

ORDINANCE NO. 13

AN ORDINANCE GRANTING TO THE LIGHT AND POWER COMPANY OF ST. CLOUD, MINNESOTA, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND AUTHORITY TO ERECT, CONSTRUCT, INSTALL AND MAINTAIN AN ELECTRIC LIGHTING, HEATING AND POWER PLANT AND TO OPERATE AND MAINTAIN THE SAME WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF NEW MUNICH, IN STEARNS COUNTY, MINNESOTA; AND TO ERECT, CONSTRUCT, INSTALL AND MAINTAIN POLES, WIRES, CONDUITS, TUNNELS AND OTHER FIXTURES, IN, UPON, OVER, ACROSS OR UNDER THE STREETS, ALLEYS, BRIDGES AND PUBLIC GROUNDS OF SAID VILLAGE FOR THE PURPOSE OF FURNISHING ELECTRIC LIGHT, HEAT AND POWER TO SAID VILLAGE AND THE INHABITANTS THEREOF.

The Village Council of the Village of New Munich
do ordain:

SECTION 1.

That in consideration of the benefits to be derived by the inhabitants of said Village of New Munich from the establishment of an electric light, heating and power system, and in consideration of the sum of Three Thousand Dollars (\$3,000.) paid by the hereinafter named Grantee to the said village for its electric lighting and power plant complete, exclusive of the building used for power plant and the real estate on which said building is situate, there is hereby granted to THE LIGHT AND POWER COMPANY OF ST. CLOUD, MINNESOTA, a corporation duly organized, created and existing under the laws of the State of Minnesota, its successors and assigns, hereinafter termed the Grantee, the right, privilege and authority to erect, construct, install and maintain an electric lighting, heating and power plant or transformer station, or both, and to operate and maintain the same within the limits of the Village of New Munich in Stearns County, Minnesota, as the same now exists or may hereafter be extended, for a period of twenty-five (25) years from and after the date of the passage and publication of this ordinance, and for that purpose during said period to erect, construct, install and maintain in, upon, over, across or under the several streets, alleys, bridges, public grounds and places of said village, all

THE BOARD OF THE VILLAGE OF NEW BRITAIN IN ORDER TO
GIVE EFFECT TO THE PROVISIONS OF THE ACT OF THE LEGISLATURE
IN RELATION TO THE SUPPLY OF ELECTRICITY TO THE VILLAGE OF
NEW BRITAIN AND TO PROVIDE FOR THE CONSTRUCTION AND
MAINTENANCE OF THE SYSTEM OF ELECTRICITY TO BE SUPPLIED
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conduits, tunnels, poles, wires, cables, lamps, pipes, fixtures, and appliances necessary, convenient or proper to carry on the business of manufacturing, furnishing and supplying electricity, heat and power to the said village and the inhabitants thereof, and to obtain said power either from a plant located in said village or over transmission lines from itself or other companies.

SECTION 2.

That for the purpose of erecting, constructing, installing, maintaining and operating said electric lighting, heating and power plant and system, said Grantee may enter upon the streets, alleys, bridges, public grounds and places of said village and make such excavations and erect such poles and fixtures as may be necessary and convenient and in such places as the Village Council of said village shall designate, and trim any tree or trees, either wholly within any such street or alley, or the branches of which overhang such street or alley, and which interfere with the erecting of such poles and the stringing of such wires and cables, provided that such work shall be done in such manner as to cause as little inconvenience as possible to the public and will not interfere with the sewers, water mains, pipes or hydrants on the streets in said village, and provided that any excavation made by said Grantee, as aforesaid, shall remain open no longer than necessary and that said Grantee shall properly protect the same when open and shall so fill and repair the same as to leave the streets, alleys, bridges, public grounds or places insofar as possible in as good condition as before such excavation was made, and provided further that said Grantee, its successors and assigns, agents, servants and employees shall be responsible for any and all legal damage or injury to the said village or to any individual caused by any negligence on the part of said Grantee or its agents, servants or employees in the construction, management or maintenance of said system of electric

lighting, heating and power service, and shall indemnify said village for any recovery against it or loss suffered by reason of such negligence.

SECTION 3.

That all conduits, poles, pipes, wires and fixtures installed by virtue of this ordinance shall be erected in such places and in such manner as not to unnecessarily encroach upon the streets, alleys, bridges or public grounds of said village and so as not to obstruct or impair the use thereof for the ordinary purpose of travel thereon, and when any poles or other equipment shall be placed contrary to the terms of this section, and provided said Grantee does not cause their removal within a reasonable time after written notice from said Village Council so to do, the Village Council of said village may cause the removal thereof and shall collect from said Grantee the actual cost of such removal, but so long as the terms of this section are fully complied with by said Grantee, its successors or assigns, it may place necessary poles, equipment and fixtures where best suited to the conduct, development and operation of said plant and system, provided, however, that alleys shall be used wherever practicable instead of streets.

SECTION 4.

That when any street, alley, bridge or public place upon which or in which any poles of said Grantee have been placed shall be graded, curbed, paved or otherwise changed so as to make the resetting or reconstruction of such poles necessary, said Grantee, its successors or assigns, shall make such necessary change in construction, but the cost of such change shall be paid one-half by said Grantee and one-half by said village. Should it become necessary for said Grantee to use conduits or other fixtures, they are to be installed only after permanent grades are established, and shall be so located as not to interfere with any street improvement such as sewers, water mains, pipes, hydrants

~ boulevards in said village.

SECTION 5.

That in case any person desires to move a building along streets crossed by the wires of said Grantee, and it becomes necessary to have said wires temporarily raised or removed for the purpose of the passage of such building, the Grantee shall be entitled to forty-eight (48) hours' notice in writing to that effect and when such notice has been received by said Grantee it shall be the duty of said Grantee to remove or raise such wires so as to permit the passage of such building upon the payment by the person desiring the same of the reasonable cost and damage resulting from the removing or change of such wires by said Grantee, but said Grantee shall not be required to make such change or removal except at a reasonable time of day.

SECTION 6.

That in consideration of the rights and privileges hereby granted said Grantee hereby agrees that, unless it shall be prevented, wholly or in part, by fire, explosion, flood, strike, unavoidable accident, Federal, State or Municipal interference, or other cause not reasonably within its control, it will furnish daily twenty-four (24) hours service, except during the day on Sunday when necessary to cut off service for repairs, and to maintain a constant and efficient service, as above stated, and to comply with all the provisions of this ordinance, from and after the 1st day of November, A. D. 1919, or such earlier date as said Grantee commences furnishing service hereunder, of electric energy for lighting, heating and power and other purposes to the said Village of New Munich and its inhabitants at the following rates, to-wit:

village for electric lighting and power, during the continuance of the period of such increased costs, a surcharge of not to exceed 15%.

SECTION 7.

Said Grantee, its successors and assigns, shall furnish the said Village of New Munich, with electric current from dusk until dawn daily for municipal electric lighting purposes for its streets, squares and public places at the following rates, to-wit:

250 Candlepower lamps at \$65.00 per year, net, per lamp.

The installation of such street lighting system shall be made and maintained by said Grantee at its own cost and expense. Bills for such street lighting shall be rendered by said Grantee monthly and paid by said village on or before the tenth of the month next following service.

SECTION 8.

That said Grantee shall furnish electric energy to the said village to operate motor-driven pumps installed by said village for fire protection and municipal water works purposes at 6¢ per kilowatt hour, net, bills to be rendered monthly and to be paid by said village on or before the tenth of the month next following service.

SECTION 9.

Said Grantee shall be permitted to install and use such meters of approved standard make as it considers advisable, but the Village Council of said village reserves the right to inspect said meters at any time and, if any be found unreliable, such shall be immediately taken out and replaced by the said Grantee at the written request of said Village Council.

SECTION 10.

Said Grantee, its successors and assigns, is hereby granted the right, to make, prescribe and enforce such reasonable

ELECTRIC LIGHT METER RATES

0-100 kilowatt hours per month at 16 cents per KWH
101-200 kilowatt hours per month at 14 cents per KWH
201-500 kilowatt hours per month at 12 cents per KWH
Above 500 kilowatt hours per month at 8½ cents per KWH
1¢ per kilowatt hour discount if paid on or before the tenth of the month next following service.
Minimum monthly bill for each meter installed \$1.00, net, per month.

ELECTRIC POWER METER RATES

0- 500 kilowatt hours per month at \$.085 per KWH
501-1000 kilowatt hours per month at \$.077 per KWH
Above 1000 kilowatt hours per month at \$.066 per KWH
1¢ per kilowatt hour discount if paid on or before the tenth of the month next following service.
Minimum charge for all motors installed of 1 H.P. or more, \$1.00, net, per H.P. connected load, per month.

ELECTRIC COOKING RATE

6 cents per kilowatt hour.
1¢ per kilowatt hour discount if paid on or before the tenth of the month next following service.
Minimum monthly bill for each electric cooking meter installed \$3.00, net, per month.

Provided, however, that the rates for lighting purposes to the inhabitants of said Village of New Munich, as set forth hereinabove under "Electric Light Meter Rates" after two (2) years from the date service is first commenced hereunder will be reduced to 15 cents per kilowatt hour for the first 100 kilowatt hours per month, all other rates to remain as above set forth and all to be subject to a discount of one (1¢) cent per kilowatt hour if bills are paid on or before the tenth of the month next following service.

It is understood and agreed that the above rates are based on costs of operation, maintenance and production in Grantee's business under normal conditions, normal conditions being defined as those conditions which would have been attained had war not intervened, and said Grantee is hereby granted the right whenever the costs of operation, maintenance and production in its business are increased above normal and after said electric light meter rates have been reduced as hereinbefore provided, to add to its bills for electric current furnished to the inhabitants of said

rules and regulations controlling the specifications to be complied with by the inhabitants of said village taking or to take electric service from said Grantee and controlling the extension of its pole lines, wires and fixtures within said village, as may be necessary and advisable for the protection of the public and individuals and for the proper enjoyment of the rights and privileges herein granted. Said Grantee shall from time to time as business will warrant extend its pole lines, wires and fixtures within said village, but the said Grantee shall not be required to extend its pole lines, wires or fixtures a distance of more than 200 feet from its then existing secondary lines to serve any one individual consumer.

SECTION 11.

Said Village of New Munich shall have the privilege of buying said electric system located therein at such times and in such manner as is now or may hereafter be provided by law.

SECTION 12.

Any person who shall interfere or meddle with, or in any way damage the electric light, heating and power system, of said Grantee, or any lamp, post, glass case, conduit, meter or fixture belonging to, appertaining to or connected with said work or said plant, shall be guilty of a misdemeanor and shall be fined not less than one dollar nor more than twenty dollars for such offense, and in default of the payment of such fine, be imprisoned for a period of not more than ten days.

SECTION 13.

It is agreed between the said village and the said Grantee that this ordinance before the passage thereof, has been submitted to said Grantee and that the same has been approved by it and constitutes a contract between said Grantee and said village from and after its passage and publication.

Within thirty days after the publication of this ordinance said Grantee shall file with the Village Clerk of said village a written acceptance of the same.

SECTION 14.

This ordinance shall take effect and be in force from and after its passage and publication and the due filing of acceptance thereof by said Grantee.

SECTION 15.

All ordinances and parts of ordinances inconsistent herewith are hereby expressly repealed.

The foregoing ordinance was duly passed and adopted at a Special meeting of the Village Council of the Village of New Munich, Stearns County, Minnesota, on the 12th day of June A. D. 1919.

John H. Benfield.
President of the Village Council
of New Munich.

Attest:

Jos. O. Berolzheimer
Village Clerk.