

Legislation Details (With Text)

File #: BILL NO. 18-212
Name:
Type: Ordinance
Status: Passed
File created: 11/27/2018
In control: City Council - Regular Session
On agenda: 12/4/2018
Final action: 12/18/2018
Title: An Ordinance amending the Schedule of Fees and Charges for the City of Lee's Summit to Establish Fees and Charges for Use of the Right-of-Way or City Infrastructure in the Right-of-Way by Wireless Providers.
 (NOTE: First Reading by City Council on December 4, 2018.)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council - Regular Session	adopted and numbered	Pass
12/4/2018	1	City Council - Regular Session	advanced to second reading	Pass

An Ordinance amending the Schedule of Fees and Charges for the City of Lee's Summit to Establish Fees and Charges for Use of the Right-of-Way or City Infrastructure in the Right-of-Way by Wireless Providers.
 (NOTE: First Reading by City Council on December 4, 2018.)

Issue/Request:

Consideration and adoption of An Ordinance amending the Schedule of Fees and Charges for the City of Lee's Summit to establish fees and charges for use of the right-of-way and City infrastructure in the right-of-way for small wireless facilities.

Key Issues:

The proposed amendment will create the following three fees that the City will charge for collocations and installations of new poles or modifications to and replacements of existing poles:

- Application Fee for Collocation of SWF on City Pole without Installation/Modification/Replacement of City Pole: \$100/per pole
- Application Fee for Collocation of SWF on Utility Pole with Installation/Modification/Replacement of Utility Pole in the Right-of-Way: \$500/per pole
- Annual Rate for Collocation of SWF on City Pole: \$150/per pole/per year

The definition of "Utility Pole" in the Uniform Small Wireless Facility Deployment Act ("USWFDA") includes City Poles, and City Poles are defined in the USWFDA as a utility pole owned, operated, maintained and/or managed by or on behalf of the City (e.g. streetlight). Application fees are charged only once, at the time of application, for each new SWF location. Rates are charged annually for each SWF collocated (or attached) on a City Pole. The USWFDA does not allow these fees and rates to increase with inflation, and the City is cannot charge a use fee for a wireless provider's use of the rights-of-way even if the provider installs its own poles or equipment in the rights-of-way.

Proposed City Council Motion:

SECOND MOTION: I move for adoption of an Ordinance Amending the Schedule of Fees and Charges for the City of Lee's Summit to Establish Fees and Charges for Use of the Right-of-Way or City Infrastructure in the Right-of-Way by Wireless Providers.

Background:

Earlier this year, the Missouri General Assembly adopted the USWFDA pursuant to House Bill 1991 which prohibits the City from charging rates and fees higher than stated in the USWFDA for use of City infrastructure to collocate small wireless facilities and for use the right-of-way for small wireless facilities.

These fees are below fair market value for use of City property and do not cover the City's actual costs in reviewing applications and installations for collocations of small wireless facilities or new, modified, and replacement utility poles.

Michael Park, PE, PTOE, City Traffic Engineer
Dan White, Chief Counsel of Management and Operations

Recommendation: Staff recommends approval of the proposed Ordinance Amending the Schedule of Fees and Charges for the City of Lee's Summit to Establish Fees and Charges for Use of the Right-of-Way or City Infrastructure in the Right-of-Way by Wireless Providers.