



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: ADDISON CANINO, ASSISTANT PUBLIC WORKS DIRECTOR
RE: ORDINANCE 23-04: HOME RULE CHARTER REVIEW - CHAPTER 87 EXCAVATIONS
DATE: FEBRUARY 28, 2023

Summary and Background:

Home Rule Charter Review is a cornerstone to ensuring all aspects of the Frisco Town Code stay up to date and increase the effectiveness of the Department that directly works with that aspect of the Town Code on a regular basis. The Town of Frisco, along with other municipalities, is expected to provide increasingly effective services to its residents, visitors and prospective developers. Chapter 87 of the Frisco Town Code directly impacts many parties, and it is the duty of Town staff to ensure that this section of code is always improved due to what has been seen "in the field" and what is changing/evolving in the construction world. Contractors have a duty to conduct their business in the most responsible, respectful and safe manner as possible, and the Town has its duty to ensure that their work is done in the most effective and efficient manner possible.

Analysis:

After researching what other municipalities in the state of Colorado require when it comes to their excavation code(s), it was noted that several areas of the code needed to be updated, added to, or completely overhauled to ensure that when the excavation season begins on April 15, 2023, the Town is in the best position it could be in moving forward. The changes in this section of the Frisco Town Code are as follows and the updates will now read as:

- 87-4 Permit Application
 - ...all excavations must be completed and closed and restored to their prior condition by October 31 of the calendar year...
 - An application for an excavation permit shall: (i) be made only by the person or entity that will actually perform the excavation work for which the permit is sought; (ii) be made prior to commencement of the work; and (iii) include the required performance bond before it may be issued.
- 87-4 Permit Application
 - A. The applicant's name, address, and telephone number and business license number;
 - B. The date of application, and an estimated time schedule for the work, including the time period during which the proposed excavation is to be left open and the work incomplete;
 - C. The location, size, width, length and depth of the proposed excavation and address, if any, of the work;

- D. A description of the work including the type of work, the traffic controls proposed (if applicable), and cut information The type of (surface to be cut);
- E. The purpose of the excavation or scope of work to be performed;
- 87-5 Fees and Bonds
 - A. Permit fee changed to \$200.
 - B. Bonding minimum of \$1000.
 - B1a. Dirt and gravel fee from \$50 to \$100
 - B1b. Asphalt from \$100 to \$250
 - B1c. Concrete from \$150 to \$300
 - C. Will now read as...
 - *The Permittee is required to restore any excavation on public rights-of-ways to an acceptable temporary condition within twenty-four (24) hours after commencing the excavation, and to complete the permanently repair and restoration of such excavation within twenty ten (210) days of commencing the excavation. As used in this subsection, an “acceptable temporary condition” shall mean a temporary pavement patch that will allow for safe access and travel and that consists of either cold mix/patch asphalt, flowable fill/flow-fill concrete, or class 6 (3/4 inch) road base that has been approved as a part of the excavation permit. Prior to the permanent repair, permittee is required to maintain the excavated area. No asphalt/concrete cut shall be left without a permanent repair after October 31. In the event an asphalt/concrete cut is not permanently repaired by October 31, the permittee shall forfeit the bond to the Town shall be entitled to payment under the bond upon demand and without additional notice hereunder and the Town may shall perform the repair or cause the repair to be made.*
 - G. Upon completion of the work, excavation backfill, pavement and cleanup in accordance with this chapter and upon inspection by the Public Works Director or the Director’s designee and a determination that all requirements have been met, including but not limited to the requirements of subparagraphs C and F above, the holder of the permit shall be refunded, after a two-year warranty period, the full amount of the bond, or the bond shall be released.
- 87-7 Performance Requirements
 - D. ... Such techniques shall be in accordance with the Colorado Department of Transportation’s Erosion Control and Stormwater Quality Guide, as amended from time to time, and the Northwest Colorado Council of Government Water Quality Protection Standards, as amended from time to time, and pertinent provisions of the Town’s Unified Development Code, as amended from time to time. In the event of any conflict between the foregoing standards and regulations, the most restrictive provision shall apply...
- 87-19 Emergencies
 - Verbiage added stating that it is okay for the work to begin with just the approval of an emergency permit, but the permittee shall return to Public Works to fill in a complete application permit.

Financial Impact:

If the Frisco Town Council accepts the changes that are proposed in this memo, the Town would receive more funds from contractors seeking an excavation permit, in addition to covering all of the administrative costs associated with excavation oversight.

Alignment with Strategic Plan:

The updates to Chapter 87, Excavations, would fulfill Council’s goal of Quality Core Services, in that it aligns with the mission statement:

The Town commits to providing quality core services with efficiency, excellent customer service, and professionalism. The Town recognizes that a balanced and fiscally sustainable budget is the cornerstone of successfully supporting this goal so that the Town can effectively maintain critical infrastructure and general services, provide essential public safety services, support and improve the Town's recreational and historical assets, communicate effectively to actively engage residents, attract and retain high-performing personnel to deliver exceptional service to the public, and promote economic development.

Environmental Sustainability:

Some of the changes directly relate to water quality standards that have been set forth by the State of Colorado and the Northwest Council of Colorado Governments. Having contractors abide by these standards will ensure that Frisco in alignment with the most up-to-date regulations as to not impact Dillon Reservoir or the Town's drinking water sources.

Staff Recommendation:

It is the recommendation of staff that the Frisco Town Council approve the amendments that have been provided to you in this memo and redlined document for all the reasons that have been shared with you above. This is just another step in ensuring that the Town of Frisco is protecting its own infrastructure, as well as promoting safe and responsible development.

Reviews and Approvals:

Tom Fisher, Town Manager
Leslie Edwards, Finance Director
Jeff Goble, Public Works Director

Attachments:

Exhibit A – Redline