

ORDINANCE NO. 104

AN ORDINANCE GRANTING THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO THE MISSOURI POWER & LIGHT COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF MISSOURI, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN THE VILLAGE OF ST. ELIZABETH, COUNTY OF MILLER, STATE OF MISSOURI, A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY FOR LIGHTING, HEATING AND POWER PURPOSES; PROVIDING THE TERMS THEREOF.

WHEREAS, the Missouri Power & Light Company, a corporation duly organized and existing under the laws of the State of Missouri, hereinafter designated as "Power Company," has applied to the Village of St. Elizabeth, hereinafter designated as "Municipality," asking that the right, privilege and authority be granted to it, its successors and assigns, by ordinance, to construct, maintain and operate a system for the manufacture, transmission, distribution and sale of electricity for lighting, heating and power purposes, to said Municipality and the inhabitants thereof; and

WHEREAS, said Power Company has duly complied with all provisions of the laws of the State of Missouri, and with all ordinances of said Municipality with reference to the obtaining of such right, privilege and authority.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of St. Elizabeth, as follows:

SECTION 1: That the right, permission and authority be and the same are hereby granted to said Power Company to construct, maintain and operate in the Village of St. Elizabeth, a municipal corporation organized and existing under and by virtue of the laws of the State of Missouri, a system for the manufacture, transmission, distribution and sale of electricity for lighting, heating and power purposes. The Power Company may construct, maintain and operate all necessary poles, wires, conduits and apparatus necessary or convenient for such system in, upon, over, across, along, and under each and all of the streets, alleys, avenues, bridges and other public places, and may trim trees where necessary in said Municipality in accordance with the ordinances and regulations currently in force in said Municipality.

SECTION 2: All poles erected under this ordinance shall be not less than twenty-five (25) feet in length, and all poles and conduits shall be located under such supervision as Municipality may from time to time provide and so as not to injure unnecessarily any pavements, sidewalks, drains, sewers, water pipes or other like improvements; and said Power Company shall repair the damage caused by such location to pavements, sidewalks, drains, sewers, water pipes and other public places. All necessary work shall be done with due and reasonable dispatch and with the least practicable interference with the rights of the public.

SECTION 3: The rates to be charged by the said Power Company under this ordinance shall be in accordance with those now or hereafter filed with and approved by the Missouri Public Service Commission or its legally qualified successor.

SECTION 4: That the poles, wires and equipment placed on the streets or public places of said Municipality shall be exempt from any special tax assessments, license or rental charge during the entire term of this franchise, except as provided in Section 10 herein.

SECTION 5: The Municipality shall have the right at its expense to use the poles erected by the Power Company for its fire alarm system or any electric police alarm system it may hereinafter adopt; but Municipality shall indemnify and save said Power Company harmless from all damages, injuries, costs and claims for damage to property whatsoever and person whomsoever, in any way caused by or resulting from the installation, operation and removal of such alarm systems on poles of said Power Company.

SECTION 6: Said Power Company shall maintain adequate and continuous service to the inhabitants of said Municipality, in accordance with its rules and regulations on file with the Missouri Public Service Commission subject, however, to temporary cessations of service occasioned by fire, explosion, floods, strike, insurrection, mob violence, governmental interference, breakdown or injury to equipment or lines or other accidents or causes not reasonably within control of said Power Company.

SECTION 7: That all rights and privileges granted by this ordinance are granted for a term of 10 years from and after the acceptance of this ordinance as hereinafter provided, but nothing herein shall be construed as giving said Power Company an exclusive right to the privileges herein granted.

SECTION 8: That after the passage and approval of this ordinance and within sixty (60) days after such approval, this ordinance shall be accepted by said Power Company by the filing with the Clerk of said Municipality an unconditional written acceptance thereof.

SECTION 9: This ordinance, upon acceptance by the Power Company as above provided, shall be and become a valid grant; and the rights therein granted shall thereupon become effective, subject to all the terms and conditions herein set forth.

SECTION 10: The Power Company acknowledges that it is engaged in an activity subject to a license tax of five percent (5%) as provided in Ordinance No. 17-B dated November 30, 1962. If said license tax is repealed, invalidated or in any manner eliminated during the term of this franchise, the Power Company shall, at the election of the Village of St. Elizabeth, thereafter pay a franchise fee equal to five percent (5%) of the gross revenue derived by it from the business of supplying electricity for compensation, exclusive of sales to the Village of St. Elizabeth and revenue from industrial customers.

SECTION 11: That all provisions of this ordinance, which are obligatory upon or which inure to the benefit of said Missouri Power and Light Company, shall be obligatory upon and shall inure to the benefit of all successors and assigns of said Missouri Power and Light Company; and the words "Power Company" wherever used in this ordinance shall include and be taken to mean not only Missouri Power and Light Company but all successors and assigns of said Missouri Power and Light Company.

Passed this 29th day of November, 19 79

Alfred Dickmeit
Presiding Officer

Approved this 29 day of November 19 79

Alfred Dickmeit
Chairman of the Board of Trustees

ATTEST:

Joan Doerkhoff
Clerk

STATE OF MISSOURI)
) ss.
COUNTY OF MILLER)

I, Joan Doerkhoff, Clerk of the Village of St. Elizabeth, County of Miller, State of Missouri, do hereby certify that the foregoing is a true, correct and complete copy of a franchise ordinance, duly passed by the Board of Trustees of the Village of St. Elizabeth, this 29th day of November, 19 79, the original of which franchise ordinance is on file in my office.

I do hereby certify that I am the legal custodian of all papers, contracts, documents and records of such Village.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village of St. Elizabeth, this 29th day of November, 19 79.

Joan Doerkhoff
Clerk

The Board of Trustees of the Village of St. Elizabeth, Missouri,
met at 7:30 p. m., on 11/29/79,
in regular meeting, with the following members present:

W. Blaine Luster
Charles A. W. De
Robert B. Stoney
Jan Dierhoff
Alfred Richmond

An ordinance respecting Missouri Power & Light Company was introduced and publicly read by the Clerk. It was then moved, seconded and carried that the ordinance be placed on final passage.

The Chairman then put the question: Shall the proposed ordinance entitled:

An ordinance granting the franchise, right, permission and authority to the Missouri Power & Light Company, a corporation organized and existing under and by virtue of the laws of the State of Missouri, its successors and assigns, to construct, maintain and operate in the Village of St. Elizabeth, County of Miller, State of Missouri, a system for the manufacture, transmission, distribution and sale of electricity for lighting, heating and power purposes; providing the terms thereof.

be finally passed as read? The Clerk then called the roll and the result was as follows:

Trustee	<u>W. Blaine Luster</u> (Name)	Voted	<u>Yea</u>	(Yea, Nay, Not Voting or Absent)
Trustee	<u>Charles A. W. De</u>	Voted	<u>Yea</u>	
Trustee	<u>Robert B. Stoney</u>	Voted	<u>Yea</u>	
Trustee	<u>Jan Dierhoff</u>	Voted	<u>Yea</u>	
Trustee	<u>Alfred Richmond</u>	Voted	<u>Yea</u>	

The proposed ordinance having received the affirmative vote of a majority of all the members of the Board of Trustees, the Chairman declared the ordinance adopted. The ordinance was then presented to the Chairman and was by him duly signed and approved.

STATE OF MISSOURI)
)
) SS.
COUNTY OF Miller)

I, Jean Dierhoff, Clerk of the Village of St. Elizabeth,
County of Miller, State of Missouri, do hereby certify that the foregoing
is a true, correct and complete copy of the minutes of proceedings of the Board of
Trustees of said Village respecting said ordinance(s) at a meeting on 11/29,
19 79.

I do hereby certify that I am the legal custodian of all papers, contracts, doc-
uments and records of such Village.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
seal of said Village of St. Elizabeth, this 29th day of
November, 19 79.

Jean Dierhoff
Village Clerk