

JUNE 27, 1961

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The City Council of the City of Idaho Falls met in Recessed Session Tuesday, June 27, 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 Page, Creek, Foote, Leahy. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Lloyd, City Engineer; Alva Harris, Building Official; Harold Davis, Electrical Engineer; George Aupperle, Controller; Boyd Wright, Purchasing Agent.

Minutes of the last Recessed Meeting held June 8<sup>th</sup>, 1961, and a Special Meeting held June 14, 1961, were read and approved as amended.

Mr. Ivan Burden, 900 Austin Avenue, appeared before the Council as spokesman for a group of Packer Addition residents, also present, and requested that the City give serious consideration toward paving St. Clair Road from First Street to 17<sup>th</sup> Street. It was explained by the City Engineer that this poses a problem as the street is bordered on the east by a canal and therefore the west side residents would be required to pay double assessments or settle for one half a paved street. Mr. Burden suggested that most any kind of a temporary surfacing would be satisfactory which would eliminate flying rock and dust. The Engineer said it would not be economical to consider anything but a permanent improvement as anything of temporary nature would break up. Councilman Leahy proposed that Mr. Burden arrange a group meeting and that he and perhaps other Councilmen would meet with them to explain the many problems and, if possible, arrive at an eventual solution. To this Mr. Burden agreed.

Mrs. Fern Watson, 470 ½ Highland Drive, appeared before the Council, explaining that she and her husband had acquired a larger trailer home as living quarters and they now find that, under City Ordinance, they will be prohibited from effecting the exchange. It was explained to her by the Mayor that she has the right of appeal by petition from near by residents, through the Board of Adjustments and if this Board were to act favorably in her behalf, it would come to the City Council in the form of a recommendation. The Building Official assured her that he would properly guide her as to the necessary steps to be taken.

The City Clerk read the following claim denial recommendation for the City Insurance Carrier:

June 16, 1961

City of Idaho Falls  
Idaho Falls, Idaho

Attention: Mr. Roy C. Barnes

RE: Our Insured: BLP 18501 - City of Idaho Falls  
Accident of: 5-31-61  
Claimant: Mr. Farrell Lusk - 1085 Idaho Avenue

Gentlemen:

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Our investigation does not show any liability on the City's part in regard to Mr. Lusk's claim for damages to his windshield.

Immediately after receipt of the claim, we contacted Mr. Wyatt, the Superintendent at Tautphaus Park. He indicated that after checking with his employees, he could not find any evidence that any damage had been done to the claimant's automobile.

We suggest that you deny Mr. Lusk's claim on the basis of the following two points: 1. David Winder and Peter Syms, the employees mowing the lawn on the date the claimant alleges damage done to his vehicle, have no recollection of any rock being thrown into the windshield of a car. 2. Even if we were aware of damage, an inspection made of the mowers which were used show they are equipped with all of the necessary equipment and, therefore, there is no negligence on the part of our City employees.

We sincerely hope you are in complete agreement with our recommendations and once again wish to thank you for bringing this matter to our attention.

Very truly yours,  
s/ Robert M. Pierce  
Claims Adjustor  
Idaho Falls Field Office

RMP/vmm

It was moved by Councilman Leahy, seconded by Foote, that the claim be denied for the reasons as stated. Roll call as follows: Ayes, 4; No, None; carried.

License applications for Restaurant Permits, previously approved by the City Sanitarian, were presented as follows: RESTAURANT PERMITS, A & W Drive Inn, Curtis Drive Inn. SOFT DRINK, Carl B. or Beatrice B. Jensen, Mary's Café, Ada's Café, Lantern Café, Val's Café, Dinky Diner, Iffis Pizza, 191 Club, North Hi-way Café, Hi-way Drug, LeBarons, Jim Millard's Donut Shop, Phillips Grocery, Rainbow Café, Ray's Inn & Out, (three locations), and Mel Johnson Drug.

License applications for Theatre, Pool Room, Photographer, and Liquor were presented as follows: THEATRE, Falls Theatre and Rio Theatre. POOL ROOM, Ford's Cigar Store. PHOTOGRAPHER, Quincy Jensen, Perk's Portraits & Photo Service, and Melville's. LIQUOR, White Elephant Supper Club. It was moved by Councilman Foote, seconded by Creek, that these licenses be approved. Roll call as follows: Ayes, 4; No, None; carried.

License applications for Electrical Contractor and Journeyman Electrician were presented as follows: ELECTRICAL CONTRACTOR, Jamison Electric, Ray Griffith Electric, Dick Wheeler, and Snake River Electric. JOURNEYMAN ELECTRICIAN, Ernest J. Briggs, Owen Benzon, Thayle D. Monson, W. C. Jamison, Carl S. Carlson, R. LeRoy Collins, Burton Diamond, Lowell McMurtrey, Jack B. Dalton, and Walter A. Hansen. It was moved by Councilman Leahy, seconded by Page, that these

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licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 4; No, None; carried.

License applications for Dance Hall were presented as follows: White Elephant Supper Club, Fred & Kelly's Rounder Room, Topper Supper Club, and Bon Villa Club.

License applications for Rooming House, Motel, Hotel, Canned, Bottled & Draft Beer, to be consumed on the premises were presented as follows: ROOMING HOUSE, Paul Saito, Green & White Cabins, Joe's Cabins. MOTEL, Talbot Motor Court, Cleveland Motel, Ray's Motor Court, and Fall View Motel. CANNED, BOTTLED & DRAFT BEER TO BE CONSUMED ON THE PREMISES, 191 Club. It was moved by Councilman Page, seconded by Leahy, that these licenses be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 4; No, None; carried.

License applications for Milk Vendor and Meat Market were presented as follows: MILK VENDOR, Eastern Idaho Dairy and Superior Dairy. MEAT MARKET, First Street Grocery, Taylor Meat Co., and Phillips Grocery. It was moved by Councilman Page, seconded by Leahy, that these licenses be granted, subject to the approval of the City Sanitarian. Roll call as follows: Ayes, 4; No, None; carried.

License application for Master Plumber for Ahrco Sales & Engineering was presented. It was moved by Councilman Leahy, seconded by Creek, that this license be granted, subject to the approval of the Plumbing Inspector. Roll call as follows: Ayes, 4; No, None; carried.

The following memorandum from the City Clerk was read:

6-19-61

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

At or around June 1<sup>st</sup>, Mr. Judd Fewens was refused a certificate of occupancy for a residence at 484 12<sup>th</sup> Street. Prior to this time his electric service at that address had been charged on the commercial power rate, which is standard practice for construction service.

At the time he was refused the certificate of occupancy, the City Clerk's office was instructed by the Building Official to continue to charge commercial power rates for electric service and to refrain from charging garbage, water, or sewer, on the theory that if said charges were placed on the account, it would weaken the City's case.

Now that the case has been settled, we need your directive to charge Mr. Fewens, or not to charge him, for the various services listed above, during the period in question back to June 1, 1959. If the charge is made we would be guided by the following computations:

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Accrued garbage	\$ 24.00
Accrued sewer	36.00
Accrued water	<u>71.25</u>
	\$131.25
Difference in electric charge, residential vs commercial power	<u>52.55</u>
Net amount due:	78.70

Kindly advise your decision on the foregoing.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Leahy, seconded by Creek, that the City Clerk be authorized to charge Mr. Fewen's utility account for the reasons as described. Roll call as follows: Ayes, 4; No, None; carried.

Next to be presented was another memorandum from the City Clerk as follows:

June 27, 1961

To the Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

Your attention is drawn to the fact that the City Clerk has been authorized to acquire certain addressograph equipment for that department during this fiscal year and that \$3,600.00 or approximately one half the purchase price, was approved as a budget item.

The principal advantage in this equipment is one of labor saving and so it behooves the City to effect delivery as soon as possible, especially in view of the fact that the supplier is willing to defer this year's payment until after tax money is received.

In view of the foregoing, a purchase order was prepared on June 12<sup>th</sup>, with the verbal approval of two Councilmen, ordering one model 1900 addressograph machine with automatic feeder and one model 6400 electric graphotype machine. The order carried certain provisions as follows:

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\$3,600.00 to be paid February 10<sup>th</sup>, 1962  
Balance, including carrying charges, to be paid August 10<sup>th</sup>, 1962  
6% carrying charge, simple interest, on unpaid balance, from  
date of completed installation  
These terms subject to approval by the supplier  
The entire purchase order, including its provisions for payment,  
carrying charges, etc., to be subject to approval by the Mayor  
and City Council at its June 27<sup>th</sup> meeting.

The purpose of this memorandum, then, is self-explanatory. Your approval of the foregoing, at the specific request of the Purchasing Agent on June 12<sup>th</sup> before he would release the supplier's copy of the purchase order, is requested.

Respectfully submitted,  
s/ Roy C. Barnes  
City Clerk

It was moved by Councilman Leahy, seconded by Foote, that the purchase order for the addressograph equipment be approved with the provisions as outlined. Roll call as follows: Ayes, 4; No, None; carried.

**ORDINANCE NO. 1003**

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

The foregoing Ordinance was presented in title. It was moved by Councilman Creek, seconded by Leahy, 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.

A contract agreement was presented, # L. D. 18411, from the Union Pacific Railroad covering a sewer pipe line crossing and encroachment. It was moved by Councilman Page, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 4; No, None; carried.

It was noted that bids had been opened earlier on repair and replacement of sidewalk, curb and gutter on a unit price basis for City work of this nature to April 30<sup>th</sup>, 1962. Two bids were received from C. Reinhart & Sons and Lloyd Nash & Sons. It was moved by Councilman Leahy,

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seconded by Page, that the City Engineer's recommendation be followed and that Lloyd Nash & Sons be awarded the contract. Roll call as follows: Ayes, 4; No, None; carried.

The Electrical Engineer presented the following memorandum:

June 21, 1961

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

Gentlemen:

The attached bids for a utility-line construction body were received by the Purchasing Agent and opened on June 16, 1961 at 11:00 A.M.

Invitations to bid were published in the Post Register and also mailed to four (4) equipment companies.

The results of the bids are tabulated below:

	<u>TRUCO</u>	<u>WILLIAMSEN</u>	<u>GRAVER</u>
Line body per Specifications F.O.B. Idaho Falls	\$11,846.00	\$10,407.58	\$10,765.00
Trade-In Allowance	<u>250.00</u>	<u>481.91</u>	<u>850.00</u>
Net Price	\$11,596.00	\$ 9,925.67	\$ 9,915.00
Brake Controller	Not contacted	54.00	Included in Base Bid
Total Price to City	\$11,596.00	\$ 9,979.67	\$ 9,915.00

Since the above equipment is essentially identical, I recommend that the Mayor and Council authorize the Purchasing Agent to place a Purchase Order with Graver Tank and Manufacturing Company for \$9,915.00.

It should be stipulated in the Purchase Order that the City will pay the freight on the chassis to either Grant View, Missouri, or Salt Lake City, Utah, whichever is the cheapest.

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

HWD;jac

Mr. Lynn Holmes, Williamsen's sales representative, appeared before the Council. It was determined, upon clarification, that Williamsen's net price of \$9,925.67 included the brake controller, and that, therefore, the Williamsen and Graver bids were virtually the same. It was moved by Councilman Leahy, seconded by Foote, that the Williamsen bid be accepted. Roll call as follows: Ayes, 4; No, None; carried. Notation was made that the Council was justified in accepting this bid although nominally higher than Graver, in view of the fact that Williamsen's sales representative resides locally and that the company has nearby service facilities.

The following memorandum from the City Engineer was read:

June 27, 1961  
Acct. No, 12A-1

Honorable Mayor and City Council  
Idaho Falls, Idaho

Gentlemen:

Pursuant to a request by the City Clerk, we have reviewed the extension rider of a contract covering the purchase of water for railroad uses.

We find the original contract was entered into the 24<sup>th</sup> of June 1933, in which the City provided water to the Railroad Company at 8¢ per thousand gallons of water for commercial use and 6¢ per front foot for water used in sprinkling. Although this may have been a fair and reasonable rate in 1933, we are suggesting that a review of these rates would be in order.

Our investigation reveals there are presently nine water services in use by the railroad, two of which are metered. We are recommending to the Council that authorization be given to installing two additional 2-inch water meters. These meters with some other modifications should provide an equitable means of measuring the bulk of the water used by the Railroad Company.

Further, we are recommending that the Mayor and Council authorize the City Attorney to draft a new agreement, incorporating the City's present day water rates.

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

DFL:dm

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After some discussion it was determined that no change from the original contract should be made at the present time. It was therefore moved by Councilman Page, seconded by Leahy, that the contract #L. D. be extended under its original terms and that no action be taken on the City Engineer's recommendation relative to the additional water meters. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor noted that bids are in order for the interior painting of the old armory, now known as the City Recreational Center. It was moved by Councilman Page, seconded by Creek, that the Purchasing Agent be authorized to obtain bids with the understanding that the project will be completed by July 12<sup>th</sup>, 1961. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor read a letter from Mr. Kelvin Nelson accepting the position of Parks and Recreation Director, effective July 15<sup>th</sup>, 1961.

The Mayor proposed that the City of Idaho Falls become members of the American Municipal Association at cost of \$75.00 per year. It was moved by Councilman Creek, seconded by Leahy, that a membership be acquired. Roll call as follows: Ayes, 4; No, none; carried.

It was announced that the International Association of Fire Chiefs was to be held in Las Vegas, Nevada September 25<sup>th</sup> through September 29<sup>th</sup>, 1961. It was moved by Councilman Leahy, seconded by Creek that Fire Chief Brown be authorized to attend. Roll call as follows: Ayes, 4; No, None; carried.

City Engineer Lloyd presented a City map with certain proposed sewer locations red lined with the explanation that these would provide the primary nucleus of L.I.D. #27. The Council agreed that a tour of the various proposed installations should be made but, meantime, the City Attorney was authorized to commence legal procedure on the district.

The City Engineer then presented a drawing of a proposed 12" water main to replace an 8" main from the railroad tracks, west of Saturn Avenue on West Broadway and explained that the funds would be forthcoming from the water bond issue. He explained further that action is necessary at this time because of the Interstate Highway. It was moved by Councilman Foote, seconded by Creek, that the City Engineer be authorized to start the project as soon as possible. Roll call as follows: Ayes, 4; No, None; carried.

The new #9 well site was discussed. It was moved by Councilman Foote, seconded by Creek, that the Purchasing Agent be authorized to acquire a suitable option on certain ground just west of the Asper Addition and south of the Idaho Canal and 14<sup>th</sup> Street. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney drew attention to the fact that the M & F Club had recently been convicted in City Police Court on a charge of gambling on the premises and that suspension of the operator's beer license was in order. It was moved by Councilman Creek, seconded by Leahy, that the City Attorney be authorized to issue an order to show cause why said license should not be revoked, naming the time of the hearing before the Council as of 7:30 P.M., July 7<sup>th</sup>, 1961. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney reported that an appeal to the Supreme Court in the case of Hunke et al against the City of Idaho Falls involving the west side substation had been perfected in accordance with an unofficial City Council directive at an earlier meeting. It was moved by Councilman Leahy,

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seconded by Creek, that the previous Council action in this regard be duly ratified. Roll call as follows: Ayes, 4; No, None; carried.

**ORDINANCE NO. 1005**

AN ORDINANCE AMENDING ORDINANCE NO. 964 OF THE CITY OF IDAHO FALLS, IDAHO, BY PROVIDING FOR THE ADOPTION OF A CERTAIN DOCUMENT AS THE OFFICIAL PLUMBING CODE OF THE CITY OF IDAHO FALLS, BY REFERENCE; DESCRIBING SAID DOCUMENT; PROVIDING FOR ITS CERTIFICATION BY THE CITY CLERK AND FOR THE FILING OF THREE COPIES THEREOF IN THE OFFICE OF THE CITY CLERK; PROVIDING THAT THE PROVISIONS CONTAINED IN SAID DOCUMENT SHALL REGULATE THE INSTALLATION OF ALL PLUMBING WORKS WITHIN SAID CITY, AND THE QUALIFICATION AND LICENSING OF ALL PERSONS ENGAGED IN THE BUSINESS OF PLUMBING WITHIN THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

The foregoing Ordinance was presented in title. It was moved by Councilman Foote, 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.

**ORDINANCE NO. 1006**

AN ORDINANCE AMENDING ORDINANCE NO. 960 OF THE CITY OF IDAHO FALLS, IDAHO, BY PROVIDING FOR THE ADOPTION BY REFERENCE OF IDAHO FALLS, REGULATING THE ERECTION, CONSTRUCTION, ALTERATION, REPAIR AND INSTALLATION OF SIGNS WITHIN THE CITY OF IDAHO FALLS, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

The foregoing Ordinance was presented in title. It was moved by Councilman Page, seconded by Leahy, 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

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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.

**ORDINANCE NO.-**

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

The foregoing Ordinance was presented in title. It was moved by Councilman Leahy, seconded by Foote, that this Ordinance be passed on its first reading. Roll call as follows: Ayes, 4; No, None; Carried.

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN, pursuant to Section 50-405, Idaho Code, that the City Council of the City of Idaho Falls, Idaho, proposes and intends to adopt an ordinance amending Ordinance No. 852 of the City of Idaho Falls, by adding a new section thereto providing for the establishment of a new zone for public parks and playgrounds, recreation areas, schools, churches, amusement areas, and cemeteries and providing for the rezoning of the areas of the City now being used for such purposes, and further amending said Ordinance No. 852 by adding a new section thereto providing for the establishment of a new zone for residential shopping centers, defining the same, limiting the size thereof and the uses therein, restrictions and requirements pertaining to buildings, parking lots, landscaping, development time in such areas, and regulations of operations in such zone, and that a public hearing in relation thereto will be held on \_\_\_\_\_, the \_\_\_\_\_ day of July, 1961, at 8:00 o'clock P.M. of said day, in the Council Chambers in the City Building in the City of Idaho Falls, Idaho, when and where all parties in interest and citizens shall have an opportunity to be heard.

Publish: \_\_\_\_\_

s/ Roy C. Barnes  
City Clerk

The foregoing notice was presented. It was moved by Councilman Foote, seconded by Page, that the City Clerk be authorized to publish this notice and that the time of the hearing be set for July 13<sup>th</sup>, 1961. Roll call as follows: Ayes, 4; No, None; carried.

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The Mayor appointed Messrs. Gerald Hammer and Wilford Hammon to the position of drivers in the Fire Department. It was moved by Councilman Creek, seconded by Page, that these appointments be confirmed. Roll call as follows: Ayes, 4; No, None; carried.

The City Engineer advised the Council that it would be advisable for the City to acquire a lease on certain lands owned by the Federal Government owned lands under the jurisdiction of the Bureau of Land Management, being the West Half of the Southeast Quarter and Southeast Quarter of Section Twelve, Township Two North, Range Thirty Six, East Boise Meridian, for use in connection with the City's use and the land owned by the City lying immediately north of said Government owned lands for sanitary land fill purposes. He explained such a lease would give the City needed control over the access road and prevent indiscriminate dumping during the development of the sanitary land fill. It was moved by Councilman Foote, seconded by Leahy, that the Mayor be authorized and instructed to sign an application to the Bureau of Land Management for a lease to the City for said West Half of the Southeast Quarter of Southeast Quarter of Section Twelve, Township Two North, Range Thirty Six, East Boise Meridian. On roll call the vote was as follows: Ayes, 4; No, None; carried.

The City Engineer reported that Mrs. Fritz Johnson, 155 W. 17<sup>th</sup> Street had recently requested cost estimates for surfacing the unimproved roadway along the west bank of the Idaho Canal from West 17<sup>th</sup> to West 19<sup>th</sup>. He explained that Mrs. Johnson had indicated to Councilman Creek and himself that she and her affected neighbors would be willing to bear the cost of same, and it was proposed to her that monies could be deposited in an escrow account and that the City would proceed, subject to Council approval, when there were sufficient funds deposited, to complete the project. Mr. Lloyd pointed out that an engineer's study revealed that the roadway could be temporarily surfaced for \$1,420.00 and a permanent job could be done, including one curb and gutter section on the west edge, for \$3,900.00. The Council offered no objection to the foregoing and authorized Mr. Lloyd to provide Mrs. Johnson with this information when she contacts him.

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

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