

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 7, 2021, 7:00 P.M.

1) Call to Order

2) Invocation – Pastor Wayne Ondersma, The Pier Church

If you wish and are able, please stand for the invocation. The Pledge of Allegiance will immediately follow the invocation.

3) Pledge of Allegiance

4) Roll Call

5) Student Recognition

6) Approval of Minutes

From the August 16, 2021 Regular Meeting

7) Approval of Agenda

8) Public Hearings

If you wish to speak to an item during a public hearing you are welcome to do so. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Comments made during a public hearing may become part of the meeting's permanent record. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.

9) Public Comment on Agenda Items

This public comment period is reserved for comment on agenda items only. If you wish to speak about an item that is not on the agenda, please hold your comments until the acknowledgement of visitors at the end of the meeting. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.

10) Presentations and Proclamations

a) Presentations

b) Proclamations

11) Petitions and Communications

a) Petitions

b) Communications

12) Reports from City Officers

a) From City Council

b) From City Manager

21-09 Acceptance of a Temporary Permit for 100 – 56th Street SW
(Dean E. and Nichole E. Howe)

21-10 Acceptance of a Temporary Permit for 240 – 56th Street SW
(Bill Stubblefield)

21-11 Acceptance of a Storm Sewer Easement at 4457 Penny Lane SW
(Theodore R. and Rose Wentworth)

21-12 Acceptance of a Storm Sewer Easement at 4463 Penny Lane SW
(Kevin James Sundberg and Kelly George)

21-13 Acceptance of a Temporary Permit for 177 – 56th Street SW
(Ronald A. and Sandy Larabel)

13) Budget Amendments

14) Consent Agenda

- a) Of Appreciation to Canda Lomonaco for Her Service as a Member of the Zoning Board of Appeals for the City of Wyoming

15) Resolutions

16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts

- b) To Concur with Acceptance of Donations for the Purchase of a New K-9 and to Express Appreciation to Weller Auto and the Wyoming Animal Hospital for Their Donations (Budget Amendment No. 27)
- c) To Accept a Quote from Sentinel Technologies, Inc. for a HP Virtual Computing Environment (SCADA) at the Water Treatment Plant
- d) To Authorize Payment Related to the Emergency Repairs of the 42” Transmission Main
- e) To Approve Change Order Number Two for the Purchase of Liquid Sodium Hypochlorite (Bleach)
- f) To Accept a Proposal from Dixon Engineering, Inc. to Provide Technical Specifications, Administration, and Project Oversight During the Rehabilitation of the Gezon 5,000,000 Gallon Concrete Storage Tank and to Authorize the Mayor and City Clerk to Execute the Contract
- g) For Award of Bid and to Authorize the Mayor and City Clerk to Execute the Contract
 - 1. Elevator Maintenance and Repair Service

17) Ordinances

- 17-21 To Amend Chapter 6 and Subsection 10-179(33) and to Repeal Section 54-7 of the Code of Ordinances to Address the Keeping, Care, Control and Hygiene Related to Animals in the City and Providing Penalties for Violations (Final Reading)
- 18-21 To Amend Section 90-32 of the Code of Ordinances by Adding Subsection (130) to Rezone 1091 56th Street SW from R-7 to RO-1 (Final Reading)
- 19-21 To Amend Chapter 90 of the Code of Ordinances by Amending Section 90-600 in Article 6 (Final Reading)
- 20-21 To Amend Chapter 90 of the Code of Ordinances by Amending Article 11 Division 4 (Final Reading)

18) Informational Material

19) Acknowledgment of Visitors

This public comment period is an opportunity to share concerns or present topics to the City Council that were not part of this meeting’s agenda. This is not an opportunity for dialog with Council, but Council may make referrals or request staff to follow up. Please provide your name and address when approaching the podium. There is a 3 minute limit per person.

20) Closed Session (as necessary)

21) Adjournment

September 7, 2021

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 21-09

Subject: Acceptance of a Temporary Permit for
100 – 56th Street, SW (Dean E. and Nichole E. Howe)

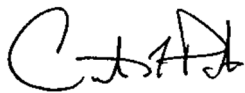
Councilmembers:

Dean E. and Nichole E. Howe, owners of 100 – 56th Street, SW, have submitted the following described Temporary Permit. The Temporary Permit conveys rights to access and grade on this property for the 56th Street Improvement project from Haughey Avenue – Division Avenue. The Temporary Permit area is shown on the attached Exhibit B.

Grantor:	Dean E. and Nichole E. Howe
Parcel:	41-17-36-476-030
Right-of-way Size	7,029 sf – Temporary Permit
Consideration:	\$7,989.66

It is recommended that the City Council accept Temporary Permit which has been approved as to form by the City Attorney.

Respectfully submitted,



Curtis L. Holt
City Manager

Attachments: Temporary Permit
Estimate of Just Compensation

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger John Fitzgerald Kent Vanderwood Marissa Postler Robert Postema Sam Bolt
Jack A. Poll, Mayor

**CITY OF WYOMING
TEMPORARY PERMIT
Parcel No. 41-17-36-476-030**

The Grantor, **Dean E. Howe and Nichole E. Howe**, husband and wife, whose address is 100 56th Street, SW, Wyoming, MI 49548

DOES HEREBY GRANT AND CONVEY TO:

CITY OF WYOMING, a Michigan Municipal corporation, whose address is 1155 28th Street, SW, Wyoming, Michigan 49509 a Temporary Permit to change existing land contours, to remove and/or install trees and vegetation, and to construct and/or reconstruct side-slopes, service walks, sidewalks, driveways, parking lots, curb and gutter, public and private utilities, drainage facilities, lighting facilities, and other facilities as required for the 56th Street Improvements Project from Haughey Ave. to Division Ave. All areas disturbed by the work in the Temporary Permit area will be properly restored. The Temporary Permit area is located on property in the City of Wyoming, County of Kent, State of Michigan, as follows:

**See Exhibit attached hereto for the Temporary Permit Area
and Temporary Permit Legal Description (A Portion of Parcel No. 41-17-36-476-030)**

The Temporary Permit as referenced herein is granted and conveyed for the full consideration of **Three Thousand Nine Hundred Eighty-Nine Dollars and 66/100 Cents (\$3,989.66)**.

The Temporary Permit, including all rights granted or inferred, shall terminate upon completion of the 56th Street Improvements Project from Haughey Ave. to Division Ave., including restoration of the Temporary Permit Area.

IN WITNESS, WHEREOF, the undersigned have hereunto set their hand this day and year as referenced herein.

DATED: _____

Approved as a form:

Attorney for the City of Wyoming

GRANTOR:



Dean E. Howe

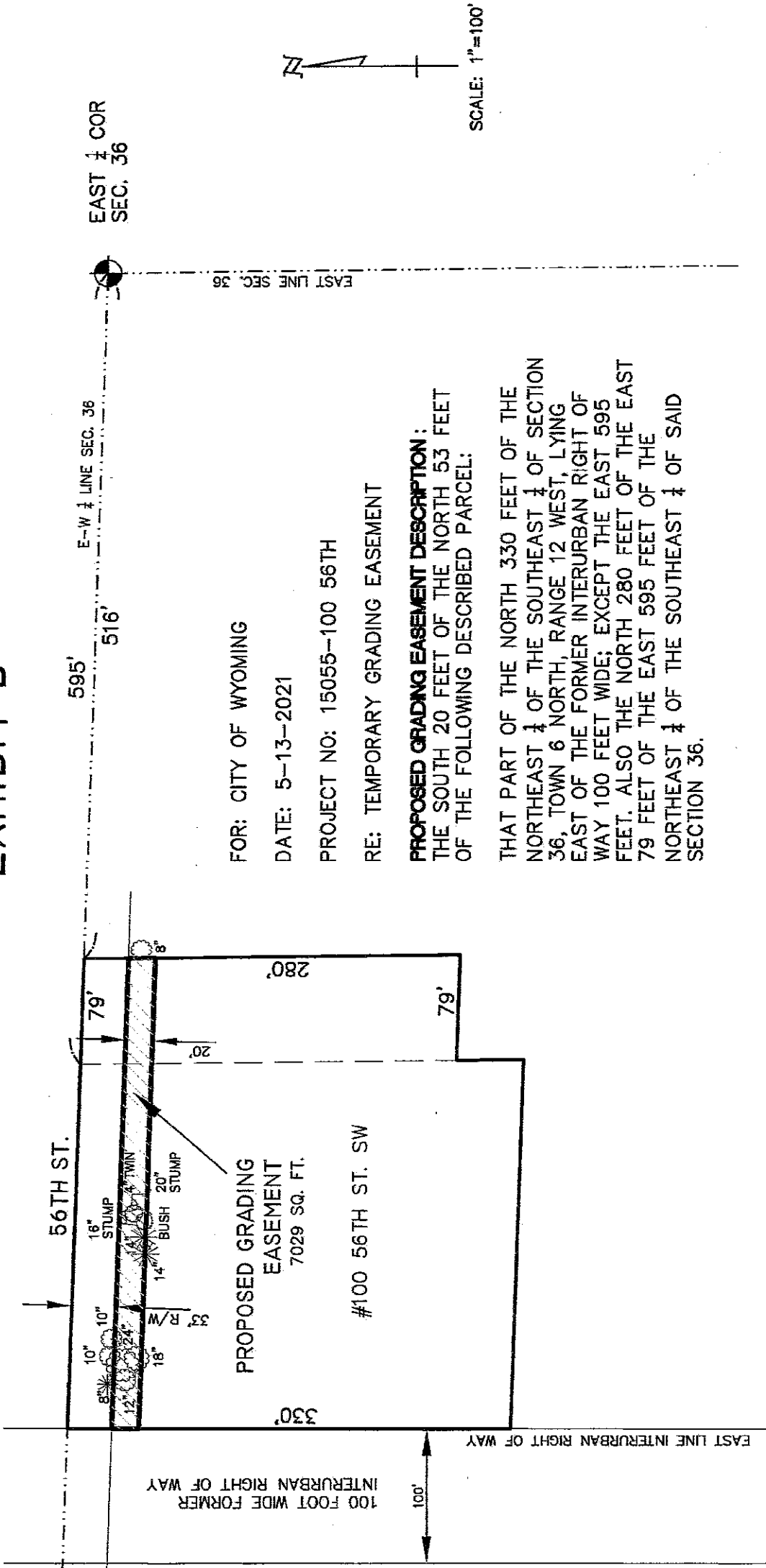


Nichole E. Howe

Prepared by and return to:
Deborah S. Poeder
Land Matters, LLC
11230 Tallmadge Woods Drive
Grand Rapids, Michigan 49534

Legal Description prepared by:
Meyers, Bueche & Nies, Inc.
1750 3 Mile Road, NW
Grand Rapids, Michigan 49544

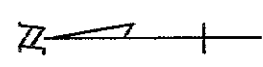
EXHIBIT B



FOR: CITY OF WYOMING
 DATE: 5-13-2021
 PROJECT NO: 15055-100 56TH
 RE: TEMPORARY GRADING EASEMENT

PROPOSED GRADING EASEMENT DESCRIPTION:
 THE SOUTH 20 FEET OF THE NORTH 53 FEET
 OF THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF THE NORTH 330 FEET OF THE
 NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION
 36, TOWN 6 NORTH, RANGE 12 WEST, LYING
 EAST OF THE FORMER INTERURBAN RIGHT OF
 WAY 100 FEET WIDE; EXCEPT THE EAST 595
 FEET. ALSO THE NORTH 280 FEET OF THE EAST
 NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID
 SECTION 36.



SCALE: 1"=100'

LEGEND

- ☐ WOOD STAKE (SET)
- ⊙ IRON STAKE (SET)
- IRON STAKE (FOUND)
- +— FENCE
- ⊗ DECIDUOUS TREE
- ✱ CONIFEROUS TREE

Meyers, Bueche & Nies, Inc.
 Civil Engineers/Surveyors
 1750 3 Mile Road NW
 Grand Rapids, MI 49544
 616-457-5030
 fax 616-457-8244

**CITY OF WYOMING
ESTIMATE OF JUST COMPENSATION**

PROJECT: City of Wyoming – 56th Street Improvement Project, Haughey Ave. to Division Ave.

SITE DATA:

Parcel: Dean E. & Nichole E. Howe
Address: 100 56th St., SW

Permanent Parcel No.: 41-17-36-476-030

Land Use: Residential – Improved *Size:* 2.489 ac (total)
Zoning: 401

<p>ACQUISITION DESCRIPTION: Square foot values based on Land Values obtained from the comparable sales in the City of Wyoming.</p> <p>Summary of Costs:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>Temporary Permit:</u> A 20' rectangular piece of property located adjacent to the 56th Street ROW at 100 56th Street, as shown.</p> <p align="center">Area: 7,029 sft</p> </div>	<p>SKETCH: North</p>
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COMPUTATION OF VALUE:	
<p>LAND ACQUISITION, TEMPORARY PERMIT</p> <p>7,029 s.f. (Area) X \$ 4.73 / s.f. x 12% = \$ 3,989.66</p>	\$ 3,989.66
<p>VEGETATION REMOVALS – Based on Landscape Appraisal dated July 18, 2021 from Aurora ~ \$3,330. Negotiated \$4,000 for vegetation removals.</p>	4,000.00

REMARKS:

Signed:

Land Matters, llc
Deborah S. Poeder

For information call 616.791.9805

Agreed to by:

Dean Howe

\$7,989.66

Nichole Howe

September 7, 2021

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 21-10

Subject: Acceptance of a Temporary Permit for
240 – 56th Street, SW (Bill Stubblefield)

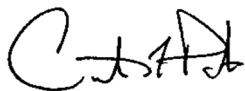
Councilmembers:

Bill Stubblefield, owner of 240 – 56th Street, SW, has submitted the following described Temporary Permit. The Temporary Permit conveys rights to access and grade on this property for the 56th Street Improvement project from Haughey Avenue – Division Avenue. The Temporary Permit area is shown on the attached Exhibit B.

Grantor:	Bill Stubblefield
Parcel:	41-17-36-404-045
Right-of-way Size	1,170 sf – Temporary Permit
Consideration:	\$4,383.00

It is recommended that the City Council accept Temporary Permit which has been approved as to form by the City Attorney.

Respectfully submitted,



Curtis L. Holt
City Manager

Attachments: Temporary Permit
Estimate of Just Compensation

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger John Fitzgerald Kent Vanderwood Marissa Postler Robert Postema Sam Bolt
Jack A. Poll, Mayor

**CITY OF WYOMING
TEMPORARY PERMIT
Parcel No. 41-17-36-404-045**

The Grantor, **Bill Stubblefield**, a married man, whose address is 3261 S. Division Ave., Wyoming, MI 49548

DOES HEREBY GRANT AND CONVEY TO:

CITY OF WYOMING, a Michigan Municipal corporation, whose address is 1155 28th Street, SW, Wyoming, Michigan 49509 a Temporary Permit to change existing land contours, to remove and/or install trees and vegetation, and to construct and/or reconstruct side-slopes, service walks, sidewalks, driveways, parking lots, curb and gutter, public and private utilities, drainage facilities, lighting facilities, and other facilities as required for the 56th Street Improvements Project from Haughey Ave. to Division Ave. All areas disturbed by the work in the Temporary Permit area will be properly restored. The Temporary Permit area is located on property in the City of Wyoming, County of Kent, State of Michigan, as follows:

**See Exhibit attached hereto for the Temporary Permit Area
and Temporary Permit Legal Description (A Portion of Parcel No. 41-17-36-404-045)**

The Temporary Permit as referenced herein is granted and conveyed for the full consideration of **Five Hundred Fifty Three Dollars and No Cents (\$553.00)**.

The Temporary Permit, including all rights granted or inferred, shall terminate upon completion of the 56th Street Improvements Project from Haughey Ave. to Division Ave., including restoration of the Temporary Permit Area.

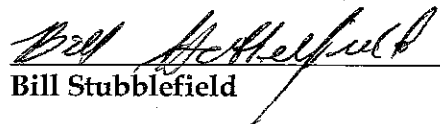
IN WITNESS, WHEREOF, the undersigned have hereunto set their hand this day and year as referenced herein.

DATED: _____

Approved as a form:

Attorney for the City of Wyoming

GRANTOR:

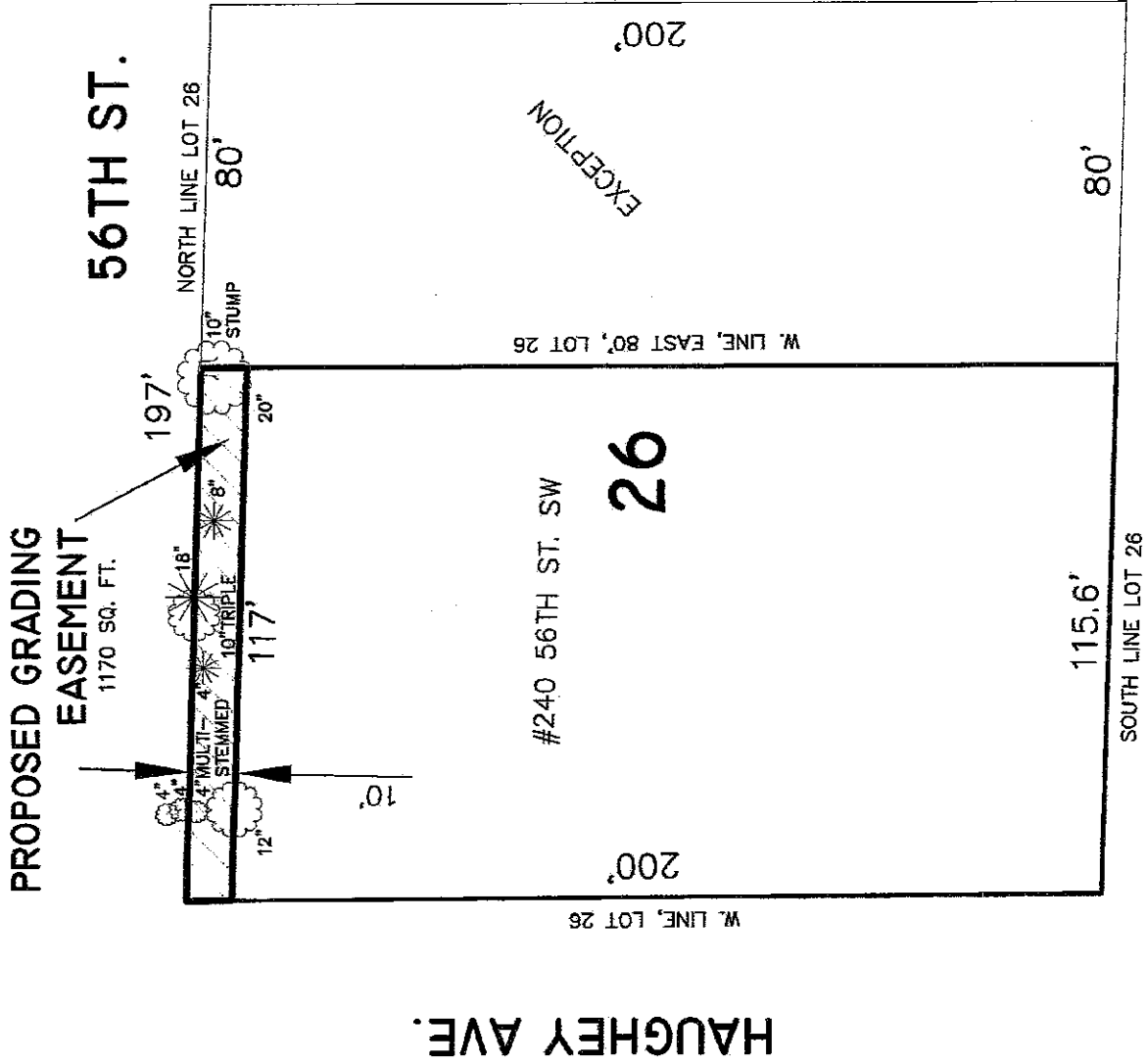


Bill Stubblefield

Prepared by and return to:
Deborah S. Poeder
Land Matters, LLC
11230 Tallmadge Woods Drive
Grand Rapids, Michigan 49534

Legal Description prepared by:
Meyers, Bueche & Nies, Inc.
1750 3 Mile Road, NW
Grand Rapids, Michigan 49544

EXHIBIT B



FOR: CITY OF WYOMING

DATE: 5-13-21

PROJECT NO: 15055-240 56TH

RE: TEMPORARY GRADING EASEMENT

PROPOSED GRADING EASEMENT DESCRIPTION:
SITUATED IN THE CITY OF WYOMING, COUNTY OF KENT, STATE OF MICHIGAN

THE NORTH 10 FEET OF LOT 26, EXCEPT THE EAST 80 FEET, LAMAR EXTENSION PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 29 OF PLATS, PAGE(S) 27, KENT COUNTY RECORDS.

25

SCALE: 1"=40'

mbn

Meyers, Bueche & Nies, Inc.
Civil Engineers/Surveyors
1750 3 Mile Road NW
Grand Rapids, MI 49544
616-457-5030
fax 616-457-8244

LEGEND

- ☐ WOOD STAKE (SET)
- ⊙ IRON STAKE (SET)
- IRON STAKE (FOUND)
- +— FENCE
- ☼ DECIDUOUS TREE
- ✱ CONIFEROUS TREE

CITY OF WYOMING ESTIMATE OF JUST COMPENSATION

PROJECT: City of Wyoming – 56th Street Improvement Project, Haughey Ave. to Division Ave.

SITE DATA:

Permanent Parcel No.: 41-17-36-404-045

Parcel: Bill Stubblefield

Land Use: Residential – Improved Size: 0.537 ac (total)

Address: 240 56th St., SW

Zoning: 401

<p>ACQUISITION DESCRIPTION: Square foot values based on Land Values obtained from the comparable sales in the City of Wyoming.</p> <p>Summary of Costs:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>Temporary Permit:</u> A 10' rectangular piece of property located adjacent to the 56th Street ROW at 240 56th Street, as shown.</p> <p style="margin-left: 20px;">Area: 1,170 sft</p> </div>	<p>SKETCH:</p> <div style="text-align: right; margin-bottom: 10px;">North ↑</div>
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COMPUTATION OF VALUE:	
<p>LAND ACQUISITION, <i>TEMPORARY PERMIT</i></p> <p>1,170 s.f. (Area) X \$ 4.73 / s.f. x 10% = \$ 553.41 ~ Round to \$553.00</p>	\$ 553.00
<p>VEGETATION REMOVALS – Based on Landscape Appraisal dated July 18, 2021 from Aurora</p>	3,830.00

REMARKS:

Signed:

Land Matters, llc
Deborah S. Poeder

For information call 616.791.9805

\$ 4,383.00

Agreed to by:

Bill Stubblefield

September 7, 2021

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 21-11

Subject: Acceptance of a Storm Sewer Easement from Theodore R. and Rose Wentworth at
4457 Penny Lane, SW

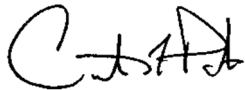
Councilmembers:

Theodore R. and Rose Wentworth, owners of 4457 Penny Lane, SW, have submitted the following described Storm Sewer Easement. The Storm Sewer Easement conveys rights to the City to construct, maintain or repair the storm sewer in, over, and across said property. The Storm Sewer Easement area is shown in Exhibit B of the attached easement.

Grantor:	Theodore R. and Rose Wentworth
Parcel:	41-17-31-377-014
Size:	1,600 SF
Consideration:	\$450.00

It is recommended that the City Council accept the Storm Sewer Easement, which has been approved as to form by the City Attorney.

Respectfully submitted,



Curtis L. Holt
City Manager

Attachments: Storm Sewer Easement
Estimate of Just Compensation

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger John Fitzgerald Kent Vanderwood Marissa Postler Robert Postema Sam Bolt
Jack A. Poll, Mayor

CITY OF WYOMING
STORM SEWER EASEMENT
Parcel No. 41-17-31-377-014

The Grantors, Theodore R. Wentworth and Rose Wentworth, husband and wife, whose address is 4457 Penny Lane, SW, Wyoming, Michigan 49418

DO HEREBY GRANT AND CONVEY TO:

CITY OF WYOMING, a Michigan Municipal Corporation, whose address is 1155 28th Street, SW, Wyoming, Michigan 49509 (the "City" herein), an **Easement for Storm Sewer** purposes, including the right to enter upon the real property at any time and to construct, repair, and maintain the underground storm sewer in, over, under, across, through, and upon said real property together with the right to excavate and refill ditches and/or trenches for the location of said storm sewer and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said storm sewer in, over, under, across, through, and upon said real property located in the City of Wyoming, County of Kent, State of Michigan, as follows:

See Exhibit attached hereto for the Legal Description of Storm Sewer Easement

For the full consideration of Four Hundred Fifty Dollars and No Cents (\$450.00).

The City shall have the right to use the Grantors' property outside the Easement area but adjoining the Easement area to accomplish the work; provided however, that the City shall restore the portion of the Grantors' property adjoining the Easement area to as good or better condition than it was prior to any work having been performed.

Grantors shall not construct, install, or place any buildings, permanent structures, or obstructions in the Easement area which would inhibit the intended use of the Easement.

DATED: _____

Approved as to form:

Attorney for the City of Wyoming

GRANTORS:

T.R. Wentworth
Theodore R. Wentworth

Rose Wentworth
Rose Wentworth

STATE OF MICHIGAN)
)ss.
COUNTY OF KENT)

The foregoing instrument was acknowledged before me in Kent County, Michigan on this 4 day of August, 2021, by Theodore R. Wentworth and Rose Wentworth.

Daniel Atwood
Daniel Atwood, Notary Public
State of Michigan, County of Ottawa
My Commission Expires: 1-15-2025
Acting in the County of: Kent

DANIEL ATWOOD
NOTARY PUBLIC - MICHIGAN
OTTAWA COUNTY
MY COMMISSION EXPIRES 1/15/2025
ACTING IN KENT COUNTY

Prepared by and after recording return to:
Deborah S. Poeder
Land Matters, LLC
11230 Tallmadge Woods Drive
Grand Rapids, MI 49534

Legal Description by:
Michael Manning, P.S.
Meyers, Bueche & Nies, Inc.
1638 Leonard Street, NW
Grand Rapids, MI 49504

EXHIBIT B

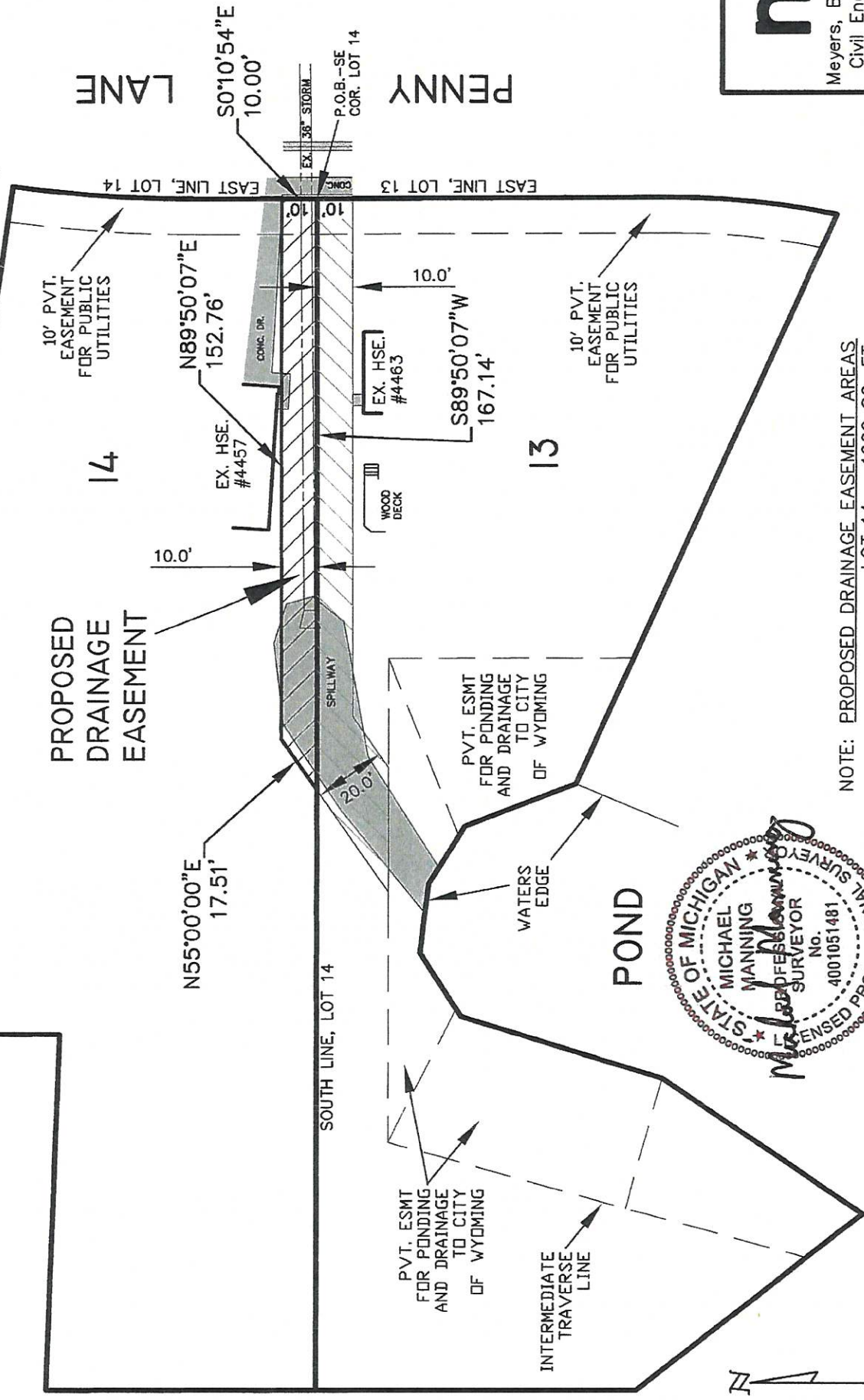
FOR: CITY OF WYOMING

DATE: 4-26-21

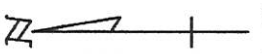
PROJECT NO: 21016-4457

RE: PROPOSED DRAINAGE EASEMENT
#4457 PENNY LANE

PROPOSED EASEMENT DESCRIPTION:
THAT PART OF LOT 14, STRAWBERRY FIELDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 101 OF PLATS, PAGE(S) 40, KENT COUNTY RECORDS, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 14; THENCE S89°50'07"W 167.14 FEET ALONG THE SOUTH LINE OF SAID LOT; THENCE N55°00'00"E 17.51 FEET; THENCE N89°50'07"E 152.76 FEET TO THE EAST LINE OF SAID LOT; THENCE S00°10'54"E 10.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.



NOTE: PROPOSED DRAINAGE EASEMENT AREAS
LOT 14 = 1600 SQ. FT.
LOT 13 = 2093 SQ. FT.
TOTAL = 3693 SQ. FT.



SCALE: 1"=40'

mbn
Meyers, Bueche & Nies, Inc.
Civil Engineers/Surveyors
1750 3 Mile Road NW
Grand Rapids, MI 49544
616-457-5030
fax 616-457-8244

LEGEND

- WOOD STAKE (SET)
- IRON STAKE (SET)
- IRON STAKE (FOUND)
- FENCE
- M = MEASURED
- P = PLATTED

CITY OF WYOMING ESTIMATE OF JUST COMPENSATION

PROJECT: Storm Sewer in Public Easement (Penny Lane)

PURPOSE OF REPORT: The purpose of this report is to estimate the Fair Market Value of the land to be acquired and to estimate the Just Compensation for the conveyance of land and the granting of permanent and temporary Easements. The compensation will be based upon the land values obtained from the Wyoming Assessor's Records. This method of compensation is authorized by the Wyoming City Council per Resolution No. 18464 (City Policy Manual).

SITE DATA:

Permanent Parcel No.: 41-17-31-377-014

Parcel: Theodore R. & Rose Wentworth

Land Use: Residential Improved

Size: 0.72 Ac (total)

Address: 4457 Penny Lane, SW

Zoning: 401

ACQUISITION DESCRIPTION:

Square foot values based on Land Values obtained from the City of Wyoming website.

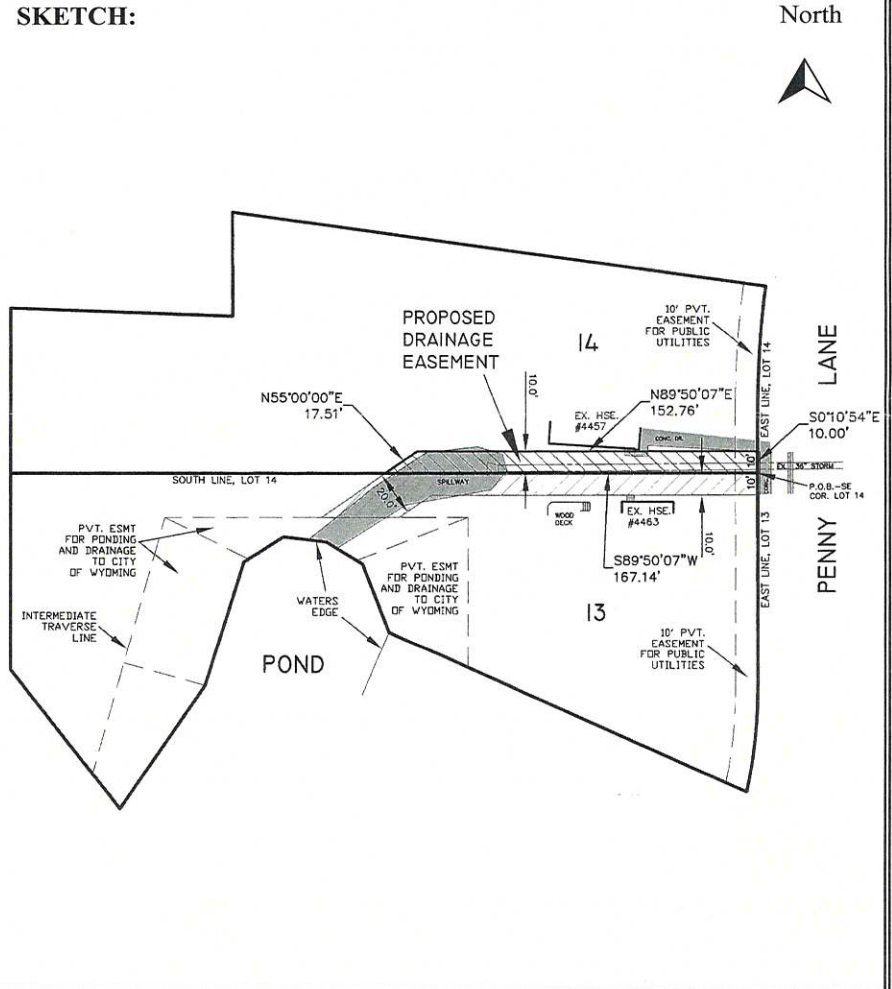
Summary of Costs:

Storm Sewer Easement:

An irregular shaped parcel as shown on the sketch.

Area: 1,600 s.f.

SKETCH:



COMPUTATION OF VALUE:

LAND ACQUISITION, STORM SEWER EASEMENT

1,600 s.f. (Area) X \$ 2.79 @ 10% Easement Factor/ s.f. = \$446.40 (Round to \$450.00)

\$450.00

REMARKS:

Signed:

Land Matters, llc
Deborah S. Poeder

For information call 616.791.9805

\$450.00

Agreed to by:

Theodore R. Wentworth

Rose Wentworth

September 7, 2021

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 21-12

Subject: Acceptance of a Storm Sewer Easement from Kevin James Sundberg and Kelly George at 4463 Penny Lane, SW

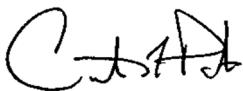
Councilmembers:

Kevin James Sundberg and Kelly George, owners of 4463 Penny Lane, SW, have submitted the following described Storm Sewer Easement and Agreement for Incidental Items. The Storm Sewer Easement conveys rights to the City to construct, maintain or repair the storm sewer in, over, and across said property. The Agreement for Incidental Items identifies items and compensation amount for the relocation of landscape materials. The Storm Sewer Easement area is shown in Exhibit B of the attached easement.

Grantor:	Kevin James Sundberg and Kelly George
Parcel:	41-17-31-377-013
Size:	2,093 SF
Consideration:	\$885.00

It is recommended that the City Council accepts the Storm Sewer Easement, which has been approved as to form by the City Attorney.

Respectfully submitted,



Curtis L. Holt
City Manager

Attachments: Storm Sewer Easement
Agreement for Incidental Items
Estimate of Just Compensation

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger John Fitzgerald Kent Vanderwood Marissa Postler Robert Postema Sam Bolt
Jack A. Poll, Mayor

**CITY OF WYOMING
STORM SEWER EASEMENT
Parcel No. 41-17-31-377-013**

The Grantors, Kevin James Sundberg and Kelly George, husband and wife, whose address is 4463 Penny Lane, SW, Wyoming, Michigan 49418

DO HEREBY GRANT AND CONVEY TO:

CITY OF WYOMING, a Michigan Municipal Corporation, whose address is 1155 28th Street, SW, Wyoming, Michigan 49509 (the "City" herein), an **Easement for Storm Sewer** purposes, including the right to enter upon the real property at any time and to construct, repair, and maintain the underground storm sewer in, over, under, across, through, and upon said real property together with the right to excavate and refill ditches and/or trenches for the location of said storm sewer and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said storm sewer in, over, under, across, through, and upon said real property located in the City of Wyoming, County of Kent, State of Michigan, as follows:

See Exhibit attached hereto for the Legal Description of Storm Sewer Easement

For the full consideration of Five Hundred Eight-five Dollars and No Cents (\$585.00).

The City shall have the right to use the Grantors' property outside the Easement area but adjoining the Easement area to accomplish the work; provided however, that the City shall restore the portion of the Grantors' property adjoining the Easement area to as good or better condition than it was prior to any work having been performed.

Grantors shall not construct, install, or place any buildings, permanent structures, or obstructions in the Easement area which would inhibit the intended use of the Easement.

DATED: _____

Approved as to form:

Attorney for the City of Wyoming

GRANTORS:

Kevin James Sundberg
Kevin James Sundberg

Kelly George
Kelly George

STATE OF MICHIGAN)
)ss.
COUNTY OF KENT)

The foregoing instrument was acknowledged before me in Kent County, Michigan on this 31st day of August, 2021, by Kevin James Sundberg and Kelly George.

KELLY JACOBSEN
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires June 21, 2024
Acting in the County of Kent

Kelly Jacobsen
Kelly Jacobsen, Notary Public
State of Michigan, County of Ottawa
My Commission Expires: 6/21/2024
Acting in the County of: Kent

Prepared by and after recording return to:
Deborah S. Poeder
Land Matters, LLC
11230 Tallmadge Woods Drive
Grand Rapids, MI 49534

Legal Description by:
Michael Manning, P.S.
Meyers, Bueche & Nies, Inc.
1638 Leonard Street, NW
Grand Rapids, MI 49504

EXHIBIT B

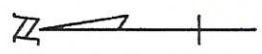
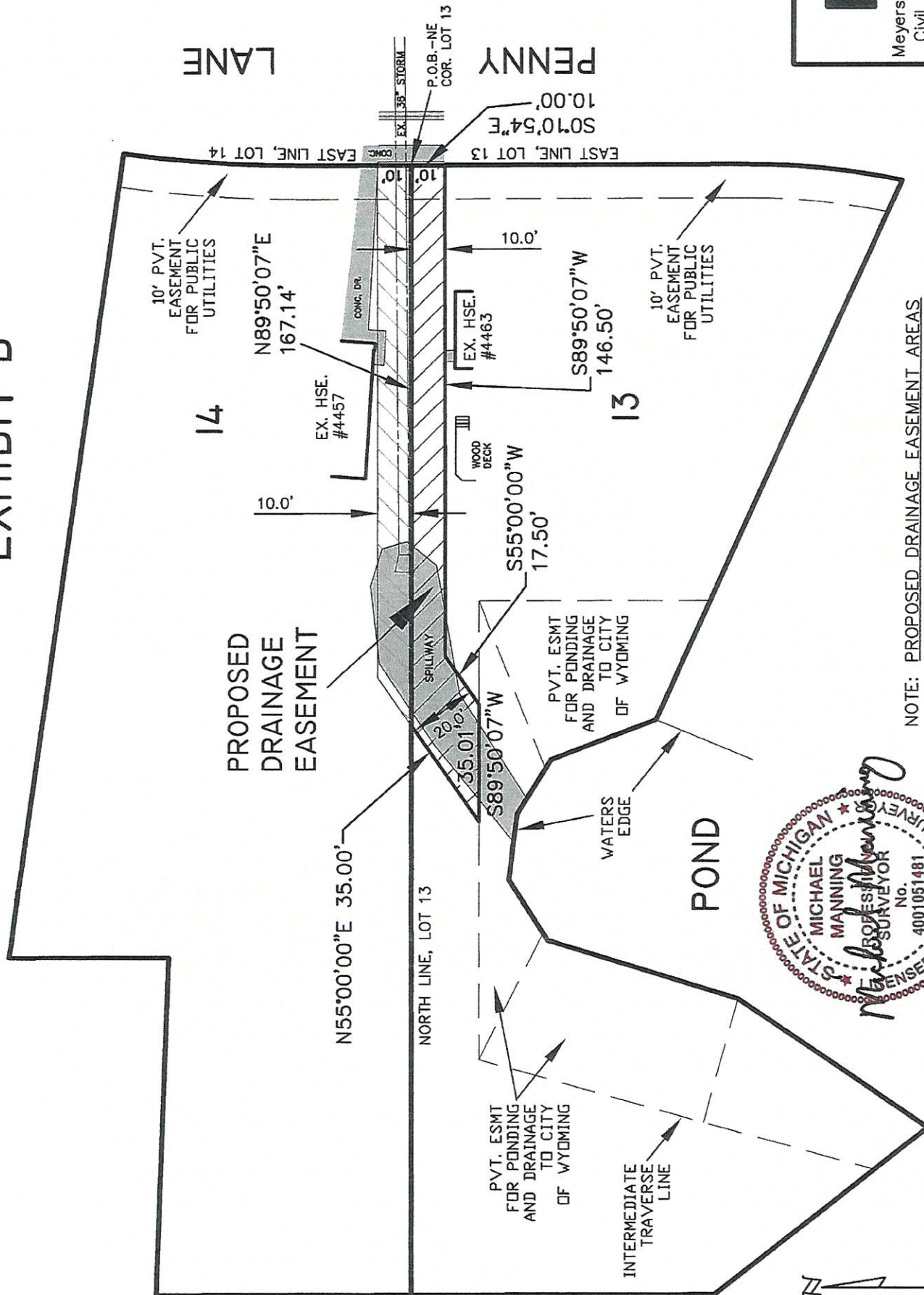
FOR: CITY OF WYOMING

DATE: 4-26-21

PROJECT NO: 21016-4463

RE: PROPOSED DRAINAGE EASEMENT
#4463 PENNY LANE

PROPOSED EASEMENT DESCRIPTION:
THAT PART OF LOT 13, STRAWBERRY FIELDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 101 OF PLATS, PAGE(S) 40, KENT COUNTY RECORDS, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT 13; THENCE S00°10'54"E 10.00 FEET ALONG THE EAST LINE OF SAID LOT; THENCE S89°50'07"W 146.50 FEET; THENCE S55°00'00"W 17.50 FEET; THENCE S89°50'07"W 35.01 FEET; THENCE N55°00'00"E 35.00 FEET TO THE NORTH LINE OF SAID LOT; THENCE N89°50'07"E 167.14 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.



SCALE: 1"=40'

NOTE: PROPOSED DRAINAGE EASEMENT AREAS
LOT 14 = 1600 SQ. FT.
LOT 13 = 2093 SQ. FT.
TOTAL = 3693 SQ. FT.



LEGEND

- WOOD STAKE (SET)
- IRON STAKE (SET)
- IRON STAKE (FOUND)
- +— FENCE
- M = MEASURED
- P = PLATTED



Meyers, Bueche & Nies, Inc.
Civil Engineers/Surveyors
1750 3 Mile Road NW
Grand Rapids, MI 49544
616-457-5030
fax 616-457-8244

Agreement for Incidental Items

Property Owners: Kevin James Sundberg and Kelly George, husband and wife

Property Address: 4463 Penny Lane, SW, Wyoming, MI 49418

Parcel Number: 41-17-31-377-013

Project Name: Penny Lane Storm Sewer Improvements

In consideration of the above named Property Owners having granted a Storm Sewer Easement to the City of Wyoming for the above referenced Project, the following is agreed:

The Property Owners and the City of Wyoming (City) agree that the City will have its contractors/subcontractors remove the existing landscaping and mulch in the back yard along the existing rip rap to the waters edge. The contractors/subcontractors will level, topsoil and seed the disturbed areas. The installation of new landscaping, which will be located outside of the Storm Sewer Easement area, will be the responsibility of the Property Owners and done at the Property Owners' discretion.


The City will be responsible to have its contractors/subcontractors remove the large tree in the Easement Area near the existing deck. Said removal will include the grinding of stumps as required. The contractor/subcontractor will not remove the tree in the front yard, but may clip off a branch if needed for access. The cost for the removal/trimming of the trees as referenced above will be at project expense and at no cost to the Property Owners.

The Property Owner will move the electric pet fence out of the way of the contractor/subcontractor during construction.

The Property Owners hereby grant the City and its contractors/subcontractors and designees access to the Property Owner's property for the City's work as referenced herein.

It is understood that the above is subject to final approval by the City of Wyoming and the above includes all agreements. No verbal agreements will be considered.

Prepared by:  8/31/21
Kelly Jacobsen Date
Land Matters, LLC

Accepted by:  8/31/21
Kevin James Sundberg Date
Property Owner

Accepted by:  8/31/21
Kelly George Date
Property Owner

Approved by: _____
Curtis Holt, City Manager Date
City of Wyoming

CITY OF WYOMING ESTIMATE OF JUST COMPENSATION

PROJECT: Storm Sewer in Public Easement (Penny Lane)

PURPOSE OF REPORT: The purpose of this report is to estimate the Fair Market Value of the land to be acquired and to estimate the Just Compensation for the conveyance of land and the granting of permanent and temporary Easements. The compensation will be based upon the land values obtained from the Wyoming Assessor's Records. This method of compensation is authorized by the Wyoming City Council per Resolution No. 18464 (City Policy Manual).

SITE DATA:

Permanent Parcel No.: 41-17-31-377-013

Parcel: Kevin James Sundberg & Kelly George

Land Use: Residential Improved

Size: 0.73 Ac (total)

Address: 4463 Penny Lane, SW

Zoning: 401

ACQUISITION DESCRIPTION:

Square foot values based on Land Values obtained from the City of Wyoming website.

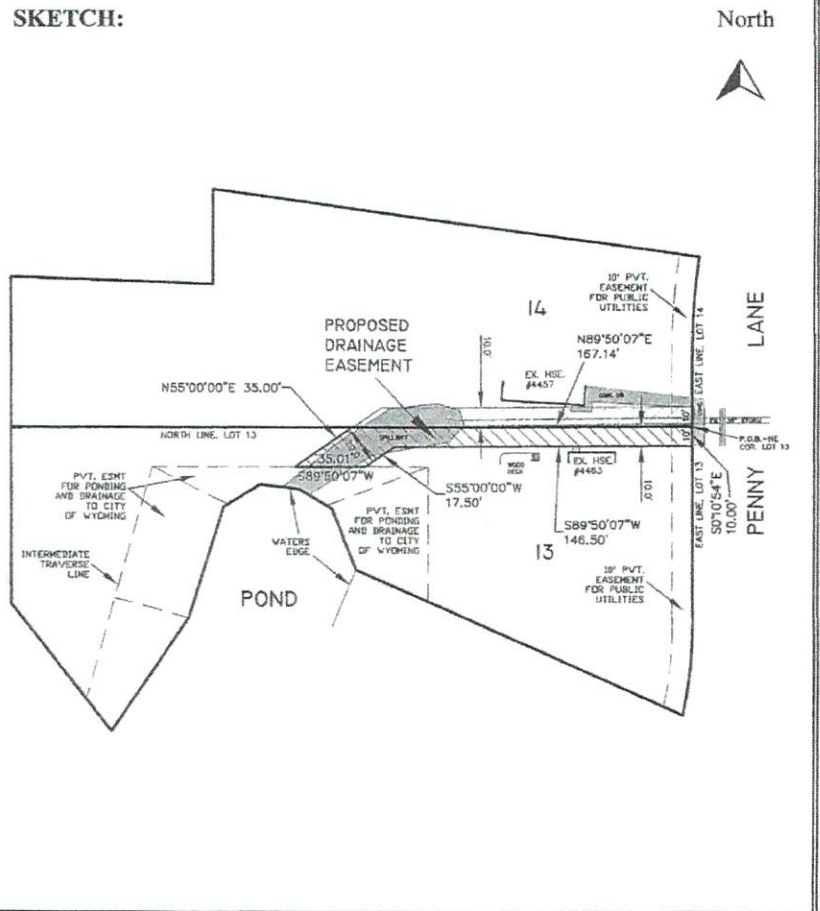
Summary of Costs:

Storm Sewer Easement:

An irregular shaped parcel as shown on the sketch.

Area: 2,093 s.f.

SKETCH:



COMPUTATION OF VALUE:

LAND ACQUISITION, STORM SEWER EASEMENT

2,093 s.f. (Area) X \$ 2.79 @ 10% Easement Factor/ s.f. = \$583.95 (Round to \$585.00)

\$585.00

IMPACT TO LANDSCAPING

300.00

REMARKS: The City will pay the invoice for sprinkler system repair and adjustment, up to a maximum of \$1,500.

Signed:

Land Matters, llc
Deborah S. Poeder

For information call 616.791.9805

\$885.00

Agreed to by:

Kevin James Sundberg
Kevin James Sundberg

Kelly George
Kelly George

September 7, 2021

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 21-13

Subject: Acceptance of a Temporary Permit for
177 – 56th Street, SW (Ronald A. and Sandy Larabel)

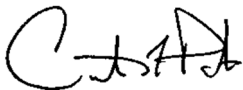
Councilmembers:

Ronald A. and Sandy Larabel, owners of 177 – 56th Street, SW, have submitted the following described Temporary Permit. The Temporary Permit conveys rights to access and grade on this property for the 56th Street Improvement project from Haughey Avenue – Division Avenue. The Temporary Permit area is shown on the attached Exhibit B.

Grantor:	Ronald A. and Sandy Larabel
Parcel:	41-17-36-276-005
Right-of-way Size	1,200 sf – Temporary Permit
Consideration:	\$3,748.00

It is recommended that the City Council accept Temporary Permit which has been approved as to form by the City Attorney.

Respectfully submitted,



Curtis L. Holt
City Manager

Attachments: Temporary Permit
Estimate of Just Compensation

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger John Fitzgerald Kent Vanderwood Marissa Postler Robert Postema Sam Bolt
Jack A. Poll, Mayor

**CITY OF WYOMING
TEMPORARY PERMIT**
Parcel No. 41-17-36-276-005

The Grantor, **Ronald A. Larabel and Sandy Larabel**, husband and wife, whose address is 177 56th Street, SW, Wyoming, MI 49548

DOES HEREBY GRANT AND CONVEY TO:

CITY OF WYOMING, a Michigan Municipal corporation, whose address is 1155 28th Street, SW, Wyoming, Michigan 49509 a Temporary Permit to change existing land contours, to remove and/or install trees and vegetation, and to construct and/or reconstruct side-slopes, service walks, sidewalks, driveways, parking lots, curb and gutter, public and private utilities, drainage facilities, lighting facilities, and other facilities as required for the 56th Street Improvements Project from Haughey Ave. to Division Ave. All areas disturbed by the work in the Temporary Permit area will be properly restored. The Temporary Permit area is located on property in the City of Wyoming, County of Kent, State of Michigan, as follows:

**See Exhibit A attached hereto for the Temporary Permit Area
and Temporary Permit Legal Description (A Portion of Parcel No. 41-17-36-276-005)**

The Temporary Permit as referenced herein is granted and conveyed for the full consideration of **Five Hundred Sixty Eight Dollars and No Cents (\$568.00)**.

The Temporary Permit, including all rights granted or inferred, shall terminate upon completion of the 56th Street Improvements Project from Haughey Ave. to Division Ave., including restoration of the Temporary Permit Area.

IN WITNESS, WHEREOF, the undersigned have hereunto set their hand this day and year as referenced herein.

DATED: 8-23-2021

Approved as a form:

Attorney for the City of Wyoming

GRANTOR:

Ronald A Larabel
Ronald A. Larabel

Sandy Larabel
Sandy Larabel

Prepared by and return to:
Deborah S. Poeder
Land Matters, LLC
11230 Tallmadge Woods Drive
Grand Rapids, Michigan 49534

Legal Description prepared by:
Meyers, Bueche & Nies, Inc.
1750 3 Mile Road, NW
Grand Rapids, Michigan 49544

EXHIBIT B

FOR: CITY OF WYOMING

DATE: 5-13-21

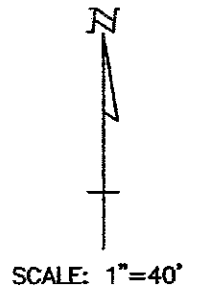
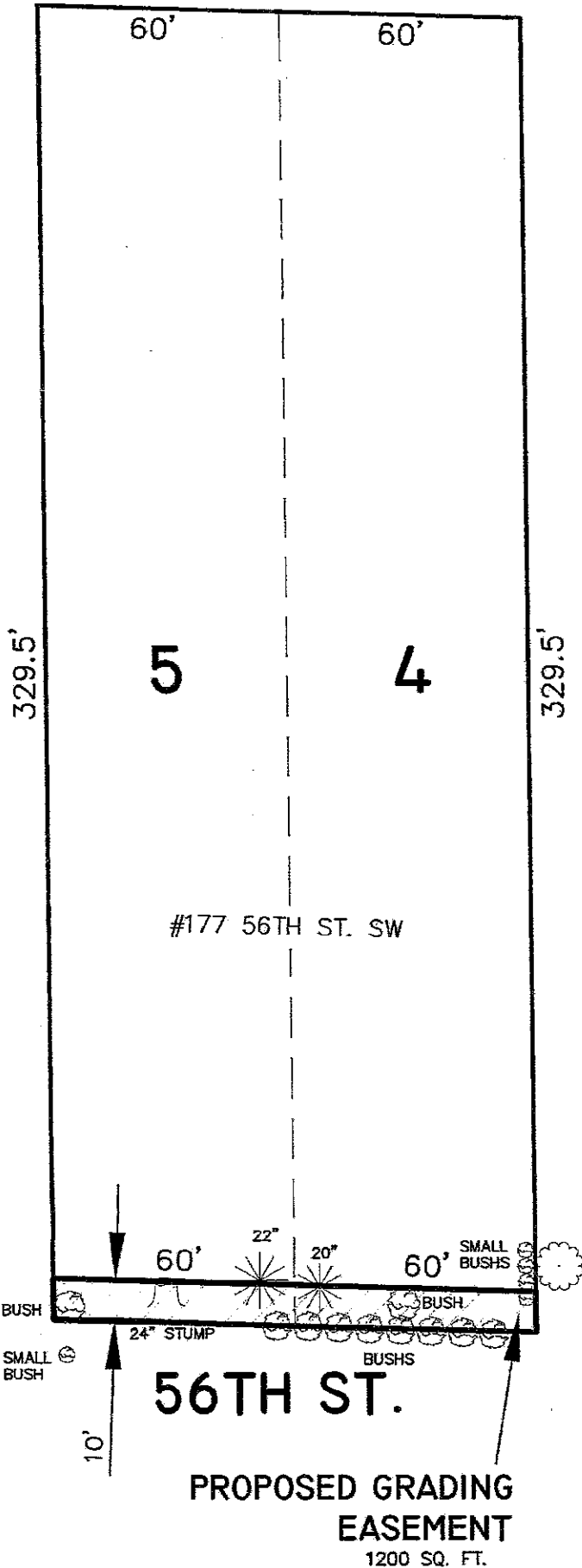
PROJECT NO: 15055-177 56TH

RE: TEMPORARY GRADING EASEMENT

PROPOSED GRADING EASEMENT

DESCRIPTION: SITUATED IN THE CITY OF WYOMING, COUNTY OF KENT, STATE OF MICHIGAN

THE SOUTH 10 FEET OF LOTS 4 AND 5, LAMAR EXTENTION PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 29 OF PLATS, PAGE(S) 27, KENT COUNTY RECORDS.



mbn
 Meyers, Bueche & Nies, Inc.
 Civil Engineers/Surveyors
 1750 3 Mile Road NW
 Grand Rapids, MI 49544
 616-457-5030
 fax 616-457-8244

LEGEND	
	WOOD STAKE (SET)
	IRON STAKE (SET)
	IRON STAKE (FOUND)
	FENCE
	DECIDUOUS TREE
	CONIFEROUS TREE

**CITY OF WYOMING
ESTIMATE OF JUST COMPENSATION**

PROJECT: City of Wyoming – 56th Street Improvement Project, Haughey Ave. to Division Ave.

SITE DATA:

Permanent Parcel No.: 41-17-36-276-005

Parcel: Ronald A. & Sandy Larabel

Land Use: Residential – Improved Size: 0.92 ac (total)

Address: 177 56th St., SW

Zoning: 401

<p>ACQUISITION DESCRIPTION: Square foot values based on Land Values obtained from the comparable sales in the City of Wyoming.</p> <p>Summary of Costs:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>Temporary Permit:</u> A 10' rectangular piece of property located adjacent to the 56th Street ROW at 177 56th Street, as shown.</p> <p>Area: 1,200 sft</p> </div>	<p>SKETCH:</p>
---	-----------------------

COMPUTATION OF VALUE:	
LAND ACQUISITION, TEMPORARY PERMIT	
1,200 s.f. (Area) X \$ 4.73 / s.f. x 10% = \$ 567.60 ~ Round to \$568.00	\$ 568.00
VEGETATION REMOVALS – Based on Landscape Appraisal dated July 18, 2021 from Aurora	3,180.00

REMARKS:

\$3,748.00

Signed:

Land Matters, llc
 Deborah S. Poeder

For information call 616.791.9805

Agreed to by:

Ronald Larabel

Sandy Larabel

RESOLUTION NO. _____

RESOLUTION OF APPRECIATION TO CANDIA LOMONACO FOR HER SERVICE
AS A MEMBER OF THE ZONING BOARD OF APPEALS
FOR THE CITY OF WYOMING

WHEREAS:

1. Candia Lomonaco has served faithfully and effectively as a member of the Zoning Board of Appeals since July 17, 2006.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to Candia Lomonaco for her dedicated service as a member of the Zoning Board of Appeals.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO CONCUR WITH ACCEPTANCE OF DONATIONS FOR THE
PURCHASE OF A NEW K-9 AND TO EXPRESS APPRECIATION TO WELLER AUTO
AND THE WYOMING ANIMAL HOSPITAL FOR THEIR DONATIONS

WHEREAS:

1. As detailed in the attached memorandum, representatives of the Wyoming Department of Public Safety K-9 team met with Shallow Creek Kennels in Pennsylvania.
2. The K-9 team evaluated numerous dogs and selected K-9 Bak as the newest member of the Wyoming Police K-9 unit.
3. Skip Weller, owner of Weller Auto, donated \$6,000 to the Greater Wyoming Community Resource Alliance (GWCRA) for the purchase of a new K-9.
4. The Wyoming Animal Hospital donated \$2,500 to the K911 foundation for the purchase of a new K-9, payment will be paid directly to Shallow Creek Kennels.
5. The Wyoming Department of Public Safety is extremely grateful to Skip Weller, owner of Weller Auto, and the Wyoming Animal Hospital for their generous donations.
6. It is recommended City Council concur with acceptance of the donation from GWCRA.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby concur with acceptance of \$6,000 from the GWCRA.
2. The City Council does hereby approve the attached budget amendment.
3. The City Council does hereby express appreciation to Skip Weller, owner of Weller Auto, for his generous donation.
4. The City Council does hereby express appreciation to the Wyoming Animal Hospital for their generous donation.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Budget Amendment
Memorandum

Resolution No. _____

Interdepartmental Correspondence

TO: Dep. Chief Snyder & Lt. Zuiderveen
FROM: Sgt. Bob Robinson
DATE: August 20th, 2021
SUBJECT: K9 Bak & Ofc. Sanderson



Police Services

Deputy Chief and Lieutenant,

On 8/19/21 Sergeant Aungst, K9 Officer Sanderson and I traveled to Shallow Creek Kennels in Pennsylvania per our previous arrangement and timeline request that was submitted and approved. At Shallow Creek numerous dogs were evaluated for drives, civil and bite work. We had several employees assigned to us who could listen to our needs regarding what type of K9 we were interested in and bring them to us accordingly. Shallow Creek was a large facility that is professionally run. There buildings were clean, up to date and extremely neat. The employees provided us a tour of their entire facility prior to meeting dogs and told us the history behind their business. While on the tour I noticed numerous other agencies on site from as far away as Colorado Springs Police Department. The staff was friendly, well prepared for our arrival and prompt. Their records were up to date and easily accessible for the 40+ dogs on site. All questions we had were answered as we moved forward.

I am happy to announce that as a team we have selected a new police K9 for the WYDPS. K9 Bak was selected as Officer Sanderson's new partner. Bak is a 15-month-old GSD from the Czech Republic who is considered "green." Bak is dark brown and black color and weighs about 75 pounds. He is a strong, confident and serious dog during aggression with a high hunt drive that was demonstrated on site. Bak is also a social dog who can be petted by others and handled among a group. We were excited to return to Michigan with Bak after a successful trip to Shallow Creek Kennels.

The rate for this animal was \$8500 USD. Through generous donations we are happy to inform you that this dog has/will be completely funded by the support from our partners in the community. Skip Weller, owner of Weller Auto donated \$6000 to our department for the purchase of a new dog. The Wyoming K911 foundation, ran by Wyoming Animal Hospital, donated the remaining \$2500 to Baks purchase. These two donations totaled the final official invoice of \$8500. We are so thankful to our partners for their hard work and thoughtfulness when it comes to supporting our K9 team and making them the best public servants they can be.

Shallow Creek agreed to split the invoice between the K911 foundation and our police department as the check from Mr. Weller has already been placed into our account. Payment can be made upon receipt of the mailed invoice. (\$6000 to us and \$2500 to K911)

Thank you to all involved for your continued support and commitment to our wonderful K9 program at WYDPS.

Respectfully,

A handwritten signature in black ink, appearing to be "B. Robinson", written over a horizontal line.

Sergeant Bob Robinson

RESOLUTION NO. _____

RESOLUTION TO ACCEPT A QUOTE FROM SENTINEL TECHNOLOGIES, INC.
FOR A HP VIRTUAL COMPUTING ENVIRONMENT (SCADA)
AT THE WATER TREATMENT PLANT

WHEREAS:

1. As detailed in the staff report, the Water Treatment Plant uses virtual technologies for the plant computing system.
2. It is recommended the City Council accept the quote from Sentinel Technologies, Inc. for the purchase of a HP virtual computing environment (SCADA) for the Water Treatment Plant for a total estimated amount of \$56,045.00.
3. Funds for the purchase are available in account number 591-591-55300-740.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does accept a quote from Sentinel Technologies, Inc. for the purchase of a HP virtual computing environment (SCADA) at the Water Treatment Plant.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Quote

Resolution No. _____

STAFF REPORT

Date: August 30, 2021

Subject: Recommendation to Authorize Purchase of an HP Virtual Environment for Water Treatment Plant SCADA

From: Pat Firestone, Director of Information Technology

Meeting Date: September 7, 2021

RECOMMENDATION:

It is recommended that the City Council waive the requirement to bid and authorize acceptance of a quote from Sentinel Technologies, Inc. for the purchase of a HP virtual computing environment for the Water Treatment Plant.

COMMUNITY, SAFETY, STEWARDSHIP:

Isolating process control systems (PCS) from non-PCS functions is a Cyber Security best practice as outlined by the US Department of Homeland Security (DHS), National Institute of Standards and Technology (NIST), and American Water Works Association (AWWA). Effective separation of PCS from other city functions helps protect the City's critical utility infrastructure from breach or intrusion that could risk the health and safety of the community.

DISCUSSION:

As detailed in the staff report, the Water Treatment Plant uses virtual technologies for the plant computing environment since 2012. Virtual computing is a proven technology that improves the reliability, recoverability, and energy efficiency of modern computing applications. The Water Treatment Plant's virtual computing environment currently supports both process control (SCADA) and general office functions of the plant.

In 2020, staff launched a significant upgrade of the PCS/SCADA system, to take advantage of a new version of PCS software and update the system to a more modern architecture. Because of recent technology advances adopted by the software publisher (Aveva/Wonderware), the integrator recommends virtual server specifications that are greater than those provided at the onset of the project. The integrator also cites the AWWA *Water Sector Cybersecurity Risk Management Guidance* document that reiterates NIST recommendations to isolate process control systems, including networks and servers, from other systems.

In response to the cybersecurity best practice guidance and the need for greater computing resources, staff are recommending the purchase of two servers that will be dedicated to host the plant's virtual PCS network.

The Information Technology Department received a price quote from Sentinel Technologies, Inc. for two host servers for the Water Treatment Plant's PCS virtual environment. Staff requested "State bid

or better” pricing, and the company provided a quote of \$56,045 representing a cost savings of over \$32,399 when compared to the Midwestern Higher Education Compact price list. The State of Michigan is a member of the compact (MHEC-12152020). This membership satisfies charter section 2-257 - cooperative purchasing plans.

BUDGET IMPACT:

Adequate funding is available in the 2021 budget in account 591-591-55300-740.000, Water Fund, Pumping and Treatment, Operating Supplies.

c. Bob Veneklasen



City of Wyoming WTP VM Hosts

Presented By:

Corey Doll
Senior Sales Executive
Sentinel Technologies, Inc.
1-616-365-5508
cdoll@sentinel.com

Architect:

Garry Snyder
Solutions Architect
Sentinel Technologies, Inc.
1-616-365-5520
gsnyder@sentinel.com

Hardware and Software

		Extended Price
HPE DL380G10	\$	56,045.00
Hardware and Software Total	\$	56,045.00

TOTAL PROJECT - Project Total Cost is based on the combined purchase of all Hardware/Software, Professional Services and Solution Maintenance from Sentinel as detailed in the attached Bill of Materials. Unbundling or materially reducing any of these essential elements of the solution may result in modifications to the cost of the remaining elements.

		Extended Price
Hardware and Software	\$	56,045.00
Project Total	\$	56,045.00

***Quote is valid until 09/30/2021**

Plus applicable tax, shipping & handling



HPE DL380G10

DL380G10 2x24C, 384GB, 10.71 TB RAID5 SSD, 2x PS, Adv ILO, TC Ess 5YR 24x7

HPE DL380 GEN10 6248R 1P 32G NCSYST 8SFF SVR NO DEAL REG PL-SY	2	\$ 5,068.00	\$ 10,136.00	\$13,540.04
HPE DL380 GEN10 XEON-G 6248R SYST KIT PL-SY	2	\$ 4,268.00	\$ 8,536.00	\$7,517.46
32GB 2RX4 PC4-2933Y-R SMART KITMEM NO DEAL REG PL-SI	22	\$ 414.00	\$ 9,108.00	\$25,406.92
SMART ARRAY P408I-A SR GEN10 SYST CTRLR PL=SI	2	\$ 507.00	\$ 1,014.00	\$1,020.54
96W SMART STORAGE BATTERY 145MMBATT CBL PL CODE -SH	2	\$ 102.00	\$ 204.00	\$204.40
1.92TB SATA MU SFF SC MV SSD INT NO DEAL REG PL-SI	14	\$ 748.00	\$ 10,472.00	\$22,811.04
ILO ADV INCLUDE 1YR TS U ELTU ESD NO DEAL REG PRICING PL-4U	2	\$ 261.00	\$ 522.00	\$582.54
HPE 800W FS PLAT HT PLG LH PWR SYST SPLY KIT PL-SI	2	\$ 176.00	\$ 352.00	\$553.34
1.83M 10A C13-UL POWER CORD CABL PL-OS	4	\$ 8.00	\$ 32.00	\$35.20
5YR TC ESS DL380 GEN10 SVC SVCS PL-96	2	\$ 3,894.00	\$ 7,788.00	\$9,831.12
5YR VMWARE VSPHERE ESSPLUS KIT ESD 6P ELTU	1	\$ 7,881.00	\$ 7,881.00	\$6,941.57
Hardware and Software Sub-Total:			\$56,045.00	\$88,444.17

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE PAYMENT RELATED TO THE
EMERGENCY REPAIRS OF THE 42" TRANSMISSION MAIN

WHEREAS:

1. Resolution number 27058 adopted on June 21, 2021 concurred with the emergency repairs of the 42" transmission main and authorized payment for some of the work.
2. As noted in the attached staff report final invoices from Prein and Newhof were yet to be received and upon receipt would be submitted to City Council.
3. It is recommended City Council authorize the three final payments to Prein & Newhof in the amount of \$25,350.00.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize payment to Prein & Newhof in the amount of \$25,350.80.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report
Invoices (3)

Resolution No. _____

STAFF REPORT

Date: August 30, 2021
Subject: Final Payment Authorization – 42” Watermain Repair
From: Robert Veneklasen, Water Treatment Plant Superintendent
Meeting Date: September 7, 2021

RECOMMENDATION:

It is recommended the City Council authorize the payment of three final invoices totaling \$25,350.80 for the emergency repair of the Wyoming 42” transmission main that concluded in May of this year.

Date	Vendor	Amount
7/7/2021	Prein & Newhof	\$13,734.46
8/9/2021	Prein & Newhof	\$6,523.34
8/25/2021	Prein & Newhof	<u>\$5,093.00</u>
	Total	\$25,350.80

COMMUNITY, SAFETY, STEWARDSHIP:

Prompt emergency repair of the City’s transmission main ensured the pipeline’s integrity so that it could continue to convey drinking water to all customers.

DISCUSSION:

On April 15, 2021 the water plant was informed of an area of standing water at 112th Ave. and Ransom St. near the path of the 42” transmission main. Upon further investigation active water movement was identified and measures were immediately taken to identify the leak and to confirm that repair was necessary.

Work began on May 18, 2021 and concluded in two days. Final site restoration to the nearby farm field and access drive was completed on May 21, 2021. Prior to the repair work being carried out, it was determined that specialist pipe inspection was prudent since this was the second leak on the 42” transmission main in six months. Our consulting engineer, Prein & Newhof, recommended the services of SG&H of Boston, MA, as experts in this type of work. The final report from SG&H has been received and indicates the two recent leaks on the 42” transmission main are dissimilar in nature with no indication of a systemic problem.

Prein & Newhof provided engineering consultation and field observation while SG&H conducted the pipe inspection and analysis.

BUDGET IMPACT:

Adequate funds exist in the transmission main repair and maintenance account 591-591-56300-930.000.

Prein&Newhof

Engineers • Surveyors • Environmental • Laboratory

3355 Evergreen Drive NE Grand Rapids, MI 49525
t. 616-364-8491 f. 616-364-695 preinnewhof.com

Invoice

CITY OF WYOMING
BOB VENEKLASEN
WYOMING TREATMENT PLANT
16700 NEW HOLLAND ST
HOLLAND, MI 49424

Invoice number 62053
Date 07/07/2021
Project 2210538 42" LEAK REPAIR-NEAR 112TH

BILLING PERIOD: 5/30/21 TO 6/30/21

PROFESSIONAL SERVICES RELATED TO
SGH SITE VISIT AND PRELIMINARY WORK

Invoice Total 13,734.46

TERMS: NET 30: 1-1/2% PER MONTH SERVICE CHARGE ON PAST DUE ACCOUNTS

56300-930.00

Prein&Newhof

Engineers • Surveyors • Environmental • Laboratory

3355 Evergreen Drive NE Grand Rapids, MI 49525
t. 616-364-8491 f. 616-364-695 preinnewhof.com

Invoice

CITY OF WYOMING
BOB VENEKLASEN
WYOMING TREATMENT PLANT
16700 NEW HOLLAND ST
HOLLAND, MI 49424

Invoice number 62696
Date 08/09/2021

Project 2210538 42" LEAK REPAIR-NEAR 112TH

BILLING PERIOD: 7/01/21 TO 7/31/21

PROFESSIONAL SERVICES RELATED TO
SGH REPORT AND MEETING

Invoice Total 6,523.34

TERMS: NET 30: 1-1/2% PER MONTH SERVICE CHARGE ON PAST DUE ACCOUNTS

Prein&Newhof

Engineers • Surveyors • Environmental • Laboratory

3355 Evergreen Drive NE Grand Rapids, MI 49525
t. 616-364-8491 f. 616-364-695 preinnewhof.com

Invoice

CITY OF WYOMING
BOB VENEKLASEN
WYOMING TREATMENT PLANT
16700 NEW HOLLAND ST
HOLLAND, MI 49424

Invoice number 62980
Date 08/25/2021

Project 2210538 42" LEAK REPAIR-NEAR 112TH

BILLING PERIOD: 8/01/21 TO 8/25/21

PROFESSIONAL SERVICES RELATED TO
SGH FINAL REPORT

Invoice Total 5,093.00

TERMS: NET 30: 1-1/2% PER MONTH SERVICE CHARGE ON PAST DUE ACCOUNTS

RESOLUTION NO. _____

RESOLUTION TO APPROVE CHANGE ORDER NUMBER TWO FOR THE
PURCHASE OF LIQUID SODIUM HYPOCHLORITE (BLEACH)

WHEREAS:

1. On April 19, 2021, City Council adopted Resolution number 26977 authorizing the purchase of liquid sodium hypochlorite (bleach) from Alexander Chemical Corporation using the City of Grand Rapids cooperative bid at a cost of \$156.67 per ton or \$0.7849 per gallon.
2. On July 6, 2021, City Council adopted Resolution number 27068 approving a temporary price increase at a cost of \$205.58 per ton or \$1.03 per gallon.
3. As detailed in the attached staff report, Alexander Chemical Corporation has issued a second temporary price increase at a cost of \$234.40 per ton or \$1.22 per gallon.
4. Funds for the purchase are budgeted in account numbers 591-591-55300-740.000 (WTP) and 590-590-54300-740.000 (CWP).

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby approve change order number two for the purchase of liquid sodium hypochlorite (bleach).
2. The City Council does hereby authorize the City Manager to acknowledge acceptance of future temporary price increases in accordance with budget authorization.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report
Change Order
Letters (2)

Resolution No. _____

STAFF REPORT

Date: August 17, 2021

Subject: Temporary Price Increase for Liquid Sodium Hypochlorite (Bleach)

From: Jon Burke, Clean Water Plant Superintendent

Meeting Date: September 7, 2021

RECOMMENDATION:

It is recommended the City Council accept the second temporary price increase to the current bid price from the Grand Rapids Bleach Consortium for Liquid Sodium Hypochlorite from Alexander Chemical Corporation at a cost of \$234.40 per ton or \$1.22 per gallon.

COMMUNITY, SAFETY, STEWARDSHIP:

The ability to properly disinfect the drinking water supply during and after treatment to protect the public health is the cornerstone of the water treatment process. This provides a measure of protection that retains the trust of our customers. Sodium Hypochlorite is used at the Clean Water Plant to control odors associated with the biological process. This application ensures the Clean Water Plant remains a good neighbor.

DISCUSSION:

The Grand Rapids Bleach Consortium has accepted and awarded contracts for the purchase of sodium hypochlorite. The original bid was received by the City of Grand Rapids as part of the cooperative purchasing strategy with participation by the cities of Wyoming, Holland, Grand Rapids, Grand Haven, Muskegon Heights, and Muskegon. The City of Wyoming has participated in this program for over 15 years.

The approved price for the current bid was \$156.67 per ton or \$0.7849 per gallon. The new cost was \$205.58 per ton or \$1.03 per gallon after the first temporary price increase in early July. This increase was due to several factors including COVID-19, hurricanes in the gulf area, and other severe weather in the Gulf area such as late winter freezes. These issues severely affected the supply chain of the raw materials needed to make sodium hypochlorite, and continue to drive the costs higher.

The latest temporary price increase request is effective September 1, 2021 and sets the new cost at \$234.40 per ton or \$1.22 per gallon. Unfortunately, there is no sunset date for this request and no guarantee that there won't be another increase before the end of the three-year bid. The unexpected cost increase for the Clean Water Plant could be \$31,500 annually and the Water Treatment Plant projected increase could reach \$97,400.

BUDGET IMPACT:

Adequate funds were budgeted in accounts 591-591-55300-740.00 (WTP), 590-590-54300-740.00 (CWP) and 590-590-54800-740.00 (GVRBA) but if the increase lasts long enough, a budget amendment may be needed at some point during the fiscal year.



Change Order to Contract

Date: August 17, 2021

Vendor: Alexander Chemical Corporation
7593 S First Road
LaPorte, IN 46356

Department: ESD, LMFP

Contract Number: MA #233 21000166

Contract Title: Bulk Chemicals, Liquid Sodium Hypochlorite

Term Contract Change: XX

Contract Expiration: April 12, 2022

Bid File Number: 885-40-49

Vendor Note Change as Follows:

Temporary Pricing Increase effective September 1, 2021:

1. Ton Liquid Sodium Hypochlorite

Year 1 – effective 9/1/21
~~\$234.40/Ton~~
\$1.22/Gal.

All other terms, conditions, requirements, specifications remain in full force and effect.

Purchasing Buyer: Kelly Criner

cc: Department
Bid Pack



**Westlake
Chemical**

2801 Post Oak Blvd., Suite 600
Houston, TX 77056
Tel 713.960.9111

July 15, 2021

Dear Customer:

Effective immediately, or as permissible by contract, Westlake is announcing a price increase for Chlorine (sold independently or as part of an ECU) by US\$ 85 per short ton in the United States, and C\$ 120 per metric ton in Canada. This increase is necessitated by a tightening supply/demand balance of chlorine and chlorine derivatives, this is in addition to previously announced price increases.

Westlake's chlorine order management program (60%) remains in effect with the standard lead time for all chlorine rail shipments at 21 days.

If you have any questions regarding this price change, please contact your sales professional. Westlake values the opportunity to supply your Chlorine requirements, and will strive to earn your business every day.

Sincerely,

David Kokowsky
Director, Commercial Chlor-Alkali



**Westlake
Chemical**

2801 Post Oak Blvd., Suite 600 ■ Houston, Texas 77056
Tel 713.960.9111

July 23, 2021

Dear Customer,

Effective immediately, or when permissible by contract, Westlake Chemical will increase the price for diaphragm grade liquid caustic soda by US\$ 50 per dry short ton in the US and C\$ 65 per dry metric ton in Canada. Westlake Chemical will increase the price for all premium grades of liquid caustic soda by US\$ 60 per dry short ton in the US and C\$ 80 per dry metric ton in Canada.

Westlake's standard lead times for all caustic shipments continue to be as follows:

Barge	30 days
Rail	14 days
Truck	7 days

If you have any questions regarding this price increase or lead times please contact your Westlake sales professional. Westlake values your business. Thank you for the opportunity to supply your Liquid Caustic Soda requirements.

Sincerely,

David Kokowsky
Director, Commercial Chlor-Alkali

RESOLUTION NO. _____

RESOLUTION TO ACCEPT A PROPOSAL FROM DIXON ENGINEERING, INC. TO PROVIDE TECHNICAL SPECIFICATIONS, ADMINISTRATION, AND PROJECT OVERSIGHT DURING THE REHABILITATION OF THE GEZON 5,000,000 GALLON CONCRETE STORAGE TANK AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT

WHEREAS:

1. As detailed in the attached staff report, Dixon Engineering, Inc. has provided a proposal to provide technical specifications, administration, and project oversight during the rehabilitation of the Gezon 5,000,000 gallon concrete storage tank in the total estimated amount of \$28,700.00.
2. It is recommended the City Council accept the proposal.
3. Funds are available in the water fund capital account number 591-591-57300-986.444.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept a proposal from Dixon Engineering, Inc. to provide technical specifications, administration, and project oversight during the rehabilitation of the Gezon 5,000,000 gallon concrete storage tank.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the contract.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report
Contract

STAFF REPORT

Date: August 18, 2021
Subject: Storage Tank Rehabilitation Oversight
From: Dan Kleinheksel, Utility Maintenance Manager
Meeting Date: September 7, 2021

RECOMMENDATION:

It is recommended that the City Council accept the proposal from Dixon Engineering to provide technical specifications, administration, and project oversight during the rehabilitation of the Gezon 5,000,000 gallon concrete storage tank for the estimated amount of \$28,700.00.

COMMUNITY, SAFETY, STEWARDSHIP:

Regular and proper upkeep of the water treatment plant infrastructure contributes to the prevention of untimely and costly repair or replacement that could potentially interrupt the day-to-day operations. Additionally, the concrete tank rehabilitation ensures safe, reliable, and efficient water storage.

DISCUSSION:

Three ground storage tanks are located on the Gezon Pump Station property for the purpose of potable water storage and supply to the City of Wyoming and wholesale customers. One such storage tank is a 5,000,000 gallon concrete tank that was previously identified as due for painting and requiring inspection.

On November 4, 2019, Dixon Engineering performed an interior and exterior tank inspection, which was followed with recommendations for repair and painting. Subsequently, funds were budgeted to rehabilitate the tank which includes applying an exterior overcoat, painting wet interior piping and pit piping, and installing an interior access ladder. Additionally, the access hatch, fill pipe, and vent screen are in need of modification or replacement to comply with current EGLE requirements.

Dixon Engineering will develop project technical specifications for the rehabilitation of the concrete tank based on the previous inspection of the exterior and wet interior areas. They will provide project administration for the repairs, modifications, and protective overcoat application. Also included in the Dixon Engineering proposal is the daily oversight of exterior and pipe coatings, and a one-year ROV warranty observation. This is required to verify standards are met to ensure the work will endure the expected fifteen, or more, years of service.

BUDGET IMPACT:

Adequate funds exist in the Water Fund Capital Account #591-591-57300-986.444.



CITY OF
Wyoming
MICHIGAN

PROFESSIONAL SERVICES CONTRACT
CITY OF WYOMING, MICHIGAN
(OVER \$8,500)

This Contract is made as of the Effective Date between City and Professional.

City means the City of Wyoming, a Michigan municipal corporation, of 1155 28th Street SW, PO Box 905, Wyoming, MI 49509-0905.

Professional means: Dixon Engineering, Inc.
[Name of contracting entity]
A Michigan corporation
[State and type of entity, e.g., corporation, limited liability company, etc.]
1104 Third Ave
[Professional's street address]
Lake Odessa, Michigan 48849
[Professional's city, state & zip]

Professional's personnel means Professional's directors, members, partners, officers, employees, contractors, consultants, agents and representatives and any other individuals or entities Professional engages to provide services under the Contract.

Deliverables means the work products of Professional's services as detailed in the Proposal, such as plans, specifications, bid documents, estimates, reports, opinions, recommendations, pleadings, and legal documents, real estate documents, etc.

Effective Date means: July 28, 2021.

Goods means any parts, equipment, supplies, materials, or other items or services the City is acquiring from Professional as itemized or stated in the Proposal.

Proposal means Professional's proposal attached as Exhibit B.

Services means the services described and specified in the Proposal.

Standard Terms means the attached 2-page Exhibit A entitled "City Contract Standard Terms and Conditions."

TERMS AND CONDITIONS

In exchange for the consideration in and referred by this Contract, the parties agree:

1. Professional will perform the Services and provide the deliverables as detailed in the Proposal.
2. City will pay the Professional in accordance with the Proposal.
3. Professional represents and warrants, except for those specifically waived or modified in this paragraph, Professional is complying with and will comply with the Standard Terms. Waived or modified conditions are as follows:

None.

[Identify those the City Attorney has agreed may be waived or the City attorney approved modifications or write "None."]

4. This is the only agreement between the parties regarding City's engagement of Professional to perform the Services. There are no other agreements, representations, or warranties except as stated in the Proposal. This contract can be amended only in writing signed by both City and Professional.

City and Professional have signed this Contract as of the Effective Date.

CITY OF WYOMING

By: _____
Jack A. Poll, Mayor

By: _____
Kelli A. Vandenberg, City Clerk

Date signed: _____, 20__

Approved as to form: _____
Scott G. Smith, City Attorney

Dixon Engineering, Inc.

By: _____
[Signature officer, director or principal of Professional]
Eric Binkowski Project Manager
[Typed/Printed Name & Title of Person Signing for Professional]

Date signed: 8/10, 2021

EXHIBIT A

CITY CONTRACT STANDARD TERMS AND CONDITIONS

1. **Applicability.** These Standard Terms and Conditions apply to the Contract unless expressly modified in writing signed by the Mayor and City Clerk or the City Manager.
2. **Legal Compliance.** Professional will comply with applicable (i) laws, rules, regulations, codes, and ordinances, (ii) license and permit requirements, and (iii) orders of governmental agencies, officials, or courts.
3. **Grant Compliance.** Professional represents and promises that, if state or federal grant funds are identified a source of payment for any part of the project, Professional has reviewed and will comply with all applicable grant agreement terms and conditions.
5. **Qualifications.** Professional represents and promises that:
 - A. Professional has and will maintain, and Professional's personnel have and will maintain, any needed licenses, registrations, certifications, memberships, or other approvals needed to perform the Services in Michigan.
 - B. Neither Professional nor any of Professional's personnel: (i) are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency; (ii) have within 3-years preceding this Contract been convicted of or have a judgment against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract with a government agency; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (iii) are presently criminally charged with committing any of the offenses enumerated in this certification; and (iv) have within 3-years preceding this Contract had one or more public transactions terminated for cause or default.
 - C. If the Contract is for a community development block grant, U.S. Department of Housing and Urban Development (HUD), federal and/or state funded project, Professional and Professional's personnel are not listed on HUD's list of debarred and suspended participants.
 - D. Professional and Professional's personnel are not on and will remain off the Federal System for Award Management list of persons and entities ineligible for federal contracts.
 - E. Neither Professional nor Professional's personnel is an "Iran linked business" under Michigan's Iran Economic Sanctions Act.
6. **Nondiscrimination and Respect.** City is committed to equity, fairness, impartiality, courtesy, respect and nondiscrimination in all programs, benefits, and actions, including in its contracts and any activities that Professional, Professional's personnel, contractors engage in for or on behalf of City. Accordingly:
 - A. Professional and Professional's personnel in (i) employment actions, (ii) solicitation, bidding or contracts with subcontractors or consultants, or (iii) solicitation, bidding or contracts for materials, will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law that is unrelated to the employee's or applicant's ability to perform the duties of a job or position. For purposes of this section, "sex" means sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or conditions related to pregnancy or childbirth. Professional and Professional's personnel will comply with applicable state and federal laws, rules, regulations, orders, and other requirements regarding discrimination and inclusion, including, for example, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Civil Rights Act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with rules, regulations, orders, directives and guidance issued pursuant to those statutes.
 1. Professional will, in solicitations or advertisements for employees placed by or on behalf of Professional, state that all qualified applicants will be considered for employment without regard to race, color, religion, height, weight, marital status, sex, age, national origin, or disability unrelated to a person's ability to perform the duties of a particular job or position.
 2. Professional will send to each labor union or representative of workers with which Professional has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of Professional's commitments under this section and will post copies of that notice in conspicuous places available to employees and applicants for employment under this Contract.
 - B. If Professional or Professional's personnel will, as part of its Services, be engaging for or on behalf of City with others, Professional will ensure that engagement (i) treats all individuals with fairness, equity, impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law, and (ii) if that engagement includes communications with individuals with limited English proficiency (*i.e.*, those who speak English less than very well), it will use language assistance services for oral and written communications. Language assistance services in accordance with City's Limited English Proficiency Plan (part of City's Nondiscrimination Plan at <https://www.wyomingmi.gov>) will comply with this requirement.
 - C. Noncompliance with this section is a material breach of this Contract that can result in (i) withholding payments to Professional until Professional complies, (ii) Contract cancellation, termination, or suspension, in whole or in part, and/or (iii) Professional's ineligibility to bid on or enter future contracts with City.
 - D. Professional will retain and, upon City's request, provide copies of all information and reports required by all laws, rules, regulations, orders, directives and guidance referred to in this section as determined by City or a state or federal agency to be pertinent to ascertain Professional's compliance. If requested information is exclusively possessed by another who fails or refuses to furnish it, Professional will so certify to City.
 - E. Professional must include the requirements of paragraphs A through D in all subcontracts, consultant contracts, and material procurement and equipment leasing documents, directly or indirectly related to this Contract, and any other Professional activities that HUD or the United States Department of Justice determine are needed to comply with this section. Professional must take such action with respect to any subcontractor, consultant, material supplier, or equipment lessor as City deems

reasonably necessary to enforce compliance with this section including sanctions for noncompliance.

7. Ethical Standards. Professional and Professional's personnel have not engaged in and will refrain from: (i) holding or acquiring an interest conflicting with this Contract; (ii) engaging in any act creating an appearance of impropriety with respect to the award or performance of this Contract; (iii) attempting or appearing to influence a City elected or appointed officer or employee by a direct or indirect offer of anything of value; or (iv) paying or agreeing to pay any person, other than Professional's personnel, any consideration contingent upon the award of this Contract. None of Professional's personnel is a spouse, parent, child, grandchild, or sibling of the mayor, city council member, or other City officer or City board/commission member of the City except as already disclosed in writing to City. Professional will promptly inform City of any change in this circumstance.

8. Media Releases. Media releases (including promotional literature and commercial ads) pertaining to this Contract or the project to which it relates must not be made without the City Manager's prior written approval and only in accordance with the written terms provided in that approval.

9. W-9. Before beginning work Professional will e-mail to accountspayable@wyomingmi.gov a completed an IRS W-9 form.

10. Intellectual Property. Professional guarantees the sale or use of software, copies, records, or other intellectual property provided or used to perform the Services and all deliverables will not infringe any copyright, patent, trademark or other intellectual property rights. Professional will, without expense to City, defend all actions against City or City's officers or employees for any alleged infringement of any intellectual property rights by reason of their use as in conjunction with this Contract and will pay all costs, damages, and profits recoverable in any such action.

11. Taxes. City is generally exempt from federal and state taxes and a copy of supporting documents can be requested by contacting City's Finance Department.

12. Professional Responsibility. Unless the Proposal provides a higher standard of care, Professional will perform Professional's services under the City Contract consistent with the standard of practice and care of other, similar professionals performing similar services in Michigan.

13. Risk Allocation. Professional is solely responsible for (i) means and methods of the Services, (ii) the conduct of Professional's personnel, and (iii) injuries or property damage occurring as a result of the Services. Professional will hold City and City's officers and employees harmless from, indemnify them for, and defend them (with legal counsel reasonably acceptable to City) against all claims made by persons other than City as a result of the Services. Professional will reimburse City for or pay in City's stead costs City may incur as a result of claims, demands, judgments, administrative actions, or any order to pay any amounts made or entered against City or City's officers or employees as a result of the Services.

14. Insurance. Professional must obtain and maintain the following insurance:

<p>COMMERCIAL GENERAL LIABILITY</p> <p>Minimal Limits: \$1,000,000 Each Occurrence, \$1,000,000 Personal & Advertising Injury, \$2,000,000 General Aggregate, and \$2,000,000 Products/Completed Operations</p> <p>Coverage must include the following: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Professionals; (D) Broad Form General Liability Extensions or equivalent, if not already included; (E) Deletion of all Explosion, Collapse, and Underground (EXU) Exclusions, if applicable.</p>

<p>AUTOMOBILE LIABILITY INSURANCE</p> <p>Minimal Limits (hired and non-owned automobile coverage): \$1,000,000 per person \$1,000,000 per occurrence</p>
<p>WORKERS' DISABILITY COMPENSATION</p> <p>Minimal Limits: \$500,000 per occurrence</p> <p>Coverage shall be in accordance with Michigan statutes. Waiver of subrogation, except where waiver is prohibited by law.</p>
<p>EXCESS/UMBRELLA INSURANCE</p> <p>Required liability limits may be obtained using an Excess-Umbrella Liability policy in addition to primary liability policy(ies). If Excess and/or Umbrella policy to satisfy coverage limits, coverage must follow the form of the primary liability policy(ies).</p>
<p>PROFESSIONAL LIABILITY INSURANCE</p> <p>Professional liability insurance shall be in a minimum amount of the greater of \$250,000 or the amounts to be paid Professional for services under the City Contract.</p>
<p>ADDITIONAL INSURED</p> <p>If this Contract is for more than \$5,000, General Commercial Liability, Automobile Liability and Excess/Umbrella Liability insurance shall include an endorsement stating the following are Additional Insureds: City and City's officers, employees, volunteers, agents, boards, and commissions. Coverage is to be primary and any City insurance will be secondary and/or excess.</p>

Upon City request, Professional will provide to City's Purchasing Department copies of certificates of insurance, policies and endorsements.

15. Records. City must retain, be able to obtain, and/or audit records related to City contracts. Professional will retain copies of all records related to this Contract and the Services for at least 7 years after completion of this Contract. Professional will, upon City's request, allow inspection, auditing, and copying of all retained records.

16. Assignment/Beneficiaries. Unless this Contract states otherwise, (i) none of Professional's rights or duties may be assigned or delegated without City's prior written consent and (ii) no other individuals or entities are intended to be beneficiaries of this Contract.

17. Independent Contractor. Professional is wholly independent of City. None of Professional's personnel shall be or be represented to be City officers or employees. Professional is solely responsible for acts, omissions, and statements of Professional's personnel. Professional is solely responsible for any compensation and benefits to be provided Professional's personnel for the Services. City has no responsibility to supervise, compensate or insure Professional or Professional's personnel.

EXHIBIT B



DIXON
ENGINEERING & INSPECTION SERVICES
FOR THE COATING INDUSTRY

1104 Third Avenue
 Lake Odessa, MI 48849
 Telephone: (616) 374-3221
 Fax: (616) 374-7116

AGREEMENT BETWEEN OWNER AND DIXON
FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of: _____ (“Effective date”) between **City of Wyoming, Michigan** (“Owner”) and Dixon Engineering, Inc. of Lake Odessa, Michigan (DIXON).

IN WITNESS WHEREOF, the (“Owner”) and (“DIXON”) have executed this Agreement. The Owners Project, of which DIXON’s Services under this Agreement are a part, is generally identified as follows: **Technical Specifications, Contract Documents, Project Administration, Pre Bid Meeting, Preconstruction Meeting, Wet Interior, Exterior Coating Observation, Pip Piping Coating Observation and One (1) Year ROV Warranty Observation on the 5,000,000 Gallon Concrete Reservoir (Gezon)** (“Project”).

Other terms used in this Agreement are defined in EXHIBIT GP and EJCDC C-700-18®, Standard General Conditions of the Construction Contract, incorporated by reference into this Agreement.

This service fee is the Estimated Amount **\$28,700.**

Proposals / Agreement Signatures

Eric Binkowski, Project Manager July 28, 2021
 PROPOSED by DIXON (Not a contract until approved by Project Manager or Officer) PROPOSAL DATE

CONTRACT APPROVED BY OWNER	POSITION	DATE
Co SIGNATURE (if required)	POSITION	DATE
AGREEMENT APPROVED by DIXON	POSITION	DATE

With the execution of this Agreement, DIXON and Owner shall designate specific individuals to act as DIXON’s and Owner’s representatives with respect to the services to be performed or furnished by DIXON and responsibilities of Owner under this Agreement, said individual shall have authority to transmit instructions, receive information, and render decisions relative to this Agreement on behalf of the respective party whom the individual represents.

Designated Person: Dan Kleinheksel	Designated Person: Eric Binkowski
Address for Owner’s receipt of notices:	Address for DIXON’s receipt of notices:
City of Wyoming	Dixon Engineering, Inc.
16700 New Holland St.	1104 Third Avenue
Wyoming, MI 49509	Lake Odessa, MI 48849
Email: KLEINHEKSELD@WYOMINGMI.GOV	Email: eric.binkowski@dixonengineering.net

Any notice required under this Agreement shall be in writing, addressed to the Designated Contract Person at its address on this signature page, or given personally, or by registered or certified mail postage prepaid, or by a commercial courier service. All notices be shall effective upon the date of receipt.

Owner and DIXON further agree as follows:

ARTICLE 1 SERVICES OF DIXON

1.01 DIXON shall provide or cause to be provided:

- A. Contract and Project Management (Basic) Services: EXHIBIT A Part 1
- B. Resident Project Representative (RPR): EXHIBIT A Part 1
- C. Other Services: Services beyond the scope of Exhibit A are Additional Services.

ARTICLE 2 OWNER'S RESPONSIBILITIES

2.01 Owner shall provide or cause to be provided:

- A. Responsibilities set forth in Exhibit A, Part 1, Section C of each Phase.
- B. Owner shall arrange for safe access to and make all provisions for DIXON to enter upon public and private property as required for DIXON to perform services under the agreement.

ARTICLE 3 SCHEDULE FOR RENDERING SERVICES

3.01 Commencement:

- A. DIXON is authorized to begin rendering services as of the Effective Date or mutually agreeable date.
- B. DIXON shall complete its obligations within a reasonable time. If a specific period of time for rendering services, or specific dates by which services are to be completed are required, the dates are provided in Exhibit A, and are hereby agreed to be reasonable.

ARTICLE 4 INVOICES AND PAYMENTS – PER EXHIBIT C

ARTICLE 5 OPINIONS OF COST – GENERAL PROVISIONS PER EXHIBIT GP

ARTICLE 6 GENERAL PROVISIONS PER EXHIBIT GP

ARTICLE 7 DEFINITIONS

- A. Whenever used in this Agreement (including the Exhibits hereto) terms (including the singular and plural forms) printed with initial capital letters have the same meanings indicated in the Construction Contract Documents, EJCDC C-700 18.
- B. Additional definitions pertinent to invoicing or payment can be found in Exhibit C.

ARTICLE 8 EXHIBITS AND SPECIAL PROVISIONS

- A. EXHIBITS Included:
 - 1. EXHIBIT A, DIXON's Services and Owner's Responsibilities.
 - 2. EXHIBIT C, Basis of Fees, Invoicing, and Payment Matters.
 - 3. EXHIBIT C, Attachments C-1, and C-2.
 - 4. EXHIBIT GP, General Provisions from the Agreement and Exhibits.
 - 5. EXHIBIT IR, Insurance Requirements and Limits of Liability.
- B. EXHIBITS to be added as needed:
 - 1. EXHIBIT J, Special Provisions. Services added at/before Effective date (included in original Agreement sometimes referred to as an Addendum).
 - 2. EXHIBIT K, Amendment to Owner-DIXON Agreement for Services added or changed after effective date of this Agreement or for clarification if requested.
- C. EXHIBITS B, D, F, and H from EJCDC merged with other EXHIBITS or not used.

ARTICLE 9 MISCELLANEOUS PROVISIONS

9.00 Items that pertain to the legal terms of this Agreement. All General Provisions from Article 6 are in Exhibit GP. Those provisions refer mostly to services that result from this Agreement.

9.01 Survival:

- A. All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

9.02 Severability:

- A. Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and DIXON, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

9.03 Successors, Assigns, and Beneficiaries:

- A. Owners and DIXON are hereby bound, and the successors, executors, administrators, and legal representatives of Owner and DIXON are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Unless expressly provided otherwise in this Agreement:
 - 1. Nothing in this Agreement shall be constructed to create, impose, or give rise to any duty owed by Owner or DIXON to any Contractor, other third-party individual, or entity, or to any surety for or employee of any of them and not for the benefit of any other party.
 - 2. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and DIXON and not for the benefit of any other party.

9.04 Waiver:

- A. A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this agreement.

9.05 Accrual of Claims:

- A. To the fullest extent permitted by Laws and Regulations, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of Substantial Completion.

9.06 DIXON's Certifications:

- A. DIXON certifies that it has not engaged in corrupt, fraudulent, or coercive practices in competing for or in executing the Agreement.

9.07 Total Agreement:

- A. This Agreement, (together with the included Exhibits) constitutes the entire agreement between Owner and DIXON and supersedes all prior written or oral understandings. This agreement may only be amended, supplemented, modified, or canceled by a written instrument duly executed by both parties. Amendments should be based, whenever possible, on the format of Exhibit K.

DIXON'S SERVICES AND OWNER'S RESPONSIBILITIES

Article 1 and 2 of the Agreement is supplemented to include the following agreement of the parties: DIXON shall provide Contract and Project Management (BASIC) Services, and Resident Project Representative (RPR) Services.

DIXON has combined the six construction project phases into four phases: Design or Technical Specification Phase, Contract Document and Bidding Phase, Construction Phase, and Post Construction Phase. We then included DIXON's Basic Services, RPR Services, and Owner's responsibilities for each respective phase.

PART 1

A1.01 Design Phase – Technical Specifications:

A. Basic Services:

1. In preparing the Technical Specifications, use Design, Bid, Build Project Strategy.
2. DIXON shall prepare Technical Specifications and Drawings to include:
 - a. Additions to General Conditions of Construction Contract relevant to coating projects.
 - b. Specifications and Drawings for Health, Safety and Structural Repairs if any.
 - c. Specifications for Coating Repair or Replacement.
3. Advise Owner of additional reports, data, information, or services which may be necessary, and assist Owner in obtaining such materials.
4. Furnish two review copies of the Design Phase documents, to Owner, and review those documents with Owner.
5. After receipt, Owner shall review the Design Phase documents and submit to DIXON any comments regarding the furnished items within two weeks of receipt or as mutually agreed.
6. Advise Owner of any recommended adjustments to the opinion of probable Construction Cost.
7. In response to Owner's comments, as appropriate, make revisions and furnish to Owner one electronic copy of the revised Design Phase documents.
8. DIXON's services under the Design Phase will be considered complete on the date when DIXON has delivered to Owner the revised Technical Specifications.

B. Design Phase – RPR Services–None

C. Design Phase – Owner's Responsibility:

1. Provide DIXON with all criteria and full information as to Owner's requirements for the Project, including design objectives and constraints-and upon DIXON's request, obtain, and furnish, such additional Project-related information and data as is reasonably required to enable DIXON to complete its Services.
2. Give instructions to DIXON regarding Owner's procurement of construction services including instructions regarding Notice of Bids, Information for Bidders, Owner's construction contract practices and requirements, insurance and bonding requirements, requirements for electronic transmittals during construction, other information necessary for the finalization of Owner's bidding-related documents, and Construction Contract Documents.
3. Owner shall be responsible for all requirements and instructions that it furnishes to DIXON pursuant to this Agreement. DIXON may use and rely upon such requirements, materials, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations applicable to the furnished items.

A1.02 Bidding and Contract Document Phase:

A. Basic Services:

1. Provide technical criteria and file applications for permits for approvals of governmental authorities having jurisdiction to review or approve the design; and revise the Technical Specifications in response, as appropriate.

2. Include in the Construction Contract Documents any specific protocols for the transmittal of Project-related correspondence, documents, in electronic media or digital format. Any such protocols shall be applicable to transmittals between and among Owner, DIXON, and Contractor during the Construction Phase and Post-Construction Phase.
 3. Prepare and submit to Owner for compliance with local state and municipal requirements:
 - a. Section 00 00 00 Notice to Bidders.
 - b. Section 00 24 00 Project Summary.
 - c. Section 00 21 13 Instructions to Bidders.
 - d. Section 00 22 13 Supplemental Instructions to Bidders.
 - e. Section 00 22 13 General Conditions as modified by DIXON. EJCDC C-700-18. If Owner elects to use their own documents, then supply Additions to General Conditions.
 - f. Section 00 73 00 Supplemental Conditions to include insurance requirements furnished by Owner.
 - g. Section 00 52 00 Bid/Agreement Form as modified by DIXON.
 - h. Section 00 54 00 Schedule of Values Form.
 4. Furnish for review by Owner, its legal counsel, insurance and other advisors, the draft bidding-related Bid Documents and review them with Owner. Owner shall submit to DIXON any comments regarding the furnished items, and any instructions for revisions.
 5. Revise the final Bid Documents and Specifications in accordance with comments and instructions from the Owner, as appropriate, and submit one electronic copy of revised documents to Owner.
 6. Direct mail advertisements to Contractors who have been prequalified, as capable and responsive by DIXON.
 7. Issue assembled Bid Documents to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, and receive and process contractor charges for the issued documents. Document Fees: charges will be retained as a printing, handling, and/or shipping fee.
 8. Send Bid Documents to selected Builders Exchanges and Dodge Reports.
 9. Attend and document, pre-bid meeting, if any, and issue Addenda if clarifications required.
 10. Address all written submitted questions, by letter or clarifying Addendum as appropriate to all Bidders and Agencies (Builders Exchange and Dodge Reports) identified as having received original documents from DIXON.
 11. Review the bids submitted to the Owner and recommend award in writing based on lowest responsible and responsive bidder.
 12. If Owner agrees, issue Notice of Award to recommended Bidder.
 13. Review bonds and insurance submitted by selected Contractor solely as to compliance with insurance amounts and that bonds are of the format required. Insurance and Bonds are forwarded to Owner for full review by their Insurance Consultant.
 14. Furnish Owner and Contractor the Contract Documents for signatures and distribution. (One signed copy to Owner, one to Contractor and one to DIXON).
 15. Furnish Owner with completed Notice to Proceed to sign and forward to the Contractor.
 16. The Bidding and Contract Documents Phase will be considered complete upon issuance of Notice to Proceed.
- B. Bidding and Contract Document Phase-RPR Services-None.
- C. Bidding and Contract Documents Phase-Owner Responsibilities
1. Use, unaltered, the Contract Documents provided by DIXON when entering into an agreement with the Contractor. DIXON will not unreasonably withhold a request to alter the document. If Owner elects to use their own General Conditions, then they shall include DIXON's Additions to General Conditions, unaltered unless both parties agree to alteration.
 2. Place and pay for advertisement for Bids as required by local ordinances in appropriate publications, method of advertising is to be determined by the Owner.
 3. Attend and participate in the pre-bid conference if any.

4. Provide a place for the bid opening and open the Bids received.
5. Review Payment and Performance Bonds, and insurance certificates of selected Contractor. These should be reviewed by the Owner's insurance consultant and attorney for legality and compliance with required indemnification, subrogation, amounts and all other insurance matters.
6. Sign and forward to the Contractor the Notice to Award and Notice to Proceed. These Notices will be supplied to Owner by DIXON.

A1.03 Construction Phase:

A. Basic Services:

1. DIXON will consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of DIXON shall be as assigned in EJCDC C-700-18 Standard General Conditions of the Construction Contract.
2. All of Owner's instructions to Contractor will be issued through DIXON, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.
3. Engineer or RPR has authority to Stop Work if Engineer or RPR questions the quality of Work or rejects the Work, or if there (in the sole opinion of Engineer or RPR) a potential for creating an environmental contamination.
4. Finalize Project to observe all items in the contract specifications have been completed and review the quality of workmanship.
5. Duration of Construction Phase: The Construction Phase will terminate upon written recommendation by DIXON for final payment to Contractors.

B. RPR Services for Maintenance of Existing Structures

1. Basic Services:

- a. Perform services expected of DIXON RPR and as detailed in the EJCDC Construction Contract General Conditions, GC-700-18.
- b. Attend a Preconstruction Meeting, and address questions regarding observation services and coordination of field observations.
- c. DIXON will consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of DIXON and RPR shall be as assigned in EJCDC C-700-18 Standard General Conditions of the Construction Contract.
- d. DIXON or RPR has authority to Stop Work if DIXON or RPR questions the quality of Work or rejects the Work, or if there (in the sole opinion of DIXON or RPR) a potential for creating an environmental contamination.
2. Attend a Preconstruction Meeting, and address questions regarding observation services and coordination of field observations.
3. Hold Point General:
 - a. Hold Point is a stage of the Construction Project where the Contractor stops Work. Work commences again after the Work is observed and reviewed for compliance.
4. Hold Point - Coating Wet Interior - Observe, Record, Report, and:
 - a. Verify test area for abrasive cleaning meets or exceeds minimum of specified standard.
 - b. Collect spent abrasive for sampling and testing.
 - c. Abrasive blast cleaning prior to application of the prime coat.
 - d. Prime coat prior to application of the next coat.
 - e. Stripe coat prior to application of the topcoat.
 - f. Topcoat for compliance with specifications.
 - g. Observe wet interior using high/low voltage holiday detection
5. Hold Point - Coating Exterior - Observe, Record, Report, and:

- a. Verify test area for low (LPWC) pressure water blast cleaning meets or exceeds minimum specified standard.
- b. LPWC for thoroughness and compliance with specifications and verify test area meets or exceeds minimum specified standard for spot tool cleaning (SP-11) or abrasive blast cleaning.
- c. Prime coat prior to application of the epoxy intermediate coat.
- d. Topcoat for compliance with specifications.
- 6. Hold Point - Coating Pit Piping- Observe, Record, Report, and:
 - a. Verify test area meets or exceeds minimum specified standard for abrasive blast cleaning and surface profile created.
 - b. Abrasive blast cleaning prior to application of the prime coat.
 - c. Prime coat prior to application of the stripe or topcoat.
 - d. Stripe coat prior to application of the topcoat.
 - e. Topcoat for compliance with specifications.
- 7. Hold Point – Fall Preventions Systems - Observe, Record, Report, and:
 - a. Verify installation of the fall prevention system work for specification compliance on five (5) concrete tanks.
- 8. Hold Point Project Finalization:
 - a. Examine entire project for damage that occurred during construction or post construction from rigging and de-rigging or other causes.
 - b. Observe Site for restoration to pre-project conditions.
 - c. Formulate a punch list of items to complete.
 - d. Create a second punch list if needed before finalization.
 - e. Finalize the project to assure all items in the contract specifications have been completed, and the quality of workmanship meets contract requirements.
- C. Construction Phase - Owner’s Responsibilities:
 - 1. Inform DIXON in writing of any specific requirements of safety or security programs that are applicable to DIXON, as a visitor to the Site.
 - 2. Attend and participate in the Preconstruction conferences, construction progress and other job-related meetings, and Site visits to determine Substantial Completion and readiness of the completed Work for final payment.
 - 3. If Owner, or Owner and Contractor, modify the duties, responsibilities, and authority of DIXON in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on DIXON, then Owner shall compensate DIXON for any related increases in the cost to provide Construction Phase services.

A1.04 Post Construction Phase:

- A. Basic Services:
 - 1. One Year Warranty Observation - ROV and Exterior:
 - a. Review all wet or dry interior surfaces for corrosion and/or damage, qualify and quantify damage for repairs. All coating repairs needed are to be quantified by extrapolation of a measured area and compared with warranty requirements.
 - b. Observe the exterior coating and quantify damages.
 - c. Review all repairs completed during Construction Phase.
 - d. Review all exterior appurtenances for damage due to corrosion or construction.
 - e. Review exterior of the exposed foundations.
 - f. Review all health aspects of the tank, including screening of the vent, overflow pipe, and other possible contamination sources.
 - g. Prepare a report documenting all items found that meet or fail to meet warranty requirements and recommendations for repair. The report will be letter format.
- B. Post Construction Phase - Owner’s Responsibilities:
 - 1. Warranty Observation - ROV Observation:

- a. Fill the tank to overflow or higher capacity and isolate it from the system during the ROV observation, or as a minimum, maintain positive flow (No water withdrawal from tank).
- b. Perform chlorine residual and bacteriological testing after completion of observation.

A2.01 ADDITIONAL SERVICES

- A. Any service not listed or referenced above in Part 1 will be considered an Additional Service.
 1. All additional requested services and associated fees shall be documented by an Exhibit K, Contract Amendment signed by both parties. This includes prior Approved Services listed above in Post Construction Phase A.1.05.A.2.

BASIS OF FEES, INVOICING, AND PAYMENT

General Provisions of Article 4 of the Agreement has been moved to this EXHIBIT C:

Part 1 BASIS OF FEES

C1.00 Owner's Responsibility:

- A. Owner shall pay DIXON for Basic (Project Management and Contract Administration), Resident Project Representative (RPR), and Additional Services as detailed below and as summarized in Attachment 1 to Exhibit C. (Exhibit C-1).

C1.01 Basis:

- A. Hourly rates of DIXON's employee are per classification in the Standard Hourly Rate and Reimbursable Expense Schedule included in this Exhibit C as Exhibit C Attachment 2. (Exhibit C-2) A classification that has a range of fees, reflects varying levels of experience within that classification. DIXON reserves the right to select the level of RPR and classification. This decision is at DIXON's discretion only and will be dependent primarily on experience with Owner selected Contractor as well as other factors.
 - 1. Reimbursable expenses are those expenses directly related to and resulting from this Project. These expenses are primarily living expenses and mileage.

C1.02 Methods of Rate Calculation and Definitions including Limitations:

- A. Standard Hourly Rate (SHR) Method: An amount equal to the cumulative hours charged to the Project by each classification of DIXON's personnel, times Standard Hourly Rates and Overtime rates for each applicable billing classification. (Exhibit C-2)
 - 1. The SHR method may be used for all services. It is more commonly used on portions of various Phase Services where scheduling and speed are controlled by the Contractor or unforeseen project expenses. (Phase 3 Construction, Basic, and RPR services, and for Additional Services during all phases. Overtime rates apply on weekends, holiday, and over 40 hours per week. When accounting for the 40 hours overtime rate is applicable for work over 40 hours between Monday and Friday, weekend rates are already at Overtime rate. Holiday pay also does not contribute toward the accounting for 40 hours.)
 - 2. The SHR charged by DIXON constitutes full and complete compensation for DIXON services including labor costs, overhead, and profit but not Reimbursable Expenses.
 - 3. The Standard Hourly Rates per employee classification listed in Attachment C-2 do not include reimbursable expenses. The estimated Reimbursable Expenses are NOT calculated and averaged over the classification rate.
 - a. The estimator calculates the number of days a project is expected to require and calculates manpower required to match number of hours and services required.
 - b. The estimator then calculates Reimbursable Expenses based on the same criteria.
 - c. Both the total manpower estimate, and Reimbursable Expenses total estimate are added. And the total estimate is included in the fee schedule shown in Attachment C-1.
- B. Lump Sum (LS) Method: One agreed fee for completing an agreed defined scope of services. The Lump Sum Method fee charged by DIXON constitute full and completed compensation for DIXON's services including labor costs, overhead, and profit, and reimbursable expenses.
 - 1. The Lump Sum Method is more commonly used by DIXON for portions of the Phases where there are less unknowns, such as the Technical Specifications, Bidding and Contract Documents, and Post Construction Phases excluding fees for Additional Services.
 - 2. DIXON may use a Lump Sum for the entire project.

- C. Unit Price (UP) Method: Can be considered individual Lump Sum amounts. Reimbursable expenses are calculated and included in Unit Price methods. The Unit Price Method is used when DIXON completes Hold Point Observations, Project Progress or Preconstruction Meetings, known, controlled portions of the Contract and may also be used for unknown Post Construction (Additional RPR Services or Meetings).
- D. Exhibit J Amendment: If Amendment changes Scope of Services, then Additional Services may be negotiated Lump Sum, Unit Price, or Standard Hourly Rate Method.
- E. Exhibit B Antennas: LS, UP, or SHR or Combination; per Exhibit K based on type of services or as detailed in this Ex. C Attachment #1.
- E. Exhibit K Addendum: Addenda items (if any) may be negotiated according to any agreed method.
- F. Subconsultants or Subcontractor Service Fees are not included in the SHR, LS, or UP methods. DIXON will invoice for Subconsultant's or Subcontractor's actual invoiced amount times a factor of 1.20. The 1.20 factor includes DIXON's overhead and profit associated with DIXON's responsibility for the administration of such services.
- G. Not every Method of Rate Calculation may be used in this or any Contract.
- H. Every contract may be amended by using Exhibit K. If additional Work proposed in Exhibit K involves a different Method of Rate Calculation, it will be clearly defined therein.

C1.03 Definitions including Limitations:

- A. Basic Services to be performed are identified as Basic Services in Exhibit A, or by reference, in the General Conditions (GC-700-18) of the Owner/Contractor Construction Documents. Basic Services are generally calculated using the SHR method. These services are contracted services and thus are prior authorized.
- B. RPR Services are contractually agreed services per Exhibit A or by reference, in the General Conditions (GC-700-18) of the Owner/Contractor Construction Document RPR services. These services are primarily observation during the Construction phase. RPR Services are generally calculated using the SHR method for Full Time or Daily services and/or by Unit Price for Hold Point Observations. Often a Contract for RPR services involves a combination of the SHR and the Unit Price method. These are contracted services and thus are prior authorized.
- C. Contingent Services - some services are Basic to every contract such as Preconstruction Meeting and review of Final Pay Request. Other Basic Services and the Project Manager's time associated with them are unknown. Some services are not used on all projects, such as review of multiple Pay Requests, Change Orders, Field Orders, and Work Change Directives. These are services which may or may not be needed, and thus Contingent. Contingent Services are generally calculated using the SHR method but may be Lump Sum or Unit Price method. These are contracted services and thus are prior authorized if needed.
- D. Additional Services are services outside of the Scope of Services as defined in Exhibit A. The calculation of fees is Work dependent and may be calculated by the SHR method, or Lump Sum or Unit Price.
- E. Antenna Services are defined in Exhibit B and authorized by Exhibit K – Antenna Addendum or as shown on Exhibit C-1. The calculation of the services is usually a combination of Unit Price and SHR methods. These are contracted services (by Exhibit B and/or Exhibit K Addendum) and thus are prior authorized.

C1.04 Fees:

- A. Contracted Fees are detailed in this Exhibit C Attachment 1.
- B. Contingency Allowance Fees, if identified or requested, are intended to allow the flexibility to continue the Project and Services, without the need for an Addendum for additional fees. Contingent Fees may be transferred within the Project Phase or transferred to other project Phases as needed. Transfer does not require prior authorization. It is intended that any fees in this Contingency be used when other accounts are exhausted or minor Additional Services are required. Contingency fees unused will not be invoiced.

1. Set-Off Fees contractual Set-Off: (Applies to Construction and Post Construction Phases only) as defined in the Technical Specifications and General Conditions of the Owner/Contractor Contract, is a Contractually agreed remedy for small violations or nonadherence of the Contract terms which result in extra or unnecessary expenses to the Owner. The cost for these unnecessary expenses is not foreseen and cannot be calculated. They are the same SHR or Unit Price method, that had the service been necessary would have been invoiced to Owner. These services generally do not require prior approval of Owner, because they are required in the administration of the Contract. Set-off fees are invoiced to the Owner, who pays DIXON. The Owner can then Set-off these charges from amounts owed to the Contractor.
2. A few examples of Set-Off Fees are when the Owner has incurred extra charges or engineering costs related to:
 - a. Excessive submittal review,
 - b. Excessive evaluations of proposed substitutes,
 - c. Tests and inspections, or return Hold Point Observations to complete Field Work that were determined to be a failed inspection and,
 - d. Work is defective, require correction or replacement including additional inspection costs. This includes extra Observations in the Post Construction Phase.
3. Set-Off is only used during the Construction and Post Construction Phases where additional Observation or Engineering Services are required to correct failed Work, or what is normally considered unnecessary Basic services.

C1.05 Estimated Fee:

- A. The SHR Method of Rate Calculation is an estimate. The SHR Method is prepared based on extensive experience and is intended to be conservative.
 1. Calculating SHR includes, DIXON's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to DIXON under the agreement.
 2. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to DIXON that the total compensation amount thus estimated will be exceeded, DIXON shall give Owner notice thereof, allowing Owner to consider its options, including suspension or termination of DIXON's services for Owner's Convenience.
 - a. Upon notice, Owner and DIXON promptly shall review the matter of services remaining to be performed and compensation for such services.
 - b. Owner shall either exercise its right to suspend or terminate DIXON's services for Owner's convenience,
 - c. Agree to such compensation exceeding said estimated amount, or
 - d. Agree to a reduction in the remaining services to be rendered by DIXON, so that total compensation for such services will not exceed said estimated amount when such services are completed.
 - e. If Owner decides not to suspend DIXON's services during the negotiations and DIXON exceeds the estimated amount before Owner and DIXON have agreed to an increase in the compensation due DIXON or a reduction in the remaining services, then DIXON shall be paid for all services rendered hereunder.
 3. To suspend or terminate services for Convenience (Wee GP1.04. B.3 and C. and D. which says we still get paid what is owed and demo and costs to leave the paperwork in order up to termination.
 4. Cut back our services – if you are full time, they cannot cut back because our guys have minimum number of hours a week. Remember if the Contractor screws up, the Contractor should pay, and it is in their Owner/Contractor contract. If the Owner used their own contract without our additions, then they screwed up and should pay

5. The Owner can approve extra.

C1.06 DIXON's Reimbursable Expenses Schedule and Standard Hourly and Overtime Rates:

- A. Attached to this Exhibit C is Attachment C-2, Standard Hourly Rate and Reimbursable Expense Schedule
- B. Annual Cost Adjustment – January 1 each year.
 1. The Standard Hourly Rates and Reimbursable Expenses Schedule will be adjusted annually as of the first of January 1 date past expiration date printed on Attachment C-2 to reflect equitable changes in the compensation payable to DIXON. Proposals sent after August 1st will have Attachment C-2 with effective rates through December 31 of the subsequent year.
 2. Unit Price for Hold Point observations and Lump Sum items shall be increased at the same time as hourly rate by the same percentage increase as Standard Hourly Rates.
 3. Notification of these cost adjustments, or the issuance of an Addendum or Change Order are not required, but DIXON shall endeavor to so advise. Failure to supply notification does not waive the right for implementing rate increases.

PART 2 INVOICING AND PAYMENT for Services in EXHIBIT A per EXHIBIT C-1:

- A. Preparation and Submittal of Invoices: DIXON will prepare invoices in accordance with its standard invoicing practices and the terms of this Exhibit C and Attachments C-1 and C-2. DIXON will submit its invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. Small monthly invoices may be held by DIXON only, for a month or more and combined.
- B. Application to Interest and Principal: Payment will be credited first to any interest owed to DIXON and then to principal.
- C. Failure to Pay: If Owner fails to make any payment due DIXON for services and expenses within 30 days after receipt of DIXON's invoice, then:
 1. Amounts due DIXON will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said 30th day.
- D. Disputed Invoices: If Owner disputes an invoice, either as to amount or entitlement, by DIXON, then Owner shall promptly advise DIXON in writing of the specific basis for doing so, may withhold only that portion so disputed, and must pay the undisputed portion.

PART 3 SELECTION OF RPR SERVICES

C3.00 Hold Point Observations:

- A. The RPR travels to site to complete the Observation and travels back to Base Office. On site time at a minimum is time to complete Observations and to complete report.

SUMMARY OF DIXON’S COMPENSATION FEES SCHEDULE of VALUES

1. The total compensation for services under this Agreement is the estimated total compensation amount of **Twenty Eight Thousand, Seven Hundred Dollars \$28,700** and summarized as follows:

Schedule of Values				
Discription of Services	# of Units	Unit Price	Amount	Basis of Compensation
A1.01-Technical Specifications			\$4,500	Lump Sum
A1.02-Bidding and Contract Documents			\$1,000	Lump Sum
A1.02-Pre-Bid Meeting			\$750	Unit Price
A1.03-Preconstruction Meeting			\$950	Unit Price
A1.03-Other Defined Basic Services - Project Administration			\$2,000	Lump Sum
A1.03-RPR Critical Phase Coating			\$16,500	Unit Price
A1.04-Warranty Observation			\$3,000	Lump Sum
Total			\$28,700	

2. In the event of a conflict with the number in the Total and the written amount in 1 above or with the number on the Signature Page, the first governance shall be a review of math in this schedule of values.
3. DIXON may alter the distribution of compensation consistent with services actually rendered between individual phases of Basic and RPR Service with unused fees calculated by any method. Reallocation of fees shall not result in a total fee in excess of the total compensation amount unless approved by the Owner.

STANDARD HOURLY RATE AND REIMBURSABLE EXPENSE SCHEDULE

<u>Labor Class</u>	<u>Per Hour</u>	<u>Overtime Rate</u>
Expert Witness	\$265.00	\$400.00
Principal	\$265.00	
Project Manager	\$160.00	\$240.00
Engineer	\$165.00	\$248.00
CWI Welding RPR	\$160.00-\$175.00	\$240.00-\$263.00
DIXON Level 3 or NACE Certified Level 3 RPR	\$110.00-\$145.00	\$165.00-\$217.00
DIXON Level 2 or NACE Level 2 RPR	\$100.00-\$125.00	\$150.00-\$188.00
DIXON Level 1 or NACE Level 1 RPR	\$90.00-\$109.00	\$135.00-\$164.00
Contract Support Staff	\$115.00-\$140.00	\$173.00-\$210.00

<u>Expenses</u>	<u>Metropolitan</u>	<u>Out-State</u>
Mileage	\$0.75/mile + tolls	\$0.65/mile
Lodging	\$148.00 per diem	\$138.00 per diem
Meals	\$48.00 per diem	\$41.00 per diem

FEES EFFECTIVE THROUGH: December 31, 2021 (Revised: 8/6/2020)

**GENERAL PROVISIONS AND RELATED CONDITIONS FROM AGREEMENT OR
EXHIBITS**

GP1.00 Time for Completion:

- A. If there is a change in the Scope of Services, or in Scope of Project, if Projects are delayed or suspended through no fault of DIXON, if the orderly and continuous progress of DIXON's services is impaired, if the agreed periods of time or dates are changed, then the time for completion of DIXON's services, and the rates and amounts of DIXON's compensation, shall be adjusted equitably. Delay of Projects by Owner or Contractor until the next season (past the expiration date of Exhibit C Attachment 1 and 2), is considered a Change in Scope of Services and the rates and amounts of DIXON's compensation shall be adjusted equitably in accordance with the succeeding year's Exhibit C Attachment 1 and 2.
- B. Owner shall give prompt written notice to DIXON whenever Owner observes or otherwise becomes aware of any development that affects the scope or time of performance of DIXON's services; the presence at the Site of any Constituents of Concern; or any relevant, material defect or nonconformance in: (a) DIXON's services, (b) the Work, (c) the performance of any Contractor, or (d) Owner's performance of its responsibilities under this Agreement.
- C. Owner shall make decisions and carry out its other responsibilities in a timely manner so as not to delay DIXON's performance of its services.
- D. If DIXON fails, through its own fault, to complete the performance required in this Agreement within the time set forth, as duly adjusted, then Owner shall be entitled, as its sole remedy, to the recovery of direct damages, if any, resulting from such failure.

GP1.01 Opinions of Probable Construction Cost:

- A. DIXON's opinions (if any) of probable Construction Cost are to be made on the basis of DIXON's experience, qualifications, and general familiarity with the construction industry. However, because DIXON has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive Bidding or market conditions, DIXON cannot and does not guarantee that proposals, Bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by DIXON.

GP1.02 Standards of Performance:

- A. Standard of Care: The Standard of Care for all services performed or furnished by DIXON under this Agreement will be the care and skill ordinarily used by members of this subject profession practicing under similar circumstances at the same time and in the same locality.
- B. Technical accuracy: Owner shall not be responsible for discovering deficiencies in the technical accuracy of DIXON's services. DIXON shall correct deficiencies in technical accuracy without additional compensation unless such corrective action is directly attributable to deficiencies in Owner-furnished information.
- C. Reliance on Others: Subject to the Standard of Care set forth above in Paragraph GP1.02. A, DIXON, and its Consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers and the publishers or technical standards.
- D. DIXON will make visits to the Site at intervals appropriate to the various stages of construction as DIXON deems necessary in order to observe, as an experienced and qualified design professional, the progress that has been made and the quality of the various aspects of Contractor's executed Work. Based on information obtained during such visits and observations, DIXON, for the benefit of Owner, will determine, in general, if the Work is proceeding in accordance with the Contract Documents.

- E. DIXON shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor shall DIXON have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor's furnishing and performing of its work. DIXON shall not be responsible for the acts or omissions of any Constructor or for Constructor's compliance with Laws and Regulations.
- F. DIXON makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Contractor.
- G. DIXON shall not be responsible for any decisions made regarding the construction Contract requirements, or any application, interpretation, clarification, or modification of the construction Contract documents other than those made by DIXON or its consultants.
- H. DIXON's Services and Additional Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of the Section 975 of the Dodd-Frank Wall Street Reform and the Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements, or (4) providing legal advice or representation.

GP1.03 Use of Documents:

- A. All Documents are instruments of service, and DIXON shall retain an ownership and property interest therein (including the copyright and the right of reuse at the discretion of DIXON) whether the Project is completed or not. NOTE: A delayed project may require revisions of the Bid and/or Contract Documents.
 - 1. Owner may make and retain copies of Documents for information and reference in connection with the use of the Documents on the Project. DIXON grants Owner a limited license to use the Documents on the Project. Owner shall not use, reuse, or modify the Documents without written verification, completion, or adaptation by DIXON. The limited license to Owner shall not create any rights in third parties.

GP1.04 Suspension and Termination:

- A. Suspension:
 - 1. By Owner: Owner may suspend the Project for up to 90 days upon seven days written notice to DIXON.
 - 2. By DIXON: DIXON may, after giving seven days written notice to Owner, suspend services under this Agreement if Owner has failed to pay DIXON for invoiced services and expenses, or in response to the presence of Constituents of Concern at the Site.
- B. Termination: The obligation to provide further services under this Agreement may be terminated.
 - 1. For cause, by either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.
 - 2. By DIXON:
 - a. Upon seven days written notice if Owner demands that DIXON furnish or perform services contrary to DIXON's responsibilities as a licensed professional; or if services for the Project are delayed or suspended for more than 90 days for reasons beyond DIXON's control, or as the result of the presence at the Site of undisclosed Constituents of Concern.
 - b. DIXON shall have no liability to Owner on account of either such termination. This Agreement will not terminate; however, if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof.

3. For convenience, by Owner effective upon DIXON's receipt of notice from Owner.
- C. Effective Date of Termination: The terminating party under Paragraph GP1.04 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow DIXON to demobilize personnel and equipment from the site to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- D. Payments Upon Termination:
 1. In the event of termination by Owner or by DIXON for cause, DIXON shall be entitled to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, and other related close-out costs, using methods and rates for Additional Services as set forth in Exhibit C.
 2. The scheduled time period between Contract Award and the physical start of Construction, or if Construction is postponed for the off season (winter), shall not be considered a "suspension."

GP1.05 Controlling Law and Compliance with Laws and Regulations:

- A. This Agreement is to be governed by the Laws and Regulations of the state in which the Project is located. DIXON and Owner shall comply with state Laws and Regulations of state of Project.
- B. DIXON shall comply with any and all instructions of Owner, and all requirements of Contractor's or Owner's safety program that are applicable to DIXON's performance of services under this Agreement and that Owner provides to DIXON in writing, prior to the Effective Date; subject to the Standard of Care set forth in Paragraph GP1.02.A above, and to the extent compliance is not inconsistent with professional practice requirements.
- C. The following may be the basis for modifications to Owner's responsibilities or to DIXON's scope of services, times of performance, or compensation:
 1. Changes after the Effective Date to Laws and Regulations.
 2. The receipt by DIXON; or changes after the Effective Date of Owner-provided written policies and procedures.
- D. The General Conditions for any construction contract documents prepared hereunder are to be EJCDC C-700-18 "Standard General Conditions of the Construction Contract" (2018 Edition), prepared by the Engineer's Joint Contract Documents Committee, and as modified by DIXON unless expressly indicated otherwise. If Owner supplied General Conditions are used, then DIXON supplied Additions shall also be used to the extent they do not conflict with Owner's.

GP1.06 Dispute Resolution

- A. Owner and DIXON agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to invoking nonbinding mediation or exercising their rights at law.
- B. If negotiations fail then Owner and DIXON shall proceed to nonbinding mediation before a panel of three, one panel member selected by each party, and one mutually agreeable person. The only requirements are that neither party have any financial or relational control over any panel member. DIXON will select, based on expertise in the area of dispute. (DIXON pays fees for their panel member, Owner pays fees of their member, and third member's fees are to be paid as direct by the panel, even if their final dispute resolution is not accepted).
- C. After one trial mediation, unless an additional attempt is accepted by both parties either party may exercise their rights at law.

GP1.07 Environmental Condition of Site:

- A. Owner represents to DIXON that as of the Effective Date to the best of Owner's knowledge, that there are no Constituents of Concern, other than those disclosed in writing to DIXON, exist at or adjacent to the Site.

- B. Constituents of Concern in the Coating Industry- DIXON and Owner acknowledge that the coating industry may generate hazardous waste or Constituents of Concern (C of C) when removing old coatings, C of C may be existing in soils from coating removal in the past, and some gasket materials contained asbestos. Old coatings may contain heavy metals such as lead, chrome, and cadmium. Hazardous solvents may be present in new coatings, thinners, or used in the cleaning of equipment. These materials may be C of C but are considered Known C of C.
- C. If DIXON encounters or learns of an undisclosed Constituents of Concern at the Site, then DIXON shall notify Owner. State and Federal notifications, if required, are the responsibility of the Owner.
- D. Owner acknowledges that DIXON is performing professional services for Owner and that DIXON is not and shall not be required to become an “owner,” “arranger,” “operator,” “generator,” or “transporter” of hazardous substances, as determined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, which are or may be encountered at or near the Site in connection with DIXON’s activities under this Agreement.

INSURANCE REQUIREMENTS AND LIABILITY CONCERNS

The Agreement is supplemented to include the following agreement of the parties:

IR1.00 Insurance:

- A. The limits of liability for the insurance required on this project are as follows:
- B. By DIXON:
 - 1. Workers' Compensation: Statutory
 - 2. Employer's Liability --
 - 1) Bodily injury, each accident: \$1,000,000
 - 2) Bodily injury by disease, each employee: \$1,000,000
 - 3) Bodily injury/disease, aggregate: \$1,000,000
 - 3. General Liability --
 - 1) Each Occurrence (Bodily Injury and Property Damage) \$1,000,000
 - 2) General Aggregate \$2,000,000
 - 4. Excess or Umbrella Liability
 - 1) Per Occurrence: \$5,000,000
 - 2) General Aggregate: \$5,000,000
 - 5. Automobile Liability
 - 1) Combined Single Limit (Bodily Injury and Property Damage): \$1,000,000
 - 6. Professional Liability --
 - 1) Each Claim Made \$2,000,000
 - 2) Annual Aggregate \$2,000,000
- C. Additional Insured's: The following individuals or entities are to be listed on DIXON's general liability policies of insurance as additional insured's: Owner and other parties requested by Owner Electronic Data Transmittal Protocol within reason.
- D. Owner shall require Contractor to purchase and maintain policies of insurance covering workers' compensation, general liability, motor vehicle damage and injuries, and other insurance necessary to protect Owner's and DIXON's interests in the Project. Owner shall also require Contractor to cause DIXON and its Consultants to be listed as additional insureds with respect to such liability insurance purchased and maintained by Contractor for the Project.
- E. DIXON shall deliver to the Owner certificates of insurance evidencing DIXON's coverages. Such certificates shall be furnished prior to commencement of DIXON's services and at renewals thereafter during the life of the Agreement.
- F. All policies of property insurance relating to the Project, including but not limited to any builder's risk policy, shall allow for waiver of subrogation rights, and contain provisions to the effect that in the event of payment of any loss or damage the insurers will have no rights of recovery against any insured thereunder or against DIXON or its Consultants. Owner and DIXON waive all rights against each other, Contractor, the Consultants, and the respective officers, directors, members, partners, employees, agents, consultants, and subcontractors of each and any of them, for all losses and damages caused by, arising out of, or resulting from any of the perils or causes of loss covered by any builder's risk policy and any other property insurance relating to the Project. Owner shall take appropriate measures in other Project-related contracts to secure waivers of rights.
- G. All policies of insurance shall contain a provision or endorsement that the coverage afforded will not be canceled or reduced in limits by endorsement, and that renewal will not be refused, until at least 10 days prior written notice has been given to the primary insured. Upon receipt of such notice, the receiving party shall promptly forward a copy of the notice to the other party to this Agreement.
- H. At any time, Owner may request that DIXON or its Consultants, at Owner's sole expense, provide additional insurance coverage, increased limits, or revised deductibles that are more protective than those specified in Exhibit IR. If so, requested by Owner, and if commercially available, DIXON

shall obtain and shall require its Consultants to obtain such additional insurance coverage, different limits, or revised deductibles for such periods of time as requested by Owner, and Exhibit IR will be supplemented to incorporate this requirement.

I. Definitions:

1. Owner and Party 1 is Owner and Owner's officers, directors, membership, partners, agents, employees, consultants, or others retained by or under contract to the Owner with respect to this Agreement or to the Project.
2. DIXON and Party 2 is DIXON and/or DIXON's officers, directors, members, partners, agents, employees, consultants, subcontractors, or others under contract to DIXON relative to this Project or Agreement.

IR1.01 Limitation of Liability:

- A. DIXON's Liability Limited to Amount of Insurance Proceeds: DIXON shall procure and maintain insurance as required by and set forth in this Exhibit IR to this Agreement. Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by Laws and Regulations, the total liability, in the aggregate, of DIXON and Party 2 to Owner and anyone claiming by, through, or under Owner shall not exceed the total insurance proceeds paid on behalf of or to DIXON by DIXON's insurers in settlement or satisfaction of Owner's Claims under the terms and conditions of DIXON's insurance policies applicable thereto (excluding fees, costs and expenses of investigation, claims adjustment, defense, and appeal), up to the amount of insurance required under this Agreement.

IR1.02 Exclusion of Special, Incidental, Indirect, and Consequential Damages:

- A. To the fullest extent permitted by Laws and Regulations, and notwithstanding any other provision in the Agreement. DIXON and Party 2 shall not be liable for special, incidental, indirect, or consequential damages arising out of, or related to this Agreement or the Project, from any cause or causes, including but not limited to: damage to water supply or reduction in fire protection.

IR1.03 Percentage Share of Negligence:

- A. To the fullest extent permitted by Laws and Regulations, a party's total liability to the other party and anyone claiming under the other party for damages caused in part by the negligence of the party and in part by the negligence of the other party or any other negligent entity or individual, shall not exceed the percentage share that the party's negligence bears to the total negligence of Owner, Engineer, and all other negligent entities and individuals.

RESOLUTION NO. _____

RESOLUTION FOR AWARD OF BID AND TO
AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT

WHEREAS:

1. Formal bids have been obtained on the below listed item.
2. The bids received have been reviewed and evaluated as per the attached staff report.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bid for the listed item as recommended in the attached staff report and summarized below.

Item	Recommended Bidder	Cost
Elevator Maintenance and Repair Service	KONE Elevator	Bid prices as shown on the attached tabulation sheet.

2. The City Council does hereby authorize the Mayor and City Clerk to execute the contract.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on September 7, 2021.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Tabulation Sheet
Contract

Resolution No. _____

STAFF REPORT

Date: September 1, 2021

Subject: Elevator Maintenance and Repair Service

From: Dan Kleinheksel, Utility Maintenance Manager

Meeting Date: September 7, 2021

RECOMMENDATION:

It is recommended the City Council award the bid of a five-year elevator maintenance and repair service contract to KONE Elevator.

COMMUNITY, SAFETY, STEWARDSHIP:

Regular and proper upkeep of City equipment contributes to the efficiency of the equipment, and to the prevention of untimely and costly repairs or replacement that could potentially interrupt City services and building accessibility.

DISCUSSION:

Elevators are required by the State of Michigan to be serviced at least once every 90 days in addition to annual no-load safety testing and three-year load safety testing. The City of Wyoming has 14 elevators located in various buildings including City Hall, 62A District Court, Public Safety, Public Service, and the Utility Plants. In the past, these elevators have been serviced by multiple elevator companies with varying contract lengths and terms. To obtain advantageous pricing and standardized service, specifications were developed for city-wide elevator maintenance and repair service.

On July 27, 2021, five responses were received in answer to our invitation to bid on elevator maintenance and repair service. After review of the bids received, KONE Elevator was found to meet the specifications, provided the lowest cost for service and safety testing, and offered a competitive hourly rate and markup percentage. Additionally, KONE Elevator has provided quality service for Public Works and 62A District Court elevators in the past. Therefore, it is recommended the City Council award the bid of a five-year elevator maintenance and repair service contract to KONE Elevator.

BUDGET IMPACT:

The annual expenditure for citywide elevator maintenance and repair services is an estimated total of \$45,000.00 and funds are budgeted in the various departmental accounts.

Manufacturer	Building	Location	OTIS Elevator Company				Elevator Service LLC				Kone				Great Lakes Elevator				Schindler Elevator Company				
			YEAR 1 (September 1, 2021 - August 31, 2022)																				
			Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	
Otis	City Hall	City Hall Main Lobby Hallway	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 1,600	\$ 1,600	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
Montgomery	62A District Court	Lobby	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 2,000	\$ 2,000	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
Schindler* *Under Contract until Dec. 31, 2026		Election Storage - Under Contract with Schindler																					
Otis	Public Safety–Police	Main Lobby	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 300	\$ 800	\$ 2,800	\$ 2,800	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
Montgomery	Public Service	Main Entrance	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 2,000	\$ 2,000	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
Montgomery		Motor Pool	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 2,000	\$ 2,000	\$ 1,680				
ThyssenKrupp Elevator TAC 20	Drinking Water Plant	NTF Main Lobby	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 1,680	\$ 1,680	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
ThyssenKrupp Elevator TAC 20		NTF Filter Pipe Gallery	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 300	\$ 800	\$ 4,000	\$ 4,000	\$ 1,680				
ThyssenKrupp Elevator TAC 20		NW corner of STF	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 4,000	\$ 4,000	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
ThyssenKrupp Elevator TAC 20		SE corner of STF	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 300	\$ 800	\$ 4,000	\$ 4,000	\$ 1,680				
Leitelt		NTF Freight Elevator	\$ 456	\$ 720	\$ 1,350		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 300	\$ 800	\$ 8,000	\$ 8,000	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
Dover Corp/Rotary by Independent	Clean Water Plant	Sewage Pump House	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 300	\$ 800	\$ 1,200	\$ 1,200	\$ 1,680	Included in the Service Cost	Included in the Service Cost		
Montgomery		Main Building	\$ 456	\$ 680	\$ 1,300		\$ 120	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 300	\$ 800	\$ 3,600	\$ 3,600	\$ 1,680				
Hourly rate and markup percentage for elevator repairs outside of the quarterly maintenance service, Cat 1, Cat 3, and Cat 5 testing as defined herein and required by the State of Michigan.		Time & Material	\$ 198				\$ 348				\$ 220				\$200 ST \$300 1.5x \$400 2x				\$195 ST \$331.50 OT \$390 DT				
			15%				30%				20%				15%				25%				

Manufacturer	Building	Location	OTIS Elevator Company				Elevator Service LLC				Kone				Great Lakes Elevator				Schindler Elevator Company			
			YEAR 2 (September 1, 2022 - August 31, 2023)																			
			Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5
Otis	City Hall	City Hall Main Lobby Hallway	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 315	\$ 840	\$ 1,680	\$ 1,680	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
Montgomery	62A District Court	Lobby	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 315	\$ 840	\$ 2,100	\$ 2,100	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
Schindler* *Under Contract until Dec. 31, 2026		Election Storage - Under Contract with Schindler Elevator Co.																				
Otis	Public Safety–Police	Main Lobby	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 315	\$ 840	\$ 2,940	\$ 2,940	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
Montgomery	Public Service	Main Entrance	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 315	\$ 840	\$ 2,100	\$ 2,100	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
Montgomery		Motor Pool	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 315	\$ 840	\$ 2,100	\$ 2,100	\$ 1,739			
ThyssenKrupp Elevator TAC 20	Drinking Water Plant	NTF Main Lobby	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 315	\$ 840	\$ 1,760	\$ 1,760	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
ThyssenKrupp Elevator TAC 20		NTF Filter Pipe Gallery	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 315	\$ 840	\$ 4,200	\$ 4,200	\$ 1,739			
ThyssenKrupp Elevator TAC 20		NW corner of STF	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324		\$ 1,000		\$ 315	\$ 840	\$ 4,200	\$ 4,200	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
ThyssenKrupp Elevator TAC 20		SE corner of STF	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 315	\$ 840	\$ 4,200	\$ 4,200	\$ 1,739			
Leitelt		NTF Freight Elevator	\$ 480	\$ 735	\$ 1,380		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324				\$ 315	\$ 840	\$ 8,400	\$ 8,400	\$ 1,739			Included in the Service Cost
Dover Corp/Rotary by Independent	Clean Water Plant	Sewage Pump House	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 315	\$ 840	\$ 1,280	\$ 1,280	\$ 1,739	Included in the Service Cost	Included in the Service Cost	
Montgomery		Main Building	\$ 480	\$ 700	\$ 1,340		\$ 122	\$ 760	\$ 1,325	\$ 1,385	\$ 324	\$ 750			\$ 315	\$ 840	\$ 3,780	\$ 3,780	\$ 1,739			
Hourly rate and markup percentage for elevator repairs outside of the quarterly maintenance service, Cat 1, Cat 3, and Cat 5 testing as defined herein and required by the State of Michigan.		Time & Material	\$205				\$348				\$220				\$210 ST \$315 1.5x \$420 2x				\$200 ST \$340 OT \$400 DT			
			15%				30%				20%				15%				25%			

Manufacturer	Building	Location	OTIS Elevator Company				Elevator Service LLC				Kone				Great Lakes Elevator				Schindler Elevator Co.			
			YEAR 3 (September 1, 2023 - August 31, 2024)																			
			Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3 (If Required)	Safety Test Cost CAT 5 (If Required)	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3 (If Required)	Safety Test Cost CAT 5 (If Required)	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3 (If Required)	Safety Test Cost CAT 5 (If Required)	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3 (If Required)	Safety Test Cost CAT 5 (If Required)	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3 (If Required)	Safety Test Cost CAT 5 (If Required)
Otis	City Hall	City Hall Main Lobby Hallway	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330		\$ 1,200		\$ 330	\$ 880	\$ 1,760	\$ 1,760	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
Montgomery	62A District Court	Lobby	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 2,200	\$ 2,200	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
Schindler* *Under Contract until December 31, 2026		Election Storage - Under Contract with Schindler Elevator Company																				
Otis	Public Safety--Police	Main Lobby	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 3,090	\$ 3,090	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
Montgomery	Public Service	Main Entrance	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 2,200	\$ 2,200	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
Montgomery		Motor Pool	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 2,200	\$ 2,200	\$ 1,808			
ThyssenKrupp Elevator TAC 20	Drinking Water Plant	NTF Main Lobby	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 1,850	\$ 1,850	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
ThyssenKrupp Elevator TAC 20		NTF Filter Pipe Gallery	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 4,400	\$ 4,400	\$ 1,808			
ThyssenKrupp Elevator TAC 20		NW corner of STF	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 4,400	\$ 4,400	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
ThyssenKrupp Elevator TAC 20		SE corner of STF	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 4,400	\$ 4,400	\$ 1,808			
Leitelt			NTF Freight Elevator	\$ 495	\$ 750	\$ 1,420		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 8,820	\$ 8,820	\$ 1,808	Included in the Service Cost	Included in the Service Cost
Dover Corp/Rotary by Independent	Clean Water Plant	Sewage Pump House	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 1,320	\$ 1,320	\$ 1,808	Included in the Service Cost	Included in the Service Cost	
Montgomery		Main Building	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 330	\$ 880	\$ 3,970	\$ 3,970	\$ 1,808			
Otis* *Service not required starting November 1, 2023			New Blower Building	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 60				\$ 330	\$ 880	\$ 10,580	\$ 10,580	\$ 1,808	Included in the Service Cost	Included in the Service Cost
Hourly rate and markup percentage for elevator repairs outside of the quarterly maintenance service, Cat 1, Cat 3, and Cat 5 testing as defined herein and required by the State of Michigan.		Time & Material	\$ 215				\$ 348				\$ 230				\$210 ST \$315 1.5x \$420 2x				\$208 ST \$354 OT \$416 DT			
			15%				30%				20%				15%				25%			

Manufacturer	Building	Location	OTIS Elevator Company				Elevator Service LLC				Kone				Great Lakes Elevator				Schindler Elevator Co.							
			YEAR 4 (September 1, 2024 - August 31, 2025)																							
			Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5
Otis	City Hall	City Hall Main Lobby Hallway	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 1,850	\$ 1,850	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
Montgomery	62A District Court	Lobby	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 2,310	\$ 2,310	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
Schindler* *Under Contract until Dec. 31, 2026		Election Storage - Under contract with Schindler Elevator Co.																								
Otis	Public Safety–Police	Main Lobby	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330		\$ 1,200		\$ 345	\$ 925	\$ 3,250	\$ 3,250	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
Montgomery	Public Service	Main Entrance	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 2,310	\$ 2,310	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
Montgomery		Motor Pool	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 2,310	\$ 2,310	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
ThyssenKrupp Elevator TAC 20	Drinking Water Plant	NTF Main Lobby	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 1,940	\$ 1,940	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
ThyssenKrupp Elevator TAC 20		NTF Filter Pipe Gallery	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330		\$ 1,200		\$ 345	\$ 925	\$ 4,620	\$ 4,620	\$ 1,882							
ThyssenKrupp Elevator TAC 20		NW corner of STF	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 4,620	\$ 4,620	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
ThyssenKrupp Elevator TAC 20		SE corner of STF	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330		\$ 1,200		\$ 345	\$ 925	\$ 4,620	\$ 4,620	\$ 1,882							
Leitelt		NTF Freight Elevator	\$ 510	\$ 780	\$ 1,450		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 9,260	\$ 9,260	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
Dover Corp/Rotary by Independent	Clean Water Plant	Sewage Pump House	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330		\$ 1,200		\$ 345	\$ 925	\$ 1,390	\$ 1,390	\$ 1,882	Included in the Service Cost	Included in the Service Cost					
Montgomery		Main Building	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 330		\$ 1,200		\$ 345	\$ 925	\$ 4,170	\$ 4,170	\$ 1,882							
Otis		New Blower Building	\$ 495	\$ 720	\$ 1,362		\$ 124	\$ 760	\$ 1,325	\$ 1,385	\$ 330	\$ 800			\$ 345	\$ 925	\$ 11,100	\$ 11,100	\$ 1,882							
Hourly rate and markup percentage for elevator repairs outside of the quarterly maintenance service, Cat 1, Cat 3, and Cat 5 testing as defined herein and required by the State of Michigan.		Time & Material	\$ 225				\$ 348					\$ 230				\$230 ST \$345 1.5x \$460 2x				\$216 ST \$367 OT \$432 DT						
			15%				30%					20%				15%				25%						

Manufacturer	Building	Location	OTIS Elevator Company				Elevator Service LLC				Kone				Great Lakes Elevator				Schindler Elevator Co.				
			YEAR 5 (September 1, 2025 - August 31, 2026)																				
			Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Quarterly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)	Safety Test Cost CAT 1	Safety Test Cost CAT 3	Safety Test Cost CAT 5	Service Cost (Yearly)
Otis	City Hall	City Hall Main Lobby Hallway	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 1,940	\$ 1,940	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
Montgomery	62A District Court	Lobby	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335		\$ 1,200		\$ 360	\$ 970	\$ 2,425	\$ 2,425	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
Schindler* *Under Contract until Dec. 31, 2026		Election Storage	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335		\$ 1,200		\$ 360	\$ 970	\$ 2,040	\$ 2,040					
Otis	Public Safety–Police	Main Lobby	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 3,410	\$ 3,410	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
Montgomery	Public Service	Main Entrance	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335		\$ 1,200		\$ 360	\$ 970	\$ 2,425	\$ 2,425	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
Montgomery		Motor Pool	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335		\$ 1,200		\$ 360	\$ 970	\$ 2,426	\$ 2,426	\$ 1,944				
ThyssenKrupp Elevator TAC 20	Drinking Water Plant	NTF Main Lobby	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335		\$ 1,200		\$ 360	\$ 970	\$ 2,040	\$ 2,040	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
ThyssenKrupp Elevator TAC 20		NTF Filter Pipe Gallery	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 4,850	\$ 4,850	\$ 1,944				
ThyssenKrupp Elevator TAC 20		NW corner of STF	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 4,850	\$ 4,850	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
ThyssenKrupp Elevator TAC 20		SE corner of STF	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 4,850	\$ 4,850	\$ 1,944				
Leitelt		NTF Freight Elevator	\$ 525	\$ 800	\$ 1,475		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335				\$ 360	\$ 970	\$ 9,720	\$ 9,720	\$ 1,944				
Dover Corp/Rotary by Independent	Clean Water Plant	Sewage Pump House	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 1,460	\$ 1,460	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
Montgomery		Main Building	\$ 525	\$ 760	\$ 1,400		\$ 128	\$ 760	\$ 1,325	\$ 1,385	\$ 335	\$ 800			\$ 360	\$ 970	\$ 4,380	\$ 4,380	\$ 1,944				
Otis		New Blower Building	\$ 510	\$ 740	\$ 1,380		\$ 126	\$ 760	\$ 1,325	\$ 1,385	\$ 335				\$ 360	\$ 970	\$ 11,650	\$ 11,650	\$ 1,944	Included in the Service Cost	Included in the Service Cost		
Hourly rate and markup percentage for elevator repairs outside of the quarterly maintenance service, Cat 1, Cat 3, and Cat 5 testing as defined herein and required by the State of Michigan.		Time & Material	\$235				\$ 348					\$ 240				\$240 ST \$360 1.5x \$480 2x				\$220 ST \$374 OT \$440 DT			
			15%				30%					20%				15%				25%			

CITY OF
Wyoming
MICHIGAN



ELEVATOR INSPECTION, MAINTENANCE, AND REPAIR SERVICES CONTRACT

This Contract is made as of the Effective Date between the City of Wyoming, a Michigan municipality, of 1155 28th Street SW, PO Box 905, Wyoming, MI 49509-0905 ("City") and the Contractor identified below.

Recitals

City requested bids/proposals for the elevator inspection, maintenance, and repair services contract (the "Request for Bids/Proposals" that included the bid/proposal requirements, city contract standard terms and conditions, risk allocation and insurance provisions, bonds and lien provisions, specific requirements, bid/proposal form, plans, and project or technical bid specifications) and Contractor submitted the bid/proposal by the required date of June 22, 2021 and related required materials (the "Bid") that was selected by City

"Contract Documents" means this contract, the Bid, the Request for Bids/Proposals including all materials that are part of it, the approving City Council resolution, insurance information meeting contract requirements (including any requested policies, endorsements and certificates), and any required bonds.

"Contractor" means: Kone
LEGAL NAME OF COMPANY

Corp
BUSINESS NAME / D.B.A., IF DIFFERENT FROM ABOVE

5300 Clay Ave S.W
FORM OF BUSINESS and STATE IN WHICH FORMED - e.g. partnership, corporation, limited liability company, or professional corporation and the state in which it was formed

5300 Clay Ave S.W
STREET ADDRESS

Grand Rapids, MI 49548
CITY STATE ZIP CODE

"Effective Date" means the day after the date that (i) the Contract is approved by the City Council and (ii) the City receives all bonds, insurance documents, and other documents required from Contractor.

Terms and Conditions

In exchange for the consideration in and referred by this Contract, the parties agree:

1. Contractor will provide the materials and services in accordance with the Contract Documents.
2. City will pay the Contractor in accordance with the Contract Documents.
3. This is the only agreement between the parties regarding its subject matter. There are no other agreements, representations or warranties. **No terms and conditions apply other than those expressly and fully stated in the Contract Documents.** This contract can be amended only in writing signed by both City and Contractor.

City and Contractor have signed this Contract as of the Effective Date.

City of Wyoming

By: _____
Jack A. Poll, Mayor

By: _____
Kelli A. VandenBerg, City Clerk

Date signed: _____

Approved as to form:

Scott G. Smith, City Attorney

Contractor

By: _____
Signature for Contractor

Nate Ottenwess
Printed Name & Title of Person Signing

Date signed: 7.26.2021

ORDINANCE NO. 17-21

ORDINANCE TO AMEND CHAPTER 6 AND SUBSECTION 10-179(33) AND TO REPEAL SECTION 54-7 OF THE CODE OF ORDINANCES TO ADDRESS THE KEEPING, CARE, CONTROL AND HYGIENE RELATED TO ANIMALS IN THE CITY AND PROVIDING PENALTIES FOR VIOLATIONS

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 6 of the Code of Ordinances, City of Wyoming, Michigan, is amended to read as follows:

Chapter 6 – ANIMALS

Sec. 6-1. - Purpose.

This chapter is intended to:

- (a) Protect wild, domestic, and pet animals against mishandling, mistreatment, abuse, neglect, or other cruelty;
- (b) Protect persons against injuries or property damage inflicted or caused by animals;
- (c) Prevent nuisances arising from keeping certain animals in inappropriate settings;
- (d) Enable persons to enjoy their own property, public spaces, open spaces, and other spaces in the city without fear of encountering unrestrained animals, other than wild animals indigenous to the city;
- (e) Prohibit feeding of wild animals, except wild birds (on one's own property), to minimize nuisances, health hazards, and safety hazards wild animals may cause;
- (f) Ensure the rights of persons to have, enjoy, and foster the health and safety of appropriate pet animals in appropriate settings; and
- (g) Ensure the rights of persons to have and rely on service animals in accordance with applicable federal and state laws, rules, and regulations.

Sec. 6-2. – Definitions.

The following definitions apply to terms used in this chapter:

- (a) *Animal* means arachnids, insects, mollusks, crustaceans, and vertebrates including, without limitation, domestic animals, livestock, wild animals, pet animals, research animals, and service animals.
- (b) *Cruelty* means through intentional acts, unintentional acts, or neglect, causing an animal unneeded pain, suffering or ill health.
- (c) *Dangerous animal* means an animal that (i) bites or attacks a person, (ii) bites or attacks and causes serious injury or death to another animal while the other animal is on the property or under the control of its owner, (iii) is infected with a pathogen that may be dangerous to persons, (iv) is infected with a pathogen that is a risk to other animals, especially, but not limited to, livestock, animals kept as pets, service animals, or animals otherwise used in business, (v) is a wild animal of a species that commonly known to carry disease, such as certain insects and rodents, and (vi) animals that are venomous. However, a dangerous animal does not include any of the following:
 - (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner or a person who reasonably should know the person is trespassing on the property of the animal's owner.
 - (2) An animal that bites or attacks a person who provokes or torments the animal.
 - (3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

- (4) A wild animal in its natural environment acting in a manner to defend itself, its nest, its mate, its progeny, or as is otherwise characteristic of its species.
- (d) *Domestic animal* means an animal commonly maintained as livestock, used in animal husbandry, pet animals, research animals, and service animals, but does not include any of the following:
- (1) Arachnids or insects;
 - (2) Wolves, coyotes, wolf-dogs, cervids, bears, predatory felines (for example, lions, tigers, cheetahs, pumas, bobcats, wildcats, lynxes, servals, ocelots, leopards and jaguars), hyenas, jackals, primates (other than persons), seals, sea lions, otters, walruses, zebras, rhinoceros, hippopotamus, weasels, wolverines, squirrels, chipmunks, voles, moles, field mice, skunks, raccoons, marsupials, water buffalo, antelope, moose, elk, deer, camels, tapirs, bighorn sheep, reptiles, sharks, or other wild mammals not normally kept as pets or livestock;
 - (3) Any birds caught in or rescued from the wild or raised from birds caught in or rescued from the wild, and any birds imported from another country;
 - (4) Feral swine; or
 - (5) An animal caught in or rescued from the wild or raised from animals caught in or rescued from the wild.
- (e) *Kennel* means an establishment wherein three or more dogs or cats are maintained including dogs and cats kept for sale, boarding, breeding or training purposes.
- (f) *Neglect* means to fail to provide needed water, food, shelter or veterinary care such that an animal is under- or malnourished or suffers adverse health effects.
- (g) *Owner* means a person who owns or has charge of an animal.
- (h) *Pet animal* is a domestic animal normally kept in a house to provide company or enjoyment for its owner. Livestock, a service animal, an animal raised for food or husbandry, a research animal are not pet animals. Dogs, cats, tropical fish in aquaria, hamsters, guinea pigs, domestically raised parakeets and parrots, domestically raised cockatoos, domestically raised carrier pigeons, and certain hares and rabbits can be pet animals.
- (i) *Provoke* means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary animal.
- (j) *Research animal* means an animal used in a licensed laboratory performing medical or pharmaceutical research but does not include a wild animal or an animal that was at any time a pet animal.
- (k) *Serious injury* means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person or another animal. It includes, without limitation, any injury requiring suturing, any injury requiring rabies vaccination,
- (l) *Service animal* means an animal recognized under state or federal laws, rules and regulations as a service animal that performs tasks that assist a disabled person including a person with a physical, sensory, psychiatric, intellectual, or other mental disability.
- (m) *Torment* means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.
- (n) *Wild animal* means any animal other than a domestic animal.

Sec. 6-3. - Mistreating animals.

A person who engages in any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

- (a) Injures, causes to suffer, or otherwise afflicts an animal through neglect or other cruelty.

- (b) Provokes an animal.
- (c) Torments an animal.
- (d) Uses any animal for research except for in a research facility that is fully licensed and accredited by appropriate governmental agencies or institutions of higher education and when engaged in recognized medical or pharmaceutical research.
- (e) Beats, mutilates, overworks, overloads, tortures, or too severely restrains an animal.
- (f) Keeps an animal in a vehicle in such a manner as to risk it hyper- or hypothermia.
- (g) Abandons a pet animal or other domestic animal.
- (h) Engages in conduct with a service animal that is contrary to the expressed directions or admonitions or its owner.
- (i) Otherwise neglects any animal for which the person is an owner.
- (j) Kills a domestic animal in other than a humane way or, without permission from the animal's owner, kills a domestic animal belonging to another person.

Sec. 6-4. – Dangerous or wild animals.

A person who engages in any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

- (a) Except with any required state or federal license to do so, possesses, keeps or handles any wild animal in the city.
- (b) Owns, keeps, or harbors a dangerous animal. This includes, without limitation, an animal that has bitten a person and an animal that caused serious injury to another animal.
- (c) Fails or refuses to submit for appropriate observation and care an animal that is reasonably suspected to have or been in contact with an animal that has rabies, distemper, heartworm, or canine parvovirus.
- (d) Knowingly feeds wild animals, other than wild birds. Feeding of wild birds is allowed only on a person's own property or other private property with the consent of the owner. Unless the public entity owning it first consents in writing, wild birds may not be fed in city parks, rights-of-way, or other public places.

Sec. 6-5. - License required.

No person shall keep, harbor, or have the care or charge of any dog of the age of six months or over within the city unless the dog wears a collar to which is attached a license tag obtained from Kent County, or if the dog is owned by a person residing in another county or state, a license issued by that county or state. A violation of this section is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

Sec. 6-6. – Control, containment, and restraint.

- (a) All dogs and other domestic animals in the city must be:
 - (1) Contained on the property of the owner, or
 - (2) Contained on property owned by another person with that person's permission, or
 - (3) Restrained by a leash or other physical restraint not exceeding 8-feet in length, or
 - (4) If a dog, within an area of a dog park where dogs are authorized to be without restraint, or
 - (5) If the animal is a service animal, the animal is performing services for its owner in accordance with its training as a service animal.
- (b) A dog or other domestic animal contained on the property of its owner or another person must be contained in a way that it cannot attack or injure a mail carrier, delivery person, or other person legitimately entering upon the property on which the animal is contained. Signs must be posted warning persons legitimately entering upon property upon which a dog or other domestic animal may be contained of the

possible presence of the animal if it is possible the animal may come in contact with the persons entering upon the property.

(c) This section shall not apply to a dog under the control of a city or other governmental employee or agent engaged with the dog in the course of that employee's or agent's official duties.

(d) A violation of this section is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

Sec. 6-7. - Presumption of ownership.

A person who has an animal contained on the person's premises shall be deemed to be its owner. A person who has the end of a leash or other restraint attached to an animal shall be deemed to be its owner.

Sec. 6-8. – Barking, odors, and other nuisances.

(a) No barking or emission of any other noise by any dog or other animal shall be audible beyond the property of its owner or other person on whose premises it is consensually located for any period (i) exceeding 5 minutes in any 2-hour period between 7:00 a.m. and 8:00 p.m. or (ii) exceeding 5 minutes during the period between 8:00 p.m. and 7:00 a.m.

(b) All fecal droppings from dogs and other domestic mammals kept by any person on any privately-owned premises in the city shall be picked-up and properly disposed of not less frequently than once every 5 days. If, due to warm weather or other conditions, such droppings emit odors that are perceptible off the premises on which they lie, they must be picked-up and properly disposed of at a frequency needed to prevent the perception of odor beyond the property line. If due to any conditions, flies or other invertebrates are breeding within the droppings, they must be picked-up and properly disposed of at a frequency needed to prevent the breeding of such flies or other vermin.

(c) All fecal droppings from dogs or other domestic animal onto public rights-of-way, other public property, or the property of any person by the animal's owner must be immediately picked-up and properly disposed of.

(d) A person violating this section is responsible for a municipal civil infraction punishable by a fine of \$100.00 for a first offense, \$250.00 for a second offense, and \$500.00 for any subsequent offense.

Sec. 6-9. - Numbers.

(a) No person shall keep or allow more than 3 dogs on any premises, except that the owner of a female dog which has given birth to puppies may keep the female dog and the puppies for a period of not to exceed 3 months from the date of the birth of the litter.

(b) No person shall possess, harbor, shelter or keep more than 3 adult cats. An adult cat is one which is 3 months old or older.

(c) The restrictions in this section shall not apply to a (i) licensed veterinarian practicing in the city as the veterinarian's facility, (ii) to a city-licensed pet day-care facility legally operating in the city, (iii) to a properly licensed/certified governmental or non-profit animal shelter legally operating in the city, (iv) to a properly licensed/certified kennel legally operating in the city, (v) to city police or other law enforcement canines, or (vi) those held for sale at a properly licensed/certified pet sales establishment legally operating in the city.

(d) A person violating this section is responsible for a municipal civil infraction punishable by a fine of \$100.00 for a first offense, \$250.00 for a second offense, and \$500.00 for any subsequent offense.

Sec. 6-10. – Animal free areas.

(a) No person shall bring or permit an animal to be in any area on public or private property that is posted as prohibiting animals or any particular type or species of animal.

(b) The provisions of this section do not apply to service animals when engaged in rendering the services for their owners for which they were trained. However, in areas where service animals may be lawfully prohibited, no person shall bring or permit an animal to be in that area.

(c) A person violating this section is responsible for a municipal civil infraction punishable by a fine of \$100.00 for a first offense, \$250.00 for a second offense, and \$500.00 for any subsequent offense.

Sec. 6-11. – Service animals.

(a) Service animals shall be allowed when accompanied by their owners and when providing the services for their owners for which they are trained to be in places where service animals are allowed under applicable state or federal laws, rules and regulations.

(b) No person shall interfere with a service animal accompanied by and providing the services for its owner for which the animal was trained. However, it shall not be unlawful to ask (i) “Is the animal required because of a disability?” and/or (ii) “What work or task(s) has the animal been trained to perform?”

(c) Service animals that are of a type or species not otherwise permitted in the city shall not perform services or undertake tasks for persons other than the owners who they were trained to serve. They shall not perform tricks for or otherwise entertain others. They shall not provide rides, carry loads, or pull carts or wagons.

(d) A person violating this section is responsible for a municipal civil infraction punishable by a fine of \$100.00 for a first offense, \$250.00 for a second offense, and \$500.00 for any subsequent offense.

Sec. 6-12. – Animals in parks.

(a) Except as otherwise provided in this section, the only domestic animals allowed in city parks are (i) dogs that are restrained by leashes not exceeding 8-feet in length and (ii) service animals accompanied by their owners and performing services for their owners for which they have been trained.

(b) Only dogs are allowed in the area of any city dog park in which dogs are allowed off-leash.

(c) The restrictions in this section do not apply to animals brought into a city park a part of an educational program sponsored by the city or by another person with the city’s consent.

(d) Persons bringing any animal into any city park must comply with all signage about animals and must comply with all park rules regarding animals.

(e) A person violating this section is responsible for a municipal civil infraction punishable by a fine of \$100.00 for a first offense, \$250.00 for a second offense, and \$500.00 for any subsequent offense.

Sec. 6-13. – Animals other than pet animals.

(a) Except as otherwise provided in this chapter, no person shall possess, keep, harbor, or allow to be kept on any premises in the city any animal except a pet animal or a service animal.

(b) The restrictions in this section do not apply to animals brought onto a premise in the city as part of an educational program or other special event (such as a carnival, temporary petting zoo, carriage rides associated with an event, or other event) sponsored by the city or by another person with the city’s consent.

(c) A person violating this section is responsible for a municipal civil infraction punishable by a fine of \$100.00 for a first offense, \$250.00 for a second offense, and \$500.00 for any subsequent offense.

Sec. 6-14. - Impoundment.

(a) Any animal control officer, police officer, or other person designated to do so by the city, Kent County, or a state or federal agency may impound any (i) dog, (ii) cat, (iii) pet animal, (iv) other domestic animal, or (v) wild animal not indigenous or wandering into Michigan that is found running at large. A pet animal or service animal impounded under this provision may be returned to its owner after paying any impound, feeding and veterinarian costs, and other fees.

(b) Any animal control officer, police officer, or other person designated to do so by the city, Kent County, or a state or federal agency may impound any dangerous animal. An animal impounded under this subsection shall not be returned until (i) it is finally determined the animal is not dangerous, or (ii) as directed by a court. The owner and any other person having charge control of the animal are jointly and severally responsible for any impound, feeding and veterinarian costs, and other fees.

(c) Any animal control officer, police officer, or other person designated to do so by the city, Kent County, or a state or federal agency may impound any animal that is mistreated as described in section 6-3. An animal

impounded under this subsection shall not be returned except as directed by a court. The owner and any other person having charge control of the animal are jointly and severally responsible for any impound, feeding and veterinarian costs, and other fees.

(d) Any animal control officer, police officer, or other person designated to do so by the city, Kent County, or a state or federal agency may impound any animal that seems unattended and is barking or otherwise violating section 6-8. An animal impounded under this subsection shall not be returned until (i) the city determines the nuisance is unlikely to recur, or (ii) as directed by a court. The owner and any other person having charge control of the animal are jointly and severally responsible for any impound, feeding and veterinarian costs, and other fees.

(e) Any animal control officer, police officer, or other person designated to do so by the city, Kent County, or a state or federal agency may impound any animal in a public place or on the property of another in violation of sections 6-10 or 6-12. An animal impounded under this subsection shall not be returned until (i) the city determines the offense is unlikely to recur, or (ii) as directed by a court. The owner and any other person having charge control of the animal are jointly and severally responsible for any impound, feeding and veterinarian costs, and other fees.

Section 2. That section 54-7 of the Code of Ordinances, City of Wyoming, Michigan, entitled "Dog feces and posted areas," is repealed.

Section 3. That subsection 10-179(33) of the Code of Ordinances, City of Wyoming, Michigan, is amended to read as follows:

(33) Section 301.4 is hereby added to read as follows:

Sec. 301.4 ANIMALS AND BEES.

No person shall possess, house, keep or allow to be kept any animal in the city except in accordance with chapter 6 of the Code of Ordinances, City of Wyoming, Michigan, No horse, cow, calf, swine, sheep, goat, chickens, bees, pigeons, geese, ducks, rabbits, or any protected wild animal shall be kept in any dwelling, nor shall any such animals or bees be kept on the same lot or premises with a dwelling, except under conditions prescribed by the code official so as not to constitute a nuisance to any neighbors or property and so as not to constitute any nuisance, health or safety hazard.

Section 4. That this ordinance shall take effect on _____, 2021.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on _____, 2021.

Kelli A. VandenBerg
Wyoming City Clerk

Ordinance No. 17-21

STAFF REPORT

Date: July 28, 2021
Subjects: Amendments to animal ordinances
From: Scott Smith, City Attorney
Meeting Date: August 2, 2021

RECOMMENDATION:

Adopt the Ordinance to Amend Chapter 6 and Subsection 10-179(33), and to Repeal Section 54-7 of the Code of Ordinances, City of Wyoming to Address the Keeping, Care, Control and Hygiene Related to Animals in the City and Providing Penalties for Violations.

COMMUNITY, SAFETY, STEWARDSHIP:

Community – Community is advanced by common understandings of appropriate conduct related to possessing, keeping, and caring for animals in the city.

Safety – Animals can bring joy and comfort and be of assistance. They can also bring fear, cause injury, be nuisances, and spread disease. Appropriate care and treatment of animals is essential to providing for their benefit while avoiding or minimizing possible harms.

Stewardship – The proposed amendments will minimize animal related damage to city property.

BUDGET IMPACT:

The proposed amendments will not impact the budget.

DISCUSSION:

A recent question occasioned a review of the city ordinances related to animals. Some provisions were last addressed in 1983. Updates are necessary to address changes in state and federal regulations and otherwise contemporize them in accordance with current thinking, terminology, etc. The provisions were broadened from a focus on dogs and, to a lesser extent, cats. They now address all animals and the various ways in which people use and relate to them.

ORDINANCE NO. 18-21

ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF ORDINANCES BY
ADDING SUBSECTION (130) TO REZONE 1091 56th STREET SW
FROM R-7 TO RO-1

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is amended by adding subsection (130) to read as follows:

- (130) To rezone the following described property at 1091 56th ST SW (PP# 41-17-35-251-039) from R-7 Residential to RO-1 Restricted Office

DESCRIPTION:

THAT PART OF THE NE 1/4, SECTION 35, T6N, R12W, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE E 1/4 CORNER OF SECTION 35; THENCE N89°43'18"W 1977.51 FEET ALONG THE SOUTH LINE OF SAID NE 1/4; THENCE N01°27'59"W 103.79 FEET ALONG THE EAST LINE OF THE W 1/2 OF THE SW 1/4 OF SAID NE 1/4 TO THE NORTHERLY LINE OF GEZON PARKWAY AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE N01°27'59"W 1.39 FEET ALONG SAID EAST LINE; THENCE SOUTHWESTERLY 13.66 FEET ALONG SAID NORTHERLY LINE ON A 800.00 FOOT RADIUS CURVE TO THE RIGHT, THE CHORD OF WHICH BEARS S67°46'34"W 13.66 FEET; THENCE N01°27'59"W 42.97 FEET; THENCE N29°48'00"W 36.28 FEET; THENCE N01°27'59"W 55.67 FEET; THENCE N13°46'00"E 146.86 FEET; THENCE S39°04'53"E 204.59 FEET ALONG THE WESTERLY LINE OF PALMER HILLS DRIVE; THENCE S07°04'13"W 34.64 FEET; THENCE SOUTHWESTERLY 95.25 FEET ALONG THE NORTHERLY LINE OF GEZON PARKWAY ON A 755.00 FOOT RADIUS CURVE TO THE RIGHT, THE CHORD OF WHICH BEARS S57°47'05"W 95.18 FEET; THENCE S61°23'55"W 52.28 FEET TO THE PLACE OF BEGINNING. THIS PARCEL CONTAINS 0.580 ACRES.

Section 2. This ordinance shall take effect on _____, 2021.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on _____, 2021.

Kelli A. VandenBerg
Wyoming City Clerk

July 27, 2021

Ms. Kelli A. VandenBerg
City Clerk
Wyoming, MI

Subject: Request for rezoning from R-7 Residential to RO-1 Restricted Office at 1091 56th Street SW (Section 35) (Chuck Morgan)

Recommendation: To approve the subject rezoning request.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 20, 2021. A motion was made by Hegyi, supported by Arnoys, to approve the request for rezoning 1091 56th ST SW from R-7 Residential to RO-1 Restricted Office and recommend the same to City Council. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

The applicant proposes to rezone the parcel to a RO-1 Restricted Office zone district to permit for an Edward Jones financial services office to be built.

Staff recommended approval of the request due to its compatibility with the surrounding area and alignment with city's vision for the corridor. The future land use map identifies for this node within the Gezon Parkway corridor to accommodate Business Park and Corridor Commercial uses to the south and east while also preserving suburban residential neighborhoods to the north and west.

The proposed small office development would remain consistent with this commercial vision, while also providing a buffer to the adjacent residential neighborhoods.

Planning Commissioners agreed that the requested rezone was in alignment with the city's adopted master plan and future land use map. Planning Commissioners did receive two letters opposed to the rezoning prior to the meeting. Members of the public who spoke during the public hearing commented to the commissioners that they hoped some of the trees could be saved.

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

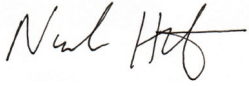
Marissa Postler

Robert Postema

Sam Bolt

Jack A. Poll, Mayor

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Nicole Hofert, Director
Department of Planning and Economic Development

Cc: Curtis Holt, City Manager

adjacent property.

5. Developer shall verify if a fire line is required for the proposed addition. If yes, fire line site plans shall be submitted for City of Wyoming's review and approval.
6. Provide minimum 1.5" water service for commercial development.
7. Provide "bail-out" lane for drive thru.
8. Clarify access to second drive up window. Angle of curb appears to make access difficult.
9. Must provide Knox Box

Josh Manion, Progressive AE, 1811 4 Mile RD NE, Grand Rapids, MI 49525, shared some history of the site and stated that he is available for questions.

DeLange opened the public comment at 7:41pm. There was no public comment and the public hearing was closed.

A motion was entered by Micele, supported by Hegyi, to grant special use approval for the drive-through restaurant at 2761 44th Street SW.

A vote on the motion passed unanimously.

A motion was entered by VanDuren, supported by Hall, to grant site plan approval subject to conditions 1-9.

There was general discussion regarding the improvements of the site.

A vote on the motion passed unanimously.

AGENDA ITEM NO. 4

Request for rezoning from R-7 Residential to RO-1 Restricted Office at 1091 56th Street SW (Section 35) (Chuck Morgan)

Meagher explained that the site is currently vacant and outlined the various uses of the surrounding land.

Meager explained that the applicant proposes to rezone the parcel to an RO-1 restricted office zone district to permit for an Edward Jones financial services office to be built. The applicant has submitted a conceptual site plan for discussion and reference purposes only.

Meagher shared that ordinance amendments and rezonings are legislative decisions, not tied to specific standards listed in the ordinance. However, certain factors are commonly considered with respect to rezonings, including:

a. *Consistency with the adopted master plan;*

The City's Master Plan, Wyoming [re] Imagined was adopted in 2021. The future land use map identifies for this node within the Gezon Parkway corridor to accommodate Business Park and Corridor Commercial uses to the south and east while also preserving suburban residential neighborhoods to the north and west. The proposed small office development would remain consistent with this commercial vision, while also providing a buffer to the adjacent residential neighborhoods.

b. *Compatibility of the allowed uses with existing and future land uses;*

The proposed Restricted Office designation would be consistent with the desired future land use. The RO-1 zoning district permits small office developments that are less intense and more sympathetic to adjacent residential areas. These office type uses are also compatible with neighboring commercial and industrial districts, as they are permitted by right in each of these zoning districts.

c. *Capability of the property to be served by public services;*

The property can be served by public utilities.

d. *Ability of the property to be used as currently zoned; and*

The property's current zoning is an impediment to its future development. The R-7 zoning district requires a minimum lot area of 1 acre for development, where only .59 acres are provided. The lot, therefore, cannot be built upon under its current zoning designation. The RO-1 zoning district allows for development with a minimum lot area of 6,500 square feet.

e. *Appropriateness of all uses allowed within the proposed district at the property location.*

The RO-1 zoning district permits a limited variety of commercial office uses, including professional, medical, and financial office spaces. These uses tend to operate within traditional business hours and do not create additional noise, odor,

blight, fire safety, or traffic concerns, making them compatible with adjacent residential neighborhoods.

Meagher stated that the Development Review Team's recommendation is that the Planning Commission recommend approval to City Council for the rezoning request from R-7 Residential to RO-1 Restricted Office at 1091 56th Street SW.

Mike Houseman, Wolverine Building Group, 4045 Barden Dr SE, Grand Rapids, MI 49512, is representing the owner and is available for any questions.

Hofert shared that there were two emails received by staff and they have been given to commissioners at their seats.

DeLange opened the public comment at 7:33pm.

Connie Westgate, 5513 Palmer Hills Dr SW, Wyoming, MI 49509, had questions regarding the building information. She also expressed concern about the larger trees on site being cut down.

DeLange stated that site plan specific questions would be addressed if the project came back to Planning Commission for site plan approval. He stated to the developer that if the project moves forward the Commission would want to better understand if any trees could be preserved on the site.

DeLange closed the public comment at 7:54pm

A motion was entered by Hegyi, supported by Arnoys, to recommend approval to City Council for the rezoning request from R-7 Residential to RO-1 Restricted Office at 1091 56th Street SW.

There was general discussion regarding the history of the parcel.

The Commissioners reviewed the 2020 land use graphic that was shown in staff's presentation.

Weller inquired about planned future improvements along Gezon Parkway.

There was conversation regarding the City's thoroughfare plan and future traffic studies.

A vote on the motion passed unanimously.

AGENDA ITEM NO. 5

Request to amend Zoning Code Article 6, Section 90-600(7), Required Off-Street Parking (Wyoming Planning)

ORDINANCE NO. 19-21

ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF ORDINANCES BY
AMENDING SECTION 90-600 IN ARTICLE 6

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 6, Section 90-600 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

Sec. 90-600 OFF-STREET PARKING REQUIREMENTS

(1) *Applicability of parking requirements.* For all buildings and uses established after the effective date of this article, off-street parking shall be provided as required by this article.

- (a) Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this article.
- (b) If the intensity of use of any building (other than a single- or two-family residence) or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided for such increase in intensity of use.
- (c) Off-street parking facilities in existence on the effective date of this article shall not be reduced below the requirements of this article.
- (d) An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this article.

(2) *Location.*

- (a) Off-street parking facilities required for all uses shall be located on the same lot or within 300 feet of the use(s) they are intended to serve, as measured from the nearest point of the parking facility to the nearest entry of the building(s) served.
- (b) Parking facilities shall be in the same zoning district as the use to be served, except as otherwise permitted in subsection 90-600(6).

(3) *Shared/Common Parking.*

- (a) Two or more buildings or uses may use a common parking facility; provided the total number of parking spaces is equal to the required number of spaces for all of the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced in conjunction with site plan approval where it can be determined that one or more of the factors listed in subsection (4) below apply.
- (b) Parking facilities dedicated to and on the same site as a place of worship may be used to meet not more than 50 percent of the off-street parking requirement for theaters, stadiums, and other places of public assembly, stores, office buildings and industrial establishments lying within 300 feet of the place of worship, provided that the other uses are not normally operating between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that the place of worship, through written agreement, makes the spaces available. A copy of this agreement shall be furnished to the city. Should the agreement be voided or expire for any reason, the uses utilizing the parking facility of the place of worship shall provide all required parking spaces in accordance with the requirements of this

article, or shall be in violation thereof.

(4) *Modification of parking requirements.* The parking space requirements may be reduced by no more than 25 percent, as part of the site plan approval, based upon one or more of the following conditions:

- (a) Shared parking by multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. For separate lots, they shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots. Shared parking agreements shall be filed with the city planning department after approval.
- (b) Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building.
- (c) Availability of other forms of travel such as transit. To qualify, the site design must incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities, as applicable.
- (d) Where the applicant has provided a parking study, conducted by a qualified professional, that demonstrates that another standard would be more appropriate based on actual number of employees or expected level of customer traffic. Actual counts at a similar establishment provided by the applicant may also be acceptable.
- (e) A parking study may be required as part of site plan review to document that any one of the criteria a. through c. above would be met.

(5) *Banked Parking.*

- (a) Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the site plan review authority may defer ("bank") some of the required parking. The site plan shall designate portions of the site for future construction of the required parking spaces. This banked area shall be maintained in a landscaped appearance and not be located within required greenbelts or parking lot setback areas and shall not be used for any other purpose.
- (b) The site plan shall show the area proposed to be banked, with all required site plan elements, but shall indicate with hatching, dashed lines, or other means the area to be banked. The site plan shall include parking space requirements, with the number of spaces required, number proposed at initial construction, and number of spaces banked.
- (c) Construction of part or all of the additional spaces designated for the banked parking area may be initiated by the owner or required by the city, based on parking needs or observation of parking deficiencies, and shall require administrative approval of an amended site plan.

(6) *Parking lots serving adjacent commercial and industrial uses.* A parking lot may be constructed in a different zoning district from the use being served, if approved by the planning commission. A parking lot constructed under this subsection must meet the following requirements:

- (a) The area proposed for the parking lot shall be contiguous to, or immediately across a street right-of-way from, the property containing the use to be served. This parking shall not be located across a major thoroughfare.
- (b) The proposed parking area shall be intended only to accommodate parking of passenger vehicles serving employees or customers of the use served. Outdoor storage of material or parking of

equipment or vehicles other than passenger vehicles of employees or customers is prohibited.

- (c) The parking area shall retain the requirements of the zoning district in which it is located. No use, other than accessory parking, shall be permitted upon the lot that is not otherwise permitted in that zoning district.
 - (d) The parking lot shall conform to the landscaping requirements of section 90-328. More extensive buffering or screening may be required during site plan review, if necessary, to protect adjacent uses, particularly if the lot is located within or adjacent to a residential district.
- (7) *Required off-street parking spaces.* The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, on the basis of the following and the specific requirements of table 90-646.
- (a) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
 - (b) In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar shall apply, as determined by the city planner.
 - (c) Each 24 inches of bench, pew or similar seating facilities shall be counted as one seat.
 - (d) Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the Building Code and the Fire Code.
 - (e) In order to minimize excessive areas of pavement, which reduces aesthetics and contributes to high rates of stormwater runoff, the minimum parking space requirements shall not be exceeded by more than 20 percent, except as approved by the site plan approval authority. In granting additional spaces, the site plan approval authority shall determine that the parking is needed, based on documented evidence of use and demand provided by the applicant.
 - (f) Each parking space provided for electric vehicle charging usage may count as one (1) minimum required parking space up to a total of six (6) required parking spaces.

Section 2. This ordinance shall take effect on _____, 2021.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on _____, 2021.

Kelli A. VandenBerg
Wyoming City Clerk

Ordinance No. 19-21

July 27, 2021

Ms. Kelli A. VandenBerg
City Clerk
Wyoming, MI

Subject: Request to amend Zoning Code Article 6, Section 90-600(7), Required Off-Street Parking (Wyoming Planning)

Recommendation: To approve the subject Zoning Ordinance amendment.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 20, 2021. A motion was made by Weller, supported by Micele, to recommend to the City Council adoption of the proposed Section 90-600(7) text amendment. The motion passed unanimously.

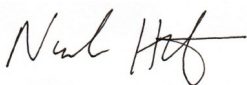
A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

Following City Council direction, staff drafted a zoning ordinance text amendment that would give developers the opportunity to count parking spaces reserved for electric vehicle charging as required minimum off-street parking spaces.

The proposed text amendment permits one (1) electric vehicle charging space to count as one (1) minimum required parking space, up to a total of six (6) minimum required off-street parking spaces. This ordinance does not require EV parking spaces to be included in new developments, but instead gives developers more flexibility in their approach to incorporating this amenity within new commercial, industrial, or residential sites.

During the public hearing no members of the public spoke on the proposed ordinance. The proposed zoning code text amendment is attached.

Respectfully submitted,



Nicole Hofert, Director
Department of Planning and Economic Development

community • safety • stewardship

CITY COUNCIL

Cc: Curtis Holt, City Manager

Article 6 – Off-street Parking
CITY OF WYOMING ZONING ORDINANCE

- (d) The parking lot shall conform to the landscaping requirements of section 90-328. More extensive buffering or screening may be required during site plan review, if necessary, to protect adjacent uses, particularly if the lot is located within or adjacent to a residential district.
- (7) *Required off-street parking spaces.* The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this article, on the basis of the following and the specific requirements of table 90-646.
- (a) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
- (b) In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar shall apply, as determined by the city planner.
- (c) Each 24 inches of bench, pew or similar seating facilities shall be counted as one seat.
- (d) Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the Building Code and the Fire Code.
- (e) In order to minimize excessive areas of pavement, which reduces aesthetics and contributes to high rates of stormwater runoff, the minimum parking space requirements shall not be exceeded by more than 20 percent, except as approved by the site plan approval authority. In granting additional spaces, the site plan approval authority shall determine that the parking is needed, based on documented evidence of use and demand provided by the applicant.
- (f) Each parking space provided for electric vehicle charging usage may count as one (1) minimum required parking space up to a total of six (6) required parking spaces.

Table 90-600	
Required Minimum Number of Parking Spaces by Use	
Use	Number of Parking Spaces
Residential Uses	
Single- and two-family dwellings	2 spaces for each dwelling unit.
Multiple-family residential dwellings	2 spaces for each dwelling unit.
Senior apartments and senior independent living	1 space for each unit, and 1 space for each employee. Should units revert to general occupancy, 2 spaces per unit shall be provided.

1. Purpose, Validity, and Scope	2. Definitions	3. General Requirements	4. Zoning Districts	5. Development Review	<small>• Site Plans • Special Land Uses • Condominiums • PUDs</small>
6. Off-street Parking	7. Signs	8. Alternative & Renewable Energies	9. Nonconformities	10. Appeals and Administration	11. Form Based Code
Use Table	Zoning Map				

blight, fire safety, or traffic concerns, making them compatible with adjacent residential neighborhoods.

Meagher stated that the Development Review Team's recommendation is that the Planning Commission recommend approval to City Council for the rezoning request from R-7 Residential to RO-1 Restricted Office at 1091 56th Street SW.

Mike Houseman, Wolverine Building Group, 4045 Barden Dr SE, Grand Rapids, MI 49512, is representing the owner and is available for any questions.

Hofert shared that there were two emails received by staff and they have been given to commissioners at their seats.

DeLange opened the public comment at 7:33pm.

Connie Westgate, 5513 Palmer Hills Dr SW, Wyoming, MI 49509, had questions regarding the building information. She also expressed concern about the larger trees on site being cut down.

DeLange stated that site plan specific questions would be addressed if the project came back to Planning Commission for site plan approval. He stated to the developer that if the project moves forward the Commission would want to better understand if any trees could be preserved on the site.

DeLange closed the public comment at 7:54pm

A motion was entered by Hegyi, supported by Arnoys, to recommend approval to City Council for the rezoning request from R-7 Residential to RO-1 Restricted Office at 1091 56th Street SW.

There was general discussion regarding the history of the parcel.

The Commissioners reviewed the 2020 land use graphic that was shown in staff's presentation.

Weller inquired about planned future improvements along Gezon Parkway.

There was conversation regarding the City's thoroughfare plan and future traffic studies.

A vote on the motion passed unanimously.

AGENDA ITEM NO. 5

Request to amend Zoning Code Article 6, Section 90-600(7), Required Off-Street Parking (Wyoming Planning)

Meagher presented some general background information. At City Council's February 8th work session, staff presented on electric vehicle infrastructure in the City of Wyoming. At that meeting, City Council directed staff to continue its research on the potential for the implementation of an Electric Vehicle (EV) charging station on city property, as well as to advance the drafting of zoning incentives that would encourage the installation of EV charging stations in current and future developments.

Meagher described that to help incentivize the installation of electric vehicle infrastructure at new developments throughout the City, staff has drafted a zoning ordinance text amendment that would give developers the opportunity to count parking spaces reserved for electric vehicle charging as required minimum off-street parking spaces. The ordinance would allow one (1) electric vehicle charging space to count as one (1) minimum required parking space, up to a total of six (6) minimum required off-street parking spaces. This ordinance does not require EV parking spaces to be included in new developments, but instead gives developers more flexibility in their approach to incorporating this infrastructural amenity within new commercial, industrial, or residential sites. This zoning approach was identified previously by staff in their report at the February Council Work Session and was favored by City Council.

Meagher stated that the Development Review Team recommends that Planning Commission adopt the recommended *Section 90-600(7)* text amendment and recommend the same to Council.

DeLange opened the public comment at 8:01 pm. There was no public comment and the public hearing was closed.

A motion was entered by Weller, supported by Micele, to adopt the recommended *Section 90-600(7)* text amendment and recommend the same to Council.

Weller asked about the placement of the charging stations at City Hall.

Hofert clarified that the charging stations still need to be approved by Council but that they are currently proposed to be located in the front parking lot.

There was general conversation regarding people with gas powered vehicles parking in the charging stations spot. Micele stated that he is always surprised that he never sees gas vehicles parked at charging stations even when there is limited parking available.

Hall commented that it is a good idea for the City of Wyoming.

A vote on the motion passed unanimously.

ORDINANCE NO. 20-21

ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF ORDINANCES
BY AMENDING ARTICLE 11 DIVISION 4

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 11, Division 4 of the Code of Ordinances, City of Wyoming, Michigan is amended to read as shown on the attached Exhibit A.

Section 2. This ordinance shall take effect on _____, 2021.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on _____, 2021.

Kelli A. VandenBerg
Wyoming City Clerk

Ordinance No. 20-21

CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR CENTER AREA (CC)

90-1406 CORRIDOR CENTER AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1406 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: None
 - Maximum, within 28th Street Corridor: Four (4) stories, 60 feet
 - Maximum, within Burton Street Corridor: Two (2) stories, 35 feet
 - Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CC Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- B. Secondhand businesses.

CORRIDOR CENTER AREA DESCRIPTION:

Corridor Center Area (CC): The Corridor Center Area is the equivalent of a downtown, with the highest concentration of development and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. Building heights along the Burton Street corridor are limited to two stories to preserve the business district character while taller buildings are permitted in the 28th Street area to support downtown development.

CORRIDOR CENTER AREA KEY MAP (28TH STREET):



CORRIDOR CENTER AREA KEY MAP (BURTON STREET):



CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR CENTER AREA (CC)

TABLE 90-1406 CORRIDOR CENTER AREA (CC)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	P								
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P								
Barbershop	P								
Beauty shop	P								
Bowling alley									
Bus transfer station									P
Business office	P								
Business service establishments	P								
Car wash									
College or university									
Commercial greenhouse									
Community center									
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen	P	P							
Drive-through establishments									
Drugstore	P	P							
Dry cleaning establishment (per 90-401B (5) (c))	P								
Eating and drinking establishments (without drive-through service)	P	P							
Flower shop	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR CENTER AREA (CC)

TABLE 90-1406 CORRIDOR CENTER AREA (CC) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P								
Hotel	P\$								
Indoor skating rink									
Indoor theater									
Medical office	P								
Microbrewery, small distiller	P	P							
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures	S								
Photographic studio	P								
Pool hall/billiards									
Printing and publishing									
Professional office	P								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning	P ^B	P ^B							
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. P^B = Permitted use in Burton Avenue only. S = Special Land Use. Blank cell = Use not permitted.



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CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

90-1407 CORRIDOR URBAN AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1407 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: Two (2) stories
 - Maximum: Five (5) stories, 70 feet
 - Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CU Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Any use in retail sales of 20,000 square feet or more
- B. Bowling alley.
- C. Dance hall/nightclub.
- D. Indoor skating rink.
- E. Indoor theater.
- F. Poolhall/billiards.
- G. Secondhand businesses.

CORRIDOR URBAN AREA DESCRIPTION:

Corridor Urban Area (CU): The Corridor Urban Area is the equivalent of a downtown, with the highest concentration of development, the tallest buildings, and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area has similar characteristics to the Corridor Center Area.

CORRIDOR URBAN AREA KEY MAP (28TH STREET):



CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

TABLE 90-1407 CORRIDOR URBAN AREA (CU)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	S	S							
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P								
Barbershop	P								
Beauty shop	P								
Bowling alley	S	S							
Bus transfer station	P								P
Business office	P								
Business service establishments	P								
Car wash									
College or university									P
Commercial greenhouse	P	P							
Community center	P								
Convalescent or nursing homes									
Dance hall/nightclub	S	S							
Delicatessen	P	P							
Drive-through establishments									
Drugstore	P	P							
Dry cleaning establishment (per 90-401B (5) (c))	P								
Eating and drinking establishments (without drive-through service)	P	P							
Flower shop	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

TABLE 90-1407 CORRIDOR URBAN AREA (CU) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P								
Hotel	P\$								
Indoor skating rink	S	S							
Indoor theater	S	S							
Medical office	P								
Microbrewery, small distiller	P	P							
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$								
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures									
Photographic studio	P								
Pool hall/billiards	S								
Printing and publishing	P								
Professional office	P								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P								

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR GENERAL AREA (CG)

90-1408 CORRIDOR GENERAL AREA

The following standards apply to the Corridor General Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Retail Building
- D. Live/Work Building
- E. Apartment
- F. Civic Building

2.0 Permitted Uses

A. Refer to Table 90-1408 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:

- Permitted by right (P)
- Permitted by right in Division Avenue Form Based Code Area only (P^D)
- Permitted by right, on floors two and above (P\$)
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

A. Number of stories for buildings is regulated by Context Area.

B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

C. Building Height for all buildings except Zero Lot Line Retail Building

- Minimum: Two (2) stories
- Maximum, within 28th Street Corridor: Five (5) stories, 75 feet
- Maximum, within Division Avenue and Burton Street Corridor: Three (3) stories, 50 feet
Exception: Five (5) stories, 75 feet, with Special Use Approval
- Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CG Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Car wash, permitted only in the Division Avenue Corridor.
- B. Commercial greenhouse, permitted only in the Division Avenue Corridor.
- C. Dance hall/nightclub.
- D. Drive-through establishments. Drive through entries shall take access from secondary frontages. Permitted only in the Division Avenue Corridor.
- E. Open air business.
- F. Secondhand businesses.
- G. Special Land Use for five (5) story buildings within the Division Avenue corridor follow Section 90-508.

CORRIDOR GENERAL AREA DESCRIPTION:

Corridor General Area (CG): The Corridor General Area represents a traditional urban development pattern with mixed use, retail, live / work and apartment buildings. The Area is characterized by a variety of Building Types set relatively close to the sidewalk, but also allows a range of building placement options that permit a varied street wall.

CORRIDOR GENERAL AREA KEY MAP (28TH STREET):



CORRIDOR GENERAL AREA KEY MAPS (DIVISION AVE):
SECTION 1: ALGER ST. TO 36TH ST. SECTION 2: 36TH ST. TO 50TH ST.

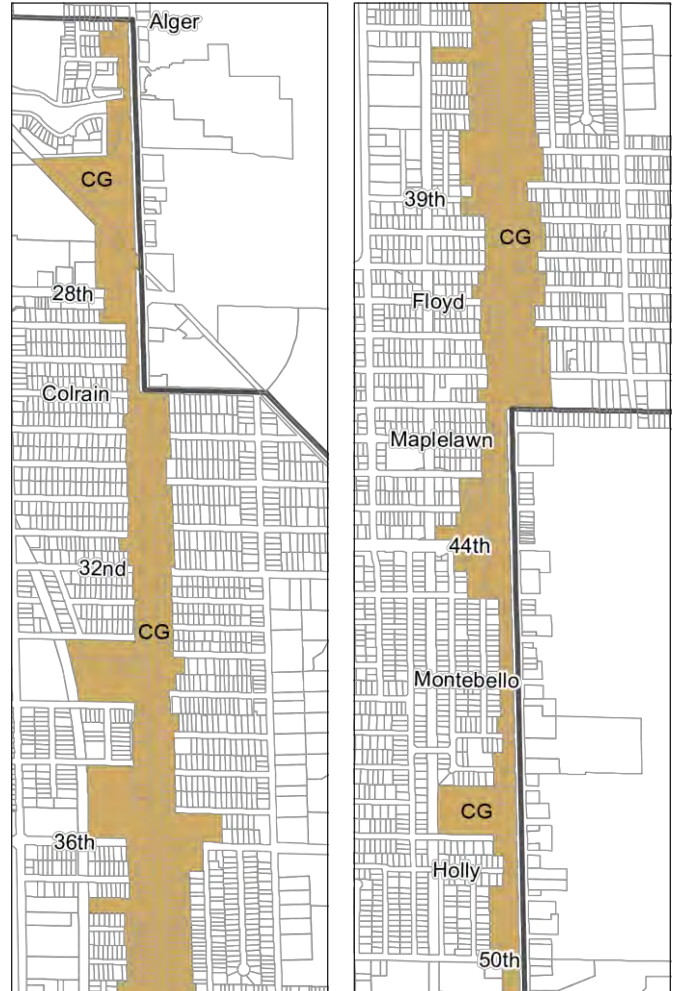


TABLE 90-1408 CORRIDOR GENERAL AREA (CG)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P	P	P	P				P
Any use in retail sales of 20,000 square feet or more	P	P	P						
Apparel shop	P	P	P	P					
Art, including art work, art supplies and framing materials	P	P	P	P					
Automobile gasoline/convenience store			P ^D						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P	P	P					
Bank and financial institution	P								
Barbershop	P			P	P#				
Beauty shop	P			P	P#				
Bowling alley									
Bus transfer station	P								P
Business office	P	P ^D	P ^D	P	P#				
Business service establishments	P	P ^D	P ^D	P	P#				
Car wash			S ^D						
College or university									P
Commercial greenhouse	S ^D		S ^D						
Community center	P								
Convalescent or nursing homes									
Dance hall/nightclub	S	S	S						
Delicatessen	P	P	P	P					
Drive-through establishments	S	S	S						
Drugstore	P	P	P	P					
Dry cleaning establishment (per 90-401B (5) (c))		P	P						
Eating and drinking establishments (without drive-through service)	P	P	P		P#				
Flower shop	P	P	P	P					

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. S^D = Special Land Use Permitted in Division Avenue only. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR GENERAL AREA (CG)

TABLE 90-1408 CORRIDOR GENERAL AREA (CG) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Funeral homes or mortuaries									
General merchandise store	P	P	P	P					
Grocery	P	P	P	P	P#				
Hardware store, paint and wallpaper	P	P	P	P					
Health and fitness	P				P#				
Hotel	P\$								
Indoor skating rink									
Indoor theater	P	P	P						
Medical office	P	P ^D	P ^D	P	P#				
Microbrewery, small distiller	P	P	P						
Multiple family dwellings	P\$			P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$			P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P	P						
Parking structures									
Photographic studio	P	P	P	P					
Pool hall/billiards									
Printing and publishing	P			P					
Professional office	P	P ^D	P ^D	P	P#				
Religious or social service assembly									
Secondhand business	S	S	S						
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P#		P						

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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CONTEXT AREA AND USE STANDARDS : 90-1409 CORRIDOR SUB-URBAN AREA (CS)

90-1409 CORRIDOR SUB-URBAN AREA

The following standards apply to the Corridor Sub-Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1409 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

- C. Building Height for all buildings:
 - Minimum: Two (2) stories
 - Maximum: Four (4) stories, 60 feet
 - Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CS Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Bowling alley.
- B. College or university.
- C. Commercial greenhouse.
- D. Community center.
- E. Dance hall/nightclub.
- F. Drive-through establishments. Drive through entries shall take access from interior rights-of-way.
- G. Indoor skating rink.
- H. Indoor theater.
- I. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- J. Pool hall/billiards.
- K. Secondhand businesses.

CORRIDOR SUB-URBAN AREA DESCRIPTION:

Corridor Sub-Urban Area (CS): The Corridor Sub-Urban Area represents a transition area within the development pattern by facilitating building placement that is varied and setback from the street edge and less emphasis on commercial uses. The Area permits flexible retail building placement to encourage a varied street edge and also allows for a variety of residential Building Types.

CORRIDOR SUB-URBAN AREA KEY MAP (28TH STREET):



TABLE 90-1409 CORRIDOR SUB-URBAN AREA (CS)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more									
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods			P	P					
Bank and financial institution									
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			S						
Bus transfer station			P						P
Business office				P					
Business service establishments				P					
Car wash									
College or university			S						S
Commercial greenhouse			S						
Community center			S						
Convalescent or nursing homes									
Dance hall/nightclub			S						
Delicatessen			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-401B (5) (c))			P						
Eating and drinking establishments (without drive-through service)			P	P					
Flower shop			P	P					

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1409 CORRIDOR SUB-URBAN AREA (CS)

TABLE 90-1409 CORRIDOR SUB-URBAN AREA (CS) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Funeral homes or mortuaries									
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			S						
Indoor theater			S						
Medical office			P	P					
Microbrewery, small distiller			P						
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			S						
Printing and publishing				P					
Professional office			P	P					
Religious or social service assembly									
Secondhand business			S						
Self-service laundry and dry cleaning									
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P			
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P	P					

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

90-1410 CORRIDOR EDGE AREA

The following standards apply to the Corridor Edge Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Two-family House
- F. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1410 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right in Division Avenue Form Based Code Area only (P^D)
 - Permitted by right, on floors two and above (P\$)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: No minimum
 - Maximum: Three (3) stories, 45 feet
 - Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CE Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Automobile sales. Permitted on Division Avenue Corridor only.
- B. Car wash. Permitted on Division Avenue Corridor only.
- C. College or university.
- D. Dance hall/nightclub.
- E. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- F. Funeral homes or mortuaries.
- G. Open air business.
- H. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- I. Pool hall/billiards.
- J. Secondhand businesses.
- K. Self-storage facilities. These facilities are only permitted along Division Avenue, south of 56th Street. They are not permitted on corner lots.

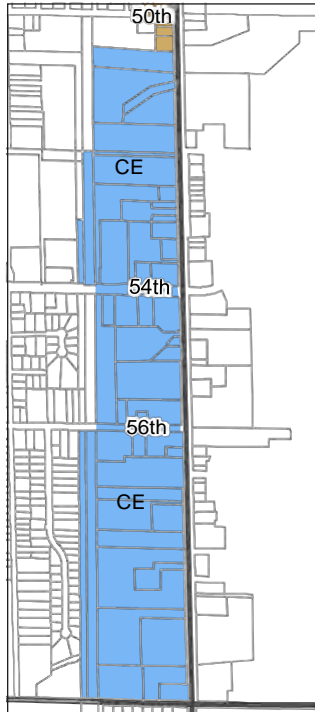
CORRIDOR EDGE AREA DESCRIPTION:

Corridor Edge Area (CE): The Corridor Edge Area represents a district which transitions from more urban areas to the existing development pattern of the City. This Area promotes retail and residential uses with building placement that is more consistent with existing City development patterns and includes the flexibility of locating limited parking in the front of retail buildings that front on 28th Street, Division Avenue, and Burton Street.

CORRIDOR EDGE AREA KEY MAP (28TH STREET):



CORRIDOR EDGE AREA KEY MAP (DIVISION AVE): SECTION 1: 50TH ST. TO 60TH ST.



CORRIDOR EDGE AREA KEY MAP (BURTON STREET):



CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

TABLE 90-1410 CORRIDOR EDGE AREA (CE)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more			P						
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store			P ^D						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations			P ^D						
Automobile sales			S ^D						
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms			P ^D						
Baked goods			P	P					
Bank and financial institution			P						
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			P						
Bus transfer station			P						P
Business office			P ^D	P					
Business service establishments			P ^D	P					
Car wash			S ^D						
College or university			S						S
Commercial greenhouse			P						
Community center			P						
Convalescent or nursing homes					P				
Dance hall/nightclub			S						
Delicatessen			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-401B (5) (c))			P						
Eating and drinking establishments (without drive-through service)			P	P					
Flower shop			P	P					

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. S^D = Special Land Use Permitted in Division Avenue only. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

TABLE 90-1410 CORRIDOR EDGE AREA (CE) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Funeral homes or mortuaries			S						
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			P						
Indoor theater			P						
Medical office			P	P					
Microbrewery, small distiller			P						
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			P						
Printing and publishing				P					
Professional office			P	P					
Religious or social service assembly									P
Secondhand business			S						
Self-service laundry and dry cleaning									
Self storage facilities			S ^D						
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P						

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. S^D = Special Land Use Permitted in Division Avenue only. Blank cell = Use not permitted.



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i	Introduction	1	Title, Purpose & Scope	2	Applicability & Procedures	3	General Provisions	4	Context Areas & Use	5	Subdivision & Access	6	Building Types
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CONTEXT AREA AND USE STANDARDS : 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)

90-1411 CORRIDOR NEIGHBORHOOD AREA

The following standards apply to the Corridor Neighborhood Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Rowhouse
B. Two-family House
C. Single-family House
D. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1411 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
- Permitted by right (P)
- Permitted by right, on floors two and above (P\$)
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
C. Building Height for all buildings:
- Minimum: No minimum
- Maximum: Two (2) stories, 35 feet

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CN Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Community center.
B. Nursery schools, day nurseries, and dependent care facilities for seven or more people.

CORRIDOR NEIGHBORHOOD AREA DESCRIPTION: Corridor Neighborhood District (CN): The Corridor Neighborhood District is a residential district that allows rowhouses, two-family and single-family homes. It is intended to address redevelopment opportunities that are consistent with existing adjacent single-family residential neighborhoods.

CORRIDOR NEIGHBORHOOD AREA KEY MAP (28TH STREET):



CORRIDOR NEIGHBORHOOD AREA KEY MAP (BURTON STREET): SECTION 1: BURLINGAME AVE TO MARTINDALE AVE



CORRIDOR NEIGHBORHOOD AREA KEY MAP (BURTON STREET): SECTION 2: HUIZEN AVE TO CLYDE PARK AVE



TABLE 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses						P	P	P	P
Any use in retail sales of 20,000 square feet or more									
Apparel shop									
Art, including art work, art supplies and framing materials									
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods									
Bank and financial institution									
Barbershop									
Beauty shop									
Bowling alley									
Bus transfer station									
Business office									
Business service establishments									
Car wash									
College or university									
Commercial greenhouse									
Community center									S
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen									
Drive-through establishments									
Drugstore									
Dry cleaning establishment (per 90-401B (5) (c))									
Eating and drinking establishments (without drive-through service)									
Flower shop									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)

TABLE 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Funeral homes or mortuaries									
General merchandise store									
Grocery									
Hardware store, paint and wallpaper									
Health and fitness									
Hotel									
Indoor skating rink									
Indoor theater									
Medical office									
Microbrewery, small distiller									
Multiple family dwellings									
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									S
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment									
Parking structures									
Photographic studio									
Pool hall/billiards									
Printing and publishing									
Professional office									
Religious or social service assembly									P
Secondhand business									
Self-service laundry and dry cleaning									
Single-family detached dwelling								P	
State licensed residential facility								P	
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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July 27, 2021

Ms. Kelli A. VandenBerg
City Clerk
Wyoming, MI

Subject: Request to amend Form Based Code Article 11, Division 4, Context Areas and Uses
(Wyoming Planning)

Recommendation: To approve the subject Zoning Ordinance amendment.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 20, 2021. A motion was made by Arnoys, supported by Micele, to recommend to the City Council adoption of the proposed Article 11, Division 4 text amendments. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

The Planning Commission and City Council approved the city's master plan, Wyoming [re]Imagined, in early 2021. To begin implementing the plan, staff has begun performing reviews of the three city corridors governed by the Form Based Code (28th Street, Burton Street, and Division Avenue) to assess their alignment with the vision identified in the master plan, as well as any goals or objectives that may be provided in any applicable sub area plans. To initiate this process, staff specifically focused on reviewing the 28th Street corridor to ensure its compatibility with the goals, visions, and implementation steps of both the Master Plan and the 28th Street Special Area Plan.

As a first step to the zoning code alignment process, a review of Division 4 of the Form Based Code occurred to confirm that the permitted uses and dimensional requirements are consistent with, and supportive of, the vision identified. Recommended revisions support the 28th Street sub area plan objectives while also ensuring that the revisions are compatible with the city's other two form-based code areas (Division Avenue and Burton Street).

Revision's included prioritizing uses that support a pedestrian environment and minimizing uses which are heavily automobile oriented. Additionally, restrictions were removed from some uses, namely those restrictions which limit a use to floors two and above, to encourage and foster greater investment and interest in new projects. Through this process, a general clean-up of the division also occurred.

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

Marissa Postler

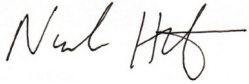
Robert Postema

Sam Bolt

Jack A. Poll, Mayor

During the public hearing no members of the public spoke on the proposed ordinance.
The proposed zoning code text amendment is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Nicole Hofert, Director
Department of Planning and Economic Development

Cc: Curtis Holt, City Manager

CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR CENTER AREA (CC)

90-1406 CORRIDOR CENTER AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1406 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: None
 - Maximum, within 28th Street Corridor: Four (4) stories, 60 feet
 - Maximum, within Burton Street Corridor: Two (2) stories, 35 feet
 - Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CC Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- B. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- C. Secondhand businesses.

CORRIDOR CENTER AREA DESCRIPTION:

Corridor Center Area (CC): The Corridor Center Area is the equivalent of a downtown, with the highest concentration of development and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area limits building heights to two (2) stories in order to provide visual connection from 28th Street and to preserve business district character along Burton Street. Building heights along the Burton Street corridor are limited to two stories to preserve the business district character while taller buildings are permitted in the 28th Street area to support downtown development.

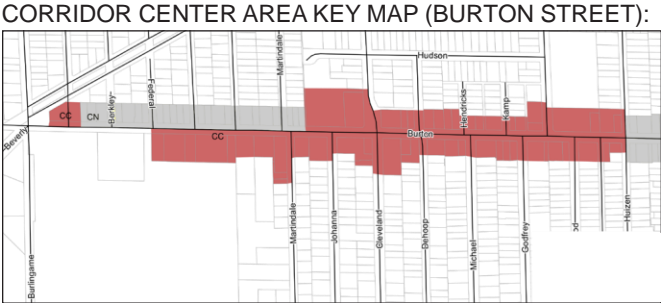
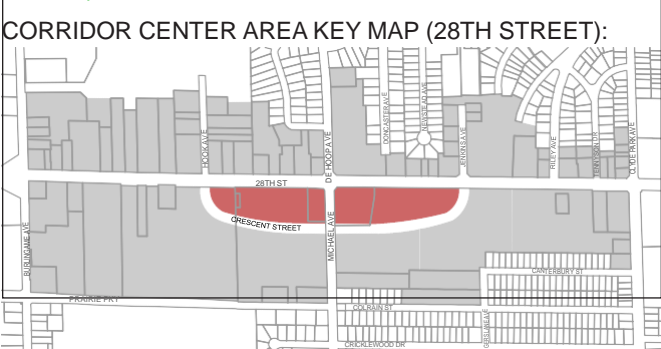


TABLE 90-1406 CORRIDOR CENTER AREA (CC)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	P								
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P								
Barbershop	P								
Beauty shop	P								
Bowling alley									
Bus transfer station									P
Business office	P\$								
Business service establishments	P\$								
Car wash									
Clothing services	P	P							
College or university									
Commercial greenhouse	P	P							
Community center									
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen	P	P							
Department store	P	P							
Drive-through establishments	S	S							
Drugstore	P	P							
Dry cleaning establishment (per 90-401B (5) (c))	P\$								
Eating and drinking establishments (without drive-through service)	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

90-1407 CORRIDOR URBAN AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1407 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: Two (2) stories
 - Maximum: Five (5) stories, 70 feet
 - Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CU Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Any use in retail sales of 20,000 square feet or more
- B. Bowling alley.
- C. Dance hall/nightclub.
- D. ~~Drive-through establishments. Drive through entries shall take access from secondary frontages.~~
- E. Indoor skating rink.
- F. Indoor theater.
- G. Poolhall/billiards.
- H. Secondhand businesses.

CORRIDOR URBAN AREA DESCRIPTION:
 Corridor Urban Area (CU): The Corridor Urban Area is the equivalent of a downtown, with the highest concentration of development, the tallest buildings, and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area has similar characteristics to the Corridor Center Area, ~~except that it allows taller buildings and may permit large-format retail.~~

CORRIDOR URBAN AREA KEY MAP (28TH STREET):



ARTICLE 11 **DIVISION 4**

CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

TABLE 90-1407 CORRIDOR URBAN AREA (CU)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	S	S							
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P\$								
Barbershop	P\$								
Beauty shop	P\$								
Bowling alley	S	S							
Bus transfer station	P								P
Business office	P\$								
Business service establishments	P\$								
Car wash									
Clothing services	P	P							
College or university									P
Commercial greenhouse	P	P							
Community center	P\$								
Convalescent or nursing homes									
Dance hall/nightclub	S	S							
Delicatessen	P	P							
Department store	P	P							
Drive-through establishments	S	S							
Drugstore	P	P							
Dry cleaning establishment (per 90-401B (5) (c))	P\$								
Eating and drinking establishments (without drive-through service)	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

TABLE 90-1407 CORRIDOR URBAN AREA (CU) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P							
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P\$								
Hotel	P\$								
Indoor skating rink	S	S							
Indoor theater	S	S							
Medical office	P\$								
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$								
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures									
Photographic studio	P\$								
Pool hall/billiards	S								
Printing and publishing	P								
Professional office	P\$								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P\$								

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

Microbrewery, small distiller P P



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CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR GENERAL AREA (CG)

90-1408 CORRIDOR GENERAL AREA

The following standards apply to the Corridor General Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Retail Building
- D. Live/Work Building
- E. Apartment
- F. Civic Building

2.0 Permitted Uses

A. Refer to Table 90-1408 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:

- Permitted by right (P)
- Permitted by right in Division Avenue Form Based Code Area only (P^D)
- Permitted by right, **on floors two and above (P\$) but not allowed on first floor (P*)**
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

A. Number of stories for buildings is regulated by Context Area.

B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

C. Building Height for all buildings except Zero Lot Line Retail Building

- Minimum: Two (2) stories
- Maximum, within 28th Street Corridor: Five (5) stories, 75 feet
- Maximum, within Division Avenue and Burton Street Corridor: Three (3) stories, 50 feet
Exception: Five (5) stories, 75 feet, with Special Use Approval
- Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CG Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Car wash, **permitted only in the Division Avenue Corridor.**
- B. Commercial greenhouse, **permitted only in the Division Avenue Corridor.**
- C. Dance hall/nightclub.
- D. Drive-through establishments. Drive through entries shall take access from secondary frontages. **Permitted only in the Division Avenue Corridor.**
- E. Open air business.
- F. Secondhand businesses.
- G. Special Land Use for five (5) story buildings within the Division Avenue corridor follow Section 90-508.

CORRIDOR GENERAL AREA DESCRIPTION:

Corridor General Area (CG): The Corridor General Area represents a traditional urban development pattern with mixed use, retail, live / work and apartment buildings. The Area is characterized by a variety of Building Types set relatively close to the sidewalk, but also allows a range of building placement options that permit a varied street wall.

CORRIDOR GENERAL AREA KEY MAP (28TH STREET):



CORRIDOR GENERAL AREA KEY MAPS (DIVISION AVE):
SECTION 1: ALGER ST. TO 36TH ST. SECTION 2: 36TH ST. TO 50TH ST.

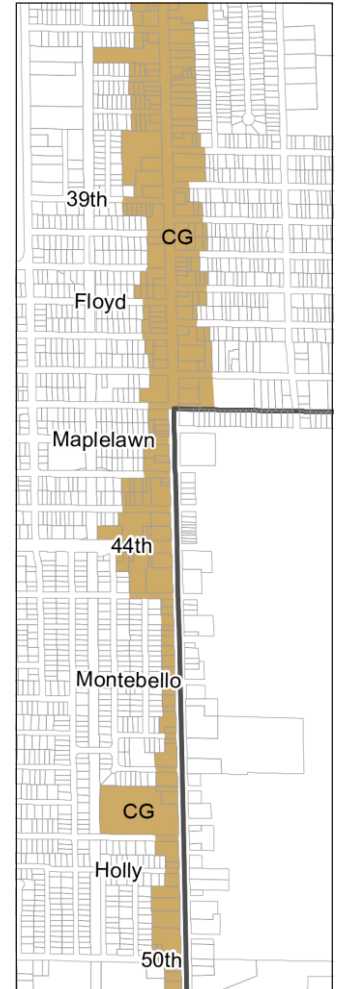
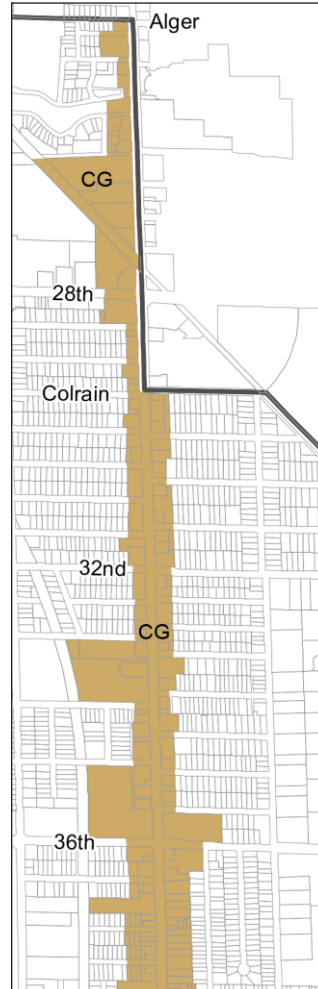


TABLE 90-1408 CORRIDOR GENERAL AREA (CG)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P	P	P	P				P
Any use in retail sales of 20,000 square feet or more	P	P	P						
Apparel shop	P	P	P	P					
Art, including art work, art supplies and framing materials	P	P	P	P					
Automobile gasoline/convenience store			P ^D						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P	P	P					
Bank and financial institution	P\$								
Barbershop	P\$			P	P#				
Beauty shop	P\$			P	P#				
Bowling alley									
Bus transfer station	P								P
Business office	P\$	P ^D	P ^D	P	P#				
Business service establishments	P\$	P ^D	P ^D	P	P#				
Car wash			S ^D						
Clothing services	P	P	P	P					
College or university									P
Commercial greenhouse	P S ^D		S ^D						
Community center	P\$								
Convalescent or nursing homes									
Dance hall/nightclub	S	S	S						
Delicatessen	P	P	P	P					
Department store	P	P	P	P					
Drive-through establishments	S	S	S						
Drugstore	P	P	P	P					
Dry cleaning establishment (per 90-401B (5) (c))		P	P						
Eating and drinking establishments (without drive-through service)	P	P	P		P#				

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR GENERAL AREA (CG)

TABLE 90-1408 CORRIDOR GENERAL AREA (CG) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P	P	P					
Funeral homes or mortuaries									
General merchandise store	P	P	P	P					
Grocery	P	P	P	P	P#				
Hardware store, paint and wallpaper	P	P	P	P					
Health and fitness	P\$				P#				
Hotel	P\$								
Indoor skating rink									
Indoor theater	P	P	P						
Medical office	P\$	p ^D	p ^D	P	P#				
Multiple family dwellings	P\$			P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$			P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P	P						
Parking structures									
Photographic studio	P	P	P	P					
Pool hall/billiards									
Printing and publishing	P			P					
Professional office	P\$	p ^D	p ^D	P	P#				
Religious or social service assembly									
Secondhand business	S	S	S						
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P#		P						

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

Microbrewery, small distiller P P P



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CONTEXT AREA AND USE STANDARDS : 90-1409 CORRIDOR SUB-URBAN AREA (CS)

90-1409 CORRIDOR SUB-URBAN AREA

The following standards apply to the Corridor Sub-Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1409 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

C.

- Building Height for all buildings:
 - Minimum: Two (2) stories
 - Maximum: Four (4) stories, 60 feet
 - Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CS Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Bowling alley.
- B. ~~Car wash~~ College or university.
- C. Commercial greenhouse.
- D. Community center.
- E. Dance hall/nightclub.
- F. Drive-through establishments. Drive through entries shall take access from interior rights-of-way.
- G. Indoor skating rink.
- H. Indoor theater.
- I. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- J. Pool hall/billiards.
- K. Secondhand businesses.

CORRIDOR SUB-URBAN AREA DESCRIPTION:

Corridor Sub-Urban Area (CS): The Corridor Sub-Urban Area represents a transition area within the development pattern by facilitating building placement that is varied and setback from the street edge and less emphasis on commercial uses. The Area permits flexible retail building placement to encourage a varied street edge and also allows for a variety of residential Building Types.

CORRIDOR SUB-URBAN AREA KEY MAP (28TH STREET):



TABLE 90-1409 CORRIDOR SUB-URBAN AREA (CS)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more									
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods			P	P					
Bank and financial institution									
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			S						
Bus transfer station			P						P
Business office				P					
Business service establishments				P					
Car wash			S						
Clothing services			P	P					
College or university			S						P S
Commercial greenhouse			S						
Community center			S						
Convalescent or nursing homes									
Dance hall/nightclub			S						
Delicatessen			P	P					
Department store			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-401B (5) (c))			P						
Eating and drinking establishments (without drive-through service)			P	P					

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1409 CORRIDOR SUB-URBAN AREA (CS)

TABLE 90-1409 CORRIDOR SUB-URBAN AREA (CS) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop			P	P					
Funeral homes or mortuaries									
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			S						
Indoor theater			S						
Medical office			P	P					
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			S						
Printing and publishing				P					
Professional office			P	P					
Religious or social service assembly									
Secondhand business			S						
Self-service laundry and dry cleaning									
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P			
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P	P					

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

90-1410 CORRIDOR EDGE AREA

The following standards apply to the Corridor Edge Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Two-family House
- F. Civic Building

2.0 Permitted Uses

A. Refer to Table 90-1410 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:

- Permitted by right (P)
- Permitted by right in Division Avenue Form Based Code Area only (P^D)
- Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

A. Number of stories for buildings is regulated by Context Area.

B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

- C. Building Height for all buildings:
- Minimum: No minimum
 - Maximum: Three (3) stories, 45 feet
 - Retail Building: One (1) story building required

4.0 Special Land Uses

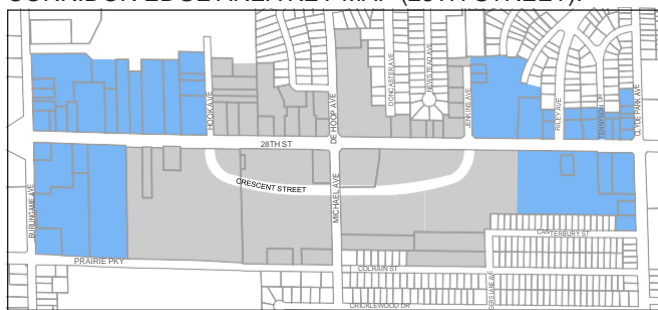
The following are specific standards for Special Land Uses in the CE Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Automobile sales. Permitted on Division Avenue Corridor only.
- B. Car wash. Permitted on Division Avenue Corridor only.
- C. College or university.
- D. Dance hall/nightclub.
- E. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- F. Funeral homes or mortuaries.
- G. Open air business.
- H. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- I. Pool hall/billiards.
- J. Secondhand businesses.
- K. Self-storage facilities. These facilities are only permitted along Division Avenue, south of 56th Street. They are not permitted on corner lots.

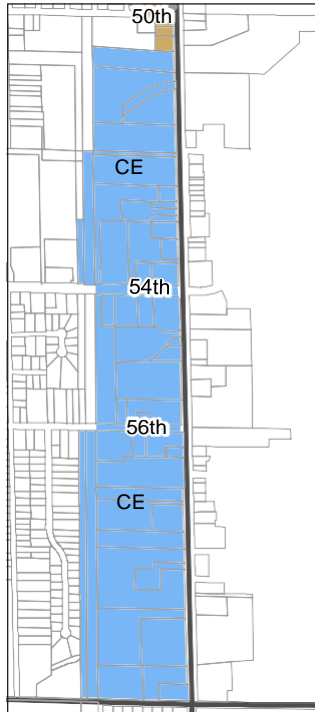
CORRIDOR EDGE AREA DESCRIPTION:

Corridor Edge Area (CE): The Corridor Edge Area represents a district which transitions from more urban areas to the existing development pattern of the City. This Area promotes retail and residential uses with building placement that is more consistent with existing City development patterns and includes the flexibility of locating limited parking in the front of retail buildings that front on 28th Street, Division Avenue, and Burton Street.

CORRIDOR EDGE AREA KEY MAP (28TH STREET):



CORRIDOR EDGE AREA KEY MAP (DIVISION AVE): SECTION 1: 50TH ST. TO 60TH ST.



CORRIDOR EDGE AREA KEY MAP (BURTON STREET):



TABLE 90-1410 CORRIDOR EDGE AREA (CE)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more			P						
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store			P ^D						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations			P ^D						
Automobile sales			S ^D						
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms			P ^D						
Baked goods			P	P					
Bank and financial institution			P						
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			P						
Bus transfer station			P						P
Business office			P ^D	P					
Business service establishments			P ^D	P					
Car wash			S ^D						
Clothing services			P	P					
College or university			S						P S
Commercial greenhouse			P						
Community center			P						
Convalescent or nursing homes					P				
Dance hall/nightclub			S						
Delicatessen			P	P					
Department store			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-401B (5) (c))			P						
Eating and drinking establishments (without drive-through service)			P	P					

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

TABLE 90-1410 CORRIDOR EDGE AREA (CE) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop			P	P					
Funeral homes or mortuaries			S						
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			P						
Indoor theater			P						
Medical office			P ^D	P					
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			P						
Printing and publishing				P					
Professional office			P ^D	P					
Religious or social service assembly									P
Secondhand business			S						
Self-service laundry and dry cleaning									
Self storage facilities			S ^D						
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P						

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)

90-1411 CORRIDOR NEIGHBORHOOD AREA

The following standards apply to the Corridor Neighborhood Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Rowhouse
- B. Two-family House
- C. Single-family House
- D. Civic Building

2.0 Permitted Uses

A. Refer to Table 90-1411 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:

- Permitted by right (P)
- Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: No minimum
 - Maximum: Two (2) stories, 35 feet

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CN Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Community center.
- B. Nursery schools, day nurseries, and dependent care facilities for seven or more people.

CORRIDOR NEIGHBORHOOD AREA DESCRIPTION:

Corridor Neighborhood District (CN): The Corridor Neighborhood District is a residential district that allows rowhouses, two-family and single-family homes. It is intended to address redevelopment opportunities that are consistent with existing adjacent single-family residential neighborhoods.

CORRIDOR NEIGHBORHOOD AREA KEY MAP (28TH STREET):



CORRIDOR NEIGHBORHOOD AREA KEY MAP (BURTON STREET): SECTION 1: BURLINGAME AVE TO MARTINDALE AVE



CORRIDOR NEIGHBORHOOD AREA KEY MAP (BURTON STREET): SECTION 2: HUIZEN AVE TO CLYDE PARK AVE



TABLE 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses						P	P	P	P
Any use in retail sales of 20,000 square feet or more									
Apparel shop									
Art, including art work, art supplies and framing materials									
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods									
Bank and financial institution									
Barbershop									
Beauty shop									
Bowling alley									
Bus transfer station									
Business office									
Business service establishments									
Car wash									
Clothing services									
College or university									
Commercial greenhouse									
Community center									S
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen									
Department store									
Drive-through establishments									
Drugstore									
Dry cleaning establishment (per 90-401B (5) (c))									
Eating and drinking establishments (without drive-through service)									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)

TABLE 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop									
Funeral homes or mortuaries									
General merchandise store									
Grocery									
Hardware store, paint and wallpaper									
Health and fitness									
Hotel									
Indoor skating rink									
Indoor theater									
Medical office									
Multiple family dwellings									
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									S
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment									
Parking structures									
Photographic studio									
Pool hall/billiards									
Printing and publishing									
Professional office									
Religious or social service assembly									P
Secondhand business									
Self-service laundry and dry cleaning									
Single-family detached dwelling								P	
State licensed residential facility								P	
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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AGENDA ITEM NO. 6

Request to amend Form Based Code Article 11, Division 4, Context Areas and Uses (Wyoming Planning)

Hofert presented some general background information. The Planning Commission and City Council approved the city's master plan, Wyoming [re]Imagined, in early 2021. Recently, staff has begun a review of the city's zoning codes alignment with the vision identified in the plan. Specifically, a review of the 28th Street corridor has been started, which will analyze the compatibility of the 28th Street Special Area Plan vision and the master plan's goals, vision and implementation steps with the city's Form Based Code (which governs the area identified in the 28th Street Special Area Plan).

Hofert shared that as a first step to the zoning code alignment process, staff has reviewed Division 4 of the Form Based Code to confirm that the permitted uses and dimensional requirements are consistent with and supportive of the vision identified. Staff has recommended revisions which support the 28th Street sub area plan objectives while also ensuring that the revisions are compatible with the city's other two form-based code areas (Division Avenue and Burton Street). Revision's included prioritizing uses that support a pedestrian environment and minimizing uses which are heavily automobile oriented. Additionally, staff is proposing removing restrictions from some uses, namely those restrictions which limit a use to floors two and above, to encourage and foster greater investment and interest in new projects. Through this process, staff also performed general clean up of the division.

Hofert went through the proposed changes with the Commissioners, explaining the rationale for each.

Hofert said that the Development Review Team recommends that Planning Commission adopt the recommended *Article 11, Division 4* text amendments and recommend the same to Council.

DeLange opened the public comment at 8:14pm. There was no public comment and the public hearing was closed.

DeLange asked about the elimination of the clothing services and department store category and if those categories would fall under another existing category.

Hofert stated that those categories would fall under the retail category.

A motion was made by Arnoys, supported by Micele, to adopt the recommended *Article 11, Division 4* text amendments and recommend the same to Council.

A vote on the motion passed unanimously.

July 27, 2021

Ms. Kelli A. VandenBerg
City Clerk
Wyoming, MI

Subject: Request to amend Form Based Code Article 11, Division 4, Context Areas and Uses
(Wyoming Planning)

Recommendation: To approve the subject Zoning Ordinance amendment.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on July 20, 2021. A motion was made by Arnoys, supported by Micele, to recommend to the City Council adoption of the proposed Article 11, Division 4 text amendments. The motion passed unanimously.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

The Planning Commission and City Council approved the city's master plan, Wyoming [re]Imagined, in early 2021. To begin implementing the plan, staff has begun performing reviews of the three city corridors governed by the Form Based Code (28th Street, Burton Street, and Division Avenue) to assess their alignment with the vision identified in the master plan, as well as any goals or objectives that may be provided in any applicable sub area plans. To initiate this process, staff specifically focused on reviewing the 28th Street corridor to ensure its compatibility with the goals, visions, and implementation steps of both the Master Plan and the 28th Street Special Area Plan.

As a first step to the zoning code alignment process, a review of Division 4 of the Form Based Code occurred to confirm that the permitted uses and dimensional requirements are consistent with, and supportive of, the vision identified. Recommended revisions support the 28th Street sub area plan objectives while also ensuring that the revisions are compatible with the city's other two form-based code areas (Division Avenue and Burton Street).

Revision's included prioritizing uses that support a pedestrian environment and minimizing uses which are heavily automobile oriented. Additionally, restrictions were removed from some uses, namely those restrictions which limit a use to floors two and above, to encourage and foster greater investment and interest in new projects. Through this process, a general clean-up of the division also occurred.

community • safety • stewardship

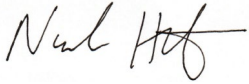
CITY COUNCIL

Sheldon DeKryger John Fitzgerald Kent Vanderwood Marissa Postler Robert Postema Sam Bolt

Jack A. Poll, Mayor

During the public hearing no members of the public spoke on the proposed ordinance.
The proposed zoning code text amendment is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Nicole Hofert, Director
Department of Planning and Economic Development

Cc: Curtis Holt, City Manager

CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR CENTER AREA (CC)

90-1406 CORRIDOR CENTER AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1406 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: None
 - Maximum, within 28th Street Corridor: Four (4) stories, 60 feet
 - Maximum, within Burton Street Corridor: Two (2) stories, 35 feet
 - Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CC Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- B. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- C. Secondhand businesses.

CORRIDOR CENTER AREA DESCRIPTION:

Corridor Center Area (CC): The Corridor Center Area is the equivalent of a downtown, with the highest concentration of development and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area limits building heights to two (2) stories in order to provide visual connection from 28th Street and to preserve business district character along Burton Street. Building heights along the Burton Street corridor are limited to two stories to preserve the business district character while taller buildings are permitted in the 28th Street area to support downtown development.

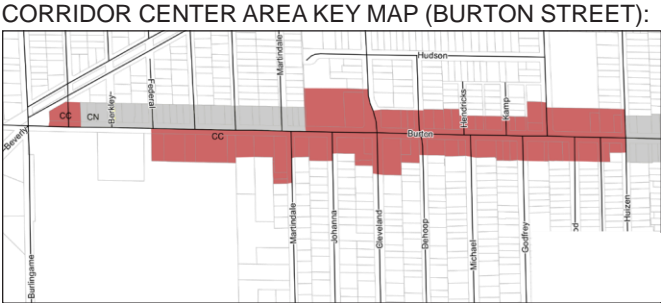
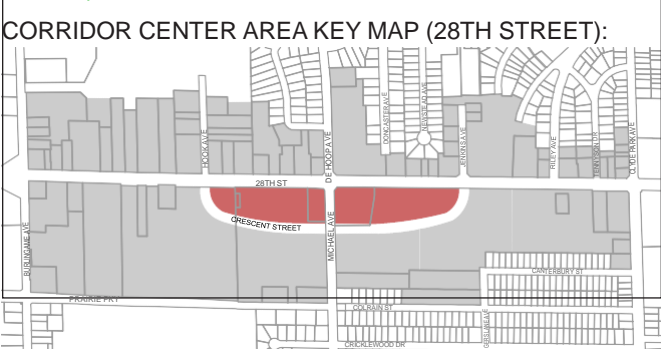


TABLE 90-1406 CORRIDOR CENTER AREA (CC)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	P								
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P								
Barbershop	P								
Beauty shop	P								
Bowling alley									
Bus transfer station									P
Business office	P\$								
Business service establishments	P\$								
Car wash									
Clothing services	P	P							
College or university									
Commercial greenhouse	P	P							
Community center									
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen	P	P							
Department store	P	P							
Drive-through establishments	S	S							
Drugstore	P	P							
Dry cleaning establishment (per 90-401B (5) (c))	P\$								
Eating and drinking establishments (without drive-through service)	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1406 CORRIDOR CENTER AREA (CC)

TABLE 90-1406 CORRIDOR CENTER AREA (CC) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P							
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P\$								
Hotel	P\$								
Indoor skating rink									
Indoor theater									
Medical office	P\$								
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures	S								
Photographic studio	P\$								
Pool hall/billiards									
Printing and publishing									
Professional office	P\$								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning	P ^B	P ^B							
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

90-1407 CORRIDOR URBAN AREA

The following standards apply to the Corridor Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1407 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings except Zero Lot Line Retail Building
 - Minimum: Two (2) stories
 - Maximum: Five (5) stories, 70 feet
 - Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CU Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Any use in retail sales of 20,000 square feet or more
- B. Bowling alley.
- C. Dance hall/nightclub.
- D. ~~Drive-through establishments. Drive through entries shall take access from secondary frontages.~~
- E. Indoor skating rink.
- F. Indoor theater.
- G. Poolhall/billiards.
- H. Secondhand businesses.

CORRIDOR URBAN AREA DESCRIPTION:
 Corridor Urban Area (CU): The Corridor Urban Area is the equivalent of a downtown, with the highest concentration of development, the tallest buildings, and the busiest streets. This Area is characterized by mixed-use and retail buildings set close to the sidewalk. These buildings contain ground floor retail and commercial uses with housing and office uses on the upper floors. The Corridor Center Area is the physical, business and commercial hub of the City of Wyoming. The Area has similar characteristics to the Corridor Center Area, ~~except that it allows taller buildings and may permit large-format retail.~~

CORRIDOR URBAN AREA KEY MAP (28TH STREET):



ARTICLE 11 **DIVISION 4**

CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

TABLE 90-1407 CORRIDOR URBAN AREA (CU)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P							P
Any use in retail sales of 20,000 square feet or more	S	S							
Apparel shop	P	P							
Art, including art work, art supplies and framing materials	P	P							
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P							
Bank and financial institution	P\$								
Barbershop	P\$								
Beauty shop	P\$								
Bowling alley	S	S							
Bus transfer station	P								P
Business office	P\$								
Business service establishments	P\$								
Car wash									
Clothing services	P	P							
College or university									P
Commercial greenhouse	P	P							
Community center	P\$								
Convalescent or nursing homes									
Dance hall/nightclub	S	S							
Delicatessen	P	P							
Department store	P	P							
Drive-through establishments	S	S							
Drugstore	P	P							
Dry cleaning establishment (per 90-401B (5) (c))	P\$								
Eating and drinking establishments (without drive-through service)	P	P							

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1407 CORRIDOR URBAN AREA (CU)

TABLE 90-1407 CORRIDOR URBAN AREA (CU) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P							
Funeral homes or mortuaries									
General merchandise store	P	P							
Grocery	P	P							
Hardware store, paint and wallpaper	P	P							
Health and fitness	P\$								
Hotel	P\$								
Indoor skating rink	S	S							
Indoor theater	S	S							
Medical office	P\$								
Multiple family dwellings	P\$								
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$								
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P							
Parking structures									
Photographic studio	P\$								
Pool hall/billiards	S								
Printing and publishing	P								
Professional office	P\$								
Religious or social service assembly									
Secondhand business	S	S							
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P\$								

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR GENERAL AREA (CG)

90-1408 CORRIDOR GENERAL AREA

The following standards apply to the Corridor General Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Mixed-Use Building
- B. Zero Lot Line Retail Building
- C. Retail Building
- D. Live/Work Building
- E. Apartment
- F. Civic Building

2.0 Permitted Uses

A. Refer to Table 90-1408 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:

- Permitted by right (P)
- Permitted by right in Division Avenue Form Based Code Area only (P^D)
- Permitted by right, **on floors two and above (P\$) but not allowed on first floor (P*)**
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

A. Number of stories for buildings is regulated by Context Area.

B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

C. Building Height for all buildings except Zero Lot Line Retail Building

- Minimum: Two (2) stories
- Maximum, within 28th Street Corridor: Five (5) stories, 75 feet
- Maximum, within Division Avenue and Burton Street Corridor: Three (3) stories, 50 feet
Exception: Five (5) stories, 75 feet, with Special Use Approval
- Zero Lot Line Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CG Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Car wash, **permitted only in the Division Avenue Corridor.**
- B. Commercial greenhouse, **permitted only in the Division Avenue Corridor.**
- C. Dance hall/nightclub.
- D. Drive-through establishments. Drive through entries shall take access from secondary frontages. **Permitted only in the Division Avenue Corridor.**
- E. Open air business.
- F. Secondhand businesses.
- G. Special Land Use for five (5) story buildings within the Division Avenue corridor follow Section 90-508.

CORRIDOR GENERAL AREA DESCRIPTION:

Corridor General Area (CG): The Corridor General Area represents a traditional urban development pattern with mixed use, retail, live / work and apartment buildings. The Area is characterized by a variety of Building Types set relatively close to the sidewalk, but also allows a range of building placement options that permit a varied street wall.

CORRIDOR GENERAL AREA KEY MAP (28TH STREET):



CORRIDOR GENERAL AREA KEY MAPS (DIVISION AVE):
SECTION 1: ALGER ST. TO 36TH ST. SECTION 2: 36TH ST. TO 50TH ST.

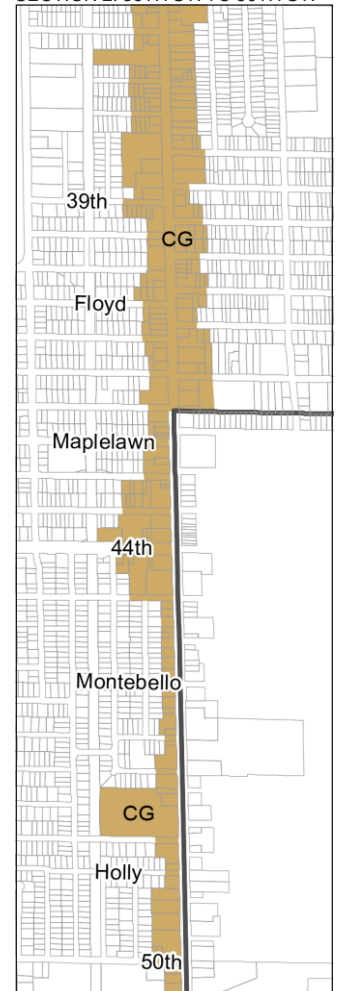
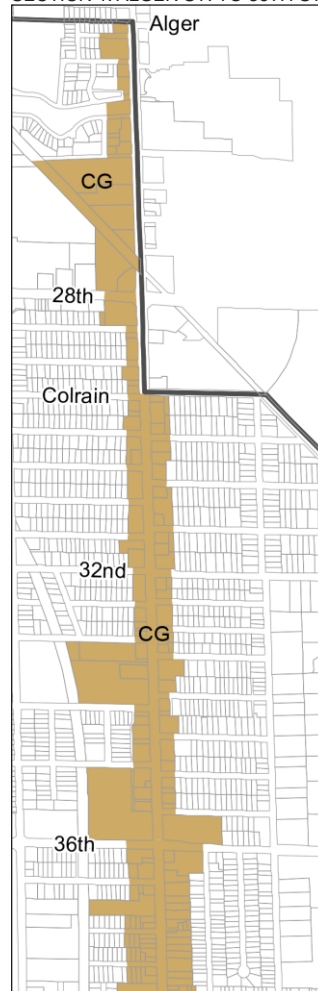


TABLE 90-1408 CORRIDOR GENERAL AREA (CG)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses	P	P	P	P	P				P
Any use in retail sales of 20,000 square feet or more	P	P	P						
Apparel shop	P	P	P	P					
Art, including art work, art supplies and framing materials	P	P	P	P					
Automobile gasoline/convenience store			P ^D						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods	P	P	P	P					
Bank and financial institution	P\$								
Barbershop	P\$			P	P#				
Beauty shop	P\$			P	P#				
Bowling alley									
Bus transfer station	P								P
Business office	P\$	P ^D	P ^D	P	P#				
Business service establishments	P\$	P ^D	P ^D	P	P#				
Car wash			S ^D						
Clothing services	P	P	P	P					
College or university									P
Commercial greenhouse	P S ^D		S ^D						
Community center	P\$								
Convalescent or nursing homes									
Dance hall/nightclub	S	S	S						
Delicatessen	P	P	P	P					
Department store	P	P	P	P					
Drive-through establishments	S	S	S						
Drugstore	P	P	P	P					
Dry cleaning establishment (per 90-401B (5) (c))		P	P						
Eating and drinking establishments (without drive-through service)	P	P	P		P#				

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1408 CORRIDOR GENERAL AREA (CG)

TABLE 90-1408 CORRIDOR GENERAL AREA (CG) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop	P	P	P	P					
Funeral homes or mortuaries									
General merchandise store	P	P	P	P					
Grocery	P	P	P	P	P#				
Hardware store, paint and wallpaper	P	P	P	P					
Health and fitness	P\$				P#				
Hotel	P\$								
Indoor skating rink									
Indoor theater	P	P	P						
Medical office	P\$	p ^D	p ^D	P	P#				
Multiple family dwellings	P\$			P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people	P\$			P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment	P	P	P						
Parking structures									
Photographic studio	P	P	P	P					
Pool hall/billiards									
Printing and publishing	P			P					
Professional office	P\$	p ^D	p ^D	P	P#				
Religious or social service assembly									
Secondhand business	S	S	S						
Self-service laundry and dry cleaning	P								
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses									
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens	P#		P						

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1409 CORRIDOR SUB-URBAN AREA (CS)

90-1409 CORRIDOR SUB-URBAN AREA

The following standards apply to the Corridor Sub-Urban Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1409 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right, **on floors two and above (P\$) but not allowed on first floor (P*)**
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.

C.

- Building Height for all buildings:
 - Minimum: Two (2) stories
 - Maximum: Four (4) stories, 60 feet
 - Retail Building: One (1) story building required

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CS Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Bowling alley.
- B. ~~Car wash~~ College or university.
- C. Commercial greenhouse.
- D. Community center.
- E. Dance hall/nightclub.
- F. Drive-through establishments. Drive through entries shall take access from interior rights-of-way.
- G. Indoor skating rink.
- H. Indoor theater.
- I. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- J. Pool hall/billiards.
- K. Secondhand businesses.

CORRIDOR SUB-URBAN AREA DESCRIPTION:

Corridor Sub-Urban Area (CS): The Corridor Sub-Urban Area represents a transition area within the development pattern by facilitating building placement that is varied and setback from the street edge and less emphasis on commercial uses. The Area permits flexible retail building placement to encourage a varied street edge and also allows for a variety of residential Building Types.

CORRIDOR SUB-URBAN AREA KEY MAP (28TH STREET):



TABLE 90-1409 CORRIDOR SUB-URBAN AREA (CS)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more									
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods			P	P					
Bank and financial institution									
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			S						
Bus transfer station			P						P
Business office				P					
Business service establishments				P					
Car wash			S						
Clothing services			P	P					
College or university			S						P S
Commercial greenhouse			S						
Community center			S						
Convalescent or nursing homes									
Dance hall/nightclub			S						
Delicatessen			P	P					
Department store			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-401B (5) (c))			P						
Eating and drinking establishments (without drive-through service)			P	P					

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1409 CORRIDOR SUB-URBAN AREA (CS)

TABLE 90-1409 CORRIDOR SUB-URBAN AREA (CS) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop			P	P					
Funeral homes or mortuaries									
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			S						
Indoor theater			S						
Medical office			P	P					
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			S						
Printing and publishing				P					
Professional office			P	P					
Religious or social service assembly									
Secondhand business			S						
Self-service laundry and dry cleaning									
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P			
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P	P					

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

90-1410 CORRIDOR EDGE AREA

The following standards apply to the Corridor Edge Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Retail Building
- B. Live/Work Building
- C. Apartment
- D. Rowhouse
- E. Two-family House
- F. Civic Building

2.0 Permitted Uses

- A. Refer to Table 90-1410 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:
 - Permitted by right (P)
 - Permitted by right in Division Avenue Form Based Code Area only (P^D)
 - Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
 - Permitted by right and only allowed on first floor (P#)
 - Permitted by Special Land Use Permit (S)
 - Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: No minimum
 - Maximum: Three (3) stories, 45 feet
 - Retail Building: One (1) story building required

4.0 Special Land Uses

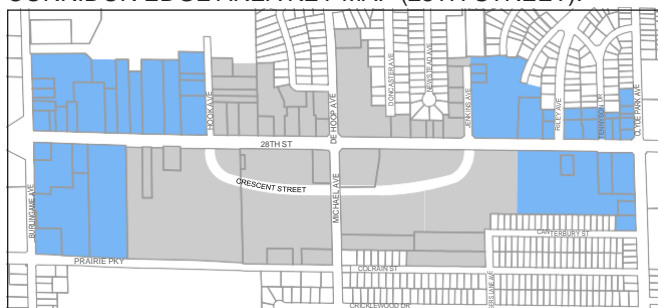
The following are specific standards for Special Land Uses in the CE Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Automobile sales. Permitted on Division Avenue Corridor only.
- B. Car wash. Permitted on Division Avenue Corridor only.
- C. College or university.
- D. Dance hall/nightclub.
- E. Drive-through establishments. Drive through entries shall take access from secondary frontages.
- F. Funeral homes or mortuaries.
- G. Open air business.
- H. Parking structures. Parking structure entries shall take access from a Street, and not an Avenue, per Division 8, Thoroughfare Standards.
- I. Pool hall/billiards.
- J. Secondhand businesses.
- K. Self-storage facilities. These facilities are only permitted along Division Avenue, south of 56th Street. They are not permitted on corner lots.

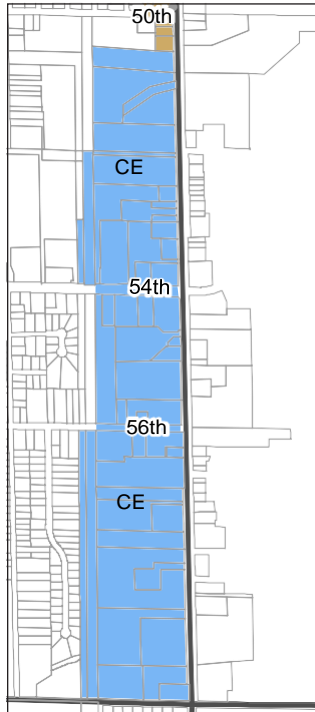
CORRIDOR EDGE AREA DESCRIPTION:

Corridor Edge Area (CE): The Corridor Edge Area represents a district which transitions from more urban areas to the existing development pattern of the City. This Area promotes retail and residential uses with building placement that is more consistent with existing City development patterns and includes the flexibility of locating limited parking in the front of retail buildings that front on 28th Street, Division Avenue, and Burton Street.

CORRIDOR EDGE AREA KEY MAP (28TH STREET):



CORRIDOR EDGE AREA KEY MAP (DIVISION AVE): SECTION 1: 50TH ST. TO 60TH ST.



CORRIDOR EDGE AREA KEY MAP (BURTON STREET):



TABLE 90-1410 CORRIDOR EDGE AREA (CE)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses			P	P	P	P			P
Any use in retail sales of 20,000 square feet or more			P						
Apparel shop			P	P					
Art, including art work, art supplies and framing materials			P	P					
Automobile gasoline/convenience store			P ^D						
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations			P ^D						
Automobile sales			S ^D						
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms			P ^D						
Baked goods			P	P					
Bank and financial institution			P						
Barbershop				P	P#				
Beauty shop				P	P#				
Bowling alley			P						
Bus transfer station			P						P
Business office			P ^D	P					
Business service establishments			P ^D	P					
Car wash			S ^D						
Clothing services			P	P					
College or university			S						P S
Commercial greenhouse			P						
Community center			P						
Convalescent or nursing homes					P				
Dance hall/nightclub			S						
Delicatessen			P	P					
Department store			P	P					
Drive-through establishments			S						
Drugstore			P	P					
Dry cleaning establishment (per 90-401B (5) (c))			P						
Eating and drinking establishments (without drive-through service)			P	P					

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1410 CORRIDOR EDGE AREA (CE)

TABLE 90-1410 CORRIDOR EDGE AREA (CE) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop			P	P					
Funeral homes or mortuaries			S						
General merchandise store			P	P					
Grocery			P	P					
Hardware store, paint and wallpaper			P	P					
Health and fitness					P#				
Hotel					P				
Indoor skating rink			P						
Indoor theater			P						
Medical office			P ^D	P					
Multiple family dwellings				P	P				
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people				P	P#				
Open air business			S						
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment			P						
Parking structures			S						
Photographic studio			P	P					
Pool hall/billiards			P						
Printing and publishing				P					
Professional office			P ^D	P					
Religious or social service assembly									P
Secondhand business			S						
Self-service laundry and dry cleaning									
Self storage facilities			S ^D						
Single-family detached dwelling									
State licensed residential facility									
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens			P						

P = Permitted use. P^D = Permitted in Division Avenue Form Based Code Area only. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

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CONTEXT AREA AND USE STANDARDS : 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)

90-1411 CORRIDOR NEIGHBORHOOD AREA

The following standards apply to the Corridor Neighborhood Area:

1.0 Permitted Building Types

Refer to Division 6 for Building Type requirements.

- A. Rowhouse
- B. Two-family House
- C. Single-family House
- D. Civic Building

2.0 Permitted Uses

A. Refer to Table 90-1411 for Land Uses permitted in this Area for each Building Type that is permitted in the Area that are as follows:

- Permitted by right (P)
- Permitted by right, on floors two and above (P\$) but not allowed on first floor (P*)
- Permitted by right and only allowed on first floor (P#)
- Permitted by Special Land Use Permit (S)
- Uses indicated with a blank cell are not permitted in this Area.

3.0 Building Height by Context Area

- A. Number of stories for buildings is regulated by Context Area.
- B. Each Building Type has requirements for the height (in feet) of building stories. Refer to Division 6 for Building Type Standards.
- C. Building Height for all buildings:
 - Minimum: No minimum
 - Maximum: Two (2) stories, 35 feet

4.0 Special Land Uses

The following are specific standards for Special Land Uses in the CN Area. See Division 2 for Special Land Use general review and approval procedures and Section 90-508 of the City of Wyoming Zoning Ordinance for specific standards for Special Land Uses.

- A. Community center.
- B. Nursery schools, day nurseries, and dependent care facilities for seven or more people.

CORRIDOR NEIGHBORHOOD AREA DESCRIPTION:

Corridor Neighborhood District (CN): The Corridor Neighborhood District is a residential district that allows rowhouses, two-family and single-family homes. It is intended to address redevelopment opportunities that are consistent with existing adjacent single-family residential neighborhoods.

CORRIDOR NEIGHBORHOOD AREA KEY MAP (28TH STREET):



CORRIDOR NEIGHBORHOOD AREA KEY MAP (BURTON STREET): SECTION 1: BURLINGAME AVE TO MARTINDALE AVE



CORRIDOR NEIGHBORHOOD AREA KEY MAP (BURTON STREET): SECTION 2: HUIZEN AVE TO CLYDE PARK AVE



TABLE 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)									
Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Accessory uses						P	P	P	P
Any use in retail sales of 20,000 square feet or more									
Apparel shop									
Art, including art work, art supplies and framing materials									
Automobile gasoline/convenience store									
Automobile repair and service entirely within an enclosed building, except body shops, painting and refinishing, automobile washes, automobile gasoline and automobile service stations									
Automobile sales									
Automobile, motorcycle, trailer, recreational vehicle or boat showrooms									
Baked goods									
Bank and financial institution									
Barbershop									
Beauty shop									
Bowling alley									
Bus transfer station									
Business office									
Business service establishments									
Car wash									
Clothing services									
College or university									
Commercial greenhouse									
Community center									S
Convalescent or nursing homes									
Dance hall/nightclub									
Delicatessen									
Department store									
Drive-through establishments									
Drugstore									
Dry cleaning establishment (per 90-401B (5) (c))									
Eating and drinking establishments (without drive-through service)									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.

CONTEXT AREA AND USE STANDARDS : 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN)

TABLE 90-1411 CORRIDOR NEIGHBORHOOD AREA (CN) (CONTINUED)

Specific Use	Mixed Use Building	Zero Lot Line Building	Retail Building	Live/Work Building	Apartment	Rowhouse	Two-Family House	Single-Family House	Civic Building
Flower shop									
Funeral homes or mortuaries									
General merchandise store									
Grocery									
Hardware store, paint and wallpaper									
Health and fitness									
Hotel									
Indoor skating rink									
Indoor theater									
Medical office									
Multiple family dwellings									
Municipal uses									P
Nursery schools, day nurseries, and dependent care facilities for seven or more people									S
Open air business									
Outdoor eating and drinking establishments having table service when part of an indoor eating and drinking establishment									
Parking structures									
Photographic studio									
Pool hall/billiards									
Printing and publishing									
Professional office									
Religious or social service assembly									P
Secondhand business									
Self-service laundry and dry cleaning									
Single-family detached dwelling								P	
State licensed residential facility								P	
Two-family dwellings/rowhouses						P	P		
Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards or pens									

P = Permitted use. P\$ = Permitted use on floors two and above. P# = Permitted use on first floor only. S = Special Land Use. Blank cell = Use not permitted.



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i	Introduction	1	Title, Purpose & Scope	2	Applicability & Procedures	3	General Provisions	4	Context Areas & Use	5	Subdivision & Access	6	Building Types
7	Private Frontages	8	Thoroughfare Guidelines	9	Off-Street Parking	10	Sign Standards	11	FBC Definitions	City of Wyoming Zoning Ordinance			

AGENDA ITEM NO. 6

Request to amend Form Based Code Article 11, Division 4, Context Areas and Uses (Wyoming Planning)

Hofert presented some general background information. The Planning Commission and City Council approved the city's master plan, Wyoming [re]Imagined, in early 2021. Recently, staff has begun a review of the city's zoning codes alignment with the vision identified in the plan. Specifically, a review of the 28th Street corridor has been started, which will analyze the compatibility of the 28th Street Special Area Plan vision and the master plan's goals, vision and implementation steps with the city's Form Based Code (which governs the area identified in the 28th Street Special Area Plan).

Hofert shared that as a first step to the zoning code alignment process, staff has reviewed Division 4 of the Form Based Code to confirm that the permitted uses and dimensional requirements are consistent with and supportive of the vision identified. Staff has recommended revisions which support the 28th Street sub area plan objectives while also ensuring that the revisions are compatible with the city's other two form-based code areas (Division Avenue and Burton Street). Revision's included prioritizing uses that support a pedestrian environment and minimizing uses which are heavily automobile oriented. Additionally, staff is proposing removing restrictions from some uses, namely those restrictions which limit a use to floors two and above, to encourage and foster greater investment and interest in new projects. Through this process, staff also performed general clean up of the division.

Hofert went through the proposed changes with the Commissioners, explaining the rationale for each.

Hofert said that the Development Review Team recommends that Planning Commission adopt the recommended *Article 11, Division 4* text amendments and recommend the same to Council.

DeLange opened the public comment at 8:14pm. There was no public comment and the public hearing was closed.

DeLange asked about the elimination of the clothing services and department store category and if those categories would fall under another existing category.

Hofert stated that those categories would fall under the retail category.

A motion was made by Arnoys, supported by Micele, to adopt the recommended *Article 11, Division 4* text amendments and recommend the same to Council.

A vote on the motion passed unanimously.