

SPECIAL MEETING

Thursday, May 15, 1930, 4:00 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Thursday, May 15, 1930, at 4:00 p. m., in special session, pursuant to the following call:

To the Members of the Common Council, Indianapolis, Indiana:

Gentlemen:

You are hereby notified that there will be a SPECIAL MEETING of the COMMON COUNCIL held in the Council Chamber on May 15, 1930, at 4:00 p. m., the purpose of such SPECIAL MEETING being to ratify a certain contract for the improving and constructing of run-ways and taxi-ways and necessary drainage at the Indianapolis Municipal Airport.

Respectfully,

ERNEST C. ROPKEY,
President, Common Council.

I, Henry O. Goett, Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of such SPECIAL MEETING, pursuant to the rules.

In Witness Whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

(Seal) HENRY O. GOETT,
City Clerk.

Which was read. President Ernest C. Ropkey took the chair.

The Clerk called the roll.

Present: Ernest C. Ropkey, President and six members, viz.: George A. Henry, James A. Houck, Charles C. Morgan, Maurice E. Tennant, Leo F. Welch, Clarence I. Wheatley.

Absent: Mr. C. A. Hildebrand, Fred C. Gardner.

On motion of Mr. Welch, seconded by Mr. Houck, reading of the Journal for the previous meeting was dispensed with.

COMMUNICATIONS FROM CITY OFFICIALS

May 14, 1930.

Mr. Henry Goett, City Clerk, City:

Dear Sir:

I am enclosing herewith copies of proposed ordinance providing for the ratification by the Common Council of a contract, under Board of Public Works Misc. Res. No. 377, providing for the construction of runways, etc., at the Municipal Airport.

Please submit the same to the Common Council at the next meeting, with the recommendation of the Board of Public Works that the same be passed.

Yours very truly,

ERNEST F. FRICK,
Secretary, Board of Public Works.

INTRODUCTION OF RESOLUTION

By Board of Public Works:

Resolution No. 4, 1930

Whereas, Pursuant to General Ordinance No. 26, 1929, and Appropriation Ordinance No. 6, 1929, the Board of Public Works of the City of Indianapolis, and the Superintendent of the Municipal Airport, with the approval of the Mayor of said city, after advertising therefor and receiving competitive bids therefor, have entered into a certain contract with R. McCalman, Inc., a corporation, for the improving and constructing of runways, taxiways, aprons, drives, sidewalks and curbs and their necessary drainage and grading, storm sanitary drains, septic tank, grading of field in general, clearing and grubbing timber, topping trees, fencing, removing of roadways, graveling parking space and placing farm drainage tile at the Municipal Airport of the City of Indianapolis, in the amount of One Hundred Sixty-five

Thousand Dollars (\$165,000.00), which said contract is dated May 14, 1930, and a copy thereof is attached hereto, made a part hereof and marked "Exhibit A"; and,

Whereas, Pursuant to the statutes of the State of Indiana, said contract, to be a legal and binding contract of said City of Indianapolis, should be ratified and approved by the governing body of said city; and,

Whereas, The improvements provided for in said contract are necessary improvements for active, safe, all-weather flying service to serve the purpose of said Municipal Airport. Now, therefore,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

First. That the contract entered into on the 14th day of May, 1930, by the Board of Public Works of the City of Indianapolis and the Superintendent of the Municipal Airport, with the approval of the Mayor of said city, and R. McCalman, Inc., a corporation, for the improving and constructing of runways, taxiways, aprons, drives, sidewalks and curbs and their necessary drainage and grading, storm sanitary drains, septic tank, grading of field in general, clearing and grubbing timber, topping trees, fencing, removing of roadways, graveling parking space and placing farm drainage tile at the Municipal Airport of the City of Indianapolis, in the amount of One Hundred Sixty-five Thousand Dollars (\$165,000.00), a copy of which contract is attached hereto, made a part hereof and marked "Exhibit A," be and it is hereby in all things ratified, confirmed and approved.

Second. That this resolution shall become effective from and after its passage and approval by the Mayor.

"EXHIBIT A"

1916 Form.

Amount of Contract, \$165,000.00.

ESTIMATED

PUBLIC IMPROVEMENT CONTRACT

This Agreement, made and entered into this 14th day of May, 1930, by and between R. McCalman, Inc., of the County of Vermilion, and State of Illinois, party of the first part, and the City of Indianapolis, County of Marion, and State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an act of the General Assembly of the State of Indiana, entitled "An Act Concern-

ing Municipal Corporations," approved March 6, 1905, and all amendatory and supplementary acts thereto:

Witnesseth, That the party of the first part covenants and agrees to do the entire work of improving and constructing runways, taxiways, aprons, drives, sidewalks and curbs and their necessary drainage and grading, storm sanitary drains, septic tank, grading of the field in general, clearing and grubbing timber, topping trees, fencing, removing of roadways, graveling parking space and placing farm drainage tile, at the Indianapolis Municipal Airport (not including Runways "F"—"D" and Drains) with Reinforced Concrete Pavement, all as shown on the plans and specifications for the same.

Total bid of \$165,000.00

ALL TO BE AS SHOWN ON PLANS AND AS SPECIFIED

And to perform all work in the prosecution of said improvement under and according to the terms and conditions of Miscellaneous Resolution No. 377, adopted by the Board of Public Works April 11, 1930, and the plans, profile and specifications on file in the office of the Department of Public Works, which said resolution and said plans, profile and specifications are made a part hereof as fully and effectually as if copied and set out herein at full length.

Such first party further agrees that he will employ only union labor on said work in the following capacities: cement finishers, carpenters, concrete mixer engineers, power shovel engineers, and men placing wire mesh in concrete.

The first party hereto further expressly covenants and agrees that in the prosecution of said work all proper skill and care will be exercised; that said first party will properly and fully guard and protect all excavations and dangerous places, and will use all due and proper precaution to prevent injury to any property, person or persons, what or whomsoever; that in the event of any injury or damage resulting from the work as it progresses, or during the guarantee period after ten days' notice in writing of any defective condition, or resulting from any matter or thing connected therewith or arising therefrom, to any person or property, he will pay and liquidate the same as his own expense, and assume the liability therefor; and in the event of any claim or claims being made or of any action or actions being brought against the city by reason or on account of or growing out of said work or its construction, or any defect therein, or any condition or thing connected therewith, whether such claim or claims, action or actions arise during the progress of the work or during the guarantee period or both, the said first party

hereto will, at his own expense, defend the same, and will pay any judgment recovered therein, and will in all respects fully indemnify and save harmless said city, its officers, agents and representatives therein, from all cost, expense, payment or judgment recovered in connection with such claim or claims, action or actions. And it is further expressly understood and agreed and made a condition hereof, that any judgment rendered against such city as aforesaid, when notice of the pendency of such action shall have been given said first party hereto, shall be conclusive against said first party and against the surety on the first party's construction bond, as to the amount, liability and other things pertaining thereto.

It is further agreed by and between said parties that the acceptance of the work provided for in this contract or the payment thereof, shall not constitute a waiver on the part of the city of any of the provisions of the contract, nor shall it release said contractor or the sureties on its bond for the faithful performance thereof, nor shall the acceptance be prima facie evidence of the performance or any provision of such contract except to the extent of entitling said contractor to receive the contract price therefor.

Said work shall be completed according to the terms of the contract on or before August 15, 1930, unless said time be extended in writing by the Board of Public Works of said city. Any extension or extensions of time granted shall in no way affect the duties, liabilities or obligations of the contractors or his sureties.

Said first party further contracts and agrees to pay any and all moneys due to any contractor, or any person or persons furnishing any material whatever for said work and to pay in full any laborers employed for any work done in the prosecution of such improvement.

It is further provided and stipulated that the party of the first part shall give to residents of said city and county preference in employment of all labor necessary in the performance of this contract, and failing to do so, shall forfeit to said city the sum of ten dollars for each failure to observe this stipulation.

To each of the conditions and stipulations of this contract, including all and singular the provisions of the plans, profile and specifications aforesaid, the undersigned, each for itself, binds itself, its successors and assigns.

In Testimony Whereof, We, the foregoing named parties, hereunto set our hands this 14th day of May, 1930.

FOR THE CITY OF INDIANAPOLIS:

This contract and bond approved by us, this 14th day of May, 1930.

R. McCALMAN, Inc.

By R. McCALMAN, President,
Contractor, party of first part.

E. KIRK McKINNEY, President,

LOUIS C. BRANDT,

CHAS. O. BRITTON,

Board of Public Works, party of second part.

Approved:

R. H. SULLIVAN, Mayor.

CONSTRUCTION BOND

Know All Men by These Presents, That we, R. McCalman, Inc., of the County of Vermilion, State of Illinois, as principals, and London and Lancashire Indemnity Company of America, of the County of Marion, and State of Indiana, as sureties, are held and firmly bound to the City of Indianapolis, Indiana, in the sum of One Hundred Sixty-five Thousand Dollars (\$165,000.00), for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators and assigns, firmly by these presents.

The conditions of the above obligation are such that if the above named R. McCalman, Inc., shall faithfully comply with the foregoing contract, made and entered into this 14th day of May, 1930, with the City of Indianapolis, Indiana, and shall fulfill all the conditions and stipulations therein contained, according to the true intent and meaning thereof, in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law. In the event the said city shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

This shall be a construction bond, and the sureties to the same shall not be held responsible for the maintenance and repair of the improvement after it has been accepted by the second party, but such sureties shall be held responsible for the faithful compliance with all other conditions, stipulations and requirements covered by or set out in the contract.

Witness our hands and seals the day and year last above written.

LONDON AND LANCSHIRE INDEMNITY COMPANY
OF AMERICA.

By WALTER G. HOLT, (Seal.)
Attorney in Fact. (Seal.)

R. McCALMAN, Inc., (Seal.)

By R. McCALMAN, Pres. (Seal.)

Which was read a first time and referred to the Committee on Public Works.

Mr. Tennant asked for a recess. The motion was seconded by Mr. Morgan and the Council recessed at 4:15 p. m.

The Council reconvened from its recess at 4:20 p. m., with the same members present as before.

At this point Mr. Hildebrand entered the Council Chamber and was counted present.

Mr. Hildebrand made a motion to suspend the rules for further consideration and final passage of Resolution No. 4, 1930. The motion was seconded by Mr. Welch and passed by the following roll call vote:

Ayes, 8, viz.: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

At this point Mr. Gardner entered the Council Chamber and was counted present.

COMMITTEE REPORTS

Indianapolis, May 15, 1930.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen:

We, your Committee on Public Works, to whom was referred Resolution No. 4, 1930, entitled "Contract Ratification—Municipal Airport and R. McCalman, Incorporated," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed under suspension of the rules.

C. A. HIDLEBRAND, Chairman.
MAURICE E. TENNANT.
LEO F. WELCH.
CHAS. C. MORGAN.

ORDINANCES ON SECOND READING

Mr. Hildebrand called for Resolution No. 4, 1930, for second reading. It was read a second time.

On motion of Mr. Hildebrand, seconded by Mr. Morgan, Resolution No. 4, 1930, was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 4, 1930, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz.: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

On motion of Mr. Henry, seconded by Mr. Welch, the Common Council adjourned at 4:25 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 15th day of May, 1930, at 4:00 p. m.

In witness whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Ernest C Ropkey

President.

Attest:

Henry O Goett

(SEAL.)

City Clerk.