

## City Council Special Meeting Agenda

**Date:** 6/11/2015  
**Time:** **4:15 p.m.**  
**Location:** City Hall Council Chambers

- Mayor Nancy Tia Brown
- Donny Anderson
- Karen Ballinger
- Jerry Fritz
- Landon Greer
- Steve Miller
- Stan Wolz
- City Administrator, Barry Cook
- Administrative Services Officer, Cindy Baker
- City Attorney, Scott Kolpitcke
  
- Utility Relocates – 8<sup>th</sup> Street.
  - Staff Reference: Steve Payne, Public Works Director and Dane Austin, Electric Superintendent
  
- Update – Union Wireless Cell Tower Request.
  - Staff Reference: Rick Manchester, Parks, Public Facilities & Recreation Director
  
- Discuss Professional Services Contracts.
  - Staff Reference: Steve Payne, Public Works Director
  
- Discuss and provide staff direction as it relates to Transient Merchant Ordinance
  - Staff Reference: Barry Cook, City Administrator & Cindy Baker, Administrative Services Officer
  
- Review Agenda for Tuesday, July 21<sup>st</sup> Meeting.
  
- Meeting Reminders:
  - Tuesday, July 21, 2015 – Regular Council Meeting 7:00 p.m. City Council Chambers

Time Adjourned: \_\_\_\_\_



CITY OF CODY  
WYOMING

## Cody Parks, Recreation and Public Facilities

1402 Heart Mountain Street

PO Box 2200

Cody WY 82414

Phone (307) 587-0400

Fax (307) 587-2565

[www.cityofcody-wy.com](http://www.cityofcody-wy.com)

For Your Information


Action Necessary

Response Requested

### MEMO—15-027

Date: July 16, 2015—City Council Work Session

To: Barry Cook, City Manager  
Mayor and City Council

From: Rick Manchester, Director   
Parks, Recreation, and Public Facilities

Subject: Union Wireless Cell Tower request

Request that City Council considers a lease agreement with Union Wireless. The agreement will allow Union Wireless to install three microwave antennae on sleds that are set on the roof of the Rec Center. All terms, including final rent agreement will be brought back for City Council approval. The towers request have been presented to Planning and Zoning along with another tower request at the KOA.

#### SUMMARY OF INFORMATION:

1. **Do we want more antennas on the roof at the rec Center?**--Union Wireless is requesting that they are allowed to install three microwave antennae on the roof of the Rec Center.
2. Currently, Union Wireless does not meet **Phase II E911 compliance**. They have an exemption from the FCC until 2017-19. According to Union Wireless they will have E911 compliance, using an A-GPS system, in the third quarter of 2016. We have requested that phase II compliance be committed to in writing and contained in the lease terms. Union wireless is considering our request, however they would like it to be a separate agreement, or not required at all.
3. Mike Conners from the County IT department thinks we have a good package of terms and that the GPS system will work for dispatch services. Currently 5% of cell phone calls to dispatch are from Union Wireless customers. Mike likes the idea of creating an agreement that holds them to the implementation schedule that they proposed.

### FISCAL IMPACT

Union Wireless has proposed tower rent of \$16,800/year (\$1,400/month) plus an annual 3% escalator. We have negotiated a tentative agreement of \$25,200/year (\$2,100/month). Included is a 3% escalator and a \$3,000 non-refundable signing bonus to the City to cover staff time and consultant fees.

The value of a 10-year contract is \$286,409.

### ALTERNATIVES

1. Direct staff and City Attorney to develop a contract based on the terms identified.
2. Deny the Union Wireless request until they are phase II compliant.
3. Deny the request

### ATTACHMENTS

1. Exemption from FCC
2. Memo #15-022 and plans.
3. Angle view of antennae and locations for three units.



Rick Manchester <rickm@cityofcody.com>

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**FW: Phase 2**

1 message

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**Kevin M. Kleinsmith** <kkleinsmith@unionwireless.com>  
To: "RickM@cityofcody.com" <RickM@cityofcody.com>

Mon, Jun 1, 2015 at 11:43 AM

Hi Rick,

Union Telephone Company does not have a Phase II solution, given that we do not have enough towers in the PSAP for Cody to do Triangulation. We are in the process of migrating to E911 Phase II using A-GPS, however that project won't be finished until early next year.

I am sure you are aware that GSM/UMTS carriers were given until 2017-19 to make this migration per the rules put out by the FCC two years ago. Here is the copy of our exclusion letter.

Any question please let me know.

Kevin M. Kleinsmith

307-782-4035

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**From:** Patricia Brockman  
**Sent:** Monday, June 1, 2015 11:09 AM  
**To:** Rick Manchester  
**Cc:** Kevin M. Kleinsmith; Tony Kelly; Alyssa Blair  
**Subject:** RE: Phase 2

Rick,

This is something I do not deal with, but I can forward the message to the person that does.

Regards,

### Your submission has been accepted

<b>ECFS Filing Receipt -</b>		
<b>Confirmation number:</b> <b>2015428538470</b>		
<b>Proceeding</b>		
<b>Name</b>	<b>Subject</b>	
07-114	In the Matter of revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.	
<b>Contact Info</b>		
<b>Name of Filer:</b> Union Telephone Company		
<b>Email Address:</b> pgist@fcclaw.com		
<b>Attorney/Author Name:</b> Pamela L. Gist		
<b>Lawfirm Name (required if represented by counsel):</b> Lukas, Nace, Gutierrez & Sachs, LLP		
<b>Address</b>		
<b>Address For:</b> Law Firm		
<b>Address Line 1:</b> 8300 Greensboro Drive		
<b>Address Line 2:</b> Suite 1200		
<b>City:</b> McLean		
<b>State:</b> VIRGINIA		
<b>Zip:</b> 22102		
<b>Details</b>		
<b>Type of Filing:</b> REPORT		
<b>Document(s)</b>		
<b>File Name</b>	<b>Custom Description</b>	<b>Size</b>
E911 Exclusions 28April2015.pdf		118 KB
<b>Disclaimer</b>		
<p>This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus, or automated links to other documents.</p> <p>Filings are generally processed and made available for online viewing within one business day of receipt. You may use the link below to check on the status of your filing:</p> <p><a href="http://apps.fcc.gov/ecfs/comment/confirm?confirmation=2015428538470">http://apps.fcc.gov/ecfs/comment/confirm?confirmation=2015428538470</a></p> <p>For any problems please contact the Help Desk at 202-418-0193.</p>		

8300 Greensboro Dr.  
Suite 1200  
McLean, VA 22102  
WWW.FCCLAW.COM

Pamela L. Gist  
(703) 584-8665  
pgist@fcclaw.com

**LNGS** | LUKAS,  
NACE,  
GUTIERREZ  
& SACHS, LLP

April 28, 2015

Admiral David G. Simpson, Chief  
Public Safety and Homeland Security Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 7-C485  
Washington, D.C. 20554

Re: PS Docket No. 07-114  
E911 Location Accuracy Exclusion Report Update  
Union Telephone Company

Dear Admiral Simpson:

On behalf of Union Telephone Company and pursuant to FCC Rule Section 20.18(h)(1)(vi) for carriers using network-based technologies, submitted herewith is an update to the company's E911 Location Accuracy Exclusion Report. This updated Report adds Carter County, Montana and Custer County, Montana where it has been determined that triangulation of the geographical position of a 911 emergency call is not technically possible because of insufficient quantity, density and/or geometry of cell sites to support network-based triangulation that meets the accuracy standards.

Should any questions arise with respect to this matter, please communicate directly with this office.

Very truly yours,



Pamela L. Gist

cc: National Emergency Number Association (by email)  
Association of Public-Safety Communications Officials-International (by email)  
National Association of State 9-1-1 Administrators (by email)

**Affidavit in Support of Updated E911 Location Accuracy Exclusion Report**

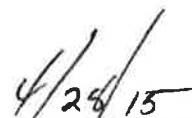
**PS Docket No. 07-114**

Carrier: Union Telephone Company  
Technology: Network-Based  
Signing officer: Eric Woody, Chief Technology and Operations Officer  
Address: P. O. Box 160  
Mountain View, Wyoming 82939  
Telephone: (307) 782-6131

I, Eric Woody, am an officer of Union Telephone Company. I have chief oversight responsibility for monitoring the overall status of location accuracy compliance under Section 20.18(h) of the rules of the Federal Communications Commission.

Union Telephone Company uses network-based technologies to provide E911 location services. Attached hereto is an updated list of counties where Union Telephone Company is utilizing the FCC Rule Section 20.18(h)(1)(vi) exclusion from the Phase II location accuracy standards for network-based technologies. The attached list reports new and previously reported counties where cell site distribution is such that triangulation is not technically possible.

In accordance with 47 C.F.R. § 1.16(2), I declare under penalty of perjury that the foregoing is true and correct. Executed on 28 April 2015.



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Eric Woody, Chief Technology and Operations Officer

**Union Telephone Company**

Reason for Exclusion: Insufficient quantity, density and/or geometry  
of cell sites in the area to support network-based triangulation

Excluded Areas:

Previously reported

Newly reported

Big Horn County, Wyoming  
Carbon County, Wyoming  
Crook County, Wyoming  
Fremont, Wyoming  
Hot Springs County, Wyoming  
Johnson County, Wyoming  
Lincoln County, Wyoming  
Natrona, Wyoming  
Niobrara County, Wyoming  
Park County, Wyoming  
Platte County, Wyoming  
Sheridan County, Wyoming  
Sublette County, Wyoming  
Sweetwater County, Wyoming  
Teton, Wyoming  
Washakie County, Wyoming  
Weston County, Wyoming  
Uinta, Wyoming

Delta County, Colorado  
Garfield County, Colorado  
Grand County, Colorado  
Jackson County, Colorado  
Larimer County, Colorado  
Mesa County, Colorado  
Montrose County, Colorado  
Ouray County, Colorado  
Rio Blanco, Colorado  
Routt County, Colorado  
San Miguel County, Colorado

Bannock County, Idaho  
Bear Lake County, Idaho  
Bingham County, Idaho  
Bonneville County, Idaho



Union Telephone Company  
Excluded Areas  
Page two

Previously reported

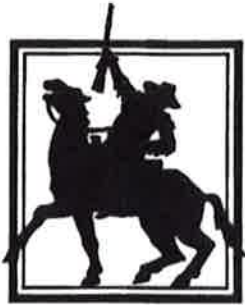
Butte County, Idaho  
Caribou County, Idaho  
Clark County, Idaho  
Custer County, Idaho  
Franklin County, Idaho  
Fremont County, Idaho  
Jefferson County, Idaho  
Lemhi County, Idaho  
Madison County, Idaho  
Oneida County, Idaho  
Power County, Idaho  
Teton County, Idaho

Cache County, Utah  
Daggett, Utah  
Duchesne, Utah  
Grand County, Utah  
Rich County, Utah  
Uintah, Utah

Fallon County, Montana

Newly reported

Carter County, Montana  
Custer County, Montana



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For Your Information

Action Necessary

Response Requested

### MEMO—15-022

Date: May 27, 2015

To: Barry Cook, City Manager  
Mayor and City Council

From: Rick Manchester, Director  
Parks, Recreation, and Public Facilities *Rick*

Subject: Union Wireless Cell Tower request

Provide input to allow staff and City Attorney to develop an agreement and negotiate lease terms with Union Wireless. The agreement will allow them to install three microwave antennae sleds on the roof of the Rec Center. All terms, including rent will be brought back to City Council for approval. And if required, P&Z approval will be pursued.

#### SUMMARY OF INFORMATION:

Union Wireless approached the City, requesting that they are allowed to install three microwave antennae on the roof of the Rec Center. We have not negotiated rent for the installation. We are working with the tower consultant we have used in the past to determine if there are any conflicts with existing towers and contracts. The consultant will also provide an estimate of the rent collected from similar additions.

The illustrations show three locations on the Rec Center roof where the microwave sleds will be placed and positioned. The electrical and communication closet will be located on the northwest side of the building on the existing pavement just outside of the buildings west end doors. This closet has a smaller footprint than the existing AT&T cabinet.

Before starting financial negotiations, we are seeking approval from Council to allow additional towers/antennae at the rec center. Two antennae are located on the lower roof over the locker rooms and one over the pool mechanical room on the west side.

The antennae are more visible from the road and neighborhood. There are other towers and antennae on the rec center but less visible.

**FISCAL IMPACT**

Union Wireless has proposed rent of \$16,800/year (\$1,400/month) plus an annual escalator. I of course think we should get more rent then what is being proposed I am still developing a fair price based on the market value and the other towers at the Rec Center.

**ALTERNATIVES**

1. Direct staff to negotiate an agreement for antennae on the roof of the rec center.
2. Deny the Union Wireless request.

**ATTACHMENTS**

1. Angle view of antennae and locations for three units.
2. Google Earth view of location.

**SUMMARY REPORT TO:**

Doyle Stout, Rec Supervisor  
Todd Stowell, City Planner  
Patty Brockman, Union Wireless

# Proposed Antennas

## Legend

- Antenna Location
- Ground Space





680 N. HEAVENLY AVE  
PO BOX 180  
MOUNTAIN VIEW, WY 82539

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CURRENT REV	DATE
1	4/9/2015
DESIGNED BY	MATTHEW FISHER
REVISIONS	ALYSSA BLAIR

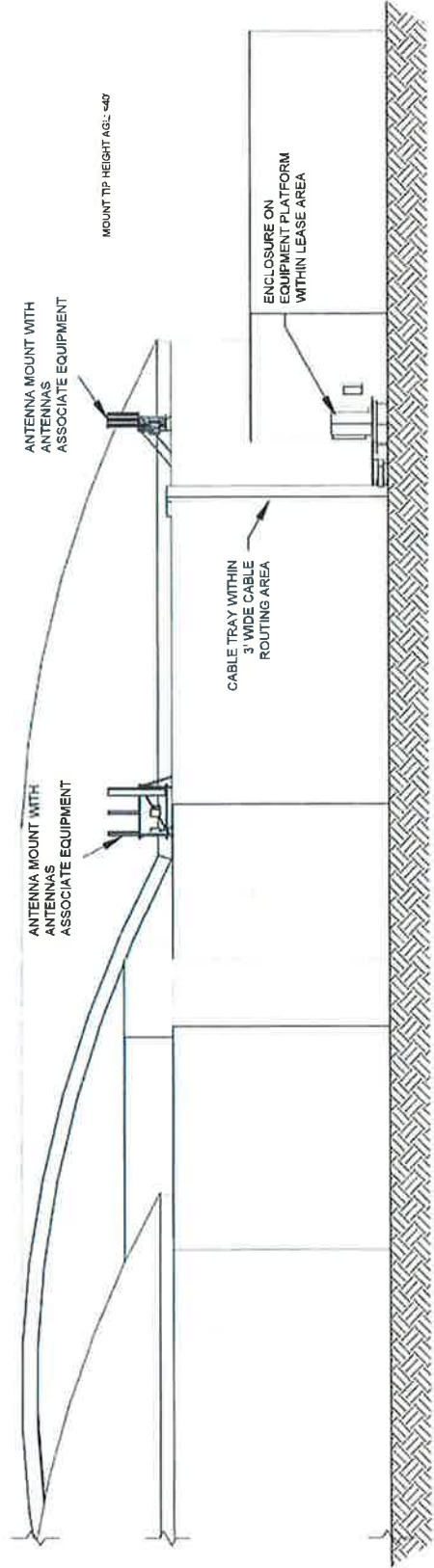
APPROVED  
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APRIL 10, 2015

CODY REC CENTER

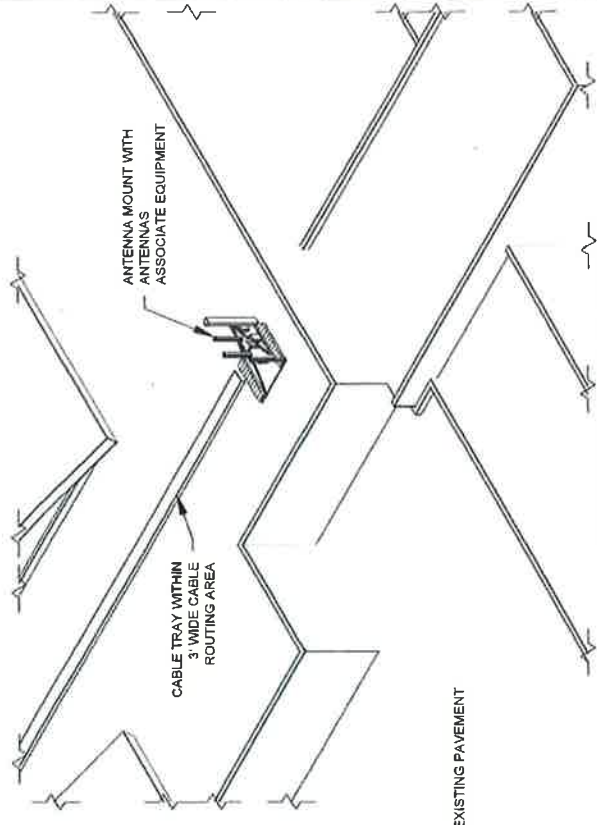
1402 HEART MOUNTAIN STREET  
CODY, PARK COUNTY, WYOMING

ELEVATION VIEW

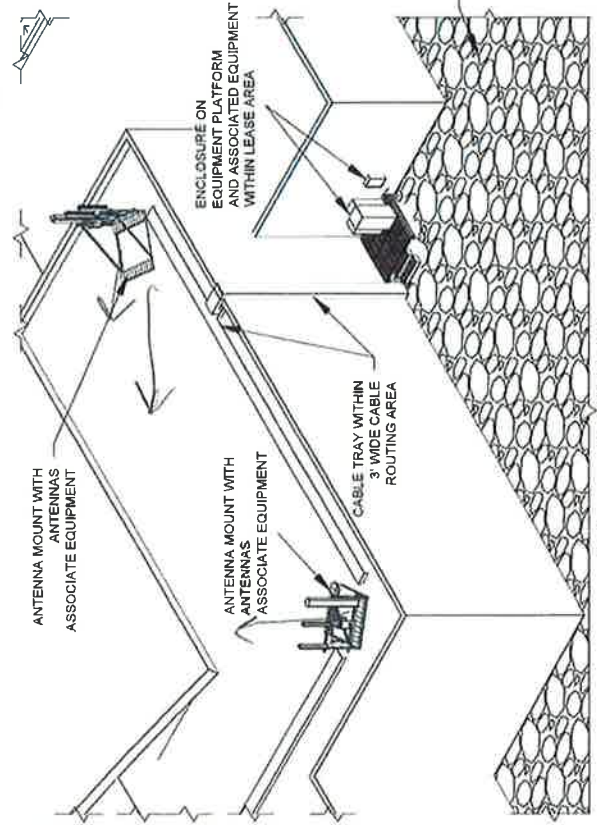
SHEET NO. C2



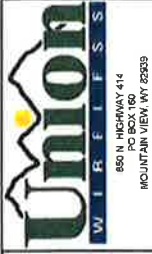
4 NORTHWEST ELEVATION  
SCALE: NO SCALE  
C2



4 EAST EQUIPMENT VIEW  
SCALE: NO SCALE  
C2



4 WEST EQUIPMENT VIEW  
SCALE: NO SCALE  
C2



859 N. HIGHWAY 414  
PO BOX 160  
MOUNTAIN VIEW, WY 82939

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CURRENT REV. DATE  
4/6/2015

DESIGNER: MATTHEW FISHER

CLIENT: ALYSSA BLAIR

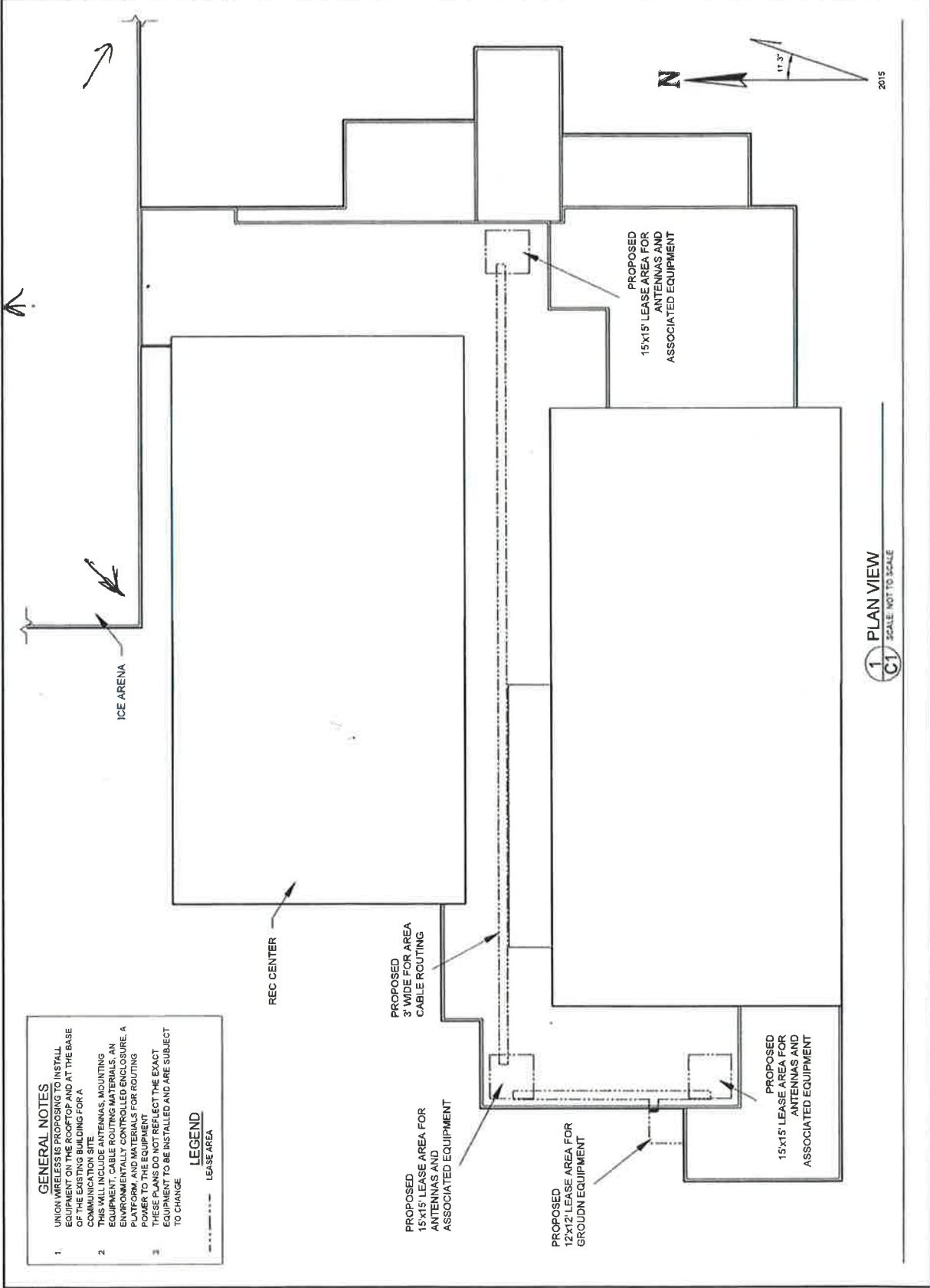
APPROVED  
FOR LEASING  
APRIL 10 2015

PROJECT NAME  
**CODY REC CENTER**

PROJECT ADDRESS  
1402 HEART MOUNTAIN STREET  
CODY, PARK COUNTY, WYOMING

SHEET TITLE  
PLAN VIEW

SHEET NUMBER  
C1



**GENERAL NOTES**

- UNION WIRELESS IS PROPOSING TO INSTALL ANTENNAS ON THE ROOF AND AT THE BASE OF THE EXISTING BUILDING FOR A COMMUNICATION SITE.
- THIS WILL INCLUDE ANTENNAS, MOUNTING EQUIPMENT, CABLE ROUTING MATERIALS, AN ENVIRONMENTALLY CONTROLLED ENCLOSURE, A PLATFORM, AND MATERIALS FOR ROUTING POWER TO THE EQUIPMENT.
- THESE PLANS DO NOT REFLECT THE EXACT LOCATION TO BE INSTALLED AND ARE SUBJECT TO CHANGE.

**LEGEND**

--- LEASE AREA

..... GROUND EQUIPMENT

1 PLAN VIEW  
SCALE: NOT TO SCALE



## **Chapter 5**

# **PEDDLERS AND TRANSIENT MERCHANTS**

### **Article I. Peddlers**

#### **3-5-1: DECLARED NUISANCE, UNLAWFUL:**

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and unlawful. This section shall not apply to local charitable, religious or educational organization members actually going in and upon private residences for the purposes hereinabove specified. (Ord. 88-10)

#### **3-5-2: POLICE TO ENFORCE:**

The chief of police and police department are hereby required and instructed to suppress any nuisance as described in section 3-5-1 of this chapter. (Ord. 88-10)

### **Article II. Temporary Or Transient Merchants**

#### **3-5-3: DEFINITIONS:**

The words "temporary or transient merchant", for the purposes of this article, shall include all persons, firms and corporations, both as principal and agent, who engage in, do or transact any temporary or transient business, either in one locality or more or by traveling from one or more places in this city, selling goods, wares or merchandise and who for the purpose of carrying on such business, hire, lease or occupy a building, structure or car, for the exhibition and sale of such goods, wares or merchandise. (Ord. 94-7)

#### **3-5-4: UNLAWFUL TO DO BUSINESS WITHOUT LICENSE:**



It is unlawful for any temporary or transient merchant to engage in, do or transact any business within the city without having first obtained a license from the city clerk as provided in this article. (Ord. 94-7)

### **3-5-5: LICENSE; APPLICATION; FEE; RECORD TO BE KEPT:**

- A. Any temporary or transient merchant desiring to engage in, do or transact business in the city shall file an application for license for that purpose with the city clerk, which application shall state his name, his proposed place of business, the kind of business proposed to be conducted and the length of time for which he desires to conduct business. Except as provided by subsection B of this section, the temporary or transient merchant shall pay to the city a license fee of three hundred dollars (\$300.00). The city clerk shall issue to the temporary or transient merchant a license to do business at the place described in the application and the kind of business to be done shall be described in the license. A duplicate copy of the license shall be given by the city to the Park County clerk at the time of issuance. No license shall be good for more than one person, unless the person shall be the member of a copartnership, nor for more than one place of business, and shall be good for a period of one year from the date of its issuance. The city clerk shall keep a record of the licenses in a book which shall at all times be open to public inspection.
- B. The license fee of three hundred dollars (\$300.00) under subsection A of this section may be modified by the city council for an event, a fair or a celebration. The modification shall apply to all transient merchants conducting business at the event, fair or celebration. The city council shall notify the city treasurer of the modification. The city clerk shall issue a license that describes the event, fair or celebration and the kind of business to be done. The license shall be good only for the event, fair or celebration and only for the kind of business identified. The city clerk shall keep a record of the modified licenses for an event, fair or celebration in a book that is open to public inspection at all times. (Ord. 94-7)

### **3-5-6: PENALTY:**

Any person, firm, entity or corporation violating the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. (Ord. 94-7)