

ORDINANCE NO. 141

AN ORDINANCE DECLARING THE RESULT AND VALIDITY OF THE SPECIAL ELECTION HELD IN AND FOR THE CITY OF POLSON, COUNTY OF FLATHEAD, STATE OF MONTANA, ON MONDAY THE TWENTIETH DAY OF FEBRUARY, 1922, BETWEEN THE HOURS OF EIGHT O'CLOCK A. M. AND SIX O'CLOCK P.M. PROVIDING FOR THE ISSUANCE AND SALE OF \$45,000.00 OF WATER BONDS AUTHORIZED BY THE DULY QUALIFIED ELECTORS THEREOF AT SAID ELECTION AND DECLARING AN EMERGENCY.

Whereas, in accordance with ordinance No. 140 of the city of Polson, County of Flathead, State of Montana, passed and approved January the third, 1922 a special bond election was called and ordered to be held in and for said city on Monday the 20th day of February 1922, between the hours of eight o'clock A.M. and six o'clock P.M. upon the following question:-

Shall the indebtedness of the city of Polson, Montana be increased over and above the three per cent limit fixed by law by the issuance of water bonds to the amount of \$45,000.00 to be used for the purpose of procuring the waters of Big Creek and constructing a pipe line conveying said water to said city. Which water system said city shall own and control and devote the revenue derived therefrom to the payment of the debt incurred therefor.

and whereas, the city clerk has caused due and sufficient evidence of the lawful publication of said ordinance and notice of election appearing therein and the proper posting of said notice and the proper posting and publishing of the notice of registration as furnished by the clerk to this council and said council has heretofore caused the same to be filed and of record as a part of the proceedings of said city.

Whereas, after due canvass of the returns of said city election as made by the said city council acting as a board of canvassers it was found, declared, certified and published that the total number of votes cast at said election was 212, of which 182 votes were "Bonds Yes" and 30 votes were "Bonds No" and that there was a majority of 152 of all votes cast at said election "Bonds Yes". Said votes having been cast in the respective precincts of the city of Polson as follows:-

In Ward No. 1	
Total votes, "Bonds Yes"-----	64
Total votes, "Bonds No"-----	3
Total votes in all-----	67
In Ward No. 2	
Total votes, "Bonds Yes"-----	61
Total votes, "Bonds No"-----	7
Total votes in all-----	68
In Ward No. 3	
Total votes, "Bonds Yes"-----	57
Total votes, "Bonds No"-----	20
Total votes in all-----	77

NOW, Therefore, in consideration of the premises:-  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON AS FOLLOWS:-

Section 1. That the special bond election held in and for said city on Monday the 20th day of February, 1922, beginning at the hour of eight o'clock A.M. and closing at the hour of six o'clock P.M. be and the same is hereby determined and declared to have been duly called, noticed and held in strict compliance with the law.

Section 2. That the result of said election has been duly certified and returns thereof duly made to and canvassed by said city council and said canvass shows that the total number of votes cast at said election upon the following question:-

"Shall the indebtedness of the city of Polson, Montana be increased over and above the three per cent limit fixed by law by the issuance of water bonds to the amount of \$45,000.00 to be used for the purpose of procuring the waters of Big Creek and constructing a pipe line therefrom to the city of Polson, which water system the said city shall own and control and devote the revenue derived therefrom to the payment of the debt incurred therefor"

That there was 212 votes cast at said election of which 182 votes were "Bonds Yes" and 30 votes were "Bonds No". That there was a majority of 152 of all the votes cast at said election "Bonds Yes". Said votes having been cast in the respective wards of the city as follows:-

	In Ward No. 1	
Total votes, "Bonds Yes"	-----	64
Total votes, "Bonds No"	-----	3
Total votes cast in all	-----	67
	In Ward No. 2	
Total votes, "Bonds Yes"	-----	61
Total votes, "Bonds No"	-----	7
Total votes cast in all	-----	68
	In Ward No. 3	
Total votes, "Bonds Yes"	-----	57
Total votes, "Bonds No"	-----	20
Total votes cast in all	-----	77

Section 3. That it is hereby certified, recited and warranted that at said election a majority of all the duly qualified electors present and voting at said election voted in favor of the issuance of said bonds as hereinbefore mentioned and that said city council is hereby authorized and empowered to issue and sell the bonds of said city of the character and to the amount and for the purpose aforesaid.

Section 4. That notice is hereby authorized, ordered and directed to be given and published as hereinafter provided that the council of said city will sell at public auction to the bidder offering the highest price for said issue of bonds as in the manner provided by Section 5280 and 5281 of the Revised Codes of Montana, 1921. Which said notice shall be in substantially the following form:-

NOTICE OF INTENTION TO ISSUE AND SELL \$45,000.00 SIX PER CENT WATER BONDS OF AND FOR THE CITY OF POLSON, OF THE COUNTY OF FLATHEAD AND STATE OF MONTANA AT PUBLIC AUCTION TO THE BIDDER OFFERING THE HIGHEST PRICE THEREFOR.

State of Montana, County of Flathead, City of Polson,----SS:-

Pursuant to the authority of Ordinance No. 141 of the city of Polson, Flathead County, Montana passed and approved the 6th day of March 1922 authorizing and directing the advertisement and sale of certain bonds of said city.

Water Bonds of the city of Polson, County of Flathead, State of Montana to an amount aggregating the amount of \$45,000.00 comprised of forty-five bonds numbering from one to forty-five both numbers inclusive of the denomination of \$1000.00 each and all dated May 1, 1922 and all due and payable May 1, 1942, but redeemable at the option of the city of Polson as follows:-

\$10,000.00 of said bonds, numbered from one to ten, both inclusive on and after the first day of May, 1927.

\$10,000.00 numbered from eleven to twenty, both numbers inclusive on and after the first day of May, 1932.

and \$25,000.00 of said bonds, numbered from twenty one to forty-five both numbers inclusive, redeemable on and after the first day of May, 1937. Bearing interest from their date until paid at the rate of six per cent per annum, interest payable on the first day of July and January respectively in each year. Both principal and interest payable at the office of the city treasurer of the city of Polson, State of Montana.

PUBLIC NOTICE IS HEREBY GIVEN, That the bonds aforesaid will at the office of the undersigned clerk in said city on Monday, to wit, the 10th day of April, 1922 at the hour of 2 o'clock P.M. at public auction, be sold to the bidder offering the highest price therefor.

At said public auction the successful bidder will be required to deposit with the undersigned clerk a certified check payable to his order in the sum of \$1500.00 which check shall be held by the city and forfeited should the purchaser fail to take up and pay for said bonds when presented to him.

By order of the city council of the city of Polson, Montana, made this 6th day of March, 1922.

L. L. Marsh, Mayor.

Frank Napton, Clerk.

Said notice shall be and the same is hereby ordered published for a period of not less than four weeks prior to the date set for the sale of said bonds in the Flathead Courier, a weekly newspaper published and printed and of general circulation in the said city and also in the Weekly Bond News, a newspaper published in the city of New York, U.S.A.

That said city clerk shall procure proof of such publication in duplicate one set of which he shall preserve as part of his files and the other he shall furnish to the purchaser of said bonds.

The city clerk be and is hereby authorized and directed to give to the Board of Land Commissioners of the State of Montana thirty days notice prior to the date of said bond sale, also full and complete proof of the proceedings had with reference to the issuance of said bonds and proof of the same as provided by law.

Section 5. That on Monday, to wit the 10th day of April, 1922 at the hour of two o'clock P.M. the city council shall meet at the office of the city clerk and shall consider the bids of any received for the bonds aforesaid and take such action thereon as the facts warrant and as by law authorized.

Section 6. That inasmuch as it is necessary for the preservation of public health and safety that the city have a complete and adequate water system and emergency is hereby declared to exist and this ordinance shall therefore be in effect from and after its passage and approval.

Passed by the city council of the city of Polson this 6th day of March, 1922.

Approved by the Mayor of the City of Polson this 6th day of March, 1922.

L. L. Marsh, Mayor.

Attest:- Frank Napton, City Clerk.

AFFIDAVIT OF POSTING.

State of Montana,

County of Flathead,-----SS:-

Frank Napton, being first duly sworn, upon his oath deposes and says; I am a citizen of the United States over the age of twenty-one years and am and was during all the time mentioned in this affidavit the city clerk of the city of Polson in this county and state; that on the 7th day of March, 1922, in accordance with the order of the city council of the city of Polson requiring all resolutions and ordinances of said city to be posted in three of the most public places in said city, I posted a copy of the foregoing ordinance No. 141 in the following places, to wit:-

One copy in the office of the City Hall; one copy in the office of the City Treasurer in Security State Bank and one copy in the Post Office of the City of Polson; that each of said copies so posted by me was a full, true and correct copy of Ordinance No. 141 and of the whole thereof.

Frank Napton.

Subscribed and sworn to before me this 8th day of March, 1922.

W. J. Burke, Notary Public for State of Montana,  
residing at Polson, Mont. My commission  
expires May 3rd, 1922.

(Notarial Seal)