of the District were discussed: None

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
Chairman

Attest:

  
\_\_\_\_\_  
Clerk

October 02, 2013

Chairman and Trustees  
S.I.D. No. 96 of Sarpy County, Nebraska  
C/o Donald Furlow, Attorney  
4855 south 118<sup>th</sup> Street, Suite 100  
Omaha, Nebraska 68137

Re: 2013 Street Reconstruction  
SID No. 96 of Sarpy County  
OPCE Project No. 13063

Dear Chairman and Trustees:

The following is a description of the work, a description of the improvements area, and an estimate of cost for the 2013 Street Reconstruction work at Sanitary and Improvement District No. 96 of Sarpy County, hereinafter referred to as the "District":

1. DESCRIPTION OF WORK

The proposed 2013 Street Reconstruction shall consist of the removal and replacement of approximately 2,032 square yards of Portland cement concrete pavement throughout the District. Included in the work shall be subgrade reconstruction, sidewalk reconstruction, asphalt reconstruction, crack sealing, surface restoration, and other related and incidental construction. The project shall also include engineering, legal, and fiscal services.

2. LEGAL DRESCRIPTION

The proposed 2013 Street Reconstruction work shall be performed within the District. The outer boundaries of the area which may be subject to assessment, if any, are the same as the outer boundaries of the District.

3. ESTIMATE OF COSTS

The following is an estimate of probable costs associated with the proposed 2013 Street Reconstruction work:

a. Site Preparation	\$ 1,500
b. Remove & Replace Concrete Pavement (2,032 S.Y.)	97,380
c. Saw Cut Pavement (143 L.F.)	572
d. Reconstruct Subgrade (2,032 S.Y.)	4,064
e. Remove & Reconstruct Sidewalk (137 S.F.)	1,096
f. Asphalt Reconstruction	2,000
g. Crack & Joint Sealing	7,500
h. Surface Restoration	2,000

i. Replace Damaged Signs	800
j. Testing Allowance	<u>750</u>
Construction Subtotal:	\$117,662
k. Legal Services	5,883
l. Engineering	23,532
m. Contingency Reserve	<u>14,708</u>
Total:	<u>\$ 161,785</u>

We trust that the above descriptions and estimates are satisfactory to the District. Please let me know if you have any questions.

Sincerely,

OLMSTED & PERRY CONSULTING ENGINEERS INC.



James J. Olmsted, P.E.

JJO/jm

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**OLMSTED & PERRY CONSULTING ENGINEERS INC.**

10730 Pacific Street • Suite 232 • Omaha, Nebraska 68114-4700

Phone: 402-399-8552 Fax: 402-399-9852

October 23, 2013

Chairman and Trustees  
S.I.D. 96 of Sarpy County  
c/o Donald Furlow, Attorney  
4855 South 118<sup>th</sup> Street, Suite 100  
Omaha, Nebraska 68137

RE: SID No. 96 (Willow Creek)  
2013 Park Improvements  
OPCE Project Nol. 13062

Dear Chairman and Trustees:

The following is our preliminary estimate of costs for the 2013 Park Grading Improvements for SID No. 96. These improvements would consist of the removal of the earthen berms within the park and spreading of the dirt on adjacent open spaces. The work would also include reseeding and surface restoration.

Estimate of Cost

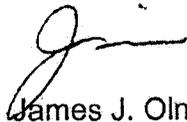
1.	Site Preparation/Mobilization	\$ 1,000
2.	Clearing/Tree Removal	500
3.	Remove existing Berms & Spreading of Soil (1,080 c.y.)	5,040
4.	Sidewalk Replacement	1,000
5.	Install and Maintain Silt fence	1,000
6.	Seeding and Surface Restoration	<u>1,500</u>

Total Estimated Cost: \$10,040

We trust that the above information is helpful. Please let me know if you have any questions.

Sincerely,

OLMSTED & PERRY CONSULTING ENGINEERS



James J. Olmsted, P.E.

JJO/jm

**OLMSTED & PERRY CONSULTING ENGINEERS INC.**

10730 Pacific Street • Suite 232 • Omaha, Nebraska 68114-4700

Phone: 402-399-8552 Fax: 402-399-9852





**DONALD G. FURLOW, P.C.**  
**Of Counsel**  
**BRUMBAUGH & QUANDAHL, P.C., LLO**  
**4885 South 118<sup>th</sup> Street, Suite 100**  
**Omaha, NE 68137-2214**  
Telephone: (402) 554-4400 Facsimile: (402) 554-0339  
e-mail: [dfurlow@furlowlaw.com](mailto:dfurlow@furlowlaw.com)

**Licensed in State Courts of Iowa, Missouri, Wisconsin & South Dakota  
and in U.S. District Courts of Iowa, Missouri, Kansas & North Dakota**

September 27, 2013

To: Steven Kloucek, James R. Hakes, Dave LeFaivre, Jill Bena, and Steve Staskiewicz.

Re: SID 96, Sarpy County

Dear SID 96 Team:

This letter serves as a notification of an upcoming Hearing of Necessity and regular meeting on October 24, 2013, at 7:00 p.m. Enclosed please find a copy of the Notice which was sent for publication according to law for two consecutive weeks.

Please join us at our meeting to consider the street reconstruction project and to conduct the regular business of the District.

Our Engineer will be there to discuss the project and our Fiscal Agent has also agreed to discuss the financing.

I look forward to seeing each and every one of you there at the meeting.

Sincerely,



Donald G. Furlow

DGF/csd  
Enclosure

C: Papillion City Clerk  
Sarpy County Clerk