

BUTLER COUNTY BOARD OF SUPERVISORS

November 6, 2023

A meeting of the Board of Supervisors of Butler County, Nebraska was held on the 6th day of November, 2023 at the Butler County Courthouse in David City, Nebraska at 9:00 a.m.

Present were the following: Anthony Whitmore, Tony Krafka, Scott Steager, Jan Sypal, Robert Coufal & Ryan Svoboda. Absent: Scot Bauer

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. The availability of the agenda was communicated in 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.

The Chairman called the meeting to order and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

The Chairman declared the minutes from the previous meeting shall stand approved as presented.

Approval of Employee Appreciation Option

Karey Adamy, County Treasurer, appeared before the board requesting to give the employees this year either \$25 in Chamber bucks or a \$25 visa gift card. She explained that there are only 15 places to spend the chamber bucks and those locations are only in David City, there are not any surrounding community businesses on the list. She explained that the Visa gift card would allow the employee to spend it anywhere. Supervisor Sypal shared her concerns about supporting Butler County businesses and keeping the purchases in the county. Supervisor Steager agreed with her, however, he said it should also be up to the employee how they spend their appreciation gift. Moved by Sypal, seconded by Steager to approve the employee appreciation option for \$25 dollars in Chamber bucks. Upon roll call vote the following voted:

Aye: Sypal, Steager, Krafka, Svoboda, Coufal, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Distress Warrants

County Treasurer, Karey Adamy, presented before the board the 2023 Distress Warrant Listing. These were issued on November 1, 2023, and given to the Sheriff to collect. The list was accepted and placed on file.

BOARD OF EQUALIZATION (SEE SEPARATE MINUTES)

Moved by Steager, seconded by Svoboda to move into the Board of Equalization at 9:09 a.m. Upon roll call vote the following voted:

Aye: Steager, Krafka, Svoboda, Coufal, Sypal, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Moved by Coufal, seconded by Svoboda, to exit the board of equalization at 9:11 a.m. Upon roll call vote the following voted:

Aye: Coufal, Svoboda, Krafka, Steager, Sypal, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Approval of Windstream Utility permit on Road 26 east of Road C by Surprise

Randy Isham, Highway Superintendent, appeared before the board and presented them with a Windstream Utility permit on Road 26 East of Road C by Surprise. Moved by Sypal, seconded by Coufal to approve the permit as presented. Upon roll call vote the following voted:

Aye: Sypal, Coufal, Svoboda, Krafka, Steager, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Approval of Windstream Utility permit at 3040 Road V by Brainard

Isham presented to the board with a Windstream Utility permit at 3040 Road V by Brainard. Moved by Coufal, seconded by Svoboda to approve the permit as presented. Upon roll call vote the following voted:

Aye: Coufal, Svoboda, Krafka, Steager, Sypal, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Approval of Windstream Utility permit at Grandparents Lane & Road 44 NW of Bellwood

Isham presented the board a Windstream Utility permit at Grandparents Lane & Road 44 NW of Bellwood. Moved by Krafka, seconded by Steager to approve the permit as presented. Upon roll call vote the following voted:

Aye: Krafka, Steager, Sypal, Coufal, Svoboda, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Discussion/Possible action regarding payroll vacation & sick time accrual error

Isham explained to the board that in December of 2018 a policy that was implemented into the handbook that allowed Holiday hours to be included in actual hours worked for the calculation of sick and vacation accruals was never implemented by the Roads department. Therefore, the employees past and present have been shorted sick, and vacation accrued hours. He is asking the board how to proceed forward. He would like to go back the entire time and give the accrued to current and former employees. County Attorney Julie Reiter advised the county is legally required to go back 2 years. Human Resources Director Heidi Loges advised that she spoke with NIRMA, and they advised to go back the entire time. Isham informed the board that the addition of the accrued time will not max out any of the current employees. He said that there is approximately \$296.00 of sick time accrual for employees that retired according to the handbook policy and there is approximately \$4,050 of vacation to be paid out to former employees. Moved by Krafka, seconded by Coufal to approve the addition of accrual time to sick & vacation and payout to former employees dated from December 1, 2018 to present. Upon roll call vote the following voted:

Aye: Krafka, Svoboda, Coufal, Sypal, Steager, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Update on Roads

Isham informed the board that they are continuing a ditch cleaning project East of Brainard, they are also fixing the crown on the road as they go along, raising it where it's needed and flattening where needed. He explained to the board that he has the opportunity to save 50% on blades if he purchases 400 at one time, the cost will be \$40,000. The board told him to put in on the next agenda for their approval. Supervisor Sypal discussed that she's been looking into contracting fuel with different companies, however, currently the county does not own the tank in which the fuel is in, Northside, Inc does which is why they have only contracted with Northside. The board asked Isham to look into the cost of purchasing a fuel tank, to allow the county to shop for fuel when contracting.

Zuercher Update

911 Coordinator Jamie Bowers appeared before the board to give an update on the Zuercher implementation. She said that they will be working on functional testing in November, they have a deadline to complete the testing by November 26. This will show areas that need to be fixed before the training in January. Once training is complete the county should be ready to go live. The dispatch side isn't quite ready for testing which is holding up the Sheriff side in some areas; they are still hoping to get everything working and tested by the end of November.

Consideration/Approval of Resolution 2023 – 34 Approval of Revised Butler County Employee Handbook

Chairman Whitmore & County Attorney Reiter explained to the board the changes that were made to the employee handbook due to language changes and removing the clerk from duties that Human Resources now handle. To stay on course with the agenda, this item was tabled for discussion later in the meeting.

Approval of Addendum to: Inter-local Cooperation 911 Emergency Communications Equipment Sharing Agreement

911 Coordinator Bowers appeared before the board to present an addendum to the Inter-local cooperation 911 emergency communications sharing agreement. She said that the addendum includes an additional sum of \$7,053.04 for the project. Bowers indicated that they are working to get the entire cost of the project approved through the Public Service Commission to use Wireless funds, which would include the additional \$7,053.04. Moved by Steager, seconded by Coufal to approve the addendum as presented. Upon roll call vote the following voted:

Aye: Steager, Sypal, Coufal, Svoboda, Krafka, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Consideration/Approval of Resolution 2023 – 34 Approval of Revised Butler County Employee Handbook continued

Discussion continued regarding the handbook changes. Reiter informed the board that there were two new issues that were brought forward and will continue to be looked into after the adoption of this handbook. The issues relate to a Sick leave bank that employees can donate to and the pay schedule the county currently has and the potential for changing it. Moved by Krafka, seconded by Sypal to approve

Resolution 2023-34 as presented to approve the Revised Butler County Employee Handbook. Upon roll call vote the following voted:

Aye: Krafka, Steager, Sypal, Coufal, Svoboda, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

**Resolution 2023-34
JOINT RESOLUTION AND AGREEMENT**

WHEREAS, County employees are directly responsible to an elected official or the County Board;

WHEREAS, elected officials, in working with their employees, may develop different employment practices and policies than used by other offices; and

WHEREAS, different practices and policies can result in disharmony among the body of County employees;

THEREFORE, the undersigned elected officials of Butler County adopt the joint employee handbook (which is not a civil service system) revised as of November 6, 2023 that provides employment practices and policies common to all offices and departments of the undersigned. This revised handbook supersedes and replaces the Butler County Employee Handbook adopted on July 16, 2018 and all prior revisions and supplements made thereto.

Signed this 6th day of November, 2023.

COUNTY BOARD:

/s/ Anthony Whitmore

Anthony Whitmore

/s/ Tony Krafka

Tony Krafka

/s/Scott Bauer

Scott Bauer

/s/ Robert Coufal

Bob Coufal

/s/ Scott Steager

Scott Steager

/s/ Ryan Svoboda

Ryan Svoboda

/s/ Jan Sypal

Jan Sypal

COUNTY ELECTED OFFICIALS:

/s/ Vickie Donoghue

Vickie Donoghue

/s/ Julie L. Reiter

Julie L. Reiter

/s/Stephanie L. Laska

Stephanie Laska

/s/ Sandy J. Hoeft

Sandy Hoeft

/s/Tom Dion

Tom Dion

/s/Brian J. Foral

Brian J. Foral

/s/ Karey Adamy

Karey Adamy

Discussion regarding concerns regarding with the Sheriff's Department & the Detention Center

Daniel McAuley appeared before the board to offer his concerns regarding the Detention Center and the required minimum jail standards. He asked the board what they look at when they inspect the jail four times a year. He indicated that the jail doesn't always meet minimum jail standards and wanted to make the board aware and wanted them to investigate it. He also informed the board that he had requested his file from the Sheriff and Detention Center and initially it was denied. County Attorney Reiter

explained to Mr. McAuley that if he has concerns, he is welcome to bring them to her, however if the concerns are not brought to her attention, she cannot address them. She asked him to have her office make copies of the information he brought today, and they could meet at a later date.

Discussion/Possible Action – approval of Resolution 2023 – 35 – A Resolution Authorizing the issuance of General Obligation Hospital Bonds, Series 2023, in an amount not to exceed fifteen million dollars, to be issued in one or more series, for the purpose of paying the cost of additions to, improvements for, and equipment for the existing hospital

Don Naiberk, CEO Butler County Health along with Jodi Prochaska, BCH and Paul Grieger, D.A. Davidson appeared before the board to present Resolution 2023-35. The resolution authorizes Butler County Health to issue general obligation bonds not to exceed \$15 million dollars. The bond issue will occur in two parts, the first will occur this calendar year and will be no more than \$10,000,000 dollars. The hospital will pay these bonds with their funds, tax dollars will not be required from the county. County Attorney, Julie Reiter, had not yet reviewed the document, the board tabled the discussion giving her time to review and ask any questions she may have.

Human Resources Update

Heidi Loges, Human Resources Director, presented the board with a dividend check from NIRMA for \$5,742. She reminded them that flu shots for the county are on November 15th from 9am – 12 pm. She also said that if they see green lights being displayed in and around the courthouse and the Hwy 92 building the Veterans Service Offices have started this campaign to show support for all Veterans and their families from November 6th through the 12th.

Approval of Butler County Visitor Committee Request – Christmas on the Bricks

Christmas on the Bricks requested \$500 from the Visitor Promotion fund, the committee voted in favor of approving the \$500 request and recommends that the supervisors approve the full request. Moved by Sypal, seconded by Steager to approve the \$500 request for Christmas on the Bricks. Upon roll call vote the following voted:

Aye: Sypal, Steager, Krafka, Svoboda, Coufal, & Whitmore.

Nay: NONE.

Absent: Bauer

Motion carried.

Discussion/Possible Action – Acceptance NIRMA Dividend and Membership Recommitment - Resolution 2023 - 36

Resolution 2023 – 36 was presented for the board’s consideration. Moved by Sypal, seconded by Coufal to approve the resolution as presented. Upon roll call vote the following voted:

Aye: Sypal, Coufal, Svoboda, Krafka, Steager, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

RESOLUTION 2023-36
FOR AMENDMENT AND ADDENDUM TO
NIRMA/NIRMA II INTERGOVERNMENTAL/INTERLOCAL AGREEMENTS

WHEREAS, Butler County has previously entered into Intergovernmental/Interlocal Agreements with various other Nebraska Counties and other public agencies to form and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) as authorized by the Intergovernmental Risk Management Act (Neb.Rev.Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb.Rev.Stat. §13-801 et seq.); and

WHEREAS, Counties and other Public Agencies as defined in Neb.Rev.Stat. §44-4303 are allowed to participate in said cooperative undertakings; and

WHEREAS, the Legislature has found that proper risk management requires the spreading of risk so as to minimize fluctuation in insurance needs and that benefits can be derived through the pooling of insurance purchasing by local government, and

WHEREAS, NIRMA and NIRMA II have provided coverages to the County in a cost effective way which meet and exceed that provided by standard insurance carriers; and

WHEREAS, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits and assessments, claims and litigation management, and coverages tailored to address loss exposures counties and other related public entities face not economically available from other sources; and

WHEREAS, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

WHEREAS, the current Intergovernmental/Interlocal Agreements will expire on June 30, 2024, and

NOW, THEREFORE, BE IT RESOLVED that the Butler County Board hereby:

1. Extends its commitment to participate in NIRMA and NIRMA II for the period July 1, 2024 through June 30, 2027; and
2. Declares that this Resolution shall serve as an amendment and addendum to the previous Intergovernmental/Interlocal Agreements entered into by the County Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

After motion duly made by member Sypal and seconded by member Coufal, the following members voted by roll call vote as follows in regard to adoption of said Resolution:

The following members voted in favor of the same: Sypal, Coufal, Soboda, Kraftka, Steger + Whitmore.

The following members voted against the same: NONE

The following members were absent or not voting: Absent: Bauer

PASSED AND APPROVED this 6th day of November, 2023.

Attest:

Stephanie Leach
County Clerk



Butler County Board

By: [Signature]
Chairperson/Presiding Officer

County Clerk monthly fee report

The County Clerk fee report for the month of October 2023 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 October 2023 was accepted and placed on file.

Sheriff Monthly Report

The Monthly Sheriff fee report for the month of October 2023 was accepted and placed on file.

Discussion/Possible Action – approval of Resolution 2023 – 35 – A Resolution Authorizing the issuance of General Obligation Hospital Bonds, Series 2023, in an amount not to exceed fifteen million dollars, to be issued in one or more series, for the purpose of paying the cost of additions to, improvements for, and equipment for the existing hospital continued

Upon Reiter being able to review the resolution and asking a few questions to Mr. Grieger, the board was able to move forward with approval of the resolution. Moved by Steager, seconded by Svoboda to approve the resolution as presented. Upon roll call vote the following voted:

Aye: Steager, Krafka, Svoboda, Coufal, Sypal, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Butler County Board of Supervisors RESOLUTION 2023-35

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION HOSPITAL BONDS, SERIES 2023, OF THE COUNTY OF BUTLER, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000), TO BE ISSUED IN ONE OR MORE SERIES, FOR THE PURPOSE OF PAYING THE COSTS OF ADDITIONS TO, IMPROVEMENTS FOR, AND EQUIPMENT FOR THE EXISTING HOSPITAL; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; AUTHORIZING OFFICERS OF THE COUNTY TO DESIGNATE FINAL TERMS FOR SAID BONDS WITHIN STATED PARAMETERS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR A PAYING AGENT AND REGISTRAR; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; APPROVING POST-ISSUANCE TAX COMPLIANCE POLICIES; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS.

BE IT RESOLVED BY THE CHAIRPERSON AND BOARD OF SUPERVISORS OF THE COUNTY OF BUTLER, IN THE STATE OF NEBRASKA, THAT:

Section 1. The Chairperson and County Board of Supervisors (the "Board") hereby find and determine as follows:

- (a) the County has had and presently has a population in excess of three thousand six hundred inhabitants and a taxable value of taxable property in excess of twenty-eight million six hundred thousand dollars, and has previously established and now owns and operates a hospital, including real and personal property, as provided in Section 23-3501, R.R.S. Neb., as amended (the "Hospital");
- (b) that it is necessary and advisable that improvements be provided in the form of additions to, improvements for, and equipment for the existing Hospital (the "Project") and that the County borrow money and issue bonds for such purposes;
- (c) that the costs of the proposed improvements to the Hospital will not exceed \$15,000,000 and that to pay such costs it is necessary and advisable for the County to issue and sell its bonds;

(d) that the County currently has \$3,540,000 in principal amount of bonded indebtedness outstanding with respect to the Hospital under Section 23-3508 R.R.S. Neb. 2012, as amended, and related statutory authorities (the "Authorizing Legislation"), other than bonds approved by the electors of the County;

(e) and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of bonds of the County related to the Hospital in the principal amount of not to exceed \$15,000,000, to be issued in one or more series, pursuant to the Authorizing Legislation, do exist and have been done as required by law.

Section 2. For the purposes as set out in Section 1 hereof, there shall be and there hereby are ordered issued General Obligation Hospital Bonds, Series 2023 (the "Bonds"), in the aggregate principal amount of not to exceed Fifteen Million Dollars (\$15,000,000), to be issued in one or more series, with said Bonds to mature and become due on such dates and in such years and in such amounts and bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Chairperson of the Board, Clerk of the County, the Chief Executive Officer of the Hospital or Chief Financial Officer of the Hospital (each, an "Authorized Officer") on behalf of the County and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the mandatory redemption provisions (if any), and pricing terms as set forth in Section 8 below, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$15,000,000;
- (b) the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of two percent (2.00%) of the stated principal amount of the Bonds;
- (c) the longest maturity of the Bonds may not be later than December 15, 2053;
- (d) the true interest cost of the Bonds shall not exceed 6.5%;
- (e) two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts; any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Paying Agent and Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).

The Authorized Officers (or any one of them) are hereby authorized to make such determinations on behalf of the Board and to evidence the same by execution and delivery of the Designation and such determinations, when made and agreed to by the Underwriter, shall constitute the action of the County without further action of the Board.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any whole multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semiannually on June 15 and December 15 of each year commencing June 15, 2024 (or such other date or dates as may be determined in the Designation, each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the last business day of the month immediately preceding the month in which the Interest Payment Date occurs (or such other record date as may be determined in the Designation, the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be

issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be designated by the County's Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal and interest accrued thereon due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The County and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the County nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the County and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Unless otherwise provided in the Designation, BOKF, National Association, Lincoln, Nebraska, is hereby designated as the Paying Agent and Registrar for the Bonds (the "Paying Agent and Registrar"). The Authorized Officers are hereby authorized to enter into a Paying Agent and Registrar Agreement as approved by any of the Authorized Officers. The Paying Agent and Registrar shall keep and maintain for the County books for the registration and transfer of the Bonds at its principal corporate trust office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the principal corporate trust office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by said owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the County, will deliver at its principal corporate trust 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 such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Resolution, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be cancelled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the Bonds upon transfer of which they were delivered. The County and said Paying Agent and 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 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the 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 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent and 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.

Section 6. The Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as may be determined in the Designation), at par (or such other redemption price as may be determined in the Designation) plus the interest accrued on the principal amount being redeemed to the date fixed for redemption. The County shall select the Bonds to be redeemed for such optional redemption in its sole discretion. The Bonds shall be redeemed only in amounts of \$5,000 or whole multiples thereof. Any Bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond or Bonds, of the same maturity and interest rate, evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the County in the case of optional redemptions and without further direction in the case of mandatory redemptions, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first-class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the principal corporate trust office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the County designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the County shall have the right to direct further notice of redemption for any such Bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 6 shall apply generally to mandatory redemptions. Any such mandatory redemptions shall be in amounts and on terms set forth in the Designation, at the principal amount redeemed plus accrued interest to the date set for redemption.

Section 7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
THE COUNTY OF BUTLER
GENERAL OBLIGATION HOSPITAL BOND, [SERIES 2023]

No. _____ \$ _____

Interest Rate Maturity Date Date of Original Issue CUSIP

Registered Owner:

Principal Amount: Dollars (\$ _____)

KNOW ALL PERSONS BY THESE PRESENTS: That The County of Butler, in the State of Nebraska (the "County"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity

(or earlier redemption) from the date of original issue or most recent Interest Payment Date to which interest has been paid or provided for, whichever is later, at the rate per annum specified above payable semiannually on _____ and _____ of each year commencing _____, 20__ (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof and unpaid accrued interest thereon due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the principal corporate trust office of BOKF, National Association, the Paying Agent and Registrar, in Lincoln, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, as of the close of business on the last business day of the month immediately preceding the month in which the Interest Payment Date occurs, to such owner's address as shown on such books and records (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 Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest, as the same become due, the full faith, credit and resources of said County are hereby irrevocably pledged.

This bond is one of an issue of fully registered bonds of the aggregate stated principal amount of _____ Dollars (\$ _____), of even date and like tenor, except as to date of maturity, rate of interest and denomination, which were issued by the County for the purpose of paying the costs of additions to, improvements for, and equipment for the existing Hospital. The issuance of said bonds has been duly authorized by resolution duly adopted (the "Resolution") and by proceedings duly had by the Board of Supervisors of the County, pursuant to Sections 23-3508, R.R.S. Neb. 2012, as amended.

The County, however, reserves the right and option of redeeming bonds of this issue, in whole or in part, on or after the fifth anniversary of the date of original issue thereof, at the principal amount to be redeemed, together with accrued interest to the date fixed for redemption.

[The bonds due as term bonds in the year _____ are required to be redeemed prior to their stated maturity commencing on _____, 20__ and continuing on _____ of each year thereafter through and including payment at maturity, in part, which redemptions and payment at maturity shall be in the years and for the principal amounts set forth below:

Year of Redemption

Amount Required to be Redeemed

Such mandatory redemptions shall be at a price equal to 100% of the principal amount redeemed plus interest accrued on the principal amount being redeemed to the date fixed for redemption. The Paying Agent and Registrar shall select the term bonds for mandatory redemption using any random method of selection deemed appropriate by the Paying Agent and Registrar.]

Notice of any such redemption shall be given by mail, sent to the registered owner of any bond called for redemption at said registered owner's address in the manner provided in the Resolution authorizing said bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or whole multiples thereof.

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 principal corporate trust office of the

Paying Agent and 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.

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 Paying Agent and 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 authorizing said bonds subject to the limitations therein prescribed. The County, the Paying Agent and 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.

For the prompt payment of the principal and interest on this bond and other bonds of the same issue, the County hereby covenants and agrees that it shall levy ad valorem taxes upon all the taxable property, except intangible property, in the County at such rate or rates, within applicable statutory and constitutional limitations, as will provide funds which will be sufficient to make payment of the principal of and interest on this bond and the other bonds of the same issue as the same fall due, to the extent not paid from other sources lawfully available for such payments.

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 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, does not exceed any limitation imposed by law. The County Board of Supervisors hereby agrees that the County shall levy and collect annually, in addition to all other taxes, a special levy of taxes on all the taxable property in the County sufficient in rate and amount to pay the principal and interest of this bond, and the other bonds of the issue of which it is a part, when and as the same become due (subject to applicable statutory limitations, as well as the County's constitutional limitation for levying taxes of 50 cents per \$100 of table value), to the extent that such payment has not been provided for from other resources of the County, including the net revenues of the County's health facilities as provided in the Resolution.

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

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

By: _____

Authorized Officer

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the Bonds shall be executed on behalf of the County with the manual or facsimile signatures of the Chairperson of the Board and Clerk of the County. The 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 said officers of the County are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (which may be in the form of a blanket letter previously executed and delivered by the County), for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The County and the Paying Agent and 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 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 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 Bonds, including any notice of redemption, 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 Bonds.

The Paying Agent and Registrar shall make payments with respect to the 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 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 Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) 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 Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the County determines that it is desirable that certificates representing the Bonds be delivered to the ultimate Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and 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 Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the 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 Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

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

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar'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 Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced or upon termination by the County of book-entry-only form, the County shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the County agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the County Treasurer, acting on behalf of the County, who is authorized to deliver them to D.A. Davidson & Co., as initial purchaser thereof, upon receipt of the purchase price set forth in Designation (including an underwriter's discount of not to exceed 1.3% and taking into consideration original issue discount and original issue premium) plus accrued interest on the principal amount of the Bonds to date of payment for the Bonds. Said initial purchasers shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. The County Clerk shall record the proceedings of the Board in the book of records of the proceedings of the County and make and certify a transcript of the proceedings of the Board with respect to the Bonds which shall be delivered to said purchaser. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the County as are necessary to effectuate the issuance and sale of the Bonds, including without limitation, authorizing the release of the Bonds by the Depository at closing. Each Authorized Officer is hereby authorized to approve, execute and deliver a Bond Purchase Agreement, in the form approved by any of the Authorized Officers, for and on behalf of the County.

Section 9. The net sale proceeds of the Bonds, along with funds of the County on hand, shall be applied to pay the costs of the Project and the costs of issuance. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. The Board hereby authorizes the Bonds to be sold with a provision for bond insurance or such other credit enhancement product as determined by an Authorized Officer in the Designation. The premium for such bond insurance or credit enhancement product may be payable from the proceeds of the Bonds along with other expenses of issuing the Bonds.

Section 10. For the prompt payment of the Bonds, both principal and interest as the same fall due, the County agrees that it shall levy ad valorem taxes upon all the taxable property, except intangible property, in the County at such rate or rates, subject to applicable statutory limitations, as well as the County's constitutional limitation for levying taxes of 50 cents per \$100 of taxable value, as will provide funds which will be sufficient to make payment of the principal of and interest on the Bonds as the same fall due, to the extent not paid from other sources lawfully available for such payments. The County covenants and agrees that it will observe all budget and spending limitations now or hereafter imposed by law in such a manner that a sufficient portion of its tax levy or other monies shall be lawfully available to pay all principal and interest due on the Bonds. The obligation to levy and collect taxes pursuant to this paragraph shall not be reduced or limited by the receipt of revenues from the Hospital sufficient for the payment of principal and interest on the Bonds; *provided, however*, that the County shall not be obligated to levy and collect taxes required by this paragraph to the extent (but only to the extent) and so long as revenues deposited by the Hospital with the County are sufficient for payment of principal and interest when due. The County Treasurer shall establish a separate fund to hold revenues received by the County from the Hospital for payment of principal and interest on the Bonds. The County covenants that the principal and interest payable on the Bonds will not exceed any limitation imposed by law, and that such amounts are not such as may reasonably be expected to require County to levy taxes in excess of any applicable levy limit. Specifically, but without limitation, County covenants and agrees that taxes levied and appropriations made to pay principal and interest on the Bonds, together with other taxes levied and appropriations made by County, will not exceed the limitations imposed by Section 77-3442 R.R.S. Neb. 2009, as amended, and Section 23-3508, R.R.S. Neb. 2012, as amended, and by the Constitution of the State of Nebraska all to the extent applicable to the Bonds. Such taxes are hereby irrevocably pledged for the payment of principal and interest on the Bonds.

Section 11. The County hereby covenants to the purchasers and registered owners of the Bonds hereby authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be "arbitrage bonds" within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said bond issue. The County hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Bonds. Unless otherwise provided in the Designation, the County hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during the calendar year that the Bonds are issued (taking into consideration the exception for current refunding issues).

Section 12. The County's obligations under this Resolution with respect to the Bonds herein authorized shall be fully discharged and satisfied as to any of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the County and cancelled or when the payment of principal of and interest thereon to the date of maturity or redemption (a) shall

have been made or caused to be made in accordance with the terms thereof (b) shall have been provided for by depositing with the Paying Agent and Registrar for the Bonds, or with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book-entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the County shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with the Paying Agent and Registrar or with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the County as and when collected.

Section 13. The County hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule") in such form as determined necessary and appropriate by such Authorized Officer (the "Continuing Disclosure Undertaking") and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Resolution, failure of the County to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County to comply with its obligations under this Section, and under the Continuing Disclosure Undertaking. The County reserves the right to enter into an agreement or agreements (the "Dissemination Agreement") with a dissemination agent to be selected by an Authorized Officer (the "Dissemination Agent") for purposes of assisting the County in complying with its obligations under this Section 13. Each Authorized Officer is authorized to negotiate, execute and deliver a Dissemination Agreement with the Dissemination Agent in form satisfactory to such Authorized Officer, with the execution by such Authorized Officer of the Dissemination Agreement being conclusive evidence of its approval on behalf of the County.

Section 14. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 15. Each of the Authorized Officers are hereby authorized to approve, on behalf of the County, an official statement (which may include preliminary and final) relating to the Bonds. Such official statement shall be delivered in accordance with applicable securities laws.

Section 16. The Chairperson and each member of the Board, the Clerk and Treasurer of the County, or any one of them, are hereby authorized to take such actions and to execute and deliver for and on

behalf of the County all other documents and instruments necessary in connection with the issuance of said Bonds.

Section 17. This Resolution shall be in force and take effect from and after its adoption as provided by law.

ADOPTED this 6th day of November, 2023.

/s/Anthony Whitmore

/s/Ryan Svoboda

/s/Robert Coufal

/s/Jan Sypal

/s/Scott Steager

/s/Tony Krafka

Supervisors

ATTEST:

/s/Stephanie L. Laska

County Clerk

Approval of Memorandum of Understanding for the Highway 30/64 connector project

Platte County Supervisor Kim Kwapnoiski appeared before the board presenting a memorandum of understanding between Platte County, Butler County, Colfax County, Polk County and the City of Columbus regarding the Highway 30/64 connector project and working with Northeast Nebraska Economic Development District to work with in identifying, pursuing, and capturing grant funds to pay for a comprehensive engineering planning study. Moved by Krafka, seconded by Svoboda to approve the MOU as presented. Upon roll call vote the following voted:

Aye: Krafka, Svoboda, Coufal, Sypal, Steager, & Whitmore.

Nay: NONE.

Absent: Bauer.

Motion carried.

Discussion

Supervisor Steager updated the board that the location of the 911 Tower is a no go due to Federal FAA guidelines. The state has a two-mile radius; however, the federal radius is 15 miles. They are looking for a new location in the small area that is available north of David City.

There being no further business to come before the board, the Chairman adjourned the meeting at 10:49 a.m. The next scheduled meeting of the Board of Supervisors will be November 20, 2023, at 9:00 a.m.

Stephanie L. Laska
County Clerk

Anthony Whitmore
Chairman