

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

**AUGUST 24, 2009**

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 Aug. 24, 2009, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

**PRESENT:** Eric Nelson ..... Chairman  
Jeff Holling ..... Trustee  
Robert Lynn ..... Trustee  
William Reppert .... Trustee  
Ginger Parker ..... Clerk

**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 Aug. 13, 2009, 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.

**AGENDA ITEM 1. Role Call and call Meeting to Order:** All of the Board Members being present, the Chair called the Meeting to order at 7:30 p.m.

**AGENDA ITEM 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: a poster containing the Act would be posted during each meeting of the Trustees; that a pamphlet containing the Act was available during the meeting; and that comments from the audience would be permitted during the discussion of each Agenda item.

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**AGENDA ITEM 3. Approve Minutes of Meeting held on Jul. 15, 2009:** Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Parker moved that the Minutes be approved, and Trustee Lynn seconded the motion. On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: none. The Chair declared said Resolution duly passed and adopted.

**AGENDA ITEM 4. PeopleService Report:** The Report Jul. (S.T.) was discussed by the Trustees. The bill from Layne-Western for reconditioning high pressure pump #2, estimated at \$2,880.00 is for \$4,279.99 (S.T.). Bob will be provided a copy of the proposal and asked to secure an itemization of the bill from Layne-Western in light of the \$1,400 over-run. The reconditioning of high pressure pump #1 will be delayed until the next fiscal year.

**AGENDA ITEM 5. Reports and Business:**

**5.1 Water and Waste-water Plants:** Trustee Lynn reported that the Water Treatment Plant has been painted (Acceptance of Proposal and Certificate of Insurance: S.T.); and that the roof will be installed this week.

**5.2 Lakes Management:** Trustee Reppert reported that he and Aron have treated both lakes several times for blue-green algae, and that the next treatment cannot be before the 28th. The pumps in both lakes have been operating at 80% to avoid over heating, and the South pump in the Boating Lake will be turned off pending further developments. He will instruct Joe on how to clean the filters on the pumps.

**5.3 Grounds Management:** The Chairman read the e-mail which Steve Pearson had placed on the Agenda (S.T.). An extended discussion then ensued. The Clerk stated that parts of the asphalt grindings placed on the trail were acceptable, but other parts were not, and that there is no uniform width or depth of the material. Jack White stated that the choice of material was a bad choice, that while some parts were improving, other parts would never be satisfactory, and stated that the Trustees should change their process of evaluating projects.

Trustee Reppert disagreed and believes that the installation of asphalt grindings has improved the trail.

Trustee Holling pointed that several statements in the e-mail were wrong, that the project was not undertaken to save costs, but to improve the trail. He mentioned that someone has been piling rocks along the trail creating a hazard.

Joe was instructed to contact the supplier of the poor quality material to pursue corrections, and to investigate the possibility of rolling the trail with a roller to speed up the integration of the material into the trail.

The Trustees discussed Joe's monthly report (S.T.) at length.

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Trustee Holling reported that all trees have been sprayed twice for bag worms by Turf and Tree. The street repairs have been completed using 8" of concrete with dowels, fiber mesh and sealing.

He then discussed the proposal by Asphalt Maintenance, Inc. (S.T.).

After discussion the following Resolution was proposed by Trustee Holling and seconded by Trustee Reppert:

**RESOLUTION**

**RESOLVED**, that the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, accept the Proposal by Asphalt Maintenance, Inc. for Crack and Joint sealing at a cost not to exceed \$2,200, subject to the contractor executing the District's Acceptance of Proposal.

On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Lynn and Reppert; ~~initially proposed~~ Holling. The Chairman declared said Resolution duly passed and adopted by the Board.

Joe will investigate to acquisition of ramps for the pontoon boat to permit the loading of equipment on to the islands.

**5.4 Legal:** The Attorney reported no significant developments.

**5.5 Payment of Bills:** The Chair presented the current bills for discussion. After reviewing the bills the following Resolution was proposed for adoption by Trustee Parker and seconded by Trustee Lynn:

**RESOLUTION**

**RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Chairman execute and deliver **Warrant Nos. 5446 through 5465** 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 Aug. 24, 2012, 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

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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 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 (B)(i)(111) 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

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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 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: Nelson, Parker, Holling Lynn and Reppert; voting nay: None. The Chair declared said Resolution duly passed and adopted.

5.5.1 The Board discussed the D.A. Davidson & Co. Financial Information (S.T.) and the SID #177 Expenses and Revenues prepared by the Clerk (S.T.) at some length in preparation for the Budget Hearing next month.


**AGENDA ITEM 6. Set Next Meeting Date, Location and Time:** The next Regular Meeting of the Board will be conducted on Sep. 16, 2009, at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

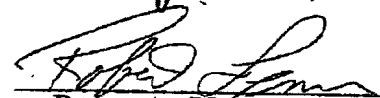
**AGENDA ITEM 7. Adjourn Meeting:** There being no further business to come before the Board, the Meeting was, upon motion by Trustee Reppert, seconded by Trustee Parker, with the following Trustees voting aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: none; adjourned at 10:05 p.m.

**SANITARY AND IMPROVEMENT DISTRICT NO. 177  
DOUGLAS COUNTY NEBRASKA**

  
Eric Nelson, Chairman

  
Ginger Parker, Clerk

  
Jeff Holling, Trustee

  
Robert Lynn, Trustee

  
William Reppert, Trustee

2009 August General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
08/24/09		General Fund Cat: (Special) memo: Transfer to General Fund		8,097.38	6,273.98
08/24/09	5447	Nebraska Department of Revenue Cat: Sales Taxes memo: July	411.57		5,862.41
08/24/09	5448	Paula Magiera cat: Prof Fees: Bookkeeping memo: July	115.44		5,746.97
08/24/09	5449	Ginger Parker cat: Clerk Fees memo: July	92.45		5,654.52
08/24/09	5450	Daily Record cat: Publication memo: Inv # 88705	22.40		5,632.12
08/24/09	5451	Don Overholt cat: Professional Fees: Legal Fees memo: July	1,200.00		4,432.12
08/24/09	5452	Peoples Service cat: Repair/Maint.: Contractor Fees memo: July	6,423.00		-1,990.88
08/24/09	5453	Omaha Public Power District cat: split memo: July	2,008.66		-3,999.54
08/24/09	5454	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: July #5430	4,639.30		-8,638.84
08/24/09	5455	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: Trail Resurface #5431	8,795.50		-17,434.34
08/24/09	5456	Layne Christensen Co. cat: Repair/Maint: water treatmt memo: Pull/reinstall high serv pump #10965180	4,279.99		-21,714.33
08/24/09	5457	Omaha Rubber Stamp Co. cat: Repair/Maint: Grounds memo: stop sign, misc. #50629	71.16		-21,785.49
08/24/09	5458	Turf & Tree Technology, Inc cat: Repair/Maint: grounds memo: Tree insect/disease spray #92974	2,086.50		-23,871.99

*EXHIBIT A-1*

08/24/09	5459	Don Blancett cat: Repair/Maint: Lakes memo: Install elect box for big lake	88.95	-23,960.94
08/24/09	5460	Willow Lake Fish Hatchery cat: Repair/Maint: Lakes memo: grass carp	575.00	-24,535.94
08/24/09	5461	John Church Electrical cat: Repair/Maint: grounds memo: Inv # 11632	480.10	-25,016.04
08/24/09	5462	Dart Painting & Papering cat: Water Treatment memo: Painting water treatment Pit	1,350.00	-26,366.04
08/24/09	5463	A-1 Concrete Construction cat: Repair/Maint: grounds memo: street slab replacement	18,339.00	-44,705.04
08/24/09	5464	Jeff Holling cat: Repair/Maint: grounds memo: spd limit poles/gas, misc.	72.18	-44,777.22
08/24/09	5465	Bill Reppert cat: Repair/Maint: Lakes memo: lake chemicals, gas	288.13	-45,065.35
08/24/09		Douglas County Prop Tax Receipts cat: Partial tax collection memo: 2009 Tax Collection	\$85,000.00	39,934.65
08/24/09		People Services cat: Maint. Refund memo: Maint Refund	2,144.00	42,078.65

EXHIBIT A-2