

MARCH 23, 1978

The City Council of the City of Idaho Falls met in Regular Meeting, Thursday, March 23, 1978, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor Tom Campbell; Councilmen Ralph Wood, Charles Clark, Sam Sakaguchi, Jim Freeman, and Mel Erickson. Absent: Councilman Paul Hovey. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; and all other available Division Directors.

Minutes of the last Regular Meeting, held March 9th, and a Special Meeting, held March 21st, 1978, were read and approved.

The Mayor announced that this was the time and the place for a public hearing, recessed from the last Regular Meeting, to consider a replat and a planned unit development for the Lorin Anderson Addition. This memo from the Building Administrator was read aloud:

City of Idaho Falls
March 23, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: LORIN ANDERSON ADDITION – REPLAT & DEVELOPMENT PLAN FOR PUD

At the last Regular City Council Meeting, this item was recessed until the next Regular Meeting and also referred back to the City Planning Commission. In the interim, an error was discovered in the plan, inasmuch as the property described in the development plan included street rights-of-way. The actual ownership of the developer is somewhat smaller than that shown on the plan, and for that reason it is referred back to the developer for redesign.

We request that this matter be further recessed until such time as the redesign has been received by this office and the plan has been reviewed by the Planning Commission.

s/ Rod Gilchrist

In view of this report, it was moved by Councilman Freeman, seconded by Clark, that this matter be recessed until the next Regular Meeting. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor announced that this was the time and the place, recessed from the last Regular Council Meeting, to consider the creation of a new zoning code to be known as RA-1 residential-agricultural. An explanation of what such a zone would entail can be found on Page 151 of this book of minutes. Councilman Freeman noted that the Planning Commission recommended the establishment of said zone to prevent urban sprawl and to eliminate the possibility of County islands within the City, occasioned by large residential plots whose owners might refuse to be annexed unless there was provision, by code, for horses to be permitted on said plots under certain conditions.

Mr. Rue Stears, 1235 Bannock Avenue, appeared briefly to ask if there was presently an ordinance prohibiting the riding of horses on City streets. The Police Chief answered in the negative. Anticipating a split vote on this issue by Councilmembers, City

Attorney Smith was asked for comment. Smith said that, even though this had to do with the zoning code, a simple majority vote, for or against, would carry the motion as long as the

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Council, by said vote, did not attempt to overrule the recommendation of the Planning Commission and, further, so long as there were no citizens protesting the proposal. There were none who appeared to protest or otherwise comment on this proposed amendment. It was moved by Councilman Freeman, seconded by Sakaguchi, that an RA-1 residential-agricultural zone be created under the conditions as previously described. Roll call as follows: Ayes, 2; No, 3. Councilmen Sakaguchi and Freeman voting aye; Councilmen Clark, Erickson and Wood voting no. The Mayor thereupon declared the motion defeated.

The Mayor announced that this was the time and the place, as advertised, to conduct a public hearing to consider certain amendments to the zoning ordinance, setting certain permit fees for travel trailer courts and mobile home sub-divisions, as more fully described by this memo from the Building Administrator:

City of Idaho Falls
March 23, 1978

MEMORANDUM

TO: Mayor and Council
FROM: Rod Gilchrist
SUBJECT: ADDENDUM TO ORDINANCE NO. 1115 - RMH ZONE

This proposed addendum adds a section to the existing RMH (Residential Mobile Home) zone, providing for a fee schedule for mobile homes and/or travel trailers as follows:

Article 9-5: PERMIT FEES:
Prior to the issuance of any permit, the Building Official shall collect the following fees:

Article 9-5-A: TRAVEL TRAILER COURTS:
\$25.00 per lot trailer permit

Article 9-5-B MOBILE HOME SUBDIVISION:
\$25.00 per mobile home permit

This proposal was recently considered by the Planning Commission and at that time recommended the Mayor and Council approve the addendum. This department concurs with the recommendation of the Commission and it is now being submitted to the Mayor and Council for your consideration.

s/ Rod Gilchrist

There were none who appeared to protest or otherwise comment on this proposal. It was moved by Councilman Freeman, seconded by Clark, that these fees be adopted and the City Attorney be directed to incorporate said fees in an amendatory ordinance, yet to be prepared. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Stears re-appeared briefly to comment on legal notices. He said that, in his opinion, there should be a more descriptive policy for designating locations, inasmuch as a legal description, whether it be in lots and blocks or metes and bounds, meant little to the average layman. Mr. Stears was advised that, in matters of zoning or re-zoning, all residents

within 300 feet of the affected property were notified by letter and, in said letter, the description is pin pointed in easily understandable language. Mr. Stears then asked about

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the well north of town proposed by the BLM and whether or not the City had considered filing for water rights. The City Attorney explained that this is done where water is to be for public use.

The City Clerk noted that a legal notice was in the process of being published calling for a public hearing on April 6th to consider the initial zoning on three proposed annexations, said hearings to be conducted only if the areas are, in fact, annexed. The City Clerk said that, in the interests of time, this was done without formal Council approval. It was moved by Councilman Freeman, seconded by Clark, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Also, continued the City Clerk, a legal notice was being published without formal Council approval calling for a public hearing on April 6th to consider the re-zoning of Lots 7 through 12, Block 31, Highland Park Addition. It was moved by Councilman Freeman, seconded by Clark, that this action also be ratified. Roll call as follows: Ayes, 5; No, none; carried.

This damage claim was then presented:

March 21, 1978
Idaho Falls, Idaho

Office of the Mayor
308 C. Street
Idaho Falls, Idaho

Dear Mr. Mayor:

Enclosed are electrician's bills in the amount of \$42.50 for which I feel we should be reimbursed by the City. Following is an explanation:

On February 21, 1978, the power in half of our house failed. I called the number listed in the phone book for Idaho Falls, City of, 529-1100 and asked for the electric utility office. I don't know with whom they connected me, but I explained to the lady that answered that our power was going out for periods of 10 minutes to two hours, that the circuit breakers were not affected, and that only part of the house was involved. She very abruptly informed me that if the power wasn't out in the entire house, it certainly was no problem of the City's and that I would have to call a private electrician.

I called Jewel Electric, but by the time the electrician arrived, the power had come on again. He checked our circuit breakers and could find nothing wrong in the house. The bill was \$17.00. The power continued to go on and off spontaneously for the next two weeks for periods of few minutes to a couple of hours.

On Sunday, March 5, I had a turkey in the oven. At 3:00 P.M. the power went off and stayed off. We again called Jewel Electric. The electrician found we were not getting power to the house and said he didn't care what the City said, it was definitely their problem. The bill was \$25.50 not to mention the ruined turkey, and the other half cooked food I'd disposed of over the past two weeks. The fuse in our TV blew out also. The TV repairman said it was a safety feature

built into the set and the probable cause of it burning out was the surging off and on of power. That also cost \$18.00.

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On Monday, March 6, my husband called the Electric Division listed under City of Idaho Falls, 529-1430. Their man came out immediately, but when he arrived, the power had come on again so he did nothing. He said he would send someone out that afternoon to put a test meter on our house. At 3:45, I again called the Electric Division as no one appeared that afternoon and we again had no power. I then had the good fortune to connect with a Mr. Gene Clayton. He promised me he would be out the first thing the next morning to take care of our problem and he was.

As I stated before, I don't know with whom I spoke the first time I called, but you would certainly do a great service to the citizens of Idaho Falls if you could instruct your office help to refer questions to the proper persons instead of playing guessing games.

I am sorry if I sound angry, but I admit that even though I have waited two weeks to cool down, I'm still feeling upset over the situation.

Again, may I commend Mr. Clayton and the gentlemen who was there with him. They were very courteous, knowledgeable men, and after what we'd been through I appreciated them. I only wish I had gotten one of them in the beginning. I would have saved myself a lot of anger, frustration, and expense.

Sincerely,
s/ Marie A. Olson
(Mrs. David E. Olson)

The City Clerk noted that this had previously been forwarded to the City's liability insurance carrier, in the interest of time, without formal Council approval. It was moved by Councilman Erickson, seconded by Freeman, that this action be ratified. Roll call as follows: Ayes, 5; No, none; carried.

License applications for GROCERY STORE, High Desert Outfitters; RESTAURANT, Paxman's, Taco Time, Orange Julius, Jay's, The Cross Bow Inn; MOTEL, Driftwood-Fallsview Motel; BOWLING LANES, Skyline Lanes; COMMERCIAL KENNEL, Northgate Veterinary Hospital; NON-COMMERCIAL KENNEL, Bo-Lay Kennel; JOURNEYMAN PLUMBER, J. F. Pinnock, Kent Misseldine, Gardel Cope, Marvin Hill; CLASS D JOURNEYMAN, REFRIGERATION, Don M. Campbell; CLASS D JOURNEYMAN, GAS FITTER, Dale McBride; ELECTRICAL CONTRACTOR, Lloyd Davis for Davis Electric, Thomas Snouffer for Tom Snouffer Electric, Richard Judy for Twins Electric, J. F. Unsworth for Skyline Electric; JOURNEYMAN ELECTRICIAN, Scott J. Davis, Richard J. Davis, O. J. Brown, Kenneth Carlson, Thomas T. Snouffer, Wayne E. Landers, John D. Hall, Robert G. Farnsworth, J. F. Unsworth, James W. Unsworth, Neal W. Pifer; APPRENTICE ELECTRICIAN, John Cowley with Bill Whipple Electric, Thomas Snouffer, Jr. with Tom Snouffer Electric, Ronald Gibson with Tom Snouffer Electric; BEER, Canned and Bottled Not To Be Consumed On The Premises, Minit Market; BARTENDER, Debra Solis, M. Elaine Pullman, Beverly N. Babbitt, Sharron Lewis, K. M. Larson, Woodena Colson, James Dean Miller, Robert McShannock, Sharon Talamantez, Jeannie Hincks, Christie Bowcutt, were presented. It was moved by Councilman Erickson, seconded by Clark, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

From the Public Works Director came this memo:

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City of Idaho Falls
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MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: PERMISSION TO ADVERTISE FOR SEAL COATING OF CITY STREETS

Plans and specifications are complete for the Seal Coating of approximately 184,200 square yards of City streets (approximately 96 blocks).

We are requesting permission for the City Clerk to advertise for bids on April 2, 9, 16, 1978 and open April 18, 1978.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Erickson, that the City Clerk be authorized to advertise for bids on this project as described. Roll call as follows: Ayes, 5; No, none; carried.

Another memo from the Public Works Director was forthcoming, as follows:

City of Idaho Falls
March 23, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ENGINEERING HELP

Because of the current work load, Public Works is requesting additional design assistance from Ellsworth Engineering, Inc. We are submitting a specific contract for the design of a bridge across the Meppen Canal at Kearney Street. This design contract is to be funded from the Street and Bridge Fund.

The street and storm drainage in Bel Aire Addition is the second contract. This is an authorized Community Development Project and will be entirely financed from C. D. Funds.

We are requesting authorization for the Mayor and City Clerk to sign the contracts.

s/ Don

The City Attorney advised that the arterial street and bridge funds were not included in the appropriation ordinance. Therefore, it would be necessary to adopt an amended appropriation ordinance, including said funds as revenue, before a contract could be executed for the design of such projects as the bridge across the Meppen Canal at Kearney

Street. It was moved by Councilman Sakaguchi, seconded by Erickson, that both of these contracts be approved and the Mayor and City Clerk be authorized to sign the Bel-Aire

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Project Contract but with the understanding that the bridge across the Meppen Canal Contract not be signed until the street and bridge funds are available for expenditure after the above-mentioned appropriation ordinance is adopted. Roll call as follows: Ayes, 5; No, None; carried.

Also, this memo from the Public Works Director was submitted:

City of Idaho Falls
March 23, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ENGINEERING HELP

We have had recent encouragement about additional funding for bridges. For this reason, we are requesting help for engineering design from the firm of Forsgren-Perkins and Asso., P.A. This help will be specifically for the following:

Bridge over Willow Creek on Hemmert Drive
Bridge over East Lateral Canal on Brentwood Drive
Bridge over Idaho Canal on Lincoln Road
In addition, there are two authorized Community Development projects on which we are requesting assistance.
Bridge over Willow Creek at Bingham Street
Walk ramp for the handicapped at the Civic Auditorium
Both projects will be entirely financed with C.D. funds.

We are requesting authorization for the Mayor and City Clerk to sign the City's approval.

s/ Don

Likewise and for the same reason, it was agreed that contracts for the design work for the first three bridges mentioned in the foregoing memo be not executed until the appropriation ordinance was amended to include the street and bridge funds as revenue, thus freeing said funds for expenditure. It was moved by Councilman Sakaguchi, seconded by Erickson, that all of these design contracts be approved, that the Mayor and City Clerk be authorized to sign the design contracts for the three bridges, as mentioned, be not signed until an amended appropriation ordinance is adopted. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor then directed the City Controller to proceed, as soon as possible, with the preparation of an amended appropriation ordinance for the reason as stated, including notice of a public hearing by the Mayor and City Council.

Finally, from the Public Works Director, this memo was presented:

City of Idaho Falls
March 23, 1978

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Donald F. Lloyd

SUBJECT: RAILROAD CONTRACT FOR WATER & SEWER CROSSING-
FREMONT AVE.

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We are attaching hereto a standard contract with Union Pacific Railroad to construct the Water and Sewer lines necessary under the Fremont Avenue crossing. Public Works Committee would recommend that the Mayor and City Clerk be authorized to sign.

s/ Don

It was moved by Councilman Sakaguchi, seconded by Erickson, that this contract with the Union Pacific Railroad, as described, be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Director of Aviation was presented:

City of Idaho Falls
March 20, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: CITY ORDINANCE RELATIVE THE PROPOSED AIRPORT
REVENUE BOND ELECTION

The Committee recommends that the City Council adopt the attached ordinance pertaining to a revenue bond election necessary for the improvement and expansion of the Idaho Falls Airport terminal building area.

The Airport revenue bond issue to be in the total amount of \$2,750,000. The election date to be May 9, 1978.

We further recommend that the Mayor and City Clerk be authorized to execute the attached on behalf of the City.

It was moved by Councilman Clark, seconded by Wood, that the total amount of the Airport revenue bond election be set at \$2,750,000, that the date of the election be set for May 9th, 1978 and that, in both instances, that amount and that date be inserted in the airport revenue bond ordinance, yet to be adopted. Roll call as follows: Ayes, 5; No, none; carried.

The following ordinance was introduced in written form by Councilman Clark and was read by title. Councilman Wood moved that the rule requiring the reading of the ordinance three different days be dispensed with and the motion was adopted by the vote of not less than one-half plus one of the members of the full Council to-wit: Aye: Councilman Charles Clark, Councilman Melvin Erickson, Councilman Jim Freeman, Councilman Sam Sakaguchi, Councilman Ralph Wood. Nay; none.

The Ordinance was thereupon read again by title, and, pursuant to motion made by Councilman Erickson, and seconded by Councilman Freeman, the ordinance was adopted by the following vote: Aye: Councilman Clark, Councilman Erickson, Councilman Freeman, Councilman Sakaguchi, Councilman Wood; Nay; none.

The Ordinance was thereupon signed by the Mayor in evidence of his approval, was attested by the City Clerk, was ordered recorded, and is as follows:

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ORDINANCE NO. 1538

AN ORDINANCE ORDERING THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS AND EXTENSIONS TO THE MUNICIPAL AIR-NAVIGATION FACILITIES FOR THE CITY OF IDAHO FALLS, IDAHO; ESTIMATING THE COST THEREOF, DIRECTING, SUBJECT TO THE APPROVAL OF THE QUALIFIED ELECTORS OF SAID CITY, THAT REVENUE BONDS OF SAID CITY IN THE AMOUNT OF \$2,750,000 BE ISSUED TO PAY PART OF THE COST THEREOF; CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY THE PROPOSITION OF ISSUANCE OF SUCH BONDS AND PROVIDING FOR THE ISSUANCE OF SUCH BONDS IN THE EVENT THEY ARE VOTED AT SUCH ELECTION.

Another memo from Director of Aviation Hill was then submitted, as follows:

City Hall
March 20, 1978

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: PROPOSED AIRPORT REVENUE BOND FINANCIAL CONSULTANT
(FISCAL AGENT)

The Committee recommends that Blyth, Eastman, Dillon and Company of San Francisco, California be retained by the City to serve as financial consultant for the subject airport bond.

Further, that the appointed financial consultant be authorized to select and retain: a bond attorney, and a public relations counselor of their choosing, and as needed during this endeavor.

Following approval by the City Attorney and the Director of Aviation, that the Mayor and City Clerk be authorized to enter into and execute on behalf of the City an agreement with the prior named firm.

s/ H.P. Hill

Asked for comment, Hill appeared and gave a brief history of events leading up to this recommendation that Blyth, Eastman, Dillon and Company be selected as the financial consultant for the airport revenue bond issue. It was learned that this recommendation was made by Mr. Michels of the Idaho First National Bank, Boise, Idaho, inasmuch as that brokerage firm has a reputation for being specialists in issues of this nature. It was moved by Councilman Clark, seconded by Wood, that Blyth, Eastman, Dillon and Company be

selected as the Financial Consultant for the airport revenue bond issue and the Mayor and

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City Clerk be authorized to sign the agreement, when presented. Roll call as follows: Ayes, 5; No, none; carried.

This letter from Ammon Mayor George Wehman was presented and read aloud:

City of Ammon
March 19, 1978

MEMORANDUM

Mayor Tom Campbell
City of Idaho Falls
City Hall
Idaho Falls, Idaho

Dear Tom:

The City of Ammon has elected to develop its own program of building inspection. As a result, we believe it would be appropriate to terminate the Agreement of Cooperative Action, Re-Inspection of Building Activities within Ammon, dated July 12, 1973 and its Amendment dated November 21, 1974. Because of the complexity of setting up an inspection department, we find that it will be necessary to request that the City of Idaho Falls continue to furnish this service for at least 90 days from the date of this letter as per item 5 of the original agreement. One large construction project, the 94 condominium unit, may require inspections by Idaho Falls beyond the 90 days unless a satisfactory transfer of responsibilities can be affected.

We trust that your Building Department will work with us as we prepare to assume this responsibility.

Very truly yours,
s/ George Wehman
Mayor of Ammon

It was moved by Councilman Freeman, seconded by Clark, that the agreement as mentioned in the letter be terminated as requested under the conditions as stated. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor introduced Mr. Craig Lords to all City Officials around the Council Table with the announcement that he was about to appoint him as the City's Personnel Director, effective March 27th. The Mayor said that, in his opinion, Mr. Lords was exceptionally well qualified for this position and proceeded to list said qualifications and past professional experiences, as follows: Bachelor of Science, Brigham Young University, Master of Public Administration, Brigham Young University, Graduate School of Management, Personnel Analyst for the Utah Inter-governmental Personnel Agency, Court Officer of the Provo City Court, Assistance Manager, Grand Central, Inc. The Mayor then officially appointed Mr. Lords as the City Personnel Director, effective March 27th, 1978. It was moved by Councilman Erickson, seconded by Wood, that this appointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

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Mr. Lords then registered a few words of appreciation for having been selected to this position and introduced his wife, Kathleen. Mr. Lords noted that both he and his wife were natives of Idaho Falls and so, from that standpoint, felt they were coming back home, so to speak. He said he was looking forward to this assignment with optimism and enthusiasm.

The Mayor then appointed Mr. Alex Creek as Chairman of the Citizens' Informational Committee for the Airport Revenue Bond Issue. It was moved by Councilman Erickson, seconded by Freeman, that this appointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

Preparatory to introducing an ordinance that would repeal Ordinance No. 1482, commonly referred to as the sewer connection fee ordinance, City Attorney Smith rendered a brief report on a recent court case by the local Homebuilders' Association, challenging said ordinance and, more specifically, the \$300.00 sewer connection fee. Smith said the court ruled in favor of the City as pertained to the City's right to make such a charge, but, in the final analysis, the City lost the case because Ordinance No. 1482 did not clearly require that all monies collected from such fees be placed in a dedicated fund to be used for a designated purpose; namely, for operation and maintenance of the sewer system. Smith said this new ordinance corrected that ambiguity. He then proceeded to introduce said ordinance, as follows:

ORDINANCE NO. 1539

AN ORDINANCE REPEALING ORDINANCE NO. 1482, BEING SECTION 8-7-13, CITY CODE OF IDAHO FALLS, IDAHO; ESTABLISHING FEES AND CHARGES FOR SANITARY SEWER CONNECTION PERMITS AND FOR THE INSTALLATION OR ALTERATION OF PLUMBING OR SANITARY SEWERS WITHIN SAID CITY; SETTING FORTH A SCHEDULE OF FEES THEREFOR; MAKING IT UNLAWFUL TO INSTALL OR ALTER ANY SANITARY SEWER OR PLUMBING WITHIN SAID CITY OR TO TAP ONTO OR CONNECT TO ANY SANITARY SEWER LINE OR MAIN OF SAID CITY WITHOUT FIRST OBTAINING A PERMIT THEREFOR; ESTABLISHING A SEWER MAIN CHARGE AND FIXING THE AMOUNT THEREOF; ESTABLISHING A SANITARY SEWER CAPITAL IMPROVEMENT FUND AND PROVIDING THAT ALL FEES AND CHARGES DERIVED FROM THE ISSUANCE OF PERMITS FOR THE INSTALLATION OR ALTERATION OF PLUMBING OR SANITARY SEWERS, OR FOR CONNECTING TO A SANITARY SEWER, SHALL BE PLACED IN SAID FUND; SETTING FORTH THE PURPOSES FOR WHICH MONEYS IN SAID FUND MAY BE EXPENDED; FIXING PENALTIES FOR VIOLATION OR THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Sakaguchi, seconded by Freeman, that the provisions of Section 50-902 of the Idaho Code requiring all

ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE

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REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

The City Attorney advised that the Engineering and Public Works Division should embody the substance of the foregoing ordinance in future annexation agreements. It was moved by Councilman Erickson, seconded by Sakaguchi, that the General Services Director acquire a clock and a public address system for the Council Chambers and, also, investigate the cost of a raised dais at the Council Table location. Roll call as follows: Ayes, 5; No, none; carried.

Mr. Dick Burger, President of the local Homebuilders' Association appeared before the Council and, in turn, introduced Mr. Richard Greener, Attorney for the State Homebuilders' Association. Mr. Greener apologized for their late appearance, adding they had hoped to arrive before the Council considered the sewer connection fee ordinance, adopted this night. He said the group he represented contended that the \$300.00 sewer connection fee was a mixture of administrative and licensing fees and that, in their opinion, these must bear a reasonable relationship to each other. Mr. Greener said the court trial revealed that the actual; cost of sewer connection was \$36.42 and so the City should ascertain, for the benefit of all interested and effected parties, that \$300.00 is reasonable and necessary for proper and economic justification. Turning to City Attorney Smith, the Mayor asked his advice as to whether no not, in view of this report, the Council should reconsider their previous action in passing Ordinance No. 1539. Smith replied by saying that this should be a Council decision, adding, however, that the old ordinance was repealed and the new one enacted in good faith and that, in his opinion, the new one properly earmarks the funds and would provide regulatory guidelines for the betterment of the sewer system. Smith concluded his comments by saying he had previously warned the Council that the new ordinance might be attacked. Mr. Greener assured the Council that the group he represented hoped to avoid another court suit. He said his group was recommending that the sewer connection be lowered to \$100.00 and, if this were done, he felt confident that this fee would never be challenged. He suggested that the City enter into an economic study as a means of justifying a \$300.00 hook-on fee and if said study were to reveal economic justification, his group would withdraw. Councilman Sakaguchi assured Mr. Greener that if, under this new ordinance surpluses were to unduly accumulate, the fee would be revised accordingly. The Mayor reminded Mr. Greener that the new fund created by the ordinance would be subject to audit by his or any other group at any time. Turning to the Councilmen, the Mayor entertained reconsideration of Ordinance No. 1539 from any member who felt this action was deemed necessary. There were none who responded. Mr. Greener then concluded his remarks by saying his interpretation of the Council's feeling were, in effect, that the new ordinance passed this night was economically justified and that no reconsideration was to be expected.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:05 P.M., carried.

s/ Roy C. Barnes
City Clerk

s/ Thomas Campbell
Mayor

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