

**APRIL 25, 1974**

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The City Council of the City of Idaho Falls met in recessed regular meeting, April 25, 1974, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting, Mayor S. Eddie Pedersen; Councilmen Ralph Wood, Gil Karst, Paul Hovey, Norris Gesas, Jim Freeman, and Mel Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lee Mundell, Personnel Director; Ernie Craner, Parks & Recreation Director; Don Lloyd, Public Works Director; Robert Pollock, Police Chief; Les Corcoran, Fire Chief; Steve Harrison, Electrical Engineer; Rod Gilchrist, City Planner.

Minutes of the last recessed regular meeting, held April 11, 1974, were read and approved.

The Mayor acknowledged Mr. Jack Couch in the Council Chambers, Troop Leader of a group of Venture Scouts, also present. The Mayor thanked them for their presence and their interest.

At the invitation of the Mayor, Councilman Erickson, as Chairman of the Golf Course Committee, escorted Mr. George Orullian, recently retired Golf Pro, to the Council Table. The Mayor noted that the Golf Association had recently held a dinner in tribute to Mr. Orullian expressing their appreciation in that manner for an extremely dedicated service record. The Mayor presented Orullian with an inscribed billfold and wished him well during his years of retirement. Mr. Orullian then responded by saying that he had served under seven Mayors and had been privileged to see Pinecrest grow and progress from a nine hole sand-green course to the thing of beauty that is in evidence today. Mr. Orullian assured the Mayor and Councilmen that the course was in fine shape and was in good hands under the present management. Mr. Orullian then received a congratulatory handshake from all City Official around the Council Table.

Mr. Reed Bowen appeared before the Council as attorney for Andre Brown, also present. By way of background, Mr. Bowen reminded the Mayor and Councilmen that his client had recently been dismissed as a Police Officer by the Police Chief, but after a hearing in front of the Civil Service Board, that group decided that this action was too harsh and reinstated Mr. Brown with the understanding that he was to be penalized to the extent of 6 months suspension without pay but with the further understanding that, upon reinstatement, Brown was to be promoted to the rank of Senior Patrolman. Bowen noted that, under the Civil Service Rules and Regulations, Brown should have been automatically promoted to that rank on March 24<sup>th</sup>, 1971. Mr. Bowen then formally made claim to the Mayor and Councilmen in the amount of \$1,587.94, which amount represented the difference in salary that Brown would have received from that date to the day of suspension, assuming said promotion had been effective on said date. Bowen noted that the evidence, as submitted at the Civil Service Hearing, indicated satisfactory service during that interim period, the primary violation being one of over weight which did not affect his effectiveness as a police officer. Brown said he recognized that it was not within the power of the Civil Service Board to grant this request and that was his purpose in presenting said request to the City Council. He said that the granting of said request would avoid the necessity of litigation in the Civil Court.

Asked for comment, City Attorney Smith said the Council would have a right to consider and even to grant this request if they so desired, acknowledging the fact that Mr. Bowen was attending this Council meeting at the written invitation of the Mayor. The City Attorney, however, said that the Council should take into consideration certain legal questions before rendering a decision. For instance, continued Smith, was Mr. Brown aggrieved as of March 24<sup>th</sup>, 1971, when he did not receive his promotion and, if so, why didn't he make his grievement known through the Civil Service Board at that time. Also, Brown continued to accept his pay check as rendered which, in the eyes of the law, denoted acceptance without protest.

Bowen countered by saying that there was no demotion on March 24, 1971, and in the absence of same, it would be difficult in his opinion, to substantiate the fact that there was no promotion.

Councilman Hovey asked if there was any indication on March 24, 1971, as to why Bowen was not promoted. Bowen said there was something less than an open flow of communication

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during that time between Brown and the Police Chief and he apparently felt it would be ill-advised to rock the boat, so to speak. Bowen said his client enjoyed his profession as a police officer, fully intended to resume his duties after the suspension and that this request, if granted, would tend to improve relations at that time.

In the absence of further comment, it was moved by Councilman Erickson, seconded by Freeman, that this claim for back salary, as requested and stated, be denied. Roll call as follows: Ayes, 6; No, none; carried.

Messrs. Ray Goshart and Sterling Jensen, co-owners of the Idaho Falls Monument Company, appeared before the Council. Mr. Goshart, acting as spokesman, drew attention to the fact that the City has a cemetery problem, generally, and it could become acute within the predictable future. He drew attention to the fact that Rosehill Cemetery is virtually out of available burial spaces and that most desirable locations have been taken up, at least from the standpoint of ownership. Mr. Goshart said it was their understanding that the property across Rollandet to the west was originally acquired with the intention that it be used for cemetery purposes. Also, continued Goshart, there is a substantial undeveloped area in Fielding. Goshart acknowledged the fact that for several years, the City has had a reacquisition policy at Rosehill, whereby anyone not needing their cemetery property for purposes of interment could offer said property back to the City and the City would purchase and resell same. Goshart said this was a fine program but that it was only semi-effective, due to lack of publicity. He said he dreaded the thought that there might come a time when a beautiful cemetery such a Rosehill might become virtually inactive. Goshart proposed that, from a standpoint of perpetuation, whether it be by the extension of Rosehill or the development of more area at Fielding, there is a need for one or both of these areas to be memorialized as there is no substitute for memorization in the opinion of many who have a need to place their loved ones to rest. Goshart submitted certain material from an association with which they were affiliated who were experts in the field of proper cemetery development and platting and that, through said Association, the City could receive financial assistance in said development. Councilman Karst concurred that the City's reacquisition program, should receive more publicity. It was moved by Councilman Freeman, seconded by Erickson, that this proposal be referred to the Parks and Recreation Council Committee for study and consideration. Roll call as follows: Ayes, 6; No, none; carried.

License applications for GROCERY STORE, Frank R. Hammel for KOA Kampground; RESTAURANT, Craig's Taco Time by Gil Craig; JOURNEYMAN ELECTRICIAN, Neal Pifer with Northwest Electric; APPRENTICE ELECTRICIAN, W. Lee Passey with LOC Electric, Dean Bunnell with Harold Christensen Electric; CLASS D JOURNEYMAN REF, Douglas E. Sanderson; NON-COMMERCIAL KENNEL, Danny J. Olsen; SECOND HAND & ANTIQUE, Dean Seedall doing business as Dean's Antiques; BEER, Canned and bottled, not to be consumed on the premises, Francis R. Hammond for KOA Kampgrounds; BARTENDER, Gerald Guthrie, William E. Hiatt, Jr., Leone W. Eames, Terry Collier, Marjorie Boyenger, Robert C. Woods, were presented. It was moved by Councilman Wood, seconded by Freeman, that these licenses be granted, subject to the approval of the appropriate Division Directors, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk drew attention to the fact that a majority of the Councilmen had, in April 15<sup>th</sup>, 1974, registered their informal approval to acceptance of a contract between the City and Ormond Construction Company in the amount of \$1,329,566 for construction of an Administration Building for the Electrical Division. This resulted in a letter having been sent to that company by Electrical Engineer Harrison on that date advising said company of the action as taken and, also, the signing of the contract by the Mayor and City Clerk on the 23<sup>rd</sup> day of April. It was moved by Councilman Hovey, seconded by Gesas, that these actions, as described, be duly ratified. Roll call as follows: Ayes, 6; No, none; carried.

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Presented by the City Clerk was a City redemption tax deed in favor of Lloyd and Frances Goodrich, accompanied by this resolution:

**R E S O L U T I O N (Resolution No. 1974-12)**

WHEREAS, the City of Idaho Falls, did under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 20<sup>th</sup> day of February, 1969, recorded as Instrument No. 394065, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

Lots 31 and 32, Block 6, Capital Hill Addition to the City of Idaho Falls,  
Bonneville County, Idaho

WHEREAS, LLOYD R. GOODRICH AND FRANCES GOODRICH, has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said LLOYD R. GOODRICH AND FRANCES GOODRICH, his wife, a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 25<sup>th</sup> day of April, 1974.

APPROVED BY THE MAYOR this 25<sup>th</sup> day of April, 1974.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

It was moved by Councilman Karst, seconded by Freeman, that the Mayor and City Clerk be authorized to sign the resolution and the deed. Roll call as follows: Ayes, 6; No, none; carried.

From the Purchasing Department, came this memo:

City of Idaho Falls  
April 24, 1974

Chain Link Fence  
Budgeted \$8,000.00

Honorable Mayor and Councilmembers:

The Purchasing Department requests approval to advertise for bids for chain link fence for Electric Light Substation and the Rack.

This recommendation subject to your approval.

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s/ W. J. Skow  
Purchasing Department

It was moved by Councilman Hovey, seconded by Gesas, that authorization be granted to advertise for bids on the fencing as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Purchasing Department was forthcoming, as follows:

City of Idaho Falls  
April 25, 1974

One 750 KVA Transformer

Honorable Mayor and Councilmembers:

The Electric Light Division and the Purchasing Department requests approval to advertise for bids for one 750 KVA Transformer to serve the new Electric Division Administration Building at 140 South Capital Avenue.

This recommendation subject to your approval.

s/ W. J. Skow  
Purchasing Department

It was moved by Councilman Hovey, seconded by Gesas, that the Purchasing Department be authorized to advertise for bids on the transformer as described. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Purchasing Department, this memo was submitted:

City of Idaho Falls  
April 23, 1974

Air Conditioning for Council Chambers and City Clerk Offices.

Honorable Mayor and Councilmembers:

The Purchasing Department requests approval to advertise for bids for air conditioning for Council Chambers and City Clerks Offices.

This recommendation subject to your approval.

s/ W. J. Skow  
Purchasing Department

It was moved by Councilman Karst, seconded by Freeman, that authorization be granted to advertise for bids on the equipment and for the areas as described. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented this memo:

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Honorable Mayor and City Council  
City of Idaho Falls  
Idaho Falls, Idaho

Gentlemen:

The Police Department reports that they again have sufficient accumulation of impounded or unclaimed vehicles and merchandise to warrant an auction sale. We hereby request authorization to conduct same at the usual time and place on Saturday, May 18<sup>th</sup>, 1974.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Erickson, seconded by Karst, that authorization be granted to conduct an auction sale on the date as indicated and the City Clerk also be authorized to publish legal notice accordingly, as required by law. Roll call as follows: Ayes, 6; No, none; carried.

From the Parks and Recreation Director, this memo was presented and read:

City of Idaho Falls  
April 24, 1974

TO: Mayor and City Council  
FROM: Ernest C. Craner, Director  
SUBJECT: SPRINKLING SYSTEM – EAST TAUTPHAUS PARK

Request authorization to advertise for bids for a sprinkling system at east Tautphaus Park.

s/ Ernest Craner

It was moved by Councilman Freeman, seconded by Erickson, that authorization be granted to advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried.

The Public Works Director presented this memo through the City Clerk:

City of Idaho Falls  
April 25, 1974

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: LANDSCAPING AT SEWAGE TREATMENT PLANT

Plans and specifications are nearly completed for the landscaping and sprinkler irrigation system for the sewage treatment plant. This project is funded from the bond issue and we would request authorization for the City Clerk to advertise.

s/ Don

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It was moved by Councilman Gesas, seconded by Karst, that authorization be given to advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the Public Works Director was submitted, to-wit:

City of Idaho Falls  
April 25, 1974

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: SEWAGE TREATMENT PLANT TRUCK GARAGE

Last September, bids were received for the sewage treatment plant truck garage. The bids were considered too high and the Council rejected all bids. Funding has been reviewed and there is available financing for this structure. We would request authorization for the City Clerk to re-advertise this truck garage for competitive bidding.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the City Clerk be authorized to re-advertise for bids on the project as described. Roll call as follows: Ayes, 6; No, none; carried.

This memo, also from the Public Works Director, was presented and studied:

City of Idaho Falls  
April 25, 1974

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: LINDSAY BOULEVARD WATERLINE

On April 23, we received three bids for the construction of a water line on Lindsay Boulevard as follows:

Engineer's Estimate	\$41,360.00
Hartwell Excavating Co.	32,985.00
R. V. Burggraf Construction	40,185.00
Grover Construction	47,075.00

These bids have been reviewed and we are recommending that a contract be awarded to the low bidder Harwell Excavating Co. in the amount of \$32,985.00.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the low bid of Hartwell Excavating Company be accepted for the project as indicated. Roll call as follows: Ayes, 6; No, none; carried.

Still another memo from the Public Works Director was submitted, as follows:

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TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: S.W. BONNEVILLE & 9<sup>TH</sup> STREET WATERLINE

On April 23 we received four bids for the construction of a waterline on S.W. Bonneville Drive as follows:

Engineer's Estimate	\$25,091.50
Hartwell Excavating Co.	23,410.00
R.V. Burggraf Co.	23,643.00
Gray Landscaping	26,092.50
Grover Construction	33,642.50

These bids have been reviewed and we are recommending that a contract be awarded to the low bidder Hartwell Excavating Co. in the amount of \$23,410.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the low bid of Hartwell Excavating Company be accepted for the project as indicated. Roll call as follows: Ayes, 6; No, none; carried. Finally, from the Public Works Director, this memo was read and studied:

City of Idaho Falls  
April 25, 1974

TO: Honorable Mayor and City Council  
FROM: Donald F. Lloyd  
SUBJECT: BLUE SKY DRIVE RIGHT-OF-WAY

We have been making preliminary inquiries into the acquisition of right-of-way for the west extension of Blue Sky Drive for and beyond the new junior high school. We have made initial contact with the property owner and have appraisal figures and the Public Works Committee has been appraised of the situation. We are requesting authorization for the City Attorney to complete negotiations for this right-of-way within the limits established by the Public Works Committee.

s/ Don

It was moved by Councilman Gesas, seconded by Karst, that the City Attorney be authorized and directed to complete all negotiations for right-of-way acquisition as it would pertain to the west extension of Blue Sky Drive for and beyond the new junior high school. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Director of Aviation was presented through the City Clerk:

City of Idaho Falls  
April 16, 1974

TO: Mayor and City Council  
FROM: Airport Committee  
SUBJECT: U.S. BUREAU OF LAND MANAGEMENT AIRPORT SPACE LEASE

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The previous subject lease for 100' X 200' of space 6 months per year on the east side of the airport in the aircraft parking area has expired.

The attached new lease is the same as the previous, with two exceptions:

1. The rental fee is adjusted from \$200 per season to \$500.
2. The lease is for an indefinite period, but provides annual cancellation by either party.

Due to similarity to the previous agreement, this matter was not cleared with the City Attorney's Office.

The Airport Committee recommends approval of this agreement.

s/ H.P. Hill

It was moved by Councilman Wood, seconded by Gesas, that the agreement, as described, be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls  
April 22, 1974

TO: Mayor and City Council  
FROM: Airport Committee  
SUBJECT: FEDERAL AIRPORT AID GRANTS FISCAL 1974

Airport improvement projects in the approved City budget include Federal grants-in-aids for purchase of both inhabited and uninhabited property – as well as asphalt improvements to access roadways, aircraft parking areas, and runway. As usual, to expedite these programs for completion this year, it is necessary that the voluminous paper work be accomplished in the expeditious manner.

Accordingly, the Airport Committee recommends that the City Council give prior approval for these requests-in-aid, grant offers, grant agreements, etc.--- providing each document is approved by the City Attorney prior to ratification by the Mayor and City Clerk. This will preclude delays up to two weeks in local execution of the various documents. Your favorable consideration of this request will be appreciated.

s/ Pete Hill

It was moved by Councilman Wood, seconded by Gesas, that advance approval be given for all requests-in aid, grant offers, grant agreements, etc., at the airport for 1974 with the understanding that all documents, prior to being signed by the Mayor and City Clerk be perused and approved by the City Attorney. Roll call as follows: Ayes, 6; No, none; carried.

From the Building Official, this memo was presented:

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City of Idaho Falls  
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MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Building & Zoning Divisions  
SUBJECT: VARIANCE FROM ORDINANCE #1115

Mr. and Mrs. Robert V. Owen requests a variance to construct a six (6) foot addition on the front of their dwelling at 1045 Homer Avenue in an R-1 zone leaving a 24 foot yard. Ordinance #1115 requires a 30 foot front setback.

This appeal was first presented to the Board of Adjustment on April 9, 1974, at which time the request was denied because of the fact that all dwellings on the entire block have a 30 foot setback. The Board felt they would actually be amending the ordinance to grant this appeal due to the complete violation of the setback requirements. Section 2, page 75 of the ordinance reads: "The Board of Adjustment cannot grant a request which would be contrary to the spirit of the Zoning Ordinance to its objectives and purposes". Therefore, the request was denied by a unanimous vote.

Respectfully submitted for your consideration.

s/ Paul Lundblade

Councilman Freeman registered concern about the granting of this variance on the grounds that it would be precedent setting.

Mr. Owen appeared before the Council briefly to explain that, at the request of the Board of Adjustment, he obtained assenting signatures from all near-by neighbors within 200 feet. He said it was difficult for him to understand why he was asked to do this, only to have the same board deny the request for a variance. Asked for comment, City Planner Gilchrist explained that this is standard procedure for the Board of Adjustment to ascertain this information from all near-by residents as originally proposed by the City Council. He said the Board does not know, until a petition is circulated, how near-by residents feel on matters of this nature and it doesn't necessarily affect their decisions. It was moved by Councilman Wood, seconded by Karst, that this variance be granted. Roll call as follows: Ayes, Councilman Wood; No, Councilmen Freeman, Erickson, Karst, Gesas and Erickson. It was then moved by Councilman Karst, seconded by Freeman, that this request for a variance be denied. Roll call as follows: Ayes, 5; No, one; carried. Councilman Wood voting no.

The Mayor announced that one of the purposes of the meeting was the canvass of the returns of the special bond election held in the City on April 23, 1974, pursuant to the provisions of Ordinance Number 1379 adopted on March 7, 1974.

The City Clerk then presented to the Council the returns of the election on the proposition from each voting place, the ballots cast at the election and all other pertinent data. The City Council thereupon proceeded to canvass the results of said election and to incorporate their findings and determination into the form of the following resolution, which was introduced in written form by Councilman Karst, was read in full, and pursuant to motion made by Councilman Erickson, and seconded by Councilman Hovey, was adopted by the following vote: Ayes, Councilmen Erickson, Freeman, Gesas, Hovey, Karst, and Wood. No, none, carried.

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The resolution was thereupon signed by the Mayor, attested by the City Clerk, was ordered recorded and is as follows:

**(Resolution No. 1974-13)**

A RESOLUTION canvassing the results of an election held in the City of Idaho Falls, Idaho, on April 23, 1974, on the authorization of \$1,500,000 General Obligation Recreation Bonds of said City, and determining the results of said election.

WHEREAS, on March 7, 1974, the City Council of the City of Idaho Falls adopted Ordinance Number 1379 calling an election to be held in said City on April 23, 1974, for the purpose of submitting to the electors of the City qualified to vote thereon the proposition hereinafter set out; and

WHEREAS, said election has been duly held pursuant to the provisions of said ordinance and pursuant to the provisions of the Constitution and Laws of Idaho and the results thereof have been canvassed by the City Council and a complete investigation has been made by the Council as to the manner in which said election was held and as to the regularity thereof.

NOW THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls, Bonneville County, Idaho, as follows:

Section 1. That a special election was held in the City of Idaho Falls on April 23, 1974, at which election there was submitted to the qualified electors of said City the following proposition:

QUESTION: Shall the City of Idaho Falls, Idaho, issue and sell its negotiable coupon general bonds to the amount of \$1,500,000 for the purpose of providing funds with which to purchase, improve and equip land and buildings thereon for recreation facilities consisting of a golf course and a year round swimming pool, either wholly or partly within or without the corporate limits of said City, for said City, as more fully provided in Ordinance Number 1379 adopted on March 7, 1974?

Section 2. That notice of the calling of said election was duly called and legally given by the publication of an appropriate notice in the Post Register, a newspaper published and having general circulation in the City of Idaho Falls, on March 17, March 24, March 31, April 7, April 14, 1974, such publication having been made once a week on the same day of each of five successive weeks, with the first publication being not less than thirty (30) days prior to the date fixed for election.

Section 3. That the polls at said election were opened at 12:00 o'clock noon and remained open continuously until and closed at the hour of 8:00 o'clock p.m. at the voting places specified in Section 6 hereof.

Section 4. That only persons who were on said April 23, 1974, qualified electors of the City of Idaho Falls eighteen (18) years of age or older and properly registered and

possessing the qualifications of residents were permitted to vote at said election, and that no person qualified to vote at said election was refused the right to vote at the election.

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Section 5. That the ballots used at said election were in the form prescribed by law and by said Ordinance Number 1379.

Section 6. That the results of the election on said proposition were, and are hereby formally found and determined to be as follows:

POLLING PLACE	NO OF VOTES IN FAVOR	NO OF VOTES AGAINST	NO OF MUTILATED BALLOTS
A. H. Bush Elementary School	30	69	1
Highland Park Log Hut	43	119	1
Riverside Elementary School	24	75	2
Veterans Memorial Building	7	41	0
Temple View Elementary School	119	135	0
O.E. Bell Junior High School	78	109	2
Hawthorne Elementary School	46	139	1
Longfellow Elementary School	227	156	4
Linden Park Elementary School	177	123	0
Theresa Bunker Elementary	119	134	3
Pinecrest Golf Club House	61	88	1
Dora Erickson Elementary	109	126	1
Emerson Elementary School	145	110	0
Idaho Falls Senior High School	169	133	2
Edgemont Gardens School	265	85	0
Ethel Boyes Elementary School	<u>175</u>	<u>109</u>	<u>1</u>
TOTAL:	1,794	1,751	19

Section 7. That it is hereby found, determined and declared that said proposition on the issuance of \$1,500,000 bonds for recreation purposes did not carry by a majority of more than two-thirds of the qualified electors of the City voting at the election on said bonds.

It is further found and declared that said election was in all things held and conducted in strict compliance with law, and that the City Council is not authorized to proceed with the authorization of the bonds specified in said proposition.

Adopted and approved April 25, 1974.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

There being no further business, it was moved by Councilman Gesas, seconded by Erickson, that the meeting adjourn at 9:05 p.m., carried.

ATTEST: s/ Roy C. Barnes  
City Clerk

s/ S. Eddie Pedersen  
Mayor

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