

**MINUTES OF THE MEETING OF THE BOARD OF  
TRUSTEES OF SANITARY & IMPROVEMENT DISTRICT NO. 143  
OF SARPY COUNTY, NEBRASKA**

The meeting of the Board of Trustees of Sanitary & Improvement District No. 143 of Sarpy County, Nebraska, was convened in open and public session at 6:30 p.m. on October 15, 2014 at the Papillion City Hall, 122 East Third Street, Papillion, Nebraska. Present were the following Trustees: Al Stevens, Jennifer L. Eitzen, Bob Trummer, and Lacey A. Wrubel. Also present was Scott Gavin, a resident of the District, Robert F. Peterson, counsel for the District, Justin Feik, engineer for the District, Dan Hoins, Jeff Thompson and Anthony Gowan, Parks Director; Papillion City representative Tom Mumgaard, City Council member for the District in which SID 143 is located; along with a number of interested residents and citizens. Notice of the meeting was given in advance thereof by publication in The Papillion Times, Sarpy County, Nebraska, on October 8, 2014, a copy of the Proof of Publication being attached to these minutes. Notice of this meeting was simultaneously given to all members of the Board of Trustees, and a copy of their Acknowledgment of Receipt of Notice to the Trustees of this meeting. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public.

The meeting was called to order by Chairman Bob Trummer who announced that a current copy of the Nebraska Open Meetings Act was available for anyone who wished to review the statute and indicated its location where the meeting was being held.

Mr. Trummer announced that all Trustees were present and requested that they, as well as representatives of the City of Papillion introduce themselves.

The minutes of the meeting of October 8, 2014 were discussed and approved with the changes recommended by Jennifer Eitzen.

The Chairman then indicated that Scott Gavin had agreed to serve as a Trustee in the District and requested a motion for his approval. Al Stevens moved and Jennifer Eitzen seconded the appointment of Scott Gavin to the Board of Trustees and upon the motion made, all Trustees voted aye for the appointment of Scott Gavin as a Trustee of the District to fill the position vacated by Melissa Irving-Gass.

Lacey Wrubel was then requested to make her presentation regarding the splash pad which is proposed by the City of Papillion for installation within the District's park. The primary focus of the presentation was to establish the need for having a shelter for the parents and caregivers of children in a location that would provide for view of the children in the splash pad by their caregivers. Lacey Wrubel presented the graphics of other splash pads within Sarpy County and noted that all had a shelter of some type within close proximity to the splash pad. Ms. Wrubel also gave a presentation on the feasibility and sustainability of green roofs and presented an example of a green roof shelter within the Metropolitan Community College campus at Fort Omaha. After Ms. Wrubel's presentation a series of questions and answers ensued. Al Stevens asked the City representatives why a shelter was not within the proposal. Dan Hoins, the City Administrator indicated that the shelter was not part of the original design and noted that the shelter is a cost issue. Tom Mumgaard who is the City Councilman for Ward 4 stated that he is an advocate for the pad and agreed that the shelter is a good idea. He discussed the thought processes from the City's point of

view as to whether the splash pad should be located closer to the existing shelters, but that it was then too close to houses and the noise would not be a welcome addition to the park. He confirmed that he would be a proponent in every budget to include the construction of a shelter but that it was not feasible to get that approval from the remaining members of the City Council or the Mayor at this time.

There was then a discussion and input from residents abutting the park that would be most impacted by the relocation of the splash pad to an area nearer the existing shelters. There was input pros and cons regarding the location and after that input it was determined that the proposed location is the most appropriate location when parking and traffic patterns are considered.

Al Stevens again asked about a commitment from the City that the shelter be put in at some time and requested an estimate. The estimate for an appropriate shelter was between \$15,000.00 and \$30,000.00 but Dan Hoins noted that the project in its current design is already out to bid. Tom Mumgaard again reiterated that he would strongly lobby the Council for a shelter in the future and that that would be included in all future budgets. He suggested that some contribution from the Sanitary and Improvement District, or private contributions would help in getting City approval. He did indicate that as matters currently stand the City will not change the project to include the shelter at this time.

The Chairman then summarized the discussions and conclusion that the City would not change the proposal to include a shelter at this time and that the commitments for changes discussed regarding the obligations and commitments of the District and the City as it relates to the improvements within the park be incorporated in the Interlocal Agreement and changes to the Lease be drafted.

Lacey Wrubel inquired about possible funding through grants if the green roof is part of the proposal. City officials indicated they would work with Lacey and provide the appropriate input.

The revisions to the Lease and Interlocal Agreement were then circulated for review by the Trustees. Questions were raised regarding the maintenance of the drainage ditch, trees, snow removal in the park and obligations for repair of damaged structures. There was a strong concern regarding the pickup of trash in the drainage ditch that runs through the park. City representatives indicated that they would do a trash pickup in the creek bed to maintain the aesthetics of the park. Of the numerous questions regarding obligations, the Parks Director indicated that the park would be maintained up to the current standards of the City Park. It was noted that a schedule of the city maintenance of the park would become a part of the Interlocal Agreement between the District and the City of Papillion. Of the questions asked and responses it was noted that police supervision would be provided by Sarpy County with backup from the City of Papillion under a Mutual Aid Agreement.

During construction of the splash pad it was noted that entry would mostly be off Ashwood Street since that would provide safer ingress and egress for the vehicles than off 66<sup>th</sup> Street.

The City will install recycling bins and provide sign and trash receptacles for dog

cleanup.

Parking and access to the splash pad will be handicap compliant. The City also indicated it would review the spring equipment in the park and consider replacement of that equipment if the funds are available. The City was asked about the District adding neighborhood projects to the park, such as community garden, skate ramps, etc. The City indicated it would be open to considering such projects but all park improvements require City approval.

The City was also asked about the timing for spraying chemicals, including pesticides and herbicides, and advised that that would be done in early spring and late fall to eliminate exposure for people using the park. They also noted that signs will be posted at the time of spraying advising park users to remain off the park. The Parks Director advised that a maintenance schedule will be provided as part of the Interlocal Agreement and will include daily cleaning of the restrooms and trash pickup. He also noted that access to the restrooms will be placed on a timer to cut down on vandalism and that the improvements would be treated with an anti-graffiti coating. He also noted that if graffiti is made on the improvements that it will be promptly removed as soon as the City is aware of it. The City also agreed that a small fence will be put around the water source manhole to protect users from damage or burning on the metal. The City also agreed to prioritize benches around the splash pad to provide adequate seating but that it would be contingent upon funding becoming available. The Parks Director also indicated that an information board for contact regarding matters with the park will be provided and that the hours of operation will be posted. This is to be a "butterfly sign" that will let visitors know to contact the City regarding park matters. He also pointed out the types of trees that will go in which will be hardwood trees like maple trees. No pine or cedar trees will be planted to avoid pine needles. The City also indicated that the lighting will be directed from the neighboring properties and will probably be LED lighting. Lacey Wrubel asked about solar cells but the City indicated that they are essentially using all LED on their installations. The City is also to provide snow removal on the sidewalks that provide access to the West Papio Trail within the park.

The Trustees also discussed the liability concerns and it was noted that the City assumes all liability for the park.

City representatives also stated they were open to consider alternatives to sand in the playgrounds that could include recycled tire material. The City also confirmed that Rumsey Elementary and Eagle Ridge residents could continue to hold events in the park.

The Trustees discussed the proposed changes to the Interlocal Agreement and Lease. The Chairman asked for further input from the Trustees and recommended that the Board table a final vote on the splash pad until all final written changes to the Interlocal Agreement and Lease are submitted and reviewed in written form.

Justin Feik was then asked about the street maintenance review and advised that he would probably have the information necessary for a Resolution of Necessity at the next meeting of the Board. There was a discussion about whether the District could afford all improvements at this time and it was noted that the bids seek unit pricing so that certain areas that are not as much in need of immediate repair could be delayed if the bids come in and exceed budget.

The Chairman then reviewed old business and assignments to discuss any issues by the Trustees. It was noted that several street lights were out and the Trustees were advised to contact OPPD.

Lacey Wrubel then asked about expenditures for materials used pertaining to SID business. It was suggested that the Board authorize certain limited expenditures for miscellaneous expenses. After a discussion, the Trustees unanimously approved a limit of \$250.00 to the Trustees for expenditures for miscellaneous expenses. It was also noted that all expenditures must be supported by invoices before payment would be approved by the Board.

Al Stevens indicated it would be prudent to have the bills circulated and provided to the Trustees prior to the meeting so that the Trustees would be aware of what they were approving. Counsel was requested to have the invoices and bills that the Trustees are to pay scanned and circulated prior to the meeting.

The Chairman then asked for the Board's preference for meeting in the future. He noted that he had a conflict for Wednesday night meetings and requested alternate nights. After a discussion, the Board agreed that Thursday night would be appropriate and accordingly, a meeting for October 30<sup>th</sup> at 6:00 p.m. at the library was tentatively scheduled. Jennifer Eitzen was requested to confirm the availability of the library for that purpose. The Chairman noted that the primary purpose for that meeting would be to review the proposal for the street improvement project.

Finally, the Chairman requested that a copy of the budget in PDF form be sent to the Chairman and Al Stevens.

The Chairman then presented the following items for consideration by the Board:

1. Statement from the World Herald Media Group in the amount of \$10.25 for publication costs.
2. Statement from Cornerstone Insurance Group in the amount of \$1,611.00 for liability insurance.
3. Statement from Eagle Copy & Business Solutions in the amount of \$70.83 for legal splash pad presentation.
4. Receipt from Jodons which was paid by Scott Gavin in the amount of \$67.42 for signs regarding the splash pad meeting.

Upon motion being duly made and seconded with all Trustees present voting "aye" and with no Trustees voting "no", the following Resolution was adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 143 of Sarpy County, Nebraska, hereby approves the above items for payment and hereby authorizes and directs that the following warrants be prepared and issued by the Chairperson and Clerk in payment thereof, said warrants to bear interest at the rate of

7% per annum after registration and to be charged to the General Fund of the District, and to be redeemed no later than October 15, 2017, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska after notice is given as required by law, to-wit:

1. WARRANT NO. 2704 payable to World Herald Media Group in the amount of \$10.25.
2. WARRANT NO. 2705 payable to Cornerstone Insurance Group in the amount of \$1,611.00.
3. WARRANT NO. 2706 payable to Eagle Copy & Business Solutions in the amount of \$70.83.
4. WARRANT NO. 2707 payable to Scott Gavin in the amount of \$67.42 for notification signs for the splash pad meeting.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 143 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 benefited 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.

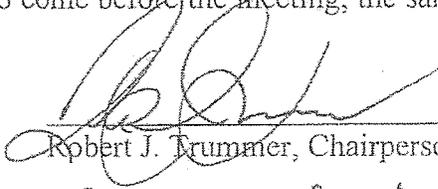
BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 143 of Sarpy County, Nebraska, that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under current federal law to maintain the tax exempt status (as to taxpayers generally) 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)(i)(III) of the Internal Revenue Code of 1986 as amended and covenants 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 \$10,000,000 during the calendar year in which the above Warrants are to be issued.

BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 143 of Sarpy County, Nebraska that this and the preceding Resolutions are hereby adopted as the Certificate with Respect to Arbitrage of the District pertaining to the above Warrants and the District and the Chairperson and Clerk of the District hereby further certify, as of the date of the registration of the above Warrants with the County Treasurer of Sarpy County, Nebraska, as follows:

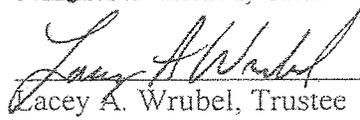
1. No separate reserve or replacement fund has been or will be established with respect to the above Warrants. The District reasonably anticipates that monies in its Bond Fund reasonably attributable to the above Warrants in excess of the lesser of: (a) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 125% of average annual debt service due on the above Warrants will be expended for payment of principal of and interest on the above Warrants within 13 months after receipt of such monies. That amount which is currently held in the District's Bond Fund which exceeds the amount which is to be expended for payment of principal and interest on the above Warrants within 13 months after receipt of such monies, plus that amount arrived at pursuant to the immediately preceding sentence, will not be invested in any securities or any other investment obligations which bear a yield, as 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 Service as an issuer that may not certify its bonds.

4. This Certificate is being passed, executed and delivered pursuant to Section 1.148-2(b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

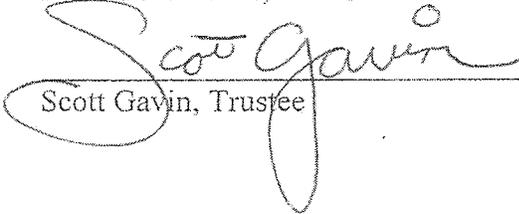
There being no further business to come before the meeting, the same was adjourned.

  
Robert J. Trummer, Chairperson

  
Jennifer L. Eitzen, Clerk

  
Lacey A. Wrubel, Trustee

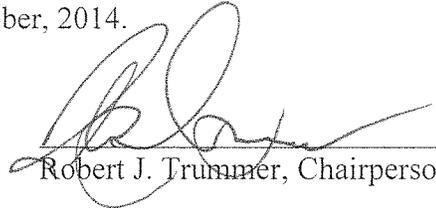
  
Alvin H. Stevens, Trustee

  
Scott Gavin, Trustee

ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF HEARING

The undersigned Trustees of Sanitary and Improvement District No. 143 of Sarpy County, Nebraska, hereby acknowledge receipt of advance notice of a meeting of the Board of Trustees of said District and the agenda for such meeting held October 5, 2014 at 6:30 p.m. at 122 East Third Street, Papillion, Nebraska.

Dated this 15<sup>th</sup> day of October, 2014.

  
Robert J. Trummer, Chairperson

  
Jennifer L. Eitzen, Clerk

  
Lacey A. Wrubel, Trustee

  
Alvin Stevens, Trustee

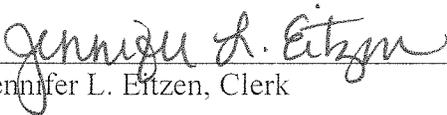
  
Scott Gavin, Trustee

CERTIFICATE

STATE OF NEBRASKA            )  
COUNTY OF SARPY            )  
  )  
SANITARY AND                    )  
IMPROVEMENT                    )  
DISTRICT NO. 143                )

I, the undersigned, Clerk for Sanitary and Improvement District No. 143 of Sarpy County, Nebraska, hereby certify that all of the subjects included in the attached proceedings were contained in the agenda for the meeting of October 15, 2014, kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the Chairperson and Board of Trustees of the District, from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 15<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Jennifer L. Eitzen, Clerk

**CERTIFICATE OF NOTICE**

STATE OF NEBRASKA       )  
COUNTY OF SARPY        )

I hereby certify that I am the duly qualified and acting Clerk of Sanitary and Improvement District No. 143 of Sarpy County, Nebraska, and that not less than seven (7) days prior to the date set for this meeting of the Board of Trustees of this District, a notice was sent to the Clerk of Sarpy County, Papillion, Nebraska, the municipality or county whose zoning jurisdiction this District is located, notifying said Clerk of this meeting.

Dated this 15<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Jennifer L. Eitzen, Clerk

## CERTIFICATE

The undersigned hereby certify that they are the Chairperson and Clerk of Sanitary and Improvement District Number 143 of Sarpy County, Nebraska, (the "District") and hereby further certify as follows:

1. Annexed to this certificate is a true and correct transcript of the proceedings of the Board of Trustees of the District relating to a meeting of said District held on the date and at the time reflected in the meeting minutes contained in said foregoing transcript (the "Meeting"). All of the proceedings of the District and of the Board of Trustees thereof which are set out in the annexed and foregoing transcript have been fully recorded in the journal of proceedings of the District and the undersigned District Clerk has carefully compared the annexed and foregoing transcript with said journal and with the records and files of the District which are in such Clerk's official custody and said transcript is a full, true and complete copy of said journal, records and files which are set out therein.

2. Advance notice for the Meeting was given by publication as set forth in the affidavit of publication contained in the foregoing transcript and was mailed to the Clerk of the municipality or county within whose zoning jurisdiction the District is located at least seven days prior to the date of the Meeting. Advance notice for the Meeting, including notice of agenda subjects, was given to all members of the Board of Trustees. All news media requesting notification of meetings of said body were provided with advance notice of the times and places of such meetings and the subjects to be discussed.

3. All of the subjects addressed at the Meeting were contained in the agenda for the Meeting, which agenda was kept continually current and readily available for public inspection at the address listed in the meeting notice for the Meeting and a copy of which is attached to this Certificate; such subjects were contained in said agenda for at least 24 hours prior to the Meeting and each agenda item was sufficiently descriptive to give the public reasonable notice of the matters to be considered at the Meeting.

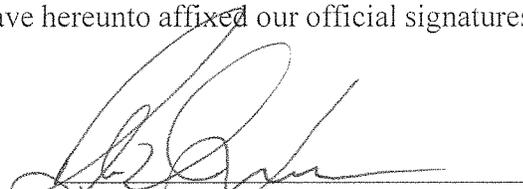
4. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the Meeting in the room in which such Meeting was held and all in attendance at the Meeting were informed that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such Meeting was being held. At least one copy of all resolutions and other reproducible written materials, for which actions are shown in said proceedings, was made available for examination and copying by members of the public at the Meeting.

5. The minutes of the Meeting were in written form and available for public inspection within ten (10) working days after the Meeting or prior to the next convened meeting, whichever occurred earlier, at the office of the District; within thirty (30) days after the date of the Meeting, a copy of the minutes of the Meeting was sent to the Clerk of the municipality or county within whose zoning jurisdiction the District is located.

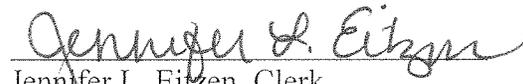
6. No litigation is now pending or threatened to restrain or enjoin the District from the issuance and delivery of any warrants or other obligations issued by the

District or the levy and collection of tax or other revenues or relating to any of the improvements for which any such warrants or other obligations were or are issued nor in any manner questioning the proceedings and authority under which any such warrants or other obligations were or are issued or affecting the validity thereof; neither the corporate existence or boundaries of the District nor the title of its present officers to their respective offices is being contested; no authority or proceedings for the issuance of any warrants or other obligations by the District have been repealed, revoked or rescinded as of the date hereof. All actions taken by the Board of Trustees referred to in said transcript were taken at a public meeting while open to the attendance of the public.

IN WITNESS WHEREOF, we have hereunto affixed our official signatures this 15<sup>th</sup> day of October, 2014.



Robert J. Trummer, Chairperson



Jennifer L. Eitzen, Clerk





10820 Harney Street  
 Omaha NE 68154  
 (800) 877-4245

**COMMON  
 POLICY DECLARATIONS**

COLUMBIA NATIONAL INSURANCE CO

POLICY NUMBER **CGSNE0000014812**  
 Renewal of **CGSNE0000014812**

Named Insured and Mailing Address:  
 SID #143 OF SARPY COUNTY  
 C/O BOB PETERSON ATTORNEY  
 11718 NICHOLAS ST STE 101  
 OMAHA NE 68154-4434

Agent and Mailing Address: 18357-  
 CORNERSTONE INSURANCE GROUP  
 103 E FIRST STREET  
 PO BOX 525  
 YORK NE 68467  
 402-362-7477

Policy Period: From **07/18/2014** to **07/18/2015** at 12:01 a.m. Standard Time at the mailing address shown above.

IN RETURN FOR THE PAYMENT OF THE PREMIUM AND SUBJECT TO ALL THE TERMS OF THIS POLICY,  
 WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

**Business Description:**S.I.D.

**Form of Business:** PUBLIC ENTITY

Coverage Part	Premium
Property	NOT COVERED
General Liability	\$1,587
Crime	NOT COVERED
Inland Marine	NOT COVERED
Auto	NOT COVERED
Certified Terrorism Coverage	\$24
Total Premium	\$1,611
Premium Change	\$0

FORMS AND ENDORSEMENTS APPLICABLE TO THIS POLICY ARE LISTED ON EITHER THE COMMON FORMS SCHEDULE OF THIS DECLARATIONS OR THE DECLARATIONS APPLICABLE TO SPECIFIC COVERAGES PROVIDED WITH THIS POLICY.

Countersigned by \_\_\_\_\_  
 Authorized Agent



# Eagle Copy & Business Solutions

Phone: 402.933.9912

Fax: 402.933.0114

1001<sup>1</sup>/<sub>2</sub> Galvin Road South ♦ Bellevue, NE 68005-3050

Invoice: 10.15.14.001

Date: 10/15/2014

Company: SID # 143/Project: Copies

SID # 143

C/O Robert F. Peterson

(402) 330-1900

Laughlin, Peterson, & Lang

Attorneys at Law

11718 Nicholas Street, Suite 101

Omaha, NE 68154

Contact Name: Lacey

Phone: (240)751-7014

e-mail :

Street:

City, state:

FN: SID # 143.10.15.14.001

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Description: "Memp-SplashPad  
"SplashPadPresentation"  
"Memo-feedback"

Copies	\$66.20
<u>Sales Tax</u>	<u>\$4.63</u>
<b>Total</b>	<b>\$70.83</b>

Thank you for doing business with Eagle Copy & Business Solutions.

We look forward to serving your printing needs.

Jeff Leazenby / Owner

Email: [bizsolutions@eaglecopy.omhcoxmail.com](mailto:bizsolutions@eaglecopy.omhcoxmail.com)

[www.eaglecopy.us](http://www.eaglecopy.us)

RECEIPT FOR SIGNS (3)  
MADE FOR OCT 15, '14  
SID "SPLASH PAD" MEETING

JODONS  
2332 CORNHUSKER RD  
BELLEVUE, NE 68123

10-15-14

12:00

0000

10-15-14

12:00

0000

-57-424

67.42

Signs  
SID meeting

\$67.42

SCOTT GAVIN

SID 143 BOARD MEMBER