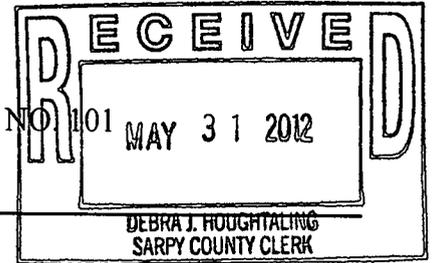


SANITARY AND IMPROVEMENT DISTRICT NO. 101  
OF SARPY COUNTY, NEBRASKA



Minutes of the Meeting of the Board of Trustees  
May 16, 2012

A meeting of the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska was convened in open public session at 7:00 p.m. on the 16<sup>th</sup> day of May, 2012, at the La Platte Community Church, 16412 Main Street, La Platte, Nebraska.

Present at the meeting were: Doug Hill, Chip Frazier and Don Story, Trustees of the District; Jeffrey B. Farnham, the District's Attorney; Jim Olmsted, the District's Engineer; Rene and Joy Nelson of Urban Utilities; and Jake Farrell of OPPD.

Notice of the meeting was given in advance thereof by publication in *The Bellevue Leader* on May 9, 2012, a copy of the Proof of Publication being attached to these Minutes. Advance notice was also given to the Board of Trustees and a copy of their acknowledgment of the receipt of such notice is attached to these minutes. Notice was also given to the County Clerk of Sarpy County, Nebraska per the attached certificate of the Clerk of the District. Availability of the agenda was communicated in the advance notice and in the notice of the Board of Trustees and to the County Clerk.

The Clerk then certified that notice of this meeting had been given to the County Clerk of Sarpy County, Nebraska, at least seven days prior to the time set by the Board of Trustees for this meeting, said Certificate being attached to these minutes and made a part hereof by this reference.

All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The District's Clerk then presented the Treasurer's Report as of April 30, 2012. The balance in the District's General Fund was approximately \$90,500.94; the cash balance in the District's Bond Fund account was approximately \$612,596.72; the balance in the District's Service Fee Fund was approximately \$36,114.15; and the Bond Fund Investment balance was approximately \$0.00.

The Chairman then requested that the Board approve the minutes from the meeting held on April 18, 2012. Upon a motion made by Don Story and duly seconded by Chip Frazier and vote taken in open session convened, and vote being in favor, none opposed, the minutes of the meeting held on April 18, 2012.

The Chairman stated that the next item of business was payment of existing bills.

The Chairman then presented the following statements for consideration:

**Construction Fund:**

<i>Warrant No. 2661(C)</i> – Olmsted & Perry Consulting Engineers Inc. Engineering services related to 2010 Drainage Improvements: 3/15/12 through 4/15/12 – Invoice No. 15-10090	\$918.12
<i>Warrant No. 2662(C)</i> – Olmsted & Perry Consulting Engineers Inc. Engineering services related to 2010 Wastewater Treatment Plant Reconstruction: 2/29/12 through 3/15/12 Invoice No. 05-11025-01	\$1,280.00
<i>Warrant No. 2664C)</i> – Nebraska Department of Environmental Quality Clean Water SRF Semi-Annual Interest and Principal Payment Invoice No. 16142	\$50,145.98

**General Fund:**

<i>Warrant No. 2663</i> – Olmsted & Perry Consulting Engineers Inc. General engineering services: 3/15/12 through 4/15/12 Invoice No. 02-12025	\$758.20
<i>Warrant No. 2665</i> – Quinn Insurance, Inc. New E&O insurance – Invoice No. 37974	\$1,103.00
<i>Warrant No. 2666</i> – Bankers Trust Company Admin annual fee – Invoice No. 3889	\$500.00
<i>Warrant No. 2667</i> – O'Donnell Ficenc Wills & Ferdig, LLP General accounting services: through 1/31/12 Invoice No. 67038	\$281.26
<i>Warrant No. 2668</i> – Omaha Public Power District Statement dated 5/4/2012	\$529.44
<i>Warrant No. 2669</i> – Josh Tedder Construction Inc. Mowing dike – Invoice No. 807	\$200.00
<i>Warrant No. 2670</i> – Josh Tedder Construction Inc. Fill hole on dike – Invoice No. 809	\$250.00
<i>Warrant No. 2671</i> – Farnham & Simpson, P.C., L.L.O. General legal services: through 5/16/12 Statement No. 1278	\$1,655.22
<i>Warrant No. 2672</i> – Platteview Turf Inc. Spraying weeds (thistles) – cutting phragmites Invoice No. 251	\$342.78

**Service Fee Fund:**

<i>Warrant No. 249</i> – Midwest Laboratories, Inc. Monthly wastewater, shipping and supplies Invoice No. 647091	\$68.54
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<i>Warrant No. 250</i> – Midwest Laboratories, Inc. Monthly wastewater, shipping and supplies Invoice No. 643921	\$67.71
<i>Warrant No. 251</i> – Urban Utilities, Inc. O&M and expenses for May 2012 Invoice No. 6659	\$5,881.09

Trustee Chip Frazier made a motion to pay all the bills and Trustee Don Story seconded the Motion. Upon motion made and duly seconded and vote taken in open session convened, and vote being in favor, none opposed. The following resolution was adopted:

RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrant Nos. 2661(C) through 2662(C) and Warrant No. 2664(C) of the District, drawn on the Construction Fund of the District and to draw interest at the rate of 7% per annum to be redeemed no later than May 16, 2017, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after said notice is given as required by law; Warrant No. 2663 and Warrant Nos. 2665 through 2672 of the District, drawn on the General Fund of the District and to draw interest at the rate of 7% per annum to be redeemed no later than May 16, 2015, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after said notice is given as required by law; and Warrant Nos. 249 through 251 of the District, drawn on the Service Fee Fund of the District and to draw interest at the rate of 7% per annum to be redeemed no later than May 16, 2015, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after said notice is given as required by law, to-wit:

- A. *Warrant No. 2661(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$918.12
- B. *Warrant No. 2662(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$1,280.00
- C. *Warrant No. 2664(C)* payable to the Nebraska Department of Environmental Quality in the amount of \$50,145.98
- D. *Warrant No. 2663* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$758.20
- E. *Warrant No. 2665* payable to Quinn Insurance, Inc. in the amount of \$1,103.00
- F. *Warrant No. 2666* payable to Bankers Trust Company in the amount of \$500.00
- G. *Warrant No. 2667* payable to O'Donnell Ficenec Wills & Ferdig, LLP in the amount of \$281.26

- H. *Warrant No. 2668* payable to Omaha Public Power District in the amount of \$529.44
- I. *Warrant No. 2669* payable to Josh Tedder Construction Inc. in the amount of \$200.00
- J. *Warrant No. 2670* payable to Josh Tedder Construction Inc. in the amount of \$250.00
- K. *Warrant No. 2671* payable to Farnham & Simpson, P.C., L.L.O. in the amount of \$1,655.22
- L. *Warrant No. 2672* payable to Platteview Turf Inc. in the amount of \$342.78
- M. *Warrant No. 249* payable to Midwest Laboratories, Inc. in the amount of \$68.54
- N. *Warrant No. 250* payable to Midwest Laboratories, Inc. in the amount of \$67.71
- O. *Warrant No. 251* payable to Urban Utilities, Inc. in the amount of \$5,881.09

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 101 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 under Nebraska law as a matter of general application to all property specially benefitted 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. 101 of Sarpy County, Nebraska, that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under current federal 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 obligations" under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986 as amended and covenant 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 \$5,000,000.00 during a calendar year in which the Warrants are issued.

1. No separate reserves or replacement fund has been or will be established with respect to the above Warrants. The District reasonably anticipates that the monies in its bond fund reasonably attributable to the above Warrants in excess of the lessor of: (a) 10% of the net principle proceeds of the above Warrants, or (b) the maximum annual debar service due on the above Warrants, or (c) 125% of the average annual debt service due on the above Warrants will be expended for payment and principle of and interest on the above amount arrived at pursuant to invested in any securities or any other of 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 Services as an issuer that may not certify its bonds.
4. This Certificate is being passed, executed and delivered pursuant to Section 1.102-13, 1.103-14 and 103-15 of the Income Tax Regulations under the Internal Revenue Code of 1954, as amended, and under the Internal Revenue Code of 1986.

Rene Nelson then presented the sewer report for the month of April, 2012. Mr. Nelson indicated that they had been trying to locate the sewer line in La Platte Road where MUD is constructing a force main. There has been some difficulty in locating the line and the Board and Mr. Nelson agreed to use the pot-holing method to locate the line.

Jake Farrell, of the Omaha Public Power District, was present and explained to the Board the easement sought to be acquired by OPPD. Doug Hill asked Mr. Farrell if OPPD was going to remove the trees in the easement area and Mr. Farrell indicated that they would. Chip Frazier said that it was fine to remove the cottonwood trees but there were a number of ornamental trees, he thought crab and pear trees, located in the easement area that either needed to be retained or replanted if they were going to be destroyed. After further discussion, it was determined that OPPD's offer of \$3,500 for acquisition of the easement was acceptable to the District, provided

that OPPD would either save the ornamental trees, or if it was necessary to remove them that equivalent ornamental trees would be replanted. Trustee Don Story offered the following resolution and moved for its adoption:

BE IT RESOLVED, that it is in the best interest of the District to execute a right-of-way easement, in the form attached to these minutes, granting OPPD an easement over a portion of the District's property adjacent to La Platte Road, as more particularly described in the right-of-way easement, provided that OPPD agrees to retain the ornamental trees within the easement area, or if it is necessary to remove the ornamental trees an equivalent number of comparable trees will be replanted in the easement area.

Trustee Chip Frazier seconded the motion and after further discussion, all Trustees present voted in favor thereof.

Jim Olmsted then discussed the status of the 2012 Treatment Plant improvements. There was considerable discussion of a system utilizing three irrigation towers with platforms between the towers that would move up and down over the wetland cells. Mr. Olmsted indicated that they were calling this a "Motorized Lineal Platform System for Vegetation Control". Mr. Olmsted was requesting the Board's permission to put this project out for bids. There was discussion of the fact that the project would have at least three separate bid items, one related to reconstruction of the splitter boxes and related improvements, one related to purchase of the pivot towers, and one related to construction, fabrication and retrofitting of the platforms. After further discussion, the Trustees authorized Mr. Olmsted to proceed with design and to put out a notice for bids, with bids accepted on June 27, 2012. Trustee Don Story offered the following resolution and moved for its adoption:

BE IT RESOLVED, that the District's engineering firm of Olmsted & Perry is hereby authorized to employ a structural engineer and complete the design phase of the motorized lineal platform system and to proceed to publish for bids for the 2012 Treatment Plant improvements, with the bids being received on June 27, 2012.

Trustee Chip Frazier seconded the motion and all Trustees present voted in favor thereof.

There was then discussion concerning the bill submitted by Cole Luttmann. Doug Hill indicated that he had reviewed the warrant records of the District and that there had not been a previous payment for this work. Chip Frazier stated that since the District originally contracted with Ron Thayer, we would need a release from Mr. Thayer. Trustee Frazier offered the following resolution and moved for its adoption:

BE IT RESOLVED, that Cole Luttmann's bill, in the original invoice amount, should be paid, provided that a release is obtained from Ron Thayer.

Trustee Doug Hill seconded the motion and all Trustees present voted in favor thereof.

Mr. Olmsted then advised the Board that he had again inspected the road on Annabelle Drive near Betty Lake and was in the process of ordering the soil borings. He felt that we would need at least two borings.

Mr. Olmsted then advised the Board that he had been in contact with Doug Kellner of Thompson Dreessen & Dornier concerning the drainage issue related to Leisure Village. Mr. Kellner advised Mr. Olmsted that work to correct this problem would be started in the very near future.

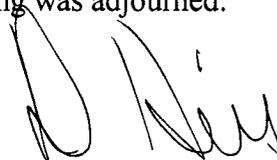
Rene and Joy Nelson advised the Board that the thistles on the east side of Platte River Road were becoming a significant problem. Trustee Don Story stated that he would talk with the District's spraying contractor about getting this taken care of.

Joy Nelson then stated that she would be sending out the service fee fund bills on July 1, 2012 and wanted to get direction from the Board as to the amount of the fee for 2012. After discussion, it was determined that the District's attorney would compile the service fee fund expenses for the past year and provide that information to the Board so that the new fee could be determined at the next meeting.

There was then discussion concerning the next meeting and it was determined that the Board would meet again on June 27, 2012.

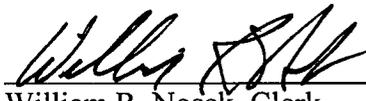
There were no future agenda items.

There being no further business appearing, and upon motion duly made by Don Story, seconded by Chip Frazier, and unanimously carried, the meeting was adjourned.



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Doug Hill, Chairman



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William R. Nosek, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }
} SS.
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, May 9, 2012 Bellevue Leader

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

[Signature of Shon Barenklau]
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 05-08-2012
Signed in my presence and sworn to before me:

[Signature of Jessica C. Erwin]
Notary Public
GENERAL NOTARY, State of Nebraska
JESSICA C. ERWIN
My Comm. Exp. Mar. 12, 2013

NOTICE OF MEETING
SANITARY AND IMPROVEMENT
DISTRICT NO. 101
SARPY COUNTY, NEBRASKA
Notice is hereby given that a general meeting of the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, will be held at 7:00 p.m. on May 16, 2012, at La Platte Community Church, 16412 Main Street, La Platte, Nebraska, which will be open to the public. An agenda for such meeting, kept continuously current, is available for public inspection at the principal office of the Board at 220 North 89th Street, Suite 201, Omaha, Nebraska, and includes payment of bills of the District. Immediately prior to the scheduled meeting, at 7:00 p.m., members of the Board of Trustees will gather informally at 6:00 p.m. at The Lodge, 16609 Clay Street, Bellevue, Nebraska, and may discuss items which are on the agenda for the scheduled meeting; however, no action will be taken on any such items until the scheduled meeting. The meeting at The Lodge is open to the public.
William R. Nosek
Clerk of the District
1512361159

Printer's Fee \$ 12.79
Customer Number: 33155
Order Number: 0001512361

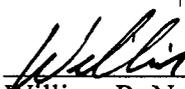
**ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING**

The undersigned Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, do hereby acknowledge receipt of advance notice of a meeting of the Board of Trustees of said District and the agenda for such meeting held at 7:00 p.m. on May 16, 2012, at La Platte Community Church, 16412 Main Street, Sarpy County, La Platte, Nebraska.

DATED this 16<sup>th</sup> day of May, 2012.



\_\_\_\_\_  
Doug Hill



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William R. Nosek

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Edwin "Chip" Frazier

\_\_\_\_\_  
Lou Riedmann

\_\_\_\_\_  
Donald R. Story

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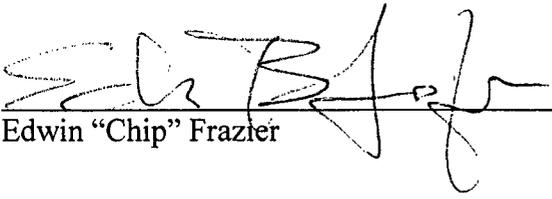
DATED this 16<sup>th</sup> day of May, 2012.

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Doug Hill

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William R. Nosek



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Edwin "Chip" Frazier

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Lou Riedmann



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Donald R. Story

## CERTIFICATE

The undersigned being Clerk of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, hereby certifies that notice of a meeting of the Board of Trustees of said District held on May 16, 2012, was mailed to the County Clerk of Sarpy County, Nebraska at least seven days prior to the date of said meeting.

The undersigned further certifies that the agenda for the meeting of the Board of Trustees of said District was prepared and available for public inspection at the address designated in the notice of meeting published in *The Bellevue Leader* on May 9, 2012, and that no items were added to the agenda after the commencement of the meeting; and further, that the minutes for the meeting were available for public inspection within ten (10) days of the date of said meeting and that a copy of the minutes of this meeting were sent to the County Clerk of Sarpy County, Nebraska within thirty days from the date of this meeting.

  
Clerk