

**JULY 24, 2008**

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 24, 2008, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor ProTem Ida Hardcastle  
Councilmember Michael Lehto  
Councilmember Ken Taylor  
Councilmember Thomas Hally  
Councilmember Karen Cornwell

Absent was:

Mayor Jared D. Fuhriman  
Councilmember Sharon D. Parry

Also present:

Dale Storer, City Attorney  
Rosemarie Anderson, City Clerk  
All available Division Directors

Mayor ProTem Hardcastle requested Boy Scout Aaron Solle to lead those present in the Pledge of Allegiance.

**CONSENT AGENDA ITEMS**

The City Clerk requested approval of the Minutes from the July 10, 2008 Regular Council Meeting.

The City Clerk presented several license applications, including a BEER TO BE CONSUMED ON THE PREMISES License to The Zone (Transfer Only), all carrying the required approvals, and requested authorization to issue those licenses.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on July 24, 2008.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
July 18, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO ADVERTISE TO RECEIVE BIDS FOR THE  
REROOF OF THE WASTE WATER TREATMENT PLANT

It is respectfully requested that the Mayor and City Council authorize Municipal Services to bid the reroof of the Waste Water Treatment Plant.

s/ S. Craig Lords

**JULY 24, 2008**

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City of Idaho Falls  
July 18, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO BID THE RESTORATION OF THE LOG HORSE BARN AT TAUTPHAUS PARK

It is respectfully requested that the Mayor and City Council authorize Municipal Services to bid the restoration of the Log Horse Barn at Tautphaus Park.

s/ S. Craig Lords

The Public Works Director submitted the following memo:

City of Idaho Falls  
July 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AUTHORIZATION – WELL NO. 18, DRILLING

Public Works requests authorization to advertise to receive bids for drilling Well No. 18.

s/ Chad Stanger

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Consent Agenda in accordance with the recommendations presented. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

**REGULAR AGENDA**

Kailey Smith, President of the Mayor's Youth Advisory Council appeared to show a PowerPoint Presentation regarding the Summer Camp provided to at-risk children in June, 2008. Lillian Russell presented a PowerPoint Presentation regarding the trip to Boise, Idaho for the Association of Idaho Cities Conference in June, 2008.

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The Airport Director submitted the following memo:

City of Idaho Falls  
July 10, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Len Nelson, Airport Director  
SUBJECT: CONSENT TO ASSIGNMENT/AIRPORT LEASE AGREEMENT

Attached for City Council approval is the Consent to Assignment and Airport Lease Agreement for the transfers of an Aircraft Hangar between Robert E. Clayton and Skylane Air, LLC, located at 2549 Foote Drive. All other terms and conditions of the lease remain the same.

The Airport Division recommends approval and requests the Mayor be authorized to execute the contract documents.

s/ Len Nelson

It was moved by Councilmember Cornwell, seconded by Councilmember Lehto, to approve the Consent to Assignment and Airport Lease Agreement for the transfers of an Aircraft Hangar between Robert E. Clayton and Skylane Air, LLC located at 2549 Foote Drive and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Taylor  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

The Idaho Falls Power Director submitted the following memos:

City of Idaho Falls  
May 19, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BUREAU VERITAS NORTH AMERICAN, INC. TO COMPLETE THE UPPER PLANT REWIND CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES

**JULY 24, 2008**

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On May 19, 2008, Council authorized Idaho Falls Power to solicit proposals for on-site construction administration and inspection services during the upper plant rewind project this fall. Idaho Falls Power received two proposals on this project, one after the posted deadline for submittal. Attached is a summary of the proposals received. Staff has reviewed the proposal received by Bureau Veritas North American, Inc., finding they are qualified and have met the scope of the project.

Staff recommends awarding this project to Bureau Veritas North American, Inc. for an amount not to exceed \$75,000.00.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the proposal from Bureau Veritas North American, Inc. to complete the Upper Plant Rewind Construction Administration and Inspection Services in an amount not to exceed \$75,000.00. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
July 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jo Elg, Assistant Idaho Falls Power Director  
SUBJECT: JOINT CONTRACTING FOR LEGAL SERVICE AGREEMENT

Attached for your consideration is an Agreement among the power cities in the State of Idaho to share legal costs associated with the ability of municipals to enter into the BPA Power Sales Agreement.

Idaho Falls Power respectfully recommends approval of the Agreement and authorization for the Mayor to sign the document.

s/ Jo Elg

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Joint Contracting for Legal Service Agreement to share legal costs associated with the ability of municipals to enter into the Bonneville Power Administration Agreement and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

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Aye: Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
July 22, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Jackie Flowers, Idaho Falls Power Director  
SUBJECT: IDAHO FALLS POWER BUILDING, CHANGE ORDER NO. 2

Attached is Change Order No. 2 to the Idaho Falls Power Building Renovation Project (Phase 2) for \$5,374.00.

Idaho Falls Power requests Council approval of this Change Order and authorization for the Mayor to sign the documents.

s/ Jackie Flowers

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve Change Order No. 2 to Double E Construction, Inc. for the Idaho Falls Power Building Renovation Project, Phase 2, in the amount of \$5,374.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Municipal Services Director submitted the following memos:

City of Idaho Falls  
July 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: FIBER NETWORK SUPPORT/MAINTENANCE CONTRACT

**JULY 24, 2008**

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It is respectfully requested that the City enter into a one (1) year maintenance and support contract with Qwest for our current fiber network equipment in the amount of \$52,013.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to approve the Fiber Network Support/Maintenance Contract with Qwest for a one (1) year period in the amount of \$52,013.00 and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hally  
Councilmember Taylor

Nay: None

Motion Carried.

City of Idaho Falls  
July 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-28, THREE (3) NEW 230 KV, MANUAL OPERATED, VERTICAL BREAK DISCONNECT SWITCHES

Attached for your consideration is the tabulation for the above subject bid.

The apparent low bid submitted by USCO Power Equipment did not meet the required specification. They took exception to furnishing the required ground connections and line terminals. Therefore, it is the recommendation of Municipal Services to accept the next low bid of General Pacific, Inc. to furnish the required switches for a total amount of \$40,515.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to reject the low bid submitted by USCO Power Equipment as it did not meet the required specification and, further, accept the next low bid from General Pacific, Inc. to furnish Three (3) New 230 KV, Manual Operated, Vertical Break Disconnect Switches for a total amount of \$40,515.00. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto

**JULY 24, 2008**

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Nay: None

Motion Carried.

City of Idaho Falls  
July 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-26, ONE (1) NEW 2008 OR NEWER SELF-CONTAINED  
PROPELLED/SELF-CONTAINED HORIZONTAL DIRECTIONAL  
DRILL/BORE UNIT

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services to accept the low bid of Ditch Witch of the Rockies to furnish a Ditch Witch Bore Unit and Fluid Mixing System; a Towmaster Tilt Bed Trailer; and, a drilling locating system Ditch Witch Subsite for a lump sum total amount of \$121,019.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the low bid from Ditch Witch of the Rockies to furnish a Ditch Witch Bore Unit and Fluid Mixing System; a Towmaster Tilt Bed Trailer; and a drilling locating system Ditch Witch Subsite for a lump sum total amount of \$121,019.00. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Taylor  
Councilmember Hardcastle  
Councilmember Lehto  
Councilmember Hally

Nay: None

Motion Carried.

City of Idaho Falls  
July 16, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-08-27, ONE (1) NEW 2008 SEWER FLUSHER UNIT  
MOUNTED ON A NEW 2008 OR NEWER CAB AND CHASSIS

Attached for your consideration is the tabulation for the above subject bid.

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It is the recommendation of Municipal Services to accept the sole bid of Hirning GMC to furnish a new 2008 Sreco-Flexible Inc. Sewer Flusher mounted on a New 2009 GMC Cab and Chassis for a total amount of \$147,716.00.

s/ S. Craig Lords

It was moved by Councilmember Taylor, seconded by Councilmember Hardcastle, to accept the sole bid from Hirning GMC to furnish a New 2008 Sreco-Flexible, Inc. Sewer Flusher mounted on a New 2009 GMC Cab and Chassis for a total amount of \$147,716.00. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The Parks and Recreation Director submitted the following memo:

City of Idaho Falls  
July 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: David J. Christiansen, Parks and Recreation Director  
SUBJECT: BID AWARD – TAUTPHAUS PARK ZOO SANITARY SEWER LINE  
SOFTBALL DRIVE TO 25<sup>TH</sup> STREET

On Tuesday, July 15, 2008, bids were opened for the Tautphaus Park Zoo Sanitary Sewer Line Project. The low responsive bidder for the project was Ideal Contractors, Inc. of Idaho Falls, Idaho, in the amount of \$50,420.00. The Engineer's Estimate for this project was \$91,810.00.

The Parks and Recreation Division respectfully requests approval of the plans and specifications as presented and recommends authorization to execute said contract.

s/ David J. Christiansen

It was moved by Councilmember Hardcastle, seconded by Councilmember Lehto, to approve the plans and specifications for this project; accept the low responsive bid from Ideal Contractors, Inc. to complete the Tautphaus Park Zoo Sanitary Sewer Line Project in the amount of \$50,420.00; and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

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Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

The memo from the Police Chief regarding the Graffiti Ordinance was withdrawn by the Police Chief.

The Public Works Director submitted the following memos:

City of Idaho Falls  
July 17, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: BID AWARD – AIRPORT WATER LINE, GRANDVIEW DRIVE TO OLD BUTTE ROAD

On July 15, 2008, bids were received for the Airport Water Line, Grandview Drive to Old Butte Road Project. A tabulation of the bid results is attached.

Public Works recommends award of this Contract to the low bidder 3H Construction, LLC; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to accept the low bid from 3H Construction, LLC to complete the Airport Water Line, Grandview Drive to Old Butte Road Project and, further, give authorization for the Mayor and City Clerk to execute the necessary contract documents. Roll call as follows:

Aye: Councilmember Cornwell  
Councilmember Hardcastle  
Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto

Nay: None

Motion Carried.

**JULY 24, 2008**

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City of Idaho Falls  
July 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: OUTSIDE-THE-CITY WATER SERVICE

Attached is an Outside-the-City Water Service Agreement between the City and Dayle and Karen Daniel. This property is located at 4400 North 5<sup>th</sup> West and is one of ten (10) homes near Bonneville County landfill to which the City previously agreed to provide water service.

Public Works recommends approval of this agreement; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Outside-the-City Water Service Agreement between the City of Idaho Falls and Dale and Karen Daniel for property located at 4400 North 5<sup>th</sup> West and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Taylor  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls  
July 17, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – SUNNYSIDE CROSSROADS REGIONAL CENTER NORTH, DIVISION NO. 2

As previously authorized, the City Attorney has prepared attached documents to vacate a road easement located in Sunnyside Crossroads Regional Center North, Division No. 2.

Public Works recommends approval of this easement vacation; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

**JULY 24, 2008**

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At the request of Councilmember Lehto, the City Attorney read the following Ordinance by title only:

**ORDINANCE NO. 2769**

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Hally seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally  
Councilmember Taylor  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls  
July 18, 2008

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works Director  
SUBJECT: EASEMENT VACATION – LOT 3, BLOCK 1, FIRST AMENDED, MADSEN ADDITION, DIVISION NO. 1

As previously authorized, the City Attorney has prepared attached documents needed to vacate a utility easement located in Lot 3, Block 1, First Amended Madsen Addition, Division No. 1.

Public Works recommends approval of this easement vacation; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

**JULY 24, 2008**

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At the request of Councilmember Lehto, the City Attorney read the following Ordinance by title only:

**ORDINANCE NO. 2770**

AN ORDINANCE VACATING A CERTAIN EASEMENT WITHIN THE CITY OF IDAHO FALLS, IDAHO; PARTICULARLY DESCRIBING THE SAID EASEMENT; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ON BEHALF OF THE CITY A QUITCLAIM DEED CONVEYING THE VACATED EASEMENT TO THE OWNER OF THE ADJACENT LAND, AND NAMING IT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

The foregoing Ordinance was presented by title only. Councilmember Lehto moved, and Councilmember Hally seconded, that the provisions of Idaho Code Section 50-902 requiring all Ordinances to be read by title, and once in full, on three separate dates be dispensed with, the Ordinance be passed on all three readings, and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

Mayor ProTem Hardcastle requested Councilmember Hally to conduct a public hearing for consideration of a rezoning from R-3A (Apartments and Professional Offices) to C-1 (Limited Retail Business), Development Agreement, and Final Plat for property located generally south of West Broadway, north of Robb Street, east of Troy Avenue, west of Ben Franklin Store and legally described as Alice Dickson Estates Addition, Division No. 8. At the request of Councilmember Hally, the City Clerk read the following memo from the Planning and Building Director:

City of Idaho Falls  
July 18, 2008

MEMORANDUM

TO: Mayor and City Council  
FROM: Renee R. Magee, Planning and Building Director  
SUBJECT: REZONING FROM R-3A TO C-1 OF THE NORTHERN 292 FEET OF LOT 1, BLOCK 1, AND THE FINAL PLAT – ALICE DICKSON ESTATES ADDITION, DIVISION NO. 8

**JULY 24, 2008**

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Attached are the Development Agreement, Application for Rezoning, and Plat entitled Alice Dickson Estates Addition, Division No. 8. This parcel is located east of Troy Avenue, south of and adjacent to West Broadway, west of Dale Avenue, and north of Robb Street. The Planning Commission considered this rezoning request at its June 17, 2008 Meeting and recommended approval for the rezoning and Final Plat in a 5 to 3 vote. This request is now being submitted to the Mayor and Council for consideration.

s/ Renee R. Magee

The Assistant Planning and Building Director located the subject area on a map and further explained the request. Following is a list of exhibits used in connection with this rezoning request:

Slide 1	Vicinity Map showing surrounding zoning
Slide 2	Vicinity Map showing Final Plat under consideration
Slide 3	Aerial Photo
Slide 4	Aerial Photo – Close-Up
Slide 5	Comprehensive Plan
Slide 6	Final Plat under consideration
Slide 7	Site Photo of office buildings to west
Slide 8	Site Photo showing residential properties to the south
Slide 9	Site Photo showing commercial properties to the east
Slide 10	Site Photo looking north
Exhibit 1	Planning Commission Minutes dated June 17, 2008
Exhibit 2	Staff Report dated June 17, 2008
Exhibit 3	Vicinity Map
Exhibit 4	Copy of Final Plat

The Assistant Planning and Building Director explained, further, that the Access Management Plan requires access points along Broadway to be 360 feet apart. The front of this property is approximately 140 feet. Under today's standards, even the accesses along Margette Way as well as the accesses of the office buildings do not meet the current standards. Margette Way was approved under the Preliminary Plat in the 1970's. These accesses exist and the Planning and Building Division is requesting that no other accesses be granted to this property off of Broadway. All accesses will be from Margette Way. The 8<sup>th</sup> stipulation under the Special Conditions in the Development Agreement requires that the developer install the required arterial buffer at the time of construction.

Rodney Ellsworth, Ellsworth and Associates, 253 First Street, appeared to answer any questions from the Council. There were no questions or comments.

There being no further discussion either in favor of or in opposition to this rezoning request, Mayor ProTem Hardcastle closed the public hearing.

It was moved by Councilmember Hally, seconded by Councilmember Hardcastle, to approve the Development Agreement for the northern 292 feet of Lot 1, Block 1, Alice Dickson Estates Addition, Division No. 8 and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye:	Councilmember Cornwell
	Councilmember Hardcastle
	Councilmember Hally
	Councilmember Taylor
	Councilmember Lehto

**JULY 24, 2008**

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Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to accept the Final Plat for the northern 292 feet of Lot 1, Block 1, Alice Dickson Estates Addition, Division No. 8 and, further, give authorization for the Mayor, City Engineer, and City Clerk to sign the Final Plat. Roll call as follows:

Aye: Councilmember Lehto  
Councilmember Hardcastle  
Councilmember Taylor  
Councilmember Hally  
Councilmember Cornwell

Nay: None

Motion Carried.

It was moved by Councilmember Hally, seconded by Councilmember Lehto, to approve the rezone for the northern 292 feet of Lot 1, Block 1, Alice Dickson Estates Addition, Division No. 8 from R-3A (Apartments and Professional Offices) to C-1 (Limited Retail Business), on property located generally east of Troy Avenue, south of and adjacent to West Broadway, west of Dale Avenue, and north of Robb Street and, further, that the City Planner be instructed to reflect said zoning change on the official Zoning Map located in the Planning Office. Roll call as follows:

Aye: Councilmember Taylor  
Councilmember Hally  
Councilmember Lehto  
Councilmember Cornwell  
Councilmember Hardcastle

Nay: None

Motion Carried.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Cornwell, that the meeting adjourn at 8:10 p.m.

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CITY CLERK

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MAYOR

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