

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 4th day of January, 2000, the City Council of Morgan City, Morgan County, Utah (the "City"), adopted a resolution declaring its intention to create a special improvement district to be known as Morgan City, Utah Special Improvement District No. 2000-1 (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 District will be bounded by Interstate 84 on the south, State Street on the east, and the Morgan City boundary on the north and west. Stated differently, the District boundaries include the entire area of Morgan City north of Interstate 84 and west of State Street.

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BRENDA D. NELSON, MORGAN CO. RECORDER  
2000 MAR 08 10:33 AM FEE \$ .00 BY BUN  
REQUEST: MORGAN CITY

INTENDED IMPROVEMENTS

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

The Culinary and Secondary Water Improvement - This improvement will consist of a new, approximately 750,000 gallon underground, concrete storage reservoir. It will be located approximately 2,500 feet north of the northernmost Morgan City boundary on property to be provided to Morgan City for that purpose. The treatment facilities and well (if possible) will be located on the same site. The water service line from the reservoir to the city boundary and electrical service line from the city boundary to the reservoir site will be located in an easement provided to the City for that purpose.

The Electrical Power Improvement - This improvement will consist of erecting and putting into service a substation previously purchased by the Morgan City Power Department. There will be transmission lines from the sub-station to the boundaries of the proposed development, including new residential development and a proposed automobile dealership in the area. There will also be a new line to tie the new substation with the existing city substation and the necessary switching to enable the two substations to interconnect and back up each other in the event of a failure of either one. The substation will be located on a site previously dedicated to Morgan City for that purpose. That site is located adjacent to the city boundary on the north side of the City, just southeast of the

Search and Rescue building that is located on property owned by Morgan County just north of the Morgan City limits. The power service lines will be located in easements provided to Morgan City for that purpose.

### ESTIMATED COST OF IMPROVEMENTS

The total cost of improvements in the District as estimated by the City Engineer, including the funding of a debt service reserve fund and overhead costs is \$1,440,000, of which the City will pay approximately \$140,000, leaving a remainder of \$1,300,000 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") anticipated to be issued to finance the proposed improvements. The reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately \$130,000. 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>
Culinary and secondary water improvements described above	\$2,162	per equivalent residential unit
Electrical power improvements described above	\$646	per equivalent residential unit

### 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 under which the assessments are to be levied shall be according to "equivalent residential units". The term "equivalent residential unit" is defined as any dwelling, unit or development

00081781 Blk M0157 Pg 00729

which, in its nature of use or impact on the proposed improvements, is equal to a single family residential unit. The number of equivalent residential units for each property was obtained through consultations between the property owners and the City Engineer. There is no assurance that the estimated number of equivalent residential units will be developed within the District or that each parcel of property proposed to be assessed will ultimately be developed. Moreover, there is no assurance that the estimated number of equivalent residential units will correspond to the number determined by the City. The estimated number of equivalent residential units is based solely on discussions with the property owners and represent said property owners' best estimate, in consultation with the City Engineer, as to the number of equivalent residential units that may at some future time be developed on said property owners' property proposed to be assessed within the District. For the purpose of this District, the estimated total number of equivalent residential units is 463.

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 equivalent residential units represented by said protest. Protests shall be filed with the City Recorder of Morgan City, Utah, on or before 5:00 p.m. on the 14th day of February, 2000. Thereafter at 7:00 p.m. on the 15th day of February, 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

00081781 Bk N0157 Pg 00730

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 the protests representing one-half of the equivalent residential units to be assessed.

BY ORDER OF THE CITY COUNCIL OF MORGAN CITY, UTAH

/s/ Julie A. Lee  
City Recorder

Published in the Morgan County News.

Publication Dates: January 14, 21, 28 and February 4, 2000

00081781 Bk N0157 Pg 00731

Morgan, Utah

February 15, 2000

A regular meeting of the City Council of Morgan City, Morgan County, Utah, was held on Tuesday, February 15, 2000, at the hour of 7:00 p.m. at its regular meeting place in Morgan, Utah, at which meeting there were present the following members who constituted a quorum:

Marie Heiner

~~Stan Tree~~

Stan Tree

Neil K. Carrigan

Tony London

Ray W. Little

Mayor

~~Councilmember~~

Councilmember

Councilmember

Councilmember

Councilmember

Also present:

Julie A. Lee

City Recorder

Absent:

F. Lynn Mickelsen

Mayor pro Tem

After the meeting had been duly called to order and the minutes of the preceding meeting read and approved, the following proceedings, among others, were duly had and taken:

The City Recorder notified the City Council that the Notice of Intention to establish Morgan City, Utah Special Improvement District No. 2000-1 (the "District"), authorized by the resolution adopted by the City Council on the 4<sup>th</sup> day of January, 2000, had been published in the Morgan County News, a newspaper of general circulation in Morgan City, Utah, said notice having been published four times, once during each week for four consecutive weeks, the last publication being not less than five (5) nor more than twenty (20) days prior to February 14, 2000, and that the affidavit of publishing said Notice of Intention with a copy of the Notice as published was duly filed in the City Recorder's office; also that a copy of such Notice of Intention to create the District has been mailed by United States Mail, postage prepaid, to each owner of land affected by or specially benefitted by such improvements as said property is described in said Notice insofar as the

00081781 Bk H0157 Pg 00732

names and addresses of said owners could be ascertained from the most recent available county assessment books and that it also has been mailed by the United States Mail, postage prepaid, to "Owner" at the street number of each piece of improved property, if any, to be affected by said assessment, said Notices having been mailed not later than ten (10) days after the first publication of the Notice of Intention; that the Notice of Intention has been on file in the City Recorder's office during all regular office hours from the 4th day of January, 2000, to the 15th day of February, 2000 for the examination of any interested parties; that said Notice directed that all persons desiring to protest and oppose the creation of the District might appear and file in writing said protests and objections.

The City Recorder then presented a statement stating that written protests against the creation of the District and the making of the proposed improvements therein were received by the City Council in the City Recorder's office by 5:00 p.m. on the 14<sup>th</sup> day of February, 2000.

The names of the protestants and descriptions of their property are as follows:

Property Owner

NONE

Total number of equivalent residential units protesting creation of district or proposed improvements thereof:

0

Total number of equivalent residential units affected or to be benefitted:

463

00081781 Bk N0157 Pg 00733

The City Council then considered each and every protest so filed, whether written of oral, and heard each and every person who wished to be heard in protest against the creation of the District and the construction of said improvements therein.

After consideration of such protests and the statements of those persons heard as aforesaid, it was determined that the total equivalent residential units represented by said protests is less than fifty percent (50%) of the total equivalent residential units to be assessed within the District and is a percentage insufficient to legally protest creation of the District.

Councilmember Neil Carrigan introduced the following resolution in writing, which was fully discussed, and moved its adoption:

RESOLUTION NO. 02-15-00

A RESOLUTION TO CREATE MORGAN CITY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 2000-1 DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE CITY OFFICIALS TO PROCEED TO MAKE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AUTHORIZING THE CITY ENGINEER TO PREPARE A NOTICE TO CONTRACTORS FOR SEALED BIDS WITH RESPECT TO THE CONSTRUCTION OF THE IMPROVEMENTS; AND RELATED MATTERS.

BE IT RESOLVED by the Mayor and City Council of Morgan City, Morgan County, Utah:

Section 1. The City Council of Morgan City, Morgan County, Utah, hereby determines that it will be in the best interest of the Municipality to construct certain improvements within the Municipality. The specific description of the nature of the improvements is more particularly set out in the Notice of Intention which has been published and mailed as required by law.

Section 2. The City Council has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or making of any of the improvements therein or on any other matter pertinent to the District.

Section 3. The improvements proposed and described in the Notice of Intention to create the District are hereby authorized; and the District is hereby created.

Section 4. The City Council reasonably expects to reimburse from proceeds of debt to be incurred by the City Council, capital expenditures advanced by the City for the

00081781 Bk M0157 Pg 00734

installation and construction of the improvements herein described in a maximum principal amount of \$1,300,000. This expectation constitutes a declaration of official intent of the City Council pursuant to Treasury Regulation Section 1.103-18(f)(ii).

Section 5. As required by law, the City Recorder is hereby authorized and directed to file a copy of the Notice of Intention and resolution creating the District as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, in the Morgan County Recorder's office within five days from the date hereof.

Section 6. In addition to the requirements of Section 5 hereof, immediately upon its adoption, this Resolution shall be placed in the records of the City where it will be continuously available for public inspection on a reasonable basis at the office of the City during regular business hours of the City, from and after the date hereof through and including the last date of issuance of the bonds or such other time as is determined by the City.

Section 7. The City Engineer is hereby authorized to prepare a notice to contractors for the receipt of bids for the construction of improvements. Said notice shall specify the time and place for the receipt of sealed bids and shall publish the notice one time in a newspaper having general circulation in the Municipality at least fifteen (15) days before the date specified for the receipt of sealed bids. The City Council shall in open session at the time specified in the notice, open, examine and publicly declare the bids and may reject any or all bids when deemed for the public good and, at such or a later meeting, shall reject all bids other than the lowest and best bid of a responsible bidder. If the price bid by the lowest and best responsible bidder exceeds the estimated costs as determined by the City Engineer, the City Council may nevertheless award a contract for the price so bid. The City Council may in any case refuse to award a contract and may obtain new bids after giving a new notice to contractors or may determine to abandon the district or not to make some of the improvements proposed to be made.

Councilmember Stan Tree seconded the motion to adopt the foregoing Resolution. The Resolution was thereupon put to a vote and unanimously adopted on the following recorded vote:

Those voting AYE: Neil Carrigan  
Tony London  
Ray Little  
Stan Tree

Those voting NAY:


00081781 Bk 00157 Pg 00735

Absent: F. Lynn Mickelsen



Thereupon the motion was approved by the Mayor and made a matter of record by the City Recorder.

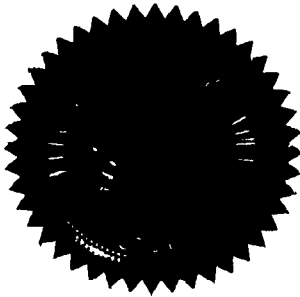
ADOPTED AND APPROVED this 15<sup>th</sup> day of February, 2000.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)



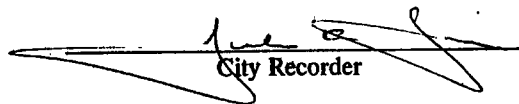
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(Here follows other business not pertinent to the above.)

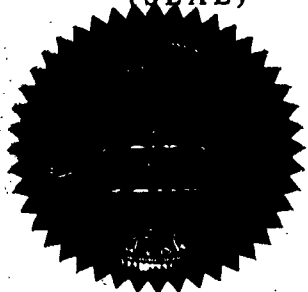
Pursuant to motion duly made and seconded, the meeting adjourned.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)



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STATE OF UTAH )

COUNTY OF MORGAN )

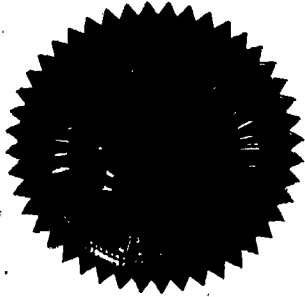
: ss.

I, Julie A. Lee, the duly appointed, qualified City Recorder of Morgan City, Morgan County, Utah, do hereby certify as follows:

That the foregoing pages constitute a full, true and correct copy of the record of proceedings of the City Council of Morgan City, Morgan County, Utah, held on February 15, 2000, insofar as said proceedings relate to the hearing of protests against the establishment of the Morgan City, Utah Special Improvement District No. 2000-1 and a resolution establishing said special improvement district as the same appears of record in my office. I personally attended said meeting, and the proceedings were in fact as specified in said minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Municipality this 15<sup>th</sup> day of February, 2000.

  
City Recorder



00081781 Bk M0157 Pg 00738

MINUTES OF MORGAN CITY COUNCIL MEETING HELD IN REGULAR  
SCHEDULED OPEN PUBLIC SESSION ON TUESDAY, FEBRUARY 15, 2000 IN  
THE VETERANS ROOM OF THE COURTHOUSE LOCATED AT 48 WEST YOUNG  
STREET

Present: Mayor Y. Marie Heiner.

Councilmembers: Stan Tree, Neil Carrigan, Tony London and Ray Little.

Excused: Councilmember Lynn Mickelsen.

Others present: Mark Schmid, Building Inspector; Gary Crane, City Attorney; Marc Edminster, Lewis & Young; Dan Follett; Dava Jensen; Mike Jensen; Deane Thackeray; John Thackeray; Ann Olsen; Paul McGregor; Jan Turner; John Barber; Carol Boyce; and Jenni Boyce.

This meeting was called to order by Mayor Y. Marie Heiner.

Invocation: Neil Carrigan.

**Agenda**

MOTION: Neil Carrigan moved to approve the agenda.

SECOND: Tony London Vote: 3 ayes, Ray and Lynn not present.

**Consent Agenda**

MOTION: Neil Carrigan moved to approve the consent agenda.

SECOND: Stan Tree. Vote: 3 ayes, Ray and Lynn not present.

The items on the consent agenda were:

- 02-01-00 minutes
- 2 sets of warrants
- Business Licenses:
  - Desert Dogg Racing – Joe Nelson
  - A Touch of Color – Tiffany Sarris
  - M.O.M. & Co. – Kristine Sommers

Neil asked about the Desert Dogg business license and their selling these items at special events. The members wanted it specified that he is only to sell at authorized events, and he will have to pay all fees involved with these events. There was a correction to the minutes on page 6 regarding an incomplete sentence.

00081781 Bk H0157 Pg 00739

**Public Comments**

There were no comments made by the public during this allotted time.

**Public Hearing**

**Special Improvement District**

**MOTION:** Neil Carrigan moved to open the public hearing for the purpose of consideration of protests to the creation of Morgan City, Utah Special Improvement District #2000-1.

**SECOND:** Tony London. Vote: 3 ayes, Ray and Lynn not present.

Attorney Crane told those present the reason this hearing is being held and that it only applies to those that are within the District and have been notified. The proper notices were sent to the owners and it was published in the Morgan County News four (4) weeks. There have been no written protests received within the prescribed time limit. This does not mean that comments cannot be taken, but the only valid protests would be those that were written and filed as required.

Ray Little arrived to the meeting.

Marc Edminster representing Lewis, Young, Robertson & Burningham is here to answer any questions there may be regarding this District. Attorney Crane reviewed the assessment amounts along with the property owners in this District. This District will be assessed for a period of up to fifteen (15) years.

Marc stated that he has contacted the appraiser and they are not finished with this appraisal so he does not have that information available for this meeting. This appraisal will need to be done before the issuance of bonds. Attorney Crane reviewed the process that will follow if this District is approved.

Mayor Heiner stated that Barber Brothers has purchased the property from J. Blair Jones for their car dealership.

Jan Turner asked if this District uses the general obligation bonding capacity of the City? It was stated that it does not, it is bonds on the land value. Jan asked how this benefits the City? Attorney Crane explained the improvements that will be installed as a result of this District and how it benefits the City. He reviewed the water improvements that will be installed along with the electric improvements. Mayor Heiner told those present about the electric substation that will be installed in this area and how it will help alleviate the electric problems in this area. The intention is also to "loop" this substation with other substations to help maintain the supply of power to the City.

Jan asked if this development is mainly for homes, and if so how many homes are being considered? The total is over 400 homes, if it is built to capacity. There will be some

00081781 Bk #0157 Pg 00740

commercial development with Barber Brothers car dealership. Attorney Crane reviewed for Jan how the land is used as collateral for payment in the case of default. Any specific agreements for water service, etc., will be done at the time of development. Attorney Crane stated that the landowners are aware of these requirements.

John Barber asked how the existing homes are assessed, and it was stated that they are not included in the assessment. This is only for new developments that are on these properties. John asked what the total cost of this District and the improvements would be and it was stated that it is estimated at \$1,300,000. Tony asked how the interest is paid for because it is not included in this figure. Marc Edminster explained that they would not know the interest amount until the bonds are issued, and at that time it will be determined. He stated that it will affect the repayment, the amount stated in the notice is what the owners would pay if they made payment up-front before bonds are issued.

Mike Jensen who is a landowner in the District stated he does not feel this project will be funded the full fifteen years, he feels it will only last four to five years. Jan Turner stated he is surprised the City would vote on this before the bonds are issued and they know the final costs. It was explained that this vote creates the District and does not approve the issuance of bonds, this will come at a later date. Jan stated that he has been told that homes do not pay their fair share of costs for improvements so he wants to know the process this has taken to get to this point. Attorney Crane stated the process to this point, and explained that these property owners have rights to develop their properties. This is a way to provide the improvements, at virtually no risk to the City.

This is an avenue to allow the owners develop their properties and places the burden on them to install the improvements. Ann Olsen stated that the City has passed an ordinance requiring any development to have the required infrastructure before they can develop and this is a way to have the improvements provided. Stan Tree stated that he would hope that there would be commercial development in this area, not entirely homes. This is evident by the desire of Barber Brothers to place their car dealership in this District.

Ray Little asked how the appraisal will be done, as the property currently is or how it will be if the improvements are completed. Marc Edminster stated the appraisal will be done for both scenarios and explained how the value of the property must meet a certain level in order to issue the bonds. He explained the issuance of the bonds would be dependent on the appraisal of the land, with the improvements installed. Neil stated that he feels this is a good avenue for developers, but is a little skeptical on the dollar amounts that are listed and the ability of the owners to cover this assessment.

Dan Follett stated that he feels the members need to remember that North Morgan is part of the City and the City is not in the position to install these improvements. Ray Little stated that he is concerned with the repayment of the units, and the amount the repayment will increase if it is financed over the fifteen years. He is not sure if the appraisal will ensure that the value will cover the payment of the bonds. Marc stated that the appraisal must meet the requirements for the issuance of the bonds, or the bonds will not be issued. He explained how the appraisal will be done and why it includes the improvements. The

00081781 Bk M0157 Pg 00741

City Council Meeting  
02-15-00

bonds do not start to be assessed until the improvements are installed. Mark Schmid asked for clarification on how the repayment works and when the payments will start. Marc stated that the interest payments will start up front, it is the principal payments that can be delayed. The payments will not start until the improvements are installed.

Ann Olsen stated that there is no potential value to the property without the District and the needed improvements. She stated there needs to be progress, and with this progress there will be some risk and if the property owners are willing to take the risk, she feels it is beneficial to the City. Tony London asked for further clarification on the bonding process and the way the appraisal will affect the ability to bond.

Mayor Heiner asked the property owners to stand and identify themselves by stating their names. They were: John Thackeray, Mike and Dava Jensen, Deane Thackeray, Dan Follett, John Barber, and it was stated that Dan Follett is here to represent Gray and Linda Jensen. It was clarified that John Barber is now the owner of all the property of J. Blair Jones that is listed in the notice. Paul McGregor stated that he is interested in buying some of this property and feels the only way to do this is if the District is improved.

**MOTION:** Neil Carrigan moved to close the public hearing.

**SECOND:** Stan Tree. Vote: 4 ayes, Lynn not present.

**Resolution #02-15-00**  
**Special Improvement District**

This resolution will create the Special Improvement District #2000-1 and authorize the City Engineer to prepare a notice to contractors for bids for construction of the improvements.

**MOTION:** Neil Carrigan moved to adopt Resolution #02-15-00, a resolution to create Morgan City, Utah Special Improvement District #2000-1 described in the Notice of Intention concerning the District and authorizing the City Officials to proceed to make improvements as set forth in the Notice of Intention to create the District; authorizing the City Engineer to prepare a notice to contractors for sealed bids with respect to the construction of the improvements; and related matters.

**SECOND:** Stan Tree.

Discussion on motion: Tony London stated that he feels by being an elected official he has an obligation to look out for the best interest of the City residents. He asked Marc Edminster to review what a worst case scenario would be. Ray Little added to the questions asking what if it is two years from now and there are improvements, but no repayment has been made, what happens. Marc stated that the City does not have any obligation for repayment, only to foreclose on the bonds. The bondholder is holding the risk for repayment if this happens. The City is not under any obligation to make

00081781 Bk M0157 Ps 00742

repayment or pay any shortage. They are only responsible as far as the foreclosure and sale process. Attorney Crane stated the risk to the City is really low, as it should be. It should be the responsibility of the owners to pay for the improvements. Tony asked if the City would still assess impact fees for the homes being built on these properties. Attorney Crane stated that the City could collect the impact fees, and there could be arrangements made for reimbursement to the property owners for the installed improvements. He stated that this has already been suggested and is not in any way tied to the bonding. Neil asked who is responsible for maintaining the system at the time the bonds are paid off, and it was stated that the City takes it over at that time. It was clarified that the City maintains these improvements as soon as they are installed.

VOTE ON MOTION: 4 ayes, Lynn not present.

### Other Items

#### Uniform and Boot Allowance Shop Employees

This item was on the agenda a few meetings ago and is regarding providing a linen service for uniforms. This would be for the shop employees and Tony has provided a sheet that shows the expenses related to this item and the amount each department would fund for this allowance. He reviewed what this service would provide and what uniforms the employees would receive. Tony stated that he feels this will be beneficial to the morale of the employees and adds to the professionalism of the crew.

The clothes belong to the linen company, but they repair and replace them as needed. This price also includes an allowance for steel-toe boots for each employee. Ray Little asked if there would be any stipulation on the type of footwear, Tony stated that a steel-toe boot would be required and the employee would also be required to wear the uniform when they are working for the City. Mark Schmid stated that these items have been discussed with the employees. Stan Tree stated that he had visited the Shop today, and there are positive items happening there and feels it will help the morale of the employees. Mayor Heiner stated her concerns with the type of clothes and the need for other items such as rain and snow gear. She also feels it is not proper for the City to pay for doing the washing of clothes for employees.

Tony explained why the linen service uses the type of fabric for the pants, mainly because it is washed frequently. Tony stated that the City currently allows some monies for boots and shirts, so the total amount is not needed as far as funding.

Jan Turner asked how many other cities use this type of service, and stated his concern with the City using funds for this type of service. Tony reviewed the list of the cities that were contacted regarding this type of service and there were many that do provide this for their employees.

00081781 Bk M0157 Pg 00743



Tony stated that this service does provide for a clean uniform for every employee, every day. Mark stated his concern with some employees and the appearance of their clothing. It was mentioned that there would need to be enforcement of the employees wearing these uniforms. Mark stated that this has been discussed with all employees in a staff meeting.

**MOTION:** Neil Carrigan moved to approve the proposed laundry/uniform service for the shop employees.

**SECOND:** Tony London.

**Discussion on motion:** Stan stated that there could be a simple agreement done and each employee would be asked to sign it stating they will wear the uniform. Mark stated that this is a good idea and would not be a problem. Tony stated that he would be willing to meet with the employees and explain what is expected. They will not be allowed to wear the uniform when they are not working for the City.

**Amendment to motion:** Neil amended his motion to state that this service not be started until a policy is written and the employees have agreed to the terms and to also consider providing some type of clothing allowance for the office employees.

**SECOND TO AMMENDMENT:** Stan Tree. Vote: 3 ayes, 1 nay- Ray Little, Lynn not present.

**VOTE ON MOTION AS AMMENDED:** 3 ayes, 1 nay- Ray Little, Lynn not present.

**Water Share Purchase**

Tony gave the members some information regarding a request from Mr. Gamble to sell some water shares to the City. Stephen Dickson who was the Councilmember over this department at the time of the offer had agreed to \$130 per share. Tony has contacted Mr. Gamble and he is willing to sell the 80 shares that he has for \$130 per share.

Stan Tree stated that Mr. Gamble is his uncle so he wants to exclude himself from this item. Tony asked the members if they want to move forward with this purchase. Attorney Crane stated the value of water shares for the City and why they should purchase them. He suggests the City purchase these shares and stated that the value of these shares will only increase. Mayor Heiner stated that she feels it is the best interest of the City to purchase these shares.

**MOTION:** Tony London moved to approve the purchase of 80 shares of water from Mr. Gamble for the price of \$130 per share.

**SECOND:** Neil Carrigan.

00081781 Bk M0157 Pg 00744

Discussion on motion: Tony stated his concern with the retained earnings in the water fund and the depletion of these funds. There has been the promise of \$40,000 to the newly formed water board. There is a concern to maintain the integrity of the water funds and covering the expenses. He feels there needs to be some work done with the water department and funding the needed items. He does feel this is a wise investment and will pay for itself in the future.

VOTE ON MOTION: 3 ayes, 1 abstain - Stan Tree, Lynn not present.

Secondary Water Association

Tony stated that this association has set up an account at the bank and have requested the \$40,000 promised to them. There has been some concern about having an agreement done in regards to this money. Attorney Crane stated that the City is not allowed to give public funds without getting some kind of value in return. He reviewed the court cases that have been settled in the past in regards to this type of item. He stated there needs to be an agreement done in regards to this \$40,000 funding. He suggested that he contact the Water Association Attorney and work out the needed agreement.

Ray stated that he feels Pam Turner understood the need to pay these funds back, in some form. The members stated that they do not feel this was understood and there needs to be clarification. Neil suggested that the City could receive items such as free connections for the City on the secondary water system. Ray stated that is was the intention of the motion that the monies be paid back and it was not a donation.

Stan Tree stated that with the court decisions the City is not in a position to give this money and there needs to be a legal agreement done by the Attorney. He does not object to the City receiving services for this repayment. Attorney Crane was asked to contact the Water Association Attorney and work out an agreement. He will report back to the members on this item. There was the suggestion of implementing sales and use taxes for the enterprise funds to help with these expenses. There was also a suggestion of putting together a board of citizens that help look at the needed items in the enterprise funds and help suggest increases or improvements needed.

MOTION: Neil Carrigan moved to adjourn the meeting.

SECOND: Stan Tree. Vote: 4 ayes, Lynn not present.

This meeting adjourned at 8:55 p.m.

\_\_\_\_\_  
Julie A. Lee, Recorder

These minutes were approved at the \_\_\_\_\_ meeting.

00081781 Bk M0157 Pg 00745

STATE OF UTAH )

: ss.

CERTIFICATE OF FILING

COUNTY OF MORGAN )

I, Julie A. Lee, the duly qualified and acting City Recorder of Morgan City, Morgan County, Utah, do hereby certify that on the 8<sup>th</sup> day of ~~February~~<sup>March</sup>, 2000, pursuant to Section 17A-3-307, Utah Code Annotated 1953, as amended, a copy of the Notice of Intention and resolution creating Morgan City, Utah Special Improvement District No. 2000-1, as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, was filed in the Morgan County Recorder's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Municipality this 8<sup>th</sup> day of ~~February~~<sup>March</sup>, 2000.

  
City Recorder



00081781 Bk M0157 Pg 00746

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

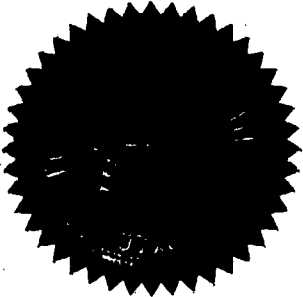
I, Julie A. Lee, the undersigned City Recorder of Morgan City, Morgan County, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the February 15, 2000, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Exhibit "A", to be posted at the City's principal offices on February 10, 2000, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained to 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 Exhibit "A", to be delivered to the Morgan County News on February 10, 2000, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 15<sup>th</sup> day of February, 2000.

(SEAL)



  
City Recorder

00081781 BK N0157 Pg 00747

EXHIBIT "A"  
NOTICE OF MEETING

00081781 Bk M0157 Pg 00748

Ut\_DOCS\_A 1032303 v 1

A-1

2/8/0

**POSTED**  
DATE 02-10-00

**NOTICE OF MEETING TO BE HELD IN  
PUBLIC AND EXECUTIVE SESSION  
OF THE MORGAN CITY COUNCIL**

Pursuant to Utah Code, Title 52, Chapter 4, notice is hereby given to members of the Morgan City Council and to the general public that the Morgan City Council will hold a meeting in public and executive session on Tuesday, February 15, 2000 at 7:00 p.m., in the Veterans Room in the Courthouse at 48 West Young Street.

**AGENDA**

1. Meeting called to order Mayor Y. Marie Heiner
2. Invocation
3. Approval of agenda

- [REDACTED]
- A. 02-01-00 minutes
  - B. Warrants - 2 sets
  - C. Business licenses -  
Desert Dogg Racing - Joe Nelson  
A Touch of Color - Tiffany Sarris  
M.O.M. & Co. - Kristine Sommers

[REDACTED]

Comments will be taken from the public on items that are not on the agenda. There can be no action taken on these matters and they are limited to five (5) minutes

[REDACTED]

7:10 Public Hearing re: Consideration of protests to the creation of Morgan City, Utah Special Improvement District #2000-1.

Resolution #02-15-00, a resolution to create Morgan City, Utah Special Improvement District #2000-1 described in the Notice of Intention concerning the District and authorizing the city officials to proceed to make improvements as set forth in the Notice of Intention to create the District; authorizing the City Engineer to prepare a notice to contractors for sealed bids with respect to the construction of the Improvements; and related matters

Uniform and boot allowance for shop employees – Tony

Water share purchase – Tony

Council business follow-up

Mayor and Council may update members on matters or bring issues to the attention of Mayor and Council. No action can be taken and discussion on each item is limited to five (5) minutes

**NOTE:** *The City Council may vote to go into executive session pursuant to Utah Code 52-4-5.*

**NOTE:** *The times listed for each item on the agenda may be accelerated if time permits.*

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Julie A. Lee, City Recorder, (801) 829-3461 at least 24 hours before the meeting.

Posted this <sup>10<sup>th</sup></sup> ~~1<sup>st</sup>~~ day of February 2000.

00081781 Bk M0157 Pg 00750

OWNERSHIP RETRIEVAL

MORGAN COUNTY

DATE: 02/17/00

SERIAL NUMBER	ACCOUNT YEAR	ACREAGE	DIST	PARCEL ADDRESS
04-291	0043271 1998	40.00	04	

OWNER: DEANE M THACKERAY REVOCABLE TRUST  
THACKERAY DEANE M TRUSTEE

TAX NOTICE MAILED TO: THACKERAY DEANE M  
921 NORTH 700 EAST  
MORGAN UT 84050

BOOK # 00524  
ENTRY NUMBER: 00067010

PLAT C.E.L. DESCRIPTION:

THE NE 1/4 OF NE 1/4 OF SEC 26, T4N R2E S186N, CONT 40 AC.  
DC BK N98-643; DC BK N98-650 WD; H111 524; NOTE: COMBINED AC. WITH 04-405-AC ACCT #  
19719 - DASC. ARE THE SAME - 04-205-AC WAS ANNEXED INTO CITY - SHOULD OF COMBINE  
D AC - WHEN ANNEXED WITH 04-291 ACCT #43271 - DONE FOR '98 TAX YR;

00081781 Bk N0157 Pg 00751



**PARCEL A**

BEGINNING AT A POINT WHICH IS NORTH 475.2 FEET AND WEST 475.2 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 2 EAST, SLB&M; AND RUNNING THENCE SOUTH 37DEG WEST 600.0 FEET MORE OR LESS TO A POINT WHICH IS THE MOST NORTHERLY CORNER OF PARCEL #04-289 (THACKERAY) AND IS THE TRUE POINT OF BEGINNING; THENCE SOUTH 42DEG EAST 89.5 FEET; THENCE SOUTH 60DEG EAST 93.0 FEET; THENCE SOUTH 37DEG WEST 380.0 FEET MORE OR LESS TO A POINT ON THE EASTERLY SIDE OF THE STATE HIGHWAY; THENCE ALONG SAID HIGHWAY NORTH 60DEG WEST 553.0 FEET; THENCE NORTH 37DEG EAST 850.0 FEET MORE OR LESS TO A POINT WHICH MEETS THE SOUTHERLY LINE OF #04-288-005; THENCE SOUTH 54DEG 34'13" EAST 31.11 FEET; THENCE SOUTH 10DEG 29'59" WEST 7.63 FEET; THENCE SOUTH 35DEG 34'33" WEST 24.44 FEET; THENCE SOUTH 56DEG 12'47" EAST 37.79 FEET; THENCE SOUTH 36DEG 59'56" WEST 320.00 FEET ALONG A FENCE LINE; THENCE SOUTH 41DEG EAST 318.0 FEET MORE OR LESS TO THE POINT OF BEGINNING.  
PART OF #04-288 AND #04-289

**PARCEL B**

BEGINNING AT A POINT WHICH IS NORTH 898.0 FEET AND WEST 1210.0 MORE OR LESS FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 2 EAST, SLB&M, ( SAID POINT BEING THE NORTHWEST CORNER OF CEDAR HOLLOW SUBDIVISION) AND IS THE TRUE POINT OF BEGINNING. THENCE ALONG THE SOUTH SIDE OF 700 EAST STREET THE FOLLOWING THREE COURSES: 1) NORTH 60DEG WEST 145.0 FEET 2) NORTH 62DEG WEST 122.0 FEET 3) NORTH 65DEG WEST 250.0 MORE OR LESS TO THE MOST NORTHEASTERLY CORNER OF THE ROWSER PROPERTY #01-004-393-01; THENCE SOUTH 32DEG 47'41" WEST 982.0 FEET MORE OR LESS TO THE NORTHERLY SIDE OF THE STATE HIGHWAY; THENCE ALONG THE STATE HIGHWAY SOUTH 60DEG EAST 905.0 FEET MORE OR LESS TO A POINT WHICH IS THE MOST SOUTHWESTERLY CORNER OF THE THACKERAY PARCEL #04-288; THENCE ALONG SAID PROPERTY NORTH 37DEG EAST 850.0 FEET MORE OR LESS TO A POINT WHICH MEETS THE SOUTHERLY LINE OF #04-288-005; THENCE NORTH 56DEG 18'08" WEST 168.0 FEET; THENCE SOUTH 37DEG WEST 29.27 FEET; THENCE NORTH 57DEG 54'24" WEST 237.26 FEET; THENCE NORTH 30DEG EAST 32.38 FEET MORE OR LESS TO THE SOUTHERLY LINE OF CEDAR HOLLOW SUBDIVISION; THENCE ALONG SAID SUBDIVISION NORTH 57DEG WEST 59.9 FEET; THENCE NORTH 33DEG 36'07" WEST 115.0 FEET MORE OR LESS TO THE SOUTHERLY LINE OF 700 EAST STREET TO THE POINT OF BEGINNING.  
PART OF #04-290-002

**PARCEL C**

BEGINNING AT THE CENTER POINT OF THE NORTHEAST 1/4 OF SECTION 26, T4N, R2E, SLB&M, THENCE EAST 590.4 FEET ALONG THE QUARTER SECTION LINE; THENCE SOUTH 35DEG 50' WEST 419.0 FEET; THENCE NORTH 56DEG 27' WEST 425.0 FEET MORE OR LESS TO A POINT ON A QUARTER SECTION LINE; THENCE NORTH ALONG SAID LINE 100.0 FEET MORE OR LESS TO THE POINT OF BEGINNING.  
PART OF #04-290-02

00081731 BK N0157 Pg 00752

PARCEL OWNERSHIP RETRIEVAL

MORGAN COUNTY

DATE: 02/17/00

SERIAL NUMBER	ACCOUNT YEAR	ACREAGE	DIST	PARCEL ADDRESS
04-206-01	0050813 1991	0.99	04	

OWNER: FOLLETT DAN B  
FOLLETT JUDY FAYE

TAX NOTICE MAILED TO: FOLLETT DAN B & JUDY FAYE  
898 NORTH 700 EAST

BOOK: 00074 PAGE: 00237 MORGAN UT 84050  
ENTRY NUMBER: 00050785

PARCEL DESCRIPTION:  
A PT OF SE 1/4 OF SEC 26 T4N R2E S1866N BEG AT A PT WHICH BEARS S 1320 FT PRO NE  
COR OF SD SEC 26 & RUNTH S 524.5 FT (LAST 300 FT N/L OF THIS COURSE IS ALG AN O  
LD WETAB FENCE ON THE SEC LINE) TH S 37°15' W 481.0 FT ALG THE W'LY SIDE OF A N  
T.RD. TO THE STATE HWY, TH ALG SD HWY N 58°53' W 269.25 FT, TH N 35°50' E 115 FT  
; TH N 58°53' W 269.25 FT TO THE DON T. WALAN PPTY AS DEEDED IN BK R PG 284; TH  
N 35°50' E 661 FT; TH N 298 FT TO POB.

00081781 Bk M0157 Pg 00753

SERIAL NUMBER	ACCOUNT YEAR	ACREAGE	DIST	PARCEL ADDRESS
04-290-001	0043230 2000	5.25	04	930 NORTH 700 E

OWNER: JENSEN MICHAEL R  
JENSEN DAVALYN M

TAX NOTICE MAILED TO: JENSEN MICHAEL R & DAVALYN M  
930 NORTH 700 EAST

BOOK: M0150 PAGE: 00294 MORGAN UT 84050  
ENTRY NUMBER: 00079204

PARCEL DESCRIPTION:

A PART OF SE 1/4 OF NE 1/4 OF SEC 26, T4N R2E S10E. BEG AT PT WHICH BEARS S 132  
0.0 FT & W 290 FT FR NE COR OF SD SEC 26, & RUN TH S 35°50' W 776.0 FT TO STATE  
RD; TH ALG SD RD N 55°25' W 350.0 FT; TH LEAVING SD RD N 35°50' E 531.0 FT; TH E  
431.6 FT TO POB. SUBJECT TO & TOGETHER WITH THAT CERTAIN ROW AGREEMENT \*\*SEE D  
RED\*\* CONT. 5.25 AC. CURRENT VESTING: QC M150-294 TO: MICHAEL R JENSEN AND DAVALYN M JENSEN H/W BK R PG 284; BK M97 PG 421; M150-294;

00081781 Bk M0157 Pg 00754

PARCEL OWNERSHIP RETRIEVAL

MORGAN COUNTY

DATE: 02/17/00

SERIAL NUMBER	ACCOUNT YEAR	ACREAGE	DIST	PARCEL ADDRESS	#
04-311-001	0043560 2000	35.87	04		

OWNER: JENSEN GRAY  
 JENSEN LINDA FIELD  
 JENSEN PROPERTIES DBA

TAX NOTICE MAILED TO: JENSEN GRAY  
 PO BOX 1031

BOOK: N0100 PAGE: 00296 UT 84050  
 ENTRY NUMBER: 00064991

PARCEL DESCRIPTION:

BEG AT A PT WHICH BEARS N 2507.0 FT & E 589.8 FT FRM THE SW COR STONE OF SEC 25  
 T4N R2E BL60M RUN TH N 40°05' E 210.8 FT; TH N 39°14'57" E 106.67 FT; TH N 50°2  
 5'25" W 144.71 FT; TH S 35°59' W 101.73 FT; TH S 34°25' W 52.0 FT; TH N 62°40' W  
 166.5 FT; TH N 54°30' W 207.0 FT; TH N 31°16' W 286.0 FT; TH N 54°00' W 159.0 F  
 T TO THE SEC LN; TH ALG SD LN 736.3 FT TO THE 40 COR (THE W BODY OF SD SEC 25 NEA  
 S 5320.0 FT); TH S ON THE 40 LN 450.24 FT; TH S 1°07'02" E 110 FT; TH N 88°52'50  
 " E 130 FT; TH N 37°01'39" E 139.44 FT; TH E 653.64 FT; TH S 89°56'44" E 36.67 F  
 T; TH S 80°43'40" W 245.11 FT TO EXIST FRN; TH S 03°35'33" W 317.73 FT; TH S 33°  
 21'54" W 58.42 FT; TH S 51° W 210 FT N/L TO POB. CONT. 35.87 AC. SUBJ TO CO. R/W  
 RECORDED IN R00-117; SUBJ. TO R/W RECORDED IN M155-274 \*\*SEE  
 DEED FOR DEBC.\*\* NOTE: THIS IS THE REMAINING PARCEL DEBC.  
 AFTER 0.44 AC. IS SEGREGATED FRM THE 36.32 AC. (GOING TO 04-311-001-1-WA) --PER  
 M152-175 LEAVING 35.87 AC. NOTE: NEW AC. -COMBINED 04-390-AC (34.0  
 3 AC.) --PER M108-356 ANNEXES TO CITY -DID NOT COMBINE IN 1996 -COMBINED FOR THE  
 2000 YR; CURRENT VESTING: M100-296 GRAY JENSEN &  
 LINDA FIELD JENSEN, DBA JENSEN PROPERTIES (UNDIV 1/2 INT); M111-147 GRAY JENSEN  
 & LINDA FIELD JENSEN (J/T), DBA JENSEN PROPERTIES (1/2 INT);  
 NOTE: 2000 CHANGE TO CORRECT VESTING NAME, BK & PG;  
 REF: M28-25; M68-34; M100-296; M108-356 ANNEXES TO CITY; M111-147;

00081781 Bk M0157 Pg 00755

PARCEL OWNERSHIP RETRIEVAL

MORGAN COUNTY

DATE: 02/17/00

SERIAL NUMBER	ACCOUNT YEAR	ACREAGE	DIST	PARCEL ADDRESS
04-333-001	0043982 1998	10.00	04	

OWNER: JBJ IDEAS LTD

TAX NOTICE MAILED TO: JBJ IDEAS LTD

C/O JONES J BLAIR & CAROL D

BOOK: N0129 PAGE: 00423

1367 EAST SKYLINE DRIVE

ENTRY NUMBER: 00073235

BOUNTIFUL

UT 84010

PARCEL DESCRIPTION:

A PT OF THE SW 1/4 OF SEC 25, T4N R2E S18&M. BEG AT A PT WH IS N 47°15' W 2050.5  
3 FT & S 42°45' W 402.25 FT FR MON. "C" OF N.C.S. & RUN TH ALG EXIST FENCE LN TH  
E POL COUR: S 44°53'00" E 120.34 FT, TH S 31°59'35" E 114.36 FT, TH S 47°45'20"  
E 114.92 FT, TH N 47°10'13" E 69.65 FT, TH S 45°46'30" E 204.85 FT, TH S 68°30'2  
6" E 190.59 FT, TH S 66°15'18" E 191.82 FT, TH S 30°34'54" W 426.40 FT, TH N 64°  
20'48" W 222.30 FT, TH N 64°21'23" W 388.73 FT, TH N 62°02'34" W 422.04 FT, TH N  
41°26'18" E 231.97 FT, TH N 41°34'10" E 310.90 FT TO THE POB. CONT. 10.003 AC.  
BNF: N33-310; N129-423 JONES W.D. (SPECIAL) TO: JBJ IDEAS LTD, A UTAH PARTNERSHI  
P;

00081781 Bk N0157 Pg 00756

M6078  
WHEN RECORDED MAIL TO:  
BARBER BROTHERS, L.L.C.,  
185 North Commercial Street  
MORGAN, UTAH 84050

00001407  
RECORDED BY NOTARY PUBLIC  
CEREDA B. NELSON - MORGAN UT - RECORDER  
2000 FEB 15 12:44 PM UTC - 912.00-EE NPS  
REGISTRY - MOUNTAIN VIEW TITLE & CLOSING, INC.

WARRANTY DEED

J&J IDEAS, LTD., A UTAH LIMITED PARTNERSHIP

of BOUNTIFUL, County of DAVIS, State of UTAH  
hereby CONVEY and WARRANT to

grantor,

BARBER BROTHERS, L.L.C., A UTAH LIMITED LIABILITY COMPANY

grantee,

of 185 North Commercial Street, MORGAN, UTAH 84050  
for the sum of Ten Dollars and other good and valuable consideration,  
the following tract of land in MORGAN County, State of Utah:

SEE ATTACHED LEGAL DESCRIPTION WHICH BY REFERENCE IS MADE A PART.

04-333-001

Subject to easements, restrictions and rights of way of record.

WITNESS, the hands of said grantors, this 11 day of FEBRUARY, 2000

Signed in the presence of

J&J IDEAS LTD.

By:

By:

*J. Blair Jones*  
*Carol D. Jones*

STATE OF UTAH )  
COUNTY OF WEBER )

00081781 Bk M0157 Pg 00757

On the 11 day of FEBRUARY, A.D. 2000, personally appeared before me  
*J. Blair Jones* *Carol D. Jones*  
who being by me duly sworn, did say that they are the General Partner(s)  
of the J&J IDEAS LTD., the Partnership that executed the  
above and foregoing instrument and that said instrument was signed in  
behalf of said Partnership by authority of the Articles of said  
Partnership, and said  
each duly acknowledged to me that said Partnership executed the same.



*Cereda B. Nelson*  
Notary Public  
residing at:  
commission expires: