

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 23rd day of July, 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, and Chris Perrone. Absent were the following Trustees: Susan Decker and Alan Moore. Present by invitation were Ronald W. Hunter, attorney for the District; Kristi Bland, his assistant; and Dennis Wilson and Dave Harnisch, both representatives for HGM Associates, Inc. Notice of the meeting was given in the Papillion Times on July 9 and 16, 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. There were none to come before the meeting.

The Chairman stated the next order of business was an engineer's update. Mr. Harnisch stated that there were no updates at this time.

The Chairman stated the next order of business was to consider adopting a Resolution of Necessity for Paving Repairs. The Chairman presented for the Board's consideration a Proof of Publication of the proposed Resolution of Necessity. The Proof of Publication is attached to these minutes, together with certification of posting said Resolution in three (3) conspicuous places in the District, all as authorized by the Board at its meeting held on May 29, 2009. The Clerk certified to the Board that no petition signed by owners of property in the District was filed with the Clerk prior to the date of the meeting and no one at said meeting made any objections to said improvements. Further, the Clerk certified that no notice was given to nonresidents of Sarpy County, Nebraska, owning property within the District since said amount would be the general obligation of the District and none of it would be specially assessed. After a full and complete discussion, the

following Resolution was moved by Trustee Perrone and seconded by the Chairman, to-wit:

RESOLVED, that the Resolution of Necessity for Paving Maintenance-2009 in Lakewood Villages at an estimated total projected cost of \$50,188.00 is hereby approved and adopted.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Fletcher, Moore, and Perrone; voting "nay" thereon were the following: none. The Chairman then declared said Resolution was duly carried and adopted.

The Chairman stated the next order of business was to consider awarding the contract for Paving Repair. The Trustees referred to the bid tabulation of the various bidders on this project. The bid tabulation indicated that the low bidder was Marsh Creek Concrete, with a low bid of \$28,108.00. After a full and complete discussion, the following Resolutions were moved by Trustee Perrone and seconded by Trustee Moore, to-wit:

BE IT RESOLVED, that the low bid submitted by Navarro Enterprise is hereby rejected because of the poor workmanship performed by the contractor in the past.

BE IT RESOLVED, that the engineer shall have the authority to negotiate a contract with the second or third bidder, for furnishing all labor, tools, materials and equipment required for Paving Maintenance-2009, and the District shall enter into a contract with said second low bidder in the foregoing negotiated amount for Paving Maintenance-2009, provided the contractor will furnish the contract and payment and maintenance bonds required by the specifications of the project, together with a certificate of insurance required by the specifications of the project.

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized and directed to execute said contract between the District and Tab Holding Company or Scholl Excavating for Paving Maintenance-2009.

On the foregoing Resolutions, the following Trustees voted "aye": Trustees Fletcher, Moore, and Perrone; voting "nay" thereon were the following: none. The Chairman then declared said Resolutions were duly carried and adopted.

The Trustees agreed that with the upcoming budget, it would be appropriate to set the next two meeting dates. The next meetings will be at 4:00 p.m. on August 27, 2009 and September 10, 2009 at 4912 Shannon Drive, Papillion, Nebraska.

The Chairman stated the next item on the Agenda was the Board's consideration of the hereinafter described statements, bills and invoices. 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. 5572 through Warrant No. 5578 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 July 23, 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. 5572 in the amount of \$216.81 made payable to PAPILLION TIMES, per Customer No. 003612, Order Nos. 11998559 and 11998808, attached.

WARRANT NO. 5573 in the amount of \$33.30 made payable to M.U.D., per Account No. 359904-1353598, dated 07/07/09, attached.

WARRANT NO. 5574 in the amount of \$3,300.00 made payable to ROYAL LAWNS, INC., per Invoice No. 422, attached.

WARRANT NO. 5575 in the amount of \$75.00 made payable to FARMERS NATIONAL COMPANY, d.b.a. NATURAL HABITATS, per Invoice No. 3484, attached.

WARRANT NO. 5576 in the amount of \$270.00 made payable to OLD REPUBLIC SURETY GROUP, per Bond No. RPO-0602456, attached.

WARRANT NO. 5577 in the amount of \$564.32 made payable to SWISHER HYGIENE FRANCHISE CORP., per Consolidated Invoice No. 20730078, attached.

WARRANT NO. 5578 in the amount of \$1,110.00 made payable to RONALD W. HUNTER, per Statement dated 07/22/09, 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. 5579 through 5580 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 July 23, 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. 5579 in the amount of \$250.00 made payable to GREAT WESTERN BANK, per Statement dated 07/16/09, attached.

WARRANT NO. 5580 in the amount of \$12.50 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 Fletcher, Moore, 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

\_\_\_\_\_  
CHRISTOPHER PERRONE, Trustee

\_\_\_\_\_  
ABSENT  
ALAN MOORE, Trustee

\_\_\_\_\_  
ABSENT  
SUSAN DECKER, Trustee