

COUNCIL PROCEEDINGS.

Council Chamber,
Ann Arbor, Apr. 18, 1904.

REGULAR SESSION.

Meeting called to order by Pres. Walz.

Roll call.

Present:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Fischer, Pres. Walz.—13.

Absent:—Kearns, Robinson.—2.

Minutes of previous meeting read and approved.

Mayor's Message.

To the Common Council of the City of Ann Arbor:

Gentlemen:—I congratulate the City upon having upon this Council, thirteen members who have had experience in municipal affairs. The people as a rule demand more and expect more from those who have had the benefit of experience than from those who have not.

We are all servants of the people who have sent us here to do their work and they only ask for what they deserve.

In passing from the old work to the new, I wish to express my sincere thanks to the members of the last Council for the careful and painstaking manner in which they transacted all city business and I am extremely grateful for the strong support given to me and I am in hopes that by our united efforts we may justify the people's confidence.

The finances of the city are in good condition. Three years ago when Dr. Copeland entered upon the duties of his office, the city had an overdraft of some \$28,000 which was the direct result of the construction of the Detroit street macadam and the Hill street storm sewer. During the following two years this overdraft was reduced by about one-half, notwithstanding the large expenditure of public funds caused by the floods of 1902, and now the balance of said overdraft has been wiped out and the city had on hand to its credit in the Ann Arbor Savings bank, after the payment of all March

bills, the sum of \$9,000; this amount, together with the city's portion of the liquor moneys which are to be paid in May, and about \$3200 which is due in June from the Electric railroad, and some \$800 or \$900 due from the county for taxes that the city has overpaid, ought to be sufficient to meet all of the city expenses until taxes are paid in July next and hereafter there should be no overdraft. It is hoped that there will be some reduction in our tax rate this year, for with our state taxes constantly increasing from year to year, it will require the exercise of the greatest economy on the part of each city administration to keep the total tax rate to our citizens where it has been in the past. To show you how our state taxes are increasing from year to year I have but to call your attention to Washtenaw County's portion of the state tax during the last twelve years. In 1891 Washtenaw raised for its portion of the state tax the sum of \$39,000; in 1892 our portion was \$38,000, and in 1903 this county, for its portion of the state tax raised the enormous sum of \$94,000, or an increase of more than two and a half times as much as was paid in 1892.

I hope that this council will make a united effort during the next few months to put our streets in first class condition. A very good start was made in this direction last year, and if the members of the Council, the Board of Public Works and the Street Commissioner will work in harmony, giving the city the benefit of their best and united efforts, there is no reason why the streets of this city should not be put in perfect condition and retained in that condition ever afterwards, for the taxpayers of this city have been and are extremely liberal in the appropriation of their funds for street purposes.

There is one item of expense in reference to our public streets that I wish at this time to call your attention to and that is the cost of cleaning paved streets.

APRIL 18, 1904.

Last year, by the use of the street sweeper, we reduced the cost of cleaning paved streets to about \$1900 thereby saving something like 40 per cent over the expense of doing the same work by hand and in my judgment the work was done in a more satisfactory manner. During the ensuing year, the cost will necessarily be something in excess of \$1,900 for the reason that Liberty street and Fourth avenue have been added to our paved district and I believe it will cost not less than \$2,400 to do this work during the next year, if the work is done the same as last year, but I think that at least one-half of this last amount can be saved by requiring the members of the fire department to do this work. I find that this work is done in other cities by the fire department and under their direction and I see no reason why it should not be done in this way here in Ann Arbor, where we pay as large if not larger wages to our firemen than are paid in any other city of like population. I would hesitate to make this recommendation if I thought that the present efficiency of our fire department, that has so long been the pride of our citizens, was to be affected, but I believe that with the aid of an extra team and one or two extra men, that Chief Sipley can do this work better than it has ever been done in the past and at not more than one-half of what it would otherwise cost. I understand perfectly well that it will add something to the labor required of our firemen, but I do not think they will object to having something more to do, any more than the taxpayers objected a year ago when the pay of the firemen was raised 20 per cent and I therefore recommend that this matter be referred to Chief Sipley, the Board of Public Works and the Street Committee of this Council with a view of determining the advisability of thus cleaning our paved streets.

The proposition to bond the city for \$30,000 for the purpose of building a new city hall was defeated at the last

election by nine votes. This result was brought about by hired workers employed by the owner of the present office building who had his workers in each ward in the city. The anxiety shown by the owner of the present office building is conclusive evidence to me that the city is paying more office rent for these offices than the owner could obtain for the same for any other purpose.

Nine years ago this spring the city voted to raise by special tax the sum of \$5,000 with which to purchase the two lots situated at the corner of East Huron street and Fifth avenue for the purpose of erecting thereon a city building in which should be contained all the city offices. This sum was voted and raised in a single year and the land purchased. The city now has invested in this property the original \$5,000 and the interest thereon for nine years, which at 5 per cent would amount to \$2,250, or a total of \$7,250, the city receiving in rent about what the loss has been from taxes that we would otherwise have received and the land is worth no more now than it was at that time. I believe that all city business should be managed with the same degree of care that a person manages his own business, and anyone who would handle his own property so foolishly would soon be in the hands of the commissioner of bankruptcy and certainly it never could be said of such a person that he was a success in a business way. Records that cost the city thousands of dollars and if destroyed, would entail a loss of many thousands of dollars more, are left in vaults constructed in the second story of the present office building and if the building should burn and the walls fall away, there would be nothing to save our valuable city records from total destruction. Many of our citizens who voted against the city building, have told me that they did so because they thought the city was in debt and ought to wait a year or two until our finances were in better condition, but when I explained

COUNCIL PROCEEDINGS

to them that the city was not in debt and that our finances were never in better condition than they are today, they said that they regretted that they had not voted to construct the city building this year. Another objection that I heard to building the city hall this year, was on account of the construction of the detention hospital, but now that that proposition has been disposed of, for the time being, at least, it is possible that our citizens might take a different view of the matter if the question was again submitted to them.

The objection to voting \$30,000 for a city hall because such sum is not adequate for that purpose does not find support in my mind. The State Savings bank, constructed two years ago, cost, including heating and plumbing, less than \$15,000, and it is absurd to say that the city will ever require a building for its city offices costing more than twice the sum invested in this beautiful bank building. I would be very proud indeed if I could say that the City of Ann Arbor owned an office building equally as good as the State Savings bank.

I recommend that a special election be again called for the purpose of submitting this question to the people, and I believe that our citizens are now ready to vote to build the building this year, and not run the risk of losing our valuable city records or having our tax rolls that are worth thousands of dollars to the city, destroyed, by leaving the same exposed in the fire trap where they are now. A special election need not cost any great sum, the election can be called at the firemen's hall, or the council chamber, or at the high school building, or at any other place where it is most convenient for the people of the city, the same as was done last year when the people voted \$30,000 for school bonds, and thus save all expenses except the cost of paying for two or three election inspectors.

The objection that it is cheaper to rent than to build, is not tenable, for the reason that it does not take into

consideration the convenience of the public or the preservation of valuable records. Eighteen years ago the same people who now say "that it is cheaper to rent than to own" also said that it was cheaper to rent our water works than to own them, but I submit that the better and wiser course would have been to have built for ourselves.

In the matter of electric lights I believe that the people are entitled to the benefit of all the competition that can be had, and I believe that the ordinances now pending before this Council should be granted, provided the rights of the city are safely guarded, and in this connection it should be borne in mind that the greater the expense of construction, the more the people will have to pay for the service, for in every instance the cost is paid by the consumer. And if all wires are placed in conduits and underground, the interest on the cost of said underground work must be added to the operating expenses and these expenses added to the cost of lighting which is borne by the people. We now have one fully equipped electric light plant in operation here in this city and two more applications are now pending before this Council for the right to construct electric light plants and I have no doubt that these privileges would not be asked for if the applicants did not expect to reap a benefit therefrom, and I enquire, is it not possible that this city ought to have its own lighting plant?

I think my position upon the question of municipal ownership of water works and electric light plant, so far as said lighting plant pertains to street lights, is well known to the people of this city. On December the 16th, 1901, while a member of this council I presented certain figures in which I tried to demonstrate that the city could buy the present water plant and pay for the same in from 15 to 20 years out of what could be saved in the price the city was then paying for water, or if the city did not wish to pay the principal of

the bonded indebtedness that would be incurred by purchasing the plant and left the money in the pockets of the taxpayers, that the price of water to our citizens could be reduced from 36 to 45 per cent, depending of course upon the price that we had to pay for the plant, and if there are those who care to review the figures that I made at that time, they can do so by referring to the issue of the Daily Argus under date of December 17th, 1901.

During the past year there has not been that careful scrutiny of the bondsmen of the liquor dealers, that in my judgment should be exercised by the council. In some instances men have been accepted as securities who were not of sufficient financial responsibility.

Changes have been made in the ownership and in the location of saloons and new bonds have not been furnished nor required, and in one instance at least, a plaintiff in a suit at the last term of our Circuit court has been unable to secure redress because the plain provisions of the statute had not been complied with. This is not as it should be and I desire to call your attention to the matter now in order that more care may be taken during the ensuing year. In this connection a reference to the ordinance requiring a city license for saloons, now pending before your honorable body, may not be out of place. Some of its features may not meet with your approval. For instance, it is urged that the amount of the bond required is unnecessarily high. This may be so and it would seem that the amount as fixed could be reduced materially with safety. Again it is claimed that in many cases it would be difficult to secure the required twelve signatures to the application. Any saloonkeeper so poor in reputation as not to be able to obtain twelve signatures ought not to have a license.

Another objection is that there is a necessity for the class of saloons which the ordinance proposes to refuse to license, for it is said that peo-

ple who patronize such saloons must go somewhere, and that we must have the so-called "poor man's club." With this contention I have no sympathy. The term "poor man's club" is not synonymous with that of a resort for thugs, thieves, prostitutes, and murderous assaulters, and the people are demanding that such dives be cleaned out. The City of Ann Arbor ought to set the example to the rest of the state in this reform.

In 1871 when Dr. Douglass, the father of our alderman from the first, was mayor, the Common Council of this city showed the people of the state how to deal with the liquor traffic which, though prohibited by the constitution at that time, was openly carried on.

This Council can emulate that worthy example by saying to the low dive keeper, "thou shalt not."

The liquor business is as lawful as any other business under the laws of this state when it is carried on within the restrictions established by the legislature, and the rights thereunder should be respected and protected as carefully, and to the same extent, as those existing under any other kind of business.

A very large number of men engaged in the saloon business in this city are numbered among our best business men. These men need have no fear of the saloon ordinance now before this Council.

Those, only, who continually violate the law, who run low and disreputable places and bring disgrace and discredit upon the saloon business need fear it, and it is for those that the ordinance is intended.

City Attorney Kearney and myself have arranged a meeting with the officials of the Michigan Central Railroad Company in Detroit on Wednesday next in reference to the land lying between the Michigan Central Railroad company, the Huron river and Detroit street with a view of securing said land so that the same can be cleaned up and beautified, either by

the Railroad company or by the city, and unless some amicable arrangement can be made at once between the owners of this property and the city and the Railroad company, I recommend that the condemnation proceedings commenced some two months ago, to take this land for a public park be vigorously prosecuted. When we take into consideration that every passenger train on the Michigan Central railroad stops here, and that all the passengers can see, while waiting at our station, is the pile of filth and rubbish that the owners of this property have allowed to accumulate thereon for the last eighteen years, it would seem as though every alderman would see the necessity of immediate action in this matter without being requested by anyone so to do. And I further recommend that City Attorney Kearney be appointed a committee of one to act in this matter with a request that he report the same at the next meeting of this Council.

Almost one year ago Honorable Evert H. Scott, one of our public spirited men, offered to donate to the city a large grove situated in the easterly part of the city, for a public park, if the city would induce the Railroad company to extend their lines to this land and I hereby recommend that this Council use its best efforts to bring this about during the next year.

Sometime ago a committee from the village of Dexter requested me to write to the owners of the Electric railroad in regard to securing a spur line from the main line of said road, to said village, and with this object in view I entered into correspondence with Mr. Angus, one of the owners of said road and have arranged for a meeting between the railroad people and the Dexter committee for Wednesday of this week and I hope that this Council and the citizens generally will lend their assistance to bring the same about, for, if accomplished, it ought to be beneficial to the interests of this city.

Yours respectfully,
ARTHUR BROWN, Mayor.

Received and ordered printed in the minutes.

Communications and Petitions.

Ann Arbor, April 18, 1904.

To the Honorable Common Council, Ann Arbor, Mich.

Gentlemen:—Having received and accepted the resignation of E. H. Andrews, permit me to appoint George Weeks, Jr., as deputy clerk subject to your approval.

ROSS GRANGER, City Clerk.

By Ald. Fischer:—

Resolved that the name of George Weeks, Jr., as Deputy Clerk be confirmed.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schenker, Miller, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Fischer, Pres. Walz.—13.

Nays—None.

Enter Ald. Kearns and Robinson.

Communication from Louise Canwell et al., received and referred to street committee.

Reports of Committees.

Finance.

Ann Arbor, Mich., April 18, 1904.

To 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 the same.

Committee.

STREET FUND.

Wm. Rohde, team	\$35 50
Fred Schneider, team	4 95
Wm. Stark, team	1 95
John Miller, team,	5 06
Silas Elsifor, team	20 22
Wm. Beaubain, team	6 61
Geo. Schaibley, team	5 04
Willis Clark, labor	2 90
Gustave Walters, labor	3 11
Herbert Milliage, labor	3 11
Chas. Haas, labor	3 11
Phillip Adams, labor	3 11
William Bury, labor	3 11
Wm. Reetz, labor	3 11
Allen Moris, labor	3 85
William Lamborn, labor	3 48
Wm. Heizog, labor	3 11
Fred Gakle, labor	3 11

Michael Hession, labor	3 67
Ben Barnett, labor	1 46
Michael Williams, labor	3 67
George Geis, labor	1 33
Julius Nine, labor	55

\$93 62

SIDEWALK FUND

William Stark, team	\$6 80
Geo. Scheiberly, team	6 80
William Rhoda, team,	6 80
Harvey Robinson, team	6 80
Jake Becks, team	4 47
A. W. Steffie, team	5 66
Michael Prieskorn, team	3 03
Chas. Hass, team	3 03
Fred Lutz, team	3 03
Edward Barnett, team	3 03
Wm. Reetz, team	2 10
Michael Williams, labor	3 03

\$54 58

BRIDGE, CULVERT AND CROSS-WALK FUND

James Mason, labor,	\$25 87
Wm. Rhoda, labor	12 84
Michael Prieskoan, labor	4 31
Joseph Hertchen, labor	6 15
Michael Hession, labor	7 15

\$56 32

CONTINGENT FUND

Louie Miley, labor	\$.50
--------------------------	--------

CEMETERY FUND

L. D. Grose, labor	\$7 43
--------------------------	--------

RECAPITULATION

Street Fund	\$93 62
Sidewalk Fund	54 58
Bridge, Culvert and Crosswalk Fund	56 32
Contingent Fund	50
Cemetery Fund	7 43

\$212 45

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzell, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.
—15.

Nays—None.

Ex-Mayor Copeland made a few remarks on the proposition of the Car-

negie Library building. Resolution to follow later in the evening.

Ordinances.

Ald. Fischer presented the following ordinance for its third reading.

An ordinance authorizing Frank I. Cornwell, his successors and assigns to construct, operate and maintain an electric light and power plant within the City of Ann Arbor.

The Common Council of the City of Ann Arbor ordain:

Section 1. That consent, permission and authority be and is hereby given and granted for a period of thirty years to Frank I. Cornwell, agent and attorney, his associates, successors and assigns hereafter to be organized into a corporation under the laws of the State of Michigan, and having its principal office in the City of Ann Arbor, Michigan, and to its successors and assigns, to construct, maintain, use and operate in the public streets, alleys and other public places in the City of Ann Arbor, all needful and proper poles, underground conduits, wires and all other electric appliances necessary for operating electric motors and furnishing power for all commercial uses of electricity, subject, however, to the conditions and restrictions hereinafter mentioned.

Section 2. All poles, masts and wires shall be placed and erected under the supervision of the Board of Public Works of the City of Ann Arbor, whose duty it shall be to see that such poles, masts and wires are erected and constructed and maintained in such a manner as shall do no injury to any street, avenue, alley or other public ground, nor to any shade tree, nor in any manner disturb or interfere with any water, gas or sewer pipes, now laid or constructed by any authorized person, corporation, or the City, and shall fully indemnify and save harmless the said City of Ann Arbor from any and all claims for damages for which the said City might be made or become liable to pay by reason of the construction of said poles and wires, or

the operating of said plant, or the giving or allowing of the license, rights and privileges hereby given, and said poles and wires shall be erected and said plant shall be operated in such a manner as not to interfere with nor annoy unnecessarily the owners or occupants of the property in said city, or in such a manner as not to interfere with the traffic upon the streets, alleys and avenues of said City.

Section 4. All wires of said grantee shall be put up properly insulated in a manner suitable to their use and all wires entering into any building shall be provided with suitable switches and cut-offs at the point of entrance as required by the insurance rules in force from time to time in the said City of Ann Arbor. But no wires shall be attached to buildings except by consent of the owners.

Section 5. Whenever the said grantee, or his successors or assigns, shall propose to enter upon any street, alley or avenue in said City for the purpose of erecting poles and masts therein and stringing wires therein, said grantee shall, five days previous to the delivery of any poles in said street, avenues, or alleys, and five days previous to the erection of any pole or mast or the stringing of any wire in said street, avenue or alley, give notice to the Board of Public Works of his purpose and intention in this behalf; and the Board of Public Works shall have the right, and it shall be the duty of the said Board to prescribe such reasonable regulations and rules for the setting of any such poles or masts and the stringing of wires in said streets, avenues or alleys, and concerning the digging up of said streets, avenues or alleys and the restoring of the service of the same, as it shall deem proper and necessary. Such notice to the Board shall be in writing, and shall designate the street, avenue or alley proposed to be entered upon as nearly as possible the places in said streets, avenues or alleys where it is proposed to set or erect poles or masts. The

rules and regulations made by said Board concerning the erection of any and all poles, masts and wires shall be by resolution and entered upon its minutes.

Section 6. Said Frank I. Cornwell, his successors and assigns shall, before beginning, the construction and erection of his plant in the City of Ann Arbor, deposit with the City Clerk of said City a bond in the sum of Five Thousand Dollars (\$5,000) to be approved by the Common Council, conditioned to save the city harmless from any and all liabilities or expense of any nature for or on account of any claim or claims, suits or actions against the city, growing out of or based upon any carelessness or negligence of any of the officers, agents or employees, of said grantee, in the erection of its plant.

Ald. Fischer moved that Section 3 be amended to read as follows:

Section 3. All poles used by said Company shall be reasonably straight and shall be shaved and painted and shall be repainted at any time, during the continuance of this ordinance, when in the judgment of the Common Council it becomes necessary. No poles shall be erected within that part of the city bounded as follows: Beginning at the corner of Catherine street and Ashley street, and running thence east along Catherine street to Detroit street; thence northeasterly along Detroit street to Kingsley street thence east on Kingsley street to Ingalls street; thence south on Ingalls street to Huron street; thence east on Huron street to Twelfth street; thence south on Twelfth street to North University avenue, thence east on North University avenue to Washtenaw avenue; thence southeasterly on Washtenaw avenue to Hill street; thence west on Hill street to East University avenue; thence south and southwesterly on East University avenue to Packard street; thence northwesterly on Packard street to Main street; thence north on Main street to William street; thence west on William street to Ashley street;

thence north on Ashley street to the place of beginning. Also on Huron and Liberty streets between Ashley and Seventh streets, and on the streets constituting these boundaries. Provided that poles may be erected within said district at the corners of the streets for the purpose only of carrying street lights; and provided further, that nothing herein contained shall prohibit said Frank I. Cornwell, his successors and assigns from erecting poles in alleys, or on private property, upon the consent of the owner thereof, within said district. Provided, also, that if in making bids on City lighting any other bidder puts in bids, with the consent of the Common Council on the basis of carrying the wires on poles, then in this case said Frank I. Cornwell, his successors and assigns shall be allowed the same privilege. On all parked streets poles shall be erected on the curb line and of a sufficient height to carry the wires above the trees a sufficient distance so as not to injure them. All wires shall at all places be strung not less than twenty feet from the surface of the ground except when entering buildings, and at such distance from such other electric light, telegraph and telephone wires as to prevent interference by induction, or otherwise, with any such wires. No current exceeding 2300 volts shall be carried on any of the wires of this Company, provided, any other electric light and power company carries higher voltage this company be granted the same privilege.

Amendment adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer.—14.

Nays—Pres. Walz—1.

Ald. Fischer moved that Section 7 be amended to read as follows:

Section 7. This ordinance shall take effect and be in force on and after ten (10) days from legal publication and shall be binding upon Frank I. Cornwell, his successors and

assigns upon the filing with the city clerk of said city a written acceptance thereof by the said Frank I. Cornwell, and if said notice of acceptance shall not be filed as aforesaid within sixty (60) days, and if said plant is not in operation within two years, after the passage and approval of this ordinance, then this ordinance shall be and become null and void.

Neither this franchise nor any of the rights and privileges thereunder, shall be sold, assigned, or leased to any electric light or power company now located or hereafter located or doing business in the city, so as to in any manner thereby prevent or remove legitimate competition.

Ald. Robinson moved as an amendment to the amendment, that the following be added to Section 7 as read, "And in case this franchise should ever be offered for sale the City of Ann Arbor shall have the first privilege of buying the same."

Amendment to amendment adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

Amendment as amended adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

The chair put the question, "Shall the ordinance pass as amended?"

Adopted as follows:

Yeas—Ald. Gill, Hutzel, Schlenker, Miller, Kearns, Markey, Goodyear, Coon, Robinson, Fischer.—10.

Nays—Ald. Douglas, Schumacher, Bangs, Sherk, Pres. Walz—5.

Ald. Fischer presented an ordinance to amend Sections 3 and 4 of an ordinance entitled, "An ordinance to regulate and control the selling of milk within the City of Ann Arbor,

and to license venders thereof, and to regulate the care of the cows from which milk is sold, and for the inspection and examination of dairies and dairy herds, and of milk." Passed March 14, 1904; approved, March 22, 1904.

Which ordinance was given its first reading by title and passed to its second reading by the following vote: Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—15.

Nays—None.

By Ald. Fischer:—

Resolved that rules 15 and 16 be suspended and the milk ordinance be given its third reading.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—15.

Nays—None.

Ald. Fischer presented the following ordinance for its third reading

AN ORDINANCE.

An ordinance to amend sections three and four of an ordinance entitled, "An ordinance to regulate and control the selling of milk within the City of Ann Arbor, and to license venders thereof and to regulate the care of the cows from which milk is sold, and for the inspection and examination of dairies and dairy herds, and of milk," passed March 14th, 1904, approved March 22, 1904.

The Common Council of the City of Ann Arbor ordain:

Section 1. That Sections three and four of an ordinance entitled, "An ordinance to regulate and control the selling of milk within the City of Ann Arbor, and to license vendors thereof, and to regulate the care of the cows from which milk is sold, and for the inspection and examination of dairies and dairy herds, and of milk," passed

March 14th, 1904, and approved March 22, 1904, be, and the same are hereby amended so as to read as follows:

Section 3. The City Clerk shall not issue any such license unless the applicant therefor presents a statement in writing which shall state fully and explicitly:

First: The name and residence of said applicant.

Second: The name and residence of the driver or person delivering the milk to his customers.

Third: The exact location or place from which said applicant obtains his milk, including the names and locations of all persons from whom he obtains milk.

Fourth: The number of cows in his herd, if a producer in whole or in part and the number of cows in any other herd from which he obtains milk.

Fifth: The manner in which said applicant intends to dispose of his milk when licensed. Said applicant shall also present a written consent from each person from whom he obtains milk, granting permission to the health officer of said City, his representative or any member of the Board of Health of the City of Ann Arbor, free and open access to his or her dairy or premises for the purpose of making an inspection of the premises or herd, and upon the consent of the owner of said herd applying the "Tuberculin test" as hereinafter provided.

Provided, that in case of any sudden or unexpected demand for milk, which may reasonably be expected to exceed the ordinary supply, then, and in that case, any person holding a license as provided for in this ordinance may, and he is hereby authorized to purchase the needed extra supply of any person or persons who will before said milk is sold to said dealer, sign the written consent hereinbefore in this section provided for. And provided further that said dealer or dealers, so purchasing said milk as aforesaid, shall, before distributing or delivering said milk or any portion thereof, present a sample of said milk, so pur-

40
254

chased as aforesaid, to the Health Officer aforesaid, for inspection, and obtain from said Health Officer, a certificate that said milk contains no substances deleterious or dangerous to health.

The City Clerk shall not issue any such license unless the Health Officer is satisfied with the sanitary conditions of the stables and premises where the cows are kept by the applicant and his approval affixed to the application of said applicant. The City Clerk may, at any time, revoke the license of any vender of milk, cream, skimmed milk or butter milk if upon investigation and report of the Health Officer he shall find the herd, stables where the cows are kept, or the condition of the licensee's wagon, vehicle, containant or person, cows or milk offered for sale to be deleterious or dangerous to the public health.

Section 4. It shall be the duty of the City Clerk to enter on the back of each application, the name of the applicant to whom a license has been granted, together with the date thereof, and to keep the same on file and at all times subject to inspection, and it shall be the duty of the milk inspector to cause to be inspected the dairy and dairy herd of every such person so applying for a license, or who has obtained a license and the dairy and dairy herd from which said applicant obtains his milk for sale or consumption within said city without unnecessary delay and to cause to be made by a competent person or persons, under the direction of said inspector whenever in his judgment such examination may be necessary or when ordered so to do by the Common Council or Board of Health, and examination of each and every animal producing milk for sale or consumption within said city belonging to or controlled by said licensee, or by any person or persons from whom said licensee obtains his milk, for the purpose of ascertaining the presence or absence of tuberculosis or any other contagious or infectious disease. The

owner of any dairy herd may ask, demand and require said inspector to make the inspection or examination of his herd, without cost or expense to said owner, what is known as the "Tuberculin test," a diagnostic agent for the detection of tuberculosis in such animals. But no such Tuberculin test shall be made except upon the consent of the owner of such animal or animals. After such inspection and examination for tuberculosis said inspector shall, at the request of the owner of such herd, tag each and every animal so examined, which tag shall state the result of the examination as regards the presence or absence of any contagious or infectious disease. Said owner or the licensee who obtains milk from said owner, may show that said herd has been subjected to said Tuberculin test, either on his delivery wagon, or place of business, for the purpose of advertising the same, and said inspector shall file a report of the result of the examination and inspection, as herein provided for, with the city clerk, which report shall also state what disposition if any has been made by such licensee or the persons from whom said licensee obtains his milk, of the cows which are found to be affected with any contagious or infectious disease, and whether or not any such diseased animals are used for the production of milk to be consumed in said city. Every applicant to at once notify the city clerk and inspector of any change of his location or residence.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

The chair put the question "Shall this ordinance pass?"

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—15.

Nays—None.

Ald. Fischer presented an ordinance

relative to granting licenses to night lunch wagons; which ordinance was given its first reading by title and passed to its second reading by the following vote:

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—15.

Nays—None.

Ald. Fischer presented the following ordinance for its third reading:

AN ORDINANCE.

An Ordinance to provide for licensing and regulating saloons and all places, except drug stores, where spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold or kept for sale at wholesale or retail.

The Common Council of the City of Ann Arbor Ordain:

Section 1. No person shall keep a saloon or other place, except a drug store, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold or kept for sale at wholesale or retail within the limits of the city of Ann Arbor, without having first obtained from the Common Council a license therefor, in the manner hereinafter provided.

Section 2. Every person desiring to keep such a saloon or place shall, before entering upon such business make application in writing therefor to the Common Council, specifying the location of the building in which he intends to keep the same. Such application shall be accompanied by a recommendation signed by at least ten (10) reputable and respectable citizens of this city who are taxpayers in and residents of the ward in which such saloon or place is proposed to be located, certifying that the applicant is well known to them, is well qualified to keep a saloon and is of good reputation, fame, moral character, and an orderly person. Such applicant shall also, before receiving such li-

cense, pay to the City Clerk a fee of one (\$1.00) dollar for issuing such license. Such applicant shall also before such license is issued execute a bond to the City of Ann Arbor in the sum of five hundred (\$500.00) dollars, to be approved by the Common Council, conditioned that he shall keep and maintain an orderly and well regulated saloon during the continuance of such license and shall pay all fines and costs imposed upon him for the violation of any of the provisions of this ordinance. Provided, that such applicant shall have the right and privilege of presenting a surety company bond to said city for said sum and for the said purpose hereinbefore contained.

Section 3. If it shall come to the knowledge of the Common Council that such applicant has been convicted of crime, other than a violation of the liquor law, or that the past management of a saloon by such applicant, or the past reputation of the place where the business is to be carried on, is of such a character as to be a menace to the peace and good order of the neighborhood, said Common Council, through the City Clerk, shall notify such applicant thereof and shall appoint a time and place to ascertain the truth thereof. At such time and place if it shall appear that such applicant has been served with a notice thereof, the Common Council shall proceed to investigate said allegations, and if it shall be made to appear to said Common Council upon such investigation, that said applicant has been theretofore convicted of crime, other than a violation of the liquor law, or that the past management of his saloon by said applicant, or the past reputation of the place where the business is to be carried on is of such a character as to be a menace to the peace and good order of the neighborhood, said Common Council may refuse such application for such license.

Section 4. Any person who shall be found guilty of violating any of the

provisions of this ordinance shall be punished by a fine of not more than one hundred (\$100.00) dollars, or by imprisonment in the Washtenaw jail for a period of time not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten (10) days from legal publication.

Ald. Kearns moved that the part of Section 2, relative to two thousand dollars should be struck out. Ald. Douglas moved as an amendment that the amount of bond be fixed at five hundred dollars in place of two thousand dollars and that the following be added to section 2, "Provided, that such applicant shall have the right and privilege of presenting a surety company bond to said city for said sum, and for the purpose hereinafter contained.

Amendment by Ald. Douglas adopted as follows:

Yeas—Ald. Gill, Douglas, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer—10.

Nays—Ald. Hutzel, Schlenker, Miller, Kearns, Pres. Walz—5.

Ald. Kearns moved that the part of Section 2, relative to the application being signed by twelve citizens be struck out. Ald. Coon moved as an amendment it read ten in place of twelve after the word last in the fifth line.

Amendment by Ald. Coon adopted as follows:

Yeas—Ald. Gill, Douglas, Schumacher, Markey, Sherk, Goodyear, Coon, Robinson, Fischer—9.

Nays—Ald. Hutzel, Schlenker, Miller, Kearns, Bangs, Pres. Walz—6.

The chair put the question, "Shall this ordinance pass as amended?"

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Sherk, Goodyear, Coon, Robinson, Fischer—8.

Nays:—Ald. Hutzel, Schlenker, Miller, Kearns, Markey, Bangs, Pres. Walz.—7.

City Officer's Report.

Ann Arbor, Mich., Apr. 18, 1904. Common Council, City,

Gentlemen:—I herewith submit approximate estimate of cost together with plans for constructing storm water sewer on South Division street, from Hill street to Edwin street, and on Edwin street from Division street to State street:

250 feet concrete sewer, 3 ft.	
6 in. x 5 ft. 6 in. at \$3.50..	\$ 875 00
1600 feet concrete sewer 3 ft.	
6in. x 3 ft. 6 in. at \$2.25..	3600 00
270 ft. 12-in. pipe at 25 c....	67 50
1850 ft. Excavation at 90 c..	1665 00
270 ft. Excavation at 25 c..	67 50
23 Inlets at \$15.00.....	345 00
7 man holes at \$20 00.....	140 00

Total\$6760 00

E. W. GROVES, City Engr.

Ann Arbor, Mich., Apr. 18, 1904. Common Council, City,

Gentlemen:—I herewith submit approximate estimate of cost of extending storm water sewer on Gott street from Hiscock street to Summit street: 530 ft. 24-in. pipe at 95c per

ft.	\$503 50
2 24-in x 12-in. T's at \$3.40 each	6 80
530 feet excavation at 20c per	
ft.	106 00

Total\$616 30

E. W. GROVES, City. Engr.

Ann Arbor, Mich., Apr. 18, 1904. Common Council, City,

Gentlemen:—I herewith submit approximate estimate of cost of constructing concrete sewer from Main street to Madison street, together with plan for sewer:

430 feet concrete sewer, 4 ft.	
6 in. x 8 ft. at \$5.25 per ft..	\$2257 50
430 ft. Excavation at 70c....	301 00

Total\$2558 50

E. W. GROVES, City. Engr.

Referred to sewer committee to report at next meeting.

Ann Arbor, Mich., Apr. 18, 1904. Common Council, City,

Gentlemen:—I herewith submit ap-

proximate estimate of cost of grading approaches to Broadway bridge on the assumption that the bridge is raised four feet:

200 cu. yds. filling at 30c per yd.*	\$60 00
10 rods tar walk at \$4.50 per rod	45 00
<hr/>	
Total	\$105 00

E. W. GROVES, City. Engr.

Moved by Ald. Coon that street committee establish a grade on Broadway.—Carried.

Committee Reports

Ann Arbor, Mich., Apr. 14, 1904.

To the Honorable, the Common Council:

Gentlemen: Your committee on sidewalks to whom was referred the matter of sidewalks on North side of Ann street, between Glenn avenue and Clark street, and also on the east side of Glenn avenue, between Ann and Catherine streets, would respectfully recommend to have a tar walk graded and constructed on the east side of Glenn avenue between Ann and Catherine streets; also on the north side of South University avenue, between Linden and Oxford, and recommend that they be built as per the accompanying resolution. Also, that the City clerk publish in the city papers that all sidewalks that have been ordered built and are now past due, will be built by the city pursuant to law if not attended to by respective owners at once.

Respectfully submitted,
 C. SCHLENKER,
 CHAS. L. MILLER,
 C. W. GILL,
 Committee.

Adopted.

RESOLUTION

By Ald. Schlenker:—

Resolved that the grading and construction of the sidewalks hereinafter mentioned is deemed and declared to be a necessary public improvement; therefore it is hereby ordered that a tar sidewalk be graded, built and constructed on and along the east side of

Glen avenue between Ann and Catherine street; also that a tar sidewalk be graded, built and constructed on and along the north side of South University avenue, between Linden and Oxford streets.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

By Ald. Douglas:—

Resolved that the Health Officer be allowed to appoint a Milk Inspector for one month at \$75 for the time named.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

Bids for sealer of weights and measures outfit received and referred to the Finance committee with power to act.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

RESOLUTIONS

By Ald. Coon:—

Resolved that Elliott K. Heardman, present City Physician, be and is hereby elected to fill the same position the coming year.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

By Ald. Douglas:—

Resolved that John R. Miner be employed to audit the books of City Treasurer and City Clerk at a salary of twenty-five dollars.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

By Ald. Miller:—

Whereas: the Board of Education has determined that thirty thousand dollars will better serve the purposes of the school district for library building, be it

Resolved, by the Common Council of the City of Ann Arbor, that Mr. Andrew Carnegie be requested to increase his gift to that amount.

Resolved, further, in case Mr. Carnegie agrees to the proposition, that, in addition to the pledges made July 6, 1903, the City annually add a thousand dollars to the tax levy to maintain said library.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

By Ald. Schlenker:—

Moved, that liquor bonds be fixed at \$2,000 for the coming year. Ald. Fischer moved as an amendment that they be fixed at \$3,000.

Amendment adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Miller, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—13.

Nays—Ald. Schlenker and Kearns.—2.

By Ald. Coon:—

Whereas in the opinion of the Common Council the building of a storm water sewer on East Washington street from Fifth avenue to Ingalls street is deemed and declared to be a necessary public improvement; therefore,

Resolved, that the matter of the construction of said sewer be and the same is hereby referred to the Board of Public Works with directions to report to the Council with all conven-

ient despatch, suitable plans and specifications for the said proposed improvement; the kind and quality of material to be used therefor, together with an estimate of the probable cost and expense of such improvement.

Carried.

By Ald. Fischer:—

Resolved that the ordinance committee instructed to draft an ordinance relative to moving old buildings.

Adopted.

By Ald. Bangs:—

Resolved that the Michigan Telephone company make the following changes in telephones at the residences of the below named aldermen:

From residence of Willis Johnson to residence of J. W. Markey.

From residence of L. D. Grose to residence of Isaac Sherk.

Adopted.

By Ald. Coon:—

Resolved that the Council hereby tender a vote of thanks to City Treasurer, S. W. Beakes; City Engineer, Edwin W. Groves; and Street Commissioner, Daniel Ross; for the very neat appearance of their annual reports.

Adopted.

Resolution.

By Ald. Gill—

Resolved, That the sentence "Lead or cast iron pipe only shall be used for waste pipes" be added to the plumbing rules in Rule 5, page . . ., line 9, after the words "is prohibited."

Resolved, further, That cellar drains may be connected with the sanitary sewer provided such connection be made with a cast iron trap having a water seal of not less than three feet. Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz.—15.

Nays—None.

Adopted as follows:

Yeas:—Ald. Gill, Douglas, Hutzel, Schlenker, Miller, Kearns, Schumach-

COUNCIL PROCEEDINGS.

15
~~250~~

er Markey, Bangs, Sherk, Goodyear,
Coon, Robinson, Fischer, Pres. Walz.
—15.

built in front of the property at 733
Fountain street.

Nays—None.

Referred to sidewalk committee.

By Ald. Miller:—

On motion the Council adjourned.

Resolved that a sidewalk be ordered

ROSS GRANGER, Clerk.

plumbing rules,