The York County Board of Commissioners met according to law on Tuesday, November 29, 2022 at 8:30 a.m. as per notice in the York News Times and on the York County Website, on November 23, 2022, with Chairman Randy Obermier, presiding, with Daniel Grotz, Jack Sikes, Bill Bamesberger, and Kurt Bulgrin. Also, present at the meeting was Kelly Turner, York County Clerk and Melanie Wilkinson, correspondent with the York News Times.

The agenda of the meeting was posted on the bulletin board in the County Clerk’s office and a copy of the agenda was made available to each Commissioner.

Obermier announced that the Open Meetings Act was posted outside the door along with copies in the back of the Board Room and on the York County Website. Proof of publication was also available.

Moved by Sikes, seconded by Bamesberger, to approve the minutes of the November 15, 2022, Board of Commissioners meeting; roll call: yeas; Sikes, Bamesberger, Grotz, Bulgrin and Obermier, nays, none; motion carried.

Moved by Grotz, seconded by Bulgrin, to adopt the agenda for Tuesday November 29, 2022, roll call: yeas; Grotz, Bulgrin, Bamesberger, Sikes and Obermier, nays none, motion carried.

Harvey Keim, Highway Superintendent, met with the Board with update on the Road Department.

Chris Johnson, Deputy County Attorney, met with the Board with update on TERC hearings.

**GENERAL ASSISTANCE**

There were no General Assistance at this time.

**PAYROLL AND VENDOR CLAIMS:**

Moved by Bulgrin, seconded by Bamesberger, to approve the payroll in the amount of $235,160.54 and vendor claims, roll call: yeas; Bulgrin, Bamesberger, Sikes, Grotz and Obermier, nays none, motion carried.

**Fund Name Description Total**

Gen Advanced correction Healthcare Medical 4.69

Gen Bob Barker Company Supplies 600.27

Gen Blue Knight Security Security 1,672.00

Road Brandt, Dalton & Tonya Misc. 200.00

Gen Bredenkamp, Patricia Retirement 10.00

ARPA Buel Trucking Gravel 24,329.31

Road Butler County Landfill Misc. 307.26

Gen/911 Capital Business Systems Equipment 692.75

Gen Clerk of the District Court Court Cost 72.50

Gen Clinch Law Firm Court Cost 294.50

Gen/911 Cornerstone Insurance Group Misc. 2,819.51

Gen Cuda, Sharon Retirement 10.00

Gen Culligan Supplies 55.00

ARPA Dale R Johnson Ent, Inc Gravel 3,667.54

Road Dans Construction Service 2,899.00

Gen Eakes Office Supplies 452.83

Gen Election Workers Election Service 8,738.70

Gen Fillman Law Offices Court Cost 2,280.00

Gen/Road Hitz Towing Service 3,829.93

Gen Jackson Services Service 75.64

Gen Lancaster County Sheriff Court Cost 18.66

Gen Lexipol Supplies 871.20

Road Lincoln Creek Electric Service 20,000.00

Gen Lynn Peavey Company Supplies 126.17

Gen Merrick County Sheriff Court Cost 25.66

Gen Microfilm Imaging Services Misc. 255.00

Gen Midwest Auto Fire Sprinkler CO. Service 230.00

Gen MIPS Misc. 37.50

Gen Motorola Supplies 980.00

Gen Ne Association of County Assessors Training 25.00

State Inst. Ne Health & Human Services Misc. 93.00

Road NMC Supplies 576.57

Gen/911 North Printing & Office Supply Supplies 113.42

Gen/Road Perennial Public Power Electricity 375.62

Gen Platte County Detention Center Housing Fees 1,550.00

911 Platte Valley Communications Supplies 210.00

Gen Police Officers Assoc of Ne Misc. 163.93

Gen Principal Financial Group Misc. 16.52

Gen Radar Shop Supplies 704.00

Road Rhodes, Robert & Roma Misc. 50.00

Gen Scavo, Steve Misc. 16.30

Com Blck Grant SENDD Grant 11,046.00

Gen/911 Soarin Group Service 1,323.40

Gen/911 State of Nebraska Misc. 489.88

Gen Stehlik Law Firm Court Cost 560.50

Gen Svehla Law Firm Court Cost 8,258.55

Gen US Foods Supplies 1,161.52

911 Voice Products Equipment 42,497.00

Road Weldon Industries Supplies 223.54

Gen WNMOG Court Cost 2,892.88

Gen Williams, Eric Court Cost 1,738.50

Gen Windstream Communications Internet Service 296.19

Road Winn Heavy Duty Repair Service/Parts 1,858.95

Gen Woods & Aitken Court Cost 305.90

Gen Wythers Law Court Cost 2,607.50

Gen York Animal Clinic Misc. 30.00

Gen York County Sheriff Court Cost 499.56

Road York Equipment Misc. 948.43

Gen York General Hospital Medical 388.36

**INTERFUND TRANSFERS:**

There were no Interfund Transfers at this time.

Moved by Grotz, seconded by Sikes, to allow the shutdown of the Extension office from December 27th thru January 2nd, for the holidays, roll call, yeas; Grotz, Sikes, Bamesberger, Bulgrin and Obermier, nays none, motion carried.

Moved by Grotz, seconded by Sikes, to authorize the Chairman to sign the Weed Reports and Weed Control Authority Board Roster with the current members of the board, roll call, yeas; Grotz, Sikes, Bamesberger, Bulgrin and Obermier, nays none, motion carried.

Moved by Grotz, seconded by Bamesberger, to postpone Discuss and Act on hiring outside council for completing the Tax Foreclosures, until the end of December, roll call, yeas; Grotz, Bamesberger, Sikes Bulgrin and Obermier, nays none, motion carried.

Bids were opened as advertised in the York News Times on October 28, & November 4 & 11, 2022 at 9:00 a.m. for a Box Culvert on Road K between Road 4 and Road 5. The following bids were received:

Van Kirk Bros. Construction $327,776.00 Crushed Rock for base course $7,728.00

General Excavating $347,988.62 Crushed Road for base course $8,433.75

Moved by Grotz, seconded by Bamesberger, to accept Harvey Keim, Highway Superintendent recommendation to award the bid to Van Kirk Bros. Construction, in the amount of $327,776.00, project to be completed June 2023, roll call: yeas; Grotz, Bamesberger, Sikes, Bulgrin and Obermier, nays none, motion carried.

Moved by Bamesberger, seconded by Sikes, to approve the SENDD Drawdown #6, MIT Contracting in the amount of $946.00 and KEN Roofing in the amount of $10,100.00 for a total amount of $11,046.00, roll call, yeas; Bamesberger, Sikes, Grotz, Bulgrin and Obermier, nays none, motion carried.

Moved by Bulgrin, seconded by Sikes, to designate the York News-Times as the county newspaper for publication purposes for the year 2023 and to designate the yorkcounty.ne.gov Website for publication purposes for the year 2023; roll call: yeas; Bulgrin, Sikes, Bamesberger, Grotz and Obermier, nays, none; motion carried.

A public hearing was advertised in the York News Times on November 17, 2022, for the purpose of Section 147(f) of the Internal Revenue Code of 1986, as amended, regarding the issuance of bond by the County for the benefit of York University.

Todd Sheldon, Vice President of Finance with York University, spoke in favor of the issuance of Revenue and Refunding Bonds.

With no one else from the public speaking on the Issuance of Revenue and Refunding Bonds, the Chairman closed the public hearing at 9:22 am.

Moved by Bulgrin, seconded by Bamesberger, to adopt Resolution #22-46 authorizing the issuance of Revenue and Refunding Bonds (York University Projects), Series 2022, in a principal amount not to exceed $10,000,000, for the purpose of making a loan to York University, authorizing the execution and delivery of certain documents in connection with the issuance of such bonds, and approving related matters, roll call, yeas; Bulgrin, Bamesberger, Sikes, Grotz and Obermier, nays none, motion carried.

RESOLUTION #22-46

**THE COUNTY OF YORK, IN THE STATE OF NEBRASKA**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF REVENUE AND REFUNDING BONDS (YORK UNIVERSITY PROJECTS), SERIES 2022, IN A PRINCIPAL AMOUNT NOT TO EXCEED $10,000,000, IN ONE OR MORE SERIES, FOR THE PURPOSE OF MAKING A LOAN TO YORK UNIVERSITY, A NEBRASKA NONPROFIT CORPORATION, TO FINANCE, REFINANCE OR REIMBURSE A PORTION OF THE COSTS OF THE ACQUISITION, CONSTRUCTION, RENOVATING, IMPROVING AND EQUIPPING OF A STUDENT HOUSING FACILITY AND OTHER CAPITAL IMPROVEMENTS AT OR PROXIMATE TO THE BORROWER’S CAMPUS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE BONDS; AND RELATED MATTERS.**

**WHEREAS,** The County of York, Nebraska (the **“Issuer”**) is a county and political subdivision of the State of Nebraska (the **“State”**);

**WHEREAS**, the Issuer is authorized by Sections 13-1101 to 13-1110, inclusive, Reissue Revised Statutes of Nebraska, as amended (the **“Act”**) to issue revenue bonds for the purpose of loaning the proceeds of such bonds to finance any land, building or equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, which shall be suitable for use as a nonprofit enterprise or the refinancing of outstanding debt of an enterprise incurred to finance such land, building, equipment, improvement or other properties;

**WHEREAS**, York University, a nonprofit corporation duly organized and validly existing under the laws of the State (the **“Borrower”**), has requested that the Issuer issue its Revenue and Refunding Bonds (York University Projects), in one or more series, in an aggregate principal amount not to exceed $10,000,000, (the **“Bonds”**), and loan the proceeds thereof to the Borrower for the purpose of (a) financing or reimbursing a portion of the costs of the acquisition, construction, renovating, improving and equipping of a student housing facility and other capital improvements at or proximate to the Borrower’s campus (the **“2022 Project”**); and (b) refinancing a portion of the costs of (1) the City of York, Nebraska’s Educational Facilities Revenue Refunding Loan Note, Series 2013A (York College Project), in the aggregate principal amount outstanding of $6,415,000, which was issued to refinance (A) $8,355,000 outstanding principal amount of Nebraska Educational Finance Authority Revenue and Refunding Bonds, Series 2004 (York College Project), (B) approximately $109,000 outstanding principal amount of Nebraska Educational Finance Authority Educational Facilities Loan Note (York College Project), Series 2006A, and (C) up to the $3,000,000 outstanding principal amount drawn under the Borrower’s Line of Credit with Cornerstone Bank, N.A., the proceeds of each of which were used by the Borrower to finance and refinance the costs of a number of capital improvements to the Borrower’s educational facilities including the acquisition, construction, renovating, improving and equipping of two student resident halls, a cafeteria and student service center, the remodeling of a dormitory and the acquisition or construction of several other small capital improvement projects and the payment of related costs of issuance (collectively, the **“2013 Projects”**) and (2) a taxable loan from Union Bank and Trust Company dated June 22, 2021 in the aggregate principal amount outstanding of $1,592,868.31, which was used to finance the acquisition, construction, renovation, improvement and equipping of a new student housing facility (the **“2021 Project”** and, together with the 2022 Project and the 2013 Projects, the **“Projects”**); and

**WHEREAS**, the Issuer has agreed to (a) issue the Bonds pursuant to a Loan Agreement (the **“Loan Agreement”**) among the Issuer, Union Bank and Trust Company, as lender, (the **“Lender”**) and the Borrower, (b) loan the proceeds thereof to the Borrower pursuant to the Loan Agreement, and (c) deliver the Bonds to the Lender;

**WHEREAS**, the following documents will be prepared in connection with the issuance, sale and delivery of the Bonds (collectively, the **“Financing Documents”**):

1. Loan Agreement; and

(b) Tax Compliance Agreement (the **“Tax Agreement”**), among the Issuer and the Borrower, concerning compliance with the provisions of the Internal Revenue Code of 1986, as amended (the **“Code”**), and the applicable regulations thereunder.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF YORK, NEBRASKA AS FOLLOWS:**

**ARTICLE I**

**LEGAL AUTHORIZATION; FINDINGS; LIMITED OBLIGATIONS**

**Section 1.01. Legal Authorization.** The Issuer is a county and political subdivision of the State and is authorized under the Act to issue and sell the Bonds for the purposes, in the manner and upon the terms and conditions set forth in the Act, in this Resolution, and in the Financing Documents.

**Section 1.02. Findings.** The Issuer has heretofore found and determined, and does hereby find and determine, as follows:

(a) Based entirely in reliance upon representations made to it by the Borrower in the Financing Documents, which representations the Borrower shall be deemed to have affirmed and ratified upon its execution of the Financing Documents, the Issuer does hereby find and determine the following:

(1) pursuant to Section 13-1105 of the Act, (i) the amount necessary to pay the principal of and the interest on the Bonds shall be as set forth in the Loan Agreement and (ii) no reserve fund is advisable to be established in connection with the financing and maintenance of the Projects including taxes, except that a reserve fund may be established for liquidity support purposes by an affiliate of the Borrower.

(2) the Borrower expects to operate the Projects as an integral part of its overall operations for the foreseeable future; and

(3) the Borrower is a private nonprofit corporation and is authorized by law to operate its facilities in the State.

(b) The Bonds, when issued, will be a special, limited revenue obligation of the Issuer payable solely from the loan repayments and certain other amounts under a liquidity support agreement from an affiliate of Borrower, and shall not be a general liability of the Issuer or a charge against its general credit.

(c) The Bonds will not be a debt of the State, or any city, village, county or political subdivision of the State, and none of the State or any city, village, county or political subdivision of the State shall be liable on the Bonds. The Bonds shall not constitute a debt within the meaning of any constitutional or statutory debt limitation of the State. The Issuer’s taxing power is not pledged for repayment of the Bonds.

**ARTICLE II**

**AUTHORIZATION OF BONDS**

**APPROVAL OF FINANCING DOCUMENTS**

**Section 2.01. Authorization of Bonds**.

(a) For the purpose of making a loan to the Borrower to pay the costs to finance or refinance the Projects and finance issuance costs related to the Bonds, there are hereby authorized to be issued revenue bonds of the Issuer in an aggregate principal amount not to exceed Ten Million Dollars ($10,000,000), in one or more series, to be designated “The County of York, Nebraska, Revenue and Refunding Bonds (York University Projects).” The Bonds shall (1) be issued in fully registered form in the denominations, (2) bear such dates and interest rates, (3) mature and be payable as to principal or redemption price and interest at such place and in such form, (4) carry such registration privileges, (5) be subject to early prepayment and purchase prior to maturity, (6) be executed, (7) be in such form, (8) be issued in one or more series, (9) carry such designation, and (10) contain such other terms, covenants and conditions as shall be set forth in the Loan Agreement.

(b) The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of its chair or vice chair and attested by the manual or facsimile signature of its County Clerk or an assistant County Clerk, who are authorized to execute, seal, attest and deliver the Bonds on behalf of the Issuer.

**Section 2.02. Approval of Financing Documents.** The preparation of each proposed Financing Document is, in all respects, hereby approved, authorized, ratified, and confirmed, and the Chair, Vice Chair, or County Clerk of the Issuer (each, an **“Authorized Officer”**) are each separately and individually hereby authorized and directed to finalize, execute, acknowledge, and deliver each Financing Document, including counterparts thereof, in the name and on behalf of the Issuer. Each Financing Document shall be approved by an Authorized Officer of the Issuer executing the same, such execution thereof to constitute conclusive evidence of the Issuer’s approval. From and after the execution and delivery of the Financing Documents by the Issuer, the officers, agents and employees of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents, certificates, and instruments as may be necessary to carry out and comply with the provisions of the Financing Documents.

**Section 2.03. Authority To Execute and Deliver Additional Documents; Further Authorizations**. Each officer of the Issuer severally is hereby authorized to execute and deliver for and on behalf of the Issuer any and all additional certificates, documents and other papers and to perform all other acts as the party signing may deem necessary or appropriate to implement and carry out the purposes and intent of this Resolution, including the preamble hereto. Each Authorized Officer severally is hereby authorized to determine, in conjunction with authorized representatives of the Borrower: (a) the date of the Financing Documents and the Bonds, (b) the aggregate principal amount of Bonds to be issued, not to exceed the amount set forth in **Section 2.01** hereof, and the principal maturities thereof, (c) the interest rates to be carried by each principal maturity of the Bonds or the manner of determining such interest rates, and (d) the dates upon which the Bonds will be subject to redemption, and the amount of any redemption premium, if any.

**Section 2.04. Public Hearing Approval.** The notice of public hearing related to the issuance of the Bonds was duly published and a public hearing pursuant to such notice has been conducted in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Board hereby approves the issuance of the Bonds in the original aggregate face amount of not to exceed $10,000,000, in one or more series, to finance or refinance the Projects and finance issuance costs related to the Bonds, all in accordance with the terms of such notice, which is attached hereto as **Exhibit A** and made a part hereof by reference.

**Section 2.05. Bank Qualification; 2022.** To the extent required by Section 265(b) of the Code, the County hereby designates $10,000,000 of the Bonds as the Issuer’s “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code and the County hereby states that it does not reasonably anticipate issuance of tax-exempt obligations by it during calendar year 2022 in an amount in excess of $10,000,000, including in such amount the Bonds and all other bonds issued by the County and governmental units subordinate to the County, but excluding current refunding issues as provided in Section 265(b)(3) of the Code.

**ARTICLE III**

**MISCELLANEOUS**

**Section 3.01. Limitation of Rights**. With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Bonds is intended or shall be construed to give to any person, other than the Issuer and the Lender, any legal or equitable right, remedy or claim under or with respect to this Resolution or any covenants, conditions and provisions herein contained; this Resolution and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the Issuer and the Lender as herein provided.

**Section 3.02. Severability.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatsoever.

**Section 3.03. Immunity of Officers.** No recourse for the payment of any part of the principal or redemption price of or interest on the Bonds for the satisfaction of any liability arising from, founded upon or existing by reason of the issuance, sale and delivery of the Bonds shall be had against any official, officer, member or agent of the Issuer or the State, all such liability to be expressly released and waived as a condition of and as a part of the consideration for the issuance, sale and delivery of the Bonds.

**Section 3.04. Prior Resolutions.** To the extent that the provisions of this Resolution conflict with provisions of prior resolutions, or parts thereof, the provisions of this Resolution shall control, to the extent of such conflicts.

**Section 3.05. Captions.** The captions or headings in this Resolution are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Resolution.

**Section 3.06. Validity of Bonds.** Each Bond shall contain a recital that such Bond is issued pursuant to and under the Act, and such recital shall be conclusive evidence of its validity and of the regularity of its issuance.

**Section 3.07. Electronic Transactions.** The transactions described herein may be conducted and this Resolution and related documents may be sent, received and stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

**Section 3.08. Effective Date.** This Resolution shall be in full force and effect immediately upon its passage by the Board.

Dated this 29th day of November, 2022

Moved by Grotz, to deny the application for Juvenile Diversion Grant, for a part time employee, in the amount of $17,400.00 starting January 1, 2023, motion failed for lack of seconded.

Moved by Obermier, seconded by Sikes, to grant the filing of the Juvenile Diversion Grant for a part time employee, in the amount of $17,400.00, starting January 1, 2023, to be run through the Miscellaneous/Miscellaneous General Fund, roll call, yeas; Obermier, Sikes, Bamesberger and Bulgrin, nays Grotz, motion carried.

Moved by Bamesberger, seconded by Sikes, to Postpone Discuss and Act on Resolution adopting and approving the execution of a master agreement with the department of transportation of the state of Nebraska for county survey services, roll call, yeas; Bamesberger, Sikes, Grotz, Bulgrin and Obermier, nays none, motion carried.

Moved by Bulgrin, seconded by Grotz, to accept revised Medica Choice Medical Insurance, for the County Health Insurance, starting January 2023 which will match the same deductions as previous year, with a 1.86% increase to the County, roll call, yeas; Bulgrin, Grotz, Bamesberger, Sikes and Obermier, nays none, motion carried.

Moved by Grotz, seconded by Bulgrin, with the goals to keep East Fourth street from Maine to Road N, open by working with the County Attorney office and the County Surveyor, with clarifications on the easements and the options on the 66ft right-a-way, roll call, yeas; Grotz, Bulgrin, and Obermier, nays Bamesberger and Sikes, motion carried.

**FEE REPORTS (reports were reviewed and placed on file)**

County Clerk, October, 2022 $21,781.25

District Court Clerk October 2022 $6,383.24

Sheriff, October 2022 $2,427.54

County Treasurer – Fund Balances as of October 31, 2022

0100 General $581,457.95

0300 Roads $554,350.00

0650 Highway Bridge Buy Back Program $264,267.66

0676 Juvenile Diversion $14,664.45

0985 Child Support Enforcement Cty Atty $41,434.92

0990 Visitors Promotion $316,575.67

0995 Co Visitors Impr Fund $189,407.94

1100 Reappraisal $84,547.25

1150 ROD Preservation Fund $36,894.24

1200 Employment Security $35,213.29

1300 Area on Aging $36,403.01

1500 Relief & Medical $16,179.98

1700 State Institutions $14,248.56

1900 Veterans Aid Fund $21,495.32

2200 Busy Wheels $15,145.59

2320 Opioid Recovery Fund $4,830.95

2355 STOP $8,234.44

2360 York Co Drug Fund $90,090.92

2390 Drug Court $2,282.11

2410 Federal Drug Law Enf $238,857.13

2411 Federal Drug Law Cty Att $11,881.96

2580 American Rescue Plan (COVID) $2,579,691.85

2601 Debt Service $4,473.72

2605 Comm Dev Blk Grant $3,000.00

2700 Inheritance Tax $7,073,089.76

2910 911 Emergency $201,132.87

2913 911 Wireless Serv $13,064.76

2914 911 Wireless Serv Holding $234,118.25

2915 Emergency Mgmt $28,465.95

2940 Law Enforcement/911 Comm $.00

2960 Law Enforcement Operator/Sheriff $4,850.69

3700 Hwy Allocation Project Fund $318,090.37

4601 Hwy Allocation Capital Project $3,282,537.73

5502 County Ambulance $26,869.55

Committee reports were given.

The Chairman declared the meeting adjourned at10:30 a.m. The next meeting will be held December 13, 2022 at 8:30 a.m. in the County Commissioners Room, main floor of the Courthouse for the regular meeting.

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Randy Obermier, Chairman Kelly Turner, County Clerk

York County Board of Commissioners York, Nebraska