

Council Chambers,
Ann Arbor, Jan. 18, 1904.

Regular Session.

Meeting called to order by President Walz.

Present—Ald. Douglas, Schlenker, Hutzel, Kearns, Miller, Bangs, Goodyear, Fischer, Robinson, Pres. Walz.—10.

Absent—Ald. Gill, Johnson, Schumacher, Grose, Coon.—5.

Minutes of previous meeting read and approved.

Ordinance Committee Report.

An ordinance to regulate and control the selling of milk within the City of Ann Arbor, and to license vender thereof, was introduced by Ald. Fischer, given its first reading by title, and passed to second reading by the following vote.

Yeas—Ald. Douglas, Schlenker, Hutzel, Kearns, Miller, Bangs, Goodyear, Fischer, Robinson, Pres. Walz.—10.

Nays—None.

An ordinance to provide for the appointment of a sealer of weights and measures and to prescribe his powers and duties was introduced by Ald. Fischer, given its first reading by title, and passed to its second reading by the following vote.

Yeas—Ald. Douglas, Schlenker, Hutzel, Kearns, Miller, Bangs, Goodyear, Fischer, Robinson, Pres. Walz.—10.

Nays—None.

Enter Ald. Johnson.

Report of Side Walk Committee.

Your committee on Sidewalks would respectfully submit the following::

That the stairway along the east side of North Fifth ave. in front of the Rogers property be ordered removed by the Board of Public Works.

Furthermore, That the owners of the Henning property, corner of 4th ave. and Huron street be ordered to provide the Basement entrance with a suitable iron gate bar.

All this is respectfully submitted.

CHRISTIAN SCHLENKER,
O. L. ROBINSON,
SID. M. BANGS,
C. L. MILLER,

Committee.

Adopted.

Report of City Engineer on Schmid walk received and Ald. Douglas moved that bill of Pickard Co. for same be allowed and warrant ordered drawn. Adopted as follows:

Yeas—Ald. Douglas, Schlenker, Hutzel, Kearns, Miller, Johnson, Bangs, Goodyear, Fischer, Robinson, Pres. Walz.—12.

Nays—None.

Report of City Attorney on Smoke Nuisance.

In the matter of the petition of Dr. V. C. Vaughan and others referred to me at your meeting of December 21st, I report as follows:

I find that the "Courts do not hesitate to declare smoke a nuisance when it permeates the atmosphere in unreasonably dense volumes, or is for any reason so carelessly or unskillfully disposed of as to produce an interruption of the comfortable enjoyment of life." And "if one sort of fuel will produce a smoke less obnoxious than any other sort, it is the duty of the owner of the building to use the least troublesome."

There is no doubt that a property owner may enjoin the issuing of smoke from a chimney if it is made to appear that it is a nuisance and produces injury to his property, health or comfort. Or he may bring an action against the party responsible for the nuisance for damages to his buildings, furniture, goods, clothes, etc.

Many cities have smoke ordinances prohibiting the use of soft coal in resident districts. I do not think our charter broad enough to cover this matter, unless it might be said to come within the police power.

The petitioners certainly have cause to complain. Mr. Groves says, however, that he is not the only party in that vicinity that burns soft coal. That he bought a car load in good faith—with no thought that it would cause his neighbors damage, discomfort or annoyance, and that the same is nearly consumed. He has entered into a contract with Koch Brothers to raise the chimney on his building

which will materially lessen the smoke nuisance, to the petitioners.

Under our charter I do not think the City has power to restrain or regulate smoke nuisance, but I have no doubt about the right of a property owner to abate the nuisance by injunction or he may recover damages against the party responsible for it.

Respectfully submitted.

THOS. D. KEARNEY,
City Attorney.

Received and ordered on file.

Ald. Douglas presented the matter of properly entertaining the members of the League of Municipalities. Ald. Schlenker moved that a sum not to exceed two hundred and fifty dollars be appropriated for the above named purpose, and that the committee heretofore appointed to make arrangements for the coming meeting of the League be given full power to act in the matter.

Adopted as follows:

Yeas—Ald. Douglas, Schlenker, Hutzel, Kearns, Miller, Johnson, Bangs, Goodyear, Fischer, Robinson, Pres. Walz.—11.

Nays—None.

TREASURER'S REPORT,

For Month Ending Dec. 31, 1903

MONEY RECEIVED.

CONTINGENT FUND

City Clerk Granger, licenses \$ 7 00
Ann Arbor Sav. Bank, int. 160 31 \$ 167 31

DOG LICENSE FUND

City Clerk Granger..... 1 00

POLICE FUND.

Justice Doty, fines for quarter ending Dec. 31..... 95 00
Marshal Kelsey, fees for Nov 2 45 97 45

SIDEWALK FUND

Building Subdivision—
Sidewalk tax collected in December..... 459 72

UNCOLLECTED CITY TAX FUND.

City tax collected in Dec.... 10230 43

Total..... \$ 10,955 91

Cash on hand Dec. 1..... 6,658 01

Expenditures..... \$17,593 92
6,404 56

On hand Jan. 1, 1904..... 11,189 36

DISBURSED WARRANTS PAID.

Bridge, Culvert & Cross-walk fund.....	\$ 297 65
Contingent fund.....	1,261 98
City cemetery fund.....	4 12
Dog License fund.....	50
Fire fund.....	1,877 49
Poor fund.....	195 54
Police fund.....	618 48
Street fund.....	435 27
Street fund, cleaning and repairing sub.....	36 57
Street cleaning, Pavement subdivision.....	85 71
Main Sewer bond fund.....	500 00
Sidewalk fund overdrawn...	
Sidewalk fund, Building Sub.	295 26
Sidewalk fund, Grading Sub.	62 42
Street lighting fund.....	733 52
Total	\$6404 56

CONDITION OF CITY FUNDS ON DEC. 1, 1903.

	On Hand	Over-drawn
Bridge, Culvert & Cross-walk fund.....	10,049 50	
Contingent fund.....	4,463 43	
City cemetery fund.....	347 30	
Dog License fund.....		43 25
State Dog Tax.....	100 00	
Delinquent Tax fund.....		139 86
Fire fund.....	2,915 50	
Poor fund.....	1,014 88	
Police fund.....	1,630 17	
Street fund overdrawn--Cleaning and Repairing Sub. On hand.....	3,725 48	
Street Pavement, cleaning Sub. On hand.....	5,029 87	
Street Pavement, cleaning Sub. On hand.....	2,621 41	
Uncollected City Tax...		3,925 80
Water fund.....	4,016 04	7,663 05
Storm Sewer fund.....		12,934 55
Rejected tax		930 03
Sidew'k Fund overdrawn	103 17	
Sidew'k fund, Building Sub. Overdrawn.....	651 51	
Sidew'k Fund, Grading subdivision. On Hand	442 20	312 48
Main Sewer bond fund...	2,100 00	
Street Lighting Fund...	2,303 79	
Park fund.....	396 17	
	33,262 58	22,073 22
Balance overdraft on hand.....		\$11,189 36

PAVING FUND.

TREASURER'S REPORT.

For Month Ending Dec. 31, 1903.

MONEY RECEIVED.

Tax acct. Pav. Dist. No. 4.....	\$ 665 83
Tax acct. Pav. Dist. No. 5.....	711 95
Tax acct. Pav. Dist. No. 6.....	18 48
Tax acct. Pav. Dist. No. 7.....	1954 14
Tax acct. Pav. Dist. No. 8.....	313 40

Total..... \$ 3653 80

On hand December 1..... 10,042 57

Total..... \$13,706 37

Expenditures..... 1,614 95

On hand Jan 1, 1904..... \$12,091 42

DISBURSED, WARRANTS PAID.

Labor acct. Paving District No. 5	1588 95
Labor acct. Paving District No. 6	26 00

Total..... \$1614 95

COUNCIL PROCEEDINGS.

CONDITION OF PAVING FUNDS ON Jan. 1, 1904.

	On hand	Ov'rdr'n
Labor acct. Pav. Dist. No. 3	\$ 518 65	
Tax acct. Pav. Dist. No. 3		1,234 05
Lab. acct. Pav. Dist. No. 4		85 06
Tax acct. Pav. Dist. No. 4	4,924 73	
Labor acct. Pav. Dist. No. 5	50	
Tax acct. Pav. Dist. No. 5	2,848 25	
Labor acct. Pav. Dist. No. 6	7 50	
Tax acct. Pav. Dist. No. 6	14 70	
Labor acct. Pav. Dis. No. 7	153 74	
Tax acct. Pav. Dist. No. 7	3,889 40	
Labor acct. Pav. Dist. No. 8	26 38	
Tax acct. Pav. Dist. No. 8	891 68	
Total.....	13,410 53	1,319 11
On hand.....	12,091 42	

LATERAL SEWER FUNDS.

TREASURER'S REPORT.

For Month Ending Dec. 31, 1903.

MONEY RECEIVED.

Tax acct. Lateral Sewer No. 8.....	17 24
Tax acct. Lateral Sewer No. 9.....	111 01
Tax acct. Lateral Sewer No. 10.....	55 58
Tax acct. Lateral Sewer No. 11.....	101 76
Tax acct. Lateral Sewer No. 12.....	13 70
Total.....	299 29
Overdrawn Dec. 1.....	21 4 01

Overdrawn Jan. 1, 1904.....\$1814 72

CONDITION OF LATERAL SEWER FUNDS ON Jan. 1, 1904.

	On hand	Ovrdr'n
Tax acct. Lateral Sewer No. 8, \$	19 30	
Lab. Ac. Lateral Sewer No. 9		\$458 47
Tax Ac. Lateral Sewer No. 9		49 09
Lab. Ac. Lateral Sewer No. 10	223 19	
Tax Ac. Lateral Sewer No. 10	312 26	
Lab. Ac. Lateral Sewer No. 11		1,111 04
Tax Ac. Lateral Sewer No. 11	515 47	
Lab. Ac. Lateral Sewer No. 12		1,978 87
Tax Ac. Lateral Sewer No. 12	714 53	
Total.....	1,782 75	3,597 47

Overdrawn\$1,814 72

STATE, COUNTY AND SCHOOL TAXES.

State taxes collected in Dec.....	\$16,474 97
County taxes collected in Dec.....	8,569 64
School taxes collected in Dec.....	31,156 29
Total.....	\$56,200 90
Paid over in Dec.....	10,320 55

State, county and school funds on hand Jan. 1.....\$45,880 35

DISBURSED, WARRANTS PAID.

Paid County Treasurer.....	\$5,320 55
Paid School Treasurer.....	5,000 00
Total.....	\$10,320 55

On hand
City funds.....\$11,189 36
Paving funds.....12,091 42
23,280 78

Overdrawn—
Lateral Sewer funds.....1,814 72

On hand Jan. 1.....21,466 06
State, county and school funds on hand Jan. 1, 1904.....45,880 35

Total.....67,346 41

Cash in Bank.....67,180 73
County order named for taxes.....165 68
67,316 41

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 sixty-seven thousand one hundred eighty and seventy-three one hundredths dollars, \$67,180 73, on the 2nd day of January, 1904.

Respectfully yours,

M. J. FRITZ, Cashier.

Ann Arbor, Mich., Jan. 4, 1904.

Ordered filed.

Report of City Clerk received and ordered filed.

Dr. Hinsdale made a very interesting report as to the health condition of the City during the past year, and Ald. Hutzel moved that the Board of Health be empowered to make out an annual report and have it printed in pamphlet form.

Adopted as follows:

Yeas—Ald. Douglas, Schlenker, Hutzel, Kearns, Miller, Johnson, Bangs, Goodyear, Fischer, Robinson, Pres. Walz.—11.

Nays—None.

Resolution.

By Ald. Fischer—

Resolved, That the City Clerk notify the Detroit, Ypsilanti, Ann Arbor & Jackson Railroad Co., not to pile up the snow along the side of their said tracks through the City of Ann Arbor, and that such snow shall be spread evenly across the street on either side of said tracks.

Adopted.

By Ald. Fischer—

Resolved, That the resolution passed by the Council in January, 1903, relative to resolution on Ald. Burg's death, be fulfilled and carried out.

Adopted.

Moved by Ald. Schlenker, That the Lighting Committee be instructed to negotiate with the Light & Power Co. for new contract for lighting the city and report back to council.

Adopted.

On motion the Council adjourned.

ROSS GRANGER,

Clerk.