

**POLICY FOR THE PROVISION OF ROAD AND BRIDGE  
EQUIPMENT, LABOR, SERVICES AND MATERIALS**

ITASCA COUNTY BOARD OF COMMISSIONERS

Effective Date:

Policy Number: 1-89

Number of Pages: 9

CONSIDERATIONS

WHEREAS, from time to time requests are made to the Itasca County Board of Commissioners and the Itasca County Engineer's Department concerning the use of Road and Bridge equipment, labor, services and materials;

WHEREAS, the authority to honor such requests is limited by law; and

WHEREAS, there may be limits other than legal limitations which affect the discretion of the County Board or the Engineer to honor such requests including, but not limited to: (1) existing commitments and operations; (2) financial limitations; (3) available manpower; (4) existing and projected needs of the County Board and the County Road & Bridge Department; (5) governmental liability concerns; (6) resources and means of the person or entity making the request; (7) nature and degree that County taxpayers will be benefited; and, (8) adverse economic consequences to private contractors and providers of equipment, materials, services and labor; and,

WHEREAS, it is the desire and intent of the County Board and Engineer to form a written policy in harmony with applicable law and reflecting relevant limitations with regard to responding to such requests; and

WHEREAS, it is intent and desire of the County Board and Engineer that such policy serve exclusively to provide guidelines concerning the internal operations of the Itasca County Board and Engineer with regard to such requests, and that nothing in such policy shall entitle any individual, person, government unit, partnership, corporation, joint venture or other legal entity of any nature whatsoever to expect, claim or demand as a matter of right that his/her/its request hereunder be honored, approved or accepted.

NOW THEREFORE, the Itasca County Board and the Itasca County

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Engineer hereby adopt the following:  
INTERNAL POLICY

I. DEFINITIONS.

1-1 ATTORNEY: Means Itasca County Attorney.

1-2 COSTS: With regard to equipment, costs refers to the fair rental value of the particular type of equipment utilized in conjunction with a project pursuant to the rental schedule of costs as the same may be revised by the County Board. With regard to labor and services, costs refers to actual wages and expenses for all labor and/or services utilized to perform a project in whole or in part together with a 35% overhead fee. With regard to materials, costs refers to actual costs incurred by the County with respect to those materials purchased by the County, together with a 10% handling charge. With regard to all other materials such as sand, rock, gravel, class 5 and other materials, costs refer to the retail market value thereof as established by a schedule of costs approved by the County Board.

1-3 COUNTY: Refers to County of Itasca.

1-4 COUNTY BOARD: Means Itasca County Board of Commissioners.

1-5 DEPARTMENT: A department of Itasca County or other County owned facility, e.g. Zoning Department, Solid Waste Department, Land Department, Sheriff's Department, County-owned airports and County-owned fairgrounds.

1-6 ENGINEER: Itasca County Engineer or designee.

1-7 EQUIPMENT: Refers to tools, machines, motor vehicles, bulldozers, trucks, graders, loaders, highway surfacing machinery and any other light or heavy machines owned by, leased or otherwise in the possession and control of the County.

1-8 LABOR: Refers to manpower by employees of the County Road and Bridge Department necessary to perform a project, in whole or in part.

1-9 MATERIALS: Refers to personal property of the County which includes, but is not limited to, sand, gravel, class 5, culverts, traffic control devices, gasoline, diesel fuel

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and other oils and petroleums necessary for completion of a project in whole or in part.

1-10 MUNICIPALITY: An incorporated city within the County.

1-11 NON-PROFIT CORPORATION: A bona fide tax exempt legal entity with whom express statutory authority exists enabling the County to contract with, or otherwise carry out, a specified project. See for example Minn. Stat. 471.15-17.

1-12 PERSON: Means a natural individual.

1-13 PRIVATE ROAD: A drive owned by or otherwise subject to the authority and control of private individual(s).

1-14 PROJECT: Refers to an activity requiring utilization in some degree of the County's equipment, labor, services or materials, or any combination thereof.

1-15 PROJECT APPLICATION: A written form by which requests for projects are to be made. At a minimum the project application must identify (1) name, address, work and home phone #s of the applicant; (2) location of proposed project (legal description preferred); (3) identification of public highways and private roads within 500' of proposed project; (4) description of the proposed project; (5) a sketch or detailed and scaled specification of the proposed project as necessary in the judgment of the Engineer or County; (6) the nature and best estimates of the request concerning equipment, labor, services and materials requested; (7) the identity of the landowner(s) if other than the applicant; (8) certification by the applicant that all required state, federal and local permits have been procured and requiring evidence/compliance therewith; (9) signature of applicant and such other data deemed necessary by the Engineer; (10) a provision that the applicant certifies that he is the landowner where the project is to be undertaken, or that he is the authorized agent of the landowner acting within the scope of his agency with the landowner in making this application; (11) the project application shall contain an administrative section to be completed by the Engineer which shall, at a minimum, state his/her agreement or disagreement with the estimates concerning equipment, labor, services and materials requested; state the basis of any such disagreement; compute and set forth the costs to be charged the applicant using the Engineer's estimates and the costs specified herein; and state whether the County's equipment, labor, services or

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materials are available and/or sufficient to accommodate the request.

1-16 PUBLIC HIGHWAY: A highway open to public travel by motor vehicle which is subject to the authority and jurisdiction of the Federal Government, State, County or of a Township.

1-17 SALE: Refers to the sale of materials where no labor, equipment or services will be associated with the transaction. As used herein, "sale" shall not be deemed a "project".

1-18 SERVICES: Refers to professional services, such as engineering, surveying, designing or legal performed by employees of the County in conjunction with a project.

1-19 SPECIAL CONDITIONS: Such terms or conditions imposed as a condition of project application approval and which may vary from application to application and which include, but are not limited to, (1) agreement by applicant and/or landowner to defend and indemnify the County for losses proximately caused by the project, including losses arising before, during and after project completion; (2) procurement of insurance which names the County as a co-insured with specified policy limits and providing specified coverages; and (3) conditions pertaining to the nature of the project and the manner and time of the performance of the project.

1-20 USED MATERIALS: Refers to materials in a used state, and further determined by the Engineer to be of no further utility to the Court. At the inception of this Policy, used materials shall consist of used culverts.

II. GENERAL PROVISIONS

2-1. No project shall be commenced absent the requirements of this Policy.

2-2. All requests for a project shall be made by completing a project application and by filing or mailing the same to the Engineer.

2-3. All requests for sales shall be made by completing a "sales application" and agreement by the applicant to abide by the terms and conditions of the sales permit, the format of said permit to be approved by the County Board.

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2-4. All payments for projects made to the Engineer shall be credited to the Itasca County Road and Bridge Fund.

2-5. CARTWAYS. The Itasca County Cartways Ordinance shall govern cartway petitions as provided therein and this Policy shall not govern or apply to such petitions.

2-6. IMPASSABLE ROADS. Complaints made pursuant to Minn. Stat. 163.16 shall be governed by the procedures and requirements of said statute, not this Policy.

2-7. SNOWPLOWING CONTRACTS: Snowplowing contracts for private roads pursuant to Minn. Stat. 160.21, Subd. 3 shall not be governed by the provisions of this Policy, but rather are governed by the separate Road and Bridge Department Policy on this subject.

2-8. County Road and Bridge equipment utilized to perform a project shall be operated by employees of the County Road and Bridge Department.

2-9. County employees performing work to carry out a project duly approved in accordance with this Policy shall be considered employees of the Itasca County Road and Bridge Department for purposes of General Liability and Workers Compensation.

2-10. Except as provided in Sections 5-1, Parts A, G and I, neither new material shall be sold, nor labor provided to individuals for private use.

2-11. Subject to the prohibitions of Minn. Stat. 382.18 (quoted below), and any other limitation of law, see Minn. Stat. 471.345 BID LAW, sales of used materials may be made to private individuals for private use. A written record shall be kept and maintained with respect to all sales of used materials pursuant to this Section, which record shall identify the private individual, his/ her address, the date of sale, the used material sold and the consideration paid. The amount of consideration to be paid for used materials pursuant to this Section shall be determined by the Engineer using his/her best judgment concerning the fair value of the material in view of the type, age, quality, condition and any other relevant factor bearing upon the fair value of said material. CAVEAT: Minn. Stat. 382.16 provides: No county official, or deputy or clerk or employee of such official; and no commissioner for tax forfeited lands or commissioner's assistants, shall be directly or indirectly

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interested in any contract, work, labor or business to which the county is a party or in which it is or may be interested or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price or expense is payable from the county treasury. Any violation of the provisions of this Section shall be a gross misdemeanor.

III. ENGINEER: ADMINISTRATIVE RESPONSIBILITIES

3-1. The Engineer shall take, receive and process applications for projects pursuant to this Policy.

3-2. Except as expressly delegated to the Engineer pursuant to Section V of this Policy, the Engineer shall refer all completed applications to the County Board and said referral shall contain the recommendation of the Engineer and the basis thereof.

3-3. With respect to applications for projects submitted by Federal or State agencies, municipalities, townships, other counties, nonprofit corporations or other legal entities or persons, the Engineer shall either verify or require satisfactory evidence which verifies the authority of the person making application to bind his/her principal to the project request and the payment therefore prior to the time the Engineer refers the application to the County Board, and if the project is subject to Section V, prior to approval by the Engineer. See Minn. Stat. 164.03, Subd. 2 (Townships- - Necessary Authorization).

3-4. The Engineer in all cases shall verify or require satisfactory evidence that the applicant is the landowner, or the landowner's agent and thus acting within the scope of his agency in making said application.

3-5. The Engineer, in his/her discretion or as may be directed by the County Board, may make site inspections of project sites.

3-6. The Engineer may refer legal questions to the Attorney by written referral identifying the issues to be addressed together with relevant background.

3-7. The Engineer shall keep and maintain appropriate records of project applications and related materials.

3-8. The Engineer's designee(s) as used in this Policy,

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shall be appointed by the Engineer.

IV. COUNTY BOARD.

4-1. Except as otherwise expressly delegated to the Engineer pursuant to Section V of this Policy, the County Board shall possess exclusive and final discretion to grant or deny, in whole or in part, with or without special conditions, any project application for any and no reason whatsoever except that such decision shall not be premised in any degree upon the applicant's or landowner's race, color, religion, sex, national origin, age, handicap, political affiliation or beliefs.

4-2. The County Board shall determine the amount, time and manner by which the costs of the project are to be paid as a condition of project approval, and such determination shall be reduced to writing and mailed by first class mail to the applicant.

4-3. Determinations to approve project requests in whole or in part with or without special conditions shall be made by a majority vote of a quorum of the County Board and shall be reduced to writing expressly identifying the scope of the project, all special conditions, with the same mailed by first class mail to the applicant, preferably along with the notice of Section 4-2.

4-4. The County Board may refer project applications to the Engineer for further study, reports and recommendations.

4-5. The County Board may refer legal questions to the Attorney, by written referral identifying the issues to be addressed, together with relevant background.

4-6. Nothing herein shall limit the authority of the County Board as conferred by law.

4-7. The County Board may, by so specifying, exempt certain projects from the requirements of this Policy, provided that nothing in this paragraph nor Policy shall authorize exemption from any, requirement or limitation imposed by law including, but not limited to, Minn. Stat. 375.21; Minn. Stat. 471.345 (Bid Statutes); and Minn. Stat. 163.01 et seq (County Highway Statutes), and particularly Mann. Stats. 163.03, .04 and 05 (Road and Bridge Fund statutes).

V. DELEGATION TO ENGINEER.

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5-1. Authority is hereby expressly conferred to the Engineer to exercise exclusive and final discretion to grant or deny, in whole or in part, and to impose special conditions concerning the following project applications:

- A. Culverts and culvert installation when necessary to obtain public highway access.
- B. Snowplowing contracts of public highways of a duration not exceeding a combined winter season, provided said contract is made pursuant to the written contract format approved by the County Board.
- C. Grading contracts of public highways of a duration not exceeding a single spring/summer/fall season provided said contract is made pursuant to the written contract format approved by the County Board.
- D. Repair of public highways, provided that the aggregate cost of equipment, services, labor and materials necessary, with regard to each separately numbered public highway in any twelve month period commencing January 1 of each calendar year does not exceed the sum of \$5,000.00.
- E. Contracts for repairing, cleaning out, deepening, widening and improving public highway ditches pursuant to Minn. Stat. 160.201 provided the aggregate cost of equipment, labor, services or materials does not exceed \$5,000.00 for a single season for each separately numbered public highway. Provided further that alterations or changes of any public ditch system within the meaning of Minn. Stat. 163.17 shall be governed by the procedures of that Section and not this Policy.
- F. Contracts for mowing projects of right-of-way of public highways pursuant to Minn. Stat. 160.232 provided the aggregate cost of equipment, labor, services or materials does not exceed the sum of \$5,000.00 for each separately numbered highway in a single season.
- G. Contracts for a project involving the provision and erection of Resort Information Signs pursuant to



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Minn. Stat. 160.283-285 provided the aggregate cost of equipment, labor, services or materials does not exceed \$5,000.00 for each project.

- H. County Department projects provided that the project will not unduly interfere or delay Highway Department functions and further provided that all such costs be credited to the Road and Bridge Fund biannually.
- I. Notwithstanding Section 2-10, and subject to the prohibitions of Minn. Stat. 382.16 pit runs to procure unprocessed aggregate, including private use pit runs by individuals in an amount not to exceed the maximum established by the County Engineer. Pit runs pursuant to this Section shall not be deemed a "project". Permits will not be required under this Section for those small amounts loaded by hand. A processing fee of \$5.00 shall be collected prior to any pit run pursuant to this Section, with said fee credited to the Road and Bridge Fund. There shall be kept and maintained by the Engineer a written record of the names and addresses of pit run permittees, dates and locations of pit runs under this Section. This Policy does not include pits on tax-forfeited properties managed by the Itasca County Land Commissioner.

APPROVED THIS 8th DAY OF August , 1989 BY THE ITASCA COUNTY BOARD OF COMMISSIONERS.

AYES:   5   NAYES:   0  

ATTEST:

[Doug Carpenter]

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Douglas Carpenter, Chairperson  
Itasca County Board of Commissioners

[Robert R. Olson]

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Robert R. Olson, Clerk  
Itasca County Board of Commissioners

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Dated: August 8, 1989

[G. LeRoy Engstrom Jr.]

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Lee Engstrom  
Itasca County Engineer

## ITASCA COUNTY TRANSPORTATION DEPARTMENT

### Rates for Snowplowing & Grading Services

#### TOWNSHIPS, CITIES & GOVERNMENT ENTITIES

Service	2004 Rates	2005 Rates	2006 Rates	2007 Rates
<b>Snowplowing</b> Per Mile/Per Season	\$350.00	\$420.00	\$500.00	\$600.00
<b>Summer Grading</b> Gravel Roads Cost per Mile	\$350.00	\$420.00	\$500.00	\$600.00
	Same as Past years	(One Trip per month Option)		
<b>Summer Grading</b> Gravel Roads Cost per Mile		\$840.00	\$1,000.00	\$1,200.00
		(Two Trips per Month Option)		

#### PRIVATE CITIZEN DRIVEWAYS (not in Municipalities)

<b>Widening Service</b> Snowbanks Cost Per Trip	\$60.00	\$75.00	\$90.00	\$110.00
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<b>Summer Grading</b> Cost Per Trip	\$60.00	\$75.00	\$90.00	\$110.00
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<b>Snowplowing</b> Rates are Per Season	Regular 2004 Rates	65+ 2004 Rates
<b>Filing Fee:</b> Plus rate below	\$15.00	\$15.00

<u>Driveway Length:</u>	
1/4 Mile or Less	\$200.00                      \$110.00
Over 1/4 to 1/2 Mile	\$280.00                      \$147.50
Over 1/2 to 3/4 Mile	\$350.00                      \$185.00
Over 3/4 to 1 Mile	\$430.00                      \$225.50
Over 1 Mile	\$430.00                      \$225.50                      +

+ Plus \$75.00 per 1/4 Mile Increment

+ Plus \$41.25 per 1/4 Mile Increment