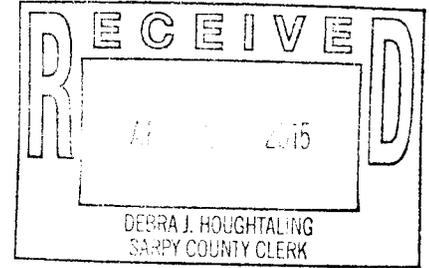


**MINUTES OF MEETING**  
**OF**  
**SANITARY AND IMPROVEMENT DISTRICT NO. 192**  
**OF SARPY COUNTY, NEBRASKA**



A meeting of the Board of Trustees of Sanitary and Improvement District No. 192 of Sarpy County, Nebraska, was convened in open and public session at 2:00 p.m. on the 8<sup>th</sup> day of April, 2015, at 17206 Fairway Drive, Omaha, Nebraska.

Present were: Lee Harrow, Timothy P. Goodman, Steven Moore, Tom Dein and Morrie Naumann.

Absent:

Notice of the meeting was given in advance thereof by publication in The Papillion Times, on April 1, 2015, 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 is attached to these minutes. Availability of the agenda was communicated in the published notice and in the 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 agenda was at all times available at the office for the District at 10250 Regency Circle, Suite 300, Omaha, Nebraska 68114.

The meeting was called to order.

It was first 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 reported that Providence Group, Inc. had noted a required repair to a vacuum pump with respect to the lift station. The Trustees also discussed that the District would need to obtain water access in order to hose out any sanitary sewer line within the District.

Mark LaPuzza reported that the refund checks for water system customers had been mailed in the total amount of \$2,434.85.

There was next a discussion regarding One Call activity. Trustee Steven Moore reported that 56 One Call tickets had been received over the preceding two months, and provided a ticket management detail which is attached hereto.

There was next a discussion regarding mowing for the 2015 season. The Trustees reported that they had used the same provider for several years and were happy with the results. Upon Motion duly made and seconded, and upon the following roll call vote, the Trustees, Lee Harrow, Timothy Goodman, Steven Moore, Tom Dein and Morrie Naumann voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, that the lawn service contract for maintenance of District property shall be continued and extended through the 2015 season; and

RESOLVED FURTHER, that Tim Goodman is hereby authorized to coordinate with Absolute Lawn and Landscape in the provision of such services.

There was next a discussion regarding covenant review by the Architectural Control Committee as appointed by the Trustees of the District. There was some discussion as to maintenance of records and continuity of approvals and denials from the prior architectural review entity to today. Mr. LaPuzza stated that he would attempt to obtain the architectural review committee records from the original Declarants under the covenants.

There was next an update noting that the homeowners association website for the Tiburon neighborhood had been updated, including updated meeting information and contact information.

There was next an update that the street sweeping had been completed within the District.

There was next an update from Mr. LaPuzza regarding the status of the utility transfer for the well house utility from the District to Sanitary and Improvement District No. 158, Sarpy County, Nebraska. Mr. LaPuzza reported that Patrick Sullivan, attorney for Sanitary and Improvement District No. 158, Sarpy County, Nebraska, had reported that the Trustees had approved payment of the outstanding utility bills and reimbursement of the District for utility expenses between October, 2014 and December, 2014. Mr. Sullivan also reported that he believed the utilities had been transferred, or would be transferred, such that continuing utility bills were not sent to the District.

There was next a discussion regarding landscaping bids received from S&W Fence Company. These bids included the bids to provide landscaping for the lift station on 173<sup>rd</sup> street as well as lighting and landscaping for the 174<sup>th</sup> entrance. The Trustees had an extended discussion regarding the potential savings of contracting directly with a nursery versus the benefits of the coordinated installation by S&W Fence Company. Timothy Goodman made a motion to suspend contract review, obtain additional bids for consideration and to determine the direct-cost pricing for landscaping options. The motion was not seconded and failed.

There was further discussion regarding the types of trees and plants to be installed, as well as locations of plantings and the source of plants and trees to be installed. There was also discussion regarding whether the installation for the 174<sup>th</sup> street property should be an installation requiring aeration or a non-aerated plant. The bids were modified by notation of Mr. Pearson and the Trustees at the meeting, to the revised and finalized consistent with the requirements for warranties and the modifications of the plants to be installed. Upon Motion duly made and seconded, and upon the following roll call vote, the Trustees, Lee Harrow, Steven Moore, Tom Dein and Morrie Naumann voted "Aye" and Timothy Goodman voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, that the installation of the non-aerated landscaping plants to be installed at 174<sup>th</sup> street, as provided by S&W Fence Company, is hereby approved;

RESOLVED FURTHER, that Morrie Naumann is hereby authorized and directed to coordinate with legal counsel for the District and with S&W Fence Company to finalize the contracting and coordinate plant selection and for performance under the contracts;

RESOLVED FURTHER, that Lee Harrow is hereby authorized and directed to execute any revised and modified estimates, proposals or contracts in furtherance of the above resolutions.

There was next a discussion regarding the installation of landscaping around the lift stations on 173<sup>rd</sup> Street. It was discussed by the Trustees that the landscaping locations and price were deemed generally acceptable. There was discussion regarding the height and type of plants to be installed. The Trustees also commented that the location of any plants surrounding the lift station should be coordinated with Gerry Gutoski of Providence Group, Inc. Upon Motion duly made and seconded, and upon the following roll call

vote, the Trustees, Lee Harrow, Timothy Goodman, Steven Moore, Tom Dein and Morrie Naumann voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, that the estimate and proposal received from S&W Fence Company for installation of landscaping around the lift station at 173<sup>rd</sup> street is hereby approved;

RESOLVED FURTHER, that Morrie Naumann is hereby authorized and directed to coordinate with legal counsel for the District and with S&W Fence Company to finalize the contracting and coordinate plant selection and for performance under the contracts, and the location and height of plants shall be coordinated with Gerry Gutoski of Providence Group, Inc. for final approval;

RESOLVED FURTHER, that Lee Harrow is hereby authorized and directed to execute any revised and modified estimates, proposals or contracts in furtherance of the above resolutions.

There was next a discussion regarding the installation of sidewalks by Scholl Excavating. The Trustees generally discussed that the bid received from Scholl Excavating provided for four (4) different projects. The Trustees identified that the most expensive of the projects – the Fairway Drive installations, was not desired or necessary for the District. The Trustees also discussed that the bid was in the expected price range and that the previous work performed by Scholl Excavating was acceptable. However, the Trustees discussed that the bids did not specify the level of the installation or the grading and reseeding of the disturbed areas. The Trustees also discussed that the installation of the cement pad site on Oakmont was desirable, but that the exact location needed to be confirmed through coordination with the apartment complex and the school district. Upon Motion duly made and seconded, and upon the following roll call vote, the Trustees, Lee Harrow, Timothy Goodman, Steven Moore, Tom Dein and Morrie Naumann voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, that the District approves of the bid obtained from Scholl Excavating from Projects 1 and 2 from the attached bid, subject to the qualifications of bidding questions regarding sidewalk installation and soil conditions;

RESOLVED FURTHER, that the Morrie Naumann is hereby authorized and directed to coordinate with legal counsel for the District, as well as the public school district and the Tiburon Apartments.

The following is a reporting item for the Trustee's information and requires no action: Service Fee Fund Statement for February, 2015.

There were next presented miscellaneous bills, invoices, statements, and recommendations for the Board's consideration.

There was next presented two (2) statements from Omaha Public Power District, for service at the locations of 16800 Ridgmont Street and 16802 Oakmont Drive, account number 0622093108, dated February 9, 2015 and March 10, 2015, both statements being in the aggregate amount of Two Thousand Eight Hundred Two Dollars and 48/100 (\$2,802.48).

There was next presented two (2) statements from Omaha Public Power District, for service at the location of 17221 Oakmont Street, account number 5958727663, dated February 9, 2015 and March 10, 2015, both statements being in the aggregate amount of One Hundred Fifty-Eight Dollars and 77/100 (\$158.77).

There was next a statement from Omaha Public Power District, for service at the location of 17300 S. Highway 370 Street, regarding account number 146000031, dated March 6, 2015 in the amount of Twenty-Four Dollars and 01/100 (\$24.01).

There was next presented two (2) statements from Omaha Public Power District, for service at the location of 10817 Fairway Drive, account number 6474900369, dated February 9, 2015 and March 10, 2015, both statements being in the aggregate amount of One Hundred Twenty-Two Dollars and 38/100 (\$122.38).

There was next a statement from Thompson, Dreesen & Dorner, Inc., for One Call and research services, Invoice No. 108591 dated February 27, 2015, in the amount of One Hundred Eighty-Seven Dollars and 50/100 (\$187.50).

There was next presented a statement from Field R&D, for services rendered, Invoice No. 150009 dated March 2, 2015, in the amount of One Thousand Six Hundred Forty-Two Dollars and 13/100 (\$1,642.13).

There was next presented two (2) statements from Papillion Sanitation for residential service charges for account number 3050-30014918-001: Invoice No. 4212273 dated March 1, 2015, in the amount of One Thousand Two Hundred Eighty-One Dollars and 15/100 (\$1,281.15); (ii) Invoice No. 4227695 dated April 1, 2015, in the amount of One Thousand Two Hundred Eighty-One Dollars and 15/100 (\$1,281.15); both statements being in the aggregate amount of Two Thousand Five Hundred Sixty-Two Dollars and 30/100 (\$2,562.30).

There was next presented two (2) statements from One Call Concepts, Inc.: (i) Invoice No. 5020568, dated February 28, 2015, in the amount of Ten Dollars and no/100 (\$10.00); (ii) Invoice No. 5030568, dated March 31, 2015, in the amount of Forty-Four Dollars and 25/100 (\$44.25); both statements being in the aggregate amount of Fifty-Four Dollars and 25/100 (\$54.25).

There was next presented a statement from O'Donnell, Ficenec, Wills & Ferdig, LLP, for 2014 audit of year-end financial statements, 1025 budget, sales tax, payroll and 1099 annual reports, Invoice No. 78499 dated March 24, 2015, in the amount of Nine Thousand One Hundred Ten Dollars and no/100 (\$9,110.00).

There was next presented two (2) statements from Timothy Goodman: (i) reimbursement for payment to Annie's Nursery, in the amount of Three Thousand Two Hundred Sixty-Two Dollars and 50/100 (\$3,262.50); (ii) reimbursement for payment to Kelley Nelson, in the amount of One Hundred Ninety Dollars and no/100 (\$190.00); both statements being in the aggregate amount of Three Thousand Four Hundred Fifty-Two Dollars and 50/100 (\$3,452.50).

There was next presented a statement from Pansing Hogan Ernst & Bachman LLP, attorneys for the District, for legal services performed in miscellaneous District matters, dated April 7, 2015, in the amount of Two Thousand Eight Hundred Seventeen Dollars and no/100 (\$2,817.00), and costs advanced in the amount of Two Hundred Eighty-Five Dollars and 54/100 (\$285.54); said statement being in the aggregate amount of Three Thousand One Hundred Two Dollars and 54/100 (\$3,102.54).

The Clerk next directed the attention of the Board of Trustees to the fact that Ameritas Investment Corp. will purchase Twenty-Three Thousand Two Hundred Eighteen Dollars and 86/100 (\$23,218.86) in general fund warrants at this time, and that the contracted charge for such purchase of warrants is five percent (5%) or One Thousand One Hundred Sixty Dollars and 94/100 (\$1,160.94) (**less Twenty-Eight Dollars and 18/100 (\$28.18)**) for a total amount of One Thousand One Hundred Thirty-Two Dollars and 76/100 (\$1,132.76) in accordance with the financing agreement previously adopted by the Board. The Clerk recommended issuance of a warrant in such amount to Ameritas Investment Corp.

The previously described bills, invoices, recommendations and statements having been presented for the Board's consideration and after review and discussion of such items, the following resolution was duly moved and passed:

FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 192 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby authorized and directed to execute and deliver Warrant Nos. 2866 through 2877 of the District, dated the date 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 and to be redeemed no later than April 8, 2018, 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. 2866 for the amount of Three Thousand Four Hundred Fifty-Two Dollars and 50/100 (\$3,452.50), payable to Timothy Goodman.

Warrant No. 2867, for the amount of Two Thousand Eight Hundred Two Dollars and 48/100 (\$2,802.48), payable to Omaha Public Power District for Account No. 0622093108.

Warrant No. 2868, for the amount of One Hundred Fifty-Eight Dollars and 77/100 (\$158.77), payable to Omaha Public Power District for Account No. 5958727663.

Warrant No. 2869, for the amount of Twenty-Four Dollars and 01/100 (\$24.01), payable to Omaha Public Power District for Account No. 1436000031.

Warrant No. 2870, for the amount of One Hundred Twenty-Two Dollars and 38/100 (\$122.38), payable to Omaha Public Power District for Account No. 6474900369.

Warrant No. 2871, for the amount of One Hundred Eighty-Seven Dollars and 50/100 (\$187.50), payable to Thompson, Dreessen & Dorner, Inc for Invoice No. 108591.

Warrant No. 2872, for the amount of One Thousand Six Hundred Forty-Two Dollars and 13/100 (\$1,642.13), payable to Field R&D for Invoice No. 150009.

Warrant No. 2873, for the amount of Two Thousand Five Hundred Sixty-Two Dollars and 30/100 (\$2,562.30), payable to Papillion Sanitation for account number 3050-30014918-001.

Warrant No. 2874, for the amount of Fifty-Four Dollars and 25/100 (\$54.25), payable to One Call Concepts, Inc., Account No. 04-SID192S.

Warrant No. 2875, in the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 2876, for the amount of Four Thousand One Hundred Ten Dollars and no/100 (\$4,110.00), payable to O'Donnell, Ficene, Wills & Ferdig, LLP.

Warrant No. 2877, for the amount of Three Thousand One Hundred Two Dollars and 54/100 (\$3,102.54), payable to Pansing Hogan Ernst & Bachman, LLP.

Warrant No. 2878, for the amount of One Thousand One Hundred Thirty-Two Dollars and 76/100 (\$1,132.76), payable to Ameritas Investment Corp.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 192 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.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 192 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.

FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 192 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 Chairman 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) ten percent (10%) of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) one hundred twenty-five percent (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 thirteen (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 thirteen (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.

**[THE BALANCE OF THIS PAGE LEFT INTENTIONALLY BLANK –  
SIGNATURES APPEAR ON THE FOLLOWING PAGE]**