

September 13, 2016

Seward County Board of Equalization

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Equalization was convened in open and public session at 8:30 a.m. on September 13, 2016 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Equalization convened on September 13, 2016 at 8:30 a.m.

Present:	Chairperson:	Whitney Fleischman
	Members:	Mike Luebbe, Diana Garske, Eugene Gausman, Roger E. Glawatz
	County Clerk:	Sherry Schweitzer
	County Assessor:	Marilyn Hladky

The Chairman noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Luebbe and seconded by Glawatz to approve the minutes of August 9, 2016.

Affirmative Vote: Luebbe, Glawatz, Gausman, Garske, Fleischman Motion Carried

Moved by Garske and seconded by Glawatz to approve Tax List Correction 229-15R.

Affirmative Vote: Garske, Glawatz, Gausman, Luebbe, Fleischman Motion Carried

Hladky updated the Commissioners on activities of her office.

Known items on the agenda for September 27, 2016 are as follows:

- 8:30 a.m. 1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of September 13, 2016
4. Discuss/Action - Assessor Information Update

Moved by Luebbe and seconded by Garske to adjourn at 8:37 a.m.

Affirmative Vote: Luebbe, Garske, Gausman, Glawatz, Fleischman Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 27th day of September, 2016.

County Clerk

Chairman

September 13, 2016

Seward County Board of Commissioners

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Commissioners was convened in open and public session at 9:00 a.m. on September 13, 2016 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Commissioners has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on September 13, 2016 at 9:00 a.m.

Present: Chairman: Roger E. Glawatz
Members: Mike Luebbe, Diana Garske, Eugene Gausman,
Whitney Fleischman
County Clerk: Sherry Schweitzer

The Chairman noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Fleischman and seconded by Gausman to approve the minutes of August 30, 2016.

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Mike Janssen, Building and Grounds Supt. discussed some storage issues with the Commissioners.

Moved by Luebbe and seconded by Fleischman to open bids at 9:15 a.m. for fuel storage tanks at the Road Dept. main shop.

Affirmative Vote: Luebbe, Fleischman, Gausman, Garske, Glawatz Motion Carried

The only bid received was from Midwest Pump and Equipment. The awarding of the bid will be next week.

Georgia Stockley of the Road Dept. presented several road documents for the Commissioners consideration.

The Commissioners discussed a Change Order for the McKelvie Road Project, but took no action at this time. The item will be on next week's agenda.

Moved by Garske and seconded by Gausman to adopt Resolution No. 3265 in regard to authorizing the Chairman to sign the Program Agreement for Federal Aid Bridge Project BRO-7080(54) North West of Seward.

RESOLUTION # 3265 OF THE SEWARD COUNTY BOARD OF COMMISSIONERS

SIGNING OF THE LPA PROGRAM AGREEMENT – FEDERAL-AID FUNDING

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Dated this 13th day of September, 2016.

Motion by: Luebbe

Seconded by: Gausman

Ayes: Michael Luebbe, Eugene Gausman, Whitney Fleischman, Diana L. Garske, Roger Glawatz, Chairman, Board of Commissioners

Dated: September 13, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Luebbe, Gausman, Garske, Fleischman, Glawatz Motion Carried

Moved by Luebbe and seconded by Garske to open the Public Hearing at 10:00 a.m. on Set the Tax Request Different the Prior Year.

Affirmative Vote: Luebbe, Garske, Fleischman, Gausman, Glawatz Motion Carried

No one appeared to comment on said tax request.

Moved by Fleischman and seconded by Luebbe to close said Public Hearing at 10:02 a.m.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to adopt Resolution No. 3268 in regard to Setting the Tax Request for the 2016-2017 Budget Different Than the Prior Year.

**RESOLUTION # 3268 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

WHEREAS, pursuant to State Statute 77-1601.02 the Seward County Board of Commissioners held a hearing on September 13, 2016 at 9:45 a.m. in regard to setting the 2016-2017 tax request at a different rate than the 2015-2016 tax request, AND,

WHEREAS, said hearing was published in 1 legal newspaper, namely the Seward County Independent as required by law on September 7, 2016, AND,

WHEREAS, the following requirements were in said published notice:

the 2015-2016 tax request was:	\$ 7,801,775.00	and
the levy to fund the 2015-2016 tax request was:	\$.271338	and
the levy to fund last years tax request if it were applied to the current valuation would be:	\$.254673	and
the proposed tax request for the 2016-2017 year is:	\$ 8,407,096.00	and
the proposed levy to fund the 2016-2017 tax request is:	.274432	and,

WHEREAS, 0 people were present to comment on the proposed tax request at said hearing.

NOW, THEREFORE BE IT RESOLVED,

That the Seward County Board of Commissioners hereby approve a tax request of \$ 8,407,096.00 for the 2016 – 2017 fiscal year.

Dated this 13th day of September, 2016.

Motion by: Fleischman

Seconded by: Gausman

Ayes: Whitney Fleischman, Eugene Gausman, Michael Luebbe, Diana L. Garske, Roger Glawatz, Chairman, Board of Commissioners

Dated: September 13, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Michaela Tuttle presented a health insurance document for the Commissioners consideration.

Moved by Garske and seconded by Gausman to authorize the Chairman to sign the Health Insurance document.

Affirmative Vote: Garske, Gausman, Fleischman, Luebbe, Glawatz Motion Carried

Moved by Garske and seconded by Gausman to authorize the Chairman sign the Safran MorphoTrak Live Scan Maintenance & Support Agreement for Jail.

Affirmative Vote: Garske, Gausman, Luebbe, Fleischman, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to authorize the Chairman sign the video Visitation Proposal and Contract agreement with Encartele.

Affirmative Vote: Fleischman, Luebbe, Garske, Gausman, Glawatz Motion Carried

Dean Uhlenberg of Beckenhauer Construction presented Change Request and Change Orders.

Moved by Fleischman and seconded by Garske to approve Change Request # 41 (ASI 004) P1 & WB3 Allowance Adjustment.

Affirmative Vote: Fleischman, Garske, Luebbe, Gausman, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to approve Change Request # 42 (PR 22) Added Duress Alarm Buttons at Rooms 103,113 & 123.

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Luebbe to approve Change Order # 43 (RFI 217) Damper at L-11.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to approve Owner Change Order #11 (Change Orders #37, #38, #39, & #40).

Affirmative Vote: Fleischman, Gausman, Garske, Luebbe, Glawatz Motion Carried

No action was taken on the GGA #11 - Time Extension agenda item as Dean Uhlenberg of Beckenhauer Construction asked it to be withdrawn.

Commissioner Fleischman updated the rest of the Board on the Justice Center Project. She stated that various offices had met with representatives of Goldberg Group Architects about the Furniture, Fixtures and Equipment (FFE) budget of the Project. She also talked about the first move of the 2 initial offices and getting some of the FFE ordered and the logistics of it. She stated that another committee may need to be formed to deal with these things.

The Commissioners recessed at 10:55 a.m.

The Commissioners re-convened at 11:00 a.m.

Commissioner Reports:

Commissioner Luebbe updated the other members of the Board about Road Dept. Projects. He also reported he attended the Bee and Garland Village Board meetings and the NACO meeting this past week.

Chairman Glawatz started discussion on the Employee Retroactive Pay Submission item on the agenda. An email had been sent out advising Supervisors to wait until October payroll to submit raises for their employees.

Schweitzer informed the Board that in the past, after the Budget is approved, which is usually before the 15th of the month, employees have received their raises in September payroll. Commissioner Fleischman stated that she felt that since the Commissioners have until the 20th to approve the budget, and changes can possibly be made, that raises for the employees should not be given until October. Jacque Stewart, Clerk of the District Court, Marilyn Hladky, Assessor and Bob Dahms, Treasurer all voiced their opinions on the matter. Fleischman stated that she was not happy that Supervisors did not follow the directive she had HR send out about waiting until October.

Moved by Fleischman and seconded by Luebbe to make pay raises effective July 1, 2016 and payable with October payroll.

Affirmative Vote: Fleischman, Luebbe, Gausman, Garske, Glawatz Motion Carried

Commissioners Reports (Cont.):

Commissioner Fleischman reported she attended the Ag Society Meeting. Met with different depts. about personnel, and met with different depts. that are going to be moving into the Justice Center.

Commissioner Gausman reported he attended a Same Page meeting, a Four Corners Health Dept. meeting, the NACO Southeast meeting, and surveyed roads.

Commissioner Garske reported she attended the NACO Meeting.

Commissioner Glawatz reported he spent quite a bit of time communicating with constituents, county personnel and others. He also reported he attended the meeting of Region V and Keep Nebraska Beautiful Awards meeting.

Moved by Garske and seconded by Fleischman to accept Clerk of the District Court Fee Report for August, 2016 in the amount of \$4,064.31.

Affirmative Vote: Garske, Fleischman, Luebbe, Gausman, Glawatz Motion Carried

Moved by Fleischman and seconded by Gausman to accept County Clerk Fee Report for August, 2016 in the amount of \$18,782.00.

Affirmative Vote: Fleischman, Gausman, Luebbe, Garske, Glawatz Motion Carried

The Commissioners considered an asbestos removal proposal from Bockmann Inc.

Moved by Garske and seconded by Luebbe to authorize the Chairman sign the Asbestos Removal Proposal from Bockmann, Inc. for \$1,900.00.

Affirmative Vote: Garske, Luebbe, Gausman, Fleischman, Glawatz Motion Carried

The Commissioners considered documents for additional financing for the Justice Center.

Moved by Luebbe and seconded by Fleischman to adopt Resolution No. 3269 in regard to authorizing additional financing for the Justice Center.

**RESOLUTION # 3269 OF THE
SEWARD COUNTY BOARD OF COMMISSIONERS**

A RESOLUTION AUTHORIZING THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2016, OF THE COUNTY OF SEWARD, NEBRASKA IN THE PRINCIPAL AMOUNT OF THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000.00) FOR THE PURPOSE OF REMODELING, RENOVATION AND REPLACEMENT OF THE EXISTING JAIL TO CREATE A NEW JUSTICE CENTER; PRESCRIBING THE FORM AND DETAILS OF THE

BONDS; AGREEING TO LEVY AN ANNUAL TAX PURSUANT TO SECTION 23-120(3)(B), REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED, FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AND RELATED MATTERS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF SEWARD, NEBRASKA:

Section 1. The Board of Commissioners (the "Board") of The County of Seward, Nebraska (the "County") hereby finds and determines as follows:

(a) The County is a county and political subdivision created and existing under the laws of the State of Nebraska (the "State"), including, without limitation, Section 22-180, Reissue Revised Statutes of Nebraska, as amended.

(b) The County has previously identified and designated either (1) remodeling and renovating the Seward County Justice Center and constructing, equipping and furnishing an addition thereto, together with such other work as is necessary, desirable or advisable in connection therewith or (2) demolishing the existing Seward County Justice Center and constructing, equipping and furnishing a replacement facility (collectively, the "Project") as a "project" within the meaning of Section 23-120, Reissue Revised Statutes of Nebraska, as amended ("Section 23-120").

(c) On the day the County first initiated the Project, the County had no bonded indebtedness payable from its general fund levy. On October 17, 2014, the County issued its Limited Tax General Obligation Bonds, Series 2014, in the original principal amount of \$9,900,000 (the "Series 2014 Bonds") to fund a portion of the costs of the Project. The resolution authorizing the Series 2014 Bonds and the terms and conditions of said Series 2014 Bonds do not restrict the issuance of additional bonds on parity with the Series 2014 Bonds and payable from the same special debt service levy.

(d) The County (1) is authorized pursuant to Section 23-120(3)(b) to make an annual levy of not to exceed 5.2¢ per \$100 upon the taxable value of all the taxable property in the County, subject to the County's constitutional levy limitation, for a period not to exceed twenty years to pay the costs of the Project, and (2) prior to commencement of the Project, had not collected any levy of taxes pursuant to Section 23-120 to pay the costs of the Project.

(e) Except for the Project, the County has not designated any other projects pursuant to the provisions of Section 23-120 payable from the 5.2¢ levy authorized thereby.

(f) It is necessary, desirable, advisable, and in the best interests of the County that the Project be constructed, equipped and furnished and that the County issue additional bonds (the "Bonds") pursuant to Section 23-120 to pay the costs thereof.

(g) The taxable valuation of the County under the 2015 assessment, being the last certified assessment thereof, is \$2,875,576,835.

(h) The combined maximum annual debt service payable on the Bonds and the Series 2014 Bonds will not exceed a levy of 5.2¢ per \$100 upon all the taxable property in the County based upon the County's estimated taxable valuations for each year in which the Bonds will be outstanding.

(i) All conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds do exist and have been done in due form and time as required by law.

Section 2. For the purpose of paying the costs of the Project and the costs of issuing the Bonds, the Bonds shall be and are hereby ordered issued in the principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000), designated "The County of Seward, Nebraska Limited Tax General Obligation Bonds, Series 2016,"

and dated September 30, 2016. The Bonds shall be fully registered as to both principal and interest on the books of registration maintained by The Jones National Bank and Trust Company of Seward, the bond registrar and paying agent (the "Registrar") therefor; be issued in the denomination of \$5,000 or any integral multiple thereof; be numbered consecutively from R-1 upward in the order of issuance; be dated the date of delivery thereof (the "Date of Original Issue"); mature on the date seven (7) years after the date of issuance; and bear interest calculated on the basis of a 360-day year consisting of twelve 30-day months at the rates of 2.75% per annum.

Each Bond shall be payable in semi-annual principal and interest payments on April 1 and October 1 of each year, beginning April 1, 2017 (each such date, a "Payment Date"), in an amount sufficient to amortize the principal balance of the Bond in a period of seven (7) years. Interest shall accrue at the rate stated thereon from the Date of Original Issue to each Payment Date with each payment applied first to accrued but unpaid interest with the balance applied to the principal balance of the Bond. Said payments shall be paid by check or draft payable to the registered owner thereof at 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 fifteenth day of the month next preceding the month in which such Payment Date occurs (the "Record Date"), subject to the provisions of Section 3. The Bonds are issued to be on parity with the Series 2014 Bonds and are payable from the same special debt service levy with said levy applied ratably and proportionally to payment of the Bonds and the Series 2014 Bonds unless otherwise agreed by the registered owners of the Bonds.

Section 3. 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 offices of the Registrar are 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 4. In the event that a payment or payments due on the Bonds on a Payment Date are not timely made, such payment shall cease to be payable to the registered owners thereof as of the Record Date for such Payment Date and shall be payable to the registered owners of the Bonds as of a special record date for payment of defaulted principal and interest to be designated by the Registrar whenever money for the purpose of paying such defaulted payment becomes available.

Section 5. The unpaid principal portion of the Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time at a redemption price equal to 100% of the principal amount then being redeemed to the date fixed for redemption. If less than the entire balance of the Bonds is redeemed, the Bonds outstanding shall be redeemed proportionally. To the extent less than the entire principal amount of a Bond is redeemed, the principal of the Bond shall be redeemed in inverse order of payment date and the remaining principal of the Bond re-amortized on a level debt service bases over the remaining term of the Bond. Notice of redemption of the Bond, or portion hereof, called for redemption shall be given at the direction of the Chair and Board of Commissioners by the Registrar by mail not less than thirty 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, provided, however that such notice may be waived. Such notice shall designate the amount of principal of the Bond to be redeemed, the date fixed for redemption and state that such Bond is to be presented for prepayment (including notation of any partial prepayment) at the office of the Registrar. No defect in the mailing of notice for the Bond shall affect the sufficiency of the proceedings of the Chair and Board designating the Bonds called for redemption or the effectiveness of such call.

Section 6. The Registrar, Jones National Bank & Trust Company of Seward, is hereby designated as paying agent and registrar for the Bonds. The Registrar shall specify its acceptance of the duties, obligations and trusts imposed upon it by the provisions of this ordinance by a written instrument deposited with the County prior to the issuance of the bond. 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 in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. The Registrar shall have

only such duties and obligations as are expressly specified by this resolution and no other duties or obligations shall be required of the Registrar. Said Registrar shall keep and maintain for the County books for the registration and transfer of the Bonds at the office of the Registrar in Seward, Nebraska. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. A Bond may be transferred pursuant to its provisions at the office of the Registrar upon surrender of such bond for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Registrar will register such transfer upon said registration books and make notation on the Bond and deliver the same to the transferee registered owner (or send by registered mail to the transferee owner at such owner's risk and expense).

Section 7. The Bonds shall be executed on behalf of the County by the manual or facsimile signatures of the Chair and the Clerk. The County Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said Bonds which shall be delivered to the purchasers of said Bonds. After being executed by the Chair and County Clerk, said Bonds shall be delivered to the Registrar and such Registrar shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 2012, as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Registrar shall register the bond in the name of the initial owners thereof, designated in Section 11 of this Resolution. The Registrar shall also be responsible for making the payments of principal and interest on the Bonds as the same become due from funds transferred to it by the County for such purpose, which transfers are hereby authorized without further action or order of the Board. The County and the Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payment thereon and for all other purposes. All payments on account of principal or interest 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 such Bond or claims for interest to the extent of the sum or sums so paid.

Section 8. The Bonds shall be in substantially the following form:

REGISTERED
No. _____

REGISTERED
\$ _____

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
THE COUNTY OF SEWARD**

LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2016

Dated Date
September 30, 2016

Maturity Date
October 1, 2023

Interest Rate
2.75%

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

THE COUNTY OF SEWARD, NEBRASKA (the "County") hereby acknowledges itself to owe and for value received promises to pay to the registered owner hereof the sum of _____ Dollars (\$_____) in lawful money of the United States of America on the maturity date specified above, with interest thereon calculated on the basis of a 360-day year consisting of twelve 30-day months from the Dated Date stated above at the Interest Rate per annum stated above. The said principal of this bond and interest thereon shall be payable in equal semiannual payments in an amount sufficient to amortize the principal balance by the maturity date, with said payments made on April 1 and October 1, starting April 1, 2017. If this bond is not paid upon presentation at maturity or any principal or interest installment hereon is not paid when due, the bond or installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended

from time to time by the Nebraska Legislature. The principal hereof and interest hereon shall be paid in installments, on each payment date by check or draft mailed to the registered owner hereof, as of the close of business on the fifteenth day of the month immediately preceding the month in which the payment date occurs, at such owner's registered address as it appears on the books of registration of the County (the "Record Date"). The principal of this bond and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to the Jones National Bank and Trust Company of Seward (the "Registrar") at the office of the Registrar in Seward, Nebraska.

This bond is one of an issue of fully registered bonds (the "Bonds") in the aggregate principal amount of Three Million Five Hundred Thousand Dollars (\$3,500,000), of even date and like tenor, authorized by a Resolution passed by the Board of Commissioners of the County (the "Resolution") pursuant to Section 23-120, Reissue Revised Statutes of Nebraska, as amended, for the purpose of paying (a) the costs of (1) either remodeling and renovating the Seward County Justice Center and constructing, equipping and furnishing an addition thereto, together with such other work as is necessary, desirable or advisable in connection therewith or (2) demolishing the existing Seward County Justice Center and constructing, equipping and furnishing a replacement facility (collectively, the "Project") and (b) the costs of issuing the Bonds in strict compliance with the provisions of Section 23-120, Reissue Revised Statutes of Nebraska, as amended. The Bonds are payable from an annual levy of taxes not to exceed 5.2¢ per \$100 of taxable valuation on all the taxable property located in the County pursuant to Section 23-120(3)(b), Reissue Revised Statutes of Nebraska, as amended, in addition to all other taxes, subject to certain constitutional levy limitations.

The Bonds are subject to redemption at the option of the County prior to the stated maturities thereof at any time in whole or in part in such principal amounts as the County in its absolute discretion may determine, at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date fixed for redemption. If less than all of the Bonds of a particular maturity are called for redemption, the Bonds shall be redeemed proportionally and the balance of said Bonds re-amortized as set forth in the Resolution.

The Registrar shall give notice of the redemption of this bond 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 owner hereof in the manner specified in the Resolution. If less than the entire principal amount of this bond is redeemed, upon surrender of this bond the County shall issue to the registered owner hereof without charge therefor, a new bond or bonds for the then unredeemed balance of the principal amount.

This bond is transferable by the registered owner hereof in person or by such registered owner's attorney duly authorized in writing, at the designated corporate trust offices of the Registrar in Seward, Nebraska, but only in the manner and subject to the limitations and conditions provided in the Resolution and upon presentation and surrender of this bond to the Registrar for cancellation. Upon any such registration of transfer, the County shall execute and the Registrar shall authenticate and deliver in exchange for this bond, a new registered bond or bonds, registered in the name of the transferee, of authorized denominations, in a principal amount equal to the principal amount of this bond, of the same series and maturity and bearing interest at the same rate. The County and the Registrar may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payments of the principal of and interest on this bond and for all other purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

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 offices of the Registrar are 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 date shall have the same force and effect as if made on the nominal date of payment.

The County has designated the Bonds as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) 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 the Bonds 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 the Bonds, does not exceed any limitation imposed by law. The County covenants to levy an annual tax pursuant to Section 23-120(3)(b), Reissue Revised Statutes of Nebraska, as amended, in addition to all other taxes, in an amount not to exceed 5.2¢ per \$100 upon the taxable value of all the taxable property in the County, subject to the County's constitutional levy limitation, to pay the principal of and interest on the Bonds when and as the same become due.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the certificate of authentication hereon shall have been executed by the Registrar.

IN WITNESS WHEREOF, THE COUNTY OF SEWARD, NEBRASKA, has executed this bond by causing it to be signed by the manual or facsimile signature of the Chair and attested by the manual or facsimile signature of the Clerk.

THE COUNTY OF SEWARD, NEBRASKA

By: _____
Chairperson

ATTEST:

By: _____(Do Not Sign)
Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within-mentioned Resolution.

THE JONES NATIONAL BANK AND TRUST COMPANY OF SEWARD, Bond Registrar and Paying Agent

By: _____
Authorized Officer

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Type Name, Address and Social Security Number or other Taxpayer Identification Number of Transferee

the within Bonds and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within Bonds on the books kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bonds in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution as
defined by SEC Rule 17 Ad-19 (17 CFR

240.17 Ad-19))

By: _____

Title: _____

Section 9. The County hereby covenants to levy an annual tax pursuant to Section 23-120(3)(b), Reissue Revised Statutes of Nebraska, as amended, in addition to all other taxes, in an amount not to exceed 5.2¢ per \$100 upon the taxable value of all the taxable property in the County, subject to the County's constitutional levy limitation, to pay the principal of and interest on the Bonds when and as the same become due, the County hereby irrevocably pledging such levy of taxes for such purpose.

Section 10. The proceeds of the Bonds shall be deposited with the Registrar in a separate fund and disbursed upon orders of the Board to pay (a) the costs of issuing the Bonds and (b) the costs of constructing, equipping and furnishing the Project upon orders of the Board.

Section 11. The Bonds shall be sold in equal amounts to The Jones National Bank & Trust Company of Seward and the Cattle National Bank & Trust Company (collectively the "Purchasers") for the price and upon the terms set forth in the Bond Purchase Agreement for the purchase of the Bonds. Said Bond Purchase Agreement is hereby in all respects authorized, adopted, specified, accepted, ratified, approved, and confirmed in the form presented to the Board. The Chair is hereby authorized to execute and deliver the Bond Purchase Agreement.

Section 12. The Bonds shall be delivered to the Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, the Registrar is authorized to deliver the Bonds to the Purchasers upon receipt of the purchase price specified in the Bond Purchase Agreement.

Section 13.

(a) The County covenants and agrees that (1) it will comply with all applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including Sections 103 and 141 to 150, inclusive, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds, and (2) it will not use or permit the use of any proceeds of the Bonds or any other funds of the County, nor take or permit any other action, nor 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. The County will, in addition, 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 covenants and agrees that (1) it will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds, (2) it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purposes for which the Bonds are issued, and (3) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the County in any manner, or take or omit to take any action, that would cause the Bonds to be an "arbitrage bond" within the meaning of Section 148(a) of the Code.

(c) The County covenants and agrees that it will pay or provide for the payment from time to time of all amounts required to be rebated to the United States

of America (the "United States") pursuant to Section 148(f) of the Code and any U.S. Treasury Regulations applicable to the Bonds from time to time. This covenant shall survive payment in full or defeasance of the Bonds. The County specifically covenants to pay or cause to be paid to the United States the required amounts of rebatable arbitrage at the times and in the amounts determined by the Federal Tax Certificate,

dated the date of delivery of the Bonds (the "Tax Certificate"), to be prepared by bond counsel in connection with the issuance of the Bonds. The Chair is hereby authorized to execute the Tax Certificate in the form determined necessary by the Chair and bond counsel. Notwithstanding anything to the contrary contained herein, the Tax Certificate may be amended or replaced if, in the opinion of bond counsel nationally recognized on the subject of municipal finance, such amendment or replacement will not adversely affect the exclusion from gross income for federal income tax purposes of the interest on the Bonds.

(d) The County covenants and agrees that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause the Bonds to be considered a "private activity bond."

(e) The County hereby designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code and hereby represents that:

(1) the aggregate face amount of all tax-exempt obligations (other than private activity bonds which are not "qualified 501(c)(3) bonds") which will be issued by the County (and all subordinate entities thereof) during the calendar year in which the Bonds are issued is not reasonably expected to exceed \$10,000,000; and

(2) the County (including all subordinate entities thereof) will not issue an aggregate principal amount of obligations designated by the County to be "qualified tax-exempt obligations" during the calendar year in which the Bonds are issued, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of bond counsel that the designation of the Bonds as "qualified tax-exempt obligations" will not be adversely affected.

The Chair is hereby authorized to take such other action as may be necessary to make effective the designation in this Section 13(e).

(f) The foregoing covenants of this section shall remain in full force and effect notwithstanding the defeasance of the Bonds or any other provision of this Resolution, until the final maturity date of the Bonds.

(g) The Post-Compliance Policy and Procedures previously approved by the County in connection with the issuance of the 2014 Bonds remain in effect and shall apply to the Bonds.

Section 14. The County's obligation under this Resolution shall be fully discharged and satisfied as to the Bonds authorized and issued hereunder, and the Bonds shall no longer be deemed outstanding hereunder when payment of the principal of such Bonds plus interest thereon to the date of maturity or redemption thereof (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided by depositing with the Registrar or in escrow with a national or state bank having trust powers, in trust solely for such payment (1) sufficient money to make such payment or (2) direct general obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States, or obligations of an agency of the United States ("Government Obligations"), in such amount and maturing as to principal and interest at such times, as will insure the availability of sufficient money to make such payment, and such Bonds shall cease to draw interest from the date of their redemption or maturity and, except for the purposes of such payment, shall no longer be entitled to the benefits of this Resolution; provided that notice of redemption shall have been duly given. If money shall have been deposited in accordance with the terms hereof with the Registrar as escrow agent in trust for that purpose sufficient to pay the principal of the Bonds, together with all interest due thereon to the due date thereof or to the date fixed for redemption, as the case may be, all liability of the County for such payment

shall forthwith cease, determine and be completely discharged, and the Bonds shall no longer be considered outstanding.

Section 15. All actions heretofore taken by all officers, officials, employees and agents of the County, including, without limitation, the expenditure of funds and the selection, appointment and employment of bond counsel, underwriters, paying agents or registrars, in connection with the issuance and sale of the Bonds, together with all other actions taken in connection with any of the matters which are the subject hereof, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 16. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Board hereby (a) authorizes and directs the Chair, the Clerk and all other officers, officials, 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 of them, in consultation with bond counsel, the Underwriter and its counsel, 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 appropriate, the execution and delivery thereof and of all other related documents, instruments, certifications and opinions, and (b) delegates, authorizes and directs the Chair the right, power and authority to exercise his independent judgment and absolute discretion in the taking of all actions and the making of all arrangements necessary, proper, appropriate, advisable or desirable in order to effectuate the issuance, sale and delivery of the Bonds. The execution and delivery by the Chair or by any such other officers, officials, employees or agents of the County of any such documents, instruments, certifications and opinions, or the doing by them of any act in connection with any of the matters that are the subject of this Resolution, shall constitute conclusive evidence of both the County's and their approval of the terms, provisions and contents thereof and 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 actions so taken.

Section 17. 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 registered owner of the Bonds shall retain all the rights and benefits accorded to it 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 provision 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 18. All resolutions or orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

Section 19. This Resolution shall be in full force and effect from and after its passage as provided by law.

DATED this 13th day of September, 2016.

Ayes: Whitney Fleischman, Eugene Gausman, Diana L. Garske, Michael Luebbe,
Roger Glawatz, Chairman, Board of Commissioners

Dated: September 13, 2016

ATTEST: Sherry Schweitzer, Seward County Clerk

Affirmative Vote: Luebbe, Fleischman, Gausman, Garske, Glawatz Motion Carried

Known items on the agenda for Board of Commissioners on September 20, 2016 are as follows:

- 9:00 a.m. 1. Convene and announce Open Meetings Law
 2. Pledge of Allegiance
 3. Discuss/Action - Approve minutes of September 13, 2016

Other Business Matters to Address When Time Allows

4. Discuss/Action – Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Approve Inventories
7. Discuss/Action - Justice Center Update

9:15 a.m. Discuss/Action - Award bid for Fuel Tank(s)

Moved by Fleischman and seconded by Gausman to adjourn at 12:08 a.m.
Affirmative Vote: Fleischman, Gausman, Garske, Luebbe, Glawatz Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 20th day of September 2016.

County Clerk

Chairman