

COMMON COUNCIL—July 19, 1909.

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COUNCIL CHAMBER.

Council Chamber,

Ann Arbor, Mich., July 19th, 1909.

Regular Session.

Meeting called to order by Pres. Mills.

Present: Ald. Murray, Sweet, Staffan, Pipp, Manwaring, Blaich, Lutz, Paton, Pres. Mills, 9.

Absent: Ald. Georg, Stark, Hochrein, St. James, Sherk, Smith, 6.

Minutes of previous meeting approved.

COMMUNICATIONS.

From Board of Public Works.

By Mr. Mummery: Resolved, that inasmuch as there were no bids received for paving Maynard street, between Liberty and William streets, the Board recommends to the Council that the city construct same according to section 137 of the charter.

By Ald. Staffan: Resolved, that the report of the Board of Public Works and the recommendation therein contained in reference to the paving of Maynard street from Liberty to William streets be concurred in.

Resolved, further, that the Board of Public Works are hereby directed to pave said street according to plans and specifications duly approved by the Common Council, July 6th, 1909.

Adopted as follows: Yeas—Ald. Murray, Sweet, Staffan, Pipp, Manwaring, Blaich, Lutz, Paton, Pres. Mills, 9. Nays—None.

From H. H. Herbst.

Ann Arbor, Mich., July 15, 1909.

To the Honorable President and Members of the Common Council of Ann Arbor:

Gentlemen—There are few cities which equal Ann Arbor for beauty. Few, of its size, which afford better means of living for the average person, and, with but one serious objection, there are few cities so desirable to live in as this city. The one serious objection is, that we are rapidly gaining the reputation of being the dustiest city in the country. What does this mean to us who live here?

There are various forms of refuse and poisonous matters which gather on the streets, which vehicles grind into fine dust, and which the winds, automobiles, and other conveyances scatter in every direction, a menace to our health and comfort. Unless we find an immediate remedy for this, our attractive city, instead of being a place for visitors to seek, will be one to be shunned on account of this disagreeable feature.

Permit me, then, to make a few sug-

gestions. First, every street within a reasonable distance from the center of the city should be thoroughly sprinkled.

The rapid increase of the use of automobiles, which is destined to become more numerous each year, is to a large extent responsible for this dust nuisance. The automobiles, therefore, should be taxed to an extent sufficient to pay for its share of this dust evil which it creates. The other portion of the cost for sprinkling should be taxed against the property abutting the streets which are sprinkled; possibly the city might bear a portion of this expense. How this shall be done, and what proportion each should stand, can well be left to the good judgment of the council.

Few of us realize how rapidly Ann Arbor has grown within the last few years. One can easily predict that we will have from 35,000 to 50,000 people within the next ten years. We are no more a country village, but are fast growing into a cosmopolitan city. Few cities of the size of ours in the land would allow this obnoxious and dangerous dust to fly through their main streets as we do.

Second: All of our principal streets should be paved. There are always, in every community, a number of narrow, unprogressive, and selfish persons, who block every improvement to a growing city, for fear it may cost them a few dollars. Some method should be devised to check this selfishness and opposition to our growth and prosperity.

In my judgment, the covering and saturation of the pavements with tar, as was done on some of our streets, is a beneficial measure. It deadens the noise, prevents scattering of dust, and adds to the life of the pavement.

Third: The authorities should take stringent measures to stop the criminal speed of the "fool automobilist." There is no justification for this dangerous practice, and it can be stopped if those in authority take proper measures to stop it.

Very truly yours,

H. H. HERBST.

Received and ordered on file.

(Enter Ald. Georg.)

Statement Concerning the Alley South of Property at 1702 Israel Avenue, Ann Arbor, Michigan.

This property was purchased by the undersigned about nine years ago, from Mrs. Olivia Hall. At the time of the purchase the plot on file in the recorder's office showed a twenty-foot

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alley south of the property. As purchaser, I wished to have the alley closed at the time of the purchase, and to add the twenty feet to my lot, but Mrs. Hall and her son, E. B. Hall, refused to permit the closing of the alley, on the ground that the plot had been recently accepted by the council, and that the council could not be induced to change it.

In acquiring the lot, I acquired, if I am correctly advised, a right in the alley. This right extends not only over half the alley, but over the whole of it. It is the right to have twenty feet of clear ground to the south of my lot, and to have access to my lot over the whole of this ground, if I so choose. I have used this alley for many years, to gain access to my property. While the council may have the right to devote the alley to other public uses than that of an alley, while it might have the right to sell the alley, and place the proceeds in the public treasury, I seriously question the right of the council to take this land from one private citizen and give it to another.

The claim that the alley should revert to the Hall estate, because it has not been used as an alley, will not stand, for I have myself used it for that purpose, from time to time, for all the period of my occupancy of the premises. I believe that the right of the public to use the alley as an alley has thus been conserved. This right should be abrogated by the council, only with the consent of all abutting property owners.

The present attempt is the second that has been made to close this alley, without my knowledge or consent. In the first a document was drawn transferring to the Hall estate, (or to Mrs. Olivia Hall), the alley running south from Israel avenue toward Wells street, "and between Lincoln ave. and Martin sts." This document was brought to me by the attorney of Mrs. Hall, with the statement that the description applied only to the north and south alley, and that the words "and between Lincoln ave. and Martin sts." was meant to indicate the location of their north and south alley, and not to include the east and west alley south of my property. As the description obviously included the alley back of my property, I objected to the document, and it was modified and passed by the council with the words "and between Lincoln ave. and Martin sts." omitted. The present attempt appears to be along the same line, and is timed during my engage-

ment as director of the University Biological Station at Douglas lake. It is impossible for me to leave my duties to look after the matter in person.

The statement is made in the Ann Arbor Times News of July 7th, that "there are a whole lot of people who want to buy this property, and make hundreds of dollars in improvements, and they cannot afford to wait because of a little garden patch."

Dr. Louis Hall knows, from my statements to him, that I have no objection to the closing of the alley, provided my rights to twenty feet of clear ground, south of my property, is conserved. I understand it to be the custom of the council, when an alley is ordered closed, to transfer half of it to each of the owners of abutting property. In case of the closure of the alley half of that part that lies south of my property, i. e. a strip 10 x 71 ft., should come to me, and the other half should go to the Hall estate. My rights extend, however, to that part of the alley which would go to the Hall estate, and their rights extend to the part which would pass to me. I am willing to yield my right in the alley to the east of my lot (for that right extends over the whole alley), provided I may obtain possession of the whole of that part of the alley which lies south of my property.

Dr. Hall has once in person, and once through an agent, offered to sell me the south half of that part of the alley that lies south of my property; and this in spite of the fact that it is the property of the city. He wished me to pay him for the strip at a front-foot valuation, placed by himself, on the lot immediately to the south of the alley. As the strip extends but half the depth of the lot, I did not see my way to purchase it at a front-foot rate, as I would thereby pay for twice as much land as I should get. The front-foot rate demanded was, moreover, as it seemed to me, about twice what it should have been.

I suggest as the simplest way out of the difficulty, that the council close this alley, and transfer to me the whole strip, 10x71 ft., south of my property; that this transfer be conditioned on the payment by me to Dr. Hall, or the Hall estate, of a fair price for the half of the strip that would revert to the Hall estate, said price to be fixed by a committee of the council. I am quite willing to pay a square foot rate on the valuation by the council of the lot on Lincoln ave., next to the south of my property. The city assessor should know this valuation. The

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transaction would be simplified if I take title from the city, rather than from the Hall estate.

JACOB REIGHARD.

From Jacob Reighard.

Communication from Jacob Reighard received, ordered on file and following resolution offered:

By Ald. Paton: Resolved, that when the Hall estate and Prof. Reighard agree on a price of south 10 feet of west 71 feet of said alley, the Council will order deed to Reighard of west 71 feet of alley, and balance of alley to Martin street to Hall estate.

Moved by Ald. Manwaring, as substitute, that the matter be referred to the Street committee, which was adopted as follows:

Yeas—Ald. Georg, Murray, Sweet, Staffan, Pipp, Manwaring, Blaich, Lutz, Pres. Mills, 9. Nays—Ald. Paton, 1.

From Company I, M. N. G.

July 9th, 1909.

The Common Council of the city of Ann Arbor having taken such action at their last meeting that will enable this company to secure one of the new state armories, be it therefore

Resolved, that this company of the Michigan National Guard hereby takes this method of thanking the Mayor, the Common Council and the citizens of Ann Arbor for their generous interest in the welfare of this particular company, and of the National Guard in general. The incentive to prepare the present members, and those who will become members, for intelligent service to the government will be greatly increased by the possession of a building erected especially for the purpose.

Be it further resolved, that a room be prepared, about 30 feet square, and with a separate outside entrance from the basement of the new building, for the perpetual use of the city as a caucus room, for voting booths for the Fourth ward, or for such other purpose as the city council may direct. This with the consent of the State Military Board.

Further, that copies of these resolutions be sent to the city council and to the Adjutant General for approval. The Company Council, Co. I, First Inf., M. N. G. (Ann Arbor Light Infantry.)

Signed: A. C. Pack, pres.; Conrad G. Lucas, secy.; A. C. Warren, treas.; Arthur Volland, member; Robert Taylor, member; Fred C. Hauser, member.

Moved by Ald. Manwaring, that the offer of Company I be accepted.

Adopted by unanimous vote of those present, 10.

PETITIONS.

Of J. Wellman, et al., relative to grading up Greenwood avenue, between E. University avenue and Packard street, received and referred to the Street committee.

Of Robert Gillard, et al., relative to sewer on Fuller street, from State street to Glen avenue, received and referred to Sewer committee.

Of Fred Weid, et al., relative to fire protection between South Main street, South Fourth avenue, Hill and Philip streets, received and referred to Water committee.

Of Frank A. Stivers, relative to filling in Oswego street to grade, received and referred to Street committee.

COMMITTEE REPORTS.

Finance Report.

Ann Arbor, Mich., July 19, 1909. To the Honorable the Common Council.

Gentlemen:—Your finance committee have had the city bills under consideration and recommend their allowance and warrants drawn for the following amounts.

Geo. Blaich, Wm. H. Murray,

Finance Committee.

Fire Fund.

Charles Andrews, salary.....	\$ 37.50
Eugene Williams, salary.....	33.00
Dean Seabolt, salary.....	33.00
Ralph Edwards, salary.....	33.00
Henry McLaren, salary.....	31.25
Fred Jolly, salary.....	31.25
Herman Kirn, salary.....	30.00
Geo. Hoelzle, salary.....	30.00
Rex Burnett, salary.....	30.00
Jacob Gwinner, salary.....	30.00
Wm. Beranek, salary.....	30.00
Max Wittlinger, salary.....	30.00
Arthur Clark, salary.....	27.50
Dow Golden, salary.....	27.50
Arch. Waggott, salary.....	27.50
Frank Mark ey, salary.....	27.50
Geo. Holzhauer, salary.....	25.00
James Sumner, salary.....	25.00
Chas. Carroll, salary.....	20.00
Frank Kapp, salary.....	20.00

Total salaries for ½ month

of July..... \$579.00

Police Fund.

Theo. C. Apfel, salary.....	\$ 41.66
John O'Mara, salary.....	34.00
Taos. O'Brien, salary.....	30.00
Zenus Sweet, salary.....	30.00
Matthew Max, salary.....	30.00
Geo. Schanz, salary.....	30.00
Wm. Blackburn, salary.....	30.00

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M. J. Martin, salary ..... 30.00  
 Don. McIntyre, salary ..... 20.00

Total salaries for ½ month  
 of July .....\$275.66

**Park Fund.**

M. Bowen, labor ..... \$12.60  
 G. R. Bradley, labor ..... 3.20  
 Wm. Burns, labor ..... 23.50  
 Chas. Huddy, labor ..... 5.00  
 W. J. Randel, labor..... 25.00  
 Chas. Niethammer, team ..... 4.50

Total Park fund ..... \$73.80

**Street Fund.**

Wm. Graf, labor ..... \$9.00  
 Raymond Kefferstein, labor .. 3.60  
 Harold Koon, labor ..... 1.80  
 Wm. Kuehn, labor ..... 6.75  
 John Radford, labor ..... 14.30  
 Wm. Wheeler, labor ..... 8.10  
 W. L. Henderson, team ..... 32.45  
 John McHugh, team ..... 30.46

Total Street fund ..... \$106.46

**Sidewalk Fund.**

John Radford, labor ..... \$4.40  
 John McHugh, team ..... 11.12

Total Sidewalk fund ..... \$15.52

**Bridge, Culvert & Crosswalk Fund.**

Tom. Allen, labor ..... \$2.10  
 Lewis Armstrong, labor ..... 17.40  
 Wm. Benjamin, labor ..... 19.20  
 Ralph Burg, labor ..... 19.20  
 Wm. Bury, labor ..... 22.63  
 R. M. Caughey, labor ..... 14.22  
 Fletcher Clemo, labor ..... 3.60  
 Harvey Cornwell, labor ..... 6.60  
 John Desmond, labor ..... 3.60  
 Floyd Eldert, labor ..... 11.80  
 Wm. Essery, labor ..... 18.20  
 F. L. Feiner, labor ..... 12.00  
 P. H. Foley, labor ..... 3.60  
 Wm. Graf, labor ..... 13.60  
 Michael Herey, labor ..... 11.70  
 Chas. Herman, labor ..... 3.60  
 Michael Hession, labor ..... 22.80  
 Michael Hession, labor (work  
 in June) ..... 2.60  
 Michael Hession, Jr., labor.... 3.40  
 S. P. Hill, labor ..... 3.60  
 Wm. August Hintz, labor ... 19.00  
 John Holka, labor ..... 19.20  
 Kenneth Keith, labor ..... 6.60  
 Lawrence Kuehn, labor ..... 3.60  
 Wm. Kuehn, labor ..... 17.00  
 Chris. Larmee, labor ..... 19.20  
 Edwin Mann, labor ..... 10.00  
 Jas. Mason, labor ..... 25.75  
 Wm. Mason, labor ..... 19.50  
 August Redies, labor ..... 13.80  
 Paul A. Reule, labor ..... 16.50  
 Delos Rice, labor ..... 19.20  
 Edgar Roper, labor ..... 5.10  
 Bernard Salisbury, labor ..... 3.60  
 Emit Schlenker, labor ..... 3.60

E. L. Schneider, labor ..... 4.00  
 Glen Smith, labor ..... 3.60  
 John Staebler, labor ..... 11.40  
 Fred Ullrich, labor ..... 24.00  
 Irwin Wanzeck, labor ..... 3.20  
 John Weinman, labor ..... 19.20  
 Walter Wickliffe, labor ..... 3.60  
 Harold Wilson, labor ..... 15.40  
 George Wisner, labor ..... 3.60  
 John Groff, team ..... 8.00  
 W. L. Henderson, team ..... 12.00  
 Chas. Niethammer, team ..... 16.00  
 Mrs. M. A. Sweney, team ... 26.23  
 Joe Wallaker, team ..... 39.34  
 Marion Wheelock, team ..... 31.67

**Bridge, Cul & Crosswalk fund**

total ..... \$638.34

**Recapitulation.**

Fire fund ..... \$579.00  
 Police fund ..... 275.65  
 Park fund ..... 73.80  
 Street fund ..... 106.46  
 Sidewalk fund ..... 15.52  
 Bridge, Cul. & Crosswalk ... 638.34

Total .....\$1,688.78

Approved and respectfully submitted to the finance committee.

**ROSS GRANGER, City Clerk.**

Finance report adopted as follows:

Yeas—Ald. Georg, Murray, Sweet, Stefan, Pipp, Manwaring, Blach, Lutz, Paton, Pres. Mills, 10. Nays—None.

**Street Committee.**

To the Common Council of the City of Ann Arbor:

Gentlemen—Your committee, to whom was referred the question of sprinkling Detroit street, respectfully recommend that that street, and other streets over which the street railway operates, be formed into sprinkling districts, so that at any time a majority of the foot frontage owners of the taxable lands in each district petition for it, these streets shall be sprinkled. The street railway company has agreed to sprinkle its portion of any street occupied by its tracks at any time when sprinkling regulations are put into effect on those streets.

Under the law, the city cannot compel the street railway company to sprinkle the entire street, neither can the city tax property in other parts of the city for sprinkling streets on which the street railway company operate its lines.

Therefore, we make the above recommendation in order that the people of any district may have sprinkling when they petition for it.

A. H. Paton, E. B. Manwaring, Geo. Blach, Henry G. Pipp, C. L. Staffan.

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Ald. Paton moved the adoption of the report.

Adopted as follows: Yeas—Ald. Georg, Murray, Sweet, Staffan, Pipp, Manwaring, Blaich, Lutz, Paton, Pres. Mills, 10. Nays—None.

Moved by Ald. Paton, that the Assessor be ordered to prepare sprinkling districts as per Street committee's report. Adopted.

Water Committee.

Moved by Ald. Manwaring, that Water committee be given power to act as to taking water from springs direct to drinking fountain.

Adopted as follows: Yeas—Ald. Georg, Murray, Sweet, Staffan, Pipp, Manwaring, Blaich, Lutz, Paton, Pres. Mills, 10. Nays—None.

OFFICER'S REPORT.

Comptroller's Report.

Ann Arbor, Mich., July 19th, 1909.

To the Honorable the Common Council:

Gentlemen—Two years ago this month I recommended arrangement of funds by ordinance to properly meet the needs of the city, but before the committee to whom the matter was referred could act, talk of changes in the constitution started and it was thought best to postpone action.

If funds are properly arranged and money proposition straightened out, I am sure the Council can act on proposed improvements as presented to great deal better advantage. My experience is that this, and preceding Councils since I have held office, have acted free and above board for the good of the city and believe in economy, genuine economy, not a false economy to keep taxes down simply for political purposes to the future detriment of our state, county or city. Due care should of course be taken in all expenditures and no unusual improvement made without a vote of the people. The following figures should be of interest:

The natural increase in expense of running the city, outside the street repairs and improvements, construction of crosswalks, culverts, sidewalk grades, extensions, care of city poor, care of horses, printing and other contingent expenses, is shown in report of actual contracts July 1st, 1908, and July 1st, 1909. (on 268B)

I recommend that there be an ordinance passed designating the funds into which the general tax upon all property of the city shall be divided, according to section 172 of the charter. The amount to be raised by tax for each fund should be adequate and I further recommend that the tax levy, as provided in section 171, be changed

to three-quarters of one per cent and that a provision be made whereby an amount, not to exceed \$5,000, shall be raised for the necessary construction and repair of bridges, culverts and crosswalks and providing that this be the limit of amount to be held in the said fund at any one time and no transfer shall take place from this fund to any other city or district fund. As six new culverts will have been constructed at end of present year and before this change can possibly be made, the city will be in a position to properly take care of necessities in this line without further appropriation and it is more than likely that the full amount of appropriation will not be necessary after first year. If this is carried out, taxes should not be any higher than they are at present and the city can make the necessary improvements demanded by the citizens without fear of undue criticism. This is a business proposition of importance and should be figured out by a committee from the council and presented to the people for a vote, according to the new constitution as I understand it.

Although the receipts and expenditures in detail, together with the general action of the council, are published in the city paper twice each month, I fear that a great many of our citizens do not keep posted as to the facts relative to the running of the city business. I wish to add that there is no possibility, within the next few years, of the natural increase in assessments keeping pace with natural increase of expenses necessary to keep the city advancing. All successful business men keep their business up by making improvements demanded by the times. The city cannot afford to be an exception.

I respectfully submit the foregoing and consider it my duty according to the charter.

ROSS GRANGER.

City Comptroller and Clerk.

Moved by Ald. Murray, that the recommendations of Clerk be referred to committee of three, to be appointed by the chair.

Adopted as follows: Yeas—Ald. Georg, Murray, Sweet, Staffan, Pipp, Manwaring, Blaich, Lutz, Paton, Pres. Mills, 10. Nays—None.

Ald. Manwaring, Murray and Blaich appointed on committee.

Moved by Ald. Manwaring, that the Cemetery committee proceed to have lots in Fair View cemetery properly staked out.

Adopted as follows: Yeas—Ald. Georg, Murray, Sweet, Staffan, Pipp,



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Manwaring, Blalch, Lutz, Paton, Pres. Mills, 10. Nays—None.  
 Moved by Ald. Manwaring, that the matter of Ann Arbor railroad's proposed changes on the north side be re-

ferred to the Railway and Street committees. Adopted.

The Council adjourned.

ROSS GRANGER, Clerk.

City Funds.	Liabilities Contracted July 1, 1908.	Liabilities Contracted July 1, 1909.	Increase.
Contingent .....	\$14,314.84	\$15,639.84	\$1,325.00
City Cemetery .....	349.92	360.00	10.08
Fire Department .....	13,824.00	15,486.00	1,662.00
Poor .....	120.00	120.00	
Police .....	6,519.84	6,615.84	96.00
Park .....	390.00	1,277.23	887.23
Water .....	8,435.00	8,560.00	125.00
Street Lighting .....	12,820.44	13,805.00	984.56
<b>Total .....</b>	<b>\$56,774.04</b>	<b>\$61,863.91</b>	<b>\$5,089.87</b>