



## Lacey City Council Worksession Agenda

Refer to the bottom of the agenda for meeting information.

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Tuesday, June 9, 2026

6:00 PM

Council Chambers and Online

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**1. Call to Order**

**2. Roll Call**

**3. Land Acknowledgement**

We, the City of Lacey, are on the ancestral land of the Tribal People of the Treaty of Medicine Creek, including the Nisqually Indian Tribe and Squaxin Island Tribe. We acknowledge and remember those Tribal People not recognized today who were absorbed or relocated into other tribes for survival. We recognize the ancestors and their descendants who are still here. We recognize and respect the Tribal People of the Treaty of Medicine Creek as the traditional stewards of this land since time immemorial and their role today in taking care of these lands in perpetuity. We recognize and have the responsibility to call attention to the histories of dispossession, forced removal, and abridged treaty rights that allowed our nation, state, and city to develop as they have today. We recommend that community members read the Medicine Creek Treaty of 1854.

**4. Approval of the Agenda**

**5. Public Comment**

Refer to the bottom of the agenda for instructions on how to provide public comment.

**6. Agenda Items**

**A. Housekeeping Ordinance Briefing**

Dave Schneider, City Attorney

**B. Regional Athletic Complex Improvements Project Briefing**

Jennifer Burbidge, Parks, Culture, and Recreation Director

Brett Boogerd, Capital Projects Engineer

**C. Lightcurve Franchise Agreement Application**

Donna Feliciano, Interim Communications Manager

**D. Council Reports**

**7. Executive Session**

A. Executive Session pursuant to RCW 42.30.110(1)(g)

**8. Adjourn**

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## Meeting Information:

### Attendance (Remote or in Person)

The public may attend the meeting in person, or you may view or listen to the meeting using one of the following platforms:

In Person: Council Chambers at Lacey City Hall  
420 College Street SE, Lacey, WA 98503

Zoom: [https://us02web.zoom.us/webinar/register/WN\\_HFo7YrEKSYm\\_bPeiWqV4wQ](https://us02web.zoom.us/webinar/register/WN_HFo7YrEKSYm_bPeiWqV4wQ)

Website: <https://cityoflacey.org/government/public-meetings/>

Facebook: <https://www.facebook.com/cityoflacey>

YouTube: <https://www.youtube.com/watch?v=ShWWcRcpflI>

Phone: (888) 788-0099 or (877) 853-5247 (Webinar ID 862 8560 2062)

### Verbal Public Comment

Each speaker is limited to three minutes. Comments are welcome on matters connected to City business or specific agenda items.

Prior to starting your comments, please provide your:

- a. Name
- b. City of residence or connection to the City
- c. Topic or subject matter of your comments

Those wishing to provide verbal public comment may do so in person or by Zoom:

In Person: Use the sign-up sheet located in the Council Chambers.

Zoom: Preregister using the following Zoom link no later than two hours prior to the meeting:  
[https://us02web.zoom.us/webinar/register/WN\\_HFo7YrEKSYm\\_bPeiWqV4wQ](https://us02web.zoom.us/webinar/register/WN_HFo7YrEKSYm_bPeiWqV4wQ)

Instructions and access details will be provided once registration is complete.

### Written Public Comment

Public comments may also be submitted by email to [PublicComment@cityoflacey.org](mailto:PublicComment@cityoflacey.org). The commenting period will close two hours before the meeting time. Written comments will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting; however, comments received will be added to the official record.



# STAFF REPORT

Council Worksession  
June 9, 2026

**Subject:** Housekeeping Ordinances  
**To:** Lacey City Council  
**Prepared by:** Dave Schneider, City Attorney  
**Department Director:** Dave Schneider, City Attorney  
**Reviewed By:** Not Applicable  
**Final Review:** Rick Walk, City Manager

*RW*

**Purpose:** Briefing

**Recommendation:** Review only.

**Brief:** Staff recommends slight amendments to three separate sections of the Lacey Municipal Code. First, staff suggests amending LMC 3.02.050 to clarify the imposition of the city's business and occupation tax. Second, staff suggests amending LMC 13.52.030 related to latecomer agreements to harmonize the LMC with state law and the city's Public Works Standards by allowing reimbursement periods up to twenty years. Finally, staff suggests amending LMC 5.38 to clarify the roles of the Finance and CED Departments in the administration of Massage and Reflexology Businesses.

**Alternatives:**

1. No change: Continue as is.
2. Forward one, two, or all three of these item(s) to a future Council meeting for action.
3. Direct staff to provide additional information at a future worksession.
4. Some other option not contemplated in the above.

**Prior Review:**

none

**Advisory Board Recommendation(s):**

Not Applicable

**Fiscal Impact:**

Budgeted Item: Yes

**Attachments:**

1. No attachments – briefing only

**Policy or Legal Alignment:**

1. NA

## **I. Business and Occupation Tax**

A recent review of LMC 3.02 related to Business and Occupation Tax revealed a potential lack of clarity related to the imposition of the tax. Staff proposes to include an additional subsection from the B&O Tax Model Ordinance to further clarify the service and other activity business classification. This addition would provide further context for business activities (such as custom software) already referenced elsewhere in the chapter. It is not a new subsection from the Model Ordinance, but rather one that cities may include if applicable. Our review found it to be applicable to Lacey B&O activity. The following subsection (4) is proposed new language to be added to 3.02.050.

### 3.02.050 Imposition of the tax--Tax or fee levied

A. Except as provided in subsection [B](#) of this section, there is hereby levied upon and shall be collected from every person a tax for the act or privilege of engaging in business activities within the city, whether the person's office or place of business be within or without the city. The tax shall be in amounts to be determined by application of rates against gross proceeds of sale, gross income of business, or value of products, including byproducts, as the case may be, as follows:

1. Upon every person engaging within the city in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the business, without regard to the place of delivery of articles, commodities or merchandise sold, multiplied by the rate of one-tenth of one percent.
2. Upon every person engaging within the city in the business of (a) printing, (b) both printing and publishing newspapers, magazines, periodicals, books, music, and other printed items, (c) publishing newspapers, magazines and periodicals, (d) extracting for hire, and (e) processing for hire; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-tenth of one percent.
3. Upon every person engaging within the city in the business of making sales of retail services; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales multiplied by the rate of two-tenths of one percent.

4. Upon every other person engaging within the City in any business activity other than or in addition to those enumerated in the above subsections; as to such persons, the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of two-tenths of one percent. This subsection includes, among others, and without limiting the scope hereof (whether or not title to material used in the performance of such business passes to another by accession, merger or other than by outright sale), persons engaged in the business of developing, or producing custom software or of customizing canned software, producing royalties or commissions, and persons engaged in the business of rendering



any type of service which does not constitute a sale at retail, a sale at wholesale, or a retail service.

B. The gross receipts tax imposed in this section shall not apply to any person whose gross proceeds of sales, gross income of the business, and value of products, including byproducts, as the case may be, from all activities conducted within the city during any calendar year are equal to or less than \$20,000.00, or are equal to or less than \$5,000.00 during any quarter if on a quarterly reporting basis. (Ord. 1560 §2, 2019; Ord. 1232 §1, 2004).

## **II. Latecomer Agreements**

A latecomer agreement is an agreement that allows the developer of improvements to the city's water or sewer system to recover a portion of their costs from future property owners who later connect to or benefit from those improvements.

Latecomer Agreements are authorized by Revised Code of Washington Chapter 35.91, which allows for a recovery period of up to twenty years. Chapter 3.120 of the city's Public Works Standards also allows for a twenty-year recovery period. LMC 13.52, however, only allows developers to recover costs for a period of up to fifteen years. Under state law, if the developer of water or sewer improvements requests a latecomer agreement, the city is required to provide one. Staff recommends that LMC 13.52 be amended to increase the time for recovery from fifteen to twenty years.

## **III. Massage and Reflexology Businesses**

On November 19, 2024 Council adopted Ordinance 1666, related to Massage and Reflexology Businesses. This Ordinance has been codified under LMC 5.38. The Finance Department and Community and Economic Development Department each have certain roles and responsibilities under LMC 5.38. Staff recommends slight amendments to LMC 5.38 to better clarify the specific roles and responsibilities of each department.

## **Next Steps**

Staff will bring these matters as separate items to future council meetings for action via adoption of an ordinance. If the Council would like additional time to review these items, staff could bring any one of them to a future worksession for more thorough discussion.





# STAFF REPORT

Council Worksession  
June 9, 2026

**Subject:** Regional Athletic Complex (RAC) Improvements  
**To:** Lacey City Council  
**Prepared by:** Jen Burbidge, Parks, Culture, and Recreation Director  
**Department Director:** Jen Burbidge, Parks, Culture, and Recreation Director *JB*  
**Reviewed By:** Scott Egger, Public Works Director *SE*  
**Final Review:** Rick Walk, City Manager *RW*

**Purpose:** Briefing

**Recommendation:** Review only.

**Brief:** The RAC Improvements project, which will be funded by the CAR-PFD, will be moving from 60% design into the 90% design stage this month. The project is on schedule for 100% design by the end of this year, which would allow for the construction stage to begin in early 2027.

Staff will provide a brief presentation regarding the project elements, timeline and funding.

**Alternatives:**

Not Applicable.

**Prior Review:**

Council Worksession – 11/25/2025 [Link](#)

**Advisory Board Recommendation(s):**

Parks, Culture, and Recreation Board – received the update at their June 3, 2026 meeting

**Fiscal Impact:**

Budgeted Item: Yes

Amount: \$10.9M

Project Code: PR24R3

Funding Source: 307-0106-576.62-19

Through CAR-PFD sales tax funded debt

**Attachments:**

1. Public Facilities District (PFD) Funding Timeline
2. 60% Design Estimate

**Policy or Legal Alignment:**

Lacey Parks, Culture & Recreation 2023-2029 Comprehensive Plan: Strategic Goal 1, Policies 2 & 7

**Background:** At the November 25, 2025 City Council Worksession, City Council authorized staff to continue from the 30% design stage toward 60% design for development of the RAC

Improvements. Council confirmed the main focus of the project would be converting natural grass soccer field #2 to synthetic turf and adding lights with the purpose of extending the field use hours to community groups. The base project also includes the addition of seating for increased spectator capacity, various fencing upgrades, and the addition of baseball netting.

Three add alternates are being considered and may be awarded depending on pricing. These include Wi-Fi upgrades and expansion, hardscape improvements, and additional fencing upgrades should adequate funding be available.

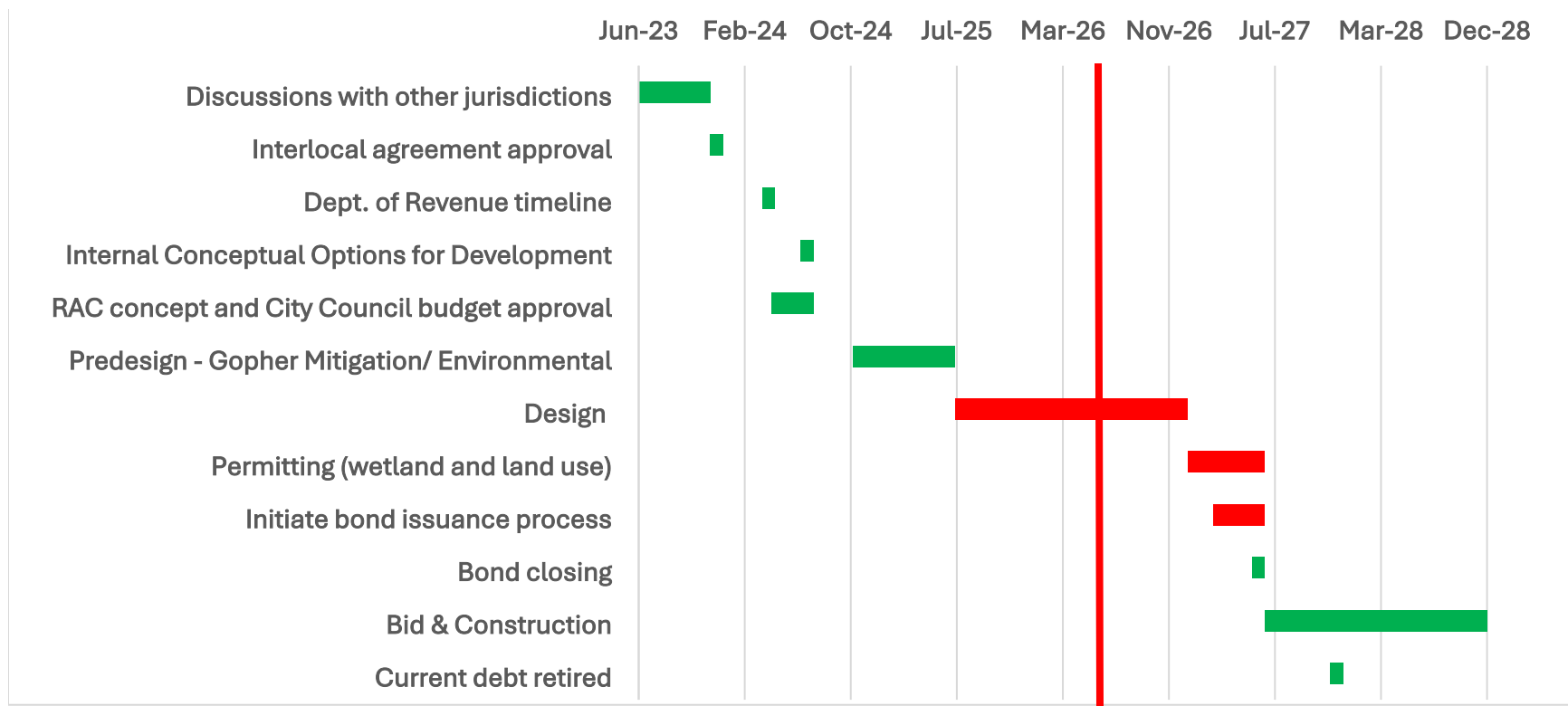
Design consultant, SCJ Alliance, has continued to provide the deliverables. Staff will provide a brief presentation regarding the project elements, timeline and funding to the City Council at the June 9, 2026 City Council Worksession.

The focus of the worksession is to update City Council on progress of the project in order to stay on track to move to the 90% design stage in June and in turn stay on time for the PFD funding opportunity. Staff can then continue to move further in the development of construction plans.

In order to preserve the PFD sales tax credit, the City will need to issue debt in June of 2027. To meet this deadline, staff started the construction design process in July of 2025, and will advance from the 60% design stage to the 90% design stage in June of 2026.



# Public Facilities District Sales Tax Extension Timeline



## 60% Design Estimate

<u>Items</u>	<u>Each</u>	<u>Cumulative Total</u>
Base Bid	\$ 7,400,000.00	\$ 7,400,000.00
Base Bid Alternatives	\$ 3,500,000.00	\$ 10,900,000.00

Base Bid: Lighting, Turf Conversion, Seating, Fencing, Baseball Netting

Base Bid Alternatives: Soccer Backstops, Wifi Improvements, Concrete Paving Replacement





# STAFF REPORT

Council Worksession  
June 9, 2026

**Subject:** Lightcurve Telecommunications Franchise Agreement  
**To:** Lacey City Council  
**Prepared by:** Donna Feliciano, Communications Manager  
**Department Director:** Shannon Kelley-Fong, Assistant City Manager

*SKF*

**Final Review:** Rick Walk, City Manager

*RW*

**Purpose:** Briefing

**Recommendation:** Review only. Potential future action is scheduled for the July 7, 2026, Regular City Council Meeting.

**Brief:** This staff report includes information on an application for a five-year telecommunications franchise agreement from Lightcurve, a Washington-based telecommunications provider. The franchise would allow Lightcurve to construct, operate, and maintain fiber-optic infrastructure within City rights-of-way. Approval of the agreement would authorize Lightcurve to provide high-speed internet services in Lacey, subject to compliance with all applicable City codes, permit requirements, and right-of-way regulations. Staff reviewed the franchise application and found that it meets the City's telecommunications regulations.

### Alternatives:

1. If all applicable City codes, permit requirements, and right-of-way regulations are met, the City must approve the agreement. However, if an unmet regulation is determined, the City could meet with Lightcurve to discuss a remedy. Staff reviewed the franchise application and found that it meets the City's telecommunications regulations.

### Prior Review:

Not Applicable

### Advisory Board Recommendation(s):

Not Applicable

**Fiscal Impact:** Yes fiscal impact, \$3,000 fee

Budgeted Item: No

Amount: \$3,000

Funding Source: Application Fee

Project Code:

001-0000-321-91.00

**Attachments:**

- 1. Mashell Telecom, dba Lightcurve Telecommunications Franchise Agreement
- 2. Draft Franchise Agreement with Lightcurve

**Policy or Legal Alignment:**

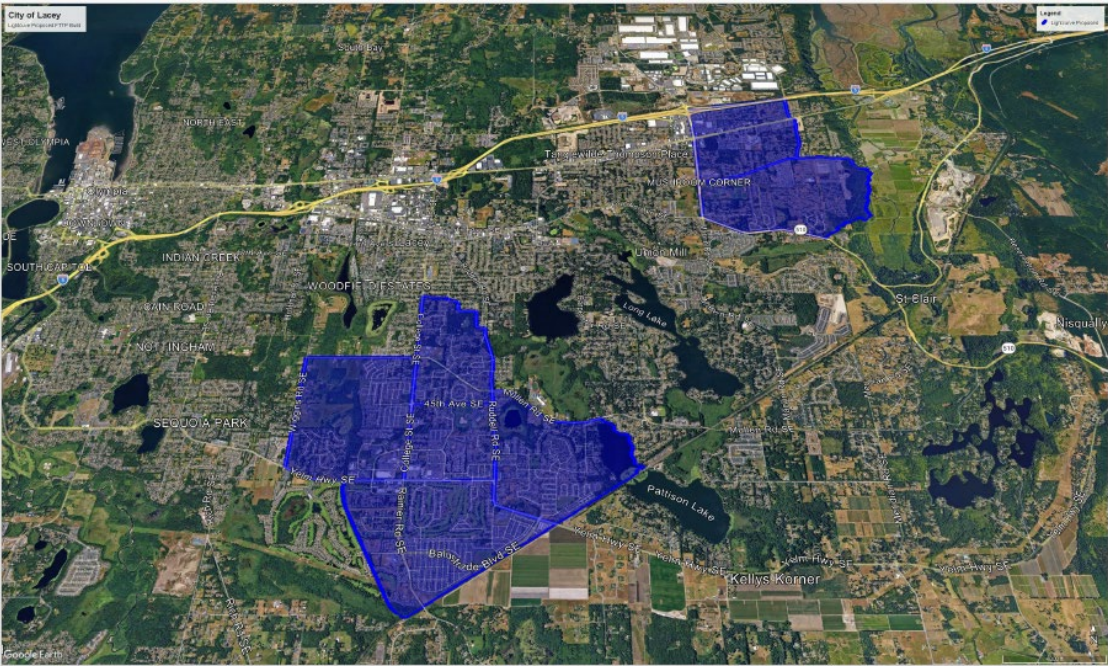
- 1. LMC Chapter 5.60
- 2. LMC Chapter 12.16
- 3. LMC Chapter 12.22

**Background:**

On March 27, 2026, Mashell Telecom, Inc., dba Lightcurve, a Washington corporation, applied for a telecommunications franchise agreement with the City of Lacey ("City") to provide high-speed internet services to the Lacey community.

Lightcurve indicated they are still in the high-level design phase. Lightcurve has identified proposed initial target areas of Lacey (see blue areas in **Figure 1**), which they would pursue pending franchise approval from the City. Lightcurve will provide more detailed plans for the required right-of-way and construction permits as the company moves forward with implementation in Lacey. Lightcurve must meet the hierarchy of physical locations for telecommunications facilities in Lacey as described below.

**Figure 1**



Lightcurve’s fiber-optic network will include standard electronics found in pedestals, hand holes, maintenance holes, and attached to utility poles. Lightcurve has provided the City with materials demonstrating that they have an existing pole attachment agreement with Puget Sound Energy (PSE). This agreement would not allow Lightcurve to use City infrastructure, such as City-owned poles and traffic signals.

By entering into the City's proposed franchise agreement, Lightcurve would need to meet the requirements and procedures of Lacey Municipal Code Chapter 5.60, Telecommunications, and the Development Guidelines and Public Works Standards of the City. As part of the application review process, Chapter 5.60 requires the City to make the following determinations:

1. Make a determination within 120 days of receiving a complete franchise agreement.

**Review:** The City has until July 25, 2026, to make a determination.

2. Determine whether to grant or deny an application based on the following criteria:

**Review:** If the franchise agreement is approved, Lightcurve would be required to comply with all conditions and regulations established by LMC Chapter 5.60.

- A. The applicant must have the legal ability to provide the service or use the proposed for franchise authorization.

**Review:** Lightcurve provided its 1) Certificate of Registration issued by the Washington State Secretary of State; and 2) Washington Utilities and Transportation Commission (UTC) registration as a competitive telecommunications company. **Attachment 1.**

- B. The capacity of the rights-of-way to accommodate additional utility and telecommunications facilities if the application is granted.

**Review:** Lightcurve would need to meet the hierarchy of physical locations of telecommunications facilities found in LMC 5.60.100. The franchise agreements state, "Before commencing any work pursuant to this agreement, Lightcurve shall first file with the City an application for a permit to do such work, accompanied by drawings showing the position and location of all conduit, wire, fiber, or any other equipment sought to be constructed, laid, installed or erected the depth below the surface of the ground and the relative position to existing streets, other utilities, and other public places or ways."

- C. The applicant must have a current registration issued by the FCC and Washington UTC. **Attachment 1.**

**Review:** Lightcurve provided a copy of its Washington Utilities and Transportation Commission (UTC) registration as a competitive telecommunications company. Lightcurve has FCC registration.

- D. The applicant must demonstrate the willingness and ability to mitigate and/or repair damage or disruption, if any, to public or private facilities, improvements,



services, travel, or landscaping if the application is granted.

**Review:** Franchise agreement states Lightcurve must meet all provisions of LMC 5.60, including LMC 5.60.100:

“A. General Duties.

1. All grantees, before commencing any construction in the rights of way, shall acquire appropriate permits and comply with all requirements of the Lacey Municipal Code, specifically chapters 12.16 and 12.22 LMC, and the City of Lacey Development Guidelines. In the event of a conflict between this chapter and the Lacey Development Guidelines, the Lacey Development Guidelines shall control.”

In addition, LMC 5.60.090(J) provides terms specific to the restoration of rights-of-way or Other Property.

The franchise agreements state Lightcurve shall, at all times, maintain a complete set of plans, specifications, and records showing the exact location and depth of all such facilities. These records shall be subject to inspection by the City at any reasonable time. In addition, Lightcurve shall provide to the City this information in the electronic format specified by the City.

- E. The damage or disruption, if any, of public or private facilities, improvements, service, travel, or landscaping, if the application is granted, giving consideration to an applicant’s willingness and ability to mitigate or repair the same.

**Review:** See response to criteria “D” above.

- F. The availability of alternate locations for the proposed facilities.

**Review:** Lightcurve would need to meet the hierarchy of physical locations of telecommunications facilities found in LMC 5.60.100.

- G. The grant to use the rights of way will serve the community interest.

**Review:** Lightcurve could provide the Lacey community with additional data services options (residential, business, and wholesale).

- H. Applicable federal, state and local laws, regulations, rules and policies will be met.

**Review:** Lightcurve would need to comply with all provisions of LMC 5.60. The City believes LMC 5.60 meets all state and federal requirements at this time.

LMC 5.60.190 states that state and federal law would prevail in the event of any future conflict with the LMC.



As outlined above, the City of Lacey must review and make determinations of telecommunications franchise agreements that provide “reasonable, fair, and equitable access to the public rights of way of the city for telecommunications purposes on a competitively neutral basis.” The language in the draft telecommunications franchise agreements with Lightcurve, **Attachment 2**, is consistent with past City telecommunications franchise agreements.

Pursuant to LMC 5.60.140, Lightcurve is required to carry a minimum of \$2 million in liability insurance during the term of the franchise. Lightcurve must also acquire a performance bond prior to any construction in the rights-of-way, which must remain in place until the Director of Public Works has approved the work.

LMC 5.60.100 prescribes the hierarchy of physical locations of telecommunications facilities in Lacey. This section states that overhead facilities would be required to be undergrounded if required by current or future underground construction requirements. In their application, Lightcurve indicated they propose to install infrastructure underground in new conduits, overhead, and on street level. Lightcurve anticipates minimal amount of underground infrastructure to support fiber cabinets and customer drop handholes or pedestals.

Lightcurve has paid the City’s \$3,000 telecommunication franchise application fee. Lightcurve must apply for and receive all applicable rights-of-way and development permits for any work performed in the public rights-of-way.

Lightcurve will pay all fees generally applicable to persons doing business within the City. Pursuant to the Internet Tax Freedom Act, internet services may not be taxed (47 U.S.C. §151). RCW 35.21.860 precludes cities from imposing franchise fees for any “telephone business” as defined in RCW 82.16.010 or “service provider” as defined in RCW 35.99.010, except for administrative expenses or any tax authorized by RCW 35.21.865.

Like previous City telecommunications franchise agreements, the proposed term of the Lightcurve franchise agreements is five years from the date of execution.





BUSINESS INFORMATION

Business Name: **MASHELL TELECOM, INC.** UBI Number: **272 000 375**  
 Business Type: **WA PUBLIC UTILITY CORPORATION** Business Status: **ACTIVE**  
 Principal Office Street Address: **104 WASHINGTON AVE N, EATONVILLE, WA, 98328, UNITED STATES** Principal Office Mailing Address: **PO BOX 639, EATONVILLE, WA, 98328-0639, UNITED STATES**  
 Expiration Date: **12/31/2026** Jurisdiction: **UNITED STATES, WASHINGTON**  
 Formation/ Registration Date: **12/22/1952** Period of Duration: **PERPETUAL**  
 Inactive Date: Nature of Business: **OTHER SERVICES**

REGISTERED AGENT INFORMATION

Registered Agent Name: **SLG REGISTERED AGENT, LLC**  
 Street Address: **315 5TH AVE S STE 1000, SEATTLE, WA, 98104-2682, UNITED STATES** Mailing Address: **315 5TH AVE S STE 1000, SEATTLE, WA, 98104-2682, UNITED STATES**

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		DANIELLE	CLAUSEN
GOVERNOR	INDIVIDUAL		ANAND	VADAPALLI

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UTC Company Details

Mashell Telecom, Inc.

Basic Information

UTC ID	Company Name	UBI	DBA(s)	Industries (code)	Status
41468	Mashell Telecom, Inc.	272000375	Lighthouse	Telecommunications (170)	Active





CC Registration

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Displaying Records 1 (of 1)

ER#	Registrant	Contact	Address	City	State	Zip	Country	RegDate
000001544	Marshall Telecom, Inc. d/b/a LightCurve	Danielle Clouston	104 Washington Avenue N PO Box 619	Ratonville	WASHINGTON	98328	USA	11/01/2001

[REFINE SEARCH](#)





**City of Lacey**  
**License / Franchise**  
**Application**  
 For Location of  
 Telecommunications  
 Facilities within City Right-of-Way

**City of Lacey**  
**420 College St SE**  
**Lacey, WA 98503**  
**Ph: 360-491-3214 | Fax: 360-412-3185**

**IMPORTANT:** PURSUANT TO CITY OF LACEY RESOLUTION NO. 812, THIS APPLICATION CANNOT BE SUBMITTED UNLESS ACCOMPANIED BY A FRANCHISE APPLICATION FEE OF:

1. TELECOMMUNICATION LICENSE - \$1,000
2. NEW TELECOMMUNICATIONS FRANCHISE - \$3,000
3. RENEWAL OF EXISTING TELECOMMUNICATIONS FRANCHISE - \$1,500




FEES ARE USED TO COVER ACTUAL ADMINISTRATIVE EXPENSE INCURRED BY THE CITY (INCLUDING TO STAFF AND ATTORNEY/CONSULTANT RELATED TIME) AND FEES ASSOCIATED WITH THE REVIEW OF THIS LICENSE/FRANCHISE APPLICATION AND ASSOCIATED LICENSE/FRANCHISE NEGOTIATIONS.

Applicants may attach additional pages to further explain the answers below. If you have any questions related to filling out this License/Franchise Application, please contact the City of Lacey City Manager's Department.

GENERAL INFORMATION			
<b>1.</b>	<b>Name of Applicant Telecommunications Carrier:</b> Mashell Telecom, Inc. dba Lightcurve		
<b>2.</b>	<b>Address:</b> 104 Washington Ave N (PO Box 639)		
<b>3.</b>	<b>City:</b> Eatonville	<b>State:</b> WA	<b>Zip Code:</b> 98328
	<b>Telephone:</b> 360-832-6161		
<b>4.</b>	<b>Has the Applicant obtained a City business license? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b> <b>City of Lacey Business license:</b> _____  <b>PLEASE NOTE:</b> All telecommunication carriers and service providers engaged in the business of transmitting, supplying or furnishing telecommunications service of any kind originating, traversing, or terminating in the City of Lacey shall apply for and obtain a Business License from the City pursuant to Chapter 5 of the Lacey Municipal Code.		

5.	<b>Name of Person Filing this Application:</b> Danielle Clausen <b>Title:</b> SVP of Finance <b>Company:</b> Mashell Telecom, Inc. dba Lightcurve		
6.	<b>Address:</b> 104 Washington Ave N (PO Box 639)		
7.	<b>City:</b> Eatonville	<b>State:</b>	<b>Zip Code:</b>
	<b>Telephone:</b> 360-832-4130	WA	98328
8.	<b>Are you serving as agent for the above-named telecommunications carrier?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  <b>If yes, please attach proof of agency.</b>		
<b>PROPERTY AND FACILITY INFORMATION:</b>			
9.	<b>Is this an application for:</b>  (i) <b>Telecommunications License?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (LMC 5.60.020) - "License" is an agreement with any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate telecommunications facilities in rights of way and to also provide telecommunications services exclusively to persons and areas outside the city.)  (ii) <b>New franchise?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (LMC 5.65.020) - "Telecommunications franchise" or master permit is required with any telecommunications carrier who desires to construct, install, operate, maintain or otherwise locate facilities in rights of way and to also provide telecommunications to persons or areas in the city.)  (iii) <b>Renewal of existing franchise?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (iv) <b>Transfer of a franchise?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  <b>If yes, identify the current franchisee:</b>		
10.	<b>If you are renewing/amending an existing franchise, has your franchise otherwise expired?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  <b>If not, what is the expiration date of your current franchise?</b>		

11.	<p><b>Describe any other telecommunication service the applicant currently provides within the city.</b> None</p>
12.	<p><b>Describe the telecommunications facilities and/or other equipment proposed to be located within subject right-of-way.</b></p> <p>Our company will be deploying fiber, aerial strand, down guys, pedestals, handholes, vaults and electronic equipment cabinets.</p> <p><b>The application is for a franchise that is (select the option that applies):</b></p> <p><input checked="" type="checkbox"/> <b>City-wide</b></p> <p><input type="checkbox"/> <b>Specific area(s) or route(s).</b> For this option provide:</p> <ol style="list-style-type: none"> <li>1. Provide an estimated construction schedule and completion date:</li>   <li>2. Attach preliminary engineering plans, route map, and sufficient explanation to identify where facilities are proposed to be located within the City.</li> </ol>
13.	<p><b>This application proposes to install infrastructure (mark all that apply):</b></p> <p><input checked="" type="checkbox"/> <b>Underground in existing conduits</b></p> <p><input checked="" type="checkbox"/> <b>Underground in new conduits</b></p> <p><input checked="" type="checkbox"/> <b>Overhead</b></p> <p><input checked="" type="checkbox"/> <b>On street level</b></p> <p>For each of the above, evidence must be provided by the applicant that sufficient surplus capacity exists, including underground utilities in place in proposed route, height of lines if overhead, the amount of surplus capacity remaining after installation of the applicant's facilities, and evidence of ownership or right to use of facilities, see 23.vii.</p> <p><b>NOTE:</b> For permits, the following information will be required (this list may not be comprehensive): overhead and underground electric, cable, telecommunications, natural gas, water, sewer, storm facilities, location(s), if any, for interconnection with facilities of other telecommunication providers; specific trees, structures, and obstructions that the applicant proposes to temporarily or permanently remove or relocate.</p>

14.	<p><b>Indicate what registrations, licenses, certificates, and authorizations are required from the Federal Communications Commission, the Washington Utilities and Transportation Commission and any other federal or state agency with jurisdiction over the proposed activities. Have all such licenses, certificates and authorizations been obtained?</b></p> <p><b>Provide copies of registration filed with and issued by the Washington Utilities and Transportation Commission pursuant to WAC 480-121 and any approved tariff or price list and permit, operating license or other right or approvals issued by the Federal Communications Commission to provide telecommunications services.</b></p>						
15.	<p><b>Describe in detail the services you expect to provide within/outside of the City, including whether the provision of services will be to commercial and/or residential customers.</b></p> <p><small>Our company will be deploying fiber and electronics to support commercial Layer 3 circuits (SMB) and residential highspeed internet services.</small></p>						
16.	<p><b>Provide a summary of all utility taxes the proposed activities, facilities, and other equipment will be subject to. In doing so, provide an estimate of income/revenues that can be used to calculate estimated future utility taxes. Should applicant believe it is not subject to any utility taxes, provide the basis for such belief.</b></p>						
17.	<p><b>Explain whether the Internet Tax Freedom Act does or does not apply to the services being provided.</b></p> <p>The Internet Tax Freedom Act does apply to the services being provided.</p>						
<p><b><i>The City of Lacey reserves the right to ask additional questions on a case-by-case basis.</i></b></p>							
<p><b>Certification</b></p> <p>I certify that the information and any attachment herewith submitted are true and correct to the best of my knowledge and that I have the authority to file this application and act on behalf of the above-named telecommunications provider or carrier.</p>							
18.	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><b>Signature</b></td> <td style="width: 33%;"><b>Please Print Name</b></td> <td style="width: 33%;"><b>Date</b></td> </tr> <tr> <td></td> <td>Danielle Clausen</td> <td>3/25/2026</td> </tr> </table>	<b>Signature</b>	<b>Please Print Name</b>	<b>Date</b>		Danielle Clausen	3/25/2026
<b>Signature</b>	<b>Please Print Name</b>	<b>Date</b>					
	Danielle Clausen	3/25/2026					
19.	<p><b>SUBMIT TO:</b> City Manager's Office  ATTN: Assistant City Manager  City of Lacey  420 College St SE  Lacey, WA 98503</p> <p><b>Ph:</b> 360-491-3214   <b>Fax:</b> 360-412-3185</p>						



**DRAFT**  
MARSHELL TELECOM, INC. DBA LIGHTCURVE  
TELECOMMUNICATIONS FRANCHISE AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2026, by and between the City of Lacey, a municipal corporation of the State of Washington, hereinafter called “City” and Marshall Telecom, Inc. dba Lightcurve, a Washington corporation, hereinafter called “Lightcurve.”

WHEREAS, Lightcurve has requested the City to grant a franchise to install facilities to provide telecommunications, internet access, and private line services to potential customers, and

WHEREAS, the City has enacted Chapter 5.60 of the Lacey Municipal Code, which provides for the requirements, conditions, and procedures for installation of such facilities in the City right-of-way and the granting of a franchise for the same, and

WHEREAS, Lightcurve has paid to the City a franchise application fee the sum of Three Thousand Dollars (\$3,000.00).

NOW, THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The City hereby grants a franchise to Lightcurve to install facilities to provide telecommunications, internet access, and private line services to potential customers, subject to the following conditions:

A. This grant and the requirements and procedures to be followed shall specifically be subject to all provisions of Chapter 5.60 of the Lacey Municipal Code and the Development Guidelines and Public Works Standards of the City.

B. The performance bond required by the terms of Lacey Municipal Code Section 5.60.140B shall be acquired and shall remain in place until the Director of Public Works has approved the work. The bond shall then be maintained for one year after the approval of the work.

C. Lightcurve shall, in addition to the franchise application fee provided to the City above, pay to the City all right-of-way permits or other fees generally applicable to all other persons doing business in the City. In addition, Lightcurve shall pay to the City that certain public utility business tax levied by Chapter 3.01 of the Lacey Municipal Code as the same now exists or may hereafter be amended.

D. Before commencing any work pursuant to this agreement, Lightcurve shall first file with the City an application for a permit to do such work, accompanied by drawings showing the position and location of all conduit, wire, fiber or any other equipment sought to be constructed, laid, installed or erected the depth below the surface of the ground and the relative position to existing streets, other utilities and other public places or ways.

E. Lightcurve shall, at all times, keep a complete set of plans, specifications and records showing the exact location and depth of all such facilities. These records shall be subject to inspection by the City at any reasonable time. In addition, Lightcurve shall provide to the City this information in the electronic format specified by the City.

F. Lightcurve shall place any new facilities underground in areas where existing telecommunications and cable facilities are installed underground. In areas where existing facilities are installed above ground, Lightcurve may install facilities above ground, and at such time as the City requires other utilities to install facilities in the area underground, Lightcurve will move its facilities underground.

G. Any new facilities to be located above-ground shall be placed on existing utility poles. No new utility poles shall be installed in connection with placement of new above-ground facilities.

2. The term of this agreement shall be five (5) years from the date of execution. Such term may be extended under conditions approved by both the City and Lightcurve, its successors and assigns.

In witness whereof, the parties have hereunto set their hands this day and date first above written.

CITY OF LACEY

MARSHALL TELECOM, INC. DBA  
LIGHTCURVE

By \_\_\_\_\_  
Rick Walk, City Manager

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Elissa Fontaine, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David Schneider, City Attorney