

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. WATER

52. SEWERS

53. SOLID WASTE

54. ELECTRIC

ORDINANCE NO. 50.02

VILLAGE OF GILTNER)
COUNTY OF HAMILTON) SS.
STATE OF NEBRASKA)

An ordinance of the Village of Giltner, Nebraska to set forth **definitions to Code # 50.02 UTILITY BILLS; COLLECTION**

WHEREAS, the Chairperson and the Board of Trustees is the Governing Body of the Village of Giltner,

THEREFORE, be it ordained that the Chairperson and the Board of Trustees, Giltner Nebraska, do;

HEREBY, set forth **definitions to Code # 50.02 UTILITY BILLS; COLLECTION**

***50.02 UTILITY BILLS; COLLECTION.**

Charges for utility services provided by or through the village; water, sewer, electric and garbage, shall be billed jointly on a monthly basis. The Utility Superintendent shall read, or cause to be read, water and electric meters on or around the first day of each month. Utility bills shall be mailed by the twelfth (12th) of the month, and shall be due immediately and considered delinquent the last day of the same month.

Bills paid after the end of the month shall have a late penalty charge of ten percent (10%) added to the bill. Upon being deemed to be delinquent, and not paid by the twentieth (20th) of the month, the village may discontinue service pursuant to #50.03 of the Giltner Code. Once discontinued; service shall not be re-commenced except upon payment of the delinquent bill and a reconnection fee in an amount set by resolution of the Board of Trustees. The village may also take any action authorized by law to effect collection of the delinquent charges.

Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.

Delbert E. Nuss
Delbert E. Nuss, Chairperson

Charlynn Kral Krcilek
Charlynn Kral Krcilek, Village Clerk

Date: March 10, 2008

(SEAL)

CHAPTER 50: GENERAL PROVISIONS

Section

- 50.01 Denial of service; when prohibited
- 50.02 Utility bills; collection
- 50.03 Discontinuance of service; notice procedure
- 50.04 Diversion of services, meter tampering, unauthorized reconnection, prohibited; evidence
- 50.05 Diversion of services; penalty
- 50.06 Lien

§ 50.01 DENIAL OF SERVICE; WHEN PROHIBITED.

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this municipality shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. RS 70-1601)

§ 50.02 UTILITY BILLS; COLLECTION.

(A) Charges for utility services provided by or through the village, water, sewer, electric and garbage, shall be billed jointly on a monthly basis. The Utilities Superintendent shall read, or cause to be read, water and electric meters on or around the first day of each month. Utility bills shall be mailed on or around the 12th day of the month, and shall be due immediately and considered delinquent the last day of the same month.

(B) Bills paid after the end of the month shall have a penalty charge of 10% added to the bill. Upon being deemed to be delinquent and not paid by the 20th of the month, the village may discontinue service pursuant to § 50.03. Once discontinued, service shall not be recommenced except upon payment of the delinquent bill and a reconnection fee in an amount set by resolution of the Board of Trustees. The village may also take any action authorized by law to effect collection of the delinquent charges. (Am. Ord. passed 10-14-02; Am. Ord. 50.02, passed 3-10-08)

§ 50.03 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) The municipality shall not discontinue utility service to any domestic subscriber for nonpayment of any past-due account unless the municipality first gives written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the municipality by the Department of Health and Human Services, such notice shall be by certified mail, and notice of such proposed termination shall be given to the Department of Health and Human Services.

(B) Prior to the discontinuance of service to any domestic subscriber by the municipality, the domestic subscriber, upon request, shall be provided a conference with the Board of Trustees. The Board of Trustees has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The governing body shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

(C) This section shall not apply to any disconnections or interruptions of services made necessary by the municipality for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

Statutory reference:

Utility discontinuance regulated, Neb. RS 70-1602 et seq.

§ 50.04 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) Any person who connects any pipe or conduit supplying water, without the knowledge and consent of the municipality, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

(Neb. RS 86-329)

(B) Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of water passing through it, without the knowledge and consent of the municipality shall be deemed guilty of an offense.

(Neb. RS 86-330)

(C) When water service has been disconnected pursuant to Neb. RS 70-1601 to 70-1615, or § 50.03 of this code, any person who reconnects such service without the knowledge and consent of the municipality shall be deemed guilty of an offense.

(D) Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration, or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist.

(Neb. RS 86-331) Penalty, see § 10.99

§ 50.05 DIVERSION OF SERVICES; PENALTY.

(A) The municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when such act results in damages to a municipal utility. A municipality may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

(B) In any civil action brought pursuant to this section, the municipality shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering to recover as damages:

(1) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(2) Liquidated damages of \$750.00, if the amount of actual damage or loss is not susceptible of reasonable calculation.

(C) In addition to damage or loss under subdivisions (B)(1) or (2) of this section, the municipality may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Neb. RS 25-1801.

(Neb. RS 86-331.02)

(D) There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant:

(1) Had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist; and

(2) Was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

(E) There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist. (Neb. RS 86-331.03)

(F) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. RS 86-331.04)

Statutory reference:

Definitions related to diversion of utility services, see Neb. RS 86-331.01

§ 50.06 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the municipality for utilities service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Municipal Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the Municipal Clerk to report to the Board of Trustees a list of all unpaid accounts due for utilities service together with a description of the premises served. The report shall be examined and, if approved by the Board of Trustees, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law.

Statutory reference:

Lien authorized for water and sewer delinquency, see Neb. RS 17-538 and 17-925.01

Assessments authorized, see Neb. RS 18-503

CHAPTER 51: WATER

Section

- 51.01 Rules and regulations
- 51.02 New service
- 51.03 Water policy

§ 51.01 RULES AND REGULATIONS.

The Board of Trustees shall make all necessary rules and regulations governing the use, operation, and control thereof. The governing body may establish just and equitable rates or charges to be paid to it for the use of such water service by each person, firm or corporation whose premises are served thereby. Water rates are adopted by reference as if fully set forth herein and are on file at the office of the Village Clerk and available for public inspection during the hours the office is open for the transaction of business. If the service charge so established is not paid when due, such sum may be recovered by the municipality in a civil action, or it may be certified to the tax assessor and assessed against the premises served, and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned.

§ 51.02 NEW SERVICE.

Any new connection to the village water system shall be copper or PVC pipe. Such connections are subject to inspection and approval by the Utility Superintendent or authorized municipal employee.

§ 51.03 WATER POLICY.

The village hereby adopts a water policy. The policy is attached to Ordinance 51.03, passed August 13, 2007 and incorporated by reference as if fully set forth herein. A copy of the Water Policy is on file at the office of the Village Clerk and available for public inspection during the hours the office is open for the transaction of business.

(Ord. 51.03, passed 8-13-07)

ORDINANCE 51.03

VILLAGE OF GILTNER}
COUNTY OF HAMILTON}
STATE OF NEBRASKA}

An ordinance of the Village of Giltner, Nebraska to adopt a water policy. (See attached policy marked Exhibit "A").

WHEREAS, the Chairperson and the Board of Trustees are the Governing Body of the Village of Giltner,

THEREFORE, BE IT ORDAINED THAT THE CHAIRPERSON AND THE BOARD OF TRUSTEES, GILTNER, NEBRASKA, do;

HEREBY, adopt a water policy for the Village of Giltner.

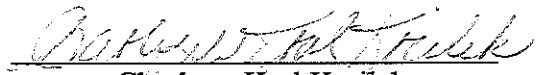
Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.

Reference: NE Revised State Statute



Delbert Nuss
Chairperson



Charlynn Kral Krcilek
Village Clerk

Date: August 13, 2007

(SEAL)

ORDINANCE NO. 51.03.01

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

An ordinance of the Village of Giltner, Nebraska to set water rates.

WHEREAS, the Chairperson and the Board of Trustees is the Governing Body of the Village of Giltner,

THEREFORE, BE IT ORDAINED THAT THE CHAIRPERSON AND THE BOARD OF TRUSTEES, GILTNER, NEBRASKA, do;

HEREBY, set the water rates in the Village of Giltner, Nebraska as such:

Residential \$ 32.50 Base Rate Thereafter: \$ 3.00 per thousand gallons.

Commercial \$ 32.50 Base Rate Thereafter: \$ 3.00 per thousand gallons.

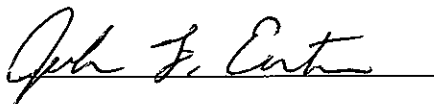
School \$ 32.50 Base Rate Thereafter: \$ 3.00 per thousand gallons.

Water rates shall take effect January 1st, 2017

Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.

Reference: NE Revised State Statute: 17-538



John F. Eastman
Chairperson



Joan M. Eastman
Village Clerk



Date: September 12, 2016

ORDINANCE NO. 51.03

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA:

Section 1. Section 51.03 of the Municipal Code of Giltner, Nebraska, is amended to read as follows:

AMENDED WATER POLICY PARAGRAPH 1

All residential households and businesses of the Village of Giltner shall have municipal water hook-up. Village is responsible from the village water main to the residential or business water meter. Owner is responsible from water meter to residence or business. Owner responsibility includes initial installation and any/all future maintenance. Materials used by the property owner shall be approved by the village prior to installation. No water well of any size will be allowed within the Village of Giltner limits without board approval.

Section 2. Any other ordinance or section passed and approved prior to passages, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 12th day of May, 2014.

(SEAL)


Chairperson


Clerk

Exhibit A

VILLAGE OF GILTNER

4021 N COMMERCIAL AVENUE
P O BOX 218
GILTNER, NE 68841-0218

Phone 402-849-2800
Fax 402-849-2845

WATER POLICY

All residential households and businesses of the Village of Giltner shall have municipal water hook-up. Village is responsible from the village water main to the residential or business property line. Owner is responsible from property line to residence or business. Owner responsibility includes initial installation and any/all future maintenance. Materials used by the property owner shall be approved by the village prior to installation. No water well of any size will be allowed within the Village of Giltner limits without board approval.

Meter Pits: Each property shall have one meter pit. Cost of meter pit and installation is responsibility of the village. No additional meter pit will be installed at a single-family dwelling.

All water at each household and/or business, (inside and outside) shall run through the meter pit. Certain exceptions may be allowed after a thorough investigation by the Village Board of Trustees. No work will be allowed until approved by the Board of Trustees at a regular board meeting. Change of property owner does not guarantee transfer of exception.

Limited water hook-up: Any resident of the village may request limited water hook-up. Water charges will be billed for a period of six months per calendar year. Sewer service will be billed for the same time-period of six months per calendar year.

There will be a service charge of \$40.00 each time a water service is shut off or turned on. This does not include shut off or turn on for normal maintenance purposes.

Meter reading: Meters are read on or about the last day of the month. Bills are mailed on or about the 12th of the month. Payment is due at that time and considered late the following 1st of the month. If the 1st falls on a weekend, payment is considered late the following business day. Late charges (10% per month) will be added to bills not paid by the 1st (or the following business day).

Failure to act on the past due bill shall result in disconnection of the water service on or about the 20th of the month. The meter will not be reconnected until the past due bill is paid in full. A \$40.00 reconnect fee will be required.

BUDGET PLAN CONFERENCE

All patrons are entitled to request a budget plan conference. The clerk will arrange the budget plan conference. The conference will be conducted by the board chair or a designated board member. The clerk will prepare the form and be present during the conference as a witness.

(continued on page 2)

BUDGET CONFERENCE PROCEDURE

The budget will be arrived at by:

- 1) computing the previous 12 month total dollar amount
- 2) adding the total amount in arrears
- 3) dividing by 12 (months).

Payment of the budget bill will be in accordance with the above set water policy. Payment will be required, or the meter will be shut off. A new budget conference is not an option.

Budget payments will end after the 12th payment at which time the past years payments will be calculated to determine money due to the village or refund due to the patron.

A copy of the signed agreement will be given to the patron and the original will be filed in the clerk's office.

VILLAGE CLERK HOURS
M-W-F 10AM-2PM
TUES 4PM-8PM

Policy in effect on August 24, 2007
Giltner Code 51.03

CHAPTER 52: SEWERS

Section

- 52.01 Rules and regulations
- 52.02 New connections

§ 52.01 RULES AND REGULATIONS.

The Board of Trustees shall make all necessary rules and regulations governing the use, operation, and control of the sewage system. The Board of Trustees shall establish just and equitable rates or charges to be paid to it for the use of such disposal plant and sewerage system by each person, firm or corporation whose premises are served thereby. Sewer rates are adopted by reference as if fully set forth herein and are on file at the office of the Village Clerk and available for public inspection during the hours the office is open for the transaction of business. If the service charge so established is not paid when due, such sum may be recovered by the municipality in a civil action, or it may be certified to the Tax Assessor and assessed against the premises served, and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned.

(Neb. RS 18-503)

§ 52.02 NEW CONNECTIONS.

Any new connections to the municipal sewer system shall be connected with the appropriate service saddle. Hook-up should be a minimum 40 SC-40 or clay tile. Connections are subject to the inspection and approval of the Utility Superintendent or authorized municipal employee.

ORDINANCE NO. 52.03.01

VILLAGE OF GILTNER}
COUNTY OF HAMILTON}
STATE OF NEBRASKA}

An ordinance of the Village of Giltner, Nebraska to set sewer rates.

WHEREAS, the Chairperson and the Board of Trustees is the Governing Body of the Village of Giltner,

THEREFORE, BE IT ORDAINED THAT THE CHAIRPERSON AND THE BOARD OF TRUSTEES, GILTNER, NEBRASKA, do;

HEREBY, set the sewer rates in the Village of Giltner, Nebraska as such:

Residential \$ 38.75 per month
(to include post office)

Commercial \$ 50.00 per month

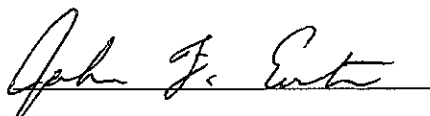
School \$ 175.00 per month

Rates shall take effect November 1st, 2016

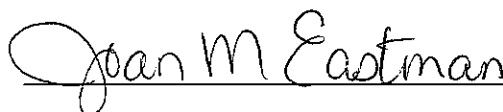
Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.

Reference: NE Revised State Statute: 18-503

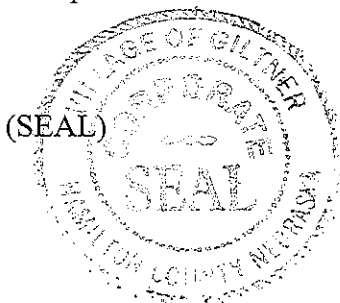


John F. Eastman
Chairperson



Joan M. Eastman
Village Clerk

Date: September 12, 2016



CERTIFICATE OF POSTING NOTICE

The undersigned hereby certifies that attached to this certificate is a true and correct copy of the public notice of meeting of the Board of Trustees of the Village of Giltner, in the State of Nebraska, for the meeting of such Board on February 27, 2012, and that such notice was posted not later than February 23, 2012 in the following three public places within said Village:

Community Center

Library

Giltner Post Office

The undersigned further certifies that such notices remained posted in such places through the date and time of the referenced meeting.

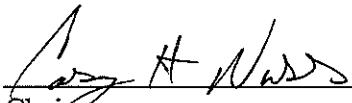
Dated this 27th day of February, 2012.

Jean Eastman
Village Clerk

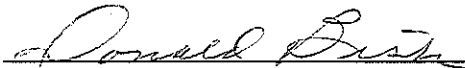
ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned members of the Village Board of Trustees of the Village of Giltner, in the State of Nebraska, hereby acknowledge receipt of notice of a meeting of said body and the agenda for such meeting held at 7:00 p.m., on February 27, 2012, at the Giltner Community Center, located at 4021 North Commercial Avenue in the Village of Giltner, Nebraska.


DATED as of the 27th day of February, 2012.




Chairperson



Trustee



Trustee



Trustee

Trustee

I hereby certify that James Lindquist was (were) absent from the meeting but that, to my personal knowledge, such member(s) received advance notice of the meeting and agenda.



Village Clerk



MINUTES OF MEETING
OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF GILTNER, NEBRASKA

A meeting of the Chairperson and Village Board of Trustees of the Village of Giltner, Nebraska, was held in open and public session at 7:00 o'clock p.m., on February 27, 2012, at the Giltner Community Center, located at 4021 North Commercial Avenue in the Village of Giltner, Nebraska, the regular meeting place of the Board of Trustees. The meeting was called to order by the Chairperson, Casey Nuss; Village Clerk, Joan Eastman recorded the proceedings, and on roll call the following Board of Trustees Members answered present:

John Eastman, Kay Larson, Casey Nuss, Don Bish.

Absent: James Lindquist

Notice of the meeting was given in advance thereof by publication or posting, said form of notice being the designated method for giving notice, an affidavit of publication or certificate of posting being attached to these minutes.

Advance notice of this meeting was also given to the Chairperson and all members of the Board of Trustees. Availability of the agenda was communicated in the advance notice and in the notice to the Chairperson and all members of the Board of Trustees. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. The Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

The Chairperson presided and the Clerk recorded the proceedings. Trustee C. Nuss

introduced the following Ordinance entitled:

AN ORDINANCE OF THE VILLAGE OF GILTNER, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE VILLAGE OF GILTNER, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000) FOR THE PURPOSE OF FUNDING AN ESCROW FOR THE PURPOSE OF REFUNDING THE MARCH 15, 2019 AND 2024 MATURITIES OF THE VILLAGE'S GENERAL OBLIGATION SEWER BONDS, SERIES 2009 AND PAYING CERTAIN COSTS ASSOCIATED THEREWITH; PRESCRIBING THE FORM OF SAID BONDS; AUTHORIZING OFFICERS OF THE VILLAGE TO APPROVE FINAL TERMS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR A PAYING AGENT AND REGISTRAR FOR THE BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT FOR THE BONDS; PROVIDING FOR AN ESCROW AGENT FOR SAID REFUNDED BONDS; AUTHORIZING AN ESCROW AGREEMENT FOR SAID REFUNDED BONDS; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Said Ordinance was designated as Ordinance No. 2012-52.11.1 the title thereof was approved.

Trustee C. Nuss moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Trustee Eastman seconded the motion to suspend the rules and upon roll call vote, the following Trustees Members voted YEA: Larson, Bish, Eastman, Nuss, and Lindquist absent

The following voted NAY: —. The motion to suspend the rules was adopted by three-fourths of the members elected to the Board of Trustees and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. ²⁰¹²⁻52.11.1 was then read by title and Trustee C. Nuss moved for its final passage, which motion was seconded by Trustee Eastman. The Chairperson stated the question "Shall Ordinance No. 2012-52.11.1 be passed and adopted?" Upon roll call, the

following voted YEA: Larson, Bish, Eastman, Nuss, Lindquist-absent. The following voted NAY: —. The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the Board of Trustees, the Chairperson declared the Ordinance adopted and the Chairperson, in the presence of the Board of Trustees, signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed his/her signature thereto.

A true, correct and complete copy of the said Ordinance is as follows:

ORDINANCE NO. 2012-52.11.1

AN ORDINANCE OF THE VILLAGE OF GILTNER, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE VILLAGE OF GILTNER, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE HUNDRED FIVE THOUSAND DOLLARS (\$305,000) FOR THE PURPOSE OF FUNDING AN ESCROW FOR THE PURPOSE OF REFUNDING THE MARCH 15, 2019 AND 2024 MATURITIES OF THE VILLAGE'S GENERAL OBLIGATION SEWER BONDS, SERIES 2009 AND PAYING CERTAIN COSTS ASSOCIATED THEREWITH; PRESCRIBING THE FORM OF SAID BONDS; AUTHORIZING OFFICERS OF THE VILLAGE TO APPROVE FINAL TERMS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR A PAYING AGENT AND REGISTRAR FOR THE BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT FOR THE BONDS; PROVIDING FOR AN ESCROW AGENT FOR SAID REFUNDED BONDS; AUTHORIZING AN ESCROW AGREEMENT FOR SAID REFUNDED BONDS; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE CHAIRPERSON AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA:

Section 1. The Chairperson and Board of Trustees (the "Board") of the Village of Giltner, Nebraska (the "Village"), hereby find and determine:

(a) that the Village owns and operates a sanitary sewer system;

(b) that pursuant to a resolution of necessity and other proceedings duly conducted by the Chairperson and Board, Sewer District No. 2008-1 was duly created, all in accordance with Sections 17-913 through 17-925.04, R.R.S. Neb. 2007 (the "Act");

(b) that pursuant to the Act and Section 10-137, R.R.S. Neb. 2007, as amended, there have been heretofore issued by the Village and are now outstanding General Obligation Sewer Bonds, Series 2009, date of original issue – March 15, 2009 (the "2009 Bonds"), which were issued to finance or refinance costs associated with constructing, equipping and furnishing a new sanitary sewer lift station, sanitary sewers and certain additional sanitary sewer improvements in the Village as follows:

<u>Maturing March 15,</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2014	\$40,000	3.15%
2019	120,000	4.15
2024	145,000	4.75

(d) The 2009 Bonds are subject to optional redemption on March 15, 2014 or anytime thereafter, at a redemption price equal to the principal amount thereof, together with the interest accrued thereon to the date of redemption thereof.

(e) Interest rates in the markets have so declined that the Village may effect a substantial savings by refunding some or all of the 2009 Bonds, and the Village finds it necessary and advisable to issue refunding bonds to refund the March 15, 2019 and March 15, 2024 maturities of the 2009 Bonds in the aggregate principal amount of \$265,000 (together, the "Refunded Bonds") in accordance with their option provisions on March 15, 2014 (the "Redemption Date").

(f) The March 15, 2014 maturity of the 2009 Bonds in the aggregate principal amount outstanding of \$40,000 will not be called for redemption and will be paid by the Village in accordance with its terms.

Section 2. For the purpose set out in Section 1 hereof, there shall be and there hereby are ordered issued evidences of indebtedness of the Village, to be known as "General Obligation Refunding Bonds" in the aggregate principal amount of not to exceed Three Hundred Five Thousand Dollars (\$305,000), to bear date of original issue of March 29, 2012 (or such other date as is agreed to between the Village and the Underwriter, hereinafter referred to as the "Dated Date"), and to be in fully registered form (the "Bonds"). The Bonds shall: (1) be delivered on March 29, 2012 (or such other date as may be set forth in the Designation described below, hereinafter the "Date of Delivery"), (2) mature on the dates and in the principal amounts as the Chairperson, Village Clerk or any member of the Board (each, an "Authorized Officer") may determine on behalf of the Village in a written designation signed by an Authorized Officer and agreed to by the Underwriter described in Section 8 below, which designation may be in the form of the bond purchase agreement authorized pursuant to Section 8 below (hereinafter the "Designation"); (3) bear interest at such interest rates per annum for each maturity as provided in the Designation; (4) be subject to such redemption provisions (which may include mandatory redemption provisions) as provided in the Designation; and (5) be priced and sold to the initial

purchaser thereof on the pricing terms provided in the Designation, subject to and upon the terms set out below and in Section 8 of this Ordinance, provided that:

- (a) the true interest cost of the Bonds shall not exceed Three Percent (3.0%);
- (b) the aggregate amount of original issue premium and original issue discount (if any) shall result in an aggregate net original issue discount (if any) not in excess of One Percent (1.0%) of the stated principal amount of the Bonds;
- (c) Underwriter's discount shall not exceed Two Percent (2.0%) of the stated principal amount of the Bonds;
- (d) the net present value savings attributable to the refunding of the Refunded Bonds shall not be less than 4.25% of the principal amount of the Refunded Bonds;
- (e) the longest maturity of the Bonds shall not be later than March 15, 2024;
- (f) the net available proceeds of the Bonds, together with funds provided by the Village (if any) shall be sufficient to effect the full and complete defeasance of the Refunded Bonds; and
- (g) the weighted average maturity of the Bonds shall not be longer than the weighted average maturity for the Refunded Bonds.

Each Authorized Officer is hereby authorized to make such determinations and execute the Designation on behalf of the Village, and such determinations, when made and agreed to by the Underwriter in the Designation, shall constitute the action of the Village without further action. Interest on the Bonds shall be computed on the basis of a three hundred sixty day year consisting of twelve thirty-day months. The Bonds shall be issued in the denomination of \$1,000 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 payable semiannually on March 15 and September 15 of each year, starting September 15, 2012



(or such other interest payment dates as may be set forth in the Designation, each, 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 last day of the calendar month immediately preceding the calendar month in which the Interest Payment Date occurs (or such other record date as may be set forth in the Designation, 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 Village 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 Village 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 Village 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 Village Treasurer, in the Village of Giltner, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms set out in this Ordinance. The Paying Agent and Registrar shall keep and maintain for the Village books for the registration and transfer of the Bonds at its office in Giltner, Nebraska. 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 said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said 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, on behalf of the Village, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, 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 series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the Village evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The Village and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. 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 5. The Bonds 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 original issue of the Bonds, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or at such other dates and prices as may be determined in the Designation). As and to the extent determined and agreed to by the Underwriter in the Designation, certain of the Bonds may be designated as term bonds and redeemed, in part, prior to their stated maturity, on such date or dates as may be set out in the Designation. Such mandatory redemptions for such bonds due as term bonds shall be at a

price equal to 100% of the principal amount redeemed, plus accrued interest to the date fixed for redemption. The Paying Agent and Registrar shall select such bonds for optional or mandatory redemption using any random method of selection determined appropriate by the Paying Agent and Registrar. The Bonds shall be redeemed only in amounts of \$1,000 or integral multiples thereof. Bonds 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 Village by the Paying Agent and Registrar by mail not less than 30 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 maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall 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 Village 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 Village shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 6. 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 Village, 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 7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

STATE OF NEBRASKA
COUNTY OF HAMILTON

GENERAL OBLIGATION REFUNDING BOND
OF THE VILLAGE OF GILTNER, NEBRASKA
SERIES 2012

No. R- _____ \$

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	_____, 20__	March 29, 2012	376093

Registered Owner: Cede & Co.

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the Village of Giltner, in the County of Hamilton, in the State of Nebraska (the "Village"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or the most recent date to which payment has been made or provided for, whichever is later, at the rate per annum specified above, payable September 15, 2012, and semiannually thereafter on March 15 and September 15 of each year (each an "Interest Payment Date"). Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of and interest on this bond due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the office of the Village Treasurer, as Paying Agent and Registrar, in Giltner, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed on such Interest Payment Date by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the last business day of the month immediately preceding the Interest Payment Date, to such owner's address as shown on such books and records. 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, both principal and interest, as the same become due, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This bond is one of an issue of fully registered bonds of the total principal amount of _____ (\$ _____), of even date and like tenor herewith, except as to date of maturity and rate of interest and denomination, which were issued by the Village for the purpose of

refunding the March 15, 2019 and March 15, 2024 maturities of the Village's General Obligation Sewer Bonds, 2009 Series, date of original issue – March 15, 2009, in the aggregate principal amount of \$265,000 (the "Refunded Bonds"), which Refunded Bonds were issued to finance the costs of certain sewer improvements in the Village (including payment of notes issued to temporarily finance the cost of such improvements), in pursuance of Sections 10-142 and 17-913 through 17-925.04, R.R.S. Neb., 2007, as amended, and other applicable statutes and has been duly authorized by ordinance (the "Ordinance") and other proceeding legally passed, approved and published and by proceedings duly had by the Chairperson and Board of Trustees of the Village.

[The bonds of this issue maturing as term bonds on _____ (the "Term Bonds") shall be redeemed, in part, prior to their stated maturity, on _____ and on _____ of each year thereafter until final stated maturity thereof with such mandatory redemptions and payment at maturity to be for the dates and in the amounts set forth below:

<u>Date of Redemption</u>	<u>Amount Required to be Redeemed</u>
	\$

Such mandatory redemptions for such bonds due as term bonds shall be at a price equal to 100% of the principal amount redeemed, plus accrued interest to the date fixed for redemption. The Paying Agent and Registrar shall select such bonds for optional or mandatory redemption using any random method of selection determined appropriate by the Paying Agent and Registrar.]

Any or all of the bonds of said issue maturing on or after _____, are subject to redemption at the option of the Village, in whole or in part, at any time on or after _____, 2017, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed in the manner specified in the Ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$1,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefor, a registered bond or registered bonds for the unpaid principal balance of like series, maturity and interest rate in any of the authorized denominations provided for in the Ordinance authorizing the issuance hereof.

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 in Giltner, Nebraska, 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 Ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The Village, the 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 due hereunder and for

all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Village are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

AS PROVIDED IN THE ORDINANCE 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 ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE 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 ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE 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.

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 the Village, including this bond, does not exceed any limitation imposed by law.

The Village shall cause to be levied and collected annually taxes on all the taxable property in the Village, in addition to all other taxes, sufficient in rate and amount to fully pay the principal of and interest on this bond as the same become due, to the extent not paid from other sources.

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

IN WITNESS WHEREOF, the Chairperson and Board of Trustees of the Village of Giltner, Nebraska, have caused this bond to be executed on behalf of the Village with the manual or facsimile signatures of the Chairperson and the Village Clerk and by causing the official seal of the Village to be impressed or imprinted hereon, all as of the date of original issue specified above.

VILLAGE OF GILTNER, NEBRASKA

ATTEST:

(Sample – Do Not Sign)
Chairperson

(Sample – Do Not Sign)
Village Clerk

[SEAL]

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by ordinance passed and approved by the Chairperson and Board of Trustees of the Village of Giltner, Nebraska as described in said bond.

(Sample – Do Not Sign)
Village 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

Witness: _____

Note: The signature(s) of this assignment must correspond with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever.

Section 8. Each of the Bonds shall be executed on behalf of the Village with the manual or facsimile signatures of the Chairperson and Village Clerk and shall have impressed or imprinted thereon the Village's seal (which may be a facsimile seal). 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 are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository (including any blanket letter previously executed and delivered by the Village), for and on behalf of the Village, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The Village 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 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 Village, 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 Village determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or 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 ordinance 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; or

(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.

(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 Ordinance, 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, the Village shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and 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 Bonds upon transfer or partial redemption, the Village agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Chairperson and Village Clerk of the Village. 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 Village until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the Village Treasurer, who is authorized to deliver them to D.A. Davidson & Co., as the initial purchaser thereof (the "Underwriter"), upon receipt of a purchase price of not less than 98.00% of the principal amount of the Bonds (such purchase price to be determined in the Designation) plus accrued interest thereon to date of payment of the Bonds. The form of bond purchase agreement for the purchase of the Bonds is hereby approved and its completion (within the parameters proscribed herein) and execution by the Chairperson, Village Clerk or any Trustee on behalf of the Village is hereby authorized. The Underwriter shall have the right to direct the registration of the Bonds and

the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Such purchaser and its agents, representatives and Baird Holm LLP, as Underwriter's bond counsel, are hereby authorized to take such actions and execute such documents on behalf of the Village 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. Upon the execution and delivery of the Bond Purchase Agreement, the Chairperson or any member of the Board are hereby authorized and directed for and on behalf of the Village to give written direction substantially in the form attached hereto as Exhibit "A" to the paying agent and registrar for the Refunded Bonds to call the Refunded Bonds for redemption on the Redemption Date, and to take such other actions as may be necessary or appropriate to call the Refunded Bonds for redemption on the Redemption Date.

Section 10. The net proceeds of the Bonds, together with other available funds of the Village as may be necessary for such purposes, shall be applied (a) to fund an escrow to provide for the payment and satisfaction of all the principal of and interest on the Refunded Bonds as called for redemption on the Redemption Date, and (b) to provide funds for payment of costs of issuance associated with the Bonds. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. In order to satisfy the Village's obligation on the Refunded Bonds, a portion of the proceeds of the Bonds, along with such other funds of the Village as may be required for such purpose, shall be set aside and held and invested in a special trust account or accounts which are hereby ordered established. BOKF, N.A., Lincoln, Nebraska, is hereby designated to serve as the escrow agent ("Escrow Agent"), to have custody and safekeeping of the funds and investments which are to be set aside for the payment

of the Refunded Bonds. For purposes governing such escrow account and the holding and application of such funds and investments, the Village shall enter into an escrow agreement (the "Escrow Agreement") with the Escrow Agent. The Authorized Officers (or any one of them acting alone) are authorized to execute said Escrow Agreement on behalf of the Village and take all other actions necessary or appropriate to establish such Escrow Agreement. The Authorized Officers are further authorized to approve the investments provided for in the Escrow Agreement, and to make any necessary subscriptions for United States Treasury Securities, State and Local Government Securities, or to contract for the purchase of securities in the open market (such securities, the "Defeasance Securities"). Proceeds to be held under the Escrow Agreement shall be invested in the Defeasance Securities and/or held as cash as provided in the Escrow Agreement. Any investment of proceeds of the Bonds held under the Escrow Agreement shall mature not later than the Redemption Date. As provided in the Escrow Agreement, the proceeds of the Bonds herein authorized and investment earnings thereon shall be applied to the payment of the principal of and interest on the Refunded Bonds as the same become due on and prior to the Redemption Date, and as called for redemption on the Redemption Date. The Village agrees that on the date of original issue of the Bonds it shall deposit or otherwise have on hand with the Escrow Agent, from other available sources, funds sufficient after taking into consideration available proceeds of the Bonds and investment earnings to provide funds for all payments due on the Refunded Bonds on or before the Redemption Date, and as called for redemption on the Redemption Date. The holders of the Bonds shall be subrogated on a pro rata basis to the rights of the holders of the Refunded Bonds from and after the redemption and payment of the

Refunded Bonds. The Village hereby agrees to take any and all actions necessary to effect the payment and redemption of the Refunded Bonds on the Redemption Date.

Section 11. The Chairperson and Board shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the Village for the purpose of paying and sufficient to pay the interest and principal of the Bonds when and as such principal and interest become due, to the extent not paid from other sources.

Section 12. The Village hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The Village hereby covenants and agrees to take all actions necessary under the Code, to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The Village hereby designates the Bonds as its "qualified tax-exempt obligations" under Section 265 (b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably anticipate issuance of bonds or other tax-exempt obligations aggregating in principal amount more than \$10,000,000 during calendar 2012. The Village agrees to take all further actions, if any, necessary to qualify the Bonds herein authorized as such "qualified tax-exempt obligations," as and to the extent permitted by law.

Section 13. The Village's obligations under this ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds

and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the Village and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will insure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the Village shall have duly called such Bond for redemption and given notice thereof or made irrevocable provisions for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the Village, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the Village as and when collected.

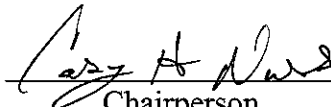
Section 14. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "B" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved 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 15. This Ordinance shall be in force and take effect upon its publication in pamphlet form as provided by law.

PASSED AND APPROVED this 27th day of February, 2012.

ATTEST:


Chairperson


Village Clerk

[SEAL]



Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Chairperson.

The undersigned Village Clerk for the Village of Giltner, Nebraska, hereby certifies that the foregoing is a true and correct copy of the proceedings had and done by the Chairperson and Board of Trustees on February 27, 2012; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the Village Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.



Village Clerk

[SEAL]

EXHIBIT "A"

**VILLAGE OF GILTNER, NEBRASKA
DIRECTION FOR CALL OF SERIES 2009 BONDS**

**BEING REFUNDED THROUGH ISSUANCE OF
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012**

Pursuant to authority granted by an Ordinance of the Board of Trustees (the "Board") of the Village of Giltner, in the State of Nebraska (the "Village") dated February 27, 2012, the undersigned Authorized Officer of the Village hereby gives direction for the call of the bonds described below, as follows:

Section 1. That the following bonds of the Village (collectively, the "Called Bonds") are hereby called for redemption on March 15, 2014 (hereinafter, the "Redemption Date"):

General Obligation Sewer Bonds, dated March 15, 2009, in the principal amount of \$265,000, maturing and bearing interest as follows:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
March 15, 2019*	120,000	4.15	376093 AY6
March 15, 2024*	145,000	4.75	376093 AZ3

*Term bonds

The March 15, 2014 maturity of the Village's General Obligation Sewer Bonds, dated March 15, 2009, in the principal amount outstanding of \$40,000, is not called for redemption and is to remain outstanding and is to be paid by the Village pursuant to its terms.

Section 2. The Called Bonds are to be paid at the office of the Village's Treasurer, as Paying Agent and Registrar for the Called Bonds (the "Paying Agent"), in Giltner, Nebraska.

Section 3. A true copy of this direction shall be filed with the Paying Agent no later than thirty (30) days prior to the Redemption Date and the Paying Agent is hereby instructed to take all actions appropriate for the calling and redeeming of the bonds.

Dated as of this ____ day of _____, 2012.

BY AUTHORITY OF THE BOARD OF TRUSTEES OF THE VILLAGE:

VILLAGE OF GILTNER, IN THE STATE OF
NEBRASKA

By: _____
Authorized Officer



EXHIBIT "B"

Policy and Procedures Federal Tax Law and Disclosure Requirements for Tax-exempt Bonds and/or Build America Bonds

ISSUER NAME: Village of Giltner, in the State of Nebraska

COMPLIANCE OFFICER (BY TITLE): Mayor

POLICY

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds (or as direct pay build America bonds, as applicable) to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments associated with its bonds issued as "build America bonds" are received by the Issuer in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

PROCEDURES

Compliance Officer. Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the "Compliance Officer"). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

Training. The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website ["EMMA"] at <http://www.emma.msrb.org>, or elsewhere).

Compliance Review. A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer's annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

Scope of Review.

Document Review. At the compliance review, the following documents (the "Bond Documents") shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):
 - (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
 - (ii) Form 8038 series filed with the Internal Revenue Service;
 - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
 - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
 - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

- (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

Use and Timely Expenditure of Bond Proceeds. Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

Arbitrage Yield Restrictions and Rebate Matters. The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

Continuing Disclosure. Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

DOCS/1092525.4

CHAPTER 53: SOLID WASTE

Section

- 53.01 Health and safety
- 53.02 Definitions
- 53.03 General regulations
- 53.04 Collection
- 53.05 Board of Health supervision
- 53.06 Precollection requirements
- 53.07 Dumping ground
- 53.08 Fees
- 53.09 Rules and regulations
- 53.10 Burning of garbage prohibited
- 53.11 Garbage and refuse collection; authority

§ 53.01 HEALTH AND SAFETY.

For the purpose of promoting the health and safety of the residents of the village, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. (Ord. 134, passed 2-7-94)

§ 53.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF HEALTH or **BOARD**. The Board of Health of the village.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

REFUSE. All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

RUBBISH. Nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

(Ord. 134, passed 2-7-94)

§ 53.03 GENERAL REGULATIONS.

It shall be unlawful for any person to keep in, on, or about any dwelling house, buildings or premises in the village, any decayed vegetable or animal substance, garbage offal or refuse matter or any substance that may be injurious to the public health or offensive to the residents or inhabitants of the vicinity unless the same is kept in receptacles as set forth in this chapter.

(Ord. 134, passed 2-7-94) Penalty, see § 10.99

§ 53.04 COLLECTION.

(A) *By village.* Within the village limits, no person, partnership, corporation, or other entity shall hereafter collect and remove refuse, including ashes, garbage, or rubbish produced on other than his/her premises (whether owned or leased). The village by and through its Sanitation Department, or in its discretion, by resolution may provide for the letting of a contract for collection, and shall hereafter collect and remove all refuse, including ashes, garbage and rubbish; provided, however, the village shall not collect and remove yard wastes (including grass clippings, leaves, and garden wastes), discarded tires, waste oil, lead-acid batteries, or discarded household appliances, and it shall be unlawful for anyone to deposit such refuse for collection by the village. This section shall not prohibit the actual producers of refuse or the owners of premises upon which refuse had accumulated, from personally collecting, conveying, and disposing of such refuse, provided such producers and owners comply with the provisions of this chapter and with any other governing law or ordinance. This section shall not prohibit collectors or refuse from outside the village from hauling such refuse over the village streets, provided such collectors comply with the provisions of this chapter and with any other governing law or ordinance.

(B) *Practices.*

(1) *Frequency of collection.* The Board of Health may, by regulation, set the frequency of collection of refuse for both residential and commercial properties.

(2) *Quantity.* The village shall be responsible for collecting a reasonable accumulation of refuse from both residential and commercial properties. Additional charges may be assessed for excess collections.

(3) *Special refuse problems.* The Board of Health shall direct collection of refuse that may be infectious or ban collection in an area where contagious diseases have prevailed or that may be highly inflammable or explosive.

(C) *Vehicles.* Every person hauling refuse shall haul the same in water-tight wagons, motor trucks or conveyances and the wagons, motor trucks and other conveyances shall be kept clean at all times. All wagons, motor trucks and other conveyances shall be kept painted and in a sanitary and sightly condition. All containers used for hauling, whether in the form of wagon containers or separate containers used in a wagon, motor truck or other conveyance, shall consist of covered galvanized tanks or 30-gallon drums which shall, in either case, be securely covered and containers must be painted on the outside and cleaned on the inside so that the same may not become offensive to the eye or in an unsanitary condition.

(Ord. 134, passed 2-7-94) Penalty, see § 10.99

§ 53.05 BOARD OF HEALTH SUPERVISION.

All refuse accumulated in the village shall be collected, conveyed and disposed of under the supervision of the Board of Health. The Board of Health shall have the authority to make regulations concerning collection, conveyance and disposal as it shall find necessary, and to change and modify the same from time to time as required.

(Ord. 134, passed 2-7-94)

§ 53.06 PRECOLLECTION REQUIREMENTS.

(A) *Preparation.* Garbage, ashes and rubbish to be collected by the village shall each be placed and maintained in separate containers.

(B) *Preparation of refuse.*

(1) *Garbage.* All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.

(2) *Rubbish.* All rubbish shall be drained of liquid before being deposited for collection; cans and bottles shall be rinsed and drained before being deposited for collection.

(C) *Refuse containers.*

(1) *Sanitary condition.* Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises and shall be maintained in good condition. Any container that does not conform to the provision of this section or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The Board of Health shall have the authority to refuse collection services for failure to comply herewith.

(2) *Garbage.* Garbage containers shall be made of metal or plastic, equipped with suitable handles and tight fitting covers, and shall be water tight, with a capacity of not more than 110 gallons. Exceptions to this subsection are large hopper-type containers designed to be lifted and emptied by mechanical means.

(3) *Rubbish.* Rubbish containers shall be of a kind suitable for collection purposes, and shall be of such weight they can be handled by one man.

(D) *Storing of refuse.*

(1) No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the village unless it is in proper containers for collection or under express approval granted by the Board of Health. Nor shall any person throw or deposit any refuse in any stream or other body of water. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this section shall be deemed a violation of this section.

(2) No person shall cast, place, sweep or deposit anywhere within the village any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the village.

(E) *Points of collection.* Refuse containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to the street from which collection is made; provided, containers may be placed for collection at other than ground level when approved by the Board of Health.

(Ord. 134, passed 2-7-94) Penalty, see § 10.99

§ 53.07 DUMPING GROUND.

The Village Chairperson and the Village Board shall by resolution designate the territory within or adjacent to the village which shall be used as a dumping ground. The Board of Health may make such rules and regulations concerning the dumping ground as may be necessary to maintain the same in a sanitary condition. (Leaves and trees only.)

(Ord. 134, passed 2-7-94)

§ 53.08 FEES.

Whether refuse is collected therefrom or not, each tenant, occupant, or owner in possession of premises within the corporate limits of the village which is on village water and/or sewer, shall pay to the village refuse fees as the Village Board shall by resolution hereafter provide. Refuse bills shall be consolidated with water bills and shall be subject to the applicable provisions of Chapter 50 of this code for purposes of billing, delinquency, and discontinuance of service. Garbage rates are adopted by reference as if fully set forth herein and are on file at the office of the Village Clerk and available for public inspection during the hours the office is open for the transaction of business.

(Ord. 134, passed 2-7-94)

ORDINANCE 53.08.01

VILLAGE OF GILTNER}
COUNTY OF HAMILTON}
STATE OF NEBRASKA}

An ordinance of the Village of Giltner, Nebraska to set garbage rates.

WHEREAS, the Chairperson and the Board of Trustees are the Governing Body of the Village of Giltner,

THEREFORE, BE IT ORDAINED THAT THE CHAIRPERSON AND THE BOARD OF TRUSTEES, GILTNER, NEBRASKA, do;

HEREBY, set the garbage rates in the Village of Giltner, Nebraska as such:

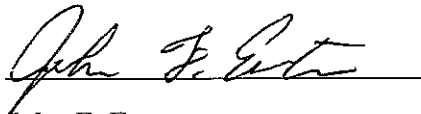
Residential single tote: \$ 17.75 per month

Residential two totes: \$ 26.63 per month


Rates shall take effect January 1st, 2017

Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.



John F. Eastman
Chairperson



Joan M. Eastman
Village Clerk

Date: September 12, 2016



§ 53.09 RULES AND REGULATIONS.

The Board of Health may make such rules and regulations concerning the collection and dumping of refuse as may be necessary for maintaining sanitary conditions in the village.

(Ord. 134, passed 2-7-94)

§ 53.10 BURNING OF GARBAGE PROHIBITED.

It shall be unlawful for any person at any time to burn garbage (exception will be leaves) within the village limits; provided, however, this section shall not apply to village-approved dump grounds.

(Ord. 134, passed 2-7-94) Penalty, see § 10.99

§ 53.11 GARBAGE AND REFUSE COLLECTION; AUTHORITY.

The Board of Health may require the owner, duly authorized agent, or tenant of any lot or land within the zoning jurisdiction of the village, which contains garbage or refuse or upon the streets, or alleys abutting such lot or land to remove the garbage or refuse if necessary notice shall be given to each owner or owner's duly authorized agent and to the tenant, if any, by personal service or by certified mail. After providing such notice, the village through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot or land and streets, roads, or alleys, unless removed by the owner, agent, or tenant within a reasonable time specified in the notice (not to exceed two weeks). If the Chairperson of the Village Board declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazardous to public health and safety, the village shall remove the garbage or refuse, or cause it to be removed, from such lot or land within 48 hours after notice. Whenever the village removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this section, it shall, after a hearing conducted by the Village Board, assess the cost of the removal against such lot or land.

(Ord. 134, passed 2-7-94)

VILLAGE OF GILTNER

4021 N COMMERCIAL AVENUE
P O BOX 218
GILTNER, NE 68841-0218

Phone/Fax 402-849-2800

ELECTRIC POLICY

All residential households and businesses of the Village of Giltner shall have municipal electric hook-up.

New hook-up: Meter will be in the alley or easement. Village is responsible to bottom of the meter. Patron is responsible from bottom of the meter to residence or business. All electric lines will be underground.

Existing services: Any changes to service shall be responsibility of the patron. All electric lines shall be underground.

Exceptions shall be at the discretion of the Board of Trustees.

* * * * *

Meters will be read on or about the last day of the month. Bills will be mailed on or about the 12th of the month. Payment is due at that time and considered late the following 1st of the month, or if the 1st falls on a weekend, the following business day. Late charges (10%) will be added to bills not paid by the 1st (or the following business day).

Failure to act on the past due bill will result in the pulling of the electric meter on the 20th of the month, (or the following business day) unless you have contacted the clerk to set up a budget plan conference.

The meter will not be reconnected until the bill is paid in full. A \$40 fee to disconnect and \$40 reconnect fee will be required. A fee of \$165 is required for reconnect after regular business hours.

The clerk will arrange the budget plan conference, but the actual conference will be conducted by the board chair or a designated board member.

The budget will be arrived at by:

1. computing the previous 12 month total dollar amount
2. adding the total amount in arrears
3. dividing by 12 (months).

The budget bill will be paid in accordance with the paying of a normal light bill with the exception that a new budget conference will not be an option. Payment will be required, or the meter will be pulled.

Budget payments will end after the 12th payment and the past years payments will be calculated to determine money due to the village or refund due to the patron.

BUDGET CONFERENCE PROCEDURE(on back)

1. The clerk will:
 - a. arrange the conference
 - b. inform board chair/designated board member of appointment
 - c. prepare the form
 - d. be present during the conference as a witness.

2. A copy of the signed agreement will be given to the patron and the original will be filed in the clerk's office.

VILLAGE CLERK HOURS
M-F 8am to 4:30PM

Policy Amended in effect on June 10, 2013
Giltner Code 54.01

VILLAGE OF GILTNER

4021 N COMMERCIAL AVENUE
PO BOX 218
GILTNER, NE 68841-0218

Phone/Fax 402-849-2800

DEPOSIT POLICY

All residential households and businesses of the Village of Giltner shall pay a deposit for utility services. The deposit fee covers for services of electric, water, garbage and sewer. The price of the deposit is \$300.00, and a break down is \$100 for each service of water, electric and sewer.

The deposit will be refunded to the resident after 5 years of good standings or upon moving out and will be in the form of a check or can be applied to the last months bill. If resident moves out and leaves a bill behind the deposit will go towards that and anything left over will be returned to resident.

Village Clerk Hours
M-F 8am to 4:30pm

Policy Amended in effect on March 12, 201~~2~~
Giltner Code 54.01

Ordinance No. 54.04.01

AN ORDINANCE OF THE VILLAGE OF GILTNER, NEBRASKA, ESTABLISHING RATES TO BE CHARGED BY THE VILLAGE FOR ELECTRICAL SERVICES TO THE PUBLIC; REPEALING ALL OTHER RATES OR ORDINANCES AND PART OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING THE EFFECTIVE DATE.

BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA:

Section 1: The Village of Giltner shall charge the following rates and for electric service.

As provided in this Ordinance, summer rates shall be for usage during the months of June through September and winter rates shall be for usage during the months of October through May.

A. Residential

Availability: Available to single family residences, individually metered apartments and churches for all domestic purposes, including space heating, when all services are supplied through a single meter and whose entire requirements are provided by the electric utility. Not applicable to resale, stand-by or auxiliary service.

Character of Service: AC, 60 Hertz, single-phase, at any of the Village's standard voltages where the service may be supplied by a single power transformation.

Rate:

Effective Date:	January 1, 2015
Customer Charge, per month	\$16.00
Energy Charge	
Summer	
First 600 kWh, per kWh	0.1500
Excess, per kWh	0.1250
Winter	
First 600 kWh, per kWh	0.1500
Excess, per kWh	0.1150

Minimum Bill: The sum of the Customer Charge and Energy Charge.

B. Residential All-Electric

Availability: Available to single family residences and individually metered apartments for all domestic purposes, including space heating, when all services are supplied through a single meter and whose entire requirements are provided by the electric utility, and the primary source of winter space heating is electrical energy. Not applicable to resale, stand-by or auxiliary service.

Character of Service: AC, 60 Hertz, single-phase, at any of the Village's standard voltages where the service may be supplied by a single power transformation.

Rate:

Effective Date:	January 1, 2015
Customer Charge, per month	\$16.00
Energy Charge	
Summer	
First 600 kWh, per kWh	0.1500
Excess, per kWh	0.0800
Winter	
First 600 kWh, per kWh	0.1500
Excess, per kWh	0.0700

Minimum Bill: The sum of the Customer Charge and Energy Charge.

C. Commercial Service

Availability: Available to non-residential customers whose monthly demand does not exceed 75 kW per month for three (3) consecutive months and whose entire requirements are provided by the electric utility. Not applicable to resale, stand-by or auxiliary service.

Character of Service: AC, 60 Hertz, single-phase or three-phase, at any of the Village's standard voltages where the service may be supplied by a single power transformation.

Rate:

Effective Date:	January 1, 2015
Customer Charge, per month	
Single-Phase	\$21.00
Three-Phase	\$30.00
Energy Charge	
Summer	
First 2,500 kWh, per kWh	0.1550
Excess, per kWh	0.1400
Winter	
First 2,500 kWh, per kWh	0.1550
Excess, per kWh	0.1350

Minimum Bill: The sum of the Customer Charge and Energy Charge.

D. Industrial

Availability: Available to customers with demand of 75 kW or more per month for three (3) consecutive months and whose entire requirements are provided by the electric utility. Not applicable to resale, stand-by or auxiliary service.

Character of Service: AC, 60 Hertz, three-phase, at any of the Village's standard voltages where the service may be supplied by a single power transformation.

Rate:

Effective Date:	January 1, 2015
Customer Charge, per month	\$30.00
Demand Charge	
Summer, per kW-month	\$11.00
Winter, per kW-month	\$10.25
Energy Charge	
Summer, per kWh	0.0650
Winter, per kWh	0.0600

Billing Demand: The billing demand shall be the higher of the peak demand for the current month or 65% of the maximum summer demand for the previous 11 months. Peak demand is calculated as the highest 60 minute integrated demand occurring during the billing month.

Minimum Bill: The sum of the Customer Charge, Demand Charge and Energy Charge.

Power Factor: The customer shall maintain a minimum power factor of 95% (lagging or leading). If the customer fails to do this, measured demand may be adjusted by multiplying by a correction factor of 0.95 divided by the actual power factor at peak demand.

E. Irrigation

Availability: Available for seasonal irrigation service to customers served from existing single or three-phase distribution lines, whose entire requirements are taken through a single meter, under a contract of standard form. Not applicable to resale, stand-by or auxiliary service.

Character of Service: AC, 60 Hertz, three-phase, at any of the Village's standard voltages where the service may be supplied by a single power transformation.

Rate:

Effective Date:	January 1, 2015
Horsepower Charge, per connected horsepower	\$30.00
Energy Charge, per kWh	0.1080

Minimum Bill: The sum of the Horsepower Charge and Energy Charge.

- F. The meter charge shall be assessed for each electric meter held by each customer of the Municipal electric distribution system.
- G. All bills for electric use shall be due and payable on the last day of each month, without notice, at the office of the Village Clerk. In no case shall the minimum charge for any use of electric energy be less than the minimum amounts herein provided for any respective type of electric use.
- H. When electric service to any meter has been disconnected for any reason other than delinquent or nonpayment of customer's electric bill, the customer shall pay a reconnection fee of \$40.00 for restoration of service during business hours and \$165.00 for restoration after business hours.
- I. The Chairperson and Board of Trustees may, by resolution or motion, make adjustments of the rates to be charged to customers of the electric distribution system to reflect periodic fluctuations in the cost of purchased power. Such adjustments shall be temporary and shall remain in effect only until further adjustments are necessary or until subsequent amendment of this Section of the Municipal Code.

Section 2: Any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this Ordinance, and in conflict with its provisions, are hereby repealed.

Section 3: This Ordinance shall take effect and be in full force from now and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 8th day of September, 2014.

VILLAGE OF GILTNER, NEBRASKA

Cary H. Moss
Chairperson



Attest:

Joan Eastman
Joan Eastman, Clerk/Treasurer