

ORDINANCE NO. 106

AN ORDINANCE DECLARING DUE ADVERTISEMENT OF SALE OF THE BONDS HEREINAFTER MENTIONED AND PROVIDING FOR THE EXECUTION AND DELIVERY TO THE LAWFUL PURCHASERS THEREOF OF THE FOLLOWING 6% BONDS OF THE CITY OF POLSON, OF FLATHEAD COUNTY, MONTANA, TO-WIT: \$26.000 WATER BONDS TO PROCURE AND CONSTRUCT A WATER SYSTEM FOR THE CITY, WHICH SHALL OWN AND CONTROL SAID WATER SYSTEM AND DEVOTE THE REVENUES DERIVED THEREFROM TO THE PAYMENT OF SAID BONDS: PRESCRIBING THE FORM OF SAID BONDS: PROVIDING FOR THE LEVY OF A DIRECT ANNUAL AND VALOREM TAX UPON ALL OF THE TAXABLE PROPERTY IN SAID TOWN, IN ADDITDON TO ALL OTHER TAXES, SUFFICIENT TO PAY THE INTEREST ACCRUING ON SAID BONDS PROMPTLY WHEN AND AS THE SAME BECOMES DUE AND ALSO TO CONSTITUTE A SINKING FUND SUFFICIENT TO PAY THE PRINCIPAL THEREOF AT THE TIME OF THEIR MATURITY: AND DECLARING AN EMERGENCY.

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WHEREAS, In accordance with Ordinance No. 105, of said city, passed and approved August 2, A. D. 1915, and thereafter duly published, notice of intention to issue and sell, of, by and for the city of Polson, of Flathead County, Montana, \$26.000 water 6% bonds at public auction to the bidder offering the highest price therefor, was duly published once each week for a period of 5 consecutive calendar weeks, in "The Flathead Courier", a weekly newspaper printed, published and of general circulation in said town, in the issues thereof of Augst \_\_\_\_\_ August 12, August 19, August 26, September 2, and September 9, and in "The Commercial & Financial Chronicle", a weekly newspaper printed and published in New York City and having a general circulation in financial circles throughout the United States, in the issues thereof of August \_\_\_\_\_ August 14, August 21, August 28, Setpember 4, and September 11, 1915, and evidence of such publishing has been furnished to the city council by the city clerk in form of publishers' affidavits; and

WHEREAS, Said issue of bonds aforesaid has this day, pursuant to the advertised notice of sale aforesaid, by the city council, and at public auction, been duly awarded, bearing 6% interst, to Keeler Brothers, Financial Agents, with offices in the city of Denver, state of Colorado, who were the-highest and best bidders thereof, at a price exceeding the par value of said bonds together with all accrued interest thereon to date of delivery; and

WHEREAS, It is the duty of said council under the law, to issue said bonds for the purpose aforesaid, and to cause them to be delivered to said purchaser; Now, Therefore, inconsideration of the premises,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON, as follows:

Section 1. That it appears to the council of said city, it would be and it is hereby deemed necessary to borrow the sum of Twenty-six thousand dollars (\$26.000) and issue bonds of the city therefor to procure and onstruct a water system for the city, which shall own and control said water system and devote the revenues derived therefrom to the payment of the said bonds.

Section 2. That it be and hereby is certified, recited, and warranted that all conditions, acts and things necessary and essential to the validity of the bonds hereinbefore and hereinafter mentioned and required by law to be done, have been fully done and performed.

Section 3. That in order to borrow money with which to procure and construct a water system for the city at a cost of approximately \$26.000, which city shall own and control said water system and devote the revenues derived thereform to the payment of the bonds hereby authorized, as mentioned in the preamble hereof, there shall be and there are hereby authorized, ordered and directed to be issued and delivered to the purchasers thereof aforesaid, the negotiable water bonds of said city to an amount aggregating the principal sum of \$26.000 which shall be known as and designated "Water Bonds"; shall be 26 in number, numbered consecutively from 1 to 26, of the denomination of

\$1,000 each; shall bear date of July 1, A. D. 1915, shall become absolutely due and payable July 1, A. D. 1935, but shall be redeemable at the option of said city as follows: Five Thousand dollars (\$5,000) of said bonds, numbered from 1 to 5, both inclusive, on and after the first day of July A. D. 1919, Five thousand dollars (\$5,000) of said bonds, numbered from 6 to 10 both inclusive, on and after the first day of July A. D. 1923, Five Thousand dollars (\$5,000) of said bonds, numbered from 11 to 15, both inclusive, on and after the first day of July A. D. 1927, Five thousand dollars (\$5,000) of said bonds, numbered from 16 to 20, both inclusive, on and after the first day of July A. D. 1931; and Six Thousand dollars (\$6,000) of said bonds, numbered from 21 to 26 both inclusive, on and after the first day of July A. D. 1934; that said bonds shall bear interest from their date until paid at the rate of six (6) per centum per annum, payable semi-annually on the first days of January and July, respectively, in each year, which installments of interest to date of maturity of principal, shall be evidenced by appropriate coupons to be attached to each bond; and both the interest accruing on and the principal of said bonds; shall be payable in gold coin of the United States of America, of or equal to the present standard of weight and fineness, at the National Bank of Commerce in the city and state of New York, U. S. A.

(a) Each of said bonds and each of the interest coupons to be thereto attached, shall be substantially the following form, respectively, to-wit:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF MONTANA

COUNTY OF FLATHEAD

CITY OF POLSON

No. \_\_\_

\$1,000

Water Bond.

KNOW ALL MEN BY THESE PRESENTS, that the city of polson, of Flathead County, Montana, acknowledges itself to owe and for value received hereby promises to pay to the bearer thereof the principal sum of One Thousand dollars on July first, A. D. 1935, together with interest on said sum from the date hereof until paid at the rate of six per centum per annum, payable semi-annually on the first days of January and July, respectively, in each year, as evidenced by and upon the presentation and surrender of the interest coupons hereto attached as they severally become due; and both the said principal and interest are hereby made payable in gold coin of the United States of America of or equal to the present standard of weight and fineness, at the National Bank of Commerce, in the city and state of New York, U.S.A.

This bond is issued by the said city to borrow money for the purpose of procuring a supply of water in and for said city, to be owned and controlled by said city, pursuant to a vote of the duly qualified tax paying electors of said city, present and voting upon the question at a special bond election lawfully called and duly held therein for the purpose, prior to the issuance of this bond, at which election a majority of all of the qualified tax paying electors present and voting thereat voted in favor of the issuance of this bond, and under, by virtue of and in all respects in full and strict compliance with the constitution, chapter V, part IV of title III of the Revised Codes of Montana of 1907, all laws amendatory thereof and supplementary thereto and an ordinance of the council of said city duly adopted prior to the issuance of this bond.

And it is hereby certified, recited and warranted that said city has been for some years past and is now a body politic and corporate with the general power of a corporation, duly organized, existing and operating as a city under and by virtue of the constitution and the general laws of the state; and is now and always has been under the control of a duly organized city council as the duly constituted corporate authority thereof, that all things, acts and conditions required by the constitution and laws of the state of Montana to exist and to happen and be done and performed precedent to and in the issuance of this bond, in order to constitute the same the valid and binding obligation of said city, do exist and have happened and been done and

performed in regular and due form and time; that the total indebtedness of said city, including this bond, does not exceed any constitutional or statutory limitation; and that due provision has been made for the levy, assessment and collection of a direct annual ad valorem tax on all of the taxable property of said city, in addition to all other taxes, to create a fund sufficient to pay the interest accruing upon this bond promptly when and as the same becomes due and to establish a sinking fund with which to discharge the principal hereof at maturity.

The faith, credit and all of the taxable property of said city are hereby irrevocably pledged for the unctual payment of the interest and redemption of the principal of this bond, respectively, as the same becomes due and are payable as aforesaid.

This bond is redeemable at the pleasure of said city on and after July first, A. D. 19

IN TESTIMONY WHEREOF, the City of Polson, of Flathead County, Montana, by its council, has caused this bond to be signed by the mayor and city clerk, sealed with the corporate seal of said city, and registered by said clerk; and the said attached interest coupons to be signed with the engraved facsimile signatures of said mayor and city clerk, the first day of July A. D. 1915.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

( SEAL )

Registered:

\_\_\_\_\_  
City Clerk.

(Form of Coupon)

No. \_\_\_\_\_ \$30.00

On January 1st, A. D. 19\_\_\_\_  
July 1st.

The City of Polson, of Flathead County, Montana, for value received will pay to the bearer hereof the sum of Thirty dollars in gold coin of the United States of America of or equal to the present standard of weight and fineness, at the National Bank of Commerce, in the city and state of New York, U. S. A., being six months' interest then due on its water bond, dated July 1, A. D. 1915.

No.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Section 4. That each of the bonds hereby authorized shall be signed by the mayor and city clerk and sealed with the corporate seal of said city, which seal shall be impressed thereon; that each of the 40 interest coupons to be attached to each of said bonds, shall be executed by the engraved facsimile signatures of said mayor and city clerk, and the officers in this paragraph mentioned are hereby authorized, ordered and directed to cause said bonds and coupons to be prepared substantially in the forms, respectively, hereinabove set forth and to execute the same for and on behalf of said city, as and in the manner aforesaid, and after their execution and before said bonds are delivered to the purchaser thereof, they shall be registered by the city clerk in a public record book kept for that purpose in his office, which shall show that said bonds were issued by said city, the amount of each bond, its number, date of issuance, time and place of payment, rate of interest, number of interest coupons attached, name and postoffice address of the purchaser and a proper description thereof for future identification.

Section 5. That for the purpose of providing for the rec-

essary funds to pay the interest accruing on said bonds promptly when and as the same falls due and to constitute and maintain a sinking fund sufficient to discharge the principal thereof at maturity, there shall be and by this ordinance there is hereby levied upon all the taxable property in said city, in addition to all other taxes, the following direct annual ad valorem tax, to-wit:

In each of the years 1915 to 1918, both inclusive, a tax sufficient to produce the net sum of \$2,810 in each year, being \$1,560 for interest and \$1,250 for principal.

In each of the years 1919 to 1922, both inclusive, a tax sufficient to produce the net sum of \$2,510 in each year, being \$1,260 for interest and \$1,250 for principal;

In each of the years 1923 to 1926, both inclusive, a tax sufficient to produce the net sum of \$2,210, in each year, being \$960 for interest and \$1,250 for principal;

In each of the years 1927 to 1930, both inclusive, a tax sufficient to produce the net sum of \$1,910 in each year, being \$660 for interest and \$1,250 for principal.

In each of the years 1931 to 1934, both inclusive, a tax sufficient to produce the net sum of \$1,860 in each year, being \$360 for interest and \$1,500 for principal;

and said tax when collected shall by the city treasurer be kept in a separate fund to be designated "Water Bonds dated July 1, 1915, interest and sinking fund", which shall be irrevocably pledged to and used solely for the payment of the interest accruing on and the principal of the said bonds hereby authorized when due, so long as any of said bonds or the interest coupons thereto appertaining remain outstanding and unpaid, and for greater certainty the city council shall in each of said years 1915 to 1934, both inclusive, include the bond tax hereinabove levied for such year in the annual estimate for city purposes for said year; and annually and at the lawful time said bond tax shall in each of said years be certified to the county treasurer of said county, extended upon the tax rolls and collected by the same officers, in the same manner, and at the same time as the taxes for general city, county and school district purposes for said county for such year are certified, extended and collected.

Section 6. That on the 15th day of December, A. D. 1915, and on the 15th days of June and December, respectively, in each year thereafter, so long as any of the interest coupons appertaining to the bonds hereby authorized to be issued remain outstanding and unpaid, the town treasurer shall and he is hereby ordered, authorized and directed to remit out of any moneys in his hands belonging to said city, in the form of check or draft payable in New York City, U. S. A., to the National Bank of Commerce, in the city and state of New York, U. S. A., a sum sufficient to pay the semi-annual interest accruing on said bonds on the first days of January and July, respectively, in each year, and any and all escrow charges made by said bank for handling said coupons, and on the 15th day of June, in the years A. D. 1915, A. D. 1923, A. D. 1927, A. D. 1931, the said city treasurer shall and he is hereby authorized, ordered and directed out of the sinking fund created under the provisions of this ordinance, to remit by check or draft payable in New York, to the said National Bank of Commerce, in New York, a sum sufficient to pay the principal amount of said bonds, as may then be outstanding, and redeemable on the first day of July, respectively, in each of said years, together with the interest accrued thereon to said respective first day of July, and any and all escrow charges made by said bank for handling same; and on the 15th day of June A. D. 1935, the said city treasurer shall and he is hereby authorized, ordered and directed out of the sinking fund created under the provisions of this ordinance, to remit by check or draft payable in New York, to the said National Bank of Commerce, in New York, a sum sufficient to pay the principal amount of said bonds as may then be outstanding, together with the interest accrued thereon to July 1, A. D. 1935, and any and all escrow charges made by said bank for handling same.

Section 7. That the mayor, treasurer and clerk, respectively of said city, the treasurer and auditor, respectively, of said county, are hereby authorized, ordered and directed to furnish the purchasers of said bonds with such certificates, transcripts or other documents as will fully evidence the proceedings had preliminary to the issuance of said bonds, the regularity and sufficiency thereof, and the acts

of said officers in the premises are hereby declared authorized, ratified, approved and confirmed.

Section 8. That the provisions of this ordinance and each of the bonds and interest coupons pursuant hereto, shall constitute and the same are hereby declared to be a binding and irrevocable contract between said city and the purchasers of said bonds and the holder from time to time of each of said bonds and the interest coupons thereto appertaining.

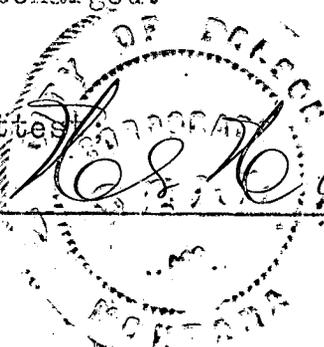
Section 9. That any and all ordinances, or parts thereof, heretofore adopted in conflict with the provisions hereof, or which would in any way prevent the passage and adoption of this ordinance at this meeting, be and the same are hereby repealed.

Section 10. That in as much as it is necessary for the immediate preservation of the public peace, health and safety, that the city have adequate fire protection and water systems, an emergency is hereby declared to exist and this ordinance, therefore, shall take effect immediately after its passage and approval and shall be thereafter irrevocable until the indebtedness hereby created, both as to principal and interest, shall have been fully paid, satisfied and discharged.

APPROVED:

J. W. Blaine  
Mayor

(Attest)



H. S. Hanson  
City Clerk.

STATE OF MONTANA )  
County of Flathead)ss

H. S. Hanson, being first duly sworn, upon his oath says: I am a citizen of the United States, over the age of 21 years, and am and was at the time mentioned in this affidavit the City Clerk of the City of Polson, in said County and State, that on the 14th day of September, 1915, in accordance with the order of the City Council of the City of Polson, requiring all ordinances of said City to be published by posting in three of the most public places in said city, I posted a copy of the foregoing Ordinance No. 106 in three of the most public places in said city, to-wit: One of the said copies in the office of the Police Judge, one of the copies at the office of the City Treasurer and one copy at the office of the City Clerk; that each of said copies so posted by me was a true, full and correct copy of the said ordinance and of the whole thereof.

H. S. Hanson

Subscribed and sworn to before me this 14th day of September, A.D. 1915.

Paul Morrison

Notary Public for the State of  
Montana, Residing at Polson, Montana.  
My commission expires March 31st, 1916

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