

Office of City Clerk

DULUTH, MINN.

C. D. JERONIMUS, CITY CLERK

T. C. HOLMBERG, DEPUTY

By Mayor Berghult:

Whereas, on November 8th, 1938, there was held in the City of Duluth pursuant to Section 36, Article 4 of the Constitution of the State of Minnesota, Special Municipal Election for the ratification or rejection of three proposed amendments to the City Charter of the City of Duluth, and

Whereas, the Judges and Clerks of the several election districts of the City of Duluth have made returns thereof to the City Council and the City Council having duly canvassed said returns at 10 o'clock A. M. on November 14th, 1938, in compliance with Section 48 of the City Charter of the City of Duluth, and have ascertained from such returns the number of ballots cast at said election.

Now Therefore Be It Resolved, that the City Council of Duluth does hereby declare that at said Special Municipal Election there were cast forty-three thousand nine hundred and twenty-eight (43,928) ballots.

That the proposition "Shall the proposed Amendment No. 1 of the City Charter of the City of Duluth be adopted as a New Paragraph to be known as Subdivision 12 of Section 55 of Chapter VIII" received in the affirmative twenty-four thousand three hundred sixty-seven (24,367) votes, and in the negative twelve thousand nine hundred nine (12,909) votes.

That the proposition "Shall the proposed Amendment No. 2 to the City Charter of the City of Duluth be adopted as a new subdivision to be known as Subdivision 13 of Section 55 of Chapter VIII" received in the affirmative twenty-four thousand five hundred eighty-eight (24,588) votes, and in the negative eleven thousand two hundred and ninety-six (11,296) votes.

That the proposition "Shall the proposed Amendment No. 3 to the City Charter of the City of Duluth, be adopted, which amendment is designed to amend the City Charter by adding a new chapter to the City Charter to be known as Chapter XIV," received in the affirmative twenty-seven thousand three hundred and three (27,303) votes, and in the negative ten thousand one hundred and ninety-seven (10,197) votes.

Now Therefore Be It Resolved, that the proposition "Shall the proposed Amendment No. 1 of the City Charter of the City of Duluth be adopted as a New Paragraph to be known as Subdivision 12 of Section 55 of Chapter VIII" having received in the affirmative less than three-fifths of all votes cast at said Special Municipal Election is hereby declared duly rejected.

Resolved further, that the proposition "Shall the proposed Amendment No. 2 to the City Charter of the City of Duluth be adopted as a new subdivision to be known as Subdivision 13 of Section 55 of Chapter VIII," having received in the affirmative less than three-fifths of all votes cast at said Special Municipal Election, is hereby declared duly rejected.

Resolved further, that the proposition "Shall the proposed Amendment No. 3 to the City Charter of the City of Duluth, be adopted, which amendment is designed to amend the City Charter by adding a new Chapter to the City Charter to be known as Chapter XIV," having received in the affirmative more than three-fifths of all votes cast at said Special Municipal Election, is hereby declared duly adopted.

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 Nov. 14, 1938.
Approved Nov. 14, 1938.

I, C. D. Jeronimus, City Clerk of the City of Duluth, in the State of Minnesota, do hereby certify that I have compared the annexed copy of Resolution passed by the City Council of the City of Duluth, on the 17th day of November 1938, with the original document and record thereof on file and of record in my office, and in my custody as City Clerk of said city, and that the same is a true and correct copy thereof, and the whole thereof, and a true and correct transcript therefrom.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of said City of Duluth, this 17th day of November 1938.

C. D. JERONIMUS, City Clerk,

By  Deputy,

City of Duluth, Minn.

8426

Proposal No. 3

A proposed amendment to the City Charter, consisting of a new Chapter, to be known as Chapter XIV, to read as follows:

CHAPTER XIV

"City Sewage Disposal System

"Section 109. The City Council is hereby authorized and empowered to enact such ordinances as it shall deem necessary, desirable, or convenient: For the purpose of defining and declaring the collection, disposal and treatment of sewage by means of a sanitary sewerage system, sewage pumping stations, intercepting sewers, and treatment works or other facilities to be a public utility plant and convenience and declaring what parts or portions of such systems, stations, works and facilities shall constitute the sewage disposal plant of the City; for the purpose of fixing rates, charges or rentals to be charged by the City for the use of such system or any part thereof and for connections therewith and for benefits directly or indirectly derived therefrom by the inhabitants and industries of the City; for the purpose of prescribing and making of rules and regulations for the enforcement and collection of such rates, charges or rentals; providing for the issuance, sale, negotiation, exchange, funding or refunding of sewage disposal revenue certificates, by the terms of which the City shall be saved from any duty or liability to pay the principal or interest thereof except solely out of the net revenues to be received by the City from the operation of such sewage disposal system and the collection of such rates, charges and rentals, and in connection therewith to define such revenues and pledge the same to the payment of the principal and interest of such certificates and to make such agreements with the purchasers thereof for the benefit of the holders from time to time of such cer-

tificates as the Council shall deem advisable with respect to (a) the purpose to which the proceeds received from the sale of the certificates shall be applied and the use and disposition thereof, (b) the use, disposition and administration of such income and revenues, (c) the issuance and sale of additional certificates payable from such revenues, (d) the operation and maintenance of the system, (e) the insurance to be carried thereon and the disposition of insurance monies, (f) its books of account and the inspection and audit thereof and its accounting methods, (g) the rates and charges for the services, facilities and benefits afforded by the system, and (h) any other matters pertaining to the manner of handling the system and administering and applying the revenues therefrom.

"The powers granted by this section may be exercised by ordinance or ordinances adopted by majority vote of the Council and without further authorization by the voters of the City, and such powers shall be in addition to, and not in lieu of, any and all other powers now possessed by the City and the City Council. All acts and proceedings of the City heretofore taken by the City, its Council and officers, in connection with or relating to the obtaining of funds for the construction of such sewage disposal system, whether by grants or contributions from the United States of America or by the sale or agreement to sell of any such revenue certificates and all contracts and agreements in connection therewith are hereby ratified.

"Section 110. In the exercise of the powers granted by this chapter, the City Council shall be limited by the following provisions:

"That such sewage revenue certificates shall be issued and sold for the use and benefit of the City Sewage Disposal System, as now or hereafter planned, established, installed, equipped or operated;

"That all monies realized from any sale or sales of such sewage revenue certificates shall be used solely to plan, acquire, purchase, construct, extend, improve, maintain, equip and operate said system as a public utility, or to provide funds with which to pay any part of the cost of planning and completing the city sewage disposal system when payment of such cost has been or will be made necessary as the result of action taken or which may be taken, by the city council in applying for grants or loans or loans and grants to the United States of America, or to any agency of the United States, or to the State of Minnesota, or any agency of such state in connection with such sewage disposal system;

"That payment of such revenue certificates shall be made solely from monies realized from the collection and imposition of rates, charges or rentals for the use of facilities furnished either directly or indirectly by means of such system or plant, and

from monies received from the sale of any by-products resulting from sewage treatment or disposal;

"That the monies collected from the imposition of rates, charges or rentals, or from the sale of any by-products, shall be kept in a separate general sewer fund to be known as the City Sewage Disposal Fund;

"That there shall be fixed and established a specific lien upon all such monies in order to secure payment of principal of and interest on such revenue certificates or bonds as they shall become due;

"That there shall be prescribed a procedure to enforce payment of such revenue certificates, both as to principal and interest, in the event of any default in the payment thereof;

"That such revenue certificates shall be serial certificates, and shall not be sold at less than the par value thereof; the principal thereof shall be made payable in annual serial installments, not more than twenty (20) years from their date, but no annual maturing installments of principal of any of such revenue certificates shall be in an amount greater than two and one-half (2½) times the amount of the smallest installment thereof maturing in any one year; shall be payable at such place or places as the Council may determine; shall draw a rate of interest not exceeding six (6%) per cent per annum, payable semi-annually; may be made callable at the option of the City of Duluth and may be registered with the city treasurer;

"Except as to sewage revenue certificates sold, or which may have been agreed to be sold, by the City Council prior to the adoption of this chapter, any sewage revenue certificates issued pursuant to the authority hereby granted shall be sold in the manner prescribed for the sale of bonds and certificates of indebtedness by the provisions of Section 1943 of Mason's Minnesota Statutes of 1927.

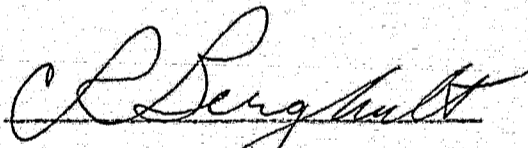
"Section 111. This amendment shall take effect and be in force immediately upon its ratification and approval as provided by law."

State of Minnesota)
) ss
County of St. Louis)

I, C. E. Berghult, Mayor of the City of Duluth, of St. Louis County, Minnesota do hereby certify that the foregoing amendment to the Charter of the City of Duluth, was submitted to the qualified voters of the City of Duluth, for adoption and ratification on the 6th day of November, 1938, and that said amendment was duly ratified by a three-fifths vote of all of the qualified voters at said election.

IN WITNESS WHEREOF, I have signed this certificate and caused it to be authenticated by the Corporate Seal of the City of Duluth, in duplicate, this 17th day of November, 1938.

8426


Mayor of the City of Duluth.

United States of America



TO HONORABLE ELMER A. BENSON,
GOVERNOR OF THE STATE OF MINNESOTA.

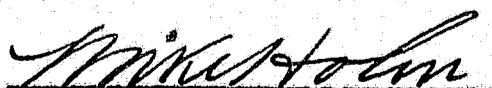
PURSUANT TO THE PROVISIONS OF SECTION 45, MASON'S MINNESOTA STATUTES FOR 1927, THIS IS TO CERTIFY TO YOU THAT AT THE GENERAL ELECTION HELD ON NOVEMBER EIGHTH, 1938, THERE WERE ACCORDING TO THE FIGURES TABULATED BY THE STATE CANVASSING BOARD, ONE MILLION ONE HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED AND TWENTY-SIX (1,144,926) BALLOTS CAST AND COUNTED.

THE NUMBER NECESSARY FOR THE RATIFICATION OF THE CONSTITUTIONAL AMENDMENTS WAS FIVE HUNDRED SEVENTY-TWO THOUSAND FOUR HUNDRED SIXTY-FOUR (572,464)

AMENDMENT ONE WHICH WAS AN AMENDMENT OF ARTICLE 8 OF THE CONSTITUTION, AUTHORIZING THE EXCHANGE OF PUBLIC LANDS OF THE STATE FOR LANDS OF THE UNITED STATES AND OTHER PRIVATELY OWNED LANDS, AS THE LEGISLATURE MAY PROVIDE, RECEIVED THE FOLLOWING VOTE: YES: 609,046 No: 259,007
AND SAID AMENDMENT IS THEREFORE DECLARED DULY ADOPTED.

AMENDMENT TWO WHICH WAS AN AMENDMENT OF SECTION 36 OF ARTICLE 4 OF THE CONSTITUTION, RELATING TO CHANGING OF THE REQUIREMENTS FOR THE PUBLICATION OF PROPOSED AMENDMENTS TO CHARTERS OF CITIES AND VILLAGES WITHIN THE STATE OF MINNESOTA, RECEIVED THE FOLLOWING VOTE: YES: 488,370 No: 260,152
AND SAID AMENDMENT IS THEREFORE DECLARED DULY LOST.

IN WITNESS WHEREOF, I HAVE
HEREUNTO SET MY HAND AND
CAUSED THE GREAT SEAL OF THE
STATE OF MINNESOTA TO BE
AFFIXED AT THE CAPITOL, IN
ST. PAUL, THIS TWENTY-SECOND
DAY OF NOVEMBER, A. D. 1938.


SECRETARY OF STATE
AND
CHAIRMAN STATE CANVASSING BOARD.