

Memorandum

TO: City Council
FROM: Stephanie Smith , City engineer
DATE: January 21, 2025
SUBJECT: Ordinance 1047 - amending Chapter 34, Article III on right-of-way management
ITEM NUMBER: 10.b
SECTION: GENERAL BUSINESS

REQUESTED MOTION

To adopt Ordinance 1047 amending Chapter 34, Article III on right-of-way management and approve publication of the summary ordinance.

INTRODUCTION

The City of Shoreview has received requests from high-speed fiber companies to install fiber infrastructure within the public right-of-way. These requests differ from an installation by Xcel Energy or Comcast Cable who are under a franchise agreement, in that cities do not have the legal authority to require franchise agreements for private fiber looking to operate within public right-of-way. Staff proposes ordinance modifications to the right-of-way permitting and inspection process detailed in city code to protect and maintain the city right-of-way for residents and public infrastructure.

DISCUSSION

City staff have discussed large-scale fiber installation with surrounding cities (Chanhassen, Coon Rapids, Blaine, and St Anthony Village) to learn best practices and recommendations for how the process went in their city. Staff also worked with consultant ISG to draft the proposed ordinance based on their experience with similar projects. The proposed ordinance takes these recommendations and experience into account.

The proposed process will include annual registration with updated contact, insurance information and escrow for maintenance of existing facilities in the city. Performance security escrow will be required for each permit to cover the work proposed. Each permitted project cannot be more than one mile in length, to ensure the work is ongoing, completed and restored in a timely manner. New facilities must be installed underground with trenchless drilling, unless found infeasible with approval. Warranties will be submitted to ensure restoration is acceptable. Utility companies will be required to notify and work with adjacent residents prior and during construction. When the project is complete, the utility would submit a certificate of completion and city representative will inspect the permitted improvement areas to ensure proper restoration and other requirements have been met. The city will reserve the right to deny future permits based on incomplete or deficient work or outstanding escrow funds.

The new process and requirements require the proposed ordinance changes to city code. These

requirements will also take up additional personnel time, so staff proposes having the permitting review and inspections completed by consultant, in another item on this meeting's agenda.

RECOMMENDATION

Staff recommends that the council adopt Ordinance 1047 amending Chapter 34, Article III on right-of-way management 10and approve ordinance summary.

ATTACHMENTS

[Proposed Ordinance 1047 Right-of-way Management.pdf](#)
[Ordinance 1047 summary.pdf](#)