

TOWN OF MILLS, WYOMING

ORDINANCE NO. 527

AN ORDINANCE AMENDING ORDINANCE NO. 515 GRANTING TO KINDER MORGAN, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE TOWN OF MILLS, WYOMING, FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID TOWN AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE  
TOWN OF MILLS, WYOMING

SECTION 1. That in consideration of the benefits to be derived by the Town of Mills, Wyoming, hereinafter referred to as "Municipality", and the public thereof from the construction and operation of a gas transmission and distribution system in said Municipality, there be and hereby are granted to Kinder Morgan, Inc., a corporation, its successors and assigns, hereinafter collectively referred to as "Grantee", the non-exclusive right, permission and authority to construct, maintain and operate a gas transmission and distribution system within the limits of said Municipality, as the same now exists or may hereafter be extended for a period of twenty-five (25) years from and after the date of final passage of this ordinance, and for said purpose there are hereby further granted to Grantee the right, permission and authority during said period to lay, install, construct, maintain and operate in, under, upon, over, across and along all of the streets, alleys, bridges and public places within the present and future corporate limits of said Municipality all mains, pipes, services, conduits and structures necessary or convenient for the furnishing, transmission, distribution and sale of gas whether artificial, natural, mixed or otherwise for lighting, heating, domestic, industrial and other uses, and for transmitting such gas into, through or beyond the limits of said Municipality to other towns, cities and customers.

SECTION 2. That all mains, services, and pipes laid or installed under this grant shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers or other

structures already installed, and all such mains, services and pipes shall be installed subject to approval of the Committee on streets and alleys or other authorized representatives of said Municipality.

Grantee, in doing any work in connection with said mains, pipes and services shall avoid, so far as practicable, interfering with the use of any street, alley or public place, and where the paving or surface of any street, alley or public place is disturbed, Grantee at its own expense and in a manner satisfactory to the authorized representatives of said Municipality, shall replace such paving or surface in as good condition as before such work was commenced.

In the event that at any time hereafter said Municipality shall lawfully elect to change or alter the grade of any street, alley or public place, or to construct new or additional water or sewer lines, Municipality shall notify Grantee of any proposed changes affecting Grantee's use of such street, alley or public place and thereafter permit Grantee to participate in the planning of such change, alteration or new construction in an effort to mitigate the financial impact of any such project on Grantee. The Town shall make reasonable efforts to mitigate the financial impact of any such project on the Grantee. Grantee, upon being directed by resolution of the Mayor and Town Council of said Municipality so to do, shall, where the same becomes necessary by reason of said change of grade or construction of water or sewer lines, move or relay its mains or service pipes at Grantee's sole cost and expense. Except in emergency situations, if the Town does not confer with the Grantee within a reasonable time prior to the development of final construction documents of any Town project which may require the Grantee to relocate its facilities, such Grantee relocation expenses shall be paid by the Town.

**SECTION 3.** Grantee shall have the right to make all such reasonable rules and regulations in the conduct of its business as it may deem necessary or expedient, including meter deposits in such amounts as may be required to assure payment of bills. Grantee shall make such reasonable extensions of its mains from time to time as may be required to furnish service within said Municipality to parties making application therefor; but Grantee shall not be required to make any extension for the purpose of serving any consumer or consumers if Grantee is, for any reason, unable to obtain an adequate supply of gas to warrant the construction of said extension nor where the estimated revenue to be derived from serving such new consumer or consumers is not sufficient to show an adequate return upon the total additional investment required to serve such consumer or consumers.

Whenever the delivery or supply capability of Grantee's system, due to any cause whatsoever not limited to force majeure, is such that Grantee is unable to deliver to consumers served by Grantee the quantity of gas which the consumers require, available quantities of gas among such consumers will be allocated pursuant to Grantee's tariff.

To the extent allowed by law, Grantee shall have the right to enter the premises of consumers at reasonable times for the purpose of reading meters, inspecting gas appliances, pipes and equipment and for the purpose of ascertaining loads, making necessary tests and installing, disconnecting or removing meters.

SECTION 4. Grantee, in the construction of said gas system within the limits of said Municipality, shall use tested and approved pipes, material and equipment.

SECTION 5. Grantee, at all times, will keep a map in the office of Grantee or of the Clerk of said Municipality showing the size and approximate location of its gas lines laid in said distribution system in said Municipality. This map will be replaced each year with a revised map showing the new construction for the previous calendar year or, if no new construction took place, as requested by the Municipality. Upon request of Municipality, Grantee shall provide additional information and assistance pertaining to the location of Grantee's other equipment including but not limited to official utility locates.

SECTION 6. In case the available supply of gas shall at any time fail or become insufficient to supply the needs of the public of said Municipality, or should Grantee for any reason be unable to furnish the service herein contemplated, or upon the termination of this franchise for any reason whatsoever, Grantee shall have the right to remove any and all of its pipe and other equipment or property from said Municipality, but in such event Grantee shall restore the streets, alleys and other public places to as good condition as before such removal, and will hold said Municipality harmless from damage and expense incident to such removal.

SECTION 7. Grantee shall be required, and by the acceptance hereof, agrees to save harmless said Municipality from and against all lawful claims and demands, including attorney fees, and from all loss and expense necessarily incurred as a result thereof, arising out of the negligence of Grantee in the construction, removal, replacement, inspection or repair of any mains, pipes, services or appliances of Grantee, or in the use and operation thereof during the term of this Ordinance.

SECTION 8. In consideration of the rights and privileges herein granted, the Grantee shall assess, effective the first billing cycle after this franchise becomes effective, to residential (commonly known as domestic) and commercial customers with the Town of Mills, Wyoming, a franchise tax or fee of \$0.0075 per therm for gas delivered to residential and commercial customers within said Municipality on Grantee's distribution system. Grantee shall pay to the Town Treasurer an annual payment for each year of the franchise's duration an amount equal to the franchise fee or tax funds collected by Grantee hereunder. Payment shall be made on or before March 1<sup>st</sup> of each year for the preceding year and each such payment shall be accompanied by a statement supporting the payment.

Such payment shall be in lieu of any and all other fees, charges, licenses, taxes or assessments which the Municipality may impose for the rights and privileges herein granted or for the privilege of doing business within the Municipality and, in the event any such fee, charge, license, tax or assessment shall be imposed by the Municipality, the payment to be made in accordance with the provisions of this section shall be refunded in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Grantee. Ad Valorem

property taxes imposed generally upon all real and personal property within the Municipality shall not be deemed to affect the obligation of the Grantee under this section.

SECTION 9. This Ordinance and the respective rights and obligations of the parties hereunder are subject to all present and future valid governmental legislation or regulation, whether federal or state, of duly constituted authorities which have jurisdiction over this Ordinance, one or both of the parties, or any transaction hereunder.

SECTION 10. This Ordinance and the rights, authority and franchise herein and hereby granted shall terminate and be of no further force and effect:

- (a) Unless within six (6) months after final passage of this Ordinance Grantee shall file with the Clerk of said Municipality a written acceptance hereof; also
- (b) if and when, after such acceptance Grantee shall file with the Clerk of said Municipality a surrender hereof in writing.

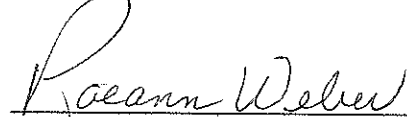
SECTION 11. All other ordinances in conflict with this Ordinance are hereby repealed and of no further force or effect.

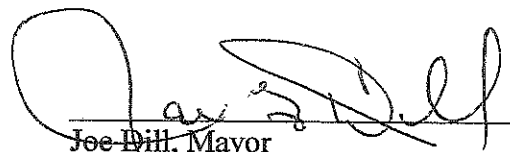
SECTION 12. Wherever the term "Grantee" is used herein, it shall be held to mean and include Kinder Morgan, Inc., its successors and assigns.

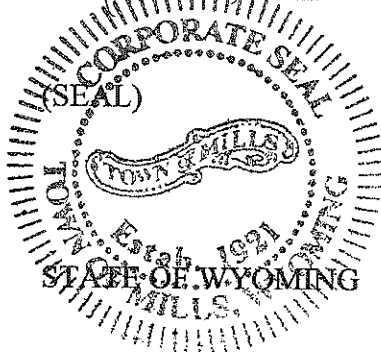
SECTION 13. This Ordinance shall be in full force and effect from and after its final passage and publication as required by law and upon acceptance by Grantee shall be held to constitute a binding contract between said Municipality and Grantee, subject to its terms and conditions.

Passed this 5 day of July, 2006.

ATTEST:

  
\_\_\_\_\_  
Racann Weber, Clerk

  
\_\_\_\_\_  
Joe Dill, Mayor  
Town of Mills, Wyoming

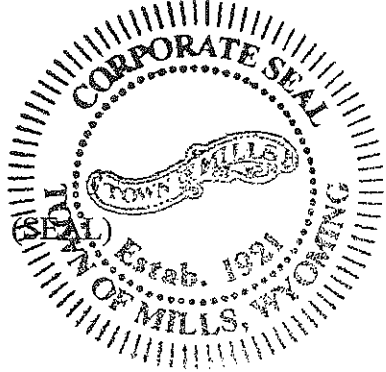


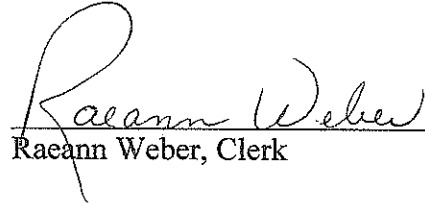
)  
) ss.

COUNTY OF NATRONA )

I, Raeann Weber, the duly appointed, qualified and acting Town Clerk of Mills, Wyoming, do hereby certify the above and foregoing to be a true, just and exact copy of Ordinance No. 527 as the same appears of record and on file in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Town of Mills, Wyoming, this 5 day of July, 2006.



  
\_\_\_\_\_  
Raeann Weber, Clerk

First Reading

TRANSCRIPT OF PROCEEDINGS

Transcript of proceedings had by the Town Council of the Town of Mills, Wyoming, in the passage and approval of Ordinance No. 527 of said Town.

The Council of the Town of Mills, Wyoming met in regular open session at the Council Chambers in said Town on May 3, 2006, at 7:00 o'clock p m.

The following members of the Council were present:

<u>Mayor Joe E Dill</u>	<u>Councilman Rosalie Coleman</u>
<u>Councilman Mike Kilmer</u>	<u>Councilman Tanise Lavering</u>
<u>Councilman Dean Ravert</u>	

The following members of the Council were absent:

Thereupon the following proceedings were had:

Ordinance No. 527 entitled:

AN ORDINANCE GRANTING TO KINDER MORGAN, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE TOWN OF MILLS, WYOMING FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID TOWN AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

was read.

It was moved by Councilman Dean Ravert, seconded by Councilman Mike Kilmer, that said ordinance be passed and

adopted on first reading, subject, however, to said ordinance being read at three meetings of the Council and to its final passage after the third reading.

Upon roll call said motion carried by the following yea and nay votes:

Yeas:	<u>Councilman Kilmer</u>	<u>Councilman Coleman</u>
	<u>Councilman Ravert</u>	<u>Councilman Lavering</u>
	_____	_____

Nays:	_____	_____
	_____	_____

On motion council adjourned. after other business was concluded.

*Raeann Weber*  
Clerk

Second Reading

TRANSCRIPT OF PROCEEDINGS

Transcript of proceedings had by the Town Council of the Town of Mills, Wyoming, in the passage and approval of Ordinance No. 527 of said Town.

The Council of the Town of Mills, Wyoming met in regular open session at the Council Chambers in said Town on June 7, 2006, at 7:00 o'clock p.m.

The following members of the Council were present:

Mayor Joe E Dill

Councilman Mike Kilmer

Councilman Dean Ravert

Councilman Rosalie Coleman

Councilman Tanise Lavering

The following members of the Council were absent:

Thereupon the following proceedings were had:

Ordinance No. 527 entitled:

AN ORDINANCE GRANTING TO KINDER MORGAN, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE TOWN OF MILLS, WYOMING FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID TOWN AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

was read.

It was moved by Councilman Tanise Lavering, seconded by Councilman Rosalie Coleman, that said ordinance be passed and



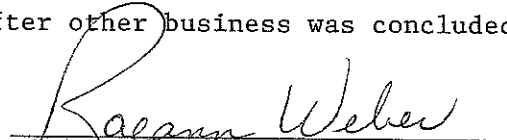
adopted on second reading, subject, however, to said ordinance being read at three meetings of the Council and to its final passage after the third reading.

Upon roll call said motion carried by the following yea and nay votes:

Yeas:	<u>Councilman Kilmer</u>	<u>Councilman Coleman</u>
	<u>Councilman Ravert</u>	<u>Councilman Laving</u>
	_____	_____

Nays:	_____	_____
	_____	_____

On motion council adjourned. after other business was concluded.

  
Clerk

Third and Final Reading

TRANSCRIPT OF PROCEEDINGS

Transcript of proceedings had by the Town Council of the Town of Mills, Wyoming, in the passage and approval of Ordinance No. 527 of said Town.

The Council of the Town of Mills, Wyoming met in regular open session at the Council Chambers in said Town on July 5, 2006, at 7:00 o'clock pm.

The following members of the Council were present:

Mayor Joe E Dill

Councilman Mike Kilmer

Councilman Dean Ravert

Councilman Rosalie Coleman

Councilman Tanise Lavering

The following members of the Council were absent:

Thereupon the following proceedings were had:

Ordinance No. 527 entitled:

AN ORDINANCE GRANTING TO KINDER MORGAN, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE TOWN OF MILLS, WYOMING FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID TOWN AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

was read.

It was moved by Councilman Tanise Lavering, seconded by



CERTIFICATE

STATE OF WYOMING )  
 )  
COUNTY OF Natrona ) ss

I, Raeann Weber, Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing Ordinance No. 527 was introduced, read in full and passed at three regular meetings of the Town Council of the Town of Mills, Wyoming, held on May 3, 2006, June 7, 2006, and July 5, 2006.

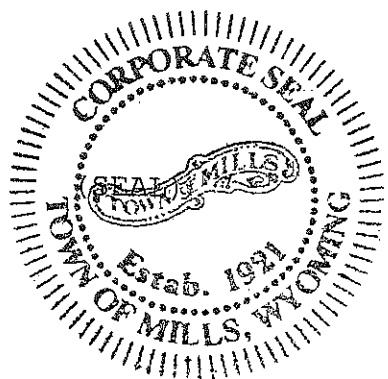
I further certify that after Ordinance No. 527 was passed and adopted by the Town Council, it was presented to Joe E Dill, Mayor of said Town, and was immediately signed by her/him as Mayor and attested by the undersigned as Town Clerk under the seal of said Town, and was thereafter published by title in the \_\_\_\_\_, a newspaper of general circulation within the Town, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, or was published by copies thereof being posted in the clerk's office and such other places as the governing body determines for at least 10 days commencing on the 6th day of July, 2006.

I further certify that on the 6 day of July, 2006, I did cause to be recorded in the Ordinance Book of the Town of Mills, Wyoming, said Ordinance No. 527, signed by Joe E Dill, Mayor, and attested by the undersigned as Clerk under the seal of the Town.

I further certify that the Transcripts of Proceedings are a true, full and correct copy of the Proceedings of the Town Council of said Town, insofar as said minutes relate to the introduction and final adoption of Ordinance No. 527, a copy of which is set forth in full in the minutes of the regular meeting held on the 5 day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 5 day of July, 2006.

Raeann Weber  
Town Clerk



ACCEPTANCE OF ORDINANCE NO. 527

MILLS, WYOMING

Kinder Morgan, Inc., a Corporation, for itself, its successors and assigns, hereby accepts a certain ordinance, designated Ordinance No. 527 passed by the governing body of the Town of Mills, Wyoming, on the 5th day of July, 2006, and approved by the Mayor of said Town on said date, and entitled:

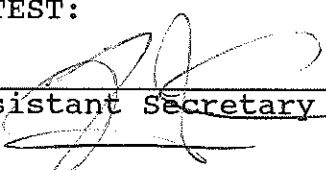
ORDINANCE NO. 527

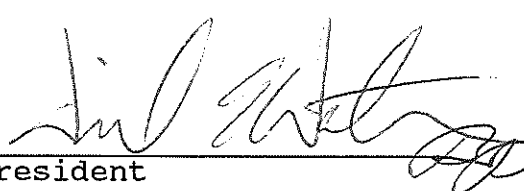
AN ORDINANCE AMENDING ORDINANCE NO. 515 GRANTING TO KINDER MORGAN, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE TOWN OF MILLS, WYOMING FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID TOWN AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

and the right, authority and franchise therein and thereby granted, all in accordance with the terms and provisions of said Ordinance. This acceptance is based upon Kinder Morgan, Inc.'s understanding that Ordinance No. 527 replaces in its entirety Ordinance No. 515.

IN WITNESS WHEREOF, Kinder Morgan, Inc. has caused these presents to be duly subscribed in its corporate name by its Vice President, and its corporate seal to be hereto affixed and attested by its Secretary or an Assistant Secretary thereunto duly authorized, this 26th day of July, 2006.

ATTEST:

  
Assistant Secretary

By:   
Vice President

The undersigned hereby certifies that he/she is the Clerk of the Town of Mills, and that the within and foregoing is a true and correct copy of the Acceptance of Ordinance No. 527 of said Town the original of which Acceptance was filed by Kinder Morgan, Inc., in the Clerk's office on the 31 day of JULY, 2006.

  
Clerk

