

**MINUTES OF THE MEETING OF THE BOARD OF  
TRUSTEES OF SANITARY & IMPROVEMENT DISTRICT NO. 269  
OF SARPY COUNTY, NEBRASKA**

A Meeting of the Board of Trustees of Sanitary & Improvement District No. 269 of Sarpy County, Nebraska, was convened in open and public session at 6:30 p.m. on April 26, 2009, at 2604 Raven Ridge Drive, Bellevue, Sarpy County, Nebraska. Present were the following Trustees: Trenton Kerger, Tracy Gies, Mark Johnson and Michele Entrekin. Absent was Crystal King. Notice of the meeting was given in advance thereof by publication in the Bellevue Leader, Sarpy County, Nebraska, on April 15, 2009, 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 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 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 minutes of the meeting held on February 22, 2009 were reviewed and approved.

The Board then discussed the fact that they wish to have all possible correspondence between the Board and Robert F. Peterson, attorney for the District, to be sent via email. This will cut down on postage and copy expenses. Mr. Peterson reviewed state statutes and indicated that email correspondence will comply with statute.

After a full discussion and upon a motion being duly made and seconded, with everyone voting "aye" and no one voting "no", the following resolution was adopted:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 269 of Sarpy County, Nebraska, that whenever possible, communication shall be sent via email transmission. Such communications shall include, but not be limited to, notification of meetings, transmission of agendas, completed minutes, and communication between the Board of Trustees among themselves and with Robert F. Peterson, attorney for the District.

The Board is interested in having the park improvements completed and has been advised by counsel that requests have been made to the City Council to put the application on the agent; however, so far nothing has been set. Counsel will keep following up with this request.

The Chairman then presented the following items for consideration by the Board:

1. Statement from the Bellevue Leader in the amount of \$8.25 for publication of notice.

2. Statement from Thompson, Dreessen & Dorner in the amount of \$134.75 for communication of park information and erosion control observation and report.
3. Statement from Laughlin, Peterson & Lang in the amount of \$1,184.95 for legal services.
4. Statement from Chastain-Otis, Inc. in the amount of \$250.00 for liability insurance renewal.
5. Kuehl Capital Corporation in the amount of \$78.90 (\$1,577.95 x 5%).

After a full discussion and upon a motion being duly made by Michelle and seconded by Trent, with everyone voting "aye" and no one voting "no", the following resolution was adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 269 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver the following warrants 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 7% per annum and to be redeemed no later than April 26, 2012, 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:

1. WARRANT NO. 189 payable to The Bellevue Leader in the amount of \$8.25.
2. WARRANT NO. 190 payable to Thompson, Dreessen & Dorner in the amount of \$134.75.
3. WARRANT NO. 191 payable to Laughlin, Peterson & Lang in the amount of \$1,184.95.
4. WARRANT NO.192 payable to Chastain-Otis, Inc. in the amount of \$250.00.
5. WARRANT NO. 193 payable to Kuehl Capital in the amount of \$78.90.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 269 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.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 269 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.

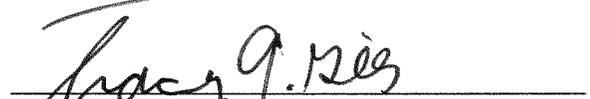
BE IT FURTHER RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 269 of Sarpy County, Nebraska that this and the preceding Resolutions are hereby adopted as the Certificate with Respect to Arbitrage of the District pertaining to the above Warrants and the District and the Chairman and Clerk of the District hereby further certify, as of the date of the registration of the

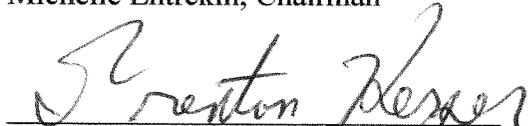
above Warrants with the County Treasurer of Sarpy County, Nebraska, as follows:

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) 10% of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) 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 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 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.

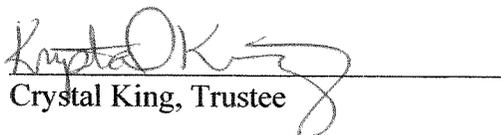
There being no further business to come before the meeting, the same was adjourned.

  
Michelle Entekin, Chairman

  
Tracy A. Gies, Trustee

  
Trenton Kerger, Clerk

  
Mark Johnson, Trustee

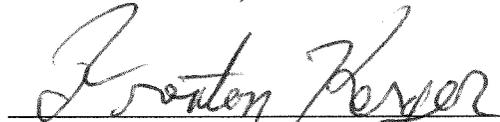
  
Crystal King, Trustee

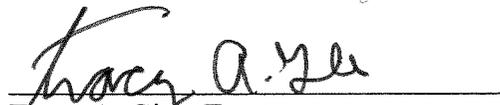
ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF HEARING

The undersigned Trustees of Sanitary and Improvement District No. 269 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 6:30 p.m. at 2604 Raven Ridge Drive, Bellevue, Sarpy County, Nebraska.

Dated April 26, 2009.

  
Michelle Entrekin, Chairman

  
Trenton Kerger, Clerk

  
Tracy A. Gigs, Trustee

  
Mark Johnson, Trustee

  
Crystal King, Trustee

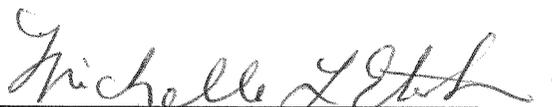


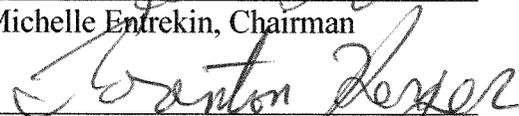
**CERTIFICATE OF NOTICE**

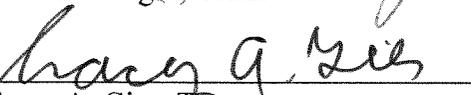
STATE OF NEBRASKA    )  
                                  )  
COUNTY OF SARPY     )

I hereby certify that I am the duly qualified and acting Clerk of Sanitary and Improvement District No. 269 of Sarpy County, Nebraska, and that not less than seven (7) days prior to the date set for this meeting of the Board of Trustees of this District, a notice was sent to the Clerk of the City of Omaha, Nebraska, the municipality or county whose zoning jurisdiction this District is located, notifying said Clerk of this meeting.

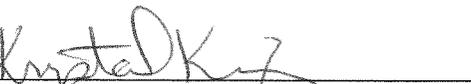
Dated April 26, 2009.

  
\_\_\_\_\_  
Michelle Entrekin, Chairman

  
\_\_\_\_\_  
Trenton Kerger, Clerk

  
\_\_\_\_\_  
Tracy A. Gies, Trustee

  
\_\_\_\_\_  
Mark Johnson, Trustee

  
\_\_\_\_\_  
Crystal King, Trustee

## CERTIFICATE

The undersigned hereby certify that they are the Chairperson and Clerk of Sanitary and Improvement District Number 269 of Sarpy County, Nebraska, (the ADistrict@) 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 and at the time reflected in the meeting minutes contained in said foregoing transcript (the AMeeting@). 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.

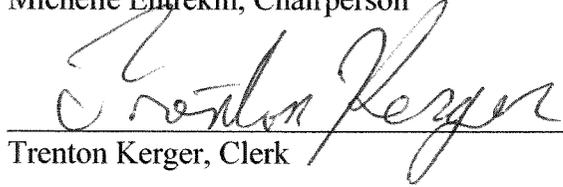
6. No litigation is now pending or threatened to restrain or enjoin the District from the issuance and delivery of any warrants or other obligations issued by the District or the levy and collection of tax or other revenues or relating to any of the improvements for which any such warrants or other obligations 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 26<sup>th</sup> day of April, 2009.



Michelle Entrekin, Chairperson



Trenton Kerger, Clerk

SANITARY AND IMPROVEMENT DISTRICT NO. 269  
OF SARPY COUNTY, NEBRASKA

**AGENDA**

April 26, 2009  
6:30 p.m.

The following items are the matters which are to be brought before the Board of Trustees of the above District at the meeting:

1. Call to Order.
2. Approve minutes of February 22, 2009 meeting.
3. Review Proof of Publication of meeting.
4. General discussion of District matters, including:
  - a. Sewers
  - b. Park/Garden
  - c. Email as method of notification of meetings to Trustees.
5. Payment of Bills:

<b>GENERAL FUND</b>	
a. Statement from The Bellevue Leader for publication of notice	\$8.25
b Statement from Thompson, Dreessen & Dorner	\$134.75
c. Statement from Laughlin, Peterson & Lang	\$1,184.95
d. Chastain-Otis, Inc.	\$250.00
e. Kuehl Capital Corporation (\$1,577.95 x 5%)	\$78.90

# AFFIDAVIT OF PUBLICATION

State of Nebraska}

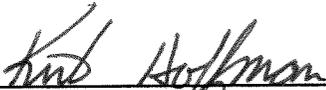
ss.

County of Sarpy}

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader**, a legal newspaper of general circulation in Sarpy County, Nebraska, and published therein; 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, April 15, 2009**

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  
Publisher

OR Kirk Hoffman  
Business Manager

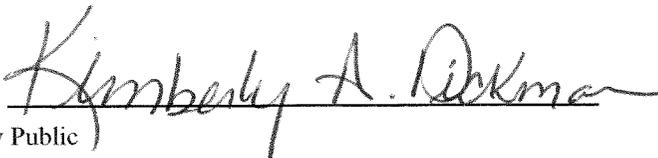
LAUGHLIN PETERSON & LANG  
Attorneys  
11718 Nicholas Street, Suite 101  
Omaha, NE 68154

**NOTICE**

NOTICE IS HEREBY GIVEN that a meeting of the Board of Trustees of Sanitary and Improvement District No. 269 of Sarpy County, Nebraska will be held at 6:30 p.m. on April 26, 2009 at 2604 Raven Ridge Drive, Bellevue, Nebraska, which meeting will be open to the public. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the Chairman of the Board of the District at the meeting place specified above, and includes payment of bills of the District.  
Trenton Kerger, Clerk of the District  
11992170; 4/15

Today's Date 04-14-2009

Signed in my presence and sworn to before me:



Notary Public

KIMBERLY A. DICKMAN  
General Notary  
State of Nebraska  
My Commission Expires Mar 27, 2012

Printer's Fee \$ 8.25

Customer Number: 010246

Order Number: 11992170



Thompson, Dreesen & Dorner, Inc.  
 Consulting Engineers & Land Surveyors  
 10836 Old Mill Road  
 Omaha, NE 68154  
 Phone (402) 330-8860 Fax (402) 330-5866

**Invoice**

March 16, 2009  
 Project No: 1409-108  
 Invoice No: 85561

MR. ROBERT PETERSON  
 SID #269 (ORCHARD VALLEY)  
 11718 NICHOLAS STREET #101  
 OMAHA, NE 68144

Project 1409-108 MISCELLANEOUS SERVICES-2006 - CURRENT  
Professional Services from February 6, 2009 to March 1, 2009

**Professional Personnel**

Communicate Park Information	100.00
Erosion Control Observation and Report	34.75

**Total this Invoice \$134.75**

Terms New 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charges on Past Due Accounts. Also Liable for all Legal and Collection Fees.

**LAUGHLIN, PETERSON & LANG  
ATTORNEYS AT LAW  
11718 NICHOLAS STREET, SUITE 101  
OMAHA, NE 68154  
(402) 330-1900**

SANITARY & IMPROVEMENT DISTRICT 269

April 09, 2009

Invoice #24990

In Reference To: GENERAL  
1219

	<u>Hours</u>	<u>Amount</u>
2/9/2009 Receipt of engineer correspondence on status of park on agenda; telephone conference with City Attorney, Patrick Sullivan regarding status and discussion of park fund warrant; telephone conference with engineer with status update and response to correspondence;	0.60	\$120.00
Prepare and send meeting notice, letter to Trustees regarding status on park; prepare agenda;	0.80	\$160.00
Meeting notice;	0.20	\$5.00
2/10/2009 Letters to Trustees;	0.30	\$7.50
2/18/2009 Update agenda; prepare draft of minutes; prepare warrants and attachments for minutes; draft cover letter to trustees with outline and update;	1.40	\$280.00
Minutes, warrants, letter to trustees;	1.50	\$37.50
2/23/2009 Telephone conference with R. Wood, fiscal agent regarding status on bond issue;	0.20	\$40.00
3/25/2009 Telephone call to C. Shewchuck, City Planner for status update on park application; prepare response to engineer;	0.40	\$80.00

	<u>Hours</u>	<u>Amount</u>
3/26/2009 Email D. Kellner;	0.10	\$2.50
4/7/2009 Prepare and send notice of meeting to City Clerk and Trustees;	0.30	\$60.00
4/8/2009 Meeting notice; email to The Bellevue Leader; letters to Trustees and City Clerk - notification of meeting;	0.30	\$60.00
Telephone conference with R. Wood of Kuehl Capital regarding bond issue and park status; assemble engineering documents and cost estimates and send to R. Wood; telephone call to C. Shewchuck at Bellevue Planning regarding status on agenda; addendum to R. Wood letter on C. Shewchuck conversation and prepare memo to file on same;	1.30	\$260.00
For professional services rendered	<u>7.40</u>	<u>\$1,112.50</u>
Additional Charges :		
2/27/2009 Photocopies		50.40
Postage		18.33
4/9/2009 Photocopies		1.20
Postage		2.52
Total additional charges		<u>\$72.45</u>
Total amount of this bill		<u>\$1,184.95</u>

**Chastain-Otis Inc.**

9394 West Dodge Road Suite 150  
Omaha, NE 68114-3319  
Phone : 402-397-2500 Fax : 402-397-2467

<b>INVOICE #</b>		<b>19386</b>	<b>Page 1</b>
<b>ACCOUNT NO.</b>	<b>CSR</b>	<b>DATE</b>	
<b>SID26-9</b>	<b>SC</b>	<b>04/17/09</b>	
<b>PRODUCER</b>			
<b>David R. Chastain, CLU,CPCU</b>			

**SID#269**

c/o Laughlin, Peterson & Lang  
11718 Nicholas Street #101  
Omaha, NE 68154-4413

Itm #	Due Date	Trm	Type	Policy #	Description	Amount
401077	05/20/09	REN	GL-S	CGSNEG0344	Policy renewal Liability	\$ 250.00
Invoice Balance:						\$ 250.00