

Common Council, Ann Arbor, Mich., August 14th, 1913. Adjourned Regular Meeting.

Called to order by the President. Present, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Absent, Ald. Hanselmann, A. Lutz, Pipp and Groves, 4.

Miscellaneous Business.

Ald. George Lutz presented an amendment to Sec. 171 of the charter.

By Ald. George Lutz:

Resolved, that Section 171 of the charter of the city of Ann Arbor be and the same is hereby amended to read as follows:

Sec. 171.—The common council shall have authority to assess, levy and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed until the same shall be paid; provided, that the aggregate amount which the council may raise by general tax upon the taxable real and personal property for the purposes for which the several general funds are hereinafter constituted shall not, except as herein otherwise provided, exceed in any one year

Three-fourths

of one per cent on the assessed value of all the real and personal property in the city made taxable by law; and provided, further, that nothing herein contained shall be so construed as to prohibit the common council of said city from regulating by tax or otherwise the business of dealing in malt, spiritous or intoxicating liquors.

Resolved, that this proposed amendment be laid on the table for 30 days and published in the Times News and Washtenaw Post under the direction of the city clerk.

Adopted by the following vote: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

Ald. George Lutz presented an amendment to Sec. 88 of the charter.

By Ald. George Lutz:

Resolved, That Section 88 of the charter of the city of Ann Arbor be and the same is hereby amended to read as follows:

Sec. 88. Subdivision Twenty-second.

To build or purchase water works plant for supplying the inhabitants with water for domestic use and for

other purposes, and to borrow money and issue bonds for the payment thereof, and to pass ordinances for the management, regulation and protection of the same.

To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; and to authorize and employ, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city; and to grant such exclusive privileges as they may deem expedient to any company organized to supply said city and its inhabitants with water; and to contract with such company to supply the city with water for fire and other public purposes.

Resolved, that this proposed amendment be laid on the table for 30 days and published in the Times News and Washtenaw Post under the direction of the city clerk.

Adopted by the following vote: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

Ald. Schultz presented an amendment to Sec. 186 of the charter.

By Ald. Schultz:

Resolved, that Section 186 of the charter of the city of Ann Arbor be and the same is hereby amended to read as follows:

Sec. 186.—No bond, note or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, and also except bonds for sewerage and paving purposes and curb and gutters, shall, ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money

Unless the same shall have been duly authorized by resolution of the common council, of the city of Ann Arbor by a two-thirds vote of the members elect, and shall have been submitted to and voted for by three-fifths of the electors of said city voting thereon

in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, or payable on presentation from any moneys then in the treasury, on the first day of February thereafter; but such second named class of orders shall not, in any fiscal year, exceed the aggregate taxes levied in such

mentioned in the petition, and that the Mayor and City Clerk execute a deed of said street to the University of Michigan on receiving from said University or Bishop E. D. Kelly, a good and sufficient deed to the city, of the proposed street immediately south, when said new street is properly graded and in condition reasonably safe and fit to travel."

We have been notified by the Michigan Central Railroad company, which now owns the land on which Fuller street is to be moved, that the deed for that property is in process of execution and authorizing us to proceed with the construction of Fuller street on their land in order that there may be no delay in the exchange of deeds. As a matter of fact, the railroad is forbidden by law to reduce their securities, therefore, in this case, they cannot deed the property to be occupied by the new Fuller street until they have a deed for property of equal value in their possession.

In the second place, plans and specifications have been prepared for the building and grading of the railroad track and the new Fuller street. It is necessary to use the earth excavated in building the new street in building the railroad, and as you know, the railroad is in part on the present Fuller street, therefore, it will be impossible to have the new street ready prior to the vacation of the present Fuller street. It should be here stated that the specifications do and the contract will require that traffic be not interrupted or endangered on any street.

Therefore, we respectfully petition you to authorize the proper officials to execute the deed for the land occupied by the present Fuller street to the University of Michigan in order that the University of Michigan can proceed with the work of grading the street and building the track, pending the transfer of the property.

Regents of the University of Michigan, per Jas. H. Marks.

Moved by Ald. G. Lutz; that the petition be granted.

Adopted by the following vote: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

(From Board of Public Works.)

Moved by Mr. Scott, that it is the sense of this board that Church st. roadway be laid out according to

present lines of occupation and we so recommend to the council.

(Council action.)

Moved by Ald. G. Lutz, that recommendation of board of public works be concurred in. Adopted.

Communication from Ann Arbor Driving club, relative to condition of grandstand at Fairgrounds, received and referred to the Park committee.

Petition of Mrs. M. J. Lehman, et al., for re-location of Grand View drive, received and referred to Street committee.

Sewer Committee.

To the Common Council: Gentlemen—Your committee on sewers, to whom was referred the reports of the engineer relative to the construction of lateral sewers in sewer districts numbers 58, West Huron st.; 59, East Ann st.; 60, Brown st., Fourth av. and Philip st.; 61, Catherine st., Detroit st. and N. Fourth av.; 62, East Catherine st. extension from Clark st., begs leave to report that we have had such estimates and reports, as well as the resolution of the council, under consideration and have made due inquiries relating thereto, and 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 districts ought to be fixed by the common council upon and against which the construction of such sewers may be charged, street crossings excepted, pursuant to the ordinance in such case made and provided. Your committee further recommends that the board of public works be ordered to advertise for bids for the construction of the above named sewers. We also recommend that the council reconsider that portion of their resolution relative to the board of public works advertising for bids on sewer district number 55 (Austin and Washtenaw avenues) at such time as city water is available in that district and order said board to advertise at once.

I. L. Sherk, Chas. A. Sink, Wm. P. Flynn, Julius H. Koernke, Wm. Schultz, Sewer Committee.

Ald. Sherk moved the adoption of the report.

Adopted as follows: Yeas, Ald. Schultz, Fiegel, Prochnow,

Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, Lutz, Sink, Pres. Schmid, 11. Nays, none.

By Ald. Schultz:

"Whereas, the common council at the present time has no option upon the plant of the Ann Arbor Water company, and,

"Whereas, it is the wish of the members of the common council to submit the question of the purchase of the plant to the voters of the city at the earliest possible date, therefore, be it

"Resolved, that we, the common council, make an offer of four hundred twenty-five thousand dollars to said Ann Arbor Water company for said plant, with the understanding that in case the people vote to buy the plant that the same be turned over to the city of Ann Arbor on the first day of May, A. D. 1914. Be it further

"Resolved, that said company notify the common council, in writing of its acceptance of the above offer on or before the second of September, A. D., 1913."

Lost as follows: Yeas, Ald. Schultz, Fiegel, Flynn, Rash, Pres. Schmid, 5. Nays, Ald. Prochnow, Koernke, Sherk, Hubbard, G. Lutz, Sink, 6.

"Whereas, for the purpose of ad-

justing and settling the so-called water question, it is necessary for the city, on account of its previous option from the water company having expired to obtain from the company a renewal of the same, and

"Whereas, the city has not the authority to issue bonds bearing a larger rate of interest than four per cent per annum, and

"Whereas doubt exists in the minds of some of the members of this council and of our citizens, as to the ability of the city to dispose of its four per cent bonds at par, now therefore

"Be it resolved that a committee of three members of this council be appointed to obtain from the Ann Arbor Water company the lowest price at which it is willing to sell its property and accept in payment the bonds of this city bearing interest at the rate of four per cent per annum payable annually, property of the company to be turned over to the city and bonds delivered as of the date of May 1, 1914."

Lost as follows: Yeas, Ald. Schultz, Fiegel, Rash, Pres. Schmid, 4. Nays, Ald. Prochnow, Koernke, Flynn, Sherk, Hubbard, Lutz, Sink, 7.

The council adjourned.

ROSS GRANGER,
Clerk.

year for the payment of the same. All moneys collected for the use of the city shall be paid into the city treasury, and no moneys shall be paid from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn. The treasurer shall pay out no money except upon the written warrant of the mayor and city clerk, which warrant shall specify the fund from which the money is to be paid; provided, that school moneys shall be paid to the treasurer of school district number one of the city or Ann Arbor upon the warrant of the president and secretary of said board. The common council may, at any regular meeting thereof, by resolution duly adopted by a majority of all the members elect, authorize the issuing of bonds to the amount not exceeding one hundred and fifty thousand dollars outstanding at any one time, for the purpose of paving any alley, street or streets in such city and for the construction of curbs and gutters, such bonds to run for a period not exceeding ten years from the date of their issue, and at a rate of interest not exceeding five per cent per annum, and the common council for the purpose of carrying out this provision may pass such ordinance or ordinances as may be deemed necessary.

Resolved, that this proposed amendment be laid on the table for 30 days and published in the Times News and Washtenaw Post under the direction of the city clerk.

Adopted by the following vote: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

Ald. Schultz presented an amendment to Sec. 100 of the charter.

By Ald. Schultz:

Resolved, that section 100 of the charter of the city of Ann Arbor be and the same is hereby amended to read as follows:

Section 100. All actions against the city of Ann Arbor shall be commenced by summons, which shall be served upon the city clerk at least six days before the return thereof, by giving him a copy of said summons with the name of the officer serving the same endorsed thereon; or in case of the absence of the said city clerk from the city, then by leaving such copy with the mayor, endorsed as aforesaid: Provided, That no suit shall be maintained against the

city until the claim whereon the same is founded shall have been presented to the common council of said city, duly verified, at a regular meeting of the same, for allowance, and until after one regular meeting of the common council shall intervene: And, provided further, that all claims for damages against the city growing out of the negligence or default of said city, or of any officer, or employe thereof, shall be presented to the common council of said city, in the manner above provided, within 60 days after such claim shall arise, and in default thereof shall thereafter be forever barred; and in any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented in the manner in this act specified, to the common council of said city:

And provided further, that no civil action shall be maintained against the city for damages or injuries to persons or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructive, unless that it appear that written notice of the particular defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Board of Public Works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of.

Resolved, that this proposed amendment be laid on the table for 30 days and published in the Times News and Washtenaw Post under the direction of the city clerk.

Adopted by the following vote: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

Communications

To the Honorable Comon Council of the City of Ann Arbor: Gentlemen—The following matter is submitted to you for your consideration at your adjourned meeting Thursday, August 14, 1913.

On April 10, 1913, the common council adopted a report of the Street committee, Section 3-A, of which reads:

"That the city attorney take such proceedings as may be necessary to vacate that portion of Fuller street

Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

By Ald. Sherk: Resolved, that that part of resolution adopted by this council August 4th, 1913, ordering board of public works to advertise for bids on construction of lateral sewer number 55 when city water is available in said district be reconsidered.

Adopted as follows: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

By Ald. Sherk: Resolved, that this council still deeming it a necessary public improvement and expedient to be constructed lateral sewer No. 55, Washtenaw and Austin aves, as recommended by the sewer committee and approved by the common council, the construction of the same is hereby ordered.

Resolved, further, that this order and determination be certified to the city assessor and the board of public works and the board of public works advertise for construction of said sewer with all convenient dispatch.

Adopted as follows: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

By Ald. Sherk: Resolved, that the council still deeming it a necessary public improvement and expedient to be constructed lateral sewers in lateral sewer districts numbers, 58, West Huron st.; 59, East Ann st.; 60, Brown st., Fourth av. and Philip st.; 61, Catherine st., Detroit st., and N. Fourth av.; 62, East Catherine st. extension, the construction of the same is hereby ordered.

Resolved, further, that this order and determination be certified to the board of public works and the city assessor, and the board of public works advertise for bids for the construction of said sewers, city to furnish man to cement joints and see that sewer pipe is properly laid.

Adopted as follows: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, G. Lutz, Sink, Pres. Schmid, 11. Nays, none.

Street Committee.

To the Common Council: Gentle-

men—Your street committee recommend that the board of public works have plans, specifications and estimate of the cost for paving Hill st. changed so that roadway from Church st. to Forest av. be 38 feet in width.

That intersection of Church st. on S. University av. be made 34 feet wide.

That the board have street department keep gutters on E. University av., between Monroe and Hill sts., clean, and see that approaches on First st. intersection with Liberty st. pavement are put in shape.

We further recommend that Wm. H. Murray and wife be asked to present to the board of public works and the council a plat of the abutting property and streets represented in the deeds sent to the council August 4th, 1913.

The matter of raising the Dieterle property on W. Liberty st., we recommend be referred to the city attorney for investigation.

Henry G. Pipp, Theo. Prochnow, Chas. R. Rash, Albert Fiegel, Geo. Lutz, Street Committee.

Ald. Prochnow moved the adoption of the report.

Adopted as follows: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, Lutz, Sink, Pres. Schmid, 11. Nays, none.

Sidewalk Committee.

To the Council: Gentlemen—Your sidewalk committee recommend that the city raise the sidewalk on the south side of Packard st. from Mary st. east to conform with present street grade between Mary and State sts.

Chas. R. Rash, Wm. P. Flynn, Geo. Lutz, I. L. Sherg, Julius H. Koernke, Wm. Schultz, Sidewalk Committee.

Ald. Rash moved the adoption of the report.

Adopted as follows: Yeas, Ald. Schultz, Fiegel, Prochnow, Koernke, Flynn, Sherk, Hubbard, Rash, Lutz, Sink, Pres. Schmid, 11. Nays, none.

Moved by Ald. Prochnow, that proper resolution be drawn and presented to the council calling a special election for the purpose of placing before the people the proposition of city furnishing \$1,000.00 toward the financing of Michigan State Teachers' association meeting to be held here Oct. 30 and 31, 1913.

Adopted as follows: Yeas Ald.