



**ORDINANCE NO. 171**

**AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF REXBURG, IDAHO, WHO ARE TAXPAYERS THEREOF, FOR THEIR DETERMINATION THE QUESTION OF ISSUING MUNICIPAL COUPON BONDS OF SAID CITY IN THE AGGREGATE AMOUNT OF \$10,000.00 TO PROVIDE FOR THE CONSTRUCTION OF A MUNICIPAL WATERWORKS PLANT AND SUPPLYING THE SAME WITH WATER FOR THE PURPOSE OF FURNISHING WATER TO SUCH CITY AND THE INHABITANTS THEREOF FOR ALL PURPOSES, AND IN THE AGGREGATE AMOUNT OF \$30,000.00 TO PROVIDE FOR GRADING AND CURBING OF SIDEWALKS, STREETS AND CROSSINGS, AND CALLING AN ELECTION TO VOTE THEREON, AND PROVIDING A TAX TO PAY THE PRINCIPAL OF AND THE INTEREST UPON SAID BONDS IF AUTHORIZED.**

WHEREAS, it appears to the Mayor and City Council of the City of Rexburg that it would be and is hereby deemed advisable to issue the municipal coupon bonds of the City of Rexburg in the aggregate amount of \$10,000.00 to provide for the construction of a municipal water works plant and applying the same with water for the purpose of purchasing water to such city and the inhabitant thereof for all purposes, and in the aggregate amount of \$30,000.00 to provide for the grading and curbing of sidewalks, streets, and crossings of said city.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG;

**SECTION I** – That a special election is hereby ordered and called to be held within the respective wards of the city at the voting places hereinafter designated and established, on Saturday, the 30<sup>th</sup> day of August, A.D. 1913, beginning at the hour of 8 o'clock in the morning and closing at the hour of 7 o'clock in the afternoon for the purpose of taking the vote of the qualified electors who are tax payers of said city upon the following questions, which are hereby submitted to the qualified elector for their determination at said election, to-wit;

First Question – Shall the Mayor and City Council of the City of Rexburg, issue the negotiable coupon bonds of said city in the aggregate amount of \$10,000.00 dated Aug. 1<sup>st</sup>, 1913, to provide for the construction of a municipal waterworks plant and supplying the same with water for the purpose of furnishing water to such city and the inhabitants thereof, for all purposes?

Second Question – Shall the Mayor and City Council of the City of Rexburg issue the negotiable coupon bonds of said city in the aggregate amount of \$30,000.00 dated Aug. 1, 1913, to provide for the grading and curbing of sidewalks, streets, and crossings?

**SECTION II** – That said election shall be held in said city and the vote upon said questions taken within the respective wards of said city at the following designated voting places, to-wit:

- First Ward – City Hall
- Second Ward – Central School House
- Third Ward – Idaho Hotel Sample Room

**SECTION III** – All persons who at the time of said election are qualified electors of the City of Rexburg and who are taxpayers of said city, and no others shall be qualified to vote at said election upon the questions submitted as aforesaid. The voting at said election shall be by ballot, and the ballots used shall be in substantially the following form.

SPECIAL MUNICIPAL COUPON BOND ELECTION  
CITY OF REXBURG                      STATE OF IDAHO  
OFFICIAL BALLOT

The voter will answer the questions on this ballot propounded by marking a cross (x) in the appropriate space opposite the answer to the question submitted which expresses his choice.

**First Question Submitted:**

Shall the Mayor and City Council of the City of Rexburg issue the negotiable coupon bonds of said City in the aggregate amount of \$10,000.00 dated Aug. 1, 1913, to provide for the construction of a municipal water works plant and supplying the same with water for the purpose of furnishing water to such city and the inhabitants thereof, for all purposes?

Answer:

In favor of issuing bonds to the amount of \$10,000.00 for the purpose as stated in Ordinance No. 171

Against issuing bonds to the amount of \$10,000.00 for the purpose as stated in Ordinance No. 171

**Second Question Submitted:**

Shall the Mayor and City Council of the City of Rexburg issue the negotiable coupon bonds of said city in the aggregate amount of \$30,000.00 dated Aug. 1, 1913, to provide for the grading and curbing of sidewalks, streets and crossings?

Answer:

In favor of issuing bonds to the amount of \$30,000.00 for the purpose as stated in Ordinance No. 171

Against issuing bonds to the amount of \$30,000.00 for the purpose as stated in Ordinance No. 171

**SECTION IV** – The Clerk of said City shall give thirty (30) days’ notice of such election by causing the same to be published in Rexburg Standard, a newspaper published and in general circulation in said city, and by posting said notice of election at the place in each ward where the election is authorized to be held and in two (2) other of the most public and suitable places in each ward in said city, which notice shall be in substantially the following form:

PUBLIC NOTICE

SPECIAL MUNICIPAL COUPON BOND ELECTION

Pursuant to the laws of the State of Idaho, public notice is hereby given that a special election will be held in the city of Rexburg within the respective wards of the city, at the voting places hereinafter designated, on Saturday, the 30<sup>th</sup> day of August, A.D. 1913, beginning at the hour of 8 o’clock a.m. and closing at the hour of 7 o’clock p.m. of said city, for the purpose of taking the vote of the qualified electors who are taxpayers of the city upon the following questions, to-wit:

First Question: Shall the Mayor and City Council of the City of Rexburg issue the negotiable coupon bonds of said city in the aggregate amount of \$10,000.00 dated Aug. 1, 1913, to provide for the construction of a municipal water works plant and supplying the same with water for the purpose of furnishing water to such city and the inhabitants thereof, for all purposes?

Second Question: Shall the Mayor and City Council of the City of Rexburg issue the negotiable coupon bonds of said city in the aggregate amount of \$30,000.00 dated August 1, 1913, to provide for the grading and curbing of sidewalks, streets and crossings:

First Ward – City Hall  
Second Ward – Central School House  
Third Ward – Idaho Hotel Sample Room

All persons who at the time of said election are qualified electors of the said city of Rexburg and who are taxpayers hereof and no others, shall be qualified to vote at said election on said questions. The voting at said election shall be by ballot, and the ballots shall be supplied to the voters for their use at said election, and shall be in the form set forth in said Ordinance No. 171.

Dated at Rexburg, Idaho, this 26<sup>th</sup> day of July, A.D. 1913.

JAS C. ANDERSON

City Clerk

**SECTION V** – The following named persons are hereby appointed to act as judges and distributing clerks of said election in each of the respective wards of said city, as follows: to-wit:

First Ward – Judges of Election: William J. Flowers  
Amelia Ricks  
L.Y. Rigby  
Distributing Clerk: Mrs. Joseph Morris

Second Ward – Judges of Election: Daniel Ricks  
Samuel Ayton  
L. Jane Osborn  
Distributing Clerk: Martha Ricks

Third Ward – Judges of Election: John H. Squires  
William G. McAllister  
Cora Ballif  
Distributing Clerk: Mrs. Agnes Hay

**SECTION VI** – In case of issuance of said bonds to provide for the construction of a municipal water works plant and supplying the same with water for the purpose of furnishing water to said city and the inhabitants thereof shall be approved by said electors, then by virtue of and in pursuance of chapter 12 of Title 13 of the Revised Codes of Idaho and the amendments thereto, there shall be issued the municipal coupon bonds of the city of Rexburg in the amount of \$10,000 to provide for the construction of a municipal water works system and supplying the same with water for the purposes of furnishing water to such city and the inhabitants thereof for all purposes; that said bonds shall be dated August 1, 1913, and be redeemable at the option of the city at any time after the expiration of ten (10) years from the date thereof and shall be absolutely due and payable August 1, 1933. They shall consist of ten (10) bonds in the denomination of one thousand (\$1,000) dollars each, numbered from (1 to 10) one to ten, inclusive. The principal of said bonds shall be payable at the office of the city treasurer or at the Banking House of Kountze Brothers, in the city and state of New York, at the option of the holder. They shall bear interest at the rate of six per centum (6%) per annum, payable semi-annually on the first day of January and the first day of July in each year, and said interest shall be represented by forty (40) coupons attached to each bond, each coupon representing a half yearly payment of interest on the bond to which it is attached, except the first and last coupon which together shall represent one years' interest. Said bonds shall be signed by the mayor, attested by the city clerk and countersigned by the city treasurer, and the coupons thereto attached shall bear the original or engraved signature of the city treasurer.

**SECTION VII** – The said bonds and coupons shall be in substantially the following form, to-wit;



**SECTION VIII** – In case the issuance of said bonds shall be approved by said electors, then the interest due January 1, 1914 and July 1, 1914, shall be paid from the general fund of said city and for the purpose of reimbursing said general fund on the account of interest so taken from it and for the purpose of providing funds to pay the interest after July 1, 1914, and to constitute and maintain a sinking fund sufficient to discharge the principal thereof at maturity, there shall be levied on all the taxable property in said city in addition to the other taxes, the following direct tax, to-wit;

In the year 1914, a tax sufficient to provide the sum of \$1,150, for interest.

In each of the years 1915 to 1922 both inclusive, a tax sufficient to produce a sum of \$600, for interest.

In each of the years 1923 to 1931, both inclusive, a tax sufficient to produce the sum of \$1,600., being \$600 for interest and \$1,000 for principal

In the year 1932 a tax sufficient to produce the sum of \$1,650, being \$650 for interest and \$1,000 for principal and said tax when collected shall be by the treasurer of said city be kept in a separate fund to be designated “Water Works bonds dated August 1, 1913, interest and sinking fund”, which shall be irrevocably pledged to and used solely for the payment of the interest on and principal of said bonds hereby authorized when due, so long as any of said bonds or the interest coupons thereto appertaining shall remain outstanding and unpaid, out shall be used for no other purpose whatever until the indebtedness so contracted under this ordinance, principal and interest, shall have been fully paid, satisfied and discharged.

**SECTION IX** – It shall be the duty of the council of said city, and they are hereby required annually at the time and in the manner provided by law for the levying of other city taxes, to ratify and carry out the provisions hereof with reference to the levying of taxes and requiring the officers of and for said city to levy, extend and collect such taxes in the manner provided by law for the purpose of creating a fund or the payment of the interest and principal of said bonds, and the said taxes, when so collected, shall be kept for and supplied only to the payment of said interest and principal of said bonds as hereinbefore specified, but nothing herein continued shall be so construed as to prevent said city from applying any other funds that may be in the city treasury and available for that purpose to the payment of said interest or principal as the same respectively mature, and the levy or levies herein provided for may thereupon to that extent be diminished, and upon the payment of the principal of any of the bonds issued hereunder in said manner, or by the use of the sinking fund herein provided for, the payment of interest may to the extent of the interest of the bonds so paid be diminished.

**SECTION X** – In case the issuance of said bonds to provide for the grading and curbing of sidewalks, streets and crossings in said city shall be approved by said electors, then by virtue of and in pursuance of chapter 12 of Title 13 of the Revised Codes of Idaho and the amendments thereto, there shall be issued the municipal coupon bonds of the city of Rexburg in the amount of \$30,000 to provide for the grading and curbing of sidewalks, streets and crossings said bonds shall be dated August 1, 1913, and be redeemable at the option of the city at any time after the expiration of ten (10) years from the date thereof and shall be absolutely due and payable August 1, 1933. They shall consist of thirty (30) bonds in the denomination of one thousand (\$1,000) dollars each, numbered from one (1) to thirty (30) inclusive. The principal of said bonds shall be payable at the office of the city treasurer and the interest shall be payable at the office of the city treasurer or at the Banking House of Kountze Brothers, in the city and state of New York, at the option of the holder. They shall bear interest at the rate of six per centum (6%) per annum, payable semi-annually on the first day of January and the first day of July in each year, and said interest shall be represented by forty (40) coupons attached to each bond, each coupon representing a half yearly payment of interest on bond to which it is attached, except the first and last coupons which together shall represent one year's interest. Said bond shall be signed by the Mayor, attested by the City Clerk and countersigned

by the City Treasurer, and shall bear the seal of said city and the coupons hereto attached shall bear the original or engraved signature of the city treasurer.

**SECTION XI** – The said bonds and coupons shall be in substantially the following form, to-wit:

UNITED STATES OF AMERICA  
STATE OF IDAHO                      COUNTY OF FREMONT  
GRADING & CURBING  
MUNICIPAL COUPON BOND OF THE CITY OF REXBURG

No. \_\_\_\_\_ \$1,000.00

The City of Rexburg in the County of Fremont, in the State of Idaho, for value received acknowledges itself indebted and hereby promises to pay to the bearer the sum of One Thousand (\$1,000.00) dollars in lawful money of the United States of America at the office of the city treasurer, on the first day of August, A.D. 1933, with interest thereon at the rate of six per centum (6%) per annum, payable semi-annually on the first day of January and the first day of July in each year, at the office of the city treasurer aforesaid or at the Banking House of Kountze Brothers, in the city and state of New York, at the option of the holder upon presentation and surrender of the annexed coupons as they severally become due.

The said city reserved the right, however, to pay this bond at any time after the first day of August, A.D. 1923.

The bond is issued to provide for the grading and curbing of streets and the construction of sidewalks, crossings and crosswalks, within said city, by virtue of and in full conformity and compliance with the constitution of the state of Idaho, the provisions of Chapter 12, of Title 13, of the Revised Codes of the State of Idaho, and all amendments thereof, and also by authority of a vote of the qualified electors who were taxpayers of said city at an election legally called and duly held in said city prior to the issuance of this bond, at which election more than two thirds of all the legal votes cast on the question were in favor of the issuance of this bond.

It is hereby certified that all the acts and things required to be done and conditions and things required to exist precedent to and in the issuance of this bond to render the same legal and valid have been done and did exist in due time, form and manner as required by law and that the total left of this city, including that of this bond, does not exceed the constitutional or any statutory limitation of the State of Idaho.

In Testimony Whereof, the city of Rexburg, in the state of Idaho, has caused this bond to be signed by its Mayor, attested by the City Clerk, and countersigned by the City Treasurer, and the seal of said city affixed as of the first day of August, A.D. 1913.

(Form of Coupon)

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

On the first day of January/July, A.D. 19\_\_\_\_, the City of Rexburg, in the State of Idaho, will pay to the bearer \_\_\_\_\_ dollars in lawful money of the United States of America, at the office of the city treasurer or at the Banking House of Kountze Bros. in the city and state of New York, at the option of the holder being interest then due on its municipal coupon bond issued to provide for the grading and curbing of sidewalks, streets and crossings within said city, dated August 1, A.D. 1913.

No. \_\_\_\_\_

**SECTION XII** – In case the issuance of said bonds shall be approved by said electors then the interest due January 1, 1914 and July 1, 1914 shall be paid from the general fund of said city, and for the purpose of reimbursing said general fund for the amount of interest so taken from it and for the purpose of providing the necessary funds to pay the interest on said bonds after July 1, 1914, as the same becomes due, and to constitute and maintain a sinking fund sufficient to discharge the

principal thereof at maturity, there shall be levied on all the taxable property in said city in addition to all other taxes, the following direct tax, to-wit:

In the year 1914, a tax sufficient to produce the sum of \$3,450 for interest.

In each of the years 1915 to 1922, both inclusive, a tax sufficient to produce the sum of \$1800 for interest.

In each of the years 1923 to 1931, both inclusive, a tax sufficient to produce the sum of \$4,800, being \$1,800 for interest and \$3,000 for principal.

In the year 1932 a tax sufficient to produce the sum of \$4,950, being \$1,950 for interest and \$3,000 for principal and said tax when collected shall be the treasurer of said city be kept in a separate fund to be designated "Grading & Curbing bonds dated Aug. 1, 1913, interest and sinking fund," which shall be irrevocably pledged to used solely for the payment of the interest on and principal of said bonds hereby authorized when due, so long as any of said bonds or interest coupons thereto appertaining remain outstanding and unpaid, but shall be used for no other purposes whatever until the indebtedness so counteracted under this ordinance, principal and interest shall have been fully paid, satisfied and discharged.

**SECTION XIII** – It shall be the duty of the council of said city, and they are hereby required annually at the time and in the manner provided by law for the levying of other city taxes, to ratify and carry out the provisions hereof with reference to the levying of taxes, and requiring the officers of and for said city to levy, extend and collect such taxes in the manner provided by law, for the purpose of creating a fund for the payment of the interest upon and the principal of said bonds, and the said taxes when so collected, shall be kept for and applied only to the payment of said interest and principal of said bonds as hereinbefore specified, but nothing herein contained shall be so construed as to prevent said city from applying any funds that may be in the treasury and available for that purpose to the payment of said interest or principal as the same respectively mature, and the levy or levies herein provided for may thereupon to that extent be diminished, and upon the payment of the principal or any of the bonds issued hereunder in said manner, or by the use of the sinking fund herein provided for, the levy or levies herein provided for the payment of interest may to the extent of the interest of the bonds so paid be diminished.

**SECTION XIV** – This ordinance shall take effect and be in force from and after its passage, approval and due publication, and shall be irrevocable until the indebtedness hereby created shall have been duly paid and satisfied.

PASSED AND APPROVED THIS 26<sup>TH</sup> DAY OF JULY, A.D. 1913.

ROBERT G. ARCHIBALD

Mayor

ATTEST: J.C. ANDERSON  
City Clerk