

JULY 7, 1961

The City Council of the City of Idaho Falls met in a Regular Session Friday, July 7, 1961, 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 Creek, Foote, Page, Leahy. Also present: Roy C. Barnes, City Clerk; Don Lloyd, City Engineer; George Barnard, City Attorney; Alva Harris, Building Official; George Aupperle, Controller; Harold Davis, Electrical Engineer.

Minutes of the last Recessed Meeting, held June 27th, 1961, were read and approved.

The Mayor announced that this was the time and the place for a zoning hearing on properties as described in the Post Register, June 18, June 25th, and July 2nd, 1961. First to be considered was an area described as follows:

Lots #39, #40, #41, and #42, Block 6, Mayflower Addition

It was explained that these are the Lots in Block 6, Mayflower Addition, which should have been advertised and listed for public hearing as of the June 8th meeting instead of Lots 25, 26, 27, and 28, but that the latter Lots were inadvertently listed instead, making it necessary for the proper ones to be advertised at a later date for consideration at this time. There were no protests. It was moved by Councilman Foote, seconded by Creek, that these Lots be rezoned from R-3 to C-2. Roll call as follows: Ayes, 4; No, None; carried.

Next to be considered was the following:

Lots #35 to #48 inclusive, Block 31, Capital Hill Addition

Mr. Dean Pfof, 160 N. Wabash Avenue, appeared before the Council representing himself, Mr. T. E. Davis, and Mr. Lavon Hansen, protesting any rezoning of this property on the grounds that there is not an adequate buffer zone provided for surrounding residential areas. By use of a map and with the assistance of the Building Official, Mr. Pfof was convinced by the Council that residential areas are being protected. Mr. Pfof withdrew his objection. There were no further protests. It was moved by Councilman Page, seconded by Creek, that the Lots be rezoned from R-2 to C-Ltd. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor then invited protests on the following:

Lots #28 to #44 inclusive, Block 32, Capital Hill Addition

No protests were registered. It was moved by Councilman Creek, seconded by Leahy, that the foregoing be rezoned from R-1 to C-Ltd. Roll call as follows: Ayes, 4; No, None; carried.

Last to be presented in the Capital Hill Addition was the following:

Lots #45 to #48 inclusive, Block 32, Capital Hill Addition

No one appeared to voice a protest. It was moved by Councilman Foote, seconded by Page, that this area be rezoned from R-1 to R-3. Roll call as follows: Ayes, 4; No, None; carried.

The next area, recently annexed for zoning consideration was:

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Beginning at the NE corner of the NE ½ of the SE ¼ Section 25, T. 2 N., R. 37 E.B.M. and running thence N 89° 44' 20" W 660.00 feet; thence S. 0° 16' 30" W 264.00 feet; thence S 89° 44' 20" E 660.00 feet to the East line of said Section 25; thence N. 0° 16' 30" E along the Section line 264.00 feet to the point of beginning containing 4.00 acres.

No protests were registered. It was moved by Councilman Creek, seconded by Leahy, that the East 300' West of Rollandet be zoned C-1 and the West 330' be zoned C-2. Roll call as follows: Ayes, 4; No, None; carried.

The last parcel to be presented for possible rezoning was described as follows:

Beginning at a point 125 feet North 0° 20' East of the Southeast corner of the southwest quarter of Section 7, 2 N., R. 38 E.B.M.; thence running South 87° 30' West, and parallel to the South line of the aforementioned Section 7, a distance of 228.06 feet; thence turning and running North 0° 20' East, a distance of 60.00 feet; thence turning and running North 87° 39' East a distance of 0° 20' East a distance of 60.00 feet; thence turning and running North 87° 39' East a distance of 228.06 feet; thence turning and running South 0° 20' West a distance of 60.00 feet to the point of beginning.

Mr. Jack Sanders, 1295 Ada Avenue, appeared before the Council representing himself and others, reminding the Council that only five of the nearby 12 property owners who signed the Grant Smith petition lives within 200 feet of the property in question. Also he noted that there were those who signed both the petition for and against rezoning.

Mr. Sanders then presented a petition with 432 signers, protesting the requested rezoning from R-1 to R-3. Mr. Smith was not present to speak in his own behalf. It was moved by Councilman Leahy, seconded by Creek, that this proposed rezoning be tabled and thoroughly studied before it is again presented. Roll call as follows: Ayes, 4; No, None; carried.

On all the foregoing Council actions relative to zoning or rezoning, the Mayor instructed the Building Official to incorporate the new or changed zoning on the official zoning map, located in his office.

The Mayor, recognizing that the Chambers were well filled with citizens who had appeared in the interests of an ordinance, passed on its first reading at the last Regular Council Meeting, which would amend Ordinance 737 by adding horses to the kind of animals that are prohibited from being kept within the corporate limits of the City, announced the Meeting was open for discussion, pro or con, relative to said amendment.

Councilman Foote asked permission to read a portion of a redraft of the amendment as follows:

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 737 OF THE CITY OF IDAHO FALLS BY ADDING HORSES, BURROS AND MULES TO THE KINDS OF ANIMALS THE KEEPING OF WHICH WITHIN ANY AREA ZONED FOR RESIDENTIAL PURPOSES WITHIN THE CORPORATE LIMITS OF SAID CITY IS PROHIBITED, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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BE IT ORDAINED by the Mayor and City Council of the City of Idaho Falls, that Section 1 of Ordinance No. 737 be amended to read as follows:

“Section 1. Keeping or Maintaining Certain Animals Within City Unlawful. – It shall be unlawful for any person or persons, corporation or association to keep and maintain within any area zoned for residential purposes within the corporate limits of the City of Idaho Falls any cows, pigs, hogs, swine, goats, burros, mules, horses, or sheep. Provided however, that for the purpose of loading and shipping of any such animal, it shall be lawful to keep the same in loading pens provided for that purpose, but no such animal shall be kept in such pens within the residential zoned areas of the City for a period of more than twelve (12) hours, except by written permission of the Mayor”.

Mr. Arthur Smith, local attorney, appeared before the Council as spokesman for the delegation to officially register protest to the amendment which would prohibit horses from being kept within the City. He presented a petition with 885 signers which read as follows:

P E T I T I O N

To: Mayor and City Council
Idaho Falls, Idaho

We the undersigned members of the Idaho Falls Senior Mounted Posse and the parents of Idaho Falls Junior Mounted Posse and interested parties of the City of Idaho Falls respectfully petition the Mayor and City Council as follows:

1. That the proposed City Ordinance banning horses from being kept in the City of Idaho Falls not be passed.
2. The horse barns at Tautphaus Park be reopened and restored to use for horses of the citizens of Idaho Falls immediately.
3. An attendant hired who will be able to take care of them and keep them in order and can enforce rules and regulations.
4. An order that all horses entered in the barns must have a certified certificate from a veterinarian that the horse has had a distemper shot and a brain fever shot before they will be entered in a stall.
5. An order that the barns be limed, disinfected, sprayed and whatever else be necessary to keep them in top condition at regularly appointed intervals and that the barns will be cleaned of refuse daily.

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6. That the race track fences and rails be restored to good condition.
7. That the center of the race track be cleared, reserved for horses and furnished with jumps & barrels for racing, etc.
8. That a bridle path be installed so a place will be provided for horseback riding. A committee be appointed to further plans already initiated.
9. That a committee with the help of a policeman be appointed to inspect conditions of stalls, treatment of animals, regulations broken by riders and to act on each case.
10. That at any infractions of rules and regulations, a horse can be impounded until such infraction be corrected.

We hereby request permission to use City park facilities such as the barns, race track, rodeo arena for the keeping and maintaining of horses as this is the logical location.

We urge immediate attention to the things prayed for in this petition.

NAME	ADDRESS	(CITY TAXPAYER OR CITY RESIDENT)
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He then presented a second petition, briefer than the first with 614 signers, said petition being limited in content to the number one point of the first petition. Mr. Smith acknowledged the redraft of the amendment, read by Councilman Foote, and said this came as a surprise to him and so he obviously was not prepared to say to what extent the redraft would have influenced the many signers.

Mr. Smith noted that there are many undeveloped tracts of land within the City limits where horses could be kept. If the City were to ban dogs, he said, there would be many who would protest; a horse lover feels similarly about the horse. He said horses should not be placed in the same category as more offensive animals such as pigs and goats. Mr. Smith, in his dissertation, admitted the need for horse control.

The City Attorney explained the apparent need for the amendment by pointing out that Mr. W. A. Bingham, 1495 E. 17th, had recently brought in a petition with 35 signers, protesting the presence of horses in a vacant tract of land adjoining his property, now in the process of being developed, said houses of which were owned by Mrs. Clarence Grant, 1385 17th. Mr. Bingham appeared and confirmed this testimony. Mrs. Grant also appeared to protest Mr. Bingham's stand on the matter. She said that in her opinion, areas such as this one, too small for the growing of crops, can be maintained much better by grazing horses than to let them grow up in weeds.

Councilman Creek asked approximately how many of the petition signers owned horses and was answered that very few were in that category; instead, Mr. Smith said, these signers were principally horse lovers or sympathizers.

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Discussion then centered around the closing of the Tautphaus Park stables to horses. It was pointed out that just prior to this action, very few horses were kept in the stable. Mr. Vernon Overstreet appeared and said there was a waiting list for reservations until the City raised the rates.

Others appearing to protest passage of the ordinance were: Mrs. Barbara Finn, Mr. Kenneth Walker, Mr. Jack Ritchie, Mr. O. I. Blain.

In view of the protesting group it was moved by Councilman Foote, seconded by Creek, that any action or passage of the amendment in question be tabled until the problem is reviewed by the new full time Recreational Director and the Recreation Committee. Roll call as follows: Ayes, 4; No, None; carried.

Mrs. Lavon Whitehead, 1855 S. Boulevard, appeared before the Council in the interest of the children who make a practice of riding horses at the park. She registered a complaint that they have been subject to verbal abuse by park employees. Mayor O'Bryant and Councilman Page assured her that any employees found guilty of such a practice would be disciplined accordingly.

Bills for the month of June, having been properly audited by the Finance Committee, were presented as follows:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$101,957.89	\$74,085.72	176,043.61
Recreation Fund	4,055.41	2,228.22	6,283.63
Fire Fund	21,476.23	951.32	22,427.55
Electric Light Fund	21,012.25	55,421.99	76,434.24
Water & Sewer	12,008.07	19,583.47	31,591.54
Police Retirement Fund	<u>1,493.74</u>	<u>.00</u>	<u>1,493.74</u>
<u>TOTAL FUNDS</u>			<u>\$312,780.57</u>

It was moved by Councilman Foote, seconded by Creek, that the bills be allowed and the Controller be authorized to issue warrants on there respective funds for their payment. Roll call as follows: Ayes, 4; No, None; carried.

Monthly reports from Division and Department Heads for the month of June were presented and, there being no objections, were ordered placed on file in the City Clerk's office.

License application for Junk Dealer for Joe Kushmider was presented. It was moved by Councilman Creek, seconded by Page, that the license be approved.

License application for Electrical Contractor for Scott L. Williams and Journeyman Electrician for Enoch Weber were presented. It was moved by Councilman Leahy, seconded by Foote, that these licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License application for the Dance Hall of Lobby Bar was presented. It was moved by Councilman Creek, seconded by Leahy, that the license be granted, subject to the approval of the Police Committee and the Police Chief. Roll call as follows: Ayes, 4; No, None; carried.

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License application for Cab Driver for John E. Hodges was presented. It was moved by Councilman Page, seconded by Leahy, that the license be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 4; No, None; carried. A denial recommendation covering the damage claim of R. F. Hubbard was read as follows:

June 28, 1961

City Council
City of Idaho Falls
308 "C" Street
Idaho Falls, Idaho

RE: Insured: City of Idaho Falls
Claimant: R. F. Hubbard
Claim: Sewage Backup
Date of Loss: 4/24/61

Gentlemen:

We have submitted our complete investigation on the sewage backup claim of R. F. Hubbard to the company.

After reviewing our report, they are denying this claim on the basis of no liability on the part of the City of Idaho Falls.

Very truly yours,
s/ George W. Brown
Adjustor

GWB:ob

It was moved by Councilman Leahy, seconded by Creek, that the Bureau's recommendation be followed and the claim be denied. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum from the Electrical Engineer was presented:

June 30, 1961

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

Gentlemen:

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On June 30, 1961, at 11:00 A.M., the City Purchasing Agent opened sealed bids on a 2 ½ ton truck for the Electric Light Division. There were five (5) bids received and these are tabulated below:

<u>COMPANY</u>	<u>TRUCK</u>	<u>PRICE</u> (F.O.B. St, Louis, Missouri)
B. A. Wackerli Co.	GMC	4,083.96
Snake River Equipment Co.	International	4,252.00
Smith Chevrolet Co.	Chevrolet	4,408.40
Ellsworth Bros. Inc.	Dodge	4,320.00
Stoddard Ford	Ford	4,839.32

All quotations met the City specifications with the exception of Ellsworth Brothers Inc. and B.A. Wackerli Company. These variations from specifications were not considered significant.

Therefore I am recommending that the Mayor and Council authorize the City Purchasing Agent to place a Purchase Order with the B. A. Wackerli Company. I would also recommend that an additional \$35 be added to their bid so that a sliding rear window may be added. This item was omitted in the specifications but will be needed when the Center Mount derrick has been mounted to the truck. Therefore, I am recommending that the Purchase Order to B. A. Wackerli be for \$4,118.96.

Respectfully submitted,
s/ Harold W. Davis
City Electrical Engineer

HWD;jac

After some discussion it was determined that there were certain variations in the specifications making it inadvisable to properly select a successful bidder. It was moved by Councilman Leahy, seconded by Creek, that all bids be rejected and that the City re-advertise for new bids with proper specifications. Roll call as follows: Ayes, 4; No, None; carried.

The next memorandum from the Electrical Engineer was read as follows:

July 7, 1961

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

Gentlemen:

The attached list of materials are needed to install the underground system for Home Ranch Division #1, Gustafson Park Division #2, and some miscellaneous supplies.

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Recent negotiations with the developers of these two sub-divisions have resulted in verbal contracts between them and the City of Idaho Falls. The contracts are being prepared based on the guide line that the developer pay all costs in excess of the equivalent overhead costs.

The purpose of this memorandum is to request Council action to authorize the Purchasing Agent to call for bid for those items shown on the attached specification sheets.

Respectfully submitted,
s/ Harold W. Davis
City Electrical Engineer

HWD;jac

It was moved by Councilman Page, seconded by Creek, that the Purchasing Agent be authorized to call for bids as described. Roll call as follows: Ayes, 4; No, None; carried.

A purchase requisition was presented in the amount of \$786.40 covering certain electrical supplies needed to convert Rogers Brothers to a single meter industrial system. It was moved by Councilman Leahy, seconded by Page, that this expenditure be approved. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum from the City Engineer was read by the City Clerk:

July 7, 1961
Acct. No. 17A-1

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

Within one week it will be necessary to start hauling City refuse at the new site of the City-County sanitary landfill. In our study of this problem it has become apparent that our existing bulldozer will not be adequate machinery to provide a satisfactory landfill operation.

Two methods of operation have been studied and demonstrated. It is our opinion that the best interest of the City will be served with the slope fill method involving a single piece of equipment. The machine is a crawler type tractor with a front-end attachment capable of four operations.

- a. Skid Shovel
- b. Bulldozer
- c. Scraper
- d. Clamshell

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Although there is not sufficient money in the current budget to purchase such a machine, we are suggesting that methods of financing be investigated in order to obtain this equipment immediately. The landfill could then be started with proper machinery, and repair work on the present bulldozer would be saved in addition to the contemplated evacuation which would be required without the machine.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd
City Engineer

DFL:dm

Councilman Leahy offered explanatory comment to the effect that the type of tractor described in the memorandum has been at the sanitary landfill site for purposes of demonstration and that he and the City Engineer are completely satisfied that it is capable of the necessary functions expected of it. He described the machine as a TD-20 International Harvester Drott Crawler Tractor, available through Arnold Machinery Company, local dealer, at a price of \$38,500 less \$5,000 allowance for demonstration, less \$6,000 trade in for an Allis Chalmers Tractor Model HD-11 with dozer. It was moved by Councilman Leahy, seconded by Creek, that the City Engineer and the Public Works Committee be authorized to negotiate with Arnold Machinery for the acquisition of this unit for a price not to exceed \$38,500, exclusive of trade-in and demonstrator allowance, that \$10,000 be paid down on the unit, that a conditional sales contract be drawn with a local Bank in the amount of \$17,500 plus carrying charges, due February 10, 1962, and that the Mayor be authorized to sign said contract, when prepared. Roll call as follows: Ayes, 4; No, None; carried. It was understood that the existing budget provides a total appropriation for sufficient funds to acquire the unit in this manner and that there will be monies available by February 10, 1962 to remit for the balance of the contract as stated.

In connection with the same project, the following was presented:

July 7, 1961
Acct. No. 17A-1

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

During our exploratory work at the new site of the City-County sanitary landfill, there appeared an acute need for water in this operation for the following reasons:

1. To control the dust for the protection of the workmen and the equipment.

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2. Control the blowing of papers and dust in order to minimize the objections from adjacent farmers.
3. For this particular type of silt soil, water is needed to obtain an adequate compaction.
4. Water would be highly desirable to maintain control of the burning area.
5. For the potential future use of irrigating the reclaimed land.

Because of the tremendous potential of this 240 acres, we have investigated the cost of a 16 inch well. It is estimated that a 400 foot well at \$16.00 per foot and 100 feet of casing at \$6.00 per foot would meet the requirements. Based upon experience of the wells drilled in this area, the 16 inch size would adequately irrigate all the area which could be placed under future cultivation.

Recognizing that our current needs will be quite limited, we have received estimates of \$4,000 for a 200 gallon per minute pump, and \$6,000 for a 400 gallon per minute pump. The 200 gallon per minute capacity would require a 30 H. P. motor and would be capable of irrigating about 40 acres. In our opinion, this quantity would be sufficient for the City needs for at least 2 or 3 years.

In light of the foregoing, we are recommending to the Mayor and Council that consideration be given for the need of water at this site, and that the Engineering Department be authorized to spend up to \$7,000 for a well, and up to \$4,000 for a pumping unit.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd, P.E.
City Engineer

DFL:dm

Councilman Leahy explained that in his opinion a 16" well is needed, particularly because of the fact that, eventually when the area is completely reclaimed, that size of well will prove an asset in farming that large of an area. It was moved by Councilman Leahy, seconded by Creek, that the Public Works Division be authorized to negotiate a well drilling contract and to purchase a pump capable of 200 gallon of water per minute, not to exceed \$11,000. Said well to be located in the area of the proposed sanitary landfill. Roll call as follows: Ayes, 4; No, None; carried.

From the City Engineer, the following was read and considered:

July 7, 1961

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

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We are attaching hereto a print of a portion of the City map showing the proposed well site No. 9, and two requisitions for the purchase of this well site.

To overcome objections heard during preliminary hearings at the site, we are now proposing the purchase of two lots as shown on the attached print. One lot each from Mr. Walt Asper and Mr. Allen Harris. We have been advised that the conditions of sale will include:

1. The original landscaping and continued maintenance of the unused portion of the property.
2. The improvement of that portion of Bonneville Drive adjacent to the property.
3. Suitable screening with shrubbery around the tank and well building.
4. Cyclone type fencing around one owner's property.

Since these conditions and the purchase price appear to be fair and reasonable, we are recommending to the Mayor and Council that authorization be given to acquire this land.

Respectfully submitted,
Public Works Division
s/ Donald F. Lloyd
City Engineer

DFL:dm

It was moved by Councilman Leahy, seconded by Page, that the City Engineer's recommendation be followed and authorization be granted to acquire the land site for City Well #9 under the provisions as described. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer noted that School District #91 had requested that the City vacate a portion of East Bonneville Drive from 9th to Cambridge Drive for use as playground. The City Engineer said that although he could see no need for the land for the predictable future, he would advise against permanently relinquishing the property by vacating it. It was moved by Councilman Foote, seconded by Leahy, that the Mayor be authorized to write a letter to School District #91 advising them that, until further notice they have the City's permission to take possession and use the land for a playground. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor noted that a Civil Defense School is to be held at the University of Seattle July 17th, 18th, and 19th. It was moved by Councilman Creek, seconded by Page, that Captain Forrest Perrin be authorized to attend. Roll call as follows: Ayes, 4; No, None; carried.

Two bids for a 1/2 ton pickup for the Street Commissioner were reviewed as follows:

Stoddard Ford	\$1,794.00
Lease or Rental	60.75 per month
Smith Chevrolet	\$2,050.00
Lease or Rental	70.00 per month for one year
	59.76 per month for two years

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It was moved by Councilman Leahy, seconded by Creek, that the Stoddard Ford unit be acquired with the understanding that it be rented for the first year, said rental of which would apply on the purchase, and the balance would then be paid in full. Roll call as follows: Ayes, 4; No, None; carried.

It was brought to the attention of the Council by the Mayor that the Planning Commission has requested \$300.00 from the City for master street plan engineering plus certain County land use plats. It was moved by Councilman Page, seconded by Leahy, that this expenditure be approved. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor drew attention to the fact that the residential shopping center portion of the public hearing, scheduled for July 13th, 1961, had been indefinitely postponed until such time as the Planning Commission can study and recommend.

The City Attorney advised the Council that the application by the City to purchase the island in the Snake River in the East Half of Section 13, Township 2 North, Range 37, E. B. M. had been closed due to the failure of the City to supply certain information required within the time limited, and that a new application could be made if the City still desired to acquire the property. It was moved by Councilman Foote, seconded by Leahy, that the Mayor be authorized and directed to execute a new application for the purchase of said property and file same with the Bureau of Land Management, with the proper filing fee. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor reminded the Council that the City is obligated to acquire two acres from Dr. John Hatch in the vicinity of St. Clair Road and First Street, to be used as a playground in connection with a new school site for School District #91. It was moved by Councilman Creek, seconded by Leahy, that authorization be given to proceed accordingly. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney presented certain forms from Edward L. Burton & Co. in connection with the preliminary authorization of the \$700.00 water bond issue and advised the Council that said bonds had been examined by him and appeared to be in order. It was moved by Councilman Page, seconded by Leahy, that the City Attorney be authorized to notify that bond house that he had given his preliminary approval to the forms in their present order. Roll call as follows: Ayes, 4; No, None; carried.

The Electrical Engineer asked that the Council authorize the State Highway Department to proceed as soon as possible to contract for the street lighting and semaphores on the Yellowstone widening project with the understanding that the City was prepared to spend approximately \$52,000 toward this end, \$12,000 of which would be on semaphores. It was moved by Councilman Leahy, seconded by Foote, that the Mayor be authorized to instruct the Department accordingly with the further understanding that no City funds would be available until February 10, 1962 and if the State's contract required some payment prior to that time the City would reimburse accordingly. 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 Council adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
