

(Official.)

Council Chamber,
Ann Arbor, Mich., Dec. 17, 1906.

Regular Session.

Meeting called to order by President Gilmore.

Present—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—12.

Absent—Ald. Snauble, Kurtz and St. James—3.

Minutes of previous meetings approved.

Communications.

From board of public works—
Board of Public Works,

William C. Reinhardt, Pres.

Gentlemen—On December 16, 1906, there will be due Hutzel & Co. \$150.73, being 5 per cent of the cost of the storm water sewer on East William street.

Yours, E. W. Groves,
City Engineer.

Moved by Mr. Mummery that the board recommend to the council payment of money due Hutzel & Co., as per engineer's report.

Adopted by the board and following action taken by the council:

Moved by Ald. Abbott, that the report and recommendation be concurred in. Adopted as follows:

Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—12.

Nays—none.

Communication from Carl Storm relative to car service on Packard street, received and on motion of Ald. Miller, referred to committee of three appointed by president as follows: Ald. Miller, Sherk and Fischer.

Meeting of Fire Commissioners.

Ann Arbor, Dec. 17, 1906.

Meeting called to order by Pres. Apfel.

Present—Messrs. Apfel, Seabolt and Millard.

Communication from board of fire commissioners, Detroit, Michigan, showing result of test made Dec. 12, '06, of Nott fire engine received and on motion of Mr. Millard, supported by Mr. Seabolt, referred to the common council.

Moved by Mr. Millard that the common council be requested to authorize the fire commissioners to purchase a three horse hitch for the new engine, cost not to exceed \$150. Adopted unanimously.

Moved by Mr. Seabolt that the council be requested to authorize the board of fire commissioners to purchase three horses and one harness cost not to exceed \$800. Supported by Mr. Millard. Adopted unanimously.

Moved by Mr. Millard, that the heater as sent with the Nott fire engine be rejected and the company notified to furnish heater and fixtures as per original understanding, the heater to set on floor level. Adopted unanimously.

Moved by Mr. Millard, that Fred Nordman be transferred from house No. 1 to No. 4, and that Herman Kirn be transferred from No. 4 to No. 1.

Adopted by unanimous vote.

The commissioners are in favor of a watchman for the sixth ward engine house and the matter is respectfully referred to the council. On motion the board adjourned.

ROSS GRANGER,

Clerk.

The recommendations from fire commissioners to the fire committee.

Petitions.

Ann Arbor, Mich., Dec. 17, '06.
To the Members of the City Council,
Ann Arbor, Mich.:

Honorable Gentlemen—The mothers of Tappan school, in the sixth ward, wishing to provide a skating pond for the children, have secured from the

owner the use of a lot for that purpose, the lot being located on Church street, between Hill and Wilmot streets. They, therefore, hereby petition your honorable body for authority to direct the fire department in the sixth ward, to flood this lot from the city mains, when ever conditions are favorable. We respectfully commend to your attention the fact that a similar plan has been followed with much satisfaction in Detroit, Ypsilanti and other of our neighboring cities.

Very respectfully,
 Mrs. Carl S. Patton,
 Mrs. Marie Peel,
 Mrs. Clava C. Williams,
 Committee.

Moved by Ald. Fischer, that petition be granted. Adopted as follows:

Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—12.

Nays—none.

Of G. A. Smith et al, relative to light at corner of Main and Depot streets, received and referred to light committee.

Of Mr. A. R. Acton, relative to an electric light on Forest avenue, received and referred to the light committee.

Of Mary C. Whiting, relative to taxing of Ralph C. Whiting estate, received and on motion of Ald. Schneider, ordered on filed.

Committee Reports

Ann Arbor, Mich., Dec. 17, 1906.
 To the Honorable the Common Council:

Gentlemen—Your committee on finance have had the following bills under consideration and would recommend their approval and that rule 21 be suspended and warrants be drawn for same.

E. B. ManRaring,
 Wm. Goodyear,
 C. W. Gill,
 Committee

Contingent Fund	
James T. Otis, 1/2 month's salary, garbage.....	\$51.04
Henry Schwab, 1/2 month's salary, garbage	22.92
Charles R. Horton, 1/2 mo.'s salary, garbage	20.83
	\$94.79

Cemetery Fund.	
Joha McHugh, gravel and labor.....	\$25.00

Police Fund.	
Charles B. Masten, salary...	\$41.66
William Eldert, salary.....	41.66
Harris Ball, salary.....	37.50
David Collins, salary.....	30.00
John O'Mara, salary.....	30.00
William Walsh, salary.....	30.00
William Clark, salary.....	30.00
	\$240.82

Fire Fund.	
C. A. Edwards, salary.....	\$37.50
Eugene Williams, salary....	33.00
Charles Andrews, salary....	32.50
Herman Kirn, salary.....	30.00
Fred Nordman, salary.....	30.00
Ralph Edwards, salary.....	30.00
William Rettich, salary.....	27.50
Dean Seabolt, salary.....	27.50
Tom O'Brien, salary.....	27.50
George Hoelzle, salary.....	25.00
Fred Jolly, salary.....	25.00
Rex Burnett, salary.....	25.00
Carl Kuehn, salary.....	25.00
John Flynn, salary.....	25.00
William Bernik, salary.....	25.00
John Keefe, salary.....	25.00
Jacob Gwinner, salary.....	25.00
Fred Stein, salary.....	27.50
Charles Carrell, salary.....	20.00
	\$523.00

Street Fund.	
August Schmidt, labor.....	\$0.55
William Keuhn, labor.....	.55
Frank Hogan, labor.....	.92
Charles Haase, labor.....	1.47

Michael Heary, labor.....	1.47
Patrick Desmond, labor....	1.47
Patrick Maccabe, labor.....	1.84
W. A. Hintz, labor.....	2.94
W. M. Freeman, labor.....	4.40
John Weinmann, labor.....	5.50
William Bury, labor.....	10.64
Charles Neithammer, labor..	12.84
Matt Leypold, labor.....	13.39
John Holka, labor.....	14.85
Marion Wheelock, team la- bor	1.17
John McHugh, team labor—	2.34
James Blades, team labor...	3.12
Charles Neithammer, team labor.....	4.90
George Collins, team labor..	27.19
Charles Neithammer, team labor.....	27.62
Henry Pipp, skilled labor...	2.00

\$159.17

Sidewalk Fund.

William Bury, labor.....	\$1.47
Michael Heary, labor.....	1.84
August Schmidt, labor.....	2.75
W. H. Freeman, labor.....	2.94
William Keuhn, labor.....	2.94
Patrick Desmond, labor....	3.30
Frank Hogan, labor.....	6.24
Marion Wheelock, team....	7.00

\$28.48

Bridge, Culvert & Crosswalk Fund.

H. J. Abbott, sewer connec- tions.....	\$32.00
Julius Lohrke, labor.....	7.00

\$39.92

Park Fund.

J. W. O'Brien, labor.....	\$7.57
W. J. Randall, labor.....	4.58

\$12.15

Recapitulation.

Contingent fund.....	\$94.79
Cemetery fund.....	25.00
Police fund.....	240.82
Fire fund.....	523.00

Street fund.....	159.17
Sidewalk fund.....	28.48
Bridge, culvert & crosswalk.	39.92
Park fund.....	12.15
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	\$1,123.33

Adopted as follows:

Yeas—Ald. Gill, Schneider, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—12.

Nays—none.

Sewer Committee.

To the Honorable the Common Council:

Gentlemen—Your committee on sewers to whom was referred the estimate and report of the city engineer relative to the construction of lateral sewer in district No. 24 (Hill street, Oxford road, Oswego street and Geddes avenue), beg leave to report that they have had such estimate and report as well as the resolution of the common council under consideration and have made due inquiries relating thereto, and that we have heard all persons desiring to be heard in the premises, and your committee is of the opinion that there is necessity for the construction of such lateral sewers, and that special taxing or assessment district ought to be fixed by the common council upon and against which the construction of such sewer may be charged, street crossings excepted, pursuant to the ordinance in such case made and provided.

Your committee further recommends that resolutions fixing the boundaries of said district be prepared by the city engineer, and the board of public works ordered to advertise for bids for construction of above named sewer bids to be in second meeting in March, 1907.

H. J. Abbott,
Geo. Blaich,
E. B. Manwaring,
J. W. Markey.

Received and following resolution offered:

By Ald. Abbott—

Resolved, That this common council still deeming it expedient to cause to be constructed a lateral sewer in lateral sewer district No. 24, the construction of the same is hereby ordered.

Resolved, Further, That the city engineer furnish proper boundaries by the next regular meeting of the council and this order and determination be certified to the city assessor and the board of public works and the board advertise for bids on the construction of said sewer. Bids to be in by the second meeting in March. Adopted as follows:

Yeas—Ald, Gill, Schneider, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—12.

Nays—none.

Special Committee.

To the Honorable, the Common Council of the city of Ann Arbor:

Gentlemen—The undersigned, being a member of the committee having under consideration the petition of Smith & Max for return of license fees, would respectfully submit a minority report as follows:

A similar petition was under consideration by the present council in the case of E. T. Alber in August last, and the same was referred to the finance committee. This committee reported that the city was under no legal obligations to return the money, but under the circumstances of that case recommended its return, and further recommended that the practice of returning fees in such cases be discontinued.

The case of Smith & Max is quite different from the Alber case. In the Alber case the licensee had sold his business and concurrent with the return of him of the money the purchaser of the business applied for and received a new license, filed a new bond and paid the full amount of the license fee, The

fact that the city did not lose anything by the transaction controlled the committee in that case, as we are informed, to recommend return of a portion of the fee paid by Mr. Alber.

In the present case the business is being discontinued and the return of the money would involve a direct loss to the city. In addition to this we are advised that the return of the fees cannot legally be demanded.

We, therefore, recommend that the request to Smith & Max be denied.

George Blaich,

Member of Committee.

Received and ordered on file.

Enter Ald. Kurtz.

Officers' Report

Treasurer's report for month ending Nov. 30, '06.

CITY FUNDS.

	Amount
Money received—	
Contingent fund—	
From clerk (2) licenses pop corn wagons.	\$100.00
From H. S. Dean, donation.	1.10
From County Treasurer, liquor tax.	688.87
From Clerk, city scale fees	6.30
From Clerk, peddlers licenses	3.00
From Clerk, dray licenses.	50
From Clerk, milk licenses.	1.00
City Cemetery fund—	
From Clerk, care of lots.	2.00
From Clerk, permits.	10.00
Dog License fund—	
From Clerk, dog licenses.	1.25
Delinquent Tax fund—	
From County Treasurer Luick.	423.80
Total.	\$1,237.82
On hand Nov. 1, 1906	13,382.31
	\$14,620.13
Disbursements.	10,967.86
On hand Dec. 1, 1906.	\$3,652.27
Conditions of City Funds on the first day of Dec., 1906.	
Disbursed, warrants paid	Amount
Bridge, culvert & crosswalk fund.	\$ 421.28
Contingent fund	2,788.95
City Cemetery fund	35.18
Dog License fund	9.00
Fire Department fund.	1,249.78
Poor fund.	258.46
Police fund.	525.23
Street fund.	1,154.61
Water fund	2,855.07
Park fund.	298.59
Street Lighting fund.	851.18
Sidewalk fund.	164.98
Sidewalk Building fund.	355.55
Total	\$10,967.86

	On hand	Overd'n
Bridge, Culvert & Cross-walk fund.....	\$5,016.92	
Contingent fund.....		\$1,214.06
City Cemetery fund.....	368.60	
Dog License fund.....	229.00	
State Dog Tax fund.....	100.00	
Delinquent Tax fund.....		167.11
Fire Department fund.....	6,374.88	
Poor fund.....	1,615.23	
Police fund.....	2,151.68	
Street fund.....		2,782.38
Uncollected City Tax fund		17,403.01
Water fund.....	2,018.81	
Storm Sewer fund.....	.60	
Park fund.....	201.00	
Street Lighting fund.....	5,572.84	
Sidewalk fund.....		3,20.77
Sidewalk Building fund..		409.96
Main Sewer Tax fund.....	2,300.00	
Total.....	\$25,949.56	\$22,297.29

Labor acct., Lateral sewer No. 14; amount, 109.14		1,295.81
Labor acct., Lateral sewer No. 15.....		910.21
Tax acct., Lateral sewer No. 16.....	154.75	
Labor acct., Lateral sewer No. 16.....		1,202.30
Labor acct., Lateral sewer No. 17.....		212.97
Tax acct., Lateral sewer No. 18.....	573.06	
Labor acct., Lateral sewer No. 18.....		3,905.95
Tax acct., Lateral sewer No. 19.....	313.99	
Labor acct., Lateral sewer No. 19.....		546.02
Tax acct., Lateral sewer No. 20.....	377.35	
Labor acct., Lateral sewer No. 20.....		2,039.91
Total.....	\$109.14	\$14,81.25

PAVING FUNDS.

Treasurer's report, for month ending Nov. 30, '06.
 On hand Nov 1, 1906..... \$9,412.67
 On hand, Dec. 1, 1906..... \$9,412.67
 Condition of Paving Funds on the first day of Dec., 1906.

	On hand	Overd'n
Tax account, paving district No. 4.....	\$3,234.83	
Tax account, paving district No. 5.....	5,022.56	
Tax account, paving district No. 6.....	455.29	
Tax account, paving district No. 7.....	3,343.45	
Tax account, paving district No. 8.....	185.10	
Labor account, paving district No. 9.....		444.10
Labor account, paving district No. 10.....		2,384.46
Total.....	\$12,241.23	\$2,828.56

LATERAL SEWER FUNDS.

Treasurer's report, for month ending Nov. 30, '06.
 Money received— Amount

Tax Ac. Lat'l Sewer District, No. 18— Nov., 1906, collections.....		\$573.06
Tax Ac., Lat'l Sewer District No. 19— Nov., 1906, collections.....		313.99
Tax Ac. Lat'l Sewer District No. 20— Nov., 1906, collections.....		377.35
Tax Ac. Lat'l Sewer District No. 16— Nov., 1906, collections.....		154.75
Total.....		\$1,419.15
Overdraft Nov. 1, 1906.....		12,159.33
		\$10,740.18
Disbursements.....		109.14
Overdraft, Dec. 1, 1906.....		\$10,849.32

Condition of Lateral Sewer Funds on the first day of Dec., 1906.

On hand, labor account, Lat. sewer, No. 14.....		109.14
Total.....		109.14
Disbursed, warrants paid On hand		Overd'n
Tax account, Lateral sewer No. 11.....		\$47.23
Tax account, Lateral sewer No. 12.....	\$4.50	
Labor account, Lateral sewer No. 13.....		2,170.17
Tax account, Lateral sewer No. 14.....		57.60

Total..... \$109.14 \$14,81.25 \$12,330.57

Recapitulation.

City funds on hand.....	\$3,652.27
Paving funds on hand.....	9,412.67
	\$13,064.94
Sewer funds overpaid.....	10,849.32
	\$2,215.62
Bank statement herewith.....	\$1,868.26
Checks and cash on hand.....	347.36
	\$2,215.62

Respectfully submitted,
GEORGE W. SAMPLE,
 City Treasurer.
 Ann Arbor Savings Bank,
 Ann Arbor, Mich., Dec. 15, 1906.

To the Honorable Common Council:
 This is to certify that there was on deposit to the credit of George Sample, City Treasurer, at the close of business, Dec. 14, 1906, the sum of eighteen hundred sixty-eight and 26-100 dollars (\$1,868.26).
 Yours truly,
 Carl F. Braun,
 Assistant Cashier.

Received and ordered on file.
 City attorney's report on Wall street sewer.

To the Honorable, the Common Council of the City of Ann Arbor:

Gentlemen—At the request of your honorable body I have investigated, and herewith submit report, relative to the claim that the original plan of a system of sewers for this city included a main sewer on Wall street.

The original plan of the sewer committee and board of public works as reported to the council January 28, 1892, recommended the construction of a main sewer from railroad bridge to Main street, Main street to Miller avenue, Miller avenue to Williams street, and from Williams street to the creek

on Hill street. This recommendation was adopted by the council with one or two slight changes. The record up to that time does not disclose any reference to a proposed main sewer on Wall street.

Later, on January 4, 1893, the sewer committee made a further report in which appears the following language: "The system and plan recommended by the board of public works in their report to the council under date of January 28, 1892, is regarded as the more desirable, all things considered, for this city. Any further enlargement of the main or lateral sewers for the purpose of providing for surface drainage is not considered advisable.

"Your committee does not wish to be understood, however, as not in favor of surface drainage in certain portions of the city, but suggest that this question be more readily met and disposed of with less expense to the city by the use of separate drains laid to the nearest accessible water courses.

"Your committee would, therefore, recommend the adoption by this council of the system and plan as submitted by the board of public works, above referred to, with an addition of a twelve-inch branch main sewer extending from Broadway down Wall street, crossing the river, and joining the main sewer, if found practicable, otherwise discharging into the river at the nearest suitable point, and with further addition of such auxiliary plan of surface drainage as may be found expedient and necessary."

It is not entirely clear as to what the committee meant by a "branch main sewer," but it is a fair inference that it was intended to recommend that such sewer be built at the public expense.

This report was adopted by a vote of ten, with none opposing.

By resolution adopted March 6, 1903, a special election was called to determine whether thirty thousand dollars

should be raised by tax or loan for the purpose of building a main sewer.

In this resolution reference is made to the plan reported by the board of public works.

The plan of the main sewer as shown upon the plat prepared by the late Prof. C. E. Green, and now on file in the office of the city engineer, shows the route recommended by the board of public works, and does not include a branch main sewer on Wall street as part of same.

On Jan. 7, 1895, a resolution proposed by Ald. Manly was adopted instructing the board of public works "to prepare plans and specifications for the construction of that part of the main sewer situate in the fourth and fifth wards of the city." Presumably this referred to the so-called "branch main sewer" on Wall street.

The desired plans and specifications were duly submitted to the board of public works and were duly submitted by the board and referred to the sewer committee Jan. 21, 1895.

On Feb. 18, 1895, the sewer committee reported their belief that the majority of the tax payers of the fifth ward were not in favor of this sewer, and recommended "that the building of said sewer be postponed until a majority of tax payers of said ward ask for it."

This report was received and placed on file.

The foregoing is all I find of record that seems to have any bearing on the subject.

Respectfully submitted, this 17th day of December, A. D., 1906.

Frank C. Stivers,
City Attorney.

Received and referred back to sewer committee.

Unfinished Business.

The majority report of the committee on license recommend that the unexpired portion of Smith & Max license,

amounting to \$125.00 be refunded to them and that on and after May 1, 1907, it is hereby understood that no license money be refunded under any circumstances.

(Signed) Geo. H. Fischer,
C. J. Sweet.

Moved by Ald. Miller, supported by Ald. Markey, that report be concurred in.

Lost as follows:

Yeas—Ald. Schneider, Miller, Sweet, Markey, Fischer—5.

Nays—Ald. Gill, Manwaring, Sherk, Goodyear, Blaich, Abbott, Pres. Gilmore—7.

By Ald. Schneider—

Whereas, By request of Mr. Eugene Oesterlin, wishing to be relieved from the ardent duties of fence viewer of the second ward on account of inability to longer attend to this office; now, therefore be it

Resolved, That Mr. Eugene Oesterlin be and is hereby relieved from further performing such duties and said Eugene Oesterlin be given a vote of thanks for his duties performed as such officer.

Adopted.

By Ald. Schneider—

Resolved, That Mr. Christian Schlenker be and is hereby appointed fence viewer of the second ward.

Adopted.

By Ald. Abbott—

Resolved, That the chairman appoint a committee consisting of three

members of this council, the city engineer and two citizens to consult the state insurance authorities relative to a proposed reduction in fire insurance rates in this city.

Adopted and following committee appointed: Ald. Abbott, Manwaring and Snauble. Mr. J. E. Beal and Mr. Fred H. Belser.

By Ald. Gill—

Resolved, That the city engineer be authorized to purchase an automatic recording water gauge to be installed at engine house, No. 1, under the supervision of city engineer. Cost not to exceed \$50. Adopted as follows:

Yeas—Ald. Gill, Kurtz, Schneider, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fisher, Pres. Gilmore—13.

Nays—none.

By Ald. Gill—

Resolved, That the park committee cause Hanover Park to be cleared of paper and garbage as soon as possible, also Felch Park. Adopted.

Moved by Ald. Abbott—

That a committee of three be appointed to look into the advisability of purchasing an adding machine for the city offices.

Adopted and the finance committee appointed for such purpose.

The council adjourned.

ROSS GRANGER,
Clerk.