

SANITARY AND IMPROVEMENT DISTRICT NO. 282 OF  
SARPY COUNTY, NEBRASKA

Minutes of Meeting of Board of Trustees  
November 27, 2012

A meeting of the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska, was convened in open and public session at 3:30 p.m. on the 27<sup>th</sup> day of November, 2012 at the offices of Wick's Truck Trailer, 10580 South 147<sup>th</sup> Street, Omaha, Nebraska. Present were: Gale Wickersham, Steve Wickersham and Terry Schnauber. Dawn M. Buck and Judy Wickersham were absent.

Notice of the meeting and budget hearings was given in advance thereof by publication in The Papillion Times on November 14, 2012, copy of the Affidavit of Publication being attached to these Minutes. Notice of the meeting was simultaneously given to all members of the Board of Trustees, and their Acknowledgements of Receipt of Notice are attached to these Minutes. Notice has also been given to the County Clerk. Availability of the agenda was communicated in the published Notice and in the Notice to the Trustees of the meeting; a copy of the meeting agenda is attached to these Minutes. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public.

The following proceedings were had:

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 Chairman announced that the first matter for consideration was the approval of the Minutes from the meeting held on September 12, 2012. After a review and discussion of the Minutes, the minutes were unanimously approved.

The Chairman recognized Thomas J. Guilfoyle, attorney for the District, who presented the Trustees with a proposed agreement between Benesch Engineers and the District with regard to monitoring the 404 Permit which was obtained by the District from the Corps of Engineers as part of the storm sewer project on the first phase of the development. In order to proceed with the storm sewer in the first phase of the development, it was necessary for the District to obtain a 404 Permit from the Corps of Engineers. As a condition to the permit, the Corps of Engineers required the District to engage in wetland mitigation and monitoring services in the area of the permit. Benesch's proposal contains a proposal to compensate it for the remaining 2011 monitoring effort and future monitoring efforts over the next two years (2012 – 2013) and maintenance items. Mr. Guilfoyle presented a proposed consulting services agreement between the District and the Alfred Benesch Company. The execution of the agreement with the Benesch Company had been recommended by Joe Foley, engineer for the District. A copy of the proposal was circulated among the Trustees and upon motion duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
Gale L. Wickersham	Yes
Dawn Buck	Absent
Judy Wickersham	Absent
Steve Wickersham	Yes
Terry Schnauber	Yes

the following resolution was adopted:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska do and the same hereby does authorize the execution of the proposed agreement as submitted by Mr. Guilfoyle.

BE IT FURTHER RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County hereby direct that its Chairman execute the agreement and then have the executed agreement delivered to Benesch.

The Chairman announced that the next matter for discussion was a letter received from Lamp Rynearson & Associates, engineers for the District, making recommendation for maintenance of the District's infrastructure, including periodic jetting of the sanitary sewer lines and manholes. Mr. Thomas J. Guilfoyle, attorney for the District, informed the Board that he had spoken with Brett Wawers of Lamp Rynearson and Mr. Wawers had agreed to prove a suggested schedule for the Board's consider. He further informed the Board that no formal action was necessary at this time.

The Chairman announced that the next matter for consideration was the execution of the representation letter that had been requested by Mr. Tom Schwaller, accountant for the District, in connection with the audit for the period ending June 30, 2012. After thorough discussion, Mr. Gale Wickersham was directed to execute and deliver the letter dated November 20, 2012 to Mr. Tom Schwaller.

The Chairman announced that the next matter for consideration was the ratification of warrants drawn on the General Fund Account of the District and payable to Omaha Public Power District. The Chairman announced that at a prior meeting the Chairman and Clerk were authorized to issue warrants payable to Omaha Public Power District for street and sign lights as they became due to avoid problems caused by payment delays occasioned by delays in meetings. Such warrants are to be ratified at the meeting following their issuance. Warrants were issued as follows:

<u>Warrant No.</u>	<u>Payee</u>	<u>Amount</u>
768	Omaha Public Power District (issued 10-3-12)	655.09
769	Omaha Public Power District (issued 10-31-12)	633.20

In addition, the Chairman announced that the next matter for discussion was the consideration of bills to be paid from the General Fund of the District. The Clerk presented a statement from Erickson & Sederstrom, PC in the amount of \$2,289.30 for legal fees and costs; statements from Lamp Rynearson & Associates, Inc. in the total sum of \$529.73 for engineering services; and a statement from World Herald Media Group in the amount of \$9.90 for publication expense; upon motion duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
Gale L. Wickersham	Yes
Dawn Buck	Absent
Judy Wickersham	Absent
Steve Wickersham	Yes
Terry Schnauber	Yes

the following resolution was adopted:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrant Nos. 768 through 772 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 (interest to be payable at maturity) and to be redeemed no later than November 27, 2015, subject to extension of said maturity date by order of the District Court of Sarpy County, Nebraska, after notice is given as required by law, to wit:

- A. Warrant No. 768 in the amount of \$655.09, payable to Omaha Public Power District;
- B. Warrant No. 769 in the amount of \$633.20, payable to Omaha Public Power District;
- C. Warrant No. 770 in the amount of \$2,289.30, payable to Erickson & Sederstrom, PC;

- D. Warrant No. 771 in the amount of \$529.73, payable to Lamp Rynearson & Associates, Inc.; and
- E. Warrant No. 772 in the amount of \$9.90, payable to World Herald Media Group;

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 282 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 being 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 specifically 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.

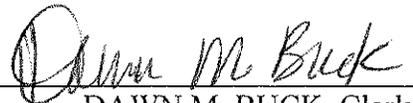
BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska that the District hereby covenants, warrants and agrees as follows: (a) to take all actions necessary under the current federal law to maintain the tax exempt status (as to taxpayers 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.

There being no further business to come before the meeting, upon motion duly made, seconded and by roll call vote as follows:

<u>Trustee</u>	<u>Vote</u>
Gale L. Wickersham	Yes
Dawn M. Buck	Absent
Judy Wickersham	Absent
Steve Wickersham	Yes
Terry Schnauber	Yes

the meeting was adjourned.

  
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DAWN M. BUCK, Clerk

## CERTIFICATE

The undersigned hereby certify that they are the Chairperson and Clerk of Sanitary and Improvement District Number 282 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 and 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.

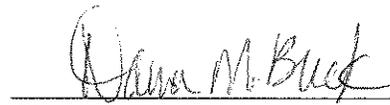
4. A current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the Meeting in the room in which such Meeting was held and all in attendance at the Meeting were informed that such copy of the Nebraska Open Meetings Act was available for review 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, 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 11 day of December, 2012.

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Clerk

AGENDA

Sanitary and Improvement District No. 282 of  
Sarpy County, Nebraska  
November 27, 2012

1. Meeting called to Order – Announcement to be made by Chairman as follows:

“A current copy of the Nebraska Open Meetings Act is available for review by anyone in attendance. [indicate where the copy is located].”

2. Review of the Minutes of September 12, 2012

3. Items to Discuss

- a. Proposed agreement with Benesch for 404 Permit Monitoring
- b. Schedule for Sanitary Sewer Maintenance
- c. Chairman’s representation letter in connection with the audit

4. Ratification of General Fund Warrants:

<u>Warrant No.</u>	<u>Payee</u>	<u>Amount</u>
768	Omaha Public Power District (issued 10-3-12)	655.09
769	Omaha Public Power District (issued 10-31-12)	633.20

5. Payment of General Fund Bills:

<u>Warrant No.</u>	<u>Payee</u>	<u>Amount</u>
770	Erickson & Sederstrom PC	2,289.30
771	Lamp Rynearson & Associates, Inc.	529.73
772	World Herald Media Group (Papillion Times)	9.90

6. New business, if any.

7. Adjournment.



ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned Trustee hereby acknowledges receipt of Notice of the meeting of the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska, to be held on November 27, 2012 at the offices of Wick's Truck Trailer, 10580 South 147<sup>th</sup> Street, Omaha, Nebraska beginning at 3:30 P.M.

  
Gale L. Wickersham

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE MEETING

The undersigned Trustee hereby acknowledges receipt of Notice of the meeting of the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska, to be held on November 27, 2012 at the offices of Wick's Truck Trailer, 10580 South 147<sup>th</sup> Street, Omaha, Nebraska beginning at 3:30 P.M.

  
Terry Schnauber

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Judy Wickersham

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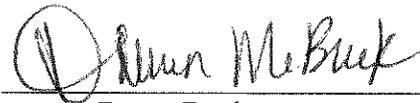


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Steve Wickersham

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE MEETING

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A handwritten signature in cursive script that reads "Dawn Buck". The signature is written in black ink and is positioned above a horizontal line.

Dawn Buck

## Deb Arkfeld

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**From:** Tom Guilfoyle  
**Sent:** Monday, November 12, 2012 2:09 PM  
**To:** 'sids@sarpy.com'  
**Subject:** SID 282 - Meeting on November 27, 2012  
**Attachments:** SID 282 - Notice of meeting for November 27, 2012.pdf

Dear Sir or Madam:

Please see attached Notice of Meeting to be held on November 27, 2012 in the above-captioned SID. Please acknowledge receipt of the Notice by replying to this e-mail.

Thank you for your assistance.

Tom

Thomas J. Guilfoyle  
Erickson | Sederstrom, P.C.  
10330 Regency Parkway Drive, Suite 100  
Omaha, NE 68114  
(402) 397-2200  
Direct Line: (402) 390-7124  
Fax: (402) 390-7137  
[guilfoyle@eslaw.com](mailto:guilfoyle@eslaw.com)

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ERICKSON | SEDERSTROM, P.C.  
Attorneys  
10330 Regency Parkway Drive  
Omaha, Nebraska

NOTICE

NOTICE is hereby given that a meeting of the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska will be held at 3:30 p.m. on the 27<sup>th</sup> day of November, 2012, at the offices of Wick's Truck Trailer, 10580 South 147th Street, Omaha, Nebraska, which meeting shall be open to the public.

An agenda for such meeting is kept continuously current and is available for public inspection at the office of counsel for the District at 10330 Regency Parkway Drive, Omaha, Nebraska, and includes the payment of bills and general business of the District.

Dawn Buck, Clerk