

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 8:00 a.m. on the 6th day of March, 2015, at 11205 South 150th Street, Suite 100, Omaha, Nebraska.

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

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Bellevue Leader on March 4, 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 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.

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

The Clerk next directed the attention of the Board of Trustees to the fact that D.A. Davidson & Co., purchased One Thousand Four Hundred and no/100 Dollars (\$1,400.00) in warrants at the September 2, 2014 meeting 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 were next presented statements from Lutz & Company, PC, accountants for the District for final billing for completion of the audited financial statement for the year ended June 30, 2014, and preparation of quarterly payroll tax returns and completion of Form 1099 and Form 1096, as follows: (i) Invoice No. 170767, in the amount of Three Thousand Two Hundred Fifty and no/100 Dollars (\$3,250.00), and (ii) Invoice No. 171796, in the amount of Five Hundred Thirty and no/100 Dollars (\$530.00); said statements being in the aggregate amount of Three Thousand Seven Hundred Eighty and no/100 Dollars (\$3,780.00).

There was next presented a statement from Riege's Records, for bookkeeping services, Invoice No. 14922, in the amount of Two Hundred Ten and no/100 Dollars (\$210.00).

There were next presented statements from One Call Concepts, Inc., for line locating services as follows: (i) for the month of August, 2014, Invoice No. 4080572 in the amount of Seven and 45/100 Dollars (\$7.45), (ii) for the month of September, 2014, Invoice No. 4090570, in the amount of Four and 10/100 Dollars (\$4.10), (iii) for the month of October, 2014, Invoice No. 4100568, in the amount of Ten and 45/100

Dollars (\$10.45), (iv) for the month of November, 2014, Invoice No. 4110568, in the amount of Thirteen and 05/100 Dollars (\$13.05), (v) for the month of December, 2014, Invoice No. 4120568, in the amount of Twenty-Three and 25/100 Dollars (\$23.25), (vi) for the month of January, 2015, Invoice No. 5010571, in the amount of Nine and 75/100 Dollars (\$9.75), and (vii) for the month of February, 2015, Invoice No. 5020570, in the amount of Nine and 75/100 Dollars (\$9.75); said statements being in the aggregate amount of Seventy-Seven and 80/100 Dollars (\$77.80).

There were next presented statements from Lamp, Rynearson & Associates, Inc., engineers for the District, for services rendered in miscellaneous District maintenance matters, as follows: (i) services through September 13, 2014, Invoice No. 0107010.90-0000033 in the amount of One Hundred Ninety-Three and 96/100 Dollars (\$193.96); (ii) services through October 18, 2014, Invoice No. 107010.90-0000034 in the amount of One Hundred Sixty-Two and 15/100 Dollars (\$162.15); (iii) services through November 15, 2014, Invoice No. 107010.90-0000035 in the amount of Two Hundred Seventy-Two and 08/100 Dollars (\$272.08); (iv) services through December 13, 2014, Invoice No. 107010.90-0000036 in the amount of Two Hundred Fourteen and 50/100 Dollars (\$214.50), (v) services through January 17, 2015, Invoice No. 107010.90-0000037 in the amount of Four Hundred Thirty-One and 97/100 Dollars (\$431.97), and (vi) services through February 14, 2015, Invoice No. 107010.90-0000038 in the amount of Four Hundred Seventy-Five and 08/100 Dollars (\$475.08); said invoices being in the aggregate amount of One Thousand Seven Hundred Forty-Nine and 74/100 Dollars (\$1,749.74).

There were next presented statements from Omaha Public Power District, for electrical service at the 15000 Shepard Street location through February 26, 2015, in the aggregate amount of Three Thousand Three Hundred Twenty-One and 88/100 Dollars (\$3,321.88).

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 No. 762, 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 May 10 of each year) and to be redeemed no later than March 6, 2020, 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. 762, 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. 763 through 767 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 six percent (6%) per annum and to be redeemed no later than March 6, 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. 763, for the amount of Three Thousand Seven Hundred Eighty and no/100 Dollars (\$3,780.00), payable to Lutz & Company, PC.

Warrant No. 764, for the amount of Two Hundred Ten and no/100 Dollars (\$210.00), payable to Riege's Records.

Warrant No. 765, for the amount of Seventy-Seven and 80/100 Dollars (\$77.80), payable to One Call Concepts.

Warrant No. 766, for the amount of One Thousand Seven Hundred Forty-Nine and 74/100 Dollars (\$1,749.74), payable to Lamp, Rynearson & Associates, Inc.

Warrant No. 767, for the amount of Three Thousand Three Hundred Twenty-One and 88/100 Dollars (\$3,321.88), 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

There was next presented a receipt from the Sarpy County Treasurer representing a deposit to the District's bond fund, refund of excess deposit on water main from Metropolitan Utilities District, in the amount of Eleven Thousand Twenty and 09/100 Dollars (\$11,020.09).

**[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 March 6, 2015, meeting.



DORIS J. NICHOLSON, Clerk