

**EMERGENCY COMMUNICATIONS RADIO SYSTEM SITE
IMPROVEMENT AND USE AGREEMENT BETWEEN WALWORTH COUNTY
AND THE CITY OF WHITEWATER**

AMENDMENT NO. 1

RECITALS

WHEREAS, the CITY OF WHITEWATER (City) and WALWORTH COUNTY (County) entered into a mutually beneficial agreement dated October 31, 2022 for the purpose of constructing a radio tower located at the Whitewater Wastewater Treatment Plant located at 109 County Highway U, Whitewater, WI and such tower is scheduled to be constructed in 2024.

WHEREAS, the County is replacing its Emergency Radio Communications System in which the City intends to participate in order to facilitate interoperable communications between police, fire and public works users throughout Walworth County.

WHEREAS, the City currently owns a fiber optic pathway between the Whitewater City Hall located at 312 W. Whitewater Street, Whitewater, WI and the Whitewater Wastewater Treatment Plant main building that has additional capacity to support connectivity between the Whitewater City Hall and the radio tower site.

NOW, THEREFORE, THE COUNTY AND THE CITY AGREE TO THE FOLLOWING AMENDMENT:

ADDITIONAL AGREEMENT TERMS OF AMENDMENT NO. 1

Section 1, Grant of Use, on Page 1 of 7, is amended to add as follows.

1. Grant of Use.

- A. Use of City Owned Fiber. The City hereby grants County the use of a dark fiber pair within the City's existing fiber network, which provides a fiber pathway between the Whitewater City Hall and the Whitewater Wastewater Treatment Plant main building. The purpose of this grant of use is to facilitate connectivity between the Whitewater Police Department Radio Dispatch Consoles, the City/County Joint 911 system and the Radio Tower located at the Whitewater Wastewater Treatment Plant.
- B. Access within Whitewater Treatment Plant. The City grants the County access to install fiber from Whitewater Wastewater Treatment Plant main building to the Tower location using existing utility ducting on the grounds of the Whitewater Wastewater Treatment Plant. County, with City's permission, has already verified a viable pathway using this utility ducting.
- C. Access for Installation of Redundant Fiber. City agrees to allow County to install a redundant fiber connection provided by Edge Broadband into the Whitewater City Hall. The purpose of

the redundant fiber connection is to protect both the City and the County from loss of connectivity of the emergency communications systems.

D. Costs.

- i. County agrees to pay all costs associated with making the City-owned fiber path designated for use for this project viable from City Hall to the Wastewater Treatment Plant Main Building. This includes known connections that need to be made at the Water Plant, repair of fiber at City Street Dept Garage and making connections available at City Hall and the Wastewater Treatment Plant main building.
- ii. County is responsible for installation costs of fiber in existing ducting on the Wastewater Treatment Plant grounds from the main building to the tower site. County will be responsible for costs associated with installation of redundant fiber connection.
- iii. City agrees that County may use the designated fiber resources at no cost to county once the County bears the cost of making the necessary repairs and connections. Once the County has born the cost of repairs and connection, the City agrees that it will bear responsibility for maintenance and repair of City fiber resources and the County will be responsible for the maintenance and repair of County fiber resources. Repairs to restore a lost connection will be made as soon as practical to restore service.

By signature below. The parties agree to the terms of the amendment above.

Susie Pike
County Clerk, Walworth County

Date:

John Weidl
City Manager, City of Whitewater

Date:

Michael Cotter (approval as to form)
Corporation Counsel

Date:

Wallace McDonell (approval as to form)
City Attorney

Date: