

ORDINANCE NO. 102 1/2

Introduced by H. W. Douglas 8-2-1915.

AN ORDINANCE DECLARING THE RESULT AND VALIDITY OF THE SPECIAL ELECTION HELD IN AND FOR THE CITY OF POLSON OF THE COUNTY OF FLATHEAD AND STATE OF MONTANA, ON TUESDAY, TO-WIT: THE TWENTIETH DAY OF JULY, A. D. 1915, BETWEEN THE HOURS OF EIGHT O'CLOCK A.M. AND SIX O'CLOCK P. M., PROVIDING FOR THE GRANTING OF A FRANCHISE TO JOSEPH H. CLINE, HIS HEIRS, PERSONAL REPRESENTATIVES AND ASSIGNS FOR A PERIOD OF TWENTY FIVE YEARS FOR THE ERECTION AND CONSTRUCTION OF AN ELECTRIC LIGHT, HEAT AND POWER PLANT AND SYSTEM AND THE USE OF ALL THE STREETS, AVENUES, ALLEYS, BRIDGES, PARKS AND OTHER PUBLIC PLACES OF THE CITY OF POLSON, BY AND FOR THE SAID CITY--AUTHORIZED BY THE DULY QUALIFIED ELECTORS THEREOF AT SAID ELECTION AND DECLARING AN EMERGENCY.

WHEREAS in accordance with Ordinance No. 97 of the City of Polson, of the County of Flathead, and State of Montana, passed and approved June 14th, 1915, a special election was called and ordered to be held in and for said City on Tuesday, to-wit the 20th day of July A. D. 1915, between the hours of eight o'clock A. M. and six o'clock P.M. for the purpose of voting upon the following question:

The question of whether or not the City of Polson, Montana, shall grant the application of Joseph H. Cline for a franchise giving to him, his heirs, personal representatives, assigns, and successors, the right and privilege of operating and maintaining an electric light, heating and power plant or plants, and system and using the streets, avenues, alleys highways, bridges and other public places of said city for the purposes of constructing, operating, and maintaining therein, thereover and thereunder, a system and plant for transmitting electricity, and selling such electricity and power to the inhabitants of said city and vicinity, to said city and to others; the proposed franchise being for the term of 25 years.

and,  
WHEREAS, the City Clerk has caused due and sufficient evidence of the lawful publication of said Ordinance and of the notice of the election, and the proper posting of said notice and the proper posting and publication of the notice of registration by the City Clerk and Registry Agent to be furnished to the Council and the said Council has heretofore caused the same to be filed of record as a part of said proceedings, and

WHEREAS, after due canvass of the returns of said election as made by the said council acting as a board of canvassers, it was found, declared and certified and published that the total number of votes cast at said election submitted thereat, was eighty-four, of which eighty were "For Granting Franchise" and four were "Against Granting Franchise"; and that there was a majority of seventy-six of all the votes cast at said election "For Granting Franchise"; said votes having been cast in the respective precincts of the City as follows:

IN PRECINCT NO. ONE  
Total votes "for Granting Franchise".....21  
Total votes "Against Granting Franchise"..... 3  
Total votes cast in all .....24

IN PRECINCT NO. TWO  
Total votes "For Granting Franchise".....27  
Total votes Against Granting Franchise"..... 1  
Total votes cast in all .....28

IN PRECINCT NO. THREE  
Total votes "For Granting Franchise".....32  
Total votes "Against Granting Franchise"..... 0  
Total votes cast in all .....32

Now, therefore, in consideration of the premises,  
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON as follows:

Section 1. That the special franchise election held in and for the said city, on Tuesday, to-wit: the 20th day of July, A.D. 1915 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 law.

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

The question of whether or not the City of Polson, Montana, shall grant the application of Joseph H. Cline for a franchise giving to him, his heirs, personal representatives, assigns and successors, the right and privilege of operating, maintaining an electric light, heating and power plant, or plants and system and using the streets, avenues, alleys, highways, bridges, and other public places of said city for the purposes of constructing, operating and maintaining therein, thereover and thereunder a system and plant for transmitting electricity and selling such electricity and power to the inhabitants of said city and vicinity, to said city and to others; the proposed franchise being for the term of 25 years.

was eighty-four, of which eighty were "For Granting Franchise" and four votes were "Against Granting Franchise" and that there was a majority of seventy-six of all the votes cast at said election "For granting Franchise"; said votes having been cast in the respective precincts of the city as follows:

IN PRECINCT NO. ONE.  
Total votes "For Granting Franchise".....21  
Total votes "Against Granting Franchise"..... 3  
Total votes cast in all .....24

IN PRECINCT NO. TWO  
Total votes "For Granting Franchise".....27  
Total votes "Against Granting Franchise"..... 1  
Total votes cast in all .....28

IN PRECINCT NO. THREE  
Total votes "For Granting Franchise".....32  
Total votes "Against Granting Franchise"..... 0  
Total votes cast in all .....32

Section 3. That it be and is hereby certified, recited and warranted that at said election a majority of all of the duly qualified electors present and voting at said election voted in favor of the granting of the franchise hereinabove mentioned and that the Council is hereby duly authorized and empowered to issue and grant said franchise for the purpose aforesaid.

Section 4. That in as much as it is necessary for the immediate preservation of the public peace, health and safety that the City have an adequate system of electric lights and power, an emergency is hereby declared to exist and this ordinance shall therefore be in effect from and after its passage and approval.

Passed by the Council of the City of Polson, this 2nd day of August, 1915.

Approved by the Mayor, this 2nd day of August, 1915.

Attest W. S. Bainson City Clerk J. W. Clark Mayor

For the passing of this Ordinance:  
Ayes-- Clerk-- Douglas-- Stoughton  
Noes None.

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 twentyone 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 47th day of August, 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. 102½ in three of the most public places in said city, to-wit: one of said copies in the office of the Police Judge, one copy 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 19th day of August, 1915.



*Paul M. Shaw*

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

ORDINANCE NO. 103.

Introduced by J. W. Clark, 7-26-1915.

AN ORDINANCE granting to Joseph H. Cline, a franchise for and during a period of twenty-five (25) years next succeeding the day on which it shall be passed and approved permitting him, his heirs, personal representatives, and assigns, to erect and maintain poles and conduits in all the streets, alleys, avenues, highways, parks, and other public places of said City (and of each and every addition or extension of said city which may be made hereafter) and string wires thereon and therein; also to lay underground wires and conduits for electrical purposes for supplying said city, and its inhabitants, and others with electrical power, light and heat and for such other uses to which electricity may be put; together with the right, during said period, to operate, replace, maintain, repair and extend the same as an electric lighting, heating, and power plant and system, and permitting the operation of an electric light and power plant and the use of all the streets, avenues, alleys, bridges, parks, and other public places of said city, for constructing thereon, therein, thereover and thereunder, a system of electric current distribution, including all poles, wires, conduits, transformers, apparatus and other appurtenances incident to or necessary for transmitting, transforming, distributing, selling or leasing electricity and electric power to said city, its inhabitants and others; and granting also the right and privilege to purchase, acquire, build, construct, erect, operate, replace, and maintain an electric light plant or plants, stations, substations, buildings, machinery and all appliances in connection with said system.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1. WHEREAS at a special election holden in the City of Polson, State of Montana, on the 20th day of July, 1915, wherein was submitted to the resident freeholders of said City of Polson, whose names appeared on the County Tax Roll next preceding such election, the appli