

MINUTES OF MEETING
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 297
OF SARPY COUNTY, NEBRASKA

A meeting of the Board of Trustees of Sanitary and Improvement District No. 297 of Sarpy County, Nebraska, was convened in open and public session at 10:00 a.m. on the 22nd day of July, 2015, at 774 Olson Drive, Papillion, Nebraska.

Present were: John C. Allen, Jeanne D. Knox, Gerald L. Torczon, Doris J. Nicholson and Jeffery Torczon.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the Bellevue Leader on July 1 and 8, 2015, 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 is attached to these minutes. Availability of the agenda was communicated in the published notice and in the 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 agenda was at all times available at the office for the District at 10250 Regency Circle, Suite 300, Omaha, Nebraska 68114.

The meeting was called to order by the undersigned presiding as Chairman. Upon roll call, all of the Trustees were present.

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 next presented the proof of publication of the Notice to Contractors for the construction of the improvements entitled Park Improvements Phase I (Southern Pines).

The Clerk then presented the list of bids and bidders for such work specified within the Notice to Contractors with such bids having been taken on June 3, 2015, in accordance with the provisions of such Notice to Contractors. The bids having been individually reviewed by Lamp, Rynearson & Associates, Inc., the District's engineers, and upon completion of such review, the engineers have submitted their Letter of Recommendation which the Clerk was directed to attach along with a copy of the bid tabulations to these minutes.

After the Trustees had received the Letter of Recommendation directed to the District, the Clerk reported that the recommendation of the engineers was the bid of Dostals Construction Co., Inc. for Park Improvements Phase I (Southern Pines) in the amount of Two Hundred Thirty-One Thousand Three Hundred Twelve and 50/100 Dollars (\$231,312.50) and that such amount be accepted. The Clerk reminded the Board that the Engineer's estimate of the construction cost of this project was One Hundred Ninety-Eight Thousand Three Hundred Eighty-Six and no/100 Dollars (\$198,386.00). The District's engineers then indicated that it was their opinion that the rebidding of such project would yield no more beneficial pricing to the District than that presented by the previously specified bid and again recommended acceptance of such bid. The Clerk further reported that the bid of Dostals Construction Co., Inc. was accompanied by the required bid bond, contract and maintenance bond in the amount of 100% of the contract price.

After considerable discussion by the Board, the following resolution was duly moved and seconded upon a roll call vote of the Trustees, John C. Allen, Jeanne D. Knox, Gerald L. Torczon, Doris J. Nicholson and Jeffery Torczon voted "Aye" with none voting "Nay" thereby adopting the following resolution:

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 297 of Sarpy County, Nebraska, that the bid of Dostals Construction Co., Inc. in the total amount of \$231,312.50 for the construction of Park Improvements Phase I (Southern Pines) be accepted and approved and that the Clerk and Chairman of the District be and they hereby are authorized and directed to execute the contract of Dostals Construction Co., Inc. for and on behalf of the District.

The Clerk first reported that a complete statement of costs in connection with the installation of (1) Sanitary Sewer, Section I (Southern Pines); (2) Storm Sewer, Section I (Southern Pines); (3) Paving, Section I (Southern Pines); (4) Water, Section I (Offsite) (Southern Pines); (5) Water, Section I (Interior) (Southern Pines); (6) Underground Power, Section I (Southern Pines); (7) 168th Street Contribution (Southern Pines); (8) Sub-Basin Interceptor Sewer Development and Connection Fee (Southern Pines); and (9) Sewer Connection Fees (Southern Pines) (the "Improvements"); and all work incidental thereto and the scheduled amounts proposed to be assessed for such improvements against each piece of property in the District had been hand delivered to the Sarpy County Clerk and Sarpy County Engineer on the 6th day of July, 2015, there were next presented Receipts showing that such documents had been given to the County Clerk and County Engineer within seven (7) days after the first publication of notice of the filing of a statement, plat and schedule and that a copy of such notice was also delivered. The Chairman directed the Clerk to attach a copy of the documents delivered showing receipt for same to the minutes of these proceedings.

The Clerk further certified that a schedule of the proposed assessments as well as a copy of the published notice had been given to each owner of record as to each separate piece of property for which proposed assessments had been made which notice contained the amount proposed to be assessed against such property for the scheduled improvements and that such notice had been given within five (5) days after the first publication of notice on July 6, 2015.

The Clerk further certified that an identical copy of the plat and schedule of proposed assessments together with a complete statement of costs had been given to Ameritas Investment Corp., the fiscal agent and underwriter of the District, detailing the proposed assessments as related to each individual piece of property and for each individual improvement and that such notice had been given within five (5) days after the first publication of notice on July 6, 2015.

The Chairman then presented to the Board the proposed special assessments for (1) Sanitary Sewer, Section I (Southern Pines); (2) Storm Sewer, Section I (Southern Pines); (3) Paving, Section I (Southern Pines); (4) Water, Section I (Offsite) (Southern Pines); (5) Water, Section I (Interior) (Southern Pines); (6) Underground Power, Section I (Southern Pines); (7) 168th Street Contribution (Southern Pines); (8) Sub-Basin Interceptor Sewer Development and Connection Fee (Southern Pines); and (9) Sewer Connection Fees (Southern Pines). Sarpy County has indicated no objection to the proposed special assessments. The Chairman noted that no objections had been presented to the Clerk of the District and further pointed out that it appeared as a result of the discussion of the Board that the engineer's recommendation with regard to the amount of the special assessments in relation to the total cost of the various projects was proper and in accordance with the terms of the Subdivision Agreement entered into previously between the District and Sarpy County, Nebraska. A motion was made and seconded and upon a roll call vote, the Trustees, John C. Allen, Jeanne D. Knox, Gerald L. Torczon, Doris J. Nicholson and Jeffery Torczon voted "Aye" with none voting "Nay" to accept the recommendation of the engineers for the District with respect to the method of allocating costs and special assessments for the previously referenced projects and that the assessments as proposed be adopted.

Upon a motion duly made and seconded and upon a roll call vote the Trustees, John C. Allen, Jeanne D. Knox, Gerald L. Torczon, Doris J. Nicholson and Jeffery Torczon voted "Aye" with none voting "Nay" thereby adopting the following Resolution:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 297 of Sarpy County, Nebraska, sitting as a Board of Adjustment and Equalization find and determine:

- 1) That the engineers employed by the District have prepared and filed with the Clerk of the Board of Trustees completed statements of costs in connection with the construction of (1) Sanitary Sewer, Section I (Southern Pines); (2) Storm Sewer, Section I (Southern Pines); (3) Paving, Section I (Southern Pines); (4) Water, Section I (Offsite) (Southern Pines); (5) Water, Section I (Interior) (Southern Pines); (6) Underground Power, Section I (Southern Pines); (7) 168th Street Contribution (Southern Pines); (8) Sub-Basin Interceptor Sewer Development and Connection Fee (Southern Pines); and (9) Sewer Connection Fees (Southern Pines); and all work incidental thereto, a plat of the property in the District where such improvements had been made and a schedule of the amount proposed to be assessed against each individual and separate piece of property in such District, all in accordance with the statutory requirements of the State of Nebraska;
- 2) That such statement of costs, plat and schedule of proposed assessments are on file in the Office of the Clerk and that notice stating that all objections to these proceedings or to prior proceedings on account of errors, irregularities or inequalities must be made in writing and filed with the Clerk of the District within twenty (20) days after the first publication of public notice or shall be deemed to have been waived was duly given by publication in the Bellevue Leader, Sarpy County, Nebraska, on July 1 and 8, 2015. It was also duly given by mailing a copy of such notice to each and every party appearing to have a direct legal interest in the proceedings within five (5) days of the date of the first publication of notice to the post office address of such parties with sufficient postage affixed;
- 3) No persons have appeared at this meeting of the Board of Trustees, sitting as a Board of Adjustment and Equalization, to object to the engineer's complete statement of costs, or the engineer's statement of amounts proposed to be assessed against each separate piece of property in the District or to any prior proceedings on account of errors, irregularities, or inequalities; and
- 4) The Board does therefore find and determine the costs of such improvements be levied and assessed as special assessments and as obligations of general benefit to the District on the following scheduled basis:

PROJECT	GENERAL OBLIGATION	SPECIAL ASSESSMENT (INTERIOR)	SPECIAL ASSESSMENT (COMMERCIAL)	TOTAL
Sanitary Sewer, Section I (Southern Pines)	\$ 67,747.41	\$497,667.94	\$ 28,909.07	\$ 594,324.42
Storm Sewer, Section I (Southern Pines)	\$480,801.20	\$ 0.00	\$ 0.00	\$ 480,801.20
Paving, Section I (Southern Pines)	\$343,664.83	\$655,542.44	\$ 38,079.86	\$1,037,287.13
Water, Section I (Offsite) (Southern Pines)	\$116,832.35	\$ 0.00	\$ 0.00	\$ 116,832.35
Water, Section I (Interior) (Southern Pines)	\$ 28,730.12	\$487,779.67	\$ 28,316.09	\$ 544,825.88
Underground Power, Section I (Southern Pines)	\$ 0.00	\$130,348.29	\$ 36,627.13	\$ 166,975.42
168 th Street Contribution (Southern Pines)	\$215,489.90	\$ 0.00	\$ 0.00	\$ 215,489.90
Sub-Basin Interceptor Sewer Development and Connection Fee (Southern Pines)	\$ 6,967.75	\$ 0.00	\$ 0.00	\$ 6,967.75
Miscellaneous Interceptor and Sanitary Sewer Connection Fees (Southern Pines)	\$511,935.88	\$ 0.00	\$ 0.00	\$ 511,935.88

There being no further business to come before the Board of Trustees sitting and acting as a Board of Adjustment and Equalization, the meeting was adjourned for such specific purpose and the Board of Trustees went into a regular meeting as a Board of Trustees with each of the Trustees remaining present.

As the first order of business for the Board of Trustees, upon a motion duly made and seconded, and upon a roll call vote, the following Trustees, John C. Allen, Jeanne D. Knox, Gerald L. Torczon, Doris J. Nicholson and Jeffery Torczon voted "Aye" with none voting "Nay" with the following Resolution being thereby duly adopted:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 297 of Sarpy County, Nebraska, find and confirm as follows:

1) The Board of Trustees has previously adopted Resolutions of Advisability and Necessity for the construction of (1) Sanitary Sewer, Section I (Southern Pines); (2) Storm Sewer, Section I (Southern Pines); (3) Paving, Section I (Southern Pines); (4) Water, Section I (Offsite) (Southern Pines); (5) Water, Section I (Interior) (Southern Pines); (6) Underground Power, Section I (Southern Pines); (7) 168th Street Contribution (Southern Pines); (8) Sub-Basin Interceptor Sewer Development and Connection Fee (Southern Pines); and (9) Sewer Connection Fees (Southern Pines); and all work incidental and necessary thereto.

2) Pursuant thereto, the construction of such projects and all work incidental and necessary thereto has been completed and certificates of acceptance from the District's engineers have been filed with the District and approved by its Board of Trustees.

3) The schedule of the total cost of such improvements and a plat of the property in the District where such improvements have been made including a schedule of the amount proposed to be specially assessed against each separate piece of property in the District has been filed by the engineers of the District with the Clerk of the District. Notice was properly given by publication, the posting of hand bills and mailing of notices, all as required by law which stated that such statement of costs, plat and schedule are on file at the Office of the Clerk, and that all objections thereto or to prior proceedings on account of errors, irregularities or inequalities must be made in writing and filed with the Clerk of the District within twenty (20) days after the first publication of notice, or would be waived, and that the Board of Trustees would consider as provided by law any filed objections to such statement of costs, plat and schedule or to prior proceedings on account of errors, irregularities or inequalities, at a meeting to be held at 774 Olson Drive, Papillion, Nebraska, on the 22nd day of July, 2015, at 10:00 a.m.

4) The Board of Trustees, sitting as a Board of Adjustment and Equalization, pursuant to such notice, has examined such statement, plat and schedule and has approved the same and that no person has objected to the same in writing or in person. That the Board does find and determine that costs for the improvements with respect to the spreading of the special and general benefit of such improvements to the lots and parcels of ground within the District shall be as set out within the engineer's schedule of assessment and the amounts therein shown on such schedule, a copy of which is attached hereto and by this reference incorporated herein. The amount of such benefits do not exceed the cost of the improvements and the amounts set out for each lot or parcel of ground on such schedule is an equitable apportionment of the cost of the improvements between the various lots and parcels of ground in proportion to the special benefits received by such lot or parcel of ground.

5) Each of the lots and parcels of ground shall be assessed in the amount shown opposite the description of such lot or parcel in the Schedule of Proposed Assessments filed with the Clerk of the District by the District's engineers as attached hereto.

6) The special assessments shall become due within fifty (50) days after July 22, 2015, or on the following date to-wit: September 10, 2015, and if not paid within that period, shall become delinquent in ten (10) annual installments. The first installment shall be due and delinquent the 22nd day of July, 2016, and subsequent installments shall be due and delinquent on the same day and month of each year thereafter. The special assessments shall draw interest on a per annum basis until delinquent at the greater of (i) the rate of interest accruing on construction fund warrants registered against the District sixty (60) days prior to the actual levy of special assessments; or (ii) the average rate of interest accruing on the construction fund warrants issued to pay for the improvements for which the special assessments are to be levied adjusted to the next greater one-half percent. Delinquent installments shall bear interest at the rate of two percent (2%) per annum above the rate set by the District on such installment before delinquency. All special assessments may be paid within fifty (50) days after the date of levy without interest charge.

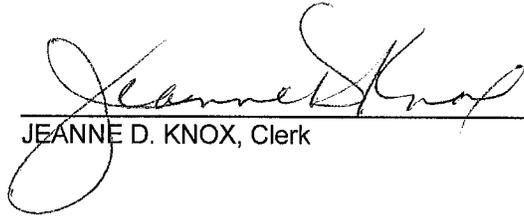
7) The special assessments for improvements hereinabove referred to are hereby assessed, equalized and apportioned between the several lots and parcels of ground set forth in the Schedule of Special Assessments in the form attached hereto and by this reference made a part thereof.

FURTHER RESOLVED, that the Clerk of the District is hereby authorized and directed to certify to the County Clerk of Sarpy County, Nebraska, this levy of special assessments upon the lots or parcels of land identified on the schedules attached hereto and the amount shown opposite each lot number or legal description on such schedule, in order that such special assessments may be collected in the manner provided by law.

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SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

The Clerk next reviewed the Agenda which had been available for public inspection in accordance with the law prior to this meeting of the Board of Trustees and reported that all matters considered by the Board at this meeting appeared on the Agenda.

Jeanne D. Knox, as Clerk for Sanitary and Improvement District No. 297 of Sarpy County, Nebraska (the "District") does hereby certify that the above proceedings are a true and accurate statement of the proceedings had by the District at its July 22, 2015 meeting.



JEANNE D. KNOX, Clerk