



## AGENDA ITEM #9.4

### REPORT TO CITY COUNCIL

**Report Prepared by: Nancy Malecha**

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**Date:** September 3, 2019

**Subject:** North Sluetter Road Improvement Discussion

**Report:** At the August 6<sup>th</sup> City Council Meeting, the Council moved to provide numbers for North Sluetter Road pavement costs to Jason Murray with David Drown Associates to analyze as part of the City's capital improvement plan. In an effort to provide Mr. Murray with accurate improvement costs for North Sluetter Road as a potential rural road or rustic road, Anderson Brothers was contacted and provided the following information.

- *Rural Road - \$288,419*
- *Rustic Road- \$162,384 (Per MN Statute 160.83, a rustic road must have the following characteristics: outstanding natural features or scenic beauty; an average daily traffic volume of less than 150 vehicles per day; year-round use as a local access road; and maximum allowable speed of 45 miles per hour.)*

*A couple of things that are not included in the pricing:*

- ***Culverts:*** *Should be around \$3,500-\$5,000 each for replacement depending on the size and length.*
- ***Clearing and grubbing:*** *Without doing extensive work in the field I cannot give you a good guess as to where that would come in at. Depending on how many, how big the trees are and how easy they will come down, this could be in the \$5,000-\$10,000 range.*
- ***Ditchwork:*** *Again, without any real extensive work on our end, I have no idea the volume of dirt that would be needed to fill in the slopes to the requirements you had sent. I don't know for sure if there is even enough room to fit in the specs for the rural road which would amount to a fairly*

*substantial increase to the pricing. It could be upwards of \$20,000 or higher depending on what needs to be done.*

- **Topsoil:** *I would assume the city would want all of the slopes covered in 4” of topsoil and then seeded. To stick a number to that, if 5’ were figured on both sides of the road, you’re looking at another \$20,000-\$25,000 depending on how much topsoil was needed and what type of seed was spec’d out.*
- **Utility relocations:** *May or may not need to be done.*
- **Mailboxes:** *May or may not need to be done.*
- **Striping:** *May or may not need to be done.*

*With all of the items listed above that we did not include in the pricing, we would strongly encourage you to get in contact with an engineer to have this project designed as some of the above mentioned items cannot be completed without proper GPS work and design that we simply do not have the capabilities to perform. The rural road in our opinion would need to be designed before we put actual numbers to things and the rustic road is borderline needing that as well.*

Per Jason Murray, by utilizing the above amounts of \$288,419 and \$162,384 these will impact the City’s capital improvement plan by approximately \$36,300 and \$20,500 per year respectively to cover debt payments. This would increase the City’s preliminary levy by 2% and 1% respectively as well.

**Council Action Requested:**

1. Council discussion and direction to Staff.
2. Council motion adopting the Resolution Determining the Legality of a Petition for Local Improvements.

**160.83 RUSTIC ROADS PROGRAM.**

Subdivision 1. **Definition.** A "rustic road" is a road that is not on the state-aid system that has the following characteristics: outstanding natural features or scenic beauty; an average daily traffic volume of less than 150 vehicles per day; year-round use as a local access road; and maximum allowable speed of 45 miles per hour.

Subd. 2. **Local authority.** A road authority other than the commissioner may, by resolution, designate a road or highway under its jurisdiction a rustic road and the road authority may designate the type and character of vehicles that may be operated on the rustic road; designate the road or a portion of the road as a pedestrian way or bicycle way, or both; and establish priority of right-of-way, paint lines, and construct dividers to physically separate vehicular, bicycle, or pedestrian traffic.

Subd. 3. **Joint designation.** Two or more road authorities may jointly designate a rustic road along a common boundary or into or through their jurisdictions. The road authorities may enter into agreements to divide the costs and responsibility for maintaining the rustic road.

Subd. 4. **Costs.** A rustic road must be maintained by the road authority having jurisdiction over the road and is not eligible for state-aid funding. State money must not be spent to construct, reconstruct, maintain, or improve a rustic road.

Subd. 5. **Liability.** (a) A rustic road may be maintained at a level less than the minimum standards required for state-aid highways, roads, and streets, but must be maintained at the level required to serve anticipated traffic volumes. Where a road has been designated by resolution as a rustic road and speed limits have been posted under subdivision 1, the road authority with jurisdiction over the road, and its officers and employees, are exempt from liability for any tort claim for injury to person or property arising from travel on the rustic road related to its maintenance, design, or condition if:

(1) the maintenance, design, or condition is consistent with the anticipated use as described in subdivision 2; and

(2) the maintenance, design, or condition is not grossly negligent.

(b) Nothing in this subdivision exempts a road authority from its duty to maintain bridges under chapter 165 or other applicable law.

**History:** 1991 c 298 art 4 s 3; 1996 c 455 art 3 s 2

**CITY OF PEQUOT LAKES  
RESOLUTION 19-\_\_**

**RESOLUTION DETERMINING THE LEGALITY OF A PETITION  
FOR LOCAL IMPROVEMENTS**

**WHEREAS**, on July 29, 2019, residents of North Sluetter Road, located in the City of Pequot Lakes, submitted a petition requesting that the City make improvements to North Sluetter Road by paving the existing roadbed;

**WHEREAS**, pursuant to Minnesota Statutes, Section 429.031, subd. 1(f), the petition submitted must contain the signatures of the owners of at least thirty-five (35) percent of the frontage property bordering the proposed improvements;

**WHEREAS**, North Sluetter Road is located on the border of the City and Loon Lake Township, resulting in half of the road being under the jurisdiction of the City while the other half is under the jurisdiction of the Township;

**WHEREAS**, seventeen of the twenty-four property owners who own real property abutting on North Sluetter Road, all of which are located in Pequot Lakes, signed the petition;

**WHEREAS**, the seventeen property owners who signed the petition own real property comprising fifty-nine percent (59%) of the entire frontage property bordering the proposed improvements on North Sluetter Road, and comprising of seventy-one percent (71%) of the frontage property bordering the proposed improvements within the City limits;

**WHEREAS**, North Sluetter Road is under the jurisdiction of both the City and the Township, which results in any alterations proposed to North Sluetter Road being governed, in addition to other applicable laws, by Minnesota Statutes, Section 164.14;

**WHEREAS**, the property owners who submitted the petition have expressed that they will not accept any special assessments for the proposed improvements to be done to North Sluetter Road;

**WHEREAS**, the City Council, in receiving the petition for improvements, wishes to address said petition.

**NOW, THEREFORE**, the Pequot Lakes City Council, based facts and circumstances above-described, does hereby resolve that:

1. The petition requesting improvements to North Sluetter Road is legally sufficient under Minnesota Statutes, Section 429.035.
2. Notwithstanding the legal sufficiency of such petition, due to the petitioners' refusal to pay any special assessments for the proposed improvements, the proposed

improvements will not be included in the projects to be financed by the City in 2019, 2020 or 2021.

Adopted by the City Council of the City of Pequot Lakes this 3<sup>rd</sup> day of September, 2019.

ATTEST:

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James Tayloe  
Mayor

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Nancy Malecha  
City Administrator