

ORDINANCE #2025-2

**COUNTY OF ANOKA
Anoka County, Minnesota**

ANOKA COUNTY RIGHT OF WAY ORDINANCE

The original Right of Way Ordinance 2000-2, dated November 28, 2000, will be replaced in its entirety by **Ordinance #2025-2**.

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The Anoka County Board of Commissioners does hereby ordain and adopt this Ordinance establishing regulations and standards for the management of the County Right-of-Way pursuant to Minn. Stat. Chapters 160 and 163, Minn. Stat. Sections 394.222, 237.163, 160.18, and Minnesota Rules Chapter 7819.

Right of Way Management

Section 1.01. Findings, Purpose, and Intent

Anoka County holds the Right of Way within its geographical boundaries as an asset in trust for its citizens. Under Minnesota law, the County is to manage the use of the Right of Way and other uses for public purposes, including use by public utilities. The County hereby enacts this amended and restated Ordinance to provide for the health, safety and well-being of its citizens and to ensure the structural integrity of its roads and appropriate uses of rights-of-way. This ordinance regulates Right of Way permits and administration. It imposes regulation on the placement and maintenance of facilities and equipment currently within its Right of Way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this ordinance, persons excavating and obstructing the Right of Way will bear financial responsibility for their work. Finally, this ordinance provides for recovery of out-of-pocket and projected costs from persons using the public Right of Way.

This ordinance shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and the other laws governing applicable rights of the County and users of the Right of Way. This ordinance shall also be interpreted consistent with Minn. Rules 7819.0050 to 7819.9950 where possible. To the extent any provision of this ordinance cannot be interpreted consistently with the Minn. Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This ordinance shall not be interpreted to limit the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

Section 1.02. Election to Manage the Public Right of Way

Pursuant to the authority granted to the County under state and federal statutory, administrative and common law, the County hereby elects, pursuant Minn. Stat. 237.163 subd.2(b), to manage Right of Way under its jurisdiction. This Ordinance shall not be interpreted to limit the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

"Manage the Right of Way" means the authority of the County to do any or all of the following:

- require registration (including any information deemed reasonably necessary by the local government unit for the efficient administration of the Right of Way);
- require construction performance bonds and insurance coverage;
- establish installation and construction standards;
- establish and define location and relocation requirements for equipment and facilities;
- establish coordination and timing requirements;
- Require Right of Way users to submit infrastructure/project data, as required by the County, to enable the development of a Right of Way mapping system, which may include a GIS system information;

- require Right of Way users to submit, upon request of the County, existing data on the location of user's facilities occupying the public Right of Way within the County. The data may be submitted in the form maintained by the user in a reasonable time after receipt of the request based on the amount of data requested;
- establish Right of Way permitting requirements for excavation and obstruction;
- establish removal requirements for abandoned equipment or facilities, if required in conjunction with other Right of Way repair, excavation or construction; and,
- impose reasonable penalties for unreasonable delays in construction.

Section 1.03. Definitions

The following definitions apply in this Ordinance. References hereafter to "sections" are, unless otherwise specified, references to sections in this Ordinance. Defined terms remain defined terms whether or not capitalized.

"Abandoned Facility" means (1) a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service; OR (2) a facility that is deemed abandoned by the Right of Way user. The County Engineer may also deem facilities abandoned if the equipment or Facilities in the Right of Way have remained unused for one year; or Facilities that are not registered or located by Gopher State One Call; or Facilities for which the Registrant is unable to provide proof that it has a plan to begin using the Facilities within the next twelve (12) months from date of notification.

"Access" means the physical connection to public or private property over Right of Way for residential, agricultural, commercial or municipal street purposes.

"Access Permit" means the permit which must be obtained from the County before a person or entity may make a physical connection (temporary or permanent) to a County road or highway.

"Aerial" means work done above any part of the Right of Way.

"Applicant" and/or **"Registrant"** means (1) any Person requesting permission to occupy, use, access, excavate/grade, place a utility service, place a wireless support structure or small wireless facility, landscape, and/or obstruct a Right of Way, and who has completed a Right of Way permit application and has paid the appropriate permit fees. An Applicant or Registrant includes any Person who has or seeks to keep its facilities or equipment located in any County-managed public Right of Way.

"Commission" means the State Public Utilities Commission.

"Congested Right of Way" means a crowded condition in the subsurface of the public Right of Way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minn. Stat. § 216D.04, subd. 3, over a continuous length in excess of 500 feet.

"Construction Performance Bond" means any of the following forms of security provided at Permittee's option:

- (a) Individual project bond for the period of Right of Way use and all restoration activities;
- (b) Cashier's check;
- (c) Security of a form listed or approved under Minn. Stat. § 15.73, subd. 3;
- (d) Letter of Credit, in a form acceptable to the County;
- (e) Blanket bond for projects within the County or construction bond for a specified time and in a form acceptable to the County.

"County" means the County of Anoka, Minnesota. For purposes of Section 1.28 Indemnification and Liability, County means its elected and appointed officials, officers, employees and agents.

"County Engineer" means the Anoka County Engineer or the County Engineer's designee.

"Degradation" means a decrease in the useful life of the Right of Way caused by excavation in or disturbance of the Right of Way, resulting in the need to reconstruct such Right of Way earlier than would be required if the excavation did not occur.

"Degradation Cost" subject to Minn. Rules 7819.1100 means the cost to achieve a level of restoration as determined by the County to the condition at the time the permit is issued (before work is performed), not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minn. Rules parts 7819.9900 to 7819.9950.

"Degradation Fee" means the estimated fee established at the time of permitting by the County to recover costs associated with the decrease in the useful life of the Right of Way caused by the excavation, obstruction, patching, or restoration and which equals the Degradation Cost.

"Delay Penalty" means the penalty imposed as a result of unreasonable delays in Right of Way excavation, obstruction, patching, or restoration as established by a permit. Such penalty shall be determined by the County Board and may include all damages as defined in MN Rule 7819.1000. A delay penalty will not be imposed if the delay in project completion is due to circumstances beyond the control of the applicant, such as inclement weather, acts of God, or civil strife.

"Department" means the Anoka County Transportation Division, which may also be referred to as the Highway Department.

"Department Inspector" means any Person authorized by the Director to carry out inspections related to the provisions of this Ordinance.

"Director" means the Chief Officer of the Anoka County Transportation Division and County Engineer (or designee), whose office is located at 1440 Bunker Lake Boulevard NW, Andover, MN 55304.

"Emergency" means a condition that (a) poses a clear and immediate danger to life or health, or of a significant loss of property; or (b) requires immediate repair, replacement, or relocation of facilities in order to restore service to a customer. Such emergency may require excavation of an emergency hole in the Right of Way, necessitated by the emergency condition.

"Equipment" means any tangible asset used to install, repair, or maintain facilities in any

Right of Way.

“Excavate” means to dig into or in any way remove or physically disturb or penetrate any part of a public Right of Way.

“Facility or Facilities” means any tangible asset in or above the Right of Way required to provide related service to citizens or businesses within or adjacent to the County.

“Five-Year Project Plan” shows projects adopted by the County which are proposed for construction within the next five years.

“High Density Corridor” means a designated portion of the public Right of Way within which telecommunications Right of Way users, having multiple and competing facilities, may be required to build and install facilities in a common conduit system or other common structure.

“Hole” means an excavation in the Right of Way, with the excavation having a length less than the width of the corresponding lane of traffic or boulevard for the section of the roadway corridor where the work is occurring.

“Local Government Unit” means a county, home rule charter or statutory city, town, or the Metropolitan Council.

“Driveway Permit” means a permit issued by Anoka County authorizing the Permittee to make improvements to or widen an existing- residential driveway for residential access purposes within County right-of- way as specifically described in the permit.

“Local Representative” means a local Person or Persons, or designee of such Person or Persons, authorized by a Registrant or Applicant to accept legal notice or service and to accept communications and to make decisions for that Registrant/Applicant regarding all matters within the scope of this Ordinance.

“Management Costs” means the actual costs the County incurs in managing its public Right of Way. Management Costs include, if incurred, those associated with:

- registering applicants;
- issuing, processing, and verifying Right of Way Permits and/or small wireless facility permit applications;
- inspecting job sites and restoration projects;
- maintaining, supporting, protecting, or moving user equipment and facilities during public Right of Way work;
- determining the adequacy of Right of Way restoration;
- restoring work inadequately performed after providing notice and the opportunity to correct the work;
- revoking Right of Way Permits;
- mapping of “as built” locations of facilities located in rights-of-way;
- revoking Right of Way or small wireless facilities permits; and
- performing all other functions required by this Ordinance.

“Management Costs” do not include:

- Payment by a Telecommunications Right of Way User for the use of the Right of Way;
- Fees and cost of litigation relating to the interpretation of Minn. Session Laws 1997, Chapter 123; Minn. Stat. §§ 237.162 or 237.163 or any ordinance enacted under those sections; or
- County fees and costs related to appeals taken pursuant to Section 130 of this Ordinance.

“Mapping Information” means the information required in Section 1.23 of this Ordinance.

“Obstruct” means to place any tangible object in a public Right of Way as to hinder free and open passage over that or any part of the Right of Way.

“Patch or Patching” means a method of pavement or boulevard replacement that is temporary in nature. A patch consists of (a) the compaction of the subbase and aggregate base, and (b) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in a project programmed by the County, or as approved by the Director. A patched boulevard may include the above definition if the disturbed surface is a paved walk, trail, or property access, or may consist of earthen backfill without turf if the disturbed surface is turf.

“Pavement” means any type of improved surface that is within the public Right of Way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

“Permit” has the meaning given **“Right of Way Permit”** in Minn. Stat. § 237.162, including but not limited to, the various activities that require issuance of a permit pursuant to this Ordinance:

- Obstruction of Right of Way;
- Utility use;
- Special Event;
- Access or Driveway; and
- General Work or Excavation permits.

“Permittee” or “Permit Holder” means any person to whom a Right of Way Permit has been granted by the County under this Ordinance.

“Permit Fee” means money paid to the County by an applicant or registrant to cover the costs as provided in Section 1.12.

“Person” means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, domestic or foreign, for profit or nonprofit, a charitable or social organization, or a government entity or agency; and whether natural, corporate, or political. Examples include but are not limited to any type of business or commercial enterprise, carrier or utility, corporation, LLC, partnership, cooperative, joint venture, state or local government unit, or a combination of any of those entities.

“Registrant” means any person or entity which (a) has or seeks to have its facilities

located or placed in any Right of Way, or (b) in any way occupies or uses, or seeks to occupy or use, the Right of Way.

"Restore or Restoration" means the process by which the Right of Way and surrounding area including pavement, foundation, turf, and other county facilities are returned to the same condition and useful life that existed before excavation or intrusion/encroachment by a Person's facilities.

"Restoration Cost" means the amount of money paid to the County by a Permittee to achieve the level of restoration according to plates 1 to 13 of the Minnesota Public Utilities Commission rules.

"Right of Way" or "Public Right of Way" means the area on, below, or above a public roadway, highway, street, boulevard, cartway, walking/bicycle trail or lane and public sidewalk in which the County has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the County. The lands described by an easement, deed, dedication, title, law or occupation of a road, highway, street, cartway, bicycle lane, or sidewalk may be included as Right of Way.

"Right of Way Permit" means a permit issued by the Highway Department, which must be obtained before a Right of Way user may access, obstruct, or conduct work or activities in the Right of Way. The permit allows the permit holder to access and use only the specified portion of the Right of Way described in the permit, by placing equipment, constructing and excavating, or installing facilities described therein on the right-of-way.

"Right of Way User" means (a) a tele-communications Right of Way User as defined by Minn. Stat. §237.162, subd. 4; or (b) a person owning or controlling a facility in the Right of Way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public Right of Way; or (c) a person or entity that is issued a Right of Way permit for a specific use.

"Service or Utility Service" includes but is not limited to:

- those services provided by a public utility as defined in Minn. Stat. § 216B.02, subds. 4 and 6;
- telecommunications, pipeline, community antenna television, fire and alarm communications, water, sewer, electricity, steam, light, heat, cooling energy, or power services;
- cable communications systems as defined in Minn. Stat. Chapter. 238;
- natural gas or electric energy or telecommunications services provided by a city;
- services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A;
- services provided by a corporation organized for the purposes set forth in Minn. Stat. 301B.01; and
- Telecommunications Right of Way User as defined in this section.

"Small Wireless Facility" means:

- a wireless facility that meets both of the following qualifications:
 - each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna

and all its exposed elements could fit within an enclosure of no more than six cubic feet; and

- all other wireless equipment associated with the small wireless facility, excluding 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, is in aggregate no more than 28 cubic feet in volume.

or

- a micro wireless facility. The County will not supply electricity for the operation of small or micro wireless facilities.

“Special Event Permit” means a permit that must be obtained before a person or entity may:

- Obstruct or use any part of a Right of Way for a sponsored event;
- Close a traffic lane, turn lane, or shoulder;
- Direct traffic in the Right of Way for the event; and/or
- Place any tangible object in Right of Way for the duration of the event specified.

“Supplementary Application” means an application made to excavate or obstruct more of the Right of Way than allowed in, or to amend or extend a permit that had already been issued.

“Telecommunication Right of Way User” means a person owning or controlling a facility in the Right of Way or seeking to own or control a facility in the Right of Way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this Ordinance, a cable communication system defined and regulated under Minn. Stat. Chap. 238, telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. § 2168.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications Right of Way Users for purposes of this Ordinance.

“Temporary Surface” means the compaction of subbase and aggregate base and replacement, in kind, of existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the current year or the year following the current year in the County's Five-Year Project Plan.

“Traffic Control Facilities” includes but is not limited to the traffic signal poles and control cabinets.

“Trench” means an excavation in the Right of Way, with the excavation having a length equal to or greater than the width of the pavement of the corresponding lane of traffic or boulevard for the section of the roadway corridor where the work is occurring. For the purpose of this Ordinance, the definition shall include directional boring and/or plowing.

“Wireless Facility” means equipment at a fixed location that enables the provision of

wireless services between user equipment and a wireless service network, including:

- equipment associated with wireless service;
- a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and
- a small wireless facility.

“Wireless Facility” does not include:

- wireless support structures;
- wireline backhaul facilities; or
- coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.

“**Wireless Service**” means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522, clause (6).

“**Wireless Support Structure**” means a new or existing structure in a public Right of Way designed to support or be capable of supporting small wireless facilities, as reasonably determined by a local government unit.

“**Work**” means to dig into or in any way remove or physically disturb or penetrate any part of a Right of Way, or encroachment into a Right of Way, including above ground improvements.

Section 1.04. Administration

The Director is the principal County official responsible for the administration of the Right of Way, Right of Way Permits, and ensuring compliance with the Ordinance and laws related thereto. The Director may delegate any or all of the duties hereunder.

Section 1.05. Registration and Right of Way Occupancy

Subd. 1. Registration. Each person who occupies, uses, or seeks to occupy or use, the Right of Way or place any equipment, facilities, or wireless support structures in the Right of Way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the County. Registration will consist of providing application information as requested. In order for the registration to remain active, the certificate of insurance for the registered user must be updated annually by submitting a certificate of insurance to the Highway Department’s Permit Office.

Subd. 2. Registration Prior to Work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any Right of Way without first being registered with the County. Registration shall be required on an annual basis.

Subd. 3. Exceptions. (a) Resident-owned sewer and water service lines to a city main and

resident owned drain tile lines shall not be required to register, unless requested by the County, but shall be required to obtain permits for excavation and obstruction when lines are installed; and (b) Persons acting as agents, contractors or subcontractors for a registrant who has properly registered in accordance with this section (note: a Right of Way Permit is still required).

However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 216D, "Gopher State One Call" Law.

Section 1.06. Registration Information

Subd. 1. Information Required. The information provided to the Director at the time of registration shall include, and be on the form approved by the County or this ordinance, but not be limited to:

- (a) Each Registrant's name, Gopher State One Call (GSOC) registration certificate number, address, e-mail address, and telephone numbers.
- (b) The name, address, e-mail address, and telephone numbers of a Local Representative. The Local Representative or designee shall provide a 24-hour emergency telephone number to be available at all times. Current information regarding how to contact the Local Representative in an Emergency shall be provided at the time of registration.
- (c) A certificate of insurance or self-insurance, in compliance with the coverage requirements set forth in the Right of Way Permit, including:
 - (1) Verifying that an insurance policy has been issued to the Registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self insurance acceptable to the Director;
 - (2) Verifying that the Registrant is insured against claims for Personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the Right of Way by the Registrant, its officers, agents, employees and Permittees, and(ii) placement and use of Facilities in the Right of Way by the Registrant, its officers, agents, employees and Permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
 - (3) Naming Anoka County as an additional insured as to whom the coverage required herein are in force and applicable and for whom defense will be provided as to all such coverage;
 - (4) Requiring that the Director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
 - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Director in amounts sufficient to protect the County and the public and to carry out the purposes and policies of this Ordinance. The County reserves the right to modify the coverage amounts depending upon the project and will provide insurance requirements to Applicants as part of the permitting process.

- (d) The County may require a copy of the actual insurance policies and endorsements.
- (e) If the Person is a corporation, proof that the company is authorized to do business in the State of Minnesota.
- (f) A copy of the Person's order granting a certificate of authority from the Minnesota Public Utilities Commission (PUC) or other applicable state or federal agency, where the Person is lawfully required to have such certificate from said Commission or other state or federal agency.
- (g) Upon completion of the Project, the Right of Way User shall submit to the County a completion certificate in compliance with Minnesota Rule 7819.1300, showing completion date, work performed, installer and designers of record, and as-built drawings or maps. The Certificate shall inform the County if all restoration work has been completed or if there are additional tasks that need to be accomplished (seasonally) with a tentative completion date.

Subd. 2. Notice of Changes. The Registrant shall keep all the information listed above current at all times by providing to the Director information as to changes within fifteen (15) days following the date on which the Registrant has knowledge of any change.

Section 1.07. Reporting Obligations

Subd. 1. Operations. Each registrant that provides utility service shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan ("the Plan") for underground facilities with the Director. Such plan shall be submitted using a format designated by the Director and shall contain the information determined by the Director to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of Right of Way. The County shall maintain in the file a copy of the County's construction plan for construction projects {"County's Plan"}. The utility facility plans shall be kept up to date by the registrant. The plans shall be on file and available for public inspection.

The Plan shall include, but not be limited to, the following information:

- (a) The locations and estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "Next-Year Project");
- (b) How the registrant will coordinate and accommodate the County's Plan;
- (c) To the extent known, (1) the type size of any anticipated Facilities and tentative depths of any mains, cables, conduits, switches, and related equipment or Facilities; and (2) estimated beginning and ending dates for all Projects contemplated for the five years following the next calendar year (in this section, a "Five-Year Project").

It is the Registrant's responsibility to keep informed about available County Plans.

The term "Project" in this section shall include both Next Year Projects and Five-Year Projects but does not include individual service line hookups and minor maintenance unless they are part of an area wide program.

Subd. 2. Additional Next Year Projects. Notwithstanding the foregoing, the Director will not unreasonably deny an application for a Right of Way Permit for failure to include a project in a plan submitted to the County if the registrant has used reasonable efforts to anticipate and plan for the project.

Section 1.08. Permit Requirement

Subd. 1. Permit Required. Except as otherwise provided in this Ordinance, no person may access, landscape, place a utility service, excavate/grade, install or place facilities in the Right of Way, hold a sponsored event, interfere with the flow of traffic or pedestrians, or obstruct any Right of Way without first registering and having obtained the appropriate Right of Way permit from the County to do so.

Subd. 2. Permit Extensions. No Person may excavate or obstruct the Right of Way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another Right of Way permit before the expiration of the initial permit and/or (ii) amends or extends the original permit by written agreement with the County; or (iii) applies for a new permit.

Subd. 3 Routine Maintenance Activities. An annual obstruction permit is required for any maintenance activities that obstruct the roadway or pedestrian facilities within the Right of Way. The Director may approve a permit plan which allows for maintenance activities upon reasonable notice of such activities. Annual maintenance permits are issued at the County's discretion.

Subd. 4. Delay Penalty. In accordance with Minn. Rule 7819.1000 subp. 3 notwithstanding subd. 2 of this Section, the County shall establish and impose a delay penalty for unreasonable delays in Right of Way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by the Director and shall include any delays or damages charged by the County's construction contractor and may include liquidated damages consistent with the permit or contract.

Subd. 5. Permit Display. Permits issued under this Ordinance shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the County.

Section 1.09. Permit Applications

Application for a permit is made to the Director. Right of Way permit applications shall contain, and will be considered complete only upon compliance with the requirements of, the following provisions:

- (a) Registration with the County pursuant to this Ordinance;
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed Facilities;
- (c) Payment of money due the County for:
 - (1) permit fees, estimated Restoration Costs and other Management Costs;
 - (2) prior Obstructions or Excavations;

- (3) any undisputed loss, damage, or expense suffered by the County because of Applicant's prior excavations or Obstructions of the Right of Way, or any Emergency actions taken by the County;
- (4) franchise fees or other charges, if applicable.
- (d) Payment of disputed amounts due the County by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing; and,
- (e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation or obstruction permit to install additional facilities and the County deems the existing construction performance bond inadequate under applicable standards.

Section 1.10. Issuance of Permit; Conditions

Subd. 1. Permit Issuance. If the applicant has satisfied the requirements of this Ordinance, the County shall issue a permit.

Subd. 2. Conditions. The Director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or, when necessary, to protect the Right of Way and its current and future use.

Section 1.11. Permit Fees

Subd. 1. Permit Fee. The County shall establish Right of Way permit fees in amounts sufficient to recover the following costs. Permit fees shall be reviewed periodically by the County Board and may be amended at any public meeting.

- (a) Administration and County Management Costs;
- (b) Degradation Costs, if applicable.

Subd. 2. Payment of Permit Fees. No Right of Way permit shall be issued without payment of the permit fee.

Subd. 3. Non refundable. Permit fees that were paid for a permit that the Director has revoked for a breach as stated in Section 1.21 are not refundable.

Subd. 4. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on Right of Way User in the franchise.

Section 1.12. Right of Way Patching and Restoration

Subd. 1. Timing. The work to be done under the excavation permit and the patching and restoration of the Right of Way as required herein must be completed within the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the Permittee or when work was prohibited as unseasonable or unreasonable under Section 1.15.

Subd. 2. Temporary Surfacing, Patch and Restoration. Permittee shall patch its own work.

- (a) **County Restoration.** If the County restores any part of the Right of Way, Permittee shall pay the costs thereof within thirty (30) days of billing. If the County restores only the surface of the Right of Way and the pavement settles during the twelve (12) months following such restoration, the Permittee shall pay to the County, within thirty (30) days of billing, all costs related to restoring the Right of Way or associated with having to correct the defective work, which may include removal and replacement of any or all work done by the Permittee. These costs shall include administrative, overhead mobilization, material, labor, and equipment.
- (b) **Permittee Restoration.** If the Permittee restores the Right of Way his or herself, he/she shall, at the time of application for a Right of Way permit requiring excavation within Anoka County Right of Way, post a Construction Performance Bond in an amount determined by the Director to be sufficient to cover the cost of restoration. If, within twelve (12) months after completion of the restoration and County-approved inspection of the Right of Way, the Director determines that the Right of Way has been properly restored, the surety on the Construction Performance Bond shall be released.
- (c) **Degradation Fee and Patching in Lieu of Restoration to PUC Standards.** In lieu of Right of Way restoration, a Right of Way User may elect to pay a degradation fee. However, the Right of Way User shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. Standards. The Permittee shall perform Temporary Surfacing Patching and Restoration including backfill, compaction, and landscaping according to the standards and with the materials specified by the Director. The Director shall have the authority to prescribe the manner and extent of the restoration and may do so in written procedures of general application or on a case-by-case basis. The Director, in exercising this authority, shall comply with PUC standards for Right of Way Restoration (see PUC Rules 7819.990 to 7819.9950) and require conformance to Minnesota Department of Transportation (MnDOT) standard specifications and local government specifications and drawing and shall further be guided by the following considerations:

- (a) The number, size, depth and duration of the excavations, disruptions or damage to the Right of Way;
- (b) The traffic volume carried by the Right of Way; the character of the neighborhood surrounding the Right of Way;
- (c) The pre-excavation condition of the Right of Way; the remaining life-expectancy of the Right of Way affected by the excavation;
- (d) Whether the relative cost of the method of restoration to the Permittee is in reasonable balance with the prevention of an accelerated depreciation of the Right of Way that would otherwise result from the excavation, disturbance or damage to the Right of Way; and,
- (e) The likelihood that the particular method of restoration would be effective in slowing the depreciation of the Right of Way that would otherwise take place.

Subd. 4. Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this 36-month period it shall, upon notification from the Director, correct all restoration work to the extent necessary, using the method

required by the Director. Said work shall be completed within five (5) calendar days of the receipt of the notice/order from the Director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.15.

Subd. 4(a). Duty to Correct Defects. The Permittee shall correct defects in patching, or restoration performed by Permittee or its agents. Permittee, upon notification from the County, shall correct all restoration work to the extent necessary, using the method required by the County. Said work shall be completed within five (5) calendar days of the receipt of the notice from the County, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.15.

Subd. 5. Failure to Restore. If the Permittee fails to restore the Right of Way in the manner and to the condition required by the Director or fails to satisfactorily and timely complete all restoration required by the Director, the Director at its option may do such work. In that event, the Permittee shall pay to the County, within thirty (30) days of billing, the cost of restoring the Right of Way. If Permittee fails to pay as required, the County may exercise its rights under the Construction Performance Bond.

Section 1.13. Joint Applications

Subd. 1. Joint Application. Registrants may jointly apply for a permit for Installation of Utilities or for Placing Obstructions on County Highway System at the same place and time.

Subd. 2. Shared Fees. Registrants who apply for permits for the same obstruction or excavation, which the Director does not perform, may share in the payment of the permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. With County Construction Projects. Registrants who join in a scheduled obstruction or excavation coordinated with a county construction project by the Director, whether it is a joint application by two or more registrants or a single application, are not required to pay the obstruction and degradation portions of the permit fee, but a permit is still required.

Section 1.14. Supplementary Applications and Amendments

Subd. 1. Limitation on Area. A Right of Way Permit is valid only for the area of the Right of Way specified in the permit. No Permittee may do any work outside the area specified in the permit, except as provided herein. Any Permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area, (i) make application for a permit amendment and pay any additional fees that may be required thereby, and (ii) be granted a new permit or an amended permit.

Subd. 2. Limitation on dates. A Right of Way Permit is valid only for the dates specified in the permit. No Permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a Permittee does not finish the work by the permit end date, it must apply for an amended permit or a new permit for the additional time it needs and receive the new permit or amended permit before working after the end date of the previous permit. If a Supplementary Application is required that application must

be done before the permit end date. Permits for non-emergency work shall be submitted at least two weeks prior to the planned start of work with not less than 3 business days prior to the actual start date.

Section 1.15. Other Obligations

Subd. 1. Compliance With Other Laws. The Applicant must notify and obtain a permit from any township or city through which it passes if said township or city so requires. The County's Right of Way Permit does not relieve Permittee of its duty to obtain all other necessary permits, approvals, licenses, and authority and to pay all fees required by the County, city, township or other entity. Permittee shall comply with other local codes, rules, regulations and laws, including any road load restrictions. A Permittee shall comply with all requirements of local, state and federal laws, including Minn. Stat. § 216D.01-.09 ("Gopher State One Call Excavation Notice System"). A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the Right of Way pursuant to its Permit, regardless of who does the work.

Subd. 2. Prohibited Work. Except in an Emergency, and with the approval of the County, no Right of Way Obstruction or Excavation may be done when seasonally prohibited or when conditions are unsafe or unreasonable, in the County's discretion, for such work to be performed.

Subd. 3. Interference with Right of Way. A Permittee shall not obstruct a Right of Way so that the natural free and clear passage of water through the gutters, culverts, ditches tiles or other waterways shall be interfered. Private vehicles of those doing work in the Right of Way may not be parked within or next to a permit area, unless parked in conformance with county or applicable township and city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Traffic control shall conform to the MMUTCD and its field manual and any written directions of the County Engineer or his designee.

Section 1.16. Denial of Permit

The County may deny a permit for failure to meet the requirements and conditions of this Ordinance or if the County determines that the denial is necessary to protect the public health, safety, and welfare or when necessary to protect the Right of Way and its current and future use. The County may deny a permit if the utility has failed to comply with previous permit conditions. The County may withhold issuance of a permit until conditions of previous permit are complied with.

Section 1.17. Installation Requirements

The excavation, backfilling, Patching and Restoration, and all other work performed in the Right of Way shall be done in conformance with Minn. Rules 7819.1100 and 7819.5000 and shall conform to MnDOT standard specifications and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat. §§ 237.162 and 237.163.

Section 1.18. Inspection

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed,

the Permittee shall furnish a Completion Certificate in accordance with Minn. Rule 7819.1300.

Subd. 2. Site Inspection. Permittee shall make the work-site available to the County and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of County

- (a) At the time of inspection, the Director may order the immediate cessation and correction of any work which poses a serious threat to the life, health, safety or well-being of the public.
- (b) The Director may issue an order to the Permittee for any work which does not conform to the terms of the permit or other applicable standards, rules, laws, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the Permittee shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the Director may revoke the permit pursuant to Sec. 1.22.
- (c) The cost of any action required by the County shall be paid by the Permittee.

Section 1.19. Work Done Without a Permit

Subd. 1. Emergency Situations. Each Registrant shall immediately notify the Director of any event regarding its Facilities that it considers to be an Emergency. The Registrant may proceed to take whatever actions are necessary to respond to the Emergency. Within two business days after the occurrence of the Emergency the Registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Ordinance for the actions it took in response to the Emergency.

If the County becomes aware of an Emergency regarding a Registrant's Facilities, the County will attempt to contact the Local Representative of each Registrant affected, or potentially affected, by the Emergency. In any event, the County may take whatever action it deems necessary to correct the Emergency, the cost of which shall be borne by the Registrant whose Facilities occasioned the Emergency.

Subd. 2. Non-Emergency Situations. Except in an Emergency, any Person who, without first having obtained the necessary permit, Obstructs or Excavates a Right of Way must subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by the County Code, and deposit with the County the fees necessary to correct any damage to the Right of Way and comply with all of the requirements of this Ordinance.

Section 1.20. Supplementary Notification

If the Obstruction or Excavation of the Right of Way begins later or ends sooner than the date given on the permit, Permittee shall notify the County of the accurate information as soon as this information is known.

Section 1.21. Revocation of Permits

Subd. 1. Substantial Breach. The County reserves its right, as provided herein, to revoke any Right of Way Permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit including a threat to the safety of workers or public, or the Right of Way User or the utility users. A substantial breach by Permittee shall include, but shall not be limited to, the following:

- (a) The violation of any material provision of the Right of Way Permit;
- (b) The failure to maintain the required bonds or other security and insurance;
- (c) An evasion or attempt to evade any material provision of the Right of Way Permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the County or its citizens;
- (d) Any material misrepresentation of fact in the application for a Right of Way Permit;
- (e) The failure to complete the work in a timely manner; unless a permit extension is obtained, or unless the failure to complete work is due to reasons beyond the Permittee's control, or failure to relocate existing facilities as specified in this Ordinance;
- (f) The failure to correct, in a timely manner, work that does not conform to applicable standards, conditions or codes, upon inspection and notification by the County of the faulty condition;
- (g) Failure of the utility to pay any required costs, fees, or charges billed by the County;
- (h) Failure to provide traffic control that conforms to the provisions of the most current version of the Minnesota Manual on Uniform Traffic Control Devices, including the Temporary Work Zone Traffic Control Field Manual; or,
- (i) The failure to comply with the terms and conditions of any applicable federal, state, regional and local laws, rules and regulations, including any provision of this Ordinance.

Subd. 2. Written Notice of Breach. If the County determines that the Permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the County Engineer or his/her designee shall make a written demand upon the Permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit and/or denial of future permits. A substantial breach, as stated above, will allow the County, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within a reasonable period of time as determined by the County after Permittee has received notification of the breach, Permittee shall provide the County with a revised plan, or other conditions acceptable to the County Engineer, that will cure the breach. Permittee's failure to so contact the County, or the Permittee's failure to submit an acceptable plan, or Permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

Subd. 4. Reimbursement of County Costs. If a permit is revoked, the Permittee shall also

reimburse the County for the County's reasonable costs, including nonconformity correction, Restoration Costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation. Such reimbursement shall be made within 30 days of billing.

Subd. 5. Revoked Permit. If the County revokes a utility's permit for breach of this ordinance, the utility will not be allowed to obstruct or excavate within the County Right of Way until the breach situation is corrected to the satisfaction of the County Engineer and a new permit is issued.

Section 1.22. Mapping Data

Subd. 1. Information Required. Each Registrant and Permittee shall provide Mapping information required by the County in accordance with Minn. Rules 7819.4000 and 7819.4100. Therefore, in managing the use of its public Right of Way, a local government unit may establish, develop, and implement a Right of Way mapping system. The purpose of a mapping system is to:

- (a) allow flexibility in its use by the local government as an effective management tool;
- (b) enhance public safety and user facility safety;
- (c) provide for long-term cost savings;
- (d) improve public Right of Way design quality; and
- (e) allow for better information collection and cooperative usage among local government units, telecommunications companies, and other users of the public Right of Way.

Subd. 2. Application required. When a local government unit requires a permit for excavation in or obstruction of its public Right of Way, a person wishing to undertake a project within the public Right of Way shall submit a Right of Way permit application, which may require the filing of mapping information pursuant to subdivision 3.

Subd. 3. Information. The local government unit may require as part of its permit application the filing of all the following information:

- (a) location and approximate depth of applicant's mains, cables, conduits, switches, and related equipment and facilities, with the location based on:
 - (1) offsets from property lines, distances from the centerline of the public Right of Way, and curb lines as determined by the local government unit;
 - (2) coordinates derived from the coordinate system being used by the local government unit; or
 - (3) any other system agreed upon by the Right of Way User and local government unit;
- (b) the type and size of the utility facility;
- (c) a description showing excavations and above ground appurtenances;
- (d) a legend explaining symbols, characters, abbreviations, scale, and other data shown on the map, and,
- (e) any facilities to be abandoned in conformance with Minn. Stat. § 216D.04, as amended.

Subd. 4. Changes and corrections. The application must provide that the applicant

agrees to submit "as built" drawings, reflecting any changes and variations from the information provided under subdivision 3, items (a) to (e).

Subd. 5. Additional construction information. In addition, the Right of Way User shall submit to the local government unit at the time the project is completed a completion certificate according to part 7819.1300.

Subd. 6. Manner of conveying permit data. A Right of Way User is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user. A permit application fee may include the cost to convert the data furnished by the Right of Way User to a format currently in use by the local unit of government. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process.

Subd. 7. Data on existing facilities. At the request of a local government unit, a Right of Way User shall provide existing data on its existing facilities within the public Right of Way in the form maintained by the user at the time the request was made, if available.

Section 1.23. Location and Relocation of Facilities

Priority of use: The County has priority of use of County-owned infrastructure, and County-managed public Right of Way. To the extent consistent with applicable federal, state, and local law, the County Engineer may determine that certain classes of County-owned infrastructure or specific units of County-owned infrastructure are necessary for the County's exclusive use due to legal, mechanical, structural, safety, environmental, service, or other requirements and are unavailable for use by any other person.

Subd. 1. Placement, Location, and Relocation. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minn. Rules 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities and counties. By submitting a request for a permit, the person recognizes they must conform to the existing ordinances and codes of other units of government related to underground placement regardless of how the application is written or permit granted.

Utility poles and guy anchors, and any other equipment, shall conform to NCHRP 350 standards for crash worthiness or must be located outside of applicable clear zones. Any installation that does not conform to Minnesota Department of Transportation clear zone standards must be approved by the Director and the facility owner shall indemnify and hold harmless the County.

Subd. 2. Corridors. The County may assign specific corridors within the Right of Way, or any particular segment thereof as may be necessary, as a best management practice for each type of Facility that is, or, pursuant to current technology, the County expects will someday be, located within the Right of Way. All Right of Way Permits issued by the County involving the installation or replacement of Facilities shall designate the proper corridor for the Facilities at issue. A typical cross section of the location for utilities may be on file at the Director's office. This section is not intended to establish "high density corridors".

Any Registrant who has Facilities in the Right of Way in a position at variance with the corridors established by the County shall, no later than at the time of the next reconstruction

or excavation of the area where the Facilities are located, move the Facilities to the assigned position within the Right of Way, unless this requirement is waived by the County for good cause shown, upon consideration of such factors as the remaining economic life of the Facilities, public safety, customer Service needs and hardship to the Registrant.

Subd. 3. Nuisance. One year after the passage of this Ordinance, any Facilities found in a Right of Way that have not been Registered shall be deemed to be a nuisance. The County may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the Facilities and restoring the Right of Way to a useable condition and requiring payment to the County for the costs involved.

Subd. 4. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the Right of Way and its current use, the County shall have the power to use best management practices to prohibit or limit the placement and location of new or additional Facilities within the Right of Way. In making such decisions, the County shall strive to the extent possible to accommodate all existing and potential users of the Right of Way, but shall be guided primarily by considerations of the public interest, the public's need for the particular Utility Service, the condition of the Right of Way, the time of year with respect to essential utilities, the protection of existing Facilities in the Right of Way, and future County plans for public improvements and development projects which have been determined to be in the public interest.

Subd. 5. Relocation of Facilities. A Registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the Right of Way whenever the Director for good cause requests such removal and relocation. The Registrant shall restore the Right of Way consistent with PUC standards, local regulations and MnDOT standard specifications. The Director may make such request to prevent interference by the Company's Equipment or Facilities with (i) a present or future County use of the Right of Way, (ii) a public improvement undertaken by the County, (iii) an economic development project in which the County has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the Right of Way.

- (a) **Relocation Notification Procedure:** The Director shall notify the utility owner at least six (6) months in advance of the need to relocate existing facilities so the owner can plan the relocation. The Director shall provide a second notification to the owner one (1) month before the owner needs to begin the relocation. The utility owner shall begin relocation of the facilities within one (1) week of the second notification. All utilities shall be relocated within one (1) month. The Director may allow a different schedule if it does not interfere with the County's project. The utility owner shall diligently work to relocate the facilities within the above schedule. In the event that emergency work by the County or a municipality in the County Right of Way requires relocation of a utility, the notification requirements above are waived. The County and utility shall coordinate efforts to minimize delay in responding to such emergency.
- (b) **Delay to County Project:** The Director shall notify the utility owner if the owner's progress will not meet the relocation schedule. If the owner does not take action to ensure the relocation will be completed in accordance with the above schedule and the Director feels this delay will have an adverse impact to a County project, then the Director may hire a competent contractor to perform the relocation. In that

event, the County may charge the utility owner all costs incurred to relocate the facility.

The County may charge the utility owner for all costs incurred and requested by a contractor working for the County who is delayed because the relocation is not completed in the scheduled timeframe and for all costs incurred by the County due to the delay.

Notwithstanding the foregoing, according to the PUC rules, a Person shall not be required to remove or relocate its Facilities from any Right of Way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the Person.

However, this does not exempt the utility company from paying for the value of any taking of said property by occupation without compensation.

Section 1.24. Pre-Excavation Facilities Location

In addition to complying with the requirements of Minn. Stat. § 216D.01-.09 ("One Call Excavation Notice System") as amended before the start date of any Right of Way excavation, each Registrant who has Facilities or Equipment in the area to be excavated shall mark the horizontal and vertical placement of all said Facilities. Any Registrant whose Facilities are in the area of work shall notify and work closely with the excavation contractor to establish the exact location of its existing Facilities, newly installed Facilities, and any abandoned Facilities, and the best procedure for excavation to protect the safety of workers and Right of Way users and other utility users. All available location information, including geospatial data, must be provided to the County upon request. If the utility is not at the approved depth or location, it shall be exposed at the Permittee's expense or by the County upon written notice to the Permittee. The County may, upon said notice, locate said utility at the Permittee's expense.

Section 1.25. Damage to Other Facilities

When the County does work in the Right of Way and finds it necessary to maintain, support, or move a Registrant's Facilities to protect it, the County Engineer shall notify the Local Representative as early as is reasonably possible. The costs associated therewith will be billed to that Registrant and must be paid within thirty (30) days from the date of billing. Each Registrant shall be responsible for the cost of repairing any Facilities in the Right of Way that it or its Facilities damages. When the Permittee does damage to County facilities in the Right of Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, they shall correct the damage immediately. If they do not, the County may make such repairs as necessary and charge all the expenses of the repair to the Permittee. The Permittee shall pay for said repairs within 30 days of billing. Each Registrant shall be responsible for the cost of repairing any damage to the Facilities of another Registrant caused during the County's response to an Emergency occasioned by that Registrant's Facilities.

Section 1.26. Right of Way Vacation

Reservation of Right. If the County vacates a Right of Way that contains the facilities of a registrant, the registrant's rights in the vacated Right of Way are governed by Minn. Rule 7819.1250 and other applicable laws.

Section 1.27. Indemnification and Liability

By registering with the County, or by accepting a permit under this Ordinance, a Registrant or Permittee agrees to defend and indemnify the County in accordance with the provisions of Minn. Rule 7819.1250.

All permits are granted subject to the ownership rights the County may have in the property involved and to the extent that state, federal local laws, rules and regulations allow and said permit is subject to all such laws and rules.

Section 1.28. Abandoned or Unusable Facilities

Subd. 1. Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the County must provide information satisfactory to the County that the registrant's obligations for its facilities in the Right of Way under this ordinance have been lawfully assumed by another registrant.

Subd. 2. Removal. Any registrant who has abandoned or unusable facilities in any Right of Way shall remove them from that Right of Way if required in conjunction with other Right of Way repair, excavation, or construction, unless the County waives this requirement.

Section 1.29. Appeal

A Right of Way User that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are unreasonable, may have the denial, revocation, or fee imposition reviewed, upon written request, by the County Engineer. The County Engineer shall act timely on the written request. Should the matter not be resolved to the satisfaction of the Right of Way User after timely review by the County Engineer, the Right of Way User may submit the denial, revocation, or fee imposition for review to the County Board of Commissioners. The County Board shall act on a timely written request at its next regularly scheduled meeting. A decision by the County Board affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

Section 1.30. Reservation of Regulatory and Police Powers

A Permittee's or Registrant's rights are subject to the regulatory and police powers of the County to adopt, amend, and enforce general ordinances necessary to protect the health, safety and welfare of the public.

Section 1.31. Severability

If any portion of this ordinance is, for any reason, held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this Ordinance precludes the County from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

Section 1.32. Penalty for Violations and/or Delay

Subd. 1. Violations

A person or entity shall be subject to a fee or penalty for violation of this ordinance when a person or entity is obstructing the Right of Way beyond the date specified in the permit, is performing non-emergency work in the Right of Way without having been issued a permit, or when a person causes the County to incur costs as a result of actions or inactions of the person or entity. Assessment of a penalty shall be determined by the Director per occurrence, per site, per mile, and/or per day, as long as may be applicable unless a penalty or fine is otherwise specifically designated in this Ordinance or on the permit itself.

Additionally, the Director may issue an order to the Permittee for any work which does not conform to the terms of the permit or other applicable standards, rules, laws, conditions, or codes so long as the nonconformance constitutes a "substantial breach" as set forth in Minn. Stat. § 237.163, subd. 4(c)(l)-(5). The order shall state that failure to correct the violation will be cause for revocation of the permit.

Within a reasonable time after issuance of the order, the Permittee shall present proof to the Director that the violation has been or will be corrected within the time period set forth by the Director in the order. If such proof has not been presented within the required time, the Director may revoke the permit pursuant to this Ordinance or as specified in the Permit.

The costs of any action required by the County to address or cure such violation(s) shall be paid by the Permittee.

Subd. 2. Delay penalty

The County reserves the right for its Director to establish and impose a delay penalty and fees for unreasonable delay in Right of Way excavation, obstruction, patching, restoration, or other activities. If the Permittee disagrees with the delay penalty it may be reviewed by the County Board of Commissioners upon request. A delay penalty will not be imposed for delays due to force majeure, including inclement weather, civil strife, acts of God, or other circumstances beyond the control of the permit holder. The delay penalty for violation of this Ordinance may be levied daily for as long as the violation occurs. The amount of the delay penalty will be based upon and reflect the unnecessary inconvenience to the County and/or hazard exposure to the public.

Section 1.33. Effective Date

This ordinance shall be effective upon adoption by the Anoka County Board of Commissioners.

ANOKA COUNTY BOARD MEETING

MINUTES

Government Center
Anoka, Minnesota

February 11, 2025

Chair Gamache called the meeting to order at 9:30 a.m. and called for participation in reciting the Pledge of Allegiance.

Present:	District #1	John Heinrich
	District #2	Julie Braastad
	District #3	Jeff Reinert
	District #4	Scott Schulte
	District #5	Mike Gamache
	District #6	Julie Jeppson
	District #7	Mandy Meisner

Others Present: Jim Dickinson, County Administrator; Brad Johnson, County Attorney; staff, consultants, and citizens

Commissioner Braastad made motion accepting the regular claims paid over \$500 for the period ending January 24, 2025, and purchase-card claims paid for the period ending January 24, 2025. (Claims are on file in the County Administration Office.) Commissioner Schulte seconded the motion. Upon roll call vote, motion carried unanimously.

Commissioner Schulte made motion approving the minutes from the January 28, 2025, Anoka County board meeting. Commissioner Meisner seconded the motion. Motion carried unanimously.

Anoka County Parks Department Landscape Architect Danielle Sanborn was recognized as Coon Creek Watershed District 2024 Partner of the Year for her exceptional service to the district's local communities. Coon Creek Watershed District Board Chair Jim Hafner provided further details relating to the award.

Anoka County 4-H was recognized for its first-place win at the 2024 International Association of Fairs and Expo for their program, "Fair Buddies – Anoka County 4-H: An Adaptive Animal Science Experience". This initiative paired young people with disabilities with volunteer 4-H mentors and their animals, learning about the animals' care. Anoka County Fair Board of Directors President Mike Ahlers, Anoka County Fair Manager Michaela Liebl, and the Brady family presented additional information about the program.

Commissioner Meisner made a motion approving the following Management Committee of the Whole recommendations from the meeting of January 28, 2025:

Consent

Travel Requests:

1. John Murphy, Law Library Director - Administration/Law Library - to attend American Association of Law Libraries Annual Meeting - Portland, OR - 5 days, July 2025 - costs to include \$895 registration, \$47 mileage, \$1,192 lodging, \$409 per diem, \$550 airfare, \$60 ground transportation, and \$125 parking.
2. Jeff Perry, Director - Administration/Parks - to attend 2025 National Association of County Park and Recreation Officials (NACPRO) Annual Meeting/Awards Banquet and Special Park

District Forum - Detroit, MI - 5 days, June 2025 - costs to include \$800 registration, \$900 lodging, \$177 per diem, \$537 airfare, \$100 ground transportation, and \$105 parking.

- 3. Laurie Eggers, Transit Program Specialist - Transportation/Transit - to attend Association for Commuter Transportation (ACT) 2025 International Conference - New Orleans, LA - 4 days, August 2025 - costs, which are 100% grant funded, to include \$995 registration, \$45 mileage, \$522 lodging, \$280 per diem, \$620 airfare, and \$50 ground transportation.

Commissioner Schulte seconded the motion. Upon roll call vote, motion carried.

Commissioner Reinert made motion approving the following Transportation/Parks Committee of the Whole recommendations from the meeting of February 4, 2025:

Consent

Parks

- 1. **Resolution #2025-19:**

**RESOLUTION ACCEPTING A DONATION
FROM CONNEXUS ENERGY**

WHEREAS, Connexus Energy has donated a gift of \$25,000 to the Anoka County Parks Department; and,

WHEREAS, the donation will be used to fund natural and cultural history programming for youth in the Anoka County Park System; and,

WHEREAS, Minn. Stat 465.03 requires the county to accept gifts by resolution expressed in terms prescribed by the donor:

NOW, THEREFORE, BE IT RESOLVED that Anoka County, by and through its Board of Commissioners, hereby accepts the gift of \$25,000 from Connexus Energy to the Anoka County Parks Department.

BE IT FURTHER RESOLVED that the Anoka County Board of Commissioners hereby wishes to extend its grateful appreciation to Connexus Energy for their generous and valued donation towards natural and cultural history programming in Anoka County.

- 2. **Resolution #2025-20:**

**RESOLUTION ACCEPTING DONATIONS
TO THE ANOKA COUNTY PARK SYSTEM**

WHEREAS, various donors have provided gift donations totaling \$467.89 to the Anoka County Parks Department; and,

WHEREAS, the donations will be used to fund the operations and services in dedicated areas of the park system; and,

WHEREAS, Minn. Stat 465.03 requires the county to accept gifts by resolution expressed in terms prescribed by the donor:

NOW, THEREFORE, BE IT RESOLVED that Anoka County, by and through its Board of Commissioners, hereby accepts gift donations of \$467.89 from the following donors to the Anoka County Parks Department:

- \$10.00 Dedicated to Parks Administration from:
Peggy Zambory Minneapolis, MN
- \$192.48 Dedicated to Wargo Nature Center from:
Theodora Huisheere Andover, MN
Nabi Naser Columbia Heights, MN
David Reed Coon Rapids, MN
Amy Remes Arden Hills, MN
Equip Homeschool Co-op Oak Grove, MN
- \$60.00 Dedicated to Natural Resource Management from:
Robert Schmeltzer Maple Grove, MN
Mary Lou Meers Coon Rapids, MN
- \$205.41 Dedicated to Park Services from:
Unnamed Donors

BE IT FURTHER RESOLVED that the Anoka County Board of Commissioners hereby wishes to extend its grateful appreciation to the various donors for their generous and valued donations towards operations and services in dedicated areas of the park system.

Commissioner Schulte seconded the motion. Upon roll call vote, motion carried.

* *

Commissioner Schulte made motion approving the following Transportation/Parks Committee of the Whole recommendations from the meeting of February 4, 2025:

Consent

Highway

3. Resolution #2025-21:

**RESOLUTION REQUESTING A SPEED ZONE STUDY ON
CR 132 (85TH AVENUE NW) FROM
CSAH 1 (EAST RIVER ROAD) TO SPRINGBROOK DRIVE NW
IN THE CITIES OF COON RAPIDS AND FRIDLEY**

WHEREAS, the Anoka County Board of Commissioners is responsible for the planning, construction, regulation, and maintenance of the County Highway System; and,

WHEREAS, the recognition for the need to study legally ordered speed zones on segments of the County Highway System, in response to changes in traffic patterns, adjoining development and reconstruction of highways, is a responsibility of the Anoka County Board of Commissioners; and,

WHEREAS, an identified area of CR 132 (85th Avenue NW) from CSAH 1 (East River Road) to Springbrook Drive NW, within the cities of Coon Rapids and Fridley, has experienced increased residential/commercial development and traffic volumes; and,

WHEREAS, Anoka County constructed a new roundabout at the intersection of 85th Avenue NW and Evergreen Boulevard NW in 2024, changing the geometrics of 85th Avenue NW; and,

WHEREAS, the above-identified segment of 85th Avenue NW had a speed zone study completed in 1996, which resulted in a 50-mph speed limit; and,

WHEREAS, the Cities of Coon Rapids and Fridley have adopted Resolutions 24-101 and 2024-162 respectively, requesting Anoka County to conduct a speed study on 85th Avenue NW from East River Road to Springbrook Drive NW, given the increase in development and traffic volumes, and change in geometrics; and,

WHEREAS, under Minnesota law, the Minnesota State Commissioner of Transportation is responsible to conduct the appropriate engineering studies and establish safe and reasonable speed limits on the County Highway System:

NOW, THEREFORE, BE IT RESOLVED that Anoka County, by and through its Board of Commissioners, hereby requests the Minnesota State Commissioner of Transportation conduct the necessary studies and prepare orders for safe and reasonable speed limits on:

CR 132 (85th Avenue NW) from CSAH 1 (East River Road) to Springbrook Drive NW,
within the cities of Coon Rapids and Fridley

BE IT FINALLY RESOLVED that certified copies of this resolution be forwarded to the State Commissioner of Transportation and the Cities of Coon Rapids and Fridley.

4. Resolution #2025-22:

**RESOLUTION REQUESTING A SPEED ZONE STUDY ON
CSAH 83 (ARMSTRONG BOULEVARD NW)
FROM TH 10 TO CSAH 116 (BUNKER LAKE BOULEVARD NW)
IN THE CITY OF RAMSEY**

WHEREAS, the Anoka County Board of Commissioners is responsible for the planning, construction, regulation, and maintenance of the County Highway System; and,

WHEREAS, the recognition for the need to study legally-ordered speed zones on segments of the County Highway System, in response to changes in traffic patterns, adjoining development and reconstruction of highways, is a responsibility of the Anoka County Board of Commissioners; and,

WHEREAS, an identified area of CSAH 83 (Armstrong Boulevard NW) from TH10 to CSAH 116 (Bunker Lake Boulevard NW), within the city of Ramsey, has experienced increased residential/commercial development and traffic volumes; and,

WHEREAS, the signalized, at-grade intersection of TH 10 and Armstrong Boulevard NW was replaced with a grade-separated interchange and associated grade-separated crossing over the BNSF railway, significantly changing the geometrics of Armstrong Boulevard NW; and,

WHEREAS, the above-identified segment of Armstrong Boulevard NW had a speed zone study completed in 1985, which resulted in a 55 mph speed limit; and,

WHEREAS, the City of Ramsey has adopted Resolution #25-009, requesting Anoka County conduct a speed study on Armstrong Boulevard NW from TH 10 to Bunker Lake Boulevard NW, given the increase in development and traffic volumes; and,

WHEREAS, under Minnesota law, the Minnesota State Commissioner of Transportation is responsible to conduct the appropriate engineering studies and establish safe and reasonable speed limits on the County Highway System:

NOW, THEREFORE, BE IT RESOLVED that Anoka County, by and through its Board of Commissioners, hereby requests the Minnesota State Commissioner of Transportation conduct the necessary studies and prepare orders for safe and reasonable speed limits on:

CSAH 83 (Armstrong Boulevard NW) from TH 10 to CSAH 116 (Bunker Lake Boulevard NW), within the city of Ramsey

BE IT FINALLY RESOLVED that certified copies of this resolution be forwarded to the Minnesota State Commissioner of Transportation and the City of Ramsey.

5. **Resolution #2025-23:**

**RESOLUTION SETTING
2025 SPRING ROAD RESTRICTIONS**

IT IS HEREBY RESOLVED that, upon recommendation of the county engineer and under the provisions of Minn. Stat. 169.87, Spring Road Restrictions shall be in effect upon the following designated State Aid Highways and County Roads. Such limitations shall not exceed a maximum of Ten (10) Tons or a minimum of Five (5) Tons.

CSAH 1.....	9 Ton Axle Limit
CSAH 2.....	9 " " "
CSAH 3.....	9 " " "
CSAH 4.....	9 " " "
CSAH 5.....	9 " " "
CSAH 6.....	9 " " "
CSAH 7.....	9 " " "
CSAH 8.....	9 " " "
CSAH 9 CSAH 14 (Main St) to CSAH 116 (Bunker Lake Blvd).....	10 " " "
CSAH 9 CSAH 116 (Bunker Lake Blvd) to CSAH 24 (Bridge St).....	9 " " "
CSAH 10 TH 47 to East County Line.....	10 " " "
CSAH 11.....	9 " " "
CSAH 12 CSAH 11 (Foley Blvd) to Lilac St.....	9 " " "
CSAH 12 Lilac St to CSAH 23 (Lake Dr).....	10 " " "
CSAH 13 CSAH 22 (Viking Blvd) to CR 103 (229th Ave).....	9 " " "
CSAH 14 CSAH 1 (5th Ave) to CSAH 9 (Round Lake Blvd).....	9 " " "
CSAH 14 CSAH 9 (Round Lake Blvd) to CSAH 17 (Lexington Ave).....	10 " " "
CSAH 14 CSAH 17 (Lexington Ave) to I-35E.....	9 " " "
CSAH 14 I-35E to East County Line.....	10 " " "
CR 15.....	7 " " "
CR 16.....	7 " " "
CSAH 17 South County Line to CSAH 116 (Bunker Lake Blvd).....	10 " " "
CSAH 17 CSAH 116 (Bunker Lake Blvd) to CSAH 18 (Broadway Ave).....	9 " " "
CSAH 17 CSAH 18 (Broadway Ave) to Coon Lake Shop.....	7 " " "
CSAH 17 Coon Lake Shop to CSAH 22 (Viking Blvd).....	9 " " "
CSAH 18 CSAH 1 (Coon Rapids Blvd) to CSAH 11 (Northdale Blvd).....	9 " " "
CSAH 18 CSAH 14 (Main St) to CSAH 116 (Bunker Lake Blvd).....	9 " " "
CR 18 CSAH 116 (Bunker Lake Blvd) to CSAH 78 (Hanson Blvd).....	9 " " "
CSAH 18 CSAH 20 (161st Ave) to Polk St NE.....	9 " " "
CSAH 18 Polk St NE to Soderville Dr NE.....	10 " " "
CSAH 18 Soderville Dr NE to East County Line.....	9 " " "
CR 19.....	7 " " "
CSAH 20.....	9 " " "
CSAH 21 South County Line to CSAH 34 (Birch St).....	9 " " "
CSAH 21 CSAH 34 (Birch St) to CSAH 14 (Main St).....	9 " " "
CSAH 22 West County Line to East County Line.....	9 " " "
CSAH 23 South County Line to I-35W.....	9 " " "
CSAH 23 I-35W to TH 97.....	10 " " "
CSAH 24 West County Line to CR 66 (Cleary Rd).....	7 " " "
CSAH 24 CR 66 (Cleary Rd) to TH 47.....	9 " " "

CSAH 24 TH 47 to CSAH 28 (Ambassador Blvd).....	9	"	"	"
CSAH 24 CSAH 28 (Ambassador Blvd) to CSAH 9 (Lake George Blvd)	9	"	"	"
CSAH 24 CSAH 9 (Lake George Blvd) to North County Line	9	"	"	"
CSAH 26	9	"	"	"
CR 27	9	"	"	"
CSAH 28	7	"	"	"
CSAH 30	9	"	"	"
CSAH 31	9	"	"	"
CSAH 32	9	"	"	"
CSAH 34 CSAH 49 (Hodgson Rd) to CSAH 21 (Centerville Rd).....	9	"	"	"
CSAH 34 CSAH 21 (Centerville Rd) to CSAH 54 (20th Ave)	7	"	"	"
CSAH 35	9	"	"	"
CSAH 36	7	"	"	"
CSAH 49 CSAH 23 (Lake Dr) to South County Line	9	"	"	"
CR 49 CSAH 17 (Lexington Ave) to CSAH 23 (Lake Dr).....	9	"	"	"
CSAH 51	10	"	"	"
CSAH 52 CSAH 17 (Lexington Ave) to I-35W.....	9	"	"	"
CSAH 52 I-35W to CSAH 116 (Bunker Lake Blvd).....	10	"	"	"
CR 52 CSAH 116 (Bunker Lake Blvd) to CR 61 (153rd Ave)	7	"	"	"
CR 53 CR 49 (North Rd) to CSAH 12 (109th Ave).....	9	"	"	"
CR 53 CSAH 12 (Apollo Dr) to CSAH 14 (125th Ave/Main St).....	7	"	"	"
CSAH 54	9	"	"	"
CR 56	9	"	"	"
CSAH 57 TH 10 to CSAH 116 (Bunker Lake Blvd).....	10	"	"	"
CR 57 CSAH 116 (Bunker Lake Blvd) to CSAH 5 (Nowthen Blvd).....	9	"	"	"
CR 58 CSAH 7 (7th Ave) to CSAH 9 (Round Lake Blvd)	7	"	"	"
CSAH 58 CSAH 9 (Round Lake Blvd) to CSAH 18 (Crosstown Blvd).....	9	"	"	"
CR 59	9	"	"	"
CR 60 CSAH 18 (Crosstown Blvd) to TH 65.....	9	"	"	"
CR 60 TH 65 to CSAH 17 (Lexington Ave).....	9	"	"	"
CR 61 CR 52 (Radisson Rd) to CR 60 (Constance Blvd).....	7	"	"	"
CSAH 62 CSAH 23 (Lake Dr) to CSAH 18 (Broadway Ave).....	9	"	"	"
CR 62 CSAH 18 (Broadway Ave) to East County Line.....	7	"	"	"
CR 63 CSAH 5 (Nowthen Blvd) to TH 47	7	"	"	"
CR 64	9	"	"	"
CR 65 West County Line to CSAH 5 (Nowthen Blvd).....	9	"	"	"
CR 66	9	"	"	"
CR 68	9	"	"	"
CR 70	7	"	"	"
CR 71	7	"	"	"
CR 72	9	"	"	"
CR 73	7	"	"	"
CR 74 CSAH 13 (Cedar Dr) to TH 65.....	9	"	"	"
CR 74 TH 65 to CSAH 22 (Viking Blvd).....	7	"	"	"
CR 75	7	"	"	"
CR 76	9	"	"	"
CR 77	7	"	"	"
CSAH 78 CSAH 1 (Coon Rapids Blvd) to CSAH 11 (Northdale Blvd).....	9	"	"	"
CSAH 78 CSAH 11 (Northdale Blvd) to CSAH 116 (Bunker Lake Blvd).....	10	"	"	"
CSAH 78 CSAH 116 (Bunker Lake Blvd) to CSAH 22 (Viking Blvd)	9	"	"	"
CR 82	7	"	"	"
CSAH 83 TH 10 to CSAH 22 (Baugh St).....	9	"	"	"
CR 84	9	"	"	"
CR 85	9	"	"	"
CR 86	7	"	"	"
CR 89	7	"	"	"
CR 102	9	"	"	"
CR 103	9	"	"	"
CR 104	9	"	"	"
CR 106	9	"	"	"
CR 108	9	"	"	"
CSAH 116 CSAH 83 (Armstrong Blvd) to CSAH/CR 57 (Sunfish Lake Blvd).....	9	"	"	"
CSAH 116 CSAH/CR 57 (Sunfish Lake Blvd) to CSAH 78 (Hanson Blvd).....	10	"	"	"
CSAH 116 CSAH 78 (Hanson Blvd) to TH 65	10	"	"	"
CSAH 116 TH 65 to CSAH 52 (Radisson Rd)	10	"	"	"
CSAH 116 CSAH 52 (Radisson Rd) to CSAH 17 (Lexington Ave).....	9	"	"	"
CSAH 131.....	9	"	"	"
CR 132	9	"	"	"
CR 140	7	"	"	"
CR 158	7	"	"	"
CR 163	9	"	"	"

NOTE:CSAH - Indicates County State Aid Highway
 CR - Indicates County Road
 TH - Indicates Trunk Highway

6. Contract #C0010941, a Joint Powers Agreement (JPA) with the City of Andover, for Project SAP 002-716-024, traffic signal reconstruction, rehabilitation, and ADA improvements at multiple signal locations along CSAH 116 (Bunker Lake Boulevard NW) between Rose Street NW and CSAH 78 (Hanson Boulevard NW), in the City of Andover.
7. Contract #C0011341, a Joint Powers Agreement (JPA) with the City of Coon Rapids, for Project SAP 002-612-036, signal reconstruction and pedestrian ramp/ADA improvements at the intersection of CSAH 12 (Northdale Boulevard NW) and 111th Lane NW, in the City of Coon Rapids.

8. Contract #C0011342, a Joint Powers Agreement (JPA) with the cities of Blaine and Coon Rapids, for Project SAP 002-612-037, signal reconstruction and pedestrian ramp/ADA improvements at the intersection of CSAH 12 (Northdale Boulevard NW/109th Avenue NE) and CSAH 51 (University Avenue NE), in the cities of Blaine and Coon Rapids.
9. Contract #C0011382, in the amount of \$2,845,539.67 to Ti-Zack Concrete, LLC., for Project SAP 002-716-024, signal reconstruction, rehabilitation, and ADA improvements at multiple signal locations on CSAH 116 (Bunker Lake Boulevard NW) between Rose St NW and CSAH 78 (Hanson Boulevard NW), in the City of Andover.
10. Contract #C0010751A, a Professional Service Contract Amendment No. 1 with SRF Consulting, for the design and environmental documentation services associated with Project SAP 002-607-032, the replacement of Bridge #02535 on CSAH 7 (Rum River Boulevard) over Seelye Brook, in the City of Oak Grove.

Commissioner Jeppson seconded the motion. Upon roll call vote, motion carried.

* * * * *

At 10:02 a.m., Chair Gamache asked County Attorney Brad Johnson to conduct a public hearing to obtain comments on a proposed Anoka County Cannabis Business Ordinance to address the requirements of Minnesota Statutes Chapter 342. County Attorney Johnson called the public hearing to order.

Notice of the public hearing was published January 24, 2025, in the Anoka County Union Newspaper informing the public that a hearing would be held during the February 11, 2025, Anoka County Board of Commissioners Meeting to allow public comment on a proposed Anoka County Cannabis Business Ordinance. The notice was made a part of the record.

Public Health and Environmental Services Director Jonelle Hubbard presented information and answered questions related to the ordinance.

No written or oral comments from the public were received prior to the hearing. Upon a call from County Attorney Johnson for public comments, there were no comments from the public at the hearing.

After no one appeared in response to additional calls for public comment, the public hearing was adjourned.

* *

County Attorney Brad Johnson recommended revising the ordinance title from "Anoka County Cannabis Ordinance Cannabis Businesses" to "Anoka County Cannabis Business Ordinance."

* *

Commissioner Meisner made motion offering the following ordinance with the recommended amended title for adoption:

ORDINANCE #2025-1
ANOKA COUNTY
CANNABIS BUSINESS ORDINANCE

The Anoka County Board of Commissioners hereby ordains:

1. ADMINISTRATION

1.1. **Findings and Purpose:**

1.1.1. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Anoka County to protect the public health, safety, welfare of Anoka County residents by regulating cannabis businesses within the legal boundaries of Anoka County when the local cities or townships are not able or willing to provide the necessary oversight and protection.

1.1.2. Anoka County finds and concludes that the provisions of this Ordinance are appropriate and lawful land use regulations for Anoka County, that the proposed amendments will

promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

- 1.2. **Authority, Jurisdiction & Delegation:** Anoka County has the authority to adopt this ordinance pursuant to:
 - 1.2.1. Minn. Stat. § 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
 - 1.2.2. Minn. Stat. § 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
 - 1.2.3. Minn. Stat. § 152.0263, Subd. 5, regarding the use of cannabis in public places.
 - 1.2.4. Minn. Stat. § 462.357, regarding the authority of a local authority to adopt zoning ordinances.
 - 1.2.5. This Ordinance shall be applicable to the legal boundaries of Anoka County for those areas not within the jurisdiction of a city or town with their own Cannabis Ordinance. At the time of this writing, the only unincorporated township within Anoka County is Linwood Township.
 - 1.2.6. Anoka County acknowledges that Minn. Stat. §342.22 subd. 1 authorizes cities or towns within Anoka County to consent for Anoka County to issue the registration for their jurisdiction. Cities or townships must provide specific delegated authority in the form of a resolution to Anoka County before Anoka County will act on their behalf. Anoka County will review and issue registration for local cannabis retailers for those jurisdictions.
 - 1.2.7. The delegating jurisdiction agrees that all fees generated from the registration duties become the property of Anoka County.
 - 1.2.8. Each jurisdiction that has delegated authority for registration to Anoka County must provide and maintain current contact information and designate a point person to assist Anoka County with questions pertaining to their zoning and building codes.
 - 1.2.9. Each jurisdiction delegating authority for registration to Anoka County must follow the requirements for notice to the Office of Cannabis Management as found on the Office of Cannabis Management website.
 - 1.2.10. Delegating jurisdictions may adopt ordinances under their own authority and this Ordinance if those ordinances do not conflict with this Ordinance.
- 1.3. **Severability:** If any section, clause, provision, or portion of this ordinance is determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall still stand.
- 1.4. **Enforcement:**
 - 1.4.1. The Anoka County Public Health and Environmental Services Department with the assistance of the local jurisdictions, is responsible for the administration and enforcement of this ordinance.
 - 1.4.2. Unless otherwise provided within this ordinance, the provisions of the Anoka County Administrative Procedures Ordinance and any amendments thereto or successor ordinance shall govern the administration and enforcement of this ordinance.
- 1.5. **Definitions:**
 - 1.5.1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. §342.01 and any amendments thereto, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
 - 1.5.2. **Cannabis Cultivation Business:** A business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Office of Cannabis Management (OCM).

- 1.5.3. **Cannabis Retail Businesses:** A retail location and the retail location(s) of mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.
 - 1.5.4. **Cannabis Retailer:** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
 - 1.5.5. **Daycare:** A location licensed as a daycare provider or registered as a legal non-licensed daycare with the Minnesota Department of Human Services to provide care for a child or children in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
 - 1.5.6. **Lower-potency Hemp Edible:** Any product that meets the definition of Minn. Stat. 342.01 subd. 50.
 - 1.5.7. **Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
 - 1.5.8. **Place of Public Accommodation:** A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
 - 1.5.9. **Public Place:** A public park or trail, public street, or sidewalk; any enclosed, indoor area used by the public, including, but not limited to, parks, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
 - 1.5.10. **Residential Treatment Facility:** A facility that meets the definitions of Minn. Stat. § 245.462 subd. 23.
 - 1.5.11. **Retail Registration:** An approved registration issued by the city or township of jurisdiction, or when delegated to Anoka County, by Anoka County to a state licensed cannabis retail business.
 - 1.5.12. **School:** A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24. For purposes of this ordinance, School also includes community colleges and vocational technical colleges.
 - 1.5.13. **State License:** An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.
 - 1.5.14. **Youth-Oriented Facility:** Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. "Youth-Oriented Facility" includes, but is not limited to, childcare providers and facilities, schools, playgrounds, recreation centers, and parks.
2. REGISTRATION OF CANNABIS BUSINESSES FOR CITIES OR TOWNSHIPS UNDER ANOKA COUNTY JURISDICTION
 - 2.1. **Consent to Registration of Cannabis Business:**
 - 2.1.1. No individual or entity may operate a state-licensed cannabis retail business within Anoka County without first completing all State requirements as directed by OCM. Once receiving approval from OCM, each entity must follow all requirements as outline below.
 - 2.2. **Compliance Checks Prior to Retail Registration:**
 - 2.2.1. Prior to issuance of a cannabis retail business registration, Anoka County with the assistance of the local jurisdiction, shall conduct a preliminary compliance check to ensure compliance with local ordinances.
 - 2.2.2. Pursuant to Minn. Stat. Chapter 342, within 30 days of receiving a copy of a state license application from OCM, Anoka County shall *contact the local jurisdiction and coordinate a compliance check*. Anoka County must certify to OCM on a form provided by OCM, if a proposed cannabis retail business complies with local zoning ordinances and, if

applicable, whether the proposed business complies with the state fire code and building code.

- 2.2.3. If the local jurisdiction fails to assist or cooperate with Anoka County and Anoka County is unable to respond within the 30 days, AC is not responsible for any resulting licenses issued by OCM in violation of the zoning ordinance pursuant to Minn. Stat § 342.13.

2.3. **Registration and Application Process:**

2.3.1. Fees

- 2.3.1.1. Each applicant will pay a registration fee, as established in Anoka County's fee schedule, depending on the type of retail business license applied for.
- 2.3.1.2. The initial retail registration fee will not exceed \$500 or half the amount of the initial state license fee under Minn. Stat. §342.11, whichever is less. At the time of the initial registration, Anoka County will collect the initial registration fee and the first annual renewal fee.
- 2.3.1.3. The renewal retail registration fee shall be due at the time of the second renewal and each subsequent renewal thereafter.
- 2.3.1.4. The renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. §342.11, whichever is less.
- 2.3.1.5. A medical combination business operating an adult-use retail location will only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2. Application Submittal

- 2.3.2.1. Anoka County will issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. §342.22 and the following procedure:
- A. Complete the Application found at the Anoka County Public Health and Environmental Services Department, available online or at the Anoka County Government Center. The applicant must provide the following information before the application will be considered:
- a. Full name of the property owner and applicant;
 - b. Address, email address, and telephone number of each of the applicants;
 - c. The address, and parcel ID for the property which the retail registration is sought;
 - d. Verification that the applicant(s) complies with the requirements of this local ordinance established pursuant to Minn. Stat. §342.13;
 - e. The establishment will consider becoming a Naloxone access point.
- B. The applicant must include with the form:
- a. the application fee as required in Section 2.3.1;
 - b. a copy of a valid state license or written notice of OCM license preapproval;
 - c. verification that the applicant is current on all property taxes and assessments at the location where the retail establishment is located.
 - d. verification if operator is a business entity, of business registration with the Minnesota Secretary of State;
 - e. proof of commercial liability insurance that meets minimum limits of liability at \$1.5 million for each occurrence, \$3 million general aggregate and \$4 million products and completed operations aggregate;
 - f. verification of compliance with applicable fire codes; and
 - g. verification of compliance with applicable building codes.
- 2.3.2.2. Once an application is considered complete Anoka County will process the application in a reasonable amount of time, not to exceed sixty (60) days and notify the applicant of its decision.

- 2.3.2.3. The application fee is non-refundable once Anoka County begins processing the application.

2.3.3. Application Approval

- 2.3.3.1. A state-licensed cannabis retail business registration application will not be approved if the business would exceed the maximum number of registered cannabis retail businesses permitted in Anoka County under Section 2.6.
- 2.3.3.2. A state-licensed cannabis retail business registration application shall not be approved or renewed if the applicant is unable to meet all requirements of this ordinance.
- 2.3.3.3. A state-licensed cannabis retail business registration application that meets the requirements of this ordinance will be approved.

2.3.4. Compliance Checks

- 2.3.4.1. At least one time annually, Anoka County or its designee will complete a compliance check for any businesses for which Anoka County has designated jurisdiction.
- 2.3.4.2. The annual compliance check shall include, at minimum, one unannounced age verification compliance check at least once per calendar year.
 - 2.3.4.2.1. Age verification compliance checks shall comply with Minnesota Statutes § 342.22 subd. 4(b) and any amendments thereto.
 - 2.3.4.2.2. Any failures under this section must be reported to the Office of Cannabis Management.
- 2.3.4.3. "Compliance Checks" means the system the County uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to licensed products.

- 2.3.5. Location Change: A licensed cannabis retail business must submit a new application for registration under Section 2.3.2 if it seeks to move to a new location within the legal boundaries of Anoka County and must comply with the requirements of the jurisdiction in the new location.

- 2.4. **Registration Renewals**: Anoka County shall renew the annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

- 2.4.1. Renewal Application: A state-licensed cannabis retail business shall apply to renew a registration on a renewal Application found with the Anoka County Public Health and Environmental Services Division, available online or at the Anoka County Government Center. Anoka County will review renewal applications in a reasonable amount of time, not to exceed sixty (60) days and issue or deny the registration once the following conditions are met.

- 2.4.1.1. All conditions as required under 2.3.2.1 are required;
- 2.4.1.2. Applicant must attest to no violations of the ordinance or law in the past twelve months. A violation may be cause for non-renewal.
- 2.4.1.3. Applicant must pay the renewal fees as established in Anoka County's fee schedule.

- 2.5. **Registration is Non-Transferrable**: A cannabis retail registration issued under this ordinance may not be transferred.

- 2.6. **Limitation on Cannabis Retail Establishments in Anoka County**: Anoka County is authorized under Minnesota law to limit the number of retail registrations within its boundaries to one per 12,500 residents. Anoka County's population as of the 2023 census is 372,441. Therefore, Anoka County sets the limit of retail registrations for

Anoka County boundaries to 30. If there are 30 active cannabis retail business registrations within Anoka County, Anoka County shall not be required to register additional state-licensed cannabis retail businesses. County census will be reviewed annually to ensure the number of retail businesses is accurate within the statutory requirements and shall not exceed the statutory minimum.

3. REQUIREMENTS FOR CANNABIS BUSINESSES:

- 3.1. **Minimum Buffer Zones:** Anoka County hereby adopts the following reasonable restrictions on the time, place, and manner of the operation of a retail cannabis business within the jurisdictions under control of Anoka County to protect the health and welfare of its children and citizens. All measurements are between lot lines of the areas noted.
 - 3.1.1. **Schools:** No cannabis business shall be registered if located within 1,000 feet from the boundaries of an existing school.
 - 3.1.2. **Licensed and legal non-licensed day care providers:** No cannabis business shall be registered if located within 500 feet from the boundaries of an existing licensed or legal non-licensed day care provider.
 - 3.1.3. **Public Park, Athletic Complex or Youth-Oriented Facility:** No cannabis business shall be registered if located within 500 feet from the boundaries of an existing public park which is regularly used by minors, including a playground or athletic field, athletic recreation center, or Youth-Oriented facility.
 - 3.1.4. **Residential Treatment Facility:** No cannabis business shall be registered if located within 500 feet from the boundaries of an existing residential treatment facility.
 - 3.1.5. **Existing Cannabis Business:** No cannabis business shall be registered if located within 500 feet from the boundaries of an existing cannabis retail business.
- 3.2. **Zoning and Land Use.** Cannabis land uses shall be determined by business type in applicable zoning districts pursuant the jurisdiction. For cities and townships that have delegated registration to Anoka County, Anoka County will address zoning and land use for Cannabis Retail and will work with each jurisdiction falling under this Ordinance and their independent zoning ordinances.
- 3.3. **Hours of Operation:** Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m. seven days per week.
- 3.4. **Security:** A cannabis retail business must maintain compliance with security requirements established by the state, including but not limited to maintenance of video surveillance records, sufficient lighting to support video surveillance, specific locking mechanisms, secure entries, and employee minimums.
- 3.5. **Signage:**
 - 3.5.1. Notice of the legal sales age, age verification requirements, community cessation resources, safer use information, and potential penalties for underage sales must be prominently always displayed in plain view at each location where Approved Products are sold. The required signage, provided by the Department, must be posted in a way that is clearly visible to anyone purchasing or considering a purchase.
 - 3.5.2. Subject to agreements with the property owner, cannabis retail businesses may have no more than two fixed signs on the exterior of the building or property of the business.

4. TEMPORARY CANNABIS EVENTS

- 4.1. **License required for Temporary Cannabis Events:** Anoka County will not permit an event license unless the applicant has provided OCM information about the time, location, layout, number of business participants and hours of operation of the event. A license must be received from Anoka County prior to any temporary cannabis event. No temporary event may exceed 3 calendar days.
 - 4.1.1. **License required.** A license or permit must be approved and issued by Anoka County prior to the event. Anoka County will review and issue requests for temporary

cannabis events for any city or township for which it has jurisdiction to issue registration.

4.1.2. Registration and Application Procedure: Anoka County will issue a temporary cannabis event registration to a cannabis event organizer that adheres to the requirements of Minn. Stat. §342.39 and the following procedures:

4.1.2.1. Complete the Application found with the Anoka County Public Health and Environmental Services Division at least ninety (90) days prior to the scheduled event, available online or at the Anoka County Government Center which shall contain all the data required in Minn. Stat. § 342.14 subd. 1 and the following information:

- a. The address and location where the temporary event will occur;
- b. The name of the event;
- c. The number and identity of exhibitors;
- d. A diagram of the layout of the event, including entrances, exhibits, and where product will be sold;
- e. Hours of operation;
- f. Name, address, and phone number of contact person;
- g. Comply with all local jurisdictional community requirements that do not conflict with this ordinance;
- h. Description of security to comply with age requirements;
- i. Prior event licenses granted, denied, or revoked.

4.1.3. Restrictions at temporary cannabis events. There shall be no cannabis consumption areas at any temporary cannabis events. Temporary cannabis events may only be held between the hours of 10:00 a.m. and 6:00 p.m.

4.1.4. Public health, safety, or welfare concerns: If Anoka County identifies any public health, safety or welfare concerns with a proposed cannabis event, Anoka County may deny or restrict the temporary cannabis license. Factors to be considered include but are not limited to traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on sound, insurance, and maximum attendance.

4.1.5. Grant or Denial of Temporary License: An application for a temporary cannabis license that complies with the conditions of Section 4 will be approved. The event may not be held until the applicant has contacted OCM. The decision shall be made within thirty (30) days of submission. If the application does not meet the requirements of this section, the license shall be denied.

4.1.6. Application Fee: Applicants for a temporary cannabis event shall pay a registration fee as established in Anoka County's fee schedule. This fee is non-refundable if the application is denied.

4.1.7. Enforcement: Anoka County may suspend or revoke a cannabis event license if the event organizer fails to comply with all conditions for the permit in any material way after being informed of the violation and the need to correct it.

5. LOWER-POTENCY HEMP EDIBLES

5.1. **Sale of Low-Potency Hemp Edibles:** The sale of Low-Potency Edibles is permitted, subject to the conditions contained within this section. This section of the Ordinance will also apply to those jurisdictions that have delegated authority to Anoka County for retail registrations.

5.2. **Zoning Districts:** Low-Potency Edible businesses are permitted as a type of use in the zoning districts of the jurisdiction of their location, if they comply with the standards as set forth in 5.3.

5.3. Standards

5.3.1. Low-potency edibles may only be sold in establishments for persons 21 years of age or older.

5.3.2. Low-potency hemp beverages may only be sold in establishments that meet requirements of this section.

5.3.3. Low-potency hemp beverages must be sold from behind a counter and stored in a locked case.

6. PROHIBITED CONDUCT

- 6.1. **No use of Cannabis on Anoka County-owned property:** Consistent with Anoka County Resolution 2023-M7 and Anoka County Ordinance #2023-1, and any amendments thereto, it is a violation of this ordinance to possess, ingest or use any cannabis product on property owned by Anoka County.
- 6.2. **Limitation on Use in Public Places:** No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.
- 6.3. **No Cannabis Use Where Smoking Prohibited:** No cannabis flower, cannabis products, or hemp-derived consumer products used in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, § 144.414.
- 6.4. Cannabis product may only be sold from behind a counter and stored in a locked case.
- 6.5. Cannabis product may only be sold in establishments for persons 21 years of age or older.

7. VIOLATIONS

- 7.1. **Suspension of Registration**
 - 7.1.1. When Suspension is Warranted. Anoka County shall abide by its Administrative Procedures Ordinance except where provisions differ.
 - 7.1.1.1. Anoka County may immediately suspend a cannabis retail business's registration if it violates the Anoka County ordinance or poses an immediate threat to the health or safety of the public. Anoka County shall immediately notify the cannabis retail business in writing of the grounds for the suspension.
 - 7.1.1.2. Anoka County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Anoka County and the cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
 - 7.1.1.3. Anoka County may withhold reinstatement of a registration until OCM has submitted its determination permitting reinstatement.
 - 7.1.1.4. A registration will be suspended for up to 30 calendar days for a violation of this ordinance unless OCM issues a suspension for more than 30 days, or unless the terms of 7.1.1.6 have been met.
 - 7.1.1.5. No sales may be made from a cannabis retail business while the license is suspended. Any sale during this time constitutes a violation of this ordinance and the administrative procedures ordinance.
 - 7.1.1.6. A cannabis retail business registration may only be reinstated when the violations have been resolved. If OCM determines the violations have been resolved, the registration shall be reinstated.
- 7.2. **Civil Penalties.** Pursuant to Minn. Stat. §342.22, subd. 5(e) Anoka County may impose a civil penalty, as specified in the Anoka County's Fee Schedule, for any sale made without a valid retail registration, not to exceed \$2,000.
- 7.3. **Criminal Penalties.** Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether a permit is required for a regulated activity listed in this ordinance.

8. SEVERABILITY

8.1. If any provision of an Anoka County ordinance or the application thereof to any person or circumstances is held invalid, said invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of all Anoka County ordinances are severable.

9. PROVISIONS ACCUMULATIVE

9.1. The provisions of all Anoka County ordinances are cumulative and are additional limitations upon all other laws and ordinances passed covering any subject matter.

10. AMENDING & REPEALING PRIOR ORDINANCES; EFFECTIVE DATE

10.1. This ordinance amends and restates all previous ordinances relating to Cannabis Registration, thereby repealing said prior ordinances, and shall be in full force and effect from and after the time of its passage by the Anoka County Board of Commissioners and publication as required by law.

Commissioner Jeppson seconded the motion. Motion carried. Ordinance declared adopted.

* * * * *

Northland Public Finance Managing Director Tammy Omdal presented details about the February 10, 2025, bond sale leading to the following resolution for consideration.

* *

Commissioner Schulte offered the following resolution and moved its adoption:

RESOLUTION #2025-24

**RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION
CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2025A,
IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$21,500,000;
FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION
AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

BE IT RESOLVED By the Board of Commissioners (the "Board") of Anoka County, Minnesota (the "County") as follows:

Section 1. Background; Findings.

1.01. Authorization.

(a) On December 1, 2023, the Board held a duly noticed public hearing regarding the County's Capital Program, including the Capital Improvement Plan and Capital Equipment Plan for the five (5) year period of 2024 through 2028 (the "Plan"), and approved the Plan on such date after the public hearing. On October 22, 2024, the Board held a duly noticed public hearing regarding the issuance of general obligation bonds in the maximum principal amount of \$22,000,000 under the Plan (the "Public Hearing"), and adopted a resolution ratifying the adoption of the Plan and providing preliminary approval to the issuance of bonds under thereunder, all in accordance with Minnesota Statutes, Chapter 475, as amended, and Section 373.40, as amended (collectively, the "Act"). The Plan authorizes the issuance of general obligation bonds under the Act to provide for the undertaking of certain capital improvements described in the Plan (the "Capital Improvements"), including but not limited to (i) the decentralization of existing centralized steam-based heating for all the buildings on the Rum River campus in the City of Anoka through the installation of new boilers in each building and the collapse or filling of old tunnels and demolition of a central boiling plant as part of the County's Rum River Campus decentralization project; and (ii) the construction of a new parking ramp to be located adjacent to the new jail to be constructed in the City of Anoka and the construction of a new emergency communications dispatch center in the City of Andover as part of the County's public safety building project.

(b) Pursuant to a resolution adopted by the Board on December 17, 2024, the County authorized the sale of its General Obligation Capital Improvement Bonds, Series 2025A (the "Bonds"), pursuant to the Act, to finance the Capital Improvements.

1.02. Award to the Purchaser and Interest Rates. The proposal of TD Securities, New York, NY (the "Purchaser"), to purchase the Bonds is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$22,562,074.95 (par amount of \$21,500,000.00, plus original issue premium of \$1,184,409.95, less underwriter's discount of \$122,335.00), plus accrued interest, if any, to the date of delivery of the Bonds, bearing interest as follows:

<u>Year</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Interest Rate</u>
2027	5.000%	2035	4.000%
2028	5.000	2036	4.000
2029	5.000	2037	4.000
2030	5.000	2038	4.000
2031	5.000	2039	4.000
2032	5.000	2040	4.000
2033	4.000	2041	4.000
2034	4.000		

True interest cost: 3.5414837%

A tabulation of the proposals that have been received in the manner specified in the Notice of Sale for the Bonds are as set forth in EXHIBIT A attached.

1.03. Purchase Contract. Any amount paid by the Purchaser over the minimum purchase price shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the Chief Financial Officer of the County in consultation with the County's municipal advisor. The Chief Financial Officer is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith checks of the unsuccessful proposers. The Chair and County Administrator are directed to execute a contract with the Purchaser on behalf of the County.

1.04. Terms and Principal Amounts of Bonds. The County will forthwith issue and sell the Bonds to the Purchaser pursuant to the Act in the total principal amount of \$21,500,000. The Bonds will be originally dated March 6, 2025, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1 upward, bearing interest as above set forth and maturing serially on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2027	\$1,020,000	2035	\$1,485,000
2028	1,075,000	2036	1,545,000
2029	1,130,000	2037	1,605,000
2030	1,185,000	2038	1,675,000
2031	1,245,000	2039	1,740,000
2032	1,310,000	2040	1,805,000
2033	1,370,000	2041	1,880,000
2034	1,430,000		

1.05. Optional Redemption. The County may elect on February 1, 2032, and on any date thereafter to prepay Bonds due on or after February 1, 2033. Redemption may be in whole or in part and if in part, at the option of the County and in such manner as the County will determine. If less than all Bonds of a maturity are called for redemption, the County will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of a Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing February 1, 2026, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not that day is a business day.

2.03. Registration. The County will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar" and "Paying Agent"). The effect of registration and the rights and duties of the County and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of the Bonds and the registration of transfers of the Bonds entitled to be registered or transferred.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, a new Bond of a like principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. The Bond surrendered upon transfer will be promptly cancelled by the Registrar and thereafter disposed of as directed by the County.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The County and the Registrar may treat the person in whose name the Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes and payments so made to the registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer of the Bond, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer.

(h) Mutilated, Lost, Stolen or Destroyed Bond. If the Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for a Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the County and the Registrar must be named as obligees. The Bond so surrendered to the Registrar will be

cancelled by the Registrar and evidence of such cancellation must be given to the County. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The Board appoints U.S. Bank Trust Company, National Association, Saint Paul, Minnesota, as the initial Registrar. The Chair and the County Administrator are authorized to execute and deliver, on behalf of the County, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The County agrees to pay the reasonable and customary charges of the Registrar for the services performed. The County reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Board, the Chief Financial Officer or a designee must transmit to the Registrar money sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the County Administrator and executed on behalf of the County by the signatures of the Chair and the County Administrator, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this resolution. When the Bonds have been so prepared, executed and authenticated, the County Administrator will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

Section 3. Form of Bond.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form as attached hereto as EXHIBIT B.

3.02. Approving Legal Opinion. The County Administrator is directed to obtain a copy of the proposed approving legal opinion of bond counsel and to cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

4.01. Debt Service Fund. The Bonds are payable from the General Obligation Capital Improvement Plan Bonds, Series 2025A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered by the Chief Financial Officer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the County. The Chief Financial Officer shall timely deposit in, and there are pledged and appropriated to, the Debt Service Fund: (i) ad valorem taxes hereinafter levied (the "Taxes") for the payment of debt service on the Bonds; (ii) capitalized interest financed from the proceeds of the Bonds, if any; (iii) amounts in excess of the minimum proposal paid by the Purchaser or any original issue premium and any rounding amount, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof; (iv) all investment earnings on funds in the Debt Service Fund; and (v) any and all other moneys which are properly available and are appropriated by the Board to the Debt Service Fund. The amount

of any surplus remaining in the Debt Service Fund when the Bonds and interest thereon are paid will be used as provided in Section 475.61, subdivision 4 of the Act.

4.02. Construction Fund. The County hereby creates the General Obligation Capital Improvement Plan Bonds, Series 2025A Construction Fund (the "Construction Fund"). Proceeds of the Bonds, less the appropriations made in Section 4.01 hereof, together with the Taxes and any other funds appropriated for the Capital Improvements collected during the construction of the Capital Improvements, will be deposited in the Construction Fund to be used solely to defray expenses of the Capital Improvements and the payment of principal and interest on the Bonds prior to the completion and payment of all costs of the Capital Improvements. Any balance remaining in the Construction Fund after the Capital Improvements are completed and the costs thereof have been paid may be used as provided in Section 475.65 of the Act, under the direction of the Board. Thereafter, the Construction Fund is to be closed and any balance remaining therein and subsequent collections of Taxes for the Capital Improvements are to be deposited in the Debt Service Fund.

4.03. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the County will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of money in the general fund of the County which is available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.04. Pledge of Taxes. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the County, to be spread upon the tax rolls and collected with and as part of other general taxes of the County. The Taxes will be credited to the Debt Service Fund above provided and are in the years and amounts as described on EXHIBIT C attached hereto.

4.05. Certification to Manager of Property Records and Taxation as to Debt Service Fund Amount. It is determined that the estimated collection of the foregoing Taxes will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levy herein provided will be irrevocable until the Bonds are paid, provided that at the time the County makes its annual tax levies the Chief Financial Officer may certify to the Manager of Property Records and Taxation of the County the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the Manager of Property Records and Taxation will thereupon reduce the levy collectible during such year by the amount so certified.

4.06. Manager of Property Records and Taxation's Certificate as to Registration. The County Administrator is authorized and directed to file a certified copy of this resolution with the Manager of Property Records and Taxation and to obtain the certificate required by Section 475.63 of the Act.

Section 5. Authentication of Transcript.

5.01. County Proceedings and Records. The officers of the County are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds certified copies of proceedings and records of the County relating to the Bonds and to the financial condition and affairs of the County, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, may be deemed representations of the County as to the facts stated therein.

5.02. Certification as to Official Statement. The Chair, the County Administrator, and the Chief Financial Officer are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Other Certificates. The Chair, the County Administrator, and the Chief Financial Officer are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the County or incumbency of its officers, at the closing the Chair, the County Administrator, and the Chief Financial Officer shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Chief Financial Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.04. Electronic Signatures. The electronic signature of the Chair, the County Administrator, and/or the Chief Financial Officer to this resolution and to any document or certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the County thereto. For purposes hereof, (i) "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or Adobe or a similarly digitally auditable signature gathering process; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

Section 6. Tax Covenants.

6.01. Tax-Exempt Bonds. The County covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. Rebate. The County will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States, unless the Bonds qualify for a spending exception under the Code and related Treasurer Regulations.

6.03. Not Private Activity Bonds. The County further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Not Qualified Tax-Exempt Obligations. The Bonds are not designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The County will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of County.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of the Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this Section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the County, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds; (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any Participant or any other person, other than a registered owner of the Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The County, the Registrar and the Paying Agent may treat and consider the person in whose name the Bonds are registered in the registration books kept by the Registrar as the holder and absolute owner of the Bonds for the purpose of payment of principal, premium, if any, and interest with respect to such Bonds, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge

the County's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of the Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the County Administrator of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the County Administrator will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The County has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the County with respect to the Bonds will agree to take all action necessary for all representations of the County in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the County, by resolution of the Board, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the County will notify DTC, whereupon DTC will notify the Participants of the availability through DTC of Bond certificates. In such event the County will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the County and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the County will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as the Bonds are registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds will be made and given, respectively, in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Chair and the County Administrator and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. County Compliance with Provisions of Continuing Disclosure Certificate. The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the County to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to comply with its obligations under this section.

Section 9. Defeasance. When all Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the County for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The County may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

Upon roll call vote, motion carried.

* * * * *

The county board meeting was adjourned at 10:25 a.m.

ATTEST:

**COUNTY BOARD OF COMMISSIONERS
ANOKA COUNTY, MINNESOTA**

By:

Jim Dickinson
County Administrator

By:

Michael R. Gamache, its Chair

*Motion carried means all commissioners in attendance voted affirmatively unless otherwise noted.
All contracts are subject to review by the attorney's office as to form and legality and are on file in the respective departments.
Resolutions are declared adopted unless otherwise noted and exhibits are on file in the County Administration Office.*

DRAFT