

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

August 23, 2017

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 August 23, 2017, at 7:30 p.m. at Agnes Robinson Waterloo Public Library, 23704 Cedar Drive, Waterloo, Nebraska.

		<u>Present</u>	<u>Absent</u>
Keith Heinrich . . . . .	Chairman	X	
Robert W. Lynn . . . . .	Clerk	X	
Chris Perchal . . . . .	Trustee	X	
Tony Staup . . . . .	Trustee	X	
Jeff Spilker . . . . .	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 District.

The Chairman Keith Heinrich called the meeting to order at 7:30 p.m. The Clerk 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 August 11, 2017. The “Proof of Publication” is attached to these Minutes as Exhibit “A” and is incorporated herein.

Advance notice of this meeting was given to all Board members. The Acknowledgement of Receipt of Notice of Meeting is attached to these Minutes as Exhibit “B” and incorporated herein. The Certificate of the Clerk is attached hereto as Exhibit “C” and incorporated herein certifying the availability of the Agenda was communicated in the published Notice and in the Notices to the City and Trustees. The Certificate of the Clerk is attached hereto as Exhibit “D” and incorporated herein certifying that Notice of Meeting was sent to the City of Omaha, Nebraska more than seven (7) days prior to the meeting. Notice of this meeting was given to the Clerk of the City of Omaha, Nebraska; as the municipality having zoning jurisdiction over the District, at least seven days prior to the meeting.

All proceedings of the Board of Trustees were taken while the convened Meeting was open to the attendance of the public. The Chairman held up a copy of the **Nebraska Open Meetings Act** and informed the public that it was available for the public and the copy was placed at the front table for review.

**Approve Minutes of Meeting held on June 21, 2017:** Following discussion of the Minutes previously circulated, Trustee Perchal moved that the Minutes of the June 21, 2017, meeting be approved and Trustee Staup 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 June 21, 2017, as completed and filed with the Omaha City Clerk.

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

**People Service Report:** Chairman Heinrich reported that Matthew Wilson from People Service was not in attendance this evening due to a conflict in scheduling. Chairman Heinrich presented the monthly People Service report that is attached to these Minutes as Exhibit "E" and incorporated herein by this reference.

**Report on Water Treatment Plant Reconstruction:** In attendance was Joe Detlefs from Thompson, Dressen & Dorner. Mr. Detlefs reported that the switch over to the new tanks occurred last week with only limited interruption. These first 2 new filters will go into service on September 6<sup>th</sup>. It is anticipated that tanks 3 & 4 will be removed around September 11<sup>th</sup>. The Board discussed the additional concrete work that needs to still be completed by the contractor and the media that needs to be installed when filters/tanks are ready to go into service.

**Bond Update:** The attorney for the District reported that the Bond Issue in the amount of \$535,000 had been completed through the District Court of Douglas County, Nebraska. The Bonds will be retired over approximately the next 7 years at the District's current Bond Fund Levy. It is anticipated based on all projections that the District's tax rate (i.e. "levy") to fund and retire the \$535,000 of bonds will remain the same when next month's formal budget is adopted.

**Special Election to Set a Levy in Excess of Limit:** The attorney for the District reported and presented the results from the Douglas County Election Commissioner confirming 78 votes "For" and 34 votes "Against" the Special Election Regarding Tax Levy. The Douglas County Election Commissioner's Certificate is attached to these Minutes as Exhibit "F" and incorporated herein. The Special Election was to set a general fund tax levy (i.e. property tax request) for the General Fund at 58 cents, or a levy of 18 cents in excess of the 40-cent limit prescribed by Neb Rev. Stat. §77. The override levy is for a period to terminate at the end of the fourth fiscal year following the first year in which the levy exceeded the limit or final levy allocation,

**Grounds Management:** Trustee Staup reported on the status of tree removal in the park (several ash and pine trees) scheduled for the next month or two. The trees will be cut at ground level. Chuck reported addressed inquiries about sand burrs. He reported that he follows the recommended treatments by the University of Nebraska Extension with two treatments per year (typically April and May). The weather is a big factor on how successful these treatments are. Also, the Board with Church discussed the possibility for a summer application (post emergence) but it is not very effective and costly compared to the reemergence treatments. The Board also discussed that all the SID trees throughout the District are trimmed annually in November. Tony reported that the islands will be mowed in the next week. He will also instruct the vendor to not blow the clippings into the lake.

The Board discussed the propriety of selling the Sanitary and Improvement District Lot 61 on the Fishing Lake. The attorney confirmed that he had met with two Board members and the procedures established is to assure an open and transparent process for the sale. The recommendation is that the Board accept “sealed bids” that will be opened in a public setting at a predetermined time. With advertising and getting the word generally out to the community and real estate agents, it would be best to schedule the bid opening at least 60 days down the road. A draft of the “Notice of Public Sale” was reviewed and discussed by the Board and is attached to these Minutes as Exhibit “G” and incorporated herein. The Board discussed that approximately \$2,500 per year of additional taxes would be collected if the lot was sold and a typical house (for the size and quality in Riverside Lakes) was constructed on the property. In addition, the District would have to sale proceeds to use for further improvements to the lakes, parks and roads. The Board had considerable debate on whether now was the right time. It was a consensus that the sale was not essential but would be helpful to fund further improvements in the District. The Board decided to table any formal resolution(s) until the next meeting. The conditions that the Board would like to see is an assessment of \$2,500 per year on the lot if a residence is not fully constructed with a certificate of occupancy on or before the 2<sup>nd</sup> anniversary from the date of the closing.

**Lake Management:** The Board discussed they are waiting on Fyra Engineering to prepare the magnitude of cost and Notice to Contractors to publicly bid for the Fishing Lake Dredging Project. This will be discussed at the next meeting. The Board also discussed the critical need to limit all boats, jet skis, rafts and equipment being unloaded and brought into the lakes from other water ways until after the boats have meet stringent sanitation requirements to protect our lakes from the Zebra Mussels. The Board discussed that the largest risk seems to come from residents inviting their friends and family to bring in their water equipment even though it has not been properly sanitized.

**Payment of Bills and Ratification of Warrants:** Trustee Lynn presented the July and August bills and construction matters for review and discussion. A listing of all the vendors, amount of payment, description of transaction and General Fund Warrant numbers is attached to these Minutes as Exhibit “H” and incorporated herein. Trustee Lynn also presented a listing of all the vendors, amount of payment, description of transaction and Bond Fund Warrants attached to these Minutes as Exhibit “I” and incorporated herein the Board also discussed the need to pay ongoing expenditures of the District between meetings. To facilitate the payment of standard and recurring expenses for the District, the Trustees concurred that the adoption of an ongoing resolution authorizing these payments is and would be appropriate. After reviewing the bills, a motion was made by Trustee Staup and seconded by Trustee Perchal 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. 6926 through 6955**, of the District, to the payees and in the amounts listed on the attached Exhibit “G”, said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of six and one-half (6.5%) per annum and to be redeemed no later than three years after

issuance, subject to the extension of the said maturity date by order or the District Court of Douglas County, Nebraska, after notice is given as required by law.

**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 BOND FUND Warrants Nos. A6955 through A6961, of the District, to the payees and in the amounts listed on the attached Exhibit "I", said Warrants to be drawn on the General Fund of the District and to draw interest at the rate of six and one-half (6.5%) per annum and to be redeemed no later than five years after issuance, subject to the extension of the said maturity date by order or 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, that the Board hereby authorizes and approves that the Chairman and Clerk to pay the bills between meetings, to execute and sign warrants on behalf of the District, to pay the regular and recurring bills that may come due between meetings. That authorization is to continue from and after the date of this meeting through the fiscal year end.

**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 "J" 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.

Other Business: Chairman Heinrich reported that the District had received a \$10,000 grant to fund the security and construction of a fence around the Water Treatment Plant from the state of Nebraska. He has applied in the past and this is the first time that the District has been awarded such a grant.

**Next Regular Meeting Date, Location and Time:** The next regular meeting will be conducted on Wednesday, September 6, 2017, at 7:30 p.m., at the Agnes Robinson, Waterloo Public Library, 23704 Cedar Drive, Waterloo, Nebraska.

**Adjourn Meeting:** There being no further business to come before the Board, following a motion made by Trustee Staup and seconded by Trustee Perchal, the meeting was unanimously adjourned.

A handwritten signature in cursive script, appearing to read "Robt Lynn", written over a horizontal line.

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"	Certificate of Clerk and Agenda for Meeting
Exhibit "D"	Certificates of Clerk: Notice of Meeting sent to City/Certificate of Minutes Availability/Agenda Available for Inspection/
Exhibit "E"	People Service Report
Exhibit "F"	Douglas County Election Commissioner's Certificate
Exhibit "G"	<u>Draft</u> "Notice of Public Sale
Exhibit "H"	General Fund Warrants
Exhibit "I"	Bond Fund Warrants
Exhibit "J"	Warrant Resolutions and Tax Exemption Resolutions