

City of Minden

P.O. Box 239, 325 N. Colorado
Minden, Nebraska 68959

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www.MindenNebraska.org



ORDINANCE NO. 1202

AN ORDINANCE TO AMEND APPENDIX A-FRANCHISES, ARTICLE I, SECTION 39, AND TO REPEAL APPENDIX A-FRANCHISES, ARTICLE I, SECTION 41 OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA AS THE SAME RELATES TO CABLE FRANCHISE OPERATIONS IN THE CITY OF MINDEN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA:

Section 1. That Appendix A, Article I, Section 39 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Each franchised operator shall pay to the City franchise fees equal to five percent (5%) of all the revenue items charged by franchised cable company. Said items include but are not limited to the following: hookup fees; basic subscriber service revenue; premium channel subscriber fees; pay-per-view fees and any and all other revenue generating items. The franchise fees are for the privilege of using the streets, rights-of-way, easements, and public ways and other facilities of the City in the operation of the cable system, and for the City's supervision during the term of the franchise. If the FCC, Congress or other governmental entity with authority over cable service allows a franchising authority to increase the franchise fee beyond the above percentage, then the City shall have the authority to increase the franchise fee to the maximum rate allowable. It is intended that the franchise fees will promote the health, safety and welfare of the citizens of the City.

Accordingly, the franchise fee shall be deposited into the general revenues of the City, unless otherwise specified.

(1) Franchise fee payments will be payable in monthly installments on the basis of one twelfth of the prior year's Gross Revenues, to be adjusted and corrected annually. Monthly payments shall be paid within 30 days of the end of each month. In the event that any payment due to the city is not paid within 30 days from the date said payment is due said delinquent payment shall draw interest at one percent (1%) over the prime-lending rate from the date payment becomes delinquent.

(2) In the event payment is not timely made as set out herein, then and in addition to the provisions of [Sec.] 39 (1), the cable operator may be declared in default of the franchise and the City may take action against the cable operator as authorized in this ordinance.

(3) The acceptance of any payment shall not be construed as a release of, or an accord or satisfaction of, any claim that the City might have for further or additional sums payable under the terms of this Ordinance, or for any other performance or obligation of a franchised operator.

(4) Payments of compensation made by a franchised operator to the City pursuant to this Ordinance shall be considered in addition to, and exclusive of, any and all authorized taxes, business license fees, or other levies or assessments presently in effect or later adopted.

(5) A franchise fee does not include any items excluded by Federal law.

The Franchised Cable Operator shall also pay \$5.00 pole rent per pole for each year that such poles are used in the operation of the cable system. Said pole rent is payable annually at the end of each year.

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Source: Ord. No. 908, 5-16-1988: Ord. No. 1068, 9-18-2000: Ord. No. 1202, 6-1-2015.

Section 2. That Appendix A-Franchises, Article I, Section 41 is hereby repealed.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 4. This ordinance shall be known as Ordinance No.1202 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 1st day of June, 2015.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk