

AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
April 15, 2019 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on April 15, 2019 at 9:00 a.m. in the City Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

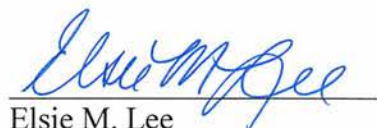
Items on the agenda may be taken out of order. The Council may combine two or more agenda items for consideration. The Council may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Unless otherwise allowed by the City Council, public comments by an individual will be limited to five minutes.

1. Pledge of Allegiance to the Flag.
2. Certification of Compliance with Posting Requirements.
3. Public Comments: General in nature, not relative to any agenda items.
No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. **(For discussion only)**
4. Consideration and approval of Council meeting minutes for March 18, 2019 and March 25, 2019. **(For possible action)**
5. Approval of Warrants: **(For possible action)**
 - A) Accounts Payable
 - B) Payroll
 - C) Customer Deposit
6. Appointment and possible confirmation of Derek Zimney as City Engineer. **(For possible action)**
7. Consideration and possible action to establish the salary of Derek Zimney as City Engineer at Eighty-Five Thousand Dollars (\$85,000.00) per year. **(For possible action)**
8. Consideration and possible approval and adoption of Resolution No. 19-04: A resolution adopting small cell infrastructure design standards for the City of Fallon, an associated fee schedule, and other matters properly related thereto. **(For possible action)**
9. Public Comments **(For discussion only)**
10. Council and Staff Reports **(For discussion only)**

11. Executive Session (closed):

Discuss Litigation Matters **(For discussion only)** (NRS 241 et.seq.)
Negotiations with Operating Engineers Local Union No. 3 **(For discussion only)**
Negotiations with Fallon Peace Officers Association **(For discussion only)**

This agenda has been posted on or before 9:00 a.m. on April 10, 2019 at City Hall, District Court Building, Churchill County Office Complex, Churchill County Public Library and posted to the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>). Members of the public may request the supporting material for this meeting by contacting Elsie M. Lee, Deputy City Clerk, City Clerk's Office, City Hall, 55 West Williams Avenue, Fallon, Nevada, (775) 423-5104. The supporting material for this meeting is also available to the public on the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>).


Elsie M. Lee

NOTICE TO PERSONS WITH DISABILITIES: Reasonable effort will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call the City Clerk's Office at 423-5104 in advance so that arrangements may be conveniently made.

April 15, 2019

Agenda Item 4

Consideration and approval of Council meeting minutes for March 18, 2019 and March 25, 2019.
(For possible action)

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
March 18, 2019**

The Honorable City Council met in a regularly scheduled Council meeting on the above date in the Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Present:

Mayor Ken Tedford
City Councilman, Robert H. Erickson
City Councilman, James D. Richardson
City Councilwoman, Kelly Frost
City Attorney, Michael F. Mackedon
Director of Emergency Management, Steve Endacott
Deputy Public Works Director, Ryan A. Swirczek
Deputy Public Works Director, Adrian Noriega
Police Chief, Kevin Gehman
Deputy City Attorney, Leonard E. Mackedon
Legal & Administrative Director, Robert Erquiaga
Deputy City Clerk, Elsie M. Lee
Director of Tourism & Special Events, Jane Moon
Public Works Director, Brian A. Byrd
Marketing & Communications Coordinator, Kaitlin Ritchie
Deputy City Attorney, Trent deBraga

The meeting was called to order by Mayor Tedford at 9:00 a.m.

Mayor Tedford led the Pledge of Allegiance.

Mayor Tedford inquired if the agenda had been posted in compliance with NRS requirements.

Deputy City Clerk Lee advised that the agenda was posted in compliance with NRS 241.

Public Comments

Mayor Tedford inquired if there were any public comments. He noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No public comments were noted.

Approval of Warrants

- A) Accounts Payable
- B) Payroll
- C) Customer Deposit

Mayor Tedford inquired if there were any comments regarding the accounts payable, payroll and customer deposit warrants.

No comments were noted.

Councilwoman Frost motioned to approve the accounts payable, payroll and customer deposit warrants and authorize the Mayor to sign the same; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Consideration and possible adoption of Resolution No. 19-02: A resolution to annex approximately 16.66 acres of contiguous territory owned by the City of Fallon pursuant to the Purchase and Sale Agreement dated the 20th day of December 2018, entered into by the City of Fallon, as purchaser, and E&C Schank Properties, LLC, as seller, and authorize the Mayor, pursuant to the terms of the Purchase and Sell Agreement and NRS 268.670 (alternate annexation procedures), to execute any and all documents, including but not limited to maps necessary to annex the territory to the City of Fallon

City Attorney Mike Mackedon explained the matter before the Council is whether to annex property that was approved for purchase by Council action taken on November 5, 2018; and at that time the Council approved the acquisition of approximately 16.5 acres of property from E&C Schank Properties, LLC for a purchase price of \$165,000. At the time the Council took action on November 5, 2018, the exact acreage was not known. The survey later established that the actual acreage was 16.66 acres. The next step after purchase, would be to annex the property to the City of Fallon, which is what staff is recommending through this agenda item. When the purchase was completed and the agreement was signed, the City Attorney's Office worked to finalize the transaction and had the surveyor, Steve Bell, prepare a parcel map, which would have created a parcel for this particular 16.66 acres. That was completed and then the Churchill County Planning Department and other members of Churchill County called a meeting in January 2019. City Attorney Mike Mackedon and Deputy City Attorney deBraga met with the Planning Department and Deputy District Attorney Ben Shawcroft, as he is the legal advisor to the Planning Commission. At that meeting, it was determined, based on their recommendation, that we proceed not with a parcel map, but with a boundary line adjustment map. The purpose of the boundary line adjustment map is to accommodate the wishes of Churchill County and avoid the need to ask for any exceptions to the Churchill County Planning Rules which require proof of legal access and roadways and other attributes that need to be included on any parcel map; but in our case, we were going to annex this property and at that point, the City would have jurisdiction over the property. We are annexing the property because it is adjacent to our sewer treatment and water treatment facilities and the purpose of it is for future expansion of those facilities. It did not suit the City's purposes to put roadways in and things of that kind. City Attorney Mike Mackedon referred to the title insurance policy that states an exception to legal access. The legal access to this property is

irrelevant to the City because the City has its own jurisdiction to make access if it pleases, and where it wants it, for the purposes of the utility it is intended to serve. This transaction is closing, and Western Nevada Title Company is recording now; this meeting and this resolution have been timed to coincide with the closing of that transaction. When the transaction is closed and the boundary line adjustment map is recorded, then we will have a single large parcel, a portion of which is in the City, and a portion of which is in Churchill County. This is highly offensive to everybody, especially the Churchill County Assessor, who wants to know how to tax the property. We agreed to make this resolution to have this annexation coincide as nearly as possible with the closing of the transaction and it has worked perfectly. He recommended adoption of this resolution that would annex this property and give the Mayor the authority to sign the annexation map.

Mayor Tedford inquired if the Council had any comments or questions.

Councilman Richardson asked if the property would be partly owned by the City and Churchill County.

City Attorney Mike Mackedon clarified that it would be owned by the City, but part of the property would be in Churchill County and the moment they record the boundary line adjustment map, a portion of this parcel is owned by the City but is in Churchill County; then the annexation map brings the 16.66 acres into the City.

Councilman Richardson confirmed that was the total parcel.

City Attorney Mike Mackedon noted that the City is annexing the 16.66 acres that we purchased, not the total parcel. It is confusing and he would not recommend it as a standard of practice in the future, but he assured that this has been done properly.

Councilman Erickson stated that everything we are purchasing will be in the City of Fallon.

City Attorney Mike Mackedon replied affirmatively. When the transaction closes, the City of Fallon owns that 16.66 acres, and when the map is filed, it will be annexed to the City of Fallon. We are making annexation coincide with purchase and bringing the parcel into the jurisdiction of the City. He added that the City has a sewer easement across the property that E&C Schank owns on the north side, and the title report did not show an easement, but we know it physically exists, we have a force main within that easement. He could not understand why the title company did not show it and why the surveyor was not including it on the boundary line adjustment map and we learned that there was an easement granted by the owners of the property, predecessors in title back in time to E&C Schank, and the legal description for that easement is incorrect, so the title company read the legal description and they did not put it on the map. We will reform the description of that easement by agreement and correct that. He added that the authorization for the procedure we are following is NRS 268.670, which is an alternative procedure – a short cut procedure – that is available to the City when the City is 100% owner of the property to be annexed or the private party is 100% owner and petitions for annexation. We could have had E&C Shank ask for annexation, but it was decided not to involve them in the City's business and to acquire the property and then annex it since the City as the owner of the property; which is true today.

Mayor Tedford stated that, for a little history, the City was interested in this property during Mayor Erickson's term, back in the 1980s; we made an offer to purchase this property from the Kent family which did not work out, so being able to purchase this property in December 2018 was a good deal. It is located at the end of the two plants and the business park

eastward. All we are doing today is annexing that property that we purchased in December 2018.

City Attorney Mike Mackendon noted that it was entirely prudent for the Council to approve the purchase and include it in the annexation because we know there is an application pending, on the part of the Schanks, to have this property, which was presently – until we purchased it – agricultural property, to subject it to a conservation easement, the money for which would be paid by the federal government, and if that were to be true, then the City would never be able to acquire this parcel through condemnation or purchase; now was the time to purchase it, if it was going to happen at all. He wanted to add that to the record.

Mayor Tedford inquired if there were any public comments or questions.

No comments were noted.

Councilman Richardson motioned to adopt Resolution No. 19-02: A resolution to annex approximately 16.66 acres of contiguous territory owned by the City of Fallon pursuant to the Purchase and Sale Agreement dated the 20th day of December 2018, entered into by the City of Fallon, as purchaser, and E&C Schank Properties, LLC, as seller, and authorize the Mayor, pursuant to the terms of the Purchase and Sell Agreement and NRS 268.670 (alternate annexation procedures), to execute any and all documents, including but not limited to maps necessary to annex the territory to the City of Fallon; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Public Comments

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

Council and Staff Reports

Mayor Tedford inquired if there were any Council or staff reports.

Councilwoman Frost thanked City staff for coordinating the celebration of the State Championship basketball teams, especially the crews for setting up and tearing down. The look on the faces of kids and parents was well worth it. She believed they were very appreciative of everyone's efforts in celebrating their championships.

Councilman Richardson echoed Councilwoman Frost's comments and thanked everyone for their efforts.

Councilman Erickson stated that it is a wonderful thing when the City recognizes the achievements of our young citizens and he complimented the Mayor and City staff for their vision and their efforts.

Mayor Tedford thanked the Council for their comments. It was a good effort on behalf of staff, and he thanked everyone for their help. They did a nice job and it really turned out well. He was pleased to sit on the dais with two parents of the State champions (Councilman Richardson and Councilwoman Frost) and he added that Deputy City Clerk Lee is a parent of a player too. We are fortunate that we can celebrate our youth, parents, and fans. He thanked everyone for their help in making the celebration a success.

Executive Session

Mayor Tedford tabled the executive session, as it was not needed at this time.

Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:27 a.m.

Mayor Ken Tedford

Attest: _____
Gary C. Cordes, City Clerk/Treasurer

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
March 25, 2019**

The Honorable City Council met in a special Council meeting on the above date in the Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Present:

Mayor Ken Tedford
City Councilman, Robert H. Erickson
City Councilman, James D. Richardson
City Councilwoman, Kelly Frost
City Clerk, Gary C. Cordes
City Attorney, Michael F. Mackedon
Emergency Manager, Steve Endacott
Deputy Public Works Director, Ryan A. Swirczek
Deputy Public Works Director, Adrian Noriega
Police Chief, Kevin Gehman
Deputy City Attorney, Leonard E. Mackedon
Legal & Administrative Director, Robert Erquiaga
Deputy City Clerk, Elsie M. Lee
Director of Tourism & Special Events, Jane Moon
Public Works Director, Brian A. Byrd
Marketing & Communications Coordinator, Kaitlin Ritchie
Deputy City Attorney, Trent deBraga

The meeting was called to order by Mayor Tedford at 9:00 a.m.

Mayor Tedford led the Pledge of Allegiance.

Mayor Tedford inquired if the agenda had been posted in compliance with NRS requirements.

City Clerk Cordes advised that the agenda was posted in compliance with NRS 241.

Public Comments

Mayor Tedford inquired if there were any public comments. He noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No public comments were noted.

Consideration and possible action to approve a construction contract with K7 Construction, Inc., of Reno, Nevada, in order to construct the William N. Pennington Fallon Youth Center in the amount of Five Million Three Hundred Thirty-Nine Thousand Four Hundred Dollars (\$5,339,400), Public Works #CH-2019-066

Public Works Director Byrd explained that the approval of a contract to K7 Construction would allow for the completion of an approximately 15,000 square foot building, specifically designed as the future home of the Fallon Youth Club. The building is comprised of concrete block, metal panels, aluminum framed storefront glazing and metal building components. The building will be constructed on the previously developed pad in the southwest corner of the City-owned parcel that currently houses the City/County Gym and Venturacci Park. This project was released for public bid on January 16, 2019 and advertised in the Lahontan Valley News and on the City of Fallon's website, in accordance with NRS 338.1385. A mandatory pre-bid meeting was held on January 30, 2019. Four bids were received and publicly opened by the City of Fallon on February 21, 2019. K7 Construction provided the lowest responsive, responsible bid, with a base bid amount of \$5,189,000 and an additive alternate cost of \$150,400, totaling \$5,339,400. With approval, construction would start May 1, 2019, commencing an estimated ten-month construction schedule. With contributions from both the City of Fallon and Churchill County, the William N. Pennington Foundation has graciously funded the majority of this project.

Mayor Tedford advised Public Works Director Byrd that he could not see the Engineer's Estimate in the agenda packet paperwork.

Public Works Director Byrd stated that he did not provide the Engineer's estimate in the agenda packet.

Mayor Tedford inquired as to the amount of the Engineer's Estimate.

Public Works Director Byrd stated that he would provide it.

Mayor Tedford asked him what it was.

Public Works Director Byrd did not have the amount immediately available to him but stated that it was about \$1.6 million over the \$5.3 million bid. By the time they reevaluated, and value engineered the building, it was at \$4.2 million.

Mayor Tedford inquired if the Council had any comments or questions.

Councilman Erickson asked Public Works Director Byrd to describe the additive alternate.

Public Works Director Byrd explained the items in the additive alternate are focused around the kitchen equipment, when the consultants and the design engineers provided their preliminary pricing, it became apparent the project was going to be significantly over the original estimate and, as a team, they came up with a strategy to remove items inside the kitchen to hopefully lower the base bid price and give the Council and the Pennington Foundation the opportunity to review. In the base bid amount, the kitchen is being constructed in its entirety with flooring, walls, venting, the whole works. The additive alternate of the \$150,000 is strictly kitchen equipment and some of the everyday items that they would utilize in there.

Councilman Erickson clarified that today, before them for approval, is a dollar amount that would fund the additive alternate.

Public Works Director Byrd concurred; the total amount of \$5,339,400 includes the additive alternate.

Mayor Tedford stated that we certainly would not be here today without the William N. Pennington Foundation.

Public Works Director Byrd agreed. He added that this has been a challenging project from the start, but it is one of those projects that really make you proud to be part of this community and see the different groups and community members and the Pennington Foundation be as active as they are.

Mayor Tedford inquired if there were any public comments or questions.

Mr. Gary Imelli, member of the Fallon Youth Club Board of Directors, stated that, on behalf of the Board of Directors, they really thank the City, Churchill County, the Pennington Foundation, and staff that have worked so hard toward completion of this project. He added that the Fallon Youth Club would do whatever they need to do to make this a successful program and continue with the efforts that everybody in the community has put forth. The children of the community will really benefit from this project.

Mayor Tedford thanked Mr. Imelli for his comments. He added that this is a good project, and as he mentioned earlier, without the William N. Pennington Foundation, we would not be here today. He thanked staff for working so hard on this project to get it to where it is today. If the Council pleases, he would sure appreciate a motion to approve this contract.

Councilman Richardson motioned to approve a construction contract with K7 Construction, Inc., of Reno, Nevada, in order to construct the William N. Pennington Fallon Youth Center in the amount of Five Million Three Hundred Thirty-Nine Thousand Four Hundred Dollars (\$5,339,400), Public Works #CH-2019-066; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Public Comments

Mayor Tedford inquired if there were any public comments.
No public comments were noted.

Council and Staff Reports

Mayor Tedford inquired if there were any Council or staff reports.
No Council or staff reports were noted.

Executive Session

Mayor Tedford tabled the executive session, as it was not needed at this time.

Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:16 a.m.

Mayor Ken Tedford

Attest: _____
Gary C. Cordes, City Clerk/Treasurer

April 15, 2019

Agenda Item 6

Appointment and possible confirmation of
Derek Zimney as City Engineer. **(For
possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 6

DATE SUBMITTED: April 9, 2019

AGENDA DATE REQUESTED: April 15, 2019

TO: The Honorable City Council

FROM: Mayor Ken Tedford

SUBJECT TITLE: Appointment and possible confirmation of Derek Zimney as City Engineer.
(For possible action)

TYPE OF ACTION REQUESTED: (Check One)

| | |
|--|------------------------------------|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other |

POSSIBLE COUNCIL ACTION: Motion to confirm the Mayor's appointment of Derek Zimney as City Engineer.

DISCUSSION: Derek Zimney grew up in Fallon and graduated from Churchill County High School in 2006. In 2009 he graduated from TMCC with an Associates in Sciences. While working for Lumos and Associates as a Lab and Field Technician in college, Derek earned his bachelor's degree in Civil Engineering from the University of Nevada Reno in 2013.

Upon graduating from college, Derek worked at Lumos & Associates as a project designer. In 2016 Derek accepted a job at Southwest Gas and obtained his Engineering License in 2018. Derek and his wife Taylor, also a Fallon native, have a one-year old daughter named Jacey. Derek and his family enjoy camping, fishing and hosting barbeques with family and friends.

Derek's knowledge, education and experience will make him a great City Engineer. It is with great pleasure that I appoint Derek Zimney as City Engineer and bring him before the Council for your consideration and confirmation.

April 15, 2019

Agenda Item 7

Consideration and possible action to establish the salary of Derek Zimney as City Engineer at Eighty-Five Thousand Dollars (\$85,000.00) per year. **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 7

DATE SUBMITTED: April 9, 2019

AGENDA DATE REQUESTED: April 15, 2019

TO: The Honorable City Council

FROM: Mayor Ken Tedford

SUBJECT TITLE: Consideration and possible action to establish the salary of Derek Zimney as City Engineer at Eighty-Five Thousand Dollars (\$85,000.00) per year. **(For possible action)**

TYPE OF ACTION REQUESTED: (Check One)

| | |
|--|------------------------------------|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other |

POSSIBLE COUNCIL ACTION: Motion to establish the salary of Derek Zimney as City Engineer at Eighty-Five Thousand Dollars (\$85,000.00) per year.

DISCUSSION: The City completed a salary survey of similar positions and carefully considered the job duties and responsibilities, and education, skill set and professional licensure necessary to successfully perform the functions of the appointed position of City Engineer. Based on these analyses, it is recommended that the Council establish the salary of Derek Zimney as City Engineer at Eighty-Five Thousand Dollars (\$85,000.00) per year.

April 15, 2019

Agenda Item 8

Consideration and possible approval and adoption of Resolution No. 19-04: A resolution adopting small cell infrastructure design standards for the City of Fallon, an associated fee schedule, and other matters properly related thereto. **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 8

DATE SUBMITTED: April 9, 2019

AGENDA DATE REQUESTED: April 15, 2019

TO: The Honorable City Council

FROM: Robert Erquiaga, Legal and Administrative Director

SUBJECT TITLE: Consideration and possible approval and adoption of Resolution No. 19-04: A resolution adopting small cell infrastructure design standards for the City of Fallon, an associated fee schedule, and other matters properly related thereto. **(For possible action)**

TYPE OF ACTION REQUESTED: (Check One)

| | |
|--|------------------------------------|
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other |

RECOMMENDED COUNCIL ACTION: Motion to approve and adopt Resolution No. 19-04: A resolution adopting small cell infrastructure design standards for the City of Fallon, an associated fee schedule, and other matters properly related thereto.

DISCUSSION: On September 26, 2018, the Federal Communications Commission (“FCC”) issued a Declaratory Ruling and Third Report (“R&O”) that addressed small cell infrastructure, design and aesthetic standards adopted by states and local governments, fees adopted by states and local governments, and other matters relating to the deployment of small cell infrastructure. The deployment of small cell infrastructure is needed in order to transition to the next generation of wireless services, known as 5G, and, according to the FCC in its R&O, is important to entrepreneurship, innovation and economic opportunities for the citizens of the United States. Absent a judicial stay, the R&O requires states and local governments to adopt and publish design standards for small cell infrastructure within 180 days of the R&O’s publication in the Federal Register. The R&O further provides that design standards and aesthetic requirements must be reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance. Fees imposed by a state or local government must be a reasonable approximation of the state or local government’s costs, with only objectively reasonable costs factored into the fees, and must be no higher than the fees charged to similarly-situated competitors in similar situations.

The proposed Small Cell Infrastructure Design Standards, which are attached to the proposed Resolution as Exhibit “A”, are the result of a collaborative effort led by UAMPS and its Distributed Generation Task Force. Legal and Administrative Director Erquiaga is a member of the task force and has taken part in the discussions and development of the proposed design standards. The proposed design standards have also been reviewed by the Building Department

and the City's outside code consultants, West Coast Code Consultants.

The proposed Small Cell Infrastructure Fee Schedule, which is attached to the proposed Resolution as Exhibit "B", has been analyzed and developed by City staff in accordance with fee guidance in the R&O.

City staff recommends approval and adoption of the proposed design standards and the associated fee schedule as just and reasonable standards and reasonable fees in order to provide for the safe and proper deployment of new wireless technology within the City of Fallon.

FISCAL IMPACT: Potential new revenue pursuant to the Small Cell Infrastructure Fee Schedule

FUNDING SOURCE: N/A

PRESENTED BY: Brian Byrd, Public Works Director

RESOLUTION NO. 19-04

A RESOLUTION ADOPTING SMALL CELL INFRASTRUCTURE DESIGN STANDARDS FOR THE CITY OF FALLON, AN ASSOCIATED FEE SCHEDULE, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Fallon owns and operates a municipal electric utility which includes the ownership and maintenance of poles and other infrastructure necessary for the safe and reliable distribution of electricity to the City's electric utility customers; and

WHEREAS, the City of Fallon owns and maintains street lights, street light poles and other infrastructure necessary to safely provide sufficient lighting in order to promote the health, safety and welfare of the citizens of the City of Fallon; and

WHEREAS, the City of Fallon maintains certain traffic lights and other infrastructure necessary to promote the safe and expedient movement of vehicles and pedestrians within the City of Fallon in order to promote the health, safety and welfare of the citizens of the City of Fallon; and

WHEREAS, the safe and reliable operation of this infrastructure, and the safe and proper access to and use of municipal rights-of-way, including aesthetic considerations, are of paramount importance to the health, safety and welfare of the citizens of the City of Fallon; and

WHEREAS, the transition to the next generation of wireless services, known as 5G, is important to entrepreneurship, innovation and economic opportunity for the citizens of the City of Fallon, the State of Nevada, and the United States of America; and

WHEREAS, the Federal Communications Commission ("FCC") has recognized this important opportunity and has sought to support the deployment of 5G and other new wireless services through smart infrastructure policy; and

WHEREAS, as such, the FCC issued a Declaratory Ruling and Third Report and Order ("R&O") on September 26, 2018, which addresses small cell infrastructure, design and aesthetic requirements adopted by states and local governments, fees adopted by states and local governments, and other matters relating to the deployment of small cell infrastructure; and

WHEREAS, absent a judicial stay, the R&O requires the City to publish design standards within 180 days of the R&O's publication in the Federal Register; and

WHEREAS, pursuant to the R&O, the City's design standards and aesthetics requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome

than those applied to other types of infrastructure deployments; and (3) objective and published in advance; and

WHEREAS, pursuant to the R&O, fees adopted by states and local governments must meet the following conditions: (1) the fees must be a reasonable approximation of the state or local government's costs; (2) only objectively reasonable costs can be factored into the fees; and (3) the fees must be no higher than the fees charged to similarly-situated competitors in similar situations; and

WHEREAS, the City Council of the City of Fallon desires to adopt just and reasonable small cell infrastructure design standards and reasonable fees in order to provide for the safe and proper deployment of new wireless technology within the City of Fallon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fallon that the Small Cell Infrastructure Design Standards, attached hereto as Exhibit "A" and incorporated herein by this reference, are approved and adopted.

BE IT FURTHER RESOLVED by the City Council of the City of Fallon that the Small Cell Infrastructure Fee Schedule, attached hereto as Exhibit "B" and incorporated herein by this reference, is approved and adopted.

BE IT FURTHER RESOLVED that this Resolution, the Small Cell Infrastructure Design Standards, and the Small Cell Infrastructure Fee Schedule shall take effect immediately upon their approval and adoption herein.

APPROVED AND ADOPTED by the City Council of the City of Fallon, Nevada this _____ day of April, 2019.

KEN TEDFORD
Mayor

ATTEST: _____
GARY C. CORDES
City Clerk/Treasurer

EXHIBIT “A”

SMALL CELL
INFRASTRUCTURE
DESIGN STANDARDS

APRIL 2019

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- 4. Attachments to Street Lights**
- 5. Installation of Monopoles**

Appendix

A. Pole Attachment and Loading Analysis Requirements

Section 1: Background/Purpose

1.1 Background

On September 26, 2018 the Federal Communications Commission (FCC) issued its Declaratory Ruling and Third Report and Order (R&O).¹ Absent a judicial stay, the City of Fallon (the “City”) should publish design standards within 180 days of the R&O’s publication,² and incorporate FCC guidance on municipal utility pole aesthetics.

Municipal aesthetics requirements will not be preempted if they are: (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.³

The following design standards provide design and aesthetic requirements and specifications that all small wireless facilities installed on a municipally-owned utility pole and within a municipal right of way (ROW) must meet prior to installation.

As with any pole attachments, providers shall consider the aesthetics of the existing street lights and other city infrastructure near proposed small cell locations.

1.2 Definitions

ANTENNA: Communication equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of wireless service.

APPLICABLE CODES: The International Building Code (IBC), the International Fire Code, the National Electrical Code (NEC), and the National Electric Safety Code (NESC).

APPLICABLE STANDARDS: The structural standards for antenna supporting structures and antenna, known as ANSI/TIA-222, from the American National Standards Institute and the Telecommunications Industry Association.

APPLICANT: A wireless provider or their authorized agent who submits an application.

¹ Federal Communications Commission, Declaratory Ruling and Third Report and Order: *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133.

² *Id.* at ¶ 89, p. 46.

³ *Id.* at ¶ 86, p. 45.

APPLICATION: A request submitted by a wireless provider for a permit to co-locate a small wireless facility in a right-of-way or to install, modify or replace a utility pole or a wireless support structure.

BACKHAUL NETWORK: Means the lines that connect a provider's WCFs to one or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

CITY or CITY OF FALLON: Means the City of Fallon, Nevada

CO-LOCATE: To install, mount, maintain, modify, operate, or replace a small wireless facility on an existing wireless support structure.

DESIGN DISTRICT: An area that is zoned or otherwise designated by Municipal ordinance or City Code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

ELIGIBLE SUPPORT STRUCTURE: Any monopole, utility pole, wireless support structure or related accessory equipment, as defined in this chapter, provided that it is existing at the time the relevant application is filed with the City.

FCC: Means the Federal Communications Commission, or any successor thereto.

LOCAL STREET: A right-of-way designed primarily to serve land-access functions and projected trip length less than one mile, with two (2) lanes of ten feet (10') to twelve feet (12') in width and a design speed of twenty (20) to thirty (30) miles per hour.

MICRO-WIRELESS FACILITY: Refers to a type of very small wireless facility that, not including any antenna, is no larger in dimension than twenty four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height, on which any exterior antenna is no longer than eleven inches (11"), and which only provides Wi-Fi service.

MONOPOLE: A structure in the right-of-way erected by an applicant or provider specifically to support SWFs.

NONDISCRIMINATORY: Describes the equal treatment of similarly situated entities unless there is a reasonable, competitively neutral basis for different treatment.

Small Cell Infrastructure Design Standards

PERMIT: Written authorization from the City allowing the provider to perform work pursuant to the installation of a small wireless facility.

PROVIDER: Means a wireless service provider or wireless infrastructure provider.

RELATED ACCESSORY EQUIPMENT: Refers to equipment used in conjunction with an antenna or other component of SWFs which may be attached to a wireless support structure or located on the ground at or near the base of a wireless support structure.

RF: Means radio frequency.

RIGHT-OF-WAY: Refers to any area within, on, below, or above a public road, highway, street or alley, and may include sidewalks, park-strips and other areas associated with them and controlled by the City.

SMALL WIRELESS FACILITY (SWF): A wireless facility on which each provider's antenna could fit within an enclosure of no more than six (6) cubic feet in volume and for which all related accessory equipment, whether mounted on the pole or the ground, is cumulatively no more than twenty eight (28) cubic feet in volume.

SUBSTANTIAL MODIFICATION: A modification to an eligible support structure which: a) increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater; b) involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than two feet (2'); c) involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed two (2) cabinets; involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure; d) entails any excavation or deployment outside of the current site; or e) would defeat the concealment elements of the eligible support structure.

TECHNICALLY FEASIBLE: The demonstrated measure of the feasibility of a proposal as it relates specifically to projected constraints of engineering, impacts to the signal, spectrum, stability, or practical interference with other facilities or properties.

Section 2: General Standards

2.1 Small Cell Equipment Standards:

| | |
|------------------------|--|
| Aesthetics | Equipment should match the aesthetics of surrounding poles. |
| Internal Installs | Equipment shall be installed within an existing pole when technologically feasible and always on a new pole. Any equipment installed within a pole may not protrude from the pole except to the extent reasonably necessary to connect to power or a wireline. |
| External Shrouding | The antenna shall be contained in a cantenna and any other equipment shall be contained in an equipment cabinet, unless the visual impact can otherwise be reduced by its location on the pole. |
| Width | May not exceed in width the diameter of the pole by more than 3 inches on either side. |
| Sidearm Installs | If permitted, may not allow the furthest point of the enclosure to extend more than 18 inches from the pole. |
| Conduits | All cables shall be in conduits and shall be flush with the pole unless required to be installed inside the pole. |
| Hardware Attachment | All hardware attachments should be hidden. Welding onto existing equipment is not permitted. |
| Color | All equipment should be painted to match pole aesthetics. Paint should be powder coated over zinc paint. If a wood pole, the visible attachments and hardware shall be colored gray. |
| Equipment Access Doors | Lockable access door sized to install, maintain, and remove all small cell equipment as needed shall meet provider's requirements. The City may require access, but provider must grant permission. |
| Cables | All cables should be clearly labeled for future identification. |
| Cantennas | Cantenna must be mounted directly on top of the pole, unless a side arm installation is required by a pole owner. A tapered transition between the upper pole and cantenna is required. |

Small Cell Infrastructure Design Standards

| | |
|----------------------------------|--|
| Stickers | Any on-pole cabinet and ground mounted utility box should be labeled a (1) RF warning sticker, background to match pole color, no larger than 4 x 6 inches. Facing to the street near the elevation of the antennae, (2) 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No advertising, logos or decals. |
| Lights | There shall be no lights on the equipment unless required by federal law. |
| Ground Mounted Equipment Box | Must meet and follow existing City ordinances for ground mounted utility boxes and be attached to a concrete foundation. |
| Design Wind Velocity | All structural components of small cell pole, standard, base, equipment cabinet, couplers, anchor bolts, luminaires, cantenna and other attachments to be used shall be designed for local wind speeds as a risk category III structure in accordance with applicable standards. Snow loading and other local conditions shall also be included in the pole design. |
| Height of Equipment on Pole | The lowest point may not be lower than 8 feet from the grade directly below the equipment enclosure. |
| Power Meter & Service Disconnect | Required by the City and in a location that (1) minimizes its interference with other users of the City's right-of-way including, but not limited to, pedestrians, motorists, and other entities with equipment in the right-of-way, and (2) minimizes its aesthetic impact. |

2.2 General Requirements:

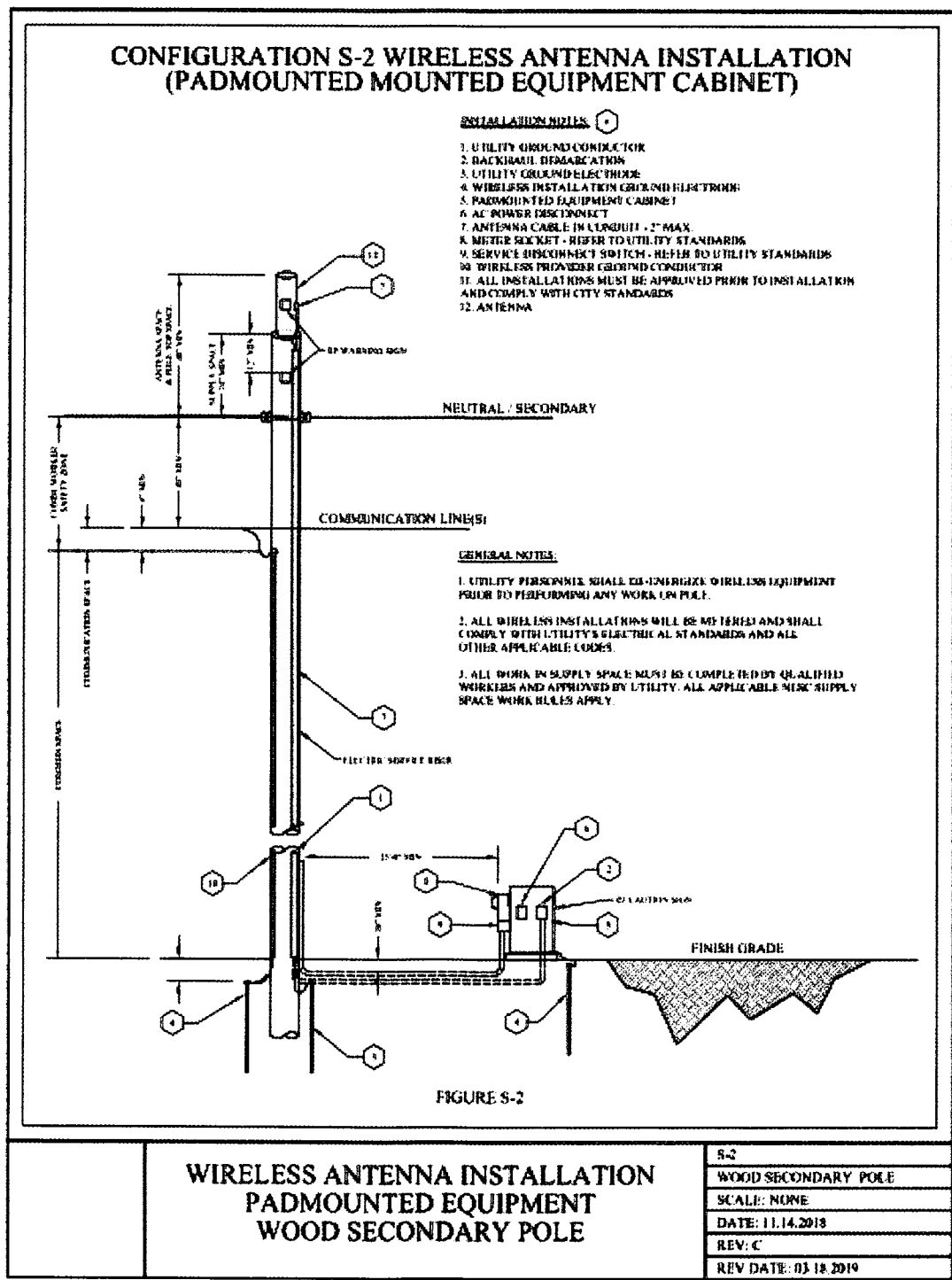
- A. Noise Limitation: Must meet the City required noise limitation for ambient sound.
- B. Pole Aesthetics: Provider should provide detailed proposed pole aesthetics as part of their application.
- C. Position: Poles should not significantly obstruct property sight lines, at the intersection of property lines, provide clearance for existing utilities, and preference that new poles be located in park strips.

Small Cell Infrastructure Design Standards

- D. ROW Position: All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, or business district maintenance.
- E. Power and Ground Utility Box: Shall comply with all City and local code requirements. Backup batteries are not allowed.
- F. All installations are subject to the City permit application and review process.

Section 3: Attachments to Utility Poles

3.1 Typical Configuration



3.2 General Requirements

- A. All attachments to existing utility poles within the City right of way require an encroachment permit, prior to installation.
- B. For a given pole location either pole mount or ground mount equipment shall be utilized. Both are not allowed at the same structure. Backup power devices, shall not be allowed.
- C. A maximum of two enclosures including the disconnect and antenna shall be installed at each utility pole location. If ground-mounted enclosures are used pole mounted enclosures are not allowed.
- D. All carrier equipment shall be removed and relocated at no cost to the City, if the City decides to underground the utility lines in the future.
- E. Strand-mounted small cell devices are not allowed.
- F. Provider shall submit evidence that the existing poles are appropriately sized and have sufficient strength to accommodate the additional small cell equipment loads. The Provider must comply with the City's Pole Attachment & Loading Requirements (see appendix).
- G. Provider shall certify that radiation is at safe levels by a non-ionizing radiation electromagnetic radiation report (NIER). The NIER report shall be endorsed by a qualified professional and submitted to the City. It shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or bucket.
- H. Provider shall provide a disconnect so that the City has the ability to easily shut off radio signals and power while working on the pole.

3.3 Equipment Color

- A. Equipment should be colored to match pole.

3.4 Equipment Shroud

- A. 38" H x 16" W x 12" D maximum for pole-mounted equipment shroud.
- B. All hardware attachments shall be hidden to the maximum extent possible.
- C. Up to two equipment shrouds, containing all required small cell equipment, shall be installed per pole. Except, one additional equipment shroud shall be allowed per pole if the antenna is located within the second equipment shroud.

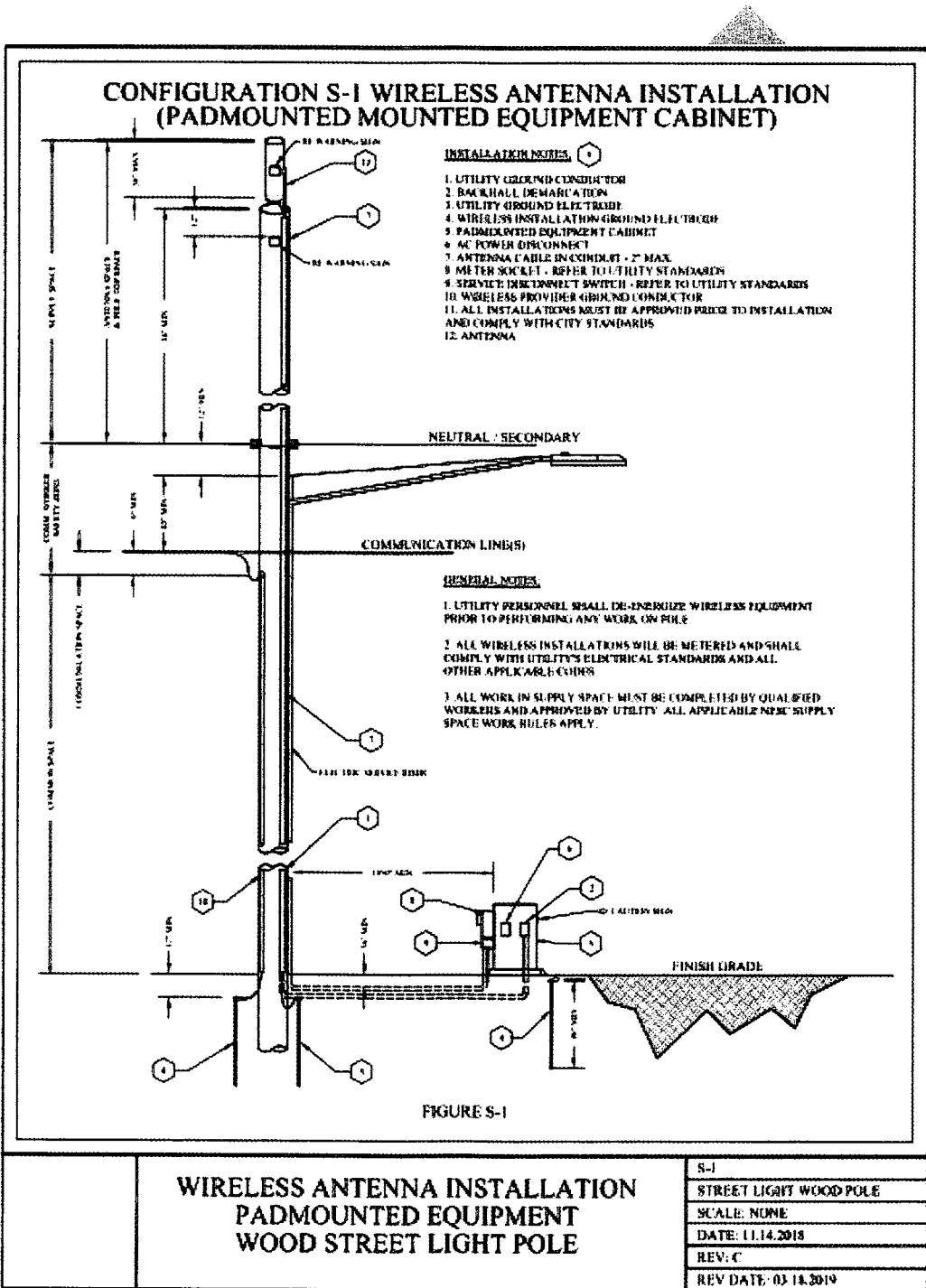
3.5 Antenna

- A. If a antenna is located on top of the pole the outer diameter shall be 14" maximum and the antenna shall be no more than 5 feet tall, including antenna, radio head, mounting bracket, and all other hardware necessary for a complete installation.
- B. If the antenna is mounted to the side of the pole it shall be located inside a shroud of 5.5 cubic feet maximum. The width, depth, or diameter of the shroud size shall not be greater than 16" (maximum).

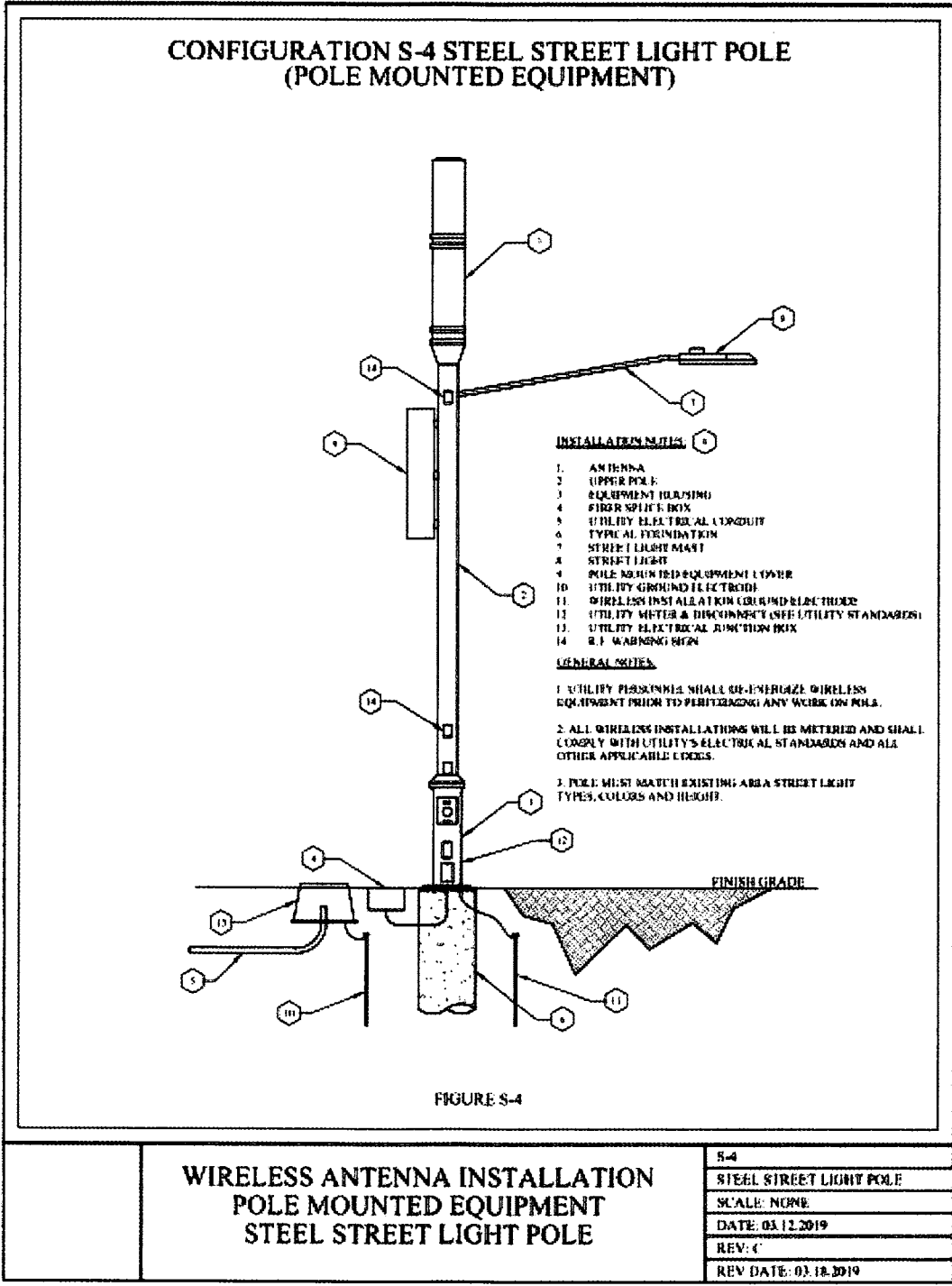
Section 4: Attachments to Street Lights

4.1 Typical Configuration (Wood and Steel)

Wood



Steel



4.2 General Requirements

- A. The same small cell pole aesthetic is to be used to match existing streetlights in the area and maintain a cohesive appearance. The provider shall perform a visual inspection (online street images are acceptable) prior to submitting a permitting application to determine existing aesthetics.
- B. Unless otherwise unfeasible the preferred installation configuration is to utilize poles that conceal all system components (i.e. meter, disconnect, radio, etc.).
- C. All small cell carrier equipment shall be housed internal to the pole or hidden behind an exterior shroud.
- D. The small cell components shall be sized to be visually pleasing. For a combination pole to be considered visually pleasing, the transition between the equipment cabinet and upper pole should be considered. A decorative transition shall be installed over the equipment cabinet upper bolts, or decorative base cover shall be installed to match the equipment cabinet size.
- E. Each pole component shall be architecturally compatible to create a cohesive aesthetic.
- F. All pole mounted enclosures shall be securely attached with hardware (not strapped).
- G. Provider shall certify that radiation is at safe levels by a non-ionizing radiation electromagnetic radiation report (NIER). The NIER report shall be endorsed by a qualified professional and submitted to the City. It shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or bucket.
- H. The City reserves the right to disconnect power to the radio when working on the pole. The Provider shall provide a disconnect so the City has the ability to easily shut off radio signals and power while working on the pole
- I. All poles new or existing shall meets all City Pole Analysis Requirements (see appendix).
- J. All installations shall utilize City approved structures, arms, luminaires, and configurations and comply with all applicable City standards.

4.3 Equipment Color

- A. Equipment should be colored to match pole.

4.4 Equipment Shroud

- A. 16 inches (preferred), 20 inches maximum diameter. Maximum height of cabinet is 5'-8". Cabinet to be round and installed below the pole.
- B. If an antenna is located on the side of the pole, the antenna, radio equipment, brackets, and all other hardware required for a complete installation shall fit behind a 38"H x 16"W x 12"D maximum shroud, securely mounted (not strapped) to the pole.
- C. Equipment cabinet and/or equipment cabinet cover shall not have a flat, horizontal surface larger than 1.5 inches.
- D. All hardware attachments shall be hidden to the maximum extent possible.

4.6 Cantenna

- A. The antenna and antenna pole attachment shall be shrouded to meet the City's aesthetics. A tapered transition between the upper pole and cantenna shall be included.
- B. 14-inch maximum outer diameter x 5' 8" maximum length. Antenna shroud shall be colored to match pole.

4.7 Luminaire/Luminaire Mast Arm

- A. Luminaire shall meet the City's Construction Standards and Specifications and shall match existing luminaires adjacent to permit location.
- B. Luminaire mast arms shall match on adjacent streetlights or match aesthetics of adjacent streetlights. In any case, mast arms will be decorative.

4.8 Pole Size, Type and Foundation

- A. Round, straight, galvanized steel. Pole shall be architecturally compatible with the equipment cabinet. At least 15% of the pole design structural capacity shall be reserved for future City IOT installations.
- B. The upper pole shall be scaled to 0.5 to 0.75 times the size of the equipment cabinet with 10" minimum outer diameter. The pole diameter shall be scaled such that no flat, horizontal surface larger than 1.5 inches exists between the equipment cabinet and upper pole.
- C. Precast concrete or cast-in-place pole foundations shall be designed per the City standard to meet ACI 318. While the City accepts cast-in-place foundations,

precast concrete foundations are preferred and should be installed whenever possible.

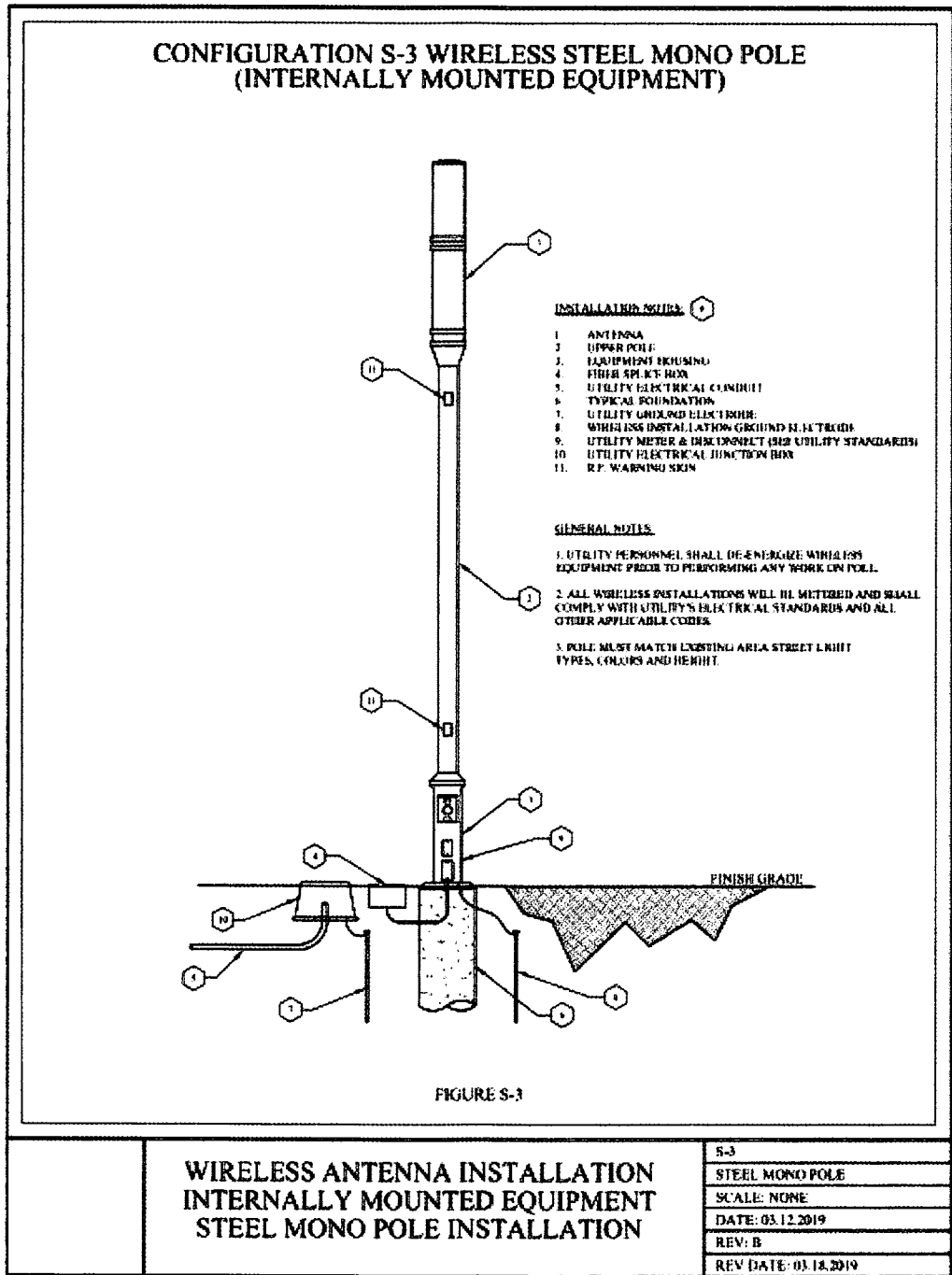
- D. Bolt circles should be 19.5-inch bolt circle when installing a 16-inch equipment cabinet and 23.5-inch bolt circle when installing a 20-inch equipment cabinet.

4.9 Access Doors

- A. Lockable doors to be provided as needed in the equipment cabinet to maintain equipment.
- B. A hand hole shall be provided at the top and bottom of the pole to maintain electrical service for streetlights and future IOT attachments.

Section 5: Installation of Monopoles

5.1 Typical Configuration



5.2 General Requirements

- A. The same small cell pole aesthetic is to be used to match existing streetlights in the area and maintain a cohesive appearance. The provider shall perform a visual inspection (online street images are acceptable) prior to submitting a permitting application to determine existing aesthetics.
- B. All small cell carrier equipment shall be housed internal to the pole or hidden behind an exterior shroud.
- C. The small cell components shall be sized to be visually pleasing. For a combination pole to be considered visually pleasing, the transition between the equipment cabinet and upper pole should be considered. A decorative transition shall be installed over the equipment cabinet upper bolts, or decorative base cover shall be installed to match the equipment cabinet size.
- D. Each pole component shall be architecturally compatible to create a cohesive aesthetic.
- E. All pole mounted enclosures shall be securely attached with hardware (not strapped).
- F. Provider shall certify that radiation is at safe levels by a non-ionizing radiation electromagnetic radiation report (NIER). The NIER report shall be endorsed by a qualified professional and submitted to the City. It shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or bucket.
- G. The City reserves the right to disconnect power to the radio when working on the pole. Provider shall provide a disconnect so City has the ability to easily shut off radio signals and power while working on the pole.
- H. All poles new or existing shall meet all City Pole Analysis Requirements (see appendix).
- I. All installations shall utilize City approved structures, arms, luminaires, and configurations and comply with all applicable City standards.
- J. Ownership of Monopoles will remain with the Provider.

5.3 Equipment Color

- A. Equipment should be colored to match pole.

5.4 Equipment Shroud

- A. 16 inches (preferred), 20 inches maximum diameter. Maximum height of cabinet is 5'-8". Cabinet to be round and installed below the pole.
- B. If an antenna is located on the side of the pole, the antenna, radio equipment, brackets, and all other hardware required for a complete installation shall fit behind a 38"H x 16"W x 12"D maximum shroud, securely mounted (not strapped) to the pole.
- C. Equipment cabinet and/or equipment cabinet cover shall not have a flat, horizontal surface larger than 1.5 inches.
- D. All hardware attachments shall be hidden to the maximum extent possible.

5.5 Cantenna

- A. The antenna and antenna pole attachment shall be shrouded to meet City's aesthetics. A tapered transition between the upper pole and cantenna shall be included.
- B. 14-inch maximum outer diameter x 5'-8" maximum length. Antenna shroud shall be colored to match pole.

5.6 Pole Size, Type and Foundation

- A. Round, straight, galvanized steel. Pole shall be architecturally compatible with the equipment cabinet. At least 15% of the pole design structural capacity shall be reserved for future City IOT installations.
- B. The upper pole shall be scaled to 0.5 to 0.75 times the size of the equipment cabinet with 10" minimum outer diameter. The pole diameter shall be scaled such that no flat, horizontal surface larger than 1.5 inches exists between the equipment cabinet and upper pole.
- C. Precast concrete or cast-in-place pole foundations shall be designed per the City standard to meet ACI 318. While the City accepts cast-in-place foundations, precast concrete foundations are preferred and should be installed whenever possible.
- D. Bolt circles should be 19.5-inch bolt circle when installing a 16-inch equipment cabinet and 23.5-inch bolt circle when installing a 20-inch equipment cabinet.

5.7 Access Doors

- A. Lockable doors to be provided as needed in the equipment cabinet to maintain equipment.
- B. A hand hole shall be provided at the top and bottom of the pole to maintain electrical service for streetlights and future IOT attachments.

APPENDIX “A”

Pole Attachment and Loading Analysis Requirements

1. GENERAL

- A. All pole attachments can have a significant structural, wind and other loading on a pole. All pole attachments shall be properly engineered to assure the safety and reliability of the City’s system is maintained.
- B. These requirements apply to wireline, wireless and any other attachment type to a City Owned pole.
- C. All attachments shall be reviewed and approved by the City for pole attachments to all City Owned poles. All attachments shall be properly engineered.
- D. A complete Pole Loading Analysis (PLA) shall be submitted for all pole types and locations indicated requiring a PLA. Other locations or structure types may also require a PLA to be completed as determined by the City.
- E. The PLA must be completed by a professional engineer licensed in the state of Nevada and approved by the City. The PLA shall be signed and sealed by the engineer completing the analysis.
- F. Attachments without proper analysis and approval shall be promptly removed.

2. POLE TYPES AND CONDITIONS REQUIRING A PLA

- A. A PLA is required for the following structure types:
 - i. Poles with angles greater than 10 degrees (guyed or un-guyed).
 - ii. Poles with spans larger than 200 feet
 - iii. Poles with circuit taps (power or communication)
 - iv. All poles where the City conductors are dead ended.
 - v. Poles with transformers, capacitors or other equipment installed.
 - vi. Poles that are less than Class 3
 - vii. Poles that are over 20 years old
 - viii. Poles with more than 2 attachments in addition to the City’s electrical primary, secondary and neutral attachments.
- B. Other locations not addressed above identified by the City that pole strength or clearance concerns are identified.

3. POLE LOADING ANALYSIS SUBMITTAL REQUIREMENTS

- A. The attaching entity is responsible for all required field and engineering work required to perform the PLA.

B. Submittal Documents Required

- i. Detailed Map showing the location(s) of the proposed attachments and project scope.
- ii. Structure details showing existing framing as well as new attachments and/or proposed modifications to the structures. Identification of the owners of existing wires, cables and equipment shall be shown.
- iii. The structure drawings shall identify existing attachments that will be or are no longer in use. All unused cables, wires, equipment shall be removed from the pole(s) as part of the proposed attachment project.
- iv. Complete loading and strength calculations meeting the requirements outlined below.
- v. For wireline attachments plan & profile drawings shall be included with the analysis.

C. The Pole Loading Analysis shall use the following criteria and standards:

- i. Pole loading shall meet the requirements of the latest version of the National Electric Safety Code (NESC).
- ii. Loading Zone: NESC Medium
- iii. Construction Grade: Grade B
- iv. Design Wire/Cable Ground Clearances shall exceed the NESC requirements by at least 1 foot to account for variations in the field. All clearances shall be based on the worst case temperatures or wire/cable loading which cause the highest amount of sag.
- v. Analysis shall include but are not limited to the poles, guys, anchors, support arms and other components shall be included in the PLA.
- vi. Supply, communication, support and work safety zone spaces are to be indicated in the drawings.

D. Proposed pole configurations shall meet current City construction standards details.

E. All new or replaced poles shall have a minimum Reserved Capacity of:

- i. 5% for poles supporting single circuit lines
- ii. 15% for poles supporting double circuit lines

F. The PLA will be valid for a time period of no longer than six (6) months from the time of the application submission. After this 6 month period a new PLA will be required.

EXHIBIT "B"

SMALL CELL INFRASTRUCTURE FEE SCHEDULE

Non-Recurring Fees

Existing Pole/Structure – Collocation

| | |
|---|------------|
| Single application that includes up to five (5) small wireless facilities | \$500 |
| Additional small wireless facilities included in application | \$100/each |

Installation of New Pole/Structure – Not a Collocation

| | |
|---|------------|
| Single application that includes up to five (5) small wireless facilities | \$1,000 |
| Additional small wireless facilities included in application | \$100/each |

Recurring Fees

\$270 per small wireless facility per year