

Eagle Mountain, Utah

May 3, 2011

The City Council (the "City Council") of Eagle Mountain City, Utah, held a regular meeting at the regular meeting place in Eagle Mountain, Utah, on May 3, 2011, at the hour of 7:00 p.m., with the following members of the City Council being present:

Heather Jackson	Mayor
Donna Burnham	Councilmember
John Painter	Councilmember
Ryan Ireland	Councilmember
John Celaya	Councilmember
Nathan Ochsenhirt	Councilmember

Also present:

Fionnuala Kofoed	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 City Council, a Certificate of Compliance with Open Meeting Law with respect to this May 3, 2011, 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 Burnham and seconded by Councilmember Ochsenhirt adopted by the following vote:

AYE: 4

NAY: 1

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

RESOLUTION NO. R-07-2011

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$12,800,000 AGGREGATE PRINCIPAL AMOUNT OF GAS AND ELECTRIC REVENUE BONDS, SERIES 2011, OF EAGLE MOUNTAIN CITY, 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 Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council of Eagle Mountain City, Utah (the "Issuer"), has authority to issue its Gas and Electric Revenue Bonds, Series 2011 (the "Series 2011 Bonds") for the municipal purposes set forth therein; and

WHEREAS, subject to the limitations set forth herein, the Issuer desires to issue its Series 2011 Bonds to (a) finance the acquisition of property for rights of way and the construction of substations, lines and related improvements (the "2011 Project"), (b) fund a debt service reserve fund, if necessary, and (c) pay costs of issuance; and

WHEREAS, the Issuer desires to publish a notice of bonds to be issued at this time with respect to the Series 2011 Bonds;

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

Section 1. The City 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 \$12,800,000 aggregate principal amount of its Series 2011 Bonds, to bear interest at a rate or rates of not to exceed six and three-quarters percent (6.75%) per annum, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof for the purpose of (a) financing the Series 2011 Project, (b) funding a deposit to a reserve fund, if necessary, and (c) paying costs of issuance to be incurred in connection with the issuance and sale of the Series 2011 Bonds, all pursuant to this Resolution and a resolution to be adopted by the City Council authorizing and confirming the issuance and sale of the Series 2011 Bonds (herein referred to as the "Authorizing Resolution") and a General Indenture of Trust dated as of September 1, 2005 (the "General Indenture"), and a Second Supplemental Indenture of Trust (the "Second Supplemental Indenture") dated as of May 1, 2011 (together with the General Indenture, the "Indenture"), to be entered into at the time of issuance of the Series 2011 Bonds in substantially the form attached

hereto as Exhibit B, and the City Council hereby declares its intention to issue the Series 2011 Bonds according to the provisions of this Resolution, the Authorizing Resolution, and the Indenture, when executed, and to issue the Series 2011 Bonds.

Section 2. The City Council hereby authorizes and approves the issuance and sale of the Series 2011 Bonds pursuant to the provisions of this Resolution, the Authorizing Resolution, and the Indenture to be executed by the Issuer authorizing and confirming the issuance and sale of the Series 2011 Bonds, with such changes thereto as shall be approved by the City Council upon the adoption of the Authorizing Resolution, provided that the principal amount, interest rate or rates, maturity, and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 3. The Issuer directs the City Recorder to publish a Notice of Public Hearing and Bonds to be Issued (a) once a week for two consecutive weeks in the Provo Daily Herald, a newspaper of general circulation in the Issuer, (b) on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, and (c) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended. no less than fourteen (14) days before the public hearing date. The City Recorder shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's office in Eagle Mountain City, Utah, 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 Public Hearing and Bonds to be Issued" shall be in substantially the following form:

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

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 May 3, 2011, the City Council (the "Council") of Eagle Mountain City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Gas and Electric Revenue Bonds, Series 2011 (the "Series 2011 Bonds") and called a public hearing to receive input from the public with respect to (a) the issuance of the Series 2011 Bonds and (b) any potential economic impact that the improvements to be financed with the proceeds of the Series 2011 Bonds (see below) may have on the private sector.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on June 21, 2011, at the hour of 7:00 p.m. at the Eagle Mountain City Hall, City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2011 Bonds and (b) any potential economic impact that the improvements to be financed with the proceeds of the Series 2011 Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE SERIES 2011 BONDS

The Series 2011 Bonds will be issued for the purpose of (a) financing the acquisition of property for rights of way, and the construction of substations, lines, a **second natural gas tap**, and related improvements (the "2011 Project"), (b) funding a debt service reserve fund, if necessary, and (c) paying costs of issuance.

PARAMETERS OF THE SERIES 2011 BONDS

The Issuer intends to issue the Series 2011 Bonds in the aggregate principal amount of not to exceed Twelve Million Eight Hundred Thousand Dollars (\$12,800,000) to bear interest at a rate or rates of not to exceed six and three-quarters percent (6.75%) per annum, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof.

The Series 2011 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture of Trust dated as of September 1, 2005, a Second Supplemental Indenture of Trust dated as of May 1, 2011 (collectively, the "Indenture"), and the Authorizing Resolution which were before the City Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution, and said Authorizing Resolution is to be adopted and executed by the City Council, and such Second Supplemental Indenture is to be executed, in such form and with such changes thereto as shall be approved by the City Council upon the adoption thereof; provided that the principal amount, interest rate or rates,

maturity, and discount of the Series 2011 Bonds will not exceed the maximums set forth above.

A copy of the Resolution, the Authorizing Resolution, and the Second Supplemental Indenture are on file in the office of the City Recorder of the Eagle Mountain City Utah, at 1650 East Stagecoach Run, Eagle Mountain City, Utah, where they may be examined during regular business hours of the City Recorder from 7:30 a.m. to 5:30 p.m., Monday through Friday, 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 Authorizing Resolution, the Indenture, or the Series 2011 Bonds, or any provision made for the security and payment of the Series 2011 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 May 3, 2011.

/s/Fionnuala Kofoed

City Recorder

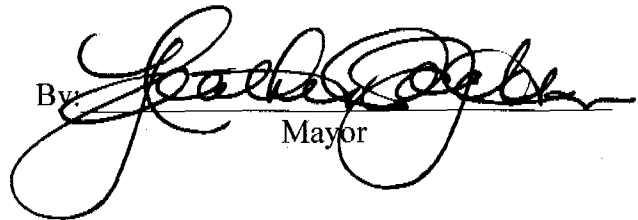
Section 4. The Issuer hereby declares its intention and reasonable expectation to use proceeds of the Series 2011 Bonds to reimburse itself for expenditures for costs of the 2011 Project. The Series 2011 Bonds are to be issued, and the reimbursements made, by the later of eighteen (18) months after (a) the payment of the original expenditure or (b) the 2011 Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid. The maximum principal amount of the bonds which will be issued to finance the 2011 Project is not expected to exceed \$12,800,000.

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 May 3, 2011.

(SEAL)

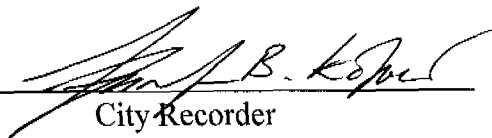
By:



Mayor

ATTEST:

By:



City Recorder



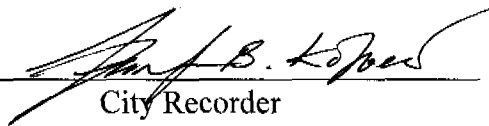
(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

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

(SEAL)

By: 
Mayor

ATTEST:

By: 
City Recorder



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Fionnuala Kofoed, the duly appointed and qualified City Recorder of Eagle City, Utah ("Issuer"), do hereby certify according to the records of said Issuer 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 May 3, 2011, 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 May 3, 2011.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Issuer, this May 3, 2011.

(SEAL)

By: 
City Recorder



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Fionnuala Kofoed, the duly appointed and qualified City Recorder of the Eagle Mountain City, Utah, (the "Issuer"), do hereby certify that, pursuant to the Resolution, there was published once each week for two consecutive weeks in the Provo Daily Herald a newspaper having general circulation in the Issuer, a Notice of Bonds to be Issued, the affidavit of which publication will, when available, be attached hereto.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this May 16, 2011.

(SEAL)

By: *Fionnuala Kofoed*
City Recorder



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Fionnuala Kofoed, the undersigned City Recorder of Eagle Mountain City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer 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 May 3, 2011, public meeting, held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices on April 28, 2011, 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 Provo Daily Herald on April 28, 2011, 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 published on the Utah Public Meeting Notice Website (<http://pmn.utah.gov>) at least twenty four (24) hours prior to the convening of the meeting.

(d) In addition, the Notice of 2011 Annual Meeting Schedule for the Issuer (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on January 12, 2011, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on January 12, 2011 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
May 3, 2011.

(SEAL)

By: _____

Fionnuala Kofoed
City Recorder



SCHEDULE 1

NOTICE OF MEETING

AGENDA
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 3, 2011

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*** This meeting may be held telephonically to allow a member of the City Council to participate ***

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

1. PRESENTATION – North Pointe Solid Waste, by Roger Harper.
2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.
3. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
4. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

5. CALL TO ORDER
6. PLEDGE OF ALLEGIANCE
7. INFORMATION ITEMS/UPCOMING EVENTS
8. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*
9. CITY COUNCIL/MAYOR’S ITEMS – Time has been set aside for the City Council and Mayor to make comments. *(Comments are limited to three minutes each.)*
10. COMMUNITY COVENANT – Supporting Those Who Serve.

CONSENT AGENDA

11. MINUTES
 - A. April 19, 2011 – Regular City Council Meeting
12. CHANGE ORDER
 - A. Geneva Rock Products Inc. – Eagle Mountain Pulverize and Overlay Project, Change Order #1

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Work Sessions, please call the City Recorder’s Office at least 3 working days prior to the meeting at 801-789-6610.

SCHEDULED ITEMS

Public Hearing

13. Proposed Capital Facilities Plan for Impact Fees (Impact Fees Facilities Plan) – *This is not an action item.*

BACKGROUND: *(Presented by Chris Trusty)* This Capital Facilities Plan analyzes Eagle Mountain's future growth patterns and its projected infrastructure needs as it grows. Services addressed include culinary water, secondary water, sewer, transportation, storm drain, public safety, parks and recreation, electrical and gas. Furthermore, it will provide a master plan for sewer, secondary water and storm drains. These master plans lay the foundation for the Capital Facilities Plan, including prioritized schedules for construction and cost estimates in planning-year dollars required for new growth.

Public Hearing

14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning the Lower Hidden Valley Master Development Area.

BACKGROUND: *(Presented by Steve Mumford)* The proposed ordinance rezones the Lower Hidden Canyon Area from Agricultural to Residential, according to the approved master development plan.

15. MOTION – Consideration and Adoption of the Master Development Agreement for Lower Hidden Valley.

BACKGROUND: *(Presented by Steve Mumford)* The Lower Hidden Valley development includes 244.6 acres of the approved Hidden Valley Master Development Plan.

Public Hearing

16. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan for Porter's Crossing Town Center.

BACKGROUND: *(Presented by Steve Mumford)* The proposed amendment to the General Plan changes the Future Land Use designation from Mixed-Use Residential to Mixed-Use Commercial for approximately 65 acres, located north of Pony Express Parkway and east of the Plum Creek development.

Public Hearing

17. MOTION – Consideration and Approval of the Land Use Element of the Master Development Plan for Porter's Crossing Town Center.

BACKGROUND: *(Presented by Steve Mumford)* The proposal is for a 145-acre Master Development Plan including a mix of commercial, office, single-family residential, and multi-family residential uses.

18. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain, Utah, Rezoning the 20.148 Acre Porter's Crossing Town Center Commercial Area.

BACKGROUND: *(Presented by Steve Mumford)* The proposed ordinance rezones the 20.148 acre

Porter's Crossing Town Center Commercial Area from Agricultural to Commercial.

19. MOTION – Consideration and Approval of a Master Site Plan for the Commercial Area for Porter's Crossing Town Center.

BACKGROUND: *(Presented by Steve Mumford)* The Master Site Plan for Porter's Crossing is a 20.148-acre commercial retail development containing a grocery store anchor and an attached retail store, along with future retail shops and pads.

20. MOTION – Consideration and Approval of a Final Plat for Porter's Crossing Commercial Area.

BACKGROUND: *(Presented by Steve Mumford)* The proposed Final Plat includes 9 commercial lots on 20.148 acres.

21. MOTION – Consideration and Approval of a Site Plan for Lot 5 of Porter's Crossing Commercial Area.

BACKGROUND: *(Presented by Steve Mumford)* The proposed Site Plan is for approximately 10 acres of the commercial retail development, including only Lot 5 (the grocery store) and Retail A.

22. MOTION – Consideration and Authorization for the Mayor to Execute a Letter Agreement with Central Utah Water Conservancy District for Purchase of CWP Water.

BACKGROUND: *(Presented by John Hendrickson)* In 2009, the City purchased 2,500 acre feet of water from the Central Utah Water Conservancy District's Central Water Project(CWP). The City's first payment was due on July 1, 2010; however, the schedule has been revised to move the take-down schedule back one year and move the 2010 amount back to 2018-19.

23. MOTION – Consideration and Approval of a Sole Source Purchase of Prefabricated PRV Station from Engineered Fluid Inc.

BACKGROUND: *(Presented by Dave Norman)* As part of the recent update to the City's Capital Improvement and Facilities Plan, a few projects were identified as "Improvements Required to Eliminate Existing Deficiencies." Two of the projects include PRV vault installation. One is on the 16-inch line in Eagle Mountain Boulevard west of Lake Mountain Road, and the second in on the 12-inch line on Pony Express Parkway just south of Unity Pass. These PRV's will reduce the pressure in much of the SSA by approximately 60 to 70 psi. Some of the pressures in this area are as high as 150 psi.

24. BID AWARD – Consideration and Award of Bid to WKB Landscape and Maintenance for the 2011 SilverLake Street Trees Project.

BACKGROUND: *(Presented by Chris Trusty)* Consistent with the SilverLake Development Agreement, the City has been collecting a fee at building permit for street trees with the intention that when sufficient fees had been collected the City could install trees along the streetscape. This practice will help create uniformity as most of the trees will be installed at the same time. This project includes the installation of 248 trees.

25. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle

Mountain City, Utah to Adopt the Eagle Mountain City Tentative Budget for Fiscal Year 2011-2012 and Set a Public Hearing for Adoption of the Final Budget on June 21, 2011 at 7:00 P.M.

BACKGROUND: *(Presented by John Hendrickson)* The State Code requires that the City Council review and tentatively adopt a budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing before the final budget is adopted.

26. RESOLUTION – Consideration and Adoption of a Resolution Authorizing the Issuance and Sale of Not More than \$12,800,000 Aggregate Principal Amount of Gas and Electric Revenue Bonds, Series 2011, of Eagle Mountain City, 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.

BACKGROUND: *(Presented by Adam Ferre)* In order to provide redundancy and reliability to the City's energy supply, it is proposed that a second 138kV power line and a second gas tap to the Kern River gas transmission line be constructed, to be funded by gas and electric revenue bonds.

27. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.
28. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.
29. COMMUNICATION ITEMS
 A. Upcoming Agenda Items
30. ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed recorder or deputy recorder does hereby certify that the above agenda notice was posted in four public places within Eagle Mountain City limits on this 28th day of April, 2011. These public places being bulletin boards located inside the City offices and located in the Eagle Mountain City Library, 1650 E. Stagecoach Run, Eagle Mtn., UT; and the bulletin board located inside the Prairie Gate professional office building, 3688 E. Campus Dr., Eagle Mountain, Utah. On this 28th day of April, 2011, the above agenda notice was posted to the Utah State public notice website at <http://www.utah.gov/pmn/index.html>.

Fionnuala B. Koford, City Recorder

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EAGLE MOUNTAIN CITY COUNCIL MEETING
SCHEDULE FOR 2011

The City Council of Eagle Mountain, at its regularly scheduled meeting on December 7, 2010, adopted the following meeting schedule for the year 2011.

Meeting times are: Work Sessions 4:00 p.m.
 Policy Sessions 7:00 p.m.

Sessions will be held at the Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, Utah.

The 2011 City Council regular meeting schedule is as follows:

January 18
February 1, 15
March 1, 15
April 5, 19
May 3, 17
June 21
July 19
August 2, 16
September 6, 20
October 4, 18
November 15
December 6

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EXHIBIT B

SECOND SUPPLEMENTAL TRUST INDENTURE

(See Transcript Document No. 9)

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

Proof of Publication

From THE DAILY HERALD

State of Utah, Utah County > SS.

LEGAL NOTICES

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

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 May 3, 2011, the City Council (the "Council") of Eagle Mountain City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Gas and Electric Revenue Bonds, Series 2011 (the "Series 2011 Bonds") and called a public hearing to receive input from the public with respect to (a) the issuance of the Series 2011 Bonds and (b) any potential economic impact that the improvements to be financed with the proceeds of the Series 2011 Bonds (see below) may have on the private sector.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on June 21, 2011, at the hour of 7:00 p.m. at the Eagle Mountain City Hall, City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2011 Bonds and (b) any potential economic impact that the improvements to be financed with the proceeds of the Series 2011 Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE SERIES 2011 BONDS

The Series 2011 Bonds will be issued for the purpose of (a) financing the acquisition of property for rights of way, and the construction of substations, lines, a second natural gas tap, and related improvements (the "2011 Project"), (b) funding a debt service reserve fund, if necessary, and (c) paying costs of issuance.

PARAMETERS OF THE SERIES 2011 BONDS

The Issuer intends to issue the Series 2011 Bonds in the aggregate principal amount of not to exceed Twelve Million Eight Hundred Thousand Dollars (\$12,800,000) to bear interest at a rate or rates of not to exceed six and three-quarters percent (6.75%) per annum, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof.

The Series 2011 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture of Trust dated as of September 1, 2005, a Second Supplemental Indenture of Trust dated as of May 1, 2011 (collectively, the "Indenture"), and the Authorizing Resolution which were before the City Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution, and said Authorizing Resolution is to be adopted and executed by the City Council, and such Second Supplemental Indenture is to be executed, in such form and with such changes thereto as shall be approved by the City Council upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity, and discount of the Series 2011 Bonds will not exceed the maximums set forth above.

A copy of the Resolution, the Authorizing Resolution, and the Second Supplemental Indenture are on file in the office of the City Recorder of the Eagle Mountain City Utah, at 1650 East Stagecoach Run, Eagle Mountain City, Utah, where they may be examined during regular business hours of the City Recorder from 7:30 a.m. to 5:30 p.m., Monday through Friday, 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 Authorizing Resolution, the Indenture, or the Series 2011 Bonds, or any provision made for the security and payment of the Series 2011 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 May 3, 2011.

/s/Flannuola Koford
City Recorder

Legal Notice 373377 Published in The Daily Herald May 7, 14, 2011

I, Morgan Bassett, being first duly sworn depose and say that I am the Legal Billing Clerk of The Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the ad attached hereto, 373377 - NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED, and which is a copy, was published in said newspaper the first publication having been made on the 7th day of May, 2011 and the last on the 14th day of May, 2011; that said notice was published in the regular and entire issue of the paper during the period and times of publication, and was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated, beginning on the first date of publication and for at least 30 days thereafter.

Morgan Bassett

Subscribed and sworn before me this the 14th day of May 2011.

Notary Public

Debbie L Chandler

Residence: Spanish Fork, UT

My commission expires 06/05/2013

