

FIRST AMENDMENT TO CONSTRUCTION COST SHARING AGREEMENT

THIS FIRST AMENDMENT TO CONSTRUCTION COST SHARING AGREEMENT (the “First Amendment”) dated as of July 18, 2022 is made by and between the City of Minnetrista, whose address is 7701 Co Rd 110 W Minnetrista, MN 55364 (“City”), and Midcontinent Communications, a South Dakota partnership, whose address is 3901 North Louise Avenue, Sioux Falls, SD 57107 (“Midco”).

Recitals

WHEREAS, the parties executed a Construction Cost Sharing Agreement effective February 7, 2022 (“the Agreement”) regarding the expansion of high speed internet service and telephone service in the City; and

WHEREAS, the Parties now desire to expand the Project Area as defined in the Agreement.

NOW, THEREFORE, THE PARTIES AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

1. Section 5 is amended to add the underlined language and to read as follows:

5. Commitment to Deliver Access to Service. Midco must make telephone and high speed internet service available as provided in paragraph 2 above to each of the residences named in Exhibit 3. Midco bears responsibility for all costs necessary to provide access to each of the residences named in Exhibit 3 in excess of the Cost Share Amount and the amount specified in section 14, and the City will incur no costs in excess of the Cost Share Amount and the amount specified in section 14 under this Agreement. Within sixty (60) days of execution of this Agreement, Midco shall provide the City with engineering design plans and diagrams for the project that demonstrate how high-speed internet and telephone service will reach each of the residences named in Exhibit 3, and demonstrate the timeline for the project’s completion.

2. Section 10 is amended to add the underlined language and to read as follows:

10. Assignment. Midco shall neither assign nor transfer any rights or obligations under this Agreement without the prior written consent of the City. In the event Midco proposes to assign or transfer the facilities constructed pursuant to this Agreement, the City shall have the right of first refusal concerning any offer to purchase which Midco intends to accept provided, however, that the City’s purchase price shall be reduced by the Cost Share Amount plus the amount specified in section 14, with interest calculated based on the annual reported consumer price index to the date of purchase. Any written purchase offer received by Midco shall be provided promptly to the City. In the event Midco terminates delivery of services over the facilities provided pursuant

to this Agreement, the City may purchase such facilities for Midco's actual construction cost, less reasonable depreciation and less the Cost Share Amount.


3. A new section 14 is added as follows:

14. In consideration of Midco's design, installation, and construction of an additional twenty (20) home passings, as illustrated on Exhibit 1 and Exhibit 3, the City shall pay an amount of \$52,000 to Midco within (60) days of Midco's completion of construction and submission of a detailed report of its actual construction costs and the City's inspection of the infrastructure. Such amount is in addition to any "Cost Share Amount" cap as outlined in section 4 Construction of the additional home passings shall be accomplished in accordance with the same terms and conditions as all other passings.

4. Exhibit 1 is deleted and a new Exhibit 1 as attached hereto is substituted in its place.
5. Exhibit 2 is deleted and a new Exhibit 2 as attached hereto is substituted in its place.
6. Exhibit 3 is deleted and a new Exhibit 3 as attached hereto is substituted in its place.
7. Except as explicitly provided for in this First Amendment, all terms and conditions of the Agreement continue to be in full force and effect.

[Signatures on Following Page]

CITY OF MINNETRISTA

By: 
Lisa Whalen, Mayor

By: 
Dawn Motzko, City Clerk

Midcontinent Communications d/b/a "Midco"

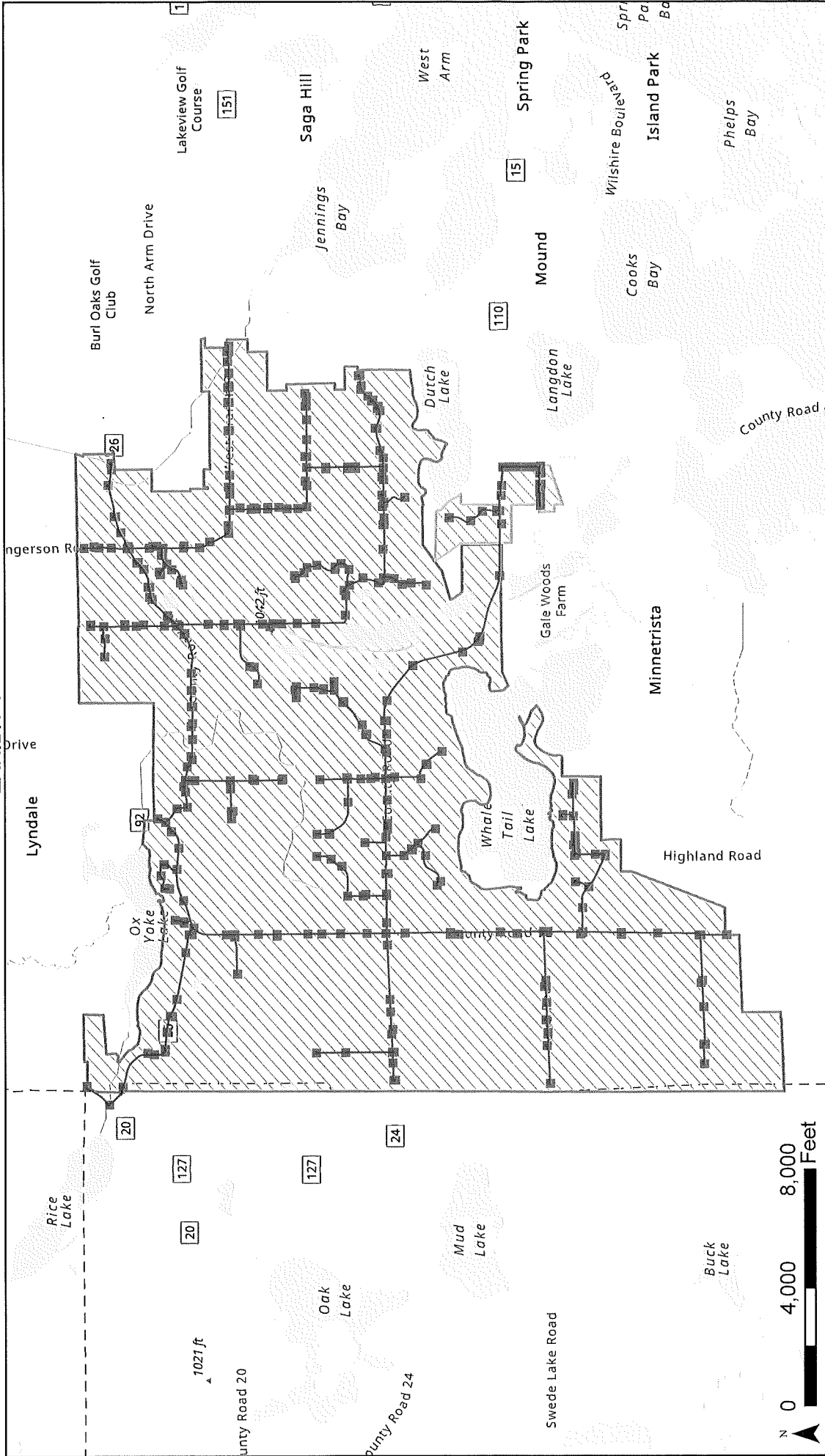
By: Midcontinent Communications Investor, LLC
Its Managing General Partner

By: 

Print name: Andrew Curley

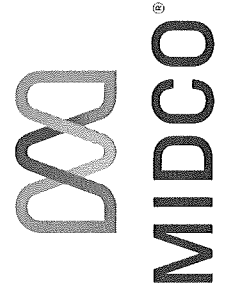
Title: Director of Government Relations

EXHIBIT 1



- Running Trench Line
- Pedestal Structure
- Additional Proposed Project Area
- Proposed Project Area

Minnetrista, MN



East: N.A.S.A., M.G.A., U.S.G.S. (F.E.D.A.), Metropolitan Council, Minneapolis, Minn.; River Park Estates, East, HERE, Comm. Sarcophagi, GeoTechnologies, Inc., MET, N.A.S.A., U.S.G.S., BPA, SPS, USDA

CONSTRUCTION COST SHARING AGREEMENT

EXHIBIT 2

CITY CONTROLLED RIGHT OF WAY

Ambjar Lane
Bertram Drive
Blair Road
Chateau Way
D'Chene Circle
D'Chene Lane
Deer Creek Road
Dutchview Road
Fielding Trail
Game Farm Road East
Game Farm Road North
Game Farm Circle
Hickory Drive
Highland Road Indian
Hill Road Ingerson
Road Kingswood Road
Kristin Lane
Lake Terrace Drive
Nike Road
North Branch Road
Prairie Meadow Road
Preserve Boulevard
Rainbow Road
Retreat Circle
Scott Drive
Squire Lane
Sterling Drive
Sunnyfield Road East
Sunnyfield Road North
Susan Lane
West Deer Creek Road
Westedge Boulevard
West Hill Road
West Highland Road
West Branch Road
Woodedge Road
Woodlawn Road

Exhibit 3

Street Address

2435 AMBJAR
2435 AMBJAR
2415 AMBJAR
2455 AMBJAR
2495 AMBJAR
2475 AMBJAR
1449 BERTRAM
1549 BERTRAM
1305 BLAIR
1405 BLAIR
1250 BLAIR
1350 BLAIR
1450 BLAIR
1505 BLAIR
781 BRANCH
5879 BRANCH
6055 BRANCH
6700 BRANCH
5975 BRANCH
575 BRANCH
500 BRANCH
5950 BRANCH
400 BRANCH
5900 BRANCH
6260 BRANCH
5869 BRANCH
500 BRANCH
6050 BRANCH
5949 BRANCH
5989 BRANCH
6255 BRANCH
6551 BRANCH
6725 BRANCH
5899 BRANCH
6501 BRANCH
6170 BRANCH
670 BRANCH
6000 BRANCH
705 BRANCH
355 BRANCH
6105 BRANCH
315 BRANCH
6600 BRANCH
5850 BRANCH
750 BRANCH
635 BRANCH

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6205 BRANCH	
6175 BRANCH	
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1700 CHATEAU	
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1675 CHATEAU	
1805 CHATEAU	
1725 CHATEAU	
1850 CHATEAU	
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1071 CORD	92
9400 CORD	26
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20 CORD	20
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9300 CORD	26
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700 CORD	92
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8850 CORD	26

1460 CORD	92
9455 CORD	26
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585 CORD	92
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8150 CORD	15
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1750 CORD	92
8301 CORD	15
2400 CORD	92
2755 CORD	92
8501 CORD	15
2300 CORD	92
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2970 CORD	92
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3305 CORD	92
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1815 CORD	92
3205 CORD	92
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1820 CORD	92
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7885 CORD	15
7373 CORD	15
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7205 CORD	15
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7321 CORD	15
7000 CORD	15
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6975 CORD	26
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7910 CORD	26
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7300 CORD	26
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2005 DUTCHVIEW RD
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2105 DUTCHVIEW RD
2500 DUTCHVIEW RD
2561 DUTCHVIEW RD
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7590 SUSANLA
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2400 WESTEDGE BLVD
6700 WOODEDGE RD
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