

ORDINANCE NO. 223

AN ORDINANCE GRANTING TO PACIFIC POWER & LIGHT COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN, ON AND UNDER THE PRESENT AND FUTURE STREETS, ALLEYS, PUBLIC PLACES AND WAYS OF THE TOWN OF MILLS, NATRONA COUNTY, WYOMING, AN ELECTRIC LIGHT AND POWER SYSTEM FOR THE PURPOSE OF SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE TOWN OF MILLS, THE INHABITANTS THEREOF, AND OTHERS; SUBJECT TO THE TERMS AND CONDITIONS AND TO THE MAKING OF PAYMENTS SPECIFIED IN THE ORDINANCE; AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 137 OF THE TOWN OF MILLS, PASSED AND APPROVED APRIL 5, 1963.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

Section 1. The Town of Mills, Natrona County, Wyoming, hereinafter called the Town, does hereby grant to Pacific Power & Light Company, a corporation, authorized to do business in the State of Wyoming, and to its successors and assigns, hereinafter called Grantee, a right and franchise for the period of twenty-five (25) years from and after the effective date of this Ordinance, to construct, maintain, and operate in, on and under the present and future streets, alleys, public places and ways, hereinafter referred to as "streets," electric light and power transmission and distribution lines, with all necessary or desirable appurtenances, including underground conduits, poles, wires, and telephone wires hereinafter referred to as "facilities," for the purpose of supplying electricity and electric service to said Town, the inhabitants thereof, and persons and corporations within and beyond the limits of the Town, subject to the terms and conditions and to the making of payments hereinafter specified.

Section 2. Grantee shall erect and maintain all such facilities in accordance with good engineering practice and in such manner as not to interfere with the use of said streets for travel, and whenever it shall be necessary in the erection of such facilities to dig or in any manner to disturb or interfere with any of said streets, Grantee shall within a reasonable time thereafter put such streets in as good condition as they were before becoming broken, dug or disturbed, and shall remove all rubbish or other material from said streets. Whenever and wherever Grantee shall rebuild, relocate or construct new distribution or transmission lines within the Town such distribution and transmission lines shall, if feasible, be located in the alleys of the Town.

Section 3. Grantee shall have the right and privilege at its sole cost, risk and expense of trimming all trees which overhang said streets in such a manner and to such an extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its facilities; providing no such trees shall be trimmed or cut back farther than may be necessary to prevent such interference and to allow the proper operation and maintenance of said facilities.

Section 4. Grantee shall furnish for public and private use during the term hereof and under the conditions of this franchise, electricity and electric energy at the rates and prices and in accordance with tariffs filed and fixed by the Public Service Commission of the State of Wyoming or approved by said Commission and in accordance with the laws and Constitution of the State of Wyoming.

Section 5. As a consideration for all franchise rights and contractual privileges granted by the Town under the franchise hereby granted, Grantee shall pay to the Town an amount equal to two percent (2%) of Grantee's gross revenue as said term is defined herein. Such payments shall be made monthly on or before the twentieth day of each month during the term hereof and shall be computed upon the gross operating revenue accrued during the previous month or portion thereof.

The term "Gross Revenue" as used herein shall mean and be construed as Grantee's gross operating revenue accruing during the preceding month or fraction thereof from the sale of electricity and electric service within the corporate limits of the Town, other than such revenue derived from sales of electric service to the Town or from business done with the U. S. Government or any agency thereof and after deducting therefrom any amounts paid by Grantee to the United States or to the State of Wyoming as excise or business taxes upon the sale or distribution of electric service in the Town, and at the election of Grantee, Grantee may also deduct from gross revenues the total of all uncollectible revenues from customers within the Town during the preceding month or fraction thereof.

The amounts so payable by Grantee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the Town from Grantee in respect to Grantee's electric business or of the exercise of this franchise within the corporate limits of the Town, and the

amount of any such license, occupation, franchise, or excise taxes or other charges for corresponding periods shall be reduced by deducting therefrom the franchise fee or charge payable hereunder by Grantee; provided that, this provision shall not apply or pertain to lawful ad valorem taxes levied by the Town or other public authority against Grantee's property within the Town.

Section 6. Grantee shall protect and save the Town, its officers, employees and agents, harmless against and from any and all damage, claim and any and all loss, liability, cost or expense, occasioned by any negligent act or omission of Grantee in the construction, maintenance, operation or repair of Grantee's property or any use thereof; and Grantee shall at all times comply with any lawful present or future ordinance, rules or regulations of the Town relating to the manner of occupation or use, or to the repair or improvement of said streets.

Section 7. Upon this franchise becoming effective, but not otherwise, Ordinance No. 137 passed and approved April 5, 1963 is hereby repealed.

Section 8. Performance of Grantee's obligations hereunder shall be subject to and suspended during prevention thereof or interference therewith, by action of or under governmental authority claiming jurisdiction, or by Acts of God, adverse weather, supply, labor or other conditions not wholly controlled by Grantee, but prevention of such obligations shall not relieve Grantee from any monthly payment aforesaid to the Town, and providing further that as soon as the act or actions or other conditions causing the suspension have been removed or cease to exist, Grantee shall forthwith resume the suspended operations.

Section 9. This ordinance shall be published once in the Casper Star Tribune, a newspaper of general circulation within the Town, pursuant to Section 15.1-16 of the Wyoming Statutes and shall become effective on the day following

said publication, but shall become null and void unless within sixty (60) days after such effective date the Grantee shall file in the office of the Clerk the Grantee's unqualified written acceptance of all the provisions thereof.

Passed by the Council this 5th
of December, 1973.

Signed this 5th day of December,
1973.

J. A. Wilson
Mayor of the Town of Mills

Attest:

Norman Reed
Clerk of the Town of Mills

EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF THE
TOWN OF MILLS HELD ON THE 10th DAY OF November, 1973

A form of ordinance entitled:

AN ORDINANCE GRANTING TO PACIFIC POWER & LIGHT COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN, ON AND UNDER THE PRESENT AND FUTURE STREETS, ALLEYS, PUBLIC PLACES AND WAYS OF THE TOWN OF MILLS, NATRONA COUNTY, WYOMING, AN ELECTRIC LIGHT AND POWER SYSTEM FOR THE PURPOSE OF SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE TOWN OF MILLS, THE INHABITANTS THEREOF, AND OTHERS; SUBJECT TO THE TERMS AND CONDITIONS AND TO THE MAKING OF PAYMENTS SPECIFIED IN THE ORDINANCE; AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 137 OF THE TOWN OF MILLS, PASSED AND APPROVED APRIL 5, 1963.

was submitted to the Council.

After discussion, Councilman Kelly moved that said ordinance be given its first reading, Councilman Hutsell seconded said motion, and by unanimous consent the same was thereupon fully and distinctly read by the Clerk.

Upon motion of Councilman Kelly, seconded by Councilman Hutsell, further action upon said ordinance was deferred until the next regular meeting of the Council.

EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF
THE TOWN OF MILLS HELD ON THE 5th DAY OF December, 1973

A form of ordinance entitled:

AN ORDINANCE GRANTING TO PACIFIC POWER & LIGHT COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN, ON AND UNDER THE PRESENT AND FUTURE STREETS, ALLEYS, PUBLIC PLACES AND WAYS OF THE TOWN OF MILLS, NATRONA COUNTY, WYOMING, AN ELECTRIC LIGHT AND POWER SYSTEM FOR THE PURPOSE OF SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE TOWN OF MILLS, THE INHABITANTS THEREOF, AND OTHERS; SUBJECT TO THE TERMS AND CONDITIONS AND TO THE MAKING OF PAYMENTS SPECIFIED IN THE ORDINANCE; AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 137 OF THE TOWN OF MILLS, PASSED AND APPROVED APRIL 5, 1963.

was brought on for further consideration, the same having been previously submitted to the Council and read in full at a regular meeting of the Council on the 10th day of November, 1973.

After discussion, Councilman Hutsell moved that said ordinance be given its second reading, Councilman Fulton seconded said motion, and by unanimous consent the same was thereupon fully and distinctly read by the Clerk; further action upon said ordinance was deferred until the next regular meeting of the Council.

EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF THE
TOWN OF MILLS HELD ON THE 5th DAY OF December, 1973

A form of ordinance entitled:

AN ORDINANCE GRANTING TO PACIFIC POWER & LIGHT COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN, ON AND UNDER THE PRESENT AND FUTURE STREETS, ALLEYS, PUBLIC PLACES AND WAYS OF THE TOWN OF MILLS, NATRONA COUNTY, WYOMING, AN ELECTRIC LIGHT AND POWER SYSTEM FOR THE PURPOSE OF SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE TOWN OF MILLS, THE INHABITANTS THEREOF, AND OTHERS; SUBJECT TO THE TERMS AND CONDITIONS AND TO THE MAKING OF PAYMENTS SPECIFIED IN THE ORDINANCE; AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 137 OF THE TOWN OF MILLS, PASSED AND APPROVED APRIL 5, 1963.

was brought on for further consideration, the same having been previously submitted to the Council and read twice at regular meetings of the Council on the 10th day of November, 1973, and on the 5th day of December, 1973.

After discussion, Councilman Fulton moved that said ordinance be given its third reading, Councilman Hutsell seconded said motion, and by unanimous consent the same was thereupon fully and distinctly read by the Clerk.

The question then being upon the passage of said ordinance, the Mayor put the question, and a vote was taken which resulted as follows:

<u>Voting Yea: Councilmen</u>	<u>Voting Nay: Councilmen</u>
Hutsell	None
Doughty	
Fulton	
Kelly	
	<u>Absent: Councilmen</u>
	None

The Mayor announced that said ordinance had been duly passed by the affirmative vote of 4 Councilmen, being a majority of all the councilmen-elect, and constituting a quorum, as shown by the "yeas" and "nays". The ordinance was then duly attested by the Clerk and submitted to the Mayor for his approval. The Mayor duly approved said ordinance within ten (10) days of its passage, to wit: on the 5 day of December, 1973, and it was thereupon numbered Ordinance No.