

Council Chamber,
Ann Arbor, Mich., Apr. 18, 1905.

Regular Session.

Meeting called to order by Pres. Gilmore.

Present, Ald. Gill Schlenker, Kurtz, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore—15.

Minutes of previous meeting approved.

Communications from the Mayor

Ann Arbor, Mich., Apr. 17, 1905.

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

Gentlemen—Two years ago, after a course of six years, I was graduated from this department and went out to attend to other duties, feeling that I had done my full share for the public; but after this brief period I find myself again called to the service of my adopted city, this time to act as its chief executive officer, to make to your honorable body, from time to time, such suggestions and recommendations concerning city affairs as to me may seem best; to exercise general supervision over the several departments of city government; to co-operate with you and all good people in seeing that the laws, ordinances and regulations are enforced, and that peace and good order prevail; in short, I am to act as general superintendent of city affairs. This is my excuse for being with you tonight. Then, in the language of the school teacher, briefly review the last lesson and take the next in advance. The work is not new to you. Ten of your number were in the class during the term just closed, the four new members will soon get a start, and although your principal was not with you before, he is by no means a novice at presiding, as you will very soon learn.

Water.

Among the most important matters that will require your attention and careful consideration in the near future, is the water question, now in the

hands of a special committee which, as I understand, is making substantial progress. In the meantime, no action should be taken on your part which will in any way embarrass the committee in their endeavor to find, if possible, a fair and satisfactory solution of this vexed problem.

Light.

I note with pleasure the announcement that an exhibition of street lighting by the Welsbach system is soon to be made. Lighting the streets is one of the most expensive items for which the city has to pay, being more than eight hundred and fifty dollars per month, and if competition will reduce the expense and better the service, let the people have it.

Streets.

The question of street repairs and improvements will always be with you, and cannot be too thoroughly studied. In making up the budget for the coming year ample provision should be made for this fund, and it should be most judiciously expended. Properly grading the streets and constant attention to taking care of the little mud holes and washouts before they become larger ones will be wise economy and win public approval. The proper committee should see to it that the guarantees for keeping the paved streets in repair be fully complied with before the lifetime of those guarantees expire. Provision should also be made for keeping the paved streets clean, a little more care being exercised than formerly in taking up the dirt and in removing that, if any, thrown upon the walks by the sweeper.

Sidewalks.

While great improvement has been made during the last few years in the condition of the sidewalks and crosswalks of the city, there is still ample room for the committee in charge to render valuable service. Let the good work go on.

Fire Department.

Protection from loss by fire is, and always should be, a live question. With the additional up-to-date apparatus contemplated and with the adequate supply and pressure of water hoped for and confidently expected, the department will be much better equipped to meet the demands liable to come at any time.

Police.

Of the police force much will be expected, and it is our desire and intention that all reasonable expectation shall be realized. How little use there would be for this department if all obey the only rule we have to suggest, Do right!

Board of Health.

The sanitary condition of the city should be of the deepest concern to every citizen; and while it is being maintained to a high standard under the watchful care of our efficient board of health and by reason of the disposition of most of our citizens to keep their premises free from disease-breeding matter, yet there are some places, we are sorry to say, where too much carelessness is manifested in this regard. My advice is, clean up.

Parks.

The question of parks, now and for some time past prominent in the public mind, has my most hearty approval, and as soon as I shall have the power it will be my pleasant duty to forthwith name the members of the park commission, a prominent one of whom will be my warm friend and late most worthy competitor, Henry W. Douglas.

Finances.

In making up the budget to maintain in creditable manner all the different departments of municipal government and to make such substantial improvements as become a wide awake, progressive city, wise economy should be the motto; not

prodigality on the one hand nor stinginess on the other. Then let those in the employ of the city receive a fair day's wages for a fair day's work; let all, in whatever capacity, in the public service do their whole duty fairly, wisely and well; let good judgment, common sense, and strict integrity ever prevail, and the approval of all right-minded people will be secured.

Gentlemen of the Council, as co-workers in a common cause for the public good, may our relations ever be most cordial and mutually helpful, as I believe they will, and may our highest hope and desire to succeed in our mutual endeavors for the best interest of this city deserve success and be attained.

Very sincerely yours,
FRANCIS M. HAMILTON,
Mayor.

The message received, ordered filed and published with the minutes of the meeting.

The president of the council announced the standing committees as follows:

Finance—Ald. Coon, Fischer, Goodyear.

Ordinance—Ald. Fischer, Coon, Manwaring.

Sewer—Ald. Kurtz, Schlenker, Kearns, Markey, St. James, Blair, Sherk.

Street—Ald. Markey, Coon, Kearns, Kurtz, Sherk, Gill, Fischer.

Sidewalk—Ald. Schlenker, Blair, St. James, Miller, Markey, Goodyear, Robinson.

Fire Department—Ald. Kearns, Sherk, St. James.

Water—Ald. Gill, Robinson, Coon.

Police—Ald. Miller, Gill, Manwaring.

Lighting—Ald. Goodyear, Kearns, Gill.

License—Ald. Robinson, Goodyear, Miller.

Bonds—Ald. St. James, Fischer, Blair.

Parks—Ald. Sherk, Markey, Schlenker.

Poor—Ald. Blair, Manwaring, Kurtz.
Cemetery—Ald. Manwaring, Schlenker, Robinson.

Communications and Petitions.

Ann Arbor, Mich., Apr. 17, 1905.

To the Common Council:

I would respectfully recommend that Bond No. 1 for \$292.38 of Lateral Sewer No. 11, which was not sold, be cancelled and that \$292.38 be transferred from the tax account to the Labor Account of this sewer district. I would also recommend that Bonds Nos. 1 and 2 of Lateral Sewer District No. 12, which were not sold, amounting to \$1,041.52 be cancelled and that \$1041.51 be transferred from the tax account to the labor account of this district.

S. W. BEAKES, City Treasurer

By Ald. Goodyear:

Resolved, That the city clerk and the city treasurer be instructed to cancel unsold bond No. 1 of Lateral Sewer No. 11 and unsold bonds Nos. 1 and 2 of Lateral Sewer No. 12, and that \$292.38 be transferred from the Tax Account to the Labor Account of Lateral Sewer No. 11 and \$1041.52 be transferred from the Tax Account to the Labor Account of Lateral Sewer No. 12.

Adopted as follows:

Yeas—Ald. Elair, Gill, Schlenker, Kurtz, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore.—15.

Nays—None.

Communication from the Adrian and Ann Arbor Electric Railway Co. accepting franchise granted by the City of Ann Arbor April 6th, received and clerk ordered to certify to and file the same.

Communication from Special Water Committee.

Meeting held in Council Chambers,
Court House, Ann Arbor, Mich.,

March 22, 1905.

Mr. Wilgus introduced certain resolutions of recommendation to the

Council which was seconded by Mr. Copeland and adopted. These resolutions were as follows:

“Whereas, In a conference between the committee appointed by the Common Council and the officers of the Ann Arbor Water Company, held March 22, 1905, the said company by its officers claimed and insisted that there is not now, nor ever has been, any duty on such company, either under the contract made May 6, 1885 between the City of Ann Arbor and such company, nor otherwise, to furnish direct pressure when needed for fire purposes except while cleaning the reservoir or in case of accident; that likewise there is no duty that such company shall furnish water to the inhabitants of the city at reasonable rates, if the same shall be lower than the limits mentioned in the contract or in Sec. 8514 of the compiled laws of Michigan; that, also, there is no duty to furnish water for sprinkling lawns, gardens, etc.; also that the Council has no power to fix reasonable rates or to prescribe reasonable regulations for supplying the inhabitants with water for domestic and commercial purposes; and

Whereas, The views of this committee are not in accordance with the views of the said Water Company as above set forth, therefore,

Be it resolved, That this committee recommend to the Common Council,

(1). That said Common Council immediately employ a competent attorney to bring suit as soon as possible in the proper form to ascertain the rights of the city and its inhabitants, the true meaning of the contract in question, and the duties of said company thereunder and under the law applicable thereto, and to secure the full and proper performance of such duties of said Ann Arbor Water Company; and, in case of the failure of such company to fully and faithfully perform all of the duties found to be incumbent upon such company within such reasonable time as may be fixed by the court, then that all the rights and privileges of such

Water Company to use and occupy the streets of said city and furnish the inhabitants with water, existing under the contract of otherwise, be forfeited and annuled.

(2). That the Chief of the Fire Department be specifically authorized by a resolution of the Common Council to call upon said Water Company to furnish direct pressure for fire purposes whenever, in his judgment, there is need of such pressure to put out a fire.

Adopted as follows:

Yeas—Ald. Blair, Gill, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore—13.

Nays—Ald. Schlenker, Kurtz—2.

Meeting held April 12, 1905.

It was moved by Professor Russell, seconded by Professor Davis, and carried, that the Common Council be requested to have the hydrant tests made that were recommended to be made by a resolution proposed by Professor Wilgus and adopted by this committee on March 15, 1905, and to have the results reported to them at an early date and transferred to this committee.

By Ald. Coon:

Resolved, That the Board of Public Works, through the city engineer, be directed to furnish the special water committee the information called for by resolution passed March 15, 1905.

Adopted as follows:

Yeas—Ald. Elair, Gill, Schlenker, Kurtz, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore—15.

Communication from Special Water Committee Relative to Enabling Act.

AN ACT to authorize the City of Ann Arbor to acquire, construct, maintain and operate water works, for the supply of the City and its inhabitants with water.

The People of the State of Michigan enact:

Section 1. The City of Ann Arbor is hereby authorized, subject to the provisions of section two herein, to acquire, construct, maintain, operate and extend, as may be necessary, water works of its own, the original cost thereof not to exceed the sum of five hundred thousand dollars, which the said City is hereby authorized to borrow and issue its bonds therefor, running not more than thirty years, in such denominations and due, part or all, at such times as the City Council may determine within the time fixed; but such bonds shall not be sold at less than par nor draw more than four per cent interest per annum, payable semi-annually. And the said City shall have the authority to acquire through proper condemnation and appropriation proceedings all such property, lands, water rights, rights of way, easements, ways, and other interests as may be necessary therefor, either within the limits of said City, or not exceeding twenty-five miles beyond the same, and exercise all necessary jurisdiction over the same for the protection thereof, and may also by proper condemnation and appropriation proceedings acquire all the property, rights, privileges, franchises and immunities of all kinds whatsoever of any water company now or hereafter operating within, or supplying said city and its inhabitants with water; and particularly the entire plant, property and franchises, rights and privileges, of the Ann Arbor Water Company, including all its rights, privileges and franchises under and by virtue of its charter and its certain contract entered into between it and the City of Ann Arbor, dated May 6, 1885; but, in determining the value of such rights and privileges under such charter and contract, the true meaning and interpretation of said charter and contract, and the previous or present failure or refusal of said company fully and faithfully to perform the duties incumbent on such company under its charter and said contract according to their true intent and meaning, shall be taken into consideration. All proceedings for the

appropriation of all or any of the property herein authorized to be appropriated or condemned shall be in accordance with the provisions of Act 124 of May 31, 1883, and the amendments thereto.

Section 2. Before any money shall be borrowed or expended either for the construction or acquisition of water works as herein provided, except for the purposes of ascertaining the probable cost of construction, acquisition, operation, repair, improvements, or value, the City Council shall declare by resolution that, in its judgment, it is desirable or necessary for the City to construct or acquire water works to be owned and operated by the City; and, if so, it shall cause a preliminary estimate of the cost of constructing, acquiring and operating the same to be made and published. After such resolution shall be passed, and such preliminary estimate made and published, the question as to whether such City shall undertake to construct or acquire and operate such water works shall be submitted to the electors of the City at the next annual City election or at a special election called for that purpose; and, if a majority of the electors voting upon the question shall vote in favor thereof, then it shall be the duty of the Common Council to authorize the issue of the bonds of the City not exceeding the amount so determined, and to do all things necessary to carry out the purposes herein and thereby authorized. In case such question is submitted at a special election, it shall be conducted under the provisions of the City Charter, except nothing therein contained shall prevent the Common Council from authorizing the votes cast, either at an annual or special election, to be voted, registered and counted upon the Abbott voting machine, and in the event of the use of such machine no "no choice" votes shall be counted, but shall be regarded as not cast.

Section 3. The Common Council of said City may, by proper ordinances, provide for the appointment of a com-

mission or board of water works, composed of not less than three nor more than five electors and freeholders of said City, the term of at least one member of which shall expire yearly, to take charge of the construction and management of such water works in the manner to be provided by the ordinances of such City; and such City may by resolution or ordinance fix the rates and make rules and regulations relating to the supply to, and the use of water by, the inhabitants of said City.

Section 4. The Common Council of said City shall have the power, and it is hereby made its duty, to raise by tax annually upon the taxable property of said City, such sum or sums as shall be sufficient, together with the surplus revenues derived from the operation of said water works so constructed or acquired, to pay the principal and interest upon said bonds as the same shall become due and payable, and as shall be necessary properly to operate, repair, improve or extend such water works; and all taxes levied for these purposes shall be in excess of, and in addition to, any sum or sums authorized to be levied under and by virtue of the charter of said City for general purposes.

This Act is ordered to take effect immediately.

By Ald Coon:

Resolved, That the communication from the special water committee be received and adopted by the council, and referred to Representative Junius E. Beal to be presented to the legislature for their action thereon.

Adopted as follows:

Yeas—Ald. Blair, Gill, Schlenker, Kurtz, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore—15.

Petition of John F. Krumrei, et al, relative to fire hydrant on Summit street referred to fire committee.

Petition of Emmet Coon, et al, relative to discontinuing ally on Woodside plat referred to street committee.

Petition of Adolph Fritz relative to side walk on Hill street referred to sidewalk committee.

Office of Board of Public Works,
April 7, 1905.

By Mr. Cady:

Resolved, That the Board of Public Works recommend to the Common Council the payment to Mr. Watson for 841 street signs, \$50.46. This at the rate of 6 cents per sign.

Referred to the street committee.

Board of Public Works,
April 12, 1905.

Resolved, That the Board recommend to the Council that an appropriation of \$100 be made to be used in the construction of a storm water sewer on Packard street east of State street.

By Ald. Fischer:

Resolved, That recommendation be concurred in and the Board of Public Works be and are hereby instructed to do work at once.

Adopted as follows:

Yeas—Ald. Blair, Gill, Schlenker, Kurtz, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore—15.

Report of Committees.

FINANCE.

Ann Arbor, Mich., Apr. 17, 1905.

To the Honorable the Common Council:

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

Respectfully submitted,

EMMET COON,
GEO. H. FISCHER,
Committee.

Street Fund.

Joseph Socia, labor	\$10.45
Peter Bonado, labor	12.02
William Howard, labor	5.87
August Radies, labor	9.17
William Keuhn, labor	9.17
William Braatz, labor	6.60
John Johnke, labor	8.62
Pat Senella, labor	9.17
Matthew Leopphold, labor	5.69

Paul Rososco, labor	4.04
Otto Haase, labor	3.30
Michael Heary, labor	4.04
Henry Allmond, labor	3.30
William Rohde, labor	19.45
William Steffin, labor	12.06
Silas Elisifor, labor	7.78
Fred Weinberg, labor	9.73
William Grayer, labor	9.73
Karl Haase, labor	1.29
James Williams, labor	13.39
Godfried Gokenbach, labor	12.47
Frank Schneider, labor	11.00
John Wolfert, labor	12.47
James Mason, labor	15.69
Alvin Baxter, labor	13.39
J. W. Markey, labor	17.80
Bennett French, labor	14.39
Michael Williams, labor	15.95
John McHugh, labor	24.12
Lewis Nowland, labor	22.95
William Bury, labor	15.32
Willis Clark, labor	9.90
Christ Frey, labor	10.45
William Devine, labor	8.44
Michael Prie-korn, labor	10.82
Michael Hess on, labor	9.17

\$389.29

Adopted as follows:

Yeas—Ald. Blair, Gill, Schlenker, Kurtz, Kearns, Miller, Markey, St. James, Sherk, Manwaring, Coon, Goodyear, Fischer, Robinson, Pres. Gilmore—15.

The matter relative to the purchase of fire apparatus as recommended by Board of Fire Commissioners referred to the fire committee.

By Ald. Coon.

Resolved, That a special committee of three be appointed to act in conjunction with the fire commissioners and the fire committee to look up a suitable site for Sixth ward engine house, and report to Council. Adopted and following committee appointed: Ald. Coon, Fischer and Kearns.

The names of E. K. Herdman and G. F. Ronniburger were nominated for city physician. A ballot was taken and Dr. Herdman elected by vote of nine to six.

By Ald. Coon:

COUNCIL PROCEEDINGS.

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Resolved, That the fire commissioners be requested to look up the matter of necessary fire escapes and report to the Council as soon as possible. Adopted.

By Ald. Markey:

Resolved, That the rules of the last Council be adopted as the rules that shall govern this Council for the ensuing year. Adopted.

The names of D. W. Springer and John R. Miner were presented to the Council as examiner of city books for year closing April 30th. By a vote of eight to seven Mr. Springer was elected.

On motion the Council adjourned.
ROSS GRANGER, City Clerk.