

AGENDA

REGULAR MEETING OF THE COMMON COUNCIL FOR THE CITY OF BESSEMER
TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL,
ON MONDAY, APRIL 2, 2018 AT 6:00 P.M.

CALL TO ORDER

COUNCIL MEMBERS: Zak, Kryshak, Nelson, Coleman, Archie

PLEDGE OF ALLEGIANCE – ROLL CALL

AGENDA APPROVAL

PUBLIC COMMENT ON AGENDA ITEMS

CONSENT AGENDA

- 1) Approval of Minutes – Regular Meeting of March 19, 2018

CLAIMS

- 1) General Fund
- 2) Major Street Fund
- 3) Local Street Fund
- 4) Water Utility Fund
- 5) Sewer Utility Fund

DOCUMENTS AND CORRESPONDENCE

- 1) Police Contract Report – February 2018

OLD BUSINESS

- 1) Large Water and Sewer Bills due to Breaks in House
- 2) Redevelopment Ready Community Resolution No. 2017-07 A Resolution Authorizing the City Administrator to Proceed Toward Implementation of Recommended Best Practices to Receive Redevelopment Ready Communities Certification

NEW BUSINESS

- 1) Marketing Plan
- 2) DDA Request for Appointment though 03-2021 – Dustin Filippini
- 3) Bicycle License
- 4) Ordinance No. 363 – An Ordinance to Replace CH 27, Solid Waste
- 5) Ordinance No. 362 – An Ordinance to Repeal and Replace Ch 98, General Building Regulations
- 6) Ordinance No. 364 – An Ordinance to Replace Ch 126 and to Repeal Ordinance No.348 titled Uniform Traffic Code Parking Lots
- 7) Amendment to Bessemer/Tunnel Vision Agreement
- 8) Deadline for items for Agenda
- 9) Mine Street by High School
- 10) USDA Grant Application
- 11) Request Permission to Attend CDBG Training

REPORTS

- 1) City Manager Report
- 2) DPW Report

PUBLIC COMMENT

ADJOURN

NOTE: All matters listed under the heading **CONSENT AGENDA** are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the **CONSENT AGENDA** and considered separately under **NEW BUSINESS**.

**A REGULAR MEETING OF THE COMMON COUNCIL FOR THE CITY OF BESSEMER
WAS HELD IN THE CITY HALL COUNCIL CHAMBERS
ON MONDAY, MARCH 19, 2018 AT 6:00 P.M.**

Mayor Zak called the meeting to order.

ROLL CALL: Present – Zak, Archie, Nelson, Coleman, Kryshak.

THESE MEMBERS CONSTITUTE A QUORUM.

AGENDA

It was moved by Nelson, supported by Kryshak and **CARRIED** to approve the agenda with the following additions:

1. Under Old Business – Delete #5 2018-19 Budget Adoption.

PUBLIC HEARING – 2018-19

PROPOSED BUDGET

It was moved by Nelson, supported by Archie and **CARRIED** to open the Public Hearing for 2018-19 Proposed Budget.

No public comment was offered.

It was moved by Nelson, supported by Kryshak and **CARRIED** to close the Public Hearing.

PUBLIC HEARING – PROPOSED 1 MILL

FOR LIBRARY

It was moved by Kryshak, supported by Nelson and **CARRIED** to open the public hearing for the proposed 1 mill tax levy for library operations.

Several attendees had some clarification questions as to what the money is to be used for.

It was moved by Archie, supported by Kryshak and **CARRIED** to close the public hearing for the proposed 1 mill tax levy for the library.

PUBLIC HEARING – ORDINANCE NO. 361- STREETS; SIDEWALKS CONTRUCTION OR REPAIRS; GUTTERS, CULVERTS AND ROAD DITCHES; AND TREE ORDINANCE

It was moved by Nelson, supported by Kryshak and **CARRIED** to open the public hearing for proposed Ordinance No. 361.

No public comment was offered.

It was moved by Coleman, supported by Kryshak and **CARRIED** to close the public hearing for proposed Ordinance No. 361.

**PUBLIC COMMENT ON
AGENDA ITEMS**

Mrs. Donna Brown inquired about the proposed mill levy for the library.

CONSENT AGENDA

It was moved by Nelson and supported by Archie that the consent agenda listed below be approved and correspondence be received and placed on file.

1. Approval of Minutes – Regular meeting of March 5, 2018
2. Minutes – Parks and Recreation Committee – March 1, 2018
3. Minutes – Planning Commission – March 6, 2018
4. Minutes – Downtown Development Authority – March 12, 2018

A roll call vote was then taken – AYES – Nelson, Kryshak, Coleman, Zak, Archie. NAYS – None. ABSENT - None. **MOTION CARRIED.**

CLAIMS

The following claims were presented for consideration and payment:

GENERAL FUND

AMERIPRIDE	\$ 178.68
BAKER & TAYLOR BOOKS	589.55
BAKER & TAYLOR ENTERTAINMENT	168.94
C&M OIL COMPANY	60.59
CENTER POINT LARGE PRINT	144.12
CREATIVE PRODUCT SOURCE, INC.	138.51
FLOOR PLANS	514.00
G T C AUTO PARTS, INC.	416.51
GRAINGER	130.98
HAUTALA DISTRIBUTING, INC.	33.00
IRONWOOD DAILY GLOBE	1,334.00
O'DEA NORDEEN BURNINK	1,817.00
PNC BANK	144.88
ROVELSKY & COMPANY	9.40
SPIES PUBLIC LIBRARY	14.00
THE WALL STREET JOURNAL	197.94
TRI-STATE BUSINESS SYSTEMS	417.95
U.P. OFFICE EQUIPMENT SYSTEMS	93.08
U.P. REGION OF LIBRARY COOP	40.00
TOTAL GENERAL FUND	\$6,443.13

MAJOR STREET FUND

CITY OF BESSEMER GENERAL FUND	\$ 23,643.25
TOTAL MAJOR STREET	\$ 23,643.25

LOCAL STREET FUND

CITY OF BESSEMER GENERAL FUND	\$ 14,773.65
TOTAL LOCAL STREET FUND	\$ 14,773.65

SEWER UTILITY FUND

TOTAL SEWER UTILITY FUND	\$ -0-
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WATER UTILITY FUND

CITY OF BESSEMER GENERAL FUND	\$ 300.40
PNC BANK	580.00
TOTAL WATER UTILITY FUND	\$ 880.40

DDA FUND

ADVOCATE COUNSELING	\$ 750.00
HECKMAN, ROBERT	350.00
HIGH RIVER/JOY SMITH	350.00
TOTAL DDA FUND	\$ 1,450.00

It was moved by Kryshak and supported by Archie that the claims, as presented, be approved for payment as funds become available.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

**ORDINANCE NO. 360 - GENERAL UTILITY/STREET CONSTRUCTION & REPAIR
SECOND READING**

It was moved by Kryshak and supported by Coleman to adopt Ordinance No. 360 – General Utility/Street Construction and Repair, recognize this meeting as the 2nd reading and authorize publication of said ordinance.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

ORDINANCE NO. 360

General Utility/Street Construction and Repair (GUS) Ordinance

THE CITY OF BESSEMER HEREBY ORDAINS:

- The purpose of this ordinance is to set forth standards and procedures that will govern general construction and repair work within City easements and rights-of-way, thereby providing better service to contractors and the general public, and ensuring that the tax and rate payers of the City of Bessemer are not burdened with the cost of repairing incomplete and/or substandard work on the City's utilities, streets, sidewalks, curbs, easements, Right of Ways, and other fixtures and appurtenances. Furthermore, in remediated areas work must be conducted so as to protect, restore or replace the remedial actions and/or structures.

- **Permit required.**

No work is allowed within the public streets or alleys and public road rights-of-way and easements belonging to the City without a general utility/street construction and repair (GUS) permit, formerly known as a "street opening permit." The only exceptions are emergencies which may occur after business hours or on weekends or holidays as described under emergencies. One permit may be issued to authorize a number of similar projects when sufficient information regarding those projects is presented by the applicant.

- **Application procedure.**

Application for a general utility/street construction and repair permit shall be on a form provided by the City and available through the City Clerk's office. Once a completed application is received by the City Manager, the permit shall be issued within five business days. Should one of the reviewing departments request further information regarding the application, the permit shall be issued within five business days of the applicant providing the information requested.

- **Eligible applicants.**

General utility/street construction and repair permits for public or private utility work may only be issued to a licensed and insured contractor meeting the requirement of GUS application requirements (c) and (d), to the provider of the utility or utilities for which the application is submitted, or state and federal agencies with responsibility for maintaining improvements within City/City easements and rights-of-way. For patching, repair or replacement of sidewalk and curbing only, a general utility/street construction and repair permit may be issued to the property owner for whom work covered by the general utility/street construction and repair permit is being performed, or to a qualified contractor meeting the requirements for licensing and insurance set forth in this division.

- **GUS application requirements.**

(a)

Complete description of work. The applicant shall clearly describe all work to be performed within the affected right-of-way or easement. Detailed descriptions of the following shall be provided:

(1)

Any and all excavations, and how they will be accomplished, including dimensions of excavation and volume of displaced soil, whether new bedding material or fill will be imported, and whether soil will be removed from the site and where it will be deposited.

(2)

How the repair and/or reinstalling any public improvements removed, demolished, or excavated during the course of the work, including streetlights and related wiring, street and alley surfaces, curbs and sidewalks will be accomplished.

(3)

Rerouting of pedestrian and/or vehicular traffic during construction. This is the responsibility of the permittee, as is notifying the proper local agencies in the event of street or alley closure as set forth in Notification.

(4)

Schedule for completion of work. No project is considered complete until all public infrastructure is repaired, replaced and/or restored.

The applicant shall provide a site plan as necessary to depict required information. Barricades and other warning devices shall be deployed in accordance with Barricade Standards.

(b)

Application fee. Application fees are determined by a fee schedule set by the City. No application can be deemed complete without the required fee.

(c)

Surety. Prior to the issuance of a general utility/street construction and repair permit, the permittee shall provide a surety to ensure that all work will be performed as described in the general utility/street construction and repair permit, including the reconstruction and/or repair of all public facilities that are excavated, demolished, or otherwise disturbed during the project. Any and all repairs to City facilities and appurtenances such as streets, sidewalks, curbs, streetlights and

wiring shall be the sole responsibility of the permittee, and as applicable, the property owner causing the work to be done. The City will afford the permittee every reasonable opportunity to correct any deficiencies prior to drawing on a surety. The exact amount of each surety required is determined by a schedule adopted by resolution of the Commission. Personal or company checks cannot be accepted as sureties. The following types of sureties are acceptable:

- (1) Cash.
- (2) A bond, or a bonded contractor may provide the name of the bonding company and account number for the general utility/street construction and repair permit.
- (3) Cashiers check, either on a per project basis or a check left on deposit with the City for future and/or multiple projects.
- (4) Letter of credit acceptable to the City and in favor of the City from a financial institution, either on a per project basis, or, a letter of credit left on file with the City for use on future and/or multiple projects.

Sureties will be returned within 60 days of satisfactory completion of the project.

- (d) *Insurance.* The applicant shall provide proof of general liability insurance in the amount of \$1,000,000, except for curbing and/or sidewalk repair or replacement only in which case only \$200,000 is required.

- **Notification.**

To the extent practicable, excavations in public streets, alleys, easements, or other public ways shall not impede travel. When it is necessary to excavate entirely across a street, alley, or public way, fire and law enforcement agencies must be notified by the permittee reasonably in advance of the work beginning.

- **Barricade standards.**

For any work in public streets, alleys, easements or other public ways, the permittee is responsible for the placement of barricades and distinctly legible signs at the work site in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Public Works department standards. Barricades and signs shall be maintained by the permittee for the duration of the project, including maintaining reflective or lighted barricades from dark until sunrise.

- **Enforcement.**

The City Public Works Foreman and City Manager or their respective agents shall have the authority under this division to inspect all work performed pursuant to a general utility/street construction and repair permit, to stop work or to order a correction of work as necessary. The City shall provide written notice of any enforcement action taken. Verbal enforcement actions taken in the field shall be followed up with a written notice. Specifically, the City has authority to:

- (1) Stop work when a general utility/street construction and repair permit has not been appropriately obtained or issued.

(2)

Stop work when, in the judgment of the supervisor or agent:

a.

The work is not up to City standards and specifications;

b.

It does not comply with the general utility/street construction and repair permit; or

c.

It is deemed hazardous to workers on the job site and/or the general public.

(3)

Order corrections when work is not being performed to City standards and/or does not comply with the general utility/street construction and repair permit issued for the project.

(4)

Order barricades and warning devices to be deployed and operable as necessary.

(5)

Inspect completed work for compliance with City standards and the applicable general utility/street construction and repair permit, and require the permittee to make corrections as necessary. The City may invoke surety if work is not completed in a satisfactory manner.

- **Emergencies.**

In the event of an emergency that occurs after business hours or over a weekend or holiday, anyone undertaking repair and construction within the City owned right-of-way or easement must contact the City Public Works Foreman, City Manager, or their agent prior to proceeding. Once the City has been notified, work may proceed at the direction of the supervisor or agent. Within 48 hours of beginning work, the person or firm initiating said work shall contact the City Manager and apply for a general utility/street construction and repair permit.

- **Violations, Limitations, and cost recovery.**

a)

A violation of this division is a civil infraction punishable under the civil infraction ordinance.

b)

In the event it becomes necessary for the City to repair any damage done to the public facilities by a permittee, the City may seek cost recovery from the permittee, and from the property owner benefitting from the work done under the general utility/street construction and repair permit, if the property owner is different from the permittee. When the permittee and property owner are not the same entity, the permittee and property owner are jointly and severally liable for the City's costs in completing the work required under the general utility/street construction and repair permit.

c) In no case shall the city be responsible for any delays whether occasioned by the permittee's failure to comply with this ordinance or otherwise.

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 19 day of March, 2018

First Reading: March 5, 2018

Public Hearing: March 5, 2018

Second Reading: March 19, 2018

Published: March 30, 2018

ATTEST:

James K. Trudgeon, City Clerk

**RESOLUTION NO 2017-06 GENERAL UTILITY/STREET CONSTRUCTION
AND REPAIR FEE SCHEDULE**

It was moved by Kryshak and supported by Nelson to adopt Resolution No. 2017-06 – General Utility/Street Construction and Repair – Fee Schedule as presented.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

RESOLUTION NO. 2017-06

A RESOLUTION TO ADOPT SURETY AND PERMIT FEE SCHEDULES FOR THE GENERAL UTILITY/ STREET CONSTRUCTION AND REPAIR (GUS) PERMIT

Whereas, The Bessemer City Council, in order to adopt uniform standards and procedures for utility and street work within public right-of-way and easements, did approve Ordinance 360; and

Whereas, Ordinance 360 provides that surety and permit fee schedules shall be set by resolution of the Bessemer City Council

Now, therefore be it resolved by the Bessemer City council that the following surety and permit fee schedules are hereby adopted:

General Utility/ street construction and Repair (GUS) Permit Surety Schedule

- 1) **Major Street Work/ Multiple Projects:** Major street work generally means extensive street excavation to repair, install, or replace gas mains, fiber optic, CATV, telephone, or electric lines. Major Street work impacts more than one property and may encompass an entire block or more. Required surety: 100% of the cost estimate for the entire project. Documentation of the cost estimate is also required. For work on the US-2 right of way, the applicant must obtain the proper permits from Michigan Department of Transportation and no surety is required by Bessemer.
- 2) **Minor Street Work:** Minor street work generally means service for a localized area (often just a single property), and usually involves service lines (water, sewer, gas, electric, etc.) as opposed to mains. Minor street work includes service line work in alleys whether paved or unpaved. Required surety: \$5,000. For work on the US-2 right of way, the applicant must obtain the proper permits from Michigan Department of Transportation and no surety is required by Bessemer.
- 3) **Minor Sidewalk/ Curbing/ Driveway work:** This category is for the minor patching, repair, or replacement of curbs, gutters, and/ or driveways within the right of way. This permit may be issued to a homeowner. Required surety: \$250*. For work on the US-2 right of way, the applicant must obtain the proper permits from Michigan Department of Transportation and no surety is required by Bessemer.

*While the GUS Permit ordinance technically prohibits company or personal checks for sureties, as a matter of policy, the city may opt to accept local checks for sureties in this category only.

Permit Application Fee Schedule

Major Street Work/ Multiple Projects: \$25 + .25% of the cost of the project capped at \$500

Minor Street Work: \$25 **Minor Sidewalk/ curbing/ driveway work:** \$10

Note that work done for the city does not require a permit.

The foregoing resolution offered by City Council Member _____ Kryshak _____ and supported by City Council Member _____ Nelson _____.

Upon roll call vote, the following voted:

"Aye": Nelson, Coleman, Kryshak, Zak, Archie

"Nay": None

The City Clerk declared the resolution PASSED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Council of the City of Bessemer, County of Gogebic, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

James Trudgeon, Bessemer City Clerk Bessemer,
Michigan, County of Gogebic

ORDINANCE NO. 361 – STREETS; SIDEWALKS CONSTRUCTION AND REPAIR; GUTTERS, CULVERTS AND ROAD DITCHES; AND TREES ORDINANCE – SECOND READING

It was moved by Coleman and supported by Archie to adopt Ordinance No. 361 with the approved signatures, consider this meeting as the 2nd reading and authorize publication of said ordinance.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

ORDINANCE NO. 361

**STREETS; SIDEWALKS CONSTRUCTION OR REPAIRS;
GUTTERS, CULVERTS, AND ROAD DITCHES;
AND TREES**

THE CITY OF BESSEMER HEREBY ORDAINS:

Repeal and Replace

This ordinance is titled: Streets; sidewalks construction or repairs; Gutters, Culverts, and Road Ditches; and Trees and replaces Title IV, Streets and Sidewalks, of the Bessemer City Code and repeals Ordinance No. 316

Streets

Definition.

For the purpose of this article, "street" means all of the land lying between property lines on either side of all streets, alleys and boulevards in the city and includes lawn extensions and sidewalks and the area reserved therefor where the same are not yet constructed.

Additional regulations.

The City Manager or Department of Public Works Foreman may make additional regulations reasonably necessary to effectuate the intent of the ordinance and pertaining to openings and excavations in the streets, curb cuts, street openings and house moving, which regulations shall be subject to the approval of the city council. No person shall fail to comply with any such regulations.

Damage and obstruction prohibited; exceptions.

No person shall make any excavation in or cause any damage to any street in the city except under the conditions and in the manner permitted in this article. No person shall place any article, thing or obstruction in any street except under the conditions and in the manner permitted in this article, but this provision shall not be deemed to prohibit the following:

- (1) Such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises;
- (2) The lawful parking of vehicles within the part of the street reserved for vehicular traffic;
- (3) The planting of trees and shrubs as permitted in this code.

Permits, insurance, and surety generally.

(a) Where permits are authorized in this article, they shall be obtained upon application to the City Manager upon such forms as the City Manager shall prescribe, and there shall be a charge as prescribed by resolution of the city council for each such permit. Such permit shall be revocable by the City Manager for failure to comply with this article, rules and regulations adopted pursuant to this article and the lawful orders of the City Manager or the City Manager's duly authorized representative and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this article shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the city in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect, indemnify, defend, and save harmless the city from all damages or actions at law that may arise or may be brought because of injury to persons or property resulting from the work done under the permit or in connection therewith.

(b) Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the amounts as prescribed by resolution of the city council. Every such insurance policy shall name the city as an additional insured. A duplicate executed copy or photostatic copy of the original of such insurance policy and confirmation of the additional insured status, approved as to form by the city attorney, shall be filed with the city clerk.

(c) Where cash deposits are required with the application for any permit under the provisions of this article, such deposit shall be in the amount as prescribed by resolution of the city council, and the deposit shall be used to defray all expenses to the city arising from the granting of the permit and work done under the permit or in connection therewith. Six (6) months after the completion of the work done under the permit, any balance of the cash deposit unexpended shall be refunded. When the deposit does not cover all costs and expenses of the city, the deficit shall be paid by the applicant.

Excavation or Opening permit.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the City Manager. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Ordinance 360, General Utility/ Street Construction and Repair.

Emergency Openings - Permit.

If an emergency occurs, a permit shall be obtained on the next business day and the provisions of this article shall be complied with.

Backfilling.

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within twelve (12) inches of the surface. Any settlement shall be corrected within eight (8) hours after notification to do so.

Utility poles.

Utility poles may be placed in such streets as the Department of Public Works Foreman shall prescribe and shall be located thereon in accordance with the directions of the Department of Public Works Foreman. Such poles shall be removed or relocated as the Department of Public Works Foreman shall from time to time direct.

Responsibility for maintenance of installations.

Every owner of and every person in control of any estate maintaining a sidewalk, vault, coal hole, manhole or any other excavation or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon any street which is adjacent to or a part of the person's estate shall do so only on condition that the maintenance shall be considered as an agreement on the person's part with the city to keep the same and the covers thereof and any gas and electric boxes and tubes thereon in good repair and condition at all times during the person's ownership or control thereof and to indemnify, defend, and save harmless the city against all damages or actions at law that may arise or be brought because of any such excavation or structures.

Culverts - Permit.

No culvert shall be placed in any street except in accordance with the specifications prescribed by the Department of Public Works Foreman and after issuance of a permit therefor by the City Manager. Property owners are responsible for maintaining and replacing culverts whether they are in the ROW or not. No culverts can be longer than 28' for personal use unless prior written approval is obtained from the Department of Public Works Foreman.

Curb Cuts - Permits.

No opening in or through any curb or any street shall be made without first obtaining a written permit from the City Manager. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (1) No single curb cut shall be less than ten (10) feet;
- (2) The minimum distance between any curb cut and a public crosswalk shall be five (5) feet;
- (3) The minimum distance between curb cuts, except those serving residential property, shall be twenty-five (25) feet;
- (4) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise shall be forty-five (45) percent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20) percent of the lineal feet of street frontage in excess of two hundred (200) feet;
- (5) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the city;
- (6) All construction shall be in accordance with plans and specifications approved by the City Manager.

Sidewalk Obstructions - Permit.

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to the street or for any other purpose without first obtaining a permit from the City Manager and posting surety and filing an insurance policy as required by Ordinance 360, General Utility/ Street Construction and Repair.

Pedestrian passage.

At least five (5) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and, if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

Obstruction of Sidewalks Prohibited

It shall be unlawful to place any vehicle, article, thing, or obstruction on a sidewalk which would force any pedestrian to leave the sidewalk surface in order to get around the vehicle, article, thing, or obstruction.

Parking in the Meridian Prohibited

It shall be unlawful for anyone to park their vehicle within the meridian between the sidewalk and the curb or shoulder of the road unless there are unusual circumstances due to winter parking requirements approved by the Department of Public Works Foreman. In such an instance, the cars must be parked a minimum of five feet off the curb and must not block the sidewalk.

Barricades and warning lights.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off and at night shall be provided with prescribed warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three (3) feet apart and parallel to the flow of traffic not over fifteen (15) feet apart.

Shoring of excavations.

All openings and excavations shall, where necessary, be properly and substantially sheeted and braced as a safeguard to workers and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

Moving of buildings, machinery, trucks or trailers.

No person shall move, transport or convey any building, machinery, truck or trailer more than eight (8) feet, eight (8) inches wide or higher than thirteen (13) feet, six (6) inches above the surface of the roadway into, across or along any street or other public place in the city without first obtaining a permit from the City Manager. The applicant shall file written clearances from the light, telephone, gas, water utilities, and any other affected utilities, stating that all connections have been properly cut off and, where necessary, all obstructions along the proposed route of moving will be removed without delaying moving operations. In addition, clearance shall be obtained from the County Sheriff approving the proposed route through the city streets and the time of moving. The applicant shall deposit with the city the total estimated cost to the public works department plus a cash deposit and a liability insurance policy in the amount of \$2,000,000.

Snow and ice deposited in streets and gutters.

No person shall shovel, push by means of plow or otherwise cause to be placed or deposited in or upon the traveled portion of any street or sidewalk or within any ditch or gutter in any public street any snow or ice removed by the person or under the person's direction from any private property or from any public property abutting any private property owned or occupied by the person.

Removal of encroachments and obstructions and refilling excavations made by landowner.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting landowner, other than in accordance with the terms and conditions of this article, when the encroachment, obstruction or excavation is made or permitted by the owner or suffered to remain by the owner. The City Council may by resolution permit the continuance of an existing encroachment. No such resolution shall vest any

permanent right in the person owning or occupying the structure which encroaches upon the street.

Temporary street closings.

The City Manager and Department of Public Works Foreman each shall have authority to temporarily close any street or portion thereof when either shall deem such street to be unsafe or temporarily unsuitable for use for any reason. The City Manager or Department of Public Works Foreman shall cause suitable barriers and signs to be erected on the street, indicating that the street is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over the street except as may be incidentally necessary to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the City Manager.

SIDEWALK CONSTRUCTION OR REPAIR

Definitions

When used in this Article, the words defined in this section shall have the following meaning:

Sidewalk: The portion of the street right-of-way designed for pedestrian travel.

Specifications and permits.

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the Department of Public Works Foreman and without first obtaining a written permit from the building department, except that sidewalk repairs of less than fifty (50) square feet of sidewalk may be made without a permit. The written permit shall be prominently displayed on the construction site. The fee for such permit shall be as prescribed by resolution of the city council.

Permit revocation.

The City Manager may revoke any permit issued under the terms of this division for incompetency or failure to comply with the terms of this division or the rules, regulations, plans and specifications established by the city.

Line and grade stakes.

The Department of Public Works Foreman shall furnish line and grade stakes as may be necessary for proper control of the sidewalk construction, rebuilding or repair, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the City Manager. Where it is necessary to replace the City

Manager's stakes disturbed or destroyed without fault on the part of the city or its employees, a charge per stake shall be paid as prescribed by resolution of the city council.

Sidewalk Specifications.

Sidewalks shall not be less than four (4) inches in thickness and expansion paper shall be placed in the joints. All concrete used in sidewalk construction shall, twenty-eight (28) days after placement, be capable of resisting a pressure of thirty-five hundred (3,500) pounds per square inch without failure. The Department of Public Works Foreman may establish additional detailed specifications in addition and not inconsistent herewith, which shall be on file in the department.

Order to build or repair.

(a) The city council may, by resolution, require the owners of lots and premises to build or repair sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the city clerk shall give notice thereof to the owner of such lot or premises requiring the owner to construct, rebuild, or repair such sidewalk within thirty (30) days from the date of such notice.

(b) If the owner of any lot or premises shall fail to build any particular sidewalk as described in the notice as provided in subsection (a) of this section and within the time and in the manner required thereby, the City Manager is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof and collected. Such expense may also be assessed against the property.

Maintenance Required.

(a)
Generally. The occupant of every lot or premises or the owner of such lot or premises, if the lot or premises is not occupied, shall clear and keep cleared all sidewalks adjoining such lot or premises from weeds, vegetation, filth and other obstructions.

(b)
Core Mixed Use. In addition and within the C-1 commercial district, as established in the zoning ordinances, there hereby is established a C-1 Sidewalk Maintenance Area, and the outside boundaries of this sidewalk maintenance area are hereby established as shown on a map entitled "Zoning Map" dated May 15, 2017, which map is on file in the office of the city clerk. The occupant of every lot or premises or the owner of a lot or premises, if the lot or premises is not occupied, having a lot or premises adjoining a sidewalk existing within the inside boundaries of the sidewalk maintenance area shall clear and keep clear all sidewalks adjoining such lot or premises from snow and ice within twenty-four (24) hours after the fall or formation of such snow or ice. Parking on the sidewalk is not permitted at any time.

Removal by City: If the owners or occupants of any lot or premise shall fail to remove the snow and ice therefrom within twenty-four (24) hours, the Department of Public Works Foreman shall cause the same to be done and the occupants/ owners will be charged. The City Manager shall, at the end of the fiscal year, report any such charges remaining unpaid to the city council, and any such unpaid charges, when thus reported, shall become a lien upon the property abutting or

adjoining the sidewalk, street or alley upon which such work has been done and shall be assessed and collected as a single lot assessment in accordance with and in the manner allowed.

Notice.

Annually the City Manager is authorized to notify the owner of any parcel of land or the agent of the owner to clear and remove ice, snow, weeds, vegetation, filth and other obstructions and to keep it cleared and removed. Such notice shall be given by publishing the notice in a newspaper circulating in the city and by such other method as may be directed by the city Council.

Violation for failure to clear; work done at owner's expense.

If the owner or owner's agent has failed to clear and remove the ice, snow, weeds, vegetation, filth or other obstructions as stated herein within fifteen (15) days after notification, the City may do the necessary work, and the cost thereof shall be charged or assessed against the property.

Gutters, Culverts, and Road Ditches

Definitions

Gutter/ Road Ditch: The part of the Right of Way which is shaped, crowned, sloped, or graded for drainage purposes.

Driveway Culvert: A Drain Pipe or other structure of concrete, masonry, metal, vitrified tile, or other materials or combination thereof used to convey or carry surface water across, under, or through any driveway approach or road ditch, and/ or to connect two (2) or more sections of a gutter or road ditch.

Obstructions:

It shall be unlawful for any person to fill or in any manner retard or obstruct the flow of storm or surface water in or through any driveway culvert, gutter, or road ditch in or through any road, street, or public right-of-way.

Notice to remove obstruction.

The owner of any property in front of which there is an obstructed gutter or Roadway ditch shall, shall, within fifteen (15) days after written notification from the City Manager, remove such obstruction or interference or apply for permits to cause a new driveway culvert to be installed so that the flow of the surface or storm water is not obstructed or retarded.

Removal by the City

If the property owner does not remove the obstruction or apply for a permit as stated herein within fifteen (15) days after notification, the City may do the necessary work, and the cost thereof shall be charged or assessed against the property.

Trees

Maintenance

No property owner shall permit the limbs or foliage of any trees or shrubs located on their premises or on the extension of the lawn adjacent to his premises to grow over or upon any sidewalk, road, or alley less than eight (8) feet above the surface.

Every such owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

Planting Trees in the Right of Way

Trees within the ROW may be planted by residents, with City advance approval, or by the city but must meet the following requirements: They must thrive in our Plant Hardiness Zone, be salt tolerant, be disease resistant, and have growth estimates that will not interfere with infrastructure such as roads, sidewalks, and telephone wires. The trees also cannot be invasive. Some suggested trees are as follows: Japanese lilac tree, certain varieties of crab apple, peking lilac, red buck eye, and shantung maple.

Notice to remove trees or limbs.

The owner of any property dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public, within five (5) days after written notification from the City Manager shall remove such trees or limbs.

Removal by the City

If the property owner does not remove the trees/limbs within five (5) days after notification, the City may do the necessary work, and the cost thereof shall be charged or assessed against the property.

Violations

All violations not otherwise specified shall be municipal infractions punishable by up to \$500. Each day of violation is a separate offense.

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 19th day of March, 2018

First Reading: February 5, 2018

Public Hearing: March 19, 2018

Second Reading: March 19, 2018

Published: March 30, 2018

ATTEST:

James K. Trudgeon, City Clerk

LIBRARY MILLAGE It was moved by Coleman and supported by Kryshak to authorize one (1) mill levied on the summer tax bill for City library operations.

A roll call vote was then taken: AYES – Zak, Coleman, Nelson, Archie, Kryshak. NAYS - None. ABSENT - None. **MOTION CARRIED.**

GARAGE – 1802 BARBER STREET It was moved by Nelson, supported by Archie and **CARRIED** to authorize the City Manager to solicit sealed bids to have the garage at 1802 Barber Street removed, all contents removed, and the site cleaned up. Set bid opening at the April 2, 2018 meeting.

ZONING FEE SCHEDULE It was moved by Coleman, supported by Kryshak and **CARRIED** to keep the zoning fee schedule as is for time being.

SUMMER WORKERS It was moved by Nelson and supported by Archie to authorize the hiring of 3 summer workers and allow Clerk to advertise for positions and set a wage of minimum wage plus \$1.00.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

**MATCH GUARANTEE FOR CDBG APPLICATION FOR
BLUFF VALLEY PARK IMPROVMENTS AND CONNECTION**

It was moved by Kryshak and supported by Nelson to approve the 10% match required (\$74,000) for a CDBG grant to improve the Bluff Valley Park and other upgrades in connection with a project to upgrade the water reservoir in the second bluff. \$65,000 will come from the water fund, \$9,000 from the General Fund.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

**REDEVELOPMENT READY
COMMUNITY REPORT**

City Manager Loper gave an update on the progress of the Redevelopment Ready Community program. We are getting closer to meeting all the requirements needed to be a certified Redevelopment Ready Community.

NO FORMAL ACTION WAS TAKEN

PUBLIC PARTICIPATION PLAN It was moved by Archie, supported by Coleman and **CARRIED** to send the Public Participation Plan to the planning commission for their input and recommendations.

CHARTER REVISION The process on how to approach changes to the City charter were discussed. No decisions were made, no formal action was taken.

**LARGE WATER AND SEWER BILLS
DUE TO BREAKS IN HOUSES** It was moved by Nelson, supported by Archie and **CARRIED** to table any decisions on the large water bills incurred by 2 customers who had breaks in their water lines. Customer was asked to file an insurance claim and bring results to the City Manager.

ETHICS ORDINANCE It was moved by Coleman, supported by Archie and **CARRIED** to table further discussion of an ethics ordinance to the 2nd meeting in April.

CITY MANAGER'S REPORT In addition to all the agenda items Ms. Loper reminded Council of the Capital Improvement Plan public hearing to be held April 3, at the planning commission meeting. Bids for grass cutting for the cemetery are expected to be in soon and will be presented at a future meeting. Information was presented on the naming of Barber Field, which was formally named Gerovich Field, many years ago.

It was moved by Kryshak, supported by Nelson and **CARRIED** to receive the City Manager's report and place on file.

DPW REPORT It was moved by Kryshak, supported by Archie and **CARRIED** to receive the DPW report and place on file.

PUBLIC COMMENT There was no public comment

CLOSED SESSION It was moved by Nelson and supported by Coleman to go into closed session for discussion of negotiation strategy for the upcoming labor negotiation.

A roll call vote was then taken: AYES – Archie, Coleman, Zak, Kryshak, Nelson. NAYS – None. ABSENT -None. **MOTION CARRIED.**

OPEN SESSION It was moved by Kryshak, supported by Archie and **CARRIED** to go back into open session.

UNION COMMUNICATIONS It was moved by Kryshak, supported by Archie and **CARRIED** to send a letter to the union outlining and formalizing the upcoming union negotiations with all supported documents.

ADJOURN It was moved by Archie, supported by Kryshak and **CARRIED** to adjourn at 7:40 p.m.

Adam Zak, Mayor

James Trudgeon, City Clerk