



# Gage County Board Minutes



Board of Supervisors Meeting – February 15, 2017

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The Gage County Board of Supervisors met on February 15, 2017, at 8:57 a.m. with Terry Jurgens, John Hill, Matt Bauman, Myron Dorn, Gary Lytle, Dennis Byars, and Erich Tiemann present.

Notice of said meeting was posted at the County Clerk’s Office and published prior to the meeting in compliance with State Statutes.

Let the record show that all proceedings are electronically recorded.

Chairman Dorn announced that a complete copy of the Open Meetings Act is posted at the back of the Board of Supervisors Room.

Consent Agenda included the following items: General Agenda; Minutes from previous meeting and committee meetings; claims audit in the amount of \$688,789.28, which does not include claim #17020122 to Beatrice Lawn Care in the amount of \$687.50, to be voted on separately; approve correspondence received and place on file; approve caretakers for the Pioneer Cemeteries of Gage County for the 2017 season; approve Clerk of District Court Summary Fee Report and Register of Deeds Filing Fee Report for the month of January, 2017; approve county liability report as of February 1, 2017; approve receiving letter from FOP Lodge #45 requesting to open negotiations for a subsequent labor agreement per Article 34 Duration of Agreement. Lodge #45 will be prepared to meet and exchange proposals by April 25, 2017, or another date on which both sides agree.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	122,001.11
Dist. Court Jurors	Juror fees	2271.99
Beatrice Board of Public Works	Utilities	5220.30
Beatrice Lawn Care	Snow removal, sand, ice melt	687.50
Beatrice Public Library	Library svc. Gage Co. residents	11,500.00
Blue Valley Community Action	Qtrly. funds	3725.00
Carriage Motor Co.	Veh. svc.	45.68
Co. Veterans Svc. Offer. Assn. of NE	Bal. due accreditation trng.	50.00
Culligan of Lincoln	Water cooler	15.86
DAS St. Acctng. Cntrl. Fin. 6506	Network serv. chgs. Jan. 2017	478.42
Eakes Office Solutions	Offc. supplies	2945.46
Election Systems & Software, LLC	Elec. hardware maint., firmware lic. renewal	3075.00
Sandra Eltiste	Prior service retirement	12.00
Flood Communications of Beatrice	EM ads	775.00
Fox Funeral Home	Co. cremation	1200.00
J & L Electronics	Shf. & Vets supplies	44.99
Joyce Kassing	Prior service retirement	20.00
Lammel Plumbing, Inc.	Ramp boiler repairs/parts/labor	1634.23
Lincoln Journal Star	Publications	479.22
Midwest Card & ID Solutions	Rapid Tag renewal	500.00
MIPS	Computer programming/support	4236.97
NACO	Co. Official directories	108.00
NI Government Services, Inc.	MSAT fees	74.23
Noakes	Htng./AC repairs, parts	1288.49
Norris Public Power	Utilities	176.67
Pro Printing & Graphics	Marriage lic. certificate paper	48.00
Quill – Ext.	Offc. supplies	115.82
Alice Riggert	Prior service retirement	25.00
Ron Mick Construction	Labor	560.00
Sanitary Garbage Co.	Garbage svc.	271.62
Sheraton Omaha	Lodging	495.00



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Supplyworks	Restroom supplies	353.24
The Wymore Arbor State	Publications	484.69
Tractor Supply	Weed Dept. chemicals	119.92
U.S. Post Service/Postmaster	Ext. Offc. stamps	690.00
Verizon Wireless	Wireless phones	1788.79
Vivial	Phone book listing	23.25
Voice News	Publications	454.70
<u>General Fund – Law Enforcement Expenses</u>		
Advanced Correctional Healthcare	Jail on-site medical svcs.	2763.64
Beatrice Community Hospital	Inmate medical	6466.52
Bentjen Garrison Law Office	Atty fees	8685.00
Butler, Galter & O'Brien	Atty fees	14,480.00
Cash-Wa Distributing	Commissary supplies	178.25
CBM Managed Services	Jail meals	2723.23
Charter Communications	Jail cable TV	167.38
Chief Supply	Shf. uniforms & access.	302.78
City of Beatrice	Mobile software license	10,575.00
Clerk of District Court	State & svc. fees	745.73
Cornhusker State Industries	Janitorial/jail/laundry supplies	150.00
Crawford Supply Co.	Commissary supplies	9.48
DAS St. Acctng. Cntrl. Fin. 6507	Dist. Ct. fee	13.00
DataShield Corp.	Prob. doc. destruction	258.75
Deluxe	Dist. Ct. checks	384.83
DominaLaw Group PC	Prof. legal svcs.	1508.41
Falls City Journal	Prob. classified ad	64.00
Family Medicine of Washington Co.	Inmate medical	131.00
Farmers Cooperative	Shf. fuel	57.91
Gage Co. Court	Court costs, cert. copies	1700.50
Gage Co. Sheriff's Offc.	Dist. & Co. Ct. Shf's fees & mileage	1739.28
Gage Co. Treasurer	Shf. veh. plates	27.10
Galls, LLC	Shf. uniforms/access.	945.21
Gropp Law & Mediation	Atty fees	1360.00
Jerry Shelton	Atty fees	2720.00
Keefe Supply	Jail commissary supplies	171.12
Koenig Law Firm	Atty fees	3456.00
Konica Minolta	Dist. Ct. copier lease	62.93
Lancaster Co. Court	Cert. copies	3.00
Latimer Reporting	DC deposition, Co. Atty. copy depo. trnsrpt.	425.40
Lepant & Kratz	Atty fees	1776.00
Mahloch Law Office	Atty fees	2288.00
Matthew Kosmicki	Atty fees	676.34
McKesson Medical Surgical	Jail medical supplies	7.00
Mead Lumber	Jail supplies	21.95
Microfilm Imaging Systems	Dist. & Co. Ct. scanning equip. rent	437.00
Midwest Process Services	Civil process fees	627.44
Nestor & Mercure Atty's	Atty fees	1410.10
O'Reilly Auto Parts	Shf. wiper blades	27.98
Rita Olberding	Prepare bill of exceptions	87.37
Optical Gallery	Inmate medical/vision	188.40
Petersen Reporting	Transcripts	182.50
Pinnacle Bank	Labels chgd. on Co. Ct. credit card	41.50
Priority Printing	Shf. forms, Prob. bus. cards	318.50



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Quill – Prob.	Offc. supplies	200.17
Radiology Associates	Inmate medical	164.96
Kris Riekenberg	Transcribing	357.75
Sack Lumber	Screening station supplies	50.42
Sapp Bros.	Shf. & Jail fuel	3938.10
SE Nebraska Communications	Prob. phones Falls City	114.27
Solution One	Copier lease	88.08
Staples Advantage	Shf. offc. supplies	125.57
Stephen Kraviec	Child Suppt. Enf. Atty, postage	2320.11
T.O. Haas Tire	Tire repairs	47.00
Thomson Reuters	Law Library West Info. charges	2020.35
Lee Timan	Public Defender	5730.77
U.S. Bank Purchase Cards	Shf/Det. credit card purchases	910.13
Voss Lighting	Jail light bulbs	23.52
Westlake Hardware	Veh. supplies	54.95
Willet & Carothers	Atty fees	1129.00
Wolfe, Snowden, Hurd et al	Prof. legal svcs.	18,551.00
Woods & Aitken	Prof. legal svcs.	785.84

## Road Fund

Highway Department Employees	Salaries	43,911.33
AA Wheel & Truck Supply	Parts, supplies	266.01
Ace Irrigation & Mfg.	Culverts	11,120.30
Angelo’s Supplies, Inc.	Part	81.84
Beatrice Board of Public Works	Utilites	1355.14
Beatrice Concrete Sand & Gravel	Rock	19,322.75
Beatrice Iron & Metal	Parts, supplies	921.43
Carriage, Inc.	Part	1.18
City of Wymore	Utilities	226.95
Constellation	Utilities	315.16
Cornhusker Intl. Trucks	Parts	237.31
Eakes Office Solutions	Offc. supplies	93.88
Fastenal	Bolts, anchors	92.16
Filter Care	Clean filters	53.80
First Wireless, Inc.	Equip.	3322.50
Griffeth Transmission	Parts, labor	1890.99
Interstate Power Systems	Parts	618.40
Jim Hawk Truck Trailers, Inc.	Tool	57.48
Lampton Welding Supply	Welding supplies	8.18
Lawson Products	Grease	77.64
Lincoln Journal Star	Publications	171.62
Matheson Tri-Gas, Inc.	Gas/cyl. rental	320.52
Mead Lumber	Bldg. repairs	13.98
Medical Enterprises, Inc.	Drug/alcohol testing	129.00
MIPS	Hwy computer pkg.	167.63
NACO	Co. Official Directory	12.00
Networkfleet, Inc.	Veh. GPS	177.80
Newman Traffic Signs	Posts	2138.48
Nicholson & Associates	Drug/alcohol testing	160.00
NMC	Parts, oil	179.82
O’Reilly Auto Parts	Parts, supplies	1165.69
Powerplan	Parts	24.16



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RDO Truck Centers	Parts, labor	191.12
Rose Equipment, Inc.	Melter rental	1200.00
Sanitary Garbage Co.	Garbage svc.	68.61
Sapp Bros.	Fuel	13,381.10
Small Engine Specialists	Chainsaw supplies	48.94
The Wymore Arbor State	Publications	60.25
Tractor Supply	Shop supplies	20.97
U.S. Auto Force	Tires	2774.20
Voice News	Publications	28.49
Wick's Sterling Trucks	Parts	270.12

## Register of Deeds Preservation & Modernization Fund

MIPS	Computer suppt., acetate film	15,406.56
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## Insurance Fund

Gage County Health Insurance	Empl. health ins. claims	37,689.86
Gage County Clerk Petty Cash	Reimb. hlth. ins. claims pd from petty cash	195,000.00

## Inheritance Fund

Intoximeters, Inc.	County's half for Intoximeters	2063.50
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## General Fund

Ameritas	County share of Employees Retirement	8,395.51
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	8,854.47
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	23,615.86

## Road Fund

Ameritas	County share of Employees Retirement	2,964.00
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,208.03
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	10,487.58

Motion made by Bauman, seconded by Lytle to approve the consent agenda. Motion carried 7-0.

Motion made by Bauman, seconded by Lytle to approve claim #17020122 to Beatrice Lawn Care in the amount of \$687.50, bringing the total dollar amount of claims approved through Feb. 15, 2017 to \$689,476.78. Motion carried 6-0-1 with Tiemann abstaining due to conflict of interest.

Motion made by Bauman, seconded by Tiemann to approve agreement with Jerry Pigsley as the representative regarding the collective bargaining negotiations with FOP Lodge #45. Motion carried 7-0.

Discussion on how to dispose of surplus county vehicles. Tiemann suggested putting them on an online auction.

Motion made by Tiemann, seconded by Bauman to approve putting surplus county vehicles on an online auction. Motion carried 7-0.

Motion made by Bauman, seconded by Hill to close bidding 9:06 a.m. and accept, reject or award bid on county fuel. Motion carried 7-0.

Bids were received from Farmers Cooperative of Dorchester, NE in the amount of \$1.99 per gallon for diesel fuel for up to 63,000 gallons, and from Sapp Bros. Petroleum, Inc. of Beatrice, NE in the amount of \$1.919 per gallon for diesel fuel for up to 63,000 gallons and \$2.135 for unleaded gasoline for up to 30,000 gallons. Board referred bids to Galen for review and recommendation later in the meeting.





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Lenhart Fritzen spoke under public comments regarding road issues.

Motion made by Bauman, seconded by Tiemann to open public hearing at 9:16 a.m. for the purpose of hearing support, opposition, criticism, suggestions or observations relating to the Gage County One & Six Year Proposed Highway Improvement Plan. Motion carried 7-0.

Hwy Supt. Galen Engel spoke on the proposed One & Six Year Plan explaining the projects included in the plan. Lenhart Fritzen also spoke during the public hearing.

Motion made by Bauman, seconded by Lytle to close the public hearing at 9:30 a.m. Motion carried 7-0.

## **RESOLUTION #17-02**

**WHEREAS**, the Gage County Highway Superintendent has presented a One and Six Year Highway Improvement Plan to the County Board of said County, and

**WHEREAS**, the said Board deems it to be the best interest of the County to adopt said plan as presented,

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of Gage County, Nebraska, that said plan be and hereby is approved and accepted.

PASSED AND APPROVED THIS 15<sup>th</sup> day of February, 2017.

Motion by: Jurgens

Second by: Hill

Vote: Aye - 7

Nay - 0

/s/ Myron Dorn

Myron Dorn, Chairperson

ATTEST:

/s/ Dawn Hill

Dawn Hill, County Clerk

Motion made by Jurgens, seconded by Hill to approve Resolution #17-02 to approve and accept the Gage County One & Six Year Proposed Highway Improvement Plan. Motion carried 7-0.

Hwy Supt. Engel gave the board his recommendation of going with the lower bid from Sapp Bros. Petroleum for county fuel.

Motion made by Tiemann, seconded by Bauman to award the fuel bid to Sapp Bros. Petroleum, Inc. of Beatrice, NE, of \$1.919 per gallon for diesel fuel for up to 63,000 gallons and \$2.135 for unleaded gasoline for up to 30,000 gallons. Motion carried 7-0.

Hwy Supt. Galen Engel led discussion on the purchase of 8515 LeeBoy machine for the Hwy Dept. and talked about the one they currently have needing repaired. Discussion tabled due to a timed agenda item but will come back to this later in the meeting.



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Motion made by Bauman, seconded by Tiemann to open public hearing at 9:47 a.m. to hear support and/or opposition from the public on Special Use Permit No. 2017-1 for placement of 2 storage tanks, scale, outbuilding and sale of anhydrous fertilizer located in the SE ¼ of Section 5 in Lincoln Township. Motion carried 7-0.

Planning & Zoning Commission Chairman Dennis Rosene told the board that after reviewing the permit application the commission recommended granting the permit by a 6-0 vote. Also speaking were the applicants for the permit Mike Holtmeier and Dustin Gronemeyer, and their legal representative Attorney Rob Schafer. They spoke on the specifics of the permit, safety steps taken, and regulations on, and their plan for, storing, handling and selling anhydrous. Planning & Zoning Administrator Nancy Niedfeldt spoke to the board regarding publication of the hearing notice and letters to landowners.

Speaking in favor of the permit were Walker Zulkoski, John Shalla, Jim Ensz for himself and on behalf of Dick Goertzen, Mike Holtmeier, Dustin Gronemeyer and Rob Schafer. Speaking against were Terri Sue Mazza, Ron Mazza, Gerald Meyer, Atty Ryan Greenwood, Kyle Spilker, Christie Carnes, Ray Rohr, Robert Jacobson, Sherry Anderson, Donna Hipp, Steve Hipp, and Ryan Greenwood on behalf of Patricia Jacobson. Speaking neither in favor of or against was Brian Hamel. Several Exhibits were also submitted.

Motion made by Bauman, seconded by Lytle to close public hearing on Special Use Permit No. 2017-1 at 12:18 p.m. Motion carried 7-0. Action on the permit will be taken at the March 1<sup>st</sup> meeting.

Bauman left meeting at 12:19 p.m.

Jerad Reimers gave the board a Washington update from Congressman Adrian Smith.

Discussion continued on the LeeBoy paving machine. Engel stated that a new machine would cost approximately \$225,000, and that estimated repairs to the old one would be around \$30,000. He said they could purchase a 2014 machine with 432 hours on it for \$146,000 with trade-in.

Motion made by Jurgens, seconded by Byars to approve the purchase of a 2014 Leeboy paving machine with 432 hours for \$146,000 with trade-in of old machine. Motion carried 4-2 with Lytle and Tiemann voting nay.

Marc Munford with Ameritas spoke to the board regarding the issuance of bonds by Beatrice Area Solid Waste Agency (BASWA), interest rates and number of years for the bonds.

## **RESOLUTION #17-03**

**A RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE BY THE BEATRICE AREA SOLID WASTE AGENCY (THE “AGENCY”) OF ITS SOLID WASTE DISPOSAL FACILITIES REVENUE BONDS, SERIES 2017, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,350,000 FOR THE PURPOSE OF FINANCING THE COSTS OF IMPROVING THE AGENCY’S SOLID WASTE DISPOSAL FACILITIES; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

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

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



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(a) The Nebraska Interlocal Cooperation Act, Sections 13-801 et seq., Reissue Revised Statutes of Nebraska, as amended (the “**Interlocal Act**”), permits public agencies, such as the County, to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; the Interlocal Act further provides that any power or powers, privileges, or authority exercised or capable of exercise by a public agency of the State of Nebraska (the “**State**”) may be exercised and enjoyed jointly with any other public agency of this state; and the Interlocal Act further permits a joint entity established thereunder to issue such types of bonds as its governing body may determine which may be secured by a pledge of any grant, subsidy, or contribution from any person or a pledge of any income or revenue, funds, or money of the joint entity from any source whatsoever or a mortgage or security interest in any real or personal property, commodity, product, or service or interest therein.

(b) Pursuant to the Interlocal Act, the County and the City of Beatrice, Nebraska (the “**City**”, and together with the County, the “**Public Agencies**”) entered into an Interlocal Cooperation Act Agreement (the “**Interlocal Agreement**”) for the purpose of creating the Beatrice Area Solid Waste Agency (the “**Agency**”).

(c) The County and the City entered into the Interlocal Agreement and created the Agency for the purpose of acquiring or leasing, financing, constructing and operating a solid waste disposal facility (the “**Facility**”) and facilities for the collection, source separation, storage, processing and transportation of recyclable materials (“**Resource Recovery Facilities**” and together with the Facility, the “**Facilities**”).

(d) The Agency previously issued its Solid Waste Disposal Facilities Revenue Refunding Bonds, Series 2016, dated September 7, 2016, in the original aggregate principal amount of \$825,000 (the “**Series 2016 Bonds**”), of which \$825,000 in aggregate principal amount are presently outstanding, pursuant to a resolution (the “**Series 2016 Resolution**”), for the purpose of refinancing the cost of constructing and equipping an additional cell for disposal of solid waste and a separate construction waste disposal site as an addition to the Facilities to serve the City, the County and certain cities and villages located in the County (the “**Contracting Municipalities**”).

(e) The City and the Agency have entered into that certain Service Agreement dated as of September 1, 1996, as amended and supplemented (the “**City Service Agreement**”). The Agency has also entered into separate service agreements with the County (the “**County Service Agreement**”) and also with the Contracting Municipalities (each a “**Municipality Service Agreement**” and together with the City Service Agreement and the County Service Agreement the “**Service Agreements**”), all as on file in the offices of the Agency, as authorized by Sections 13-2001 through and including 13-2043 Reissue Revised Statutes of Nebraska, as amended, (the “**Solid Waste Act**”).

(f) It is necessary that the Agency finance the costs of constructing and equipping an additional cell at the Facilities for disposal of solid waste to serve



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the City, the County and other Contracting Municipalities (the “**Project**”).

(g) To finance the costs of the Project, the Agency has determined to issue its Solid Waste Disposal Facilities Revenue Bonds, Series 2017 (the “**Bonds**”), in an aggregate principal amount not to exceed \$1,350,000, which Bonds are to be paid from and secured by the revenues of the Facilities, including revenues from the City Service Agreement.

(h) Prior to the issuance of the Bonds, the Agency requires that the respective governing bodies of each of the County and the City approve the issuance of the Bonds by the Agency for the benefit of the Public Agencies.

(i) All conditions, acts and things required by law to exist or to be done precedent to the issuance by the Agency of solid waste disposal facilities revenue bonds for the benefit of the Public Agencies as authorized in the amount not to exceed \$1,350,000 do exist and have been done in due form and time as required by law.

**Section 2.** The Board hereby authorizes and approves the continued participation of the County in the Agency pursuant to the Interlocal Act, the Solid Waste Act and other laws to provide financing, services and support to all members of the Agency including but not limited to issuance of bonds, retention of bond paying agent, record keeping and other administrative services relating to the financing of the Facilities for use of the Public Agencies, and for other lawful purposes. The Board hereby further directs the Chairman, the County Treasurer and the County Clerk (each, including any person authorized or designated to sign on his or her behalf, and “**Authorized Officer**”), or each individually, to sign, execute, and deliver such documents, to act as the County’s representative on all matters related to all of such documents, and to take or cause to be taken any and all other action and sign any other documents as may be necessary to complete the transaction.

**Section 3.** For the purpose of financing the costs of the Project, funding necessary reserves and paying the costs of issuing the Bonds, the County, in accordance with its authority under the Solid Waste Act and the Interlocal Act, hereby authorizes the Agency to issue its Bonds for the benefit of the Public Agencies in an aggregate principal amount of not to exceed \$1,350,000 and with a maximum maturity date of April 1, 2027. The Bonds shall have such terms, conditions and limitations as set forth in that resolution adopted by the governing body of the Agency on February 6, 2017 (the “**Agency Bond Resolution**”) and in a certificate (the “**Award Certificate**”) executed at the time of sale of the Bonds by the Agency to Ameritas Investment Corp., as the original purchaser thereof (the “**Purchaser**”).

**Section 4.** Each Authorized Officer is authorized to take all actions necessary to effect the issuance and delivery of the Bonds by the Agency to the Purchaser, inclusive of the power and authority to execute such orders, certificates, receipts and other documents as may be necessary or desirable to effect such delivery.

**Section 5.** (a) The County covenants and agrees that (i) it will comply with all applicable provisions of the Internal Revenue Code of 1986, as amended (the “**Code**”), including Sections 103 and 141 through 150, necessary to main-





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tain the exclusion from gross income for federal income tax purposes of the interest on the Bonds, and (ii) it will not use or permit the use of any proceeds of Bonds or any other funds of the County nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. In addition, the County will adopt such other resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the County.

(b) The County hereby designates the Bonds as “qualified tax-exempt obligations” as defined in Section 265(b)(3) of the Code. In addition, the County hereby represents that:

- (i) the aggregate face amount of all tax-exempt obligations (other than private activity bonds that are not “qualified 501(c)(3) bonds” and certain refunding bonds) which will be issued by the County (and all subordinate entities thereof) during current calendar year is not reasonably expected to exceed \$10,000,000; and
- (ii) the County (including all subordinate entities thereof) will not issue an aggregate principal amount of tax-exempt obligations (other than private activity bonds that are not “qualified 501(c)(3) bonds” and certain refunding bonds) during current calendar year, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of nationally recognized counsel in the area of municipal finance that the designation of the Bonds as “qualified tax-exempt obligations” will not be adversely affected.

**Section 6.** Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the Board hereby (a) authorizes and directs all of the officers, employees, and agents of the County to carry out, or cause to be carried out, and to perform such obligations of the County and such other actions as they, or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this Resolution, and the issuance, sale and delivery of the Bonds, including, without limitation and whenever applicable, the execution and delivery of all other related documents, instruments, certificates, and opinions; and (b) delegates, authorizes, and directs to each Authorized Officer the right, power, and authority to exercise her or his own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by such officer of any such documents, instruments, certifications, and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the County’s and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the County and the authorization, approval, and ratification by the County of the documents, instruments, certifications, and opinions so executed and the action so taken.



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**Section 7.** All actions heretofore taken by the officers and officials of the County in connection with the issuance and sale of the Bonds by the Agency, including, without limitation the preparation and distribution of documents relating to such issuance and sale, together with all other actions taken in connection with any of the foregoing, be and the same are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

**Section 8.** If any one or more of the provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions of this Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this Resolution or of the Bonds and the owners of the Bonds shall retain all the rights and benefits accorded to them under this Resolution and under any applicable provisions of law.

If any provisions of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid in any particular case in any jurisdiction or jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provisions in question inoperative or unenforceable or invalid in any other case or circumstances, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

**Section 9.** The issuance of the Bonds is subject to prior publication by the Agency of notice of its intention to issue the Bonds, as required by the Interlocal Act.

**Section 10.** This Resolution shall take effect and be in force from and after its passage as provided by law.

**DATED:** February 15, 2017.

## THE COUNTY OF GAGE, NEBRASKA

ATTEST:

By: /s/ Dawn Hill  
County Clerk

/s/ Myron Dorn  
Chairman, Board of Supervisors

Motion made by Lytle, seconded by Tiemann to approve Resolution #17-03 authorizing and approving the issuance by the Beatrice Area Solid Waste Agency (BASWA) of its solid waste disposal facilities Revenue Bonds, Series 2017, in an aggregate principal amount not to exceed \$1,350,000 for the purpose of financing the cost of improving the agency's solid waste disposal facilities; designating the bonds as qualified tax-exempt obligations; authorizing certain actions and documents; and prescribing other matters relating thereto. Motion carried 6-0.

Committee reports were given by Byars on Building & Grounds/Winter Lights, Jurgens on Finance/Insurance, Dorn on Human Resources/Employee Relations and Law Enforcement/Emergency Management, and Jurgens on Road & Bridge.

Motion made by Tiemann, seconded by Hill to move into closed session at 1:28 p.m. for litigation update and negotiations. Motion carried 6-0.



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Jurgens left meeting at 2:03 p.m.

Motion made by Byars, seconded by Lytle to move out of closed session at 2:04 p.m. Motion carried 5-0.

Motion made by Lytle, seconded by Byars to adjourn meeting at 2:04 p.m. Motion carried 4-1 with Tiemann voting nay.

Chairman declared Board of Supervisors meeting adjourned at 2:04 p.m. until March 1, 2017.

Board minutes can also be viewed on the Gage County website at [www.gagecountynebraska.us](http://www.gagecountynebraska.us).

/s/ Dawn Hill

Dawn Hill  
Gage County Clerk

/s/ Myron Dorn

Myron Dorn, Chairman  
Gage County Board of Supervisors

I, Dawn Hill, County Clerk of Gage County, do hereby certify that the above records are true and accurate to the best of my knowledge.

Witness my hand and official seal this 15<sup>th</sup> day of February, 2017.

(SEAL)

/s/ Dawn Hill

Dawn Hill  
Gage County Clerk