



Legislation Details (With Text)

File #: Res. 2018-104
Version: 1
Name:
Type: Resolution
Status: Passed
File created: 9/27/2018
In control: City Council
On agenda: 10/2/2018
Final action: 10/2/2018
Title: Consider Resolution Small Cell Wireless Facility Collocation Agreement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - Res Collocation Agreement, 2. 2 - Template Master Small Wireless Collocation Agreement and Supplement v.3 Final 092618

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 10/2/2018 | 1 | City Council | approve | Pass |

City Council Meeting Date: October 2, 2018

To: Mayor and City Council
City Administrator

From: David E. Bennett, Public Works Director/City Engineer

Consider Resolution Small Cell Wireless Facility Collocation Agreement.

Action Requested:

The Northfield City Council approves a motion adopting Small Cell Wireless Facility Collocation Agreement.

Summary Report:

City staff have updated the small cell wireless facility collocation agreement template (Attachment 1). This is only the master template that provides the outline of what will be required with small cell wireless providers. This agreement goes along with an update of Ordinance 998 that amends the City Right-of-Way Management Ordinance to include small cell wireless.

At the City Council meeting on September 18, 2018, there was a question related to if we have missed a date for taking action on this.

Staff have further reviewed this with the City Attorney and state law allowed for six months from May 31, 2017 or three months after receiving an application. The City has not received an application yet at this time, so we still have time to enact the collocation agreement.

(f) No later than six months after May 31, 2017, or three months after receiving a small wireless facility permit application from a wireless service provider, a local government unit that has elected to set forth terms and conditions of collocation in a standard small wireless facility collocation agreement shall develop and make available an agreement that complies with the requirements of this section and section 237.162

[<https://www.revisor.mn.gov/statutes/cite/237.162>](https://www.revisor.mn.gov/statutes/cite/237.162). A standard small wireless facility collocation agreement shall be substantially complete. Notwithstanding any law to the contrary, the parties to a small wireless facility collocation agreement may incorporate additional terms and conditions mutually agreed upon into a small wireless facility collocation agreement. A small wireless facility collocation agreement between a local government unit and a wireless service provider is considered public data not on individuals and is accessible to the public under section [13.03 <https://www.revisor.mn.gov/statutes/cite/13.03>](https://www.revisor.mn.gov/statutes/cite/13.03).

When a new small cell wireless permit is applied for, a collocation agreement will be required if it is proposed on a City owned facility. The agreement would not be required if the facility is located on an Xcel Energy pole for example.

When a new permit is issued for small cell wireless, the collocation agreement with the small cell provider will be approved by Council, and Council will approve each collocation supplement for every proposed site.

Alternative Options:

N/A

Financial Impacts:

Tentative Timelines:

Collocation agreement with the provider will be brought forward when an application is received.