

Milona Township Road Policies & Standards

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Milona Township Roads Inventory Updated ??????

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Preamble

Minnesota Statute §164 authorizes a town board, as a road authority, to establish and maintain town roads for the benefit of the public. Establishing and maintaining roads is one of the most vital functions of town government and requires a considerable amount of the township's treasury. Because town roads are so important, they generate many questions and a high potential for disagreement. The goal of these road policies and standards is to provide clarification of the various road issues frequently encountered.

In developing this policy for how to best undertake road maintenance activities in the Town, the 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:

1. Budgetary: The funds the town has available for road maintenance, road improvement, and snow plowing operations are derived from two sources. The town Road & Bridge tax levy that is set by the town electors at the Annual Town Meeting held in March each year. The second source of funds comes from the gas tax imposed and collected by the state, a small portion of which is distributed to town to help maintain their roads. The Board has no direct control over either source of funding. A proposed levy is submitted by the Town Board 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.

2. Contract for Services: The Town has no road maintenance staff or equipment so The Board contracts with independent contractors for various road services. Because the Town obtains these 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.

The Town Board reserves the right to amend any portion of this document by motion at any town board meeting.

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Definitions:

1. **Township Road** – Minn. Stat. §160.02, subd. 6, Those roads and cartways which have been or which hereafter may be established, constructed, improved or maintained under the authority of the town board for a period of at least (1)one year prior to July 1, 1957.
2. **Development Road** – Platted roads designed as part of a subdivision.
3. **Minimum Maintenance Road** – Road designed for reduced maintenance by town.
4. **Private Road** – Generally long established roads used as private drives by multiple dwellings on lakeshore. Legal status unknown.
5. **Cartway** – Easement across private property to allow access to other landowners.

Article 1 Township Road Standards and Specifications

Section 1.1 Design Specifications

1. All new roads must have a 66 foot right-of-way and must be platted at 66feet minimum.
2. Dead end roads/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 one hundred twenty (120) feet and a radius of sixty six (66) feet.
3. The grade of the road shall not be more the eight (8%) percent.
4. All dedicated roadways shall have a roadbed of not less than 28 feet in width when a permanent gravel road surface is anticipated and not less than 32 feet when a bituminous surface is anticipated and with a minimum driving surface of twenty four feet (24'). *CAUTION; If bituminous surface is anticipated in the future, roadbed must be not less than thirty two (32) feet.* All cul-de-sacs, regardless of surface type, shall have a minimum traveled surface diameter of 100 feet.
5. All approaches constructed to provide access to adjacent lots shall have a maximum finished top width of eighteen (18) feet, side slope ratios shall be 1:4.
6. Ditches must be present on both sides of the road, which provide for appropriate drainage. This includes consideration of culverts under driveways/approaches. The minimum depth shall be three (3) feet below the

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- grade of the road. Side slope ratios shall be 1:4.
7. All roadbed embankments across lowland areas shall be constructed to a height of at least three (3) feet above natural ground elevation.
 8. The minimum gravel thickness shall be three (3) inches compacted or four (4) inches loose. 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. Salvaged bituminous mixture used in lieu of aggregate base shall be crushed sufficiently to achieve 100% passing a 1" screen. The gravel equivalent (G.E.) for salvaged bituminous material shall be 1.0.
 9. All roads must have an adequate crown. Slope to be measured from the center of the road to the edge of the driving surface. Slope on a gravel surface should be 0.03 feet per foot or about 3/8 inch per foot. Slope for a paved surface should be 0.02 feet per foot or about 1/4 inch per foot.

Section 1.2 Construction

1. Stumps and debris shall not be buried within the roadbed, fore-slopes 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 two 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 6 inches or larger shall be placed within the upper 2 feet 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 not be more than eight (8) inches in thickness (loose measurement) and those below the upper two feet shall not be more than twelve (12) inches in thickness (loose measurement).

Section 1.3 Ditch Cover

1. All new slopes and disturbed areas shall be seeded after topsoil has been replaced. The seed mixture shall meet current requirements of MNDOT Standard Specifications for Construction. Requirements as of 08/2007 are as follows:
 - a. Rural Areas: Type 240 for sandy roadside areas or 250 for general Roadside (excluding sandy)
 - b. Residential areas: Type 270 for residential areas.

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Section 1.4 Culverts-Township Roads

1. See Section 7.1 for discussion on culverts under driveways and approaches.
2. New concrete or corrugated metal (no plastic) must be used. Used concrete culverts and aprons may be used with prior approval.
3. All centerline culverts shall have aprons and a minimum diameter of 15 inches.
4. All entrance culverts shall have aprons and a minimum diameter of 15 inches.
5. The use of used metal culverts and aprons shall not be allowed. The joints of all concrete pipes and aprons shall be tied and wrapped.
6. Each line of culvert installed shall be made of only one type and design of material.
7. All culverts shall have a minimum of 15 inches of cover, excluding aggregate base and surfacing materials, and shall have adequate length to achieve a 1:4 slope.
8. All culverts shall meet the requirements of the MNDOT Standard Specifications for Construction.
9. All metal culverts shall be galvanized corrugated steel and shall meet the following thickness (Gauge) requirements: 15-30" Diameter, 16 Gauge 36-48" Diameter, 14 Gauge
10. All bridge plans and construction shall be approved by the Douglas County Engineer. Minimum capacity shall be HS-25 loading. Minimum width shall be 28 feet, curb to curb.

Section 1.5 Bituminous Pavement

1. Plant mixed Bituminous shall conform to provisions of MNDOT 2350 and as Modified below: MVWE45035B-Wearing Course Mixture
MVNW35035B-Non-Earing Course Mixture
2. Minimum paved surface shall be 24 feet with 2 foot wide gravel shoulders on each side.
3. Minimum total thickness of the bituminous surface shall be three and one half inches (3 ½"), placed in two layers with 2" base (non-wear) course, and 1.5" wear course, with bituminous tack coat between lifts.
4. Recycled or reclaimed bituminous materials shall not be allowed in the wear course.
5. The density in the top 6 inches of the sub-grade shall be that attained by the Quality Compaction Method in accordance with the requirements of 2105.3F2. Minimum of 6" of Class 5 gravel on roads to be paved.
6. 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 township.

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Article 2 General Maintenance Policy

Section 2.1 Road Inspection

1. The Town Board formally inspects all roads in the spring & fall to determine any maintenance needs to be carried out that fall or the next spring. Such needs include gravel, dust control, weed control, ditch cleaning, road repair, tree and brush trimming.
2. Roads designated as Minimum Maintenance will receive only enough maintenance to keep them in a safe and passable condition.

Section 2.2 Typical Road Maintenance

Township roads are bladed approximately every two-three weeks when weather permits.

1. In the summer, additional layers of gravel are applied to road sections as determined by the town board.
2. Dust control Chemicals are applied to gravel roads as determined by the Town Board. Township residents with special requests for putting dust guard on their private roads should contact the Town Board prior to *June 1st*.
3. Road ditches are mowed usually twice during the growing season.
4. The town board may contract to have road ditches sprayed with herbicides to control noxious weeds. *Any resident not wanting ditches sprayed because of proximity to sensitive crops or dwellings should inform the town board of their wishes prior to May 1st*
5. Additional road maintenance needs will be addressed as they arise.

Section 2.3 Objects within Rights-of-Way and Cul-de-sac's

Public road rights-of-way and cul-de-sac's 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 road rights-of-way or cul-de-sac's shall be the responsibility of the property owner, not the Township or contractor. It is the responsibility of owners to keep the road rights-of-way and cul-de-sac's clear of vehicles, trailers, trashcans, and any other items of personal property. If the Board determines personal property left in the road right-of-way or cul-de-sac poses an unreasonable risk to public safety, or significantly interferes with maintenance operations, it will have the item removed from the road right-of-way or cul-de-sac at the owner's expense, or have the owner sign a waiver of liability form provided by Milona Township. 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 damages on a case-by-case basis.

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Section 2.4 Complaints and Requests

Complaints and requests for further services should be directed to the Board, not the contractor. Complaints and requests for further road maintenance services or damage will be taken during normal Town Board meetings and handled on a case-by-case basis. If the contractor is aware of complaints or requests for additional services, it shall forward such complaints or requests to the Board for consideration .

Article 3 Snow Plowing Policy

Section 3.1 Policy Considerations

In developing this policy for how to best undertake snow and ice control activities in the Town, the Town Board must consider the following:

1. **Contract for Services:** The Board 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, & Effectiveness:** Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of operations or pose an unreasonable 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 3.2 When Snow Plowing Begins

1. The Contractor has the authority to determine when plowing operations will begin. The following criteria shall be considered
 - 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 three (3") inches or more.
 - f. Accumulation of drifting snow.
 - g. Severe icy conditions that seriously affect travel.
 - h. Time of snowfall in relationship to heavy use of the roads.

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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 three inches of snow has accumulated.

Section 3.3 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. Snow plowing 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 property owners to clear snow from around the mailboxes to enable mail delivery.
6. Snowplowing unavoidably results in snow being deposited on driveways and approaches. It is the responsibility of land owners 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 3.4 Roads that are not Plowed

1. The amount and nature of the uses to which the Town's roads are put can vary significantly by location and season. While some town roads are needed throughout the year to access to homes, businesses, or as a primary transportation route, other roads are only needed for limited purposes only during the summer months. The Board determines that attempting to keep all roads open during the winter regardless of the need or use would unreasonably dilute the funds available for winter maintenance and lower the level of maintenance that could be achieved on those roads that are relied upon year round. In order to properly allocate the Town's limited resources, the 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. **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 Board will determine when to reopen each road in the spring depending upon their condition.
2. **Minimum-Maintenance Roads may be Snowplowed:** Town's are authorized by Minn. Statute § 160.095 to designate roads that are used only occasionally or intermittently for passenger or commercial traffic as minimum maintenance roads. While these roads are not used for vehicular traffic during winter

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- months, the Board does recognize that they are used for snowmobiling.
3. **Town Roads Closed in Snow Emergencies:** In snow emergencies the Board will close and barricade roads as it deems necessary to respond to the emergency. The Board will determine when to reopen each road that was closed based on need and condition of the road as well as on the availability of funds, personnel and equipment.
 4. **Special Circumstances:** An owner of property adjacent to a road or road portion that the Board has determined not to snowplow during the winter months may request the Board to snowplow the road in emergencies or if special circumstances exist. The Board will consider each request and determine if it has the sufficient resources to accommodate it.

Section 3.5 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 3.6 Sanding and Salting

The Township 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 to, when, and to what extent to apply sand and salt.

Section 3.7 Snow Removal

The Town Supervisors 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 snow plowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel and budget availability

Section 3.8 Snow Plowing 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.

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Section 3.9 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. Minn. Stat. §§ 160.27, subd. 5(a)(1);169.42,Subd.1. Depositing snow or ice in a road also increases snowplowing costs, creates a potential public safety hazard, and could damage equipment.

Section 3.10 Complaints and Requests

Complaints and requests for further services should be directed to the Board, not 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 case-by-case basis. If the contractor is aware of complaints or requests for additional services, he shall forward such complaints or requests to the Board for consideration.

Section 3.11 Review of Policy

The Board will periodically review the 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 4 Paving Policy

Section 4.1 Blacktop Paving Policy

It shall be the policy of Milona Township to blacktop township roads based upon need and at the discretion of the Town Board. Considerations shall be: Traffic volume, historic use, anticipated future use, maintenance issues, and cost estimates. *These decisions shall be based upon "Finding of Facts"*.

1. Roads selected for blacktopping in the Town's long term road plan will receive priority.
2. Requests for blacktopping of Roads will be taken on a first come basis.
3. The Township has full authority to accept or reject any requests for blacktopping township roads.
4. This policy is to support the Town's long term road plan and may be modified as required to meet Township needs.

Section 4.2 Paving Requests by Petition

If the landowners along township roads desire to have their road blacktopped, the following requirements must be met:

Road must have a 66 foot right-of-way, with no obstructions.

1. Road must be accepted by the town.
2. All requests must be submitted by petition and must be supported by 2/3 of the

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property owners.

3. Monies for the paving of *new development roads must be paid one hundred (100%) from property owners or the developer* prior to awarding contract.
4. Requests for Roads that abut Township or County property will be reviewed on an individual basis for determination of assessments.
5. Monies for the paving of roads established for over five (5) years, shall be *divided 50% property owners and 50% township.*

Section 4.3 Cost Sharing Guidelines for Non-Primary Roads

1. Cost share between Township and property owners. On all Township Roads to have bituminous surfacing put on for the first time a 50/50% split shall apply (50% Township and 50% property owners). The property owners 50% of the cost shall be divided equally per lot as recorded with Douglas County. Any exceptions will be assessed by the Town Board on an individual basis.
2. Standards for proper assessment.
 - a. The property benefits from the improvement;
 - b. The assessment does not exceed the increase in value of the property due to the improvement; and
 - c. The assessment is uniform.

Benefits from an improvement are calculated based on the highest and best use of the land. Present use of the land is not the controlling factor in determining whether the land has received benefit from the improvement. Rather, the test is whether the land presently could be used for purposes which would benefit from the improvement.

Article 5 Subdivision Roads

Section 5.1 Road Design

1. Roads, continuous. Except for cul-de-sacs, roads shall connect with roads already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining un-subdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of thoroughfares and collector roads shall be considered in their relation to the reasonable circulation of traffic, to topographical 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 roads may be so planned as to discourage their use as non-local traffic.
3. Road plans for Future Subdivisions. Where the plat application includes only part of the tract owned or intended for development by the sub-divider, a plan illustrating a proposed future road system for the subdivided portion shall be prepared and submitted by the sub-divider.
4. Temporary Cul-De-Sac. In those instances where a road is terminated pending

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- future extension in conjunction with future subdivision and more than two hundred (200) feet 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 road right-of-way. Financial guarantee will be required for removal or restoration as determined by the Town Board.
5. Provisions for Re-subdivision 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 roads and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
 6. Road Intersection. Roads 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 intersections shall be eighty (80) degrees. Road intersection jogs with an offset of less than three hundred (300) feet shall be avoided.
 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 road. The design shall include proper circulation, setbacks from an intersection on the major right-of-ways, minimum distance required for approach connections to future grade separations, and for lot depths.
 8. Half roads. Dedication of half roads shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.
 9. Cul-de-Sacs/Dead-End Roads.
 - a. Dead-end roads (temporary or permanent) without cul-de-sac turn arounds shall be prohibited.
 - b. Permanent cul-de-sacs shall only be allowed in cases where proper interconnectivity of local roads will be provided or where topography or environmental constraints preclude interconnection of local roads.

Section 5.2 Construction of Roads

1. Construction of roads within a subdivision must comply with Section 1.1 of the Milona Township Road Policies and Standards.
2. Road Safety Signs: Developers shall be responsible for any/all road signs required in order to provide for public safety. I.e. stop, caution, yield, etc.
3. The developers shall gravel all roads necessary with a minimum of three inches (3") of gravel (Class 5) compacted or four inches (4") loose if gravel road is anticipated, minimum road bed of twenty eight feet (28'), driving surface of

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twenty four feet (24'). Six inches (6") Class 5 compacted if a paved road is anticipated, with a minimum roadbed width of thirty-two feet (32') and a minimum driving surface of twenty four feet (24').

4. Bituminous paving requirements: Minimum roadbed width of thirty two feet (32') and minimum driving surface of twenty four feet (24") with a 2 inch base non-wear course and a 1.5 inch wear course. **CAUTION; If bituminous surface is anticipated in the future, roadbed must be not less than thirty two (32) feet.**

Section 5.3 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 three feet except for curb and gutter streets.
3. The developers shall install all culverts necessary for adequate drainage as determined by the township or township's engineer. All associated costs are to be paid by the sub-divider.
4. Necessary culverts must comply with Section 1.4 of the Milona Township Road Policies and Standards.

Section 5.4 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 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.
3. In all plats, a subdivision shall provide and indicate easements for utilities and drainage at least ten (10) feet wide along all lot lines, utility easements may be required to be a minimum of ninety (90) feet back from the platted road center. if necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

Section 5.5 Public Utilities

Telephone, electric, cable, gas service lines and/or other public utilities including future sewer and water are to be placed within the road right-of-way or within prescribed easements.

Section 5.6 Improvements of Adjoining Township Roads

1. If new bituminous surfaced roads, as a part of the subdivision, do not connect directly to an existing bituminous surfaced road, and the connecting road is a designated township road having a gravel surface, then the Developer shall pay for one hundred percent (100%) of the cost of the improvements to the existing township road to meet the requirements of Article 1-Township Road Standards

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- and Specifications of the Milona Township Road Policies and Standards plus all engineering and legal fees associated with the improvements.
2. The Township 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 Township or its contractor and paid for by the developer.
 3. *The Developer shall place on file with the Township a bond or other approved surety in the amount 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 Township.***

Article 6 Dedicated Road Acceptance

Section 6.1 Dedicated Road Acceptance

1. The roads within the plat shall not be dedicated by the Developers to the Township but **shall remain “public roads” for the use of the occupants of said plat until established as “township roads” pursuant to the procedures then required by Minnesota Statutes.**
2. The developers shall establish and construct all roads within the plat in accordance with the requirements and specifications set forth hereafter, and said establishment and construction shall be effected 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.
3. 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 township 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 Township to accept said road as a town road.
 - b. Any damages which the Township may be required to pay in condemnation proceedings or otherwise in acquiring the right-of-way for the town road.
 - c. Legal and attorney’s fees, if any, incurred by the township arising out of the establishment of said road.
4. The Developer shall agree that the Township, its representatives, or agents, and/or the county engineer, his representatives, or agents may inspect the establishment and construction of aforementioned roads 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 set forth hereafter.
5. The developers shall correct all construction which does not comply with the specifications and requirements set forth hereafter within a reasonable time

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- after receipt of notice from the township informing developers of said non-compliance and the necessary corrections which will effect compliance. *The township reserves the right to reject the dedication of the road until difficulties are corrected.*
6. Upon completion of the establishment and construction of said roads the Township, 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 a result of said final inspection and testing, said roads shall be deemed to have been established and the developers shall have no further liability thereunder except liability relating to warranties and indemnities as set forth herein.
 7. The developers warrant that all roads shall be established and constructed in accordance with the layout of said roads on said plat and the developers further warrant that said roads shall be established and constructed in accordance with the requirements set forth or incorporated herein; *said warranties to terminate two years from the date said roads are deemed to be established.*
 8. *The developers agree to indemnify and hold harmless the Township from and against all claims, damages, losses, and expenses, including reasonable attorney's fees, arising out of the establishment and construction of said roads and for all claims or causes of action until two years from the date said roads are deemed to be established as set forth above.*
 9. The developers shall complete the establishment and construction of said roads so as to provide access to any lots sold by developers, and the developers *shall complete establishment and construction of all said roads laid out in said plat before petitioning the Town Board for acceptance of roads.*
 10. The developers shall establish and construct the roads so as to have a 24' min. of driving surface and 2 ft. gravel shoulders on each side within a 66 foot right of-way, and so as to, otherwise, be in accordance with the specifications and requirements of Article 1 of the Milona Township Roads Policies and Standards.
 11. The Township requires the road to be paved with bituminous asphalt in accordance with Article 1, Section 1.5 Bituminous Pavement of the Milona Township Road Policies and Standards prior to acceptance.
 12. The road shall be occupied by residential structures which are in relatively continuous usage. Prior to the Town Board accepting the road, over 50% of the lots must be developed on the road in relatively continuous use and each of those lots must have at least one permanent structure of no less than 1000 square feet on the main floor.
 13. The Town Board has the discretion of accepting or rejecting any or all road petitions. All roads accepted by the town given the above criteria shall be accepted as a secondary road only.

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Section 6.2 Administrative Considerations

1. The Township does not accept or assume any legal responsibility relating to the establishment, construction, maintenance, or use of said roads and the Township further disclaims any responsibility relating to the establishment, construction, maintenance, or use of said roads until said roads are established as Township roads in accordance with the law.
2. A formal request must be made to the Town Board by the developer. Such a request must include a legal description of the road and proof that it is registered with the county as a platted road.
3. The decision whether to take over a road or not will not be made until the Town Board, or it's agent, has conducted a thorough inspection of the road for conformance to design standards.
4. The decision whether to take over the 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. Regular grading and snowplowing can begin immediately upon takeover.
6. The Town Board may grant exceptions to the above specifications, as special circumstances should dictate. Such exceptions must be noted in the Town Board Minutes.

Article 7 Approach and Driveway Policy

Section 7.1 Design and Construction

1. All new approaches/driveways to township roads must be approved by the Town Board prior to construction to assure adequate line of sight and for determination of necessary drainage.
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 during installation of drainage facilities.
4. Roadside must be cleaned up after work is completed.
5. Approaches and driveways fill slopes shall be constructed to 4:1 slope and shall be finished and seeded.
6. Approaches and driveways shall be constructed so that they have a maximum hard surface top of 18 feet and shall slope down and away from the shoulder line of the highway.
7. Culverts, where deemed necessary by the Town Board, are to be *provided by property owner*.
8. Only new concrete, new corrugated metal, or new double walled plastic culverts shall be used.
9. All culverts shall be a minimum diameter of 15 inches.

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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 15 inches of cover, excluding aggregate base and surfacing materials, and shall have adequate length to achieve a 1:4 slope.
12. All approaches and driveways shall be completed to the above specifications within one (1) year of the issuance of the site permit.

Section 7.2 Approach/Driveway Width Variance with Board Approval

1. Approaches/Driveways can be wider than the maximum of 18 feet as indicated in Section 7.1 with a variance and town board approval.
2. A variance request must be obtained from the town clerk and filled out with width requested and reasons for the request.
3. Then the project location/width must be marked at the site.
4. Two supervisors will look at the site and approve/disapprove the project.
5. If approved the clerk will issue the approach/driveway permit.
Approach width variance request form attached
The Cost Of An Approach Permit Shall Be \$30.00.

Article 8 Minimum Maintenance Policy

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

Section 8.1 Minimum Maintenance Qualifications

1. There are no residents or developed properties with primary access accessing the road.
2. There are no objections from adjacent landowners.
3. School buses or mail carriers do not routinely use the road.
4. Minimum maintenance standards would not create a public safety hazard.
5. The road is used infrequently.

Section 8.2 Minimum Maintenance Standards

1. Minimum maintenance roads shall be inspected annually.
2. Road surface will be maintained to allow safe vehicular traffic speeds of 15 mph during fair weather.
3. Gravel may be applied at the discretion of the Town Board.
4. Road surface may be bladed at the discretion of the Board.
5. Road ditches may not be mowed.

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6. Snow will only be plowed at Town Board discretion.

Article 9 Statutory Conflicts of Interest

1. Generally, Townships are not to Contract with Supervisors The general rule in Minnesota is that Townships are not allowed to contract with supervisors, and in fact, may result in criminal enforcement if the strict statutory procedures are not followed. The governing statutes are Minnesota Statute 471.87 and Minnesota Statute 365.37, which provide as follows; 471.87, Public officers, interest in contract; penalty. Except as authorized in section 471.88, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially there from. Every public officer who violates this provision is guilty of a gross misdemeanor.365.37, Subd. 1. No conflicts; exceptions. Except as provided in sections 471.87 to 471.89, a supervisor or town board must not be a party to, or be directly or indirectly interested in, a contract made or payment voted by the town board.

2. Exceptions

Section 471.88 provides a number of exceptions that allow a township supervisor to financially gain from a contract with a Township.

- a. Exceptions for Contracts with no bids required. Subdivision 1. Coverage. The governing body of any port authority....town, school district, hospital district, county, or city, by unanimous vote, may contract for goods or services with an interested officer of the government unit in any of the following cases.....

Subd. 5. Contract with no bids required. A contract for which competitive bids are not required by law. With regard to Subdivision 5, the Township can contract with a supervisor if the nature of the contract is one that does not require competitive bids. As of August, 2008, True competitive bidding with public notice and requests for sealed bids is required for contracts anticipated to be in excess of \$100,000. For contracts under \$100,000 a supervisor is not precluded from entering in to a contract with the Township so long as some particular bidding formalities are followed. Minnesota Statute 471.345 requires contracts between \$25,000 and \$100,000 to be let after the Township seeks sealed bids or direct negotiations with at least two parties. There is no public advertising for bids required. If the contract amount is less than \$25,000, the Township should seek quotes from at least two parties if that is practicable. As such, regarding tree trimming, weed spraying and gravel contracts contemplated, it would be advisable for the Township to seek written bids from at least one other entity in addition to the supervisor who currently does the work. This process should be

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followed annually. Once the bids are opened, the Township board should select the lowest responsible bid, unless there is a justification that the higher bid actually provides the best value.

Since this exception is quite broad, the Legislature added some requirements that the Township must follow for any contracts entered in to pursuant to the exception provided in Subdivision 5. Prior to entering in to a contract with a supervisor, the Township must authorize the contract in advance by adoption of a resolution setting out the essential facts and determining that the contract price is as low as or lower than the price that would be obtained elsewhere. The vote on the contract must be unanimous among all voting supervisors and the interested supervisor cannot vote. Before any contract payments are made, the interested supervisor must file an affidavit with the Township clerk that attests to the following:

- i. the name of the officer and the office held by the officer;
- ii. an itemization of the commodity or services furnished;
- iii. the contract price;
- iv. the reasonable value;
- v. the interest of the officer in the contract; and
- vi. that to the best of the officer's knowledge and belief the contract price is a low as, or lower than, the price at which the commodity or services could be obtained from other sources.

A sample resolution and a sample affidavit are attached.

Minn Statute 471.89; If the resolution and affidavit provisions are not strictly followed, the contract is void. Given the potential for criminal penalties for a Township officer who unlawfully obtains funds from a Township without a contract, it is strongly recommended that the Township follow this procedure for every contract entered in to with Township supervisors or officials, every year.

b. Exception for Populations of 1,000 or less. Subdivision

Coverage. The governing body of any port authorit.town, school districts, hospital district, country, or city, by unanimous vote, may contract for goods or services with an interested officer of the government unit in any of the following cases

Sub. 12. Population of 1,000 of less. An officer of a government unit may contract with the unit to provide construction material or services, or both, when the sealed bid process is used and the unit has a population of 1,000 or less according to the last federal census. The office may not vote on the question of the contract when it comes before

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the governing body for consideration.

This exception allows a supervisor to enter in to a contract with the Township for townships with a population of under 1,000 as of the last census. According to internet sources, it appears that the 2000 census for Milona Township registered 814 residents, so this exception would also apply to allow a supervisor to provide construction material or services to the Township by using the sealed bid process. Again, there would need to be unanimous approval by the voting Township supervisors and the interested supervisor would not have a vote on that contract.

In each case where there is a contract between a family member of a Town supervisor, it must be determined whether there is any personal financial interest gained by the supervisor and whether the family member is emancipated/independent. 'Personal financial interest' not only means money going to a supervisor or spouse, but also a sibling or child IF the supervisor lives with them, supports them or is a business partner with them. It is important to make a record in every instance where a conflict of interest may be alleged either currently or in the future. The Township should make sure to include in the minutes that they discussed the potential for a conflict of interest and made a finding that there is no conflict of interest for the supervisor on these facts.

DRAFT