

Thursday, August 13, 2020

PERRY CITY COUNCIL TRUTH IN TAXATION MEETING

**Space will be limited to capacity allowing CDC social distancing guidelines – Masks Required
An “Electronic Meeting” web/teleconference will be available to all participants**

Go to www.perrycity.org for electronic meeting access instructions

The Perry City Council will hold a Truth in Taxation meeting with limited on site availability and unlimited web/teleconference attendance on the Thursday identified above, starting at approximately 7:00 PM. Go to perrycity.org for online meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

1. Approx. 7:00 PM - Call to Order

2. Presentation – Property Tax for 2020 Tax Year / Fiscal Year 20201

3. Approx. 7:15 PM - Public Hearing (No Vote Needed)

Rules: (1) Please Speak Only Once (Maximum of 3 Minutes) per Agenda Item; (2) Please Speak in a Courteous and Professional Manner; (3) Do Not Speak to Specific Member(s) of the City Council, Staff, or Public (Please Speak to the Mayor or to the Council as a Group); (4) Please Present Possible Solutions for All Problems Identified; (5) No Decision May Be Made During this Meeting if the Item Is Not Specifically on the Agenda (with Action on Public Hearings, if any, later in the Meeting); and (6) Comments must be made in person or in writing (with your name being stated for the record).

A. Public Hearing Regarding Proposed Tax Increase for Tax Year 2020 / Fiscal Year 2021

4. Approx. 7:30 PM - Adjournment

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 29th day of July, 2020. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, Chief Deputy Recorder

Needs Analysis (2021-2024)	Streets Based on TUF Study (based on RSL 5.26); Sidewalks (\$15k/yr); Signs (\$5K/yr)	Parks Improvements Park Equip 100K; DY Ph 1; MV Ph1; Trail Head : Soccer Trees	City Building Improvement: New Exterior, Police Remodel, New Paint, Flooring, etc	Police Ops	Public Works Equip/Yard	First Responders Ops FY21 Imp & Addtl Ops FY22-25
Over Next 4 yrs	\$1,385,500.00	\$204,000.00	\$250,000.00	\$102,950.00	\$117,400.00	\$34,752.00
Class C Funds Saved thru FY19	-\$382,000.00					
New Restricted	-\$961,000.00					
Capt Projects Saved		-\$30,000.00				
Remaining Need	\$42,500.00	\$174,000.00	\$250,000.00	\$102,950.00	\$117,400.00	\$34,752.00
% of total Need	5.89%	24.11%	34.65%	14.27%	16.27%	4.82%
Total Need	\$721,602.00					
FY22 New Rev from SID Payoff (FY22-24)	\$360,000.00					
New Tax Revenue (4 yr total)	\$295,016.00					
Revenue Better/(Worse)	(\$66,586.00)					

*Should be covered by growth

New City Hall

\$9,000,000.00

-\$400,000.00

\$9,000,000.00

\$8,600,000.00

New Cemetery

\$1,000,000.00

\$1,000,000.00

\$1,000,000.00

\$1,000,000.00

Long term

Funding Options: SSD; Tax Increment

Example of Application

Department	Funding Year FY21	Notes
Streets (Proposed & TUF)	\$346,375.00	Sidewalks-\$15K Signs
New Class C	-\$220,000.00	\$5K & Road Projects
Saved Class C	-\$95,550.00	\$326,375
New Tax Rev	\$30,825.00	
Parks (Proposed)	\$52,329.00	Mature Trees ; Mtn
New Tax Rev	\$22,329.00	View Park Ph1
	\$30,000.00	Future funding
Police Ops (Proposed)	\$18,950.00	Tasers; Training; Incentives = PT Bonus;
New Tax Rev	\$18,950.00	Shift Diff
First Responders (Proposed)	\$1,650.00	Antenna; Screen;
New Tax Rev	\$1,650.00	Tables & Chairs
Total Application of Taxes	\$73,754.00	
New Taxes Avail	\$73,754.00	

Thursday, August 13, 2020
PERRY CITY COUNCIL MEETING AGENDA
This is an “Electronic Meeting” Web/Teleconferencing will be used to participate
Go to www.perrycity.org for meeting access instructions

The Perry City Council will hold an electronic meeting via web/teleconference on the Thursday identified above, starting at approximately 7:30 PM, after a 7:00 PM Truth in Taxation Meeting. Go to perrycity.org for meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

Approx. 7:00 PM –Truth in Taxation Meeting (see separate agenda)

Approx. 7:30 PM – Regular City Council Meeting

- 1. Call to Order**
- 2. Procedural Issues**
 - A.** Conflicts of Interest Declaration(s), If Any
 - B.** Pass out Warrants to Council Members
- 3. Public Hearing and/or Public Comments (No Vote Needed)**

Rules: (1) Please Speak Only Once (Maximum of 3 Minutes) per Agenda Item; (2) Please Speak in a Courteous and Professional Manner; (3) Do Not Speak to Specific Member(s) of the City Council, Staff, or Public (Please Speak to the Mayor or to the Council as a Group); (4) Please Present Possible Solutions for All Problems Identified; (5) No Decision May Be Made During this Meeting if the Item Is Not Specifically on the Agenda (with Action on Public Hearings, if any, later in the Meeting); and (6) Comments must be made in person or in writing (with your name being stated for the record).

 - A.** Public Comments
- 4. Action Items (Roll Call Vote)**
 - A.** Approval of Warrants
 - B.** Ordinance 20-M Amending the Perry City Fee Schedule, Including the Sewer Utility Rate
 - C.** Parameters Resolution #2020-14: a resolution authorizing not more than \$8,850,000 of sewer revenue refunding bonds, Series 2020 to refinance the issuer’s outstanding sewer revenue refunding bonds, Series 2008; providing for publication of a notice of bonds to be issued; providing for a pledge of sewer revenues for repayment of the bonds; fixing the maximum amount, maturity, interest rate, and discount at which the bonds may be sold; providing for the running of a contest period; and related matters.
 - D.** Final Approval for Perry Canyon Subdivision Ph 1, 1st Amendment, Applicant: Scadden, Location 143 West 1550 South, Parcel #03-159-0130
- 5. Discussion Items:**
 - A.** Mt. View Park Update
- 6. Minutes & Council/Mayor Reports (Including Council Assignments)**

No Council Action May be Taken if an Item is not specifically on the Agenda

 - A.** Approval of Consent Items
 - June 25, 2020 City Council Work Session Minutes
 - June 25, 2020 City Council Meeting Minutes
 - June 25, 2020 RDA Meeting Minutes
 - July 9, 2020 City Council Work Session Minutes
 - July 9, 2020 City Council Meeting Minutes
 - B.** Mayor’s Report
 - C.** Council Reports
 - D.** Staff Comments
 - E.** Planning Commission Report
- 7. Executive Session (if needed)**

- A. Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.
- B. Strategy session to discuss the character, professional competence, or physical or mental health of an individual.
- C. Strategy session to discuss collective bargaining.
- D. Strategy session regarding pending, or reasonably imminent litigation.
- E. Strategy session to discuss the deployment of security personnel, devices, or systems.
- F. Discussion of investigative proceedings regarding allegations of criminal misconduct.

8. Approx. 9:15 PM - Adjournment

Certificate of Posting

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Shanna S. Johnson, Chief Deputy Recorder

Report Criteria:

Detail report.
Invoices with totals above \$2000.00 included.
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Black & McDonald								
11660	Black & McDonald	76-1093357	Street Lights	04/30/2020	2,682.65	2,682.65	07/20/2020	
11660	Black & McDonald	76-1093358	Street Lights	04/30/2020	3,789.67	3,789.67	07/20/2020	
Total Black & McDonald:					6,472.32	6,472.32		
Brigham City Corp.								
6106	Brigham City Corp.	7/22/2020	interlocal storm water	07/21/2020	117.60	117.60	07/22/2020	
6106	Brigham City Corp.	7/22/2020	interlocal storm water	07/21/2020	117.60	117.60	07/22/2020	
6106	Brigham City Corp.	7/22/2020	walmart sales tax	07/21/2020	23,430.64	23,430.64	07/22/2020	
6106	Brigham City Corp.	7/22/2020	walmart sales tax	07/21/2020	25,976.46	25,976.46	07/22/2020	
Total Brigham City Corp.:					49,642.30	49,642.30		
Jones & Associates								
11552	Jones & Associates	19711-REV	mapping	07/01/2020	492.00	492.00	07/17/2020	
11552	Jones & Associates	19711-REV	sanitary Sewer	07/01/2020	401.50	401.50	07/17/2020	
11552	Jones & Associates	19711-REV	sanitary Sewer	07/01/2020	459.00	459.00	07/17/2020	
11552	Jones & Associates	19711-REV	Storm Drain	07/01/2020	125.00	125.00	07/17/2020	
11552	Jones & Associates	19711-REV	Storm Water	07/01/2020	187.50	187.50	07/17/2020	
11552	Jones & Associates	19711-REV	Culinary Water	07/01/2020	187.50	187.50	07/17/2020	
11552	Jones & Associates	19711-REV	Culinary Water	07/01/2020	86.00	86.00	07/17/2020	
11552	Jones & Associates	19711-REV	2020 Crack Seal Projects	07/01/2020	198.00	198.00	07/17/2020	
11552	Jones & Associates	19711-REV	street Maintenance	07/01/2020	49.50	49.50	07/17/2020	
11552	Jones & Associates	19711-REV	street Maintenance	07/01/2020	707.75	707.75	07/17/2020	
11552	Jones & Associates	19711-REV	streets	07/01/2020	15,681.50	15,681.50	07/17/2020	
11552	Jones & Associates	19712	Development Reviews	07/01/2020	3,746.50	3,746.50	07/17/2020	
Total Jones & Associates:					22,321.75	22,321.75		
Reeder Excavating								
12675	Reeder Excavating	625	Road Repair	06/11/2020	10,811.56	10,811.56	07/28/2020	
Total Reeder Excavating:					10,811.56	10,811.56		
Republic Services								
10200	Republic Services	0493-0006577	garbage service	06/30/2020	19,760.34	19,760.34	07/20/2020	
Total Republic Services:					19,760.34	19,760.34		
Rocky Mountain Power								
2501	Rocky Mountain Power	7/28/2020	power bill	07/14/2020	1,693.71	1,693.71	07/28/2020	
2501	Rocky Mountain Power	7/28/2020	power bill	07/14/2020	144.05	144.05	07/28/2020	
2501	Rocky Mountain Power	7/28/2020	power bill	07/14/2020	89.97	89.97	07/28/2020	
2501	Rocky Mountain Power	7/28/2020	power bill	07/14/2020	530.29	530.29	07/28/2020	
2501	Rocky Mountain Power	7/28/2020	power bill	07/14/2020	8,199.56	8,199.56	07/28/2020	
Total Rocky Mountain Power:					10,657.58	10,657.58		
Zions Bank								
11510	Zions Bank	7/20/2020	Utopia	07/10/2020	10,300.23	10,300.23	07/20/2020	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total Zions Bank:					10,300.23	10,300.23		
Grand Totals:					129,966.08	129,966.08		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Invoices with totals above \$2000.00 included.

Paid and unpaid invoices included.

BID TABULATION

Perry City Stokes Springs Rehabilitation Project

Bid Opening: August 5, 2020, 2:00 pm, Emailed

Item	Description	Qty	Unit	CRB Underground		Ormond Construction Inc.	
				Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 4,200.00	\$ 4,200.00
2	Remove and salvage the existing meter / chlorination station manhole and all associated equipment complete.	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 2,150.00	\$ 2,150.00
3	Furnish and install new water meter and chlorination station manholes with all piping, fittings, valves, equipment and associated appurtenances.	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 26,579.77	\$ 26,579.77
TOTAL (Items 1-3)				\$27,500.00		\$32,929.77	
Proposed Completion Date:				November 1, 2020		November 30, 2020 Or at City Convenience	

Project Engineer

Kent L. Jones

Date 8/6/2020

**PERRY CITY
ORDINANCE 20-M FEE SCHEDULE**

WHEREAS, due to changes to costs of services and materials the Perry City Comprehensive Fee Schedule necessitates updates from time to time; and,

WHEREAS, certain clarifications and modifications to the Comprehensive Fee Schedule are prudent; and,

WHEREAS, the City must maintain a sewer fee compliant with the debt coverage requirements of its related bond;

NOW THEREFORE, be it ordained by the Council of Perry City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “4.09.030 Monthly Utility Fees” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

4.09.030 Monthly Utility Fees

Solid Waste (Garbage):

1 st garbage can	\$10.50
Each extra garbage can	\$10.00
Garbage can replacement	\$10.00

Culinary Water:

For those with Pine View Secondary Water			
Base Rate	0-10,000 Gallons	10,001 – 20,000 Gallons	20,001 - < Gallons
\$15.00	Included	\$0.95	\$2.00 per thousand

For those without Pine View Secondary Water			
Base Rate	0-15,000 Gallons	15,001 – 30,000 Gallons	30,001 - < Gallons
\$15.00	Included	\$0.95	\$2.00 per thousand

Storm Water:

Storm Water (Single Family & Multi-Family Residential)	\$4.00
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Sanitary Sewer¹:

Single Family Residential	\$4 ~~+~~ ⁹ .50
Multi-Family Residential, per ERU	\$4 ~~+~~ ⁹ .50
Commercial, per ERU	\$4 ~~+~~ ⁹ .50

1. Reduced rate of \$47.25 to be applied if the requisite down payment is made with the 2020 bond refinance.

SECTION 2: AMENDMENT “4.09.070 Park And Building Use Fees” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT**4.09.070 Park And Building Use Fees****Facility Reservation (Pavilions, etc.)- Residents:**

Residents (for up to 5 hours + \$5.00 for each additional hour)	\$35.00+*
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Facility Reservation Non-Residents:

Non-Residents (for up to 5 hours + \$7.00 for each additional hour)	\$45.00*
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Special Events and/or Public Events:

Reservation for up to 5 hours + \$7.00 for each additional hour(fee may be waived by the Mayor for Non-Profit Organizations)	\$50.00
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Season Rates:

Field reservations for team practices (for residents only)	\$2.00/hour*
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Soccer Field Game Reservation:

Any number of games for one calendar day	\$100
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Mayor/Council/Employee Event Rate:

Mayor/Council/Employee Event Rate	No Charge**
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** No deposit.

No cost for one event per year (up to 5 hours reserved) per current Perry City elected official or employee, and then at the regular residential rate thereafter. A “Community Party” (sponsored by a current Perry City elected official) counts as this one event per year.

City-wide Event Rate:

City-wide Event Rate	No Charge**
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** No deposit.

No cost to schedule the parks or buildings for City-wide, City-sponsored events, such as the Fourth of July celebration. All officially noticed City meetings shall have priority use of City buildings.

Responsibility For “Cleanup”:

All individuals and groups are responsible to clean up after their events and activities. Refundable deposits may be kept by the City to pay for damage and/or cleanup. Perry City reserves the prerogative to not allow a certain individual or group to reserve any park or building after excessive damage and/or necessary cleanup.

SECTION 3: **AMENDMENT** “4.09.010 Administration Fees” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

4.09.010 Administration Fees

Code Violation Penalties:

Per day code violation	\$100.00
Per day gravel pit ordinance violation	\$500.00

Municipal Code:

Printed copy (all three main volumes, A to C)	\$75.00
Print copy (per volume)	\$25.00
Print copy: Public Works Standards Book (Title 76 of Vol. A)	\$15.00
Digital copy (per CD or DVD, all three volumes)	\$8.00

Copies: Including Documents, Maps, Etc.:

Black & White 8.5" X 11 or 11" X 14" per page	\$0.25
Color Copies 8.5" X 11 or 11" X 14" per page	\$0.75
Black & White 11" X 17"	\$0.50
Color 11" X 17"	\$1.50
Larger Sizes available by request	

Return Check Fee:

Return Check Fee	\$30.00
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Accounts Receivable Re-billing Fee:

Accounts Receivable Re-billing Fee	\$2.00
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Administration Re-billing Fee (For Utility Billings):

Administration Re-billing Fee (For Utility Billings)	\$2.00
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Certified Copy:

Certified Copy	\$5.00
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Notarize A Document:

Non-residents (per document)	\$5.00
Residents (one document per resident per day)	No Charge

Copies Of Digital Data (CD or DVD):

Copies of digital data (CD or DVD)	\$8.00+ staff time for research (after first 15 minutes)
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Facsimiles:

First Page, Local Number	\$1.00
Each Additional Page, Local Number	\$0.50
First Page, Long Distance	\$2.00
Each Additional Page, Long Distance	\$1.00

Research, Compilation, Editing, Etc.:

First 15 minutes	No Charge
Additional Time Per Hour	\$15.00

Audit:

First Copy	No Charge
Each Additional Copy	\$10.00

Budget:

First Copy	No Charge
Each Additional Copy	\$10.00

Gravel Pit Application Fee ~~Estimation~~:

1. General Information/Application

	Units	Unit Rate	Total
<u>Application Fee</u> ~~City Staff~~ ¹	~~2 hrs~~	~~\$300 + Actual Engineering Review Fees \$60.00~~	~~\$120.00~~
		Subtotal=	\$120.00

~~2. Pre-Excavation Inventory & Analysis Review~~ ~~3. Proposed Excavation Site Inventory & Analysis Review~~ ~~4. Excavation Operations Plan Review & Meetings~~

~~Units Unit Rate Total City Staff~~¹ 1 hr \$60.00 \$60.00 ~~City Engineer~~² 2 hrs \$110.00 \$220.00 **Subtotal= \$280.00** ~~Units Unit Rate Total City Staff~~¹ 2 hrs \$60.00 \$120.00 ~~City Engineer~~⁴ 4 hrs \$110.00 \$440.00 **Subtotal= \$560.00** ~~Units Unit Rate Total City Staff~~¹ 12 hrs \$60.00 \$720.00 ~~City Engineer~~¹ 6 hrs \$110.00 \$1,760.00 ~~City Attorney~~⁴ 4 hrs \$200.00 \$800.00 **Subtotal= \$3,280.00**

~~5. Reclamation Review6. Permit Authorization~~¹ Staff hourly rates are averaged for administration, planning, and processing staff. They include a generalized cost for each employee's overhead insurance, benefits, office space, computers, etc. impact. Time spent in required city meetings are included.

Units	Unit Rate	Total	City Staff Processing ¹
16 hrs	\$60.00	\$960.00	
City Engineering Review	8 hrs	\$110.00	\$880.00
City Attorney	4 hrs	\$200.00	\$800.00
Subtotal		\$2,640.00	

Units	Unit Rate	Total	City Staff Processing ¹
2 hrs	\$60.00	\$120.00	
City Engineering Review	1 hr	\$110.00	\$110.00
City Attorney	2 hrs	\$200.00	\$400.00
Subtotal		\$630.00	

~~2~~ The estimated review costs reflected above assume an average application complexity, scope, and review frequency. It is assumed 2-3 review cycles would be required for Sections 2, 3, 4, and 5. In the event an application requires a more than average review cost, the costs may be documented by the City and the difference billed to the applicant.

SECTION 4: AMENDMENT “4.09.040 Annual Business License Fees” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

4.09.040 Annual Business License Fees

Home Business:

Home Occupation	\$30.00
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Professional Services/Contractor:

Professional Services / Contractor	\$34.00
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Wholesale/Retail Business:

Wholesale / Retail Business	\$30.00
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Medium Sized Retail Business:

Medium Sized Retail Business	\$500.00
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Big Box Stores:

Big Box Stores	\$5,000.00
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Construction:

Construction	\$125.00
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Automotive:

Automotive	\$34.00
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Gas Station/Convenience Store:

Gas Station/Convenience Store	\$125.00
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Food Sales/Fruit Stands:

Food Sales/Fruit Stands	\$125.00
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Large Scale Construction:

Large Scale Construction	\$2,359.00
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Live Performance:

Live Performance	\$125.00
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Movie Theater:

Movie Theater	\$125.00
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Public Lodging:

Public Lodging	\$34.00
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Rental:

Rental (Plus \$10.00 Per Unit)	\$41.00+
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Storage Units:

Storage Units	\$125.00
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Truck Stop:

Truck Stop	\$2,608.00
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Restaurant:

Restaurant	\$125.00
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Animal Kennel:

Animal Kennel	\$50.00
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Amusement Machines:

Amusement Machines	\$30.00 each
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Vending Machines:

Vending Machines	\$5.00 each
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Temporary:

Temporary	\$34.00
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Class A Beer License:

Class A Beer License	\$225.00
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Class B Beer License:

Class B Beer License (if allowed by PMC Title 5, bus. license ordinance)	\$475.00
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Public Exhibition:

Public Exhibition	\$30.00 per day
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Solicitors:

Solicitors (ID required for all participants)	\$38.00/person
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Late Fees (to be applied in addition to annual fee):

<u>30 Days After Due Date</u> ~~Late Fees~~	~~+50~~ <u>25</u> % ~~penalty~~ <u>of annual fee</u>
<u>60 Days After Due Date</u>	<u>100% of annual fee</u>

~~A 50% penalty (late fee) shall be added to all business license renewals received by the City after February 16th, penalties shall be assessed per PMC 5.01.060(4). There shall be no proration of fees for a new business license for a partial year.~~

SECTION 5: **AMENDMENT** “5.01.060 Business License Fees” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.01.060 Business License Fees

The following regarding business license fees:

1. Business license fees imposed and levied shall be on
 - a. A annual basis
 - b. According to the classifications of businesses specified in the Business License Fee Schedule
 - c. And in the amounts described therein.
2. Fees may be established by Resolution: The Business License Fee Schedule may be adopted by resolution based upon the basic level of services, disproportionate costs, and enhanced costs of regulating each class of business.
3. Applicant to Pay License Fee: Any applicant for a Business License must include the fee with any application upon filing of an application. The fee shall be in an amount equal to the fee designated on the Business License Fee Schedule for the classification of the business as assigned by the Licensing Authority. Annual renewal fees shall be made in the same manner. No application for a Business License shall be reviewed and no Business License shall issued until all fees are paid. The applicant of a new business starting after January 1 shall be issued a business license for the unexpired portion of the year; no proration of Business License fees is allowed.
4. Due Date: Fees for Business License renewals shall be due and payable on or before January 1 of the Year for which the Business License has been applied for.
5. Late Fees and Penalties: The following late fees apply to any person who engages in business prior to obtaining a Perry City Business License or fails to renew a license after such expires while continuing to operate the Business:
 - a. Late fees: ~~After thirty (30) days of the fee due date, the renewal fee shall be the license fee plus twenty five (25%) percent of the total specified fee for said license.~~ As indicated in the Comprehensive Fee Schedule of the PMC. These fee shall continue to accrue for each year the Business operates without a license, except where such accrual is waived for good cause by the Licensing

Authority.

- b. ~~Penalty: After sixty (60) days of the fee due date, the renewal fee shall be double the total specified fee for said license. This fee and late fee shall continue to accrue for each year the Business operates without a license, except where such accrual is waived for good cause by the Licensing Authority.~~
 - c. If the license is not renewed after one year from the due date the license shall be revoked. In order to conduct business the business owner shall make application for a new license and pay the license fee plus the past license fees, late fees, and penalties for the time in which they operated without a renewed license.
 - d. Any Business License fee due and unpaid under this Title, and all penalties thereon, shall constitute a debt to the City and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.
 - e. Any license fee, and all late fees and penalties thereon, shall constitute a debt to the City and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.
 - f. The payment of late fees does not relieve any person from fully complying with all other requirements of law, nor from any other prescribed penalties.
6. Refund Policy: Unless otherwise provided herein, no Business License fee is refundable for any reason whatsoever once the license has been issued. If a Business License is denied or is withdrawn by applicant before approval, the applicant, shall be entitled to a refund of the amount paid in excess of \$75.00 which shall be retained to offset application processing costs.

SECTION 6: **AMENDMENT** “4.09.050 Land Use Application Fees” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

4.09.050 Land Use Application Fees

Zoning Map Amendment:

Zoning Map Amendment	\$400.00
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Annexation:

Annexation	\$800.00
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Subdivision Fees:

Concept Application	\$100.00
Preliminary Subdivision Application	
Residential Subdivision	\$300 plus \$100 per lot
Commercial Subdivision	\$500 plus \$100 per lot
Engineering and Design Application	
Residential Subdivision	\$300 plus \$125 per lot
Commercial Subdivision	\$500 plus \$125 per lot
Final Plat Application	
Residential or Commercial Subdivision	\$300 plus \$125 per lot
Subdivision Amendment	\$400
Reimbursement Agreement Application	Varies

Vacate Fees:

Vacate a Street, Alley, Right-of-way, etc.	\$300.00
Vacate a Subdivision	\$300.00

Site Plan Review (Design Review) and Conditional Use Permit Fees:

Site Plan, Conditional Use Permit, or Sign reviewed by Planning Commission	\$300
Sign Permit (not reviewed by Planning Commission)	\$50.00

Accessory Dwelling Unit Application Fees:

Application Fee	\$100
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Other Special Use Permit Fees:

Certificate of Existence for a Non-Conforming Use/Structure	\$50.00
Other Non-Conforming Use/Structure Application	\$150.00
Zoning/Boundary Policy Application	\$150.00

Land Use Appeals:

Land Use Appeals and Variances	\$200.00
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PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

Kevin Jeppsen, Mayor, Perry City

Susan O Bray, City Recorder Perry
City

Staff Report

August 9, 2020

Perry City Council



Ordinance 20-M Fee Schedule

Summary

This ordinance amendments changes four fees.

1. Public Works has asked that we increase the fee for reserving games on the soccer fields. We have previously charged \$15 dollars per game. Following our previous City Council meeting Tyler looked more closely at the reservations made in the past and confirmed that \$100 per day would do a good job covering our actual costs for a typical year.
2. The business license late fees listed here are in conflict with the business license ordinance, which are a percentage based on how late the renewal is.
3. The current fee for gravel pits is several lines and is fairly complex. Brett Jones indicated that the adopted fees appear to be a copy and paste of the draft costs he prepared as a guide for establishing a fee. Because the actual cost is hard to pin down, this ordinance proposes having the bulk of the cost be determined by the actual fees of the engineer to perform the review.
4. A fee of \$100 was added to this ordinance for Accessory Dwelling Units. \$40 of the fee would be used to cover the recording fee at the County for the affidavit.

INTEROFFICE MEMORANDUM

TO: MAYOR & COUNCIL
FROM: SHANNA JOHNSON
SUBJECT: SEWER REVENUE BOND REFINANCE
DATE: 7/29/2020
CC:

Dear Mayor & Council:

I wanted to review action items related to the refinance of our sewer bond with you.

The Water Quality Board has outlined a process we must follow in order to close on the refinance. The action items being considered starts the process.

- First: The WQB requested we pass a utility rate that would allow us to achieve a debt coverage ratio of 125% and that we notify all utility users of the change in our sewer utility rate change and the refinance of the sewer revenue bond. I have attached a copy of the notice that was placed in our August Newsletter informing the public and inviting their comments.
- Second: The WQB requires we pass a parameter Resolution which outlines our intent to refinance our current Sewer Revenue Bond and pledge sewer revenues for repayment. The resolution outlines a higher amount than what we anticipate to bond for in order to ensure coverage if there was to be any adjustments so that we do not have to go through this process again. This resolution will be ready for your review on August 6th. There has been specific language requested by our bond attorney included on the agenda.

Once this resolution is passed, it will trigger a 30 day comment period with the DWQ. Upon the completion of this comment period we can move forward with closing.

Our bond attorney Eric Johnson will be available at our meeting for any questions you may have.

Items that will take place after this meeting will be:

- 30 day comment period
- Creation of the final bond documents
- Drafting of a final Resolution approving the Refinance
- Closing on the new Sewer Revenue Bond – Tentatively scheduled for September 22, 2020

Please feel free to contact me with any questions.



3005 South 1200 West • Perry, Utah 84302 • 435-723-6461

REQUEST FOR PUBLIC COMMENT
Loan Authorization

Dear Sewer User:

Perry City has applied to the Utah Water Quality Board for a sewer revenue loan. Security for the loan would be provided through

the sale of a “nonvoted” sewer revenue bond to the Water Quality Board. To obtain a savings, the bonds are to refinance, replace and restructure a 2008 Sewer revenue bond that was issued by Perry City. The original bond in 2008 was issued for \$11,350,000 bearing a hardship grant assessment fee (in lieu of interest) at the rate of 3.0% per year with payments through 2030. This loan and bond will be issued in the repayable amount of \$7,350,000 (the current amount outstanding on the 2008 Bonds), bearing a hardship grant assessment fee (in lieu of interest) at the rate of 2.0% per year with payments through 2035, which reduces the annual payment by more than \$200,000 in some years. Payments shall be made from the net revenues of the City’s sewer system.

It is anticipated that the base sewer rate will increase from \$44.25 per month to \$49.50 per month to service this refinancing loan, which is less than the sewer rate increase that would be needed if the original 2008 bonds are not refinanced as proposed.

It is the policy of the Water Quality Board to provide a period for public comment. In this regard, the City invites comments on the sewer revenue refunding bond and associated loan (either favorable or negative). Interested individuals are encouraged to respond in writing before 4:00 p.m. on August 12, 2020. The City will hold a public meeting at 7:00 p.m. on August 13, 2020 at the City offices at 3005 S. 1200 W. in Perry City, Utah. The City will receive both written and oral comments at that time and your comments will be considered.

Thank you for your consideration in this matter.

Perry City

PERRY CITY WASTEWATER

Cash Flow with User Rates Increasing as of 2021

ADJUST ONLY YELLOW CELLS

Flowrate per Capita per Day	100	
People per Connection	3.22	
Interest Rate on Cash on Hand	2.5%	
Inflation Rate (Electricity)	4.5%	
Inflation	3.00%	
rate increase	2.00%	when needed

Monthly User Rate	\$	49.50	\$	49.50	\$	49.50	\$	50.49	\$	50.49	\$	51.50	\$	52.53
Impact Fee	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00
Connection Fee	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00

Calnedar	2021	2022	2023	2024	2025	2026	2027
Perry City - Yearly Growth Rate Commercial	1.00%			1.00%			
Perry City - Yearly Growth Rate Residential	1.60%	1.50%	1.50%	1.25%	1.25%	1.25%	1.00%
Indexed Inflation Multiplier	1.558	1.605	1.653	1.702	1.754	1.806	1.860

General Information

Perry City

Perry City - Sewer Connections- Residential	1532	1558	1583	1608	1630	1650	1666
Perry City - Sewer ERUs- Commercial	100	101	101	101	102	102	102
Perry City - New Connections - Residential	26	25	25	21	20	16	17
Perry City - New ERUs- Commercial	1	0	0	1	0	0	0
Perry City - - Total Number of New ERUs	27	25	25	22	20	16	16
Perry City - Total Number of ERUs	1659	1684	1709	1732	1752	1768	1784

Perry Percentage of WWTP Ownership

66%	66%	66%	66%	66%	66%	66%	66%
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Total Plant O&M (100%)

Personnel	\$	162,859	\$	167,745	\$	172,777	\$	177,960	\$	183,299	\$	188,798	\$	194,462
Vehicle	\$	12,900	\$	13,287	\$	13,686	\$	14,096	\$	14,519	\$	14,955	\$	15,403
Insurance	\$	18,600												
Treatment Plant Utility	\$	62,000	\$	64,790	\$	67,706	\$	70,752	\$	73,936	\$	77,263	\$	80,740
Treatment Plant Misc. Parts & Supplies	\$	40,000	\$	41,200	\$	42,436	\$	43,709	\$	45,020	\$	46,371	\$	47,762
Training and Travel	\$	1,200												
Professional & Technical	\$	25,000	\$	25,750	\$	26,523	\$	27,318	\$	28,138	\$	28,982	\$	29,851
New Equipment Purchase	\$	72,000	\$	74,160	\$	76,385	\$	78,676	\$	81,037	\$	83,468	\$	85,972
Disposal	\$	11,125	\$	11,459	\$	11,803	\$	12,157	\$	12,521	\$	12,897	\$	13,284

Revenues

Perry City

Residential	\$	913,869	\$	929,147	\$	943,985	\$	977,578	\$	990,371	\$	1,022,092	\$	1,052,723
Commercial	\$	59,549	\$	59,994	\$	59,994	\$	61,347	\$	61,806	\$	63,042	\$	64,303
Residential Connection Fee	\$	650	\$	622	\$	631	\$	534	\$	509	\$	400	\$	416
Commercial Connection Fee	\$	25	\$	-	\$	-	\$	25	\$	-	\$	-	\$	-

Monthly User Rate	\$	49.50	\$	49.50	\$	49.50	\$	50.49	\$	50.49	\$	51.50	\$	52.53
Impact Fee	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00
Connection Fee	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00

Calnedar	2021	2022	2023	2024	2025	2026	2027
Residential Impact Fee	\$ 136,500	\$ 130,646	\$ 132,606	\$ 112,163	\$ 106,936	\$ 84,000	\$ 87,459
Commercial Impact Fee	\$ 5,250	\$ -	\$ -	\$ 5,303	\$ -	\$ -	\$ -

Total Revenues	\$ 1,115,843	\$ 1,120,410	\$ 1,137,216	\$ 1,156,949	\$ 1,159,623	\$ 1,169,534	\$ 1,204,901
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Expenses	2021	2022	2023	2024	2025	2026	2027
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Wastewater Budget

Permanent Employees	\$ 39,489	\$ 40,674	\$ 41,894	\$ 43,151	\$ 44,445	\$ 45,779	\$ 47,152
Temporary Employees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Benefits	\$ 23,473	\$ 24,177	\$ 24,903	\$ 25,650	\$ 26,419	\$ 27,212	\$ 28,028
Office Expense	\$ 500	\$ 515	\$ 530	\$ 546	\$ 563	\$ 580	\$ 597
Equipment Purchases	\$ 6,300	\$ 6,489	\$ 6,684	\$ 6,884	\$ 7,091	\$ 7,303	\$ 7,523
Building Grounds and Maintenance	\$ 1,000	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159	\$ 1,194
Utilities & Phone	\$ 2,500	\$ 2,575	\$ 2,652	\$ 2,732	\$ 2,814	\$ 2,898	\$ 2,985
Misc. Supplies	\$ 200	\$ 206	\$ 212	\$ 219	\$ 225	\$ 232	\$ 239
Maintenance Contract	\$ 42,000	\$ 43,260	\$ 44,558	\$ 45,895	\$ 47,271	\$ 48,690	\$ 50,150
Professiona & Technical	\$ 7,900	\$ 8,137	\$ 8,381	\$ 8,633	\$ 8,892	\$ 9,158	\$ 9,433
Miscellaneous Service	\$ 200	\$ 206	\$ 212	\$ 219	\$ 225	\$ 232	\$ 239
Interest Expenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lift Stations	\$ 3,000	\$ 3,090	\$ 3,183	\$ 3,278	\$ 3,377	\$ 3,478	\$ 3,582
Improvements Other Than Bldgs	\$ 12,000	\$ 12,360	\$ 12,731	\$ 13,113	\$ 13,506	\$ 13,911	\$ 14,329
Fleet Expenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Treatment Plant O&M (66%)

Personnel	\$ 107,487	\$ 110,712	\$ 114,033	\$ 117,454	\$ 120,977	\$ 124,607	\$ 128,345
Vehicle	\$ 8,514	\$ 8,769	\$ 9,033	\$ 9,303	\$ 9,583	\$ 9,870	\$ 10,166
Insurance	\$ 12,276						
Treatment Plant Utilities	\$ 40,920	\$ 42,761	\$ 44,686	\$ 46,697	\$ 48,798	\$ 50,994	\$ 53,288
Treatment Plant Misc. Parts & Supplies	\$ 26,400	\$ 27,192	\$ 28,008	\$ 28,848	\$ 29,713	\$ 30,605	\$ 31,523
Training & Travel	\$ 792						
Professiona & Technical	\$ 16,500	\$ 16,995	\$ 17,505	\$ 18,030	\$ 18,571	\$ 19,128	\$ 19,702
Equipment Purchases	\$ 47,520	\$ 48,946	\$ 50,414	\$ 51,926	\$ 53,484	\$ 55,089	\$ 56,741
Disposal	\$ 7,343	\$ 7,563	\$ 7,790	\$ 8,023	\$ 8,264	\$ 8,512	\$ 8,767

Subtotal Expenses	\$ 406,313	\$ 405,657	\$ 418,468	\$ 431,692	\$ 445,343	\$ 459,436	\$ 473,983
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Monthly User Rate	\$	49.50	\$	49.50	\$	49.50	\$	50.49	\$	50.49	\$	51.50	\$	52.53
Impact Fee	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00
Connection Fee	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00

Calendar		2021		2022		2023		2024		2025		2026		2027
Debt Service														
Bond 1 Date Issued Jan. 1, 1972														
WWTP & Interceptor Principal Payment	\$	422,000	\$	431,000	\$	440,000	\$	450,000	\$	459,000	\$	468,000	\$	478,000
WWTP & Interceptor Interest Payment	\$	147,000	\$	138,560	\$	129,760	\$	120,760	\$	111,580	\$	102,220	\$	92,660
	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Subtotal Debt Service Expenses	\$	569,000	\$	569,560	\$	569,760	\$	570,760	\$	570,580	\$	570,220	\$	570,660
Debt Service Reserve Fund \$ Emergency Repair														
Total Expenses	\$	975,313	\$	975,217	\$	988,228	\$	1,002,452	\$	1,015,923	\$	1,029,656	\$	1,044,643
		2021		2022		2023		2024		2025		2026		2027
Debt Coverage Ratio (Target 1.25)		1.25		1.25		1.26		1.27		1.25		1.25		1.28
Margin after Reserve Set Aside	\$	140,529	\$	145,193	\$	148,988	\$	154,497	\$	143,700	\$	139,878	\$	160,257

Cash Flow		2021		2022		2023		2024		2025		2026		2027
Sewer Accounts														
Beginning Year Balance (Impact + General Sewer - Pledged C	\$	2,347,334	\$	2,514,229	\$	2,722,278	\$	2,939,323	\$	3,167,303	\$	3,390,186	\$	3,614,818
Account Activite (+/-)	\$	140,529	\$	145,193	\$	148,988	\$	154,497	\$	143,700	\$	139,878	\$	160,257
Interest on Account	\$	26,366	\$	62,856	\$	68,057	\$	73,483	\$	79,183	\$	84,755	\$	90,370
End of Year Balance	\$	2,514,229	\$	2,722,278	\$	2,939,323	\$	3,167,303	\$	3,390,186	\$	3,614,818	\$	3,865,446

PERRY CITY WASTEWATER

Cash Flow with User Rates Increase

ADJUST ONLY YELLOW CELLS

Flowrate per Capita per Day

People per Connection

Interest Rate on Cash on Hand

Inflation Rate (Electricity)

Inflation
rate increase

Monthly User Rate	\$	52.53	\$	53.58	\$	53.58	\$	54.65	\$	54.65	\$	55.75	\$	55.75
Impact Fee	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00
Connection Fee	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00

Calnedar	2028	2029	2030	2031	2032	2033	2034
Perry City - Yearly Growth Rate Commercial	1.00%				1.00%		
Perry City - Yearly Growth Rate Residential	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
Indexed Inflation Multiplier	1.916	1.974	2.033	2.094	2.157	2.221	2.288

General Information

Perry City

Perry City - Sewer Connections- Residential	1683	1699	1716	1734	1751	1768	1786
Perry City - Sewer ERUs- Commercial	102	103	103	103	103	104	104
Perry City - New Connections - Residential	17	17	17	17	18	18	18
Perry City - New ERUs- Commercial	1	0	0	0	1	0	0
Perry City - - Total Number of New ERUs	16	16	17	17	19	18	18
Perry City - Total Number of ERUs	1800	1816	1833	1850	1869	1887	1904

Perry Percentage of WWTP Ownership

66%	66%	66%	66%	66%	66%	66%	66%
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Total Plant O&M (100%)

Personnel	\$	200,296	\$	206,305	\$	212,494	\$	218,869	\$	225,435	\$	232,198	\$	239,164
Vehicle	\$	15,865	\$	16,341	\$	16,832	\$	17,337	\$	17,857	\$	18,392	\$	18,944
Insurance														
Treatment Plant Utility	\$	84,373	\$	88,170	\$	92,138	\$	96,284	\$	100,617	\$	105,145	\$	109,876
Treatment Plant Misc. Parts & Supplies	\$	49,195	\$	50,671	\$	52,191	\$	53,757	\$	55,369	\$	57,030	\$	58,741
Training and Travel														
Professional & Technical	\$	30,747	\$	31,669	\$	32,619	\$	33,598	\$	34,606	\$	35,644	\$	36,713
New Equipment Purchase	\$	88,551	\$	91,207	\$	93,944	\$	96,762	\$	99,665	\$	102,655	\$	105,734
Disposal	\$	13,682	\$	14,093	\$	14,516	\$	14,951	\$	15,400	\$	15,862	\$	16,337

Revenues

Perry City

Residential	\$	1,063,250	\$	1,095,360	\$	1,106,314	\$	1,139,725	\$	1,151,122	\$	1,185,886	\$	1,197,745
Commercial	\$	64,464	\$	66,245	\$	66,245	\$	67,570	\$	67,739	\$	69,610	\$	69,610
Residential Connection Fee	\$	421	\$	425	\$	429	\$	433	\$	438	\$	442	\$	447
Commercial Connection Fee	\$	26	\$	-	\$	-	\$	-	\$	26	\$	-	\$	-

Monthly User Rate	\$	52.53	\$	53.58	\$	53.58	\$	54.65	\$	54.65	\$	55.75	\$	55.75
Impact Fee	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00
Connection Fee	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00

Calnedar		2028		2029		2030		2031		2032		2033		2034
Residential Impact Fee	\$	88,333	\$	89,216	\$	90,109	\$	91,010	\$	91,920	\$	92,839	\$	93,767
Commercial Impact Fee	\$	5,356	\$	-	\$	-	\$	-	\$	5,409	\$	-	\$	-

Total Revenues	\$	1,221,849	\$	1,251,246	\$	1,263,096	\$	1,298,737	\$	1,316,653	\$	1,348,777	\$	1,361,569
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Expenses		2028		2029		2030		2031		2032		2033		2034
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Wastewater Budget

Permanent Employees	\$	48,566	\$	50,023	\$	51,524	\$	53,070	\$	54,662	\$	56,302	\$	57,991
Temporary Employees	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Employee Benefits	\$	28,869	\$	29,735	\$	30,627	\$	31,546	\$	32,492	\$	33,467	\$	34,471
Office Expense	\$	615	\$	633	\$	652	\$	672	\$	692	\$	713	\$	734
Equipment Purchases	\$	7,748	\$	7,981	\$	8,220	\$	8,467	\$	8,721	\$	8,982	\$	9,252
Building Grounds and Maintenance	\$	1,230	\$	1,267	\$	1,305	\$	1,344	\$	1,384	\$	1,426	\$	1,469
Utilities & Phone	\$	3,075	\$	3,167	\$	3,262	\$	3,360	\$	3,461	\$	3,564	\$	3,671
Misc. Supplies	\$	246	\$	253	\$	261	\$	269	\$	277	\$	285	\$	294
Maintenance Contract	\$	51,655	\$	53,204	\$	54,800	\$	56,444	\$	58,138	\$	59,882	\$	61,678
Professiona & Technical	\$	9,716	\$	10,007	\$	10,308	\$	10,617	\$	10,935	\$	11,264	\$	11,601
Miscellaneous Service	\$	246	\$	253	\$	261	\$	269	\$	277	\$	285	\$	294
Interest Expenses	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Lift Stations	\$	3,690	\$	3,800	\$	3,914	\$	4,032	\$	4,153	\$	4,277	\$	4,406
Improvements Other Than Bldgs	\$	14,758	\$	15,201	\$	15,657	\$	16,127	\$	16,611	\$	17,109	\$	17,622
Fleet Expenses	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-

Treatment Plant O&M (66%)

Personnel	\$	132,195	\$	136,161	\$	140,246	\$	144,453	\$	148,787	\$	153,251	\$	157,848
Vehicle	\$	10,471	\$	10,785	\$	11,109	\$	11,442	\$	11,785	\$	12,139	\$	12,503
Insurance														
Treatment Plant Utilities	\$	55,686	\$	58,192	\$	60,811	\$	63,548	\$	66,407	\$	69,395	\$	72,518
Treatment Plant Misc. Parts & Supplies	\$	32,469	\$	33,443	\$	34,446	\$	35,479	\$	36,544	\$	37,640	\$	38,769
Training & Travel														
Professiona & Technical	\$	20,293	\$	20,902	\$	21,529	\$	22,175	\$	22,840	\$	23,525	\$	24,231
Equipment Purchases	\$	58,444	\$	60,197	\$	62,003	\$	63,863	\$	65,779	\$	67,752	\$	69,785
Disposal	\$	9,030	\$	9,301	\$	9,580	\$	9,868	\$	10,164	\$	10,469	\$	10,783

Subtotal Expenses	\$	489,002	\$	504,508	\$	520,516	\$	537,043	\$	554,108	\$	571,727	\$	589,920
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Monthly User Rate	\$	52.53	\$	53.58	\$	53.58	\$	54.65	\$	54.65	\$	55.75	\$	55.75
Impact Fee	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00	\$	5,250.00
Connection Fee	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00	\$	25.00

Calnedar	2028		2029		2030		2031		2032		2033		2034	
Debt Service														
Bond 1 Date Issued Jan. 1, 1972														
WWTP & Interceptor Principal Payment	\$	489,000	\$	499,000	\$	509,000	\$	519,000	\$	530,000	\$	541,000	\$	552,000
WWTP & Interceptor Interest Payment	\$	82,880	\$	72,900	\$	62,720	\$	52,340	\$	41,740	\$	30,920	\$	19,880
	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Subtotal Debt Service Expenses	\$	571,880	\$	571,900	\$	571,720	\$	571,340	\$	571,740	\$	571,920	\$	571,880
Debt Service Reserve Fund \$ Emergency Repair														
Total Expenses	\$	1,060,882	\$	1,076,408	\$	1,092,236	\$	1,108,383	\$	1,125,848	\$	1,143,647	\$	1,161,800
	2028		2029		2030		2031		2032		2033		2034	
Debt Coverage Ratio (Target 1.25)	1.28		1.31		1.30		1.33		1.33		1.36		1.35	
Margin after Reserve Set Aside	\$	160,966	\$	174,839	\$	170,861	\$	190,354	\$	190,805	\$	205,130	\$	199,769

Cash Flow	2028		2029		2030		2031		2032		2033		2034	
Sewer Accounts														
Beginning Year Balance (Impact + General Sewer - Pledged C	\$	3,865,446	\$	4,123,048	\$	4,400,963	\$	4,681,848	\$	4,989,248	\$	5,304,784	\$	5,642,534
Account Activite (+/-)	\$	160,966	\$	174,839	\$	170,861	\$	190,354	\$	190,805	\$	205,130	\$	199,769
Interest on Account	\$	96,636	\$	103,076	\$	110,024	\$	117,046	\$	124,731	\$	132,620	\$	141,063
End of Year Balance	\$	4,123,048	\$	4,400,963	\$	4,681,848	\$	4,989,248	\$	5,304,784	\$	5,642,534	\$	5,983,366

PERRY CITY WASTEWATER

Cash Flow with User Rates Increase

ADJUST ONLY YELLOW CELLS

Flowrate per Capita per Day

People per Connection

Interest Rate on Cash on Hand

Inflation Rate (Electricity)

Inflation
rate increase

Monthly User Rate	\$	56.86
Impact Fee	\$	5,250.00
Connection Fee	\$	25.00

Calnedar	2035
Perry City - Yearly Growth Rate Commercial	
Perry City - Yearly Growth Rate Residential	1.00%
Indexed Inflation Multiplier	2.357

General Information

Perry City

Perry City - Sewer Connections- Residential	1804
Perry City - Sewer ERUs- Commercial	104
Perry City - New Connections - Residential	18
Perry City - New ERUs- Commercial	0
Perry City - - Total Number of New ERUs	18
Perry City - Total Number of ERUs	1923

Perry Percentage of WWTP Ownership **66%**

Total Plant O&M (100%)

Personnel	\$	246,339
Vehicle	\$	19,512
Insurance		
Treatment Plant Utility	\$	114,821
Treatment Plant Misc. Parts & Supplies	\$	60,504
Training and Travel		
Professional & Technical	\$	37,815
New Equipment Purchase	\$	108,906
Disposal	\$	16,828

Revenues

Perry City

Residential	\$	1,233,917
Commercial	\$	71,002
Residential Connection Fee	\$	451
Commercial Connection Fee	\$	-

Monthly User Rate	\$	56.86
Impact Fee	\$	5,250.00
Connection Fee	\$	25.00

Calnedar		2035
Residential Impact Fee	\$	94,705
Commercial Impact Fee	\$	-

Total Revenues	\$	1,400,075
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Expenses		2035
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Wastewater Budget

Permanent Employees	\$	59,731
Temporary Employees	\$	-
Employee Benefits	\$	35,505
Office Expense	\$	756
Equipment Purchases	\$	9,529
Building Grounds and Maintenance	\$	1,513
Utilities & Phone	\$	3,781
Misc. Supplies	\$	303
Maintenance Contract	\$	63,529
Professiona & Technical	\$	11,949
Miscellaneous Service	\$	303
Interest Expenses	\$	-
Lift Stations	\$	4,538
Improvements Other Than Bldgs	\$	18,151
Fleet Expenses	\$	-

Treatment Plant O&M (66%)

Personnel	\$	162,584
Vehicle	\$	12,878
Insurance		
Treatment Plant Utilities	\$	75,782
Treatment Plant Misc. Parts & Supplies	\$	39,932
Training & Travel		
Professiona & Technical	\$	24,958
Equipment Purchases	\$	71,878
Disposal	\$	11,106

Subtotal Expenses	\$	608,705
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Monthly User Rate	\$	56.86
Impact Fee	\$	5,250.00
Connection Fee	\$	25.00

Calnedar		2035
Debt Service		
Bond 1 Date Issued Jan. 1, 1972		
WWTP & Interceptor Principal Payment	\$	563,000
WWTP & Interceptor Interest Payment	\$	8,620
	\$	-
Subtotal Debt Service Expenses	\$	571,620
Debt Service Reserve Fund \$ Emergency Repair		
Total Expenses	\$	1,180,325
		2035
Debt Coverage Ratio (Target 1.25)		1.38
Margin after Reserve Set Aside	\$	219,750

Cash Flow		2035
Sewer Accounts		
Beginning Year Balance (Impact + General Sewer - Pledged C	\$	5,983,366
Account Activite (+/-)	\$	219,750
Interest on Account	\$	149,584
End of Year Balance	\$	6,352,699

Exhibit 1

**Perry City #244R
Bond Repayment Schedule**

Principal \$7,350,000

Interest/Hardship
Assessment 2.00%

Term 15

Avg Annual Pmt \$572,017

Payment Number	Payment Due Date	Principal Due	Principal Payment	Interest/HGA Payment	Total Payment
1	1-May-21	7,350,000	422,000	147,000	569,000
2	1-May-22	6,928,000	431,000	138,560	569,560
3	1-May-23	6,488,000	440,000	129,760	569,760
4	1-May-24	6,038,000	450,000	120,760	570,760
5	1-May-25	5,579,000	459,000	111,580	570,580
6	1-May-26	5,111,000	468,000	102,220	570,220
7	1-May-27	4,633,000	478,000	92,660	570,660
8	1-May-28	4,144,000	489,000	82,880	571,880
9	1-May-29	3,645,000	499,000	72,900	571,900
10	1-May-30	3,136,000	509,000	62,720	571,720
11	1-May-31	2,617,000	519,000	52,340	571,340
12	1-May-32	2,087,000	530,000	41,740	571,740
13	1-May-33	1,546,000	541,000	30,920	571,920
14	1-May-34	994,000	552,000	19,880	571,880
15	1-May-35	431,000	563,000	8,620	571,620
TOTAL			7,350,000	1,214,540	8,564,540

PERRY CITY, UTAH
PARAMETERS RESOLUTION
August 13, 2020

RESOLUTION NO. 2020-14

A RESOLUTION AUTHORIZING NOT MORE THAN \$8,850,000 OF TAXABLE SEWER REVENUE REFUNDING BONDS, SERIES 2020 TO REFINANCE THE ISSUER'S OUTSTANDING SEWER REVENUE BONDS, SERIES 2008; PROVIDING FOR PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF SEWER REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AMOUNT, MATURITY, INTEREST RATE, AND DISCOUNT AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, Perry City, Box Elder County, Utah (the "Issuer"), previously issued its Sewer Revenue Bonds, Series 2008 (the "Refunded Bonds") to construct sewer system improvements, and related improvements; and

WHEREAS, pursuant to the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), provides that an issuer may refund bonds that were issued by nonvoted revenue bonds; and

WHEREAS, the City Council (the "Council") of Perry City, Box Elder County, Utah (the "Issuer") desires to finance and refund its Sewer Revenue Bonds, Series 2008 (the "Refunded Bonds") at a savings, which were issued for sewer system improvements, and other related improvements (the "Project") to the Issuer's System, including all equipment and necessary appurtenances thereof (the "System"), and desires to finance said refunding by issuing its Taxable Sewer Revenue Refunding Bonds, Series 2020 in the total principal amount of not to exceed \$8,850,000 (the "Series 2020 Bonds") for the municipal purposes set forth herein; and

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

NOW, THEREFORE, be it resolved by the City Council (the "Governing Body") of Perry City, Box Elder County, Utah:

Section 1. The City 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 authorize the issuance of not more than \$8,850,000 aggregate principal amount of its Taxable Sewer Revenue Refunding Bonds, in one or more series, to bear interest or hardship grant assessment in lieu of interest at the maximum rate of two percent (2.0%) per annum, to mature in not more than seventeen (17) years from their date or dates, and to be sold at a price not less than 99% of the total principal amount thereof for the

purpose of financing, in whole or in part, retiring and refunding the Issuer's outstanding Refunded Bonds, and related matters, all pursuant to this Resolution and a Final Bond Resolution to be adopted by the Issuer 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 (collectively, the "Bond Resolutions"), when adopted.

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

Section 3. Pursuant to Section 11-27-4 of the Act, the Issuer shall publish a Notice of Bonds to Be Issued substantially in the form attached hereto as Exhibit B (the "Notice") to be published once in a newspaper of general circulation in the Issuer, (2) to cause the Notice to be posted to the Utah Public Notice Website, and (3) to cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the City Recorder's office in Perry, Utah, for public examination during the regular business hours of the Issuer until at least 30 days from and after the last date of publication of the Notice.

Section 4. The Issuer hereby retains Eric Todd Johnson as bond counsel for the Series 2020 Bonds and directs its officials and staff to assist their professionals.

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 and this Resolution shall be in full force and effect immediately upon its approval and adoption.

Section 7. The City Recorder is hereby authorized and directed to complete and execute the Record of Proceedings attached hereto to officially record the proceedings at which this Resolution was considered for adoption.

APPROVED AND ADOPTED August 13, 2020.

Mayor

ATTEST:

City Recorder

[SEAL]

EXHIBIT A

FINAL BOND RESOLUTION

(See Transcript Document No. __)

EXHIBIT B

NOTICE OF BONDS TO BE ISSUED

PUBLIC NOTICE IS HEREBY GIVEN that on August 13, 2020, the City Council (the “Governing Body”) of Perry City, Box Elder County, Utah (the “Issuer”) adopted a resolution (the “Resolution”) declaring its intention to issue Taxable Sewer Revenue Refunding Bonds, Series 2020 (the “Bonds”) pursuant to the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended.

PURPOSE FOR ISSUING BONDS

The Issuer intends to issue the Bonds for the purpose of refinancing at a savings, all or a portion of, the costs of refunding the Issuer’s Taxable Sewer Revenue Bonds, Series 2008 issued to fund Sewer system improvements and related improvements.

PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the principal amount of not to exceed \$8,850,000, to bear interest or hardship grant in lieu of interest of not to exceed two percent (2.0%) per annum, to mature in not more than seventeen (17) years from their date or dates, and to be sold at a price not less than 99% of the total principal amount thereof, plus accrued interest to the date of delivery.

REVENUES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge the net revenues of its Sewer system for repayment of the Bonds.

The Bonds are to be issued and sold by the Issuer at a cost savings pursuant to the Resolution, including as part of said Resolution the draft of a Final Bond Resolution (collectively the “Bond Resolutions”), which was before the Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution. The Final Bond Resolution is to be finalized by the Council in such form and with such changes thereto as shall be approved by the Council upon the adoption thereof, provided that the principal amount, interest rate or rates, maturity and discount of the Bonds will not exceed the maximums set forth above.

Copies of the Resolution and the Final Bond Resolution are on file in the office of the City Recorder of the Issuer in Perry, Utah, where they may be examined during regular business hours of the City Recorder by appointment only for a period of at least thirty (30) days from and after the date of publication of this notice. Appointments can be made by calling the City Recorder at 435-723-6461.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution and the Final Bond Resolution 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 in Box Elder County, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

DATED: August 13, 2020.

/s/ Susan O Bray
City Recorder

(S E A L)

RECORD OF PROCEEDINGS

The City Council of the Issuer met in public session at the City Council's regular meeting place in Perry, Utah on August 13, 2020 (the "Meeting"), at the hour of 7:30 p.m., or as soon thereafter as feasible, with the following members of the City Council being present:

Kevin Jeppsen	Mayor
Toby Wright	Council Member
Esther Montgomery	Council Member
Andrew Watkins	Council Member
Nathan Tueller	Council Member
Blake Ostler	Council Member

Also present:

Robert Barnhill	City Administrator
Shanna Johnson	Finance & HR Director
Susan Obray	City Recorder

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 Council Member _____ and seconded by Council Member _____, 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 THE CITY RECORDER

I, Susan O Bray, the duly appointed and qualified City Recorder of the Issuer, do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the City Council at a public meeting duly held on August 13, 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 August 13, 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 August 13, 2020.

(S E A L)

City Recorder

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Susan Obray, the City Recorder of 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 24 hours public notice of the agenda, date, time and place of the August 13, 2020 public meeting held by the governing body of the Issuer as follows:

(a) By causing a Meeting Notice, in the form attached, to be posted at the principal office of the Issuer at least 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.

(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.

(d) By causing a copy of the Meeting Notice to be delivered to each member of the City Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 13, 2020.

City Recorder

(S E A L)

[Attach Meeting Notice and Affidavit of Publication of Notice of Bonds to be Issued]

**PERRY CITY, BOX ELDER COUNTY, UTAH
FINAL BOND RESOLUTION**

**TAXABLE SEWER REVENUE REFUNDING BONDS, SERIES 2020
SEPTEMBER 10, 2020**

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$_____ TAXABLE SEWER REVENUE REFUNDING BONDS, SERIES 2020, TO REFINANCE THE ISSUER'S OUTSTANDING TAXABLE SEWER REVENUE BONDS, SERIES 2008; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), provides that an issuer may refund bonds that were issued by nonvoted revenue bonds; and

WHEREAS, Perry City, Box Elder County, Utah (the "Issuer"), desires to finance and refund its Taxable Sewer Revenue Bonds, Series 2008 (the "Refunded Bonds"), at a savings, and desires to finance said refunding, in part, by issuing its Taxable Sewer Revenue Refunding Bonds, Series 2020 in the total principal amount of \$_____ (the "Series 2020 Bond or Bonds"); and

WHEREAS, the State of Utah acting through the Department of Environmental Quality, Water Quality Board (the "Water Quality Board") has offered to purchase the Issuer's Series 2020 Bonds in the total principal amount of \$_____ and bearing, in lieu of interest, a Hardship Grant Assessment at the rate of two percent (2.0%) per annum on the unpaid principal amount thereof; and

WHEREAS, the Issuer does not have on hand money to pay the cost thereof, but the revenues to be derived by the Issuer from the operation of its Sewer System (as defined herein) 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 Issuer desires to accept the offer of the Water Quality Board and to confirm the sale of the Series 2020 Bonds to the Water Quality Board; and

WHEREAS, the Issuer has been advised that its System (as defined in Article I hereof) will generate sufficient revenues to pay for the operation and maintenance of the System, as well as debt service on all proposed and Outstanding Bonds, if any, secured by the revenues of the System, including the Series 2020 Bonds authorized herein; and

WHEREAS, the Series 2020 Bonds will be issued upon the surrender by the Water Quality Board of the Taxable Sewer Revenue Bonds, Series 2008:

NOW, THEREFORE, Be It Resolved by the City Council (the “Governing Body”) of Perry City, Box Elder 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 Hardship Grant Assessment to be paid by the Issuer during any Sinking Fund Year on the Series 2020 Bonds and all outstanding bonds, if any, or other forms of indebtedness issued on a parity with the Series 2020 Bonds and which are secured by the Net Revenues of the System.

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

“Bond” or “Bonds” means the Series 2020 Bonds, and any bonds issued on a parity therewith.

“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 Sewer Revenue Account as herein described, the deposits of which Bank shall be insured by the Federal Deposit Insurance Corporation.

“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 Fully Registered Bond in the denomination(s) equal to the aggregate principal amount of the applicable Series 2020 Bonds authorized herein.

“Hardship Grant Assessment” means a special assessment levied by the Water Quality Board against the Issuer in consideration for agreeing to finance the Project financed with the Series 2020 Bonds and shall equal 2.0% per annum of the outstanding principal balance of the Series 2020 Bonds and shall be payable as provided herein.

“Issuer” means Perry City, Box Elder 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 sewer or wastewater treatment, whether incurred by the Issuer or paid to any other municipality 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.

“Paying Agent” means the person or persons authorized by the Issuer to pay the principal of and Hardship Grant Assessment on the Series 2020 Bonds on behalf of the Issuer. The initial paying agent for the Series 2020 Bonds is the City Recorder of the Issuer.

“Project” means to refinance and refund the Issuer’s outstanding Taxable Sewer Revenue Bonds, Series 2008 which were issued for sewer system improvements, and related improvements, including all equipment and necessary appurtenances thereof.

“Refunded Bonds” means the Issuer’s outstanding Taxable Sewer Revenue Bonds, Series 2008.

“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.

“Reserve Fund Requirement” means \$_____, which amount is the maximum annual debt service on the Series 2020 Bonds.

“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, connection charges, impact fees imposed to finance the Project, if any, to the extent such impact fees are pledged and available for payment of the Series 2020 Bonds, 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 Taxable Sewer Revenue Refunding Bond, Series 2020 in the total principal amount of \$_____ purchased by the Water Quality Board.

“Sinking Fund Year” means the twelve-month period beginning on July 1 of each 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 Bond 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 Issuer’s sewage collection and/or treatment system, including the Project to be acquired and constructed pursuant to this Bond Resolution, 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.

“Water Quality Board” means the State of Utah Department of Environmental Quality, Water Quality Board, or any successor agency.

ARTICLE II

ISSUANCE OF SERIES 2020 BONDS

Section 2.1. Principal Amount, Designation, Series and Hardship Grant Assessment Rate. The Series 2020 Bonds are hereby authorized for issuance for the purpose to (i) refinance and refund the Issuer's outstanding Taxable Sewer Revenue Bonds, Series 2008 which were issued for sewer system improvements, and related improvements. 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, in lieu of interest, a Hardship Grant Assessment from its delivery date at the rate of two percent (2.0%) per annum on the unpaid balance of the Total Principal Sum and shall be payable as specified herein. The Series 2020 Bonds, whether issued as State Bonds or Exchange 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, "Perry City, Box Elder County, Utah Taxable Sewer Revenue Refunding Bonds, Series 2020".

In consideration for the Water Quality Board's financing the Project, the Issuer shall be obligated to pay to the Water Quality Board and any subsequent owner of the Series 2020 Bonds a Hardship Grant Assessment. The Hardship Grant Assessment shall accrue on the outstanding principal balance of the Series 2020 Bonds beginning on the date of initial delivery of the Series 2020 Bonds and shall be computed in the same manner as interest such that as the outstanding balance of Series 2020 Bonds is increased or decreased, the Hardship Grant Assessment shall be computed on the basis of the increased or decreased principal balance from the date of such increase or decrease to the earlier of (i) the next change in principal balance or (ii) the next succeeding payment date. The payment dates for the Hardship Grant Assessment shall be _____ 1, 2021, and each _____ 1 thereafter until the Series 2020 Bonds are paid in full.

Section 2.2. Date and Maturities. The Series 2020 Bonds shall be dated as of their date of delivery, shall be in the amount of \$1,000 or any multiple thereof, and shall be paid as provided in this Section 2.2. 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 Bond at the offices of the Paying Agent for endorsement or surrender, or of any successor Paying Agent. Payment of Hardship Grant Assessment 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 the United States of America.

So long as the Water Quality Board is the Registered Owner of the State Bond, payments of principal and Hardship Grant Assessment shall be made by check or draft and mailed to the Water Quality Board as the Registered Owner at the address shown on the registration books maintained by the City Recorder. So long as the Water Quality Board is the Registered Owner of the State Bond, in lieu of presentation or the surrender of the State Bond to the Paying Agent for notations by the Paying Agent of such payments, the Water Quality Board, by its Chair or his designee, shall endorse such payments upon the State Bond.

The Issuer shall make the principal payments stated for each year, until the Total Principal Sum shall be paid in full, together with unpaid Hardship Grant Assessment on the unpaid principal balance payable on each _____ 1 beginning _____ 1, 2021, as follows:

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

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

Section 2.3. 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 State Bonds of a particular due date are to be redeemed, upon notice as provided in Section 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 Water Quality Board

with respect to the State Bonds, and at a redemption price equal to 100% of the principal amount to be prepaid or redeemed, plus accrued Hardship Grant Assessment, if any, to the date of redemption.

Section 2.4. 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 series, to be redeemed, 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 such 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 shall be conclusively presumed to have been duly given, whether or not the Registered Owner of such Series 2020 Bonds receives the notice. Receipt of such notice, shall not be a condition precedent to such redemption, and failure so to receive any such notice by any of such 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 2.5. 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 imprinted or otherwise placed on the Series 2020 Bonds the official seal of the Issuer. The City Recorder is hereby authorized to deliver to the Water Quality Board the Series 2020 Bonds upon surrender to the Issuer of the Series 2008 Bond.

Section 2.6. Delinquent Payment. Payments 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 said due date until paid in full.

Section 2.7. Exchange of State Bonds. As long as the Water Quality Board is the sole Registered Owner of the Series 2020 Bonds, the Series 2020 Bonds shall be issued only as the State Bonds in the form prescribed in Exhibit "A-1". It is recognized that the Water Quality Board may sell or otherwise transfer the Series 2020 Bonds pursuant to the provisions of the State Financing Consolidation Act, Title 63, Chapter 65, Utah Code Annotated 1953, as amended, or otherwise. In the event the Water Quality 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 State 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 2.7 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 Water Quality 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 State 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 State Bonds for Exchange Bonds, provided that the Water Quality Board shall 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 3.1. 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 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 duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Registrar and duly executed by, the Registered Owner or his attorney duly authorized in writing, the Issuer shall execute and deliver in the name of the transferee or transferees, a new Bond or Bonds 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 3.2. Deposit of Bond Proceeds. The proceeds from the sale of the Series 2020 Bonds 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. Any unexpended balance remaining in the Escrow Account after completion of the Project shall be paid immediately into the “Perry City Taxable Sewer Revenue Refunding Bond Sinking Fund”, hereinafter referred to herein as the “Sinking Fund” established hereunder, and shall be used only for the prepayment of the Series 2020 Bonds. Principal last to become due shall be prepaid first, and in the event less than all of the principal amount of the Bonds maturing on the last due date are to be redeemed, the Issuer shall by lot select those Bonds to be prepaid. 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 3.3 The Series 2020 Bonds Constitute Special Limited Obligations. Notwithstanding anything in this Bond Resolution elsewhere contained, the principal and Hardship Grant Assessment and interest, if any, on the Series 2020 Bonds shall be payable out of 100% of the Net Revenues which are hereby pledged for repayment of the Series 2020 Bonds, 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 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 said funds available and has not pledged any of such funds for such purpose.

Section 3.4. 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 the Perry City Sewer Revenue Fund referred to herein as “Revenue Fund”, established hereunder, to be held by the Depository Bank. The Issuer will thereafter make accounting allocations of the funds deposited in said 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 Account 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 as hereinafter provided.

(b) All amounts in the Revenue Fund not allocated to the Expense Account (the “Net Revenues”) shall be allocated next to the Sinking Fund as follows:

(i) Of the amounts allocated to the Sinking Fund there shall be allocated the following amounts 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, on a parity basis the prompt payment of the principal and Hardship Grant Assessment on the Series 2020 Bonds as shall become due. The amount to be so set aside as of the date of delivery of the Series 2020 Bonds by the Issuer shall be the maximum annual payment on the Series 2020 Bonds, to the end that there will be sufficient funds allocated to the Outstanding Bonds, if any, and Series 2020 Bonds to pay principal and Hardship Grant Assessment thereon when the same become due. In the event there are insufficient Net Revenue available to meet all payment obligations on the Series 2020 Bonds as required by this subsection the available Net Revenues shall be allocated on a pro rata basis based on the debt service payment on the Series 2020 Bonds then due and payable. Amounts allocated to the Sinking Fund shall be solely for the purpose of paying principal and Hardship Grant Assessment on the Series 2020 Bonds and shall not be reallocated, transferred or paid out for any other purpose prior to payment of amounts due with respect to the Series 2020 Bonds; 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 (b) to the “Reserve Account Series 2020” established on the books of the Issuer as of the date of delivery of the Bonds, the Issuer shall set aside as of the date of delivery of the Series 2020 Bonds an amount equal to the maximum annual payment on the Series 2020 Bond and shall be accumulated therein. Amounts allocated to the Reserve Account Series 2020 shall be used to pay the principal and Hardship Grant Assessment falling due on the 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 Account Series 2020 has been funded as in this paragraph provided, no further allocations to the Reserve Account Series 2020 need be made unless payments from the Reserve Account Series 2020 have reduced the same below the amounts required by this paragraph, in

which event allocations shall be made monthly until such deficiency has been remedied; and

(iii) As of the date of delivery of the Series 2020 Bonds, the Issuer shall set aside funds for an “Emergency Repair and Replacement Account” established on the books of the Issuer. Funds on deposit in the Emergency Repair and Replacement Account shall be used solely for emergency repairs and replacements to the System as the need arises.

(iv) All remaining funds, if any, in the Sinking Fund after all of the payments required to be made into the Bond Account and Reserve Account have been made, may be used by the Issuer (a) to prepay or redeem 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 3.5. Investment of Funds. Any funds allocated to the Bond Account, Emergency Repair and Replacement Account and the Reserve Account Series 2020 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 and Emergency Repair and Replacement Account shall be maintained in said fund and disbursed along with the other moneys on deposit therein as herein provided. All income derived from the investment of the Reserve Account Series 2020 shall at the end of each Sinking Fund Year be transferred by the Issuer to the Bond Account so long as the Reserve Account Series 2020 after said transfer have funds equaling the Reserve Fund Requirement. Should the Reserve Account Series 2020 have less than the Reserve Fund Requirement, then said income shall be maintained in the Reserve Account Series 2020, until total deposits equals the Reserve Fund Requirement. There shall not be required to be in the Bond Account and the Reserve Account Series 2020 at any time more than the total amount required to pay the total principal outstanding of the Series 2020 Bonds. Whenever the money in the Bond Account and the Reserve Account Series 2020 equals the total principal amount of the Series 2020 Bonds outstanding, the money in said Accounts shall be used to prepay all of such Bonds.

ARTICLE IV

COVENANTS

Section 4.1. 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 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 Bonds, 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 Bonds and any Parity Bonds (as defined in 4.2) when due, and to make available for purposes having priority junior to the Sinking Fund in the application of the Net Revenues in each Sinking Fund Year, at least twenty-five percent (25%) of the Annual Debt Service for each such year. All Net Revenues, including those received from the Issuer, shall be subject to distribution for the payment of the cost of operating and maintaining the System, and the payment of the Bonds, as hereinabove provided.

(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.

(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 Bondholder; provided, however, during such periods of time as the Water Quality Board is the Registered Owner of the State Bonds, each such audit will be supplied to the Water Quality Board as soon as completed without prior request therefor by the Water

Quality Board. Each such audit, in addition to whatever matters may be thought proper by the accountant to be included therein, 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 sewer connections within the boundaries of the Issuer, and applications for sewer service on hand at the end of the Sinking Fund Year;
- (vii) The total billings for such Sinking Fund Year;
- (viii) All schedules of rates and charges imposed for 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 Subsection 4.1.(d), provided, however, that such waiver shall not apply to the reporting requirements of the Issuer set forth in Subsection 4.1.(e) herein.

(e) In addition to the reporting requirements set forth in Subsection 4.1.(d) above, the Issuer shall submit to the Water Quality 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 Water Quality 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 Water Quality 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 other 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 said property 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 may consolidate the bills submitted for sewer service with those submitted for water service, if applicable, for those persons who are liable for the payment of charges for such services and require that each such consolidated bill be paid in full as a unit, and refuse to permit payment of one portion without payment of the remainder. 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 sewer bill remains delinquent for more than sixty (60) days, it will initiate proceedings to cause all water service to the water user concerned to be cut off immediately.

(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 sewer system within its corporate 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 and all charges made by the Depository Bank for its services shall be paid by the Issuer.

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

(p) The Issuer agrees, in accepting the proceeds of the Series 2020 Bonds, to comply with all applicable state and federal regulations related to the Utah State Revolving Fund administered by the Water Quality Board. These requirements include, but are not limited to, Title VI of the Clean Water Act of 1987, The Single Audit Act of 1996, the Utah Wastewater Loan Program policies and guidelines, the Utah Refunding Bond Act, the Utah Money Management Act, the Utah Procurement Code and the State of Utah Legal Compliance Audit Guide, and Generally Accepted Accounting Principles (GAAP).

Section 4.2 Additional Indebtedness. No additional indebtedness, bonds or notes of the Issuer payable on a priority superior to the Series 2020 Bonds out of the Net Revenues from the System 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:

(1) 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 unrefunded Series 2020 Bonds. 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. Refunding bonds may be exchanged with the consent of the Bondholder 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.

(2) 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"):

(a) The Net Revenues of the System in 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 and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued with an allowance for earnings arising from any increase in sewer rates which have become effective prior to incurring the additional indebtedness in an amount equal to 95% of the amount by which the billings to customers for such Sinking Fund Year would have been increased, if such increase in rates had been in effect during the Sinking Fund year; provided, this limitation may be waived or modified by the written consent of the registered owners and holders of 75% of the principal amount of the Bonds and Parity Bonds then outstanding.

(b) 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 fund the full amount required by this Bond Resolution to be accumulated therein.

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

(d) The proceedings authorizing such Parity Bonds must raise the amount to which the reserve funds shall be accumulated to an amount no less than the highest future Annual Debt Service of all Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued and must require the accumulation of such amount in the Reserve Account to be accomplished within six (6) years after delivery of such Parity Bonds.

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

ARTICLE V

MISCELLANEOUS

Section 5.1. 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, said 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. Said 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 said 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 5.2. 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 to be sent to all Bondholders of all Series 2020 Bonds then outstanding. Such 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 said notice and shall specifically consent to and approve the adoption thereof. Upon receipt of Bondholder consents representing at least 75% of the principal of Series 2008 Bonds outstanding, the governing body of the Issuer may adopt said amendatory resolution, and it shall become effective, provided, however, that nothing in this Section shall permit or be construed as permitting (a) an extension of the stated maturity or reduction in the principal amount of, or reduction in the rate of or extension of the time of paying of interest, if any, without the consent of the Bondholder of all the Series 2020 Bonds, or (b) a reduction in the amount or extension of the time of any payment required by any fund or account established hereunder without the consent of the Bondholders of all the Series 2020 Bonds which would be affected by the action to be taken, or (c) a reduction in the aforesaid aggregate principal amount of Series 2020 Bonds, the Bondholders of which are required to consent to any such waiver or a mandatory resolution, or (d) affect the rights of the Bondholders of less than all Series 2020 Bonds then outstanding, without the consent of the Bondholders of all the Series 2020 Bonds at the time outstanding which would be affected by the action to be taken.

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, said 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 the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section 5.3. 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 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 Hardship Grant Assessment or interest, if any, on the Series 2020 Bonds authorized herein or to meet any obligation contained herein concerning the Series 2020 Bonds.

Section 5.4. 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 canceled 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 5.5. Sale of Series 2020 Bonds Approved. The sale of the Series 2020 Bonds to the Water Quality Board is hereby ratified, confirmed and approved.

Section 5.6. 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 5.7. Notice of Bonds to be Issued. In accordance with the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), the Issuer has designated the Box Elder News Journal, as the official newspaper of the Issuer authorized to publish legal notices for the Issuer, and in accordance with the Act, the City Recorder has caused a "Notice of Bonds to be Issued" to be (1) published once in the Box Elder News Journal, a newspaper of general circulation in the Issuer, (2) posted on the Utah Public Notice Website, and (3) posted in the office of the Issuer.

Section 5.8. 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 5.9. 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 5.10. Compliance with Refunding Bond Act. It is hereby declared by the governing body of the Issuer that it is the intention of the Issuer by the adoption of this Bond Resolution to comply in all respects with the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the “Act”), and that the Series 2020 Bonds shall be incontestable after issuance.

Section 5.11. 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.

PASSED AND ADOPTED THIS SEPTEMBER 10, 2020.

Mayor

ATTEST:

City Recorder

(S E A L)

RECORD OF PROCEEDINGS

The Council of the Issuer met in public session at the regular meeting place of the Council at 3005 S. 1200 W. in Perry, Utah, on September 10, 2020, at the hour of 7:00 p.m., or as soon thereafter as feasible, with the following members of the Council being present:

Present:

Kevin Jepps	Mayor
Toby Wright	Council Member
Esther Montgomery	Council Member
Andrew Watkins	Council Member
Nathan Tueller	Council Member
Blake Ostler	Council Member

Also Present:

Robert Barnhill	City Administrator
Shanna Johnson	Finance & HR Director
Susan Obray	City Recorder

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 Ordinance was put to a vote and carried, the vote being as follows:

YEA:

NAY:

ABSTAINING:

The Resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of the Issuer.

CERTIFICATE OF CITY RECORDER

I, Susan O Bray, the duly appointed and qualified City Recorder of the Issuer, do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the Council at a public meeting duly held on September 10, 2020 (the "Meeting"). The Meeting was called and noticed as required by law as is evidenced by the attached Certificate of Compliance with Open Meeting Law. 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 10, 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 10, 2020.

(SEAL)

City Recorder

**CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW**

I, Susan O Bray, the undersigned City Recorder of 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 24 hours public notice of the agenda, date, time and place of the September 10, 2020, public meeting, held by the Issuer as follows:

(a) By causing a Meeting Notice, in the form attached, to be posted at the Issuer's principal offices, at least 24 hours before the convening of the meeting, the Meeting Notice having continuously remained posted and available for public inspection until the completion of the meeting;

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

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the meeting.

(d) By causing a copy of the Meeting Notice to be delivered to each member of the City Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September 10, 2020.

(SEAL)

City Recorder

(Attach Meeting Notice and posting to Utah Public Notice Website)

EXHIBIT "A-1"

FORM OF STATE BONDS

UNITED STATES OF AMERICA
STATE OF UTAH
COUNTY OF BOX ELDER
PERRY CITY
TAXABLE SEWER REVENUE REFUNDING BOND
SERIES 2020

\$_____

Perry City, Box Elder 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 Department of Environmental Quality, Water Quality Board, the registered owner hereof, or to the registered assigns last named on the registration certificate attached hereto, the Total Principal Sum set forth in the "Certificate of Dates of Payment and Amount" set forth at the end of this Bond, but in no event more than a maximum principal amount of \$_____, together with, in lieu of interest, a Hardship Grant Assessment on the unpaid principal balance from the delivery date of this Bond at the rate of two percent (2.0%) per annum (calculated on the basis of a year of 360 days comprised of twelve 30-day months) on the unpaid balance of the Total Principal Sum, payable annually on _____ 1 of each year. Principal together with accrued but unpaid Hardship Grant Assessment, shall be payable in registered installments on _____ 1 of each of the years as set forth in the following Repayment Schedule:

<u>_____ 1</u>	<u>Principal Maturing</u>
2021	\$_____
2022	_____
2023	_____
2024	_____
2025	_____
2026	_____
2027	_____
2028	_____
2029	_____
2030	_____
2031	_____
2032	_____
2033	_____
2034	_____

The Issuer shall be obligated to pay to the Water Quality Board and any subsequent owner of the Series 2020 Bonds a Hardship Grant Assessment. The Hardship Grant Assessment shall accrue on the outstanding principal balance of the Series 2020 Bonds beginning on the date of initial delivery of the Series 2020 Bonds and shall be computed in the same manner as interest such that as the outstanding balance of Series 2020 Bonds is increased or decreased, the Hardship Grant Assessment shall be computed on the basis of the increased or decreased principal balance from the date of such increase or decrease to the earlier of (i) the next change in principal balance or (ii) the next succeeding payment date. The payment dates for the Hardship Grant Assessment shall be _____ 1, 2021, and each _____ 1 thereafter until the Series 2020 Bonds are paid in full.

“Hardship Grant Assessment” means a special assessment levied by the Water Quality Board against the Issuer in consideration for agreeing to finance the Project financed with the Series 2020 Bonds and shall equal 2.0% per annum of the outstanding principal balance of the Series 2020 Bonds and shall be payable as provided herein.

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 Paying Agent, or of any successor Paying Agent. Payments of Hardship Grant Assessment 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.

As long as the State of Utah Department of Environmental Quality, Water Quality Board (the “Water Quality Board”) is the registered holder of this Bond, installment payments of principal and Hardship Grant Assessment shall be made by check or draft mailed to the Water Quality 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 Hardship Grant Assessment is not paid when due and payable, the Issuer shall pay interest on the delinquent installment at the rate of eighteen percent (18%) per annum from said 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, then to Hardship Grant Assessment, and then to principal.

This Bond is payable solely from a special fund designated “Perry City Taxable Sewer Revenue Refunding 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 (as defined in the Bond Resolutions herein described) derived and to be derived from the operation of the Issuer's sewer system (the “System”), all as more fully described and provided in the Parameters Resolution adopted by the governing body of the

Issuer on August 13, 2020 and a Final Bond Resolution adopted on September 10, 2020 (collectively, the “Bond Resolutions”).

This Bond is issued pursuant to (i) the Bond Resolutions, and (ii) the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the “Act”), for the purpose to (i) refinance and refund the Issuer’s outstanding Taxable Sewer Revenue Bonds, Series 2008 which were issued for sewer system improvements, and related improvements. 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. After issuance this Bond shall be incontestable.

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 Resolutions 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 therefor or to make any appropriation for its payment.

This 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 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 sewer service sufficient to pay when due this Bond, and the principal and interest on all bonds 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 issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolutions 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 Resolutions 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 Resolutions 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 an 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 said book by the registered owner hereof in person or by his 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 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 (as defined in the Bond Resolution) 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 issued on a parity with this Bond, if any, and that said Net Revenues are not pledged, hypothecated or anticipated in any way other than by the issue of this Bond and all bonds issued on a parity with this Bond, if any.

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 said Issuer this 22nd day of September, 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 Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Bond Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATE OF DATES
OF PAYMENT AND AMOUNT

The undersigned authorized representative of the State of Utah Department of Environmental Quality, Water Quality Board (the “Water Quality Board”) hereby certifies that the Water Quality Board has received written authorization from the Paying Agent of the Issuer to stamp or write the amount or amounts indicated below on the date or dates set forth opposite such amount(s); that the amount last inserted under the column “Total Principal Sum” is the total amount received by the Issuer for the issuance of this Bond, and that the undersigned has placed his/her signature in the space provided opposite such amount(s) to evidence the same.

<u>Amount of Payment</u>	<u>Date of Payment</u>	<u>Total Principal Sum</u>	WQB <u>Representative Signature</u>
\$_____	_____	\$_____	_____
\$_____	_____	\$_____	_____
\$_____	_____	\$_____	_____
\$_____	_____	\$_____	_____
\$_____	_____	\$_____	_____

EXHIBIT "A-2"

FORM OF EXCHANGE BOND

UNITED STATES OF AMERICA
STATE OF UTAH
COUNTY OF BOX ELDER
PERRY CITY
TAXABLE SEWER REVENUE REFUNDING BONDS, SERIES 2020

HARDSHIP GRANT
ASSESSMENT RATE

MATURITY DATE

ISSUE DATE

2.0%

Registered Owner: _____

Principal Amount: _____ Dollars

Perry City, Box Elder 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. In lieu of interest, a Hardship Grant Assessment at the rate specified above on the Principal Amount hereof (calculated on the basis of a 360-day year comprised of twelve 30-day months) shall be payable by check or draft mailed by the City Recorder of the Issuer (the "Paying Agent") to the Registered Owner hereof beginning _____ 1, 20____ and on each _____ 1 thereafter until this Bond is paid in full. 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.

The Issuer shall be obligated to pay to the Water Quality Board and any subsequent owner of the Series 2020 Bonds a Hardship Grant Assessment. The Hardship Grant Assessment shall accrue on the outstanding principal balance of the Series 2020 Bonds beginning on the date of initial delivery of the Series 2020 Bonds and shall be computed in the same manner as interest such that as the outstanding balance of Series 2020 Bonds is increased or decreased, the Hardship Grant Assessment shall be computed on the basis of the

increased or decreased principal balance from the date of such increase or decrease to the earlier of (i) the next change in principal balance or (ii) the next succeeding payment date. The payment dates for the Hardship Grant Assessment shall be _____, and each _____ thereafter until the Series 2020 Bonds are paid in full.

“Hardship Grant Assessment” means a special assessment levied by the Water Quality Board against the Issuer in consideration for agreeing to finance the Project financed with the Series 2020 Bonds and shall equal 2.0% per annum of the outstanding principal balance of the Series 2020 Bonds and shall be payable as provided herein.

If this Bond or any installment of Hardship Grant Assessment 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 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 Taxable Sewer Revenue Refunding Bond, Series 2020 dated September 22, 2020, in the Total Principal Sum of \$_____, authorized by a Parameters Resolution of the Issuer duly adopted on August 13, 2020, and a Final Bond Resolution adopted on September 10, 2020 (the “Bond Resolutions”). This Bond and the issue of Bonds of which it is a part is issued pursuant to (i) the Bond Resolutions, and (ii) the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the “Act”), for the purpose to (i) refinance and refund the Issuer’s outstanding Taxable Sewer Revenue Bonds, Series 2008 which were issued for sewer system improvements, and related improvements. 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 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 Resolutions 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 therefor 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 (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 said 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 sewer service sufficient to pay this Bond when due and principal and Hardship Grant Assessment on all bonds 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 issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolutions 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 Resolutions 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 Resolutions 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 Perry City, Utah, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolutions 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 said 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 issued on a parity with this Bond, if any, and that said 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 issued on a parity with this Bond, if any.

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 the ____ day 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

_____ (Tax Identification or Social Security 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.

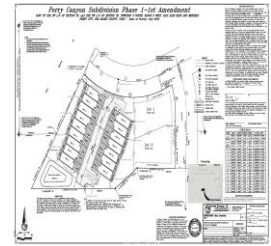
Signature Guaranteed:

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.

Staff Report

July 23, 2020

Perry City Council



Final Subdivision for the Perry Canyon Subdivision - Rick Scadden, located at 143 W 1550 S

NOTE: This application is vested under the old subdivision code. Planning Commission has forward this application to you under the condition that a few corrections are addressed. The applicant has indicated they will have fully updated drawings to us shortly. This item was placed on your agenda in hopes that this will be the case and the application will be ready for consideration.

Summary

The property is approximately 1.3 acres and is located adjacent to Highway 89 and 1550 S. The plans show two single family lots of 8,000 sf and 16 townhome units.

The public roads around the property are already developed. The storm water plan will also accommodate an existing regional storm water pond.

Code Compliance

Updated plans and engineering review is still pending. Fire Marshall approval has been received.

Considerations and Recommendations

Planning Commission unanimously recommended this application be forwarded to City Council once staff comments have been adequately addressed. Please take note that this application was begun prior to the new subdivision code being adopted as well the design standards for multi-family dwellings. If the necessary corrections are made, the application should be ready for approval.



1 PERRY CITY WORK SESSION

2 PERRY CITY OFFICES

3 June 25, 2020

6:00 PM

6 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Blake
7 Ostler, Toby Wright, and Andrew Watkins

9 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder; Robert Barnhill, City
10 Planner; Bill Morris, City Attorney, Scott Hancey, Chief of Police;
11 Tyler Wagstaff, Public Works

13 OTHERS PRESENT:

15 **ITEM 1: Welcome to Order and Welcome**

16 Mayor Jeppsen welcomed everyone and called the meeting to order.

18 **ITEM 2: FY2021 Budget Planning**

19 Shanna Johnson reviewed the Fiscal Year 2021 budget with the Council and where the money
20 currently is at. She discussed that the Council needs to decide how to allocate the new funds that
21 will be generated from the proposed property tax rate, which is the same tax rate as Fiscal Year
22 2020/Tax Year 2019. This being more than the certified tax rate, it is considered as a tax increase.
23 If adopted the tax increase will generate \$73,754 new dollars for the city.

25 Ms. Johnson reviewed and discussed the options of where the increase could be applied with the
26 Council, with suggestions from the department heads as follows:

- 28 • Law Enforcement
 - 29 -Training Budget of \$12,000
 - 30 -Physical Training Bonus to \$3500
 - 31 -Graveyard pay differential \$6250
- 32 • Public Works
 - 33 -Road Maintenance
 - 34 -Sidewalk Repair
 - 35 -Signage and Lights
- 36 • First Responders
 - 37 -Would like to have their original budget restored

39 Ms. Johnson discussed developing a Capital Improvement Plan. Bob Barnhill discussed needing to
40 update the outdated capital facilities plans the City has so that there is a better idea going forward
41 on the different projects that the City needs to do.

43 Council Member Watkins expressed wanting to make sure that how the money is spent is detailed
44 for taxpayers to see where it is going.

Council Member Ostler discussed the idea of past due projects (things that should have been done but money not available to complete) and current needs. He also showed the Council Capital Improvement Plans listed in Municode and questioned where the city is at according to these plans.

The Council discussed the parks plans, different projects, impact fees and lists.

Ms. Johnson asked the Council if they had any questions regarding the changes to the budget. Council Member Wright asked about the Coronavirus Relief Fund. Ms. Johnson explained this is Federal funding distributed to the State and its agencies as part of the C.A.R.E.S. act. It helps to recoup the costs related to the coronavirus impact and cannot be used to replace lost revenue.

Ms. Johnson discussed the latest sales tax for June (reflecting April sales) which came in higher than the previous year, even with the concerns of how the coronavirus could impact the sales tax. The Council discussed truth in taxation and making sure the Council is prepared to cut back if needed.

Ms. Johnson informed the Council that the City was approved for a refinance extending the term for 5 years and changing the interest rate from 3% to 2% on the loan for the Wastewater Treatment Plant. The Water Quality Board requires that the city to have a bond attorney to review the paperwork and the Council will approve of one at a later Council meeting.

The Council discussed and clarified their questions of working off the tentative budget until the deadline of Truth in Taxation before the first of September. Ms. Johnson explained that the tentative budget approved by the council the first meeting in May is what the City will operate from until a final budget is adopted. She asked if the council would like a list of large purchases planned to be made prior to September 1. The council expressed that they would want this list provided. The council and staff discussed the Truth in Taxation process in more detail and the timeline. Ms. Johnson reviewed the list of follow up items needed going forward:

- List of projects from department heads.
- Schedule for the passing of budget with truth in taxation.
- Water quality board staff report for new refinance.
- Items including large expenses for purchase prior to September 1.
- Road project contract.
- What is covered in a bond vs truth in taxation.

ADJOURNMENT

Mayor Jeppsen closed the work session.

The meeting adjourned at 7:00 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

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Shanna Johnson, Chief Deputy Recorder

DRAFT

PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
June 25, 2020

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Toby Wright, Andrew Watkins, and Blake Ostler

OFFICIALS EXCUSED: Nathan Tueller and Esther Montgomery were absent

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Robert Barnhill, City Planner
Scott Hancey, Chief of Police
Bill Morris, City Attorney
Tyler Wagstaff, Public Works Director

OTHERS PRESENT: Bryan Loveless, Nelson Phillips, Melani Barnhill, Jan Kerr

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

B. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)

Shanna Johnson passed out the warrants and reminded the Mayor and Council of the corrections she sent.

ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC COMMENTS

None.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff clarified and discussed the warrants.

Motion: Council Member Wright made a motion to approve the warrants. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Watkins, Yes
Council Member Wright, Yes
Council Member Ostler, Yes

Motion Approved. 3 Yes, 0 No.

B. RESOLUTION 2020-08 AMENDING THE FISCAL YEAR 2020 CITY BUDGET

Shanna explained that this is the amendment discussed from the work session meeting with the changes including:

- Additional Sales Tax Revenue
- Mass Transit Tax came in higher than anticipated
- Corona Virus Relief Funds
- Lap top Expenditures for Administration
- Accounted for Mass Transit Tax Expense

- Road Repair Funds
- Refrigerator for First Responders

Motion: Council Member Toby Wright made a motion to approve the amended Fiscal Year 2020 City Budget. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Watkins, Yes
Council Member Wright, Yes
Council Member Ostler, Yes

Motion Approved. 3 Yes, 0 No.

C. RESOLUTION 2020-13 AMENDING THE VACATION USAGE/CARRYOVER DEADLINE IN THE PERRY CITY PERSONNEL POLICY/EMPLOYEE HANDBOOK TO DECEMBER 31 OF EACH CALENDAR YEAR.

Shanna stated that there had been a request from a department to change the deadline for when unused vacation in excess of the 150% carryover cap expires from June 30 to the end of the calendar year. Two of the departments felt like it would be easier to have vacation needing to be used before the deadline not scheduled at the busiest time of the year for the departments. Council member Wright expressed concern as to why it would matter when the vacation is used. It was discussed that this may not help, but was requested by two departments, and does not seem to hurt anything. Shanna suggested that the council could set the policy to go into effect July 2 instead of effective immediately. Shanna stated that all the other benefits follow the fiscal year and changing this would make it the only benefit that does not line up with fiscal year. Shanna stated she has discussed with the department heads the importance of time management by employees and that they should help manage the time off requests with employees. Mayor Jeppsen stated this should be the employee's responsibility not the managers. The Council noted that they would support the change but would not be changing this again in the future.

Motion: Council Member Watkins made a motion to pass Resolution 2020-13 amending the Vacation Usage/Carryover Deadline in the Perry City Personnel Policy/Employee Handbook to December 31 of each Calendar Year. Council Member Wright seconded the motion.

ROLL CALL: Council Member Watkins, Yes
Council Member Wright, Yes
Council Member Ostler, Yes

Motion Approved. 3 Yes, 0 No.

D. FINAL APPROVAL FOR MOUNT PLEASANT ESTATES PH 1, APPLICANT: BRYAN LOVELESS, LOCATION: 2045 S 150 W, #03-159-0026.

Bob Barnhill presented the final application for phase 1 of Mount Pleasant Estates and stated that it would be for one lot. He presented the development on a power point to the Council noting the new boundaries. He explained that this will help the applicant set up the property for the next phase so that the home that they are living in and currently have a mortgage on can be financially separated from the rest of the project. The improvements that would need to be made would be a sidewalk in front of the existing home. He explained that Planning Commission suggested approving the application with a deferral of the sidewalk until Phase 2, when they are doing the other improvements. He also stated that the setbacks need to be indicated on the new Plat that is to be signed to make sure they are not violating setback requirements.

Council Member Wright stated that he felt the sidewalk being deferred is fine but that he wants to make sure that it is completed in the next phase. Bob stated that the standard deferral agreement

would allow the City to come back at any time and require them to complete the sidewalk even if Phase 2 never happens.

Motion: Council Member Wright made a motion to approve Final Approval for Mount Pleasant Estates Ph 1, with deferral of the sidewalk (as discussed) and requested to add setbacks on the plans. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Watkins, Yes
Council Member Wright, Yes
Council Member Ostler, Yes
Motion Approved. 3 Yes, 0 No.

ITEM 5: DISCUSSION ITEMS

A. FOURTH OF JULY/COMMUNITY AWARDS

Shanna Johnson stated that the community awards need to be decided on so that plaques can be ordered. She informed the Council of who the nominees are as follows:

- Citizen of the year-Lee Perry and Bruce Lyon
- Business of the year-Cozy Dale Farms and Cheaper Than Shirt
- Boyd Wight-Posthumous Lt. Kage Allen
- Suggestion for Grand Marshall possibility or wait for when we have a parade

The Council discussed the nominees and some of the background. Shanna stated she would send an email to the Council for voting. Shanna asked the Council for their opinion on whether to have the Grand Marshall or to wait until next year. The Mayor stated that he feels if there is no parade to not have a Grand Marshall. The Council agreed with the Mayor.

Council Member Watkins stated that the Perry City Youth Council would help deliver prizes for the online contests.

B. COVID-19 UPDATE

Shanna discussed the Corona Relief fund that was discussed in the Work Session being the only update with Covid-19.

ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **May 28, 2020 City Council Work Session**
Tabled
- **May 28, 2020 City Council Meeting**
Tabled

B. MAYOR REPORT

The Mayor stated he is working on outstanding land deals and thinks that they are getting close on one of those.

C. COUNCIL REPORTS

Council Member Ostler offered thanks for those working on the budget, the department heads, Shanna, Bob, and the Mayor. He also mentioned appreciation of the work that went into the refinance of the sewer bond. The thank you was echoed by Council Member Wright and the Mayor.

D. STAFF COMMENTS

Chief Hancey gave an update of stats stating the department has responded to 2,276 cases so far this year vs 2,234 last year. He also stated that the city is trending to have more DUI and theft

cases this year and is concerned the city has had 6 aggravated assault cases so far this year in comparison with the usual 1-2 per year previously.

E. PLANNING COMMISSION REPORT

Jan Kerr mentioned that the Planning Commission has been reviewing ordinances, sign ordinance, temporary uses, urban livestock, organization of land use charts, ADU and impact fees. She stated that there are 5 Commissioners at this time.

ITEM 7: EXECUTIVE SESSION

None.

ITEM 8: ADJOURNMENT

MOTION: Council Member Wright made a motion to adjourn the City Council Meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:00 p.m.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder

1 PERRY CITY REDEVELOPMENT AGENCY MEETING

2 PERRY CITY OFFICES

3 June 25, 2020

7:00 PM

6 BOARD MEMBERS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Blake
7 Ostler, Andrew Watkins, and Toby Wright

9 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder; Bob Barnhill, City Planner;
10 Bill Morris, City Attorney; Tyler Wagstaff, Public Works; Scott
11 Hancey, Chief of Police

13 **ITEM 1: Welcome to Order and Welcome**

14 Mayor Jeppsen welcomed everyone and called the meeting to order.

16 **ITEM 2: Action Item**

17 **A. Resolution 2020-02 Adopting a Final Fiscal Year 2021 RDA Budget**

18 The Council stated that they did not feel they needed to discuss the budget further.

20 **MOTION:** Board Member Watkins made a motion to approve Adopting a Final Fiscal Year 2021
21 RDA Budget. Board Member Wright seconded the motion.

22 **ROLL CALL:** Council Member Watkins, Yes Council Member Ostler, Yes
23 Council Member Wright, Yes
24 **Motion Approved.** 3 Yes, 0 No.

26 **ITEM 3: CONSENT ITEMS**

27 **A. May 28, 2020 Meeting Minutes**

28 Tabled.

30 **ADJOURNMENT**

32 Board Member Wright Motioned to adjourn the meeting. All Board Members were in favor.

34 The meeting adjourned at 7:02 P.M.

38 _____
Susan O Bray, City Recorder

_____ Kevin Jeppsen, Mayor

42 _____
43 Shanna Johnson, Chief Deputy Recorder

PERRY CITY WORK SESSION
PERRY CITY OFFICES
JULY 9, 2020

6:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Esther Montgomery, Blake Ostler, Nathan Tueller, Toby Wright, and Andrew Watkins

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder; Robert Barnhill, City Planner; Scott Hancey, Chief of Police; Bill Morris, City Attorney; Tyler Wagstaff, Public Works Director

OTHERS PRESENT: None

ITEM 1: Welcome to Order and Welcome

Mayor Jeppsen welcomed everyone and called the meeting to order.

ITEM 2: FY 2021 BUDGET PLANNING

Shanna Johnson reviewed the first draft of the Consolidated Capital Improvement List and O&M Requests from the City's various departments. She reviewed the following estimated expenditure totals:

- General Fund: \$171,154
- Utility Fund: \$ 77,000
- Sewer Fund: \$91,978

Ms. Johnson clarified these would be for the short-term projects. She asked for the Council to review the various projects so that the Department Heads can receive feedback from the Council on what projects they feel take precedence in being funded first.

The Council and Staff discussed and clarified the amount which will be generated from the Truth in Taxation process which will be approximately \$73,000.

The Council and Staff discussed and clarified the various proposed projects and those they each felt would be the highest priority and the most appropriate for the \$73,000 to be applied to.

It was suggested that maybe it would help to get the top 2 projects from each department head.

Robert Barnhill noted that if the two park improvements were removed the council could fund all short term items.

Council Member Wright said he would prefer to apply the funding to capital improvements.

Council Member Watkins stated he would like to possibly see funds applied to a cemetery or parks.

Council Member Ostler stated he agreed that the best application of funds would be to capital projects but was concerned that we are still behind in operations. He felt the tax revenue should be applied where there are current deficiencies.

The Council asked Ms. Johnson to list the items on the capital improvements list by departments. She agreed to amend the list as requested.

Council Member Watkins expressed his desire to use a portion of funds for an improvement such as a pickleball court or parks equipment as a way to give back to the community. He also recommended showing the funding in a pie graph, so the public could see how funds are assigned.

ADJOURNMENT

Mayor Jeppsen closed the work session.

The meeting adjourned at 7:00 PM.

Susan O Bray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Toby Wright, Andrew Watkins, Nathan Tueller, Esther Montgomery, and Blake Ostler

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Robert Barnhill, City Planner
Scott Hancey, Chief of Police
Bill Morris, City Attorney
Tyler Wagstaff, Public Works Director

OTHERS PRESENT: Julie Jones and Melanie Barnhill

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

B. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)

Shanna Johnson passed out the warrants.

ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC COMMENTS

No public comment given.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff clarified and discussed the warrants.

MOTION: Council Member Montgomery made a motion to approve the warrants. Council Member Wright seconded the motion.

ROLL CALL: Council Member Watkins, Yes Council Member Ostler, Yes
Council Member Wright, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes

Motion Approved. 5 Yes, 0 No.

**B. FINAL APPROVAL FOR PERRY CANYON SUBDIVISION PHASE 1, 1ST AMENDMENT,
APPLICANT: SCADDEN, LOCATION 143 WEST 1550 SOUTH, #03-159-0130**

Mayor Jeppsen tabled this item, which was not ready for action.

56 **ITEM 5: DISCUSSION ITEMS**

57 **A. BUDGET UPDATE**

58 Shanna Johnson reviewed the budget update, which includes up to May with the Council. She
59 noted the budget is trending for the City to receive 3.7 million in revenues, which is better
60 than what they have planned for. She stated the Expenditures are trending to spend 3.4
61 million, which is also better than what they planned for. She clarified the Expenditures will
62 be less than the Revenues if the trends hold. She reviewed the various departments current
63 spending of their budgets up to May.

64
65 Ms. Johnson reviewed the status of the refinance of the Wastewater Bond and explained how
66 greatly it will help the City.

67
68 Ms. Johnson reviewed the Sales tax trend of \$1,155,656, which is much better than they had
69 planned for.

70
71 The Council and Staff discussed the positive trends and hoped that they would continue.

72
73 **ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS**

74 **A. APPROVAL OF CONSENT ITEMS**

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 - **May 28, 2020 City Council Work Session Minutes**
 - **May 28, 2020 City Council Meeting Minutes**
 - **May 28, 2020 Redevelopment Agency Minutes**78

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80 **MOTION:** Council Member Montgomery made a motion to approve May 28, 2020 City Council
81 Work Session Minutes, May 28, 2020 City Council Meeting Minutes, and May 28, 2020
82 Redevelopment Agency Minutes. Council Member Wright seconded the motion.

83
84 **ROLL CALL:** Council Member Watkins, Yes Council Member Ostler, Yes
85 Council Member Wright, Yes Council Member Tueller, Yes
86 Council Member Montgomery, Yes

87
88 **Motion Approved.** 5 Yes, 0 No.

89
90 **B. MAYOR REPORT**

91 Mayor Jeppsen stated he attended Mayor's Association Meeting this week and the County
92 Commission is considering putting a 2-year timeframe cap for projects funded by the council of
93 government (COG) for corridor preservation.

94
95 He said there also was a motion to declare support of the Law Enforcement throughout the
96 County in light of the political issues going on in the Country currently.

97
98 **C. COUNCIL REPORTS**

99 Council Member Watkins thanked all those who help keep the City functioning at such an
100 excellent level.

101
102 Council Member Tueller inquired if there has been an increase of complaints regarding weeds.

103
104 Mr. Barnhill stated the city always has an increase in weed complaints this time of year.

105
106 Council Member Wright thanked Econowaste for the smooth transition in using them for the
107 City's garbage.

110
111 **D. STAFF COMMENTS**

112 Chief Scott Hancey thanked the Council and Mayor for their support and the support from the
113 Community. He said fireworks during the 4th of July went well this year.

114
115 Tyler Wagstaff reviewed some projects (900 West, etc.) which will be affecting some roads/
116 traffic in the next few weeks.

117
118 Shanna Johnson reviewed the success of the social distancing 4th of July celebration.
119

120 **E. PLANNING COMMISSION REPORT**

121 Commissioner Jones reviewed what the Commission is currently working on in updating the
122 City Codes.
123

124 **ITEM 8: EXECUTIVE SESSION**

- 125 • None required.
126

127 **ITEM 9: ADJOURNMENT**

128 **MOTION:** Council Member Montgomery made a motion to adjourn the City Council Meeting.
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130 **Motion Approved.** All Council Members were in favor.

131 The meeting adjourned at 7:27 PM.
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139 Susan Obray, City Recorder

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139 Kevin Jeppsen, Mayor

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144 Shanna Johnson, Chief Deputy Recorder
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