

RESOLUTION No. 09 08 05

AUTHORIZING THE MAYOR TO ALLOW MICROTECH-TEL ACCESS TO THE CITY'S FIBER OPTIC NETWORK IN ORDER TO CONNECT AND INSTALL EQUIPMENT TO PROVIDE THE MORGAN COUNTY GOVERNMENT AND THE MORGAN COUNTY SCHOOL DISTRICT WITH HIGH SPEED INTERNET AND TO DIRECT THE CITY ATTORNEY TO PREPARE A TEMPORARY ACCESS AND USE AGREEMENT BETWEEN THE PARTIES.

WHEREAS, the City, Morgan County ("County") and the School District ("District") have been operating under an ineffective Intergovernmental Agreement; and,

WHEREAS, on December 31, 2008, portions of the aforementioned IGA expired; and,

WHEREAS, the City Attorney has been directed by the Mayor to draft a **Temporary Use and Access Agreement** in order to provide connectivity to City's fiber optic network for the continued use by the County and the District for high speed internet connection until the parties can renegotiate the terms of an IGA or through February 26, 2010 whichever is first ; and,

WHEREAS, the City has agreed to continue to provide access to the fiber optic network for continued use by the County and the District for high speed internet connection; and,

WHEREAS, the City wishes to allow Microtech-Tel access to its fiber optic network and eight fibers (four fibers each to the District and County) to install necessary equipment and provide internet service for the District, the County and potentially the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

SECTION 1: The Council hereby ratifies the Mayor's authorization to allow Microtech-Tel access to the City's fiber optic network in order to connect and install equipment to provide the Morgan County Government and the Morgan County School District with high speed internet and to direct the City Attorney to prepare a temporary access and use agreement between the parties.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 11th day of August, 2009, the vote upon roll call being as follows

Ayes: Mayor Darnell; Councilmembers Deal, Forstedt, McAlister, Powers, Shaver and Simmons.

Nays: None.

Absent /Abstain: None.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

[SEAL]

BY: Jack Darnell
Mayor Jack Darnell

ATTEST:

Andrea Strand
Andrea Strand, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 13th day of August, 2009.

Andrea Strand
Andrea Strand, City Clerk