

Santaquin, Utah

December 2, 2010

A special meeting of the City Council of Santaquin City, Utah, was held on Wednesday, December 2, 2010, at 7:00 p.m. at the regular meeting place of said City Council, at which meeting there were present and answering roll call the following members who constituted a quorum:

- |                     |               |
|---------------------|---------------|
| James DeGraffenried | Mayor         |
| Filip Askerlund     | Councilmember |
| James Linford       | Councilmember |
| Rick Steele         | Councilmember |
| Brent Vincent       | Councilmember |
| Martin Green        | Councilmember |

Also present:

- |                  |               |
|------------------|---------------|
| Susan Farnsworth | City Recorder |
|------------------|---------------|

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this December 2, 2010, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Linford, and seconded by Councilmember Green, adopted by the following vote:

AYE: Council members Filip Askerlund, Martin Green, James Linford and Rick Steele

NAY: Council member Brent Vincent

The resolution was signed by the Mayor and recorded by the City Recorder in the official records of Santaquin City, Utah. The resolution is as follows:

RESOLUTION NO. 12-05 -2010

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$900,000 AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2010 (THE "BONDS") OF SANTAQUIN CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A PUBLIC HEARING AND NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Santaquin City, Utah (the "Issuer"), has authority to issue its Sewer Revenue Bonds, Series 2010 (or such other series designation(s) as may be determined by the Issuer) (the "Bonds") for the purposes set forth therein; and

WHEREAS, the Issuer previously adopted a parameters resolution on May 19, 2010, wherein it authorized the issuance of not more than \$9,000,000 Sewer Revenue Bonds, Series 2010 (the "Originally Authorized Bonds") to finance the construction of the Project (defined below); and

WHEREAS, the Issuer has determined that the cost of the Project will exceed the Originally Authorized Bonds and desires to authorize the Bonds in an additional amount of not to exceed \$900,000 in order to finance the Project; and

WHEREAS, the Issuer desires to issue the Bonds to (i) finance a portion of the acquisition and construction of improvements to its sewer system (the "System") and related improvements (the "Project"), (ii) fund any necessary reserves and (iii) pay costs of issuance related to the Bonds; and

WHEREAS, the Act provides for the publication of a Notice of Public Hearing and Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to the Bonds;

NOW, THEREFORE, it is hereby resolved by the City Council of Santaquin City, Utah, as follows:

Section 1. The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$900,000 aggregate principal amount of its Sewer Revenue Bonds, Series 2010, to bear interest at the rate of not to exceed one percent (1.0%) per annum, to mature in not

more than forty-one (41) years from their date or dates, and to be sold at not less than ninety-seven percent (97%) of the total principal amount thereof. The Bonds are being issued for the purpose of financing the Project pursuant to this resolution (this "Resolution"), and a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds in substantially the form attached hereto as Exhibit B (the "Final Bond Resolution"), and the Issuer hereby declares its intention to issue the Bonds according to the provisions of this Resolution and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby authorizes and approves the issuance and sale of the Bonds pursuant to the provisions of this Resolution and the Final Bond Resolution to be adopted by the Issuer authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Issuer upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 above.

Section 3. The Issuer shall hold a public hearing on December 22, 2010, to receive input from the public with respect to the issuance of the Bonds, which hearing date shall be not less than fourteen (14) days after notice of the public hearing is (A) first published once a week for two consecutive weeks in the Provo Daily Herald, a newspaper of general circulation in the Issuer, (B) published on the Utah Public Meeting Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, and (C) published on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The Issuer shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the last date of publication thereof. The Issuer directs its officers and staff to publish a "Notice of Public Hearing and Bonds to be Issued" in substantially the following form:

## NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN that on Thursday, December 2, 2010, the City Council (the "Council") of Santaquin City, Utah (the "Issuer") adopted a resolution (the "Resolution") declaring its intention to issue its Sewer Revenue Bonds, Series 2010 (or such other series designation(s) as may be determined by the Issuer) (the "Bonds") pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and to call a public hearing to receive input from the public with respect to the issuance of the Bonds.

### TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on Wednesday, December 22, 2010, at the hour of 7:00 p.m. at the Issuer's offices at 45 West 100 South, Santaquin, Utah. The purpose of the hearing is to receive input from the public with respect to (i) the issuance of the Bonds and (ii) any potential economic impact that the improvements, facility or property financed in whole or in part with the proceeds of the Bonds may have on the private sector. All members of the public are invited to attend and participate.

### PURPOSE FOR ISSUING BONDS

The Issuer intends to issue the Bonds for the following purposes of: (i) financing a portion of the acquisition and construction of improvements to its sewer system and related improvements (the "Project"), (ii) funding any necessary reserves and (iii) paying the costs of issuing the Bonds. The Issuer previously adopted a resolution which authorized certain sewer revenue bonds in the amount not to exceed \$9,000,000 to finance the Project. The Issuer has determined that it is necessary to authorize additional Bonds in an amount of not to exceed \$900,000 in order to complete the Project.

### PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the principal amount of not to exceed One Million Five Hundred Thousand Dollars (\$900,000), to bear interest at a rate or rates of not to exceed one percent (1.0%) per annum, to mature in not more than forty-one (41) years from their date or dates, and to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof (i.e. maximum 3.0% discount from par).

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution a form of the Final Bond Resolution which was before the Council and attached to the Resolution at the time of the adoption of the Resolution and said Final Bond Resolution shall contain such terms and provisions as shall be approved by the Issuer and said Final Bond Resolution is to be adopted by the Council in such form and with such changes thereto as shall be approved by the Council upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity and discount of the Bonds will not exceed the maximums set forth above.

A copy of the Resolution and the Final Bond Resolution are on file in the office of the City Recorder of the Issuer in the City offices in Santaquin, Utah, where they may be



Section 4. The Issuer hereby declares its intention and reasonable expectation to use proceeds of the Bonds to reimburse itself for expenditures for costs of the Project. The Bonds are to be issued, and the reimbursements made, by the later of eighteen (18) months after (a) the payment of the original expenditure or (b) the Project is placed in service, but in any event, no later than three (3) years after the date the original expenditure was paid. The maximum principal amount of the bonds which will be issued to finance the Project is not expected to exceed \$900,000.

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

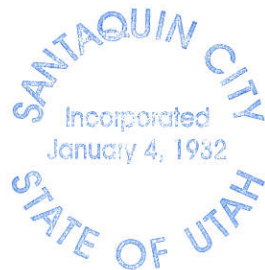
APPROVED AND ADOPTED this December 2, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

(SEAL)



(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

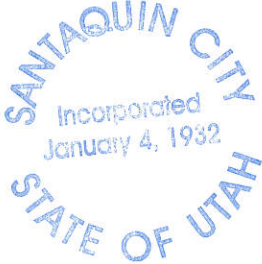
Upon the conclusion of all business on the Agenda, the meeting was adjourned.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

(SEAL)



STATE OF UTAH            )  
  : ss.  
COUNTY OF UTAH        )

I, Susan Farnsworth, the duly appointed and qualified City Recorder of Santaquin City, Utah, do hereby certify according to the records of said City in my official possession that the foregoing constitutes a true and correct excerpt of the proceedings of the meeting of the Council held on December 2, 2010, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on December 2, 2010, and that pursuant to the Resolution, a Notice of Public Hearing and Bonds To Be Issued was published:

- (a) once each week for two consecutive weeks in The Payson Chronicle, a newspaper having general circulation in Santaquin City, Utah, with the affidavit of such publication being hereby attached upon availability;
- (b) on the Utah Public Meeting Notice Website (<http://pmn.utah.gov>) no less than fourteen (14) days prior to said hearing; and
- (c) on the Utah Legal Notices website ([www.utahlegals.com](http://www.utahlegals.com)) created under Section 45-1-101, Utah Code Annotated 1953, as amended, no less than fourteen (14) days prior to said hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this December 2, 2010.

  
\_\_\_\_\_  
City Recorder

(SEAL)





EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Susan Farnsworth, the undersigned City Recorder of Santaquin City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the December 2, 2010 public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices on December 1, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to The Payson Chronicle on December 1, 2010, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1 to be posted on the Utah Public Meeting Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2010 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on December 7, 2009, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on December 7, 2009 and (c) published on the Utah Public Meeting Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this December 2, 2010.



(SEAL)

  
\_\_\_\_\_  
City Recorder

SCHEDULE 1

NOTICE OF MEETING

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a SPECIAL City Council Meeting on Thursday, December 2, 2010, in the Council Chambers, 45 West 100 South, at 7:00 pm.

### AGENDA

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **UNFINISHED BUSINESS**
  - a. Discussion and possible action with regard to a settlement agreement regarding the pressurized irrigation pond property.
5. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
  - a. Resolution 12-03-2010, A Resolution Authorizing The Protest Of The Payson South Farms Annexation
  - b. Resolution 12-04-2010, A Resolution Authorizing Santaquin City To Sign A Settlement Agreement Regarding The Pressurized Irrigation Pond Property
  - c. Resolution 12-05-2010, A Resolution Authorizing The Issuance And Sale Of Not More Than \$1,500,000 Aggregate Principal Amount Of Sewer Revenue Bonds, Series 2010 (The "Bonds") Of Santaquin City, Utah; Fixing The Maximum Aggregate Principal Amount Of The Bonds, The Maximum Number Of Years Over Which The Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Providing For The Publication Of A Public Hearing And Notice Of Bonds To Be Issued; Providing For The Running Of A Contest Period; And Related Matters
6. **PETITIONS AND COMMUNICATIONS**
7. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - a. Mayor DeGraffenried
  - b. Council Members
8. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
9. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
10. **ADJOURNMENT**

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

### CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was faxed to the Payson Chronicle, Payson, UT, 84651.

BY: \_\_\_\_\_  
Susan B. Farnsworth, City Recorder

**POSTED:**  
CITY CENTER  
POST OFFICE  
ZIONS BANK

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

# NOTICE

## Santaquin City Council 2010 Meeting Schedule

City Council Meetings will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month beginning at 7:00 pm with Special Meetings being called as deemed necessary.

Published/noticed

Payson Chronicle the week of December 07, 2009.

Zions Bank

City Center

Post Office

EXHIBIT B

FORM OF FINAL BOND RESOLUTION

(See Transcript Document No. \_\_\_)

(attach Proof of Publication of  
Notice of Public Hearing and Bonds to be Issued)

NOTICE OF SPECIAL MEETING


TO THE MEMBERS OF THE CITY COUNCIL OF SANTAQUIN CITY, STATE OF UTAH:


NOTICE IS HEREBY GIVEN that a special meeting of the City Council of Santaquin City, Utah, will be held at the City's regular meeting place at 7:00 p.m. on Thursday, December 2, 2010, for the purpose of adopting a resolution authorizing the Sewer Revenue Bonds, Series 2010, in the aggregate principal amount of not to exceed \$900,000 and for the transaction of such other business incidental to the foregoing as may come before said meeting.

  
\_\_\_\_\_  
City Recorder

ACKNOWLEDGMENT OF NOTICE AND CONSENT TO SPECIAL MEETING

We, the Mayor and members of the City Council of Santaquin City, Utah, do hereby acknowledge receipt of the foregoing Notice of Special Meeting, and we hereby waive any and all irregularities, if any, in such notice and in the manner of service thereof upon us and consent and agree to the holding of such regular meeting at the time and place specified in said notice, and to the transaction of any and all business which may come before said meeting.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
Councilmember