



**ORDINANCE NO. 229**

**AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTIONS OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO, WHO ARE TAXPAYERS THEREOF THE QUESTION OF ISSUING MUNICIPAL COUPON BONDS OF SAID CITY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE CONSTRUCTION OF A TRUNK SEWER IN THE AMOUNT OF SEVENTY THOUSAND DOLLARS (\$70,000.00) TO DESIGNATE THE PROVISIONS TO BE MADE TO PAY THE INTEREST ON SUCH BONDS AS IT FALLS DUE AND ALSO TO CONSTITUTE A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL THEREOF WITHIN TWENTY (20) YEARS FROM THE TIME OF THE ISSUANCE OF SAME. TO PROVIDE FOR THE HOLDING OF SAID ELECTION OF THE QUALIFIED ELECTORS WHO ARE TAXPAYERS OF SAID CITY AND FOR THIRTY (30) DAYS NOTICE THEREOF TO BE GIVEN IN A NEWSPAPER PRINTED AND PUBLISHED IN SAID CITY. TO PROVIDE FOR THE BALLOTS TO BE USED AT SAID ELECTION. TO PROVIDE FOR THE FORM OF SAID BONDS AND THE ADVERTISING AND SALE THEREOF, AND TO APPOINT JUDGES AND CLERKS FOR SAID SPECIAL ELECTION.**

WHEREAS, THE CITY COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO, DEEM IT ADVISABLE TO ISSUE COUPON BONDS OF SUCH CITY TO CONSTRUCT A TRUNK SEWER FOR SAID CITY.

NOW, THEREFORE, Be it ordained by the Mayor of said City of Rexburg, Idaho, and the City Council of said city:

**SECTION I** - A special election is hereby ordered and called to be held in the respective wards at the polling places hereinafter designated in the city on the first day of October, 1919, beginning at the hour of nine (9) o'clock a.m. and closing at seven (7) o'clock p.m. for the purpose of submitting to the qualified electors who are taxpayers of said city, the question of issuing the municipal coupon bonds of said city in the amount of Seventy Thousand Dollars (\$70,000.00) to bear date of October 1<sup>st</sup>, 1919, for the purpose of providing funds to construct a trunk sewer in such city.

**SECTION II** – All persons who at the time of said election are qualified electors of said city of Rexburg, Idaho, who are taxpayers in said city, and no other, shall be qualified to vote at said election. Such election shall be conducted as other city elections. The voting at such election must be by ballot and the ballot used shall be substantially as follows, “In favor of issuing bonds to the amount of seventy thousand dollars (\$70,000.00) for the purpose stated in ordinance no. 229” and “Against issuing bonds to the amount of seventy thousand dollars (\$70,000.00) for the purpose stated in ordinance no. 229.

**SECTION III** – The clerk of said city shall give thirty (30) days notice of such election by causing the same to be published in the Rexburg Journal, a newspaper printed and published and of general circulation in said city and by posting notices of said election at the places where the election is authorized to be held and in two other of the most public and suitable places in said city and shall also give notice by publication in the aforesaid newspaper in five issues thereof, of the intention of said city council of said city to issue and negotiate the bonds described in this ordinance, in the event the issuance of said bonds shall be approved by the electors, and inviting the bidders therefore, which said election notice and said bond shall notice shall be in substantially the following forms, respectively, to-wit;

## NOTICE OF ELECTION

Pursuant to the laws of the State of Idaho and Ordinance No. 229 of the City of Rexburg, in the County of Madison, State of Idaho, notice is hereby given that a special election will be held at the respective wards at the polling places hereinafter designated in the City of Rexburg, Idaho, on Wednesday, the 1<sup>st</sup> day of October, 1919, beginning at the hour of nine (9) o'clock a.m. and closing at the hour of seven (7) o'clock p.m. of said day, for the purpose of voting on the question of the issuing of municipal coupon bonds of said city, bearing date the first day of October, 1919, in the amount of seventy thousand dollars (\$70,000.00) for the purpose of providing funds to construct a trunk sewer for such municipality.

All person who at the time of said election are qualified electors of said City of Rexburg, Idaho, and who are taxpayers of said city and no other, shall be qualified to vote at said election. Such election shall be conducted as other city elections. The voting at such election must be by ballot and the ballot used by substantially as follows; "In favor of issuing bonds to the amount of seventy thousand dollars (\$70,000.00) for the purpose stated in Ordinance No. 229."

Dated at Rexburg, Idaho, this 29<sup>th</sup> day of August, 1919.

R.D. GARNER  
City Clerk

(City Seal)

First Publication, August 29, 1919.  
Last Publication, September 26, 1919.

### Notice of Municipal Coupon Bond Issues

Sale by the City of Rexburg, Idaho

Public notice is hereby given that the City Council of the City of Rexburg, Idaho, intends to issue and negotiate municipal coupon bonds of said city in the aggregate amount of Seventy Thousand Dollars (\$70,000.00) to provide funds to construct a trunk sewer for such municipality.

Said bonds will be issued in conformity with the provisions of Ordinance No. 229 of said city adopted and approved the 29<sup>th</sup> day of August, 1919, and subject to the approval of the qualified electors of said city voting upon the question at an election to be held in conformity with said ordinance. If the issue of said bonds to be approved by the electors as aforesaid, said bonds will bear interest date October 1, 1919, and will be redeemable at the option of the city at any time after the expiration of ten years from the date thereof and will be absolutely due and payable October 1<sup>st</sup>, 1939. They will consist of seventy bonds of the denomination of One Thousand Dollars (\$1,000.00) each numbered consecutively from on (1) to seventy (70) inclusive, principal and interest being payable at the office of the City Treasurer or at Kountze Bros. Bankers, City of New York, State of New York.

Alternate proposals for the purchase of said bonds are invited, said alternate proposals being made on a basis of bonds bearing interest at the rate of 5% or 5 1/2% or 6% per annum, payable semi-annually on the first day of January and July of each year.

The Councilmen of the City of Rexburg, Idaho, will up to and including the 15<sup>th</sup> day of October, 1919, at the hour of eight (8) o'clock p.m. at the office of the city clerk, receive sealed bids for said bonds. All bids must be accompanied by a certified check for ten per centum (10%) of the

amount of bid and must be unconditional. Bidders to take up and pay for bonds within three (3) days from date of sale or check will be forfeited.

The City Council of said city reserves the right to reject any and all bids, after ascertaining the best terms upon and the lowest interest at which such bonds can be negotiated. The bonds will be sold for cash and for not less than their face or par value and accrued interest at the time of issuance by the City Treasurer under the general supervision of the City Council.

The City Council of the  
City of Rexburg, Idaho

By: J.L. BALLIF JR  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

First Publication, September 19, 1919.

Last Publication, October 10, 1919.

**SECTION IIIA** – That the said election shall be held in said city and vote upon said question taken within the respective wards of said city at the following designated voting places.

First Ward – City Hall  
Second Ward – Public School House  
Third Ward – Bench Building

**SECTION IV** – The following named person are hereby appointed to act as judges of said election to-wit:

First Ward – Judges of Election:  
T.E. Ricks, Sr.  
M.P. Evans  
Fred Smith  
Geo Liljenquist – Clerk

Second Ward – Judges of Election:  
Frank Turner  
John K. Anderson  
Peter Anderegg  
Harriett Ricks – Clerk

Third Ward – Judges of Election:  
Geo N. Atkinson  
A.J. Feljestrom  
Mrs. A. Heath  
Geo Ballif – Clerk

**SECTION V** – In the event that the issuance of said bonds shall be approved by said election then by virtue of and in pursuance of Chapter 159 of Part 1 of the compiled laws of the State of Idaho, and subsequent amendments thereto, there shall be issued the municipal coupon bonds of the city of Rexburg, Idaho, in the amount of Seventy Thousand Dollars (\$70,000.00) for the purpose of providing funds for the construction of a trunk sewer for use of said city. Said bonds shall be dated October 1<sup>st</sup>, 1919 and be redeemable at the option of the city at any time after the expiration of ten years after date thereof and each bond shall be redeemed in the order of its number and shall be absolutely due and payable October 1<sup>st</sup>, 1939. They shall consist of seventy (70)

bonds of One Thousand Dollars (\$1,000.00) each numbered one (1) to seventy (70) inclusive, the principal and interest of said bonds shall be payable at the office of the City Treasurer or at the office of Kountze Bros, Bankers, City of New York, State of New York, at the option of the holder. They shall bear interest at a rate not exceeding six (6) per centum per annum, payable semi-annually of the first days of January and July in each year and said interest shall be represented by coupons attached to each bond, each coupon representing a half yearly payment of interest on the bond to which it is attached, save the first and last coupon. Said bonds shall be signed by the mayor of said City of Rexburg, Idaho, attested by the City Clerk and countersigned by the City Treasurer and shall bear the seal of said city and the coupons thereto attached shall bear the original or engraved signatures of the Mayor and the City Treasurer.

**SECTION VI** – The said bonds and coupons shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA  
STATE OF IDAHO COUNTY OF MADISON  
MUNICIPAL COUPON BOND  
OF THE  
CITY OF REXBURG

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

\$1,000.00

The City of Rexburg, in the County of Madison, State of Idaho for value received, acknowledges itself indebted and hereby promises to pay to the bearer the sum of:

ONE THOUSAND DOLLARS

In lawful money of the United States of America on the First day of October 1939 with interest thereon at the rate of \_\_\_\_\_ per centum per annum payable semi-annually on the first day of January and July in each year, principal and interest payable at the office of the City Treasurer aforesaid or at the office of Kountze Bros. Bankers, in the City of New York, State of New York, at the option of the holder of this bond, upon presentation and surrender of the annexed coupon as they severally become due.

The said city reserves the right, however, to pay this bond at any time after the first day of October 1929.

This bond is one of a series of like date and tenor aggregating seventy thousand dollars (\$70,000.00) par value in amount and numbered one (1) to seventy (70) inclusive issued for the purpose of constructing a trunk sewer for such municipality by virtue of and in full conformity with the provisions of Chapter 159, Part 1 of the compiled law of the State of Idaho and subsequent amendments thereto and of the constitution of the State of Idaho, and also by authority of a vote of the qualified electors who were the taxpayers of said city at an election legally called and duly held in said city prior to the issuance of this bond, to-wit; October 1, 1919, 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 acts and things required to be done and conditions and things required to exist precedent to and in the issuance of the 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 debt of this city, including that of the bond does not exceed the statutory limitation of the State of Idaho.

In Testimony, whereof, the City of Rexburg 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 this \_\_\_\_\_ day of October 1919.

\_\_\_\_\_  
JOHN L. BALLIF JR

Mayor

ATTEST: \_\_\_\_\_

City Clerk

COUNTERSIGNED: \_\_\_\_\_

City Treasurer

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

On the first day of January/July 1919 the City of Rexburg, County of Madison, State of Idaho, will pay the bearer \$1,000.00 in lawful money of the United States of America at the office of the City Treasurer or at the office of Kountze Bros. Bankers, in the City of New York, State of New York, at the option of the holder, being interest due on its municipal coupon bond No. \_\_\_\_\_

City Treasurer

**SECTION VII** – In case the issuance of said bonds shall be approved by said elections then the interest falling due on said bonds on January 1<sup>st</sup>, 1920 and July 1<sup>st</sup>, 1920, shall be paid out of the general fund of said city and for the purpose of reimbursing said general fund for said two semi-annual installments of interest and to meet the interest accruing on said bonds on January 1<sup>st</sup>, 1921 and July 1<sup>st</sup>, 1921, there shall be levied in the year 1921 on all taxable property in said city in addition to the other taxes, a direct annual tax sufficient to produce the sum of money necessary for the above mentioned purposes, that in order to raise the necessary funds with which to pay the interest due after January 1, 1922 promptly and as the same accrues, there shall be levied on all the taxable property in said city in addition to all other taxes a direct annual tax in each of the eight years, 1922 to 1929, inclusive sufficient to produce the sums for the payment of the above two mentioned interest installments due each year; that in order to raise the necessary funds with which to pay the interest due after January 1<sup>st</sup>, 1920 promptly and as the same accrues and to create a sinking fund for the payment of the principal of said bonds there shall be levied on all the taxable property in said city in addition to all other taxes, a direct annual tax in each year 1929 to 1939 inclusive sufficient to produce the interest to become due each year from January 1<sup>st</sup> 1929, to October 1<sup>st</sup>, 1939, inclusive, on the outstanding bonds of this series, and in the years 1929 to 1939 inclusive, sufficient also to produce the sum of \$7,000.00 additional to apply on the payment of the principal of said bonds and said taxes when so collected shall be applied solely for the purpose of paying all interest and principal of said bonds, respectively, and 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 VIII** – It shall be the duty of the City Council of said city and they shall be hereby and are 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 of 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 other funds that may be in the City Treasury and available for that purpose to the payment of said interest and principal as the same respectively matures 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 sinking funds herein provided for the levy or levies herein provided for, for the payment of interest may, to the extent of the interest on the bonds, so paid, be diminished.

**SECTION IX** – 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 fully paid and satisfied.

PASSED AND APPROVED THIS 29<sup>TH</sup> DAY OF AUGUST, 1919.

\_\_\_\_\_  
JOHN L. BALLIF JR.

Mayor

\_\_\_\_\_  
RAY D. GARNER

City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO  
COUNTY OF MADISON

I, Arthur Porter Jr. do solemnly swear that I am of lawful age and am the publisher of the Rexburg Journal, a weekly newspaper printed and published at Rexburg, Idaho and have personal knowledge of all advertisements published therein that the notice of which the annexed is a printed copy was published once a week in said newspaper as follows: Commencing with the issue of Friday the 29<sup>th</sup> day of August, 1919 and ending with the issue of Friday the \_\_\_\_ day of \_\_\_\_\_, 1919 in the regular and entire issue of every number of said paper in said issues that the notice was published in the newspaper proper and not in a supplement.

ARTHUR PORTER JR.

Mayor

Subscribed and sworn to before me, a Notary Public in and for said County and State on the 10<sup>th</sup> day of Sept. A.D. 1919.

DANIEL RICKS

Notary Public

My commission expires Nov. 22, 1921.

REPEALED BY ORD. 2380