

ORDINANCE NO. 455

AN ORDINANCE GRANTING TO PACIFICORP, AN OREGON CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE ALONG, ACROSS 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 REPEALING ORDINANCE NO. 223 OF THE TOWN OF MILLS, PASSED AND APPROVED DECEMBER 5, 1973.

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 PacifiCorp, doing business as 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 nonexclusive 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 along, across 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. If the removal or relocation of facilities is caused by an identifiable development

of property in the area, or is made for the convenience of a customer, this agreement shall not preclude the Grantee from charging the expense of removal or relocation to the developer or customer.

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 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 (2.0%) of Grantee's gross operating 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.

Notwithstanding any contrary provision, if City elects to review such franchise fee, City shall provide Grantee written notice, ninety (90) days prior to each consecutive five (5) year period during the twenty-five (25) year term thereafter of this franchise, and shall renegotiate said fee and said fee, as mutually reestablished with Grantee, shall thereafter be made effective ninety (90) days after such renegotiation, and paid during the remainder of the franchise term.

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 of 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 ordinances, rules or regulations of the Town relating to the manner of occupation or use, or to the repair or improvement of said streets.

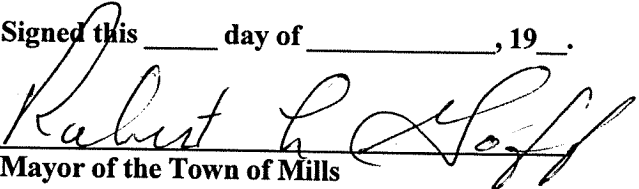
Section 7. Performance of Grantee's obligations hereunder shall be subject to and suspended during prevention thereof or interference therewith, by action of or under governmental authority claiming jurisdiction, or by Acts of God, adverse weather, supply, labor or other conditions not wholly controlled 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 8. Upon the effective date hereof, but not otherwise, Ordinance No. 223 of the Town of Mills, passed and approved December 5, 1973, granting a franchise to Grantee, is hereby repealed.

~~Section 9.~~ This ordinance shall be published once in the N/A, a newspaper of general circulation within the Town, pursuant to Section 15-1-116 of the Wyoming statutes and shall become effective on the day following said publication, but shall become null and void unless within thirty (30) 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. (see certification on page 10)

Passed by the Council this 9th day of
December, 1998

Signed this _____ day of _____, 19__.


Mayor of the Town of Mills

Attest:

Clerk of the Town of Mills

**EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF THE
TOWN OF MILLS HELD ON THE 7th DAY OF OCTOBER , 19 98**

A form of ordinance entitled:

AN ORDINANCE GRANTING TO PACIFICORP, AN OREGON CORPORATION, DOING BUSINESS AS PACIFIC POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE ALONG, ACROSS 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 REPEALING ORDINANCE NO. 223 OF THE TOWN OF MILLS, PASSED AND APPROVED DECEMBER 5, 1973.

was submitted to the Council.

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

After motion of Councilman N/A, seconded by Councilman _____, 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 4th DAY OF November, 1998**

A form of ordinance entitled:

AN ORDINANCE GRANTING TO PACIFICORP, AN OREGON CORPORATION, DOING BUSINESS AS PACIFIC POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE ALONG, ACROSS 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 REPEALING ORDINANCE NO. 223 OF THE TOWN OF MILLS, PASSED AND APPROVED DECEMBER 5, 1973.

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 4th day of November, 1998.

After discussion, Councilman Dill moved that said ordinance be given its second reading, Councilman St John 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 9th DAY OF December , 19 98**

A form of ordinance entitled:

AN ORDINANCE GRANTING TO PACIFICORP, AN OREGON CORPORATION, DOING BUSINESS AS PACIFIC POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE ALONG, ACROSS 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 REPEALING ORDINANCE NO. 223 OF THE TOWN OF MILLS, PASSED AND APPROVED DECEMBER 5, 1973.

was brought for further consideration; the same having been previously submitted to the Council and read twice at regular meetings of the Council on the 7th day of October, 1998 and the 4th day of Nov., 1998 After discussion, Councilman St John moved that said ordinance be given its third reading, Councilman Dill 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:

Voting Aye: Councilmen

Pattan

St John

Dill

Voting Nay: Councilmen

Absent: Councilmen

Councilman Renner

The Mayor announced that said ordinance had been duly passed by the affirmative vote of 3 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 signature. The Mayor duly signed said ordinance within ten (10) days of its passage, to wit: on the 9th of December, 1998 and it was thereupon numbered Ordinance No. 455.

CERTIFICATION OF CLERK OF MILLS

STATE OF WYOMING)
)
County of Natrona)

I, Sue Regennas, Clerk of the Town of Mills, Natrona County, State of Wyoming, do hereby certify: That the foregoing extracts of minutes of regular meetings of the Council of the Town of Mills held on the 7th day of October, 1998 and the 4th day of Nov., 1998 and the 9th day of December, 1998 respectfully, are full, true and correct copies of that portion of the minutes of said meeting which relates to the introduction, consideration, and passage of Ordinance No. 455 of said Town. I further certify that the foregoing copy of said Ordinance No. 455 is a full, true and correct copy of the original thereof, as the same is in my custody as Clerk of said Town of Mills and that said Ordinance was enacted at a regular meeting of the Council of said Town, duly and regularly called and held, and at which a majority of all the members of said Council was present and acting; and was duly signed by the Mayor and attested by me as Clerk, and the ~~same was published once in the~~ _____, ~~a newspaper of general circulation within~~ the Town on the _____ day of _____, 1998.

WITNESS my hand and the seal of said Town this _____ day of _____, 1998.

Clerk of the Town of Mills

(SEAL)

I, Sue Regennas, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 455 entitled" AN ORDINANCE GRANTING TO PACIFICORP AN OREGON CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT MAINTAIN AND OPERATE ALONG, ACROSS 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 REPEALING ORDINANCE NO. 223 OF THE TOWN OF MILLS, PASSED AND APPROVED DECEMBER 5, 1973." Passed on Third and final reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held in the Council Chambers on the 9th day of December, 1998.

Seal

Sue Regennas, Town Clerk

I, the regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 455 approved and passed as certified above, were, following its passage by the Town Council posted in the Town Clerk's office and the Mills Post Office for a period of (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming, on the 23rd day of December, 1998.

Seal

Sue Regennas, Town Clerk

October 7, 1998

Regular meeting of the Mills Town Council called to order by Mayor Goff. Present were Mayor Goff, Councilmen Dill, Pattan, Renner and St.John.

The minutes of the meeting were approved on a motion by Councilman Pattan, second by St.John. Rollcall: all ayes.

Police Chief Endresen gave the police report. Mayor Goff read the judge's report.

Fire Chief Schindler gave the fire report. 26 ambulance calls, 4 fire related in town calls and 7 county assists. Their annual pancake breakfast/open house will be this coming Saturday.

Attorney Rob Hand gave a report about the mutual aid agreement.

7:45 p.m. Public Hearing on LaCocina restaurant liquor license renewal. Julia Childs spoke in favor, no one spoke against. Councilman Pattan made a motion to issue the renewal, second by Renner. Rollcall: all ayes.

8:00 p.m. Public Hearing on renewal of the Millview liquor license. No one spoke for or against. Councilman St.John made a motion to grant the Millview their renewal for their liquor license, second by Councilman Renner. Rollcall: all ayes.

7:50 p.m. Public Hearing on the renewal of the Beacon Club liquor license. No one spoke for or against. Councilman Renner made a motion to approve the renewal of the liquor license, second by Councilman Dill. Rollcall: all ayes.

Ed Chase with the One Percent Sales Tax Committee spoke to the council on how important the 1¢ tax is to Mills.

Marlyn Black spoke to the council on promoting the lodging tax, which would be 2% for Natrona County. Warren Schroefel is the Mills representative.

Leslie Blythe, general business manager for Pacific Power spoke about the proposed franchise ordinance.

ORDINANCE NO. 455, FRANCHISE FOR PACIFIC POWER was passed on first reading on a motion by Councilman Renner, second by Councilman Pattan. Rollcall: all ayes.

Councilman Dill made a motion to approve the following business licenses, second by Councilman St.John: Rollcall: all ayes.

All-Out Fire Extinguisher	NPRD Credit Union	Pronghorn Electric
Johnston Trailer Court	Ed's Hobby Shop	Ray Clamp Masonry
Charlie's Tools	First Light Electric	L + N Enterprises (Webers)
John's Moving Service	K Design	Summit Roofing

Milo's Auto & Truck Sales was tabled until next meeting.
Mead's Auto Repair was denied.

Councilmen Renner made a motion to pay bills, second by Pattan. Rollcall: all ayes.

Steve Kurtz gave the planner's report. The rezoning of the lots in the Freden Addition was discussed. Several residents from the adjoining area were in agreement that Lot 1 Block 11 should be changed from Established Business to Established Residential. And that Lots 2-5 in Block 2 should remain Developing Residential.

ORDINANCE 451 AN ORDINANCE REZONING Lot 1 Block 11 was passed on first reading on

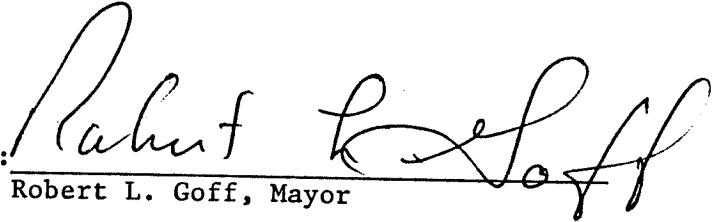
a motion by Councilman Renner, second by Councilman Dill. Rollcall: all ayes.

Andrea Childs requested a caterer to be able to serve alcohol for their New Year's Eve party, which will be held where the Action Pawn used to be. The council told her that whoever would be serving the alcohol would have to come before the council and apply for a permit.


Ron Schindler said that the fire department purchased some tables from Sam's Club. If the town would decide to purchase them also, they probably could get a discount.

Councilman Renner made a motion to adjourn the meeting at 9:45 p.m., second by Councilman Dill. Rollcall: all ayes.

Signed:


Robert L. Goff, Mayor

Attest:


Sue Regennas, Town Clerk

November 4, 1998

Regular meeting of the Mills Town Council called to order by Mayor Goff. Present were Mayor Goff, Councilman Pattan, Renner, St.John and Dill.

Councilman Dill made a motion to approve the minutes of the last meeting, second by Councilman Renner. Rollcall: all ayes.

Leslie Blythe with Pacific Power came to speak to the town and council. \$2,000 from the Economic Development grant that is not being used, will be awarded to the town to help publish the new business directory.

Jerry Endresen gave the police report. Mayor Goff read the judge's report.

Ron Schindler gave the fire report. There were 25 ambulance calls, 10 Mills calls, and 6 county calls. Their weenie roast turned out well. The department volunteered 110 hours the weekend of October 16 to help clean the streets of branches.

Bill Pattan gave the sanitation report. They are going to sign a complaint on Milo's lot. Dave Crimm, a former employee of Milo's, stated that little attempt was made to clean up the lot when Milo received a clean-up notice from the town.

Steve Kurtz gave the planner's report. Gases Plus is going to take over the whole building at Salt Creek. They will have office space to lease out.

Cub Scouts from Pack 13 came to observe a council meeting to earn their citizenship badge.

ORDINANCE NO. 455, An Ordinance granting Pacificorp a franchise to supply electricity and electric service to the Town of Mills was passed on second reading on a motion by Councilman Dill, second by Councilman St.John. Rollcall: all ayes.

ORDINANCE NO. 451, an Ordinance rezoning Freden Addition Lot 1, Block 1 from established business to established residential was passed on second reading on a motion by Councilman Renner, second by Councilman St.John. Rollcall: all ayes.

The bids on the 1991 Oldsmobile were \$671, \$563, and \$306 with Sue Regennas the high bidder.

The bids on the 1979 GMC Pickup were \$763, \$651, and \$310 with Paul Hunter the high bidder.

The following business licenses were approved on a motion by Councilman Pattan, second by Councilman Dill.

A C Tree Service

A + B Buildings

B + B Auto Electric

Tank Liners Central

Arrowhead, Inc.

TCI Cablevision

Don's Glass

Appliances Plus

Erect-It-Inc.

Tip Top Tree Service

S.P. Distributing at 1010 Sword was tabled until the December meeting concerning his vacuum sales.

Milo's was again tabled until the December meeting pending the outcome of the clean-up committee's success.

Councilman Dill made a motion to pay the bills, second by Councilman Renner.
Rollcall: all ayes.

Mrs. Renner asked if Mills enforced the Greenriver Ordinance. It has not been adopted as yet.

Councilman St. John made a motion to adjourn this meeting at 8:40 p.m., second by Councilman Renner. Rollcall: all ayes.

Signed: Robert L. Goff
Robert L. Goff, Mayor

Attest: Sue Regennas
Sue Regennas, Town Clerk

December 9, 1998

Regular meeting of the Mills Town Council, called to order by Mayor Goff. Present were Councilmen Dill, St John and Pattan. Councilman Renner excused.

The minutes of the last meeting were approved on a motion by Councilman Dill, seconded by Councilman St John. Rollcall: All ayes.

The Police and Judges' report was read by Mayor Goff.

Bill Pattan, Sanitation Committee, reported that Milo Anderson has been cited in Court for violations.

The Fire Dept. report was given by Chief Ron Schindler.

Steve Kurtz gave the Planners report. WYDOT is going ahead with the project to improve the sidewalks on W. Yellowstone which will require \$30,000 match from the Town. The Town received a TEAL grant to construct the Platte River Parkway path through the WOTCO area, another gateway on the east end of First Street could be possible next year. Craig Collins is volunteering his time to work on an application for the Town to be designated a "Tree City". The owner of the property at 67 South 6th St. wants to put a used car lot on the property, this could be possible with restrictions.

Jackie Padgett presented a report on the activities of Mills Area Community Economic Development Association.

Ordinance NO. 456, renumbered from 451, REZONING FREDEN ADDITION, Lot 1, Block 1 from established business to established residential, passed on third and final reading on a motion by Councilman Dill second by Councilman Pattan. Rollcall: All ayes.

Ordinance NO. 455, Pacificorp Franchise was passed on third and final reading on a motion by Councilman St John, second by Councilman Dill. Rollcall: All ayes.

A Catering Permit for December 31 for a private function at Millview Shopping Center was approved for ARMORS RESTAURANT. Motion made by Councilman Dill, second by Councilman St John. Rollcall: All ayes.

An application for Vacuum Cleaner sales license for Stan Pierce, DBA/S. P. Distributing, was approved on a motion by Councilman Dill, second by Councilman Pattan. Rollcall: all ayes. If any complaints are received by the Town, this could be reconsidered.

Town Licenses were approved for the following businesses on a motion by Councilman Pattan, second by councilman Dill.

Excal	T-T Drilling
Falcon Pump	Dan's Auto Electric
La Cocina Restaurant	Diamond Products International
Emulsified Asphalt	B & B drilling
Linse Trailer Court	R & M Energy Systems
Rocky Mt. Scale	A & D Construction
Bid's Place	Herbo's
Artistic Hair Styling	Study Auction Service
Stout Upholstery	Glenrock Plumbing & Heating

Milo Andersons license was tabled until further notice.

The Town investment policy was adopted with the change from the word shall to may be invested in Money Market Funds to Certificateš of Deposit.

Motion made by Councilman Dill, seconded by Councilman St John. Rollcall: All ayes.

The appropriation report to December was received by the Council.

The City of Casper submitted a chart for water service areas they would like to see Mills take over, these included Upper Dempsey, Masek I & S Dist., Hanley acres, Individual retail connections on the Airport water line & Lakeview I & S District. No action taken.

The attached list of bills were presented and approved for payment on a motion by Councilman Dill, second by Councilman St John. Rollcall: All ayes

Motion to adjourn made by Councilman St John at 8:25 p.m., second by Councilman Dill. All ayes.



Signed Robert L. Goff
Robert L. Goff, Mayor

Attest: Sue Regennas
Sue Regennas, Town Clerk



ACCEPTANCE OF ORDINANCE NO. 455

BY

**PACIFICORP, an Oregon corporation,
doing business as PACIFIC POWER & LIGHT COMPANY,**

PACIFICORP, an Oregon corporation, doing business as PACIFIC POWER & LIGHT COMPANY, hereby unconditionally accepts Ordinance No. 455 of the Town of Mills, Natrona County, Wyoming, and all the terms, provisions and conditions thereof, said ordinance being entitled:

AN ORDINANCE GRANTING TO PACIFICORP, AN OREGON CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE ALONG, ACROSS 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 REPEALING ORDINANCE NO. 223 OF THE TOWN OF MILLS, PASSED AND APPROVED DECEMBER 5, 1973.

which said ordinance was submitted at a regular meeting of the Council of the Town of Mills and read in full the first time on the 7th day of October, 1998, was read in full the second time on the 4th day of November, 1998, and was read in full the third time and duly passed at a regular meeting of the Council of said Town of Mills held on the 9th of December, 1998. Said Ordinance was submitted to and duly attested by the Clerk and signed by the Mayor on the 9th day of December, 1998, and was duly posted in the Town Clerk's office and the Mills Post Office for a period of ten (10) days as required by law.

DATED this 22nd day of December, 1998.

**PACIFICORP, doing business as
PACIFIC POWER & LIGHT COMPANY**

By Richard D. Westerberg
Richard D. Westerberg
Vice President

Witness: Cerita Mign

ACCEPTANCE OF ORDINANCE NO. 223
by
PACIFIC POWER & LIGHT COMPANY

Pacific Power & Light Company hereby unconditionally accepts Ordinance 223 of the Town of Mills, Natrona County, Wyoming, and all of the terms, provisions and conditions thereof, said Ordinance being 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.

which said Ordinance was duly passed at a regular meeting of the Council of said Town of Mills held on the 5th day of December, 1973, and was duly approved by the Mayor and attested by the Clerk, and was duly published in the Casper Star Tribune on the 13th day of December, 1973.

IN WITNESS WHEREOF, Pacific Power & Light Company has caused this acceptance to be signed by one of its Vice Presidents and attested by one of its Assistant Secretaries, and its corporate seal to be hereunto affixed this 28th day of January, 1974.

PACIFIC POWER & LIGHT COMPANY

By *R. L. Bartholomew*
Senior Vice President

Attest: *M. E. Thompson*
Assistant Secretary

COUNTY OF NATRONA)
) ss
State of Wyoming)

I, *Narvone Reed*, Clerk of the Town of Mills, do hereby certify the foregoing Acceptance is a full, true and correct copy of Pacific Power & Light Company's Acceptance of Ordinance No. 223, and the original of said Acceptance was filed in my office as such Clerk on the 1 day of February, 1974.

Witness my hand and seal of the Town of Mills this 1 day of February, 1974.

(SEAL)

Narvone Reed
Clerk of the Town of Mills

RECORDED IN TOWN OF MILLS

223

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.

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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

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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

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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.

L. A. Wilcox
Mayor of the Town of Mills

Attest:

Norene Reed
Clerk of the Town of Mills

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EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF THE
TOWN OF MILLS HELD ON THE 10 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 Hestess 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 Hestess, further action upon said ordinance was deferred until the next regular meeting of the Council.

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EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF
THE TOWN OF MILLS HELD ON THE 5 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 Hutshell 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.

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EXTRACT FROM MINUTES OF THE MEETING OF THE COUNCIL OF THE
TOWN OF MILLS HELD ON THE 5 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 10 day of September, 1973, and on the 5 day of December, 1973.

After discussion, Councilman Fulton moved that said ordinance be given its third reading, Councilman Hutchell 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>
<u>Hutchell</u>	<u>None</u>
<u>Doughty</u>	
<u>Fulton</u>	
<u>Kelly</u>	
	<u>Absent: Councilmen</u>
	<u>None</u>

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. 223.

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CERTIFICATION BY CLERK OF

TOWN OF MILLS

STATE OF WYOMING)
) ss.
County of Natrona)

I, Norma Reed, Clerk of the Town of Mills,

Natrona County, State of Wyoming, do hereby certify: That the foregoing extracts of minutes of meetings of the Council of the Town of Mills held on the 10 day of November, 1973, the 5 day of December, 1973, and the ___ day of _____, 1973, respectively, are full, true and correct copies of that portion of the minutes of said meeting which relates to the introduction, consideration, and passage of Ordinance No. 223 of said Town. I further certify that the foregoing copy of said Ordinance No. 223 is a full, true and correct copy of the original thereof, as the same is in my custody as Clerk of said Town of Mills and that said Ordinance was enacted at a regular meeting of the Council of said Town, duly and regularly called and held, and at which a majority of all the members of said Council was present and acting, and was duly signed by the Mayor and attested by me as Clerk, and the same was published once in the Casper Star Tribune, a newspaper of general circulation within the Town, on the 13 day of December, 1973.

WITNESS my hand and the Seal of said Town of Mills this 13 day of December, 1973.

Norma Reed
Clerk of the Town of Mills

(SEAL OF TOWN)

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