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

RECEIVED
SEP 19 2013
DEBRA J. HOUGHTALING
SARPY COUNTY CLERK

Minutes of the Meeting of the Board of Trustees
August 28, 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 28th day of August, 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 Olmsted of Olmsted & Perry Consulting Engineers; Rene Nelson and Joy Nelson of Urban Utilities; and Ken Flegle and Kevyn Sopinski, residents.

Notice of the meeting was given in advance thereof by publication in *The Papillion Times* on August 7, 2013, August 14, 2013 and August 21, 2013, copies 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 notices and in the notices to the Board of Trustees and the County Clerk.

The Clerk then certified that notices 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 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 Don Story made a motion to approve the minutes of the last meeting and Trustee Bill Nosek 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 July 31, 2013. The balance in the District's General Fund was approximately $143,492.98; the balance in the District's General Fund Investment account was approximately $0.00; the cash balance in the District's Bond Fund account was approximately $657,971.18; the balance in the District's Bond Fund Investment

account was approximately $0.00; and the Service Fee Fund balance was approximately $16,962.50.

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:

Warrant No. 2755(C) – Kuehl Capital Corporation Financial Advisor/Fiscal Agent Services 2013-2014 Invoice No. 1165	$9,000.00
Warrant No. 2756(C) – Olmsted & Perry Consulting Engineers Inc. Road & Bank Stabilization Improvement Invoice No. 05-12025-01	$1,040.46
Warrant No. 2757(C) – Farnham & Simpson, P.C., L.L.O. Special Assessment Collection Statement dated August 28, 2013	$682.50

General Fund:

Warrant No. 2758 – Omaha Public Power District Statement dated August 6, 2013	$600.26
Warrant No. 2759 – Phyllis F. Sturgill Statement dated July 30, 2013	$240.00
Warrant No. 2760 – Olmsted & Perry Consulting Engineers Inc. Invoice No. 02-13025	$1,488.17
Warrant No. 2761 – Farnham & Simpson, P.C., L.L.O. General Legal Services & Advanced Costs through 8/28/2013 Statement No. 1985	$2,968.19
Warrant No. 2762 – Josh Tedder Construction Inc. Invoice No. 1091	$250.00

Service Fee Fund:

Warrant No. 288 – Midwest Laboratories, Inc. Invoice No. 693476	$247.04
Warrant No. 289 – Urban Utilities, Inc. Invoice No. 6969	$5,165.31
Warrant No. 290 – Urban Utilities, Inc. Invoice No. 6970	$5,950.00

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. 2755(C) through 2757(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 August 28, 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; Warrant Nos. 2758 through 2762 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 August 28, 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; and Warrant Nos. 288 through 290 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 August 28, 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. 2755(C)* payable to Kuehl Capital Corporation in the amount of $9,000.00

B. *Warrant No. 2756(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $1,040.46

C. *Warrant No. 2757(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $682.50

D. *Warrant No. 2758* payable to Omaha Public Power District in the amount of $600.26

E. *Warrant No. 2759* payable to Phyllis F. Sturgill in the amount of $240.00

F. *Warrant No. 2760* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $1,488.17

G. *Warrant No. 2761* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $2,968.19

H. *Warrant No. 2762* payable to Josh Tedder Construction Inc. in the amount of $250.00

I. *Warrant No. 288* payable to Midwest Laboratories, Inc. in the amount of $247.04

J. *Warrant No. 289* payable to Urban Utilities, Inc. in the amount of $5,165.31

K. *Warrant No. 290* payable to Urban Utilities, Inc. in the amount of $5,950.00

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 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 indicated that the sludge caps were removed in July, however they were coming back. He advised the Board that he was brewing and adding bacteria and would continue to do this through the fall. The Trustees had reviewed the sewer reports and had no further questions.

Doug Hill advised the Board that Josh Tedder was going to begin mowing the phragmites today and that he would be done with the first round of mowing in the wetlands within the next couple of days. There was some discussion about how short the wetlands needed to be cut and Mr. Nelson indicated that a large portion of the vegetation had been laying down and that was why it appeared to be cut short.

The Chairman indicated that the Board needed to consider passage of the Resolution of Necessity for the 2013 Bank Stabilization and Road Safety Improvements. The Chairman indicated that he had been visiting with Mr. Olmsted about this project and that they had determined that the addition of curbing and guttering along the Betty Lake side of Annabelle and the creation of flumes to the lake at two or three locations with rip-rap may take care of the problem. The Trustees agreed that the scope of the project should be changed and that the curbing and guttering, along with the flumes and rip-rap, should be the revised scope of the project. There was also discussion concerning the guardrail component of the project. Mr. Olmsted advised the Board that to install guardrails throughout the District would be very expensive and it was his recommendation that the Board prioritize the locations where guardrails might be appropriate and begin installing the guardrails over a period of time. There was considerable discussion of the areas where guardrails might be needed the most. The consensus of the Board was that the most pressing area was at the west end of Platte River Drive. There is also a location on Annabelle where guardrails could be installed. Mr. Frazier requested that the guardrail portion of the project have a number of areas included and that these be alternates when the bids were taken. The District's attorney advised the Board that the scope of the project had changed enough that a new Resolution of Necessity, accurately describing the reduced scope of the project, would need to be proposed. Doug Hill indicated that he had discussed this with Mr. Olmsted and had requested that he prepare a description of work and estimate of cost for the revised project.

Mr. Olmsted then presented plans and specifications prepared by his firm, Olmsted & Perry, for the construction of the 2013 Drainage and Guardrail Improvements. Mr. Olmsted explained that this project more accurately describes the reduced scope of the work and that the previous description of work and estimate of cost for 2013 Bank Stabilization and Road Safety Improvements should be tabled. Along with the plans and specifications Mr. Olmsted also

The District's attorney then gave the Board a brief summary of the statutory procedures for the sale of the District's real property. There was a discussion of the fact that prior to any sale of the District's real property the District would have to come up with a plan for the subdivision of its property, creating parcels and establishing covenants on the property. The Chairman indicated that he would try and locate the title information which he had on the SID property so that the Trustees could begin investigating this and formulating a plan.

Mr. Olmsted then discussed the 2013 Treatment Plant Improvements Project. He indicated that the concrete structures and splitter boxes at that wetlands treatment facility needed to be replaced. There was a discussion of how flow should be measured. Chip Frazier had questions about what materials could be used in such a caustic environment. Mr. Olmsted indicated that Type 3 cement is generally used along with stainless steel. There was a discussion concerning whether or not the structure would be open or closed.

The District's Engineer then presented plans and specifications prepared by his firm, Olmsted & Perry, for the construction of the 2013 Treatment Plant Improvements Project, together with an estimate of the total cost of said improvement prepared by said engineers for the District, which cost estimate, including engineering fees, legal fees, fiscal fees, administration costs and other miscellaneous costs, is the sum of $91,977.00.

After discussion, the Resolution contained in Exhibit "B" attached hereto and by this reference incorporated herein was duly introduced by Don Story, seconded by Chip Frazier and upon a roll call vote of "aye" by the Trustees was unanimously adopted. The Trustees then unanimously passed the following resolution:

> BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska, that the hearing on the proposed Resolution of Advisability and Necessity for the construction of the 2013 Treatment Plant Improvements Project shall be held at La Platte Community Church, 16412 Main Street, La Platte, Nebraska at 7:00 p.m. on September 25, 2013, at which time owners of property within the District who might become subject to assessment for the improvements contemplated by the proposed Resolution of Necessity may appear and make objections to the proposed improvements and if a petition opposing the proposed Resolution of Advisability and Necessity, signed by property owners representing a majority of the front footage which might become subject to assessments for the cost of said improvements, as set out in the Resolution, is filed which the Clerk of the District within three days before the date set for hearing on such Resolution, such Resolution shall not be passed.
>
> BE IT FURTHER RESOLVED that the notice of said hearing shall be given by publication in *The Bellevue Leader*, a legal newspaper of Sarpy County, Nebraska, for three consecutive weeks on September 4, September 11 and September 18, 2013, which publication shall contain the entire wording of the proposed Resolution and that notice shall be given by posting same in three conspicuous places within the boundaries of the District as required by Neb. Rev.

Stat. Section 31-745 and further, that the Clerk of the District shall give notice not less than seven days prior to said hearing to the City Clerk of Bellevue, Nebraska as required by Neb. Rev. Stat. Section 31-727.02.

Mr. Frazier then advised the Board that he had met with Ken Flegle, Jim Olmsted, and Rene and Joy, concerning the pump analysis proposal put forward by Mr. Flegle. Mr. Frazier indicated that he had concerns about two factors, first the number of variables involved in understanding how well the system is operating and second the fact that the cost associated with measuring the flows could be significant. Mr. Flegle stated that he had contacted Terracon and that they did not do this type of work. There was a discussion about the purchase of a flow meter by the District and the cost of such a flow meter. Mr. Olmsted stated that he felt it would be hard to set a defined outcome for the study being proposed by Mr. Flegle. Trustee Don Story indicated his concerns with changing the original system design, particularly since the system has been working well. It was determined that Rene Nelson would come up with an estimate of the cost to purchase and install a flow meter and the District would consider this at a future date.

Trustee Story then raised the question of installing speed bumps at certain locations within the District. Mr. Nosek indicated that the District had speed bumps at some point in the past and there were problems with them, particularly in connection with kids driving 4-wheelers. Mr. Olmsted explained that this would require a traffic study and that the current approved method of dealing with this was the construction of "speed tables". Mr. Olmsted explained the procedure to accomplish this. After further discussion this matter was tabled.

The Chairman indicated that he had been approached by the homeowner at 2212 Annabelle concerning a septic tank on his property and a request that the Board help him with the cost to remove it. After discussion it was determined that this was a cost that would have been specially assessed to the lot owner at the time the system was originally constructed and that it would not be appropriate for the Board to contribute to this cost.

There was then discussion concerning the 2013-2014 Budget Hearing and it was determined that the budget hearing would be held on September 11, 2013 at 7:00 p.m. at the La Platte Community Church, 16412 Main Street, La Platte, Nebraska.

There were no future agenda items.

It was determined that the next Board meeting would be at 7:00 PM on September 25, 2013.

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

Doug Hill, Chairman

William R. Nosek, Clerk

Sid101\Meetings-2013\08-28-13\Minutes

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 19 2013
DEBRA J. HOUGHTALING
SARPY COUNTY CLERK

STATE OF NEBRASKA }
} SS.
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Anne Lee 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 21, 2013 Papillion Times

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 Anne Lee
Publisher Business Manager

Today's Date 08-20-2013
Signed in my presence and sworn to before me:

Notary Public

GENERAL NOTARY - State of Nebraska
LAURA ESTEP BRONK
My Comm. Exp. Oct. 21, 2013

Printer's Fee $ 161.91
Customer Number: 33155
Order Number: 0001669798

FARNHAM & SIMPSON, P.C., L.L.O.
220 NORTH 89TH STREET, SUITE 201
OMAHA, NEBRASKA 68114

SANITARY AND IMPROVEMENT DISTRICT
OF SARPY COUNTY, NEBRASKA
NOTICE

NOTICE IS HEREBY GIVEN that a 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 28, 2013, at La Platte Community Church, 10712 Main Street, La Platte, Nebraska, which meeting will be open to the public. The agenda for such meeting, kept continuously current, is available for public inspection at 220 North 89th Street, Omaha, Nebraska 68114, and includes the payment of bills of the District and the consideration and passing or amending and passing the following Resolutions, to-wit:

BE IT RESOLVED that the Board of Trustees of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska does hereby find and determine that it is advisable and necessary for the District to construct an improvement within the boundaries of the District, said improvement to be designated as 2013 Bank Stabilization and Guardrail Improvements and shall be constructed as follows:

Description of Work

The proposed 2013 Bank Stabilization and Guardrail Improvements shall consist of the stabilization of the road shoulder and embankment along the south side of Annabelle Drive, adjacent to Betty Lake, by the placement of structural fill material to control bank erosion and to armor the bank slopes with rip rap. The improvements shall also consist of the placement of guard railing along Annabelle Drive and along Platte River Drive to create a safety barrier for vehicular traffic. The project shall also include engineering, legal, and fiscal services appropriate to the improvements and job requirements.

Legal Description

The proposed 2013 Bank Stabilization and Guardrail Improvements will be performed within the boundaries of Sanitary and Improvement District No. 101 of Sarpy County, Nebraska as platted. The outer boundaries of the area which may be subject to special assessments, if any, are the same as the outer boundaries of the District.

Estimate of Cost

The following is an estimate of costs associated with the proposed 2013 Bank Stabilization and Guardrail Improvements:

a. Site Preparation/Mobilization	$ 10,000
b. Remove Exist Guard Rail	4,500
c. Placement of Stone Rip Rap (2300 tons @ $50)	115,000
d. Grading and Surface Restoration	25,000
e. Replacement of Guard Rail	4,500
f. Placement of New Guard Rail	3,000
g. Contingency Reserve (20%)	32,400
Estimated Construction Total	[illegible]
h. Engineering	24,000
i. Construction Observation	24,000
j. Legal	9,700
k. Fiscal	9,700
l. Geotechnical	3,100
m. Interest	6,000
Estimated Total Project Cost	$270,900

The Plans and Specifications for said improvement have been prepared by Olmsted & Perry Consulting Engineers, Inc., engineers for the District, and said engineers have filed with the Clerk of the District, prior to the first publication of this Resolution, an estimate of the total costs of said improvement, including engineering fees, legal fee, fiscal fees, interest and other miscellaneous costs and an estimate of the sum of $270,900.00.

To pay the cost of said improvement the Board of Trustees shall have the power to issue negotiable bonds of the District after such improvements have been completed and accepted, said bonds to be called "Sanitary and Improvement District Bonds" and shall be payable and bear interest as provided by the Statutes of the State of Nebraska.

The Board of Trustees shall assess to the extent of special benefits, the cost of such improvements upon properties specially benefited thereby. All special assessments which may be levied upon the properties specially benefited by such improvements shall, when collected, be set aside and constitute a sinking fund for the payment of interest and principal of said bonds. The District shall also cause to be levied annually a tax upon the assessed value of all of the taxable property in the District except intangible property, which together with said sinking fund derived from special assessments shall be sufficient to meet payment of the interest and principal of said bonds as the same become due; said tax shall be known as the Sanitary and Improvement District Tax and shall be payable annually in money.

If a petition upon the Resolution signed by property owners [illegible] the front footage which may become subject to assessment for the [illegible] forth herein, is filed with the Clerk of the District within three (3) days before the date of [illegible] on this Resolution, this Resolution shall not be passed.

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

By: Doug Hill, Chairman

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, August 28, 2013, at La Platte Community Church, 16412 Main Street, Sarpy County, La Platte, Nebraska.

DATED this 28th day of August, 2013.

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 28, 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 Papillion Times* on August 7, 2013, August 14, 2013 and August 21, 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.

Clerk