

308 THIRD STREET  
P.O. BOX 99  
WATERLOO, NEBRASKA 68069  
(402) 779-3333

LAW OFFICES  
**DONALD R. OVERHOLT**  
ATTORNEY AT LAW



**TELECOPIER TRANSMITTAL COVER SHEET**

PLEASE DELIVER THE FOLLOWING PAGES AS SOON AS POSSIBLE TO:

	Dean Miller, Chairman.....	444-5263
	Ginger Parker, Clerk .....	763-8346
NAME:	Steve Clark, Trustee .....	334-8953
	<del>Jerry Hraban, Trustee .....</del>	<del>408-1498</del>
FIRM:	Bill Reppert, Trustee .....	461 Lakehurst Drive
	<del>Janet and Bob Heliker .....</del>	<del>779-2237 Cel: 689-4606</del>
LOCATION:	Homeowners Association .....	333-5024 & Diane Lynn
	<del>PeopleService Carl .....</del>	<del>779-2002</del>

Telecopier Number: (     ) \_\_\_\_\_

FROM: Don Overholt

Total Number of Pages (Including Cover Sheet): 10

Date: NOV. 19, 2007

MESSAGE: Folks:

- 1) Notice of Nov. 20th Meeting;
- 2) Agenda for Nov. 20th Meeting; and
- 3) Minutes of Oct. 23,rd 2007 Meeting;

See you next Tuesday!

Best Wishes,

Original to follow by mail: Yes \_\_\_\_\_ No x

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU HAVE TROUBLE RECEIVING,  
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NOTICE OF MEETING  
BOARD OF TRUSTEES  
SANITARY AND IMPROVEMENT  
DISTRICT NO. 177  
DOUGLAS COUNTY, NEBRASKA

NOTICE IS HEREBY GIVEN that the Meeting of the Board of Trustees of Sanitary & Improvement District No. 177 of Douglas County, Nebraska, will be held:

Date: Tuesday, November 20, 2007.  
Place: Douglas County West Public School Library  
7th & Washington Streets  
Waterloo, Nebraska.  
Time: 7:30 p.m.

This Meeting will be open to the public.

An agenda for the meeting, kept continuously current but which may be modified by the Board at the meeting, is available for public inspection at 308 Third Street, Waterloo, Nebraska, and includes the payment of bills of the District.

Ginger Parker  
Clerk of the District

AGENDA

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

November 20, 2007

7:30 p.m.

Waterloo Public School Library  
7th & Washington Streets  
Waterloo, Nebraska

- 1. Roll Call and Call Meeting to Order.
- 2. Nebraska Open Meetings Act Announcement.
- 3. Approve Minutes of Oct. 23, 2007 Meeting.
- 4. PeopleService Report.
- 5. Superintendent of D.C. West School: ..... George Conrad
- 6. Comments from audience.
- 7. Reports and Business:
  - 7.1 Chairman's items;
    - 7.1.1 Adopt City of Omaha's road specifications.
    - 7.1.2 Approve additional cost of up to \$2,000 for Pavilion Project.
    - 7.1.3 Approve up to \$3,350 for security cameras.
    - 7.1.4 Adopt Resolution re access to Lakes.
    - 7.1.5 Replacement for Carl Ostenkowski next year.
  - 7.2 Water and Waste-water Plants ..... Trustee Hraban
  - 7.3 Lakes Management ..... Trustee Reppert
  - 7.4 Grounds Management ..... Trustee Clark
    - 7.4.1 Committee Report on alternative solutions to the continuing parking problems ..... Jack White
  - 7.5 Legal ..... Attorney
    - 7.5.1 SID 177 vs. E. M. C.
    - 7.5.2 Attorney fees.
  - 7.6 Payment of Bills ..... Clerk
- 8. Set Next Meeting Date.
- 9. Adjourn Meeting.

Ginger Parker  
Clerk of the District

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

OCTOBER 23, 2007

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 Oct. 23, 2007, at the D.C. West Public School Library 7th & Washington Streets, Waterloo, Nebraska.

<b>PRESENT:</b>	Dean Miller .....	Chairman
	Ginger Parker .....	Clerk
	Steve Clark .....	Trustee
	Jerry Hraban .....	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 Oct. 10, 2007, 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.

1. **Role Call and call Meeting to Order:** All of the Board Members being present, Chairman called the Meeting to order at 7:38 p.m.
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 the pamphlet, and a poster containing the Act, would be on display at each meeting of the Trustees.
3. **Approve Minutes of Meeting held on Sep. 12, 2007:** Following discussion of the draft of the Minutes previously furnished the Trustees, Trustee Parker moved that the Minutes be approved, and Trustee Hraban seconded the motion. On roll call vote thereon, the following Trustees voted aye: Miller, Clark, Hraban, Parker, and Reppert; voting nay: none. The Chairman, declared said Resolution duly passed and adopted.

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

Oct. 23, 2007

4. **PeopleService Report:** The PeopleService Report for the month of Sep. will be submitted.

5. **Superintendent of D.C. West School, George Conrad** requested an opportunity to discuss recent legislative proposals which would effect the school and taxpayers, however he had a conflict and will be placed on the Agenda for Nov.

6. **Comments from Audience:** Steve Pearson showed pictures of the water accumulated in front of his home at 348 Shorewood Lane. The Board explained the study by the District's Engineer and the plans to repair segments of the streets in the spring.

7. **Reports and Business:**

7.1 **Water and Wastewater Plants.** Trustee Hraban reported that he is following up on the procedure for securing a grant for the protection of the lakes.

7.2 **Lakes Management.** Trustee Reppert reported that the wells have been winterized and the boat ramp on the Fishing Lake installed. He is studying various possibilities for seeding the islands in the spring.

7.3 **Grounds Management;** Trustee Clark reported that the estimated cost of for sealing the District's streets could be reduced from the \$8,000 approved last month to \$600.00. He also reported that McCormick Tree Service had agreed to remove a deal cottonwood tree for \$200.00 to be added to the existing contract.

After discussion the following Resolution was proposed by Trustee Miller and seconded by Trustee Clark:

**RESOLUTION**

**RESOLVED,** by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the proposal submitted by Starks Construction for the repair of two segments of paving at a cost of \$2,684.00 be accepted following the execution of the District's Acceptance of Proposal form.

On roll call vote thereon, the following Trustees voted aye: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.

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

Oct. 23, 2007

The Board discussed the installation of snow fence again this year at some length. After discussing the advantages of purchasing heavy duty fence at a cost of \$95.00 per 50 foot roll vs. less expensive material for about \$35.00 per roll, it was decided to install all the fence on hand rather than purchase additional fence this year.

**7.3.1 Policy re: parking on common grounds:** Jack White's committee's is preparing suggestions for alternative solutions to the continuing problem of parking on the District's streets and common grounds. He did not attend the meeting.

**7.3.2 Trespassing on Common Grounds.** The Attorney will work John Pirruccello, with the Omaha Police Department, to follow up with the Couglas County Sheriff's office regarding the recent vandalism incidents which were reported to the Sheriff.

The Board discussed securing a replacement for Carl next year when he plans to not renew his contract. Trustee Parker and Carl will prepare a list of the projects which he has performed for the District, together with the charges for labor and equipment. Trustees Hraban and Clark will contact other S.I.D.s to determine how they handle maintenance.

**7.4 Legal:**

**7.4.1 SID 177 vs. Employers Mutual Casualty Company:** The Attorney reported that The Deposition of Joe Elliott was taken on Sep. 24th and Sep. 27th. On Oct. 10th a Hearing was held on the Defendant's Motion for Summary Judgment on our claim of bad faith. Both sides are to submit briefs within the next two Weeks. The schedule is:

1. All discovery to be completed by Jan. 15th;
2. All motions and briefs to be filed by Jan. 22nd;
3. Hearing on motions scheduled for Feb. 4th;
4. Pretrial conference scheduled for Feb. 13th;
5. Trial set for Feb. 25th.

It is our position that EMC did not act in good faith in processing the District's claim on the Anderson bond and we are seeking to recover the amount of the penal sum, \$166,339.98. Trial Counsel has the case on a contingent fee basis.

**7.4.2 Adjust maximum monthly fee.** The Attorney requested that his hourly fee remain at \$50.00, as a contribution to the District, but that the monthly lid on his fee be increased from \$1,000 established in 2002 to \$1,300 in order to begin to recover

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

Oct. 23, 2007

the \$16,000 in accumulated, unpaid fees in excess of his hourly rate of \$50.00. Trustee Parker had requested a month to study the proposal. After it appeared that two Trustees were in favor, two Trustees were opposed, and one Trustee was undecided on the question, it was put over until the November meeting.

**7.4.3 Change Game and Parks classification.** The 2007 Nebraska Boating Guide has omitted Riverside Lakes from the list of "Non Public Lakes" so the District has complied with Bond Counsel's requirement. The Attorney will advise Bond Counsel that its requirement that the District secure a change in Game and Park's classification of the District as a private lake has been accomplished.

**7.5 Pavilion Project: Change Order.** The Chairman discussed a proposed Change Order for the project in the amount of \$1,500 for the additional concrete required by the City of Omaha. After discussion the following Resolution was proposed by Trustee Parker and seconded by Trustee Miller:

**RESOLUTION**

**RESOLVED**, by the Board of Trustees of Sanitary and Improvement District No. 177 of Douglas County, Nebraska, that the Change Order submitted by the Contractor for the addition of \$1,500 to the Pavilion Project be approved upon the submission of the request and the execution of the District's Acceptance of Proposal form.

On roll call vote thereon, the following Trustees voted aye: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.

**7.6 Payment of Bills:** Trustee Parker presented the current bills for discussion. After reviewing the bills the following Resolution was proposed for adoption by Trustee Miller and seconded by Trustee Hraban:

**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. 6123 through 6145** 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 Oct. 23, 2010, 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.

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

Oct. 23, 2007

**FURTHER 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 No. A483** of the District, dated the date of this Meeting, to the payees and in the amount listed on the attached Exhibit "A", said Warrant to be drawn on the Construction Fund of the District, and to draw interest at the rate of six and one-half percent (6.5%) percent per annum (interest payable on Oct. 10th of each year) and to be redeemed no later than Oct. 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 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

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

Oct. 23, 2007

its "qualified tax exempt obligations" under Section 265(b)(3)-(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: Miller, Parker, Clark, Hraban, and Reppert; voting nay: none. The Chairman declared said Resolution duly passed and adopted by the Board.

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

Oct. 23, 2007

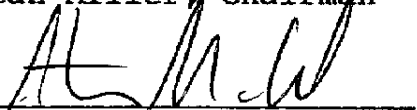
9. Set Next Meeting Date, Location and Time: The next Regular Meeting of the Board will be conducted on Nov. 20, 2007 at 7:30 p.m., at the D.C. West Public School Library, 7th & Washington Streets, Waterloo, Nebraska.


10. Adjourn Meeting: There being no further business to come before the Board, the Meeting was, upon motion by Trustee Hraban, duly seconded by Trustee Clark, with the following Trustees voting aye: Miller, Parker, Clark, Hraban, and Reppert; and the following Trustees voting nay: none, adjourned at 10:00 p.m.

SANITARY AND IMPROVEMENT DISTRICT NO. 177  
DOUGLAS COUNTY NEBRASKA

  
\_\_\_\_\_  
Dean Miller, Chairman

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

  
\_\_\_\_\_  
Steve Clark, Trustee

  
\_\_\_\_\_  
Gerald Hraban, Trustee

  
\_\_\_\_\_  
William Reppert, Trustee