

Dunn Town Road Policies and Standards

April 11, 2016

Introduction

Definitions

Section 1- Town Road Standards and Specifications

Section 2- General Maintenance Policy

Section 3- Snowplowing Policy

Section 4- Paving Policy

Section 5- Dedicated Road Acceptance Policy

Section 6- Approach and Driveway Policy

Section 7- Minimum Maintenance Policy

Section 8- Dunn Town Roads Inventory

Introduction:

Minnesota Statutes, chapter 164 authorizes a town board, as a 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 as the traveling public as a whole, they generate many questions and a high potential for disagreement.

The purpose of the Dunn 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.

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 desire 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 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.

2. 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.

The Town Board reserves the right to amend any portion of this Policy by motion 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.

The Town Board shall interpret and resolve any questions regarding this Policy or its application. The Town Board's interpretation shall be final. 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.

Definitions:

For the purposes of this Policy, the following terms shall have the meaning given them in this Section.

Cartway – Easement across private property to allow access to other land owners. Minn. Stat. §164.08, sub. 2(d) indicates a town board is not to spend any money on a cartway unless it passes a resolution determining such expenditures to be in the public interest.

Dedicated Road – Platted roads designed as part of a subdivision. Land may be dedicated to a town for a public road by plat. When an owner develops a plat, he or she is required to show all roads intended to be dedicated to the public. When a plat is recorded, all lands dedicated for public use are held in trust in the town's name for the purpose indicated on the plat. For roads, this typically means that a public road easement is conveyed to the town. The conveyance does not require acceptance by the Town Board. Once the roads are dedicated, it is left to the Town Board to determine when it will open and maintain the roads. The town has no maintenance obligation on a dedicated road until the Town Board agrees to open and maintain it as a town road. , Minn. Stat. § 164.11 indicates a road dedicated by plat actually becomes a cartway provided it is at least 30 feet wide. Minn. Stat. §164.08, sub. 2(d) indicates a town board is not to spend any money on a cartway unless it passes a resolution determining such expenditures to be in the public interest.

Minimum Maintenance Road – Road designated for reduced maintenance by the Town.

Primary Road – Town Roads serving as thoroughfares; a stretch of road between two places that is used by many people. A primary road must originate and terminate with other primarily roads and have been designated Primary by resolution of the Town Board.

Right of Way - 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.

Secondary Road – Town Roads serving clusters of dwellings, generally on lakeshore and maintained by the Town. A secondary road serves as access to a primary road and is usually a cul-de-sac or dead end road.

Town - Dunn Township, Otter Tail County, Minnesota.

Town Board - Board of supervisors of Dunn Township Otter Tail County.

Town Road- Those rights-of-way established by, or dedicated to, the Town as a town road. 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.

Town Road Supervisor - One or more members of the Board of Supervisors 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.

Section 1 Town Road Standards and Specifications

Paragraph 1.1 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 established at 66 feet minimum.
2. Dead end roads are prohibited but 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 turnaround of a minimum outside right-of-way diameter of one hundred thirty two (132) feet and a radius of sixty (66) feet.
3. The grade of the road shall not be more than eight (8%) percent.
4. All Dedicated Roads shall have a roadbed of not less than 24 feet in width when a permanent gravel surface is anticipated and not less than 30 feet when a bituminous surface is anticipated. All cul-de-sacs, regardless of surface type, shall have a minimum traveled surface diameter of 100 feet.
5. All entrances constructed to provide access to adjacent lots shall have a minimum finished top width of 20 feet. 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 construction of culverts under driveways. Side slope ratios shall be 1:4 (vertical: horizontal) or flatter.
7. All roadbed embankments across lowland areas shall be constructed to a height of at least three feet above natural ground elevation.
8. The minimum gravel thickness shall be 3 inches compacted or 4 inches loose. All gravel materials used for aggregate base and aggregate surfacing shall meet the requirements of 3138 of the MN DOT 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 1-1/2" screen. The gravel equivalent (G.E.) for salvaged bituminous material shall be 1.0.
9. All roads must have an adequate crown of approximately 1/2 inch for each foot of width measured from the center of the road to the edge of the driving surface.

Paragraph 1.2 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, 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 six 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).

Paragraph 1.3 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 MN DOT Standard Specifications for Construction 2016, Type 70A or equivalent, seeded at the minimum rate of 35 pounds per acre. Mixture 70A shall contain 11.0% Alfalfa, 37.0% Smooth Brome grass, 29.0%.

Paragraph 1.4 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. 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. All culverts shall have a minimum of 12 inches of cover, excluding aggregate base and surfacing materials, and shall have adequate length to achieve 1:4 slopes or flatter.
6. All concrete culverts shall meet the requirements of the MN DOT Standard Specifications for Construction.
7. All metal culverts shall be galvanized corrugated steel and shall meet the following thickness (gauge) requirements:
 - a. 15" – 18" Diameter, 16 Gauge
 - b. 24" – 30" Diameter, 14 Gauge
 - c. 36" – 48" Diameter, 12 Gauge
8. All bridge plans and construction shall be approved by the Otter Tail County Engineer. Minimum capacity shall be HS-25 loading. Minimum width shall be 28 feet, curb to curb.

Paragraph 1.5 Bituminous Pavement Primary Roads

1. Plant-Mixed Bituminous Pavement shall be constructed in accordance with all applicable provisions of MN DOT Standard Specifications for Construction 2016. Minimum paved surface width shall be 26 feet with 2 foot shoulders.
2. Minimum total thickness of the bituminous surface shall be three and one half inches (3 ½"), placed in two layers with a 2 inch base course, and 1.5" wear course.

3. Recycled or reclaimed bituminous materials shall not be used in the wear course.
4. The wearing course mixture shall have an asphalt content of approximately 5.8% of the total mixture and the Air Voids of the mixture shall be approximately 4.0%.
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 by the Ordinary Compaction method.

Paragraph 1.6 Bituminous Pavement Secondary Roads

1. Plant-Mixed Bituminous Pavement shall be constructed in accordance with all applicable provisions of MN DOT Standard Specifications for Construction 2016 Minimum paved surface width shall be 20 feet with 2 foot shoulders.
2. Minimum total thickness of the bituminous surface shall be three and one half inches (3 ½”), placed in two layers with a 2 inch base course, and 1.5” wear course.
3. Recycled or reclaimed bituminous materials shall not be used in the wear course.
4. The wearing course mixture shall have an asphalt content of approximately 5.8% of the total mixture and the Air Voids of the mixture shall be approximately 4.0%.
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 by the Ordinary Compaction method.

Section 2 General Maintenance Policy

Paragraph 2.1 Road Inspection

1. The Town Board formally inspects all Town Roads in the spring to determine any maintenance needs to be carried out during the summer. Such needs include gravel, dust control, weed control, ditch cleaning, road repair, tree and brush trimming.
2. Roads designated minimum maintenance will receive only a level of maintenance to keep them in a safe and passable condition.

Paragraph 2.2 Typical Road Maintenance

1. Town Roads are bladed as needed when weather permits.
2. 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.
3. Dust control chemicals are applied to sections of roads as determined by the Town Board. The locations are generally around residences located in close proximity to the road, high traffic areas, and areas requiring additional stabilization of the road surface. Town residents with special requests for dust control should contact the Town Board before June 1st. Dust control is generally applied after the addition of fresh gravel.
4. Road ditches are mowed approximately eight feet out from the road surface or shoulder if one exists twice during the growing season. Mowing activities shall be carried out in accordance with the restrictions contained in Minnesota Statutes, section 160.232.
5. The Town Board may contract to have the road right of way sprayed with herbicides to control noxious weeds and brush. Any land owners not wanting ditches sprayed because of proximity to sensitive crops or dwellings should inform the Town Board of their wishes. Land owners who request that spraying not occur will be held responsible for clearing the right of way of all noxious weeds and brush at their own expense. The minimum brush clearance shall be eight feet from the road surface or shoulder if one exists and to a height of fourteen feet above the road surface. All noxious weed shall be destroyed in the entire right of way as well as on all adjacent land. The Town will place a notice in the official Town Newspaper prior to any herbicide spraying so that landowners who do not want adjacent property sprayed; can clear noxious weeds and brush to minimum standards prior to spraying.
6. Additional road maintenance needs are addressed by the Town board as they arise.

Paragraph 2.3 Objects within the Rights-of-Way

Town Road rights-of-way are used for a variety of purposes that are outside of the direct control of the Town. The Town shall not be responsible for damages caused by the road maintenance operations of contractors to mailboxes, lawn sprinklers, utility structures, sod, landscaping materials, vegetation, or other personal or real property in

the road right of way. Damage to items in the road right of way shall be the responsibility of the property owner, 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 determines personal property left in the road right-of-way possess a risk to public safety, or interferes with maintenance 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 outside of the right-of way, 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.

Paragraph 2.4 Complaints and Requests

Complaints and requests for further services to Town Roads should be directed to the Town Board, not to contractors. 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, the contractor shall forward such complaints or requests to the Town Board for consideration.

Section 3 Snowplowing Policy

Paragraph 3.1 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, & 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.

Paragraph 3.2 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 three inches (3") 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.
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.

Paragraph 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. 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 property owners 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 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.

Paragraph 3.4 Roads that are not Plowed

The amount and nature of the uses to which Town roads are put 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 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 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 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. **Town Roads Closed in Snow Emergencies:** In snow emergencies the Town Board will close and barricade roads at it deems necessary to respond to the emergency. The Town 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.
3. **Special Circumstances:** An owner of property adjacent to a 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 the request.

Paragraph 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.

Paragraph 3.6 Sanding and Salting

The Town and/or private or public contractors will use sand and salt when hazardous ice or slippery conditions exist. 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.

Paragraph 3.7 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.

Paragraph 3.8 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.

Paragraph 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. Minnesota Statutes, sections 160.2715(a)(2) 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 can damage equipment.

Paragraph 3.10 Complaints and Requests

Complaints and requests for further services should be directed to the Town 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 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 Town Board for consideration.

Section 4 Paving Policy

Paragraph 4.1 Blacktop Paving Policy

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:

1. Traffic volume, historic use, anticipated future use, maintenance issues, and cost estimates.
2. Town roads selected for blacktopping in the Town's long term road plan will receive priority.
3. The Town has full authority to accept or reject any requests for blacktopping Town roads.
4. This Policy is to support the Town's long term road plan and may be modified as required to meet Town's needs.

Paragraph 4.2 Paving Requests by Petition

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

1. Road must have a minimum 66-foot right-of-way, with no obstructions.
2. Road must be platted and dedicated to the Town.
3. All requests must be submitted by petition.
4. Petition requests for paving must be submitted to the Town Board in one of two ways:
 - a. One hundred percent (100%) of the landowners have signed a petition pursuant to Minnesota Statutes 429 agreeing to pay for all costs for the proposed project prior to awarding any contract for construction; or
 - b. Eighty percent (80%) of the affected landowners have signed a petition pursuant to Minnesota Statutes, chapter 365A requesting a subordinate service district.
5. The Town Board has full authority and discretion to determine whether to approve or deny a request to blacktop a Town road.

Paragraph 4.3 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 property owners 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 property owners, 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.

Paragraph 4.4. Subordinate Service Districts

1. The subordinate service district procedure can only be initiated by a petition of at least 50% of the property owners 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 property 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 property owners. 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 property owners. So, for example, if a husband and wife are both identified on a deed as owners, they will each be counted as property owners. The following persons shall be treated as the property owner in the following situations: when property is sold on a contract for deed, the contract for deed vendee shall be the property owner; when the seller of property retains a life estate, the holder of the life estate shall be the property owner; and when property is held in trust, the trustee shall be the property owner. Mortgagees, contract for deed vendors, renters, lessees, licensees, and easement holders shall not be considered property owners for the purposes of this determination.
 - b. Once the property owners of the properties within the proposed district are identified, the Town will determine if the petition was signed by at least 50 percent 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 property owner 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 property owner. Once the total number of property owners within the proposed district is identified, the number of property owners signing the establishment petition will be compared against the list of property owners to determine if at least 50 percent 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 property owners ($7 \times 2 + 1 = 15$). The petition is not sufficient because the 6 owners who signed the petition do not constitute at least 50 percent of the property owners 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 property owners ($4 \times 2 + 6 = 14$). The petition is sufficient because the 10 property owners that signed the petition constitute at least 50 percent of the property owners 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 property owners 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 property owners 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.

Paragraph 4.5. Special Assessments

1. To the greatest extent allowed by law, affected property owners will be responsible for 100% of the project cost which include the following:
 - a. Upgrading of road area prior to improvement;
 - b. Construction costs, includes 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.

<p>Each buildable platted lot or parcel serviced by one road being paved, which does not already have abutting pavement at a point of access.</p> <ul style="list-style-type: none"> * 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) 	<p>One full assessment.</p>
<p>Each buildable platted lot or parcel serviced by two roads being paved.</p>	<p>One and one-half assessment</p>
<p>Each buildable platted lot or parcel which already has paved access, but is receiving paving along some other side or sides of the property.</p>	<p>One-half assessment</p>

Each buildable non-abutting parcel receiving significant benefit from tarring project accessing their property	One full assessment
Each buildable non-conforming lot adjacent to a lot or parcel already receiving a full assessment	One-half assessment
Adjoining buildable lots or parcels with a significant building structure over the boundary line making the remaining property inseparable for marketability purposes.	One full assessment
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

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

Section 5- Dedicated Road Acceptance Policy

Paragraph 5.1 Administrative Considerations

1. The Town does not accept or assume any legal responsibility relating to the establishment, construction, maintenance, or use of Dedicated Roads within developments and the Town further disclaims any responsibility relating to the establishment, construction, maintenance, or use of said roads until said roads are established as Town Roads in accordance with the law.
2. A formal request must be made by the developer to the Town Board for acceptance of any development road as a Town Road. Such a request must include a legal description of the road and proof that it is registered with the county as a platted road. The decision whether to take over a road or not will not be made until the Town Board, or its agent, has conducted a thorough inspection of the road for conformance to design standards.
3. 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 a regular meeting of the Town Board.
4. Regular grading and snowplowing can begin immediately upon takeover

Paragraph 5.2 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 by the Town Board, 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.
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 accept 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.
 - 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 the 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 established by the Town.
6. The developers shall correct all construction which does not comply with the specifications and requirements established by the Town within a reasonable time after receipt of notice from the Town informing developers of said noncompliance and the necessary corrections which will effect compliance. The Town reserves the right to reject the dedication of the road until deficiencies are corrected.
7. Upon completion construction of said roads in accordance with the Town's specifications the Town, its representatives or agents, and/or county engineer, his representatives or agents shall perform a final inspection and testing, the Town Board will act to accept the construction of the road in accordance with the terms of a 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 warrant that all roads are constructed in accordance with the layout the approved plat and further warrant that roads shall be constructed in accordance with the requirements set forth or incorporated set forth in this Policy. The developer shall warranty the work for two (2) years from the date the roads are deemed by the Town to be properly constructed in accordance with this Policy.
9. The developers shall complete construction of roads within a plat consistent with this Policy prior to requesting the Town Board to initiate public maintenance.

10. The developers are required to construct the roads so as to meet all the requirements of this Policy.
11. Prior to the Town Board accepting the road, over 50% of the lots must be developed on the road and must have at least one permanent structure of no less than 1,000 square feet on the main floor.
12. All Dedicated Roads shall be classified as secondary roads upon the Town Board determining to initiate public maintenance.

Section 6 Approach and Driveway Policy

Paragraph 6.1 Design and Construction

1. All new approaches and driveways to Town 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 installation of drainage facilities.
4. The right-of-way must 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 and shall slope down and away from the shoulder line of the highway for a distance of at least 15 feet with a fall of at least 6 inches
7. Culverts, where deemed necessary by the Town Board, are to be provided by the property owner.
8. Only new concrete, corrugated metal or corrugated plastic shall be used.
9. All culverts shall have aprons and a minimum diameter of 12 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, excluding aggregate base and surfacing materials, and shall have adequate length to achieve 1:4 slopes or flatter.
12. A site permit shall be obtained before the Town Board will consider approach or driveway approval.

Section 7 Minimum Maintenance 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 roads in the Town 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.

Paragraph 7.1 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 busses or mail carriers do routinely use the 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 7.2 Minimum Maintenance Standards

The following maintenance standards shall apply to town roads designated as minimum-maintenance roads, unless the Town Board determines 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 at speeds of 15 mph during fair weather.
3. Road ditches may not be mowed.
4. Snow will only be plowed at Town Board discretion.

Section 8 Dunn Town Roads Inventory