

03-156-0027,0004 145540 Bk 0746 Pg 1298  
03-236-0001 Thru 008 LuAnn Adams, Box Elder County Recorder  
10/10/2000 1:45pm FEE: .00 Dep:85  
Rec'd For: PERRY CITY

Perry, Utah

November 18, 1999

A regular meeting of the City Council of Perry City, Box Elder County, Utah was held on Thursday, the 18th day of November, 1999, at the hour of 7:00 p.m., at the regular meeting place of said City Council at which meeting there were present and answering roll call the following members who constituted a quorum:

Hal Allen	Mayor
Carol Billings	Councilmember
Bruce R. Payne	Councilmember
Steven Pettingill	Councilmember
Desmond Thomas	Councilmember
Mike Eyster	Councilmember

Also present:

Judy W. Bylsma	City Recorder
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Absent:

After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the City Recorder presented to the City Council a Certificate of Compliance with Open Meeting Law with respect to this November 18, 1999 meeting, a copy of which is attached hereto as Exhibit "A".

Councilmember Bruce Payne introduced the following resolution in writing, which was read in its entirety, and moved its adoption:

RESOLUTION NO. 99-01

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF PERRY CITY, BOX ELDER COUNTY, STATE OF UTAH, TO CONSTRUCT IMPROVEMENTS WITHIN SAID MUNICIPALITY CONSISTING OF THE EXTENSION OF WATER AND SEWER LINES, AND THE CONSTRUCTION OF ROAD IMPROVEMENTS, AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; TO CREATE PERRY CITY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 99-1; TO DEFRAY THE COST AND EXPENSES OF SAID IMPROVEMENT DISTRICT BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID DISTRICT; TO DECLARE ITS OFFICIAL INTENT TO REIMBURSE ITSELF FOR EXPENDITURES PAID BY IT PRIOR TO THE SALE OF BONDS; AND RELATED MATTERS.

BE IT RESOLVED by the City Council of Perry City, Box Elder County, Utah:

Section 1. The City Council of Perry City, Box Elder County, Utah (the "City") hereby determines that it will be in the best interest of the City to construct the extension of water and sewer lines, and the construction of road improvements (the "Improvements"), and to complete the whole in a proper and workmanlike manner according to plans, profiles and specifications on file in the Office of the City Engineer. In order to finance the costs of the Improvements, the City proposes to create and establish a special improvement district. A description of the proposed special improvement district is more particularly described in the Notice of Intention to construct the proposed improvements hereinafter set forth.

Section 2. The proposed district shall be known as "Perry City, Utah Special Improvement District No. 99-1 (the "District").

Section 3. The cost and expenses of the proposed improvements shall be paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the improvements or which may be affected or specially benefitted by any of such improvements, such assessment to be paid in not more than fifteen (15) annual installments with interest on the unpaid balance until due and paid; provided, however, that the City Council shall first have found and determined that the proposed improvements have a reasonable useful life of at least any such period that exceeds fifteen

(15) years. An allowance shall be made for corner lots, if applicable, as provided by City ordinance so that such lots are not assessed at full rate on both streets.

Section 4. Written protests against the proposed improvements or against the creation of the District must be presented and filed in the Office of the City Recorder on or before the 12th day of January, 2000, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Thursday, the 13th day of January, 2000, at 3005 South 1200 West in Perry, Utah, any such protests shall be heard and considered by the City Council. The City Recorder is hereby directed to give notice of intention to make the proposed improvements and of the time within which protests against the proposed improvements or the creation of the District may be filed and the date when such protests will be heard and considered by publishing a notice of intention to create the District in the Box Elder News Journal, a newspaper of general circulation in the City, said notice to be published four times, once during each week for four consecutive weeks, the last publication to be not less than five (5) nor more than twenty (20) days prior to the time fixed in the notice as the last day for the filing of protests. In addition, the City Recorder shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed District at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Box Elder County, and, in addition, a copy of such notice shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the assessment, said notices to be so mailed not later than ten (10) days after the first publication of the Notice of Intention. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice. Said Notice shall be in substantially the following form:

## NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 18th day of November, 1999, the City Council of Perry City, Box Elder County, Utah (the "City"), adopted a resolution declaring its intention to create a special improvement district to be known as Perry City, Utah Special Improvement District No. 99-1 (the "District"). It is the intention of the City Council to make improvements within the District and to levy special assessments as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessments are to be assessed in the making of such improvements.

## DESCRIPTION OF DISTRICT

The boundaries of the proposed District shall include properties within the following legal description:

Parcel No. 1: 03-156-0027

Part of the Southwest Quarter of Section 27 and the Northwest Quarter of Section 34, Township 9 North, Range 2 West, Salt Lake Base and Meridian to-wit: Beginning at a point located South 1671 feet from the Northwest corner of the Southwest Quarter of said Section 27, running thence south 3192.1 feet; thence North 89°52'39" East 1349.6 feet; thence North 0°27'34" East 971.6 feet; thence South 87°22'30" East 1100 feet to the West right-of-way line of the Union Pacific Railroad right-of-way (abandoned); thence North 4°7'27" East 2000 feet along said right-of-way to the Westerly line of Interstate Highway 15; thence Northwesterly along said Interstate line 230 feet to a point located South 87°06'11" East 2434.8 feet from the point of beginning; thence North 87°06'11" West 2434.8 feet to the point of beginning. Subject to a stock right-of-way over the following: Beginning South 1671 feet from the Northwest corner of the Southwest Quarter of said Section 27, running thence South 1074 feet; thence East 16.5 feet; thence North 1074 feet; thence West 16.5 feet to the point of beginning, which right-of-way shall not be fenced.

Less:

Beginning at a point 29 rods North of the Southwest corner of the Northwest Quarter of Section 34, Township 9 North, Range 2 West, Salt Lake Base and Meridian, running thence North 34-1/2 rods; thence East 78 rods; thence South 34-1/2 rods; thence West 78 rods to the place of beginning.

Parcel No. 2: 03-156-0004

Beginning at a point 29 rods North of the Southwest corner of the Northwest Quarter of Section 34, Township 9 North, Range 2 West, Salt Lake Base and Meridian, running thence North 34-1/2 rods; thence East 78 rods; thence South 34-1/2 rods; thence West 78 rods to the place of beginning.

#### INTENDED IMPROVEMENTS

The improvements to be constructed and their location within the District are as follows:

Extension of culinary water line, sanitary sewer line and road improvements along the frontage road fronting I-15 from approximately 1100 South to the end of the southern boundary of the proposed SID.

#### ESTIMATED COST OF IMPROVEMENTS

The total cost of improvements in the District as estimated by the City Engineer is \$1,600,000, of which the City will pay \$0, leaving a remainder of \$1,600,000 which shall be paid by a special assessment to be levied against the property abutting upon the streets to be improved or upon property which may be affected or specifically benefitted by such improvements. The property owners' portion of the total estimated cost of the improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners. In lieu of utilizing a guaranty fund, the City intends to create a special reserve fund to secure payment of the special assessment bonds (the "Bonds") the City anticipates issuing to finance the proposed improvements. The reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately \$160,000. The City anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefitted by such improvements, all of which will be further described in the assessment ordinance to be adopted by the City. In addition, estimated costs of assessment include estimated overhead costs which the City projects to incur in the creation and administration of the District. The estimated cost to be assessed against the properties within the District and the method of assessment shall be as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
All above-described improvements	\$11,430	Per acre

## LEVY OF ASSESSMENTS

It is the intention of the City Council to levy assessments as provided by the laws of Utah on all parcels and lots of real property to be benefitted by the proposed improvements within the District. The purpose of the assessment and levy is to pay those costs of the improvements which the City will not assume and pay. The method of assessment shall be by acreage as set forth herein.

The assessments may be paid by property owners in not more than fifteen (15) annual installments with interest on the unpaid balance at a rate or rates fixed by the City Council, or the whole or any part of the assessment may be paid without interest within fifteen (15) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the District. Other payment provisions and enforcement remedies shall be in accordance with Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended.

A map of the proposed District, copies of plans, profiles and specifications of the proposed improvements and other related information are on file in the office of the City Engineer who will make such information available to all interested persons.

## TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest and shall indicate the total acreage represented by said protest. Protests shall be filed with the City Recorder of Perry City, Utah, on or before 5:00 p.m. on the 12th day of January, 2000. Thereafter at 7:00 p.m. on the 13th day of January, 2000, the City Council will meet in public meeting at the offices of the City Council to consider all protests so filed and hear all objections relating to the proposed District.

After such consideration and determination, the City Council shall adopt a resolution either abandoning the District or creating the District either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the City Council shall abandon the District and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the District and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean protests representing one-half of the acres of property to be assessed.

BY ORDER OF THE CITY COUNCIL OF PERRY CITY, UTAH

/s/ Judy W. Bylsma  
City Recorder

Published in the Box Elder News Journal.

Publication Dates: December 8, 15, 22 and 29, 1999.

Section 5. The City Council reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the City from proceeds of the Bonds for capital expenditures paid by the City (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 6. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 7. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$1,760,000. This amount will be reduced by cash payments received by the City from property owners who elect to pay their assessment in full during the cash payment period immediately following the effective date of the assessment ordinance.

Section 8. This declaration of official intent is consistent with the City's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

Councilmember Desmond Thomas seconded the motion to adopt the foregoing resolution. The motion and resolution were unanimously adopted on the following recorded vote:

Those voting AYE:

Desmond Thomas  
Sue Willems  
Dave Neeley  
Carol Billings  
Dianne Curtis

Those voting NAY:

none

STATE OF UTAH )  
: ss.  
COUNTY OF BOX ELDER )

I, Judy W. Bylsma, the duly chosen, qualified and acting City Recorder of Perry City, Box Elder County, Utah, do hereby certify as follows:

1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the City Council taken at a regular meeting thereof held in said Municipality on November 18, 1999, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the City Council to create Special Improvement District No. 99-1 and make certain improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.
2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said Municipality.
3. That the above resolution was deposited in my office on November 18, 1999, has been recorded by me, and is a part of the permanent records of Perry City, Box Elder County, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said Municipality this 19th day of November, 1999.

Judy W. Bylsma  
City Recorder

( S E A L )

PERRY CITY COUNCIL MEETING  
PERRY CITY OFFICE BUILDING  
NOVEMBER 18, 1999 7:00 P.M.

OFFICIALS PRESENT: Mayor Hal R. Allen, presiding and conducted.

COUNCILMEN: Carol Billings, Bruce Payne, Steve Pettingill, Des Thomas and Mike Eyster. OTHERS PRESENT: Judy Bylsma, Lani Braithwaite, Glen Wagstaff, Ed Skrobiszewski, Elmer Ricks, Darrell Knutson, Newell Francis, Jerry Nelson, Allen Keller, Richard M. Eskelsen, Leslie Thomas, Dennis Billings, Ray Morley, Suzanne Clark, Jay Aguilar, Jason Birmingham, Dianne Curtis, Boyd Malan, Kurt Butters, Ernie Butters, and Keith Billings.

ITEM 2. INVOCATION

The invocation was offered by Councilman Carol Billings.

ITEM 3. CONSENT AGENDA

CORRESPONDENCE:

Letter from Ray Morley  
Miscellaneous correspondence

Business Licenses

Carole Quayle - Country Quayle  
Garnet Stanger - Custom Sewing  
Sheri Holst - Sherie's Salon  
Mas Sumida - Sumida Farm  
Ken Bingham - Vending Machines  
Francis Witt - Duplex  
Melba Jepperson - Duplex  
Michael Nelson - Apartment  
Saunders Outdoor Advertising  
Stan Thompson - Contractor  
Maddox Ranch House  
Maddox Child Care  
Bennie Kay - Aircraft Rebuilders

Verden Chambers - Ken's Classic Iron  
Ed Skrobiszewski - Ed's Enterprises  
Joan Erickson - Erickson Flag Service  
Roy Keith - KOA Kampground  
Joyce Matthews - Matthew's Flowers  
Judy Hartvigsen - Designs From the Heart  
Kevin Pebbley - Top Notch Construction  
Sam Bylsma - SHB Distributing  
Craig Hansen - Appraisal Service  
Norm Nelson - W & N Licensing  
Denise Fabiano - Miniature Mercantile  
Ed Christensen - Christensen Auto  
Sue Ann Capener - Hypnotherapist  
Thayne Tagge - Tagge's Famous Fruit

MOTION: Councilman Steve Pettingill made a motion to accept the consent agenda minus the letter from Ray Morley which he wanted to address later. Seconded by Councilman Carol Billings. All approved.

ITEM 4. MINUTES from the previous meeting held October 28, 1999 were read. A motion was made by Councilman Bruce Payne to accept the minutes as amended. Seconded by Councilman Mike Eyster. All approved.

## ITEM 5. OLD BUSINESS

400 West was paved today. There was discussion about the lot in Simmons Subdivision which had been deeded to the city for a detention basin. The Council decided the lot needed to be sold. Rather than sell the lot by owner it was suggested that a realtor be contacted.

MOTION: A motion was made by Councilman Steve Pettingill to direct Mayor Allen to contact a realtor to sell lot 22 in Simmons Subdivision. Seconded by Councilman Bruce Payne. Councilman Carol Billings opposed. All others approved.

Mrs. Bylsma reported that at the Planning Commission meeting, it was brought out that Sally Simmons retained property before selling to Bob Davis that would allow the city to complete the road without having to deal with Mr. Davis. There was some discussion about 3600 South. Councilman Steve Pettingill said that he would talk to Jerry Jensen to see if the city's proposal has been accepted by the water users group. Mayor Allen spoke about an article that was printed in the Herald Journal concerning the Pointe Perry project. The article stated that Brigham City did not agree with the use of the property west of the freeway for a commercial development. The mayor stated that he would talk to the Brigham City people quoted in the article.

## ITEM 6. SUZANNE CLARK - BRAG - AFFORDABLE HOUSING

Jay Aguilar, representing Bear River Association of Governments (BRAG) spoke about the 21st Century Communities Initiative. BRAG is the coordinating entity for this program. They are helping to coordinate the program that aids communities to deal with growth and change from that growth. BRAG would like to help provide resources for those communities. They now have some funding from the state to get the programs going. Mr. Aguilar offered to help Perry with it's housing plan. All the city has to do to be a part of the program is submit an application and determine who the advisory committee should be. Mr. Aguilar explained more of what the program can do for Perry and listed other communities that have joined the program. He spoke of the affordable housing plan that can be adopted and adjusted by each community.

ITEM 7. CONSIDERATION OF NOTICE OF INTENT TO CREATE A SPECIAL  
IMPROVEMENT DISTRICT - JASON BURNINGHAM

Jason Burningham, representing Lewis & Young, updated the Council

on the progress of funding for the Pointe Perry project. There is approval on the line of credit contingent on the development agreement. He presented a resolution that the Council would need to adopt allowing a notice of intent to create a special improvement district for the project. He had the announcements for the newspaper that need to be run for 4 consecutive weeks and then a public hearing would need to be held. This is the initial step that will begin the process.

MOTION: A motion was made by Councilman Bruce Payne to initiate the resolution to consider the notice of intent to create a special improvement district. Seconded by Councilman Mike Eyster. All approved.

ITEM 8. SUBDIVISION APPROVAL:

PRELIMINARY

CHERRY RIDGE II & III

Ernie Butters asked the council about the secondary access road needed for the subdivision. The previous owner had suggested a park and a country road. Mr. Butters was not opposed to a park for part of the property but since the city will be unable to develop the park and road right away, the cost for the road would be on the developer and he would have to sell more lots in another phase to cover those costs. Mr. Butters had several suggestions for a secondary road and a smaller park than was originally proposed. He is willing to work with the city on the secondary access. The City requirement would be a minimum 50 foot road as per Perry City standards.

MOTION: A motion was made by Councilman Bruce Payne to give preliminary approval for Cherry Ridge II & III as per the recommendations of the Planning Commission concerning the secondary road. Seconded by Councilman Des Thomas. Councilman Carol Billings abstained. All others approved.

The letter from Ray Morley on the consent agenda was discussed at this time. Mr. Morley was requesting to purchase the old well that is not being used in the Perry Park and they would pipe the water to their property for secondary use.

MOTION: A motion was made by Councilman Bruce Payne to vacate the well and sell the water rights to Mr. Morley. Seconded by Councilman Mike Eyster. All approved.

## ITEM 9. COUNCILMEN REPORTS

## STEVEN PETTINGILL:

Citizens have asked that the council address the vacant lot next to the city building. They are willing to donate labor to install sprinklers and plant some type of pasture grass to keep the weeds down. Mayor Allen stated that a committee has been formed to find a site for a new school in Perry. This lot is one of the sites being considered so he asked that we hold off until a decision is made. There is a pipeline through John Baxter's property that could help to drain the runoff water that is soaking his property. It wouldn't take much work to keep Mr. Baxter's property from being flooding. The Flood Control District should be asked to contribute to the project.

MOTION: A motion was made by Councilman Carol Billings to ask Flood Control District to participate in the purchase of materials and labor to help drain John Baxter's property. Seconded by Councilman Mike Eyster. All approved.

## CAROL BILLINGS:

Some citizens have volunteered to work on the Anderson park development. The residents would like to see the park ready for next summer. It was decided that a plan would need to be drawn up as to what would be needed for the park. Allen Keller brought in a list of those offering to help and he is willing to help organize labor.

MOTION: A motion was made by Councilman Mike Eyster to approve planning on the park. Seconded by Councilman Steve Pettingill. All approved.

Councilman Billings gave an update on Tony Francis' Eagle project. The railroad ties are not going to work as planned. He would like to use metal pipe instead. It will cost about \$400 instead of the \$200 originally planned.

MOTION: Councilman Steve Pettingill made a motion to approve the change. Seconded by Councilman Des Thomas. All approved.

The city Christmas movie is to be held on the second Saturday in December. Councilman Billings commented that she was pleased with the treatment of Mr. Butters on the subdivision. She felt sad that our own citizens are not treated better.

## MIKE EYSTER

The pagers for the First Responders are coming hopefully

tomorrow. Councilman Eyster asked for a \$5000 budget for the year for training, etc. At present there is no budget. There was some concern about the budget and trying to keep costs down. We currently have 8 people willing to be First Responders. Once the program is up and running, the state will provide some further training but we need to get it started. Councilman Pettingill suggested that the council let the next administration take care of that decision.

**MOTION:** Councilman Mike Eyster made the motion to create a \$5000 budget for the First Responders. Seconded by Councilman Bruce Payne. Councilman Steve Pettingill opposed. All others approved.

Gary Adams did not want as much work done as was proposed on his driveway while Fife was completing 400 West. They did the best they could and asked him to sign a waiver releasing the city from any damage from future storms.

**DESMOND THOMAS:**

Councilman Thomas asked about dedication of 2250 South Street. Mrs. Bylsma stated that everything is on its way. Descriptions are ready so that quick claim deeds can be drawn up. Mrs. Bylsma was concerned that the engineering bills from the Pointe Perry project are not in the regular budget and until the financing comes through and reimburse the budget, things will look lopsided on the budget reports. A letter has been received from Shirlene Peck. She references to Craig Call and a possible taking of her property on the re-zoning from agriculture to commercial near 1100 South. Councilman Thomas was concerned that we not ignore a possible problem. He felt we should refer the matter to the attorney for council and said he would call Mr. Call and report to the council.

**BRUCE PAYNE:**

Councilman Payne asked about the water break by Hillams. The citizens seem to be satisfied with the repairs that were made. He asked about the agreement with Ralph Nielson and 3000 South. It was expected that the power poles would be moved by now. The process is going slowly but is proceeding. Mr. Nielson and Geneva Rock are both concerned that the road work be done soon.

The mayor asked for comment on the letter he had written to Utah Department of Transportation for the speed reduction through Perry.

10. POLICE REPORT

Brigham asked Chief Gunn to fill in on the DARE program for a while at a school in Brigham City. Perry City has been approved on the grant for the digital cameras. The department will be getting the cameras soon.

Chief Gunn spoke of the concern that the citizens expressed about the UTA buses and the speed issue. He stated that the force is short handed right now and the officers can't be in two places at the same time. He proposed that we replace the part time officer position left vacant by Jarvis Whitaker. He would also like to start the process for another grant to hire a new officer in preparation for the need with the Pointe Perry project. The mayor said that he wanted to talk to Chief Gunn about that at another time.

#### ITEM 11. WARRANTS APPROVAL

The warrants list was passed to Council members for signature of approval. They were 8676 - 8680, 8683 - 8706, 7636 - 7639, 7650 - 7667, 7669 - 7676, 5048 - 5054, 5056 - 5097, 5099 - 5107. A motion was made by Councilman Bruce Payne to pay the warrants. Seconded by Councilman Mike Eyster. All approved. Councilman Carol Billings had left the meeting.

#### ITEM 12. PAT GAY - SIDEWALK PROPERTY

Mayor Allen had not made contact with Pat Gay yet. Mrs. Bylsma explained a contractor was scheduled to come and do the sidewalk in a week. Mayor Allen said he would call her this week.

#### ITEM 13. MAINTENANCE REPORT

Engineering work on 2250 South and the highway is being done. As soon as it's done, we will hire someone to do the work for the irrigation box. 2250 South should be paved by Rose Garden subdivision tomorrow. Cherry Ridge has completed their sewer line and will hooked up to the water line this week.

#### ITEM 14. CANVASS OF THE VOTES

Judy Bylsma reported that there were 805 voters in the recent election. The breakdown was Sue Willems - 463, Dianne Curtis - 415, Dave Neeley - 448, Bruce Payne - 325, Jerry Nelson - 352, and Mike Eyster - 280. The Flood Control was Richard Eskelsen 493, Ed Skrobiszewski 459 and write ins Carol Billings 45, Kim Barnard 13, Norm Nelson 1, John Baxter 8 and LaRon Kuntz 2.

## ITEM 15. CLERK REPORT

Mrs. Bylsma handed out the ordinance on fencing that the Planning Commission has been working on. She also had a handout that has been put together to give to people coming in for fencing permits. Mrs. Bylsma suggested that the City Council meetings in December be changed because of the holidays.

MOTION: Councilman Bruce Payne made a motion to have City Council meeting on Dec. 9. Seconded by Councilman Mike Eyster. Councilman Steve Pettingill opposed. All others approved.

Mrs. Bylsma gave a generic telecommunications ordinance to the council for their consideration. Councilman Eyster will arrange for a friend from another community to come and speak to the council about what they did. A map made by Neil Smith on 2250 South was shown. It showed what could be done to finish the road between 900 West and 1200 West. There was some discussion about what to do concerning some property owners at the intersection and also whether or not to create an improvement district.

## ADJOURNMENT.

A motion was made by Councilman Bruce Payne to adjourn the meeting. Seconded by Councilman Mike Eyster. All approved.

Judy W. Bylsma

Judy W. Bylsma  
City Recorder

Hal R. Allen

Hal R. Allen  
Mayor

Lani Braithwaite

Lani Braithwaite  
Minute Clerk

STATE OF UTAH )  
 : ss.  
 COUNTY OF BOX ELDER )

AFFIDAVIT OF MAILING  
 NOTICE OF INTENTION

I, Judy W. Bylsma, the duly chosen, qualified and acting City Recorder of Perry City, Box Elder County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the City Council had on Thursday, the 18th day of November, 1999.

I further certify that on the 10th day of December, 1999 (a date not later than ten (10) days after the first publication of the Notice of Intention) I mailed a true copy of the Notice of Intention to create Perry City, Utah Special Improvement District No. 99-1 by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Special Improvement District at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Box Elder County, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" addressed to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention together with profiles of the improvements and a map of the proposed District, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Perry City, Box Elder County, Utah this 10th day of November, 1999.

December

Judy W. Bylsma  
 City Recorder

( S E A L )

(Affidavit of proof of publication of the Notice of Intention to create Perry City,  
Utah Special Improvement District No. 99-1.)

# PROOF OF PUBLICATION

STATE OF UTAH  
County of Box Elder.

ss.

## NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 18th day of November, 1999, the City Council of Perry City, Box Elder County, Utah (the "City"), adopted a resolution declaring its intention to create a special improvement district to be known as Perry City, Utah Special Improvement District No. 99-1 (the "District"). It is the intention of the City Council to make improvements within the District and to levy special assessments as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessments are to be assessed in the making of such improvements.

### DESCRIPTION OF DISTRICT

The boundaries of the proposed District shall include properties within the following legal description:

Parcel No. 1: 03-156-0027

Part of the Southwest Quarter of Section 27 and the Northwest Quarter of Section 34, Township 9 North, Range 2 West, Salt Lake Base and Meridian town. Beginning at a point located South 1671 feet from the Northwest corner of the Southwest Quarter of said Section 27, running thence south 3192.1 feet; thence North 89° 52' 30" East 1349.6 feet; thence North 0° 27' 34" East 971.6 feet; thence South 87° 22' 30" East 1100 feet to the West right-of-way line of the Union Pacific Railroad right-of-way (abandoned); thence North 4° 7' 27" East 2000 feet along said right-of-way to the Westerly line of Interstate Highway 15; thence Northwesterly along said Interstate line 230 feet to a point located South 87° 06' 11" East 2434.8 feet from the point of beginning; thence North 87° 06' 11" West 2434.8 feet to the point of beginning. Subject to a stock right-of-way over the following: Beginning South 1671 feet from the Northwest corner of the Southwest Quarter of said Section 27, running thence South 1074 feet; thence East 16.5 feet; thence North 1074 feet; thence West 16.5 feet to the point of beginning, which right-of-way shall not be fenced.

### Less:

Beginning at a point 29 rods North of the Southwest corner of the Northwest Quarter of Section 34, Township 9 North, Range 2 West, Salt Lake Base and Meridian, running thence North 34-1/2 rods; thence East 78 rods; thence South 34-1/2 rods; thence West 78 rods to the place of beginning.

PARCEL NO. 2: 03-156-0004

Beginning at a point 29 rods North of the Southwest corner of the Northwest Quarter of Section 34, Township 9 North, Range 2 West, Salt Lake Base and Meridian, running thence North 34-1/2 rods; thence East 78 rods; thence South 34-1/2 rods; thence West 78 rods to the place of beginning.

### INTENDED IMPROVEMENTS

The improvements to be constructed and their location within the District are as follows:

Extension of culinary water line, sanitary sewer line and road improvements along the frontage road fronting I-15 from approximately 1100 South to the end of the southern boundary of the proposed SID.

### ESTIMATED COST OF IMPROVEMENTS

The total cost of improvements in the District as estimated by the City Engineer is \$1,600,000, of which the City will pay \$0, leaving a remainder of \$1,600,000 which shall be paid by a special assessment to be levied against the property abutting upon the streets to be improved or upon property which may be affected or specifically benefited by such improvements. The property owners' portion of the total estimated cost of the improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners. In lieu of utilizing a warranty fund, the City intends to create a special reserve fund to secure payment of the special assessment bonds (the "Bonds") the City anticipates issuing to finance the proposed improvements. The reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately \$160,000. The City anticipates applying any monies remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefited by such improvements, all of which will be further described in the assessment ordinance to be adopted by the City. In addition, estimated costs of assessment include estimated overhead costs which the City projects to incur in the creation and administration of the District. The estimated cost to be assessed against the properties within the District and the method of assessment shall be as follows:

Improvements	Estimated Assessment	Method of Assessment
All above-described improvements	\$11,430	Per acre

### LEVY OF ASSESSMENTS

It is the intention of the City Council to levy assessments as provided by the laws of Utah on all parcels and lots of real property to be benefited by the proposed improvements within the District. The purpose of the assessment and levy is to pay those costs of the improvements which the City will not assume and pay. The method of assessment shall be by acreage as set forth herein.

The assessments may be paid by property owners in not more than fifteen (15) annual installments with interest on the unpaid balance at a rate or rates fixed by the City Council, or the whole or any part of the assessment may be paid without interest within fifteen (15) days after the ordinance levying the assessment becomes effective. The assessment shall be levied according to the benefits to be derived by each property within the District. Other payment provisions and enforcement remedies shall be in accordance with Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended.

A map of the proposed District, copies of plans, profiles and specifications of the proposed improvements and other related information are on file in the office of the City Engineer who will make such information available to all interested persons.

### TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest and shall indicate the total acreage represented by said protest. Protests shall be filed with the City Recorder of Perry City, Utah, on or before 5:00 p.m. on the 12th day of January, 2000. Thereafter at 7:00 p.m. on the 13th day of January, 2000, the City Council will meet in public meeting at the offices of the City Council to consider all protests so filed and hear all objections relating to the proposed District.

After such consideration and determination, the City Council shall adopt a resolution either abandoning the District or creating the District either as described in this Notice of Intention or with deletions and changes made as authorized by law, but the City Council shall abandon the District and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the District and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean protests representing one-half of the acres of property to be assessed.

BY ORDER OF THE CITY COUNCIL OF PERRY CITY, UTAH

/s/ Judy W. Bylsma

145540 Bk 0746 Pg 1317

CHARLES CLAYBAUGH

/s/ sworn, deposes and says that he/she is the

PUBLISHER of the

BOX JOURNAL, a weekly newspaper published in

Box Elder County, State of Utah, and that

Notice of Intention, Special

Improvement District No. 99-1

.....

copy is hereto attached, was first published in

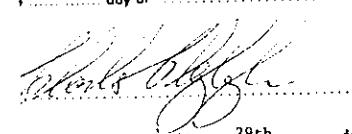
..... in its issue dated the 8th day of

..... A. D. 1999, and was published in the

..... of said newspaper for FOUR

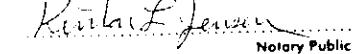
..... weeks, the last publication thereof being in the

....., 29th day of December



I swear to before me this 29th day

December A. D. 1999.



Notary Public.

mission Expires Jan. 30, 2002

EXHIBIT "A"

## CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

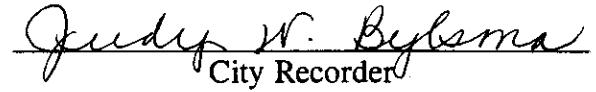
I, the undersigned City Recorder of Perry City, Box Elder County, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the November 18, 1999 public meeting held by the City Council as follows:

(a) By causing a Notice in the form attached hereto as Schedule "1", to be posted at the City's principal offices on November 9, 1999, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to the Box Elder News Journal on November 9, 1999, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 1999 Annual Meeting Schedule for the City Council (attached hereto as Schedule "2") was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted on January 5, 1999 at the principal office of the City and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the City on January 5, 1999.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 6th day of November, 1999.



Judy W. Bylsma  
City Recorder

( S E A L )

SCHEDULE "1"

NOTICE OF MEETING

## P E R R Y C I T Y

## COUNCIL MEETING AGENDA

NOTICE IS HEREBY GIVEN THAT THE COUNCIL OF PERRY CITY WILL HOLD ITS REGULAR COUNCIL MEETING 18 NOVEMBER 1999 IN THE CITY BUILDING, 3005 SOUTH 1200 WEST IN PERRY, WHICH MEETING SHALL BEGIN PROMPTLY AT 7:00 P.M. THE AGENDA SHALL BE AS FOLLOWS:

7:00 1. CALL TO ORDER.

2. INVOCATION.

7:05 3. CONSENT AGENDA.

## CORRESPONDENCE:

LETTER FROM RAY MORLEY.

MISCELLANEOUS CORRESPONDENCE.

## BUSINESS LICENSES

CAROLE QUAYLE - COUNTRY QUAYLE  
 GARNET STANGER - CUSTOM SEWING  
 SHERI HOLST - SHERRIE'S SALON  
 MAS SUMIDA - SUMIDA FARM  
 KEN BINGHAM - VENDING MACHINES  
 FRANCIS WITT - DUPLEX  
 MELBA JEPPESON - DUPLEX  
 MICHAEL NELSON 0 APARTMENT  
 SAUNDERS OUTDOOR ADVERTISING  
 STAN THOMPSON - CONTRACTOR  
 MADDOX RANCH HOUSE  
 MADDOX CHILD CARE  
 BENNIE KAY - AIRCRAFT REBUILDERS

VERDEN CHAMBERS - KEN'S CLASSIC IRON  
 ED SKROBISZEWSKI - ED'S ENTERPRISES  
 JOAN ERICKSON - ERICKSON FLAG SERVICE  
 ROY KEITH - KOA KAMPGROUND  
 JOYCE MATTHEWS - MATTHEW'S FLOWERS  
 KEVIN PEBLEY - TOP NOTCH CONSTRUCTION  
 JUDY HARTVIGSEN - DESIGNS FROM THE HART  
 SAM BYLSMA - SHB DISTRIBUTING  
 CRAIG HANSEN - APPRAISAL SERVICE  
 NORMAN NELSON - W & N LICENSING  
 DENISE FABIANO - MINIATURE MERCANTILE  
 ED CHRISTENSEN - CHRISTENSEN AUTO  
 SUE ANN CAPENER - HYPNOTHERAPIST  
 THAYNE TAGGE - TAGGE'S FAMOUS FRUIT

7:10 4. MINUTES FROM THE PREVIOUS MEETING.

7:15 5. OLD BUSINESS.

7:20 6. SUZANNE CLARK - BRAG - AFFORDABLE HOUSING.

7:40 7. CONSIDERATION OF NOTICE OF INTENT TO CREATE A  
 SPECIAL IMPROVEMENT DISTRICT - JASON  
 BURNINGHAM.

8:00 8. SUBDIVISION APPROVAL:  
 PRELIMINARY.

CHERRY RIDGE II & III

8:15 9. COUNCILMEN REPORTS.  
STEVEN PETTINGILL

CAROL BILLINGS

MIKE EYSTER

BRUCE PAYNE

DES THOMAS

8:30 10. POLICE REPORT.

8:45 11. WARRANTS APPROVAL.

9:00 12. PAT GAY - SIDEWALK PROPERTY.

9:50 13. MAINTENANCE REPORT.

9:15 14. CANVASS OF THE VOTES.

9:25 15. CLERK REPORT.

MISCELLANEOUS.

ADJOURNMENT.

DATED THIS 9TH DAY OF NOVEMBER 1999

Judy W. Bylsma  
JUDY W. BYLSMA  
CITY RECORDER

CERTIFICATION OF MAILING

The undersigned duly appointed and acting recorder of the City of Perry hereby certifies that a copy of the foregoing notice and agenda was faxed to Box Elder News Journal, 55 South 100 West, Brigham City, Utah and the Ogden Standard Examiner, P.O. Box 951, Ogden, Utah and hand delivered to each member of the governing body, this 9th day of November 1999.

Judy W. Bylsma  
Judy W. Bylsma  
City Recorder

SCHEDULE "2"

NOTICE OF ANNUAL MEETING SCHEDULE

## PROOF OF PUBLICATION

STATE OF UTAH  
County of Box Elder, ss.

CHARLES CLAYBAUGH

Pursuant to Section 52-4-6 Utah Code Annotated 1999, Perry City gives notice that the Planning Commission holds its regular meeting on the third Wednesday of each month at 7:00 p.m. Planning Commission Work Meetings are held on the second Wednesday of the month as necessary. City Council Meeting is held second and fourth Thursday of each month at 7:00 p.m. (Exceptions are a Meeting in November will be held on the 9th and December on the 14th only due to holidays). The Perry City Flood Control and Special District holds their meeting on the third Thursday of the month at 8:00 p.m. All above meetings are held in the Perry City Office, 3005 South 1200 West, Perry, Utah.

Judy W. Bylsma  
City Recorder

Jan-5-c

being first duly sworn, deposes and says that he/she is the

PUBLISHER

BOX ELDER NEWS JOURNAL, a weekly newspaper published in Brigham City, Box Elder County, State of Utah, and that the notice ... Planning Commission, Flood Control ...

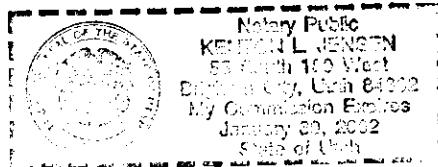
Meetings

of which a copy is hereto attached, was first published in said newspaper, in its issue dated the ... 5th ..... day of

January ..... A. D. 2000 and was published in the

Wednesday issue of said newspaper for ..... One ..... consecutive weeks, the last publication thereof being in the issue dated the ... 5th ..... day of ..... January .....

A. D. 2000



PUBLICATION FEE \$ .....

PAID IN FULL ON ..... 19 .....

Payment Received By .....

of ..... January ..... A. D. 2000

Kenton L. Jensen  
Notary Public

My Commission Expires ..... Jan. 30, 2002 .....