

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

**MARCH 24, 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 Mar. 24, 2009, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

- |                    |                         |           |
|--------------------|-------------------------|-----------|
| <b>PRESENT:</b>    | Eric Nelson .....       | Chairman  |
|                    | Paul Cawthon .....      | Trustee   |
|                    | Jeff Holling .....      | Trustee   |
|                    | William Reppert ....    | Trustee   |
| <br><b>ABSENT:</b> | <br>Ginger Parker ..... | <br>Clerk |

Notice of the Meeting was given in advance by publication in **The Daily Record**, a legal newspaper published in Douglas County, Nebraska, on Mar. 16, 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:** A majority of the Board Members being present, the Chair called the Meeting to order at 7:32 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 Feb. 23, 2009:** Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Reppert moved that the Minutes be approved, and Trustee Holling seconded the motion. On roll call vote thereon, the following Trustees voted aye: Nelson, 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 Feb. (S.T.) was reviewed by the Board. PeopleService will respond to the request by the Supervisor, Operator Certification Program, Wastewater Section, of the Nebraska Department of Environmental Quality for information regarding the qualification of the District's operator.

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

**5.1 Water and Waste-water Plants - Trustee Cawthon** reported that he had obtained a bid of \$320.00 for the cost of labor in removing the center shutter from the window of the Water Treatment Plant. Following discussion Trustee Cawthon suggested that the matter be tabled until the next meeting.

The building needs a new roof. No insurance coverage is available and the project will be tabled.

**5.2 Lakes Management - Trustee Reppert** reported that he has obtained a permit from Game & Parks to oil the water fowl eggs on the islands.

He has a bid from Willow Lake Fish Hatchery to stock the lakes for the amount of \$4,125. Following discussion the following Resolution was proposed 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 proposal submitted by Willow Lake Fish Hatchery to stock the Lakes with 2,500 crappies, 250 wipers, 500 blue gills, 100,000 minnows and 500 catfish at a cost of \$4,125.

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

**5.3 Grounds Management - 5.3.1 Parking, trespass and vandalism problems:** Trustee Holling discussed his Mar. 23 letter to Lt. Lally of the Douglas County Sheriffs office (S.T.). There was an extended discussion of parking problems, the District's policy regarding parking along the streets, and whether to request that the Citizen's Patrol place warning stickers on parked vehicles. It is the policy that the Patrols not leave their vehicles at night, however they may place warning reminders on vehicles during daylight hours.

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Street sweeping is scheduled for the second week in April.

Trees for the islands will be planted on April 18th. Bids are being obtained for spraying trees in late May and early June.

Following discussion of the bids for concrete work provided by Trustee Holling (S.T.) the following Resolution was proposed by Trustee Holling and seconded by Trustee Reppert:

**RESOLUTION**

**RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the proposal submitted by A-1 Concrete: replacing two slabs for \$1,550; installing from the front entrance to the ramp parking lot for \$2,448 and installing curbing from The Clark residence to the Magiera residence for \$10,800 (total of \$14,798); subject to inspection and approval of a majority of the Trustees, and subject to verification by the Clerk that sufficient funds are available at this time.

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

**5.4 Legal:** The Attorney reported that trial of the Cooper v. SID 177 is scheduled for May 5, 2009, and that efforts to mediate a resolution of the case are continuing. He asked Tom Cooper if he would like to update the Board on the mediation efforts. Tom Cooper stated that he was not impressed with the mediation efforts to date, which included a proposal that he move his dock so that it would extend across the projection of his neighbor's lot line. He would like Bob Ulrich to move his dock so that it does not cross his neighbor's lot line projection, and have the District adopt rules and regulations governing all structures in the District's lakes, and adopt mediation procedures.

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.

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

**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. 5375 through 5385** of the District, dated the date of this Meeting, to the payees and in the

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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 Mar. 24, 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.

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**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 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, Cawthon, Holling and Reppert; voting nay: None. The Chair declared said Resolution duly passed and adopted.

**AGENDA ITEM 6. Set Next Meeting Date, Location and Time:** The next Regular Meeting of the Board will be conducted on Apr. 22, 2009, 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 Nelson, seconded by Trustee Holling, with the following Trustees voting aye: Nelson, Cawthon, Holling, and Reppert; voting nay: none; adjourned at 9:25 p.m.

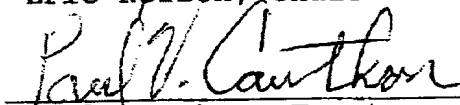
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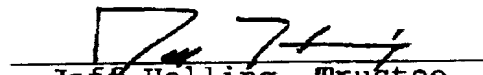
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SANITARY AND IMPROVEMENT DISTRICT NO. 177  
DOUGLAS COUNTY NEBRASKA

  
Eric Nelson, Chairman

\_\_\_\_\_  
Ginger Parker, Clerk

  
Paul Cawthon, Trustee

  
Jeff Holling, Trustee

  
William Reppert, Trustee

**EXHIBIT "A"**

(List of Warrants approved during March 24, 2009 Meeting)

To be provided by Clerk of the District.