

199



MINUTES OF MEETING
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 199
OF SARP COUNTY, NEBRASKA

A meeting of the Board of Trustees of Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, was convened in open and public session at 8:00 a.m. on the 7th day of September, 2010, at 11205 South 150th Street, Suite 100, Omaha, Nebraska.

Present were: Gerald L. Torczon, Doris J. Nicholson, John R. Torczon, Joadele Ressler and Jerome Pieper.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Bellevue Leader on September 1, 2010, 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 by the undersigned presiding as Chairman. Upon roll call, all of the Trustees were present.

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 Clerk next presented in accordance with the provisions of Neb. R.R.S. Section 77-1601.02, the publication concerning the Board of Trustees recommendation that the property tax request for tax year 2010-2011 be set at a different amount than the 2009-2010 tax request. The Clerk further reported that no person had appeared at the meeting in response to such hearing notice. The Clerk was directed to attach a copy of such notice to the minutes of these proceedings.

After discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Gerald L. Torczon, Doris J. Nicholson, John R. Torczon, Joadele Ressler and Jerome Pieper voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, that it is advisable that the property tax request for tax year 2010-2011 be set at a different amount than the 2009-2010 tax request as set out in the proof of publication attached hereto and incorporated herein by this reference, as follows:

2009-2010 Property Tax Request	\$110,473.36
2009 Tax Rate	0.950000
Property Tax Rate (2009-2010 Request/2010 Valuation)	0.972201

2010-2011 Proposed Property Tax Request		\$107,950.56
General Fund	\$28,408.04	
Bond Fund	\$79,542.52	
Proposed 2010 Tax Rate		0.950000
General Fund	0.250000	
Bond Fund	0.700000	

The Clerk next reviewed the Agenda which had been available for public inspection in accordance with the law prior to this meeting of the Board of Trustees and reported that all matters considered by the Board at this meeting appeared on the Agenda.

Doris J. Nicholson, as Clerk for Sanitary and Improvement District No. 199 of Sarpy County, Nebraska (the "District") does hereby certify that the above proceedings are a true and accurate statement of the proceedings had by the District at its September 7, 2010, meeting.



 DORIS J. NICHOLSON, Clerk

199

MINUTES OF MEETING
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 199
OF SARPY COUNTY, NEBRASKA

A meeting of the Board of Trustees of Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, was convened in open and public session at 8:05 a.m. on the 7th day of September, 2010, at 11205 South 150th Street, Suite 100, Omaha, Nebraska.

Present were: Gerald L. Torczon, Doris J. Nicholson, John R. Torczon, Joadele Ressler and Jerome Pieper.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Bellevue Leader on September 1, 2010, 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 by the undersigned presiding as Chairman. Upon roll call, all of the Trustees were present.

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 Clerk first reported in accordance with the provisions of Neb. R.R.S. Section 13-501 through 13-513, the District's certified public accountants were directed to prepare a proposed budget and further that the Clerk attended to the required publication of notice with regard to the budgetary hearing to be held by the Board of Trustees. The Clerk had been directed to give the appropriate notices in accordance with the Nebraska Budget Act and that a budgetary hearing for the District be held on the 7th day of September, 2010, at 11205 South 150th Street, Suite 100, Omaha, Nebraska.

The Clerk next presented the publication of this budgetary hearing as presented in the Bellevue Leader. The Clerk next reported that such notice of the budgetary hearing along with a budget summary had been published in accordance with law. The Clerk further reported that it appeared that no person had appeared at the meeting in response to such notice of the budgetary hearing and the Clerk was directed to attach a copy of such notice to the minutes of these proceedings.

After a lengthy discussion and upon a motion duly made and seconded, and upon a roll call vote, the Trustees, Gerald L. Torczon, Doris J. Nicholson, John R. Torczon, Joadele Ressler and Jerome Pieper, voted "Aye" with none voting "Nay" with the following resolution being thereby adopted and approved:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, that the budget and tax levy as tentatively set forth be adopted as the final budget and levy in accordance with Exhibit "A" attached hereto and by this reference made a part hereof. Further that the Clerk of the District be directed to file a copy of the adopted budget with the levying board of the State Auditor's office as well as

certifying the levy to the Sarpy County officials as well as attaching a proof of publication to such adopted budget.

With the budget for the District having been adopted, the Chairman then stated that it would be appropriate at this time to levy the tax in accordance with the budget statement. After a full and complete discussion and upon a motion duly made and seconded, and upon the following roll call vote, the Trustees, Gerald L. Torczon, Doris J. Nicholson, John R. Torczon, Joadele Ressler and Jerome Pieper voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, that Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, levy and collect for the year 2010-2011 a tax of \$0.950000 per One Hundred and no/100 Dollars (\$100.00) actual valuation of taxable property in the District, except intangible property, said tax to be credited to the appropriate fund as indicated below:

\$0.250000 on each One Hundred and no/100 Dollars (\$100.00) actual valuation to be credited to the General Fund of the District and thereby collect \$28,408.04 in taxes to be credited to this fund; and

\$0.700000 on each One Hundred and no/100 Dollars (\$100.00) actual valuation to be credited to the Construction (Bond) Fund of the District and thereby collect \$79,542.52 in taxes to be credited to this fund.

FURTHER RESOLVED, that the Clerk of this District be and hereby is directed to deliver and file with the County Clerk of Sarpy County, Nebraska and the Auditor of Public Accounts, a copy of this resolution.

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

There was next presented a statement from First National Bank of Omaha for paying agent fee for the period ending June 30, 2010 for the Series 2004 and 2006 issues, invoice dated June 28, 2010 in the amount of One Thousand Four Hundred and no/100 Dollars (\$1,400.00).

The Clerk next directed the attention of the Board of Trustees to the fact that D.A. Davidson & Co., will purchase One Thousand Four Hundred and no/100 Dollars (\$1,400.00) in warrants at this time and that the contracted charge for such purchase of warrants is three percent (3%) or Forty-Two and no/100 Dollars (\$42.00) in accordance with the financing agreement previously adopted by the Board. The Chairman recommended the issuance of a warrant for such amount to D.A. Davidson & Co.

There was next presented a statement from M.J.A. Trucking, L.L.C. for street sweeping throughout the District, Invoice No. 10-306 in the amount of Three Hundred and no/100 Dollars (\$300.00).

There was next presented a statement from Great Plains One Call Services Inc. for line locating services, Invoice No. 510SD199 in the amount of One and 79/100 Dollars (\$1.79).

Counsel for the District next informed the Board that the Clerk was entitled to \$100.00 per month. Payment was authorized for twelve (12) months, from September 1, 2009, through August 31, 2010, the Clerk to receive the amount of One Thousand Two Hundred and no/100 Dollars (\$1,200.00) less Ninety-One and 80/100 Dollars (\$91.80) to be withheld for income tax purposes; therefore payment to be made to the Clerk in the amount of One Thousand One Hundred Eight and 20/100 Dollars (\$1,108.20).

Counsel for the District next informed the Board that sums were to be placed in the Pansing Hogan Ernst & Bachman LLP Trust Account for purposes of payment of tax on income received by the Clerk of the District, said tax to be in the amount of Ninety-One and 80/100 Dollars (\$91.80).

There was next presented a statement from Lamp, Rynearson & Associates, Inc., engineers for the District for miscellaneous engineering services rendered through May 22, 2010, Invoice No. 0107010.90-0000008 in the amount of Ninety-Nine and 72/100 Dollars (\$99.72).

There was next presented a statement from Pansing Hogan Ernst & Bachman LLP, attorneys for the District, for legal services rendered from September 1, 2009 through August 31, 2010, in the amount of Eight Thousand Two Hundred Sixty-Three and 50/100 Dollars (\$8,263.50); and costs advanced in the amount of Five Hundred Ninety-Two and 15/100 Dollars (\$592.15); said statement being in the aggregate amount of Eight Thousand Eight Hundred Fifty-Five and 65/100 Dollars (\$8,855.65).

There were next presented statements from Omaha Public Power District, for electrical service at the 15000 Shepard Street location through August 30, 2010 in the aggregate amount of Two Thousand Sixty-Six and 15/100 Dollars (\$2,066.15).

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:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby authorized and directed to execute and deliver Warrant Nos. 630 and 631 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 Construction Fund of the District and to draw interest at the rate of seven percent (7%) per annum (interest to be payable on May 10 of each year) and to be redeemed no later than September 7, 2015, 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. 630, for the amount of One Thousand Four Hundred and no/100 Dollars (\$1,400.00), payable to First National Bank of Omaha.

Warrant No. 631, for the amount of Forty-Two and no/100 Dollars (\$42.00), payable to D.A. Davidson & Co.

FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 199 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby authorized and directed to execute and deliver Warrant Nos. 632 through 639 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 September 7, 2013, 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. 632, for the amount of Three Hundred and no/100 Dollars (\$300.00), payable to M.J.A. Trucking, L.L.C.

Warrant No. 633, for the amount of One and 79/100 Dollars (\$1.79), payable to Great Plains One Call Services, Inc.

Warrant No. 634, for the amount of One Thousand One Hundred Eight and 20/100 Dollars (\$1,108.20), payable to Doris J. Nicholson.

Warrant No. 635, for the amount of Ninety-One and 80/100 Dollars (\$91.80), payable to Pansing Hogan Ernst & Bachman LLP Trust Account.

Warrant No. 636, for the amount of Ninety-Nine and 72/100 Dollars (\$99.72), payable to Lamp, Ryneerson & Associates, Inc.

Warrant No. 637, for the amount of Five Thousand and no/100 Dollars (\$5,000.00), and Warrant No. 638, for the amount of Three Thousand Eight Hundred Fifty-Five and 65/100 Dollars (\$3,855.65), payable to Pansing Hogan Ernst & Bachman LLP.

Warrant No. 639, for the amount of Two Thousand Sixty-Six and 15/100 Dollars (\$2,066.15), payable to Omaha Public Power District, Acct. No. 5321962230.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 199 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. 199 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 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. 199 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.

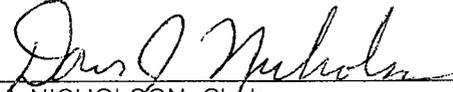
3. The District has not been notified of any listing of it by the Internal Revenue Service as an issuer that may not certify its bonds.

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]**

The Clerk next reviewed the Agenda which had been available for public inspection in accordance with the law prior to this meeting of the Board of Trustees and reported that all matters considered by the Board at this meeting appeared on the Agenda.

Doris J. Nicholson, as Clerk for Sanitary and Improvement District No. 199 of Sarpy County, Nebraska (the "District") does hereby certify that the above proceedings are a true and accurate statement of the proceedings had by the District at its September 7, 2010, meeting.



DORIS J. NICHOLSON, Clerk

202



UNIVERSAL SURETY COMPANY

601 SOUTH 12TH ST., SUITE 100 P.O. BOX 80468 LINCOLN NE



Continuation Certificate

The UNIVERSAL SURETY COMPANY (hereinafter called the Surety) hereby continues in force its Bond Number **105818** in the sum of: -----

Five Thousand & 00/100 (\$5,000.00) Dollars,

on behalf of **Chad LaMontagne**

in favor of **SID # 202, Sarpy County, Nebraska**

from **9/21/2010** to **9/21/2012**

Subject to all the covenants and conditions of said Bond. This Bond and the obligations of Surety hereunder shall not be continued if the Principal does not file this Certificate with any agency with which it is required to be filed within thirty (30) days of the effective date hereof.

Unless expressly continued, this bond shall expire on the earlier of (1) the date referenced above (2) cancellation by the Surety or (3) it is otherwise terminated.

IN WITNESS WHEREOF, the Surety has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its corporate seal to be hereto affixed **Friday, August 20, 2010**

Principal **Chad LaMontagne**

By *Chad LaMontagne*

Surety **UNIVERSAL SURETY COMPANY**

By *Tara Martin*
Tara Martin, Attorney-in-Fact



UNIVERSAL SURETY COMPANY

Lincoln, Nebraska

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the **UNIVERSAL SURETY COMPANY**, a corporation of the State of Nebraska having its principal office in the City of Lincoln, Nebraska, pursuant to the following Bylaw, which was adopted by the Board of Directors of the said Company on July 23, 1981, to wit:

"Article V-Section 6. **RESIDENT OFFICERS AND ATTORNEYS-IN-FACT.** The President or any Vice President, acting with any Secretary or Assistant Secretary, shall have the authority to appoint Resident Vice Presidents and Attorneys-In-Fact, with the power and authority to sign, execute, acknowledge and deliver on its behalf, as Surety: Any and all undertakings of suretyship and to affix thereto the corporate seal of the corporation. The President or any Vice President, acting with any Secretary or Assistant Secretary, shall also have the authority to remove and revoke the authority of any such appointee at any time."

Thomas A. Tallman or Leon J. Harre or Curtis L. Hartter or Jessica M. Marsh or Tara Martin, all of Lincoln, Nebraska or Cheryl A. Brown, Roca, Nebraska

its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for and on its behalf, as Surety:
Any and all undertakings of suretyship

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its offices in Lincoln, Nebraska, in their own persons.

The following Resolution was adopted at the Regular Meeting of the Board of Directors of the **UNIVERSAL SURETY COMPANY**, held on July 23, 1981:

"RESOLVED, That the signatures of officers of the Company and the seal of the Company may be affixed by facsimile to any Power of Attorney executed in accordance with Article V-Section 6 of the Company Bylaws: and that any such Power of Attorney bearing such facsimile signatures, including the facsimile signature of a certifying Assistant Secretary and facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking or contract of suretyship to which it is attached."

All authority hereby conferred shall remain in full force and effect until terminated by the Company.

IN WITNESS WHEREOF, **UNIVERSAL SURETY COMPANY** has caused these presents to be signed by its Vice President and its corporate seal to be hereunto affixed this 17th day of February, 20 10.

UNIVERSAL SURETY COMPANY

Secretary

By

Vice President



State of Nebraska }
County of Lancaster } ss.

On this 17th day of February, 20 10, before me personally came Curtis L. Hartter, to me known, who being by me duly sworn, did depose and say that (s)he resides in the County of Lancaster, State of Nebraska; that (s)he is the Vice President of the **UNIVERSAL SURETY COMPANY**, the corporation described in and which executed the above instrument; that (s)he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that (s)he signed (his) (her) name by like order; and that Bylaw, Article V-Section 6, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.



My Commission Expires February 16, 2014.

Notary Public

I, Cheryl A. Brown, Assistant Secretary of **UNIVERSAL SURETY COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said **UNIVERSAL SURETY COMPANY**, which is still in full force and effect.

Signed and sealed at the City of Lincoln, Nebraska this 20th day of August, 20 10.

Assistant Secretary

