

City of Shakopee
Memorandum

TO: Mark Noble, Senior Planner

FROM: Micah Heckman, Project Engineer

SUBJECT: Comcast Overhead Utility Installation Exemption Request

DATE: October 1, 2021

Comcast recently submitted a right-of-way permit application for installation of overhead utilities along Marschall Road from Shakopee Avenue to Vierling Drive. The application was denied per City Code 90.51 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...”. City Code 90.51C.2 allows for City Council, following consideration and recommendation by the Planning Commission, to grant an exemption to the undergrounding rule if the underground placement would place an undue financial burden upon the right-of-way user. Comcast submitted a formal request for exemption on the basis that underground installation will be approximately double the cost of overhead installation.

The Public Works department has reviewed the request and offers the following comments at this time for the planning department:

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.

Recommendation

The City of Shakopee Public Works Department recommends denial of the exemption request.