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TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator  
Craig Hupy, Public Services Area Administrator

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 3/2/15

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**CA-10 – Resolution to Appropriate Funds for Installation of Art at the E. Stadium Bridges (\$40,000) (8 Votes Required)**

**Question:** The memo attached to CA-10 indicates that a 10% contingency amount is fairly standard. Was such a contingency already built into the project? (Councilmember Briere)

**Response:** A contingency was not included in the project funding.

**Question:** What are the circumstances that led to lighting elements not being included in the initial contract? (Councilmember Briere)

**Response:** The issue with planning for this art installation is that the final design/configuration was not know until relatively late in the art project. Only after the detailed design was complete could the foundation design move forward. The project artist had an allotment in the project plan for foundations. However, when the project artist work was reviewed by the City's consultant, the recommended foundations were more substantial.

Lighting was an issue that was not addressed in the original concept.

Both the foundations and lighting are incrementally more expensive to install after the bridge construction is complete than if the art project had moved ahead of or in conjunction with bridge construction.

**Question:** I understand that the \$40,000 requested for the Stadium Bridges art installation is in-line with a typical contingency for a project of this scope. However, what will happen if the \$40,000 is not approved? Will certain elements have to be removed? Will the project still go forward? (Councilmember Grand)

**Response:** The options for the foundations are limited. If the necessary foundations are not able to be constructed, then the art work would have to be redesigned. The cost redesigning the art work is likely higher than the cost to provide the additional funding for the foundations.

**Question:** Can you please provide the current status -- original budget, amounts spent to date, amounts committed/encumbered but not spent -- for all remaining public art-related funds/projects including the provision for transition costs that were included in the FY15 budget. (Councilmember Lumm)

**Response:** See attached.

**Question:** For the Stadium Bridge Art project itself, please provide the project line-item detail that (presumably) demonstrates this additional \$40K can't be contained within the existing \$400K budget. (Councilmember Lumm)

**Response:**

Estimated cost going forward:

Widgery Works	\$367,300
Electrical (est)	\$25,000
Foundations(est)	\$15,000
City Staff (est)	\$5,000
Contingency	\$4,300

**Question:** If the Stadium Bridge Art project were cancelled at this point, how much has been sunk (actually spent or clearly would be owed)? (Councilmember Lumm)

**Response:** See attached.

**Question:** Have there been any efforts for private fundraising or a UM contribution for this project and if so, what are the results? (Councilmember Lumm)

**Response:** No private fundraising has been undertaken.

**Question:** What would be the plan if no additional funding were approved? (Councilmember Lumm)

**Response:** The options for the foundations are limited. If the necessary foundations are not constructed, the art work would have to be redesigned. The cost to redesign the art work is likely higher than the cost to provide the additional funding for the foundations.

**C-2 – An Ordinance to Amend Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor**

**Question:** How is a 24-hour period measured in terms of required ice removal given the cycles of thawing and freezing? (Councilmember Grand)

**Response:** On property zoned residential, at the end of each accumulation of snow, the owner or occupant is responsible to clear/provide traction on their walk within 24 hours. The freeze thaw cycle associated with that snowfall must be managed by the owner or occupant.

**Question:** What are the current public education efforts around ice removal? Would the proposed changes impact those outreach efforts? (Councilmember Grand)

**Response:** We currently communicate to the public through a number of channels regarding sidewalks:

- Social media (Twitter and Facebook)
- Traditional media through press releases (*MLive, Ann Arbor Observer*)
- *WaterMatters* (mailed to all water rate payers)
- *WasteWatcher* (Mailed to 40,000+ homes in Ann Arbor)
- A2gov.org website
- A2gov resident newsletter
- Ads purchased in the *Ann Arbor Observer*
- Direct communication with residents through A2 Fix It

Communication of an ordinance change would require lead time as the public would have to get the new information and have time to absorb and plan for it. Property managers, homeowners and landlords make arrangements for their winter maintenance during the spring and summer.

We are also working on a new sidewalk notice that will incorporate an easy-to-understand illustration of what area(s) need to be cleared of snow and ice. We have found success with this style of communication in the past (cart hangers for cart placement, for example) and will use this imagery in future communications on sidewalks.

**Question:** Sometimes it can be difficult to acquire ice melt in the middle/end of the season or following a significant weather event. Will the City have approved materials for purchase? (Councilmember Grand)

**Response:** With the exception of the most severe sustained weather, snow/ice melt is readily available. Last year quantities of snow/ice melt were limited due to the harsh winter. We have no mechanism or direction to “sell” bagged or bulk material at this time. The city maintains a “pile” of sand/salt mix (free of charge - 24 hours per day, 7 days per week) at 721. N. Main starting in December. The mix is 95% sand, 5% salt. Residents are directed to bring their own 5 gallon bucket to fill once per visit. The WaterMatters, Winter 2015 issue newsletter was mailed to all water rate payers with information about types of snow/ice melt.

**Question:** The amended ordinance states: 'clear snow from sidewalks, walks, and ramps' - what is the difference between a sidewalk and a walk? Is this the same as a shared-use path? Is there a better way to state this? What about the bus stop area? (Councilmember Briere)

**Response:** A dictionary definition of “walk” is “a place on which one may walk” and is used in the ordinance amendment to encompass certain pedestrian areas that may not be included in the definition of “sidewalk” in section 4:51(1)(a).

Section 4:51(1)(a) defines “sidewalk” more narrowly as any paved walkway “in a public right-of-way that contains an improved street or in an easement adjacent and parallel to a public right-of-way that contains an improved street.”

“Walks,” which may not be considered “sidewalks” under the ordinance definition, include (i) concrete pads perpendicular to the street at bus stops; and (ii) concrete where the sidewalk parallel to the street ends (for example at a park) and then turns toward (and perpendicular to) the street.

**Question:** What is meant by 'the end of each accumulation of snow? Does this mean within a 24 hour period? Does it mean when there is a lacuna in the storm? Is there a better way to state this that makes it clear? (Councilmember Briere)

**Response:** On property zoned residential, at the end of each accumulation of snow, the owner or occupant is responsible to clear/provide traction on their walk within 24 hours. The freeze thaw cycle associated with that snowfall must be managed by the owner or occupant.

A pause (lacuna) or severe temperature warning in a major snow or ice event will be taken into consideration when notices and/or tickets are issued.

**Question:** Quite a few single-family homes (by appearance, not necessarily by use) are located on Felch; these are zoned 'office' - with this ordinance, do we expect the property owners/residents to clear the sidewalk by noon - when their neighbors in similar houses on First have 24 hours after the end of the snow? (Councilmember Briere)

**Response:** This existing requirement has not changed in the proposed amendment, stating: all snow and ice which has accumulated prior to 6:00 am on a sidewalk adjacent to property not zoned residential shall be removed by the owner or occupant by noon. Property zoned residential must be cleared within 24 hour after the end of each accumulation of snow or ice.

**Question:** Section 4.60 (3)(B)(2) requires the public property owner to perform duties described in section (2). Section 4.60 (2) requires the owner of the residential property to perform those tasks. Can this inconsistency be addressed to make clear the intent of the ordinance? (Councilmember Eaton)

**Response:** If Council finds the current draft of the ordinance amendment to be insufficiently clear, one option would be to simply repeat the requirements as they appear in subsections (1) and (2) instead of referring back to them. Possible language that could be proposed at first reading because it does not change the meaning in the current draft is as follows:

(3) All property zoned PL (public land) shall have snow and ice removed as if it held the same zoning classification as the adjacent property. The removal of snow and ice shall mean free of snow and ice for the entire constructed width and length of the sidewalk, including walks and ramps leading to a crosswalk. Except for sidewalks defined by section 4:51(1)(b) and (c), all snow and ice that has accumulated on a sidewalk adjacent to property zoned PL (public land) shall be removed by the owner or occupant as follows:

(a) If the property that is zoned PL is adjacent to property not zoned residential, then all snow and ice which has accumulated prior to 6:00 a.m. on the sidewalk adjacent to the property zoned PL shall be removed by the owner or occupant of the property zoned PL by noon. The owner or occupant of the property zoned PL shall also remove snow and ice from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk. Immediately after the accumulation of ice on such sidewalk, walk or ramp, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within the time limits of this paragraph.

(b) If the property that is zoned PL is adjacent to property zoned residential, then, within 24 hours after the end of each accumulation of snow or ice, the owner or occupant of the property zoned PL shall remove the accumulation from the sidewalk adjacent to the property zoned PL and from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk. Immediately after the accumulation of ice on such sidewalk, walk or ramp, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within 24 hours after accumulation.

(c) If the property that is zoned PL is adjacent both to property zoned residential and to property not zoned residential, then all snow and ice which has accumulated prior to 6:00 a.m. on the sidewalk adjacent to the property zoned PL shall be removed by the owner or occupant of the property zoned PL by noon. The owner or occupant of the property zoned PL shall also remove snow and ice from walks and ramps that are at bus

[stops or that lead to a marked or unmarked crosswalk. Immediately after the accumulation of ice on such sidewalk, walk or ramp, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within the time limits of this paragraph.](#)

**Question:** How many warnings were issued last winter? (Councilmember Westphal)

**Response:** See attached chart.

**Question:** How many fines were assessed and paid? (Councilmember Westphal)

**Response:** This information, if available, would have to be obtained from the 15th District Court.

**Question:** Did all complaints originate from citizens? (Councilmember Westphal)

**Response:** Yes.

**Question:** Does staff do a follow-up automatically or does it require an additional citizen complaint? (Councilmember Westphal)

**Response:** All citizen complaints are followed-up and investigated. Resolved issues require an additional resident complaint to trigger a new investigation.

**Question:** There are situations where ice accumulates all winter due to insufficient drainage, regardless of snow and ice removal efforts. Is there a mechanism by which residents will be exempt from ice removal until the city can remedy the drainage issue? (Councilmember Westphal)

**Response:** No, a resident is not exempt if there are drainage issues on their sidewalk. Residents are required to clear snow and/or ice so the sidewalk is accessible to all users. Our residents are advised that they can obtain a sand/salt mixture at 721 N. Main (free of charge) to provide traction on icy sidewalks.

**Question:** Regarding C-2, the letter from the Task Force (Ms. Feldt) mentioned benchmarking/peer communities and that Ann Arbor's requirements are relatively easy to meet. In making this "relatively easy to meet" determination, has any public (impacted homeowners, businesses, et al.) input been obtained? (Councilmember Lumm)

**Response:** Snow removal was identified as an issue at the Round #1 Public Engagement Stakeholder Focus Group; refer to [Stakeholder Focus Group - Round #1 Discussion Summary](#), pages 3-4.  
<https://drive.google.com/file/d/0B6Cj3AMZlaTudnhkMFMMyN3N0dXM/view?pli=1>

Snow removal was identified as a top ten issue in the Round #1 Public Engagement Community-wide Survey (out of 939 participants). Inconsistent snow and ice removal on sidewalks was also noted as a top issue in the Neighborhood category; refer to [Survey Results - Round #1 Public Engagement](https://drive.google.com/file/d/0B6Cj3AMZlaTuVEE4bU84MnQzQUU/view?pli=1)  
<https://drive.google.com/file/d/0B6Cj3AMZlaTuVEE4bU84MnQzQUU/view?pli=1>

Snow removal was identified as an issue at the Round #1 Public Engagement Community Wide Meeting; refer to [Community Wide Meeting - Round #1 Discussion Summary](https://drive.google.com/file/d/0B6Cj3AMZlaTuUjltWkZOY1kxTXc/view?pli=1)  
<https://drive.google.com/file/d/0B6Cj3AMZlaTuUjltWkZOY1kxTXc/view?pli=1>

Snow removal was identified as an initial priority issue by the Task Force; refer to [Pedestrian Safety Task Force: Identification of Some Priority Issues and Concerns](https://drive.google.com/file/d/0B8bEWTspFemgWnlKNEg1ZmlaU2M/view?pli=1)  
<https://drive.google.com/file/d/0B8bEWTspFemgWnlKNEg1ZmlaU2M/view?pli=1>

**Question:** Can you please share the benchmarking analysis that was done, particularly as it relates to any minimum accumulation requirements, time allowed for removal (commercial and residential), enforcement processes (warnings, grace periods, etc.) and fines. (Councilmember Lumm)

**Response:** The following is a summary of the benchmarking analysis used by the Task Force. All information is available to the public at the task force's documents and resources repository [Ann Arbor Pedestrian Safety and Access Task Force Google Drive](https://drive.google.com/folderview?id=0B5OhUMDZZ33bXM2cXpWcjFWemc&usp=sharing)  
<https://drive.google.com/folderview?id=0B5OhUMDZZ33bXM2cXpWcjFWemc&usp=sharing>

This document, the [Guide for Maintaining Pedestrian Facilities for Enhanced Safety Research Report](https://drive.google.com/file/d/0B1xAWViqObd6YzdGTnkycW5uMDg/edit?pli=1) prepared by FHWA, includes discussion and findings on winter maintenance practices, policies and laws from many communities.  
<https://drive.google.com/file/d/0B1xAWViqObd6YzdGTnkycW5uMDg/edit?pli=1>

One item highlighted in the email correspondence that accompanied this document was regarding timing of enforcement.

*Summary: The most common time limit requirement was for property owners to remove snow or ice within 24 hours after the snowfall (ten jurisdictions); and the second most common provision was a 12-hour limit (five jurisdictions). Other municipalities provided from six to eight hours for property owners to shovel snow after a storm.*

Highlights of Snow Removal in Madison, Cambridge, Ann Arbor, Minneapolis, Chicago and Salt Lake City: This document was compiled by Task Force member Anthony Pinnell. It is included in the meeting minutes of the October 10th Winter Maintenance

Subcommittee meeting.

<https://drive.google.com/file/d/0B6Cj3AMZlaTuV1B1d0RGdG91RmM/view?usp=sharing>

The following are a few key items from peer cities:

- *Madison requires snow and ice removed no later than noon the day after accumulation regardless of source. There is \$20 - \$50 fine for first offence and \$30 to \$100 for subsequent offences. Each day of non-compliance is a separate offence.*
- *Cambridge has very specific directions on providing a wide clear path of travel from ramp to ramp.*
- *Chicago provides three hours to clear snow that stops falling before 4pm on weekdays.*
- *Minneapolis requires commercial property owners to clear snow within four hours of daylight and residential properties must be cleared within 24 hours of the event.*

**Question:** Also, can you please confirm that staff supports all of the changes proposed? (Councilmember Lumm)

**Response:** Staff supports ordinance changes that bring clarity for the public, allow for consistent and proactive enforcement that will make sidewalks useable for all users.

**Question:** Can you please provide a sense of the numbers for a typical Winter season -- number of sidewalk snow removal complaints, notices, citations -- and about how many are commercial vs. residential and how many are "repeat offenders"? (Councilmember Lumm)

**Response:** See attached. Note that commercial vs. Residential are not tracked separately and repeat offenders are currently not tracked.

**Question:** Also, how much additional workload/staff time do you anticipate will be required to enforce the elimination of the 1" accumulation standard throughout the city, and how much that elimination will add to these numbers of occurrences? (Councilmember Lumm)

**Response:** This is weather dependent and unknown at this time.

**Question:** Finally, how will this impact the public sidewalk (e.g., pathways and sidewalks in parks, and adjacent to all City properties) maintenance plan -- staffing and costs? (Councilmember Lumm)

**Response:** Our current snow removal practices will not change with the proposed ordinance changes.

**DB-2 – Resolution to Approve Grant Applications to the USDA Agricultural Conservation Easement Program (ACEP) for the Purchase of Development Rights (PDR) on Properties in Lodi Township**

**Question:** How large are the three properties and how is it possible that an application can be submitted without an appraisal? Also, does Lodi Township have a conservation/PDR program/millage (if so, were they asked to contribute funding for the Schumacher PDR in DB-1) and do we anticipate the County will participate in the funding for these three? (Councilmember Lumm)

**Response:** The three properties are Guenther West, Guenther East and Finkbeiner and their sizes are 80 acres, 176 acres and 40 acres, respectively. Appraisals are currently underway. The estimated appraised value will be available before the grant submission deadline of March 16.

The grant applications were announced at the end of December 2014 and the City received the applications in late January and early February 2015. Staff then immediately moved forward with the Greenbelt Advisory Commission to get their recommendations. Subsequently, appraisals were ordered and the appraisals take 4-6 weeks.

Lodi Township does not have a PDR ordinance or millage. The City will request funding from the County, once the details are determined, before a final budget for the project is brought to Council for approval.

**DS-2 - Resolution to Approve a Three Year Professional Services Agreement with RCC Consultants, Inc. for Cell Tower Site Management (\$128,346.00)**

**Question:** Would RCC be involved in the negotiations of new and renewals of existing cell tower contracts? (Councilmember Lumm)

**Response:** Yes

**Question:** Does the 20% revenue sharing apply to renewals as well as new contracts?

**Response:** The 20% only applies to new contracts.

**Question:** How much staff time is currently spent on activities that RCC would be handling?

**Response:**

Water Treatment Plant Engineer spends approx. 200 hours per year doing the minimum.

Systems Planning Analyst spends approx. 100 hours per year

City Attorney's Office spends approx 36 hours per year

Finance and Administration Service Area Administrator spends approx. 25 hours per year

RCC is planning on spending approx 500 hour per year between operations and marketing.

**Question:** How many cell tower antenna and agreements does the City currently have?

**Response:** The city has 16 cell towers and 16 agreements.

<b>PROJECT</b>	<b>BUDGET</b>	<b>EXPENDITURES TO-DATE</b>	<b>ENCUMBERANCES</b>	<b>BALANCE</b>
Canoe Imagine Art	21,000	2,500	5,000	13,500
Kinglsey & First Rain Garden Art	27,000	25,185	-	1,815
E. Stadium Bridges Art	400,000	23,394	-	376,606
Jewett Memorial	5,000	-	-	5,000
Administrative Transition	80,000	-	-	80,000

**ART IN PUBLIC PLACES**  
**E. Stadium Bridges**  
 0056-073-9166-9000

**Revenues** \$ 400,000.00  
**Expenditures** \$ 23,393.66  
**Balance** \$ 376,606.34

**REVENUES**

Transfer from Streets \$ 400,000.00

**Total** \$ 400,000.00

**EXPENDITURES**

0056-073-9166-9000

Dollar Bill Copying	\$ 90.26		
Dollar Bill Copying	\$ 428.73		
Seagraves, Aaron	\$ 27.00	Public Engagement Meeting Supply Reimbursement	
Anti, Inc.	\$ 1,000.00	Honorarium #1	4/26/2013
Rebar Group, Inc.	\$ 1,000.00	Honorarium #1	4/26/2013
Volkan Alkanoglu Design	\$ 1,000.00	Honorarium #1	4/26/2013
Afternoon Delight	\$ 244.85	Public Engagement Meeting Supply Reimbursement	6/13/2013
Rebar Group, Inc.	\$ 2,000.00	Honorarium #2	6/14/2013
Volkan Alkanoglu Design	\$ 2,000.00	Honorarium #2	6/14/2013
Anti, Inc.	\$ 2,000.00	Honorarium #2	6/14/2013
Widgery Works, Inc.	\$ 1,000.00	Honorarium #1	6/14/2013
Widgery Works, Inc.	\$ 2,000.00	Honorarium #2	6/27/2013
Widgery Works, Inc.	\$ 1,500.00	Amended Design	10/16/2013
Widgery Works, Inc.	\$ 3,000.00	Design/Fab/install #1	6/2/2014
City of Ann Arbor Payroll Exp	\$ 264.59	Nearing/Duncan	6/30/2014
City of Ann Arbor Payroll Exp	\$ 559.59	Nearing/Duncan	10/8/2014
Widgery Works, Inc.	\$ 5,248.00	Final Design-Eng Serv	12/23/2014
City of Ann Arbor Equipment	\$ 30.64	August Equipment Time	8/30/2014
	\$ 23,393.66		

## SIDEWALKS SNOW ENFORCEMENT DATA

### DECEMBER 2011

CODE VIOLATION NOTICES ISSUED	9
CITATIONS ISSUED	0
WALKS CLEARED BY CONTRACTOR	0
UNFOUNDED COMPLAINTS	0
TOTAL TIME CODE ENFORCEMENT	14.5 hrs
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	0.75

### JANUARY 2012

CODE VIOLATION NOTICES ISSUED	5
CITATIONS ISSUED	0
WALKS CLEARED BY CONTRACTOR	0
UNFOUNDED COMPLAINTS	24
TOTAL TIME CODE ENFORCEMENT	31.75
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	1.7 hrs

### FEBRUARY 2012

CODE VIOLATION NOTICES ISSUED	35
CITATIONS ISSUED	0
WALKS CLEARED BY CONTRACTOR	0
UNFOUNDED COMPLAINTS	10
TOTAL TIME CODE ENFORCEMENT	37.75 hrs
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	8.8 hrs

### DECEMBER 2012

CODE VIOLATION NOTICES ISSUED	27
CITATIONS ISSUED	0
WALKS CLEARED BY CONTRACTOR	0
UNFOUNDED COMPLAINTS	7
TOTAL TIME CODE ENFORCEMENT	26.67 hrs
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	3.75

### JANUARY 2013

CODE VIOLATION NOTICES ISSUED	286
CITATIONS ISSUED	31
WALKS CLEARED BY CONTRACTOR	11
UNFOUNDED COMPLAINTS	56
TOTAL TIME CODE ENFORCEMENT	110 hrs
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	59.8 hrs

### FEBRUARY 2013

CODE VIOLATION NOTICES ISSUED	103
CITATIONS ISSUED	5
WALKS CLEARED BY CONTRACTOR	0
UNFOUNDED COMPLAINTS	24
TOTAL TIME CODE ENFORCEMENT	39.5 hrs

TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT 17.3 hrs

MARCH 2013

CODE VIOLATION NOTICES ISSUED	110
CITATIONS ISSUED	14
WALKS CLEARED BY CONTRACTOR	2
UNFOUNDED COMPLAINTS	34
TOTAL TIME CODE ENFORCEMENT	67.5
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	30.1 hrs

DECEMBER 2013

CODE VIOLATION NOTICES ISSUED	102
CITATIONS ISSUED	2
WALKS CLEARED BY CONTRACTOR	0
UNFOUNDED COMPLAINTS	17
TOTAL TIME CODE ENFORCEMENT	49.25
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	22.9

JANUARY 2014

CODE VIOLATION NOTICES ISSUED	336
CITATIONS ISSUED	42
WALKS CLEARED BY CONTRACTOR	30
UNFOUNDED COMPLAINTS	17
TOTAL TIME CODE ENFORCEMENT	159.3 hrs
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	92.2 hrs

FEBRUARY 2014

CODE VIOLATION NOTICES ISSUED	545
CITATIONS ISSUED	73
WALKS CLEARED BY CONTRACTOR	15
UNFOUNDED COMPLAINTS	103
TOTAL TIME CODE ENFORCEMENT	250.3 hrs
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	160.49

MARCH 2014

CODE VIOLATION NOTICES ISSUED	158
CITATIONS ISSUED	49
WALKS CLEARED BY CONTRACTOR	22
UNFOUNDED COMPLAINTS	39
TOTAL TIME CODE ENFORCEMENT	126.9
TOTAL TIME SPECIFIC TO SNOW ENFORCEMENT	60.17