

Council Chamber,
Ann Arbor, Mich., Feb. 20, 1905
Regular Session.

Meeting called to order by Pres Walz.

Present—Ald. Gill, Douglas, Schlenker, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—13.

Absent—Ald. Hutzel and Miller—2
Minutes of previous meetings approved.

Communications.

Communications from City Treasurer received, read and following resolutions offered:

By Ald. Coon—

Resolved, that the sum of \$22.85 be transferred from the contingent fund to Tax Account Lateral Sewer No. 8; that the sum of \$359.60 be transferred from Labor Account of Lateral Sewer No. 10 to Labor Account Lateral Sewer No. 9; that \$9.30 be transferred from Labor Account Lateral Sewer No. 9 to Tax Account Lateral Sewer No. 9; that \$3.04 be transferred from Labor Account Lateral Sewer No. 10 to Tax Account Lateral Sewer No. 10; that \$139.45 be transferred from the Contingent Fund to Labor Account Lateral Sewer No. 10; that \$81.70 be transferred from Labor Account of Paving District No. 3 to Tax Account Paving District No. 3; that \$436.95 be transferred from Labor Account of Paving District No. 3 to the Contingent Fund; that \$85.06 be transferred from the Contingent Fund to Labor Account of Paving District No. 4; that .50 be transferred from Labor Account Paving District No. 5 to Tax Account Paving District No. 5; that \$7.50 be transferred from Labor Account Paving District No. 6 to Tax Account Paving District No. 6.

Resolved further that the City Attorney and City Treasurer be instructed to collect the \$108.17 due Labor District Lateral Sewer No. 9 as per the Treasurer's statement.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Schlenker, Kearns, Schumacher, Markey,

Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—13.

Nays—None.

By Ald. Fischer—

Resolved, that on presentation of bonds on or after March 1st, the City Clerk be instructed to draw warrants for the payment of \$500 principal and \$20 interest on Tax Account Lateral Sewer No. 9; for \$500 principal and \$20 interest in Tax Account Lateral Sewer No. 10; for \$2785 principal and \$668.40 interest on Tax Account Paving District No. 4; for \$1177.90 principal and \$936.96 interest on Tax Account Paving District No. 5; for \$340 principal and \$108.80 interest on Tax Account Paving District No. 6.

Adopted as follows:

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

Nays—None.

Communication from Fire Commissioners:

City Offices,

Ann Arbor, Mich., Feb. 20, 1905.

Meeting of the Fire Commissioners.

Meeting called to order by Pres. Millard.

Present—Pres. Millard, Mr. Seabolt, Mr. Apfel.

By Mr. Apfel—

Resolved, that the Common Council be requested to refer the matter of improvement in present fire protection to a joint committee, composed of the fire committee and commissioners. Said committee to report at next regular meeting of the council. Adopted.

By Mr. Seabolt—

Resolved, that the sense of this commission is that at least 25 more fire hydrants be distributed throughout the city under the supervision of the commission. Adopted.

Adjourned.

ROSS GRANGER, Clerk.

Ald. Fischer moved that communication be accepted and concurred in. Adopted.

Communication from Ald. Douglas:

To the Mayor and Common Council,
Gentlemen:—As my residence after August first will be outside of the ward which I now represent, I herewith tender my resignation, to take effect when my successor shall be elected at the coming regular election.

HENRY W. DOUGLAS.

Received and concurred in.

Report of Committees.

FINANCE.

Ann Arbor, Feb. 20, 1905.

To the Honorable the Common Council

Gentlemen:—Your committee on finance to whom was referred the claim of William Beaubien, would respectfully report that we find him entitled to five days pay, amounting to \$29.15, and he agreeing to accept the same in settlement of all claims against the city to date, we respectfully recommend the payment of said amount, and have included it in the finance report of this date.

H. W. DOUGLAS,
EMMETT COON,
GEO. H. FISCHER,
Committee

Received and accepted.

Ann Arbor, Mich., Feb. 20, 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.

H. W. DOUGLAS,
EMMETT COON,
GEO. H. FISCHER,
Committee.

Street Fund.

William Beaubien, sweeping streets	\$29.15
Joseph Ross, labor	3.50
James Mason, labor	4.95
William Starks, snow plowing	16.00
Lewis Nowland, snow plowing.....	16.00
Bennett French, snow plowing	16.00
John Herrst, snow plowing..	16.00
Herman Marquardt, snow plowing	16.00

George Weeks, snow plowing	12.00
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	\$129.60

Adopted as follows:

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

Nays—None.

CEMETERY.

Ann Arbor, Mich., Feb. 20, 1905

To the Honorable the Common Council.

Gentlemen:—Your committee on cemetery have had the matter of hiring a sexton for Fairview Cemetery under consideration and recommend that the services of L. D. Grose be secured for one year at a salary of \$350.00 per year the said L. D. Grose also agrees to furnish a horse whenever necessary in connection with his work in said cemetery without extra charge.

I. L. SHERK,
O. L. ROBINSON,
Committee.

Adopted as follows:

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

Nays—None.

Unfinished Business.

By Ald. Goodyear—

Whereas, For a long period of time there has been much dissatisfaction existing in this city in regard to the water supply thereof; and

Whereas, Complaints have been made that the Ann Arbor Water Co. have charged excessive rates, made arbitrary regulations, furnished unwholesome water, at insufficient pressure; and

Whereas, Differences have arisen between the city and the Water Co. as to the rights of the city, and the duty of the Water Co., arising under its contract with the city; and

Whereas, Petitions have been filed with this body, suggesting various remedies and urging the adoption of various lines of action; and

Whereas, It is admitted by the

counsel of the Water Co. that the city may recoup itself for any damages suffered by it by failure of the Water Co. to comply with its contract, by deducting the amount thereof from any sums alleged to be due the Water Co., for services heretofore rendered; and

Whereas, It is understood that the city attorney and some of the members of this council are interested in the Water Co.; and

Whereas, It seems best for all concerned to have the whole subject fully investigated and reported on with recommendations, by a special committee, composed of persons as nearly disinterested as possible;

Therefore, Be it resolved by the Common Council of the City of Ann Arbor, as follows:

1. That a joint committee, composed of seven members of this council who hold over after the next election, and the following persons, citizens of the city, Henry S. Dean, Crenus G. Darling, Gottlob Luick, Israel C. Russell, B. Frank Olinger, Horace L. Wigus, and Joseph B. Davis, be appointed to investigate fully the whole situation relative to the water supply of the city, and at such time as is possible to report to this body with recommendations.

2. That such joint committee be specially directed to enquire into and report upon, with recommendations,

(1). The legal rights of the city and the inhabitants thereof, and the legal duties of the Water Co. under its contract with the city, with the best methods of protecting the former and enforcing the latter;

(2). Whether or not, and if so to what extent and in what particulars, the Company has heretofore violated, or is now violating, its duties to the city or its inhabitants;

(3). The present, and all available, sources of supply of water to the city, together with the geological, sanitary, and other qualities and conditions connected therewith;

(4). The power and authority of the city to construct water works of

its own, and the best method of proceeding therein;

(5). The probable cost of constructing new and up-to-date works adequate to the satisfactory present and future supply of the city and its inhabitants, and for adequate fire protection;

(6). The probable expense of operating the same;

(7). The probable rates at which water could then be furnished to the city and its inhabitants;

(8). The fair and reasonable value of the plant of the present Water Co.;

(9). The probable cost of making it adequate to the present and future needs of the city and its inhabitants;

(10). What would be reasonable rates to be charged by such company should the works be so perfected;

(11). The price at which such works could be purchased;

(12). Such other matters relative to the supply of the city and the inhabitants with water as to such committee shall seem necessary or desirable.

3. That said committee shall have authority to ask any justice of the peace, and the request of the council to comply therewith is hereby made, to issue subpoenas or process of warrant to compel the attendance of persons and the production of books and papers before said committee and said committee may compel witnesses to testify, and the chairman thereof may administer the necessary oaths.

4. That the payment of all bills alleged to be due to the Water Co., by the city, be deferred until report by said committee as to the rights of the city therein be made to this body, and further action taken thereon.

5. That this body deems the view taken by the president of the Water Co., and communicated, by the authority of the board of directors thereof, to this body at its last meeting, to be virtual repudiation of the duties of such company under its

contract with the city, and as notice to the city of an intention to abandon the full performance of such continuing duties by said company, and the city is thereby released from all further obligations to such company thereunder.

6. That during the investigation above ordered, the supply of water by the company, and the acceptance thereof by the city, shall in no way affect the right of the city to claim it has been released from the provisions of the contract heretofore existing by the action of said company, or to annul and cancel the same, and to revoke all the alleged exclusive rights claimed thereunder by such company, if the facts when fully ascertained shall, in the judgment of this council justify such action.

7. That said committee may hold their meetings with open or closed doors as to them shall be deemed best, but they shall keep a complete record of their proceedings, and a copy thereof shall be deposited with the city clerk along with the report and recommendations of the committee, when their work is completed.

8. That a copy of these resolutions be given to said Water Co., and that it shall be given such opportunity to be heard before the committee hereby appointed as it shall choose to accept.

Ald Fischer offered a substitute resolution which was not supported.

Ald. Schlenker offered the following substitute:

Resolved, that the junior members of the council be appointed a committee to confer with the Ann Arbor Water Company, in order to make a final settlement and purchasing their plant.

Lost as follows:

Yeas—Ald. Schlenker, Kearns, Markey—2.

Nays—Ald. Gill, Douglas, Schumacher, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—10.

Ald. Fischer offered an amendment to the original resolution as follows. That the committee be reduced to

seven—composed of four aldermen and three citizens to be appointed by the council.

Lost as follows—

Yeas—Ald. Douglas, Schlenker, Kearns, Markey, Fischer, Pres. Walz—6.

Nays—Ald. Gill, Schumacher, Bangs, Sherk, Goodyear, Coon, Robinson—7.

By Ald. Douglas—

Resolved, that the committee named in resolution be changed by substituting the name of Mr. Copeland for Mr. Dean and Mr. Bogle for Mr. Wilgus.

Lost as follows—

Yeas—Ald. Douglas, Schlenker, Kearns, Markey, Fischer, Pres. Walz—6.

Nays—Ald. Gill, Schumacher, Bangs, Sherk, Goodyear, Coon, Robinson—7.

By Ald. Fischer—

Resolved, that the original resolution be amended by adding the name of Dr. Royal S. Copeland to the committee named therein.

Adopted as follows:

Yeas—Ald. Douglas, Schlenker, Kearns, Markey, Robinson, Fischer, Pres. Walz—7.

Nays—Ald. Gill, Schumacher, Bangs, Sherk, Goodyear, Coon—6.

The original resolution as amended was then adopted as follows:

Yeas—Ald. Gill, Douglas, Kearns, Schumacher, Markey, Bangs, Sherk, Goodyear, Coon, Robinson, Fischer, Pres. Walz—12.

Nays—Ald. Schlenker—1.

Resolution.

By Ald. Fischer—

Resolved that the report of Riggs & Sherman on file in the City Clerk's office be published in the Ann Arbor Daily Times and Daily Argus.

Adopted as follows:

Yeas—Ald. Douglas, Schlenker, Kearns, Schumacher, Markey, Bangs, Sherk, Robinson, Fischer, Pres. Walz—10.

Nays—Ald. Gill, Goodyear, Coon—2.

Ald. Coon called attention to the fact that the Board of Public Works

had not as yet made their annual report and the clerk was requested to call the Board's attention to the fact.

On motion the council adjourned.

ROSS GRANGER,

Clerk.