

Dakota County Board of Commissioners
Monday, July 26, 2021
3:00 p.m. - Regular Business Meeting
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

Chair Gill called the meeting to order 3:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Gill, Love, Giese, Albenesius, Launsby. Absent: None. Also present was Kim Watson, County Attorney, and Joan Spencer, County Clerk, acting as Board Secretary. The location of the Open Meetings Act was noted.

The agenda for the meeting was as follows:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL – *Excused Absence*

A current copy of the *Open Meetings Act* is posted on the west wall near the entrance of the County Board Meeting Room and is available for review by all citizens in attendance.

The Dakota County Board of Commissioners reserves the right to adjust the order of items on this agenda if necessary.

1. PUBLIC COMMENT. The Board of Commissioners will hear comments about any item not on the agenda. The Chair has the discretion to limit the time of comment.
 2. CONSENT AGENDA *Any individual item may be removed by a Commissioner for special discussion and consideration. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners.*
 - a. Approval of the previous meeting minutes – July 12, 2021
 - b. Approval of payroll claims for July 11 - 24, 2021
 - c. Approval of accounts payable claims
 - d. Approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court
 - e. Approval of Sheriff and Jail Quarterly Reports – April – June, 2021
 - f. Approval of Chair to sign Grant Award and Special Conditions for FY2021 Nebraska Law Enforcement E-citation Equipment grant funded in the amount of \$5,353.26 from the Crime Commission to the Dakota County Sheriff Office.
 3. NEW BUSINESS & RESOLUTIONS
 - a. **3:01 p.m. Public Hearing** to give citizens the opportunity to offer their support, opposition or neutral comments regarding the abandonment of road described as ‘starting at the north end of Lynch Avenue, going south approximately 1000 feet between parcels 220059462 and 220059713 (Davidson), Section 26, Township 29N, Range 7E, Dakota County, Nebraska.’
 - §39-1725 After the public hearing the county board shall by resolution at its next meeting or as soon thereafter as may be practicable vacate or abandon or refuse vacation or abandonment, as in the judgment of the board the public good may require.
 - b. Austin Partridge, First National Capital Markets, Inc., requesting approval of Resolution 21C-026 authorizing the calling for early redemption of the County’s outstanding Highway Allocation Fund Pledge Bonds, Series 2016, date of original issue – June 30, 2016, in the principal amount of \$445,000.
 - c. Austin Partridge, First National Capital Markets, Inc., requesting approval of Resolution 21C-027 authorizing the issuance by the County of not to exceed \$475,000 aggregate principal amount of Highway Allocation Fund Pledge Refunding Bonds, Series 2021, for the purpose of refunding the County’s outstanding Highway Allocation Fund Pledge Bonds, Series 2016, date of original issue – June 30, 23016.
 - d. Wat Buddharam of Siouxland, Inc., requesting approval of a Special Designated Liquor License for a Fundraising Event held September 5, 2021, from 1:00 to 10:00 p.m. at 500 142nd Street, South Sioux City, Nebraska.
 - e. Approve Resolution 21C-028 to approve road equipment as surplus property—2004 Utility Trailer
 - f. Approve Resolution 21C-024 for the purpose of adopting the amended Planning & Zoning regulation changes in Resolution form for Section 202 Definitions, Section 640.5 Recreational Vehicle Parks and Section 900.2 Wind Energy Installation.
 4. MISCELLANEOUS & OLD BUSINESS
 - a. Jolene Gubbels, Highway Superintendent – Bi-weekly Road Report
 - b. Board to appoint member to the Planning & Zoning Board for the term expiring February, 2022, for the geographical location of the Village of Hubbard.
 - c. County Board shall make quarterly visit to county jail. §47-109
1. COMMISSIONER COMMITTEE REPORTS
 2. MAIL AND/OR EMERGENCY BUSINESS
 3. ADJOURNMENT

Chair Gill called for Public Comment—there was none.

Chair Gill called for approval of the consent agenda: (a) approval of the previous meeting minutes of July 12, 2021; (b) approval of payroll claims for July 11-24, 2021; (c) accounts payable claims (d) approval of Officials Reports—Clerk, Register of Deeds, Clerk of District Court; (e) approval of Sheriff and Jail Quarterly Reports – April – June, 2021; (f) approval of Chair to sign Grant Award and Special Conditions for FY2021 Nebraska Law Enforcement E-citation Equipment grant funded in the amount of \$5,353.26 from the Crime Commission to the Dakota County Sheriff Office. Commissioner Love moved, seconded by Commissioner Giese, to approve the consent agenda items. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$153,417.77; Net Pay-\$112,487.55; Total Retirement-\$10,703.16; Total FICA-\$11,737.42; Larry Albenesius-\$933.71; Robert Giese-\$933.71; Janet Gill-\$979.87; Troy Launsby-\$933.71; Scott Love-\$933.71; Cherie Conley-\$1,553.31; Leticia Vargas-\$1,321.60; Joan Spencer-\$2,321.49; Kathy Abbe-\$1,186.40; Dawn Bousquet-\$2,321.49; Maria Garcia-\$993.75; Stephanie Gatzemeyer-\$1,569.01; Jalissa Hattig-\$1,186.40; Brenda Landaverde-\$1,048.00; Samantha Mitchell-\$943.20; Debera Benton-\$1,160.00; Christy Abts-\$2,321.49; Melissa Collins-\$1,100.80; Courtney Lane-\$1,100.80; Joseph O'Neil-\$265.30; Karen Jimenez-\$1,508.97; Katherine Wiltgen-\$2,321.49; Louvontree Hunter-\$2,850.36; Debra Jensen-\$1,755.54; Casandra Pedroza-\$1,212.00; Kevin Hansen-\$1,999.30; Tammy Dunn Peterson-\$1,184.00; Shaun Bird-\$1,729.60; Sergio Castillo-\$2,157.31; Timothy Decker-\$2,387.41; Brian Ellinger-\$2,264.00; Penny Epting-\$2,265.66; Brian Fernau-\$2,210.25; Tyler Fulkerth-\$2,393.91; Brent Gilster-\$2,195.14; Martin Guerrero-\$2,435.26; Richard Hansen-\$1,570.58; Melvin Harrison III-\$2,395.52; Jason James-\$2,169.53; Douglas Johnson-\$2,319.42; Kimberly Johnson-\$399.59; Jared Junge-\$2,222.40; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$3,203.48; Mardi Schnee-\$1,088.80; Shantel Krull-\$960.00; Debra Schmiedt-\$3,295.38; Kimberly Watson-\$3,624.77; Melinda Wicks-\$5,000.00; Emma Wiebelhaus-\$1,200.00; Jacob Acero-\$1,685.74; Zachery Bickett-\$2,426.40; Rebecca Broer-\$1,729.38; Kacie Brown-\$1,782.26; Ricardo Chavez-\$1,337.28; Lacey Clark-\$1,024.38; Alexander DeLeon-\$1,533.84; Elisabet DeRoin-\$1,806.39; Jesse Doelle-\$1,584.80; Jon Enstrom-\$1,551.84; Jonathan Gray-\$1,746.81; Kimberly Greco-\$1,358.28; Sara Gritten-\$1,423.35; Kara Groetken-\$1,731.70; Todd Hammer-\$2,222.40; Adam Hough-\$1,986.60; Brenda Irwin-\$1,739.49; Skyler Miner-\$1,586.80; Mark Nelson-\$1,763.59; Gregory Nyhof-\$1,736.72; Kimberly Peterson-\$1,664.04; Michele Rohde-\$1,379.43; Jonathan Romo-Rodriguez-\$1,727.88; Rebecca Schoep-\$1,554.84; Jennifer Svendsen-\$2,616.72; Taylor Tadlock-\$1,651.44; Danielle Thibodeau-\$1,651.44; Estrella Vazquez-\$1,358.28; Randall Walsh-\$2,319.48; Deanna Hagberg-\$1,938.00; Jolene Gubbels-\$1,575.50; Matthew Roost-\$265.30; Jana Adam-\$1,562.00; Yvette Aldana-\$1,496.25; Theresa Grove-\$1,948.80; Mohamud Ibrahim-\$277.80; Yesica Saldana Cisneros-\$1,400.00; Jacqueline Traum-\$1,296.00; Willard Johnston-\$2,016.66; **General Fund Employee:** Federal Tax-\$1,269.28; State Tax-\$5,888.87; Soc Sec-\$9,512.68; Medicare-\$2,224.74; Extra Fit-\$846.00; Extra Sit-\$140.00; Retirement-\$7,272.12; Deferred Comp-\$1,225.00; Garnishments-\$1,128.53; **Road Fund Employer:** Gross Salaries-\$15,784.01; Net Pay-\$11,442.92; Retirement-\$1,065.46; Total FICA-\$1,442.05; Brent Byroad-\$1,671.20; Kevin Chambers-\$1,567.20; Ryan Chambers-\$1,567.20; Robert Hacker-\$1,579.20; Lance Jacobsen-\$1,555.20; David Kneifl-\$1,567.20; Kimon Litras-\$1,615.20; Dean Pallas-\$1,579.20; Tyler Pallas-\$1,515.20; Matthew Roost-\$1,567.21; **Road Fund Employee:** Federal Tax-\$1,292.05; State Tax-\$578.59; FICA-\$980.10; Medicare-\$229.20; Extra Fit-\$150.00; Retirement-\$710.24; Health Plan-\$0.00; Dental Plan-\$0.00; Colonial Health-\$0.00; Garnishments-\$400.91; Road **Health Planning Grant Employer:** Gross Salaries-\$1,520.00; Net Pay-\$1,207.28; Retirement-\$102.60; Total FICA-\$82.73; Jennifer Ankerstjerne-\$1,520.00; **Health Planning Grant Employee:** Federal Tax-\$82.73; State Tax-\$40.31; FICA-\$94.24; Medicare-\$22.04; Extra Sit-\$5.00; Retirement-\$68.40; **Juvenile Services Aid Employer:** Gross Salaries-\$1,207.80; Net Pay-\$963.27; Retirement-\$81.53; Total FICA-\$68.42; Sarah Anderson Deck-\$1,207.80; **Juvenile Services Aid Employee:** Federal Tax-\$68.42; State Tax-\$29.37; FICA-\$74.88; Medicare-\$17.51; Retirement-\$54.35;

Accounts Payable: General: Robert Giese, mileage, lodging, meals-\$599.78; Pender Times, publications-\$149.22; US Bank, NACO online training-\$265.20; Bear Graphics Inc, marriage book-\$172.44; Leaf, copier lease-\$78.02; Security Shredding, shredding-\$15.00; US Bank, meal-conference-\$12.23; DAS State Acct, state software-\$81.00; Loffler, copier toner-\$77.13; MIPS, monthly software-\$940.91; US Bank, office supplies-\$192.11; Irene VanLent, prior years service-\$16.00; Loffler, copier contract-\$574.61; One Office Solutions, office supplies-\$83.22; Margie Rahn, prior years service-\$12.00; Bralda, Inc., appraisal services-\$1,119.00; Dakota County Star, publications-\$61.36; EWDS Inc, appraisal services-\$952.00; Leaf, copier lease-\$147.82; One Office Solutions, copies-\$107.85; Stanard Appraisal Serv, appraisal services-\$19,938.00; Madelyn Thorsland, prior years service-\$10.00; Secretary of State, voter ID cards-\$30.00; Scott Bousquet, P & Z meeting-\$33.36; Tim Decker, P & Z meeting-\$78.60; Ron Gill, P & Z meeting-\$58.44; Jolene Gubbels, P & Z meeting-\$200.00; Gordon Hegge, P & Z meeting-\$67.68; Paul Ireland, P & Z meeting-\$36.72; Leaf, copier lease-\$103.00; Dick McCabe, P & Z meeting-\$88.68; Harold Moes, P & Z meeting-\$68.52; Joe O'Neill, mileage-\$388.08; One Office Solutions, copies-\$21.98; Pender Times, publications-\$21.48; Martin Rohde, P & Z meeting-\$71.88; US Bank, postage-\$50.65; RTI, monthly support & licenses-\$4,130.75; US Bank, domaine name & domaine fee-\$6.95; Leaf, copier lease-\$94.03; MIPS, scanning-\$133.00; One Office Solutions, copier lease-\$103.50; Bear Graphics Inc, binders-\$591.94; DAS State Acct, supplies-\$176.10; Marco, copier lease-\$468.60; Microfilm Imaging, scanning-\$177.00; Security Shredding, shredding-\$35.00; US Bank, office furniture & office remodel-\$369.79; Perla Alarcon-Glory, interpretation services-\$100.00; Leaf, copier lease-\$65.00; One Office Solutions, copier lease & supplies-\$119.58; Crary Huff Ringgenberg, crt appt atty fees-\$855.00; Dakota County Court, court costs-\$1,359.04; Dakota County Sheriff, papers & warrants-\$763.88; Dakota County District Court, court costs-\$846.00; Randy Hisey, crt appt atty fees-\$3,225.00; Chad Kratky, witness fees-\$20.56; Stuart Mills, crt appt atty fees-\$4,816.00; Douglas Roehrich, crt appt atty fees-\$1,417.50; Security Shredding, shredding-\$35.00; Richard Thrumer, crt appt atty fees-\$965.75; Thurston County Sheriff, papers & warrants-\$80.96; US Bank, NACO dues-\$150.00; Washington County Sheriff, papers & warrants-\$86.00; Robert Wichser, crt appt atty fees-\$6,338.40; A-Team Heating & Cooling, AC units-\$251.50; City of Dakota City, utilities-\$173.66; Foulk

Brothers Plumbing & Heating, backflows-\$310.00; G & R Controls, heating/ac controls-\$3,248.75; Gill Hauling Inc., dumpster-\$101.65; Kevin Hansen, fuel-\$12.69; Menards, LED bulbs-\$29.99; MidAmerican Energy, utilities-\$1,011.83; MidWest Alarm, Sprinkler inspections-\$581.04; NPPD, utilities-\$1,272.27; Robertson Implement, tractor repair-\$554.74; TK Elevator Corp, elevator maintenance-\$231.56; Trembly, pest control-\$55.00; US Bank, fuel & dues-\$92.41; Verizon, cell phone-\$41.12; Veterans Memorial Fund, 2 American flags-\$120.90; Wilmes Hardware, tools & supplies-\$69.92; Angela Abts, mileage-\$100.80; Carol Larvick, mileage-\$215.86; Leaf, copier lease-\$98.82; One Office Solutions, supplies-\$166.12; Papio-Missouri NRD, monthly rent-\$600.00; US Bank, postage and subscription-\$141.79; WalMart, supplies-\$10.62; AT & T Mobility, cell phones-\$400.40; Autozone, parts, brakes & oil-\$189.13; Billion GMC, new motor-\$890.11; Bort Auto Body, sheriff car repairs-\$3,410.95; Linda Carson, prior years service-\$11.00; City of SSC, fuel-\$4,989.40; Dakota County Treasurer, title-Tahoe-\$15.00; First State Bank, 2021 vehicle payment-\$12,532.27; Freemont Tire, tire repairs-\$526.00; Jack's Uniforms, uniforms & equipment-\$955.65; K & S Service, sheriff car repairs-\$2,985.96; Leads Online, software-\$2,192.00; TransUnion Risk & Alternative, searches-\$121.00; US Bank, lodging, training, supplies, fuel-\$1,206.49; Verizon, cell phone-\$200.05; WIT Community College, training courses-\$404.00; Marco Technologies, printer contract-\$62.06; Nebraska.gov, certified copy-\$7.00; Thurston County Sheriff, papers & warrants-\$67.56; US Bank, notary fees-\$83.46; Kim Watson, notary fees-\$31.30; Melinda Wicks, certified copy-\$11.30; City of SSC, LEC Share & Set-aside equipment-\$40,315.96; Bizco Technologies, computer-\$5,353.26; Advanced Correctional Healthcare, doctor fees & Rx-\$2,227.55; Associated Fire Protection, inspections-\$922.50; AT&T Mobility, phones-\$94.04; Bob Barker, inmate supplies-\$1,303.70; Bunkers Feed & Supply, softner salt-\$59.63; Cash-Wa Distributing, kitchen supp-\$44.81; City of Dakota City, water-\$265.30; City of SSC, fuel-\$210.58; Com-Tec/Cornerstone, camera repairs-\$3,512.00; C W Suter Services, AC units repaired-\$1,739.53; Dakota City Volunteer Fire Dept, transport inmates-\$2,000.00; Eakes Office Solutions, supplies-\$3,356.08; Ecolab, cleaners-\$1,065.32; Foulk Brothers Plumbing & Heating, installed sink-\$998.52; Gill Hauling Inc., dumpster-\$219.35; GRP, disposal-\$52.00; Jack's Uniforms, uniforms-\$28.50; Johnstone Supply, filters-\$546.96; Long Lines, phones-\$160.00; MidAmerican Energy Co, utilities-\$477.44; NPPD, utilities-\$5,380.78; Redwood Toxicology Lab, drug test kits-\$80.70; Security Shredding, shredding-\$35.00; Summit Food Service, food & beverage-Jail-\$24,607.72; Thompson Electric Co, troubleshooting-\$100.00; Thurston County Sheriff, boarding prisoners-\$1,800.00; Trembly, pest control-\$50.00; US Bank, training, medical, supp-\$2,165.19; Wells Fargo Financial Leasing, copier lease-\$375.03; Wigman Company, shower/toilet/water heater repairs-\$5,897.44; WIT Community College, training courses-\$384.00; Dodge County Clerk, quarterly prorgation fees-\$13,623.63; City of SSC, fuel-\$44.63; US Bank, Sparklight & office supplies-\$170.22; Jolene Gubbels, mileage-\$301.28; NACO, conference-Gubbels-\$150.00; US Bank, lodging-\$192.00; Verizon, phones-\$41.12; Civil Engineers & Const, survey work-\$160.00; Nebraska Weed Control Assoc, 2021 dues-\$125.00; US Bank, sprayer parts-\$298.84; Jana Adam, mileage-\$31.92; AT&T Mobility, phones-\$185.56; Availity/Realmed, medical billing-\$125.00; Little Red Embroidery Co, Covid 19 resources-\$354.65; Marco, copier lease-\$486.18; NALHD, software renewal-\$6,840.63; Jacqueline Traum, cleaning supplies-\$5.87; US Bank, meals, gifts, supplies, remodel-\$2,471.41; Verizon, cell phone-\$95.36; Dr Thomas Wentz, consulting physician fee-\$250.00; Bill Johnston, mileage-\$252.56; One Office Solutions, copy fees-\$29.24; Cherie Conley, meals-\$38.97; Dakota County Treasurer, wire fees-\$220.00; DAS State Acct, payroll/acct payable-\$41.60; Fibercomm, phone-\$601.24; Innovative Appraisal Services, BOE-\$11,193.75; MercyOne Siouxland, Monthly EAP-\$229.50; MIPS, HR software-\$631.44; Neb DHHS-Lincoln annual rent payment-\$6,800.00; NIBC, repair pepsi machine-\$123.12; NE Neb Area Agency on Aging, county share fiscal yr 2022-\$8,652.00; Norm Waitt Sr YMCA, monthly fees-\$164.00; One Office Solutions, copy paper-\$1,620.00; Region 4, mental health & substance abuse-\$5,320.25; SIMPCO, annual dues-\$3,565.00; US Bank, juv serv supplies-\$4.26; US Postal Service-Quadiant, postage-\$2,500.00; Woods & Aitken, legal counsel-unions-\$12,602.28; Mainelli Wagner & Assoc, engineering-\$581.58; MRJ Engineering, engineering-\$25,550.00; Road Improvement Fund, budget transfer-engineering-\$5,367.25; **Road Fund:** American Underground Supply, shop supply-\$100.27; Agrivision, shop supply-\$358.44; Barkley Asphalt, asphalt-\$200.85; Bosselman Pump & Pantry, fuel-\$3,226.00; Emerson Manufacturing, parts-\$30.17; Fremont Tire, tires-\$847.00; Gill Hauling Inc., dumpster-\$75.44; H2O4U, water-\$50.50; Heavy Metal Repair, parts & labor-\$1,468.10; J&J's Pronto, fuel-\$636.32; Bob Jacobsen, prior years service-\$17.00; K&K Hubbard Mini Mart, fuel-\$154.49; K & S Service, parts & labor-\$560.19; LG Everist Inc, gravel-\$75,175.44; Marx Dust Control, dust control-\$3,242.75; Matheson, oxy/acetylene-\$122.45; Medical Enterprises, drug testing-\$5.00; Arnie Mellick, prior years service-\$13.00; Menards, shop supp/Asphalt/oil/tires-\$560.40; Midwest Svc & Sales, signs & blades-\$2,926.58; Midwest Wheel, supplies-\$210.22; Marlan Millard, prior years service-\$15.00; Neb Dept of Motor Vehicles, driving records-\$82.50; NPPD, electric-\$48.40; NNTC, telephones-\$192.40; Northeast Power, electric-\$290.44; Northside Glass, parts-\$455.00; O'Reilly Auto Parts, parts-\$214.88; Power Plan/Murphy, parts-\$2,083.33; Robertson Implement, parts-\$51.00; Sapp Bros Petroleum, fuel-\$1,428.63; Sioux City Truck Sales, parts-\$3,406.78; Sooland Bobcat, shop supply-\$84.84; TNT Sales & Service, parts & labor-\$305.18; US Bank, tools-\$55.12; Verizon Connect, GPS trackers-\$362.39; Verizon, cell phone-\$100.58; Village of Emerson, utilities-\$40.29; Warren Oil, fuel-\$5,652.15; Wilmes Hardware, supplies-\$64.62; Ziegler's, parts, supplies, labor, blades-\$6,110.85; **Road Improvement:** JEO, engineering-\$486.25; Midwest Svc & Sales, engineering-\$4,881.00; **Visitor Promo:** SSC Chamber of Commerce, visitor promo-\$18,088.62; **P & M Fund:** MIPS, monthly software-\$591.44; **Health Grant Fund:** US Bank, Sparklight-\$181.20; **Health Dept Program Grants:** Jacqueline Traum, mileage-\$31.36; US Bank, Sparklight-\$16.50; **Juvenile Grant:** Community Monitoring Services, family support-\$317.85; **E911 Fund:** City of SSC, 911 monies-\$9,379.01; **Public Safety:** Fund 7850 RFD Sales Tax, Rural Fire Dept collection-\$30,933.33;

Chair Gill opened the Public Hearing at 3:03 p.m. for the purpose of giving citizens the opportunity to offer their support, opposition or neutral comments regarding the abandonment of road described as 'starting at the north end of Lynch Avenue, going south approximately 1000 feet between parcels 220059462 and 220059713 (Davidson), Section 26,

Township 29N, Range 7E, Dakota County, Nebraska.’ Chair Gill called for public comment in support of the abandonment of a portion of Lynch Avenue near Jackson—there was none. Chair Gill called for public comment in opposition to the abandonment of a portion of Lynch Avenue—there was none. Chair Gill called for anyone wishing to make neutral comments regarding the abandonment of Lynch Avenue—there was none. Chair Gill closed the Public Hearing at 3:04 p.m. Chair Gill stated there will be a resolution at the next meeting for abandonment of Lynch Avenue.

Austin Partridge, First National Capital Markets, Inc., introduced himself and did a brief explanation of the low interest rates in the bond market. He passed out a projection sheet regarding the 2016 Highway Allocation Bond and noted that there would be a net savings of \$14,772. The commissioners had several questions regarding fees, amount and maturity date. Commissioner Love moved, seconded by Commissioner Gill, to approve Resolution 21C-026 authorizing the calling for early redemption of the County’s outstanding Highway Allocation Fund Pledge Bonds, Series 2016, date of original issue – June 30, 2016, in the principal amount of \$445,000. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION NO. 21C-026

BE IT RESOLVED BY THE CHAIRPERSON AND COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF DAKOTA, NEBRASKA, AS FOLLOWS:

Section 1. That the following bonds (herein the “Called Bonds”) issued by the County of Dakota, Nebraska are hereby called for redemption at par plus accrued interest on such date as set forth in the Designation of Call Date (as defined below):

Highway Allocation Fund Pledge Bonds, Series 2016, dated June 30, 2016, in the outstanding principal amount of \$445,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
\$ 85,000	July 15, 2022	234199 DX2
85,000	July 15, 2023	234199 DY0
90,000	July 15, 2024	234199 DZ7
90,000	July 15, 2025	234199 EA1
95,000	July 15, 2026	234199 EB9

Section 2. The Called Bonds are payable at the office of the County Treasurer, Paying Agent and Registrar, at the offices of said Paying Agent and Registrar in Dakota City, Nebraska.

Section 3. The Chairperson of the County Board of Commissioners or the County Clerk of the County (each, an “Authorized Officer”) are hereby authorized at any time on or after the date of this resolution to determine the call date for the Called Bonds on behalf of the County and such determination, when made in writing (the “Designation of Call Date”), shall constitute the action of the County without further action of the Chairperson and Board. The Call Date shall be set for any time on or after August 1, 2021, provided, however, that on and after December 31, 2021, the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Chairperson and Board of the County and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the County Treasurer, in Dakota City, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the resolution authorizing said bonds and in accordance with the Designation of Call Date.

Passed and Approved this 26th day of July, 2021.

Commissioner Love moved, seconded by Commissioner Giese, to approve Resolution 21C-027 authorizing the issuance by the County of not to exceed \$475,000 aggregate principal amount of Highway Allocation Fund Pledge Refunding Bonds, Series 2021, for the purpose of refunding the County’s outstanding Highway Allocation Fund Pledge Bonds, Series 2016, date of original issue – June 30, 2016. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION NO. 21C-027

A RESOLUTION AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, SERIES 2021, OF THE COUNTY OF DAKOTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$475,000) TO REFUND CERTAIN OUTSTANDING BONDS OF THE COUNTY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING THE COUNTY TO ENTER INTO A BOND PURCHASE AGREEMENT; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE RESOLUTION PUBLISHED IN PAMPHLET FORM.

BE IT RESOLVED BY THE CHAIRPERSON AND BOARD OF COMMISSIONERS OF THE COUNTY OF DAKOTA, NEBRASKA:

Section 1. The Chairperson of the County Board (the “Chairperson”) and the Board of Commissioners (the “Board”) of the County of Dakota, Nebraska (the “County”), hereby find and determine:

(a) That the County has heretofore issued its Highway Allocation Fund Pledge Bonds, Series 2016, dated June 30, 2016, in the outstanding principal amount of \$445,000, maturing July 15, 2022 through July 15, 2026 (the “Outstanding Bonds”);

(b) That by taking up and paying off such Outstanding Bonds by an issue of Highway Allocation Fund Pledge Refunding Bonds of the County, a substantial savings in the amount of yearly running interest will be made to the County and the Outstanding Bonds have been authorized to be called for redemption;

(c) That by issuing its refunding bonds in the amount of not to exceed \$475,000, in pursuance of Section 10-142, R.R.S. Nebraska 2012, the Outstanding Bonds can be paid off on a date designated as set forth herein;

(d) That based upon current receipts by the County for its road funds from funds which are attributable to the State of Nebraska Highway Allocation Fund, the County anticipates receipts in future years which will exceed the payments due on the refunding bonds herein authorized and the County's other outstanding Highway Allocation Fund Pledge Bonds; and

(e) That all conditions exist for the issuance of refunding bonds in the amount of not to exceed \$475,000 pursuant to Sections 10-142, R.R.S. Nebraska 2012 and 66-4,101, R.R.S. Nebraska 2018.

Section 2. For purposes as set out in Section 1 hereof, there shall be and there are hereby ordered issued bonds to be designated "Highway Allocation Fund Pledge Refunding Bonds, Series 2021," (the "Bonds") in the principal amount of not to exceed \$475,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the County Treasurer prior to delivery, are hereby authorized to be issued. The Bonds shall be dated as of their date of delivery and shall mature on the dates, be issued in the principal amount and shall bear interest at the rates per annum all as determined in the Bond Purchase Agreement (the "Agreement") signed by the Chairperson or County Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the County and agreed to by First National Capital Markets, Inc. (the "Underwriter"), which Agreement may also set the pricing terms and the terms pursuant to which the Bonds may be redeemed prior to maturity, all within the following limitations:

(a) the aggregate principal amount of the Bonds shall not exceed \$475,000;

(b) the total interest cost (TIC) of the Bonds shall not exceed 2.00%;

(c) the underwriter's discount shall not exceed 1.50%; and

(d) the longest maturity of the Bonds shall mature no later than December 31, 2026.

The Authorized Officers are authorized to establish the final terms for the Bonds and arrange for issuance of the Bonds without further action by the Board, provided, however, that the authority of the Authorized Officers to act without further action by the Board shall lapse if not exercised on or before December 31, 2021. The Bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be computed on the basis of a three hundred sixty-day year consisting of twelve thirty-day months. Interest on the Bonds shall be payable semiannually on the dates designated by the Authorized Officers in the Agreement (each such date, an "Interest Payment Date"). The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the Bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. In the event that Bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The County and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the County nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the County and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of the Bond at maturity or any interest installment is not paid when due, the delinquent Bond or delinquent interest 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.

Section 3. The County Treasurer is hereby appointed to serve as Paying Agent and Registrar under the terms of this resolution (the "Resolution"), provided, however that the Chairperson may, in his or her discretion, appoint a bank with trust powers or trust company to serve as Paying Agent and Registrar from time to time. If the Paying Agent and Registrar is not the County Treasurer, said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the County and said Paying Agent and Registrar, which the Chairperson is authorized to sign on behalf of the County. The Paying Agent and Registrar shall keep and maintain for the County books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar or the office of any duly appointed successor, as applicable. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and

Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Resolution, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be cancelled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the Bonds surrendered and shall be entitled to all benefits and protection of this Resolution to the same extent as the Bonds upon transfer of which they were delivered. The County and the Paying Agent and Registrar shall not be required to transfer Bonds during any period from any Record Date until its immediately following interest payment date. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing more than five (5) years after their date of issue shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of delivery of such Bonds at a redemption price equal to 100% of the par amount thereof plus accrued interest on the principal amount redeemed to the date fixed for redemption. The County may select the Bonds to be redeemed from such optional redemption in its sole discretion, but Bonds shall be redeemed only in the amount of \$5,000 or any integral multiples thereof. Any Bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the Chairperson and Board by the Paying Agent and 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. Such notice shall designate the Bond or Bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the Chairperson and Board designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the Chairperson and Board shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The Bonds shall be executed on behalf of the County by being signed by the Chairperson and the County Clerk, both of which signatures may be facsimile signatures, and shall have the County seal impressed on each Bond, which may be a facsimile seal. 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 purchaser of said Bonds. After being executed by the Chairperson and County Clerk, said Bonds shall be delivered to the Treasurer of the County who shall be responsible therefor under his/her official Bond. Such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Nebraska 2012, as amended, and shall cause the same to be filed with the office of the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the County by the Paying Agent and Registrar. The Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten Bond per maturity being issued to the Depository. In such connection said officers of the County are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository (which may include any "blanket" letter previously executed and delivered), for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

- (i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;
- (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or
- (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations

with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

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

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

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

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

- (i) any successor securities depository or its nominee;
- (ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement (if any).

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

If for any reason the Depository resigns and is not replaced or upon termination by the County of book-entry-only form, the County shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the County agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF DAKOTA
HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BOND
SERIES 2021

No. _____ \$ _____
Interest Rate Maturity Date Date of Original Issue CUSIP No.
%

Registered Owner: _____
Principal Amount: _____

KNOW ALL PERSONS BY THESE PRESENTS: That the County of Dakota in the State of Nebraska (the "County"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date to which interest has been paid or provided for, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Interest shall be payable semiannually on the _____ day of _____ and _____ in each year, starting _____, 202__. Interest shall be computed on the basis of a three hundred sixty-day year consisting of twelve thirty-day months. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest 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 interest hereon due prior to maturity shall be paid on each interest payment date by the Paying Agent and Registrar for the County by wire transfer (but only in accordance with the limited terms of the authorizing resolution), check or draft mailed to the registered owner hereof, as shown on

the records of the Paying Agent and Registrar as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the interest payment date, at such owner's registered address as it appears on the books of registration of the County. The principal of this bond and the interest due at maturity are payable on presentation and surrender to the Paying Agent and Registrar at the office of the Paying Agent and Registrar in Lincoln, Nebraska or the principal corporate trust office of any duly appointed successor, as applicable. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the County hereby pledges all receipts by the County which are attributable to the Highway Allocation Fund of the State of Nebraska. In the event such receipts for the Highway Allocation Fund are insufficient to meet the payments of principal and interest, the full faith, credit and resources of said County are hereby irrevocably pledged.

The County, however, reserves the right and option of paying bonds of this issue maturing on or after _____, 202__, in whole or in part, on the fifth anniversary of the date of issue or at any time thereafter. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the resolution authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of \$ _____, of like tenor herewith except as to date of maturity and rate of interest, issued by said County for the purpose of paying the outstanding Highway Allocation Fund Pledge Bonds, Series 2016, dated June 30, 2016, in the outstanding principal amount of \$445,000, and is issued pursuant to Sections 10-142, R.R.S. Nebraska 2012 and 66-4,101, R.R.S. Nebraska, 2018. This bond and the others of said issue have been duly authorized by a resolution duly passed and adopted by the Chairperson and Board of said County.

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

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

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said County, including this bond, does not exceed any limitation imposed by law. This bond and the interest accruing hereon shall be payable from funds received by the County from the Highway Allocation Fund of the State of Nebraska which have been pledged to the payment of such principal and interest or from ad valorem taxes levied by the County, within applicable statutory limitations, as provided in Section 66-4,101, R.R.S. Nebraska, 2018. The County has reserved the right to issue additional bonds payable from receipts from the Highway Allocation Fund of the State of Nebraska, without limitation.

IN WITNESS WHEREOF, the Chairperson and Board of the County of Dakota, Nebraska, have caused this bond to be executed on behalf of the County by being signed by the Chairperson and Clerk of the County, both of which signatures may be facsimile signatures, and by causing the official seal of the County to be affixed hereto all as of the date of original issue shown above.

COUNTY OF DAKOTA, NEBRASKA – Chairperson

ATTEST: County Clerk (S E A L)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by a resolution passed and approved by the Chairperson and Board of Commissioners of the County of Dakota, Nebraska as described in said bonds.

By County Treasurer, as Paying Agent and Registrar
(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: _____

Registered Owner

SIGNATURE GUARANTEED

By: Authorized Officer

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

Section 8. Said Bonds are hereby sold to First National Capital Markets, Inc. upon the terms set forth in the Agreement approved by the Authorized Officers within the parameters set forth in Section 2 above and the City Treasurer is authorized to deliver the Bonds to said purchaser upon receipt of the said amount plus accrued interest to the date of payment. Said Bonds are sold to the purchaser subject to the opinion of independent bond counsel that said Bonds are lawfully issued; that said Bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on said Bonds is exempt from both Nebraska state and federal income taxes. The proceeds of the Bonds herein authorized shall be used to refund the Outstanding Bonds as set out in Section 1. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing.

Section 9. For the payment of the Bonds, principal and interest as the same fall due, there are hereby pledged all receipts by the County which are attributable to the Highway Allocation Fund of the State of Nebraska. So long as the County has in each year made adequate provision for the payments of principal and interest due on the Bonds falling due in such year, monies received by the County attributable to the Highway Allocation Fund may be applied for any other permitted purpose. The County reserves the right to issue additional bonds pursuant to Section 66-4,101, R.R.S. Nebraska, 2018, which shall also be secured equally and ratably with the Bonds by a pledge of funds to be received by the County attributable to the Highway Allocation Fund without limitation. The County hereby agrees that, in the event that receipts by the County in any year attributable to the Highway Allocation Fund are insufficient to meet the payments of principal and interest falling due on the Bonds, the County shall levy ad valorem taxes upon all taxable property in the County, at such rate or rates, within applicable statutory limitations, as will provide funds which, together with receipts from the Highway Allocation Fund, will be sufficient to pay principal and interest on the Bonds as they severally mature. The County reserves the right to issue additional bonds pursuant to Section 66-4,101, R.R.S. Nebraska, 2018.

Section 10. The County hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The County hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Bonds with respect to taxpayers generally but not including insurance companies. The County Treasurer is hereby authorized to make allocations of Bonds and Bond proceeds with respect to said issue in accordance with the Regulations of the United States Treasury under Section 148 of the Code. The County hereby designates the bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2021 in an amount in excess of \$10,000,000 (taking into account the exclusion for refunding issues deemed designated as qualified tax-exempt obligations) provided, however, that the amount of Bonds designated hereunder shall be reduced as and to the extent Bonds are "deemed designated" under Section 265(d) of the Code.

Section 11. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 12. This Resolution shall be published in pamphlet form and take effect as provided by law.
PASSED AND APPROVED this 26th day of July, 2021.

Representatives from the temple Wat Buddharam of Siouxland, requested approval of a Special Designated Liquor License for a fundraising event. Commissioner Love moved, seconded by Commissioner Albenesius, to approve a Special Designated Liquor License for a fundraising event at 500 142nd Street, South Sioux City on September 5th from 1:00 to 10:00 p.m. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Launsby, to approve Resolution 21C-028 approving road equipment be sold as surplus property. ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-028
RESOLUTION TO DECLARE
MOBILE EQUIPMENT AS SURPLUS PROPERTY

WHEREAS, the County owns mobile equipment which has a value of five thousand dollars or more and which is not usable by the County and/or obsolete; and

WHEREAS, said mobile equipment consists of the following property:

1. 2004 Utility Trailer; VIN: 1UYFS24844A213101

WHEREAS, the County intends to dispose of said property as surplus pursuant to Nebraska Revised Statute 23-3115 and shall be sold by competitive bidding.

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS THAT the mobile equipment listed is unusable by the County and/or obsolete and is therefore declared surplus property.

IT IS FURTHER RESOLVED THAT the Highway Superintendent be directed to coordinate disposal of said property in accordance with the laws of the State of Nebraska.

DATED this 26th day of July, 2021.

Chair Gill moved, seconded by Commissioner Giese, to approve Resolution 21C-024 for the purpose of adopting the amended Planning & Zoning regulations in resolution form—Section 202 Definitions (consanguinity); Section 640.5 Recreational Vehicle Parks and Section 900.2 Wind Energy Installation. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-024
RESOLUTION ADOPTING AMENDED DAKOTA COUNTY ZONING REGULATIONS

WHEREAS, the County Board of Commissioners has the authority to amend zoning resolutions which shall have the force and effect of law pursuant to Section 508 of the Zoning Ordinances of Dakota County, Nebraska; and

WHEREAS, the County Board of Commissioners established the Dakota County Planning Commission pursuant to Regulation as set for by Neb. Rev. Stat. §23-114 to 23-114.05, 23-168.04, 23-172 to 23-174, 23-174.02, 23-373 and 23-376; and,

WHEREAS, the Commission has determined it reasonable and necessary to amend Section 202 – Definitions to add the definition of Consanguinity; and

WHEREAS, the Commission has determined it reasonable and necessary to amend Section 640.5 Recreational Vehicle Parks – Occupancy; and

WHEREAS, the Commission has determined it reasonable and necessary to amend Section 900.2 Wind Energy Installation; and

WHEREAS, it is the intent of the County Board to enact the proposed text amendments to Sections 202 Definitions, 640.5 Recreational Vehicle Parks and 900.2 Wind Energy Installations.

NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the adoption of certain proposed amendments and revisions to the Dakota County Zoning Regulations for Section 200 and Section 640.5 were held on February 16, 2021 and Section 900.2 was held on May 18, 2021 before the Dakota County Planning Commission as required by the State of Nebraska. The Planning Commission provided its recommendation of approval as noted in the Planning Department Report.
- II. A public hearing regarding the adoption of the proposed amendments and revisions to the Dakota County Zoning Regulations, was held by this Board as required by §23-114.01(2).
- III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Dakota County Clerk.
- IV. Notice of the time and place of each hearing was also given in writing to the clerks of the local governments which have jurisdiction over land within three (3) miles of the property affected by such action as required by Neb. Rev. Stat. §23-164.
- V. The proposed amendments to be approved by this Resolution are within Section 202, Section 640.5 and Section 900.2 of the Dakota County Zoning Regulations. Further the Planning Department report is attached hereto and includes a red-line version in legislative format showing the proposed changes for Section 202, Section 640.5 and Section 900.2, along with all attachments to said Planning Department Report, all as attached hereto and known as Exhibit "A".

VI. The proposed amendments to the Dakota County Zoning Regulations are consistent with the Dakota County Comprehensive Development Plan and are designed to promote the health, safety and welfare of the present and future inhabitants of Dakota County.

FURTHER, BE IT RESOLVED THAT this Board, in light of the above, after due deliberation and consideration, upon the recommendation of the Planning Commission, adopts the proposed amendments to the Dakota County Zoning Regulations, specifically approval of the text amendments as shown in Exhibit "A", and directs the Planning Department to amend the Dakota County Zoning Regulations, which amended the Zoning Regulations are attached hereto as Exhibit "B" and that the same have full force and effect of law, the effective date of the aforementioned Zoning Regulations shall be March 8, 2021 for Section 202, March 8, 2021 for Section 640.5 and June 14, 2021 for Section 900.2.

BE IT ALSO RESOLVED THAT, pursuant to Neb. Rev. Stat. §23-114.03, the County Clerk is directed and instructed to, within fifteen (15) days of the date of this Resolution, publish these Regulations in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county, and the County Clerk is further directed to spread these regulations in the minutes of the proceedings of the county board.

FINALLY, BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Zoning Regulations, and all previous Resolutions or parts of Resolutions of the Dakota County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed. The above Resolution was approved by a vote of the Dakota County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 26th day of July, 2021.

PASSED and APPROVED this 26th day of July, 2021.

Jolene Gubbels, Highway Superintendent, presented the Road Report for July 11 to 24, 2021. Total road maintenance- 339 hours; overtime- 6 hours; culvert projects on Blyburg Road- 62 hours; Fiddler Creek Road- 149 hours; garbage pickup- 6 hours; gravel hauling – 74 hours; tons of gravel hauled – 1308.55; weed spraying/inspections- 5 hours; sign repair/barricading – 26 hours. Road Concerns for grading on Likuwanta Dr and Frank O'Neill Road; gravel on 160th. Commissioner Launsby asked that the culverts be installed on Blyburg Road before school starts. Commissioner Albenesius asked about the status of Adams bridge on S Avenue—Jolene will apply for a soft match grant for dollars to help with the Adams bridge. An engineer has been asked to help with right-of-way access from the railroad for a road to residents by Jackson that use several fracture critical bridges over Elk Creek. The bridges could be removed if an access road was built. Commissioner Albenesius thought maybe we should ask the landowners on the south side of Elk Creek versus the railroad. There are 3 homes in that location—Chair Gill will talk with the Village of Jackson regarding some owners exiting to the east. Ms. Gubbels stated all bridges will be inspected this fall. Commissioner Love noted that the bridge on C Avenue has been worked on by the State—approaches widened and lengthened and new guard rails installed.

Commissioner Love moved, seconded by Commissioner Giese, to approve the appointment of Ronald G. Colins, to serve on the County Planning & Zoning Board to complete the term expiring February 2022 for the geographical location of the Village of Hubbard. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Love-Health Board membership and hiring for director is in progress. Love-Safety Committee stated the Safety Committee would like to see the east parking lot repaired—possible curb repair and asphalt overlay or concrete. Gill-RC&D is sponsoring a float down Logan Creek from Pender to Bancroft. Gill-union negotiations are in progress. No mail or emergency business.

The county board left at 3:49 p.m. to take a jail tour (Albenesius did not take the tour).

Chair Gill adjourned the Board of Commissioners meeting of July 26, 2021, at 4:00 p.m.

Dakota County Board of Commissioners

Janet Gill, Chair

Date signed

Joan Spencer, County Clerk/Secretary

Date