

ORDINANCE NO. 2144

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO MUNICIPAL BONDS; TO AUTHORIZE AND PROVIDE FOR THE ISSUANCE OF SANITARY SEWER REVENUE REFUNDING BONDS, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5,565,000, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PAYMENT AND REDEMPTION OF A PORTION OF THE CITY'S SANITARY SEWER REVENUE BONDS, SERIES 2016; TO PRESCRIBE THE TERMS AND FORM OF SUCH REFUNDING BONDS; TO PLEDGE THE REVENUE AND EARNINGS OF THE CITY'S SANITARY SEWER SYSTEM FOR THE REPAYMENT OF SUCH REFUNDING BONDS; TO MAKE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND TO AUTHORIZE CERTAIN ADDITIONAL ACTIONS AND DOCUMENTS RELATING HERETO.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That the City of Crete is a city of the first class duly organized and existing under the laws of the State of Nebraska ("State") and, pursuant to state law, owns and operates a wastewater treatment plant and facilities and a sanitary sewer system, which are revenue producing facilities as described in Neb. Rev. Stat. §§ 18-1803 to 18-1805 ("Act") and which serves the city and its inhabitants and others within its service area ("Sanitary Sewer System").

Section 2. That, pursuant to the Act and the provisions contained or incorporated herein, the City has issued the following bonds and notes, which are outstanding on the date hereof, payable from the revenues derived from the operation of the Sanitary Sewer System ("Outstanding Bonds"), as indicated below:

Sanitary Sewer Revenue Bonds, Series 2016, dated December 15, 2016, issued in the original principal amount of \$11,726,000, consisting of bonds (1) R-1 in the initial principal amount of \$6,998,000 expected to be outstanding in the approximate principal amount of \$5,497,597 on February 1, 2022, and bearing interest at a rate of 1.875% ("Bond R-1") and (2) R-2 in the initial principal amount of \$4,011,000 and R-3 in the initial principal amount of \$717,000 bearing interest at a rate of 1.375% ("Bonds R-2 and R-3" or the "USDA Bonds"), all of which were issued pursuant to Ordinance No. 1990, which was amended by Ordinance No. 2010, (together, the "USDA Ordinance") and are redeemable at the option of the City any time, at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date fixed for redemption.

Section 3. That the rates of interest available in the market have declined since Bond R-1 was issued such that the City can save in interest costs by providing for the payment and redemption of Bond R-1 (as called for redemption, the "Refunded Bonds") through the issuance of sanitary sewer revenue refunding bonds.

Section 4. That it is necessary, desirable, advisable and in the best interests of the city that the City provide for the payment and redemption of the Refunded Bonds by the issuance of sanitary sewer revenue bonds (as further described herein, the "Bonds") pursuant to the provisions of Neb. Rev. Stat. §§ 10-142 and 18-1803 to 18-1805.

Section 5. That the City Council authorizes the payment and redemption of the Refunded Bonds on a date to be determined ("Redemption Date"), and the principal of and interest on such Refunded Bonds being payable solely from the revenues derived from the operation of the Sanitary Sewer System.

Section 6. That, other than the Outstanding Bonds identified in Section 2, there are presently no liens or pledges upon the revenues of the Sanitary Sewer System.

Section 7. That the City Council has hereby found and determined that it is necessary, desirable, advisable and in the best interest of the City and of its inhabitants at this time to authorize the issuance and delivery of sanitary sewer system revenue refunding bonds pursuant to the Act to provide funds, together with available funds of the City, for the purposes of (a) providing for the payment of the Refunded Bonds and the redemption in full of the Refunded Bonds on the Redemption Date and (b) paying certain costs of issuing the Bonds.

Section 8. That the City has retained Gilmore & Bell, P.C. to prepare the appropriate issuing documents and that all of the terms, conditions, statements, obligations, and other provisions contained within the attached Sanitary Sewer Revenue Refunding Bonds, Series 2022, issuing documents be incorporated herein as if set out in full.

Section 9. That all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds do exist and have been done and performed in regular and due time as provided by law.

Section 10. That all ordinances or parts of ordinances in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances that can be given effect without the repealed parts.

Section 11. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 12. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 4th day of January 2022.

Mayor

ATTEST:

City Clerk