

CITY COUNCIL PROCEEDINGS

South Sixteenth Viaduct Comes Up for Consideration.

ONE MORE CONFERENCE IS PROPOSED

By Resolution the City Attorney is Instructed to Press the Collection of Claims Against the Railroad Companies.

The much-talked about Sixteenth street viaduct did not occupy much attention at the council meeting Tuesday night.

The matter came up once in the shape of a veto from the mayor, disapproving the resolution passed a week ago.

Councilman Bingham stated that the resolution did not interfere with anything the council had in mind to do.

Lobeck Wants to Wait. Councilman Lobeck also proved to be a new and vigorous supporter of retention of the present structure until the railroads are ready to build the other, although he did not wish to be considered opposed to the viaduct.

Stuart and Mercer tried without success to point out the somewhat inconsistent position of the council if it persisted in re-adopting the resolution.

The following ordinances were introduced, read a first and second time and referred: Curbing Twenty-second from Grace to Lake streets; paving Twenty-second from Leavenworth to Mason streets; establishing the grade of Eleventh from Fredrick to Valley streets; vacating a portion of the north thirty-eight feet of Nicholas between Twelfth and Thirteenth streets.

The following ordinance was passed on this reading: Authorizing the issuance of \$25,000 of the \$50,000 paving bonds and a similar amount of the \$50,000 sewer bonds at the last election; changing the curb line on Howard between Twenty-seventh and Twenty-eighth streets; paving Twenty-second from Leavenworth to Mason streets; establishing the grade of Eleventh from Fredrick to Valley streets; vacating a portion of the north thirty-eight feet of Nicholas between Twelfth and Thirteenth streets.

Whereas, The city has claims amounting to a large sum against the railroad companies for the maintenance of viaducts, the adjustment of which has been postponed from time to time by the settlement of these claims appears now to be a very remote matter; and

Whereas, The railway companies in interest have already set up the statute of limitations upon some of these items and will probably continue to do so on all of them in the future; therefore, be it

Resolved, by the city council, the mayor concurring, that the city attorney be and he is hereby instructed to bring suit against the railroad companies for all claims which the city of Omaha has against them on account of construction or maintenance of viaducts.

Disposes of Tax Collector.

The proposed scheme to let to George H. Stillman a contract for the collection of delinquent personal taxes was finally laid to rest—for a time, at least.

Mr. Stillman returned without his approval of the resolution passed at the last meeting, instructing the city treasurer to enter into such a contract. The reasons for the veto were set out in the following communication:

Gentlemen: I return herewith without my approval document 1896, passed by your honorable body at your last meeting, May 16, 1896. This document is a resolution directing the city treasurer to employ George H. Stillman as a collector of delinquent personal city taxes until March 15, 1897 at a salary of 45 per cent of the interest upon all delinquent personal taxes collected by him.

I veto this resolution because I believe it to be contrary to law, to public policy, and to business sense. The statutes of Nebraska make the city treasurer the collector of city taxes and require him to give heavy bond for the faithful collection of taxes, as well as the safe custody of monies collected, and for this reason he is given power to appoint his own deputies. This resolution assumes to appoint a deputy for the city treasurer, to fix the amount of his bond to be given to the treasurer and to make the treasurer responsible for the conduct of this deputy. I believe that such action might release the treasurer's bond and so oppose it for that reason on legal grounds.

But apart from the legal aspect I consider that this resolution needs careful investigation. I believe that if the city has eight or ten thousand dollars to give away it can do it to better advantage by placing it elsewhere than in Mr. Stillman's pockets. Let us see what kind of a contract this would be. In 1897 the city treasurer was allowed to employ a tax collector at \$75 per month, who gave him entire time to the collection of delinquent taxes. Mr. Burgess, the collector, collected in 1897 of delinquent personal taxes prior to those of 1897 \$29,235.25, of which amount more than one-half was interest and penalty. In other words nearly \$5,000 of this amount was interest. If this had been collected under a contract similar to that proposed for Mr. Stillman the collector would have received \$2,555 for the work which was performed by Mr. Burgess for \$900 and the city would have lost \$1,700 by the arrangement. The collections made by Mr. Burgess were effected without resorting to the use of distress warrants. Had they been used it is probable that a very much larger amount

would have been collected. In fact, all of the parties who have bid in competition with Mr. Stillman for this contract say that of the \$29,235.25 of delinquent personal taxes for the year 1897 the contractor ought to be able to collect at least \$100,000 during the year and that he would bid every cent so far as to agree to give a bond requiring him to collect \$100,000 during the year. Now, supposing Mr. Stillman collected \$100,000, as these several little doubts he will do, the amount of interest collected by him would be between \$20,000 and \$30,000 dollars and his commission at 45 per cent on the interest would amount to a minimum of \$9,000, and some parties who have figured on the matter think it would run as high as \$15,000.

Now if instead of this plan, the city should hire two practical men who have had experience in tax matters and pay them salaries of \$100 per month each and have them work in connection with the legal department using distress warrants wherever necessary they could collect more of this delinquent personal tax in the same time than can Mr. Stillman. Instead of paying them from \$9,000 to \$15,000, which would be paid out to Mr. Stillman for the same results, the city would pay \$2,400 in collectors' salaries and would save from \$6,600 to \$12,000. In my judgment, this is a most outrageous contract, and one which by the terms of the year we would find very difficult to explain to the taxpayers of Omaha. I therefore veto the resolution.

There was very little comment on the matter. Several of the councilmen declared that if the figures given by the mayor were true the council could not afford to authorize the proposed contract. The veto was sustained by the following vote: Yeas—Burkley, Lobeck, Mercer, Mount, Stuhl—5. Nays—Bechel, Burmaster, Karr, Bingham—4.

Tearing Out Block Pavement.

The Board of Public Works was instructed to tear up the rotten wooden blocks on Twenty-fourth street from Lake to Spaulding streets in the most economical way. This was done by resolution of Karr on the strength of a report from the city engineer declaring that the pavement is worthless and an obstruction to traffic and stated that travel will be materially facilitated if the blocks are taken up, cinders being placed at street and alley intersections, so that the street car tracks may be crossed.

Councilman Carr stated that in due course of time a petition for the repaving of the street will be received by the council.

The report of the appraisers appointed to assess damages and benefits resulting from the purchase and addition of thirteen acres of riverbank park was adopted and confirmed.

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