

VILLAGE OF COTTAGE GROVE NOTICE OF PUBLIC
MEETING
SPECIAL MEETING OF THE
VILLAGE BOARD OF TRUSTEES

Monday, March 25, 2019 5:30 p.m. Village Municipal
Offices
221 E. Cottage
Grove Rd

1. Call To Order
2. Determination Of Quorum And That The Agenda Was Properly Posted
3. Pledge Of Allegiance
4. PUBLIC APPEARANCES-Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item
5. Unfinished Business
 - a. Discuss and consider terms and conditions relating to the hold on TDS Right-of-Way Permit.

Documents:

[MEMO ON TDS 3.25.19.PDF](#)

6. Adjournment

This agenda has been prepared by Staff and approved by the Village President as Chair of the Village Board for use at the meeting as listed above. Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call [608-839-4704](tel:608-839-4704) at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.



PUBLIC WORKS STAFF REPORT

MEMO DATE:	March 21, 2019
MEETING DATE:	March 25, 2019
TO:	Village Board
FROM:	JJ Larson, Director of Public Works & Utilities
RE:	TDS

BACKGROUND

Last year TDS submitted two applications for right-of-way permitting for their planned fiber network build-out. The first was for the main line running along CTH N/Main St. entirely through the Village. The second permit request was for the entire distribution system build-out; covering everywhere else in the Village.

As staff, our main concern was, and continues to be, protection of our existing Village infrastructure during this build-out and continued access after its completion; our streets, sidewalks, storm sewers, water system, sanitary sewers, Village-owned street lighting and our traffic signals. With that in mind, these permits were reviewed with emphasis on planned crossings (especially storm sewers given the depth), areas where sidewalks, streets or bike paths would be impacted, and ensuring that these were called out care was taken, or plans modified. We took the (rarely used) step of requiring an Engineer's Review for these large permit requests, we required that TDS submit a bond of \$25,000 for each ROW permit, and we even went so far as to require an additional payment to be used for televising storm sewer crossings after the work is complete given the susceptibility to directional drilling damage and the fact that these can be hit yet go unnoticed for years. The two maps provided (in shapefiles) to us for use in identifying crossings of concern were a total of 305 pages and given TDS' plan to utilize existing public utility easements (PUEs) where possible, placement of their infrastructure was not a major concern at that time.

OVERVIEW

As construction began, we received calls about construction, the "mess," etc. but TDS or their representatives from MiTech were always responsive and a second call from a resident was extremely rare. There were areas where pedestals were placed in front yards, in the Village right-of-way, that were installed in the fall and I never heard a single complaint. It was not until the installation began on Forrester Drive in the winter months that I received any complaints about pedestals and saw the significant increase in concerns about construction and lack of restoration. In doing my own work looking into Forrester's west side, it appears that there is not a continuous PUE throughout all of the backyards, and there is a PUE that runs along the front yards.



In reaching out to other communities I am not aware of any that have attempted to restrict pedestal placement, either in PUEs or the ROW where needed. It is my understanding that attempting to do so would most likely have to occur in a Developers Agreement with the company which would include hundreds of thousands of dollars in incentives.

STAFF RECOMMENDATION

If I were a Board member, I would want TDS to answer the following:

In the specific areas most cited by unhappy residents, the west side of Forrester Dr. and the area of Heather Dr., if the Village were to have disallowed front yard pedestals from the outset, would TDS have planned to utilize backyards, or would they have removed the areas from the build-out plan? And, if so, I would ask what kind of costs are associated with backyard installation in these specific areas that cause them to not make economic sense? I would ask if front yard pedestal placement has occurred in other communities they have built out? And if so, what have they seen or heard from residents and other Boards and Councils? Have there been areas of other communities where TDS did not build-out the network because of similar challenges?