

COUNCIL CHAMBER,
Ann Arbor, December 16th, 1895. }

Regular session.

Called to order by President Hiscock.

Roll called. Quorum present.

Absent Ald. Ferguson.

The journal of the sessions of December 2, 5 and 9th, 1895, were approved.

COMMUNICATIONS AND PETITIONS.

Ann Arbor, Mich.,
December 11, 1895.

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

Gentlemen:—Please to take notice and you are hereby notified that the Farmers & Mechanics Bank, of Ann Arbor, Michigan, by virtue of a certain assignment thereof from Henry Collins, contractor which assignment is in writing and now on file in the office of the City Clerk claim and hereby demand payment of the sum of money stated in which constitutes the city engineer's estimate of the work done on account of sewer construction in the said city by such contractor, such estimate having been made and filed in the office of the city clerk on the 2nd day of December, 1895.

Yours truly,
Farmers & Mechanics Bank,
By F. H. Belsler, Cashier.

Received and placed on file.

FROM THE BOARD OF PUBLIC WORKS.

To the Common Council:

The Board of Public Works herewith submit the 5th estimate for completed work completed by contractor Collins, in Sewer District No. 3.

Board of Public Works,
Glen V. Mills,
Clerk.

Received and placed on file.

To the Common Council:

Whereas, contractor Collins has a large amount of unfinished work owing to the lack of flush tank fixtures

which he is unable to procure. Said fixtures would cost about two hundred dollars. The Board recommend that the Council authorize them to procure the same that the work may be completed to the end that a final estimate may be made and thereby procure the means to relieve the present situation in a large degree.

Board of Public Works,
Glen V. Mills,
Clerk.

Received and placed on file.

To the Common Council:

The Board of Public Works hereby certify that they have examined and audited labor bills, for work claims during the month of November 1895 on Sewers in District No. 3 as follows:

| | |
|---|------------|
| Individual accounts..... | \$ 2182.61 |
| Accounts assigned State Savings Bank..... | 1212.56 |
| Total..... | \$ 3395.17 |

and we certify that they are true labor bills and we hereby ask the Council to order warrants drawn to the respective holders of the same pursuant to the resolution passed by this Board Monday Dec. 9th, 1895, retaining monies due or to become due Contractor Henry Collins, for the purpose of paying labor claims.

Board of Public Works,
Glen V. Mills,
Clerk.

Referred to Finance Committee.

A petition signed by John A. Miller asking for relief for injuries received on a public street was read and referred to the Finance Committee.

The bids of Beakes & Hammond, Phillips & Parker and Sid W. Millard for printing the City Charter was read and referred to the Finance Committee.

The bids of Eugene B. Hall, D. Hiscock & Son, Henry Richards and M. Staebler for furnishing coal for

the city was read and referred to the Finance Committee.

Ald. Brown moved that Rule 21 of the rules of the Common Council be suspended for this session.

REPORTS OF STANDING COMMITTEES.

FINANCE.

To the Common Council:

Your Committee on Finance would respectfully report that they have had the following bills under their consideration and would recommend their allowance and that warrants be ordered drawn from the same.

Respectfully submitted,

H. J. Brown,
C. H. Cady,
Emmett Coon,

Committee on Finance.

Labor Bills approved Dec. 14th, 1895.

| | | | |
|-----------------|---------|------------------|-------|
| A Gray..... | \$20 93 | Neil Mitchell... | 20 17 |
| J Queiter..... | 1 50 | Geo James..... | 15 75 |
| O Schuermine.. | 2 85 | W Howard..... | 23 10 |
| A Schuewire.... | 3 22 | A Olte..... | 3 69 |
| John Sluter.... | 23 10 | F Marker..... | 25 80 |
| W Felski..... | 2 85 | A Morgantine.. | 30 63 |
| W Geis..... | 14 32 | C Daroskey.... | 29 93 |
| T Walkenton... | 25 00 | C Heinsman.... | 29 77 |
| J Sueiter..... | 10 52 | H Backles..... | 16 95 |
| W Freeman..... | 18 00 | E Gutheremst.. | 2 85 |
| A Lannie..... | 29 55 | P Wilson..... | 14 00 |
| O Freeman..... | 6 20 | L Blackhedge.. | 5 02 |
| W Krutto..... | 2 85 | J Holki..... | 29 10 |
| A Villeux..... | 12 75 | J Proper..... | 15 60 |
| A Freeman..... | 27 15 | C Cox..... | 21 38 |
| Dan Gough..... | 23 33 | W J Parker.... | 13 43 |
| E Betke..... | 10 08 | Chas Buckles.. | 29 63 |
| Geo Howie..... | 8 37 | W F Meyers.... | 1 18 |
| Wm Loughtre.. | 17 87 | J Morris..... | 23 75 |
| J Hour..... | 16 15 | F Henderson... | 3 57 |
| J Phillips..... | 63 | John Hertz.... | 11 10 |
| Frank Tofin... | 21 82 | J Penlan..... | 7 00 |
| A Altmeyer.... | 59 75 | J Dangan..... | 17 50 |
| H Lany..... | 19 95 | J Ceenenberger | 1 20 |
| A Boenski..... | 23 81 | Aug Boenski... | 33 30 |
| A Schultz.... | 75 | F Demay..... | 21 82 |
| G Tinskebeiner | 33 09 | F Smith..... | 29 66 |
| J Chenenberger | 28 28 | Chas Freeman.. | 22 67 |
| Ed Hure..... | 27 90 | H Moran..... | 22 90 |
| Jas Shirley... | 24 98 | Jake Stanke... | 38 35 |
| J Yange..... | 34 12 | W B Smith..... | 2 85 |
| H Putnig..... | 2 85 | W B Smith..... | 6 30 |
| C Wilson..... | 63 | P Holki..... | 24 90 |
| Geo Giffie.... | 6 45 | J Thayer..... | 20 31 |
| O Wright..... | 26 37 | P Howard..... | 2 82 |
| Mrs C Barte.. | 7 88 | J W Wilson.... | 9 12 |
| board of men | 9 00 | C Warne..... | 7 81 |
| C Barte..... | 22 87 | Mrs Sphade.... | 15 00 |
| Chas Barte.... | 5 70 | Ed Hurst..... | 5 00 |
| S Coquillard... | 4 87 | W Cummins.as- | |
| Lee Shumk.... | 27 68 | sign.Mrs.Moe.. | 11 20 |
| T Martin..... | 7 45 | F Coquillard as | |
| T Martin..... | 75 | sign.Mrs.Moe | 13 54 |
| A Heinemann.. | 29 93 | Ed Warner.... | 12 00 |
| Ed Barnett.... | 20 92 | J Miogle..... | 5 62 |
| G Walter..... | 2 85 | I Warner..... | 6 75 |
| J Martini.... | 10 18 | A Blake..... | 43 50 |
| F Schultz.... | 2 85 | Mrs P Wilson.. | 33 00 |

I hereby certify that all bills above scheduled, the day and year above written and indorsed by me are true labor bills and were given by me for labor performed on Sewer in this City and I hereby request the City of Ann Arbor to pay the same and retain the amount thereof out of any monies being due or to become due me from the City of Ann Arbor, for Sewer District No 3.

Henry Collins,
Per W. H. Collins.

Atty.

Labor Bills approved December 16th, 1895, for work upon the sewer District No. 3.

| | |
|---|---------|
| John Burns..... | \$41 85 |
| Lindenschmitt & Apfel, approved as- | |
| signed..... | 35 50 |
| Edward O'Neil..... | 49 50 |
| Guy Mulison..... | 28 92 |
| Mrs, M Newman..... | 65 15 |
| Mrs Shetterly..... | 51 46 |
| Chicago Shoe House..... | 12 00 |
| Mrs Wagner..... | 80 50 |
| L Goichrist assigned J Schneider Jr.... | 30 60 |
| T Hamilton assigned M J Cavanaugh .. | 8 35 |
| T Ratke Star Clothing House..... | 24 10 |
| C Wilson assigned M J Cavanaugh..... | 1 05 |
| Mrs Miller..... | 15 00 |
| Theo Ratke assigned Star Clothing House | 2 85 |
| Geo Suggett assign Star Clothing Hou-e | 11 23 |
| C Haddy assigned Star Clothing House | 19 96 |
| J Kamlse assigned Star Clothing House | 12 85 |
| Riley assign Ed Duffy..... | 10 94 |
| John Wilson Star Clothing House..... | 24 53 |
| Chas Haddy Star Clothing House..... | 2 10 |
| Geo Flowers Sta Clothing House..... | 10 00 |
| J Hertz assigned Siple..... | 2 02 |
| Geo Schaible..... | 20 40 |
| Sam Pike assigned A E Gibson..... | 24 00 |
| Ed Wolf assigned Gotlieb Schnettie..... | 13 35 |
| J Bounie assigned Lindenschmidt & Ap- | |
| fel..... | 2 85 |
| G Betke..... | 2 85 |
| W Mullhollund assigned L Gruner..... | 10 87 |
| Accounts assigned to Justice A E Gibson | 43 42 |

I hereby certify that all bids above scheduled the day and year above written and indorsed by me are true labor bills and were given by me for labor performed on Sewers in this City and I hereby request the City of Ann Arbor, to pay the same and retain the amount thereof out of any monies being due or to become due me from the City of Ann Arbor for Sewer District No. 3.

Henry Collins,
Per W. H. Collins,

Atty.

Accounts assigned the State Savings Bank approved Dec. 16th 1895.

| | | | |
|------------------|-------|------------------|-------|
| T Seymore..... | 31 65 | Wm Barnett,.... | 7 00 |
| Joe Sowolsky... | 17 92 | A Perry..... | 10 00 |
| Emil Golchist... | 20 56 | J Hertz..... | 6 00 |
| Ed Barnett..... | 2 00 | Joe Springer.... | 28 02 |
| Geo Moran..... | 5 00 | Jas Bolky..... | 6242 |
| W H Kellegher. | 54 37 | Ed Wolf..... | 6 00 |
| C Howasa..... | 10 00 | L Steck..... | 5 00 |
| J Atkinson..... | 1 00 | Mat Schaible... | 12 00 |
| Ed Barnott..... | 2 00 | W McClay..... | 68 00 |
| H R Collins..... | 7 50 | J Hertz..... | 3 00 |
| T E D Kelloy... | 25 00 | Wm Turner..... | 3 35 |
| Frank Demay... | 6 00 | Chas Wilson.... | 3 00 |
| G Green..... | 10 00 | J Atkinson..... | 15 82 |
| J Lacofsky..... | 32 00 | W Schwartz.... | 31 87 |
| J Boskey..... | 26 00 | Ike Warner.... | 5 70 |
| F Jansen..... | 2 85 | John Price.... | 26 43 |
| Chas Wilson.... | 1 50 | Jas Wilson.... | 11 00 |
| Geo Moran..... | 2 00 | C Snyder..... | 9 47 |
| J Springer..... | 28 42 | Ed Nince..... | 18 56 |
| H Beyers..... | 33 15 | A Herman..... | 2 11 |
| Steve Beyers... | 26 56 | J Wilson..... | 2 10 |
| H Hickmott.... | 2 37 | J Maybe..... | 5 10 |
| L Scrutch..... | 2 37 | J Hertz..... | 6 75 |
| Louis Stocking.. | 35 00 | Mrs T Sindlinger | 14 60 |
| Wm Fox..... | 14 52 | G Green..... | 3 37 |
| Jake Stanke.... | 15 00 | Geo Ward..... | 26 32 |
| Chas Wilson.... | 2 00 | C Howarn.... | 8 37 |
| A Finkbeinder.. | 2 85 | Ed Penny..... | 12 20 |
| C Smith..... | 2 85 | J Moore..... | 14 90 |
| L Schreffer.... | 2 85 | A Butler..... | 9 97 |
| F Monoky..... | 24 15 | Ed Burnett.... | 2 00 |
| Joseph Ostrop- | | T Hamilton.... | 3 00 |
| sky..... | 2 87 | Sam'l Ewing... | 27 70 |
| Chas Huddy.... | 5 00 | Walter Schultz.. | 32 03 |
| John Wilson.... | 5 00 | C Block..... | 24 15 |
| I Gross..... | 2 33 | L W Walker.... | 21 93 |
| Wm Laughtrie.. | 5 00 | L Steck..... | 75 |
| Ed Barnett.... | 2 00 | L Steck..... | 12 85 |
| J Martin..... | 6 00 | J Staebler.... | 2 85 |
| Ed Sluggett.... | 4 50 | Jos Silkn.... | 34 80 |
| Ed Ottley..... | 8 33 | F Mushinski... | 34 05 |
| Chas Tuarfel... | 20 00 | E Mendenhall.. | 10 50 |
| John Collins... | 7 88 | Julius Nimce... | 30 3 |
| J Wilson..... | 5 00 | Chas Tarpel.... | 21 35 |
| R Wilson..... | 10 00 | E Hurst..... | 4 25 |
| J Riley..... | 8 00 | | |

I hereby certify that all bids above scheduled the day and year above written and endorsed by me are true labor bills and given by me for labor performed on sewers in this city and I hereby request the City of Ann Arbor to pay the same and retain the amount thereof out of any moneys my due or to become due me from the City of Ann Arbor for Sewer District No. 3.

Henry Collins,
Per W. H. Collins,
Atty.

I hereby certify that the within scheduled bills are true labor bills and are the property of the State Savings Bank and guarantee the city against any loss that may arise by reason of the city paying the said State Sav-

ings Bank the amount named in said schedule.

Dated, Ann Arbor, Dec. 16th, 1895.
State Savings Bank,
W. J. Booth, Pres't.

Ald. Cady moved that the individual accounts be considered as read.
Adopted.

REPORT OF CITY ATTORNEY ON PAYMENT OF THE ABOVE BILLS BY THE CITY.

Upon the questions referred to me I find the facts to be, that on November 20th, Mr. Collins gave to Fred H. Belser an order directed to Glen V. Mills, City Clerk, requesting him (Mills) to deliver to Belser an order for three thousand and seventy-five (\$3075.00) dollars from his next estimate.

Again on November the 21st a like order was given for three hundred and fifty (\$350.00). These were filed on the days they were given.

On November 21st an assignment was given by Collins to the Farmers and Mechanics Bank of all money then due from the City of Ann Arbor to Collins to the extent of thirty-eight hundred and thirty-seven (\$3837.01) dollars and one cent, as being the amount of orders given by Collins for labor which were annexed to the assignment. This assignment and orders were filed with the City Clerk on December 4th.

That beginning with the 22nd day of November a larger number of claims were filed with the City Clerk which arose for material and labor not assigned.

I find that the State Savings Bank has paid some of the orders issued by Mr. Collins, which claims were filed on December 6th.

The full amount of claims filed, including assignments, is eleven thousand two hundred and thirty-two dollars and seven cents (\$11,232.07). I am of the opinion that the assignment made November 21st assigned the money then due Mr.

Collins from the City of Ann Arbor and the City is bound to respect that assignment, if for no other reason than this: The City had no notice that Collins was indebted to any one for material, and even though if he was he would have the right to assign claims due to him from the City, especially when the money was used in furthering the work. The City is under no obligations to regard these claims filed against Collins for material for the reason that no contractual relations existed between the claimants and the City, and it does seem that they have, in some instances, been grossly negligent or else they rely upon the bond for material, for I am informed that one of the largest claims began with the contract and but little has been paid upon it.

The claimants certainly could not expect the City to protect them, when no information was furnished the City as to the amount of their claims when due and everything in regard to them.

The City could reasonably suppose that such claims were paid as the work progressed.

I am of the opinion that the City may legally pay the labor claims now due laboringmen if ordered paid by Collins, if the estimate warrants it taking into consideration the claim of Collins' assignee I would not advise the retention of any monies for the purpose of distribution under Section 113 of the specifications unless it be for labor. I would advise the payment of the monies as it falls due to Collins, his assignee, or to laborers upon his order.

For if the City retains money under the section alluded to we may be confronted with obstacles.

I would advise the Council to give the bondsman immediate notice of the condition of affairs; the fact that the contract not being completed,

with the fact that claims have been filed.

C. H. Kline,

City Atty.

Whereupon the report was adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock—14.

Nays—None.

Ald. Prettyman moved that the written opinion of the City Attorney be inserted in the record.

Adopted.

To the Common Council:

Your Committee on Finance would recommend that Grossman & Hulbert be allowed to connect with the city boilers for the purpose of heating their store room, and that they be charged five (\$5.00) dollars per month for the use of the same payment to be made in advance.

Respectfully submitted,

H. J. Brown,
Emmett Coon,
C. H. Cady.

Committee on Finance.

Lost as follows:

Yeas—Ald. Brown, Prettyman, Coon, Cady—4.

Nays—Ald. Moore, Maynard, Allmendinger, Koch, Snyder, Laubengayer, Taylor, Shadford, Butterfield, Pres. Hiscock—10.

ORDINANCE.

An Ordinance relative to Railroad Crossings and speed of Railroad trains was given its third reading by section and placed upon its passage.

Ald. Cady moved that the words "And no locomotive whistle shall be sounded within the City of Ann Arbor" be stricken out.

Ald. Butterfield moved as an amendment that the words "except signals for the operation of trains and in cases of emergency."

Adopted as follows:

Yeas—Ald. Koch, Snyder, Laubengayer, Brown, Prettyman, Coon, Butterfield, Cady—8.

Nays—Ald. Moore, Maynard, Allmendinger, Taylor, Shadford, Pres. Hiscock—6.

Whereupon the motion of Ald. Cady was adopted as follows:

Yeas—Ald. Allmendinger, Koch, Brown, Taylor, Shadford, Coon, Butterfield, Cady—8.

Nays—Ald. Moore, Maynard, Snyder, Laubengayer, Prettyman, Pres. Hiscock—6.

Upon the completion of the reading of the Ordinance the question was Shall this Ordinance pass?

Adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock—14.

Nays—None.

Chairman Prettyman introduced an Ordinance Relative to the paying over of money received for the City by Public Officers which was given its first reading by title.

Ald. Butterfield moved that the ordinance be placed upon its second reading.

Adopted.

Whereupon the Ordinance was given its second reading by sections.

UNFINISHED BUSINESS.

Ald. Maynard moved that the resolution relative to the purchase of hose be taken from the table.

Adopted.

Whereupon the resolution was adopted as follows:

Yeas—Ald. Moore, Maynard, Allmendinger, Koch, Snyder, Laubengayer, Brown, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady, Pres. Hiscock—14.

Nays—None.

RESOLUTIONS.

By Ald. Brown.

Resolved, That the Board of Public Works be and are hereby ordered to purchase fourteen flush tank syphons

to complete the Hill St. sewer at a cost not to exceed three hundred dollars. The same to be paid for at present out of the General Sewer Fund.

Adopted as follows:

Yeas—Ald. Moore, Laubengayer, Brown, Taylor, Shadford, Coon, Cady, Pres. Hiscock—8.

Nays—Ald. Maynard, Allmendinger, Koch, Snyder, Prettyman, Butterfield—6

By Ald. Butterfield.

WHEREAS, The City of Ann Arbor during the recent negotiations which resulted in the execution of a five year contract for electric light, has had the the good fortune to profit by advice of Prof. Henry S. Carhart, which was of very great value, and given without charge.

Be it Resolved, That this Council do and hereby does express its profound appreciation and hearty thanks for the important public service rendered, and on behalf of the people of the City a substantial obligation to Prof. Carhart is hereby acknowledged.

Adopted.

By Ald. Coon.

Resolved, that the several railroad companies entering the city limit of the City of Ann Arbor be furnished with printed copies of that part of the ordinance relative to the running and operating of trains within the limits.

Adopted.

By Ald. Maynard.

Resolved, That the assignment of the Farmers and Mechanics Bank for the sum of \$3837.01 made by Henry Collins be paid from the next estimate upon the contract of Henry Collins.

Ald. Prettyman moved that the resolution be laid upon the table.

Adopted as follows:

Yeas—Ald. Moore, Koch, Laubengayer, Brown, Taylor, Shadford, Prettyman, Coon, Butterfield, Cady—10.

Nays—Ald. Maynard, Allmendinger, Snyder, Pres. Hiscock—4.

On motion the Council adjourned.

GLEN V. MILLS,
City Clerk.