

ORDINANCE NO. 1824

AN ORDINANCE OF THE CITY OF NEODESHA, KANSAS AUTHORIZING THE EXECUTION OF A POLE ATTACHMENT AGREEMENT AND AN ADDENDUM TO THAT POLE ATTACHMENT AGREEMENT WITH JMZ CORPORATION, A KANSAS CORPORATION THAT FORMERLY DID BUSINESS AS KWIKOM COMMUNICATIONS BUT IS NOW DOING BUSINESS AS GATEWAY FIBER FOR THE ATTACHMENT OF COMMUNICATION AND BROADBAND FACILITIES ON CITY OWNED UTILITY POLES.

WHEREAS, the City of Neodesha, Kansas (the “City”) owns and operates a municipal electric utility system, which includes various utility poles located within the City’s corporate limits; and

WHEREAS, the City has determined that granting access for telecommunications and broadband providers to attachment equipment to City-owned poles is in the public interest, as it promotes competition and the deployment of advanced communication services; and

WHEREAS, JMZ Corporation, a Kansas corporation that formerly did business as KwiKom Communications and is now doing business as Gateway Fiber (the “Provider”) has requested to attach its communications and broadband facilities to the City’s utility poles; and

WHEREAS, the City and Provider have negotiated a Pole Attachment Agreement (the “Agreement”) outlining the terms, conditions, and fees for the Provider’s use of the City’s utility poles; and

WHEREAS, Provider formerly did business in Kansas under the name KwiKom Communications and has notified the City that it has changed its doing business as name (its “d/b/a”) to Gateway Fiber; and

WHEREAS, Provider and the City wish to formally amend the Agreement via an Addendum to the Agreement (the “Addendum”) to reflect this change in the Provider’s d/b/a name; and

WHEREAS, except as expressly modified by the Addendum, all other terms and conditions of the Agreement shall remain unchanged; and

WHEREAS, the Agreement provides for the review, approval, or denial of attachment requests based on sufficient capacity, safety, and reliability requirements, and generally applicable engineering standards, in compliance with all applicable laws; and

WHEREAS, the City Commission has reviewed the proposed Agreement and Addendum and finds they are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NEODESHA, KANSAS:

Section 1. Authorization for Agreement and Addendum. The City Commission hereby authorizes and approves the Pole Attachment Agreement and the Addendum to the Pole Attachment Agreement between the City of Neodesha, Kansas and JMZ Corporation, that formerly did business as KwiKom Communications, but which is now doing business as Gateway Fiber, in substantially the form attached hereto as Exhibit A-Pole Attachment Agreement and Exhibit B-Addendum to Pole Attachment Agreement.

Section 2. Execution. The Mayor is hereby authorized and directed to execute the Agreement and the Addendum, and the City Clerk is directed to attest thereto.

Section 3. Other Actions. The Mayor, City Administrator, and other appropriate City staff are authorized to take all actions necessary to implement the terms of the Agreement, the Addendum, and this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body of the City of Neodesha, KS and signed by the Mayor this 12th day of November, 2025.

CITY OF NEODESHA, KANSAS

/s/ Devin Johnson
Mayor, Devin Johnson

ATTEST:

/s/ Stephanie Fyfe
City Clerk, Stephanie Fyfe