

RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY

(For Towns that Contract for Services)

WHEREAS, the Town Board (“Board”) of EDNA Township (“Town”) is the road authority and provides maintenance for approximately 50+ miles of road in the Town;

WHEREAS, the Board, as the road authority, provides for snow and ice control on the town roads it has designated to receive winter maintenance;

WHEREAS, the Board secures its snow and ice control services through contract with an independent contractor;

WHEREAS, the Board determines it is in the best interest of the Town to develop a policy to set out how snow and ice control activities will be conducted on town roads considering the Town’s limited resources;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts the following as the snow and ice control policy for the Town;

BE IT FURTHER RESOLVED, that any Contractor performing snow or ice control services for the Town shall follow this policy.

I. POLICY CONSIDERATIONS

In developing this policy for how to best undertake snow and ice control activities in the Town, the Board has had to balance a number of factors including, but not limited to, the following:

1. Budgetary: The funds the Town has available for snow and ice control 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 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.

2. Contract for Services: The Board also contracts with Sonnenberg Road Maintenance for the following services and/or equipment:

1987 730A Champion Road Grader – 200 HP	1993 740A Champion Road Grader 200 HP
1995 730 Series 4 Champion Road Grader – 200 HP	8 foot rotary snow blower
1994 Ford 9000 Tandem Truck w/1 way plow, 11 foot wing & sander	
1987 IHC truck #210 HP with 1 way plow, 9 foot wing & sander	
1985 IHC Truck #210 HP with 1 way plow, 10 foot wing & sander.	

Clearing roadways - Because the Town obtains snow and ice control services through a nonexclusive 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.

3. Safety, Equipment Damage, & 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.

4. Work Schedule for Snowplow Operators: Except in emergencies, snowplow operators shall not work more than twelve hour shifts and shall not operate equipment for more than ten hours during a shift.

5. Environmental Protection: Because the Town is concerned about the potential negative environmental effects of the use of salt it will minimize its use. When possible and financially practicable, salt and sand with salt will be stored in a manner to minimize run-off, and if snow containing salt is hauled, every reasonable effort will be made to deposit the snow away from public waters.

II. TOWN ROADS THAT ARE SNOWPLOWED

Unless closed because of a snow emergency, the following town roads or portions of town roads are normally snowplowed by the Town:

<u>PRIORITY ONE ROADS</u>	<u>PRIORITY TWO ROADS</u>	<u>PRIORITY THREE ROADS</u>	
E. Little McDonald Drive	Fort Thunder Road	Jackim Drive	
455 th Avenue	Wolf Lake Road	Devil's Lake Road	Seclusion Point
400 th Avenue	423 rd Street	Sybil Lake Lane	435 th Street
395 th Avenue	400 th Street	Heart Lake road	395 th Street
N. Little McDonald Drive	Fawn Oaks Road	South View Lane	398 th
Kerbs Lake Road	Big McDonald Drive	340 th Avenue	
W. Paul Lake Road	Bill's Beach Road	Minnesota Street	
E. Paul Lake Road	Sybil Lake road	430 th Street	
S. Little McDonald Drive	S. Paul Lake Road	403 th Road	
Engstrom Beach Road		405 th Street	
E. Big McDonald Drive			

III. TOWN ROADS THAT ARE NOT SNOWPLOWED

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 primary transportation routes, other roads are only needed for limited purposes such as for hunting, farming, or as convenient short cuts between major roads and 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 has determined to close and barricade certain roads during winter months, and to reserve the right to close and barricade other roads as needed to respond to snow emergencies.

1. Town Roads that are 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 has determined that it will pass a resolution to close and barricade the following roads during the winter months for the reason listed next to each. The Board will determine when to reopen each road in the spring depending upon their condition.

Road or Portion Closed Reason for Closure

[Describe road or road portion] [Give reason for closure]

2. Minimum-Maintenance Roads that are not Snowplowed: Towns are authorized by Minn. Stat. § 160.095 to designate roads that are used only occasionally or intermittently for passenger or commercial traffic as minimum maintenance roads. Once a road is properly designated as a minimum maintenance road and appropriate signs are posted, the town need only maintain the road at a level needed to accommodate the occasional or intermittent use. In this Town the Board has designated certain roads in the Town as minimum maintenance roads. Some or all of the roads designated as minimum maintenance are used primarily as access to lands for farming, hunting, sightseeing, or for other summer recreational purposes. Because the Board determines that these roads are not needed for vehicular traffic during the winter months, the following minimum-maintenance roads will not be snowplowed or otherwise maintained during winter months:

- *[List the minimum-maintenance roads that will not be snowplowed.]*

While these roads are not used for vehicular traffic during winter months, the Board does recognize that they are used for snowmobiling. The Board also recognizes that snowmobiling is an important recreational activity that plays an important part in the local economy. If the Board were to close and barricade these roads during the winter months, snowmobilers would be prohibited from using them under Minn. Stat. § 160.27, subd. 5(14) which makes it a misdemeanor to drive through or around barricades. Furthermore, erecting barricades across roads used for snowmobile traffic creates a concern for the safety of snowmobilers. To accommodate the use of these roads by snowmobilers, instead of closing and barricading the roads the Board will erect signs on or adjacent to the minimum-maintenance signs indicating that they do not receive any winter maintenance. **[Note: This portion of the policy should only be used if absolutely needed. It is always better to close a road and be free from liability if the road is not needed.]**

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.

road authorities, including road authorities of cities, responsible for the maintenance of highways or streets during periods when snow and ice are prevalent, shall utilize such salt or other chemicals only at such places as upon hills, at intersections, or upon high speed or arterial roadways where vehicle traction is particularly critical, and only if, in the opinion of the road authorities, removal of snow and ice or reduction of hazardous conditions by blading, plowing, sanding, including chemicals needed for free flow of sand, or natural elements cannot be accomplished within a reasonable time.” Minn. Stat. § 160.215.

To the extent sand and salt is applied, priority will be given to the following areas in the order listed:

- Hills, controlled intersections, bridges, and curves.
- Major arterial and collector streets.
- School zones.
- Bus routes.
- Commercial areas.
- Residential areas.
- Rural areas.

X. SNOW STORAGE

Collecting, hauling, and storing snow is expensive, requires special equipment, is labor intensive, and interferes with traffic while it is being performed. As such, snow will only be hauled and stored elsewhere when it is necessary to keep a road reasonably open and passable. If snow is hauled, it will only be stored on public land or on private property with the expressed written permission of the owners. To the extent possible, when snow containing salt is hauled it will be stored away from public waters.

XI. 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.

XII. DEPOSITING SNOW IN PUBLIC 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.

XIII. OBJECTS WITHIN TOWN ROAD 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 snow and ice control 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. Complaints regarding damage to property must be made to the contractor. It is the responsibility of owners to keep the road rights-of-way clear of vehicles, trailers, trash cans, and other items of personal property in order to facilitate the proper snow and ice control operations. If an owner fails to keep the road clear of personal property, the owner becomes responsible for promptly clearing the snow left in the right of-way around the item. If the Board determines personal property left in the road right of-way poses an unreasonable risk to public safety, or significantly interferes with snowplowing operations, it will have the item removed from the right-of-way at the owner’s expense. While reasonable efforts will be made to avoid damaging private property, snow and ice control 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 in the following manner.

Mailboxes and fences damaged during snow removal will be evaluated case by case basis. Only those mailboxes and fences that were properly located and installed, and which were damaged by actual contact with equipment will be repaired at Edna Township's expense.

XIV. COMPLAINTS AND REQUESTS FOR FURTHER SERVICES

Complaints and requests for further services regarding snow and ice control or damage will be taken during normal working hours and handled in accordance with Town procedures. Complaints and requests for further services should be directed to the Board. If the contractor is aware of complaints or requests for additional services, it shall forward such complaints or requests to the Board for consideration.

XV. REVIEW OF POLICY

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

this 19th day of February, 2013.

BY THE TOWN BOARD

Town Board Chair

Attest: _____
Town Clerk

Hourly Wage is \$69.50 per hour.

Fuel Clause; Rate is based on price of \$2.68 per gallon. Add or subtract \$0.50 per hour for each \$0.07 per gallon increase or decrease from this price.

Contractor's Liability Insurance of \$1,000,000.00 is part of this contract.