

**Turtle Lake Township
Beltrami County, Minnesota**

Road Policies and Standards

Adopted on January 5, 2015
Revised March 2, 2016
Revised November 1, 2021

**TURTLE LAKE TOWNSHIP
ROAD POLICIES AND STANDARDS**

Table of Contents

Page

**Article 1
General Provisions and Definitions**

Section 1.1. Authority, Purpose, and Policy Considerations 1
Section 1.2. Interpretation, Amendments and Waivers 2
Section 1.3. Definitions..... 2
Section 1.4. Delegation 3

**Article 2
Town Road Standards and Specifications**

Section 2.1. Design Specifications..... 4
Section 2.2. Construction 5
Section 2.3. Ditch Cover 5
Section 2.4. Culverts 5
Section 2.5. Bituminous Pavement of Roads 6

**Article 3
General Maintenance Policy**

Section 3.1. Road Inspection 7
Section 3.2. Typical Road Maintenance 7
Section 3.3. Objects within the Rights-of-Way 7
Section 3.4. Complaints and Requests 8

**Article 4
Snowplowing Policy**

Section 4.1. Policy Considerations 9
Section 4.2. When Snowplowing Begins..... 9
Section 4.3. How Snow will be Plowed..... 9
Section 4.4. Roads that are not Plowed..... 10
Section 4.5. Emergency Assistance 11
Section 4.6. Sanding and Salting 11
Section 4.7. Snow Removal 11
Section 4.8. Snowplowing of Private Property 11
Section 4.9. Depositing Snow in Rights-of-Way 11
Section 4.10. Complaints and Requests 12
Section 4.11. Review of Policy 12

**Article 5
Paving Policy**

Section 5.1.	Blacktop Paving Policy.....	13
Section 5.2.	Paving Requests by Petition.....	13
Section 5.3.	Cost Sharing Guidelines for Town Roads	14
Section 5.4.	Subordinate Service Districts.....	14
Section 5.5.	Special Assessments	16

**Article 6
Subdivision Road and Street Standards**

Section 6.1.	Road and Street Design.....	19
Section 6.2.	Construction of Roads.....	20
Section 6.3.	Storm Water Management	21
Section 6.4.	Easements	21
Section 6.5.	Public Utilities	21
Section 6.6.	Improvements to Adjoining Town Roads.....	21

**Article 7
Dedicated Road Acceptance**

Section 7.1.	Dedicated Road Acceptance	23
Section 7.2.	Administrative Considerations.....	25

**Article 8
Approach and Driveway Policy**

Section 8.1.	Design and Construction.....	26
--------------	------------------------------	----

**Article 9
Minimum-Maintenance Road Policy**

Section 9.1.	Minimum-Maintenance Qualifications.....	27
Section 9.2.	Minimum Maintenance Standards	27

Article 1: General Provisions and Definitions

Section 1.1. Authority, Purpose, and Policy Considerations

1. **Authority.** Minnesota Statutes, chapter 164 authorizes a town board, as the local road authority, to establish and maintain town roads for benefit of the public. Establishing and maintaining roads is one of the most vital functions of town government and consumes a considerable amount of the Town's treasury and resources. Because town roads are so important to those living and working in the Town, as well to traveling public as a whole, they generate many questions and a high potential for disagreement.
2. **Purpose.** The purpose of the Turtle Lake Township Road Policies and Standards (collectively, this "Policy") is to establish certain town road policies and standards, and to provide clarification on the various issues the Town frequently encounters regarding town roads.
3. **Policy Considerations.** In developing this Policy for how to best undertake road maintenance activities in the Town, the Town Board has had to balance a number of factors including, but not limited to, the following: public safety; the amount of funds available for these activities; the wish to maintain an efficient transportation system; enable the delivery of emergency services; avoid damage to property; and the cost-effective allocation of resources. A further explanation of some of these policy considerations follows:
 - a. **Budgetary:** The funds the Town has available for road maintenance, road improvement, and snowplowing operations are derived from two sources. The first is the town road and bridge tax levy that is set by the town electors at the annual town meeting held in March. The second source of funds comes from the gas tax imposed and collected by the state, a small portion of which is distributed to towns to help maintain their roads. The Town Board has no direct control over either source of funding. A proposed levy is submitted to the town electors at the annual town meeting, but the actual amount of the Town's road & bridge levy is determined solely by a vote of the electors.
 - b. **Contract for Services:** The Town has no road maintenance staff or equipment, so the Town Board contracts with independent contractors for various road services. Because the Town obtains these services through non-exclusive contracts, it does not have direct control over the availability of personnel, equipment, or the timing of the service delivery. The Town indicates through this Policy and the service contract the work to be performed and the performance expectations, but the contractor must remain free to exercise initiative, judgment, and discretion in how best to perform or provide the services. The Town requires proof of adequate insurance with notification clause to the Town if the policy expires or is canceled.

Section 1.2. Interpretation, Amendments and Waivers

1. Interpretation. The Town Board shall interpret and resolve any questions regarding this Policy or its application. The Town Board's interpretation shall be final.
2. Amendments. The Town Board reserves the right to amend any portion of this Policy at any Town Board meeting. Any such amendments shall be effective immediately, unless the Town Board indicates a later effective date, and the approved amendments shall be incorporated into and made part of this Policy.
3. Waivers. The Town Board may grant a waiver to the application of one or more technical requirements of this Policy when the Town Board determines the strict application of the requirement under the particular circumstances is not reasonable or would impose an unreasonable burden. A waiver must be approved in writing by the Town Board and shall only apply in the particular situation without restricting the Town Board's discretion to approve or deny similar requests in the future. The Town Board may also agree to specific standards as part of a development agreement that must be complied with and that are controlling over the standards contained in this Policy to the extent they are clearly set out and are inconsistent with the standards contained in this Policy.

Section 1.3. Definitions

For the purposes of this Policy, the following terms shall have the meaning given them in this Section. Any term not defined in this Section shall have the meaning given it in the Turtle Lake Township Zoning and Subdivision Ordinance, to the extent defined therein.

1. Cartway. "Cartway" means a public right-of-way formally established under Minnesota Statutes, section 164.08 to provide access to landlocked property, or is a right-of-way dedicated to the public that is deemed a legal cartway pursuant to Minnesota Statutes, section 164.11.
2. County. "County" means Beltrami County.
3. Minimum-Maintenance Road. "Minimum-Maintenance Road" means a town road designated by Town Board resolution and signed as a minimum-maintenance road consistent with the provisions of Minnesota Statutes, section 160.095.
4. Minimum-Maintenance/Other Roads. "Minimum-Maintenance/Other Roads" is a road classification used to identify town roads the Town Board has designated as a minimum-maintenance road or as a non-maintained trail that is used only occasionally or intermittently and that is not maintained at the same level as other town roads.
5. Primary Road. "Primary Road" is a road classification used to identify town roads the Town Board determines are used for more than just homeowner traffic and includes roads that are thru roads between county roads.

6. Right-of-Way. “Right-of-Way” means the entire area on or above a public road, highway, street, or cartway in which the Town has an interest, including the travelled surface, shoulders, ditches, and all other areas between the outside edges of the public easement or fee interest.
7. Road Classifications. “Road Classifications” means a functional classification of town roads based on their level of use. The Town uses three road classifications: (1) primary road; (2) secondary road; and (3) minimum-maintenance/other roads.
8. Secondary Road. “Secondary Road” is a road classification used to identify town roads the Town Board determines are used primarily to serve homeowner traffic in a given area.
9. Street. “Street” has the same meaning as a town road and is used most often to refer to roads dedicated to the public by plat. Once the Town Board acts by resolution to take on the public maintenance of a street, it is treated as a town road for maintenance purposes.
10. Town. “Town” means Turtle Lake Township, Beltrami County, Minnesota.
11. Town Board. “Town Board” means the Board of Supervisors of Turtle Lake Township, Beltrami County, Minnesota.
12. Town Road. “Town Road” means those rights-of-way established by, or dedicated to, the Town as a town road. The term includes those roads dedicated to the public within plats, and those dedicated or conveyed directly to the Town, provided the Town Board has acted to open and maintain them as part of its system of publicly maintained town roads.
13. Town Road Supervisor. “Town Road Supervisor” means one or more individuals appointed by the Town Board to serve as the Town Road Supervisor and to which certain duties are delegated to carry out on behalf of the Town.
14. Clear Zone. The term “clear zone” is used to describe the unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of an errant vehicle. The clear zone includes shoulders, bike lanes, parking lanes and auxiliary lanes (except those auxiliary lanes that function like through lanes).
15. Development Road. “Development Road” is used to describe roads in housing developments.

Section 1.4. Delegation

The Town Board may delegate to one or more persons the authority to carry out one or more of the Town’s duties under this Policy including, but not limited to, the duties assigned to a Town Road Supervisor. Those persons designated by the Town Board shall be authorized to carry out the delegated duties on behalf of the Town Board but shall not be authorized to bind the Town to

a contract, except to the extent expressly authorized by the Town Board, or to order an improvement project.

The Town Board has authorized an amount, via resolution, that the Road Supervisor may spend per situation on the Townships behalf without prior board approval.

Article 2: Town Road Standards and Specifications

Section 2.1. Design Specifications

The following design specifications apply to roads proposed to be dedicated to the Town. Existing town roads are not required to meet these specifications, but the Town Board will endeavor to meet as many of the specifications as reasonably possible when it improves a town road.

1. All roads must have a 66-foot right-of-way and must be platted at 66 feet minimum or be certified as existing town roads.
2. Dead end roads are prohibited. "T" turnarounds may be considered by the Town Board. Cul-de-sacs shall be permitted. Cul-de-sacs shall have a terminal turn around which shall be provided at the closed end, with a turn around of a minimum outside right-of-way diameter of 132 feet and a radius of 66 feet.
3. The grade of the road shall not be more than 8%.
4. All dedicated roads shall have a roadbed of not less than 24 feet in width when a permanent gravel surface is anticipated. Bituminous surfaced roads shall have a 22-foot driving surface and a minimum of 2-foot shoulders each side. All cul-de-sacs, regardless of surface type, shall have a minimum traveled surface diameter of 80 feet.
5. All entrances constructed to provide access to adjacent lots shall have a minimum finished top width of 20 feet to the edge of the right-of-way. Side slope ratios shall be 1:4 (vertical: horizontal) or flatter.
6. Ditches must be present on both sides of the road, which provide for appropriate drainage. This includes culverts under driveways. The minimum depth shall be two (2) feet below the grade of the road. Inslope ratios shall be 1:4 (vertical: horizontal) and backslope ratios of not less than 1:3.
7. All roadbed embankments across lowland areas shall be constructed to a height of at least two feet above natural ground elevation.
8. The minimum gravel thickness shall be four inches compacted. All gravel materials used for aggregate base and aggregate surfacing shall meet the requirements of 3138 of the MnDOT Standard Specifications for Construction Class 5 Aggregate Base.

9. All gravel roads must have an adequate crown of approximately ½ inch for each foot of width measured from the center of the road to the edge of the driving surface.

Section 2.2. Construction

The following construction standards shall be complied with when building or improving roads proposed to be dedicated to the Town:

1. Stumps and debris shall not be buried within the roadbed, inslopes or ditch bottoms or be disposed of by pushing onto land adjacent to the platted roads.
2. No material from the upper one foot of the natural soils shall be used in the upper one feet of the roadbed.
3. All topsoil shall be salvaged and a minimum of three inches of topsoil shall be spread on all new slopes and areas disturbed during grading operations.
4. No rocks having a diameter of four inches or larger shall be placed within the upper foot of the roadbed.
5. All embankments shall be constructed in relatively uniform layers approximately parallel to the final grade and extending over the full width of the embankment. Layers in the upper two feet of the embankment shall be not more than eight inches in thickness (loose measurement) and those below the upper two feet shall be not more than 12 inches in thickness (loose measurement).

Section 2.3. Ditch Cover

All new slopes and disturbed areas shall be seeded after the topsoil has been replaced. The seed mixture shall meet the requirements of MnDOT Standard Specifications for Construction, 2014 Edition, or the subsequent replacement edition, for the following types of mixtures:

Section 2.4. Culverts

1. All centerline culverts shall have aprons and a minimum diameter of 15 inches.
2. All entrance culverts shall have aprons and a minimum diameter of 15 inches.
3. The use of used metal culverts and aprons shall not be allowed. Used concrete culverts and aprons may be used with prior approval. The joints of all concrete pipes and aprons shall be tied and wrapped.
4. Each line of culvert installed shall be made of only one type and design of material.
5. Culverts shall have at least the minimum amount of cover as recommended by the pipe manufacturer and in accordance with the projected traffic loading. All culverts shall have

a minimum of 12 inches of cover and shall have adequate length to achieve 1:4 slopes or flatter.

6. All concrete culverts shall meet the requirements of the latest version of the MnDOT Standard Specifications for Construction.
7. All metal culverts shall be galvanized corrugated steel and shall meet the following thickness (gauge) requirements:
 - 15" – 18" Diameter, 16 Gauge
 - 24" – 30" Diameter, 14 Gauge
 - 36" – 48" Diameter, 12 Gauge
8. If using a poly pipe, a high-density polyethylene pipe with smooth interior may be installed. All HDPE will be installed per manufacturer's specifications. Aprons will be required on all HDPE pipes.
9. All bridge plans and construction shall be subcontracted to a qualified engineer for design and specifications.

Section 2.5. Bituminous Pavement of Roads

1. Plant-Mixed Bituminous Pavement shall abide by the most current version of the MNDOT Plant-mixed asphalt pavement. The bituminous mixture shall have a mixture design of SPWEB240C (no incentives will be paid).
2. Minimum paved surface width shall be 22 feet with 2-foot shoulders.
3. Minimum total thickness of the bituminous surface shall be three and one-half inches, placed in two layers with a 2" base course and 1.5" wear course.
4. Recycled or reclaimed bituminous materials shall not be used in the wear course.
5. The bituminous mixture supplier shall furnish job mix formula data, grade of asphalt cement being used and aggregate gradation test results upon request of the Town.
6. Compaction shall be obtained in accordance with the requirements of MnDOT Standard Specifications for Construction, 2014 edition, or the subsequent replacement edition.

Article 3: General Maintenance Policy

Section 3.1. Road Inspection

1. The Town Board formally inspects all town roads in the spring of the year to determine any maintenance needs to be carried out during the summer. Such needs include, but not limited to gravel, weed control, ditch cleaning, road repair, tree and brush trimming. Ongoing inspections will be made by a Town Road Supervisor throughout the year as needed.
2. Roads designated as minimum-maintenance will receive only enough maintenance to keep them in a safe and passable condition to serve the occasional or intermittent traffic.

Section 3.2. Typical Road Maintenance

Town roads are bladed according to need and agreed upon scheduling.

1. In the summer, additional layers of gravel are applied to road sections as determined by the Town Board. Town residents with special requests for gravel should contact the Town Board before June 1st.
2. Dust control chemicals are used only in extreme cases and as determined necessary by the Town Road Supervisor and approved at a regular or special meeting of the Town Board. Residents must contact the Town Road Supervisor prior to using dust control chemicals.
3. Road ditches are mowed approximately six feet out from the shoulder, up to twice, during the growing season. Mowing activities shall be carried out in accordance with the restrictions contained in Minnesota Statutes, section 160.232.
4. The Town Board may contract to have road ditches sprayed with herbicides to control noxious weeds and brush. Any residents not wanting ditches sprayed because of proximity to sensitive crops or dwellings should inform the Town Board of their wishes in early spring.
5. Additional road maintenance needs are addressed as they arise in the discretion of the Town Board or a Town Road Supervisor.

Section 3.3 Objects within the Rights-of-Way

Public road rights-of-way are used for a variety of purposes that are outside of the direct control of the Town. Because road maintenance operations are performed by independent contractors, the Town shall not be responsible for damages caused by the contractor to mailboxes, lawn sprinklers, utility structures, sod, landscaping materials, vegetation, or other personal or real property. Damage to items of personal property left in a road right-of-way shall be the responsibility of the landowner, not the Town or the contractor.

It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trashcans, and other items of personal property. If the Town Board or the Town Road Supervisor determines personal property left in a road right-of-way constitutes an unreasonable risk to public safety, or significantly interferes with maintenance operations, the Town will provide notice to the landowner and request removal or repositioning of the item. If the request is not complied with within five days, the Town will have the item removed from the right-of-way at the owner's expense. The Town may act to remove an item without prior notice to the owner if the Town Board or the Town Road Supervisor determines the item poses an immediate risk to public safety. The Town will make a good faith effort to notify the owner but may act as needed to protect the public by having the item removed without waiting five days. While reasonable efforts will be made to avoid damaging private property, road maintenance operations may result in damage to the property of others. Where private property damage does occur, it is the policy of the Town to handle such damages on a case-by-case basis.

Section 3.4 Complaints and Requests

1. Complaints and requests for further services must be in writing and directed to the Clerk, Town Road Supervisor, or Town Board - NOT the Contractor.
2. Complaints and requests for further road maintenance services or damage must be submitted in writing, and will be considered during normal Town Board meetings, and will be handled on a case-by-case basis. The Town Board will issue a written decision in response to the complaint or request.

Article 4: Snowplowing Policy

Section 4.1. Policy Considerations

The Town Board considered the following in developing this Policy for how to best undertake snow and ice control activities in the Town:

1. Contract for Services: The Town contracts with independent contractors for snow removal services. Because the Town obtains snow and ice control services through a non-exclusive contract, it does not have direct control over the availability of personnel, equipment, or the timing of the service delivery. The Town indicates through this Policy and the service contract the work to be performed and the performance expectations, but the contractor must remain free to exercise initiative, judgment, and discretion in how best to perform or provide the services.
2. Safety, Equipment Damage, and Effectiveness: Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of operators or pose an unreasonably risk of damaging equipment. Once initiated, operations will be suspended if conditions deteriorate to the point that operations become unsafe for operators because of factors including, but not limited to, severe cold, significant winds,

limited visibility, accumulation of ice, or rapid accumulation of snow. Operations will also be delayed or suspended if existing or anticipated conditions indicate the operations will not be effective.

Section 4.2. When Snowplowing Begins

1. The contractor has the authority to determine when plowing operations will begin based on the following criteria:
 - a. An evaluation of the immediate and anticipated weather conditions.
 - b. The likely effectiveness of operations.
 - c. Safety of employees.
 - d. If an unreasonable risk of damaging equipment exists.
 - e. Snow accumulation of two inches or more.
 - f. Accumulation of drifting snow.
 - g. Severe icy conditions that seriously affect travel; and
 - h. Time of snowfall in relationship to heavy use of the roads.
2. Snow and ice control operations are expensive and involve the use of limited resources. Consequently, operations will normally not begin until the snow has stopped falling or until at least two inches of snow has accumulated.

Section 4.3. How Snow Will Be Plowed

1. Snow will be plowed in a manner as to minimize traffic obstructions.
2. Under normal conditions, one plowing per snowfall will be considered sufficient.
3. Snowplowing under severe conditions will consist of opening roads first and widening at a later time, if needed.
4. Because of limited resources and restrictions on the use of salt, blacktopped roads will not usually be cleared down to bare blacktop.
5. Snow will be plowed as close as practicable to mailboxes located in the road right-of-way. It shall be the responsibility of landowners to clear snow from around their mailboxes to enable mail delivery.
6. Snowplowing unavoidably results in snow being deposited on driveways and approaches. It is the responsibility of landowners to remove snow from their driveways and approaches.
7. In the event of equipment failure, extreme snowfall, or other unanticipated events including the availability or need to rest snowplow crews, deviation from these standards may be appropriate.

Section 4.4. Roads that are not Plowed

The amount and nature of the uses to which the town roads are plowed can vary significantly by location and season. While some town roads are needed throughout the year to access homes, businesses, or as primary transportation routes, other roads are only needed for limited purposes or only during the summer months. The Town Board determines that attempting to keep all roads open during the winter regardless of their need or use would unreasonably dilute the funds available for winter maintenance and lower the level of maintenance that could be achieved on those town roads that are relied upon year-round. In order to properly allocate the Town's limited resources, the Town Board may determine to close certain roads during winter months, to not snowplow certain minimum-maintenance roads, and to reserve the right to close other roads as needed to respond to snow emergencies.

1. Certain Town Roads May be Closed During Winter Months: Rather than commit limited resources to keeping all roads snowplowed regardless of the need for the roads during winter months or the costs to keep them open, the Town Board may close and barricade certain town roads during the winter months. The Town Board will determine when to reopen each closed town road in the spring depending upon their condition.
2. Minimum-Maintenance Roads may be Snowplowed: Towns are authorized by Minnesota Statutes, section 160.095 to designate town roads that are used only occasionally or intermittently for passenger or commercial traffic as minimum-maintenance roads. While these town roads are not used for vehicular traffic during winter months, the Town Board does recognize that they may be used for winter activities.
3. Town Roads Closed in Snow Emergencies: In snow emergencies the Town Board will close and barricade town roads as it deems necessary to respond to the emergency. The Town Board will determine when to reopen each town road that was closed based on need and condition of the town road as well as on the availability of funds, personnel, and equipment.
4. Special Circumstances: An owner of property adjacent to a town road or road portion that the Town Board has determined not to snowplow during winter months may request the Town Board to snowplow the road in emergencies or if special circumstances exist. The Town Board will consider each such request and determine if it has the sufficient resources to accommodate it.

Section 4.5. Emergency Assistance

If law enforcement requests snow removal to assist emergency vehicles to respond to an emergency situation, reasonable efforts will be made to accommodate the request.

Section 4.6 Sanding and Salting

The Town and/or private or public contractors will use sand and salt when there are hazardous ice or slippery conditions. Sanding is done at problem locations on paved roads including intersections, curves, and hills. The Town must consider the cost, environmental impact, public safety, and availability of staff and equipment when deciding if, when, and to what extent to apply sand and salt.

Section 4.7. Snow Removal

The Town Road Supervisor will determine when and if snow will be removed by truck or heavy equipment. Such snow removal will occur only in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel, and budget availability.

Section 4.8. Snowplowing of Private Property

The Town will not provide for the snowplowing or sanding of private property, except when requested to do so by law enforcement to provide access for emergency vehicles responding to an emergency. If private property is used with permission of the owner to turn around equipment or to store snow, the Town may snowplow the private property as needed to accommodate the Town's use of the land.

Section 4.9. Depositing Snow in Rights-of-Way

It is unlawful for anyone to deposit any snow or ice in a public road right-of-way or to otherwise obstruct a public road. Minnesota Statutes, sections 160.2715 (a)(1) and (2); and 169.42, subdivision 1. Depositing snow or ice in a road also increases snowplowing costs, creates a potential public safety hazard, and could damage equipment.

Section 4.10 Complaints and Requests

Complaints and requests for further services should be directed to the Clerk, Town Road Supervisor, or the Town Board (and recorded by the same) - NOT to the Contractor. Complaints and requests for further services regarding snow and ice control or damage will be taken during normal Town Board meetings and handled on a case-by-case basis.

Section 4.11 Review of Policy

The Town Board will periodically review this snowplowing policy, taking into consideration any changing conditions in the Town's circumstances, any complaints or comments received, and the experience learned from undertaking snow and ice control procedures.

Article 5: Paving Policy

Section 5.1. Blacktop Paving Policy

1. It shall be the policy of the Town Board to blacktop town roads based upon need and at the discretion of the Town Board. Considerations in making that determination shall be: traffic volume; historic use; anticipated future use; maintenance issues; cost estimates; and availability of funds.
2. This Policy may be modified as required to meet the Town's needs.

Section 5.2. Paving Requests by Petition

If the landowners along a town road desire to have the town road blacktopped, the following requirements must be met:

1. The town road must have a minimum 66-foot right-of-way, with "Clear Zone" per recommendations of county engineer.
2. The town road must be platted and dedicated to the public or must be recorded with an adequate right-of-way as determined by the Town Board.
3. All requests must be submitted to the Town Clerk by petition.
4. Petition requests for Primary, Secondary, and Development Roads must be submitted to the Town Board, or clerk, in one of two ways:
 - a. One hundred percent (100%) of the landowners have signed a petition pursuant to Minnesota Statutes, chapter 429 agreeing to pay all costs for the proposed project prior to awarding any contract for construction; or
 - b. Ninety percent (90%) of the affected landowners have signed a petition pursuant to Minnesota Statutes, chapter 365A requesting a subordinate service district.
5. Petitions for blacktopping town roads will be taken on a first come, first served basis.
6. The Town Board has full authority and discretion to determine whether to approve or deny a request to blacktop a town road.

Section 5.3. Cost Sharing Guidelines for Town Roads

1. The Town Board is authorized to impose all or a portion of the cost of improvement projects on the landowners benefited by the project. The two primary sources of statutory authority for imposing improvement costs on owners, and through which owners can request the Town Board to undertake an improvement project, are Minnesota Statutes, chapters 365A and 429. The Minnesota Statutes, chapter 365A procedures relate to establishing a subordinate service district to provide a particular service or enhanced service and the Minnesota Statutes, chapter 429 contains the special assessment procedures.
2. The subordinate service district and special assessments procedures are not the exclusive methods for the Town Board to undertake a road project with the costs being paid or shared by the landowners, but they are the most common set of authorities for such projects. Nothing herein shall limit the Town Board's authority under either of the procedures, or under any other process or authority available to it under law.

Section 5.4. Subordinate Service Districts

1. The subordinate service district procedure can only be initiated by a petition of at least 50% of the landowners within the proposed district. Minnesota Statutes, section 365A.04, subdivision 1. The petition must be accompanied by a map showing the boundaries of the proposed District. Upon receipt of a sufficient petition, the Town Board provides notice, holds a public hearing, and decides whether to establish the requested district. To ensure the requested project or services are truly desired by a significant majority of the owners, and to help avoid the costs of a potential reverse referendum procedure, the Town Board may elect to deny any petition that does not contain the signatures of at least 80% of the owners within the proposed district.
2. The following shall apply to processing and establishing subordinate service districts:
 - a. To determine who is eligible to sign a petition as a landowner, the Town will identify all of those persons having fee title ownership of real property within the boundaries of the proposed district. The Town will rely on the County's records to identify landowners. For the purposes of this determination, and except as otherwise provided herein, those identified as fee title owners of a property will be counted as separate landowners. So, for example, if a husband and wife are both identified on a deed as owners, they will each be counted as landowners. The following persons shall be treated as the landowner in the following situations: when property is sold on a contract for deed, the contract for deed vendee shall be the landowner; when the seller of property retains a life estate, the holder of the life estate shall be the landowner; and when property is held in trust, the trustee shall be the landowner. Mortgagees, contract for deed vendors, renters, lessees, licensees, and easement holders shall not be considered landowners for the purposes of this determination.

- b. Once the landowners of the properties within the proposed district are identified, the Town will determine if the petition was signed by at least 50 % of the identified owners. This is a cumulative determination that is not based on the number of properties in which an owner may have an interest and regardless of whether multiple persons have an interest in a single property. For example, a single person that owns multiple properties will be counted as one landowner for the purposes of determining the sufficiency of a petition. Furthermore, if a property is owned by three owners, each will be counted as a landowner. Once the total number of landowners within the proposed district is identified, the number of landowners signing the establishment petition will be compared against the list of landowners to determine if at least 50 % of them signed the petition.
- (1) Example 1: The proposed district contains 10 properties, 7 of which are owned by married couples (the husband and wife of each are listed as owners on the deed) and 3 of which are owned by the same single person. The petition is signed by 3 of the couples, so there is a total of 6 signatures on the petition. In such a case, the Town would find there are 15 landowners ($7 \times 2 + 1 = 15$). The petition is not sufficient because the 6 owners who signed the petition do not constitute at least 50 % of the landowners in the proposed district.
- (2) Example 2: The proposed district contains 5 properties, 4 of which are owned by married couples (the husband and wife of each are listed as owners on the deed) and 1 of which is owned by 6 owners. The petition is signed by 2 of the couples and all 6 owners of the one property. In such a case, the Town would find there are 14 landowners ($4 \times 2 + 6 = 14$). The petition is sufficient because the 10 landowners that signed the petition constitute at least 50 % of the landowners in the proposed district.
- c. The Clerk is authorized to undertake such activities as are reasonably needed to verify the signatures on a petition and to determine its sufficiency in accordance with the Act and the provisions of this Policy. The Clerk may direct any questions that are not readily answered by the Act or this policy to the Town Board for a decision. Once the Clerk has verified the signatures on the petition, he or she shall provide the Town a written notice of verification at its next regular meeting, which shall include an opinion as to the sufficiency of the petition. The Town Board will make the final determination on whether a petition is sufficient under the statutes and this policy.
- d. The Town Board determines whether to establish the requested district either at the conclusion of the hearing or at a meeting occurring within 30 days of the conclusion of the hearing. If the Town Board determines to establish the district, it shall do so by resolution that identifies the special services to be provided within the district, the boundaries of the district, when the district begins, and such other matters as the Town Board determines are appropriate to set out in the resolution. In accordance with Minnesota Statutes, section 365A.04, subdivision 3, the Town Board may alter the boundaries of the district from those proposed in the petition. The Town will publish the resolution, or an approved summary, within 20 days of its adoption in

accordance with Minnesota Statutes, section 365A.05. The Town Board may adopt such additional resolutions as it determines is appropriate to establish rules and regulations for the district including, but not limited to, how the costs of the district will be distributed and collected from within the district.

- e. The Town Board will determine the allocation of the project costs, which shall include all costs incurred to establish the district and to provide the service or improvement, including all professional costs and any debt issuance and repayment costs. The Town Board may elect to pay a share of the project costs, but all costs not paid for by the Town will be imposed on the properties within the district as a levy, a service charge, or both. The Town Board will determine the division of costs among the properties which may include, but is not limited to, the use of REUs as described below.
- f. If a petition for a reverse referendum is received in a timely manner, the Town Board will determine the sufficiency of a reverse referendum petition based on the same list of landowners prepared to determine the sufficiency of the establishment petition, except that the list shall be altered as needed to reflect any changes the Town Board made to the boundaries of the district. The percentage of petitioners will be determined in the same manner used to determine the sufficiency of an establishment petition.
- g. If the Town Board finds a reverse referendum petition is sufficient, the Town will conduct a special election on the question of whether to establish the district not less than 30 days, nor more than 90 days, after receipt of the petition as required by Minnesota Statutes, section 365A.06. The special election will be conducted, to the extent reasonably possible, in accordance with town election laws except that the eligible voters are limited to the identified landowners within the proposed district regardless of their residency. The Town Board may elect to conduct the election by mailed ballot as provided in Minnesota Statutes, section 204B.46.

Section 5.5. Special Assessments

- 1. To the greatest extent allowed by law, affected landowners will be responsible for 100% of the project cost which include the following:
 - a. Upgrading of road area prior to improvement.
 - b. Construction costs, including aggregate base and surfacing.
 - c. Engineering and contingencies; and
 - d. Legal and administrative costs.
- 2. The Town Board may initiate a special assessment project on its own, or upon a petition of at least 35% of the owners fronting on the road to be improved. The Town Board may refuse to order an improvement requested by petition.
- 3. Standards for proper assessment.

- a. The property benefits from the improvement.
- b. The assessment does not exceed the total cost of the project; and
- c. The assessment is uniform.

Benefits from potential growth/opportunity: Current use of the land is not the sole controlling factor in determining whether the land has received benefit from the improvement. Rather, the test is whether the land could be used for purposes which would benefit from the improvement.

4. Allocation of assessments between landowners. REU's (residential equivalent unit):

Each buildable platted lot or parcel serviced by the road being paved. * Preliminary plats included * Platted lots which are vacated prior to the assessment proceedings in anticipation of the improvement project (in the discretion of the Town Board)	1.0 REU
Each buildable platted lot or parcel serviced by two roads being paved.	1.5 REU
Each buildable platted lot or parcel which already has paved access, but is receiving paving along some other side or sides of the property.	0.5 REU
Each buildable non-abutting parcel receiving significant benefit from paving project accessing their property	1.0 REU
Each buildable non-conforming lot adjacent to a lot or parcel already receiving a full assessment	0.5 REU
Adjoining buildable lots or parcels with a significant building structure over the boundary line making the remaining property inseparable for marketability purposes.	1.0 REU
Resort or business properties on large parcels receiving proportionately more benefit from the paving project than individual residential lots.	To be determined based on benefit by a case-by-case analysis.

5. The Town Board may make exceptions to these assessment guidelines on a case-by-case basis upon making specific findings in the Town Board minutes that such exception is necessary and equitable.

Article 6: Subdivision Road and Street Standards

The following shall apply to roads proposed to be dedicated to the public within a plat. The Town Board will not approve a plat or sign a final plat unless the developer has entered into a road agreement or development agreement with the Town agreeing to comply with the requirements of this Article, the other applicable provisions of this Policy, and such other requirements as the Town Board may determine are appropriate.

Section 6.1. Road and Street Design

1. **Streets, Continuous.** Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
2. **Local Streets.** Local Streets may be so planned as to discourage their use by non-local traffic.
3. **Street Plans for Future Subdivisions.** Where the plat application includes only part of the tract owned or intended for development by the subdivider, a plan illustrating a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
4. **Temporary Cul-de-Sac.** In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than 200 feet exists between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside the street right-of-way. Financial guarantee will be required for removal or restoration as determined by the Town Board.
5. **Provisions for Resubdivision of Large Lots and Parcels.** When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with a provision for adequate utility connections for such resubdivision.
6. **Street Intersections.** Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The

minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an offset of less than 200 feet shall be avoided where possible.

7. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, or a county arterial or collector road, provisions may be made for a local street. The design shall include proper circulation, setbacks from an intersection on the major right-of-way, minimum distance required for approach connections to future grade separations, and for lot depths.
8. Street Grades. The grades of all streets, thoroughfares, collector streets, and local streets in any subdivision shall not be greater than 8%. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than 0.5%.
9. Street right-of-way widths. Street right-of-way widths shall conform to county and state standards for highways. If no such standards are applicable, right-of-way and pavement widths shall not be less than the following:

<u>Road Classification</u>	<u>Right of Way</u>	<u>Road Surface Width</u>
Rural Residential Subdivision	66 feet	22 feet
Commercial Subdivision	66 feet	24 feet
Cul-de-Sac radius, Residential	66 feet	40 feet
Cul-de-Sac radius, Commercial	66 feet	44feet

Where a subdivision abuts or contains an existing road of inadequate right-of-way width to conform to these standards, a provision for sufficient width shall be made by the subdivider to meet these standards for roads passing through or abutting the proposed subdivision. If an existing road is reconstructed, it must adhere to the standards listed in item 9 above.

10. Cul-de-Sacs/Dead-End Streets.
 - a. Dead-end streets (temporary or permanent) without cul-de-sac turnarounds shall be prohibited.
 - b. Permanent cul-de-sacs shall only be allowed in cases where proper interconnectivity of local streets will be provided or where topography or environmental constraints preclude interconnection of local streets.

Section 6.2. Construction of Roads

1. Construction of roads within a subdivision must comply with the standards and requirements of this Policy.
2. Developers shall be responsible for any/all road signs required in order to provide for public safety (i.e., stop, caution, yield, street signs, etc.).

3. The developers shall gravel all roads necessary with a minimum four inches of gravel (Class 5), compacted, to a minimum width of 24 feet.
4. Bituminous paving requirements (if done): Minimum width of 22 feet (plus with 2-foot shoulders each side) with a 2-inch base course, and 1.5” wear course.

Section 6.3. Storm Water Management

1. All roads shall be designed to minimize erosion due to storm water runoff.
2. All roads shall be designed with a ditch depth of two feet except for curb and gutter streets.
3. The developers shall install all culverts necessary for adequate drainage as determined by the developer’s engineer and approved by the Town. All associated costs are to be paid by the subdivider/developer.
4. Necessary culverts must comply with this Policy.

Section 6.4. Easements

1. Drainage and utility easements shall be required over any storm water management facilities, natural drainage ways, and wetlands. The size and location of the necessary easements shall be determined by the developer’s engineer and reviewed and approved by the Town Board.
2. In subdivisions being served by communal or public sanitary sewer or water, drainage and utility easements shall be required over all utilities.

Section 6.5. Public Utilities

1. Telephone, electric, cable, gas service lines and/or other public utilities shall be located within outer limits of the right-of-way, or within prescribed utility easement areas.
2. Sewer and water may be placed within the roadbed.

Section 6.6. Improvements to Adjoining Town Roads

1. If a new bituminous surfaced road constructed as a part of a subdivision does not connect directly to an existing bituminous surfaced road, and if the connecting road is a town road having a gravel surface the developer would like paved, then the developer shall be responsible for financing the improvements to the existing town road. Improvements must meet the requirements of this Policy and the developer shall be responsible for reimbursing the Town for all engineering, construction and legal fees associated with the improvements.

2. The Town shall prepare a cost estimate for said improvements including engineering and legal fees, and a proposed construction time schedule. This construction is to be performed by the Town or its contractor.
3. The developer shall place on file with the Town a bond or other approved surety in the amount of 125% of the estimated construction cost plus all estimated engineering and legal fees. This bond or surety shall remain in effect until construction is completed and final payment from the developer has been made to the Town.

Article 7: Dedicated Road Acceptance

This Article applies to roads dedicated to the public within a plat, those roads being dedicated to the Town pursuant to Minnesota Statutes, section 164.15, and those being conveyed directly to the Town.

Section 7.1. Dedicated Road Acceptance

1. The roads within a plat that are dedicated to the public are deemed legal cartways under Minnesota Statutes, section 164.11 and are not maintained by the Town until the Town Board formally acts to open and maintain them as part of the Town's publicly maintained system of town road. As legal cartways, these roads are available for use by the public, but are maintained privately until the Town Board finds that they comply with the specifications and requirements of this Policy and formally acts by resolution to initiate public maintenance.
2. Those proposing to develop a plat with one or more roads to be dedicated to the public shall be required to enter into a road agreement or development agreement in a form acceptable to the Town Board.
3. The developers shall establish and construct all roads within the plat in accordance with the requirements and specifications set forth herein and said establishment and construction shall be affected at the expense of the developers who shall be required to furnish all engineering services, labor, materials, equipment, and all other things or services necessary to establish and construct said roads within the plat.
4. The developers shall pay the following expenses incidental to the establishment of said road as a town road and shall indemnify and hold harmless the Town from all claims arising therefrom:
 - a. The cost of acquiring a fee interest or such other interest in property as is necessary to permit the Town to establish said road as a town road.
 - b. Any damages which the Town may be required to pay in condemnation proceedings or otherwise in acquiring the right-of-way for the town road.
 - c. Legal fees, if any, incurred by the Town arising out of the establishment of said road; and

- d. Engineering fees, if any, incurred to review plans, oversee construction, and conduct inspections as the Town Board determines is appropriate related to the construction of public improvements.
5. The Town, its representatives, or agents, and/or the county engineer, his representatives, or agents may inspect the construction of roads within a plat at all reasonable times, and said individuals may perform all necessary tests relating to the establishment and construction in accordance with the specifications and requirements of the Policy.
6. The developers shall correct all construction which does not comply with the specifications and requirements set forth hereafter within a reasonable time after receipt of notice from the Town informing developers of said noncompliance and the necessary corrections which will affect compliance. The Town reserves the right to reject the dedication of the road until deficiencies are corrected.
7. Upon completion of the construction of the roads, the Town, its representatives or agents, and/or county engineer, his representatives or agents shall perform a final inspection and testing of said roads and, upon completion of any final corrections required as result of said final inspection and testing, the Town Board will act to accept the construction of the road in accordance with the terms of the road agreement or development agreement. Determining the roads were properly constructed in accordance with the required standards does not, itself, constitute acceptance of the roads for public maintenance.
8. The developers shall be required to warrant that all roads are constructed in accordance with the layout of the approved plat and that the roads shall be constructed in accordance with the requirements set forth in this Policy and in the road agreement or development agreement. The developers shall warranty the work for two years from the date the roads are deemed by the Town to be properly constructed in accordance with this Policy and applicable agreement.
9. The developers shall complete construction of all roads laid out in the plat before requesting the Town Board to initiate public maintenance.
10. The developers are required to construct the roads so as to have 24 feet of driving surface within a 66-foot right-of-way, and to otherwise comply with the requirements of this Policy.
11. A road shall have four inches compacted class 5 gravel applied immediately prior to requesting the Town initiate maintenance of the road. A road taken over by the Town shall have no gravel added for the first two years.
12. The Town Board reserves the right to require the road to be paved with bituminous asphalt in accordance with standards set out in this Policy.

13. Prior to the Town Board accepting the road, a minimum of 50% of the lots immediately adjacent to the road must be occupied and in relatively continuous use by residential/commercial structures of no less than 750 square feet on the main floor.
14. All dedicated roads shall be classified as secondary roads upon the Town Board determining to initiate public maintenance.

Section 7.2. Administrative Considerations

1. The Town is not legally responsible for the establishment, construction, maintenance, or use of roads dedicated by plat and only assumes duties with respect to the roads upon the Town Board formally acting by resolution to make them part of its system of publicly maintained town roads.
2. The developers must make a formal request to the Town Board to initiate public maintenance.
3. The decision to initiate public maintenance shall be made by resolution, which shall not be adopted until the Town Board, or its agent, has received a report from a civil engineer that ensures conformance to design standards.
4. The decision whether to take over a road or not shall not be made at the site but shall be made by formal resolution at the next regular meeting of the Town Board.
5. The Town will undertake regular grading and snowplowing activities on the roads immediately following the adoption of the resolution deciding to initiate public maintenance.

Article 8: Approach and Driveway Policy

Section 8.1. Design and Construction

1. A permit must be applied for and approved by the Town Board or its representative, for all new approaches and driveways to town roads. All work will be inspected upon project completion for conformance with this Policy and any conditions imposed on the permit.
2. The cost of the constructing or rebuilding an approach or driveway shall be the owner's responsibility.
3. No foreign material such as dirt, gravel, or bituminous material shall be left or deposited on the road during the construction of an access, driveway, or installation of drainage facilities.
4. The right-of-way shall be cleaned up after work is completed.
5. Approaches and driveways fill slopes shall be constructed 4:1 (4' horizontal to 1' vertical) where existing roadside slopes are 4:1 or better and shall be hand finished and seeded.
6. Approaches and driveways shall be so constructed so that they have a minimum hard surface top of no less than 20 feet.
7. Culverts, where deemed necessary by the Town Board, are to be provided by the landowner.
8. Only new concrete, corrugated metal, or corrugated plastic culverts shall be used.
9. All culverts shall have aprons and a minimum diameter of 15 inches.
10. Each line of culvert installed shall be made of only one type and design of material.
11. All culverts shall have a minimum of 12 inches of cover and shall have adequate length to achieve 1:4 slopes or flatter.
12. A site permit shall be obtained before the Town Board, or its representative will consider approach or driveway approval.
13. All approaches and driveways shall be completed to the above specifications within 90 days of the issuance of the site permit.
14. The owner is responsible for cleaning, maintaining, and replacing the culvert as needed to ensure drainage of the right-of-way is not obstructed.

Article 9: Minimum-Maintenance Road Policy

In the interest of conserving the town road funds so that moneys can be better put to use maintaining roads with higher traffic volumes, certain town roads may be designated as minimum-maintenance roads. The authority to designate a road as minimum-maintenance is at the discretion of Town Board when it has been determined that the road is used only occasionally or intermittently for passenger and commercial travel.

Section 9.1. Minimum-Maintenance Qualifications

The Town Board will consider the following in determining whether to designate a town road a minimum-maintenance road or to remove the designation because of changed circumstances. None of the following factors are controlling and the Town Board retains the discretion to determine whether a town road is properly designated a minimum-maintenance road under the statute.

1. Whether there are residents or developed properties with primary access accessing the road.
2. Whether the adjacent landowners object to the designation.
3. Whether school buses or mail carriers routinely use the town road.
4. Whether the reduced maintenance provided on minimum-maintenance standards would create a public safety hazard.
5. How frequently the town road is used and the nature of the use.

Section 9.2. Minimum-Maintenance Standards

The following maintenance standards shall apply to town roads designated as minimum-maintenance roads unless the Town Board determines that more or less maintenance is required based on the particular circumstances.

1. Minimum-maintenance roads shall be inspected annually.
2. Road surface will be maintained to allow safe vehicular traffic if vehicular traffic is permitted on road.
3. Gravel may be applied at the discretion of the Town Board.
4. Road surface may be bladed at least once per year or at the discretion of the Town Board.
5. Road ditches may not be mowed.
6. Snow will only be plowed at Town Board discretion.