

Mt. Pleasant City Council  
MINUTES  
Sept. 2, 2011  
12:00 P.M.  
SPECIAL MEETING

The Mayor and City Council of Mt. Pleasant City, Sanpete County, Utah met in a special meeting at its regular meeting place in said Municipality at 12:00 o'clock Noon on the 2nd day of September, 2011, with the following members of the Governing Body present:

Sandra S. Bigler	Mayor
Monte Bona	Councilmember
Coleen Otrogge	Councilmember
Reed Thomas	Councilmember

Also present:

Jon Woodard	City Recorder
Chris Larsen	Citizen

Absent:

Justin Atkinson	Councilmember
Michael P. Hafen	Councilmember

The Town Clerk presented to the Council an affidavit evidencing the giving of not less than twenty-four (24) hours public notice of the agenda, date, time and place of the September 2, 2011, meeting of the Council in compliance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, by (1) posting written notice of the meeting at the principal office of the City Council, and (2) providing notice to at least one newspaper of general circulation within the geographic jurisdiction of Mt. Pleasant City, Sanpete County, Utah (the "City") or to a local media correspondent. The affidavit was ordered recorded in the minutes of the meeting and is as follows:

STATE OF UTAH                    )  
  : SS.  
COUNTY OF SANPETE         )

I, JON WOODARD, the undersigned City Recorder of Mt. Pleasant City, Sanpete County, 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 September 2, 2011, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "A", to be posted at the City's principal offices on September 1, 2011, 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; and

(b) causing a copy of the Notice of Public Meeting in the form attached hereto as Exhibit A to be provided on September 1, 2011, at least twenty-four (24) hours before the convening of the meeting, to the Pyramid, a newspaper of general circulation within the geographic jurisdiction of Mt. Pleasant, Utah, and to any other local media correspondent, newspaper, radio station or television station which has requested notification of meetings of the Council.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 2nd day of September, 2011.

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

(SEAL)

## EXHIBIT A

### AGENDA

September 2, 2011  
12:00 P.M.  
REGULAR MEETING

The Mt. Pleasant City Council will hold a special meeting September 2, 2011 at 12:00 p.m.. The meeting will be held in the Council Chambers, 115 West Main, Mt. Pleasant, Utah. The agenda is as follows:

Agenda Item	Responsible Person
1. Welcome	Mayor
2. Roll Call	Recorder
3. Approval of Agenda Items	Mayor
4. Resolution declaring city's intention to adopt a bond	Mayor
5. Mayor's report	Mayor
6. Adjourn	

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Sandra Bigler, Mayor

I, Jon Woodard, Recorder, hereby certify that the above agenda was delivered to the Mt. Pleasant City Council, the newspapers, KMTI radio, posted on the City's website and the bulletin board at City Hall August 30, 2011, 2011.

If you are planning to attend this public meeting, and due to a disability, need assistance in participating in or understanding the meeting, please notify me at (435) 462-2456, or at the above address 24 or more hours in advance of the meeting and I will try to provide reasonable assistance.

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Jon Woodard, Recorder

## SPECIAL MT. PLEASANT CITY COUNCIL MEETING

Mt. Pleasant City Council will hold a special meeting at Noon, Friday, September 2, 2011, in the City Council Room, 115 West Main Street. This will be in addition to the regularly scheduled meetings in August.

The purpose of the meeting is to adopt a resolution declaring the city's intention to adopt a bond for the water tank project.

If you would like to attend this meeting and need help in order to attend or participate in the hearing, please call Jon Woodard at (435) 462-2456 at least 24 hours prior to the hearing and he will try to make reasonable accommodations.

Published in the Pyramid September 1, 2011.

Thereupon, after the conduct of other business not pertinent to the following, the following resolution was introduced in written form by the Mayor and, pursuant to motion duly made by Monte and seconded by Reed, was adopted and approved by the following vote:

Yea: Justice Atkinson  
Monte Bona  
Michael P. Hafen  
Coleen Otrogge  
Reed Thomas

Nay: None

The Resolution was thereupon signed by the Mayor, was attested and countersigned by the City Recorder and was ordered recorded in the official records of the Issuer.

The Resolution is as follows:

**MT. PLEASANT CITY, SANPETE COUNTY, UTAH**  
**RESOLUTION NO. 2011-14**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A PARITY WATER REVENUE AND REFUNDING BOND (THE "BOND") OF MT. PLEASANT CITY, SANPETE COUNTY, UTAH (THE "ISSUER"), CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF BOND AND ANY POTENTIAL ECONOMIC IMPACT TO THE PRIVATE SECTOR FROM THE CONSTRUCTION OF THE PROJECT TO BE FUNDED BY THE BOND; PROVIDING FOR A PLEDGE OF WATER REVENUES FOR THE PAYMENT OF THE BOND; FIXING THE MAXIMUM PRINCIPAL AMOUNT OF THE BOND; THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BOND MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BOND MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BOND MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS**

WHEREAS Mt. Pleasant City, Sanpete County, State of Utah, desires to construct, operate and maintain improvements to the City's culinary water system, including repair of a water storage tank, together with all related work and improvements (the "Project") and to defray all or a portion of the cost thereof from the bonds to be issued hereby; and

WHEREAS the Issuer has previously issued a bond for the purpose of constructing

improvements to the City's culinary water system, consisting of the Mt. Pleasant City Parity Water Revenue Bond, Series 2010, in the original principal amount of \$1,100,000 (the "2010 Bond"); and

WHEREAS pursuant to and in accordance with the provisions of the Act, by resolution of the Governing Body of the Issuer, the Issuer has determined to issue its \$1,460,000 principal amount of Water Revenue and Refunding Bond, Series 2011 (the "Series 2011 Bond"), to provide funds for the purpose of (i) satisfying in full Issuer's 2010 Bond; (ii) paying all of the remaining costs of constructing the Project for the use, occupancy and operation of the Project by the City, (iii) establishing a Reserve Fund under this Resolution for the benefit of the owners of the Bond (as hereinafter defined), and (iv) paying costs of issuance relating to the issuance, sale and delivery of the Series 2011 Bond and;

WHEREAS the Issuer, Mt. Pleasant City, considers it desirable and necessary and for the benefit of the Issuer to construct the Project to be owned and operated by the Issuer, but does not have on hand money sufficient to pay for the Project; and

WHEREAS the revenues to be derived by the Issuer from the operation of the System (as hereinafter defined) have not been pledged or hypothecated in any manner or for any purpose other than to pay principal and interest on Issuer's Parity and Subordinated Water Revenue Bond, Series 1991A in the initial principal amount of \$917,000 payable to the Utah Drinking Water Board (formerly Safe Drinking Water Committee) and Parity and Subordinated Water Revenue Bond, Series 1993 in the initial principal amount of \$988,000 payable to the Utah Board of Water Resources (collectively, the "Prior Lien Bonds") and the Issuer desires to issue its Parity Water Revenue Bond, payable from such revenues in the manner for which provision is hereinafter made in order to pay all or part of the cost of the Project; and

WHEREAS the Utah Local Government Bonding Act, Sections 11-14-1 et seq., Utah Code Annotated, 1953, as amended, provides that, prior to issuing bonds an issuing entity must (i) give notice of its intent to issue such bonds and (ii) hold a public hearing to receive input from the public with respect to the issuance of such bonds and any potential economic impact to the private sector from the construction of the Project to be funded by the Bond; and

WHEREAS the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing, including a notice of bonds to be issued, in compliance with the Act with respect to the Bond; and

WHEREAS the State of Utah acting through its Permanent Community Impact Fund Board ("Community Impact Board") has offered to purchase the Parity Water Revenue and Refunding Bond, bearing no interest and on the general terms and conditions as set forth herein; and

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Mayor and City Council of Mt. Pleasant City, Sanpete County, State of Utah, as follows:

Section 1. The Mayor and City Council (the "Governing Body") of Mt. Pleasant City, Sanpete County, Utah (the "Issuer"), hereby finds and determines that it is in the best interests of the residents within Mt. Pleasant for the Issuer to issue its Parity Water Revenue and Refunding Bond, (the "Bond") in the principal amount of \$1,460,000 bearing no interest, to mature in not more than thirty-five (35) years from its date or dates, pursuant to a resolution to be adopted by the Governing Body authorizing and confirming the issuance and sale of the Bond. Therefore, the Issuer hereby declares its intention to issue the Bond according to the provisions of this Section. The Bond is to be issued for the purpose of providing funds for the purpose of (i) satisfying in full Issuer's 2010 Bond; (ii) paying all or a part of the cost of constructing the City's culinary water system improvements, including the repair of a water storage tank, together with related improvements to the culinary water system, the acquisition of necessary land and easements and the payment of all related costs and services including engineering, the expenses and costs of the issuance of the Bond and the cost to acquire and provide all appurtenant facilities therefore (the "Project").

The Issuer hereby declares its intention to issue the Bond according to the provisions of this section; provided, however, that the Bond shall only be issued by the Issuer after adoption of a final bond resolution by the Governing Body of the Issuer (the "Final Bond Resolution") setting forth the specific terms of the Bond within the maximum terms herein provided.

Section 2. The Issuer shall hold a public hearing on September 27, 2011, to receive input from the public with respect to (a) the issuance of the Bond, and (b) the potential impact that the improvements to be financed with the proceeds of the Bond will have on the private sector, which hearing date shall be not less than fourteen (14) days after notice of the public hearing is first published (i) once a week for two consecutive weeks in the Pyramid, a newspaper of general circulation in the Issuer, (ii) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (iii) 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 before the public hearing date. The City Recorder shall cause a copy of this Resolution be kept on file in the District offices, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of the 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**

PUBLIC NOTICE IS HEREBY GIVEN that on September 2, 2011, the Mayor and City Council of Mt. Pleasant City (the "Issuer"), adopted a resolution (the "Resolution") declaring its intention to issue its Parity Water Revenue and Refunding Bond (the "Bond") pursuant to the Utah 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 Bond.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on September 27, 2011, at the hour of 7:00 p.m. The location of the public hearing is in the Mt. Pleasant City Office, 115 West Main, Mt. Pleasant, Utah. The purpose of the meeting is to receive input from the public with respect to the issuance of the Bond and any potential economic impact to the private sector from the construction of the Project to be funded by the Bond. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING BOND

The Issuer intends to issue the Bond for the purpose of (i) satisfying in full Issuer's 2010 Bond; (ii) paying all or a portion of the cost to construct culinary water system improvements, including the repair of a water storage tank, together with related improvements to the wastewater system; and (ii) paying costs of issuing the Bond.

PARAMETERS OF THE BOND

The Issuer intends to issue the Bond in the principal amount of \$1,460,000, bearing no interest, to mature in not to more than 35 years from their date or dates, and to be sold at a price not less than 100% of the total principal amount thereof, plus accrued interest to the date of delivery. The Bond will specify that any installment of principal on the Bond which shall not be paid when due shall bear interest at the rate of 18% per annum from the due date thereof until paid.

NOTICE IS FURTHER GIVEN that a period of 30 days from and after the last date of publication of this Notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution or the Bond, or any provision made for the security and payment of the Bond, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

A copy of the Resolution is on file in the office of the City Recorder in Mt. Pleasant, Utah, where it may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DATED this 2nd day of September, 2011.

          /s/  Jon Woodard  
City Recorder

[Publish once each week for two consecutive weeks.]

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Section 3. For a period of thirty (30) days from and after publication of the Notice of Bonds to be Issued, any person in interest shall have the right to contest the legality of this Resolution or the Bond hereby authorized. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution or the Bond for any cause whatsoever.

Section 4. 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.

PASSED AND APPROVED this 2nd day of September, 2011.

MT. PLEASANT CITY

By \_\_\_\_\_  
Mayor

ATTEST AND COUNTERSIGN:

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

[SEAL]

After the conduct of other business not pertinent to the foregoing, it was moved and carried that the Mayor and City Council adjourn.

MT. PLEASANT CITY

By \_\_\_\_\_  
Mayor

ATTEST:

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

[SEAL]

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SANPETE         )

I, JON WOODARD, the undersigned, do hereby certify that I am the duly qualified and acting City Recorder of Mt. Pleasant City, Sanpete County, Utah (the "Issuer"). I further certify that the above and foregoing constitutes a true and correct copy of the minutes of a special public meeting of the Mayor and City Council of the Issuer, held on September 2, 2011, including a Resolution adopted at such meeting, together with exhibits and appendices attached thereto, as said minutes, resolution and appendices are recorded in the regular official book of minutes of the proceedings of the Governing Body kept in the office of the City Recorder that said proceedings were duly had and taken as therein shown, that the meeting thereon shown was in all respects called, held and conducted in accordance with law, and that the persons therein named were present at said meeting, as therein shown.

I further certify and I caused a true and correct copy of the above-referenced resolution (including all exhibits and appendices attached thereto) to be filed in the office of the City Recorder for examination by any interested person during the regular business hours of the office of the City Recorder.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the Issuer, this 2nd day of September, 2011.

[SEAL]

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