

Logan, Utah

November 6, 2018

The Municipal Council (the "Council") of Logan City, Utah (the "Issuer") met in regular session on Tuesday, November 6, 2018, at its regular meeting place in Logan, Utah, at 5:30 p.m. with the following members of the Council present:

Holly H. Daines	Mayor
Jess W. Bradfield	Councilmember - <i>absent</i>
Amy Z. Anderson	Councilmember
Tom Jensen	Councilmember
Jeannie F. Simmonds	Councilmember
Herm Olsen	Councilmember

Also present:

Teresa Harris	City Recorder
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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 November 6, 2018, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in written form, was fully discussed, and pursuant to motion duly made by Councilmember Simmonds and seconded by Councilmember Anderson, was adopted by the following vote:

AYE: *Anderson, Jensen, Olsen, Simmonds*

NAY: *None*

The resolution is as follows:

RESOLUTION NO. 18-51

A RESOLUTION OF THE MUNICIPAL COUNCIL OF LOGAN CITY, UTAH (THE “ISSUER”) AUTHORIZING THE ISSUANCE AND SALE OF ITS SEWER TREATMENT REVENUE BONDS, SERIES 2018 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$40,000,000; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE POWER TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE SEWER TREATMENT REVENUE BONDS, SERIES 2018 WITHIN CERTAIN PARAMETERS PREVIOUSLY ADOPTED BY A RESOLUTION OF THE ISSUER; PROVIDING FOR THE PLEDGING OF CERTAIN REVENUES FOR THE PAYMENT OF SAID BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A SUPPLEMENTAL INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT (IF NECESSARY), AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), the Municipal Council (the “Council”) of Logan City, Utah (the “Issuer”), has authority to issue bonds payable from the net revenues of its sewer treatment system (the “System”) for the purposes set forth in the Act; and

WHEREAS, by resolution adopted February 16, 2016 (the “Parameters Resolution”), the Issuer approved the issuance of not more than \$110,000,000 of Sewer Treatment Revenue Bonds (the “Authorized Bonds”), established parameters therefore and directed the publication of a “Notice of Public Hearing and Bonds to be Issued”; and

WHEREAS, the issuer has previously issued \$70,000,000 of its Sewer Treatment Revenue Bonds, Series 2016 and desires to issue the remaining portion of Authorized Bonds; and

WHEREAS, the Issuer desires to acquire and construct improvements and additions to the Issuer’s existing sewage treatment system, including, but not limited to, a new sewer treatment facility to serve the Issuer and other cities pursuant to an Interlocal Agreement, and all related improvements (collectively, the “Project”) by issuing a portion of the Authorized Bonds, which shall be designated “Logan City, Utah Sewer Treatment Revenue Bonds, Series 2018” in the amount of not to exceed \$40,000,000 (the “Series 2018 Bonds”); and

WHEREAS, subject to the limitations set forth herein, the Issuer desires to issue its Series 2018 Bonds to (a) finance the Project and (b) pay costs of issuance of the Series 2018 Bonds, pursuant to this Resolution, and a General Indenture dated as of March 1, 2016 and a Second Supplemental Indenture date as of December 1, 2018, each by and

between the Issuer and Zions Bancorporation, National Association, as trustee (collectively, the “Indenture”), in substantially the form presented to the meeting at which this Resolution was adopted and which is attached hereto as Exhibit B; and

WHEREAS, there has been presented to the Council at this meeting a form of a bond purchase agreement (the “Bond Purchase Agreement”) to be entered into (if necessary) between the Issuer and the purchaser(s) for the Series 2018 Bonds to be selected by the Designated Officers (as defined below) in substantially the form attached hereto as Exhibit C; and

WHEREAS, in order to allow the Issuer, in the consultation with the Issuer’s Municipal Advisor, George K. Baum & Company (the “Municipal Advisor”) flexibility in setting the pricing date of the Series 2018 Bonds, the Council desires to grant to either the Mayor (or any Mayor Pro Tem or similarly authorized officer, collectively, the “Mayor”) or the Finance Director (each a “Designated Officer”), the authority to approve the final purchaser(s), interest rates, principal amounts, terms, maturities, redemption features, and purchase price at which the Series 2018 Bonds shall be sold, and to make any changes with respect thereto from those terms which were before the Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in the Parameters Resolution; and

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

Section 1. For the purpose of (a) financing the Project and (b) paying costs of issuance of the Series 2018 Bonds, the Issuer hereby authorizes the issuance of the Series 2018 Bonds which shall be designated “Logan City, Utah Sewer Treatment Revenue Bonds, Series 2018” in an amount not to exceed of \$40,000,000, which bonds are to mature in not more than thirty (30) years from their date or dates, to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, and bearing interest at a rate or rates not to exceed five percent (5.00%) per annum. The Series 2018 Bonds shall bear interest, shall be dated, shall be issued as fully registered Bonds, and shall mature as provided in the Indenture.

Section 2. The Indenture and the Bond Purchase Agreement in substantially the forms presented to this meeting and attached hereto as Exhibits B and C, respectfully, are hereby authorized, approved, and confirmed. The Mayor and the City Recorder are hereby authorized to execute and deliver the Indenture and the Bond Purchas Agreement (if needed) in substantially the forms and with substantially the content as the forms presented at this meeting for and on behalf of the Issuer, with final terms established within the Parameters set forth herein, and with such alterations, changes or additions as may be necessary or as may be authorized by Section 4 hereof.

Section 3. The Designated Officer and such other appropriate officials of the Issuer are authorized to make any alterations, changes or additions to the Indenture, the Bond Purchase Agreement, the Series 2018 Bonds, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2018

Bonds (within the Parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

Section 4. The form, terms, and provisions of the Series 2018 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Mayor and the City Recorder are hereby authorized and directed to execute and seal the Series 2018 Bonds and to deliver said Series 2018 Bonds to the purchaser(s). The signatures of the Mayor and the City Recorder may be by facsimile or manual execution.

Section 5. The Designated Officer and such other appropriate officials of the Issuer are hereby authorized and directed to execute and deliver to the purchaser(s) the Series 2018 Bonds in accordance with the provisions of the Indenture.

Section 6. Upon their issuance, the Series 2018 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2018 Bonds and the Indenture. No provision of this Resolution, the Indenture, the Series 2018 Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 7. The Designated Officer and such other 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 (including but not limited to tax/disclosure compliance policies and an escrow deposit agreement as permitted under the Indenture) and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 8. After the Series 2018 Bonds are delivered to the purchaser(s) and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Series 2018 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 9. It is hereby declared that 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 10. All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation or part thereof heretofore repealed.

APPROVED AND ADOPTED this November 6, 2018.

(SEAL)



ATTEST:

By: Holly H. Daines
Mayor

By: Terese Harris
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.



By: Wally H. Daines
Mayor

By: Jerisa Harris
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

I, Teresa Harris, the duly appointed and qualified City Recorder of Logan City, Utah (the "City"), do hereby certify according to the records of the Municipal Council of the City (the "City Council") in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Municipal Council held on November 6, 2018, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this November 6, 2018.

(SEAL)



By: Teresa Harris
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Teresa Harris, the undersigned City Recorder of Logan City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the November 6, 2018, public meeting held by the Municipal Council of the City (the "City Council") as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City on November __, 2018, 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;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Herald Journal November __, 2018, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2018 Annual Meeting Schedule for the Municipal Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the Municipal Council to be held during the year, by causing said Notice to be (a) posted on Nov. 2, 2018, at 5:40 pm Logan, Utah, (b) provided to at least one newspaper of general circulation within the District on Nov. 2, 2018, and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November 6, 2018.



By: Teresa Harris
City Recorder

SCHEDULE 1

NOTICE OF MEETING



LOGAN MUNICIPAL COUNCIL AGENDA
November 6, 2018

*Notice is hereby given that the Logan Municipal Council will hold its regular meeting beginning at **5:30 p.m. on Tuesday, November 6, 2018**, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah.*

5:30 p.m.

REGULAR MEETING AGENDA

1. Call to Order – Chairman Thomas C. Jensen
2. Opening Ceremony – Jeff Hoedt, Bridger Neighborhood Council Chair
3. Acceptance of Minutes; Approval of Agenda
4. 2018 regular meeting schedule, 1st & 3rd Tuesdays, 5:30 p.m.: Next meeting: December 4, 2018
5. **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:** Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

ESTIMATED time
of consideration

6. MAYOR/STAFF REPORTS:

- A. **Discussion:** Carbon Free Power Project – Mayor Daines
- B. **Presentation:** Power Cost of Service Analysis/Rate Study – Mark Montgomery, Light & Power Director

7. COUNCIL BUSINESS:

- A. Planning Commission Update – Councilmember Simmonds
- B. **Presentation:** Comprehensive Annual Financial Report (CAFR) – Richard Anderson, Finance Director
- C. Upcoming Meeting Schedule:
 - November 20 – Canceled
 - December 4 – Regular Meeting
 - December 18 – Regular Meeting
 - January 1 – Canceled
 - January 7 – Cost of Service Study/Net Metering – 5:30 pm
 - January 14 – Cost of Service Study/Net Metering – 5:30 pm
 - January 15 – Regular Meeting

6:15

8. ACTION ITEMS:

- A. **PUBLIC HEARING - Budget Adjustment FY 2018-2019 appropriating:** \$50,000 funds the City will receive from Cigna. The funds will be used to promote wellness among the City employees with activities, newsletters, and other wellness programs; \$6,726 funds the Police Department was awarded for bullet proof vest purchases this fiscal year - **Resolution 18-49**
- B. **(Continued from October 2, 2018) – ZONE CHANGE** – Consideration of a proposed zone change. Keven McGaha/Michael K. Jones Trustee of Ralph L. Huber Family Trust, authorized agent/owner, requests to have a 1.54-acre parcel rezoned from Recreation (REC) to Commercial (COM) as it was previously zoned (2006-2012) located at 114 East 1000 North – **Ordinance 18-14**
- C. Consideration for adoption of a resolution of the Municipal Council of Logan City, Utah authorizing the issuance and sale of its Sewer Treatment Revenue Bonds, Series 2018 in the aggregate principal amount of not to exceed \$40,000,000; and related matters - **Resolution 18-51**

AGENDA CONTINUED



- 6:40 **9. WORKSHOP ITEMS:**
- A. **Budget Adjustment FY 2018-2019 appropriating:** \$25,000 additional funding the Parks & Recreation Department received from the Utah Department of Transportation (UDOT) for construction of the Canyon Connector Sidewalk; \$104,475 funds for the After-School Quality Improvement Grant that was awarded to Parks & Recreation. These funds will be used to create, expand, and support After School programs – **Resolution 18-50 – Richard Anderson, Finance Director**
 - B. **REZONE** – Consideration of a proposed ordinance to rezone approximately 0.84 acres of property at 1300 West 200 North (Amber Fields Phase 3) from Neighborhood Residential Traditional (NR-6) to Industrial (IP) – **Ordinance 18-19 – Russ Holley, Planner**
 - C. Consideration of a proposed ordinance repealing Logan Municipal Code Chapter 2.06 “Officers’ Bonds and Oaths” – **Ordinance 18-20 – Kymber Housley, City Attorney**
10. **OTHER CONSIDERATIONS:**
- 7:00 **11. ADJOURN**

On Friday, November 2nd, 2018 at 5:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of Logan City Hall, Logan, Utah. A copy was also posted on the Logan City website at loganutah.org and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 2nd of NOVEMBER 2018

Teresa Harris, City Recorder

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speakerphone. The speakerphone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions. In compliance with the American with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify Teresa Harris, City Recorder, at 435-716-9002, at least 24 hours prior to the meeting. Logan Municipal Council Meetings are televised live as a public service on Channel 17 or the Logan City Website and loganutah.org.

Holly H. Daines, Mayor
Thomas C. Jensen, Chair
Jeannie F. Simmonds, Vice Chair
Herm Olsen, Councilmember
Jess W. Bradfield, Councilmember
Amy Z. Anderson, Councilmember



SCHEDULE 2
ANNUAL MEETING SCHEDULE



**2018 ANNUAL NOTICE OF MEMBERS OF THE
MUNICIPAL COUNCIL TO THE PUBLIC AND RESIDENTS OF
THE CITY OF LOGAN**

Public notice is hereby given that the Municipal Council of the City of Logan conducts its regular Council meetings on the first and third Tuesdays of each month at Logan City Hall, 290 North 100 West, Logan, Utah, which meeting begins at 5:30 p.m., but if the meeting day is a legal holiday, then the meeting shall be at the same time and place above-described on a day determined by the Logan Municipal Council. In addition, study sessions for the Logan Municipal Council may be held on other Tuesday evenings as necessary. Agendas for the meetings are posted as required by law.

Meetings of the Logan Redevelopment Agency are held as necessary and agendas are posted as required by law.

Teresa Harris, City Recorder

Publication Date: December 15, 2017

EXHIBIT B

SUPPLEMENTAL INDENTURE

EXHIBIT C

BOND PURCHASE AGREEMENT