

OCTOBER 9, 1962

The City Council of the City of Idaho Falls, met in Recessed Regular Session, Tuesday, October 9, 1962 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 Karl G. Page, Philip C. Leahy, Alex D. Creek. Absent, Donald R. Foote. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Luther Jenkins, Controller; Harold Davis, Electrical Engineer; Don Lloyd, Public Works Director.

Minutes of the last Regular Meeting held September 20th, and Special Meetings held September 25th and October 2nd, 1962 were read and approved.

Mrs. Mary Micek, 438 E. College, appeared before the Council and asked why City funds were used for the acquisition of a large area outside the City limits for park purposes without press releases and publicity to inform the public in advance of the Council's intentions; also, where the money was coming from, for its payment in full this year if the court so rules. The Mayor invited Mrs. Micek to confer with the Controller at any time and he would be able to show her, in the budget, the source of the funds that would be used. As to the wisdom of the purchase, the Mayor said that obviously, he and the Council still felt the investment a sound one. He said that the administration was not in a position to comment freely on the transaction at present, due to the pending litigation, but that, when resolved, an open discussion would be in order.

Mrs. Micek then asked why, as a result of the Police Department survey by the International Association of Chiefs of Police which, among other recommendations, urged policemen salary increases, the men had not received same. The Mayor explained that the survey had not been completed until this budget year, and so the soonest that salary increases could be considered in response to the survey's recommendations would be for the next budget period.

Councilman Creek expressed concern as to the citizen's constant criticisms of Council action and said he, at times, asked himself what his duties are and the extent of his authority. He asked Mrs. Micek whether or not, in her opinion, Councilmen should be limited in the spending of City monies without the people's consent, keeping in mind that this is the job for which Councilmen are elected. Mrs. Micek said she was sympathetic with Councilmen's problems and that, in her opinion, Councilmen should be free to exercise full discretion on necessities, but that a large park area did not, in her opinion, fall into that category.

Mr. Keith Clark, KTEE radio representative, appeared before the Council and commended Mrs. Micek, both on her questions which, in his opinion, were interesting and demanding of a complete and satisfactory answer when the time was right, and also on her courage in approaching such a formidable appearing group.

Mr. Melvin Balding, 1452 Austin, appeared before the Council with reference to a dairy on St. Clair Road between 12th and 17th, recently moved from 13th and Holmes, operating in an R-1 zone. He said it was his understanding the owner had obtained a permit to build a fence; then proceeded to build refrigeration and loading dock facilities. Building Inspector Browning advised that a correction notice had been issued on the operation. The Mayor assured Mr. Balding that an investigation would be made and that if the operator was found to be in violation, the matter would be corrected.

Bills for the month of September, having been properly audited by the Finance Committee, were presented as follows, to-wit:

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<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$94,058.12	\$86,165.75	\$180,223.87
Recreation Fund	2,687.25	2,220.91	4,908.16
Fire Fund	18,833.02	3,763.16	22,596.18
Electric Light Fund	23,783.50	144,760.11	168,543.61
Water & Sewer	10,600.53	68,043.87	78,644.40
Police Retirement	<u>1,710.82</u>	<u>.00</u>	<u>1,710.82</u>
TOTAL	\$151,673.24	\$304,953.80	\$456,627.04

It was moved by Councilman Leahy, seconded by Creek, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 3; No, None; carried.

Reports from Division and Department Heads for the month of September were presented and, there being no objection, were ordered placed on file in the office of the City Clerk.

License applications were presented for PHOTOGRAPHER for Albert Rasmussen; ELECTRICAL CONTRACTOR (previously approved by the Electric Inspector) for Melvin Baird; RESTAURANT (previously approved by the City Sanitary Inspector) for Jan's Café; APPRENTICE GAS FITTERS (previously approved by the Gas Inspector) for H.T. Babbitt. It was moved by Councilman Page, seconded by Creek, that these licenses be approved.

License applications for JOURNEYMAN ELECTRICIAN, Warren Mikkola of I. F. Electric; BEER (change in ownership only) for Lynn F. Browning were presented. It was moved by Councilman Creek, seconded by Leahy, that these licenses be granted, subject to the approval of the Electrical Inspector and the Chief of Police respectively. Roll call as follows: Ayes, 3; No, None; carried.

The following damage claim was read:

Mr. & Mrs. H. L. Pullman
329 E. 17th Street
Idaho Falls, Idaho

Roy C. Barnes
City Clerk
Idaho Falls, Idaho

Dear Sir:

On September 27th, 1962 the basement of our residence at 329 E 17th Street flooded because of the City sewer backing up.

I noticed it at about 4:00 P.M. and the odor of human waste was so bad it was nauseating, in checking I found the basement bedroom had 4 ½ " of waste & water, 6" in the

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washroom and a good 6" in the bathroom. The store room and most it's contents were flooded. Some of my rugs are a complete loss, some can be cleaned.

I called First Street Plumbing, he came out and after a time advised me to call Roto-Rooter to help him. They discovered it was the City sewer. I called the City and two men (City workers) came, these men checked the basement first and then in checking a near by manhole they found it full and flooding. They had their plumber remove the toilet from it's base, they worked at the manhole and unplugged the sewer after approximately 40 minutes. The waster & water started to recede.

Some of the tile squares and molding around the base of the rooms in the basement is coming off because of the moisture.

First Street Plumbing	\$18.65
Roto-Rooter	12.50
Myers & Squires (rug cleaning)	24.60
Clean up help (two ladies) 4 ½ hrs. each at 1.25 per hr.	<u>11.50</u>
Total:	\$67.25

These figures do not include my time & work.

Sincerely,
s/ Mrs. H. L. Pullman

I will have to wait on the tile until the adjustor comes here and looks it over. Maybe all the tile will not have to come off. So I do not have the cost on that.

It was moved by Councilman Page, seconded by Creek, that this be referred to the City Insurance Carrier for investigation and recommendation. Roll call as follows: Ayes, 3; No, None; carried.

A second damage claim was presented:

September 27, 1962

City Council
City of Idaho Falls, Idaho

Re: Claim of Martel Thomas

Gentlemen:

Claim is hereby made upon the City of Idaho Falls for damages to Mr. Martel Thomas of Swan Lake, Idaho. Damages accrued to Mr. Thomas as a result of the actions of one of your police officers, whose name at this time is not known, at approximately 1:30 A.M. on Sunday, September 23, 1962, on a street within your City.

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Mr. Thomas was accosted by the police officer and when he attempted to explain his reason for being on the street at that particular time and place, the officer brutally assaulted and beat him, causing two black eyes, numerous bruises and lacerations about the head, arms and body and certain other injuries, the full extent at this time have not been determined. The officer struck Mr. Thomas with his sap, black jack or club, rendering him unconscious for a period of approximately two hours.

When Mr. Thomas inquired of the name of the police officer who injured him, he was denied that information. His damage totaled approximately \$100.00 special damages, including broken glasses, and we are demanding herewith \$5,000.00 punitive damages.

Kindly consider this claim at the next meeting of your Council.

Very truly yours,
Gee, Hargraves & Armstrong
By: s/ George Hargrave
Attorneys for Martel Thomas

It was moved by Councilman Creek, seconded by Page, that this also be referred to the City Insurance Carrier for investigation and recommendation and that the Police Chief also investigate and present a complete report to the Council. Roll call as follows: Ayes, 3; No, None; carried.

Public Works Director Lloyd presented the following with a brief comment that the Engineer's estimate for the project was \$213,000 and that, when awarded, this would be chargeable to the proceeds from the \$700,000 water bond issue, resting in the water and sewer construction account.

ADVERTISEMENT FOR BIDS

Sealed proposals for the construction of the pumping system for Wells No. 9 and 10 addressed to the Mayor and City Council of Idaho Falls, Idaho, will be received at the office of the City Engineer, Idaho Falls, Idaho, until 8:00 P.M., Mountain Standard Time, on the 8th day of November, 1962, and then will be publicly opened and read in Council chambers.

The work contemplated consists of the construction of a complete domestic water pumping system. Major items or work include furnishing gpm, two booster pumps of similar capacity, a pump house and well house, a 240,000 gallon reinforced concrete reservoir, all piping and valving, an electrical substation, and additions to the existing central remote control system.

Plans and specifications may be examined at the office of the City Engineer, City Hall, Idaho Falls, Idaho, or at the offices of Cornell, Howland, Hayes, & Merryfield, Consulting Engineers, 1600 Western Avenue, Corvallis, Oregon, or 414 North First, Boise, Idaho. A copy of said documents may be obtained at the office of Cornell, Howland, Hayes & Merryfield, 414 North First, Boise, Idaho, upon a deposit of twenty-five dollars (\$25.00) for each document.

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The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the award of the Contract.

Each proposal must be submitted on the prescribed form and accompanied by a certified check or bid bond payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

The successful bidder will be required to furnish a performance and payment bond for faithful performance of the Contract in the full amount of the Contract price.

The right is reserved to reject any or all proposals, to postpone the award of the Contract for a period not to exceed thirty (30) days and to accept that proposal which is to the best interests of the City of Idaho Falls, Idaho.

Dated this 13th day of October, 1962.

City of Idaho Falls, Idaho
s/ Roy C. Barnes
City Clerk

Pub: 10-15, 10-21, 10-28, 11-04-1962

It was moved by Councilman Leahy, seconded by Page, that the City Clerk be authorized to advertise as required by law. Roll call as follows: Ayes, 3; No, None; carried.

Lloyd then mentioned to the Council that the fall clean-up was scheduled soon and that this would last three to four weeks. This met with Council approval and he and the Mayor were authorized to use their joint discretion as to the time of starting, preceded with the usual publicity.

A proposal was presented from Cornell, Howland, Hayes, & Merryfield, covering the design of additions and expansion to the 9th Street substation which would provide electric service to the #9 and #10 wells, the fee of which would be in the amount of \$2700.00. It was moved by Councilman Creek, seconded by Leahy, that the Mayor be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

For the benefit of any who might question that which might appear to an uninformed observer to be preferential treatment by the City in consistently selecting one Engineering firm to do design work such as called for in the foregoing proposal Councilman Creek asked Public Works Director Lloyd to say a few words. Lloyd explained that this type of service is not conducive to going out for competitive bid; that Cornell, Howland, Hayes & Merryfield, being thoroughly acquainted with the City, can do a better job at less cost than another consulting engineer, not so well acquainted.

Mr. Keith Clarke reappeared and said he for one, had questioned this practice and appreciated the explanation. He used this incident as an example to again request and urge that the City use its own talent, consisting of the Mayor, the Councilmen and/or all division heads to tell their story directly through the Media of the press, the radio, and T.V. The Mayor told Mr. Clarke this was being considered and that he would have some response, if not an answer, from the Mayor and Councilmen by the next regular meeting date.

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Electrical Engineer Davis presented an agreement between the City and the State of Idaho Department of Highways, stating terms and conditions for certain work to be accomplished by the City in relocating of existing poles and lines in the vicinity of the John's Hole Bridge in connection with the John's Hole Interchange and the Yellowstone Highway widening. It was noted that, according to the agreement, the State would agree to pay the City for the costs of some of this work and that, in certain other instances, the City would agree to pay for same, depending on the circumstances. It was moved by Councilman Page, seconded by Creek, that the Mayor and City Clerk be authorized to sign, subject to a study of the agreement by the City Attorney. Roll call as follows: Ayes, 3; No, None; carried.

This resolution was read:

RESOLUTION (Resolution No. 1962-10)

WHEREAS, on the 28th day of June, 1962, the City Council of the City of Idaho Falls, Idaho adopted and the Mayor of said City approved Ordinance No. 1034 of said City, creating Local Improvement District No. 28 in said City for the purpose of constructing street and alley improvements in said City and providing for the issuance of Local Improvements Bonds to pay the cost of such improvements; and

WHEREAS, it is considered necessary and advisable that provisions be made for the issuance of interim warrants of the City pending the receipt of the proceeds of the bonds so authorized;

THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Idaho Falls, Idaho, that pursuant to the authority of Section 50-2926, Idaho Code, for the purpose of meeting the costs and expenses of constructing improvements in said Local Improvement District No. 28, the City shall issue a Clerk's Trust Warrant in the amount of \$12,565.26 to be deposited by the Treasurer to the account of said Local Improvement District No. 28 Construction fund for payment of estimate #2 upon approval by the City Council.

ADOPTED AND APPROVED this 9th say of October, 1962.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/W. J. O'Bryant
MAYOR

It was moved by Councilman Leahy, seconded by Creek, that the resolution be adopted and the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

In the interests of time, explained the City Clerk, this legal notice was published without formal Council approval:

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ADVERTISEMENT FOR BIDS

Sealed proposals for the rehabilitation of portions of the Lower Hydroelectric Power Plant addressed to the Mayor and City Council of Idaho Falls, Idaho, will be received at the office of the City Engineer, Idaho Falls, Idaho, until 2:00 P.M., Mountain Standard Time, on the 16th day of October, 1962, and then will be publicly opened and read.

The work contemplated consists of the following:

1. Removing deteriorated concrete and repairing 17 concrete piers.
2. Placing a 3-inch grout overlay on the bridge deck over the piers.
3. Furnishing and installing new gate seals for 10 existing radial gates.
4. Furnishing and installing 10 new radial gate hoists and one portable gate hoist operator.
5. Cleaning and painting 10 existing radial gates.
6. Cleaning and painting the power plant building.
7. Furnishing and installing a new 40-foot trash boom section.

The Plans and specifications may be examined at the office of the City Engineer, City Building, Idaho Falls, Idaho; or at the office of Cornell, Howland, Hayes & Merryfield, Consulting Engineers, 414 North First Street, Boise, Idaho, after 1:00 P.M., Wednesday, October 3, 1962. A copy of said documents may be obtained at the office of Cornell, Howland, Hayes & Merryfield, 414 North First Street, Boise, Idaho, upon a deposit of twenty-five dollars (\$25.00) for each document. The full amount of the deposit will be refunded if said Documents are returned in good condition within fifteen (15) days after the award of the Contract.

Each proposal must be submitted on the prescribed form and accompanied by a certified check or bid bond payable to the City of Idaho Falls, Idaho, in an amount not less than five percent (5%) of the amount bid.

The successful bidder will be required to furnish a bond for faithful performance of the Contract in the full amount of the Contract price.

The right is reserved to reject any or all proposals, to postpone the award of the Contract for a period not to exceed thirty (30) days, and to accept that proposal which is to the best interests of the City of Idaho Falls, Idaho.

Dated this 30th day of September, 1962.

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City of Idaho Falls, Idaho
s/ Roy C. Barnes
City Clerk

Published: 9-30, 10-7, 10-14, 1962

It was moved by Councilman Page, seconded by Creek, that the Clerks action in this regard be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk referred to the Board of Adjustment meeting held October 4th, 1962, for the reason that there were two items from the Boards' minutes requiring Council action. Following are excerpts from the minutes of that meeting:

FIRST APPEAL:

An appeal was made by Bob Wright for permission to build a home on Lot 2, Block 2, of the Hatch Addition, 16' 6" from the property line on Masters Drive. A motion was made by Grover Bennett and seconded by George Cope that this appeal be granted. Carried.

It was moved by Councilman Creek, seconded by Page, that the Board's action relative to the Bob Wright appeal be confirmed and the appeal granted. Roll call as follows: Ayes, 3; No, None; carried.

FIRST PETITION:

A petition was presented by C. L. Reinhart to permit a 20 foot setback on a home on Washburn Avenue, Lot 1, Block 8, John Heights Subdivision, Division #1. A motion was made by Grover Bennett and seconded by George Cope that this petition be denied. Carried.

It was learned that in the interim period, Mr. Reinhart had made other arrangements and so he no longer sought the setback in question. Therefore, it was moved by Councilman Page, seconded by Creek, that the Board's action be confirmed and the petition be denied. Roll call as follows: Ayes, 3; No, None; carried.

A letter was read from Mr. O. I. Blain expressing appreciation for the efficient work of the Police Department, and particularly Officer Roy Rainey, in investigating a theft at the stockyards on September 25th, apprehending the thief and returning the stolen merchandise.

The Mayor read the following letter:

October 2, 1962

W. J. O'Bryant, Mayor
City Hall
Idaho Falls, Idaho

Dear Mayor:

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Subsequent to my letter of September 24, District Engineer Sessions has advised me that the estimated cost of constructing the access road to the railroad building site is \$9800. Under the terms of the agreement, the City would be responsible for approximately \$3600.

Sorry I missed you when I was in Idaho Falls on September 27. I saw Alex Creek at the Metropolitan Transportation Committee meeting, and he advised me that there seemed to be no further questions regarding the proposed agreement and he expected the City Council would act on it October 6.

Very truly yours,
G. BRYCE BENNETT, P.E.
State Highway Engineer
s/ Norm
N.S. CROSSLEY, P.E.
Urban Engineer

No Council action was considered necessary.

The following memo from the Chief of Police was read:

October 2, 1962
MCJ-162-62

TO: Addresses
FROM: Milton C. Jones, Chief of Police
SUBJECT: TRAFFIC SAFETY INVENTORY

Mr. John Sherod, Traffic Safety Engineer, Boise, Idaho, will be in Idaho Falls to conduct two meetings concerning Traffic Safety Inventory for last year and plans for this year. The first meeting will be on October 17 at 2:00 P.M. in the City Council Chambers for the purpose of discussing plans before the public meeting scheduled for October 18th at 10:00 A.M. in the City Council Chambers.

It is important that the addressees attend so that they can bring out points they wish covered at the public presentation.

s/ Milton C. Jones
Chief of Police

ADDRESSEES: Councilman Creek, Foote, Leahy, Page; Don Lloyd, Don Ellsworth, Judge Black, Captain Perrin, Captain Wilson, Lt. Larsen, John Orr

The Mayor urged all affected and listed parties to plan on attending if possible.

City Attorney Barnard reported on a curfew investigation. Among other sources of written material, the information had been obtained from California Youth Authority bulletins; he said

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curfews in other cities which have proven unenforceable have been traced in part to the fact that they set too early an hour in the evening for the curfew to take effect. There must be provisions for lea way, he said, for recognizable and legitimate school activities, night employment, etc. Youth 18 years of age and older should not be affected, he continued. Barnard reminded the Council that special detention quarters must be provided. Whether there is a curfew law or not, he said, children can be detained, but not in the jail.

Councilman Leahy proposed, with Council concurrence, that this problem be aired by the press and radio as a means of learning public reaction.

The Planning Commission, through the Mayor, extended an invitation to Mrs. Dorothy Bishop for her to attend their meetings.

The Mayor announced a meeting of the Legislative Committee of the Idaho Municipal League October 12th in Boise. It was moved by Councilman Leahy, seconded by Page, that Councilman Creek be authorized to attend. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor then announced a meeting of the Board of Directors of the Idaho Municipal League on October 20th. It was moved by Councilman Leahy, seconded by Page, that the Mayor and Councilman Creek be authorized to attend. Roll call as follows: Ayes, 3; No, None; carried.

Previously, Mr. John Weida had requested from the Council that consideration be given to permit him to use a special gas lighting device for his fire place. This had been referred to the Gas Board who had denied the request both on their grounds that it was prohibited by the Gas Code and that, under certain circumstances, it could be dangerous. The Gas Inspector was directed to get a report on the device from the National Fire Underwriters Laboratories.

ORDINANCE NO. ---

AN ORDINANCE CONCERNING ASSESSMENTS FOR LOCAL IMPROVEMENT DISTRICT NO. 23 OF THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR THE CANCELLATION OF ASSESSMENT NO. 10, DUE SEPTEMBER 10, 1962, PROVIDING FOR THE REFUND OF MONEY HERETOFORE PAID ON SAID ASSESSMENT NO. 10; PROVIDING THAT ANY UNEXPECTED BALANCE IN THE FUNDS OF SAID LOCAL IMPROVEMENT DISTRICT NO. 23 SHALL REVERT TO THE GENERAL FUND OF THE CITY OF IDAHO FALLS, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

It was moved by Councilman Page, seconded by Leahy, that this Ordinance be passed on its first reading. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. ---

AN ORDINANCE AMENDING SECTION 19 OF CHAPTER 7 OF TITLE 8 OF THE CITY CODE OF IDAHO FALLS, IDAHO, FOR 1962, BY PROVIDING THE METHOD OF ASCERTAINING THE AMOUNT TO BE CHARGED FOR SEWER CONNECTION PERMITS FOR BUILDINGS CONNECTED TO THE SEWER LINES CONSTRUCTED BY AND

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UNDER LOCAL IMPROVEMENT DISTRICT NO. 23 OF THE CITY OF IDAHO FALLS, IDAHO, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

It was moved by Councilman Page, seconded by Creek, that this Ordinance be passed on its first reading. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 1037

AN ORDINANCE AMENDING AND CORRECTING SECTIONS 5 AND 8 OF ORDINANCE 1036, OF THE CITY OF IDAHO FALLS, IDAHO, BY CHANGING CERTAIN DATES SET FORTH THEREIN TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 29 OF TITLE 50, IDAHO CODE, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

It was moved by Councilman Leahy, seconded by Page, 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, 3; 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, 3; No, None; carried.

An agreement was presented between the City and the Utah Power and Light Company covering terms and conditions whereby the City would agree to relinquish all electric utility customers now served by the City but located outside the City limits and the Power Company would relinquish all customers inside the City limits now being served by them, in each instance for an equitable consideration. It was moved by Councilman Leahy, seconded by Creek, that the Mayor be authorized to forward the agreement to the Utah Power and Light Company for their consideration and approval. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that bids had been opened October 8th, 1962 on the remote control and telemeter work at the lower power plant and that only one bid was received from Babbitt Electric Company in the amount of \$40,047.00 which included a base bid of \$27,205.00 and provision for a training school by General Electric Company in the amount of \$12,842.00. It was moved by Councilman Leahy, seconded by Creek, that this bid be accepted with the following modifications:

- (1) Alternate bid item for carbon dioxide fire extinguisher system be rejected and re-bid.
- (2) Length of construction time be increased from 150 to 200 calendar days.
- (3) Supplier of supervisory equipment to be General Electric Company and this Alternate bid to provide training school at Idaho Falls for \$12,842.00.

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Roll call as follows: Ayes, 3; 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
