



# CITY OF NORTH SALT LAKE

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## CITY COUNCIL MEETING

### NOTICE & AGENDA

JULY 6, 2021

Work Session: 6:00 pm – Regular Session 7:00 pm

Posted July 1, 2021

Notice is given that the City Council of the City of North Salt Lake will hold a regular meeting on **JULY 6, 2021** at City Hall, 10 East Center Street, North Salt Lake, Utah. A work session will be held at 6:00 pm in the Council Chambers followed by the regular session at 7:00 pm. Some members may participate electronically. The public can view the meeting electronically via Zoom link on page 2.

The following items of business will be discussed; the order of business may be changed as time permits.

#### WORK SESSION –6:00 p.m.

1. Overview and report about LibertyFest 2021
  - a. Festival of Speed – Allen Simonsen
  - b. 5k and Liberty Fun Fair – Julie McLachlan & Kristin Robinson
  - c. July 3 Fireworks Show – Dan Checketts & David Frandsen
2. Approval of City Council Minutes – June 15, 2021
3. Action Items
4. Council Reports
5. Adjourn

#### REGULAR SESSION - 7:00 p.m.

1. Introduction by Mayor Len Arave
2. Invocation and Pledge of Allegiance ~ Council Member Stan Porter
3. Citizen Comment
4. Consideration of **Resolution 2021-25R**: a resolution authorizing the issuance of sales tax revenue bonds
5. Consideration of a Plat Amendment for Root Subdivision, combining lots 5, 6, & 9 of Lakeview Estates with parcel 01-109-0003 at 561 E Lacey Way, Jack Root, applicant
6. Consideration of sale of City property at 674 Country Court
7. Consideration of **Resolution 2021-23R**: a resolution authorizing the City Manager, or his designee, to submit an application to the Federal Emergency Management Agency (FEMA) for the Building Resilient Infrastructure and Communities Grant (BRIC) for the purchase and installation of well and pump house generators



1 CITY OF NORTH SALT LAKE  
2 CITY COUNCIL MEETING-WORK SESSION  
3 JUNE 15, 2021  
4

5 **DRAFT**  
6

7 Mayor Arave called the meeting to order at 6:08 p.m.  
8

9 PRESENT: Mayor Len Arave  
10 Council Member Lisa Watts Baskin  
11 Council Member Natalie Gordon  
12 Council Member Brian Horrocks  
13 Council Member Ryan Mumford  
14 Council Member Stan Porter  
15

16 STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen,  
17 Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; Todd  
18 Godfrey; City Attorney; Tyler Abegglen, Golf Course General Manager; Sherrie Pace,  
19 Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes  
20 Secretary.  
21

22 OTHERS PRESENT: In person: Dee Lalliss, resident; John Logan, Roger Graves, Golf  
23 Committee.  
24

25 1. GOLF DEPARTMENT UPDATE  
26

27 Tyler Abegglen reported that the existing Eaglewood Golf Course clubhouse was built in 1993-  
28 1994. Staff and the Golf Committee have reviewed ways to improve the building including  
29 exterior needs such as roof replacement, stucco repair, ADA compliance, etc. The Committee  
30 looked at a remodel of the building with a new roof, reconfiguration of the kitchen, outdoor  
31 covered patio, expanded deck, adding a kitchen prep area, interior remodel of the event center,  
32 addition of golf simulators, and parking lot repair. Staff obtained estimates and architectural  
33 renderings for a remodel of the existing building from JZW Architects. This remodel would take  
34 9-12 months. MHTN Architects provided an estimate and renderings for a new building, which  
35 would take 18 months to complete. He showed the renderings from JZW Architects with the  
36 expanded deck, new windows and doors, roof repair, and new concrete exterior with stacked  
37 stone. The estimated cost for the remodel was \$3 million.  
38

39 Tyler Abegglen then showed renderings of a new building, which would be built in place of the  
40 existing building. The estimated cost for a new build would be \$7 million. He spoke about  
41 remodeling the existing building and said the \$3 million would include an HVAC upgrade,  
42 exterior siding, decking, kitchen remodel, plumbing, and electrical. Mr. Abegglen explained that

43 there were some funds from FEMA and insurance related to the damage the clubhouse roof  
44 sustained during the windstorm that could be used towards a new roof.

45  
46 Tyler Abegglen said the existing building was constructed to residential standards with wood  
47 construction and residential footings, HVAC and mechanical systems. He explained that these  
48 systems were failing and that two AC units had already been replaced within the last year and a  
49 half. Mr. Abegglen said it seemed more feasible to have the \$3 million remodel vs the \$7  
50 million spread over a 30-year term.

51  
52 Mayor Arave asked if Tyler Abegglen recommended a remodel. Tyler Abegglen replied  
53 affirmatively and said the remodel should last 25-30 years. He said \$1.5 million would be spent  
54 on the exterior including landscaping, sidewalks and railings with another \$1.5 million that  
55 would include mechanical, upgraded camera system, etc. for a total of \$3 to \$3.5 million.

56  
57 Council Member Horrocks acknowledged that members of the Eaglewood Golf Oversight  
58 Committee were present. Mayor Arave thanked them for their support and said the course was  
59 running much better than it had been.

60  
61 Council Member Horrocks commented that the cost estimates for the remodel/new construction  
62 were several weeks old and had probably already increased in price due to the current market.  
63 Tyler Abegglen said the JZW estimate was probably under bid as well.

64  
65 Council Member Gordon questioned how the clubhouse remodel would be paid for. Tyler  
66 Abegglen replied that it would be through a 30-year bond that would be paid with golf course  
67 revenue.

68  
69 Council Member Gordon asked if golf course revenue could cover the bond payment. Tyler  
70 Abegglen responded that the first ten years would be difficult but as rates were increased the  
71 course could cover 20 years of the bond.

72  
73 Mayor Arave commented on the irrigation system. Tyler Abegglen said if it was possible to add  
74 funds for the controllers as 3 of the 20 needed to be replaced now. He said per the analysis from  
75 the irrigation specialist that a full replacement was not necessary at this time.

76  
77 Mayor Arave asked for a review of what would be remodeled. Tyler Abegglen replied that the  
78 main banquet area would remain the same. He did not recommend extending the interior walls  
79 per the JZW proposal and would instead focus on expanding the outdoor space with covered  
80 patios and decks. Mr. Abegglen felt the kitchen could be reconfigured for a better flow.

81  
82 Ken Leatham commented that staff had reviewed debt scenarios for a 30-year bond on \$3  
83 million. He said at 2.5 to 3% that the bond payment would be \$167,000 to \$190,000 per year.

84

85 Mayor Arave spoke on current unproductive spaces and if these areas were being reviewed with  
86 a focus on better utilization and increased revenue. Tyler Abegglen replied that he would like to  
87 put two golf simulators and an event space in the basement. He said there was a company in  
88 Bountiful that offered memberships to use their golf simulators and felt something similar could  
89 be done at Eaglewood.

90

91 Mayor Arave asked about the upstairs office space. Tyler Abegglen replied that it could remain  
92 office space and he had someone ready to lease it now or it could become additional event space.

93

94 Mayor Arave questioned if the existing footprint would be expanded. Tyler Abegglen responded  
95 that the floorplan from JZW showed expanded space including in the kitchen area but he felt the  
96 interior expansion was not necessary. He felt that expanding exterior areas would be more  
97 beneficial.

98

99 Mayor Arave commented that if the City decided to bond for this project that he would  
100 recommend further review of the irrigation system in the event that funds were needed for  
101 repair/replacement. He also commented that there had been previous requests for an outdoor  
102 water feature.

103

104 Council Member Horrocks spoke on increasing interest rates and asked if there was a way to  
105 lock in a line of credit/bond at a lower interest rate. Ken Leetham replied that staff could research  
106 this but assumed that the City would need to issue the debt.

107

108 Mayor Arave said a general obligation bond would require a vote or would have to pledge sales  
109 tax. Ken Leetham replied that the City had millions of dollars of bonding capacity in sales tax.  
110 He said interest rates were low right now and would be a favorable payment compared to the  
111 original golf course debt.

112

113 Mayor Arave commented on the reception center/banquet hall and said it had always been a  
114 struggle to find events. Tyler Abegglen responded that he would suggest remodeling the event  
115 center with the help of a wedding professional.

116

117 Mayor Arave asked about the exterior of the building including the need for a new roof. Tyler  
118 Abegglen said that repairing the stucco, gutters and painting alone would be a significant cost.  
119 He said if FEMA funds were used for a new roof that they would require upgraded materials and  
120 a higher wind rating. There would also be insurance funds available for a roof replacement.

121

122 Ken Leetham said that FEMA would participate in paying for a stronger adhesive for new  
123 shingles.

124

125 Mayor Arave asked about outdoor seating at the café. Tyler Abegglen replied that he would  
126 orient the deck differently with more outdoor covered space.

127 Council Member Gordon suggested separating the construction bond for the clubhouse with the  
128 system. She said this would allow the City to review whether the golf course revenue was able to  
129 fulfill the other part of the bond payment.

130

131 Council Member Mumford commented that he also felt there should be a dining option in the  
132 evenings. He also liked the idea of an outdoor water feature and felt it would add to the overall  
133 ambience. Council Member Mumford felt that the damage and disrepair at the clubhouse was  
134 noticeable and felt that something needed to be done. He liked the overall concept of the  
135 proposed plan.

136

137 John Logan, Golf Committee Chair, commented that Tyler Abegglen had put in a tremendous  
138 amount of work. He said the individual members of the Committee had reached out to see what  
139 else could be done including other sources of revenue but the options were limited beyond the  
140 addition of the golf simulators. Mr. Logan spoke on the existing café and the need to expand the  
141 outdoor dining area. He said that upgrades needed to be made to the exterior and interior to  
142 obtain more events and justify rates.

143

144 Mayor Arave asked what the next step would be in the process of moving forward. He asked  
145 who would be involved besides the Golf Committee and staff. Tyler Abegglen replied that he  
146 would suggest going forward with JZW and having them scale back the original design.

147

148 Ken Leetham recommended that the Golf Committee and staff work with the architects to bring  
149 back the exact plan. The City Council could then review the plan and adopt a resolution to issue  
150 the debt.

151

152 Mayor Arave asked if any other Council Members would like to be involved along with Council  
153 Member Horrocks. Council Member Baskin expressed interest.

154

155 Mayor Arave asked what the contract for JZW would cost to scale back the project. Tyler  
156 Abegglen replied that it would be \$3000 to revise the original design and approximately \$10,000  
157 to go through each space and provide additional detail.

158

159 Mayor Arave recommended that Ken Leetham move forward with the contract for \$10,000 to  
160 proceed with JZW. The Council did not express any concerns with this suggestion.

161

162 Tyler Abegglen reported on this fiscal year compared to the last fiscal year. He said revenues  
163 were up 60% and rounds were up 40%. Mr. Abegglen stated that the rounds for Fiscal Year 2020  
164 were 40,842 and revenues were \$877,468 year to date. The rounds for Fiscal Year 2021 were  
165 65,139 and revenues were 1,738,969. He said that overall the monthly goals were met and  
166 exceeded. He estimated that there would be over 70,000 rounds, which was last achieved in  
167 2008.

168

169 Council Member Horrocks said there were two elements: the golf course and the event center.  
170 He said the event center was underutilized and had a lot of potential if it was managed by the  
171 right people.

172  
173 Mayor Arave agreed and said the facilities were run down and needed to be remodeled.  
174 Tyler Abegglen shared the five-year revenue history which showed a total revenue of \$997,670.  
175 Fiscal Year 2021 showed total revenues of \$1,697,000. Mayor Arave commented that the rate  
176 increase did not seem to have hurt revenue.

177  
178 Tyler Abegglen said that he was looking at a new golf cart fleet as well as increasing golf cart  
179 rates and green fees in the next year. He showed some projections with the tentative budget with  
180 equipment purchase and a 10% decrease in revenue due to a probable COVID drop-off.

181  
182 Council Member Gordon commended Tyler and the Golf Committee on the turnaround at the  
183 golf course. She said it seemed like the Council made the right decision to keep this asset under  
184 City control. Ken Leetham also thanked Tyler and praised his work ethic and the progress that  
185 had been made.

186  
187 2. APPROVAL OF CITY COUNCIL MINUTES

188  
189 The City Council minutes of June 1, 2021 were reviewed and approved.

190  
191 **Council Member Horrocks moved to approve the City Council minutes of June 1, 2021 as**  
192 **amended. Council Member Mumford seconded the motion. The motion was approved by**  
193 **Council Members Baskin, Gordon, Horrocks, Mumford and Porter.**

194  
195 3. ACTION ITEMS

196  
197 Council Member Mumford commented that he had created a chart for the mill levy which staff  
198 could use. He said that mill levy rates had decreased and home values had increased over the last  
199 ten years.

200  
201 Council Member Horrocks commented that Bountiful was raising taxes this year. He said the  
202 City had only increased taxes once over the last 20 years and suggested small annual increases in  
203 the future. Mayor Arave contributed this to growth and an increase in sales tax.

204  
205 Ken Leetham said the fire district would be raising its property tax rate significantly this year to  
206 accommodate the countywide paramedic services, which would affect each city in the district.

207  
208 4. ADJOURN

209  
210 Mayor Arave adjourned the meeting at 6:57 p.m. to begin the regular session.

CITY OF NORTH SALT LAKE  
CITY COUNCIL MEETING-REGULAR SESSION  
JUNE 15, 2021

**DRAFT**

Mayor Arave called the meeting to order at 7:15 p.m. Council Member Ryan Mumford offered the invocation and led those present in the Pledge of Allegiance.

PRESENT: Mayor Len Arave  
Council Member Lisa Watts Baskin  
Council Member Natalie Gordon  
Council Member Brian Horrocks  
Council Member Ryan Mumford  
Council Member Stan Porter

STAFF PRESENT: Ken Leetham, City Manager; Paul Ottoson, City Engineer; David Frandsen, Public Works Director; Janice Larsen, Finance Director; Craig Black, Police Chief; Mark Bell, City Attorney; Tyler Abegglen, Golf Course General Manager; Sherrie Pace, Community Development Director; Linda Horrocks, City Recorder; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Via Zoom: Benjamin Shelton. In Person: Dee Lalliss, resident; Roger Graves, Golf Course Oversight Committee; Jason Utgart, Momentum Recycling; Tammy Clayton, Parks and Arts Committee.

1. CITIZEN COMMENT

Roger Graves, Golf Course Oversight Committee, commended the Mayor, Ken Leetham, and the City Council on how they handled the issues that were critical to the future of the golf course and said the correct decisions were made.

2. CONSIDERATION OF RESOLUTION 2021-20R: A RESOLUTION APPROVING AGREEMENT 2021-19A WITH WATCHGUARD VIDEO FOR A FIVE-YEAR SERVICE TERM

Chief Black reported that this resolution requested permission to enter into a five-year agreement with WatchGuard body camera and in-car video services. He said the City has been one of the leaders in wearing body cameras and in-car cameras in the County, which has proven to be a huge benefit for the community and officers. Chief Black explained that this technology evolved very quickly and WatchGuard has recognized and come up with a plan for the annual maintenance, service, storage of data, and ability to manage that data from both a hardware and software standpoint. He said this plan would raise the current annual cost from \$51,000 per year

253 to \$56,000 a year to manage the entire system for the first year. It would then be \$45,000 a year  
254 for the remaining four years. He recommended entering into the five-year service agreement with  
255 WatchGuard. This would include replacement of body cameras every three years or if the  
256 technology changed to another format as well as the in-car cameras every five years. The  
257 equipment would be warrantied as well. This service would allow all the data to be moved from  
258 City servers to their cloud server. Chief Black explained that the City would still have complete  
259 control of that data.

260  
261 Mayor Arave asked if WatchGuard would handle all GRAMA requests and if the system was  
262 secure. Chief Black replied that it would still be the City's responsibility but WatchGuard would  
263 ensure all of the software used to manage those requests including facial and audio redaction was  
264 up to date. He said that they were the second largest camera provider, as a subsidiary to  
265 Motorola, and were able to meet the security needs.

266  
267 Council Member Mumford asked about personal rights for the officers and how things that  
268 should not have been recorded are removed, especially with the data being stored in the cloud.  
269 Chief Black replied that the officers did not have the ability to delete videos or recordings. He  
270 gave the example of an officer in a private residence where an individual had asked for the  
271 camera to be turned off. It would be at the officer's discretion to stop recording if they felt that  
272 backup documentation may be needed. Chief Black said if they did accidentally record those  
273 things they would report that to administration to redact those videos and it would not be  
274 retrievable.

275  
276 Council Member Baskin asked about concerns with ransomware or cybersecurity for data that  
277 was in the cloud. Chief Black responded that he was not aware of attacks on  
278 Motorola/WatchGuard, but said he did not think they were any more susceptible than the City.

279  
280 Mayor Arave asked who would be responsible for the backups. Chief Black replied that  
281 WatchGuard would have a redundant system and would back up the data.

282  
283 Council Member Mumford asked if there was a cost savings to store data on the City's servers.  
284 Ken Leetham responded that the City did not have any space for that amount of data. He said this  
285 would be a cost savings over the five-year agreement.

286  
287 **Council Member Baskin moved that the City Council approve the attached resolution,**  
288 **which authorizes the North Salt Lake Police Department to enter into a five (5) year service**  
289 **agreement with WatchGuard Video to provide service, and storage for the departments in-**  
290 **car and body camera equipment (BWC) operations. Council Member Horrocks seconded**  
291 **the motion. The motion was approved by Council Members Baskin, Gordon, Horrocks,**  
292 **Mumford and Porter.**

293 3. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 2021-18R: A  
294 RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 BUDGETS  
295

296 Janice Larsen reported that staff was recommending adoption of Resolution 2021-18R which  
297 was the final budget adjustment for fiscal year 2020-2021. The adjustments to the General Fund  
298 included several items related to the windstorm. Staff recently submitted the first FEMA  
299 application and it was been indicated that the City would receive \$180,000 for reimbursement of  
300 expenses. Other additional qualifying costs related to wage, employee benefits, and operating  
301 supplies would also be awarded. The next adjustment would be for damage to the Public Works  
302 building related to the windstorm as well as repair costs for streetlights. Staff proposed  
303 transferring \$900,000 of unrestricted cash to the Road Fund for various projects to be completed  
304 in the upcoming year.  
305

306 In the Redevelopment Agency Fund there was increased tax increment revenues from the  
307 Redwood Road RDA than originally budgeted. As those revenues were increased the City also  
308 needed to increase the amount set aside for the housing fund. This resulted in increased revenues  
309 in the amount of \$153,000, a transfer out of \$12,000, and an increased contribution to the fund  
310 balance in the amount of \$141,000.  
311

312 Changes in the Housing Fund included the transfer in of the \$12,000 and an increased  
313 contribution to the fund balance per the Redwood Road RDA increased revenues. In the Local  
314 Building Fund, additional funds were needed to make the debt payment. This was due to the debt  
315 payment coming from the rental properties less the expenses. This resulted in a need for a  
316 \$30,000 transfer in from Park Impact Fee Funds.  
317

318 There was a small adjustment in the Capital Fund for a decrease contribution to the fund balance  
319 in the amount of \$3,500. This was for repair work to a property for mitigation as well as legal  
320 fees.  
321

322 In the Park Capital Fund, staff recommended an increase to the park impact fee revenue of  
323 \$460,000. There would also be a transfer out of \$30,000 to the Local Building Authority Fund  
324 for debt service payments.  
325

326 Changes to the Road Capital Fund included \$900,000 transfer of unrestricted cash from the  
327 General Fund. She said the correct number should be \$945,000, which would need to be  
328 corrected in the motion for approval. There would also be an increase for Road Impact Fees for  
329 additional crack seal repair done in the current year.  
330

331 In the Water Fund, the City exceeded the contract price so there was an increase use of fund  
332 balance in the amount of \$257,000 for the payment to Weber Basin. This was also for road  
333 damage due to water and the need for more repair than was originally budgeted. There was also a  
334 new project at City center for a waterline extension.

335 In the Storm Water Fund, the new wash bay exceeded the budget by \$25,000. Fifty percent of  
336 this was impact fee money and the other half was unrestricted cash. In the Solid Waste Fund,  
337 there was a net increase in use of fund balance in the amount of \$100,000 for general contracted  
338 services. Changes in the Golf Fund included increased revenues in the amount of \$489,400 with  
339 increased expenditures of \$109,200 with a net change increase of \$380,200. This included storm  
340 reimbursement damage for the roof per insurance, revenues that were higher than budgeted, and  
341 expenses including wage increases, bank charges, and machinery and equipment.

342

343 **At 7:37 p.m. Mayor Arave opened the public hearing. There were no public comments.**

344

345 **At 7:38 p.m. Council Member Mumford moved to close the public hearing. Council**  
346 **Member Horrocks seconded the motion. The motion was approved by Council Members**  
347 **Baskin, Gordon, Horrocks, Mumford and Porter.**

348

349 Council Member Mumford commented as the fund balance was increasing in the Housing Fund  
350 that it was time to figure out a plan for how to use the State required funds.

351

352 Council Member Baskin asked about the increase to wages in the General Fund and if this was to  
353 cover the new communications position. Ken Leetham replied that these funds were costs  
354 incurred related to the wind event including overtime for the cleanup. He said the  
355 communications position was not part of this fiscal year.

356

357 Council Member Mumford moved to adopt Resolution No. 2021-18R a resolution of the City  
358 Council of the City of North Salt Lake adopting an amendment to adjust the fiscal year 2020-  
359 2021 General Fund, Redevelopment Agency Fund, Housing Fund, Local Building Authority,  
360 Capital Fund, Park Capital Fund, Road Capital Fund, Water Fund, Storm Water Fund, Solid  
361 Waste Fund, and Golf Fund budgets. Council Member Baskin seconded the motion.

362

363 Council Member Horrocks recommended adding the \$45,000 correction in the Road Capital  
364 Fund.

365

366 **Council Member Mumford moved to amend his motion to adjust the Resolution to adhere**  
367 **to the Road Capital Project Fund from \$945,000 to \$946,500 as indicated in the meeting.**  
368 **Council Member Baskin seconded the amended motion. The motion was approved by**  
369 **Council Members Baskin, Gordon, Horrocks, Mumford and Porter.**

370

371 4. CONSIDERATION OF ORDINANCE 2021-06: AN ORDINANCE AMENDING  
372 TITLE 4, CHAPTER 3 GARBAGE AND REFUSE RELATED TO RECYCLING

373

374 Ken Leetham reported that Momentum Recycling approached the City with the request to start a  
375 glass recycling program in the City. This required amendment to the City code to allow the City  
376 to enter into a contract for glass recycling services. Currently residents cannot recycle glass with

377 their other recycle materials and must either dispose of them with the trash or recycle by some  
378 other means.

379  
380 After review by the City Attorney, one change was recommended to eliminate all references  
381 within the code change and in the agreement to any reference that this recycling contractor  
382 would be an agent of the City. Other changes to the City code per staff included defining  
383 “recyclables”, codifying current practices, allowing for other recycling (specialty), the status of  
384 recyclables once collected, and allowing processing at other locations besides Wasatch  
385 Integrated Waste.

386  
387 Mayor Arave asked if recycling was mandatory for residents now. Ken Leetham replied that he  
388 was unsure if that was reflected in the ordinance and would need to be added.

389  
390 Council Member Gordon and Horrocks asked for clarification as they were under the impression  
391 that recycling was an opt-in service. Mayor Arave replied that it was originally an opt-out  
392 service. Staff to review whether recycling was an opt-in/opt-out or mandatory service.

393  
394 Council Member Horrocks commented that he was impressed with Wasatch Waste and their  
395 recycling but was against mandatory recycling services. He asked about the noise regulations in  
396 the proposed contract. Ken Leetham that it was not pertaining to noise regulations but recycling  
397 regulations.

398  
399 Council Member Baskin said there was still language related to the “City’s agent” in the code.  
400 Ken Leetham replied that the proposal was for paragraph A to be removed.

401  
402 Council Member Baskin commented that she was in favor of this recycling program and  
403 commended the entrepreneur who was putting this process together.

404  
405 **Council Member Mumford moved that the City Council approve Ordinance 2021-06**  
406 **amending Title 4, Chapter 3, Garbage and Refuse as related to recycling services with an**  
407 **adjustment to Section 4-3-4 subsection A be removed and all other subsections be relabeled**  
408 **as needed. Council Member Porter seconded the motion. The motion was approved by**  
409 **Council Members Baskin, Gordon, Horrocks, Mumford and Porter.**

410  
411 5. CONSIDERATION OF RESOLUTION 2021-16R: A RESOLUTION APPROVING  
412 ENTERING INTO AGREEMENT 2021-17A WITH MOMENTUM RECYLCING FOR  
413 A GLASS RECYCLING PROGRAM IN THE CITY

414  
415 Ken Leetham reported that this resolution would approve the contract with Momentum  
416 Recycling. There was an amendment under Section 1 in the agreement, which was the Scope of  
417 Services, then under Subsection b “Contractor will:” i would be changed to state “provide

418 collection and recycling services” instead of “Act as the City’s agent in providing and recycling  
419 services”.

420  
421 This contract would detail how glass would be collected, that Momentum would handle customer  
422 relations, provisions for cleanup for tipped over cans or mess to be addressed, as well as  
423 reporting to the City. This would be four-year term with two additional terms to be automatically  
424 renewed unless the City indicated in writing that the contract was not renewed. This contract  
425 would indemnify the City against acts of negligence by Momentum. There would also be a  
426 process for if a default was identified or misrepresentation which was not cured by Momentum  
427 then there would be a process for the City to end the contract.

428  
429 Council Member Horrocks commented that he received a monthly diversion report related to his  
430 commercial properties. He asked if they would provide a similar service for the City.

431  
432 Jason Utgart, Momentum Recycling, said the City could request this information at any time. He  
433 said it would not be provided on a monthly basis unless the City requested that. Ken Leetham  
434 replied that the City code required an annual reporting.

435  
436 **Council Member Mumford approved Resolution 2021-16R a resolution of the City Council**  
437 **of the City of North Salt Lake approving agreement no. 2021-17A, an agreement with**  
438 **Momentum Recycling for the purpose of allowing glass recycling for residential and**  
439 **commercial customers in the City as amended per the items mentioned by Ken Leetham in**  
440 **the meeting. Council Member Gordon seconded the motion. The motion was approved by**  
441 **Council Members Baskin, Gordon, Horrocks, Mumford and Porter.**

442  
443 6. CONSIDERATION OF RESOLUTION 2021-17R: A RESOLUTION SETTING THE  
444 CERTIFIED TAX RATE FOR THE FISCAL YEAR 2021-2022 BUDGET

445  
446 Ken Leetham reported that this item was on the June 1<sup>st</sup> City Council agenda and had been  
447 postponed to obtain the certified tax rate from the County. He said that staff was able to obtain  
448 the certified tax rate for 2021 which was 0.001141 for all real property in the City.

449  
450 **Council Member Baskin moved that the City Council approve the Resolution setting the**  
451 **certified tax rate for the fiscal year 2021-2022 in Resolution No 2021-17R. Council Member**  
452 **Horrocks seconded the motion. The motion was approved by Council Members Baskin,**  
453 **Gordon, Horrocks, Mumford and Porter.**

454  
455 7. COUNCIL REPORTS

456  
457 Council Member Gordon reported that the Youth City Council (YCC) was working on  
458 membership and recruitment. The next seven weeks of meetings had been scheduled with weekly

459 meetings. She invited the Council and staff to the meeting on July 6<sup>th</sup> when Justice Paige  
460 Peterson from the Utah Supreme Court would be addressing the youth.

461  
462 Council Member Mumford reported on the ribbon cutting for the new trail section connecting  
463 Highway 89 to the Wild Rose trail. He said Paul Ottoson led the hike and supplies were provided  
464 to those who attended. The next City event would be Liberty Fest on July 3<sup>rd</sup> and the car show on  
465 July 2<sup>nd</sup>. Liberty Fest would be an all-day event this year including a 5K at Legacy Park,  
466 volleyball tournament, etc.

467  
468 Mayor Arave recognized Tammy Clayton, the Chair of the Parks and Arts Board, in attendance.

469  
470 Council Member Horrocks asked about a motorhome parked in a lot near the Quick Quack  
471 carwash. Ken Leetham replied that staff determined that the occupants were the tenants of the  
472 future office building.

473  
474 Mayor Arave asked in regards to the additional funding for the fireworks. Ken Leetham  
475 responded that he hoped to have a report on the private fundraising tomorrow. Staff have done  
476 more outreach for sponsorship this year. He said the City did lose Chevron this year but Big  
477 West would be a sponsor.

478  
479 Council Member Baskin commented that she did not think the City should have fireworks this  
480 year due to the drought and inherent risk. She also said that she was unsure if the COVID crisis  
481 was over and expressed concern with the 20,000 people who would attend the fireworks.

482  
483 Council Member Porter commented that he was not concerned about the July 3<sup>rd</sup> event but was  
484 concerned about the drought. He said that Kentucky Blue Grass was nice to walk on but there  
485 were other types of grass that did not require as much water. He felt that this drought would be a  
486 real problem.

487  
488 8. CITY ATTORNEY'S REPORT

489  
490 Todd Godfrey had nothing to report.

491  
492 9. MAYOR'S REPORT

493  
494 Mayor Arave reported that the school district would most likely participate in funding the 50-  
495 meter pool for the Recreation District.

496  
497 Ken Leetham mentioned that the letter to residents about water restrictions was part of his report.  
498 Mayor Arave replied that overall he liked the letter but felt that the section encouraging residents  
499 to report their neighbors should be removed.

500

501 Council Member Gordon commented that mentioning that the specific water cutback would only  
502 affect certain areas such as Foxboro may cause dissention in the City. She asked that this  
503 sentence be removed from the letter. Council Member Gordon read the paragraph, which stated  
504 that “Weber Basin Water Conservancy District has informed the City that our allotment of  
505 secondary water has been reduced by 20% this year. This specific cutback affects all of Foxboro  
506 and some neighborhoods in the foothills. This is a challenging reduction and can’t be achieved  
507 unless all of us identify and implement ways to cut back on our outdoor water usage.” She felt  
508 that wording may discourage those outside of the specified areas to conserve as much.

509  
510 Ken Leetham suggested that specific outreach could be done for those in Foxboro on secondary  
511 water. He said the Weber Basin deadline was October 1<sup>st</sup>. Mayor Arave commented that once the  
512 City reached their limit the water would be turned off even if it was earlier than October.

513  
514 Council Member Mumford asked if the City received reporting showing how many gallons were  
515 used. Ken Leetham replied that there was not any real time reporting but staff would need to  
516 monitor water usage.

517  
518 Council Member Horrocks commented that in the past when Foxboro was encouraged to  
519 conserve that they responded quickly and cut back. Council Member Gordon said she like the  
520 idea of encouraging residents in the areas with secondary water to conserve in an additional  
521 letter.

522  
523 Council Member Gordon spoke on secondary water usage at the golf course and what would  
524 happen if the water ran out. She asked if there was a way to switch to culinary water to water the  
525 course. Ken Leetham replied that the golf course would be making reductions and should be ok  
526 but could use culinary water for the course as a last resort.

527  
528 Council Member Mumford spoke on the base rate per so many gallons and said there was no real  
529 incentive to xeriscape or reduce water usage. He said it may be worth looking at the numbers and  
530 providing some financial incentive to conserve. Ken Leetham said adjustments to the base rate  
531 and other financial incentives for more drought tolerant plantings would be good tools and was a  
532 long term strategy.

533  
534 Council Member Porter asked about the Frida Well. Paul Ottoson replied that the Frida Well  
535 only generated 700 gallons per minute, which was a small amount compared to what was  
536 provided by Weber Basin but could be utilized.

537  
538 10. CONSIDERATION OF PROPOSED COMMUNICATIONS SPECIALIST

539  
540 Ken Leetham reported that this item would include a motion from the City Council to authorize  
541 the creation of the position. If this was approved, he would then perform a market study for the  
542 salary. He said that with all the construction projects that the City tried to improve public

543 outreach, which created goodwill with residents. Mr. Leetham said this position would allow for  
544 more social media and improved communication. This position would include public information  
545 duties, creation of artwork/media, website, and events.

546

547 Mayor Arave asked if the recycling information could be easier to locate on the website. Council  
548 Member Gordon asked if the Youth City Council information could be updated to show they met  
549 every Tuesday.

550

551 **Council Member Mumford moved that the City Council authorize the creation of the**  
552 **Communications Specialist position as outlined in the job description proposed and**  
553 **included in the City Council materials as of June 15, 2021. Council Member Gordon**  
554 **seconded the motion. The motion was approved by Council Members Baskin, Gordon,**  
555 **Horrocks, Mumford and Porter.**

556

557 Ken Leetham shared a chart detailing the number of full-time and part-time employees in  
558 administration, community development, and finance from 2014-2021. He said that some full-  
559 time positions were eliminated and part-time opportunities had been created.

560

#### 561 11. CITY MANAGER'S REPORT

562

563 Ken Leetham reported on the Eaglewood Loop water and road reconstruction information  
564 meeting which would be held June 24<sup>th</sup> at 6:30 p.m. This would be a virtual meeting with  
565 affected residents notified by letter. This project would be three phases and should be completed  
566 before winter.

567

568 Mr. Leetham reported on the bonded matrix overlay project for Orchard and Eagleridge Drive.  
569 Orchard Drive, as well as a portion of Eagleridge Drive, would be closed Sunday June 20<sup>th</sup> to be  
570 completed in one day. The upper portion of Eagleridge would be completed on June 22 and 23.

571

572 Ken Leetham reported on the Foxboro Wetlands Park project and said that in order to use the  
573 \$150,000 grant the City must secure funding in the next 90 days and could not reduce the size of  
574 the project or eliminate the pond. He presented the bond information for the larger project at the  
575 cost of \$3,250,000 with a 10-year bond estimate of \$362,000 annually or \$199,000 annually for  
576 20 years. The reduced project, which would include the elimination of the pond and fish cleaning  
577 station, and the adjustment of boardwalks in Phase 2 would cost \$2,250,000 with a bond estimate  
578 of \$270,000 annually for 10 years or \$151,000 annually for 20 years.

579

580 Council Member Porter was in favor of the reduced amount as the grant was not a large amount  
581 in comparison to the cost of the project.

582

583 Council Member Mumford was also in favor of the reduced amount and matching the revenue  
584 stream of ten years with a ten-year bond. Council Member Gordon asked about installing the  
585 boardwalks and pond in Phase 1 and eliminating the fish cleaning station.

586  
587 Council Member Baskin asked if there was a way to receive the grant if the scope was reduced or  
588 if it was based on the overall size of the project. Ken Leetham replied that the funds were for  
589 creating the pond and the boardwalks.

590  
591 Council Member Gordon and Baskin were in favor of the installing all the options minus the fish  
592 cleaning station as the bond would be paid for with Redwood Road RDA funds.

593  
594 Council Member Mumford asked if there could be a comprehensive review at the next City  
595 Council meeting. Ken Leetham replied that the City would need to give the State an answer. He  
596 said he would bring a resolution to the City Council for the creation of a bond for the project.

597  
598 Council Member Horrocks said the only objection he had heard was the pond due to potentially  
599 drowning. He said he would like to see the entire project completed if possible.

600  
601 12. ADJOURN INTO CLOSED SESSION

602  
603 **At 8:43 p.m. Council Member Baskin moved to go into closed session for the purpose of**  
604 **discussing the character, professional competence, or physical or mental health of an**  
605 **individual. Council Member Gordon seconded the motion. The motion was approved by**  
606 **Council Members Baskin, Gordon, Horrocks, Mumford and Porter.**

607  
608 Council Member Horrocks was excused at 9:15 p.m.

609  
610 13. RECONVENE INTO REGULAR SESSION

611  
612 **At 9:30 p.m. Council Member Mumford moved to go out of closed session and back into**  
613 **regular session. Council Member Porter seconded the motion. The motion was approved by**  
614 **Council Members Baskin, Gordon, Mumford and Porter.**

615  
616 14. ADJOURN

617  
618 Mayor Arave adjourned the meeting at 9:30 p.m.

619  
620 *The foregoing was approved by the City Council of the City of North Salt Lake on Tuesday July*  
621 *6, 2021 by unanimous vote of all members present.*

622  
623  
624 \_\_\_\_\_  
*Linda Horrocks, City Recorder*

### Action Items for July 6, 2021

Item	Staff	Description
<u>New</u>		
1	Tyler Ken	Mayor Arave asked that staff determine the timeframe for the replacement of the irrigation system at the golf course and if funds should be added to the proposed bond to cover this.
2		Staff to review if the recycling program was opt-in/opt-out or mandatory service.
<u>Current</u>		
1	Sherrie	Mayor Arave asked that staff check to see if there was an ordinance related to truck access/restrictions in the Village Station development. If not then staff to look at formal restrictions that would be enforceable
2	Janice, David	Staff to share a synopsis related to the maintenance costs and use of City parks for the public to view.
3	David	Repair work to the trail leading to Tunnel Springs Park (off Eaglepointe) as well as the Bountiful Shoreline Trail. (a resident had contacted Natalie about it)
4	Paul	Review of maintenance and future plans for areas of land including the water pump area near R&R BBQ, near the water tank, and the ten acres adjacent to Tunnel Springs.
5	All	Request for suggestions on a local author for the NSL Reads event in September
6		Advertise for those interested in serving on an exploratory committee for the Rec Center expansion. (Ken work with Tif Miller)
7	Paul	Staff to review whether power lines could be buried along Redwood Road. <i>(Paul will send info to Ken.)</i>
8	Paul	Staff to research solutions for maintaining the commuter trail along the frontage road to Salt Lake.
9	Craig	Chief Black to determine how to coordinate emergency reporting and resources between Bountiful and the City in relation to LDS stakes/wards. <i>(Chief Black has reached out and has info – will create response – ken and Craig.)</i>
10	Janice Ken	Staff and City Council to determine funds available for a 75th anniversary winter celebration.
11	Ken	Staff to look at current agreements related to the commercial use of the tennis courts and signage or other measures to limit monopolizing the courts. <i>Signs have been removed showing that they are reserved. New signs will be placed with rules.</i>
12	Ken	Mayor Arave spoke on Uniting Neighbors, emergency preparedness, Communities Who Care, and health. He suggested appointing residents to a board that would encompass these aspects (as well as poverty, mental and physical health, financial needs). <i>Working on a plan for a wellness and health committee to present to the City Council.</i>
13	David, Paul	Check on need for re-treatment of concrete reservoir exterior at Deer Hollow Park. Also, check for cracking. <i>Staff has reviewed – Cracking is not structural. Cost prohibitive to re-stain.</i>
14	Ken, Sherrie	Assignment to amend the Park and Recreation Element of the City's General Plan so that it includes Hatch Park, Tunnel Springs Expansion and Capital Projects and repairs. <i>An RFP is being prepared to complete the amendment.</i>
15	Paul	In conjunction with the re-routing of storm water near the 14 <sup>th</sup> hole on the golf course, Staff to research using the water in a water feature at the Eaglewood Sign in that same area. CM Horrocks mentioned that there is probably additional water in the storm drain coming down lower Foxhill, as it often floods the street onto Eaglewood. <i>Staff is evaluating several potential options for fixing this storm drain and including potential water features as a part of the design of the repair. Will report to CC when staff report is more complete. Paul met with contractor – going to get a design. (will need a budget adjustment)</i>

16	David, Linda	Reschedule service projects -- including Purge the Spurge at Wild Rose Trail (with YCC and residents help). <i>Staff will evaluate projects depending on COVID-19 restrictions, but expect to reschedule for fall, 2021.</i>
17	Ken, David, Sherrie	Staff to prepare policy (or review current policy) related to tree removal particularly when related to sidewalk damage. <i>Staff is working on a follow-up report to the City Council.</i>
18	Ken	Staff would prepare a proposal related to small insurance claims and a fund to pay for these types of items in-house rather than submitting them through insurance.
19	Linda Ken	CM Porter asked for recognition/formalization of the City's History Committee on a future agenda. <i>Staff reviewing history committees of other cities and will draft resolution.</i>



# CITY OF NORTH SALT LAKE

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10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Ken Leetham  
City Manager

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** July 6, 2021

**SUBJECT:** Consideration of Resolution 2021-25R: a resolution authorizing the issuance of sales tax revenue bonds for the purpose of funding the construction of the Foxboro Wetlands Park and renovations at Eaglewood Golf Course.

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### **RECOMMENDATION**

I recommend approval of Resolution 2021-25R: a resolution authorizing the issuance of sales tax revenue bonds for the purpose of funding the construction of the Foxboro Wetlands Park and renovations at Eaglewood Golf Course.

### **BACKGROUND**

This item is approval of a parameters resolution that authorizes the City to issue up to \$8 million in a sales tax bonds and sets forth specific instructions, procedures, definitions and other terms and provisions of how that debt can be issued. The amount of the potential debt was raised slightly since our last meeting on this issue since we added the total completion of the Foxboro Wetlands Park and some additional long-range golf course repairs like sprinklers and pathways in addition to the renovation of the clubhouse. We are not intending to borrow the full amount, but did not want to adopt a resolution that may not cover unexpected project costs mostly due to volatility in construction estimates.

After the last City Council meeting, City staff worked with Zions Bank, our principal financial advisor and they suggested combining our two projects into one bond. The debt would be incurred for thirty years with a different payment schedule for the first ten years that will match our expected generation of tax increment revenue remaining in the Redwood Road CDA. In other words, this method would still retire the portion of the debt associated with Foxboro Wetlands Park in the same time period as the collection of the TIF revenue in the CDA which is the principal source of repayment for this project. The entire bond period would also include payments from the Golf Enterprise Fund, but the last twenty years of the debt would be retired solely from Golf Enterprise Fund revenues. I believe that this method of

combining the projects into one bonding product saves the City from duplicative charges such as costs of issuance and other activities which now only need to be performed once for the two projects.

*Foxboro Wetlands Park*

Our latest cost estimates for this park are between \$3.2 and \$3.4 million. The schedule for construction of the project is to complete the plans during the summer, obtain a final permit from the US Army Corps of Engineers and complete the construction over the winter of 2022 for a completion date of May, 2022. In connection with this proposal, the City Council asked for more specific information about the Redwood Road CDA and the plan for the use of the remaining TIF revenue for this project. The following table is a summary of the CDA plan for this area:

<b><u>Plan Improvements</u></b>	<b><u>Cost estimate</u></b>
Foxboro Wetlands Park*	\$ 4,300,000
Sidewalk Cutler Drive	\$ 83,000
Sidewalk Hunter reimbursement	\$ 69,250
Sidewalk Center Street	\$ 45,000
Sidewalk Redwood West	\$ 83,740
Sidewalk Redwood East	\$ 173,500
Trees Redwood West	\$ 64,000
Trees Redwood East	\$ 141,000
Trees Center Street North	\$ 138,000
Trees Center St South	\$ 145,000
Striping and sidewalk (Center St)	\$ 45,000
Street light completion	\$ 547,000
City entrance and other signage	\$ 100,000
Property Assembly/Assistance (SE corner 1100 North)	\$ 1,500,000
Property Assembly (PW - 6.5 Acres)	\$ 3,500,000
Total	\$ 10,934,490
*Note: Wetlands Park includes interest costs.	

Davis County recently reported that the 2021 projected TIF is greater than estimated even in our last meeting. As projected today for the remaining life of the CDA, the area is estimated to generate approximately \$12,324,418 after all of the City's obligations and set asides for administration and housing are subtracted. In addition, this estimate does not yet include the addition of Amazon's property tax which will not be a part of the CDA's TIF collection until 2022. In short, there appears to be ample future revenue to make bond payments and complete other planned project improvements.

The estimated annual payment for this project is \$400,000. As previously noted, this payment would be made for the first 10 years of the bond using the Redwood Road CDA TIF revenue stream. The City will generate \$922,500 in unencumbered revenue in 2022 and that amount will grow annually for the remaining life of the CDA.

### Eaglewood Golf Course

This project includes the renovation of the existing clubhouse and banquet facility to include a new exterior, greatly expanded decks and patios, renovation of the basement to include a golf simulator area (for year-round use), new roofing, updated HVAC, kitchen and banquet facility upgrades, approximately \$500,000 for sprinkler improvements and about \$300,000 in repairs to cart paths and landscaping. Plans are being worked on currently with JZW Architects for the building renovations and the City is trying to assemble more detailed cost estimates for the remaining items. The Golf Course Committee strongly recommends the issuance of this debt in order to make needed improvements to the building and the course operations. Since the hiring of Tyler Abegglen, Eaglewood Golf Course has enjoyed improved sales and rounds played have more than doubled in some months compared to the period prior to COVID-19. Tyler has excelled in using Google advertising and Google Reviews to the Course's great advantage. Pricing has also increased and expanded revenues have erased the annual subsidy that the Golf Enterprise Fund has needed in recent years.

The estimated annual payment for this 30 year debt is \$175,000 depending upon how much is borrowed. Cost estimates for this project range from \$3.5-\$4.0 million, depending upon what improvements we determine to fund and the final cost estimates. It is believed that this enterprise fund can generate more than enough revenue with improvements in the banquet and concessionaire services and significant year-round revenue in the new simulator program. It is also believed that Tyler has done significant cost control and improved revenue loss and that he will continue to do that in the future.

### **PROPOSED MOTION**

I move that the City Council adopt Resolution 2021-25R: a resolution authorizing the issuance of sales tax revenue bonds for the purpose of funding the construction of the Foxboro Wetlands Park and renovations at Eaglewood Golf Course.

**RESOLUTION NO. 2021-25R**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND THE  
SALE OF NOT TO EXCEED \$8,000,000 AGGREGATE  
PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS**

\*\*\*            \*\*\*            \*\*\*

WHEREAS, the City of North Salt Lake (the “City”) considers it necessary and desirable and for the benefit of the City to issue its sales tax revenue bonds as hereinafter provided for the purpose of (a) developing the Foxboro Wetlands Park, including a pond and boardwalks; and improving the Eaglewood Golf Course (collectively, the “Project”) and (b) paying the costs incurred in connection with the issuance and sale of the Bonds pursuant to authority contained in the Local Government Bonding Act, Chapter 14 of Title 11 (the “Act”), Utah Code Annotated 1953, as amended (the “Utah Code”), and other applicable provisions of law;

WHEREAS, for the purposes set forth above, the City has determined (a) to issue its Sales Tax Revenue Bonds in an aggregate principal amount not to exceed \$8,000,000 (the “Bonds”) pursuant to the Master Trust Indenture, dated as of May 1, 2010, as amended and supplemented to the date hereof (the “Master Indenture”), and a Supplemental Trust Indenture (the “Supplemental Indenture” and, together with the Master Indenture, the “Indenture”), and (b) to cause the proceeds of the sale of the Bonds to be applied in accordance with the Indenture;

WHEREAS, in the opinion of the City Council, it is in the best interests of the City that (a) the Designated Officer be authorized to (i) determine whether to pursue a competitive sale, private placement or negotiated sale for the sale of the Bonds, (ii) if a competitive sale is pursued, accept or reject the bids received for the Bonds pursuant to the PARITY<sup>®</sup> electronic bid submission system and determine the best bid received that conforms to the parameters, deadlines and procedures set forth in the notice of sale prepared in connection with the advertisement for sale of the Bonds, (iii) if a private placement or negotiated sale is pursued, select a purchaser or underwriter for the Bonds and (iv) approve the final principal amount, maturity amounts, interest rates, dates of maturity and other terms and provisions relating to the Bonds and to execute the Certificate of Determination (the “Certificate of Determination”), a form of which is attached hereto as *Exhibit B*, containing such terms and provisions and (b) the Mayor be authorized to execute the Official Statement with respect to the Bonds;

WHEREAS, Section 11-14-316 of the Utah Code provides for the publication of a Notice of Bonds to be Issued (the “Notice of Bonds”) and the running of a 30-day contest period, and the City desires to cause the publication of such Notice of Bonds at this time in compliance with said section with respect to the Bonds;

WHEREAS, Section 11-14-318 of the Act requires that a public hearing be held to receive input from the public with respect to the issuance of Bonds and the potential economic impact that the Project will have on the private sector and that notice of such public hearing be given as provided by law and, in satisfaction of such requirement, the City desires to publish a Notice of

Public Hearing and Intent to Issue Sales Tax Revenue Bonds (the “*Notice of Public Hearing*”) pursuant to such Section;

WHEREAS, Section 11-14-307(7) of the Act requires the City to submit the question of whether or not to issue the Bonds to voters for their approval or rejection if, within 30 calendar days after the publication of the Notice of Public Hearing, a written petition requesting an election and signed by at least 20% of the registered voters in the City is filed with the City; and

WHEREAS, the City desires (a) to provide for the holding of a public hearing and (b) to direct the publication of the Notice of Public Hearing and to provide for the form of the written petition requesting an election, as required by law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Salt Lake, Utah, as follows:

*Section 1. Issuance of Bonds.* (a) For the purposes set forth above, there is hereby authorized and directed the execution, issuance, sale and delivery of the Bonds in the aggregate principal amount not to exceed \$8,000,000. The Bonds shall be dated as of the date of the initial delivery thereof. The Bonds shall be in authorized denominations, shall be payable, and shall be executed and delivered all as provided in the Indenture. The Bonds shall be subject to redemption prior to maturity as provided in the Indenture.

(b) The form of the Bonds set forth in the Supplemental Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the Indenture, is hereby approved.

(c) The Bonds shall be special obligations of the City, payable from and secured by a pledge and assignment of the Revenues (as defined in the Indenture) received by the City and of certain other moneys held under the Indenture on a parity with any other Bonds (as defined in the Indenture) issued from time to time under the Master Indenture. The Bonds shall not be obligations of the State or any other political subdivision thereof, other than the City, and neither the faith and credit nor the ad valorem taxing or appropriation power of the State or any political subdivision thereof, including the City, is pledged to the payment of the Bonds. The Bonds shall not constitute general obligations of the City or any other entity or body, municipal, state or otherwise.

*Section 2. Bond Details; Delegation of Authority.* (a) The Bonds shall mature in the years and in the principal amounts, and shall bear interest (calculated on the basis of a year of 360 days consisting of twelve 30-day months) from the Closing Date, payable semiannually each year, and at the rates per annum and commencing on the dates, all as provided in the Certificate of Determination.

(b) There is hereby delegated to the Designated Officer, subject to the limitations contained in this resolution, the power to determine and effectuate the following with respect to the Bonds and the Designated Officer is hereby authorized to make such determinations and effectuations:

- (i) the principal amount of each series of the Bonds necessary to accomplish the purpose of the Bonds set forth in the recitals hereto and the aggregate principal amount of each series of the Bonds to be executed and delivered pursuant to the Indenture; *provided* that the aggregate principal amount of the Bonds shall not exceed \$8,000,000;
- (ii) the maturity date or dates and principal amount of each maturity of the Bonds to be issued; *provided, however*, that the Bonds mature over a period of not to exceed 31 years from their date or dates;
- (iii) the interest rate or rates of the Bonds and the date on which payment of such interest commences, *provided, however*, that the interest rate or rates to be borne by any Bond shall not exceed 5.00% per annum;
- (iv) the sale of the Bonds and the purchase price to be paid by the Underwriter of such Bonds; *provided, however*, that the discount from par of each series of the Bonds shall not exceed 2.00% (expressed as a percentage of the principal amount);
- (v) the Bonds, if any, to be retired from mandatory sinking fund redemption payments and the dates and the amounts thereof;
- (vi) the time and redemption price, if any, at which the Bonds may be called for redemption prior to their maturity at the option of the City;
- (viii) the use and deposit of the proceeds of the Bonds; and
- (ix) any other provisions deemed advisable by the Designated Officers not materially in conflict with the provisions of this resolution and the Parameters Resolution.

For purposes of this resolution and the Bonds, “*Designated Officer*” means (i) the City Manager, or (ii) in the event of the absence or incapacity of the City Manager, the Finance Director, or (iii) in the event of the absence or incapacity of both the City Manager and the Finance Director, the Mayor.

The City Council delegates to the Designated Officer the authority to determine whether to pursue a competitive sale, private placement or negotiated sale for the sale of the Bonds. If a private placement or negotiated sale is pursued, the Designated Officer is authorized to select a purchaser or underwriter for the Bonds and to obtain such information from potential purchasers or underwriters as he or she deems necessary to make such determination. If a competitive sale is pursued, immediately following the date and time specified in the Official Notice of Bond Sale attached to the Official Statement for the receipt of bids for the purchase of the Bonds, the Designated Officer shall obtain such information as he or she deems necessary to make such determinations as provided above and to determine the bid of the responsible bidder that results in the lowest effective interest rate to the City.

After the Designated Officer makes such determinations as provided above, the Designated Officer shall execute the Certificate of Determination containing such terms and provisions of the

Bonds, which execution shall be conclusive evidence of the action or determination of the Designated Officer as to the matters stated therein. The provisions of the Certificate of Determination shall be deemed to be incorporated in this Resolution. If the Designated Officer determines that it is in the best interest of the City and the District, the Designated Officer may (i) waive any irregularity or informality in any bid or in the electronic bidding process or in any response to a request for information, request for proposal or request for bids; and (ii) reject any and all bids or offers to purchase the Bonds.

*Section 3. Approval and Execution of the Supplemental Indenture.* The Supplemental Indenture, in substantially the form attached hereto as *Exhibit A*, is hereby authorized and approved, and the Mayor or the Deputy Mayor is hereby authorized, empowered and directed to execute and deliver the Supplemental Indenture on behalf of the City, and the City Recorder or any Deputy City Recorder is hereby authorized, empowered and directed to affix to the Supplemental Indenture the seal of the City and to attest such seal and countersign such Supplemental Indenture, with such changes to the Supplemental Indenture from the form attached hereto as are approved by the Mayor or the Deputy Mayor, his or her execution thereof to constitute conclusive evidence of such approval. The provisions of the Supplemental Indenture, as executed and delivered, are hereby incorporated in and made a part of this resolution. The Master Indenture and the Supplemental Indenture shall constitute a “system of registration” for all purposes of the Registered Public Obligations Act of Utah.

*Section 4. Preliminary Official Statement.* The use and distribution of the Official Statement in preliminary form (the “*Preliminary Official Statement*”), in substantially the form presented at this meeting and in the form attached hereto as *Exhibit C*, is hereby authorized and approved, with such changes, omissions, insertions and revisions as the Mayor shall deem advisable. The Mayor and the City Recorder are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to deem final the Preliminary Official Statement within the meaning and for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission, subject to completion thereof with the information established at the time of the sale of the Bonds.

*Section 5. Final Official Statement.* The Official Statement of the City is hereby authorized in substantially the form presented at this meeting and in the form attached hereto as *Exhibit C*, with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, including the completion thereof with the information established at the time of the sale of the Bonds by the Designated Officer and set forth in the Certificate of Determination. The Mayor shall sign and deliver the Official Statement to the purchaser of the bonds (the “*Purchaser*”) for distribution to prospective purchasers of the Bonds and other interested persons. The approval of the Mayor of any such changes, omissions, insertions and revisions shall be conclusively established by the Mayor’s execution of the Official Statement.

*Section 6. Certificates and Documents Required to Evidence Compliance with Federal Tax and Securities Laws.* Each of the Mayor or the Deputy Mayor, the City Recorder or any Deputy City Recorder, the City Manager and the City Treasurer or the Finance Director of the City is hereby authorized and directed to execute (a) such certificates and documents as are required to evidence compliance with the federal laws relating to the tax-exempt status of interest on the Bonds

and (b) a Continuing Disclosure Undertaking and such other certificates and documents as shall be necessary to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission and other applicable federal securities laws.

*Section 7. Other Actions With Respect to the Bonds.* The officers and employees of the City shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all action necessary in conformity with the Act to carry out the issuance of the Bonds, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the sale and delivery of the Bonds. Without limiting the generality of the foregoing, the officers and employees of the City are authorized and directed to take such action as shall be necessary and appropriate to issue the Bonds.

*Section 8. Prior Acts Ratified, Approved and Confirmed.* All acts of the officers and employees of the City in connection with the issuance of the Bonds are hereby ratified, approved and confirmed.

*Section 9. Notice of Bonds to be Issued; Contest Period.* In accordance with the provisions of Section 11-14-316 of the Utah Code, the City Recorder shall cause the Notice of Bonds, in substantially the form attached hereto as *Exhibit D*, to be published one time in *The Davis County Clipper*, a newspaper of general circulation in the City.

For a period of thirty (30) days from and after publication of the Notice of Bonds, any person in interest shall have the right to contest the legality of this Resolution (including the Bond Resolution and the form of the Supplemental Indenture attached hereto) or the Bonds hereby authorized or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution (including the Bond Resolution and the Supplemental Indenture) or the Bonds or any provisions made for the security and payment of the Bonds for any cause.

*Section 10. Publication of Notice of Public Hearing.* The City Recorder shall publish or cause to be published the Notice of Public Hearing on the Utah Public Notice Website no less than 14 days before the public hearing. The Notice of Public Hearing shall be in substantially the form attached hereto as *Exhibit E*.

*Section 11. Form of Petition.* The form of the petition to be used by registered voters in requesting that an election be called to authorize the Bonds shall be in substantially the form attached hereto as *Exhibit F*.

*Section 12. Resolution Irrepealable.* Following the execution and delivery of the Supplemental Indenture, this resolution shall be and remain irrepealable until all of the Bonds and the interest thereon shall have been fully paid, cancelled, and discharged.

*Section 13. Severability.* If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of

such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

*Section 14. Effective Date.* This resolution shall be effective immediately upon its approval and adoption.

*(Signature page follows.)*

ADOPTED AND APPROVED by the City Council of the City of North Salt Lake, Utah, this July 6, 2021.

CITY OF NORTH SALT LAKE, UTAH

---

Mayor

ATTEST:

---

City Recorder

City Council Vote as Recorded

Council Member Baskin	_____
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Mumford	_____
Council Member Porter	_____

**EXHIBIT A**

**[ATTACH FORM OF SUPPLEMENTAL INDENTURE OF TRUST]**

**EXHIBIT B**

**[ATTACH FORM OF CERTIFICATE OF DETERMINATION]**

**EXHIBIT C**

**[ATTACH FORM OF PRELIMINARY OFFICIAL STATEMENT]**

## EXHIBIT D

### NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-14-316, Utah Code Annotated 1953, as amended, that on July 6, 2021, the City Council (the “*Council*”) of the City of North Salt Lake, Utah (the “*City*”), adopted a resolution (the “*Resolution*”) in which it authorized and approved the issuance of its Sales Tax Revenue Bonds (the “*Bonds*”), in an aggregate principal amount of not to exceed eight million dollars to bear interest at a rate or rates of not to exceed five percent per annum and to mature not later than thirty-one years from their date or dates and to be sold at a discount from par not to exceed two percent. The Bonds shall be subject to such optional and mandatory redemption and other provisions as are contained in the Master Indenture, described below, and the final form of the Bonds and Supplemental Indenture, described below.

Pursuant to the Resolution, the Bonds are to be issued for the purpose of financing all or a portion of the cost of developing the Foxboro Wetlands Park, including a pond and boardwalks, and improving the Eaglewood Golf Course (collectively the “*Project*”) and (b) paying all or a portion of the costs incurred in connection with the issuance and sale of the Bonds. The Bonds are to be issued and sold by the City pursuant to the Resolution and a Supplemental Indenture of Trust (the “*Supplemental Indenture*”) and a copy of the Master Trust Indenture, dated as of May 1, 2010, as amended and supplemented, including the Supplemental Indenture (the “*Indenture*”), that were before the Council and attached to the Resolution at the time of the adoption of the Resolution. The Council will adopt the bond resolution and the City will cause the Supplemental Indenture to be executed and delivered, in each case in such form and with such changes thereto as the Council shall approve upon the adoption of the bond resolution, *provided* that the principal amount, interest rate or rates, maturity and discount, if any, will not exceed the respective maximums described above.

The repayment of the Bonds will be secured by a pledge of the legally available revenues from the Local Sales and Use Taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code (the “*Pledged Taxes*”).

The City currently has \$2,115,000 par amount of bonds currently outstanding that are secured by the Pledged Taxes. More detailed information relating to the City’s outstanding bonds can be found in the City’s most recent Comprehensive Annual Financial Report that is available on the Office of the Utah State Auditor’s website ([www.sao.state.ut.us](http://www.sao.state.ut.us)). The estimated total cost to the City of the proposed Bonds that will be used to finance the costs of the Project, if the Bonds are held until maturity and based on estimated interest rates currently in effect, is \$9,515,972.

A copy of the Resolution (including the drafts of the Supplemental Indenture and a copy of the General Indenture attached to the Resolution) is on file in the office of the City Recorder at City Hall, 20 South Highway 89, City of North Salt Lake, Utah, where the Resolution may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. The

Resolution shall be so available for inspection for a period of at least thirty (30) days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that pursuant to law for a period of thirty (30) days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the Resolution (including the Indenture and the Supplemental Trust Indenture attached thereto) of the City or the Bonds authorized thereby or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of the Resolution, the Bonds or the provisions for their security or payment for any cause

DATED July 6, 2021.

CITY OF NORTH SALT LAKE, UTAH

**EXHIBIT E**

**CITY OF NORTH SALT LAKE, UTAH  
NOTICE OF PUBLIC HEARING AND INTENT TO ISSUE  
SALES TAX REVENUE BONDS**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council (the “*Council*”) of the City of North Salt Lake, Utah (the “*City*”), shall hold a public hearing to receive input from the public with respect to the issuance of its Sales Tax Revenue Bonds (the “*Bonds*”) to finance all or a portion of the cost of developing the Foxboro Wetlands Park, including a pond and boardwalks, and improving the Eaglewood Golf Course (collectively the “*Project*”) and the potential economic impact that the Project will have on the private sector, pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “*Act*”).

**PURPOSE FOR ISSUING BONDS**

The City intends to issue the Bonds for the purpose of (1) financing all or a portion of the costs of the acquisition, construction and improvement of the Project and (2) paying the costs incurred in connection with the issuance and sale of the Bonds.

**MAXIMUM PRINCIPAL AMOUNT OF THE BONDS**

The City intends to issue the Bonds in an aggregate principal amount not exceeding \$8,000,000.

**SALES TAXES PROPOSED TO BE PLEDGED**

The City proposes to pledge to the payment of the Bonds all of the legally available revenues from Local Sales and Use Taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code.

**TIME, PLACE AND LOCATION OF PUBLIC HEARING**

The City will hold a public hearing during its City Council meeting that begins at 7:00 p.m. on \_\_\_\_\_, 2021. The public hearing will be held at the regular meeting place of the Council at City Hall, 20 South Highway 89, City of North Salt Lake, Utah. All members of the public are invited to attend and participate in the public hearing. Written comments may be submitted to the City, to the attention of the City Recorder, prior to the public hearing.

**PURPOSE FOR HEARING**

The purpose of the hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the Project will have on the private sector.

**NOTICE OF RIGHT TO FILE PETITION TO HOLD AN ELECTION**

NOTICE IS FURTHER GIVEN that pursuant to Section 11-14-307(7), Utah Code, if within 30 calendar days of the publication of this notice on \_\_\_\_\_, 2021, a written petition requesting an election and signed by at least twenty percent (20%) of the registered voters of the City is filed with the City, then the City shall submit the question of whether or not to issue the Bonds to the voters of the City for their approval or rejection.

If no written petition is filed or if fewer than 20% of the registered voters of the City sign a written petition, in either case, within 30 calendar days of the final publication of this notice on \_\_\_\_\_, 2021, the City may proceed to issue the Bonds without an election.

DATED July 6, 2021.

CITY OF NORTH SALT LAKE, UTAH

**EXHIBIT F**

**PETITION**

To: City Recorder  
City of North Salt Lake, Utah

We, the undersigned citizens and registered voters of the City of North Salt Lake, Utah (the "*City*"), respectfully request that an election be called by the City Council of the City, pursuant to the provisions of Section 11-14-307(7), Utah Code Annotated 1953, as amended, to authorize the issuance by the City of its Sales Tax Revenue Bonds, in a maximum principal amount not exceeding \$8,000,000, as to which notice of intention to issue was published on \_\_\_\_\_, 2021, on the Utah Public Notice Website pursuant to the provisions of a resolution passed by the City Council at a regular meeting of the City Council held on July 6, 2021, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the City of North Salt Lake, Utah; my residence and post office address are correctly written after my name:



STATE OF UTAH        )  
                              : ss.  
COUNTY OF DAVIS    )

I, \_\_\_\_\_, of \_\_\_\_\_, hereby certify that I am a registered voter of the City of North Salt Lake, Utah, that all the names which appear on this sheet were signed by persons who professed to be the persons whose names appear thereon, and each of them signed his or her name thereto in my presence, I believe that each has printed and signed his or her name, and written his or her post office address and residence correctly, and that each signer is a registered voter of the City of North Salt Lake, Utah.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Notary Public (or other official title)

EXHIBIT A

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**THIRD SUPPLEMENTAL TRUST INDENTURE**

**BETWEEN**

**CITY OF NORTH SALT LAKE, UTAH**

**AND**

**U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE**

**DATED AS OF [INDENTURE DATE], 2021**

**[\$[PRINCIPAL]  
SALES TAX REVENUE BONDS  
SERIES 2021**

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## INDENTURE

THIS THIRD SUPPLEMENTAL TRUST INDENTURE (the “*Third Supplemental Indenture*”), dated as of [Indenture Date], 2021, between the City of North Salt Lake, Utah, a municipal corporation and political subdivision of the State of Utah (the “*City*”), and U.S. Bank National Association, a national banking association duly organized and qualified under the laws of the United States of America, authorized by law to accept and execute trusts and having an office in Salt Lake City, Utah (the “*Trustee*”):

## WITNESSETH

**WHEREAS**, the City has entered into a Master Trust Indenture, dated as of May 1, 2010 (the “*Master Indenture*” and as amended and supplemented, including by the Third Supplemental Indenture, the “*Indenture*”), with the Trustee;

**WHEREAS**, the City considers it necessary and desirable and for the benefit of the City and its residents to issue its Sales Tax Revenue Bonds, Series 2021 (the “*Series 2021 Bonds*”) pursuant to the Indenture and as hereinafter provided for the purpose of (i) developing the Foxboro Wetlands Park, including a pond and boardwalks; and improving the Eaglewood Golf Course (collectively, the “*Project*”) and (ii) paying certain costs related to the issuance and sale of the Series 2021 Bonds, all pursuant to authority contained in the Utah Refunding Bond Act, Chapter 14 of Title 27, Utah Code Annotated 1953, as amended (the “*Utah Code*”);

**WHEREAS**, the Series 2021 Bonds will be authorized, issued and secured under the Indenture on a parity with all other Bonds issued and outstanding from time to time thereunder;

**WHEREAS**, the execution and delivery of the Series 2021 Bonds and of this Third Supplemental Indenture have in all respects been duly authorized and all things necessary to make the Series 2021 Bonds, when executed by the City and authenticated by the Trustee, the valid and binding legal obligations of the City and to make this Third Supplemental Indenture a valid and binding agreement have been done;

NOW, THEREFORE, THIS THIRD SUPPLEMENTAL TRUST INDENTURE WITNESSETH:

The terms and conditions upon which the Series 2021 Bonds are to be executed, authenticated, delivered, secured and accepted by all persons who from time to time shall be or become Registered Owners thereof are as follows:

**ARTICLE I**  
**DEFINITIONS**

***Section 101. Definitions.***

(a) Except as provided in subparagraph (b) of this Section, all defined terms contained in the Indenture when used in this Third Supplemental Indenture shall have the same meanings as set forth in the Indenture.

(b) As used in this Third Supplemental Indenture, unless the context shall otherwise require, the following terms shall have the following meanings:

*“Bond Counsel”* means Farnsworth Johnson PLLC, or other counsel of nationally recognized standing in matters pertaining to the issuance of obligations by states and their political subdivisions and the tax-exempt status thereof, duly admitted to the practice of law before the highest court of any state of the United States.

*“Indenture”* means the Master Indenture, as amended and supplemented by Supplemental Indentures.

*“Issue Date”* means the date of issuance and delivery of the Series 2021 Bonds, as provided in Section 203 hereof.

*“Master Indenture”* means the Master Trust Indenture, dated as of May 1, 2010, as heretofore amended and supplemented, between the City and the Trustee.

*“Purchaser”* means \_\_\_\_\_, as purchaser of the Series 2021 Bonds.

*“Record Date”* means, with respect to any interest payment date for the Series 2021 Bonds, the fifteenth day preceding such interest payment date or, if such day is not a Business Day, the Business Day immediately preceding such day.

*“Series 2021 Bonds”* means the \$[Principal] Sales Tax Revenue Bonds, Series 2021 of the City authorized by this Third Supplemental Indenture.

*“Series 2021 Costs of Issuance Account”* means the Series 2021 Costs of Issuance Account established in the Construction Fund pursuant to Section 5.03 of the Indenture and Section 301 hereof.

*“Trustee”* means U.S. Bank National Association, Salt Lake City, Utah, and its successors and permitted assigns under the Indenture.

The terms *“hereby,” “hereof,” “hereto,” “herein,” “hereunder,”* and any similar terms as used in this Third Supplemental Indenture refer to this Third Supplemental Indenture.

**Section 102. Authority for Third Supplemental Indenture.** This Third Supplemental Indenture is adopted pursuant to the provisions of the Act and the Indenture.

## ARTICLE II

### AUTHORIZATION, TERMS AND ISSUANCE OF SERIES 2021 BONDS

**Section 201. Authorization of Series 2021 Bonds, Principal Amount, Designation and Series.** A Series of Sales Tax Revenue Bonds is hereby authorized to be issued for the purpose specified in Section 202 in the aggregate principal amount of \$[Principal] in accordance with and subject to the terms, conditions and limitations established in the Indenture and this Third Supplemental Indenture. Such Series of Bonds shall be designated “Sales Tax Revenue Bonds, Series 2021.”

**Section 202. Findings and Purpose.** The City hereby finds, determines and declares that:

(a) The requirements of Sections 2.02 and 2.04 of the Indenture will have been complied with upon the delivery of the Series 2021 Bonds.

(b) The Series 2021 Bonds are being issued for the purpose of financing all or a portion of the Project and paying certain costs related to the issuance and sale of the Series 2021 Bonds.

**Section 203. Issue Date.** The Issue Date of Series 2021 Bonds shall be the date of original issuance and delivery thereof.

**Section 204. Date, Maturities and Interest.** The Series 2021 Bonds shall be dated as of the Issue Date, shall mature on June 15, \_\_\_\_\_, and shall bear interest at the rate per annum of \_\_\_\_\_%. Interest shall be calculated on the basis of a year of 360 days comprised of twelve 30-day months.

**Section 205. Denominations and Numbers.** The Series 2021 Bonds shall be issued only in fully-registered form, without coupons. The Series 2021 Bonds shall be issued in the denomination of \$100,000 or any integral multiple of \$1,000 in excess of \$100,000. The Series 2021 Bonds shall be numbered from one (1) consecutively upwards in order of authentication and delivery by the Trustee.

**Section 206. Paying Agent.** U.S. Bank National Association, Salt Lake City, Utah, is hereby appointed the Paying Agent for the Series 2021 Bonds, subject to the Paying Agent executing and delivering an acceptance to the City and the Trustee as contemplated in Section 7.02 of the Indenture. Principal of the Series 2021 Bonds shall be payable at the principal corporate trust office of the Paying Agent or of any successor as Paying Agent in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America. Payment of interest on any Series 2021 Bonds shall be (a) made to the registered owner thereof and shall be paid by check or draft mailed to the registered owner thereof as of the close of business

on the Record Date at his address as it appears on the registration books of the City maintained by the Trustee or at such other address as is furnished to the Trustee in writing by such registered owner or (b) made by wire transfer to the registered owner upon written notice by such owner to the Trustee given not less than 15 days prior to such interest payment date, subject to the provisions of Section 3.01 of the Indenture. In the written acceptance of each Paying Agent referred to in Section 7.02 of the Indenture, such Paying Agent shall agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Paying Agent to at all times be complied with.

**Section 207. Limited Obligation.** The Series 2021 Bonds, together with interest thereon, shall be limited obligations of the City payable solely from the Revenues (except to the extent paid out of moneys attributable to the Series 2021 Bonds proceeds or other funds created hereunder or under the Indenture or the income from the temporary investment thereof).

**Section 208. Optional Redemption.** To come.

**Section 209. Mandatory Sinking Fund Redemption.** The Series 2021 Bonds are subject to mandatory redemption by operation of Sinking Fund Installment, in such manner as the Trustee may determine, at a price equal to one hundred percent (100%) of the principal amount thereof plus accrued interest to the redemption date, on the dates and in the principal amounts as follows:

REDEMPTION  
DATE  
(JUNE 15)

PRINCIPAL  
AMOUNT

\$

\*

\*

---

\* Stated Maturity

To the extent that a Sinking Fund Installment results in the reduction in aggregate principal amount of the Series 2021 Bonds Outstanding, a Registered Owner shall not be required to submit its Series 2021 Bond certificate to the Trustee for payment and shall instead make an appropriate notation on such Bond certificate indicating the date and amounts of such redemption in principal, except in the case of final maturity, in which case the certificate must be presented to the Trustee prior to payment. The Trustee's records shall govern in the case of discrepancy with the noted schedule on the Series 2021 Bonds, absent manifest error.

***Section 210. Execution and Delivery of Series 2021 Bonds.***

(a) The Series 2021 Bonds shall be executed on behalf of the City by the Mayor by manual or facsimile signature, and attested and countersigned by the City Recorder by manual or facsimile signature, and the City's seal shall be affixed to, or a facsimile thereof shall be imprinted upon, the Series 2021 Bonds. The Series 2021 Bonds shall then be delivered to the Trustee (or any Transfer Agent appointed pursuant to Section 7.10 of the Indenture) and manually authenticated by it.

(b) The Series 2021 Bonds shall be delivered to the Purchaser, upon compliance with the provisions of Section 3.02 of the Indenture.

***Section 211. Initial Registration of Series 2021 Bonds.*** Upon initial issuance, the ownership of each such Series 2021 Bond shall be registered in the registration books of the City kept by the Trustee in the name of the Purchaser.

**ARTICLE III**

**ESTABLISHMENT OF SERIES 2021 BOND SERVICE SUBACCOUNT AND SERIES 2021 COSTS OF  
ISSUANCE ACCOUNT; APPLICATION OF SERIES 2021 BOND PROCEEDS; PROVISIONS FOR  
TRANSFERS OF FUNDS**

***Section 301. Establishment of Series 2021 Costs of Issuance Account and Series 2021 Debt Service Subaccount.*** (a) There is hereby established a costs of issuance account in the

Construction Fund designated as the “*Series 2021 Costs of Issuance Account*,” moneys in which shall be used to pay costs of issuance of the Series 2021 Bonds.

(b) Pursuant to the provisions of Sections 5.03 and 5.07 of the Indenture there is hereby established in the Bond Service Account in the Principal and Interest Fund a separate Series Subaccount for the Series 2021 Bonds designated as the “*Series 2021 Bond Service Subaccount*.”

***Section 302. Application of Proceeds.*** The City shall deposit the proceeds from the sale of the Series 2021 Bonds as follows:

- (a) In the Series 2021 Project Account, the amount of \$\_\_\_\_\_; and
- (b) In the Series 2021 Cost of Issuance Account, \$\_\_\_\_\_.

***Section 303. No Series 2021 Debt Service Reserve Requirement.*** There is no Debt Service Reserve Requirement for the Series 2021 Bonds.

#### ARTICLE IV

#### FORM OF SERIES 2021 BONDS

***Section 401. Form of Series 2021 Bonds.*** Subject to the provisions of the Indenture, each Series 2021 Bond shall be, respectively, in substantially the following form, with such insertions or variations as to any redemption or amortization provisions and such other insertions or omissions, endorsements and variations as may be required or permitted by the Indenture:

THIS BOND HAS BEEN DESIGNATED BY THE ISSUER FOR PURPOSES OF THE EXCEPTION CONTAINED IN SECTION 265(B)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

REGISTERED

REGISTERED

No. R- \_\_\_\_\_

[\$[Principal]

**UNITED STATES OF AMERICA**

**STATE OF UTAH**

**NORTH SALT LAKE CITY, UTAH  
SALES TAX REVENUE BOND  
SERIES 2021**

INTEREST RATE	MATURITY DATE	ISSUE DATE
_____ %	June 15, _____	_____, 2021

Registered Owner: CEDE & Co.

Principal Amount: ----- \_\_\_\_\_ DOLLARS -----

KNOW ALL MEN BY THESE PRESENTS that the City of North Salt Lake, Utah (the "City"), a municipal corporation and political subdivision of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the registered owner identified above, or registered assigns, on the maturity date specified above, upon presentation and surrender hereof, the principal amount identified above, and to pay to the registered owner hereof interest on the balance of said principal amount from time to time remaining unpaid from the interest payment date next preceding the date of registration and authentication of this Bond, unless this Bond is registered and authenticated as of an interest payment date, in which event this Bond shall bear interest from such interest payment date, or unless this Bond is registered and authenticated prior to the first interest payment date, in which event this Bond shall bear interest from the issue date specified above (the "Issue Date"), or unless, as shown by the records of U.S. Bank National Association, Salt Lake City, Utah, as Trustee (as hereinafter defined), interest on the hereinafter referred to Bonds shall be in default, in which event this Bond shall bear interest from the date to which interest has been paid in full, or unless no interest has been paid on this Bond, in which event it

shall bear interest from its Issue Date, at the interest rate per annum (calculated on the basis of a year of 360 days consisting of twelve 30-day months), payable semi-annually on June 15 and [Indenture Date]5 commencing June 15, 2020, until payment in full of such principal, and to pay interest on overdue principal of this Bond at the interest rate borne by this Bond. Principal of this Bond shall be payable at the principal corporate trust office of U.S. Bank National Association, Salt Lake City, Utah, a paying agent of the City, or its successor as such paying agent, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts; and payment of the interest hereon shall be (a) made to the registered owner hereof and shall be paid by check or draft mailed to the person who is the registered owner of record as of the close of business on the fifteenth day of the calendar month preceding each interest payment date (or if such fifteenth day is not a business day, the next preceding business day) at the address of such registered owner as it appears on the registration books of the City maintained by the Trustee, or at such other address as is furnished in writing by such registered owner to the Trustee as provided in the Indenture or (b) made by wire transfer to such registered owner upon written notice by such owner to the Trustee given not less than 15 days prior to such interest payment date, subject to the provisions of the Indenture.

This Bond is a special obligation of the City and is one of the Sales Tax Revenue Bonds of the City (the “*Bonds*”) and is issued under the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended, and other applicable provisions of law (the “*Act*”), for the purpose of developing the Foxboro Wetlands Park, including a pond and boardwalks; and improving the Eaglewood Golf Course (collectively, the “*Project*”) and paying certain costs related to the issuance and sale of the Series 2021 Bonds (defined below).

The Bonds are issued under and pursuant to a Master Trust Indenture, dated as of May 1, 2010, as previously amended and supplemented (the “*Master Indenture*”), between the City and U.S. Bank National Association, as trustee (said trustee and any successor thereto under the Master Indenture being herein referred to as the “*Trustee*”), as further amended and supplemented by a Third Supplemental Trust Indenture, dated as of [Indenture Date], 2021, (the “*Third Supplemental Indenture*”), between the City and the Trustee (such Master Indenture, as amended and supplemented by the Third Supplemental Indenture and as hereafter amended and supplemented, being herein referred to as the “*Indenture*”).

The City is obligated to pay principal of and interest on this Bond solely from excise tax revenues received by the City pursuant to the Local Sales and Use Tax Act, Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended (the “*Revenues*”) and other funds of the City pledged therefor under the terms of the Indenture. This Bond is not a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness or a pledge of the general credit of the City. Pursuant to the Indenture, sufficient Revenues have been pledged and will be set aside into special funds by the City to provide for the prompt payment of the principal of and interest on this Bond and all Bonds of the series of which it is a part.

As provided in the Indenture, Bonds may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates, and may otherwise vary as provided in the Indenture, and the aggregate principal amount of Bonds which may be issued is not limited. All Bonds issued and to be issued under the Indenture and

certain other obligations entered into or to be entered into by the City under the Indenture are and will be equally and ratably secured by the pledge of Revenues and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Indenture.

This Bond is one of a total authorized issue of Bonds of \$[Principal] (the “*Series 2021 Bonds*”) designated as “*Sales Tax Revenue Bonds, Series 2021*”, dated as of the Issue Date, and duly issued under and by virtue of the Act and under and pursuant to the Indenture. Copies of the Indenture are on file at the office of the City Recorder and at the principal corporate trust office of the Trustee, and reference to the Indenture and to the Act is made for a description of the pledge and covenants securing the Bonds, the nature, manner and extent of enforcement of such pledge and covenants, the terms and conditions upon which the Series 2021 Bonds are issued and additional bonds and other obligations payable from the Revenues may be issued thereunder on a parity with the Series 2021 Bonds, and a statement of the rights, duties, immunities and obligations of the City and of the Trustee. Such pledge and other obligations of the City under the Indenture may be discharged at or prior to the maturity of the Bonds upon the making of provisions for the payment thereof on the terms and conditions set forth in the Indenture.

To the extent and in the respects permitted by the Indenture, it may be modified or amended by action on behalf of the City taken in the manner and subject to the conditions and exceptions prescribed in the Indenture.

This Bond is transferable, as provided in the Indenture, only upon the books of the City kept for that purpose at the principal corporate trust office of the Trustee, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer in a form approved by the Trustee, duly executed by the registered owner or his duly authorized attorney, and thereupon the City shall issue in the name of the transferee a new registered Series 2021 Bond or Bonds of the same aggregate principal amount, denominations, Series designation and maturity as the surrendered Series 2021 Bond, all as provided in the Indenture and upon the payment of the charges therein prescribed. The City, the Trustee, and any paying agent may treat and consider the person in whose name this Series 2021 Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon and for all other purposes whatsoever.

The Series 2021 Bonds are issuable in the form of fully-registered Bonds, without coupons, initially in the denomination of \$100,000 and any integral multiple of \$1,000 in excess of \$100,000.

Except as otherwise provided herein and unless the context clearly indicates otherwise, words and phrases used herein shall have the same meanings as such words and phrases in the Indenture.

The Series 2021 Bonds are not subject to redemption at the option of the City prior to maturity.

The Series 2021 Bonds are subject to mandatory redemption by operation of Sinking Fund Installment, in such manner as the Trustee may determine, at a price equal to one hundred percent (100%) of the principal amount thereof plus accrued interest to the redemption date, on the dates and in the principal amounts as follows:

REDEMPTION DATE (JUNE 15)	PRINCIPAL AMOUNT
2020	\$189,000
2021	217,000
2022	220,000
2023	222,000
2024	225,000
2025	231,000
2026	233,000
2027	239,000
2028	245,000
2029	250,000
2030*	250,000*

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\* Stated Maturity

To the extent that a Sinking Fund Installment results in the reduction in aggregate principal amount of the Series 2021 Bonds Outstanding, a Registered Owner shall not be required to submit its Series 2021 Bond certificate to the Trustee for payment and shall instead make an appropriate notation on such Bond certificate indicating the date and amounts of such redemption in principal, except in the case of final maturity, in which case the certificate must be presented to the Trustee prior to payment. The Trustee's records shall govern in the case of discrepancy with the noted schedule on the Series 2021 Bonds, absent manifest error.

Any Series 2021 Bond subject to redemption shall be redeemed as provided in and subject to the terms of the Indenture.

This Bond and the issue of Series 2021 Bonds of which it is a part are issued in conformity with and after full compliance with the Constitution of the State of Utah and pursuant to the provisions of the Act and all other laws applicable thereto.

Pursuant to Section 11-14-307(3) of the Act, the State of Utah pledges and agrees with the holders of the Series 2021 Bonds that the State of Utah will not alter, impair or limit the Revenues, in a manner that reduces the amounts to be rebated to the City which are devoted or pledged by the Indenture until the Series 2021 Bonds, together with applicable interest, are fully met and discharged; *provided, however*, that nothing shall preclude such alteration, impairment or limitation if and when adequate provision shall be made by law for the protection of the holders of the Series 2021 Bonds.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Utah or by the Act or the Indenture to exist, to have happened or to have been performed precedent to or in the issuance of this Series 2021 Bond exist, have happened and have been performed and that the issue of the Series 2021 Bonds, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution and statutes.

This Bond shall not be valid until the Certificate of Authentication hereon shall have been manually signed by the Trustee.

IN WITNESS WHEREOF, THE CITY OF NORTH SALT LAKE, UTAH, has caused this Bond to be signed in its name and on its behalf by the Mayor and its corporate seal to be impressed hereon, attested by the City Recorder, all as of the Issue Date specified above.

CITY OF NORTH SALT LAKE, UTAH

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Mayor

COUNTERSIGN AND ATTEST:

---

City Recorder

[SEAL]

**[FORM OF TRUSTEE'S CERTIFICATE OF AUTHENTICATION]**

This Bond is one of the Series 2021 Bonds described in the within-mentioned Indenture and is one of the Sales Tax Revenue Bonds, Series 2021, of the City of North Salt Lake, Utah.

Date of registration and authentication: [Indenture Date]7, 2021.

U.S. BANK NATIONAL ASSOCIATION,  
as Trustee

By \_\_\_\_\_  
Trust Officer

[FORM OF ASSIGNMENT]

The following abbreviations, when used in the inscription on the face of this certificate, shall be construed as though they were written out in full according to the applicable laws or regulations.

TEN COM	—	as tenants in common	UNIF TRAN MIN ACT—
TEN ENT	—	as tenants by the entirety	_____ Custodian _____
JT TEN	—	as joint tenants with right of survivorship and not as tenants in common	(Cust) (Minor) under Uniform Transfers to Minors Act of _____
			(State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED \_\_\_\_\_ hereby sells, assigns and transfers unto

Insert Social Security or Other  
Identifying Number of Assignee

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Assignee)

the within Bond of the CITY OF NORTH SALT LAKE, UTAH, and hereby irrevocably constitutes and appoints \_\_\_\_\_ Attorney to register the transfer of said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

SIGNATURE GUARANTEED:  
\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an “eligible guarantor institution” that is a member of or a participant in a “signature guarantee program” (e.g., the Securities Transfer Agents Medallion Program, the Stock Exchange Medallion Program or the New York Stock Exchange, Inc. Medallion Signature Program).

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.



## ARTICLE V

### THE TRUSTEE

**Section 501. Appointment of Trustee.** For the benefit and protection of the holders of the Series 2021 Bonds and any other Bonds hereafter issued pursuant to the Indenture, U.S. Bank National Association, a national banking association having trust power, doing business and having its corporate trust office in Salt Lake City, Utah, is hereby appointed as Trustee, Paying Agent and Transfer Agent. U.S. Bank National Association shall signify acceptance of the duties and obligations imposed upon it by the Indenture by executing and delivering to the City a written acceptance thereof prior to the delivery of the Series 2021 Bonds.

## ARTICLE VI

### MISCELLANEOUS

**Section 601. System of Registration.** The Indenture shall constitute a system of registration within the meaning and for all purposes of the Registered Public Obligations Act, Chapter 7 of Title 15, Utah Code.

**Section 602. Financial Reporting.** The City shall provide to the Purchaser (i) a copy of the City's annual audited financial statements, prepared by an independent certified public accountant, within 270 days after the end of the Agency's fiscal year, if such audited financial statements are not available on the Municipal Rule Making Board's Electronic Municipal Market Access ("EMMA"), (ii) a copy of the annual budget of the City, as adopted or amended, no later than 45 days from the date of adoption or amendment thereof; and (iii) such other reports or information requested by the Purchaser from time to time, including copies of any long-term capital improvement plans of the City, if requested by the Purchaser.

**Section 603. Article and Section Headings.** The headings or titles of the several articles and sections hereof, and any table of contents appended to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this Third Supplemental Indenture.

**Section 604. Partial Invalidity.** In any one or more of the covenants or agreements, or portions thereof, provided in this Third Supplemental Indenture to be performed shall be contrary to law (other than the provisions of the Indenture limiting the liability of the City to make payments on the Bonds solely from Revenues and other amounts pledged therefor by the Indenture), then such covenant or covenants, such agreement or agreements, or such portions thereof, shall be null and void and shall be deemed separable from the remaining covenants and agreements or portions thereof and shall in no way affect the validity of this Third Supplemental Indenture or of the Series 2021 Bonds; but the Holders of the Series 2021 Bonds and any Security Instrument Issuer and any Reserve Instrument Issuer shall retain all the rights and benefits accorded to them under the Act or any other applicable provisions of law.

**Section 605. Counterparts.** This Third Supplemental Indenture may be executed in multiple counterparts, each of which shall be regarded for all purposes as an original; and such counterparts shall constitute but one and the same instrument.

**Section 606. Effective Date.** This Third Supplemental Indenture shall take effect immediately.

*(Signature page follows.)*

IN WITNESS WHEREOF, the City has caused this Third Supplemental Indenture to be executed by the Mayor and countersigned by the City Recorder, and its official seal to be hereunto affixed and attested by the City Recorder, and to evidence its acceptance of the trusts hereby created, U.S. Bank National Association, has caused this Third Supplemental Indenture to be executed by one of its Vice Presidents, all as of the date hereof.

CITY OF NORTH SALT LAKE, UTAH

By \_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_  
City Recorder

[SEAL]

U.S. BANK NATIONAL ASSOCIATION  
as Trustee

By \_\_\_\_\_  
Vice President

**CERTIFICATE OF DETERMINATION  
PURSUANT TO THE RESOLUTION OF  
CITY OF NORTH SALT LAKE, UTAH  
AUTHORIZING THE ISSUANCE AND SALE OF  
SALES TAX REVENUE BONDS, SERIES 2021**

1. *Authority; Definitions.* Pursuant to Resolutions Authorizing the Issuance and Sale of Sales Tax Revenue Bonds, Series 2021 (the “*Bonds*”) adopted by the City Council of City of North Salt Lake, Utah (the “*City*”) on July 6, 2021 (the “*Resolution*”), the City has authorized the issuance of the Bonds. This certificate is executed pursuant to and in accordance with the delegation of authority contained in the Resolution, as authorized by law. All terms used herein and not otherwise defined herein shall have the meanings specified in the Resolution

2. *Acceptance of Bid.* The bid of \_\_\_\_\_, (the “*Purchaser*”) conforms to the parameters, deadlines and procedures set forth in the notice of sale prepared in connection with the advertisement for sale of the Bonds and is the best bid received for the purchase of the Bonds, resulting in the sale of the Bonds at the lowest obtainable interest rate (a copy of the bid, together with a list of bids received for the Bonds, is attached hereto as *Exhibit A*). The bid of the Purchaser for the purchase of the Bonds, which is set out in full in *Exhibit A* hereto, is hereby accepted, it being hereby found, determined and declared that the Bonds bear interest at the lowest obtainable interest rate. The Bonds shall be issued by the City for the purpose set forth in the Resolution. The sale of the Bonds to the Purchaser at the price of \$ \_\_\_\_\_ (representing the par amount of the Bonds, plus \$ \_\_\_\_\_ reoffering premium and less \$ \_\_\_\_\_ Purchaser’s discount) is hereby confirmed. The Bonds shall be delivered to the Purchaser and the proceeds of sale thereof applied as provided in the Resolution and Section 5 hereof.

3. *Aggregate Principal Amount and Maturity of Bonds.* The Bonds shall be issued for the purpose specified in Section 1 of the Resolution. The Bonds shall be issued in the aggregate principal amount of \$ \_\_\_\_\_, and shall mature on the dates and in the principal amounts, and shall bear interest payable semiannually on May 1 and November 1, commencing November 1, 2021, at the respective interest rates per annum, as follows:

MAY 1	AMOUNT MATURING	INTEREST RATE
	\$	%

4. *Redemption of the Bonds.* The Bonds maturing on or after May 1, \_\_\_\_\_ are subject to redemption at the option of the City on May 1, \_\_\_\_\_, and on any date thereafter prior to maturity, in whole or in part, from such maturities or parts thereof as will be selected by the City, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest thereon to the redemption date.

5. *Use of Proceeds.* The proceeds of the sale of the Bonds shall be deposited as follows:

- (a) \$ \_\_\_\_\_ shall be deposited in the Project Account; and
- (b) \$ \_\_\_\_\_ shall be transferred to the Paying Agent to pay costs of issuance of the Bonds.

6. The terms and provisions of the Bonds determined and designated herein are within the parameters set forth in Section 2 of the Resolution and otherwise comply with the provisions of the Resolution and the Act.

IN WITNESS WHEREOF, I have hereunto set my hand on \_\_\_\_\_, 2021.

By \_\_\_\_\_  
Designated Officer of City of North Salt  
Lake, Utah

**EXHIBIT A**

COPIES OF WINNING BID AND LIST OF BIDS RECEIVED FOR THE BONDS



# CITY OF NORTH SALT LAKE COMMUNITY & ECONOMIC DEVELOPMENT

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10 East Center Street, North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

## MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Sherrie Pace, Community Development Director  
**DATE:** July 6, 2021  
**SUBJECT:** Plat Amendment to combine lots 5, 6, and 9 of the Lakeview Estates Amended Subdivision with parcel number 01-109-0003, located at approximately 561 Lacey Way

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### **RECOMMENDATION**

The Planning Commission recommends approval of the Plat Amendment to combine lots 5, 6, and 9 of the Lakeview Estates Amended Subdivision with parcel number 01-109-0003, located at approximately 561 Lacey Way.

### **BACKGROUND**

The proposed plat amendment combines lots 5, 6, and 9 of the Lakeview Estates Amended Subdivision with parcel number 01-109-0003. All four parcels are owned by a single property owner, Jack Root. Once combined the new lot will be 1.705 acres and its address will be 561 East Lacey Way.

The new lot has multiple public utility easements (PUE), as shown on the proposed plat. The 20 foot drainage easement toward the south of the new lot has the following note associated with it:

“6. The 20.0’ drainage easement follows the centerline of an underground pipeline. The true location of the pipeline is unknown. This easement amends a similar easement dedicated as part of the Lakeview Estates Amended Plat (Entry #667851, Davis County Recorder), in which the easement followed “10 FT. on each side of a wash centerline.” Said wash is no longer in use and has been replaced by said underground pipeline.”

City Staff attempted to find the aforementioned underground pipe, but were unsuccessful. The City Engineer and Public Works department will continue to try and locate the pipe’s true location but find that the 20 foot drainage easement is in the proper place and should not cause any future issues.

The owner of the new lot will not build any new structures on the lot, as the PUEs and existing slope make it difficult, if not impossible. The DRC and Planning Commission are in favor of combining all of the lots into one to prevent attempts at building on the individual lots in the future.

One additional redline correction is needed to the title of the plat map and should read:

“ROOT SUBDIVISION; Vacating and amending Lots 5 & 6 of Lakeview Estates Amended and Lot 9 of Lakeview Estates Subdivisions”

**POSSIBLE MOTION**

I move that the City Council approve the Plat Amendment to combine lots 5, 6, and 9 of the Lakeview Estates Amended Subdivision with parcel number 01-109-0003, located at approximately 561 Lacey Way with the following redline correction:

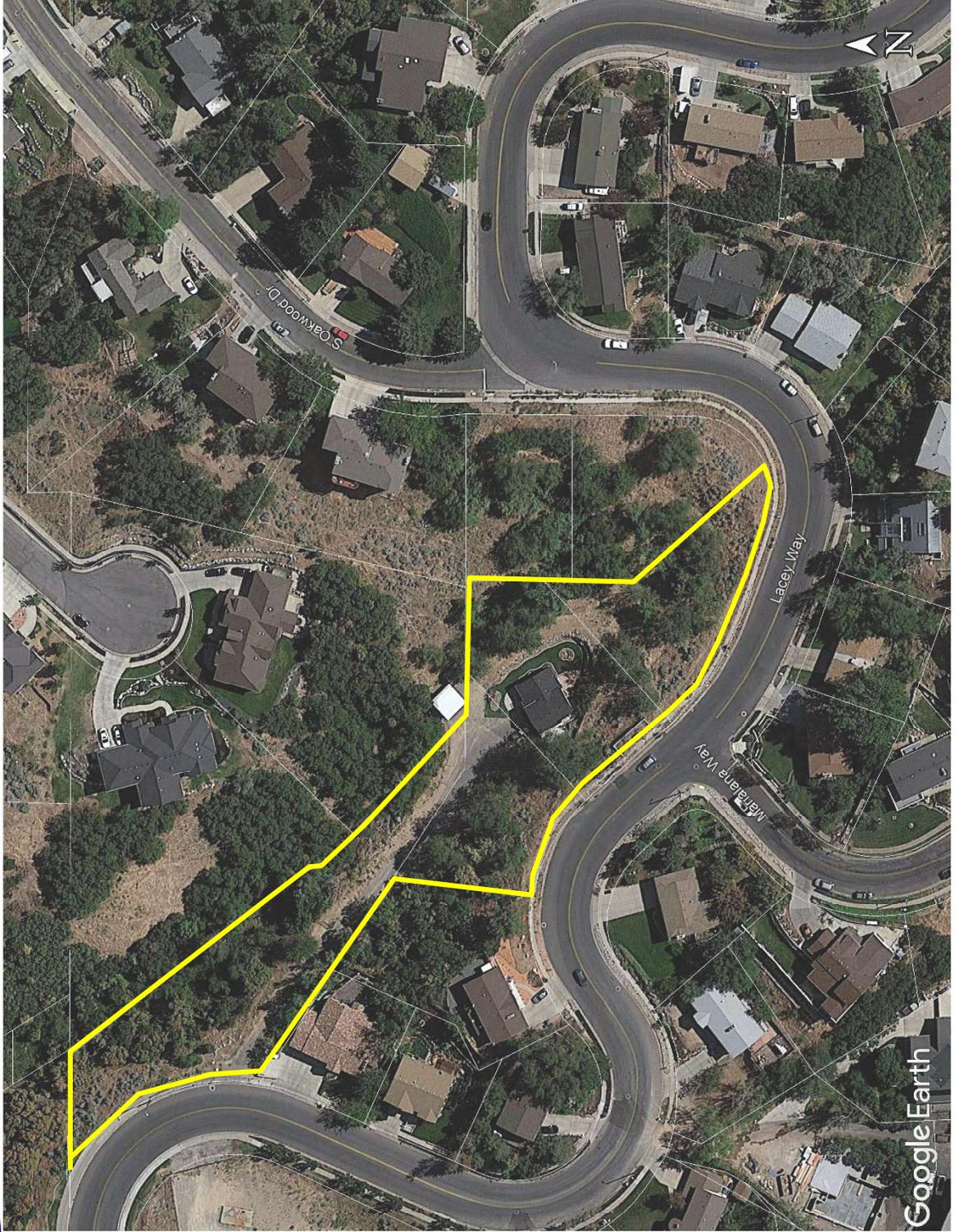
1. Addition of title block language: “ROOT SUBDIVISION; Vacating and amending Lots 5 & 6 of Lakeview Estates Amended and Lot 9 of Lakeview Estates Subdivisions”

Attachments

- 1) Aerial Map
- 2) Amended Plat



Plat Amendment  
Lakeview Estates Amd. - Lots 5, 6, & 9 with Parcel 01-109-0003  
Aerial



Google Earth





# CITY OF NORTH SALT LAKE

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10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Leonard Arave  
Mayor

Ken Leetham  
City Manager

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** July 6, 2021

**SUBJECT:** Consideration of sale of City property at 674 Country Court

### RECOMMENDATION

The Development Review Committee (DRC) recommends approval of the sale of additional City property encroaching on Wild Rose Trailhead Park at 674 Country Court.

### BACKGROUND

In 2016, it was identified that four properties adjacent to Wild Rose Trailhead Park and located on Country Court had encroached on the park with their back yard improvements. At the direction of the City Council, the encroachment areas were surveyed and sold to the homeowners. However, one of the property owners, located at 674 East Country Court, did not cooperate with the City on the purchase of the encroachment property. Since that time, the home has been sold and the new owner would like to move forward with settling the property line issue with the City.

The new homeowner, John Crockett, has requested that the proposed property line be adjusted to include some additional property and so that his property will match the property corners of his east neighbor (see attached map). City Staff met with him at the site and observed the proposed area, finding that including the additional property in the sale would have a negligible impact on the park, as that area is up on a plateau, level with his back yard improvements and is screened from view of the park with scrub oak. Staff also observed that the surveyed line for the 2016 encroachment seems to have excluded some of the pine trees that the previous homeowner or developer had planted. The homeowner is requesting that the 2016 surveyed line be extended by approximately 6 feet at the west corner and 10 feet at the elbow of the property line in order to accommodate those trees. The extension of that property line and the inclusion of the additional property would not require the removal of any significant vegetation in that area. In short, the DRC agrees with Mr. Crockett's proposal to increase the size of the property to be sold. The only remaining question is determining the price for the property. Prior to incurring the costs of surveys and preparation of a sale agreement, the City Council should determine if this is property that it is willing to sell and at what price.

The original terms of the purchase agreements included the homeowners paying for all appraisal and surveying costs, and the purchase of the property at \$3.35 per square foot. The price for this property, as per the original purchase agreement in 2016, is as follows:

Area	Unit Price	Cost For Land	Survey/Appraisal Costs	Total Price
2,284 SF	\$3.35	\$7,651.14	\$1,114.48	\$8,765.88

When the DRC reviewed the proposal to purchase additional property in January, 2021 it represented to Mr. Crockett that the City would be willing to honor the original purchase agreement. That is a reasonable and defensible way to consider this matter, but City staff understands that only the City Council has the authority to agree to this sale at the original price. Further, the DRC has indicated to Mr. Crockett that any additional property added to this transaction will be sold at fair market value as determined by the City Council.

The City sold property adjacent to Tunnel Springs Park in 2020 and the appraised value for that property was \$3.51 per square foot. If that value were used, the difference between the original agreement and \$3.51 is approximately \$365.

The additional area has not been surveyed yet, so there is not an accurate number for the size of the area, but City Staff estimates the following may apply (highlight color matches the color on the site map attached). This table below uses the \$3.51 square foot price for the additional property as if it were the fair market value price.

Property	Area	Unit Price	Cost For Land	Survey/Appraisal Costs	Total Price
Original Surveyed Area	2,284 SF	\$3.35	\$7,651.14	\$1,114.48	\$8,765.88
Corrected Survey Area	630 SF	\$3.51	\$2,211.30	\$500.00	\$2,711.30
Proposed Expansion	1,640 SF	\$3.51	\$5,756.40	\$0.00	\$5,756.40
<b>TOTAL =</b>	4,554 SF	-	\$15,618.84	\$1,614.48	\$17,233.58

Those costs may change with an accurate property boundary and invoices from the surveying company, but City Staff is looking for direction from the City Council regarding the unit price (per square foot) that the property should be sold for.

**POSSIBLE MOTION**

I move that the City Council instruct the City Manager, or his designee, to prepare a purchase agreement for the sale of property as described in this memorandum located at 674 Country Court for a square footage price of \$3.35 for the original property and \$3.51 for the expansion property.

Attachments:

- 1) Location Map (original)
- 2) Site Map (proposed)

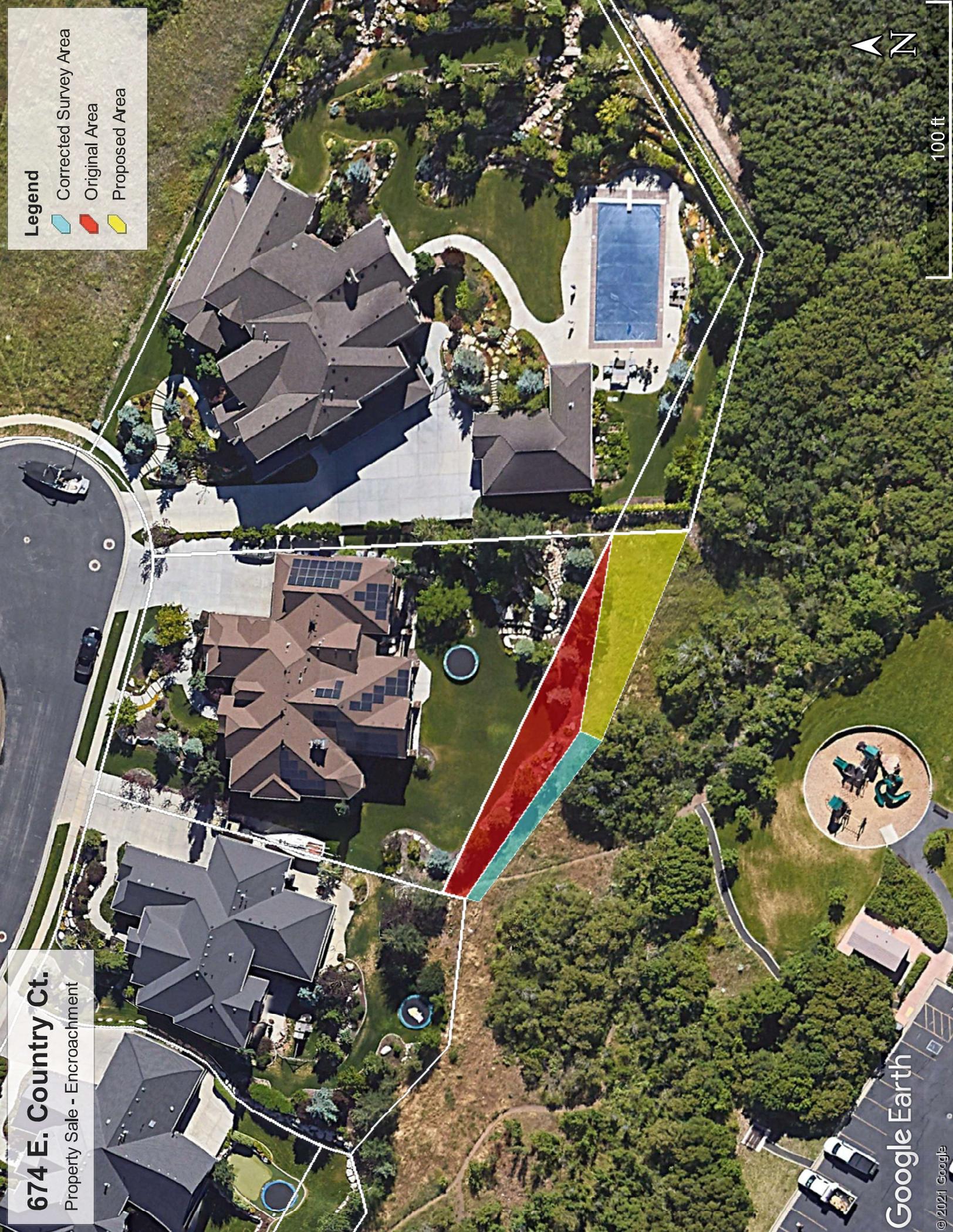


# 674 E. Country Ct.

Property Sale - Encroachment

## Legend

- Corrected Survey Area
- Original Area
- Proposed Area





# CITY OF NORTH SALT LAKE

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10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8708 Voice  
(801) 335-8719 Fax  
[www.nslcity.org](http://www.nslcity.org)

LEONARD K. ARAVE  
Mayor

KEN J. LEETHAM  
City Manager

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ali Avery, Long Range Planner

**DATE:** July 6, 2021

**SUBJECT:** Resolution authorizing the submittal of a FEMA grant for the purchase and installation of generators for the City's culinary water facilities

---

### RECOMMENDATION

The Development Review Committee recommends approval of the attached resolution authorizing the submittal of a FEMA BRIC grant application seeking funds for the purchase and installation of generators for the City's culinary water facilities, and authorizing matching funds.

### BACKGROUND

In November 2020, the City Council passed a resolution for matching funds and instructed City Staff to submit an application to FEMA for the Building Resilient Infrastructure and Communities Grant (BRIC). The project that was applied for was for the purchase and installation of generators for the City's culinary water facilities. The City recently received notification that the grant application met all the requirements but FEMA was unable to fund the project in that grant cycle. Therefore, the DRC is recommending that we re-apply for the same project for this year's funding cycle.

On September 8, 2020, there was a windstorm that caused much of the Wasatch Front to lose power for several days. In order to provide uninterrupted culinary water service to the City's residents during that time, City crews had to transport a portable generator to each of the well and pump houses to ensure that they would continue to operate without power service. Prior to that event, City staff had identified that there was a need to have a permanent generator at each of those ten facilities in order to make the culinary water service more efficient and make the City's infrastructure more resilient to natural disasters that may cause a loss of power.

FEMA has a competitive grant program called "Building Resilient Infrastructure and Communities" (BRIC), formerly known as the Pre-Disaster Mitigation Grant. The City has applied for this several times in the past, and this was the grant program that funded the Springhill Landslide project. City staff has consulted with the State, who administers the program for FEMA, and have identified the purchase and installation of generators at our culinary water facilities to be a good project for this grant.

The grant application is for the purchase and installation of 10 permanent generators for every well and booster pump station North Salt Lake uses to provide culinary water. The City received an estimate from Hunt Electric for the work. Each site has a different cost due to varying conditions but the average cost for the purchase and installation of each generator is approximately \$170,000. The total project cost is \$1,634,850, the grant request is for \$1,226,137.50 (75%), and the City match is \$408,712.50 (25%). These funds would be expended in 2022.

The attached resolution is a requirement of submittal of our grant application for FEMA funding related to the purchase and installation of generators for the wells and pump houses that are a part of our culinary water facilities. You'll note that the resolution has three directive statements. First, it instructs the City staff to complete an application for the FEMA grant. Second, it instructs the City staff to set aside sufficient funds for the estimated 25% match required by the grant. Third, it authorizes the City Manager to sign and submit the grant application.

### **POSSIBLE MOTION**

I move that the City Council approve Resolution 2021-23R authorizing the submittal of a FEMA BRIC grant application seeking funds for the purchase and installation of generators for the City's culinary water facilities, and authorizing matching funds.

#### Attachments

- 1) Resolution 2021-23R

## **RESOLUTION 2021-23R**

### **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF NORTH SALT LAKE ENDORSING AND SUPPORTING AN APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES GRANT (BRIC) FOR THE PURCHASE AND INSTALLATION OF WELL AND PUMP HOUSE GENERATORS.**

WHEREAS, the City does not have permanent generators for any of its culinary water facilities; and

WHEREAS, a windstorm occurred on September 8, 2020 during which power was lost across the Wasatch Front for 1-2 days; and

WHEREAS, City staff had to make use of one portable generator to power all the culinary water facilities; and

WHEREAS, it has been identified that permanent generators for the City's critical culinary water facilities would help to make the City more resilient against any future natural disasters that cause a loss of power; and

WHEREAS, the Utah Division of Emergency Management through the Federal Emergency Management Agency has a Building Resilient Infrastructure and Communities grant program designed to support communities through proactive investment in community resilience by pre-disaster action.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the City of North Salt Lake that:

1. City staff is hereby directed to complete a FEMA Building Resilient Infrastructure and Communities Grant application;
2. City staff is hereby directed to set aside up to \$408,712 from the city's General Fund for matching funds and whatever other funds needed to cover the cost of ineligible activities;
3. The City Manager, or his designee, is hereby authorized to sign the grant application on behalf of the City.

APPROVED and signed this 6<sup>th</sup> day of July, 2021.

CITY OF NORTH SALT LAKE

By \_\_\_\_\_  
Leonard K. Arave, Mayor

ATTEST:  
By:

\_\_\_\_\_  
Linda Horrocks, City Recorder

City Council Vote as Recorded

Council Member Baskin	_____
Council Member Gordon	_____
Council Member Horrocks	_____
Council Member Mumford	_____
Council Member Porter	_____



# CITY OF NORTH SALT LAKE FINANCE DEPARTMENT

10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Janice Larsen  
Finance Director

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Janice Larsen, Finance Director

**DATE:** July 1, 2021

**SUBJECT:** Resolution No. 2021-21R: Increasing Solid Waste Rates

---

The attached resolution is for the adoption of a rate increase in the Solid Waste Fund.

This increase is primarily necessary to cover the contract cost of services provided by ACE Recycling and Disposal, Inc. Staff is proposing an increase of \$0.94 per can for regular solid waste. This is an increase of approximately 7% per can. No increase is being recommended for recycling.

Residents will be notified of the increase during July. The increase will take effect on August 1, 2021 and appear on utility bills issued mid-September.

**RESOLUTION NO. 2021-21R**

**A RESOLUTION ADJUSTING THE SOLID WASTE  
OF THE CITY OF NORTH SALT LAKE  
COMPREHENSIVE FEE SCHEDULE**

WHEREAS, the City of North Salt Lake (*“the City”*) has reviewed the projected revenues, expenditures, and cash balances in the Solid Waste Fund and has determined an adjustment to certain rates is necessary to maintain the financial position of these funds.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF NORTH SALT LAKE:

Section 1. Rate Changes. The following revisions to the fee schedule are hereby adopted by the City:

	<u>Current Rate</u>	<u>Rate Increase</u>	<u>Proposed Rate</u>	<u>Number of Cans</u>	<u>Estimated Annual Revenue</u>
First Can	\$ 13.51	\$ 0.94	\$ 14.45	4,784	\$ 829,546
Additional Can	13.51	0.94	14.45	1,376	238,598
					<u>\$ 1,068,144</u>

Section 2. Effective Date. This Resolution hereby adopted is effective July 6, 2021 and the new rates in this resolution are effective August 1, 2021.

Adopted this 6th day of July, 2021.

**CITY OF NORTH SALT LAKE**

By:

\_\_\_\_\_  
Leonard K. Arave, Mayor

Attest:

By:

\_\_\_\_\_  
Linda Horrocks, City Recorder

City Council Vote as Recorded

Council Member Baskin \_\_\_\_\_  
Council Member Gordon \_\_\_\_\_  
Council Member Horrocks \_\_\_\_\_  
Council Member Mumford \_\_\_\_\_  
Council Member Porter \_\_\_\_\_



# CITY OF NORTH SALT LAKE

---

10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Ken Leetham  
City Manager

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** July 6, 2021

**SUBJECT:** Consideration of Resolution 2021-26R: a resolution amending Title 8, Section 1-3 of the City's municipal code related to delinquency and discontinuance of service.

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### **RECOMMENDATION**

I recommend approval of Resolution 2021-26R: a resolution amending Title 8, Section 1-3 of the City's municipal code related to delinquency and discontinuance of service.

### **BACKGROUND**

You may remember that the City staff recently shared with the City Council that we were having success in reducing the number of utility (water) shut offs by expanding our outreach to customers. This has been a great improvement and we have reduced our monthly shut-offs from hundreds to now less than 35 a month. As we've done this, we realized that our City ordinance needs to be amended by adding provide more direction to the City staff about when to discontinue service and how to contact customers prior to shutting off utilities.

The principal change in the proposed ordinance is the expansion of the shut-off for non-payment period from 30 days to at least 65 days or 3 monthly due dates without payment. This shift in policy will be very helpful in reducing the number of customers that are placed on a shut-off list. We know that it can be a risk to allow customers to build up large delinquencies, but it has been our experience that this risk greatly off-set by our outreach efforts.

A second proposed code change describes the specific steps and process used to make contact with customers prior to discontinuing utility service. This amendment requires the City to make not less than two phone calls to remind customers of payment due dates and the risk of being shut-off. Making phone calls to customers has been the primary method we have used to reduce the number of monthly shut-offs.

I believe that these ordinance changes will be helpful in clarifying our shut-off process both for customers and for City staff responsible for these activities.

**PROPOSED MOTION**

I move that the City Council adopt Resolution 2021-26R: a resolution amending Title 8, Section 1-3 of the City's municipal code related to delinquency and discontinuance of service.

**RESOLUTION NO. 2021-26R**

**A RESOLUTION AMENDING TITLE 8, SECTION 1-3 OF THE  
CITY'S MUNICIPAL CODE RELATED TO DELINQUENCY AND  
DISCONTINUANCE OF SERVICE**

WHEREAS, the City of North Salt Lake operates a water utility service for residential and commercial water users throughout the City; and

WHEREAS, the City has a need to adjust its ordinance related to delinquency and discontinuance of service due to non-payment so that the City can more effectively assist its customers; and

WHEREAS, the City Council finds that the procedures described in the proposed code amendment have been effective in assisting customers to avoid discontinuance of service, thereby allowing improved and uninterrupted access to safe drinking water.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of North Salt Lake as follows:

Section 1. Code Amendment. Title 8, Section 1-3 of the City Code is hereby amended as shown in the attached Exhibit "A".

Section 2. Effective Date. This Resolution hereby adopted is effective July 6, 2021.

APPROVED AND ADOPTED by the City of North Salt Lake, Utah on this 6th day of July, 2021.

CITY OF NORTH SALT LAKE

By:

\_\_\_\_\_  
Leonard K. Arave, Mayor

Attest by:

\_\_\_\_\_  
Linda Horrocks, City Recorder

City Council Vote as Recorded

Council Member Baskin \_\_\_\_\_  
Council Member Gordon \_\_\_\_\_  
Council Member Horrocks \_\_\_\_\_  
Council Member Mumford \_\_\_\_\_  
Council Member Porter \_\_\_\_\_

## Exhibit A

### 8-1-3: FEES, RATES AND CHARGES:

A. Rates And Connection Fees: The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the city water system shall be in such amounts as specified in the comprehensive fee schedule resolution. The governing body may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. (1989 Code § 14-117; amd. 2012 Code)

B. Board Of Equalization For Rates: The governing body is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person. (1989 Code § 14-119)

#### ~~C. Delinquency; Discontinuance Of Service:~~

~~—1. The city recorder or designated worker shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month or at such other regular interval as the governing body shall direct.~~

~~—2. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within thirty (30) days of the date due, the city recorder or designated worker shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five (5) days from the date of notice.~~

~~—3. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the city treasurer or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge as specified in the comprehensive fee schedule resolution for turning the water on and off. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has been applied to the payment of delinquent bills. The city recorder is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the city. (1989 Code § 14-121; amd. 2012 Code)~~

#### C. Delinquency; Discontinuance of Service

1. The City shall provide a utility bill containing the utility service charges assessed to each customer once a month. The utility bill may be sent electronically, or by mail.

2. The utility bill shall specify the amount charged for utility service, the available methods of payment, and the date payment is due.

3. Utility bills shall be delivered by the 20<sup>th</sup> of each month for services provided during the previous month. The due date for the utility bill shall be the last day of the same month as the utility bill is delivered.

4. Delinquent Notification Procedure:

a. If utility bills are not paid by the 15<sup>th</sup> of the following month:

Notice of "Past Due" amount will appear on the customer's next utility bill.

b. If the past due amount remains unpaid 30 days after the original due date:

Within 10 days an automated voice message call will be sent to the telephone number the customer has provided as their primary contact.

c. If the past due amount remains unpaid 60 days after the original due date:

Within 10 days the City will attempt a direct call (not automated) to the telephone number the customer has provided as their primary contact.

d. If the bill is not paid within 24 hours of the direct call:

The City may disconnect the delinquent customer from water services.

e. Shut-offs will be done between the 5<sup>th</sup> - 12<sup>th</sup> of each month and not sooner than a delinquency of at least 65 days or when 3 monthly payment due dates have passed without payment.

f. After water service is disconnected, the City will only reconnect the delinquent customer when the total charges and the associated disconnect fee are paid in full or other arrangements are made only with approval of the Finance Director or City Manager.

g. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit.

5. The City is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action of law in the name of the City.



# CITY OF NORTH SALT LAKE

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10 East Center Street  
North Salt Lake, Utah 84054  
(801) 335-8700  
(801) 335-8719 Fax

Len Arave  
Mayor

Ken Leetham  
City Manager

## MEMORANDUM

**TO:** Honorable Mayor and City Council

**FROM:** Ken Leetham, City Manager

**DATE:** July 7, 2021

**SUBJECT:** Consideration of Salary information for the City's Communications Specialist position

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You may recall that on June 15, 2021 the City Council authorized the creation of a new position of Communications Specialist. At that meeting, the Council and staff agreed that prior to moving ahead with filling this position, that a salary range would be presented to the City Council.

There are many positions along the Wasatch Front that include pieces activities and tasks that our new position include. I have not found an exact match, but have looked at several position and actual salary data for related positions. What I have found is that there is a salary range for all of these types of communications positions ranging from the mid \$40's for workers in social media platforms to the high \$90s for more sophisticated positions that are in larger cities and working with elected officials and neighborhood groups. The following averages can give you an idea about where the ranges might be:

Social Media Manager:	\$52,533
Public Information Officer:	\$54,416
Website Administrator:	\$64,590
Communications Manager:	\$99,000

My recommendation to the City Council is to place this position in a salary range on our grade and step program that would fall between approximately \$62,000 and \$90,000. I believe a simple motion by the City Council approving this general salary range would allow us to move forward and work to fill this position.



## NORTH SALT LAKE ENGINEERING

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10 East Center Street  
North Salt Lake, Utah  
84054  
(801) 335-8723  
Paulo@nslcity.org

LEONARD ARAVE  
Mayor

PAUL OTTOSON, PE  
City Engineer

### **MEMORANDUM**

To: Honorable Mayor & City Council  
From: Paul Ottoson  
Date: July 6, 2021  
Subject: 2021 Street Striping Project

### **RECOMMENDATION**

Staff recommends awarding the 2021 Street Striping Project to Peck Striping for the price of \$64,480.81.

### **BACKGROUND**

Every year the City receives bids for the painting, striping and marking of City streets. This includes centerline, shoulder and bike lane striping, cross walks, stop bars, bike symbols, turning symbols, railroad crossing symbols and lettering. This year, the plan is to repaint all existing lines, symbols and lettering. We will not repaint the red curb and gutter as this was done last year and does not require painting every year.

The City received three bids and they are shown below:

<u>Contractor</u>	<u>Price</u>
Peck Striping	\$64,480.81
All Star Striping	\$75,357.73
Mountain West Striping	\$93,512.61

The annual budget for street striping this year is \$75,000 and it has already been approved.

### **POSSIBLE MOTION**

I recommend that the City Council award the 2021 Street Striping Project to Peck Striping for the price of \$64,480.81.