

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.
TUESDAY, March 29, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Tuesday evening, March 29, 1904, at 7:30 o'clock in special session, President James H. Billingsley, in the chair, pursuant to the following call:

INDIANAPOLIS, IND., March 28, 1904.

To the President and Members of the Common Council:

Gentlemen: I deem it expedient that there be a special meeting of your honorable body held before the date of your next regular meeting for the purposes herein set forth, and I, therefore, call a special meeting of your honorable body to meet in the Council Chamber of the City of Indianapolis, Tuesday, March 29, 1904, at 7:30 o'clock, P. M., for the following purposes:

For the introduction, consideration and passage of an ordinance authorizing a bond issue to provide means for meeting the expenses incurred by reason of the recent flood; also the introduction, consideration and passage of an ordinance appropriating the sum of twenty-five thousand dollars (\$25,000.00) to the use of the Board of Public Works to be used by said Board in the repair of streets, alleys, sidewalks, bridges and other damages incurred by reason of the recent flood; and to receive a communication from myself, the City Comptroller, and the Board of Public Works concerning the same; also for the consideration and passage of an ordinance heretofore introduced providing for the leveying of a tax on the gas mains of the companies engaged in furnishing natural gas under the provisions of an ordinance approved June 27, 1887.

And for the transaction of any other business which may come before your honorable body.

Respectfully,
JOHN W. HOLTZMAN,
Mayor.

I, W. M. Fogarty, Clerk of the Common Council, do hereby certify that I have served above notice upon the President and each member of the Common Council prior to the time of meeting pursuant to the rules.

W. M. FOGARTY,
City Clerk.

Which was read.

The roll was called.

Present: The Hon. James H. Billingsley, President of the Common Council, and 16 members, viz.: Messrs. Cottey, Crall,

Eppert, Fishback, Hofmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Wahl, Wolsiffer, Wright.

Absent, 4, viz.: Messrs. Cooper, Davis, Gasper, Uhl.

Mr. Moriarity moved and it was seconded that a recess of ten minutes be taken to allow the Democratic members to caucus. Carried.

The Council reconvened at 7:45 P. M.

COMMUNICATIONS FROM THE MAYOR.

INDIANAPOLIS, IND., March 29, 1904.

To the Honorable, the President and Members of the Common Council:

Gentlemen: Your honorable body has been called in special session this evening to consider among other matters the enactment of an ordinance providing an issue of bonds to be known as "Indianapolis Emergency Bonds, 1904," to raise money to meet the extraordinary expenses occasioned by the recent flood and high waters. The extent and gravity of the damage wrought to the streets, alleys, sidewalks, sewers, levies, culverts, bridges and other property of the city are, I am sure, appreciated by your honorable body. The responsibility now rests upon the city authorities to commence at once and vigorously prosecute the work of restoration and repair.

In this connection I wish to submit a communication from the City Civil Engineer containing his estimate (made with such accuracy as a general survey of the situation permits) of the expenses of this work of repair. I, therefore, respectfully suggest that you provide by proper ordinance for the issue of \$200,000.00 of bonds to meet the emergency confronting the city.

Yours very truly,

JOHN W. HOLTZMAN,
Mayor.

INDIANAPOLIS, IND., March 29, 1904.

Hon. John W. Holtzman, Mayor, city:

Dear Sir: The following is an estimate of what, in my judgment, should be provided, in order to repair the damage done by the flood:

NEW BRIDGES AND REPAIRS.	
Tenth street bridge.....	\$8,000.00
Highland avenue bridge.....	7,000.00
Dorman street bridge.....	7,000.00
Ohio street bridge.....	8,000.00
Capitol avenue bridge repairs.....	15,000.00
Michigan street bridge repairs.....	1,500.00
Washington street bridge, Irvington.....	2,500.00
Indiana avenue bridge abutments.....	7,000.00
Repairs to Barth avenue bridge, Meridian street retaining walls, Madison avenue and Cottage avenue retaining walls.....	5,000.00
Culvert at Grand avenue.....	75.00
Repairs to Liberty street bridge.....	50.00
Henry street bridge.....	8.00

Merrill street retaining wall for sewer.....	25.00
Merrill street and Senate avenue bridge.....	200.00
McCarty street bridge	400.00
Ray street bridge.....	300.00
Delaware street, new bridge over Pogue's Run.....	10,000.00
Additional flood walls for protection of bridges.....	4,000.00

LEVEES.

Raymond street	350.00
Along Fall Creek in five different places.....	3,500.00
Other improvements and repairs of levees along White River.	4,000.00

MISCELLANEOUS.

Cleaning, scraping and regravelling streets and alleys.....	30,000.00
Culverts washed out	3,000.00
Should block streets be repaired by the city.....	10,000.00
Cleaning out Pogue's Run and State Ditch.....	15,000.00
Repairs to sidewalks.....	5,000.00
Providing flood gates for sewers.....	3,000.00
Repairs to bridges for temporary use White River.....	6,000.00
Northwestern avenue, temporary bridge.....	2,500.00
Tenth street bridge.....	3,000.00
Sewer work repairs and catch basins.....	5,000.00
For drainage of flooded districts, cutting levee and rebuilding	1,500.00
Refilling washouts in streets.....	1,000.00

Total\$168,908.00

I would recommend that the bond issue be made to cover work which may develop on more thorough investigation of the condition after the water has receded. I would think that \$10,000.00 should be added to the above amount, making the bond issue practically \$180,000.00.

Respectfully submitted,

B. J. T. JEUP,
City Civil Engineer.

Which was read.

REPORTS FROM OFFICIAL BOARDS.

From the Board of Public Works:

INDIANAPOLIS, IND., March 29, 1904.

Mr. Jacob P. Dunn, City Comptroller:

Dear Sir: We respectfully request you to recommend to the Common Council the passage of an ordinance appropriating out of funds not already appropriated for the use of the Board of Public Works, a special fund of twenty-five thousand dollars (\$25,000) for immediate use in necessary work on account of the damage wrought by reason of the recent flood.

We also ask that you recommend the passage of an ordinance authorizing the issue of \$200,000 in bonds, the proceeds of which are to be used in the permanent work necessary to restore the streets, alleys,

avenues, sewers, culverts, bridges and other public works which were damaged by the recent flood.

Respectfully,

M. A. DOWNING,
JACOB WOESSNER,
Board of Public Works,

Which was read.

From the City Comptroller:

INDIANAPOLIS, IND., March 29, 1904.

To the Honorable, the President and Members of the Common Council:
Gentlemen: In accordance with the enclosed communication from the Department of Public Works, I recommend to you an immediate appropriation of \$25,000 for repairing damages done by the recent flood; and also provision for the issue of \$200,000 of bonds to raise funds for this same purpose. Ordinances for these ends are submitted herewith.

Very respectfully,

J. P. DUNN,
City Comptroller.

Which was read.

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Comptroller:

Appropriation Ordinance No. 3—1904: An ordinance appropriating the sum of \$25,000.00 to the use of the Board of Public Works for the repair of streets, alleys, sidewalks, bridges, culverts, levees and other personal property destroyed or damaged by the recent floods.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, That there be, and is hereby, appropriated from the funds of said city, not heretofore appropriated for other purposes, the sum of \$25,000.00 to the use of the Board of Public Works for the restoration and repair of said streets, alleys, sidewalks, bridges, culverts, levees and other public property damaged or destroyed by the recent floods and high water.

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. Crall moved that the rules be suspended and Appropriation Ordinance No. 3, 1904, be read a second time. Carried.

Appropriation Ordinance No. 3, 1904, was read a second time.

Mr. Crall moved that Appropriation Ordinance No. 3, 1904, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 3, 1904, was read a third time and passed by the following vote:

Ayes, 17, viz.: Messrs. Cottey, Crall, Eppert, Fishback, Hofmann, Krause, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Wahl, Wolsiffer, Wright and President James H. Billingsley.

Noes, none.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Comptroller:

General Ordinance No. 28, 1904: An ordinance authorizing the issue and sale of 200 bonds of one thousand (\$1,000) dollars each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, in order to raise money to meet the increased expenses of said city occasioned by the flood of March, 1904, prescribing the time and manner of the advertisement and sale of said bonds and the receipt of bids for the same, together with the mode and terms of sale; and fixing a time when the same shall take effect.

Whereas, The recent floods and high water have destroyed and damaged much public property of the City of Indianapolis, and necessitated the reconstruction and repair of numerous streets, alleys, sidewalks, bridges, sewers, culverts, levees and other work; and,

Whereas, There are not now and will not be sufficient funds in the treasury of said city with which to meet the expenses of such work of reconstruction and repair, and it being necessary, therefore, for the City of Indianapolis to borrow the sum of \$200,000, and issue and sell its bonds in that amount, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law; therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the head of the Department of Finance of said city be, and is hereby, authorized, for the purpose of procuring means to meet the increased expenses of said city occasioned by the flood of March, 1904, to prepare and sell 200 new bonds of the City of Indianapolis, Marion county, Indiana, of the sum of one thousand (\$1,000) dollars each, which bonds shall bear date of May 1, 1904, and shall be numbered one to 200, inclusive, and shall be designated "Indianapolis Flood Bonds, 1904," and shall bear interest at the rate of three and a half (3½ per cent.) per centum per annum, which interest shall be payable semi-annually on the 1st day of January and the 1st day of July of each year, beginning with January 1, 1905, and said installments of interest shall be evidenced by interest coupons attached to said bonds; said bonds and said coupons shall be negotiable and payable at the banking house of Winslow, Lanier & Company, of Greater New York, State of New York; said bonds shall be signed by the Mayor and City Comptroller of said City of Indianapolis and attested by the City Clerk, who shall affix the seal of said city to each of said bonds; and said bonds shall mature January 1, 1924, with coupons attached thereto for the semi-annual installments of interest at the rate of three and a half (3½ per cent.) per centum per annum, payable January 1st and July 1st of each year, beginning with January 1, 1905, with the first coupon on each bond being for interest from date to January 1, 1905; and said interest coupons shall bear the lithographic facsimile of the signatures of the Mayor and City Comptroller; said bonds shall be prepared by the head of the Department of Finance in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Marion county, Indiana, to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the head of the Department of Finance at the time of the issuance and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated in serial number, beginning with number one, and giving the date of their issuance, their amount, date of maturity, rate of interest, and time and place where said interest shall be payable; said bonds shall be substantially in the following form, tenor and effect; all blanks for numbers and dates are to be properly filled before the issuance thereof:

No.....	UNITED STATES OF AMERICA, CITY OF INDIANAPOLIS, MARION COUNTY, STATE OF INDIANA, INDIANAPOLIS FLOOD BONDS OF 1904.	\$1,000.00
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For value received the City of Indianapolis, Indiana, promises to pay to the bearer one thousand (\$1,000) dollars in lawful money of the United States of America, on the 1st day of January, 1924, with interest thereon at the rate of three and a half (3½ per cent.) per centum per annum, payable semi-annually on the 1st day of January and the 1st day of July of each year hereafter, beginning with January 1, 1905, the first coupon carrying the interest hereof from date to January 1, 1905, upon the surrender and cancellation of the proper coupons hereto attached; both principal and interest being payable at the banking house of Winslow, Lanier & Company, of Greater New York. This bond is one of a series of 200 bonds numbered from one to 200 each, inclusive, each of the same date, amount, maturity, tenor and effect, which bonds have been issued by the City of Indianapolis in order to raise money to meet the increased expenses of said city occasioned by the flood of March, 1904, in and pursuant to an ordinance duly and legally passed by the Common Council of said city in strict conformity with, and as authorized by the act of the General Assembly of the State of Indiana, entitled, "An Act concerning the incorporation and government of cities having more than one hundred thousand population according to the last preceding United States census, and matters connected therewith, and declaring an emergency," approved March 6, 1891; and all acts supplementary thereto and amendatory thereof, and all things and acts required by the laws of the State of Indiana, and said ordinances have happened and have been done and performed in and about the authorization, appropriation, issue and complete execution of this bond, and this bond is certified to be within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana, and the faith and credit of the City of Indianapolis, Marion county, Indiana, are irrevocably pledged to the payment of the principal and interest of this bond as herein stipulated.

In Witness Whereof. The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and City Comptroller, and the seal of said city to be affixed thereto and attested by the City Clerk, this 1st day of May, 1904.

.....
 Mayor.

 City Comptroller.

Attest:

.....
 City Clerk.
 (SEAL.)

The interest warrants or coupons attached to said bonds shall be authenticated by the signatures of the Mayor and City Comptroller of said city engraven thereon, which shall, for all purposes, be taken and deemed to be equivalent to a manual signing thereof; and the first coupon attached to each bond shall be for the interest on said bond from date until the first day of January, 1905.

Sec. 2. That the head of the Department of Finance shall as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion each in the Indianapolis Daily Sentinel and the Daily Reporter, daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisement shall describe said bonds with such minuteness and particularity as the City Comptroller shall see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Comptroller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

Sec. 3. Each and every bid or proposal shall be presented to the City Comptroller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of Oliver P. Ensley, City Treasurer, for a sum of money which shall equal two and one-half ($2\frac{1}{2}$ per cent.) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Comptroller shall continue to receive all bids or proposals therefor at the office of the City Comptroller until twelve o'clock, noon, on the 20th day of April, 1904, at which time and place and between the said hour and two o'clock, P. M., of said day he shall open said bids or proposals. The City Comptroller shall award said bonds, or if he shall see fit a part of any number thereof, to the highest and best bidder therefor; but said Comptroller shall have the full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or any less number of the bonds covered by such bid, he being the sole judge of the sufficiency of any bid. He may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of reoffering and re-advertisement of said bonds, as hereinafter provided.

Sec. 4. In case the City Comptroller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall readvertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such readvertisement he is authorized and directed to fix both the date and the time for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner, to readvertise said bonds for sale until said bonds are sold.

Sec. 5. In case any bid or proposal shall not be accepted, and there shall be no award of bonds by the Comptroller he shall thereupon return to such successful bidder the certified check accompanying the same. If the Comptroller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event,

shall have the right to proceed to readvertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of the bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Comptroller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use; but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Comptroller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

Sec. 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, on the 1st day of May, 1904, or upon such other day or days as may be specified in the advertisement or readvertisement for proposals, or within such time thereafter as may be fixed by the Comptroller, who may extend the time for such delivery not more than ten days after the day or days specified as above provided; and the successful bidder, or bidders, shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

Sec. 7. The bonds taken and paid for to the satisfaction of the City Comptroller shall be binding obligations upon the City of Indianapolis, according to their tenor and effect.

Sec. 8. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read a first time and referred to Committee on Finance.

On motion of Mr. Moriarity, the Common Council, at 8:04 o'clock, adjourned.

ATTEST:

W. M. Fogarty.

J. H. B. King
.....
President.