

## STAR LAKE TOWNSHIP RESOLUTION #2012-04

**Dated: December 12, 2012**

**SUBJECT: Township Dust Control Policy**

**WHEREAS**, the Town Board ("Board") of STAR LAKE Township ("Town") is the road authority and provides maintenance for approximately 32 miles of road within the Town;

**WHEREAS**, the Board, as the road authority, has the responsibility to maintain the Town roads, and as such has a vested interest in whatever may be done to Town road surfaces;

**WHEREAS**, it is common knowledge that gravel roads are prone to giving off dust, particularly as daily traffic & dry weather increases, that clouds of dust can be a nuisance for those living nearby, and can affect their quality of life, as well as pose serious safety issues by causing impaired vision for drivers that are navigating these often congested, narrow and sometimes winding rural roads;

**WHEREAS**, many segments of Town road are currently being treated with dust control agents, either by individual property owners or contractors hired by same, and that a variety of dust control agents are being used (some more environmentally friendly than others);

**WHEREAS**, the Board determines it is in the best interests of the Town to develop a policy to regulate how dust control application will be conducted on Town roads considering the limited maintenance budget, personnel, and equipment available to the town, as well as what is in the best interests of the residents, and the potential environmental impact(s);

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby adopts the following as the Dust Control policy for the Town:

- I. **POLICY CONSIDERATIONS** - In developing this policy for how best to undertake Dust 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 lack of any funds available for this activity; the number & availability of town personnel; the equipment needed; and the economic impact of dust control. A further explanation of some of these policy considerations follows:
  - a. **Budgetary:** The Town has no funds available for Dust Control at this time. If the Town were to designate funds for dust control, those funds would need to be determined by the annual Road & Bridge tax levy that is set by the Town electors at the annual Town meeting held in March of each year. The Board has no

direct control over the passage of the tax levy. A proposed levy is submitted to the town electors at the annual Town meeting, but the tax levy is determined solely by a vote of the electors. In the absence of Town funds, the cost of any dust control applied would need to be borne by the affected property owner(s).

i. **Costs.** The cost of Dust Control in 2012 was approximately \$.50 - \$.62 per linear foot. A linear foot in this case is 18 feet wide. Accordingly, the cost for one mile of dust control is approximately \$2,640 (5280 ft. X \$.50). This is using Liquid Magnesium Chloride at a standard application rate of .5 gal./square yard, or Liquid Calcium Chloride at a standard application rate of .3 gal./square yard.

ii. **Economic Impacts.**

1. The incremental cost of dust control application is over & above the current Town budget, and in the absence of an elector approved tax levy for additional funding for this purpose, the costs of dust control would be the responsibility of the benefitting property owner(s). As such, this would be a cost neutral proposition to the Town.
2. However, in a MN Department of Transportation study on “Best Practices for Dust Control on Gravel Roads” published in April 2009, two significant findings were determined:
  - a. The need for grading was reduced by a conservative estimate of 50%. In some test areas, the need for grading decreased by as much as 80%.
  - b. The use of dust control agents stabilizes the road bed and conserves gravel, thereby reducing amount of gravel consumed.
3. These benefits present a cost savings opportunity to the Town. Additional secondary benefits of dust control included greater stabilization of road surfaces in erosion problem areas, reduced wash-boarding, and a smoother harder road surface.

b. **Personnel & Equipment:** The Town has no dust control application equipment and therefore would need to contract any dust control applications. This would provide affected property owners with cost savings in that the Town pays no sales tax, and would likely secure a volume discount that individuals would not normally qualify for.

- c. **Environmental Protection:** Because the Town is concerned about potential negative environmental effects, the Board is interested in controlling what type of dust control agents are used on Town roads, and the amount of chemical applied. The Board will only approve dust control agents and application rates that meet MN DOT standards.
  
- d. **Determination of Dust Control Treatment Areas.** It is the Board's opinion that there are two basic methods to use in determining which road segments are to receive dust control:
  - 1. **Costs Borne by Affected Property Owner(s).** The easiest & arguably the fairest method is to treat those segments of Town roads where residents are willing to pay for it. (Neighboring Townships are already doing this on a cost-sharing basis.) However, at this time the Board is recommending that Affected Property Owners would pay the entire cost of any dust control applied. This would require a payment process to be put into place to insure the Town has full payment prior to contracting for the service.
  
  - 2. **Costs Borne by the Town.** Apply dust control to the following selected areas:
    - a. All Town roads located within a "Rural Residential District" as defined by MN Statute 169.14, subd. 2(a). This is defined as the territory contiguous to and including any town road that is built up with visible dwelling houses situated at intervals averaging less than 300 feet or less for a quarter mile or more. There are approximately 3.5 miles of Town road where this would apply.
  
    - b. Any segment of town road designated as a problem area by the Town Board. These designations would typically be for residences within 100 feet of a busy Town road.
  
  - 3. **Board Determination.** It is the Boards determination at this time that only those roads where property owners are in agreement to

pay for the total cost of dust control application will be approved, see paragraph 1 above. The Board will also require:

- a. That to the greatest extent possible, dust control areas will be continuous, thereby minimizing the need for the grader operator to pick up & put down the blade,
- b. That to the greatest extent possible that entire road sections be done,
- c. That the minimum distance for application be 500 feet and this only with Board approval,

**II. DUST CONTROL PROJECT PROCEDURES -**

- a. Dust Control Projects – Each Dust Control Project must have a Resident Point of Contact (POC).
- b. The POC must notify the Town Board in writing of the exact start & stop points of the project and this notification must be received by April 1<sup>st</sup> of each year,
- c. Start & Stop points must reference nearby 911 address signs or a specific intersection of two roadways, and be clearly flagged. POC should contact the Board for assistance in flagging.
- d. The POC must deliver payment in full to the Town Clerk by no later than May 1<sup>st</sup> of each year,
- e. The Town will coordinate gravel application if needed, and grader operations to insure the roadway is properly prepared for dust control application,

**III. COMPLAINTS & REQUESTS FOR FURTHER SERVICES** – Complaints & requests for further services should be submitted to any Town Supervisor, or mailed to the Town Clerk. The mailing address for the Town is: Star Lake Township, 31317 395<sup>th</sup> St., Dent, MN 56528.

**IV. REVIEW OF POLICY** – The Board will periodically review this policy, taking into consideration any changing conditions in the Town’s circumstances, any complaints received, or contractor/industry changes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Town Board Chair \_\_\_\_\_

Attest: \_\_\_\_\_

Town Clerk