

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, OCTOBER 4, 2021, 7:00 P.M.**

- 1) Call to Order**
- 2) Invocation** – Pastor Matt Yonker, Resurrection Life 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 September 20, 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
    - 21-15 Acceptance of a Temporary Permit for 54<sup>th</sup> Street Meijer Access Drive (Meijer, Inc.)
    - 21-16 Acceptance of a Temporary Permit for 167 – 56<sup>th</sup> Street SW (Kenneth J. and Kimberly A. Vanderscheer)
- 13) Budget Amendments**
  - a) Budget Amendment No. 31 – To Appropriate an Additional \$7,091.08 of Budgetary Authority for the FY 2022 Local Share for Indigent Defense as Part of the Michigan Indigent Defense Commission Grant

- b) Budget Amendment No. 32 – To Reappropriate an Additional \$6,577,921 of Budgetary Authority for Expenses Related to the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Authorized by the American Rescue Plan Act (ARPA) and Recognize the Associated Revenue as Approved in Resolution 27020 on June 7, 2021

**14) Consent Agenda**

- a) To Set a Public Hearing on the Proposed Vacation of an Alley Located South of Farnham Street West of Division S (November 1, 2021 at 7:01 p.m.)
- b) To Authorize Members of the City Council to Attend the Michigan Municipal League Annual Convention

**15) Resolutions**

- c) To Authorize the City Manager to Execute an Employment Agreement with the Finance Director

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

- d) To Award the Bid for the 2021 Crosswalk Improvement Project and to Authorize the Mayor and City Clerk to Execute the Contract and Approve a Related Budget Amendment (Budget Amendment No. 34)
- e) For Award of Bids
  - 1. Gate Valves
  - 2. Gravel and Blast Furnace Slag
  - 3. Waterworks Fittings
  - 4. Winter Mix Asphalt

**17) Ordinances**

- 23-21 To Amend Chapter 2, Article III of the Code of Ordinances to Add Division 6 to Provide for Board of Review Membership and Action in Accordance with State Law (First Reading)
- 24-21 To Amend Section 90-32 of the Code of Ordinances by Adding Subsection (131) to Rezone 5340 Clyde Park Ave SW and 777 54<sup>th</sup> Street SW from B-1 to B-2 (First Reading)
- 25-21 To Amend Chapter 2, Article III, Division 4, Section 2-200 of the Code of Ordinances Establishing and Providing for the Authority and Duties of the Planning Commission (First 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**

# City of **Wyoming** Michigan

**City Manager** | 1155 28th St SW, Wyoming, MI 49509  
616.530.7272 | Fax 616.261.7103 | wyomingmi.gov

October 4, 2021

Wyoming City Council  
Wyoming, Michigan

City Manager's Report No. 21-15

**Subject:** Acceptance of a Temporary Permit for  
54<sup>th</sup> Street Meijer Access Drive – Temporary Permit (Meijer, Inc.)

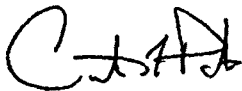
Councilmembers:

Meijer, Inc., owner of 5500 Clyde Park Avenue, SW, has submitted the following described Temporary Permit. The Temporary Permit conveys rights to access and grade on Meijer's property for the construction of the 54<sup>th</sup> Street Meijer Access Drive. The Temporary Permit area is shown on the attached easement Sheet 1 of 2.

Grantor:	Meijer, Inc.
Parcels:	41-17-36-151-020
Right-of-way Size	1.678 – Temporary Permit
Consideration:	\$25,170.00

It is recommended that the City Council accept the 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



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. 41-17-36-151-020**

The Grantor, **Meijer, Inc.**, a Michigan corporation, successor by merger to Good Will Co., Inc., whose address is 2929 Walker Avenue NW, Grand Rapids, MI 49544

**DOES HEREBY GRANT AND CONVEY TO:**

**CITY OF WYOMING**, a Michigan Municipal corporation, whose address is 1155 28<sup>th</sup> Street, SW, Wyoming, Michigan 49509 a Temporary Permit to, at its sole cost and expense, 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 54<sup>th</sup> Street Improvement Project from Clyde Park Avenue to US-131. 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. 41-17-36-151-020)**

The Temporary Permit as referenced herein is granted and conveyed for the full consideration of **Twenty-Five Thousand One Hundred Seventy Dollars and No Cents (\$25,170.00)**.

The Temporary Permit, including all rights granted or inferred, shall terminate upon the earlier of: (i) November 15, 2022 or (ii) completion of the 54<sup>th</sup> Street Improvement Project from Clyde Park Avenue to US-131, including restoration of the Temporary Permit Area.

See attached addendum for additional items affecting this Temporary Permit.

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

**DATED:** September 16, 2021

**Approved as a form:**

\_\_\_\_\_  
**Attorney for the City of Wyoming**

**GRANTOR:**  
**Meijer, Inc.**, a Michigan corporation

Legal AM  
Bus. ML

\_\_\_\_\_  
By: Michael Flickinger  
Its: Vice President-Real Estate

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

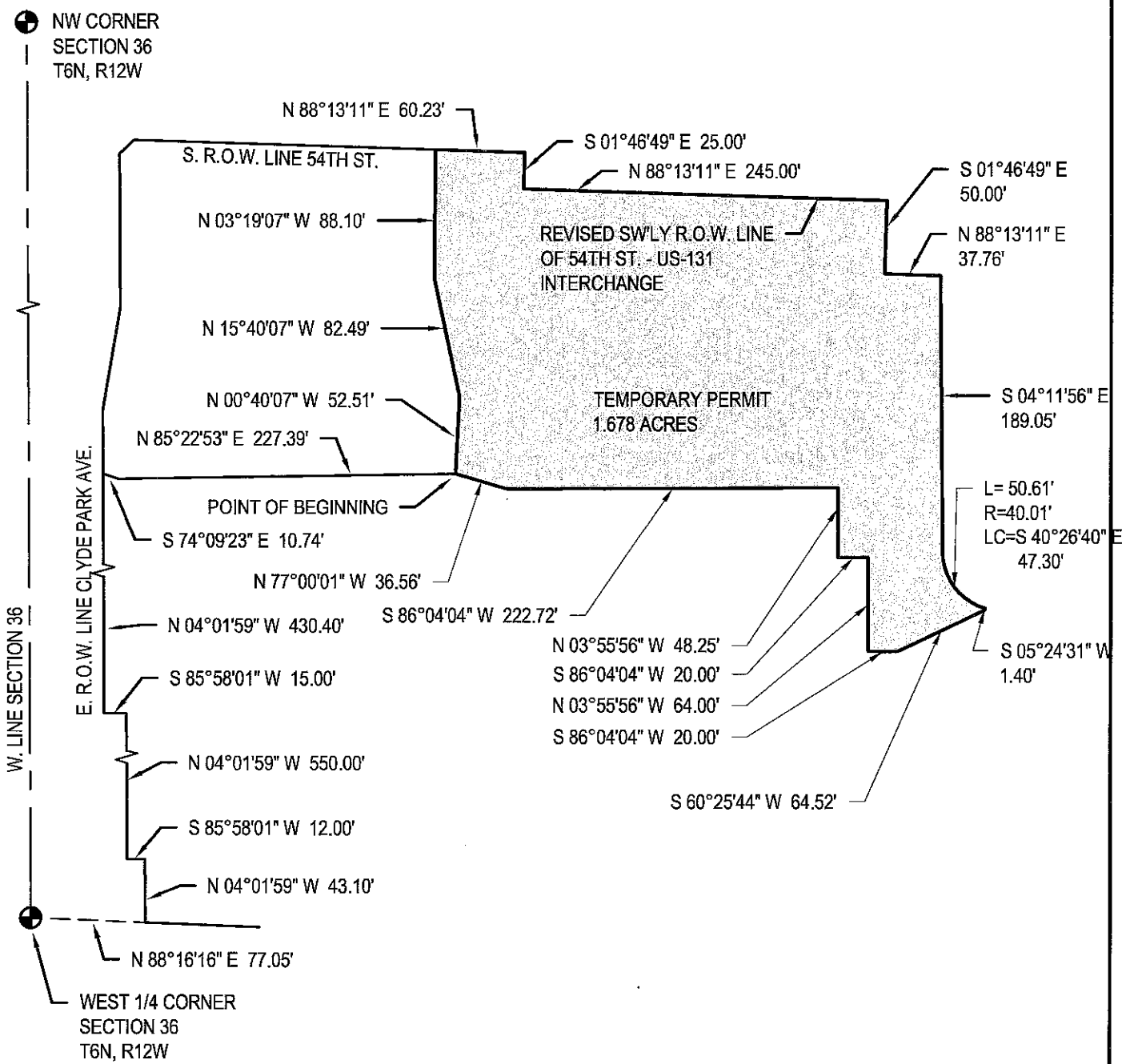
Legal Description prepared by:  
Progressive AE  
1811 4 Mile Road, NE  
Grand Rapids, Michigan 49525

ADDENDUM  
TO  
TEMPORARY PERMIT  
Parcel No. 41-17-36-151-020

1. **Other Utility Lines:** Prior to beginning any work in Temporary Permit Area, the Grantee shall locate utility lines or equipment located in such areas, in order that the Grantee may avoid damaging such lines and equipment as may exist, if any.
2. **Encumbrances.** The rights herein granted to the Grantee are made subject to all covenants, conditions, restrictions, encumbrances, and easements of record.
3. **Restoration.** The Grantee shall return the Temporary Permit Area to a similar condition as is reasonably practical at such time as the Grantee completes its construction activities, subject to the improvements contemplated herein. Upon extinguishment, any improvements constructed by Grantee on the Temporary Permit Area shall become vested in Grantor.
4. **Reservation of Rights:** Grantor hereby reserves to itself, its successors and assigns, the right to use the Temporary Permit Area for any purposes which do not unreasonably interfere with the Grantee's use of such area for the purposes for which the rights granted in this Temporary Permit are being granted, including the rights of ingress and egress to and from Grantor's adjacent property. To the extent the Grantee's exercise of any rights granted in this Temporary Permit will interfere with Grantor's rights of ingress and egress, the Grantee shall coordinate with Grantor to seek to minimize any such interference.
5. **Manner of Work:** The Grantee shall notify Grantor at least ten (10) business days prior to the commencement of the 54<sup>th</sup> Street Improvement Project work within Temporary Permit Area and shall coordinate its activities with Grantor. The Grantee agrees to perform any construction or other work upon the Temporary Permit Area in an expeditious and workmanlike manner so as to minimize interference with the use of Grantor's adjacent property, and the conduct of business thereon, by Grantor or Grantor's lessees, successors or assigns. Notwithstanding the foregoing, no work shall occur in the Temporary Permit Area or on Grantor's adjacent property between November 15 and December 31 of any calendar year without prior written permission from Grantor.
6. **Indemnify and Hold Harmless:** To the extent permitted by law, the Grantee will indemnify and save Grantor, its successors and assigns harmless from any and all claims for injury or death to any person or for damage to property of any person arising out of the Grantee's exercise of any of its rights under this Temporary Permit; excepting, however, any claims or actions arising out of negligence or willful acts on the part of the Grantor, its successors and assigns, grantors employees, agents and invitees.
7. **Mechanics' and Materialmen's Liens:** In the event any mechanics' liens or materialmen's liens are filed against the Grantor's property, or any part thereof, as a result of the work performed by Grantee pursuant to the rights granted herein, the Grantee shall either pay or cause to be paid the same and have the liens immediately discharged of record.

This Addendum to Temporary Permit is incorporated into and made a part of that certain Temporary Permit, dated September 16, 2021, executed by Meijer, Inc, as Grantor, conveying temporary rights to the Grantee.

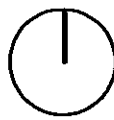
TEMPORARY PERMIT - MEIJER PARCEL



10/21/2020 1:52:19 PM CIVIL GROUP TEITSMAS P:\71740012\WIP DRAWINGS\MEIJER TEMP PERMIT EXHIBIT.dwg

Project No. 71740012

Sheet 1 of 2



TEMPORARY PERMIT  
MEIJER PARCEL  
1"=100'

**progressive**

1811 4 Mile Rd N.E., Grand Rapids, MI 49525  
616 361 2664 OFFICE 616 361 1493 FAX  
www.progressiveae.com

## TEMPORARY PERMIT - MEIJER PARCEL

### LEGAL DESCRIPTION

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 36, Town 6 North, Range 12 West, City of Wyoming, Kent County Michigan described as: Commencing at the West 1/4 corner of said Section 36; thence North  $88^{\circ}16'16''$  East 77.05 feet, along the East-West 1/4 line of said Section 36, to the easterly right of way line of Clyde Park Avenue, as described in Instrument No. 20110131-0010083, Kent County Records; thence North  $04^{\circ}01'59''$  West 43.10 feet, along said easterly right of way line; thence South  $85^{\circ}58'01''$  West 12.00 feet, along said easterly right of way line, to the line 65.00 feet North  $85^{\circ}58'01''$  East of the westerly line of said Section 36, being the easterly right of way line of Clyde Park Avenue; thence North  $04^{\circ}01'59''$  West 550.00 feet, along said easterly right of way line; thence South  $85^{\circ}58'01''$  West 15.00 feet, along said easterly right of way line; to a line 50.00 feet North  $85^{\circ}58'01''$  East of the westerly line of said Section 36, being the easterly right of way line of Clyde Park Avenue; thence North  $04^{\circ}01'59''$  West 430.40 feet, along said easterly right of way line; thence South  $74^{\circ}09'23''$  East 10.74 feet; thence North  $85^{\circ}22'53''$  East 227.39 feet to the POINT OF BEGINNING OF THIS DESCRIPTION; thence North  $00^{\circ}40'07''$  West 52.51 feet; thence North  $15^{\circ}40'07''$  West 82.49 feet; thence North  $03^{\circ}19'07''$  West 88.10 feet, to the southerly right of way line of 54th Street; thence North  $88^{\circ}13'11''$  East 60.23 feet; along said southerly right of way line; to the "Revised Southwesterly right of way line of the 54th Street-US 131 Interchange"; thence South  $01^{\circ}46'49''$  East 25.00 feet, along said southwesterly right of way line; thence North  $88^{\circ}13'11''$  East 245.00 feet; along said southwesterly right of way line; thence South  $01^{\circ}46'49''$  East 50.00 feet, along said southwesterly right of way line; thence North  $88^{\circ}13'11''$  East 37.76 feet, along said southwesterly right of way line; thence South  $04^{\circ}11'56''$  East, 189.05 feet; thence 50.61 feet along a 40.00 foot radius curve to the left, said curve having a chord bearing South  $40^{\circ}26'40''$  East, 47.30 feet; thence South  $05^{\circ}24'31''$  West, 1.40 feet; thence South  $60^{\circ}25'44''$  West, 64.52 feet; thence South  $86^{\circ}04'04''$  West, 20.00 feet; thence North  $03^{\circ}55'56''$  West, 64.00 feet; thence South  $86^{\circ}04'04''$  West, 20.00 feet; thence North  $03^{\circ}55'56''$  West, 48.25 feet; thence South  $86^{\circ}04'04''$  West, 222.72 feet; thence North  $77^{\circ}00'01''$  West, 36.56 feet to the place of beginning. Containing 1.678 Acres, more or less.

Subject to all easements and restrictions of record.

Project No. 71740012

Sheet 2 of 2

progressive | ae

1811 4 Mile Rd N.E., Grand Rapids, MI 49525

616 361 2664 OFFICE 616 361 1493 FAX

[www.progressiveae.com](http://www.progressiveae.com)


**CITY OF WYOMING  
ESTIMATE OF JUST COMPENSATION**

**PROJECT:** 54<sup>th</sup> Street Improvements, from Clyde Park to US-131

<b>SITE DATA:</b>	<i>Permanent Parcel No.:</i> 41-17-36-151-020
<i>Parcel:</i> Meijer, Inc.	<i>Land Use:</i> Commercial <i>Size:</i> 20.64 Ac (total)
<i>Address:</i> 5500 Clyde Park Ave, SW, Wyoming, MI 49509	<i>Zoning:</i> 201

<p><b>ACQUISITION DESCRIPTION:</b></p> <p>Value obtained from an Appraisal by Integra Realty Resources – Grand Rapids. Review Appraisal by R.S. Thomas &amp; Associates, Inc.</p> <p>Summary of Costs:</p> <div style="border: 1px solid black; padding: 5px;"> <p><u>Temporary Permit:</u> An irregular piece of property located adjacent to 54<sup>th</sup> Street as shown on sketch.</p> <p>Area: 1.678 Ac</p> </div>	<p><b>SKETCH:</b></p>
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<b>COMPUTATION OF VALUE:</b>	
LAND ACQUISITION, TEMPORARY PERMIT	
Temporary Permit – Market Rent	<b>\$ 25,170.00</b>

REMARKS: 

Signed: \_\_\_\_\_  
Land Matters, llc  
Deborah S. Poeder

**\$ 25,170.00**

for information call 616.791.9805

Agreed to by: Meijer, Inc.



By: Michael Flickinger  
Its: Vice President-Real Estate

Legal AM

Bus. ML

# City of **Wyoming** Michigan

**City Manager** | 1155 28th St SW, Wyoming, MI 49509  
616.530.7272 | Fax 616.261.7103 | wyomingmi.gov

October 4, 2021

Wyoming City Council  
Wyoming, Michigan

City Manager's Report No. 21-16

**Subject:** Acceptance of a Temporary Permit for  
167 – 56<sup>th</sup> Street, SW (Kenneth J. and Kimberly A. Vanderscheer)

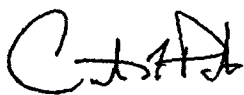
**Councilmembers:**

Kenneth J. and Kimberly A. Vanderscheer, owners of 167 – 56<sup>th</sup> Street, SW, have submitted the following described Temporary Permit. The Temporary Permit conveys rights to access and grade on this property for the 56<sup>th</sup> Street Improvement project from Haughey Avenue – Division Avenue. The Temporary Permit area is shown on the attached Exhibit B.

<b>Grantor:</b>	Kenneth J. and Kimberly A. Vanderscheer
<b>Parcel:</b>	41-17-36-276-006
<b>Right-of-way Size</b>	600 sf – Temporary Permit
<b>Consideration:</b>	\$664.00

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



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. 41-17-36-276-006**

The Grantor, **Kenneth J. Vanderscheer and Kimberly A. Vanderscheer**, husband and wife, whose address is 167 56<sup>th</sup> Street, SW, Wyoming, MI 49548

**DOES HEREBY GRANT AND CONVEY TO:**

**CITY OF WYOMING**, a Michigan Municipal corporation, whose address is 1155 28<sup>th</sup> 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 56<sup>th</sup> 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. 41-17-36-276-006)**

The Temporary Permit as referenced herein is granted and conveyed for the full consideration of **Two Hundred Eighty Four Dollars and No Cents (\$284.00)**.

The Temporary Permit, including all rights granted or inferred, shall terminate upon completion of the 56<sup>th</sup> 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:**

*Kenneth J. Vanderscheer*  
Kenneth J. Vanderscheer

*Kimberly A. Vanderscheer*  
Kimberly A. Vanderscheer

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

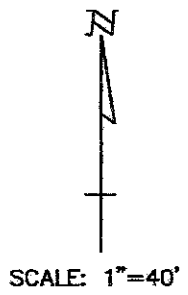
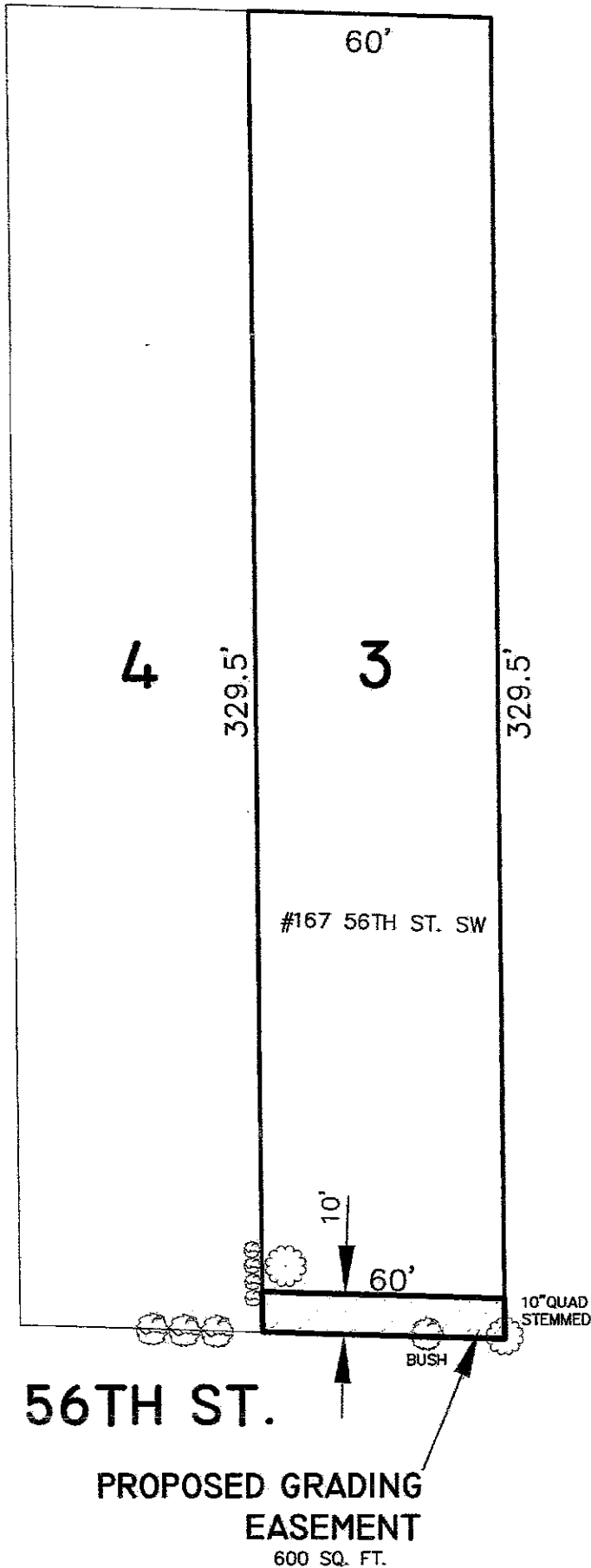
PROJECT NO: 15055-167 56TH






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 LOT 3, LAMAR EXTENTION PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 29 OF PLATS, PAGE(S) 27, KENT COUNTY RECORDS.



 Meyers, Bueche & Nies, Inc. Civil Engineers/Surveyors 1750 3 Mile Road NW Grand Rapids, MI 49544 616-457-5030 fax 616-457-8244	<b>LEGEND</b>	
	 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 – 56<sup>th</sup> Street Improvement Project, Haughey Ave. to Division Ave.

**SITE DATA:**

Permanent Parcel No.: 41-17-36-276-006

Parcel: Kenneth J. Vanderscheer and Kimberly A. Vanderscheer      Land Use: Residential – Improved      Size: 0.45 ac (total)  
Address: 167 56<sup>th</sup> St., SW      Zoning: 401

<p><b>ACQUISITION DESCRIPTION:</b> 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 56<sup>th</sup> Street ROW at 167 56<sup>th</sup> Street, as shown.</p> <p>Area: 600 sft</p> </div>	<p><b>SKETCH:</b></p>
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<b>COMPUTATION OF VALUE:</b>	
LAND ACQUISITION, TEMPORARY PERMIT 600 s.f. (Area) X \$ 4.73 / s.f. x 10% = \$ 283.80 ~ Round to \$284	<b>\$ 284.00</b>
VEGETATION REMOVALS – Based on Landscape Appraisal dated July 18, 2021 from Aurora	<b>\$ 380.00</b>

REMARKS:

**\$664.00**

Signed:   
Land Matters, Ilc  
Deborah S. Poeder

For information call 616.791.9805

Agreed to by: \_\_\_\_\_  
City of Wyoming  
By:  
Its:

*Kenneth J. Vanderscheer*      9-17-2021  
*Kimberly A. Vanderscheer*      9-17-2021

**CITY OF WYOMING BUDGET AMENDMENT**

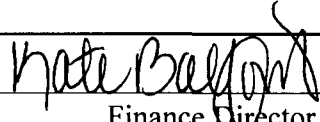
**Date: October 4, 2021**

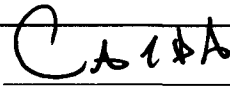
**Budget Amendment No. 031**

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate an additional \$7,091.08 of budgetary authority for the FY 2022 local share for indigent defense as part of the Michigan Indigent Defense Commission grant.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<b><u>General Fund</u></b>				
District Court - District Court - Professional Services				
101-136-13600-801.000	28,600.00	7,091.08		35,691.08
Fund Balance/Working Capital (Fund 101)		<u>0.00</u>	<u>7,091.08</u>	

Recommended:   
Finance Director

  
City Manager

Motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ that the General Appropriations Act for Fiscal Year 2021-2022 be amended by adoption of the foregoing budget amendment.

Motion carried: Yes \_\_\_\_\_, No \_\_\_\_\_

I hereby certify that at a \_\_\_\_\_ meeting of the Wyoming City Council duly held on \_\_\_\_\_ the foregoing budget amendment was approved.

\_\_\_\_\_  
City Clerk



RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO SET A PUBLIC HEARING ON THE PROPOSED VACATION OF  
AN ALLEY LOCATED SOUTH OF FARNHAM STREET WEST OF DIVISION AVE S

WHEREAS:

1. An alley extending south of 39<sup>th</sup> Street west of Division Avenue in the City of Wyoming more particularly depicted and described on the attached Exhibit A (the "Alley") serves only the abutting parcels and the owners of those parcels are seeking its vacation.
2. At its meeting on November 1, 2021, the City Council will consider a resolution to vacate the City's interest in the Alley.

NOW, THEREFORE, BE IT RESOLVED:

1. At its meeting on November 1, 2021, the City Council will hold a public hearing on the proposed vacation of the Alley.
2. Notice of the public hearing shall be published once in a newspaper published and circulated at least weekly within the city. A copy of that notice shall be sent by the city clerk by certified mail to adjacent property owners and to all public utilities.
3. All resolutions and parts of resolutions are, to the extent conflicting with this resolution, rescinded.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I certify that this Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular meeting held on October 4, 2021.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. \_\_\_\_\_

EXHIBIT A

NOTICE OF PUBLIC HEARING

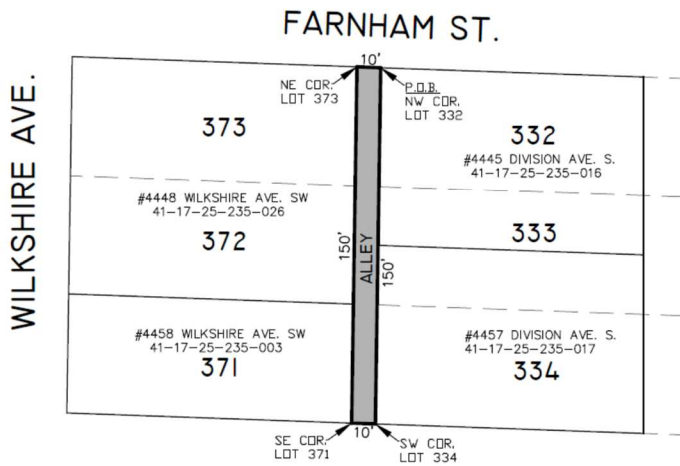
Please take notice that at its meeting of Monday, November 1, 2021, beginning at 7:01 p.m., local time, to be held in the City Council Chambers on the 1<sup>st</sup> Floor of the City Hall, 1155 28<sup>th</sup> Street SW, Wyoming, Michigan 49509, the City Council of the City of Wyoming will hold a public hearing on the proposed vacation of the following depicted and described alley. At the hearing the City Council will hear comments from any persons about the proposed alley vacation and the City Council will accept any written comments submitted to the City Clerk's office at the above address before that hearing.

FOR: CITY OF WYOMING

DATE: 2-1-21

PROJECT NO: 20093

RE: ALLEY VACATION/EASEMENT



DIVISION AVE.

**DESCRIPTION OF ALLEY:** THAT PART OF HOME ACRES NO. 1, SECTION 25, TOWN 6 NORTH, RANGE 12 WEST, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 332; THENCE SOUTHERLY 150 FEET ALONG THE WEST LINES OF LOTS 332, 333, AND 334 TO THE SOUTHWEST CORNER OF LOT 334; THENCE WESTERLY 10 FEET TO THE SOUTHEAST CORNER OF LOT 371; THENCE NORTHERLY 150 FEET ALONG THE EAST LINES OF LOTS 371, 372, AND 373 TO THE NORTHEAST CORNER OF LOT 373; THENCE EASTERLY 10 FEET TO THE POINT OF BEGINNING.

Date: October \_\_\_\_, 2021

Signed: Kelli A. Vandenberg  
City Clerk

September 28, 2021

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Vacate alley south of Farnham Street and west of Division Avenue adjacent to 4445 S. Division Avenue (Section 25) (Wyoming Engineering Staff)

Recommendation: To vacate the alley adjacent to 4445 S. Division Ave.

Dear Ms. VandenBerg,

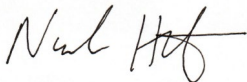
The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on September 21, 2021. A motion was made by Hegyi, supported by Zapata, to recommend to the City Council vacation of the alley south of Farnham Street and west of Division Avenue adjacent to 4445 S. Division Ave. The motion passed unanimously.

One of the adjacent properties has a fence that encroaches on the alley limiting its use. Adjacent property owners wish to completely block the alley to prevent illegal dumping of trash and to better secure their businesses. Vacating the alley resolves the fence encroachment and allows the alley to be closed to resolve the other issues.

It is in the best interest of the City to vacate the alley and be relieved of the maintenance responsibility.

During the public hearing one resident inquired about the location of the alley, no other comments were provided to the Commissioners during the meeting. A letter from a property owner abutting the alley was provided. The letter expressed concern that the vacation would limit access to the property owner's garage from the alley side.

A detailed review of the request is available in the attached Planning Commission minutes and supportive materials.



Nicole Hofert, Director  
Department of Planning and Economic Development

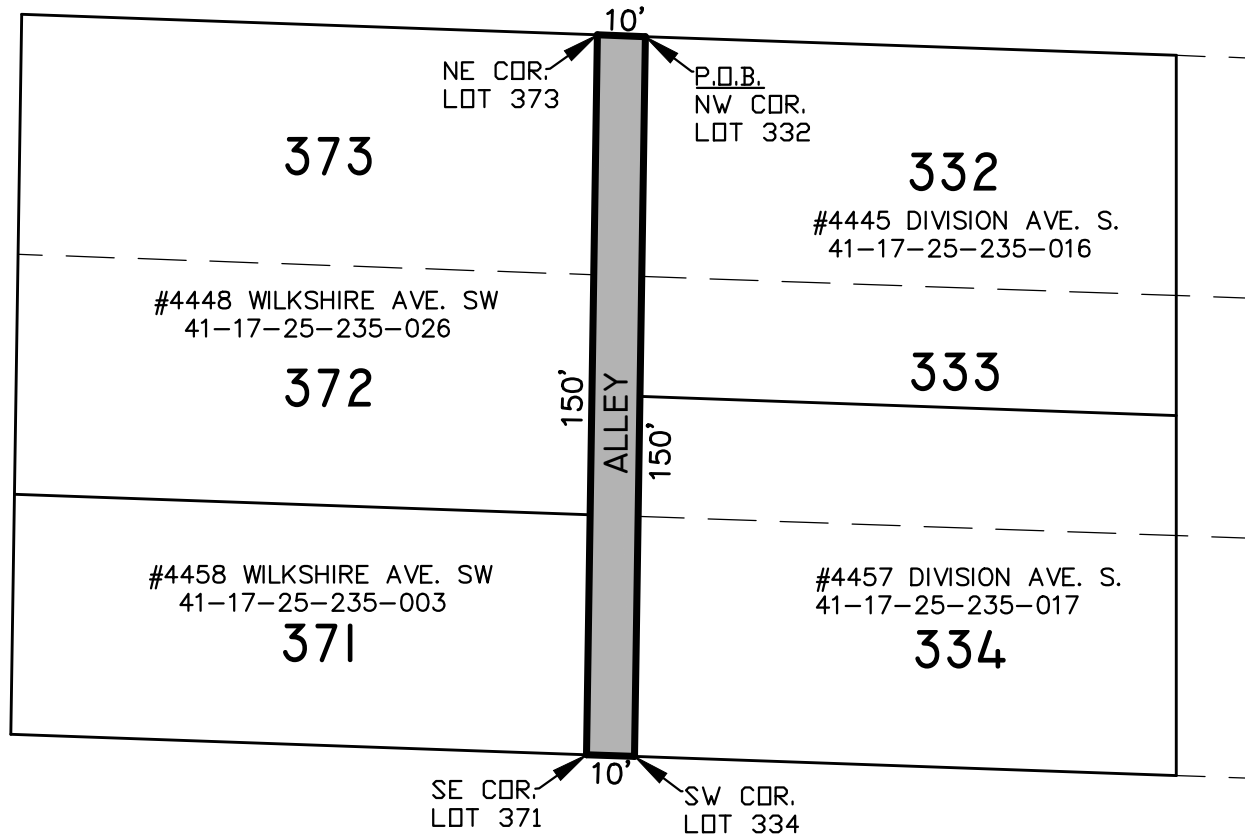
Cc: Curtis Holt, City Manager

community • safety • stewardship

CITY COUNCIL

WILKSHIRE AVE.

FARNHAM ST.



DIVISION AVE.

FOR: CITY OF WYOMING

DATE: 2-1-21

PROJECT NO: 20093

RE: ALLEY VACATION/EASEMENT

**DESCRIPTION OF ALLEY:** THAT PART OF HOME ACRES NO. 1, SECTION 25, TOWN 6 NORTH, RANGE 12 WEST, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 332; THENCE SOUTHERLY 150 FEET ALONG THE WEST LINES OF LOTS 332, 333, AND 334 TO THE SOUTHWEST CORNER OF LOT 334; THENCE WESTERLY 10 FEET TO THE SOUTHEAST CORNER OF LOT 371; THENCE NORTHERLY 150 FEET ALONG THE EAST LINES OF LOTS 371, 372, AND 373 TO THE NORTHEAST CORNER OF LOT 373; THENCE EASTERLY 10 FEET TO THE POINT OF BEGINNING.



SCALE: 1"=40'

THIS DRAWING WAS MADE FROM THE LEGAL DESCRIPTION SHOWN HEREON, THE DESCRIPTION SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE POLICY FOR ACCURACY, EASEMENTS, AND EXCEPTIONS.

**mbn**

meyers, bueche & nies, inc.  
civil engineers/surveyors  
1638 leonard st nw  
grand rapids, mi 49504  
616-457-5030  
fax 616-457-8244

LEGEND

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

AGENDA ITEM NO. 1

Request to approve the vacation of an alley south of Farnham Street and west of Division Avenue adjacent to 4445 S. Division Avenue (Section 25) (Wyoming Engineering Staff).

Meagher presented on the Development Review Team's recommendation to vacate the alley south off of Farnham Street and west of Division Avenue. Meagher shared a map of the proposed vacation site and outlined the zoning of the parcels immediately adjoining.

Meagher explained that it is staff's understanding that the property owners adjacent to the alley currently consent to the vacation of the alley. One of the adjacent properties has a fence that encroaches on the alley limiting its use. Adjacent property owners wish to completely block the alley to prevent illegal dumping of trash and to better secure their businesses. Vacating the alley resolves the fence encroachment and allows the alley to be closed to resolve the other issues. Wyoming has requested a public hearing at the Wyoming Planning Commission meeting to receive comments regarding the vacation of City right-of-way. It is in the best interest of the City to vacate the alley and be relieved of the maintenance responsibility.

Micele opened the public hearing at 7:06pm.

Robert Houskamp, 4548 Wilkshire Ave SW, asked for clarification on the exact location of the alley.

Hofert clarified that the alley in question is located North of the fire station to Farnham St.

There were no other comments, and the public hearing was closed at 7:08pm.

A motion was entered by Hegyi, and supported by Zapata, to recommend to City Council the vacation of the alley south off of Farnham Street and west of Division Avenue.

Weller asked if there were any utilities located in the alley.

Meagher stated that there were no City utilities located in the alley.

Goodheart asked about the letter from a resident adjacent to the alley that was received by commissioners and asked if the other adjacent properties were in favor of the vacation.

Hofert replied that the individual who sent the letter provided to Commissioners does have ongoing concerns with garage access, but with the alley vacation the owner will still have full access to their garage. Hofert reiterated that it is staff's understanding that the property owners adjacent to the alley currently consent to the vacation of the alley

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request to approve a rezoning from B-1 Local Business to B-2 General Business at 5340 Clyde Park Avenue SW (Section 36) (QCW Enterprises, LLC) and 777 54<sup>th</sup> Street SW (Section 36) (Wyoming Planning Staff).

Meagher explained that 5340 Clyde Park Ave is vacant and 777 54<sup>th</sup> has a restaurant. He outlined the various uses of the surrounding land.

Meagher stated that the applicant proposes to rezone 5340 Clyde Park Avenue SW to a B-2 General Business zoning district to permit a Tommy's Express Wash to be built. Planning Staff is requesting that 777 54<sup>th</sup> Street SW also be rezoned to B-2 General Business to ensure zoning district continuity throughout the northeast corner of the Clyde Park Avenue/54<sup>th</sup> Street intersection. The adjacent parcel to the east (755 54<sup>th</sup> Street SW) is already zoned B-2. Meagher stated that this rezoning request also aligns with the future land use map.

Meagher shared that the applicant representing 5340 Clyde Park Avenue SW has submitted a conceptual site plan for discussion and reference purposes only. If a rezoning at the site is approved, a proposed car wash use would need to return to Planning Commission for special use and site plan approval.

Meagher explained that unlike other zoning procedures such as special use approval, site plan review, or planned unit development, 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 both parcels to be planned for "Corridor Commercial" uses. The proposed rezonings would remain consistent with this commercial vision.

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

The proposed B-2 zoning designations would be consistent with the existing and desired future land uses. The zoning district could provide opportunity for additional commercial uses that would complement the existing uses within an already heavily commercialized corridor. All uses currently permitted on both parcels would still be permitted under the new B-2 zoning designation.

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

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE MEMBERS OF THE CITY COUNCIL TO  
ATTEND THE MICHIGAN MUNICIPAL LEAGUE ANNUAL CONVENTION

WHEREAS:

1. The 2021 Michigan Municipal League's Convention was held in Grand Rapids, Michigan, September 22-24, 2021.
2. The Wyoming City Council was represented at the conference by Councilmember John Fitzgerald.

NOW, THEREFORE, BE IT RESOLVED:

1. That members of the Wyoming City Council hereby authorized Councilmember John Fitzgerald attend the 2021 Michigan Municipal League's Convention.
2. That expense reports will be submitted for approval at the next regular City Council meeting.

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 October 4, 2021.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

**City of Wyoming**  
**TRAVEL EXPENSE ESTIMATE AND AUTHORIZATION**

**REQUIRED TO BE FILLED OUT PRIOR TO APPROVAL**

Is this required training for continued education to keep a license or certification?

YES \_\_\_\_\_ NO \_\_\_\_\_

How does this training apply towards providing quality service to our Citizens?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Registration Deadline: \_\_\_\_\_

**Approval**

Department Head \_\_\_\_\_

City Manager \_\_\_\_\_

Employee: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Department: \_\_\_\_\_

Date(s) of Travel: \_\_\_\_\_

Destination: \_\_\_\_\_

Account Charged: \_\_\_\_\_

**PLEASE ATTACH ALL DOCUMENTATION RELEVANT TO THIS REQUEST**

	Estimated	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Breakfast - \$10.00								
Lunch - \$15.00								
Dinner - \$25.00								
Lodging								
Air Fare/Train								
Car Rental								
Mileage-.535/Mile								
Parking/Toll/etc								
Registration								
<b>TOTAL</b>	\$ -							

**SIGN WHEN SUBMITTING FINAL EXPENSES**

Date Submitted: \_\_\_\_\_

Submitted by (Print): \_\_\_\_\_

Finance Designee: \_\_\_\_\_

Total Expenses

5/3 CC Charges

Due to Employee

Check for: \_\_\_\_\_ Date: \_\_\_\_\_

Payable to: \_\_\_\_\_

Address: \_\_\_\_\_

Check for: \_\_\_\_\_ Date: \_\_\_\_\_

Payable to: \_\_\_\_\_

Address: \_\_\_\_\_

Check for: \_\_\_\_\_ Date: \_\_\_\_\_

Payable to: \_\_\_\_\_

Address: \_\_\_\_\_

Check for: \_\_\_\_\_ Date: \_\_\_\_\_

Payable to: \_\_\_\_\_

Address: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE  
AN EMPLOYMENT AGREEMENT WITH THE FINANCE DIRECTOR

WHEREAS:

1. Section 4.7 of the City Charter allows the City Manager to "...exercise his judgment in the appointment or employment of officers and employees in the administrative service."
2. The City Manager desires to appoint Jodi Yenchar as the Finance Director and recommends City Council approve the employment agreement the City Manager has negotiated.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Manager is authorized to execute an employment agreement with the Finance Director.
2. The City Manager is authorized to approve future amendments to the agreement that are generally equivalent to the existing City of Wyoming bargaining agreements.

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 October 4, 2021.

ATTACHMENT:  
Employment Agreement

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

**CITY OF WYOMING**  
**EMPLOYMENT AGREEMENT – FINANCE DIRECTOR**

THIS AGREEMENT between Jodi Yenchar, whose current address is as provided in her personnel file (“Employee”), and the City of Wyoming, a municipal corporation, of 1155 – 28<sup>th</sup> Street SW, Wyoming, Michigan 49509 (“City”), is made on the following terms:

1. **TERM.** The City hereby employs the Finance Director. This appointment shall be effective on October 18, 2021. The Employee understands that as Finance Director, the Employee serves at the pleasure of the City Manager, who may terminate the Employee for any reason at any time, as provided by the City Charter and City Code.

2. **PERFORMANCE.** The Employee agrees to perform the duties of Finance Director in a competent and professional manner and as set forth in the City Charter, City Code, established policies and regulations of the City, and the laws of the State of Michigan. A job description has been provided to the Employee that the City may periodically revise with notice to the Employee. The Employee shall report to and be supervised by the City Manager.

3. **SERVICE DATE.** The Employee’s date of service with the City shall be October 18, 2021. The Employee shall be credited with all earned benefits from the Employee’s service date and shall accumulate benefits uninterrupted after the effective date of this Agreement.

4. **COMPENSATION.** The Employee’s salary shall be established by the City Manager in accordance with the annual budget authorization, the City Charter, and the City Code. The salary shall be paid in accordance with City payroll procedures.

5. **BENEFITS.** The Employee shall be provided the same health insurance plan (including employee contribution and opt-out option), dental, vision, and life insurance plans, defined contribution plan, post-employment health plan, holidays, vacation, sick leave, sick leave incentive, bereavement

leave, educational benefits, longevity pay, and payout of accrued benefits upon separation from employment as provided to department head employees in the Administrative and Supervisory Association unless otherwise stated herein.

In addition to the above-stated benefits, the Employee shall be credited with 40 hours of vacation upon starting employment. On January 1, 2022, and annually thereafter, the Employee shall be credited with 140 hours of vacation until such time as the Administrative and Supervisory Association department head vacation schedule applies.

Notwithstanding any other provision of this Agreement, the Employee shall not be eligible for payout of any accrued benefits upon separation from employment until the Employee has been employed by the City for at least 5 years.

**6. TERMINATION.** This Agreement and the Employee's employment pursuant to it may be terminated as follows:

a. By the Employee's resignation. The Employee shall give written notice of the Employee's resignation at least thirty (30) days prior to its effective date. If the Employee fails to do so, any other provision of this Agreement notwithstanding, the City shall have no obligation to pay the Employee for accumulated sick leave or vacation time or any other accrued benefits, the amount of which the City shall be entitled to retain as liquidated damages for the costs it will incur as a result of such sudden resignation.

b. By the City Manager for the reason that the Employee 1) failed to substantially perform the Employee's job duties; 2) committed misfeasance, malfeasance, or nonfeasance in the Employee's position; 3) engaged in criminal misconduct; 4) is convicted of any felony; 5) is convicted of a misdemeanor involving bodily harm or dishonesty; or 6) performed a deliberate and wrongful act. In such circumstances, any other provision of this Agreement notwithstanding,

the City shall have no obligation to pay the Employee for accumulated sick leave or vacation time or any other accrued benefits.

c. By the City Manager, other than as provided in subsection (b) of this Section. If such action is taken, the City shall pay the Employee, in addition to any other amounts to which the Employee is entitled under this Agreement, an amount equal to six months of the Employee's base salary. Such severance pay will be paid to the Employee over a six-month period by checks issued on regular City paydays and will have appropriate amounts withheld. The Employee's insurance (health, dental, vision and life) shall continue to be paid by the City for the same period. However, if the Employee secures another position of equal or greater pay during the six-month period, the City's obligation to make severance payments and continue insurance will cease. If the Employee takes another position at less pay during the six-month period, the City's obligation will be limited to the difference in pay for the balance of said six-month period. For purposes of this section, "another position" shall include employment, self-employment, independent contracting, or compensation from any source. The aforesaid severance pay and benefits shall be paid to the Employee contingent upon the Employee executing a waiver and release of all claims satisfactory to the City.

d. Upon termination of the Employee's employment, the Employee shall arrange for the immediate and orderly transfer of the Employee's office and the City-owned personal property, records, documents, and other items in the Employee's possession.

e. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate the services of the Employee at any time and for any reason, subject only to the provisions set forth in this Section. Nothing in this Agreement shall prevent, limit, or

otherwise interfere with the right of the Employee to resign at any time from the Employee's position with the City, subject only to the provisions set forth in this Section.

**7. SCOPE AND AMENDMENTS.** This Agreement is made in accordance with the provisions of the City Charter and City Code and shall be the sole agreement of the parties, any written or oral contracts to the contrary notwithstanding. By way of illustration and not limitation, any prior agreement or promises, and any collective bargaining agreements, have no application to the Employee or to the employment relationship between the Employee and the City. This agreement may not be modified orally, but only by an agreement in writing signed by the parties.

**8. SEVERABILITY.** The invalidity or unenforceability of any term in this Agreement shall not affect the validity or enforceability of any other term in this Agreement. If any term in this Agreement is determined to be invalid, unenforceable, or over broad in any respect, that term shall nevertheless be enforceable to the fullest extent permitted by law.

**9. APPLICABLE LAW.** The terms of this agreement are to be interpreted, construed, enforced, and performed under the laws of the State of Michigan.

**10. ASSIGNMENT.** Neither party may assign its rights, duties, or interests in this Agreement without the prior written consent of the other party.

**11. JURISDICTION AND VENUE.** To the extent permitted by law, the parties agree that the jurisdiction and venue of any action brought pursuant to or to enforce this Agreement shall be solely in state court in Kent County, Michigan.

**12. BINDING.** This Agreement shall be binding upon the parties and their heirs, subrogates, successors, and assigns.

**13. RETURN OF CITY PROPERTY.** The Employee agrees that when the Employee's employment ends, the Employee is responsible for returning any City-owned property in the

Employee's possession and for paying any expenses or other amounts that the Employee may owe to the City at that time. The Employee authorizes the City to deduct any amount owed from any wage or benefit payments that may be due to the Employee.

**14. SHORTENED LIMITATIONS PERIOD.** The Employee agrees that any lawsuit or claim against the City arising out of the Employee's employment or termination of employment (including, but not limited to, claims arising under state, federal or local civil rights laws) must be brought within the following time limits or be forever barred: (a) for lawsuits requiring a Notice of Right to Sue from the Equal Employment Opportunity Commission, within 90 days after the EEOC issues that Notice; or (b) for all other lawsuits, within (i) 180 days of the event(s) giving rise to the claim, or (ii) the time limits specified by statute, whichever is shorter. The Employee waives any statute of limitations that exceeds this time limit.

CITY OF WYOMING

Dated: \_\_\_\_\_

\_\_\_\_\_  
Curtis Holt  
City Manager

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jodi Yenchar  
Finance Director

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AWARD THE BID FOR THE 2021 CROSSWALK IMPROVEMENT PROJECT  
AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT AND  
APPROVE A RELATED BUDGET AMENDMENT

WHEREAS:

1. On September 28, 2021, the City received three (3) bids for the proposed Crosswalk Improvements at various locations.
2. The Community Services and Engineering Departments recommend that the City Council award the bid to the low bidder, P.K. Contracting, LLC for \$63,915.00.
3. It is further recommended that the City Council authorize an additional 17.5%, or \$11,085 of the bid value for construction contingency.
4. The total cost for this project, including contingency, will be financed out of the following Community Development Block Grant (CDBG) and Public Works (PW) Accounts: CDBG 256-400-69221-975.000, CDBG 256-400-69222-975.000, PW 202-441-47400-930.00.
5. This project received a \$10,000 grant from the General Motors Corporation via the Greater Wyoming Community Resource Alliance. A budget amendment to account number 202-688-000 (Misc. Income Major Street) to recognize the receipt of the \$10,000 revenue and to expense \$10,000 to account number 202-441-47400-930.000 (Repair and Maintenance) within the Public Works budget is necessary.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the 2021 Crosswalk Improvement Project to P.K. Contracting, LLC for \$63,915.00 and authorizes a construction contingency amount of \$11,085.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the contract.
3. The City Council does hereby approve the attached budget amendment.

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 October 4, 2021.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Budget Amendment

Staff Report

Bid Comparison

Contract Form

Resolution No. \_\_\_\_\_



## STAFF REPORT

Date: September 29, 2021

Subject: Award of Bid for the 2021 Crosswalk Improvement Project

From: Rebecca Rynbrandt, Director of Community Services  
Jeffrey Oonk, PE, Senior Civil Engineer

Date of Meeting: October 4, 2021

---

### **RECOMMENDATION:**

It is recommended that the City Council award a bid to P.K. Contracting, LLC for the 2021 Crosswalk Improvement Project in the amount of \$63,915 and authorize a construction contingency amount of \$11,085.

It is further recommended that the City Council approve a budget amendment to recognize a \$10,000 grant received for the project from the General Motors Corporation via the Greater Wyoming Community Resource Alliance. A budget amendment to recognize the receipt of the revenue and related expense of \$10,000 within the Public Works budget is necessary.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

To support the improvement of crosswalks in increasing public awareness of the crosswalk for drivers, to encourage increased use by pedestrians with an impact of reducing car/pedestrian accidents, this project improves one crosswalk in 4 of the city's 7 school districts. Not only does improving crosswalks improve vehicle and road safety, the innovative and engaging design creates enhanced public spaces directly in tune with community development.

### **DISCUSSION:**

#### **Project Conceptualization, Initial Approval**

Innovative painting of crosswalks is shown to be effective in increasing public awareness of the crosswalk for drivers and encourages increased use by pedestrians with an impact of reducing car/pedestrian accidents. The project is designed to increase community awareness of the number of school districts located in the city, increase school district pride, and to enhance resident recognition of being a part of one community, one Wyoming.

This project, conceptualized by the Director of Community Services, was spearheaded in 2019 by the Community Services Department inclusive of the city's Wyoming Community Development Committee, in addition to Community Development and Planning staff (Planning inclusive of the Community Services Department at that time). Subsequently, staff recommended the project as part of its Letter of Intent Process for use of CDBG funds for the FY 2020 budget. The Wyoming Community Development Block Grant Committee was in

support of the grant request and recommended its approval to the City Council, who included it in the FY 2020 Community Development budget.

### **Project Team**

In 2020, the project team was expanded to include, and the project's success would not be possible without, the Engineering and Public Safety Departments joining Community Services.

Rebecca Rynbrandt, Director of Community Services  
Chief Kim Koster, Director of Public Safety  
Russ Henckel, Assistant Director of Public Works – Engineering  
Nicole Hofert, City Planner  
Jeff Oonk, Senior Civil Engineer  
Stephanie Brock-Knoper, Community Development Specialist

The superintendents of Godfrey-Lee, Godwin Heights, Grandville, Kelloggsville, and Wyoming public school districts were also instrumental in engaging their teams in the selection process of the graphics used to represent their districts.

### **Site Selection**

It is the intent of the overall project to install at least one graphic crosswalk within each of the primary 5 (of 7) school districts serving the residents of the city. Public Safety evaluated emergency response data to formulate a recommendation of which crosswalk areas should be considered for improvement; this information was further refined by the city's traffic engineers. Final locations were selected based upon Public Safety and Engineering recommendations combined with CDBG target area eligibility. Graphic design was formulated by the Community Services Planning staff. Please see the attached document noting a project location map and final graphics selected and crosswalk designs.

### **General Motors Corporation Grant**

In 2019, a grant was submitted to General Motors to support the project for 2020 construction. A \$10,000 grant was awarded on our behalf through the Greater Wyoming Community Resource Alliance (Alliance).

### **BUDGET IMPACT:**

Due to the COVID pandemic, the project was delayed. In early FY 2021 revised construction cost estimates were acquired. These estimates exceeded \$100,000. As a result, the project was further delayed to obtain additional funding through the CDBG FY 2022 budget approval process.

Funding available through the CDBG fund restricts investment to low and moderate income areas of the city. As a result, 4 of the 5 crosswalks will be constructed as part of this contract award. The crosswalk located within the Grandville School District (Wilson and 52nd) will be constructed as funds become available in the Public Works Department budget later this year or as a request for funding in next year's budget.

Wyoming received three (3) bids for the 2021 Crosswalk Improvement project. The low bid was submitted by P.K. Contracting. in the amount of \$63,915.00, which is below the engineer’s estimate. The total project cost is \$75,000 including engineering and contingencies.

Current pavement conditions at certain sites will require Public Works to patch various holes and address other defects in the street surface. Engineering was advised after the bids were returned that old pavement markings will need to be removed. In order to meet General Motors and CDBG spending timeline requirements, rather than re-bidding the project, this additional work will be negotiated with PK Contracting and included as part of the contingency expense. In order to provide for this and any other contingency needs arising during construction, a higher than usual contingency amount (17.5%) is requested.

Example site condition:



Bid tabulation:

City of **Wyoming** Michigan  
 TABULATION OF BIDS  
 CROSSWALK IMPROVEMENT PROJECT - BID # 1961  
 OPENED BY THE CITY CLERK ON SEPTEMBER 28, 2021 AT 11:00 A.M. O'CLOCK

Item Description	Estimated Quantity	PK Contracting, LLC		Gallagher Asphalt Corp.		Gerken Paving, Inc.	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
Mobilization	1	\$ 6,000.00	\$ 6,000.00	\$ 5,500.00	\$ 5,500.00	\$ 25,000.00	\$ 25,000.00
Minor Traffic Control	1	\$10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00	\$ 15,000.00	\$ 15,000.00
Thermoplastic Pavement Markings	3700	\$ 12.95	\$ 47,915.00	\$ 25.00	\$ 92,500.00	\$ 29.65	\$109,705.00
<b>Grand Total:</b>			\$63,915.00		\$100,500.00		\$149,705.00

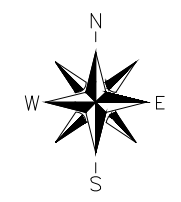
The total cost for this project, including contingency, will be financed out of Community Development Block Grant (CDBG) and Public Works (PW) account numbers:

a.	CDBG	256-400-69221-975.000	\$50,000	Grant 2020/2021 Capital
b.	CDBG	256-400-69222-975.000	\$15,000	Grant 2021/2022 Capital
c.	PW	202-441-47400-930.000	\$10,000	Repairs and Maintenance

A budget amendment is necessary to recognize the \$10,000 grant received for the project from the General Motors Corporation via the Greater Wyoming Community Resource Alliance. A budget amendment to recognize the receipt of the revenue and related expense of \$10,000 (202-688-000 Misc. Income Major Street) within the Public Works budget is necessary.

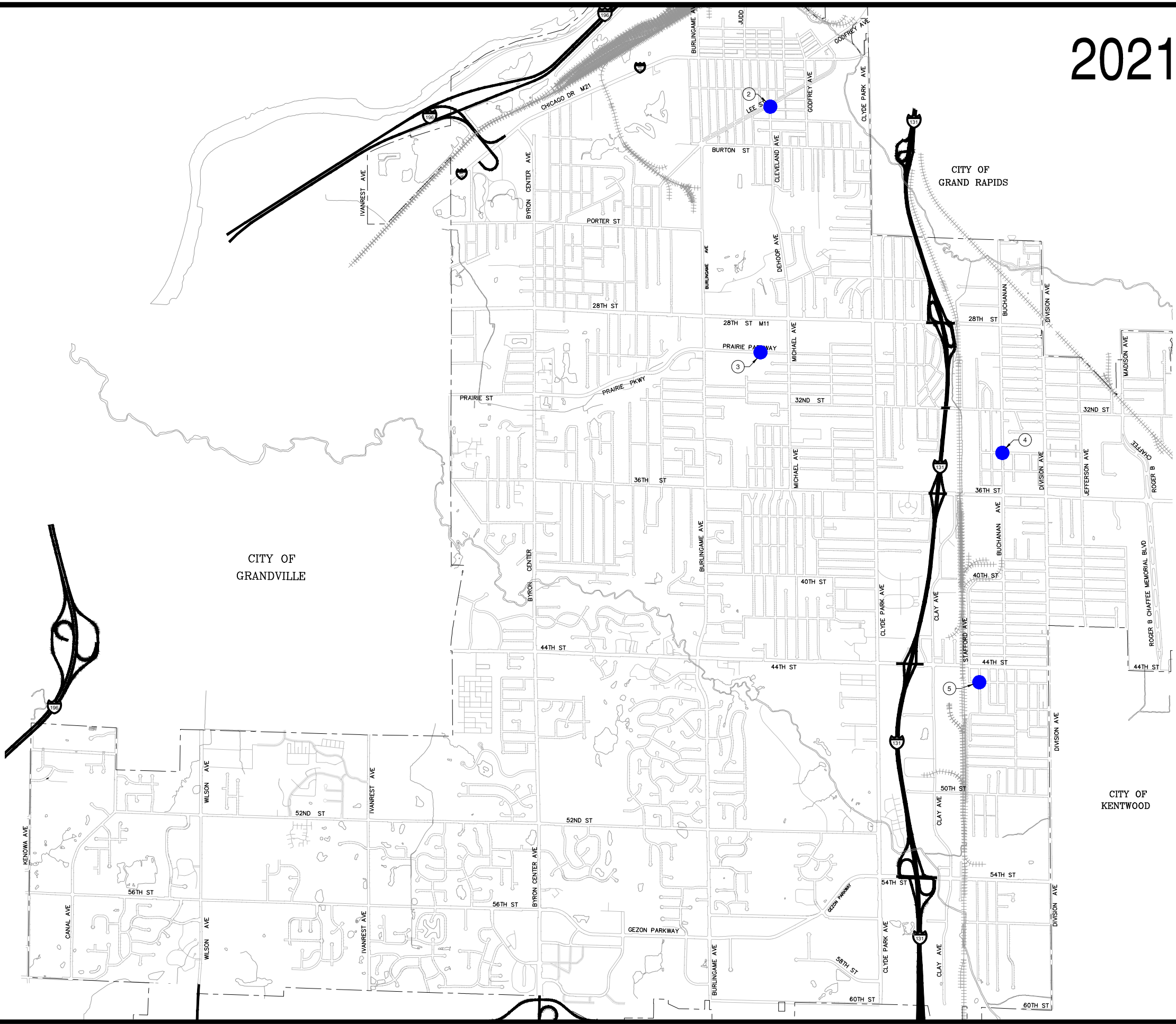
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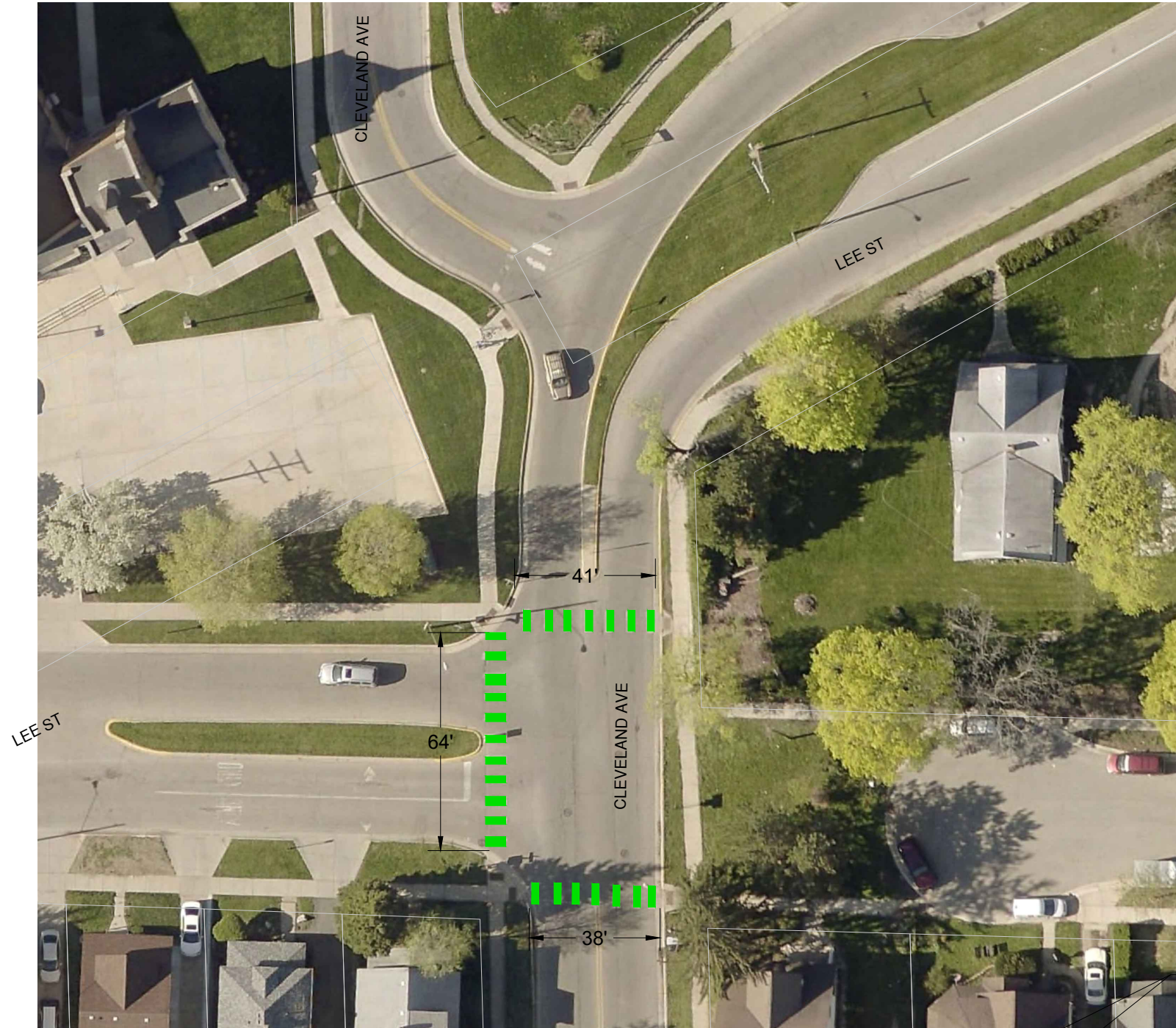
# 2021 CROSSWALK PROJECT



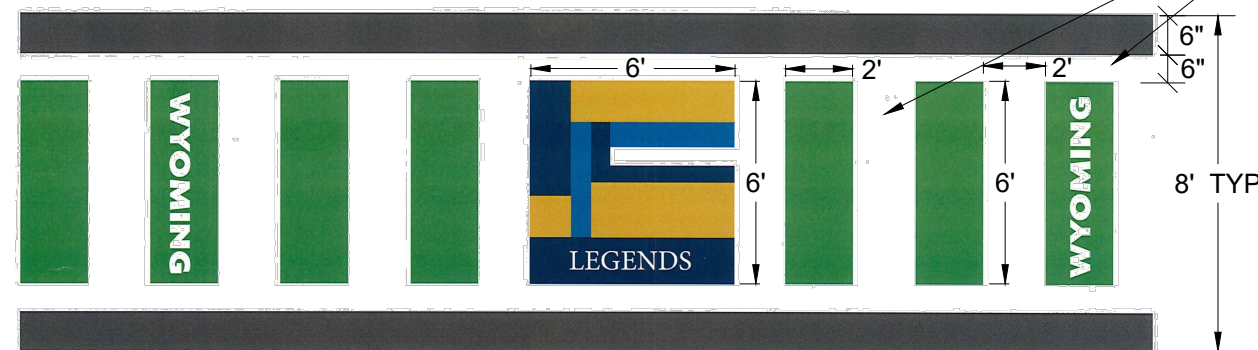
## INDEX OF SHEETS

- 1 COVER SHEET
- 2 CLEVELAND AVE & LEE ST
- 3 PRAIRIE PARKWAY AT HIGH SCHOOL
- 4 BUCHANAN AVE & 34th ST
- 5 MAGNOLIA AVE & FARNHAM ST



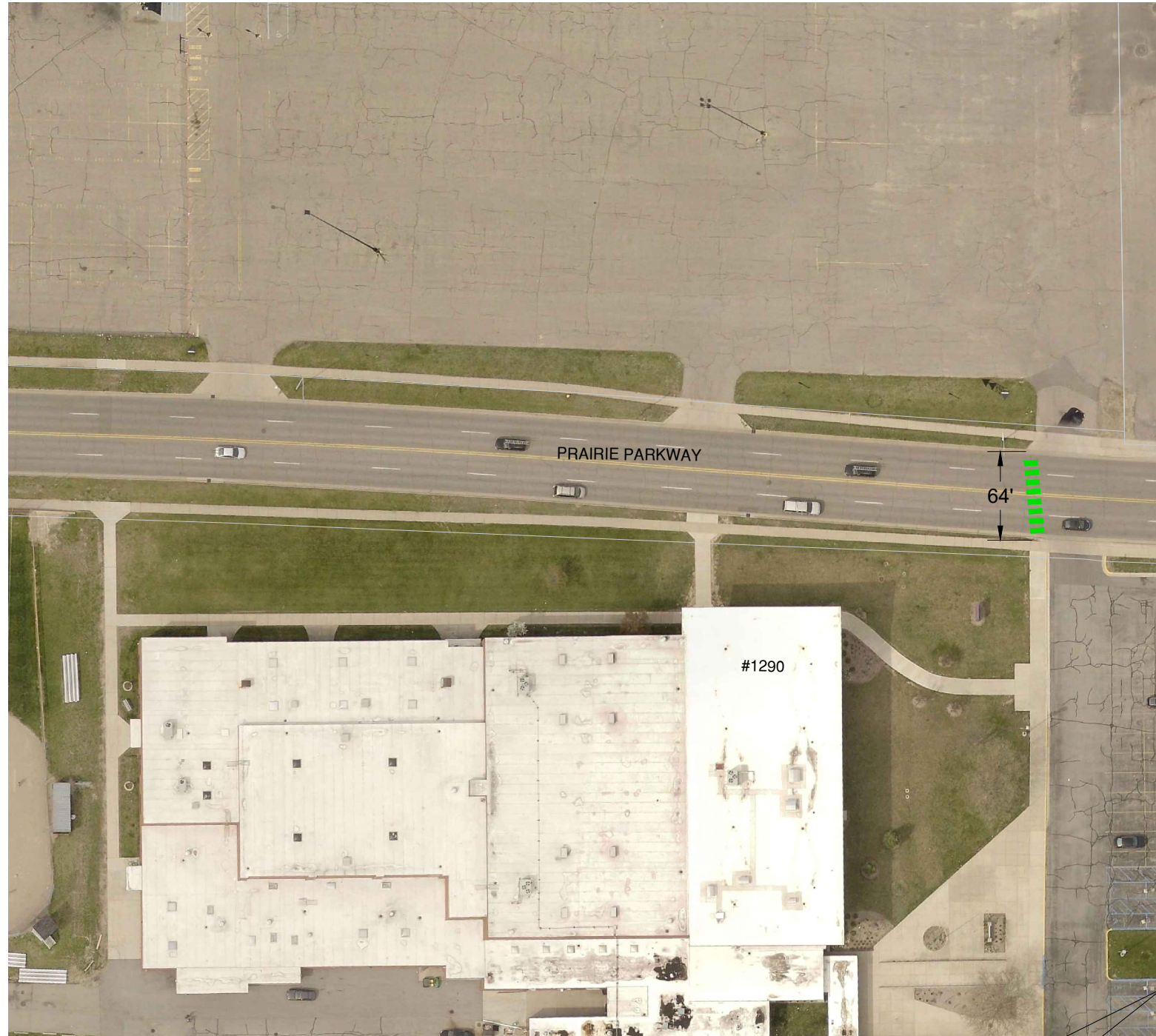


WHITE MATERIAL SHALL BE REFLECTIVE (TYP)

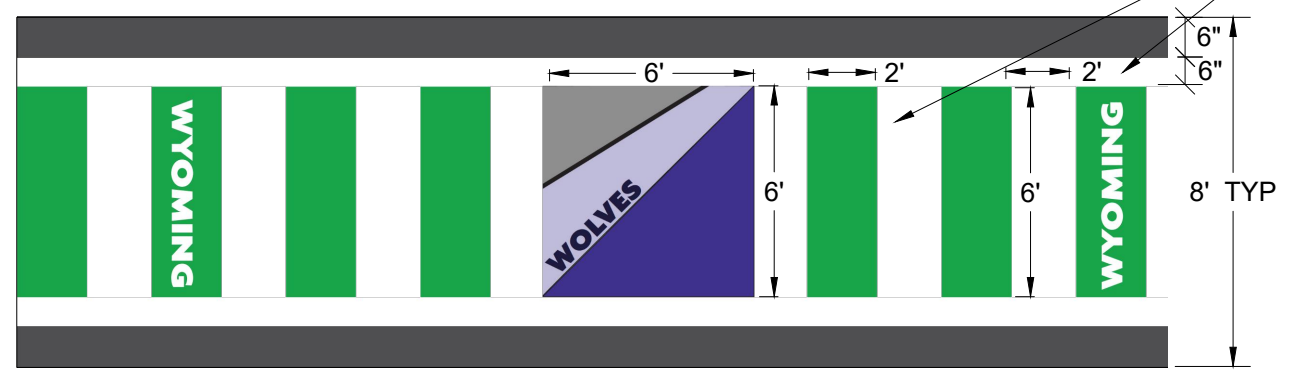


CLEVELAND AVE & LEE ST

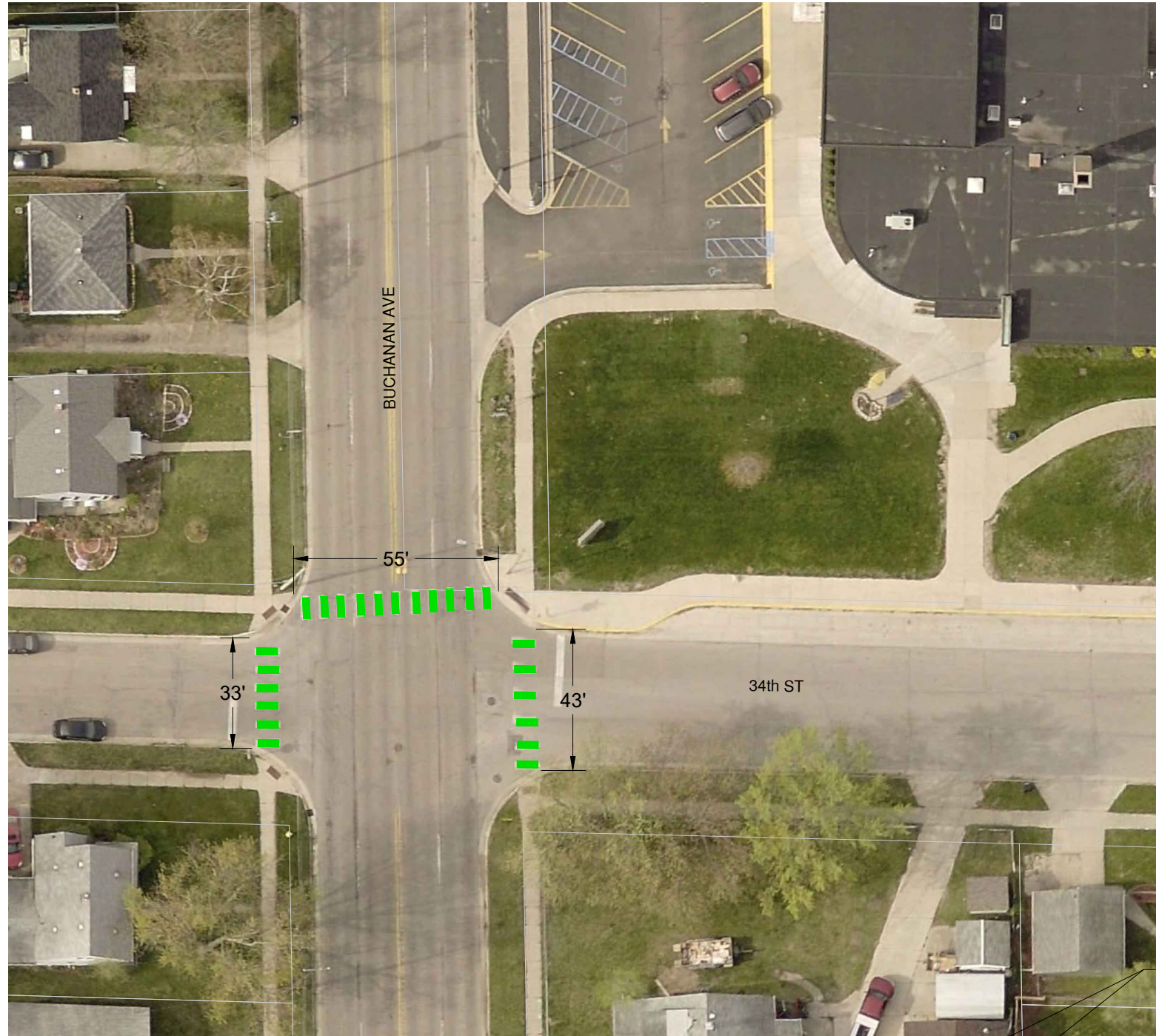
<b>CITY OF WYOMING</b> ENGINEERING DEPARTMENT WYOMING, MICHIGAN				
<b>2021 CROSSWALK PROJECT</b> GODFREY LEE CLEVELAND AVE AT LEE ST				
SCALE: VERT. 1" = NA	ELECTRIC	GAS	TELEPHONE	CABLE TV
HORIZ. 1" = 150'				
SYSTEM NO.	CITY MANAGER			
SA. NO.	CITY ENGINEER			
DRAWN BY KJM	DESIGN ENGINEER			
DESIGNED BY JJO				
CHECKED BY JJO				
1/4 SEC. NO.				
DATE DRAWN September 2021	FILE NO.			2



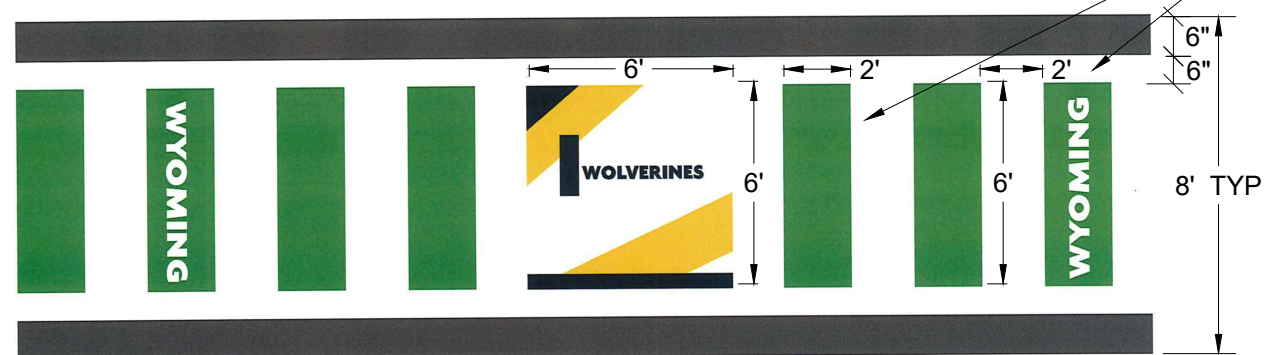
WHITE MATERIAL SHALL BE REFLECTIVE (TYP)



<b>CITY OF WYOMING</b> ENGINEERING DEPARTMENT WYOMING, MICHIGAN			
<b>2021 CROSSWALK PROJECT</b> WYOMING PRAIRIE PARKWAY			
AT #1290			
SCALE: VERT. 1" = NA	ELECTRIC	GAS	TELEPHONE
HORIZ. 1" = 150'			CABLE TV
SYSTEM NO.	CITY MANAGER		
SA. NO.	CITY ENGINEER		
DRAWN BY KJM	DESIGN ENGINEER		
DESIGNED BY JJO			
CHECKED BY JJO			
1/4 SEC. NO.			
DATE DRAWN September 2021	FILE NO.		<b>3</b>

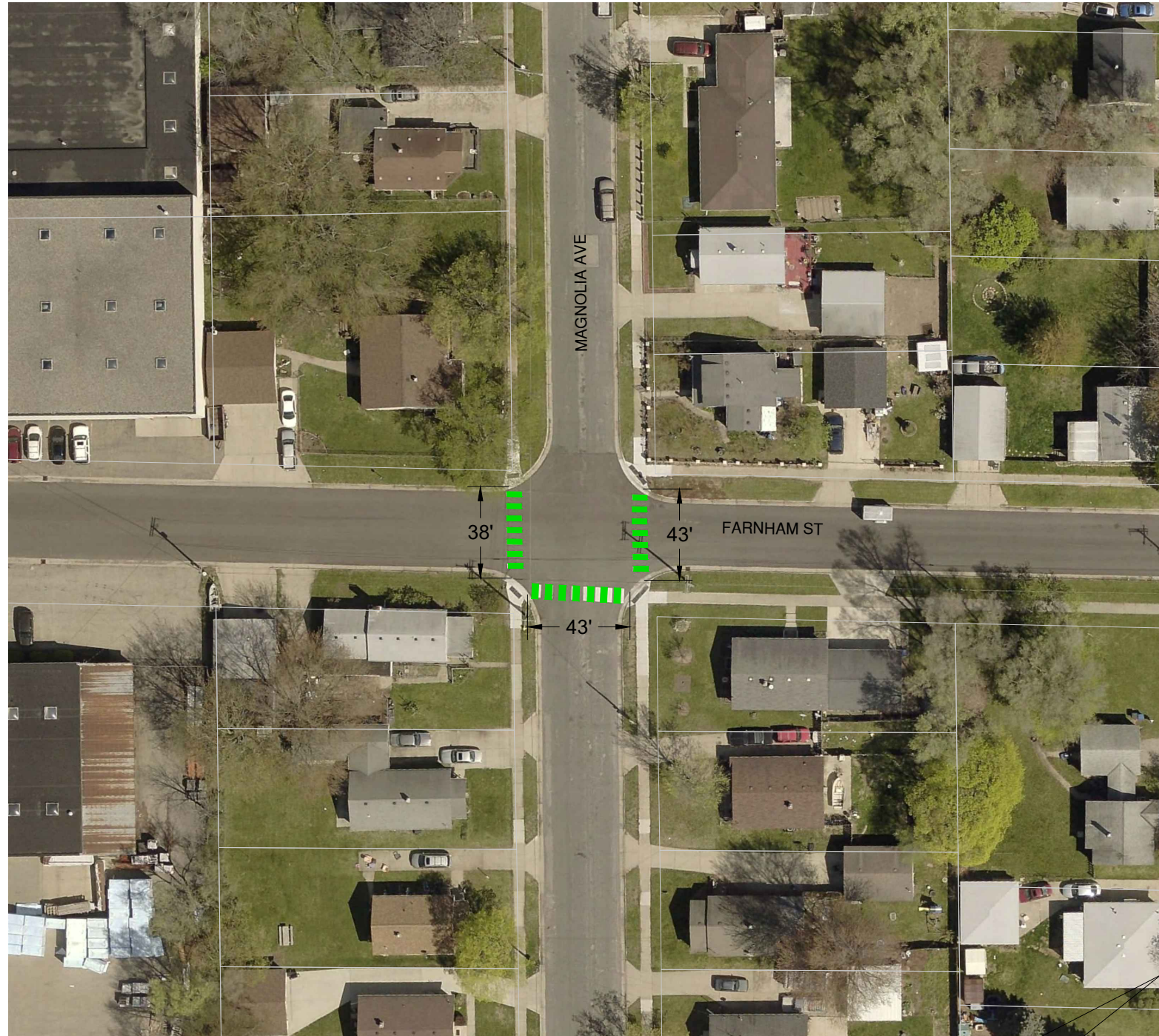


WHITE MATERIAL SHALL BE REFLECTIVE (TYP)

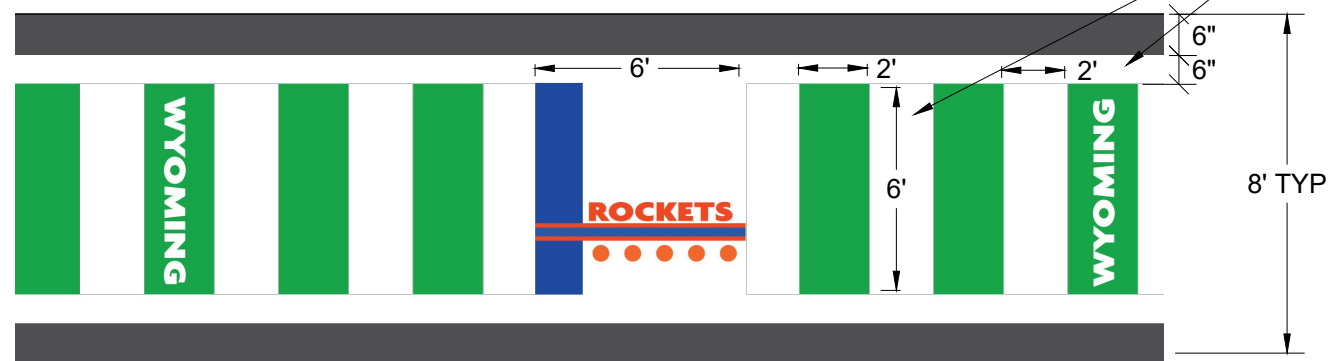


BUCHANAN AVE & 34th ST

<b>CITY OF WYOMING</b> ENGINEERING DEPARTMENT WYOMING, MICHIGAN			
<b>2021 CROSSWALK PROJECT</b>			
GODWIN BUCHANAN AVE AT 34th ST			
SCALE: VERT. 1" = 8'	ELECTRIC	GAS	TELEPHONE
HORIZ. 1" = 150'			CABLE TV
SYSTEM NO.	CITY MANAGER		
SA. NO.	CITY ENGINEER		
DRAWN BY KJM	DESIGN ENGINEER		
DESIGNED BY JJO			
CHECKED BY JJO			
1/4 SEC. NO.			
DATE DRAWN September 2021	FILE NO.		4



WHITE MATERIAL SHALL BE REFLECTIVE (TYP)



MAGNOLIA AVE & FARNHAM ST

<b>CITY OF WYOMING</b> ENGINEERING DEPARTMENT WYOMING, MICHIGAN				
<b>2021 CROSSWALK PROJECT</b> KELLOGGSVILLE MAGNOLIA AVE AT FARNHAM ST				
SCALE: VERT. 1" = NA	ELECTRIC	GAS	TELEPHONE	CABLE TV
HORIZ. 1" = 150'				
SYSTEM NO.	CITY MANAGER			
SA. NO.	CITY ENGINEER			
DRAWN BY KJM	DESIGN ENGINEER			
DESIGNED BY JJO				
CHECKED BY JJO				
1/4 SEC. NO.				
DATE DRAWN September 2021	<b>FILE NO.</b>			<b>5</b>

# CONTRACT FORM

Page 1 of 2

This Contract Form must be signed by the Bidder and provided as part of the Bid submittal. If the Bidder is selected, the Contract is approved by the City Council, the City receives all bonds, insurance and other required documents, the City Mayor, Clerk and Attorney will sign this contract form. A copy will be provided to the Contractor.

## City Standard Contract for 2021 Crosswalk Improvement Project.

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

"Contract Documents" means the bid together with the invitation to bid, bid specifications, city standard terms and conditions, plans, instructions to bidders, bid form, any prequalification submittals filed by the bidder, and other documents comprising of or required in the bid package, City Council resolution, insurance, and any required bonds.

"City" means the City of Wyoming, a Michigan municipal corporation, of 1155 28<sup>th</sup> Street SW, Wyoming, MI 49509.

"Contractor" means:

P.K. CONTRACTING, LLC  
LEGAL NAME OF COMPANY

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

LLC  
FORM OF BUSINESS and STATE IN WHICH FORMED -- e.g. partnership, corporation, limited liability company, professional corporation and the state in which it was formed

1965 BARRETT DR  
ADDRESS

TROY  
CITY

MI  
STATE

48084  
ZIP CODE

"Effective Date" means the day after the date the Contract is approved by the City Council and 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. Waived or modified specifications are as follows: None
4. 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.

**CONTRACT FORM, CONTINUED**

Page 2 of 2


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

**City of Wyoming**

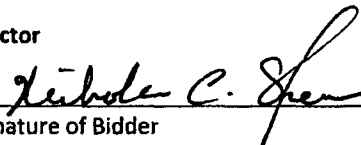
By: \_\_\_\_\_  
Jack A. Poll, Mayor

By: \_\_\_\_\_  
Kelli A. Vandenberg, City Clerk

Date signed: \_\_\_\_\_

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

**Contractor**

By:   
\_\_\_\_\_  
Signature of Bidder

\_\_\_\_\_  
Printed Name of Bidder  
**Nicholas C. Shea, Vice President**

\_\_\_\_\_  
Title

Date signed: 9.29.21

RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR AWARD OF BIDS

WHEREAS:

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

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bids for the listed items as recommended in the attached staff reports and summarized below.

Item	Recommended Bidder	Cost
Gate Valves	Core and Main	Bid prices as shown on the attached staff report.
Gravel and Blast Furnace Slag	Verplank Trucking Co.	Road Gravel \$12.50/ton Blast Furnace Slag \$18.00/ton
Waterworks Fittings	Core and Main	Bid prices as shown on the attached tabulation sheet.
Winter Mix Asphalt	Superior Asphalt Inc.	\$125.00/ton

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 October 4, 2021.

\_\_\_\_\_  
Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:  
Staff Reports  
Tabulation Sheets

Resolution No. \_\_\_\_\_

## STAFF REPORT

DATE: September 15, 2021

SUBJECT: Bid Award – Gate Valves

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: October 4, 2021

### RECOMMENDATION:

It is recommended that the City Council award the bid for gate valves to the low bidder, Core and Main, at the unit prices listed on the attached Bid Tabulation.

### COMMUNITY, SAFETY, STEWARDSHIP:

Gate valves are used to isolate sections of watermain that are being repaired or replaced throughout the City. It is important that these valves work properly to minimize water system disruptions. Replacing leaking gate valves also reduces the amount of treated drinking water that is unintentionally released into the environment.

### DISCUSSION:

On Tuesday, September 14, 2021, the City received three bids for gate valves. Sixty-seven invitations to bid were sent to prospective bidders. As indicated on the attached bid tabulation, Core and Main was the low bidder.

The Public Works Department replaces gate valves on water mains when they are found to be leaking or inoperable.

The Public Works Department is anticipating an estimated yearly total of \$13,000 for gate valves. The total estimated price is an increase of 15.5% from last year's bid.

### BUDGET IMPACT:

Sufficient funds are available in the Water Main Maintenance Account, 591-441-56200-930.000.

### BID TABULATIONS:

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR GATE VALVES - BID # 1952  
OPENED BY THE CITY CLERK ON SEPTEMBER 14, 2021 AT 11:00 A.M. O'CLOCK

Item Description	Estimated Quantity	Core and Main		Ferguson Enterprises		Kennedy Industries	
		Unit Price	Total	Unit Price	Total	Unit Price	Total
6" (Open Right/Left)	12	\$ 635.17	\$ 7,622.04	\$ 645.00	\$ 7,740.00	\$ 1,040.00	\$12,480.00
8" (Open Right/Left)	6	\$ 995.84	\$ 5,975.04	\$ 1,087.00	\$ 6,522.00	\$ 1,575.00	\$ 9,450.00
12" (Open Right/Left)	0	\$ 1,932.90	\$ -	\$ 2,013.00	\$ -	\$ 2,985.00	\$ -
<b>Grand Total:</b>		\$13,597.08		\$14,262.00		\$21,930.00	
<b>Brand Bid:</b>		East Jordan Iron Works		East Jordan Iron Works		American AVK	
<b># of days for deliveries from order:</b>		2-10 days		7-14 days		8-10 weeks	

## STAFF REPORT

DATE: September 15, 2021

SUBJECT: Bid Award – Gravel and Blast Furnace Slag

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: October 4, 2021

---

### **RECOMMENDATION:**

It is recommended that the City Council award the bid for road gravel at a unit price of \$12.50 per ton and blast furnace slag at a unit price of \$18.00 per ton to the only bidder, Verplank Trucking Co.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The City uses road gravel and blast furnace slag throughout the community for street and utility repairs. Use of road gravel and blast furnace slag, made from materials that are recycled and able to be recycled, reduces the consumption of natural resources and the disposal of concrete and other materials in landfills.

### **DISCUSSION:**

On Tuesday, August 31, 2021, the City received one bid for road gravel and blast furnace slag. Sixty-three invitations to bid were sent to prospective bidders. Verplank Trucking Co. submitted the only bid of \$12.50 per ton for road gravel and \$18.00 per ton for blast furnace slag.

The Public Works Department repairs streets damaged by weather or utility failures throughout the year. To make proper repairs, inferior and/or saturated materials must be removed from underneath the street surface. Road gravel and blast furnace slag is utilized in the repairs. The road gravel and blast furnace slag are transported to the City's Public Works facility where the material is stored for the street and utility repairs.

The City uses approximately 2,500 tons of road gravel and 1,500 tons of blast furnace slag each year for street and utility repairs. The Public Works Department is anticipating an estimated yearly total of \$31,000 for road gravel and \$27,000 for blast furnace slag. The unit price for road gravel is an increase of 4% from last year's bid. The unit price for blast furnace slag is an increase of 3% from last year's bid.

### **BUDGET IMPACT:**

Sufficient funds are available in the Sewer and Water Fund Maintenance Accounts: 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

### **ATTACHMENTS:**

Bid Tabulations – 8/31/21

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR GRAVEL AND BLAST FURNACE SLAG - BID # 1951  
OPENED BY THE CITY CLERK ON AUGUST 31, 2021 AT 11:00 A.M. O'CLOCK

<b>Bidder</b>	<b>Road Gravel 22-A, MDOT Per Ton</b>	<b>Blast Furnace Slag 22-A, MDOT Per Ton</b>
Verplank Trucking Co.	\$12.50	\$18.00

## STAFF REPORT

Date: September 15, 2021  
Subject: Bid Award – Waterworks Fittings  
From: Jodie Theis, Public Services Supervisor  
Meeting Date: October 4, 2021

---

### **RECOMMENDATION:**

It is recommended that the City Council award the bid for waterworks fittings to the low bidder, Core and Main, at the unit prices listed on the attached Bid Tabulation.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The use of waterworks fittings allows the Public Works Department to provide timely utility repairs without removal of significant portions of water mains, extensive excavation and costly restoration.

### **DISCUSSION:**

On Tuesday, September 14, 2021, the City received two bids for waterworks fittings. Seventy invitations to bid were sent to prospective bidders. Core and Main was the low bidder.

The Public Works Department utilizes waterworks fittings to repair damaged water mains throughout the City. Water main breaks can be caused by several factors, including age, freezing or thawing of soil, pipe corrosion, soil conditions, or ground movement.

The total price based on the estimated quantity is an increase of 24% from last year. The Public Works Department is anticipating an estimated yearly total of \$30,000 for waterworks fittings.

### **BUDGET IMPACT:**

Sufficient funds are available in the Water Fund Maintenance Account, 591-441-56200-775.000.

### **ATTACHMENTS:**

Bid Tabulations, September 14, 2021

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR WATERWORKS FITTINGS - BID # 1953

OPENED BY THE CITY CLERK ON SEPTEMBER 14, 2021 AT 11:00 A.M. O'CLOCK

Item Description	Est. Qty.	Core and Main LP				Ferguson Waterworks			
		Unit Price	Total (based on est. qty.)	Tyler Union Product	Star Pipe Product (Domestic)	Unit Price	Total (based on est. qty.)	Tyler Union Product	Star Pipe Product (Domestic)
<b>SLEEVES</b>									
20" x 15"	2	\$1,942.86	\$3,885.72	X		\$2,023.00	\$4,046.00	X	
24" x 15"	2	\$3,301.10	\$6,602.20	X		\$3,128.00	\$6,256.00	X	
6" x 12"	10	\$294.87	\$2,948.70	X		\$267.00	\$2,670.00	X	
8" x 12"	10	\$381.55	\$3,815.50	X		\$353.00	\$3,530.00	X	
12" x 12"	6	\$780.71	\$4,684.26	X		\$784.00	\$4,704.00	X	
16" x 15"	2	\$1,522.13	\$3,044.26	X		\$1,478.00	\$2,956.00	X	
6" x 12" Sleeve, oversized	4	\$401.66	\$1,606.64	X		\$388.00	\$1,552.00	X	
8" x 12" Sleeve, oversized	4	\$521.34	\$2,085.36	X		\$500.00	\$2,000.00	X	
12" x 12" Sleeve, oversized	4	\$1,023.18	\$4,092.72	X		\$1,101.00	\$4,404.00	X	
16" x 15" Sleeve, oversized	2	\$2,657.80	\$5,315.60	X		\$2,763.00	\$5,526.00	X	
20" x 15" Sleeve, oversized	2	NO BID				\$2,422.00	\$4,844.00	X	
24" x 15" Sleeve, oversized	2	NO BID				\$3,677.00	\$7,354.00	X	
<b>ITEMS FOR "D" VALVE BOXES</b>									
3 Piece "D" Valve Boxes	75	\$214.17	\$16,062.75	X		\$206.00	\$15,450.00	X	
6" Valve Box Extension	20	\$53.36	\$1,067.20	X		\$52.00	\$1,040.00	X	
14" Valve Box Extension	10	\$52.65	\$526.50	X		\$51.02	\$510.20	X	
18" Valve Box Extension	10	\$62.74	\$627.40	X		\$60.49	\$604.90	X	
24" Valve Box Extension	10	\$63.46	\$634.60	X		\$60.69	\$606.90	X	
Top Section	20	\$85.82	\$1,716.40	X		\$83.48	\$1,669.60	X	
Mid Section	10	\$66.34	\$663.40	X		\$64.00	\$640.00	X	
Base Section	0	\$46.88	\$0.00	X		\$45.78	\$0.00	X	
<b>CUT-IN SLEEVE</b>									
6"	20	\$603.53	\$12,070.60	X		\$646.00	\$12,920.00	X	
8"	10	\$780.91	\$7,809.10	X		\$835.00	\$8,350.00	X	
12"	6	\$1,275.55	\$7,653.30	X		\$1,347.00	\$8,082.00	X	
<b>EBAA MEGALUG SERIES 1100 (Kit to include: Gland, Nuts, Bolts and Rubber Gasket)</b>									
6" Megalugs Gland Kit	20	\$43.37	\$867.40	EBA A		\$49.76	\$995.20	EBA A	
8" Megalugs Gland Kit	20	\$57.56	\$1,151.20	EBA A		\$66.48	\$1,329.60	EBA A	
12" Megalugs Gland Kit	10	\$110.57	\$1,105.70	EBA A		\$125.48	\$1,254.80	EBA A	
16" Megalugs Gland Kit	4	\$198.28	\$793.12	EBA A		\$209.48	\$837.92	EBA A	
20" Megalugs Gland Kit	4	\$322.97	\$1,291.88	EBA A		\$338.48	\$1,353.92	EBA A	
24" Megalugs Gland Kit	4	\$439.49	\$1,757.96	EBA A		\$461.45	\$1,845.80	EBA A	
Total for estimated quantities:		\$93,879.47				\$95,134.84			
State number of days required for deliveries from date of receipt of orders:		2-10 Days				7-14 Days			
Is there a location within 15 miles to the City of Wyoming limits available for 24/7 Emergency Purchases?		Yes				Yes			

## STAFF REPORT

DATE: September 15, 2021

SUBJECT: Bid Award – Winter Mix Asphalt

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: October 4, 2021

---

### **RECOMMENDATION:**

It is recommended that the City Council award the bid for permanent winter hot mix and winter cold mix UPM asphalt to Superior Asphalt Inc. at a unit price of \$125.00 per ton for both the hot mix and the cold mix asphalt for the 2021-2022 winter season.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

The use of winter mix asphalt allows the Public Works Department to provide high quality street repairs throughout the winter season. Winter mix asphalt is made from materials that are recycled and able to be recycled, reducing the consumption of natural resources and the dumping of asphalt materials in landfills.

### **DISCUSSION:**

On Tuesday, September 14, 2021, the City received two bids for winter mix asphalt. Thirty-one invitations to bid were sent to prospective bidders. As indicated on the attached bid tabulation, Superior Asphalt Inc. was the low bidder.

It is anticipated that the Public Works Department will use approximately 300 tons of permanent winter hot mix asphalt and approximately 300 tons of winter cold mix UPM asphalt during the 2021–2022 winter season. The cost of the permanent winter hot mix asphalt will be \$125.00 per ton, at an estimated total cost of \$37,500.00 and the cost of the winter cold mix UPM asphalt will be \$125.00 per ton, at an estimated total cost of \$37,500.00. There is no change in unit price from last year.

### **BUDGET IMPACT:**

Sufficient funds are available in the street, sewer and water maintenance accounts, 202-441-46300-775.000, 202-441-47800-740.000, 203-441-46300-775.000, 203-441-47800-740.000, 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

### **ATTACHMENTS:**

Bid Tabulations – 9/14/21

City of **Wyoming** Michigan

TABULATION OF BIDS  
FOR WINTER MIX ASPHALT - BID # 1954  
OPENED BY THE CITY CLERK ON SEPTEMBER 14, 2021 AT 11:00 A.M. O'CLOCK

<b>Bidder</b>	<b>Winter Cold Mix Asphalt (UPM) Per Ton</b>	<b>Permanent Winter Hot Mix Asphalt (HMA) Per Ton</b>
A-1 Asphalt, Inc.	No Bid	\$135.00
Superior Asphalt Inc	\$125.00	\$125.00

ORDINANCE NO. 23-21

ORDINANCE TO AMEND CHAPTER 2, ARTICLE III OF THE CODE OF ORDINANCES  
TO ADD DIVISION 6 TO PROVIDE FOR BOARD OF REVIEW MEMBERSHIP AND  
ACTION IN ACCORDANCE WITH STATE LAW

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 2, Article III of the Code of Ordinances, City of Wyoming, Michigan, is amended by adding Division 6 to read as follows:

**DIVISION 6. – BOARD OF REVIEW.**

**Sec. 2-221. – Board of Review Membership, Quorum.**

(1) Pursuant to section 28 of the general property tax act, 1893 PA 206, MCL 211.28, the city's board of review shall be comprised of 3 members and 2 alternate members appointed by the city council.

(a) All members must be city electors.

(b) Two of the three regular members and both alternate members must be property taxpayers of the city.

(c) No council member may serve on the board of review.

(d) A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the city assessor may not serve on the board of review or fill any vacancy.

(2) An alternate member may be called to perform the duties of a regular member of the board of review in the absence of the regular member. An alternate member may also be called to perform the duties of a regular member of the board of review for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

(3) At least 2 members (who may be one or more regular members and/or one or more alternates performing in the absence of a regular member) must be present to conduct any business or hearings of the board of review.

(4) A majority of the 3-member board of review (who may be one or more regular members and/or one or more alternates performing in the absence of a regular member) shall indorse the assessment roll as provided in section 30 of the general property tax act, 1893 PA 206, MCL 211.30. The duties and responsibilities of the board contained in section 29 of the general property tax act, 1893 PA 206, MCL 211.29, shall be carried out by a majority of the 3-member board of review (who may be one or more regular members and/or one or more alternates performing in the absence of a regular member) and a majority constitutes a quorum for those purposes.

Section 2. 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. 23-21

## STAFF REPORT

Date: September 16, 2021  
Subjects: Board of Review Ordinance  
From: Scott Engerson, Assessor, and Scott Smith, City Attorney  
Meeting Date: October 4, 2021

---

### **RECOMMENDATION:**

Adopt the Ordinance to Amend Chapter 2, Article III of the Code of Ordinances, City of Wyoming to Add Division 6 to Provide for Board of Review Membership and Action in Accordance with State Law.

### **COMMUNITY, SAFETY, STEWARDSHIP:**

Community – Community is advanced by providing board membership that fits within the guidance provided by state law, particularly when it allows for greater participation in those boards.

Safety – Safety is not affected by this proposed ordinance.

Stewardship – The proposed ordinance will minimize the numbers of persons traditionally involved in the board of review process, reduce staff and council member time needed to recruit from a limited pool of available persons, and possibly enhance the efficiency of board of review training and meetings.

### **BUDGET IMPACT:**

The proposed amendments will not impact the budget.

### **DISCUSSION:**

Currently, board of review membership is specified by section 9.6 of the City Charter that provides, in pertinent part:

The Board of Review shall be composed of three freeholders of the city, to be appointed by a majority vote of the City [Council] .... One shall be a licensed realtor, one shall be a certified public accountant or public accountant, and one shall meet the eligibility requirements for elective officers contained in Section 5.1 of this charter. ... [N]o such member shall be a city officer or employee or be a nominee or candidate for elective city office. ...

There is no provision for alternate members to serve in the absence of a regular member. When, during the last economic downturn, there were a lot of property tax valuation appeals, the city created a second board of review to address those appeals. Under State Tax Commission requirements, members of the two boards of review cannot cross-over to serve on the other board in case of absences.

This has resulted in a need to recruit members for two boards of review who meet the exacting criteria in this Charter provision. It has been difficult to recruit realtors and accountants. Moreover, the requirement that all members be property owners prevents participation by an increasingly portion of the city's population who either choose not to own their homes or find it hard to do so.

Subsection 28(4) of the general property tax act, 1893 PA 206, MCL 211.28(4), allows the City Council, by ordinance (adopted in place of a charter provision) to establish its board of review in the same manner as described in that section for townships. Changes would (i) result in a single 3-member board of review, with the option to have up to three 3-member boards if an influx of appeals occurred, (ii) provide for 2 alternate members who can serve in place of a regular member who is absent or who has a conflict of interest, (iii) allow one member who is not a city taxpayer, (iv) require all members to be city electors, (v) eliminate the requirement that members have certain professional backgrounds (though the Council could still seek persons with those or related backgrounds) and (vi) otherwise comply with the quorum and other requirements of section 28 of the general property tax act. In short, it should provide the needed flexibility in appointing members, scheduling meetings, and conducting business.

ORDINANCE NO. 24-21

ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF ORDINANCES  
BY ADDING SUBSECTION (131) TO REZONE 5340 CLYDE PARK AVE SW AND  
777 54<sup>TH</sup> ST SW FROM B-1 TO B-2

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is amended by adding subsection (131) to read as follows:

- (131) To rezone the following described properties at 5340 Clyde Park Ave SW (PP# 41-17-36-101-048) and 777 54<sup>th</sup> ST SW (PP# 41-17-36-10) from B-1 Local Business District to B-2 General Business District

DESCRIPTION:

5340 CLYDE PARK AVE SW:

THAT PART OF THE NORTHWEST 1/4, SECTION 36, TOWN 6 NORTH, RANGE 12 WEST, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 36; THENCE SOUTH 00 DEGREES 20 MINUTES 27 SECONDS EAST 896.04 FEET ALONG THE WEST LINE OF SAID NORTHWEST 1/4; THENCE SOUTH 88 DEGREES 05 MINUTES 57 SECONDS EAST 50.04 FEET ALONG THE NORTH LINE OF THE SOUTH 430.00 FEET OF THE NORTHWEST 1/4 OF SAID NORTHWEST 1/4 TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 88 DEGREES 05 MINUTES 57 SECONDS EAST 287.96 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 27 SECONDS WEST\* 146.18 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 33 SECONDS WEST 287.74 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 27 SECONDS WEST 157.44 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF CLYDE PARK AVENUE TO THE PLACE OF BEGINNING.

777 54<sup>th</sup> ST SW:

PART OF NW 1/4 COM 1055.44 FT S 0D 20M 27S E ALONG W SEC LINE & 50.0 FT N 89D 39M 33S E FROM NW COR OF SEC TH N 89D 39M 33S E 287.74 FT TH S 0D 20M 27S E 149.62 FT TH S 53D 59M 33S W 79.95 FT TH S 0D 20M 27S E 35.0 FT TO NLY LINE OF 54TH ST TH N 88D 05M 57S W ALONG SD NLY LINE 212.96 FT TH N 44D 13M 12S W 14.42 FT TO E LINE OF CLYDE PARK AVE TH N 0D 20M 27S W 212.52 FT TO BEG \* SEC 36 T6N R12W 1.42 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

September 28, 2021

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Request for rezoning from B-1 Local Business to B-2 General Business at 5340 Clyde Park Avenue SW (Section 36) (QCW Enterprises, LLC) and 777 54th Street SW (Section 36) (Wyoming Planning Staff)

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 September 21, 2021. A motion was made by Hegyi, supported by VanDuren, to approve the request for rezoning 5340 Clyde Park Ave SW and 777 54<sup>th</sup> ST SW from B-1 Local Business to B-2 General Business and recommend the same to City Council. The motion passed unanimously.

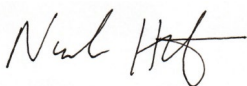
A detailed review of the request is available in the attached Planning Commission minutes and supportive materials. Following please find some general information.

QCW Enterprises, LLC proposes to rezone the parcel at 5340 Clyde Park Ave. SW to a B-2 General Business zone district to permit for a Tommy's carwash 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. Additionally, staff recommended that the adjacent south parcel, 777 54<sup>th</sup> ST SW, also be rezoned to the B-2 zone district. The rezoning of both parcels is supported by the future land use map and creates continuity of the B-2 district on that corner.

Planning Commissioners agreed that the requested rezone was in alignment with the city's adopted master plan and future land use map. No members of the public spoke during the public hearing or submitted comments to the Commission.

Respectfully submitted,



Nicole Hofert, Director  
Department of Planning and Economic Development

community • safety • stewardship

CITY COUNCIL

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

**Jack A. Poll, Mayor**

Cc: Curtis Holt, City Manager

8-18-2021

This letter is to serve as communication of our support of the change of zoning of our property located at 5340 Clyde Park SW to B-2 zoning. We are in full support of this revised zoning status and appreciate the assistance of all involved in processing this modification of the current zoning.

Sincerely,

A handwritten signature in black ink, appearing to read "Norm Buffum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Norm Buffum, Clyde Park Plaza Investments LLC

# REZONE REQUEST

5340 Clyde Park Avenue, SW  
for Tommy's Express

## **DESCRIPTION OF THE PROPOSED USE/REQUEST:**

QCW Enterprises, LLC (Quality Car Wash Enterprises) has a purchase agreement in place for the above-referenced property. QCW requests a rezone of the property from B-1 to B-2. Pending rezone of the property to B-2, QCW will propose a new Tommy's Express car wash facility on the property, which is allowed as a special land use in the B-2 district. A conceptual site plan is included with the rezone request, for information only (and not for site plan approval at this time, as that comes after the rezone of the property). The proposed project will consist of the demolition of the existing pavement on the site and the construction of a new vehicle wash establishment consisting of an approximate 4,553 sf building and related parking/drives.

K:\21400893\OUTGOING\Rezone\Narrative.DOC

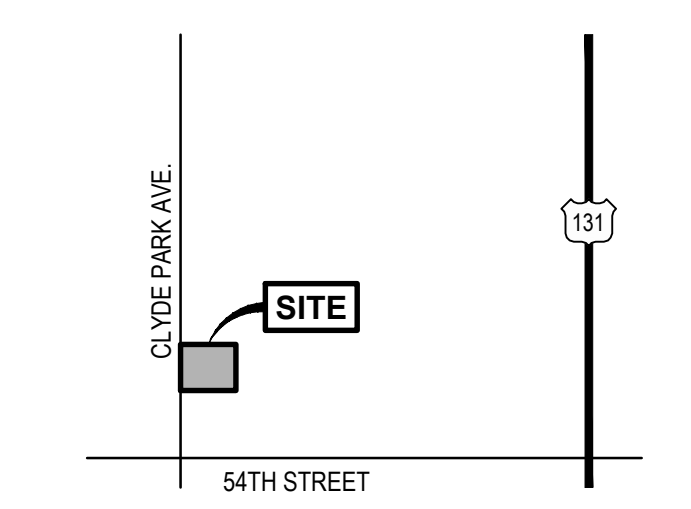
**BENCHMARKS**

**BENCHMARK A** ELEV. = 667.13 (NAVD88)  
 Southeast flange bolt under "E" to hydrant, located 45± East of the centerline of Clyde Park Avenue and second hydrant North of 54th Street in front of Oriental Asian Buffet restaurant. (1.2' A.G.L.)

**BENCHMARK B** ELEV. = 670.97 (NAVD88)  
 Set chiseled square on North side of concrete light pole base, located East of centerline of Clyde Park Avenue and South of our South property line.

**STRUCTURE INFORMATION**

<b>Catch Basin #23</b> 4' Structure Rim Elev. = 665.12 12" Plastic (W) = 661.87 Water = 662.07	<b>Catch Basin #26</b> 4' Structure Rim Elev. = 667.69 12" Plastic (N) = 663.29 12" Plastic (ENE) = 663.54 Water = 663.39	<b>Catch Basin #348</b> 4' Structure Rim Elev. = 664.19 18" (N) = 658.79 10" (NE) = 658.79 Water = 658.79
<b>Catch Basin #25</b> 4' Structure Rim Elev. = 666.38 12" Plastic (E) = 658.13 12" Plastic (W) = 658.78 12" Plastic (S) = 659.78 Water = 658.68	<b>Catch Basin #27</b> 4' Structure Rim Elev. = 667.32 12" Plastic (WSW) = 663.87 8" PVC (SE) = 664.1± Water = 663.92 *No access	



**NEDERVELD**  
 www.nederveld.com  
 800.222.1668  
**GRAND RAPIDS**  
 217 Grandville Ave., Suite 302  
 Grand Rapids, MI 49503  
 Phone: 616.575.5190  
 ANN ARBOR  
 CHICAGO  
 COLUMBUS  
 HOLLAND  
 INDIANAPOLIS  
 ST. LOUIS

**PREPARED FOR:**  
 QCW Enterprises, LLC  
 Attention: Mandi Brower  
 661 E Lakewood Boulevard  
 Holland, MI 49424  
 Phone: 616.795.4979

**REVISIONS:**  
 Title: Rezoning Plan  
 Drawn: SW Checked: SW Date: 08/17/21

**LEGEND**

AC	Air Conditioner	S	Sign
△	Benchmark	SS	Sanitary Sewer Manhole
○	Catch Basin - Round	U	Utility Pole
⊖	Culvert	W	Wetland Marker
GM	Gas Meter	WV	Water Valve
G	Gas Riser	G	Gas
GA	Guy Anchor	OH	Overhead Utility
H	Hydrant	X-X	Fence
IF	Iron - Found	T	Tree
MFG	Miss Dig Flag - Gas	AS	Asphalt
P	Post	C	Concrete
PR	Phone Riser	EB	Existing Building
SB	Soil Boring		

**REZONE GENERAL NOTES**

- CURRENT ZONING OF SUBJECT PARCEL = B-1  
 PROPOSED ZONING OR SUBJECT PARCEL = B-2 - GENERAL BUSINESS DISTRICT
- B-2 ZONING REQUIREMENTS:  
 MINIMUM LOT AREA = 6,300 SF  
 MINIMUM LOT WIDTH = 65 FT  
 MAXIMUM BUILDING HEIGHT = 35 FT  
 MAXIMUM LOT COVERAGE (BUILDING) = 40%  
 MINIMUM ALLOWED BUILDING SETBACKS:  
 FRONT YARD = 25 FT  
 SIDE YARD = 0 FT  
 REAR YARD = 30 FT
- SUMMARY OF LAND USE:  
 A) AREA OF SITE = 43,682 SF (1.00 AC) (EXCLUDING R.O.W.)  
 B) ZONING OF SURROUNDING PARCELS = B-1 TO NORTH, SOUTH & WEST  
 C) THE PREFERRED END USE OF THE PROPERTY IS FOR A CASH WASH FACILITY.
- THE SITE IS CURRENTLY USED AS A PARKING LOT.
- THIS PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS.
- UTILITIES SHOWN APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED AS EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
- THE PERMANENT PARCEL NUMBER OF THE PARENT PARCEL IS 41-17-36-101-048.  
 THE ADDRESS OF THE PARENT PARCEL IS 5340 CLYDE PARK AVENUE.
- CROSS ACCESS EASEMENTS EXIST AND/OR WILL BE PROVIDED BETWEEN THE SITE AND THE SURROUNDING PROPERTY.

**TITLE INFORMATION**

The Title Description and Schedule B items hereon are from Lighthouse Title Group, File No.: CCU21-07289790, dated July 20, 2021.

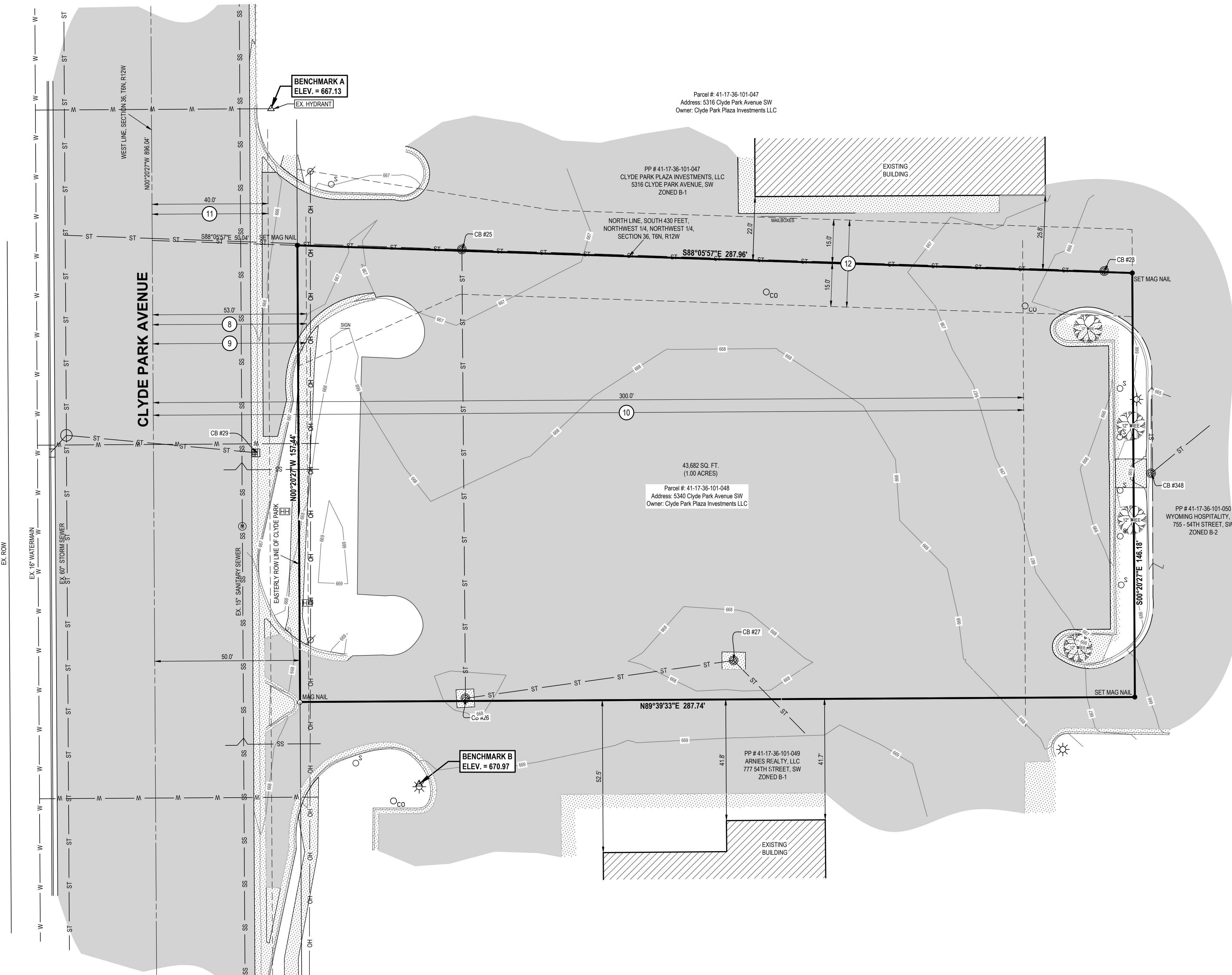
**TITLE DESCRIPTION**

The land referred to in this commitment, situated in the City of Wyoming, County of Kent, and State of Michigan, is described as follows:

That part of the Northwest 1/4, Section 36, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, described as: Commencing at the Northwest corner of Section 36; thence South 00 degrees 20 minutes 27 seconds East 896.04 feet along the West line of said Northwest 1/4; thence South 88 degrees 05 minutes 57 seconds East 50.04 feet along the South 430.00 feet of the South 430.00 feet of the North line of the South 430.00 feet of the North line of the South 430.00 feet of the North line of the PLACE OF BEGINNING of this description; thence South 88 degrees 05 minutes 57 seconds East 237.96 feet; thence South 00 degrees 20 minutes 27 seconds West 146.18 feet; thence South 89 degrees 33 minutes 33 seconds West 287.74 feet; thence North 00 degrees 20 minutes 27 seconds West 157.44 feet along the Easterly right of way line of Clyde Park Avenue to the place of beginning.

**SCHEDULE B - SECTION II NOTES**

- Easement granted to Consumers Power Company disclosed by instrument recorded in Liber 58 of Miscellaneous Records, Page 404, Kent County Records. **The easement described in this document is a blanket easement. The route described in this document is shown on this survey.**
- Easement granted to Consumers Power Company disclosed by instrument recorded in Liber 58 of Miscellaneous Records, Page 407, Kent County Records. **The easement described in this document is a blanket easement. The route described in this document is shown on this survey.**
- Easement granted to Consumers Power Company disclosed by instrument recorded in Liber 89 of Miscellaneous Records, Page 407, Kent County Records. **The easement described in this document is a blanket easement. The route described in this document is shown on this survey.**
- Terms, covenants, restrictions, conditions, and other provisions as contained in the Release of Right of Way recorded in Liber 159 of Miscellaneous Records, Page 537, Kent County Records. **The 40' Release of Right of Way described in this document is shown on this survey.**
- Terms, covenants, restrictions, conditions, and other provisions as contained in the Ingress, Egress and Joint Driveway Agreement recorded in Liber 3936, Page 300, Kent County Records. **The easements described in this document are shown on this survey.**



**811 Know what's below. CALL before you dig.**

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLANT" WERE OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

**TOMMY'S EXPRESS**  
**Rezoning Plan**  
 5340 Clyde Park Ave SW  
 PART OF THE NORTHWEST 1/4 OF SECTION 36, T6N, R12W,  
 CITY OF WYOMING, KENT COUNTY, MICHIGAN

**STAMP:**

**PROJECT NO:**  
 21400893

**SHEET NO:**  
**C-200**  
**SHEET: 1 OF 1**

A vote on the motion carried unanimously.

AGENDA ITEM NO. 2

Request to approve a rezoning from B-1 Local Business to B-2 General Business at 5340 Clyde Park Avenue SW (Section 36) (QCW Enterprises, LLC) and 777 54<sup>th</sup> Street SW (Section 36) (Wyoming Planning Staff).

Meagher explained that 5340 Clyde Park Ave is vacant and 777 54<sup>th</sup> has a restaurant. He outlined the various uses of the surrounding land.

Meagher stated that the applicant proposes to rezone 5340 Clyde Park Avenue SW to a B-2 General Business zoning district to permit a Tommy's Express Wash to be built. Planning Staff is requesting that 777 54<sup>th</sup> Street SW also be rezoned to B-2 General Business to ensure zoning district continuity throughout the northeast corner of the Clyde Park Avenue/54<sup>th</sup> Street intersection. The adjacent parcel to the east (755 54<sup>th</sup> Street SW) is already zoned B-2. Meagher stated that this rezoning request also aligns with the future land use map.

Meagher shared that the applicant representing 5340 Clyde Park Avenue SW has submitted a conceptual site plan for discussion and reference purposes only. If a rezoning at the site is approved, a proposed car wash use would need to return to Planning Commission for special use and site plan approval.

Meagher explained that unlike other zoning procedures such as special use approval, site plan review, or planned unit development, 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 both parcels to be planned for "Corridor Commercial" uses. The proposed rezonings would remain consistent with this commercial vision.

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

The proposed B-2 zoning designations would be consistent with the existing and desired future land uses. The zoning district could provide opportunity for additional commercial uses that would complement the existing uses within an already heavily commercialized corridor. All uses currently permitted on both parcels would still be permitted under the new B-2 zoning designation.

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*

Car washes are only permitted in B-2 zoning districts following special use approval. The rezoning would allow for all currently permitted uses to still be permitted, but with additional opportunity for other commercial uses, such as a car wash, to be enjoyed.

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

The two parcels are located at the intersection of two arterial streets near one of the City's largest commercial shopping centers. There are no residential districts adjacent to the sites. It is expected that all uses permitted within the B-2 zoning district would be considered appropriate within this already heavily commercialized corridor.

Meagher shared that the Development Review Team recommends that the Planning Commission recommend to City Council approval of the rezoning requests for 5340 Clyde Park Avenue SW and 777 54<sup>th</sup> Street SW.

Micele asked for comment from the developer.

Steve Witte, Nederveld Inc., 217 Grandville Ave STE 302, introduced himself and stated that Mandy Brower from QCW Enterprises was also in attendance. Witte presented some background information about QCW and Tommy's Express Carwash and noted that he is available for comments.

Micele opened and closed the public hearing at 7:21pm following no comments.

A motion was entered by Hegyi, supported by VanDuren, to recommend approval to the City Council for the rezoning request from B-1 to B-2 at 5340 Clyde Park Avenue SW and 777 54<sup>th</sup> Street SW.

DeLange stated that he thinks that a carwash will do well at the 5340 Clyde Park Ave location.

There was conversation regarding the conceptual plan from Tommy's Express Wash.

Micele asked if a traffic study was performed at the intersection of U.S. 131 and Clyde Park.

Hofert stated that there have been multiple traffic studies performed in the area because Engineering is working with MDOT to modify the approach coming off of U.S.131 at 54<sup>th</sup> St. The City will require Tommy's Express to provide information on peak vehicle times, number of

vehicles, etc. Engineering will make the decision if another traffic study is required during site plan review.

There was conversation regarding the timing of the streetlights.

Weller asked if a gas station could be constructed at the 777 54<sup>th</sup> St location in the future because of the zoning change.

Hofert explained that with B-2 zoning a gas station would be allowed with special use approval.

Weller stated that he thinks that the carwash is a great use for the 5340 Clyde Park location, but he has concerns about traffic in the area.

Hall asked if staff received feedback from the vacant business at 777 54<sup>th</sup> St-Ber City Bread.

Hofert stated that staff sent a personal letter regarding this request to the current owner and did not hear back. She reaffirmed that the current use of the property is permitted in the B-2 zone district.

There was conversation about shared access easement on the conceptual site plan.

A vote on the motion carried unanimously.

### AGENDA ITEM NO. 3

Request to approve a revised Overall Development Plan for Metro Health Village Districts B, C, D, and E (rev. August 19, 2021) (Section 34) (Metro Health Village LLC).

Hofert explained that the campus was first approved as a planned healthcare district in 2003. At that time a PUD-3 submittal was made to the City by Metropolitan Hospital that outlined the anticipated uses and growth of the campus overtime. A revised ODP District A plan was presented and accepted by Planning Commission and City Council earlier this year. This final submittal completes the updated ODP and includes the remaining B, C, D and E districts.

Hofert outlined the development standards in the amended ODP for Districts B, C, D and E. She stated that the revised ODP asks for a series of changes from the original PUD. Namely these changes are related to deviations in development standards, notably height and setback requirements.

The proposed ODP for Districts B, C, D, and E includes the following proposed standards for development (found on page 9):

ORDINANCE NO. 25-21

ORDINANCE TO AMEND CHAPTER 2, ARTICLE III, DIVISION 4, SECTION 2-200 OF THE  
CODE OF ORDINANCES ESTABLISHING AND PROVIDING FOR THE AUTHORITY  
AND DUTIES OF THE PLANNING COMMISSION

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 2, Article III, Division 4, Section 2-200 of the Code of the City of Wyoming, Michigan, is amended to read as follows:

**DIVISION 4. - PLANNING COMMISSION**

**Sec. 2-200. - Officers; meetings; voting; bylaws; recordkeeping; annual report.**

(1) The planning commission shall schedule at least one regular meeting each calendar month and hold that meeting unless (i) there is no business to be conducted at the meeting, (ii) the meeting is rescheduled to attain a quorum, (iii) the meeting is cancelled or rescheduled due to inclement weather or other circumstance impairing attendance or making it unsafe to attend. Special meetings may be called by the chairperson or any two planning commissioners. Unless approved by the mayor, the planning commission shall not schedule meetings at times that conflict with city council meetings.

(2) Meetings shall be held in compliance and notice of meetings provided in accordance with the Open Meetings Act and may be held virtually or partially in-person and partially virtually as may be permitted under the Open Meetings Act and other applicable law.

(3) Planning commission records shall comply with the Open Meetings Act and shall be maintained and be available to others as provided in the Freedom of Information Act.

(4) At its first meeting in the month of July each year, the planning commission shall elect (a) one planning commissioner (who may not be an ex officio member) to serve as its chairperson for a 1-year term with opportunity for reelection, (b) one planning commissioner to serve as secretary for a 1-year term with opportunity for reelection, and (c) one planning commissioner to fill each of such other offices as the planning commission may determine in its bylaws to create.

(5) The planning commission shall adopt bylaws for the transaction of its business.

(6) The planning commission shall make an annual written report to the city council concerning its operations and the status of planning activities, including recommendations for regarding actions for the city council related to planning and development.

(7) A majority of the planning commissioners appointed and serving constitutes a quorum of the planning commission. Unless a greater vote is required by applicable law or a bylaw for any action (such a vote by 2/3 of the planning commission for approval of a master plan or an amendment to a master plan) an affirmative vote of the planning commission shall require a majority of the quorum that is present (or properly participating remotely).

Section 2. 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. 25-21

September 28, 2021

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Revisions to Division 4 – Planning Commission, of the Code of Ordinances

Recommendation: To approve the subject request

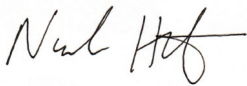
Dear Ms. VandenBerg,

Earlier this summer Planning Commission and City Council reviewed and approved revisions to Division 4 – Planning Commission, of the Code of Ordinances. Last month while preparing for Planning Commission elections for Chair, Vice Chair, and Secretary, staff became aware that the planning ordinance omitted language for the election of a vice-chair in Section 2-200. A revision was drafted by staff and reviewed by the Wyoming Planning Commission at its regular meeting on September 21, 2021.

The proposed revision adds language that allows for the election of officers as outlined in the bylaws.

The Planning Commissioners unanimously supported the revised language.

Attached please find a detailed review of the Planning Commission discussion as well as the revised Division 4, Section 2-200.



Nicole Hofert, Director  
Department of Planning and Economic Development

Cc: Curtis Holt, City Manager

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CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**

**Sec. 2-200. - Officers; meetings; voting; bylaws; recordkeeping; annual report.**

(1) The planning commission shall schedule at least one regular meeting each calendar month and hold that meeting unless (i) there is no business to be conducted at the meeting, (ii) the meeting is rescheduled to attain a quorum, (iii) the meeting is cancelled or rescheduled due to inclement weather or other circumstance impairing attendance or making it unsafe to attend. Special meetings may be called by the chairperson or any two planning commissioners. Unless approved by the mayor, the planning commission shall not schedule meetings at times that conflict with city council meetings.

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(7) A majority of the planning commissioners appointed and serving constitutes a quorum of the planning commission. Unless a greater vote is required by applicable law or a bylaw for any action (such a vote by 2/3 of the planning commission for approval of a master plan or an amendment to a master plan) an affirmative vote of the planning commission shall require a majority of the quorum that is present (or properly participating remotely).

- 1.) An amendment to the master deed must be filed with Kent County Register of Deeds for future development.
- 2.) Developer must modify diagram showing Walking Distance Level of Service radii on page 14 from building entry points (not the center of the building).
- 3.) Metro Health Village Property, Building and Parking Data table on page 24 has several inaccurate parking numbers. Please provide an updated table and map with numbers corresponding to actual provided spaces in each parking lot.

Examples:	Table	Table	<i>Existing</i>
Unit	Parking Required	Parking Provided	<i>Actual Parking</i>
10	754	754	<i>1,044</i>
14	34	34	<i>35</i>
16	622	178	<i>174</i>
28	0	444	<i>213</i>
33	80	80	<i>77</i>

- 4.) Developer must provide “maintenance of parking” explanation on how parking ramps will be constructed in existing parking areas.

Randy Pease, Integrated Architecture, 840 Ottawa Ave NW, introduced himself and presented a history of the site.

A motion was entered by Weller, supported by Zapata, to approve the amended ODP request for Metro Health Village Districts B, C, D, and E and recommend the same to the City Council subject to conditions 1-4.

A vote on the motion carried unanimously.

NEW BUSINESS

AGENDA ITEM NO. 4

Planning Ordinance Division 4, Section 2-200

Hofert explained that there was an error in the Division 4 Planning Ordinance that was recently presented to Planning Commission and adopted by Council. When preparing for the Planning Commission elections last month staff became aware that the planning ordinance omitted language for the election of a vice-chair. Hofert said that the Planning Commissions’ bylaws call

for the election of a chair, vice chair, and secretary. The revised version incorporates language to align with the bylaws.

A motion was entered by DeLange, supported by Hall, to confirm that the information was presented and Planning Commission is supportive to move forward with the adoption of the revised Section 2-200 language at City Council.

A vote on the confirmation carried unanimously.

Chair Micele asked the Commissioners if they had anything they wanted to share with the commission.

DeLange thanked Goodheart for his expertise on site plans.

Zapata thanked everyone for being so welcoming.

Hofert reminded the commissioners about the joint training session on October 18, 2021 and the additional planning training that will take place at their meeting on the 19<sup>th</sup>.

#### ADJOURNMENT

The meeting was adjourned at 8:38 pm.

---

Audrey Zapata, Secretary  
Wyoming Planning Commission

---

Ashley Dent, Recording Secretary  
Wyoming Planning Commission