

JUNE 24, 1971

The City Council of the City of Idaho Falls met in a Recessed Regular Meeting the 24th day of June, 1971, at 7:30 P.M. in the Council Chambers in Idaho Falls, Idaho. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmen Jack Wood, Gordon Nelson, Paul Hovey, Dale Parish, Jim Freeman, and Melvin Erickson. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Rod Gilchrist, City Planner; Pete Ahlstrom, City Librarian; Ernie Craner, Parks & Recreation Director; Don Lloyd, Public Works Director.

Minutes of the last Recessed Regular Meeting, held June 10th, were read and approved.

The Mayor asked Councilman Parish, as Chairman of the Fiscal Committee, to escort Mr. Harvey Crandall to the Council Table. As an ex-City employee retiree, having worked in the office of the City Controller, the Mayor commended Mr. Harvey Crandall on his efficient manner of record keeping, fiscal responsibility and dedicated integrity. The Mayor then presented Mr. Crandall with an inscribed billfold. He then received a word of congratulations from all City Officials around the Council Table.

At the request of the Mayor, Public Works Director Lloyd then reported the untimely passing of Mr. Burdett Walters on June 23, 1971. Mr. Walters was employed by the Street Department as a street sweeping operator. It was moved by Councilman Nelson, seconded by Parish, that the Mayor be directed and authorized, in behalf of the City Council and all City employees, to send condolences to the family and offer any assistance that might be appropriately needed. Roll call as follows: Ayes, 6; No, none; carried.

Reference is made to Page 618 in this Book of Minutes and, more specifically, a written request from Mr. G. H. Godfrey, 1630 Brentwood, representing himself and several neighbors, that a portion of Terrace Drive from its point of intersection with Brentwood to Skyline Drive be renamed Brentwood Street. Noting Mr. Godfrey in the Council Chambers, the Mayor asked the City Attorney to introduce this Ordinance:

ORDINANCE NO. 1299

AN ORDINANCE CHANGING THE NAME OF A PORTION OF TERRACE DRIVE TO BRENTWOOD STREET; PARTICULARLY DESCRIBING THE PORTION OF STREET SO RE-NAMED; PROVIDING WHEN THE ORDINANCE BECOMES EFFECTIVE.

The foregoing Ordinance was presented in title. It was moved by Councilman Wood, seconded by Parish, 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 REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 6; 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, 6; No, none; carried.

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License applications for FIREWORKS, Kenneth Walters for Skaggs Drug at Country Club Shopping Center. Michael Telten for Skaggs Drug at 460 Park Avenue, Del Ray Bodily for Gamble's Food Store, Dennis R. Evans for 22nd Ward at Country Club Shopping Center, and Scotty's Drive-In, Pay-N-Save Drug by Jack W. Carey, Ralph Holden for Okay Food Center, David Price for Kings Variety Store, Lamont Howell for Monty's Food Kings #1 & #2, Janiel Mayeda for Katz Pharmacy, V. K. Putman for Buds Arco Service Station, George R. Tate for Ben Franklin, Tucker Morishita, Richard E. Rapp for 7-11 Stores (3 locations), Velma Chandler for 25th Ward at Safeway Parking lot; ELECTRICAL CONTRACTORS, Kelsey Electric; JOURNEYMAN ELECTRICIAN, Marion Overby, Charles J. Pendry, William L. Whipple; APPRENTICE ELECTRICIAN, Steve Bauchman with Bonneville Const. Co., Paul L. Hurley with Tom Snouffer Electric; CLASS D CONTRACTOR, REF, William D. Johnson, Gerald Seedall; CLASS B JOURNEYMAN, WARM AIR, REF, GAS FITTING, Gordon Powell; DANCE HALL (transfer only), from Claude William Jacobson to Benjamin Montgomery for the Project; BARTENDER, Earl J. Wochner, Kathleen Hitz, Leone W. Eames, Cotton Lee Willis, James M. Alvord, Jesse R. Champion, Jeffrey C. Dickover, Gayle D. Speas, Lon G. Severson, G. L. Criner, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 6; No, none; carried.

The City Clerk presented an application for a bartender's permit in favor of Jack Wilkerson which carried a recommendation from the Police Chief that it not be granted. It was moved by Councilman Erickson, seconded by Wood, that this recommendation be upheld and the application be denied. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
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Bid # L. F. - 71-11 for 3750 Transformer

Honorable Mayor and Councilmembers:

Tabulation of bids for one 3750 transformer is attached.

The RTE Corporation bid price was \$11,911 and 18 weeks delivery.

Pole Line Distributing Company of Salt Lake City submitted the low bid of \$11,580 for a 3750 KVA Kuhlman Transformer. The reasons for rejecting Kuhlman are:

1. Lack of familiarity with their product.

2. Technical specifications received were not sufficient to adequately evaluate the product. More definite technical data was requested, but none was received as of this date.

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Of the nine bidders, RTE Corporation was second lowest: the difference between RTE and Kuhlman being \$331. We have found RTE products satisfactory in the past.

It is the recommendation of the Electric Division and the Purchasing Department that the above bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

Asked by Councilman Nelson if the explanation, as submitted, for accepting something other than the low bid met with his approval, City Attorney Smith answered in the affirmative. It was moved by Councilman Hovey, seconded by Nelson, that the low bid of RTE Corporation for the transformer be accepted. Roll call as follows: Ayes, 6; No, none; carried.

From the Public Works Director this memo was forthcoming:

City of Idaho Falls
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TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: ABANDONING USE OF IDAHO IRRIGATION WATER

For many years a portion of the golf course was irrigated with water from the Idaho Canal, using an irrigation ditch which traversed through North Bel Aire Addition. Three years ago the golf course irrigation was converted to City water and for the past two years no Idaho Canal water has been used. Mr. Henry Bennett, et al, who owns the property thru which the irrigation ditch traverses to the golf course, has requested that we abandon this ditch. Since there appears to be no further use of the irrigation water, we would recommend that Council authorize that the ditch be abandoned.

s/ Donald F. Lloyd

Councilman Parish asked and received confirmation from the Public Works Director that the ditch in question was serving no other party nor would it ever be expected to serve another party in the

future. It was moved by Councilman Erickson, seconded by Freeman, that authorization be given for abandonment of the irrigation ditch in question. Roll call as follows: Ayes, 6; No, none; carried.

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

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TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: WATER SERVICE OUTSIDE THE CITY

Burkey Brothers, 1035 West Sunnyside Road, have requested a 1 inch connection to our new water main. The Public Works Committee has reviewed this request and suggested that the same general conditions be met that were required of a recent Mobile Home Development. Burkey Brothers have indicated a willingness to meet these requirements and we are therefore requesting authorization for Burkey Brothers to have water and sewer service outside the City.

s/ Donald F. Lloyd

It was moved by Councilman Parish, seconded by Nelson, that an outside the City water and sewer service contract in favor of Burkey Brothers be approved and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

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

City of Idaho Falls
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TO: Mayor and City Council
FROM: Donald F. Lloyd
SUBJECT: NORTH YELLOWSTONE SEWER DISTRICT L.I.D. #41

On May 4, the Council authorized the City Attorney to prepare a Resolution of Intent for the creation of the above captioned project. Since that time however, there have been negotiations with Grand Central which have required alterations in the proposed district boundaries. These boundaries have now been re-established. We are requesting authorization for the City Attorney to prepare a Resolution of Intent for the creation of the sanitary district in the North Yellowstone area using the new boundaries.

s/ Donald F. Lloyd

It was explained that this proposed district would involve about twenty property owners. It was moved by Councilman Nelson, seconded by Parish, that the City Attorney be directed to prepare a Resolution of Intent to create L.I.D. #41. Roll call as follows: Ayes, 6; No, none; carried.

The proper City Officials having analyzed all protests registered at the public hearing as of June 8th, 1971, relative to the establishment and creation of L.I.D. #43, this report, in memo form, was submitted accordingly:

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TO: Mayor and City Council
FROM: Public Works Director, City Attorney, City Engineer
SUBJECT: L.I.D. #43 (SURFACE PARKING LOT)

At the Public Hearing held on the evening of June 8, 1971, twenty-two individual properties registered protests for the creation of the L.I.D. A total of 145 individual properties are represented within the district and the protests represent 15.2% of the total.

There were almost 32 assessable acres included in the district and the above protests represented nearly 4 acres, or 12.5% of the total area.

The protests can be summarized as follows:

- (1) Cost is excessive and will create financial burden.
- (2) A different location for the parking lot would be more beneficial at less cost.
- (3) No need for additional parking and therefore no benefit.
- (4) Project is premature in light of current urban renewal project.

We suggest that the following factors are worthy of your consideration:

- (1) In this particular type of Local Improvement District, it is not logical to excuse or remove any protested area from the boundaries.
- (2) Various groups from the downtown area have requested positive action from the Administration for the improvement of downtown Idaho Falls.
- (3) This proposed surface parking was a part of the overall improvement plan outlined in the Mayor's public forum on March 2, 1971, which received general endorsement.
- (4) The protests represent a relatively small percentage of the land ownerships for this project.
- (5) The creation of this district does not assure that the bonds will be saleable because a test case will likely be necessary; but no test case is reasonably possible until the district is created.

- (6) Since probably litigation to test the validity of the bond issue will take about one to one and a half years, the district should be formed only if the Council believes that the legitimate purposes of the project will not be lost by the delay.

In light of the above, if the Council concludes that the objectives of this parking project can be served even though a delay up to a year and a half may be entailed, then the City Council should deny the protests and create the district, bearing in mind that a test case is likely to follow.

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Councilman Nelson observed that this proposed project would be the first concrete step toward downtown redevelopment in 20 years. He said, even though some of the protests registered at the public hearing might have some validity, they represented a small percentage of the overall affected property owners, as indicated in the memo, and that these are a noticeable minority in comparison to the property owners and/or business groups who either registered no protest or indicated their interest in favor of the district. He said the City Attorney has registered an opinion that, legally, he would have no objection to the City proceeding with creation of the district if it was the will of the City Council.

Mr. Alex Creek, local distributor for Texaco, appeared before the Council in the interests of his company who owns property that would be acquired for the parking lot. He said he failed to understand the decision of the Public Works Committee in recommending to the City Council that they proceed with creation of this district. He said his observations revealed that those in favor of the district were committees consisting of men who may or may not be property owners. He said he wasn't convinced that the proposed parking lot was the answer to downtown redevelopment, especially in view of the Urban Renewal Program south of Broadway. Creek said he didn't agree with the theory, just because only 20 protests were received, that this represented all of those objecting to the district.

Councilman Nelson said this was the only legal and reasonable basis for this assumption. He reminded Creek that, as an ex-Councilman, he should be aware and acquainted with procedures of this nature and that this was the purpose of a legally advertised public hearing such as was held on June 8th. Nelson further replied that, after 7 years of intensive study, this appears the logical approach, at least a step in the right direction, and that further delay would result in further deterioration. Creek asked Nelson by what right he spoke with such an air of authority. Nelson reminded Creek that, on the contrary, studies have been made by authoritative agencies and all the Council was attempting to do was to abide and be guided by said studies. Creek concluded his remarks by saying that his apprehension, in part, is based upon the fact that existing parking lots within the downtown area are seldom at full capacity.

Mr. Virlow Petersen, owner of the Petersen Building which is part of the area that would be cleared for the proposed parking lot, appeared before the Council. He said, based upon recent appraisal, he could not envision the possibility that he would have any chance of realizing from his property anywhere near the investment he has in it or what it is worth to him. He said it has been

his family's living for 42 years and its location has value because of its proximity to his customers. Petersen also reminded the Council that all of these proceedings, ever since a tentative decision was made to construct a parking lot at this location, has cost him money, inasmuch as he has had to delay his renovation plans, thus sacrificing higher rentals during the interim period. Petersen said he couldn't understand the logic in removing this building, one of the few fire-proof structures within the downtown area, when there were so many others that did not meet this qualification. Petersen then spoke, generally about the inadvisability of a parking lot. He said, according to his calculations, this parking lot, if completed, would cost about \$3000 per parking space. He said the Council should consider, instead, removal of downtown parking meters which causes customers to trade at suburban shopping centers where parking is not only easily accessible, but free.

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Mr. Garth Peterson, owner and operator of the City Cleaners located within the Petersen Building, appeared before the Council. He asked how a parking lot, at this proposed location could be justified, taking into consideration the fact that it would necessitate removal of a modern, fire-proof building. He said the City Hall Annex is located in a prime shopping area which is not of value for City purposes.

Mr. Lester Beck, 420 E. 16th Street, appeared briefly to concur in previous remarks that the parking meters are detrimental to downtown business. He said he knows of instances where people travel to Rigby to avoid said meters.

In the absence of further comment, it was moved by Councilman Nelson, seconded by Parish, that the Council verify and confirm its intentions of proceeding with creation of L.I.D. #43. Roll call as follows: Ayes, 6; No, none; carried.

Finally, from the Public Works Committee, this report was submitted after a thorough analysis of all protests received against creation of L.I.D. #44.

City of Idaho Falls

TO: Mayor and City Council
FROM: Public Works Committee
SUBJECT: L.I.D. #44 (STREET, ALLEY AND SIDEWALK CONSTRUCTION)

All written and oral protests which were received at the public hearing on June 10th having been reviewed in detail and are listed herewith with our recommendation for action as follows:

I. SIDEWALKS

Wadsworth Drive:

- a. James Ockerman, 195 Wadsworth Drive

- b. Albert B. Charboneau, 128 E. Elva Street

College Street:

- a. W. K. Robison, K. V. S. Arctic Cat and Marine, 370 College Street
- b. M. L. Robison, Robison Distributing, 370 College Street

Freeman Street:

- a. Elks Lodge No. 1087, 640 E. Elva Street

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Twenty-First Street:

- a. L. E. Andelin, 130 Tautphaus Drive
- b. Ivan Edler, 528 W. 21st Street

Each protestant contended there was no need for the sidewalk. After a review of each situation in the field we are recommending that the Wadsworth Drive sidewalk be removed from the district and that each of the other protests be denied and included as proposed.

II. STREET PAVING - CURB AND GUTTER

Freeman Street:

- a. Alex D. Creek protested end assessments.
- b. Elks Lodge No. 1087, 640 E. Elva Street, protested curb and gutter installation.

Sixteenth Street:

- a. Mildred Clark, 477 W. 16th Street
- b. Lester D. Clark, 420 W. 16th Street

Both protests were based upon financial hardship.

Twenty-Second Street:

Jack Hall protested the extent of the improvement, stating the street was extended beyond where he could benefit.

Skyline Drive:

- a. Reno Barbison
- b. Everett Ray

Both protestants proposed to do their own improvement and requested out of the district.

Each of these protests were reviewed in the field. We are recommending that the 22nd Street section be altered to better suit the property on the south side of the street. We are further recommending that the balance of the protests be denied and included in the proposed district.

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III. ALLEYS

Alley from Walnut to Maple. (Between Eastern Avenue and Water Avenue)

- a. Robert Humberger, 196 S. Water Avenue

Alley from Elm to Walnut, (Between Ridge and Placer)

- a. Mr. Ric Davis, 310 Elm Street (buying property from Mrs. Wagoner)

Each of these owners are protesting the alley improvement because their property had no alley frontage. After reviewing this situation with the City Attorney we are recommending that both properties be included in the district.

Councilman Nelson noted that, at this time, there are two slight modifications which will necessitate changes in the proposed district's boundaries; one on Wadsworth Drive and one on East 22nd Street. Councilman Wood asked about the properties owned by Messrs. Wray and Barbison. Nelson explained that the Committee had met with these men, as planned, and they were told they would receive favorable consideration if street construction in front of their properties were to start immediately but this has not materialized.

Mr. Creek re-appeared, objecting to the proposed end assessment on his May Street property on the grounds that he would not benefit from same. Creek said he has registered a written protest on this matter through his attorney and he couldn't understand why he hadn't been contacted so that he would have had an opportunity to explain on what grounds his protest was registered. Councilman Parish explained that the end assessment formula on street improvement districts is a tested formula as prescribed by law and has been used by this City for many years including the years Mr. Creek served as Councilman. Parish continued by saying that the Council relies on the

City Engineer, the City Attorney, and other voices of authority in rendering a decision on issues of this nature.

In the absence of further comment, it was moved by Councilman Nelson, seconded by Parish, that the Council go on record as approving and confirming the Resolution of Intent to create L. I. D. #44 as modified. Roll call as follows: Ayes, 6; No, none; carried.

Mr. Beck reappeared briefly to ask how much the urban renewal project was going to cost. The Mayor invited him to confer with the City Planner and the Community Redevelopment office for a detailed explanation of this involved question.

Reference is made to Page 581 in the Book of Minutes and, more specifically, an appeal by Ruby Kellar on a Board of Adjustment decision relative to support posts for a carport at 445 Tabor Avenue. Councilman Wood reported that, in the interim, period, a site inspection of this property had been made and it was decided that this minor infraction would not be out of conformance with other residences in the area. It was moved by Councilman Wood, seconded by Parish, that this variance be approved. Roll call as follows: Ayes, 6; No, none; carried.

This memo from the City Planner was presented and studied:

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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: ABANDONING AND RELOCATING STREET LIGHT EASEMENT

We have been requested to abandon a street light easement in Block 3, Woodruff Park Subdivision No. 2. This request has been cleared with the Electric Department and there are no other utilities now, or anticipated, that will utilize these easements.

Attached are copies of the request from Richard Groberg, a copy of an easement agreement establishing the new easement in Block 4 and a map showing the location.

This request was made necessary due to a realigning of lot lines in the subdivision. The attached map indicated the new lot line as proposed. This Department recommends approval of the request.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Parish, that the City Attorney be directed to prepare an appropriate vacating ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

Another memo from the City Planner was forthcoming, to-wit:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist
SUBJECT: AMENDMENTS TO HEATING & COOLING ORDINANCE NO. 1241

Attached are proposed changes to the Heating and Cooling Ordinance No. 1241. These changes have been recommended by the Heating and Cooling Board and have been reviewed by the Council Committee and are being recommended for adoption by the City Council.

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In almost every instance, the proposed changes are more permissive than the present code, to more closely conform to national standards. In some instances present installation and enforcement policy is being incorporated into the code.

This Department recommends approval of the proposed changes.

s/ Rod Gilchrist

It was moved by Councilman Wood, seconded by Parish, that the various amendments to the Heating and Cooling Ordinance, as proposed by the Heating and Cooling Board, be turned to the City Attorney with instructions to incorporate same in an amending ordinance for Council consideration. Roll call as follows: Ayes, 6; No, none; carried.

This communication was presented and read:

s/ Kenneth C. Relph

Dear Sirs:

Is there some method to drop the bill & check at your office, i. e. an after hours statement drop? The phone company has one and I believe I could save money as I go to town at least once a week.

s/ Kenneth C. Relph

Councilman Hovey asked about the possibility of using the Police Desk for this service. The Mayor said this would be investigated. It was moved by Councilman Parish, seconded by Erickson, that this matter be referred to the Fiscal Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Freeman presented a lease between the City and the Idaho Falls Baseball Club, outlining terms and conditions, including adequate provision for liability, for that Club's baseball activity at the Highland Ball Park. Freeman explained that the old lease had long since expired and the Club has operated at the park virtually without benefit of any lease agreement for many years. Freeman explained, further, that this proposed lease expires September 30, 1971, but that it had a year to year renewal provision without further action unless one of the parties were to give written notice prior to May 1st of any given year. It was moved by Councilman Freeman, seconded by Erickson, that this lease be accepted and the Mayor and City Clerk be authorized to sign, subject to final approval by the Baseball Club. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood presented a lease renewal, back dated to December 1st, 1970, between the City and Skynite, Inc., covering terms and conditions for a four-plex hangar building at the airport, owned by Richard Wheeler, et al. Wood noted that the lease called for an annual rental fee of \$355.74

based upon a .07¢ per square foot rate which is higher than the average hangar lease because of the type of facility as described. It was moved by Councilman Wood, seconded by Nelson, that this

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lease be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Wood then presented another lease renewal covering terms and conditions for a private hangar at the airport in favor of Dale Graves and Thomas Higgs. It was noted that this hangar lease was formerly in the names of Dr. John Hatch and Mel Gooch. It was moved by Councilman Wood, seconded by Nelson, that this lease be accepted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 6; No, none; carried.

Recognizing that he had been directed to prepare a lease renewal agreement between the City and the Skyline Gun Club, City Attorney Smith openly discussed these various proposed provisions as prepared by him with the assistance of Airport Manager Pete Hill:

1. That the City continue to lease its lands at the present location to the gun club. The reasons for this recommendation are that the present location appears to be a sensible and practical one for a shooting range; a court action has already adjudged that a shooting range does not constitute a nuisance at the present site; and a shooting range affords a wholesome and legitimate recreational outlet for a considerable segment of the population.
2. That the City, being the owner of the land, and to prevent inconvenience to third parties, should establish and enforce the following minimum regulations and standards for conducting the shooting range, namely;
 - a. No high intensity lighting to be used on the premises after 8 P.M. of any day.
 - b. No firing on the premises before 9:00 A.M. on any week day or before 1 P.M. on any Sunday; and no firing on the premises after 8 P.M. on any day.
 - c. All shooting is to be conducted under the official trap shooting rules by the Amateur Trap Shooting Association of Vandalia, Ohio. Only firearms and loads permitted under these rules are to be used on the premises.
 - d. All applicable statutes, regulations and ordinances shall be complied with in conducting building and other activities on the premises.
 - e. That fair and reasonable rent shall be paid by the club.
 - f. That the premises shall be beautified through landscaping, and shall be so maintained by the club.

Smith assured the Council that, when drawn, the agreement would also have adequate and appropriate provisions for liability, saving the City harmless. It was moved by Councilman Freeman, seconded by Erickson, that the City Attorney be directed to prepare a lease agreement incorporating the foregoing provisions and that, when prepared, copies be sent to the gun club directors and near-by neighbors for their perusal. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Nelson relayed a complaint from the proprietor of the Highland I. G. A. Grocery to the effect that he has a parking problem in front of his store when there are functions at the ball park. He asked for one hour parking signs to be installed to discourage this practice. It was moved

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by Councilman Nelson, seconded by Erickson, that this be referred to the Police Committee for study and recommendation. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Wood, that the meeting adjourn at 9:35 P.M., carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR
