

OCTOBER 7, 1960

The City Council of the City of Idaho Falls, Idaho met in Regular Session, Friday October 7, 1960, 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 Johnson, Creek, Foote. Absent: Councilman Petersen. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Ellsworth, Assistant City Engineer; Harold Davis, Electrical Engineer.

Minutes of the last Recessed Meeting held September 19, 1960 and a Special Meeting held September 30, 1960 were read and approved.

Mr. William McKinley of the Wize Bi Food Center appeared before the Council representing a group who proposes to cover an open ditch between the Idaho Canal to 17th Street and asked for City participation at the 17th Street crossing. Mr. McKinley pointed out that this would represent a savings to the City if done now before the street is widened. This was referred to the City Engineer for study and recommendation.

Mr. Grover Mark, Pocatello, Idaho, appeared before the Council explaining that he and his brother were desirous of establishing a spiritualist business in the City and asked for some concession on license fee, explaining that the \$20.00 a day as prescribed by ordinance is prohibitive. The Council asked for time to deliberate on the matter and said they would advise him by letter.

Mr. Francis Stoddard and Dr. M. K. Henninger appeared before the Council, to present a problem that exists at the City Auditorium. It was explained that the lighting and amplifying facilities are entirely inadequate, to the point that it becomes necessary when an important production is being presented, to import special equipment. Mr. Stoddard proposed that he produce South Pacific, that the City sponsor same. that all proceeds over and above expenses go toward the acquisition of such equipment. The Council agreed that the City could not speculate on a production of this nature being a success, and suggested that this be a joint Civic Club Venture. They assured the gentlemen that in such event, all rental charges would be waived.

Bills for the month of September, 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	\$82,205.93	\$1,157.25	\$16,240.45
Recreation Fund	1,157.25	615.89	1,773.14
Fire Fund	16,240.45	3,678.89	19,919.34
Electric Light Fund	17,924.94	58,590.53	76,515.47
Water & Sewer Fund	10,596.48	44,865.24	55,461.72
Police Retirement	1,911.24		1,911.24
		TOTAL:	\$310,342.53
		Police Retirement:	\$1,911.24

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

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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 City Clerk's Office.

Permit and license applications for BARTENDER were presented as follows: Edward H. Sullivan, James I. Roland; SOFT DRINK: Mrs. Walter D. Kane, Walt's Cosmopolitan Café; Val Middleton, Hi Way Drug; MASTER PLUMBER: John C. Siqueiros; SKATING RINK: Benson's Rollaway; BOWLING ALLEY: Skyline Lanes Bowling Center and Bowl-Ero, Inc.; GAS CONTRACTOR: Glen E. Brown. It was moved by Councilman Johnson, seconded by Creek, that these permits and licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License application for the sale of RETAIL BEER, change on ownership only, in favor of Shirley Brink of the 191 Club, 1298 North Yellowstone was presented. It was moved by Councilman Johnson, seconded by Creek, that the license be granted, subject to the approval of the Police Chief. Roll call as follows: Ayes, 3; No, None; carried.

The next license application to be presented was that of Mr. George Mark for a SPIRITUALIST LICENSE on which Mr. Grover Mark, a brother, appeared earlier in the Meeting requesting some concession in license fee, other than that prescribed by the ordinances. It was moved by Councilman Foote, seconded by Creek, that no concession be made and that the City Clerk be authorized to notify Mr. Mark that the license fee for such a business operation must necessarily remain at \$10.00 a day. Roll call as follows: Ayes, 3; No, None; carried.

The City Clerk read the following damage claim:

**The City of Idaho Falls, Idaho
Before the City Council**

**In the Matter of the Claim of
Sergio R. Gossman, Claimant**

Claim for Damages

SERGIO R. GOSSMAN hereby claims damages from the City of Idaho Falls for the destruction of and damage to certain personal property belonging to him. Such property was destroyed or damaged on August 27, 1960, by water flowing from a broken water main in St. Clair Road, and from an improperly maintained sewer at 12th and Terry Streets, in said City.

September 19, 1960

s/ Reginald R. Reeves
REGINALD R. REEVES
Claimant's Attorney
Idaho Falls, Idaho

I hereby certify that on September 20, 1960, I served the foregoing claim for damages upon Roy C. Barnes, City Clerk, by delivering a copy to him personally, at Idaho Falls, Idaho.

s/ Verna M. Hopper

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It was explained that this was received on the 20th day of September, 1960, and in the interests of time, was immediately forwarded to the City Insurance Carrier. It was moved by Councilman Johnson, seconded by Foote, that the City Clerk's action in having acted in this manner be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

Two additional claims were presented and read as follows:

Mr. William J. O'Bryant, Mayor
City Building
Idaho Falls, Idaho

Dear Sir:

We are subrogated to the rights of Charles D. Clark, Route #3 Idaho Falls, who had an accident September 3rd at the intersection of 10th and St. Clair Road. Mr. Clark's car, a 1954 Mercury two door sedan, was traveling north on St. Clair Road. He slowed down when he saw water on the road. Assuming that it was drainage water, he drove into it and his car sank, about half of the car was submerged.

We are advised that the City Police and the City Water Department had been notified of this condition prior to the accident.

We, herewith, make claim against the City for actual cost of repairs to Mr. Clark's automobile because of this occurrence, \$348.32.

Yours respectfully,
Snake River Mutual Ins. Co.
s/ George C. Yates
Casualty Supervisor

D A M A G E C L A I M

**TO THE HONORABLE MAYOR AND CITY COUNCIL
CITY OF IDAHO FALLS, IDAHO**

GENTLEMEN:

YOUR ARE HEREBY officially notified that on the 23rd day of August, 1960, at approximately 10:15 A.M. of said day Mrs. Ardella M. Butler was operating her 19*51 Plymouth sedan automobile in a westerly direction on First Street at the intersection of First Street and Holmes Avenue in Idaho Falls, Idaho; that at said time William Burgess, a City Police Officer, for the City of Idaho Falls, Idaho, was operating a vehicle owned by the City of Idaho Falls in a northerly direction on Holmes Avenue; that the said William Burgess failed to stop on a red light signal at said intersection and collided with the Butler vehicle; that Mrs. Ardella M.

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Butler's vehicle was damaged and depreciated in the amount of Two Hundred Three and 90/100 (\$203.90) Dollars for which she hereby makes claim by reason of said collision.

Investigation reveals that Mr. Burgess ran the red light although he was not operating the Police vehicle pursuant to any emergency whatever.

If you have an insurance carrier kindly refer this claim to it and/or make payment of the claim directly to this office.

Dated this 22nd day of September, 1960.

Sincerely yours,
s/ A. L. Smith
Attorney for Ardella Butler
201 Rogers Building
Idaho Falls, Idaho

Service of the above damage claim acknowledged this 22nd day of September, 1960.

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

It was moved by Councilman Foote, seconded by Johnson, that these be referred to the City Insurance Carrier. Roll call as follows: Ayes, 3; No, None; carried.

A claim denial from the General Adjustment Bureau was read as follows:

September 23, 1960

Mr. Roy Barnes
City Clerk
Idaho Falls, Idaho

Gentlemen:

We acknowledge receipt of a claim presented by the Hartford Fire Insurance Company under date of September 14, 1960. This letter is signed by Claude E. Otto, Claim Manager of the Hartford Insurance Company, Boise, Idaho. It apparently involves a paint spray claim submitted by O.M. Kissimer, date of occurrence 7-15-60.

We request that at the next Meeting of the City Council that this claim be respectfully declined for reason that it was not filed within the prescribed 30 day limit. Also we note in this letter that accident was reported as occurring on Main Street and, as you well know, there is no Main Street in Idaho Falls. We are so advising the Company and are at this time closing our file on claim.

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Yours truly,
s/ A. W. Knight, Manager

It was moved by Councilman Johnson, seconded by Creek, that the Bureau's recommendation be followed and the above claim denied. Roll call as follows: Ayes, 3; No, None; carried.

An advertisement for bids on the Utah Avenue Main Sewer was presented as follows:

ADVERTISEMENT FOR BIDS

Sealed unit price proposals for the construction of the Utah Avenue Main Sewer, addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the Mayor in the City Hall, Idaho Falls, Idaho until 11:30 A.M. Mountain Standard Time on the 6th day of October, 1960, and then will be publicly opened and read.

The work contemplated in this project consists of the installation of a main sewer line to provide sewer service to a portion of Local Improvement District No. 26. This Local Improvement District will provide sewer service to all the developed area within the City limits west of the Snake River, and it is intended that a contract for this complete sewer installation will be awarded within 60 days. Major items of work in this contract include the furnishing and installing of approximately 3,900 lineal feet of 8-inch diameter concrete sewer pipe, and 11 manholes, together with the necessary appurtenances. The City is asking for alternate bids of cement mortar and rubber ring type joints for the concrete pipe.

The work will be awarded to the one responsible bidder submitting the lowest acceptable bid.

Plans and specifications may be examined at the office of the City Engineer, City Hall, Idaho Falls, Idaho. A copy of said documents may be obtained at the above office upon a deposit of \$10.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the date of the bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's check, or bid bond payable to the City of Idaho Falls, Idaho, in an amount of the contract price.

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

Dated this 21st day of September, 1960.

City of Idaho Falls, Idaho
By: s/ Roy C. Barnes
CITY CLERK

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The City Clerk explained that, in the interests of time, he had taken the liberty of having this published September 21st, 28th, and October 5th, 1960. It was moved by Councilman Creek, seconded by Foote, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

Notice of completion of public works was presented by the City Clerk as follows:

NOTICE OF COMPLETION OF PUBLIC WORKS

NOTICE IS HEREBY GIVEN that the City of Idaho Falls, Idaho has on the 1st day of October, 1960, accepted the work as completed, by Goodwin Construction Co., contractor, on that certain public works contract with said City, known as Contract No. 9B-50, for the construction of the Skyline trunk sewer, consisting of the furnishing and installation of 1422 linear feet of 8" pipe, 2,342 linear feet of 12" pipe, 4062 linear feet of 15" pipe, 328 linear feet of 18" pipe, and 22 manholes, together with the necessary appurtenances.

Notice is further given, that any person, company or corporation who had furnished labor, or material or supplies used in said work, payment for which has not been made, may within ninety days from said date of completion of the work, file with the City Clerk of said City an itemized statement of his claim for all amounts due and unpaid by said contractor. Failure on the part of any claimant to file his claim within such period will constitute a waiver as against the contractor's surety.

s/ Roy C. Barnes
City Clerk

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

September 22, 1960

To the Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

On or about August 4th, 1960, Arrington Construction Company applied for a water connection at the Rogers Brothers new building site on Sunnyside and Rollandet. It was decided that a 4" service was required. The City Clerk's office has no specified flat fee for such a large connection. Instead, in the few instances where these are installed, the charge has been based upon actual time and materials.

The time portion of this charge, of course, should be and usually is based upon a reasonable cost to the City and is computed on the basis that City crews do the work. In this case,

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however, all City crews were engaged elsewhere. Therefore, Hartwell Excavating Company was directed to do the work, resulting in a greater charge for time than if the City crews had been assigned to the job. Our City Engineer has calculated, as near as he can determine, that the City's charge would have been \$32.90. Hartwell's price was \$100.50.

The bill for both time and materials has been paid by Arrington, but he is objecting to this overcharge. Your consideration of the foregoing is requested and if the Council feels, as does Arrington, that an inequity exists, your authorization is requested to permit the City Clerk to remit \$57.60 to the Arrington Construction Company to remedy this situation.

Respectfully submitted,
s/ Roy C. Barnes
City Clerk

The foregoing memo was then read: It was moved by Councilman Creek, seconded by Johnson, that the City Clerk be authorized to remit \$57.60 to Arrington Construction Company for the reasons as stated and described. Roll call as follows: Ayes, 3; No, None; carried.

A request was made by Frontier Construction Company and Dale Parish for a remittance in the amount of \$2,700.00 representing sewer connection fees on 27 homes in Falls Valley Subdivision from August 26, 1959 to September 21, 1960. It was moved by Councilman Johnson, seconded by Creek, that this payment be approved. Roll call as follows: Ayes, 3; No, None; carried.

A memo from the City Engineer was presented relative to the Jackson Street Sewer project as follows:

September 27, 1960

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

This memo is written with reference to the proposed Jackson Street Sewer.

This office has received a request from the Jackson Street Sewer Association for City participation in a sewer extending along Jackson Street and a subsequent lateral running North between Elmore and Fremont Avenues. We have reviewed the plans and specifications for this project and find the sewer main to be a desirable and needed extension of our sewer system. That portion of 12" sewer main for which the City should participate, along Jackson Street, between station 0.00 and 5.00 will cost \$1,620. Therefore, we are recommending to the Mayor and City Council that participation be authorized not to exceed \$1,620.

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

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cc: John Mac Beth and
Jack Hurley,
Co-Managing Directors
Jackson Street Sewer Association

It was moved by Councilman Johnson, seconded by Foote, that City participation in this installation be approved not to exceed \$1,620.00. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that bids had been opened on the Utah Avenue Main Sewer at 11:30 A.M., October 6th, 1960, revealing the following:

Bateman Brothers Excavating Co. Shelley, Idaho	Rubber Gasket Joints Cement Mortar Joints	\$34,435.35 34,055.05
Goodwin Construction Co. Blackfoot, Idaho	Rubber Gasket Joints Cement Mortar Joints	36,369.60 36,369.60
C. Reinhart & Son Idaho Falls, Idaho	Rubber Gasket Joints Cement Mortar Joints	37,818.35 37,818.35

In this connection, a memo of recommendation from the Assistant City Engineer was read as follows:

October 7, 1960
Utah Avenue Main Sewer
Acct. No. 9B-53A

Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

In accordance with your instructions, we have tabulated and checked the bids received for the construction of the Utah Avenue Main Sewer.

Bateman Brothers Excavating Company of Shelley has submitted the lowest bid of \$34,055.05 with cement mortar joints, and \$34,435.35 for the rubber gasket joints. We suggest that this difference of \$380.03 amortized over the life of the sewer would prove to be a worthwhile investment. A rubber gasket joint offers the following advantages:

1. The rubber gasket is flexible, so that subsequent trench settlement will not cause joint failure.
2. The control for the quality of joints rests primarily with the pipe manufacturer and not on the workmanship of field installation.

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3. In pipe sizes where interior inspection is not possible, the rubber gasket joint gives a better assurance of a smooth joint.

In consideration of the foregoing, we recommend to the Mayor and Council that Bateman Brothers Excavating Company be awarded the contract for construction of the Utah Avenue Main Sewer based upon the unit price for rubber gasket joints.

Respectfully submitted,
Engineering Department
s/ Don Ellsworth
Assistant City Engineer

It was moved by Councilman Johnson, seconded by Foote, that Bateman Brothers be named the successful bidder and awarded the contract. Roll call as follows: Ayes, 3; No, None; carried.

The City Treasurer presented, through the City Clerk, a memorandum explaining that there are 27 property owners in L.I.D. #23 that are three or more years delinquent on assessments. It was moved by Councilman Foote, seconded by Johnson, that the City Attorney take steps to cut off the redemption period, making the property in question subject to sale. Roll call as follows: Ayes, 3; No, None; carried.

The following memo from the Electrical Engineer was read:

October 7, 1960

To the Honorable Mayor and City Council
City of Idaho Falls

Dear Sirs:

This letter is written to inform the Mayor and Council of my findings regarding a consulting engineering firm for an engineering investigation of the upper Power Plant Dam and a supervisory control system of the Upper and Lower Power Plants.

On August 29, the Mayor and Council authorized me to approach various engineering firms to determine those who would be qualified and interested in doing this work. After writing to five firms who are licensed in the State of Idaho, I would recommend that Cornell, Howland, Hayes, and Merryfield be selected as the engineering firm to make this study.

The reasons for this recommendation are as follows; 1. qualifications and background of experience; 2. the existing reputation of the work they have done for the City and; 3. their work load would allow such an investigation at this time.

I hasten to point out that this letter is written only to recommend the selection of an engineering firm. This is necessitated since the engineering firms will not bid against one

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another. When one is selected, that firm will give us a cost estimate to perform the services needed.

Therefore, I recommend the Mayor and Council authorize me to select the firm of Cornell, Howland, Hayes, and Merryfield to investigate the Upper Power Plant and supervisory control system of the Upper and Lower Power Plants.

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

It was moved by Councilman Creek, seconded by Foote, that as recommended, Cornell, Howland, Hayes, and Merryfield be selected to investigate the operational problems at the Upper Power Plant Dam and the possibilities of a supervisory control system at the Upper Power Plant dam and the possibilities of a supervisory control system at the Upper and the Lower Power Plants. Roll call as follows: Ayes, 3; No, None; carried.

A second memorandum from the Electrical Engineer was then presented:

October 7, 1960

To the Honorable Mayor and City Council
City of Idaho Falls

Dear Sirs:

The Eagle Signal Company is holding a signal maintenance school covering pre-timed controllers December 6, 1960, through December 9, 1960. The bulk of the City's controllers are pre-timed and manufactured by the Eagle Signal Company.

The Eagle Signal Company will pay for the expenses of one man from the City, which include hotel and subsistence while in Moline, Illinois. The only expense that would be incurred by the City would be for transportation to and from Moline. This school would be invaluable to the City as a protection of the thousands of dollars invested by the City in semaphores.

Therefore, I recommend that the Mayor and Council authorize me to send Mr. Leonard Bray to this school.

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

It was moved by Councilman Johnson, seconded by Creek, that permission be granted as requested. Roll call as follows: Ayes, 3; No, None; carried.

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The Mayor reported that the Chairman of the Police Retirement Fund had advised that the fund has \$5,000.00 available for investment. It was agreed that the City Clerk be authorized to invest that amount with a local broker, said investment to consist of one year Federal notes on subscription.

Plans were presented for the old Armory renovation into a recreation center. It was agreed that the City Clerk be authorized to invest that amount with a local broker, said investment to consist of one year Federal notes on subscription.

Plans were presented for the Old Armory renovation into a recreation center. It was moved by Councilman Johnson, seconded by Creek, that these be approved and the contract be let to the Johnson Brothers Planing Mill, subject to final checking by the Recreation Committee or its authorized representative. Roll call as follows: Ayes, 3; No, None; carried.

The John Smith Addition was presented for zoning. It was noted that this area had previously been included in a zoning hearing meeting and that final zoning action had been tabled. It was moved by Councilman Foote, seconded by Creek, that this entire addition be zoned C Limited Business with the understanding that the Building Official be responsible for seeing that no grocery stores or service stations be built on the premises in question. Roll call as follows: Ayes, 3; No, None; carried.

The following letter was read:

October 3, 1960

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

Dear Mayor O'Bryant:

We have approved your request for state financial assistance in the development of Fanning Field contingent upon available monies.

We are currently in the process of extending two units on the back of our office-hangar building on the Boise Municipal Airport and would like to ask your courtesy of waiting a few months for our payment, as a participation gesture, as solicited in your letter of August 1.

Our Airport monies are very limited since they come purely from the gas taxes paid by the boys who fly and we have to extend some of our projects into the future to await money as it becomes available. We are certain you can appreciate this and hope you will find it possible to delay our remittance until accessible to us as the time comes along.

Sincerely,
s/ Chet Moulton, Director
Idaho Department of Aeronautics

The Council agreed that the Mayor be authorized to answer the letter, indicating the City's willingness to cooperate as described.

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The Mayor read the complete report of the Citizen's Highway Committee which contained the various one way street proposals as described in this Book of Minutes under the meeting dated September 30th, 1960. It was moved by Councilman Creek, seconded by Johnson, that the recommendations as set forth be adopted. Roll call as follows: Ayes, 3; No, None; carried.

Councilman Creek reported that he in the company of Forrest Perrin and Don Ellsworth had made a rather comprehensive study of the traffic needs and were prepared to make additional proposals for a one way traffic grid. It was decided, however, that said proposals should be first presented to the Committee for their perusal after which, if approved, these could then be considered by the Council.

The next Citizen's Highway Committee proposal to be considered was the opening of F Street into Yellowstone for west bound traffic. It was moved by Councilman Foote, seconded by Creek, that this be granted, subject to State Highway approval, particularly as to the effect this will have on directional travel on D and E Streets. Roll call as follows: Ayes, 3; No, None; carried.

Two way traffic on C Street was then proposed by the Committee to be effective at the time of the F Street opening and the Yellowstone widening. It was moved by Councilman Creek, seconded by Foote, that this be approved. Roll call as follows: Ayes, 3; No, None; carried. No action was taken on the proposal to widen the D Street underpass or to make Capital Street two way traffic.

Councilman Foote presented a proposition for the acquisition of the Dr. A. R. Soderquist property as part of the clear zone at the airport. He explained that there is in excess of 13 ½ acres and that Dr. Soderquist is agreeable to its sale for \$32,000.00 and that it would be understood that this would represent a sale price of \$1,600.00 an acre plus severance with terms \$7,000.00 down and five annual payments. It was moved by Councilman Foote, seconded by Johnson, that this transaction be approved and the City Attorney be instructed to prepare a contract accordingly. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 984

AN ORDINANCE AMENDING ORDINANCE NO. 981, BY ADDING TO SECTION 6 OF SAID ORDINANCE CERTAIN TRACTS OF LAND TO THE LOTS AND LANDS TO BE ASSESSED IN LOCAL IMPROVEMENT DISTRICT NO. 26.

The foregoing Ordinance was read in title. It was moved by Councilman Foote, seconded by Johnson, 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.

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There being no further business it was moved by Councilman Johnson, seconded by Foote, that the Council adjourn, carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
