

Council Chambers,

Ann Arbor, Mich., Mar. 14, 1904.

Arjourned Session.

Meeting called to order by Pres. Walz.

Present—Ald. Gill, Schlenker, Hutzel, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz.—12.

Absent—Ald. Douglas, Kearns, Bangs.—3.

Minutes of previous meeting approved.

Communication from Mayor.

To the Common Council of Ann Arbor, Michigan.

Gentlemen:—

At the request of Hamilton Reeves of the University, I hereby appoint George J. Lutz as special policeman to serve at the University without expense to the city.

Yours respectfully,
ARTHUR BROWN, Mayor.

Received and placed on file.

Communication from Arthur M. Smith relative to sidewalks referred to city marshal.

Ordinances.

Ald. Fischer presented the following ordinance for its third reading:

Milk Ordinance.

An ordinance to regulate and control the selling of milk within the city of Ann Arbor, and to license venders thereof, and to regulate the care of the cows from which milk is sold, and for the inspection and examination of dairies and dairy herds, and of milk. The Common Council of the City of Ann Arbor Ordain:

Section 1. That on or after May 1, 1904, no person or persons shall sell, barter or traffic in milk within the City of Ann Arbor, without first having been licensed to do so by the City Clerk of said city.

Section 2. Any person or persons desiring to sell, barter or traffic in milk in the City of Ann Arbor, shall first procure a license as hereafter provided, and shall be granted a permit therefor upon the payment of the following license fees: For the selling of milk from wagons or sleighs, five dollars (\$5.00) per year or any

part thereof; from milk carts propelled by hand and cans carried by hand, and from all other places where milk is sold, one dollar (\$1.00) per year, or any part thereof; provided however, that where more than one milk wagon is owned, operated or controlled by the same person or firm that a license fee of two dollars (\$2.00) shall be charged for each additional wagon or sleigh. Said license fee to be paid to the city treasurer, who shall issue his receipt therefor; said receipt to be presented to the city clerk who shall issue a license; said license shall continue and be operative until the first day of May, following the date of such issue, unless sooner revoked as hereinafter provided. Said license shall not be transferable except by permission of the city clerk.

Section 3. The city clerk shall not issue any such license unless the applicant therefor presents a statement in writing which shall state fully and explicitly:

First. The name and residence of said applicant.

Second. The name and residence of the driver or person delivering the milk to his customers.

Third. The exact location or place from which said applicant obtains his milk, including the names and locations of all persons from whom he obtains milk.

Fourth. The number of cows in his herd, if a producer in whole or in part and the number of cows in any other herd from which he obtains milk.

Fifth. The manner in which said applicant intends to dispose of his milk when licensed. Said applicant shall also present a written consent from each person from whom he obtains milk, granting permission to the health officer of said city, his representative or any member of the board of health of the city of Ann Arbor, free and open access to his or her dairy or premises for the purpose of making an inspection of the premises or herd and applying the tuberculin test as hereinafter provided.

The city clerk shall not issue any

such license unless the health officer is satisfied with the sanitary conditions of the stables and premises where the cows are kept by the applicant and his approval affixed to the application of said applicant. The city clerk may at any time revoke the license of any vendor of milk, cream, skim milk or butter-milk if upon the investigation and report of the health officer he shall find the herd, stables where the cows are kept or the condition of the licensee's wagon, vehicle, containant or person, cows or milk offered for sale to be detrimental to the public health.

Section 4. It shall be the duty of the city clerk to enter on the back of each application, the name of the applicant to whom a license has been granted, together with the date thereof, and to keep the same on file and at all times subject to inspection, and it shall be the duty of the milk inspector to cause to be inspected the dairy and dairy herd of every such person so applying for a license or who has obtained a license, and the dairy and dairy herd from which such applicant obtains his milk for sale or consumption within said city without unnecessary delay and to cause to be made by a competent person or persons under the direction of said inspector, whenever in his judgment such examination may be necessary or when ordered so to do by the common council or board of health, an examination of each and every animal producing milk for sale or consumption within said city belonging to or controlled by said licensee, or by any person or persons from whom said licensee obtains his milk, for the purpose of ascertaining the presence or absence of tuberculosis or any other contagious or infectious disease, and in making such inspection or examination he is hereby authorized to use or cause to be used what is known as the "Tuberculin test," a diagnostic agent for the detection of tuberculosis in such animals. After such inspection and examination of the dairy and dairy herds hereinbefore provided, he shall at the request of the owner of such herd, tag each and

every animal so examined, which tag shall state the result of the examination as regards the presence or absence of any contagious or infectious disease, and said inspector shall file a report of the result of the examination and inspection, as herein provided for, with the city clerk, which report shall also state what disposition, if any, has been made by such license or the persons from which said licensee obtained his milk, of the cows which were found to be affected with any contagious or infectious disease and whether or not any such diseased animals are used for the production of milk and consumption in said city. Every applicant to at once notify the city clerk and inspector of any change of location or residence.

Section 5. Any person so receiving a license shall cause his name, his place of business and the number of his license to be legibly placed and kept in a conspicuous place on the outside of all wagons, sleighs or other vehicles used by him in the distribution or sale of milk; and all licensees who sell milk from stores, dairies or creameries shall have such license constantly in a conspicuous place upon the wall of the room within which such sale of milk is carried on, and any person selling from cans carried by hand shall cause his name and number of his license to be posted on said can.

Section 6. No person shall offer or expose for sale, or sell or deliver for sale or consumption, whether licensed under this ordinance or not, any unclean, impure, unhealthy, unwholesome or adulterated milk, or any milk from any farm, any dairy or any herd during the prevalence of any contagious or infectious disease in the family of any person connected with the care of said dairy herd or delivering milk from the same. No person shall keep cows for the production of milk for sale or consumption in the city of Ann Arbor, in an overcrowded condition or in stables which are not properly ventilated or which are filthy from an accumulation of animal refuse or any other cause, and all stables in which

cows are kept shall be whitewashed at the option of the inspector at least twice a year; nor shall any milk be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis or from any other disease, or from cows which are supplied with food or water which is impure and unwholesome, and all milk thus produced is hereby declared unclean, impure, unhealthy and unwholesome milk; nor shall any dealer in milk selling milk, nor his agents, bottle, cause to be bottled any part of his milk supply while upon the delivery wagon nor at any place other than his milk house; and any milk which is shown by analysis to contain any substance or substances of any character not natural or normal constituents of milk, or to have been deprived either wholly or in part of any of the constituents naturally or normally contained in milk, or which has been diluted with water, or which is shown upon analysis to contain more than eight-seven and fifty-one hundredths per cent of watery fluids, or contain less than twelve and fifty one hundredths per centum of milk solids, or less fat than three per centum, or if the specific gravity at 60 degrees Fahrenheit is not between one and twenty-nine one hundredths to one and thirty-three one hundredths it shall be deemed and is hereby declared to be adulterated milk, and its sale within the city of Ann Arbor is prohibited.

Section 7. It shall be the duty of said inspector of milk to inspect or cause to be inspected or analyzed, whenever he may deem the same advisable, any milk which shall be kept or offered or exposed for sale within the city of Ann Arbor, and for that purpose he shall have free access to all places where milk is kept for sale to obtain sufficient samples of such milk for the purpose of making such inspection, examination or analysis, and every person selling milk in said city shall upon request forthwith furnish free of charge to said inspector all such necessary samples of milk for

such inspection, analysis and examination; and said inspector shall make such inspection whenever the board of health requires him to do so of any milk offered for sale in the said city as may be deemed necessary for the public health; and no person shall refuse said inspector entrance to his premises for that purpose nor shall he conceal any milk so kept for sale from examination by said inspector. Nor shall persons refuse to permit any milk or animal or premises whereon the animals are kept to be viewed and inspected as herein provided, or in any manner hinder or resist said inspector or any person under him in the performance of his duty, and such refusal either by the licensee or the owner of any cow from whom he obtains milk shall be sufficient grounds for the city clerk to revoke the license issued.

Section 8. No person shall have in his possession with intent to sell, offer or expose for sale or sell or deliver for sale, or consumption in any store or place of business or from any wagon, sleigh or other vehicle, or in can or in package, any milk commonly known as skim milk or buttermilk without first procuring a license for the same, in accordance with the provisions of this ordinance, and secondly, without marking the can or package containing said skim milk or buttermilk from which milk is delivered to the purchaser or consumer with the words "skim milk" or "buttermilk," according to which is offered for sale, in large, plain black letters. Said words to be in English and on top or side of can in such position as to be easily seen when said milk is delivered to the customer.

Section 9. The health officer of the city of Ann Arbor is hereby appointed inspector of milk in and for the city of Ann Arbor, with power and authority to appoint such assistants, analyzers and subject to the approval of the board of health, at such compensation as may be approved by the common council. And it shall be the duty of the milk inspector to file a complete record in writing of his proceedings as

inspector or collector of samples, giving a full and accurate account of all inspection made under the provisions of this ordinance. The board of health of the city of Ann Arbor is hereby authorized and empowered to furnish all necessary blanks and books of record and apparatus necessary to carry out the provisions of this ordinance and make and promulgate such rules, regulations and requirements as may be thought necessary to assist the inspector of milk, or his assistants, in properly executing the duties of the same.

Section 10. All milch cows shall be kept clean and well bedded and dirt or filth upon the udder shall be washed off with warm water.

Section 11. Cows must be supplied with an abundance of good drinking water at least twice daily.

Section 12. All receptacles from which milk is sold by any dealer shall be thoroughly scalded before being used again as such receptacle.

Section 13. The leaving of milk bottles knowingly or other receptacles of milk at any place at which there is an infectious or contagious disease will be sufficient cause for the revoking of the dealer's license.

Section 14. No persons having discharging sores upon their hands or running sores upon their bodies or having chronic lung trouble will be permitted to milk cows whose milk is sold in the city of Ann Arbor.

Section 15. All so-called milk tickets shall be issued by the licensee in perforated sheet form or in some other similar manner, to be detached by the consumer in exchange for milk, and when so received by the licensee for milk delivered they shall be burned or destroyed. No ticket in exchange for milk shall be used the second time.

Section 16. Dealers in retail of milk shall be held and deemed to include all persons who sell, barter or traffic milk in quantities of less than five gallons at any time to any person or persons.

Section 17. It shall be the duty of the health officer to make complaint in

writing before the justice of the peace of the city of Ann Arbor of any violation of this ordinance coming to his knowledge.

Section 18. Each violation of any of the provisions of this ordinance shall be construed to be a separate and complete offense, and for each violation on the same day or on different days the person so offending shall be liable to the penalties herein provided.

Section 19. Any person who shall violate any of the provisions of this ordinance shall, on conviction, be punished by a fine of not more than \$100 and cost of prosecution, and the court before whom such conviction shall be had may make a further sentence that in default of the payment of such fine and costs within a time to be fixed by said court, the person so convicted shall be imprisoned in the county jail until such fines or costs be paid, for a term not exceeding ninety days.

Section 20. This ordinance shall take effect and be in force on and after ten days from legal publication.
By Ald. Fischer:

Resolved, That section four (4) be amended by striking out that part of said section beginning with "and" after the word "diseased" in the 16th line of said section to and including the word "diseased" in the 23rd line of said section and inserting the following: "The owner of any dairy herd may ask and require the said inspector to make the inspection or examination of his herd without cost or expense to said owner, what is known as the "Tuberculine Test" a diagnostic agent for the detection of Tuberculosis in such animals. After such inspection and examination for Tuberculosis said inspector shall, at the request of the owner of such herd, tag each and every animal so examined, which tag shall state the result of the examination as regards the presence or absence of any contagious or infectious disease. Said owner, or the licensee who obtains milk from said owner, may show that said herd has been subjected to said Tuberculine

test, either on his delivery wagon or place of business for the purpose of advertising the same.

Amendment section 4 passed as follows:

Yeas—Ald. Gill, Hutzell, Johnson, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—9.

Nays—Schlenker, Miller, Schumacher,—3.

By Ald. Coon:

Resolved, That section No. 6 be amended to read: "At the option of the inspector" after the word "white-washed."

Adopted as follows:

Yeas—Ald. Gill Schlenker, Hutzell, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—12.

Nays—None.

By Ald. Fischer:

Resolved, That section seven (7) be amended by striking out that part of said section beginning with the word "or" the last word in the 13th line, to and including the word "test" in the 14th line of said section; and that the board of health or representative shall deliver to the owner of said milk, a sealed sample of the same.

Amendment passed as follows:

Yeas—Ald. Gill Schlenker, Hutzell, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—12.

Nays—None.

The chair put the question: "Shall this ordinance pass as amended?"

Adopted as follows:

Yeas—Gill, Hutzell, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—8.

Nays—Ald. Schlenker, Miller, Johnson, Schumacher—4.

An ordinance authorizing the Michigan Milling Company to construct, operate and maintain an electric light and power plant within the city of Ann Arbor was introduced by Ald. Fischer, given its first reading by the following title and passed to second reading by the following vote:

Adopted as follows:

Yeas—Ald. Gill Schlenker, Hutzell, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—12.

Nays—None.

An ordinance relative to granting licenses to night lunch wagons was reported back to Council by committee without recommendation, and laid on the table.

Sewers.

The estimates of City Engineer as to cost of constructing storm sewer on Division, Edwin and State streets, and of an open ditch, was received and referred to the sewer committee.

Report of Special Committee, Etc.

Ald. Hutzell presented a bill for dynamite, fuse caps and labor, used in breaking up the ice flow on the river, amounting to \$5.43. Ald. Schlenker moved that the bill be allowed and warrant drawn for the same.

Adopted as follows:

Yeas—Ald. Gill, Schlenker, Hutzell, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—12.

Nays—None.

To the Honorable Common Council
City of Ann Arbor:

Gentlemen:

Some time in the early part of last summer I was appointed as a special committee to take up the matter of getting a steam road roller of suitable weight to be of practical use on our streets. I beg leave to report that I have had the matter under consideration ever since my appointment and have corresponded with a number of firms who make machinery of this kind.

I have two propositions that have finally been submitted; one from the Buffalo Steam Roller Co., to give us a ten ton roller in exchange for our old seventeen ton roller for a difference of \$2,000.00. The other proposition is from the Kelly Steam Road Roller Co., of Springfield, Ohio, for a ten ton roller in exchange for our old roller for a difference of \$1,750.00.

I regret very much that we are unable to get a better figure for our old

machine as I am positively convinced that the old machine is too heavy for practical work on our street, but in as much as our city funds are in the shape that they are it would seem very unwise to consider a change at the present time and pay such a difference. I therefore recommend that the matter be deferred until some future time.

Respectfully submitted,
TITUS F. HUTZEL.

Report accepted and ordered placed on file.

Change of Funds.

By Ald. Douglas:

That the sum of four thousand, nine hundred and ninety-five and 79-100 (\$4995.79) Dollars be transferred from the cleaning and repairing street fund to the street fund general.

That the sum of two thousand, six hundred and seven and 38-100 (\$2607.38) dollars be transferred from the cleaning pavement fund to the street fund general.

That the sum of four thousand and forty-two and 20-100 (\$442.20) dollars be transferred from the grading sidewalk fund to the sidewalk fund general.

Adopted as follows:

Yeas—Ald. Gill, Schlenker, Hutzel, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz—12.

Nays—None.

Report of City Officers.

TREASURER'S REPORT

For Month Ending Feb. 29, 1904

Money Received

Sidewalk Fund, Building Subdivision.	
Sidewalk Tax collected in February	305 82
Rejected Tax Fund.	
Rejected Tax collected in February	35 32
Uncollected City Tax Fund	
City Tax collected in February.....	2,529 99
Contingent Fund.	
Excess of Rolls	60 13
Total.....	2,931 26
On hand Feb. 1.....	7,488 68
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	10,419 94
Expenditures.....	4,526 99
On hand March 1, 1904	5,892 95

DISBURSED, WARRANTS PAID.

Bridge, Culvert and Crossw'lk Fund.....	\$ 57 20
Contingent Fund.....	1,023 31
Dog License Fund.....	1 00
Fire Fund.....	706 64
Poor Fund.....	334 89
Police Fund.....	325 94
Street Fund.....	288 05
" cleaning and repairing sub.....	4 00
Street Lighting Fund	1,786 76
Total.....	4,526 99

CONDITION OF CITY FUNDS ON MARCH 1, 1904.

	On Hand	Over-drawn
Bridge, Culvert & Cross-walk fund.....	9,978 66	
Contingent fund.....	3,535 63	
City cemetery fund.....	347 30	
Dog License fund.....		44 75
State Dog Tax.....	100 00	
Delinquent Tax fund.....	372 14	
Fire fund.....	1,731 81	
Poor fund.....	365 98	
Police fund.....	1,256 13	
St. fund overdrw'n 4,018 97		
Cleaning and Re-paring. Sub. On hand.....	4,996 04	
St. P'vem't clean-ing. Sub. On h'nd	2,610 67	
	<hr/>	
	3,587 74	
Uncol't'd City Tax Water fund.....	455 04	2,856 92
Storm Sewer fund		12,984 55
Rejected tax		805 54
St. Lighting Fund	517 03	
Park Fund.....	399 17	
Sidew'k fu'd over drawn.....	211 18	
Sidew'k f'nd. Bldg Sub. Overdrawn	289 94	
Sidew'k fund, gra-ding. Sub. On hand.....	442 20	58 92
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	22,643 63	16,750 68
Balance on hand	5 892 95	

PAVING FUND.

TREASURER'S REPORT.

For Month Ending Feb. 29, 1904.

MCNEY RECEIVED.

Tax acct. Pav. Dist. No. 3.....	\$ 130 57
Tax acct. Pav. Dist. No. 4.....	406 56
Tax acct. Pav. Dist. No. 5.....	298 47
Tax acct. Pav. Dist. No. 6.....	14 86
Total.....	\$ 850 46
On hand Feb. 1.....	14,223 32
On hand March 1, 1904.....	\$15,073 78

CONDITION OF PAVING FUNDS ON MARCH 1, 1904

	On hand	Ov'rdrn
Labor acct. Pav. Dist. No. 3	\$ 518 65	
Tax acct. Pav. Dist. No. 3		1,052 95
Lab acct. Pav. Dist. No. 4		85 06
Tax acct. Pav. Dist. No. 4	5,348 45	
Labor acct. Pav. Dist. No. 5	50	
Tax acct. Pav. Dist. No. 5	3,318 68	
Labor acct. Pav. Dist. No. 6	7 50	
Tax acct. Pav. Dist. No. 6	1,019 97	
Labor acct. Pav. Dis. No. 7	153 74	
Tax acct. Pav. Dist. No. 7	4,929 24	
Labor acct. Pav. Dist. No. 8	26 38	
Tax acct. Pav. Dist. No. 8	891 68	
Total.....	16,211 79	1,138 01
On hand	15,073 78	

LATERAL SEWER FUNDS.

TREASURER'S REPORT.

For Month Ending Feb. 29, 1904.

Tax acct. Lateral Sewer No. 9.....	83 81
Tax acct. Lateral Sewer No. 10.....	65 88
Total.....	149 69
On hand Feb. 1, 1904.....	\$ 335 79

On hand March 1, 1904..... 485 48

CONDITION OF LATERAL SEWER FUNDS ON
March 1, 1904.

	On hand Ovrdr'n	
Tax acct. Lateral Sewer No. 8	\$ 45 15	
Lab. Ac. Lateral Sewer No. 9		\$458 47
Tax Ac. Lateral Sewer No. 9	93 55	
Lab. Ac. Lateral Sewer No. 10	223 19	
Tax Ac. Lateral Sewer No. 10	402 90	
Lab. Ac. Lateral Sewer No. 11		233 91
Tax Ac. Lateral Sewer No. 11	520 12	
Lab. Ac. Lateral Sewer No. 12		937 37
Tax Ac. Lateral Sewer No. 12	839 32	
Total..	2,115 23	1,629 75

On hand Feb. 1.....\$ 485 48

STATE, COUNTY AND SCHOOL FUNDS.

For Month ending Feb, 29, 1904.

MONEY RECEIVED.

State taxes collected in Feb.....	\$ 3,074 09
County taxes collected in Feb.....	6,108 66
School taxes collected in Feb.....	11,619 74

Total..... 20,803 09
On hand Feb. 1..... 12,383 59

Total.....\$33,736 68
Paid school treasurer..... 20,757 60

On hand State and County Funds....\$12,979 08
Paid School treasurer..... 20,751 00

On hand March 1, 1904.

City funds.....	\$ 5,892 95
Paving funds.....	15,073 78
Sewer funds.....	485 48
	21,452 21

On hand, State and county funds.... 12,979 08

34,431 29

Taxes received too late to deposit
Feb. 29..... 431 22

Bank Balance..... 34,000 07

Respectfully Submitted,

S. W. BEAKES, Treasurer.

To the Common Council, City of Ann Arbor.

Gentlemen:—This is to certify that there was on deposit in this bank to the credit of S. W. Beakes, city treasurer the sum of thirty-four thousand and 7-100 (\$3,400.07) Dollars on the first day of March, 1904.

Respectfully yours,

M. J. FRITZ, Cashier.

Ann Arbor Mich., Mar. 7, 1904.

Reports of treasurer city clerk, city marshal and city physician received and ordered placed on file.

Resolutions.

By Ald. Coon:

Resolved, That a special committee be appointed consisting of the city treasurer, city clerk, city assessor and city engineer to revise, where necessary, the present methods of keeping the various city accounts so as to make it practicable and convenient for all city officers to make annual reports of their respective departments.—Carried.

Street Grade Resolution.

By Ald. Schlenker:

Whereas, In the opinion of the Council, the grade on W. Liberty street ought to be changed and fixed and established, to the end that such street may be made suitable for public travel and traffic. Therefore,

Resolved, and it is hereby ordered that the grade on W. Liberty street, from the center line of First street to the west line of Ashley street be, and the same is hereby changed from the present grade and fixed and established, so that the grade on and along such street shall be as follows, that is to say:

At the center of First street, 805.5.

At the west line of Ashley street, 824.0.

The elevation given being above the official city datum and along the center line of said street and the grade lines to consist of straight lines between the several points or stations above stated, the roadway to conform thereto.

Adopted as follows:

Yeas—Ald. Gill, Schlenker, Hutzell, Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz.—12.

Nays—None.

By Ald. Coon—

Resolved, That Ald. Fischer have power to place sluice boxes across Division and Sible streets.

Adopted as follows:

Yeas—Ald. Gill, Schlenker, Hutzel,

Miller, Johnson, Schumacher, Grose, Coon, Goodyear, Fischer, Robinson, Pres. Walz.—12.

Nays--None.

On motion the council adjourned.

ROSS GRANGER, Clerk.