RESOLUTION 2014-19

Agenda Item

TO: Mayor and City Council

FROM: Mark S. Gaugh, City Manager

DATE: May 19, 2014

RE: Unite Private Networks Resolution

Issues

The attached resolution authorizes a Public Ways Use Permit and Pole Attachment Agreement to be issued to Unite Private Networks, LLC. The City allows other utilities in City-owned rights-of-way, and the City must be able to manage its rights-of-ways and recover a reasonable rent for its usage. The agreements are the same ones signed by Mediacom, United Electric, Bluebird and others who are using City rights-of-way or poles.

Recommendation

Staff recommends that the Council approve the resolution to allow Unite Private Networks a Public Ways Use Permit/Pole Attachment Agreement.

Resolution 2014-19

A RESOLUTION FOR THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AUTHORIZING EXECUTION OF A GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES WITH UNITE PRIVATE NETWORKS, LLC. AUTHORIZING USE OF CITY POLES AND PUBLIC RIGHTS-OF-WAY

WHEREAS, the City is authorized to the establish fees and procedures for the license, lease or use of public facilities; and

WHEREAS, Missouri law further authorizes the City to regulate and manage the use and construction in the public rights-of-way and to provide consent to others to use the public rights-of-way, and

WHEREAS, the City is the owner of certain utility poles in the corporate limits, and Missouri law and Section 10.5-101 of the Cameron City Code of Ordinances (enacted by Ordinance No. 5758 on 1-15-2013) requires a pole attachment agreement for any person to attach or maintain any fixture to or place or maintain any facilities or wires on any utility pole or other fixture or facility of the City within City rights-of-way or easements;

WHEREAS, Unite Private Networks, LLC, desires to use or continue to use the City's poles and facilities for the purpose of construction, operation, and maintenance of a fiber optic communications system;

WHEREAS, the City Council of the City of Cameron finds such use to be in the public interest and is willing to enter into a pole attachment agreement to allow Unite Private Networks, LLC to utilize certain City-owned utility poles for such purposes and to provide for the joint use of City-owned utility poles to meet their service requirements; and

WHEREAS, Unite Private Networks, LLC acknowledges that the City's facilities are primarily for service to the public and that licensing use by other is an accommodation by the City for which Unite Private Networks, LLC intends and agrees to be bound by the terms and provisions of the Cameron Code of Ordinances and the pole attachment agreement granted hereunder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAMERON, MISSOURI as follows:

Section 1: The Mayor or City Manager is hereby authorized to execute the GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES with Unite Private Networks, LLC attached hereto and incorporated herein by this reference.

Section 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved by the City Council on this 19th day of May 2014.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk/Finance Clerk

EXHIBIT 1

GENERAL AGREEMENT FOR NON-EXCLUSIVE USE OF CITY UTILITY POLES BETWEEN UNITED SERVICES, INC AND THE CITY OF CAMERON