

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

Minutes of Meeting of Board of Trustees
March 24, 2016

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 3:00 p.m. on the 24th day of March, 2016 at the offices of Wick's Truck Trailer, 10580 South 147th Street, Omaha, Nebraska. Trustees present were: Dawn M. Buck, Steve Wickersham and Jamie Thompson. Corey Buck was absent.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on March 9, 2016, with a 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 meeting was called to order by Steve Wickersham, Chairman.

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 of the meeting held on September 10, 2015. After a review and discussion of the Minutes, the Minutes were unanimously approved.

The Chairman announced that the next matter on the Agenda was a presentation by Bruce Lefler and Jennifer Kobza of Ameritas Investment Corp., the fiscal agent of the District. Mr. Lefler and Ms. Kobza provided the members of the Board with a spreadsheet showing the existing financial status of the District, including the outstanding bonded indebtedness and the outstanding Construction Fund Warrant debt. The Ameritas representatives provided a second spreadsheet which addressed the possibility of refunding the current bonds (The 2011 Bond Issue) of the District. Mr. Lefler and Ms. Kobza made their recommendation that a refunding of the current bond issue would be economically feasible and would save the District substantial sums of money.

After thorough discussion and review of the Ameritas spreadsheets, it was a consensus of the Board that the recommendation of Ameritas was correct and that it would be economically in the best interest of the District to refund its bond issue at the present time. Upon motion duly made, seconded and by roll call vote as follows:

| <u>Trustee</u> | <u>Vote</u> |
|------------------|-------------|
| Steve Wickersham | Yes |
| Dawn Buck | Yes |
| Corey Buck | Absent |
| Jamie Thompson | Yes |

the following resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska do and the same hereby does authorize and direct Ameritas Investment Corp. to move forward with the appropriate steps and procedures to work towards effectuating the 2011 Bond Issue refunding.

After listening to the presentation by Mr. Lefler and Ms. Kobza, the Chairman announced that the next matter for consideration was a proposed transfer of funds from the General Fund Account of the District to the Bond Fund Account so that all the necessary funds would be available to pay off the existing Construction Fund warrants and interest thereon in the amount of \$190,000.00. The Chairman announced that it would be appropriate for the Trustees to authorize the transfer at this time. Upon motion duly made, seconded and by roll call vote as follows:

| <u>Trustee</u> | <u>Vote</u> |
|------------------|-------------|
| Steve Wickersham | Yes |
| Dawn Buck | Yes |
| Corey Buck | Absent |
| Jamie Thompson | Yes |

the following resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska do and the same hereby does authorize and direct the County Treasurer of Sarpy County to transfer the sum of \$190,000.00 from the General Account of the District to the Bond Fund Account of the District in order to pay off the existing outstanding Construction Fund warrants and interest.

BE IT FURTHER RESOLVED, that it was approved that the outstanding Construction Fund indebtedness, including interest, would be called and paid in full.

The Chairman of the District reported the results of the Trustee election held September 15, 2015 as received from the Sarpy County Election Commissioner and reminded the Board that they had previously received notification of the results. Trustees elected were Steve Wickersham, Dawn Buck, Corey Buck and Jamie Thompson.

The next order of business was the appointment of a Chairman for the District to serve for the next two-year period. After a thorough and complete discussion, Steve Wickersham was nominated, and by motion duly made and seconded, and by roll call vote as follows:

| <u>Trustee</u> | <u>Vote</u> |
|------------------|-------------|
| Steve Wickersham | Yes |
| Dawn Buck | Yes |
| Corey Buck | Absent |
| Jamie Thompson | Yes |

the following resolution was unanimously adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska do and the same hereby does, appoint Steve Wickersham to serve as Chairman of the District for the next two-year period.

The next item of business was the appointment of a Clerk for the District to serve for the next two-year period. After a thorough and complete discussion, Dawn Buck, was nominated, and by motion duly made, seconded and by roll call vote as follows:

| <u>Trustee</u> | <u>Vote</u> |
|------------------|-------------|
| Steve Wickersham | Yes |
| Dawn Buck | Yes |
| Corey Buck | Absent |
| Jamie Thompson | Yes |

the following resolution was adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 52 of Sarpy County, Nebraska do, and the same hereby does appoint Dawn Buck, to serve as Clerk of the District for the next two-year period.

The next order of business was the necessity of ordering Trustee Bonds for the Chairman and Clerk. In accordance with Nebraska law, it is necessary for the District to purchase a bond in the amount of \$5,000 for the Chairman and a bond in the amount of \$20,000 for the Clerk of

the District. Thomas J. Guilfoyle, attorney for the District, was directed to obtain the appropriate bonds and to file the same with the County Clerk's office.

The Chairman announced that the next matter for consideration was the ratification of the acceptance of the street sweeping bids received from the engineers for the District. The Chairman informed the Board that four bids had been received for street sweeping and that the lowest qualified bid was that of Clean Sweep Commercial, Inc., in the amount of \$225.00. After thorough discussion and unanimous consent, the acceptance of the street sweeping bid of Clean Sweep Commercial, Inc. was ratified and approved.

The Chairman announced that the next matter for consideration was the maintenance of the pond within the District. The Chairman presented a letter from Lamp Rynearson & Associates, Inc. which outlined some suggestions for corrective actions to resolve the issues with the pond leaking out. After a thorough discussion, Thomas J. Guilfoyle, attorney for the District, was directed to contact Lamp Rynearson & Associates, engineers for the District, to undertake the repairs to the pond, based on its second option contained in its November 30, 2015 letter and to advise them to proceed with a reputable contractor in the estimated sum of \$6,000.

The Chairman announced that the next matter for consideration was the ratification 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, 2015. After thorough discussion, the execution of the letter dated December 10, 2015 by Mr. Steve Wickersham was ratified and approved.

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. As such, the Chairman and Clerk issued the warrant in order to avoid further concerns with the past-due status of the invoice. The District ratifies the issuance as follows:

| <u>Warrant No.</u> | <u>Payee</u> | <u>Amount</u> |
|--------------------|--|---------------|
| 855 | Omaha Public Power District (issued 10-2-15) | 667.30 |
| 856 | Omaha Public Power District (issued 11-2-15) | 662.91 |
| 857 | Omaha Public Power District (issued 12-3-15) | 650.74 |
| 858 | Omaha Public Power District (issued 1-4-16) | 674.60 |
| 859 | Omaha Public Power District (issued 2-1-16) | 653.57 |
| 860 | Omaha Public Power District (issued 3-2-16) | 651.32 |

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 statements from Lamp Rynearson & Associates, Inc. in the total amount of \$1,855.13 for engineering services; a statement from BH Media Group, Inc. (The Papillion Times) in the amount of \$11.07 for publication expense; a statement from Erickson | Sederstrom PC in the amount of \$3,428.09 for legal fees and costs; statements from Awerkamp Goodnight Schwaller & Nelson PC in the total amount of \$6,445.00; and statements from Cornerstone Insurance Group in the total amount of \$437.00 for the District's liability insurance. Upon motion duly made, seconded and by roll call vote as follows:

| <u>Trustee</u> | <u>Vote</u> |
|------------------|-------------|
| Steve Wickersham | Yes |
| Dawn Buck | Yes |
| Corey Buck | Absent |
| Jamie Thompson | 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. 855

through 865 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 March 24, 2019, 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. 855 in the amount of \$667.30, payable to Omaha Public Power District;
- B. Warrant No. 856 in the amount of \$662.91, payable to Omaha Public Power District;
- C. Warrant No. 857 in the amount of \$650.74, payable to Omaha Public Power District;
- D. Warrant No. 858 in the amount of \$674.60, payable to Omaha Public Power District;
- E. Warrant No. 859 in the amount of \$653.57, payable to Omaha Public Power District;
- F. Warrant No. 860 in the amount of \$651.32, payable to Omaha Public Power District;
- G. Warrant No. 861 in the amount of \$1,855.13, payable to Lamp Rynearson & Associates, Inc.;
- H. Warrant No. 862 in the amount of \$11.07, payable to BH Media Group, Inc. (The Papillion Times)
- I. Warrant No. 863 in the amount of \$3,428.09, payable to Erickson | Sederstrom PC;
- J. Warrant No. 864 in the amount of \$6,445.00, payable to Awerkamp Goodnight Schwaller & Nelson PC; and
- K. Warrant No. 865 in the amount of \$437.00, payable to Cornerstone Insurance Group;

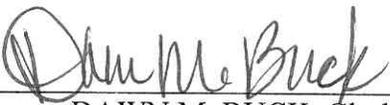
FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska, that both they and the district hereby find and determine and covenant, warrant and agree as follows: the improvements and/or facilities being financed or refinanced by the above Warrants 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 \$10,000,000 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> |
|------------------|-------------|
| Steve Wickersham | Yes |
| Dawn Buck | Yes |
| Corey Buck | Absent |
| Jamie Thompson | Yes |

the meeting was adjourned.



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.

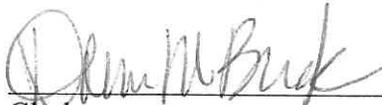
5. The minutes of the Meeting were in written form and available for public inspection within ten (10) working days after the Meeting or prior to the next convened meeting, whichever occurred earlier, at the office of the District; within thirty (30) days after the date of the Meeting, a copy of the 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 24 day of March, 2016.



Chairperson



Clerk

AGENDA

Sanitary and Improvement District No. 282 of
Sarpy County, Nebraska
March 24, 2016

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 10, 2015 meeting
3. Items to Discuss
 - a. Presentation by Ameritas – Bruce Lefler and Jennifer Kobza
 - b. Election Results from September, 2015
 - c. Election of Chairman/Clerk – Bonds
 - d. Payment of Interest on Construction Fund Warrants
 - e. Ratification of street sweeping authorization
 - f. Consideration of repairs to the pond
 - g. Ratification of representation letter dated December 10, 2015
4. Ratification of General Fund Warrants:

| <u>Warrant</u> <u>No.</u> | <u>Payee</u> | <u>Amount</u> |
|------------------------------|--|---------------|
| 855 | Omaha Public Power District (issued 10-2-15) | 667.30 |
| 856 | Omaha Public Power District (issued 11-2-15) | 662.91 |
| 857 | Omaha Public Power District (issued 12-3-15) | 650.74 |
| 858 | Omaha Public Power District (issued 1-4-16) | 674.60 |
| 859 | Omaha Public Power District (issued 2-1-16) | 653.57 |
| 860 | Omaha Public Power District (issued 3-2-16) | 651.32 |

5. Payment of General Fund Bills:

| Warrant | | |
|------------|--|---------------|
| <u>No.</u> | <u>Payee</u> | <u>Amount</u> |
| 861 | Lamp Rynearson & Associates, Inc. | 1,855.13 |
| 862 | BH Media Group, Inc. Papillion Times) | 11.07 |
| 863 | Erickson Sederstrom PC | 3,428.09 |
| 864 | Awerkamp Goodnight Schwaller & Nelson PC | 6,445.00 |
| 865 | Cornerstone Insurance Group | 437.00 |

6. Payment of Construction Fund Bills:

| Warrant | | |
|----------------|----------------------------------|----------------------|
| <u>No.</u> | <u>Payee</u> | <u>Amount</u> |
| 866 | Bankers Trust Company | 12,295.67 |

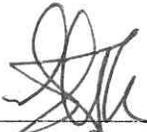
voided

7. New business, if any.

8. Adjournment.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE MEETING

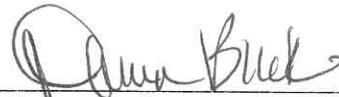
The undersigned Trustee hereby acknowledges receipt of Notice of the meeting of the Board of Trustees of Sanitary and Improvement District No. 282 of Sarpy County, Nebraska, to be held on March 24, 2016 at the offices of Wick's Truck Trailer, 10580 South 147th Street, Omaha, Nebraska beginning at 3:00 P.M.



Steve 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 March 24, 2016 at the offices of Wick's Truck Trailer, 10580 South 147th Street, Omaha, Nebraska beginning at 3:00 P.M.



Dawn Buck

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING

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Corey Buck

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE MEETING

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Jamie Thompson

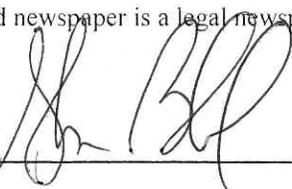
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }
 } SS.
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Ron Petak deposes and says that he is the Executive Editor of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers 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, March 9, 2016 Papillion Times

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

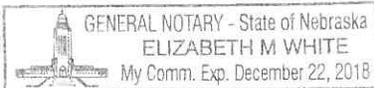


Shon Barenklau OR Ron Petak
Publisher Executive Editor

Today's Date 3-9-2016
Signed in my presence and sworn to before me:



Notary Public



Printer's Fee \$ 11.07
Customer Number: 1150
Order Number: 0001932538

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 3:00 p.m. on the 24th day of March, 2016, 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 interest on the outstanding Construction Fund Warrants, the payment of bills and general business of the District.

Dawn Buck, Clerk

1932538; 3/09

Deb Arkfeld

From: Victoria Benes <vbenes@sarpy.com>
Sent: Monday, March 07, 2016 10:32 AM
To: Tom Guilfoyle
Subject: RE: SID 282 - Notice of March 24, 2016 meeting (Our File No.: 50109)

Mr. Guilfoyle,
This has been received and filed in the County Clerk's Office.
Thank you,

Vicki Benes

Sarpy County Clerk's Office
1210 Golden Gate Dr. #1250 | Papillion, NE 68046

☎ Phone: 402-593-5758
✉ Email: vbenes@sarpy.com
🌐 Website: www.sarpy.com



From: Tom Guilfoyle [<mailto:tguil@eslaw.com>]
Sent: Monday, March 07, 2016 9:46 AM
To: SID
Subject: SID 282 - Notice of March 24, 2016 meeting (Our File No.: 50109)

Dear Sir or Madam:

Please see attached Notice of Meeting to be held March 24, 2016 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

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: To the extent this communication (including any attachments) addresses any federal tax matter, it was not written to be (and may not be) relied upon to (i) avoid penalties under the Internal Revenue Code or (ii) promote, market or recommend to another party any transaction or tax-related matter so addressed.

This message is intended only for the named recipient. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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 3:00 p.m. on the 24th day of March, 2016, 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 interest on the outstanding Construction Fund Warrants, the payment of bills and general business of the District.

Dawn Buck, Clerk