

MINUTES OF SPECIAL MEETING OF THE TOWN  
COUNCIL OF CONRAD, IOWA, HELD IN  
THE COUNCIL CHAMBER ON THE 17th DAY OF  
SEPTEMBER, 1957, AT 9:00 O'CLOCK P.M.

The Town Council of the Town of Conrad,  
Iowa, met in special session at 9:00 o'clock P.M., on the  
17th day of September, 1957, upon the call of the Mayor,  
pursuant to a notice given to each member of the Town Council,  
which notice is on file with the Town Clerk and is a part of  
the records of said Town, and a copy is as follows:

NOTICE OF SPECIAL MEETING OF THE TOWN  
COUNCIL OF CONRAD, IOWA.

Notice is hereby given that a special meeting of the Town  
Council of the Town of Conrad, Iowa, will be held in the Council  
Chamber in said Town at 9:00 o'clock P.M., on the 17th  
day of September, 1957, for the purpose of considering an Ordinance  
granting to the Iowa Electric Light and Power Company a franchise  
to erect, maintain and operate a power plant, or plants, for the gener-  
ation of electricity, and/or systems for the transmission, distribution  
and use of electricity in said Town and to use the highways and  
public places of the Town for such purposes, and to consider resolu-  
tions authorizing a special election to submit the Ordinance to the  
voters and all matters connected with such special election; and for  
the purpose of considering other matters as may come before the Council.

(Signed) Dale Friday  
MAYOR OF THE TOWN OF CONRAD,  
IOWA.

We, the undersigned members of the Town Council of the Town  
of Conrad, Iowa, hereby accept service of the above Notice of  
Special Council Meeting this 17th day of September, 1957.

- (Signed) Wilman Daggett
- (Signed) W. H. Simms
- (Signed) H. D. Martin
- (Signed) W. K. Koehler
- (Signed) Bert O. Combs

Mayor Friday was present and presided at the  
meeting.

The following Councilmen were present: Daggett, Simms, Martin,  
Koehler and Combs.

Councilman Combs offered Ordinance No. 78 of which  
the following is a copy:

ORDINANCE NO. 78

AN ORDINANCE GRANTING UNTO THE IOWA ELECTRIC LIGHT AND POWER  
COMPANY, AN IOWA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLU-  
SIVE FRANCHISE AND RIGHT FOR A PERIOD OF TWENTY-FIVE YEARS TO ERECT,  
CONSTRUCT, RECONSTRUCT, MAINTAIN AND OPERATE A POWER PLANT, OR PLANTS,  
FOR THE GENERATION OF ELECTRICITY AND/OR SYSTEMS FOR THE TRANSMISSION,

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DISTRIBUTION AND USE OF ELECTRICITY IN THE TOWN OF CONRAD, IOWA, AND TO ENTER UPON AND TO USE AND OCCUPY THE PUBLIC STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES AND PUBLIC PLACES OF SAID TOWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING AND OPERATING THEREON, THEREIN, THEREUNDER AND THEREOVER SAID SYSTEMS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY CONSISTING OF POLES, POSTS, WIRES, CABLES, CONDUITS AND OTHER EQUIPMENT, APPARATUS AND CONSTRUCTION NECESSARY OR INCIDENT TO SAID SYSTEMS AND THEIR USE AND INCLUDING HIGH POTENTIAL ELECTRIC TRANSMISSION LINES AND TO SELL AND FURNISH ELECTRIC ENERGY TO SAID TOWN AND THE INHABITANTS THEREOF AND OTHERS WITHIN AND WITHOUT SAID TOWN FOR ALL PURPOSES AND PRESCRIBING THE TERMS AND CONDITIONS OF THE GRANT AND THE PENALTY FOR THE VIOLATION OF SAME AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CONRAD, IOWA:

Section 1. The Town of Conrad, Iowa, hereby grants unto the Iowa Electric Light and Power Company, an Iowa corporation, its successors and assigns, hereinafter called the Grantee, a non-exclusive franchise and right, for a period of twenty-five years from and after the date this ordinance becomes effective, to erect, construct, reconstruct, maintain, operate and use within the corporate limits of said Town of Conrad, Iowa, as the same now are or may hereafter be located, a power plant or plants for the generation of electricity and/or a system, or systems, for the transmission, distribution and use of electricity, whether said power plant, or plants, and transmission and distribution systems have been heretofore or may hereafter be constructed and installed, together with the franchise and right to enter upon and to use and occupy the public streets, avenues, alleys, highways, bridges and public places of said Town as the same are now or may hereafter be located or extended, for the purpose of installing, constructing, reconstructing, maintaining and operating thereon, therein, thereunder and thereover said systems for the transmission and distribution of electricity, consisting of poles, posts, wires, cables, conduits and other equipment, apparatus and construction necessary or incident to said systems and their use, including a high potential electric transmission line, or lines, to and through said Town, and together with the franchise and right to supply, distribute and sell electric energy to said Town and to the inhabitants thereof and others within and without the corporate limits of said Town for any and all purposes and under such restrictions and regulations as are hereinafter contained, and such other reasonable regulations as may hereafter be provided by ordinance.

Section 2. The construction of said transmission and distribution systems shall be in accordance with the specifications of the National Electrical Safety Code issued by the United States Department of Commerce, Bureau of Standards, in force at the time of said construction. All poles, posts, wires, cables, conduits and other equipment, apparatus and construction connected therewith shall be located, erected, adjusted and maintained so as not to endanger persons or property or unreasonably interfere with any improvement the Town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, avenues, alleys, highways, bridges or private or public property.

Section 3. Whenever the Grantee in erecting, constructing, or maintaining said transmission and distribution systems, shall take up or disturb any pavement or sidewalk or make any excavation in the streets, avenues, alleys, highways, or public grounds of said Town, such excavations shall be at once refilled and the pavement, sidewalk or other improvement replaced to the satisfaction of the Town officials.

Section 4. The Grantee shall extend its transmission and distribution lines 150 feet for each applicant for light, power or electric current, provided each of said applicants shall have a connected load of at least one-half kilowatt, and may require said applicant to sign a reasonable contract to use electric current for not less than two years.

Section 5. Said Grantee shall have the right to supply, distribute and sell electricity for any and all purposes to said Town, and to the inhabitants thereof, and to charge therefor such just and reasonable rates as may hereafter be fixed and determined by the Town Council of the Town of Conrad, Iowa, or such rate making body as may hereafter be established under the laws of the State of Iowa and given jurisdiction thereof.

Section 6. Any person who shall cut, injure or destroy any of the poles, wires, fixtures, conduits, cables or any other property of the Grantee lawfully erected, maintained or being within the corporate limits of said Town, or who shall post bills or signs upon any of the poles or other property, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$100.00 or imprisonment not exceeding thirty (30) days.

Section 7. All of the provisions of this Ordinance shall apply to the successors or assigns of the Grantee, with the same force and effect as they do the Grantee itself.

Section 8. The Grantee shall hold the Town harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of said distribution and transmission systems and other construction hereby authorized.

Section 9. The Grantee shall within sixty days after the publication of this Ordinance signify in writing an acceptance of the grant herein, including the conditions and restrictions herein expressed, and this Ordinance, and the franchise granted herein, shall not be operative or binding unless such acceptance is filed with the Town Clerk. The Grantee shall pay the costs incurred in holding the election to submit this Ordinance to the legal electors for their approval as provided by law.

Section 10. All Ordinances, or parts of Ordinances, insofar as they are in direct conflict herewith are hereby repealed.

Section 11. This Ordinance shall take effect and be in full force and effect, subject to its approval by a majority of the legal electors of the Town of Conrad, Iowa, voting thereon, as provided by law, and subject to its acceptance by the Grantee, as provided in Section 9 above, upon its publication as provided by law.

It was moved by Councilman Martin and seconded by Councilman Koehler that said Ordinance be placed upon its first reading.

UPON ROLL CALL Councilmen voted upon said motion as follows:

<u>Daggett</u>	VOTED	<u>Aye</u>
<u>Simms</u>	VOTED	<u>Aye</u>
<u>Martin</u>	VOTED	<u>Aye</u>
<u>Combs</u>	VOTED	<u>Aye</u>
<u>Koehler</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Friday declared said motion carried; and said Ordinance No. 78 was placed upon its first reading and was read the first time.

Thereupon it was moved by Councilman Daggett and seconded by Councilman Combs that the laws and rules providing that Ordinances shall be fully and distinctly read on three different days be suspended and be dispensed with and that Ordinance No. 78 be placed upon its last reading.

UPON ROLL CALL Councilmen voted upon said motion as follows:

<u>Daggett</u>	VOTED	<u>Aye</u>
<u>Simms</u>	VOTED	<u>Aye</u>
<u>Martin</u>	VOTED	<u>Aye</u>
<u>Combs</u>	VOTED	<u>Aye</u>
<u>Koehler</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Friday thereupon declared the motion carried, and Ordinance No. 78 was then placed upon its last reading and was read the last time.

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Thereupon, it was moved by Councilman Koehler and seconded by Councilman Combs that Ordinance No. 78 be placed upon its final passage and passed.

UPON ROLL CALL, Councilmen voted upon said motion as follows:

<u>Daggett</u>	VOTED	<u>Aye</u>
<u>Simms</u>	VOTED	<u>Aye</u>
<u>Martin</u>	VOTED	<u>Aye</u>
<u>Combs</u>	VOTED	<u>Aye</u>
<u>Koehler</u>	VOTED	<u>Aye</u>

Five members of the Council being present and having voted "Aye", Mayor Friday declared the motion carried, and the Ordinance passed and adopted.

Councilman Daggett introduced and read the following Resolution, and it was moved by Councilman Martin and seconded by Councilman Koehler that the Resolution be adopted:

#### RESOLUTION

WHEREAS, the Town Council of the Town of Conrad, Iowa, has passed an Ordinance entitled:

#### ORDINANCE NO. 78

AN ORDINANCE GRANTING UNTO THE IOWA ELECTRIC LIGHT AND POWER COMPANY AN IOWA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE AND RIGHT FOR A PERIOD OF TWENTY-FIVE YEARS TO ERECT, CONSTRUCT, RECONSTRUCT, MAINTAIN AND OPERATE A POWER PLANT, OR PLANTS, FOR THE GENERATION OF ELECTRICITY AND/OR SYSTEMS FOR THE TRANSMISSION, DISTRIBUTION AND USE OF ELECTRICITY IN THE TOWN OF CONRAD, IOWA, AND TO ENTER UPON AND TO USE AND OCCUPY THE PUBLIC STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES AND PUBLIC PLACES OF SAID TOWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING AND OPERATING THEREON, THEREIN, THEREUNDER AND THEREOVER SAID SYSTEMS FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY CONSISTING OF POLES, POSTS, WIRES, CABLES, CONDUITS AND OTHER EQUIPMENT, APPARATUS AND CONSTRUCTION NECESSARY OR INCIDENT TO SAID SYSTEMS AND THEIR USE AND INCLUDING HIGH POTENTIAL ELECTRIC TRANSMISSION LINES AND TO SELL AND FURNISH ELECTRIC ENERGY TO SAID TOWN AND THE INHABITANTS THEREOF AND OTHERS WITHIN AND WITHOUT SAID TOWN FOR ALL PURPOSES AND PRESCRIBING THE TERMS AND CONDITIONS OF THE GRANT AND THE PENALTY FOR THE VIOLATION OF SAME AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

AND WHEREAS, the said Ordinance has been duly signed by the Mayor and attested by the Town Clerk and provides that same shall be in full force and effect, subject to its approval by a majority of the legal electors of the Town of Conrad, Iowa, voting thereon, as provided by law, and subject to its acceptance by the Grantee, upon its publication, as provided by law.

AND WHEREAS, the laws of Iowa provide that same shall be submitted to the legal electors of the Town of Conrad, Iowa, for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CONRAD, IOWA:

That a special election of the Town of Conrad, Iowa, be held on the 24th day of October, 1957, for the submission of said Ordinance No. 78 to the legal electors of the Town of Conrad, Iowa, as by law provided; and that the Mayor and Town Clerk cause notice of said special election to be published in the Conrad Record, a newspaper published in Conrad, Iowa, and of general circulation in the Town of Conrad, Iowa, as by law provided; and that the Clerk make all arrangements and preparations for said election, including ballots, polling place, and do all things necessary or required by law for said election.

The question of the adoption of said Resolution was submitted to the Council, and upon roll call the Councilmen voted as follows:

Daggett VOTED Aye  
Simms VOTED Aye  
Martin VOTED Aye  
Combs VOTED Aye  
Koehler VOTED Aye

Thereupon, Mayor Friday declared said Resolution duly passed and adopted.

Councilman Koehler introduced and read the following Resolution, and it was moved by Councilman Martin and seconded by Councilman Simms that the Resolution be adopted:

RESOLUTION

BE IT RESOLVED that the polling place for the special election to be held on the 24th day of October, 1957 shall be at Municipal Building.

BE IT FURTHER RESOLVED that the following named persons shall be the judges of said special election, to-wit:

W. H. Simms  
Bert Combs  
Dilman Daggett

and that the following named persons shall be the clerks of said special election, to-wit:

Don Martin  
Keith Koehler

The question of the adoption of said Resolution was submitted to the Council, and upon roll call the Councilmen voted as follows:

Daggett VOTED Aye  
Simms VOTED Aye  
Martin VOTED Aye  
Combs VOTED Aye  
Koehler VOTED Aye

THEREUPON, Mayor Friday declared said Resolution duly passed and adopted.

It was moved by Councilman Martin and seconded by Councilman Daggett that the meeting be adjourned.

All members of the Council voting "Aye", the Mayor thereupon declared the meeting adjourned.

(Signed) Dale Friday  
MAYOR OF THE TOWN OF CONRAD, IOWA.

ATTEST:

(Signed) D. W. Bunn  
Town CLERK OF THE Town  
OF Conrad, IOWA.

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