

## REGULAR MEETING AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES – 05/08/2019

### CITIZENS REPORT (\*See procedural instructions on the following page.)

### REGULAR AGENDA

1. 2020 Proposed Budget for Municipal Fiber – Jim Lees
2. Wireless Communications Code – Kim O’Field

### STAFF REPORTS

3. Update on Current Contracts – Kim Reeves
4. Marketing and Outreach Update – Lindsey Johansen

### INFORMATIONAL ITEMS

5. LCAB Membership – Rich Bilancia

### COMMISSION & COUNCIL REPORTS

### DIRECTOR’S REPORT

### ADJOURN

#### **\* Citizens Report Procedures**

Anyone in the audience may address the LCAB on any topic relevant to the commission. Members of the public will be given an opportunity to speak to the item during the Regular Agenda portion of the meeting before the LCAB acts upon it. If the topic is a Staff Report item, members of the public should address the LCAB during this portion of the meeting; no public comment is accepted during the Staff Report portion of the meeting.

Anyone making comment during any portion of tonight's meeting should identify himself or herself and be recognized by the LCAB chairman. Please do not interrupt other speakers. Side conversations should be moved outside the Service Center Board Room. Please limit comments to no more than three minutes.

#### **Notice of Non-Discrimination**

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**Commission Members Present:** Adam Auriemmo, Brian Martisius, David Hetrick, J.D. Walker, Korey Streich, Paul Langfield, Richard Bilancia, Tom McInerney, and Vi Wickam

**Commission Members Absent:** N/A

**Council Liaisons Present:** Don Overcash, John Fogle and Dave Clark (Alternate)

**Council Liaisons Absent:** N/A

**City Staff Members Present,** Alan Krcmarik, Brieanne Reed-Harmel, Coreen Callahan, Derek Turner, Jim Lees, Joe Bernoksy, John Beckstrom, Kim O'Field, Lindsey Johansen, Noah Cecil, Ryan Greene, and Steve Adams

**Guest Attendance:** Julia Rentsch, Paul Ferris

**CALL TO ORDER:** Richard Bilancia called the meeting to order at 4:05pm

**APPROVAL OF MINUTES:** Bilancia asked for a motion to approve the minutes of the March 27, 2019 meeting.

**Motion:** Paul Langfield made the motion

**Second:** Tom McInerney seconded the motion. The minutes were approved unanimously.

Tom McInerney and Brian Martisius will not be applying for a second term on LCAB. Bilancia thanked them both for their service this year.

Richard Bilancia and Vi Wickam volunteered for the two positions open as LCAB representatives for the Fiber budget meeting to take place next week.

## STAFF REPORTS

**Item 1: Bond Completion Update – Alan Krcmarik**

Provided an update on the bond activity, including an overview of the bond sales in April, final interest rates and terms.

Staff report only. No action required.

**Item 2: Marketing and Outreach Update – Lindsey Johansen**

Provided an update on the outreach done since the last LCAB meeting on March 27, 2019

Staff report only. No action required.

**Item 3: Field Trips Update – Kim Reeves**

Provided a brief update on the recent field trips taken by the Broadband team.

Staff report only. No action required.

**Item 4: Legislative Update on Senate Bills 19-078 and 19-107 – Kim O'Field**

Provided an update on two Senate Bills that have been introduced and their potential impacts on municipally owned communications utilities.

Staff report only. No action required.

### REGULAR AGENDA

**Item 5: IGA with Fort Collins for Transport – Brieana Reed-Harmel**

This item provides part of the framework for regional collaboration with the City of Fort Collins and the Town of Estes Park on transport and upstream connectivity. This IGA will begin to establish the framework for sharing this critical piece of infrastructure for the first several years of deployment.

**Recommendation:**

Adopt a motion recommending to the City Manager to complete negotiation and execute the IGA with Fort Collins for Shared Access to Broadband Transport and Access Facilities.

**Motion:** Rich Bilancia made the motion.

**Second:** Vi Wickam seconded the motion. The motion was approved unanimously.

### COMMISSION/COUNCIL REPORTS

**Item 6: Commission/Council Reports**

John Fogle discussed information regarding cell towers

### DIRECTOR'S REPORT

**Item 7: Director's Report – Joe Bernosky**

No additional information

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**ADJOURN** The meeting adjourned at 5:06pm. The next LCAB Meeting will be June 12, 2019 at 4:00 pm.

Respectfully submitted,

Coreen Callahan  
Recording Secretary  
Loveland Communications Advisory Board



**AGENDA ITEM:** 1  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Jim Lees  
**STAFF TITLE:** Utility Accounting Manager

**ITEM TITLE:**

2020 Proposed Budget for Municipal Fiber

**DESCRIPTION:**

The purpose of this item is to ask LCAB to adopt a motion indicating support of the proposed 2020 Municipal Fiber budget for City Council's consideration.

**SUMMARY:**

The 2020 Municipal Fiber budget process is nearly complete, and the information is assembled and was submitted to the Budget Office on June 4, 2019. Attachment A is the 10-Year Financial Plan and Attachment B is the 10-Year Capital Improvement Program on a cash flow basis for Municipal Fiber. LCAB Chairman Richard Bilancia and Board Member Vi Wickam participated in this year's budget review meeting, and we thank them for their time, interest and guidance. Today, the LCAB will receive a report on the 2020 budget. Some of the highlights and challenges from this budget process are discussed below.

- **Sales Revenue** – The first customers for Municipal Fiber are expected to come online in the first quarter of 2020. Revenues from sales are projected to be \$1.6 million in 2020.
- **Revenues from Bond Proceeds** – There was \$84 million of net bond proceeds received in April of this year to allow the Utility to award contracts for construction, construction management and other startup activities. This revenue will not recur in 2020.
- **Staffing** – There are 13.0 new full-time equivalent (FTE) positions proposed for 2020. The positions and modifications that are being proposed are:
  - 1) Network Engineer
  - 2) Network Operations Controller
  - 3) Technical Services Representative
  - 4) Customer Connections Manager
  - 5) MDU / Commercial Account Manager
  - 6) Strategic Sales and Marketing
  - 7) 3 Customer Service Representatives
  - 8) GIS Business Analyst
  - 9) Field Service Technician
  - 10) Utility Financial Rate Analyst
  - 11) Buyer

The addition of these positions will generate an increase in Personal Services expense of \$1,421,000. In addition to the full-time benefited positions, there are two temporary full-time positions proposed for 2020. Both positions are Install Technicians, and these positions are anticipated to be utilized for two years.

- **Wholesale Costs** – This is an access fee for both broadband and phone (Voice-Over Internet Protocol or VOIP) customers, and is based on the number of customers that are connected to the network. This is anticipated to generate \$72,000 of expense in 2020.
- **Payment-In-Lieu-Of-Taxes (PILT)** – 7% of Sales Revenue is transferred to the City’s General Fund as PILT. PILT is charged to each of the City’s Utility Enterprise Funds (Water, Wastewater, Power, Stormwater and Solid Waste) at 7% of sales. PILT is assessed in lieu of each of the utilities paying a franchise fee to operate in the City limits. PILT expense is projected to be \$121,000 in 2020.
- **1% For the Arts** – This is an expense that is linked to the volume of capital activity. It is projected to generate \$218,000 of expense in 2020.

**CAPITAL**

The capital program includes expenditures for 2020-2029 of \$10.9 million. The biggest components of the \$10.9 million are ONT and OLT replacements and upgrades, which are projected to begin in 2024. The unspent portion of any of the capital project contracts that are awarded in 2019 will be rolled and added to the 2020 budget. The enclosed 10-Year Financial Projection and 10-Year Cash Flow Capital Improvement Program contain more detailed information.

**BEYOND 2020**

In the 10-Year Financial Plan, two key assumptions are that the Take Rate for Residential is projected to ramp up to 42% by 2023 and the Business Take Rate is projected to ramp up to 27%, also by 2023. There are 2% per year rate increases assumed for the different customer classes. Looking at the 10-year window, the fund balance stays positive in comparison to the 15% - 33% of operating expenses target throughout the ten-year window. In February of 2019, City Council adopted a Fund Balance and Reserve Policy Resolution that said that Water, Wastewater and Power Unrestricted Funds must maintain a minimum reserve balance of 33% of operating expenses, and that this new increased target of 33% must be reached by 2029. We are looking to apply this same target to Municipal Fiber, as well. There is an additional minimum reserve requirement with Municipal Fiber, which is the \$4 million Operational Risk Mitigation and Stabilization Reserve that must be maintained at all times. In the current Municipal Fiber 10-Year Financial Plan, the 33% target is met by 2025 and stays at that level or higher throughout the balance of the 10-year period.

**RECOMMENDATION:**

Adopt a motion indicating support for the proposed 2020 Municipal Fiber budget for City Council’s consideration.

**ATTACHMENTS:**

- Attachment A: 10-Year Financial Plan for Municipal Fiber
- Attachment B: 10-Year Cash Flow Capital Improvement Program for Municipal Fiber

# Attachment A

1 LOVELAND WATER AND POWER, MUNI-FIBER

3 FINANCIAL FORECAST

4 2020 - 2029

			1	2	3	4	5	6	7	8	9	10		
	Adopted Bdgt	Forecast	BUDGET	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	2020 - 2029	
	2019	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total	
7	<b>BEG'G WORKING CASH BALANCE:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,533,445</b>	<b>\$6,082,130</b>	<b>\$5,138,688</b>	<b>\$5,982,981</b>	<b>\$8,241,953</b>	<b>\$9,060,292</b>	<b>\$10,186,273</b>	<b>\$11,623,419</b>	<b>\$14,381,044</b>	<b>\$13,857,548</b>	<b>\$8,533,445</b>
8	<b>REVENUES &amp; SOURCES:</b>													
9	Service - Residential	0	0	1,117,630	3,852,828	7,385,822	10,507,604	11,905,594	12,345,333	12,797,966	13,263,879	13,737,204	14,213,286	101,127,147
10	Service - Business	0	0	352,986	1,226,119	2,344,271	3,335,516	3,782,802	3,930,836	4,077,359	4,214,312	4,354,233	4,514,254	32,132,689
11	Service Anchor Institutions	0	0	0	0	0	0	0	0	0	0	0	0	0
12	Installation - Residential	0	0	0	0	0	0	0	0	0	0	0	0	0
13	Installation - Business	0	0	25,245	39,243	42,864	30,219	2,623	2,676	2,729	1,392	2,839	2,896	152,727
14	Installation - Anchor Institutions	0	0	0	0	0	0	0	0	0	0	0	0	0
15	Integrated WIFI - Residential	0	0	132,285	447,075	840,285	1,171,995	1,301,940	1,323,540	1,345,140	1,366,740	1,387,755	1,407,690	10,724,445
16	Integrated WIFI - Business	0	0	4,060	13,728	25,803	35,990	40,020	40,740	41,460	41,985	42,540	43,260	329,585
17	Integrated WIFI - Anchor Institutions	0	0	0	0	0	0	0	0	0	0	0	0	0
18	Fiber Leases	100,000	100,000	102,000	104,040	106,121	108,243	110,408	112,616	114,869	117,166	119,509	121,899	1,116,872
19	Source - Interest on Investments	1,388,429	1,388,429	1,184,565	656,662	307,484	198,372	202,219	234,468	265,931	330,041	331,148	333,465	4,044,354
20	Source - Bonds Issued	84,000,000	84,000,000	0	0	0	0	0	0	0	0	0	0	0
21	<b>TOTAL REVENUES</b>	<b>\$85,488,429</b>	<b>\$85,488,429</b>	<b>\$2,918,771</b>	<b>\$6,339,694</b>	<b>\$11,052,650</b>	<b>\$15,387,939</b>	<b>\$17,345,606</b>	<b>\$17,990,209</b>	<b>\$18,645,455</b>	<b>\$19,335,515</b>	<b>\$19,975,229</b>	<b>\$20,636,751</b>	<b>\$149,627,819</b>
22	<b>OPERATING EXPENSES:</b>													
23	Wholesale Costs	\$0	0	71,909	230,776	438,984	632,183	726,348	764,521	803,373	842,826	884,950	932,714	6,328,584
24	Distribution	1,420,341	1,420,341	2,262,154	3,191,935	2,901,759	3,003,321	3,108,437	3,217,233	3,329,836	3,446,380	3,567,003	3,691,848	31,719,906
25	Customer Relations	383,783	383,783	648,570	653,057	665,172	688,454	712,549	737,489	763,301	790,016	817,667	846,285	7,322,560
26	Sales & Marketing	278,491	278,491	674,265	799,142	817,193	845,795	875,398	906,037	937,748	970,569	1,004,539	1,039,698	8,870,385
27	Admin	593,052	593,052	612,498	623,152	639,900	662,297	685,477	709,469	734,300	760,001	786,601	814,132	7,027,826
28	Building Lease	122,500	122,500	126,175	129,960	133,859	137,875	142,011	146,271	150,660	155,179	159,835	164,630	1,446,455
29	Workers Comp & Gen'l Liability	275,000	275,000	284,625	294,587	304,897	315,569	326,614	338,045	349,877	362,122	374,797	387,915	3,339,048
30	Payment in-lieu-of taxes PILT	7,000	7,000	121,394	397,812	752,162	1,063,270	1,200,037	1,242,902	1,286,567	1,330,383	1,375,086	1,421,230	10,190,843
31	Services rendered-other depts.	0	0	0	530,179	548,735	567,941	587,819	608,392	629,686	651,725	674,535	698,144	5,497,156
32	1% for Arts Transfer	277,723	277,723	218,362	127,762	39,560	28,105	3,075	3,160	3,249	3,274	3,367	3,390	433,305
33	Debt Service - Internal Loan Power	67,500	67,500	54,500	57,000	57,000	59,500	559,500	549,600	537,200	525,800	511,900	0	2,912,000
34	Debt Service - External Loan	0	0	0	0	2,858,329	5,061,106	6,405,431	6,407,215	6,407,663	6,407,664	6,407,690	6,406,906	46,362,003
35	<b>TOTAL OPERATING EXP'S (excl depn)</b>	<b>\$3,425,390</b>	<b>\$3,425,390</b>	<b>\$5,074,452</b>	<b>\$7,035,362</b>	<b>\$10,157,552</b>	<b>\$13,065,414</b>	<b>\$15,332,697</b>	<b>\$15,630,334</b>	<b>\$15,933,459</b>	<b>\$16,245,940</b>	<b>\$16,567,969</b>	<b>\$16,406,892</b>	<b>\$131,450,071</b>
36	<b>NET OPERAT'G REV/(LOSS) (excl depn)</b>	<b>\$82,063,039</b>	<b>\$82,063,039</b>	<b>(\$2,155,681)</b>	<b>(\$695,668)</b>	<b>\$895,098</b>	<b>\$2,322,524</b>	<b>\$2,012,910</b>	<b>\$2,359,875</b>	<b>\$2,711,996</b>	<b>\$3,089,575</b>	<b>\$3,407,260</b>	<b>\$4,229,859</b>	<b>\$18,177,749</b>
37	CAPITAL EXPENDITURES	73,529,593	73,529,593	295,634	247,774	50,805	63,552	1,194,571	1,233,894	1,274,849	331,951	3,930,756	2,292,358	10,916,145
38	NET CHANGE IN WRK'G CASH BAL	\$8,533,445	\$8,533,445	(\$2,451,315)	(\$943,442)	\$844,293	\$2,258,972	\$818,338	\$1,125,982	\$1,437,146	\$2,757,625	(\$523,496)	\$1,937,501	\$7,261,603
40	<b>ENDING WORKING CASH BALANCE</b>	<b>\$8,533,445</b>	<b>\$8,533,445</b>	<b>\$6,082,130</b>	<b>\$5,138,688</b>	<b>\$5,982,981</b>	<b>\$8,241,953</b>	<b>\$9,060,292</b>	<b>\$10,186,273</b>	<b>\$11,623,419</b>	<b>\$14,381,044</b>	<b>\$13,857,548</b>	<b>\$15,795,049</b>	<b>\$15,795,049</b>
42		15%	15%	15%	15%	18%	23%	25%	27%	29%	31%	33%	33%	
43	Operating Reserve	\$513,809	\$513,809	\$761,168	\$1,055,304	\$1,828,359	\$3,005,045	\$3,833,174	\$4,220,190	\$4,620,703	\$5,036,241	\$5,467,430	\$5,414,274	
44	Operational Risk Mtgtn & Stblztn Rsrv	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	
45	Fav/(Unfav) to Desired Balance	\$4,019,637	\$4,019,637	\$1,320,962	\$83,384	\$154,622	\$1,236,908	\$1,227,118	\$1,966,083	\$3,002,716	\$5,344,803	\$4,390,119	\$6,380,774	

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1 **LOVELAND WATER AND POWER, MUNI-FIBER**

3 **FINANCIAL FORECAST**

4 **2020 - 2029**

			1	2	3	4	5	6	7	8	9	10	2020 - 2029
	Adopted Bdgt	Forecast	BUDGET	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Total
	2019	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	

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49	Take Rate - Residential		0.00%	8.40%	21.00%	33.60%	42.00%	42.00%	42.00%	42.00%	42.00%	42.00%	42.00%
50	Take Rate - Business		0.00%	5.40%	13.50%	21.60%	27.00%	27.00%	27.00%	27.00%	27.00%	27.00%	27.00%
51	Potential Customers - Residential		31,849	32,304	32,627	33,554	34,134	34,711	35,287	35,859	36,422	36,957	37,489
52	Potential Customers - Business		4,564	4,629	4,675	4,808	4,891	4,974	5,057	5,139	5,220	5,297	5,373
53	Growth from New Development - Res & Bus			1.43%	1.00%	2.84%	1.73%	1.69%	1.66%	1.62%	1.57%	1.47%	1.44%
54	Residential Churn Rate			1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%	1.00%
55	Service Rate Increase - Residential			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
56	Service Rate Increase - Business			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
57	Service Rate Increase - Anchor Institutions			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
58	Installation Rate Increase Business			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
59	Installation Rate Increase Anchor Institutions			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
60	Integrated WIFI Rate Increase - Residential			0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
61	WIFI Take Rate - Residential			75.00%	75.00%	75.00%	75.00%	75.00%	75.00%	75.00%	75.00%	75.00%	75.00%
62	Fiber Lease Increase			2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
63	Interest on Investments		2.70%	2.18%	2.28%	2.28%	2.38%	2.38%	2.48%	2.48%	2.58%	2.38%	2.28%
64	Payment in Lieu of Taxes (PILT)		7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
65	General Inflation Rate			3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
66	Inflation Rate on Broadband Specific Projects			4.25%	4.25%	4.25%	4.25%	4.25%	4.25%	4.25%	4.25%	4.25%	4.25%



# Attachment B

Broadband, Capital 2020 Budget

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total
Network Construction (Bear)	21,827,488	17,663,448	8,156,698									47,647,634
Construction Contingency (Bear)	2,182,749	1,766,345	815,670									4,764,763
Nokia fixed costs on Routing page	1,878,569											1,878,569
Nokia fixed costs on GPON page	1,486,945											1,486,945
Nokia variable variable calculated below												0
Professional Services for House Drops	396,585											396,585
House Drops - original roll out only	40,000	2,198,912	3,456,960	3,580,096	2,519,296							11,795,264
House drops growth material only						121,549	125,803	130,206	134,763	132,506	129,926	774,753
House Drops - churn materials	0	11,182	28,230	46,449	59,064	73,821	77,662	81,683	85,889	90,220	94,677	648,877
Business Drops original roll out only	10,000	196,336	318,656	329,472	232,128							1,086,592
Business Drops growth material only						12,155	12,580	13,021	6,738	13,948	14,436	72,878
Anchors Drops - original roll out	0	0	0	0	0							0
Anchors Drops - after roll out						0	0	0	0	0	0	0
Network Growth						100,000	100,000	100,000	100,000	100,000	100,000	600,000
Non 1% for the Arts Capital												0
ONT Replacement / Upgrade						882,427	913,312	945,278				2,741,017
OLT Replacement / Upgrade										3,588,466	1,794,233	5,382,699
Service Van	45,000											45,000
Service Van	45,000											45,000
Service Van	45,000											45,000
Service Van	45,000											45,000
Service Van		46,575										46,575
Service Van		46,575										46,575
Service Van			48,205									48,205
Service Van			48,205									48,205
Truck - Maintenance	65,000										88,588	153,588
Truck - Maintenance		67,275										67,275
Truck - Maintenance			69,630									69,630
Trailer - Splicing	22,500										30,665	53,165
Trailer - Splicing		23,288										23,288
OTDR test equip	10,000										13,629	23,629
OTDR test equip		10,350										10,350
Fusion Splicer	15,000										20,443	35,443
Fusion Splicer		15,525										15,525
Nokia Design	356,195	356,195	356,195									1,068,586
Ditesco Construction mgmt	1,000,000	1,000,000	1,000,000									3,000,000
IP Addresses	112,155	74,865	53,504	4,356	4,488	4,620	4,536	4,662	4,560	5,616	5,760	279,122
Total Capital based on spending	29,583,186	23,476,870	14,351,954	3,960,373	2,814,976	1,194,571	1,233,894	1,274,849	331,951	3,930,756	2,292,358	84,445,739
Total Capital based on contracts	73,529,593	295,634	247,774	50,805	63,552	1,194,571	1,233,894	1,274,849	331,951	3,930,756	2,292,358	



**AGENDA ITEM:** 2  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Kim O'Field  
**STAFF TITLE:** Technical Specialist

**ITEM TITLE:**

City of Loveland Wireless Communications Code

**DESCRIPTION:**

This item is seeking approval and recommendation to City Council of approval of the City of Loveland Wireless Communications Code located in Title 14 of the Loveland Municipal Code, and associated amendments to the Unified Development Code and Title 13 of the Loveland Municipal Code regarding pole attachments.





**SUMMARY:**

The Wireless Communications Code combines provisions from the Unified Development Code, Utilities – Pole Attachments, and new provision regarding wireless communications facilities in the public rights-of-way. This code adoption is in response to state legislation and FCC regulations regarding small cell wireless facilities. The City is now required to permit small cell wireless facilities to be deployed in the public rights-of-way, with limited regulation by the City. The purpose of the new code is to regulate such wireless communications facilities to the extent the City is permitted. Specifically, the code requires that providers comply with the City’s design standards, sign a master license agreement, and comply with other requirements to protect public health, safety and welfare.

**RECOMMENDATION:**

Motion to approve and recommend that City Council adopt the Wireless Communications Code in Title 14 of the Loveland Municipal Code and associated revisions to the Unified Development Code in Title 18 and pole attachment provisions in Title 13 of the Loveland Municipal Code.

**ATTACHMENTS:**

-  Attachment A: Powerpoint – Wireless Communications Code
-  Attachment B: Draft Wireless Communications Code
-  Attachment C: Draft redlines to Unified Development Code
-  Attachment D: Draft redlines to Title 13.12.200

# Attachment A



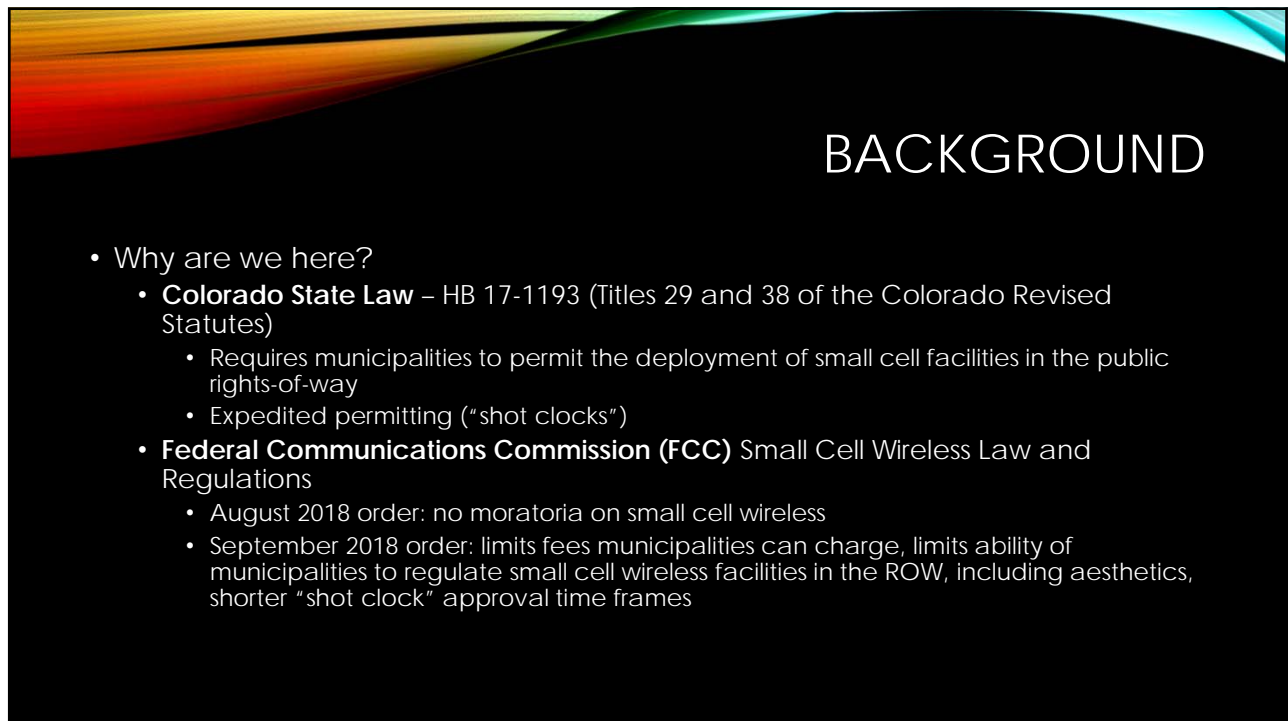
The slide features a dark background with abstract, flowing bands of color in shades of red, orange, yellow, green, and blue. The text is centered and presented in a clean, sans-serif font.

## WIRELESS COMMUNICATIONS CODE

*PROPOSED ADOPTION AS A NEW TITLE 14  
OF THE LOVELAND MUNICIPAL CODE*



*CITY ATTORNEY'S OFFICE  
WATER & POWER DEPARTMENT*



The slide features the same abstract, flowing bands of color as the first slide. The text is left-aligned and presented in a clean, sans-serif font.

## BACKGROUND

- Why are we here?
  - **Colorado State Law** – HB 17-1193 (Titles 29 and 38 of the Colorado Revised Statutes)
    - Requires municipalities to permit the deployment of small cell facilities in the public rights-of-way
    - Expedited permitting (“shot clocks”)
  - **Federal Communications Commission (FCC)** Small Cell Wireless Law and Regulations
    - August 2018 order: no moratoria on small cell wireless
    - September 2018 order: limits fees municipalities can charge, limits ability of municipalities to regulate small cell wireless facilities in the ROW, including aesthetics, shorter “shot clock” approval time frames

## BACKGROUND *CONT'D*

- What is a small cell wireless facility?
  - Definition:
    - Structure has a limited height
    - Each antenna (without equipment) is no more than 3 cf in volume
    - All antenna equipment is no more than 28 cf in volume
  - Smaller infrastructure than macrocell towers
  - Smaller coverage area designed to complement macrocell towers and fill in gaps in coverage



Macrocell Tower



Small Cell Wireless Facility on stand-alone pole in ROW



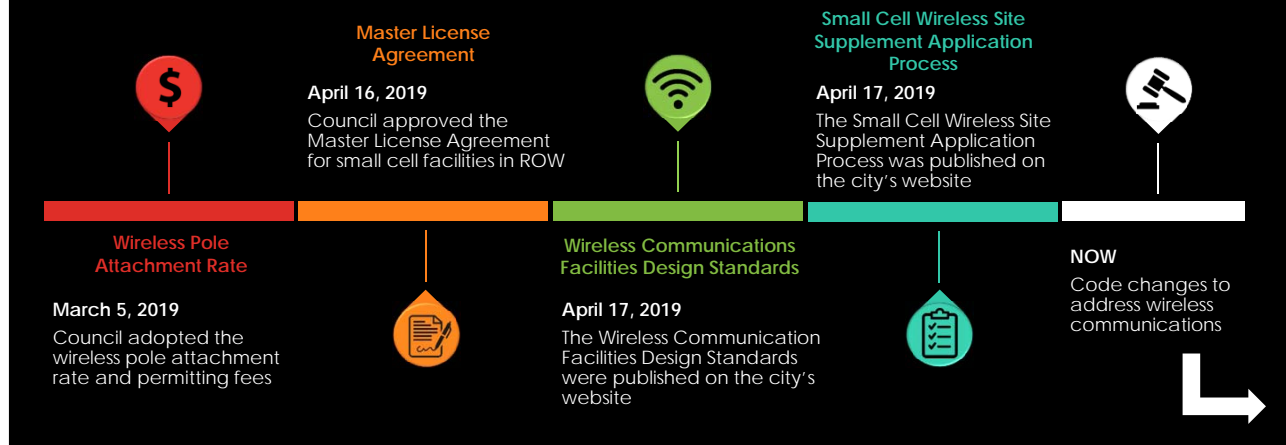
Small Cell Wireless Facility on utility street light pole in ROW



Small Cell Wireless Facility on private property

## BACKGROUND CONT'D

Prior steps completed for placement of Wireless Communication Facilities:



## PURPOSE OF THE CODE

- Consolidate sections of existing code that address wireless telecommunications
- Add new provisions to address state law
- Exercise local control to the extent permitted
- Address various concerns:
  - Compliance with state and federal law
  - Public safety
  - Aesthetics
  - Protection of the City

## OUTLINE OF THE CODE

- Applicability
  - All wireless communications facilities (WCF), including small cells and macrocell towers
- Purpose and Intent
- Definitions
- Applications and Review Procedures
- WCF in the Right-of-Way
  - Adoption of City's design standards, with option to seek variation
  - Master license agreement required
  - Pole attachments
  - Fees and costs

## OUTLINE OF CODE *CONT'D*

- WCF on Private Property
  - Design standards
    - Design criteria, setbacks, screening, fencing, height, landscaping, screening, safety, maintenance and inspection
  - Co-location
- FCC Eligible Facilities
- Enforcement and Penalties

## OTHER CODE CHANGES

- Unified Development Code (UDC) – Title 18
  - Remove design criteria and other provisions related to wireless telecommunications facilities, including towers, small cells, etc.
  - Remove specific definitions
  - Leave land use tables but revise references/links
- Pole Attachments – Title 13
  - Modify to only apply to wired attachments

QUESTIONS?

# Attachment B

## Title 14 - Wireless Communications Code

**14.04 Applicability.** This chapter applies to the installation, construction, and modification of wireless communications facilities on structures within the public rights-of-way, including poles, street lights and other structures owned by the City, structures owned by third parties, and structures installed and owned by a wireless communications services provider. This chapter also applies to the installation, construction and modification of wireless communications facilities on private property in addition to the provisions of the City of Loveland Unified Development Code found at Title 18 of the Loveland Municipal Code.

**14.08 Purpose and Intent.** The purpose of this chapter is to provide specific regulations in the City's exercise of its police powers for the installation, construction, and modification of wireless communications facilities within the City of Loveland. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless communications services, nor shall the provisions of this chapter be applied in such a manner as to discriminate unreasonably between providers of functionally equivalent wireless communications services. To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the Loveland Municipal Code or any ordinance of the City, the provisions of this chapter shall be deemed to control. The goals of this chapter are to:

- encourage the installation and location of wireless communications facilities in a manner that minimizes the visual impact of such installations on the community;
- encourage strongly the joint use of new and existing tower sites or poles by wireless communications services providers;
- encourage the deployment of smaller, less intrusive wireless communications facilities;
- effectively manage wireless communications facilities installed in the public rights-of-way;
- encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- to protect the public health, safety and general welfare, including the City's ability to safely operate and maintain its infrastructure in the public rights-of-way; and
- enhance the ability of wireless communications service providers to provide such services throughout the City quickly, effectively, and efficiently.

### 14.12 Definitions

"Accessory Equipment" means any equipment serving or being used in conjunction with a wireless communications facility, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures including fences.



“Alternative Tower Structure” means man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to this chapter. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the ROW that accommodates small cell wireless facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this Article.

“Antenna” means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

“Applicant” means any person that submits an application to the City to site, install, construct, collocate, modify and/or operate a communications facility.

“Carrier space” means space on or within the poles that can be used, as defined in the City’s electric standards and all other standards adopted in the Loveland Municipal Code, for the attachment or placement of wires, cables, small cell facilities, and associated equipment for the provision of communications services or electric services. The neutral zone or safety space is not considered carrier space.

“Attachments” means each point of contact between a wireless communications facility or small cell facility and a pole, whether placed directly on the poles or overlashed onto an existing attachment, but does not include a riser or a service drop attached to a single pole where applicant has an existing attachment on such pole. Attachment(s) shall include, without limitation, the following points of strain: down guys, main line attachments, and any other attachment that could shorten the life cycle of the pole.

“Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower including the defined accessory equipment. Base Station includes, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this chapter and has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another State or local

regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in paragraphs 1 and 2 above.

“Camouflage,” “Concealment,” or “Camouflage Design Techniques.” A wireless communications facility is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of such facility with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A wireless communications facility site utilizes camouflage design techniques when it (1) is integrated in an outdoor fixture such as a flagpole, or (2) uses a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree on private property or a streetlight in the public right-of-way) or is incorporated into (including, without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the communications facility is not readily apparent.

“Climbing space” means that portion of a pole’s surface and surrounding space that is free from encumbrances to enable City employees and contractors to safely climb, access, and work on City facilities and equipment.

“Collocation” or “co-location” means (1) mounting or installing a communications facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing a communications facility on that structure. Provided that, for purposes of eligible facilities requests, “collocation” or “co-location” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Capacity” means the ability of a pole segment to accommodate an additional attachment based on applicable standards, including space and loading considerations.

“Common space” means space on the poles that is not used for the placement of wires or cables but which jointly benefits all users of the poles by supporting the underlying structure and/or providing safety clearance between attaching entities and electric utility facilities.

“Eligible Facilities Request” means any request for modification of an Existing Tower or Base Station that does not Substantially Change (as defined below) the physical dimensions of such Tower involving:

- (i) collocation of new transmission equipment,
- (ii) removal of transmission equipment, or
- (iii) replacement of transmission equipment.

“Eligible Support Structure” means any tower or base station as defined in this Chapter, provided that it is existing at the time the relevant application is filed with the City under this section.

“Existing Tower or Base Station” means a constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“IEEE-SA” means the Institute of Electrical and Electronics Standards Association.

“Licensee” means any person who holds a license or permits to site, install, construct, collocate, modify, maintain, and/or operate a wireless communications facility in the ROW.

“Master license agreement” means an agreement entered into between an Applicant and the City which governs all of the applicant’s installation, construction, and maintenance of wireless communications facilities in the public right-of-way.

“Micro wireless facility” means a small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

“Monopole” means a single, freestanding pole-type structure supporting one or more Antennas.

“Overlash” means to place an additional wire or cable communications facility onto an existing attachment owned by licensee.

“Pole” means a pole owned by the City located within the ROW.

“Pole-mounted Small Cell Wireless Facility” means a small cell facility with an antenna or antennas that are mounted and supported on an alternative tower structure, which includes a replacement pole.

“Public Property” means real property owned or controlled by the city, excluding the public right-of-way.

“Public Right-of-Way” or “ROW” means any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

“Non-Ionizing Radiation Electromagnetic Radiation Report (NIER)” means a report from the applicant that complies with the City of Loveland Wireless Communications Facilities Development Standards regarding radio frequency emissions certifying that all wireless communications facilities that are the subject of the application shall comply with federal standards for radio frequency emissions.

“Replacement Pole” means a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a preexisting pole or structure in order to support a wireless communications facility or to accommodate collocation and remove the pre-existing pole or structure.

“Site” means the area comprising the base of the structure and other related Accessory Equipment deployed on the ground.

“Site supplement” means a license for an individual wireless communications facility within the ROW.

“Signal Interference Letter” means a letter from the applicant certifying that all wireless communication facilities that are the subject of the application shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference.

“Small cell facility” or “small cell wireless facility” means a wireless communications facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the

calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, backup power systems, grounding equipment, power transfer switch and cut-off switch. For the avoidance of doubt, small cell facilities may be attached to Alternate tower structures, monopoles, and pole support structures.

“Substantial Change” means a modification to the physical dimensions of an eligible support structure where, after the modification, the structure meets any of the following criteria:

- i. *Height Increase.* For towers, other than alternative tower structures in the right-of-way or other towers in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
- ii. *Added Appurtenance.* For towers, other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
- iii. *Equipment Cabinets.* For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. *Excavation or Deployment.* For any eligible support structure, it entails any excavation or deployment outside the current site; *Defeating Concealment.* For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For purposes of this definition, any change that undermines concealment elements of an eligible support structure shall be interpreted as defeating the concealment elements of that structure; or
- v. *Noncompliance with Existing Approvals.* For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, added appurtenances, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (i), (ii), and (iii) of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

“Support Structure” means a structure designed to support small cell wireless facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

“Tower” means any structure that is built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that

are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

“Transmission Equipment” means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Unified Development Code” means Title 18 of the Loveland Municipal Code.

“Wireless Communications Facilities Development Standards” or “Standards” means the aesthetic, technical, and physical standards adopted by the City that wireless communications facilities must meet as part of the master licensing agreement.

“Wireless Communications Facility” or “WCF” means a communications facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.

#### **14.16 Applications and review procedures**

**14.16.010 Application required.** No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this chapter and the Loveland Municipal Code. All applications, except eligible facilities requests, shall be submitted and reviewed pursuant to the procedures described below.

##### **14.16.020 Submittal requirements.**

**A. WCF in the ROW.** The applicant shall submit a small cell wireless site supplement application on the form provided by the City through its Building Division and provide all information required by the City, including but not limited to the signed master license agreement with current certificate of

insurance, electrical service worksheet, complete construction plans, NIER report, permits, submittal fees, and other information deemed by the City Manager or his or her designee to be necessary to determine compliance with this chapter, the master license agreement, and the Standards. Such application shall be processed through the City's building permit process.

**B. WCF on private property.** The applicant shall submit an application on the form provided by the City through its Current Planning Division and provide all information required by the City. Such application shall be processed through the City's development review process.

**14.16.030 Use by right.** In all zoning districts, applications for small cell facilities shall be reviewed as a use by right, without public hearing, in conformance to this chapter and the Code, including the Unified Development Code.

**14.16.040 Time for review and approval.** The City shall review and approve applications for WCF in the manner necessary to comply with applicable state and federal law.

**14.16.050 Consolidated applications.** The City shall allow an applicant to file a consolidated application for up to ten (10) small cell facilities to be located within the ROW. The City may deny all or a portion of a consolidated application to the extent the application or portion thereof does not conform to the applicable City requirements. A consolidated application must not include any wireless communications facility to be located on private property.

**14.16.060 Approval or denial.** The City will approve or deny an application in writing. The approval of an application shall specify all design elements intended to conceal the WCF. The denial of an application shall specify the reasons for denial, including reference to substantial evidence in the record that supports the City's denial.

**14.20 Permits required.** For all activities relating to a WCF in the City, the applicant shall be responsible for obtaining from the City and any other applicable entities all necessary permits and authorizations for the construction, modification, repair, or removal of such WCF, which permits may include but not be limited to a right-of-way work permit, building permit, and electric metering. The applicant shall be required to comply with all requirements and conditions of such permits.

**14.24 Specifications.** Applicant shall install and maintain its WCF in accordance with all applicable City standards, including the Loveland Municipal Code, local building and safety codes, the master license agreement, and the Standards.

**14.28 Non-interference.** All WCF shall be designed and sited in accordance with FCC standards so as not to cause interference with the normal operation of licensed radio, television, telephone and utility, City, or other communications services on adjacent properties; nor shall any such WCF interfere with any public safety communications.

**14.32 Maintenance and inspection.** The applicant shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements. The site and the WCF, including all landscaping and fencing, as applicable, and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans and

specifications. Graffiti and damage must be timely removed or repaired by the applicant after notification from the City.

#### **14.36 WCF in the Right-of-Way**

**14.36.010 Design and Location Standards Adopted.** The Standards are hereby adopted by reference. The Standards shall be published on the City of Loveland internet site and made available to the public. Every installation, construction, and modification of WCF within the City's ROW shall be designed and located in accordance with the Standards and applicable sections of the Loveland Municipal Code. Notwithstanding anything in the Code to the contrary, any revisions to the Standards, including revisions that adopt codes by reference, shall be made by the City in accordance with the process set forth in the Standards.

**14.36.020 Variation from Standards.** Modifications to the Standards for a site supplement may be proposed by the applicant by the submission of an alternative design drawing or illustration to the Director of the Department of Water and Power or his or her designee ("Director"). The drawing or illustration shall clearly identify the differences between the Standards and the proposed alternative design. Where the Director finds such submitted alternative design presents a de minimis or nominal visual impact when compared to the Standards, the Director may approve such alternative design which approval shall be evidenced by written acknowledgment signed by the Director and affixed to the particular site supplement. The Director shall retain the discretion to deny a proposed alternative design where the Director finds the proposed design to be more visually or aesthetically impactful than the Standards. At the Director's discretion, the Director may submit the proposed alternative design illustrations to the City Manager for an administrative determination that the proposed design is, or is not, more visually or aesthetically impactful than the Standards.

**14.36.030 Unlawful facilities.** It shall be unlawful for a WCF to be placed in any ROW except in compliance with this code. Such unauthorized installation will be subject to immediate removal by the City if the installation is not promptly brought into compliance with this chapter, and the applicant shall be subject to such penalties as authorized by the master license agreement and this chapter.

#### **14.36.050 Master license agreement required**

**A.** Prior to submittal of an application to install WCF within the ROW, the Applicant must execute a master license agreement with the City that applies to all facilities of the Applicant to be installed within the ROW. Such master license agreement shall be in a form approved by the City Attorney. The City Manager is authorized to execute the master license agreement on behalf of the City.

**B.** No license granted hereunder shall be effective until the Applicant and the City have executed the master license agreement setting forth the particular terms and provisions under which the license to occupy and use the City's ROW will be granted.

**C.** The master license agreement shall govern each WCF installation for which individual site licenses are issued by the City. The City may withhold further individual site licenses until any ongoing

violations or defaults in the Applicant's performance under the master license agreement, or of any requirements of this chapter, have been cured.

D. In no circumstance shall the length of the term of any license issued exceed ten (10) years.

E. Nothing contained herein shall prohibit or limit the City and the Applicant from modifying the terms and conditions of the master license agreement by mutual agreement. The City Manager, or his or her designee, shall be authorized to execute such amendment.

F. In the case of a conflict between this code, the Standards, and the master license agreement, the provisions of such shall prevail in the following order of priority: the Standards, this code, and the master license agreement, except as federal or state law may preempt or act to modify the code or the Standards, and so long as the terms of this code or Standards do not alter any material rights granted in the master license agreement

**14.36.060 Rights Granted.** No license granted under this chapter shall confer any exclusive right, privilege, license, or franchise to occupy or use the City's ROW for delivery of wireless communications services or any other purposes. No license granted under this chapter shall convey any right, title, or interest in the ROW, but shall be deemed a license only to use and occupy the ROW for the limited purposes and term stated in the license; further, no license shall be construed as any warranty of title.

**14.36.070 Referral to City Council.** Except for WCFs in the ROW that otherwise meet all requirements of this chapter, should the City Manager or his or her designee consider the proposed WCF to have a significant visual impact (i.e. proximity to historical sites) or otherwise be incompatible with the structure or surrounding area, or not meet the intent of these provisions, the City Manager or designee may refer the application to City Council for approval.

#### **14.36.080 Pole Attachments in General**

A. The City is the owner of certain poles located within the public right-of-way, including but not limited to, utility poles, traffic poles, and street light poles. In accordance with the purposes and intent of this chapter, the City is willing to authorize the attachment of WCFs to City poles in the ROW to the extent that such attachments comply with the Code and the master license agreement.

B. A site supplement is authorization for attachment to specific poles, one for each pole or overlash.

C. The City will issue a site supplement for attachment to a pole only when the City determines, in its sole judgment, exercised reasonably, that the pole has sufficient capacity to accommodate the request safely. The City may refuse to issue a license for attachment to a Pole where safety concerns cannot be adequately addressed through engineering.

D. Any modifications or additions necessary to make a City-owned structure ready for safe attachment will be the responsibility of the Applicant, as well as all associated design and engineering or other costs. The Applicant is responsible for payment for all work performed by the City to accommodate the Applicant's attachment of WCF.



E. All attachments shall comply with all applicable City standards. Attachments, overlash, or other components must not interfere with the operation of any City facilities.

#### **14.36.090 Fees and costs**

**A. Applicant Responsible for Fees and Costs.** The Applicant shall pay application fees, annual fees and permit fees as published in the City's rates, charges and fees at the time of submission of an application to install a WCF. The Applicant shall also reimburse the City for any actual, identified direct or indirect costs reasonably incurred by the City in planning, constructing, installing, repairing or altering any City facility as a result of the construction or the presence in the right-of-way of the Applicant's WCF. The Applicant shall be subject to any other generally applicable fees of the City or other entity.

**B. Invoice and Payment.** The City shall invoice the Applicant annually for the attachment fee, for a period that concludes each December 31. The Applicant shall pay any invoices issued by the City within thirty (30) days. Failure to make payment by the deadlines set forth may accrue penalties or interest as described in the master license agreement.

**C. No Refund.** Except as otherwise provided in the master license agreement, the Applicant may remove its WCF from the public right-of-way at any time, subject to the necessary permitting, upon thirty (30) days prior written notice to the City, and may cease paying to the City any applicable recurring fees for such use as of the date of actual removal of the WCF and complete restoration of the public right-of-way. In no event shall an Applicant be entitled to a refund of fees paid prior to removal of its WCF.

**D. Taxes.** The Applicant shall pay all applicable City, county and state taxes levied, assessed, or imposed on Applicant or Applicant's WCF related to any of Applicant's WCF and/or services provided within the City.

**14.36.100 Insurance.** The Applicant shall maintain current at all times liability and property insurance for each WCF in the public right-of-way as required in the master license agreement. For any work not performed by the City, the Applicant shall comply with the insurance requirements set forth in Section 12.16.070.

**14.36.110 Indemnification.** The Applicant shall indemnify and hold harmless the City, its officers, employees, and agents from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with the applicant's operation of WCF in the ROW, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the applicant or any subcontractor of the applicant, or any officer, employee or agent of the applicant or any subcontractor, or any other person for whom the applicant is responsible. The applicant shall investigate, handle, respond to, and defend against any such liability, claims, and demands, and shall bear all other costs and expenses related thereto, including court costs and attorneys' fees. The applicant shall notify the City and provide a copy of any and all written claims or demands within two business days of receipt. The applicant's indemnification obligation shall not be construed to extend to any injury, loss, or damage to the extent caused by the act, omission, or other fault of the City.

#### **14.36.120 Removal and relocation**

A. Within 90 days following written notice from the City an Applicant shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCFs within the ROW whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

1. The construction, repair, maintenance or installation of any City or other public improvement in or upon the public ways.
2. The operations of the City or other governmental entity in or upon the ROW.

B. At its sole expense, the Applicant shall remove any of its WCF or any part thereof that become nonfunctional, create a safety hazard, violate any provision of applicable law or violate the Applicant's master license agreement. Removal shall occur within thirty (30) days of written notification from the City that an attachment must be removed due to becoming nonfunctional or a safety hazard.

C. If the City desires at any time to abandon, remove, or underground any utility facilities to which Applicant's WCF is attached, the City shall provide the Applicant notice in writing at least sixty (60) days prior to the date on which it intends to abandon or remove such facilities, and the Applicant shall remove its WCF at its sole cost and expense within that time period.

D. Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any telecommunications facilities located within the City's ROW, as the City may determine to be necessary in response to any public health or safety emergency.

#### **14.36.130 Abandonment**

A. Any WCF in the public right-of-way that is not used for a period of six months or more shall be deemed to be abandoned. No Applicant or owner of the WCF shall fail to remove a WCF that is abandoned or is unused for a period of six months. If the WCF owner fails to remove an abandoned facility at the request of the City, the City may remove the WCF and charge the costs to the WCF owner.

B. Failure to pay the annual fee shall be considered abandonment. The City shall issue a notice to remove the attachment(s) if such fee is more than sixty (60) days past due.

C. The Applicant may surrender any license for attachment(s) and remove them from affected Poles. At least 30 days prior to the commencement of such work, Licensee must notify the City of the plan for removal, including the name of the party performing the work and dates and times when such work will be performed.

D. If Applicant abandons a WCF or surrenders its license and fails to remove its attachments, the City shall have the right to remove the Applicant's attachments at Applicant's expense.

### **14.40 WCF on Private Property**

#### **14.40.010 Wireless Communications Facilities Standards**

**A. Design Criteria.** Every WCF outside of the ROW shall comply with the following design criteria:

1. **Architectural Compatibility.** The WCF shall be architecturally compatible with the surrounding buildings and land uses in the same zone, or otherwise integrated, through location and design, to blend in with the existing characteristics of the subject property to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.
2. **Color.** Towers and antennas shall be of a color which generally matches the building, surroundings, or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.
3. **Lights, Signals, and Signs.** No signals, lights, or signs shall be permitted on towers or other structures unless required by the FCC or the FAA.

**B. Tower Setbacks.** Tower setbacks shall be measured from the base of the tower to the property line of the subject property.

1. *Residential Zones.* Towers shall be set back from all property lines a distance equal to 300 percent of tower height; provided, however, that a lesser setback may be permitted if the Director determines that:
  - a. There are unusual geographical limitations that justify the reduced setback;
  - b. The setback is not less than a distance equal to 100 percent of tower height; and
  - c. The tower is camouflaged or otherwise adapted to be compatible with the surrounding area.
2. *All Other Zones.* In all zones that are not residential zones, towers shall comply with the minimum setback requirements of the area in which they are located.

**C. Equipment Structures.** Ground level equipment and buildings and the tower base shall be screened. The standards for equipment buildings are as follows:

1. The maximum floor area is 350 square feet and the maximum height is 12 feet.
2. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted, subject to generally accepted engineering practices. Equipment, buildings, antennas, and related equipment shall occupy no more than 25 percent of the total roof area of a building.

**D. Structural Design.** Towers shall be constructed to the FCC and EIA Standards, as may be amended from time to time, and all applicable construction, building, and safety codes.

**E. Fencing.** In the DT, B, or I zones, a stucco, masonry, or stone security wall, not less than six feet in height, shall be provided around each tower. In other zones, chain-link fencing is also allowed if it is surrounded by an evergreen hedge that is at least six feet in height. Security walls or fencing shall be

colored or designed to visually blend into the character of the existing environment. Access to the tower shall be through a locked gate.

**F. Antenna and Tower Height.** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height required to function shall be approved. Towers shall be no taller than the maximum permitted height for other structures contained within the applicable zone, except that in the DT, B, or I zones, permissible towers may be taller pursuant to conditional use review.

**G. Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

**H. Site Characteristics.** Site location and development shall preserve the pre-existing character of the area in which the WCF site is located as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated by the city, taking into consideration the site as built

**I. Antenna Design Criteria.** Antenna mounted on any tower, building or other structure shall comply with the following requirements:

1. The antenna shall be architecturally compatible with the building and wall on which it is mounted so as to minimize any adverse aesthetic impact and shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
2. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons the antenna needs to project above the wall. In no event shall an antenna project more than ten feet above the height of the building.
3. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.
4. No antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing tower to which such antenna, antenna array, or support structure is attached.
5. The antenna may be attached to an existing mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than ten feet above the enclosure.
6. On buildings that are 30 feet or less in height, the antenna may be mounted on the roof if:

- a. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
- b. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building.
- c. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
- d. No portion of the antenna extends more than 10 feet above the height of the existing building.

**J. Equipment Shelters.** If an accessory equipment shelter is present, such building or structure shall blend with the surrounding buildings in architectural character and color.

**K. Landscaping and Screening.**

1. Landscaping shall be required to screen as much of the support structure as possible. The fence surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the cell site. The City may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If an antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required, except as otherwise required for the existing use.
2. The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures:
  - a. A row of evergreen trees a minimum of ten feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence; and
  - b. A continuous hedge, at least 36 inches high at planting and capable of growing to at least 48 inches in height within eighteen months, shall be planted in front of the tree line referenced above.
3. Landscaping shall be installed on the outside of fences. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the City. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.

**L. Maintenance and Inspection.**

1. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building and safety codes, regulations of the FCC, and the applicable standards for towers that are

published by the IEEE-SA, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes, regulations or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes, regulations and standards. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the expense of the owner's expense, the costs of which shall constitute a lien against the tower.

2. Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the IEEE-SA and FCC standards and within 60 days of the inspection, file a report with the City building division.

**M. Non-Use or Abandonment.**

1. In the event the use of any tower has been discontinued for a period of six months, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City, which shall have the right to request documentation or affidavits from the tower owner or operator regarding the issue of tower usage. Upon such abandonment, the owner or operator of the tower shall have an additional 60 days within which to complete one of the following:
  - a. Reactivate the use of the tower or transfer the tower to another owner or operator who makes actual use of the tower within an additional 90 days. Only one transference of ownership is permitted in a 12 month period under these abandonment provisions.
  - b. Dismantle and remove the tower. In such instance, if such tower is not removed within said 60 days, the City may remove such tower at the owner's expense.
2. If there are two or more users of a single tower, then removal of the tower is not required unless all users cease using the tower. However, parts of the tower that are rendered unnecessary by partial abandonment shall be removed.
3. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower shall automatically expire.
4. If an abandonment of a tower occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of telecommunications or broadband services, the owner of the tower shall maintain the prescribed painting or illumination of such tower until it is dismantled.

**N. Co-Location in All Zones.** The applicant shall demonstrate that any new antenna cannot be reasonably co-located on an existing structure.

**O. New Towers in the DT Zone.** New towers that are not co-located on an existing structure in the DT zone shall be processed as an adaptable use.

**14.40.020 Co-location**

## **A. Co-location in general**

1. To minimize adverse visual impacts associated with the proliferation of towers, the City encourages co-location of antennas by more than one carrier on existing towers or structures.
2. An existing tower or base station may be modified or reconstructed to accommodate the co-location of an additional antenna. Modification of an existing tower or base station that is not an eligible facility structure under section 14.44 to accommodate additional antennas shall be permitted in all zone districts, subject to the requirements of the zone district and the following criteria:
  - a. An existing tower may be modified or rebuilt to a taller height, not to exceed twenty feet over the tower's existing height, to accommodate the co-location of an additional antenna. The tower as modified shall comply with the other provisions of this chapter.
  - b. A tower which is being modified to accommodate the co-location of an additional antenna may be moved to a different location on the same property within 50 feet of its existing location so long as it remains within the same zone district. After the tower is rebuilt to accommodate co-location, only one tower shall remain on the property.
  - c. The tower, as modified shall comply with the provisions of this chapter in all respects.
  - d. The Applicant for modification of a tower and co-location of an antenna shall follow the approval process as set forth in this title for the zone district in which the tower is located.
3. No WCF owner, operator, lessee, or any officer or employee thereof, shall act to exclude any WCF provider from using the same facility, building, structure or location. WCF owners or lessees or officers or employees thereof shall cooperate in good faith to achieve co-location of WCFs and equipment with other WCF providers. Upon request by the City, the owner or operator shall provide evidence establishing why co-location is not reasonably feasible. The City shall not attempt to affect fee negotiations between private parties concerning co-location.
4. If a personal wireless services provider attempts to co-locate a facility on an existing or approved facility or location and the parties cannot reach agreement concerning the co-location, the City may require a third party technical study at the expense of either or both parties to resolve the dispute.

## **C. Co-location on new towers.**

1. In order to reduce the number of towers needed in the City in the future, every new tower shall be designed to accommodate antenna for more than one user,

unless the Applicant demonstrates why such design is not feasible for economic, technical or physical reasons, or unless the Current Planning Manager determines that a tower for only one user is more appropriate at a specified location.

2. Unless the Current Planning Division determines that co-location is not feasible, the site plan for every new tower shall delineate an area near the base of the tower to be used for the placement of additional equipment or buildings for other users. The site plan for towers in excess of 100 feet shall propose space for two or more other comparable tower users, while the site plan for towers under one hundred feet shall propose space for one other comparable tower user.
3. The City may deny an application to construct a new tower if the Applicant has not demonstrated a good faith effort to co-locate the antenna on an existing structure or tower.

#### **14.44FCC Eligible Facilities Co-location**

**14.44.010** This section encourages the timely approval of eligible facilities requests for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

**14.44.020** An applicant seeking approval of an eligible facilities request must submit an application to the City's Current Planning Division with the information required by the Current Planning Manager.

**14.44.030** An eligible support structure may be modified or reconstructed to accommodate co-location pursuant to the application and review process set forth herein.

A. No co-location or modification to any existing tower or base station may occur except after a written request from an Applicant, reviewed and approved by the City in accordance with this section.

B. The City shall prepare, and from time to time revise, and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the project: would result in a substantial change; or violates a generally applicable law, regulation, or other rule reasonably related to public health and safety. To the extent necessary, the City may request additional information from the Applicant to evaluate the application under 47 U.S.C. § 332(c)(7) pursuant to the limitations applicable therein; however, the City may not require the Applicant to demonstrate a need or business case for the proposed modification or collocation.

C. Upon receipt of an application for an eligible facilities request pursuant to this section, the City's planning division shall review such application to determine whether the application qualifies as an eligible facilities request.



D. Subject to the tolling provisions of section 14.44.020(E), within 60 days of the date on which an applicant submits an application seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by this section.

E. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual written agreement of the city and the applicant, or in cases where the City's Current Planning Division determines that the application is incomplete.

1. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

2. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city's notice of incompleteness.

3. Following a supplemental submission, the city's planning division will notify the applicant within 10 days, if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified herein. Subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

F. If the City determines that the applicant's request is not covered by the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") as delineated in this section, the presumptively reasonable timeframe under 47 U.S.C § 332(c)(7) of 90 days, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the city's decision that the application is not a covered request.

G. In the event the City fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

H. Applicants and/or the City may bring claims related to this section of the City Code implementing Section 6409 to any court of competent jurisdiction.

**14.44.030** An eligible facilities request shall be permitted in all zone districts, subject to the requirements of the zone district and applicable use standards; provided, however, that such review may be modified or waived by the Current Planning Manager if, in the determination of the Current Planning Manager, such review would unduly delay a decision regarding the application as a covered request and an administrative review is reasonable under the circumstances.

**14.44.040** Except as provided in section 14.44.020(F), a request for co-location that the City determines does not qualify as an eligible facilities request shall not be subject to this section.

#### **14.48 Enforcement and penalties**

**14.44.010** Any violation of this chapter shall be subject to the general penalty provision of the Loveland Municipal Code in section 1.12.010. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

**14.44.020** Nothing in this title shall be construed as limiting any remedies that the City may have in the master license agreement or at law or in equity, for enforcement of this chapter.

**14.44.030** An applicant shall not be excused from complying with any of the requirements of this chapter or the master license agreement, or any subsequently adopted amendments to this chapter or master license agreement, by any failure of the city on any one or more occasions to seek, or insist upon, compliance with such requirements or provisions.

**14.52 Federal Requirements.** All towers, WCF, and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers, communications facilities, and antennas. If such standards and regulations are changed, then the owners of the towers, communications facilities, and antennas governed by this section shall bring such towers, communications facilities, and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers, communications facilities, and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower, communications facility, or antenna at the owner's expense.

# Attachment C

## TITLE 18 UNIFIED DEVELOPMENT CODE

(Ord. [6248](#) §1, 11/06/2018)

## PART 2: ZONES, LAND USE, BUILDINGS, AND STRUCTURES

### Chapter 18.02 Zones, Overlay Zones, and Land Use

#### Division 18.02.03 Land Use by Zone

#### 18.02.03.09 Utility and Wireless Telecommunications Land Use by Zone

The utility and wireless telecommunications land uses that are allowed in each zone are set out in Table 18.02.03.09, Utility and Wireless Telecommunications Land Use by Zone.

Table 18.02.03.09 Utility and Wireless Telecommunications Land Use by Zone													
Land Use	Zones												Standards Reference <sup>1</sup>
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
<b>Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use</b>													
<b>TABLE NOTES:</b>													
<sup>1</sup> This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").													
<sup>2</sup> Type of review may vary based on scale of new construction. See Sec. <a href="#">18.02.04.02, Scale Thresholds in DT and Residential Zones</a> .													
<sup>3</sup> Essential utilities are not considered a primary land use, and are allowed in all zones with appropriate construction approvals.													
<b>Utility Uses</b>													
<u>Data Center</u>	-	-	-	-	-	L <sup>2</sup>	L	L	L	L	-	-	§ <a href="#">18.02.04.10</a>
<u>Overhead Power Lines (110 kV or more)</u>	C	C	C	C	C	-	C	C	C	C	C	C	§ <a href="#">18.02.04.10</a>
<u>Utilities, Minor</u>	A	A	A	A	A	A	A	A	A	R	A	A	§ <a href="#">18.02.04.10</a>
<u>Utilities, Major</u>	C	C	C	C	C	C	C	C	C	A	C	C	§ <a href="#">18.02.04.10</a>
<b>Wireless Telecommunications Facilities</b>													

**Table 18.02.03.09  
Utility and Wireless Telecommunications Land Use by Zone**

Land Use	Zones												Standards Reference <sup>1</sup>
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
<b>Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use</b>													
<u>Freestanding Telecommunications Tower</u>	-	-	-	-	-	C	C	C	C	C	C	C	§ <a href="#">18.02.04.1114.40.010</a>
<u>Stealth Telecommunications Tower/Alternative Tower Structure</u>	L	L	L	L	L	L	L	L	L	L	L	L	§ <a href="#">18.02.04.1114.40.010</a>
<u>Other Telecommunications Facilities</u>	L	L	L	L	L	L	L	L	L	L	L	L	§ <a href="#">18.02.04.1114.40.010</a>

Effective on: 11/20/2018

**Division 18.02.04 Use Standards**

**~~18.02.04.11 Wireless Telecommunications Standards~~**

**~~A. Purpose and Interpretation.~~**

- ~~1. The purpose of this section is to provide specific regulations for the placement, construction and modification of wireless telecommunications facilities. The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this section be applied in such a manner as to discriminate unreasonably between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this section are inconsistent or in conflict with any other provision of the City Code or any ordinance of the City, the provisions of this section shall be deemed to control.~~
- ~~2. The goals of this section are to:
 
  - ~~a. Encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the City;~~
  - ~~b. Encourage strongly the joint use of new and existing tower sites;~~
  - ~~c. Encourage users of towers and antennas to locate them, to the extent possible, in areas least likely to negatively affect residential property or other uses;~~~~

- ~~d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and~~
  - ~~e. Enhance the ability of the providers of personal wireless services to provide such services throughout the city quickly, effectively, and efficiently.~~
- ~~C. **Historic Properties.** If the subject property is designated as an individual landmark or as a part of a historic district or site, additional criteria are applied pursuant to Section 18.17.03.03, Wireless Telecommunications Facility Shot Clocks.~~
- ~~D. **Design Criteria.** Every wireless telecommunications facility shall comply with the following design criteria:
  - ~~0. *Architectural Compatibility.* Wireless telecommunications facilities shall be architecturally compatible with the surrounding buildings and land uses in the same zone, or otherwise integrated, through location and design, to blend in with the existing characteristics of the subject property to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.~~
  - ~~0. *Color.* Towers and antennas shall be of a color which generally matches the building, surroundings, or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.~~
  - ~~0. *Lights, Signals, and Signs.* No signals, lights, or signs shall be permitted on towers or other structures unless required by the FCC or the FAA.~~~~
- ~~H. **Tower Setbacks.** Tower setbacks shall be measured from the base of the tower to the property line of the subject property.
  - ~~0. *Residential Zones.* Towers shall be set back from all property lines a distance equal to 300 percent of tower height; provided, however, that a lesser setback may be permitted if the Director determines that:
    - ~~e. There are unusual geographical limitations that justify the reduced setback;~~
    - ~~f. The setback is not less than a distance equal to 100 percent of tower height; and~~
    - ~~g. The tower is camouflaged or otherwise adapted to be compatible with the surrounding area.~~~~
  - ~~0. *All Other Zones.* In all zones that are not residential zones, towers shall comply with the minimum setback requirements of the area in which they are located.~~~~
- ~~N. **Equipment Structures.** Ground level equipment and buildings and the tower base shall be screened. The standards for equipment buildings are as follows:
  - ~~0. The maximum floor area is 350 square feet and the maximum height is 12 feet.~~
  - ~~0. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted, subject to generally accepted engineering practices. Equipment, buildings, antennas, and related equipment shall occupy no more than 25 percent of the total roof area of a building.~~~~
- ~~Q. **Structural Design.** Towers shall be constructed to the FCC and EIA Standards, as may be amended from time to time, and all applicable construction, building, and safety codes.~~
- ~~R. **Fencing.** In the DT, B, or I zones, a stucco, masonry, or stone security wall, not less than six feet in height, shall be provided around each tower. In other zones, chain-link fencing is also allowed if it is surrounded by an evergreen hedge that is at least six feet in height. Security walls or fencing shall be colored or designed to visually blend into the character of the existing environment. Access to the tower shall be through a locked gate.~~

- S. ~~**Antenna and Tower Height.** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height required to function shall be approved. Towers shall be no taller than the maximum permitted height for other structures contained within the applicable zone, except that in the DT, B, or I zones, permissible towers may be taller pursuant to conditional use review.~~
- T. ~~**Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.~~
- U. ~~**Site Characteristics.** Site location and development shall preserve the pre-existing character of the area in which the subject property is located as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated by the city, taking into consideration the site as built~~
- V. ~~**Antenna Design Criteria.** Antenna mounted on any tower, building or other structure shall comply with the following requirements:~~
- ~~0. The antenna shall be architecturally compatible with the building and wall on which it is mounted so as to minimize any adverse aesthetic impact and shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.~~
  - ~~0. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons the antenna needs to project above the wall. In no event shall an antenna project more than ten feet above the height of the building.~~
  - ~~0. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.~~
  - ~~0. No antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing tower to which such antenna, antenna array, or support structure is attached.~~
  - ~~0. The antenna may be attached to an existing mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than ten feet above the enclosure.~~
  - ~~0. On buildings that are 30 feet or less in height, the antenna may be mounted on the roof if:
    - ~~— The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.~~
    - ~~— The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building.~~
    - ~~— Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.~~
    - ~~— No portion of the antenna extends more than 10 feet above the height of the existing building.~~~~
- GG. ~~**Equipment Shelters.** If an accessory equipment shelter is present, such building or structure shall blend with the surrounding buildings in architectural character and color.~~
- HH. ~~**Landscaping and Screening.**~~

- 0. Landscaping shall be required to screen as much of the support structure as possible. The fence surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the cell site. The City may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If an antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required, except as otherwise required for the existing use.
- 0. The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures:
  - A row of evergreen trees a minimum of ten feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence; and
  - A continuous hedge, at least 36 inches high at planting and capable of growing to at least 48 inches in height within eighteen months, shall be planted in front of the tree line referenced above.
- 0. Landscaping shall be installed on the outside of fences. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the City. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.

**NN. Maintenance and Inspection.**

- 0. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building and safety codes, regulations of the FCC, and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes, regulations or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes, regulations and standards. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the owner's expense, the costs of which shall constitute a lien against the property.
- 0. Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the City building division.

**QQ. Non Use or Abandonment.**

- 0. In the event the use of any tower has been discontinued for a period of six months, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City, which shall have the right to request documentation or affidavits from the tower owner or operator regarding the issue of tower usage. Upon such abandonment, the owner or operator of the tower shall have an additional 60 days within which to complete one of the following:
  - Reactivate the use of the tower or transfer the tower to another owner or operator who makes actual use of the tower.
  - Dismantle and remove the tower. In such instance, if such tower is not removed within said sixty days, the city may remove such tower at the owner's expense.
- 0. If there are two or more users of a single tower, then removal of the tower is not required unless all users cease using the tower. However, parts of the tower that are rendered unnecessary by partial abandonment shall be removed.

~~0. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower shall automatically expire.~~

~~0. If an abandonment of a tower occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of telecommunications or broadband services, the owner of the tower shall maintain the prescribed painting or illumination of such tower until it is dismantled.~~

~~XX. **Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~YY. **Co-Location in All Zones.** The applicant shall demonstrate that any new antenna can not be co-located on an existing structure.~~

~~ZZ.A. **New Towers in the DT Zone.** New towers that are not co-located on an existing structure in the DT zone shall be processed as an adaptable use.~~

## **TITLE 18 UNIFIED DEVELOPMENT CODE**

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(Ord. [6248](#) §1, 11/06/2018)

### **PART 3: SITE DESIGN AND ENVIRONMENTAL QUALITY**

### **PART 3: SITE DESIGN AND ENVIRONMENTAL QUALITY**

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#### **Chapter 18.05 Access, Circulation, Parking, and Loading**

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##### **Division 18.05.03 Parking and Loading Calculations**

##### **18.05.03.03 Parking Requirements Tables**

H. **Utility and Wireless Telecommunications Land Uses.** The required off-street parking for utility and wireless telecommunications land uses is set out in Table 18.05.03.03.H., Utility and Wireless Telecommunications Land Use Parking Standards.



**I. Table 18.05.03.03.H.  
Utility and Wireless Telecommunications Land Use Parking Standards**

Land Use	Minimum Required Parking
<b>Utility Uses</b>	
<u>Data Center</u>	1 sp. / 500 sf.
<u>Overhead Power Lines (110 kV or more)</u>	N/A
Electrical Substation	1 sp. / 10,000 sf. of secured area
<u>Utilities, Major</u>	special study
<b>Wireless Telecommunications Facilities</b>	
<u>Freestanding Telecommunications Tower</u>	1 sp.
<u>Stealth Telecommunications Tower Alternative Tower Structure</u>	1 sp.
<u>Other Telecommunications Facilities</u>	N/A

## **Chapter 18.06 Site Design**

### **Division 18.06.04 Standards for Complete Neighborhoods**

#### **18.06.04.09 Wireless Telecommunications Plan**

An application for approval of a complete neighborhood may include a plan for the provision of wireless telecommunications services to the development. Said plan shall be reviewed for compliance with applicable standards of [Section 18.02.04.11, ~~Wireless Telecommunications Standards~~ Title 14 of the Loveland Municipal Code](#). Approval of the plan shall constitute approval of the wireless telecommunications facilities identified in the plan for the purposes of this [UDC](#), provided that they are constructed in the locations and to the design specifications set out in the plan.

# TITLE 18 UNIFIED DEVELOPMENT CODE

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(Ord. [6248](#) §1, 11/06/2018)

## PART 4: NONCONFORMITIES, DEVELOPMENT REVIEW, AND ENFORCEMENT

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### Chapter 18.17 SPECIFIC Review Procedures AND APPROVAL STANDARDS

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#### Division 18.17.03 Expedited Reviews ~~and Shot Clocks~~

##### 18.17.03.01 Expedited Review for Farmers Markets

Permit applications for farmers markets shall be reviewed within one week, except in situations, as determined by the Director, where the volume of development review applications significantly exceeds normal levels or where staffing levels are reduced. During such situations, the application review shall be completed within two weeks.

Effective on: 11/20/2018

##### 18.17.03.02 Expedited Review for Designated Affordable Housing

The City shall process all applications for affordable housing developments on an expedited time line. Complete applications for affordable housing developments shall be placed ahead of all other complete applications in the review process. All required reviews of applications for affordable housing developments by City staff members and City boards and commissions shall be accomplished in as expeditious a manner as possible consistent with good planning principles.

Effective on: 11/20/2018

##### ~~18.17.03.03 Wireless Telecommunications Facility Shot Clocks~~

- ~~A. **Generally.** The procedures of this Section apply to wireless telecommunications facilities that are listed in Section [18.02.03.09, Utility and Wireless Telecommunications Land Use by Zone.](#)~~
- ~~B. **“Shot Clock”.** The Federal Communications Commission has established mandatory time frames for review of different types of applications for the wireless telecommunications uses that are listed in Section [18.02.03.09, Utility and Wireless Telecommunications Land Use by Zone.](#)~~
- ~~0. The “shot clock” commences at the time the application is filed, whether the application is complete or not. With respect to telecommunications uses, Section [18.14.03.06, Completeness Review,](#) is modified as follows:
  - ~~— The City shall respond to the applicant with regard to whether the application is complete within 30 days after it is filed. The notice from the City shall specifically delineate all missing information, and specify the code provision, ordinance, application instruction, or other publicly stated procedure that requirements the information. Such determination of incompleteness tolls the “shot clock.”~~
  - ~~— Applications that are incomplete shall be retained by the City.~~
  - ~~— The City shall evaluate a resubmittal for completeness and respond to the applicant within 10 days.~~~~

- ~~O. If the City requests information that had previously been identified in the notice issued pursuant to subsection B.1.c.1.a., above, the “shot clock” shall be tolled again.~~
- ~~O. If the City requests additional information that was not identified in the notice, the shot clock shall continue to run.~~
- ~~O. The “shot clock” concludes:~~
- ~~— 150 days after commencement for new installations that are regulated by 47 U.S.C. § 332(c)(7).~~
  - ~~— 90 days after commencement for substantial changes to existing installations (e.g., co-locations that are not subject to 47 U.S.C. § 1455).~~
  - ~~— 60 days after commencement for “eligible facilities” as defined in 47 U.S.C. § 1455.~~
- ~~O. In addition to tolling that occurs automatically under this subsection, the “shot clock” may be tolled by agreement with the applicant.~~
- ~~N. **Approval of Application.** Approvals shall be in writing and shall specify all design elements that are intended to conceal the wireless telecommunications facility.~~
- ~~O.A. **Denial of Application.** Denials shall be in writing and shall specify the reasons for denial, including reference to substantial evidence in the record that supports the denial.~~

## **PART 5: MEASUREMENT, WORD USAGE, AND DEFINITIONS**

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### **Chapter 18.19 Measurements, Word Usage, and Definitions**

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#### **Division 18.19.03 Definitions**

*Remove definition of “Stealth Telecommunications Tower” and other references throughout Code and add definition of “Alternative Tower Structure” to match Title 14*

“Alternative Tower Structure” means man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mountain structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to this chapter. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the ROW that accommodates small cell wireless facilities in considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this chapter.

# Attachment D

## 13.12.200 Pole Attachments.

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### A. Definitions:

**Assigned space** means space on the poles that can be used, as defined in the Ccity's electric standards and all other standards adopted in Title 16, for the attachment or placement of wires, cables, ~~small-cell facility~~, and associated equipment for the provision of communications facilities, ~~small-cell facility~~, or electric service. The neutral zone or safety space is not considered assigned space.

Effective on: 1/1/1901

**Attachments** means each point of contact between licensee's communications facilities ~~or small-cell facility~~ and the poles, whether placed directly on the poles or overlashed onto an existing attachment, but does not include a riser or a service drop attached to a single pole where licensee has an existing attachment on such pole. Attachment(s) shall include, without limitation, the following points of strain: down guys, main line attachments, and any other attachment that could shorten the life cycle of the pole.

Effective on: 1/1/1901

**Capacity** means the ability of a pole segment to accommodate an additional attachment based on applicable standards, including space and loading considerations.

Effective on: 1/1/1901

**Climbing space** means that portion of a pole's surface and surrounding space that is free from encumbrances to enable Ccity employees and contractors to safely climb, access, and work on Ccity facilities and equipment.

Effective on: 1/1/1901

**Common space** means space on the poles that is not used for the placement of wires or cables but which jointly benefits all users of the poles by supporting the underlying structure and/or providing safety clearance between attaching entities and electric utility facilities.

Effective on: 1/1/1901

**Communications facilities** means wire or cable facilities including, but not limited to, fiber optic, copper, and/or coaxial cables or wires utilized to provide communications service including any and all associated equipment. The term communications facilities does not include wireless antennas, small cell facilities, receivers, or transceivers.

Effective on: 1/1/1901

~~**Micro wireless facility** means a small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.~~

Effective on: 1/1/1901

**Overlash** means to place an additional wire or cable communications facility onto an existing attachment owned by licensee.

Effective on: 1/1/1901

**Pole** means a pole owned by the Ceity used for the distribution of electricity and/or Communications Service that is capable of supporting attachments for communications facilities ~~or small cell facilities~~.

Effective on: 1/1/1901

**Small cell facility** means ~~a wireless services facility that meets both of the following qualifications:~~

- ~~i. each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and~~
- ~~ii. primary equipment enclosures are no larger than seventeen cubic feet in volume, excluding equipment located outside of the primary equipment enclosure. A small cell facility includes a micro wireless facility.~~

Effective on: 1/1/1901

#### B. Pole Attachments in general.

1. No one may attach communication facilities ~~to a pole or a small cell facility~~ without obtaining a license and permits for each pole. Unauthorized attachments shall be issued a penalty and shall come into compliance with this section.
2. All attachments to City-owned electrical facilities, poles or towers, must be licensed by the Water and Power Department. Applications for attachments in the right-of-way must be submitted to the Public Works Department for initial review. The Water and Power Department (hereafter "Department") will provide final review and issue the license and permits for each pole approved for an attachment.
3. Any modifications or additions necessary to make a pole ready for safe attachment will be the responsibility of the applicant/licensee, as well as all associated design and engineering or other costs. Licensee is responsible for payment for all work performed by the Ceity to accommodate the applicant's attachments.
4. The Ceity may refuse to issue a permit where safety concerns cannot be adequately addressed through engineering.
5. A permit is authorization for attachment to specific poles, one for each pole or overlash.
6. One license application may be submitted for multiple pole attachments.
7. The Ceity will issue a permit only when the Ceity determines, in its sole judgment, exercised reasonably, that the pole has sufficient capacity to accommodate the request safely.

#### C. Annual Fees

1. Fees shall be published in the Water and Power Rates, Fees, and Charges.

2. Fees will be charged annually for all attachments. The [Ceity](#) shall invoice annually for the attachment fee, for a period that shall conclude each December 31. All attachments shall comply with all applicable standards. Attachments, overlash, or other components shall not interfere with the operation of any [Ceity](#) facilities. Any changes or work needed to safely attach to a pole is the responsibility of the applicant.

#### D. Permit Application Process

An applicant for any attachment to any [Ceity](#) utility pole shall file a written application on forms furnished by the [Ceity](#).

1. An applicant for a license to attach to any poles or other power utility facility shall submit a written request to perform a pre-construction inspection. The request must include a preliminary route description and minimum design review information.
2. Following a pre-construction inspection, [the](#) applicant shall submit a completed permit application that includes route map, utility pole number(s), pole height and class, guy attachments, attachment height, number of inches below utility while maintaining clearance, span length for each attachment, inches sag, ground clearance, and recommendations on work required to allow the pole to safely support the attachment.
3. The application must include an affirmative statement that the applicant or its contractor is not delinquent in payments due the [Ceity](#) on prior work.
4. The applicant must include or provide copies of all permits, licenses, or easements (including required insurance, deposits, bonding and warranties) required to do the proposed work and to work in the rights-of-way, if licenses or permits are required under the laws of the United States, the State of Colorado, any other political subdivision, or the ordinances or regulations of the [Ceity](#).
5. Applicants shall update any new information on permit applications within ten days after any material change occurs.
6. Applicants seeking multiple attachments may submit one application for a license and include permit applications for each pole or overlash. Applicants will receive permits for each pole or overlash approved for attachment deemed to be safe after any modifications or construction in accordance with standards adopted by the [eCity](#).
7. The [Ceity](#) will review recommendations from the inspection and the application and discuss any issues or changes needed with the applicant.
8. Upon finalization of a written agreement, the [Ceity](#) will work with the applicant to perform any work needed for installation.
9. The applicant's professional engineer or [Ceity](#)-approved employee shall submit written certification that he/she completed a post-construction inspection and that the installation was done in accordance with the provisions of the permit.

#### E. Specifications

1. When a permit is issued, ~~the licensee applicant~~ agrees to install and maintain attachments in accordance with all applicable standards and in accordance with a pole attachment agreement.
2. For any work not performed by the ~~City~~, ~~the applicant~~licensee shall comply with the insurance requirements set forth in Section 12.16.070.

F. Abandonment and Removal

1. At its sole expense, the holder of the license shall remove any of its attachments or any part thereof that becomes nonfunctional, creates a safety hazard, violates any provision of applicable law or violates the license holder's pole attachment agreement. ~~Removal shall occur~~Licensee shall remove such attachments or parts thereof within sixty days of written notification by the City that an attachment must be removed due to becoming nonfunctional or a safety hazard.
2. If the ~~City~~ desires at any time to abandon, remove, or underground any utility facilities to which licensee's communications facilities ~~or small cell wireless facility~~ is attached, the City shall provide licensee notice in writing at least sixty days prior to the date on which it intends to abandon or remove such facilities, and licensee shall remove its communications facilities ~~or small cell wireless facility~~ at its sole cost and expense within that time period. The ~~City~~ may grant an option to purchase the pole in its sole discretion.
3. Failure to pay the annual fee shall be considered abandonment. The ~~City~~ shall issue a notice to remove the attachment(s) if such fee is more than sixty days past due.
4. Licensee may surrender any permit or license for attachment(s) and remove them from affected poles. Licensee must notify ~~the City~~ of the plan for removal, including the name of the party performing the work and dates and times when such work will be performed.
5. If licensee abandons communications facilities ~~or small cell wireless facility~~ or surrenders its license and fails to remove its attachments in the time frame set forth by the City, the ~~City~~ shall have the right to remove licensee's attachments at licensee's expense.



**AGENDA ITEM:** 3  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Kim Reeves  
**STAFF TITLE:** Construction Project Manager

**ITEM TITLE:**

Update on Current Contracts

**DESCRIPTION:**

The Broadband team is currently working on multiple contracts for design and construction of the fiber network.

Design

- Nokia Phase 2 contract for the design portion of the FTTP Design-Build is in its final revision stage working with the City’s legal team as well as Nokia’s legal team. We hope to have this ready for signature from City Manager in the next few weeks.

Construction

- The Premise Installation RFP re-bid for the drops closed May 23<sup>rd</sup> and our team is currently looking at bringing in two of the respondents for interviews based on the pricing structure and proposal provided to obtain a more in depth look at each company.
- Hut Procurement for the five Central Office Locations RFP closed Thursday June 6, 2019 and is currently under review.
- The Strategic Business Relationship and Materials Management for the FTTP materials RFP will close Thursday June 13<sup>th</sup>.
- Bear Communications contract for the construction portion of the FTTP Design-Build is in final stages of negotiation with Bear. The conditions are complete and final pricing based on preliminary pricing is currently being negotiated and is scheduled for City Council review/approval July 2<sup>nd</sup>.

**RECOMMENDATION:**

Information item only. No action required.





**AGENDA ITEM:** 4  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Lindsey Johansen  
**STAFF TITLE:** Communications and Marketing Manager

**ITEM TITLE:**

Marketing and Outreach Update

**DESCRIPTION:**

This item will provide an update on the broadband outreach activities.

**SUMMARY:**

Lindsey Johansen will provide updates on broadband outreach including:

1. Welcome to Pulse!
2. Review of recent activities

**Media Summary:**

6/4/2019	Loveland Reporter-Herald	<a href="#">Loveland council approves agreements, contracts for municipal broadband</a>
6/4/2019	BizWest	<a href="#">Need for speed: Region’s cities take varied routes toward broadband superhighway</a>
6/3/2019	Loveland Reporter-Herald	<a href="#">Loveland City Council to consider broadband-boosting measures</a>
5/31/2019	The Denver Post	<a href="#">Loveland launches broadband push</a>
5/31/2019	Loveland Reporter-Herald	<a href="#">Loveland launches broadband push</a>
5/31/2019	Estes Park Trail-Gazette	<a href="#">Loveland launches broadband push</a>

**RECOMMENDATION:**

Information item only. No action required.



**AGENDA ITEM:** 5  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Richard Bilancia  
**STAFF TITLE:** LCAB Chair

**ITEM TITLE:**

LCAB Membership

**DESCRIPTION:**

A brief verbal update on the application process for LCAB membership.

When LCAB was created in 2018, the membership was staggered to end in 2019, 2020, and 2021. This year, we had three openings to fill.

Applications were due on May 17, 2019. LCAB received four applications and interviews were planned for June 6, 2019. Per the Boards and Commissions policy, Interviews were held with the LCAB Chair, the Director of Water & Power, and the LCAB Liaison.

**RECOMMENDATION:**

Information item only. No action required.



**AGENDA ITEM:** 6  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Joe Bernosky  
**STAFF TITLE:** Director

**ITEM TITLE:**

Commission & Council Report

**SUMMARY:**

Discuss events that the Loveland Communications Advisory Board Liaisons attended, special topics and any City Council items related to the Broadband Project from the past month.

- City Council Report – Verbal

**RECOMMENDATION:**

Commission/Council report only.



**AGENDA ITEM:** 7  
**MEETING DATE:** 6/12/2019  
**SUBMITTED BY:** Joe Bernosky  
**STAFF TITLE:** Director

**ITEM TITLE:**

Director's Report

**SUMMARY:**

Discuss events that the Director attended, special topics and items directly related to the Broadband Project from the past month.

- Director's Report - Verbal

**RECOMMENDATION:**

Director's report only.