

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, August 1, 2012 Bellevue Leader

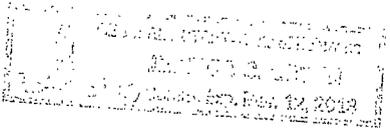
And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 08-01-2012

Signed in my presence and sworn to before me:

Notary Public



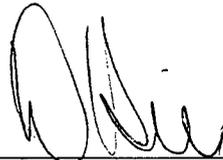
Printer's Fee \$ 12.79
Customer Number: 33155
Order Number: 0001543630

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 August 8, 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 189th 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
1543630; 8/1/12

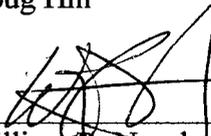
ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING

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 August 8, 2012, at La Platte Community Church, 16412 Main Street, Sarpy County, La Platte, Nebraska.

DATED this 8th day of August, 2012.



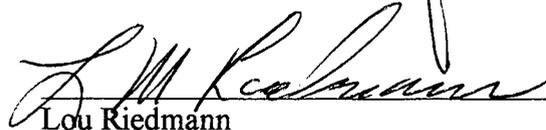
Doug Hill



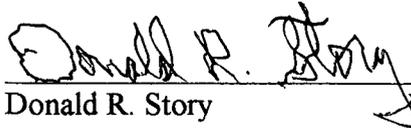
William R. Nosek



Edwin "Chip" Frazier



Lou Riedmann

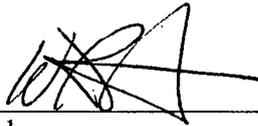


Donald R. Story

CERTIFICATE

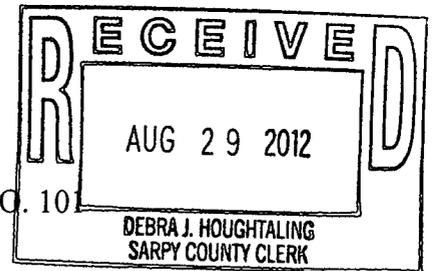
The undersigned being Clerk of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, hereby certifies that notice of a meeting of the Board of Trustees of said District held on August 8, 2012, was mailed to the County Clerk of Sarpy County, Nebraska at least seven days prior to the date 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 August 1, 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

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



Minutes of the Meeting of the Board of Trustees
August 8, 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 8th day of August, 2012, at the La Platte Community Church, 16412 Main Street, La Platte, Nebraska.

Present at the meeting were: Doug Hill, Chip Frazier, Lou Riedmann, Bill Nosek and Don Story, Trustees of the District; and Jeffrey B. Farnham, the District's Attorney.

Notice of the meeting was given in advance thereof by publication in *The Bellevue Leader* on August 1, 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 July 31, 2012. The balance in the District's General Fund was approximately \$114,837.01; the cash balance in the District's Bond Fund account was approximately \$593,104.86; the balance in the District's Service Fee Fund was approximately \$15,586.11; 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 June 27, 2012. Upon a motion made by Chip Frazier and duly seconded by Don Story and vote taken in open session convened, and vote being in favor, none opposed, the minutes of the meeting held on June 27, 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. 2673(C)</i> – Lakeside Landscaping Inc. Services related to 2010 Treatment Plant Invoice No. 6394 (Issued 6/21/2012)	\$3,200.00
<i>Warrant No. 2675(C)</i> – Olmsted & Perry Consulting Engineers Inc. Engineering services related to 2010 Treatment Plant Reconstruction: 4/15/12 to 5/15/12 – Invoice No. 06-11025-01	\$6,955.00
<i>Warrant No. 2676(C)</i> – Olmsted & Perry Consulting Engineers Inc. Engineering services related to 2010 Drainage Improvements: 4/16/12 to 5/15/12 – Invoice No. 16-10090	\$160.00
<i>Warrant No. 2677(C)</i> – Olmsted & Perry Consulting Engineers Inc. Engineering services related to 2010 Treatment Plant Reconstruction: 5/15/12 to 6/15/12 – Invoice No. 07-11025-01	\$487.45
<i>Warrant No. 2678(C)</i> – Farnham & Simpson, P.C., L.L.O. Legal services related to Cosine/Cote litigation	\$4,503.75

General Fund:

<i>Warrant No. 2674</i> – Omaha Public Power District Statement dated 6/4/2012 (Issued 6/26/12)	\$534.18
<i>Warrant No. 2679</i> – Olmsted & Perry Consulting Engineers Inc. General engineering services: 4/15/12 through 6/15/12 Invoice Nos. 03-12025, 04-12025, 05-12025	\$2,340.21
<i>Warrant No. 2680</i> – Omaha Public Power District Statement dated 7/5/2012	\$534.18
<i>Warrant No. 2681</i> – Bankers Trust Company Disclosure Fee – Invoice No. 4565	\$250.00
<i>Warrant No. 2682</i> – Quinn Insurance, Inc. General Liability Policy – Invoice #38654	\$627.00
<i>Warrant No. 2683</i> – Farnham & Simpson, P.C., L.L.O. General legal services through 8/8/12 Statement No. 1401	\$3,137.54
<i>Warrant No. 2684</i> – Hill-Farrell Associates, Inc. Land Surveys – Invoice No. 1230	\$780.00
<i>Warrant No. 2685</i> – Jayne O’Connell Stamps for Recycle Flyers	\$141.75
<i>Warrant No. 2686</i> – Olmsted & Perry Consulting Engineers Inc. General engineering services: 6/16/12 through 7/15/12 Invoice No. 01-12025-01	\$321.30

Service Fee Fund:

<i>Warrant No. 236</i> – Midwest Laboratories, Inc. Invoice No. 625291 (Issued 10/7/11)	\$1,241.75
<i>Warrant No. 237</i> – Urban Utilities, Inc. Invoice No. 6530 (Issued 11/30/11)	\$4,964.36

<i>Warrant No. 238</i> – Urban Utilities, Inc. Invoice No. 6531 (Issued 11/30/11)	\$3,863.93
<i>Warrant No. 239</i> – Midwest Laboratories, Inc. Invoice No. 628602 (Issued 11/30/11)	\$78.77
<i>Warrant No. 252</i> – Midwest Laboratories, Inc. Monthly wastewater, shipping and supplies Invoice No. 650055 (Issued 6/26/12)	\$1,172.16
<i>Warrant No. 253</i> – Midwest Laboratories, Inc. Monthly wastewater, shipping and supplies Invoice No. 656211	\$177.78
<i>Warrant No. 254</i> – Urban Utilities, Inc. Invoice No. 6706	\$5,134.61
<i>Warrant No. 255</i> – Urban Utilities, Inc. Invoice No. 6707	\$734.20
<i>Warrant No. 256</i> – Urban Utilities, Inc. Invoice No. 6708	\$4,107.63

Trustee Don Story made a motion to pay all the bills and Trustee Bill Nosek 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 No. 2673(C) and Warrant Nos. 2675(C) through 2678(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 June 27, 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. 2674 and Warrant Nos. 2679 through 2686 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 June 27, 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. 236 through 239 and Warrant Nos. 252 through 256 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 June 27, 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. 2673(C)* payable to Lakeside Landscaping, Inc. in the amount of \$3,200.00 **(Issued 6/21/2012)**
- B. *Warrant No. 2675(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$6,955.00
- C. *Warrant No. 2676(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$160.00

- D. *Warrant No. 2677(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$487.45
- E. *Warrant No. 2678(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of \$4,503.75.
- F. *Warrant No. 2674* payable to Omaha Public Power District in the amount of \$534.18 **(Issued 6/26/12)**
- G. *Warrant No. 2679* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$2,3409.21
- H. *Warrant No. 2680* payable to Omaha Public Power District in the amount of \$534.18
- I. *Warrant No. 2681* payable to Bankers Trust Company in the amount of \$250.00
- J. *Warrant No. 2682* payable to Quinn Insurance, Inc. in the amount of \$627.00
- K. *Warrant No. 2683* payable to Farnham & Simpson, P.C., L.L.O. in the amount of \$3,137.54
- L. *Warrant No. 2684* payable to Hill-Farrell Associates, Inc. in the amount of \$780.00
- M. *Warrant No. 2685* payable to Jayne O'Connell in the amount of \$141.75
- N. *Warrant No. 2686* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$321.30
- O. *Warrant No. 236* payable to Midwest Laboratories, Inc. in the amount of \$1,241.75 **(Issued 10/7/11)**
- P. *Warrant No. 237* payable to Urban Utilities, Inc. in the amount of \$4,964.36 **(Issued 11/30/11)**
- Q. *Warrant No. 238* payable to Urban Utilities, Inc. in the amount of \$3,863.93 **(Issued 11/30/11)**
- R. *Warrant No. 239* payable to Midwest Laboratories, Inc. in the amount of \$78.77 **(Issued 11/30/11)**
- S. *Warrant No. 252* payable to Midwest Laboratories, Inc. in the amount of \$1,172.16 **(Issued 6/26/12)**
- T. *Warrant No. 253* payable to Midwest Laboratories, Inc. in the amount of \$177.78
- U. *Warrant No. 254* payable to Urban Utilities, Inc. in the amount of \$5,134.61
- V. *Warrant No. 255* payable to Urban Utilities, Inc. in the amount of \$734.20
- W. *Warrant No. 256* payable to Urban Utilities, Inc. in the amount of \$4,107.63

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.

The District's attorney then reviewed the Cosine/Cote litigation with the Board. The District had purchased a Tax Sale Certificate in order to protect the special assessments levied on this lot. A foreclosure sale on the Tax Sale Certificate was held last week and prior to the sale Mr. Cote paid the taxes and redeemed the property, however the decree that was entered reserved the special assessments. No special assessments have been paid on this property. After further discussion, the Board advised Mr. Farnham to proceed with foreclosure of the special assessments on this lot.

Rene and Joy Nelson were not present to discuss the sewer reports for May, June and July, however the reports were reviewed by the Board. There was discussion about the repair of the broken service line at 2910 Annabelle Drive. Evidently the residents were having sand hauled in and a dump truck drove over the stop box and broke the line. Trustee Doug Hill indicated that the residents did not know where the stop box was, that the SID had no program to notify property owners of where the stop box was located, and that he felt this was the SID's responsibility. There was discussion of the need for a procedure to let new property owners know the location of the stop box and service lines. There was discussion about working with the lake associations to track down new property owners and give them this information. Chip Frazier indicated that he felt this bill was the responsibility of the property owner as they should have known where the stop box was. After further discussion, Trustee Bill Nosek made a motion that the cost of the repair, in the amount of \$734.20, be split between the District and the property owner. Lou Riedmann seconded this motion and upon a vote the motion carried 3 to 2, with Chip Frazier, Bill Nosek and Lou Riedmann voting in favor thereof and Doug Hill and Don Story voting against.

There was then discussion about putting out a newsletter in the near future. In addition to the normal information contained in the newsletter, the homeowners' responsibilities with respect to the service line and stop box would be discussed.

There was then discussion concerning the OPPD easement acquisition. Chip Frazier advised the Board that there is a maple tree within the easement area that will be taken down and that the District is not being compensated for the removal of this tree. There was further discussion about the six pear trees and the desire of the Homeowners Association to have these trees moved as late as possible in the fall. The District's attorney was instructed to discuss this with Jake Farrell

of OPPD to see if something definite could be pinned down about the removal of the trees. The Board authorized the Chairman to sign the easement and accept the \$5,300.00 check from OPPD upon confirmation of the details concerning the removal of the pear trees.

Trustee Doug Hill advised the Board that with respect to the road issues on Annabelle Drive near Betty Lake the testing lab had drilled two holes in the pavement and that a survey crew will do the sections going into the lake. This information will be given to Jim Olmsted so that he can further analyze the situation. Lou Riedmann requested that Betty Lake be involved in this process and the Board agreed that was appropriate. Mr. Hill indicated that there would probably be a preliminary report at the next Board meeting.

Doug Hill advised the Board that all of the work in Leisure Village with respect to relocating the drain pipe had been done and that this issue should be resolved.

The Chairman advised the Board that the seedhead removal in the wetlands had been completed. The seedhead removal was done by a mower attached to the end of a backhoe and it worked fairly well. There was some damage to sprinkler heads, however it was felt this was minor. There was discussion about a long-term plan with respect to the wetlands.

The District's attorney then advised the Board that his office had been researching whether or not the District should be paying sales tax on the Service Fee Fund monies received by the District. He reported that the District had looked at this issue at the time the Service Fee Fund was established and felt that the District's liability was unclear. After revisiting this issue and discussing it with representatives of the Nebraska Department of Revenue, Mr. Farnham advised the Board that in his opinion the District needed to pay sales tax on the monies paid into the Service Fee Fund. Mr. Farnham indicated that he and the Chairman had been considering this issue for the last year or two and that they both felt the District needed to directly address and resolve this issue. Mr. Farnham further advised the Board that under state statute and the regulations of the Nebraska Department of Revenue that the District would have to go back five years and pay the tax and interest on the tax. There is also a provision for a penalty, however Mr. Farnham felt that since the District was self-reporting that there was a good possibility the penalty would be waived. After further discussion, Trustee Don Story made a motion, and Lou Riedmann seconded, that the Service Fee Fund for 2012 be set at \$300.00 per lot, including the sales tax, and that the District's attorney be authorized to apply for a Nebraska state sales tax permit and to prepare and file sales tax returns, as appropriate, to bring the District current on the payment of sales tax. All Trustees voted in favor of the motion. The Board indicated that the Service Fee Fund statements should go out as soon as possible.

There was then discussion about the need to clean out the ditch from the river along Platte River Drive to Annabelle. Doug Hill indicated that he would get an estimate from Josh Tedder to do this work and present it to the Board at the next meeting.

The Chairman then advised the Board that a request had been made for the District to extend the guardrail towards the river on Platte River Drive. The Chairman indicated that he would have the District's engineer review this and the Trustees would discuss this at the next meeting.

There has been a discussion among the Trustees concerning the recent requests to purchase outlots from the District. After discussion, the Trustees unanimously determined that at the present time the Board was not interested in selling outlots.

A notice from Sarpy County regarding the request of Labeledz Haven, LLC for a variance in connection with the construction of a fence was presented. Trustee Chip Frazier indicated that he would investigate this to determine if the SID's interests were affected and report back to the Board.

There was then discussion concerning the stored sandbags and it was determined that any residents of the lakes could take these sandbags. Trustees Frazier, Riedmann and Hill indicated that they would advise their respective lake associations.

There was then discussion of the 2012-2013 budget process and it was determined that the budget hearing would be held at 7:00 p.m. on September 12, 2012.

There was also discussion about the necessity of certain paving repairs within the District. The Chairman indicated that he would have Mr. Olmsted's office review this and report to the Board.

There were no future agenda items.

There being no further business appearing, and upon motion duly made by Lou Reidmann seconded by Bill Nosek, and unanimously carried, the meeting was adjourned.



Doug Hill, Chairman



William R. Nosek, Clerk