

# *Eureka Township*

*Dakota County*

*State of Minnesota*

## **RESOLUTION NO. 31**

### **A RESOLUTION ESTABLISHING A SNOW AND ICE CONTROL POLICY**

**WHEREAS**, the Town Board (“Board”) of Eureka Township (“Town”) is the road authority and provides maintenance for approximately 39 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 (“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: 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 Town property and personal 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 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 [an independent contractor] for the following services and/or equipment: grading, dust control, ditch mowing, tree removal, gravel hauling, snow and ice removal.

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:

Denmark Ave.(between 255<sup>th</sup> and 280<sup>th</sup>), Essex Ave., Fairgreen Ave., Flagstaff Ave., Grenada Ave., Hamburg Ave., Highview Ave. Iberia Ave., Ipava Ave., Jacquard, Jamaica Ave., Eureka Estates and Rice Lake Heights. 225<sup>th</sup> St. W., 235<sup>th</sup> St. W., 240<sup>th</sup> St. W., 245<sup>th</sup> St. W., 247<sup>th</sup> St. W., 255<sup>th</sup> St. W., 257<sup>th</sup> St. W., 265<sup>th</sup> St. W., 267<sup>th</sup> St. W. (east of Highview Ave.)

- e attached diagram.

## **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, to not snowplow certain minimum-maintenance roads, 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

- Eureka Township has no township roads closed during winter months.

**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:

- Eureka Township has no minimum maintenance roads.

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.

**3. Town Roads Closed in Snow Emergencies:** In snow emergencies the Board will close and barricade roads at 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 winter months may request the Board to

snowplow the road in emergencies or if special circumstances exist. The Board will consider each such request and determine if it has the sufficient resources to accommodate it.

#### **IV. TOWN ROAD SNOWPLOWING PRIORITIES**

In order to provide for the most efficient and effective snowplowing as possible given the Town's limited resources, the Board must determine which town roads will be plowed first. To this end, the Board has placed all the town roads the Town snowplows into three priority categories based on factors such as traffic volume, road function, and the importance of a road to the welfare of the community. The Board has determined that those town roads classified as priority one town roads should be snowplowed first, priority two town roads should be snowplowed second, and priority three town roads should be snowplowed third. A town road may only be snowplowed in the order accorded its priority category except in emergencies as set out in this policy.

**1. Priority One Town Roads:** The following town roads are classified as priority one town roads for snowplowing purposes:

- Denmark Ave
- Highview Ave.

**2. Priority Two Town Roads:** The following town roads are classified as priority two town roads for snowplowing purposes:

- 225<sup>th</sup> St W.
- 235<sup>th</sup> St. W.
- 240<sup>th</sup> St. W.

**3. Priority Three Town Roads:** The following town roads are classified as priority three town roads for snowplowing purposes:

- All other township roads.

#### **V. EMERGENCY RESPONSE VEHICLE 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.

#### **VI. WHEN SNOWPLOWING BEGINS**

The following criteria shall be considered when determining when to begin snow and ice control operations:

- An evaluation of the immediate and anticipated weather conditions.
- The likely effectiveness of operations.
- Safety of employees.
- If an unreasonable risk of damaging equipment exists.
- Snow accumulation of [three] inches or more.
- Sever icy conditions that seriously affect travel.
- Time of snowfall in relationship to heavy use of the roads.

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.

## **VII. WHEN SNOWPLOWING WILL BE DELAYED OR SUSPENDED**

As stated in the policy considerations above, snow and ice control operations will be delayed or suspended if the safety of operators is at risk, conditions pose an unreasonable risk of damaging equipment, or if operations will not be effective because of existing or anticipated conditions.

## **VIII. HOW SNOW WILL BE PLOWED**

Snow will be plowed in a manner as to minimize traffic obstructions. Snow will normally be plowed from the center of the road first. Then snow will be pushed from left to right until at least the main traveled portion of the road has been cleared. On narrow roads, snow may be plowed from one side to the other. Snow will normally be discharged to the sides of the road unless it is determined that the snow should be hauled to another location for storage. Because of limited resources and restrictions on the use of salt, blacktopped roads will not usually be cleared down to bare blacktop. 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.

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.

Snowplowing unavoidably results in snow being deposited on driveways and approaches. Because the Town does not have the resources available to it to clear the ends of driveways and approaches, it is the responsibility of land owners to remove snow from their driveways and approaches.

## **IX. SANDING AND SALTING**

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. Furthermore, the state legislature has imposed the following limitations on the use of salt by road authorities:

“In order to:

- (1) minimize the harmful or corrosive effects of salt or other chemicals upon vehicles, roadways, and vegetation;
- (2) reduce the pollution of waters; and
- (3) reduce the driving hazards resulting from chemicals on windshields;

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.

#### **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.

Adopted this 10<sup>th</sup> day of November, 2003.

BY THE TOWN BOARD

---

Town Board Chair Don Pflaum

Attest: \_\_\_\_\_  
Town Clerk, Nanett Leine