

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 SEPTEMBER 13, 2016, AT THE SARPY COUNTY SHERIFF'S OFFICE, 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 September 13, 2016, at 8335 Platteview Road, Papillion, Nebraska 68046.

Present at the meeting were Trustees Dave Barry, David Wennstedt, Shellie Zeeb, Ken Brisson and Jeff Warinski. Also present was Mark Johnson of Fullenkamp Doyle & Jobeun, attorney's for the District; Joy Nelson of Urban Utilities, Inc.; and J.P. Platisha with Kuehl Capital Corporation, municipal advisor; no Trustee was absent.

Notice of the meeting was given in advance thereof by publication in The Papillion Times on September 7, 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 published 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 presented 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 his Certificate to that effect, said Certificate being attached to these minutes and made a part hereof by this reference.

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.

The Chairman then presented the proposed budget of the District and advised that the Budget Summary had been published in The Papillion Times, a legal newspaper of Sarpy County, Nebraska, on September 7, 2016, an amended version of which was published on September 21, 2016, a copy of the Proof of Publication being attached to these minutes.

The Chairman then advised that no property owners in the District appeared at this hearing on the proposed budget and Budget Summary to offer support, opposition, criticism,

suggestions or observations concerning the proposed budget. The Chairman noted that the budget complies with the current provisions of the Nebraska Lid Law, and that the property taxes for the Bond Fund and General Fund are as follows:

Bond Fund	\$234,100.00	0.390000
General Fund	\$150,064.00	0.250000
Total	\$384,164.00	0.640000

A discussion was then held concerning raising the General Fund levy from the recommended \$0.250000 back up to \$0.270000 (being the same as the General Fund Levy in the 2015/2016 fiscal year), pursuant to the suggestion from the Board of Trustee to the District's accountant and attorney based on projected expenditures for the 2016/2017 fiscal year. Then upon a motion duly made, seconded and a roll call vote of five (5) "aye" and zero "nay", the Trustees agreed to amend the General Fund Levy to reflect the prior levy of \$0.270000 from the recommended \$0.250000 for FY 2016/2017. The Chairman then asked that an amended Notice of Budget be published on September 21, 2016 in The Papillion Times to reflect the changes as referenced herein above.

The Chairman further stated that the Board is required to hold a separate Special Public Hearing in order to set the 2016/17 Property Tax Request at an amount which is different from the prior year's tax request, and that the District has until October 13 to file with the County Clerk a resolution setting a tax request different from the prior year. The District must also publish notice of the Special Public Hearing reflecting the date and time for said Special Public Hearing, and the Chairman noted that such notice had been published as reflected in the Proof of Publication attached hereto.

The Chairman then advised that the meeting was now open for a Special Public Hearing on the issue of setting the Property Tax Request at an amount different from the prior year's request as required by Neb. Rev. Stat. §77-1601.02. The Chairman advised that no one appeared in opposition. Following discussion, the Chairman then declared the public hearing on the budget and the Special Public Hearing to be closed, whereupon, a motion was duly made, seconded and the following resolutions passed:

BE IT RESOLVED by the Board of Trustees of Sanitary and Improvement District No. 97 of Sarpy County, Nebraska that the budget be and hereby is adopted as proposed; and

BE IT FURTHER RESOLVED that the 2016/17 Property Tax Request for the Bond Fund and General Fund be set as follows:

Bond Fund	\$234,100.00	0.390000
General Fund	\$162,070.00	0.270000
Total	\$369,170.00	0.660000

BE IT FURTHER RESOLVED that the Clerk be and hereby is authorized and directed on behalf of the District to file or cause to be filed a copy of the Budget and Property Tax Request as adopted by the Board of Trustees with the County Clerk and Auditor of Public Accounts on or before September 20, 2016.

Then, upon, a motion duly made, seconded and unanimously approved, the Chairman declared the above resolutions duly carried and adopted. The Chairman then instructed the Clerk to attach a copy of the accepted budget to these minutes.

The Chairman then presented the Disclosure Letter for Existing Municipal Advisor Agreements, prepared for the District and submitted by Kuehl Capital Corporation, the District's municipal advisor. It was then asked that the Board make the above letter a record of these proceedings and the same was incorporated herein. The Clerk was directed to attach a copy to these minutes.

Discussions were then had regarding the following matters in the following order:

- i.) Monthly reports from Urban Utilities – nothing reported;
- ii.) Monthly reports from Midwest Laboratories – nothing noted;
- iii.) Monthly statement from Pinnacle Bank – none presented;
- iv.) Papillion water –
 - a. Brian Doyle to give update at October meeting;
 - b. Trustee Brison presented spreadsheet in re: cost benefit analysis as it relates to switching to Papio water; the same was attached to these minutes;
- v.) Sewer rates – Trustee Brison presented an analysis of sewer expenses and current sewer rates;
- vi.) Log removal on Kauai;
- vii.) Mud in McNabb driveway – it was addressed, but there is still mud present, running into the inlets and lake; request that attorney's office send an additional letter to request corrective actions;

- viii.) HVLA Lake Lease and payment relating thereto – Brian Doyle to report back on the same at the October meeting; Gene Kloewer from HVLA Board present representing the interests of the HVLA;
- ix.) Dredging near and/or in the narrows – status;
- x.) Gate structure operation – not working correctly, needs repaired; Board unanimously voted to have Jochim look at the gate and fix according to the recommended repairs;
- xi.) Street water issue at Otto residence;
- xii.) Miscellaneous matters before the Board as deemed necessary.

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

a) Omaha Public Power District for power supply and street lighting (acct. no. 7333000080).	\$7,835.31
b) Fullenkamp Doyle & Jobeun for legal services and expenses of the District (2016).	\$16,008.18
c) Urban Utilities, Inc. for WWTP September services including well house repairs, pumper truck rental, NE Dept. of revenue forms, etc. (#7851).	\$5,206.38
d) Urban Utilities, Inc. for meter reading/invoicing, \$1,377.06 U.S. postal service fees, etc. for September (#7852).	
e) Midwest Laboratories, Inc. for sampling and water testing (No. 818035)	\$ 134.71
f) Awerkamp, Goodnight, Schwaller & Nelson, P.C. for accounting services through August 22, 2016.	\$2,500.00
g) Tri-State Pumping, LLC for sludge removal and hauling \$1,320.00 (No. 2135, 2155).	
h) E & A Consulting Group, Inc. for engineering services relating to general maintenance (No. 133452, 133585).	\$1,400.10
i) DHHS Nebraska for water testing and supplying of test-400.00	\$

ing kits to UU (No. 478325, 479399).

- j) Commercial Mowing, Inc. for mowing of designated areas as directed (#1244, 1245). \$1,400.00
- k) AllTrees for removal of downed tree along Kauai Drive (8/2 invoice). \$ 375.00
- l) Kuehl Capital Corporation for financial advisor/fiscal agent services for FY 2016/2017 (#1615). \$9,000.00

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 David Barry, David Wennstedt, Shellie Zeeb, Jeff Warinski, and Ken Brison, 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. 4337 thru 4348 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 and to be redeemed no later than three (3) years of the date hereof, being September 13, 2019 (the “**General Fund Warrants**”); to-wit:

- a. Warrant No. 4337 for \$7,835.31 made payable to OPPD for power supply and street lighting.
- b. Warrant No. 4338 for \$16,008.18 made payable to Fullenkamp, Doyle, & Jobeun for legal services and expenses of the District (2016).
- c. Warrant No. 4339 for \$5,206.38 made payable to Urban Utilities, Inc. for WWTP September services including well house repairs, pumper truck rental, etc.
- d. Warrant No. 4340 for \$1,377.06 made payable to Urban Utilities, Inc. for meter reading/invoicing, U.S. postal service fees, etc. for September.

- e. Warrant No. 4341 for \$134.71 made payable to Midwest Laboratories, Inc. for water testing.
- f. Warrant No. 4342 for \$2,500.00 made payable to Averkamp, Goodnight, Schwaller & Nelson for accounting services and preparation of the budget/financials through August 2016.
- g. Warrant No. 4343 for \$1,320.00 made payable to Tri-State Pumping, LLC for sludge removal and hauling.
- h. Warrant No. 4344 for \$1,400.10 made payable to E & A Consulting Group, Inc. for engineering services relating to general maintenance.
- i. Warrant No. 4345 for \$400.00 made payable to the DHHS NE Public Health lab for water testing and water test kits.
- j. Warrant No. 4346 for \$1,400.00 made payable to Commercial Mowing, Inc. for mowing of designated areas.
- k. Warrant No. 4347 for \$375.00 made payable to AllTrees for removal of downed tree along Kauai Street.
- l. Warrant No. 4348 for \$9,000.00 made payable to Kuehl Capital Corporation for financial advisor/fiscal agent services for FY 2016/2017.

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.

Before adjournment, the Board and its representatives briefly discussed the raising of sewer rates. It was then decided that this would be discussed further at the October meeting and the Clerk was asked to add the same to the agenda for said meeting.

**SIGNATURE PAGE FOR THE MINUTES OF SANITARY
AND IMPROVEMENT DISTRICT NO. 97 OF SARPY
COUNTY, NEBRASKA, MEETING HELD ON
SEPTEMBER 13, 2016 – BUDGET MEETING**

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