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issue dated April 1st, 1938, if and when sold, to provide sponsor's share of cost for completion of the dock, bath house, paths, sump and tennis courts on the Minnesota Point Project.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams, and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Mayor Berghult:

Resolved, That the City of Duluth does hereby accept the offer made by Wildey S. Mitchell, as representative of the Minnesota Point Land Company, to sell to the said City of Duluth, for the sum of \$1,000.00, and subject to the unpaid taxes and assessments, all of the following described property, to-wit:

All of Outlots 2 and "A," and all of Outlot 1, except that part which lies in the south-southwesterly direction from Lots 12 and 13 in Block 1 and is included between the north-northwesterly boundary line of Lots A and 12 in Block 1 and the south-southeasterly boundary line of Lots B and 13 in Block 1, extended to the shore line of Superior Bay on Minnesota Point, all in Oatka Beach Addition to Duluth, according to the recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County and State, upon the following conditions:

1. That title to the foregoing described property be vested in the City of Duluth, and a Certificate of Title thereto be issued by the Registrar of Titles for the County of St. Louis and State of Minnesota in the name of the City of Duluth;

2. That all unpaid taxes and assessments which are now a lien upon said property be cancelled of record by order of the State Tax Commission.

3. That the appeal affecting said property, of the Minnesota Point Land Company and the State of Minnesota, from the award of commissioners in the condemnation proceedings, which appeal is now on the calendar for trial in the District Court for St. Louis County, Minnesota, be dismissed.

4. That the condemnation proceedings against said lands by the State of Minnesota be abandoned.

Resolved Further, That when and if all of said conditions are complied with to the satisfaction of the city attorney for the City of Duluth, the proper city officers be and they are hereby authorized and directed to pay to the said Wildey S. Mitchell, as representative of the Minnesota Point Land Company, the sum of \$1,000.00 out of the Unemployment Projects Bond Issue (Minnesota Point Condemnation allocation).

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams, and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Williams:

Resolved, that the Legal Department City Assessor and Zoo Curator, as a Committee of the City of Duluth, is hereby authorized and directed to interview the Labor Pavilion Association committee with regards to property immediately adjacent to the Zoo and Fairmount Park limits, and to get their reaction and terms thereof as a purchase, with a view to securing said property as an adjunct to the City's program of Amusements and concessions, looking toward a more self-sustaining department in the Division of Public Affairs than now exists, viz: Zoo Department.

Commissioner Williams moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Culbertson:

Whereas, a Special Committee was designated by the Board of Education and the City Council to study the feasibility of creating a joint recreation board which would determine from time to time the neighborhoods most urgently in need of recreation buildings regardless of ownership of site by the School Board or the City, and to report on a method of financing such improvements;

Whereas, the report of said Special Committee presented on December 13, 1937, recommends the creation of a Public Recreation Board to operate Duluth publicly owned recreational facilities on a unified basis, as authorized by Chapter 233, Laws of Minnesota for 1937 which requires that the citizens approve by a majority vote at an annual school election the School Board's entering into such an arrangement;

Now Therefore Be It Resolved, That the City Clerk is hereby directed to respectfully request the Board of Education to meet with the City Council to consider the advisability of presenting to the voters at the next school election the matter of the formation of a joint Recreation Board.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Culbertson:

Resolved that the sum of Seventy-five (\$75.00) Dollars be and the same is hereby ordered transferred by the proper city officers from Public Safety Fund, Health Department, Budget Item SH1-1501 (Printing Department Reports and Bulletins) to Public Safety Fund, Health Department, Budget Item SH-1-702 (Salaries—Temporary). Resolved further that effective March 10, 1938, Miss Ethel McKeever be and she hereby is appointed as temporary typist-clerk for a period of three weeks at a salary of \$25.00 per week, payable out of Public Safety Fund, Health Department, Budget Item SH-1-702.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Culbertson:

Resolved that the sum of Two Hundred Thirty (\$230.00) Dollars be and the same is hereby ordered transferred by the proper city officers from Public Safety Fund, Health Department, Budget Item SH7-701 (Salaries and Wages) to Public Safety Fund, Health Department, Budget Item SH7-702 (Temporary Salaries).

Be it further resolved, that effective March 10, 1938, Mr. Ed. Rabetoy be and he hereby is appointed as temporary assistant milk inspector for a period of two months at a salary of \$115.00 per month, payable out of Public Safety Fund, Health Department, Budget Item SH7-702.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Culbertson:

Resolved that the bids received by the Purchasing Agent on the purchase of the 500-gallon Fire Engine Pumper for the Fire Department be and they are hereby rejected.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—Commissioners Bodin and Williams—2.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Culbertson: Resolved, that the following applications for licenses be and the same are hereby granted as follows:

Gasoline Filling Station

Siennes, Lester O. (transfer from G. A. Chamberlain No. 8543) 502 E. Superior St.

Motion Picture Theater

Minnesota Amusement Co. (2/9/38-2/8/39) 16 E. Superior St.

Soft Drinks

Maki, Isaak, 12 No. 1st Ave. East. Resolved further, that the following applications for licenses be and the same are hereby granted and bonds accompanying same be approved:

Pool Hall

Maki Isaak (3/4/38-4/30/38) 2 tables, 12 No. 1st Ave. East.

Second Hand Store

Lee, William C. (3/1/38-4/30/38) 21 No. Lake Avenue.

Resolved further, that the application of Archie Dennis for transfer of his On Sale and Off Sale non-intoxicating malt beverages licenses from 22 W. 1st St. to 10 W. 1st St. be and the same is hereby granted and bond accompanying same application be and the same is hereby approved: Upon the payment of \$3.50 the cost of publishing resolution.

Resolved further, that the application of Gust. A. Johnson and Norman Severson for the transfer of On Sale intoxicating liquor license No. 8128, issued to Refseth and Johnson, partners be and the same is hereby granted and bond accompanying same be approved upon the payment of \$3.50 the cost of publishing this resolution.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 9, 1938.

Approved March 9, 1938.

By Commissioner Bodin:

Resolved that the Water Leak Detector Company be and it is hereby awarded the contract for furnishing and delivering to the Water and Light Department, one only Super Power Converter, "Universal Water Leak Detector" together with pipe locating attachments on its bid of \$623.75 f.o.b. Duluth, Minnesota, payable out of Public Utility Fund, Water and Light Department, budget item W-9.

The above is a patented article within the meaning of Section 31 of the city charter.

Commissioner Bodin moved the adoption of the resolution and it was declared adopted upon the following vote:

the remodeling of the one-family dwelling at 2717 East Fifth street (East half of lot 12 and all of lot 13, block 9, Willard's addition), because said premises do not contain sufficient lot area for two families, and

Whereas, Mrs. Elizabeth Edman, owner, petitioned the Board of Zoning Appeals to approve the permit requested, and

Whereas, said Board held a public hearing on March 22, 1938 after due notice to interested parties, and after viewing the premises and hearing all parties appearing in this case, found that this appeal should be granted.

Therefore, be it resolved that said report of the Board of Zoning Appeals is hereby accepted and adopted and that the Building Inspector be, and he is hereby authorized and directed to issue the permit herein described.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, That the City Attorney and Commissioner of Finance are hereby authorized and directed to interview Chapman & Cutler, Bond attorneys, regarding points in dispute of the Bond Issue of May 1st, 1933 at Chicago, Illinois at an expense of not to exceed \$10.00 a day plus transportation charges payable out of General Fund, Budget Item G1510S, and proper city officials are hereby authorized to reimburse said officials their expenses upon receipt of properly verified statements of account.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, that all previous resolutions regarding the rates at municipal golf courses be and hereby are rescinded and resolved that the Park Department be and hereby is authorized to charge the following rates effective from and after April 1st, 1938:

A non-transferable season ticket good at all times, \$18.00.

Tickets good for either the 1st half or 2nd half of the season, \$10.00.

For the playing of 18 holes or less to be used only on the course for which purchased, 50c.

For a 9-hole ticket good except Saturday afternoon between 12 Noon to 4 P. M., Sundays before 4 P. M. and holidays, 35c.

For the rental of a club set for 18 holes with a deposit of \$3.00 at the time the clubs are taken, to be returned when clubs are checked in, 35c. Lockers, per season, \$2.50; per month, \$1.00; per day, 15c. Checking, 10c.

Students of the City of Duluth Public Schools, High Schools, Junior College, Teachers' College, Parochial Schools and Colleges and competitive teams from outside schools during week days until 4 P. M. and Saturdays before 12 noon at the rate of 25 cents for 18 holes and 15 cents for 9 holes during the school year or while they are in attendance at these schools, when the group is accompanied by the physical director or by a written request from the principal or the physical director of the school. For tournament play, 75c per entry with the exemption of players owning season tickets.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, That all previous resolutions regarding the rates at clay tennis courts operated by the City of Duluth be and the same are hereby rescinded, and Resolved, That the Park Department be and hereby is authorized to charge the following rates effective from and after April 1st, 1938:

Season tickets, good at all times \$5.00.

Season tickets, good only on week days before 4 P. M. and Saturdays before 12 Noon, \$3.00.

20c per court per hour for persons under 16 years of age, good only on week days before 4 P. M. and Saturdays before 12 Noon.

40c per court per hour for persons over 16 years of age, good at all times.

Lockers, per season, \$2.50; per month \$1.00; per day, 15c.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, That the purchasing agent be and he is hereby authorized to advertise for bids for furnishing and delivering to the park department and other city departments, grass seed, as needed during the year 1938.

Resolved Further, That the purchasing agent be and he is hereby authorized to advertise for bids for furnishing and delivering to the park

department a quantity of trees, shrubbery and blue grass sod in accordance with specifications on file in the office of the purchasing agent.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, and Mayor Berghult—4.

Nays—Commissioner Williams—1.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, That the Purchasing Agent be and he is hereby authorized to advertise for bids for one used Chevrolet Coupe Pick-Up and one used 60 H. P. 1/2-ton Ford Pick-Up for the Park Department, all in accordance with specifications on file in the office of the Purchasing Department.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, and Mayor Berghult—3.

Nays—Commissioners Culbertson and Williams—2.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, That Lieut. Col. X. N. Price be and he is hereby designated to act on the special committee appointed by the City Council March 2, 1938, to advise on plans for, and development of, Minnesota Point project; said appointment to fill the vacancy existing due to the departure of Major Jones from the city.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams, and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Mayor Berghult:

Resolved, That there be and hereby is temporarily borrowed from the Unemployment Projects Fund, Boulevard Improvements, the sum of \$2,000.00 for the purpose of making immediately available funds for continuing work on the following Park Department—W. P. A. Unemployment Projects:

\$1,000.00 for Unemployment Projects, Minnesota Point,

and

\$1,000.00 for Unemployment Projects, Brighton Beach Tourist Camp.

Resolved Further, That the proper City Officers be authorized to transfer this amount back to the Unemployment Projects Fund, Boulevard Improvements, already appropriated, as soon as the 1938 Unemployment Bond issue is made available.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams, and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Commissioner Merritt:

Resolved, That the resolutions of the City Council adopted and approved June 14, 1937, as to completion date of Section "C" of P. W. A. Docket No. Minnesota 1122 D, contract of John Wiinamaki, and Section "D" of P. W. A. Docket No. Minnesota 1122 D, contract of Nelson and Hafner, be and they are hereby amended so as to read further,

Resolved, That all penalties as to non-completion of said contracts be waived.

Commissioner Merritt moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams, and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Commissioner Merritt:

Resolved that the purchasing agent be and he is hereby authorized to advertise for bids for furnishing and delivering to the Division of Public Works one Four Wheel Drive truck chassis, body and hoist, and snow plow in accordance with specifications on file in the office of the purchasing agent.

Resolved further that the purchasing agent be and he is hereby authorized to advertise for bids for furnishing and delivering to the Division of Public Works and other City departments approximately 150,000 gallons of road oil and approximately 27,000 gallons of hot and cold patch tar in accordance with specifications on file in the office of the purchasing agent.

Commissioner Merritt moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted March 23, 1938.

Approved March 23, 1938.

By Commissioner Merritt:

Resolved, That effective immediately, the application of New York Casualty Company for termination of future liability on Bond No. 327339-E, heretofore filed by said casualty company in accordance with the resolution of the City Council approved April 14, 1937, is hereby granted, saving, however, any liability which may have accrued against the principal and surety named in such bond prior to March 21, 1938; and be it

Official Proceedings

COUNCIL CHAMBER, DULUTH, Minn., April 7th, 1938, Thursday, 2:30 P. M.
Regular Meeting:
Roll Call:
Present—Commissioners Bodin, Merritt, Williams and Mayor Berghult—4.
Absent—Commissioner Culbertson—1.

Presentation of Petitions and Other Communications

Mrs. J. Gimpel, Claim for personal injuries.—19951. City Attorney.
Geo. Hollinger, Vs. City of Duluth, Summons and Complaint.—19952. Same.
F. Emergency Administration of Public Works, re-Docket Minnesota 1122 D. Street Improvements.—19953. Received.
Same, Re-Same.—19954. Same.
Lakeview Community Club, re-proposition of Duluth Superior Transit Company, to pay half of cost of remodelling old car barn at 4411 E. Superior St. as a polling place.—19955. Received.

Reports of Officers

Assistant City Attorney, re-proposed contract for improving U. S. Government Property, Civic Center.—19956. Received.

Motions and Resolutions

By Mayor Berghult:

Whereas, in a written opinion dated April 6, 1938, the Legal Department of the City of Duluth advised that the proposed contract for improving the United States Government property at the Civic Center in Duluth cannot be executed by the City of Duluth, for the reason that such a contract would be beyond the legal powers of the city, now, therefore, be it

Resolved: That Mayor C. R. Berghult be, and he hereby is authorized and directed to return, unexecuted, to the Treasury Department of the United States the proposed contract covering such project, with such other information as he may deem necessary.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, Williams and Mayor Berghult—4.
Nays—None.
Adopted April 7, 1938.
Approved April 7, 1938.

By Mayor Berghult:

Resolved that the proper City Officers be and hereby are authorized to make the following transfers in the Unemployment Projects Fund:

\$500.00 from Engineers & Architects Fees and \$836.00 from the Irving Playfield to Unemployment Projects Fund, Irving Playground Building.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, Williams and Mayor Berghult—4.
Nays—None.
Adopted April 7, 1938.
Approved April 7, 1938.

By Commissioner Williams:

Resolved: That the proper city officers are hereby authorized and directed to make the following 1938 Budget transfers:

From the General Fund Budget Item G1510-A Insurance to Permanent Improvement Fund—Lots 17 to 32 inclusive, Block 6, Hunter and Markell's Grassy Point Addition to Duluth—the sum of \$500.00; and

From General Fund Budget Item G1510-A Insurance to Permanent Improvement Fund, Miscellaneous—\$500.00.

Commissioner Williams moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, Williams and Mayor Berghult—4.
Nays—None.
Adopted April 7, 1938.
Approved April 7, 1938.

By Commissioner Merritt:

Resolved, That pursuant to information from the Executive Council of the State of Minnesota the following officers of the Municipality of the City of Duluth are hereby authorized to meet with the above state body with regard to obtaining permission to sub-lease lands on Minnesota Point, or to obtain a deed therefore now held in the name of the State of Minnesota in conjunction with the Minnesota Point Relief and Recreational Project at a cost of not to exceed \$10.00 each, per day, and in addition thereto, transportation expenses in line with state laws, and the proper city officers are hereby authorized and directed to reimburse said officers upon receipt of properly verified statements of account from General Fund. (Budget Item G 1510-S), Mayor C. R. Berghult, Commissioners E. A. Bodin, C. A. Williams, Assistant City Attorney H. S. Campbell.

Commissioner Merritt moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, Williams and Mayor Berghult—4.
Nays—None.
Adopted April 7th, 1938.
Approved April 7th, 1938.

On motion of Commissioner Williams the Council adjourned at 3:43 O'Clock P. M.

C. D. JERONIMUS,
City Clerk.

OFFICIAL PROCEEDINGS
COUNCIL CHAMBER, DULUTH, Minn., April 11th, 1938, Monday, 10 O'Clock A. M.
Present—Commissioners Culbertson and Merritt—2.

Absent—Commissioners Bodin, Williams and Mayor Berghult—3.

No quorum being present on motion of Commissioner Culbertson the Council adjourned to meet at 2 O'Clock P. M. today.

C. D. JERONIMUS,
City Clerk.

At an adjourned meeting of the City Council held on Monday, April 11th, 1938 at 2 O'Clock P. M. the following Council members were present:

Commissioners Culbertson, Merritt—2.

Absent—Commissioners Bodin, Williams and Mayor Berghult—3.

No quorum being present on motion of Commissioner Culbertson the Council adjourned at 2:10 O'Clock P. M. to meet on Tuesday, April 12th, 1938 at 11:30 O'Clock A. M.

C. D. JERONIMUS,
City Clerk.

At an adjourned meeting of the City Council held on Tuesday, April 12th, 1938, at 11:30 O'Clock A. M., the following Council members were present:

Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Absent—None.

Presentation of Petitions and Other Communications

John M. Rich, Claim for Damages.—19957. City Attorney.

Agnes Koziarek, Claim for Personal Injuries.—19958. Same.

Peter Koziarek, Claim for Damages.—19959. Same.

Grace Olson, Claim for personal Injuries.—19960. Same.

H. E. Olson, Claim for Damages.—19961. Same.

City-Wide All-Sports Stadium Committee, re-construction of a city-wide sports stadium on City of Duluth property to be paid for out of Federal Funds.—19962. Received.

U. S. Conference of Mayors re-employment and relief situation.—19963. Same.

Carl A. Olson, et al., for improvement of 7th Alley from 17th to 18th Avenues East.—19964. City Assessor.

Emil A. Nelson, et al., for oil sprinkling on 1st Alley from 21st Avenue West to 22nd Avenue West.—19965. Same.

Anthony Vittorio, et al., for construction of concrete walk on the West side of 55th Avenue West from Main to Polk St.—19966. Commissioner of Public Works.

Marion E. Smith, et al., for vacation of that part of Gilliat St. which lies

between 45th Avenue East and Cambridge St.—19967. City Planning Commission.

Duluth School Employees' Union, Local No. 956, favoring construction of municipal auditorium.—19968. Received.

Walter Gilbert protesting bringing of children into taverns in the City of Duluth.—19969. Commissioner of Public Safety.

Reports of Officers

Eighth Annual Report of the Civil Service Board of the City of Duluth, for year 1937.—19970. Received.

Purchasing Agent reporting on furnishing linen exchange service to various park Dept. refectories during the year 1938.—19971. Received.

Same, reporting bids for furnishing the Park Dept. with a 1936 Used Chevrolet Coupe Pick Up Truck, and also a 1937 Used Pick Up Truck.—19972. Received.

Same, reporting bids for furnishing the Park Dept. refectories with ice during year 1938.—19973. Received.

City Clerk and Commissioner of Registration, re-employment of additional help in Registration office during election rush.—19974. Received.

Purchasing Agent reporting bids for furnishing cold and hot patch asphalt for Public Works and other city departments.—19975. Same.

Same, reporting bids for furnishing road oil to the City of Duluth.—19976. Same.

At this time Mayor Berghult reported verbally on the result of the Council's conference with the State Board of Control regarding purchase of Park Point property.

Unfinished Business

The resolutions by Commissioner Merritt awarding contracts for furnishing hot and cold asphalt at the plant, etc., and furnishing the Division of Public Works with road oil were laid over for one week under the provisions of the City Charter.

The resolution by Mayor Berghult awarding contract for purchase of a Lincoln Zephyr Sedan for the Mayor's Dept. was laid over until Wednesday, April 13th, 1938, for further consideration.

Motions and Resolutions

By Mayor Berghult:

Resolved that the East End Ice & Coal Company be and it is hereby awarded a contract for furnishing and delivering to the various Park Department Refectories, ice during the 1938 Season, at 60c per cwt., in an estimated amount of \$200.00. Payable out of the Public Welfare Fund, Park Department, Budget Item WP16-909.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted April 12, 1938.

Approved April 12, 1938.

By Mayor Berghult:

Resolved that Contract No. 4470 awarding contract to Duluth Builders Supply Co. for furnishing and delivering to the Park Department (Ordean Field) re-inforcing steel, etc., for use in construction of a stadium, in an amount of \$1,835.01; be and the same is hereby amended to read as follows:

Resolved that Duluth Builders Supply Co. be awarded a contract for furnishing and delivering to the Park Department, a quantity of reinforcing steel, spacers, bolts and washers in accordance with plans and specifications, which include Sections 1, 2, 3, 4, 5, 6 and 7 of the Stadium Plans, in an amount not to exceed \$215.00; cash terms being 1/2 of 1% 10 days on re-inforcing steel and 2% 10 days on the balance of material; all payable out of the Public Welfare Dept., Ordean Trust Fund.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted April 12, 1938.

Approved April 12, 1938.

By Mayor Berghult:

Resolved, That Miss Beatrice Frink and she is hereby appointed as Temporary Election Clerk in the Registration Office, at a salary of \$85.00 per month, effective April 16th, 1938, for a period not to exceed three months, payable from General Fund Budget Item G 1501-702. Salaries, Temporary Clerks, Deputies, and Laborers).

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted April 12, 1938.

Approved April 12, 1938.

By Mayor Berghult:

Resolved that the Purchasing Agent and he is hereby authorized to advertise for bids for furnishing and delivering to the Zoo Department a 1938 1 1/2-ton chassis and cab with forward body and hoist mounted; in accordance with specifications in the office of the Purchasing Department.

Resolved further that the Purchasing Agent be authorized to sell one Ford Pick Up Truck.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted April 12, 1938.

Approved April 12, 1938.

By Mayor Berghult:

Whereas, a petition for the vacation of the property hereinafter described has been duly filed, the notice given, and the same heard and fully considered by this council, all in compliance with the charter and ordinances of the City of Duluth and the laws of the State of Minnesota, and this council having found from the facts and reasons presented in support of said vacation that same is in the public interest, now, therefore, be it

Resolved: that that portion of Tenth Avenue East lying between the southerly line of 12th Street and the northerly line of Eleventh Street, and between Blocks numbered 31 and 32, Lake View Division of Duluth, and the alley lying between the westerly line of Eleventh Avenue East and the easterly line of Tenth Avenue East, in Block numbered 32, Lake View Division, all according to the recorded plat thereof on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota, be, and the same is hereby vacated; excepting and reserving to the public, however, an easement therein for the laying and installing of water, gas, sewer, conduits for wires, and all other public utilities.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted April 12, 1938.

Approved April 12, 1938.

By Mayor Berghult:

Resolved that Duluth Builders Supply Co. be and it is hereby awarded a contract for furnishing material for the construction of the Irving Park Field House, in accordance with bid submitted on the following unit prices, quantities being estimated: No. 890 Face Brick \$27.10 M. Jumbo Brick \$23.10 M., 12" x 12" Flues at 62c per sq. ft., Carneys Bricklayers Cement in paper sacks at 66 1/2c per sack, Huron Portland Cement in paper bags at 69c per bag, No. 4 Gauge 58 pounds per 100 sq. ft. Wire Mesh at \$3.30 C sq. ft., 3. Diamond Mesh Lath at 25c per sq. yd., 3/8" Rib Lath at 27 1/2c sq. yd., Rocklath at \$22.50 M. sq. ft., Metal Corner Bead at \$26.50 M. sq. ft., 2.2 Metal Lath at 22c sq. yd., Hardwall Plaster at \$20.50 ton, 1/4" Galvanized F. H. Nails at \$7.65 cwt.—in an estimated amount of \$3,000.00, cash discounts being as follows: Face and Jumbo Brick 2% 15 days, Rocklath and Nails 2% 10th proximo, Balance 5% 10th proximo. Payable out of the

On Sale Non Intoxicating Malt Beverages

Ehle, Carl H., 2501 W. Superior St.
Karidakis, James, 102 E. Superior St.
Kerslake, Wm., 324 No. Central Ave.
Kom On Inn, Inc., 332 No. 57th Ave.
West.
Koziarek, Ignace, 129 E. 1st Street.
L. O. O. M. Duluth Lodge No. 505,
417½ W. Michigan St.
L. O. O. M. West Duluth Lodge No.
1478, 331 No. 55th Ave. W.
Fraternal Order of Owls No. 1200,
113 E. 2nd Street.
Peterson, George, 220 No. Central Ave.

Salo, J. W., 508 W. Superior St.
Salo, John, 528 W. Superior St.
West End Bachelor's Club, 1909½ W. Superior St.

West End Post No. 265 American Legion, 2127 W. Superior St.
Wick, Oscar, 520 W. Superior St.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

Adopted April 25, 1938.

Approved April 27, 1938.

By Commissioner Culbertson:

Resolved, that Leo E. Allen be and he hereby is appointed Assistant Poundmaster, beginning May 1, 1938, for a period of three (3) months at a salary of \$90.00 per month, payable from the General Fund, Dog License Department, Budget Item G1510K-703.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

Adopted April 25, 1938.

Approved April 27, 1938.

Introduction and Consideration of Ordinances

The following entitled ordinances were read for the first time:

By Commissioner Merritt:

An ordinance to appropriate from the Permanent Improvement Fund, when funds become available from the proposed sale of Certificates of Indebtedness, the sum of \$1,978.70 as the city's share of the cost of constructing a storm sewer in Lake Avenue South from the Canal approach to the viaduct.

By Commissioner Culbertson:

An ordinance to amend Section 11 of Ordinance No. 5849, entitled: "An ordinance to license and regulate the keeping of dogs, and to provide for Poundmasters in the City of Duluth," passed June 22nd, 1936, and approved June 24th, 1936, as amended by Ordinance No. 6035, passed August 30th, 1937, and approved September 1st, 1937.

The following entitled ordinances were read for the second and third time:

By Commissioner Merritt:

An ordinance to appropriate from the Permanent Improvement Fund the sum of \$7,679.75 as the city's share of the cost of the improvement of Elinor St. from Grand Avenue to Eighth St. Commissioner Merritt moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

By Commissioner Bodin:

An ordinance to appropriate from the Public Utility Fund, Water and Light Dept. Budget Items W9 \$132.50 and G9 \$132.50, the sum of \$265.00 in payment of the price of furnishing and installing asphalt tile floor and two table tops in the Laboratory of the Water and Light Dept.

Commissioner Culbertson moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

By Commissioner Merritt:

An ordinance to appropriate from the Permanent Improvement Fund, when funds become available from the proposed sale of Certificates of Indebtedness, the sum of \$7,000.00 as additional city's share for a city wide grading, ditching, graveling and storm sewer project.

Commissioner Merritt moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

By Commissioner Culbertson:

An ordinance to repeal section 139 of Traffic Ordinance of the City of Duluth numbered 6030, passed August 12th, 1937 and approved August 12th, 1937.

Commissioner Culbertson moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

By Commissioner Culbertson:

An ordinance to amend Section 133 of Traffic Ordinance No. 6030 passed August 12th, 1937, and approved August 12th, 1937.

Commissioner Culbertson moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

On motion of Commissioner Culbertson the minutes of the meetings of April 14th, 18th and 20th, 1938, were approved as published in pamphlet form upon a vote by acclamation.

On motion of Commissioner Culbertson the Council adjourned at 3:49 O'Clock P. M.

C. D. JERONIMUS,
City Clerk.

OFFICIAL PROCEEDINGS

COUNCIL CHAMBER, DULUTH, Minn., April 27, 1938, Wednesday, 10 o'Clock A. M.

Regular Meeting:

Present—Commissioners Culbertson, Merritt and Mayor Berghult—3.

Absent—Commissioners Bodin and Williams—2.

Presentation of Petitions and Other Communications

Duluth Volunteer Committee for May Day, requesting parade permit for Saturday, April 30, 1938.—20048. Commissioner of Public Safety.

Katharine Bellinger, et al., for construction of culvert across Alley between McCulloch and Robinson St. and the Block of 46th to 45th Avenues East.—20049. Commissioner of Public Works.

Alfred O. Seglum, et al., for oil sprinkling on 11 St. from 23rd to 24th Avenues West.—20050. City Assessor.

Walter, Woody and Helmerdinger, re-bid on \$1,000,000.00 Duluth sewer revenue bonds.—20051. City Attorney.

Nick Maida, Sr., re-permit to plant a garden on upper side of D. W. & P. Ry. Co. in Norton Park and re-damages to his property by water.—20052. Same.

Julian E. Morten, Sec'y Executive Council of State of Minnesota, submitting certified copy of excerpt from minutes of meeting of said Council reconveyance of quit claim deed to City of Duluth of certain property on Minnesota Point.—20053. City Attorney.

Reports of Officers

Purchasing Agent reporting bids for furnishing the Zoo Dept. with one 1½-Ton Dodge Chassis with Body and Hoist, and for the sale of one Ford Pick-Up truck.—20054. Received.

Same, reporting bids for furnishing the Water and Light Dept. 26" Corrugated Steel.—20055. Received.

Same, reporting bids for furnishing the Park Dept. with shrubbery.—20056. Same.

Same, reporting bids for furnishing the Police Dept. with pure copper sheet mesh.—20057. Same.

Board of Zoning Appeals re-permit being refused one S. N. Peterson for remodeling of two-family dwelling at 2-4 S. 16th Avenue East into a 4-family dwelling.—20058. Same.

Director of Public Health reporting on licenses.—20059. Same.

City Engineer submitting profile of established grade on 28th Avenues West from 12th St. to the Boulevard.—20060. City Engineer.

Unfinished Business

The resolution by Mayor Berghult authorizing purchase of one Dodge Model RE 1½-Ton Truck Chassis and Cab, and the sale of one 1931 Ford Pick-Up Truck, was laid over for one week under the provisions of the City Charter.

Motions and Resolutions

By Mayor Berghult:

Resolved, that Kapp's Duluth Nursery be and it is hereby awarded a contract for furnishing and delivering to the Park Department 50 only American Elm at \$.91 each, 104 only Juniperus Sabina at \$2.41 each, 16 only Juniperus Pfitzeriana at \$2.86 each and 15 only Juniperus Communis Depressa at \$2.35 each; all in accordance with specifications; or total of \$375.15 less 1% 10 days. Payable out of the Public Welfare Fund, Park Department, Budget Item WP18-909.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

Adopted April 27, 1938.

Approved April 27, 1938.

By Mayor Berghult:

Resolved, that the Library Department be and hereby is authorized to transfer Oscar Eilert, part-time janitor at Woodland Branch at \$840 per year, to the position of janitor at the Main Library at \$1,260 per year; said salary to be paid out of the Library Fund, Budget Item L6-701.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt and Mayor Berghult—3.

Nays—None.

Adopted April 27, 1938.

Approved April 27, 1938.

By Mayor Berghult:

Whereas, the Building Inspector refused a permit on March 11, 1938, for the remodeling of the two-family dwelling at 2, 4 South Sixteenth Avenue East (northerly 70 feet of Lot 1, Block 43, Endion Division), because said permit would violate side yard and rear yard provisions of the Zoning Ordinance, and

Whereas, S. N. Peterson, owner, petitioned the Board of Zoning Appeals to approve the permit requested, and

Whereas, said Board held public hearings on March 22, and April 5, 1938, after due notice to interested parties, and after viewing the premises and hearing all parties appearing in this case, found that this appeal should be granted on the basis

OPERATORS OF SUCH BUSINESS TO CARRY LIABILITY INSURANCE," passed September 13, 1915 and approved September 14, 1915, as amended by Ordinance No. 786, passed August 14, 1916 and approved August 16, 1916, as later amended by Ordinance No. 3144, passed July 19, 1926 and approved July 21, 1926, and as later amended by Ordinance No. 3709, passed January 23, 1928 and approved January 25, 1928, be amended by adding thereto a new section to be known as Section 14-A, which shall read as follows:

"Section 14-A. Any applicant for a license to engage in the business of operating an auto-car for the carrying of passengers for hire upon and over the streets and avenues of the City of Duluth or any licensed auto transportation company, who has been permitted, pursuant to Section 11, Chapter 185, Laws of 1925, to act as a self-insurer, may, at his or its option, in lieu of such liability insurance, bond or undertaking as required herein, file with the City Clerk a certified copy of an order of the Minnesota Railroad & Warehouse Commission, authorizing self-insurance. Provided, however, that if any such order authorizing self-insurance shall be revoked by the said Railroad & Warehouse Commission, the license herein provided for shall become by virtue of such revocation inoperative and void, unless the licensee shall forthwith file with the City Clerk liability insurance, bond or undertaking as provided for herein until a new and sufficient order authorizing self-insurance, as aforesaid, has been filed with the City Clerk."

Section 2. That this ordinance shall take effect and be in force thirty days from and after its passage and publication.

Commissioner Peterson moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas - Commissioners Bodin, Merritt, Peterson, Williams and Mayor Berghult-5.

Nays-None.

Passed April 26, 1939.

Approved April 26, 1939.

C. R. BERGHULT,

Mayor.

Attest:

C. D. JERONIMUS,

City Clerk.

Ordinance No. 6341

By Commissioner Bodin:

AN ORDINANCE TO APPROPRIATE FROM THE PUBLIC UTILITY FUND, WATER & LIGHT DEPARTMENT, BUDGET ITEM W9, THE SUM OF \$801.70 IN PAYMENT OF THE PURCHASE PRICE OF MATTHEWS FIRE HYDRANTS.

The City of Duluth does ordain:

Section 1. That there be and hereby is appropriated from the Public Utility Fund, Water & Light Department, Budget Item W9, the sum of \$801.70 in payment of the purchase price of Matthews Fire Hydrants.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and publication.

Commissioner Bodin moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas - Commissioners Bodin, Merritt, Peterson, Williams and Mayor Berghult-5.

Nays-None.

Passed April 26, 1939.

Approved April 26, 1939.

C. R. BERGHULT,

Mayor.

Attest:

C. D. JERONIMUS,

City Clerk.

Official Proceedings

COUNCIL CHAMBER, DULUTH, Minn., April 28th, 1939, Friday, 10:30 O'Clock A. M.
Regular meeting.
Roll call:
Present—Commissioners Bodin, Merritt, Peterson, Williams and Mayor Berghult-5.
Absent—None.

Presentation of Petitions and Other Communications

American Surety Company of New York submitting financial statement as of March 31st, 1939.—22605. City Auditor.

New York Casualty Company, same.—22606. Same.

Henry Dahl, claim for damages.—22607. City Attorney.

Eva Dahl, claim for personal injuries.—22608. Same.

State Liquor Control Commissioner submitting approval of Off Sale Liquor Licenses for the City of Duluth.—22609. Received.

Irrving Parent-Teacher Association, recommending placing of movable standards or barriers at intersections of 56th Avenue West and Nicollet St. and at 57th Avenue West and Nicollet St.—22610. Commissioner of Public Safety.

Alford W. Aus, re-petition previously presented to the Council re-playground and community building at Greysolon Farms First Division.—22611. City Planning Commission.

W. C. Dunder, Supervisor of Physical Education, re-allowance for use of private car on city and school recreation work.—22612. Received.

Oneota Community Club, submitting complaint re-mud left on Oneota St. by Sewage Disposal Job contractors.—22613. City Engineer.

Report of Engineering Board of Review re-Sewage Disposal Project.—22613-B. Received.

Reports of Officers

City Assessor reporting on petition for changing the district between Oneota St. and First St. and between 24th Avenue West and 48th Avenue West from Heavy Industrial to a Residential District, etc.—22614. Received.

Commissioner of Public Affairs, transmitting ten copies of report received from Board of Engineering Review re-Sewage Disposal Project.—22615. Same.

Purchasing Agent reporting bids for furnishing the Division of Public Works with lumber, in White Pine, Tamarack, Norway or Western Fir.—22616. Same.

Unfinished Business

The resolution by Commissioner Merritt awarding contract for furnishing the Public Works Department with Lumber, was laid over for one week under the provisions of the City Charter.

Motions and Resolutions

By Mayor Berghult:

Resolved, that authorization be granted Mayor C. R. Berghult to accept on behalf of the city, the Enger Park Memorial Tower and land appertaining thereto, the same to be maintained under the supervision of the Park Department.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, Peterson, Williams and Mayor Berghult-5.

Nays—None.

Adopted April 28, 1939.

Approved April 28, 1939.

By Mayor Berghult:

Whereas, in the condemnation proceedings by the State of Minnesota for the acquisition of land on Park Point, a failure to serve on the spouse gave rise to a cloud on the title of the State of Minnesota, which can only be cured by a quit claim deed, Now, Therefore, be it

Resolved, that the proper city officers are hereby authorized and directed to pay M. F. Bates the sum of Fifty (\$50.00) Dollars out of the Unemployment Projects Fund (Minnesota Point Condemnation) in consideration of the giving by the said M. F. Bates of a quit claim deed to the State of Minnesota covering Lots One (1) to Thirteen (13), inclusive, and Twenty-eight (28) to Forty (40), inclusive, Block Four (4), of Oakka Beach, according to the recorded plat thereof on file and of record in the office of the Register of Deeds in and for the County of St. Louis and State of Minnesota.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Merritt, Peterson, Williams and Mayor Berghult-5.

Nays—None.

Adopted April 28, 1939.

Approved April 28, 1939.

By Mayor Berghult:

Resolved, that the Park Department be and hereby is authorized to employ the following men:

John Heaslip, George Kotlarek, Anthony Tomlonovic, Don Stevenson, Arnold Olson and Robert Harper as Temporary Park Caretakers, commencing May 1st, 1939, to not later than September 30th, 1939, at \$100.00 per month, and Miles Kelley and John A. Johnson as Temporary Park Caretakers, commencing May 1st, 1939, to

Transfers

Mrs. M. J. O'Brien, 23 N. 5th Ave. W., (Transfer from Mrs. Helen Olsen), 23 N. 5th Ave. W.
 Harry McDonald, College Inn, (Transfer from Irva A. Murray), 9 N. 21st Ave. W.
 George O. Olsen, Busy Bee Lunch, (Transfer from Theodore Schneider), 409 E. 4th St.

Eating Establishment Transfers

Arlie Niskala, Emelia Maki, Workmen's Lunch, (Transfer from Hakala's Lunch, Heming Hakala), 525 W. Michigan St.

Hotel

Maki, Sophie (being a transfer from Albin Maki, No. 8252), 111 W. 1st St.

Off Sale Non Intoxicating Malt**Beverages**

Greene, Ben, 326 E. 6th St.
 Nevers, Geo. C. (being a transfer from Ray Stevens, same address), 330 E. 4th St.
 Turchi, Flam, 1328 Commonwealth Avenue.

Second Hand Automobiles

Zenith City Motors, Inc., 201 E. 1st Street.

Resolved further, that the following applications for licenses be and the same are hereby granted and bonds accompanying same be approved:

On Sale Non Intoxicating Malt**Beverages**

Bird, Clarence E., 403 W. Superior Street.
 Turchi, Flam, 1328 Commonwealth Avenue.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt, Williams and President Bodin—4.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

By Commissioner Culbertson:

Resolved, that effective as of January 1st, 1938, Amil E. Barber and John W. Kuyava, Jr., are hereby appointed as Probationary Patrolmen in the Police Department, at salaries of \$140.00 per month, each, payable from Public Safety Fund, Police Department, budget item SP4-701.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt, Williams and President Bodin—4.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

By Commissioner Culbertson:

Whereas, the 1938 Budget Ordinance makes provision for a Chief Pound-

master at a salary of \$1,500.00 per year, payable out of the General Fund, Budget Item G1510K-701; and

Whereas, through error, the name of Palmer Hoff was omitted from said budget, now, therefore, be it Resolved, that the name of Palmer Hoff be continued on the payroll of the City of Duluth, beginning January 1, 1938, at the rate of \$1,500.00 per year, payable out of the General Fund, Budget Item G1510K-701.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt, Williams and President Bodin—4.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

By Commissioner Bodin:

Resolved, that the Minnesota Power & Light Company be and it is hereby authorized and directed to install and maintain street lights as follows:

100 Candlepower

1—Lakeview Drive, Opposite House No. 1812.

3—New Road 700' from intersection of Kenwood avenue and Howard Gnesen Road.

1—28th avenue West and 9th street.

1—60th avenue West between Greene and Worden streets.

1—Between 73rd and 75th avenues West on Clay or Vinland street.

1—99th avenue West and Francis street.

32 to 100 c. p.

1—20th avenue East and Lawn street.

32 to 250A c. p.

1—88th Avenue West and Swenson street.

100 to 250A c. p.

1—88th avenue West and Beaudry street.

250 Candlepower

1—Between 300 and 400 Blocks on Garfield avenue, at the intersection of roadway leading to Pittsburgh Coal Dock No. 1.

President Bodin moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt, Williams and President Bodin—4.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

By Commissioner Bodin:

Resolved, that assessments for water and gas main extensions be and the same are hereby confirmed as follows:

Assessment levied to defray the cost of constructing 6" water and 4" gas mains in 41st Avenue West from mains in Michigan St. to Michigan Alley.

Assessment levied to defray the cost of constructing 6" water and 4" gas

mains in Michigan avenue from mains 66 Ft. more or less north of Carlton St. to Carlton St. and in Carlton St. from Michigan Avenue to the North line of First St.

President Bodin moved the adoption of the resolution.

An opportunity was offered for anyone to be heard relative to said assessments but no one appeared who objected to the same.

The question being upon the adoption of the resolution same was declared adopted upon the following vote:

Yeas — Commissioners Culbertson, Merritt, Williams and President Bodin—4.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

On motion of President Bodin the minutes of the meetings of December 27th and 29th, 1937, were approved as published in pamphlet form upon a vote by acclamation.

On motion of Commissioner Culbertson, the council adjourned at 2:14 o'clock P. M.

At this point Mayor Berghult took his seat in the Council and upon the unanimous consent of the council, Commissioner Culbertson withdrew his motion for adjournment.

Motions and Resolutions—Continued

By Mayor Berghult:

Resolved, that the Park Department be and hereby is authorized to employ Henry Birno, Clinton Ritchie, Otto Mueller and John Eastman as Temporary Park Caretakers at the rate of \$100.00 per month effective as of January 1st, 1938, payable out of Public Welfare Fund, Park Department Budget Item W. P. 13-701, and Henry Jensen as Temporary Park Caretaker at the rate of \$100.00 per month effective as of January 1st, 1938, and William A. Anderson as Temporary Refectory Helper at the rate of \$75.00 per month effective January 1st, 1938, payable out of Public Welfare Fund, Park Department Budget Item W. P. 7 & 16-701, and Eugene LeGault as Temporary Park Caretaker at Indian Point Tourist Camp at the rate of \$25.00 per month effective January 1st, 1938, payable out of Public Welfare Fund, Park Department Budget Item W. P. 5-701.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

By Mayor Berghult:

Whereas, a certain property purchased by the City of Duluth is now occupied by the Oatka Boat Club and

said property will not be necessary for the development of Park Point Project during the season of 1938.

Resolved, that the proper city officials are hereby authorized and directed to enter into a lease of said premises and the buildings thereon, which now belong to Fred Potter, for the season of the year 1938 at an agreed rental of \$100.00 per year, \$50.00 of which is to be paid upon the execution and delivery of said agreement and \$50.00 to be paid upon the first of July, 1938, said amounts to be credited to the Public Welfare Fund, Park Department, Miscellaneous Receipts.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Adopted Jan. 3, 1938.

Approved Jan. 5, 1938.

On motion of Commissioner Bodin, the council adjourned at 2:31 o'clock P. M.

C. D. JERONIMUS,
City Clerk.

OFFICIAL PROCEEDINGS

COUNCIL CHAMBER, DULUTH, Minn., Jan. 5th, 1938, Wednesday, 10 o'clock A. M.

Regular meeting.

Roll call:

Present—Commissioners Bodin, Merritt, Williams and Mayor Berghult—4.
 Absent — Commissioner Culbertson—1.

Presentation of Petitions and Other Communications

Minnesota Tax Commission, re-Income tax act.—19479. City Auditor.

Motions and Resolutions

By Mayor Berghult:

Resolved, that the Duluth News-Tribune is hereby designated the official paper of the City of Duluth for the Year 1938 and the contract for publishing the proceedings of the City Council of the City of Duluth and all other matters required by law to be published by the City of Duluth is hereby awarded to the Duluth News Tribune on its bid for said publications at the rate of 90c per folio for the first insertion and 45c per folio for each subsequent insertion; also an additional charge of 25c per folio on first insertion of tabulated matter; also to furnish 200 bound pamphlets of previous week's proceedings all in accordance with specifications at \$120 per page. This bid is net. Payable out of General Fund, Budget Item G 1502A-1504.

Mayor Berghult moved the adoption of the resolution and it was declared adopted upon the following vote.

Resolved Further, That the name of Thomas Walczak be placed on the pay roll of the Division of Public Works, Public Works Fund, Budget Item PW 3-1706, for the purpose of receiving compensation at the rate of \$19.07 per week for a period of two-thirds (2/3) of a week, commencing on May 27, 1938, on account of injuries sustained by him on May 20, 1938, as the result of an accident arising out of and in the course of his employment.

Commissioner Merritt moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Culbertson, Merritt, Williams, and President Bodin—4.

Nays—None.

Adopted June 15, 1938.
Approved June 15, 1938.

By Commissioner Merritt:

Resolved, that the Purchasing Agent be and he is hereby authorized to advertise for bids for the purchase of one 1/2-ton; two 2-ton; one 4-ton and one 3/4-ton trucks; in accordance with specifications on file in the office of the Purchasing Agent.

Resolved Further, that the Purchasing Agent be authorized to sell to the highest bidder two used trucks belonging to the Division of Public Works.

Commissioner Merritt moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Culbertson, Merritt, Williams, and President Bodin—4.

Nays—None.

Adopted June 15, 1938.
Approved June 15, 1938.

By Commissioner Culbertson:

Resolved, that the Lakeview Community Club be and they hereby are authorized to hold a pyrotechnic celebration on the evening of Monday, July 4, 1938, on the ball field in Lester Park, conditioned that the City be held free of any liability or responsibility growing out of such pyrotechnic display.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Culbertson, Merritt, Williams, and President Bodin—4.

Nays—None.

Adopted June 15, 1938.
Approved June 15, 1938.

By Commissioner Culbertson:

Resolved, that all bids received by the Purchasing Department for Traffic Marking Paint, be and the same are hereby rejected.

Commissioner Culbertson moved the adoption of the resolution and it was declared adopted upon the following vote:

Yeas—Commissioners Culbertson, Merritt, Williams, and President Bodin—4.

Nays—None.

Adopted June 15, 1938.
Approved June 15, 1938.

On motion of Commissioner Williams the Council adjourned at 10:35 O'Clock A. M.

C. D. JERONIMUS,
City Clerk.

By T. HOLMBERG,
Deputy.

Ordinance No. 6128

By Mayor Berghult:

AN ORDINANCE PRESCRIBING A FEE AND REGULATIONS FOR THE PARKING OF MOTOR VEHICLES AT PARK POINT BEACH AND AMUSEMENT ZONE, AND PRESCRIBING A PENALTY FOR THE VIOLATION THEREOF.

The City of Duluth does ordain:

Section 1. That it shall be unlawful for any person to leave a motor vehicle, whether attended or unattended, to stand for the purpose of parking such vehicle at Park Point Beach and Amusement Zone, on Sunday, on a legal holiday or any other day between the hours of 8 A. M. and 11 P. M. without first paying therefor a fee of ten (10c) cents for the privilege of parking such vehicle.

Section 2. That no person shall leave a motor vehicle standing, whether attended or unattended, for the purpose of parking such vehicle within said Park Point Beach and Amusement Zone at any place where official signs or marks prohibit such parking.

Section 3. That all parking fees collected under the terms of this ordinance shall be paid into the City Treasury for the benefit of the Public Welfare Fund, Budget Item WP 15, Department of Concessions and Amusements.

Section 4. That any person violating any of the terms of this ordinance shall, upon conviction thereof, be subject to a fine of not exceeding One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for a term not exceeding eighty-five (85) days.

Section 5. That this ordinance shall take effect and be in force thirty days from and after its passage and publication.

Mayor Berghult moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Passed June 13, 1938.
Approved June 15, 1938.

C. R. BERGHULT,
Mayor.

Attest:

C. D. JERONIMUS,
City Clerk.

Ordinance No. 6129

By Commissioner Bodin:

AN ORDINANCE TO APPROPRIATE FROM THE PUBLIC UTILITY FUND, WATER AND LIGHT DEPARTMENT, BUDGET ITEM W9, THE SUM OF \$736.60, IN PAYMENT OF THE PURCHASE PRICE OF TEN 5" MATHEWS MODERNIZED FIRE HYDRANTS.

The City of Duluth does ordain:

Section 1. That there be and hereby is appropriated from the Public Utility Fund, Water and Light Department, Budget Item W9, the sum of \$736.60, in payment of the purchase price of ten 5" Mathews Modernized Fire Hydrants.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and publication.

Commissioner Bodin moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Passed June 13, 1938.
Approved June 15, 1938.

C. R. BERGHULT,
Mayor.

Attest:

C. D. JERONIMUS,
City Clerk.

Ordinance No. 6130

By Commissioner Bodin:

AN ORDINANCE TO APPROPRIATE FROM THE PUBLIC UTILITY FUND, WATER AND LIGHT DEPARTMENT, BUDGET ITEM G8-9, THE SUM OF \$2,500.00, TO PAY FOR DRAY SERVICE FOR WATER AND LIGHT DEPARTMENT ON REFRIGERATORS, HOT WATER TANKS, RANGES AND VARIOUS APPLIANCES.

The City of Duluth does ordain:

Section 1. That there be and hereby is appropriated from the Public Utility Fund, Water and Light Department, Budget Item G8-9, the sum of \$2,500.00, to pay for dray service for Water and Light Department on refrigerators, hot water tanks, ranges and various appliances.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and publication.

Commissioner Bodin moved the passage of the ordinance and it was declared passed upon the following vote:

Yeas—Commissioners Bodin, Culbertson, Merritt, Williams and Mayor Berghult—5.

Nays—None.

Passed June 13, 1938.
Approved June 15, 1938.

C. R. BERGHULT,
Mayor.

Attest:

C. D. JERONIMUS,
City Clerk.

Ordinance No. 6131

By Mayor Berghult:

AN ORDINANCE CREATING A PARK POINT BEACH AND AMUSEMENT ZONE FUND TO BE KNOWN AS WP-15, IN THE SUM OF \$10,825, AND APPROPRIATING THERE TO THE SUM OF \$1,125, FROM WP-10, 11, 12 AND 13-701, \$175; WP-10, 11, 12 AND 13-1202, \$200; WP-10, 11, 12 AND 13-1204, \$100; WP-16-701, \$675; BALANCE OF SAID FUND TO BE DERIVED FROM REVENUES IN CONNECTION WITH SAID PARK POINT BEACH AND AMUSEMENT ZONE.

The City of Duluth does ordain:

Section 1.

That there be and hereby is created for the fiscal year 1938 a Park Point Beach and Amusement Zone Fund within the Park Department for the City of Duluth, known as WP-15, in the sum of \$10,825; and that there be and hereby is appropriated \$175 from WP-10, 11, 12 and 13-701; \$200 from WP-10, 11, 12 and 13-1202; \$100 from WP-10, 11, 12 and 13-1204; and \$675 from WP-16-701; and that the balance of said fund shall be derived from the revenues to be collected from the operation and rental of said Park Point Amusement Zone itself.

Section 2.

That the proper city officers be and they are hereby authorized and directed to transfer the sum of \$1,125 from the funds enumerated in Section 1 hereof to the Park Point Beach and Amusement Zone fund.

Section 3.

That the budget classification for said sum of \$10,825, as herein provided for said Park Point Beach and Amusement Zone Fund is hereby apportioned and distributed to the budget item numbers, and in such sums as follows: