ORDINANCE NO. 92

An Ordinance granting to the Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, a Franchise for 20 years, including permission to erect, construct, install, and maintain within the Town of Grenville, South Dakota, an electric light and power system and transmission line and to operate the same and to install conduits, poles, wires, pipes, and other fixtures in, upon, and under the streets, alleys, bridges, and public grounds of said municipality for the purpose of furnishing electric light, heat, and power to said municipality and the inhabitants thereof.

BE IT ORDAINED by the Town of Grenville, South Dakota (hereinafter called the Municipality):

SECTION 1

There is hereby granted to Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, hereinafter called the Grantee, for a period of twenty (20) years from and after the passage and approval of this Ordinance and during all of said time, subject to the conditions and requirements hereinafter set forth, permission to construct, install, and maintain an electric light and power system and transmission line and to operate and maintain the same within and through the Municipality and to transmit electricity to and from the other towns or cities for the purpose of light, power, and heat, and to erect, construct, install, and maintain conduits, poles, wires, pipes, and other necessary fixtures and attachments upon and under the streets, alleys, bridges, and public grounds of said Municipality for the purpose of furnishing and selling electricity for light, heat and power, and such other purposes for which electricity may be used by the inhabitants of said Municipality, said permission and franchise to become operative and continue under the conditions hereinafter set forth.

SECTION 2

All poles where set in alleys shall be set at or near the boundary line thereof and where set in streets shall be located at such distances as shall be directed by the Municipality from the property line of the abutting owner, and shall be placed so as not to interfere with the construction or placing of any water pipes, sewers, or drains or the flow of water therefrom which has been or may be placed by authority of said Municipality. In the event that said Grantee shall make any unnecessary obstructions of said streets, alleys, public grounds or places not designated by the Governing body, the Municipality may cause the removal of such obstructions and charge and collect from such Grantee the actual cost of such removals.

SECTION 3

The Municipality reserves the right for itself and its agents to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to, such reasonable regulations of a police nature as it may deem necessary for the best interest of the Municipality, but the Municipality will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

SECTION 4

The Grantee shall use due diligence and care in furnishing electric service as herein provided but shall not be liable for any loss or damage which may arise from the failure of the service, either partial or total, but this shall not be construed to exempt said Grantee from liability for negligence.

1st Reading

MINUTES OF MEETING OF THE CITY COUNCIL OF THE ~~CITY~~ TOWN OF Grenville, South Dakota, HELD August 4, 19 86.

A regular meeting of the City Council of the City of Grenville, South Dakota, was duly held on the 4th day of August, 19 86, at 7:30 o'clock, ____m.

Roll Call: The following were present: Adele Herrick, Stanley Herrick, Edmund Hronke

The following were absent: Ted Jaskulka, Sharon Benson

Adele J. Herrick, the ~~Mayor~~ Chairman of the City Council presided. A quorum being present, the meeting was called to order.

Alderman Stanley Herrick introduced Ordinance No. 92, being an Ordinance granting a Franchise to Otter Tail Power Company, a Minnesota corporation, and being an Ordinance entitled:

"AN ORDINANCE GRANTING TO THE OTTER TAIL POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT, CONSTRUCT, INSTALL AND MAINTAIN WITHIN THE ~~CITY~~ TOWN OF Grenville, South Dakota, AN ELECTRIC LIGHT AND POWER SYSTEM AND TRANSMISSION LINE AND TO OPERATE THE SAME AND TO INSTALL CONDUITS, POLES, WIRES, PIPES AND OTHER FIXTURES IN, UPON AND UNDER THE STREETS, ALLEYS, BRIDGES AND PUBLIC GROUNDS OF SAID CITY FOR THE PURPOSE OF FURNISHING ELECTRIC LIGHT, HEAT AND POWER TO SAID CITY AND THE INHABITANTS THEREOF;"

and moved that said Ordinance be placed upon its first reading. Alderman Edmund Hronke seconded such motion, and upon roll being called, the following vote was cast thereon and duly recorded.

AYES: Aldermen Adele Herrick, Stanley Herrick, Ed Hronke

NAYES: Aldermen

Thereupon the said Ordinance was read in full.

Approved:

~~Mayor~~ Chairman
Adele J. Herrick

Attest:

City
Finance Officer - Letha L. Lewandowski

Jaskulka

Alderman Ted Jaskulka introduced Ordinance No. 92, being an Ordinance granting a Franchise to Otter Tail Power Company, a Minnesota corporation, and being an Ordinance entitled:

"AN ORDINANCE GRANTING TO THE OTTER TAIL POWER COMPANY, A MINNESOTA CORPORATION ITS SUCCESSORS AND ASSIGNS; PERMISSION TO ERECT, CONSTRUCT, INSTALL AND MAINTAI WITHIN THE ~~CITY~~ Town OF Grenville, South Dakota, AN ELECTRIC LIGHT AND POWER SYSTEM AND TRANSMISSION LINE AND TO OPERATE THE SAME AND TO INSTALL CONDUITS, POLES, WIRES, PIPES AND OTHER FIXTURES IN, UPON AND UNDER THE STREETS ALLEYS, BRIDGES AND PUBLIC GROUNDS OF SAID CITY FOR THE PURPOSE OF FURNISHING ELECTRIC LIGHT, HEAT AND POWER TO SAID CITY AND THE INHABITANTS THEREOF,"

Alderman Ted Jaskulka moved that the Ordinance be given its second rea Alderman Edmund Gronke seconded the said motion, and upon roll being called the following vote was cast thereon and duly recorded:

AYES: Aldermen Sharon Benson Ted Jaskulka Adele Herrick Stanley Herrick Edmund Gronke

NAYES: Aldermen NOne

Thereupon the said Ordinance was read in full.

Alderman Adele Herrick then moved that the said Ordinance No. 92, granting a franchise to Otter Tail Power Company, and being entitled as above quoted, be finally adopted by the ~~City Council~~ Town Board. Alderman Stanley Herrick seconded said moti Upon roll being called, the following vote was cast thereon and duly recorded:

AYES: Aldermen Sharon Benson Ted Jaskulka Adele Herrick Stanley Herrick Edmund Gronke

NAYES: Aldermen None

Thereupon the said Ordinance was duly declared passed and adopted.

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Approved:

~~Mayor~~ Chairman
Adele J. Herrick

Attest:

Letha L. Lewandowski
City Finance Officer
Letha L. Lewandowski

Trustee Adele Herrick offered the foregoing resolution and moved its adoption, which was seconded by Trustee Stanley Herrick, and upon roll being called, the following vote was cast thereon:

Ayes: Sharon Benson
Ted Jaskulka
Adele Herrick
Stanley Herrick
Edmund Gronke

Nays: None

The resolution was declared duly adopted, and was approved and signed by the President of the Board of Trustees, and filed with the Finance Officer, and ordered published as required by law.

Signed and approved this 8th day of September, 1986.

President ~~of~~ Board of Trustees
Chairman
Adele J. Herrick

ATTEST:

Letha L. Lewandowski
Finance Officer
Letha L. Lewandowski

(OFFICIAL SEAL)

ORDINANCE #92

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RESOLUTION

Resolution calling special election of the electors of the Town of Grenville, South Dakota, at which will be submitted the proposition of issuing a Franchise to Otter Tail Power Company pursuant to a Franchise Ordinance, providing for the notice to be given of such special election, the form of the ballot, manner of conducting the same, and matters incident thereto.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF Grenville, SOUTH DAKOTA:

1. A special election of the electors of said Municipality is hereby called to be held on the 4th day of November, 19 86, in said Municipality, at which special election there shall be submitted to the electors of said Municipality the proposition of issuing a Franchise to Otter Tail Power Company pursuant to the terms of a Franchise Ordinance, which proposition shall be so submitted to the electors, as follows:

Shall the proposed Franchise to Otter Tail Power Company as provided in Ordinance No. 92, of said Municipality, being an Ordinance entitled:

> **"An Ordinance granting to the Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, a Franchise for 20 years, including permission to erect, construct, install, and maintain within the Town of Grenville, South Dakota, an electric light and power system and transmission line and to operate the same and to install conduits, poles, wires, pipes, and other fixtures in, upon, and under the streets, alleys, bridges, and public grounds of said Municipality for the purpose of furnishing electric light, heat, and power to said Municipality and the inhabitants thereof."**

be approved?

2. The polls at such special election shall be kept open continuously from eight o'clock in the forenoon until seven o'clock in the evening and no longer.

3. The Finance Officer is hereby directed to give due and proper notice of the holding of such special election, the notice of special election to be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

"NOTICE IS HEREBY GIVEN, That a special election of the electors of the Town of Grenville, South Dakota, has been called and will be held in said Town on the 4th day of November, 19 86; and that at said special election there will be submitted to the electors of said Town the following proposition:

"Shall the proposed Franchise to Otter Tail Power Company, as provided in Ordinance No. 92 of said Town, being an Ordinance entitled:

> **'An Ordinance granting to the Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, a Franchise for 20 years, including permission to erect, construct, install, and maintain within the Town of Grenville, South Dakota, an electric light and power system and transmission line and to operate the same and to install conduits, poles, wires, pipes, and other fixtures in, upon, and under the streets, alleys, bridges, and public grounds of said Municipality for the purpose of furnishing electric light, heat, and power to said Municipality and the inhabitants thereof.'**

be approved?"

"Said special election will be held at the same polling places at which the annual Municipal election is held , which polling places are as follows:

~~School~~ Grenville Parish Hall

"The polls at such special election will be kept open continuously from eight o'clock in the forenoon until seven o'clock in the evening and no longer.

Dated this 8th day of September , 19 86

Letha L. Lewandowski
Finance Officer"
Letha L. Lewandowski

(OFFICIAL SEAL)

4. The Finance Officer is directed to prepare and furnish the official ballots to be used at said special election, which official ballots shall be prepared and furnished in accordance with the Statutes in such case made and provided, and shall be in substantially the following form:

OFFICIAL BALLOT

Shall the proposed Franchise to Otter Tail Power Company, as provided in Ordinance No. 92 of said Town, being an Ordinance entitled:

"An Ordinance granting to the Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, a Franchise for 20 years, including permission to erect, construct, install, and maintain within the Town of Grenville , South Dakota, an electric light and power system and transmission line and to operate the same and to install conduits, poles, wires, pipes, and other fixtures in, upon, and under the streets, alleys, bridges, and public grounds of said Municipality for the purpose of furnishing electric light, heat, and power to said Municipality and the inhabitants thereof."

be approved?

☐ _____ For the Proposed Franchise

☐ _____ Against the Proposed Franchise

5. Said special election shall be conducted, returned, and canvassed, and the result declared in the same manner as is done for the annual Municipal election. The following election officers are hereby appointed to conduct said special election:

Judge + Clerk

Judges Philomen Zakrzewski
Stella Rumpca

Judge + Clerk

~~Clerks~~ Philomena Jaskulka

SECTION 5

The proposition of issuing the Franchise provided for in this Ordinance shall be submitted to a vote of the electors of the Municipality at a special election to be held not sooner than thirty days after the publication hereof, in full compliance with Section 9-35-4 of the South Dakota Compiled Laws of 1967, as amended, and this Franchise Ordinance shall not be effective unless the proposal to grant the same be approved at such election by a majority vote of the electors of the Municipality voting thereon. The said Grantee shall specify its acceptance of this Franchise in writing, to be filed with the Finance Officer, and in no event shall this Ordinance be binding on said Grantee until the filing of such acceptance.

Signed and approved by the ~~President~~ Chairman of the Board of Trustees this 8th day of August, 1986.

~~President~~ Chairman of Board of Trustees
Adele J. Herrick

Filed with Finance Officer this 8th day of August, 19 86.

Finance Officer
Letha L. Lewandowski

(OFFICIAL SEAL)

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Introduced August 4, 1986

First Reading August 4, 1986

Second Reading September 8, 1986

Adopted by the governing body on September 8, 1986

Published September 17, 1986

Approved by a majority vote of the electors at a special election held on November 4, 1986