Atchison County Commisssion Meeting

Atchison County Courthouse
423 North 5th St
Atchison, Kansas 66002
[December 20, 2016]
AGENDA

Commissioner Jeff Schuele, 1st District

Commissioner Eric Noll, 2nd District

Chairman Henry W. Pohl, 3rd District

1. Call To Order
The County Commission is called to order by the Chairman

2. Presentation And Approval Of Claims

3. Pledge Of Allegiance

4. Reading And Approval Of Minutes
Approval of Minutes from Last commission meeting

4.1. Commission Minutes, December 13, 2016

**Disclaimer-This document represents the "unofficial" minutes of the Atchison County Board of Commissioners. At this point it is a working document and does not become official until the Board approves the minutes at a subsequent meeting. It is to be used for informational purposes only.*

Documents:

12132016.PDF

5. Commissioner Comments And Committee Reports

6. Reports Of Elected Officials And Department Heads

7. New Business Before The Board

7.1. Benedictine College Education Bonds
Supplement to tax compliance agreement for Benedictine College on Bonds agreed to in July 2016 but not funded until January 2017

Documents:

SUPPLEMENT TO TAX COMPLIANCE AGREEMENT DEC 2016.PDF

8. Old Or Unfinished Business Before The Board

8.1. Reese& Novelly, PA
agreement letter to do 2016 Atchison county audit services more discussion

9. County Counselor Updates

10. Public Comment

11. Executive Sessions (Time Reserved For Executive Sessions)

11.1. 2:00 PM Jamie Madison, HR Director
Executive session on a non elected personnel matter

12. Presentation Of Petitions, Memorials, And Remonstrance's

13. Introduction And Consideration Of Resolutions

14. Notices And Communications

15. Adjournment

Tuesday, December 13, 2016

Pursuant to the law the board met in regular session at 1:00 pm on the 1st floor of the courthouse with Chairman Bill Pohl calling the meeting to order along with Commissioners Eric Noll and Jeff Schuele present. Linda Chalfant, Deputy County Clerk recorded the minutes. County Counselor Pat Henderson was absent

Board opened the meeting with reciting the Pledge of Allegiance.

Minutes of November 29th were reviewed, Commissioner Schuele made a motion to approve the minutes as read, Commissioner Noll second the motion, with Chairman Pohl calling for a vote, all voted aye, motion carried 3-0.

Committee Reports: nothing to report.

Commissioner Schuele made a motion to publish the County amended budget on December 17th with the hearing to be at December 27th at 1:15, Commissioner Noll second the motion and Chairman Pohl calling for a vote, all voted aye, motion carried 3-0.

1:15 pm Seth Howard Road and Bridge Superintendent appeared before the board for the opening of fuel bids. Seth received two bids.

	30,000 gallons clear diesel	25,000 dyed diesel	7700 unleaded
Jackson Farmers-regular blend	$1.99	$1.73	
Jackson Farmer –winter blend	$2.08	$1.82	
Jackson Farmers-unleaded			$2.34
Consumer Oil-regular blend	$2.17	$1.91	
Consumer Oil-winter blend	$2.24	$1.98	
Consumer Oil unleaded			$2.16

County Lake	150 gallons dyed diesel		1600 gallons unleaded
Jackson Farmers-regular blend	$1.73		
Jackson Farmers winter blend	$1.82		
Jackson Farmers-unleaded			$2.34
Consumer Oil-regular blend	$1.91		
Consumer Oil-winter blend	$1.98		
Consumer Oil-unleaded			$2.16

After further discussion, Commission Noll made a motion to accept the bids from Jackson Farmers listed above, Commissioner Schuele second the motion with Chairman Pohl calling for a vote, all voted aye, motion carried 3-0.

Seth will notify Jackson Farmers about accepting their bids

Seth also presented a P.O. to be approved to Metal Culverts for 17 metal culverts.

12	24”X40’ Aluminum Culverts	$ 8,112.00
5	24”X30’ Aluminum Culverts	$ 2,535.00

Commissioner Noll made a motion to approve the purchase order to Metal Culverts for the amounts above, Commissioner Schuele second, Chairman Pohl called for a vote, all voted aye, motion carried 3-0.

1:35pm Peggy House, Atchison Senior Village Administrator appeared to give her monthly update. Peggy told the Commissioners that the Vandiver projects are going well.

Peggy also told the board that families of past and present residences have made donated funds for repairs for the facility. They have received $6, 000.00 dollar in donations.

The board asked Peggy about the patient count at the facility and how she is budget wise. Peggy stated that the facility isn’t full at the moment, but that seems to change this time of year and budget wise, they will be fine, will work within their income. Peggy also told the board that they had a good survey from the State.

The board decided to table the agreement letter from Reese and Novelly until next meeting.

The board received a letter from the Atchison Community Health Clinic requesting funding for various projects and equipment needed. Upon further discussion on this matter the board agreed to keep this letter on file to discuss further at budget time.

Adds and abates were presented to be signed.

Bills for departments were presented to be approved for the week. Eric was going to talk to the Extension Office about a bill for tires.

Commissioner Schuele made a motion to adjourn at 2:17pm, Commissioner Noll second, Chairman Pohl call for a vote, all voted, motion carried 3-0.

Attest: Linda Chalfant, Deputy County Clerk

SUPPLEMENT TO TAX COMPLIANCE AGREEMENT

This Supplement to the Tax Compliance Agreement (this "**Supplement to Tax Agreement**") is entered into as of January 5, 2017 (the "**Issue Date**"), among **ATCHISON COUNTY, KANSAS**, a county and political subdivision duly organized and existing under the laws of the State of Kansas (the "County"), **BENEDICTINE COLLEGE**, a nonprofit corporation organized and existing under the laws of the State of Kansas (the "College"), and **UMB BANK, N.A.**, a national banking association duly organized and existing under the laws of the United States of America, as Trustee (the "Trustee");

RECITALS:

1. This Supplement to Tax Agreement is being executed and delivered on the Issue Date for the purpose of confirming the representations, expectations, and covenants contained in the Tax Compliance Agreement dated as of July 1, 2016 among the County, the College, and the Trustee (the "Tax Agreement") entered into in connection with the sale by the County of $9,000,000 principal amount of Educational Facilities Revenue Bonds (Benedictine College Project), Series 2017 (the "Bonds"), under a Bond Trust Indenture dated as of July 1, 2016 (the "Bond Indenture"), between the County and the Trustee, for the purpose of making a loan of the proceeds of the Bond to the College under a Loan Agreement dated as of July 1, 2016 (the "Loan Agreement"), between the County and the College, to provide funds for certain purposes as described in the Bond Indenture, the Loan Agreement, the Tax Agreement, and this Supplement to Tax Agreement.

2. The Tax Agreement sets forth certain representations, facts, expectations, terms and conditions relating to the issuance of the Bond and the use and investment of the Bond proceeds and of certain other related money, in order to establish and maintain the exclusion of interest on the Bond from gross income for federal income tax purposes, and to provide guidance for complying with the arbitrage rebate provisions of Code § 148(f).

3. The County, the College, and UMB Bank, N.A., as purchaser of the Bonds, entered into the Bond Purchase Agreement, dated July 25, 2016 (the "Purchase Agreement"), constituting a binding agreement for the sale of the Bonds. Pursuant to the terms of the Bond Indenture, the Loan Agreement, and the Purchase Agreement, although the Bonds were sold as of the Sale Date, no Bonds were issued and the County and College received no portion of the purchase price of the Bonds until the Issue Date. On the Issue Date, the County and College will draw a portion of the $9,000,000 maximum principal amount of the Bonds in an amount exceeding $50,000 which will cause the Bonds to be treated as "issued" under Regulations § 1.150-1(c) for federal tax purposes.

4. Upon receipt of the purchase price of the Bond, the County will loan the proceeds of the Bond to the College under the Loan Agreement and the College will use the Bond proceeds to finance costs of the Financed Facility, as further described on Exhibit F to the Tax Agreement.

5. Pursuant to the Purchase Agreement, Bond Counsel is delivering its opinion, as of the Issue Date, to the effect that the interest on the Bonds is excludable from gross income for federal income tax purposes, and, in doing so, the County, College, and Trustee understand that Bond Counsel is relying on the representations and covenants of each contained in the Tax Agreement, as supplemented by the County, College, and Trustee in this Supplement to Tax Agreement, in rendering such opinion.

NOW, THEREFORE, in consideration of the foregoing, and in order to confirm certain of its representations, facts, expectations, terms and conditions contained in the Tax Agreement, the County, College, and Trustee represent, covenant and agree as follows:

(a) *Definitions*. Except as otherwise provided in this Supplement to Tax Agreement or unless the context otherwise requires, capitalized words and terms used in this Supplement to Tax Agreement have the same meanings as assigned in the Tax Agreement.

(b) *Review and Authority.* Each of the undersigned has reviewed the Tax Agreement including all accompanying schedules and exhibits, has knowledge or has made appropriate inquiry as to the matters stated therein, and is authorized to deliver this Supplement to Tax Agreement in connection with the issuance of the Bond on the Issue Date.

(c) *Confirmation of Tax Certificate*. The representations, facts, estimates, expectations, agreements and covenants contained in the Tax Agreement remain true, accurate and complete as of the Issue Date[, except as follows:].

(d) *Reliance*. In delivering this Supplement to Tax Agreement, the County, College, and Trustee understand that the representations, certifications and covenants will be relied upon by the law firm of Gilmore & Bell, P.C., in rendering its opinion as to the validity of the Bonds and the exclusion from federal gross income of the interest on the Bonds.

[The remainder of this page is left intentionally blank.]

IN WITNESS WHEREOF, the parties to this Supplement to Tax Compliance Agreement have caused this Supplement to Tax Compliance Agreement to be duly executed by their duly authorized officers as of the Issue Date of the Bond.

ATCHISON COUNTY, KANSAS

By: _____
Title: Chairman, Board of County Commissioners