

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

FEBRUARY 23, 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 Feb. 23, 2009, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

PRESENT:	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 Feb. 11, 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 7:29 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.

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Feb. 23, 2009

AGENDA ITEM 3. Approve Minutes of Meeting held on Jan. 21, 2009: Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Parker moved that the Minutes be approved, and Trustee Cawthon 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 Jan. (S.T.) was reviewed by the Board.

AGENDA ITEM 5. Reports and Business:

5.1 Water and Waste-water Plants - Trustee Cawthon reported that he would like to obtain bids for restoring the windows in the Water Treatment Plant so that they will conform to the homes in the area, at a cost of from \$200 to \$300. Trustee Reppert commented that he thought the windows did not need to be changed. After discussion, Trustee Cawthon moved that the matter be tabled, and Trustee Holling seconded the motion.

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the discussion of the modification of the Water Treatment plant be tabled.

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.

5.2 Lakes Management - Trustee Reppert reported that he had placed the aerators on the ice so that they will settle when the ice melts. He is working with Nebraska Game and Parks to oil the eggs of non migrating geese this spring.

5.3 Grounds Management - The Board took up the parking, trespass and vandalism issues 5.3.2. The Attorney introduced Deputy R.S. Swanson and explained that his discussions with Lt. Lally, the officer in charge of the Road Patrol, had resulted in Deputy Swanson attending the meeting. He pointed out that Sgt. Burmeister (444-3554) had agreed to have the Deputy on the scene during the damage to the Waste Water Plant call Trustee Reppert to discuss why he believed that the SID property was private property, and the fact that he had never called. He told the Board that Sgt. Sackett had told him that SID property was private, and that any trespass was a civil matter.

The reason for discussing this matter was to resolve this issue. Deputy Swanson stated that the Department was resolving this question and that in order to charge a trespass it was necessary to have a victim and a representative of the SID to sign the complaint. He said that in order to issue a citation the Deputy

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Feb. 23, 2009

needed to witness the violation. Trustee Holling requested that the Sheriff conduct drive throughs and issue citations for parking violations.

Deputy Swanson suggested that the Sheriff could prepare an official letter for distribution to residents indicating that the no parking restrictions would be enforced. The District will pay for the copies and distribution of the letters. The Sheriff would like to have a list of the Trustees and their telephone numbers.

5.3.1 Maintenance Contract. The Chair announced that in response to the District's request for bids, which had been advertised in the Post Gazette and on the web site, 30 submissions had been received and reduced to the 9 which are listed on the SID Maintenance Contract Bid form (S.T.). Following the Trustees' review of the bids, Trustee Parker moved that the bid submitted by Signature Grounds Management, the lowest bid, be accepted by the District. The motion was seconded by Trustee Holling.

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the District accept the bid for maintenance services submitted by Signature Grounds Management (S.T.).

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.

Trustee Holling proposed that K.C. Sweeping be authorized to perform sweeping of the District's streets again this spring and explained the reasons for his motion. Trustee Reppert seconded the motion.

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that K.C. Sweeping be authorized to sweep the District's streets this spring at a cost of \$525.00.

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.

After discussion, Trustee Parker moved that Trustee Holling be authorized to spend up to \$2,000 to plant trees on the East and center islands in the Boating Lake. The motion was seconded by Trustee Nelson.

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Feb. 23, 2009

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that Trustee Holling be authorized to spend up to \$200 to purchase trees for planting on the East and Center islands on the boating lake.

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.

5.4 Legal: The Attorney reported that 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.

The Nebraska Department of Insurance (Karen L. Dyk, CIE Insurance Investigator) is investigating our complaint that Scottsdale and Darwin be required to mediate our claims. The Attorney General advised that their Department only mediates claims between consumers, but that they believe that the Insurance Department will be able to help us out.

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 Parker and seconded by Trustee Holling:

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. 5360 through 5374** 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 Feb. 23, 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

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Feb. 23, 2009

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:

(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

MINUTES of S.I.D. 177 MEETING of TRUSTEES

Feb. 23, 2009

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.

The Clerk moved to transfer \$25,000 from the District's General Fund to the Bond Fund and explained the reasons. The motion was seconded by Trustee Reppert.

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the District transfer \$25,000 from its General Fund to the Bond Fund.

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 7. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Mar. 24, 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 Holling, with the following Trustees voting aye: Nelson, Parker, Cawthon, Holling, and Reppert; voting nay: none; adjourned at 9:15 p.m.

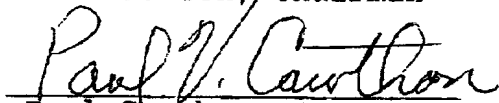
MINUTES of S.I.D. 177 MEETING of TRUSTEES

Feb. 23, 2009

SANITARY AND IMPROVEMENT DISTRICT NO. 177
DOUGLAS COUNTY NEBRASKA


Eric Nelson, Chairman


Ginger Parker, Clerk


Paul Cawthon, Trustee


Jeff Holling, Trustee


William Reppert, Trustee

2009 February General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
02/23/09		General Fund Cat: (Special) memo: Transfer to General Fund		9,144.60	41,340.09
02/23/09	5360	Bill Reppert Cat: Lakes memo: Sm Lk aerator-Ferguson Ent	1,858.31		39,481.78
02/23/09	5361	Nebraska Department of Revenue Cat: Sales Taxes memo: January	464.82		39,016.96
02/23/09	5362	Paula Magiera cat: Prof Fees: Bookkeeping memo: January	115.44		38,901.52
02/23/09	5363	Ginger Parker cat: Clerk Fees memo: January	92.45		38,809.07
02/23/09	5364	Daily Record cat: Publication memo: Inv # 84622	22.40		38,786.67
02/23/09	5365	Don Overholt cat: Professional Fees: Legal Fees memo: January	1,205.25		37,581.42
02/23/09	5366	Peoples Service cat: Repair/Maint.: Contractor Fees memo: February	6,423.00		31,158.42
02/23/09	5367	Omaha Public Power District cat: split memo: February	1,112.93		30,045.49
02/23/09	5368	Ace Hardware cat: Repair/Maint: Lakes memo: Misc. Parts	290.06		29,755.43
02/23/09	5369	Menards cat: Repair/Maint: Lakes memo: Aerator-sm lake	1,190.04		28,565.39
02/23/09	5370	Bill Reppert cat: lakes memo: aerator	156.88		28,408.51

EXHIBIT "A-1"

02/23/09	5371	Lamson, Dugan & Murray cat: legal fees memo: Lawsuit Stmt # 229405	822.25	27,586.26
02/23/09	5372	Jeff Holling cat: Repair/Maint: Grounds memo: advertisement for contractor	10.75	27,575.51
02/23/09	5373	Barton Solvents, Inc. cat: Chemical Disposal memo: Repair/Maint: Grounds	162.36	27,413.15
02/23/09	5374	Ben Rusness cat: Repair/Maint Grounds memo: Snow Removal Wast/Wat	225.00	27,188.15

EXHIBIT "A-2"