

Minutes of a special Council meeting held on Tuesday, December 29, 1983, at City Hall. Mayor Sandra Peterson presided at the meeting and the following Councilmen were present: Dan Olson, Grant Pay, Sherman Jones and Walter Callaway. City Recorder/Clerk Sam Sellers recorded the meeting.

Mayor Peterson called the meeting to order at 6:40 p.m. She also offered the invocation and led the pledge of allegiance.

LDS Church agreement. The meeting was called to go over the agreement with the Church.

Mayor Peterson said that she felt page 3 of the agreement which states, "CPB shall initially pay for the burial of the pipe and installation of the sidewalk and curb. However, CPB expressly reserves the right to pursue legal action to recover said costs together with other portions of the impact fee which CPB believes to be unreasonable, oppressive and otherwise illegal." Mayor Peterson said that the Church has stated from the beginning that it may sue the city for the impact fee and that they have that right. She said, however, that this fee had nothing to do with the installation of the pipe, sidewalk and curb. This, she said, was a condition of their receiving the building permit. Mayor Peterson stated that the city told the Church representatives when they met on December 9, 1983, that the city would not agree to anything which tried to tie these two together.

Robert Hales said that he does not understand what the impact fee was used for. Mayor Peterson said that the Church understood this.

Mayor Peterson said that this agreement has nothing to do with the impact fee, but a condition of issuing the building permit and its culmination in the occupancy permit. She said that if this could be re-worded, then it would be fine, but she could not support the agreement the way it stands.

Mr. Sellers asked the Mayor and Council if the Church had not agreed to place the pipeline, sidewalk and curb in, if they would have issued a building permit for the building. The Mayor and Council stated that they would not have. Mr. Sellers then explained that the issue the Council and Mayor feel strongly about is that the permit was issued in good faith that the Church would do these projects in order to get the building in. If the city knew the Church would sue over these projects, the building permit for the chapel would not have been issued.

The Council decided to change this portion of the agreement to read as follows:

"CPB shall pay for the burial of the pipe and installation of the sidewalk and curb.

"CPB expressly reserves the right to pursue legal action to recover portions of the impact fee which CPB believes to be unreasonable, oppressive and otherwise illegal."

The Council decided to hold off on issuing the occupancy permit until

the Church initials the changes and the agreement is back in the city.

Councilman Jones moved that the agreement be accepted as ammended and Councilman Callaway seconded. The motion passed unanimously.

Mayor Peterson asked if the Council had thought about the impact fee. Mr. Sellers explained that the fee was based on this property holding five building lots. There had already been one home on the lot, so the city only charged the Church a fee based on four lots. Councilman Olson suggested lowering the basis of the lots to four and then charging three of these. Mr. Sellers mentioned that the city has already sent about \$1,350 back to the Church when the final fee amount was set.

Mr. Hales said that he doesn't understand the problem. Mayor Peterson again explained that the Church is trying to tie the impact fee and the projects together and they are two seperate issues.

Mr. Sellers was instructed to change the agreement to read as the Council wanted and to write a letter to the CPB of the fact that some money had been sent back and they might have more of it returned.

Councilman Olson moved that the city ammend the impact from five lots to four lots and that the fee would be paid on three lots instead of four lots. Councilman Pay seconded the motion and it passed unanimously.

Councilman Callaway moved that the meeting stand adjourned and Councilman Pay seconded. The motion passed unanimously at 7:22 p.m.

Approved this 17th day of January, 1984.

BY: Sandra Peterson
Mayor Sandra Peterson

ATTEST: Sam Sellers
Sam Sellers
City Recorder/Clerk