



AGENDA
Board of City Commissioners
February 22, 2022 - 6:00 pm
GoToMeeting / Teleconference
Williston, North Dakota

1. Roll Call of Commissioners and Pledge of Allegiance
2. Consent Agenda
 - A. Reading and Approval of Minutes
 - 1) Regular Meeting – February 8, 2022
 - B. Auditor and Finance
 - 1) Accounts, Claims and Bills – February 4-February 17, 2022
 - 2) Business Licenses
 - C. Development Services
 - 1) Contractor Licenses
 - D. Engineering
 - E. Authorization to Bid
 - 1) 9th Avenue West Improvements Project
3. Public Hearings
4. Bid Openings
 - A. All-Wheel Drive SUV (Police)
5. Ordinances
6. Petitions, Communications and Remonstrances
 - A. Library Easter Egg Hunt – Street Closure Request
7. Report of Commissioners
 - A. President of the Board
 - 1) Election Agreement – Williams County
 - B. Vice-President; Finance Commissioner
 - C. Street and Improvement, Sanitation, Cemetery and Public Works Commissioner
 - D. Fire, Police and Ambulance Commissioner
 - 1) Recognition of Service – Volunteer Fire
 - E. Water Works, Sewer, Airport, Building and Planning Commissioner
8. Report of Departments
 - A. Administration
 - B. Finance
 - 1) Refunding Improvement Bond Series – Resolution 22-010
 - C. Attorney
 - 1) Joint Powers Agreement – Upper Missouri River Regional Dispatch Center
 - D. Public Works
 - E. Engineering
 - 1) Hawkeye Village Phase II Improvement D22-03 – Resolutions 22-003 and 22-004

- 2) Master Service Agreement & Task Order 1 – Mountain Plains Engineering
- F. Fire Department
- G. Police Department
- H. Development Services
 - 1) Extension of New Home Permit Fee Waiver
- I. Economic Development
- J. Airport
- K. Convention and Visitor's Bureau
9. Appointments and Consultations with Officers
 - A. Housing Commission Appointments
10. Unfinished Business
11. New Business
12. Executive Session
13. Adjourn

VIRTUAL MEETING ACCESS INFORMATION

City Commission Meeting
Tuesday, February 22, 2022 6:00 PM (CST)

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Memo

To: Board of City Commissioners

From: Hercules Cummings, Finance Director

Date: February 22, 2022

Re: Consent Agenda

2A1 Regular Meeting Minutes Dated: February 08, 2022

2B1 Accounts, Claims and Bills

Accounts, claims and bills processed: February 4 – February 17, 2022

2B2 Business Licenses

a. Sunshine Latte – New Mobile Food Truck

Recommendation: Approval of all consent agenda items

Attachments:

a2A1

a2B1

a2B2a



DATE: February 22, 2022
TO: City Commission
FROM: David Juma, City Engineer
RE: Request to Advertise for Bids - Engineering

2E.1 Authorization to Bid – 9th Avenue West Improvements Project

The Engineering Department is seeking authorization to advertise for bids for the construction of the 9th Avenue West Improvements Project.

This project will install water, sanitary sewer, storm sewer and street improvements along 26th Street north to the southern border of the Williston Square. A roundabout at the intersection of 26th street and 9th avenue will also be constructed as part of this project. The estimate for construction of the improvements is \$2,200,000.

A copy of the proposed Advertisement for Bids is included in the Commissioner’s Information Packet.

A March 16th bid opening date is planned for this project.

RECOMMENDATION:

That the City Commission by their consent authorize the Engineering Department to advertise for bids for the construction of the 9th Avenue West Improvements Project as presented.

Attachment:

2E.1.A 9th Avenue West Improvements Project Advertisement for Bids.



DATE: February 22, 2022
TO: City Commission
FROM: David A. Peterson, Police Chief
RE: Bid Openings

Williston Police Department opened bids February 15th, 2022 for the following equipment:

4A Eight (8) 2022 All-Wheel Drive (AWD) SUV black in color Police Pursuit Rated Package

Williston Police Department originally advertised and scheduled bid openings for January 18th, 2022. At that time, the bids were for four (4) 2022 AWD SUV's and (4) 2022 AWD Sedans. The Williston Police Department did not receive any bids. It was found that Dodge, the only manufacturer that offers an AWD Police Package sedan had cut off the production due to supply chain issues. The Williston Police Department re-advertised for eight (8) AWD SUV's and scheduled bid openings for February 15th.

One bid was received from Nelson Auto in the amount of \$310,814.40. The original Commission approved budget amount for the eight (8) All-Wheel Drive SUV's was \$320,000.00 which includes equipment. The total approved budget amount including upfitting equipment was \$453,525.00.

I recommend award of the eight (8) 2022 All-Wheel Drive SUV's to Nelson Auto for \$310,814.40.

Attachments

a4A



Memo

To: Board of City Commissioners
From: Hercules Cummings, Finance Director
Date: February 22, 2022

Re: Petitions

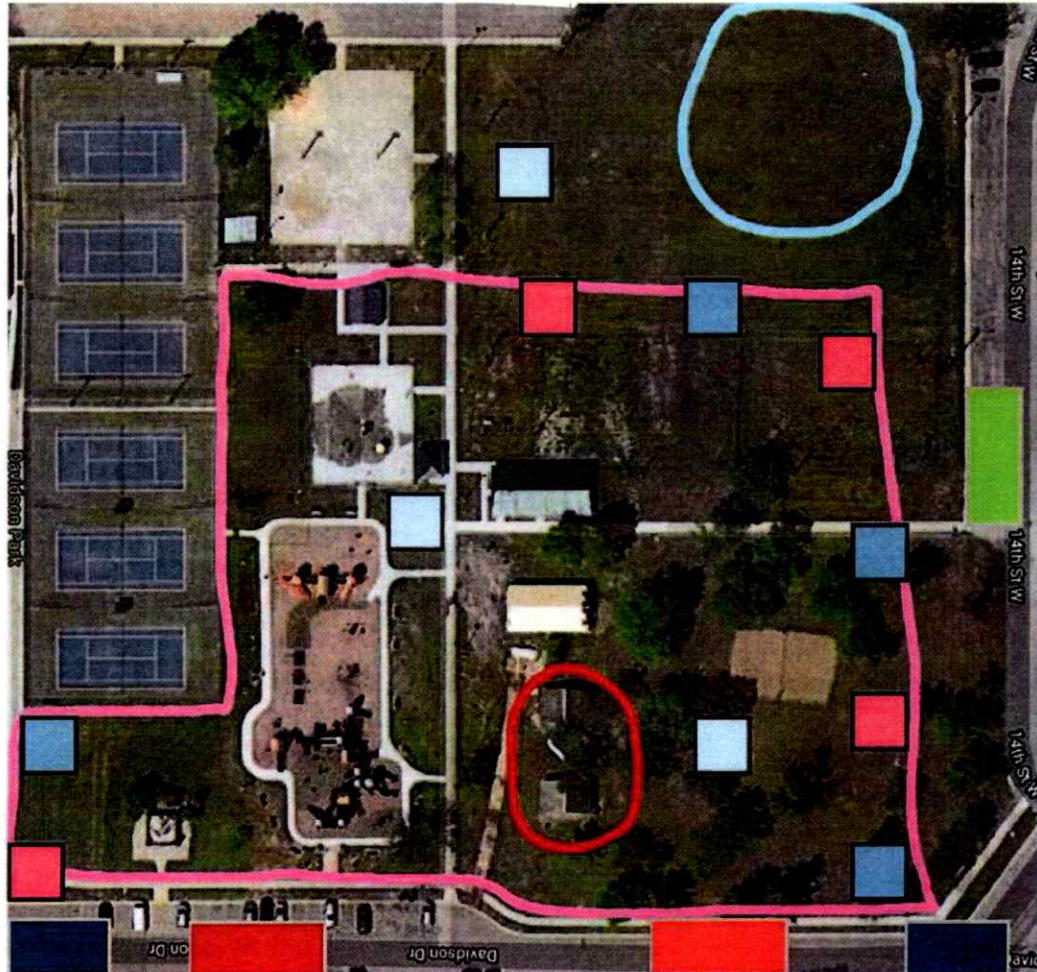
6A Williston Community Library/ Community Egg Hunt- Street Closure Request




The Williston Community Library is requesting a street closure for the Community Egg Hunt.

This event will take place on Thursday, March 31 from 11 am to 6pm in Davidson Park and surrounding streets. The request is to close Davidson Drive from 9th Ave NW to Ardean Aafedt Stadium. All necessary department heads have signed off on this permit.

Attachments:
A6A

Davidson Park



- | | | | |
|---|-------------------------|---|------------------|
|  | Bag Distribution |  | Police Dept. |
|  | Egg Collection/Prize |  | Fire Dept. |
|  | Storytime Area |  | Bookmobile |
|  | Helicopter landing area |  | Airport Vehicles |
|  | Photo Booth |  | Egg Hunt Area |



DATE: February 22,2022

TO: City Commission

FROM: Matt Clark, Fire Chief

RE: Retirement- POC

SUBJECT: 30 Year Retirement Recognition

On behalf of the Williston Fire Department, we are honored to present Meritorious Service Medals to Darwin Stevens and Josh Mosbrucker for 30-years with the Williston Fire Department.

Firefighter Josh Mosbrucker began as a dual member of both the City of Williston Fire Department and the Williston Rural Fire Department on the 8th of January 1992. Over the span of his career Josh has served in a variety of roles and has always prevailed as a leader within the Williston Fire Department. Firefighter Mosbrucker responded and mitigated more than 1,200 calls for service and conducted over 3,600 hours of training during the span of his career. Firefighter Mosbrucker embodied the ideals of the fire family and will always be considered a lifelong member of the Williston Fire Department.

Deputy Chief Darwin Stevens began as a member of the City of Williston Fire Department on the 8th of January 1992. Chief Stevens progressed through the ranks and was selected as the Deputy Fire Chief in 2006. He continued to serve as the Deputy Fire Chief for more than 10 years. Chief Stevens continued to seek professional education and received his emergency medical technician license and has served as a long-standing member of the Williston Ambulance Service. Chief Stevens responded and commanded more than 2,500 calls for service and conducted over 7,000 hours of training during the span of his career. Chief Stevens served as a critical leader throughout the growth of the department and assisted with the transition to a combination service.

The members of both the Williston Fire Department and the City of Williston administrative staff, cannot thank you enough for your dedication to our community and years of leadership. Congratulations to you and your families on your retirement, thank you for your 30 years of dedicated service.

A handwritten signature in black ink, appearing to read "Matt Clark", is written over a light blue horizontal line.

Matt Clark

Fire Chief



MEMO

To: The Board of City Commissioners

From: Hercules Cummings, Finance Director

Date: February 22, 2022

8B1: Resolution 22-010 Refunding Improvement Bond Series 2022A Tax -Exempt & Series 2022B Taxable

Through the Refunding Improvement Bond Series 2022A and Series 2022B, the City of Williston has the opportunity to pay off certain current special assessment bonds that were used to finance the district capital project cost sooner and provide immediate cash savings. The proposed Parameters Resolution authorizes the issuance of the improvement warrants in the amounts not to exceed \$19,500,000 for Series 2022A and \$19,000,000 for Series 2022B with Net Interest Cost ("NIC") of 2.65% or less for Series 2022A and 2.95% or less for Series 2022B.

The Series 2022A Bond Proceeds, together with certain other funds of the City relating to the Tax-Exempt Refunded Bonds, will be used by the City in order to: (i) current refund all of the City's outstanding Tax-Exempt Refunded Bonds; and (ii) pay costs of issuance allocable to the Series 2022A Bonds. The Series 2022B Bond Proceeds, together with certain other funds of the City relating to the Taxable Refunded Bonds, will be used by the City in order to: (i) advance refund all of the City's outstanding Taxable Refunded Bonds; and (ii) pay costs of issuance allocable to the Series 2022B. Payments of the bonds are secured by special assessment levies.

The issue will consolidate up to six series of outstanding bonds into two series of bonds and reduce the interest rates on the bonds resulting in aggregate Net Present Value Benefit of approximately \$1,080,000 or 3%, Total Cash Flow Savings of approximately \$1,260,000.



Refunding Bond information is as follows:

Special Assessment Bonds (as of December 31, 2021):

<u>Issue Date</u>	<u>Purpose</u>	<u>Interest Rate</u>	<u>Final Maturity</u>	<u>Amount Outstanding</u>
2014	Refunding Improvement Bonds ⁽¹⁾	0.50% -4.60%	5/1/2033	\$ 2,755,000
2014-B	Refunding Improvement Bonds ⁽²⁾	0.50% -4.00%	5/1/2034	9,825,000
2015	Refunding Improvement Bonds ⁽³⁾	3.00% -3.50%	5/1/2035	7,355,000
2016	Refunding Improvement Bonds ⁽⁴⁾	1.00% -5.00%	5/1/2036	15,980,000
2017	Refunding Improvement Bonds ⁽⁵⁾	1.50%- 5.00%	5/1/2037	1,785,000
2019	Refunding Improvement Bonds ⁽⁶⁾	2.00% - 4.00%	5/1/2038	1,030,000

Cost of Issuance includes legal fees, printing, and Rating Agency’s fees and expenses, Underwriter’s fee, Paying Agent’s fees, Escrow, Agent’s fees, Verification Agent’s fees and other miscellaneous issuance costs.

In reference to the Bond Purchase Agreement with Colliers International as the “Underwriter” for Refunding Improvement Bond Series **Bond Series 2022A Tax -Exempt & Series 2022B Taxable**, the final numbers will be set following execution of the Bond Purchase Agreement and will be effective of closing tentatively scheduled for March 2022 subject to market. A copy of the Preliminary Official Statement and Parameters Resolution is attached in the Commission packet.

Recommendation: I recommend the approval of Resolution 22-010 authorizing the Parameters Resolution for the improvement warrants in the amounts not to exceed \$19,500,000 for Series 2022A and \$19,000,000 for Series 2022B

Attachments: Parameters Resolution, Preliminary Official Statement, Refunding Solution

**RESOLUTION PROVIDING FOR THE ISSUANCE OF
REFUNDING IMPROVEMENT BONDS, SERIES 2022A
and
REFUNDING IMPROVEMENT BONDS, TAXABLE SERIES 2022B
(PARAMETERS RESOLUTION)**

of the

CITY OF WILLISTON, NORTH DAKOTA

Adopted: February 22, 2022

This instrument was drafted by:

Ohnstad Twichell, P.C.
P.O. Box 458
West Fargo, ND 58078-0458

Commissioner _____ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE ISSUANCE OF
REFUNDING IMPROVEMENT BONDS, SERIES 2022A, AND
REFUNDING IMPROVEMENT BONDS, TAXABLE SERIES 2022B
(PARAMETERS RESOLUTION)

WHEREAS, the City of Williston, North Dakota (the “City”), has determined to issue the Refunding Improvement Bonds, Series 2022A (the “Series 2022A Bonds”), and the Refunding Improvement Bonds, Taxable Series 2022B (the “Series 2022B Bonds”); and

WHEREAS, the City has previously created one or more improvement districts as set out in this Series 2022 Bond Resolution for the purpose of constructing municipal improvements (the “Prior Improvement Districts”); and

WHEREAS, to finance the Prior Improvement Districts, the City previously issued one or more improvement warrants (the “Prior Improvement Warrants”) and has levied or will levy Special Assessments on the property in the Prior Improvement Districts benefitted thereby to pay for the Prior Improvement Warrants; and

WHEREAS, in exchange for the Prior Improvement Warrants and by resolutions heretofore adopted, the City authorized the issuance of its Series 2014 Bonds; its Series 2014B Bonds; its Series 2015 Bonds; its Series 2016 Bonds; its Series 2017 Bonds; and its Series 2019 Bonds; and

WHEREAS, the City, through the issuance of the Series 2022 Bonds for the purpose of current refunding the 2023-2033 maturities of the Series 2014 Bonds, 2023-2034 maturities of the Series 2014B Bonds, and the 2023-2035 maturities of the Series 2015 Bonds (collectively the “Tax-Exempt Refunded Bonds”); and advance refunding the 2022-2036 maturities of the Series 2016 Bonds, the 2022-2037 maturities of the Series 2017 Bonds, and the 2022-2038 maturities of the Series 2019 Bonds (collectively the “Taxable Refunded Bonds”), can reduce the debt service thereon; and

WHEREAS, it is desired to provide for the redemption of the Tax-Exempt Refunded Bonds from the proceeds of the Series 2022A Bonds; and

WHEREAS, it is desired to provide for the defeasance of the Taxable Refunded Bonds from the proceeds of the Series 2022B Bonds; and

WHEREAS, the City Commission of the City of Williston (the “Governing Body”) does hereby create a Pricing Committee composed of the President of the Board of City Commissioners and the Finance Director, and does hereby grant them the authority to accept bids on the Bonds; and

WHEREAS, the Pricing Committee is hereby authorized to accept a bid at a later date for the Series 2022A Bonds, provided the maximum par amount of the Series 2022A Bonds does not

exceed \$19,500,000 and the maximum net interest cost on the Series 2022A Bonds does not exceed 2.65%; and

WHEREAS, the Pricing Committee is hereby authorized to accept a bid at a later date for the Series 2022B Bonds, provided the maximum par amount of the Series 2022B Bonds does not exceed \$19,000,000 and the maximum net interest cost on the Series 2022B Bonds does not exceed 2.95%.

NOW, THEREFORE, be it resolved by the governing body of the City as follows:

Section 1. Definitions

1.01. All Capitalized terms used and not otherwise defined herein shall have the meanings given to them in this Series 2022 Bond Resolution and as defined in this section unless a different meaning clearly applies from the context.

“**2014 Refunded Bonds**” means the 2023-2033 maturities of the Series 2014 Bonds.

“**2014B Refunded Bonds**” means the 2023-2034 maturities of the Series 2014B Bonds.

“**2015 Refunded Bonds**” means the 2023-2035 maturities of the Series 2015 Bonds

“**2016 Refunded Bonds**” means the 2022-2036 maturities of the Series 2016 Bonds.

“**2017 Refunded Bonds**” means the 2022-2037 maturities of the Series 2017 Bonds.

“**2019 Refunded Bonds**” means the 2022-2038 maturities of the Series 2019 Bonds.

“**Bond Proceeds**” means the proceeds of Refunding Improvement Bonds issued by the City subject to the terms and conditions of this Series 2022 Bond Resolution.

“**Bond Registrar**” means Starion Bond Services, Bismarck, North Dakota.

“**Bond Counsel**” means Ohnstad Twichell, P.C., or other nationally recognized bond counsel authorized to render tax and security opinions relating to the Series 2022 Bonds.

“**Bond Purchase Agreement**” means the Bond Purchase Agreement by between the City, as the City, and Colliers Securities LLC, as Underwriter, relating to the sale of the Series 2022 Bonds.

“**Business Day**” means any day other than a Saturday, a Sunday, or a day in which the offices of the U.S. Government or the State of North Dakota are authorized to be closed or in which commercial banks are authorized or required by law, regulation, or executive order to be closed.

“**Calendar Day**” means each day shown on the calendar beginning at 12:00 Midnight, including Saturdays, Sundays and holidays. The term “day” shall mean calendar day whether or not expressly identified.

“Certificate of Authentication” shall be as set out in the Certificate of Pricing Committee.

“City” means the City of Williston, a home rule city and North Dakota political subdivision.

“City Auditor” means the duly person appointed by Williston City Commission as City Auditor pursuant to N.D.C.C. § 40-15-05, as amended from time to time.

“Closing” shall be as set out in the Certificate of Pricing Committee.

“Continuing Disclosure Certificate” means the certificate relating to the Series 2022 Bonds attached to this Series 2022 Bond Resolution as Attachment 5.

“Effective Date” shall be as set out in the Certificate of Pricing Committee.

“Electronic Means” means facsimile transmission, email transmission, electronic signatures, secure electronic transmission containing applicable authorization codes, passwords or other method such as docuSign, pdf or other commercially acceptable electronic authorization.

“Escrow Agent” means the Bank of North Dakota.

“Escrow Agreement” means the escrow agreement by and between the City and the Escrow Agent dated the date set out in the Certificate of Pricing Committee relating to the payment of principal, interest and redemption of the Taxable Refunded Bonds.

“Escrow Fund” means the fund created pursuant to Section 6.02 of this Series 2022 Bond Resolution. Within the Escrow Fund, the City will establish the following Accounts: (i) the Series 2014 Escrow Account; (ii) the Series 2014B Escrow Account; (iii) the Series 2015 Escrow Account; (iv) the Series 2016 Escrow Account; (v) the Series 2017 Escrow Account; and (vi) the Series 2019 Escrow Account. The Escrow Fund and the accounts therein will be held in the custody of the Escrow Agent pursuant to the Escrow Agreement. Monies in the Series 2014 Escrow Account, Series 2014B Escrow Account, and Series 2015 Escrow Account will be used to redeem on the Tax-Exempt Refunded Bonds Redemption Date, all of the Series 2014 Bonds, Series 2014B Bonds, and Series 2015 Bonds, each maturing after May 1, 2022. Monies in the Series 2016 Escrow Account, Series 2017 Escrow Account, and Series 2019 Escrow Account will be used to (a) pay principal of and interest on each of the Taxable Refunded Bonds maturing on or before the Taxable Refunded Bonds Redemption Date; and (b) redeem on the Taxable Refunded Bonds Redemption Date, all of the Taxable Refunded Bonds maturing after May 1, 2023.

“Finance Director” means the individual duly appointed by the Williston City Commission as the Finance Director of the City.

“Governing Body” means the board of elected officials of the City that performs the legislative and governmental decision making functions of the City.

“**Holder**” or “**Bondholder**” means the person or persons who holds, owns and controls bonds of the Series 2022 Bonds.

“**Letter of Representations**” means the agreement previously filed with The Depository Trust Company.

“**N.D.C.C.**” means the North Dakota Century Code, as amended from time to time.

“**Official Statement**” means the Official Statement dated the date as set out in the Certificate of Pricing Committee.

“**Paying Agent**” means Starion Bond Services, Bismarck, North Dakota.

“**President of the Board of City Commissioners**” means the person duly elected to serve as President of the City Commission in accordance with Chapter 40-09 of the N.D.C.C. and the Williston Home Rule Charter.

“**Prior Improvements**” means the public improvements constructed by the City in the Prior Improvement Districts.

“**Prior Improvement Districts**” means the following improvement districts created by the City:

- Water and Sewer Improvement District No. 12-10
- Storm Sewer Improvement District No. 13-2
- Water and Sewer Improvement District No. 13-3
- Sewer Improvement District No. 13-4
- Street Improvement District No. 13-5
- Water and Sewer Improvement District No. 1
- Water and Sewer Improvement District No. 13-07
- Water and Sewer Improvement District No. 13-11
- Water and Sewer Improvement District No. 13-12
- Street Improvement District No. 13-5
- Water and Sewer Improvement District No. 13-6.
- Alley Improvement District No. 13-9.
- Water, Sewer and Street Improvement District No. 13-10.
- Water, Sewer, Street and Storm Sewer Improvement District No. 13-13.
- Sewer Improvement Lift Station District No. 13-14.
- Water, Sewer and Street Improvement District No. 14-2.
- Street Light District No. 14-3.
- Water, Sewer and Street Improvement District No. 15-3
- Street Improvement District No. 15-5.
- Water and Sewer Improvement District No. 15-16.
- Water and Sewer Improvement District No. 15-17.
- Street Improvement District No. 15-19.
- Water, Sewer, Street Improvement District No. 15-10.
- Water, Sewer, Street Improvement District No. 15-18,.

Alley Improvement District No. 15-19.
Parking Lots District No. 2015.
High School On-Site Improvement District No. 15-2
Sewer Improvement District No. 15-4.
Sewer Improvement District No. 15-8.
Water, Sewer, and Street Improvement District No. 15-11.
Water, Sewer and Street Improvement District No. 15-12.
Street Improvement District No. 15-14.
Street Improvement District No. 15-15.
Street Improvement District No. 15-16.
Street Improvement District No. 15-17
Street Improvement District 17-3.
Mill and Overlay Improvement District 16-8.
Alley Improvement District 16-6.
Concrete Alley Improvement District 16-5.
Water, Sewer and Street Improvement District 16-2.
Street Improvement District 16-4.
Alley Improvement District 15-19B
Amended Water Sewer and Street Improvement District No. 18-2.
Water, Sewer and Street Improvement District No. 17-2.

“Prior Improvement Warrants” means collectively the Prior Improvement Warrants Series A and Prior Improvement Warrants Series B.

“Prior Improvement Warrants Series A” means:

Series 2014 Bonds

Improvement Warrant R -1: Water and Sewer Improvement District No. 12-10
Improvement Warrant R -2: Storm Sewer Improvement District No. 13-2
Improvement Warrant R -3: Water and Sewer Improvement District No. 13-3
Improvement Warrant R -4: Sewer Improvement District No. 13-4
Improvement Warrant R -5: Street Improvement District No. 13-5
Improvement Warrant R -6: Water and Sewer Improvement District No. 1
Improvement Warrant R -7: Water and Sewer Improvement District No. 13-07
Improvement Warrant R -8: Water and Sewer Improvement District No. 13-11
Improvement Warrant R -9: Water and Sewer Improvement District No. 13-12

Series 2014B Bonds

Improvement Warrant R -1: Street Improvement District No. 13-5
Improvement Warrant R -2: Water and Sewer Improvement District No. 13-6.
Improvement Warrant R -3: Alley Improvement District No. 13-9.
Improvement Warrant R -4: Water, Sewer and Street Improvement District No. 13-10.
Improvement Warrant R -5: Water, Sewer, Street and Storm Sewer Improvement District No. 13-13.
Improvement Warrant R -6: Sewer Improvement Lift Station District No. 13-14.
Improvement Warrant R -7: Water, Sewer and Street Improvement District No. 14-2.
Improvement Warrant R -8: Street Light District No. 14-3.

Series 2015 Bonds

- Improvement Warrant R -1: Water, Sewer and Street Improvement District No. 15-3
- Improvement Warrant R -2: Street Improvement District No. 15-5.
- Improvement Warrant R -3: Water and Sewer Improvement District No. 15-16.
- Improvement Warrant R -4: Water and Sewer Improvement District No. 15-17.
- Improvement Warrant R -5: Street Improvement District No. 15-19.
- Improvement Warrant R -6: Water, Sewer, Street Improvement District No. 15-10.
- Improvement Warrant R -7: Water, Sewer, Street Improvement District No. 15-18.
- Improvement Warrant R -8: Alley Improvement District No. 15-19.
- Improvement Warrant R -9: Parking Lots District No. 2015.

“Prior Improvement Warrants Series B” means:

Series 2016 Bonds

- Improvement Warrant R -1: High School On-Site Improvement District No. 15-2
- Improvement Warrant R -2: Sewer Improvement District No. 15-4.
- Improvement Warrant R -3: Sewer Improvement District No. 15-8.
- Improvement Warrant R -4: Water, Sewer, and Street Improvement District No. 15-11.
- Improvement Warrant R -5: Water, Sewer and Street Improvement District No. 15-12.
- Improvement Warrant R -6: Street Improvement District No. 15-14.
- Improvement Warrant R -7: Street Improvement District No. 15-15.
- Improvement Warrant R -8: Street Improvement District No. 15-16.
- Improvement Warrant R -9: Street Improvement District No. 15-17

Series 2017 Bonds

- Improvement Warrant R -1: Street Improvement District 17-3.
- Improvement Warrant R -2: Mill and Overlay Improvement District 16-8.
- Improvement Warrant R -3: Alley Improvement District 16-6.
- Improvement Warrant R -4: Concrete Alley Improvement District 16-5.
- Improvement Warrant R -5: Water, Sewer and Street Improvement District 16-2.
- Improvement Warrant R -6: Street Improvement District 16-4.
- Improvement Warrant R -7: Alley Improvement District 15-19B

Series 2019 Bonds

- Improvement Warrant R -1: Amended Water Sewer and Street Improvement District No. 18-2.
- Improvement Warrant R -2: Water, Sewer and Street Improvement District No. 17-2.

“Purchaser” shall be as shown in the Certificate of Pricing Committee.

“Refunded Bonds” means collectively the Tax-Exempt Refunded Bonds and the Taxable Refunded Bonds.

“Series 2014 Bonds” means the \$4,490,000 Refunding Improvement Bonds of 2014 of the City of Williston, North Dakota.

“**Series 2014 Escrow Account**” means an account held within the Escrow Fund by the Escrow Agent to hold the Series 2022A Bond Proceeds and Series 2022A Cash sufficient to redeem and pay the Series 2014 Bonds on the Tax-Exempt Refunded Bonds Redemption Date.

“**Series 2014B Bonds**” means the \$15,075,000 Refunding Improvement Bonds, Series 2014B, of the City of Williston, North Dakota.

“**Series 2014B Escrow Account**” means an account held within the Escrow Fund by the Escrow Agent to hold the Series 2022A Bond Proceeds and Series 2022A Cash sufficient to redeem and pay the Series 2014B Bonds on the Tax-Exempt Refunded Bonds Redemption Date.

“**Series 2015 Bonds**” means the \$9,645,000 Refunding Improvement Bonds of 2015 of the City of Williston, North Dakota.

“**Series 2015 Escrow Account**” means an account held within the Escrow Fund by the Escrow Agent to hold the Series 2022A Bond Proceeds and Series 2022A Cash sufficient to redeem and pay the Series 2015 Bonds on the Tax-Exempt Refunded Bonds Redemption Date.

“**Series 2016 Bonds**” means the \$20,185,000 Refunding Improvement Bonds of 2016 of the City of Williston, North Dakota.

“**Series 2016 Escrow Account**” means an account held within the Escrow Fund by the Escrow Agent to hold the Series 2022B Bond Proceeds and Series 2022B Cash sufficient to redeem and pay the Series 2016 Bonds on the Taxable Refunded Bonds Redemption Date.

“**Series 2017 Bonds**” means the \$2,280,000 Refunding Improvement Bonds of 2017 of the City of Williston.

“**Series 2017 Escrow Account**” means an account held within the Escrow Fund by the Escrow Agent to hold the Series 2022B Bond Proceeds and Series 2022B Cash sufficient to redeem and pay the Series 2017 Bonds on the Taxable Refunded Bonds Redemption Date.

“**Series 2019 Bonds**” means the \$1,145,000 Refunding Improvement Bonds of 2019 of the City of Williston.

“**Series 2019 Escrow Account**” means an account held within the Escrow Fund by the Escrow Agent to hold the Series 2022B Bond Proceeds and Series 2022B Cash sufficient to redeem and pay the Series 2019 Bonds on the Taxable Refunded Bonds Redemption Date.

“**Series 2022 Bond Fund**” means the fund created by Section of 6.01 of this Series 2022 Bond Resolution for the payment of interest and principal due on the Series 2022 Bonds. Within the Series 2022 Bond Fund there shall be maintained two (2) accounts consisting of: (i) the Series 2022A Bond Account; and (ii) the Series 2022B Bond Account.

“**Series 2022 Bond Proceeds**” means, collectively, the Series 2022A Bond Proceeds and the Series 2022B Bond Proceeds.

“**Series 2022 Bond Resolution**” means the resolution enacted by the Williston City Commission on the Effective Date authorizing the sale and issuance of the Series 2022 Bonds.

“**Series 2022 Bonds**” means collectively, the Series 2022A and Series 2022B Bonds.

“**Series 2022A**” means the Refunding Improvement Bonds, Series 2022A, of the City of Williston, North Dakota.

“**Series 2022A Bond Account**” means an account created within the Series 2022 Bond Fund into which Special Assessments collected from the Prior Improvement Warrants Series A” will be deposited and used for the sole purpose of payment of principal of and interest on any outstanding Series 2022A Bonds.

“**Series 2022A Cash**” means the sum of \$ _____ provided by the City from _____ Fund to be used together with the Series 2022A Bond Proceeds to the redeem and pay the Tax-Exempt Refunded Bonds on the Tax-Exempt Refunded Bonds Redemption Date.

“**Series 2022A Proceeds**” means Bond Proceeds derived from the sale of the Series 2022A bonds.

“**Series 2022B**” means the Taxable Refunding Improvements Bonds of the City of Williston, North Dakota.

“**Series 2022B Cash**” means the sum of \$ _____ provided by the City from _____ Fund to be used together with the Series 2022B Bond Proceeds to the redeem and pay the Taxable Refunded Bonds on the Taxable Refunded Bonds Redemption Date.

“**Series 2022B Bond Account**” means an account created within the Series 2022 Bond Fund into which Special Assessments collected from the Prior Improvement Warrants Series B” will be deposited and used for the sole purpose of payment of principal of and interest on any outstanding Series 2022B Bonds.

“**Series 2022B Proceeds**” means Bond Proceeds derived from the sale of the Series 2022B bonds.

“**Special Assessments**” means the revenue collected by the City pursuant to the City’s levy of special assessments on a lot, parcel of land or real property located within a Prior Improvement District for the benefits from the construction of such work included within a Prior Improvement District pursuant to Chapter 40-23 of the N.D.C.C.

“**Taxable Refunded Bonds**” means the 2016 Refunded Bonds, 2017 Refunded Bonds, and the 2019 Refunded Bonds.

“**Taxable Refunded Bonds Redemption Date**” means May 1, 2023.

“**Tax-Exempt Refunded Bonds**” means the 2014 Refunded Bonds, 2014B Refunded Bonds, and the 2015 Refunded Bonds.

“**Tax-Exempt Refunded Bonds Redemption Date**” means May 1, 2022.

“**Underwriter**” means Colliers Securities LLC.

“**Underwriter’s Counsel**” means Ballard Spahr LLP, Minneapolis, Minnesota.

“**Williston City Commission**” means the Governing Body of the City.

Section 2. Not to Exceed.

2.01. The Pricing Committee is authorized to complete the following Resolution in substantially the same form as presented, provided the maximum par amount of the Series 2022A Bonds does not exceed \$19,500,000, and the maximum net interest cost on the Series 2022A Bonds does not exceed 2.65%.

2.02. The Pricing Committee is authorized to complete the following Resolution in substantially the same form as presented, provided the maximum par amount of the Series 2022B Bonds does not exceed \$19,000,000, and the maximum net interest cost on the Series 2022B Bonds does not exceed 2.95%.

Sectopm 3. Authorization and Sale.

3.01. There is hereby authorized to be issued a series of bonds designated the City’s Refunding Improvement Bonds, Series 2022A, for the purpose of current refunding the outstanding Tax-Exempt Refunded Bonds. The Pricing Committee shall have the authority to negotiate the terms of the Series 2022A Bonds with Colliers Securities LLC, in accordance with Section 2 hereof, to determine the final par amount and amortization schedule for the Bonds *without further action of the Governing Body of the City*, and to complete the Certificate of Pricing Committee.

3.02. There is hereby authorized to be issued a series of bonds designated the City’s Refunding Improvement Bonds, Taxable Series 2022B Bonds, for the purpose of advance refunding the outstanding Taxable Refunded Bonds. The Pricing Committee shall have the authority to negotiate the terms of the Series 2022B Bonds with Colliers Securities LLC, in accordance with Section 2 hereof, to determine the final par amount and amortization schedule for the Bonds *without further action of the Governing Body of the City*, and to complete the Certificate of Pricing Committee.

Section 4. Terms.

4.01. The Series 2022A Bonds shall initially be dated their date of issuance. The Series 2022A Bonds issued upon exchange or transfer after November 1, 2022, shall be dated as of the interest payment date next preceding their issuance, or if the date of such issuance shall be on an interest payment date as of the date of such issue; provided, however, that if interest on the

Series 2022A Bonds shall be in default, the Series 2022A Bonds shall be dated as of the date to which interest has been paid in full on the Series 2022A Bonds being transferred. The Series 2022A Bonds shall be issued in fully registered form in denominations of \$5,000 or any multiple thereof, of single maturities. The Series 2022A Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on May 1 in the years and in the amounts and shall bear interest at the rates set forth in the Certificate of Pricing Committee.

4.02. Interest on the Series 2022A Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check or draft by Starion Bond Services as Paying Agent, or its successor. Interest shall be payable on May 1 and November 1 in each year, commencing November 1, 2022, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest on the Series 2022A Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

4.03. The Series 2022B Bonds shall initially be dated their date of issuance. Bonds issued upon exchange or transfer after May 1, 2022, shall be dated as of the interest payment date next preceding their issuance, or if the date of such issuance shall be on an interest payment date as of the date of such issue; provided, however, that if interest on the Series 2022B Bonds shall be in default, the Series 2022B Bonds shall be dated as of the date to which interest has been paid in full on the Series 2022B Bonds being transferred. The Series 2022B Bonds shall be issued in fully registered form in denominations of \$5,000 or any multiple thereof, of single maturities. The Series 2022B Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued and shall mature on May 1 in the years and in the amounts and shall bear interest at the rates set forth in the Certificate of Pricing Committee.

4.04. Interest on the Series 2022B Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check or draft by Starion Bond Services as Paying Agent, or its successor. Interest shall be payable on May 1 and November 1 in each year, commencing May 1, 2022, to the holder of record on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest on the Series 2022B Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.

Section 5. Redemption.

5.01. As set forth in the Certificate of Pricing Committee, the Series 2022A Bonds maturing in a certain year and thereafter may be redeemed prior to their respective maturity dates, at the option of the City, at a price equal to the principal amount plus accrued interest to the date of redemption. Redemption may be in whole or in part, and if in part, at the option of the City and in such manner as the City shall determine and within a maturity by lot as selected by the Bond Registrar. Not less than twenty (20) days prior to the date specified for redemption and prepayment of the Series 2022A Bonds, the City will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent, and registered owner of the Series 2022A Bond to be redeemed in whole or in part at the address shown on the registration books of the Bond Registrar.

5.02. As set forth in the Certificate of Pricing Committee, the Series 2022B Bonds maturing in a certain year and thereafter may be redeemed prior to their respective maturity dates, at the option of the City, at a price equal to the principal amount plus accrued interest to the date of redemption. Redemption may be in whole or in part, and if in part, at the option of the City and in such manner as the City shall determine and within a maturity by lot as selected by the Bond Registrar. Not less than twenty (20) days prior to the date specified for redemption and prepayment of the Series 2022B Bonds, the City will cause notice of the call thereof to be sent by mail to the Bond Registrar, Paying Agent, and registered owner of the Series 2022B Bond to be redeemed in whole or in part at the address shown on the registration books of the Bond Registrar.

5.03. The Pricing Committee shall designate any Bonds which are term bonds in the Certificate of Pricing Committee. If there are term bonds, within ten (10) days before the thirtieth (30th) day prior to the redemption date, the Bond Registrar will proceed to select for redemption (by lot in such manner as the Bond Registrar may determine) from all outstanding term bonds a principal amount of such term bonds equal to the aggregate principal amount of such term bonds redeemable on the redemption date, and will call such term bonds or portions thereof (\$5,000 in principal amount of any integral multiple thereof) for redemption on such redemption date and give notice to such call pursuant to the redemption provisions contained herein.

5.04. If and when the City shall call any of the Series 2022 Bonds for redemption and prepayment prior to the stated maturity thereof, the Bond Registrar shall give written notice in the name of the City of its intention to redeem and pay such Series 2022 Bonds at the office of the Bond Registrar. Notice of redemption shall be mailed not less than twenty (20) days prior to the redemption date, to each registered owner of Series 2022 Bonds to be redeemed, at the address appearing in the bond register. All notices of optional redemption shall state: (i) the redemption date; (ii) the redemption price; (iii) if less than all outstanding Series 2022 Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Series 2022 Bonds to be redeemed; (iv) that on the optional redemption date, the redemption price will become due and payable upon each such Series 2022 Bond, and that interest thereon shall cease to accrue from and after said date; (v) the place where such Series 2022 Bonds are to be surrendered for payment of the redemption price (which shall be at the office of the Bond Registrar); and (vi) include a statement that the redemption so noticed is conditioned on sufficient funds being held by the City on or before noon on the applicable redemption date to pay the full redemption price, and if at such time the amount so held is not sufficient to pay all amounts required to effect the noticed redemption in full, the redemption shall be cancelled, with all Series 2022 Bonds tendered for such redemption being returned to the holders thereof and no liability on the City shall arise as a result of such cancellation.

Section 6. Execution.

6.01. The Series 2022 Bonds shall be prepared under the supervision and at the direction of the City Auditor, executed by the manual signature of the President of the Board of City Commissioners, and attested to by the manual signature of the Finance Director, and delivered to the holder at closing upon receipt of the purchase price plus any accrued interest. The Series 2022 Bonds shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under this Series 2022 Bond Resolution until the Certificate of Authentication thereon shall

have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

6.02. The Series 2022A Bonds shall be reproduced in substantially the form attached to this Series 2022 Bond Resolution as Attachment 1.

6.03. The Series 2022B Bonds shall be reproduced in substantially the form attached to this Series 2022 Bond Resolution as Attachment 2.

Section 7. Funds and Accounts.

7.01. Series 2022 Bond Fund. There shall be and is hereby established a special fund to be maintained by the Finance Director separate and apart from all other funds of the City, to be designated as the Series 2022 Bond Fund. Within the Series 2022 Bond Fund, the Finance Director shall maintain two (2) accounts separate and apart from all other accounts of the City: (i) the Series 2022A Bond Account and (ii) the Series 2022B Bond Account. Monies within the Series 2022A Bond Account will be used for the sole purpose of payment of principal of and interest on any outstanding Series 2022A Bonds and shall be maintained until all balances of principal of and interest on the Series 2022A Bonds are fully paid. Monies within the Series 2022B Bond Account will be used for the sole purpose of payment of principal of and interest on any outstanding Series 2022B Bonds and shall be maintained until all balances of principal of and interest on the Series 2022B Bonds are fully paid. There is hereby appropriated to the Series 2022A Bond Account all of the Special Assessments collected from the Prior Improvement Warrants Series A heretofore warranted for the payment of the Tax Exempt Refunded Bonds, and there is hereby appropriated to the Series 2022B Bond Account all of the Special Assessments collected from the Prior Improvement Warrants Series B heretofore warranted for the payment of the Taxable Refunded Bonds. All payments of principal and interest made on the Prior Improvement Warrants Series A issued in conjunction with the Tax-Exempt Refunded Bonds shall be credited to the Series 2022A Bond Account and shall be used and applied in payment of the principal and interest on the Tax-Exempt 2022A Bonds as such principal and interest become due, or for the redemption of the Tax-Exempt 2022A Bonds when and as the same are redeemable by their terms. All payments of principal and interest made on the Prior Improvement Warrants Series B issued in conjunction with the Taxable Refunded Bonds shall be credited to the Taxable 2022B Bonds as such principal and interest become due, or for the redemption of the Taxable 2022B Bonds when and as the same are redeemable by their terms.

7.02. Escrow Fund. There is hereby created a Escrow Fund with the Escrow Agent as set forth in the Escrow Agreement. Within the Escrow Fund, there is hereby created six accounts: (i) the Series 2014 Escrow Account; (ii) the Series 2014B Escrow Account; (iii) the Series 2015 Escrow Account; (iv) the Series 2016 Escrow Account; (v) the Series 2017 Escrow Account; and (vi) the Series 2019 Escrow Account. The Escrow Fund and the accounts therein will be held in the custody of the Escrow Agent pursuant to the Escrow Agreement. The amounts in the Series 2014 Escrow Account, Series 2014B Escrow Account, and Series 2015 Escrow Account will be used to redeem on the Tax-Exempt Refunded Bonds Redemption Date, all of the Series 2014 Bonds, Series 2014B Bonds, and Series 2015 Bonds, each maturing after May 1, 2022. The amounts in the Series 2016 Escrow Account, Series 2017 Escrow Account, and Series 2019 Escrow Account will be used to (a) pay principal of and interest on each of the Taxable Refunded

Bonds maturing on or before the Taxable Refunded Bonds Redemption Date; and (b) redeem on the Taxable Refunded Bonds Redemption Date, all of the Taxable Refunded Bonds maturing after May 1, 2023. Any monies remaining in the Series 2014 Escrow Account, the Series 2014B Escrow Account, or the Series 2015 Escrow Account; following the redemption of the Tax-Exempt Refunded Bonds as set forth in the following section shall be deposited into the Series 2022A Bond Account and applied to the payment of principal of and interest on the Series 2022A Bonds. Any monies remaining in the Series 2016 Escrow Account, the Series 2017 Escrow Account, or the Series 2019 Escrow Account following the redemption of the Taxable Refunded Bonds as set forth in the following section shall be deposited into the Series 2022B Bond Account and applied to the payment of principal of and interest on the Series 2022B Bonds.

Section 8. Retirement of the Refunded Bonds.

8.01. Tax-Exempt Refunded Bonds. At closing on the Series 2022A Bonds, the City shall deposit the Series 2022A Bond Proceeds and, if necessary, Series 2022A Cash into the Escrow Fund and the following accounts therein as follows: (i) Series 2014 Escrow Account, (ii) the Series 2014B Escrow Account, and (iii) the Series 2015 Escrow Account in an amount equal to the amount necessary to pay the principal of and interest, if any, on all of the Tax Exempt Refunded Bonds on the Tax-Exempt Refunded Bonds Redemption Date. Alternatively, the City will invest such funds in a manner so that the original funds, together with investment earnings, will be sufficient to pay the principal of and interest, if any, on all of the Tax-Exempt Refunded Bonds on the Tax-Exempt Refunded Bonds Redemption Date.

8.02. Taxable Refunded Bonds. At closing on the Series 2022B Bonds, the City shall deposit the Series 2022B Bond Proceeds and, if necessary, Series 2022B Cash, into the Escrow Fund and the following accounts therein as follows: (i) Series 2016 Escrow Account, (ii) the Series 2017 Escrow Account, and (iii) the Series 2019 Escrow Account in an amount equal to the amount necessary to pay the principal of and interest of the Taxable Refunded Bonds until and on the Taxable Refunded Bonds Redemption Date. Alternatively, the City will invest such funds in a manner so that the original funds, together with investment earnings, will be sufficient to pay the principal of and interest, if any, on all of the Taxable Refunded Bonds until and on the Taxable Refunded Bonds Redemption Date.

Section 9. Transfer of Prior Improvement Warrants.

9.01. It is hereby found, determined, and declared that the Prior Improvement Warrants Series A held as assets in the City's previously created bond fund(s) for the Tax-Exempt Refunded Bonds shall, simultaneously with the issuance of the Series 2022A Bonds, be immediately transferred, held and deposited into the Series 2022A Bond Account created hereby. The Prior Improvement Warrants Series A shall be held in trust by the City for the holders of the Series 2022A Bonds.

9.02. It is hereby found, determined, and declared that the Prior Improvement Warrants Series B held as assets in the City's previously created bond fund(s) for the Taxable Refunded Bonds shall, simultaneously with the issuance of the Series 2022B Bonds, be immediately transferred, held and deposited into the Series 2022B Bond Account created hereby. The Prior

Improvement Warrants Series B shall be held in trust by the City for the holders of the Series 2022B Bonds.

Section 10. Covenants and Agreements of the City.

10.01. The City hereby covenants and agrees with the holders from time to time of the Series 2022 Bonds:

(a) That the Prior Improvement Warrants previously held in trust for the Tax-Exempt Refunded Bonds and the Taxable Refunded Bonds are validly issued, and the Special Assessments are validly levied for the payment of the costs of the Public Improvements in each of the Prior Improvement Districts and are payable in the years and amounts required by law, and that it will use due diligence to collect the Prior Improvement Warrants and to levy and collect the Special Assessments and, to the extent provided in the resolutions authorizing the issuance of the Prior Improvement Warrants, to impose and collect service charges appropriated for their payment.

(b) That it will preserve and enforce for the benefit of the holders from time to time of the Series 2022 Bonds all the rights, powers and privileges reserved to holders of the Prior Improvement Warrants and all of the covenants of the City as provided in the resolutions authorizing the same.

(c) That the City recognizes its obligations under the provisions of Section 40-26-08 of the North Dakota Century Code that whenever all Special Assessments appropriated and theretofore collected for the improvements for which the Prior Improvement Warrants were issued are insufficient to pay principal or interest when due on such Prior Improvement Warrants, this governing body is required by law to levy a tax upon all taxable property within the City of Williston for the payment of such deficiency. The City is also authorized, in its discretion, to levy such a tax if at any time a deficiency is deemed likely to occur within one year. Such taxes may be levied without limitation as to rate or amount, and the City covenants and agrees that all collections thereof will be credited to the Series 2022 Bond Fund subject only to the prior lien thereon of the Tax-Exempt Refunded Bonds and the Taxable Refunded Bonds until the Tax-Exempt Refunded Bonds and the Taxable Refunded Bonds have been fully paid, defeased, or redeemed.

(d) In the event the monies in the Series 2022 Bond Fund should at any time be insufficient to make payments of principal and interest then due on the Series 2022 Bonds and any additional bonds payable from the Series Bond Fund, said monies shall be first used to pay the interest then accrued on all such bonds outstanding, and the balance shall be applied in payment of the principal of the bonds in order of their maturity dates, and pro rata in payment of the principal amount of bonds maturing on the same date; and the City reserves the right and privilege of refunding any of such matured bonds for the payment of which monies are not at the time available by issuing new bonds payable from the Series 2022 Bond Fund, which bonds shall be on a parity with those theretofore issued as to interest charges thereon, but the maturity thereof shall be subsequent to the maturity of all bonds payable from the Series 2022 Bond Fund and then outstanding, which are not so refunded.

Section 11. Discharge.

11.01. When all of the Series 2022A Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this Series 2022 Bond Resolution shall cease. The City may discharge its obligations with respect to any Series 2022A Bonds or Series 2022B Bonds 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 Series 2022A Bonds or Series 2022B Bonds shall not be paid when due, the same may nevertheless be discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Series 2022A Bonds or Series 2022B Bonds 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, if any, which are then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Series 2022A Bonds or Series 2022B Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, 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 premium to become due thereon to maturity or said redemption date.

Section 12. No Arbitrage.

12.01. The City covenants and agrees with the holders from time to time of the Series 2022A 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 Series 2022A Bonds to become subject to taxation under the Internal Revenue Code of 1986 (the "Code"), and Regulations, Amended Regulations and Proposed Regulations issued thereunder, as now existing or as hereinafter amended or proposed and in effect at the time of such action.

Section 13. Designation of Bond Registrar and Paying Agent.

13.01. The City hereby designates Starion Bond Services as Paying Agent and Bond Registrar for the Bonds.

Section 14. Certification of Proceedings.

14.01. The City Auditor, Finance Director and President of the City Commission of the City are hereby authorized and directed to prepare and furnish to said purchaser, and to the attorneys approving the legality of said Series 2022 Bonds, certified copies of such proceedings, ordinances, resolutions and records and all such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of said bonds, and all certified copies, certificates, affidavits and other instruments so furnished, including any heretofore furnished, shall constitute representations of the City as to the correctness of all facts stated or recited therein.

Section 15. Book-Entry System.

15.01. The Series 2022 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 Series 2022 Bonds. 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 Series 2022 Bonds.

15.02. Upon initial issuance, ownership of the Series 2022 Bonds shall be registered in a bond register maintained by 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”).

15.03. With respect to the Series 2022 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 Series 2022 Bonds as securities depository (the “Participant”) or the person for which a Participant holds an interest in the Series 2022 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 Series 2022 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 Series 2022 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 Series 2022 Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Series 2022 Bonds (the “Holder”). For purposes of securing the vote or consent of any Holder under this Series 2022 Bond 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 Series 2022 Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

15.04. The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Series 2022 Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Series 2022 Bonds, for the purpose of giving notices of redemption and other matters with respect to the Series 2022 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 Series 2022 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 Series 2022 Bonds only to or upon the Holder or the Holders of the Series 2022 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 Series 2022 Bonds to the extent of the sum or sums so paid.

15.05. 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 Section 18 (with respect to registration, transfer, exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

15.06. So long as any Series 2022 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 Series 2022 Bond and all notices with respect to such Series 2022 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 Series 2022 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 Series 2022 Bonds, collectively hereinafter referred to as the "Letter of Representations").

15.07. All transfers of beneficial ownership interests in each Series 2022 Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Series 2022 Bonds.

15.08. In connection with any notice or other communication to be provided to the Holders pursuant to this Series 2022 Bond 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 fifteen (15) calendar days in advance of such special record date to the extent possible.

15.09. Any successor Bond Registrar in its written acceptance of its duties under this Series 2022 Bond 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.

15.10. In the case of a partial prepayment of a Series 2022 Bond, the Holder may, in lieu of surrendering the Series 2022 Bonds for a bond of a lesser denomination as provided in Section 18 hereof, make a notation of the reduction in principal amount on the panel provided on the bond stating the amount so redeemed.

Section 16. Termination of Book-Entry Only System.

16.01. The Depository may determine to discontinue providing its services with respect to the Series 2022 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 Series 2022 Bonds 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.

16.02. 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 Series 2022 Bonds that the Beneficial Owners be able to obtain certificates for the Series 2022 Bonds, the Series 2022 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 Series 2022 Bonds shall designate at that time, in accordance with Section 18 hereof. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with Section 18 (with respect to registration, transfer, exchange) hereof, the Series 2022 Bonds will be delivered to the Beneficial Owners.

16.03. Nothing in this section shall limit or restrict the provisions of Section 18 of this Series 2022 Bond Resolution (with respect to registration, transfer, exchange) hereof.

Section 17. Letter of Representations.

17.01. The provisions in the Letter of Representations are incorporated herein by reference and made a part of this Series 2022 Bond Resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this this Series 2022 Bond Resolution, the provisions in the Letter of Representations shall control.

Section 18. Transfer.

18.01. Except as provided above, the Series 2022 Bonds are transferable upon the books of the City at the principal office of the Bond Registrar in Bismarck, North Dakota, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Series 2022 Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Series 2022 Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Series 2022 Bonds shall be required to be made during the fifteen (15) Calendar Days next preceding an interest payment date, nor during the forty-five (45) Calendar Days next preceding the date fixed for redemption of such Series 2022 Bonds.

18.02. The City and the Bond Registrar may deem and treat the person in whose name any Series 2022 Bond is registered as the absolute owner thereof, whether the Series 2022 Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

Section 19. Repealer.

19.01. All prior resolutions and other acts or proceedings of this Williston City Commission which are in any way inconsistent with the terms of this Series 2022 Bond Resolution are hereby amended to the extent necessary to give full force and effect to this Series 2022 Bond Resolution.

19.02. Nothing herein contained shall be deemed to modify, amend, violate, repudiate or repeal any provision or covenant contained in any Tax-Exempt Refunded Bond or Taxable Refunded Bond, or any resolution pursuant to which any Tax-Exempt Refunded Bond or Taxable Refunded 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 Tax-Exempt Refunded Bond or Taxable Refunded Bond or would otherwise be invalid or ineffective.

Section 20. Bond Insurance.

20.01. *Reserved for future use.*

Section 21. Bonds Not Subject to Acceleration.

21.01. The Series 2022 Bonds are not subject to acceleration in the event of default.

Section 22. Amendment of this Series 2022 Bond Resolution.

22.01. This Series 2022 Bond Resolution may be amended without the consent of any Bondholders for one or more of the following purposes:

- (a) To add to the covenants and agreements of the City in this Series 2022 Bond 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 add to the covenants and agreements of the City in this Series 2022 Bond 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.
- (c) To correct any non-substantive typographical or grammatical error in this Series 2022 Bond Resolution.

22.02. This Series 2022 Bond Resolution may be amended for any other purpose only upon the consent of not less than fifty percent (50%) of an aggregate principal amount of the Series 2022 Bonds outstanding, provided, however, that no amendment shall be valid which:

- (a) Extends the maturity of any Series 2022 Bond, reduces the rate of interest upon any Series 2022 Bond, extends the time of payment of interest on the Series 2022 Bond, reduces the amount of principal payable on any Series 2022 Bond, or reduces any premium payable on any Series 2022 Bond, without the consent of the affected Bondholder; or

(b) Reduces the percent of Bondholders required to approve the mandatory resolutions.

Section 23. No Credit Enhancement.

23.01. There is no credit enhancement facility securing the Series 2022 Bonds, nor is there any provision for a credit enhancement facility to be provided to secure the Series 2022 Bonds.

Section 24. Headings.

24.01. Headings in this Series 2022 Bond 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.

Section 25. North Dakota Law Applies.

25.01. This Series 2022 Bond Resolution shall be controlled by the laws of the State of North Dakota, and as a result, any claim, demand, or cause of action arising under the terms of this Series 2022 Bond Resolution shall be brought in an appropriate venue in the State of North Dakota.

Section 26. Not Qualified Tax Exempt Under Section 265.

26.01. The City hereby acknowledges that the Series 2022A Bonds are **not** designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986.

Section 27. The Series 2022B Bonds are Taxable Bonds.

27.01. The interest on the Series 2022B Bonds **is subject** to state and federal taxation. If not for § 13532 of Public Law No. 115-97, 131 Stat. 2054, 2154 (2017), precluding tax-exempt advance refundings, the interest on the Series 2022B Bonds would otherwise be tax-exempt. The Series 2022B Bond Proceeds are being used to advance refund previously issued tax-exempt bonds issued to pay for the Prior Improvements.

Section 28. Escrow Agreement.

28.01. The President of the Board of City Commissioners and the Finance Director are hereby authorized to execute the Escrow Agreement with the Escrow Agent, and any attendant documents necessary to the execution thereof, in substantially the form presented to the Williston City Commission at this meeting.

Section 29. Official Statement.

29.01. The Official Statement relating to the Series 2022 Bonds, substantially in the form presented at 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. The actions taken by City staff and Bond Counsel with respect to the preliminary official statement are hereby ratified.

Section 30. Continuing Disclosure.

30.01. The Finance Director is hereby authorized to execute, on behalf of the City, the Continuing Disclosure Certificate attached as Attachment 3 to this Continuing Disclosure Certificate.

Section 31. Bond Purchase Agreement.

31.01 The President of the Board of City Commissioners and the Finance Director are hereby authorized to execute the Bond Purchase Agreement with the Underwriter, and any attendant documents necessary to the execution thereof, in substantially the form presented to the Williston City Commission at this meeting.

Section 32. Electronic Signatures.

32.01. The Williston City Commission hereby authorizes the Board of City Commissioners and the Finance Director to execute documents relating to the issuance of the Series 2022 Bonds using electronic signatures. The electronic signature of the President of the Board of City Commissioners, the Finance Director and/or the Auditor shall be as valid as an original signature of such official shall be effective to bind such official to any document relating to the issuance of the Series 2022 Bonds. For purposes hereof, "electronic signature" means a manually signed original signature that is then transmitted by Electronic Means which is defined in Section 1.01 of this Series 2020 Bond Resolution.

ATTEST:

CITY OF WILLISTON

Finance Director

President of the Board of City
Commissioners

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____. On roll call vote, the following Commissioners voted aye: _____ . The following Commissioners voted nay: _____. The following were absent and not voting: _____, so the motion carried and the resolution was duly adopted.

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA

CITY OF WILLISTON

REFUNDING IMPROVEMENT BONDS, SERIES 2022A

Registered
Number

Registered
Dollars

INTEREST RATE

MATURITY

DATE OF ORIGINAL
ISSUE

CUSIP

_____, 2022

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of Williston, North Dakota, (the “City”) acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from its Series 2022A Bond Account on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing November 1, 2022, to the holder of record on the close of the 15th day (whether or not a Business Day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by the Paying Agent, or its successor.

This Bond is one of an issue in the aggregate principal amount of \$_____, all of like date and tenor except as to serial number, maturity date, interest rate and redemption privilege, issued, pursuant to the Series 2022 Bond Resolution adopted by the Williston City Commission for the purpose of current refunding the Refunding Improvement Bonds of 2014; its Refunding Improvement Bonds, Series 2014B; and its Refunding Improvement Bonds of 2015 (the “Tax-Exempt Refunded Bonds”) in full conformity with the Constitution and laws of the State of North Dakota. All terms and conditions of the Series 2022 Bond Resolution are hereby incorporated by reference into this Bond.

Bonds of this issue maturing on May 1, 20___, and on any date thereafter are each subject to redemption and prepayment at the option of the City at a price equal to the principal amount plus accrued interest to the date of redemption. Not less than twenty (20) days prior to the date

specified for redemption and prepayment of any of the Series 2022 Bonds the City 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 Bonds to be redeemed shall be selected by the Bond Registrar in the manner prescribed in the Series 2022 Bond Resolution.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Series 2022 Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by its attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the City has duly created the Series 2022A Bond Account as a separate and special account and has appropriated thereto all of the accounts heretofore appropriated for the payment of the Tax-Exempt Refunded Bonds, subject to the prior lien of the Tax-Exempt Refunded Bonds until they have been fully paid and redeemed; that at Closing, the City shall deposit Series 2021A Bond Proceeds and, if necessary, Series 2022A Cash, into the Series 2014 Escrow Account, the Series 2014B Escrow Account, and the Series 2015 Escrow Account in an amount equal to the amount necessary to pay the principal of and interest, if any, on all of the Tax Exempt Refunded Bonds on the Tax-Exempt Refunded Bonds Redemption Date, or, alternatively, the City will invest such funds in a manner so that the original funds, together with investment earnings, will be sufficient to pay the principal and accrued interest, if any, on all of the Tax-Exempt Refunded Bonds on Tax-Exempt Refunded Bonds Redemption; that the assets appropriated to the Series 2022A Bond Account consist of previously issued Prior Improvement Warrants Series A and special assessments validly issued and levied for the payment of the cost of Prior Improvements benefitting the Prior Improvement Districts of the City, which Prior Improvement Warrants Series A and Special Assessments are payable in the years and amounts required by law; that it will use diligence to collect said Prior Improvement Warrants Series A and Special Assessments and, in the event of a deficiency in any of the Prior Improvement District funds for the payment of the Prior Improvement Warrants Series A drawn thereon, the City is

further required to levy a tax on all taxable property within the City of Williston for the payment and discharge of such deficiency, without limitation as to rate or amount; that all collections of Special Assessments, and any deficiency taxes, are required to be credited to said Series A Bond Account and applied in payment of the principal of and interest on the Bonds of this issue, subject only to the prior lien thereon of certain of the Tax Exempt Refunded Bonds until such bonds have been fully paid and redeemed; all as more fully stated in the Series 2022 Bond Resolution, to which reference is hereby made for further details and other covenants of the City with respect thereto; and that the issuance of the Bond has not caused the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF the City of Williston, North Dakota, by the Williston City Commission, has caused this Bond to be executed in its behalf by the manual signature of the President of the Board of City Commissioners and Finance Director, and has caused the certificate appearing on the following page to be executed by the manual signatures of said officers.

Dated:

CERTIFICATE OF AUTHENTICATION

CITY OF WILLISTON

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

President of the Board of City Commissioners

STARION BOND SERVICES
333 North Fourth Street
Bismarck, ND 58501

BY:

Authorized Representative

Finance Director

CERTIFICATE AS TO LEGAL OPINION

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

Finance Director

President of the Board of City
Commissioners

The following abbreviations when used in the inscription on the face of this Bond, shall be construed as though they were written 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-ACT _____ Custodian _____
(Cust) (Minor)

under Uniform Transfer to Minors Act _____
(State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Please insert social security or other
Identifying number of Assignee:

NOTICE: The signature to this Assignment
must correspond to the name as it appears
upon the face of the within Bond in every
particular, without alteration, enlargement or
any change whatsoever.

Signature Guaranteed: NOTICE:
Signature(s) must be guaranteed
By a member of the Medallion
Signature Program.

UNITED STATES OF AMERICA
STATE OF NORTH DAKOTA

CITY OF WILLISTON

REFUNDING IMPROVEMENT BONDS, TAXABLE SERIES 2022B

Registered Number Registered Dollars

<u>INTEREST RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u> _____, 2022	<u>CUSIP</u>
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REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS that the City of Williston, North Dakota, (the “City”) acknowledges itself to be specially indebted and for value received promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from its Series 2022B Bond Account on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2022, to the holder of record on the close of the 15th day (whether or not a Business Day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by the Paying Agent, or its successor.

This Bond is one of an issue in the aggregate principal amount of \$_____, all of like date and tenor except as to serial number, maturity date, interest rate and redemption privilege, issued, pursuant to the Series 2022 Bond Resolution adopted by the Williston City Commission for the purpose of advance refunding the 2022-2036 maturities of the Refunding Improvement Bonds of 2016, the 2022-2037 maturities of the Refunding Improvement Bonds of 2017, and the 2022-2038 maturities of the Refunding Improvement Bonds of 2019 (the “Taxable Refunded Bonds”) in full conformity with the Constitution and laws of the State of North Dakota. All terms and conditions of the Series 2022 Bond Resolution are hereby incorporated by reference into this Bond.

Bonds of this issue maturing on May 1, 20___, and on any date thereafter are each subject to redemption and prepayment at the option of the City at a price equal to the principal amount plus accrued interest to the date of redemption. Not less than twenty (20) days prior to the date specified for redemption and prepayment of any of the Series 2022 Bonds the City 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 Bonds to be redeemed shall be selected by the Bond Registrar in the manner prescribed in the Series 2022 Bond Resolution.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Series 2022 Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by its attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of North Dakota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of this Bond have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the City has duly created the Series 2022B Bond Account as a separate and special account and has appropriated thereto all of the accounts heretofore appropriated for the payment of the Taxable Refunded Bonds, subject to the prior lien of the Taxable Refunded Bonds until they have been fully paid and redeemed; that at closing, the City shall deposit Series 2022B Bond Proceeds and Series 2022B Cash, if necessary into the Series 2016 Escrow Account, the Series 2017 Escrow Account, and the Series 2019 Escrow Account in an amount equal to the amount necessary to pay the principal of and interest of the Series B Refunded Bonds until and on Taxable Refunded Bonds Redemption Date or, alternatively, the City will invest such funds in a manner so that the original funds, together with investment earnings, will be sufficient to pay the principal and accrued interest, if any, on all of the Taxable Refunded Bonds on Taxable Refunded Bonds Redemption Date that the assets appropriated to the Series 2022B Bond Account consist of Prior Improvement Warrants Series B and Special Assessments validly issued and levied for the payment of the cost of Prior Improvements benefitting the Prior Improvement Districts of the City, which Prior Improvement Warrants Series B and Special Assessments are payable in the years and amounts required by law;

that it will use diligence to collect said Prior Improvement Warrants Series B and Special Assessments and, in the event of a deficiency in any of the Prior Improvement District funds for the payment of the Prior Improvement Warrants Series B drawn thereon, the City is further required to levy a tax on all taxable property within the City of Williston for the payment and discharge of such deficiency, without limitation as to rate or amount; that all collections of Special Assessments, and any deficiency taxes, are required to be credited to said Series 2022B Bond Account and applied in payment of the principal of and interest on the Bonds of this issue, subject only to the prior lien thereon of certain of the Taxable Refunded Bonds until such bonds have been fully paid and redeemed; all as more fully stated in the Series 2022 Bond Resolution, to which reference is hereby made for further details and other covenants of the City with respect thereto; and that the issuance of the Bond has not caused the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF the City of Williston, North Dakota, by the Williston City Commission, has caused this Bond to be executed in its behalf by the manual signature of the President of the Board of City Commissioners and Finance Director, and has caused the certificate appearing on the following page to be executed by the manual signatures of said officers.

Dated:

CERTIFICATE OF AUTHENTICATION

CITY OF WILLISTON

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

President of the Board of City Commissioners

STARION BOND SERVICES
333 North Fourth Street
Bismarck, ND 58501

BY: _____
Authorized Representative

Finance Director

CERTIFICATE AS TO LEGAL OPINION

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

Finance Director

President of the Board of City
Commissioners

The following abbreviations when used in the inscription on the face of this Bond, shall be construed as though they were written 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-ACT _____ Custodian _____
(Cust) (Minor)

under Uniform Transfer to Minors Act _____
(State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Please insert social security or other
Identifying number of Assignee:

NOTICE: The signature to this Assignment
must correspond to the name as it appears
upon the face of the within Bond in every
particular, without alteration, enlargement or
any change whatsoever.

Signature Guaranteed: NOTICE:
Signature(s) must be guaranteed
by a member of the Medallion
Signature Program.

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate is executed and delivered by the City of Williston, North Dakota (the “City”), in connection with the City’s \$ _____ Refunding Improvement Bonds, Series 2022A (the “Series 2022A Bonds”), and \$ _____ Taxable Refunding Improvement Bonds, Taxable Series 2022B (the “Series 2022B Bonds,” collectively with the Series 2022A Bonds, the “Bonds”). The Bonds are being issued pursuant to the Series 2022 Bond Resolution adopted by the governing body of the City on February 22, 2022, and delivered to the Purchaser on the date hereof. The City hereby covenants and agrees as follows:

Section 1. Purpose of the Continuing Disclosure Certificate. This Continuing Disclosure Certificate is being executed and delivered by the City for the benefit of the Owners of the Bonds in order to assist the Participating Underwriters within the meaning of SEC Rule 15c2-12(b)(5) (the “Rule”) in complying with the Rule. This Continuing Disclosure Certificate constitutes the written undertaking required by the Rule.

Section 2. Definitions. In addition to the defined terms set forth in the Series 2022 Bond Resolution, which apply to any capitalized term used in this Continuing 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 City pursuant to, and as described in Sections 3 and 4 of this Continuing Disclosure Certificate.

“City” means City of Williston, North Dakota, which is the obligated person with respect to the Bonds.

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

“Final Official Statement” means the deemed final official statement dated _____, 2022, delivered in connection with the Bonds, which is available from the MSRB.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of (a) or (b) in this definition; provided, however, 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 City 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 City.

“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(b)(5) 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 City shall, not later than twelve (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 Continuing 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 City may be submitted separately from the balance of the Annual Report.
- (b) If the City is unable or fails to provide to the Repository an Annual Report by the date required in subsection (a), the City shall send a notice of that fact to the Repository, and the MSRB.
- (c) The City shall determine each year prior to the date for providing the Annual Report whether there has occurred a change in the MSRB’s address or e-mail address or the filing procedures and requirements for the Repository.

Section 4. Content of Annual Reports. The City’s Annual Report shall contain or incorporate by reference the annual Financial Statements and the following sections of the Final Official Statement and Appendix A thereto:

1. Largest Employers.
2. Population.
3. Annual Unemployment Figures.
4. Williams County Residential Building Permits.
5. Direct Debt and Debt Ratios.
6. Overlapping Debt.

7. Property Valuations.
8. Largest Taxpayers.
9. Tax Levies and Collections.
10. City Mill Levy.

In the event that the City has not completed an audit of its annual financial statements by the date required in Section 3, subsection (a), of this Continuing Disclosure Certificate, then the City will provide *unaudited* financial statements to the Repository. The City will provide to the Repository its audited Financial Statements as soon as practicable after they are completed. The failure by the City to provide an audited annual financial statement by the date required in Section 3, subsection (a) of this Continuing Disclosure Certificate shall not be deemed a violation of the reporting obligations under this Continuing 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 (“Material 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 City shall file a notice of such occurrence with the Repository or with the MSRB within ten (10) business days of the occurrence of the Material Event.
 - (c) Unless otherwise required by law and subject to technical and economic feasibility, the City shall employ such methods of information transmission as shall be requested or recommended by the designated recipients of the City's information.

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

Section 7. Agent. The City may, from time to time, appoint or engage a dissemination agent to assist it in carrying out its obligations under this Continuing 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 City may amend this Continuing Disclosure Certificate, and any provision of this Continuing 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 Continuing Disclosure Certificate, or any provision hereof, shall be null and void in the event that the City delivers to the Repository an opinion of nationally recognized bond counsel to the effect that those portions of the Rule which require this Continuing Disclosure Certificate are invalid, have been repealed retroactively or otherwise do not apply to the Bonds. The provisions of this Continuing Disclosure Certificate may be amended without the consent of the Owners of the Bonds, but only upon the delivery by the City 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 Continuing Disclosure Certificate and by the City with the Rule.

Section 9. Additional Information. Nothing in this Continuing Disclosure Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Continuing 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 Continuing Disclosure Certificate. If the City 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 Continuing Disclosure Certificate, the City shall have no obligation under this Continuing 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 City to comply with any provision of this Continuing 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 City to comply with its obligations under this Continuing Disclosure Certificate. A default under this Continuing 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 City to comply with this Continuing Disclosure Certificate shall be an action to compel performance.

Section 11. Beneficiaries. This Continuing Disclosure Certificate shall inure solely to the benefit of the City, 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 Continuing 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 Continuing Disclosure Certificate shall be governed by and construed in accordance with the laws of the State of North Dakota, provided that to the extent this Continuing Disclosure Certificate addresses matters of federal securities laws, including the Rule, then this Continuing Disclosure Certificate shall be construed in accordance with such federal securities laws and official interpretations thereof.

Section 14. Severability. If any portion of this Continuing 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, Titles, and Headings. The captions, titles, and headings used in this Continuing Disclosure Certificate are for convenience only and shall not be construed in interpreting this Continuing Disclosure Certificate.

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

CITY OF WILLISTON

Finance Director



To: City Commission

From: Jordon J. Evert

Re: Contract for Services - UMRRC

Date: February 14, 2022

Summary of agenda subject:

The City of Williston and Williams County have jointly undertaken the improvement of the old Sloulin Field airport terminal in order to retrofit the structure to serve as a regional dispatch center for the Upper Missouri River Regional Dispatch Center (UMRRDC).

The UMRRC was created by way of a joint power's agreement between the City and Williams County.

The joint powers agreement provides, in relevant part:

The UMRRDC shall utilize the services of one or more of the Parties to this Agreement in exercising any of their respective powers and duties herein to the extent allowed by a Party's budget and to the extent a Party has available funding, personnel, real or personal property, or other resources, and is willing to provide the services to the UMRRC. Such services may include, but are not limited to, human resources (employment), financial, information technology, communications (public notices or news), GIS, office furnishings, equipment, or supplies, building maintenance, vehicles or machinery, maintenance of vehicles or machinery, and insurance, except as specifically stated otherwise in this Agreement. In utilizing any services of one or more of the Parties to this Agreement, the UMRRC Director, after approval of the Executive Finance Board, shall enter written agreement(s) with the respective Part(ies) to memorialize the use of a Party's services. In the event a Party or the Parties cannot, due to available funding, personnel, real or personal property, or other resources, or are not willing to provide the herein described services, or any of them, the UMRRC, upon approval of the Executive Finance Board, may obtain such services from third parties.

The City Administrator, Finance Director, and City Attorney have concluded it is in all parties' best interests for the City to provide human resources, and related legal services, and financial/accounting services to UMRRC necessary to the operation, administration, and maintenance of UMRRC.

We are now seeking that the City Commission agree to provide said services to the UMRRTC and approve the proposed joint powers agreement between the City and UMRRTC which would contract that the City would provide human resources, and related legal services, and financial/accounting services to UMRRTC necessary to the operation, administration, and maintenance of UMRRTC.

For the reasons identified above, I would request the City Commission approve the joint powers agreement between the City and UMRRTC, as presented.

I recommend a motion is made as follows:

Move to approve the joint powers agreement between the City and UMRRTC, as presented, and authorize Mayor Klug to execute the same.

Jordon J. Evert

Attachments:

JPA – City & UMRRTC



DATE: February 22, 2022
TO: City Commission
FROM: David Juma, City Engineer
RE: Agenda Item 8E - Engineering

8E.1 Hawkeye Village Phase II Improvement District 22-03

Hawkeye Village Phase II Improvement District 22-03 will install new water, sewer, and street systems along the following streets:

19th Street West from 36th Avenue West to 39th Avenue West, and Buford Circle from the intersections of 19th Street West and 37th Avenue West to 19th Street West and 39th Avenue West.

The improvements will require the installation of new infrastructure which will be 100% assessed to the properties within the district. The 2022 Capital Improvements plan has \$0 for this project.

Preliminary estimates for the project are:

Water System	\$510,000
Sewer System	\$400,000
Street System	\$1,915,000
General Items	\$975,000
Engineering & Contingencies	<u>\$800,000</u>
Total Estimate	\$4,600,000

The City Engineering department is requesting approval of the necessary resolutions to create the district and authorize the Engineering Department to prepare a report as outlined in the following resolutions:

- #22-003 Resolution Creating Hawkeye Village Phase II Improvement District 22-03.
- #22-004 Resolution Directing the Preparation of an Engineering Report.

Copies of the resolutions are included in the Commissioner's Information Packet.

Recommendation:

The City Commission adopt the resolutions needed to create Hawkeye Village Phase II Improvement District 22-03 as presented.

Attachments:

- 8E.1a Resolutions #22-003 & #22-004



DATE: February 22, 2022
TO: City Commission
FROM: David Juma, City Engineer
RE: Agenda Item 8E - Engineering

8E.2 Master Service Agreement & Task Order #1 for Consulting Services – Mountain Plains Engineering

The City Engineering Department is seeking approval of a Master Service Agreement (MSA) and Task Order #1 with Mountain Plains Engineering to perform consulting services to prepare the necessary documents to finish the creation of Hawkeye Village Phase II Improvement District 22-03 and bring it under construction contract upon approval of the remaining resolutions and favorable construction bids. Mountain Plains Engineering has performed the design for the work completed within the Hawkeye Village development to date, and has preliminary designs prepared for Hawkeye Village Phase II Improvement District 22-03 through their contract with the owners of the lots to be serviced by the improvement district, Hawkeye Village LLC.

If approved, the costs of the engineering consulting services provided by Mountain Plains Engineering would be 100% included in the assessment costs of the Hawkeye Village Phase II Improvement District 22-03. Field consulting services during construction will be provided by a different firm. No other task orders are contemplated under this MSA at this time.

The Task Order is an hourly, not to exceed, with the following amounts:

Final Plan Preparation	\$22,000
Bidding & Contract Services	\$ 7,000
Additional Services as needed	<u>\$17,700</u>
Total Estimated Task Order	\$46,700

A copy of the MSA and Task Order are included in the Commissioner’s Information Packet.

Recommendation:

The City Commission approve the Master Service Agreement with Mountain Plains Engineering and accept Mountain Plains Engineering Task Order #1 to complete the necessary documents for the Hawkeye Village Phase II Improvement District 22-03 in the hourly, not to exceed, amount of \$46,700 as presented.

Attachments:

- 8E.2a MSA – City of Williston & Mountain Plains
- 8E.2b Task Order #1

RESOLUTION NO. 22-003

Commissioner _____ introduced the following Resolution and moved its adoption:

RESOLUTION CREATING HAWKEYE VILLAGE PHASE II IMPROVEMENT DISTRICT 22-03 OF THE CITY OF WILLISTON, NORTH DAKOTA.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:

- 1. There is hereby created an Improvement District in the City of Williston, to be designated and known as **HAWKEYE VILLAGE PHASE II IMPROVEMENT DISTRICT 22-03** created for the purpose of:

Installing new water, sewer and street systems along 19th Street West from 36th Avenue West to 39th Avenue West, and Buford Circle from the intersections of 19th Street West and 37th Avenue West to 19th Street West and 39th Avenue West.

- 2. That said **HAWKEYE VILLAGE PHASE II IMPROVEMENT DISTRICT 22-03** shall contain and involve the following described real property situated in the City of Williston, Williams County, North Dakota, described as follows:

Lots 7 through 32 of Block 7, Lots 1R through 20R of Block 8, Lots 8 through 12 of Block 11, and Lots 1 through 10 of Block 12 of the Hawkeye Village Subdivision.

As shown on the attached map.

- 3. That the City Auditor be directed to sign the attached **DECLARATION OF INTENT**.

The motion for the adoption of the foregoing Resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following Commissioners voted "AYE _____

_____ and the following voted "NAY": _____ Absent and not voting: _____. Whereupon said motion was declared duly passed and adopted this **22nd Day of February 2022**.

ATTEST:

Hercules Cummings, Finance Director

Board of City Commissioners
Howard Klug, President

Publish:
March 13th, 2022
March 20th, 2022

DECLARATION OF OFFICIAL INTENT

The undersigned, being the duly appointed and acting Finance Director of the City of Williston, North Dakota (the "City"), pursuant to and for purposes of compliance with Treasury Regulations, Section 1.150-2 (the "Regulations"), under the Internal Revenue Code of 1986, as amended, hereby states and certifies as follows:

1. The undersigned has been and is on the date hereof duly authorized by the governing body of the City to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the governing body.

2. The City is undertaking a project described as follows:

HAWKEYE VILLAGE PHASE II IMPROVEMENT DISTRICT 22-03

3. The City intends, and reasonably expects, to reimburse itself for the payment of the cost of the project out of the proceeds of a tax-exempt bond issue, debt, or similar borrowing (the "Bonds") to be issued at a later date. Such reimbursement will be made no later than eighteen (18) months after the latter of (a) the date of the expenditure, or (b) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date of expenditure. In the meantime, the City reasonably expects to pay and temporarily finance the costs from the Pooled Funds of the City.

4. The maximum principal amount of Bonds expected to be issued for the payment of the costs of the project is: **\$4,600,000**

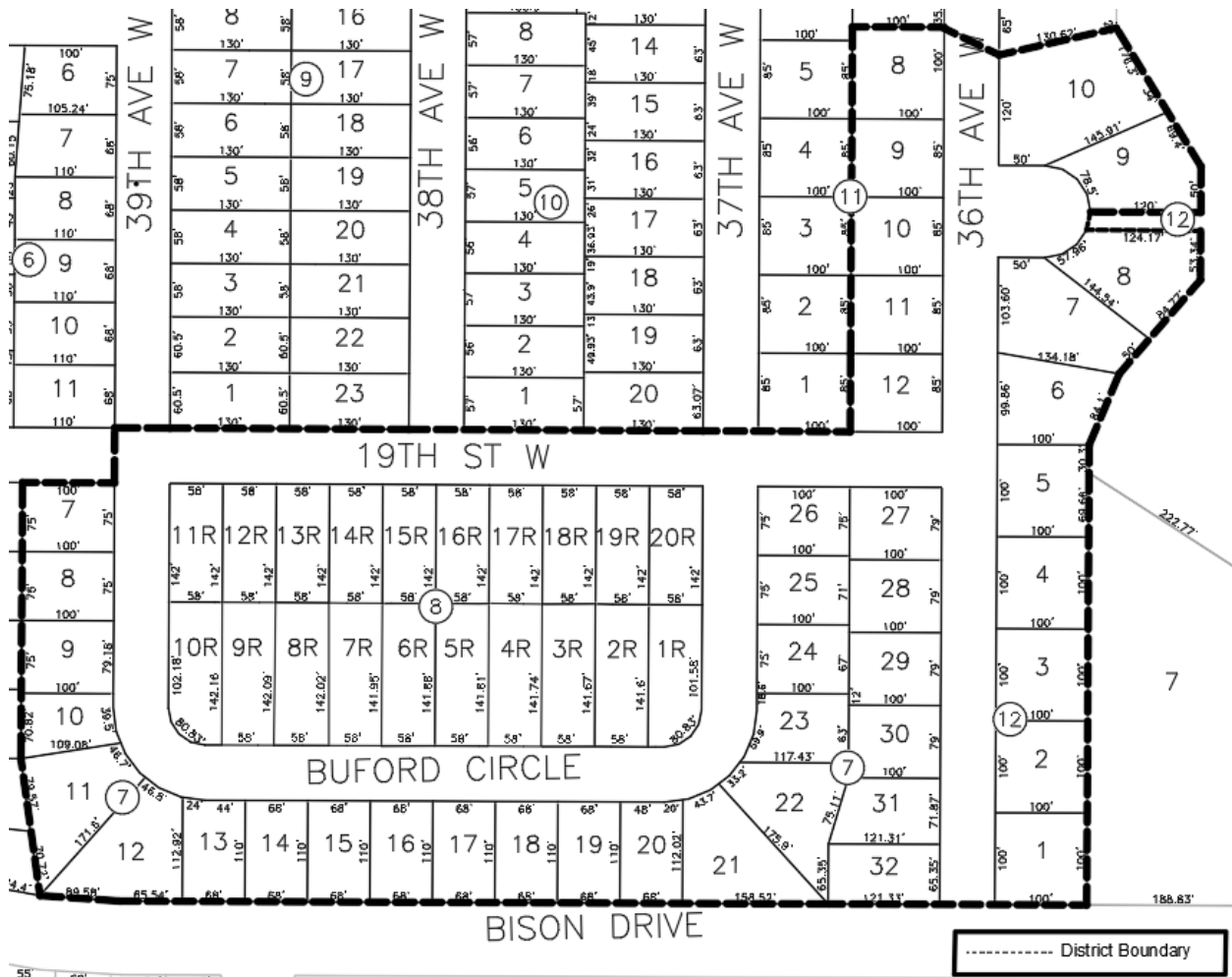
5. No costs of the project have heretofore been paid by the City, except for preliminary or start-up expenditures permitted under Section 1-150-2(f)(2) or an expenditure which occurred within sixty (60) days of the date of this Declaration. The City will only reimburse itself for capital expenditures and costs of issuance of the Bonds. In addition, the reimbursement allocation will be evidenced by a proper entry on the City's books and records.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the 22nd Day of February 2022.

CITY OF WILLISTON

BY: _____
Finance Director

**Phase II Improvements District 22 - 03
Hawkeye Village Subdivision**



District Description

Lots 7 through 32 of Block 7, Lots 1R through 20R of Block 8, Lots 8 through 12 of Block 11, and Lots 1 through 10 of Block 12 of the Hawkeye Village Subdivision

RESOLUTION NO. 22-004

Commissioner _____ introduced the following Resolution and moved its adoption:

RESOLUTION DIRECTING THE ENGINEER FOR THE CITY OF WILLISTON TO PREPARE A REPORT AS TO THE GENERAL NATURE, PURPOSE, AND FEASIBILITY OF THE PROPOSED IMPROVEMENT AND AN ESTIMATE AS TO THE PROBABLE COST OF WORK FOR HAWKEYE VILLAGE PHASE II IMPROVEMENT DISTRICT 22-03.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:

That the City Engineer for the City of Williston, North Dakota, prepare a report as the general nature, purpose, and feasibility of the proposed improvement and an estimate of the probable cost of the work for **HAWKEYE VILLAGE PHASE II IMPROVEMENT DISTRICT 22-03** created for the purpose of:

Installing new water, sewer and street systems along 19th Street West from 36th Avenue West to 39th Avenue West, and Buford Circle from the intersections of 19th Street West and 37th Avenue West to 19th Street West and 39th Avenue West.

The motion for the adoption of the foregoing Resolution was duly seconded by Commissioner _____, and upon vote being taken thereon, the following Commissioners voted "AYE" _____

_____. and the following voted "NAY": _____
Absent and not voting: _____. Whereupon said motion was declared duly passed and adopted this **22nd Day of February 2022.**

ATTEST:

Hercules Cummings, Finance Director

Board of City Commissioners
Howard Klug, President



MEMO

DATE: February 22, 2022
TO: Board of City Commissioners
FROM: Mark Schneider
Development Services Director
RE: 8H1 Extension of New Home Permit Fee Waiver

The City Commission has allowed the waiving of all new home permit fees since March of 2020. Last year, we extended the waiving of fees until March 13, 2022.

In the past two years, we have waived 68 permit fees at a value of \$146,676.60. Residents still pay Park Dedication and Infrastructure fees if they apply to those subdivisions.

The Housing Commission asks that the City Commission extend the fee waiver for one more year, until March 13, 2023, as we feel we are building momentum with a variety of incentives in place.

I recommend waiving permit fees for new home construction until March 13, 2023.

MS:dro



MEMO

DATE: February 22, 2022
TO: Board of City Commissioners
FROM: Mark Schneider
Development Services Director
RE: 9A SELECTION OF NEW HOUSING COMMISSIONERS

The Housing Commission formed in January 2020 has been committed to exploring the housing industry problems and opportunities with the City of Williston and Williams County. We have implemented three Incentive Programs to help promote construction of single-family homes and going forward in 2022, we will continue to explore ideas, including a program to refurbish existing homes.

We would like to thank three outstanding individuals that have served the past two years on our Committee. Effective March 1, 2022, Marcus Boykin, Jared Iverson, and Joan Sammon will no longer represent the Housing Commission but their contributions have been outstanding and appreciated.

The remaining Housing Commission will recommend three new members for a three-year term to fill the roles of the Banking Industry, Oil and Gas Industry, and Private Sector; James Bervig, Westen Houle, and Tami Madsen, respectively.

2022 Housing Commission

1. City of Williston Building Official/Development Services Director
MARK SCHNEIDER
2. Williams County appointed official
STEVE KEMP
3. Western Area Builders Association (WABA) representative
MICHAEL DOLBEC, Owner of Windsong Custom Homes
4. Builder/Developers representative
ALEX GARCIA, Senior Area Director for Wiedner Apartment Homes
5. Realtor representative
KASSIE GORDER, Broker Associate and Realtor – Basin Brokers
6. Supply Industry representative
JASON SPLICHAL, General Manager – Builders First Source
7. Banking Industry representative
JAMES BERVIG, Assistant Vice President – First International Bank & Trust

8. Oil and Gas Industry representative
WESTEN HOULE, Operations Support Manager – Weatherford
9. Private Sector representative
TAMI MADSEN – Executive Director – Western Area Water Supply Authority

City Commission will approve the three candidates to fill the three-year term for the Housing Commission.

MS:dro