

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

OCTOBER 21, 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 Oct. 21, 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 Oct. 14, 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 7:31 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 Sep. 16, 2009: Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Parker moved that the Minutes be approved as corrected, and Trustee Reppert 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 Sep. Report (S.T.) was discussed by the Trustees. Bob (PeopleService) will attempt to correct the problem of the three meters located in pits without charge to the District. The estimated cost would have been from \$1,200 to \$1,500 for the repair of each meter location.

AGENDA ITEM 5. Reports and Business:

5.1 Water and Waste-water Plants: Trustee Lynn reported that he is researching the water-sewer charges to residents and will be suggesting any changes in the current rates.

5.2 Lakes Management: Trustee Reppert reported that all motors, pumps and lines have been winterized. The other half of the minnows will be installed this week.

Residents will be urged to avoid the use of fertilizers containing phosphorus due to the contribution this material makes to the growth of algae.

Other lakes have experienced problems with the transportation of mussels and other "hitch hikers" on boats entering their lakes.

The District may be able to secure a contribution of 35% of the cost of enforcing boating regulations from Nebraska Game and Parks.

5.3 Grounds Management: Trustee Holling reported that the trees have been planted, and the trail repairs completed. Street sealing has been delayed due to the contractor's failure to proceed with the work, and if the work is not commenced this fall, the contract can be terminated following 48 hours notice.

Joe (Signature Lawns) did not present a written report this month. He suggested that the islands be mowed more frequently and that a ramp should be provided to permit the loading of mowing equipment on the islands. He will secure a permit and burn the wood pile.

5.4 Attorney: The Attorney reported that he had received the Accountant's Report of Joint Public Agency and Interlocal Agreements (S.T.) which had been filed with the State Auditor's office, and the audited financial statements and governance letter for the District as of Jun. 30, 2009 which were provided the Trustees.

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A draft of a letter to Nebraska Game and Parks requesting that the Commission reconsider its decision not to include the suggested dock rules was presented and signed by the Chairman.

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 Reppert:

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. 5480 through 5503** 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 Oct. 21, 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 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.

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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 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.

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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.

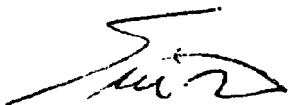
AGENDA ITEM 6. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Nov. 18, 2009, at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

Trustee Nelson moved that the Board go into Executive Session to discuss contracts for maintenance and mowing, and the motion was seconded by Trustee Parker. On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: None. The Chairman declared said motion duly passed and the Board went into Executive Session at 8:15 p.m.

Following the conclusion of the Executive Session, Trustee Nelson moved that the Board end the Executive Session, which motion was seconded by Trustee Parker. On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: None. The Chairman declared said motion duly passed and the Board went out of Executive Session at 9:12 p.m. without taking any action.

AGENDA ITEM 7. Adjourn Meeting: There being no further business to come before the Board, the Meeting was, upon motion by Trustee Parker, seconded by Trustee Reppert, with the following Trustees voting aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: none; adjourned at 9:14 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 October General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
10/21/09		General Fund Cat: (Special) memo: Transfer to General Fund		8,442.57	42,097.11
10/21/09	5480	Nebraska Department of Revenue Cat: Sales Taxes memo: September	429.11		41,668.00
10/21/09	5481	Paula Magiera cat: Prof Fees: Bookkeeping memo: September	115.44		41,552.56
10/21/09	5482	Ginger Parker cat: Clerk Fees memo: September	92.45		41,460.11
10/21/09	5483	Daily Record cat: Publication memo: Inv # 90134	22.40		41,437.71
10/21/09	5484	Don Overholt cat: Professional Fees: Legal Fees memo: September	1,203.29		40,234.42
10/21/09	5485	Peoples Service cat: Repair/Maint.: Contractor Fees memo: Inv. # 0015368	6,423.00		33,811.42
10/21/09	5486	Omaha Public Power District cat: split memo: September	1,654.66		32,156.76
10/21/09	5487	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: September #5441	3,938.95		28,217.81
10/21/09	5488	Dutton & Associates PC cat: Audit Fees memo: Inv #21139	5,885.00		22,332.81
10/21/09	5489	Pinecrest Tree Farm cat: Repair/Maint: grounds memo: trees Shorewood Gm Sp	2,063.41		20,269.40
10/21/09	5490	Enfield's Tree Service cat: Repair/Maint: Grounds memo: Mulch/trees #50787	203.30		20,066.10
10/21/09	5491	Pheasant Haven cat: Repair/Maint: Grounds memo: Walking Trail fines	900.00		19,166.10

EXHIBIT "A-1"

10/21/09	5492	Kevin Spier cat: Repair/Maint: Lakes memo: Stain for Fish Lake Dock	38.73	19,127.37
10/21/09	5493	Gary Furnas cat: Repair/Maint: Water Trtmt memo: Roof Treatment Plant	8,150.00	12,977.37
10/21/09	5494	Stan & Sons cat: Repair/Maint: Grounds memo: July, Aug, Sept	176.75	12,800.62
10/21/09	5495	Thompson, Dreesen & Dornier, Inc cat: Repair/Maint: Grounds memo: Inv #86784	93.75	12,706.87
10/21/09	5496	Lamson, Dugan & Murray, LLP cat: Legal memo: Lawsuit mediation cts #1326701-239	612.50	12,094.37
10/21/09	5497	Eric Nelson cat: Board Fees memo: 1st Quarter	41.56	12,052.61
10/21/09	5498	Ginger Parker cat: Board Fees memo: 1st Quarter	41.56	12,011.25
10/21/09	5499	Bill Reppert cat: Board Fees memo: 1st Quarter	41.56	11,969.69
10/21/09	5500	Jeff Holling cat: Board Fees memo: 1st Quarter	41.56	11,928.13
10/21/09	5501	Robert Lynn cat: Board Fees memo: 1st Quarter	41.56	11,886.57
10/21/09	5502	Jeff Holling cat: Repair/Maint Grounds memo: SID mailbox repair	7.75	11,878.82
10/21/09		Cash Carryforward cat: last year carryforward memo: transfer to current year	65,000.00	76,878.82
10/21/09	5503	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: September #5436; broadleaf spray	1,600.00	75,278.82

EXHIBIT "A2"