

SPECIAL MEETING:

The La Cygne City Council met on Thursday, May 13, 2021 at the La Cygne Community Building. Council Members present were: James Thies; Danny Curtis; Keith Stoker; Thomas Capp; and Jerome Mitzner.

Others in attendance included, but not limited to: City Clerk (CC) Jodi Wade; City Attorney Burton Harding via speaker phone; and Linn County News Tony Furse.

CALL SPECIAL MEETING TO ORDER (5:00 P.M.)

MAYOR COMMENTS:

Mayor Wilson called the special meeting for review of proposed option for a change in the lease agreement with Verizon Tower.

FIRST AMENDMENT TO LEASE AGREEMENT

CC Wade reviewed the current lease agreement the City signed with Verizon Wireless which included an annual fee of \$6,000 for the initial 5-year term beginning on the commencement date. The lease agreement would then automatically be extended for 4 additional 5-year terms unless LESSEE terminates it at the end of the then current term.

According to the "First Amendment to Lease", the term shall be for 25 years and shall commence on the "commencement date". The rent for the 25-year term of the agreement shall be ninety-thousand and no/100 (\$90,000) payable within twenty (20) days following the commencement date. IF at the end of the twenty-five (25) year term the agreement has not been terminated by either Party the agreement shall continue in force upon the same covenants, term and conditions for a term of six (6) months while the Parties negotiate in good faith to extend the agreement.

Council Members Stoker, Mitzner and Capp reflected on the constant change in technology and the realization of whether towers will still be the means of telecommunications connections in 25 years. Council Member Thies pointed out it would take 15 years at the rate of \$6,000/year lease to reach the \$90,000 amount. Council Member Capp inquired about the dedication of the \$90,000 to a specific project or purchase. CC Wade advised the Council the lease payment would be received into the General Funds and would not be available for expenditure in the 2021 budget unless it was amended. CC Wade indicated the City could make a future designation during its 3-year/5-year planning for capital improvement for the 2022 budget.

Council Member Curtis reminded the Council some of the dollars were dedicated for the purchase of Christmas Pole light decorations and repair of the electric boxes on the poles.

Mayor Wilson asked the Council if they had any further questions or needed any advisement from City Attorney Harding via speaker phone. No further discussion was held and no indication to contact the City Attorney. CC Wade asked the Council to take one more look at the current lease agreement to be sure she wasn't missing any necessary information necessary for their review.

❖ ***Motion***

Council Member Capp motioned to approve for the Mayor to sign the First Amendment to Lease presented by STC Towers, LLC upon the modification of the agreement to read "STC Towers, LLC will pay \$90,000 by the commencement date (estimated to be May 24, 2021) or within 12 months". Motion seconded by Council Member Stoker voted on, passed 5-0.

ADJOURNMENT:

❖ ***Motion***

Council Member Capp moved to adjourn the meeting. Motion seconded by Council Member Stoker, voted on, passed 5-0. Time 5:22pm.

I, _____ La Cygne City Clerk, do hereby declare
(Jodi Wade) the above to be true and correct, to the best of my knowledge, and do hereby subscribe my name on this 13th day of May, 2021.