

LAW OFFICES  
**HILLMAN, FORMAN,  
CHILDERS & McCORMACK**  
7171 Mercy Road • Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051 • Fax: (402) 397-2868  
e-mail: hillmanforman@hfncm.com

EUGENE L. HILLMAN\*  
LARRY R. FORMAN  
EMMETT D. CHILDERS  
PATRICIA McCORMACK  
\*ALSO ADMITTED IN COLORADO

OF COUNSEL  
WILLIAM J. ELDER\*  
DENNIS J. MULLIN  

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JOHN R. McCORMACK  
(1910 - 1999)

April 16, 2015

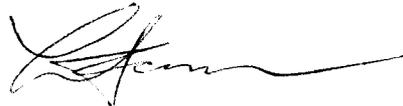
Ms. Debra J. Houghtaling  
Sarpy County Clerk  
1210 Golden Gate Drive, Suite 1118  
Papillion, NE 68046-2895

Re: SID 230

Dear Debra:

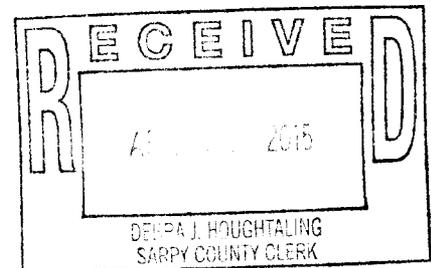
Enclosed please find a copy of the proceedings of the March 23, 2015 meetings of the Board of Trustees of SID 230.

Very truly yours,



Larry R. Forman

LRF:sr  
Encl.



**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 Anne Lee deposes and says that she 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 herein; 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, March 18, 2015 Gretna Breeze

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

  
\_\_\_\_\_

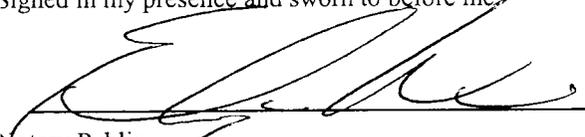
Shon Barenklau OR Anne Lee  
Publisher Business Manager

HILLMAN, FORMAN,  
CHILDERS & McCORMACK  
ATTORNEYS AT LAW  
SUITE 650  
7171 MERCY ROAD  
OMAHA, NEBRASKA 68106

**NOTICE OF MEETING**

Sanitary and Improvement District No. 230  
of Sarpy County, Nebraska

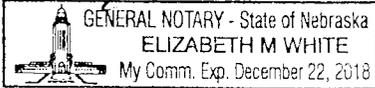
Today's Date  
Signed in my presence and sworn to before me:

  
\_\_\_\_\_  
Notary Public

**NOTICE IS HEREBY GIVEN** that a meeting of the Board of Trustees of Sanitary and Improvement District No. 230 of Sarpy County, Nebraska, will be held at **7:00 p.m. on Monday, March 23, 2015**, at Chalco Hills Recreation Area Visitor's Center, 8901 South 154th Street, Omaha, Nebraska, which meeting will be open to the public.

An agenda for such meeting, kept continuously current, is available for public inspection at 7171 Mercy Road, Suite 650, Omaha, Nebraska 68106, and includes payment of bills of the District.

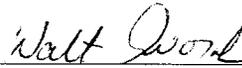
James Welniak  
Clerk of the District



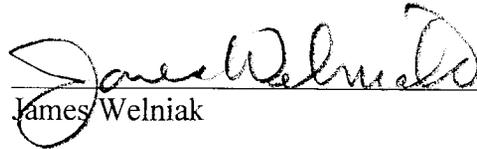
Printer's Fee \$ 10.80  
Customer Number: 31901  
Order Number: 0001843001

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING**

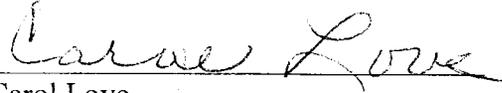
The undersigned Trustees of Sanitary and Improvement District No. 230 of Sarpy County, Nebraska, hereby acknowledge receipt of advance notice of a meeting of the Board of Trustees of said District and the agenda for such meeting held at 7:00 o'clock p.m. on Tuesday, March 23, 2015, at Chalco Hills Recreation Area Visitor's Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska.



\_\_\_\_\_  
Walt Dworak



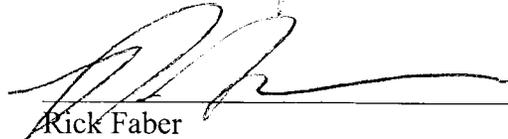
\_\_\_\_\_  
James Welniak



\_\_\_\_\_  
Carol Love



\_\_\_\_\_  
Patrick Vipond



\_\_\_\_\_  
Rick Faber

## CERTIFICATE

The undersigned hereby certify that they are the Chairman and Clerk of Sanitary and Improvement District Number 230 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 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 mailed 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.

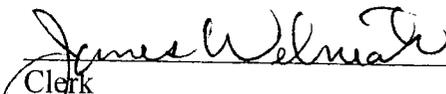
4. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the Meeting in the room in which such Meeting was held and all in attendance at the Meeting were informed that such copy of the Nebraska Open Meetings Act was available for review 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 7 day of April, 2015.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Clerk

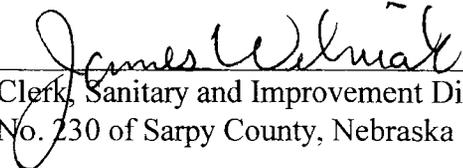
**SANITARY AND IMPROVEMENT DISTRICT NO. 230  
OF SARPY COUNTY, NEBRASKA**

Agenda for Trustees' meeting to be held March 23, 2015, at 7:00 p.m. at Chalco Hills Recreation Area Visitor's Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska, which meeting will be open to the public.

1. Announcement in Compliance with Open Meetings Act
2. Approval of Minutes of January 20, 2015 Meeting
3. Engineer's Report
  - A. Drainage Issues
  - B. Crack Sealing
4. Attorney's Report
  - A. Sale of Lot 24B
  - B. Extension of MUD Connection Fee Recovery Period
  - C. Designation of "No-Parking" Zone on Cinnamon Drive
5. Payment of Bills

**CERTIFICATE**

The undersigned Clerk of the above-designated District certifies that the foregoing agenda was prepared and available for public inspection at the address shown in the notice of the meeting prior to the commencement of the meeting and no items were added to the agenda after the commencement of the meeting.

  
\_\_\_\_\_  
Clerk, Sanitary and Improvement District  
No. 230 of Sarpy County, Nebraska

**SANITARY AND IMPROVEMENT DISTRICT NO. 230  
OF SARPY COUNTY, NEBRASKA**

**Minutes of Meeting of Board of Trustees  
March 23, 2015**

A meeting of the Board of Trustees of Sanitary and Improvement District No. 230 of Sarpy County, Nebraska was convened in open and public session on March 23, 2015 at 7:00 p.m. at Chalco Hills Recreation Area Visitor's Center, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska.

Present were: Chairman Walt Dworak, Clerk James Welniak and Trustees Carol Love, Patrick Vipond and Rick Faber.

Absent: None.

Also present: Engineer Jim Olmsted of Olmsted & Perry, Cinnamon Acres Home Owners Association President Chad Grace and Attorney Larry Forman of Hillman, Forman, Childers & McCormack.

Notice of the meeting was given in advance thereof by publication in the Gretna Breeze on March 18, 2015, and the attorney presented proof of publication of said notice, a copy of said proof being attached to these minutes. Advance notice was also given to the members of the Board of Trustees and a copy of their acknowledgment of receipt of such notice is attached to these minutes. Notice was also given to the County Clerk of Sarpy County, Nebraska per the attached Certificate of the Clerk of the District. Availability of the agenda was communicated in the advance notice and in the notice given to the Board of Trustees and to the County Clerk. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public

The Chairman stated that the first item of business on the agenda was an announcement in compliance with the Nebraska Open Meetings Act. He stated that in compliance with the Act, a current copy of the Nebraska Open Meetings Act was available for review on the table at which the Board Members were seated.

The Chairman stated that the next item of business on the agenda was approval of the minutes of the January 20, 2015 meeting. After brief discussion, the minutes were approved as submitted.

The Chairman stated that the next item of business on the agenda was the Engineer's report. Engineer Jim Olmsted reported as follows:

A. Drainage Issues. Prior to the commencement of Mr. Olmsted's remarks, Clerk James Welniak provided background information, indicating that when Cinnamon Acres was originally platted, drainage easements were established over significant portions of most lots within the subdivision to accommodate the natural water flow through the area at that time. While the drainage easements were dedicated to the public, the drainage easements were nonetheless placed upon individual private lots and no right to those easements was created at the time in favor of SID 230 which did not come into existence until some 10 years later. In addition, when the District was created, its powers were significantly limited when compared to conventional SID's, those powers being limited to addressing the District's water needs, maintaining and improving the streets within the District, and participating in costs associated with a system of civil defense sirens. While the District's powers were subsequently expanded to address storm sewer issues, the District still did not have power to address drainage issues on private property in which it had no ownership interest and over which it had no easement rights.

Mr. Olmsted reiterated several of the points raised by the Clerk, expressing concern over the fact that the dedication of the easements appearing in the original Cinnamon Acres plat failed to define or designate any parties responsible for dealing with the drainage easements. He stated that in his opinion, the areas covered by the drainage easements should more appropriately have been designated outlots which, if conveyed to the SID, would have permitted the SID to expend public money within the boundaries of those outlots. Other entities have subsequently become involved in drainage issues impacting SID 230, including the Palisades SID to the west and the Cheyenne Country Estates SID to the South. He stated that while natural drainage must be tolerated by property owners downstream from the sources of storm water, those sources cannot concentrate the flow of storm water toward their downstream neighbors. Both of those SID's were required to construct silt basins and detention basins to lessen the impact of storm runoff on downstream properties. He added that through the years, the Cinnamon Acres Homeowners Association has worked together with the Papio Missouri River Natural Resources District to address problems associated with the storm sewer easements. Mr. Grace expressed concern about the amount of water

on Sage Street, Tarragon Circle and portions of Cinnamon Drive. Mr. Olmsted confirmed that Tarragon Circle encounters a significant amount of water but he stated that the velocity of the water has been lessened to some extent when coming through the pipe from the Palisades subdivision. The Clerk observed that during periods of heavy rain, water will exceed the current capacity of the retention pond and go directly into the pipe. Mr. Olmsted suggested that the Attorney contact the Palisades attorney to get approval for the engineers for the two districts to talk directly with one another. The Attorney suggested that it may be more beneficial to approach the County Engineer to request that the Palisades SID be required to comply with the provisions of its Subdivision Agreement.

Mr. Olmsted displayed to the Trustees a series of photographs showing the current condition of the situation in Cinnamon Acres and Palisades, copies of those photos being attached to these minutes. In response to a photo showing a significant number of large rocks along the edge of the right-of-way on Lot 45, the Trustees directed the Attorney to send a letter to property owner Kurt Prichard requesting that the rocks be repositioned away from the drainage swale paralleling the roadway to assure that the rocks do not cause water to erode the dirt along the edge of the paving jeopardizing the integrity of the paving itself.

With regard to the present condition of the ground within the drainage easements, Mr. Olmsted observed that under current wetlands definitions, it would appear that the channels within the easement-ways would qualify as lineal wetlands, subjecting those areas to the rules and regulations currently applicable to wetland areas. During the discussions that ensued, the Chairman suggested that the Attorney contact the attorneys for the two subdivisions to request their assistance in dealing with the overall problem. He observed that water entering the subdivision from Cheyenne Country Estates is currently causing erosion around the drainage structure adjacent to the north right-of-way line of Cornhusker Road. The Attorney stated that he would contact the engineers at Lamp, Rynearson & Associates, engineers for the subdivision, to request that they address the situation at that facility. Trustee Pat Vipond suggested that to the extent the engineers for Palisades fail to take action to address the current condition of the detention facility on the school property in Palisades, it may be worthwhile to secure the assistance of Gretna Superintendent of Schools Kevin Riley. Regarding the Palisades detention facility, Mr. Grace observed that the original drainage plan for

Palisades called for the 30 lots immediately north of the detention facility to drain into that facility but it does not appear that any drainage from those properties is being funneled into the facility, rather being allowed to simply discharge into the ditch along the west side of 168<sup>th</sup> Street before entering the tube leading into Cinnamon Acres. He stated that he would furnish to the Attorney a copy of the Palisades drainage plan as approved by the County, and the Attorney stated that he would share that document with Mr. Olmsted. Trustee Rick Faber inquired as to the influence of the Gretna School District on the current problem. Mr. Olmsted indicated that to the extent the School District can require the Palisades SID to perform necessary maintenance to make the detention facility fully operable and to the extent drainage from the 30 adjacent lots can be forced into the detention facility, that would appear to go a long way toward resolving the current problem with drainage water from Palisades. After further discussion, the Trustees directed the Attorney to prepare and submit the following letters:

A. One to the attorney and engineer for SID 260 (Palisades) asking for verification that the silt basin was constructed in accordance with approved plans and is receiving water from all properties it was designed to serve;

B. One to the attorney and engineer for SID 255 (Cheyenne Country Estates) requesting that the drainage structure adjacent to Cornhusker Road be fully cleaned and the adjacent eroded areas be properly filled; and

C. One to the Sarpy County Attorney and Engineer highlighting the problems currently being encountered and suggesting that those problems may be caused by failures in the design, construction and maintenance of the detention pond and the components of the drainage system depositing water therein.

B. Crack Sealing. Mr. Olmsted stated that sealing of cracks in the District's street system is on hold pending completion of street sweeping. Mr. Vipond inquired as to the severity of the problem with cracks in the streets, but Mr. Olmsted stated that the cracks are no worse than would normally be anticipated with asphalt overlays such as those installed by the District a few years back. He reminded the Trustees that the pending crack sealing work will be limited to cracks and will not involve any sort of seal coating of the entire street network.

The Chairman stated the next item of business on the agenda was the Attorney's report. Larry Forman reported as follows:

A. Sale of Lot 24B. Mr. Forman distributed to the Trustees copies of the Survivorship Warranty Deed to Lot 24B filed with the Register of Deed following the closing on the sale to John and Racheal Aberg. He noted that the language in the Deed had been revised to limit the warranties to the lawful claims of all persons claiming under the SID, making it a special warranty deed as opposed to a general warranty deed which would guaranty against lawful claims of all persons. He stated that the net proceeds received by the District were under \$111,932.50 as evidence by Omaha Title and Escrow, Inc. Trust Account Check #242188 dated February 2, 2015 which was deposited to the District's General Fund with the Sarpy County Treasurer on February 6, 2015. He distributed to the Trustees copies of the Deed, Treasurer's receipt and check stub, copies of which are attached to these minutes.

B. Extension of MUD Connection Fee Recovery Period. Mr. Forman stated that after meeting with MUD Marketing and Communications Director Keri Kasun on Thursday, February 5, he had submitted to Ms. Kasun an email dated March 11, 2015 formally requesting that MUD approve an amendment to the 2003 agreement between MUD and SID 230 so as to extend the District's recovery period from 2023 to 2028 with the proviso that the additional five year recovery period would be without interest and with the understanding that the District would be willing to consider granting some concession for interest accruing over the next nine years to encourage development in the recovery area for the mutual benefit of MUD and SID 230. He indicated that in response to that email, he had received a response from Ms. Kasun dated March 13, 2015. Copies of both emails are attached to these minutes. At the present time, no further response to the request has been forthcoming from MUD.

C. Designation of "No-Parking" Zone on Cinnamon Drive. Mr. Forman distributed to the Trustees copies of his letter of January 14, 2015 to Sarpy County Public Works Administrator Dennis Wilson, a copy of which is attached to these minutes, requesting Mr. Wilson's assistance with the Sarpy County Board of Commissioners in designating as a "no-parking" area that portion of Cinnamon Drive abutting Lots 17R, 23, 24A and the east portion of 18R. Mr. Forman added that in compliance with the County's request for a recommendation from the District's Engineer

regarding this request, Engineer Jim Olmsted had submitted a letter dated March 13, 2015, a copy of which is attached to these minutes, recommending approval of the District's request. Mr. Olmsted added that he would anticipate that the County would take favorable action on this request in the near future.

The Chairman stated that the next item of business on the agenda was payment of bills. The Clerk presented the following statements for payment through the District's general fund:

Hillman Forman Law Firm - \$4,503.40 for legal fees and expenses  
Olmsted & Perry - \$448.88 for engineering services  
Hillman, Forman Law Firm - \$6,514.50 for legal fees and expenses

Upon motion duly made, seconded and roll call vote taken in open session convened, the votes being as follows:

Walt Dworak	- Aye
James Welniak	- Aye
Carol Love	- Aye
Patrick Vipond	- Aye
Rick Faber	- Aye

the following resolution was adopted:

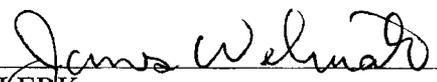
**RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 230 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrants No. 715 through 718 to the following payees and in the following amounts, said warrants to be drawn on the General Fund of the District and to draw interest at the rate of 7% per annum and to be redeemed no later than three years from the date of issuance, 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:

#715	Hillman, Forman - Legal stmts dated 1/15/15	\$4,503.40
#716	Olmsted & Perry - Inv. 01-15029 - engineering services	\$448.88
#717	Hillman, Forman - Legal stmts dated 2/9/15 & 3/11/15	\$5,000.00
#718	Hillman, Forman - Legal stmts dated 2/9/15 & 3/11/15	\$1,514.50

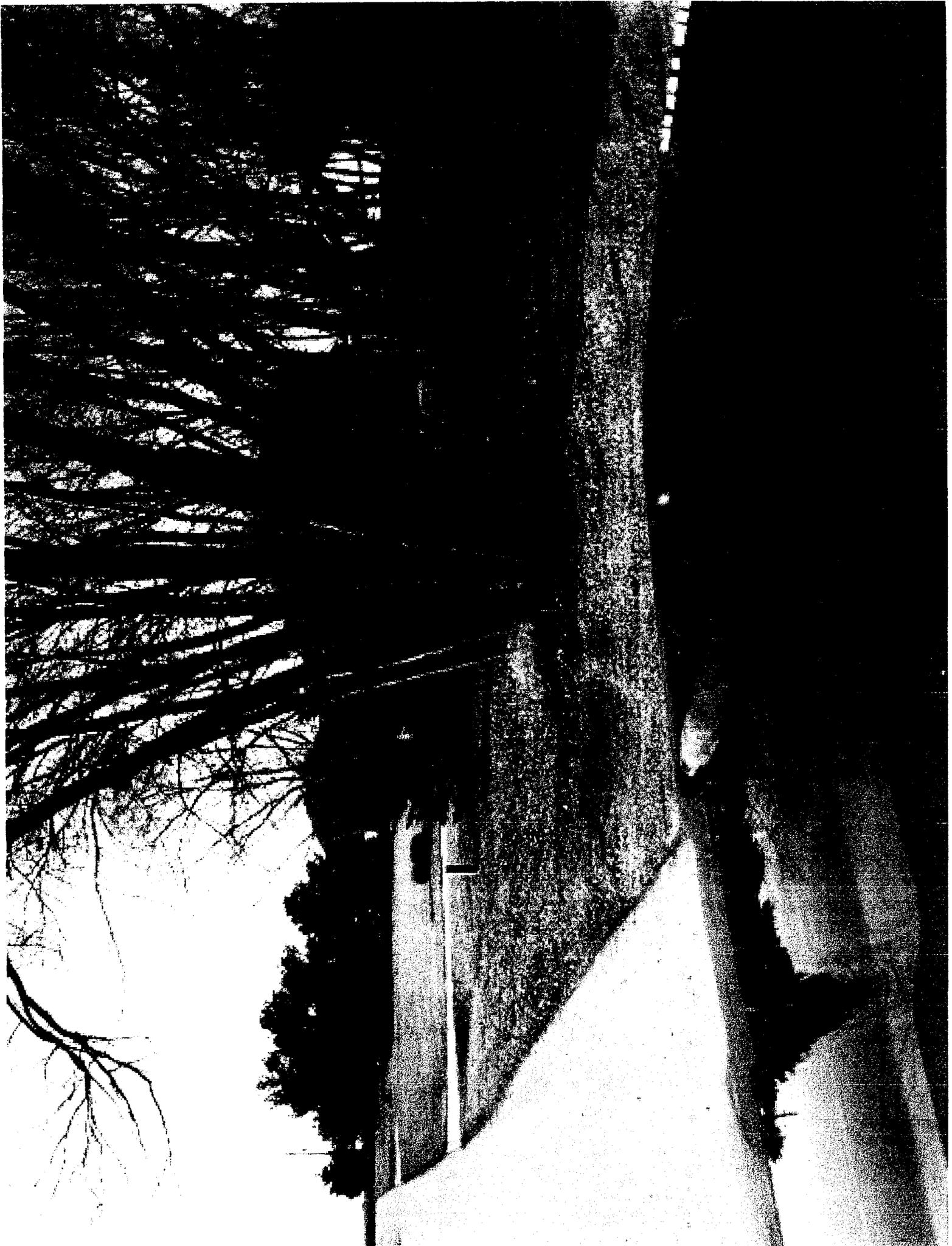
There being no further business to come before the meeting, the same was adjourned.

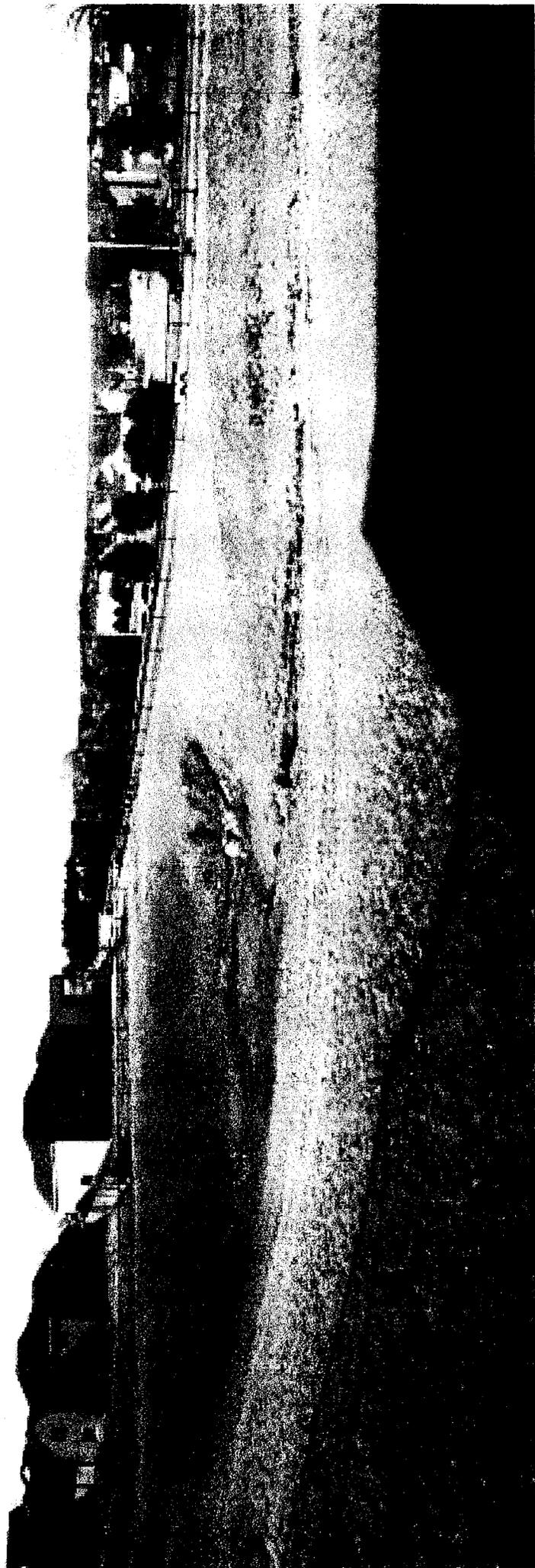
  
\_\_\_\_\_  
CHAIRMAN

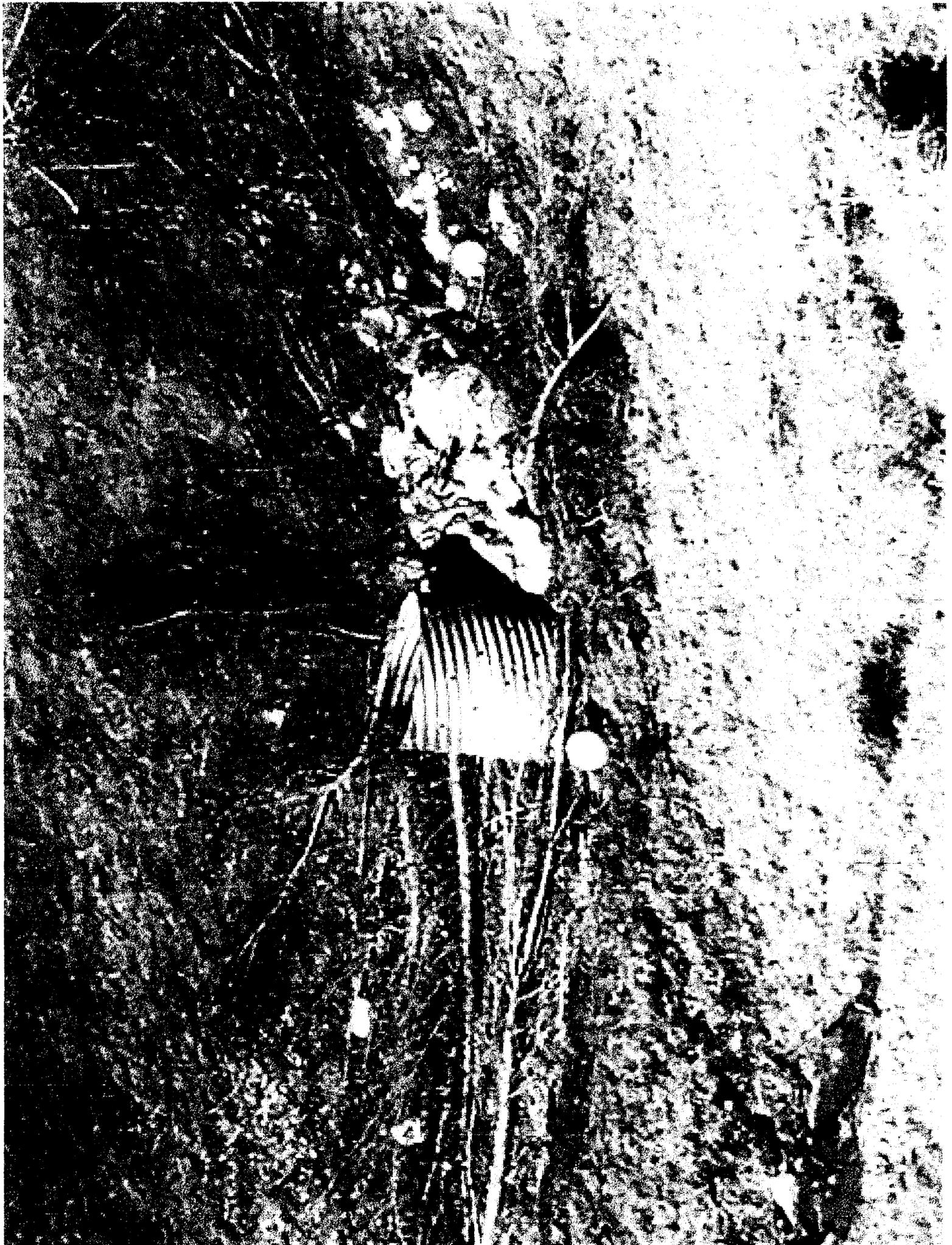
ATTEST:

  
\_\_\_\_\_  
CLERK

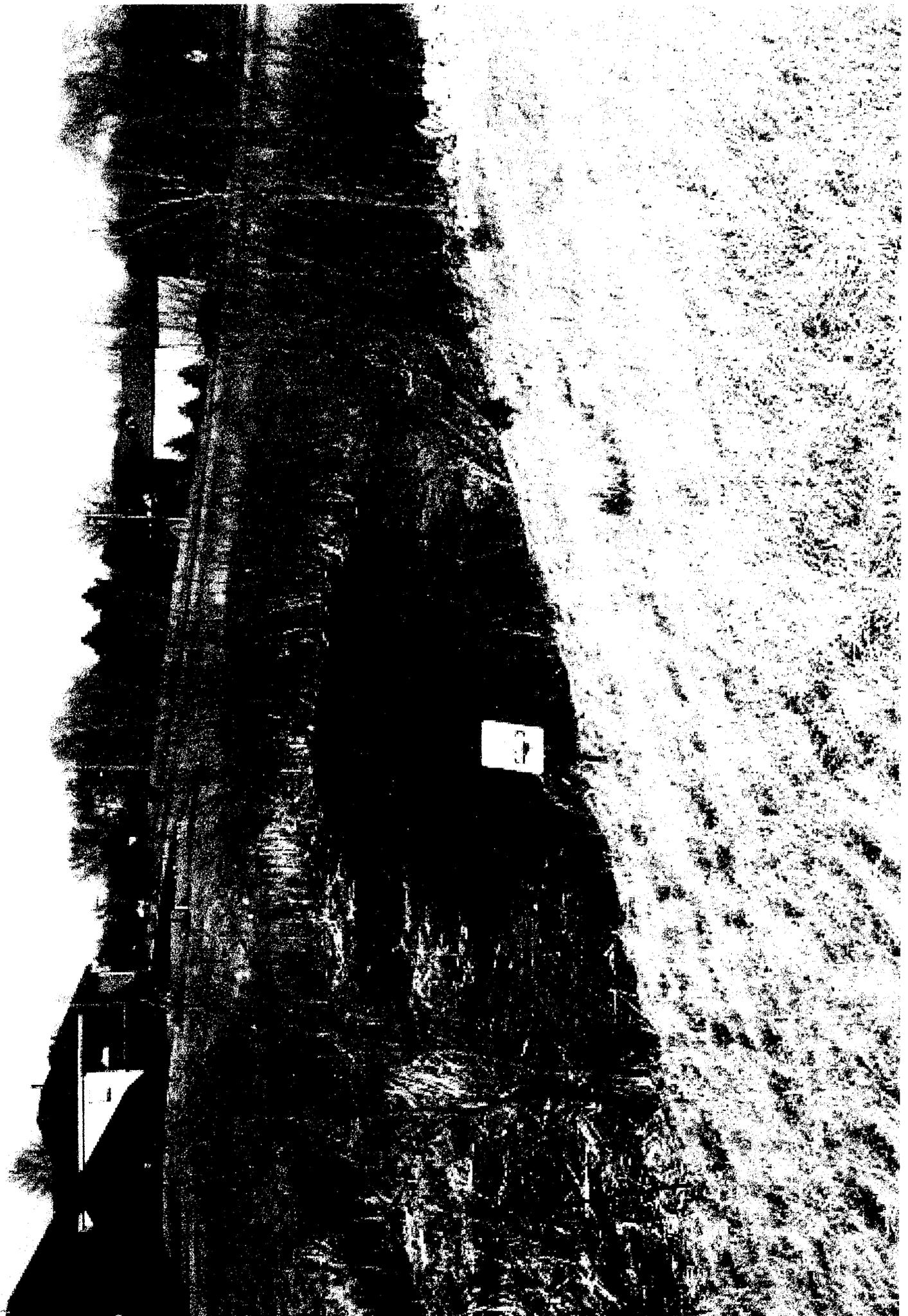




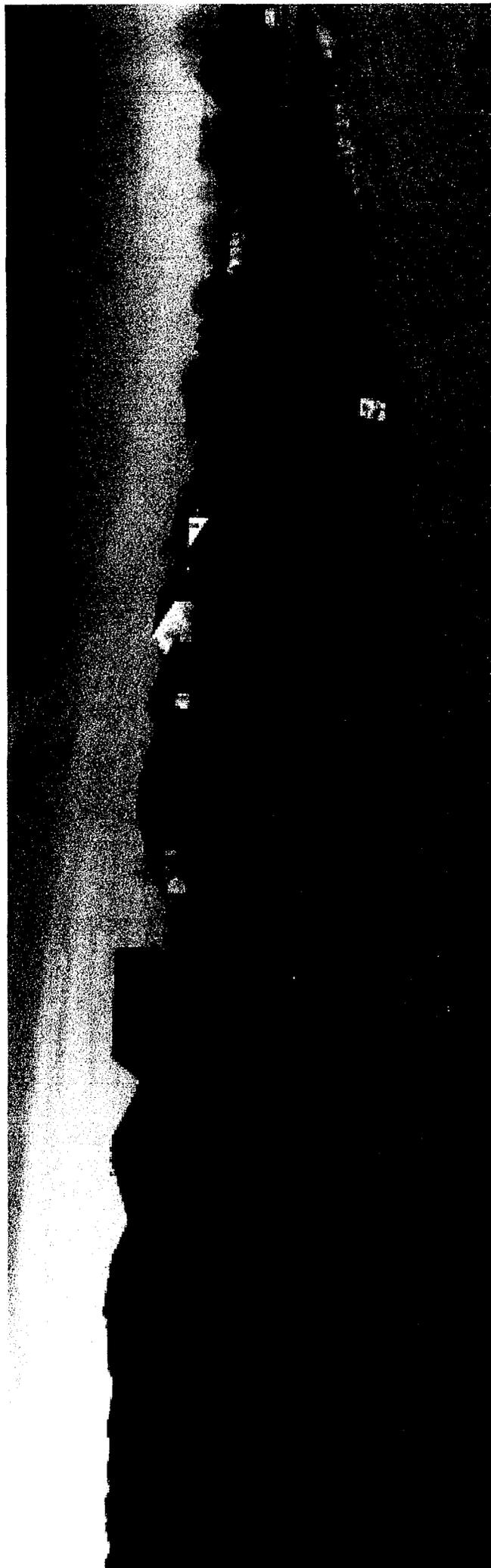






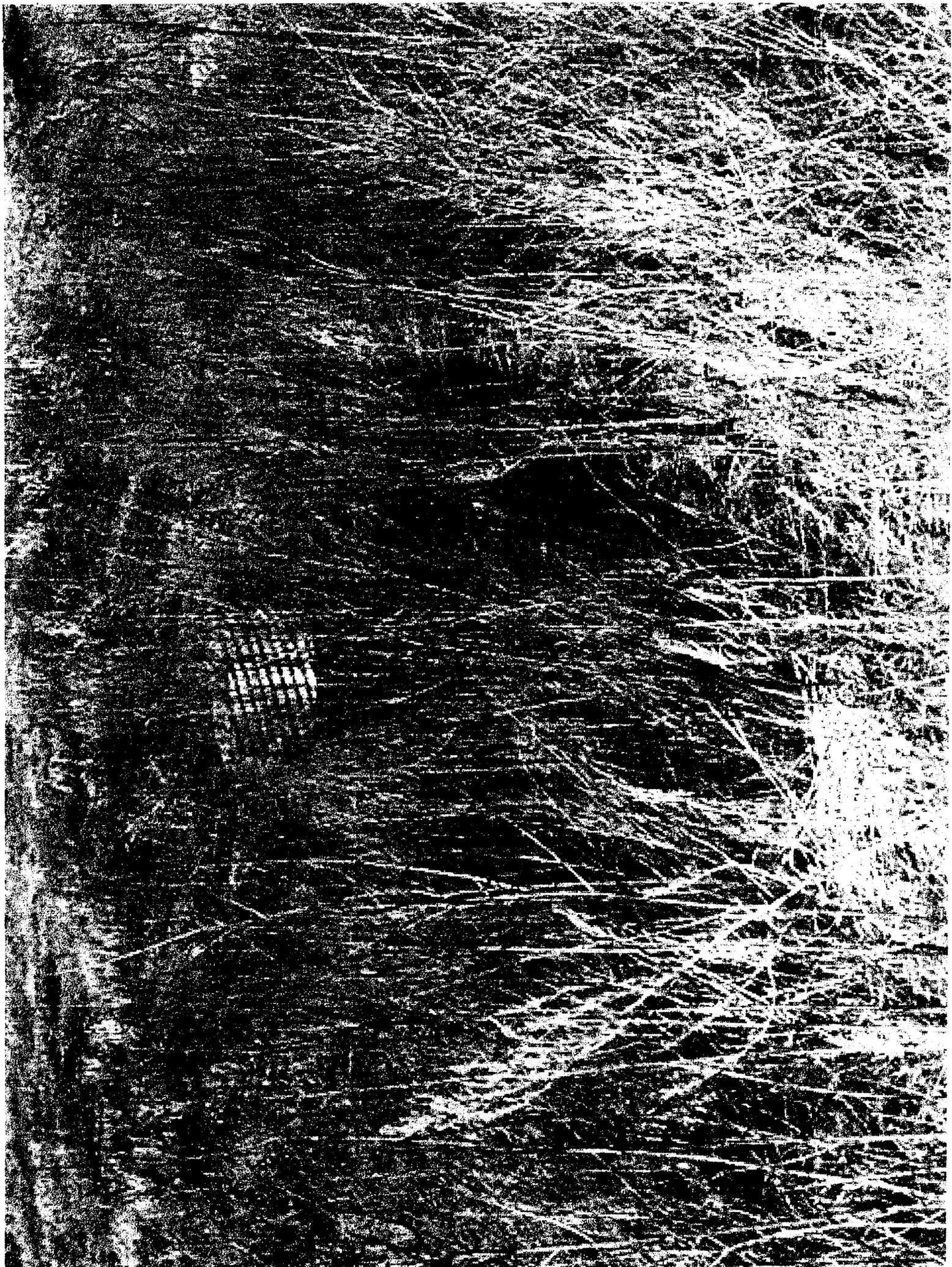




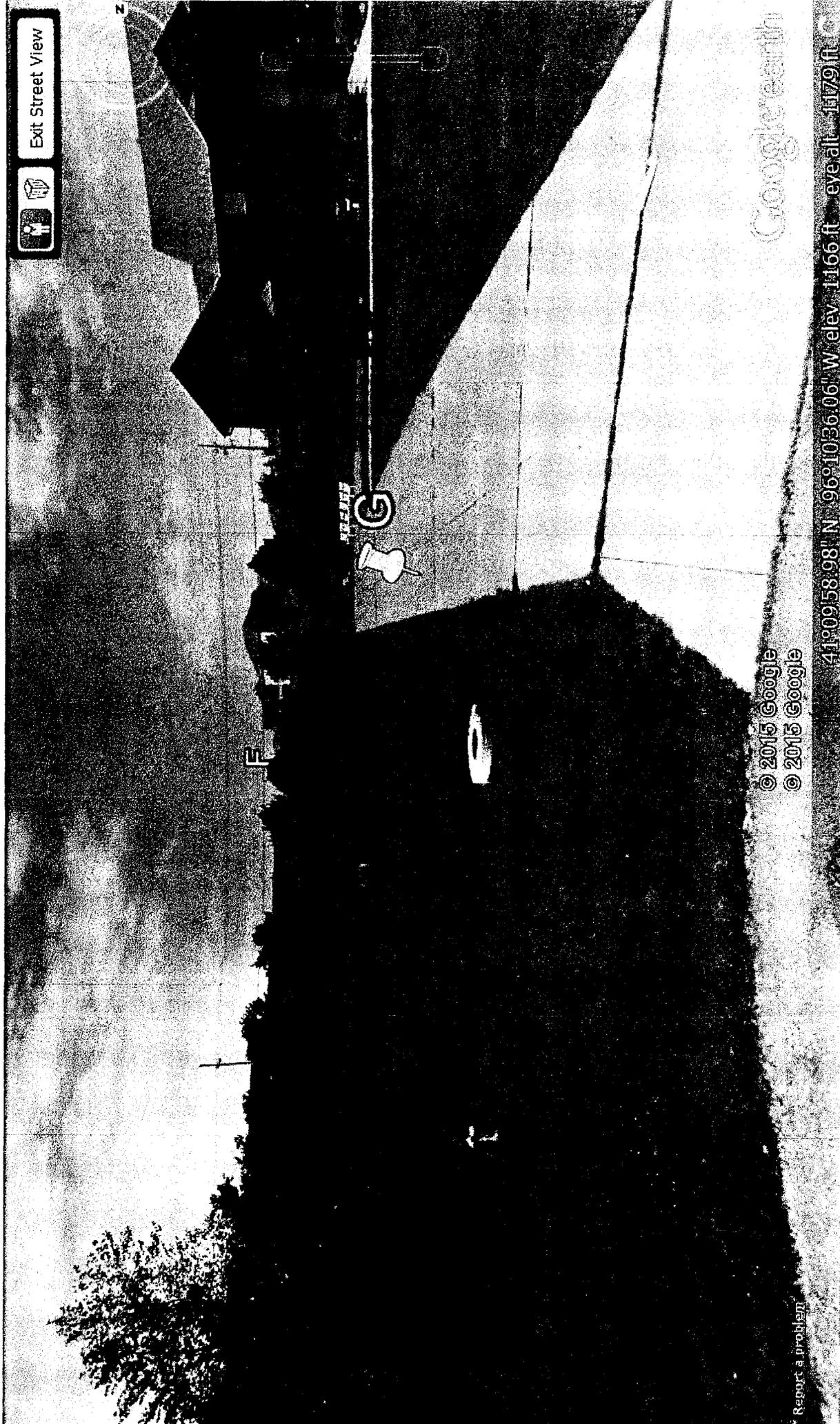












Exit Street View

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© 2015 Google  
© 2015 Google

Google Earth

Report a problem

41°09'58.98" N 96°10'36.06" W elev. 1166 ft eye alt. 1179 ft

Omaha Title & Escrow, Inc.  
Trust Account  
13915 Gold Circle  
Omaha, NE 68144

American National Bank  
8990 W. Dodge Road  
Omaha, NE 68114

Check No. 242188

File No. OT135082

Check Date: 02/02/2015

\$111,932.50

PAYEE: Sanitary and Improvement District No. 230 of Sarpy County, Nebraska

SELLER: Sanitary and Improvement District No. 230 of Sarpy County, Nebraska

BUYER: John Aberg and Racheal Aberg, husband and wife

ADDRESS: 9391 Cinnamon Drive, Omaha, NE 68136

Line Items  
603

Description  
Proceeds of Sale

Amount  
\$111,932.50

*Put in file -  
don't send*

MISCELLANEOUS PAYMENT RECPT#: 33378  
SARPY COUNTY  
1210 Golden Gate Drive  
Papillion NE 68046

DATE: 02/06/15            TIME: 12:50  
CLERK: kstorey            DEPT:  
CUSTOMER#: 0

COMMENT:

CHG: 230G    SID 230 GEN REV    111932.50

-----  
REVENUE:

1 8130009 454001            111932.50

MISCELLANEOUS REVENUE

REF1: SANITARY    REF2: IMPROVEMEN

CASH:

0000            110000            111932.50

CASH ON HAND

-----  
AMOUNT PAID:            111932.50

PAID BY:            OMAHA TITLE & ESCROW  
PAYMENT METH: CHECK  
                  242188

REFERENCE:

AMT TENDERED:        111932.50

AMT APPLIED:         111932.50

CHANGE:                .00

**SURVIVORSHIP WARRANTY DEED**

KNOW THAT ALL MEN BY THESE PRESENTS THAT Sanitary and Improvement District No. 230 of Sarpy County, Nebraska, GRANTOR(s) herein called the grantor whether one or more, in consideration of One Dollar and other valuable consideration received from grantees, do hereby bargain, sell, convey, and confirm unto, John Aberg and Racheal Aberg, husband and wife, as joint tenants with right of survivorship, and not as tenants in common, Grantee(s), the following described real property in Sarpy County, NE:

Lot 24B, Cinnamon Acres Replat Lot 24, being a replat of Lot 24, Cinnamon Acres, a subdivision, as surveyed, platted, and recorded in Sarpy County, Nebraska, together with the rights of ingress/egress granted pursuant to the permanent access and utility easement recorded September 15, 2009 at Instrument Number 2009-30290 and Restated and Amended Dedication recorded September 18, 2014 at Instrument Number 2014-20880.

To have and hold above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantees and their assigns, or to the heirs and assigns of the survivor of them forever.

And the grantor does hereby covenant with the grantees and their assigns and with the heirs and assigns of the survivor of them that grantor is lawfully seized of said premises; that they are free from any encumbrance except covenants, easements and restrictions of record; all regular taxes and special assessments, except those levied or assessed subsequent to date hereof; that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

It is the intention of all parties hereto that in the event of the death of any of the grantees, the entire fee simple title to the real estate shall vest in the surviving grantee(s). *claiming under it. WCO*

Executed : Jan. 22, 2015

Sanitary and Improvement District No. 230 of Sarpy County, Nebraska

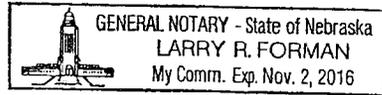
*Walt Dworak*  
By Walt Dworak, Chairman

STATE OF NEBRASKA  
COUNTY OF Douglas

The foregoing instrument was acknowledged before me this 22 day of Jan, 2015 By Walt Dworak, Chairman of Sanitary and Improvement District No. 230 of Sarpy County, Nebraska.

*Larry R. Forman*  
My Commission expires on 11/2/16  
Notary Public

RETURN TO:  
John Aberg  
Racheal Aberg  
9391 Cinnamon Drive  
Omaha, NE 68136



OT135082

**Sharon**

---

**From:** Kasun, Keri [Keri\_Kasun@mudnebr.com]  
**Sent:** Friday, March 13, 2015 12:12 PM  
**To:** Larry Forman  
**Cc:** Carol Love; Jim Welniak; Pat Vipond; Rick Faber; Walt Dworak; DeBoer, Dave  
**Subject:** RE: SID 230 of Sarpy County Extension of Recovery Period For Pioneer Main Refunds

Larry,

It certainly was a pleasure meeting you and we thank you for the discussion which brought to light the concerns of S.I.D. 230 regarding the recovery of pioneer main fees. I have forwarded your email for internal review by our senior management team. As explained the District may review your request, in part or in whole, as a collective request as opposed to a single request in order to make a sound decision for S.I.D. 230 and best serve all S.I.D.s. and developments in the future. We certainly appreciate this conversation as the District sincerely values the concerns and opinions expressed by all of our customers. I will keep you abreast of a decision as soon as the review is complete.

Kind Regards,

Keri Kasun  
 Marketing & Corporate Communications  
[keri\\_kasun@mudnebr.com](mailto:keri_kasun@mudnebr.com)  
 O: 402.504.7810 C: 402.504.0712



**METROPOLITAN**  
 UTILITIES DISTRICT

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**From:** Larry Forman [mailto:larryforman@hfncm.com]  
**Sent:** Wednesday, March 11, 2015 11:42 AM  
**To:** Kasun, Keri  
**Cc:** Carol Love; Jim Welniak; Pat Vipond; Rick Faber; Walt Dworak  
**Subject:** SID 230 of Sarpy County Extension of Recovery Period For Pioneer Main Refunds

Keri,

Thanks again for the opportunity to meet with you on Thursday, February 5, 2015 regarding the issue of Pioneer Main Refunds relating to the water main installed in 168<sup>th</sup> Street in accordance with the 2003 agreement between MUD and SID 230.

As I attempted to explain in my January 27 email, the Trustees of SID 230 are justifiably concerned about the prospects for collecting the remaining 54% of the recoverable amount before expiration of the recovery period in 2023. At the same time, we respect the fact that if the recovery period is extended with a continuation of the current continuing interest component, developers may defer activity in the recovery area or deal with meeting their water requirements in ways that don't involve connection to the MUD system, creating a situation which is detrimental to both your interests and ours.

In an attempt to address the multiple facets of this situation, we would like to request that MUD approve an amendment to the 2003 agreement by extending the recovery period for an additional five years without interest. In exchange for that concession on the part of MUD, SID 230 would be willing to consider granting some reduction on the rate of interest accruing over the next nine years, recognizing that it is in the interest of both parties to take whatever steps are necessary to encourage additional development within the recovery area as quickly as possible. No one anticipated the challenges encountered over the past decade but hopefully we can

3/20/2015

continue into the future recognizing that we are truly partners in the endeavor and that by working together, we can hopefully foster an environment which will be mutually beneficial.

Thank you in advance for your consideration of this proposal.

Respectfully,  
LRF

LAW OFFICES  
**HILLMAN, FORMAN,  
CHILDERS & McCORMACK**  
7171 Mercy Road • Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051 • Fax: (402) 397-2868  
e-mail: hillmanforman@hfncm.com

EUGENE L. HILLMAN\*  
LARRY R. FORMAN  
EMMETT D. CHILDERS  
PATRICIA McCORMACK  
\*ALSO ADMITTED IN COLORADO

OF COUNSEL  
WILLIAM J. ELDER\*  
DENNIS J. MULLIN  

---

JOHN R. McCORMACK  
(1910 - 1999)

January 14, 2015

Mr. Dennis Wilson  
Sarpy County Public Works Administrator  
15100 South 84<sup>th</sup> Street  
Papillion, NE 68046

RE: SID 230 (Cinnamon Acres) - Parking Restriction on Portion of Cinnamon Drive

Dear Mr. Wilson:

We are the attorneys for Sanitary and Improvement District No. 230 of Sarpy County, Nebraska, the District serving the Cinnamon Acres and Cinnamon Estates subdivisions situated north and east of the intersection of 168<sup>th</sup> and Cornhusker Road.

I am writing to request your assistance with the Sarpy County Board of Commissioners in designating as a “no-parking” area that portion of Cinnamon Drive abutting Lots 17R, 23, 24A and the east portion of 18R, all as shown on the plat attached hereto. At the present time, parking occurs on both sides of the roadway, but since the segment of roadway is on a curve, subject to a significant grade change, and since traffic tends to negotiate the roadway segment at a fairly significant speed, the SID would like to be proactive in responding to the concerns expressed by the Cinnamon Acres Homeowners Association by eliminating parking in this area on both sides of the street.

In order to facilitate the “no-parking” designation, the SID’s Board of Trustees, at a meeting held on December 29, 2014, unanimously adopted the following resolution:

**WHEREAS**, the Board of Trustees of Sanitary and Improvement District No. 230 of Sarpy County, Nebraska has determined that in the interest of public safety and because of the interplay of a number of factors including topography, roadway configuration, and applicable speed restrictions, the District should approach the Sarpy County Board of Commissioners to designate the portions of Cinnamon Drive abutting Lots 17R, 23, 24A and the east portion of 18R in Cinnamon Acres as a “no-parking” zone and to authorize the District to place “no-parking” signs indicating the

Mr. Dennis Wilson  
January 14, 2015  
Page 2

boundaries of the “no-parking” area to facilitate enforcement of the said limitation by the Sarpy County Sheriff.

It is my understanding that if you inspect the area in question and determine that this request is meritorious, it can be submitted to the County Board for approval, allowing us to install and enforce appropriate signage.

Please contact me at your convenience to advise what we can do to expedite the “no-parking” process.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Forman', with a long horizontal flourish extending to the right.

Larry R. Forman

LRF:sr  
Encl.



March 13, 2015

Chairman and Trustees  
S.I.D. NO. 230, SARPY COUNTY  
c/o Larry Forman, Attorney  
7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106

Re: SID No. 230 (Cinnamon Acres)  
Cinnamon Drive Parking Restrictions  
OPCE Project No. 15029

Dear Chairman and Trustees:

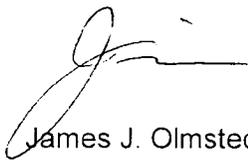
In response to your request, we have conducted a review and analysis of the street conditions and parking issues along Cinnamon Drive in the vicinity of the curve in the northeast corner of the subdivision, and adjacent to Lots 23, 24, 25, and 27. This curve has a radius of only 150 feet and a delta angle of close to 90 degrees, which makes it difficult for traffic to negotiate when vehicles are parked along the street edge. We agree with concerns expressed by members of the subdivision that these conditions can compromise the safety along the street.

It is our recommendation that parking be restricted on both the inside and outside portions of this curve from approximately 100 feet south of the curve tangent to approximately 100 feet west of the curve tangent. I believe this recommendation is in conformance with the previous discussions that we have had regarding this issue and the request that has been submitted to Sarpy County for approval. A copy of this letter is being submitted to Mr. Michael Kosa of the Sarpy County Engineer's Office.

Please let me know if you have any questions.

Sincerely,

OLMSTED & PERRY CONSULTING ENGINEERS INC.



James J. Olmsted, P.E.

JJO/jm

C.c.: Michael Kosa, Sarpy County

# HILLMAN, FORMAN, CHILDERS & McCORMACK

7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051  
Tax ID #47-0648847

SID 230 of Sarpy County, NE

PAGE 1

BILLING DATE: 01/15/15

ACC'T NO.: LRF-3624-001

RE: General

**PREVIOUS BALANCE: \$6,730.95**

DATE	PROFESSIONAL SERVICES RENDERED	INDIV	TIME	AMOUNT
12/02/14	Review One-Call bill; check and cover letter to One-Call; review and pay meeting publication notice	LRF	0.80	152.00
12/02/14	Review e-mails from trustees; revise and expand letter to residents; revise letters to Marriotts and Shemwells; memo to trustees	LRF	1.40	266.00
12/03/14	Review e-mail from chairman; review and forward to trustees packets of documents; review e-mails re graveling roadway	LRF	0.60	114.00
12/04/14	Review e-mails from chairman, revise 3 letters	LRF	0.70	133.00
12/05/14	Memo and copy of prior annual statement to accountant	LRF	0.40	76.00
12/08/14	Prepare annual statement and cover letter to clerk	LRF	0.80	152.00
12/09/14	Review bill from locating service and consult re same	LRF	0.20	38.00
12/10/14	Review and respond to e-mail from chairman	LRF	0.30	57.00
12/12/14	Review e-mails from trustees; revise letter to residents; e-mail with memo to trustees for final review; review e-mails; coordinate preparation and mailing of letters to residents; e-mail to trustees	LRF	2.00	380.00
12/15/14	Review correspondence from paying agent - registrar; update records	LRF	0.40	76.00
12/17/14	Assemble 10-28 proceedings; letter and set of proceedings to bond house; letters and copies of proceedings to county clerk and accountant	LRF	1.30	247.00
12/17/14	Review e-mail from Pat Lichter and conf. Pat re purchase agreement; assemble packet of letters and forward to Pat with cover memo; e-mail to trustees re meeting to address purchase agreement	LRF	1.30	247.00

# HILLMAN, FORMAN, CHILDERS & McCORMACK

7171 Mercy Road, Suite 650  
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Tax ID #47-0648847

SID 230 of Sarpy County, NE

PAGE 2  
BILLING DATE: 01/15/15  
ACCT NO.: LRF-3624-001

12/18/14	Review e-mails from trustees and Pat; call to NRD re room; conf. NRD; prepare meeting notices and cover letter to paper; e-mail memo to Pat Licther	LRF	1.70	323.00
12/20/14	Proof and pay meeting publication notice	LRF	0.40	76.00
12/20/14	Text message to Jim et al in response to e-mail from Jim; review text from Pat, recheck minutes of Sept. meeting, text to Pat	LRF	1.00	190.00
12/24/14	Prepare filing fee check; check, annual statement and cover letter to Register of Deeds	LRF	0.50	95.00
12/24/14	Prepare receipts of notice, agenda, warrant list, warrants; conf. engineer; conf. Carol	LRF	1.70	323.00
12/29/14	Conf. engineer re lot sale and street matters; assemble meeting files; attend trustees meeting	LRF	3.60	684.00
12/30/14	Receive and file filed annual statement	LRF	0.20	38.00
<b>Total of New Services:</b>			<b>19.30</b>	<b>3,667.00</b>

DATE	EXPENSE	AMOUNT
12/05/14	One Call Concepts - locate services advance	100.00
12/12/14	Postage - letter to residents - Lot 24B	96.04
12/24/14	Register of Deeds - filing Annual Statement	16.00
12/31/14	Mileage	13.20
01/13/15	USIC Locating Services - January - June 2015 locate services	600.00
01/13/15	Omaha World Herald - publication of meeting notice	11.16

**Total of New Expenses: 836.40**

DATE	PAYMENT	AMOUNT
01/07/15		6,730.95
<b>Total of New Payments:</b>		<b>6,730.95</b>

**HILLMAN, FORMAN, CHILDERS & McCORMACK**

7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051  
Tax ID #47-0648847

SID 230 of Sarpy County, NE

PAGE 3  
BILLING DATE: 01/15/15  
ACCT NO.: LRF-3624-001

**ACCOUNT SUMMARY**

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PREVIOUS BALANCE: \$6,730.95  
NEW SERVICES: \$3,667.00  
NEW EXPENSES: \$836.40  
NEW PAYMENTS: \$6,730.95  
TOT. CURRENT PERIOD: \$4,503.40  
CURRENT BALANCE: **\$4,503.40**

*pd 1-20-15  
# 715*

# INVOICE

PAYMENT DUE UPON RECEIPT

January 26, 2015

INVOICE NO. 01-15029

Larry Forman, Attorney  
SID NO. 230 OF SARPY COUNTY, NEBRASKA  
7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106-2669

Re: General Engineering Services - (General Fund)  
S.I.D. No. 230 (Cinnamon Acres Subdivision)  
OPCE Project No. 15029

For ENGINEERING SERVICES performed for the period from December 15, 2014,  
to January 15, 2015:

1. Engineering Services:	\$ 320.00
2. Reimbursable expenses:	<u>128.88</u>
Total:	\$ 448.88

TOTAL AMOUNT DUE THIS INVOICE: \$ 448.88

*pd 3-23-15  
# 716*

By:   
James J. Olmsted, P.E.

PLEASE RETURN A COPY OF INVOICE WITH PAYMENT

**OLMSTED & PERRY CONSULTING ENGINEERS INC.**

10730 Pacific Street • Suite 232 • Omaha, Nebraska 68114-4700

Phone: 402-399-8552 Fax: 402-399-9852

# HILLMAN, FORMAN, CHILDERS & McCORMACK

7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051  
Tax ID #47-0648847

SID 230 of Sarpy County, NE

PAGE 1  
BILLING DATE: 02/09/15  
ACC'T NO.: LRF-3624-001

RE: General

**PREVIOUS BALANCE: \$4,503.40**

DATE	PROFESSIONAL SERVICES RENDERED	INDIV	TIME	AMOUNT
12/22/14	Review McGuire e-mail and Shemwell purchase offer; e-mail to McGuire; e-mail to trustees and Lichter	LRF	0.80	152.00
01/05/15	Check status of One-Call account; prepare check and cover letter to One-Call	LRF	0.60	114.00
01/07/15	Prepare agenda/certificate, officer's certificate, minutes of 12-29 meeting, cover letter to chairman; conf. Biaggis; e-mail to trustees re holiday meeting	LRF	3.20	608.00
01/08/15	Review e-mails; conf. chairman; message to Mr. Vipond; review e-mail from Pat; message to clerk; conf. Biaggis re reservation; e-mail to trustees and Jim Olmsted; prepare meeting notice and cover letter to paper; notice to county treasurer and engineer	LRF	2.50	475.00
01/10/15	Review and revise minutes of Dec. 29 meeting	LRF	0.50	95.00
01/12/15	Revise Dec. 29 minutes, expand resolutions authorizing sale of 24B and requesting parking restriction on Cinnamon Drive	LRF	1.40	266.00
01/12/15	Proof and pay meeting publication notice	LRF	0.40	76.00
01/13/15	Review One-Call bill; prepare check and cover letter to vendor; review and complete contract for holiday dinner, e-mail to Biaggis; conf. county administrator re no-parking request; draft letter re same; conf. Pat Lichter re 24B closing and issues; call to Denny Wilson; review and correct revised minutes of Dec. 29 meeting; prepare plat of "no-parking" area	LRF	2.80	532.00
01/14/15	Review e-mails from chairman and title company; e-mail memo and copy of resolution to title company; review and revise letter to Dennis Wilson, e-mail copies to trustees	LRF	1.10	209.00

# HILLMAN, FORMAN, CHILDERS & McCORMACK

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SID 230 of Sarpy County, NE

PAGE 2

BILLING DATE: 02/09/15

ACC'T NO.: LRF-3624-001

01/14/15	Prepare receipts of notice, warrants, agenda; draft e-mail to Kari Kesun at MUD and cover memo to trustees	LRF	1.70	323.00
01/15/15	Review and revise e-mail to Keri Kasun; e-mail to trustees for comments; review e-mail from title company; e-mail to title company re status of minutes	LRF	1.00	190.00
01/16/15	Confirm publication of meeting notice; conf. Pat Lichter re removal of mulch encroaching on easement	LRF	0.40	76.00
01/19/15	Conf. chairman re minutes; review and revise minutes; e-mail to chairman re same	LRF	1.10	209.00
01/19/15	Conf. realtor re status of title commitment; message to engineer re agenda; review e-mail from accountant; assemble warrant list and e-mail to accountant	LRF	1.10	209.00
01/20/15	Review e-mail; re-revise December 29 minutes; attend trustees meeting	LRF	1.30	247.00
01/21/15	E-mail memo and copy of signed 12-29 minutes to title company; conf. chairman; locate owner list and e-mail to chairman	LRF	0.80	152.00
01/21/15	Review e-mail from title company; e-mail to title company; assemble 12-29 proceedings; letter and set of proceedings to bond house; letters and copies of proceedings to county clerk and accountant	LRF	1.60	304.00
01/22/15	Review and revise closing documents; conf. title company re changes; conf. chairman; meet with chairman to execute documents; deliver documents to title company and review with closer	LRF	3.50	665.00
01/24/15	Review e-mail re closing delay; e-mail to trustees re same	LRF	0.40	76.00
01/25/15	Prepare agenda/certificate, officer's certificate, minutes of 1-20 meeting, cover letter to chairman; e-mail memo to Keri Kasun at MUD	LRF	1.70	323.00

# HILLMAN, FORMAN, CHILDERS & McCORMACK

7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051  
Tax ID #47-0648847

SID 230 of Sarpy County, NE

PAGE 3  
BILLING DATE: 02/09/15  
ACCT NO.: LRF-3624-001

01/26/15	Review survey bill; e-mail memo and copies of bill to Pat Litchter; review One-Call bill; prepare warrants and cover letter to chairman	LRF	1.00	190.00
01/28/15	Conf. Keri Kasun, arrange meeting; e-mail to trustees re same; review and revise Jan. 20 minutes	LRF	0.90	171.00
<b>Total of New Services:</b>			<b>29.80</b>	<b>5,662.00</b>

DATE	EXPENSE	AMOUNT
01/31/15	Mileage	16.50
<b>Total of New Expenses:</b>		<b>16.50</b>

DATE	PAYMENT	AMOUNT
02/09/15		4,503.40
<b>Total of New Payments:</b>		<b>4,503.40</b>

## ACCOUNT SUMMARY

PREVIOUS BALANCE:	\$4,503.40
NEW SERVICES:	\$5,662.00
NEW EXPENSES:	\$16.50
NEW PAYMENTS:	\$4,503.40
TOT. CURRENT PERIOD:	\$5,678.50
<b>CURRENT BALANCE:</b>	<b>\$5,678.50</b>

# HILLMAN, FORMAN, CHILDERS & McCORMACK

7171 Mercy Road, Suite 650  
Omaha, Nebraska 68106-2669  
(402) 397-8051  
Tax ID #47-0648847

SID 230 of Sarpy County, NE

PAGE 1  
BILLING DATE: 03/11/15  
ACCT NO.: LRF-3624-001

RE: General

**PREVIOUS BALANCE: \$5,678.50**

DATE	PROFESSIONAL SERVICES RENDERED	INDIV	TIME	AMOUNT
02/05/15	Meet with MUD representatives on extension of recovery period; conf. Pat Lichter and closing agent re proceeds from sale of Lot 24B	LRF	2.00	380.00
02/05/15	Receive sale proceeds checks and coordinate deposit with County Treasurer; e-mail memo to trustees	LRF	0.40	76.00
02/09/15	E-mail memo to trustees with copy of county treasurer's receipt for Lot 24B proceeds	LRF	0.30	57.00
02/23/15	Review meeting notes; e-mail to Keri Kasun re extension of recovery period; e-mail memo to trustees with copy of proposed e-mail; e-mail to clerk and chairman re missing minutes	LRF	1.30	247.00
02/24/15	Review and respond to e-mail from Mr. Faber	LRF	0.40	76.00
<b>Total of New Services:</b>			<b>4.40</b>	<b>836.00</b>

## ACCOUNT SUMMARY

PREVIOUS BALANCE: \$5,678.50  
NEW SERVICES: \$836.00  
NEW EXPENSES: \$0.00  
NEW PAYMENTS: \$0.00  
TOT. CURRENT PERIOD: \$836.00  
CURRENT BALANCE: \$6,514.50

*rc 3-23-15  
# 717 + 718*