

**LAW OFFICES OF
Steven D. Johnson PC LLO
1864 South 155th Circle
Omaha, Nebraska 68144**

Omaha Office:
1864 South 155th Circle
Omaha, Nebraska 68144

Sarpy County Office:
3906 Raynor Parkway Drive, Suite 300
Bellevue, Nebraska 68123

September 25, 2014

Sarpy County Clerk
1210 Golden Gate Drive
Papillion, NE 68046-2894

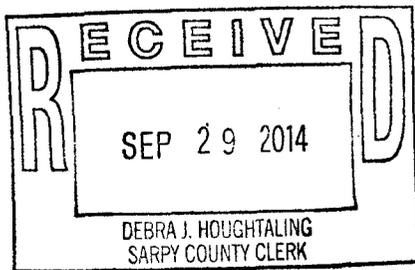
Re: 2014-2015 State of Nebraska SID Budget of Sanitary and Improvement
District No. 289 of Sarpy County, Nebraska

Dear Clerk:

Enclosed please find the following regarding Sanitary and Improvement District No. 289 of Sarpy County, Nebraska ("District"):

1. Signed copy of Minutes of the meeting of the Board of Trustees of the District held on September 16, 2014 (without exhibits), wherein the Budget was adopted by the District (an unsigned copy of the minutes was previously sent to you); and,
2. Signed original District Clerk's Certificate of Resolution setting final tax levy (and unsigned copy was previously sent to you).

If you have any questions regarding the enclosed, please let me know.



Sincerely yours,

Steven D. Johnson PC LLO

Steven D. Johnson

Enclosures

cc: Pat Reid (w/o encl)

**SANITARY AND IMPROVEMENT DISTRICT
NO. 289 OF SARPY COUNTY, NEBRASKA**

September 16, 2014

Meeting of Board of Trustees

MINUTES

The meeting of the Board of Trustees of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska (the "District") was convened in open and public session at 9:00 a.m. on Tuesday, September 16, 2014, in the Community Building at Colonial Pointe Apartments, 14102 Williamsburg Court, Bellevue, NE 68123.

Present at the meeting were Trustees: Tom Wherley, Pat Reid,
Craig Torstenson and Greg Stowers.

Also present at the meeting were others: Steve Johnson and
John Kuehl.

Notice of the meeting was given in advance thereof by publication in *The Bellevue Leader*, a legal newspaper of Sarpy County, Nebraska, on Wednesday, September 10, 2014. A copy of the Affidavit of Publication is attached to these minutes. Notice of the meeting was simultaneously given to all members of the Board of Trustees. A copy of their acknowledgement of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the published notice of this meeting and in the notice to the Trustees. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public.

The Clerk then certified that notice of this meeting had been given to the City Clerk of Bellevue, Nebraska, at least seven days prior to the time set by the Board of Trustees for this meeting. The Clerk filed his Certificate to that effect. A copy of said Certificate is attached to these minutes. Signed acknowledgments of receipt of notice from the Sarpy County Clerk and Bellevue City Clerk are attached to these minutes.

The Clerk then announced that the last publication of the notice of this meeting was more than five days prior to the time set by the Board of Trustees for public hearing, as set forth in the Affidavit of Publication.

The Chairman then 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.

An agenda of the meeting, a copy of which is attached to these minutes, was distributed to all assembled participants.

Tom Wheatley was elected unanimously by the Trustees to be the Chairman for this meeting.

The first order of business was to consider the resignation of Trustee Steve Koss effective August 29, 2014. The Clerk was directed to attach a copy of the written resignation to these minutes. After discussion, then upon motion duly made, seconded, and upon a roll call vote of "aye" by the Trustees, Tom Wheatley, Pat Reid and Craig Torstenson

the following resolution was adopted:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, that the resignation tendered by Trustee Steve Koss is hereby accepted by the Board of Trustees of the District.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, that the following individual serve in place of Trustee Steve Koss until the next election of the Board of Trustees as required by applicable statute:

Greg Stowers
4256 Reynolds Avenue
Kalamazoo, Michigan 49048

The next order of business was to consider a letter agreement between the District and Lengemann & Associates, P.C., for the audit of the District's financial statements for the period ending June 30, 2014. Following discussion, a motion was duly made, seconded, and unanimously approved authorizing the Chairman to execute said letter agreement on behalf of the District and to the extent previously executed, ratifying the previous execution of said letter agreement by the Chairman. The Clerk was directed to attach a copy of said letter agreement to these minutes.

The next order of business was consideration of the proposed budget of the District. The Chairman advised that notice of the budget hearing and budget summary were given at least five days in advance thereof by publication in *The Bellevue Leader*, a legal newspaper of Sarpy County, Nebraska, on Wednesday, September 10, 2014, as reflected in the Affidavit of Publication attached to these minutes. Notice of the budget hearing was simultaneously given to all members of the Board of Trustees. A copy of their acknowledgment of receipt of notice is attached to these minutes. The Chairman advised that the budget had been prepared providing a property tax request for the General Fund of \$50,291.22, representing a tax rate of \$0.30000, and a property tax request for the Bond Fund of \$100,582.46, representing a tax rate of \$0.60000. Following a hearing as required by applicable law, and following discussion, a motion was duly made and seconded, and the budget statement was unanimously adopted as proposed, subject to the Special Public Hearing to set the property tax request at a different amount than the tax request set for the prior year. The Clerk was directed to attach a copy of the budget to these minutes.

The next order of business was to hold the Special Public Hearing to set the property tax request at a different amount than the tax request set for the prior year. The Chairman advised that notice of the hearing was given at least five days in advance thereof by publication in *The Bellevue Leader*, a legal newspaper of Sarpy County, Nebraska, on Wednesday, September 10, 2014, as reflected in the Affidavit of Publication attached to these minutes. Notice of the Special Public Hearing was simultaneously given to all members of the Board of Trustees. A copy of their acknowledgment of receipt of notice is attached to these minutes. Following a hearing as required by applicable law, and following discussion, a motion was duly made and seconded, and the following Resolution was unanimously adopted:

WHEREAS, Nebraska Revised Statutes § 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purposes of the levy set by the County Board of Equalization unless the Governing Body of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, by a majority vote, resolves that:

1. The 2014-2015 property tax request be set at \$150,873.68, representing a total tax rate of \$0.90000, apportioned as follows: \$100,582.46, representing a tax rate of 0.6000, for the Bond Fund; and \$50,291.22, representing a tax rate of 0.30000, for the General Fund.
2. A copy of this resolution be certified and forwarded to the County Clerk prior to September 20, 2014.

The Clerk was directed to execute the Certification appearing as an exhibit to these minutes.

The next order of business was to consider various bills of the District for payment.

The Chairman presented the statements from Omaha Public Power District for the months of September 2013 through August 2014 for street light electricity costs, reflecting the charges, credits and balances shown therein, with a \$253.88 credit balance as of August 28, 2014. The Chairman noted that the electricity costs were incurred pursuant to the Agreement for the installation, operation, and maintenance of public street and highway lighting systems approved by this Board on October 14, 2008. The Clerk was directed to attach said statements to these minutes. The Chairman further noted that it would be desirable for the District to make an additional payment to Omaha Public Power District for future electrical costs in the amount of \$3,000.00.

The Chairman presented the statement from Lengemann & Associates, P.C. dated January 10, 2014 (\$235.00) for miscellaneous accounting services and August 15, 2014 (\$6,500.00) for the annual audit and for preparation of State of Nebraska budget forms for 2014-2015 for a total of \$6,735.00. The Clerk was directed to attach said statements to these minutes.

The Chairman presented the statements of Steven D. Johnson PC LLO dated September 15, 2014 (\$3,204.10), in connection with administrative services rendered on behalf of the District, the annual audit, the 2014-2015 budget, and the September 16, 2014 Trustee's meeting. The Clerk was directed to attach said statements to these minutes.

The Chairman then presented the Annual Warrant Interest Calculation prepared by D.A. Davidson & Co., which reflects the annual interest due, on October 10, 2014, on warrants issued from the Construction Fund Account of the District, this sum being in the total amount of \$32,344.58. The Chairman announced that all warrants issued from the Construction Fund until the date of this meeting bear interest annually at the rate of seven percent (7%), and that interest is due and payable on October 10th of each year. The Clerk was directed to attach a copy of the Warrant Interest Calculation to these minutes.

The Chairman presented the First National Bank statement dated June 24, 2014 for the Paying Agent Annual Fees for Bond Series 2011 and 2013 (\$1,400.00). The Clerk was directed to attach said statement to these minutes.

The Chairman then advised that D.A. Davidson will place a total of \$33,744.58 in warrants at this time payable from the Construction Fund Account of the District, and that the agreed upon charge for the placement of said warrants is five percent (5%) or \$1,687.23.

Then, upon a motion duly made, seconded, and upon a roll call vote of "aye" by the Trustees, Tom Whately, Pat Reich, Craig Torstenson and Greg Stowers

the following resolutions were adopted:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Warrant Nos. 405 through 417 of the District, dated the date of this meeting, to the following payees, for the following services and in the following amounts, Warrant Nos. 405 through 408, inclusive, to be payable from the General Fund Account of the District, to draw interest at the rate of 6% per annum, and to be redeemed no later than three years from the date hereof being September 16, 2017 and Warrant Nos. 409 through 417, inclusive, to be payable from the Construction Fund Account of the District, to draw interest at the rate of 7% per annum (interest to be payable on October 10, 2015 and on October 10th of each year thereafter) and to be redeemed no later than five years from the date hereof being September 16, 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. 405 for \$3,000.00 payable to Omaha Public Power District for street lighting in the District.**
- b) **Warrant No. 406 for \$5,000.00 and Warrant No. 407 for \$1,735.00 payable to Lengemann & Associates, P.C. for audit and preparation of budget forms.**
- c) **Warrant No. 408 for \$3,204.10 payable to Steven D. Johnson PC LLO for legal services rendered and expenses incurred through September 15, 2014, in connection with administrative services rendered on behalf of the District, the annual audit, the 2014-2015 budget and the September 16, 2014 Trustee's meeting.**
- d) **Warrant Nos. 409 through 414, inclusive, for \$5,000.00 each and Warrant No. 415 for \$2,344.58 payable to D.A. Davidson for annual interest payment on Construction Warrants.**
- e) **Warrant No. 416 for \$1,400.00 payable to First National Bank for fees related to Series 2011 and 213 Bond Issues.**
- f) **Warrant No. 417 for \$1,687.23 payable to D.A. Davidson & Co. for placement of construction warrants of the District.**

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, that both they and the District hereby find and determine and covenant, warrant and agree that (a) the facilities for which the above Warrants are issued are for essential governmental functions and are designed to serve members of the general public on an equal basis; (b) there are no persons with rights to use said facilities other than as members of the general public; (c) ownership and operation of said facilities is with the District or another political subdivision; (d) none of the proceeds of the Warrants will be loaned to any person and to the extent that special assessments have been or are to be levied for any said facilities, 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 such facilities in the District; (e) the development of the land in the District is for residential or commercial use; (f) the development of the land in the District for sale and occupation by the general public is proceeding with all

reasonable speed; and (g) the District hereby authorizes and directs the Chairman or Clerk to file, when due, an information reporting form pursuant to Section 149(e) of the Internal Revenue code of 1986 pertaining to the above Warrants.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 289 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. 289 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 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 less 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.

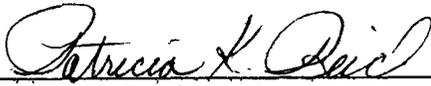
2. To the best of their knowledge, information and belief, the above exceptions are reasonable.

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 Sections 1.103-13, 1.103-14 and 1.103-15 of the Income Tax Regulations under the Internal Revenue Code of 1954, as amended, and under the Internal Revenue Code of 1986.

The Chairman then solicited from the assembled members of the Board of Trustees and other participants of the meeting other business to be brought before the Board of Trustees for consideration.

There being no further business to come before the meeting, upon motion duly made, seconded, and unanimously approved, the Chairman announced the meeting adjourned.



Patricia K. Reid, Clerk

APPROVED:



Jerry R. Speedy, Chairman

**SANITARY AND IMPROVEMENT DISTRICT
NO. 289 OF SARPY COUNTY, NEBRASKA**

September 16, 2014

Meeting of Board of Trustees

CERTIFICATE

The undersigned being Clerk of Sanitary and Improvement District No. 289 of Sarpy County, Nebraska, hereby certifies that the agenda for the meeting of the Board of Trustees of said District was prepared and available for public inspection at the address stated in the notice of meeting published in *The Bellevue Leader* on Wednesday, September 10, 2014, and that no items were added to the agenda after the commencement of the meeting; and further, that the minutes for the meeting were available for public inspection within ten (10) days of the date of said meeting and that a copy of the minutes of this meeting was sent to the City Clerk of Bellevue, Nebraska, within thirty (30) days from the date of this meeting.



Patricia K. Reid, Clerk

**SANITARY AND IMPROVEMENT DISTRICT
NO. 289 OF SARPY COUNTY, NEBRASKA**

September 16, 2014

Meeting of Board of Trustees

INDEX TO EXHIBITS

- A. Agenda
- B. Board of Trustees Acknowledgment of Receipt of Notice
- C. Bellevue City Clerk Notice
- D. Affidavit of Publication: Notice of Meeting
- E. Affidavit of Publication: Notice of Budget Hearing and Notice of Special Hearing to Set Final Tax Request
- F. Letter Agreement dated May 30, 2013 between Lengemann & Associates, P.C. and the District pertaining to annual audit and preparation of 2013 – 2013 Budget.
- G. 2014-2015 Budget of District
- H. Clerk's Certificate of Resolution setting final property tax request
- I. Statements from Omaha Public Power District for September 2013 through August 2014 for street lighting
- J. Statements from Lengemann & Associates, P.C. dated January 10, 2014 and August 15, 2014 for miscellaneous services and for audit and preparation of State of Nebraska budget forms for 2014-2015
- K. Statement from Steven D. Johnson PC LLO dated September 15, 2014 (\$3,204.10) for legal services and expenses
- L. Annual construction warrant interest calculation from D.A. Davidson & Co. dated September 10, 2014
- M. Statement from First National Bank dated June 24, 2014 (\$1,400.00) for bond issue agent services
- N. Trustee Steve Koss resignation letter

