

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

May 15, 2013

The duly scheduled and noticed Meeting of the Board of Trustees of Sanitary & Improvement District No. 177 of Douglas County, Nebraska, was convened in open and public session on May 15, 2013, at 7:30 p.m. at D.C. West Public School Library 7<sup>th</sup> & Washington Streets, Waterloo, Nebraska.

	<u>Present</u>	<u>Absent</u>
Tony Staup . . . . . Chairman	X	
Robert W. Lynn . . . . . Clerk	X	
Mike Anderson . . . . . Trustee	X	
Keith Heinrich . . . . . Trustee	X	
Larry Rasmussen . . . . . Trustee	X	

Also in attendance was Darren R. Carlson of the law firm of Carlson & Burnett, LLP who serves as the legal counsel for the Board of Trustees.

All of the Board members being present, the Attorney on behalf of the Chairman, Tony Staup, called the meeting to order at 7:30 p.m. The Chairman reported and confirmed that Notice of the meeting was given in advance by publication in *The Daily Record*, a legal newspaper published and in general circulation in Douglas County, Nebraska on May 3, 2013. The "Proof of Publication" is attached to these Minutes as Exhibit "A" and incorporated herein. Advance notice of this meeting was given to all Board members. The Acknowledgement of Notice of Meeting furnished to the Board of Trustees is attached to these Minutes as Exhibit "B" and incorporated herein.

Notice of this meeting was given to 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. The signed Agenda is attached to these Minutes as Exhibit "C".

All proceedings of the Board of Trustees were taken while the convened Meeting was open to the attendance of the public. The Chairman reported that the Nebraska Open Meetings Act was posted and available for public use and inspection.

**Approve Minutes of Meeting held on April 24, 2013:** Following discussion of the Minutes previously circulated, Trustee Heinrich moved that the Minutes of the April 24, 2013, meeting be approved and Trustee Lynn seconded the motion in the following form:

**BE IT RESOLVED**, that Sanitary and Improvement District No. 177 Board of Trustees hereby approves the Minutes of the April 24, 2013, as completed and filed with the Omaha City Clerk.

On roll call vote thereon, the following Resolution was unanimously passed and adopted.

The next matter discussed was the introduction by the Chairman of John Holz and Tadd Barrow from HAB Aquatic Solutions, L.L.C. of Lincoln, Nebraska. John Holz has a Ph.D. and taught for many years. He was a professor at the University of Nebraska in Lincoln. Tadd Barrow has a master's degree and, likewise, was an instructor at the University of Nebraska in Lincoln. HAB Aquatic Solutions, L.L.C. of Lincoln, Nebraska, was awarded the bid and performed the alum application on the Boating and Fishing Lakes recently in the District.

Mr. Holz started by giving his overview of the treatment process and how he believes the application process progressed and the preliminary results from that application. He reported that the floc had a very uniform settlement and distribution on the bottom of the lake and appeared to be a very successful application.

There was extensive discussion regarding the extreme weather change in air temperature from a high of almost 88 degrees to three inches of snowfall with much cooler temperatures the following day. In fact, the water temperature dropped from 68 degrees Fahrenheit to 50 degrees Fahrenheit (i.e. an 18 degree Fahrenheit drop in water temperature) in a very short period of time. Because of this significant drop in water temperature, a significant number of gizzard shad were killed. Gizzard shad are a species of fish that are known to be the least tolerant of temperature changes. Estimates show that nearly 50,000 gizzard shad were reported dead as a result of the temperature changes. These gizzard shad produce approximately 810 pounds of phosphorus. The dead fish were all hauled from the lake so that the phosphorus in the dead fish would not add to the already high phosphorus load on the lake. These deaths resulted in the Boating Lake. It was reported that no gizzard shad, or a very minor number, were reported dead in the Fishing Lake. There was also an estimate of 50 to 80 large-mouth bass killed, approximately 20 catfish killed, and approximately 10 small crappie killed. Autopsies of the fish revealed no white floc on the lungs of the fish.

In conclusion, from Chairman Staup's visit with not only HAB but other experts in the field, the high gizzard shad death was strictly the result of the weather change and not from the alum application which was ongoing during this time period.

Chairman Staup also reported that the contractor had been in contact with the Nebraska Department of Environmental Quality, Dave Shoemaker, and reported the fish kill. Also, the State of Nebraska was not concerned as the extreme changes in weather is a very common effect for a large kill off of gizzard shad.

The final stage of the application process will be testing, which is anticipated to be conducted on Thursday, with both water and sediment samples tested at that time. Following the conclusion of the testing, Thompson, Dreessen & Dorner will review the application specifications, timing, and requirements to assure compliance with all bidding and contract specifications. The final report for payment will be made upon the engineering firm of Thompson, Dreessen & Dorner's recommendation for payment to the contractor.

The discussion of the alum application was conducted over approximately one hour with a number of questions from Board members that were addressed and answered by Mr. Holz and Mr. Barrow.

The next matter discussed was a potential need for more minnows in the lake to replace the gizzard shad that had been lost. A motion was made by Trustee Staup and seconded by Trustee Heinrich in the following form:

**BE IT RESOLVED**, that Sanitary and Improvement District No. 177 of Douglas County, Nebraska, Board of Trustees hereby authorizes and consents to the expenditure of up to \$2,500 for the District to retain a contractor to proceed with a Fish Hatchery Study for the Boating and Fishing Lakes in the District.

On roll call vote thereon, the following Resolution was unanimously passed and adopted.

It is clear to all the Board members that turning on the pumps results in an increase of phosphorus in the lakes. Nearly all residents in attendance that reside on the Fishing Lake were in favor of not turning on the pumps. At least two members of the Board that reside on the Boating Lake both commented they were not in favor of turning on the pumps. The reason given by the Board members was a cost benefit analysis that the cost of pumping in additional phosphorus did not warrant the rather minor increase in the lake level by running the pumps. The Board discussed at length that they want the homeowners to be smart about watering from the lake, as this could potentially further draw down the lake levels.

After considerable discussion, it was decided at this time that Chairman Staup would continue to monitor and follow up on the tests that are being conducted in the proceeding days. Chairman Staup would also follow up with Tetra Tech to determine their recommendation on pumping at this stage. If Chairman Staup determines that additional pumping is not harmful to the lakes, he will get in contact and let the other Trustees know that they will start the pumping process.

Trustee Anderson reported that since the last meeting, the street sweeping has been concluded. He has purchased new flags that will be installed to replace the old tattered flags. The first of two sprayings of the pine trees in the District have been completed. A second one will be done at a later date. Two street lights are reported as being out. OPPD came out and inspected the poles and met with Chuck and concluded that there was no power at these poles.

The Board members have received several comments that the last grass mowing was not up to standards that have been done in the past. Trustee Anderson had contact with the grass mowing company, and they reported a temporary glitch (i.e. breakdown in equipment) that resulted in a poor quality of mow this past week. The equipment is being repaired and expected to be back up to standards by the next mowing date.

There was extensive discussion about signs being attached to street poles and placed on SID property. The signs should never be installed, secured, or erected on SID property. Residents who did this are asked to immediately remove their sign from SID property.

The Trustees asked Skip Stepanek when he was going to remove his shore station lift off the SID property. The shore station lift has remained on SID property for a considerable period of time despite repeated requests to remove the lift. Skip informed the Board that he has a new dock coming that has been delayed. Skip was unable to provide a date upon which the new dock would be installed. As such, the Board instructed that the lift must be removed from SID property on or before May 23<sup>rd</sup>. It is creating an eye sore, and it is difficult to mow under.

**Payment of Bills.** The Clerk presented the current bills for review and discussion. A listing of all of the vendors, amount of payment, description of transaction and warrant numbers is attached to these Minutes as Exhibit "D" and incorporated herein. After reviewing the bills, a motion was made by Trustee Lynn and seconded by Chairman Staup in the following form:

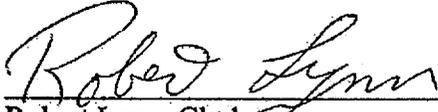
**BE IT RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Board hereby ratifies, adopts and approves that the Chairman and Clerk to execute and deliver GENERAL FUND Warrant Nos. 6155 through 6169, of the District, to the payees and in the amounts listed on the attached Exhibit "D", said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of six (6.0%) per annum and to be redeemed no later than three years after issuance, subject to the extension of the said maturity date by order of the District Court of Douglas County, Nebraska, after notice is given as required by law.

**BE IT FURTHER RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska hereby adopts the Warrant Resolutions, Tax Exemption Resolutions and the Policy & Procedure for Federal Tax Law and Disclosure Requirements for Outstanding Bonds and Warrants all set forth in detail on Exhibit "E" attached hereto and incorporated herein.

Upon roll call thereon, the following Trustees voted yes: unanimous; voting no: none. The Chairman declared said Resolution duly passed and adopted.

**Next meeting Date, Location and Time:** The next Regular Meeting will be conducted on Wednesday, June 19, 2013, at 7:30 p.m., at the DC West Public School Library, 7<sup>th</sup> & Washington Streets, Waterloo, Nebraska.

**Adjourn Meeting:** There being no further business to come before the Board, following motion and second by the Trustees, the Meeting was unanimously adjourned.

  
Robert Lynn, Clerk

## EXHIBITS TO MEETING

The attached Exhibits are a part of the transcript of meeting and are fully and expressly incorporated into the minutes of meeting of Sanitary & Improvement District #177 of Douglas County, Nebraska as though these Exhibits were set forth in their entirety in said Minutes.

Exhibit "A"	Affidavit of Publication—Daily Record
Exhibit "B"	Acknowledgment of Notice of Meeting
Exhibit "C"	Agenda for Meeting
Exhibit "D"	General Fund Warrants
Exhibit "E"	Warrant Resolutions and Tax Exemption Resolutions