

ORDINANCE 13. a.

Superseded.

ORDINANCE NO. 13b.

AN ORDINANCE GRANTING TO POLAR COMMUNICATIONS MUTUAL AID CORPORATION, DBA POLAR COMMUNICATIONS, AND IT SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF Park River, NORTH DAKOTA, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING THEREIN NETWORK FACILITIES FOR THE PURPOSE OF PROVIDING COMMUNICATIONS SERVICES AND TRANSMITTING AND DISTRIBUTING TELEVISION AND RADIO SIGNALS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Park River, NORTH DAKOTA:

Section 1. That Polar Communications, a corporation, whose post office address is Park River, North Dakota, its successors and assigns, is hereby granted the right to use and occupy the streets, alleys and other public places of the City of Park River, North Dakota, for a term of nine (9) years from the date this Ordinance becomes effective for the purpose of constructing, maintaining and operating network facilities within said City of Park River, North Dakota.

Section 2. That Polar Communications will use the network facilities for purposes of providing Telecommunications Services, Television Services, and / or Broadband Services to the inhabitants of said City where available.

Section 3. That any rights granted herein will replace in their entirety any rights previously granted to Polar Communications by the City of Park River, North Dakota.

Section 4. That the rights herein granted are subject to the exercise of the police power of the City of Park River, North Dakota.

Section 5. That said Polar Communications shall, upon demand, pay the cost of publication of this Ordinance.

Section 6. If at any time the City of Park River shall desire to connect with the facilities owned by Polar Communications and Polar Communications provides Television Services in Park River, one basic Television Service connection shall be provided to the City Offices of the City of Park River for such period as the City shall so desire, free of all cost.

Section 7. That this Ordinance shall be in full force and effect, and shall constitute an effective contract between the City of Park River, North Dakota, and said Polar Communications when it shall have been enacted and published according to law; and when the provisions hereof shall have been accepted in

writing by said Polar Communications, and such acceptance filed in the office of the City Auditor.

Adopted 2-9-2015

ORDINANCE NO. 13.c.

AN ORDINANCE GRANTING TO VIKING ELECTRONICS, INC. DBA POLAR CABLEVISION A WHOLLY OWNED SUBSIDIARY OF POLAR COMMUNICATIONS MUTUAL AID CORP. AND A NORTH DAKOTA CORPORATION, OF THE CITY OF PARK RIVER, NORTH DAKOTA, A FRANCHISE TO ESTABLISH, CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY TELEVISION ANTENNA SYSTEM, FOR THE PURPOSE OF TRANSMITTING AND DISTRIBUTING TELEVISION AND RADIO SIGNALS BY CABLE, AND FOR SALE TO THE INHABITANTS OF THE CITY OF Park River AND OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Park River, NORTH DAKOTA:

Section I. There is hereby granted to Polar Cablevision, organized under the laws of the State of North Dakota, of the city of Park River, North Dakota, its successors and assigns, for a period of Ten years, unless earlier terminated as provided herein, from the acceptance of this Ordinance, as hereinafter provided, the right and authority to establish, construct, operate and maintain a community television antenna system in the city of Park River, North Dakota, and to construct, maintain and repair the necessary wires and cables for the purpose of conducting and distributing television and radio impulses, and to make house and building connections upon, along, in and under the streets, alleys and public places in said City, and also to repair, replace, enlarge and extend the same, and to carry on the community television antenna system business and sale of said service to the residents within said City, subject to the ordinances, rules and regulations of said City, and subject to the conditions and provisions of this Ordinance.

Said Polar Cablevision is also authorized, when necessary, to erect, construct, maintain and repair within said City, poles, with the necessary cross arms and fixtures, and to stretch and maintain thereon wires and cables, to be used in connection with the said community television antenna system.

All of the wires, cables, poles and equipment for said system within the City of Park River shall be constructed and maintained, as far as possible, in such a manner so as not to interfere with the free use of the streets, alleys, walks and other public ways. The said grantee, its successors and assigns, shall, wherever practicable, use the poles and pole lines of the City of Park River and other public utilities situated in the City of Park River for the purpose of avoiding duplication of already existing pole lines and facilities.

In the construction, maintenance and repair of said system in the streets, alleys, walks and other public ways, and in the course of any new construction or addition to its facilities, the grantee shall proceed so as to cause the least possible inconvenience to the general public, and shall replace all streets, alleys, walks and public ways on and in which any work shall be done under the provisions of this Ordinance in as good order and condition as the same were before the doing of such work, and all such work shall be done under the supervision of and as directed by the City Engineer, except as herein otherwise provided.

Section 2. Said Polar Cablevision shall file with the City Auditor a statement showing the rates to be charged for the various services provided by said grantee, and said rates shall be fair and reasonable.

If at any time the city of Park River shall desire to connect with the facilities owned by the grantee, one basic service connection shall be provided to one City Office of the City of Park River for such period as the City shall so desire, free of all cost.

Section 3. In the construction, maintenance, repair and operation of its television antenna system, and in the use of the streets, avenues, alleys, walks and public ways in said City therefore, the said grantee shall, at all times, be subject to and comply with all ordinances, rules and regulations of said City now or hereafter enforced, covering the use of streets, avenues, alleys, walks and public ways, by said television antenna system, and regulating the construction, maintenance and operation of such facilities within said City, and all plans, specifications, material and apparatus to be used in the construction and operation of said system shall be subject to the approval of the City Engineer; said pole line construction will be in accordance with standard utilities practices, utility pole line agreements, franchises, State statutes and regulation, City and County ordinances Edison Electric Institute Handbooks M-12 and E-3 Bureau of Standards Handbook #130 and the National Electrical Safety Code. No work shall be done upon any of the streets, alleys, walks, or public ways of the City of Park River under this Ordinance until such streets, alleys, walks, and public ways, and the manner of doing such work, shall be designated and determined by resolution of the City Council.

Section 4. Said company shall at all times protect and save harmless the City of Park River from all damage and loss from or arising out of or by reason of construction or operation of said television antenna system, and by reason of any infringement of any patent upon any article or system used in the construction or use of said system.

Section 5. Said Polar Cablevision shall file its written acceptance of the provisions of this Ordinance with the City Auditor of the City of Park River, on or before the expiration of one hundred twenty (120) days from the passage of this Ordinance.

Section 6. Said Polar Cablevision is also authorized to make such reasonable rules and regulations for the conduct of its business as it shall from time to time determine necessary; provided, however, that a copy of such rules and regulations shall be filed with the City Auditor of the City of Park River, and shall not be inconsistent with the provisions of this Ordinance or any other Ordinances of the City of Park River.

Said Polar Cablevision is also authorized to make such pole wire changes on all poles within the City of Park River, as shall be necessary for the proper pole wire spacing while installing their equipment. Said changes shall be at the expense of the said Polar Cablevision and shall be subject to the approval of the City of Park River City Council.

Section 7. The franchise granted herein is exclusive to Viking Electronics, Inc. dba Polar Cablevision, a wholly owned subsidiary of Polar Communications Mutual Aid Corp. and a North Dakota corporation, of the city of Park River, North Dakota, and may not be assigned or transferred to any other party.

Section 8. This Ordinance shall take effect and be in force from and after its passage and acceptance.

(APPROVED: December 1, 2008)

ORDINANCE NO. 13.d.

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE City of Park River, North Dakota A GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING NATURAL OR MANUFACTURED GAS, OR A MIXTURE OF BOTH, FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY the City Council of the City of Park River

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee." Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy now and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both for public and private use at such reasonable rates as may be approved by the Public Service Commission of the State of North Dakota [wherein said Municipality is located] and under such orders, rules or regulations as may be issued by an federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION VIII. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION IX. This franchise shall continue and remain in full force and effect for a period of ten (10) years from the date upon which this ordinance shall become effective as provided by law.

(approved 6-13-2011)