

Spanish Fork, Utah

October 3, 2006

The City Council (the "Council") of Spanish Fork, Utah (the "Issuer"), met in regular public session at the regular meeting place of the Council in Spanish Fork, Utah, on October 3, 2006, at the hour of 6:00 p.m., with the following members of the Council being present:

Joe Thomas	Mayor
G. Wayne Andersen	City Council Member
Matt D. Barber	City Council Member
Steve Leifson	City Council Member
Seth V. Sorensen	City Council Member
Chris C. Wadsworth	City Council Member

Also present:

David Oyler	City Manager
Kent Clark	Finance Director/City Recorder
Kimberly Robinson	Deputy Recorder
S. Junior Baker	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this October 3, 2006, meeting, a copy of which is attached hereto as Exhibit A.

Councilmember Wadsworth then introduced the following resolution in writing, which was fully discussed, and moved its adoption:

RESOLUTION NO. 06\_14

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(Votes only in case of a tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
STEVE M. LEIFSON <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Wadsworth

I SECOND the forgoing motion: Councilman Andersen

RESOLUTION NO. 06\_14

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$26,000,000 AGGREGATE PRINCIPAL AMOUNT OF SPANISH FORK CITY, UTAH CHARTER SCHOOL REVENUE BONDS (AMERICAN LEADERSHIP ACADEMY) SERIES 2006 (THE "SERIES 2006 BONDS"); 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, THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD AND THE NAME OF THE USER OF THE FINANCED FACILITIES; EXPRESSING AN INTENT TO REIMBURSE CERTAIN QUALIFIED EXPENDITURES WITH PROCEEDS OF THE SERIES 2006 BONDS; 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 Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Spanish Fork, Utah (the "Issuer"), has authority to issue its bonds to finance projects as defined in the Act; and

WHEREAS, the Council has determined that, in order to promote the welfare of the citizens of the State, it is advisable to authorize the issuance and sale of its Charter School Revenue Bonds (American Leadership Academy) Series 2006 (the “Series 2006 Bonds”) to finance the acquisition of a charter school to be owned and operated by American Leadership Academy, a nonprofit entity established under the laws of the State of Utah (the “Borrower”), and to be located within Spanish Fork, Utah; and

WHEREAS, in order to provide funds for such reimbursement, it has been deemed appropriate and necessary that the Issuer express its intention to reimburse certain qualified expenditures incurred with respect to the acquisition, equipping and furnishing of the Project (defined herein) with proceeds of the Series 2006 Bonds; 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 Series 2006 Bonds;

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

Section 1. The Council of the Issuer hereby finds and determines that, in order to promote the welfare of the citizens of the State of Utah, it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$26,000,000 aggregate principal amount of its Charter School Revenue Bonds (American Leadership Academy) Series 2006, to bear interest at the rate of not to exceed seven (7%) per annum, to mature in not more than thirty-two (32) years from their date or dates, and to be sold at not less than ninety-six (96%) of the total principal amount thereof. The Series 2006 Bonds are being issued for the purpose of financing the acquisition of certain school facilities located at approximately 898 West 1100 South in Spanish Fork, Utah consisting of (i) an elementary school facility, (ii) a middle school facility, (iii) a high school facility; and (iv) land on which such facilities sit, to be owned and operated by the Borrower (the “Project”) pursuant to this resolution (the “Resolution”) and a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Series 2006 Bonds in substantially the form attached hereto as Exhibit B (the “Final Bond Resolution”). The Issuer hereby declares its intention to issue the Series 2006 Bonds according to the provisions of this Resolution and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby authorizes and approves the issuance and sale of the Series 2006 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 Series 2006 Bonds, with such changes thereto as shall be approved by the Issuer upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 above.

Section 3. In order to finance the acquisition, equipping and furnishing of the Project, the Issuer hereby expresses its intent to reimburse certain qualified expenditures

incurred with respect to the acquisition, equipping and furnishing of the Project with proceeds of the Series 2006 Bonds issued and sold pursuant to the provisions of the Act in a principal amount presently estimated not to exceed the amount set forth in Section 1 above.

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 Press, a newspaper qualified to carry legal notices and having general circulation in 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 Industrial Facilities and Development Act, Title 11, Chapter 17, Utah Code Annotated 1953, as amended (the "Act") that on October 3, 2006, the City Council (the "Council") of Spanish Fork, Utah (the "Issuer") adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Charter School Revenue Bonds (American Leadership Academy) Series 2006 (the "Series 2006 Bonds") in the aggregate principal amount of not to exceed Twenty Six Million Dollars (\$26,000,000) to bear interest at the rate of not to exceed seven percent (7%) per annum, to mature in not more than thirty-two (32) years from their date or dates, and to be sold at a price of not less than ninety-six percent (96%) of the total principal amount thereof, plus accrued interest to the date of delivery.

The Series 2006 Bonds, pursuant to the Resolution and a Final Bond Resolution to be adopted authorizing and confirming the sale of the Series 2006 Bonds are being issued for the purpose of (i) financing the acquisition of a charter school, land and related improvements located at approximately 898 West 1100 South within Spanish Fork, Utah, and (ii) funding a debt service reserve fund, and (iii) paying expenses to be incurred in connection with the issuance and sale of the Series 2006 Bonds. The American Leadership Academy, a nonprofit entity established under the laws of the State of Utah (the "Borrower") will be the user of the charter school.

The Issuer is authorized to issue the Series 2006 Bonds pursuant to the Act. The Series 2006 Bonds will be special limited obligations of the Issuer payable solely from amounts provided by the Borrower, including monies and securities held from time to time under an Indenture of Trust under which the Series 2006 Bonds are to be issued (the "Indenture"). The Series 2006 Bonds and the interest thereon will not be a debt of the Issuer or of the State of Utah, and neither the Issuer nor the State of Utah, will be liable thereon, and in no event will the Series 2006 Bonds or the interest thereon be payable out of any funds or properties other than those of the Issuer expressly provided therefor under the Indenture. The Series 2006 Bonds will not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Series 2006 Bonds are to be issued and sold by the Issuer pursuant to the Resolution. A copy of the Resolution is on file in the office of the Recorder of the Issuer in the city of Spanish Fork, Utah offices at 40 South Main Street, Spanish Fork, Utah, where they may be examined during regular business hours of the City from 8:00 a.m. to 6:00 p.m., Monday through Thursday, and from 8:00 a.m. to 4:00 p.m., Friday, for a period of at least thirty (30) days from and after the date of publication of this notice.

The Series 2006 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution a form of the Final Bond Resolution which was before the Council and attached to the Resolution at the time of the adoption of the Resolution and said Final Bond Resolution shall contain such terms and provisions as shall be approved by the Issuer and said Final Bond Resolution is to be adopted by the Council in such form and with such changes thereto as shall be approved by the Council upon the adoption thereof; provided that the principal amount, interest rate or rates,

maturity and discount of the Series 2006 Bonds will not exceed the maximums set forth above.

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 Final Bond Resolution, or the Series 2006 Bonds, or any provision made for the security and payment of the Series 2006 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 October 5, 2006.

\_\_\_\_\_  
/s/Kent Clark  
City Recorder

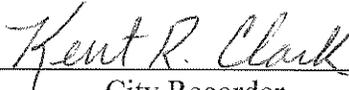
Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

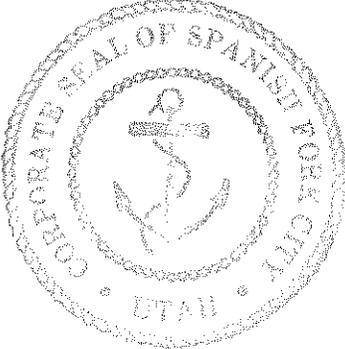
APPROVED AND ADOPTED this October 3, 2006.

(SEAL)

By:   
Mayor

ATTEST:

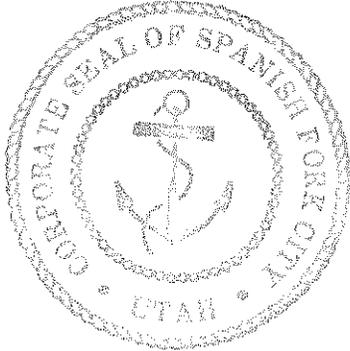
By:   
City Recorder



(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.

(SEAL)



By: Kent R. Clark  
City Recorder

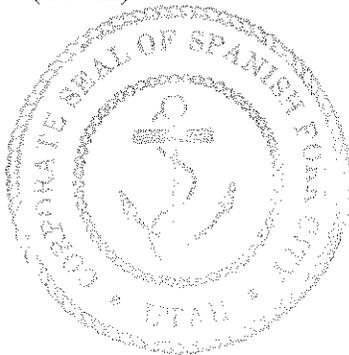
STATE OF UTAH            )  
                                      : ss.  
COUNTY OF UTAH        )

I, Kent Clark, the duly appointed and qualified City Recorder of Spanish Fork, Utah, do hereby certify according to the records of said City in my official possession that the foregoing constitutes a true and correct excerpt of the proceedings of the meeting of the Council held on October 3, 2006, 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 October 3, 2006, and that pursuant to the Resolution, there was published one time in the Spanish Fork Press, a newspaper having general circulation in Spanish Fork, Utah, a Notice of Bonds to be Issued, the affidavit of which publication is hereby attached.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this October 3, 2006.

(SEAL)



By: Kent R. Clark  
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH  
OPEN MEETING LAW

I, Kent Clark, the undersigned City Recorder of Spanish Fork, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(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 October 3, 2006, public meeting held by the City as follows:

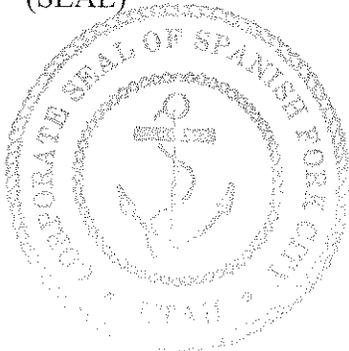
(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices on \_\_\_\_\_, 2006, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the 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 Press on \_\_\_\_\_, 2006, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2006 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 \_\_\_\_\_, 2006, 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 \_\_\_\_\_, 2006.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 3, 2006.

(SEAL)



By: Kent R. Clark  
City Recorder

SCHEDULE 1

NOTICE OF MEETING



## **CITY COUNCIL MEETING**

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, 40 South Main Street, Spanish Fork, Utah, commencing at **6:00 p.m. on October 3, 2006.**

### AGENDA ITEMS:

#### **1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:**

- a. Pledge

#### **2. PUBLIC COMMENTS:**

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

#### **3. COUNCIL COMMENTS:**

#### **4. CONSENT ITEMS:**

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. Minutes of Spanish Fork City Council Meeting – August 15, 2006
- b. Cell Tower Lease with Cingular
- c. Development Agreement with MitchCO properties
- d. 1000 East Curb Gutter & Sidewalk Contracts

#### **5. NEW BUSINESS:**

- a. Establishing a Community Standard – Rosemary Jarman
- b. Land Lease Agreement for Electric Substation with State of Utah
- c. Industrial Revenue Bond with American Leadership Academy
- d. Parks & Recreation Committee Report
- e. Impact Fee Training

#### **6. OTHER BUSINESS:**

- a. Executive Session If Needed – To be Announced in the Motion

### ADJOURN:

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. 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

**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

for consecutive 1 weeks,

the first publication on the 12 day

of January 2006

And the last on the 12 day

of January 2006

Megan Bingham

## PUBLIC NOTICE

The City of Spanish Fork will hold their City Council Meetings on the following days. Each meeting begins at 6:00 p.m. on the First and Third TUESDAY of each month. Address: 40 South Main Street, Spanish Fork.

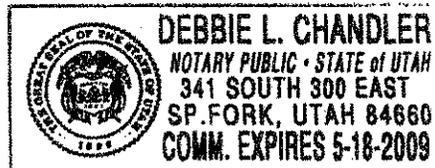
2006

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

Spanish Fork City will make available for interested citizens to review copies of the audit report for Fiscal Year 2005 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 on January 12, 2006.



Subscribed and sworn to before me this 12th day of January 2006.

Debbie L. Chandler  
Notary Public

EXHIBIT B

FORM OF FINAL BOND RESOLUTION