

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



Minutes of the Meeting of the Board of Trustees  
February 27, 2013

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 27<sup>th</sup> day of February, 2013, at the La Platte Community Church, 16412 Main Street, La Platte, Nebraska.

Present at the meeting were: Doug Hill, Chip Frazier, Bill Nosek and Don Story, Trustees of the District; Jeffrey B. Farnham, the District's Attorney; Jim Olmstead of Olmsted & Perry Consulting Engineers, Inc.; Rene Nelson and Joy Nelson of Urban Utilities; and Ken Flegle, resident.

Notice of the meeting was given in advance thereof by publication in *The Bellevue Leader* on February 20, 2013, 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 to the Board of Trustees and 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. In the absence of Doug Hill, Chairman of the Board of Trustees, those Trustees present at the meeting unanimously elected Bill Nosek as the temporary chairman for the purpose of conducting this meeting.

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

The Chairman then stated that one copy of the reproducible written material to be discussed at this meeting was available for examination or copying and that a current copy of the Open Meetings Act was posted in the meeting room.

Trustee Chip Frazier made a motion to approve the minutes of the last meeting and Trustee Don Story seconded the motion. Upon motion made and duly seconded and vote taken in open session convened, the motion carried.

The District's Clerk then presented the Treasurer's Report as of January 31, 2013. The balance in the District's General Fund was approximately \$96,764.76; the cash balance in the District's

Bond Fund account was approximately \$23,758.39; the balance in the District's Bond Fund Investment account was approximately \$519,744.33; and the Service Fee Fund balance was approximately \$60,043.41.

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

The Chairman then presented the following statements for consideration:

**General Fund:**

<i>Warrant No. 2712</i> – Omaha Public Power District Statement dated 12/5/2012 <b>(Issued 1/16/2013)</b>	\$662.35
<i>Warrant No. 2713</i> – Omaha Public Power District Statement dated 1/4/2013 <b>(Issued 1/16/2013)</b>	\$755.22
<i>Warrant No. 2714</i> – Josh Tedder Construction Inc. Invoice No. 918 <b>(Issued 1/16/2013)</b>	\$100.00
<i>Warrant No. 2715</i> – Josh Tedder Construction Inc. Invoice No. 945 <b>(Issued 1/16/2013)</b>	\$100.00
<i>Warrant No. 2716</i> – Olmsted & Perry Consulting Engineers Inc. Invoice No. 07-12025	\$240.85
<i>Warrant No. 2717</i> – Olmsted & Perry Consulting Engineers Inc. Invoice No. 08-12025	\$320.45
<i>Warrant No. 2718</i> – O'Donnell, Ficenec, Wills & Ferdig, LLP Invoice No. 70575	\$7,800.00
<i>Warrant No. 2719</i> – O'Donnell, Ficenec, Wills & Ferdig, LLP Invoice No. 70753	\$206.28
<i>Warrant No. 2720</i> – Omaha Public Power District Invoice No. 70575	\$872.07
<i>Warrant No. 2721</i> – Farnham & Simpson, P.C., L.L.O. Statement No. 1725	\$1,841.57

**Construction Fund:**

<i>Warrant No. 2722(C)</i> – Farnham & Simpson, P.C., L.L.O. Special Assessment Litigation – Collection Statement No. 1726	\$7,230.25
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**Service Fee Fund:**

<i>Warrant No. 266</i> – Midwest Laboratories, Inc. Invoice No. 669679 <b>(Issued 1/16/2013)</b>	\$67.71
<i>Warrant No. 267</i> – Midwest Laboratories, Inc. Invoice No. 673042 <b>(Issued 1/16/2013)</b>	\$67.71
<i>Warrant No. 268</i> – Midwest Laboratories, Inc. Invoice No. 675672	\$91.69

<i>Warrant No. 269</i> – Urban Utilities, Inc. Invoice No. 6836	\$4,689.66
<i>Warrant No. 270</i> – Urban Utilities, Inc. Invoice No. 6837	\$814.98
<i>Warrant No. 271</i> – Urban Utilities, Inc. Invoice No. 6838	\$4,012.50
<i>Warrant No. 272</i> – Urban Utilities, Inc. Invoice No. 6839	\$4,012.50
<i>Warrant No. 273</i> – Urban Utilities, Inc. Invoice No. 6840	\$3,101.02
<i>Warrant No. 274</i> – Farnham & Simpson, P.C., L.L.O. Statement No. 1724	\$465.00

Trustee Don Story made a motion to pay all the bills and Trustee Chip Frazier 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. 2712 through 2721 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 February 27, 2016, 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. 2722(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 February 27, 2018, 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. 266 through 274 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 February 27, 2016, 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. 2712* payable to Omaha Public Power District in the amount of \$662.35 **(Issued 1/16/2013)**
- B. *Warrant No. 2713* payable to Omaha Public Power District in the amount of \$755.22 **(Issued 1/16/2013)**
- C. *Warrant No. 2714* payable to Josh Tedder Construction Inc. in the amount of \$100.00 **(Issued 2/7/2013)**
- D. *Warrant No. 2715* payable to Josh Tedder Construction Inc. in the amount of \$100.00 **(Issued 2/7/2013)**
- E. *Warrant No. 2716* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$240.85

- F. *Warrant No. 2717* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of \$320.45
- G. *Warrant No. 2718* payable to O'Donnell, Ficenec, Wills & Ferdig, LLP in the amount of \$7,800.00
- H. *Warrant No. 2719* payable to O'Donnell, Ficenec, Wills & Ferdig, LLP in the amount of \$206.28
- I. *Warrant No. 2720* payable to Omaha Public Power District in the amount of \$872.07
- J. *Warrant No. 2721* payable to Farnham & Simpson, P.C., L.L.O. in the amount of \$1,841.57
- K. *Warrant No. 2722(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of \$7,230.25
- L. *Warrant No. 266* payable to Midwest Laboratories, Inc. in the amount of \$67.71 **(Issued 1/16/2013)**
- M. *Warrant No. 267* payable to Midwest Laboratories, Inc. in the amount of \$67.71 **(Issued 1/16/2013)**
- N. *Warrant No. 268* payable to Midwest Laboratories, Inc. in the amount of \$91.69
- O. *Warrant No. 269* payable to Urban Utilities, Inc. in the amount of \$4,689.66
- P. *Warrant No. 270* payable to Urban Utilities, Inc. in the amount of \$814.98
- Q. *Warrant No. 271* payable to Urban Utilities, Inc. in the amount of \$4,012.50
- R. *Warrant No. 272* payable to Urban Utilities, Inc. in the amount of \$4,012.50
- S. *Warrant No. 273* payable to Urban Utilities, Inc. in the amount of \$3,101.02
- T. *Warrant No. 274* payable to Farnham & Simpson, P.C., L.L.O. in the amount of \$465.00

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 lesser 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 and indicated that he was investigating other pump suppliers since the deliveries from Meyer's Pump are taking more time. Mr. Nelson indicated that the secondary pre-treatment tanks were cleaned out last summer and that this year he plans on removing some of the sludge cap from the primary pre-treatment tanks.

There was then discussion concerning Urban Utilities' Invoice No. 6837 in the amount of \$814.98. Mr. Nelson advised the Board that the homeowner's contractor drove over the grinder pump basin and did significant damage. The \$814.98 represents the cost of repair. After discussion the Trustees instructed the District's attorney to write the resident a letter and request that he pay this bill.

There was also a discussion concerning the various service calls. Mr. Flegle had several questions about the operation of the grinder pumps which Mr. Nelson answered.

Mr. Olmsted then indicated that he had received the survey information from Hill-Farrell concerning the road issues on Annabelle Drive near Betty Lake and that he would have more information on this issue at the next meeting.

Mr. Farnham then advised the Board of the actions taken regarding special assessment collections since the last meeting. Several Complaints have been filed in Sarpy County District Court and a number of people have paid off their special assessments as a result of the District's collection efforts. Mr. Farnham indicated he would keep the Board advised of future collections.

Mr. Farnham then advised the Board that the NEMA/FEMA reimbursements in the amount of \$63,055.01 had been received by the Sarpy County Treasurer and deposited in the District's account. Mr. Nosek indicated that there were several reimbursements to be paid from this amount and suggested that he and Mr. Farnham get together to review and accomplish this.

There was then a general discussion concerning the installation of guard rails at various locations in the District. It was determined that when the weather is better Mr. Olmsted will tour the District with two of the Trustees and determine where they might recommend guard rails to be installed and report back to the Board.

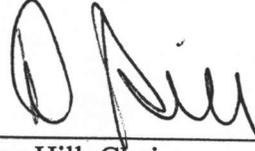
The Chairman indicated that the roads should be evaluated to determine if any repairs were necessary. It was decided that when Mr. Olmsted and two of the Trustees tour the District concerning guard rails, they would also examine the roads and make a recommendation to the Board.

Mr. Farnham then discussed a disclosure concerning the District's errors and omissions insurance and explained the insurance and the disclosures. The Chairman then signed the disclosure.

The Board determined that the next meeting would be held on March 27, 2013.

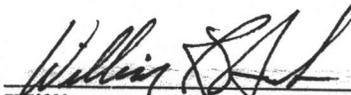
There were no future agenda items.

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



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Doug Hill, Chairman



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William R. Nosek, Clerk

## 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 February 27, 2013, 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 February 20, 2013, 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.

  
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Clerk

**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 Wednesday, February 27, 2013, at La Platte Community Church, 16412 Main Street, Sarpy County, La Platte, Nebraska.

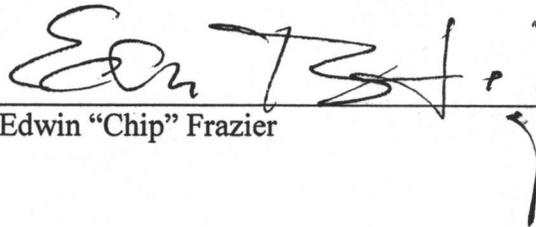
DATED this 27<sup>th</sup> day of February, 2013.



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Doug Hill



\_\_\_\_\_  
William R. Nosek



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Edwin "Chip" Frazier

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Lou Riedmann



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Donald R. Story

