

Midway City Council
8 August 2018
Work Meeting

Resolution 2018-27 /
Special Bond Election

Midway, Utah

August 8, 2018

The City Council (the “Council”) of Midway City, Utah (the “City”), met in regular session at 160 West Main Street, in Midway, Utah, at 6:00 p.m. on Wednesday, August 8, 2018, with the following members of the Council being present:

Celeste T. Johnson	Mayor
Lisa Christen	Councilmember
Jeff Drury	Councilmember
Bob Probst	Councilmember
Jared Simonsen	Councilmember
Ken Van Wagoner	Councilmember

Also present:

Brad Wilson	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 August 8, 2018 meeting, a copy of which is attached hereto as Exhibit A.

After due deliberation, the following Resolution was considered, fully discussed and, pursuant to motion made by _____ and seconded by _____, was adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor and recorded in the official records of the City Council of Midway City, Utah. The resolution is as follows:

RESOLUTION NO. 2018-27

A RESOLUTION PROVIDING FOR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF MIDWAY CITY, UTAH (THE "CITY"), A PROPOSITION REGARDING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 GENERAL OBLIGATION BONDS TO FINANCE ALL OR A PORTION OF THE COSTS TO PRESERVE OPEN SPACE AND RELATED IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS.

WHEREAS, the City Council (the "Council") of Midway City, Utah (the "City") finds it desirable and in the best interest of the City to preserve open spaces within and outside of the annexation boundaries of the City in accordance with the City's 2017 General Plan; and

WHEREAS, the Council desires to partner with willing landowners, private organizations, land preservation foundations, governmental agencies and private donors, all at the discretion of the City, to pay all or a portion of the costs (consistent with the Midway City General Plan and as permitted by the laws of the State of Utah) to preserve open space and related improvements, including but not limited to acquisition of land, development rights, conservation easements, maintenance of use agreements, or related start-up expenses (the "Project") and paying costs of issuance of the Bonds; and

WHEREAS, the City does not have on hand money to pay for all of the costs of the Project and the Council has determined to finance the cost thereof through the issuance of up to \$5,000,000 of its General Obligation Bonds (the "Bonds"); and

WHEREAS, the Council desires to submit a proposition concerning the issuance of the Bonds to the vote of the qualified electors of the City pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended and applicable provisions of the Utah Election Code, Title 20A, Utah Code Annotated 1953, as amended (collectively, the "Act");

NOW, THEREFORE, It Is Hereby Resolved by the City Council of Midway City, Utah, as follows:

Section 1. Definition of Terms. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution.

Section 2. Election Call. On November 6, 2018, there shall be held in the City a special bond election (the "Bond Election"), between the hours of 7:00 a.m. and 8:00 p.m., at which there shall be submitted to the qualified electors of the City the proposition appearing in the ballot proposition portion of the Notice of Election as

substantially set out in Section 6 hereof (as may be appropriately and legally updated, modified, corrected or completed).

Section 3. Voting Places and Election Judges. For purposes of the Bond Election, the voting methods, the voting precincts, the voting places, the election judges, alternate judges and poll workers to serve at said voting places shall be the same as those established for the general election held that day.

Section 4. Authorization and Reimbursement of Expenses. The Bond Election shall be conducted and the registration therefore shall be governed in conformity with the laws of the State of Utah, including particularly the Act, and the officials of the City and Wasatch County, Utah (the “County”), as applicable, shall and are hereby authorized and directed to perform and do all things necessary to the proper calling and conduct of the Bond Election and the canvass of the results thereof.

In the event the proposition for the Bonds is approved at the Election, the City reasonably expects to reimburse from proceeds of debt to be incurred by the City, capital expenditures advanced by the City for the acquisition and construction of the improvements herein described in a principal amount of not more than \$5,000,000.

Section 5. Public Hearing. The Council shall hold a public hearing on September 26, 2018, to receive input from the public with respect to (a) the issuance of the Bonds and (b) the potential economic impact that the improvements, facilities, or properties to be financed in whole or in part with proceeds of the Bonds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published and shall not be sooner than thirty (30) days or later than five (5) business days before the first publication of the Notice of Election as described in this Resolution, such notice to be published (i) once a week for two consecutive weeks in the Wasatch Wave, a newspaper of general circulation within the City, (ii) on the Utah Public Meeting Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The “Notice of Public Hearing” shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on August 8, 2018, the City Council (the "Council") of Midway City, Utah (the "City"), adopted a resolution (the "Resolution") in which it authorized the calling of an election (the "Election") concerning a proposition for the issuance of the City's General Obligation Bonds (the "Bonds") and called a public hearing to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the improvements, facilities or properties financed in whole or in part with the proceeds of the Bonds (see below) may have on the private sector.

TIME, PLACE, AND LOCATION OF PUBLIC HEARING

The Council shall hold a public hearing on Wednesday, September 12, 2018, at the hour of 6:00 p.m. in the Council Chambers, 160 West Main Street, Midway, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Bonds and (b) any potential economic impact that the improvements, facilities, or properties financed in whole or in part with the proceeds of the Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE BONDS, MAXIMUM AMOUNT AND SECURITY

The Bonds are to be issued in the aggregate principal amount of not to exceed \$5,000,000 for the purpose of partnering with willing landowners, private organizations, land preservation foundations, governmental agencies and private donors, all at the discretion of the City, to pay all or a portion of the costs (consistent with the Midway City General Plan and as permitted by the laws of the State of Utah) to preserve open space and related improvements, including but not limited to acquisition of land, development rights, conservation easements, maintenance of use agreements, or related start-up expenses and paying costs of issuance of the Bonds. The Bonds shall be secured by ad valorem property taxes of the City to the extent authorized by law.

The Bonds may be issued in one or more series and be sold from time to time, all as the Council may determine.

DATED this August 8, 2018.

/s/ Brad Wilson
City Recorder

To be published on or about August 23, 2018 and August 30, 2018.

Section 6. Notice of Election. In accordance with Section 11-14-202 of the Act, a Notice of the Bond Election shall be (i) published in the Wasatch Wave three (3) times, once a week for three (3) consecutive weeks, with the first publication being not less than twenty-one (21) nor more than thirty-five (35) days before the Bond Election, (ii) posted on the Utah Legal Notices website (www.utahlegals.com) and (iii) posted on the Utah Public Meeting Notice website (<http://pmn.utah.gov>).

In addition, the Election Officers (defined herein) are to (i) publish the sample ballot immediately before the election as required in Section 20A-5-405 of the Act and (ii) publish notice of and perform the election voting device and tabulation equipment test procedures as required by Section 20A-4-104 of the Act.

The election Notice shall be given in substantially the following form (with such completion, amendments, updates, changes, additions or alterations as may be required to conform such notices to the Act (including amendments thereto prior to such publication) and actual election information or calendar items (to be confirmed prior to the first publication of such notice)):

ELECTION NOTICE

To all qualified electors of Midway City, Utah:

Take notice that on November 6, 2018 between the hours of 7:00 a.m. and 8:00 p.m., a special bond election (the “Bond Election”) will be held in Midway City, Utah (the “City”), in conjunction with the general election to be held that day.

Information regarding polling places for each voting precinct, each early voting polling place, and each election day voting center, including changes to the location of a polling place and the location of an additional polling place, may be found at the Statewide Electronic Voter Information Website at www.vote.utah.gov or at the Wasatch County Clerk/Auditor’s Website at www.wasatch.utah.gov or at the Midway City Recorder’s Website at www.midwaycityut.org.

To obtain information regarding the location of a polling place voters may also call (435) 657-3190.

The Election will be held for the purpose of submitting the following ballot proposition:

OFFICIAL BALLOT PROPOSITION FOR THE
MIDWAY CITY, UTAH
SPECIAL BOND ELECTION

NOVEMBER 6, 2018

/s/ Brad Wilson
City Recorder

PROPOSITION [fill in no.]

Shall Midway City, Utah (the “City”), be authorized to issue General Obligation Bonds in an amount not to exceed Five Million Dollars (\$5,000,000) (the “Bonds”) for the purpose of partnering with willing landowners, private organizations, land preservation foundations, governmental agencies and private donors, all at the discretion of the City, to pay all or a portion of the costs (consistent with the Midway City General Plan and as permitted by the laws of the State of Utah) to preserve open space and related improvements, including but not limited to acquisition of land, development rights, conservation easements, maintenance of use agreements, or related start-up expenses; said Bonds to be due and payable in not to exceed twenty-one (21) years from the date of issuance of the Bonds?

Property Tax Cost of Bonds: If the Bonds are issued as planned, , an annual property tax to pay debt service on the Bonds will be required over a period of twenty-one (21) years in the estimated amount of \$110.76 per year on a \$440,000 residence and in the estimated amount of \$201.39 per year on a business property having the same value.

The foregoing information is only an estimate and is not a limit on the amount of taxes that the City may be required to levy in order to pay debt service on the Bonds. The City is obligated to levy taxes to the extent provided by law in order to pay the Bonds. The amounts are based on various assumptions and estimates, including estimated debt service on the Bonds and taxable values of property in the City.

FOR THE ISSUANCE OF BONDS (YES)

AGAINST THE ISSUANCE OF BONDS (NO)

Voting at the special bond election may be done by absentee ballot to be mailed to all registered voters in the City. Voters wishing to vote by absentee ballot and who fail to receive a ballot in the mail may contact the Wasatch County Clerk/Auditor's office by phone at (435) 657-3190 or the Midway City Recorder's office by phone at (435) 654-3223, ext. 118.

Voters that do not wish to vote by mail (absentee ballot) may vote in person at the early voting places and during the early voting times established within the City for the general election on November 6, 2018, at the election day voting centers established within the City for the general election. Locations of early voting places and election day voting centers may be found by consulting the websites indicated above or by calling Wasatch County Clerk/Auditor's office by phone at (435) 657-3190 or the Midway City Recorder's office by phone at (435) 654-3223, ext. 118.

NOTICE is given that on Tuesday, November 14, 2018, that being a day no sooner than seven (7) days and no later than fourteen (14) days after the Bond Election, the Council of the City will meet at its regular meeting place at 6:00 p.m. to canvass the returns and declare the results of the Bond Election.

Pursuant to applicable provisions of Utah State law, the period allowed for any contest of the Bond Election shall end forty (40) days after November 14, 2018 (the date on which the returns of the Bond Election are to be canvassed and the results thereof declared). No such contest shall be maintained unless a complaint meeting the requirements of applicable law is filed with the Clerk of the District Court of Wasatch County within the prescribed forty (40) day period.

GIVEN by order of the City Council of Midway City, Utah.

By: /s/ Celeste T. Johnson
Mayor

ATTEST:

By: /s/ Brad Wilson
City Recorder

To be published on or about: October 6, October 13 and October 20 – the Wasatch Wave.

Section 7. Mailing of Voter Information Pamphlet. The Council hereby directs the City Recorder of the City (the “City Recorder”) to mail at least fifteen (15) but not more than forty-five (45) days before the scheduled Bond Election, a voter information pamphlet or a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet, to each household with a registered voter who is eligible to vote on the Bonds. Said voter information pamphlet shall include, in the following order: (a) the date of the Bond Election, (b) the hours during which the polls will be open, (c) the address of the Statewide Electronic Voter Information Website and, if available, the address of the Wasatch County Clerk/Auditor’s website and Midway City Recorder’s website, with a statement indicating that the election officer will post on the website the location of each polling place for each voting precinct, each early voting polling place, and each election day voting center, including any changes to the location of a polling place and the location of an additional polling place; (d) a phone number that a voter may call to obtain information regarding the location of a polling place; (e) the title and text of the ballot proposition, and (f) an explanation of the property tax impact, if any, of the issuance of the Bonds which may be based upon information available to the City Recorder, including (i) expected debt service on the Bonds to be issued, (ii) a description of the purpose, remaining principal balance, and maturity date on any outstanding general obligation bonds of the City, (iii) funds other than property taxes available to pay debt service on general obligation bonds, (iv) timing of expenditure of Bond proceeds, (v) property values and (vi) any additional information the Council determines may be useful to explain the property tax impact of issuance of the Bonds.

Section 8. Compliance with the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended. The City shall comply with the requirements of the Transparency of Ballot Propositions Act, Title 59, Chapter 1, Part 16, Utah Code Annotated 1953, as amended and shall post the arguments and rebuttal arguments as required by such act on the Statewide Electronic Voter Information Website as described in Section 20A-7-801, Utah Code Annotated 1953, as amended, for thirty (30) consecutive days before the Bond Election. The City shall further post all arguments and rebuttal arguments in a prominent place on the City’s website for thirty (30) consecutive days before the Bond Election. The City has no newsletter to further post arguments and rebuttal arguments before the Bond Election. When posting the argument and rebuttal argument, the City Recorder shall ensure that: (a) a rebuttal argument is posted in the same manner as a direct argument; (b) each rebuttal argument follows immediately after the direct argument that it seeks to rebut; and (c) information regarding the public meeting (described in the next sentence), follows immediately after the posted arguments, including the date, time, and place of the public meeting. The City shall conduct a public meeting on October 24, 2018, a date which is no more than forty-five (45), but at least four (4), days before the Bond Election, beginning at the hour of 6:00 p.m. at 160 West Main Street, Midway, Utah. The purpose of the meeting is to hear arguments for and against the issuance of the Bonds. Information regarding this public meeting shall follow immediately after the posted arguments set forth on the Statewide Electronic Voter Information Website and the City’s website described herein. Within three (3) days following the public meeting,

the City will post a digital recording of the meeting on its website and at the primary office of the City.

Section 9. Election Supplies and Ballots. The ballots to be used at the Bond Election shall comply in all respects with the requirements of the Act at the time of the Bond Election, including, but not limited to, Title 20A, Chapter 6 and Section 11-14-206 of the Act, and the proposition and election instructions with respect to the Bond Election shall be in substantially the form contained in the Election Notice set forth in Section 6 hereof.

Section 10. Appointment of Election Officers. Pursuant to Sections 20A-1-102 and 20A-5-400.5 of the Act, the County Clerk/Auditor of Wasatch County and the Midway City Recorder will act as election officers (the "Election Officers"). The City Recorder or other officials of the City and the County are hereby directed and authorized to coordinate with the Election Officers as required for the Bond Election. The Election Officers shall be authorized and directed to give appropriate notices as required by the Act.

Section 11. Canvass. The ballots shall be counted and the results delivered to the City in accordance with the procedures of Title 20A, Chapter 4, Part 1 and Part 2, of the Act. The Council shall meet as a Board of Canvassers no sooner than seven (7) nor later than fourteen (14) days after the date of said election, currently set for Tuesday, November 14, 2018, at 6:00 p.m., at the regular meeting place of the Council in Midway, Utah, and if the majority of the votes cast at the Bond Election are in favor of the propositions submitted, then the City Recorder shall cause an entry of that fact to be made upon its minutes. Thereupon the Council shall be authorized and directed to issue such Bonds.

Section 12. Severability. 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 13. Conflict. 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.

Section 14. Captions. The headings herein are for convenience of reference only and in no way define, limit, or describe the scope or intent of any provisions or sections of this resolution.

Section 15. Recording of Resolution; Effective Date; Notice to Lieutenant Governor and Election Officer. Immediately after its adoption, this Resolution shall be signed by the Mayor and City Recorder, shall be recorded in a book for that purpose, and shall take immediate effect. The City Recorder shall immediately furnish a certified

copy of this Resolution to the Lieutenant Governor and the Wasatch County Clerk/Auditor in accordance with Section 11-14-201 of the Act by no later than August 24, 2018, a date at least 75 days before the Bond Election.

Section 16. Further Authority. The Council hereby authorizes the City Recorder to make changes to any notice or the ballot proposition described herein to complete the same, cure any ambiguity or defect therein or to make any other changes to such notice or ballot proposition as may be required or allowed by the laws of the State of Utah.

PASSED AND APPROVED this August 8, 2018.

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Recorder

Pursuant to motion duly made and seconded, the meeting was adjourned.

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

I, Brad Wilson, hereby certify that

(a) I am the duly qualified and acting City Recorder of Midway City, Utah (the “City”);

(b) the above and foregoing constitutes a true and correct copy of a portion of the minutes of a special meeting of the City Council of Midway City, Utah, including a resolution adopted at said meeting held on August 8, 2018, as said minutes and resolution are officially of record in my possession;

(c) a certified copy of the within Resolution was filed with the Lt. Governor and the Wasatch County Clerk/Auditor, as Election Officer, as described herein;

(d) the Resolution, with all exhibits attached, was deposited in my office on August 8, 2018;

(e) pursuant to the Resolution, a Notice of Public Hearing will be (i) published once each week for two consecutive weeks in the Wasatch Wave, a newspaper having general circulation in the City, with the affidavit of such publication being attached upon availability, (ii) posted on the Utah Public Notice website (<http://pmn.utah.gov>); and (iii) posted on the Utah Legal Notices website (www.utahlegals.com); and

(f) pursuant to the Resolution, an Election Notice will be (i) published once each week for three consecutive weeks in the Wasatch Wave, a newspaper having general circulation in the City, with the affidavit of such publication being attached upon availability, (ii) posted on the Utah Legal Notices website (www.utahlegals.com) and (iii) posted on the Utah Public Notice website (<http://pmn.utah.gov>).

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of Midway City, Utah, this August 8, 2018.

(SEAL)

By: _____
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Brad Wilson, the undersigned City Recorder of Midway City, Utah (the "City"), do hereby certify that I gave written public notice of the agenda, date, time and place of the special meeting held by the City Council (the "Council") of the City on August 8, 2018, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices on _____, 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 Wasatch Wave on _____, 2018, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice 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 Council (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 (i) posted in _____ at the principal office of said Council, (ii) provided to at least one newspaper of general circulation within the City in _____, and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year. Inasmuch as this was a special meeting, such Notice of 2018 Annual Meeting Schedule does not refer to this meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the City this August 8, 2018.

(SEAL)

By: _____
City Recorder

SCHEDULE 1
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

PROOF OF PUBLICATION OF NOTICE OF PUBLIC HEARING

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the Notice of Public Hearing which was contained in the Resolution adopted by the Council on August 8, 2018, was published once a week for two (2) weeks in the Wasatch Wave.

PROOF OF PUBLICATION OF ELECTION NOTICE

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the Election Notice which was contained in the Resolution adopted by the Council on August 8, 2018, was published once a week for three (3) consecutive weeks in the Wasatch Wave.