

A. J. Burt..... 180 30  
 Mrs. William Gilbert..... 245 15  
 J. Lippman..... 162 00  
 Mount & Griffin..... 3614 84

Paving and a dozen other matters came up and it was midnight when the members left the heated Council chamber and sought the open air.

A special session of the City Council was held last night. In the absence of President Loofbourow Councilman Ewing was called to the chair. The members in attendance were: Rich, Folland, Hardy, Moran, Bell, Evans, Simondi, Lawson, Wantland, Heiss.

#### RETURNED UNAPPROVED.

The garbage ordinance recently passed by the City Council was returned by the mayor unapproved and referred to the sanitary committee for revision.

#### SIDEWALK CONSTRUCTION.

Wantland offered a resolution providing that the city attorney report an ordinance to the Council providing for the payment of taxes on sidewalk construction to be paid for in four installments of three, nine, fifteen and twenty-one months. Adopted.

#### REQUESTED TO REPORT.

Wantland moved that the special committee consisting of the city engineer, superintendent of waterworks, be requested to report concerning the steps necessary to be taken to replace the waters of the Salt Lake and Jordan canal north of Ninth South street. Adopted.

#### AMENDED SPRINKLING ORDINANCE.

An ordinance amending Section 1 an ordinance creating Sprinkling District No. 1 and defining its boundaries was passed. The amendment added is the addition of the following: Third West street from the south line of North Temple street to the north line of First South street and the same is hereby made a part of District No. 1.

#### CENTER STREET RAILWAY.

The committee on streets reported that the cost of grading Center street to the level of the west sidewalk was estimated by the city engineer at \$2,400. Also that the Street Car Company offers to pay \$750 of the amount. The committee recommended that the street supervisor be directed to grade the street under the direction of the city engineer and that the street car company be requested to place its tracks in the middle of the street.

Moran—I am dead against this report and the proposition on general principles. If the petition is granted deep cuts will be made and as a result retaining walls will have to be built.

Hardy—The proposition is an excellent one. The gravel taken from the cut can be used to good advantage in other parts of the city.

Lawson—I believe we should be careful in regard to this matter. I understand that the cut will be at least fifteen feet deep. I move that it be referred to the city attorney for an opinion as to the legality of constructing retaining walls at that point, should it be considered necessary.

The city attorney explained that he had already delivered an opinion on that subject and that the city was not necessarily obliged to construct retaining walls.

Bell—Mr. Hardy lives in that pre-

dict and I know him to be pretty well acquainted on street matters, and am willing to accept his representation of the case.

The report was adopted on the following vote:

Ayes—Bell, Evans, Ewing, Folland, Hardy, Heiss, Horn, Rich, Simondi, Wantland.

Noes—Moran, Lawson.

#### PAVING TAX PROTEST.

Hardy presented a protest from a large number of prominent citizens and property owners representing 4554 feet on Main, First and Second South streets property, against the payment of the first installment of the paving tax on August 21st, and asking that the first installment be made payable about ten days before the date when the city shall make its first payment to the contractors on said works.

Moran—I move that the petition be granted.

Wantland moved to amend by referring it to the city attorney and city engineer assistant for recommendation.

The total assessment is \$120,000.

Some discussion of a desultory character followed, after which the original motion carried.

#### PUBLIC GROUNDS.

Heiss offered the following:

Whereas, It is reported that a number of lots and pieces of ground belonging to the city are now in the possession of divers and sundry persons who may acquire title to the same by adverse possession, therefore, be it

Resolved, That the city engineer be and hereby is authorized to employ some competent person to visit each piece of ground owned by the city and find out who occupies and what particular pieces of ground, lot or part of lot are so occupied.

Adopted.

#### REVISED ORDINANCES.

The recorder announced that the table was cleared of all the old business.

Bell then moved that the city ordinances recently re-arranged be referred to the committee on municipal laws, and the city attorney associated for general revision.

Wantland opposed the motion to refer to any committee.

Folland contended that it would be a better plan for the Council to consider the ordinance in open meeting, chapter by chapter. The members would thus have an opportunity of familiarizing themselves with the law.

#### MR. LIPPMAN'S EXPLANATION.

Mr. Lippman said he had followed the general outline of the Omaha ordinances in revising the city statutes. Up to date there were 58 chapters, all alphabetically arranged. The recent paving ordinance and the new eight hour labor law would of course be added, making all told a book of sixty chapters.

Wherever he found a conflict in the law he had noted it, and would call the attention of the Council to the same as read.

In regard to the liquor law, he called attention to the fact that the Territorial Legislature had, in 1882, passed a general liquor law. The city adopted this into its ordinances. In 1884 the Territorial Legislature adopted a new liquor law. The Council had never

adopted this, but was acting under the old law.

Mr. Lippman said that there was no law for the appointment of a police justice prior to March 4th, 1892. The general Territorial law prior to that time provided that five justices of the peace should be elected, and that the Council had, without any warrant in law, been designating one of these justices to act as police justice. The last Legislature, however, enacted a law providing that but one city justice should be elected for the city at large. He then mentioned quite a number of other inaccuracies, to which he would call attention as the ordinances were read.

It was then moved that the ordinances as read stand approved if no objections were entered. Adopted.

#### THE ORDINANCES TAKEN UP.

It was nearly 10 o'clock when the reading of the new compilation of laws was commenced by Mr. Lippman. When the subject of the appointment of officers was reached, Lawson moved that the law be amended to make the incumbency of officers subject to the pleasure of the Council instead of two years.

Rich seconded the motion. He believed the proposition was a good one as officers sometimes were appointed whose conduct could not be condoned by the city.

Mr. Lippman suggested that the charter provided that appointees to office could retain their position for two years.

Rich amended by moving that the exact words of the charter bearing on the subject be incorporated in the ordinance.

Lawson seconded the motion.

The city attorney read from the charter "that any officer can be removed from office by a two-third vote in the discretion of the City Council." "This can be done with or without cause."

Rich contended that the word "cause" wherever it appeared should be stricken out. There were many good reasons why this should be done. For instance, a policeman under the old law—no matter how objectionable he might be—could find apparent sanction in the statutes that his appointment was good for two years and he could hold his office that long and thus cause the Council a great deal of trouble. The city ordinances should be such that any officer could be removed at the pleasure of the City Council.

A special meeting of the City Council was held last night. President Loofbourow having returned from Tintio occupied the chair.

Roll call showed the following members present: Rich, Hardy, Folland, Horn, Bell, Lawson, Heiss, Simondi, Evans, Moran.

The revision of the new compilation of city ordinances was taken up, the question of appointment and removal of officers being first considered.

#### "CAUSE" STRICKEN OUT.

Rich moved to strike out the words "and no officer shall be removed except for cause" and incorporate the following in the ordinance from the city charter: "All officers appointed by the Council may be removed at any time by vote at discretion of two thirds of said Council; and any officer may be