

PROCEEDINGS OF BOARD OF ALDERMEN.

ADJOURNED SESSION—NOVEMBER 25, 1878.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Monday evening, November 25th, A. D. 1878, at half-past seven o'clock, pursuant to adjournment.

PRESENT—His Honor, the President, Wm. D. Wiles, in the Chair, and Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, and Ridenour—8.

ABSENT—Aldermen Snider and Stratford—2.

The City Attorney submitted the following report and appended contract; which report was duly received, but, on motion, the consideration and action upon the contract was deferred until the next session:

Indianapolis, November 25, 1878.

To the President and Members of the Board of Aldermen of the City of Indianapolis:

Gentlemen:—I was directed, by you, to prepare a contract between the city and the Water-Works Company, embodying the proposition of said company to furnish water to the city for the year ending August 15th, 1879.

I herewith report such a contract that has been duly executed by the proper officer of the company; and, if the same meets your approval, I would recommend that the Mayor be instructed to execute the same, on behalf of the city.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

WHEREAS, The terms of a contract, by and between the City of Indianapolis and the Water-Works Company of Indianapolis, have been agreed upon, and are embraced in a written agreement, in the words and figures following, to-wit:

THIS AGREEMENT, Made this 25th day of November, 1878, by and between the Water-Works Company of Indianapolis and the City of Indianapolis,

Witnesseth: That said Water-Works Company of Indianapolis, for and in consideration of covenants and agreements herein stipulated to be kept and performed by said City of Indianapolis, hereby covenants and agrees to furnish and supply said City of Indianapolis, in her corporate capacity, with water, for public use, of the quality and kind, and in the manner prescribed in an ordinance of said city, entitled "An Ordinance authorizing the Water-Works Company of Indianapolis to construct, maintain, and operate Water-Works, and supply water to the city and citizens of Indianapolis, defining their powers and privileges, and prescribing their duties," ordained and established January 3d, 1870, subject, however, to the terms and stipulations herein contained.

The said water to be furnished to supply four hundred and seventy-two fire hydrants or plugs, for fire protection, as now located, and with sufficient power and pressure to throw eight streams at once a distance of one hundred feet vertically, through one inch nozzles, said pressure and power to be furnished within six minutes from the time an alarm of fire is sounded from any fire-alarm box located on the line or within one square from the lines of water-pipe.

And the said Water-Works Company of Indianapolis also agrees to supply and furnish water to said city, according to the terms of said ordinance, for twenty-three drinking fountains, situated on the several streets of said city, as now located; and for the fountain in Military Park, in said city, and also for the several engine, reel, and station houses in said city, and also all water for the purpose of flushing or cleaning sewers and the filling of public fire cisterns within reach of the lines of the water-pipe.

And the City of Indianapolis, for and in consideration of the covenants and agreements herein contained, to be kept and performed by said Water-Works Company, hereby promises and agrees to pay said Water-Works Company, for the water so furnished and supplied, at the following rates:

Fifty dollars per annum for each of said fire hydrants or plugs, which shall be full payment for all water used from said hydrants or plugs, and for all water used at the several engine and reel houses, from regular house-connections, for all uses connected with the Fire Department, and also for all water used at the several station houses of the city.

And the City of Indianapolis also agrees to pay for each of the public drinking fountains, situated in the streets of said city, now in use, at the rate of fifty dollars per annum, and for the water furnished to the fountain situated in Military Park at the rate of two hundred and fifty-six dollars per annum—said payments to be made quarterly.

And the said City of Indianapolis further agrees that, during the continuance of this contract, the water from fire hydrants or plugs shall be used exclusively for fire protection, for filling public cisterns, and for cleaning and flushing public sewers, provided that not more than two streams shall be used from fire hydrants or plugs at the same time in cleaning sewers, and that they shall not be so used to exceed six hours in any one day.

That during the time of fires, when fire streams are being used from any fire plugs, no water shall be used from any fire hydrant or plug, for the purpose of filling any cistern or cleaning or flushing any sewer.

That no streets shall be sprinkled with water from any fire hydrant or plug, by any of the officers or employes of said city, or by their leave or authority; *provided*, that the members of the Fire Department shall be hereby authorized to use water from fire plugs to sprinkle the streets immediately bordering on the several engine and hose-reel houses, using the ordinary sprinkling nozzle.

And the said City of Indianapolis further agrees that, during the continuance of this contract, said Water-Works Company shall be authorized and empowered to employ, at her own expense, a competent man to attend all fires and see that all fire plugs are properly opened, and that no water is used from any fire plug, for the purpose of filling cisterns, or flushing or cleaning sewers, during the time of fires, and when fire streams are being thrown from the plugs. That such man shall be subject to the authority of the Chief Fire Engineer, or his assistant, during times of fire; and it shall be his duty to report to said Chief Fire Engineer, or the Fire Board, any and all violations of the provisions of this contract, or omissions to properly open said fire plugs, or any violations of the orders of the Chief Fire Engineer or said Fire Board. And when said Water-Works Company shall have employed such person, it shall report his name to the Common Council, and the said city agrees that it will, by the proper authority, enact an ordinance fully protecting him in the discharge of his duties. It is expressly understood that the said City of Indianapolis shall in no way be liable for the pay or compensation of the man so employed by said Water-Works Company, and the right to employ and remove said man is, and shall be, exclusively with said Water-Works Company.

It is understood that this contract shall take effect and be in force as of the 15th day of August, 1878, and that the said city will pay said company, at the rate

herein stipulated, for all water used by her from and after the 15th day of August, 1878, and also for said four hundred and seventy-two fire plugs from said date, at the rate mentioned herein.

This contract shall be in force from and during the term of one year, from the 15th day of August, 1878, and, thereafter, until a new arrangement shall be demanded by either party hereto; which may be done by either of the parties, at the expiration of any year.

In the event the said City of Indianapolis and the Water-Works Company can not agree as to the rates or price to be paid for water by the city for public use, then the matter of rates shall be submitted to arbitration, in manner and form as provided by the ordinance of January 3d, 1870, hereinbefore referred to.

And it is further agreed that, in consideration of the making of this contract, the Water-Works Company voluntarily consents to furnish to the city, for the term of this contract, the use of the eighty hydrants discontinued during the year ending August 15th, 1878, free of charge—said eighty hydrants to be maintained in the same condition, and the water to be supplied therefrom in the same manner, as from the other four hundred and seventy-two hydrants.

It is expressly understood and agreed by the parties hereto, that this contract shall not be deemed a surrender of any rights of either party under the prior legislation of the city, or any arrangement heretofore made between the Water Works Company and city, except so far as modified or changed herein.

In Witness Whereof, The said Water-Works Company of Indianapolis, by A. L. Roache, Vice-President, and the City of Indianapolis, by John Caven, Mayor, have hereunto set their corporate names and affixed their corporate seals, this 25th day of November, A. D. 1878.

THE WATER-WORKS COMPANY OF INDIANAPOLIS,

By A. L. ROACHE, Vice-President.

[SEAL.]
Attest: SIDNEY M. DYER, Sec'y.

THE CITY OF INDIANAPOLIS,

By _____, Mayor.

Attest:

The Board of Public Improvements, through Alderman Coburn, submitted the following report; which was duly approved:

Indianapolis, November 25, 1878.

To the President and Board of Aldermen:

Gentlemen:—There was referred to us, by your honorable body, the duty of investigating the charge made against R. P. Dunning, of having used soft brick in sidewalks on East McCarty street, laid under recent contract, for which an estimate is pending.

We have made necessary examination of said sidewalks, and find that the terms of the contract have been complied with, and we recommend the estimate be allowed.

Respectfully submitted,

M. H. MCKAY,
JOHN L. MARSEE,
H. COBURN,
Board of Public Improvements.

The City Civil Engineer's estimate in favor of Mr. Dunning [see page 604, *ante*], was then read; and the action of the Common Council, in approving the same [see page 583, *ante*], was duly concurred in.

The following estimate resolution [which had been duly adopted by the Common Council—see page 584 *ante*], was then read:

Resolved by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed R. P. Dunning, for improving McCarty street, from Delaware street to East street, by bowldering the gutters, and paving with brick and curbing with stone the sidewalks thereof, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And was adopted by the following vote :

AYES, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

The Committee on Revision of Ordinances, through Alderman Grubbs, submitted the following report; which was duly received :

To the President and Board of Aldermen :

Gentlemen :—Your Committee on Revision of Ordinances, to whom was referred G. O. 55, 1878, have examined the same, and herewith return it, and recommend the following changes :

In section three (3), strike out the words, "and which machine or apparatus shall have been first examined and approved by the Board of Health of said city," and in place thereof add, "which machine shall use a hose not less than four (4) inches in diameter."

In section six (6), strike out the word "five," in the seventh line, and insert the word "ten."

In section nine (9), strike out the words, "together with imprisonment, not exceeding thirty days."

When the changes herein suggested are made, we recommend that said ordinance be passed.

D. W. GRUBBS,
R. S. FOSTER,
W. F. PIEL.

The amendments proposed in preceding reports were then separately considered, and were severally adopted.

Alderman Piel moved to amend section 4, by reducing the maximum removal compensation from "ten cents per cubic foot" to "eight cents per cubic foot"; which motion was lost.

The following entitled ordinance was then read the second time, as amended; ordered to be engrossed; and was read the third time, viz. :

G. O. 55, 1878—An Ordinance regulating the cleaning of Privy-Vaults, Water-Closets, and other Receptacles of Human Excrements, and requiring persons who may engage in such business to be duly licensed before undertaking such work.

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

The Committee on Opening, etc., Streets and Alleys, through Alderman Mussmann, submitted the following report; which was duly received:

Indianapolis, November 25, 1878.

To the Board of Aldermen:

Gentlemen :—Your Committee on Opening, etc., Streets and Alleys, to whom was referred a communication from John Fike on account of widening Shelby street, wherein he claims damages of fifteen hundred dollars on account of apple trees, shrubs, and plants, would report that we find that the trees are standing back enough that they will not be damaged to any extent; shrubs and plants we have not found.

We are of the opinion that said John Fike's property will be as much benefited as damaged, in widening of Shelby street.

Respectfully submitted,

D. MUSSMANN,
T. E. CHANDLER,
W. F. PIEL.

The following concurrent resolution [which had been duly adopted by the Common Council—see page 591, *ante*], was then read:

Be it Resolved by the Common Council and Board of Aldermen, That the report of the City Commissioners, in the matter of the widening of Shelby street, from Prospect street to the south corporation line (which report was presented to the Common Council on the 4th of November, 1878), be in all things approved, and the same be adopted, and that the assessment of benefits and damages, as set forth in said report, be in all things adopted and approved, and the real estate therein described as necessary for the opening and widening of said street is hereby appropriated; and the City Clerk is hereby directed to deliver a certified copy of so much thereof as assesses benefits and damages upon real estate, and in which the real estate so assessed is described, to the City Treasurer.

And was passed by the following vote:

AYES, 7—viz.: Aldermen Chandler, Coburn, Foster, Mussmann, Piel, Ridenour, and President Wiles.

NAYS, 1—viz.: Alderman Grubbs.

The Aldermanic Committee on Streets and Alleys and the City Attorney submitted the following report; which was duly received:

Indianapolis, November 25, 1878.

To the President and Members of the Board of Aldermen of the City of Indianapolis:

Gentlemen :—Your Committee on Streets and Alleys and the City Attorney, to whom was referred the motion in relation to the dirt upon a certain sidewalk, would report that we have examined the matter, and are of the opinion that an ordinance should be passed, requiring the owners or occupants of the real estate to clean the sidewalks and prevent the dirt from washing down upon sidewalks.

We have prepared such an ordinance, which we herewith submit, and recommend that it be passed.

Respectfully submitted,

W. F. PIEL,
R. S. FOSTER,
Committee on Streets and Alleys.
R. O. HAWKINS, City Attorney.

The following entitled ordinance [referred to in preceding report] was then introduced, and was read the first time :

G. O. 56, 1878—An Ordinance regulating the Removal of Dirt, Sand, and Gravel from the Sidewalks of the Public Streets of the City, in certain cases.

Alderman Foster introduced General Ordinance 57, 1878, and it was read the first time.

On Alderman Foster's motion, the rules were suspended, for the purpose of now reading General Ordinance 57, 1878, the second and third times, and placing same on its passage, by the following vote:

AYES, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

The following entitled ordinance was then read the second time, ordered to be engrossed, and read the third time, viz. :

G. O. 57, 1878—An Ordinance granting Fred. P. Rush & Co. permission to rebuild their three-story Frame Elevator, on the south part of the northwest half of Square No. 84, on Delaware street, between Maryland street and the Union Railway Tracks.

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

Alderman Grubbs offered the following motions; which were severally adopted :

That the Common Council be requested to introduce, and pass, a motion instructing the City Treasurer to proceed to collect the benefits in the opening and widening of Shelby street, and that the damages be not paid until all of the benefits shall have been collected by the Treasurer, and that no further steps be taken in the opening and widening of said street until such benefits shall be paid.

That the City Clerk, City Marshal, and all other city officers interested therein, be instructed to proceed no further in the matter of opening, widening, and extending Dillon street.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.