

CITY COUNCIL PROCEEDINGS

May 3, 1909, Meeting.

Regular meeting of the city council held Monday, May 3, 1909, at 8 o'clock p. m. Mayor Taylor presiding, and present Alderman Wheeler, Griffith, Sannes, Salisbury, Kent, Dixon, Ryan, Knudson, Buckingham, Hunter, Sorlie, Lynch and Ellestad.

The following time rolls and bills were presented for payment having been audited by the auditing committee in due form:

Table with 2 columns: Name of department or contractor, and amount. Includes Engineering Department, Street Department, Light Department, Fire Department, Pump House, Supt. Water Works, Schlager & Griffin, H. A. Hunter, M. J. Longergren, W. H. Alexander, H. C. Fischer, A. E. Murray, Barnes & Nuss Co., Northwestern Tele. Co., E. Palmer, S. Panovitz, Security Improvement Co., N. J. Brandt, Grand Forks Gas and Electric Co., J. R. Church, Odin Overby, Mrs. K. Briggs, Ed P. Coss, Monley & Smith, Cadwell, Stannman, R. B. Griffith, Colton-Wilder Grocery Co., Redving and Ellestad, Duluth Elevator Co., Burrows Add. Mch. Co., Grand Forks Lumber Co., Otto Gotthard, B. O. Paulsen, S. K. Schenewels, S. H. Lane, C. H. Runge, Robt. Westcott, E. J. Davidson, Mrs. J. M. Brown, Park, Grant & Morris, A. B. Rheinhardt, Lyons & Co., Herald Printing Co., John Lunsheth, Geo. W. Holmes, Grand Forks Foundry Co., Bacon & Van Alstine, T. J. Hagen, Blaine paid, Robertson Lbr Co., Colton Bros, Grand Forks Concrete Co., J. H. Lamb, John Lunsheth, Geo. H. Wilder, Stephen Collins, M. W. Day, Fred Lang, Dinnie Bros, Special Assessment Committee, R. McDonnell.

Alderman Valley reported present. Moved by Alderman Buckingham, seconded by Alderman Kent, that the time rolls and bills as read be allowed as audited and the auditor was instructed to issue warrants in payment of same. Carried, 14 votes affirm.

The time roll of Street Commissioner J. J. Dunlap, from April 22 to April 30, amounting to \$128.74, presented, read, for payment.

Alderman Wheeler asked the city attorney for an opinion as to who is legally the street commissioner of Grand Forks city.

City attorney read opinion, stating that J. J. Dunlap was legally appointed street commissioner of the city of Grand Forks on the 22nd day of April, 1909.

Alderman Wheeler stated that in view of the opinion and ruling of the city attorney he wanted to sign the report of J. J. Dunlap as a minority report of the auditing committee, and would vote for the allowance of the Dunlap pay-roll.

The city attorney further ruled that any person or persons employed by Mr. Dunlap could sue the city for such time as shown on Mr. Dunlap's time-roll, and recover and the city would have no defense whatever.

Moved by Alderman Kent, seconded by Alderman Griffith, that the time-roll of street commissioner J. J. Dunlap be allowed and the auditor instructed to issue warrants in payment of same. Motion lost. Alderman Wheeler, Griffith, Kent, Dixon, Knudson and Buckingham voting yes, and Alderman Sannes, Salisbury, Ryan, Hunter, Valley, Lynch, Sorlie and Ellestad voting no.

Alderman Wheeler asked that the pay-roll of M. E. Durick be divided into two portions, and that the council consider the said pay-roll from April 1st to April 22, 1909.

Alderman Sorlie moved that the pay-roll of M. E. Durick be allowed in full for the month of April, 1909. On the advice of the city attorney the mayor ruled the motion out of order, on the ground that it would be illegal.

Alderman Valley appealed from decision of the mayor. The mayor held that it took two to appeal from his ruling.

Moved by Alderman Valley, seconded by Alderman Lynch, that the council take a recess of ten minutes. Carried.

Mayor Taylor called the council to order. The following aldermen answered the roll call: Alderman Wheeler, Griffith, Sannes, Salisbury, Kent, Dixon, Ryan, Knudson, Buckingham, Hunter, Valley, Lynch, Sorlie and Ellestad.

at filter plant, presented, read. Moved by Alderman Lynch, seconded by Alderman Buckingham, that the estimate be approved and allowed, and the city auditor instructed to issue a special warrant in payment of same. Carried, 14 votes affirm.

Bill of Fred Lang, for \$60.00, for 12 days pay for inspecting construction of settling basin at \$5.00 per day, presented, read. Moved by Alderman Valley, seconded by Alderman Lynch, that the bill be allowed, and the auditor instructed to issue a special warrant in payment of same. Carried, 14 votes affirm.

Petitions. Petition from Burgess-Whitcomb Auto Co., asking the council to grant permission to open sidewalk and excavate thereunder in front of their garage on lot 18, block 31, O. T., for the purpose of installing a storage tank for gasoline, presented, read. Moved by Alderman Salisbury, seconded by Alderman Wheeler, that the petition be granted. Carried, 14 votes affirm.

Petition from Rev. B. Papermaister and others asking for the construction of a water main on First avenue from present existing water main on First avenue at Cottonwood street to Garfield street, and on Garfield street from First avenue to Second avenue, presented, read. Moved by Alderman Kent, seconded by Alderman Griffith, that the petition be referred to the water works committee. Carried, 14 votes affirm.

Petition from George Demett and others asking for the construction of a water main on International avenue from present existing water main on International avenue at Eschelman street to Kent street presented, read. Moved by Alderman Valley, seconded by Alderman Kent, that the petition be referred to the water works committee. Carried, 14 votes affirm.

Petition from Wm. and R. C. Spriggs for construction of a lateral sewer in alley between Third and Fourth streets, between DeMers and Alpha avenues, presented, read. Moved by Alderman Kent, seconded by Alderman Wheeler, that the petition be referred to the Public Improvement committee. Carried, 14 votes affirm.

Report of Officers. April report of the police magistrate, showing a balance due him of \$21.00, presented, read. Moved by Alderman Lynch, seconded by Alderman Buckingham, the report was received and filed and the auditor instructed to issue a special warrant in payment of same. Carried.

April reports of the city auditor, city engineer, and building inspector, superintendent of water works, and city treasurer, presented, read. Moved by Alderman Lynch, seconded by Alderman Valley, that the reports be received and filed. Carried.

The auditor reported that the plans and specifications and estimates of cost of main sewer in Riverside park, designated as sewer district No. 9, which were approved April 20th, 1909, and the bids advertised for on April 23 and 30, and owing to error in the description outlining the boundaries, I present the plans, specifications and estimate of cost again for approval by the council, and ask instruction to readvertise for bids.

Moved by Alderman Ryan, seconded by Alderman Sannes, that the plans and specifications and estimate of cost for sewer in district No. 9 be referred to the Public Improvement committee to report to council at the next meeting. Carried.

Report of Standing Committees. Report of the light committee upon the petition of J. A. Burgen and others for two arc lights, one to be placed on the corner of Ione and Washington street and one on the corner of Ione and McCormack street, which was referred back to them at the April 12 meeting, recommending for the second time that the petition be not granted, presented, read. Moved by Alderman Valley, seconded by Alderman Lynch, that the petition be again referred back to the light committee for further investigation. Carried.

From the paving committee: We, the paving committee, to whom was referred the petition presented at the April 20th meeting, asking the council to delay paving North Fifth street until the property becomes more valuable, respectively recommend that in our opinion the protest should be allowed and the plan for paving North Fifth street as now under consideration should be abandoned. Moved by Alderman Griffith, seconded by Alderman Ryan, that the report of the committee be adopted. Carried.

From the special committee on distribution of the Mayor's message: To the members of the common council of the city of Grand Forks: "Your special committee on the distribution of the Mayor's message beg leave to submit the following report, in which we respectfully recommend: "That the portion of said message which refers to the city fire department be referred to the Fire committee.

"That the portion of said message which refers to the public health be referred to the Health committee.

"That the portion of said message which refers to the water supply, filter plant, and pump house, be referred to the water works committee.

"That portion of said message which refers to the city hall, and the wood and hay market, be referred to the Public Improvement committee.

"That portion of said message which refers to public play grounds be referred to the Park commission.

"That portion of said message which refers to city government by commission be referred to the ways and means committee.

"That portion of said message which refers to juvenile court be referred to the Police committee.

"That portion of said message which refers to street signs be referred to the streets and alleys committee.

"Respectively submitted, "F. V. Kent, chairman, "R. B. Griffith, "H. P. Ryan, committee."

Dated May 3, 1909. Moved by Alderman Wheeler, seconded by Alderman Valley, that the report of the special committee on

distribution of mayor's message be adopted. Carried.

Communications. Communication from city treasurer asking council to authorize the purchase of a check protector for the treasurer's office. Carried, 14 votes affirm.

Moved by Alderman Kent, seconded by Alderman Sannes, that the communication be referred to the purchasing committee with power to act. Carried, 14 votes affirm.

Communication from city engineer stating that he had refused the Northern Pacific railway company a permit to move their freight depot, which faces on DeMers avenue, about ten feet west, in order to vacate or cond street, which the council has ordered said railway company to do several months ago, and asking the council for a decision in the matter, presented, read. Moved by Alderman Buckingham, seconded by Alderman Lynch, that the city engineer be instructed to grant a permit to said Northern Pacific R. R. company to move said freight building as stated in communication. Carried, 14 votes affirm.

Communication from Fire Chief Runge recommending the purchase of uniforms for the fire department, presented, read. Moved by Alderman Valley, seconded by Alderman Kent, that the matter of purchase of said uniforms be referred to the fire committee with power. Carried, 14 votes affirm.

Alderman Wheeler, chairman of the water works committee reported that he had received several bids for furnishing Youghiehy screened lump coal for fuel at the pump house, and that the bid of Stephen Collins for two cars of Youghiehy screened lump coal at \$5.35 per ton of 2,000 pounds f. o. b. cars Grand Forks, was the lowest, and recommended that a trial order be placed. Moved by Alderman Kent, seconded by Alderman Sannes, that the water works committee be empowered to order two carloads of this coal at the price named. Carried, 14 votes affirm.

Appointments and Confirmations. To the members of the common council of the city of Grand Forks, N. D. Gentlemen: I have to inform you that on April 22, 1909, I removed from the office of street commissioner, Mr. Michael E. Durick. My reason for so doing is owing to the number of written and verbal complaints for neglect of duty. I am of the opinion that the interests of the city demand such removal.

Respectfully, J. D. Taylor, Mayor. The mayor appointed John Denker as special park policeman, stating he had been requested to do so by the park board, and that the salary of such policeman would be paid out of park board funds. Appointment confirmed.

The mayor appointed Mr. D. M. Holmes city engineer. Mayor appointed Alderman Wheeler and Alderman Valley as tellers. Tellers reported fourteen votes cast, nine of which were yes and five no. Mayor declared appointment confirmed.

The mayor appointed Mr. J. P. Weber bridge tender and submitted his name for confirmation by the council. Mayor appointed Alderman Wheeler and Valley to act as tellers. Tellers reported fourteen votes cast, six of which were yes and eight no. Mayor declared appointment not confirmed.

The mayor appointed Mr. R. W. Smith city electrician, and submitted his name for confirmation by the council. Mayor appointed Alderman Griffith and Alderman Lynch to act as tellers. Tellers reported fourteen votes cast, six of which were yes and eight no. Mayor declared appointment not confirmed.

Mayor appointed Mr. J. J. Dunlap street commissioner, and submitted his name for confirmation by the council. Mayor appointed Alderman Griffith and Alderman Lynch to act as tellers. Tellers reported fourteen votes cast, five of which were yes and nine no. Mayor declared appointment not confirmed.

Mr. M. B. Beattie, representing the Grand Forks Electric works, addressed the council at a public hearing, going into details regarding the proposed new lighting system for business district of the city, giving estimates of cost and manner of installing a proper plant, and stated that the city could with very little extra cost furnish its own light, and at a much cheaper rate than could be purchased from the local company.

Alderman Sannes of the light committee stated that the committee was not ready to make a full report but expected to be able to do so in the near future.

Moved by Alderman Sorlie, seconded by Alderman Valley, that the city auditor and the city treasurer be forbidden to draw or cash any warrant for salary in favor of John Dunlap as street commissioner or in favor of any other person who may be nominated for that office by the mayor until such time as the appointee of such office has been approved and confirmed by the council as provided by section 3 of the compiled ordinance. Carried, voting yes, Alderman Griffith, Sannes, Salisbury, Ryan, Hunter, Valley, Lynch Sorlie and Ellestad. Voting no, Alderman Wheeler, Kent, Dixon, Knudson and Buckingham.

Moved by Alderman Sorlie, seconded by Alderman Valley, that the city auditor be instructed and required to issue and deliver a salary warrant to M. E. Durick for salary as street commissioner for the month of April for \$80.00, the full amount of the monthly salary of such office and that like monthly salary warrants be issued to him monthly thereafter on the first of each month until his successor in said office has been appointed and approved, and confirmed by the council. Carried, voting yes, Alderman Sannes, Salisbury, Ryan, Hunter, Valley, Lynch, Sorlie, Ellestad. Voting no, Alderman Wheeler, Griffith, Kent, Dixon, Knudson and Buckingham.

City Attorney Feetham called the attention of the council to the fact that the city assessor stated he would assess the franchise of the Grand Forks Gas & Electric company unless otherwise ordered by the council.

Moved by Alderman Salisbury, seconded by Alderman Griffith, that the city auditor be instructed to notify the city assessor to not assess the Grand Forks Gas & Electric company on the \$40,000.00 franchise heretofore assessed. Carried, 14 votes affirm.

City Attorney's Opinion on Pay-Rolls. To the honorable mayor and city council: Gentlemen: The pay rolls of M. E. Durick as street commissioner for the month of April, up to and including April 22, 1909, and of John J. Dunlop, street commissioner from April 23, 1909, to April 30, 1909, inclusive, have been presented to the council this evening and upon roll call disallowed.

I have to advise that if the persons named in such pay-rolls have in fact performed the work thereon described, the city is liable in suit at law by such parties for the amounts of such claims, against which suits there can be made no valid defense interposed by me.

The resulting costs will have to be paid by the city, for without allowance by the council the mayor and auditor have no authority to draw warrants for the payment of these claims and the city treasurer has no authority to pay the same.

The proceeding is almost sure to cost the city a good deal of unnecessary expense for which the administration and its supporters are in no way accountable, and I call the matter to the attention of the council at this time, with a suggestion that they have a right to reconsider their action and order these bills paid if they so desire.

Yours respectfully, Frank B. Feetham, City attorney.

Moved by Alderman Valley, seconded by Alderman Sorlie, that we refer back to the second order of business and take up the allowance of bills against the city. Carried.

Moved by Alderman Sorlie, seconded by Alderman Valley, that we reconsider the motion voted on earlier in the evening on the allowance of the pay-roll of M. E. Durick. Carried.

Moved by Alderman Griffith, seconded by Alderman Sorlie, that the pay-roll of M. E. Durick be allowed up to and including April 22, 1909. Carried. Voting yes, Alderman Wheeler, Griffith, Kent, Dixon, Ryan, Knudson, Buckingham, Hunter and Sorlie. Voting no, Alderman Sannes, Salisbury, Valley, Lynch and Ellestad.

Moved by Alderman Sannes, seconded by Alderman Sorlie, that the pay-roll of M. E. Durick be allowed from April 22 to April 30, 1909, inclusive. Carried, voting yes, Alderman Sannes, Sorlie and Hunter. Voting no, Alderman Wheeler, Griffith, Kent, Dixon, Knudson and Buckingham.

City Attorney Feetham declared this motion out of order, and advised the mayor, city auditor and city treasurer, that action is void, and that any alderman voting to pay any such pay-roll would be held personally responsible, and advised the mayor to veto any and all bills from April 22 to April 30, 1909.

Moved by Alderman Ryan, seconded by Alderman Sannes, that we adjourn. Carried.

W. H. Alexander, City Auditor. Special Meeting, May 10, 1909. Special meeting of the city council held Monday, May 10, 1909, at 8 o'clock p. m. Mayor Taylor presiding, and present Alderman Wheeler, Griffith, Sannes, Salisbury, Dixon, Knudson, Buckingham, Hunter, Lynch, Sorlie and Ellestad.

Call for special meeting read as follows: Grand Forks, N. D., May 8, 1909. To the members of the common Council of the city of Grand Forks, N. D. Gentlemen:

You and each of you are hereby notified that there will be a special meeting of the city council of Grand Forks at the council chambers in the city hall of the said city on Monday, May 10, 1909, at 8 o'clock p. m.

The business that will come before said special meeting is as follows: Bids for the construction of the following water mains will be opened at said time and contracts therein awarded or referred to appropriate committees with or without power to act.

On Oak street, from Sixth avenue to city limits. On Third street, from Belmont avenue to Franklin avenue. On Cherry street, from Eighth avenue to city limits.

On DeMers Alley from Seventh street to Eighth street, and Eighth street from DeMers alley to Alpha avenue. The bid for the sewer on the alley between Belmont avenue and Chestnut street, commencing at Eighth avenue and extending to the city limits will be opened and considered and contract awarded or referred to committee as aforesaid.

Ordinance No. 256, creating paving district No. 9 will be put upon its second reading and final passage. Ordinance creating Paving District No. 12 will be put upon its second reading and final passage.

An ordinance providing for the collection and removal of garbage and repealing ordinance No. 199, will be put upon its second reading and final passage. The plans and specifications and estimates of probable cost for the paving in paving district No. 9, will be filed and brought before the council for approval.

The council will be asked to consider certain matters with reference to the matter of back filling the DeMers avenue sewer. The mayor's veto of a resolution introduced by way of a motion at the last meeting, requiring the auditor to issue and deliver a salary warrant to M. E. Durick for the month of April, will be reported to the council.

The mayor's veto of a resolution by way of motion forbidding the city auditor and city treasurer to draw and cash any warrant in favor of John Dunlop as street commissioner will be presented to the council. The mayor's veto of the allowance of the pay roll of M. E. Durick from April 22 to April 30, 1909, will be reported to the council.

No other matters will be considered other than herein specified. Dated May 8, 1909. J. D. Taylor, mayor. (Seal) Attest: W. H. Alexander, City auditor.

Due and personal service of the within and foregoing notice is hereby admitted by the delivery of a copy thereof at Grand Forks, North Dakota, this 8th day of May, 1909: F. L. Dixon, O. T. Ellestad, G. W. Buckingham, F. V. Kent, R. B. Griffith, K. C. Hunter, A. G. Sorlie, John Lynch, L. H. Sannes, H. M. Wheeler, Oscar Knudson and Geo. Salisbury.

Bids. The auditor reported 19 bids filed for watermain and sewer extensions. Moved by Alderman Knudson, seconded by Alderman Dixon, that the bids for watermain and sewer extensions be referred to the city attorney for approval, and to report at this meeting as to whether a certified check and proper bond accompany each bid. Carried, 11 votes affirm.

Moved by Alderman Griffith, seconded by Alderman Ellestad, that the bids be now opened. Carried, 11 votes affirm.

The city attorney reported that he found the following bids, checks and bonds in the several watermain and sewer bids to be in proper form: P. McDonnell (5 bids), B. O. Paulsen (4 bids), J. M. Carroll (5 bids), Northern Construction & Engineering Co. (5 bids).

Moved by Alderman Buckingham, seconded by Alderman Knudson, that the report of the city attorney on watermain and sewer bids be adopted. Carried, 11 votes affirm.

Moved by Alderman Griffith, seconded by Alderman Ellestad, that the several bids for watermain and sewer be now read. Carried.

The bids of P. McDonnell, B. O. Paulsen, J. M. Carroll and Northern Construction & Engineering Co. for construction of water main on Oak Street, from Sixth avenue to city limits, presented, read. Moved by Alderman Buckingham, seconded by Alderman Lynch, that the bids be referred to the water works committee and city engineer with power to award contract to the lowest bidder, and that the city attorney be directed to prepare the necessary and proper contract for signature by the contractor and the proper officers of the city. Carried, 11 votes affirm.

The bids of P. McDonnell, J. M. Carroll and Northern Construction & Engineering Co. for construction of watermain in South Third street, from Belmont to Franklin Avenue, presented, read. Moved by Alderman Griffith, seconded by Alderman Wheeler, that the contract for construction of watermain in South Third street, Belmont to Franklin Avenue, be awarded to P. McDonnell, he being the lowest bidder therefor, and that the city attorney be directed to prepare the necessary and proper contract for signature by the contractor and the proper officers of the city. Carried, 11 votes affirm.

The bids of P. McDonnell, B. O. Paulsen, J. M. Carroll, and Northern Construction & Engineering Co. for construction of watermain in Cherry street, from 8th avenue to city limits, presented, read. Moved by Alderman Lynch, seconded by Alderman Buckingham, that the bids be referred to the water works committee and city engineer with power to award contract to the lowest bidder, and that the city attorney be directed to prepare the necessary and proper contract for signature by the contractor and the proper officers of the city. Carried, 11 votes affirm.

Moved by Alderman Ryan, seconded by Alderman Sannes, that the bids be referred to the water works committee and city engineer with power to award contract to the lowest bidder, and that the city attorney be directed to prepare the necessary and proper contract for signature by the contractor and the proper officers of the city. Carried, 11 votes affirm.

Alderman Ryan reported present. Bids of P. McDonnell, B. O. Paulsen, J. M. Carroll and Northern Construction & Engineering Co. for construction of a watermain in DeMers Alley from 7th to 8th street, and Alley street from DeMers Alley to Alpha Avenue, presented, read. Moved by Alderman Griffith, seconded by Alderman Sannes, that the bids be referred to the water works committee and city engineer with power to award contract to the lowest bidder, and that the city attorney be directed to prepare the necessary and proper contract for signature by the contractor and the proper officers of the city. Carried, 12 votes affirm.

Moved by Alderman Ryan, seconded by Alderman Sannes, that the bids be referred to the water works committee and city engineer with power to award contract to the lowest bidder, and that the city attorney be directed to prepare the necessary and proper contract for signature by the contractor and the proper officers of the city. Carried, 12 votes affirm.

Moved by Alderman Griffith, seconded by Alderman Sannes, that certain ordinance amending ordinance No. 256 creating paving district No. 9, (which passed its first reading at the April 5th meeting) do not pass its second reading, and that it be indefinitely postponed. Carried, 12 votes affirm.

An ordinance entitled "An ordinance creating Paving District No. 12, which passed the first reading April 20, 1909, presented, read, for final passage. Moved by Alderman Lynch, seconded by Alderman Buckingham, that this ordinance now pass its second reading and final passage. Carried, 12 votes affirm.

An ordinance entitled "An ordinance providing for the collection and removal of garbage and repealing ordinance No. 219 of the city of Grand Forks," which passed the first reading April 20, 1909, presented, read, for final passage. Moved by Alderman Wheeler, seconded by Alderman Sannes, that the ordinance be turned over to the city attorney to draw the several amendments desired in the proper form, and refer back to business under that head later in the session.

Paving Plans and Specifications. Plans and specifications and estimate of cost for paving in paving district No. 9, forty feet in width on Third street from the northwest property line of Belmont Avenue, and extending to the northwest property line of Minnesota Avenue, including paving at intersections with Belmont, Gertrude and Franklin avenues, presented, read. Moved by Alderman Lynch, seconded by Alderman Hunter, that the plans

and specifications and estimate of cost for paving the above described streets and avenues be approved. Carried, 12 votes affirm.

Mayor's Vetoes Read. "City Council, City of Grand Forks, N. D. Gentlemen: At the meeting held on the third day of May, 1909, the following resolution, being in the form of a motion, was presented and passed by your body, to-wit: "Moved by Alderman Sorlie, seconded by Alderman Valley, that the city auditor be instructed and required to issue and deliver a salary warrant to M. E. Durick for salary as street commissioner for the month of April for \$80, the full amount of the monthly salary of such office and that like monthly salary warrants be issued to him monthly thereafter on the first of each month until his successor in said office has been appointed and approved and confirmed by the council."

Carried, voting yes, Alderman Sannes, Salisbury, Ryan, Hunter, Valley, Lynch, Sorlie, Ellestad; voting no, Alderman Wheeler, Griffith, Kent, Dixon, Knudson and Buckingham. "The foregoing action of the city council is an attempt by it, by a resolution disguised as a motion to legislate with reference to the authority of the city auditor in that it is an attempt to direct and force the city auditor to pay out moneys belonging to the city in payment of a claim which has no valid existence against the city. The moneys so directed to be paid to the said M. E. Durick if paid, would be an unlawful perversion of the funds of the city. Therefore the action of the city council in said matter is disapproved by me, and the same and the whole thereof is hereby vetoed.

"J. D. Taylor, Mayor." "City Council, City of Grand Forks, N. D. Gentlemen: At the meeting held on the third day of May, 1909, the following resolution, being in the form of a motion, was presented and passed by your body, to-wit: "Moved by Alderman Sorlie, seconded by Alderman Valley, that the city auditor and city treasurer be forbidden to draw or cash any warrant for salary in favor of John Dunlop as street commissioner or in favor of any other person who may be nominated for that office by the mayor until such time as the appointee of such office has been approved and confirmed by the council as provided by section 3 of the compiled ordinance."

Carried, voting yes, Alderman Griffith, Sannes, Salisbury, Ryan, Hunter, Valley, Lynch, Sorlie and Ellestad; voting no, Alderman Wheeler, Kent, Dixon, Knudson and Buckingham. "I have to advise you that such action of the council while presented in the form of a motion, is a proceeding by the city council in which they attempt to legislate with reference to the authority vested in the city auditor and city treasurer by charter; that said action of the city council is illegal and void; that it does not meet with my approval and I have thereby vetoed and do hereby veto the same and whole thereof.

"J. D. Taylor, Mayor." "City Council, City of Grand Forks, N. D. Gentlemen: At a meeting held on the third day of May, 1909, the following motion was presented and passed by your body, to-wit: "Moved by Alderman Sannes, that the pay roll of M. E. Durick be allowed from April 22 to April 30, 1909, inclusive."

Carried, voting yes, Alderman Sannes, Salisbury, Ryan, Hunter, Valley, Lynch, Sorlie and Ellestad; voting no, Alderman Wheeler, Griffith, Kent, Dixon, Knudson and Buckingham. "The foregoing action of the city council is hereby disapproved and vetoed insofar as it applies to the payment for work done under the supervision of M. E. Durick after April 22, for the reason that on said April 22 said Durick was by the mayor duly removed from office and had no authority to employ any persons to work upon the streets or otherwise; that all the items subsequent to said April 22 for wages were performed, if performed at all by such parties as were volunteers without any employment by the city of any of its officers. That the attempt of the council to pay such volunteers is a legislative attempt to usurp the powers of the street commissioner and to expend the public moneys for the care of the streets under the direction of a person not authorized to expend the same, is ultra vires and void.

"J. D. Taylor, Mayor." Alderman Wheeler addressed the

council regarding the manner in which the back-filling the DeMers avenue sewer was being done, stating that the sewer excavation would not settle properly, in years and that no paving could be properly laid over it, and wanted the city engineer to see to it that the proper tamping was done according to the plans and specifications. Mayor Taylor instructed the city engineer to see that the contract was lived up to the limit, and to at once report to the city attorney any failure whatever on the part of the contractor to comply with the plans and specifications.

Mr. F. W. Schalaberg addressed the council regarding a petition he wished to present to the council at some future meeting for permission to erect a frame addition to his building situated on lot one, block 15, stating the addition would be covered with galvanized iron.

Garbage Ordinance. Moved by Alderman Griffith, seconded by Alderman Wheeler, that we refer back to the order of business under the head of ordinances. Carried.

Moved by Alderman Griffith, seconded by Alderman Wheeler, that section eight of the garbage ordinance be amended to read as follows: "Sec. 8. The city auditor shall, during the month of February in each year, or at such other time as the council shall direct, advertise for bids at a monthly salary rate for the furnishing of a team and man for the removal of garbage from said districts, one team and one man for each district. Such notices shall be published twice in the official paper of the city at intervals of not less than six days

(Continued on Page 9.)

