

**Mayor**  
MICHAEL KOURIANOS

**City Attorney**  
THOMAS SITTERUD

**City Recorder**  
SHERRIE GORDON

**City Treasurer**  
SHARI MADRID

**Finance Director**  
LISA RICHENS



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**PRICE CITY COUNCIL**

**City Council**

RICK DAVIS

AMY KNOTT-JESPERSEN

BOYD MARSING

LAYNE MILLER

TERRY WILLIS

**PUBLIC NOTICE OF MEETING**

Public notice is hereby given that the City Council of Price City, Utah, will hold a Regular Meeting in the Council Chambers, 185 East Main, Price, Utah, at 5:30 PM on 09/09/2020. The Mayor reserves the right to modify the sequence of agenda items in order to facilitate special needs.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. SAFETY SECONDS - Councilmember Davis
5. PUBLIC COMMENT
6. RESOLUTION NO. 2020-11 - A RESOLUTION AUTHORIZING NOT MORE THAN \$1,500,000 WATER AND SEWER REVENUE BONDS, TO FINANCE WATER AND SEWER SYSTEM IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

**CONSENT AGENDA**

7. MINUTES
  - a. August 26, 2020 City Council Meeting
8. PRICE-HELPER WATER EXCHANGE AGREEMENT- Consideration and possible approval of the updated water exchange agreement between Price City and Helper City.
9. PUMP PARK SPRINKER SYSTEM - Consideration and possible approval to accept bids for the Pump Park sprinkler system.
10. BUSINESS LICENSES - Consideration and possible approval of business licenses for: Chanda Mathis Courier Services at 1369 Scenic View Lane, Fire & Ice Photography at 665 E 900 N and Picturesque Beauty LLC at 9 E Main St.,
11. TRAVEL REQUEST - Consideration and possible approval of travel request for: Cameron Sartori, Police Department - Watchguard Management, September 13-18, 2020, Dallas, TX
12. UNFINISHED BUSINESS

I, Sherrie Gordon, the duly appointed and acting Recorder for Price City, hereby certify that the foregoing City Council Agenda was emailed to ETV10 News. The agenda was also posted in City Hall, the City's website at [www.priccityutah.net](http://www.priccityutah.net), and on the Utah Public Meeting Notice Website <http://www.utah.gov/pmn/index.html>. This meeting may be held electronically via telephone to permit one or more of the council members to participate.

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should contact Sherrie Gordon at 185 E. Main Price, Utah, telephone 435-636-3183 at least 24 hours prior to the meeting.

**PRICE CITY, UTAH**  
**WATER AND SEWER REVENUE BONDS**  
**PARAMETERS RESOLUTION**

**SEPTEMBER 9, 2020**

RESOLUTION NO. 2020-11

A RESOLUTION AUTHORIZING NOT MORE THAN \$1,500,000 WATER AND SEWER REVENUE BONDS, TO FINANCE WATER AND SEWER SYSTEM IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), Price City, Utah (the "Issuer"), has authority to issue revenue bonds for the municipal purposes set forth therein; and

WHEREAS, on September 11, 2019 the City Council (the "Council") of Price City, Utah adopted and approved a parameters resolution to finance, in part, (i) water and sewer system improvements, and related improvements (the "Project"), and finance the Project with the proceeds of Water and Sewer Revenue Bonds (the "Bonds"), in one or more series, in the maximum aggregate principal amount of \$900,000 to bear interest at a rate or rates not to exceed one and one-half percent (1.5%) per annum, to be issued by the Issuer; and

WHEREAS, after receiving bids for the Project, the cost of the Project will exceed the amounts previously noticed; 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 bonds to be issued by the Issuer pursuant to this Resolution and the Final Bond Resolution (as defined below); and

WHEREAS, this resolution amends, supersedes and replaces the Parameters Resolution previously authorized on September 11, 2019.

NOW, THEREFORE, it is hereby resolved by the City Council of Price 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 its residents for the Issuer to give notice of an intent to issue not more than \$1,500,000 in the maximum aggregate principal amount of its Water

and Sewer Revenue Bonds which shall be designated as “Price City, Utah, Water and Sewer Revenue Bonds” (herein, the “Bonds”), in one or more series, the Bonds to bear interest at a rate or rates not to exceed one and one-half percent (1.5%) per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount to finance, in part, water and sewer system improvements, and related improvements, all pursuant to this Resolution and a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds (herein referred to as the “Final Bond Resolution” and substantially in the form attached hereto as Exhibit A), 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 calls a public hearing on October 14, 2020, at 5:30 p.m., or as soon thereafter as feasible, at the offices of the Issuer, to invite comment on the proposed Bonds and the economic impact of the Project on the private sector.

Section 3. 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 Council at a later date, with such changes thereto as shall be approved by the Council upon the adoption of the Final Bond Resolution, provided that the principal amount, the interest rate, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 4. In accordance with the provisions of the Act, the City Recorder of the Issuer is hereby authorized and directed to cause a “Notice of Public Hearing and Bonds to be Issued” substantially in the form attached hereto as Exhibit B (the “Notice”) to be (1) published once each week for two consecutive weeks in the ETV news, a newspaper of general circulation in the Issuer, and (2) posted on the Utah Public Notice Website at least 14 days before the Public Hearing, and to cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the office of the Issuer’s City Recorder in Price, Utah, for public examination during regular business hours of the Issuer, i.e., between 8:00 a.m. and 5:00 p.m. Monday through Friday, for at least thirty (30) days from and after the date of publication of the Notice.

Section 5. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 6. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, including the resolution dated September 11, 2019.

Section 7. The Issuer hereby retains Eric Todd Johnson, partner with Blaisdell, Church & Johnson, LLC, as bond counsel for the Bonds and directs its officials and staff to assist him and his professionals.

Section 8. The Issuer hereby declares its intention and it reasonably expects to reimburse expenditures with bond proceeds in accordance Tres. Reg. § 1.150-2.

Section 9. The City Recorder of the Issuer is directed to complete and execute the Record of Proceedings attached hereto to officially record the proceedings at which this Parameters Resolution was considered for adoption.

APPROVED AND ADOPTED: September 9, 2020.

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Mayor

ATTEST:

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City Recorder  
(SEAL)

EXHIBIT A

FINAL BOND RESOLUTION

(See Transcript Document No. \_\_)

## EXHIBIT B

### NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on September 9, 2020, the City Council (the "Council") of Price City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance and sale of the Issuer's Water and Sewer Revenue Bonds (herein, the "Bonds") in an aggregate principal amount not to exceed \$1,500,000, to bear interest at a rate or rates not to exceed one and one-half percent (1.5%) per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof. If Bonds are issued in the full amount above, and carried to maximum maturity, at the maximum interest rate, then the amount to be repaid will be approximately \$1,737,164. However, the Issuer anticipates that the Bonds will not be issued in an amount in excess of \$1,200,000 bearing interest at a rate or rates of one and one-half percent (1.5%) per annum, to be repaid over fifteen (15) years, in which event the amount to be repaid will be approximately \$1,340,805. The Issuer has obtained a grant commitment from the State of Utah Permanent Community Impact Fund Board in the amount of \$250,000 for the Project, none of which will need to be repaid. Presently, the Issuer has no more than \$5,947,825 in outstanding bonds secured by a pledge of water and sewer revenues. No taxes will be pledged to secure the Bonds.

NOTICE IS FURTHER GIVEN that the Issuer called a public hearing for the purpose of inviting public comment on the proposed issuance of the Bonds and the economic impact that the improvements proposed to be financed with the Bonds will have on the private sector. The public hearing will be held on October 14, 2020, at 5:30 p.m., or as soon thereafter as feasible, at Price City Offices located at 185 E. Main, Price, Utah 84501. This notice amends, supersedes and replaces the notice previously authorized on September 11, 2019.

The Bonds will be issued pursuant to the Resolution and a Final Bond Resolution to be adopted authorizing and confirming the sale of the Bonds (the "Final Bond Resolution") for the purpose to finance, in part, (i) water and sewer system improvements, and related improvements, and (ii) paying the costs of issuing the Bonds.

A draft of the Final Bond Resolution in substantially final form was before the Council and was part of the Resolution at the time of the adoption of the Resolution by the Council (collectively, the "Bond Resolutions"). The 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, the interest rate, maturity and discount of the Bonds will not exceed the maximums set forth above.

Copies of the Bond Resolutions are on file in the office of the City Recorder of the Issuer in Price, Utah, where they may be examined during regular business hours, i.e.,

between 8:00 a.m. and 5:00 p.m., Monday through Friday, for at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that, for a period of thirty (30) days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the Bond Resolutions or the Bonds, or any provision made for the security and payment of the Bonds by filing a verified written complaint in the district court of their county of residence, and that after such 30-day period, no one shall have any cause of action to contest the regularity, formality or legality thereof for any reason.

DATED: September 9, 2020.

/s/ Sherrie Gordon  
City Recorder

EXHIBIT C

RECORD OF PROCEEDINGS

The City Council (the "Council") of Price City, Utah (the "Issuer"), met in public session at the regular meeting place of the Council in Price, Utah, on September 9, 2020 (the "Meeting"), at the hour of 5:30 p.m., or as soon thereafter as feasible, with the following members of the Council being present:

|                     |               |
|---------------------|---------------|
| Michael Kourianos   | Mayor         |
| Boyd Marsing        | Councilmember |
| Rick Davis          | Councilmember |
| Amy Knott-Jespersen | Councilmember |
| Layne Miller        | Councilmember |
| Terry Willis        | Councilmember |

Also present:

|                |                  |
|----------------|------------------|
| Sherrie Gordon | City Recorder    |
| Lisa Richens   | Finance Director |

Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters were discussed, the foregoing resolution (the "Resolution") was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:

Those voting NAY:

Those Abstaining:

Other business not pertinent to the Resolution appears in the minutes of the Meeting. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

## CERTIFICATE OF CITY RECORDER

I, Sherrie Gordon, the duly appointed and qualified City Recorder of Price City, Utah (the "Issuer"), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the City Council of the Issuer at a public meeting duly held on September 9, 2020 (the "Meeting"). The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on September 9, 2020 and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this September 9, 2020.

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City Recorder

(SEAL)

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Sherrie Gordon, the undersigned City Recorder of Price City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer 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 9, 2020, public meeting (the "Meeting") held by the governing body of the Issuer as follows:

(a) By causing a notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the Meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting; and

(c) By causing the Meeting Notice to be posted on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the Meeting.

In addition, the Notice of 2020 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the Issuer to be held during the 2020 calendar year was (1) posted on \_\_\_\_\_, 20\_\_, at the principal office of the Issuer, (2) provided to at least one newspaper of general circulation within the Issuer on \_\_\_\_\_, 20\_\_, and (3) posted on the Utah Public Notice Website on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 9, 2020.

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

(SEAL)

(Attach Meeting Notice and Notice of 2020 Annual Meeting Schedule, including proof of posting thereof on the Utah Public Notice Website)

**PRICE CITY, UTAH**  
**WATER AND SEWER REVENUE BONDS**  
**FINAL BOND RESOLUTION**  
**October 14, 2020**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING \$\_\_\_\_\_ WATER AND SEWER  
REVENUE BONDS, SERIES 2020 TO FINANCE WATER AND  
SEWER SYSTEM IMPROVEMENTS, AND RELATED  
IMPROVEMENTS; AND RELATED MATTERS.

WHEREAS, Price City, Carbon County, Utah (the "Issuer"), desires to finance, in part, water and sewer system improvements, and related improvements (the "Project") and desires to finance, in part, those improvements by issuing its Water and Sewer Revenue Bonds, Series 2020 in the total principal amount of \$\_\_\_\_\_ (the "Series 2020 Bonds"); and

WHEREAS, the Issuer has previously issued its Outstanding Obligations (as defined herein) for improvements to the Issuer's water and sewer system; and

WHEREAS, on September 11, 2019 the City Council (the "Council") of Price City, Utah adopted and approved a parameters resolution to finance, in part, (i) water and sewer system improvements, and related improvements (the "Project"), and finance the Project with the proceeds of Water and Sewer Revenue Bonds (the "Bonds"), in one or more series, in the maximum aggregate principal amount of \$900,000 to bear interest at a rate or rates not to exceed one and one-half percent (1.5%) per annum, to be issued by the Issuer; and

WHEREAS, after receiving bids for the Project, the cost of the Project will exceed the amounts previously noticed; and

WHEREAS, this resolution amends, supersedes and replaces the Final Bond Resolution previously authorized on October 9, 2019.

WHEREAS, the Series 2020 Bonds shall be issued on a parity with the Outstanding Obligations such that the Series 2020 Bonds and Outstanding Obligations shall be equally secured by a first lien pledge on the Net Revenues of the Issuer's System (as those terms are defined herein); and

WHEREAS, the Issuer does not have on hand money to pay the cost of the System improvements and, with the exception of the Issuer's Outstanding Obligations, the revenues to be derived by the Issuer from the operation of the System will not be pledged or hypothecated in any manner or for any purpose at the time of the issuance of the Series 2020 Bonds; and

WHEREAS, the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), provides that the Issuer may issue nonvoted revenue bonds as long as revenues generated from the revenue producing facilities of the Issuer are sufficient to pay for operation and maintenance of such facilities and debt service on all outstanding obligations secured by the revenues of such facilities; and

WHEREAS, the Issuer has been advised that the System will generate sufficient revenues to pay for operation and maintenance of the System as well as debt service on all proposed and Outstanding Obligations secured by the revenues of the System, including the Series 2020 Bonds authorized herein; and

WHEREAS, the State of Utah Permanent Community Impact Fund Board (the "Community Impact Board") has offered to purchase at par the Issuer's Series 2020 Bonds in the total principal amount of \$\_\_\_\_\_ bearing interest at the rate of \_\_\_\_\_ percent (\_\_\_%) per annum; and

WHEREAS, the Issuer desires to accept the offer of the Community Impact Board and confirm the sale of the Series 2020 Bonds to the Community Impact Board; and

WHEREAS, the Issuer has obtained a grant from the Community Impact Board for the Project in the amount of \$250,000.

NOW, THEREFORE, Be It Resolved by the City Council of Price City, Carbon County, Utah, as follows:

## ARTICLE I

## DEFINITIONS

As used in this resolution, the following terms shall have the following meanings unless the context otherwise clearly indicates:

“Annual Debt Service” means the annual payment of principal, premium or penalty, if any, and interest, if any, to be paid by the Issuer during any Sinking Fund Year on the Series 2020 Bonds and all Outstanding Obligations or other forms of indebtedness issued on a parity with the Series 2020 Bonds and which are secured by the Revenues of the System.

“Bondholder” or “Registered Owner” means the registered holder of any Series 2020 Bond, the issuance of which is authorized herein.

“Bonds” means the Outstanding Obligations, the Series 2020 Bonds and any refunding bonds or Parity Bonds issued under section 4.2.

“Code” means the Internal Revenue Code of 1986, as amended.

“Community Impact Board” means the State of Utah Permanent Community Impact Fund Board, or any successor agency.

“Dated Date” means the initial delivery date of the Series 2020 Bonds.

“Depository Bank” means a “Qualified Depository” as defined in the State Money Management Act of 1974, Title 51, Chapter 7, Utah Code Annotated, 1953, as amended, selected by the Issuer to receive deposits for the Water and Sewer Revenue Fund as herein described, the deposits of which Bank shall be insured by the Federal Deposit Insurance Corporation.

“Escrow Account” means an account to be held in escrow by the Escrow Agent pursuant to the Escrow Agreement, such account to be used for the purpose of depositing the proceeds of the sale of the Series 2020 Bonds and accounting for those proceeds pursuant to the terms of the Escrow Agreement.

“Escrow Agent” means Utah State Treasurer, Salt Lake City, Utah, who shall so act pursuant to the terms of the Escrow Agreement.

“Escrow Agreement” means the agreement entered into among the Issuer, the Community Impact Board, and the Escrow Agent on the date of delivery of the Series 2020 Bonds.

“Exchange Bonds” means the fully registered Series 2020 Bonds issued in substantially the form set forth in Exhibit A-2, in exchange for the State Bonds representing the Series 2020 Bonds or in exchange for other Exchange Bonds, in the denomination of \$1,000 or any integral multiple thereof.

**“Fully Registered Bond”** means any single Bond that is fully registered in the denomination(s) equal to the aggregate principal amount of the applicable Series 2020 Bonds authorized herein.

**“Issuer”** means Price City, Carbon County, Utah or its successors.

**“Net Revenues”** means the Revenues after provision has been made for the payment therefrom of Operation and Maintenance Expenses.

**“Operation and Maintenance Expenses”** means all expenses reasonably incurred in connection with the operation and maintenance of the System, including the cost of water and wastewater treatment, whether incurred by the Issuer or paid to any other political subdivision or company pursuant to contract or otherwise, repairs and renewals (other than capital improvements) necessary to keep the System in efficient operating condition, the cost of audits hereinafter required, fees of the paying agents on the Bonds, payment of premiums for insurance on the System hereafter required and, generally, all expenses, exclusive of depreciation, which under generally accepted accounting practices are properly allocable to operation and maintenance of the System, but only such expenses as are reasonably and properly necessary to the efficient operation and maintenance of the System shall be included.

**“Outstanding Obligations”** means collectively the Issuer’s (1) Water and Sewer Revenue Bonds, Series 2002A in the original principal amount of \$2,885,000 bearing interest at the rate of 1.5% per annum; (2) Water and Sewer Revenue Bonds, Series 2002B in the original principal amount of \$1,900,000 bearing interest at the rate of 2.47% per annum; (3) Water and Sewer Revenue Bonds, Series 2002C in the original principal amount of \$1,250,000 bearing interest at the rate of 2.5% per annum; (4) Water and Sewer Revenue Bonds, Series 2002D in the original principal amount of \$1,250,000 bearing no interest; (5) Water and Sewer Revenue Bonds, Series 2009A in the original principal amount of \$340,000 bearing no interest; (6) Taxable Water and Sewer Revenue Bonds, Series 2009B in the original principal amount of \$850,000 bearing no interest; (7) Water and Sewer Revenue bonds, Series 2010 (Federally Taxable –Issuer Subsidy – Build America Bonds) in the original principal amount of \$1,906,000 bearing interest at a rate of 2.07% per annum; (8) Taxable Water and Sewer Revenue Bonds, Series 2011A in the original principal amount of \$387,000 bearing no interest; (9) Taxable Water and Sewer Revenue Bonds, Series 2011B in the original principal amount of \$700,000 bearing no interest; (10) Water and Sewer Revenue Bonds, Series 2016 in the original principal amount of \$600,000 bearing interest at the rate of 2.5% per annum; and (11) Water and Sewer Revenue Bonds, Series 2018 in the original principal amount of \$300,000 bearing interest at the rate of 2.5% per annum.

**“Paying Agent”** means the person or persons authorized by the Issuer to pay the principal of and interest on the Series 2020 Bonds on behalf of the Issuer.

The initial paying agent for the Series 2020 Bonds is the Finance Director of the Issuer.

“Project” means to finance, in part, Water and Sewer System improvements, and related improvements, including all equipment and necessary appurtenances thereof.

“Registrar” means the person or persons authorized by the Issuer to maintain the registration books with respect to the Series 2020 Bonds on behalf of the Issuer. The initial Registrar for the Series 2020 Bonds is the City Recorder of the Issuer.

“Revenues” means all gross income and revenues of any kind, from any source whatsoever, derived from the operation of the System, including, without limitation, all fees, rates, any impact fees imposed to finance the Project, connection charges, and other charges, the gross revenues of all improvements, additions, and extensions of the System hereafter constructed or acquired, and all interest earned by and profits derived from the sale of investments made with the income and Revenues.

“Series 2020 Bond or Bonds” means the Issuer’s Water and Sewer Revenue Bonds, Series 2020 in the total principal amount of \$\_\_\_\_\_ bearing interest at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum and purchased by the Community Impact Board.

“Sinking Fund Year” means the twelve-month period beginning on July 1 of the calendar year and ending on the next succeeding June 30; provided, however, that the first Sinking Fund Year will begin on the delivery date of the Series 2020 Bonds and will end on the next succeeding June 30.

“State Bonds” means the fully registered Series 2020 Bonds issued in substantially the form set forth in Exhibit A-1 in the denominations equal to the aggregate principal amount of the Series 2020 Bonds.

“System” means the whole and each and every part of the respective water and sewer systems of the Issuer, including the Project to be acquired and constructed pursuant to this Bond Resolution, and each and every part of the wastewater or sewer system of the Issuer, and all property, real, personal and mixed, of every nature now or hereafter owned by the Issuer and used or useful in the operation of said System, together with all improvements, extensions, enlargements, additions, and repairs thereto which may be made while any of the Bonds remain outstanding.

## ARTICLE II

## ISSUANCE OF SERIES 2020 BONDS

Section II.1. Principal Amount, Designation Series and Interest Rate. The Series 2020 Bonds are hereby authorized for issuance for the purpose of providing funds (i) to finance a portion of the Project, and (ii) to pay the costs of issuing the Series 2020 Bonds. The Series 2020 Bonds shall be limited to \$\_\_\_\_\_ in aggregate principal amount, shall be issued (i) if issued as a State Bond(s), in the form set forth in Exhibit A-1 and (ii) if issued as Exchange Bonds, in the form set forth in Exhibit A-2, in fully registered form, shall bear interest at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum, and shall be payable as specified herein. If issued as Exchange Bonds, the Series 2020 Bonds shall be in the denomination of \$1,000 or any integral multiple thereof. The Series 2020 Bonds shall be numbered from one (1) consecutively upward in order of delivery by the Registrar. The Series 2020 Bonds shall be designated as, and shall be distinguished from the bonds of all other series by the title, "Water and Sewer Revenue Bonds, Series 2020."

The Series 2020 Bonds are issued on parity with the Issuer's Outstanding Obligations, such that the Series 2020 Bonds are secured by a pledge of the Net Revenues of the Issuer's System, which pledge is on parity with and equal to the pledge of the Net Revenues securing the Outstanding Obligations.

Section II.2. Date and Maturities. The Series 2020 Bonds shall be dated as of their date of delivery and shall be paid as provided in this Section. The Series 2020 Bonds shall be initially issued as one Fully Registered State Bond.

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon presentation of the applicable Series 2020 Bond at the offices of the Paying Agent for endorsement or surrender, or of any successor Paying Agent. Payment of interest, if any, shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his address as it appears on the registration books of the Issuer maintained by the Registrar or at such other address as is furnished to the Registrar in writing by such Registered Owner. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due in the United States of America.

So long as the Community Impact Board is the Registered Owner of the Series 2020 Bonds, payments of principal and interest on the Series 2020 Bonds shall be made by check or draft and mailed to the Community Impact Board as the Registered Owner at the address shown on the registration books maintained by the Registrar. So long as the Community Impact Board is the Registered Owner of the Series 2020 Bond, in lieu of presentation or the surrender of the Series 2020 Bond to the Paying Agent for notations by the Paying Agent of such payments, the Community Impact Board, by its Chairman or his designee, shall endorse such payments upon the Series 2020 Bond.

Interest shall begin to accrue on the unpaid principal balance of the Series 2020 Bonds as of the dated date of the Series 2020 Bonds and shall be payable annually on June 1, 2021, and shall be payable annually thereafter on each June 1. The principal of the Series 2020 Bonds shall be payable in installments on June 1 of each year, in the years and the amounts as follows:

| <u>June 1</u> | <u>Principal<br/>Maturing</u> |
|---------------|-------------------------------|
| 2021          | \$                            |
| 2022          |                               |
| 2023          |                               |
| 2024          |                               |
| 2025          |                               |
| 2026          |                               |
| 2027          |                               |
| 2028          |                               |
| 2029          |                               |
| 2030          |                               |
| 2031          |                               |
| 2032          |                               |
| 2033          |                               |
| 2034          |                               |
| 2035          |                               |

In the event the bid from the lowest responsible bidder on the Project shows that the costs of the Project will exceed the amount of grant and loan commitments the Issuer has already obtained, then, as authorized in Section 11-14-302 of the Act, the Issuer hereby authorizes the Mayor and City Recorder, as a pricing committee, to approve a final principal amount and repayment schedule for the Series 2020 Bonds within the parameters set forth in the Notice of Public Hearing published once each week for two consecutive weeks with the first publication being at least 14 days before this resolution and also posted on the Utah Public Notice Website at least 14 before this resolution, which parameters are in the aggregate principal amount of not to exceed \$1,500,000, to bear interest at the rate or rates not to exceed \_\_\_\_\_ percent (\_\_\_\_%) per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than 99% of the total principal amount thereof, and all other terms of the Series 2020 Bonds, and to approve and execute all documents related to the issuance of the Series 2020 Bonds. The City Recorder is authorized to attest such signatures and apply the Issuer's seal as appropriate

In the event the Series 2020 Bonds are not issued during the calendar year 2020, then the denomination of the Bonds and series designation shall be modified to correspond to the year in which they are issued.

Section II.3. Optional Redemption and Redemption Prices. Each principal payment of the Series 2020 Bond is subject to prepayment and redemption at any time, in whole or in part (if in part, in integral multiples of \$1,000), at the election of the Issuer, in inverse order of the due dates thereof, and by lot selected by the Issuer if less than all of the Series 2020 Bonds of a particular due date are to be redeemed, upon notice as provided in 2.4 hereof with respect to Exchange Bonds, and upon at least thirty (30) days' prior written notice of the amount of prepayment and the date scheduled for prepayment to the Community Impact Board with respect to the Series 2020 Bonds, and at a redemption price equal to 100% of the principal amount to be prepaid or redeemed, plus accrued interest, if any, to the date of redemption.

Section II.4. Notice of Redemption for Exchange Bonds.

(a) In the event any of the Exchange Bonds are to be redeemed, the Registrar shall cause notice to be given as provided in this Section 2.4. Notice of such redemption shall be mailed by first class mail, postage prepaid, to all Registered Owners of Exchange Bonds to be redeemed at their addresses as they appear on the registration books of the Registrar at least thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption. Such notice shall state the following information:

(i) the complete official name of the Exchange Bonds, including the series to be redeemed and the identification numbers of the Exchange Bonds being redeemed;

(ii) any other descriptive information needed to identify accurately the Exchange Bonds being redeemed, including, but not limited to, the original issue date of such Exchange Bonds;

(iii) in the case of partial redemption of any Exchange Bonds, the respective principal amounts thereof to be redeemed;

(iv) the date of mailing of redemption notices and the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become due and payable upon each such Exchange Bond or portion thereof called for redemption; and

(vii) the place where such Exchange Bonds are to be surrendered for payment of the redemption price, designating the name and address of the redemption agent with the name of a contact person and telephone number.

(b) Upon the payment of the redemption price of Exchange Bonds being redeemed, each check or other transfer of funds issued for such purpose

shall identify the Exchange Bonds being redeemed with the proceeds of such check or other transfer.

(c) The Registrar shall not give notice of a redemption until there are on deposit with the Paying Agent sufficient funds for the payment of the redemption price.

Notice of redemption shall be given not more than forty-five (45) days nor less than thirty (30) days prior to the redemption date to Registered Owners of the Exchange Bonds, or portions thereof, to be redeemed. A second notice of redemption shall be given, not later than ninety (90) days subsequent to the redemption date, to Registered Owners of Exchange Bonds or portions thereof redeemed but who failed to deliver Series 2020 Bonds for redemption prior to the 60th day following such redemption date. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Registered Owner of such Series 2020 Bonds actually receives the notice. Receipt of such notice shall not be a condition precedent to such redemption, and failure to so receive any such notice by any of the Registered Owners shall not affect the validity of the proceedings for the redemption of the Series 2020 Bonds.

In case any Exchange Bond is to be redeemed in part only, the notice of redemption which relates to such Exchange Bond shall state also that on or after the redemption date, upon surrender of such Series 2020 Bond, a new Series 2020 Bond in principal amount equal to the unredeemed portion of such Series 2020 Bond will be issued.

Section II.5. Execution and Delivery of the Series 2020 Bonds. The Mayor is hereby authorized to execute by manual or facsimile signature the Series 2020 Bonds and the City Recorder to countersign by manual or facsimile signature the Series 2020 Bonds and to have placed on the Series 2020 Bonds the official seal of the Issuer. The City Recorder is hereby authorized to deliver to the Community Impact Board the Series 2020 Bonds upon payment to the Issuer of the proceeds of the Series 2020 Bonds.

Section II.6. Delinquent Payment. Payments of principal and/or interest on the Series 2020 Bonds which are delinquent from the due date thereof shall draw interest at the rate of eighteen percent (18%) per annum on the delinquent payment from such due date until paid in full.

Section II.7. Exchange of State Bonds. As long as the Community Impact Board is the sole Registered Owner of the Series 2020 Bonds, the Series 2020 Bonds shall be issued only as State Bonds in the form prescribed in Exhibit A-1. It is recognized that the Community Impact Board may sell or otherwise transfer the Series 2020 Bonds pursuant to the provisions of the State Financing Consolidation Act, Title 63B, Chapter 1b, Utah Code Annotated 1953, as amended, or otherwise. In the event the Community Impact Board determines to sell or otherwise transfer all or a portion of the Series 2020 Bonds pursuant to the State Financing Consolidation Act or otherwise, the Series 2020 Bonds shall be exchanged at the office of the Paying Agent for a like

aggregate principal amount of Exchange Bonds in accordance with the provisions of this Section and Section 3.1 hereof. Exchange Bonds may thereafter be exchanged from time to time for other Exchange Bonds in accordance with Section 3.1 hereof. Any Series 2020 Bond, or any portion thereof, which is sold or otherwise transferred or liquidated by the Community Impact Board pursuant to the State Financing Consolidation Act or otherwise shall be in the form of an Exchange Bond prescribed in Exhibit A-2, and shall be executed pursuant to authorization contained in Section 2.5 hereof. Each principal payment on the Series 2020 Bonds not previously paid or canceled shall be represented by an equivalent principal amount of Exchange Bonds, in authorized denominations, and of like maturity. The Issuer and its officers shall execute and deliver such documents and perform such acts as may reasonably be required by the Issuer to accomplish the exchange of the Series 2020 Bonds for Exchange Bonds, provided that the Community Impact Board pay or cause to be paid all costs and other charges incident to such exchange and the Issuer shall have no obligation to pay any such costs or charges.

### ARTICLE III

## REGISTRATION, PAYMENT, AND FLOW OF FUNDS

Section III.1. Execution of and Registration of Series 2020 Bonds; Persons Treated as Owners. The Series 2020 Bonds shall be signed by the Issuer and the Issuer shall cause books for the registration and for the transfer of the Series 2020 Bonds to be kept by the City Recorder who is hereby appointed the Registrar of the Issuer with respect to the Series 2020 Bonds. Any Series 2020 Bond may, in accordance with its terms, be transferred only upon the registration books kept by the Registrar, by the person in whose name it is registered, in person or by his or her duly authorized attorney, upon surrender of such Series 2020 Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Registrar, duly executed. No transfer shall be effective until entered on the registration books kept by the Registrar. Upon surrender for transfer of any Series 2020 Bond as provided herein, the Issuer shall execute and deliver in the name of the transferee or transferees, a new Series 2020 Bond of the same maturity and series for a like aggregate principal amount as the Series 2020 Bond surrendered for transfer. Series 2020 Bonds may be exchanged at the office of the Registrar for a like aggregate principal amount of Series 2020 Bonds of the same series or other authorized denominations and the same maturity. The execution by the Issuer of any Series 2020 Bond of any authorized denomination shall constitute full and due authorization of such denomination, and the Registrar shall thereby be authorized to deliver such Series 2020 Bond. The Registrar shall not be required to transfer or exchange any Exchange Bond at any time following the mailing of notice calling such Series 2020 Bond for redemption.

Series 2020 Bonds surrendered for payment, redemption or exchange, shall be promptly canceled and destroyed by the Issuer.

The Issuer, the Registrar and the Paying Agent may treat and consider the person in whose name each Series 2020 Bond is registered on the registration books kept by the Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and for all other purposes whatsoever, and neither the Issuer, nor the Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of any Series 2020 Bond shall be made only to or upon order of the Registered Owner thereof or his legal representative, 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 Series 2020 Bond to the extent of the sum or sums so paid.

The Issuer may require the payment by the Registered Owner requesting exchange or transfer of Series 2020 Bonds of any tax or other governmental charge and any service charge which are required to be paid with respect to such exchange or transfer and such charges shall be paid before such new Series 2020 Bond shall be delivered.

Section III.2. Deposit of Bond Proceeds. The proceeds from the sale of the Series 2020 Bonds and the grant shall be deposited upon delivery in the Escrow Account and shall be disbursed pursuant to the provisions of the Escrow Agreement. All monies deposited in the Escrow Account shall be used solely for the purpose of defraying all or a portion of the costs of the Project including the payment of costs of issuance of the Series 2020 Bonds. Any unexpended balance remaining in the Escrow Account after completion of the Project shall be transferred as soon as practicable (a) first to each party or entity, other than the Issuer, contributing grant funds to the Project in proportion to the amount of grant funds originally deposited into the Escrow Account, and (b) then to the "Sinking Fund" established hereunder, and shall be used only for the prepayment of the Series 2020 Bonds in inverse order of maturity. Proceeds from the sale of the Series 2020 Bonds on deposit in the Escrow Account may, at the discretion of the Issuer, be invested by the Escrow Agent as provided in the Escrow Agreement. Following the transfer of unexpended funds from the Escrow Account to the Sinking Fund, the Escrow Account will be closed.

Section III.3. The Series 2020 Bonds Constitute Special Limited Obligations. Notwithstanding anything in this Bond Resolution elsewhere contained, the principal and interest, if any, on the Series 2020 Bonds shall be payable out of 100% of the Net Revenues, and in no event shall the Series 2020 Bonds be deemed or construed to be a general indebtedness of the Issuer or payable from any funds of the Issuer other than those derived from the operation of the System. The Net Revenues are pledged to secure the Series 2020 Bonds.

The Issuer may, in its sole discretion, but without obligation and subject to the Constitution, laws, and budgetary requirements of the State of Utah, make available properly budgeted and legally available funds to defray any insufficiency of Revenues to pay the Series 2020 Bonds; provided however, the Issuer has not covenanted and cannot covenant to make such funds available and has not pledged any of such funds for such purpose.

Section III.4. Flow of Funds. From and after the earlier of the delivery date of the Series 2020 Bonds, and until all the Series 2020 Bonds have been fully paid, the Revenues shall be set aside into Price City, Utah Water and Sewer Revenue Fund referred to herein as "Revenue Fund," hereby established, to be held by the Depository Bank. The Issuer will thereafter make accounting allocations of the funds deposited in the Revenue Fund for the following purposes and in the following priority:

- (a) From the amounts in the Revenue Fund there shall first be paid all Operation and Maintenance Expenses of the System. For this purpose the Issuer shall establish on its books an account known as the "Expense Account" to which shall be allocated monthly, on or before the tenth day of each month, such portion of the Revenue Fund as is estimated to be required for Operation and Maintenance Expenses of the System for the following month. There shall be allocated to the Expense Account from time to time during the month such additional amounts as may be required to make payments of Operation and Maintenance Expenses for which the amounts theretofore allocated to the

Expense Account are insufficient. At the end of each Sinking Fund Year all amounts in the Expense Account in excess of that required to pay Operation and Maintenance Expenses then due shall be transferred to the Sinking Fund established as hereinafter provided.

(b) All amounts in the Revenue Fund not allocated to the Expense Account shall be allocated to the "Price City, Utah, Water and Sewer Revenue Bond Sinking Fund" (the "Sinking Fund") hereby established:

(i) Of the amounts allocated to the Sinking Fund there shall be allocated to a subaccount established on the books of the Issuer known as the "Bond Account" such amounts as will assure, to the extent of the availability of Net Revenues from the System, the prompt payment of the principal and interest, if any, on the Series 2020 Bonds as shall become due and all bonds or obligations issued in parity therewith, including the Outstanding Obligations. (A) The amount to be set aside monthly on or before the tenth day of each month with respect to the Outstanding Obligations is set forth in the documents authorizing those obligations. (B) The amount to be set aside with respect to the Series 2020 Bonds shall, as nearly as may be practicable, be allocated to the Bond Account monthly, on or before the tenth day of each month, as of the dated date of the Series 2020 Bonds and shall equal 1/12 of the amount of the principal on the payment next due on the Series 2020 Bonds, to the end that there will be sufficient funds allocated to the Bond Account to pay the principal and interest, if any, on the Series 2020 Bonds as and when the same become due. (In the event insufficient moneys are available to make prompt payment of the full principal and interest, if any, on the Series 2020 Bonds and all Outstanding Obligations as shall become due, such moneys shall be allocated pro rata based on the amount of principal next coming due on each Bond.) Amounts allocated to the Bond Account shall be used solely for the purpose of paying principal and interest on the Outstanding Obligations and the Series 2020 Bonds and shall not be reallocated, transferred or paid out for any other purpose; and

(ii) Of the amounts allocated to the Sinking Fund after there shall have been allocated the amounts required to be allocated under (i) above, there shall be allocated monthly on a parity basis (1) those amounts, if any, as shall be required for the Outstanding Obligations to be deposited in a reserve account; and (2) on or before the tenth day of each month, as of the dated date of the Series 2020 Bonds to the "Reserve Account – Series 2020" established on the books of the Issuer the sum of \$\_\_\_\_, plus such additional amount as may be required to meet any monthly installment to the Reserve Account – Series 2020 not theretofore made in whole or in part, such allocation shall continue until there shall have been accumulated an amount equal to \$\_\_\_\_\_. (In the event insufficient moneys are available to make full allocation to each reserve account, such moneys shall be allocated pro rata based on the monthly

allocation requirement of each such reserve fund.) Amounts allocated to the reserve accounts for the Outstanding Obligations and the Reserve Account – Series 2020 (collectively, the “Reserve Accounts”) shall be used to pay the principal and interest, if any, falling due on the respective Outstanding Obligations and Series 2020 Bonds at any time when there are not sufficient funds in the Bond Account to pay the same, but pending such use may be invested as hereafter provided. When the Reserve Accounts have been accumulated as in this paragraph provided, no further allocations to the Reserve Accounts need be made unless payments from the Reserve Accounts have reduced the same below the amounts required by this paragraph, in which event allocations shall be resumed until such deficiency has been remedied; and

(iii) All remaining funds, if any, in the Sinking Fund after all of the payments required to be made into the Bond Account and Reserve Accounts have been made, may be used by the Issuer (a) to prepay or redeem the Outstanding Obligations and/or the Series 2020 Bonds in whole or in part, (b) to make extensions, improvements, additions, repairs, and replacements to the System, or (c) to be applied to any other lawful purpose as determined by the Issuer.

(c) If at any time, the Net Revenues derived by the Issuer from the operation of the System shall be insufficient to make any payment to any of the above funds or accounts on the date or dates specified, the Issuer shall make good the amount of such deficiency by making additional payments out of the first available Net Revenues thereafter derived by the Issuer from the operation of the System.

Section III.5. Investment of Funds. Any funds allocated to the Bond Account and Reserve Accounts may, at the discretion of the Issuer, be invested in accordance with the State Money Management Act. All income derived from the investment of the funds of the Bond Account shall be maintained in that account and disbursed along with the other moneys on deposit therein as herein provided. All income derived from the investment of the Reserve Accounts shall at the end of each Sinking Fund Year be transferred by the Issuer to the Bond Account so long as after such transfer the Reserve Accounts are fully funded as provided herein. In the event the balance in the Reserve Accounts is less than the amount required herein, then the income from the investment thereof shall be maintained in each respective reserve account until total deposits in the Reserve Accounts shall equal the amount required to fully fund the Reserve Accounts. There shall not be required to be in the Bond Account and the Reserve Accounts at any time more than the total amount required to pay the total principal of and interest due on the Outstanding Obligations and the Series 2020 Bonds. Whenever the money in the Bond Account and the Reserve Accounts equal the total principal amount of the Outstanding Obligations and Series 2020 Bonds outstanding plus accrued interest thereon, the money in those accounts shall be used to prepay all of the Outstanding Obligations and Series 2020 Bonds then outstanding.

## ARTICLE IV

### COVENANTS

Section IV.1. Covenants of Issuer. The Issuer hereby covenants and agrees with each and every holder of the Series 2020 Bonds the following:

(a) The rates for all water and sewer service supplied by the System to the Issuer and its inhabitants and to all customers within or without the boundaries of the Issuer shall be sufficient for the retirement and/or redemption of the Series 2020 Bonds and the Outstanding Obligations, provided such rates must be reasonable rates for the type, kind, and character of the service rendered. There shall be no free service and there shall be charged against all users of the System, including the Issuer, such rates and amounts as shall be adequate to meet the debt service payments on the Series 2020 Bonds, the Outstanding Obligations and any Parity Bonds (as defined in Section 4.2) when due. The rates charged for water and sewer services provided by the System shall be sufficient to produce Net Revenues that are equal to 125% of Annual Debt Service. All Revenues, including those received from the Issuer, shall be subject to distribution for the payment of the Operation and Maintenance Expenses of the System and the payment of the Series 2020 Bonds and the Outstanding Obligations, as herein provided. Balances held in the Revenue Fund on the last day of each Fiscal Year in excess of 25% of the amount of the Operation and Maintenance Expenses for that Fiscal Year, after payment of all Operation and Maintenance Expenses and all deposits required by Section 3.4 of this Bond Resolution to that date have been made, shall be considered to be Revenues available for the next Fiscal Year.

(b) Each Bondholder shall have a right, in addition to all other rights afforded it by the laws of Utah, to apply to and obtain from any court of competent jurisdiction such decree or order as may be necessary to require the Issuer to charge and collect reasonable rates for services supplied by the System sufficient to meet all requirements of this Bond Resolution and the resolutions authorizing the Outstanding Obligations.

(c) The Issuer will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost.

(d) So long as any Series 2020 Bonds remain outstanding, proper books of record and account will be kept by the Issuer separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the System. Each Bondholder or any duly authorized agent or agents of such holder shall have the right at all reasonable times to inspect all records, accounts and data relating thereto and to inspect the System and all properties constituting the System. Except as otherwise provided herein, the Issuer further agrees that it will within one hundred eighty (180) days following the close of each Sinking Fund Year cause an audit of such books and accounts to be made by an independent firm of certified public accountants,

showing the receipts and disbursements for account of the System, and that such audit will be available for inspection by Bondholders upon request; provided, however, during such periods of time as the Community Impact Fund Board is the Registered Owner of the Series 2020 Bonds, each such audit will be supplied to the Community Impact Board as soon as completed without prior request therefor by the Community Impact Board. At a minimum, each such audit shall include the following:

- (i) A statement in detail of the income and expenditures of the System for such Sinking Fund Year;
- (ii) A balance sheet as of the end of such Sinking Fund Year;
- (iii) The accountant's comments regarding the manner in which the Issuer has carried out the requirements of this Bond Resolution, and the accountant's recommendations for any change or improvement in the operation of the System;
- (iv) A list of the insurance policies in force at the end of the Sinking Fund Year, setting out as to each policy, the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy;
- (v) An analysis of all funds and accounts created in this Bond Resolution, setting out all deposits and disbursements made during the Sinking Fund Year and the amount in each fund or account at the end of the Sinking Fund Year;
- (vi) The number of water and sewer connections within the boundaries of the Issuer, and applications for water and sewer service on hand at the end of the Sinking Fund Year;
- (vii) The total billings for such Sinking Fund Year and all schedules of rates and charges imposed for water and sewer service during the Sinking Fund Year.

The Bondholder may, upon written request from the Issuer setting forth the reasons why a certified audit is not necessary or is impractical, waive the audit requirements for any particular Sinking Fund Year set forth in this Section 4.1(d), provided, however, that such waiver shall not apply to the reporting requirements of the Issuer set forth in Section 4.1(e) herein.

(e) In addition to the reporting requirements set forth in Section 4.1(d) above, the Issuer shall submit to the Community Impact Board within one hundred eighty (180) days following the close of each Sinking Fund Year, a summary report substantially in the form as provided by the Community Impact Board to the Issuer upon purchase of the Series 2020 Bonds.

All expenses incurred in compiling the information required by this section shall be regarded and paid as an Operation and Maintenance Expense. If a Bondholder is other than the Community Impact Board, the Issuer agrees to furnish a copy of such information to such Bondholder at its request after the close of each Sinking Fund Year. Any Bondholder shall have the right to discuss with the accountant compiling such information the contents thereof and to ask for such additional information as it may reasonably require.

(f) The Bondholder shall have the right at all reasonable times to inspect the System, and all records, accounts and data of the Issuer relating thereto, and upon request, the Issuer will furnish to it financial statements and other information relating to the Issuer and the System as it may from time to time reasonably require.

(g) The Issuer, in its operation of the System, will carry insurance, including, but not limited to, workmen's compensation insurance and public liability insurance, in such amounts and to such extent as is normally carried by others operating public utilities of the same type. The cost of such insurance shall be considered an Operation and Maintenance Expense of the System. In the event of loss or damage, insurance proceeds shall be used first for the purpose of restoring or replacing the property lost or damaged. Any remainder shall be paid into the Sinking Fund.

(h) The Issuer will not sell, lease, mortgage, encumber, or in any manner dispose of the System or any substantial part thereof, including any and all extensions and additions that may be made thereto, until all Bonds have been paid in full, except that the Issuer may sell any portion of the System which shall have been replaced by other property of at least equal value, or which shall cease to be necessary for the efficient operation of the System, provided, however, that in the event of any sale as aforesaid, the proceeds of such sale shall be paid into the Sinking Fund.

(i) The Issuer shall charge for water and sewer services and require that each be paid in full. Any bill not paid within thirty (30) days from the date it is mailed to the customer shall be deemed delinquent. The Issuer hereby agrees that if any water or sewer bill remains delinquent for more than sixty (60) days, it will take action to collect such bill.

(j) The Issuer shall commence and complete the acquisition and construction of the Project with all practical dispatch and will cause all construction to be effected in a sound and economical manner.

(k) The Issuer will from time to time duly pay and discharge or cause to be paid all taxes, assessments and other governmental charges, if any, lawfully imposed upon the System or any part thereof or upon the Revenues, as well as any lawful claims for labor, materials or supplies which if unpaid might by law become a lien or charge upon the System or the Revenues or any part thereof or

which might impair the security of the Bonds, except when the Issuer in good faith contests its liability to pay the same.

(l) The Issuer will not grant a franchise for the operation of any competing water or sewer system within its limits, as long as the Series 2020 Bonds authorized herein remain outstanding.

(m) The Issuer, in order to assure the efficient management and operation of the System and to assure the Bondholders from time to time that the System will be operated on sound business principles, will employ competent and experienced management for the System, will use its best efforts to see that the System is at all times operated and maintained in first-class repair and condition and in such manner that the operating efficiency thereof shall be of the highest character, and will use its best efforts to see that Operation and Maintenance Expenses are at no time in excess of the Revenues reasonably available for the payment thereof.

(n) All payments falling due on the Series 2020 Bonds shall be made to the Bondholder thereof at par and all charges made by the Depository Bank for its services shall be paid by the Issuer.

(o) The Issuer will maintain its identity, will make no attempt to cause its existence to be abolished and will resist all attempts by other political subdivisions to annex all or any part of the territory now or hereafter in the Issuer or served by the System.

(p) The Issuer will file or cause to be filed with the Internal Revenue Service Center, Ogden, UT 84201, on or before the fifteenth day of the second calendar month after the close of the calendar quarter in which the Series 2020 Bonds are issued, a Form 8038-G, Information Return for Tax-Exempt Governmental Bond Issues, with respect to the Series 2020 Bonds.

(q) The Issuer further covenants and agrees to and for the benefit of the registered owners of the Series 2020 Bonds that the Issuer (i) will not take any action that would cause interest on the Series 2020 Bonds to become includible in gross income for purposes of federal income taxation, (ii) will not omit to take or cause to be taken, in timely manner, any action, which omission would cause the interest on the Series 2020 Bonds to become includible in gross income for purposes of federal income taxation, and (iii) will, to the extent possible, comply with any other requirements of federal tax law applicable to the Series 2020 Bonds in order to preserve the exclusion from gross income for purposes of federal income taxation of interest on such Series 2020 Bonds.

(r) The Mayor and City Recorder of the Issuer are hereby authorized and directed to execute such certificates as shall be necessary to establish that the Series 2020 Bond is not an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations promulgated or proposed in relation thereto.

The Issuer covenants and certifies to and for the benefit of the Registered Owners of the Series 2020 Bonds that no use will be made of the proceeds from the issue and sale of the Series 2020 Bonds, or any funds or accounts of the Issuer which may be deemed to be gross proceeds of the Series 2020 Bonds, pursuant to Section 148 of the Code and applicable regulations (proposed or promulgated) which use, if it had been reasonably expected on the date of issuance of the Series 2020 Bonds, would have caused the Series 2020 Bonds to be classified as “arbitrage bonds” within the meaning of Section 148 of the Code. Pursuant to this covenant, the Issuer obligates itself to comply throughout the term of the Series 2020 Bonds with the requirements of Section 148 of the Code and the regulations proposed or promulgated with respect thereto.

Section IV.2. Additional Indebtedness. No additional indebtedness, bonds or notes of the Issuer payable out of Net Revenues of the System and on a priority superior to the Series 2020 Bonds shall be created or incurred by the Issuer without the prior written consent of all holders of the Series 2020 Bonds. Furthermore, the Series 2020 Bonds shall not be entitled to any priority one over the other in application of the Net Revenues of the System, regardless of the time or times of their issuance, it being the intention of the Issuer that there shall be no priority among the Series 2020 Bonds authorized to be issued pursuant to this Bond Resolution regardless of the fact that they may be actually issued and delivered at different times. It is expressly agreed and covenanted that the Issuer will not hereafter issue any bonds or obligations payable from the Net Revenues of the System, or any part thereof, or which constitutes a lien on such Net Revenues or on the System until all Series 2020 Bonds have been paid in full unless such additional bonds are issued in such manner that they are in all respects subordinate to the Series 2020 Bonds.

The provisions of the foregoing paragraph are subject to the following two exceptions:

(a) The Series 2020 Bonds or any part thereof may be refunded. The refunding bonds so issued shall enjoy a lien on the Net Revenues on a parity with the Series 2020 Bonds except that if fewer than all of the Series 2020 Bonds outstanding at the time are so refunded, no refunding bonds shall bear interest at a rate higher or mature at a date earlier than the corresponding Bond refunded thereby without the consent of the owners and holders of all of the Series 2020 Bonds that are not refunded. In all other respects, refunding bonds may be secured in such manner and may be payable from such sources and be subject to other terms and provisions that may be provided in the resolution authorizing their issuance. With the consent of the Bondholders, refunding bonds may be exchanged for not less than a like principal amount of the Series 2020 Bonds authorized to be refunded, may be sold or may be exchanged in part or sold in part. If sold, the proceeds of the sale not required for the payment of expenses shall be used to refund that portion of the Series 2020 Bonds refunded.

(b) Additional bonds may be issued on a parity with the Series 2020 Bonds herein authorized if all of the following conditions are met at the time of the issuance of such additional bonds (herein referred to as "Parity Bonds"):

(i) The Net Revenues for the Sinking Fund Year preceding the year in which the Parity Bonds are to be issued were 125% of the average Annual Debt Service on all of the Bonds then outstanding (other than those to be refunded by the Parity Bonds proposed to be issued) and the Parity Bonds proposed to be issued. For purposes of this subsection (b)(i), Net Revenues for the preceding Sinking Fund Year may include an amount equal to ninety-five percent (95%) of the amount by which such Net Revenues would increase due to any water and/or sewer rate increase which became effective prior to and in anticipation of the issuance of the proposed Parity Bonds. The requirements of this subsection (b)(i) may be waived or modified by the written consent of the Registered Owners of 100% of the principal amount of the Bonds then outstanding.

(ii) All payments required by this Bond Resolution to be made into the Sinking Fund must have been made in full and there must be in each reserve account the full amount required by this Bond Resolution to be accumulated therein.

(iii) The proceedings authorizing such Parity Bonds must provide that the aggregate amount required to be accumulated in the Reserve Accounts shall be (a) no less than the highest future Annual Debt Service of all Outstanding Obligations, Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued and (b) accumulated within six (6) years after delivery of such Parity Bonds.

(iv) The Parity Bonds must be payable as to principal on June 1 of each year in which principal falls due.

(v) The proceeds of the Parity Bonds must be used for the making of improvements, extensions, renewals, replacements or repairs to the System.

(c) The Issuer acknowledges that the additional bonds tests applicable to the Outstanding Obligations are as set forth in Sections 5.2, 5.3 and 5.4 in Exhibit C attached hereto and the Issuer hereby covenants and agrees to abide by such tests so long as any of the Outstanding Obligations remain outstanding.

Section IV.3. Bank Designation. For purposes of and in accordance with Section 265 of the Code, the Issuer hereby designates the Series 2020 Bonds as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial institutions 100% of the deduction for interest expenses which is allocable to tax-exempt interest. The Issuer reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section

265(b)(3)(C)(ii) of the Code) which will be issued by the Issuer and by any aggregated issuer during calendar year 2020 will not exceed \$10,000,000. For purposes of this Section, "aggregated issuer" means any entity which, issues obligations on behalf of the Issuer, derives its issuing authority from the Issuer, or is directly or indirectly controlled by the Issuer within the meaning of Treasury Regulation Section 1.150-1(e). The Issuer hereby represents that it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 265(b)(3)(C) or (D) of the Code, and the total amount of obligations so designated by the Issuer and all aggregated issuers for the calendar year 2020, does not exceed \$10,000,000.

Section IV.4. Arbitrage Rebate Exemption for Small Issuer. The Issuer hereby certifies for the purpose of qualifying for the exception contained in Section 148(f)(4)(D) of the Code from the requirement to rebate arbitrage earnings from investment of proceeds of the Series 2020 Bonds (the "Rebate Exemption") as follows:

(a) The Series 2020 Bonds are issued by the Issuer which has general taxing powers.

(b) Neither the Series 2020 Bonds nor any portion thereof is a private activity bond as defined in Section 141 of the Code ("Private Activity Bond").

(c) Ninety-five percent (95%) or more of the net proceeds of the Series 2020 Bonds are to be used for local government activities of the Issuer (or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Issuer).

(d) Neither the Issuer nor any aggregated issuer has issued or is reasonably expected to issue any tax-exempt bonds other than Private Activity Bonds (as those terms are used in Section 148(f)(4)(D) of the Code) during calendar year 2020, which in the aggregate would exceed \$5,000,000.

For purposes of this Section 4.4, "aggregated issuer" means any entity which (a) issues obligations on behalf of the Issuer, (b) derives its issuing authority from the Issuer, or (c) is subject to substantial control by the Issuer.

The Issuer hereby represents that it has not created, does not intend to create, and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 148(f)(4)(D)(IV) of the Code.

Accordingly, the Issuer will qualify for the Rebate Exemption granted to small governmental units under Section 148(f)(4)(D) of the Code, and the Issuer shall be treated as meeting the requirements of Paragraphs (2) and (3) of Section 148(f) of the Code relating to the required rebate of arbitrage earnings to the United States with respect to the Series 2020 Bonds.

## ARTICLE V

## MISCELLANEOUS

Section V.1. Default and Remedies. Failure of the Issuer to perform any covenant or requirement of the Issuer under this Bond Resolution within thirty (30) days after having been notified in writing by a Bondholder of such failure shall constitute an event of default hereunder and shall allow each Bondholder to take the following enforcement remedies:

(a) The Bondholder may require the Issuer to pay an interest penalty equal to eighteen percent (18%) per annum of the outstanding principal amount on the Series 2020 Bonds (the "Interest Penalty"), the Interest Penalty to accrue from the date of the notice of the Bondholder to the Issuer referenced hereinabove until the default is cured by the Issuer. The Interest Penalty shall be paid on each succeeding payment date until the default is cured by the Issuer.

(b) The Bondholder may appoint a trustee bank to act as a receiver of the Revenues of the System for purposes of applying the Revenues toward the Revenue allocations required in Section 3.4 herein and in general, protecting and enforcing each Bondholder's rights thereto, in which case, all administrative costs of the trustee bank in performing said function shall be paid by the Issuer.

No remedy conferred herein is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy given to each Bondholder hereunder or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right, power or remedy accruing upon a default shall impair any such right, power or remedy or shall be construed to be a waiver of any default or acquiescence therein; and every such right, power or remedy may be exercised from time to time as may be deemed expedient.

Section V.2. Amendments to Bond Resolution. Provisions of this Bond Resolution shall constitute a contract between the Issuer and the Bondholder; and after the issuance of the Series 2020 Bonds, no change, variation or alteration of any kind in the provisions of this Bond Resolution shall be made in any manner until such time as all of the Series 2020 Bonds have been paid in full except as hereinafter provided.

The Bondholders shall have the right from time to time to consent to and approve the adoption by the Issuer of resolutions modifying or amending any of the terms or provisions contained in this Bond Resolution in the manner and to the extent set out below.

Whenever the Issuer shall propose to amend or modify this Bond Resolution under the provisions of this section, it shall cause notice of the proposed amendment (the "Amendment Notice") to be sent to all Bondholders of all Series 2020 Bonds then outstanding. The Amendment Notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory resolution is on file in

the office of the City Recorder for public inspection. Should a Bondholder consent to the proposed amendment to this Bond Resolution, it shall submit to the Issuer a written instrument which shall refer to the proposed amendatory resolution described in the Amendment Notice and shall specifically consent to and approve the adoption thereof. Upon receipt of Bondholder consents representing at least 75% of the principal of the respective Series 2020 Bonds outstanding, the governing body of the Issuer may adopt the amendatory resolution and it shall become effective. Nothing in this Section shall permit or be construed as permitting an amendment to this Bond Resolution which would (a) extend the stated maturity or reduce the principal amount of the Series 2020 Bonds or reduce the rate of or extend the time for paying the interest on delinquent payments of principal of on the Series 2020 Bonds, without the consent of the holders of all the Series 2020 Bonds, (b) reduce the amount of or extend the time for making any payment required by any fund or account established hereunder without the consent of the holders of all the Series 2020 Bonds which would be affected by such reduction or extension, and (c) change the rights of the holders of less than all Series 2020 Bonds then outstanding, without the consent of the holders of all the Series 2020 Bonds at the time outstanding which would be affected by such changes.

If a Bondholder at the time of the adoption of such amendatory resolution shall have consented to and approved the adoption thereof as herein provided, such Bondholder shall not have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provision therein contained or to the operation thereof or to enjoin or restrain the Issuer from taking any action pursuant to the provisions thereof. Any consent given by a Bondholder pursuant to the provisions of this section shall be conclusive and binding upon all successive Bondholders.

The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction that the person signing such instrument acknowledged before him or her the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section V.3. Maintenance of Proceedings. A certified copy of this Bond Resolution and every amendatory or supplemental ordinance or resolution shall be kept on file in the office of the City Recorder where it shall be made available for inspection by any Bondholder or his or her agent. Upon payment of the reasonable cost of preparing the same, a certified copy of this Bond Resolution, any amendatory or supplemental ordinance or resolution will be furnished to any Bondholder. The Bondholders may, by suit, action, mandamus, injunction or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by this Bond Resolution to be done or performed by the Issuer. Nothing contained herein, however, shall be construed as imposing on the Issuer any duty or obligation to levy any tax either to pay the principal of or interest, if any, on the Series 2020 Bonds authorized herein or to meet any obligation contained herein concerning the Series 2020 Bonds.

Section V.4. Defeasance of Series 2020 Bonds. If the Issuer shall pay or cause to be paid, or there shall be otherwise paid or provision for payment made to the Registered Owner of the Series 2020 Bonds for the payments due or to become due thereon at the times and in the manner stipulated therein, then the first lien pledge of the Net Revenues under this Bond Resolution and any and all estate, right, title and interest in and to any of the funds and accounts created hereunder (except moneys or securities held by a Depository Bank for the payment of the Series 2020 Bonds) shall be cancelled and discharged.

Any Series 2020 Bond shall be deemed to be paid within the meaning of this section when payment of the Series 2020 Bonds (whether such due date be by reason of maturity or upon prepayment or redemption as provided herein) shall have been made in accordance with the terms thereof. At such time as the Series 2020 Bonds shall be deemed to be paid hereunder, they shall no longer be secured by or entitled to the benefits hereof (except with respect to the moneys and securities held by a Depository Bank for the payment of the Series 2020 Bonds).

Section V.5. Sale of Series 2020 Bonds Approved. The sale of the Series 2020 Bonds to the Community Impact Board, at par, is hereby ratified, confirmed and approved.

Section V.6. Bondholders Not Responsible. The Bondholders shall not be responsible for any liabilities incurred by the Issuer in the acquisition or construction of the Project or for the failure of the System to function successfully after completion of the Project.

Section V.7. Notice of Public Hearing and Bonds to be Issued. In accordance with the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, the Issuer has (a) designated the ETV news, a newspaper having general circulation in the Issuer, as the official newspaper of the Issuer authorized to publish legal notices for the Issuer, (b) the City Recorder has caused a "Notice of Public Hearing and Bonds to be Issued" calling a public hearing to receive input from the public with respect to the issuance of the Series 2020 Bonds (the "Notice") to be published once each week for two consecutive weeks in said newspaper with the first publication being not less than (14) days before the date set for the public hearing, and (c) has also caused the Notice to be posted on the Utah Public Notice Website not less than (14) days before the date set for the public hearing. The City Recorder shall cause a copy of this Bond Resolution to be kept on file in the office of the Issuer for public examination during regular business hours for at least thirty (30) days from and after the publication thereof. Such Notice is hereby reaffirmed and approved.

Section V.8. Additional Certificates, Documents, and Other Papers. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents, and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Bond Resolution and the documents authorized and approved herein.

Section V.9. Severability. If any section, paragraph, clause or provision of this Bond Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Bond Resolution.

Section V.10. Statutory Authority for the Series 2020 Bonds. The Series 2020 Bonds are issued under the authority of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Bonding Act"), and each Series 2020 Bond certificate shall so recite. By the adoption of this Bond Resolution, it is the intention of the Issuer to comply in all respects with the applicable provisions of the Bonding Act and the Series 2020 Bonds issued hereby shall be incontestable for any reason whatsoever after their delivery for value.

Section V.11. Record of Proceedings. The City Recorder of the Issuer is hereby authorized and directed to complete and execute the Record of Proceedings attached hereto to officially record the proceedings at which this Bond Resolution was considered for adoption.

Section V.12. Resolutions in Conflict. All resolutions or parts thereof in conflict with the provisions of this Bond Resolution are, to the extent of such conflict, hereby repealed, including the bond resolution dated October 9, 2019.

APPROVED AND ADOPTED this October 14, 2020.

Mayor

ATTEST:

City Recorder

( S E A L )

## RECORD OF PROCEEDINGS

The City Council (the "City Council") of Price City, Utah (the "Issuer"), met in public session at the City Council's regular public meeting place on October 14, 2020 (the "Meeting"), at the hour of 5:30 p.m., or as soon thereafter as feasible, with the following members of the City Council being present:

|                     |               |
|---------------------|---------------|
| Michael Kourianos   | Mayor         |
| Boyd Marsing        | Councilmember |
| Rick Davis          | Councilmember |
| Amy Knott-Jespersen | Councilmember |
| Layne Miller        | Councilmember |
| Terry Willis        | Councilmember |

Also present:

|                |                  |
|----------------|------------------|
| Sherrie Gordon | City Recorder    |
| Lisa Richens   | Finance Director |

Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters not pertinent to this resolution were discussed, the foregoing resolution (the "Resolution") was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by \_\_\_\_\_ and seconded by \_\_\_\_\_, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:

Those voting NAY:

Those Abstaining:

The City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this October 14, 2020 meeting, a copy of which is attached hereto. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

## CERTIFICATE OF CITY RECORDER

I, Sherrie Gordon, the duly appointed and qualified City Recorder of Price City, Utah (the "Issuer"), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the City Council of the Issuer at a public meeting duly held and conducted by the City Council in Price City, Utah, on October 14, 2020 commencing at the hour of 5:30 p.m., or as soon thereafter as feasible (the "Meeting"). The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on October 14, 2020, and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this October 14, 2020.

( S E A L )

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

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I Sherrie Gordon, the undersigned City Recorder of Price City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer 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 October 14, 2020, public meeting (the "Meeting") held by the governing body of the Issuer as follows:

(a) By causing a notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the Meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting; and

(c) By causing the Meeting Notice to be posted on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the Meeting.

In addition, the Notice of 2020 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the Issuer to be held during the 2020 calendar year was (1) posted on \_\_\_\_\_, 20\_\_, at the principal office of the Issuer, (2) provided to at least one newspaper of general circulation within the Issuer on \_\_\_\_\_, 20\_\_, and (3) posted on the Utah Public Notice Website on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 14, 2020.

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

(SEAL)

(Attach Meeting Notice and Notice of 2020 Annual Meeting Schedule, including proof of posting thereof on the Utah Public Notice Website)

EXHIBIT A-1

(FORM OF STATE BONDS)

UNITED STATES OF AMERICA  
STATE OF UTAH  
COUNTY OF CARBON  
PRICE CITY  
WATER AND SEWER REVENUE BONDS  
SERIES 2020

\$ \_\_\_\_\_

THIS BOND HAS BEEN DESIGNATED BY THE ISSUER AS A QUALIFIED TAX-EXEMPT OBLIGATION FOR PURPOSES OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

Price City, Carbon County, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the State of Utah acting through the Permanent Community Impact Fund Board or the registered assigns last noted in the Registration Certificate attached to the end of this Bond (the "Registered Owner"), the principal amount of \$ \_\_\_\_\_ together with interest accruing on the unpaid principal balance at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum (calculated on the basis of a year of 360 days consisting of twelve 30-day months). Interest shall begin to accrue Interest on the unpaid principal balance of the Series 2020 Bonds as of the dated date of the Series 2020 Bonds and shall be payable annually on June 1, 2021, and shall be payable annually thereafter on each June 1. The principal of the Series 2020 Bonds shall be payable in installments on June 1 of each year, in the years and the amounts as set forth in the following Repayment Schedule:

REPAYMENT SCHEDULE

| <u>June 1</u> | <u>Principal<br/>Maturing</u> |
|---------------|-------------------------------|
| 2021          | \$                            |
| 2022          |                               |
| 2023          |                               |
| 2024          |                               |
| 2025          |                               |
| 2026          |                               |
| 2027          |                               |

|      |    |
|------|----|
| 2028 | \$ |
| 2029 |    |
| 2030 |    |
| 2031 |    |
| 2032 |    |
| 2033 |    |
| 2034 |    |
| 2035 |    |

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon surrender of this Bond at the offices of the Finance Director of the Issuer (the “Paying Agent”). Payments of interest, if any, shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his or her address as it appears on the registration books of the Issuer maintained by the Registrar, or at such other address as is furnished to the Registrar in writing by such Registered Owner.

As long as the State of Utah Permanent Community Impact Fund Board (the “Community Impact Board”) is the registered holder of this Bond, installment payments of principal and interest for delinquent installments shall be made by check or draft mailed to the Community Impact Board as the registered holder at the address shown on the registration books maintained by the Registrar.

If any installment payment of Bond principal and/or interest is not paid when due and payable, the Issuer shall pay interest on the unpaid amount at the rate of eighteen percent (18%) per annum from such due date until paid. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America. All payments shall be applied first to interest, if any, and then to principal.

This Bond is issued on a parity with the Issuer’s (1) Water and Sewer Revenue Bonds, Series 2002A in the original principal amount of \$2,885,000 bearing interest at the rate of 1.5% per annum; (2) Water and Sewer Revenue Bonds, Series 2002B in the original principal amount of \$1,900,000 bearing interest at the rate of 2.47% per annum; (3) Water and Sewer Revenue Bonds, Series 2002C in the original principal amount of \$1,250,000 bearing interest at the rate of 2.5% per annum; (4) Water and Sewer Revenue Bonds, Series 2002D in the original principal amount of \$1,250,000 bearing no interest; (5) Water and Sewer Revenue Bonds, Series 2009A in the original principal amount of \$340,000 bearing no interest; (6) Taxable Water and Sewer Revenue Bonds, Series 2009B in the original principal amount of \$850,000 bearing no interest; (7) Water and Sewer Revenue bonds, Series 2010 (Federally Taxable –Issuer Subsidy – Build America Bonds) in the original principal amount of \$1,906,000 bearing interest at a rate of 2.07% per annum; (8) Taxable Water and Sewer Revenue Bonds, Series 2011A in the original principal amount of \$387,000 bearing no interest; (9) Taxable Water and Sewer Revenue Bonds, Series 2011B in the original principal amount of \$700,000 bearing no interest; (10) Water and Sewer Revenue Bonds, Series 2016 in the original principal amount of

\$600,000 bearing interest at the rate of 2.5% per annum; and (11) Water and Sewer Revenue Bonds, Series 2018 in the original principal amount of \$300,000 bearing interest at the rate of 2.5% per annum (collectively, the “Outstanding Obligations”), such that this Bond and the Outstanding Obligations are equally and ratably secured by a pledge of Issuer’s Net Revenues (as defined in the resolution adopted by the governing body of the Issuer on October 14, 2020 (the “Bond Resolution”)).

This Bond is payable solely from a special fund designated “Price City, Utah, Water and Sewer Revenue Bond Sinking Fund,” into which fund and into a reserve therefor, to the extent necessary to assure prompt payment of this Bond, shall be pledged 100% of the Net Revenues derived and to be derived from the operation of the Issuer’s water and sewer system (collectively, the “System”), all as more fully described and provided in the Bond Resolution.

This Bond is issued pursuant to (i) the parameters resolution adopted September 9, 2020, and Final Bond Resolution dated October 14, 2020 (collectively, the “Bond Resolution”), and (ii) the Utah Local Government Bonding Act as amended and renamed as the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, for the purposes to finance, in part, (i) water and sewer system improvements, and related improvements, and (ii) paying the costs of issuing the Bonds. This Bond is a special limited obligation of the Issuer payable solely from the Issuer’s Revenues (as defined in the Bond Resolution) and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Issuer’s Revenues.

As provided in the Bond Resolution, bonds, notes and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Bond Resolution, and the aggregate principal amount of such bonds, notes and other obligations which may be issued is not limited. This Bond and all other bonds, notes and other obligations issued and to be issued under the Bond Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Bond Resolution.

The issuance of this Bond shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefore or to make any appropriation for its payment.

This Bond is subject to prepayment and redemption at any time, in whole or in part (and if in part, in integral multiples of \$1,000), at the election of the Issuer in inverse order of the due date of the principal installments hereof and by lot selected by the Issuer if less than all Bonds of a particular due date are to be redeemed, upon notice given as hereinafter set forth, at a redemption price equal to the principal amount to be so prepaid.

Notice of redemption shall be mailed by the Issuer, postage prepaid, not less than thirty (30) days prior to the date fixed for prepayment, to the registered owner of this Bond addressed to such owner at its address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Bond Resolution, the Bonds are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of \$1,000 and any integral multiple thereof.

The Issuer covenants and agrees that it will fix rates for water and sewer service sufficient to pay when due this Bond, and the principal and interest on all bonds and obligations issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind and character of the service rendered, and will collect and account for the Revenues (as defined in the Bond Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds and obligations issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Bond Resolution. The holder or owner of this Bond shall have no right to enforce the provisions of the Bond Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Bond Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

This Bond shall be registered in the name of the initial purchaser and any subsequent purchasers in the appropriate book in the office of the City Recorder of the Issuer, who shall be the Registrar. This Bond is transferable only by notation upon such book by the registered owner hereof in person or by his or her attorney duly authorized in writing, by the surrender of this Bond, together with a written instrument of transfer satisfactory to the Issuer, duly executed by the registered owner or his or her attorney duly authorized in writing; thereupon, this Bond shall be delivered to and registered in the name of the transferee.

It is hereby declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in regular and due time, form and manner as required by law, that the amount of this Bond does not exceed any limitation prescribed by the Constitution or statutes of the State of Utah, that the Net Revenues to be derived from the operation of the System have been pledged and that an amount therefrom will be set aside into a special fund by the Issuer sufficient for the prompt payment of this Bond and all bonds and obligations issued on a parity with this Bond, if any, and that with the exception of the pledge of the Revenues of the System for the payment of the

Outstanding Obligations and Series 2020 Bonds the Net Revenues are not pledged, hypothecated or anticipated in any way other than by the issue of this Bond and all bonds and obligations issued on a parity with this Bond, if any. This Bond shall be incontestable for any reason whatsoever after the delivery hereof for value.

IN TESTIMONY WHEREOF, the Issuer has caused this Bond to be signed by its Mayor and countersigned by its City Recorder under the corporate seal of the Issuer this \_\_\_\_\_, 2020.

/s/ \_\_\_\_\_ (Do Not Sign)  
Mayor

Countersigned:

/s/ \_\_\_\_\_ (Do Not Sign)  
City Recorder

( S E A L )

## REGISTRATION CERTIFICATE

(No writing to be placed herein except by  
the Bond Registrar)

| <u>Date of<br/>Registration</u> | <u>Name of Registered Owner</u> | <u>Signature of<br/>Bond Registrar</u> |
|---------------------------------|---------------------------------|----------------------------------------|
| _____                           | _____                           | _____                                  |
| _____                           | _____                           | _____                                  |
| _____                           | _____                           | _____                                  |
| _____                           | _____                           | _____                                  |
| _____                           | _____                           | _____                                  |
| _____                           | _____                           | _____                                  |

EXHIBIT A-2

(FORM OF EXCHANGE BOND)

UNITED STATES OF AMERICA  
STATE OF UTAH  
COUNTY OF CARBON  
PRICE CITY  
WATER AND SEWER REVENUE BONDS, SERIES 2020

THIS BOND HAS BEEN DESIGNATED BY THE ISSUER AS A QUALIFIED TAX-EXEMPT OBLIGATION FOR PURPOSES OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

INTEREST RATE

1.50%

MATURITY DATE

June 1, 20\_\_

ISSUE DATE

\_\_\_\_\_

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Dollars

Price City, Carbon County, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the Registered Owner identified above, or registered assigns, on the Maturity Date specified above, upon presentation and surrender thereof, the Principal Amount identified above. Interest at the Interest Rate specified above on the Principal Amount hereof (calculated on the basis of a year of 360 days consisting of twelve 30-day months) shall be payable by check or draft mailed by the Finance Director of the Issuer (the "Paying Agent") to the Registered Owner hereof beginning June 1, 20\_\_ and on each June 1 thereafter until this Bond is paid in full. Payments shall be payable by the Finance Director, in Price, Utah (the "Paying Agent") to the Registered Owner. Principal and

redemption price of this Bond shall be payable upon presentation of this Bond to the Paying Agent, or its successor as such paying agent, for payment at maturity.

If this Bond or any installment of interest hereon is not paid when due and payable, the Issuer shall pay interest on the unpaid amount at the rate of eighteen percent (18%) per annum from the due date thereof until paid in full.

This Bond is issued on a parity with the Issuer's (1) Water and Sewer Revenue Bonds, Series 2002A in the original principal amount of \$2,885,000 bearing interest at the rate of 1.5% per annum; (2) Water and Sewer Revenue Bonds, Series 2002B in the original principal amount of \$1,900,000 bearing interest at the rate of 2.47% per annum; (3) Water and Sewer Revenue Bonds, Series 2002C in the original principal amount of \$1,250,000 bearing interest at the rate of 2.5% per annum; (4) Water and Sewer Revenue Bonds, Series 2002D in the original principal amount of \$1,250,000 bearing no interest; (5) Water and Sewer Revenue Bonds, Series 2009A in the original principal amount of \$340,000 bearing no interest; (6) Taxable Water and Sewer Revenue Bonds, Series 2009B in the original principal amount of \$850,000 bearing no interest; (7) Water and Sewer Revenue bonds, Series 2010 (Federally Taxable –Issuer Subsidy – Build America Bonds) in the original principal amount of \$1,906,000 bearing interest at a rate of 2.07% per annum; (8) Taxable Water and Sewer Revenue Bonds, Series 2011A in the original principal amount of \$387,000 bearing no interest; (9) Taxable Water and Sewer Revenue Bonds, Series 2011B in the original principal amount of \$700,000 bearing no interest; (10) Water and Sewer Revenue Bonds, Series 2016 in the original principal amount of \$600,000 bearing interest at the rate of 2.5% per annum; and (11) Water and Sewer Revenue Bonds, Series 2018 in the original principal amount of \$300,000 bearing interest at the rate of 2.5% per annum (collectively, the "Outstanding Obligations"), such that this Bond and the Outstanding Obligations are equally and ratably secured by a pledge of Issuer's Net Revenues (as defined in the resolution adopted by the governing body of the Issuer on October 14, 2020 (the "Bond Resolution")).

This Bond is one of an authorized issue of bonds of like date, term and effect except as to maturity, in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), issued in exchange for the conversion of the Issuer's Water and Sewer Revenue Bond, Series 2020, in the total principal sum of \$\_\_\_\_\_, authorized by a Parameters Resolution of the Issuer duly adopted on September 9, 2020 (the "Parameters Resolution") and a Bond Resolution of the Issuer duly adopted on October 14, 2020 (the "Bond Resolution"). This Bond and the issue of Bonds of which it is a part is issued pursuant to (i) the Parameters Resolution and the Bond Resolution and (ii) the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, for the purpose to finance, in part, the cost of improvements to the Issuer's water and sewer system, and related improvements (the "Project") and is secured by the Net Revenues of the Issuer's water and sewer system (collectively, the "System"), including all associated equipment and necessary appurtenances thereto. This Bond is a special limited obligation of the Issuer payable solely from the Net Revenues (as defined in the Bond Resolution) of the System and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a

general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Net Revenues of the System.

As provided in the Bond Resolution, bonds, notes and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Bond Resolution, and the aggregate principal amount of such bonds, notes and other obligations which may be issued is not limited. This Bond and all other bonds, notes and other obligations issued and to be issued under the Bond Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Bond Resolution.

The issuance of this Bond shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefore or to make any appropriation for its payment.

The Bonds are subject to redemption prior to maturity at any time, in whole or in part (and if in part, in integral multiples of \$1,000), at the election of the Issuer in inverse order of maturity and by lot within each maturity if less than the full amount is redeemed, upon not less than thirty (30) days' nor more than forty-five (45) days' prior notice, at a redemption price equal to 100% of the principal amount of each Bond to be redeemed. Notice of redemption shall be mailed by the Issuer, postage prepaid, to the registered owners of the Bonds addressed to such owners at their address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Bond Resolution, the Series 2020 Bonds (as defined in the Bond Resolution) are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of \$1,000 or any integral multiple thereof.

The Issuer covenants and agrees that it will fix rates for water and sewer service sufficient to pay this Bond when due, and principal and interest on all bonds and obligations issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind and character of the service rendered, and will collect and account for the Revenues (as defined in the Bond Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System (as defined in the Bond Resolution) to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds and obligations issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Bond Resolution. The Registered Owner of this Bond shall have no right to enforce the provisions of the Bond Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Bond Resolution or to

institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the office of the City Recorder (the "Registrar") in Price, Utah, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolution and upon surrender and cancellation of this Bond. Upon such transfer a new registered Bond or Bonds of the same series and the same maturity and of authorized denomination or denominations for the same aggregate principal amount will be issued to the transferee in exchange therefor.

It is hereby certified, recited and declared that all conditions, acts and things essential to the validity of this Bond and the issue of which it forms a part do exist, have happened and have been done, and that every requirement of law affecting the issue hereof has been duly complied with; that this Bond and the issue of which it forms a part does not exceed any limitation prescribed by the Constitution and laws of the State of Utah; that one hundred percent (100%) of the Net Revenues to be derived from the operation of the System, including any future improvements, additions and extensions thereto, have been pledged and will be set aside into a special fund by the Issuer to be used for the payment of this Bond and the issue of which it forms a part and all bonds and obligations issued on a parity with this Bond, if any, and that with the exception of the Outstanding Obligations and Series 2020 Bonds the Net Revenues of the System are not pledged, hypothecated or anticipated in any way other than by the issue of Series 2020 Bonds of which this Bond is one and all bonds and obligations issued on a parity with this Bond, if any. This Bond shall be incontestable for any reason whatsoever after the delivery hereof for value.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed by its Mayor and countersigned by its City Recorder with the seal of said Issuer affixed, all as of \_\_\_\_\_, 20\_\_.

By /s/ (Do Not Sign)  
Mayor

COUNTERSIGNED:

/s/ (Do Not Sign)  
City Recorder

( S E A L )

## ASSIGNMENT

FOR VALUE RECEIVED, \_\_\_\_\_, the undersigned, hereby sells, assigns and transfers unto

\_\_\_\_\_  
No. \_\_\_\_\_) the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: \_\_\_\_\_

**NOTICE:** The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or enlargement or any change whatever.

**Signature Guaranteed:**

THE SIGNATURE(S) SHOULD BE GUARANTEED BY AN ELIGIBLE GUARANTOR INSTITUTION (BANKS, STOCKBROKERS, SAVINGS AND LOAN ASSOCIATIONS AND CREDIT UNIONS WITH MEMBERSHIP IN AN APPROVED SIGNATURE GUARANTEE MEDALLION PROGRAM), PURSUANT TO SEC RULE 17Ad-15

Minutes of the Price City Council Meeting  
City Hall  
Price, Utah  
August 26, 2020 at 5:30 p.m.

Present:

Mayor Kourianos

Councilmembers:

Rick Davis

Amy Knott-Jespersen

Boyd Marsing

Layne Miller

Terry Willis

Bret Cammans, IT & Customer Services Director

Sherrie Gordon, City Recorder

Brandon Ratcliffe, Police Department

Nick Tatton, Community/Human Resources Director

Staff/Others: See Public Meeting Sign-In Sheet

1. Mayor Kourianos called the regular meeting to order at 5:30 p.m. Elder Pebbles and Elder Munns, missionaries with the Church of Jesus Christ of Latter-day Saints, assigned to the Price Stake and Price Young Singles Adults, attended the meeting. Elder Pebbles offered a word.
2. Mayor Kourianos led the Pledge of Allegiance.
3. Roll was called with the above Councilmembers and staff in attendance.
4. SAFETY SECONDS – Councilmember Miller talked about driving safety. He reminded everyone to watch out for road construction, school buses and kids, kids on bikes and long-boards, and motorcycles. Often motorcycles are invisible to auto drivers.
5. PUBLIC COMMENT – No public comment was received on any item.

Due to COVID-19 and the six-foot social distancing recommendations, Mayor Kourianos relocated the City Council meeting to the Price City Auditorium for the Oath of Office Ceremony.

6. COUNCILMEMBER OATH OF OFFICE - The Honorable George M. Harmond Jr., Carbon County District Court Judge, will administer the Oath of Office to Councilmember Elect Boyd Marsing in the Price City Hall Auditorium.

Due to the fact that Councilmember Elect Boyd Marsing was actively serving in the military on January 6, 2020, he was unable to attend the swearing in ceremony. Upon his return from the service, Judge Harmond administered the Oath of Office.

7. POLICE OFFICER OATH OF OFFICE - The Honorable George M. Harmond Jr., Carbon County District Court Judge, will administer the Oath of Office to Police Officer Kelton Price in the Price City Hall Auditorium.

Judge Harmond administered the Oath of Office to Police Officer Kelton Price.

8. YOUTH COUNCIL OATH OF OFFICE - The Honorable George M. Harmond Jr., Carbon County District Court Judge, will administer the Oath of Office to the Price City Youth Council in the Price City Hall Auditorium.

Judge Harmond administered the Oath of Office to the new member of the Price City Youth Council.

Haze Newman, Mayor Pro tempore

Eli Snow, Treasurer

Kenndy Williams, Councilmember

Karson Root, Councilmember

Lanie Anderson, Councilmember

Landen Anderson, Councilmember

Landrie Anderson, Councilmember

The Mayor welcomed the new Youth Council members and encouraged their partnership.

Mayor Kourianos reconvened the City Council meeting back to the Council chambers.

9. STEEL 1 SOLAR STUDY PROJECT AGREEMENT BETWEEN PRICE CITY AND UAMPS - Consideration and possible approval of the agreement.

Bret Cammans reviewed the agreement.

**MOTION.** Councilmember moved Davis to approve the agreement. Motion seconded by Councilmember Knott-Jespersen and carried.

CONSENT AGENDA – Councilmember Willis moved to approve consent agenda items 10 through 15 . Motion seconded by Councilmember Marsing and carried.

10. MINUTES

- a. August 12, 2020 City Council Workshop
- b. August 12, 2020 City Council Meeting

11. CAREER LADDER PROMOTION - Consideration and possible approval of a career ladder promotion for Shawn Sackett in the Police Department.

12. 2020/2021 MAYOR AND COUNCIL APPOINTMENTS - Consideration and possible approval of appointments dated 08/26/2020.

13. SURPLUS PROPERTY-EXTRICATION KIT - Consideration and possible approval to dispose or donate outdated equipment to another government agency.

14. 2021 INTERNATIONAL DAYS CHAIR - Consideration and possible approval of Councilmember Marsing as Chair.

15. BUSINESS LICENSES - Consideration and possible approval of business licenses for: Bath Planet Intermountain West at 279 E 100 N, Bruce's Washer and Dryer Repair at 1189 W 290 N and Holy Wrenches LLC at 991 N Smith Drive.

16. UNFINISHED BUSINESS – No unfinished business discussed.

Mayor Kourianos called for a motion to close the regular City Council meeting.

**MOTION.** Councilmember Miller moved to close the regular City Council meeting at 5:50 p.m. Motion seconded by Councilmember Willis and carried.

The regular City Council meeting was adjourned at 5:50 p.m.

APPROVED:

ATTEST:

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Michael Kourianos, Mayor

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Sherrie Gordon, City Recorder

## **WATER EXCHANGE AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between Price City, a Utah Municipal Corporation, hereinafter referred to as "Price," and Helper City, a Utah Municipal Corporation, hereinafter referred to as "Helper."

WHEREAS, Price owns certain direct flow water rights deliverable at specific points of diversion including Colton Well #1 (the Well) that Price uses for municipal purposes both directly and through its Water Treatment Plant; and

WHEREAS, Helper owns certain direct flow water rights deliverable at specific points of diversion and also owns certain shares of stock in the Price River Water Users Association, commonly referred to as Scofield Reservoir water shares, all of which Helper can use for municipal purposes; and

WHEREAS, Price and Helper desire to exchange water with each other to efficiently and effectively benefit both municipalities.

### **AGREEMENT**

NOW THEREFORE, in consideration of the recitals above and the covenants and agreements herein set forth, the parties hereto agree as follows:

1. Price may, from time to time and upon the request of Helper, deliver metered water to Helper at the Well or at another location to be determined by mutual agreement of the parties, in such reasonable amounts as Price may determine, in exchange for water to be delivered by Helper to Price.
2. Helper may, from time to time and upon the request of Price, deliver Scofield Reservoir water or direct flow water to Price in such reasonable amounts as Helper may determine, to the Price Water Treatment Plant, where it will be metered by Price.
3. If the quantity of water so exchanged, on an annual basis, per paragraphs 1 and 2 above is not equal, either Price or Helper will pay the other \$0.25 per 1,000 gallons (the Excess Rate) of water not exchanged. The Excess Rate represents the approximate costs of chemicals, electrical power, delivery, and administration to facilitate the exchange of water.

The Excess Rate may be adjusted by mutual agreement of the parties on or before January 1 of each year during the term of this agreement.

4. Water pumped from the Well at Helper's request and for Helper's benefit, will be charged to Helper at the rate of \$100 per acre foot (the Pumping Rate) to cover the costs of power, delivery, and minor maintenance and operational costs associated with the Well.

The Pumping Rate may be adjusted by mutual agreement of the parties based on a review of the previous year's actual costs associated with the Well, on or before January 1 of each year during the term of this agreement.

5. Quantities of water exchanged by and between the parties will be subject to the percent of direct flow water to which each entity may be entitled to receive as decreed by the Utah Division of Water Rights and as calculated by the Price River Commissioner, which is subject to the delivery rate for Scofield Reservoir water shares as determined on an annual basis by the Price River Water Users Association.
6. All water exchanged under this agreement shall be reported to the Price River Commissioner.
7. Each party hereby acknowledges that the Well will need to be refurbished or repaired from time to time. The cost of refurbishment and repairs will be allocated to the party or parties using water pumped from the Well in accordance with each party's proportionate share of the total amount of water pumped from the Well for the party's use during the five (5) years immediately preceding. It is agreed by both parties that these costs will be in addition to the operation and minor maintenance costs mentioned in paragraph 4 above.
8. On or before January 31 of each year, each party shall present to the other, its recorded calculation of the amount of water it may have received from the other between January 1 and December 31 of the preceding year. Each party will be entitled to a credit for the quantity of water exchanged. The difference between the amount billed and the amount exchanged will be paid on or before February 28 of that same year.
9. This agreement will become effective upon the execution hereof by both parties.
10. Any modification to this Agreement shall be in writing signed by both parties.
11. Either party may terminate this agreement upon thirty (30) days prior written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have signed this agreement the day and year first above written.

PRICE CITY, A Municipal Corporation

By: \_\_\_\_\_  
Michael Kourianos, Mayor

ATTEST:

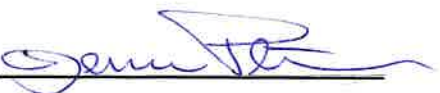
\_\_\_\_\_  
Sherrie Gordon, City Recorder

Approved as to form:

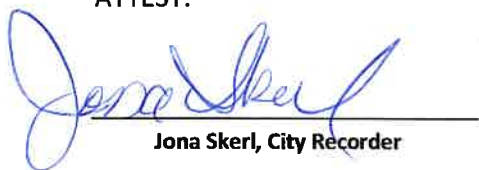
By: \_\_\_\_\_

**Thomas Sitterud, Price City Attorney**

HELPER CITY, A Municipal Corporation

By:   
**Lenise Peterman, Mayor**

ATTEST:

  
**Jona Skerl, City Recorder**

Approved as to form:

By: \_\_\_\_\_

**Dominique Kiahtipes, Helper City Attorney**

Account No: 3512  
Business Activity: 4912  
Fee: 150.00  
CC Approval: ☐ Yes ☐ No Date: \_\_\_\_\_  
License Sent: \_\_\_\_\_



Home  
Office  
Only

## BUSINESS LICENSE APPLICATION

Send all completed and properly signed forms (including attachments as necessary) along with applicable licensing fees to: Price City Business Licensing, P.O. Box 893, 185 East Main, Price, UT 84501. For questions call (435) 636-3161.

PLEASE TYPE OR PRINT LEGIBLY.

| Business Information                                                                                                                                                                                                                               |                                                 |                                      |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------|----------------------------|
| Business Status: <input checked="" type="checkbox"/> New Business <input type="checkbox"/> Location Change <input type="checkbox"/> Name Change <input type="checkbox"/> Ownership Change                                                          |                                                 |                                      |                            |
| Business Name (include DBA): <u>Chanda Mathis Courier Services</u>                                                                                                                                                                                 |                                                 |                                      |                            |
| If Name Change, list previous name:                                                                                                                                                                                                                |                                                 |                                      |                            |
| Business Address: <u>1309 Scenic View Lane</u>                                                                                                                                                                                                     |                                                 | Suite/Apt. No.:                      |                            |
| City: <u>Price</u>                                                                                                                                                                                                                                 | State: <u>UT</u>                                | Zip Code: <u>84501</u>               |                            |
| Business Telephone: <u>(435) 650-8552</u>                                                                                                                                                                                                          | Business E-mail: <u>Chanda.Mathis@gmail.com</u> | Business Fax:                        |                            |
| Mailing Address (if different):                                                                                                                                                                                                                    | City:                                           | State:                               | Zip Code:                  |
| Property Owner's Name:                                                                                                                                                                                                                             |                                                 | Property Owner's Telephone: ( )      |                            |
| Type of Organization: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Sole Proprietorship <input type="checkbox"/> LLC<br>(Include copy of name registration with the State of Utah) |                                                 |                                      |                            |
| Type of Business: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Home Occupation <input checked="" type="checkbox"/> Reciprocal                                                                                           |                                                 |                                      |                            |
| Nature of Business: <input type="checkbox"/> Manufacturing <input type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input type="checkbox"/> Services <input checked="" type="checkbox"/> Other                                          |                                                 |                                      |                            |
| Opening Date: <u>1/10/2016</u> Business Hours: From <u>8am</u> To <u>11am</u> <u>M T W T F S S</u> SU (please circle)                                                                                                                              |                                                 |                                      |                            |
| Detailed Description of Business: <u>Delivery of prescription drugs to local pharmacies and clinics. Independent contractor for package runner logistics.</u>                                                                                      |                                                 |                                      |                            |
| Commercial Square Feet:                                                                                                                                                                                                                            | No. of Arcade Games, Pool Tables, Etc.:         | No. of Vending Machines:             | No. of Mobile Home Spaces: |
| No. of Rental Units:                                                                                                                                                                                                                               | No. of RV Spaces:                               | No. of Motel Rooms:                  | No. of Beds:               |
| State Sales Tax I.D. No. (Include copy or proof of exemption):                                                                                                                                                                                     |                                                 | Federal Tax I.D. No. (Include copy): |                            |
| State License No. (Include copy):                                                                                                                                                                                                                  |                                                 | State License Type:                  |                            |
| THE FOLLOWING LICENSES ARE SUBJECT TO ADDITIONAL REQUIREMENTS. Please contact the Business Licensing Officer (City Treasurer) at (435) 636-3161, or 185 East Main, for more information. <b>Check all that apply.</b>                              |                                                 |                                      |                            |
| <input type="checkbox"/> Alcoholic Beverages <input type="checkbox"/> Eating Establishment <input type="checkbox"/> Amusement Center <input type="checkbox"/> Taxi Cab                                                                             |                                                 |                                      |                            |
| <input type="checkbox"/> Pawnbroker <input type="checkbox"/> Sexually Oriented Business                                                                                                                                                            |                                                 |                                      |                            |

✓  
1  
Account No: 3509  
Business Activity: 711  
Fee: 150.00  
Copy to Recorder: 8-24-2020  
CC Approval: ☐ Yes ☐ No Date: \_\_\_\_\_  
License Sent: \_\_\_\_\_



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Send all completed and properly signed forms (including attachments as necessary) along with applicable licensing fees to: Price City Business Licensing, P.O. Box 893, 185 East Main, Price, UT 84501. For questions call (435) 636-3161.

PLEASE TYPE OR PRINT LEGIBLY, ONLY COMPLETED, LEGIBLE APPLICATIONS, WILL BE CONSIDERED FOR APPROVAL.

| Business Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                        |                                            |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------|----------------------------------|
| <b>Business Status:</b> <input checked="" type="checkbox"/> New Business <input type="checkbox"/> Location Change <input type="checkbox"/> Name Change <input type="checkbox"/> Ownership Change                                                                                                                                                                                                                                                                                                  |                                                        |                                            |                                  |
| Business Name (include DBA): <u>Fire &amp; Ice Photography</u>                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                        |                                            |                                  |
| If Name Change, list previous name: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        |                                            |                                  |
| Business Address:<br><u>665 E. 900 N.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        | Suite/Apt. No.: _____                      |                                  |
| City: <u>Price</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | State: <u>UT</u>                                       | Zip Code: <u>84501</u>                     |                                  |
| Business Telephone:<br><u>(435) 820-6162</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Business E-mail:<br><u>fireandicephoto@hotmail.com</u> | Business Fax: _____                        |                                  |
| Mailing Address (if different): _____                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                        | City: _____                                | State: _____ Zip Code: _____     |
| Property Owner's Name: <u>Janarie Cammans</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                        | Property Owner's Telephone: _____          |                                  |
| Type of Organization: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Sole Proprietorship <input type="checkbox"/> LLC<br>(Include copy of name registration with the State of Utah)                                                                                                                                                                                                                                                |                                                        |                                            |                                  |
| Type of Business: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Home Occupation <input type="checkbox"/> Reciprocal                                                                                                                                                                                                                                                                                                                                                     |                                                        |                                            |                                  |
| Nature of Business: <input type="checkbox"/> Manufacturing <input type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other                                                                                                                                                                                                                                                                                         |                                                        |                                            |                                  |
| Opening Date: _____ Business Hours: From _____ To _____ M T W T H F S S U (please circle)                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        |                                            |                                  |
| Detailed Description of Business:<br><u>Outdoor &amp; Studio Photography</u>                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                        |                                            |                                  |
| Commercial Square Feet:<br><u>120</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No. of Arcade Games, Pool Tables, Etc.: _____          | No. of Vending Machines: _____             | No. of Mobile Home Spaces: _____ |
| No. of Rental Units: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No. of RV Spaces: _____                                | No. of Motel Rooms: _____                  | No. of Beds: _____               |
| State Sales Tax I.D. No. (Include copy or proof of exemption): _____                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                        | Federal Tax I.D. No. (Include copy): _____ |                                  |
| State License No. (Include copy): _____                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                        | State License Type: _____                  |                                  |
| <b>THE FOLLOWING LICENSES ARE SUBJECT TO ADDITIONAL REQUIREMENTS.</b> Please contact the Business Licensing Officer (City Treasurer) at (435) 636-3161, or 185 East Main, for more information. <b>Check all that apply.</b><br><input type="checkbox"/> Alcoholic Beverages <input type="checkbox"/> Eating Establishment <input type="checkbox"/> Amusement Center <input type="checkbox"/> Taxi Cab<br><input type="checkbox"/> Pawnbroker <input type="checkbox"/> Sexually Oriented Business |                                                        |                                            |                                  |

Account No: 3511  
 Business Activity: 8121  
 Fee: 150.00  
 CC Approval: ☐ Yes ☐ No Date: \_\_\_\_\_  
 License Sent: \_\_\_\_\_



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PLEASE TYPE OR PRINT LEGIBLY.

| Business Information                                                                                                                                                                                                                                              |                                                         |                                                             |                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------|
| <b>Business Status:</b> <input checked="" type="checkbox"/> New Business <input type="checkbox"/> Location Change <input type="checkbox"/> Name Change <input type="checkbox"/> Ownership Change                                                                  |                                                         |                                                             |                                            |
| <b>Business Name (include DBA):</b> <u>Picturesque Beauty LLC</u>                                                                                                                                                                                                 |                                                         |                                                             |                                            |
| If Name Change, list previous name: _____                                                                                                                                                                                                                         |                                                         |                                                             |                                            |
| <b>Business Address:</b> <u>9 East Main Street</u>                                                                                                                                                                                                                |                                                         |                                                             | <b>Suite/Apt. No.:</b> _____               |
| <b>City:</b> <u>Price</u>                                                                                                                                                                                                                                         | <b>State:</b> <u>Utah</u>                               | <b>Zip Code:</b> <u>84501</u>                               |                                            |
| <b>Business Telephone:</b><br><u>(435) 650-4017</u>                                                                                                                                                                                                               |                                                         | <b>Business E-mail:</b><br><u>beautybyraquelw@gmail.com</u> |                                            |
| <b>Business Fax:</b> _____                                                                                                                                                                                                                                        |                                                         | <b>Business Fax:</b> _____                                  |                                            |
| <b>Mailing Address (if different):</b> _____                                                                                                                                                                                                                      |                                                         | <b>City:</b> _____                                          | <b>State:</b> _____                        |
| <b>Zip Code:</b> _____                                                                                                                                                                                                                                            |                                                         | <b>Zip Code:</b> _____                                      |                                            |
| <b>Property Owner's Name:</b> <u>George Liidakis</u>                                                                                                                                                                                                              |                                                         | <b>Property Owner's Telephone:</b> <u>(801) 597-6204</u>    |                                            |
| <b>Type of Organization:</b> <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input checked="" type="checkbox"/> LLC<br><i>(Include copy of name registration with the State of Utah)</i>  |                                                         |                                                             |                                            |
| <b>Type of Business:</b> <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Home Occupation <input type="checkbox"/> Reciprocal                                                                                                              |                                                         |                                                             |                                            |
| <b>Nature of Business:</b> <input type="checkbox"/> Manufacturing <input type="checkbox"/> Retail <input type="checkbox"/> Wholesale <input checked="" type="checkbox"/> Services <input type="checkbox"/> Other                                                  |                                                         |                                                             |                                            |
| <b>Opening Date:</b> <u>9-1-2020</u> <b>Business Hours:</b> From <u>9:00</u> To <u>5:00</u> <u>(M T W T H F)</u> S SU <i>(please circle)</i>                                                                                                                      |                                                         |                                                             |                                            |
| <b>Detailed Description of Business:</b> <u>Beauty services such as eyelash extensions, spray tans, chemical peels, facials, microblading, ombre brows, lip blush, eyeliner, facial waxing, brow and lash lifting and tinting, etc.</u>                           |                                                         |                                                             |                                            |
| <b>Commercial Square Feet:</b><br><u>1200</u>                                                                                                                                                                                                                     | <b>No. of Arcade Games, Pool Tables, Etc.:</b> <u>0</u> | <b>No. of Vending Machines:</b><br><u>0</u>                 | <b>No. of Mobile Home Spaces:</b> <u>0</u> |
| <b>No. of Rental Units:</b> _____                                                                                                                                                                                                                                 | <b>No. of RV Spaces:</b> <u>0</u>                       | <b>No. of Motel Rooms:</b> <u>0</u>                         | <b>No. of Beds:</b> _____                  |
| <b>State Sales Tax I.D. No. (Include copy or proof of exemption):</b> _____                                                                                                                                                                                       |                                                         | <b>Federal Tax I.D. No. (Include copy):</b> _____           |                                            |
| <b>State License No. (Include copy):</b> _____                                                                                                                                                                                                                    |                                                         | <b>State License Type:</b> _____                            |                                            |
| <b>THE FOLLOWING LICENSES ARE SUBJECT TO ADDITIONAL REQUIREMENTS.</b> Please contact the Business Licensing Officer (City Treasurer) at (435) 636-3161, or 185 East Main, for more information. <b>Check all that apply.</b>                                      |                                                         |                                                             |                                            |
| <input type="checkbox"/> Alcoholic Beverages <input type="checkbox"/> Eating Establishment <input type="checkbox"/> Amusement Center <input type="checkbox"/> Taxi Cab<br><input type="checkbox"/> Pawnbroker <input type="checkbox"/> Sexually Oriented Business |                                                         |                                                             |                                            |

# Price City Police Department Travel Request and Authorization

Date: Aug. 25, 2020

Employee: Cameron Sartori

Purpose of Travel: Watchguard Management (Bodycams)

Agency Sponsoring Activity: Watchguard

Destination: Dallas (Allen), Texas

Dates employee will be involved in training (include travel time): Sept 13-18, 2020

Expenses will be reimbursed to the City by: \_\_\_\_\_

## Method of Travel:

City Vehicle (gas) \$ \_\_\_\_\_

Southwest Flight (includes luggage) \$ 524.96

**Meals:** Lunch and Dinner/\$37 for Sept 13 & 18;  
\$23 per dinner for Sept 14-17  
PO 47637 \$ 166.00

**Lodging:** Sept. 13-17, 2020 \$ 402.25  
On Visa

**Registration Fees:** \$ 0

**Other Expenses:** Shuttle/Uber \$ \_\_\_\_\_

**Total (estimate):** \$ 1,093.21

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Submitted by: Chief Brandon Sicilia

Submitted to City Council for Approval on \_\_\_\_\_