

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 27th day of August, 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, Chris Perrone, Susan Decker and Alan Moore . Absent were the following Trustees: none. Present by invitation were Ronald W. Hunter, attorney for the District; Kristi Bland, his assistant; and Dave Harnisch, a representative for HGM Associates, Inc. Notice of the meeting was given in the Papillion Times on August 20, 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 asked the engineers for the status of the islands which need painted. Mr. Harnisch stated that he received a quote of approximately \$1,300.00 to repaint the islands. After a full and complete discussion, the following Resolution was proposed by Trustee Perrone and seconded by Trustee Decker, to-wit:

RESOLVED, that HGM Associates, Inc. is hereby authorized to hire a contractor to repaint the islands in the subdivision which are worn and faded.

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

Trustee Perrone stated that the elementary school is having a carnival at the end of September and has requested to install signs throughout the District advertising the carnival approximately a week prior to the carnival. After a full and complete discussion

the following Resolution was proposed by Trustee Perrone and seconded by Trustee Moore, to-wit:

RESOLVED, that Trustees of SID 180 hereby grant permission for the elementary school to advertise the carnival throughout the District for a period of a week prior to the carnival.

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

Trustee Decker stated that the intersection at Ponderosa and Timberridge needs a "Stop" sign installed because of the dangerous driving conditions because of increased traffic from the school. After a lengthy discussion, the following Resolution was proposed by Trustee Perrone and seconded by Trustee Decker, to-wit:

RESOLVED, that Mr. Hunter shall write a letter to the Sarpy County Commissioner requesting approval for the installation of a "Stop" sign on Ponderosa at the Timberridge intersection.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Fletcher, Moore, Decker, Pickette, 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 an update from the engineers. Mr. Harnisch stated that because of the wet weather, the paving repair project is running slower than expected but, provided dry weather arrives, should be back on track.

Mr. Harnisch stated that he received a request from the owner of 11827 South 51 Street requesting the SID to complete the drainage improvements to his lot. Mr. Harnisch stated that upon observing the drainage issue, it appears that it is related to the construction of the house next door and not an SID issue. The Trustees decided because of the factors, the SID would take no action at this time.

Mr. Harnisch handed out a diagram of proposed locations for "No Trespassing" signs to be installed in the wetlands. After a lengthy discussion, the following Resolution was proposed by Trustee Perrone and seconded by the Chairman, to-wit:

RESOLVED, that the Trustees shall walk the area prior to the next meeting to better determine an amount of "No Trespassing" signs to be installed in the wetlands.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Fletcher, Moore, Decker, Pickette, 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 a discussion regarding a quote and technical details regarding bridge repair at the park. After a full and complete discussion, the following Resolution was proposed by Trustee Perrone and seconded by Trustee Decker, to-wit:

RESOLVED, that the Trustees hereby approve the installation of a permanent bridge in the park at a total cost of \$2,235.55.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Fletcher, Moore, Decker, Pickette, 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 a discussion regarding installing signs for the school. After a lengthy discussion, the Trustees were of the opinion that any signs installed to benefit the school should be the responsibility of Bellevue Public Schools, not SID 180.

The Chairman stated the next order of business was a discussion regarding various tree issues. The Chairman stated that one concern is the mowing contractor has found bagworms in some of the trees along the trail. The Trustees agreed that nothing would be done at this time because it is too late in the season. The Trustees also discussed the responsibility of maintaining trees in various places in the District which are along easements or right of ways. The Trustees agreed that will maintain for now and revisit this issue next Spring.

At this point in the meeting, Trustees Perrone and Pickette left the meeting.

The Chairman stated the next order of business was to consider proposing the budget for the fiscal year ending June 30, 2010. The Trustees reviewed several documents detailing the proposed budget. After a full and complete discussion, the following motion was made by the Chairman and seconded by Trustee Decker, to-wit:

RESOLVED, Mr. Hunter is instructed to publish a Notice Of Special Hearing To Set Final Request and Notice Of Budget Hearing and Budget Summary For SID 180, using the figures prepared by the accountants, with a total tax levy of \$.75 per one hundred dollars of valuation, with \$.25 in the General Fund and \$.50 in the Bond Fund, with public hearings to be held on such date and times as Mr. Hunter shall determine at 4912 Shannon Drive, Papillion, Nebraska.

On the foregoing Resolution, the following Trustees voted "aye": Trustees Fletcher, Moore, and Decker; 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: Certificate To County Treasurer And Request For Funds Of The Sanitary And Improvement District No. 180 Of Sarpy County, Nebraska General Obligation Bonds Series 2006 and Financial Statements from Bev Burr for July, 2009.

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 the Chairman, 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. 5581 through Warrant No. 5587 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 August 27, 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. 5581 in the amount of \$10.72 made payable to PAPHILLION TIMES, per Customer No. 003612, Order No. 12002208, attached.

WARRANT NO. 5582 in the amount of \$35.27 made payable to M.U.D., per Account No. 359904-1353598, dated 08/06/09, attached.

WARRANT NO. 5583 in the amount of \$4,580.75 made payable to O.P.P.D., per Account No. 5724100090, dated 07/30/09, attached.

WARRANT NO. 5584 in the amount of \$2,540.00 made payable to ROYAL LAWNS, INC., per Invoice No. 431, attached.

WARRANT NO. 5585 in the amount of \$100.00 made payable to FARMERS NATIONAL COMPANY, d.b.a. NATURAL HABITATS, per Invoice No. 3541, attached.

WARRANT NO. 5586 in the amount of \$112.40

made payable to SWISHER HYGIENE FRANCHISE CORP., per Consolidated Invoice No. 20749747, attached.

WARRANT NO. 5587 in the amount of \$96.30 made payable to SWISHER HYGIENE FRANCHISE CORP., per Statement dated 07/15/09, 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. 5588 through 5589 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 August 27, 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. 5588 in the amount of \$250.00 made payable to GREAT WESTERN BANK, per Statement dated 07/31/09, attached.

WARRANT NO. 5589 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 Decker. 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

ALAN MOORE, Trustee

SUSAN DECKER, Trustee