

Barnesville City Council
Regular Meeting
February 14, 2022

Mayor Rick called this regular meeting to order at 7:00 p.m. Member's present were Council members Tonya Stokka, Alyssa Bergman, Scott Bauer, Brad Field, Dawn Stuvland, and Don Goedtke. Others in attendance were City Administrator Brenda Andrews, Kathryn DelZoppo with Ohnstad Twichell, City Clerk Jeri Reep, EDA Director Karen Lauer, Finance Director Laurie Schell, Ambulance Manger Scott Nelson, Todd Hagen with Ehlers, Dan Hanson with Moore Engineering, and Michael Stein with Barnesville Record Review.

Mayor Rick asked if there were any additions or corrections to the agenda. City Administrator Brenda Andrews stated that there was only one addition, to add the computer use policy.

02-14-22-01 Motion by Mrs. Stuvland and second by Mrs. Stokka to approve the agenda as presented, with the addition of the computer use policy. Motion carried.

Mayor Rick stated the next item on the agenda was the consent agenda.

02-14-22-02 Motion by Mrs. Stokka and second by Mrs. Bergman to approve the consent agenda as presented. Motion carried. The following items were on the consent agenda:

1. Approval of the council minutes from the regular meeting held on January 10, 2022.
2. Approval of the council minutes from the special meeting held on January 24, 2022.
3. Approval of check numbers 91634 – 91739 and EFT payments for a total of \$1,033,942.87
4. Approval of department head reports.
5. Approval of Wil Linebaugh to the Park Board with term expiring December 2024.
6. Approval of Brad Brasel to the Park Board with term expiring December 2024.
7. Approval of gambling permit for Barnesville Rod & Gun Club-Feb. 19, 2022-Pitchfork
8. Approval of gambling permit for Barnesville Baseball Club-April 15, 2022-Ratzo's Pool Hall.
9. Approval for change in City Organization Chart as presented.
10. Approval of Border States vacuum breaker purchase in the amount of \$72,292.56, plus taxes.
11. Approval of Newsmax TV agreement renewal.
12. Approval of Highway 9 Reconstruct Street Lighting Placement of lights.

Mayor Rick stated the next item on the agenda was the board and commission reports.

Board members reported on the boards and commissions they serve on.

Mayor Rick stated the next item on the agenda was the public forum. Mayor Rick asked if there were any citizens present to be heard. There were none.

Mayor Rick stated the next item on the agenda was the Mayor and Council members announcements.

Mayor Rick thanked Mike Stetz for service as the Fire Chief for 11 years. Andy Boyum is the new Fire Chief. Mayor Rick also thanked the Public Works Dept. for the snow removal they have done this year.

Mayor Rick stated the next item on the agenda was the MN DOT Highway 9 project.

Mr. Joeb Oyster with MN DOT discussed with council members via telephone the MN DOT Highway 9 project. Mr. Oyster discussed the proposed layout of Highway 9 from Main Avenue West and northbound on Front Street from Main Avenue to 2nd Avenue.

02-14-22-03 Motion by Mrs. Stokka and second by Mrs. Stuvland to approve the proposed lighting for the MN DOT Highway 9 project as presented. Motion carried.

Mayor Rick stated the next item on the agenda was the Ehlers Bond.

Mr. Todd Hagen with Ehlers next discussed with council members the \$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A. Mr. Hagen stated the proposed issue includes financing to current refund the City's outstanding Communication Systems Revenue Bonds, Series 2014A for an interest cost savings and General Obligation Equipment Certificates, Series 2017A to extend maturities to better match the resources available for their payment. Midwest Bank of Barnesville was the purchaser, with an interest rate of 2.1133%. Four proposals were received. The closing date will be March 16, 2022. Mayor Rick asked council members if they had any questions for Mr. Hagen. There were none.

02-14-22-04 Motion by Mr. Goedke and second by Mrs. Stokka to approve the \$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A Resolution. Upon a roll call vote, the following voted aye; Council members Stokka, Goedtke, Stuvland, Bauer, Bergman and Field. The following voted nay: none. Motion carried.

EXTRACT OF MINUTES OF A MEETING OF THE CITY COUNCIL OF THE
CITY OF BARNESVILLE, CLAY COUNTY, MINNESOTA

HELD: February 14, 2022

Pursuant to due call and notice thereof, a regular meeting of the Barnesville City Council, Clay County, Minnesota, was duly called and held at the City Hall in the City of Barnesville on the 14th day of February, 2022, for the purpose of awarding the sale of \$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A, of the City.

The following members were present: Stokka, Goedtke, Stuvland, Bauer, Bergman and Field., and the following were absent: none.

Member Goedtke introduced the following resolution and moved its adoption:

CITY OF BARNESVILLE
COUNTY OF CLAY
STATE OF MINNESOTA
RESOLUTION NO. 02-14-22-04
RESOLUTION ACCEPTING OFFER ON THE SALE OF
\$2,922,000 COMMUNICATION SYSTEM REVENUE REFUNDING BONDS,
SERIES 2022A, AND PROVIDING FOR THEIR ISSUANCE

A. WHEREAS, the City of Barnesville, Clay County, Minnesota (the “City”), has hereto determined and declared that it is necessary and expedient to issue \$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A (the “Refunding Bonds”) of the City, pursuant to Chapter 7, Section 4 of the City’s Home Rule Charter and Minnesota Statutes, Chapter 475, to effect a current refunding of the outstanding maturities of the \$3,870,000 Communication System Revenue Bonds, Series 2014A (2022 through 2034 maturities) and General Obligation Equipment Certificates, Series 2017A (2022 through 2034 maturities) originally issued to finance improvements to the City’s broadband communication infrastructure system; and

B. WHEREAS, The City owns and operates, a municipal Communication System (the “Communication System”). The City operates the Communication System as a public, revenue-producing convenience, providing service to the City and its inhabitants as authorized by the City’s home rule charter; and

C. WHEREAS, the city has operated the Communication System for nearly 100 years; and

D. WHEREAS, the City is authorized to issue and sell revenue bonds to finance the acquisition and improvement of the Communication System and related costs; and

E. WHEREAS, the city, by resolutions previously heretofore adopted, authorized the issuance of its \$3,870,000 Communication System Revenue Bonds, Series 2014A and General Obligation Equipment Certificates, Series 2017A (collectively the “Refunded Bonds”); and

F. WHEREAS, the city, through the issuance of the Refunding Bonds for the purpose of current refunding of the Refunded Bonds, can reduce the debt service of the city; and

G. WHEREAS, it is desired to provide for the retirement of the Refunded Bonds, which will continue to remain outstanding after the consummation of the refunding from an escrow fund to be established, into which fund there will be deposited proceeds from the Refunding Bonds, together with the earnings thereon and other monies deposited therein, will be fully sufficient to pay and retire the outstanding Refunded Bonds on their respective maturity or redemption dates, all in the manner for which provision is hereafter made; and

H. WHEREAS, it is desired to provide for the retirement of up to \$2,922,000 of the principal of the Refunded Bonds from a fund to be established from the proceeds of the Refunding Bonds; and

I. WHEREAS, it is in the best interests of the City that the Refunding Bonds be issued in bookentry form as hereinafter provided; and

J. WHEREAS, the following offers to purchase the Bonds were received, opened and recorded at the offices of Ehlers & Associates, Inc. at 10:00 a.m. on February 10, 2022; and

K. WHEREAS, the City has received from DA Davidson – Midwest Bank (the “Purchaser”) a proposal to purchase the Bonds at a price of \$2,922,000, plus accrued interest, which terms are equivalent to an average annual net interest cost on the Bonds of 2.1231036% per annum, upon the terms and conditions herein specified.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City as follows:

1. Acceptance of Offer. The offer of the Purchaser to purchase the \$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A, of the City (the “Refunding Bonds,” or, individually, a “Bond”), in accordance with the terms of proposal, at the rates of interest hereinafter set forth, and to pay therefore the sum of \$2,922,000, is hereby found, determined and declared to be the most favorable offer received and is hereby accepted, and the Bonds are hereby awarded to the Purchaser.

2. Retirement of the Refunded Bonds. The city will cause notice of redemption to be sent by mail to the Bond Registrar, Paying Agent and registered owner(s) of the Refunded Bonds indicating that the Refunded Bonds will be redeemed on March 18, 2022. At closing, the City shall deposit \$283,325.00 from Refunded Bonds Debt Service Reserve Fund with Midwest Bank from funds currently held by the City, and \$3,114,699.76 of Refunding Bond proceeds, such an amount equal to the amount necessary to pay the principal and interest, if any, on all of the Redeemed bonds on March 18, 2022.

3. Security Pledged for Refunding Bonds.

3.01. Pledge of Net Revenues. Following the redemption of the Refunded Bonds which shall occur on March 18, 2022, the principal of and interest on the Bonds shall be solely payable from and (except as otherwise provided herein) constitute a first lien and charge on the Debt Service Account, the Debt Service Reserve Account and the Net Revenues of the Communication System. Prior to the redemption of the Refunded Bonds, the Refunding Bonds shall have a subordinate lien on and charge on the Debt Service Account, the Debt Service Reserve Account and the Net Revenues of the Communication System, subject only to the prior lien of the Refunded Bonds.

3.02. Reserve Account Requirement. Upon issuance of the Refunding Bonds, the City shall deposit in the Debt Service Reserve Account an amount from funds currently held by the City equal to the then applicable Reserve Requirement.

3.03. Not General Obligations. **The Refunding Bonds are not general obligations of the city. The Refunding Bonds are special limited obligations of the city payable solely from the Net Revenues of the Communication System. The Refunding Bonds will never constitute an indebtedness, a general or moral obligation or a charge against the general credit or taxing powers of the City or any property of the City (other than those interests assigned pursuant to this Resolution), and no holder of the Refunding Bonds shall have the right to compel the exercise of the taxing power or the appropriation of any other funds, or revenues of the City to the payment of the principal of, or premium or interest on the Refunding Bonds.**

4. Terms of Refunding Bonds.

4.01. Title: Original Issue Date: Denominations; Maturities. The Refunding Bonds shall be entitled “\$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A,” shall be dated March 16, 2022, as the date of original issue, and shall be issued forthwith on or after such date as fully registered bonds. The Refunding Bonds shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity. The Refunding Bonds shall mature on December 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2022	\$219,000	2027	\$218,000	2031	\$235,000
2023	204,000	2028	221,000	2032	240,000
2024	207,000	2029	226,000	2033	246,000
2025	211,000	2030	230,000	2034	252,000
2026	213,000				

4.02. Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or successors to its functions hereunder (the “Depository”) will act as securities depository for the Refunding Bonds, and to this end:

(i) The Refunding Bonds shall be initially issued and, so long as they remain in book entry form only (the “Book Entry Only Period”), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Refunding Bonds; and for purposes of complying with this requirement under paragraphs seven (7) (with respect to redemption) and 12 (with respect to registration, transfer, and exchange), Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only period to the outstanding principal amount of that Bond.

(ii) Upon initial issuance, ownership of the Refunding Bonds shall be registered in a bond register maintained by Bond Trust Services Corporation, Roseville, Minnesota (the “Bond Registrar”) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the “Nominee”).

(iii) With respect to the Refunding Bonds, neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Refunding Bonds as securities depository (the “AParticipant”) or the person for which a Participant holds an interest in the Refunding Bonds shown on the books and records of the Participant (the “Beneficial Owner”). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Refunding Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Refunding Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Refunding Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Refunding Bonds (the “Holder”). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Refunding Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Bond Registrar may treat and deem the Depository to be the absolute owner of the Refunding Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Refunding Bonds, for the purpose of giving notices of redemption and other matters with respect to the Refunding Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Refunding Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Refunding Bonds only to or upon the Holder or the Holders of the Refunding Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City=s obligations with

respect to the principal of and premium, if any, and interest on the Refunding Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 12 (with respect to registration, transfer, and exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations, to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Refunding Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Refunding Bonds, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be affected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Refunding Bonds.

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(ix) Any successor Bond Registrar, in its written acceptance of its duties under this Resolution and any paying agency registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(x) In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Refunding Bonds for a Bond of a lesser denomination as provided in paragraph seven (7) hereof (with respect to redemption), make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

4.03. Termination of Book-Entry Only System. Discontinuance of a particular Depository’s services and termination of the book-entry only system may be affected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Refunding Bonds at any time by giving written notice to the city and discharging its responsibilities with respect thereto under applicable law. The city may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the city or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Refunding Bonds, the Refunding Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Refunding Bonds shall designate at that time, in accordance with paragraph 10 hereof. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10 (with respect to registration, transfer, and exchange) hereof, the Refunding Bonds will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (iii) shall limit or restrict the provisions of paragraph 12 (with respect to registration, transfer, and exchange) hereof.

4.04. Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this Resolution, the provisions in the Letter of Representations shall control.

5. Purpose. The Refunding Bonds have been issued to affect a current refunding of the outstanding maturities of the \$3,870,000 Communication System Revenue Bonds, Series 2014A and General Obligation Equipment Certificates, Series 2017A originally issued to finance improvements to the City=s broadband communication infrastructure system; and

6. Interest. The Refunding Bonds shall bear interest payable semiannually on June 1 and December 1 of each year (each an “Interest Payment Date”), commencing June 1, 2022, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

Maturity	Interest	Maturity	Interest	Maturity	Interest
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<u>Year</u>	<u>Rate</u>	<u>Year</u>	<u>Rate</u>	<u>Year</u>	<u>Rate</u>
2022	1.200%	2027	1.800%	2031	2.200%
2023	1.300	2028	1.900	2032	2.300
2024	1.450	2029	2.000	2033	2.400
2025	1.600	2030	2.100	2034	2.500
2026	1.700				

7. Redemption.

7.01. Optional Redemption. The Refunding Bonds maturing on or after December 1, 2023, (“Optional Redemption Date”) may be redeemed prior to their respective maturity dates, at the option of the Issuer, on December 1, 2022, and on any date thereafter, at a price equal to the principal amount plus accrued interest. Redemption may be in whole or in part, and if in part, at the option of the Issuer and in such manner as the Issuer shall determine and within a maturity by lot as selected by the registrar. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

7.03. Extraordinary Redemption Due to Damage or Destruction. In the event of Damage or Destruction which cannot be cured pursuant to paragraph 20.04, the City must redeem the entire outstanding balance of the Refunding Bonds at a price equal to one hundred percent (100%) of the principal amount of the outstanding bonds, plus accrued interest to the redemption date. Redemption must be in whole. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

7.04. Extraordinary Redemption Prior to Optional Redemption Date. Upon sale or transfer of the Communication System prior to the Optional Redemption Date, the City must redeem the entire outstanding balance of the Refunding Bonds at a price equal to one hundred and two percent (102%) of the principal amount of the outstanding bonds, plus accrued interest to the redemption date. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

7.05. Extraordinary Redemption After Optional Redemption Date. Upon sale or transfer of the Communication System after the Optional Redemption Date, the Refunding Bonds may be redeemed prior to their respective maturity dates, at the option of the Issuer, at a price equal to the principal amount plus accrued interest. Redemption may be in whole or in part, and if in part,

at the option of the Issuer and in such manner as the Issuer shall determine and within a maturity by lot as selected by the registrar. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

7.06. Refunding Bonds Not Subject to Acceleration. The Refunding Bonds are not subject to acceleration in the event of a default.

8. Bond Registrar. Bond Trust Services Corporation, in Roseville, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Refunding Bonds, and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as Paying Agent unless and until a successor Paying Agent is duly appointed. Principal and interest on the Refunding Bonds shall be paid to the registered holders (or record holders) of the Refunding Bonds in the manner set forth in the form of Bond and paragraphs (four) 4 and (six) 6 of this Resolution.

9. Form of Bond. The Refunding Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

[Remainder of page intentionally left blank.]

UNITED STATES OF AMERICA
STATE OF MINNESOTA
CLAY COUNTY

CITY OF BARNESVILLE, MINNESOTA

No. R- _____

\$ _____

COMMUNICATION SYSTEM REVENUE REFUNDING BONDS, SERIES 2022A

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>DATE OF</u> <u>ORIGINAL ISSUE</u>	<u>CUSIP</u>
		March 16, 2022	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Barnesville, Clay County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay, but solely from the sources hereinafter described, to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for earlier redemption, and to pay interest thereon semiannually on June 1 and December 1 of each year (each an "Interest Payment Date"), commencing June 1, 2022, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of the Bond Trust Services Corporation, Roseville, Minnesota (the "Bond Registrar"), acting as Paying Agent, or any successor Paying Agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America.

Redemption. The Series 2022 Refunding Bonds are subject to optional redemption, at the election of the Issuer, in whole or in part, and if in part in such manner as the Issuer shall determine, on December 1, 2022, and any date thereafter, at a redemption price of par plus accrued interest. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

The Series 2022A Refunding Bonds are subject to extraordinary redemption, in the event of damage or destruction, or upon sale or transfer of the Communication System as more fully described in paragraph seven (7) of the Resolution. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar.

In the event this Bond is called for prior redemption, not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Refunding Bonds, the Issuer will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent and registered owner of the bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar. The Refunding Bonds to be redeemed shall be selected by the Bond Registrar in the manner prescribed in the Bond Resolution.

Issuance; Purpose. This Bond is one of an issue in the total principal amount of \$2,922,000 all of like date of original issue and tenor, except as to number, maturity, interest rate, and denomination, which Bond has been issued pursuant to and in full conformity with the Constitution, and the laws of the State of Minnesota, and pursuant to Chapter 7, Section 4 of the City's Home Rule Charter and Minnesota Statutes Chapter 475, and a Resolution adopted by the Issuer on February 14, 2022 (the "Resolution") for the purpose of effecting a current refunding of the outstanding maturities of the \$3,870,000 Communication System Revenue Bonds, Series 2014A and General Obligation Equipment Certificates, Series 2017A originally issued to finance improvements to the City's broadband communication infrastructure system; and

This Bond does not constitute or give rise to a charge against the general credit or taxing powers of the Issuer and does not grant the Owner of this Bond any right to have the Issuer levy any taxes or appropriate any funds for the payment of the principal hereof or interest hereon, nor is this Bond a general obligation or a pecuniary liability of the Issuer or the individual officers or agents thereof. This Bond does not constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory or charter limitation. This Bond and interest hereon are payable solely from revenues generated by the Issuer's operation of its Communication System. Additional bonds may be issued, payable on a parity of lien from the Net Revenues of the Communication System, upon the terms and conditions provided in the Resolution.

Denominations; Exchange Resolution. The Refunding Bonds are issuable solely as fully registered bonds in the denominations of \$5,000 and integral multiples thereof of a single maturity and are exchangeable for fully registered Refunding Bonds of other authorized denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by his, her or its attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon, the Issuer shall execute, and the Bond Registrar shall authenticate and deliver in exchange for this Bond, one or more new fully-registered Refunding Bonds in the name of the transferee (but not registered in blank or to “bearer” or similar designation), of an authorized denomination or denominations, in an aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided, and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Designated as a Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that the City has fixed and established and will collect reasonable rates and charges for the services and facilities provided by the Communication System; that the City will maintain on its books and records a Communication Fund, and will credit to the Operating Account of the Communication Fund the Gross Revenues of the Communication System as received and pay all Operating Expenses therefrom, and will credit to the Debt Service Account, once each month, out of Net Revenues then on hand, an amount equal to one-twelfth (1/12) of all principal payable on the Refunding Bonds during the next twelve (12) months and one sixth (1/6) of all interest payable on the Refunding Bonds in the next six (6) months, and will credit to the Debt Service Reserve Account an amount necessary to

maintain therein a balance equal to the least of (i) 10% of the original principal amount of the Refunding Bonds, or (ii) the maximum amount of principal and interest coming due in any future calendar year on the Refunding Bonds and any parity bonds, or (iii) 125% of the average annual principal and interest payable on the Refunding Bonds and any parity bonds; that the obligation to credit such accounts is cumulative, and if in any month the money in the Communication Fund is insufficient to credit the required amount into any account, the deficiency shall be made up in the following month or months after payment to all other accounts having such a claim on such revenues has been paid in full; that the City will impose and collect such rates and charges as necessary to provide in each Fiscal Year Net Revenues at least equal to 120% of the annual principal and interest payable on all Refunding Bonds payable from the Debt Service Account in such Fiscal Year; that all provisions for the security of the Refunding Bonds set forth in the Resolution will be punctually and faithfully performed as therein stipulated; that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional, statutory or charter limitation of indebtedness.

IN WITNESS WHEREOF, the City of Barnesville, Clay County, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the manual signatures of its Mayor and its City Administrator, the official seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration: March 16, 2022

Bond Registrar's

CITY OF BARNESVILLE,
CLAY COUNTY, MINNESOTA

CERTIFICATE OF AUTHENTICATION

This Certificate is one of the Certificates described in the Resolution mentioned within.

Mayor

BOND TRUST SERVICES CORPORATION
3060 Centre Pointe Drive
Roseville, MN 55113
Bond Registrar

City Administrator

By: _____
Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UTMA - _____ as custodian for _____

(Cust)

(Minor)

under the _____ Uniform Transfers to Minors Act
(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____
the within Bond and does hereby irrevocably constitute and appoint _____
attorney to transfer the Bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a) (2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by

joint account.)

SPECIMEN

CERTIFICATE AS TO LEGAL OPINION

We certify that attached is the legal opinion rendered by Bond Counsel on the issue of Refunding Bonds, which includes the within Bond, dated as of the date of delivery of and payment for the Refunding Bonds.

Mayor

City Administrator

[Remainder of page intentionally left blank.]

SPECIMEN

10. Execution; Temporary Bonds. The Refunding Bonds shall be printed (or, at the request of the Purchaser, typewritten), shall be executed on behalf of the City by the signatures of its Mayor and City Administrator, and, provided further, that both of such signatures may be printed (or, at the request of the Purchaser, photocopied) facsimiles, and the corporate seal may be omitted on the Refunding Bonds as permitted by law. In the event of disability or resignation or other absence of either such officer, the Refunding Bonds may be signed by the manual or facsimile signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature or facsimile of whose signature shall appear on the Refunding Bonds shall cease to be such officer before the delivery of the Refunding Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. The City may elect to deliver, in lieu of printed definitive bonds, one or more typewritten temporary bonds in substantially the form set forth above, with such changes as may be necessary to reflect more than one maturity in a single temporary bond. The temporary bonds may be executed with photocopied facsimile signatures of the Mayor and City Administrator. Such temporary bonds shall, upon the printing of the definitive bonds and the execution thereof, be exchanged therefore and canceled.

11. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless a Certificate of Authentication on such Bond, substantially in the form herein above set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Refunding Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Refunding Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution.

12. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Refunding Bonds and the registration of transfers of Refunding Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 11 with respect to authentication) of, and deliver, in the name of the designated transferee or transferees, one or more new Refunding Bonds of any authorized denomination or denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Refunding Bonds may be exchanged for Refunding Bonds of any authorized denomination or denominations of a like aggregate principal amount and stated maturity, upon surrender of the Refunding Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Refunding Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Refunding Bonds which the Holder making the exchange is entitled to receive.

All Refunding Bonds surrendered upon any exchange or transfer provided for in this Resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Refunding Bonds delivered in exchange for or upon transfer of Refunding Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this Resolution, as the Refunding Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Refunding Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Mayor is hereby authorized to negotiate and execute the terms of said agreement.

13. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

14. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record

Date shall be given by the Bond Registrar to the Holders not less than ten (10) days prior to the Special Record Date.

15. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 6 above, with respect to interest payment and record date) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

16. Delivery; Application of Proceeds. The Refunding Bonds when so prepared and executed shall be delivered by the City Administrator to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

17. Fund and Accounts. There is hereby created a special fund to be designated the "Communication System Revenue Refunding Bonds, Series 2022 Fund" (the "Fund") to be administered and maintained by the City Administrator of the City as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Refunding Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund five (5) separate accounts, to be designated the "Communication Fund," "Operation and Maintenance Account," "Revenue Bond Account", "Debt Service Reserve Account" and "Surplus Account" respectively. Revenues on hand in the Fund from time to time shall be apportioned among said accounts at least once in each calendar month and shall thereafter be held and administered and disbursed from the several accounts established in this section.

- (a) Communication Fund (the "Fund"). There shall be credited and paid as received, the entire gross revenues derived from the operation of the Communication System, and from any future additions thereto and betterments thereof, including all income and receipts derived from rates, fees and charges for services, facilities, products and by-products of the Communication System furnished or sold to the Issuer and its inhabitants and all other customers, and for the availability thereof, and from sale of any of the properties of the Utility not necessary to be retained, and from the investment of any of the money so collected.
- (b) Operation and Maintenance Account. There shall be credited upon each such monthly apportionment, as a first lien and charge on the gross revenue of the Communication System, such sum as shall be needed, over and above any credit balance held therein, to pay all claims then due and allowed which by accepted accounting practices constitute normal, reasonable and current expenses of operation and maintenance of the Communication System, and to pay such expenses estimated to accrue for a period of one month, and to maintain a reasonable reserve for contingencies. Monies in said account shall be used only to pay expenses of the foregoing type and not for major repairs, replacements, or

capital improvements which are properly chargeable to replacement and depreciation reserves or surplus funds. All revenues in excess of such amount shall be the "Net Revenues" of the Communication System.

- (c) Revenue Bond Account. To the 2022 Communication System Revenue Refunding Bond Account (the "Bond Account") there shall be credited, out of the Net Revenues of the Communication System on hand at the time of each such distribution, an amount equal to not less than one-sixth (1/6) of the amount necessary to pay bond interest which becomes due on the next interest payment date, and an amount equal to not less than one-twelfth (1/12) of the sum of the principal payments to become due on the next principal payment date on the Refunding Bonds and Parity Bonds, if any; except, however, in the 2022 calendar year, there shall be credited, out of the Net Revenues of the Communication System on hand at the time of each such distribution, an amount equal to not less than one-sixth (1/6) of the amount necessary to pay bond interest which becomes due on the next interest payment date, on the Refunding Bonds and Parity Bonds, if any. These amounts may be reduced by an amount equal to the monthly interest earnings on the Revenue Bond Account, and any amounts transferred that month to the Revenue Bond Account from the Reserve Account. If Net Revenues on hand at any time are insufficient to permit the transfer to said account of the full amount so required, such deficiencies shall be restored out of the next net revenues thereafter received. There shall also be credited to said account the premium and accrued interest, if any, paid on each such issue of revenue bonds payable from said account. The money in said account shall be solely for the purposes of paying principal and interest, as such principal and interest respectfully come due, on revenue bonds which are issued and made payable therefrom.
- (d) Surplus Account. All surplus Net Revenues of the Communication System from time to time received in excess of the current requirements of the Revenue Bond Account and Reserve Account shall be credited on the books of the City to the Surplus Account of the Fund; provided, that City reserves the right to create additional accounts within said Fund for the purpose of segregating any of such surplus Net Revenues which may be pledged and appropriated to the payment of any obligations hereinafter issued to finance improvements, replacements, or repairs of the said Communication System, other than bonds made payable from the Revenue Bond Account, subject to the prior lien of the Net Revenues of the bonds payable from that account. Surplus Net Revenues on hand from time to time shall be available and shall be used to the full extent necessary to restore a deficiency in the Operation and Maintenance Account and the Revenue Bond Account and Reserve Account, but when not so needed may be used to pay for capital improvements, replacements, or repairs to the Communication System, or to pay principal and interest on obligations hereafter issued for such purposes, other than bonds payable from the Revenue Bond Account, or they may be used

to redeem and pay prior to maturity bonds payable from the Revenue Bond Account, when and as such bonds become redeemable according to their terms. The City shall maintain in said account such a balance of cash investments as it shall from time to time determine to constitute an adequate reserve for operation of maintenance emergencies and for depreciation and contemplated improvement or replacement, but monies in excess of such reserve may be transferred to other accounts of the City in accordance with and subject to the limitations contained in the ordinances of the City and the provisions of state law.

No portion of the proceeds of the Refunding Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Refunding Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent (5%) of the proceeds of the Refunding Bonds or \$100,000. To this effect, any revenues pledged to the Debt Service Account, in excess of amounts which under then-applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable “temporary periods” or “minor portion” made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Refunding Bonds to be “federally guaranteed” within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the “Code”).

18. Refunded Bonds. The City has previously issued its \$3,870,000 Communication System Revenue Bonds, Series 2014A and General Obligation Equipment Certificates, Series 2017A originally issued to finance improvements to the City=s broadband communication infrastructure system; and 2001 (the “Refunded Bonds”), which will be redeemed and paid in full in accordance with paragraph two (2) of this Resolution on March 18, 2022. At closing of the Refunding Bonds, the City will deposit proceeds of the Refunding Bonds in an account as set forth in Section 2 of this Resolution. Once the Refunded Bonds are redeemed, the City will have no prior bonds which have lien on the Net Revenues of the Communication System for their payment. The City Administrator is hereby authorized to send notice of redemption on March 18, 2022, or the first date that such Refunded Bonds may be called to the owners of such Refunded Bonds.

19. Additional Bonds.

19.01. Additional Parity Bonds. The City reserves the right to issue one or more series of bonds on a parity of lien on the Net Revenues as to both principal and interest with the Refunding Bonds. In the event the Issuer shall at any time determine it to be necessary and expedient to issue additional bonds to finance capital improvements of the Communication System, such additional bonds may be made payable from the Revenue Bond Account and Reserve Account on a parity as to both principal and interest with the then outstanding Refunding Bonds payable from said account, if the annual Net Revenues received during the fiscal year next preceding such issuance shall have equaled or exceeded 120% of the average of all principal and interest to become due and payable from said account in each subsequent complete fiscal year of the then remaining term of said outstanding Refunding Bonds, and on the additional bonds to be issued.

If any of the rates and charges for Communication System service shall have been increased or reduced at any time subsequent to the commencement of the fiscal year immediately preceding the issuance of additional bonds as contemplated above, the Net Revenues for the period prior to such change shall be deemed, for the purpose of the computation required above, to be those which would have been received by applying the revised rates and charges to the quantities of the Communication System service actually used, less the estimated amount of decrease in consumption due to an increase in said rates and charges, and by deducting from the gross revenues so determined the actual operating expenses of the Communication System for said period.

In the event additional bonds are so issued, the balance in the Reserve Account shall be increased to an amount equal to the lesser of (i) 10% of the original principal amount of all Refunding Bonds payable from the Bond Fund (including the additional bonds), or (ii) the maximum annual debt service on all Refunding Bonds (including the additional bonds) payable from the Bond Fund during the remaining term of the then outstanding Refunding Bonds, or (iii) 125% of the average annual debt service on all Refunding Bonds (including the additional bonds) payable from the Bond Fund during the remaining term of the then outstanding Refunding Bonds.

19.02. Subordinate Lien Bonds. Except as authorized in paragraph 19.01, the Issuer will issue no additional bonds or other obligations of any kind payable from or constituting a lien upon the Net Revenues of the Communication System, unless the lien thereof is expressly made junior and subordinate to the lien on the then outstanding Refunding Bonds issued hereunder, and such additional bonds or obligations shall not be payable from the Revenue Bond Account herein created.

20. Covenants.

20.01. Rate Covenant. The City will establish, impose and collect for the services, facilities, products, and by-products of the Communication System, according to a schedule projected to generate Net Revenues at least equal to 120% of the annual debt service on all Refunding Bonds payable from the Revenue Bond Account. If the actual Net Revenues fail to meet this level, the Issuer shall promptly increase its fees to a level so that Net Revenues are projected to meet the required level.

20.02. Covenant to Maintain Communication System. The City will continue to own, operate and maintain the Communication System, provided, that any properties of the Communication System not essential to continued operation of the Communication System in satisfaction of other covenants herein prescribed may be sold or otherwise disposed of at their market value, and the proceeds thereof used to purchase other property required for the Communication System or to pay principal and interest on obligations issued with respect to such Communication System. The City will continue to maintain the Communication System in good and efficient operating condition, supplying communication service to the City and its inhabitants.

20.03. Sale of Entire Communication System. The City may sell the entire Communication System at a market rate, but the proceeds of such sale must first be used to redeem the Refunding Bonds in accordance with paragraph seven (7) of this Resolution.

20.04. Destruction of Communication System. In the event, that all or any part of the Communication System is destroyed or damaged, the City has the option to restore and/or replace the System at the City's sole cost and expense. If the Communication System is damaged or destroyed to such an extent that the City, in its best judgment, cannot restore the Communication System to operational status within six (6) months to substantially its condition immediately preceding such damage or destruction, or the Communication System cannot be used to carry on the purpose for which it was intended for six (6) months, or the estimated cost or restoration of the Communication System would exceed twenty (20) percent of the original face amount of the Refunding Bonds, the City may elect not to restore the Communication System and will redeem the Refunding Bonds in accordance with paragraph seven (7) of this Resolution.

20.05. General Covenants. The City hereby covenants and agrees with the Holders of all outstanding Refunding Bonds as follows:

- (a) That it will, to the extent the Net Revenues are sufficient, promptly cause the principal and interest on the Refunding Bonds to be paid as they become due.
- (b) That it will maintain complete books and records relating to the operation of the Communication System, the Revenue Bond Account, Reserve Account, Construction Account, Operation and Maintenance Account, and Surplus Account in accordance with generally accepted accounting principles, and will cause such

books and records to be audited annually at the end of each fiscal year, and an audit report prepared and made available for inspection of Bond owners.

- (c) That it will not issue Refunding Bonds or other obligations having a claim superior to the claim of the Refunding Bonds upon the Net Revenues of the Communication System.
- (d) That it will promptly deposit into the Revenue Bond Account all sums required to be so deposited.
- (e) That it will operate the Communication System in a sound, efficient and economic manner.
- (f) That it will cause the Communication System to be insured by policies of casualty and property damage insurance in an amount which would normally be carried by a private company operating a substantially similar Communication System.

21. Amendment of Resolution.

21.01. This Resolution may be amended without the consent of any Bondholders for any one or more of the following purposes:

- (a) To add to the covenants and agreements of the City in this Resolution and any other covenants and agreements thereafter to be observed by the City, or to surrender any right or power herein reserved to or conferred upon the City.
- (b) To cure any ambiguity or formal defect contained in this Resolution, that cure does not, in the judgment of the City, adversely affect the interests of the Bond owners.
- (c) To issue Parity Bonds in accordance with paragraph 19.01 hereof.

21.02. This Resolution may be amended for any other purpose only upon the consent of not less than 50% an aggregate principal amount of the Refunding Bonds outstanding, provided, however, that no amendment shall be valid which:

- (a) Extends the maturity of any Bond, reduces the rate of interest upon any Bond, extends the time of payment of interest on the Bond, reduces the amount of principal payable on any Bond, or reduces any premium payable on any Bond, without the consent of the affected Bond owner; or
- (b) Reduces the percent of Bond owners required to approve the mandatory resolutions.

22. Repealer.

22.01. All prior resolutions and other acts or proceedings of this governing body which are in any way inconsistent with the terms of this Resolution are hereby amended to the extent necessary to give full force and effect to this Resolution.

22.02. Nothing herein contained shall be deemed to modify, amend, violate, repudiate or repeal any provision or covenant contained in any Redeemed Bond, or any resolution pursuant to which any Redeemed Bond has been issued and is outstanding, to the extent that a modification, amendment, violation, repudiation or repealer would impair the obligation or contract owed to any holders of such Redeemed Bonds or would otherwise be invalid or ineffective.

23. No Credit Enhancement. There is no credit enhancement facility securing the Refunding Bonds, nor is there any provision for a credit enhancement facility to be provided to secure the Refunding Bonds.

24. No Trustee. The City will make principal and interest payments to the Paying Agent. The City will not appoint a national or state bank or trust company to act as trustee on behalf of the Bondholders, to hold and invest sums on deposit in the Debt Service Reserve Account or any other fund used to pay debt service on the Refunding Bonds or required by this Resolution to enforce any rights of the Bondholders created by this Resolution.

25. Certificate of Registration. The City Administrator is hereby directed to file a certified copy of this Resolution with the County Auditor of Clay County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's certificate that the Refunding Bonds have been entered in the County Auditor's Bond Register.

26. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Refunding Bonds, certified copies of all proceedings and records of the City relating to the Refunding Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Refunding Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

27. Defeasance. When all Refunding Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this Resolution to the registered holders of the Refunding Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Refunding Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full

with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Refunding Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Refunding Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, subject to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

28. Negative Covenant as to Use of Proceeds and Improvements. The City hereby covenants not to use the proceeds of the Refunding Bonds, or to cause or permit them to be used, or to enter into any deferred payment arrangements, in such a manner as to cause the Refunding Bonds to be “private activity bonds” within the meaning of Sections 103 and 141 through 150 of the Code.

29. Tax-Exempt Status of the Refunding Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Refunding Bonds, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Refunding Bonds, and (3) the rebate of excess investment earnings to the United States if the Refunding Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small-issuer exception amount of \$5,000,000.

30. Designated as Qualified Tax-Exempt Obligations. The Refunding Bonds have been designated as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.

31. Official Statement. The Official Statement relating to the Refunding Bonds, substantially in the form presented to this meeting, is hereby approved. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

32. Limited Continuing Disclosure Certificate. The City Administrator is hereby authorized to execute, on behalf of the City, the Continuing Disclosure Certificate attached as Attachment 1 to this Resolution.

33. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

34. Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the Resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this Resolution, the provisions in the Letter of Representations shall control.

35. Headings. Headings in this Resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

36. Governing Law. This Resolution shall be governed exclusively by the constitution and laws of the State of Minnesota.

37. Electronic Signatures. An electronic signature to this Resolution shall be as valid as an original signature of the City and shall be effective to bind the City to this Resolution. For purposes hereof: (i) “electronic signature” means a manually signed original signature that is then transmitted by electronic means; and (ii) “transmitted by electronic means” means sent in the form of a facsimile or sent via the internet as a portable document format (“pdf”), *DocuSign*, or other replicating image attached to an electronic mail or internet message.

38. Effective Date. This Resolution shall be effective upon the adoption of this Resolution by the City Council of the City of Barnesville, Minnesota.

[Remainder of page intentionally left blank.]

PASSED by the Barnesville City Council this 14th day of February, 2022.

APPROVED:

Its: Mayor

ATTEST:

Its: City Administrator

The motion for the adoption of the foregoing Resolution was duly seconded by Member Stokka, and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Stokka, Goedtke, Stuvland, Bauer, Bergman and Field. The following voted against the same: none. The following were absent and not voting: none, whereupon said Resolution was declared duly passed and adopted.

ATTACHMENT 1

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the City of Barnesville, Minnesota (the “Issuer”) in connection with the Issuer's \$2,922,000 Communication System Revenue Refunding Bonds, Series 2022A (the “Refunding Bonds”). The Refunding Bonds are being issued pursuant to the Authorizing Resolution adopted by the governing body of the Issuer on February 14, 2022 (the “Resolution”) and delivered to the Purchaser on the date hereof. The Issuer hereby covenants and agrees as follows:

Section 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Owners of the Bonds in order to assist the Participating Underwriters within the meaning of SEC Rule 15c212 (the “Rule”) in complying with the Rule. This Disclosure Certificate constitutes the written undertaking required by the Rule.

Section 2. Definitions. In addition to the defined terms set forth in the Resolution, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” means any annual report provided by the Issuer pursuant to, and as described in Sections 3 and 4 of this Disclosure Certificate.

“EMMA” means the Electronic Municipal Market Access system operated by the MSRB as the primary portal for complying with the continuing disclosure requirements of the Rule.

“Financial Obligation” means (i) a debt obligation; (ii) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

“Financial Statements” means audited or, if unavailable, unaudited general purpose financial statements of the Issuer prepared in accordance with generally accepted accounting principles, as in effect from time to time or as required to be modified as a matter of law. If unaudited financial statements are provided, audited financial statements will be provided when and if available.

“Fiscal Year” means the fiscal year of the Issuer.

“Final Official Statement” means the deemed final official statement dated July 13, 2021, delivered in connection with the Bonds, which is available from the MSRB.

“Issuer” means the City of Barnesville, Minnesota, which is the obligated person with respect to the Bonds.

“Material Event” means any of the events listed in Section 5(a) of this Disclosure Certificate.

“MSRB” means the Municipal Securities Rulemaking Board located at 1300 I Street NW, Suite 1000, Washington, D.C.

“Owner” means the person in whose name Bond is registered or a beneficial owner of such a Bond.

“Participating Underwriter” means any of the original underwriter(s) of the Bonds (including the Purchaser) required to comply with the Rule in connection with the offering of the Bonds.

“Repository” means EMMA.

“Rule” means SEC Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time, and including written interpretations thereof by the SEC.

“SEC” means Securities and Exchange Commission.

Section 3. Provision of Annual Financial Information and Financial Statements.

- (a) The Issuer shall, not later than 12 months after the end of the Fiscal Year (currently December 31), commencing with the fiscal year ending December 31, 2022 (which is due no later than December 31, 2023), provide the Repository with an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the Financial Statements of the Issuer may be submitted separately from the balance of the Annual Report.
- (b) If the Issuer is unable or fails to provide to the Repository an Annual Report by the date required in subsection (a), the Issuer shall send a notice of that fact to the Repository, and the MSRB.
- (c) The Issuer shall determine each year prior to the date for providing the Annual Report the name and address of each Repository.

Section 4. Content of Annual Reports. The Issuer's Annual Report shall contain or incorporate by reference the annual Financial Statements and the following sections of the Final Official Statement:

1. Current Property Valuations.
2. Direct Debt.
3. Tax Levies and Collections.
4. U.S. Census Data/ Population Trend.
5. Employment/Unemployment Data.
6. Building Permits.
7. Bonded Debt.
8. Overlapping Debt.

9. Larger Taxpayers

In the event that the Issuer has not completed an audit of its annual financial statements by the date required in Section 3, subsection (a), of this Disclosure Certificate then the Issuer will provide *unaudited* financial statements to the Repository. The Issuer will provide to the Repository its audited Financial Statements as soon as practicable after they are completed. The failure by the Issuer to provide an audited annual financial statement by the date required in Section 3, subsection (a) of this this Disclosure Certificate shall not be deemed a violation of the reporting obligations under this Disclosure Certificate.

Section 5. Reporting of Material Events.

(a) This Section 5 shall govern the giving of notice of the occurrence of any of the following events (AMaterial Events@) with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
7. Modification to rights of security holders, if material;
8. Bond Calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the securities, if material;
11. Rating changes.
12. Bankruptcy, insolvency, receivership or similar event of the obligated person;
13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.
- (b) The Issuer shall file a notice of such occurrence with the Repository or with the MSRB within ten business days of the occurrence of the Material Event.
- (c) Unless otherwise required by law and subject to technical and economic feasibility, the Issuer shall employ such methods of information transmission as shall be requested or recommended by the designated recipients of the Issuer's information.

Section 6. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all the Bonds.

Section 7. Agent. The Issuer may, from time to time, appoint or engage a dissemination agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such agent, with or without appointing a successor dissemination agent.

Section 8. Amendment: Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of nationally recognized bond counsel to the effect that such amendment or waiver would not, in and of itself, cause the undertakings to violate the Rule. This Disclosure Certificate, or any provision hereof, shall be null and void in the event that the Issuer delivers to the Repository an opinion of nationally recognized bond counsel to the effect that those portions of the Rule which require this Disclosure Certificate are invalid, have been repealed retroactively or otherwise do not apply to the Bonds. The provisions of this Disclosure Certificate may be amended without the consent of the Owners of the Bonds, but only upon the delivery by the Issuer to the Repository of the proposed amendment and an opinion of nationally recognized bond counsel to the effect that such amendment, and giving effect thereto, will not adversely affect the compliance of this Disclosure Certificate and by the Issuer with the Rule.

Section 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Requested Report or notice of occurrence of a Material Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Requested Report or notice of occurrence of a Material Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Disclosure Certificate to update such information or include it in any future Requested Report or notice of occurrence of a Material Event.

Section 10. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default with respect to the Bonds and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

Section 11. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Participating Underwriters and Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Section 12. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 13. Choice of Law. This Disclosure Certificate shall be governed by and construed in accordance with the laws of the State of Minnesota, provided that to the extent this Disclosure Certificate addresses matters of federal securities laws, including the Rule, this Disclosure Certificate shall be construed in accordance with such federal securities laws and official interpretations thereof.

Section 14. Severability. If any portion of this Disclosure Certificate shall be held invalid or inoperative, then, so far as is reasonable and possible (i) the remainder of this Disclosure Certificate shall be considered valid and operative, and (ii) effect shall be given to the intent manifested by the portion held invalid or inoperative.

Section 15. Captions, Tables, and Headings. The captions, titles, and headings used in this Disclosure Certificate are for convenience only and shall not be construed in interpreting this Disclosure Certificate.

IN WITNESS WHEREOF, I have executed this Disclosure Certificate in my official capacity effective March 16, 2022.

CITY OF BARNESVILLE

Brenda Andrews, City Administrator

Mayor Rick stated the next item on the agenda was the Resolution to accept the Coronavirus local fiscal recovery fund established under the American Rescue Plan Act.

City Administrator Brenda Andrews informed council members that the city can take the standard allowance loss of up to \$10 million without completing a full revenue loss calculation.

02-14-22-05 Motion by Mr. Field and second by Mrs. Stuvland to approve the Resolution to accept the Coronavirus local fiscal recovery fund established under the American Rescue Plan Act. Upon a roll call vote, the following voted aye; Council members Stokka, Goedtke, Stuvland, Bauer, Bergman and Field. The following voted nay: none. Motion carried.

**CITY OF BARNESVILLE
RESOLUTION NO. 02-14-22-05**

**A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY
FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

WHEREAS, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans (“Pandemic”). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs;

WHEREAS, as a result of the Pandemic cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19.

WHEREAS, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic.

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included **\$65 billion in recovery funds for cities across the country.**

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

WHEREAS, \$284,352.40 has been allocated to the City of Barnesville (“City”) pursuant to the ARPA (“Allocation”).

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds.

WHEREAS, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance.

WHEREAS, the State of Minnesota will distribute ARPA funds to the City because its population is less than 50,000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BARNESVILLE, MINNESOTA AS FOLLOWS:

1. The City intends to collect its share of ARPA funds from the State of Minnesota to use in a manner consistent with the Department of Treasury’s guidance.
2. City staff, together with the Mayor and the City Attorney are hereby authorized to take any actions necessary to receive the City’s share of ARPA funds from the State of Minnesota for expenses incurred because of the Pandemic.
3. City staff, together with the Mayor and the City Attorney are hereby authorized to make recommendations to the City Council for future expenditures that may be reimbursed with ARPA funds.

Adopted by the City Council of Barnesville, Minnesota this 14 day of February 2022.

Mayor

Attested:

Mayor Rick stated the next item on the agenda was the Resolution for the Administrative Appeal Board.

City Administrator Brenda Andrews stated that Steve Mortensen is currently on the Administrative Appeal Board, but staff recommends Brent Berg to be appointed to the Administrative Appeal Board.

02-14-22-06 Motion by Mrs. Stuvland and second by Mr. Goedtke to appoint Brent Berg to the Administrative Appeal Board. Upon a roll call vote, the following voted aye: Council members Stokka, Goedtke, Stuvland, Bauer, Bergman and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION 02-14-22-06

**RESOLUTION APPOINTING BRENT BERG TO THE
ADMINISTRATIVE HEARING BOARD**

WHEREAS, the City of Barnesville has adopted a system of Administrative Citations and Penalties contained in Chapter 1-10 of the Barnesville City Code (hereinafter referred to as the “Administrative Citation System”); and

WHEREAS, subdivision 5 of Section 1-1004 of the Barnesville City Code provides that: The Hearing Board will consist of three individuals. Two individuals will be selected by the City Council at their January meeting and serve for that calendar year. The third individual will be one of the two City Council representatives of the ward in which the violation has occurred. The City Clerk will schedule the hearing.

WHEREAS, the City Administrator has recommended that Brent Berg be appointed to serve on the Administrative Hearing Board; and

WHEREAS, the Executive Director for the City Economic and Development has asked Brent Berg if he would be interested in serving on the Administrative Hearing Board, and he has indicated his wiliness to serve; and

WHEREAS, the Building Administrator intends to continue full enforcement of the property maintenance code and expects the possibility of appeals; and

NOW, THEREFORE, BE IT RESOLVED, that Brent Berg be appointed to serve on the Administrative Hearing Board.

Adopted by the City Council of the City of Barnesville this 14th day of February, 2022.

APPROVED:

Jason Rick, Mayor

ATTEST:

Brenda Andrews, City Administrator

Mayor Rick stated the next item on the agenda was to set a public hearing date for the Ward Redistricting.

City Clerk Jeri Reep informed council members that Ward Redistricting takes place every ten years. The proposed redistricting will have Ward 1 with a decrease of approximately 144 voters, and Ward 2 with an increase of 147 voters. Ward 3 will remain the same. A public hearing is recommended, but not required. Staff is suggesting March 14, 2022 to hold a public hearing for public involvement for the redistricting.

02-14-22-07 Motion by Mrs. Stuvland and second by Mrs. Stokka to hold a public hearing on Monday, March 14, 2022 for the Ward Redistricting. Motion carried.

Mayor Rick stated the next item on the agenda was the MRES resolution.

City Administrator Brenda Andrews informed council members that this resolution is to update the representative names for MRES.

02-14-22-08 Motion by Mrs. Stuvland and second by Mrs. Stokka to approve the resolution for the authorized representatives for the MRES annual meeting. Upon a roll call vote, the following voted aye: Council members Stokka, Goedkte, Stuvland, Bauer, Bergman and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION NO. 02-14-22-08

RESOLUTION TO DESIGNATE AUTHORIZED REPRESENTATIVE FOR THE

CITY OF BARNESVILLE AS A MEMBER OF

MISSOURI RIVER MUNICIPAL POWER AGENCY

d/b/a MISSOURI RIVER ENERGY SERVICES

WHEREAS: the City of Barnesville, MN, has entered into the Agreement Establishing the Missouri Basin Municipal Power Agency, d/b/a Missouri River Energy Services (MRES), and as a member thereof is entitled to a representative who shall represent the Municipal Utility in the business of MRES.

NOW, THEREFORE, BE IT RESOLVED: that Guy Swenson be and he is hereby designated and appointed as the representative of the City of Barnesville, and is authorized to represent Barnesville's Municipal Utility in the business of MRES, with the powers, duties and

responsibilities as provided in said agreement. The alternate representative, Brenda Andrews, is hereby designated and appointed, and authorized to represent the City with equal powers.

WHEREUPON: the mayor declared the resolution duly adopted on the 14th day of February, 2022.

Jason Rick, Mayor

SEAL

ATTEST:

Brenda Andrews, City Administrator

Date: _____

Mayor Rick stated the next item on the agenda was the resolution for western Minnesota Municipal Power Agency.

City Administrator Brenda Andrews informed council members that this resolution is to change the names for the representation for Western Minnesota Municipal Power Agency.

02-14-22-09 Motion by Mrs. Stuvland and second by Mrs. Bergman to approve the resolution for the Western Municipal Power Agency. Upon a roll call vote, the following voted aye: Council members Stokka, Goedkte, Stuvland, Bauer, Bergman and Field. The following voted nay: none. Motion carried.

CITY OF BARNESVILLE

COUNTY OF CLAY

STATE OF MINNESOTA

RESOLUTION OF AUTHORIZED REPRESENTATION

FOR WESTERN MINNESOTA MUNICIPAL POWER AGENCY

RESOLUTION NO. 02-14-22-09

WHEREAS: the Governing Body of the City of Barnesville, Minnesota has entered into an agreement to establish the Western Minnesota Municipal Power Agency (**WMMPA**) and as a

member thereof is entitled to a representative who shall represent the Municipal Utility in the business of WMMPA.

NOW, THEREFORE, BE IT RESOLVED: that Guy Swenson be and is hereby authorized and appointed as the representative of the City of Barnesville, MN to represent the Municipal Utility in the business of WMMPA, with the powers, duties and responsibilities as provided in said agreement. The alternate representative, Brenda Andrews, is hereby authorized and appointed with equal powers.

ATTEST:

Brenda Andrews, City Administrator

Date

Jason Rick, Mayor

NOTARY:

Jeri Reep

Expiration Date

Mayor Rick stated the next item on the agenda was the computer use policy.

City Administrator Brenda Andrews stated that it has been identified that the City needed an overall Computer Use Policy.

02-14-22-10 Motion by Mr. Goedtke and second by Mrs. Stokka to approve the Computer Use Policy as presented. Motion carried.

Mayor Rick adjourned the meeting at 7:52 p.m.

Submitted by:

Jeri Reep
City Clerk

Attest:

Jason Rick
Mayor

SPECIMEN