

**SILVER CREEK TOWNSHIP  
WRIGHT COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2018-11-20**

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

**WHEREAS**, the Town Board (“Board”) of Silver Creek Township (“Town”) is the road authority and provides maintenance for approximately 66 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; and

**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 limited maintenance budget, personnel, and equipment available in the town.

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

**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 number and availability of town personnel to engage in these activities; the safety of town personnel; 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. **Personnel & Equipment:** The Town typically has two full-time and one part-time employees available to carry out snow and ice control activities. The Board shall by motion designate a Supervisor to act as a liaison with the Board regarding

snowplowing activities. In exercising their discretion pursuant to this Snow and Ice Control Policy, the Town Liaison shall consult with Brian Opatz.

The Town owns and has available the following items of equipment for snow and ice control: 2 plow trucks, 1 motor grader, 1 loader and 1 pick-up truck with plow

The number and availability of Town personnel and equipment may change over time. These changes may be temporary such as when personnel leave and replacements are hired or while equipment is down for repair, or permanently for budgetary or other reasons.

3. **Safety, Equipment Damage, & Effectiveness:** Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of employees 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 employees 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. Any decision to delay or suspend operations shall be made by the Town Liaison based upon the actual and anticipated weather conditions.
4. **Work Schedule for Snowplow Operators:** Snowplow operators will be expected to work ten-hour shifts. In severe snow emergencies, operators sometime will need to work in excess of ten-hour shifts. However, because of budget and safety concerns, no operator should work more than a twelve-hour shift in any twenty-four hour period. Operators will take a fifteen-minute break every two hours with a half-hour meal break after four hours. After a twelve-hour day, the operators will be replaced if additional qualified personnel are available.
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: See road map attached as Exhibit 1.

## **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 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:** It is not anticipated that any roads will be closed during the winter months. The Board reserves the right to close any Township road as outlined in state statutes.
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. 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: All minimum-maintenance roads located within the Town.

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 make 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 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 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: 148<sup>th</sup> Street aka Truck Stop Road and 127<sup>th</sup> Street from County Road 8 to County Road 111.
2. **Priority Two Town Roads:** The following town roads are classified as priority two town roads for snowplowing purposes: All remaining Town roads not listed as a Priority One road. All such roads shall be plowed in the manner deemed most efficient by the Township's snowplowing personnel.

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

If an emergency services agency requests snow removal to assist emergency vehicles to respond to an emergency situation, reasonable efforts will be made to dispatch necessary personnel and equipment to accommodate the request.

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

The Town Liaison shall determine when to begin snow and ice control operations. The criteria for that decision are:

- 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 on gravel roads and snow accumulation of two inches or more on bituminous roads.
- Severe 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 personnel and equipment. Consequently, operations will normally not begin until the snow has stopped falling or until the required inches of snow has accumulated as outline above.

## **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 Town Liaison determines that the safety of employees 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, the snowplow operator may choose to plow snow from one side to the other. Snow will normally be discharged to the sides of the road unless the snowplow operator determines the snow should be hauled to another location for storage. Because of limitations of budget, equipment, 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 at the discretion of the Town Liaison.

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 landowners 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 the Town Liaison determines it is necessary to keep a road reasonably open and passable. Snow that is hauled 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 snowplow or sand 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 Town 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. 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.

1. **Mailboxes:** The mailbox owner assumes all risk of damage from snowplowing including damage from pushed or piled snow. The only exception is where the mailbox is damaged through direct contact with snowplowing vehicles. If, in the opinion of the Town Liaison or designee, a mailbox was damaged through direct contact with snowplowing vehicles, the Town will repair, replace, or make other arrangements with the owner to correct the damage to the mailbox in an amount not to exceed \$50. The town will not pay to repair or replace any mailbox that does not substantially comply with the standards established by the state, even if they are damaged by direct contact with snowplowing vehicles.
2. **Sod and Landscaping:** The Town assumes no responsibility for damages from snow or ice control operations to sod, trees, or other landscaping materials or vegetation.
3. **Lawn Sprinklers, Lighting, and Personal Property:** The Town assumes no responsibility for damage to aboveground or underground lawn sprinkling systems, exterior lighting systems, or other items of personal property located in a road right-of-way whether by direct or indirect contact with snow or ice control equipment.
4. **Utility Structures:** The Town will only be responsible for damage to utility pedestals, transformers, or other utility structures within the right-of-way that result from direct contact with snow and ice removal equipment provided the structure was marked with a minimum 5 foot identification marker. Town liability will be limited to the actual costs to repair the damages as documented by invoices submitted to the Town by the utility company.
5. **Clearing Snow Around Items Left in Road:** 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.

6. **Damage by Contractors:** The Town shall not be responsible for any damage or injuries caused by independent contractors performing snow or ice control operations for the Town. Any claims of damage must be made directly to the contractor.

#### **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 Town Clerk. The Town Clerk shall inform the board, of complaints, any requests for changes to this policy, or any other request that requires a Board decision to address.

#### **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 by the Town Board of the Town of Silver Creek this 20<sup>th</sup> day of November 2018.

#### **SILVER CREEK TOWNSHIP**

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Mike Ludenia, Chairman  
Silver Creek Township

ATTEST:

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Nancy Betzler, Clerk  
Silver Creek Township