

AGENDA
MAPLE PLAIN CITY COUNCIL – WORKSHOP
MAPLE PLAIN CITY HALL
April 9, 2018
5:30 p.m.

- 1. CALL TO ORDER**
- 2. ADOPT AGENDA**
- 3. CITY ADMIN REVIEW GOALS**
- 4. ELIM CARE UPDATE**
- 5. SOCIAL MEDIA REPORT**
- 6. 2018 STREET PROJECT BONDING UPDATE**
- 7. UTILITY E-BILLING**
- 8. RIGHT-OF-WAY ORDINANCE**
- 9. MAILBOX ORDINANCE**
- 10. COFFEE WITH CITY COUNCIL**
- 11. JOINT PARK COMMISSION MEETING**
- 12. CITY ADMINISTRATOR WEEKLY UPDATE**
- 13. OTHER BUSINESS**
- 14. ITEMS FOR NEXT WORKSHOP**
- 15. ADJOURNMENT**

If anyone has any further questions regarding this agenda, please feel free to call Robert Schoen, City Administrator at 763-479-0516. Thank you!

City Admin Goals and Objectives Version 2

1. Executing and guiding the City towards the City Council's Strategic Goals

- a. Develop the Gateway District
- b. Find ways to fund and execute the vision of Northside Park
- c. Operate an efficient government budget
- d. Push the downtown development with John Q

2. Communications with City Council and Residents

- a. Create a City Council Google Calendar
- b. Finish the New City Website
- c. Respond back to any resident within 24 hours
- d. Communicate with Council on the phone more. Provide more 1 on 1 opportunities.
- e. Work with Local Media to provide accurate informative stories regarding the City.

3. Individual Efficiency and Staff Development

- a. Delegate more to City Staff
- b. Provide more Teaching opportunities for Staff
- c. Attend Richard Fursman's leadership seminar
- d. Push cross training of staff members.
- e. Promote Professional training opportunities for Staff Members



5050 INDEPENDENCE STREET | MAPLE PLAIN, MN 55359
Phone: (763) 479-0515 | Fax: (763) 479-0519 | www.mapleplain.com

To: City Council
From: Nicole Kathman, Assistant to the City Administrator
Re: October – December (Quarter 4) 2017 Facebook Page Analytics Report
Date: January 17, 2018

Background

At the November 13, 2017 City Council Workshop, direction was given to City Staff to provide a quarterly report on the City's Facebook page analytics. This is the first report.

Likes

October 1, 2017 – December 31, 2017

October 1, 2017: 272
December 31, 2017: 285
Gain of: 13 Likes

Reach

October 1, 2017 – December 31, 2017

Total Reach: 14,144
Post Reach: 13,342
Reach by other than post: 802

Total reach is the number of people who have seen any activity from the page including the posts, posts to the page by other people, page like ads, mentions, and check-ins. It is tracked day-by-day. This number was calculated by adding up the daily total reach from October 1, 2017 to December 31, 2017.

Post reach is the number of people who saw posts from the page. It is tracked day-by-day. This number was calculated by adding up the daily post reach from October 1, 2017 to December 31, 2017.

Reach by other than post is the difference between Total Reach and Post Reach.

Views


October 1, 2017 – December 31, 2017

Total Views: 384

Total Views includes both logged in and logged out views of the page.

Highlight Posts


Top performing posts from the time period of October 1, 2017 – December 31, 2017.

**City of Maple Plain**
Published by Nicole Kathman [?] · October 17, 2017 ·

Like Page

...

Though it may not seem like it on a beautiful day like today November is approaching. Every year from November 1 through April 15, parking on all city streets between 1 am - 7 am is prohibited. In addition, parking in city streets during snow removal at any time is not allowed. Thank you in advance for your cooperation so when the time comes we can clear the roads as quickly as possible!



2,017 People Reached

7 Likes, Comments & Shares

4 Likes	3 On Post	1 On Shares
0 Comments	0 On Post	0 On Shares
3 Shares	2 On Post	1 On Shares


51 Post Clicks

19 Photo Views	0 Link Clicks	32 Other Clicks
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NEGATIVE FEEDBACK

0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts


**City of Maple Plain**
Published by Nicole Kathman [?] · December 22, 2017 at 2:35pm ·

Like Page

...

Congratulations to the Community House Decorating Contest Winner, 5810 Amy Lane- pictured below! Thank you to all of you who participated!

If you're looking for lights to see in Maple Plain, we suggest taking a drive on Amy Lane, Henry Street, E. Main Street, and Independence.



904 People Reached

88 Reactions, Comments & Shares

67 Like	32 On Post	35 On Shares
5 Love	3 On Post	2 On Shares
3 Wow	0 On Post	3 On Shares
9 Comments	5 On Post	4 On Shares
5 Shares	1 On Post	4 On Shares

240 Post Clicks

82 Photo Views	0 Link Clicks	158 Other Clicks
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NEGATIVE FEEDBACK

3 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

City of Maple Plain

Like Page
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Published by Nicole Kathman [?] · October 10, 2017 ·

Last Saturday October 7th during the Flag Retirement Ritual at the Maple Plain Fire Department, Boy Scout John Ellis presented his Eagle Scout Project. For his project John constructed American Flag Retirement boxes, two of which have just been placed at Maple Plain City Hall and the Maple Plain Fire Department. A flag retirement box is a place for people to bring their American flags that are worn, tattered, or no longer usable. Pictured below are members of American Legion Post #514, Maple Plain Mayor Julie Maas-Kusske and John Ellis. Thank you John and Boy Scout Troop 206 for all of the great contributions made to our community through Eagle Projects such as this one!

730 People Reached

36 Reactions, Comments & Shares

31 Like	26 On Post	5 On Shares
2 Love	2 On Post	0 On Shares
1 Comments	1 On Post	0 On Shares
2 Shares	1 On Post	1 On Shares

95 Post Clicks

45 Photo Views	0 Link Clicks	50 Other Clicks
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NEGATIVE FEEDBACK

2 Hide Post	1 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

City of Maple Plain

Like Page
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Published by Nicole Kathman [?] · November 2, 2017 ·

Save the date! Santa is coming to town in exactly one month!

View Santa

West Hennepin Public Safety Reserves will be escorting Santa on his route on **December 2nd, 2017.**

The Reserves will also collect food and money donations for the local food shelf. Photos may be taken with Santa at Independence City Hall from 3:45 to 4:15 and at Northside Park from approximately 4:40 to 5:20.

View Santa, December 2nd, 2017

SANTA'S ROUTE AND SCHEDULE ARE:

3:45-4:15 p.m. INDEPENDENCE CITY HALL	5:00 p.m. INDEPENDENCE ST. HOWARD AVE. DRAKE STREET	5:45 p.m. BUDD AVE. BRYANTWOOD DR. JOYCE ST.	6:00-6:15 p.m. WYMAN AVE. (Haven Homes)	6:45 p.m. MAIN ST. WEST HALGREN RD. PARKVIEW RD. RAINBOW AVE.
4:15 p.m. PAGENKOPF RD.	5:30 p.m. 4:30 at INDEPENDENCE RD. 4:35 at NORTH BUDD AVE.	5:50 p.m. PERRINS LANE INDEPENDENCE ST. HOWARD AVE. MAIN ST. EAST	6:15 p.m. BRYANT ST. PRAIRIELAND AVE. JOYCE ST.	7:00 p.m. MAIN ST. WEST PARKVIEW RD. THREE OAKS AVE.

4:40-5:20 p.m.
NORTHSIDE PARK

THESE TIMES ARE APPROXIMATE DUE TO CHANGES IN THE ROUTE.

685 People Reached

31 Reactions, Comments & Shares

21 Like	13 On Post	8 On Shares
1 Love	1 On Post	0 On Shares
1 Haha	0 On Post	1 On Shares
4 Comments	0 On Post	4 On Shares
4 Shares	0 On Post	4 On Shares

59 Post Clicks

28 Photo Views	0 Link Clicks	31 Other Clicks
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NEGATIVE FEEDBACK

2 Hide Post	2 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

City of Maple Plain

Like Page
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Published by Nicole Kathman [?] · November 22, 2017 ·

Join us on Monday, November 27th in the Council Chambers to honor the 2017 Good Neighbor Award recipient Carol Cheswick! A reception will be held at 6:30 p.m. followed by the presentation of the award during the City Council meeting at 7:00 p.m.

The Good Neighbor Award exhibits a lifetime service and dedication through volunteerism, virtue, civic engagement, and creativity to meet community needs.

Carol truly lives out these qualities by always being willing to lend a hand and make a difference wherever possible! Some of her many current and prior commitments and contributions include: co-founder and former co-chair of Heart Safe in Maple Plain, served on the West Hennepin Chamber of Commerce Board and the Maple Plain Days Committee, as well as volunteering at a number of organizations including the Westonka Historical Society and the West Hennepin Pioneer Association.

Good Neighbor Award

2017 Winner: Carol Cheswick

Monday, November 27

Reception: 6:30 p.m.
Presentation of Award: 7:00 p.m.

596 People Reached

50 Reactions, Comments & Shares

27 Like	4 On Post	23 On Shares
2 Wow	0 On Post	2 On Shares
10 Comments	0 On Post	10 On Shares
11 Shares	5 On Post	6 On Shares

74 Post Clicks

4 Photo Views	0 Link Clicks	70 Other Clicks
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NEGATIVE FEEDBACK

1 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts



5050 INDEPENDENCE STREET | MAPLE PLAIN, MN 55359
Phone: (763) 479-0515 | Fax: (763) 479-0519 | www.mapleplain.com

To: City Council
From: Nicole Kathman, Assistant to the City Administrator
Re: January – March (Quarter 1) 2018 Facebook Page Analytics Report
Date: April 6, 2018

Background

At the November 13, 2017 City Council Workshop, direction was given to City Staff to provide a quarterly report on the City's Facebook page analytics. This is the second report.

Likes

January 1, 2018 – March 31, 2018

January 1, 2018: 285
March 31, 2018: 301
Gain of: 16 Likes

Reach

January 1, 2018 – March 31, 2018

Total Reach: 4,130
Post Reach: 4,029
Reach by other than post: 101

Total reach is the number of people who have seen any activity from the page including the posts, posts to the page by other people, page like ads, mentions, and check-ins. It is tracked day-by-day. This number was calculated by adding up the daily total reach from January 1, 2018 to March 31, 2018.

Post reach is the number of people who saw posts from the page. It is tracked day-by-day. This number was calculated by adding up the daily post reach from January 1, 2018 to March 31, 2018.

Reach by other than post is the difference between Total Reach and Post Reach.

Views


January 1, 2018 – March 31, 2018

Total Views: 400


Total Views includes both logged in and logged out views of the page.

Highlight Posts


Top performing posts from the time period of January 1, 2018 – March 31, 2018.

**City of Maple Plain** shared The Laker & Pioneer's post.
Published by Nicole Kathman [?] · March 28 at 12:27pm · 🌐

Come out for the Easter Egg Hunt at Northside Park THIS Saturday!
More details on the event are also here:
<https://www.facebook.com/events/162210414327367?ti=la>

**The Laker & Pioneer**
March 25 · 🌐 · 📍

There will be an Easter Egg Hunt at Northside Park in Maple Plain on Saturday, March 31 at 10:30 a.m. Bring your Easter baskets because there will be 13,000 eggs to collect!



Volunteers hide 13K eggs for Maple Plain Easter celebration
At 10:30 a.m. on Saturday, March 31, hundreds of kids are expected to gather at Northside Park in Maple Plain, eagerly awaiting the start of the popular...
HOMETOWNSOURCE.COM

Performance for Your Post

341 People Reached

19 Reactions, Comments & Shares ⓘ

6 Like	6 On Post	0 On Shares
1 Love	1 On Post	0 On Shares
8 Comments	8 On Post	0 On Shares
4 Shares	4 On Post	0 On Shares


65 Post Clicks


0 Photo Views	8 Link Clicks	57 Other Clicks ⓘ
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NEGATIVE FEEDBACK


0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

**City of Maple Plain**
Published by Nicole Kathman [?] · March 23 at 9:10am · 🌐

 Like Page

Water Main Break Alert (3/23/18):
There has been a water main break near Gladview Lane and Drake Street. Crews are out repairing the break making water service temporarily unavailable for the next 4-6 hours for some nearby residents. We apologize for any inconvenience. Please feel free to contact City Hall at 763-479-0515 with any questions or concerns.

 **Get More Likes, Comments and Shares**
When you boost this post, you'll show it to more people.

Performance for Your Post

315 People Reached

4 Reactions, Comments & Shares ⓘ

1 Like	1 On Post	0 On Shares
2 Wow	2 On Post	0 On Shares
0 Comments	0 On Post	0 On Shares
1 Shares	1 On Post	0 On Shares


31 Post Clicks

0 Photo Views	2 Link Clicks	29 Other Clicks ⓘ
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NEGATIVE FEEDBACK

0 Hide Post	1 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts



City of Maple Plain
Published by Nicole Kathman · February 21 ·

Like Page

The lockdown at the Discovery Center where City Hall is located is now lifted. City Hall is now open.

Get More Likes, Comments and Shares
When you boost this post, you'll show it to more people.

306 people reached

Boost Post

Like

Comment

Share

Performance for Your Post

306 People Reached

3 Likes, Comments & Shares

0 Likes	0 On Post	0 On Shares
0 Comments	0 On Post	0 On Shares
3 Shares	0 On Post	3 On Shares

16 Post Clicks

0 Photo Views	0 Link Clicks	16 Other Clicks
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NEGATIVE FEEDBACK

2 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts



City of Maple Plain
Published by Nicole Kathman · January 8 ·

Like Page

Good afternoon! Tonight's EDA meeting is cancelled. The City Council Workshop will still be taking place starting at 6:15 pm.



Performance for Your Post

222 People Reached

2 Reactions, Comments & Shares

1 😞 Sad	1 On Post	0 On Shares
0 Comments	0 On Post	0 On Shares
1 Shares	1 On Post	0 On Shares


8 Post Clicks

2 Photo Views	0 Link Clicks	6 Other Clicks
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NEGATIVE FEEDBACK

1 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts




City of Maple Plain
Published by Nicole Kathman · March 29 at 2:00pm ·

Like Page

Next week Randy's Sanitation is starting up free yard waste collection for the year through the end of November for Maple Plain residents. Place all materials out for collection by 6 am on collection day (Mondays).

Here are the guidelines:

- Yard waste items accepted include weeds, garden waste, grass clippings, and leaves
- Yard waste must be placed in compostable bags
- Brush or branches must be cut into 3-foot lengths and bundled with natural twine (no plastic). Bundles must not exceed 3 feet in diameter.



Performance for Your Post

218 People Reached

5 Likes, Comments & Shares

2 Likes	2 On Post	0 On Shares
3 Comments	3 On Post	0 On Shares
0 Shares	0 On Post	0 On Shares

39 Post Clicks

1 Photo Views	0 Link Clicks	38 Other Clicks
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NEGATIVE FEEDBACK

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Reported stats may be delayed from what appears on posts

CHAPTER 96: RIGHTS-OF-WAY

Section

96.01	Purpose
96.02	Definitions
96.03	Permit procedure
96.04	Restoration and relocation
96.05	Company default
96.06	Indemnification
96.07	<u>Right-of-Way Vegetation</u>
96.08	Other conditions
96.09	Violations
<u>96.10</u>	Effective date

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§ 96.01 PURPOSE.

The purpose of this chapter is to protect and enhance the public health, safety, and welfare by governing the construction, installation, operation, repair, maintenance, removal, and relocation of facilities and equipment used for the transmission of facilities or related services on, over, in, under, or along the public ground of the city.

(Ord. 192, passed 10-14-2003)

§ 96.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPANY. A natural or corporate person, business association, or other business entity including partnership and sole proprietorships, political subdivision, public or private agency of any kind, its successors and assigns, who or which seeks to, or is required to construct, install, operate, repair, maintain, remove, relocate, or expand facilities in the city.

DIRECTOR. The Director of Public Works, City Administrator/Clerk, or the other agent as the City Council may designate from time to time.

FACILITIES. Communication, electric, gas, oil, or similar transmission lines or equipment or any kind including, but not limited to lines or equipment for the transmission of audio, video, data, gas, electricity, oil, or other similar transmission services including but not limited to trunk lines, service

connections, lines, cables, physical connections, switching equipment, wires, optic fibers, or other optic cables laser equipment, circuits, physical connections, wireless communications equipment of all kinds, poles, towers and any necessary appurtenances owned or leased or operated by a company on, over, in, under, or across public ground.

PUBLIC GROUND. Roads, streets, alleys, sidewalks, public ways, utility easements, public easements, and public rights-of-way in the city.

SMALL WIRELESS FACILITY. A wireless facility that meets both of the following qualifications:

- (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (2) All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

UTILITY POLE. A pole that is used in whole or in part to facilitate telecommunications or electric service.

WIRELESS SUPPORT STRUCTURE. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

(Ord. 192, passed 10-14-2003)

§96.03 PERMIT PROCEDURE.

(A) *Permit required.* Except in the case of emergency work as set out in division (D) below, a company may not construct, install, repair, remove, or relocate facilities, or any part thereof, or otherwise open or disrupt any public ground without first obtaining a permit from the city. The city shall require a separate permit of a company for each location where construction, installation, or other disturbance of the public ground is to occur, or for each convenient subdivision or construction, installation or other related work for which the city in its sole discretion determines a permit is required. Each permit shall state specifically the location of any facilities, and the nature of the work necessitating the permit, and shall contain reasonable regulations and conditions to protect the health, safety and welfare of the populace of the city, and to protect the right-of-way and its current use. In addition, a permittee shall comply with all the requirements of local, state, and federal laws, including but not limited to Minnesota Statutes §216D.01 - .09 (Gopher One Call Excavation Notice System) and

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Minnesota Rules Chapter 7560.

(1) *Small Wireless Facility Permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion of the public ground, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

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(B) *Application.* The company shall apply for a permit on such forms as the city may designate from time to time. In the event the city requests it,~~determines in its~~ the company shall promptly submit a survey to the Director at the company's ~~expense.~~ If the Director determines that City Planning Commission review and/or City Council review is appropriate, such review shall be sought.

(C) *Application requirements.* The company shall apply for a permit or renewal of a permit a minimum of 3 weeks before the date proposed to start work and shall submit detailed plans for street or sidewalk use and pedestrian and driver safety on major projects. The provisions of this division (C) or portions thereof may be waived by the city in the event of emergency work as provided in division (D) below.

(1) *Small Wireless Facility Requirements.* In addition to the requirements of division (A) above, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in or on public ground shall be subject to the following conditions:

- (a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- (b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
- (c) No wireless facility may extend more than 10 feet above its wireless support structure.
- (d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- (e) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
- (f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

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(D) *Emergency work.* A company may open and disturb the surface of public ground without a permit only where an emergency exists requiring the immediate repair of its facilities. In that event, the company shall notify the city immediately of the need for emergency work, request a permit not later than the second working day thereafter and comply with the applicable conditions of the permit. In no event may a company undertake an activity which will result in the closing of a street or alley without prior notification to the Police Chief, Fire Chief, City Administrator/Clerk, and Public Works Director. City Council approval is required, the Director shall refer the application to the Planning Commission and/or City Council as appropriate.

(E) *Approval or denial of application.* Upon receipt of an application by a company for a permit, the city may approve or deny the application. If the city determines to deny the application, the city must notify the applicant, in writing, within three business days of the decision to deny a permit. Denial shall be accompanied by a written statement of the reasons for the denial—and may be appealed to the City Council which shall issue detailed findings in the event the denial is sustained.— An appeal of denial shall be heard at the ~~next~~^{first} regularly scheduled Council meeting to which proper notice can be given and any findings issued within 30 days of the meeting. Upon a denial of an application (whether or not appealed), the applicant may address the reasons for the denial identified by the city and resubmit the application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

(1) Action on Small Wireless Facility Permit Applications

(a) Deadline for Action. The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

(b) Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by the city, provided that all small wireless facilities in the application:

- (i) are located within a two mile radius;
- (ii) consist of substantially similar equipment; and
- (iii) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

(c) Tolling of Deadline. The 90-day deadline for action on a small wireless facility permit application may be tolled if:

- (i) The city received applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a 7 day period. In such instance, the city may extend the deadline for all such applications by 30 days by informing the affected applicants, in writing, of such extension.
- (ii) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt of the application. Upon submission of additional documents or information, the city shall have 10 days to notify the applicant, in writing,

of any still-missing information.

(iii) The city and a small wireless facility applicant agree, in writing, to toll the review period.

(F) *Issuance of permit.* If a Director determines that the applicant has satisfied the requirements of this chapter, the Director may issue a permit to the company upon payment of the permit fee as specified in the division (G) below.

(G) *Permit fee.* The company shall pay a fee for each permit issued in an amount as the City Council may designate by resolution from time to time. The City Administrator/Clerk shall maintain a table of permit fees as approved by the City Council. The permit fee shall be determined so as to fully reimburse the city for all costs incurred as a result of the construction, installation, or other work approved by the permit, including but not limited to administrative, management, engineering, and inspection costs, any other costs incurred in returning the public ground to its original condition and additional sum to reimburse the city for any diminution in the useful life or value of the public ground. To the extent that a company applies for a permit to occupy public ground indefinitely, the City Council shall set an indefinite occupancy fee requiring periodic payments to be made at the times as determined by the city, but in any event at least annually.

(1) Small Wireless Facility Permit Fee. For applications for a permit for small wireless facilities, the city shall impose a small wireless facility permit fee in an amount sufficient to recover:

(a) management costs, and

(b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

(H) *Duration of permit.* Except as provided in § 96.04(C)(D) and (E), an indefinite permit shall continue without expiration so long as the company holding the permit is in compliance with this chapter and all other applicable law. The maximum period allowed for a temporary permit to perform installations, repairs, or other work shall be 3 months. Construction, installation or other opening, disturbance or obstruction of public ground beyond the period covered by each permit, including construction, installation, repair or other opening of public ground covered by a permanent permit shall require obtaining a new permit with payment of applicable fees. Application for such permit shall be subject to the same review as the original application.

(I) *Security of completion of work.* Before beginning work, the company shall deposit with the city security in the form of a certified check in the sufficient amount as determined by the Director for the completion of the work. The security will be held until the work is completed plus a period of up to 3 months thereafter if necessary to guarantee that restoration work has been satisfactorily completed.

(J) *Inspection of work.* When the work is completed, the company shall request an inspection by Director. The Director will determine if the work has been satisfactorily completed and notify the company of the inspection approval.

(K) Small Wireless Facility Agreement. A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The

standard collocation agreement may require payment of the following:

- (1) Up to \$150 per year for rent to collocate on the city structure.
- (2) \$25 per year for maintenance associated with the collocation.
- (3) A monthly fee for electrical service as follows:
 - (a) \$73 per radio node less than or equal to 100 maximum watts;
 - (b) \$182 per radio node over 100 maximum watts; or
 - (c) The actual cost of electricity, if the actual cost exceeds the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

(Ord. 192, passed 10-14-2003)

§ 96.04 RESTORATION AND RELOCATION.

(A) *Restoration.* Upon completion of the work contemplated by a permit, the company shall restore the general area of the work, including the pavement and its foundations, to the same or better condition

than existed prior commencement of the work necessitating a permit. The work shall be completed as promptly as weather permits. If the company does not promptly perform and complete the work, remove all dirt, rubbish, equipment, and material and restore the public ground to the same condition, the city may put it in the same condition at the expense of the company. The company shall, upon demand, pay to the city the direct and indirect cost of the work done for or performed by the city, including but not limited to the city's administrative costs.

(B) *Restoration; cost recovery.* To recover its costs, the city will first draw on the security posted by the company and then recover the balance of the costs incurred from the company directly by written demand. This remedy is in addition to any other remedies available to the city.

(C) *Relocation initiated by company.* The company shall give the city written notice before relocating its facilities. A company-initiated relocation shall be at the company's expense and must be approved in advance by the city. The approval shall not be unreasonably withheld.

(D) *Relocation required by city.* The company shall promptly, without due regard for seasonal working conditions, at the company's expense, permanently relocate its facilities in the event that the city in writing requires the relocation.

(E) *Relocation where public ground vacated.* The vacation of public ground does not deprive the company of the right to operate and maintain its facilities in the city. **If** the vacation proceedings as initiated by the city, or the company, the Company shall pay the relocation costs.
(Ord. 192, passed 10-14-2003)

§ 96.05 COMPANY DEFAULT.

(A) *Notice.* **If** the company is in default in the performance of the work or occupancy authorized by permit, including but not limited to restoration requirements or permanent occupancy fee payments for more than 30 days after receiving written notice from the city of the default the city may terminate the rights of the company under the permit, subject to the city's absolute right to revoke at any time in the exercise of the city's police powers. The notice of default shall be in writing and specify the provisions of the permit and or this section under which the default is claimed and state the grounds of the claim. The notice shall be served on the company by personally delivering it to an officer thereof to its principal place of business in the state or by certified mail to that address within three business days of the decision to revoke.

(B) *City action on default.* **If** the company is in default in the performance of the work or occupancy authorized by permit, the city may, after notice to the company as specified in division (A) and failure of the company to cure in default, take such action as may be reasonably necessary to abate the condition caused by the default. The company shall reimburse the city for the city's reasonable costs, including costs of collection and attorney fees incurred as a result of the company default. The security posted under § 96.03(1) will be applied by the city first toward payment for such reimbursement.
(Ord. 192, passed 10-14-2003)

§ 96.06 INDEMNIFICATION.

(A) *Scope.* The company shall indemnify, keep, and hold the city, its elected officials, officers, employees and agents free and harmless from any and all claims and actions on account of injury or death of persons or damage to property occasioned by the construction, installation, maintenance, repair, and removal, relocation, or operation of the facilities affecting public ground, unless the injury or damage is the result of the gross negligence of the city, its elected officials employees, officers, or agents. The city will notify the company of claims or actions and provide a reasonable opportunity for the company to accept and undertake the defense.

(B) *Claim defense.* If a claim or action is brought against the city under circumstances where indemnification applies, the company, at its sole expense, shall defend the period wherein the company is not prejudiced in the defense of the claim or action by lack of the notice. The company shall have complete control of the claim or action, but it may not settle without the consent of the city, which shall not be unreasonable withheld. This section is not, as to third parties, a waiver of any defense or innuinity otherwise available to the city. In defending any action on behalf of the city, the company is entitled to assert every defense or innuinity that the city could assert in its own behalf.

(C) *Insurance.* The company shall provide liability and indemnity insurance listing the city as a coinsured as may be required by the city.
(Ord. 192, passed 10-14-2003)

§ 96.07 Right-of-Way Vegetation

(A) *Vegetation in the Right-of-Way.* Any vegetation outside of maintained grass, shall not be planted within any City Right-of-Way, without a Right-of-Way permit approved by the City Administrator.

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§ 96.087 OTHER CONDITIONS.

(A) *Use of public ground.* Facilities shall be located, constructed, installed, maintained, or relocated so as not to endanger or unnecessarily interfere with the usual and customary traffic, travel, and other use of public ground. The facilities are subject to additional conditions of the permit including but not limited to the right of inspection by the city at reasonable times and places; the obligation to relocate the facilities pursuant to § 96.04 and compliance with all applicable regulations imposed by the Minnesota Public Utilities Commission and all other applicable laws and regulations.

(B) *Location.* The facilities shall be placed in a location and in the manner as is designated in a permit by the city. The city may designate whether facilities shall be placed above ground or in subsurface conduits.

(C) *Street improvements paving or resurfacing.* Upon request, the city will give the company notice

Maple Plain - General Regulations

of plans for street improvements where permanent paving or resurfacing is involved. The notice will contain:

- (1) The nature and character of the improvements;
- (2) The streets upon which the improvements are to be made;

- (3) The extent of the improvements, the approximate time when the city will start work; and
- (4) **If** more than 1 street is involved, the sequence in which the work is to proceed.

(D) *Company protection or facilities.* The company shall take all reasonable measures to prevent its facilities from damage that could be inflicted on the facilities by persons, property or the elements. The company shall take all reasonable protective measures when the city performs work near the facilities.

(E) *Guarding of obstruction or dangers.* If the company obstructs any public ground, the company shall keep such obstruction properly guarded at all times. From sunset to sunrise, all obstructions shall be guarded by a sufficient number of warning lights placed in such manner that they will give proper warning of such obstruction. The city may require any other restrictions or safety precautions as may be in the public interest.

(F) *Prior service connections.* In cases where streets are at final width and grade and the city has installed to the property line abutting the streets prior to a permanent paving or resurfacing of the streets, and the facilities are located under the street; a company may be required to install service connections prior to the paving or resurfacing, if it is apparent that service will be required during the 5-year period following the paving or resurfacing.

(G) *Existing facilities.* This chapter applies to all facilities including those already existing on, over, in, under, across, or along any public ground in the city as of the effective date of this chapter except those that are otherwise governed by state law granting exclusive jurisdiction to the state.
(Ord. 192, passed 10-14-2003)

§ 96.08 VIOLATIONS.

The city may seek injunctive relief or other equitable relief for violation of this chapter in Hennepin County District Court. **If** the city is successful in seeking the injunction, or other equitable relief, the property owner shall be responsible for all costs associated with the action, including reasonable attorney's fees.
(Ord. 192, passed 10-14-2003)

§ 96.09 EFFECTIVE DATE.

This chapter shall have full force and effect upon its passage and publication.
(Ord. 192, passed 10-14-2003)



5050 INDEPENDENCE STREET | MAPLE PLAIN, MN 55359
Phone: (763) 479-0515 | Fax: (763) 479-0519 | www.mapleplain.com

To: City Council
From: Nicole Kathman, Assistant to the City Administrator
Re: Mailbox Replacement Ordinance Language Memo
Date: April 6, 2018

Background

During the winter, the City of Maple Plain has a few incidents per year regarding mailbox damage due to snow plowing operations. Currently, the City of Maple Plain does not have a clear cut procedure for addressing these instances. This rough draft ordinance language was drafted with the purpose of discussing the idea of having an ordinance in place so that City staff has a written procedure to follow each time. If City Council is interested in this ordinance, the language would be fine-tuned and reviewed by the Attorney. I expanded the language to include all City vehicles instead of just snowplows.

Below are the highlights of the drafted language:

- The City will only be responsible for mailbox damage caused by direct contact with City vehicles and equipment
- First, the City will attempt to repair the mailbox and/or post to the condition before the incident
- If repair is not possible, the City will replace the mailbox with a standard mailbox or owner can elect to receive reimbursement of \$75
- City has discretion to loan out temporary mailboxes if needed

Other information that may be helpful:

- USPS standards for mailboxes are currently 41" to 45" from ground surface to bottom of mailbox and 6" to 8" back from the curb.
- The \$75 reimbursement amount is standard and used by many other cities

City Staff is seeking City Council feedback and direction on moving forward with an ordinance.

**CITY OF MAPLE PLAIN
ORDINANCE NO. ____**

**AN ORDINANCE ADOPTING A PROCEDURE FOR MAILBOX REPAIR AND
REPLACEMENT DUE TO DAMAGE BY THE CITY OF MAPLE PLAIN**

Section I.

The City Council of the City of Maple Plain hereby ordains that Sections ____ through ____ are hereby added to the Maple Plain City Code as follows:

***MAILBOX REPAIR AND REPLACEMENT DUE TO DAMAGE
BY THE CITY OF MAPLE PLAIN***

_____ **PURPOSE**

The City of Maple Plain has many operations that require various types of vehicles and equipment to work along the street gutter and curb line. During these operations mailboxes are occasionally damaged so this section provides a procedures and policy regarding City repair and replacement.

_____ **REVIEW**

For each reported incident, the City of Maple Plain will conduct a review to determine whether the City of Maple Plain will replace or provide reimbursement for the mailbox. Only mailboxes actually hit by City vehicles and equipment will be the responsibility of the City of Maple Plain.

_____ **REPAIR AND REPLACEMENT**

If the City of Maple Plain determines that the mailbox was hit by City vehicles or equipment, will first attempt to repair the mailbox and/or post to the condition before the incident. If the mailbox and/or post is unable to be adequately repaired the City will replace the mailbox as necessary with a standard size, non-decorative mailbox and replace the support post as necessary with a 4" by 4", decay resistance wood support post, both installed by the City. Alternatively, the mailbox owner can request reimbursement of \$75 for the replacement of the mailbox and post by others, relieving the City of any further obligation. Mailboxes and posts shall be installed to meet U.S. Postal Service specifications for height and distance from the curb. In order to receive reimbursement, the mailbox must be inspected by the Public Works Department.

_____ **LOANING TEMPORARY MAILBOXES**

In order to accommodate for conditions that may make mailbox installation for either the City of Maple Plain or the mailbox owner difficult and/or not possible, the City of Maple Plain has the discretion to loan out a temporary mailbox. Before loaning out a temporary mailbox, the City will first attempt to return the damaged mailbox and/or post to an operational state as a solution until the mailbox is repaired and/or replaced.

If the City is replacing or repairing the mailbox, the temporary mailbox must be returned once the work is completed. If the mailbox owner has chosen alternatively to receive a reimbursement, the mailbox owner must arrange for the temporary mailbox to be picked-up by the City of Maple Plain no later than one month after distribution. The City has the discretion to extend this if needed.

If the temporary mailbox is not returned according to the timeline described above, the mailbox owner will be fined the cost of temporary mailbox.