



TO: Honorable Mayor Tom Weidt and Members of the City Council
FROM: Liz Finnegan, Senior Engineering Technician
SUBJECT: Amending Right of Way Ordinance and Establishing Related Fees
DATE: For the City Council Meeting of March 2, 2026

DESIRED COUNCIL ACTION

Amend Ordinance for Right of Way (ROW) Management and Establish Related ROW Fees

BACKGROUND

With the on-going expansion of fiber optics within the City of Hugo and the amount of staff time required to manage the expansion projects, staff is recommending approving an amendment to the Right of Way Ordinance and establishing related fees.

Amendments to the Right of Way Ordinance will provide more clarity and requirements to permittees to help facilitate successful projects that will benefit both residents and staff. Key areas addressed in the updated right of way ordinance includes:

- Requirement for communication with property owners including local points of contact for the facility owner and contractor, and advanced construction notification.
- Reference to the City Municipal Separate Storm Sewer System (MS4) requirements and erosion control expectations.
- Traffic control requirements per the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD).
- Winter season requirements to minimize ROW permit work during times of hazardous road conditions and low visibility.

Revenue generated from fees will cover staff time spent managing ROW permits and fiber optic project installations. Staff compared the proposed fees to those of other Metro Cities and understanding that fees cannot be excessive, the following fees are proposed:

	FEES		ESCROW AND OTHER	
ENGINEERING FEES:				
RIGHT OF WAY (ROW) RELATED:				
Annual Registration	\$	30.00	\$	3,000.00
Excavation Permit (1-500LF)	\$	50.00		
Excavation Permit (500LF+)	\$	50.00	+ \$0.20/LF	
Trenching Fee	\$	0.40	/LF	
Boring Fee	\$	0.20	/LF	

AMEND ORDINANCES FOR RIGHT OF WAY MANAGEMENT AND APPROVING 2026 FEES, RATES AND CHARGES

Staff has drafted an ordinance amending the right of way management and amending the city fee schedule that includes right of way related fees. Staff recommends the City Council adopt the amended right of way ordinance and the amended fee schedule for 2026 as proposed, and authorize the summary publication for the amended ordinances.

ATTACHMENTS

Ordinance Amending Right of Way

Summary Ordinance Amending Right of Way

Ordinance Amending the Fee Schedule

Summary Ordinance Amending the Fee Schedule

RIGHT-OF-WAY ORDINANCE 2026-XX

**CITY OF HUGO
WASHINGTON COUNTY, MN**

**AN ORDINANCE OF THE CITY OF HUGO, MINNESOTA AMENDING CHAPTER 82 –
UTILITIES, ARTICLE IV RIGHT-OF-WAY**

THE CITY OF HUGO ORDAINS:

Section 1. the City Council of the City of Hugo does hereby amend Chapter 82 Utilities, Article IV Right-of-way to read as follows:

Chapter 82, Article IV, Sec. 82-301. – Definitions.

Amend section to add the following:

Construction Specifications means such requirements and conditions imposed by the City on an applicant, permit, permittee, registrant, or right-of-way user for use of the right-of-way in order to protect the health, safety, and welfare, or when necessary to protect the right-of-way and its current use.

Chapter 82, Article IV, Sec. 82-312. – Other obligations.

Rename Chapter 82, Article IV, Sec. 82-312 to read:

Sec. 82-312. – Other obligations and construction specifications.

Amend section to add the following:

(e) Construction Specifications.

General: Every applicant, permit, permittee, registrant, or right-of-way user shall:

- (1) Prior to issuance of any permit, comply with section 82-312 of this chapter.
- (2) Conduct all work in a manner to ensure the least obstruction to the adjacent roadway and to pedestrian and vehicular traffic and shall comply with section 82-305(3), 82-312(b), and 82-317, as applicable.
- (3) To the greatest extent possible, provide space in the installation area for other right-of-way users, in accordance with section 82-320 of this chapter.
- (4) Maintain alignment and grade unless otherwise authorized by the City in writing.
- (5) Except as otherwise permitted by the City in writing, not commence any project work until all requirements of this section, sections 82-305 and 82-306 of this chapter, and all other applicable requirements, have been met.
- (6) Prior commencement of any project work, including materials delivery, notify all abutting property owners of the planned project. Notification must include a local contact (name, address, email address, telephone number) for both the contractor and the facility owner. Mailed notice must be provided 3-4 weeks in advance of the work; and door hangers 7-10 days in advance of the work. Copies of these documents must be provided to the City. If the

- use and access to the abutting property is disrupted, the disruption shall be the least disruption as is reasonable practicable for the project, or an alternative shall be provided.
- (7) Not engage in any burning or disking operations or engage in the use of chemicals to control or kill trees, brush, or other vegetation. At the time of construction and at the times of subsequent maintenance, prior approval must be obtained from the City permit office for the cutting and trimming of trees within the right-of-way. Wherever trees are cut the resulting stumps shall be removed unless otherwise provided in the Special Provisions of the Permit. Any holes caused by stump removal shall be backfilled, leveled and all materials associated therewith disposed of outside the right-of-way. The permittee shall advise the City permit office at least 48 hours in advance of its intent to start clearing and grubbing operations.
 - (8) Not obstruct any waterways or drainage lines and comply with the requirements of section 82-312(b) of this chapter.
 - (9) Be responsible for the maintenance and repairs of all private driveways affected by the project work.
 - (10) Be responsible for the removal of all locating flags within project limits that were placed during permittees work.
 - (11) Secure all excavations when unattended so as to prevent entrance of surface drainage, people, or domestic animals. Excavations may be secured by covering or by snow fence. Warning tape wrapped around rebar or other type of stake is prohibited.
 - (12) For all earth-disturbing projects, perform erosion and sediment control and turf establishment activities set forth in this section. All project work shall be performed in compliance with all applicable City, county, state, and federal regulations, and the regulations of any other governmental entity having jurisdiction over the project.
 - a. Inlet protection: When earth disturbing activities are occurring adjacent to culverts or catch basins, inlet protection must be placed if earth or debris could readily enter. Unattended placement of inlet protection must be communicated to the local municipality to obtain permission and address roadway flooding concerns.
 - b. Work near waters: Any earth disturbing work adjacent to waterbodies, including lakes, streams, rivers, wetlands, or constructed stormwater ponds, must employ an acceptable form of perimeter control, including but not limited to silt fence, sediment control logs, or topsoil berms.
 - c. Turf establishment: Wherever topsoil and turf or other vegetation is disturbed, they shall be replaced as soon as is practicable and no more than seven (7) days after disturbance is completed or in accordance with a NPDES Permit, if applicable. Satisfactory maintenance for up to one year shall occur until the turf or vegetation is established. Methods for establishment include, but are not limited to, application of seed and blanket, application of seed and mulch, and placement of sod. When seeding, some type of mulch must be applied. Turf establishment is subject to the requirements of section 82-309(d) of this chapter.

- d. Erosion control blanket: Must be used on all steep slopes and staked in place. If an erosion control blanket is utilized, the product must be a “natural netting” and “no net” product that is completely biodegradable in areas that are maintained.
 - e. Stock piling of excavated material: Shall not occur within the road right-of-way without proper traffic control. Stockpiles left unattended must also have sediment control devices placed.
 - f. Street sweeping: May be required as directed by City staff. No foreign material such as dirt, gravel or bituminous material shall be deposited or left on the road. The roadway surface must be cleaned up daily if material is on the road.
- (13) For projects disturbing more than one (1) acre, obtain a General NPDES Permit for construction activities through the Minnesota Pollution Control Agency. Disturbances from linear activities may be counted together as one project, provided the above ground disturbance is continual. All City MS4 requirements must be met.
- (14) For installation of any new facility, must not interfere with any existing facility, and shall comply with the provisions contained in section 82-320(c) of this chapter.
- (15) Traffic Management: For projects that require work within the traveled portion of the roadway or shoulder, submit a traffic management plan to the Director at the time of permit application. The traffic management plan shall incorporate all necessary signs, barricades, warning devices, and flaggers for all phases of construction and maintenance operations. The permittee shall provide all signs, barricades, and warning devices included in the traffic management plan, and all shall conform to the requirements of section 82-312(b) of this chapter. Except where the traffic management plan includes a detour, the plan must be approved by the Director at least 24 hours in advance of any project work occurring in the traveled portion of the roadway or shoulder. If the traffic management plan includes a detour, the plan must be approved by the Director not less than seven (7) days prior to the commencement of the detour.
- (16) Comply with working hours between 7:00 am and 7:00 pm, Monday through Friday. No project work is permitted on Saturdays, Sundays, or Holidays. These limitations do not apply to emergency work.
- (17) Require all vehicles and Equipment parked or in use at the work site to clearly display the name of the permittee or permittee’s approved contractors.
- (18) Locate and protect an invisible dog fences or irrigation systems that are located in the right-of-way or public utility easement. Permittee holder will be responsible for the repairs of any damage caused to invisible dog fences and irrigation systems that occurred during their project.
- (19) Seasonal Work: Notwithstanding other provisions in this chapter, perform seasonal work only as follows:
- a. Winter season requirements for working on right-of-way start in the fall once the ambient temperature drops below freezing and continues until the temperature warms and stays above freezing in the spring. This is typically between November 1st and April 15th, although the actual dates may vary based on weather conditions.

- b. During the winter season, no excavations will be allowed except for emergency repairs. Temporary patches must be replaced with a permanent bituminous repair in the spring. Cold mix patches are not approved, except for emergency repairs. Emergency repairs may include water main or gas main leaks, faulty telecommunication or power cables, or sewer line repairs. Cold mix patches are the responsibility of the permittee and must be monitored and maintained by the permittee or permittee's agent 24 hours a day until a permanent patch is made.
 - c. Except for emergency repairs, no construction activity, parked vehicles or equipment will be allowed within the roadway including the shoulder up to the curb during periods of inclement weather, or if inclement weather is imminent. Freezing rain, sleet and snow create slippery road conditions and poor visibility. These conditions make work zones dangerous for both the traveling public and contractor personnel.
 - d. For emergency repair projects, all restoration, including turf and trail damage, must be promptly restored in the spring. All turf restoration shall be made with sod or black dirt, seed and mulch of some type covering the seed. The permittee shall be responsible for planting and turf establishment for up to one year from installation.
- (20) All crossings made in the roadbeds of the city roadways shall be made by trenchless methods.
- (21) When utilizing trenchless methods to cross an area in which existing utilities are located, the permittee shall excavate an observation hole to expose the utilities prior to crossing them to ensure that the existing utilities are not damaged. When an observation hole must be excavated in an existing pavement section or concrete, the pavement must be cut using the coring method. The hole must be compacted to the surface and paved with a hot mix. In concrete sidewalks, the entire panels must be replaced. Saw cutting, jack hammering, or any other means are strictly prohibited without prior approval of the Director. If the hole must be cut in a private driveway, the property owner must be notified.
- (22) The underground utilities shall be so installed to preclude any necessity for disturbing the roadbeds to perform maintenance operations.
- (23) Underground facilities shall not be installed between a hydrant and an auxiliary valve.

Passed and adopted by the City Council of the City of Hugo this 2nd day of March, 2026.

Tom Weidt, Mayor

Attest:

Michele Lindau, City Clerk

SUMMARY ORDINANCE 2026-XXX

NOTICE: THIS PUBLISHED MATERIAL IS ONLY A SUMMARY OF AN ORDINANCE OF THE CODE OF ORDINANCES FOR THE CITY OF HUGO. THE FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE HUGO CITY HALL DURING REGULAR BUSINESS HOURS.

TITLE:

An ordinance adding Chapter 82 Utilities, Article IV Right-of-way.

SUMMARY OF RIGHT-OF-WAY ORDINANCE:

Chapter 82, Article IV, to amend Section 82-301 DEFINITIONS: This section is revised to add the definition of construction specifications.

Chapter 82, Article IV, to amend Section 82-312 other obligations and construction specifications.

This ordinance includes the following construction specifications related to Chapter 82, Section 82-312:

- Requirements for communication with property owners including local points of contact for the facility owner and contractor, and advanced construction notification.
- Reference to the City Municipal Separate Storm Sewer System (MS4) requirements and erosion control expectations.
- Traffic control requirements per Minnesota Manual on Uniform Traffic Control Devices (MMUTCD)
- Winter season requirements to minimize right-of-way permit work during times of hazardous road conditions and low visibility.

This ordinance shall be effective upon its passage and publication according to law.

Passed and adopted by the City Council of the City of Hugo this 2nd day of March, 2026.

Tom Weidt, Mayor

Attest:

Michele Lindau, City Clerk

ORDINANCE 2026-

AN ORDINANCE AMENDING SECTION 30-2, FEE SCHEDULE, TO INCLUDE FEES FOR RIGHT OF WAY (ROW) RELATED

THE CITY OF HUGO ORDAINS:

Section 1. The City Council of the City of Hugo does hereby amend Hugo City Code, Section 30-2 FEE SCHEDULE, to include the following fees:

	FEEES	ESCROW AND OTHER
ENGINEERING FEES:		
RIGHT OF WAY (ROW) RELATED:		
Annual Registration	\$ 30.00	\$ 3,000.00
Excavation Permit (1-500LF)	\$ 50.00	
Excavation Permit (500LF+)	\$ 50.00	+ \$0.20/LF
Trenching Fee	\$ 0.40	/LF
Boring Fee	\$ 0.20	/LF

Section 2. Severability. In the event that a court of competent jurisdiction adjudges any part of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included with that judgment.

Section 3. Effective Date. This amendment shall take effect upon its passage and publication.

Tom Weidt, Mayor

Attest:

Michele Lindau, City Clerk

SUMMARY ORDINANCE 2026-
AMENDING THE 2026 CITY OF HUGO FEE SCHEDULE

NOTICE: THIS PUBLISHED MATERIAL IS ONLY A SUMMARY OF AN ORDINANCE OF THE CODE OF ORDINANCES FOR THE CITY OF HUGO. THE FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE HUGO CITY HALL DURING REGULAR BUSINESS HOURS.

The City of Hugo City Council does ordain the following:

Section 1. Findings. Pursuant to Minnesota Law, the City of Hugo City Code, and upon a review of a study conducted by City staff, a fee schedule for City services and licensing is hereby amended for the following:

2026 FEE SCHEDULE

Engineering Fees:
Right of Way (ROW) Related

Section 2. Effective Date of Ordinance. This ordinance shall be effective upon publication.

This is a summary of the amended ordinance. A full printed copy of the ordinance is available at City Hall; a full listing of the city's fees is available on the City Website.

Passed and adopted by the City Council of the City of Hugo this 2nd day of March, 2026.

Tom Weidt, Mayor

Attest:

Michele Lindau, City Clerk