

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

SEPTEMBER 16, 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 Sep. 16, 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 Sep. 2, 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 8:00 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 Aug. 24, 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 aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: none. The Chair declared said Resolution duly passed and adopted.

AGENDA ITEM 4. PeopleService Report: The Aug. Report (S.T.) was discussed by the Trustees. A missing remote at 333 Waterloo Dr. was replaced. Three meters are located in pits which would have to be dug out at an approximate cost of \$1,200 to \$1,500. This problem will be addressed in Oct. when the Board reviews water rates and charges.

AGENDA ITEM 5. Reports and Business:

5.1 Water and Waste-water Plants: Trustee Lynn reported that the roofing project on the Water Treatment Plant is 1/2 complete.

5.2 Lakes Management: Trustee Reppert reported that the algae has returned and is expected to dissipate with lower temperatures. After the water level in the fishing lake dropped 8" the pump was turned on.

5.3 Grounds Management: Signature Lawns report (S.T.) was presented. Trustee Holling that Asphalt Maintenance will start work in 2-3 weeks.

The Chair asked Joe how he proposed to remedy the problem on the trail created by large clumps of asphalt. Volunteers have removed some of the material and deposited on the road to the Waste Water Treatment Plant.

After an extended discussion Trustee Holling proposed, and Trustee Lynn seconded the following Resolution:

RESOLUTION

RESOLVED, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the \$900 refund obtained from the supplier of the defective asphalt be used to accept the proposal by Pheasant Haven Lawn & Landscape to: remove the excess asphalt; obtain, apply and roll 15 tons of 1 1/4" or smaller asphalt fines; and utilize calcium based asphalt, if available, on the eastern portion of the trail, subject to the contractor executing the District's Acceptance of Proposal for \$900.

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.

5.4 Legal: The Attorney reported no significant developments.

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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 Parker 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 Chairman execute and deliver **Warrant Nos. 5466 through 5479** 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 Sep. 16, 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)

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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 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.

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AGENDA ITEM 6. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Oct. 21, 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 Parker, seconded by Trustee Holling, with the following Trustees voting aye: Nelson, Parker, Holling, Lynn and Reppert; voting nay: none; adjourned at 9:00 p.m.

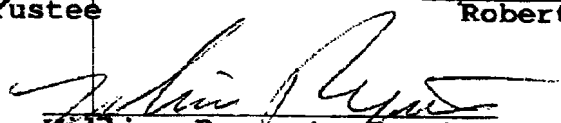
SANITARY AND IMPROVEMENT DISTRICT NO. 177
DOUGLAS COUNTY NEBRASKA


Eric Nelson, Chairman


Ginger Parker, Clerk


Jeff Holling, Trustee


Robert Lynn, Trustee


William Reppert, Trustee

2009 September General Fund Warrants

<u>Date</u>	<u>Num</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
09/16/09		General Fund Cat: (Special) memo: Transfer to General Fund		8,541.03	50,619.68
09/16/09	5466	Nebraska Department of Revenue Cat: Sales Taxes memo: August	434.15		50,185.53
09/16/09	5467	Paula Magiera cat: Prof Fees: Bookkeeping memo: August	115.44		50,070.09
09/16/09	5468	Ginger Parker cat: Clerk Fees memo: August	92.45		49,977.64
09/16/09	5469	Daily Record cat: Publication memo: Inv # 89215	78.60		49,899.04
09/16/09	5470	Don Overholt cat: Professional Fees: Legal Fees memo: August	1,200.00		48,699.04
09/16/09	5471	Peoples Service cat: Repair/Maint.: Contractor Fees memo: August	6,423.00		42,276.04
09/16/09	5472	Omaha Public Power District cat: split memo: August	2,459.84		39,816.20
09/16/09	5473	Signature Grounds Management, Inc cat: Repair/Maint: Grounds memo: August #5436	3,919.00		35,897.20
09/16/09	5474	Nebraska Dept of Revenue cat: Repair/Maint: Grounds memo: Trail Resurface #5431	25.00		35,872.20
09/16/09	5475	Jeff Holling cat: Repair/Maint: grounds memo: keys	28.39		35,843.81
09/16/09	5476	Thompson, Dressen & Dornier, Inc cat: Repair/Maint: Grounds memo: st improv discussion #86601	1,160.86		34,682.95
09/16/09	5477	Farmers National DBA Natural Hab cat: Repair/Maint: Lakes memo: Algae trmt big lake #3551	850.00		33,832.95
09/16/09	5478	CNA Surety cat: Repair/Maint: Insurance memo: Clerk Bond premium	100.00		33,732.95
09/16/09	5479	Patrick Murray cat: Water memo: Water refund for house sale	78.41		33,654.54

EXHIBIT "A"