

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF SANITARY AND IMPROVEMENT DISTRICT NO. 97 OF SARPY COUNTY, NEBRASKA HELD AT 5:00 P.M. ON FEBRUARY 17, 2015 AT 8335 PLATTEVIEW ROAD, PAPILLION, NEBRASKA

The meeting of the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska was convened in open and public session at 5:00 p.m. on February 17, 2015, at the Sarpy County Sheriff's Station, Papillion, Nebraska, 68046.

Present at the meeting were Trustees David Wennstedt, Jeff Warinski, David Barry, and Ken Brison. Also present the District's attorney, Brian Doyle. The Chairman then publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on February 11, 2015, a copy of the Proof of Publication being attached to these minutes. Notice of the meeting was simultaneously given to all members of the Board of Trustees and a copy of their Acknowledgment of Receipt of Notice is attached to these minutes. Availability of the agenda was communicated in the publicized notice and in the notice to the Trustees of this meeting. All proceedings of the Board were taken while the convened meeting was open to the attendance of the public.

The Clerk then certified that notice of this meeting had been given to the Sarpy County Clerk at least seven days prior to the time set by the Board of Trustees for this meeting and filed the Certificate to that effect, said Certificate being attached to these minutes and made a part hereof by this reference.

The Board then discussed the Nebraska Supreme Court case *SID #1 of Butler County v. Adamy, et al*, 289 Neb. 913, 921 (2015). The Board's attorney informed the Board that the decision directed the District Court in Butler County to charge fees to SID for collection of municipal taxes of 1% and not the 2% that had originally been charged. Upon Motion made by Trustee Wennstedt and Seconded by Trustee Barry, the Board voted 4 "aye" and 0 "nay" to authorize its attorney to file a lawsuit against the County treasurer as lead plaintiff on behalf of all similarly situation SIDs within Sarpy County if a resolution cannot be reached with the County Treasurer of Sarpy County.

The Board first heard the report of Urban Utilities. Nothing major problems. Emergency

call on west lift station, has been addressed. Backflow unit has been tested. Pump replacement still waiting on field rep to inspect. No spare at this time but operating fine at this time. WWTP requested that sewer line cleanings be done in warmer conditions. Requested that the lift stations also be cleaned. No issues with the water system to report.

The monthly reports from Midwest Laboratories, Inc. was presented.

The monthly statement from Pinnacle Bank was presented.

The Board then discussed the process and timing of minutes of the meetings.

The Board then discussed with its engineer the Drive 25 paint and new speed limit signs. The painting won't be done until spring. The signs are being installed by Sarpy County. The Board then discussed mowing and street sweeping bids with its engineer. Those bids will be presented at the next meeting.

The Board then discussed the water system. The Board requested its attorney draft a letter to residents regarding the water system. The Board discussed options that homeowners have to install treatment, filtration and softening systems within their own homes. The Board also discussed the automatic transfer to Papillion water for emergencies and determined that the cost currently outweighs the benefit.

The Board then discussed the plans for trail replacement around the lake and on the dike. The Board requested that bids for the project be taken but the Board stated that it does not have to proceed with the project. With additional information on costs the Board can evaluate within its budget on whether to move forward with the project. The Board also discussed the use of removable bollards on the path and dike to prevent all terrain vehicles from accessing it.

The Board discussed the logs left over from tree removal. The Board stated that they had not received any complaints and were going to leave them where they are.

The Board then discussed shallow water in the lake at the narrows. The Board discussed whether the situation, particularly during low water levels, presented a hazard. The Board asked its engineer to look into regulatory signs regarding low water situations.

The Board then discussed that electricity at the volleyball court won't be further discussed until HVLA has a representative present at the meeting.

The Board discussed the Stites' mailbox lawsuit and that it would be moving towards a trial date.

The Chairman then presented the following statements for payment from the General Fund Account of the District:

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| a.) | Urban Utilities, Inc. for WWTP February maintenance, Postal Service charges, emergency services, sampling, etc. (#7352). | \$3,412.18 |
| b.) | Urban Utilities, Inc. for meter reading/invoicing, NE Dept. of Revenue form prep., etc. for February, and support services in re: meter reading equipment, etc. (#7353). | \$1,232.98 |
| c.) | Midwest Laboratories, Inc. for water testing and preparation of (#751644). | \$ 281.28 |
| d.) | E & A Consulting Group, Inc. for engineering services relating to general maintenance of the District (#126959, 126759). | \$ 371.25 |
| e.) | Awerkamp Goodnight Schwaller & Nelson PC for accounting services relating to the IRS Forms 1099 and 1096-Misc. | \$ 125.00 |
| f.) | Tri-State Pumping, L.L.C. for sludge removal and hauling from WWTP (No.1076, 1063). | \$1,100.00 |

Upon motion made by Trustee Brison and seconded by Trustee Barry, the Board voted four (4) "ayes" and zero (0) "nays" to approve the payments from the General Fund Account of the District. The Clerk was then directed to attach copies of the invoices to these minutes.

After discussion the Resolution contained herein below and by this reference incorporated herein was duly introduced, seconded and upon a roll call vote of "aye" by the Trustees Ken Brison, Dave Barry, Jeff Warinski and David Wennstedt, was adopted; the following resolutions were then passed:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska that the Chairman and Clerk be and hereby are authorized and directed to execute and deliver Warrants No. 4183 through 4188 of the District, dated the date of this meeting, to the payees, for the following services and in the following amounts, said warrants to draw interest at the rate of 7% per annum, said warrants to be payable from the General Fund Account of the District, to be redeemed no later than three (3) years of the date hereof, being February 17, 2018; to-wit:

- a.) Warrant No. 4183 for \$3,412.18 made payable to Urban Utilities for February maintenance, etc.
- b.) Warrant No. 4184 for \$1,232.98 made payable to Urban Utilities for September meter reading services, etc.
- c.) Warrant No. 4185 for \$281.28 made payable to Midwest Laboratories, Inc. for water testing.
- d.) Warrant No. 4186 for \$371.25 made payable to E & A Consulting Group, Inc. for engineering services relating to general maintenance.
- e.) Warrant No. 4187 for \$125.00 made payable to Averkamp, Goodnight, Schwaller & Nelson PC for preparation of IRS Forms.
- f.) Warrant No. 4188 for \$1,100.00 made payable to Tri-State Pumping, LLC for sludge removal and hauling from WWTP.

BE IT FURTHER RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska the District hereby authorizes and directs the Chair 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 (the “Code”), pertaining to the General Fund Warrants;

No opinion of nationally recognized counsel in the area of municipal finance has been delivered with respect to the treatment of interest on the General Fund Warrants. Purchasers of the General Fund Warrants are advised to consult their tax advisors as to the tax consequences of purchasing or holding the General Fund Warrants.

There being no further business before the Board, the Chairman adjourned the meeting.

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**SIGNATURE PAGE FOR THE MINUTES OF SANITARY
AND IMPROVEMENT DISTRICT NO. 97 OF SARPY
COUNTY, NEBRASKA, MEETING HELD ON JANUARY
20, 2015**

There being no further business to come before the meeting, a motion was duly made,
seconded and unanimously adopted to adjourn the meeting.

David Wennstedt, Chairman

David Barry, Clerk