

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

JANUARY 21, 2008

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 Jan. 21, 2008, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

<b>PRESENT:</b>	Eric Nelson .....	Chairman
	Ginger Parker .....	Clerk
	Paul Cawthon .....	Trustee
	Jeff Holling .....	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 Jan. 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 7:35 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 Dec. 16, 2008:** 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: Nelson, Parker, Cawthon, Holling and Reppert; voting nay: none. The Chair declared said Resolution duly passed and adopted.

**AGENDA ITEM 4. PeopleService Report:** The PeopleService Report for Dec. (S.T.) was reviewed by the Board. All of the items on the State's list of deficiencies in the last sanitary survey have now been completed.

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

**5.1 Water and Waste-water Plants - Trustee Cawthon** provided a drawing of the windows which had been replaced in the Water Treatment building (S.T.), discussed some problems with the appearance because the windows were the wrong size, and requested getting bids for moving these windows to the rear of the building. The Board discussed the fact that only \$1,050 had been spent out of the authorized amount of \$2,000 and would like to save the \$950 difference. It was decided to place the item on next month's Agenda and obtain input from the neighbors.

**5.2 Lakes Management - Trustee Reppert** reported that he is working on the aerators and that an underwater pump donated by the Chairman is being installed in the Fishing Lake to provide additional circulation. The Chairman announced that power has been run to the Fishing lake for use in watering and aeration, and the Boating lake will be able to run two 3" pumps if needed.

Trustee Reppert proposed that the Board renew its contract with Conservation & Recreation Services for the treatment of the lakes for algae and swimmer's itch. The Board discussed the reasons for having a professional develop a plan to improve the quality of the lakes over several years, rather than having the Trustees perform the work. Having the services performed by a professional last year avoided having to shut the lakes down and the killing fish and clams.

After discussion, the following Resolution was proposed by Trustee Parker and seconded by Trustee Cawthon:

**RESOLUTION**

**RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the District renew its contract with Conservation & Recreation Services for the 2009 season at a cost of up to \$2,000 for treating the lakes in accordance with the Contractors revised plan with the understanding that the District Acceptance of Proposal be extended to cover 2009; and

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**FURTHER RESOLVED** that Trustee Reppert be authorized to purchase 10 containers of Earth Tech @ \$30 per container to be used to supplement the treatment of the lakes as needed.

On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Cawthon, Holling and Reppert; voting nay: None. The Chair declared said Resolution duly passed and adopted.

**5.3 Grounds Management - Trustee Holling** reported that he had repaired the new snow fence and would check with Brian to determine why it had failed.

Discussion of the Maintenance Contact was deferred to New Business.

**5.4 Legal: The Attorney** reported that he received Second Sets of Interrogatories and Requests for Production in the Cooper case and prepared responses.

During judge Polk's Planning Conference on Jan. 12, 2009 on the Cooper v. SID 177 case the following dates were scheduled in the case:

Feb. 13: Deadline to amend pleadings;  
 Mar. 3: 9:00 a.m. Scheduled Mediation - Mike Mullen;  
 Mar. 27: Deadline for filing motions;  
 Apr. 2: Briefs due;  
 Apr. 7: Hearing on Motions;  
 Apr. 20: Deadline for filing Witness lists and Exhibits;  
 Apr. 27: Deadline for Trial Briefs; and  
 May 5: Trial.

Following an extended discussion of the refusal of the District's insurance carriers to provide coverage in the case, the Clerk offered to discuss the problem with the District's agent.

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

**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. 5340 through 5359** 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 Jan. 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.

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**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.

**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)(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:

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(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.

On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Cawthon, Holling and Reppert; voting nay: None. The Chair declared said Resolution duly passed and adopted.

**AGENDA ITEM 6. New Business:**

**6.1 Maintenance Contract:** The board discussed several features of Trustee Holling's proposed "S.I.D. #177 Maintenance Contractor Scope of Work and Request For Proposal" (S.T.); "Bid Methodology" (S.T.); and "Request For Qualifications" (S.T.). The Trustees will submit any changes to Trustee Holling by Saturday, and he will advertise for proposals.

**6.2 Enforcement of Parking Restrictions.** The Attorney placed this item on the agenda because in his opinion sufficient time has passed since the "No Parking" signs were installed and there continue to be violations which interfere with access for emergency vehicles.

Trustee Holling has reported several violation the Douglas County Sheriff without any response. He will provide copies to the Attorney who will request that the Sheriff send a representative to the next meeting.

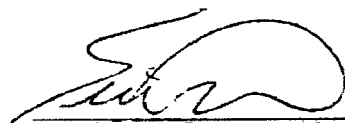
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AGENDA ITEM 7. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Feb. 23, 2009, at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

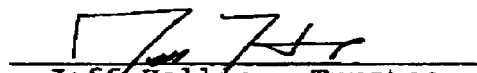
AGENDA ITEM 8. Adjourn Meeting: There being no further business to come before the Board, the Meeting was, upon motion by Trustee Parker, seconded by Trustee Reppert, with the following Trustees voting aye: Nelson, Parker, Cawthon, Holling, and Reppert; voting nay: none; adjourned at 9:45 p.m.

SANITARY AND IMPROVEMENT DISTRICT NO. 177  
DOUGLAS COUNTY NEBRASKA

  
Eric Nelson, Chairman

  
Ginger Parker, Clerk

  
Paul Cawthon, Trustee

  
Jeff Holling, Trustee

  
William Reppert, Trustee

DOW

2009 January General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
01/21/09		General Fund Cat: (Special) memo: Transfer to General Fund		7,419.20	42,940.02
01/21/09	5340	Nebraska Department of Revenue Cat: Sales Taxes memo: December	377.09		42,562.93
01/21/09	5341	Paula Magiera cat: Prof Fees: Bookkeeping memo: December	115.44		42,447.49
01/21/09	5342	Ginger Parker cat: Clerk Fees memo: December	92.45		42,355.04
01/21/09	5343	Daily Record cat: Publication memo: Inv # 83856	22.40		42,332.64
01/21/09	5344	Don Overholt cat: Professional Fees: Legal Fees memo: December	1,200.00		41,132.64
01/21/09	5345	Peoples Service cat: Repair/Maint.: Contractor Fees memo: January	6,423.00		34,709.64
01/21/09	5346	Omaha Public Power District cat: split memo: January	1090.42		33,619.22
01/21/09	5347	Ace Hardware cat: Repair/Maint: Grounds memo: Misc. Parts	46.02		33,573.20
01/21/09	5348	Stan & Sons cat: Repair/Maint: Grounds memo: trash removal, Oct-Dec	71.75		33,501.45
01/21/09	5349	Bill Reppert cat: lakes memo: Pump & Chemical supplies	9.06		33,492.39
01/21/09	5350	Lamson, Dugan & Murray cat: legal fees memo: Lawsuit Stmt # 227418	450.40		33,041.99

EXHIBIT A-1

01/21/09	5351	Tom Sanders cat: Repair/Maint: Grounds memo: Sprinkler flush on SID lot	70.00	32,971.99
01/21/09	5352	Ginger Parker cat: Board Fees memo: 4th Qtr	41.56	32,930.43
01/21/09	5353	Eric Nelson cat: Board Fees memo: 4th Qtr	41.56	32,888.87
01/21/09	5354	Bill Reppert cat: Board Fees memo: 4th Qtr	41.56	32,847.31
01/21/09	5355	Steve Clark cat: Board Fees memo: 4th Qtr	11.89	32,835.42
01/21/09	5356	Jerry Hraban cat: Board Fees memo: 4th Qtr	11.89	32,823.53
01/21/09	5357	Jeff Holling cat: Board Fees memo: 4th Qtr	41.56	32,781.97
01/21/09	5358	Paul Cawthon cat: Board Fees memo: 4th Qtr	41.56	32,740.41
01/21/09	5359	Paula Magiera cat: 1044 annual tax with/hold memo: Reimb for 1044 annual tax	543.92	32,196.49

*EXHIBIT A-2*