

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

JUNE 17, 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 Jun. 17, 2009, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

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

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 Jun. 5, 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 7:33 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 May. 18, 2009: Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Parker moved that the Minutes be approved, and Trustee Lynn seconded the motion. On roll call vote thereon, the following Trustees voted aye: Nelson, Parker, Holling Lynn and Reppert; voting nay: none. The Chair declared said Resolution duly passed and adopted.

AGENDA ITEM 4. PeopleService Report: Robert McLaughlin attended the meeting and presented the PeopleService Report for May (S.T.) which was discussed with the Board.

AGENDA ITEM 5. Reports and Business:**5.1 Old Business, Tabled Items:**

5.1.1 Installation of speed control devices: Tabled pending review by the District's Engineer.

5.1.2 Proposals for the replacement of concrete. After discussing the bids (S.T.) the following Resolution was proposed by Trustee Holling and seconded by Trustee Parker:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Board accept the Proposal submitted A-1 Concrete Construction which was reviewed by the Board during the May meeting, and that the executed Acceptance of Proposal be placed in the Minute Book.

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

Trustee Holling will review drainage and moving problems raised by a resident.

5.2 Water and Waste-water Plants: Trustee Lynn provided four proposals for re-roofing the Water Treatment Plant (S.T.).

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

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the District accept the lowest bid, Four In One Construction, for re-roofing the Water Treatment Plant at a cost of \$6,175 plus additional costs for sheeting, with the total cost not to exceed \$7,000.

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

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5.3 Lakes Management: Trustee Reppert reported that all islands have been mowed, all wells are working and the lake levels are good. Two wells have been shut down due to rains and anticipated rain. The Fishing Lake was treated for algae, the dock on the Boating Lake has been repaired and the pine trees have been sprayed, with the next spraying in 4 weeks.

5.4 Grounds Management: Trustee Holling that in response to residents' suggestions he had three signs prepared for installation at the front gate: Speed Limit, Parking and Trespassing.

After reviewing the bids for resurfacing the walking trail (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 lowest bid, per ton, by Signature Grounds Management be accepted.

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

5.5 Legal: The Attorney presented a check in the amount of \$3,780.81 in payment of his negotiated Settlement Agreement (S.T.) of the District's claim against Darwin Select Insurance Company in the Cooper v. S.I.D. 177 case from the law firm representing the carrier.

He reported that unknown to him, the District had been sued by Scottsdale Insurance Company. Service had been made upon Dean Miller by certified mail. He emphasized the importance of providing him notice of suits against the District so that the District can avoid the entry of a default judgment. Fortunately the case was settled before any judgment was entered against the District and the Attorney for Scottsdale dismissed the case without the District having to answer the Petition.

No response to the submission of the District's proposed Rules regarding the construction of facilities in the District's lakes, pursuant to the settlement of the Cooper case, to Nebraska Game and Parks Commission for inclusion in its Rules and Regulations has been received.

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 Reppert 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 Chairman

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execute and deliver **Warrant Nos. 5410 through 5424** 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 Jun. 17, 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)(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.

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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, Parker, Holling Lynn 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 Jul. 15, 2009, at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.

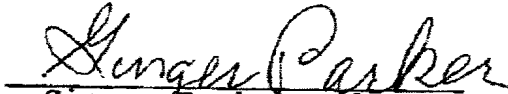
AGENDA ITEM 7. Adjourn Meeting: There being no further business to come before the Board, the Meeting was, upon motion by Trustee Nelson, seconded by Trustee Parker, with the following Trustees voting aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: none; adjourned at 9:00 p.m.

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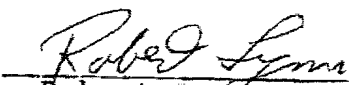
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SANITARY AND IMPROVEMENT DISTRICT NO. 177
DOUGLAS COUNTY NEBRASKA


Eric Nelson, Chairman


Ginger Parker, Clerk


Jeff Holling, Trustee


Robert Lynn, Trustee


William Reppert, Trustee

2009 June General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
06/17/09		General Fund Cat: (Special) memo: Transfer to General Fund		7,189.34	31,445.68
06/17/09	5410	Nebraska Department of Revenue Cat: Sales Taxes memo: May	365.46		31,080.22
06/17/09	5411	Paula Magiera cat: Prof Fees: Bookkeeping memo: May	115.44		30,964.78
06/17/09	5412	Ginger Parker cat: Clerk Fees memo: May	92.45		30,872.33
06/17/09	5413	Daily Record cat: Publication memo: Inv # 87150	22.40		30,849.93
06/17/09	5414	Don Overholt cat: Professional Fees: Legal Fees memo: May	1,200.00		29,649.93
06/17/09	5415	Peoples Service cat: Repair/Maint.: Contractor Fees memo: May	6,423.00		23,226.93
06/17/09	5416	Omaha Public Power District cat: split memo: May	1,802.75		21,424.18
06/17/09	5417	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: May #5413	3,944.72		17,479.46
06/17/09	5418	Menards cat: Repair/Maint: Lakes memo: Inv. 19164 19205 19148 19167	37.97		17,441.49
06/17/09	5419	Jeff Holling cat: Repair/Maint: grounds memo: mulch, misc.	118.19		17,323.30
06/17/09	5420	Bill Reppert cat: Repair/Maint: Lakes memo: alert signs	82.49		17,240.81
06/17/09	5421	Mike Anderson cat: Repair/Maint: grounds memo: fix boat ramp, install gate	262.83		16,957.98

EXHIBIT "A-1"

06/17/09	5422	Ginger Park cat: Repair/Maint: Grounds memo: entryway flowers	13.74	16,944.24
06/17/09	5423	Farmers National DBA Natural Habita cat: Repair/Maint: Lakes memo: Lk trmt #3395 3362	1,792.37	15,151.87
06/17/09	<i>5424</i>	A-1 Concrete Construction cat: Repair/Maint: Streets memo: st replacement slabs #342	2,738.00	12,413.87
06/17/09		Scottsdale Insurance cat: lawsuit reimbursemt memo: lawsuit reimbursement	5,000.00	17,413.87

EXHIBIT "A-2"