

Christian County Commission

March 19, 2009

Convene

Presiding Commissioner John Grubaugh called the meeting of the County Commission to order at 8:45 a.m. on March 19, 2009 at the County Commission Office. Attendance: John Grubaugh, Present; Bill Barnett, Present; Tom Huff, Absent. County Clerk Kay Brown is taking the minutes.

Roll Call

Attendance taken at 8:45: John Grubaugh, Present; Bill Barnett, Present; Tom Huff, Absent.

Motion/Vote - 8:45 a.m. Approve the March 16, 2009 Minutes

Western Commissioner Bill Barnett made a motion to approve the March 16, 2009 minutes. John Grubaugh seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Absent).

9:00 a.m. County Counselor John Housley Re: Discuss and Take Appropriate Action on Buried Line Procedures

The meeting was attended by Commission Secretary Julia Maples and Resource Management Administrator Jim Bresee. Bob Atchley and Todd Wiesenhan

Western Commissioner Bill Barnett and Presiding Commissioner John Grubaugh met with County Counselor John Housley to discuss appropriate action on buried line procedures. Mr. Housley provided a copy of the Road Right-of-Way And Road Crossing Procedures for Buried Lines which he had prepared for the County. Mr. Housley will provide applications for permit fees for cutting a road that will be issued through the Planning and Zoning Department. This document will provide liability protection and insure that any work that is done on a county road will be restored to its original state. The Commission reviewed the document and were satisfied with the content.

Mr. Bresee suggested having a time frame on the permit application before the deposit is refunded to the contractor.

Motion/Vote - Approve the Road Right-Of-Way and Road Crossing Procedures for Buried Lines

Western Commissioner Bill Barnett made a motion to accept the Road Right-of-Way and Road Crossing Procedures for Buried Lines. Presiding Commissioner Grubaugh and Western Commissioner Barnett signed the Court Order. The document was attested to by County Clerk Kay Brown. John Grubaugh seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Absent). Eastern Commissioner Huff voted (Yes) by conference call with Western Commissioner Barnett and Presiding Commissioner Grubaugh.

Court Order - 3-19-09-01 -

Road Right-of-Way and Road Crossing Procedures for Buried Lines The Christian County Commission authorizes the following procedures to be used when any utility company or individual will be using county right-of-way for installation of buried lines in Christian County.

1. Anyone wishing to bury wire, pipe, cable, fiber optics or other lines which will be in County road right-of-way or will cross County roads (hereinafter referred to as the "Applicant"), must complete a Utility Permit Application or an

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Application for Road Crossing Permit, which shall be signed by the Utility and/or an authorized contractor or representative, and present it and a copy of project plans in their entirety to the Christian County Planning and Zoning Department for approval by the county Commission as early as possible but no later than two weeks prior to construction start date. All Applications shall be accompanied by a \$ 100.00 non-refundable Permit Fee payable to Christian County. Applications for lines which will be buried within the 100 year flood plain must be accompanied by a Floodplain Development Permit/Application.

2. The Applicant will require any contractor procured by the Applicant to work under this Agreement:

(a) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name Christian County and the County Commission and its employees as additional named insured's in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$400,000.00 per claimant and \$2,500,00.00 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610 RSMo.

(b) In no event shall the language of these Procedures constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

3. When a line is being buried, it shall be a minimum of 42 inches under the roadway and 42 inches below the flow line of the ditch. Telecommunications lines for service drops are excluded from the 42 inch minimum and are to be buried no less than 24 inches under roadway, back-slope and ditch line. Service drops are defined as copper lines with no more than 12 pairs which are buried from the serving pedestal to a single end user structure. When a pedestal is installed for telecommunication lines in County right-of-way, said pedestal shall have an orange cap on the top with an orange flag affixed and displayed at least 12" above the cap.

4. Any utility line greater than 3" in diameter must be in a steel encasement from flow line of ditch to flow line of ditch.

5. In areas where solid rock is encountered within road right-of-way, the applicant may request approval of the County (in writing) to reduce the minimum bury depth to 18".

6. Any project requiring road bore or any cutting of road surface must receive prior approval by the County Commission.

7. For any road crossings where surface rock is disturbed, the trench must be filled with 1" crushed rock and within one year, any area that has settled must be filled and brought back to Christian County specifications. See figures 1 and 2.

8. One half of the roadway shall be open at all times.

9. When approaching bridges or a stormwater culvert, lines shall be greater than 18 feet minimum from the road centerline when within 15 feet of the stormwater culvert or bridge. No lines will be attached to bridges without prior permission in writing from the County Commission. See figures 3 and 4.

10. All lines installed by a utility company on County rights-of-way shall be set back as close to adjoining property lines as possible. No lines shall be laid parallel in the road surface or in the roadbed itself except as approved by the County.

11. The Utility Provider will put up a \$ 1,000.00 deposit per crossing to cover installation across roads.

12. At the start of work at a job site, the necessary warning signs and traffic control must be in place for public safety. The signage shall be in accordance with the current addition of the Manual of Urban Traffic Control Devices.

13. The Applicant utility company or individual being authorized to bury lines will be responsible for all damage to County roads and right-of-way. Reimbursement for any damages shall be made in full if adequate repairs are not made.

14. Any individual crossing County roads with a line of any kind shall make a deposit of \$ 1,000.00. After the project is completed and has been inspected with the work having found to be satisfactorily by the County, the deposit will be refunded.

15. Any Applicant utility and/or cable company and contractor for such utility and/or cable company using a county right-of-way for installation of any utility or cable lines shall deposit with the County \$ 20,000 in cash or an irrevocable letter of credit for each contract bid within the County for each project under 25 miles in total length, projects 25 miles or greater in total length will require a bond equal to at least \$ 1,000.00 per mile. When a company intends to start a project, the County will have an inspector check the area before construction begins. A county inspector can make routine checks on the project. If installations are not being done according to County specifications, the County can stop construction of the project until the correct action is taken. At the discretion of the County, construction can resume. After the project is totally completed, the County will inspect the work. The project shall then be re-inspected by the County one year after the inspection that was performed at completion. At this point the County may determine that the project has been done satisfactorily according to County specifications and can release the security deposit or irrevocable letter of credit associated with this project or will direct the applicant regarding any required corrective action.

16. The procedure outlined above supersedes all previous procedures and all future right-of-way construction must conform to this procedure.

Adopted this 19th day of March, 2009.

CHRISTIAN COUNTY COMMISSION

By: John Grubaugh, Presiding Commissioner
By: William Barnett, Western Commissioner
By: Tom Huff, Eastern Commissioner

Attest:
By Kay Brown, Christian County Clerk

9:30 a.m. Bob Atchley - Acting Administrator Planning and Zoning Re: Consider Approving Program Agreement for the Route CC Scoping Project with MoDot

The meeting was attended by Commission Secretary Julia Maples, Common 2 Road District Supervisor Brent Young and Jim Bresee Resource Management Administrator.

Western Commissioner Barnett and Presiding Commissioner Grubaugh met with Planning and Zoning Acting Administrator Bob Atchley and Senior Planner Todd Wiesenhan to review and consider approving the Program Agreement for the Route CC Scoping Project with MoDot.

Motion/Vote - Approve the Route CC Scoping Agreement with MO. Dept. of Transportation

Eastern Commissioner Tom Huff made a motion to accept the Program Agreement for the Route CC Scoping Project with the Missouri Department of Transportation. Western Commissioner Barnett and Presiding Commissioner Grubaugh signed the agreement. The agreement was attested to by County Clerk Kay Brown. Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Absent). Eastern Commissioner Huff was absent but made the motion and voted (Yes) by a conference call with the Western Commissioner and the Presiding Commissioner.

10:00 a.m. Ron Stehle Re: Interview and Consider Appointment of Mr. Stehle to the Planning & Zoning Commission

The Commission postponed the meeting due to the absence of Eastern Commissioner Tom Huff. The meeting was rescheduled for 10:00 a.m. March 23, 2009.

COURT ORDER
STATE OF MISSOURI

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