

MINUTES OF MEETING OF BOARD OF TRUSTEES OF
SANITARY AND IMPROVEMENT DISTRICT NO. 180
OF SARPY COUNTY, NEBRASKA

The meeting of the Board of Trustees of Sanitary and Improvement District No. 180 of Sarpy County, Nebraska, was convened in public and open session at 4:00 p.m. on the 28th day of May, 2009 at N.P. Dodge Real Estate Company located at 4912 Shannon Drive, Papillion, Nebraska. Present were the following Trustees of the District: Lori Pickette, Sherry Fletcher, Christopher Perrone, and Susan Decker. Absent was the following Trustee: Alan Moore. Present by invitation were Ronald W. Hunter, attorney for the District; Kristi Bland, his assistant; and Dennis Wilson and Dave Harnish, both representatives for HGM Associates, Inc. Also present was Phyliss Bender, a taxpayer living in the District. Notice of the meeting was given in the Papillion Times on May 21, 2009, all as provided in the Proof of Publication being attached to these Minutes. A copy of the Acknowledgment of Receipt of Notice signed by all the Trustees is attached to these Minutes. Availability of the Agenda was communicated in the published Notice and in the Notice of the meeting. All proceedings of the Board were taken while the convened meeting was held open to the attendance of the public.

The attorney for the District certifies that these Minutes were written and available for public inspection within ten (10) working days and prior to the next convened meeting of the Board of Trustees.

The Chairman called the meeting to order and called the roll.

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 stated the first order of business was a discussion regarding property owner questions or concerns. Trustee Pickette stated that she had received a telephone call from a resident who had requested permission to remove a large tree limb which had fallen near Lakeforest Drive. The Trustees granted permission to the resident to remove the tree at his own risk and requested Trustee Pickette to contact the resident.

Trustee Pickette also stated that the landscaping in the island at Windcrest and 47th Street is in need of maintenance. The Trustees agreed that the engineers should obtain an estimate from various companies to be presented at the next meeting.

Trustee Pickette also stated that the island at Lakeforest and Timberridge needs to be safety painted. Mr. Harnisch stated he had obtained a quote for repainting all of the areas which are currently painted at approximately \$5,000.00 to \$15,000.00. The Trustees agreed to lay this matter over until further notice.

Trustee Decker reported that there is a drainage rut approximately half way through

the trail behind 53rd Street. The Trustees agreed that the engineer would review the situation and report at the next meeting.

Trustee Decker also reported that weeds are extremely high at 11828 Timberridge Road. The Trustees agreed that Trustee Decker would contact Sarpy County Noxious Weeds Department to report this address.

Trustee Decker also reported that a resident is currently giving tennis lessons at the tennis courts owned by the SID. The Trustees agreed that Trustee Perrone would contact the resident and inform him that he is only allowed to use one court at a time and, if residents are waiting, he will have ten minutes to complete his lesson.

The Chairman stated that the owner of 11924 South 53rd Street had moved some dirt on the common area behind their house which has not been properly cleaned up and the ruts need to be graded out. It was agreed that the Chairman would contact the owner regarding this matter.

Ms. Bland stated that she received a call from Kevin Weir at 11602 Bay Circle who requested the mowing contractor no longer mow the grass on the house side. The Trustees agreed that Ms. Bland would contact the mowing company regarding this matter.

The Chairman stated the next order of business was a discussion regarding the status of the wetlands. Trustee Pickette presented a letter, dated May 28, 2009, from Andrew A. Miller of Jacobson Satchell Consultants regarding Lakewood Villages Wetland/Pond Evaluation. In the letter, Mr. Miller stated that it was his observation that the wetland/pond was functioning as a shallow water pond. Mr. Miller also stated that at one point, the wetland was approximately three feet deep and is approximately two feet deeper than normal because of a beaver dam across the apron inlet of the Timberridge Road box culvert. Mr. Miller concluded that the wetlands was healthy and no intervention was necessary at this time.

Phyliss Bender voiced her concern about people canoeing, fishing and camping in the wetlands area. After a full and complete discussion, the following Resolution was proposed by Trustee Pickette and seconded by Trustee Decker, to-wit:

RESOLVED, that Mr. Hunter shall prepare an ordinance prohibiting canoeing, boating, fishing, or camping in the wetlands to be presented at the next meeting of the Board of Trustees.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Pickette, Fletcher, Decker, and Perrone. Voting "nay" thereon were the following: None. It was then declared that said Resolution was duly carried and adopted.

At this point in the meeting, Mrs. Bender left.

The Chairman stated the next order of business was an engineer's update. Mr. Harnish stated that the emergency road removal project is on hold awaiting approval from the Bellevue City Council. Mr. Harnish also stated that the rebar in 48th Street and Maass Road has been removed.

The Chairman stated the next order of business was a discussion regarding emptying the siltation box. It was agreed by the Trustees that the engineers would review this issue and report at the next meeting of the Board.

The Chairman stated the next order of business was a discussion regarding street repair at 11906 South 48th Street. Mr. Harnish reported that the broken panels have been replaced.

The Chairman stated the next order of business was a discussion regarding speeding issues. After a lengthy discussion, the Trustees decided to lay this matter over to a subsequent meeting.

The Chairman stated the next order of business was a discussion regarding paving repairs. The Trustees referred to an engineer's estimate for the critical areas at a total estimated project costs of \$65,088.00. After a full and complete discussion, the following Resolutions were proposed by the Chairman and seconded by Trustee Perrone, to-wit:

RESOLVED, that the Board of Trustees of Sanitary and Improvement District No. 180 of Sarpy County, Nebraska hereby offers and proposes a Resolution of Necessity for Paving Repairs, 2009 in Lakewood Villages, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

BE IT FURTHER RESOLVED, that said proposed Resolution of Necessity is hereby set for consideration at the Board of Trustees meeting to be held at such place, date and time as the attorney for the District in his sole and absolute discretion shall determine, and that the notice of the time and place of the meeting shall be published in the Papillion Times, Papillion, Nebraska on two (2) consecutive weeks, which publication shall contain the entire wording of the Resolution, and shall be posted in three (3) conspicuous places within the boundaries of the District.

BE IT FURTHER RESOLVED, that the Notice to Contractors requesting bids to construct SID Improvements located within the District be published in the Papillion Times, Papillion, Nebraska, for three (3) consecutive weeks, on such dates and times as the attorney for the District in his sole and absolute discretion shall determine.

On the foregoing Resolutions, the following Trustees voted "aye": Trustees Pickette, Fletcher, Decker, and Perrone. Voting "nay" thereon were the following: None. It was then declared that said Resolutions were duly carried and adopted.

The Chairman stated the next order of business was an arrangement letter, dated May 1, 2009, from Beverly J. Burr for bookkeeping services for the fiscal year ending June 30, 2010 at a cost of \$2,950.00. After a full and complete discussion, the following Resolution was proposed by Trustee Pickette and seconded by Trustee Perrone, to-wit:

RESOLVED, that the arrangement letter, dated May 1, 2009, from Beverly J. Burr for bookkeeping services for the fiscal year ending June 30, 2010 at a cost of \$2,950.00 is hereby approved and the Chairman shall sign the arrangement letter in behalf of the District.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Pickette, Fletcher, Decker, and Perrone. Voting "nay" thereon were the following: None. It was then declared that said Resolution was duly carried and adopted.

The next meeting date of the Board was discussed. The Trustees agreed that the next meeting shall be at 4:00 p.m. on July 9, 2009 at 4912 Shannon Drive, Papillion, Nebraska.

The following are reporting items for the Trustees' information and required no action: Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 180 Of Sarpy County, Nebraska General Obligation Bonds Series 2002 and Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 180 Of Sarpy County, Nebraska General Obligation Bonds Series 2008.

The Chairman stated the next item on the Agenda was the Board's consideration of the hereinafter described statements, bills and invoices. In reviewing the bills, the Trustees questioned the invoice from Greenlife Gardens in the amount of \$300.00. It was agreed by the Trustees to lay this invoice over until more information could be obtained. The Trustees also questioned the invoice from Swisher Hygiene Franchise Corp. in the amount of \$170.48. It was agreed by the Trustees to issue a warrant for this invoice but for Mr. Hunter to hold the warrant in unregistered form at his office until more information could be obtained. After a full and complete discussion, the following Resolutions were moved by the Chairman and seconded by Trustee Moore, to-wit:

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 180 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver General Fund Warrant Nos. 5537 through Warrant No. 5549 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 seven percent (7%) per annum and to be redeemed no later than May 28, 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:

WARRANT NO. 5537 in the amount of \$10.72 made payable to PAPILLION TIMES, per Customer No. 003612, Order No. 11995569, attached.

WARRANT NO. 5538 in the amount of \$33.26 made payable to M.U.D., per Account No. 359904-1353598, dated 05/07/09, attached.

WARRANT NO. 5539 in the amount of \$4,592.67 made payable to O.P.P.D., per Account No. 5724100090, dated 04/29/09, attached.

WARRANT NO. 5540 in the amount of \$1,400.00 made payable to BURR ACCOUNTING SERVICES, LLC, per Invoice No. 1210, attached.

WARRANT NO. 5541 in the amount of \$100.00 made payable to WESLEY MCVAY, per Security Services for 2008 Season, attached.

WARRANT NO. 5542 in the amount of \$1,450.00 made payable to K.C. SWEEPING, per Invoice No. 5160, attached.

WARRANT NO. 5543 in the amount of \$1,359.20 made payable to SCHOLL EXCAVATING, per Pay Estimate No. 2 Timberridge Drive Drainage Improvements, attached.

WARRANT NO. 5544 in the amount of \$725.80 made payable to SCHOLL EXCAVATING, per Pay Estimate No. 3 Storm Drain, attached.

WARRANT NO. 5545 in the amount of \$124.00 made payable to OMAHA DOOR & WINDOW

CO., INC., per Invoice No. M49038, attached.

WARRANT NO. 5546 in the amount of \$4,063.00 made payable to ROYAL LAWNS, INC., per Invoice No. 395, attached.

WARRANT NO. 5547 in the amount of \$170.48 made payable to SWISHER HYGIENE FRANCHISE CORP., per Invoice No. 20689470, attached.

WARRANT NO. 5548 in the amount of \$91.86 made payable to ENTERPRISE LOCKSMITHS, per Invoice No. 2009-9165, attached.

WARRANT NO. 5549 in the amount of \$1,770.00 made payable to RONALD W. HUNTER, per Statement dated 05/27/09, attached.

BE IT RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 180 of Sarpy County, Nebraska, that the Chairman and Clerk be and they hereby are authorized and directed to execute and deliver Construction Fund Warrants Nos. 5550 through 5551 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 Construction Fund of the District and to draw interest at the rate of seven percent (7%) per annum (interest to be payable on March 1 of each year) and to be redeemed no later than May 28, 2014, 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:

WARRANT NO. 5550 in the amount of \$1,250.00 made payable to GREAT WESTERN BANK, per Statements dated 05/02/09 and 05/16/09, attached.

WARRANT NO. 5551 in the amount of \$62.50 made payable to AMERITAS INVESTMENT CORP., per 5% fee agreement, attached.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 180 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 benefitted 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. 180 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 \$5,000,000.00 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. 180 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 Sections 1.148-2 (b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

On the foregoing Resolutions, the following Trustees voted "aye": Trustees Pickette, Fletcher, Decker, and Perrone. Voting "nay" thereon were the following: None. It was then declared that said Resolutions were duly carried and adopted.

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

SHERRY J. FLETCHER, Chairman

LORI PICKETTE, Clerk

ABSENT
CHRISTOPHER PERRONE, Trustee

ALAN MOORE, Trustee

SUSAN DECKER, Trustee