

RESOLUTION NO. 25-04-07-05

**CITY OF NEW PRAGUE
COUNTIES OF SCOTT AND LE SUEUR
STATE OF MINNESOTA**

**RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS,
ACKNOWLEDGEMENT OF BIDS AND APPROVING AUTHORIZATION
PROCESS IN CONNECTION WITH THE PLANNING AND
CONSTRUCTION OF THE ELECTRICAL GENERATING PLANT/THE
POWER SUPPLY SYSTEM FOR A NEW PRAGUE UTILITIES
COMMISSION PROJECT**

WHEREAS, the City Council (the "Council") of the City of New Prague (the "City") has previously established the New Prague Utilities Commission (the "Commission") which administers certain utility activities in the City; and

WHEREAS, the Commission plans to utilize property for the purpose of constructing and operating an expanded and new electric generation facility and to acquire and construct one or more reciprocating engine generating units thereon; and

WHEREAS, on December 30, 2024, the Commission approved by motion the construction and operation of an expanded and new electric generation facility and to acquire and construct one or more reciprocating engine generating units thereon (the "Project"). The minutes of the Commission action are attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Commission respectfully requests that the City acknowledge and approve the Commission's actions on December 30, 2024; and

WHEREAS, including but not limited to, City Charter Sections 7.12 and 11.01, the City Council must authorize any financing and the issuance of any debt or bond obligations on behalf of the Commission; and

WHEREAS, the City Council and Commission both acknowledge that the issuance of bonds for the Project will be necessary at some time in the near future for the Project; and

WHEREAS, the City Council acknowledges, authorizes and will participate in the issuance of such bonds on the behalf of the Commission for the Project; and

WHEREAS, the Commission, in performing the advertising, bidding, contracting, acquisition, construction and financing activities related to the Project, shall comply with all applicable federal and state statutes (including but not limited to Minnesota Statutes, Sections 471.345 and 453.59) and regulations and New Prague City Charter or City Code (including but not limited to City Charter Section 6.04) requirements relative to the advertising, bidding, contracting, construction, acquisition and purchase of materials, equipment, supplies,

professional services and financing; and

WHEREAS, some purchases and acquisitions of materials, equipment, supplies, and professional services contemplated by the Commission for the Project will be sourced or acquired from single source suppliers or are unique and cannot be readily bid; and

WHEREAS, the City Council finds that the Commission's construction schedule for the Project makes it necessary to acquire certain materials, equipment and supplies immediately; and

WHEREAS, the City Council finds that it is reasonably necessary, proper, convenient, for a public purpose, and in the interest of the general welfare that the City participate in and the Commission to undertake and complete the Project; and

WHEREAS, the City Council finds that the funding arrangements and proposed construction schedule for the Project make it necessary and desirable for the City to participate in and acknowledge the activities of the Commission for the Project and the financing contemplated for the Project; and

WHEREAS, the Commission and the City have the legal authority to conduct all activities related to the Project, including financing the Project, along with the institutional, managerial, and financial capability to ensure adequate administration of the Project; and

WHEREAS, the City Council deems it in the best interest of the community to approve and authorizes the Project by the Commission and the assistance provided thereto by the City; and

WHEREAS, by adopting this Resolution, the City hereby authorizes the City's participation with the Commission in the transactions and actions for the Project contemplated by this Resolution.

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

1. The recitals set forth in this Resolution are incorporated into and made a part of this Resolution.
2. The Commission has determined that the Project is necessary, cost-effective, and feasible.
3. The Project is hereby acknowledged by and ordered as proposed by the City Council.
4. All construction contracts and activities for the Project shall be made consistent with federal, state, City Charter and City Code requirements.
5. Pursuant to Minnesota Statutes, Section 462.356, the City Council finds that the Project has no relationship to the comprehensive municipal plan.

6. The Project has been documented in the Commission's 2025 Capital Improvement Plan.

7. DGR Engineering is hereby designated by the Commission as the engineer for the Project. The engineer shall prepare all plans and specifications for the Project.

8. The City Council and the Commission declares their official intent to reimburse themselves for the costs of the Project from the proceeds of a tax-exempt bond.

9. The transaction, actions, Project and future bond issuance, as herein referenced and contemplated, are approved.

10. The Mayor and City Administrator of the City are hereby authorized and directed to execute all appropriate documents to facilitate the transactions and activities referenced herein and contemplated herein for the Project, with all such actions to be in accordance with the terms and conditions set forth in this Resolution.

11. The Mayor and City Administrator, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient, including cooperation with the Chair and the General Manager of the Commission, in order to accomplish the intent of this Resolution.

Adopted this 7th day of April, 2025.

Duane Jirik, Mayor

ATTEST:

Joshua Tetzlaff, City Administrator

EXHIBIT A

NEW PRAGUE UTILITIES COMMISSION MINUTES FOR DECEMBER 30, 2024

[Insert New Prague Utilities Commission Minutes]

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