

1 RESOLUTION NO. 22 - 0303

2 RESOLUTION AUTHORIZATION CREATION OF PUBLIC PRIVATE PARTNERSHIP
3 WITH HILBERT COMMUNICATIONS, LLC

4 WHEREAS, Hilbert Communications, LLC ("Hilbert"), and its subsidiary broadband wireless
5 internet service provider company, Bug Tussel Wireless, LLC ("Bug Tussel"), desire to commence a
6 project consisting of the construction and operation of certain fiber optic assets to provide the most
7 advanced infrastructure to the unserved and underserved residents of the Town of Calumet; and

8 WHEREAS, the Town of Calumet desires to pursue Broadband Expansion Grants offered
9 by and through the State of Wisconsin Public Service Commission, and

10 WHEREAS, the Town of Calumet considered Hilbert and Bug Tussel's proven track record of
11 community partnerships and their proposal to expand broadband to unserved and underserved areas of
12 the Town of Calumet, and hereby recommends partnering with Hilbert to pursue broadband expansion
13 grants; and


14 WHEREAS, Hilbert and the Town of Calumet desire to pursue and make application for any
15 and all grant money available for broadband coverage; and

16 WHEREAS, Hilbert and the Town of Calumet are willing and able to create a public private
17 partnership to provide the latest advancements in broadband coverage, and to seek all available grants
18 to provide and subsidize the cost of necessary broadband infrastructure; and

19 NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Calumet,
20 supports the application to the State of Wisconsin Public Service Commission for broadband expansion
21 grants in partnership with Hilbert and Bug Tussel; and

22 BE IT FURTHER RESOLVED, that the Town Board of the Calumet shall enter into an
23 Agreement to Establish Public Private Partnership for the Purpose of Applying for a Broadband
24 Expansion Grant, in a form substantially similar to the attached Exhibit A; and

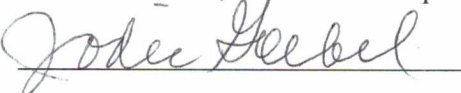
25 BE IT FURTHER RESOLVED that the appropriate town officials are authorized and
26 empowered to do all such acts and to execute, acknowledge, and deliver all such documents necessary
27 or desirable to fulfill the intent of this resolution.

28
29 

30 Donald M Breth, Jr. Board Chairperson

3/2/22

March 2, 2022

31 

32 Jodie Goebel, Clerk

3/2/22

March 2, 2022

**AGREEMENT TO ESTABLISH PUBLIC PRIVATE PARTNERSHIP FOR THE
PURPOSE OF APPLYING FOR A BROADBAND EXPANSION GRANT**

THIS PUBLIC PRIVATE PARTNERSHIP AGREEMENT ("Agreement") is made this ____ day of March, 2022 ("Effective Date") by and between the Town of Calumet, Wisconsin (the "Town"), a municipal corporation in the State of Wisconsin, and Hilbert Communications, LLC, a Wisconsin limited liability company ("Hilbert"). The Town and Hilbert are collectively referred to as the "Parties".

RECITALS

- A. The Town seeks to promote development of high-speed broadband services to unserved and underserved areas within its boundaries and believes that cooperation with private-sector partners is necessary for the development of a county-wide broadband network that meets the needs of the County, its residents, and its businesses.
- B. To encourage and facilitate deployment of high-speed broadband service in unserved and underserved areas within the Town, the Town and Hilbert seek to enter into a public-private partnership to construct broadband infrastructure to facilitate the future development by Hilbert and/or other third-party internet service providers (the "Project").
- C. The full scope of the Project is yet to be defined but will be defined in the final partnership agreement between the Parties ("Final Partnership Agreement").
- D. The Parties intend that Hilbert, with the Town as its public partner, apply to the State of Wisconsin Broadband Expansion Grant Program ("Grant Program") to obtain a grant to be used to pay for a portion of the cost of constructing the Project.
- E. The Town finds the Project to be in the public interest of the residents and businesses of the Town of Calumet.

AGREEMENT

THE PARTIES agree as follows:

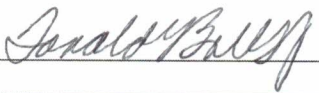
- 1. **Purpose.** By this Agreement, the Town and Hilbert agree to form a public-private partnership so that Hilbert can apply to the Grant Program to obtain funds to be applied toward construction of the Project. The Town agrees that, as Hilbert's public partner, it will cooperate with Hilbert in preparation of the grant application.
- 2. **Project.** The Project will be developed by Hilbert. The estimated cost of the Project is \$500,000.
- 3. **Project Funding.** In its grant application, Hilbert shall request a grant for Thirty-eight Percent (38%) of the estimate project cost. If the Grant is awarded and if the Project receives final approval from each Party's respective governing body, the Town shall contribute \$155,000 towards the cost of construction of the Project.

4. **Authorization.** Each Party represents that it has the authority to execute this Agreement.
5. **Records.** Hilbert shall provide the Town with a copy of its application to the Grant Program at the same time the application is submitted to the PSC.
6. **Termination.** This Agreement shall become effective on the Effective Date and shall terminate if Hilbert's grant application is unsuccessful. If the grant application is successful, this Agreement shall terminate one (1) year after the grant award or in the event that the Parties enter in a Final Partnership Agreement before the one (1) year period expires.
7. **Entire Agreement.** There are no representation or understandings of any kind not stated in this Agreement.
8. **Governing Law.** This Agreements shall be governed by the laws of the State of Wisconsin.
9. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

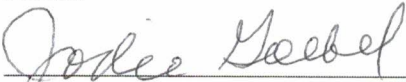
[SIGNATURE PAGE FOLLOWS]

TOWN OF CALMET

The undersigned Town of Calumet officials have executed this Agreement pursuant to duly adopted Resolution No. ²²⁻⁰³⁰³ day MARCH, 2, 2022.

, Chairman
Town of Calumet

Attest:


Calumet Town Clerk

STATE OF WISCONSIN)
) SS.
FOND DU LAC COUNTY)

Personally came before me on _____, 2022, the above named _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin
My Commission Expires: _____

HILBERT COMMUNICATIONS, LLC

Dated: _____

Attest:

Notary Public

STATE OF WISCONSIN)
) SS.
BROWN COUNTY)

Personally came before me on _____, 2022, the above named _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin
My Commission Expires: _____