

RESOLUTION NO. R2021-145

**A RESOLUTION DENYING THE REQUEST FOR AN EXCEPTION PURSUANT
TO CITY CODE SECTION 90.51C.2(A)**

WHEREAS, Comcast has submitted a right-of-way permit application for installation of overhead utilities along Marschall Road from Shakopee Avenue to Vierling Drive; and

WHEREAS, it has been presented to the Shakopee City Council that City Code Section 90.51 outlines the purpose and undergrounding of facilities within the City of Shakopee; and

WHEREAS, City staff denied the permit per City Code 90.51B which requires that, “Facilities newly installed, constructed, or otherwise placed in the public right-of-way or in other public property held in common for public use must be located and maintained underground pursuant to this subchapter and in accordance with applicable construction standards, subject to the exceptions in 90.51C”; and

WHEREAS, the Shakopee Planning Commission considered the request to grant an exception as specified in 90.51C.2(a) at its meeting of October 7, 2021, and unanimously recommended denial to the City Council; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, that it finds and determines that the request for an exception to City Code Section 90.51C.2(a) is denied, based on the following criteria:

1. The intent of City Code 90.51 is clear in the fact that new utility construction should be underground to promote the health, safety, and general welfare of the public.
2. Allowing overhead installation of utilities may hamper and further extend the ability to eliminate overhead utilities in this corridor.
3. The cost to underground utilities is inherently more than placing utilities on existing overhead infrastructure. However, there is nothing unique about the subsurface conditions in this area that would prohibit underground installation of utilities.

After the adoption of the Resolution, the City Clerk shall file certified copies hereof with the County Auditor and County Recorder of Scott County.

Adopted in _____ session of the City Council of the City of Shakopee,
Minnesota, held the _____ day of _____, 2021.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk