RECEIVED
JAN 30 2014
DEBRA J. HOUGHTALING
SARPY COUNTY CLERK

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

Minutes of the Meeting of the Board of Trustees
January 22, 2014

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 22nd day of January, 2014, at the La Platte Community Church, 16412 Main Street, La Platte, Nebraska.

Present at the meeting were: Doug Hill, Chip Frazier and Lou Riedmann, Trustees of the District; Jeff Farnham, the District's attorney; Jim Olmsted of Olmsted & Perry Consulting Engineers; Rene Nelson and Joy Nelson of Urban Utilities; and residents Scott Reichstadt, Kevyn Sopinski, and Mark and Kathleen Kavulak.

Notice of the meeting was given in advance thereof by publication in *The Bellevue Leader* on January 15, 2014, 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 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 Chip Frazier made a motion to approve the minutes of the last meeting and Trustee Lou Riedmann 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 December 31, 2013. The balance in the District's General Fund was approximately $125,595.90; 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 $616,173.82; the balance in the District's Bond Fund Investment account was approximately $0.00; and the Service Fee Fund balance was approximately $60,917.79.

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. 2779(C) – Olmsted & Perry Consulting **(Issued 12/13/13)** 2013 Drainage & Guard Rail Improvements Invoice No. 07-12025-01	$1,916.83
Warrant No. 2780(C) – Farnham & Simpson **(Issued 12/13/13)** Special Assessment Litigation-Collection Statement No. 2148	$400.00
Warrant No. 2781(C) – Farnham & Simpson **(Issued 12/13/13)** Drainage & Guardrail Improvements Statement No. 2146	$465.57
Warrant No. 2782(C) – Farnham & Simpson **(Issued 12/13/13)** Treatment Plant Improvements Statement No. 2159	$383.92
Warrant No. 2795(C) – Olmsted & Perry Consulting Engineers Inc. 2013 Road Bank Stabilization Improvements Invoice No. 08-12025-01	$2,657.36
Warrant No. 2796(C) – Farnham & Simpson, P.C., L.L.O. Special Assessment Litigation-Collection Statement No. 2221	$420.00

General Fund:

Warrant No. 2777 – Omaha Paving Co. **(Issued 11/14/13)** Asphalt Repair-Lakewood Dr., Dyson Hollow Rd., Annabelle Dr. Invoice No. 110413	$6,900.00
Warrant No. 2778 – Omaha Public Power District **(Issued 11/14/13)** Statement dated November 5, 2013	$605.62
Warrant No. 2783 – Olmsted & Perry Consulting **(Issued 12/13/13)** General Engineering Services Invoice No. 05-13025	$1,033.97
Warrant No. 2784 – Farnham & Simpson **(Issued 12/13/13)** General Legal Services Statement No. 2147	$771.37
Warrant No. 2785 – Quinn Insurance, Inc. **(Issued 12/13/13)** Property Insurance Renewal Invoice No. 41989	$1,377.00
Warrant No. 2786 – Omaha Public Power District **(Issued 12/13/13)** Statement dated December 5, 2013	$777.34
Warrant No. 2787 – Olmsted & Perry Consulting Engineers Inc. General Engineering Services Invoice No. 06-13025	$244.06

Warrant No. 2788 – Omaha Public Power District Statement dated January 6, 2014	$902.40
Warrant No. 2789 – Keith Main Mowing 2013	$500.00
Warrant No. 2790 – Josh Tedder Construction Road Repair 11/07/13	$350.00
Warrant No. 2791 – Josh Tedder Construction Snow Removal 12/10/13	$100.00
Warrant No. 2792 – Josh Tedder Construction Snow Removal 12/23/13	$100.00
Warrant No. 2793 – Josh Tedder Construction Snow Removal 1/2/14	$100.00
Warrant No. 2794 – Farnham & Simpson, P.C., L.L.O. General Legal Services Statement No. 2220	$876.17

Service Fee Fund:

Warrant No. 298 – Midwest Laboratories, Inc. **(Issued 11/14/13)** Invoice No. 703544	$1,221.04
Warrant No. 299 – Midwest Laboratories, Inc. **(Issued 12/13/13)** Invoice No. 707182	$84.71
Warrant No. 300 – Midwest Laboratories, Inc. Invoice No. 710522	$84.71
Warrant No. 301 – Urban Utilities, Inc. Invoice No. 7069	$4,603.97
Warrant No. 302 – Urban Utilities, Inc. Invoice No. 7070	$4,405.07
Warrant No. 303 – Urban Utilities, Inc. Invoice No. 7071	$4,405.07

Trustee Chip Frazier made a motion to pay all the bills and Trustee Lou Riedmann 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:

> BE IT 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. 2779(C) through 2782(C) and 2795(C) through 2796(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 January 15, 2019, 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. 2777 through 2778 and Warrant Nos. 2783 through 2794 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

January 15, 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; and Warrant Nos. 298 through 303 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 January 15, 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, to-wit:

A. *Warrant No. 2777* payable to Omaha Paving Co. in the amount of $6,900.00

B. *Warrant No. 2778* payable to Omaha Public Power District in the amount of $605.62

C. *Warrant No. 2779(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $1,916.83

D. *Warrant No. 2780(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $400.00

E. *Warrant No. 2781(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $465.57

F. *Warrant No. 2782(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $383.92

G. *Warrant No. 2783* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $1,033.97

H. *Warrant No. 2784* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $771.37

I. *Warrant No. 2785* payable to Quinn Insurance, Inc. in the amount of $1,377.00

J. *Warrant No. 2786* payable to Omaha Public Power District in the amount of $776.34

K. *Warrant No. 2787* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $244.06

L. *Warrant No. 2788* payable to Omaha Public Power District in the amount of $902.40

M. *Warrant No. 2789* payable to Keith Main in the amount of $500.00

N. *Warrant No. 2790* payable to Josh Tedder Construction in the amount of $350.00

O. *Warrant No. 2791* payable to Josh Tedder Construction in the amount of $100.00

P. *Warrant No. 2792* payable to Josh Tedder Construction in the amount of $100.00

Q. *Warrant No. 2793* payable to Josh Tedder Construction in the amount of $100.00

R. *Warrant No. 2794* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $876.17

S. *Warrant No. 2795(C)* payable to Olmsted & Perry Consulting Engineers Inc. in the amount of $2,657.36

T. *Warrant No. 2796(C)* payable to Farnham & Simpson, P.C., L.L.O. in the amount of $420.00

U. *Warrant No. 298* payable to Midwest Laboratories, Inc. in the amount of $1,221.04

V. *Warrant No. 299* payable to Midwest Laboratories, Inc. in the amount of $84.71

W. *Warrant No. 300* payable to Midwest Laboratories, Inc. in the amount of $84.71

X. *Warrant No. 301* payable to Urban Utilities, Inc. in the amount of $4,603.97

Y. *Warrant No. 302* payable to Urban Utilities, Inc. in the amount of $4,405.07

Z. *Warrant No. 303* payable to Urban Utilities, Inc. in the amount of $4,405.07

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 presented the sewer reports. Chip Frazier had a question about the frequency of problems created by such things as wet wipes and sanitary napkins being flushed down the toilet. There was a discussion about possible solutions to this problem since it creates a large number of service calls. It was determined that the District should develop a protocol for dealing with this, starting with a verbal warning, then a written warning for a second incident and for any incidents after that the resident would be billed for the time and cost of repair. There was discussion about publishing this protocol in the next newsletter so that everybody was aware of it.

Joy Nelson then stated that one of the items in their bill was for a basin lid which was destroyed. The property on which this occurred is occupied by a renter and one of the renter's relatives backed either his boat or vehicle over the basin lid, breaking it. Joy indicated that the resident is expecting a bill. After discussion the Board directed Joy to send the bill directly to the resident.

The District's engineer, Jim Olmsted, then indicated that his office had a preliminary plan ready on the 2014 Bank & Road Stabilization Improvements. The plan calls for construction of a concrete curb and gutter section on the south side of Annabelle. He stated that they need a few more elevation shots and that they should be ready for bids in another month.

Mr. Olmsted then discussed the 2014 Waste Water Treatment Plan Improvements and indicated to the Board that his office was working on the plans for this and that it would be put out for bid at the same time as the bids for the 2014 Bank & Road Stabilization Improvements.

The District's attorney then gave a progress report on the collection of special assessments.

Kevyn Sopinski then inquired about the status of the possible sale of the District's outlots. After discussion, the District's attorney was directed to have the title company do a search and determine exactly what lots within the District are owned by the SID so that this process can move forward.

The District's attorney then indicated that Warrant No. 297, originally issued to Urban Utilities, Inc. on October 23, 2013 in the amount of $1,431.50, was a duplication and needed to be cancelled. Trustee Chip Frazier made a motion to cancel Warrant No. 297 and Trustee Lou Riedmann seconded the Motion. Upon motion made and duly seconded and vote taken in open session convened, and vote being in favor, none opposed.

The District's attorney then reported to the Board that the 2012 sales tax return had been filed and that sales tax in the amount of $4,632.57 had been paid to the Nebraska Department of Revenue by electronic transfer through the Sarpy County Treasurer's Office on January 21, 2014.

Lou Riedmann then advised the Board that there was a structure on the levy near Lake 1 placed there by one of the Lake 1 residents. Mr. Riedmann has taken pictures of this and there is no question that it is on the District's levy – essentially it is a platform-type deck. There was also discussion about the fact that the family that constructed the deck are running motor bikes and 4-wheelers on the levy and in the District's ditch which drains into the Platte River and is adjacent to Lake 1. Residents Scott Reichstadt and Mark and Kathleen Kavulak live on Lake 1 and participated in the discussion. It was determined that the Kavulaks and Mr. Reichstadt would send contact information for the family that constructed the deck to the District's attorney and that he would write them a letter advising them that the deck needed to be removed and the levy returned to the condition it was in prior to construction of the deck, and also advising them that riding of motor bikes and 4-wheelers is not allowed on the levy or in the District's drainage ditch. Doug Hill stated that he would have Josh Tedder put up 'No Trespassing' signs and the other Trustees were in agreement with having this done.

Scott Reichstadt then addressed the Board concerning a possible transfer of the title to Lake 1 from the SID to the Lake 1 Association. After discussion the District's attorney was directed to have the title company investigate the chain of title for Lake 1 and then report back to the Board.

There were no future agenda items.

It was determined that the next Board meeting would be at 7:00 PM on February 26, 2014.

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

Doug Hill, Chairman

William R. Nosek, Clerk

S:\101\Meetings-2014\01-22-14\Minutes

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 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, January 15, 2014 Bellevue Leader

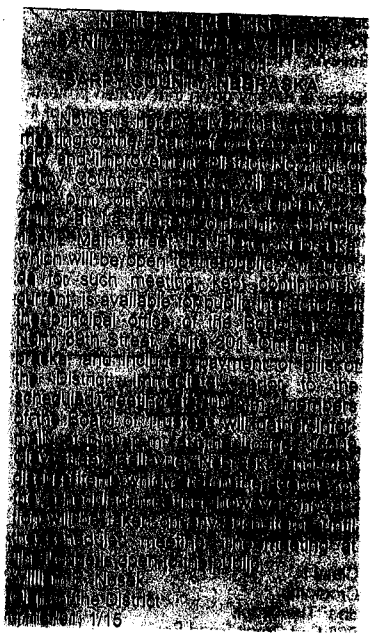
And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Shon Barenklau OR Anne Lee
Publisher Business Manager

Today's Date 01-14-2014
Signed in my presence and sworn to before me:

Notary Public

GENERAL NOTARY - State of Nebraska
LAURA A ESTEP-BRONK
My Comm. Exp. October 21, 2017



Printer's Fee $ 12.71
Customer Number: 33155
Order Number: 0001716191

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 January 22, 2014, 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 January 15, 2014 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

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, January 22, 2014, at La Platte Community Church, 16412 Main Street, Sarpy County, La Platte, Nebraska.

DATED this 22nd day of January, 2014.

Doug Hill

William R. Nosek

Edwin "Chip" Frazier

Lou Riedmann

Donald R. Story

Jeff Farnham

From: Andrea Griffin <andrea@farnhamandsimpsonlaw.com>
Sent: Friday, January 17, 2014 4:34 PM
To: Jeff Farnham
Subject: Fwd: SID 101 - Sales Tax Payment

Sent from my iPhone

Begin forwarded message:

From: Rich James <Rjames@sarpy.com>
Date: January 17, 2014 at 4:25:47 PM CST
To: "'andrea@farnhamandsimpsonlaw.com'" <andrea@farnhamandsimpsonlaw.com>
Cc: Treasurer Bookkeeping <TreasBook@sarpy.com>
Subject: RE: SID 101 - Sales Tax Payment

It has been done. TGIF

Confirmation

Please keep a record of your Confirmation Number, or print this page for your records.

Confirmation Number **NB1DOR001955509**

Payment Details

Description Nebraska Revenue
04100 - Sales and Use Tax
http://www.revenue.ne.gov
Payment Amount$4,632.57
Payment Date01/21/2014
StatusSCHEDULED
Tax Period End Date (MMDDYYYY)12312013
Nebraska ID11366419
Tax Type04100 - Sales & Use

Payment Method

Account NicknameSARPY TREAS
Bank Routing Number104913912
Bank NamePINNACLE BANK
Bank Account Number*0710
Bank Account Type Checking
Bank Account Category Business

Confirmation Emailrjames@sarpy.com

Thanks,

RICH JAMES
SARPY COUNTY TREASURER
1210 GOLDEN GATE DR, # 1120
PAPILLION, NE 68046-2842

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From: Andrea Griffin [mailto:andrea@farnhamandsimpsonlaw.com]
Sent: Friday, January 17, 2014 4:18 PM
To: Rich James
Subject: SID 101 - Sales Tax Payment

Rich,

Please find attached correspondence of today's date from Jeff Farnham.

Thanks,
Andrea

Andréa M. Griffin
Attorney | Farnham & Simpson, P.C., L.L.O.
220 N. 89th Street, Suite 201 | Omaha, NE 68114
Direct: (402) 934-5588 | **Fax:** (402) 393-2909
Email: andrea@farnhamandsimpsonlaw.com