



Butler County Board Minutes



BUTLER COUNTY BOARD OF SUPERVISORS

July 06, 2021

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6th day of July, 2021 at the Butler County Courthouse Supervisors Meeting Room in David City, Nebraska at 9:00 a.m.

Present were the following: Tony Krafka, Scot Bauer, Anthony Whitmore, David Mach, Robert Coufal and Ryan Svoboda.

Notice of the meeting was given in advance thereof, by Publication, a designated method for giving notice, as shown by the Proof of Publication attached to the minutes. Notice of this meeting was given to all members of the Board and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to all members of the board of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

The Pledge of Allegiance was recited by all present.

Stephanie L. Laska, County Clerk, called the meeting to order and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

Laska asked for changes or corrections to the minutes, none were presented, the previous meeting shall stand approved as presented.

Appoint Temporary Chairman

Due to the resignation of Chairman Scott Steager, a temporary chairman is necessary to appoint until the vacancy is filled by the vacancy committee and a permanent chairman can be voted upon. Moved by Krafka and seconded by Svoboda to nominate David Mach as the temporary chairman. No further nominations were made. Upon roll call vote the following voted aye: Krafka, Svoboda, Coufal, Whitmore, and Bauer. The following voted nay: NONE. Abstained: Mach. Motion carried.

Sheriff Monthly Report

The County Sheriff fee report for the month of June 2021 was presented to the board and placed on file.

County Clerk Monthly fee report

The County Clerk fee report for the month of June 2021 was accepted and placed on file.

Clerk of the District Court monthly fee report

The Clerk of the District Court fee report for the month of June 2021 was accepted and placed on file.

Consideration of Resolution 2021 – 26/Approval of Irrevocable Letter of Credit-Bank of the Valley

Moved by Svoboda and seconded by Bauer to approve Resolution 2021 – 26 as presented. Upon roll call vote the following voted aye: Svoboda, Krafka, Bauer, Whitmore, Coufal, and Mach. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2021 – 26**

WHEREAS, at various times throughout the year, the Butler County Treasurer may receive monies and deposit same at Bank of the Valley, which sum may exceed the amounts allowed by Nebraska law, and



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WHEREAS, in order to comply with Nebraska law and thereby secure deposits over and above the current FDIC insured amount, Federal Home Loan Bank of Topeka has established an Irrevocable Letter of Credit No. 71089, dated June 30, 2021, in the amount of \$3,000,000.00, for the account of Bank of the Valley, Bellwood, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that the above-mentioned Irrevocable Letter of Credit in the amount of \$3,000,000.00, as security for deposits in said financial institution be approved.

DATED this 6th day of July, 2021.

/s/David W. Mach.
Chairman, Board of Supervisors

ATTEST:

/s/Stephanie L. Laska
Stephanie L. Laska, County Clerk

Discussion/Possible Action regarding Clerk gWorks tab agreement and one time set up fee

Laska presented before the board an amendment to the current gWorks Clerk tab agreement. This amendment will add more layers to the Clerk Tab on the gWorks site. Also, there will be a one time setup fee that will digitize the precincts of Butler County and help with future redistricting and elections. Laska noted that her budget is able to cover the one-time fee; she's asking the board to approve the amendment to the agreement. Moved by Krafka and seconded by Bauer to approve the amendment to the Clerks tab agreement on the gWorks website. Upon roll call vote the following voted aye: Krafka, Bauer, Whitmore, Coufal, Svoboda and Mach. The following voted nay: NONE. Motion carried.

Consideration/Approval of Resolution 2021-27 to Authorize the early redemption of general obligation bonds (Butler County Agricultural Society), Series 2016

Jennifer Kobza, Ameritas Investment Company and Mandi Topil, Butler County Agricultural Society presented the bond refinancing before the board. The total refinancing of the Series 2016 bond will save the county approximately \$96,595.94 over the next 10 years. Resolution 2021-27 was presented to the board. Moved by Whitmore and seconded by Coufal to approve Resolution 2021-27 as presented. Upon roll call vote the following voted aye: Whitmore, Coufal, Svoboda, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.

BOARD OF SUPERVISORS BUTLER COUNTY, NEBRASKA RESOLUTION NO. 2021 – 27

A RESOLUTION AUTHORIZING THE EARLY REDEMPTION OF GENERAL OBLIGATION BONDS (BUTLER COUNTY AGRICULTURAL SOCIETY PROJECT), SERIES 2016, OF THE COUNTY OF BUTLER, NEBRASKA, IN SUCH AMOUNTS AND IN SUCH MATURITIES AS SHALL BE DETERMINED BY AN AUTHORIZED OFFICIAL OF THE COUNTY.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, NEBRASKA AS FOLLOWS:

Section 1. Butler County, Nebraska (the "County") has previously issued its General Obligation Bonds (Butler County Agricultural Society Project), Series 2016, dated August 17, 2016, in the original aggregate principal amount of \$1,950,000 (the "Series 2016 Bonds"), of which \$1,470,000 in aggregate principal amount are presently outstanding. The Series 2016 Bonds were authorized by Sections 23-120 et seq., Reissue Revised Statutes of Nebraska, as amended (the "Act"), and a resolution (the "Series 2016 Resolution") duly passed and adopted by the County's Board of Supervisors (the "Board"). The Series 2016 Bonds were additionally authorized by a vote of the qualified electors of the County voting at a special election held on May 10, 2016. The County issued the Series 2016 Bonds to (a) finance the costs of the acquisition, construction, furnishing and equipping of a multi-purpose facility on the Butler County Fairgrounds, including related site improvements, parking and infrastructure, to be operated by the Butler County Agricultural Society and (b) pay the costs of issuing the Series 2016 Bonds.

Section 2. As set forth in the Series 2016 Resolution, the Series 2016 Bonds maturing on or after December 15, 2021 are subject to redemption at any time on or after August 17, 2021, as a whole or in part, from time to time at



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the principal amount thereof, at a redemption price equal to the principal amount of the Series 2016 Bonds so redeemed, plus accrued interest on such principal amount being redeemed to the redemption date.

Section 3. Subject to the conditions set forth herein, the Board hereby authorizes the refunding and redemption of the following outstanding Series 2016 Bonds (the “**Refunded Bonds**”), and the payment of the redemption price of such bonds through and including August 18, 2021 (the “**Redemption Date**”), or such other date as shall be determined by the Board Chairperson, the County Treasurer or the County Clerk (each, including any person authorized to act on his or her behalf, an “**Authorized Officer**”), all in accordance with redemption provisions set forth in the Series 2016 Resolution, after which date interest on such bonds shall cease:

<u>Maturity Date</u> <u>(December 15)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP</u>
2021	\$120,000	1.30%	123529 FS3
2022	125,000	1.45	123529 FT1
2023	125,000	1.60	123529 FU8
2024	130,000	1.70	123529 FV6
2025	130,000	1.85	123529 FW4
2026	130,000	2.00	123529 FX2
2027	135,000	2.15	123529 FY0
2028	140,000	2.30	123529 FZ7
2029	140,000	2.40	123529 GA1
2030	145,000	2.55	123529 GB9
2031	150,000	2.70	123529 GC7

Any Authorized Officer may determine that one or more maturities of the Refunded Bonds listed above shall not be refunded and redeemed on the Redemption Date. Such determinations shall be set forth in a certificate of such Authorized Officer.

Section 4. On the Redemption Date, the principal of the Refunded Bonds, together with all accrued interest to but not including the Redemption Date, shall be paid upon presentation and surrender thereof at the corporate trust office of Union Bank and Trust Company, Lincoln, Nebraska, as paying agent and registrar for the Refunded Bonds (the “**Registrar**”).

Section 5. In accordance with the Series 2016 Resolution:

(a) not later than 35 days prior to the Redemption Date (or such other date as may be acceptable to the Registrar), the Authorized Officers, or each individually, are hereby directed to file a copy of this Resolution with the Registrar; and

(b) upon receipt of this Resolution, the Registrar is hereby instructed to mail notice of the redemption of the Refunded Bonds to each registered owner thereof not less than 30 days prior to the Redemption Date (or such shorter period as may be acceptable to the then registered owners of the Refunded Bonds); and

(c) not later than 10 business days following its mailing of the redemption notice, the Registrar is further directed to file such redemption notice with the Municipal Securities Rulemaking Board and its EMMA portal.

Section 6. This Resolution shall be in full force and take effect from and after its passage as provided by law. The refunding and redemption of the Refunded Bonds authorized by this Resolution are subject to the prior issuance by the County of its General Obligation Refunding Bonds (Butler County Agricultural Society Project), Series 2021 (the “**Refunding Bonds**”). This Resolution shall have no force and effect if the Refunding Bonds are not issued within one year of the date hereof.

DATED July 6, 2021.

/s/David W. Mach
Chairperson, Board of Supervisors

Attest:

/s/Stephanie L. Laska



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County Clerk

Consideration/Approval of Resolution 2021-28 to Authorize the issuance by the County of Butler, Nebraska of one or more series of its general obligation refunding bonds (Butler County Agricultural Society Project), Series 2021, in the aggregate principal amount not to exceed one million four hundred eighty-five thousand dollars (\$1,485,000)

Resolution 2021-28 was presented for the board's approval. Moved by Whitmore and seconded by Svoboda to approve the resolution as presented. Upon roll call vote the following voted aye: Whitmore, Coufal, Svoboda, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2021 – 28**

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE COUNTY OF BUTLER, NEBRASKA OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION REFUNDING BONDS (BUTLER COUNTY AGRICULTURAL SOCIETY PROJECT), SERIES 2021, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,485,000); PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; DELEGATING TO THE CHAIRPERSON OF THE BOARD, THE COUNTY TREASURER OR THE COUNTY CLERK THE AUTHORITY TO DETERMINE THE SERIES, AGGREGATE PRINCIPAL AMOUNT, MATURITIES, INTEREST RATES, REDEMPTION PROVISIONS AND OTHER DETAILS OF SUCH BONDS; IMPOSING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE COUNTY TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND THE INTEREST ON SUCH BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST-ISSUANCE TAX COMPLIANCE AND DISCLOSURE PROCEDURES RELATING TO SUCH BONDS; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, NEBRASKA AS FOLLOWS:

Section 1. The Board of Supervisors (the "**Board**") of Butler County, Nebraska (the "**County**") hereby makes the following findings and determinations:

(a) The County is a county and political subdivision duly organized under Section 22-112, Reissue Revised Statutes of Nebraska, as amended, and Chapter 23, Reissue Revised Statutes of Nebraska, as amended.

(b) The Butler County Agricultural Society (the "**Agricultural Society**"), an agricultural society duly formed and organized under the County Agricultural Society Act, Sections 2-250 through and including 2-273, as amended (the "**Agricultural Society Act**") for the purpose of operating and maintaining the Butler County Fair, requested that the County construct, equip and furnish a multi-purpose facility to be located on the Butler County Fairgrounds to be used by the Agricultural Society during the Butler County Fair and by community organizations and individuals throughout the year (the "**Project**").

(c) The County previously issued its General Obligation Bonds (Butler County Agricultural Society Project), Series 2016, dated August 17, 2016, in the original aggregate principal amount of \$1,950,000 (the "**Series 2016 Bonds**"), of which \$1,470,000 in aggregate principal amount are presently outstanding. The Series 2016 Bonds were authorized by Section 23-120 et seq., Reissue Revised Statutes of Nebraska, as amended, and a resolution (the "**Series 2016 Resolution**") duly passed and adopted by the Board. The County issued the Series 2016 Bonds to (a) finance the costs of the Project which consisted of the acquisition, construction, furnishing and equipping of a multi-purpose facility on the Butler County Fairgrounds, including related site improvements, parking and infrastructure, to be operated by the Agricultural Society and (b) pay the costs of issuing the Series 2016 Bonds.

(d) Since the issuance of the Series 2016 Bonds, the rates of interest available in the markets have declined such that the County can effect a savings in interest costs by providing for payment in all or part of the Series 2016 Bonds through the issuance of its general obligation refunding bonds pursuant to Section 23-120 et seq. and Section 10-142, Reissue Revised Statutes of Nebraska, as amended (collectively, the "**Bond Act**").



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(e) As set forth in the Series 2016 Resolution, the Series 2016 Bonds maturing on or after December 15, 2021 are subject to redemption at any time on or after August 17, 2021, as a whole or in part, from time to time at the principal amount thereof, at a redemption price equal to the principal amount of the Series 2016 Bonds so redeemed, plus accrued interest on such principal amount being redeemed to the redemption date.

(f) By resolution of the Board adopted on July 6, 2021, the Board has duly authorized the refunding and redemption of all or a portion of the outstanding Series 2016 Bonds (the “**Refunded Bonds**”) on or about August 18, 2021 (the “**Redemption Date**”), all in accordance with redemption provisions set forth in the Series 2016 Resolution, after which date interest on such bonds shall cease.

(g) The County has on hand no debt service or other sinking fund monies for the payment of principal and interest on the Refunded Bonds other than monies, if any, which are to be deposited in accordance with Section 8 of this resolution.

(h) To provide funds for the refunding and redemption of the Refunded Bonds, it is necessary and advisable that the County issue its general obligation refunding bonds in accordance with the provisions of the Bond Act.

(i) It is further necessary that the County adopt (i) policies and procedures to satisfy all applicable requirements of federal income tax law in order to preserve, post-issuance, the tax-exempt status of the bonds described herein and (ii) policies and procedures to satisfy the issuance and post-issuance disclosure requirements of Rule 15c2-12 (as described herein).

(j) All conditions, acts, and things required by law to exist or to be done precedent to the issuance of refunding bonds pursuant to the Bond Act, do exist and have been done as required by law.

Section 2. (a) The Board does hereby order to be issued negotiable general obligation refunding bonds of the County in the principal amount of not to exceed One Million Four Hundred Eighty Five Thousand Dollars (\$1,485,000), designated as “General Obligation Refunding Bonds (Butler County Agricultural Society Project), Series 2021” (the “**Series 2021 Bonds**”). The Series 2021 Bonds shall be issued only as fully registered bonds, without coupons, on the books of the Registrar and Paying Agent designated in Section 4 hereof (the “**Registrar**”) in the denomination of \$5,000 or any whole multiple thereof not exceeding the principal amount due on a given date of maturity, and shall be numbered consecutively from one upward in order of issuance. Unless otherwise determined by an Authorized Officer, the Series 2021 Bonds shall bear interest calculated on the basis of a 360-day year consisting of twelve 30-day months, from the Date of Original Issue or most recent Interest Payment Date, whichever is later.

(b) The Chairperson of the Board, the County Clerk, and the County Treasurer (each, including any person authorized to act on his or her behalf, an “**Authorized Officer**”), is each individually authorized and directed, in the exercise of his or her independent judgment and absolute discretion, to hereafter, from time to time, specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of this Resolution: (i) the Date of Original Issue and the delivery date of the Series 2021 Bonds, (ii) the aggregate principal amount of Series 2021 Bonds to be issued, not exceeding the aggregate principal amount set forth in this Section 2, (iii) the identity of the registrar and paying agent with respect to the Series 2021 Bonds (the “**Registrar**”) (iv) the years in which a principal maturity of the Series 2021 Bonds shall occur and the principal amount of the Series 2021 Bonds to mature in each of such years or such other dates as he or she may determine, provided that the date of final maturity of the Series 2021 Bonds shall be no later than December 15, 2031, (v) the date or dates upon which the Series 2021 Bonds shall be sold, (vi) the rate or rates of interest to be carried by each maturity of the Series 2021 Bonds, such that the true interest cost shall not exceed 3.00%, (vii) the method by which such rate or rates of interest shall be calculated, (viii) the dates on which interest shall be paid on the Series 2021 Bonds (each, an “**Interest Payment Date**”), (ix) the redemption dates and prices and all terms relating thereto, including the amount and maturity date of any Series 2021 Bonds issued as “term bonds” and the amount of each sinking fund installment therefor, and all terms relating thereto, if any; provided that the Series 2021 Bonds shall be subject to redemption not later than the fifth anniversary of their date of original issuance and delivery, (x) the form, content, terms and provisions of any bond purchase agreement entered into by the County with an Underwriter or any loan agreement between the County and the Lender, all as set forth in Section 7 hereof, (xi) the fee of the Underwriter or the Placement Agent, which shall not be more than 1.50% of the aggregate principal amount of each series, (xii) the purchase price for the Series 2021 Bonds, which shall not be less than 97.00% of the aggregate principal amount thereof (inclusive of the discount of the Underwriter or the Placement Agent and any original issue discount), (xiii) the form and contents of any preliminary and final official statement or



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other offering materials of the County utilized in connection with any offering or sale of the Series 2021 Bonds to the public or of any term sheet or request for lenders in connection with any loan, (xiv) the form, content, terms, and provisions of any closing and other documentation executed and delivered by the County in connection with the authorization, issuance, sale and delivery of the Series 2021 Bonds and (xv) all of the other terms of the Series 2021 Bonds not otherwise determined or fixed by the provisions of this Resolution.

(c) Unless otherwise determined by an Authorized Officer in accordance with State law, the Series 2021 Bonds shall be subject to redemption on dates, in the amounts and at the prices as set forth below:

(i) The Series 2021 Bonds shall be subject to redemption no later than the date five years from their Date of Original Issue and any date thereafter, as a whole or in part, from time to time in such principal amounts and from such maturity or maturities as the County, in its sole and absolute discretion, shall determine, at a redemption price equal to the amount thereof, plus accrued interest on such principal amount to the date fixed for redemption, with or without premium, all as determined by an Authorized Officer. If less than all of the Series 2021 Bonds of any maturity are to be called for redemption, the particular Bonds of such maturity to be redeemed shall be selected by lot.

(ii) Any Authorized Officer, may designate in a certificate certain Series 2021 Bonds as “**Term Bonds**”, portions of which are to be redeemed on the dates (each such date being herein referred to as a “**Sinking Fund Payment Date**”) and in the amounts (hereinafter referred to as a “**Mandatory Sinking Fund Payment**”) set forth in such certificate. The Registrar shall select and call for redemption, in accordance with this subsection (c), from the Term Bonds the amounts specified by any Authorized Officer, or any person authorized to act on his or her behalf, in the certificate, and the Term Bonds selected by the Registrar shall become due and payable on such date. If Term Bonds are redeemed at the option of the County pursuant to Section 2(c)(i), the Term Bonds so optionally redeemed may, at the option of the County, be applied as a credit against any subsequent Mandatory Sinking Fund Payment with respect to Term Bonds otherwise to be redeemed thereby, such credit to be equal to the principal amount of such Term Bonds redeemed pursuant to Section 2(c)(i), provided that the County shall have delivered to the Registrar not less than 45 days prior to such Sinking Fund Payment Date a certificate stating its election to apply such Term Bonds as such a credit. In such case, the Registrar shall reduce the amount of Term Bonds to be redeemed on the Sinking Fund Payment Date specified in such certificate by the principal amount of Term Bonds so redeemed pursuant to Section 2(c)(i). Any credit given to Mandatory Sinking Fund Payments pursuant to Section 2(c)(i) shall not affect any subsequent Mandatory Sinking Fund Payments, which shall remain payable as otherwise provided in this subsection, unless and until another credit is given in accordance with the provisions hereof.

(iii) Series 2021 Bonds subject to redemption shall be redeemed in whole multiples of \$5,000. If any Series 2021 Bond is in a denomination in excess of \$5,000, portions of the principal amount thereof in installments of \$5,000 or any whole multiple thereof may be redeemed, and if less than all of the principal amount thereof is to be redeemed, in such case upon the surrender of such Series 2021 Bonds there shall be issued to the registered owner thereof without charge therefor, for the then unredeemed balance of the principal amount thereof, Bonds of like series, maturity and interest rates in any of the authorized denominations provided by this Resolution.

(iv) Notice of redemption of Series 2021 Bonds stating their designation, date, maturity, principal amounts and the redemption date shall be given by the Registrar by mailing such notice by first-class mail, postage prepaid, not less than 30 days prior to the date fixed for redemption to the registered owners at their most recent addresses appearing upon the books of the Registrar (or such shorter period as may be acceptable to the then registered owners). Failure to give notice to any particular registered owner or any defect in the notice given to such owner shall not affect the validity of the proceedings calling the Series 2021 Bonds or the redemption of any Series 2021 Bonds for which proper notice has been given. Notice of redemption need not be given to the holder of any Series 2021 Bonds, whether registered or not, who has waived notice of redemption. Notice of redemption having been given as provided above or notice of redemption having been waived by the owners of Bonds called for redemption who have not been given such notice as provided above, the Series 2021 Bonds so called for redemption shall become due and payable on the designated redemption date. The County shall give written notice to the Registrar of its election to redeem Bonds at least 45 days prior to the said redemption date, or such shorter period as shall be acceptable to the Registrar. If on or before the



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said redemption date funds sufficient to pay the Series 2021 Bonds so called for redemption at the applicable redemption price and accrued interest to said date have been deposited or caused to have been deposited by the County with the Registrar for the purposes of such payment and notice of redemption thereof has been given or waived as hereinbefore provided, then from and after the date fixed for redemption interest on such Bonds so called shall cease to accrue and become payable. If such funds shall not have been so deposited with the Registrar as aforesaid no later than the date fixed for redemption, such call for redemption shall be revoked and the Series 2021 Bonds so called for redemption shall continue to be outstanding the same as though they had not been so called; such Series 2021 Bonds shall continue to bear interest until paid at such rate as they would have borne had they not been called for redemption and shall continue to be protected by this resolution and entitled to the benefits and security hereof.

(c) Interest on the Series 2021 Bonds at the respective rates for each maturity is payable semiannually on each Interest Payment Date determined in accordance with Section 2 hereof, from the Date of Original Issue or the most recent Interest Payment Date, whichever is later, until maturity or earlier redemption by check or draft mailed by the Registrar or its successor on such Interest Payment Date to the registered owner of each Series 2021 Bond at such registered owner's address as it appears on the Bond Register maintained by the Registrar or its successor at the close of business on the 15th day (whether or not a business day) preceding each Interest Payment Date (the "**Record Date**") subject to the provisions of the following paragraph. The principal on the Series 2021 Bonds and the interest due at maturity or earlier redemption is payable in lawful money of the United States of America to the registered owners thereof upon presentation and surrender of such Series 2021 Bonds to the Registrar at its principal office.

If any payments of interest due on the Series 2021 Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Series 2021 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Registrar whenever monies for the purpose of paying such defaulted interest becomes available.

If the date for payment of the principal or the interest on the Series 2021 Bonds shall be a Saturday, Sunday, legal holiday or day on which banking institutions in the city in which the principal corporate trust office of the Registrar is located are authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal payment date.

(d) The Series 2021 Bonds shall be executed on behalf of the County by the manual or facsimile signatures of the Chairperson and the County Clerk, or any person authorized to act on his or her behalf. In case any officer whose signature or a facsimile of whose signature shall appear on the Series 2021 Bonds shall cease to be such officer before the delivery of any Series 2021 Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery. Notwithstanding such execution, no Series 2021 Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Series 2021 Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Series 2021 Bonds need not be signed by the same representative. The executed certificate of authentication on each Series 2021 Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution.

(e) If any Series 2021 Bond is mutilated, lost, stolen or destroyed, the County shall execute a new Series 2021 Bond of like date, maturity and denomination to that mutilated, lost, stolen, or destroyed, provided that, in the case of any mutilated Series 2021 Bond, such mutilated Series 2021 Bond shall first be surrendered to the Registrar and, in the case of any lost, stolen, or destroyed Series 2021 Bonds, there first shall be furnished to the Registrar evidence of such loss, theft, or destruction satisfactory to the Registrar, together with an indemnity satisfactory to it. If such Series 2021 Bond shall have matured, instead of issuing a duplicate Series 2021 Bond, the County may pay the same without surrender thereof upon the performance of such requirements as it deems fit for its protection, including a lost instrument bond. The County and the Registrar may charge the owner of such Series 2021 Bond with their reasonable fees and expenses for such service.

Section 3. The Series 2021 Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "**Depository**"), with one typewritten bond per maturity being issued to the Depository. In such connection the officers of the County are authorized to execute and deliver a Letter of



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Representations (the “**Letter of Representations**”) in the form required by the Depository, for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Series 2021 Bonds. If the Series 2021 Bonds are issued as “book-entry-only” bonds, the following provisions shall apply:

(a) The County and the Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a “**Bond Participant**”) or to any person who is an actual purchaser of a Bond from a Bond Participant while the Series 2021 Bonds are in book-entry form (each, a “**Beneficial Owner**”) with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Series 2021 Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Series 2021 Bonds, including any notice of redemption, if any, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Series 2021 Bonds. The Registrar shall make payments with respect to the Series 2021 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Series 2021 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Registrar to do so, the Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (A) to arrange, with the prior written consent of the County, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Series 2021 Bonds or (B) to make available Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such Series 2021 Bonds shall designate.

(c) If the County determines that it is desirable that certificates representing the Series 2021 Bonds be delivered to the ultimate beneficial owners of the Series 2021 Bonds and so notifies the Registrar in writing, the Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Series 2021 Bonds. In such event, the Registrar shall issue, transfer and exchange bond certificates representing the Series 2021 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Series 2021 Bond and all notices with respect to such Series 2021 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Series 2021 Bonds may be transferred on the books of registration maintained by the Registrar, and the Series 2021 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (1) the resignation of the Depository from its functions as depository or (2) termination of the use of the Depository pursuant to this Section and the terms of the Bond Registrar and Paying Agent’s Agreement.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Registrar shall govern and establish the principal amount of such Series 2021 Bonds as is then outstanding and all of the Series 2021 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

(g) If for any reason the Depository resigns and is not replaced, the County shall immediately provide a supply of printed bond certificates, duly executed by manual or facsimile signatures of the Chairperson and the County Clerk, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. If such supply of certificates shall be insufficient to meet the requirements of the Registrar for issuance of replacement certificates upon transfer or partial redemption, the County agrees to



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order printed an additional supply of such certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting Chairperson and County Clerk.

Section 4. (a) The Registrar determined in accordance with Section 2 hereof shall serve in such capacities under the terms of an agreement entitled “**Registrar and Paying Agent Agreement**” between the County and the Registrar. Any Authorized Officer is hereby authorized to execute said agreement in a form acceptable to such officer, with the signature of such Authorized Officer thereon being conclusive evidence of the County’s approval thereof. The Registrar shall have only such duties and obligations as are expressly specified by this Resolution and the Registrar and Paying Agent Agreement, and no other duties or obligations shall be implied to the Registrar, except as may be set forth in a written agreement between the County and a successor Registrar.

(b) The County reserves the right to remove the Registrar upon 30 days’ notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. Any Authorized Officer is authorized to remove the Registrar as provided herein if he or she determines such removal is in the best interest of the County. Such Authorized Officer is further authorized to appoint a successor Registrar which he or she deems a suitable successor and to execute an agreement in substantially the form of the Registrar and Paying Agent Agreement but with such changes as he or she shall deem appropriate or necessary.

(c) The Registrar shall keep and maintain for the County books for the registration and transfer of the Series 2021 Bonds at its designated corporate trust office or such other office identified in a certificate of an Authorized Officer. The names and registered addresses of the registered owner or owners of the Series 2021 Bonds shall at all times be recorded in such books. Any Series 2021 Bond may be transferred pursuant to its provisions at the office of the Registrar by surrender of such Series 2021 Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner in person or by such owner’s duly authorized agent, and thereupon the Registrar on behalf of the County will deliver at such office (or send by registered mail to the transferee owner or owners thereof at such transferee owner’s or owners’ risk and expense), registered in the name of the transferee owner or owners, a new Series 2021 Bond of the same interest rate, aggregate principal amount and maturity, bearing numbers not contemporaneously then outstanding. To the extent of the denominations authorized for the Series 2021 Bonds by this Resolution, one Series 2021 Bond may be transferred for several such Series 2021 Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Series 2021 Bonds may be transferred for one or several such Series 2021 Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Series 2021 Bond, the surrendered Series 2021 Bond shall be canceled and destroyed. The Registrar may impose a charge sufficient to defray all costs and expenses incident to registrations of transfer and exchanges. In each case the Registrar shall require the payment by the owner requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer. Series 2021 Bonds issued upon transfer or exchange of Series 2021 Bonds shall be dated as of the date six months preceding the Interest Payment Date next following the date of registration thereof in the office of the Registrar, unless such date of registration shall be an Interest Payment Date, in which case they shall be dated as of such date of registration; provided, however, that if, as shown by the records of the Registrar, interest on the Series 2021 Bonds shall be in default, the Series 2021 Bonds issued in lieu of Series 2021 Bonds surrendered for transfer or exchange may be dated as of the date to which interest has been paid in full on the Series 2021 Bonds surrendered; and provided further, that if the date of registration shall be prior to the first Interest Payment Date, the Series 2021 Bonds shall be dated as of their Date of Original Issue. All Series 2021 Bonds issued upon transfer of the Series 2021 Bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the Series 2021 Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the Series 2021 Bonds upon transfer of which they were delivered. The County and the Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following interest Payment Date or to transfer any Series 2021 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

(d) The Registrar shall also be responsible for making the payments of principal and interest as the same fall due upon the Series 2021 Bonds from funds provided by the County for such purposes. On or before each principal or interest due date, without further order of the Board, the County Treasurer shall transmit or cause to be transmitted to the Registrar money sufficient for payment of all principal and interest then due. Payments of interest due upon the Series 2021 Bonds prior to maturity or redemption shall be made by the Registrar by mailing a check in the amount due



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for such interest on each interest payment date to the registered owner of each Series 2021 Bond to such owner's registered address as shown on the books of registration as required to be maintained under this Section 4. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any accrued interest then due, shall be made by the Registrar upon presentation and surrender of such Series 2021 Bond. The County and the Registrar may treat the registered owner of any Series 2021 Bonds as the absolute owner of such Series 2021 Bond for purposes of making payments thereon and for all other purposes. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the County and the Registrar in respect of the liability upon the Series 2021 Bonds or claims for interest to the extent of the amount or amounts so paid.

Section 5. The Series 2021 Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER
GENERAL OBLIGATION REFUNDING BOND
(BUTLER COUNTY AGRICULTURAL SOCIETY PROJECT)
SERIES 2021**

No. _____ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____	_____, ____	_____, 2021	_____

Registered Owner:

Principal Amount: _____ Dollars (\$ _____)

BUTLER COUNTY, NEBRASKA (the "County") promises to pay to the order of the Registered Owner, or registered assigns, on the Date of Maturity, the Principal Amount of this Bond upon presentation and surrender hereof at the corporate trust offices of _____ in _____, _____, as Bond Registrar and Paying Agent (the "Registrar").

The County also promises to pay interest on said Principal Amount on _____ and _____ of each year, commencing _____, 20__ (each of such dates an "Interest Payment Date"), at the Rate of Interest per annum indicated above until said Principal Amount is paid. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months, from the Date of Original Issue or most recent Interest Payment Date, whichever is later. Interest on this Bond prior to maturity shall be paid by check or draft mailed on such Interest Payment Date to the Registered Owner at such Registered Owner's address as it appears on the registration books of the Registrar at the close of business on the 15th day (whether or a not a business day) preceding each Interest Payment Date (the "Record Date"). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the Registered Owner of this Bond (or of one or more predecessor Bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Registrar whenever money for such purpose become available.

If the date for payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the designated corporate trust office of the Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

The Series 2021 Bonds, of which this Bond is one, maturing on or after _____ are subject to redemption at the option of the County at any time on or after _____ as a whole or in part from time to time in such principal amounts and from such maturity or maturities as the County, in its sole discretion may determine, at the redemption price, of the principal amount thereof, together with the interest accrued on such principal amount to the date fixed for redemption. If less than all of the Bonds of a maturity are to be called for redemption, the Registrar shall select the particular Bonds of such maturity to be redeemed by lot.



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[The Series 2021 Bonds maturing on _____ are subject to redemption prior to maturity through application of mandatory sinking fund payments, with said Bonds to be called by lot in the amount and on the dates as set out below at par plus accrued interest to the date of such call, as follows:

\$ _____ Principal Amount Maturing _____, 20____
 \$ _____ to be Called _____, 20____
 \$ _____ to be Called _____, 20____
 \$ _____ Payable _____, 20____

\$ _____ Principal Amount Maturing _____, 20____
 \$ _____ to be Called _____, 20____
 \$ _____ to be Called _____, 20____
 \$ _____ Payable _____, 20____]

Series 2021 Bonds shall be redeemed in whole multiples of \$5,000, and if any Series 2021 Bond be in a denomination in excess of \$5,000, portions of the principal amount thereof in installments of \$5,000 or any whole multiples thereof may be redeemed, and if less than all of the principal amount thereof is to be redeemed, in such case upon the surrender of such Series 2021 Bond there shall be issued to the registered owner thereof without charge therefor, for the then unredeemed balance of the principal amount thereof, registered Series 2021 Bonds of like series, maturity and interest rates in any of the authorized denominations provided by the Resolution. Notice of redemption of this Series 2021 Bond shall be given to the Registered Owner hereof by first-class mail, postage prepaid, not less than thirty (30) days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then registered owners of the Bonds), all as more particularly set forth in the Resolution. Notice of redemption having been given as provided in the Resolution, or notice of redemption having been waived, and funds for the payment thereof having been deposited with the Registrar, this Series 2021 Bond shall cease to bear interest from and after the date fixed for redemption.

This Bond is one of an issue of fully registered bonds of the total principal amount of _____ Dollars (\$ _____), of even date and like tenor except as to denomination, date of maturity, rate of interest and priority of redemption, which have been issued by the County for the purpose of (a) refunding \$ _____ in aggregate principal amount of the County's General Obligation Bonds (Butler County Agricultural Society Project), Series 2016, dated August 17, 2016 (the "**Refunded Bonds**"), which Refunded Bonds previously financed (a) the costs of the acquisition, construction, furnishing and equipping of a multi-purpose facility on the Butler County Fairgrounds, including related site improvements, parking and infrastructure, and (b) the costs of issuing the Refunded Bonds. The Refunded Bonds were issued pursuant to Sections 23-120 et seq., Reissue Revised Statutes of Nebraska, as amended, and were authorized by a resolution adopted by the Board of Supervisors of the County (the "**Board**") and further authorized by more than 50% of the ballots cast by the qualified electors of the County at an election which was duly called by the Board and held on May 10, 2016. At said election a majority of the ballots cast by the qualified electors authorized the County to impose a special levy of taxes not to exceed one cent per one hundred dollars of taxable valuation against all the taxable property in the County to pay the principal of, any premium, and the interest on the Refunded Bonds, as the same become due and payable, which special tax shall be in addition to all other taxes to be collected by the County, may exceed the County's constitutional and statutory tax levy limitations, and may not be levied and collected for more than 16 years (the "**Special Levy**"), all in strict compliance with Sections 23-120 et seq., Reissue Revised Statutes of Nebraska, as amended (the "**Authorizing Legislation**"). The issuance of the Series 2021 Bonds has been duly authorized pursuant to Section 10-142, Reissue Revised Statutes of Nebraska, as amended, and proceedings duly had and a resolution (the "**Resolution**") duly adopted by the Board.

The Series 2021 Bonds are general obligations of the County, to which its full faith, credit and resources are irrevocably pledged. Pursuant to the Resolution, the County has covenanted to cause to the Special Levy to be made annually on all the taxable property in the County, in addition to all other taxes, to pay the principal of, premium, if any, and the interest on the Series 2021 Bonds as and when such interest and principal become due; provided, however, that the Special Levy shall not exceed the County's constitutional and statutory limitations upon the levying of taxes by greater than one cent for each \$100 of taxable valuation. The County has pledged such tax levy and all receipts therefrom to the payment of the Series 2021 Bonds pursuant to the Resolution.



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This Bond is transferable by the registered owner or such owner’s attorney duly authorized in writing at the principal corporate trust office of the Registrar upon surrender and cancellation of this Bond, and thereupon a new bond or bonds of the same total principal amount and interest rate and maturity will be issued to the transferee as provided in the Resolution subject to the limitations therein prescribed. The County, the Registrar and any other person may treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all other purposes and shall not be affected by any notice to the contrary, whether this Bond be overdue or not.

The County has, in the Resolution, designated the Series 2021 Bonds as “qualified tax-exempt obligations” described in Section 265(b) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond and in the issuance of the Refunded Bonds refunded hereby did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of the County, including this Bond and the Refunded Bonds refunded hereby, does not exceed any limitation imposed by law.

AS PROVIDED IN THE RESOLUTION REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE RESOLUTION, “DTC”), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the County until authenticated by the Registrar.

IN WITNESS WHEREOF, the Board of Supervisors of the County has caused this Bond to be executed on behalf of the County by being signed by the Chairperson of said Board and the County Clerk, both of which signatures may be facsimile signatures, all as of the date of original issue specified above.

BUTLER COUNTY, NEBRASKA

By: /s/David W. Mach

Chairperson, Board of Supervisors

ATTEST:

/s/Stephanie L. Laksa

County Clerk

Human Resources Update

Heidi Loges, Human Resources Director, appeared before the board with evaluation packets for the board’s appointed employees. She asked the board to return them by July 19, 2021 so she has time to tally the results to present at the August 2, 2021 meeting in which the employee evaluations will be conducted in executive session starting at 1:00 p.m. that day.

Correspondence

1. Letter from Eileen Kopecky, Village of Octavia – dust control and speed limit signs

Approval of Farmer’s Market Permit for Helgoth’s at the Highway Department along Hwy 92

Jim Novacek, Assistant Highway Superintendent, appeared before the board and presented the farmer’s market agreement, proof of insurance and \$5 payment for the permit. Moved by Bauer and seconded by Coufal to approve the



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farmer's market permit. Upon roll call vote the following voted aye: Bauer, Whitmore, Coufal, Svoboda, Krafka, and Mach. The following voted nay: NONE. Motion carried.

Discussion/Possible Action regarding the Interlocal Agreement with Skull Creek Township

Novacek presented before the board an hourly contract for Skull Creek Township. He reported that the contract is very similar to the contracts they have with Ulysses and Platte Townships. The main difference is that Skull Creek wanted to retain their 49% ownership in the motor grader; therefore, hourly rates were adjusted accordingly. Moved by Svoboda and seconded by Krafka to approve the interlocal agreement as presented. Upon roll call vote the following voted aye: Svoboda, Krafka, Bauer, Whitmore, Coufal, and Mach. The following voted nay: NONE. Motion carried.

Roads Update

Novacek reported that the posts for the fence around the Hwy 92 County Yard have been installed, he's unsure as to when the fence will be completed. Starting the week of July 12th, the roads department will be working with Polk County on the A Road Bridge project.

Committee Reports

Whitmore reported that Four Corners is looking at a building in York, the building was discussed during an emergency meeting that Four Corners Health Board had in June.

Quarterly Jail Inspection

The County Board conducted the quarterly jail inspection from 9:40 a.m. until 9:53 a.m.

Public Hearing regarding The Merger of Dwight Rural Fire Protection District and the Village of Dwight

Moved by Whitmore and seconded by Bauer to open the public hearing regarding the merger of Dwight Rural Fire District and the Village of Dwight at 10:00 a.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Svoboda, Coufal and Mach. The following voted nay: NONE. Motion carried.

At this time the public was able to speak for or against the merger. No comments for or against the merger were heard.

Moved by Whitmore and seconded by Bauer to close the public hearing regarding the merger of Dwight Rural Fire District and the Village of Dwight at 10:13 a.m. Upon roll call vote the following voted aye: Whitmore, Bauer, Krafka, Svoboda, Coufal, and Mach. The following voted nay: NONE. Motion carried.

Consideration/Approval of Resolution 2021-11 Inclusion of Village of Dwight into Dwight Rural Fire Protection District #6

Resolution 2021 – 11 was presented for the board's approval. Moved by Bauer and seconded by Whitmore to approve the resolution as presented. Upon roll call vote the following voted aye: Bauer, Whitmore, Coufal, Svoboda, Krafka, and Mach. The following voted nay: NONE. Motion carried.

**BOARD OF SUPERVISORS
BUTLER COUNTY, NEBRASKA
RESOLUTION NO. 2021 – 11**

WHEREAS, the Village of Dwight, Nebraska and Dwight Rural Fire Protection District No. 6 of Butler County, Nebraska have both adopted a Joint Resolution to have included within the Dwight Rural Fire Protection District No. 6 the territory within the incorporated Village of Dwight, Butler County, Nebraska pursuant to Sections 35-530 thru 35-536 of the Revised Statutes of Nebraska; and,

WHEREAS, all requirements of Sections 35-530 thru 35-536 of the Revised Statutes have been satisfied to bring about the inclusion of the incorporated territory of the Village of Dwight, Nebraska into Dwight Rural Fire Protection District No. 6.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS:



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1. The proposal of including the incorporated territory of the Village of Dwight, Nebraska into the Dwight Rural Fire Protection District No 6 and the resulting proposed district is suited to the general fire protection policy of this county involved, as a whole.
2. The boundaries of the proposed district shall be as outlined in the Plat map attached hereto and incorporated herein by reference as if fully set forth and described as Exhibit "A".
3. It is ordered that Exhibit "A" referenced above shall be the boundaries of Dwight Rural Fire Protection District No. 6 and the same shall be filed in the Office of the County Clerk of Butler County, Nebraska wherein this district is situated.

DATED this 6th day of July, 2021.

/s/David W. Mach

Temporary Chairman of the Board

ATTEST:

/s/Stephanie L. Laska

Stephanie L. Laska, County Clerk

Committee Reports

The safety committee had met before the Board meeting this morning. Whitmore presented the Sheriff's dog deployment record that was requested at the previous meeting.

Discussion

Svoboda said he had a concerned citizen asking questions about trees that are on personal property that are hanging over the road, he asked who is responsible. It was discussed that the property owner is responsible for that, however, there are times when the county will address tree issues if there could be a safety issue.

The board also discussed the need for nominating a vice-chair that would replace the chairman in his absence, instead of nominating one at the time of absence. They will address at the first meeting in August.

Bauer asked County Attorney, Julie Reiter, if she had any update regarding the appraisal process at the old county yard location. She said her last contact was approximately 4 weeks ago at which time the appraiser said it would take him approximately 4 to 6 weeks to get to the project.

Review of proposed Purchase Agreement for Sale of Real Estate to Shelby and authorize publication of County's intent to sell real estate

County Attorney, Julie Reiter, presented the board with a proposed purchase agreement for the sale of real estate to the Village of Shelby. The board reviewed the proposal. Moved by Whitmore and seconded by Coufal to authorize publication of the County's intent to sell real estate under the proposed terms of the purchase agreement. Upon roll call vote the following voted aye: Whitmore, Coufal, Svoboda, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.

At 10:34 a.m. the chairman declared the board would take a quick break.

At 10:45 a.m. the board reconvened.

Discussion/Possible Action regarding the purchase of Storage Cabinet Equipment for the Clerk of the District Court

Sandy Hoefl, Clerk of the District Court, appeared before the board with 3 informal bids to purchase storage cabinet equipment in her office. Moved by Whitmore and seconded by Coufal to approve the purchase of storage cabinet equipment from Midwest Storage Solutions, Inc. in the amount of \$19,216.00. Upon roll call vote the following voted aye: Coufal, Whitmore, Bauer, Krafka, Svoboda, and Mach. The following voted nay: NONE. Motion carried.



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Appoint Mark Doehling as representative for FEMA Disaster DR 4521

Mark Doehling, Emergency Manager, appeared before the board to ask them to appoint him as the FEMA Representative for DR 4521; COVID-19 disaster. Moved by Whitmore and seconded by Coufal to appoint Mark Doehling as representative for FEMA Disaster DR 4521. Upon roll call vote the following voted aye: Whitmore, Coufal, Svoboda, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.

Discussion/Possible action regarding the Dispatch Communication Equipment in the Sheriff's office

Doehling explained that an unexpected expense for the Linwood Tower has arisen regarding reprogramming the Sheriff's office equipment. He said that the worst-case scenario it will cost around \$5,000 to get the equipment up and functioning correctly. He said he believes the county, along with help from the local fire department, may be able to reduce installation costs and bring that number down. However, he wanted to know who should pay for it. Currently the county has a Memorandum of Understanding with the Linwood Rural Fire District stating that they would pay a total of \$20,000 for the project, that amount was satisfied in June with claims that had been presented to the board for payment at the June 21, 2021, meeting. The board suggested that Doehling speak with the Linwood Rural board about the cost and continue with the project from there.

Discussion/Possible action regarding the capital expenditure of adding an additional 911 Tower

Doehling also discussed with the board some of the vulnerabilities of the 911 Towers in Butler County and proposed a solution of adding a tower at the Hwy 92 location. He said the approximate cost of the project would be \$75,000 to \$100,000. The board suggested he add it to the budget and the budget committee would discuss if the budget can handle that cost and present back to the board at a later date.

Discussion regarding the Butler County Landfill and the height requirements/restrictions

Kelly Danielson and Ryan Boyer from the Butler County Landfill were present for questions regarding the landfill and the height requirements. Currently the landfill is at approximately 1,760 feet and the landfill is permitted for 1,820 feet. Danielson reported that the life expectancy of the landfill without an expansion is approximately 10 years. He also mentioned if people have concerns about the smell; if they could contact them directly, they could drive to the concerned individual's location and possibly identify the smell and work to fix it. He said they typically get the complaints second hand, from NDEQ or a supervisor and by then the smell has diminished and they cannot identify it. The board was invited to visit the landfill to see the process of how the ground is prepped and the liners are installed for the cells.

Human Resources continued

Whitmore asked the board if they thought they should postpone Randy Isham's evaluation until he has been doing the job for at least six months. The board agreed and asked Loges to schedule Isham's at a later date.

At 11:33 a.m. the chairman declared the board would take a short recess until 1:00 p.m. for the Board of Equalization meeting.

At 12:58 p.m. the chairman reconvened the meeting.

Discussion

Whitmore asked the board if they had been approached by anyone regarding the President's 30 by 30 plan. He stated that several counties are against the program and have been adopting resolutions as a result. The board asked Laska to put this topic on the agenda for the next meeting.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

Moved by Whitmore and seconded by Coufal to move into the Board of Equalization at 1:00 p.m. Upon roll call vote the following voted aye: Whitmore, Coufal, Svoboda, Krafka, Bauer, and Mach. The following voted nay: NONE. Motion carried.



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Moved by Bauer and seconded by Whitmore to exit the Board of Equalization at 2:07 p.m. Upon roll call vote the following voted aye: Bauer, Whitmore, Coufal, Svoboda, Krafka, and Mach. The following voted nay: NONE. Motion carried.

There being no further business to come before the board, the Chairman adjourned the meeting at 2:08 p.m. The next scheduled meeting of the Board of Supervisors will be July 19, 2021, at 9:00 a.m. at the Butler County Courthouse Supervisors Meeting Room.

Stephanie L. Laska
County Clerk

David W. Mach
Chairman