

**RESOLUTION NO. 4128**

**A RESOLUTION APPROVING AN AMENDMENT OF MUNICIPAL STREET LIGHTING AND EQUIPMENT RENTAL AGREEMENT WITH MONTANA-DAKOTA UTILITIES CO.**

*WHEREAS*, the City of Miles City and Montana-Dakota Utilities Co. (MDU) entered into an agreement dated July 30, 1987, pertaining to street lighting and equipment rental;


*AND WHEREAS*, MDU desires to replace all street lights owned by MDU within the City with LED fixtures, and to adjust tariff rates for said lighting;

*AND WHEREAS*, the City has determined that the upgrade and other amendments to the original agreement are in the best interest of the City and its residents;


*NOW THEREFORE BE IT RESOLVED* by the City Council of Miles City, Montana, as follows:

1. The "Amendment of Municipal Street Lighting and Equipment Rental Agreement," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2018.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

  
Lorrie Pearce, City Clerk

400 North Fourth Street  
Bismarck, ND 58501  
(701) 222-7900

January 26, 2018

City of Miles City  
PO Box 910  
Miles City, MT 59301

***Re: Amendment of Municipal Street Lighting and Equipment Rental Agreement***

Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc., a Delaware corporation (“**Company**”) and the city of Miles City, Montana, a municipal corporation (“**Municipality**”), (collectively, the “**Parties**”) are parties to that certain Municipal Street Lighting And Equipment Rental Agreement dated July 30, 1987 (the “**Agreement**”).

Company desires to replace light fixtures in the various street lights owned by Company in the Municipality with LED fixtures (the “**Replacement Project**”) and anticipates filing a proposed tariff with the Montana Public Service Commission (“**PSC**”) to establish appropriate street light rental rates for street lights owned by Company in Montana (the “**Tariff Rates**”). Due to the Replacement Project and anticipated Tariff Rates the Parties desire to amend the Agreement as described in this letter agreement (the “**Amendment**”).

In consideration of the above recitals and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. Capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings assigned to such terms in the Agreement.
2. The Municipality agrees to pay Company the following monthly rental rate for each street lighting facility owned by Company in the Municipality:

a. LED + Overhead Conductor	\$5.40
b. LED + Underground Conductor	\$7.10
c. LED + Overhead Conductor + Street Light Pole	\$10.50
d. LED + Underground Conductor + Street Light Pole	\$12.20
e. Wood Lift Pole	\$7.00
3. This Amendment shall be effective upon Company’s completion of the Replacement Project and Company shall notify Municipality upon the completion thereof.

4. Upon the PSC's approval of the Tariff Rates the Agreement, as modified by this Amendment, shall automatically terminate and the Parties' respective obligations regarding the various street lights owned by Company in the Municipality shall be governed exclusively by the Company's applicable tariffs then in effect and as may be amended by the Company and approved by the PSC from time to time thereafter.

Except as specifically modified by this Amendment, all other terms and conditions of the Agreement remain unchanged. To acknowledge your agreement to the foregoing, please sign in the space provided below and return a fully executed copy of this Amendment to the undersigned.


Respectfully,

**Montana-Dakota Utilities Co.**  
**a division of MDU Resources Group, Inc.**

By:   
Name: Paul Hopfauf  
Title: District Manager

Acknowledged and agreed to this 13 day of FEBRUARY, 2018. <sup>JK</sup>

**City of Miles City**

By:   
Name: JOHN HOLLOWELL  
Title: MAYOR