

October 8, 2013

### NINETEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on October 8th, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Dan Kletke of St. John Lutheran Church.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

#### APPROVAL OF AGENDA

**Commissioner Norden** moved to approve the agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

#### CONSENT AGENDA

**Commissioner Bell** noted the scheduling of three Public Hearings for November 12, 2013. The first is a request for a Special Review Use for AT&T Cell Tower in Texas Creek. The second is a request for a Zone Change for the McDermott property. The third is for a Commercial Development Plan for Pikes Peak Motor Company.

**Commissioner Payne** moved to approve the consent agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

#### ADMINISTRATIVE/INFORMATIONAL

##### 1. Administrative and Elected Officials:

**County Clerk Barr** gave her report for September 2013. The total collected was \$841,184.61 of which the County kept \$415,584.90 for disbursement. This is \$21,953.49 more than September 2012.

**Commissioner Norden** moved to accept the County Clerk's Report for September 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

**Commissioner Norden** thanked Colorado Correctional Industries and Steve Smith for the new chairs. The chairs are for the Board of Commissioners and replace chairs that were over 50 years old.

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**Tony Adamic** said the crews are still assessing the damage to roads and bridges from the floods. They had met with FEMA last week and are not sure if the County will meet the \$160,000 threshold to receive financial assistance. The four major projects are County Road #77, County Road #132, Cedar Avenue, and Four Mile Lane. Commissioner Norden said FEMA met with the private sector for flood damage and reported nine homes had minor damage, eight homes had major damage, one business had minor damage and five businesses had major damage.

**Commissioner Bell** said the Penrose Apple Day celebration the past weekend was a great success.

**Commissioner Payne** noted the County did not purchase the chairs, they are on permanent loan from CCI.

## 2. Citizens Not Scheduled:

**Ed Whitcraft** is a concerned citizen and asked the Board about the proposed sales tax for the Sheriff's Department. He is concerned if the tax increase is passed, the current dollar amount of the Sheriff's budget will be taken away.

**Commissioner Norden** said the Sheriff's budget has a base funding level of \$3,900,000. The Sheriff's budget request was cut by \$400,000 not the actual budget. In past years money has been transferred from other funds into the Sheriff's budget above the \$3,900,000. It has been discussed that if the tax increase is approved the Sheriff would repay those additional funds over several years.

**Commissioner Bell** said the Citizens are welcome to attend the Budget Hearing every year and can see where the money will be spent.

## OLD BUSINESS

1. Cotopaxi RE-3 School Superintendent Randy Bohlander and volunteer Donna Buss to report on the details of the security project in Cotopaxi Schools. The Board of Commissioners approved a \$5,000 expenditure from the Conservation trust Fund (lottery fund) two weeks ago as part of efforts to assist local governments.

**Randy Bohlander** thanked the Commissioners for the \$5,000 donation and it will be used toward a security system for the school. They are currently in the bidding process for the new security system. Two volunteers, Donna Buss, and Nancy Hahn, have raised \$16,300 over the past year to aid in the cost of the system.

## NEW BUSINESS

1. Consideration of a Resolution proclaiming Delores Comstock Day in Fremont County – October 8, 2013.

**Commissioner Bell** read the Resolution. The Commissioners presented a plaque and the Resolution to Delores Comstock.

**Delores Comstock** thanked the Commissioners for the honor. She is pleased to have worked with so many young people through 4-H over the years.

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**Commissioner Norden** moved to approve Resolution #42 proclaiming Delores Comstock Day in Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #42 is attached.

2. Consideration of a Proclamation of 4-H Week in Fremont County – October 7<sup>th</sup> through October 13<sup>th</sup>, 2013. Representative: Verla Noakes, 4-H Youth Development Extension Agent.

**Verla Noakes** said this is an annual celebration and discussed all of the activities that will take place this week. The 4-H Open House was held with many people in attendance.

**County Attorney Jackson** read the Proclamation for the record.

**Commissioner Norden** moved to approve the Proclamation for 4-H Week in Fremont County. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Consideration of the 2014 Holiday Schedule. Representative: George Sugars, County Manager.

**County Manager Sugars** explained the 2014 Holiday Schedule will be the same observance of holidays as the 2013 schedule. There are two schedules, one for 8 hour per day employees, and one for 10 hour per day employees. The schedules will be posted on the website once they are approved.

**Commissioner Payne** moved to approve the 2014 Holiday Schedule for Fremont County Employees. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried.

#### **PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.**

1. Consideration of proposed amendments to the Fremont County Street Cut Regulations. Representative: Tony Adamic, Fremont County Department of Transportation.

**Chairman Bell** opened the Public Hearing at 10:06 A.M.

**Tony Adamic**, explained the request. There have been issues with street cuts being open for three to four months before being finished. The amendment would require flowable fill to be used for temporary repairs. It will require the applicant to repair the street cut within 30 days or else be fined. During the winter months the flowable fill will be allowed as a hot mix will not be available. Citizens often call and complain about the condition of the roads where the street cuts are located. Notice of this hearing was published in the Daily Record.

**Jimmy Zeleziznikar** said the penalty will motivate the applicant to complete the street cut in a timely manner. This is imperative to properly maintain the roads and save the County money. If approved, the amendment will take effect on November 1, 2013.

**Public Comments:** None.

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**Chairman Bell** closed the Public Hearing at 10:15 A.M.

**Commissioner Norden** moved to approve Resolution #43 an Amendment to the Fremont County Street Cut Regulations. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #43 is attached.

**Chairman Bell** adjourned the meeting at 10:17 A.M.

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Clerk and Recorder

October 8, 2013

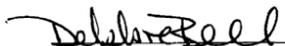
Resolution #42

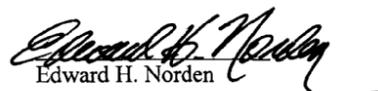


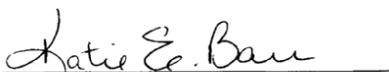
## Resolution

- Whereas,** *Since 1964 Delores Comstock has been a 4-H club and project leader; and*
- Whereas,** *She guided thousands of Fremont County 4-H youth to develop leadership, citizenship, responsibility, and life skills; and*
- Whereas,** *She helped lead and nurture hundreds of families, including multi-generational families, through the 4-H program; and*
- Whereas,** *For more than fifty years, Delores has worked with the Fremont County Fair Board serving in a variety of roles; and*
- Whereas,** *Delores has served as president of the Fremont County Fair Board for twenty years, guiding the Board to make wise decisions about the fair; and*
- Whereas,** *While accomplishing monumental tasks within the 4-H program and the Fremont County Fair, she earned a college degree, maintained a successful marriage to Gene Comstock, raised children Randy and Tami Comstock, became a treasured mother-in-law to Sarah and special grandmother to Grace and Rachel, and was employed in the Cañon City School District; and*
- Whereas,** *She exemplifies the 4-H Motto, "To Make the Best Better," by continuing to make our community better for more than fifty years;*
- Now Therefore,** *Be It Resolved that the Fremont County Board of County Commissioners hereby proclaims this day, October 8, 2013, DELORES COMSTOCK DAY in Fremont County.*
- Be It Further Resolved,** *A copy of this Resolution be sent to Delores Comstock, as well as Tommy Covington, County Director, Colorado State University Extension in Fremont County.*

  
 Tim Payne  
 District One

  
 Debbie Bell, Chair  
 District Two

  
 Edward H. Norden  
 District Three

ATTEST:   
 Katie Barr, County Clerk and Recorder

October 8, 2013

**RESOLUTION NO. 43, SERIES OF 2013**

**A RESOLUTION ADOPTING AMENDMENTS TO THE  
FREMONT COUNTY STREET CUT REGULATIONS**

WHEREAS, on February 27, 1996, the Board of County Commissioners for Fremont County adopted the "Fremont County Street Cut Regulations" in Resolution No. 7, Series of 1996; and

WHEREAS, the Fremont County Street Cut Regulations were amended by Resolution No. 55, Series of 2002, and by Resolution No. 20, Series of 2005; and

WHEREAS, the Director of Transportation for Fremont County has presented the Board of County Commissioners for Fremont County with proposed changes and has recommended approval of the same; and

WHEREAS, the proposed amendments will require contractors to fill excavations with flowable fill as a temporary measure if permanent hot bituminous pavement is unavailable and will require timely completion of street cut work and impose a daily penalty for untimely work; and

WHEREAS, the Board of County Commissioners for Fremont County conducted a public hearing on the proposed amendment to the Street Cut Regulations on October 8, 2013, after having given due notice in advance thereof by publication.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Fremont County that the Fremont County Street Cut Regulations are hereby amended as follows:

A. 2.2.9 All excavations that are made in asphalt streets shall be completely restored within fifteen (15) days after acceptance of the backfill by the Authorized County Representative. In the event weather conditions preclude restoration by permanent hot bituminous pavement, temporary repairs shall be made by tamping and rolling into place a FLOWABLE FILL. Such FLOWABLE FILL patches shall be removed and replaced by a permanent hot bituminous pavement within thirty (30) days or as weather and availability of materials permit, but in no event shall the replacement shall occur more than six (6) months from the date of patching.

STREET CUTS USING FLOWABLE FILL TEMPORARY REPAIRS MUST BE REGULARLY MAINTAINED BY THE CONTRACTOR UNTIL PERMANENTLY REPLACED WITH PERMANENT HOT BITUMINOUS PAVEMENT. REPAIRS OF STREET CUTS PERFORMED ON HARD SURFACE ROADS DURING THE SEASON WHEN HOT BITUMINOUS PAVEMENT IS READILY AVAILABLE SHALL BE COMMENCED AND COMPLETED WITHIN THIRTY (30) DAYS. REPAIRS OF STREET CUTS PERFORMED DURING THE SEASON WHEN HOT BITUMINOUS PAVEMENT IS UNAVAILABLE SHALL BE PERMANENTLY REPLACED WITH HOT BITUMINOUS PAVEMENT NO LATER THAN THE END OF THE MONTH OF APRIL IMMEDIATELY FOLLOWING THE DATE THE WORK WAS PERFORMED, OR SUCH LATER TIME AS MAY BE APPROVED BY THE AUTHORIZED FREMONT COUNTY REPRESENTATIVE. BACKFILL FOR REPAIRS OF STREET CUTS MAY BE CLASS 6 MATERIAL OR FLOWABLE FILL.

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**B. 2.5 Fees**

**STREET CUT PERMIT FEES**

One hundred dollars for the first 50 lineal feet; five cents per lineal foot for every additional lineal foot over 50 feet.

**UTILITY POLES AND PEDESTALS**

Fifty dollars fee for placement of utility poles or pedestals.

**ASPHALT REPLACEMENT COSTS**

Replacement costs will be based on actual costs at the time of replacement.

**ADDITIONAL COSTS**

Cost of placing barricades and/or interim repairs required due to failure of the excavator to maintain SAFE conditions will be billed to the excavator. These charges will be based on actual costs.

**PENALTY PERMIT FEES**

A penalty shall be issued to any excavator commencing work prior to obtaining a Permit (unless exempted). The penalty fee is \$500 for the first offense and \$1,000 penalty for all other offenses. All fees shall be established from time-to-time by resolution of the Board of County Commissioners.

EXCAVATORS OR CONTRACTORS FAILING TO COMPLETE WORK OR PERFORM PERMANENT REPAIRS OF A STREET CUT WITHIN THE TIME FRAMES SPECIFIED IN THESE REGULATIONS SHALL BE ASSESSED A PENALTY OF \$5.00 PER DAY FROM THE DATE THE WORK SHOULD HAVE BEEN COMPLETED UNTIL THE AUTHORIZED FREMONT COUNTY REPRESENTATIVE VERIFIES COMPLETION OF THE WORK.

FAILURE TO PAY COSTS, FEES, OR PENALTIES IMPOSED BY THESE REGULATIONS OR FAILURE TO COMPLETE STREET CUT WORK IN A TIMELY MANNER SHALL RESULT IN REVOCATION OF ANY BOND, FORFEITURE OF ANY SECURITY POSTED, AND DENIAL OF FUTURE APPLICATIONS FOR PERMITS UNTIL FULL COMPLIANCE IS ACHIEVED.

BE IT FURTHER RESOLVED that these amendments to the Fremont County Street Cut Regulations shall become effective on November 1, 2013, and shall continue in full force and effect until further action by the Board of County Commissioners.

Commissioner Norden moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

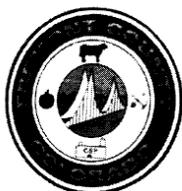
The Resolution was declared to be duly adopted.

Date: October 8, 2013

Debbie Bell  
Chairman

Attest: Katie E. Bau  
Clerk

October 8, 2013



**FREMONT COUNTY DEPARTMENT OF  
TRANSPORTATION  
CAÑON CITY, COLORADO**

**STREET CUT PERMIT REGULATIONS**

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**STREET CUT REGULATIONS**

**I. GENERAL REQUIREMENTS**

**1.1 Authority**

1.1.1 Authority for the administration and enforcement of the Fremont County Street Cut Requirements is derived from the Colorado Revised Statutes (C.R.S.), Sections: 30-11-107; 37-84-103; 37-84-106; 38-5-101; 42-4-101 through 42-4-115; 42-4-501 through 42-4-1406; 43-2-111; 43-2-147; 43-5-301; and 43-5-307 and 42-4-512

**1.2 Bonding Requirements**

1.2.1 Prior to the issuance of a permit, the excavator, shall have on file with the County Road and Bridge Department, a Permit Bond in the amount of two-thousand (\$2,000.00) dollars, unless otherwise specified by the Authorized County Representative. Such Permit Bond shall be for the benefit of Fremont County and shall assure recovery of any expense incurred in replacement of any subsurface materials or asphalt replacement or any other work which has not been completed in be in force until the Final Acceptance Certificate is issued. The Permit Bond shall not exceed the cost of the project.

1.2.3 If said work and installation are not completed in accordance with these regulations as determined by the Authorized County Representative, said bond shall be in default. The Contractor shall be notified in writing of the deficiencies and will be granted thirty (30) days for corrections, if deficiencies have not been corrected in said period, Permit Bond will be activated. If work is brought to compliance within thirty (30) days, no action will be taken.

**1.3 Insurance Requirements**

1.3.1 Prior to the issuance of a permit the excavator shall provide documentation of a current Bodily Injury and Property Damage Liability Insurance Policy, with minimum of one million (\$1,000,000.00) dollars combined Single Limit coverage. Such policy shall be for the protection of the County from all suits, actions or claims of any type for injuries or damages allegedly sustained by any person or property on the premises or as a result of the work. Such policy shall specifically cover the acts and operations of any subcontractors or independent contractors of the excavator, in addition to the excavator and his employees or agents.

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#### **1.4 Permit Application Requirements**

1.4.1 The following regulations shall apply to all excavators, including but not limited to any person, contractor, developer, partnership, corporation, limited liability corporation, municipality, special district, or other governmental entity), who for any reason cuts, disturbs, or otherwise defaces any County public right-of-way maintained or not maintained. Excavators shall obtain a "30 Day Street Cut Permit" from Fremont County in accordance with these requirements.

1.4.2 The excavator by applying for and obtaining a permit agrees to be liable to the County for any expenses incurred by the County as a result of such excavator's acts or omissions in performing the excavation. In addition, the excavator shall hold the County harmless from any claims arising from or relating to the work. This shall include, but not be limited to, a Warranty by the excavator of the work and all materials and labor used in the work. Such Warranty shall be effective for two (2) years from the issuance of the Preliminary Certificate of Compliance. If further repairs or maintenance are required due to any defect or omission in the completion of the work, the excavator may be required to adequately and properly provide and complete any such repairs or maintenance.

1.4.3 The excavator acquiring a permit shall be familiar with and at all times shall observe and comply with all Federal and State laws, local laws, ordinances and regulations pertaining to the excavator's work. The excavator shall indemnify and hold harmless the County of Fremont, Colorado, and its representatives against any claims arising from any violation of such law, ordinance or regulation; whether by the excavator or by the excavator's employees, independent contractors and subcontractors.

1.4.4 Prior to commencing any work, except the work of adjusting manhole rings and service boxes, the excavator who will actually perform the work shall obtain written permission to undertake said work in accordance with these regulations.

1.4.5 The Street Cut Permit shall be obtained at least five (5) working days, prior to the planned commencement of construction and shall have a specified date for commencement and completion of construction. Exceptions to the Five-day requirement made by the Authorized County Representative.

1.4.6 Permits shall be required for emergency repairs; Excavators must obtain such permit within seventy-two (72) hours following commencement of work. Failure to acquire a permit within this specified time shall result in a penalty permit being issued.

1.4.7 The applicant shall submit construction plans, specifications, and a written schedule covering general sequence and staging of the work to be performed, if available. For minor installations, only a sketch is required.

1.4.8 The schedule and the plans shall not be changed after the permit is approved without the written approval of the Authorized County Representative.

1.4.9 Permits shall be available for inspection at the project site at all times.

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1.4.10 Any excavator commencing work prior to obtaining a Street Cut Permit, except as provided herein, shall be issued a penalty permit in lieu of the normal permit; and shall be required to pay an additional fee pertaining thereto as provided in the fee schedule herein.

1.4.11 A Street Cut Permit shall not be issued to any excavator who is in non-compliance with any of the provisions of these regulations.

### **1.5 General Policies**

1.5.1 Work shall be conducted so as not to create safety hazards, maintenance problems or render portions of the right-of-way infeasible for future road improvements.

1.5.2 Plans and profiles for any work affecting grade and alignment shall be submitted to the Authorized County Representative for approval prior to starting any such work.

1.5.3 The excavator shall provide, erect, and maintain all necessary barricades, signs, and illumination devices as required in the "Manual on Uniform Traffic Control Devices" for all work which requires a permit.

1.5.4 In an emergency situation, signing according to the Manual on Uniform Traffic Control Devices shall be required on the project site even though a permit will not be issued until after the excavation has taken place.

1.5.5 Permits issued by the Authorized County Representative pertain only to work within the County owned or controlled rights-of-way and does not allow entry onto private property adjacent to such rights-of-way, nor does it allow alteration or disturbance of any facilities or installations owned by others that exist within the right-of-way.

1.5.6 All road level accesses (manholes, vaults, etc.), shall be of heavy duty construction, capable of safely supporting anticipated maintenance equipment and vehicular traffic, and shall conform to the finished grade of the road.

1.5.7 All aboveground utilities shall be located and installed to prevent:

1.5.7.1 unnecessary obstruction to pedestrian and vehicular traffic;

1.5.7.2 damage to the utility itself that could be harmful to the general public.

1.5.8 All cuts shall be made with straight boundaries and all cuts shall be within 5 degrees of vertical. In cases where caving or slump of a cut face occurs from under any roadway surfacing, slab or bound type base, the dimensions of the cut shall be extended to the point of occurrence of caving or slump.

No pole or structure aboveground shall be set in conflict with a Pedestrian walkway nor shall it be set less than ten (10) feet from the shoulder of any County road. A minimum ground clearance of 19 feet shall be provided where utility lines cross public roads. The clearance shall be measured from the center of the roadway.

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1.5.9 No excavation shall be permitted on any new asphalt, resurfaced or plant mixed sealed, right-of-way that is less than three (3) years old. This provision may be waived at the discretion of the Board of County Commissioners. This provision, however, shall not prohibit any emergency repairs that must be performed.

1.5.10 Specifications for location of utilities and minimum depth requirements are shown in Figure 1.5.11.

### **1.6 Road Closures**

1.6.1 Road closures are not permitted unless justified on the basis of overall benefit to the general public.

1.6.2 Road closures will be permitted only:

1.6.2.1 If written approval is granted by the Authorized County Representative. Request for approval shall be in writing to the Authorized County Representative at the time of permit application. In an emergency written permission will be waived, however, the excavator shall notify all agencies listed in 1.6.3.1.

1.6.2.2 Between the hours of 6:00 a.m. and 7:00 p.m.

1.6.3 When road closures are permitted, the excavator shall:

1.6.3.1 At least ten (10) working days prior to beginning work notify the appropriate fire protection district, school district, sheriffs' office, of the exact location, date and time of right-of-way closure.

1.6.3.2 Erect and maintain, at excavator's expense, necessary barricades, flashers, construction signs, and flag persons, in accordance with the "Manual On Uniform Traffic Control Devices" and shall take all necessary precautions for public safety and convenience.

### **1.7 Staging of Installation**

1.7.1 Staging may be required by the Authorized County Representative, to produce the least disruption possible for the traveling public. A permit for any subsequent stage will not be issued until the prior stage has satisfactorily progressed or been completed.

### **1.8 Safety and Public Convenience**

1.8.1 The excavator shall at all times conduct work to ensure the least possible obstruction and hazard to the traveling public. The safety and convenience of the general public and the residents along the road and the protection of persons and property shall be insured at all times.

1.8.2 All repairs being made to the street or other County property involved, shall result in the street or property being returned to a condition equal to, or better than the original condition, within the limits of careful, diligent workmanship, good planning and quality materials. These repairs must be accomplished in the least possible time and with the least disturbance to the normal function of the street or other property.

8.10.1.1

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1.8.3 Except where trench banks are cut back on a stable slope to prevent caving or sliding, trenches shall be properly and substantially braced, and sheathed where necessary, to prevent caving or sliding. Sheathing shall be supported by means approved by the Occupational Safety and Health Administration (OSHA).

1.8.4 All blasting in connection with the Street Cut Permit shall comply with all laws, ordinances, regulations, and requirements of applicable safety codes relative to the handling, storage and use of explosives and the protection of life and property.

1.8.5 The excavator shall notify all property owners within five hundred feet (500) ft. of the actual blasting site prior to blasting.

1.8.6 The excavator will also be strictly liable for all damages caused by his blasting operations. Suitable weighted plank coverings or mattresses shall be provided to confine all materials lifted by blasting within the limits of the excavation or trench.

#### **1.9 Road Changes**

1.9.1 If any changes are made in a County right-of-way that would necessitate the removal or relocation of an installation made by an excavator, or utility, the relocation or removal shall be at the excavator or utility owner's expense upon written request by the County. The relocation or removal shall be completed within thirty (30) days after notification for minor projects. For major utility relocation projects that require extensive design, securing of contracts or material orders, the relocation or removal shall be within ninety (90) days. To avoid the necessity for such changes, the excavator may be required to locate the facility in a manner which is consistent with future plans for the right-of-way in which it is located.

#### **1.10 Inspections**

1.10.1 The Authorized County Representative has the authority to reject defective materials, or inferior materials, defective workmanship and to suspend work until such time as the excavator shall correct the situation in question, subject to final decision by the Authorized County Representative.

1.10.2 The excavator shall notify the Authorized County Representative at least twenty-four (24) hours prior to beginning any excavation. If work stops on a project during any stage of excavation for a period of more than twenty-four (24) hours, the Authorized County Representative shall be notified at least twenty four (24) hours prior to any resumption of work on the project. If the excavator intends to work shifts, double shifts or hours other than the normal workday of Fremont County the excavator shall notify the Authorized County Representative at least twenty-four (24) hours prior to working extraordinary hours, except in the event of an emergency. Failure by the excavator to notify the Authorized County Representative as stated above may result in revocation of the original permit and issuance of a penalty permit.

1.10.3 Inspections shall be made as deemed necessary during the construction period by the Authorized County Representative to insure that work is processing in compliance with these regulations. Deviation from these regulations will be sufficient reason for shut down orders to be issued by the Authorized County Representative until proper corrections and/or adjustments have been made by the excavator.

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1.10.4 Before a pavement section is replaced (patched), the excavator shall notify the Authorized County Representative at least twenty-four (24) hours prior to the date excavation is scheduled to commence. The excavator shall notify the Authorized County Representative when the backfill has been completed. Failure of notification may result in a demand to have such work redone in order to pass a final inspection.

## II. SPECIFICATIONS

### 2.1 Quality Control

2.1.1 All work shall conform to the FREMONT COUNTY STREET CUT REQUIREMENTS as outlined in this document.

2.1.2 Any work in which untested and unaccepted materials are used without written approval by the Authorized County Representative shall be removed and replaced at the excavator's expense.

2.1.3 Tests ordered by the Authorized County Representative to ascertain compliance with specifications shall be the most recent standard methods of AASHTO or ASTM and shall be made by an independent testing firm at the expense of the excavator. Where the excavator or owner maintains his own testing equipment and qualified personnel, the requirement for an independent testing firm may be waived by the Authorized County Representative. Copies of test data are to be furnished to the Authorized County Representative within five (5) working days, of completion of testing.

2.1.4 The excavator shall be fully responsible for the maintenance and correction of any faulty construction, including unsuitable road cuts and chuckholes developed during the construction period. The roadway and roadside areas where work has been performed shall be thoroughly cleared of all debris and extraneous material and shall be restored to a condition at least as good as the original condition. The Authorized County Representative shall examine the work area to ensure against inadequate cleanup of pavement and all roadway appurtenances; including but not limited to, pavement failures, broken concrete, damaged signs and fencing, debris on adjacent private property. All deficiencies must be resolved to the satisfaction of the Authorized County Representative.

2.1.5 Damaged pavement shall be repaired by appropriate methods as approved by the Authorized County Representative. Cracks are to be filled with the proper asphalt hot bituminous pavement product and the surface properly seal-coated. An overlay the full width of the paved surface shall be required for situations when in the opinion of the Authorized County Representative, the riding quality, safety, or the appearance of the finished roadbed has been impaired. Sub-grade failures caused by the excavator's operation of heavy equipment shall be rectified by reconstructing the sub-grade layers and replacing the sub-base, base, and asphalt pavement.

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## **2.2 Trenching and Backfill**

2.1 All backfill materials, compaction and resurfacing of any excavation made in the County right-of-way will be done in accordance with the following provisions: Back filling and compacting shall begin after first having properly bedded and compacted to a depth of not less than one (1) foot over the top of the structure or utility line being installed or repaired in accordance with the specifications of the person or corporation responsible for the maintenance of the structure or utility line.

2.2.2 Jetting backfill will not be permitted within County roadways.

2.2.3 At no time will contaminated, wet, soggy, frozen or other unsuitable materials be allowed as backfill. If proper backfill material is not at the excavation site, suitable material shall be brought in. All unsuitable material shall be removed from the site.

2.2.4 All excavations on the traveled surface of the roadway shall be replaced with flowable fill or with a suitable gravel road base material. Compaction tests are waived when flowable fill is used.

2.2.5 All excavations made in the traveled surface of a graveled roadway shall be replaced with a suitable gravel road base material (as approved by the Authorized County Representative) which shall be compacted to a 95% maximum density (AASHTO T 180) to the natural road grade.

2.2.6 All excavations made outside of the traveled surface may be replaced with the natural excavated material approved by the Authorized County Representative. If natural excavated material is not acceptable the excavation shall be replaced with material as determined by the Authorized County Representative.

2.2.7 All gravel replacement material shall be compacted in lifts of eight (8) to twelve (12) inches.

2.2.8 All cuts made in asphalt streets shall be made by mechanically cutting to a true horizontal and vertical line, and shall be cut six (6) inches wider on each side of the trench excavation. The final asphalt cut shall not be made until immediately prior to patching.

2.2.9 All excavations that are made in asphalt streets shall be completely restored within fifteen (15) days after acceptance of the backfill by the Authorized County Representative. In the event weather conditions preclude restoration by permanent hot bituminous pavement, temporary repairs shall be made by tamping and rolling into place a Flowable Fill. Such Flowable Fill patches shall be removed and replaced by a permanent hot bituminous pavement within thirty (30) days or as weather and availability of materials permit, but in no event shall the replacement shall occur more than six (6) months from the date of patching. Street cuts using flowable fill temporary repairs must be regularly maintained by the contractor until permanently replaced with permanent hot bituminous pavement. Repairs of street cuts performed on hard surface roads during the season when hot bituminous pavement is readily available shall be commenced and completed within thirty (30) days. Repairs of street cuts performed during the season when hot bituminous pavement is unavailable shall be permanently replaced with hot bituminous pavement no later than the end of the month of April immediately following the date the work was performed, or such later time as may be

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approved by the authorized Fremont county representative. Backfill for repairs of street cuts may be class 6 materials or flowable fill.

2.2.10 All cuts made in paved streets shall be replaced to a thickness of Four (4) inches of bituminous material.

2.2.11 All underground installations crossing the roadway shall be encased in conduit of a larger diameter.

8.10.1.1

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### **2.3 Compaction Tests**

2.3.1 All excavations shall be replaced with a suitable gravel road base material (as approved by the Authorized County Representative), and it shall require a compaction test. The excavator shall have the compaction tests conducted by an approved testing laboratory or by alternative qualified testing agencies if approved by the Board of County Commissioners. A copy of the results shall be furnished to the County no later than five (5) days after the test is conducted. Compaction test are waved only with use of flowable fill.

2.3.2 Compaction tests shall be taken on each longitudinal and/or each crosscut at intervals as determined by the Authorized County Representative.

2.3.3 Each lift shall be compacted to 95% maximum density (AASHTO T-180) before the next lift is installed. Backfill within twelve (12) inches of finished grade shall consist of three-quarter inch road base, compacted to 95% (AASHTO T-99). In some cases an additional depth of three-quarter inch road base may be requested by the Authorized County Representative.

### **2.4 Resurfacing**

2.4.1 After proper backfill procedures are completed in accordance with the preceding requirements, the excavator shall notify the Authorized County Representative.

2.4.2 After inspection of the backfill, compaction test and clean-up of the work area the Authorized County Representative will notify the excavator of any deficiencies which shall be corrected by the excavator. The corrections shall be made within fifteen (15) days following notification..

2.4.3 Required Overlay: Overlay of the entire street width shall be required, when the excavation is made longitudinally within the paved street. In addition the pavement shall be feathered to the natural grade on both ends.

2.4.4 The minimum compacted depth of the Asphaltic Concrete shall be feathered as much as possible eliminating the fracturing of the mix aggregate. The areas of overlay shall require a tack coat of CSS-1 at the rate of 0.10 gallon per square yard. All overlays shall be placed in good workmanlike manner using standard practices.

### **2.5 Fees**

#### **STREET CUT PERMIT FEES**

One hundred dollars for the first 50 lineal feet; five cents per lineal foot for every additional lineal foot over 50 feet.

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**UTILITY POLES AND PEDESTALS**

Fifty dollars fee for placement of utility poles or pedestals.

**ASPHALT REPLACEMENT COSTS**

Replacement costs will be based on actual costs at the time of replacement.

**ADDITIONAL COSTS**

Cost of placing barricades and/or interim repairs required due to failure of the excavator to maintain SAFE conditions will be billed to the excavator. These charges will be based on actual costs.

8.10.1.1

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**PENALTY PERMIT FEES**

A penalty shall be issued to any excavator commencing work prior to obtaining a Permit (unless exempted). The penalty fee is \$500 for the first offense and \$1,000 penalty for all other offenses. All fees shall be established from time-to-time by resolution of the Board of County Commissioners.

Excavators or contractors failing to complete work or perform permanent repairs of a street cut within the time frames specified in these regulations shall be assessed a penalty of \$5.00 per day from the date the work should have been completed until the authorized Fremont county representative verifies completion of the work.

Failure to pay costs, fees, or penalties imposed by these regulations or failure to complete street cut work in a timely manner shall result in revocation of any bond, forfeiture of any security posted, and denial of future applications for permits until full compliance is achieved.

**2.6 VIOLATIONS**

In addition to the Penalty Permit Fees set forth above, the county shall be entitled to pursue all available civil remedies to compensate the county for damages done to any rights-of-way.

**NORMAL DEPTHS**

- GAS----- 48" min.
- TELEPHONE-----40" min.
- ELECTRIC POWER-----48" min.
- STORM OR SANITARY SEWER-----min. depth determined by Engineer.
- CABLE T.V.-----40" min.
- WATER-----40" min.
- FIBER OPTIC (with 1" tracer wire above the line)-----48" min.
- OVERHEAD UTILITIES-----19' from center of roadway