

ORDINANCE NO. 15-3
AN ORDINANCE GRANTING FRANCHISE AND APPROVING AND
AUTHORIZING THE EXECUTION OF THE FRANCHISE AGREEMENT
WITH GARKANE ENERGY COOPERATIVE, INC.

WHEREAS, Garkane Energy Cooperative, Inc. provides and desires to continue to provide energy services in various locations throughout southern Utah;

WHEREAS, the current franchise has expired and needs renewal; and

WHEREAS, the Boulder Town Council finds good cause to renew the franchise.

NOW THEREFORE, be it ordained by the Boulder Town Council as follows:

1. That Boulder Town does renew the said agreement and grant the franchise according to the terms of the accompanying agreement. The town council does authorize and approve the execution of the said agreement.

2. That the town clerk or recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:

A. Cause a copy of this ordinance to be deposited in the office of the town recorder; and

B. Either:

(b1) Cause a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

Or

(b2) Cause to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

APPROVED and PASSED this 5th day of November, 2015.

ATTEST:

BOULDER TOWN

Judith Davis
Judith Davis
Boulder Town Clerk

Bill Muse
Bill Muse, Mayor

	VOTE
Gladys LeFevre, Councilwoman	<u>Yes</u>
Steve Cox, Councilman	<u>Yes</u>
Peter Benson, Councilman	<u>Yes</u>
Cindy Wilson, Councilwoman	<u>Yes</u>

STATE OF UTAH)
) : ss.
COUNTY OF GARFIELD)

[X] (a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

[] (b1) Causing a short summary of this ordinance to be published for at least one publication in _____, a newspaper of general circulation within Boulder Town;

[X] (b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

[Seal]

Judith Davis
Judith Davis
Boulder Town Clerk

OPEN AND PUBLIC MEETING AFFIDAVIT

STATE OF UTAH)
 : ss.
COUNTY OF GARFIELD)

I, the undersigned, the duly qualified and acting Town Clerk of Boulder, Utah, do hereby certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, have caused public notice of the agenda, date, time and place of the public meeting held by the Town Council of Boulder, Utah to be given by:


☒ (a) Causing written notice to be posted at the principal office of Boulder Town in Boulder, Utah at least twenty-four (24) hours before the convening of the meeting and said written notice has continuously remained so posted and available for public inspection during the regular office hours of Boulder Town until the convening of the meeting; and

☐ (b) Causing written notice to be provided at least twenty-four hours before the convening of the meeting, to

_____, a newspaper of general circulation within the
geographic jurisdiction of Boulder Town or
_____, a local media correspondent

☒ (c) Posted on the Utah Public Notice Website, (required only if annual budget is more than \$1 million).

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder, Utah, this 8th day of September, 2015.



Judith Davis
Boulder Town Clerk

AN ORDINANCE GRANTING TO GARKANE ENERGY COOPERATIVE, INC.
ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC LIGHT, HEAT,
AND POWER FRANCHISE

BE IT ORDAINED BY THE TOWN BOARD OF Boulder Town, Garfield County, Utah
as follows:

Section 1. That there is hereby granted to Garkane Energy Cooperative, Inc., its successors and assigns (herein called the Grantee), the full and complete authority, right, privilege and franchise, for fifty years from date hereof, to construct, operate and maintain electric power lines and facilities together with all the necessary and desirable appurtenances (including but not necessarily limited to underground conduits, poles, towers, and wires as well as telephone wires and other compatible communications equipment and facilities), for the transmission and distribution in and through said Town of electricity to present and future residents and inhabitants thereof and all other persons and corporations desirous of using the same, along, in, upon and across the present and future roads, highways and public places of said Town.

Section 2. Poles and towers shall be so erected as to interfere as little as is reasonably possible with traffic over said roads and highways. The location of any poles, towers and appurtenances over 60 feet in height, shall be fixed under the supervision of the Town Board, but not so as to unreasonably interfere with the proper operation of said lines.

Section 3. All lines constructed under this grant shall be constructed in accordance with established practices with respect to electrical construction.

Section 4. The Town shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by the Grantee of its lines and appurtenances hereunder, and the acceptance of this franchise shall be deemed an agreement on

the part of said Grantee, its successors and assigns, to indemnify said Town and hold it harmless against any and all liability, loss, cost, damage or expense which may accrue to said Town by reason of the neglect, default or misconduct of the Grantee in the construction, operation or maintenance of its line and appurtenances hereunder.

Section 5. The Grantee shall file its written acceptance of this franchise with the Town Clerk of the Town of Boulder, Utah, within thirty days after its passage.

Section 6. In the opinion of the members of the Town Board of Boulder, Utah, it is necessary for the preservation of the peace, health and safety of the said inhabitants of the Town of Boulder, Utah, that this ordinance become effective as soon as legally possible.

Section 7. This ordinance shall take effect as soon as it shall have been posted in three of the most public and conspicuous places within the said Town of Boulder, Utah, and as soon as it shall have been deposited and recorded in the office of the Town Clerk of Boulder, Utah and accepted as herein required.

Passed by the Town Council of Boulder, Utah, this 5th day of November,
2015.

Bill Murr
Mayor

ATTEST:

Judith Davis
Town Clerk

Garkane Energy Representative

APPROVED and **PASSED** this 8th day of September, 2015.

ATTEST:

TOWN COUNCIL OF BOULDER

Judith Davis
Judith Davis
Town Clerk

Bill Muse
Bill Muse
Mayor

Gladys LeFevre, Councilmember
Peter Benson, Councilmember
Steve Cox, Councilmember
Cindy Wilson, Councilmember

VOTE

Yes
Yes
Yes
Yes