

RESOLUTION NO. 16-18

**A RESOLUTION APPROVING THE
PLATTEVILLE MAIN STREET, INC. WIRELESS PROJECT**

WHEREAS, the Common Council of the City of Platteville (City) approved the Agreement of Association and the Bylaws of Platteville Community Network, an Unincorporated Association (PCAN) on January 10, 2012; and,

WHEREAS, the City caused to be installed fiber optic cable to various City buildings, which is connected to and a part of the PCAN; and,

WHEREAS, the City owns and maintains the fiber laterals as well as the software and hardware (the City Owned Facility) which are necessary to connect to the PCAN Network; and,

WHEREAS, Wis. Stat. Section 66.0422 does not allow the City to construct, own, or operate any facility providing broadband service, directly or indirectly, to the public unless certain conditions set forth in said section are met; and,

WHEREAS, the City has a long history of collaboration and cooperation with local non-profit organizations, including programs sponsored by Platteville Main Street, Inc.; and,

WHEREAS, Platteville Main Street, Inc. has submitted a proposal in which Platteville Main Street, Inc. will own and operate and provide the equipment, technical support and financing for free wireless broadband service in the Main Street District to end users; and,

WHEREAS, Platteville Main Street, Inc. providing free wireless broadband service to end users will be a benefit to visitors and residents of the Platteville Main Street District.

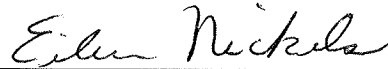
NOW, THEREFORE, the Common Council of the City of Platteville hereby resolves:

1. Platteville Main Street, Inc.'s proposal to provide wireless internet access to certain locations as shown on the attached Main Street Wireless Project Plan (the Plan) free of charge to end users and the Platteville Main Street, Inc. Wireless Project Agreement (the Agreement) are approved, and the City Manager and City Clerk are authorized to execute the Agreement on behalf of the City.
2. In connection with the use of the City Owned Facility by Platteville Main Street, Inc. to implement the Plan and provide such service to end users, the Council finds and determines the City will not construct, own or operate the facility which provides wireless internet access free of charge to end users, nor will the City itself use the City Owned Facility to provide broadband service to end users.
3. Platteville Main Street, Inc. is authorized to install the equipment necessary or convenient to provide wireless broadband access to end users on City buildings, light poles and within City owned right of way, subject to the right of the City to oversee/supervise the installation to prevent damage to City owned property or interference with the operation of City infrastructure.

4. The equipment to be installed and its general location as shown on the Plan is approved. All equipment shall be purchased, installed, owned, operated and maintained by Platteville Main Street, Inc., at its sole expense, including all information technology support services required to keep the system functioning properly.
5. The City will allow Platteville Main Street, Inc. access to the internet through its ISP (Internet Service Provider) WISCNET at no charge.
6. The City reserves, upon 6 months prior notice, the right to cancel and revoke any authorization made or given herein by a subsequent Resolution adopted by a majority of vote of the Common Council.
7. Should Platteville Main Street, Inc. determine, for any reason, to discontinue providing free broadband wireless access to end users, as set forth herein, it shall remove its equipment within 60 days of the date that such service is discontinued, or may transfer such equipment to the City, which may then sell or dispose of the property as the City sees fit.

Approved and adopted by the Common Council of the City of Platteville this 23rd day of August, 2016.

CITY OF PLATTEVILLE,



By: Eileen Nickels, Council President

Attest:



Jan Martin, City Clerk

ATTACHMENT – MAIN STREET WIRELESS PROJECT
AND
PLATTEVILLE MAIN STREET WIRELESS PROJECT AGREEMENT

**THE PLATTEVILLE MAIN STREET, INC.
WIRELESS PROJECT AGREEMENT**

WHEREAS, the Common Council of the City of Platteville (City) passed a Resolution Approving the Platteville Main Street, Inc. Wireless Project on _____, 2016.; and,

WHEREAS, the City caused to be installed fiber optic cable to various City buildings, which is connected to and a part of the PCAN; and,

WHEREAS, the City owns and maintains the fiber optic laterals as well as the software and hardware (the City Owned Facility) which are necessary to connect to the PCAN Network; and,

WHEREAS, Wis. Stat. Section 66.0422 does not allow the City to construct, own, or operate any facility providing broadband services, directly or indirectly, to the public unless certain conditions set forth in said section are met; and,

WHEREAS, the City has a long history of collaboration and cooperation with local non-profit organizations, including programs sponsored by Platteville Main Street, Inc.; and,

WHEREAS, Platteville Main Street, Inc. has submitted a proposal in which Platteville Main Street, Inc. will own and operate and provide the equipment, technical support and financing for free wireless broadband service to visitors and residents of the Platteville Main Street District which was approved by the Council in the Resolution referred to above; and,

WHEREAS, Platteville Main Street, Inc. providing free wireless broadband service to end users will be a benefit to visitors and residents of the Platteville Main Street District.

NOW, THEREFORE, the City and Platteville Main Street, Inc. agree as follows:

1. Platteville Main Street, Inc. will implement its proposal to provide wireless internet access at certain locations as shown on the attached Main Street Wireless Project Plan (the Plan) free of charge to end users.
2. In connection with the use of the City Owned Facility by Platteville Main Street, Inc. to implement and operate the Plan, the City will not construct, own, or operate the facility which provides wireless internet access free of charge to end users, nor will the City itself use the City Owned Facility to provide broadband service to end users.
3. Platteville Main Street, Inc. acknowledges that its use of the City Owned Facility is subject to the conditions set forth in paragraph 2 and that Platteville Main Street, Inc. may not charge end users for any service provided.
4. Platteville Main Street, Inc. may install the equipment necessary or convenient to provide wireless broadband access to end users on City buildings, light poles and within City owned right of way, subject to the right of the City to oversee/supervise the installation to prevent damage to City owned property or interference with the operation of City infrastructure.

5. The equipment shall be installed in the general location as described and shown on the Plan. All equipment shall be purchased, installed, owned and maintained by Platteville Main Street, Inc., at its sole expense, including all information technology support services required to keep the system functioning properly.
6. The City will allow Platteville Main Street, Inc. access to the internet through its ISP (Internet Service Provider) WISCNET at no charge.
7. The City reserves the right, upon 6 months prior notice, to cancel and revoke any authorization made or given herein by a subsequent Resolution adopted by a majority of vote of the Common Council.
8. Should Platteville Main Street, Inc. determine, for any reason, to discontinue providing free broadband wireless access to end users, as set forth herein, it shall remove its equipment within 60 days of the date that such service is discontinued, or may transfer such equipment to the City, which may then sell or dispose of the property as the City sees fit.

Dated this _____ day of _____, 2016.

CITY OF PLATTEVILLE,

By: Karen Kurt, City Manager

Attest:

Jan Martin, City Clerk

Dated this _____ day of _____, 2016.

PLATTEVILLE MAIN STREET, INC.,

By: _____, President

By: _____, Secretary