

MARCH 19, 1992

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 19, 1992, in the Council Chamber in Idaho Falls, Idaho. Prior to calling the meeting to order, the Mayor called upon Jodi Carson, granddaughter of Councilmember Carlson, to come forward and lead all those present in the Pledge of Allegiance to the Flag.

The Mayor then called the meeting to order and, upon roll call, the following were found to be present: Mayor Tom Campbell; Councilmembers Larry Carlson, Mel Erickson, Joe Groberg, Linda Milan, Gary Mills, and Ralph Wood. Also present: Velma Chandler, City Clerk; Joe Burgess, Assistant City Attorney and all available Division Directors.

The City Clerk read a summary of the minutes of the last Regular Council Meeting held March 5, 1992. The minutes were approved.

The Mayor welcomed several scouts who were present in the Council Chamber.

The Mayor declared open a public hearing to consider two re-zoning requests and an amended plat of International Plaza. He asked Councilmember Mills to conduct the hearing. At the request of Councilmember Mills, the City Clerk read the following explanatory memo from the Director of Planning:

City of Idaho Falls
March 17, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Division of Planning and Building
SUBJECT: REZONING AND AMENDED PLAT OF INTERNATIONAL PLAZA

Attached is a copy of two rezoning requests and an amended plat of International Plaza. This property was originally annexed to the City, platted and zoned R-3A in the mid-70's. The developer has submitted an amended plat and is requesting a rezoning from R-3A to R-1 on the southerly portion of the property. The northerly portion of the property is being requested to be rezoned from R-3A to M-1. The City staff has reviewed this matter with officials from the FAA and they are in agreement with the proposal.

The Planning Commissioner considered this matter last year and recommended approval of the final plat and approval of the rezoning as requested. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

If the rezoning is approved, the comprehensive plan must be amended to accommodate the rezoning from residential to industrial on the northerly portion of the plat.

s/ Rod Gilchrist

The Director of Planning located the areas on a map on the wall and further explained the requests.

Councilmember Mills then asked the developer or his representative to come forward at this time and explain their proposal.

Mr. Larry Hudson, Mountain River Engineering, appeared representing the developer. He asked for Council approval and stated that he would answer questions if there be any.

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Councilmember Mills then invited further comment from the floor.

Mr. Ben Rinehart, 2008 Olympia, appeared to state that this issue had been considered about two years ago and, at that time, it was agreed that the area would be zoned M-1. For some reason, Mr. Clayton failed to get the plat changed as directed. Rinehart feels that the residents still favor the M-1 zone. He asked that action of the Southerly portion be postponed until the Council has time to review all issues, including letters and statements that he presented to the Council at this time. These documents are on file in the office of the City Clerk.

Councilmember Carlson asked what the Planning Commission is recommending? Ben Rinehart answered that they are recommending R-1 zoning, but he feels that they did not consider any action that had been taken previously. He stressed the need for the Council to review the documents he had just presented to them before taking any action on this matter.

There was discussion between Councilmembers, John Melling and Ben Rinehart concerning buffer areas, development, noise, the City being put in the situation of purchasing some homes in the future, the over-lapping of lots, the possibility of some lots being within the clear zone, if an existing City ordinance is still in effect, and FAA approval. The Airport Manager appeared to clarify some of these items and explain the zone use. The Airport Manager and the Director of Planning both stated that FAA approval had been received. Ben Rinehart said that he has been informed by an FAA official that they have not approved this proposal. They are recommending that the development not be allowed. It was moved by Councilmember Carlson that this matter be referred back to the Planning Commission for further review. This motion died for lack of a second.

Ms. Jennie Weber appeared to state that she is in favor of the R-1 zoning. She said that plans keep changing and she would like to be informed as to what is going on. She asked the Council to give this issue some thought and do the right thing.

Mr. Tim Egan, 1880 Olympia, appeared to approve the two re-zonings as requested. He asked that both parcels be re-zoned at the same time. He said that something will be built there and he would rather see houses than anything else. In his opinion, noise is not a factor.

Mr. Bill Peacock, 1660 Olympia, appeared to state that this property is already zoned residential and he would approve the re-zonings as requested and he asked that the re-zonings be approved at the same time.

Mr. Dick Clayton, Sr., one of the owners of the property, appeared to review the actions that have taken place concerning this property. He said that they have tried to meet all requirements and requests of near-by property owners. He asked for approval of these re-zonings.

Mr. Ben Rinehart re-appeared to state that EPA and HUD both strongly object to any other zoning than M-1. He asked if any Federal monies would be used in this development and if HUD loans will be allowed? The Mayor said that the City has no Federal monies involved in this area. Mr. Clayton said that he would allow the type of loan that the buyer qualified for. Mr. Rinehart said there is a new law governing these loans. The Mayor stated that this would be the developer's problem.

No one else appeared. The Mayor closed the hearing. It was moved by Councilmember Mills, seconded by Groberg, that the 320 feet of Blocks 1 & 2 of International Plaza be re-zoned M-1 and that the comprehensive plan be amended, that the re-zoning be granted, and that the City Planner be instructed to reflect said amendment and zoning change on the comprehensive plan and official map located in his office. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

It was then moved by Councilmember Groberg, seconded by Wood, that the remaining portion of this property being presented at this time be zoned R-1 and that the comprehensive plan be amended, that the re-zoning be granted, and that the City Planner be

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instructed to reflect said amendment and zoning change on the comprehensive plan and official zoning map located in his office, with the stipulation that this action will not over-ride any previous Clear Zone Ordinance. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

It was moved by Councilmember Mills, seconded by Groberg, that the Comprehensive Plan be amended to accommodate the re-zoning from residential to industrial on the northerly portion of the plat. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

It was then moved by Councilmember Mills, seconded by Wood, that the amended plat be approved and the Mayor, City Clerk and City Engineer be authorized to sign the plat. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

It was moved by Councilmember Mills, seconded by Groberg, that the development agreement be approved and the Mayor and City Clerk be authorized to sign same. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

Noting from the agenda that a request had been made to recess annexation proceedings for Tech Center Addition, Div. #1, it was moved by Councilmember Mills, seconded by Groberg, that these annexation proceedings be recessed until April 9, 1992, as requested. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

Annexation proceedings were then conducted for Cedar Ridge Addition, Div. #6. The Mayor called upon Councilmember Mills to conduct the proceedings. At the request of Councilmember Mills, the City Clerk read the following memo:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Division of Planning and Building
SUBJECT: CEDAR RIDGE ADDITION, DIVISION NO. 6, FINAL PLAT,
ANNEXATION AND INITIAL ZONING

Attached is a copy of the Final Plat of Cedar Ridge Division No. 6. This is a proposed single-family subdivision which provides for an extension of the existing street system within the development.

This matter was considered by the Planning Commission at a regular meeting last year. At that time, it was recommended the final plat be approved, annexation to the City, and initial zoning of R-1 be approved. This Department concurs with that recommendation. This matter is now being submitted to the Mayor and City Council for consideration.

s/ Rod Gilchrist

The Director of Planning located the subject area on a map on the wall and further explained the proposal.

Mr. Gary Voigt, the developer, appeared to ask for favorable consideration of this proposal. No one appeared either for or against this annexation. It was moved by Councilmember Mills, seconded by Groberg, that the final plat of Cedar Ridge, Div. #6 be

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approved and the Mayor, City Clerk, and City Engineer be authorized to sign same. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

It was then moved by Councilmember Mills, seconded by Groberg, that the annexation agreement be accepted and the Mayor and City Clerk authorized to sign. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

The City Attorney read the following ordinance title:

ORDINANCE NO. 2055

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. (CEDAR RIDGE ADDITION, DIVISION NO. 6)

The foregoing ordinance was presented in title. It was moved by Councilmember Mills, seconded by Groberg, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE FULLY READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; 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, Councilmembers Mills, Erickson, Carlson, Milam, Wood, and Groberg; No, none; carried.

The Mayor declared open a public hearing to consider the initial zoning of the newly annexed area. No one appeared. It was moved by Councilmember Mills, seconded by Groberg, that the initial zoning of Cedar Ridge Add., Div. #6 be established as R-1 and that the comprehensive plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning and amendment to the comprehensive plan on the comprehensive plan and zoning maps located in his office. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam and Carlson; No, none; carried.

The following license applications were presented: BARTENDER, Curtis Dean Burgess, Shirley E. Coddling, Carrie Marie Dowdy, Karen Lee Shore, Michael Roger Smart and Rowdy Carl Sorg; KENNEL, Wayne & Gayle Casella and R. Michael Lords; LIQUOR CATERING PERMIT, Eagles; PUBLIC RIGHTS OF WAY, Edward's Excavating, Four E Construction, Mike Gneiting, R.V Landon, Standley Trenching and Waters Const; RESTAURANT, Fiesta Time; ELECTRICAL CONTRACTOR, James Crook Electric; ELECTRICAL JOURNEYMAN, James P. Crook; ELECTRICAL APPRENTICE, Lincoln Beard, Glen Gruver and Guy Steadham; and SPRINKLING SYSTEM JOURNEYMAN, Kurt Eidam. It was noted that these licenses carried all required approvals. It was moved by Councilmember Erickson, seconded by Milam, that these licenses be issued. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

The City Clerk asked for Council ratification of the issuance of the following licenses: TBCOP BEER, Lee's Restaurant; BARTENDER, Gail A. Casella, Randall M. Parker and Gaye

E. Weeks; WINE BY THE DRINK, Lee's Restaurant; BUILDING CONTRACTOR, Stamper Enterprises, and Gene Rockwood; and SPRINKLING SYSTEM JOURNEYMAN, Mark

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Taberna. It was moved by Councilmember Erickson, seconded by Milam, that the Council ratify this previous action. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson and Erickson; No, none; carried.

The City Clerk asked for Council authorization to publish legal notices calling for hearings on April 9, 1992. It was moved by Councilmember Mills, seconded by Groberg, that authorization be given as requested. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills and Wood; No, none; carried.

From the Chief of Police came this memo:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Office of the Chief of Police
SUBJECT: ORDINANCE – DOOR-TO-DOOR SALES

A recent Federal Court ruling left the City with no enforceable ordinance for door-to-door sales.

Attached is a proposed ordinance which was drafted by the City Attorney and is respectfully submitted for your consideration.

s/ Monty G. Montague

The City Attorney read the following ordinance title and explained the contents:

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 5-4-1, CITY CODE OF THE CITY OF IDAHO FALLS, IDAHO; PROHIBITING DOOR-TO-DOOR SALES OF GOODS; SERVICES, FOOD OR BEVERAGE AT ANY POSTED RESIDENCE WITHIN THE CITY WITHOUT PRIOR INVITATION; PRESERVING PRIOR ORDINANCE; PROVIDING FOR SEVERABILITY; ESTABLISHING EFFECTIVE DATE.

Councilmember Erickson explained the need for this ordinance. It was moved by Councilmember Erickson, seconded by Mills, that this ordinance be passed on its first reading only. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

The Director of Planning submitted the following memo:

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MEMORANDUM

TO: Mayor and City Council
FROM: Rod Gilchrist, Division of Planning & Building
SUBJECT: REQUEST FOR OUT OF CITY SEWER SERVICE

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The developers of the proposed Gem Lake Harbor residential subdivision have requested out of city sewer service for their proposed development. The development is a large lot, single family subdivision. The proposal is to develop approximately 100 lots adjacent to and on the east side of the Snake River, north of the Gem Lake marina.

The developers respectfully request the Mayor and City Council to favorably consider this request.

s/ Rod Gilchrist

Mr. Doug Raymond, the developer of Gem Lake Harbor, appeared to ask for Council approval of this request. During Council discussion, it was felt it would be more feasible to annex the property, at the owners request, then these services would be available under annexation procedures. It was moved by Councilmember Groberg, seconded by Mills, that this request be denied. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

The Parks and Recreation Director presented the following two memos:

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: David Christiansen, Director, Parks & Recreation
SUBJECT: AUTHORIZATION TO BID SUNNYSIDE TENNIS COURTS - PHASE II

The Division of Parks and Recreation respectfully requests authorization to receive bids for construction of two tennis courts, located in Sunnyside Park. This is the second phase, which will complete this project.

s/ David Christiansen

It was moved by Councilmember Erickson, seconded by Wood, that authorization be given to advertise for bids for two tennis courts at Sunnyside Park. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: David J. Christiansen, Director, Parks & Recreation
SUBJECT: AGREEMENT - HARPER-LEAVITT ENGINEERING, INC.

Attached is the proposed agreement with Harper-Leavitt Engineering for design engineering, and contact administration, for the Green Belt Walk Bridge at John's Hole Bridge.

The proposed agreement has been reviewed and approved by the City Attorney.

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It is requested that the City Council approve said agreement and authorize the Mayor to execute the agreement.

s/ David Christiansen

Councilman Erickson explained the proposal and plans for funding. It was moved by Councilmember Erickson, seconded by Wood, that the agreement with Harper-Leavitt Engineering be approved for design engineering, and contract administration, for the Green Belt Walk Bridge at John's Hole Bridge and the Mayor be authorized to sign the agreement. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

The Airport Manager submitted the following five memos:

City of Idaho Falls
March 13, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ADVERTISEMENT FOR BIDS - SECURITY SYSTEM

The Airport Division respectfully requests authorization to advertise for bids for the Security Access Control System.

This system is required by the Federal Aviation Administration and is funded by a 90% Federal Aviation Administration Grant.

s/ James Thorsen

It was moved by Councilmember Wood, seconded by Groberg, that authorization be given to advertise for bids as requested. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam, and Carlson; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ADVERTISEMENT FOR BIDS - RUNWAY SHIFT PROJECT

The Airport Division respectfully requests authorization to advertise for bids for the Runway Shift Project.

This work is funded by a 90% Federal Aviation Administration grant.

s/ James Thorsen

It was moved by Councilmember Wood, Seconded by Groberg, that authorization be given to advertise for bids on this Runway Shift Project. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AUTHORIZATION TO RE-ADVERTISE FOR BIDS

The Airport Division respectfully requests authorization to re-advertise to receive bids for the runway edge lights and lighted taxiway signs.

This re-advertisement is required due to a discrepancy in the bid documentation. An addendum to the contract documents is to be prepared.

s/ James Thorsen

Councilmember Milam asked if these items will be compatible with the anticipated changes at the airport. The Airport Manager explained that these items can be moved. It was moved by Councilmember Wood, seconded by Groberg, that authorization be given to re-advertise for bids as requested. Roll call as follows: Ayes, Councilmembers Wood, Groberg, Mills, Milam, Carlson, and Erickson; No, none; carried.

City of Idaho Falls
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MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: AGREEMENT WITH FEDERAL AVIATION
ADMINISTRATION

The Federal Aviation Administration has proposed that the FAA and the City enter into a "Reimbursable Agreement": to cover the FAA's participation in relocating certain navigation aids required to be moved as part of the runway shift project.

The Agreement as proposed is the standard agreement for such a project.

The Agreement has been reviewed by the Assistant City Attorney.

The Airport Committee respectfully requests that the Mayor and Clerk be authorized to execute the Agreement.

s/ James Thorsen

There being no question nor comment, it was moved by Councilmember Wood, seconded by Groberg, that this agreement be approved and the Mayor and City Clerk authorized to execute the agreement. Roll call as follows: Ayes, Councilmembers Mills, Erickson, Carlson, Wood, Groberg, and Milam; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: Airport Committee
SUBJECT: ACQUISITION OF REAL PROPERTY

Mr. and Mrs. Charles Reed, Mr. and Mrs. David Reed and Mr. and Mrs. Larry Reed have submitted a signed purchase agreement for the sale of the real property owned by them adjacent to the airport and required for the clear zone widening project.

The purchase price is \$183,500 plus \$1,337 in closing costs for a total of \$184,837. This is the appraised value of the property. No relocation of residents is necessary.

The acquisition is provided for in a Federal Aviation Administration grant.

The Airport Division respectfully requests that the Mayor and Clerk be authorized to execute the agreement.

s/ James Thorsen

It was noted that FAA will participate 90% in this acquisition. It was moved by Councilmember Wood, seconded by Groberg, that the Mayor and City Clerk be authorized to execute the agreement. Roll call as follows: Ayes, Councilmembers Carlson, Milam, Erickson, Groberg, Mills, and Wood; No, none; carried.

The Municipal Services Director submitted the following four memos:

City of Idaho Falls
March 19, 1992

MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: AUTHORIZATION TO ADVERTISE & RECEIVE BIDS -
WATER DEPT. ADMINISTRATION & SHOP BUILDING RE-
ROOFING PROJECT

Municipal Services respectfully requests authorization from the Mayor and City Council to advertise and receive bids for re-roofing the Water Department Administration and Shop Building.

s/ S. Craig Lords

There being no questions, it was moved by Councilmember Milam, seconded by Wood, that authorization be given to advertise for bids as requested. Roll call as follows: Ayes, Councilmembers Carlson, Erickson, Groberg, Milam, Mills, and Wood; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-92-19, YORK ROAD SUBSTATION EQUIPMENT

Attached is the tabulation for Bid IF-92-19, York Road Substation Equipment - KV Capacitor Voltage Transformer, 120 KV Surge Arrester, Substation Batteries and Substation Battery Charger. It is the recommendation of Municipal Services to accept the low bid for each section as follows:

| <u>Description</u> | <u>Bidder</u> | <u>Total Price</u> |
|---|---------------------------|--------------------|
| Section I-161 KV Capacitor Voltage Transformer | Maydwell & Hartzell | \$ 8,290.00 |
| Section II-120 KV Surger Arresters | Westinghouse Elec. Supply | \$12,456.00 |
| Section III-Substation Batteries | Western States Electric | \$ 4,858.00 |
| Battery Rack | “ “ “ | \$ 950.00 |
| Section IV-Battery Charger | Western States Electric | \$ 1,816.00 |

s/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that the bids be awarded as recommended by the Municipal Services Division. Roll call as follows: Ayes, Councilmembers Groberg, Wood, Milam, Carlson, Erickson, and Mills; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: BID IF-92-22, ELECTRICAL CONDUCTOR

Attached is the tabulation for bid IF-92-22, Electrical Conductor. It is the recommendation of the Municipal Services Division to accept the low bid meeting specifications as listed on Attachment A.

s/ S Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that the Council accept the recommendation of the Municipal Services Division and award the bids. Roll call as follows:

Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam and Carlson; No, none; carried.

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MEMORANDUM

TO: Mayor and City Council
FROM: S. Craig Lords, Municipal Services Director
SUBJECT: LEASE AGREEMENT - 19TH HOLE CAFE - PINECREST
GOLF COURSE

Attached is a copy of a proposed lease agreement between the City of Idaho Falls and Renee Walsh for the 19th Hole Cafe and refreshment stand located at Pinecrest Golf Course. Municipal Services does not anticipate that the property will be needed for public purpose during the term of this agreement.

Municipal Services respectfully requests approval from the Mayor and City Council of said agreement.

s/ S. Craig Lords

It was moved by Councilmember Milam, seconded by Wood, that this lease agreement be approved and the Mayor authorized to sign the agreement. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

The Mayor announced that the second Council Meeting for May will be May 26th and for June, June 16, instead of as called for by ordinance. These changes are due to conflict of meetings which Councilmembers and/or Division Directors will be attending during these two months.

There being no further business, it was moved by Councilmember Wood, seconded Erickson, that the meeting adjourn at 8:55 P.M.; carried.

Velma Chandler
CITY CLERK

Thomas Campbell
MAYOR

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