

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 AUGUST 16, 2016 AT 8335 PLATTEVIEW ROAD, PAPIILLION, NEBRASKA

The meeting of the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska was convened in an open and public session at 5:00 p.m. on August 16, 2016, at the Sarpy County Sheriff's Station, located at 8335 Platteview Road, Papillion, Nebraska, 68046.

Present at the meeting were Trustees David Barry, David Wennstedt, Shellie Zeeb, Ken Brison, and Jeff Warinski. In addition to the Trustees, also present at the meeting were Brian Doyle, attorney for the District; Joy and Rene Nelson of Urban Utilities; Bob Czerwinski of E&A Consulting group, engineers for the District; and Adam Flanagan of Kuehl Capital Corporation, municipal financial advisor to the District.

The Clerk 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 August 10, 2016, 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 below matters were then discussed in the following order:

- i) Monthly reports – Urban Utilities (“UU”);
 - a. The Board reviewed and discussed the monthly report. The Board discussed with UU their inspection the slide gate and discussion with a supplier regarding

installing a motorized system to open and close the gate. The supplier indicated that the use of a motor may not be a good option. Currently the slide gate is difficult to open and close and requires a significant amount of torque. This has resulted in parts of the aluminum gate bending causing it to be more difficult to open. A motorized system may create too much torque and cause additional problems. The District's engineer suggested that he and the contractor who installed the gate inspect it and discuss what further options are available.

- b. UU reported all normal on water service. Question was raised about two shutoffs in the monthly report. UU stated that these were shut off or turn on for homeowner who had work done on their lines. No accounts were shutoff for non-payment. UU noted that there is no additional charge to the District for this work. It was also noted that the obligation of the District is to provide water service to the water main and that from the main to the service line into the house is the responsibility of the individual homeowner.
 - c. UU reported that the diffusers authorized in July had been ordered and received. The contractor is currently on another job and will commence work upon its completion. The guide rail parts are also delivered and the contractor will fabricate the guiderails on site.
- ii) Monthly report(s) – Midwest Laboratories, Inc.;
 - a. All results acceptable; nothing more to report;
 - iii) Monthly statement(s) – Pinnacle Bank; none.
 - iv) Kuehl Capital – Presentation of monthly snapshot report;
 - a. August report presented and discussed; based upon the preliminary taxable valuation provided by the Sarpy County Assessor, the recommendation is for a \$0.39 bond fund tax levy and a \$0.25 general fund tax levy. Tax levy recommendations will be adjusted as necessary when final valuations are certified to the District.
- v) The Board then discussed the bid of \$5,300.00 by Geis, Inc. to regrade the beach and create a berm to direct water flow. The Board noted that the last berm installed was not effective because the grading of the beach moved it. There was no motion on the bid. The Board noted that based upon the Lake Lease that HVLA is responsible for the maintenance of the

beach.

- vi) The Board then discussed updating the Lake Lease. The lease dates back to 2000 and is in need of updates. The Board will work on revisions with its attorney and then present an updated Lake Lease Agreement to the HVLA.
- vii) The Board then discussed the bid received from All Trees for the removal of three cottonwood trees south of Kauai. The bid was for \$9000.00. The Board then discussed liability concerns regarding known hazards. The Board also discussed that another tree had been recently struck by lightning and a fifth tree was also identified as suspected of being a hazard. Motion was made by Trustee Barry and seconded by Trustee Brison to accept the bid for tree removal and to instruct its engineer and a licensed arborist to make recommendations on the additional two trees and to remove the same as a change order if warranted and price acceptable to the Board. Motion passed five (5) “aye” and zero (0) “nay”. The Board then discussed the Mulberry trees overhanging the path. Trustee Wennstedt communicated with the property owner who is agreeable to making some changes. A SID representative will coordinate a meeting with the adjacent property owner along with the District’s engineer and tree service to determine the scope of work and to get a quote.
- viii) The Board then discussed a request by a homeowner to dredge sand from the lake. The Board noted that sand should not be dredge from the narrows by the boat ramp to avoid damage to underground utilities below the lake in that area. The Board also noted that any lake dredging must be reviewed by the Board and its engineer before approval could be granted. It was noted that any contractor doing digging in the village is responsible for calling for One-Call utility locates. The Board will continue to coordinate with the homeowner as required
- ix) The Board then discussed working with HVLA to update disclosures regarding the public water system in the District. The Board noted that while the water is hard and untreated, there are systems available that can greatly improve the water quality in each home. The Board noted that its water is tested on a monthly basis and meets all applicable requirements. The Board will work with HVLA to update these disclosures. The Board also discussed having its cost comparison between SID provided water versus Papillion water be updated with current information for future review.

- x) The Board then discussed the importance of reinstalling the bollard post at the entrance to the dike path if it is removed for authorized access by motorized vehicles.

The Chairman next presented the following invoices and statements to be paid out of the General Fund Account of the District:

a.)	Urban Utilities, Inc. for WWTP August maintenance, Postal Service charges, emergency services, sampling, etc. (#7828).	\$3,708.96
b.)	Urban Utilities, Inc. for meter reading/invoicing, NE Dept. of Revenue form prep., etc. for August, and renewal of HD Water-Works supply contract, and permit preparation (#7829).	\$3,695.39
c.)	Urban Utilities, Inc. for purchase of digester diffusers, guide rail assembly and kit for rebuilding of the WWTP lift station, etc. (#7832).	\$2,789.97
d.)	Midwest Laboratories, Inc. for water testing and preparation of samples (#810953).	\$ 111.50
e.)	Tri-State Pumping, L.L.C. for sludge removal and hauling from WWTP (No. 2113, 2125, 2090).	\$1,980.00
f.)	Premier Waste Solutions for consolidated residential trash collection for August and September, 2016.	\$4,101.12
g.)	City of Omaha for quarterly sewer bill with tax (No. 124695).	\$1,794.83
h.)	Utilities Service Group for annual jetting and cleaning of the Sanitary sewer lines, as directed (#11334).	\$1,382.64
i.)	Kelly R. Burns CPA, P.C. for bookkeeping services relating to Warrants issued by the District for year 2015/2016 (#8981).	\$ 120.00

Upon motion made by Trustee Barry and seconded by Trustee Zeeb, the Board voted five (5) "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 was duly introduced, seconded and upon a roll call vote of "aye" by the Trustees Dave Wennstedt, Jeff Warinski, Shellie Zeeb, Ken Brison and David Barry, was unanimously adopted:

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. 4328 through 4336 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, and to be payable from the General Fund Account of the District and to be redeemed no later than three (3) years of the date hereof, being August 16, 2019 (the “**General Fund Warrants**”); to-wit:

a.) Warrant No. 4328 for \$3,708.96 made payable to Urban Utilities, Inc. for August maintenance, postal service charges, emergency service, sampling, etc.

b.) Warrant No. 4329 for \$3,695.39 made payable to Urban Utilities, Inc. for meter reading for August, NE Dept. of Health Forms, renewal of HD WaterWorks supply contract, and related services.

c.) Warrant No. 4330 for \$2,789.97 made payable to Urban Utilities, Inc. for purchase of digester diffusers, guide rail assembly kit and related materials.

d.) Warrant No. 4331 for \$111.50 made payable to Midwest Laboratories, Inc. for water testing.

e.) Warrant No. 4332 for \$1,980.00 made payable to Tri-State Pumping, LLC for sludge removal and hauling from WWTP.

f.) Warrant No. 4333 for \$4,101.12 made payable to Premier Waste Solutions for trash collection at residences and boat ramp for August and September.

g.) Warrant No. 4334 for \$1,794.83 made payable to the City of Omaha for quarterly sewer bill with tax.

h.) Warrant No. 4335 for \$1,382.64 made payable to Utilities Service Group for annual jetting and televising of sanitary sewer line.

i.) Warrant No. 4336 for \$120.00 made payable to Kelly R. Burns, CPA, PC for accounting services relating to bookkeeping of warrants.

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.

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**SIGNATURE PAGE FOR THE MINUTES OF SANITARY
AND IMPROVEMENT DISTRICT NO. 97 OF SARPY
COUNTY, NEBRASKA, MEETING HELD ON AUGUST 16,
2016**

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