

OFFICIALS PRESENT: Mayor Kevin Jepps presided and conducted the meeting. Council Member Nathan Tueller, Council Member Toby Wright, Council Member Blake Ostler, Council Member Dave Walker and Council Member Ashley Young.

OFFICIALS ABSENT: None

CITY STAFF PRESENT: Robert Barnhill, City Administrator
William Morris, City Attorney
Scott Hancey, Chief of Police
Shanna Johnson, City Recorder

OTHERS PRESENT: Nelson Phillips (BENJ), Brandon Johnson (Bond Counsel), Melanie Barnhill, Jason Burningham (LYRB)

ITEM 1: CALL TO ORDER

Mayor Jepps called the electronic City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

Council Member Ostler recused himself for 4A

ITEM 3: PRESENTATION

A. City Hall Funding Process & Super Parameters Resolution

In attendance on-line for the presentation was Jason Burningham representing Lewis, Young, Robertson and Burningham, the city's financial advisors and Brandon Johnson, from the city's Bond Counsel. Mr. Burningham opened the presentation and said he was to give an update on the issuance of Sales Tax Revenue Bond and the city hall funding process with the super parameters resolution. He explained that the action item for Resolution 2022-05 is relative for the acquisition of the building for the purposes of city offices, and will continue to be leased out to existing tenants, in addition, with the potential for expansion in the future. He continued by stating that in order to secure some finances the city is considering issuing bonds, in which, the process will be used to purchase the building.

Mr. Burningham then highlighted the different financial options that have recently been considered. Namely from Item 5 of the March 10, 2022 Council Meeting (lease revenue bond, sales tax revenue bond, commercial lending). They desire the best benefit for the city, which is based on a number of factors that include the lowest cost of capital, which would result in the lowest interest rate. Therefore, they recommended to the city a Sales Tax Revenue Bond.

Mr. Burningham highlighted several things included in the Super Parameters Resolution as follows:

- It sets certain maximum conditions or terms relative to a bond issue;
- It contemplates the sale tax revenue as the pledge;
- Security for the bonds; and
- Contemplates that the bond will not issue bonds in an aggregate amount greater than \$3,200,000

He said that Section 2 was important because it lists the delegation of authority. He pointed out that this is where it states the designation officer(s) empowered to execute the final provisions of bonds provided that they're within the parameters. He then reiterated a few more of the super parameters as shown below:

- Aggregate principal amount of the Bonds shall not exceed \$3,200,000
- Bonds mature over a period of not to exceed 22 years
- The interest rate or rates to be borne by any Bond shall not exceed 4.00% per annum
- Shall not exceed 2.00% (expressed as a percentage of the principal amount)

He next wanted to point out that Section 7 states that under the Utah Code we must give a Notice of Bonds to be Issued. Noting that if Resolution 2022-05 was to be passed at the meeting the city would need to publish it in The Standard Examiner newspaper to start the thirty (30) day contest period. After the time has expired, no one has the ability to oppose or have any cause of action to contest the regularity, formality or legality of this Resolution.

Mr. Burningham continued to explain the public notices requirement that will need to be met and what their time lines consist of. He said that Exhibit D & E will be the public notices that will be put in the newspaper and on the public meeting notice website. There are three associated documents that are only in substantial form because they do not have the terms and conditions that are predicated when the bond is purchased. These documents are Exhibit A: Master Indenture, Exhibit B: Supplemental Indenture and Exhibit C: Purchase Contract and examples were given in the City Council Packet. He then said that they're looking into a financial institution to purchase the entire bond issue.

Mr. Brandon Johnson complemented Mr. Burningham on the job he did with explaining the Resolution. Then said he did not have anything else to add.

ITEM 4: ACTION ITEM (Roll Call Vote)

A. Resolution 2022-05 Authoring the Issuance of Sales Tax Revenue Bonds

Mayor Jeppsen asked if there were questions about this resolution.

Council Member Wright asked what is classified as a bond vs. bonds. Mr. Burningham explained that there wasn't anything distinctive to calling it a bond or bonds other than it is a singular term or duplicative term and is interchangeable at times.

Mr. Burningham then expounded on the method of how they would distribute the bond. The two main methods of doing this is public market offering which is a more costly and timely effort and the direct purchase or private placement. The private placement which, is a limited offering, would go to institutional investors as a non-rated bond that is limited to a certain number of investors. Direct purchase was selected as the best method. He believes it will be the lowest cost.

Council Member Wright then asked for an explanation where it states the potential economic impact on the private sector from the Intent to Issue. (Bond Resolution – Sales Tax Bonds, Exhibit E, Paragraph 1) Bond Attorney, Brandon Johnson said that it pertains to the public hearing and that language is required by statute under the Bond Act. Any issuer of municipal bonds is required to hold a public hearing in respect to the issuing of the bonds and the effects the issuing of the bonds will have on the private sector. In this case, Perry City isn't competing with the private sector for having a city building. Perhaps someone could consider that the city is taking a building from

private sector but there is a lot of land available in the city for the private sector to build a building on.

Council Member Walker asked for clarification about the designated officer as stated in at the end of Section 2, the last two paragraphs. In particular, the statement that the city officer or mayor can set parameters but only the mayor can execute it. Mr. Burningham explain that the designated authority can be whomever the city constitutes. In a municipal government, it's typically the delegated officer or mayor that signs most of the contracts or agreements that relate to the city. Bond Counsel Mr. Johnson added that in many instances immediate signatures for formal documents or certificates are required and the mayor or city administrator is typically in the office and available.

Council Member Walker then asked for a sentence to be add in Exhibit D, (page 2, second to last paragraph) of the resolution that a copy of it be posted on the city's website. It was noted and will be added.

Council Member Tueller asked if this method prohibited the city from paying it off early. Mr. Burningham responded that we intend it to be fully flexible in terms of prepayment but will have to wait to see what the bond offers have written. The bond posting will state pre-payable at any time but we will have to wait and see what we get in an offer.

MOTION: Council Member Tueller made a motion to approve resolution 2022-05 Authorizing the Issuance of Sales Tax Revenue Bonds. Council Member Walker seconded the motion with an amendment in Exhibit D that the Resolution will be posted on the city website.

ROLL CALL: Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Abstained
Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 4 Yes, 1 Abstain.

B. Resolution 2022-06 Rules of Order and Procedure

City Attorney Morris gave some background information on this resolution. He stated that when they redid Title 2 they separated the rules and procedures. Apparently, it was adopted by ordinance but should be adopted by resolution. Therefore, they are bringing it back by resolution. He said there was training on the rules and procedures done in January so he would not cover them again. He then said that Ms. Johnson and he edited drafts and fixed typo errors of this resolution.

Mayor Jeppsen asked how much of the new rules of order and procedure resembles what was in Title 2 and does it compares to their training. City Attorney Morris responded that he streamlined it a little bit but it was basically the same.

Council Member Ostler asked if the Planning Commission needed to review and pass this resolution. City Attorney Morris answered that the City Council only needs to approve the rules. Then Council Member Ostler pointed out in Rule 1, item 5 and 6 that it states the Presiding Officer should announce the name of the member of the public body who makes or seconds a motion. He pointed this out for them to be aware and include this activity in their meetings. He

also wanted to point out item 7 that they need to repeat the motion to make sure everyone understands it. Mayor Jepps who is the Presiding Officer acknowledged Council Member Ostler comments. Another thing Council Member Ostler mentioned that the council might want to keep in mind was Rule #6, which states the following motions are not debatable: a motion to adjourn and it does not require second.

Next discussed in this resolution was Rule 7 where the Planning Commission quorum of five members need a majority to make a motion but currently there are four members. City Administrator Barnhill said they're working to get more planning commission members. After the discussion on Rule 7, the committee voted to strike by consensus the last sentence "A quorum of the Planning Commission is four (4) members" from the draft copy.

Ms. Johnson expressed that the changes for this request was from an ordinance to a resolution. However, other than that the majority of the changes were typo errors.

Council Member Walker asked if in Section 1, Meeting Agenda Required, they would change from one (1) week to five (5) days for getting things on the agenda. After some review and to accommodate this request it was agreed by consensus to change the first sentence from saying, "will" to "may" for the notice and agenda. Then he suggested in Section 3, Rules of Conduct during Meetings, in sub-section 3B, Opening Ceremony, that the council considers adding the Pledge of Allegiance to their meetings. Next, he read from Rule 1, bullet item 4, that "The presiding officer allows open public comment only if a Public Hearing is indicated on the agenda. Otherwise, public comment is only allowed at the sole discretion of the Presiding Officer". He said that he feels the public in general doesn't know when they can make a comment. He asked if we could put on the agenda for the public to know how and when they have the option to speak. After review of all sub-section 3b, it was decided that the wording in the rules already allows for the public to comment and that our council is cognizant of the public in the meeting and when they want to speak.

Mayor Jepps commented that state legislature is going away from public comments in meetings because of electronic communications. He feels we do try to acknowledge people in our public meetings, but these meetings are not appropriate for public questions and answers. He said that the constituents should be able to reach the council members if they have questions or concerns. He mentioned of course we want to give the public answers and show transparency, but through monitored social outlets or the public websites, we can have it.

MOTION: Council Member Walker made a motion to approve resolution 2022-06 Rules of Order and Procedure as amended by consent. Council Member Wright seconded the motion.

ROLL CALL: Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 5 Yes, 0 No.

C. Ordinance 22-G To Vacate 2830 South and 1000 West Right-of-Way

City Attorney Mr. Morris said the city held a public hearing on January 9, 2020 on this issue. At that meeting, they approved a plat of vacated roads and sent it on to the county. When it got to the

county, the county recorder wanted it done a by ordinance even though the code allowed for submittal by ordinance or plat. After some research and discussion with the county attorney, it was decided that this issue does need to be done by ordinance. It has taken since then until now to go through the process. He said he made the changes as need and this is the ordinance the county wants to effectuate what was done after the public hearing on January 9, 2020.

City Administrator Mr. Barnhill gave a refresher on the ordinance. He explained that it contains the various parcels and their descriptions with the names of the property owners. He said the state requires that when a road get vacated, it gets split in half and the property owners on each side get their half. The area that is being vacated is around 2820 South and there will be another road built to match the road across the highway. He did inform the council members that the new code will require a 90 days approval for the plat, but it does not apply to this ordinance.

Council Member Walker asked what it means to vacate a property in terms of our rights. City Administrator Mr. Barnhill said that in this case the city gives up the public right of way and gives it back to the landowners on the road. In addition, in one section of this request it will only be a line adjustment (See Exhibit A & B). He then suggested that they submit this vacating ordinance the same time they send the dedicating request. Originally, it was to be done with just the plat map. However, with the changes requested by the county maybe it could be mentioned in the motion that the vacating is contingent on this plat being recorded and the dedicating of the land. Then take both documents and record them simultaneously.

Council Member Walker asked what was being done with the water on the south that is currently running into the dirt road. Administrator Mr. Barnhill answered that the developer has planned to capture the storm water into a box and piping it into their storm water box.

MOTION: Council Member Wright made a motion to approve Ordinance 21-G to vacate 2830 South and 1000 West Right-of-Way, contingent upon the plat being recorded. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Walker, Yes
Council Member Young, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- March 10, 2022 City Council Meeting Minutes
The approval for the March 10, 2022 meeting minutes were tabled.

B. Mayor's Report

Mayor Jeppsen gave a report from the Association of Wasatch Front Regional Council (WFRC) meeting he attended. In this meeting, they discussed the accomplishments of the legislature this year. The WFRC and several other agencies discussed their involvement with transportation and housing in the area. He said they all feel real good with what they did this year and he agrees with them. For example, they were able to get millions of dollars for UTA to use for improvements on TRAX and the Front Runner.

He reported that he spoke to the manager of the local bird refuge and that on April 23, 2022 they were going to open up a section of the refuge for their audio tour that hasn't been opened for years. They're going to open this road on a trial basis. What this means is that they'll have traffic exit from of the bird refuge on the west I-15 frontage road. Then the cars will be directed to 2950 South and on to Highway 89.

C. Council Reports

Council Member Walker stated he wants to setup a Perry Service Day on May 21, 2022. His plan is to get the community involved in getting our city and parks ready for summer. He provided a presentation displaying his plans, for example at Mountain View Park some projects needing to be done are to remove the bushes and temporary fence around the sanded areas, fix or remove the tree rings, pull the weeds in the volleyball area, and prune or give general clean-up on the trails. He mentioned that if there is interest that maybe they could start on the bike jump park or convert a vacant portion of a park to a community orchard or garden. However we would need public input regarding if they would be interested in these changes.

He continued by noting that Perry Park needs the corner spot cleaned and new plants that cover the dirt. The nature park needs general clean up and to redefine some of the trail. There also is a spot where they can have additional community row box gardens. On the north side of the park, there are woodcarvings that needs to be sanded and resealed. The roof on the log cabin in the park is caving in and if it has historical value, we might want to restore it. If not, we do not want it to be a hazard and we should do something about it. There are fire hydrants needing to be painted and storm drain signs needing to be placed on all the city storm drains. There's about 30 feet of a path next to Davis Street and Lynda Way by the park that would be better if it were a cement sidewalk. However, this project might be done by Public Works if they can get the funds.

There was a discussion that the date of the service day should be posted on the city website, Facebook, town newsletter and the justserve.org site. Council Member Walker said there are some purchases that will need to be bought before this day, but some items will be received by donations.

Council Member Young said that she would have the Youth Counsel applications done soon. Then that there will be the Easter Egg Hunt on April 16, 2022 and that we're accepting candy donations. She stated that they purchased 300 more plastic eggs. She hopes that they can get the Youth Council organized so they can help with the Easter Egg Hunt events. Ms. Young asked the council members to pass the word on the candy donations and noted that we have put it in our city newsletter and on online.

Council Member Ostler asked if they will give an overview of the budget season and Mayor Jeppsen said that we have it added to the upcoming report.

Council Member Tueller mentioned that they passed and submitted the equipment budget. He reminded the council that the County Convention is this week and the State Convention is the week of the ULCT conference. Then he pointed out that he has been talking to those of importance about the UTA Mass Transit Tax that Perry City is paying. He said he's hoping to get together with other municipalities to go against paying this tax for the next fifty years without us having the benefits of its use during this time.

Council Member Wright did not have any comment.

D. Staff Comments

Ms. Shanna Johnson said the budget work sessions will begin on April 14, 2022 at 6:00 pm. She noted that this week she sent out a budget update that included draft proposals (for fiscal year 2023), estimates on revenue, and estimated bond payment with the cost associated with it. She said, "We are sitting pretty good right now". She mentioned that there will be a worksheet within the workbook titled "Fiscal Year 2023 Projects" and asked the council members to review the worksheet and come prepared to that meeting.

City Administrator Barnhill asked that in the future they have a discussion item on UTA Tax. And for this discussion we'll need to get updated numbers, some history, exceptions, the communities involved, and how much was spent and where.

City Attorney Mr. Morris did not have any comment.

Chief of Police Mr. Hancey did not have any comment.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

- 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.**

ITEM 7: ADJOURNMENT

MOTION: Council Member Wright made a motion to adjourn.

Motion Approved. All Council Members were in favor.
The meeting adjourned at 8:46 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder