Bismarck Parks and Recreation District Administration Division

DATE: October 7, 2026

TO: Commissioners Gilbertson, Hanson, Herzog, Redmann, and President Jeske; Executive Director Dave Leker

FROM: Kathy Feist, Finance Director

SUBJECT: General Obligation Park Facilities Bonds, Series 2026 Bond Sale and Issuance

In September 2026, the Park Board authorized the sale of General Obligation Bonds, Series 2026, for the purpose of funding the construction of the parking lot improvements. The initial resolution was published in April 2026. No protests were received within 60 days of the publication as allowed by North Dakota Century Code.

John Lundby with Colliers International will present the results of the General Obligation Park Facilities Bonds, Series 2026, bond sale to the Board. Attached is a copy of the Resolution Authorizing the Issuance and Sale of General Obligation Park Facilities Bonds, Series 2026, that will be updated with the actual bond sale results prior to the Park Board meeting. Mr. Lundby will provide additional information about the resolution and address any questions regarding the resolution or bond sale. The requested Board action is to approve the Resolution Authorizing the Issuance and Sale of General Obligation Park Facilities Bonds, Series 2026.

Sample motion: I move to approve the Resolution Authorizing the Issuance and Sale of General Obligation Park Facilities Bonds, Series 2026.

PARK DISTRICT OF THE CITY OF BISMARCK, NORTH DAKOTA

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION PARK FACILITIES BONDS, SERIES 2026

BE IT RESOLVED by the Board of Park Commissioners of the Park District of the City of Bismarck, North Dakota (the "District"), as follows:

SECTION 1. AUTHORIZATION AND SALE.

1.01. On April 16, 2026, the Park Board adopted an Initial Resolution for the purpose of instituting proceedings for the issuance of up to $6,000,000 in general obligation bonds under the authority of N.D.C.C. Chapter 21-03.

1.02. The Initial Resolution was published in the *Bismarck Tribune*, the District's official newspaper, on April 22, 2026. The Clerk has certified to the Park Board, and the Park Board finds that, within 60 days after publication, there were not received written protests against adoption of the Initial Resolution signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the District.

1.03. The issuance of the bonds is authorized for the purpose of constructing park improvements including, but not limited to, Clem Kelley Complex east and west parking lots, Dakota Zoo/Sertoma Park, shelter #8 parking expansion, Pioneer Park parking lot, VFW Sport Center parking lot, Municipal Country Club east and west parking lots, Frances Leach High Prairie Arts & Science Center parking lot, Sons of Norway Park parking lot, Century Avenue Bridge parking lot, and related work and improvements (the "Project").

1.04. As directed by the District, the Bonds have been offered at public sale. The written bids received for the purchase of the Bonds have been submitted to the Park Board. All written bids received for the purchase of the Bonds, excepting the bid herein stated, are hereby rejected, and the Bonds are sold to _____, as the best responsible and most favorable bidder therefore, at a price of $_____ (_____%), and a true interest cost of _____%, the sale to be subject to all of the terms and conditions set forth herein, in the notice of sale of the Bonds and in the accepted bid presented to the Park Board. The President and/or the Clerk are directed to execute a contract on the part of the District for the sale of the Bonds in accordance with the proposal described in this Section.

1.05. Pursuant to N.D.C.C. Section 21-03-07(11), there is hereby authorized to be issued a series of bonds to be designated "Park District of the City of Bismarck, North Dakota, General Obligation Park Facilities Bonds, Series 2026" (the "Bonds") in the aggregate principal amount of $6,000,000. The Bonds shall be issued in accordance with the terms and conditions set forth in this Resolution.

SECTION 2. FORM OF BONDS.

2.01. The Bonds shall be printed in substantially the form on file with the Clerk.

SECTION 3. BOND TERMS, EXECUTION, AND DELIVERY.

3.01. The Bonds shall be dated October 29, 2026. The Bonds shall be issued in fully registered form, shall mature or be subject to mandatory sinking fund redemption on May 1 in the respective years and amounts stated below, and shall bear interest from date of issue until paid at the respective annual rates stated opposite their maturity years:

Year	Amount	Rate		Year	Amount	Rate
2027				2032		
2028				2033		
2029				2034		
2030				2035		
2031				2036		

The interest on the Bonds shall be payable May 1, 2027, and semiannually thereafter on May 1 and November 1 in each year by check or draft mailed by the Bond Registrar to the Holder of record as of the fifteenth (15th) day (whether or not a business day) of the immediately preceding month. Interest shall be computed on a 360-day year, 30-day month basis. The principal of and interest on the Bonds shall be payable at the principal office of the Bond Registrar. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the Holder hereof shall present the same for payment and payment is refused.

3.02. The Bonds maturing on May 1, 2032 and thereafter are subject to redemption and prepayment, in whole or in part, and if in part, by lot within any maturity, on May 1, 2031 and any date thereafter at a price of par plus accrued interest to the redemption date. Not less than thirty (30) days prior to the date specified for redemption and prepayment of any of the Bonds, the District will mail notice of the call thereof to the registered owner and to the bank at which principal and interest are then payable. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

3.03. The Bonds shall be initially issued as book-entry only bonds with one bond issued for each stated maturity in the aggregate principal amount of such maturity. The Bonds shall be initially registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (DTC), and the Bond Registrar shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholders or registered owners of the Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds. The Bonds shall be printed under the direction of the Clerk and shall be executed on behalf of the District by the manual or facsimile signatures of the President of the Park Board and Clerk, the debt limit certification on the reverse side of the Bonds shall be executed by the manual or facsimile signature of the Clerk and the Certificate of Authentication shall be manually signed by an authorized representative of the Bond Registrar. When the Bonds have been so prepared and executed, the Clerk

shall deliver the same to the purchaser thereof upon payment of the purchase price in accordance with the contract of sale. The purchaser shall not be obligated to see to the application of the purchase price, but all of such proceeds shall be placed in a separate construction account on the official books and records of the District and shall be disbursed solely in payment of valid claims duly allowed by the Park Board for the purpose of constructing the Project and paying costs of issuance. Any remaining proceeds after completion of the Project shall be placed in the sinking fund referred to in section 4.01.

3.04. Books for the registration and for the transfer of the Bonds as provided in this Resolution shall be kept by Starion Bond Services, Bismarck, North Dakota, which is hereby appointed the Bond Registrar and Paying Agent of the District for the Bonds. Upon surrender for transfer of any Bond at the principal corporate trust office of the Bond Registrar duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or the registered owner's attorney duly authorized in writing, the District shall execute and the Bond Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds for a like aggregate principal amount.

The Bond Registrar shall not be required to transfer or exchange any Bonds (i) during the period beginning on the fifteenth (15^{th}) day of the month next preceding any Interest Payment Date and ending on such Interest Payment Date, (ii) during the period of fifteen (15) days next preceding the day for the selection of Bonds to be redeemed or, (iii) selected, called, or being called for redemption in whole or in part.

The Bonds are issuable as fully registered Bonds without coupons in the denomination of $5,000 or any integral multiple thereof not in excess of any single maturity. Subject to the limitations and upon payment of the charges provided in this Resolution, registered Bonds may be exchanged for a like aggregate principal amount of registered Bonds of the same Series and the same maturity of other authorized denominations.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded by the Bond Registrar, the District, and Paying Agent as the absolute owner thereof for all purposes, and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or the registered owner's legal representative, and neither the District nor the Bond Registrar nor any Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums paid.

The Bond Registrar shall require the payment by any Bondholder requesting exchange or transfer of a sum sufficient to cover any tax or other governmental charge that may be imposed on the District or the Bond Registrar with respect to such exchange or transfer and a sum sufficient to pay the cost of preparing each new Bond issued upon such exchange or transfer.

3.05. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Bond substantially in the form hereinabove set forth shall have been duly executed by the Bond Registrar, and such

executed certificate of the Bond Registrar upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Resolution. The Bond Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer or signatory of the Bond Registrar, but it shall not be necessary that the same officer or signatory sign the certificate of authentication on all of the Bonds.

3.06. If any Bond is mutilated, lost, stolen, or destroyed, the District shall execute and the Bond Registrar shall authenticate a new Bond of the same date, maturity, and aggregate principal amount as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Bond Registrar, and in the case of any lost, stolen, or destroyed Bond, there shall be first furnished to the District and the Bond Registrar evidence of such loss, theft, or destruction satisfactory to the District and the Bond Registrar, together with an indemnity satisfactory to them. In the event any such Bond shall have matured or been called for redemption, instead of issuing a duplicate Bond, the District may pay the same. The Bond Registrar may charge the owner of such Bond with its reasonable fees and expenses including reasonable attorneys' fees and expenses in connection with replacing any Bond mutilated, lost, stolen, or destroyed.

3.07. Whenever any outstanding Bond shall be delivered to the Bond Registrar for cancellation pursuant to this Resolution or for replacement pursuant to section 3.06 hereof or for transfer or exchange pursuant to section 3.04 hereof, such Bond shall be cancelled and destroyed by the Bond Registrar and counterparts of a certificate of destruction evidencing such destruction shall be furnished by the Bond Registrar to the District.

3.08. In the event any Bond shall not be presented for payment when the principal thereof becomes due, either at maturity, or at the date fixed for redemption thereof, or otherwise, if funds sufficient to pay such Bond shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the District to the owner thereof for the payment of such Bond shall forthwith cease, terminate, and be completely discharged, and thereupon, it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Bond who shall thereafter be restricted exclusively to such funds, for any claim of whatever nature on his or her part under this Resolution or on, or with respect to, said Bond; provided that any funds which shall be so held by the Paying Agent and which remain unclaimed by the owner of any Bond not presented for payment within one (1) year after the final maturity date, shall be returned to the District free of any trust or lien and thereafter, any such owner shall look only to the District for payment of such amount without interest thereon and the Paying Agent shall have no further responsibility with respect to such moneys.

3.09. The District hereby designates the Bonds as "qualified tax-exempt obligations" under Section 265 of the Code relating to the deduction allowed financial institutions for interest expense allocable to tax-exempt interest. The District represents that: (i) the Bonds are not private activity bonds under the private activity bond definition in the Code; (ii) the reasonably anticipated amount of qualified tax-exempt obligations (other than private activity bonds except for "qualified 501(c)(3) bonds" as defined in the Code) which will be issued during 2026 will not exceed $10,000,000; and (iii) not more than $10,000,000 of qualified tax-exempt obligations will be designated by the District (including any subordinate entities) for the calendar year 2026.

SECTION 4. SINKING FUND AND TAX LEVIES.

4.01. So long as any of the Bonds are outstanding and unpaid, the Clerk shall maintain a sinking fund to be designated "General Obligation Park Facilities Bonds, Series 2026 Bond Fund" (the "Bond Fund") as a separate and special bookkeeping account on the official books and records of the District to be used for no purpose other than the payment of the principal of and interest on the Bonds and such other general obligation bonds of the District as have been or may be directed to be paid from the Bond Fund. The District hereby irrevocably appropriates and there shall be deposited to the Bond Fund all taxes levied and collected pursuant to this Section and funds from any other source so appropriated by the Park Board. If the balance in the Bond Fund is ever insufficient to pay all principal and interest then due on such Bonds, the Clerk shall nevertheless provide sufficient money from other funds of the District which are available for that purpose, and such other funds shall be reimbursed from the proceeds of the taxes levied for the Bond Fund.

4.02. Pursuant to N.D.C.C. Section 21-03-15 the full faith and credit and taxing powers of the District are irrevocably pledged for the prompt and full payment of the principal of and interest on the Bonds as such principal and interest respectively become due. For that purpose, a direct, annual, ad valorem tax is levied upon all taxable property within the corporate limits of the District to be spread upon the tax rolls prepared in each of the following years and collected in each of the respective ensuing years in the following respective amounts:

Levy Year	Collection Year	Amount		Levy Year	Collection Year	Amount
2026	2027			2031	2032	
2027	2028			2032	2033	
2028	2029			2033	2034	
2029	2030			2034	2035	
2030	2031			2035	2036	

The District shall be without power and shall continue without power to repeal such levy or levies or to obstruct the collection of any such tax until payments have been made or provided for, except that, to the extent there is a balance in the Bond Fund after the annual payment of principal and interest on the Bonds, the District reserves the right and power to reduce such levies in the manner and to the extent permitted by N.D.C.C. Section 21-03-15.

SECTION 5. TAX MATTERS.

5.01. The District covenants and agrees with the owners from time to time of the Bonds that it will not take or permit, nor fail to take or permit, any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended, and regulations, temporary regulations and proposed regulations issued thereunder (together, the "Code"), as now existing or as hereinafter amended or proposed and in effect at the time of such action.

5.02. The District covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary, in view of the District's reasonable expectations at the

time of issuance of the Bonds, so that the Bonds will not constitute "arbitrage bonds" under Section 148 of the Code.

5.03. Unless and until the regulations under Section 148 of the Code have been modified or amended in pertinent part, the Clerk shall ascertain monthly the amount on deposit in the Bond Fund. If the aggregate amount on deposit in the Bond Fund ever exceeds the aggregate amount of principal and interest due and payable from the Bond Fund within thirteen (13) months plus an amount equal to the lesser of five percent (5%) of the sale proceeds of the Bonds or $100,000, such excess shall not be invested except at a yield less than or equal to the yield on the Bonds, based upon their amounts, maturities and interest rates on their dates of issue, computed by the actuarial method.

5.04. The President and Clerk, being the officers of the District charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the purchaser a certification in order to satisfy the provisions of Section 1.148-2(b) of the Code. Such certification shall state that on the basis of the facts, estimates, and circumstances in existence on the date of issue and delivery of the Bonds as therein set forth, it is not expected that the proceeds of the Bonds will be used in such a manner that would cause the Bonds to be arbitrage Bonds, and the certification shall further state that to the best of the knowledge and belief of the certifying officers, there are no other facts, estimates, or circumstances that would materially change such expectation.

5.05 The District covenants and agrees with the owners from time to time of the Bonds that it will comply with all the rebate requirements imposed under Section 148(f) of the Code which are necessary to preserve the tax-exempt status of the Bonds, including (if applicable) the requirement to make periodic calculations of the amount subject to rebate thereunder and the requirement to make all required rebate payments to the United States.

SECTION 6. CERTIFICATIONS.

6.01. The Clerk is directed to file with the Burleigh County Auditor a certified copy of this Resolution and to obtain from the Burleigh County Auditor a certificate stating that this Resolution has been so filed and that the Bonds have been recorded substantially in the manner provided in Section 21-03-23, N.D.C.C.

6.02. The officers of the District and the Burleigh County Auditor are authorized and directed to prepare and furnish to the purchasers of the Bonds and to bond counsel certified copies of all proceedings and records of the District and Burleigh County relating to the authorization and issuance of the Bonds and such other affidavits and certificates as may reasonably be required to evidence the legality and marketability of the Bonds and the tax-exempt status of interest payable thereon. All such certified copies, certificates, and affidavits, including any heretofore furnished, constitute representations of the District as to the correctness of the facts recited therein and the actions stated therein to have been taken.

6.03. The preliminary official statement and the official statement relating to the Bonds prepared and distributed on behalf of the District by Colliers Securities LLC, the District's municipal

advisor, are hereby authorized, approved, and ratified and the use thereof prior to the date hereof is ratified and confirmed as of the date first circulated. The officers of the District are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency thereof.

6.04. The President and Clerk, in consultation with bond counsel, are hereby authorized to deliver certificates which cures ambiguities, defects or omissions herein, correct, amend or supplement any provision herein, lessen the obligations of the District hereunder, add to the rights or options of the District, or otherwise make changes to the provisions hereof, which such officers determine are in furtherance of the financing contemplated herein, which determination shall be evidenced conclusively by the execution of such certificates. Any supplemental or amended documents may be executed by the President and Clerk without Park Board approval.

6.05. The Park Board authorizes the President and the Clerk to execute documents relating to the issuance of the Bonds using electronic signatures. The electronic signatures of the President and the Clerk shall be as valid as an original signature of such official and shall be effective to bind such official to any document relating to the issuance of the Bonds. For purposes hereof, "electronic signature" means a manually signed original signature that is then transmitted by electronic means.

SECTION 7. COVENANTS OF DISTRICT; DISCHARGE.

7.01. The District covenants and agrees with the owners from time to time of each of the Bonds that: (a) it will use due diligence to collect the ad valorem taxes authorized by Section 21-03-15, N.D.C.C.; (b) it will preserve and enforce for the benefit of the owners of the Bonds all of the rights, powers, and privileges reserved to owners of all of the Bonds; (c) it will not discontinue the tax levied herein prior to the payment of all principal and interest due or to become due on the Bonds, unless the District will transfer from the general fund and other funds of the District into the Bond Fund, such sums as necessary from time to time for the payment of principal and interest then due on the Bonds; and (d) if the balance in the Bond Fund should at any time be insufficient to pay all principal and interest then due on the Bonds, such balance shall be used first to pay the interest due, and the remainder shall be applied in payment of the principal due on the Bonds in direct order of maturity years and pro rata as to Bonds maturing in the same year. The District reserves the privilege of refunding any of such matured Bonds for the payment of which moneys are not at the time available by issuing new bonds payable from the Bond Fund, on a parity with those theretofore issued as to interest charges therein, but the maturity of any such new bonds shall be subsequent to the maturity of all Bonds payable from the Bond Fund which then remain outstanding; the District reserves the right to advance refund the Bonds subject to applicable law.

7.02. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the District to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Section.

7.03. When all of the Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this Resolution shall cease. The District may discharge all Bonds due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond should 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 District may also discharge all Bonds at any time by irrevocably depositing in escrow with a suitable bank, for the purpose of paying all principal and interest when due on such Bonds, a sum of cash and securities of the types described in Section 21-03-06(7), N.D.C.C., or deposits in the Bank of North Dakota which as provided by N.D.C.C. Section 6-09-10, are guaranteed by the State, in such aggregate amount, bearing interest at such rates and maturing or callable at the Holder's option on such dates as shall be required to provide funds sufficient for this purpose.

(Remainder of this page intentionally left blank.)

Dated: October 15, 2026.

PARK DISTRICT OF THE CITY OF BISMARCK, NORTH DAKOTA **Attest:**

_____ _____

President, Board of Park Commissioners Clerk

The governing body of the District acted on the foregoing resolution at a properly noticed meeting held in Bismarck, North Dakota, on October 15, 2026 with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____