

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

December 14, 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 Dec. 14, 2009, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

PRESENT: Eric Nelson Chairman
Ginger Parker Clerk
Jeff Holling Trustee
Robert Lynn Trustee

ABSENT: William Reppert Trustee

Notice of the Meeting was given in advance by publication in **The Daily Record**, a legal newspaper published in Douglas County, Nebraska, on Dec. 8, 2009, a copy of the Proof of Publication being attached 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 7:33 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 Nov. 18, 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 Holling seconded the motion. On roll call vote thereon, the following Trustees voted yes: Nelson, Parker, Holling, and Lynn; voting no: none. The Chair declared said Resolution duly passed and adopted.

AGENDA ITEM 4. PeopleService Report: The Oct. Report (S.T.) was discussed by the Trustees. Bob reported no problems with the systems. He has posted 10 delinquent water payment notices.

AGENDA ITEM 5. Reports and Business:**5.1 Water and Waste-water Plants:**

5.1.1 Review water rates. Following Trustee Lynn's report on his 12 month study of water usage (S.T.), Trustee Parker proposed the following Resolution which was seconded by Trustee Nelson:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that **\$1.3(c)** of the District's **AMENDED AND RESTATED RULES AND REGULATIONS GOVERNING PUBLIC IMPROVEMENTS IN SANITARY AND IMPROVEMENT DISTRICT NO. 177, RIVERSIDE LAKES** be replaced by the following \$:

"(c) There shall be a minimum water and sewer use fee to each individual house and/or townhouse in the amount of \$40.00 per month for usage up to 12,000 gallons of water, except that the monthly usage during the months of June, July and August shall be up to 18,000 gallons of water for the following homes which are not able to utilize water from the lakes for lawn watering:

449 Shorewood Lane	461 Shorewood Lane	515 Shorewood Lane
529 Shorewood Lane	620 Shorewood Lane	630 Shorewood Lane
	705 Riverside Drive	

The Board will consider any request by any other home not located on a lake to be afforded the 18,000 gallon exception on a case by case basis.

There shall be an additional charge of \$2.00 for each 1,000 gallons of water in excess of the above listed 12,000 of 18,000 gallons".

On roll call vote thereon, the following Trustees voted yes: Nelson, Parker, Holling and Lynn; voting no: None. The Chair declared said Resolution duly passed and adopted.

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5.2 Lakes Management: It was reported that Trustee Reppert is reviewing the treatments for algae last summer in order to obtain the optimum treatments.

5.3 Grounds Management:

5.3.1 Maintenance and Mowing contracts. Trustee Holling provided two proposals for the Maintenance work (S.T.) and a list of Mowing and Applications bids (S.T.) Following discussion Trustee Parker moved that the proposal by Michael Anderson be accepted by the Board; however the motion died for lack of a second.

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

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Proposal for Maintenance submitted by Pheasant Haven Lawn be accepted by the Board and that the Chair and Clerk be authorized to execute the District's proposed contract.

On roll call vote thereon, the following Trustees voted yes: Nelson, Holling, and Lynn; voting no: Trustee Parker. The Chair declared said Resolution duly passed and adopted.

After discussing the Mowing and Applications bids the Board tabled the item pending further investigation of the capability of the bidders to perform the work.

5.4 Attorney: The Attorney reported that Signature Grounds had acknowledged receipt of the Nov. 19th Notice of intention to terminate the District's Feb. 20, 2009 Contract effective Dec. 31.

He prepared the Minutes suggested by D.A. Davidson for the replacement of the missing Warrant No. 5491, during the meeting and provided them to the Clerk.

His Fax to Heavican Homes (S.T.) was reviewed.

5.5 Payment of Bills: The Clerk presented the current bills for discussion. After reviewing the bills the following Resolution was proposed for adoption by Trustee Nelson 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. 5515 through 5525** 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

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be redeemed no later than Dec. 14, 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.

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

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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.

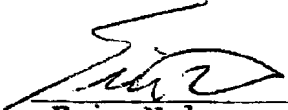
On roll call vote thereon, the following Trustees voted yes: Nelson, Parker, Holling and Lynn; voting no: None. The Chair declared said Resolution duly passed and adopted.

The Chair reported that Tom Cooper would like to be on the Agenda for the next meeting.

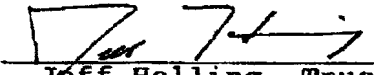
AGENDA ITEM 6. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Jan. 20, 2010, at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

AGENDA ITEM 7. Adjourn Meeting: There being no further business to come before the Board, the Meeting was, upon motion by Trustee Parker, seconded by Trustee Nelson, with the following Trustees voting yes: Nelson, Parker, Holling and Lynn; voting no: none; adjourned at 9:00 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 December General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
12/14/09		General Fund Cat: (Special) memo: Transfer to General Fund		7,476.00	78,583.44
12/14/09	5515	Nebraska Department of Revenue Cat: Sales Taxes memo: November	379.99		78,203.45
12/14/09	5516	Paula Magiera cat: Prof Fees: Bookkeeping memo: November	115.44		78,088.01
12/14/09	5517	Ginger Parker cat: Clerk Fees memo: November	92.45		77,995.56
12/14/09	5518	Daily Record cat: Publication memo: Inv # 91326	22.40		77,973.16
12/14/09	5519	Don Overholt cat: Professional Fees: Legal Fees memo: November	1,200.00		76,773.16
12/14/09	5520	Peoples Service cat: Repair/Maint.: Contractor Fees memo: January	6,423.00		70,350.16
12/14/09	5521	Omaha Public Power District cat: split memo: November	1,115.98		69,234.18
12/14/09	5522	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: November	833.00		68,401.18
12/14/09	5523	Jeff Holling cat: Repair/Maint: Grounds memo: entry sign/bulbs	44.90		68,356.28
12/14/09	5524	.People Services cat: split memo: Refund of R Miller from Roll Meadows	210.00		68,146.28
12/14/09	5525	Asphalt Maintenance Inc. cat: Repair/Maint: Grounds/streets memo: street sealing	2,140.00		66,006.28

EXHIBIT "A"

31-741**Chapter 31. Drainage****7. Sanitary and Improvement Districts. 31-701 to 31-793.****31-741 Contracts; bidding requirements.**

All contracts for construction work to be done or materials or equipment purchased, the expense of which is more than twenty thousand dollars, shall be let to the lowest responsible bidder, upon notice of not less than twenty days, of the terms and conditions of the contract to be let. The board of trustees or the administrator shall have power to reject any and all bids and readvertise for the letting of such work or to negotiate any contract after an unsuccessful public letting.

Source: Laws 1949, c. 78, § 15, p. 201; Laws 1978, LB 634, § 2; Laws 1982, LB 868, § 9; Laws 1984, LB 910, § 2; Laws 2002, LB 176, § 3; Laws 2006, LB 1175, § 5