



City Council Staff Report

Date:

April 10, 2024

Applicant:

Mapleton City

Prepared By:

Cory Branch

Public Hearing:

No

Attachment:

None

REQUEST

Consideration of a Network Service Agreement between Mapleton City and Harmony Ridge Master Association for a bulk fiber internet service package.

BACKGROUND & DESCRIPTION

Mapleton City is working with Harmony Ridge to establish a Network Service Agreement allowing all future residential units in Harmony Ridge to be connected to our city fiber network. Some of the main talking points include:

- The proposed term is for ten (10) years with an automatic renewal for one (1) additional term.
- What should be the monthly service fees per unit for internet bulk service and bandwidth usage.
- Establishing a ramp period and upon the expiration of the ramp period Harmony Ridge shall pay the monthly per unit service fee of the total approved master plan residential units, regardless of whether all units have been constructed and connected.

RECOMMENDATION

Staff is prepared to discuss this proposal at the night of the city council meeting.



MAPLETON CITY NETWORK SERVICE AGREEMENT

Municipality	Mapleton City
Customer	Harmony Ridge Master Association
Development	Harmony Ridge
Address	5000 South 700 West, Mapleton, Utah

Service Agreement

1. **Term.** The term of this Agreement (the “Initial Term”) is for ten (10) years commencing on the date both Municipality and Customer have executed this Agreement. This Agreement will automatically renew for one (1) additional term unless notified in writing within 30 days of expiration of the Initial Term by either party.
2. **Bulk Service.** The monthly service fees for internet bulk service are \$40 per unit, plus all applicable taxes. Each unit will receive an upload and download of 1Gbps. Upon 60 days prior written notice Municipality may increase the internet bulk service fee, provided such increase does not exceed 4.00% per year.
3. **Installation:** During construction of each building, Customer shall install one fiber optic conduit from Municipality’s communication pole or pedestal to each building and run a PVC conduit from each building’s communication room to within two feet of the power meter for the building in accordance with exhibit “A”.
4. **Wiring.** Municipality has exclusive use of the home run wiring.
5. **Activation.** After issuance of a Certificate of Occupancy and upon approval of a utility application by a property owner, Municipality will provide internet service to each housing unit and begin billing Customer for service.
6. **Ramp Period.** During the ramp period the Customer shall pay the monthly per unit service fee for only those units receiving the internet bulk service. Upon the expiration of the ramp period which will end eight (8) years from that date of execution of this agreement, Customer shall pay the monthly per unit service fee for 990 residential units, regardless of whether all units have been constructed and connected.



7. **Late Fees.** If Customer fails to pay on or before the due date, all applicable fees and penalties will be applied consistent with Mapleton City Code section 13.16.040.
8. **Bulk Service Upgrade.** Municipality may, at any time provide additional services directly to the resident under an agreement between the Municipality and the resident. Customer assumes no liability or responsibility for service charges for upgradeable services contracted by the Municipality and the resident.
9. **No Waiver.** If a resident refuses to allow services, the Customer will still be required to pay the monthly service fee for that unit.

Except as specifically modified hereby, the Service Agreement remains in full force and effect in accordance with its terms. The parties hereto have caused this Amendment to be executed by their duly authorized representatives as signed below.

Customer: Harmony Ridge Master Association

Municipality: Mapleton City Network

By: _____

By: _____

Name: _____

Name: Dallas Hakes

Title: _____

Title: Mapleton City Mayor

Date: _____

Date: _____