

CITY OF BREEZY POINT  
ROAD IMPROVEMENT AND ASSESSMENT POLICY

PURPOSE: A written policy is needed in order to provide uniform and consistent action for road maintenance, improvements and assessment practices. This policy is accepted by council motion and can be modified by council motion as necessity may dictate.

**PART I - DEFINITIONS**

COLLECTOR ROAD: Roads that collect local roads and provide for the movement of people and commodities to county roads. Also referred to as thoroughfares.

LOCAL ROADS: Roads that have a primary function of providing access to property.

SPECIAL ASSESSMENT: An assessment to specific benefited properties of an improvement.

MINIMUM MAINTENANCE ROAD: Local roads dedicated as city road by plat but not meeting minimum standards of an improved road.

FULL DEPTH RECONSTRUCTION: Full removal of the existing street infrastructure, including bituminous and underlying base materials and replacing with new base. This method may include improvements to underlying utilities.

FULL DEPTH RECLAMATION: Reclamation of the existing pavement and base materials in place to create a new, stabilized base layer. This recycled material is then compacted and overlaid with new asphalt or concrete.

~~MAJOR REHABILITATION: An improvement of any road which may include ditching, reconstruction of road bed, Class V, and bituminous surfacing or any combination thereof.~~

MILL AND OVERLAY: The removal of the top portion of bituminous and replacement of a new mat of bituminous.

BASIC OVERLAY: Overlay of existing bituminous roads with adequate drainage and requiring no engineering

MINNESOTA STATE STATUE CHAPTER 429: refers to the State of Minnesota's guidelines that allow for municipal organizations to levy special assessments.

## PART II - ROAD CLASSIFICATIONS

### A. Collector Roads

- a. Buschmann Road
- b. Dove Street (Hwy 4 to Ranchette
- c. Ranchette S.
- d. Ranchette N.
- e. Thrane Drive
- f. Ski Chalet Drive

### B. Local Roads: All dedicated roads not listed above under the control of the city

1. Minimum Maintenance (Attached as Exhibit A)
2. All Local Roads not classified as Minimum Maintenance

## PART III - ROAD MAINTENANCE

- A. Collector Roads and Local Roads are City roads and will be maintained by the City including grading, minor repair, minor ditching, mowing, brushing, and snow plowing unless classified as Minimum Maintenance.
- B. Minimum Maintenance Roads will be inspected annually by the City and will be placed on a rotating maintenance schedule. No snow removal will be provided.
- C. All snow plowing will be done in accordance with the City's snow removal policy.
- D. Shared Roads with Ideal Township:
  1. Bushmann Road - Breezy Point responsibility - summer and winter maintenance. Shared portion of roadway, 0.5 miles, Ideal portion of 0.2 miles winter maintenance.
  2. Wild Turkey Trail -Breezy Point - Winter responsibility
  3. Ossawinnamakee Road - Ideal Township responsibility - summer and winter maintenance, 0.7 miles.
  4. Forest Knolls Road - Ideal Township responsibility - summer and winter maintenance. 0.1 miles.
  5. Graf Road - Ideal Township responsibility - summer and winter maintenance. 0.1 miles.
  6. Sunset Strip - Ideal Township responsibility - winter maintenance. 0.2 miles.
  7. Winter maintenance is defined as plowing and sanding.
  8. Summer Maintenance is defined as mowing and minor pot holes repairs.
  9. Minor repairs includes pot hole or shouldering repairs to be done by each

entity.

10. Repairs by joint agreement to be shared for road surfacing and shoulders to be done in proportion to road ownership.

E. Shared Roads with Pelican Township:

1. Thrane Drive is the responsibility of Breezy Point to maintain and upgrade as per an annexation agreement.

**PART IV - MAJOR REHABILITATION POLICY**

It is the policy of the City to respond to growing demand for road improvements. Such improvements shall be determined by the City Council either by Council initiation or by petition of property owners.

A. Action needed to start improvement.

1. City Council Initiated
2. Public safety concerns (initiated by City Council)
3. Petition from a minimum of 70% of the frontage signed by property owners

B. Target area for bituminous surfacing.

1. Collector Roads.
2. Improvements that can be made as part of a sewer improvement project.
3. Local roads previously improved by municipal sewer.
4. Local roads not anticipated to be served by municipal sewer but that have experienced significant growth.

C. Design Standards

1. The Road Improvement Standards adopted by the city July 1, 2013 provides for, among other requirements, a minimum 24 foot bituminous mat for collector roads and a 22 foot bituminous mat for local roads assuming a 66 foot wide right-of-way.
2. A deviation from minimum standards may be considered when:
  - a. Road right-of-ways are less than 66 feet.
  - b. Existing conditions indicate an alternate design.
  - c. Limitations exist with the existing right-of-way such as wetlands, OHW, or other topographic features.
3. Improvements to unimproved or partially unimproved roadways will include the entire length of the right-of-way from intersection to intersection or end of right-of-way. Where limitations exist due to topography, soil conditions, wetlands, city financing, extent of sewer main installation or other impediment this requirement may be waived.

4. The use of an Overlay or Mill and Overlay shall be dependent on adequate roadway base, drainage and will be confined to the current roadway width.

## **PART V: FINANCING OF IMPROVEMENTS**

### **A. Roadway Improvements and Repairs Not to be Assessed**

1. Collector roads are deemed to benefit the community as a whole and the property owners equally and will be assessed against the General Fund of the City.

### **B. Roadway Improvement and Repairs Special Assessments**

1. All roadway surface improvement projects that involve the removal or replacement of any portion of the existing road surface shall be subject to special assessments. The following cost-share structure shall apply based on the type of project undertaken.
  - a. Full Depth Reconstruction projects shall have an assessable rate of 50% of the total project cost to the benefitting properties.
    - i. The special assessment is not to exceed \$10,000 unless otherwise approved by the City Council.
  - b. Full Depth Reclamation or Major Rehabilitation projects shall have an assessable rate of 50% of the total cost to the benefitted properties.
    - i. The special assessment is not to exceed \$7,000 unless otherwise approved by the City Council.
  - c. Overlay or Mill and Overlay projects shall have an assessable rate of 25% of the total cost to the benefitted property owners.
    - i. The special assessment is not to exceed \$4,000 unless otherwise approved by the City Council.

### **C. Benefit Appraisal**

1. A benefit appraisal may be obtained to establish a benefit range for each a roadway improvement project. The purpose of an appraisal is to help ensure that the amount assessed does not exceed the actual benefit to the property.

### **D. Exemptions**

1. Projects exempt from this assessment policy include, but are not limited to: seal coating, crack sealing, spot curb repair, or any other normal road surface maintenance. Special Assessments shall be levied in accordance with Minnesota State Statute Chapter 429 which provides City Council control over the final levied assessments.
2. In cases where public utility oversize is required to meet broader system needs, the City shall bear the cost of the oversizing component.

**D. New Roadway and Utility Construction Special Assessments:** All new roadway and utility construction projects that result in the creation of new public infrastructure shall be 100% assessable to the abutting property owners or paid by the developer pursuant to a development agreement. Special assessments shall be levied in accordance with Minnesota Statute Chapter 429

- i. ~~Local Roads are deemed to benefit specific property owners and will be assessed to the owners per Minnesota Statute 429. Local Roads that will be upgraded from bituminous to bituminous will be assessed 50% to property owners and 50% by the city if the improvement is accomplished within 15 years of construction. These improvements would include reconstruction and overlays. Major rehabilitation projects for roads in excess of 15 years old will be assessed entirely to the benefited property owners however some consideration will be given to cost sharing for overlay types of projects.~~

**D-E. Special Assessment Terms**

1. The term of the assessments and interest rate shall be set by the city council. Assessments will be determined on a per building site basis according to current zoning ordinances and will include all properties that benefit from the improvement.
2. Properties abutting more than one road (i.e. corner lot, double frontage or triple frontage lots) will be assessed a full assessment on the first improved roadway and one/half assessment on the second improved roadway. An additional assessment for a third roadway will not be imposed.
3. Benefited non-abutting properties may be assessed on a per lot basis if such property abuts a dead-end private road which opens onto the project road.

**F. Life of Improvements** - Roadways shall have an expected service life of fifteen years. Reconstruction of assessed improvements, which have reached or exceeded the expected service life, shall be eligible for new assessments.

**E. Deferred Payments –**

Unimproved parcels will be assessed in the same manner as improved parcels under this policy. Should multiple parcels be under the same ownership that are eligible for the assessment, the owner may choose to defer any assessments, beyond the first assessment, on any unimproved parcels. A property owner seeking deferral under this section for an unimproved parcel must request the deferral within 14 days following the Council's adoption of the assessment.

The assessments shall be deferred with a (2.5%) annual interest for a period not to exceed seven years. After the expiration of the deferred assessment, the deferred assessment will be collected as a special assessment at the original assessment interest rate applied to the adjacent Improved Parcel receiving the assessment initially. The term of the assessment

shall be for the same duration as the Improved Parcel, with the term starting at the expiration of the deferral. (For example, if the assessment on the Improved Parcel was certified for a period of 15 years, the deferred assessment on an adjacent undeveloped parcel with the same ownership would be deferred for up to seven (7) years, assuming it remains undeveloped and the ownership of both lots remains unchanged. Beginning in year 8, the balance of the deferred assessment will be collected as a special assessment for the next 15 years).

If an undeveloped parcel is sold or a building permit is issued for the parcel prior to the expiration of the deferment period, the assessment is no longer deferred. The property owner would have the ability to make payment in full or start the assessment process identified above.

Commented [AP1]: Revised in 2019

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~~B. The City through the Public Works Supervisor, City Administrator, City Engineer and/or City Attorney make determinations whether or not to order appraisals and in what circumstances. Circumstances to be used in that determination will be based upon, but not exclusively, the amount of the assessments involved, the nature or use of the property to be assessed and any unusual characteristics of either the property to be assessed or the project.~~

**C.G. Deviation or Modification of this Policy.**

The apportionment of the cost between benefited property and the City at large, and the particular method of levying assessments prescribed in this policy shall be followed in each case unless the Council, by Resolution, finds that because of special circumstances stated in the Resolution, a different policy, a modified policy, or a combination of sections of the policy is necessary or desirable in a particular case. The Resolution shall specifically describe deviations or modifications from the policy and the rationale for the change in assessment. Implementation of the City Assessment policy and any modification by Resolution shall result in an equitable assessment that shall not exceed the benefit to affected properties.

Amended November 7, 2016

Update 2017 – History

Amended June 3, 2019

## PART VI - HISTORICAL

2014 - Whitebirch Drive and Creek Circle. Sanitary sewer, paving and trunk sanitary sewer line across golf course to Lift Station #6. Trunk sewer line paid for with Sewer Capital Funds. Sewer main and paving on a per unit cost of \$8,183.36. Assessments paid are returned to the Sewer Capital Fund.

2015 - Snowman Circle and Thrane Drive. Paving assessment was on a per unit basis of \$7,784.63 and comer lots were at 50% or \$3,892.32. Standard width was reduced for cul-de-sac to match existing roadway footprint. Construction financed with General Fund revenue, assessments repaid to General Fund and pledged to future roadway improvements.

2016 - Winter Trail and Scenic Overlook. Paving assessment was on a per unit basis. Winter Trail was \$4,734.16 and Scenic Overlook was at \$3,550.35.

Corner lots were all at 100% as it was the first side of paving. The existing standard was reduced to match existing roadway width. The project is a continuation of a half paved roadway that was paved 20 feet wide. Construction financed with General Fund revenue, assessments repaid to General Fund and pledged to future roadway improvements.

2017 - Whitebirch 6<sup>th</sup> Addition. Paving assessment was on a per unit basis for the subdivision as a whole. The roads paved included Aztec Circle, Pawnee Circle, Zuni Circle, Pima Circle and Navaho Trail. Pawnee Circle had an extreme slope making it difficult to maintain and was cut down at city expense, not included in the overall assessment. Corner lots received a unit and a half assessment (\$5,616.14) within the subdivision. Corner lots *off Dove* Street and Ranchette Drive received a half unit assessment (\$1,872.95). Multiple lots owned by one property owner were charged for each lot as remaining lots are buildable. One property with two lots and home built in the center of the two were charged only one assessment. A full assessment was \$3,744.09. Project was financed using existing revenues at 4.25% over 15 years.

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[Update 2017 – History](#)

[Amended June 3, 2019](#)

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