

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

February 15, 2010

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. 15, 2010, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

<b>PRESENT:</b>	Eric Nelson .....	Chairman
	Ginger Parker .....	Clerk
	Jeff Holling .....	Trustee
	Robert Lynn .....	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. 10, 2010, 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 7:30 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. 15, 2010

**AGENDA ITEM 3. Approve Minutes of Meeting held on Jan. 20, 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 Reppert seconded the motion. On roll call vote thereon, the following Trustees voted yes: Nelson, Parker, Holling, Lynn and Reppert; voting no: none. The Chair declared said Resolution duly passed and adopted.

**AGENDA ITEM 4. PeopleService Report:** The Jan. Report (S.T.) was discussed with the Trustees. Bob reported two breaks in the District's main water lines. He will secure a Bobcat to clean up the washed out areas in the Spring.

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

**5.1 Water and Waste-water Plants:** Trustee Lynn indicated that the plants were running well and that he had nothing else to report.

**5.2 Lakes Management:** Trustee Reppert reported that he is working on how to treat algae this year.

**5.3 Grounds Management:** Trustee Holling reported the District's streets are holding up well in spite of the severe winter. The Trustees can call Hartland Towing to remove illegally parked cars without contacting the Sheriff. After discussing his Spring 2010 Island Project (S.T.) the Board decided to table action on the projects until the March meeting.

**5.4 Attorney:** He is obtaining Grass Groomer's proof of insurance and applicator's license.

**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. 5540 through 5548** 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. 15, 2013, 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

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

Feb. 15, 2010

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:

(1) No separate reserve or replacement fund has been or will be established with respect to the above Warrants. The District

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

Feb. 15, 2010

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 Lynn and Reppert; voting no: None. The Chair declared said Resolution duly passed and adopted.

**AGENDA ITEM 6.** Tom Cooper had requested to address the Board. He inquired about the construction of sea-walls in the District's lakes, the effect that the walls might have on any effort to privatize the lakes, and the District's potential liability if high water damages the walls.

The Chair pointed out that the Homeowners' Association, through its Architectural Committee, controls the application of the Protective Covenants, and that he secured the Committee's approval when he constructed his sea-wall. He raised questions concerning how the District should attempt to control the construction of sea-walls, the costs of surveying all of the lots to determine whether the sea-walls are located within the owners' lot lines, and the cost of litigation to enforce any sea-wall standards.

Tom indicated that he thinks that the covenants contain provisions on sea-walls, that he will study the Covenants and attend the next meeting of the Homeowners Association.

Note: The Covenants (§13) require that "All retaining walls must be approved by the Association and shall be maintained by the property owner so as not to allow significant erosion."

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

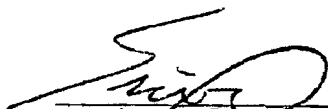
Feb. 15, 2010

The District has not received any response from its October 21, 2009 letter to Mr. Herb Angel, Nebraska Game and Parks Commission, requesting that the District's proposed RULES GOVERNING FACILITIES CONSTRUCTED IN SANITARY AND IMPROVEMENT DISTRICT NO. 177's LAKES be included in the Commission's RULES AND REGULATIONS CONCERNING BOATING.

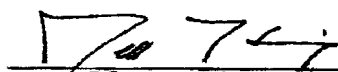
AGENDA ITEM 7. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Mar. 15, 2010, at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

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 yes: Nelson, Parker, Holling, Lynn and Reppert; voting no: none; adjourned at 8:17 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

2010 February General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
02/15/10		General Fund Cat: (Special) memo: Transfer to General Fund		9,317.71	73,904.00
02/15/10	5540	Nebraska Department of Revenue Cat: Sales Taxes memo: January	473.62		73,430.38
02/15/10	5541	Paula Magiera cat: Prof Fees: Bookkeeping memo: January	115.44		73,314.94
02/15/10	5542	Ginger Parker cat: Clerk Fees memo: January	92.45		73,222.49
02/15/10	5543	Daily Record cat: Publication memo: inv # 92737	22.40		73,200.09
02/15/10	5544	Don Overholt cat: Professional Fees: Legal Fees memo: January	1,200.00		72,000.09
02/15/10	5545	Peoples Service cat: Repair/Maint.: Contractor Fees memo: March	6,423.00		65,577.09
02/15/10	5546	Omaha Public Power District cat: split memo: January	1,155.45		64,421.64
02/15/10	5547	Pheasant Haven cat: Repair/Maint: Grounds memo: January	414.00		64,007.64
02/15/10	5548	Paula Magiera cat: Taxes memo: 944 tax form	550.80		63,456.84

EXHIBIT "A"