

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 17th day of November, 2009 at N.P. Dodge Real Estate Company located at 4912 Shannon Drive, Papillion, Nebraska. Present were the following Trustees of the District: Sherry J. Fletcher, Lori Pickette, Susan Decker, and Alan Moore. Trustee Perrone arrived late to the meeting. Absent were the following Trustees: none. Present by invitation were Ronald W. Hunter, attorney for the District; Kristi Bland, his assistant; and Dave Harnisch, and Dennis Wilson, of HGM Associates, Inc. Notice of the meeting was given in the Bellevue Leader on Wednesday, November 4, 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 an update from the engineers. Mr. Harnisch stated that the paving stripping has been completed and the contractor had to trim some of the landscaping. Mr. Harnisch also reported that the paving repair is complete.

Mr. Harnisch presented an estimate to repair the erosion issue behind 11913 South 47<sup>th</sup> Street. After a lengthy discussion, the Trustees agreed to lay this matter over until spring.

The Chairman stated the next order of business was property owner questions or concerns. Trustee Pickette stated that she had received a complaint from a resident because there was too much water in the wetlands. Ms. Bland stated that every year the wetlands are treated for algae and mosquitos on a regular basis.

Trustee Decker stated that she received a complaint regarding the owner of 11829 S. 47<sup>th</sup> Street not removing their trash. After a lengthy discussion, it was agreed that this

was not an SID issue.

The Chairman stated the next order of business was an e-mail, dated November 12, 2009, from Greenlife Gardens regarding connecting into SID 180's sanitary sewer line. After reviewing the e-mail, it was noticed that Greenlife Gardens had already begun installing the sewer line. After a full and complete discussion, the following Resolution was proposed by Trustee Perrone and seconded by Trustee Decker, to-wit:

RESOLVED, that Mr. Hunter shall contact Greenlife Gardens and inform them that they have not been permitted or approved to connect to the sanitary sewer line owned by SID 180 until further written notice.

RESOLVED FURTHER, Greenlife Gardens are required to appear at the next meeting of the Board of Trustees of SID 180 regarding this matter.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Fletcher, Perrone, Moore, Decker, and Pickette; 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 a discussion regarding safety issues at the intersection of Shannon Drive and 48<sup>th</sup> Street. The Trustees had a lengthy discussion and agreed there is no issue at this time.

The Chairman stated the next order of business was a discussion regarding speeding on Maass Road. After a lengthy discussion, it was agreed that no action would be taken on this issue at this time.

The Chairman stated the next order of business was Change Order No.1 to the contract between Marsh Creek Concrete for Paving Maintenance-2009. HGM Associates Inc., recommended the approval of the Change Order No. 1. After a full and complete discussion, the following Resolutions were proposed by Trustee Moore and seconded by the Chairman, to-wit:

BE IT RESOLVED, that Change Order No. 1 between the District and Marsh Creek Concrete for Paving Maintenance-2009, in the amount of \$20.00 is hereby adopted, thus increasing the revised contract price to \$28,128.00.

RESOLVED FURTHER, that the Chairman is hereby authorized and directed to execute said Change Order on behalf of the District.

On the foregoing Resolutions, the following Trustees voted "aye": Trustees Fletcher,

Perrone, Moore, Decker, and Pickette; voting "nay" thereon were the following: none. The Chairman then declared said Resolutions were duly carried and adopted.

The Chairman stated the next order of business was a letter, dated October 23, 2009, from Beverly J. Burr resigning as of September 30, 2009, as bookkeeper for the District. After a full and complete discussion, the following Resolution was proposed by Trustee Perrone and seconded by the Chairman, to-wit:

RESOLVED, that an associate at Darst & Associates is hereby employed to complete the remainder of the contract for bookkeeping services through June 30, 2010.

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

The following are reporting items for the Trustees' information and required no action: financial statements for September, 2009 from Beverly J. Burr and a 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 next meeting date of the Board was discussed. The Trustees agreed that the next meeting shall be at 4:00 p.m. on December 15, 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 Trustee Moore and seconded by Trustee Pickette, 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. 5611 through Warrant No. 5624 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 November 17, 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. 5611 in the amount of \$10.73  
made payable to PAPHILLION TIMES, per

Customer No. 28928, Order No. 0001155052-01, attached.

WARRANT NO. 5612 in the amount of \$4,621.32 made payable to O.P.P.D., per Account No. 5724100090, dated 10/30/09, attached.

WARRANT NO. 5613 in the amount of \$62.51 made payable to M.U.D., per Account No. 359904-1353598, dated 10/06/09 and 11/05/09, attached.

WARRANT NO. 5614 in the amount of \$460.00 made payable to ROYAL LAWNS, INC., per Invoice No. 457, attached.

WARRANT NO. 5615 in the amount of \$157.36 made payable to SWISHER HYGIENE FRANCHISE TRUST, per Consolidated Invoice No. 50904700, attached.

WARRANT NO. 5616 in the amount of \$2,850.00 made payable to SCHOLL EXCAVATING, per Statements dated 11/16/09, attached.

WARRANT NO. 5617 in the amount of \$5,000.00 and WARRANT NO. 5618 in the amount of \$2,181.82 for a total of \$7,181.82 made payable to MARSH CREEK CONCRETE, per Final Pay Estimate Paving Repair-2009, attached.

WARRANT NO. 5619 in the amount of \$625.00 made payable to BURR ACCOUNTING SERVICES, LLC, per Invoice No. 1220, attached.

WARRANT NO. 5620 in the amount of \$2,235.55 made payable to OUTDOOR RECREATION PRODUCTS, per Invoice No. 6697, attached.

WARRANT NO. 5621 in the amount of \$5,000.00 and WARRANT NO. 5622 in the amount of \$1,781.00 for a total of \$6,781.00 made payable to TODCO BARRICADE COMPANY, per Invoice

No. 108353, attached.

WARRANT NO. 5623 in the amount of \$842.95 made payable to SIGNATURE SIGNS, per Invoice No. 7718, attached.

WARRANT NO. 5624 in the amount of \$1,245.00 made payable to RONALD W. HUNTER, per Statement dated 11/16/09, 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. 5625 through 5426 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 November 17, 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. 5625 in the amount of \$250.00 made payable to GREAT WESTERN BANK, per Statement dated 10/29/09, attached.

WARRANT NO. 5626 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, Perrone, Decker, and Pickette. 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.

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SHERRY J. FLETCHER, Chairman

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LORI PICKETTE, Clerk

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CHRISTOPHER PERRONE, Trustee

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ALAN MOORE, Trustee

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SUSAN DECKER, Trustee