



City of Grand Island

Tuesday, April 27, 2021

Council Session

Item G-10

#2021-96 - Approving the First Amendment of the Site License Supplement between the City of Grand Island and USCOC Nebraska/Kansas, LLC

Staff Contact: Tim Luchsinger, Stacy Nonhof

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Stacy Nonhof, Interim City Attorney

Meeting: April 27, 2021

Subject: First Amendment of the Site License Supplement with
USCOC Nebraska/Kansas, LLC

Presenter(s): Timothy Luchsinger, Utilities Director

Background

On August 25, 2020, Council approved a Master Pole Attachment License Agreement with USCOC Nebraska/Kansas LLC, (US Cellular) a limited liability registered to do business in Nebraska, to place wireless antenna facilities on City light poles. The agreement follows agreements previously approved by council, which allow private attachments to City's utility poles, with some specific changes to this agreement that were the result of negotiations between the USCOC Nebraska/Kansas LLC and City's Legal, Public Works, and Utilities Departments. The agreement included an initial five-year term and provides that its attachments to the pole must meet safety and equipment requirements of the Utilities Department.

Discussion

USCOC has requested an amendment to the agreement to allow a revision of equipment at one location as indicated in the attached documents. The Utilities Department has reviewed this amendment and finds it to be in accordance with the requirements of the original agreement.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the First Amendment of the Site License Supplement between the City of Grand Island and USCOC Nebraska/Kansas, LLC.

Sample Motion

Move to approve the First Amendment of the Site License Supplement between the City of Grand Island and USCOC Nebraska/Kansas, LLC.

FIRST AMENDMENT OF THE SITE LICENSE SUPPLEMENT

This FIRST AMENDMENT OF THE SITE LICENSE SUPPLEMENT (this "Amendment") is made as of the date of the last signature below ("Effective Date") between the City of Grand Island, Nebraska ("City" or "Licensor") and USCOC Nebraska / Kansas, LLC, a Delaware limited liability company ("USCC").

WITNESSETH:

WHEREAS, City and USCC entered into a Non-Exclusive Master Pole Attachment License Agreement ("Agreement") between the City of Grand Island and USCOC Nebraska / Kansas, LLC on August 25, 2020; and

WHEREAS, City and USCC entered into a Site License Supplement with Addendum ("Supplement") on September 11, 2020, to the Agreement; and

WHEREAS, City and USCC desire to amend the Supplement as set forth in this Amendment; and

WHEREAS, all other provisions of the Supplement and Agreement are reiterated, reaffirmed, unchanged, and remain in full force and effect.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

Pole Location for Site Grand Island CRAN 023, #855733 is amended to read:

Pole Location: Grand Island CRAN 023, US Cellular #855733

N 40.938769°, W -98.381650°, 3412 State Street W. Grand Island, NE 66803

Equipment to be attached:

- (1) Alpha AW3768 Cannister Antenna
- (1) Nokia AHFB Radio
- (1) Schneider D223NRB AC Service Disconnect
- (1) Raycap RUSAC-1AN2-P-240-1 Rectifier (Power Supply)
- (1) Milbank U5169-XTL-(AMP) Electric Meter

Description of requested attachment:

Small Wireless Facility (Small Cell) Equipment – Antenna, Radio, Power Disconnect, Rectifier and Meter

IN WITNESS WHEREOF, the duly authorized representatives of the parties hereto have executed this Amendment as of the dates below.

LICENSOR: CITY OF GRAND ISLAND

USCC: USCOC Nebraska / Kansas, LLC

Signature

Name

Title

Date

Ana V. Ruge-Rodela

Signature

Ana V. Ruge-Rodela

Name

*Sr. Manager - Procurement,
Small Cells*

Title

04-07-2021

Date

RESOLUTION 2021-96

WHEREAS, on August 25, 2020, Council approved a Master Pole Attachment License Agreement with USCOC Nebraska/Kansas LLC, (US Cellular) to place wireless antenna facilities on City light poles; and

WHEREAS, the agreement included an initial five-year term and provides that its attachments to the pole must meet safety and equipment requirements of the Utilities Department; and

WHEREAS, USCOC requested an amendment to the agreement to allow a revision of equipment at one location, and the Utilities Department has reviewed the amendment and finds it to be in accordance with the requirements of the original agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the First Amendment of the Site License Supplement between the City of Grand Island and USCOC Nebraska/Kansas, LLC, is approved, and the Mayor is hereby authorized to sign the document on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2021.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 23, 2021	☐ City Attorney