162

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SARPY COUNTY CLERK'S OFFICE
ADMINISTRATION DEPT.

MINUTES OF MEETING OF BOARD OF TRUSTEES OF
SANITARY AND IMPROVEMENT DISTRICT NO. 162
OF SARPY COUNTY, NEBRASKA

The meeting of the Board of Trustees of Sanitary and Improvement District No. 162 of Sarpy County, Nebraska was convened in public and open session at 4:00 p.m. on 18th day of November, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska. Present were the following Trustees: Richard L. Hansen, Jim Nichols, Wes Lyons, Nancy Wackerhagen, and John Ritchey. Absent were the following Trustees: none. Present by invitation were Ronald W. Hunter, attorney for the District; Kristi Weispfenning, his assistant; and Bill Glismann, with HGM Associates, Inc., engineers for the District. Also present was Jim Anderson, a taxpayer living in the District. Notice was given in advance thereof by publication in the Papillion Times on November 9, 2011, the Proof of Publication being attached to these Minutes. Notice of the meeting was given to all of the Trustees, a copy of their Acknowledgment of Receipt of Notice being attached to these Minutes. Availability of the Agenda was communicated in the published Notice and in the Notice to the Trustees of the meeting. All proceedings of the Board were taken while the convened meeting was held open to the attendance of the public.

The Attorney for the District certifies that these Minutes were written and available for public inspection within ten (10) working days and prior to the next convened meeting of the Board of Trustees.

The Chairman called the meeting to order and called the roll.

The Chairman publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

The Chairman stated the next order of business was a discussion regarding property owner questions or concerns. Trustee Ritchey stated there is a "No Parking" sign near 6911 South 164th Avenue which has been knocked down and never replaced. Trustee Ritchey also stated a "No Parking" and a speed limit sign should be installed near 16406 Josephine Street. The Trustees instructed Ms. Weispfenning to contact Signature Signs to have these signs replaced.

Ms. Weispfenning stated at the last meeting of the Board of Trustees of SID 162, the warrant issued to Signature Advertising was issued but held until clarification of the location of the stop sign which was installed. Ms. Weispfenning stated the sign was installed at 159th and Timberlane Drive. The Trustees authorized Ms. Weispfenning to release the warrant.

Ms. Weispfenning also stated that she had presented e-mails from Royal Lawns which provided an explanation for the charges of trimming trees on the trail. After a full and complete discussion, the following Resolution was provided by Trustee Nichols and

seconded by Trustee Lyons, to-wit:

> RESOLVED, that a General Fund Warrant issued to Royal Lawns in the amount of $1,414.00 shall be issued for final payment of Invoice No. 693 in the payment of bills.

On the foregoing Resolution, the following Trustees voted "aye": Hansen, Wackerhagen, Ritchey, Lyons, and Nichols; voting "nay" thereon were the following: None. The Chairman then declared said Resolution was duly carried and adopted.

The Chairman presented a photograph of graffiti which is on the drain pipe under Gertrude just past 157th Street. After a full and complete discussion, the following Resolution was proposed by Trustee Nichols and seconded by Trustee Wackerhagen, to-wit:

> RESOLVED, that the Chairman shall have to authority to hire a contractor to remove the graffiti at his discretion.

On the foregoing Resolution, the following Trustees voted "aye": Hansen, Wackerhagen, Ritchey, Lyons, and Nichols; voting "nay" thereon were the following: None. The Chairman then declared said Resolution was duly carried and adopted.

Trustee Ritchey presented a picture of a truck cab which has been placed on a trailer that is parked on Outlot 7, Near 159th and Timberlane. Trustee Ritchey also presented a picture of an open fire pit which is located on Outlot 7 in between 15842 and 15910 Timberlane Drive. The Trustees instructed Mr. Hunter to write a letter to both property owners regarding the truck cab and fire pit.

Trustee Ritchey stated he made a list of all encroachments on SID property which is not included in the list of approved Temporary Use Permits provided by Ms. Weispfenning. The following are the actions which were agreed: (1) 15807 Josephine Street a letter will be sent to property owners to remove the trampoline located on common property; (2) 16015 Josephine a letter will be sent to property owner to remove portable fire pit and wood and also for the homeowner to include an iron arch for approval; (3) 16610 Edna a letter will be sent to property owner to remove fire pit; and (4) the following properties will be sent Temporary Use Permits for encroachments: 16137 Josephine, 16725 Gertrude, 15915 Josephine, 16109 Josephine, 16129 Josephine, 16203 Josephine, 16223 Josephine, 16415 Josephine, 16737 Josephine, 16538 Timberlane, and 7005 South 167th Street.

The Chairman stated the next order of business was an update from the engineers. Mr. Glismann stated that the repairs to Mission Creek are approximately a third completed and no major issues to report at this time.

The Chairman stated the next order of business was a discussion regarding

Construction Lien filed against OUtlots 1 and 2, Millard Park by Ready Mixed Concrete. Mr. Glismann stated there was a conflict between the quote Ready Mixed Concrete provided to Kohl Construction for the repairs to the North Channel. Mr. Hunter stated he contacted the credit manager for Ready Mixed Concrete and explained that public property is exempt from a Construction Lien and the issue is between the Kohl Construction and Ready Mixed Concrete. Mr. Hunter sent a letter to Ready Mixed Concrete with a copy of the payment bond for Kohl Construction. The Trustees instructed Mr. Hunter to give Ready Mixed Concrete until December 15, 2011 to release the lien.

Trustee Wackerhagen asked Mr. Glismann if Kohl Construction had completed the necessary clean up work for the North channel Repairs project. Mr. Glismann stated to the best of his knowledge all of the requested punch line items have been completed. After a full and complete discussion, the following Resolution was proposed by Trustee Nichols and seconded by Trustee Wackerhagen, to-wit:

> RESOLVED, that a General Fund warrant in the amount of $3,576.75 be issued in the payment of bills but will not be released from Hunter Law until the engineers have confirmed with the Trustees that the necessary work has been completed and the Trustees instruct Mr. Hunter to release said warrant.

On the foregoing Resolution, the following Trustees voted "aye": Hansen, Wackerhagen, Ritchey, and Nichols; voting "nay" thereon were the following: None. The Chairman then declared said Resolution was duly carried and adopted.

The Chairman stated the next the next order of business was to consider approving the following Temporary Use Permits: (1) Hansen; (2) Kuta; (3) Ciochon; (4) Heneger; (5) Crosland; (6) Holz; and (7) Alspach. After a full and complete discussion, the following Resolutions were proposed by Trustee Ritchey and seconded by Trustee Nichols, to-wit:

> RESOLVED, the following Temporary Use Permits are approved with no special conditions: Hansen, Kuta, Ciochon, Heneger and Holz.
>
> RESOLVED FURTHER, the Temporary Use Permit for Crosland is approved with the condition that the horseshoe stakes must be removed when not in use and the homeowner is responsible for mowing between the garden and fence.
>
> RESOLVED FURTHER, the Temporary Use Permit for Alspach is approved with the exception of the firepit and wood which must be removed.

On the foregoing Resolutions, the following Trustees voted "aye": Hansen, Wackerhagen, Ritchey, and Nichols; voting "nay" thereon were the following: None. The

Chairman then declared said Resolutions were duly carried and adopted.

The following are reporting items for the Trustees' information and required no action: Sarpy County Treasurer General Ledger Balances as of October, 2011, Balance sheets for warrants issued fiscal year to date, and a Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 162 Of Sarpy County, Nebraska General Obligation Refunding Bonds, Series 2009.

The Trustees agreed to schedule the next meeting of the Board of Trustees at 4:00 p.m. on December 15, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska.

The Chairman stated the last item on the Agenda was to pay the following bills, statements and/or invoices attached. Upon motion made by Trustee Ritchey and seconded by Trustee Nichols the following Resolutions were proposed, to-wit:

> BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No.162 of Sarpy County, Nebraska, that the Chairman and Clerk be and they are hereby directed and authorized to execute and deliver General Fund Warrant Nos. 5549 through General Fund Warrant No. 5554 of the District, dated the day of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of seven percent (7%) per annum, to be redeemed no later than November 18, 2014, 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:
>
> > WARRANT NO. 5549 in the amount of $10.73 made payable to WORLD HERALD MEDIA GROUP, per Customer No. 154004, Order No. 0001446783-01, attached.
> >
> > WARRANT NO. 5550 in the amount of $3,935.65 made payable to O.P.P.D., per Account No. 4393100041, dated 10/28/11, attached.
> >
> > WARRANT NO. 5551 in the amount of $1,200.00 made payable to TERRY HUGHES TREE SERVICE, per Invoice dated 11/04/11, attached.
> >
> > WARRANT NO. 5552 in the amount of $4,268.13 made payable to HGM ASSOCIATES,

INC., per Client No. 7241, Invoice No. 703510-6, attached.

WARRANT NO. 5553 in the amount of $3,660.00 made payable to RONALD W. HUNTER, per Statement dated 11/17/11, attached.

WARRANT NO. 5554 in the amount of $1,414.00 made payable to ROYAL LAWNS, INC., per remainder of Invoice No. 693, attached.

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 162 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Construction Fund Warrant No. 5555 of the District, dated the date of this meeting, to the following payee and in the following amount, said warrant to be drawn on the Construction Fund of the District and to draw interest at the rate of seven percent (7%) per annum (interest to be payable on June 1 of each year) and to be redeemed no later than November 18, 2016, 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:

WARRANT NO. 5555 in the amount of $250.00 made payable to GREAT WESTERN BANK, per Statement dated 11/07/11, attached.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 162 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. 162 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 $5,000,000.00 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. 162 of Sarpy County, Nebraska that this and the preceding Resolutions are hereby adopted as the Certificate with Respect to Arbitrage 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 of 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 Sections 1.148-2 (b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

On the foregoing Resolutions, the following Trustees voted "aye": Trustees Hansen, Ritchey, Wackerhagen, Nichols, and Graham; voting "nay" thereon were the following: none. The Chairman then declared said Resolutions were duly carried and adopted.

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

Richard T. Hansen
RICHARD HANSEN , Chairman

Nancy Wackerhagen
NANCY WACKERHAGEN, Clerk

Wes Lyons
WES LYONS, Trustee

Jim Nichols
JIM NICHOLS, Trustee

John Ritchey
JOHN RITCHEY, Trustee

ACKNOWLEDGMENT OF RECEIPT
OF
NOTICE OF MEETING

THE UNDERSIGNED Trustees of Sanitary and Improvement District No. 162 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 at 4:00 p.m. on November 18, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska.

DATED this 18th day of November, 2011.

RICHARD L. HANSEN, Chairman

NANCY WACKERHAGEN, Clerk

WES LYONS, Trustee

JIM NICHOLS, Trustee

~~JAY GRAHAM;~~ JOHN RITONEY, Trustee

CERTIFICATE

The undersigned hereby certify that they are the Chairman and Clerk of Sanitary and Improvement District Number 162 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 given 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 18th day of November, 2011.

Richard L. Hansen
Chairman

Nancy Watzlaf
Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }
} **SS.**
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, November 9, 2011 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.

Kirk Hoffman

Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 11-08-2011
Signed in my presence and sworn to before me:

Jessica C Ervin

Notary Public

GENERAL NOTARY - State of Nebraska
JESSICA C. ERVIN
My Comm. Exp. Apr. 22, 2013

RONALD W. HUNTER
Attorney at Law
11605 Arbor Street, Suite 104
Omaha, NE 68144

NOTICE OF MEETING
Sanitary and Improvement District
No. 162 of Sarpy County, Nebraska

NOTICE IS HEREBY GIVEN that a meeting of the Board of Trustees of Sanitary and Improvement District No. 162 of Sarpy County, Nebraska, will be held at 4:00 p.m. on Friday, November 18, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska, which meeting will be open to the public.

An Agenda for such meeting, kept continuously current, is available for public inspection at the office of the Chairman of the Board of the District at 11605 Arbor St., Suite104, Omaha, Nebraska, and includes payment of bills of the District.

NANCY WACKERHAGEN,
Clerk of the District
1446783;11/9

Printer's Fee $ 10.73
Customer Number: 167774
Order Number: 0001446783

AGENDA

Meeting of the Board of Trustees of Sanitary and Improvement District No. 162 of Sarpy County, Nebraska:

Richard L. Hansen, Chairman
Nancy Wackerhagen, Clerk
John Ritchey, Trustee
Wes Lyons, Trustee
Jim Nichols, Trustee

Meeting held at 4:00 p.m. on November 18, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska.

1. Call meeting to order and roll call.

2. The Chairman to state to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and indicate the location of such copy in the room where the meeting is being held.

3. Property owner questions or concerns.

4. Update from the engineers.

5. Discussion regarding Construction Lien filed against Outlots 1 and 2, Millard Park by Ready Mixed Concrete.

6. Consider approving the following Temporary Use Permits: (1) Hansen; (2) Kuta; (3) Ciochon; (4) Heneger; (5) Crosland; (6) Holz; and (7) Alspach.

7. The following are reporting items for the Trustees' information and required no action: Sarpy County Treasurer General Ledger Balances as of October, 2011, Balance sheets for warrants issued fiscal year to date, and a Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 162 Of Sarpy County, Nebraska General Obligation Refunding Bonds, Series 2009.

8. Set the next meeting date.

9. Pay the following bills (statements and/or invoices attached):

   A. World Herald Media Group
   Customer No. 154004
   Order No. 0001446783-01 10.73

B.	O.P.P.D. Account No. 4393100041 Dated 10/28/11		3,935.65
C.	Terry Hughes Tree Service Invoice dated 11/04/11		1,200.00
D.	HGM Associates, Inc. Client No. 7241, Invoice No. 703510-6		4,268.13
E.	Ronald W. Hunter Statement dated 11/17/11		3,660.00
F.	Great Western Bank Statement dated 11/07/11	*	250.00

*** There are funds available so there is no 5% fee paid to Ameritas Investment Corp.**

10. Adjourned.

THE UNDERSIGNED, hereby certifies that the foregoing Agenda was prepared and available for public inspection at the address shown on the published notice of meeting at least 24 hours prior to the commencement of said meeting, and that no items were added to the Agenda after the commencement of the meeting.

Clerk

Kristi Weispfenning

From: "Bill J. Glismann" <bglismann@hgmonline.com>
Date: Thursday, November 03, 2011 5:04 PM
To: "Kristi Weispfenning" <rwhre@hunterlaw.omhcoxmail.com>; "Jim Nichols" <jcnman@aol.com>; "John Ritchey" <jgritch@cox.net>; "Nancy Wackerhagen" <nancyandfredw@cox.net>; "Richard Hansen" <rickwood@cox.net>; "Wes Lyons" <wekelyons@cox.net>; "Dave R. Harnisch" <dharnisch@hgmonline.com>
Subject: RE: Kohl Construction

I had contacted Kohl Construction to get some additional information on the issue. The amount Ready Mixed had listed in the lien, $17,929.49 is the amount for the complete quantity of grout that they supplied to the site at the rate they say it cost which is higher than the quote Kohl had received. Kohl had sent them a check back in September for the amount of grout they supplied for the project at the rate Kohl had been given in their quote. The amount of Kohl's check is approx $5,500 less than $17,929.49. That check has not been cashed by Ready Mixed.

Thanks,
Bill Glismann

HGM Associates Inc.
5022 S. 114th Street, Ste 200
Omaha, NE 68137-2330

Phone (402) 346-7559
Fax: (402) 346-0224

wglismann@hgmonline.com

From: Kristi Weispfenning [mailto:rwhre@hunterlaw.omhcoxmail.com]
Sent: Thursday, November 03, 2011 4:38 PM
To: Bill J. Glismann; Jim Nichols; John Ritchey; Nancy Wackerhagen; Richard Hansen; Wes Lyons; Dave R. Harnisch
Subject: Re: Kohl Construction
Importance: High

As I stated earlier Mr. Hunter was reviewing case law and Nebraska Statutes regarding the Notice of Lien Liability we received. The following is a Memorandum from Mr. Hunter.

To: All Trustees of SID 162 and Bill Glismann:

On November 3, 2011 we received notice that Ready Mixed Concrete Co. filed a construction lien against Outlots 1 and 2, Millard Park in the amount of $17,929.49 in connection with Millard Park North Channel Repairs. SID 162 has paid the contract amount owing to Kohl Construction, Inc. in full. The amount of $17,929.49 was about the type of concrete supplied by Ready Mixed Concrete to Kohl Construction for the SID 162 project. The dispute is between Ready Mixed Concrete and Kohl Construction, Inc.

Since a construction lien cannot be enforced against public property, most states, including Nebraska, have passed laws, known as little Miller Acts, which require public bodies, such as SIDs, to require the contractors to furnish a payment bond. Kohl Construction, Inc. has furnished such a payment bond. Ready Mixed Concrete can file a lawsuit against the payment bond.

I speculate that Ready Mixed Concrete wants SID 162 to put pressure on the bonding company. Bill Glismann can provide you with the details of the dispute between Kohl Construction, Inc. and Ready

Mixed Concrete Co. I briefed the Chairman of this situation over the phone this afternoon.

At this time, I will not take any further action unless otherwise directed by the Board of Trustees. I will also ensure this item is listed as a discussion item for the next meeting which is scheduled for 4:00 p.m. on Friday, November 18th at my office.

From: Bill J. Glismann
Sent: Thursday, November 03, 2011 2:37 PM
To: Kristi Weispfenning ; Jim Nichols ; John Ritchey ; Nancy Wackerhagen ; Richard Hansen ; Wes Lyons ; Dave R. Harnisch
Subject: RE: Kohl Construction

This Lien from Ready Mix Concrete is related to an issue in the unit price of supplied grout to Kohl to be used for the rip rap. Apparently they had misquoted a price to Kohl for cost of the grout and Kohl had used in his bid. They supplied the correct grout to be used for the riprap on the project and wanted to bill Kohl the higher cost.

Thanks,
Bill Glismann

HGM Associates Inc.
5022 S. 114th Street, Ste 200
Omaha, NE 68137-2330

Phone (402) 346-7559
Fax: (402) 346-0224

wglismann@hgmonline.com

From: Kristi Weispfenning [mailto:rwhre@hunterlaw.omhcoxmail.com]
Sent: Thursday, November 03, 2011 1:08 PM
To: Jim Nichols; John Ritchey; Nancy Wackerhagen; Richard Hansen; Wes Lyons; Bill J. Glismann; Dave R. Harnisch
Subject: Kohl Construction
Importance: High

In the mail today we received Notice of Lien Liability and a Construction Lien which has been filed by Ready Mixed Concrete Co. It appears the lien has been placed against Outlots 1 and 2 of Millard Park in the amount of $17,929.49. Kohl Construction is listed as the person with whom the claimant contracted; SID 162 is listed as the contracting owner and the owner against whom a lien is or may be claimed; and Ready Mixed Concrete is listed as the claimant.

Kohl Construction was paid $110,000.00 on September 9, 2011. The warrant which was issued at the last meeting of the Board in the amount of $3,576.75 was mailed to Kohl Construction yesterday and they should receive the payment no later than tomorrow.

Mr. Hunter is reviewing the Nebraska Statutes for further information regarding this matter.
Kristi Weispfenning
Legal Assistant to Ronald W. Hunter

Office hours Monday through Friday 9:30 a.m. to 5:00 p.m.
(402) 397-6965

Kristi Weispfenning

From: "Kristi Weispfenning" <rwhre@hunterlaw.omhcoxmail.com>
Date: Wednesday, November 16, 2011 1:24 PM
To: "Jim Nichols" <jcnman@aol.com>; "John Ritchey" <jgritch@cox.net>; "Nancy Wackerhagen" <nancyandfredw@cox.net>; "Richard Hansen" <rickwood@cox.net>; "Wes Lyons" <wekelyons@cox.net>
Subject: Ready Mixed Concrete

Trustees and Engineers:

Mr. Hunter has talked to the credit manager of Ready Mixed Concrete Co. who signed the construction lien recently filed by Ready Mixed against property owned by SID 162. Mr. Hunter advised him that Kohl Construction had provided SID 162 with a payment bond and we would send it to him. We sent him a copy of the payment bond to him on November 16, 2011 and asked Ready Mixed Concrete Co. to release its construction lien. Enclosed is a copy of the letter which accompanied the payment bond.

Kristi Weispfenning
Legal Assistant to Ronald W. Hunter

Office hours Monday through Friday 9:30 a.m. to 5:00 p.m.
(402) 397-6965
after hours (402) 213-0971

NOTE: This e-mail and any attachments thereto are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at (402) 397-6965 and permanently delete the original and any copies of any e-mail and any printout thereof.

Ronald W. Hunter
Attorney at Law
11605 Arbor St., Suite 104
Omaha, NE 68144
e-mail: rwhre@hunterlaw.omhcoxmail.com

Phone (402) 397-6965 Fax (402) 397-0607

November 16, 2011

Ready Mixed Concrete Co.
ATTN: Gordon A. Wellensick
4315 Cuming Street
Omaha, NE 68131

Re: Construction Lien Filed against
Outlots 1 and 2 Millard Park
(18.16AC), Sarpy County, Nebraska

Dear Mr. Wellensick:

Pursuant to our recent telephone conversation, I am enclosing a copy of the Combined Payment and Maintenance Bond presented to SID 162 by Kohl Construction.

As I am sure you know, Section 52-132 of the Revised Statutes of Nebraska Annotated provides the following:

> "Notwithstanding the provisions on existence of a construction lien of section 52-131, no lien attaches under sections 52-125 to 52-159 to real estate owned by a state, a county, a municipality, or other governmental agency or political subdivision."

An SID is a political subdivision of the State of Nebraska. Therefore, please release Ready Mixed Concrete Co.'s construction lien from SID 162's property.

If you have any questions, please call me.

Sincerely Yours,

Ronald W. Hunter

RWH:kaw
enclosure
cc: All of SID 162 Trustees
and HGM Associates, Inc.,
SID 162 engineers

BD 717328

COMBINED PERFORMANCE
PAYMENT AND MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, Kohl Construction, Inc. as Principal (hereinafter called "Contractor"), and Nationwide Mutual Insurance Co as Surety (hereinafter called Surety), are held and firmly bound unto Sanitary and Improvement District No. 162, as Obligee, (hereinafter called "Owner") in the amount of **$112,632.36** for the payment of which sum of money we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly severally, and firmly by these presents.

WHEREAS, Contractor has written agreement dated ___ day of _____, **2011,** entered into a contract with Owner for the construction of the **Millard Park North Channel Repairs, Sarpy County, Nebraska,** which contract is by reference made a part hereof, and is hereinafter referred to as "the Contract", and

WHEREAS, Contractor is required to furnish a Performance, Payment and Maintenance Bond in connection with said Contract pursuant to the terms and provisions as set forth herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that:

1. If Contractor shall in all respects well and truly keep and perform the said Contract on Contractor's part in accordance with the terms and provisions of all the Contract documents comprising said Contract, and in the time and manner therein prescribed; and,

2. If Contractor shall pay all persons, firms or corporations having contracts directly with the contractor, or with subcontractors, all just claims due them for labor performed, materials furnished, or transportation supplied in the performance of the Contract on account of which this bond is given, when the same are not satisfied out of the portion of the Contract price which the City is required to retain until completion of the Contract (but the contractor and his Sureties shall not be liable to said persons, firms, or corporations unless the claims of said claimants against said portion of the contract price have been established as provided by the laws of the State of Nebraska); and,

3. If the Contractor shall keep the following items of construction in good operating condition as intended by their original design and the contract documents:

Channel Improvements For: 2 years

Pavement For: 2 years

which become out of repair due to defects in workmanship or material; then this obligation shall be null and void, otherwise it shall remain in full force and effect.

NOTICE OF LIEN LIABILITY

Date **11/02/2011**

To: Contracting Owner: **SID 162**
Address: **11605 Arbor Street Ste 104**
City, State: **Omaha, NE 68144**

This is a notice of a right to assert a lien against real estate for services or materials furnished in connection with the improvement of the real estate.

(a) The name of the claimant is:

Ready Mixed Concrete Co.

The address to which the owner or others may send communications is:

4315 Cuming St.
Omaha, NE 68131

(b) The name and address of the person with whom the claimant contracted is:

Kohl Construction
959 Road 15
Schuyler, NE 68661

(c) The name of the owner against whom a lien is or may be claimed is:

SID 162

(d) A description of the services or materials provided or to be provided:

Concrete and concrete products
$ 17,929.49

(e) The real estate against which the lien is or may be claimed is:

Outlots 1 & 2 Millard Park (18.16AC)
157th & Gertrude, Omaha, NE 68144

(f) (Complete one)

_X_ The claimant has recorded a lien and the date of recording is:

November 01, 2011 (Copy of Const. Lien Attached)

____ The claimant is entitled to record a lien.

(g) (Complete one)

X The amount unpaid to the claimant for services or materials, whether or not due: $ **17,929.49**

____ No amount is fixed by the contract; a good faith estimate of the amount unpaid is: $

WARNING: IF YOU DID NOT CONTRACT WITH THE PERSON GIVING THIS NOTICE, ANY FUTURE PAYMENTS YOU MAKE IN CONNECTION WITH THIS PROJECT MAY SUBJECT YOU TO DOUBLE LIABILITY.

The claimant must be notified in writing of the recording of any termination of notice of commencement at least three weeks before the effective date of the notice of termination.

READY MIXED CONCRETE CO.
Gordon Wellansiek
Claimant Credit Mgr.
Ph.#: (402) 556-3600

COUNTER UM C.E.
VERIFY UM D.E.
PROOF
FEES $ 6.00
CHECK#
CHG CASH 20.00
REFUND 14.06 CREDIT
SHORT NCR

FILED SARPY COUNTY NEBRASKA
INSTRUMENT NUMBER

2011-27191

11/01/2011 11:52:19 AM

Lloyd J. Dowling
REGISTER OF DEEDS

CONSTRUCTION LIEN

1. The real estate subject to this lien is:
OUTLOTS 1 & 2 MILLARD PARK (18.16AC)
157TH AND GERTRUDE
OMAHA NE 68144

2. The person against whose interest in the real estate the lien is claimed is:
SID 162
11605 ARBOR STREET STE 104
OMAHA NE 68144

3. The name and address of the claimant is:
READY MIXED CONCRETE CO
4315 Cuming Street
Omaha, NE 68131
(402) 556-3600

4. The name and address of the person with whom the claimant contracted is:
KOHL CONSTRUCTION
959 ROAD 15
SCHUYLER, NE 68661

5. The general description of the claimant's services performed, to be performed, or materials furnished or to be furnished for the improvement and the contract price is:
Concrete and concrete materials
$17,929.49

6. (Complete one of the following):
X The amount unpaid, whether due or not, to the claimant for services and/or materials is
$17, 929.49
___ The unpaid amount is not fixed by the contract, but a good faith estimate in the amount of
$

7. (Complete one of the following):
X The time of the last services or materials were furnished was:
07/25/2011
___ The time the last services or materials were furnished has not yet occurred but is estimated to occur

Gordon A Wellensiek, Credit Mgr.
GORDON A WELLENSIEK
CREDIT MANAGER
READY MIXED CONCRETE CO.

STATE OF NEBRASKA)
)ss
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 1ST DAY OF NOVEMBER 2011, by Gordon A Wellensiek, Credit Manager of Ready Mixed Concrete Company, a Nebraska corporation, on behalf of said corporation.

GENERAL NOTARY - State of Nebraska
TIFFANY HOYT
My Comm. Exp. March 2, 2014

Tiffany Hoyt
Notary Public

My commission expires: March 2, 2014.

SID 162
MILLARD PARK

11/01/2011
REVIEW OF APPROVED TEMPORARY USE PERMITS

1. ADDED ITEMS

15807 JOSEPHINE	*ADDED TRAMPOLINE*
16015 JOSEPHINE	*ADDED BIRD HOUSE ON POST, SWING, FLOWER GARDEN, PORTABLE FIRE PIT*
16137 JOSEPHINE	*ADDED TREE'S, FLOWER GARDEN*
16725 GERTRUDE	*ADDED FLOWER/VEGETABLE GARDEN*
16610 EDNA	*ADDED PORTABLE FIRE PIT*

2. NO APPROVED TUP ON LIST

15915 JOSEPHINE	*VEGETABLE/FLOWER GARDEN, WITH LANDSCAPE STONES BORDER*
16109 JOSEPHINE	*VEGETABLE GARDEN*
16129 JOSEPHINE	*FLOWER GARDEN WITH STONES*
16203 JOSEPHINE	*ROCK GARDEN*
16223 JOSEPHINE	*VEGETABLE GARDEN*
16415 JOSEPHINE	*FIREWOOD BEHIND FENCE*
16737 GERTRUDE	*FIREWOOD BEHINE FENCE*
16538 TIMBERLANE	*BIRD HOUSE AND FEEDER WEST OF FENCE*
7005 SO. 167TH	*BIRD HOUSE ON A POST*

8. The undersigned applicant(s) agrees to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

9. The Application For A Temporary Use Permit must be completed and approved by the Board of Trustees of SID 162 before any construction, excavation or use of the Common Area owned by SID 162.

INFORMATION TO BE PROVIDED BY APPLICANT OR APPLICANTS:

Description of proposed encroachment on common property owned by SID 162:

LANDSCAPE ROCKS AROUND TREES LOCATED BETWEEN PROPERTY LINE AND WALKING PATH

Applicant Information:

Name: BRIAN KUTA

Address: 7209 S. 158TH ST.

Phone Number: 402-965-3477

Property Owner Information (if different from applicant)

Name:

Address:

Phone Number:

The undersigned Applicant(s) hereby certify that he, she, or they have received and read Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007, the Memorandum, dated February 26, 2007, and the Application For Temporary Use Permit, including the Instructions. The undersigned Applicant(s) further certify that all of the statements in the Application For A Temporary Use Permit provided by the Applicant(s) are true and correct, and acknowledge that the Applicant(s) agree that he, she, or they are bound by all of the provisions included in Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007 and this Application For Temporary Use Permit.

The undersigned applicant(s) further agree to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

Signature of Applicant

10/30/11

Date

Signature of Applicant's Spouse (if applicable)

10/30/11

Date

For Official Use Only:

Date Temporary Use Permit Received: _____

Time, Date, and location of Meeting Temporary Use Permit is to be considered:

_____

8. The undersigned applicant(s) agrees to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

9. The Application For A Temporary Use Permit must be completed and approved by the Board of Trustees of SID 162 before any construction, excavation or use of the Common Area owned by SID 162.

INFORMATION TO BE PROVIDED BY APPLICANT OR APPLICANTS:

Description of proposed encroachment on common property owned by SID 162:

Trees & shrubs (only) along trail next to Lot No. 67 A copy of the encroachment and copy of plot plan Lot 67 I carry a million dollar policy with State Farm to protect the Sid + myself AGENT JANICE PETERSON I have done the maintenance + upkeep since moved here. 402-593-1899

Applicant Information:

Name: Gareld E Ciochon

Address: 15802 Gertrude St.

Phone Number: 402-894-2861

Property Owner Information (if different from applicant):

Name: Judith A. Ciochon

Address: 15802 Gertrude St.

Phone Number: 402-894-2861

The undersigned Applicant(s) hereby certify that he, she, or they have received and read Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007, the Memorandum, dated February 26, 2007, and the Application For Temporary Use Permit, including the Instructions. The undersigned Applicant(s) further certify that all of the statements in the Application For A Temporary Use Permit provided by the Applicant(s) are true and correct, and acknowledge that the Applicant(s) agree that he, she, or they are bound by all of the provisions included in Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007 and this Application For Temporary Use Permit.

The undersigned applicant(s) further agree to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

Harold E. Ciochon
Signature of Applicant

Oct. 28, 2011
Date

Judith A. Ciochon
Signature of Applicant's Spouse (if applicable)

Oct. 28, 2011
Date

For Official Use Only:

Date Temporary Use Permit Received: _____

Time, Date, and location of Meeting Temporary Use Permit is to be considered:

_____

State Farm Fire and Casualty Company
A Stock Company With Home Offices in Bloomington, Illinois

P.O. Box 82542
Lincoln, NE 68501-2542

Named Insured

Q-06-930A-F186 F L

CIOCHON, GARELD E & JUDY A
15802 GERTRUDE ST
OMAHA NE 68136-1038

DECLARATIONS PAGE

Policy Number	27-C4-3779-5	
Policy Period	**Effective Date**	**Expiration Date**
12 Months	MAR 13 2007	MAR 13 2008

The policy period begins and ends at 12:01 am standard time at the named insured's address.

This policy is kept updated And paid every year My Agent is JANice Peterson 402-593-1899 I have all my Insurance with State Farm For 50 Years
Harold E. Ciochon

PERSONAL LIABILITY UMBRELLA POLICY

Automatic Renewal - If the **policy period** is shown as **12 months** , this policy will be renewed automatically subject to the premiums, rules and forms in effect for each succeeding policy period. If this policy is terminated, we will give you written notice in compliance with the policy provisions or as required by law.

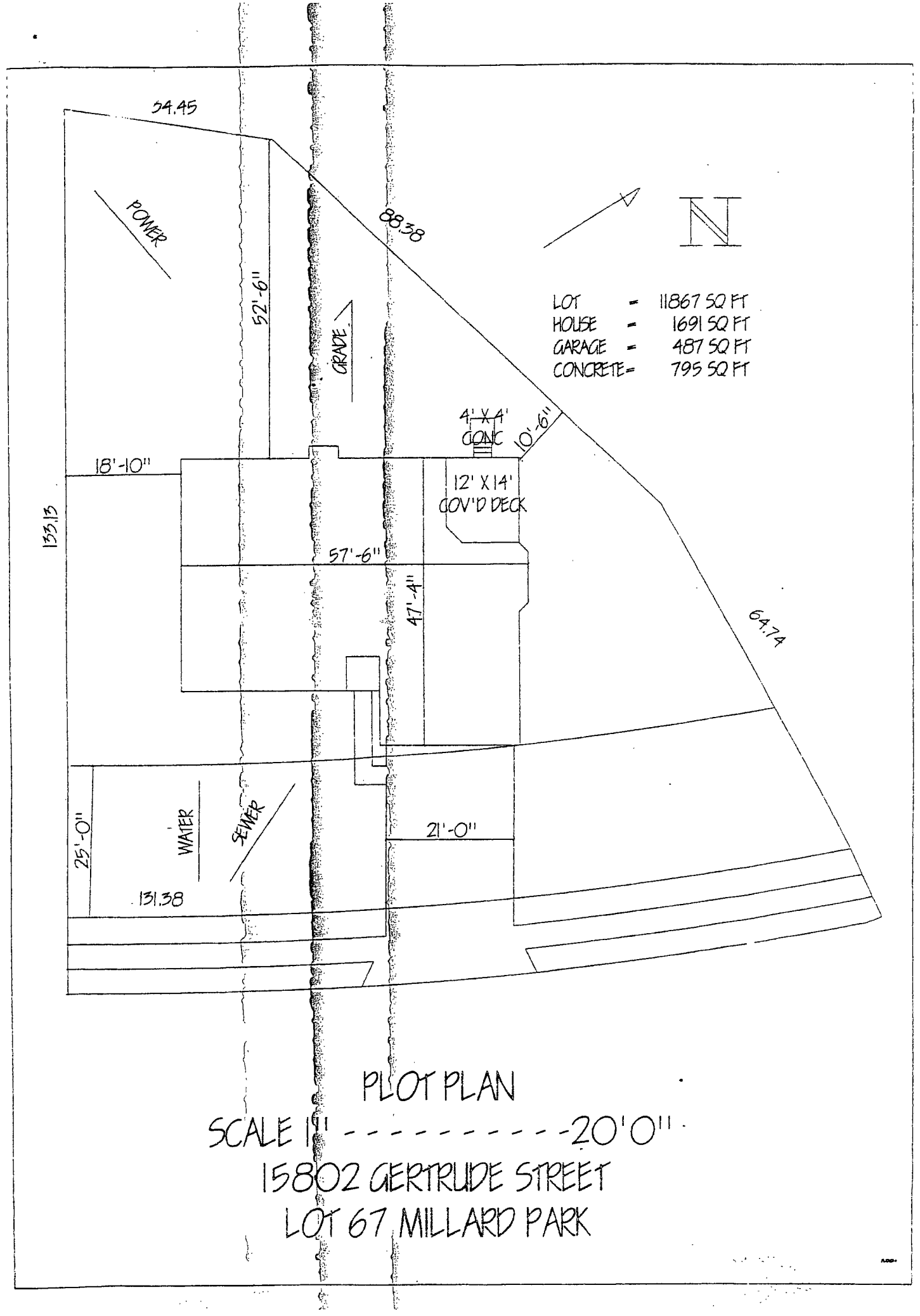
Coverage(s)	**Limit of Liability**
Coverage L - Personal Liability	$ 1,000,000
Self-Insured Retention	None

Required Underlying Insurance
(Terms in bold in this section are defined in the policy)

Type of Policy	Minimum Underlying Limits Combined Limits (Bodily Injury and Property Damage)	or	Split Limits
Automobile Liability		Bodily Injury -	$250,000 Per Person $500,000 Per Accident
Recreational Motor Vehicle Liability Including Passenger Bodily Injury	$ 500,000	Property Damage -	$100,000 Per Accident
Personal Residential Liability	$ 100,000		
Watercraft Liability	$ 100,000		

Forms & Endorsements		**Policy Premium**	$ 71.00
Personal Liability Umbrella	FP-7950.2		
Amendatory Endorsement	FE-7690.1		
Fuel Oil Exclusion	FE-5837		

Other limits and exclusions may apply - refer to your policy



PLOT PLAN

SCALE 1" ---------- 20'0"

15802 GERTRUDE STREET

LOT 67 MILLARD PARK

Mr. Gareld E. Ciochon
15802 Gertrude St.
Omaha, NE 68136

8. The undersigned applicant(s) agrees to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

9. The Application For A Temporary Use Permit must be completed and approved by the Board of Trustees of SID 162 before any construction, excavation or use of the Common Area owned by SID 162.

INFORMATION TO BE PROVIDED BY APPLICANT OR APPLICANTS:

Description of proposed encroachment on common property owned by SID 162:

to 6' east of east property line for 70' ~~To~~ from north to South for use to plant flower & vegetable garden & place bird feeders

Applicant Information:

Name: Steven & Joan Henger

Address: 15910 Timberlane Drive

Phone Number: 402-492-9109

Property Owner Information (if different from applicant): Same

Name:

Address:

Phone Number:

The undersigned Applicant(s) hereby certify that he, she, or they have received and read Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007, the Memorandum, dated February 26, 2007, and the Application For Temporary Use Permit, including the Instructions. The undersigned Applicant(s) further certify that all of the statements in the Application For A Temporary Use Permit provided by the Applicant(s) are true and correct, and acknowledge that the Applicant(s) agree that he, she, or they are bound by all of the provisions included in Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007 and this Application For Temporary Use Permit.

The undersigned applicant(s) further agree to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

Steven L. Henegar
Signature of Applicant

11-13-11
Date

Joan C. Henegar
Signature of Applicant's Spouse (if applicable)

11-13-11
Date

For Official Use Only:

Date Temporary Use Permit Received: _____

Time, Date, and location of Meeting Temporary Use Permit is to be considered:

_____

8. The undersigned applicant(s) agrees to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

9. The Application For A Temporary Use Permit must be completed and approved by the Board of Trustees of SID 162 before any construction, excavation or use of the Common Area owned by SID 162.

INFORMATION TO BE PROVIDED BY APPLICANT OR APPLICANTS:

Description of proposed encroachment on common property owned by SID 162:

Garden area raised 6" from ground - 24'x4'
Horseshoe pits - 2 U shaped boxes sand-filled
30-40 ft. apart

Applicant Information:

Name: Jim Crosland

Address: 14835 Josephine St., Omaha

Phone Number: 402-933-4689

Property Owner Information (if different from applicant):

Name:

Address:

Phone Number:

The undersigned Applicant(s) hereby certify that he, she, or they have received and read Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007, the Memorandum, dated February 26, 2007, and the Application For Temporary Use Permit, including the Instructions. The undersigned Applicant(s) further certify that all of the statements in the Application For A Temporary Use Permit provided by the Applicant(s) are true and correct, and acknowledge that the Applicant(s) agree that he, she, or they are bound by all of the provisions included in Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007 and this Application For Temporary Use Permit.

The undersigned applicant(s) further agree to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

Tim Crosland

Signature of Applicant

10-31-2011

Date

Rita Crosland

Signature of Applicant's Spouse (if applicable)

Oct. 31, 2011

Date

For Official Use Only:

Date Temporary Use Permit Received: _____

Time, Date, and location of Meeting Temporary Use Permit is to be considered:

_____

8. The undersigned applicant(s) agrees to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

9. The Application For A Temporary Use Permit must be completed and approved by the Board of Trustees of SID 162 before any construction, excavation or use of the Common Area owned by SID 162.

INFORMATION TO BE PROVIDED BY APPLICANT OR APPLICANTS:

Description of proposed encroachment on common property owned by SID 162:

Planted Wildflower bed along creek
Raised beds & pond border property

Applicant Information:

Name: Craig Holz

Address: 16121 Josephine St.

Phone Number: 402-895-0279

Property Owner Information (if different from applicant):

Name: Craig Holz

Address: 16121 Josephine St.

Phone Number:

The undersigned Applicant(s) hereby certify that he, she, or they have received and read Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007, the Memorandum, dated February 26, 2007, and the Application For Temporary Use Permit, including the Instructions. The undersigned Applicant(s) further certify that all of the statements in the Application For A Temporary Use Permit provided by the Applicant(s) are true and correct, and acknowledge that the Applicant(s) agree that he, she, or they are bound by all of the provisions included in Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007 and this Application For Temporary Use Permit.

The undersigned applicant(s) further agree to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

Craig L. Holz

Signature of Applicant

11-08-11

Date

Julia M. Holz

Signature of Applicant's Spouse (if applicable)

11-09-11

Date

For Official Use Only:

Date Temporary Use Permit Received: _____

Time, Date, and location of Meeting Temporary Use Permit is to be considered:

_____

8. The undersigned applicant(s) agrees to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

9. The Application For A Temporary Use Permit must be completed and approved by the Board of Trustees of SID 162 before any construction, excavation or use of the Common Area owned by SID 162.

INFORMATION TO BE PROVIDED BY APPLICANT OR APPLICANTS:

Description of proposed encroachment on common property owned by SID 162:

Vegetable garden 12X15

Flower garden 15 x 10

picnic table & swing

Applicant Information:

Name: Mike & Betty Alspach

Address: 16015 Josephine St

Phone Number: 402 896-1107

Property Owner Information (if different from applicant):

Name:

Address:

Phone Number:

The undersigned Applicant(s) hereby certify that he, she, or they have received and read Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007, the Memorandum, dated February 26, 2007, and the Application For Temporary Use Permit, including the Instructions. The undersigned Applicant(s) further certify that all of the statements in the Application For A Temporary Use Permit provided by the Applicant(s) are true and correct, and acknowledge that the Applicant(s) agree that he, she, or they are bound by all of the provisions included in Ordinance No. 22007, the Resolution adopted by the Board of Trustees of SID 162 on February 20, 2007 and this Application For Temporary Use Permit.

The undersigned applicant(s) further agree to hold SID 162 harmless from all liability and to reimburse SID 162 for all damages, including reasonable attorney fees, because of injuries caused directly or indirectly by said encroachment.

M Alspach
Signature of Applicant

11-2-11
Date

Signature of Applicant's Spouse (if applicable)

Date

For Official Use Only:

Date Temporary Use Permit Received: _____

Time, Date, and location of Meeting Temporary Use Permit is to be considered:

_____

FUND: 8062 SID #162 GENERAL	M-T-D	Y-T-D
10100 - BEGINNING CASH ON HAND	55,412.15	152,324.00
15100 - BEGINNING INVESTMENT ON HAND	0.00	0.00
BEGINNING BALANCE:	55,412.15	152,324.00
TAX RECEIPT COLLECTIONS:		
30136 - 2010 PERSONAL PROPERTY TAX	10.09	382.95
30336 - 2010 REAL ESTATE TAXES	237.32	129,990.37
TAX RECEIPT TOTALS:	247.41	130,373.32
34401 - HOMESTEAD EXEMP ALLOCATION	0.00	1,034.09
34601 - MOTOR VEHICLE PRO RATE	0.00	78.28
OTHER RECEIPT TOTALS:	0.00	1,112.37
60000 - DISBURSEMENTS	0.00	-225,547.61
60001 - PROPERTY TAX COMMISSION	-4.95	-2,607.47
10000 ENDING CASH ON HAND	55,654.61	55,654.61
15100 ENDING INVESTMENT ON HAND	0.00	0.00
GRAND TOTALS	55,654.61	55,654.61

FUND: 8362 SID #162 BOND	M-T-D	Y-T-D
10100 - BEGINNING CASH ON HAND	167,658.09	178,990.58
15100 - BEGINNING INVESTMENT ON HAND	774,896.90	424,878.04
BEGINNING BALANCE:	942,554.99	603,868.62
TAX RECEIPT COLLECTIONS:		
30136 - 2010 PERSONAL PROPERTY TAX	26.59	1,009.62
30336 - 2010 REAL ESTATE TAXES	625.68	342,701.98
TAX RECEIPT TOTALS:	652.27	343,711.60
34401 - HOMESTEAD EXEMP ALLOCATION	0.00	2,726.24
34601 - MOTOR VEHICLE PRO RATE	0.00	206.38
51001 - INTEREST ON INVESTMENTS	66.35	121.96
OTHER RECEIPT TOTALS:	66.35	3,054.58
60000 - DISBURSEMENTS	0.00	-500.00
60001 - PROPERTY TAX COMMISSION	-13.05	-6,874.24
15100 - INVESTMENTS	-324,933.65	25,085.21
10000 ENDING CASH ON HAND	493,297.31	493,297.31
15100 ENDING INVESTMENT ON HAND	449,963.25	449,963.25
GRAND TOTALS	943,260.56	943,260.56

SID 162
Profit & Loss by Class
July 1 through November 17, 2011

	Unclassified	TOTAL
Income		
Homestead Allocation	3,760.33	3,760.33
Interest on Investments	121.96	121.96
investments cashed out	424,878.04	424,878.04
Motor Vehicle Pro Rate	284.66	284.66
Personal Property Tax	1,392.57	1,392.57
Real Estate Tax	472,692.35	472,692.35
Total Income	903,129.91	903,129.91
Expense		
accounting fees	5,185.00	5,185.00
commission fees	9,481.71	9,481.71
engineering fees	31,914.63	31,914.63
green area maintenance	30,759.00	30,759.00
insurance	2,431.00	2,431.00
Investments	774,896.90	774,896.90
legal fees	13,693.26	13,693.26
publication	741.65	741.65
repairs and maintenance		
paving	6,450.00	6,450.00
repairs and maintenance - Other	113,576.75	113,576.75
Total repairs and maintenance	120,026.75	120,026.75
Street signs	137.16	137.16
utilities	19,659.93	19,659.93
Total Expense	1,008,926.99	1,008,926.99
Net Income	**-105,797.08**	**-105,797.08**

SID 162
Profit & Loss Budget Performance
November 2011

	Nov 11	Budget	Jul - Nov 11	YTD Budget	Annual Budget
Income					
Homestead Allocation	0.00		3,760.33		
Interest on Investments	0.00	66.67	121.96	333.35	800.00
investments cashed out	0.00		424,878.04		
Miscellaneous Income	0.00	14,000.00	0.00	70,000.00	168,000.00
Motor Vehicle Pro Rate	0.00	233.33	284.66	1,166.65	2,800.00
Personal Property Tax	0.00		1,392.57		
Real Estate Tax	0.00	89,270.00	472,692.35	446,350.00	1,071,240.00
Total Income	0.00	103,570.00	903,129.91	517,850.00	1,242,840.00
Expense					
accounting fees	0.00	432.08	5,185.00	2,160.40	5,185.00
bond payment	0.00	40,416.67	0.00	202,083.31	485,000.00
commission fees	0.00		9,481.71		
engineering fees	4,268.13	6,250.00	36,182.76	31,250.00	75,000.00
Fiscal Agent Fees	250.00	41.67	250.00	208.31	500.00
green area maintenance	0.00	4,583.33	30,759.00	22,916.69	55,000.00
insurance	0.00	333.33	2,431.00	1,666.65	4,000.00
Interest on Bond Payment	0.00	26,939.42	0.00	134,697.06	323,273.00
Investments	0.00		774,896.90		
legal fees	3,660.00	2,083.33	17,353.26	10,416.65	25,000.00
Miscellaneous	0.00	26.25	0.00	131.25	315.00
publication	10.73	83.33	752.38	416.65	1,000.00
repairs and maintenance					
paving	0.00		6,450.00		
repairs and maintenance - Other	1,200.00	46,666.67	114,776.75	233,333.35	560,000.00
Total repairs and maintenance	1,200.00	46,666.67	121,226.75	233,333.35	560,000.00
Street signs	0.00		137.16		
utilities	3,935.65	4,166.67	23,595.58	20,833.35	50,000.00
Total Expense	13,324.51	132,022.75	1,022,251.50	660,113.67	1,584,273.00
Net Income	**-13,324.51**	**-28,452.75**	**-119,121.59**	**-142,263.67**	**-341,433.00**

CERTIFICATE TO COUNTY TREASURER AND REQUEST FOR
FUNDS OF THE SANITARY AND IMPROVEMENT DISTRICT NO. 162
OF SARPY COUNTY, NEBRASKA
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

TO: County Treasurer of Sarpy County, Nebraska

COPY

The undersigned Paying Agent for bonds of the above stated General Obligation Refunding Bonds, SID #162, hereby certifies that funds of said District are needed for payment of interest and principal on bonds of said District as follows: Issued 5/15/2009

PRINCIPAL DUE:	$0.00
INTEREST DUE:	$43,270.00
TOTAL DUE:	$43,270.00

DUE DATE OF THE ABOVE IS: NOVEMBER 15, 2011

Please remit your payment via wire or ACH to Great Western Bank as follows:

Great Western Bank
ATTN: Trust Department
Watertown, SD
ABA #091408734
Credit Account #63-6704 for the Trust Department

GREAT WESTERN BANK
Paying Agent

DATE: November 4, 2011

BY: _____
Hema Suresh
Great Western Bank

The Omaha World-Herald Ad Order Confirmation

Ad Content

RONALD W. HUNTER
Attorney at Law
11605 Arbor Street, Suite 104
Omaha, NE 68144

NOTICE OF MEETING
Sanitary and Improvement District
No. 162 of Sarpy County, Nebraska

NOTICE IS HEREBY GIVEN that a meeting of the Board of Trustees of Sanitary and Improvement District No. 162 of Sarpy County, Nebraska, will be held at 4:00 p.m. on Friday, November 18, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska, which meeting will be open to the public.

An Agenda for such meeting, kept continuously current, is available for public inspection at the office of the Chairman of the Board of the District at 11605 Arbor St., Suite104, Omaha, Nebraska, and includes payment of bills of the District

NANCY WACKERHAGEN,
Clerk of the District
1446783;11/9

Ad Number 0001446783-01
Sales Rep. jerwin
Order Taker jerwin
Ad Type SNI Legals
Ad Size
: 1.0 X 26 Li
PO Number SID 172
Color B&W
Promo Type

Customer
RONALD W HUNTER, ATTY AT
Customer Account
167774
Customer Address
11605 ARBOR ST., SUITE 104
OMAHA NE 68144 USA
Customer Phone
(402)397-6965

Ordered By

Special Pricing
None
Invoice Text
SID 172
Materials

Ad Order Notes

Tear Sheets	Proofs	Blind Box
0	0	

Net Amount	Total Amount
$10.73	$10.73

Payment Method

Payment Amount	Amount Due
$0.00	$10.73

Product Information	Placement/Classification	Run Dates	# Inserts	Cost
SNI Classified::	Papillion Legals	11/9/2011	1	$10.73
	SNI Legal Papillion-Appears i			

Account Number	Due Date	Total Amount Due
4393100041	Nov 17, 2011	$9,944.29

For bill inquiries call the Omaha Office
(402) 536-4131. See back for toll-free number.

Customer Name: SID 162 SARPY
Statement Date: October 28, 2011

Billing Information for service address: 15600 HARRISON ST, STL2 OMAHA NE

Billing Period From **09-29-2011** To **10-28-2011** @29 Days

Rate	Summary Usage		
	Current Amount	Fuel and Purchased Power Adjustment	Subtotal Amount per Rate
SL61	$3,712.54	$17.93	$3,935.65

Rate	Summary Usage		
	Current Amount	Fuel and Purchased Power Adjustment	Subtotal Amount per Rate

Sales Tax	205.18
Total Charges	$3,935.65
Previous Balance	6,008.64
Total Amount Due	$9,944.29

Late Payment Charge of $157.43 applies after due date.

1

Please return this portion with payment

Paperless billing is a simple way to save time, money and resources. Sign up today at oppd.com/MyAccount.

Statement Date: October 28, 2011

Account Number	Due Date	Total Amount Due
4393100041	Nov 17, 2011	$9,944.29

Late Payment Charge of $157.43 applies after due date

Amount Paid ☐☐,☐☐☐.☐☐

Energy Assistance Fund $1☐ $2☐ $5☐ Other $_____

A current phone number on our record simplifies outage reporting. Your service address is identified by the phone number: (402) 397-6965

☐ **Check Here** *to indicate name, address or phone changes on back of this statement*

SID 162 SARPY
% RON W HUNTER SMITH BARNEY INC.
11605 ARBOR ST STE 104
OMAHA NE 68144-2982

PO BOX 3995
OMAHA NE 68103-0995

Omaha Public Power District

Account Number	Due Date	Total Amount Due
4393100041	Nov 17, 2011	$9,944.29

Customer Name: SID 162 SARPY
Statement Date: October 28, 2011

Billing Information for service address: 15600 HARRISON ST, STL2 OMAHA NE

Billing Period From 09-29-2011 To 10-28-2011 @29 Days

Rate	Method No.	Number of Lamps	Price per Lamp	Usage			
				Current Amount	Fuel and Purchased Power Adjustment	Total Usage Amount	Sub-Total Amount per Rate
SL61	61211	218	$17 03	$3,712 54			
SL61					17 93	3,712 54	$3,935 65

TERRY HUGHES TREE SERVICE

INVOICE

11/4/2011

15802 Fairview Rd
Gretna, NE 68028
558-8198
253-2331 Fax

BILL TO

SID #162
NANCY WACKERHAGEN
16313 JOSEPHINE STREET
OMAHA, NE 68136-

SERVICE

Nancy Wackerhagen
16313 Josephine Street
Omaha NE 68136

Service	PO # / Terms	Invoice	Completed	Amount	Tax	Total	Credits
Tree Removal		261382	11/3/2011	$1,200.00	$0.00	$1,200.00	

SID # 162
Behind 16313 Josephine - Dead Elms - remove anything that is leaning towards trail & looks like would land on trail if they fell
Remove to ground level & leave debris in woods $1200.00

$1200

Call with date

PLEASE REMIT: $1,200.00

TERRY HUGHES TREE SERVICE
15802 Fairview Rd
Gretna, NE 68028
558-8198

Please complete THIS portion and return with payment. Thank you.

Service: Tree Removal
Account Key: 39951
Invoice Number: 261382
Please Remit: $1,200.00

Please Indicate Amount And Type of Payment

AMOUNT PAID $_____ CHECK #_____

☐ VISA ☐ MASTERCARD ☐ DISCOVER ☐ AMER. EXP.

CARD ACCOUNT # _____

EXPIRATION DATE _____

SIGNATURE _____

COMMENTS: _____

Chairman then declared said Resolutions were duly carried and adopted.

The following are reporting items for the Trustees' information and required no action: Sarpy County Treasurer General Ledger Balances as of October, 2011, Balance sheets for warrants issued fiscal year to date, and a Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 162 Of Sarpy County, Nebraska General Obligation Refunding Bonds, Series 2009.

The Trustees agreed to schedule the next meeting of the Board of Trustees at 4:00 p.m. on December 15, 2011 at 11605 Arbor Street, Suite 104, Omaha, Nebraska.

The Chairman stated the last item on the Agenda was to pay the following bills, statements and/or invoices attached. Upon motion made by Trustee Ritchey and seconded by Trustee Nichols the following Resolutions were proposed, to-wit:

> BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No.162 of Sarpy County, Nebraska, that the Chairman and Clerk be and they are hereby directed and authorized to execute and deliver General Fund Warrant Nos. 5549 through General Fund Warrant No. 5554 of the District, dated the day of this meeting, to the following payees and in the following amounts, said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of seven percent (7%) per annum, to be redeemed no later than November 18, 2014, 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:
>
> > WARRANT NO. 5549 in the amount of $10.73 made payable to WORLD HERALD MEDIA GROUP, per Customer No. 154004, Order No. 0001446783-01, attached.
> >
> > WARRANT NO. 5550 in the amount of $3,935.65 made payable to O.P.P.D., per Account No. 4393100041, dated 10/28/11, attached.
> >
> > WARRANT NO. 5551 in the amount of $1,200.00 made payable to TERRY HUGHES TREE SERVICE, per Invoice dated 11/04/11, attached.
> >
> > WARRANT NO. 5552 in the amount of $4,268.13 made payable to HGM ASSOCIATES,

hgm
ASSOCIATES INC.

****INVOICE****

SID No. 162
Millard Park Subdivision
c/o Kristi Weispfenning
11605 Arbor St. Suite 104
Omaha, NE 68144

DATE : 11/11/2011
CLIENT NO. : 7241
INVOICE NO. : 703510-6

Progress billing for professional engineering services for the Millard Park 2011 general services as per agreement; from 09/01/11 through 10/31/11.

	CURRENT HOURS	RATE		CURRENT PERIOD
Board Meetings				
(Attend meetings 9/8/11, 10/20/11)				
Senior Project Engineer- W. Glismann	3.50	139.80	$	489.30
Design Engineer - D. Harnisch	1.00	73.56		73.56
			$	562.86
Misc. Tasks				
Paving Repairs:				
(Marking Removals & Routing in Field, Inspection, Measure Quantities & Pay Request)				
Senior Project Engineer- W. Glismann	5.00	139.80	$	699.00
Design Engineer - D. Harnisch	7.50	73.56		551.70
			$	1,250.70
Mission Creek Phase 2				
(Pre-Construction Meeting with Contractor & Inspection				
Construction Staking of Alignment & Property Lines)				
Senior Project Engineer- W. Glismann	3.50	139.80	$	489.30
Design Engineer - D. Harnisch	3.00	73.56		220.68
Land Surveyor - M. Samples	1.00	144.24		144.24
Land Surveyor - R. Hay	7.00	78.75		551.25
Engineering Technician II - C. Welsh	7.00	60.00		420.00
			$	1,825.47
North Channel Repairs				
(Pay Request & Post Construction Inspection)				
Senior Project Engineer- W. Glismann	4.50	139.80	$	629.10
			$	629.10
		Current Amount Due	**$**	**4,268.13**

5022 S. 114TH STREET, SUITE 200, OMAHA, NEBRASKA 68137 (402) 346-7559, FAX (402) 346-0224
640 FIFTH AVENUE, P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712) 323-0530, FAX (712) 323-0779

RONALD W. HUNTER

Attorney at Law
11605 Arbor Street, Suite 104
Omaha, NE 68144
e-mail: rwhre@hunterlaw.omhcoxmail.com

Telephone: (402) 397-6965 Fax: (402) 397-0607

November 17, 2011

Sanitary and Improvement District No. 162
c/o 11605 Arbor Street, Suite 104
Omaha, NE 68144

Re: Sanitary and Improvement District No. 162

==========

For legal services performed re: general services from 08-25-11 through 11-17-11.

(See Attached Schedule of Services)

24.40 hours x $150.00 per hour = $3,660.00

TOTAL AMOUNT DUE= $3,660.00

SCHEDULE OF SERVICES FOR SID 162

08/25/11 Drove to 156th Street south of Josephine and inspected fence. Called Wes Lyon about the fence. Talked to Bill Morrison about the fence. **1.10**

08/30/11 Met with Rich Harman and discussed SID 162 financial condition. **0.40**

09/13/11 Mailed executed warrants to payees from August and September meetings. **1.10**

09/14/11 Study of letter and documents from the Corps of Engineers. Emailed letter and document to Bill Glissman. **2.10**

10/01/11 Preparation of notice to County Clerk, notice for the Papillion Times, memorandums to all Trustees, the engineers, and others of the next meeting of the Board of Trustees. **1.10**

10/12/11 Checked Notice of meeting in the Papillion Times. **0.20**

10/19/11 Prepared Agenda for next meeting of the Board. **1.20**

10/20/11 Prepared for and attended Board of Trustees meeting. **1.20**

10/21/11 Prepared minutes, supporting documents and warrants of last meeting. Spread warrants. Sent e-mail to Royal Lawns, Inc. requesting more information regarding a previous invoice which a portion was withheld. Sent an e-mail to Signature Signs requesting clarification of an invoice. Wrote letter to property owners living in Millard Park South declining speed tables on Timberlane Drive. Wrote letter to Mr. and Mrs. Alspach, which was never sent per Trustees. Sent e-mail to Trustees. **3.50**

10/24/11 Final review of minutes, supporting documents and warrants of last meeting. Mailed minutes to accountants and Chairman. Reviewed files and sent letters to property owners requesting renewals for Temporary Use Permits. E-mailed list to Trustees. **3.80**

11/02/11 Preparation of notice to County Clerk, notice for the Papillion Times, memorandums to all Trustees, the engineers, and others of the next meeting of the Board of Trustees. **1.10**

11/03/11 Mailed executed warrants to payees from October meeting. Studied the lien filed by Ready Mixed Concrete. Studied the Little Miller Act, Nebraska's law. Call to Bill Glismann to get details regarding the contract. Studied the contract and payment bond. Call to the Chairman. More study of cases interpreting the Little Miller Act. Prepared an e-mail memorandum to the Trustees and Bill Glismann. **3.80**

11/12/11 Call tot he credit manager of Ready Mixed and advised him that SID 162 had a payment bond and told him I would send him a copy of it. **0.20**

11/16/11	Preparation and sent a letter to the credit manager of Ready Mixed Concrete Co. Prepared an e-mail to the Trustees and engineer with copy of the letter.	**2.50**
11/17/11	Prepared Agenda for next meeting of the Board of Trustees.	**1.10**
	Total	**24.40**

November 7, 2011

Hunter Law Office
ATTN: Ronald W. Hunter
11605 Arbor St., Suite 104
Omaha, NE 68144

RE: Sanitary and Improvement District #162, Series 2009
Account #6821

Dear Mr. Hunter:

Fee billing for services rendered as Registrar and Paying Agent:
FOR PERIOD OF: MAY 16, 2011 THROUGH NOVEMBER 15, 2011

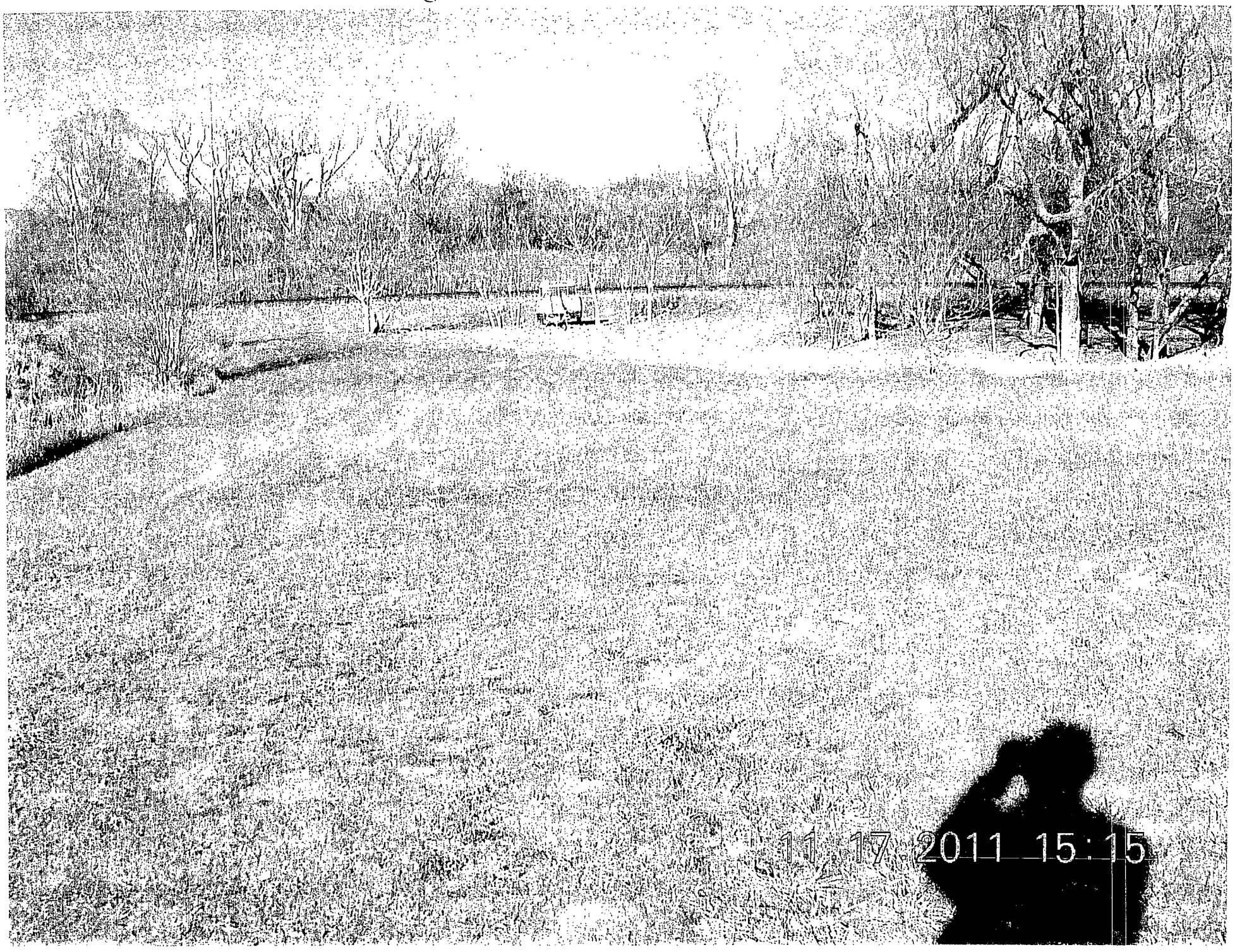
MINIMUM BOND FEE:	$250.00
EXTRAORDINARY FEE:	
TOTAL FEE DUE:	$250.00

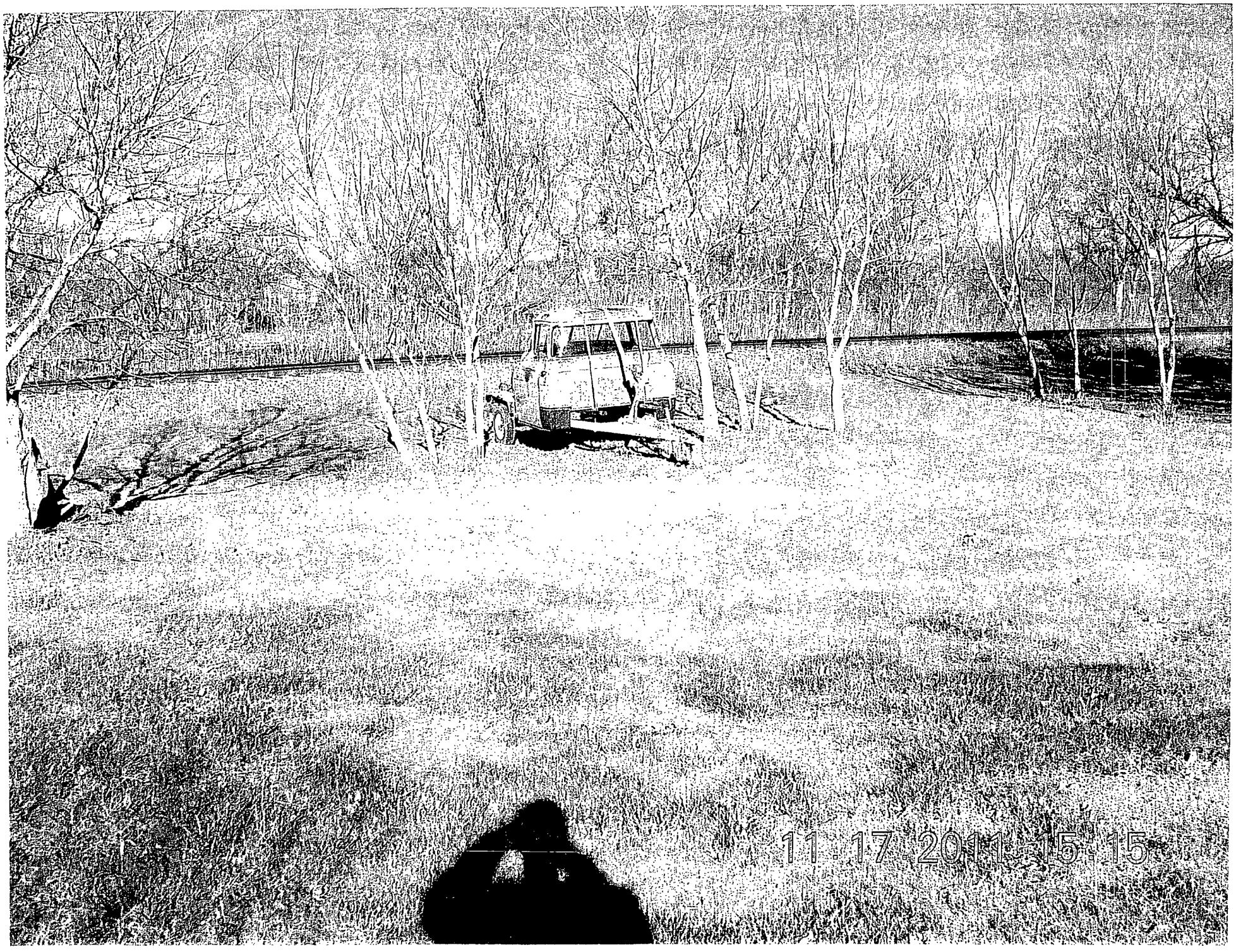
Please remit your check payable to Great Western Bank, ATTN: Trust Department, 9290 W. Dodge Rd, Ste 202, Omaha, NE 68114. If you have any questions feel free to call us at (402) 554-7345.

Sincerely,

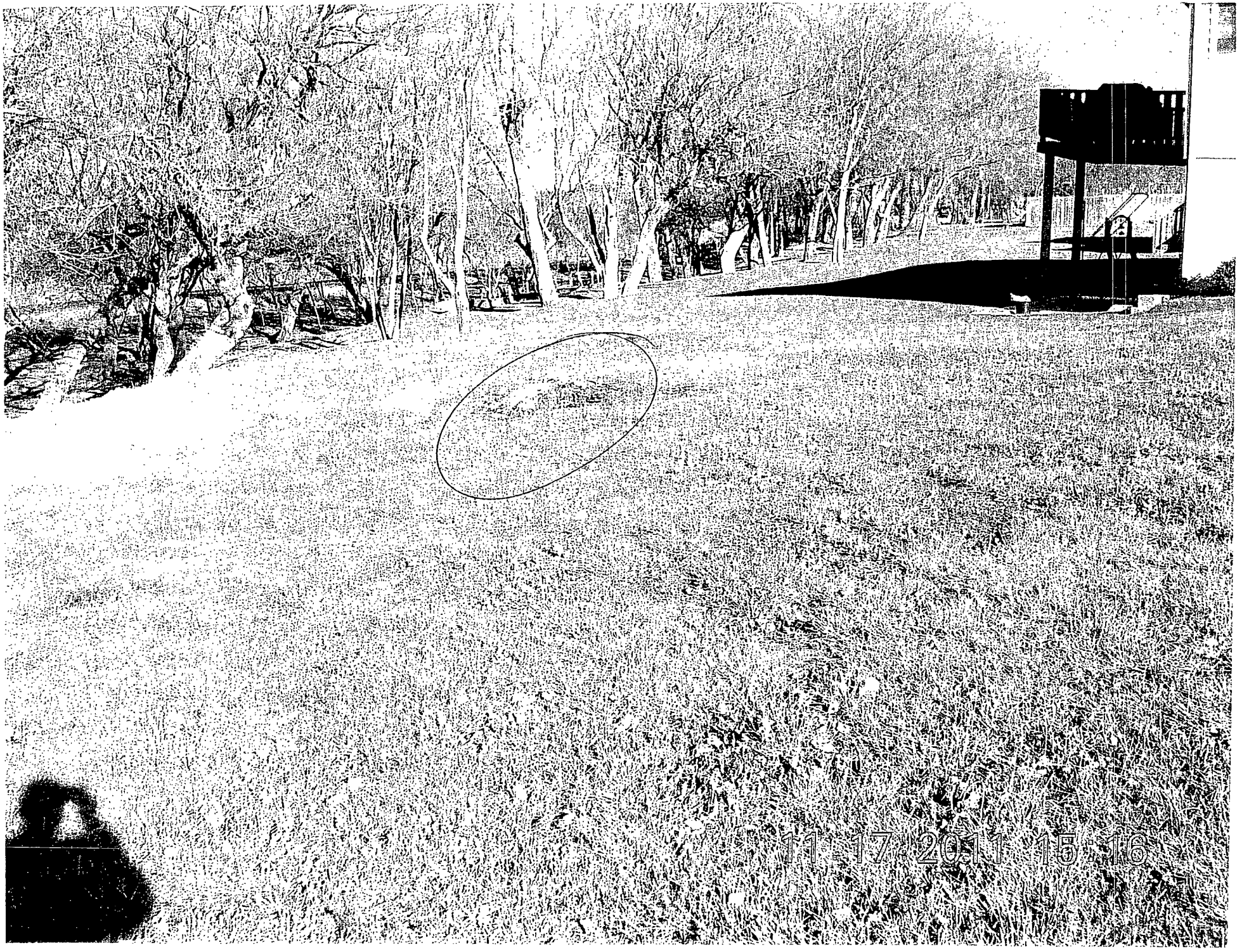
Ted L. Hall, J.D.
VP & Trust Officer
Wealth Management Division

OUT LOT 7 159th + TIMBERLANE




11-17-2011 15:15

West of 15842 TIMBERLANE



11/17/2011 15:16

Kristi Weispfenning

From: "Rick Hansen" <rickwood@cox.net>
Date: Thursday, November 17, 2011 4:45 PM
To: "Kristi Weispfenning" <rwhre@hunterlaw.omhcoxmail.com>
Attach: imagejpeg_2.jpg
Subject: Fw: IMG00027-20111109-1212.jpg

This a picture of graffiti in the drain pipe by Wes's house. Please include it in the agenda for tomorrow's meeting.
Thanks
Rick Hansen
SID 162 Chairman

From: Ryan Costanzo
Sent: Thursday, November 17, 2011 4:18 PM
To: Rick Hansen
Subject: IMG00027-20111109-1212.jpg

Sent from my Palm Pre on the Now Network from Sprint