

PUBLIC SAFETY COMMITTEE

12-0375R

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT #98282 WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION ("MN/DOT") PERMITTING THE POLICE DEPARTMENT TO INSTALL AND MAINTAIN ADDITIONAL COMMUNICATIONS EQUIPMENT ON THE MN/DOT COMMUNICATIONS TOWER.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into Amendment No. 1 to the Communications Facility Use Agreement #98282, substantially in the form of that on file in the office of the city clerk as Public Document No. \_\_\_\_\_, with the state of Minnesota, department of transportation ("MN/DOT"), allowing the city of Duluth police department to lease space for four additional base stations on the communications tower located at 329 West 10th Street, increasing the annual lease fee from \$300 to \$500,

payable from Fund No. 110-160-1610-5401 (General, Police, Administration and Investigation.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

DPD/ATTY TLL:dma 07/23/2012

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize an amendment to the city's existing agreement for the lease of additional space on a MN/DOT communications tower located at 329 West 10<sup>th</sup> Street in Duluth. The annual lease payment will increase from \$300 to \$500. The police department will be installing additional equipment onto this tower and maintaining the equipment. The installation and use of this equipment will assist with communications and the Port Security Camera Project.

**STATE OF MINNESOTA**  
**COMMUNICATIONS FACILITY**  
**USE AGREEMENT AMENDMENT**

**Agreement #98282**  
**Amendment 1**  
**Duluth Tower**

THIS AMENDMENT, by and between State of Minnesota, Department of Transportation, hereinafter referred to as Mn/DOT, and City of Duluth Police Department, hereinafter referred to as DPD;

WHEREAS, the Commissioner of Transportation is empowered by Minnesota Statute 174.70, Subd. 2 to enter into agreements to permit non-state owned communications equipment on Mn/DOT owned communications towers, land, buildings or other structures which are under the jurisdiction of the Commissioner of Transportation, and

WHEREAS, Mn/DOT and the DPD entered into Agreement No. 98282, dated March 17, 2011, involving the use of antenna space on Mn/DOT's Tower and a designated location in Mn/DOT's communications shelter located at 329 West 10<sup>th</sup> St. in the city of Duluth, MN;

WHEREAS, MN/DOT and DPD deem certain amendments and additional terms and conditions mutually beneficial for the effective continuation of said Agreement;

NOW THEREFORE, MN/DOT and DPD agree to substitution and/or addition of the following terms and conditions, which shall become a part of Agreement No. 98282, effective as of the date set forth hereinafter.

WHEREAS, DPD has proposed to add an additional microwave antenna and panel antennas to the Communications Facility, as agreed to in said Lease Section 8., DPD's proposal shall be included herein by Amendment hereto;

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants herein contained, which each of the parties hereto acknowledge as adequate and sufficient, it is hereby agreed as follows:

**4. PAYMENT OF ELECTRICAL SERVICES**

4.1 DPD agrees to pay to Mn/DOT for six (6) base stations, payable annually in the amount of five hundred dollars and zero cents (\$500.00) which shall commence on April 1, 2013, Rates shall be applied as noted below:

1 to 2 Stations	= \$300.00 per year
3 to 4 Stations	= \$400.00 per year
5 or more Stations	= \$500.00 per year

Except as modified by the provisions of this Amendment, said Lease is ratified and confirmed as originally written.

---

**ATTACHMENTS**

Revised Exhibit B1 – Tower Diagram with DPD Antenna Location

IN WITNESS WHEREOF, the parties have set their hands on the date(s) indicated below intending to be bound thereby.

THE CITY OF DULUTH POLICE DEPARTMENT:

*DPD certifies that the appropriate person(s) have executed the Use Agreement on behalf of DPD as required by applicable articles, bylaws, resolutions or ordinances*

By \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Deputy Chief  
(Print or type)

Date \_\_\_\_\_

CITY OF DULUTH

By \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Mayor  
(Print or type)

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: City Clerk  
(Print or type)

Date: \_\_\_\_\_

Countersigned:

\_\_\_\_\_  
City Auditor

Approved as to form:

\_\_\_\_\_  
City Attorney

Mn/DOT:

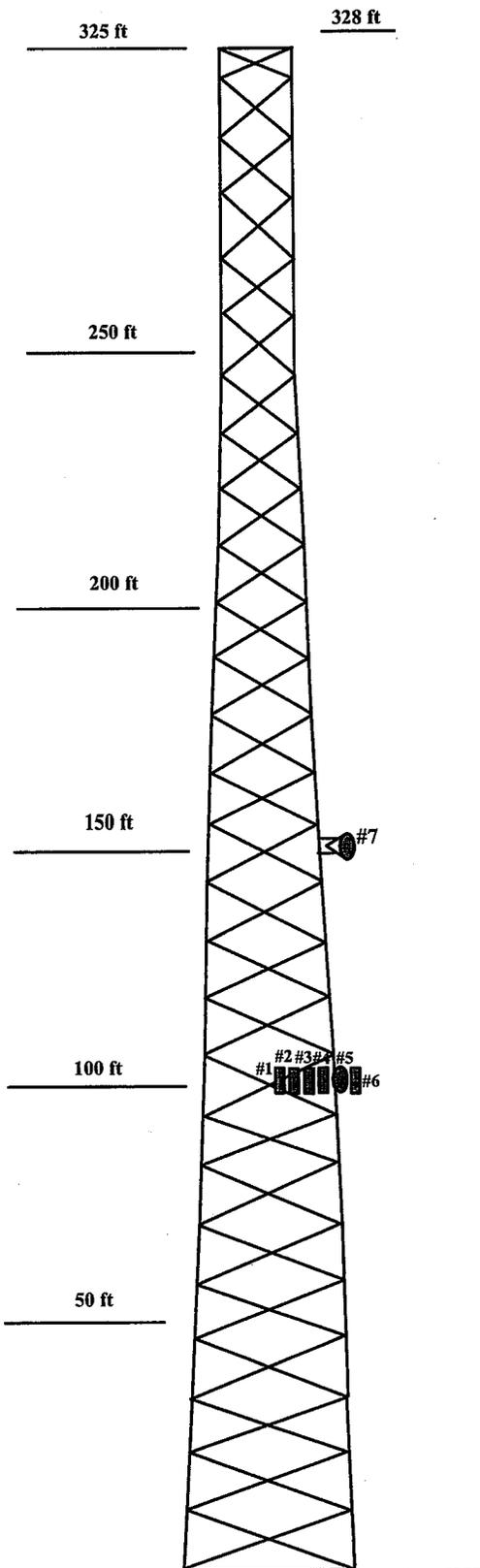
STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF ELECTRONIC COMMUNICATIONS

By   
Mukhtar Thakur

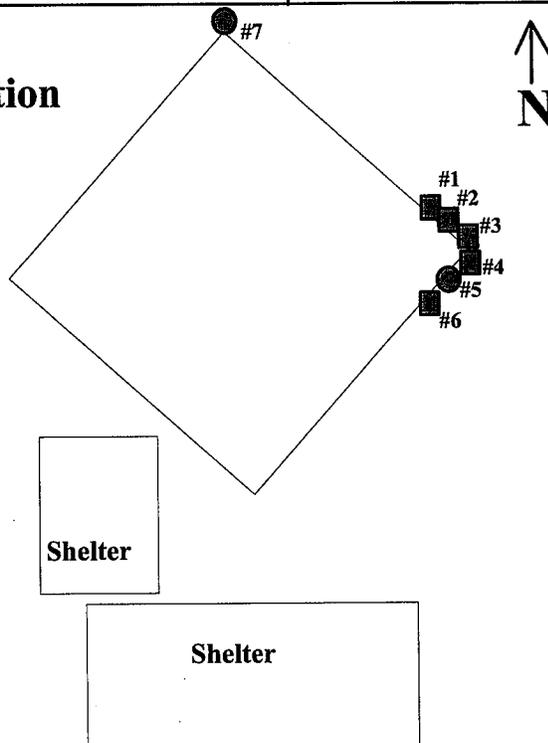
Title Director

Date July 03 2012

ANTENNA KEY -Duluth Police Department Antenna				
#	Model	Ht to Tip	Pipe or Leg	Coax
1	Fluidmesh Integrated	100'	Leg E	Ethernet Cable
2	Fluidmesh Integrated	100'	Leg E	Ethernet Cable
3	Mars MA-WA58-1X-MNT	100'	Leg E	LMR 400
4	Bridgewave	104'	Leg E	Ethernet Cable
5	Exalt	106'	Leg E	Ethernet Cable
6	Mars MA-WA58-1X-MNT	102'	Leg E	Ethernet Cable
7	Andrew PL4-107F 4ft. dish	154'	Leg N	EW 90
<b>*Amendment 1*</b>				
EQUIPMENT IN SHELTER - Duluth Police Department				
Equip.	Description			
Fluidmesh	MITO3100			
Fluidmesh	MITO3100			
Fluidmesh	E220-Endo			
Bridgewave	BW80			
Exalt	E50E731			
Microwave Networks	Proteus AMT-M11-I-30-178MBPS			
FREQUENCY INFORMATION				
Transmit = 4980 Ghz	Receive = 4980 Ghz			
Transmit = 5300 Ghz	Receive = 5300 Ghz			
Transmit = 5745 MHz	Receive = 5745 MHz			
Transmit = 80 Ghz	Receive = 80 Ghz			
Transmit = 5765 MHz	Receive = 5765 MHz			
Transmit = 5805 MHz	Receive = 5805 MHz			
Transmit = 10915.00 GHz	Receive = 1405.00 GHz			



### Tower Orientation



### Duluth Tower

Minnesota Department of Transportation

June 25, 2012  
 Agreement #98282 Amendment 1  
 Duluth Police Department

Exhibit B1

### Tower Elevation

Scale = None