

Ordinance 23-005

An Ordinance of the City of Brookings, SD, Granting a Nonexclusive Natural Gas Franchise to NorthWestern Corporation, doing business as NorthWestern Energy, a Delaware Corporation, to Furnish and Sell Natural Gas to the City and its Inhabitants.

I.

Whereas, the City of Brookings (“City”) finds it is in the public’s best interest to grant a franchise to transact business in the city for the purpose of transporting natural gas into and through and distributing and selling natural gas in the City and all other incidental matters including a franchise to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the streets and alleys in the City; and

Whereas, in order to meet community needs, the City finds that the natural gas system is to be accessible throughout the City; and

Whereas, the City and NorthWestern Corporation, doing business as NorthWestern Energy, a Delaware Corporation (“NorthWestern Energy”) by agreement have participated in a process together to negotiate the terms of a Natural Gas Franchise Agreement between NorthWestern Energy and the City, (Exhibit A); and

Whereas, as part of the process for adoption of a franchise agreement with NorthWestern Energy, the City has evaluated their past performance and the needs of the City for the future, including changing law, technology, and services; and

Whereas, NorthWestern Energy has provided natural gas services within the City for many years and further finds that NorthWestern Energy has the legal, technical, and financial qualifications to continue to provide natural gas services within the City; and

Whereas, that the City has determined that this franchise agreement should be approved, subject to written acceptance by NorthWestern Energy.

Now, Therefore, Be It Ordained by the Governing Body of the City of Brookings, South Dakota, That the Natural Gas Franchise Agreement between NorthWestern Corporation, doing business as NorthWestern Energy, and the City of Brookings, South Dakota is hereby approved; and

That the Mayor is authorized to sign such Agreement after it is ratified and executed by NorthWestern Energy; and

That the City shall publish this ordinance, however Exhibit “A” will be filed and available in the Office of the City Clerk for public inspection.

II.

Any or all ordinances in conflict herewith are hereby repealed.

First Reading: February 14, 2023
Second Reading: February 28, 2023
Published: March 3, 2023

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk