

MINUTES OF MEETING
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 220
OF SARPY COUNTY, NEBRASKA

A meeting of the Board of Trustees of Sanitary and Improvement District No. 220 of Sarpy County, Nebraska, was convened in open and public session at 12:30 p.m. on the 13th day of May, 2015, at 10250 Regency Circle, Suite 300, Omaha, Nebraska.

Present were: John R. Christiansen, Maurice Anderson, Wil H. Stephany and John L. Adler. Also present was John Q. Bachman, attorney for the District.

Absent: Craig Finnestad.

Notice of the meeting was given in advance thereof by publication in the Bellevue Leader on May 6, 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.

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

There were next presented statements from Bankers Trust Company as follows: (i) flat fee annual administrative fee with respect to Series 2012 refunding bonds, Invoice No. 20122 in the amount of Five Hundred and no/100 Dollars (\$500.00); (ii) flat fee disclosure fee with respect to Series 2012 refunding bonds, Invoice No. 20123 in the amount of Two Hundred Fifty and no/100 Dollars (\$250.00); (iii) flat fee annual administrative fee with respect to Series 2011 refunding bonds, Invoice No. 20139 in the amount of Five Hundred and no/100 Dollars (\$500.00); and (iv) flat fee annual administrative fee with respect to the Series 2014 refunding bonds, Invoice No. 20260 in the amount of Five Hundred and no/100 Dollars (\$500.00); said statements being in the aggregate amount of One Thousand Seven Hundred Fifty and no/100 Dollars (\$1,750.00).

There was next presented correspondence from Lamp, Rynearson & Associates, Inc., engineers for the District, presenting and recommending payment in favor of Vierregger Electric Company for Traffic Signalization I (Harrison Woods) as follows: (i) Estimate No. 1 in the amount of Eighty-Four Thousand Five Hundred Twenty-Three and 23/100 Dollars (\$84,523.23); and (2) Estimate No. 2 (FINAL) in the amount of Sixteen Thousand Nine Hundred Forty and 34/100 Dollars (\$16,940.34); said estimates being in the aggregate amount of One Hundred One Thousand Four Hundred Sixty-Three and 57/100 Dollars (\$101,463.57).

There was next presented correspondence from Lamp, Rynearson & Associates, Inc., engineers for the District, presenting and recommending payment in favor of Thiele Geotech, Inc., for testing services in connection with Traffic Signalization I (Harrison Woods), Invoice No. 52232 in the amount of Two Hundred Forty-Four and no/100 Dollars (\$244.00).

There were next presented statements from Lamp, Rynearson & Associates, Inc., engineers for the District for services rendered in construction-related matters as follows: (i) through February 14, 2015,

Invoice No. 0110098.11-0000022 in the amount of Four Thousand Six Hundred Fifty-Nine and 69/100 Dollars (\$4,659.69); (ii) through March 14, 2015, Invoice No. 0110098.11-0000023 in the amount of Two Thousand One Hundred Twenty and 95/100 Dollars (\$2,120.95); and (iii) through April 18, 2015, Invoice No. 0110098.11-0000024 in the amount of Three Thousand Two Hundred Ninety-Eight and 76/100 Dollars (\$3,298.76); said statements being in the aggregate amount of Ten Thousand Seventy-Nine and 40/100 Dollars (\$10,079.40).

There was next presented correspondence from Lamp, Rynearson & Associates, Inc., engineers for the District, presenting and recommending payment in favor of Vierregger Electric Co. for installation of radar speed display sign, Invoice No. 16749 in the amount of Four Thousand Five Hundred Three and 41/100 Dollars (\$4,503.41).

There was next presented correspondence from Lamp, Rynearson & Associates, Inc., engineers for the District, presenting and recommending payment in favor of Commercial Seeding Contractors for green area maintenance, Invoice No. 14952 in the amount of Three Hundred Twenty and no/100 Dollars (\$320.00).

There was next presented correspondence from Lamp, Rynearson & Associates, Inc., engineers for the District, presenting and recommending payment in favor of Critter Control of Omaha, Invoice No. 134541 in the amount of Five Hundred Twenty-Seven and 50/100 Dollars (\$527.50).

There was next presented correspondence from Lamp, Rynearson & Associates, Inc., engineers for the District, presenting and recommending payment in favor of Clean Sweep Commercial, Inc., for street sweeping throughout the District, Invoice No. 3962 in the amount of Nine Hundred and no/100 Dollars (\$900.00).

There was next presented a statement from Greenway Yard and Landscape for mowing and fertilizer application, Invoice No. 1677 in the amount of One Thousand Two Hundred Ninety-Five and no/100 Dollars (\$1,295.00).

There were next presented invoices from One Call Concepts, Inc., for line locating services as follows: (i) for the month of February, 2015, Invoice No. 5020578 in the amount of Three and no/100 Dollars (\$3.00); (ii) for the month of March, 2015, Invoice No. 5030578 in the amount of Eight and 55/100 Dollars (\$8.55); and (iii) for the month of April, 2015, Invoice No. 5040574 in the amount of Eleven and 55/100 Dollars (\$11.55); said invoices being in the aggregate amount of Twenty-Three and 10/100 Dollars (\$23.10).

There were next presented statements from Lamp, Rynearson & Associates, Inc., engineers for the District for miscellaneous engineering services rendered as follows: (i) through February 14, 2015, Invoice No. 0110098.90-0000049 in the amount of Three Thousand Four Hundred Seventy-Two and 12/100 Dollars (\$3,472.12); (ii) through March 14, 2015, Invoice No. 0110098.90-0000050 in the amount of One Thousand One Hundred Fifty-Two and 12/100 Dollars (\$1,152.12); and (iii) through April 18, 2015, Invoice No. 0110098.90-0000051 in the amount of One Thousand Forty and 91/100 Dollars (\$1,040.91); said invoices being in the aggregate amount of Five Thousand Six Hundred Sixty-Five and 15/100 Dollars (\$5,665.15).

There were next presented statements from Metropolitan Utilities District for service at the 7006 S. 173rd Street location through April 15, 2015, indicating a **credit balance** in the amount of Two Hundred Thirty-Eight and 20/100 Dollars (\$238.20). **The Board directed advance payment to be made in the amount of One Thousand and no/100 Dollars (\$1,000.00).**

There were next presented statements from Omaha Public Power District, for power service at the 17300 Emiline Street, 16802 Edna Street and 6904 South 173rd Street locations through April 28, 2015, in the aggregate amount of Six Thousand Nine Hundred Eighty-Four and 12/100 Dollars (\$6,984.12).

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. 220 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrant Nos. 2014 through 2028 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 June 1 of each year) and to be redeemed no later than May 13, 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. 2014, for the amount of One Thousand Seven Hundred Fifty and no/100 Dollars (\$1,750.00), payable to Bankers Trust Company.

Warrant Nos. 2015 through 2024, each for the amount of Ten Thousand and no/100 Dollars (\$10,000.00), and Warrant No. 2025, for the amount of One Thousand Four Hundred Sixty-Three and 57/100 Dollars (\$1,463.57), payable to Vierregger Electric Company.

Warrant No. 2026, for the amount of Two Hundred Forty-Four and no/100 Dollars (\$244.00), payable to Thiele Geotech, Inc.

Warrant No. 2027, for the amount of Ten Thousand and no/100 Dollars (\$10,000.00), and Warrant No. 2028, for the amount of Seventy-Nine and 40/100 Dollars (\$79.40), payable to Lamp, Rynearson & Associates, Inc.

FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 220 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby authorized and directed to execute and deliver Warrant Nos. 2029 through 2037 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 May 13, 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. 2029, for the amount of Four Thousand Five Hundred Three and 41/100 Dollars (\$4,503.41), payable to Vierreger Electric Co.

Warrant No. 2030, for the amount of Three Hundred Twenty and no/100 Dollars (\$320.00), payable to Commercial Seeding Contractors.

Warrant No. 2031, for the amount of Five Hundred Twenty-Seven and 50/100 Dollars (\$527.50), payable to Critter Control of Omaha.

Warrant No. 2032, for the amount of Nine Hundred and no/100 Dollars (\$900.00), payable to Clean Sweep Commercial, Inc.

Warrant No. 2033, for the amount of One Thousand Two Hundred Ninety-Five and no/100 Dollars (\$1,295.00), payable to Greenway Yard and Landscape.

Warrant No. 2034, for the amount of Twenty-Three and 10/100 Dollars (\$23.10), payable to One Call Concepts, Inc.

Warrant No. 2035, for the amount of Five Thousand Six Hundred Sixty-Five and 15/100 Dollars (\$5,665.15), payable to Lamp, Rynearson & Associates, Inc.

Warrant No. 2036, for the amount of One Thousand and no/100 Dollars (\$1,000.00), payable to Metropolitan Utilities District, Acct. No. 112000317971.

Warrant No. 2037, for the amount of Six Thousand Nine Hundred Eighty-Four and 12/100 Dollars (\$6,984.12), payable to Omaha Public Power District, Acct. No. 4031256681.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 220 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. 220 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. 220 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 Change Order No. 2 with regard to Traffic Signalization, Section I (Harrison Woods), which will result in an additional Three Thousand Six Hundred Thirty and no/100 Dollars (\$3,630.00) being added to the contract granted to Vierregger Electric Company. After discussion by the Board, the following resolution was duly moved and seconded, and upon a roll call vote of the Trustees, John R. Christiansen, Maurice Anderson, Wil H. Stephany and John L. Adler voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 220 of Sarpy County, Nebraska, that Change Order No. 2 to the Traffic Signalization, Section I (Harrison Woods) project resulting in an additional amount of \$3,630.00 being added to the contract granted to Vierregger Electric Company, be accepted and approved and that the Chairman and Clerk of the District be and they hereby are authorized and directed to execute Change Order No. 2 for and on behalf of the District.

There was next presented Change Order No. 3 with regard to Traffic Signalization, Section I (Harrison Woods), which will result in an additional Four Thousand Two Hundred Forty-Nine and 60/100 Dollars (\$4,249.60) being added to the contract granted to Vierregger Electric Company. After discussion by the Board, the following resolution was duly moved and seconded, and upon a roll call vote of the Trustees, John R. Christiansen, Maurice Anderson, Wil H. Stephany and John L. Adier voted "Aye" with none voting "Nay" thereby passing and adopting the following resolution:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 220 of Sarpy County, Nebraska, that Change Order No. 3 to the Traffic Signalization, Section I (Harrison Woods) project resulting in an additional amount of \$4,249.60 being added to the contract granted to Vierregger Electric Company, be accepted and approved and that the Chairman and Clerk of the District be and they hereby are authorized and directed to execute Change Order No. 3 for and on behalf of the District.

In miscellaneous District matters, the Trustees requested additional resident input regarding the installation of no parking signs in certain areas of the District. The engineers were requested to review the streets for possible street repairs. Regarding the entrance island power, the engineers were instructed to obtain bids for additional power outlets on the entrance islands. It was noted that additional seeding and erosion control was needed along the creek bank and that two trees along the creek had been taken down by beavers. The Trustees agreed to reseed certain areas of the creek bank and replace the two trees. The Trustees also approved an entrance island landscaping bid of Three Thousand Seven Hundred Eighty-Eight and no/100 Dollars (\$3,788.00) for installation of perennials and other landscaping.

**[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.

John R. Christiansen, as Clerk for Sanitary and Improvement District No. 220 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 May 13, 2015 meeting.



John R. Christiansen, Clerk