

COUNCIL CHAMBER,
Ann Arbor, August 2nd, 1897. }

Regular session.

Called to order by Pres. Luick.

Roll called. Quorum present.

Absent Ald. Grossman, Sweet, Brown, Coon.

COMMUNICATION FROM THE MAYOR.
To the Honorable the Common Council
of the City of Ann Arbor:

Gentlemen,—I am compelled to disapprove your action in adopting the report of the Sidewalk Committee rescinding permission heretofore given Mack & Company to extend their front on S. Main st. into the sidewalk. I understand that Mack & Company do not intend to take advantage of said permission and the Ordinance Committee complain that they were not notified of a meeting, and in fact no joint meeting of the committees aforesaid and City Attorney was had to consider the matter so referred, as contemplated in the resolution referring the same.

My only reason for this veto is to correct the irregularity in the proceedings of the Council. This matter was referred to the Sidewalk and Ordinance Committees and City Attorney, and the report comes not from the joint committees and City Attorney, but simply from the Sidewalk Committee.

Respectfully,

CHAS. E. HISCOCK,
Mayor,
Filed July 21st, 1897, at 4:10 p. m.
Glen V. Mills,
City Clerk.

The resolution failed to pass the veto of the Mayor, notwithstanding.

Yeas—Ald. Hamilton—1.

Nays—Ald. Moore, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—10.

Ald. Moore moved that the committees to whom was referred the subject be requested to report at the next session of this Council.

Yeas—Ald. Moore, Hamilton, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—10.

Nays—Ald. Koch—1.

PETITIONS AND COMMUNICATIONS.

To the Common Council:

The Board of Public Works respectfully present to your honorable body the bid of Clarence B. Dixon for improving Packard st. between the Junction and city limits at 48 cents per load of 1½ yds., for drawing gravel;

and 1½ cents per ft. for grading gutter, the same being the lowest bid for doing such work.

Respectfully submitted,

Glen V. Mills,

Clerk of the Board of Public Works.

Ald. Danforth moved that the recommendation be concurred in by this Council.

Adopted as follows:

Yeas—Ald. Moore, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady—8.

Nays—Ald. Hamilton, Koch, Pres. Luick—3.

To the Common Council:

The Board of Public Works would respectfully represent to your honorable body that pursuant to your orders they advertised for bids for building a lateral sewer in Lateral Sewer District No. 7. And that after due consideration they find that Hutzel & Co. are the lowest bidder, and would recommend that the contract be awarded to said Hutzel & Co., according to the prices named in their proposal.

Respectfully submitted,

Glen V. Mills,

Clerk of the Board of Public Works.

Ald. Cady moved that the recommendation of the Board be concurred in and the Board ordered to enter into a contract with Hutzel & Co.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—11.

Nays—None.

To the Common Council:

The Board of Public Works herewith submits the 2nd estimate of completed work in Sewer District No. 6, which they recommend for your approval.

Respectfully submitted,

Glen V. Mills,

Clerk of the Board of Public Works.

ENGINEER'S SECOND ESTIMATE.

LATERAL SEWER DISTRICT NO. 6.

Sewer pipe laid, 650 ft., at 05c per ft.....	\$ 32 50
Sewer pipe laid, 1,381 ft., at 11c per ft....	151 91
Excavation, etc., 415 ft., at 12c per ft....	49 80
Excavation, etc., 1,616 ft., at 23c per ft....	371 68
Manholes, 2 at \$25.00 each.....	50 00
Flushtanks, 3 at \$54.00 each.....	162 00
Lampholes, 2 at \$5.00 each.....	10 00

Total estimate.....	\$827 89
Less 10 per cent per contract.....	82 79

Amount due contractor.....\$745 10

Geo. F. Key,

City Engineer.

Ald. Koch moved that the recommendation of the Board be con-

curred in and a warrant ordered drawn for the same.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—11.

Nays—None.

To the Common Council:

The Board of Public Works presents for your consideration the estimate of the Engineer for improving Miner st.

Respectfully submitted,
Glen V. Mills,

Clerk of the Board of Public Works.

To Board of Works:

An approximate estimate for grading west side of Miner st. from Hiscock st. to Felch st., is as follows.

500 cu. yd. excavation, at 20c per yd. \$100 00

The street is not full width at this place and should be widened and an approximate estimate to widen the street and put in passable condition for travel is about \$175.00.

Ald. Koch moved that the estimate be laid on the table.

Ald. Dell moved as a substitute that the estimate be referred to the Street and Sidewalk Committees.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—10.

Nays—Ald. Koch—1.

Ann Arbor, Mich., July 31, 1897.

To the Common Council of the City of Ann Arbor:

I have the honor to report that I have examined the books and vouchers of the City Treasurer and City Clerk for the year ending May 1, 1897, and find them correct.

The balance in the hands of the Treasurer was six thousand six hundred and four and forty-three hundredths dollars (\$6,604 43) which amount was on deposit in the Ann Arbor Savings Bank.

Respectfully submitted,
J. Rice Miner.

Received and ordered placed on file.

A petition signed by N. B. Covert asking for damages for alleged injuries was read and referred to the Finance Committee and City Attorney.

A petition signed by H. J. Burke asking for the filling of a well on Division st. was read and referred to the Sidewalk Committee.

A petition signed by J. W. Goodhew asking for the improvement of Observatory st. was read and referred to the Street Committee.

REPORTS OF STANDING COMMITTEES.
FINANCE.

To the Common Council.

Your Committee on Finance would respectfully report that they have had the following bills under consideration and would recommend their approval and that warrants be ordered drawn in payment of the same:

Respectfully submitted,
Harrison Soule,
Michael Grossman,
Committee on Finance.

CONTINGENT FUND.

Glen V. Mills, salary	\$ 83 34
Patrick O'Hearn "	83 34
Thomas D. Kearney, salary	50 00
Edward L. Seyler, "	8 34
Mrs. C. A. Greene, rent	29 17
Mack & Schmid, rent	1 67
Dr. D. M. Cowie, salary	25 00
Dr. John Kapp, salary	37 50
Eli W. Moore, salary	12 5
Henry B. Dodsley, salary	25 00
Glen V. Mills, postage	2 50
M. E. Easterle, janitor	17 00
Ann Arbor Electric Co., lighting	564 49
M. M. Eisele, supplies	33
Robison & Co., livery	2 50
J. A. Polhemus, water	6 00
J. A. Polhemus, livery	12 50
Sid W. Millard, printing	19 00
Geo. F. Key, salary	100 00
Ann Arbor Argus, printing	56 19
Henry C. Wilmot, posting	1 50
Washtenaw Evening Times, printing	52 62
Geo. Wahr, supplies	22 20
Bailey & Edmunds, repairs	10 80
Ann Arbor Savings Bank, accts. assigned	83 91
Farmers & Mechanics Bank, accts. assigned	119 73
Total	\$ 1,427 13

SEWER FUND, DISTRICT NO. 6.

Edwin W. Groves, salary	\$ 75 00
Total	\$ 75 00

STREET FUND.

C. W. Gill, lumber	\$ 3 57
Fred Davis, labor	15 30
Dr. John Kapp, gravel	49 70
Daniel Hiscock, gravel	9 60
Daniel J. Ross, salary	66 66
Christian Braun, repairs	1 10
Parker, Colburn & Schneider, supplies	3 54
Fred Bartlett, stone	60
Hunter & Chapin, supplies	5 15
Frank Sutherland, labor	32 55
Ed. Bycraft, stone	6 50
Esslinger Bros., repairs	9 25
W. W. Wetmore, books	1 60
Wm. Herz, painting	3 25
G. C. Rhodes, salary	21 00
George H. Fisher, labor	6 25
J. A. Polhemus, sprinkling	10 00
Farmers & Mechanics Bank, accts. assigned	1,166 59
Total	\$ 1,312 73

BRIDGE, CULVERT AND CROSSWALK FUND.

Barret Mnfg. Co., pitch.....	\$ 44 96
National Sewer Pipe Co., brick.....	192 50
S. Wood & Co. supplies.....	31 27
John Baumgardner, labor.....	22 05
George H. Fisher, labor.....	19 95
J. P. Judson, curbing.....	53 11
Farmers & Mechanics Bank, accounts assigned.....	910 36
Total	\$ 1,273 20

POLICE FUND.

Zenas Sweet, salary.....	\$ 75 00
John O'Mara, salary.....	50 00
George Isbell, salary.....	50 00
David Collias, salary.....	50 00
Reuben Armbruster, salary.....	50 00
Wm. Eldert, special.....	4 00
Thomas Blackburn, special.....	4 00
Clinton Snyder.....	4 00
Fred Huhn.....	4 00
Total	\$ 287 00

FIRE DEPARTMENT FUND.

Fred Siple, salary.....	\$ 60 00
C. A. Edwards, salary.....	50 00
W. H. McLaren, salary.....	50 00
Max Wittlinger, salary.....	50 00
Albert West, salary.....	50 00
Eugene Williams, salary.....	50 00
Samuel McLaren, salary.....	50 00
Edward Hoelzle, salary.....	40 00
Charles Carroll, salary.....	20 00
Louis Hoelzle, salary.....	8 00
W. L. Schmierle, salary.....	8 00
George Hoelzle, salary.....	8 00
Wm. Rettich, salary.....	8 00
A. W. Sorg, salary.....	8 00
Robison & Co., team.....	2 00
A. G. Rohde, team.....	2 00
R. Marsh, team.....	2 00
J. J. Jetter, hay.....	8 12
Mack & Co., supplies.....	1 68
Geo. W. Seybolt, repairs.....	15 05
B. St. James, supplies.....	2 55
Martin Haller, supplies.....	3 70
Wm. Herz, supplies.....	5 14
Parker, Colburn & Schneider, supplies.....	65
S. Wood & Co., lumber.....	71 10
Farmers & Mechanics Bank, accts. assigned.....	3 33
Total	\$ 577 32

POOR FUND.

Fred Siple, salary.....	\$ 10 00
L. B. Densmore, wood.....	14 50
Ann Arbor Railroad, freight.....	11 52
Treas. Anti-Tramp Society, labor, furnished.....	7 65
F. Bigalke, groceries.....	5 00
Davis & Seabolt, groceries.....	3 32
Ed. Duffy, groceries.....	3 00
John Goetz & Son, groceries.....	3 99
Goodyear & Co., medicines.....	45
G. Hoefler, groceries.....	6 50
E. Jaeger, meat.....	68
John W. Kearns, nurse.....	2 60
W. F. Lodholz, groceries.....	4 54
Mack & Co., clothing.....	2 50
H. C. Meuth, meat.....	50
Wm. H. McIntyre, groceries.....	7 03
J. H. Maynard, groceries.....	4 00
Mrs. K. M. Nebel, rent.....	2 60
O'Hara & Boyle, groceries.....	2 00
Rinsey & Seabolt, groceries.....	20 57
C. Rinsey, groceries.....	5 60
W. F. Stimson, groceries.....	6 82
John Goetz, Jr., groceries.....	3 21
Total	\$ 127 98

CEMETERY FUND.

Nelson Garlinghouse, labor.....	\$ 15 75
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DOG LICENSE FUND.

Joseph Blackburn, labor.....	\$ 27 00
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RECAPITULATION, AUGUST, 1897.

Contingent Fund.....	\$1,427 13
Sewer Fund.....	75 00
Street Fund.....	1,312 73
Bridge, Culvert and Crosswalk.....	1,273 20
Firemen's Fund.....	577 32
Police Fund.....	287 00
Poor Fund.....	127 98
Cemetery Fund.....	15 75
Dog License Fund.....	27 00
Total	\$5,196 11

Adopted as follows:

Yeas—Ald. Moore, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—9.
Nays—Ald. Hamilton, Koch—2.

SEWERS.

To the Common Council:

Your Committee on Sewers to whom was referred the petition of the Germania Lodge No. 476 D. O. H. asking for permission to connect with the main sewer would recommend that the petition be granted with the understanding that when a lateral sewer is constructed in the district in which said building is located that said Society will not be exempt from the payment of sewer tax in said district.

Respectfully submitted,
John Koch,
Frank Vandawarker,
Horace P. Danforth,
Harrison Soule,
Geo. L. Moore,
Geo. Spathelf, Jr.

Committee on Sewers.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—11.
Nays—None.

STREETS

To the Common Council:

Your Committee on Streets would respectfully recommend that the Board of Public Works be directed to surface S. Division street from Huron to Packard with crushed stone to the thickness of two inches.

Your Committee herewith present the Engineer's estimate for doing such work.

Respectfully submitted,
Geo. L. Moore,
G. C. Rhodes,
Harrison Soule,
C. H. Cady,

Committee on Streets.

Ann Arbor, July 31, 1897.

To Board of Public Works:

Gentlemen:—The length of Division street from Huron street to Packard is approximately 2500 ft. The usual width of road-bed is 34 ft., to cover this with 2 inches of crushed stone will require about 540 cu. yds. thus an approximate estimate of total cost is as follows:

First cost of 540 cu. yd. stone @ 60c per yd.....	\$324 00
Crushing of 540 cu. yd. stone @ 40c per yd.....	216 00
Drawing and placing 540 cu. yd. stone @ 20c per yd.....	108 00

Total estimate.....\$648 00

As the stone is already at yard the amount necessary to be appropriated to do surfacing of street is \$350.00.

Geo. F. Key,
City Engineer.

Adopted as follows:

Yeas—Ald. Moore, Vandawarker, Rhodes, Soule, Danforth, Cady—6.

Nays—Ald. Hamilton, Koch, Dell, Spathelf, Pres. Luick—5.

To the Common Council:

Your Committee on Streets to whom was referred the petition asking for stone gutter on east side of 5th Ave. between Catherine and Detroit streets would recommend that a 5 ft. stone gutter be ordered laid.

Respectfully submitted,
Geo. L. Moore,
C. H. Cady,
Harrison Soule,
G. C. Rhodes,
J. A. Dell,
Committee on Streets.

Estimate of stone gutter on east side Fifth Ave. from Catherine street to Detroit street.

1500 sq. ft. @ 8c per ft.....	\$45 00
Cement approach for crosswalk.....	20 00

Total.....\$65 00

Geo. F. Key,
City Eng.

Ald. Hamilton moved as an amendment that the City furnish material and the property owners do the paving.

Lost as follows.

Yeas. Ald. Hamilton, Koch, Dell, Spathelf, Soule—5.

Nays—Ald. Moore, Vandawarker, Rhodes, Danforth, Cady, Pres. Luick—6.

Whereupon the original motion was Adopted as follows:

Yeas—Ald. Moore, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—9.

Nays—Ald. Hamilton, Koch—2.

WATER.

To the Common Council:

Your Committee on Water to whom was referred the petitions asking for the extension of the water mains on Geddes Ave. and Hill street would report that they have given the subject due consideration and would recommend that the petitioners be referred to the Ann Arbor Water Co. who have expressed themselves as willing to extend their mains on said streets.

Respectfully submitted,
Horace P. Danforth,
Geo. L. Moore,
Committee on Water.

Adopted as follows:

Yeas—Ald. Moore, Koch, Dell, Vandawarker, Rhodes, Spathelf, Danforth, Cady, Pres. Luick—9.

Nays—Ald. Hamilton, Soule—2.

FIRE DEPARTMENT.

To the Common Council:

Your Committee on Fire Department would respectfully recommend that Herman Kirn receive full pay during the time that he is disabled as a result of injuries received in the discharge of his duty This is granted with the express understanding that he save the City harmless from any damages and that he pay his own doctor bill.

Respectfully submitted,
G. C. Rhodes,
Frank Vandawarker,
Com. on Fire Department.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—11.

Nays—None.

BONDS.

To the Common Council.

Your Committee on Bonds would recommend the approval of the bond of Hutzel & Co., for \$5,000 for payment of labor and material claims in Sewer District No. 7, with Christian Mack and Frederick Schmid as sureties, also the bond of Hutzel & Co., for \$10,000 for the faithful performance of the contract in Sewer District No. 7, with Christian Mack and Frederick Schmid as sureties.

Respectfully submitted,
Frank Vandawarker,
C. H. Cady,
Committee on Bonds.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—11.

Nays—None.

CEMETERY.

To the Common Council.

Your Committee on Cemeteries would recommend that \$50 be appropriated from the Cemetery Fund to build a tool house in the Fifth ward cemetery and further that \$50 be appropriated for the purchase of two lots for the burial of soldiers of the late war who may die without sufficient means to pay their funeral expenses.

Respectfully submitted,
C. H. Cady,
Geo. L. Moore,
Committee on Cemeteries.

Adopted as follows:

Yeas—Ald. Moore, Hamilton, Koch, Dell, Vandawarker, Rhodes, Spathelf, Soule, Danforth, Cady, Pres. Luick—11.
Nays—None.

REPORTS OF CITY OFFICERS.

The monthly reports of the Chief of the Fire Department, City Marshal and Superintendent of the Poor and the annual report of the Board of Health were read and ordered filed.

To the Hon. Common Council of the City of Ann Arbor.

Your Board of Health beg leave to make the following report for the year ending Dec. 31st., 1896. During the past year, the complaints both verbal and written have been very numerous and the nuisances have as a rule been abated without recourse to law. A very great saving to the City has resulted thereby. Our City has been free from epidemics during the past year, and the deaths resulting from the various causes are as follows:

Accident.....4	Dementia.....2
Bloodpoisoning.....1	General Debility...13
Brain Fever.....3	Heart Failure.....4
Cystitis.....1	Hemorrhage.....2
Consumption.....21	Hip Disease.....1
Croup.....1	Heart Disease.....15
Cancer.....7	Gastritis.....2
Cholera Infantum...3	Kidney Disease...1
Child Birth.....2	LaGrippe.....2
Convulsions.....2	Lung and Throat...3
Dropsy.....5	Liver Complaint...1
Milk poisoning.....1	Rheumatism.....3
Measles.....1	Softening of Brain..1
Malarial Fever...1	Spin'l-Brain trouble?2
Neuralgia of Stomach.1	Stomach-Throat...1
Old Age.....12	Suicide.....4
Operation.....1	Still Born.....2
Paralysis.....5	Typhoid Fever.....3
Pneumonia.....3	Teething.....1
Peritonitis.....2	Whooping Cough...2
Psoriasis.....1	Tumors.....2
Prostration...1	Unknown.....26

Making a total of 172 for the year 1896. The death rate per thousand is

very favorable and speaks well for the health of the City.

Respectfully submitted,
Eli Moore, Pres. Bd.
H. B. Dodsley,
Health Inspector,
John Kapp,
Health Officer.

Ann Arbor, Mich., Dec. 31st, 1896.
To the Honorable the Common Council:

Gentlemen—At the last meeting of the Council an estimate of the cost of extending the sewer in district No. 6, made by the City Engineer, in streets not included in the plans, specifications and contract, and to add the same to said district and include it in said contract, was referred to the Sewer Committee.

I have no doubt that if you did this the assessment for the entire district would be null and void.

The Council by resolution declared it expedient to order the construction of a sewer on certain streets and directed the City Engineer to cause all needful surveys and measurements to be made, and report to the Council, among other things, the starting point, direction and place of connection with the main sewer, a full, complete and detailed estimate of the cost, a map of the route and the land or lots fronting on or adjacent to the same. The Engineer reported as directed and the same was referred to the Sewer Committee. Said committee reported in due time to the Council and the Council directed the Board of Public works to cause said sewer to be constructed.

In accordance with the direction of the Council the Board advertised for proposals for the construction of the same and let the contract to the lowest bidder. The contract was confirmed by the Council and the contractor has not only begun work on the contract, but one estimate has been made and ordered paid by this Council.

Under our charter all public works must be let by contract to the lowest bidder. It has been held by our supreme court that the purpose of this provision in our charter is to secure competition among contractors for public work and supplies and to give the taxpayer the benefit thereof.

In the case of Ely et al. vs. the City of Grand Rapids, reported in the 48th of Michigan at page 336, the Council requested the Board of Public Works

to establish a grade line and furnish the Council with an estimate of the cost of grading, graveling and paving the gutters of Curtis street. The Board reported to the Council and the contract was let to the lowest bidder. There was no item for "paving gutters" either in the estimate, specifications or contract, and after the work had progressed somewhat it was discovered that, while the improvement provided for in the original resolution contemplated and required the gutters to be paved, no provision was made therefor in the contract and specifications annexed thereto. Upon making this discovery the Board instructed the Engineer to see the contractor, and obtain from him a proposition to pave the gutters. He offered to do it at the same price per yard for which he had contracted to do the other paving. The engineer reported this to the board with his estimate of the number of yards of paving, which was approved by the Board and certified to the Council. The Council rescinded its former resolution and adopted a new resolution and order for assessment, thereby increasing the assessment. This was a new contract and was not open to competitive bids. The court says further, "It is true that the paving of the gutters was within the scope of the improvement, but this did not confer upon the defendant the right to dispense with the charter requirement for competitive bids. It is of no consequence that a part of the public improvement is omitted from the estimate and contract by mistake. This work of paving the gutters was entirely outside the contract. The private contract for the performance of the same was without authority and void."

I would suggest that the Sewer Com-

mittee report adversely to the proposed extension.

Respectfully submitted,
THOMAS D. KEARNEY,
City Attorney.

RESOLUTIONS.

Ald. Cady moved to rescind the action of the Council ordering a sidewalk on the east side of S. 1st street along the property of the A. A. R. R.

Lost as follows:

Yeas—Ald. Moore, Dell, Rhodes, Cady—4.

Nays—Ald. Hamilton, Koch, Vandawarker, Spathelf, Soule, Danforth, Pres. Luick—7.

By Ald. Moore.

Resolved, That the City Marshal be directed to circulate a petition for paving Main St., among the property owners of said street.

Adopted.

Ald. Danforth moved that the Council reconsider the action relative to the sidewalk along the Ann Arbor R. R.

Adopted as follows:

Yeas—Ald. Moore, Dell, Rhodes, Soule, Danforth, Cady,—6.

Nays—Ald. Hamilton, Koch, Vandawarker, Spathelf, Pres. Luick—5.

Ald. Koch excused.

Ald. Moore moved to rescind the action of the Council ordering a sidewalk on the east side of S. 1st. St., along the property of the Ann Arbor R. R.,

Adopted as follows:

Yeas—Ald. Moore, Dell, Rhodes, Soule, Danforth, Cady,—6.

Nays—Ald. Hamilton, Vandawarker, Spathelf, Pres. Luick—4.

On motion the Council adjourned.

GLEN V. MILLS,
City Clerk.