

**NOVEMBER 27, 1990**

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Pursuant to a call by the Mayor, the City Council of the City of Idaho Falls, met in Special Session, in the Council Chambers, City Electrical Building, 140 South Capital Avenue, Idaho Falls, Idaho, on Tuesday, November 27, 1990, at 7:30 P.M. for the purpose of considering all items of business that would have been considered on November 22, 1990, as meeting was changed due to that date being Thanksgiving Day.

Prior to calling the meeting to order, the Mayor called upon Scout Jonathan Olson 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; Councilmen Art Chandler, Mel Erickson, Wes Deist, Joe Groberg, Sam Sakaguchi, and Ralph Wood. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney and all available Division Directors.

The City Clerk read a summary of the minutes of the last Regular Council Meeting held November 8, 1990. The minutes were approved.

The Mayor and Council honored Angela Roth for having received the Girl Scout Silver Award, and Eagle Scouts Luke Price, Darren Zaugg, Seth Stears, and Travis Harper. New Police Officers Craig Gardner and Patrick Mc Kenna; Dispatcher Eva Marie Lopez were introduced and welcomed to the City employee forces.

Noting that several persons were present concerning a BEER transfer license for El King Kong Bar, the Mayor asked Councilman Erickson to conduct the proceedings.

At the request of Councilman Erickson, the City Clerk read the following memo:

City of Idaho Falls  
November 27, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Office of the City Clerk  
SUBJECT: TRANSFER OF EL KING KONG BEER LICENSE

The El King Kong Bar has requested transfer of their beer license from 430 "A" Street to 3390 South Yellowstone Avenue.

The South Yellowstone address has been checked and is zoned to allow operation of a bar at that location.

The Fire Department has approved the building.

Therefore, the application for transfer of license is submitted for your consideration and approval.

s/ Monty G. Montague

Councilman Erickson then invited those in opposition to this action to be heard at this time.

Mr. Ed Reichel, owner of the Valley Trailer Court, appeared to state that he is very concerned for the residents of the Court if a bar is allowed at this address.

Mr. Eldon Hall, 1071 Sunnyside Road, appeared to register his concerns for young families in the area and that the location of a bar in this area will deteriorate the value of his property. The area is not conducive to the environment of the area and he stated that he is strongly opposed to the issuance of a license at this location.

Mr. Dan Burkey, a resident of Valley Trailer Court, appeared briefly to register his opposition to this license being issued.

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Mrs. Grant, resident at the trailer court, stated that the handicapped residents of this area have enough hardship without having a bar next door to them.

Councilman Groberg asked the City Attorney what prerogatives the Council might have in this regard, are there legal mandates that require the issuance of licenses for this type of operation?

Attorney Storer answered that there are standards within the City Ordinance that must be met, such as proper zoning, building, and fire code requirements being met and whether or not the applicant is qualified. As long as these conditions are met, it would be his opinion that there would be no reason to deny the license transfer.

Councilman Wood asked if the care center for the handicapped could be classified as a school and, therefore, be a reason for denial? Attorney Storer answered that, in his opinion, it would not be classified as a school.

Councilman Chandler asked why the bar operators were moving?

Mr. C.E. White appeared to state that he understands that the new owner of the property wanted it for other purposes and had requested that they move.

Councilman Deist asked the Attorney if the Council would be violating the City Ordinance if they do not grant this transfer? Attorney Storer answered in the affirmative.

Councilman Groberg asked if the Council would violate the Ordinance if they denied the request, or does the Ordinance require some vote of the Council?

Attorney Storer answered that he does not feel that there are adequate grounds to deny the request and if the Council did so, they would be subjecting themselves to having to appear in a court of law.

Mrs. Speas, 3330 South Yellowstone, appeared briefly to ask when this property was zoned to allow a bar. She was informed that it has been zoned since about 1964. She said that this operation is just not fair.

Mr. Ed Reichel re-appeared to ask if the Council were considering the problems that have occurred in this bar in the past?

Councilman Erickson explained that the Council and Police Committee are very much aware of problems that are associated with a bar and business of this type. The City is charged with the responsibility to maintain law and order, which they intend to do. If they operate within the law, they operate; if they do not, the Police will enforce the law.

Mr. Ed Reichel stated a personal experience he had experienced with this bar. Erickson said that this application had been reviewed and there is no basis for denial of the request. Mr. Reichel registered concern as to why the operators are moving from one location to another so frequently. Mrs. Ybarra, the bar operator, appeared to state that they have moved only once. Mrs. LaJune Hall stated that Quinton Manor, a home for retarded young adults, is near this location and it is difficult to get retarded people to understand that they cannot go near a bar.

Councilman Groberg asked if there were any classes taught at this care center. The answer was no. He then asked if there had been a previous beer and wine operation at this location. The answer was yes.

Mr. Elvin Hall re-appeared to ask the City Attorney what the citizens can expect for protection after this transfer license is granted.

City Attorney Storer stated that citizens have protection under the Police Ordinances, such as disturbing the peace, vandalism, litter, noise, etc. There are Police Ordinances that regulate and control the operation of these businesses. The Council cannot deny a license upon fear of what might happen. He said that it is not the fault of the bar owner if others break the law.

Mrs. Ybarra re-appeared to state that, in her opinion, she has as much right to have a business as any one else. She will try to control what happens, but she can make no guarantee as to what might or might not happen.

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Councilman Groberg stated that the factor of Quinton Manor being in the area concerns him. He asked the City Attorney if there is any room in the Statute that would allow for some interpretation, given the fact that there is a home for the mentally handicapped in the immediate area?

Attorney Storer answered that the primary function of the care center is care for the mentally handicapped residents and not a facility for education, therefore, it would not be a factor in this decision.

Councilman Wood asked that, if the fears of the residents come true, can the bar be declared a public nuisance?

Attorney Storer answered that it is very unlikely this could be done.

There being no further comment, it was moved by Councilman Erickson, seconded by Chandler, that this transfer of the license for El King Kong be approved. Roll call as follows: Ayes, Councilmen Deist, Sakaguchi, Wood, Chandler, and Erickson; No, Councilman Groberg; carried.

The following license applications were presented: 1990 LICENSES - BAKERY (Temp), Christmas Festival of Trees; DANCE HALL, El King Kong Bar; GROCERY STORE, (Temp), Hickory Farms (Country Club Mall), Hickory Farms (Grand Teton Mall); POOL HALL, El King Kong Bar; RESTAURANT, (Temp), Christmas Festival of Trees; RESTAURANT, El King Kong Bar; SECOND HAND STORE, Allonna's Fine Things; and WINE BY THE DRINK transfer license, El King Kong Bar.

License applications for 1991 were presented: AMUSEMENT CENTER, Citadel; AUCTIONEER, Gale Harding and Tadd Jenkins; BAKERY, Albertsons (East Anderson); BARTENDERS, Laurie Denice Bentley, Brian Charles Cullen, Betty J. Fleck, Gerald Franklin "Jerry" Mothershed, and Bernadette Marie Nelson; CANDY FACTORY, Farris Candy Company; CATERING SERVICE, D&K Catering; DAIRY, Western Dairymen Cooperative, Inc.; DELICATESSEN, Albertsons (East Anderson); GROCERY STORE, Albertsons (East Anderson), Boozer Oil, Broadway 66, Bucks, Grandview Texaco, Holiday Oil, K&B Kwik Stop Video, Seventeenth Street Gas and Wash, Shopko Stores, Inc., and Sideboard; HOTEL, Nelson Hotel; ITINERANT MERCHANT, Country Club Mall; JUNK DEALER, Stewarts Wool, Fur and Metal; KENNEL, NON-COMMERCIAL, William Simpson; MEAT, Albertsons (East Anderson); MOTEL, Driftwood Motel; PAWN BROKERS, Leymaster Jewelry and Ross's Coins; PHOTOGRAPHER, Franz Gisin Photography, Mike's Photo, New Horizon Photographics, and Video Makers; RESTAURANT, Arby's, Arctic Circle (Anne's), Big Als, Bonneville Restaurant, Cedric's Restaurant, Happys Chinese Restaurant, McDonalds (Broadway), McDonalds (Yellowstone), Moms Kitchen, Orange Julius, Sizzler Family Steak House, Stockyard Cafe, Subway Sandwich, and Taco Bandido; RETAIL WINE, Albertsons (East Anderson), Boozer Oil, Bucks and Sizzler Family Steak House; SECOND HAND STORE, Antique Gallery; and, a WINE BY THE DRINK, Happys Chinese Restaurant; BUILDING CONTRACTOR, Millar Construction Company, Hughes Roofing Company, Inc., Valley Glass Company, Rand Olsen Construction, Hunter-Saucerman Construction, Inc., Hartwell B&R, Klug and Smith Company, B&W Construction, Capital General, Palmer Construction Company, Homestead Construction, Jolly Building Supply, Long Custom Woodwork, Joseph Belloff, Building Maintenance Service, Hopkins Glass, Murdock Construction, Quality Insulation and Construction, Acoustic Specialties, Inc., Max Ker and Son Lumber Company, Stamper Enterprises, Inc., Ray's Construction, Four E Construction, Utterbeck Construction, Pro Builders, Inc., Bob Krah Cabinets, Blake Jones Construction Company, Reeds Cabinet Shop, McBride Builders, B&M Remodeling, Vern Clark and Sons Construction Company, Inc., Gillespie Construction, Francis E. Priest, Depatco, Bates Construction, Olsen/Sayer Construction, Nelson Building and Remodeling, Western Wholesale and Supply, Arave Construction Company, Inc., Jensen Brothers Builders, Inc., KJ Construction, and C-W Builders; ELECTRICAL CONTRACTOR, Oakey Electric, Electri/Con, Inc., Nelson Electric and Insulation, Twins Electric, L&F Electric, Whipple Electric, Arrow Electric, Steve Smith Electric, K-V Electric, Superior Electric, Hopkins Electric and Repair, Jolley Electric, Monson

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Electric, Inc., Intermountain Electric, Arco Electric, and Purser Electric; ELECTRICAL JOURNEYMAN, Robert J. Baird, David Mitani, Jay E. Van Orden, Roger H. Sandberg, Jerald Oakey, Mardell Oakey, Ken Nielson, David Lusk, Richard Lindbloom, Grant Gallup, Michael T. McNamara, Wesley L. Whipple, Walter L. Whipple, Gregory John Esser, Richard W. Likes, Kay Thurman, Glenn McCormick, Roy V. Holloway, Dale Clements, Robert E. Oyler, Willard C. Smith, Carey R. Heaton, Gene Cogdill, Evan Lee Powell, Earl Nelson, James B. Emery, Richard Judy, Rick C. Butler, Steve Smith, Vernon Hulse, Curt Stephens, Melvin Jay Danielson, Robert J. Bodell, Richard Linger, Keith E. Nielson, Kevin L. Hale, Phillip O. Oakes, Darwin C. Hopkins, Randy Norman, Monte Keppner, David Allen Hammond, Robert, B. Cummins, Ivan Jolley, Thayle D. Monson, Derlin Campbell, Anthony E. Passino, Steven Purser, and Allen G. Landon; ELECTRICAL APPRENTICE, Terry Dredge, and Steven Likes; CLASS B HEATING AND COOLING CONTRACTOR, D-D Refrigeration; CLASS C HEATING AND COOLING CONTRACTOR, K-V Electric, Waters Furnace Cleaning, and American Plumbing; CLASS D HEATING AND COOLING CONTRACTOR, Johns Plumbing, Inc., H&H Plumbing, Louis A. Roser Company, Bingham Mechanical, Inc., Whipple Electric, Superior Boiler, and Alliance Equipment Company, Inc.; CLASS A HEATING AND COOLING JOURNEYMAN, Walter L. Whipple; CLASS B HEATING AND COOLING JOURNEYMAN, Dale Matthews and Dave Dancliff; CLASS C HEATING AND COOLING JOURNEYMAN, Ira Duane Waters and Vernon Hulse; CLASS D HEATING AND COOLING JOURNEYMAN, Robert Tanner Johns, Paul Kaneko, David M. Powell, Roger Francis, David E. Heath, and Glen A. Roser; MASTER PLUMBER, Johns Plumbing, Ray Hymas, American Plumbing, and Bingham Mechanical, Inc; PLUMBING JOURNEYMAN, David M. Powell and James Robert Johns; SPECIALTY INSTALLER JOURNEYMAN, Jack B. Jones, Mike A. Sperry, David Lawrence, Dwain Judy, and Andy Richardson; and a SIGN COMPANY, Fred's Signs and Art. It was noted that these applications carry all required Department approvals. It was moved by Councilman Erickson, seconded by Chandler, that these licenses be approved for issuance. Roll call as follows: Ayes, Councilman Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

The following TO BE CONSUMED ON PREMISES BEER license applications were presented: Happy's Chinese Restaurant and Sizzler Family Steak House; and the following NOT TO BE CONSUMED ON THE PREMISES BEER license applications were presented: Albertsons (East Anderson), Boozer Oil, Broadway 66, Bucks, Grandview Texaco, Holiday Oil, and Seventeenth Street Gas and Wash. It was moved by Councilman Erickson, seconded by Chandler, that these Beer licenses be issued. Roll call as follows: Ayes, Councilmen Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; No, none; carried.

The City Clerk asked for Council ratification for the issuance of the following licenses; TO BE CONSUMED ON PREMISES BEER, The Ritz; NOT TO BE CONSUMED ON PREMISES BEER, Buttrey Food and Drug Company; AMUSEMENT, The Ritz; BAKERY, Buttrey Food and Drug Company; BARTENDER, Dennis Leon Ahlstrom, Richard Allen Clark, David L.M. Lewis, Suzanne D. "Suzy" McBride, Kelli S. Miller, and Favian P. "Perry" Solis; DANCE HALL, The Ritz; GROCERY, Buttrey Food and Drug Company and Idaho Honey; ITINERANT MERCHANT, Country Club Mall, Fiberglass Greenhouse, and Friends of the Library; MEAT MARKET, Buttrey Food and Drug Company; MOBILE RESTAURANT, Buttrey Food and Drug Company; RESTAURANT, The Ritz; RETAIL LIQUOR, The Ritz; RETAIL WINE, Buttrey Food and Drug Company; CLASS B BUILDING CONTRACTOR, Pacific Quality Construction, Inc.; CLASS C BUILDING CONTRACTOR, McBride Builders; and ELECTRICAL JOURNEYMAN, David Mitani. It was moved by Councilman Erickson, seconded by Chandler, that this previous action be duly ratified. Roll call as follows: Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

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The City Clerk asked for Council ratification of the publishing of a legal notice calling for a public hearing on December 6, 1990. It was moved by Councilman Chandler, seconded by Deist, that the Council ratify this action. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, None; carried.

From the Parks and Recreation Director came this memo:

City of Idaho Falls  
November 19, 1990

MEMORANDUM

TO: Mayor and City Council  
FROM: Division of Parks and Recreation  
SUBJECT: REQUEST FOR GRANT AUTHORIZATION

The Division of Parks and Recreation respectfully requests the Mayor and Council accept and execute the CHC Foundation Grant in the sum of \$20,000.00, for the acquisition of an activity bus.

s/ David J. Christiansen

There being no question nor comment, it was moved by Councilman Deist, seconded by Erickson, that the Council accept and execute the CHC Foundation Grant in the sum of \$20,000.00, for the acquisition of an activity bus. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; No, none; carried.

The Airport Manager submitted the following two memos:

City of Idaho Falls  
November 26, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: RESOLUTION SETTING RATES AND CHARGES FOR CERTAIN USERS AT THE AIRPORT

Attached is a resolution setting forth rates and charges for use of the Airport facilities.

These rates and charges are applicable to all users not holding a current contract with the City for airport use.

The Assistant City Attorney has prepared the Resolution for the Council's consideration.

The Airport Committee respectfully requests consideration of the Resolution.

s/ James H. Thorsen

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**R E S O L U T I O N (Resolution No. 1990-05)**

RESOLUTION OF THE CITY OF IDAHO FALLS  
ESTABLISHING RATES AND CHARGES FOR NON-  
CONTRACT COMMERCIAL USERS AT THE IDAHO  
FALL MUNICIPAL AIRPORT (FANNING FIELD).

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
IDAHO FALLS, IDAHO:

Section 1. Effective October 1, 1990, the rates and charges for non-contract  
commercial users at the Idaho Falls Municipal Airport (Fanning Field) shall be  
\$1.33 per one (1) thousand pounds of gross certified landing weight, with a  
\$10.00 minimum charge per landing.

Section 2. This Resolution shall be effective upon its passage, execution and  
publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 28th day of  
November, 1990.

ATTEST:

s/ Thomas Campbell  
Mayor

s/ Velma Chandler  
City Clerk

(SEAL)

It was moved by Councilman Deist, seconded by Sakaguchi, that the Council approve this  
resolution and authorize the Mayor and City Clerk to sign. Roll call as follows: Ayes,  
Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

City of Idaho Falls  
November 26, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Airport Committee  
SUBJECT: RESTAURANT /LOUNGE/GIFT SHOP

Mr. Arlynn Eggen has submitted a signed lease agreement to operate the  
Restaurant, Lounge and Gift Shop facilities in the Terminal Building.

The Terms and conditions are the same as for the previous lessee and are for a  
five-year period.

The Agreement was prepared by the Assistant City Attorney.

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

s/ James H. Thorsen

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It was moved by Councilman Deist, seconded by Sakaguchi, that the Mayor and City Clerk be authorized to execute this agreement. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

This memo from the Municipal Services Director was then read:

City of Idaho Falls  
November 27, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-91-03, MUNICIPAL WATER SYSTEM SCADA  
EQUIPMENT SUPPLY

Attached is the tabulation for Bid IF-91-03, Idaho Falls Municipal Water System Equipment Supply.

It is the recommendation of Municipal Services and the Public Works Division, in concurrence with the engineering firm of Black & Veatch, to accept the low bid of Motorola Communications & Electronics, Inc., with a base bid of \$247,610.00. It is also recommended that we accept all the alternatives which would increase the final award amount to \$297,120.00.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that this bid be awarded as recommended. Roll call as follows: Ayes, Councilman Wood, Chandler, Erickson, Deist, Groberg, and Sakaguchi; No, none; carried.

From the Public Works Director, came this memo:

City of Idaho Falls  
November 27, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Chad Stanger, Public Works  
SUBJECT: BID AWARD - SCADA INSTALLATION CONTRACT

Attached is a tabulation of bids received for installation of the SCADA equipment for the City's water system. The engineer's estimate for this project was \$98,200.00.

Public Works and the engineering firm of Black & Veatch recommend acceptance of the low bid provided by Wheeler Electric, Inc., in the amount of \$114,750.00, and authorization for the Mayor to sign the necessary documents.

s/ Chad Stanger

It was moved by Councilman Sakaguchi, seconded by Deist, that the Council accept the low bid provided by Wheeler Electric, Inc., in the amount of \$114,750.00 and authorize the

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Mayor to sign the necessary documents. Roll call as follows; Ayes, Councilmen Erickson, Deist, Groberg, Sakaguchi, Wood, and Chandler; No, none; carried.

The Municipal Services Director submitted the following four memos:

City of Idaho Falls  
November 27, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: AUTHORIZATION TO BID

Municipal Services respectfully requests authorization to advertise and receive bids for furnishing and installing fuel tanks at several City locations.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that the bid be awarded. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

City of Idaho Falls  
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MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-91-07, WOOD POWER POLES

Attached is the tabulation for bid IF-91-07, Wood Power Poles. It is the recommendation of Municipal Services and the Electric Division to accept the low evaluated bid of Poles, Inc., to furnish the Wood power poles as follows:

	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>
Item 1	2	70' Western Red Cedar Pole	\$794.00 Each
Item 2	25	55' Western Red Cedar Pole	\$390.63 Each

Quantities listed are the amounts required to fill the truck loads, per Bidder's calculations. Item 2 quantity is the balance required to make one complete truck load when combined with the quantity for Item 1. The order will be placed according to quantities listed.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that this bid be awarded as recommended. Roll call as follows: Ayes, Councilmen Deist, Groberg, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

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City of Idaho Falls  
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MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: BID IF-91-04, TWO (2) NEW 1991 CAB & CHASSIS

Attached is the tabulation for BID IF-91-04, Two (2) New 1991 Cab & Chassis to be used as Bob Tail Dump Trucks. It is the recommendation of Municipal Services to reject all bids and request authorization to re-advertise to re-bid.

s/ S. Craig Lords

It was moved by Councilman Chandler, seconded by Wood, that all bids received be rejected and authorization given to re-bid. Roll call as follows: Ayes, Councilmen Sakaguchi, Wood, Chandler, Erickson, Deist, and Groberg; No, none; carried.

City of Idaho Falls  
November 27, 1990

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: S. Craig Lords, Municipal Services Director  
SUBJECT: CIVIC AUDITORIUM - ROOF REPAIRS

Attached is a memo requesting that the Mayor declare an emergency existed at the Civic Auditorium regarding the roof leak.

It is respectfully requested that the Council ratify this declaration and authorize the necessary repairs.

s/ S. Craig Lords

Councilman Chandler explained the need for this action. It was moved by Councilman Chandler, seconded by Wood, that the Council ratify this declaration and authorize the necessary repairs. Roll call as follows: Ayes, Councilmen Groberg, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

The Mayor announced that he has appointed Tommie Robinson as a member of the Board of Adjustment. It was moved by Councilman Chandler, seconded by Erickson, that this appointment be confirmed. Roll call as follows: Ayes, Councilmen Chandler, Erickson, Deist, Groberg, Sakaguchi, and Wood; No, none; carried.

The Mayor presented a Pedestrian Safety Citation Plaque to the City.

There being no further business, it was moved by Councilman Chandler, seconded by Erickson, that the meeting adjourn at 8:30 P.M., carried.

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor