

OCTOBER 24, 1963

The City Council of the City of Idaho Falls, met in Regular Session, Thursday, October 24, 1963 at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Page, Creek, Foote, and Leahy. Also present: Roy C. Barnes, City Clerk; Vern Kidwell, City Attorney; Don Ellsworth, City Engineer; Harold Davis, Electrical Engineer; Alva Harris, Building Official.

Minutes of the last recessed Regular Meeting, held October 9th, 1963, were read and approved.

The Mayor welcomed a Boy Scout group to the Council Meeting recognizing that this was being done as part of a program for merit badge achievement. The Mayor also welcomed all other guests and visitors.

Dr. M. Duane Jones, 1020 12th Street, appeared before the Council representing Edna Chase Jones, also present, relative to her place of residence at 1440 Austin. It was explained that she had recently built living quarters above her basement home which she is now occupying. She now desires to rent the basement unit. A petition was presented with eleven signatures, all near-by residents, indicating their approval to permitting same without a change of zone which would require Council action to place the property into a classification of non-conforming use. It was moved by Councilman Foote, seconded by Page, that this matter be referred to the Board of Adjustments for study and recommendation. Roll call as follows: Ayes, 4; No, None; carried.

Mr. George Griffing, local chairman of the Mayor's Committee for the Handicapped, appeared before the Council with a reminder that most public buildings possess architectural barriers for the handicapped such as wheel chair and heart condition victims. He suggested and urged that all future buildings be so designed that said barriers be eliminated. Councilman Foote commented to the effect that along this line, some thought had been given to converting the Smith Building into a drive in so that customers could pay their utility bill without leaving their car.

Mr. Gary Lewis, Board of Directors member of the Junior Achievement of Idaho Falls, appeared before the Council and requested that their group be granted the use of the swimming pool building during the winter months. He said they were prepared to install electric heaters and that some other power driven equipment such as saws, would be in use. Portable partitions would be constructed. He reminded the Council that his group carries its own liability insurance. He asked that the City furnish the electric service but that the heaters would be available for City use during the summer. Councilman Page spoke in favor of the proposition; however, it was tabled pending the results of a study on comparative costs of electricity vs. gas for heating purposes.

License applications for DRAIN TILE LAYER in the name of Clyde G. Charles for Hartwell Excavating Company; and for BARTENDER in the name of Percy B. Voyles of Stockman's Bar were presented. It was moved by Councilman Foote, seconded by Leahy, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk drew attention to a notice of Zoning Hearing to be held November 7th, 1963, published without Council authorization. It was moved by Councilman Foote, seconded by Page, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

It was noted by the City Clerk that a closed utility account in the name of William Sauer and in the amount of \$41.10 had been cancelled by a professional collector and returned to the City on the

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grounds that the party was deceased and the estate was without assets. It was moved by Councilman Creek, seconded by Foote, that this account be charged off as uncollectible. Roll call as follows: Ayes, 4; No, None; carried.

An extension rider from the Union Pacific Railroad was presented, providing for an extension to October 16, 1968 of Agreement #LD 17444, described as a sewer pipe line encroachment. It was moved by Councilman Leahy, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 1070

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS: DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO.

It was moved by Councilman Foote, seconded by Page, that the foregoing annexation ordinance, covering approximately 116 acres in the John's Hole vicinity, be passed on its second and third reading. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 1071

AN ORDINANCE AMENDING ORDINANCE 1043 OF THE CITY OF IDAHO FALLS, IDAHO: (Section 8-5-1 et. seq., Municipal Code of Idaho Falls 1962) PROVIDING FOR APPLICATION OF SAID ORDINANCE TO COMMERCIAL AND INDUSTRIAL PROPERTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEPARABILITY OF THE PROVISIONS OF SAID ORDINANCE; PROVIDING FOR PENALTIES THEREOF; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF FEES FOR THE OPERATION OF THE MUNICIPAL GARBAGE SYSTEM; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Creek, that the provisions of Section 50-2004 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 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; 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, 4; No, None; carried.

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RESOLUTION (Resolution No. 1963-20)

Be it resolved that the following rates be established for commercial and industrial garbage collection within the City of Idaho Falls:

CITY OF IDAHO FALLS, IDAHO
Public Works Division

RATE SCHEDULE
FOR
COMMERCIAL REFUSE COLLECTION

<u>NUMBER OF PICK-UPS PER WEEK</u>	<u>MONTHLY CHARGE IN DOLLARS</u>					
	<u>NO. OF GARBAGE CANS</u>				<u>CONTAINERS</u>	
	<u>1 to 3 cans</u>	<u>4 to 6 cans</u>	<u>7 to 9 cans</u>	<u>10 cans or 1 C.Y.</u>	<u>3 C.Y.</u>	<u>4 C.Y.</u>
1	1.00	2.00	3.00	3.50	14.00	18.00
2	2.00	4.00	6.00	7.00	17.00	21.00
3	3.00	6.00	9.00	10.50	20.00	24.00
4	4.00	8.00	12.00	14.00	23.00	27.00
5	5.00	10.00	15.00	17.50	25.00	30.00
6	6.00	12.00	18.00	21.00	29.00	33.00

It was moved by Councilman Foote, seconded by Leahy, that the foregoing resolution be adopted and the garbage rate, as indicated, be approved. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. ----

AN ORDINANCE ESTABLISHING A DIVISION OF PUBLIC WORKS; PROVIDING FOR THE DUTIES OF THE DIVISION; DESIGNATING THE DEPARTMENTS ENCOMPASSED WITHIN THE DIVISION; PROVIDING FOR THE COMPOSITION OF THE DIVISION OF PUBLIC WORKS; PROVIDING FOR A PUBLIC WORKS DIRECTOR; DESIGNATING THE RESPONSIBILITIES AND DUTIES OF THE PUBLIC WORKS DIRECTOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING WHEN THE ORDINANCE MAY BECOME EFFECTIVE.

It was moved by Councilman Foote, seconded by Page, that this ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, None; carried.

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A final plat was presented of Skyline Terrace Addition, Division #4. It was moved by Councilman Foote, seconded by Page, that the plat be approved, and the Mayor and City Clerk be authorized to sign, subject to final checking by the City Engineer and approval of the Planning Commission. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. -----

AN ORDINANCE TO PROMOTE THE SAFETY AND WELFARE OF THE PEOPLE OF IDAHO FALLS, IDAHO, BY REGULATING THE DESIGN, INSTALLATION, MAINTENANCE, IMPROVEMENT AND INSPECTION FACILITIES TO INCLUDE THOSE USED FOR THE PURPOSE OF HEATING, HEATING WATER OR COOLING OF PREMISES; REGULATING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF FACILITIES FOR TRANSMISSION AND DISTRIBUTION, SPECIFYING OF THE POWERS AND DUTIES OF THE BUILDING AND ZONING DIVISION, PROVIDING FOR WORK PERMITS, FIXING THE COSTS OF SUCH PERMITS; PROVIDING FOR CERTIFICATE OF INSPECTION, PROHIBITING TURNING ON FUEL UNTIL ALL INSPECTIONS ARE COMPLETED PROVIDING TIMES OF INSPECTION; PROVIDING FOR LICENSING REQUIREMENTS; PROVIDING FOR CERTIFICATES OF INSURANCE; PROVIDING FOR LICENSES; PROVIDING FOR CLASSIFICATIONS OF AGENCIES AND ESTABLISHING DUTIES OF CLASSES; PROVIDING FOR LICENSE REGULATIONS; PROVIDING FOR AN EXAMINATION BOARD, EXAMINATIONS; PROVIDING THE TERMS OF SUCH EXAMINATIONS; PROVIDING FOR REVOCATIONS OF CERTIFICATES; ESTABLISHING STANDARDS FOR GAS INSTALLATION; PROVIDING FOR PENALTIES FOR VIOLATIONS; SETTING FORTH A CONSTITUTIONAL DECLARATION; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING WHEN ORDINANCE IN CONFLICT THEREWITH; PROVIDING WHEN ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Foote, seconded by Leahy, that this Heating and Cooling Ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, None; carried.

An agreement was presented between the City and Mr. and Mrs. Don Kugler covering terms and conditions for the City having the use of certain lands adjacent to Mountain View Lane and Saturn Avenue for Park and Recreational purposes. It was moved by Councilman Page, seconded by Leahy, that the Mayor and City Clerk be authorized to sign, subject to final checking by the City Attorney. Roll call as follows: Ayes, 4; No, None; carried. It was noted that the City's primary interest in this land would be for ice skating during the winter months.

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City Engineer Ellsworth presented design and cost estimates for the construction of a sanitary sewer that would serve portions of Blocks 31 and 32, Highland Park Addition. This study had been made in response to a petition from affected property owners. It was learned that the cost would approximate \$10,000.00, admittedly high, due to excessive lava rock. Discussion followed, relative to method of financing such a small project and it was generally agreed that the City must pursue the usual procedure of a Local Improvement District. Due to the small size of said proposed district it was recognized that sale of bonds through an authorized broker would probably prove prohibitive. It was agreed that the City Clerk Barnes be authorized to investigate the possibility of marketing the bonds locally and, if successful, an informal hearing of affected property owners would be scheduled to determine their interest in proceeding with the district.

Ellsworth then presented a problem which has arisen relative to a storm sewer in the Gustafson Addition. The Engineering Department, explained Ellsworth, has developed a storm sewer design for both the Gustafson and the Hughes Imperial Additions. Mrs. Gustafson as developer, is now proceeding to install the improvements, including storm sewer, in the Gustafson Addition in accordance with City approved plans as of 1957. Long term planning, said Ellsworth, would dictate the need for considering, at this time, the future servicing of Hughes Imperial Addition, which would require a larger pipe size than now being proposed for the Gustafson Addition, said increased size, from 15" to 21", could be provided for \$1,000.00 in cost to the City, and if not accomplished now, would result in considerable additional expense at a later date when replacement of said line becomes necessary to enlarge capacity as a means of providing a future capacity for the Hughes Imperial Addition. An additional expenditure of \$10,000.00 will eventually be necessary before the Hughes Imperial Addition can make use of this storm sewer line. It was moved by Councilman Leahy, seconded by Creek, that the \$1,000.00 be authorized as participation on the Gustafson line subject to the approval of Mrs. Gustafson for this participation and also subject to the approval of the Canal Company to permit the additional flow into their canal and also the additional flow when a storm sewer district is formed to include the Hughes Imperial Addition. Roll call as follows: Ayes, 4; No, None; carried.

This memorandum from the City Engineer was read, as well as the attached letter from Cornell, Howland, Hayes and Merryfield.

Acct. No. 11A-29

Honorable Mayor and City Council
City of Idaho Falls

Gentlemen:

Enclosed herewith is a letter from our consulting engineers in regard to the final estimate to Arrington Construction Company for the construction of Wells 9 and 10. In summary of their letter they have recommended the following:

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1. That a deduction of \$500 be made from the contract price for the substitution of a rubbed wall finish for the bush hammer finish as originally specified for the detention tank walls.

2. That \$2,100.00 be deducted from the contract price and placed in a commercial savings account to serve as a repair fund for a period of five years and at the end of five years any remaining sum be forwarded to the contractor.

3. In regard to liquidated damages the consulting engineers have expressed their feeling on requests for time extension and delays beyond the control of the contractor and have recommended liquidated damages be assessed in the amount of \$1,200.00.

We have reviewed the consulting engineers analysis and can find no cause to dispute their recommendations. We are therefore, suggesting that the recommendations of the consulting engineers be approved and that final estimates be completed for this contract.

Respectfully submitted,
Engineering Department
s/ Donald Ellsworth

CONCURRED BY: _____

Donald F. Lloyd

Enclosure:

cc: D. F. Lloyd

Arrington Construction Company

CORNELL, HOWLAND, HAYES AND MERRYFIELD

October 22, 1963

Mr. Donald M. Ellsworth

City Engineer

P.O. Box 220

Idaho Falls, Idaho

Final Estimate Wells Nos. 9 & 10

Enclosed herewith, please find two copies of the final monthly estimate for payment to Arrington Construction Company for work completed under the contract for construction of a pumping system for Wells Nos. 9 and 10. It is recommended that the contractor be paid in accordance with this estimate, under the provisions of F-4 of the general conditions, less such deduction as is authorized by the Mayor and City Council for liquidated damages.

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In accordance with F-4 of the general conditions, this letter is to serve as a certificate of acceptance of the completed work. A final inspection was requested on September 6 and completed on September 11. The project was found to be satisfactory except as noted below:

1. As set forth in our letter of May 20 to Arrington Construction Company, and as provided in C-6 of the general conditions, it is recommended that a deduction of \$500 be made from the contract price for substitution of a rubbed wall finish for the bush hammer finish as specified for detention tank walls.

2. As noted in the same letter, we further recommended that a deduction of \$2,100.00 be made from the contract price, to be placed at current interest rates in a commercial savings account, to serve as tank repair fund and that at the end of five years, the lump sum of \$2,100.00 plus accumulated interest, less any withdrawals necessary for tank wall repairs made during that period, become payable to the contractor. As an alternate to this deduction, some type of insurance or extended guarantee could probably be worked out. This provision is considered necessary because of the more than normal probability that some tank wall repair work will be required due to the number of rock pockets in the original pour and the possibility that bonding of new concrete to old will not be 100% effective.

3. There has been some controversy as to whether or not the underground high voltage cable from the terminal pole to the substation was triplexed as specified. Since the cost of digging up the cable to find out would be rather expensive, we have obtained from the contractor a signed statement enclosed, herewith, to the effect that triplexing was done.

4. Conductors, 600 volts and less, provided under 20-B-b (1) of the special specifications were furnished with a fibrous covering rather than the neoprene jacket specified. The initial cost of the two types is essentially the same, but it is our feeling that the fibrous covering is more subject to damage during installation. The contractor has agreed (see attached letter) to guarantee materials and workmanship for 5 years on cable installed under this item. We consider this to be satisfactory, except that a formal agreement should be drawn up.

In accordance with E-8 of the general conditions, liquidated damages may be assessed against the contractor as follows:

Actual completion date	September 12, 1963
Official complete date	June 1, 1963
Extension due to delay in choosing butterfly valve manufacturer, as authorized at City Council Meeting of May 23, 1963	<u>July 1, 1963</u>
Time difference July 1 to Sept. 12	73 days
Less 20 days delay for Change Order No. 1	<u>20 days</u>

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	53 days
Less Sundays & Legal Holidays	8 days
Net delay in completion	45 days
Liquidated Damages = 45 days @ \$100.00	\$4,500.00

You have copies of letters from the contractor in which he has officially requested an extension of time to August 10, due to delay on the part of the Engineer and delay in receiving the BIF butterfly valves, and further, extensions to the actual completion date due to "delays caused by delivery of materials and equipment and problems of controls and extras to control system".

It is our usual policy to interpret delay in receiving equipment as a delay due to causes beyond the contractor's control under Item E-7 of the general conditions. The equipment manufacturers original quotation (copy enclosed) quotes a time of delivery of 12 weeks from receipt of approval of drawings, or about June 1. This delivery time was not met. The equipment manufacturer's letter of June 5 and telegram of June 24 (copy enclosed) quoted a shipping date of June 28. The last of the butterfly valves were received and installed just prior to August 2, and the last of the shipment, consisting of 2 limit switches, arrived and was installed August 2, a delay of 62 days less 10 Sundays and Holidays, or 52 days net. While it appears that the contract would not have been finished by July 1, even if the valves had arrived June 1, part of the delay was undoubtedly caused by the valve manufacturer despite a reasonable effort by the contractor and by ourselves to expedite the shipment. It is our recommendation, therefore, that liquidated damages be assessed as follows:

Actual completion date	September 12, 1963
Official completion date	June 1, 1963
Extension due to delay in butterfly valve selection	July 1, 1963
Extension due to delay in receiving valves	August 2, 1963
Extension for Change Order No. 1 (authorized August 8)	August 28, 1963
Time difference Aug. 28 to Sept. 12	15 days
Less Sundays & Holidays	3 days
Net delay in completion	12 days
Liquidated damages 12 days @ \$1.00	\$1,200.00

The delay beyond August 28 was reported to be due to failure to receive a pressure switch which was found to be unsatisfactory during the pre-final inspection. We do not consider this to be reasonable grounds for a time extension since the correct switch was not originally furnished, and since some cleanup, punch list corrections, and tank finishing work were being accomplished during this period.

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Very truly yours,
CORNELL, HOWLAND, HAYES
AND MERRYFIELD
by: s/ LeRoy R. Taylor P.E.

Encl. as noted

cc: Arrington Construction Co., (w/encl.)

This was referred to the City Attorney so that the City's legal position might be determined. The City Engineer was directed, meanwhile to discuss the contents of the letter with the affected contractors so that he would be appraised of its contents.

An agreement was presented between the City and Mr. and Mrs. Don Kugler covering terms and conditions for the City having the use of certain lands adjacent to Mountain View Lane and Saturn Avenue for park and recreational purposes. It was moved by Councilman Page, seconded by Leahy, that the Mayor and City Clerk be authorized to sign, subject to final checking by the City Attorney. Roll call as follows: Ayes, 4; No, None; carried. It was noted that the City's primary interest in the land would be for ice skating during the winter months.

Change Order No. 1 was presented on the Arrington Construction Company contract for construction of Wells Nos. 9 and 10. It was noted that the change order included certain extension of 23" cast iron pipe to meet final alignment of the City Main, adding 4 relays to provide 115 volt power source, changing certain solenoid valves, changing name plates and adding additional push buttons to the central panel, all of which would increase the contract by \$737.59 and increase the contract time by 20 days. It was moved by Councilman Page, seconded by Leahy, that the Mayor be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

This memo from the Public Works Director was presented:

October 24, 1963

Honorable Mayor and City Council
Idaho Falls, Idaho

Subject: Eagle Rock Dam Repair

Gentlemen:

We are submitting this report on our investigation to date, in connection with the repair of the Eagle Rock Dam which was damaged during the spring of this year.

The first step involved a coffer dam constructed with City equipment and personnel. This portion was completed in September and the total cost which can be assigned to this coffer dam is about \$6,000.00.

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Upon completion of the coffer dam, the Engineering Department immediately began an investigation to assemble all data concerning the existing condition of the dam, and the reasons and causes for failure. In addition, the existing dam sections were checked for adequacy of design and possible solutions for corrective action were laid out.

At the suggestion of the Council Public Works Committee, we were authorized to invite others to review the damage and to check our own conclusions. Mr. Earl Reynolds, a qualified consulting engineer from Boise visited the City on October 21st. He examined the dam in detail and reviewed with the Engineering Department the plans and designs that were being prepared.

On Tuesday, October 2nd, Mr. Douglas Baker, a construction engineer with 20 years experience in the field of dams, currently with Morrison-Knudsen, visited the City. He also had the opportunity to inspect the existing conditions and made broad recommendations as to the construction features for repair. Both of the above gentlemen are submitting a written report on their findings and answers to our specific questions concerning cost data for various aspects of construction. As a result of the Engineering Department's investigation, we feel that failure occurred because of insufficient design for ice pressures and that workmanship 35 years ago does not measure up to today's standards. The Engineering Department's recommendations for repair have been generally concurred with by the above two consultants and we are outlining three possible causes of action.

1. Make no concrete repairs at this time on the dam structure, but allow the coffer dam to temporarily serve the purpose for a possible two year period. This would require the strengthening of the existing coffer dam by additional fill, rip rapping and the addition of impervious material. It is estimated this cost would be approximately \$3,000 using City crews and equipment. This solution offers the advantage of little expenditure now, permitting a longer time for a policy decision concerning major expenditures for rehabilitation of the power plant system. The disadvantage of this suggestion is the possibility that in the event of washout, the entire coffer dam would have to be rebuilt to maintain an effective head for the power plant or to effect any concrete repairs.

2. Repair the concrete failure which would involve the replacing of that section of the concrete which has broken out. About 50% of this replacement lies on a rock island and can be replaced in a permanent nature at no appreciable increase in cost. The balance of the repair would be replaced to a similar section to that which failed with the addition of structural reinforcement. It is estimated the cost of this repair will not exceed \$10,000. The advantage of this proposal would be the return of the concrete dam section at a minimum cost and further that concrete used in this repair would not be lost in more extensive future rebuilding. This proposal does not guarantee the life expectancy of any remaining portions of the dam.

3. The third alternate is a complete renovation of a 250 foot center section of the dam now protected by the coffer dam. This work would involve dewatering the upper face, excavating, sandblasting, doweling, and pouring additional concrete to a stable and adequate design. The detailed cost estimate is not yet available, but the cost is expected to exceed \$50,000. The advantage of this alternative is that we could assure that this section of dam would be structurally sound and adequate for many years to come. A further advantage would be the possibility of enhancing the appearance of the lower face, once the existing cracks and water leaks were sealed by the upstream construction. It must be recognized that there remains approximately 1100 more feet of low dam at this location which is in an unknown condition.

In light of these conditions, it is our considered opinion that a minimum concrete repair would represent the best value to the City. With your approval of this report and its recommendations we can proceed to make repairs by force account methods.

Respectfully submitted,
PUBLIC WORKS DIVISION
s/ Donald F. Lloyd, P.E.
Public Works Engineer

After some discussion it was moved by Councilman Page, seconded by Leahy, that proposal #2 be accepted and approved with an expenditure of \$10,000, as recommended, and that the City Engineer be authorized to call for informal proposals to be considered by the Council October 29, 1963. Roll call as follows: Ayes, 4; No, None; carried.

Building Official Harris drew attention to the fact that there were certain properties in need of zoning or rezoning. It was moved by Councilman Creek, seconded by Foote, that a public zoning hearing be scheduled for December 9th, 1963. Roll call as follows: Ayes, 4; No, None; carried.

An option to buy the Nannie Smith property on the corner of Ash and N. Eastern Avenue was discussed. It was learned that the property is needed in connection with the A Street Railroad Crossing. It was moved by Councilman Page, seconded by Leahy, that the City Attorney be authorized to negotiate toward that end. Roll call as follows: Ayes, 4; No, None; carried.

There being no further business, it was moved by Councilman Leahy, seconded by Page, that the Meeting adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
