

**CERTIFICATE OF MINUTES RELATING TO
\$200,000 GENERAL OBLIGATION SEWER AND WATER REVENUE BONDS**

Issuer: City of Morgan, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: a special meeting held on
May 23, 1978, at 7:00 o'clock P.M., at the City Hall.

Members present: Mayor Bickhardt, Councilmen Hinrichs, Kopischke, Welter

Members absent: Councilman Weber

Documents Attached:

Minutes of said meeting (pages):


RESOLUTION NO. 5 of 1978

**RESOLUTION PROVIDING FOR ISSUANCE
OF \$200,000 GENERAL OBLIGATION
SEWER AND WATER REVENUE BONDS**

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said obligations; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this
23rd day of MAY, 1978.

(SEAL)


Signature
John L. Kleinschmidt, City Clerk-Treasurer
Name and Title

#31902

The Clerk-Treasurer presented affidavits showing publication of the notice of sale of \$200,000 General Obligation Sewer and Water Revenue Bonds of the City in The Morgan Messenger and in Commercial West as required by law and as directed by resolution of the Council adopted April 5, 1978. The affidavits were examined, found satisfactory and directed to be filed in the office of the Clerk-Treasurer.

The Clerk-Treasurer then reported that 5 sealed bids had been received at his office prior to the time of this meeting, pursuant to the notice of sale, and the bids were then opened and publicly read and considered, and the terms of each were determined to be as follows:

SEE ATTACHED BID TABULATION

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN - 5 1979
Forrest H. Howe
Secretary of State
#31902
O.D.

B I D T A B U L A T I O N

**\$200,000 GENERAL OBLIGATION SEWER AND WATER REVENUE BONDS
CITY OF MORGAN, MINNESOTA**

SALE: TUESDAY, MAY 23, 1978

**AWARD: FIRST NATIONAL BANK OF MINNEAPOLIS, MINNESOTA
& ASSOCIATE**

Non-rated

<u>NAME OF BIDDER</u>	<u>RATES</u>	<u>YEARS</u>	<u>NET INTEREST COST & RATE</u>	<u>PRICE</u>
FIRST NATIONAL BANK OF MINNEAPOLIS Minneapolis, Minnesota State Bank of Morgan Morgan, Minnesota	4.75%	1980	\$102,696.00	\$197,204.00
	4.80%	1981		
	4.90%	1982	5.6271%	
	5.00%	1983		
	5.10%	1984		
	5.20%	1985		
	5.25%	1986		
	5.30%	1987		
	5.40%	1988		
	5.50%	1989		
	5.60%	1990/91		
	5.70%	1992/93		
M. H. NOVICK & COMPANY, INC. Minneapolis, Minnesota	4.75%	1980	\$104,913.75	\$196,800.00
	4.90%	1981		
	5.00%	1982	5.7486%	
	5.10%	1983		
	5.20%	1984		
	5.25%	1985		
	5.30%	1986		
	5.40%	1987		
	5.50%	1988		
	5.60%	1989		
	5.70%	1990		
	5.75%	1991		
	5.80%	1992/93		
JURAN & MOODY, INC. St. Paul, Minnesota	4.75%	1980	\$105,664.38	\$196,100.00
	4.80%	1981		
	4.90%	1982	5.7898%	
	5.00%	1983		
	5.10%	1984		
	5.20%	1985		
	5.30%	1986		
	5.40%	1987		
	5.50%	1988		
	5.60%	1989		
	5.70%	1990		
	5.75%	1991		
	5.80%	1992		
	5.90%	1993		

Population
Page 7

\$200,000 G.O. Sewer and Water Revenue Bond
Morgan, Minnesota

Sale: May 23, 1978

NAME OF BIDDER	RATES	YEARS	NET INTEREST COST & RATE	PRICE
FIRST NATIONAL BANK OF SAINT PAUL St. Paul, Minnesota	5.00%	1980/81	\$106,982.50	\$196,160.00
	5.10%	1982		
	5.20%	1983	5.8620%	
	5.25%	1984		
	5.30%	1985		
	5.40%	1986		
	5.50%	1987/88		
	5.60%	1989		
	5.70%	1990		
	5.80%	1991		
	5.90%	1992		
	6.00%	1993		
ROBERT W. BAIRD & COMPANY, INC. Minneapolis, Minnesota	5.00%	1980	\$109,270.00	\$197,000.00
	5.10%	1981		
	5.20%	1982	5.9873%	
	5.30%	1983		
	5.40%	1984		
	5.50%	1985		
	5.60%	1986		
	5.70%	1987		
	5.80%	1988		
	5.90%	1989		
	6.00%	1990/93		

EHLERS AND ASSOCIATES, INC.
Financial Specialists
First National-Soo Line Concourse
507 Marquette Avenue
Minneapolis, Minnesota 55402
Telephone: (612) 339-8291

Member Welter introduced the following resolution
and moved its adoption:

RESOLUTION PROVIDING FOR ISSUANCE
OF \$200,000 GENERAL OBLIGATION
SEWER AND WATER REVENUE BONDS

BE IT RESOLVED by the City Council of the City of Morgan,
Minnesota as follows:

Section 1. Recitals.

1.01. This Council has, by resolution adopted April 5, 1978, determined the necessity of issuing, and has called for the sale of \$200,000 General Obligation Sewer and Water Revenue Bonds (the Bonds) of the City, the proceeds to be used, (i) to redeem the outstanding \$40,000 principal amount of the Temporary Improvement Bond of 1977, dated August 1, 1977 (the Temporary Bond), which was originally issued to temporarily finance an improvement to the City's water and sewer utility system (the Utility), (ii) to finance the cost of various improvements to the Utility (the 1978 Sewer and Water Project), and (iii) to pay the costs of issuance of the Bonds, all as more fully set forth in paragraph 3 of the resolution adopted April 5, 1978.

1.02. Notice of sale of the Bonds has been published in accordance with law. The Council has received, opened and considered all sealed bids presented in conformity with the notice. The most favorable of such purchase proposals is ascertained to be that of the First National Bank of Minneapolis, Minnesota, and associates, to purchase the Bonds at a price of \$197,204 plus accrued interest, and upon the further terms and conditions set forth in this resolution. Said purchase proposal is in the best interests of the City and is hereby accepted. The Mayor and Clerk-Treasurer are directed to execute in duplicate a contract on the part of the City for the sale of the Bonds in accordance with said proposal, and to deliver a duplicate to the purchaser. The Clerk-Treasurer is directed to retain the purchaser's check securing the contract of sale until the Bonds are delivered and the purchase price is paid.

Section 2. Form of Bonds and Coupons.

2.01. The Bonds shall be printed in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF REDWOOD

CITY OF MORGAN

GENERAL OBLIGATION SEWER AND WATER REVENUE BOND

No.

\$5,000

KNOW ALL MEN BY THESE PRESENTS that the City of Morgan, Redwood County, Minnesota, acknowledges itself to be indebted and for value received promises to pay to bearer the sum of

FIVE THOUSAND DOLLARS

on the 1st day of February, 19 , or if this bond is prepayable as stated below, on any date prior thereto on which it shall have been duly called for prepayment, and to pay interest thereon from the date hereof until said principal sum be paid, or if this bond is prepayable, until it has been duly called for prepayment, at the rate of hundredths percent (%) per annum. Interest hereon is payable semiannually on February 1 and August 1 in each year, commencing February 1, 1979, in accordance with and upon presentation and surrender of the interest coupons hereto appurtenant. Both principal and interest are payable at the main office of the First National Bank, in Minneapolis, Minnesota, in any coin or currency of the United States of America which on the respective dates of payment is legal tender for public and private debts. For the prompt and full payment of such principal and interest as the same become due, the full faith, credit and taxing powers of the City are hereby irrevocably pledged.

This bond is one of an issue in the total principal amount of \$200,000, all of like date and tenor except as to serial number, interest rate, redemption privilege and maturity date, all issued for the purpose of financing improvements to the City's sewer and water utility; and said bonds are issued pursuant to resolutions duly adopted by the City Council, and pursuant to and in complete conformity with the provisions of the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Section 444.075.

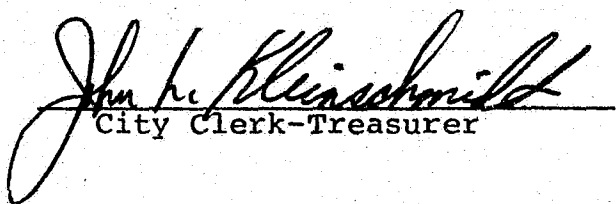
The bonds of this issue maturing in 1988 and earlier years are without option of prior payment, but those maturing in 1989 and later years are each subject to redemption and prepayment at the option of the City, in inverse order of serial numbers on February 1, 1988, and any interest payment date

thereafter, at their principal amount plus accrued interest. Notice of call for redemption will be published not less than 30 days prior to the date specified for redemption in a financial newspaper published in a Minnesota city of the first class, or its metropolitan area.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the issuance of this bond in order to make it a valid and binding general obligation of said City according to its terms, have been done, do exist, have happened and have been performed as so required; that prior to the issuance hereof the City has agreed to levy special assessments on property specially benefited by said improvements and has appropriated the collections thereof and interest thereon, to the payment of the bonds of this issue; that by the resolution authorizing this issue of bonds, the City has covenanted and agreed with the holders of any of said bonds that it will impose and collect charges for the service, use and availability of its municipal sewer and water utility at the times and in the amounts required to produce net revenues adequate, with collections of said special assessments and interest thereon, to pay all principal of and interest on the bonds of this issue as such principal and interest respectively become due; that, if needed to pay such principal and interest, ad valorem taxes are required by law to be levied upon all taxable property in the City without limitation as to rate or amount; and that the issuance of this bond did not cause the indebtedness of said City to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Morgan, Redwood County, State of Minnesota, by its City Council, has caused this bond to be executed by the facsimile signature of the Mayor and the manual signature of the City Clerk-Treasurer, and by a printed facsimile of the official City seal, has caused the interest coupons appurtenant hereto and the certificate appearing on the reverse side hereof to be executed and authenticated by the facsimile signatures of said officers, and has caused this bond to be dated as of May 1, 1978.

ATTEST:


City Clerk-Treasurer

(Facsimile signature)
Mayor

(Facsimile Seal)

2.02. Interest on each Bond to maturity shall be represented by a consecutively numbered set of interest coupons printed in substantially the following form:

No.

\$

On the 1st day of February (August), 19 , unless the bond described below is subject to and has been duly called for redemption, the City of Morgan, Redwood County, Minnesota, will pay to bearer at the main office of the First National Bank , in Minneapolis , Minnesota , the sum shown hereon in lawful money of the United States of America for interest then due on its General Obligation Sewer and Water Revenue Bond, dated May 1, 1978, No.

(Facsimile signature)
City Clerk-Treasurer

(Facsimile signature)
Mayor

2.03. A copy of the text of the legal opinion of bond counsel shall be printed on the reverse side of each Bond and identified by a certificate in the following form:

We certify that the above is a full, true and correct copy of the legal opinion rendered by bond counsel on the issue of bonds of the City of Morgan, Minnesota, which includes the within bond, dated as of the date of delivery of and payment for the bonds.

(Facsimile signature)
City Clerk-Treasurer

(Facsimile signature)
Mayor

Section 3. Bond Terms, Execution and Delivery.

3.01. The Bonds heretofore sold and directed to be issued shall be dated as of May 1, 1978, shall be 40 in number and numbered serially from 1 to 40, inclusive, each in the denomination of \$5,000, shall mature serially on February 1 in the years and amounts set forth below, and the Bonds of each annual maturity shall bear interest from date of issue until paid or duly called for earlier redemption at the rate per annum shown opposite the year of such maturity as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
1980	\$10,000	4.75%	1987	\$15,000	5.30%
1981	10,000	4.80%	1988	15,000	5.40%
1982	10,000	4.90%	1989	15,000	5.50%
1983	15,000	5.00%	1990	20,000	5.60%
1984	10,000	5.10%	1991	15,000	5.60%
1985	15,000	5.20%	1992	20,000	5.70%
1986	10,000	5.25%	1993	20,000	5.70%

3.02. The interest on the Bonds shall be payable February 1 and August 1 in each year, commencing February 1, 1979. The principal of and interest on the Bonds shall be payable at the Main office of the First National Bank, in Minneapolis, Minnesota, which is designated as paying agent, or in the event of its resignation, removal or incapability of acting as paying agent, at the office of such successor paying agent as may be appointed by the City Council, and the City agrees to pay the reasonable and customary charges of the paying agent for this service.

3.03. Bonds maturing in the years 1980 through 1988 shall not be subject to prior redemption, but Bonds having stated maturity dates in the years 1989 through 1993 shall each be subject to redemption and prepayment at the option of the City in inverse order of serial numbers on February 1, 1988, and any interest payment date thereafter, at a price equal to the principal amount plus accrued interest. Not less than 30 days before the date specified for redemption, the City Clerk-Treasurer shall cause notice of call for redemption to be published in a daily or weekly periodical published in a Minnesota city of the first class or its metropolitan area, which circulates throughout the state and furnishes financial news as a part of its service. He shall also mail such notice to the bank at which principal and interest on the Bonds are then payable, but published notice shall be effective without mailing.

3.04. The Bonds shall be prepared under the direction of the City Clerk-Treasurer and attorney and shall be executed on behalf of the City by the facsimile signature of the Mayor and the manual signature of the City Clerk-Treasurer, and by a printed facsimile of the official corporate seal. On the reverse side of each Bond shall be printed a copy of the approving legal opinion rendered by bond counsel and the certificate of the Mayor and Clerk-Treasurer. The certificate as to legal opinion and the interest coupons attached to the Bonds shall be executed and authenticated by the printed, engraved or lithographed facsimile signatures of said Mayor and Clerk-Treasurer. When the Bonds have been so executed and authenticated, they shall be delivered by the Clerk-Treasurer to the purchaser thereof upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and said purchaser shall not be obliged to see to the application of the purchase price.

Section 4. Security Provisions.

4.01. There is hereby created, and the Clerk-Treasurer shall maintain as a separate bookkeeping account on the records of the City, a separate fund or account to be designated as the "1978 General Obligation Sewer and Water Revenue Bond Account."

The moneys on hand in said Account shall be kept by the Clerk-Treasurer apart from all other funds of the City and used for no purpose other than payment of principal and interest on the Bonds and such other general obligation sewer and water revenue bonds of the City as the Council shall hereafter designate; provided, that if any payment of principal or interest on any such general obligation sewer and water revenue bonds shall become due when there is not sufficient money in said Account therefor, the Clerk-Treasurer shall pay the same from the general fund of the City and the general fund shall be reimbursed for such advances out of the amounts thereafter received in such Account which are not needed for bond principal and interest payments due or about to become due. Into said Account shall be paid the receipts of all special assessments and interest thereon, and all Utility revenues pledged by the terms of this resolution or any other resolution authorizing the issuance of bonds payable from said Account, any taxes levied with respect to bonds payable from said Account, all proceeds of issuance of the Bonds received in excess of \$187,000 and all other moneys received for or appropriated to the payment of said bonds and interest.

4.02. The proceeds of the Bonds, other than amounts required to be deposited in the 1978 General Obligation Sewer and Water Revenue Bond Account, shall be used and applied, to the extent necessary, to pay the costs of issuance of the Bonds, \$40,000 shall be appropriated to the Temporary Improvement Bond Fund and used exclusively for the payment and redemption of the Temporary Bond and the remainder shall be applied to the payment of the costs of the 1978 Sewer and Water Project.

4.03. Into the 1978 General Obligation Sewer and Water Revenue Bond Account shall be paid from the Temporary Improvement Bond Fund any bond proceeds or special assessment collections received on account of the issuance of the Temporary Bond, to the extent that they are not applied to the payment of principal or interest due on the Temporary Bond on August 1, 1978. Into the 1978 General Obligation Sewer and Water Revenue Bond Account shall also be paid the collections of net revenues of the Utility appropriated to the payment of the Bonds, the collections of all special assessments levied on account of the improvements financed by the Temporary Bond, and the collections of all general ad valorem taxes hereafter levied for payment of the Bonds.

4.04. It is hereby found and determined that the City has heretofore levied special assessments upon property benefited by the improvements financed by the Temporary Bond in the amount of \$30,000, of which \$30,000 principal amount remains uncollected. Said assessments are payable in equal annual installments in the years 1979 through 1992, with interest at the rate of 7% per annum, on unpaid installments. In the event that any assessments levied for said improvements be at any time held invalid

with respect to any lot, piece or parcel of land, due to any error, defect or irregularity in any action or proceeding taken or to be taken by the City or this Council or any of the City officers or employees, either in the making of such assessment or in the performance of any condition precedent thereto, the City and this Council hereby covenant and agree that they will forthwith do all such further acts and take all such further proceedings as may be required by law to make such assessment a valid and binding lien upon such property.

4.05. Pursuant to the provisions of Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the holders from time to time of the Bonds that so long as any of the Bonds are outstanding, the City will impose and collect reasonable charges for the service, use and availability of the Utility to the City and its inhabitants according to schedules sufficient, so far as possible, to produce net revenues (gross revenues, less expenses which under generally accepted accounting principles constitute current, reasonable and necessary costs of the operation, administration and maintenance of the Utility, exclusive of depreciation and interest costs) in amounts adequate, with the collections of special assessments and interest thereon, to pay all principal and interest when due on the Bonds, and said net revenues, to the extent available and necessary, are hereby irrevocably pledged and appropriated to the payment of the Bonds and interest thereon, provided, that nothing herein shall preclude the City from hereafter making further pledges and appropriations of net revenues of the Utility for payment of additional bonds of the City hereafter authorized if the City Council determines before the authorization of such additional obligations that the estimated net revenues of the Utility will be sufficient, together with any other sources pledged to the payment thereof, to pay, when due, the principal of and interest on the outstanding and additional obligations. Such further pledges and appropriations of said net revenues may be made superior or subordinate to, or on a parity with, the pledge and appropriation herein made.

4.06. (a) The full faith and credit of the City shall be and are hereby irrevocably pledged for the prompt and full payment of the principal and interest on the Bonds, and the City covenants and agrees that it will make good any deficiency from the general fund of the City.

(b) The principal and interest requirements on the Bonds on each interest payment date are calculated as set forth in the following schedule:

SEE ATTACHED COMPUTATION

SCHEDULE OF PRINCIPAL AND INTEREST PAYMENTS

\$200,000 G.O. SEWER & WATER REVENUE BONDS

CITY OF MORGAN, MINNESOTA

PAGE 1

DATE	BOND NO.	PRIN	RATE	INTEREST	TOTAL	PAYING AGENT
2/1/1979				8010.02	8010.02	-----
8/1/1979				5340.00	5340.00	-----
2/1/1980	1 - 2	10000	4.75	5340.00	15340.00	-----
8/1/1980				5102.50	5102.50	-----
2/1/1981	3 - 4	10000	4.80	5102.50	15102.50	-----
8/1/1981				4862.50	4862.50	-----
2/1/1982	5 - 6	10000	4.90	4862.50	14862.50	-----
8/1/1982				4617.50	4617.50	-----
2/1/1983	7 - 9	15000	5.00	4617.50	19617.50	-----
8/1/1983				4242.50	4242.50	-----
2/1/1984	10 - 11	10000	5.10	4242.50	14242.50	-----
8/1/1984				3987.50	3987.50	-----
2/1/1985	12 - 14	15000	5.20	3987.50	18987.50	-----
8/1/1985				3597.50	3597.50	-----
2/1/1986	15 - 16	10000	5.25	3597.50	13597.50	-----
8/1/1986				3335.00	3335.00	-----
2/1/1987	17 - 19	15000	5.30	3335.00	18335.00	-----
8/1/1987				2937.50	2937.50	-----
2/1/1988	20 - 22	15000	5.40	2937.50	17937.50	-----
8/1/1988				2532.50	2532.50	-----
2/1/1989	23 - 25	15000	5.50	2532.50	17532.50	-----
8/1/1989				2120.00	2120.00	-----
2/1/1990	26 - 29	20000	5.60	2120.00	22120.00	-----
8/1/1990				1560.00	1560.00	-----
2/1/1991	30 - 32	15000	5.60	1560.00	16560.00	-----
8/1/1991				1140.00	1140.00	-----
2/1/1992	33 - 36	20000	5.70	1140.00	21140.00	-----
8/1/1992				570.00	570.00	-----
2/1/1993	37 - 40	20000	5.70	570.00	20570.00	-----

200000 \$ 99900.02 \$ 299900.02

(c) If on any interest payment date, the moneys on hand in the 1978 General Obligation Sewer and Water Revenue Bond Account are determined to be insufficient for the payment set forth in subsection (b), the Council shall forthwith appropriate to the 1978 General Obligation Sewer and Water Revenue Bond Account sufficient available moneys of the City to make good the insufficiency, and if available moneys of the City are not on hand in amounts sufficient for this purpose, the Council shall forthwith levy and certify to the County Auditor for collection in the following year a tax in the amount adequate to make good the insufficiency.

(d) On or before October 1 in each year, the Council shall estimate the amounts which will be on hand in the 1978 General Obligation Sewer and Water Revenue Bond Account after payment of the principal and interest due on the February 1 next following, the amount of special assessments and interest to be collected and the amount of net revenues to be received in that Account in the twelve month period beginning on February 1 next following and

shall determine the sufficiency of such estimated amounts for the payments, as set forth in subsection (b), coming due during, and on the February 1 immediately following, such twelve month period. If the amount on hand, the estimated collections of special assessments and interest thereon and the estimated net revenues to become available during such period is determined to be insufficient for such payment, the Council shall forthwith levy and certify to the County Auditor for collection in the following year a tax in an amount not less than 5% in excess of the amount necessary to make good the insufficiency.

Section 5. Defeasance.

5.01. When all of the Bonds and all coupons appertaining thereto have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds shall cease. The City may discharge all of the Bonds and coupons which are due on any date by depositing with the paying agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond or coupon should not be paid when due, it may nevertheless be discharged by depositing with the paying agent a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge all prepayable Bonds which are called for redemption on any date when they are prepayable according to their terms, by depositing with the paying agent on or before that date an amount equal to the principal, interest and redemption premium which are then due, provided that notice of such redemption has been duly given as provided in this resolution. The City may also at any time discharge this issue of Bonds in its entirety, subject to the provisions of law now or hereafter authorizing and regulating such action, by calling any prepayable Bonds which the City may direct to be redeemed prior to maturity for redemption on the date specified by resolution of the Council for such redemption, provided that such date shall be a date when they may be prepaid in accordance with their terms, by giving the notice required for such redemption, and by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required to pay all principal, interest and redemption premiums to become due on all Bonds on and before said redemption date.

Section 6. Certification of Proceedings and Arbitrage.

6.01. The Clerk-Treasurer is hereby authorized and directed to file with the County Auditor of Redwood County a certified copy of this resolution, together with such other information as said County Auditor may require, and to obtain from said County Auditor a certificate that the Bonds have been entered upon his bond register.

6.02. The officers of the City and said County Auditor are hereby authorized and directed to prepare and furnish to the purchaser of the Bonds, and to the attorneys approving the legality of the issuance thereof, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the 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.

6.03. Investment of Moneys on Deposit in 1978 General Obligation Sewer and Water Revenue Bond Account; Arbitrage.

(a) Covenant. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1954, as amended (the Code), and regulations, amended regulations and proposed regulations issued thereunder, as now existing or as hereafter amended or proposed and in effect at the time of such action.

(b) Investment of Moneys on Deposit in 1978 General Obligation Sewer and Water Revenue Bond Account. Unless and until the proposed regulations under Section 103(c) of the Code which have been published by the Internal Revenue Service prior to the date hereof have been modified or amended in pertinent part, the City Clerk-Treasurer shall ascertain monthly the amount on deposit in the 1978 General Obligation Sewer and Water Revenue Bond Account. If the amount on deposit therein ever exceeds by more than \$30,000 the aggregate amount of principal and interest due and payable from the 1978 General Obligation Sewer and Water Revenue Bond Account within 13 months thereafter, such excess shall not be invested except at a yield of % or less.

(c) Certification. The Mayor and City Clerk-Treasurer, being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this resolution, are authorized and directed to execute and deliver to the purchaser a certificate in accordance with the provisions of Section 103(c) of the Code, and Treasury Regulations, Sections 1.103-13 and 1.103-14, stating that on the basis of the facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, as such facts, estimates and circumstances are set forth

in the certificate, it is not expected that the proceeds of the Bonds will be used in a manner that would cause the Bonds to be arbitrage bonds within the meaning of the Code and Regulations.

ATTEST TO STATE
STATE OF MINNESOTA
DEPARTMENT OF
FILED
JAN 13
1913

Walter Bickhardt
Mayor

Attest:

John H. Kleinachmidt
City Clerk-Treasurer

The motion for the adoption of the foregoing resolution was duly seconded by Member Hinrichs, and upon vote being taken thereon, the following voted in favor thereof: Councilmen Hinrichs, Kopischke, Welter, Mayor Bickhardt and the following voted against the same: none whereupon said resolution was declared duly passed and adopted, and was signed by the Mayor and attested by the Clerk-Treasurer.