

ORDINANCE No. 43.

AN ORDINANCE FIXING THE DATE OF THE REGULAR CITY ELECTION, EXTENDING THE TERMS OF MAYOR AND COUNCIL MEMBERS, AND PROVIDING FOR STAGGERING TERMS OF OFFICE OF COUNCIL MEMBERS.

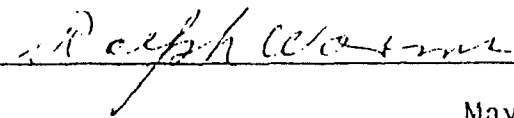
The City Council of New Munich Ordains:

Section 1. Date of Election. The regular City election shall be held biennially on the first Tuesday after the first Monday in November of every even-numbered year beginning with the 1974 election.

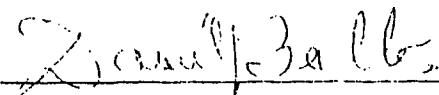
Section 2. Extension of Terms of Council Members. The terms of the Mayor and the Councilmen whose current terms will expire on the first business day of January, 1976, are extended to the first business day of January, 1977 and whose offices shall be filled at the 1976 City Election.

Section 3. Terms and Transition. Two Council members shall be elected for four-year terms at each biennial election commencing in 1978. One Councilman shall be elected for a four-year term at the 1974 election. Of the three Councilmen to be elected at the 1976 election, the two candidates receiving the highest number of votes shall serve for terms of four years and the one receiving the third highest number of votes shall serve for a term of two years. The Mayor shall be elected for a two-year term at each such election commencing in 1976.

Adopted by the Council this 1st day of October, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

JOHN KNAPP  
CITY ATTORNEY  
ALBANY, MINNESOTA 56307

ACCEPTANCE OF ORDINANCE NO. 43 - 74

CITY OF NEW MUNICH, STEARNS COUNTY, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS the City Council of the City of New Munich, Stearns County, Minnesota, on the 2nd day of September, 1975, passed and adopted Ordinance No. 43 entitled:

"AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN, IN THE CITY OF NEW MUNICH, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE CITY AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES"

which Ordinance was duly published according to law on the 17th day of September, 1975, in Melrose Beacon, a newspaper printed and published in the City of Melrose, Stearns County, Minnesota, and of general circulation in said City of New Munich and County of Stearns and State of Minnesota;

NOW THEREFORE, Northern States Power Company, a Minnesota corporation, for itself and its successors and assigns, does hereby accept all the terms and conditions of said Ordinance.

IN WITNESS WHEREOF, Northern States Power Company has caused these presents to be executed in its corporate name by its proper officers thereunto duly authorized and its corporate seal to be hereto affixed this 14th day of October, 1975.

Witness:

NORTHERN STATES POWER COMPANY

Nephtal Samuel Birkner

By [Signature]  
VICE PRESIDENT AND GENERAL MANAGER

[Signature]

And Margaret W. Wilson  
ASSISTANT SECRETARY

## CITY OF NEW MUNICH, STEARNS COUNTY, MINNESOTA

AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN, IN THE CITY OF NEW MUNICH, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE CITY AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES

THE CITY COUNCIL OF THE CITY OF NEW MUNICH, STEARNS COUNTY, MINNESOTA, ORDAINS AS FOLLOWS:

Section 1. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company", during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, in, on, over, under, and across the streets, alleys, and public grounds of the City of New Munich, Stearns County, Minnesota hereinafter referred to as "Municipality" an electric distribution system and electric transmission lines, including poles, pole lines, and fixtures and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power, and other purposes for public and private use in and to said Municipality and the inhabitants thereof, and others, and for the purpose of transmitting into and through said Municipality such electric energy, provided that such electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair and maintenance of such poles, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the Municipal Council.

Section 2. The rates to be charged by Company for electric service in the Municipality shall be subject to the jurisdiction of the Public Service Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the Municipality who apply for such service in accordance with the rules and regulations of Company. Electric service provided by Company to its customers in the Municipality is subject to interruption and disturbance due to (a) conditions beyond its control; (b) necessary maintenance and operation of its system; (c) effect of operations of any interconnecting electric systems; (d) curtailment of electric service as may be prudent to maintain service to priority loads or to maintain the operating stability of its system; and (e) temporary interruptions or disturbance of service. Neither Company nor Municipality shall be liable for any damage or loss for interruption or disturbance of service due to such causes.

Section 3. There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the streets, alleys, and public grounds of said Municipality interfering with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said Municipality harmless from any liability in the premises.

Section 4. The vacation of any street, alley, public way or ground, after the installation of electric facilities, shall not operate to deprive the Company of the right to operate and maintain such electrical facilities until the reasonable costs of relocating the same and the loss and expense resulting from such relocation are first paid to the Company, except where the vacation is for the primary benefit of the Municipality in the furtherance of a public improvement.

Section 5. Nothing contained in this Ordinance shall be construed as giving to Company any exclusive privileges in, on, over, under, or across the streets, alleys, or public grounds of said Municipality.

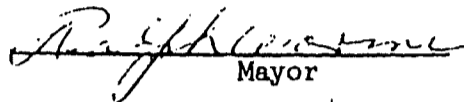
Section 6. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

Section 7. Company shall, if it accepts this Ordinance and the rights hereby granted, file a written acceptance of the rights hereby granted with the Municipality within 90 days after passage of this Ordinance by the Municipality.

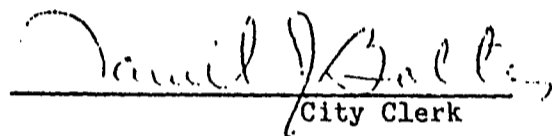
Section 8. This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

Section 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed and approved: September 2, 1975

  
Mayor

Attest:

  
City Clerk