

RESOLUTION NO. 4046

A RESOLUTION APPROVING A CERTIFICATE OF COMPLETION FOR SEWER SYSTEM REVENUE BONDS.

WHEREAS, the City of Miles City obtained bonds for construction of improvements to the City's municipal sewer system;


AND WHEREAS, the project funded by such bonds has been completed, and notice is required to be given to DNRC.

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The CERTIFICATE OF COMPLETION, attached hereto as Exhibit "A," is hereby approved by the City Council of the City of Miles City.

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said document on behalf of the City of Miles City and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 11TH DAY OF APRIL, 2017.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

\$1,810,000
Sewer System Revenue Bonds
(DNRC Water Pollution Control Revolving Loan Program),
Consisting of \$300,000 Subordinate Lien Taxable Series 2012A Bond
and \$1,510,000 Series 2012B Bond
City of Miles City, Montana

CERTIFICATE OF COMPLETION

We, John Hollowell, and Lorrie Pearce, hereby certify that we are on the date hereof the duly qualified and acting Mayor and City Clerk, respectively, of the City of Miles City, Montana (the "City"), and that:

1. Pursuant to Resolution No. 3519, duly adopted by the City Council of the City on August 14, 2012, entitled "Resolution Relating to taxable \$1,810,000 Sewer System Revenue Bonds (DNRC Water Pollution Control State Revolving Loan Program) Consisting of a \$300,000 Subordinate Lien Taxable Series 2012A Bond and \$1,510,000 Series 2012B Bond; Authorizing the Issuance and Fixing the Terms and Conditions Thereof" (the "Resolution"), the City issued its Sewer System Revenue Bonds (DNRC Water Pollution Control Revolving Loan Program), Series 2012A, of the City, dated as originally issued, as of December 5, 2012 in the maximum aggregate principal amount of \$300,000 (the "Series 2012A Bond") and Series 2012B, of the City, dated as originally issued, as of December 5, 2012 in the maximum aggregate principal amount of \$1,510,000 (the "Series 2012B Bond"). We have reviewed the Resolution No. 3519, adopted by the City Council of the City on August 14, 2012, including, without limitation, Articles II and III thereof, and the definitions relating thereto. The Bond Resolution is referred to as (the "Resolution"). Terms used with initial capital letters but undefined herein shall have the meanings given them in the Resolution, unless the context hereof clearly requires otherwise.

2. The Bonds were issued to finance the cost of certain improvements to the municipal sewer system of the City (the "System"), generally described in Exhibit A to the Resolution (the "Project"). The Project was completed on June 6, 2013, substantially in accordance with the plans and specifications therefor on file with the DEQ, including any changes therein made with the written consent of an Authorized DNRC or DEQ Officer, except for minor defects in the Project, which the City has ordered to be remedied or minor items of work and materials awaiting seasonal completion. Construction of the Project has complied with all federal and state standards, including, without limitations, EPA regulations and standards. The Project was placed in service on June 6, 2013. The 2012A was forgiven on April 26, 2016.

Attached as Exhibit A to this Certificate is a certificate of an engineer stating that the Project has been completed substantially in accordance with the plans and specifications now in effect, which conform to those on file, with the DEQ and substantially in compliance with all federal and state standards applicable. The City has accepted the Project and we are authorized to make a certification to that effect.

3. All costs of the project have been paid and the City hereby waives its right to any remaining Committed Amount not advanced or to be advanced upon delivery hereof and specifically confirms and agrees that no Reserve Amounts are needed and that any un-advanced Committed Amount is released.

4. The City has spent the following amounts from proceeds of the 2012A and 2012B Bonds in connection with the Project:

Architect and Engineering	\$ 203,962.00
Construction	\$ 1,504,303.00
Debt Service Reserve	<u>\$ 101,735.00</u>
Total	\$ 1,810,000.00

5. The Trustee has delivered to the City a copy of Schedule B which will be attached to the Bond, which reflects the amortization of all advances made or to be made on the date hereof of proceeds of the Bond (i.e., \$ 1,810,000.00) (the sum of the amounts of the Bond applied to pay costs of the Project or costs of issuance of the Bond or deposited in the Reserve Account as described in paragraph 4 hereof), which is attached hereto as Schedule B. The City hereby acknowledges and agrees that said Schedule B has been calculated in accordance with the provisions of the Resolution and that the Bond, with said Schedule B attached thereto, has been duly issued pursuant to the Resolution and are a valid and binding obligation of the City in accordance with its terms and the terms of the Resolution. The City commenced the semiannual payment on the Series 2012B Bond on January 1, 2013, in accordance with the Schedule B, as originally attached to the Bond at closing on December 5, 2012, and payments thereon will continue on each July 1, and January 1, thereafter until paid in accordance with the Schedule B attached hereto. The City hereby waives its right to any remaining Committed Amount, as defined in the Commitment Agreement, not advanced or to be advanced upon delivery hereof and specifically confirms and agrees that no additional funds are needed for the Project and that any un-advanced Committed Amount is released.

6. Pursuant to the Resolution, the City has established a Reserve Account in the Fund (the "Reserve Account"), to secure its parity sewer system revenue bonds and which currently secures the Bond. Under the terms of the Resolution, the amount required to be on hand in the Reserve Account is equal to the maximum amount of principal and interest payable on the Bonds in any future fiscal year (the "Reserve Requirement"). The Reserve Requirement on the Bond, based on the amortization of the Bond in accordance with Schedule B thereto, is \$101,735.00. The amount on deposit therein on the date hereof, \$101,735.00 is not less than the Reserve Requirement.

7. The representations of the City contained in Section 3 of the Commitment Agreement, dated as of June 25, 2012, between the City and the DNRC, and in Sections 2.1, 3.1 and 3.3 of the Resolution are true and complete as of the date hereof as if made on this date, except to the extent that the City has specifically advised the DEQ and the DNRC otherwise in writing.

8. No default in any covenant or agreement on the part of the City contained in the Resolution has occurred and is continuing.

WITNESS our hands and the seal of the City as of this 11th day of April,
2017

CITY OF MILES CITY, MONTANA

By 
Mayor

And 
City Clerk

