

308 THIRD STREET
P.O. BOX 99
WATERLOO, NEBRASKA 68069
(402) 779-3333

LAW OFFICES
DONALD R. OVERHOLT
ATTORNEY AT LAW



TELECOPIER TRANSMITTAL COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGES AS SOON AS POSSIBLE TO:

	Dean Miller, Chairman.....	444-5263
	Ginger Parker, Clerk	763-8346
NAME:	<u>Steve Clark, Trustee</u>	<u>334-8953</u>
	Jerry Hraban, Trustee	408-1498
FIRM:	<u>Bill Reppert, Trustee</u>	<u>461 Lakehurst Drive</u>
	Homeowners Association	333-5024 % Diane Lynn
LOCATION:	<u>PeopleService-Carl</u>	<u>779-2002</u>
	Janet and Bob Heliker	779-2237 Cel: 689-4606
	<u>Jack White</u>	<u>315-9712</u>

Telecopier Number: () _____

FROM: Don Overholt

Total Number of Pages (Including Cover Sheet): 10

Date: Oct. 20 , 2007

MESSAGE: Folks:

Sending you:

- 1) Notice of Oct. 23rd Meeting;
- 2) Agenda for Oct. 23rd Meeting; and
- 3) Minutes of Sep. 12, 2007 Meeting;

See you next Tuesday!

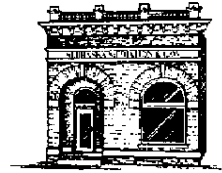
Best Wishes,

Original to follow by mail: Yes _____ No X

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WATERLOO, NEBRASKA 68069
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LAW OFFICES
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NOTICE OF MEETING
BOARD OF TRUSTEES
SANITARY AND IMPROVEMENT
DISTRICT NO. 177
DOUGLAS COUNTY, NEBRASKA

NOTICE IS HEREBY GIVEN that the Meeting of the Board of Trustees of Sanitary & Improvement District No. 177 of Douglas County, Nebraska, will be held:

Date: Tuesday, October 23, 2007.
Place: Douglas County West Public School Library
7th & Washington Streets
Waterloo, Nebraska.
Time: 7:30 p.m.

This Meeting will be open to the public.

An agenda for the meeting, kept continuously current but which may be modified by the Board at the meeting, is available for public inspection at 308 Third Street, Waterloo, Nebraska, and includes the payment of bills of the District.

Ginger Parker
Clerk of the District

AGENDA

MEETING OF THE BOARD OF TRUSTEES
SANITARY AND IMPROVEMENT DISTRICT NO. 177
DOUGLAS COUNTY NEBRASKA

October 23, 2007

7:30 p.m.

Waterloo Public School Library
7th & Washington Streets
Waterloo, Nebraska

1. Roll Call and Call Meeting to Order.
2. Nebraska Open Meetings Act Announcement.
3. Approve Minutes of Sep. 12, 2007 Meeting.
4. PeopleService Report.
5. Superintendent of D.C. West School: George Conrad
6. Comments from audience.
7. Reports and Business:
 - 7.1 Water and Waste-water Plants Trustee Hraban
 - 7.2 Lakes Management Trustee Reppert
 - 7.3 Grounds Management Trustee Clark
 - 7.3.1 Committee Report on alternative solutions to the continuing parking problems Jack White
 - 7.3.2 Trespassing Common Grounds Carl Ostenskowski
 - 7.4 Legal Attorney
 - 7.4.1 SID 177 vs. E. M. C.
 - 7.4.2 Adjust maximum monthly fee.
 - 7.4.3 Change Game and Parks classification.
 - 7.5 Pavilion Project: Change Order Chairman
 - 7.6 Payment of Bills Clerk
8. Set Next Meeting Date.
9. Adjourn Meeting.

Ginger Parker
Clerk of the District

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES OF
SANITARY AND IMPROVEMENT DISTRICT NO. 177
DOUGLAS COUNTY NEBRASKA**

SEPTEMBER 12, 2007

A scheduled Meeting of the Board of Trustees of Sanitary & Improvement District No. 177 of Douglas County, Nebraska, was convened in open and public session on Sep. 12, 2007, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

PRESENT:	Dean Miller	Chairman
	Ginger Parker	Clerk
	Steve Clark	Trustee
	Jerry Hraban	Trustee
	William Reppert	Trustee

ABSENT: None

Notice of the Meeting was given in advance by publication in **The Daily Record**, a legal newspaper published in Douglas County, Nebraska, on Sep. 6, 2007, a copy of the Proof of Publication being attached to these Minutes.

Notice of this Meeting was given to all Trustees in advance by the Clerk, and the Acknowledgement of Receipt of Notice of Meeting and Agenda by the Trustees is also attached to these Minutes.

Notice of this Meeting was given the Clerk of the City of Omaha, Nebraska, the municipality having zoning jurisdiction over the District, at least seven days prior to the Meeting, and notice of the Meeting and Agenda were posted in the District.

Availability of the Agenda was communicated in the published Notice and in the Notices to the City and Trustees.

All proceedings of the Board of Trustees were taken while the convened Meeting was open to the attendance of the public.

1. Role Call and call Meeting to Order: All of the Board Members being present, Chairman called the Meeting to order at 8:08 p.m.

2. Nebraska Open Meetings Act: The Chairman reviewed the Nebraska Press Association publication entitled "Nebraska Open Meetings Act, For Public Use During a Meeting", and announced that the pamphlet, and a poster containing the Act, would be on display at each meeting of the Trustees.

3. Approve Minutes of Meeting held on Aug. 23, 2007: Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Parker moved that the Minutes be approved, and Trustee Reppert seconded the motion. On roll call vote thereon, the following Trustees voted aye: Miller, Clark, Hraban, Parker, and Reppert; voting nay: none. The Chairman, declared said Resolution duly passed and adopted.

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Sep. 12, 2007

4. PeopleService Report: The PeopleService Report for the month of Aug. (S.T.) was reviewed by the Board.

5. Superintendent of D.C. West School, George Conrad has requested an opportunity to discuss recent legislative proposals which would effect the school and taxpayers, however is had a conflict and will be placed on the Agenda for the Oct. meeting.

6. Tom Sanders-Shawn Sanders Eagle Scout project: Following discussion Trustee Miller moved, and Trustee Clark seconded, a motion to adopt the following Resolution:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that Shawn Sanders be authorized to paint all of the fire hydrants in the District the color red, and that the District reimburse the cost of the paint, estimated to be \$260.00.

On roll call vote thereon, the following Trustees voted aye: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.

7. Comments from Audience: Bob Miller requested that the District's budgets be included in the Minutes sent to the Homeowners, and the Attorney agreed to do this.

8. Reports and Business:

8.1 Water and Wastewater Plants; Trustee Hraban had no report.

8.2 Lakes Management: Trustee Reppert reported that the wells to the Lakes had been shut down. He discussed the reasons for the construction of a boat ramp on Lot 44 in the Fishing Lake, the four bids which he had secured and proposed the following Resolution for adoption, which Trustee Parker seconded:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Proposal submitted by A-1 Concrete Construction (S.T.) for the construction of the boat ramp described in said Proposal at a cost of \$3,800.00 be accepted subject to the Contractor executing the District's Bid Acceptance form.

On roll call vote thereon, the following Trustees voted aye: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Sep. 12, 2007

8.3 Grounds Management; Trustee Clark:

8.3.1 Policy re: parking on common grounds: Several residents raised questions and made suggestions regarding the continuing problem of parking on the District's streets and common grounds. After a lengthy discussion, Jack White agreed to head a committee to make suggestions of alternative parking solutions to the Board in November.

8.3.2 Street crack repair: Trustee Clark moved that he be authorized to spend up to \$8,000 for the sealing of streets this fall. Trustee Parker seconded the motion:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the District authorize the expenditure of up to \$8,000 for the sealing of the District's streets, following the submission of a Proposal from a reputable contractor and the execution of the District's Bid Acceptance form.

On roll call vote thereon, the following Trustees voted aye: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.

8.3.3 Tree trimming: Trustee Clark moved that the District contract with McCormick Tree Service to trim the District's trees as specified in its Proposal at a cost of \$950.00. Trustee Hraban seconded the motion.

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the District engage McCormick Tree Service to trim the District's trees at a cost of \$950.00, following the submission of a Proposal and the execution of the District's Bid Acceptance form.

8.4 Legal:**8.4.1 SID 177 vs. Employers Mutual Casualty Company:**

The Attorney reported that following a Hearing on Jul. 19, 2007 the Court entered an order providing:

1. Plaintiff designated expert witnesses by Aug. 31st;
2. Hearing on Defendant's motion for summary judgment on the bad faith issue is scheduled for Oct. 10th;
3. Defendant is to designate all expert witnesses by Oct. 15th;
4. All discovery to be completed by Jan. 15th;
5. All motions and briefs to be filed by Jan. 22nd;
6. Hearing on motions scheduled for Feb. 4th;
7. Pretrial conference scheduled for Feb. 13th;
8. Trial set for Feb. 25th.

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Sep. 12, 2007

It is our position that EMC did not act in good faith in processing the District's claim on the Anderson bond and we are seeking to recover the amount of the penal sum, \$166,339.98. Trial Counsel has the case on a contingent fee basis.

8.4.2 Adjust maximum monthly fee: The Attorney requested that his hourly fee remain at \$50.00, as a contribution to the District, but that the monthly lid on his fee be increased from \$1,000 established in 2002 to \$1,350 in order to begin to recover the \$16,000 in accumulated, unpaid fees in excess of his hourly rate of \$50.00. Trustee Parker would like a month to study the proposal.

The Attorney provided the Board copies of his response to the Accountant's request for an opinion letter and his memo on the subject of changing Game and Park's classification of the District. The Board tabled a decision on authorizing the Attorney to proceed with the change.

8.5 Payment of Bills: Trustee Parker presented the current bills for discussion. After reviewing the bills the following Resolution was proposed for adoption by Trustee Parker and seconded by Trustee Miller:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Chairman and Clerk be, and they hereby are, authorized and directed to execute and deliver **Warrant Nos. 6112 through 6122** of the District, dated the date of this Meeting, to the payees and in the amounts listed on the attached Exhibit "A", said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of six and one-half percent (6.5%) per annum and to be redeemed no later than Sep. 12, 2010, subject to extension of said maturity date by order of the District Court of Douglas County, Nebraska, after notice is given as required by law.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas 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 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 benefited 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

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Sep. 12, 2007

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, 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.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District of 177 of Douglas 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; (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 during the calendar year in which the above Warrants are to be issued.

FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District of 177 of Douglas 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 Douglas 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 excess of the lesser of: (a) ten percent (10%) of the net principal proceeds of the above Warrants, (b) the maximum annual debt service due on the above Warrants, or (c) one hundred twenty-five percent (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 thirteen (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 thirteen (13) months after receipt of such monies, plus that

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Sep. 12, 2007

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 Section 1.148-2(b)(2) of the Income Tax Regulations under the Internal Revenue Code of 1986, as amended.

On roll call vote thereon, the following Trustees voted aye: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.


9. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Oct. 13, 2007 at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

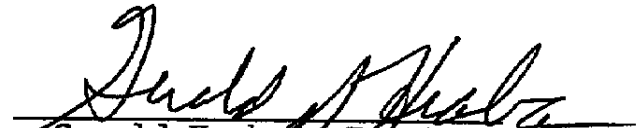
10. Adjourn Meeting: There being no further business to come before the Board, the Meeting was, upon motion by Trustee Hraban, duly seconded by Trustee Clark, with the following Trustees voting aye: Miller, Parker, Clark, Hraban, and Reppert; and the following Trustees voting nay: none, adjourned at 11:00 p.m.

SANITARY AND IMPROVEMENT DISTRICT NO. 177 DOUGLAS COUNTY NEBRASKA


Dean Miller, Chairman


Ginger Parker, Clerk


Steve Clark, Trustee


Gerald Hraban, Trustee


William Reppert, Trustee

2007 August General Fund Warrants

General Fund
9/12/2007

Date	Num	Transaction	Payment	C	Deposit	Balance
					11,539.81	8,291.12
9/12/2007		General Fund cat: [Special] memo: Transfer to General Fund				
			586.56			7,704.56
9/12/2007	6112	Nebraska Department of Revenue cat: Sales Taxes				7,589.12
			115.44			7,496.67
9/12/2007	6113	Paula Magiera cat: Profess Fees:Bookkeeping				7,496.67
			92.45			7,428.57
9/12/2007	6114	Ginger Parker cat: Clerk Fees memo: Aug Clerk Fees				7,428.57
			68.10			7,428.57
9/12/2007	6115	Daily Record cat: Publication memo: Inv. 72786				7,428.57
			3,673.63			3,754.94
9/12/2007	6116	Carl Osentowski cat: Repair & Maint:Grounds memo: Aug				3,754.94
			1,718.19			2,036.75
9/12/2007	6117	Omaha Public Power District cat: -SPLIT-				2,036.75
			1,000.00			1,036.75
9/12/2007	6118	Donald R. Overholt cat: Profess Fees:Legal Fees memo: August				1,036.75
			4,403.00			-3,366.25
9/12/2007	6119	Corporate Lawn Care, Inc. cat: Repair & Maint:Grounds memo: Mowing Inv5117 51242 51258 51090 51301				-3,366.25
			22.18			-3,388.43
9/12/2007	6120	Ace Hardware cat: Repair & Maint:Grounds memo: Acct # 100548				-3,388.43
			148.93			-3,537.36
9/12/2007	6121	Eagle Services cat: Repair & Maint:Grounds:Repair & MaintGrd... memo: Inv 52455				-3,537.36
			25.00			-3,562.36
9/12/2007	6122	Nebraska Department of Revenue cat: Sales Taxes memo: 2007 Recycling Fee				-3,562.36
					87,000.00	83,437.64
9/12/2007	DEP	Douglas County Property Tax Receipts cat: Taxes Collected memo: 2007 Property Taxes				83,437.64

EXHIBIT "A"