

Spanish Fork, Utah

June 6, 2000

The City Council of Spanish Fork City, Utah County, Utah (the "Council"), met in regular public session at the regular meeting place of the Council in Spanish Fork City, Utah, on June 6, 2000, at the hour of 7:00 p.m. with the following members of the Council being present:

Dale R. Barney	Mayor
Sherman E. Huff	Councilmember
Roy L. Johns	Councilmember
Lillian J. Shepherd	Councilmember

Also present:

David A. Oyler	City Manager
S. Junior Baker	City Attorney
Kent R. Clark	Finance Director/Recorder
Gina Peterson	Deputy Recorder
Richard J. Heap	Engineer/Public Works Director
Emil Pierson	City Planner
Dee Rosenbaum	Public Safety Director
Jeff Foster	Electric Superintendent

Absent:

Glenn A. James	Councilmember
Everett Kelepolo	Councilmember

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this June 6, 2000 meeting, a copy of which is attached hereto as Exhibit "A".

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

YEA: Councilmember Sherman E. Huff  
Councilmember Roy L. Johns  
Councilmember Lillian J. Shepherd

NAY: None

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of Spanish Fork City, Utah County, Utah. The resolution is as follows:

RESOLUTION NO. 00-17

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF ELECTRIC REVENUE BONDS, SERIES 2000, OF SPANISH FORK CITY, UTAH COUNTY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Municipal Bond Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Spanish Fork City, Utah County, Utah (the "Issuer"), has authority to issue its Electric Revenue Bonds, Series 2000 (the "Bonds") for the municipal purposes set forth therein; 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; and

WHEREAS, the Issuer owns and operates an existing electric utility system (the "System") and has determined that (i) the acquisition of an undivided interest in a new power substation for use in the System and (ii) the acquisition and installation of a hybrid fiber coaxial system (HFC) and necessary equipment and facilities to permit the use of said HFC System in connection with the System and for high speed internet access and information transfer and to provide cable TV service (collectively, the "Series 2000 Project")

will be in furtherance of the purposes of the Issuer's System and will facilitate the development and use of the System.

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

Section 1. The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$10,000,000 aggregate principal amount of its Electric Revenue Bonds, Series 2000 (the "Series 2000 Bonds"), to bear interest at a rate or rates of not to exceed seven and one-half percent (7.5%) per annum, to mature in not more than fifteen (15) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof for the purpose of financing the Series 2000 Project (as defined above), funding a deposit to a debt service reserve and paying costs of issuance, all pursuant to this Resolution, a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds (herein referred to as the "Final Bond Resolution") and an Indenture of Trust and First Supplemental Indenture of Trust to be entered into at the time of issuance of the Bonds in substantially the form attached hereto as Exhibit "B" (collectively, the "Indenture"), and the Issuer hereby declares its intention to issue the Bonds according to the provisions of this Resolution, the Indenture and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby directs officers and staff of the Issuer to proceed with the preparation of a Preliminary Official Statement and other offering material, if needed, for the sale of the Bonds and to make other necessary preparations for sale of the Bonds.

Section 3. The Issuer hereby authorizes and approves the issuance and sale of the Bonds to the purchaser or purchasers to be identified in the Final Bond Resolution, pursuant to the provisions of this Resolution, the Indenture and the Final Bond Resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Council upon the adoption of the Final Bond Resolution.

Section 4. In accordance with the provisions of the Act, the City Recorder shall cause the following "Notice of Bonds to be Issued" to be published one (1) time in the Spanish Fork City Press, a newspaper of general circulation in the Issuer, and which newspaper is hereby designated as the official newspaper of the Issuer. The City Recorder shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The "Notice of Bonds to be Issued" shall be in substantially the following form:

## NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Municipal Bond Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on June 6, 2000, the City Council (the "Council") of Spanish Fork City, Utah County, Utah (the "Issuer") adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Electric Revenue Bonds, Series 2000 (the "Bonds") in the aggregate principal amount of not to exceed ten million (\$10,000,000), to bear interest at a rate or rates of not to exceed seven and one-half percent (7.5%) per annum, to mature in not more than fifteen (15) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, plus accrued interest to the date of delivery.

The Bonds are to be issued pursuant to the Resolution and an Indenture of Trust and First Supplemental Indenture of Trust (collectively, the "Indenture") and a Final Bond Resolution to be adopted authorizing and confirming the sale of the Bonds, for the purpose of financing (i) the costs of (A) the acquisition of an interest in a new power substation for use in the Issuer's electric system (the "System") and (B) the acquisition and installation of a hybrid fiber coaxial system (HFC) and necessary equipment and facilities to permit the use of said HFC system in connection with the System and for high speed internet access and information transfer and to provide cable TV service; (ii) funding a debt service reserve fund; and (iii) paying issuance expenses to be incurred in connection with the issuance and sale of the Bonds.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution a form of the Indenture which was before the Council at the time of the adoption of the Resolution and said Indenture shall contain such terms and provisions as shall be approved by the Issuer at the time of adoption of the Final Bond Resolution.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder of Spanish Fork City, Utah County, Utah at 40 South Main, Spanish Fork City, Utah, where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER 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 any person in interest shall have the right to contest the legality of the Resolution, the Indenture or the Bonds, or any provision made for the security and payment of the Bonds, 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 this 6th day of June, 2000.

/s/ Kent R. Clark  
City Recorder

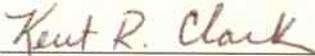
Section 5. The Council reasonably expects to reimburse from proceeds of bonds, capital expenditures advanced by the City for the acquisition and construction of the Series 2000 Project in a principal amount of not more than \$10,000,000.

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.

APPROVED AND ADOPTED this 6th day of June, 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

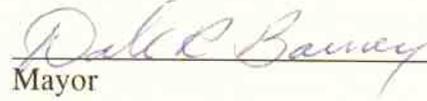
  
\_\_\_\_\_  
City Recorder

[SEAL]

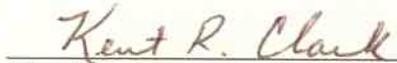


(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

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

  
\_\_\_\_\_  
Mayor

ATTEST:

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

( S E A L )



STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

I, Kent R. Clark, the duly appointed and qualified City Recorder of Spanish Fork City, Utah County, Utah, do hereby certify according to the records of said in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council held on June 6, 2000, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on June 6, 2000, and that pursuant to the Resolution, there will be published one time in the Spanish Fork City Press, a newspaper having general circulation in Spanish Fork City, a Notice of Bonds to be Issued, the affidavit of which publication, when available, will be attached hereto.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said, this 6th day of June, 2000.

Kent R. Clark  
City Recorder



EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Kent R. Clark, the undersigned City Recorder of Spanish Fork City, Utah County, Utah (the "City"), do hereby certify, according to the records of the in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the June 6, 2000 public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the City's principal offices on June 2, 2000, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to the Spanish Fork City Press on June 2, 2000, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2000 Annual Meeting Schedule for the City (attached hereto as Schedule "2") was given specifying the date, time and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted on January 4, 2000, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the City on January 27, 2000.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 6th day of June, 2000.



Kent R. Clark  
City Recorder

SCHEDULE "1"

NOTICE OF MEETING

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# SPANISH FORK CITY

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40 S. MAIN ST. • SPANISH FORK, UT 84660

## CITY COUNCIL MEETING

6:30 pm

Tuesday, June 6, 2000

### I. AGENDA REVIEW

6:30 pm

### II. PRELIMINARY ACTIVITIES

7:00 pm

- A. Pledge of Allegiance
- B. Minutes

### III. PUBLIC HEARING

7:00 pm

- A. Consider adoption of the James Purnell Zone Change from R-R to R-1-9 by **Ordinance Z04-00** and the Purnell Estates Preliminary Plat  
*6.09 acres at 1400 South 1700 East*

### IV. STAFF REPORTS

#### A. Kent R. Clark - Finance

- 1. **Resolution 00-17:** Authorizing the Issuance and Sale of Not More than \$10,000,000 Aggregate Principal Amount of Electric Revenue Bonds, Series 2000, of Spanish Fork City; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years over Which the Bonds May Mature, Then Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May Be Sold; Providing for the Publication of a Notice of Bonds to Be Issued; Providing for the Running of a Contest Period; and Related Matters.

#### B. John Bowcut - Information Systems

- 1. MCI WorldCom On-Net Service Agreement

#### C. Richard J. Heap - Public Works

- 1. Bid - Utility Casings on US-6

#### D. S. Junior Baker - Legal

- 1. **Ordinance 06-00:** Amending the Solid Waste Requirements of Spanish Fork City to Allow for Recycling

(\* indicates support information, if any, will follow at the Council meeting.

The public is invited to participate in all Spanish Fork City Council Meetings. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

SCHEDULE "2"

NOTICE OF ANNUAL MEETING SCHEDULE

# Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the Publisher of *THE SPANISH FORK PRESS*, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

## PUBLIC NOTICE

The City of Spanish Fork will hold their City Council Meetings on the following days. Each meeting begins at 7:00 p.m. on the First, Second and Third TUESDAY of each month.

### 2000

January 4, 11, 18  
February 1, 8, 15  
March 7, 14, 21  
April 4, 11, 18  
May 2, 9, 16  
June 6, 13, 20  
July 4, 11, 18  
August 1, 8, 15  
Sept. 5, 12, 19  
Oct. 3, 10, 17  
Nov. 7, 14, 21  
Dec. 5, 12, 19

Spanish Fork City will make available for interested citizens to review copies of the audit report for Fiscal Year 1999. Contact the Finance Director's Office.

The public is invited to participate in all Spanish Fork City Council Meetings. If you need special accommodation to participate in the meeting, please contact the City Manager's Office, 798-5000.

Published in the Spanish Fork Press January 27, 2000.

for consecutive One weeks,

the first publication on the 27th day

of January 2000

and the last on the 27th day of

January 2000

*J. Lane Henderson*

Subscribed and sworn to before me this 27th day of January 2000

Notary Public

*Sara Worthington*



EXHIBIT "B"

FORM OF GENERAL INDENTURE  
AND  
FIRST SUPPLEMENTAL INDENTURE

(attach Proof of Publication of  
Notice of Bonds to be Issued)