

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, MAY 16, 2022, 7:00 P.M.**

**1) Call to Order**

**2) Invocation** – Pastor Rick South, Abundant Life Church of God

*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 May 2, 2022 Regular Meeting and the May 9, 2022 Work Session

**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
  - 22-09 Acceptance of a Warranty Deed for Construction Purposes at 1011 Aldon Street SW (Grace Christian University)

**13) Budget Amendments**

- a) Budget Amendment No. 78 – To Appropriate \$307,700 of Additional Budgetary Authority to Provide Funding for the Cost of Issuance and Debt Service for the Water System Revenue Bonds Issued in October 2021

**14) Consent Agenda**

*All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Councilmember, that member may request removal from the Consent Agenda.*

- a) Of Appreciation to Gary L. Bowman for His Service as a Member of the Community Enrichment Commission for the City of Wyoming
- b) Of Appreciation to Dana J. Knight for Her Service as a Member of the Community Enrichment Commission for the City of Wyoming
- c) Of Appreciation to LeighAnn M. TeBos for Her Service as a Member of the Community Enrichment Commission for the City of Wyoming
- d) Of Appreciation to Nancy Quero-Ramirez for Her Service as a Member of the Community Enrichment Commission for the City of Wyoming
- e) Of Appreciation to Renee Hill for Her Service as a Member of the Community Enrichment Commission for the City of Wyoming

**15) Resolutions**

- f) To Adopt the Fiscal Year 2022-23 Wyoming City Budget and Property Tax Levy to be Known as the City's 2022-23 General Appropriations Act
- g) To Amend a Portion of the City of Wyoming Fee Schedule
- h) To Approve the 2023 Street and Utility Capital Improvement Program
- i) To Approve the 2022-2023 Budget for the Wyoming Downtown Development Authority
- j) To Approve the Grand Valley Regional Biosolids Authority FY2023 Budget
- k) To Amend the Employment Contract Between the City of Wyoming and the Wyoming City Employees Union and to Amend the City Employees Union Classification and Salary Schedule
- l) To Amend Section 1 of the City Council Policy Manual to Modify City Council Rules of Procedure
- m) To Approve a Revised Civil Rights Policy and Authorize and Direct its Implementation and Enforcement
- n) To Consent to the Assignment of the Three-Year Contract with Tax Management Associates to Provide Services Associated with Business Personal Property Tax Administration and to Authorize the Mayor and City Clerk to Execute the Consent to Assignment of Contract
- o) To Authorize Reimbursement of Expenses from Bond Proceeds

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

- p) To Authorize the Purchase of Hot Rubber Crack Sealer for Concrete Joint Repair and to Authorize the Mayor and City Clerk to Execute the Contract
- q) To Accept a Proposal for Sidewalk Snowplowing and to Authorize the Mayor and City Clerk to Execute the Contract
- r) To Authorize the Purchase of Ballistic Vests

**17) Ordinances**

- 10-22 To Amend Chapter 2, Article III of the Code of Ordinances to Address Lawns, Gardens and Water Efficient Landscaping and to Provide Penalties and Remedies for Violations (Final Reading)
- 11-22 To Amend Sections 86-13, 86-19, 86-33, and 86-161 of the Code of Ordinances to Specify Water Service Sizes, Water Meter Testing Terms and Conditions, and to Provide for Rates, Fees, and Charges for the City Water and Sanitary Sewer Systems (Final Reading)
- 12-22 To Amend Chapter 90 of the Code of Ordinances by Amending Section 90-426B in Article 4B (First Reading)

- 13-22 To Amend Section 90-32 of the Code of Ordinances by Adding Subsection (133) to Rezone 5160 and 5190 Byron Center Ave SW from B-1 to B-2 (First Reading)
- 14-22 To Amend Chapter 2, Article IV of the Code of Ordinances by Adding Division 10 to Provide for a Service Charge in Lieu of Taxes for the 28WPhaseThree Limited Dividend Housing Association Limited Partnership Housing Project (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

May 16, 2022

Wyoming City Council  
Wyoming, Michigan

City Manager's Report No. 22-09

**Subject:** Acceptance of a Warranty Deed for Construction Purposes at 1011 Aldon Street, SW (Grace Christian University)

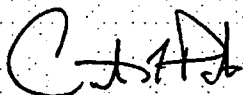
**Councilmembers:**

Grace Christian University, owner of 1011 Aldon Street, SW, has submitted the following described Warranty Deed. The Warranty Deed conveys permanent right-of-way to the City of Wyoming for highway purposes. The Warranty Deed area is shown on Exhibit A. The acquisition is necessary for the Aldon Avenue Watermain reconstruction in 2022.

<b>Grantor:</b>	Grace Christian University
<b>Parcels:</b>	41-17-11-403-014
<b>Right-of-way Size</b>	722 sf – Easement
<b>Consideration:</b>	\$1,700.00

It is recommended that the City Council accept the attached Warranty Deed, which has been approved as to form by the City Attorney.

Respectfully submitted,



Curtis L. Holt  
City Manager

**Attachments:** Warranty Deed  
Estimate of Just Compensation

community • safety • stewardship

CITY COUNCIL

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



#1011 ALDON ST. SW

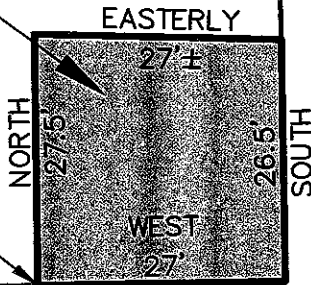
# EXHIBIT A

#959 ALDON ST. SW

WARRANTY DEED AREA

722 SQ. FT.

P.O.B.



N. RIGHT OF WAY LINE

## ALDON ST.

66'

27'

33'

#2531 ROGERS LANE AVE. SW

#958 ALDON ST. SW

FOR: CITY OF WYOMING

DATE: 1-24-22

PROJECT NO: 18069 ROW ACQ-REV.

RE: R.O.W. ACQUISITION ALDON ST. AND ROGERS LANE



SCALE: 1"=20'

W. RIGHT OF WAY LINE

132'

## ROGERS LANE

### DESCRIPTION WARRANTY DEED AREA:

PART OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 11, TOWN 6 NORTH, RANGE 12 WEST, DESCRIBED AS: BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF ROGERS LANE WHICH IS NORTH 132 FEET FROM THE NORTH RIGHT OF WAY LINE OF LOCKSLEY DRIVE (60 FEET WIDE); THENCE CONTINUING NORTH 27.5 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE OF ALDON ST. EXTENDED; THENCE EASTERLY 27 FEET MORE OR LESS ALONG SAID NORTH RIGHT OF WAY LINE TO THE CENTERLINE OF ROGERS LANE; THENCE SOUTH ALONG SAID CENTERLINE 26.5 FEET; THENCE WEST PERPENDICULAR TO THE WEST RIGHT OF WAY LINE OF ROGERS LANE 27 FEET TO THE POINT OF BEGINNING.

C/L

## LOCKSLEY DR.

60'

NOTE: REVISED 3-16-22 CHANGE R.O.W. ACQUISITION AREA TO WARRANTY DEED AREA

#2545 ROGERS LANE AVE. SW

# mbn

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

### LEGEND

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

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.

**CITY OF WYOMING  
ESTIMATE OF JUST COMPENSATION**

**PROJECT:** Aldon Street ROW

**SITE DATA:**

Permanent Parcel No.: 41-17-11-403-014

Parcel: Grace Bible College, n/k/a Grace Christian University

Land Use: Commercial – Improved      Size: 14.54 Ac (total)

Address: 1011 Aldon St., SW, Wyoming, MI

Zoning: 201

<p><b>ACQUISITION DESCRIPTION:</b></p> <p>Value obtained from a limited land value study</p> <p>Summary of Costs:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><u>Warranty Deed:</u> A rectangular piece of property located adjacent to Aldon Street and Rogers Lane as shown on sketch.</p> <p>Area: 722 sft</p> </div>	<p><b>SKETCH:</b></p>
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<b>COMPUTATION OF VALUE:</b>	
LAND ACQUISITION, WARRANTY DEED	
Warranty Deed ~ 722 sft x \$2.34 / sft = \$1,689.48, round to \$1,700.00	<b>\$ 1,700.00</b>

REMARKS:

*Deborah S. Poeder*

**\$ 1,700.00**

Signed:

Land Matters, llc  
Deborah S. Poeder

for information call 616.791.9805

Agreed to by: Grace Bible College, n/k/a Grace Christian University

*Brian Sherstad*  
By: **BRIAN SHERSTAD**  
Its: *Execution V.P.*



## STAFF REPORT

Date: May 4, 2022  
Subject: October 2021 Water System Revenue Bond Issue  
From: Jodi Yenchar, Finance Director  
Meeting Date: May 16, 2022

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### **RECOMMENDATION:**

It is recommended that the City Council approve budget amendment 078 to provide funding for the cost of issuance and debt service for the water system revenue bonds issued in October 2021.

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

**Community** – The community is served by an adequate and reliable public water supply.

**Safety** – Upgrades to water facilities help prevent malfunctions and failures of the city water supply system components and ensure the system’s adequacy and reliability.

**Stewardship** – Providing financial options for funding water system improvements helps ensure the city is able to simultaneously (i) maintain operational fund balances, (ii) meet bond coverage requirements, (iii) comply with financial market expectations for well-run utility systems, (iv) mitigate water rate volatility, (v) have adequate funds to meet unexpected system needs, and (vi) undertake planned improvements.

### **DISCUSSION:**

At the June 21, 2021, City Council meeting, the Council adopted resolution 27049 to purchase, acquire and construct improvements to the water system and to publish notice of intent to issue revenue bonds. The City issued revenue bonds in the amount of \$4,085,000 on October 12, 2021.

### **BUDGET IMPACT:**

As listed in budget amendment 078, the City incurred bond issuance costs and paying agent fees of \$124,500. A bond payment of \$120,000 and interest in the amount of \$63,200 will be due in fiscal year 2022. Expenditures related to this bond issuance have been included in the fiscal year 2023 budget presented to Council.



BOND DEBT SERVICE

City of Wyoming, Michigan
Water Supply System Revenue Bonds, Series 2021
Purchaser :: Stifel, Nicolaus & Co., Inc.
Optional Redemption :: June 1, 2031 @ 100
\*\*\*FINAL NUMBERS\*\*\*

Dated Date 10/12/2021
Delivery Date 10/12/2021

Table with columns: Period Ending, Principal, Coupon, Interest, Debt Service, Annual Debt Service. Rows list bond periods from 06/01/2022 to 06/30/2041 with corresponding financial values.

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

RESOLUTION OF APPRECIATION TO GARY L. BOWMAN FOR HIS SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
FOR THE CITY OF WYOMING

WHEREAS:

1. Gary L. Bowman has served faithfully and effectively as a member of the Community Enrichment Commission since April 7, 2014.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to Gary L. Bowman for his dedicated service as a member of the Community Enrichment Commission.

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 May 16, 2022.

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

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

RESOLUTION OF APPRECIATION TO DANA J. KNIGHT FOR HER SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
FOR THE CITY OF WYOMING

WHEREAS:

1. Dana J. Knight has served faithfully and effectively as a member of the Community Enrichment Commission since February 1, 2021.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to Dana J. Knight for her dedicated service as a member of the Community Enrichment Commission.

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 May 16, 2022.

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

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

RESOLUTION OF APPRECIATION TO LEIGHANN M. TEBOS FOR HER SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
FOR THE CITY OF WYOMING

WHEREAS:

1. LeighAnn M. TeBos has served faithfully and effectively as a member of the Community Enrichment Commission since February 15, 2021.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to LeighAnn M. TeBos for her dedicated service as a member of the Community Enrichment Commission.

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 May 16, 2022.

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

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

RESOLUTION OF APPRECIATION TO NANCY QUERO-RAMIREZ FOR HER SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
FOR THE CITY OF WYOMING

WHEREAS:

1. Nancy Quero-Ramirez has served faithfully and effectively as a member of the Community Enrichment Commission since March 1, 2021.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to Nancy Quero-Ramirez for her dedicated service as a member of the Community Enrichment Commission.

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 May 16, 2022.

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

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

RESOLUTION OF APPRECIATION TO RENEE HILL FOR HER SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
FOR THE CITY OF WYOMING

WHEREAS:

1. Renee Hill has served faithfully and effectively as a member of the Community Enrichment Commission since June 21, 2021.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to Renee Hill for her dedicated service as a member of the Community Enrichment Commission.

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 May 16, 2022.

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

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

RESOLUTION TO ADOPT THE FISCAL YEAR 2022-23 WYOMING CITY  
BUDGET AND PROPERTY TAX LEVY TO BE KNOWN AS THE CITY'S  
2022-23 GENERAL APPROPRIATIONS ACT

WHEREAS:

1. Section 8.2 of the City Charter of the City of Wyoming (“Charter”) and section 14 of the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.421 *et seq.* (the “UBA Act”), require the City Manager to prepare and submit to the City Council in April of each year a recommended budget for the next fiscal year and the City Manager presented the proposed budget for the 2022-23 fiscal year in accordance with those requirements.
2. Section 8.3 of the Charter and section 16 of the UBA Act require the City Council to hold a public hearing on the proposed budget and Section 16 of the UBA and 1963 (2<sup>nd</sup> Ex. Sess.) PA 43 require notice of that budget public hearing to be published in a certain form.
3. The City Council held a public hearing on the proposed budget at its May 2, 2022 meeting.
4. Section 8.4 of the Charter requires the City Council to adopt the budget for the next fiscal year by a resolution adopted not later than its second meeting in May of each year, section 16 of the UBA Act requires the City Council to pass a general appropriations act, and both the City Charter and the UBA Act require appropriations of funds to meet budgeted expenditures using estimated revenues and fund balances and to levy *ad valorem* property taxes for the next fiscal year by establishing the millage rates.
5. As shown in the following table, the City Manager proposed that for FY 23 ad valorem property taxes be levied at rates that, after adjustment by the “Headlee Amendment” millage reduction fraction of 0.9846, are slightly higher or slightly lower than the rates that would be levied if the separate 0.9531 base tax rate fraction (the oft-called “truth in taxation factor”) was applied:

Authority & Purpose	FY 2022 Levy	BTRF Applied	Tax Rate Differential	Proposed Tax Levy FY 2023
City Charter §9.1				
General Operations	4.7945	4.5696	0.1510	4.7206
Fire Services	0.7332	0.6988	0.0231	0.7219
Police Services	1.2223	1.1650	0.0384	1.2034
Parks & Recreation	1.4668	1.3980	0.0462	1.4442
Sidewalks	0.1957	0.1865	0.0061	0.1926
Library Operations/ Park Capital	0.3617	0.3447	0.0114	0.3561
Capital Projects	1.4960	1.4258	0.0702	1.4960
Public Safety	1.2245	1.1671	0.0385	1.2056
<b>Subtotals</b>	<b>11.4947</b>	<b>10.9555</b>	<b>0.3849</b>	<b>11.3404</b>
1917 PA 298				
Yard Waste	0.4000	0.3812	0.0188	0.4000
<b>TOTALS</b>	<b>11.8947</b>	<b>11.3367</b>	<b>0.4037</b>	<b>11.7404</b>

NOW, THEREFORE, BE IT RESOLVED:

1. As provided in Section 8.4 of the City Charter and in section 16 of the UBA Act, the budgets entitled, “All Fund – Revenues and Other Sources, Expenditures and Other Uses, and Changes in

Fund Balance Report” and “Annual Budget by Account Classification Report,” copies of which are attached and incorporated by reference, are adopted to be administered on an activity (department or component unit) level, as the estimated revenues and general appropriations of the City of Wyoming for the fiscal year ending June 30, 2023.

2. The total mills of ad valorem property taxes to be levied and the purposes for which they are levied are as follows:

<b>Authority &amp; Purpose</b>	<b>Final Levy</b>
Charter	
General Operations	4.7206
Fire Services	0.7219
Police Services	1.2034
Parks & Recreation	1.4442
Sidewalks	0.1926
Library Operations/ Park Capital	0.3561
Capital Projects	1.4960
Public Safety	1.2056
<b>Charter millage rate total</b>	<b>11.3404</b>
State Law	
Yard Waste	0.4000
<b>TOTAL MILLAGE</b>	<b>11.7404</b>

3. The City Manager is authorized to transfer necessary amounts within departments or component unit within any fund which do not affect ending fund balance. For this purpose, Police and Fire will be considered a single Public Safety Department.

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

I hereby certify this Resolution was adopted by the City Council of the City of Wyoming, Michigan, at a regular session held on May 16, 2022.

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Kelli A. VandenBerg, Wyoming City Clerk

**ATTACHMENTS:**

All Fund – Revenues and Other Sources, Expenditures and Other Uses, and Changes in Fund Balance Report  
Annual Budget by Account Classification Report

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

**City of Wyoming**  
**All Funds - Revenues and Other Sources, Expenditures and Other Uses, and Changes in Fund Balance**  
**Fiscal Year 2022 - 2023**

	Estimated Beginning Fund Balance	Revenues and Other Sources	Expenditures and Other Uses	Excess (Deficiency)	Fund Balance End of Year
General Fund	\$ 11,999,907	\$ 38,464,491	\$ 39,276,026	\$ (811,535)	\$ 11,188,372
Major Streets	1,399,772	7,825,826	6,522,039	1,303,787	2,703,559
Local Streets	1,604,059	2,555,648	2,573,241	(17,593)	1,586,466
Public Safety	153,237	3,127,158	3,252,626	(125,468)	27,769
Fire	89,395	1,872,888	1,934,163	(61,275)	28,120
Police	1,514,687	3,129,329	3,473,975	(344,646)	1,170,041
Parks & Recreation	1,473,713	4,295,185	4,231,097	64,088	1,537,801
Sidewalk Snow Removal	221,977	502,104	502,084	20	221,997
Solid Waste Disposal	862,740	1,049,111	1,213,808	(164,697)	698,043
Building Inspections	1,665,043	1,702,255	1,721,605	(19,350)	1,645,693
Community Dev. Block Grant	-	1,224,003	1,224,003	-	-
Indigent Defense	-	-	-	-	-
Drug Law Enforcement	37,128	-	30,000	(30,000)	7,128
Federal Grants Fund	-	85,000	85,000	-	-
Capital Improvement	1,031,909	3,970,086	4,026,784	(56,698)	975,211
Library Maintenance	133,463	983,450	807,000	176,450	309,913
Sewer Bond Reserve	2,586,000	-	-	-	2,586,000
Sewer*	10,682,828	23,578,974	24,970,218	(1,391,244)	9,291,584
Sewer Total	13,268,828	23,578,974	24,970,218	(1,391,244)	11,877,584
Water*	6,809,308	26,684,436	27,271,750	(587,314)	6,221,994
Water Bond Reserve	1,842,351	-	-	-	1,842,351
Water Total	8,651,659	26,684,436	27,271,750	(587,314)	8,064,345
Motor Pool*	2,595,263	4,423,156	4,291,944	131,212	2,726,475
Motor Pool Depreciation Reserve*	3,285,359	2,065,000	712,500	1,352,500	4,637,859
Motor Pool Total	5,880,622	6,488,156	5,004,444	1,483,712	7,364,334
Capital Projects Revolving	4,226,153	20,634	409,840	(389,206)	3,836,947
<b>Total</b>	<b>\$ 54,214,292</b>	<b>\$ 127,558,734</b>	<b>\$ 128,529,703</b>	<b>\$ (970,969)</b>	<b>\$ 53,243,323</b>
Less Transfers Between Funds		(10,585,764)	(10,585,764)		
Less Admin Fee Between Funds		(4,428,742)	(4,146,530)		
Grand Total Revenue and Expenditures		<u>112,544,228</u>	<u>113,797,409</u>		

\* Represents working capital balance (current assets less current liabilities)

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>101 General Fund</b>				
Revenue				
Taxes	\$ 13,265,108	\$ 13,265,108	\$ 13,178,817	\$ 13,761,513
Licenses and Permits	1,090,000	1,090,000	1,030,633	1,010,685
Federal Grants	5,000	566,910	522,492	455,000
State Grants	7,506,221	7,722,854	7,832,766	8,313,270
Contributions from Local Units	398,895	463,895	335,000	273,461
Charges for Service	4,407,403	4,407,403	4,406,906	4,479,018
Fines and Forfeitures	1,500,000	1,500,000	1,000,000	1,000,000
Interest and Rentals	325,660	325,660	352,660	371,080
Other Revenues	139,227	157,868	183,539	114,700
Other Financing Sources	7,832,780	7,832,780	7,832,780	8,685,764
Revenue Totals	<u>36,470,294</u>	<u>37,332,477</u>	<u>36,675,593</u>	<u>38,464,491</u>
Expenditures				
Personnel Services	28,112,874	29,088,233	29,069,108	30,145,480
Supplies	741,985	858,785	811,569	700,508
Other Services and Charges	7,407,981	7,930,308	7,354,706	7,683,316
Capital Outlay	323,642	1,095,734	873,692	746,722
Transfers Out	-	4,000,000	4,007,091	-
Expenditure Totals	<u>36,586,483</u>	<u>42,973,060</u>	<u>42,116,166</u>	<u>39,276,026</u>
<b>Fund Total</b>	(116,189)	(5,640,583)	(5,440,573)	(811,535)
<b>Fund Balance, Beginning</b>	<u>17,440,480</u>	<u>17,440,480</u>	<u>17,440,480</u>	<u>11,999,907</u>
<b>Fund Balance, Ending</b>	<u>\$ 17,324,291</u>	<u>\$ 11,799,897</u>	<u>\$ 11,999,907</u>	<u>\$ 11,188,372</u>

Expenditure detail by program - See Next Page

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>Expenditure detail by program</b>				
10100-City Council	\$ 121,760	\$ 128,760	\$ 121,760	\$ 132,796
10300-City Council - Communication	74,000	262,000	254,800	67,500
13600-District Court	1,810,899	1,850,041	1,767,551	1,737,327
13610-District Court - Building	231,010	543,463	387,296	258,332
15100-District Court - Probation	366,717	650,945	666,142	369,683
17200-City Manager	1,687,326	1,639,326	1,544,774	1,929,557
20100-Finance - Accounting	935,003	935,003	961,519	960,874
25300-Finance - Treasurer	404,139	404,139	398,267	423,938
73200-Finance - Cable TV Commission	461,000	461,000	449,410	436,000
20900-Assessor	870,768	870,768	878,497	848,293
24700-Assessor - Board of Review	7,231	7,231	4,386	4,472
21000-Attorney - Legal Services	684,165	694,165	796,698	717,025
19100-City Clerk - Election	141,163	141,163	123,302	198,656
21500-City Clerk	577,471	587,546	580,225	599,462
24800-Purchasing - Central Services	115,853	115,853	115,853	115,853
26500-Purchasing - City Hall	1,260	1,260	1,253	1,240
25800-Information Technology	2,077,803	2,095,303	2,109,223	2,227,037
26700-Facilities Maintenance	377,982	377,982	351,500	372,989
30500-Police - Administration Services	1,482,630	1,568,416	1,628,628	1,524,716
30610-Police - Building	439,508	439,508	365,330	449,230
30700-Police - Records Management	424,189	424,189	406,524	434,868
31000-Police - Detective Bureau	3,129,252	3,134,332	3,088,216	3,204,096
31200-Police - Forensic Science Unit	772,978	791,230	783,700	770,178
31500-Police - Patrol	10,548,968	10,883,558	11,140,981	12,070,077
31504-Police - OHSP - OWI	-	81,619	38,541	-
31506-Police - OHSP - Strategic Traffic Enf	-	184,161	184,161	-
31600-Police - Crossing Guard	90,520	90,520	86,000	94,059
31700-Police - Senior Volunteer	-	-	-	-
32000-Police - Training	110,300	110,300	100,000	170,300
32100-Police - ACT 302 Training Funds	15,000	30,773	15,750	-
32500-Police - Communications/Dispatch	699,470	699,470	695,020	636,620
33400-Police - Jail	300,050	297,170	180,000	365,550
33700-Fire - Administration Services	493,321	495,852	480,719	684,546
33800-Fire - Buildings	199,772	465,173	441,666	194,674
33900-Fire - Fighting	4,908,760	5,484,377	5,262,950	5,243,187
33901-Fire - Dual Empl. Reserves	125,127	125,127	47,621	100,084
33902-Fire - Fighting - Paid on Call	83,877	83,877	15,130	81,162
34100-Fire - Prevention	307,767	308,017	323,736	334,608
42600-Fire - Civil Defense	8,325	8,325	7,342	8,425
40000-Planning	567,119	567,119	374,728	517,676
41000-Zoning Board of Appeals	-	-	-	57,887
72800-Economic Development	20,000	20,000	20,000	20,000
44100-Public Works - Administration	9,000	9,000	9,000	9,000
44612-Public Works - Kentwood Hwys/St	1,774	1,774	-	1,333
44613-Public Works - Other Govt/Agencies	3,146	3,146	839	2,667
44800-Public Works - Street Lighting	890,080	890,080	890,037	890,050
75300-Community Outreach Programs	10,000	10,000	10,000	10,000
99900-Transfers	-	4,000,000	4,007,091	-
	<u>\$ 36,586,483</u>	<u>\$ 42,973,060</u>	<u>\$ 42,116,166</u>	<u>\$ 39,276,026</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>110 Allocation Fund</b>				
Revenue				
Other Financing Sources	\$ -	\$ -	\$ -	\$ -
Revenue Totals	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures				
Personnel Services	145,044	145,044	118,679	138,110
Supplies	4,800	4,800	4,800	42,400
Other Services and Charges	12,729	12,729	11,032	19,182
Capital Outlay	-	-	-	-
Transfers Out	(162,573)	(162,573)	(134,511)	(199,692)
Expenditure Totals	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Fund Total</b>	-	-	-	-
<b>Fund Balance, Beginning</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Fund Balance, Ending</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>Expenditure detail by program (before transfers out)</b>				
22800-HR/Risk Management	\$ 162,573	\$ 162,573	\$ 134,511	\$ 199,692
	<u>\$ 162,573</u>	<u>\$ 162,573</u>	<u>\$ 134,511</u>	<u>\$ 199,692</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>202 Major Streets Fund</b>				
Revenue				
Licenses and Permits	\$ 285,000	\$ 285,000	\$ 335,000	\$ 335,000
Federal Grants	-	-	-	-
State Grants	6,639,000	6,639,000	6,600,000	7,411,826
Charges for Service	15,000	15,000	40,000	20,000
Interest and Rentals	26,374	26,374	35,900	37,000
Other Revenues	34,500	44,500	26,000	22,000
Other Financing Sources	-	-	-	-
Revenue Totals	<u>6,999,874</u>	<u>7,009,874</u>	<u>7,036,900</u>	<u>7,825,826</u>
Expenditures				
Personnel Services	1,467,755	1,469,855	1,384,772	1,345,229
Supplies	473,080	473,080	474,080	484,580
Other Services and Charges	1,761,668	1,771,668	1,692,461	1,692,230
Capital Outlay	2,862,500	4,042,813	5,039,212	3,000,000
Transfers Out	-	-	1,148,000	-
Expenditure Totals	<u>6,565,003</u>	<u>7,757,416</u>	<u>9,738,525</u>	<u>6,522,039</u>
<b>Fund Total</b>	434,871	(747,542)	(2,701,625)	1,303,787
<b>Fund Balance, Beginning</b>	<u>4,101,397</u>	<u>4,101,397</u>	<u>4,101,397</u>	<u>1,399,772</u>
<b>Fund Balance, Ending</b>	<u>\$ 4,536,267</u>	<u>\$ 3,353,854</u>	<u>\$ 1,399,772</u>	<u>\$ 2,703,559</u>
<b>Expenditure detail by program</b>				
46300-Street Maintenance	\$ 4,395,742	\$ 5,577,655	\$ 6,470,452	\$ 4,465,029
47400-Traffic Services	1,061,540	1,072,040	1,069,616	1,024,341
47800-Winter Maintenance	725,667	725,667	669,403	708,396
48300-Street Administration	382,054	382,054	381,054	324,273
48400-Transfers to Local Streets	-	-	1,148,000	-
	<u>\$ 6,565,003</u>	<u>\$ 7,757,416</u>	<u>\$ 9,738,525</u>	<u>\$ 6,522,039</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>203 Local Streets Fund</b>				
Revenue				
Licenses and Permits	\$ 20,000	\$ 20,000	\$ 30,000	\$ 20,000
Federal Grants	-	-	-	-
State Grants	2,213,000	2,213,000	2,200,000	2,470,608
Taxes	-	-	429	5,130
Charges for Service	10,000	10,000	25,000	15,000
Interest and Rentals	7,000	7,000	12,800	14,800
Other Revenues	16,500	16,500	118,859	30,110
Other Financing Sources	-	-	1,148,000	-
Revenue Totals	<u>2,266,500</u>	<u>2,266,500</u>	<u>3,535,088</u>	<u>2,555,648</u>
Expenditures				
Personnel Services	857,403	857,703	848,941	786,076
Supplies	182,140	182,140	175,840	189,650
Other Services and Charges	1,057,218	1,057,218	1,035,919	1,097,515
Capital Outlay	-	1,212,928	1,148,000	500,000
Expenditure Totals	<u>2,096,761</u>	<u>3,309,989</u>	<u>3,208,700</u>	<u>2,573,241</u>
<b>Fund Total</b>	169,739	(1,043,489)	326,388	(17,593)
<b>Fund Balance, Beginning</b>	<u>1,277,671</u>	<u>1,277,671</u>	<u>1,277,671</u>	<u>1,604,059</u>
<b>Fund Balance, Ending</b>	<u>\$ 1,447,410</u>	<u>\$ 234,182</u>	<u>\$ 1,604,059</u>	<u>\$ 1,586,466</u>
<b>Expenditure detail by program</b>				
46300-Street Maintenance	\$ 963,427	\$ 2,176,355	\$ 2,108,978	\$ 1,460,902
47400-Traffic Services	337,027	337,327	338,213	310,232
47800-Winter Maintenance	607,000	607,000	572,202	592,883
48300-Street Administration	189,307	189,307	189,307	209,224
	<u>\$ 2,096,761</u>	<u>\$ 3,309,989</u>	<u>\$ 3,208,700</u>	<u>\$ 2,573,241</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>205 Public Safety Fund</b>				
Revenue				
Taxes	\$ 2,908,535	\$ 2,908,535	\$ 2,978,754	\$ 3,119,558
Interest and Rentals	-	-	7,600	7,600
Revenue Totals	<u>2,908,535</u>	<u>2,908,535</u>	<u>2,986,354</u>	<u>3,127,158</u>
Expenditures				
Transfers Out	<u>2,958,585</u>	<u>2,958,585</u>	<u>2,958,585</u>	<u>3,252,626</u>
Expenditure Totals	<u>2,958,585</u>	<u>2,958,585</u>	<u>2,958,585</u>	<u>3,252,626</u>
<b>Fund Total</b>	(50,050)	(50,050)	27,769	(125,468)
<b>Fund Balance, Beginning</b>	<u>125,468</u>	<u>125,468</u>	<u>125,468</u>	<u>153,237</u>
<b>Fund Balance, Ending</b>	<u>\$ 75,418</u>	<u>\$ 75,418</u>	<u>\$ 153,237</u>	<u>\$ 27,769</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>206 Fire Fund</b>				
Revenue				
Taxes	\$ 1,741,109	\$ 1,741,109	\$ 1,783,580	\$ 1,868,488
Interest and Rentals	-	-	4,400	4,400
Revenue Totals	1,741,109	1,741,109	1,787,980	1,872,888
Expenditures				
Transfers Out	1,759,860	1,759,860	1,759,860	1,934,163
Expenditure Totals	1,759,860	1,759,860	1,759,860	1,934,163
<b>Fund Total</b>	(18,751)	(18,751)	28,120	(61,275)
<b>Fund Balance, Beginning</b>	61,275	61,275	61,275	89,395
<b>Fund Balance, Ending</b>	\$ 42,524	\$ 42,524	\$ 89,395	\$ 28,120

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>207 Police Fund</b>				
Revenue				
Taxes	\$ 2,903,525	\$ 2,903,525	\$ 2,973,265	\$ 3,114,329
Interest and Rentals	-	-	20,555	15,000
Revenue Totals	<u>2,903,525</u>	<u>2,903,525</u>	<u>2,993,820</u>	<u>3,129,329</u>
Expenditures				
Transfers Out	<u>3,089,335</u>	<u>3,089,335</u>	<u>3,089,335</u>	<u>3,473,975</u>
Expenditure Totals	<u>3,089,335</u>	<u>3,089,335</u>	<u>3,089,335</u>	<u>3,473,975</u>
<b>Fund Total</b>	(185,810)	(185,810)	(95,515)	(344,646)
<b>Fund Balance, Beginning</b>	<u>1,610,202</u>	<u>1,610,202</u>	<u>1,610,202</u>	<u>1,514,687</u>
<b>Fund Balance, Ending</b>	<u>\$ 1,424,392</u>	<u>\$ 1,424,392</u>	<u>\$ 1,514,687</u>	<u>\$ 1,170,041</u>

\*\*The reserves in this fund are being set aside to pay future annual payments on the 10 year contract with Axon for vehicle and body cameras.

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>208 Parks and Recreation Fund</b>				
Revenue				
Taxes	\$ 3,484,218	\$ 3,484,218	\$ 3,568,109	\$ 3,737,851
Federal Grants	219,617	1,317,958	1,312,906	167,406
State Grants	-	-	-	-
Contributions from Local Units	-	-	-	-
Charges for Service	290,500	290,500	300,439	341,043
Interest and Rentals	1,500	1,500	21,278	11,500
Other Revenues	35,520	35,520	33,615	37,385
Other Financing Sources	300,000	300,000	300,000	-
Revenue Totals	<u>4,331,355</u>	<u>5,429,696</u>	<u>5,536,347</u>	<u>4,295,185</u>
Expenditures				
Personnel Services	2,566,721	3,587,780	3,413,492	2,311,591
Supplies	121,095	144,549	146,308	124,788
Other Services and Charges	1,374,929	1,473,813	1,430,814	1,335,468
Capital Outlay	287,320	296,920	283,412	459,250
Expenditure Totals	<u>4,350,065</u>	<u>5,503,062</u>	<u>5,274,026</u>	<u>4,231,097</u>
<b>Fund Total</b>	(18,710)	(73,366)	262,321	64,088
<b>Fund Balance, Beginning</b>	<u>1,211,392</u>	<u>1,211,392</u>	<u>1,211,392</u>	<u>1,473,713</u>
<b>Fund Balance, Ending</b>	<u>\$ 1,192,682</u>	<u>\$ 1,138,026</u>	<u>\$ 1,473,713</u>	<u>\$ 1,537,801</u>
<b>Expenditure detail by program</b>				
75200-Parks and Rec Administration	\$ 953,628	\$ 964,614	\$ 918,805	\$ 805,503
75600-Parks and Rec - Facilities	2,238,957	2,283,488	2,181,475	2,404,515
75800-Parks and Rec - Senior Center	454,972	470,431	413,660	397,094
76100-Recreation	481,691	482,691	463,300	456,579
76108-21st Century Cohort G	-	21,614	16,562	-
76112-21st Century Cohort K	92,739	521,137	521,137	70,307
76113-21st Century Cohort L-1	92,739	539,529	539,529	70,307
76114-21st Century Cohort L-2	35,339	219,558	219,558	26,792
	<u>\$ 4,350,065</u>	<u>\$ 5,503,062</u>	<u>\$ 5,274,026</u>	<u>\$ 4,231,097</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>211 Sidewalk Fund</b>				
Revenue				
Taxes	\$ 463,795	\$ 463,795	\$ 475,950	\$ 498,404
Interest and Rentals	1,213	1,213	3,700	3,700
Revenue Totals	<u>465,008</u>	<u>465,008</u>	<u>479,650</u>	<u>502,104</u>
Expenditures				
Other Services and Charges	463,594	463,594	463,594	502,084
Expenditure Totals	<u>463,594</u>	<u>463,594</u>	<u>463,594</u>	<u>502,084</u>
<b>Fund Total</b>	1,414	1,414	16,056	20
<b>Fund Balance, Beginning</b>	<u>205,921</u>	<u>205,921</u>	<u>205,921</u>	<u>221,977</u>
<b>Fund Balance, Ending</b>	<u>\$ 207,335</u>	<u>\$ 207,335</u>	<u>\$ 221,977</u>	<u>\$ 221,997</u>
<b>Expenditure detail by program</b>				
17500-Administration	\$ 46,594	\$ 46,594	\$ 46,594	\$ 44,084
44200-Snow Removal	417,000	417,000	417,000	458,000
44210-Sidewalk Repair	-	-	-	-
	<u>\$ 463,594</u>	<u>\$ 463,594</u>	<u>\$ 463,594</u>	<u>\$ 502,084</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>230 Solid Waste Disposal Fund</b>				
Revenue				
Taxes	\$ 962,461	\$ 962,461	\$ 972,606	\$ 1,034,111
Interest and Rentals	9,638	9,638	13,750	15,000
Reimbursements	-	-	-	-
Revenue Totals	<u>972,099</u>	<u>972,099</u>	<u>986,356</u>	<u>1,049,111</u>
Expenditures				
Personnel Services	295,860	295,860	289,643	276,662
Supplies	4,100	4,100	3,600	2,225
Other Services and Charges	579,222	579,222	567,732	724,921
Capital Outlay	12,000	192,000	185,000	210,000
Expenditure Totals	<u>891,182</u>	<u>1,071,182</u>	<u>1,045,975</u>	<u>1,213,808</u>
<b>Fund Total</b>	80,917	(99,083)	(59,619)	(164,697)
<b>Fund Balance, Beginning</b>	<u>922,359</u>	<u>922,359</u>	<u>922,359</u>	<u>862,740</u>
<b>Fund Balance, Ending</b>	<u>\$ 1,003,276</u>	<u>\$ 823,276</u>	<u>\$ 862,740</u>	<u>\$ 698,043</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>249 Building Inspection Fund</b>				
Revenue				
Licenses and Permits	\$ 1,490,236	\$ 1,490,236	\$ 1,341,252	\$ 1,566,505
Federal Grants	55,000	-	-	-
Charges for Service	63,400	63,400	43,300	42,350
Fines and Forfeitures	15,000	15,000	13,500	14,400
Interest and Rentals	11,441	11,441	16,900	16,000
Other Financing Sources	-	55,000	100,000	55,000
Other Revenues	10,000	10,000	11,760	8,000
Revenue Totals	<u>1,645,077</u>	<u>1,645,077</u>	<u>1,526,712</u>	<u>1,702,255</u>
Expenditures				
Personnel Services	1,381,778	1,471,053	1,297,629	1,365,927
Supplies	12,695	12,275	11,392	13,817
Other Services and Charges	308,738	309,827	303,136	333,910
Capital Outlay	5,187	5,887	5,887	7,951
Expenditure Totals	<u>1,708,397</u>	<u>1,799,042</u>	<u>1,618,044</u>	<u>1,721,605</u>
<b>Fund Total</b>	(63,320)	(153,965)	(91,332)	(19,350)
<b>Fund Balance, Beginning</b>	<u>1,756,375</u>	<u>1,756,375</u>	<u>1,756,375</u>	<u>1,665,043</u>
<b>Fund Balance, Ending</b>	<u>\$ 1,693,055</u>	<u>\$ 1,602,410</u>	<u>\$ 1,665,043</u>	<u>\$ 1,645,693</u>
<b>Expenditure detail by program</b>				
37100-Permits	\$ 942,050	\$ 1,028,675	\$ 937,727	\$ 1,086,815
37210-Code Enforcement-Other	289,371	291,535	244,355	280,031
37220-Code Enforcement-CDBG Eligible	112,078	112,857	136,849	103,062
37300-Rental Program	264,544	265,623	235,922	251,697
72200-Zoning and Other Programs	100,353	100,353	63,191	-
	<u>\$ 1,708,397</u>	<u>\$ 1,799,042</u>	<u>\$ 1,618,044</u>	<u>\$ 1,721,605</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>256 Community Development Fund</b>				
Revenue				
Federal Grants	\$ 865,526	\$ 1,477,256	\$ 1,001,061	\$ 1,064,903
Interest and Rentals	12,000	12,000	9,300	12,000
Other Revenues	107,100	107,100	157,850	147,100
Other Financing Sources	-	-	-	-
Revenue Totals	<u>984,626</u>	<u>1,596,356</u>	<u>1,168,211</u>	<u>1,224,003</u>
Expenditures				
Personnel Services	157,347	220,913	157,468	160,589
Supplies	800	800	300	1,050
Other Services and Charges	676,251	1,145,055	780,857	843,433
Capital Outlay	150,228	256,653	256,653	218,931
Expenditure Totals	<u>984,626</u>	<u>1,623,421</u>	<u>1,195,278</u>	<u>1,224,003</u>
<b>Fund Total</b>	-	(27,065)	(27,067)	-
<b>Fund Balance, Beginning</b>	<u>27,067</u>	<u>27,067</u>	<u>27,067</u>	<u>-</u>
<b>Fund Balance, Ending</b>	<u>\$ 27,067</u>	<u>\$ 2</u>	<u>\$ -</u>	<u>\$ -</u>
<b>Expenditure detail by program</b>				
17521-Administration 2021	\$ -	\$ -	\$ -	\$ -
17522-Administration 2022	127,496	131,257	123,125	-
17523-Administrative 2023	-	-	-	114,473
69120-Rehabilitation 2020	-	59,805	59,804	-
69121-Rehabilitation 2021	20,000	40,000	40,000	-
69122-Rehabilitation 2022	79,994	81,419	2,160	20,000
69123-Rehabilitation 2023	-	-	-	84,128
69219-CDBG Activities 2019	-	66,254	44,874	-
69220-CDBG Activities 2020	8,903	571,223	445,298	147,303
69221-CDBG Activities 2021	256,463	151,264	146,264	5,000
69222-CDBG Activities 2022	491,770	522,199	333,753	303,890
69223-CDBG Activities 2023	-	-	-	549,209
	<u>\$ 984,626</u>	<u>\$ 1,623,421</u>	<u>\$ 1,195,278</u>	<u>\$ 1,224,003</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>260 Indigent Fund</b>				
Revenue				
State Grants	\$ -	\$ 368,481	\$ 447,747	\$ -
Contributions from Local Units	-	-	47,756	-
Interest and Rentals	-	-	1,268	-
Other Financing Sources	-	-	7,091	-
Revenue Totals	<u>-</u>	<u>368,481</u>	<u>503,862</u>	<u>-</u>
Expenditures				
Personnel Services	-	32,188	88,941	-
Supplies	-	43,836	12,163	-
Other Services and Charges	-	620,831	705,708	-
Capital Outlay	-	50,000	75,425	-
Expenditure Totals	<u>-</u>	<u>746,856</u>	<u>882,237</u>	<u>-</u>
<b>Fund Total</b>	-	(378,375)	(378,375)	-
<b>Fund Balance, Beginning</b>	<u>-</u>	<u>378,375</u>	<u>378,375</u>	<u>-</u>
<b>Fund Balance, Ending</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

The Indigent Defense Fund was set up per State requirements in FY 2019 and implementation began in FY 2020. The grant and associated funding is based on the State of Michigan's fiscal year, October through September. The budget will be handled with a budget amendment at the time the grant is awarded each year.

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>265 Drug Law Enforcement Fund</b>				
Revenue				
Fines and Forfeitures	\$ -	\$ -	\$ -	\$ -
Interest and Rentals	-	-	200	-
Miscellaneous Income	-	-	-	-
Revenue Totals	<u>-</u>	<u>-</u>	<u>200</u>	<u>-</u>
Expenditures				
Capital Outlay	-	-	-	30,000
Transfers Out	-	-	-	-
Expenditure Totals	<u>-</u>	<u>-</u>	<u>-</u>	<u>30,000</u>
<b>Fund Total</b>	-	-	200	(30,000)
<b>Fund Balance, Beginning</b>	<u>36,928</u>	<u>36,928</u>	<u>36,928</u>	<u>37,128</u>
<b>Fund Balance, Ending</b>	<u>\$ 36,928</u>	<u>\$ 36,928</u>	<u>\$ 37,128</u>	<u>\$ 7,128</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

Summary

	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>285 Federal Grants Fund</b>				
Revenue				
Federal Grants	\$ -	\$ 6,577,921	\$ 14,125	\$ 85,000
Revenue Totals	-	6,577,921	14,125	85,000
Expenditures				
Other Services and Charges	-	6,577,921	14,125	15,000
Capital Outlay	-	-	-	70,000
Expenditure Totals	-	6,577,921	14,125	85,000
<b>Fund Total</b>	-	-	-	-
<b>Fund Balance, Beginning</b>	-	-	-	-
<b>Fund Balance, Ending</b>	\$ -	\$ -	\$ -	\$ -

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>400 Capital Improvement Fund</b>				
Revenue				
Taxes	\$ 3,553,486	\$ 3,553,486	\$ 3,638,546	\$ 3,869,086
Federal Grants	-	-	-	-
Contributions from Local Units	-	-	-	-
Charges for Service	50,000	50,000	110,000	100,000
Interest and Rentals	20,785	20,785	32,000	1,000
Other Revenues	-	-	-	-
Revenue Totals	<u>3,624,271</u>	<u>3,624,271</u>	<u>3,780,546</u>	<u>3,970,086</u>
Expenditures				
Personnel Services	798,377	799,502	799,502	721,827
Supplies	6,740	6,740	6,740	7,740
Other Services and Charges	298,690	329,840	329,835	342,217
Capital Outlay	2,955,000	4,915,031	4,765,000	2,955,000
Transfers Out	-	-	-	-
Expenditure Totals	<u>4,058,807</u>	<u>6,051,113</u>	<u>5,901,077</u>	<u>4,026,784</u>
<b>Fund Total</b>	(434,536)	(2,426,842)	(2,120,531)	(56,698)
<b>Fund Balance, Beginning</b>	<u>3,152,440</u>	<u>3,152,440</u>	<u>3,152,440</u>	<u>1,031,909</u>
<b>Fund Balance, Ending</b>	<u>\$ 2,717,904</u>	<u>\$ 725,598</u>	<u>\$ 1,031,909</u>	<u>\$ 975,211</u>
<b>Expenditure detail by program</b>				
17500-Administration	\$ 1,108,807	\$ 1,141,082	\$ 1,141,077	\$ 1,076,784
45200-Storm Water Construction	250,000	823,428	750,000	250,000
50200-Major Street Construction	700,000	710,000	710,000	700,000
50300-Local Street Construction	-	-	-	-
57300-Capital Outlay Watermain	2,000,000	3,376,603	3,300,000	2,000,000
99900-Transfers	-	-	-	-
	<u>\$ 4,058,807</u>	<u>\$ 6,051,113</u>	<u>\$ 5,901,077</u>	<u>\$ 4,026,784</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>401 Library Maint &amp; Capital Fund</b>				
Revenue				
Taxes	\$ 857,957	\$ 857,957	\$ 879,971	\$ 920,910
Contributions from Local Units	61,540	61,540	61,540	61,540
Interest and Rentals	11,746	11,746	23,000	1,000
Other Revenues	1,000	1,000	-	-
Other Financing Sources	500,000	500,000	500,000	-
Revenue Totals	<u>1,432,243</u>	<u>1,432,243</u>	<u>1,464,511</u>	<u>983,450</u>
Expenditures				
Personnel Services	105,817	105,817	101,780	95,148
Supplies	22,200	22,200	18,000	22,200
Other Services and Charges	282,533	282,533	281,133	325,902
Capital Outlay	2,400,000	2,777,356	2,777,355	363,750
Expenditure Totals	<u>2,810,550</u>	<u>3,187,906</u>	<u>3,178,268</u>	<u>807,000</u>
<b>Fund Total</b>	(1,378,307)	(1,755,663)	(1,713,757)	176,450
<b>Fund Balance, Beginning</b>	<u>1,847,220</u>	<u>1,847,220</u>	<u>1,847,220</u> *	<u>133,463</u>
<b>Fund Balance, Ending</b>	<u>\$ 468,913</u>	<u>\$ 91,557</u>	<u>\$ 133,463</u>	<u>\$ 309,913</u>
<b>Expenditure detail by program</b>				
17500-Administration	\$ 44,768	\$ 44,768	\$ 44,768	\$ 67,870
26700-Facility Maintenance	365,782	526,782	517,145	739,130
75600-Parks Facility Capital Outlay	2,400,000	2,616,356	2,616,355	-
	<u>\$ 2,810,550</u>	<u>\$ 3,187,906</u>	<u>\$ 3,178,268</u>	<u>\$ 807,000</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<b>588 Sewer - Bond and Interest Fund</b>				
Revenue				
Interest and Rentals	\$ -	\$ -	\$ -	\$ -
Revenue Totals	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures				
Transfers Out	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditure Totals	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Fund Total</b>	-	-	-	-
<b>Net Position, Beginning</b>	<u>2,586,000</u>	<u>2,586,000</u>	<u>2,586,000</u>	<u>2,586,000</u>
<b>Net Position, Ending</b>	<u>\$ 2,586,000</u>	<u>\$ 2,586,000</u>	<u>\$ 2,586,000</u>	<u>\$ 2,586,000</u>

This fund reflects the funds set aside to meet the debt service reserve requirement set by the bond covenants.

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>590 Sewer Fund</b>				
Revenue				
Taxes	\$ -	\$ -	\$ 149	\$ 1,779
Contributions from Local Units	417,000	417,000	417,000	417,000
Charges for Service	19,305,000	19,305,000	19,705,680	22,638,195
Fines and Forfeitures	160,000	160,000	190,000	200,000
Interest and Rentals	146,580	146,580	191,810	190,000
Other Revenues	20,000	20,000	161,000	132,000
Other Financing Sources	-	-	-	-
Revenue Totals	<u>20,048,580</u>	<u>20,048,580</u>	<u>20,665,639</u>	<u>23,578,974</u>
Expenditures				
Personnel Services	4,533,238	4,535,288	4,097,873	4,192,918
Supplies	1,056,026	1,091,081	973,865	1,105,485
Other Services and Charges	9,020,829	9,095,462	9,059,600	11,895,620
Capital Outlay	1,792,000	8,010,527	7,369,625	4,404,500
Debt Service	3,478,344	3,478,344	3,375,247	3,371,695
Transfers Out	-	-	-	-
Expenditure Totals	<u>19,880,437</u>	<u>26,210,702</u>	<u>24,876,210</u>	<u>24,970,218</u>
<b>Fund Total</b>	168,143	(6,162,122)	(4,210,571)	(1,391,244)
<b>Working Capital, Beginning</b>	<u>14,617,399</u>	<u>14,893,399</u>	<u>14,893,399</u>	<u>10,682,828</u>
<b>Working Capital, Ending*</b>	<u>\$ 14,785,542</u>	<u>\$ 8,731,277</u>	<u>\$ 10,682,828</u>	<u>\$ 9,291,584</u>

Three guiding principals for preparing the Sewer budget:

- 120 days of operating expenses in working capital and 90 days of operating expenses in cash
- Maintain moderate rate increases each year
- Meet bond covenant requirements

\*Working capital excludes Fund 588 (Bond Reserve)

**Expenditure detail by program - See Next Page**

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>Expenditure detail by program</b>				
54100-Administration Services	\$ 2,262,738	\$ 2,262,738	\$ 1,989,667	\$ 1,958,694
54200-Transmission	1,659,421	1,680,868	1,609,339	1,616,588
54300-Treatment	8,617,586	8,711,477	8,634,254	9,142,232
54310-Treatment-Lab Services	757,372	757,772	731,524	753,709
54400-Capital Outlay	1,742,000	7,969,027	7,324,625	4,404,500
54700-Industrial Pretreatment	671,738	651,738	560,539	672,605
54800-GVRBA Operations-Land Appl	546,981	604,481	592,320	2,984,576
54801-GVRBA Operations-Pump House	144,257	94,257	58,695	65,619
92500-Revenue Bonds	3,478,344	3,478,344	3,375,247	3,371,695
99900-Transfers	-	-	-	-
	\$ 19,880,437	\$ 26,210,702	\$ 24,876,210	\$ 24,970,218

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>591 Water Fund</b>				
Revenue				
Federal Grants	\$ -	\$ -	\$ -	\$ -
State Grants	-	-	-	-
Taxes	-	-	11	136
Charges for Service	22,955,668	22,955,668	23,569,500	24,234,500
Fines and Forfeitures	140,000	140,000	160,000	190,000
Interest and Rentals	277,369	277,369	311,000	232,000
Other Revenues	4,680,000	4,755,343	2,933,800	2,027,800
Other Financing Sources	-	-	388,000	-
Revenue Totals	<u>28,053,037</u>	<u>28,128,380</u>	<u>27,362,311</u>	<u>26,684,436</u>
Expenditures				
Personnel Services	5,930,241	5,930,641	5,352,038	5,394,186
Supplies	1,823,116	1,823,116	2,006,342	2,394,989
Other Services and Charges	5,451,806	5,924,680	6,534,059	6,662,593
Capital Outlay	12,268,400	15,272,437	11,790,000	6,059,000
Debt Service	7,068,118	7,068,118	7,228,498	6,760,982
Transfers Out	-	-	-	-
Expenditure Totals	<u>32,541,681</u>	<u>36,018,992</u>	<u>32,910,937</u>	<u>27,271,750</u>
<b>Fund Total</b>	(4,488,644)	(7,890,612)	(5,548,626)	(587,314)
<b>Working Capital, Beginning</b>	<u>12,357,934</u>	<u>12,357,934</u>	<u>12,357,934</u>	<u>6,809,308</u>
<b>Working Capital, Ending*</b>	<u>\$ 7,869,290</u>	<u>\$ 4,467,322</u>	<u>\$ 6,809,308</u>	<u>\$ 6,221,994</u>

Three guiding principals for preparing the Water budget:

- 120 days of operating expenses in working capital and 90 days of operating expenses in cash
- Maintain moderate rate increases each year
- Meet bond covenant requirements

\*Working capital excludes Fund 593 (Bond Reserve)

**Expenditure detail by program - See Next Page**

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>Expenditure detail by program</b>				
55100-Administration	\$ 1,606,961	\$ 1,606,961	\$ 1,272,529	\$ 1,445,257
55300-Pumping and Treatment	5,745,625	5,912,435	6,556,487	6,908,494
55310-Pumping & Treatment-Lab Services	581,549	581,549	586,913	582,282
55800-T and D - Storage/E of Gezon	17,041	17,041	16,006	19,752
55900-T and D - Gezon Station	518,746	518,595	500,719	614,532
56100-T and D - Storage/W of Gezon	42,953	42,953	47,717	53,994
56200-T and D - Mains	1,545,588	1,550,088	1,407,782	1,485,436
56300-T and D - Pipeline to Gezon	164,950	462,565	625,836	290,153
56400-T and D - Pipeline Meters	79,217	79,217	77,929	73,842
56500-T and D - Meters	746,690	746,690	684,205	785,967
56600-T and D - Hydrants	112,601	112,601	111,362	119,269
56700-T and D - Services	1,456,163	1,460,663	1,362,822	1,476,627
56900-Customer Accounting	562,646	562,646	506,943	574,087
57000-Ottawa County	3,583,955	3,583,955	3,583,955	3,636,410
57300-Capital Outlay	12,268,400	15,272,437	11,790,000	6,059,000
57400-Installation of Service	24,434	24,434	11,459	22,076
92500-Revenue Bonds	3,484,163	3,484,163	3,768,273	3,124,572
99900-Transfers	-	-	-	-
	<u>\$ 32,541,681</u>	<u>\$ 36,018,992</u>	<u>\$ 32,910,937</u>	<u>\$ 27,271,750</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>593 Water - Bonds and Interest</b>				
Revenue				
Interest and Rentals	\$ -	\$ -	\$ -	\$ -
Revenue Totals	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures				
Transfers Out	-	-	388,149	-
Expenditure Totals	<u>-</u>	<u>-</u>	<u>388,149</u>	<u>-</u>
<b>Fund Total</b>	-	-	(388,149)	-
<b>Net Position, Beginning</b>	<u>2,230,500</u>	<u>2,230,500</u>	<u>2,230,500</u>	<u>1,842,351</u>
<b>Net Position, Ending</b>	<u>\$ 2,230,500</u>	<u>\$ 2,230,500</u>	<u>\$ 1,842,351</u>	<u>\$ 1,842,351</u>

This fund reflects the funds set aside to meet the debt service reserve requirement set by the bond covenants.

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>661 Motor Pool Fund</b>				
Revenue				
Federal Grants	\$ -	\$ -	\$ -	\$ -
Charges for Service	30,000	30,000	30,000	30,000
Interest and Rentals	4,470,806	4,470,806	4,031,144	4,390,656
Other Revenues	-	-	3,000	2,500
Revenue Totals	<u>4,500,806</u>	<u>4,500,806</u>	<u>4,064,144</u>	<u>4,423,156</u>
Expenditures				
Personnel Services	761,746	761,746	707,056	721,233
Supplies	700,950	700,950	610,250	773,200
Other Services and Charges	842,086	842,086	800,030	897,511
Transfers Out	2,081,000	2,081,000	2,081,000	1,900,000
Expenditure Totals	<u>4,385,783</u>	<u>4,385,783</u>	<u>4,198,336</u>	<u>4,291,944</u>
<b>Fund Total</b>	115,023	115,023	(134,192)	131,212
<b>Working Capital, Beginning</b>	<u>2,729,455</u>	<u>2,729,455</u>	<u>2,729,455</u>	<u>2,595,263</u>
<b>Working Capital, Ending</b>	<u>\$ 2,844,478</u>	<u>\$ 2,844,478</u>	<u>\$ 2,595,263</u>	<u>\$ 2,726,475</u>
			Fund 662	\$ 4,637,859
			Total Working Capital Between Fund 661/662	<u>\$ 7,364,334</u>
<b>Expenditure detail by program</b>				
58100-Administration Fee	\$ 279,871	\$ 279,871	\$ 234,266	\$ 206,013
58200-Equipment Operations	1,638,639	1,638,639	1,541,596	1,712,049
58300-Building	386,273	386,273	341,474	473,882
99900-Transfers	2,081,000	2,081,000	2,081,000	1,900,000
	<u>\$ 4,385,783</u>	<u>\$ 4,385,783</u>	<u>\$ 4,198,336</u>	<u>\$ 4,291,944</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>662 Motor Pool - Depreciation Res</b>				
Revenue				
Grants	\$ -	\$ -	\$ -	\$ -
Interest and Rentals	-	-	35,000	35,000
Other Revenues	130,000	130,000	120,000	130,000
Other Financing Sources	<u>2,081,000</u>	<u>2,081,000</u>	<u>2,081,000</u>	<u>1,900,000</u>
Revenue Totals	<u>2,211,000</u>	<u>2,211,000</u>	<u>2,236,000</u>	<u>2,065,000</u>
Expenditures				
Capital Outlay	<u>1,703,500</u>	<u>2,823,190</u>	<u>2,764,000</u>	<u>712,500</u>
Expenditure Totals	<u>1,703,500</u>	<u>2,823,190</u>	<u>2,764,000</u>	<u>712,500</u>
<b>Fund Total</b>	507,500	(612,190)	(528,000)	1,352,500
<b>Net Position, Beginning</b>	<u>3,813,359</u>	<u>3,813,359</u>	<u>3,813,359</u>	<u>3,285,359</u>
<b>Net Position, Ending</b>	<u>\$ 4,320,859</u>	<u>\$ 3,201,169</u>	<u>\$ 3,285,359</u>	<u>\$ 4,637,859</u>

City of Wyoming, Michigan  
**Annual Budget by Account Classification**

	Summary			
	2022 Adopted Budget	2022 Amended Budget	2022 Estimated Amount	2023 Proposed Budget
<b>800 Capital Projects Revolving Fund</b>				
Revenue				
Taxes	\$ 2,514	\$ 2,514	\$ 2,514	\$ 1,281
Interest and Rentals	-	-	15,000	15,000
Other Financing Sources	-	4,000,000	4,000,000	-
Other Revenues	5,978	5,978	14,177	4,353
Revenue Totals	<u>8,492</u>	<u>4,008,492</u>	<u>4,031,691</u>	<u>20,634</u>
Expenditures				
Other Services and Charges	26,610	26,610	26,610	85,340
Capital Outlay	-	136,780	136,780	324,500
Transfers Out	800,000	800,000	800,000	-
Expenditure Totals	<u>826,610</u>	<u>963,390</u>	<u>963,390</u>	<u>409,840</u>
<b>Fund Total</b>	(818,118)	3,045,102	3,068,301	(389,206)
<b>Fund Balance, Beginning</b>	<u>1,157,852</u>	<u>1,157,852</u>	<u>1,157,852</u>	<u>4,226,153</u>
<b>Fund Balance, Ending</b>	<u>\$ 339,734</u>	<u>\$ 4,202,954</u>	<u>\$ 4,226,153</u>	<u>\$ 3,836,947</u>

The Capital Projects Revolving Fund is formerly known as the Special Assessments Fund. Assessment revenue is based on the current portion of the special assessment roll, and no debt is outstanding related to special assessments at year end.

- The transfers for FY 2022 are related to the Gezon Park project.

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

RESOLUTION TO AMEND A PORTION OF THE  
CITY OF WYOMING FEE SCHEDULE

WHEREAS:

1. The City of Wyoming establishes by resolution certain fees.
2. From time-to-time information related to fees is reviewed to ensure they cover related costs.
3. Section X of the existing Fee Schedule is in need of amendment.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Wyoming hereby adopts the attached revision to Section X - Utilities effective July 1, 2022.

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 May 16, 2022.

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

ATTACHMENT:

Proposed Fee Schedule

**ALL CHANGES ARE IN BOLD**

**X - UTILITIES**

These fees will be effective as of **July 01, 2022**.

WASTEWATER PENALTIES

Concentration Level	Primary, Secondary and Tertiary Pollutants Average Quarterly Flow, gpd			
	0-10,000 Gals/Day*	10,000- 50,000 Gals/Day*	50,000- 100,000 Gals/Day*	>100,000 Gals/Day*
0-Limit (x)	No penalty	No penalty	No penalty	No penalty
>1(x) - 2(x)	\$56.87	\$113.74	\$170.64	\$227.51
>2(x) - 3(x)	113.74	227.51	341.26	455.02
>3(x) - 4(x)	170.64	341.26	511.90	682.53
>4(x)	284.38	568.77	853.16	1,000.00**

(x) Individual limits as listed in Sections 86-292 (b) (1) (b) and 86-292 (b) (2) (b) and 86-292 (b) (3) (b), General Maximum Limits for Primary, Secondary and Tertiary Toxic Pollutants.

pH	pH Penalty Average Quarterly Flow, gpd			
	0-10,000 Gals/Day*	10,000- 50,000 Gals/Day*	50,000- 100,000 Gals/Day*	>100,000 Gals/Day*
5.0 - 10.5	No penalty	No penalty	No penalty	No penalty
4.0 - 4.9	\$17.08	\$ 34.14	\$51.20	\$68.27
3.0 - 3.9	45.50	91.00	136.51	182.01
0 - 2.9	85.32	170.64	341.26	853.16
10.6 – 10.9	17.08	34.14	51.20	68.27
11.0 - 11.9	45.50	91.00	136.51	182.01
≥ 12.0	85.32	170.64	341.26	853.16

\*Based on average day for previous quarter

\*\* Maximum penalty allowed by law

## TREATED GROUNDWATER DISCHARGE

The following fees for treated groundwater discharges to the POTW are established:

(1) Permit fee, per permit issuance	199.07
(2) Inspection fee, per inspection	170.64

### WASTEWATER SURCHARGE RATES

BOD	Up to 460 mg/L	> 460 mg/L
Rate/lb.	\$0.00	\$0.182
SS	Up to 260 mg/L	> 260 mg/L
Rate/lb.	\$0.00	\$0.304
Phosphorus	Up to 12 mg/L	> 12 mg/L
Rate/lb.	\$0.00	\$3.970
Oil and Grease	Up to 91 mg/L	> 91 mg/L
Rate/lb.	\$0.00	\$0.114
Ammonia	Up to 32 mg/L	> 32 mg/L
Rate/lb.	\$0.00	\$0.560

### WATER METER INSTALLATIONS

Water Meters*:	
Meter Size	Charge
5/8 inch	\$ 224.09
1 inch	298.04
<b>AMI Endpoint</b>	<b>140.00</b>

\*For water meters larger than **1-inch**, actual cost plus 10% will be charged.

### WATER SERVICE INSTALLATIONS

The Public Works Department performs service installations to the water distribution system. Fees for 1-, 1.5-, and 2-inch installations must be paid in full at the Utility Billing Office before work can be done. Costing as indicated below, or actual charges based on Testing and Chlorinating hourly rates noted in Section IV plus additional equipment at current Act 51 rates plus actual material costs plus any additional necessary contracted work as billed by Public Works. A minimum of three working days' notice is necessary to ensure Miss Dig can mark all utilities prior to work being performed.

Water Service Installation to Stop Box (no excavation and/or restoration)

For water service installation work only, the following fees apply. Fee includes labor, equipment, and materials necessary to tap and install a water service up to and including the curb stop and stop box. Charges associated with excavating, dewatering, restoration, traffic control, or any other work necessary to provide access to the watermain is the responsibility of the requesting party and may be subject to other permitting and inspection fees.

1"	900.00
1.5"	1,400.00
2"	1,750.00
>2"	Testing and Chlorinating hourly rates noted in Section IV plus additional equipment at current Act 51 rates plus actual material cost plus any additional necessary contracted work.

Water Service Installation to Stop Box (requiring excavation and/or restoration)

For water service installation work requiring excavation, installation, and restoration, the following fees apply. Fee includes labor, equipment, and materials necessary to tap and install a water service up to and including the curb stop and stop box. This fee includes any costs associated with excavating, dewatering, boring, restoration, traffic control, or any other work necessary to provide access to the watermain and restore the excavated area to its original status.

1"	4,000.00
1.5"	4,250.00
2"	5,000.00
>2"	Testing and Chlorinating hourly rates noted in Section IV plus additional equipment at current Act 51 rates plus actual material cost plus any additional necessary contracted work.

Water System Development Charge  
by tap size

1 inch	1,308.18
1 ½ inch	4,174.82
2 inch	5,221.36
3 inch	11,728.14
4 inch	31,237.13
6 inch	78,058.68
8 inch	104,074.40
12 inch	148,939.40

Sewer System Development Charge  
by water tap size

1 inch	1,301.36
1 ½ inch	4,166.84
2 inch	5,192.92
3 inch	11,687.18
4 inch	31,119.95
6 inch	77,831.17
8 inch	103,770.70
12 inch	155,649.80

WATER SERVICE

Quarterly Ready-to-Serve Charge is applicable to all customers with public water service. Ready-to-Serve Charge will be assessed whether or not the water meter is installed and whether or not water is being used. The Ready-to-Serve is not charged if the water service is capped because of destruction or demolition of the structure served by the service or for specific cases as decided by the Director of Public Works. **If the owner of a residential, commercial, industrial, or other property requests cessation of service (i.e. water is turned off at the stop box and the meter is pulled) a Ready-to-Serve charge will be charged at the same rate as if a 5/8-inch meter was installed.**

Water Meter Size	Charges
5/8 inch	\$ 24.73
1 inch	50.72
1 1/2 inch	108.85
2 inch	168.25
3 inch	291.96
4 inch	545.58
6 inch	1,123.79
8 inch	1,891.58

Water commodity rate (in addition to Readiness to Serve Charge):  
Quantity steps applicable rate, per 100 cubic feet: **\$1.61**

## SEWER SERVICE

Quarterly Ready-to-Serve Charge is applicable to all customers with public sewer service. Ready-to-Serve Charge will be assessed whether or not sewer is being used. The Ready-to-Serve is not charged if the sewer lateral is capped because of destruction or demolition of the structure served by the lateral or for specific cases as decided by the Director of **Public Works**. **If the owner of a residential, commercial, industrial, or other property requests cessation of service (i.e. water is turned off at the stop box and the meter is pulled) a Ready-to-Serve charge will be charged at the same rate as if a 5/8-inch meter was installed.**

Water Meter Size	Charges
5/8 inch or no meter	\$ <b>18.50</b>
1 inch	<b>32.29</b>
1 1/2 inch	<b>59.94</b>
2 inch	<b>87.52</b>
3 inch	<b>211.81</b>
4 inch	<b>349.92</b>
6 inch	<b>695.09</b>
8 inch	<b>1,040.29</b>
12 inch	<b>1,598.20</b>

Sanitary Sewer commodity rate (in addition to Readiness to Serve Charge):  
per 100 cubic feet (hereinafter referred to as billing unit) of water use per quarter: **\$3.16**

Residential sewer billing units shall be determined by using 1.15 times the water use for the winter quarter which is hereby defined as any 3 months between November 1 and April 30. However, when the winter quarter use is less than 10 billing units, then 10 billing units shall be used. Provided, however, that in no case shall the billing units for sewer be greater than the total water use for any particular quarter.

Effective **July 1, 2022**, the minimum charge per quarter for those residential sewer users not served by the City's water system shall be **\$50.56** plus the applicable Ready to Serve Charge.

## LATE CHARGE

A penalty of 10% of current charges for water and sewer will be added to any bill paid after the due date on the bill.

Customers with sewer only service shall have a service charge of 1 ½ percent per month assessed on the unpaid balance for that delinquent portion of their bill which becomes a lien placed on the property tax roll.

## FIRE SPRINKLER CONNECTION

(per year charge applicable to unmetered connections):

4 inch and smaller connections to City main	\$ 164.96
6 inch connection to City main	519.88
8 inch connection to City main	883.88
10 inch connection to City main	1,820.08
12 inch connection to City main	2,959.88

### MISCELLANEOUS FEES

Cash deposit for Section 86.43(4)	150.00
Collection Cost Recovery Fee	40.00
<b>AMI Opt-Out Fee (per read)</b>	<b>30.00</b>
Deposit for Hydrant Backflow Preventor	500.00
Water Construction Fee (60 days)	<b>80.50</b>
Pool Filling Permit:	
Homeowner and contractor	<b>80.50</b>
Miscellaneous Hydrant Usage:	
Used one day	<b>80.50</b>
Used after first day	<b>80.50</b>
Plus metered usage at current water rate, plus 100%	
Unauthorized hydrant use, penalty of	500.00
Unauthorized water use, penalty of	500.00

#### NPDES Permit Treated Groundwater

The permit fee for treated groundwater discharge shall be  
\$.08 per 100 cubic feet.

### WASTE HAULERS

The following fees for waste haulers permitted to discharge to the POTW are established.  
Fees shall be assessed quarterly.

Leachate haulers Treatment Fee, per 100 cubic feet discharged \$8.98

Miscellaneous waste haulers including septage haulers:  
(to be paid in advance)

\$80.47 per 1000 gallons per load, or fraction  
thereof

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

RESOLUTION TO APPROVE THE  
2023 STREET AND UTILITY CAPITAL  
IMPROVEMENT PROGRAM

WHEREAS:

1. The City of Wyoming has updated the Street and Utility Capital Improvement Program.
2. The Capital Improvement Program identifies Wyoming's street and utility investment priorities and provides staff direction for project development.
3. The Capital Improvement Program is reviewed, revised, and updated by the City Council on an annual basis.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby approve the 2023 Street and Utility Capital Improvement Program.

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 May 16, 2022.

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

ATTACHMENTS:  
Staff Report  
2023 Street and Utility Capital Improvement Program

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

## STAFF REPORT

Date: May 11, 2022  
Subject: FY23 Street & Utility Capital Improvement Program  
From: Myron Erickson, Director of Public Works  
Meeting Date: May 16, 2022

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### **Recommendation:**

It is recommended that the City Council approve the attached street and utility capital programs for FY2023.

### **Discussion:**

Updated copies of Wyoming's street and utility capital improvement programs are attached for the City Council's review and approval. Project schedules and cost estimates have been revised since the City Council's review and approval at its April 2022 work session. Following are summaries by fund.

*Water Fund:* For FY23, Wyoming will invest \$1.5M in its linear assets and up to \$4.5M in its treatment and transmission capabilities. The sale of debt to cover the construction of a third transmission main will likely occur in late CY2022 and could be up to \$35M. The attached table shows anticipated capital investments through 2040.

*Sewer Fund:* For FY23, Wyoming will invest \$1.1M in its linear assets and \$3.3M in treatment plant improvements and capability. The attached table shows anticipated capital investments through 2040.

*Street Funds:* For FY23, Wyoming will invest \$7.035M in resurfacing and federal and state projects. The attached infrastructure sustainability chart shows capital investments through 2040.

*Public Works Capital Improvement Fund:* This is a discretionary capital improvement fund for water, sanitary sewer, storm sewer, and street projects not funded elsewhere. For FY23, Wyoming will invest \$250,000 in storm sewers and \$2M in water mains from this fund. The attached infrastructure sustainability chart shows capital investments through 2040, although the discretionary nature of this fund means it is liable to change.

### **Budget Impact:**

The budget impacts are identified in the above discussion information.

**Water Fund (\$1,000's)**

Updated 4/11/22

	Revenue			Expenses			Capital			Additional Capital Funding					Working Capital (Available for Capital)			1.25 Required DSCR
	RTS	Commodity	All Other	O & M	DS	PW/Engr	Plant	Res Funds	CIP 400 Fund	Bonding	OCRC	Begin	Change	End				
	591-644.100	591-644.000				591-591-57300-986.444	Constin Res 592											
2020 act	2,947	5,723	9,844	11,355	3,337	2,687	725	0	391	0	342	8,109		8,109	2.15			
2021 act	3,036	6,522	9,958	12,938	3,457	86	4,701	1,135	3,073	0	769	8,109	3,311	11,827	1.90			
2022 est	3,085	6,700	10,783	13,768	3,634	1,190	10,600	0	0	4,085	2,800	11,827	(1,739)	10,088	1.87			
2023 bud	3,130	7,200	10,770	14,450	3,129	1,556	4,503	0	0	0	1,920	10,088	(618)	9,470	2.13			
2024	3,180	7,550	11,090	14,880	4,500	1,550	40,000	0	0	23,000	17,265	9,470	1,155	10,625	1.54			
2025	3,230	8,080	11,420	15,330	4,500	1,550	0	0	0	0	0	10,625	1,350	11,975	1.64			
2026	3,280	8,560	11,760	15,790	4,500	1,000	0	0	0	0	860	11,975	3,170	15,145	1.74			
2027	3,330	8,820	12,110	16,260	4,500	3,000	0	0	0	0	430	15,145	930	16,075	1.78			
2028	3,380	9,080	12,470	16,750	4,540	5,000	0	0	0	0	430	16,075	(930)	15,145	1.80			
2029	3,430	9,350	12,840	17,250	4,540	5,000	0	0	0	0	430	15,145	(740)	14,405	1.84			
2030	3,480	9,630	13,230	17,770	4,540	5,000	0	0	0	0	430	14,405	(640)	13,865	1.89			
2031	3,530	9,920	13,630	18,300	4,540	5,000	0	0	0	0	430	13,865	(330)	13,535	1.93			
2032	3,580	10,220	14,040	18,850	4,540	5,000	0	0	0	0	430	13,535	(120)	14,115	1.98			
2033	3,630	10,530	14,460	19,420	2,420	5,000	0	0	0	0	430	14,115	2,210	16,325	3.80			
2034	3,680	10,850	14,890	20,000	2,420	4,000	80,000	0	0	45,170	34,830	16,325	3,000	19,325	3.89			
2035	3,740	11,180	15,340	20,600	2,420	13,000	0	0	0	0	2,150	19,325	(3,610)	15,715	3.99			
2036	3,800	11,520	15,800	21,220	2,420	13,000	0	0	0	0	2,150	15,715	(3,370)	12,345	4.09			
2037	3,860	11,870	16,270	21,860	2,420	13,000	0	0	0	0	2,150	12,345	(3,130)	9,215	4.19			
2038	3,920	12,230	16,760	22,520	2,420	13,000	0	0	0	0	2,150	9,215	(2,880)	6,335	4.29			
2039	3,980	12,600	17,260	23,200	2,420	13,000	0	0	0	0	2,150	6,335	(2,630)	3,705	4.40			
2040	4,040	12,980	17,780	23,900	2,420	13,000	0	0	0	0	2,150	3,705	(2,370)	1,335	4.50			
Totals	73,268	201,115	282,505	376,411	73,617	124,619	140,529	1,135	3,464	72,255	74,696							

**Sewer Fund (\$1,000's)**

Updated 4/11/22

	Revenue		Expenses			Capital			Additional Capital Funding				Working Capital			1.25 Required DSCR
	RTS	Commodity	O & M	DS	AM	Expansion	Res Funds	CJP Fund	Bonding	Other	Begin	Change	End			
	590-644,100	590-644,000				Constr Res 589	Cap Imprvmt 400									
2020 act	1,895	9,406	12,932	3,450	2,380	220	0	0	0	0	9,371		9,371	2.13		
2021 act	1,946	9,493	12,343	3,451	523	1,720	1,106	0	0	0	9,371	3,504	14,617	2.34		
2022 est	1,990	9,600	14,131	3,357	840	6,530	0	0	0	0	14,617	(4,294)	10,323	1.92		
2023 bud	2,010	10,000	17,219	3,362	1,117	3,288	0	0	0	0	10,323	(1,509)	8,814	1.86		
2024	2,040	9,790	17,740	3,258	1,050	2,000	0	0	0	0	8,814	(408)	8,406	1.81		
2025	2,070	9,940	18,270	3,234	1,050	95	0	0	0	0	8,406	1,521	9,927	1.82		
2026	2,100	10,090	18,820	3,214	1,000	2,760	0	0	0	0	9,927	(1,084)	8,843	1.83		
2027	2,130	10,190	19,380	3,193	1,000	2,010	0	0	0	0	8,843	(363)	8,480	1.83		
2028	2,160	10,290	19,960	3,161	1,500	2,000	0	0	0	0	8,480	(881)	7,599	1.83		
2029	2,190	10,390	20,560	2,968	1,500	2,000	0	0	0	0	7,599	(758)	6,841	1.92		
2030	2,220	10,490	21,180	2,889	2,000	2,000	0	0	0	0	6,841	(1,259)	5,582	1.95		
2031	2,250	10,590	21,820	0	2,000	2,000	0	0	0	0	5,582	1,540	7,122			
2032	2,280	10,700	22,470	0	2,000	2,000	0	0	0	0	7,122	1,470	8,592			
2033	2,310	10,810	23,140	0	2,000	2,000	0	0	0	0	8,592	1,390	9,982			
2034	2,340	10,920	23,830	0	2,000	2,000	0	0	0	0	9,982	1,300	11,282			
2035	2,380	11,030	24,540	0	2,000	2,000	0	0	0	0	11,282	1,220	12,502			
2036	2,420	11,140	25,280	0	2,000	2,000	0	0	0	0	12,502	1,120	13,622			
2037	2,460	11,250	26,040	0	2,000	2,000	0	0	0	0	13,622	1,020	14,642			
2038	2,500	11,360	26,820	0	2,000	2,000	0	0	0	0	14,642	910	15,552			
2039	2,540	11,470	27,620	0	2,000	2,000	0	0	0	0	15,552	800	16,352			
2040	2,580	11,580	28,450	0	2,000	2,000	0	0	0	0	16,352	670	17,022			
Totals	46,811	220,529	442,545	35,537	33,960	44,623	1,106	0	0	0						

**Street Funds (\$1,000's)**  
Updated 4/11/22

	Revenue		Expenses		Capital				Additional Capital Funding				Fund Balance			Total Capital Investment in Streets (not incl O&M)
	Act 51	All Other	O & M	DS	Resurface	Street Construction	Local Match for Fed/State Projects	Fed/State Projects	Fed / State	CIP Fund	Bonding	Other	Begin	Change	End	
2020 act	8,182	741	4,821	0	4,521	0	0	0	0	0	0	0	4,863	(419)	4,444	4,521.00
2021 est	9,006	577	5,048	0	3,577	0	22	1,595	1,232	0	0	0	4,444	936	5,380	5,172.00
2022 est	8,800	623	5,603	0	2,495	920	2,772	8,005	5,777	710	0	0	5,380	(2,367)	3,013	12,130.00
2023 bud	9,095	499	5,595	0	3,000	500	1,500	4,035	2,567	0	0	0	3,013	(1,001)	2,012	7,535.00
2024	9,972	510	5,760	0	4,000	0	700	2,000	1,300	500	0	0	2,012	22	2,034	6,500.00
2025	10,270	530	5,930	0	4,000	0	700	2,500	1,800	1,000	0	0	2,034	170	2,204	7,500.00
2026	10,580	550	6,110	0	4,500	0	380	1,900	1,520	1,000	0	0	2,204	140	2,344	7,400.00
2027	10,900	570	6,290	0	5,000	0	0	1,625	1,300	1,000	0	0	2,344	180	2,524	7,625.00
2028	11,230	590	6,480	0	5,500	0	0	1,625	1,300	1,000	0	0	2,524	(160)	2,364	8,125.00
2029	11,570	610	6,670	0	5,500	0	0	1,625	1,300	1,000	0	0	2,364	10	2,374	8,125.00
2030	11,920	630	6,870	0	5,500	0	0	1,625	1,300	1,500	0	0	2,374	180	2,554	8,625.00
2031	12,280	650	7,080	0	6,000	0	0	1,625	1,300	1,500	0	0	2,554	(150)	2,404	9,125.00
2032	12,650	670	7,290	0	6,000	0	0	1,625	1,300	1,500	0	0	2,404	30	2,434	9,625.00
2033	13,030	690	7,510	0	6,000	0	0	1,625	1,300	2,000	0	0	2,434	210	2,644	10,125.00
2034	13,420	710	7,740	0	6,500	0	0	1,625	1,300	2,000	0	0	2,644	(110)	2,534	10,125.00
2035	13,820	730	7,970	0	6,500	0	0	1,625	1,300	2,000	0	0	2,534	80	2,614	10,125.00
2036	14,230	750	8,210	0	7,000	0	0	1,625	1,300	2,000	0	0	2,614	(230)	2,384	10,625.00
2037	14,660	770	8,460	0	7,000	0	0	1,625	1,300	2,500	0	0	2,384	(30)	2,354	11,125.00
2038	15,100	790	8,710	0	7,500	0	0	1,625	1,300	2,500	0	0	2,354	(320)	2,034	11,625.00
2039	15,550	810	8,970	0	7,500	0	0	1,625	1,300	2,500	0	0	2,034	(110)	1,924	11,625.00
2040	16,020	830	9,240	0	7,500	0	0	1,625	1,300	2,500	0	0	1,924	110	2,034	11,625.00
Totals	252,285	13,830	146,357	0	115,093			42,785	32,396	28,710	0	0				

400 Capital Outlay Fund (\$1,000's)

Updated 4/11/22

	Revenue		Expenses							Transfers			Fund Balance	
	Property Taxes	All Other	Admin (17500)	Capital Outlay Storm Sewer (972.452)	Capital Outlay Major Street Construction (972.502)	Capital Outlay Local Street Construction (972.503)	Capital Outlay Sanitary Sewer (972.544)	Capital Outlay Watermains (972.573)	To Major Streets (999.202)	To MTF Major Streets (999.320)	To Water Fund (999.591)	Begin	Change	End
2020 act	3,442	191	1,173	208	39	0	0	0	0	0	0	5,924	1,822	4,102
2021 act	3,481	156	1,066	388	60	0	0	3,072	0	0	0	4,102	(949)	3,153
2022 est	3,509	271	1,135	750	710	0	0	3,300	0	0	0	3,153	(2,115)	1,038
2023 bud	3,816	195	1,076	250	0	0	0	2,000	0	0	0	1,038	685	1,723
2024	3,930	200	1,110	250	500	0	0	2,000	0	0	0	1,723	270	1,993
2025	4,050	210	1,140	250	1,000	0	0	2,000	0	0	0	1,993	(130)	1,863
2026	4,170	220	1,170	250	1,000	0	0	2,000	0	0	0	1,863	(30)	1,833
2027	4,300	230	1,210	250	1,000	0	0	2,000	0	0	0	1,833	70	1,903
2028	4,430	240	1,250	250	1,000	0	0	2,000	0	0	0	1,903	170	2,073
2029	4,560	250	1,290	250	1,000	0	0	2,000	0	0	0	2,073	270	2,343
2030	4,700	260	1,330	250	1,500	0	0	2,000	0	0	0	2,343	(120)	2,223
2031	4,840	270	1,370	250	1,500	0	0	2,000	0	0	0	2,223	(10)	2,213
2032	4,990	280	1,410	250	1,500	0	0	2,000	0	0	0	2,213	110	2,323
2033	5,140	290	1,450	250	2,000	0	0	2,000	0	0	0	2,323	(270)	2,053
2034	5,290	300	1,490	250	2,000	0	0	2,000	0	0	0	2,053	(150)	1,903
2035	5,450	310	1,530	250	2,000	0	0	2,000	0	0	0	1,903	(20)	1,883
2036	5,610	320	1,580	250	2,000	0	0	2,000	0	0	0	1,883	100	1,983
2037	5,780	330	1,630	250	2,500	0	0	2,000	0	0	0	1,983	(270)	1,713
2038	5,950	340	1,680	250	2,500	0	0	2,000	0	0	0	1,713	(140)	1,573
2039	6,130	350	1,730	250	2,500	0	0	2,000	0	0	0	1,573	0	1,573
2040	6,310	360	1,780	250	2,500	0	0	2,000	0	0	0	1,573	140	1,713
Totals	99,878	5,573	28,600	5,846	28,809	0	0	42,372	0	0	391			

05.16.22  
DDA/JRS

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

RESOLUTION TO APPROVE THE 2022-2023 BUDGET FOR THE WYOMING  
DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS:

1. Act 197 of 1995, the Downtown Development Authority Act, requires that Downtown Development Authorities annually prepare a budget subject to governing body approval.
2. The Wyoming Downtown Development Authority (DDA) has recommended the attached budget for the Fiscal Year 2022-2023.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby approve the attached Wyoming DDA budget for Fiscal Year 2022-2023.

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 May 16, 2022.

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

ATTACHMENTS:

Staff Report  
DDA Budget Worksheet Report  
DDA Resolution Approving the Budget

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

## STAFF REPORT

Date: April 25, 2022

Subject: Wyoming Downtown Development Authority 2022-2023 Annual Budget

From: Jennifer Stowell, Administrative Assistant to the City Manager

Meeting Date: May 16, 2022

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### **RECOMMENDATION:**

It is recommended City Council approve the proposed 2022-2023 annual budget for the Wyoming Downtown Development Authority (DDA).

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

The Wyoming DDA seeks to foster a vibrant commercial corridor in the heart of the City of Wyoming. The DDA is committed to thoughtfully stewarding the funds it receives through tax increment financing and the State of Michigan. Proper redevelopment of the corridor will support existing businesses and infrastructure, thereby maintaining and growing economic opportunities for the residents of Wyoming. Proper design will also enhance safety for pedestrians, bikers and motorists.

### **DISCUSSION:**

The Wyoming DDA convened on April 25, 2022 and passed the budget that is being proposed to Council. The majority of the DDA's expenses are focused on maintenance and landscaping throughout the corridor. Funds are also being set aside for light post replacement, holiday decorations, supplies and materials. Funds have been budgeted for the 2022 Metro Cruise. Wyoming Gives Back will also be underwritten by the DDA.

The DDA anticipates a fund balance at the end of the fiscal year. This will be added to its existing reserves, which have been slowly growing over time. It is the hope of the DDA that it will be able to use these funds for more substantial projects related to property development and other projects throughout the corridor; for example, there has been interest in bringing a farmer's market to the corridor.

### **BUDGET IMPACT:**

Overall, the DDA expects approximately \$190,000 in revenues and \$102,000 in expenditures. A notated breakdown of the budget is as follows:

#### **Revenue:**

- Tax Increment Financing (TIF) revenue is projected at \$42,000.

- The changes to Personal Property Tax law created a “Small Taxpayer Loss (STL) Reimbursement” payable from the State. I have budgeted \$145,000 this year based on the information I received from the Treasurer.

#### **Expenses:**

- **Staff: \$25,000** - The DDA will fund \$25,000 of the Director’s wages.
- **Supplies: \$200** is budgeted for other services. Office and event supplies.
- **Professional Services, Legal: \$1,000** is budgeted to provide any specialized legal services relating to TIF district.
- **Marketing: \$1,000** is budgeted to provide any necessary marketing services or materials for the District.
- **Travel, Training: \$1,500** - Covers part of the cost of one national marketing event; alternatively, local or regional staff training for retail/commercial development topics.
- **Printing and Advertising: \$500** - The DDA is required to publish an annual report in the newspaper.
- **Other Services: \$1,000** – Covers brownfield payments and other expenses that might arise.
- **Corridor Property Maintenance: \$18,000** for installation, removal and storage of holiday decorations, repairs to the irrigation system or decorative sidewalks.
- **Corridor Landscape Maintenance: \$28,000** (same) Annual maintenance of lawns and plantings in the ROW in the DDA.
- **Projects: \$5,000** has been budgeted for potential project costs in the District.
- **Wyoming Gives Back: \$3,500** - Supplies, marketing, advertising and sound equipment.
- **Metro Cruise: \$2,500** - Sponsorship.
- **Holiday Lights: \$5,000** to replace holiday rope lights that no longer work.
- **Pedestrian Lighting: \$10,000.** Plan continued inspection and repair of light fixtures, power outlets for holiday lighting; replacements as needed due to damage.

Account Number	Account Description	2019 Actual Amount	2020 Actual Amount	2021 Actual Amount	2022 Amended Budget	2022 Actual Amount	2022 Estimated Amount	2023 Department Requested
<b>Fund: 995 - Downtown Development Authority</b>								
<b>REVENUES</b>								
<i>Taxes 401 - Taxes</i>								
402.000	Property Taxes Property Taxes	134,834.4000	155,363.5400	177,212.6300	130,000.0000	3,500.2800	41,000.0000	42,000.0000
441.000	Property Tax PPT Reimbursement-LCSA	0.0000	0.0000	0.0000	0.0000	143,908.9900	143,909.0000	145,000.0000
<i>Account Classification Total: Taxes 401 - Taxes</i>		<b>\$134,834.40</b>	<b>\$155,363.54</b>	<b>\$177,212.63</b>	<b>\$130,000.00</b>	<b>\$147,409.27</b>	<b>\$184,909.00</b>	<b>\$187,000.00</b>
<i>Int &amp; Rent 664 - Interest and Rentals</i>								
664.000	Interest on Investments Interest on Investments	10,683.3300	6,347.7200	5,779.2500	0.0000	2,171.6200	4,000.0000	3,000.0000
<i>Account Classification Total: Int &amp; Rent 664 - Interest and Rentals</i>		<b>\$10,683.33</b>	<b>\$6,347.72</b>	<b>\$5,779.25</b>	<b>\$0.00</b>	<b>\$2,171.62</b>	<b>\$4,000.00</b>	<b>\$3,000.00</b>
<i>Other Rev 671 - Other Revenues</i>								
688.000	Miscellaneous Income Miscellaneous Income	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<i>Account Classification Total: Other Rev 671 - Other Revenues</i>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>REVENUES Total</b>		<b>\$145,517.73</b>	<b>\$161,711.26</b>	<b>\$182,991.88</b>	<b>\$130,000.00</b>	<b>\$149,580.89</b>	<b>\$188,909.00</b>	<b>\$190,000.00</b>
<b>EXPENSES</b>								
<b>Department: 000 - General Government</b>								
<b>Activity: 72800 - Economic Development</b>								
<i>Cont 700 - Contingency</i>								
700.000	Contingency Contingency	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<i>Account Classification Total: Cont 700 - Contingency</i>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<i>Sup 726 - Supplies</i>								
727.000	Office Supplies Office Supplies	6.7000	0.0000	0.0000	200.0000	27.6000	0.0000	200.0000
<i>Account Classification Total: Sup 726 - Supplies</i>		<b>\$6.70</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$200.00</b>	<b>\$27.60</b>	<b>\$0.00</b>	<b>\$200.00</b>
<i>Other 800 - Other Services and Charges</i>								
801.000	Professional Services Professional Services	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
801.009	Professional Services Marketing/Web Site	0.0000	0.0000	0.0000	1,000.0000	0.0000	0.0000	1,000.0000
801.021	Professional Services Legal Special Counsel	57.0000	0.0000	0.0000	1,000.0000	0.0000	0.0000	1,000.0000
802.000	Administrative Fee Administrative Fee	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
810.000	Contract Labor Contract Labor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
860.000	Travel and Training Travel and Training	0.0000	0.0000	0.0000	1,500.0000	0.0000	0.0000	1,500.0000
900.000	Printing & Advertising Printing & Advertising	0.0000	0.0000	0.0000	300.0000	0.0000	0.0000	500.0000
930.000	Repairs and Maintenance Repairs and Maintenance	9,557.8800	10,147.9600	7,596.3400	18,000.0000	8,011.4400	12,000.0000	18,000.0000
932.000	Payment Property Maintenance	27,714.5400	25,777.2000	26,966.0000	28,000.0000	16,853.7500	28,000.0000	28,000.0000
956.000	Other Services Other Services	0.0000	730.7000	853.0600	1,000.0000	336.2500	0.0000	1,000.0000
967.000	Project Costs Project Costs	1,797.9400	35.6800	0.0000	5,000.0000	0.0000	0.0000	5,000.0000
967.100	Project Costs Acquisitions/Gap Financing	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
967.110	Project Costs Banners/Holiday	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
967.120	Project Costs Business Development	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
967.130	Project Costs Christmas Decorations	0.0000	0.0000	0.0000	5,000.0000	501.8200	0.0000	5,000.0000
967.140	Project Costs Metro Cruise	2,500.0000	2,500.0000	2,500.0000	2,500.0000	0.0000	0.0000	2,500.0000
967.141	Project Costs Wyoming Gives Back	2,880.4400	2,438.4800	2,005.0700	3,500.0000	1,052.8500	1,053.0000	3,500.0000
967.150	Project Costs Networking/Educational Events	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
967.160	Project Costs Pedestrian Lighting	0.0000	0.0000	0.0000	10,000.0000	0.0000	0.0000	10,000.0000
967.165	Project Costs Mast Arm Signal	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
967.170	Project Costs Realtor Services	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
967.180	Project Costs Street Trees	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<i>Account Classification Total: Other 800 - Other Services and Charges</i>		<b>\$44,507.80</b>	<b>\$41,630.02</b>	<b>\$39,920.47</b>	<b>\$76,800.00</b>	<b>\$26,756.11</b>	<b>\$41,053.00</b>	<b>\$77,000.00</b>
<i>Debt 990 - Debt Service</i>								
991.000	Bond Payments Bond Payments	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
995.000	Interest on Bonds Interest on Bonds	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<i>Account Classification Total: Debt 990 - Debt Service</i>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<i>Tran Out 999 - Transfers Out</i>								
999.101	Transfers General Fund	25,000.0000	24,999.9600	25,000.0000	25,000.0000	25,000.0000	25,000.0000	25,000.0000

Account Number	Account Description	2019 Actual Amount	2020 Actual Amount	2021 Actual Amount	2022 Amended Budget	2022 Actual Amount	2022 Estimated Amount	2023 Department Requested
<i>Account Classification Total: Tran Out 999 - Transfers Out</i>		\$25,000.00	\$24,999.96	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
<b>Activity Total: 72800 - Economic Development</b>		\$69,514.50	\$66,629.98	\$64,920.47	\$102,000.00	\$51,783.71	\$66,053.00	\$102,200.00
<b>Department Total: 000 - General Government</b>		\$69,514.50	\$66,629.98	\$64,920.47	\$102,000.00	\$51,783.71	\$66,053.00	\$102,200.00
<b>EXPENSES Total</b>		\$69,514.50	\$66,629.98	\$64,920.47	\$102,000.00	\$51,783.71	\$66,053.00	\$102,200.00
Fund REVENUE	Total: 995 - Downtown Development Authority	\$145,517.73	\$161,711.26	\$182,991.88	\$130,000.00	\$149,580.89	\$188,909.00	\$190,000.00
Fund EXPENSE	Total: 995 - Downtown Development Authority	\$69,514.50	\$66,629.98	\$64,920.47	\$102,000.00	\$51,783.71	\$66,053.00	\$102,200.00
<b>Fund Total: 995 - Downtown Development Authority</b>		\$76,003.23	\$95,081.28	\$118,071.41	\$28,000.00	\$97,797.18	\$122,856.00	\$87,800.00
REVENUE GRAND Totals:		\$145,517.73	\$161,711.26	\$182,991.88	\$130,000.00	\$149,580.89	\$187,408.00	\$184,000.00
EXPENSE GRAND Totals:		\$69,514.50	\$66,629.98	\$64,920.47	\$102,000.00	\$51,783.71	\$0.00	\$0.00
<b>Grand Totals:</b>		\$76,003.23	\$95,081.28	\$118,071.41	\$28,000.00	\$97,797.18	\$187,408.00	\$184,000.00

RESOLUTION NO. 01-22

RESOLUTION TO RECOMMEND THE BUDGET FOR THE  
CITY OF WYOMING DOWNTOWN DEVELOPMENT AUTHORITY  
FOR THE FISCAL YEAR ENDING JUNE 30, 2023

WHEREAS:

1. Public Act 197 of the State of Michigan requires the Director of the Downtown Development Authority to submit a budget to the Board of the Downtown Development Authority, and
2. The budget has submitted for recommendation, and
3. Public Act 197 further states that said budget must be approved by the City Council of the City of Wyoming prior to adoption by the Board of the Downtown Development Authority; now, therefore,

NOW THEREFORE, BE IT RESOLVED:

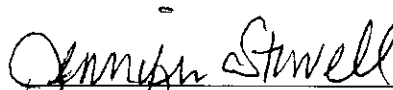
1. The budget attached hereto and made a part hereof by reference is hereby considered and recommended by the Board of the City of Wyoming Downtown Development Authority for adoption by the City Council of the City of Wyoming.

Moved by Board Member: Poll

Seconded by Board Member: McCloy

Motion Carried: Yeas: 4 Nays: 0

I hereby certify that the foregoing Resolution was adopted by the Board of the City of Wyoming Downtown Development Authority, at a meeting held on the April 25, 2022.



Jennifer Stowell

DDA Secretary/Admin Assistant to the City Manager

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

RESOLUTION TO APPROVE  
GRAND VALLEY REGIONAL BIOSOLIDS AUTHORITY  
FY2023 BUDGET

WHEREAS:

1. The Grand Valley Regional Biosolids Authority (“GVRBA”) is an authority jointly formed by the City of Wyoming and the City of Grand Rapids pursuant to Act 233 of the Public Acts of Michigan of 1955, as amended.
2. The Articles of Incorporation of GVRBA require that its annual budgets and amendments thereto be approved by Wyoming and Grand Rapids.
3. The City’s required contribution to the GVRBA 2023 fiscal year budget is \$4,917,870.
4. Wyoming desires to approve GVRBA’s 2023 fiscal year budget which has been approved and recommended by the Board of Directors of GVRBA.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby approve the Grand Valley Regional Biosolids Authority budget for fiscal year 2023 in the total amount of \$11,130,355.

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 May 16, 2022.

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

ATTACHMENTS:

Staff Report

GVRBA FY23 Proposed Budget

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

## STAFF REPORT

Date: May 4, 2022  
Subject: GVRBA FY23 Budget  
From: Myron Erickson, PE, Director of Public Works  
Meeting Date: May 9, 2022

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### Recommendation

It is recommended that the City Council approve the FY23 budget for the Grand Valley Regional Biosolids Authority (GVRBA), as required by Section 11 of the Joint Biosolids Management Project Agreement between the communities of Wyoming and Grand Rapids.

### Community, Safety, Stewardship

The cities of Wyoming and Grand Rapids have jointly formed the GVRBA for the economical processing and disposition of both communities' biosolids. This saves cost and effort and exposes both municipalities to other collaborative opportunities.

### Discussion

The Operations Team of the GVRBA is required to develop an annual budget that must be approved by the GVRBA Board of Directors, the Wyoming City Council, and the Grand Rapids City Commission. Budget development occurred earlier this year by the staff at both facilities including the designated project manager, Kevin Lynch. On April 14, 2022, the GVRBA Board of Directors approved the FY23 budget and recommended subsequent approval by both communities. The FY23 proposed budget totals \$11,130,355, an increase of \$665,837 over the FY22 budget.

For FY23, we are anticipating increases to trucking, landfill, land application, and polymer costs. The proposed budget also includes a regularly scheduled centrifuge service, as well as a centrifuge hydraulic back-drive replacement. The GVRBA is currently undergoing a process evaluation study with Donohue & Associates, the goal of which is to identify ways to reduce the mass and liquid content of the biosolids and plan the future of biosolids disposition in our communities.

A few line items in the proposed FY23 budget are decreasing. Wyoming upgraded its truck loading bay in FY22 with remote operated Rotork valves, pressure relief valves, and better monitoring of the hauling bay with SCADA. This change is reflected in the 8010 Contractual Services budget item with the WCWP O&M Segments 2&3. Another key decrease affects line item 9880 Capital Improvements. This decrease was due to two centrifuges having VFD back-drive upgrades in FY22, as well as the start of the process evaluation study which began in February.

**Budget Impact:**

GVRBA's debt service and administrative costs are paid for in proportion to both communities' dry ton production of biosolids from the most recently completed reporting year. For FY23, Wyoming's proportional share of these costs is 40.6%. This is an increase from Wyoming's 35.8% FY22 share, which is due to Grand Rapids recently completing their anaerobic digester, reducing their total contributed mass.

Land application and landfilling costs are shared according to each city's proportional use of those disposition methods, which means that Wyoming pays for 100% of land application costs and approximately 11% of landfill costs. Wyoming's proportional share of this cost is down from its FY22 share of 14%.

Wyoming's overall monthly contribution to GVRBA for FY23 will be \$385,966.

Projected and Historical Dry Ton Production Information

Annual Biosolids Dry Tons	FY2023 Proposed Budget	FY2022 Budget	FY2023 Actual 5/4/2022
GRWRRF			
Amount sent to landfill	10,500	10,500	-
GRWRRF Sub-Total	10,500	10,500	-
WCWP			
Amount sent to landfill	1,300	1,700	-
Amount applied to land	5,200	4,600	-
WCWP Sub-Total	6,500	6,300	-
Total	17,000	16,800	-

Partner Percentage Calculation of Debt Service and Administration

Partner Percentage of Total			
GRWRRF	59.41%	64.16%	
WCWP	40.59%	35.84%	
Annual Debt Service	\$ 2,096,484	\$ 2,093,669	\$ -
Storage Tank Rental	\$ 417,146	\$ 417,146	
Administrative Cost	\$ 44,000	\$ 45,200	
WAS Tank Lease	\$ 60,000	\$ 60,000	
Total	\$ 2,617,630	\$ 2,616,015	
Partner Share of Debt Service and Administration			
GRWRRF (Monthly = \$131,624)	\$ 1,579,488	\$ 1,699,939	
WCWP (Monthly = \$86,512)	\$ 1,038,142	\$ 916,076	

Partner Percentage Calculation of Operations and Maintenance

Landfill			
GRWRRF	88.98%	86.07%	#DIV/0!
WCWP	11.02%	13.93%	#DIV/0!
Land Application			
GRWRRF	0.00%	0.00%	
WCWP	100.00%	100.00%	
Landfill Cost	\$ 5,526,749	\$ 5,293,707	
Land Application Cost	\$ 2,984,576	\$ 2,554,796	
Partner Share of Operations and Maintenance			
GRWRRF (Monthly = \$409,822)	\$ 4,917,870	\$ 4,556,059	
WCWP (Monthly = \$299,455)	\$ 3,593,455	\$ 3,292,444	

Revenue

Cash Balance			
Operations (Subfund 592)	3,188,130	1,628,325	-
Construction (Subfund 593)			
Cash Balance Total	3,188,130	1,628,325	
Revenue Requirements	11,130,355	10,464,518	
GRWRRF			
Debt Service and Administration	1,579,488	1,699,939	
Landfill Cost	4,917,870	4,556,059	
Land Application Cost	-	-	
Total	6,497,358	6,255,999	

WCWP			
	Debt Service And Administration	1,038,142	916,076
	Landfill Cost	608,879	737,648
	Land Application Cost	2,984,576	2,554,796
	<b>Total</b>	<b>4,631,597</b>	<b>4,208,519</b>
<b>Partner Share of Revenue Requirements</b>			
	GRWRRF (Monthly = \$541,446)	<b>6,497,358</b>	<b>6,255,999</b>
	WCWP (Monthly = \$385,966)	<b>4,631,597</b>	<b>4,208,519</b>
Dry Ton Rate		655	623
<b>Expenses</b>			
7530 Process Chemicals Supplies			
	Polymer	1,600,000	1,375,000
	Carbon	200,000	
	Miscellaneous	15,000	200,000
	<i>Supplies Sub-Total</i>	<b>1,815,000</b>	<b>1,575,000</b>
8010 Contractual Services			
	Trucking	477,585	466,000
	Landfill	2,063,545	1,980,000
	Land Application	2,984,576	2,554,796
	GRWRRF O&M Segments 1 & 4	800,000	780,000
	Financial Processing (Grand Rapids Comptrollers)	5,400	5,200
	WCWP O&M Segments 2 & 3	65,619	137,707
	Administration Services (Legal/Audit/Insurance)	40,000	40,000
	Centrifuge Service	100,000	
	<i>Contractual Services Sub-Total</i>	<b>6,536,725</b>	<b>5,963,703</b>
9410 Equipment Rental/Lease			
	WCWP Storage Tank Rental	417,146	417,146
	Was Tank	60,000	60,000
	<i>Equipment Rental or Lease Sub-Total</i>	<b>477,146</b>	<b>477,146</b>
9880 Capital Improvements			
	VFD Maintenance		150,000
	Process Evaluation		205,000
	Centrifuge Drive	205,000	205,000
	<i>Capital Improvements Sub-Total</i>	<b>205,000</b>	<b>355,000</b>
Debt Service			
	GRWRRF	1,245,521	1,343,298
	WCWP	850,963	750,371
	<i>Debt Service Sub-Total</i>	<b>2,096,484</b>	<b>2,093,669</b>
	<b>Expenses Total</b>	<b>11,130,355</b>	<b>10,464,518</b>

GRWRRF = City of Grand Rapids Wastewater Treatment Plant

WCWP = City of Wyoming Clean Water P

MDEQ = Michigan Department of Environmental Quality

O&M = Operation and Maintenance

GVRBA = Grand Valley Regional Biosolids Authority

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

RESOLUTION TO AMEND THE EMPLOYMENT CONTRACT BETWEEN THE CITY OF WYOMING AND THE WYOMING CITY EMPLOYEES UNION AND TO AMEND THE CITY EMPLOYEES UNION CLASSIFICATION AND SALARY SCHEDULE

WHEREAS:

1. The Wyoming City Council has approved Employment Contracts and Classification and Salary Schedules between the City of Wyoming and the Wyoming City Employees Union.
2. The City Manager recommends City Council amend the Employment Contract and the Classification and Salary Schedule for the Wyoming City Employees Union to add the Fleet and Building Custodian position as shown on the attached Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming does hereby approve the aforementioned amendment to the Employment Contract between the City of Wyoming and the Wyoming City Employees Union and the Classification and Salary Schedule.

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 May 16, 2022.

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

ATTACHMENT:

Memorandum of Understanding

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

MEMORANDUM OF UNDERSTANDING

RE: Fleet and Building Custodian

The City of Wyoming ("City") and the Wyoming City Employees Union ("Union") agree as follows:

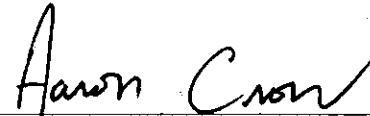
1. Effective, July 1, 2022, the classification of Fleet and Building Custodian is added to the bargaining unit.
2. The Fleet and Building Custodian classification will be placed in the G05 range of the Classification and Salary Schedule in effect for the bargaining unit employees.
3. The above change to the Classification and Salary Schedule is subject to approval by the Wyoming City Council.

CITY OF WYOMING

WYOMING CITY EMPLOYEES UNION

By:

By:



\_\_\_\_\_  
Its: City Manager

\_\_\_\_\_  
Its: Aaron Crow - President

Date:

Date:

4-11-22

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

RESOLUTION TO AMEND SECTION 1 OF THE CITY COUNCIL POLICY  
MANUAL TO MODIFY CITY COUNCIL RULES OF PROCEDURE

WHEREAS:

1. Section 6.7 of the City Charter of the City of Wyoming, Michigan requires the City Council to determine its rules and order of business.
2. Modifying the City Council's Rules of Procedure will ensure they comply with current legal requirements and will provide additional clarity and guidance.

NOW, THEREFORE, BE IT RESOLVED:

1. Section 1 of the City Council Policy Manual is amended to read as stated on the attached Exhibit A.
2. All resolutions and parts of resolutions are, to the extent conflict 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 May 16, 2022.

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

ATTACHMENTS:

Staff Report  
Exhibit A

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

## STAFF REPORT

Date: May 10, 2022  
Subjects: City Council Rules  
From: Scott Smith, City Attorney  
Meeting Date: May 16, 2022

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### **RECOMMENDATION:**

Adopt the Resolution Amending Section 1 of the City Council Policy Manual to Modify City Council Rules of Procedure.

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

Community – Community is served when City Council rules of procedure provide clear guidance to City Council members and the public about the conduct of City Council meetings.

Safety – Those attending meetings feel safer when appropriate decorum is maintained. Limiting certain conduct, such as the use of signs, can reduce risks of unintentional injury or that such items may impede egress in an emergency.

Stewardship – Clarity of procedure ensures items are correctly considered, reducing possible financial consequences from improper consideration.

### **BUDGET IMPACT:**

The proposed policy should have no impact on the city's budget.

### **DISCUSSION:**

The City Council's rules of procedure need updating. Currently, they insufficiently address public participation, remote meetings or remote attendance at meetings, and certain procedures the City Council has recently used. They do not include the statement regarding assistance for public participation that is required by the Civil Rights Policy. They do not provide clear guidance on conflicts of interest. They are not gender neutral.

In *Ison v Madison Local Sch Dist Bd of Educ*, 3 F4<sup>th</sup> 887 (6<sup>th</sup> Cir 2021), the Sixth Circuit Court of Appeals determined that meeting rules prohibiting offensive, antagonistic, disparaging, or ridiculing comments violate the First Amendment because they constitute viewpoint discrimination. Other courts have cited and generally followed this case in decisions regarding interactions between public bodies and speakers. These cases all make it clear that the rules should address disruptive conduct, not the content of comments.

The proposed rules provide more clarity on these and other matters. They include procedure conforming to the Council recent practices (that deviate from Roberts Rules of Order), provide flexibility for remote meeting participation, define conflicts of interest, and otherwise improve procedural clarity for the Council and public.

## Exhibit A

### **Section 1 – RULES OF PROCEDURE**

#### **1.01 Agenda**

A. The city manager shall prepare the agenda for all regular city council meetings and work sessions. The agenda shall also include all matters approved for consideration at a city council work session. The agenda will further include matters requested by two or more council members.

B. The agenda and supporting materials shall normally be available to the city council and posted on the city's website by 5:00 p.m. on the Thursday prior to the meeting. Supplemental materials may be provided after that time if they later become available, are provided in response to an inquiry by a council member, are provided to correct an error, or for other good reason.

C. During the approval of agenda portion of the meeting, the city council may approve additions, deletions, or other alterations to the agenda or materials.

D. The order of business for regular council meetings shall generally be as follows. However, it may be altered when consideration of matters in a different order is more appropriate such as when consideration of an ordinance concerning a subject should occur before consideration of a related resolution.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Student Recognition
6. Approval of Minutes
7. Approval of Agenda
8. Public Hearings (3-minute limit per person)
9. Public Comment on Agenda Items (3-minute limit per person)
10. Presentations and Proclamations
11. Petitions and Communications
12. Reports from City Officers
13. Budget Amendments
14. Consent Agenda
15. Resolutions
16. Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts
17. Ordinances
18. Informational Material
19. Acknowledgement of Visitors (3-minute limit per person)
20. Closed Session (as necessary)
21. Adjournment

E. The meeting chair may seek a single motion to approve multiple matters on the agenda. However, if any council member requests that one or more of those matters be considered separately, the meeting chair shall defer to that request.

#### **1.02 Chair**

A. The mayor shall preside over regular city council meetings. In the mayor's absence, the mayor pro-tem shall preside.

B. The mayor pro-tem shall preside over work sessions. In the mayor pro-tem's absence, the mayor shall preside.

C. In the absence of the mayor and mayor pro-tem, unless the council has by previous resolution (because it knew of the planned absence of the mayor and mayor pro-tem at an upcoming meeting) already designated a meeting chair, the city clerk shall preside until the council as its first order of business selects a council member to preside at that meeting.

### 1.03 Meeting Days, Times, and Places

A. Regular city council meetings shall be the first and third Mondays of each month unless another day or time is designated by a city council resolution. There shall be an additional meeting on the first Monday following completion of the canvas of city election except when that Monday falls on a city holiday, in which situation that meeting shall be on the first Tuesday following the city election. Regular meetings shall begin at 7:00 p.m. unless otherwise designated by a city council resolution.

B. City council work sessions shall be on the second Monday of each month and at any time as determined by the city manager. Work sessions may be cancelled by the mayor, resolution of the city council, or the city manager. Work sessions shall be at 5:30 p.m. unless otherwise scheduled by the city manager or a city council resolution.

C. Unless otherwise designated by the city council or city manager, council meetings shall be held in city council chambers at the city hall.

D. The city council may hold virtual meetings when allowed by and in accordance with applicable law, including any local emergency declaration or emergency order.

1. The meeting shall be held in a manner that allows all council members to be heard by one another and by the public and that allows all comments made by the public at appropriate times during the meeting to be heard by all council members attending the meeting and by other members of the public.

2. At the beginning of the meeting, the chair shall:

- a. State the reason the meeting is being held remotely or partially remotely.
- b. Identify the council members, if any, who are present in person.
- c. Ask each council member who is attending remotely to (i) identify themselves, and (ii) state the county, city, township or village in which that member is located while attending remotely.
- d. Determine that notice of the meeting was provided as required by law.

3. During the meeting:

- a. If there are scheduled public hearings, the chair shall:
  - i. Ensure all council members who are present (either in-person or remotely) have been provided and have had the opportunity to review copies of all comments received before the meeting whether by mail, e-mail or voice message. If not, those comments will be read or played during the public hearing.
  - ii. Ensure all written materials provided in-person, if public in-person attendance is provided, are read and/or displayed to council members during the meeting.
  - iii. Ensure all members of the public who wish to do so may speak to and be heard by all council members attending the meeting.
- b. At the public comment and acknowledgement of visitors portions of the meeting the chair shall:
  - i. Note that all council members have been provided and have had the opportunity to review copies of all comments received before the meeting whether by mail, e-mail or voice message. If not, those comments will be read or played during the public hearing.
  - ii. Ensure all written materials provided in-person, if public in-person attendance is provided, are read and/or displayed to council members during the meeting.
  - iii. Ensure all members of the public who wish to do so may speak to and be heard by all council members attending the meeting.
  - iv. Explain that public hearings and opportunities to address agenda and non-agenda items are opportunities to address the council. They are not times for dialog or debate. Generally, no response will be provided to any comments, though the person chairing the meeting may ask for response or a comment or refer the matter to city staff for follow-up. Comments are limited to 3 minutes.
- c. Persons who are disruptive at the meeting, either in-person or remotely, will be excluded from the meeting.
- d. If there is a closed session, that closed session will exclude persons from participating except as otherwise allowed for an in-person closed session.

E. To the extent and in the manner provided by law, the council may allow one or more council members to remotely attend and participate in a meeting.

#### **1.04 Committees**

A. There shall be no standing committees of the council. Special committees and their members may be appointed by the mayor, subject to the approval of the city council, or by city council itself.

B. When the final report of a special committee has been submitted and approved by the city council, that committee shall be considered as dissolved.

#### **1.05 Quorum and Voting**

A. As provided in City Charter §6.5, a majority of council members in office at the time shall be a quorum for the transaction of business at city council meetings. In the absence of a quorum a lesser number may adjourn a meeting to a later time or date, and, in the absence of all council members, the city clerk may adjourn any meeting for not longer than one week.

B. As provided in City Charter §6.7(b), votes on all ordinances and resolutions shall be taken by a roll call vote and entered in the city council's minutes, except that where the vote is unanimous it shall only be necessary to so state.

C. As provided in City Charter §6.7(c), unless on a specific question (i) the council member has a conflict of interest, (ii) the question involves the council member's own conduct, or (iii) the remainder of the city council unanimously excuses the council member from voting, each council member must vote on each question before the city council.

1. A conflict of interest means the following for city council members with respect to a specific matter pending before the city council.

a. The council member or a member of the council member's household owns or has an ownership, leasehold, mortgage, land contract, option, purchase agreement, or other ownership, occupancy, financing or potential ownership interest in property that is the subject of the pending matter.

b. The council member or a member of the council member's household is an officer of, has an 5% or greater ownership interest in, or is employed by an entity that owns or has an ownership, leasehold, mortgage, land contract, option, purchase agreement, or other ownership, occupancy, financing or potential ownership interest in property that is the subject of the pending matter.

c. The council member or a member of the council member's household has been engaged by or works for an individual or entity engaged by an applicant for pending action by the city council for work related to the pending matter.

d. The council member or a member of the council member's household is (i) an officer or director of a corporation, (ii) a member of limited liability entity, (iii) a partner in a partnership, or (iv) an owner of a 5% or greater interest in an entity engaged to provide services related to the sale, development, occupancy or use of property that is the subject of the pending matter.

e. The council member or a member of the council member's household has been involved in a transaction that is contingent or dependent on the pending matter.

f. There is another situation in which the council member has a direct financial interest in the result of pending matter that is different from that of the general public or many others who are similarly situated.

2. Conflict of interest does not include the following circumstances:

a. The council member owns or occupies property in the vicinity of property that is the subject of a pending matter.

b. The council member has some involvement in a similar or competing project.

c. The council member previously once had an interest in the property that is the subject of the pending matter but has no current interest in that property and the project's approval or development will not provide the council member any financial benefit due to that prior interest (*e.g.*, there is a payment due to the council member conditioned on the project's approval or development).

- d. The council member previously once had but does not currently have business interactions with the applicant or others involved in a pending matter.
- e. The council member has relatives who are not members of the council member's household and who have some involvement in a project or property that is the subject of a pending matter but who are not in the council member's household.
- f. The council member previously expressed views on similar issues or matters.

3. Before voting on any matter on which a council member is alleged to have or may be considered to have a conflict of interest, the council member shall disclose the potential conflict of interest to the city council.

4. Any city council member or the city manager may seek an opinion from the city attorney to aid in actions to be considered or taken under this subsection 1.05.

#### **1.06 Decorum and Debate**

A. A council member wishing to speak shall address the chair and wait to speak until recognized by the chair. When two or more council members address the chair at about the same time, the chair shall designate by recognition, the first speaker.

B. When a motion has been made, the chair shall immediately seek support. Any council member, including the chair, may make or second a motion.

C. When a motion has been made and seconded, unless it is an undebatable motion, the chair shall allow debate.

D. Undebatable motions include motions (i) to adjourn, (ii) to table a matter<sup>1</sup>, (iii) to remove a matter from the table, and (iv) to reconsider a prior motion.

E. Debate shall be addressed to the city council, not to the audience. The chair shall moderate and guide the debate to ensure decorum, to ensure every council member desiring to speak has an opportunity to do so, and to avoid any council member's over-dominance of the time for debate. While they may express passion or emotion, council members should be respectful and cordial in debate, focusing on the merits of the issue, not on persons or personalities. Council members should respectfully listen to and consider the merits of positions stated by other council members.

F. When (i) the chair believes the debate has ended, (ii) the chair determines that further debate is unlikely to change any council member's vote on an issue, or (iii) a council member asks for the question to be called, the chair shall ask if further debate is meritorious and call for a vote. The chair may call for a vote even one or more council members (but not a majority of those present) objects.

G. If deemed helpful, the chair or any council member may seek or make a motion to divide a question so that distinct questions within an issue can be separately voted on. Before considering a divided question, the chair shall consult with city staff to determine whether dividing a question raises financial, legal, or other concerns.

H. If acceptable to the chair, a motion may be withdrawn or modified with the consent of the maker of the motion and the council member seconding it. Otherwise, a motion can be modified by adoption of motion amending it. A motion to amend any motion must be voted on before voting on the motion it is amending.

I. The council recognizes discussion can be mired in multiple motions to amend. Therefore, the chair may, if no council member objects, state a motion that, based on the chair's understanding of the discussion seems to capture the intent of a majority of the council, provided the city clerk and/or city attorney can clearly state the motion to the satisfaction of the city council so it is clear to all council members what action will be taken by the vote.

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<sup>1</sup> That is a motion to lay the matter on the table until a subsequent motion (at the same or another meeting) is made to remove it from the table. It is distinguished from a motion to postpone that states the time, meeting, or circumstance for it to again be considered.

J. To ensure compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.*, and other applicable laws, during a city council meeting, council members must not communicate by text message, email, or other means with others.

K. The council may allow remote audio or video meeting participation by persons other than council members provided all council members are privy to all communications to and from such persons.

### **1.07 Reconsiderations**

Any council member who voted with the prevailing side on any motion may move for its reconsideration at the same or the next succeeding city council meeting, but no question shall be reconsidered without the consent of four city council members.

### **1.08 Suspension of the Rules**

A motion to suspend the rules may be made at any time when no question is pending, or, if it is for a purpose connected with the question, while a question is pending. Suspension of the rules may be accomplished by a majority vote of city council members present.

### **1.09 Recording of Meetings**

A. The city clerk may electronically record city council meetings and work sessions for use by the city clerk's office for the preparation of minutes. Recordings may be disposed of or destroyed at the discretion of the city clerk. No recordings of closed sessions shall occur.

B. Others may record meetings in accordance with the Open Meetings Act, 1976 PA 267, MCL 15.261 *et seq.* All recording must occur in a manner so it is not disruptive or distracting. No one will be allowed on the dais, behind any council member or city officer sitting on the dais, between those on the dais and the audience, or between those on the dais and any speaker. There must not be any flashing lights, sounds or other disruptions from recording equipment. Equipment operators must remain in a single location and not move around. A news organization, reporter, or other person may have a single equipment operator with a single piece of equipment. Multiple cameras and mics will not be allowed for a news organization, reporter, or other person.

### **1.10 Public Participation**

A. Public comment periods at city council meetings are some of the opportunities provided for persons to address the city council on matters of city concern. There are other means to address city council members. Email addresses and telephone numbers are provided on the city's website for all council members (<https://www.wyomingmi.gov/About-Wyoming/City-Government/Mayor-City-Council>). Persons may also address correspondence to the city council at: City Council Members, c/o City Clerk, 1155 28<sup>th</sup> St SW, Wyoming, MI 49509, or at [councilmeetingcomments@wyomingmi.gov](mailto:councilmeetingcomments@wyomingmi.gov), or at <https://www.wyomingmi.gov/Contact>. A copy of all written materials received by 4:00 p.m. on the day of a council meeting or work session will be provided to each council member before the meeting begins.

B. At some meetings, the city council may provide for public comments via a Zoom, Microsoft Teams, Skype, or other video meeting link, or on a call-in number. If the city council provides such an opportunity, notice will be provided in the meeting agenda available at: <https://www.wyomingmi.gov/About-Wyoming/City-Government/Meetings/Public-Meetings>.

C. If there is a public hearing on a matter, spoken comments on that matter may be made during that public hearing. Written comments on that matter may be submitted any time before the meeting or during the public hearing. Comments must be limited to the topic of the public hearing.

D. During a meeting:

1. Persons wishing to speak on an item on the agenda and for which there is not a public hearing, may address the city council during the public comment period near the beginning of the meeting. Persons addressing the city council during this period will be asked to identify the agenda item they are addressing.

2. Persons wishing to speak on an item that is not on the agenda may address the city council during the "acknowledgement of visitors" near the end of the meeting. This is not an open public

forum. It is an opportunity to address the city council on items within city purview. It is not a time to address items outside the city purview.

E. Requirements for spoken comments:

1. All comments must be addressed to the city council. Speaker must refrain from addressing an audience or recording device.
2. Speakers will be limited to a single 3-minute presentation. Additional information may be presented in writing. When a single spokesperson is speaking for a group of persons, the chair may, in the discretion of the chair, allow that individual additional speaking time in lieu of having multiple persons speak.
3. Signs, banners, and other visual displays are not allowed in the council chambers or any other council meeting location, except by prior arrangement. Visual displays that are only statements generally will not be allowed. Visual displays that are depictions of data, photos or videos of scenes or events, or otherwise aids in understanding may be used by prior arrangement. If allowed by prior arrangement, they must be placed on the table for view of the overhead camera or in a form to otherwise connect to the visual display system in the council chambers so they can be displayed on the screens to all in the council chambers and can be televised with the meeting.
4. Persons addressing the city council should not expect any dialog or debate. Public hearings and other public participation periods are times for providing information and views to the city council.
5. However, the meeting chair may direct city staff or others to respond to specific issues, to collect additional information for follow-up, to clarify information, or direct other action as the chair, in the chair's discretion, deems appropriate.
6. All spoken comments must be made at the podium using the microphone provided there.
7. Comments must be made by individuals speaking one at a time (except when the speaker requires assistance). Speakers may freely express passion and emotion. However, comments must be respectful of the city council and others. Personal attacks, cursing or coarse language, inappropriately excessive volume, threats, and defamatory comments will be out of order.
8. If speakers agree with statements made by earlier speakers, they are encouraged to express their agreement without repeating comments already made. The chair may respectfully interrupt or curtail unduly repetitive comments.

F. Applause, cheering, booing, catcalls, whistling, and other disruptive noise will be out of order and those engaging in or encouraging such conduct will be escorted from the meeting.

G. Talking on a cell phone, or rings or other audible alerts from a cell phone or other electronic device, are disruptive and will be deemed out of order. Those possessing or using such devices so as to be audible to others at a meeting will be escorted away from the place of the meeting.

H. The chair, in the chair's discretion, or at the request of the city council, may terminate or limit public participation portions of meetings in order to attend to other items on the agenda or to adjourn at a reasonable time. Such discretion should be exercised with care to ensure members of the public have reasonable opportunities to address the city council.

### **1.11 Assistance**

The following shall be provided on City Council meeting notices and at the bottom of City Council agendas.

The City of Wyoming, including the City Council, is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The City Council will coordinate with city staff to ensure the City Council fulfills that commitment for its programs, services, and activities, including its public meetings. Accommodations to enable virtual meeting attendance and participation can usually be made if a request is received at least 5 hours before the meeting time. Other accommodations may require more time.

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

#### **1.12 Robert's Rules of Order**

If a procedural matter is not addressed by these rules, the most current edition of Robert's Rules of Order shall apply to city council meetings.

05/16/2022  
City Atty

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

RESOLUTION TO APPROVE A REVISED CIVIL RIGHTS POLICY AND  
AUTHORIZE AND DIRECT ITS IMPLEMENTATION AND ENFORCEMENT

WHEREAS:

1. Wyoming has a strong commitment to and continuing practice of treating all persons with dignity, respect and courtesy, and with equal and fair treatment regardless of race, ethnicity, religion, origin, age, sex, gender, height, weight, marital status, genetic information, familial status, mental or physical disability, or other reason prohibited by law.
2. Federal or state laws, rules, regulations, executive orders, grant contracts, and other legal authority require the city to have comprehensive policies.
3. The city's Civil Rights Policy approved in March 2021 has been revised to address changes in state and federal requirements, to include an equal employment opportunity plan in accordance with federal requirements, and to reorganize and refine provisions to make them more workable.

NOW, THEREFORE, BE IT RESOLVED:

1. That the May 2022 revised Civil Rights Policy, a copy of which is attached as Exhibit A, is approved as a city policy.
2. That city departments are authorized and directed to implement, comply with, administer, and enforce the Civil Rights Policy in accordance with its provisions and applicable law.
3. That city officers, employees, volunteers, boards, commissions, other city bodies, and city departments are authorized and directed to modify their respective bylaws, policies, procedures, practices, and actions to implement, comply with, administer, and enforce the Civil Rights Policy in accordance with its provisions and applicable law.

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 May 16, 2022.

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

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



## **CIVIL RIGHTS POLICY**

**INCLUDING NONDISCRIMINATION, TITLE VI, EQUAL  
EMPLOYMENT OPPORTUNITY, AND LIMITED ENGLISH  
PROFICIENCY PLANS**

REVISED: MAY 2022

1155 28<sup>TH</sup> ST SW  
WYOMING, MI 49509-0905  
PHONE: (616) 530-3173  
FAX: (616) 261-7103  
[www.wyomingmi.gov](http://www.wyomingmi.gov)

CIVIL RIGHTS COORDINATOR:  
KIM OOSTINDIE, DIRECTOR OF HUMAN RESOURCES  
CONTACT HUMAN RESOURCES – 616-530-3173  
E-MAIL: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

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## **COMMUNITY COMMITMENT**

The City of Wyoming envisions a “diverse, strong, and authentic community where all individuals have the opportunity to thrive.” This vision appreciates the rich diversity of the community’s people who originate from many nations, speak various languages, have varied financial means, practice different faiths, express differing genders and sexuality, reside in a variety of households, exhibit varying physical characteristics, and have wide-ranging aptitudes and abilities. Wyoming foresees a community in which all individuals enjoy their cultural heritages but unite in ensuring opportunities for all to thrive.

Wyoming’s mission of “community, safety and stewardship” aims for a community in which all community members (i) feel included, vital, important, understood, and valued, (ii) are treated respectfully, courteously, and with dignity, (iii) have equal opportunities, (iv) do not suffer unmet needs, and (v) are able to pursue happiness. It recognizes all persons need to feel safe, be free from intimidation or oppression with their property and physical well-being secure, and be treated impartially, objectively, and compassionately. It requires (i) prudently using community resources in furtherance of the first two parts of this mission in ways that ensure continued availability of needed resources and (ii) asking community members only for funds reasonably needed.

This vision and mission exceed legal requirements. They are affirmative, stating what Wyoming strives for, rather than negative, stating what Wyoming (and its personnel) will not do. Wyoming actively pursues this vision and mission, using them to guide city decisions.

Myriad state and federal constitutional provisions, laws, rules, regulations, orders, and grant contract obligations, impose civil rights requirements Wyoming must meet. This document is intended to incorporate Wyoming’s affirmative commitments and meet all civil rights policy and plan requirements.<sup>1</sup> It can and, when appropriate, should be (i) posted on the city’s website, (ii) provided to city bodies and city personnel, (iii) provided to inquiring federal and state agencies and officials, and (iv) made available to contractors, residents, and others.

## **GENERAL PROVISIONS**

**§1 – Adoption.** City Council approval by a resolution adopted May 16, 2022, makes this official city policy. This revised policy supersedes and replaces the policy approved by the City on March 15, 2021.

**§2 – Required Compliance.** All city personnel and all city bodies must comply with this policy. Noncompliance can have the same consequences as noncompliance with any other city policy.

**§3 – Policy Overview.** This policy:

- A. Assigns responsibilities and establishes procedures to ensure compliance with it and applicable law.
- B. Commits the city and its personnel and bodies to treating all persons with equity, fairness, impartiality, courtesy, and respect.
- C. Prohibits discrimination in all city programs, services, employment, public accommodation, housing, facilities or property access or use, bid or contract, permit or other approval, proceeding, or other activity or action.
- D. Establishes procedures, including periodic reviews, for evaluating impacts of city programs, services, projects, and other activities ensuring compliance with this policy and applicable civil rights laws.
- E. Establishes procedures for filing and addressing complaints by persons who believe they suffered discrimination that violates this policy or applicable civil rights laws.

**§4 – Definitions and Interpretation.**

A. The following definitions apply to words and phrases in this policy unless the context clearly indicates otherwise:

- 1. *Adverse effects* means the totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to the following and which include significant and non-significant effects:

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<sup>1</sup> For example, those in Title VI of the Civil Rights Act of 1964, such as for an LEP plan, and those in HUD and DOJ grant requirements.

- a. Bodily impairment, infirmity, illness, or death.
- b. Air, noise and water pollution and soil contamination.
- c. Destruction or disruption of man-made or natural resources.
- d. Destruction or diminution of aesthetic values
- e. Destruction or disruption of community cohesion or the community's economic vitality.
- f. Destruction or disruption of the availability of public and private facilities and services.
- g. Adverse employment effects.
- h. Displacement of businesses, farms, or non-profit organizations.
- i. Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- j. Denial of, reduction in, or significant delay in the receipt of benefits of the city's programs, policies and activities.

Determinations of significance require considerations of both context and intensity. *Context* means analyzing the significance of an action in various contexts such as society as a whole, the city as a whole, the affected vicinity or neighborhood, the affected interests, and the property and persons. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area and people affected, rather than a broader context. Both short- and long-term effects are relevant. Noise, dust, added or reduced traffic, and other disruptions during short-term construction are considered less significant than they when associated with long-term operation and use of an improvement. *Intensity* means the severity of impact and requires evaluating beneficial and adverse effects. Even if, on balance, effects will be beneficial, a project may still have significant adverse effects. If an alternative would provide only a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, it might be significant or non-significant. Scientific, technical, institutional, public value, cultural consideration, and the local economic conditions influence the significance of effects. *Non-significant effect* means there is no substantial change to the environment within the project context and therefore has no material bearing on the decision-making process. *Significant adverse effects on minority and low-income populations* means an adverse effect that:

- a. Is predominantly borne by a minority population and/or a low-income population; or
- b. Will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe, or greater in magnitude, than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Final determinations that a project will have significant and non-significant effects and adverse effects will be made by the city manager.

2. *Applicable civil rights laws* means Title VI of the Civil Rights Act of 1964, 42 USC 2000d *et seq.*; Title VII of the Civil Rights Act of 1964, 42 USC 2000e *et seq.*; and Title VIII of the Civil Rights Act of 1968; the fair housing act, 42 U.S.C. 3601 *et seq.*; the Elliott-Larsen civil rights act, MCL 37.2101 *et seq.*; Americans with Disabilities Act, 42 USC 12101 *et seq.*; the persons with disabilities act, MCL 37.1101 *et seq.*; and all rules, regulations, or other requirements pursuant to those statutes.

3. *CDBG* means Community Development Block Grant provided and administered by HUD.

4. *City or Wyoming* means the City of Wyoming, Kent County, Michigan.

5. *City bodies or Wyoming bodies* means the City Council and all boards, bodies, and commissions of, created by, or under the purview of Wyoming including, for example, the Downtown Development Authority, Brownfield Redevelopment Authority, Historical Commission, Housing Commission, Community Development Committee, and Economic Development Corporation. (Nonprofit entities contracting with the city to use city facilities or to provide programs or services at city facilities, such as the Wyoming Senior Fellowship and Pinery Park Little League, are city contractors as defined below and must comply with this policy under subsection 7.B.)

6. *City contractor* means any individual or entity, other than city personnel or a city body, contracting with Wyoming or a city body to provide goods, services, or programs to or for Wyoming or any city body, including, without limitation, (i) design, construction, installation, maintenance, repair or improvement, or replacement of any city property, (ii) professional services or consultation, (iii) training of any kind, (iv) programs related to parks, the Wyoming Senior Center, TEAM 21 or other after-school program, or other community activities, (v) maintenance or repair of any city vehicles or

other personal property, (vi) mowing or snowplowing of city property or rights-of-way, (vii) refuse or waste collection or disposal, (viii) computer or other hardware or software design, supply, or services, (ix) cleaning or janitorial services, (x) CDBG or other HUD program services, and (xi) office, shop, laboratory, or other supplies and equipment.

7. *City Council* means the Wyoming City Council.

8. *City manager* means the individual duly appointed or acting as the city manager in accordance with the City Charter or that individual's designee.

9. *City personnel* or *Wyoming personnel* means all elected and appointed officers, employees, volunteers, and other agents of the City of Wyoming when acting in their official capacity or on the city's behalf, including all members of city bodies. It includes personnel of the Wyoming Housing Commission and, except as otherwise limited by applicable law, 62-A District Court personnel.

10. *Civil rights coordinator* means the individual, department or other personnel or body designated to serve as the civil rights coordinator under section 5 of this policy.

11. *COPS grant* means the DOJ Community Oriented Policing Hiring Program grant awarded November 18, 2021.

12. *Disability* means, with respect to an individual: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (d) being regarded as having such an impairment. *Major life activities* in general include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. *Major bodily functions* for purposes of a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *Regarded as having such an impairment* means an individual who establishes that he or she has been subjected to an action prohibited by an applicable civil rights law because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity but does not apply to impairments that are transitory and minor (i.e., an actual or expected duration of 6 months or less).<sup>2</sup>

13. *Discriminate* or *discrimination* means to treat or impact any individual, group of individuals, or population differently based on race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law. In housing matters, to *discriminate* or *discrimination* also means discriminating against an individual because the source of the individual's income or funds to pay for housing may include state or federal assistance.<sup>3</sup>

14. *Disparate impact* means discrimination occurring when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group, or results in greater adverse consequences (such as harsher sentences) to members of that protected group. Disparate impact focuses on the consequences of a decision, policy, or practice rather than the intent. Decisions made or actions taken in a nondiscriminatory manner can have disparate impacts.

15. *Disparate treatment* means discrimination treating similarly situated persons differently because of race, color, religion, national origin, age, sex, gender, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.

16. *DOJ* means the United States Department of Justice.

17. *EEOC* means the United States Equal Employment Opportunity Commission or successor agency.

18. *EEOP* means equal employment opportunity plan in section 8.

<sup>2</sup> ADA, 42 USC 12102. The definition in Michigan's persons with disabilities act, MCL 37.1103(d) differs a bit. DOJ's Civil Rights Division issued an opinion that opioid use disorder is a disability under the ADA. "The Americans with Disabilities Act and the Opioid Crisis: Combating Discrimination Against People in Treatment or Recovery," 04.05.2022, [https://www.ada.gov/opioid\\_guidance.pdf](https://www.ada.gov/opioid_guidance.pdf).

<sup>3</sup> Code of Ordinances, City of Wyoming, Michigan, §42-53.

19. *EPA* means the United States Environmental Protection Agency or successor agency.
20. *Federal assistance* means (i) grants and loans of federal funds (directly or indirectly through a state or county agency), (ii) grants or donations of federal property or interests in property, (iii) the detail of federal personnel, (iv) training by or on behalf of federal agencies, (v) use of federal equipment, (vi) use federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (vii) any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.
21. *Harassment* means and includes any type of harassment as defined or prohibited in applicable civil rights laws and includes unprofessional or discourteous communications and actions including, for example and not for limitation, the following:
- a. Sexual harassment including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is unlawful sexual harassment when:
    - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
    - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
    - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.Examples of prohibited actions and statements include derogatory or vulgar comments regarding a person's gender, sexually suggestive language, remarks about a person's anatomy, threats of physical harm, and distribution of written or graphic sexual materials. Nude pictures, sexually oriented magazines or posters, and other words or pictures of a sexually suggestive nature are also prohibited. Prohibited actions include touching another person in a sexually suggestive way or in a gender/sexual location, and physical contact such as hitting and pushing or threats to take such action.
  - b. Racial/national origin harassment including hostile, intimidating, or offensive actions by a person based on an individual's or group's racial or ethnic origin, or incitement to commit such conduct including, but not limited to, derogatory comments, racial jokes, slurs, epithets, graffiti, or physical acts.
  - c. Other harassment including bullying and unwelcome verbal, physical, or other conduct that creates an intimidating, hostile, or offensive working environment based on protected status (such as personal characteristics or cultural differences) or protected activities. Such conduct includes, but is not limited to, derogatory comments, jokes, slurs, epithets, graffiti, gestures, displays, touching, or other physical acts.
22. *HUD* means the United States Department of Housing and Urban Development or successor agency.
23. *Interpretation* means oral language assistance.
24. *LEP* or *limited English proficiency* means an inability to understand, speak, read, or write English well or being more proficient in a language other than English. For purposes of this policy, individuals who speak English less than very well are LEP individuals.
25. *LEP Plan* means the Limited English Proficiency Plan in section 13.
26. *Low-income* means a median household income at or below the USDHHS's poverty guidelines (see <https://aspe.hhs.gov/poverty/>). If CDBG or other HUD funding is involved, "low income" means household income not exceeding 80% of the median family income for the area.
27. *Low-income population* means any readily identifiable group of low-income persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who will be similarly affected by a proposed city program, policy, or activity.
28. *MDOT* means the Michigan Department of Transportation or successor agency.

29. *Minority*<sup>4</sup> means a person who is:
- a. *American Indian or Alaska Native* means a person having origins in any of the original peoples of North, Central, or South America who maintains tribal affiliation or community attachment. It includes state-recognized tribes and their individual members; indigenous and tribal community-based organizations; individual members of federally recognized tribes, including those living on a different reservation or outside Indian country; Native Hawaiians; Native Pacific Islanders; and individual Native Americans.
  - b. *Asian or Pacific Islander* means a person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands.
  - c. *Black or African American or Black, not of Hispanic Origin*, means a person having origins in any of the black racial groups of Africa.
  - d. *Latino, Latinx or Hispanic* means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
30. *Minority Population* means any readily identifiable groups of minority persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy, or activity.
31. *Noncompliant or noncompliance* means a failure to meet prescribed requirements, especially (though not essentially) if there is shown to be a lack of a good faith effort to comply.
32. *Sex* means both sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth or a condition related to pregnancy or childbirth.
33. *Subrecipient* means an individual or entity to which Wyoming provides funding, services, materials, supplies, equipment, or training that is directly or indirectly funded by funds from a federal agency, including, for example, CDBG funds.
34. *Title VI* means Title VI of the Civil Rights Act of 1964, 42 USC 2000d *et seq.* and all rules, regulations, and agency guidelines issues pursuant to it.
35. *Translation* means written language assistance.
36. *USDHHS* means the United States Department of Health and Human Services.
37. *USDOT* means the United States Department of Transportation.

B. Identification of a city official by title includes that official's superiors and designee(s).

C. Identification of any federal or state agency by name or any city department by name includes its successor agency or department.

**§ 5 – Civil Rights Coordinator.** Unless the city manager designates another individual, department, city body or city personnel, the human resources director will be responsible for implementing, evaluating, and updating this policy, and for policy compliance. The city manager, finance department and city attorney will collaborate with the human resources director, to provide advice and support for and, as appropriate, undertake actions related to, accounting, recordkeeping, legal analysis, contract enforcement, initiating or defending legal proceedings, and other actions needed to implement, evaluate, update and ensure compliance with this policy.

**§6 – Policy Statement.** The following apply regardless of any other provision of this policy.

A. General Policies.

1. All persons must be treated with equity, fairness, impartiality, courtesy, respect.
2. Discrimination in all city programs, services, employment, public accommodations, housing, facilities or property access or uses, bids, contracts, permits, other approvals, proceedings, and other activities and actions is prohibited. This includes discriminatory treatment and discriminatory impacts or effects.

<sup>4</sup> The definition is based on §2.2.1 of *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, June 2016, EPA, pp 6-7, [https://www.epa.gov/sites/production/files/2016-06/documents/ejtg\\_5\\_6\\_16\\_v5.1.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf), and on 28 CFR 42.302(e) & 28 CFR 42.402(e).

3. Harassment or bullying of any individual or group is prohibited.
  4. Retaliation against or intimidation of a complainant, witness, consultant, or other person involved in any complaint or investigation under this policy or applicable civil rights law is prohibited.
  4. Compliance with the LEP Plan is required.
  5. Compliance with applicable civil rights laws is required.
  6. Compliance with applicable executive or agency orders, grant or other contract provisions, or other applicable civil rights requirements or obligations is required.
  7. This policy established minimum requirements. If an applicable civil rights law, executive or agency order, grant or other contract provision, or another civil rights requirement is more stringent, the more stringent requirement will apply.
  8. A city department head, other city personnel, or city body that knows of a violation of this policy must promptly report that violation to the civil rights coordinator.
  9. All city personnel observing a violation of this policy must intervene when that violation may endanger the health or safety of any individual or when any other city personnel seem to be acting without reasonable self-restraint. This duty to intervene exists unless intervention cannot occur without endangering the health or safety of other individuals, including other city personnel.
- B. This policy applies to all Wyoming personnel and bodies.
- C. This policy applies to all aspects of all Wyoming programs, services, and other activities, including, without limitation, (i) access, (ii) benefits, (iii) participation, (iv) treatment, (v) contracting opportunities, (vi) training, (vii) complaint investigation and processing, (viii) fund allocation, (ix) project prioritization, (x) employment and personnel actions, (xi) project planning, development, and implementation, (xii) property acquisition and use, (xiii) construction and installation, and (xiv) research.
- D. All city contractors must also comply with the contractual requirement in section 10 of this policy.
- E. This policy is subject to and does not limit established constitutional, statutory, or other well-settled state and federal exemptions and exceptions, among which are, for example and not for limitation:
1. *Bona fide* occupational qualifications recognized by state and federal agencies and courts.
  2. Age-, sex- and merit-based distinctions recognized by state and federal agencies and courts (*e.g.*, senior and student discounts, some sex and age classifications in athletics, competitive athletic or other contests, performance-based selections, etc.).
  3. Legally imposed requirements or limitations (*e.g.*, minimum ages for alcohol or tobacco possession or use, ages for eligibility for political offices, distinctions between juvenile and adult offenders, juvenile offender programs, veterans' courts or programs, and the minimum age to vote).
  4. Religious, expressive, associational, or assembly rights or other recognized rights under the state or federal constitution or other law (*e.g.*, the federal Religious Land Use and Institutionalized Persons Act) or legal requirements to accommodate religious beliefs and practices.

If there is a question about whether an exception or exemption applies to an individual, entity, or situation, the individual or entity seeking to apply it must contact the civil rights coordinator for clarification. The civil rights coordinator may consult such other persons as the civil rights coordinator deems appropriate in providing that clarification.

### **SPECIFIC REQUIREMENTS AND PROVISIONS**

**§7 – Interactions, Communications, and Actions.** Except in the limited circumstances in which an exception or exemption applies, Wyoming personnel and bodies, must not:

- A. Engage in or approve any planning, decisions, or actions that would:
  1. Deny anyone a service, opportunity, or other benefit for which the person is otherwise qualified.
  2. Provide a person a service or other benefit that is inferior (in quantity or quality) to, or which is provided in a different manner from, that provided to others.
  3. Subject a person to disparate treatment related to the person's receipt of services or benefits.

4. Restrict a person's enjoyment of services, facilities or any other advantage, privilege, or other benefit provided others.
  5. Adopt or use administrative methods that limit participation by an individual or group or subject an individual or group to discrimination.
  6. Permit discriminatory activity in a facility wholly or partially constructed with state or federal funds.
  7. Deny a segment of the population the opportunity to participate in operations of a planning or advisory body that is an integral part of a federally funded program.
  8. Subject an individual to discriminatory employment practices.
- B. Interact or communicate in a way that:
1. Addresses an individual in a manner that denotes inferiority because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law.
  2. Fails to communicate in a language other than English or provide language assistance to LEP individuals in accordance with the LEP Plan.
  3. Fails to treat all persons with fairness, equity, impartiality, courtesy, and respect.
- C. Plan, locate, design, construct, install, reconstruct, reinstall, alter, improve, or replace a city project or improvement resulting in:
1. Locating a facility in a way that could limit or impede access to a federally funded service or benefit.
  2. A discriminatory impact.
- D. Engage in oversight of (or a failure to properly oversee) any city project, program, consideration, or activity in a way that:
1. Knowingly participates with others, condones, or fails to address the actions of others acting for, on behalf of, or in a contractual relationship with the city and who fail to comply with this policy.
  2. Takes, participates in, condones, or fails to report any retaliation against or intimidation of a complainant, witness, consultant, or other person involved in any complaint or investigation.

## **§8 – Equal Employment Opportunity Plan (EEO).**

- A. As required by the COPS grant, the city filed a utilization report with the DOJ's Office of Justice Programs. The city also regularly files an EEO-4 report on EEOC Form 164 with the EEOC. The utilization report revealed:
1. The highest levels of male minority employee underutilization are in the Black or African American ethnicity for Protective Services: Sworn-Officials (-10%) and Protective Services: Non-sworn (-5%) job groups and in the Hispanic or Latino ethnicity for Skilled Craft (-5%) and Protective Services: Non-sworn Officials (-3%) job groups. In addition, White males continue to be underutilized (-12%) in the Administrative Support job group.
  2. The highest levels of female minority employee underutilization are in the Black or African American ethnicity for Service/Maintenance (-5%) and in the Technicians (-3%) job groups. Underutilization of female minority employees is also represented in the Hispanic or Latino ethnicity for Service/Maintenance (-4%) and Asian ethnicity for Protective Services: Non-Sworn (-4%). Also, White females are underutilized in the job groups of Protective Service: Sworn-Patrol Officers (-35%), Service/Maintenance (-31%), Protective Services: Non-sworn (-30%), Professionals (-8%), Technicians (-8%), and Officials/Administrators (-7%).
- B. Reasons for these underutilizations may be myriad.
1. Some underutilization may arise from self-selection based on normative gender roles such as white female underutilization in service/maintenance and protective services categories. Some may result from cultural wariness of involvement in governmental roles. Regardless of cause, some applicant pools reflect resulting underutilization. Efforts are needed and are underway to improve the applicant pools.

2. It may be that application review, interviewing, and other selection processes impede appropriate utilization. An effort to identify and rectify such process impediments is underway.

3. Similarly, the city is reviewing its promotional and lateral transfer processes to ascertain if they impede advancement or intra-city career mobility of underutilized populations. Underutilization among supervisors and department heads might not only be symptomatic of underlying impediments but may also limit applicant pools because some potential applicants may perceive such underutilization to indicate city employment provides limited career opportunities.

C. The city has undertaken many steps to address employment underutilization of (as well as to improve understanding of and service to) women, minorities, and other marginalized individuals and groups in the community. Among them are:

1. The city currently advertises locally, statewide, regionally, and nationally and has added professional organizations, diverse media outlets, and other advertising networks such as El Hispano News, National Association of Black Law Enforcement Officers, National Latino Peace Officers Association, National Asian Peace Officers Association, International Association of Black Professional Fire Fighters, and National Association of Hispanic Fire Fighters.

2. The city has reached out to local school superintendents and high schools (the city is served by 7 public school districts and several parochial schools) in efforts to (i) establish a presence among and relationships with students, (ii) encourage students to take advantages of available summer and other seasonal employment, and (iii) encourage students to explore careers at the city.

3. The city has reinitiated “citizens academies” intended to inform enrolled citizens about city government and services and that include interactions with city officers and employees.

4. The Department of Public Safety formed a diverse recruitment team, including those with specialized training, to place specific emphasis on recruiting and retaining female, minority, and military veteran candidates.

5. The city engaged Dr. Rik Stevenson, a professor of African American Studies at the University of Florida, to lead cultural sensitivity training in many sessions, some of which focused on selected departments, such the Department of Public Safety, some of which were attended by employees throughout the city, and some of which were open to the general public.

6. The city has worked with some local faith-based and business leaders to extend outreach into underserved and underutilized segments of the community.

7. The city formed a diversity, equity and inclusion taskforce to identify and address impediments to recruiting and retaining a diverse workforce and to more diverse representation on city board and commissions.

8. The city engaged in several housing initiatives intended to improve available housing opportunities, choice, and attainability. Among them are (i) engaging in a housing needs and impediments analysis that is used to guide many decisions including master planning and zoning, (ii) continued participation in CDBG-funded housing initiatives to address homelessness, make needed repairs to owner-occupied housing units, (iii) providing tax exemptions to developers of workforce housing (payments in lieu of taxes are made at a fraction of the taxes that would otherwise be paid) resulting in construction of hundreds of units at below market rents, and (iv) encouraging development of a variety of housing types throughout the community as one way to improve overall supply.

9. The city has a tuition reimbursement program available to employees who choose to pursue additional career related education.

10. The city has a police cadet program that includes paying above-market wages and police academy sponsorships where some academy costs (tuition, books, uniforms, etc.) are paid.

11. The city works with the Kent County Technical Center to recruit those enrolled in technical courses of study.

12. The city produced a recruitment video highlighting its diverse workforce and employment opportunities. Other recruitment brochures and information also depict women and minorities.

13. The city hosts a number of events at throughout the community offering opportunities for residents and others to engage with city officers and employees including an annual Department of Public Works open house, National Night Out Events, open houses at city fire stations at which police vehicles and personnel are also available, “Shop with a Cop” events to assist lower income families, Wyoming Gives Back events featuring local school musical groups, police officers and fire fighters in an annual toy collection and give-away event, a community clean-up day at which people from throughout the community can discard all kinds of items, an annual carnival that raises money for parks program scholarships, assistance with and participation in various community events such as school fairs and block parties, and many others.

14. Working in collaboration with local public schools, the city organizes and supports “TEAM 21” after school programs.

15. The city regularly conducts employee training on topics that can affect recruitment, retention, and advancement of employees on topics like sexual and other harassment, inclusive language, etc.

16. The city weekly highlights employees nominated by other employees for exemplary service and teamwork. This helps inculcate a culture of appreciation, especially when several of the highlighted employees were recognized for their perceptiveness of and efforts to address citizen or co-worker needs and concerns in ways that exceeded expectations for person serving in their roles.

D. The city will continue the efforts listed in the preceding subsection. In addition, the city will also:

1. Distribute the utilization report and annually filed EEOC For 164 to city department heads with a summary of the underutilization like that in subsection A. That distribution will be informative but will include a solicitation for and discussion of ideas for improving utilization.

2. The same information will be provided to the city diversity, equity and inclusion team for its review and insights.

3. The city will intermittently interview newly hired personnel, particularly those from underutilized populations, to learn from their experiences and to gather their insights about how the city could improve recruiting among underutilized populations.

4. The city will network with local colleges and universities, especially those with programs of study related to city employment opportunities to identify and recruit applicants.

5. The city will intermittently remind current employees of efforts to improve diversity, seeking their help in recruiting applicants and potential applicants.

E. This plan will be distributed, reviewed, progress evaluated, and modifications made as provided in sections 14 through 16 of this policy.

**§9 – Limited English Proficiency (LEP) Plan.** Title VI as clarified by Executive Order 13166<sup>5</sup>, ensures accessibility to programs and services to otherwise eligible persons LEP individuals. DOJ’s Civil Rights Division issued guidance in May 2011<sup>6</sup> stating that a LEP plan must include at least two components. The first is a self-assessment to determine types of contact that may occur with the LEP population. The second is the language access (i) policy directives, (ii) implementation plan, and (iii) procedures.

A. Wyoming assessed when LEP interactions could occur<sup>7</sup> and considered how they may occur. Oral interactions with LEP individuals may be in-person, virtual (such as via conference calls, Zoom, Skype,

<sup>5</sup> Issued August 11, 2000, by President William J. Clinton, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency* <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>.

<sup>6</sup> *Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs*, May 2011, [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf).

<sup>7</sup> The following is the city’s self-assessment of possible LEP interactions.

Department	Office/Service	Activities	Possible Interaction(s)
Council		Meetings Citizen communication	LEP individuals (i) communicating orally or in writing before, during or following meetings, or (ii) participating in meetings.
Manager	General administration	Public face of the city for all matters	Oral & written communications with LEP individuals are possible & may be critical & time-sensitive, or informative in urgency.
Manager	Communications	Internal/external/board/body communications, media relations, coord. special events	Any communications could include LEP individuals.

Facebook, Facetime, MS Teams, or LanguageLine), especially during remote or partially remote meetings, or by landline or cellular phones. Written communications may be electronic via e-mail or text, facsimile, web-based or internet, or written paper documents and could include media releases, correspondence, plans, meeting and other notices, citations, summons or other legal process, bills or invoices, receipts, information requests, responses to inquiries, other communications.

B. Wyoming's current population is estimated to be over 76,000. The Census Bureau classifies how well people speak English as: very well, well, not well, and not at all. For this plan, Wyoming considers persons speaking English less than very well as LEP persons. The following is 2019 data for Wyoming:<sup>8</sup>

	Number	Percent
Population 5 years and over	69937	-

HR	Recruitment	Advertise, notices, pool/source outreach, application receipt & screening, & interviews	Applicants, employees, references, or others may be LEP individuals, Any communications could include LEP individuals.
HR	Personnel management	Pay/benefit/CBA admin, review, test, train, discipline, separation	Communications could include LEP individuals.
HR	Complaints	Internal/external complaints	Communications could include LEP individuals.
HR	Risk Control	Employee safety, contagion response	Could include LEP individuals. Departments served by Risk Control can likely provide needed language assistance
Purchasing	Bidding	Bidding, purchasing compliance	Communications could include LEP individuals.
Purchasing	Contract administration	Bid/contract compliance	Communications could include LEP individuals.
Assessor	Real property assessing	Inspections, notices, studies, exemption reviews	Communications could include LEP individuals.
Assessor	PPT assessing	Notices, review statements or affidavits, exemptions	Communications could include LEP individuals.
Assessor	Appeals	Assessor/BOR/MTT appeals	Communications could include LEP individuals.
Attorney	General counsel	Contracts, resolutions, ordinances; advise staff, litigation; meetings; inquires	Communications with persons other than city employees could include LEP individuals. If city employees are LEP individuals, departments can likely provide needed translation.
Attorney	Prosecution	Authorize & prosecute charges	Communications could include LEP individuals.
Clerk	FOIA	FOIA responses	Communications could include LEP individuals.
Clerk	Elections	Applications, ballots, notices, elections; training; complaints & inquiries	Communications could include LEP individuals.
Clerk	Licensing	Issue/deny/suspend/revoke licenses	Communications could include LEP individuals.
Clerk	General	Walk-in, phone & e-mail inquiry	Communications could include LEP individuals.
Clerk	Bidding	Bids & bid openings	Bids are technical documents, reducing LEP interactions.
Finance	Grant admin	Ensure grant compliance	Interaction with LEP individuals is unlikely.
Finance	Bill payment	Vendor set-up & payment	Interaction with LEP individuals is possible.
Finance	Payroll	Payroll processing.	Interaction with LEP individuals is unlikely.
IT	Intra/Internet sites	Design & update	Accommodation of LEP individuals is important.
IT	TV & virtual meetings	Provide links, & provide equipment	Accommodation of LEP individuals is important.
IT	Phone system	Zoom/MS Teams/other support	Accommodation of LEP individuals is important.
IT	Hearing accommodation	As equipment/software is needed	Accommodation of LEP individuals is important
Treasurer	Tax, utility & misc billing & collection	Send & collect bills, set-up payment plans	Communications could include LEP individuals.
Community Services	Community Dev & CDBG	Grant/loan admin, contracting, oversight	Communications could include LEP individuals.
Community Services	Inspections	Plan review & appeals, inspections, enforcement	Communications could include LEP individuals.
Community Services	WSC	Fitness facility, programs, rentals, assistance, & meals	Communications could include LEP individuals. More likely as part of park programming & facility rentals.
Planning & Econ Devlmt	Planning	Plan review, enforcement, planning, PC, & ZBA	Communications could include LEP individuals.
Public Safety	Police	Incident response, traffic enforcement, investigations	There is a high likelihood of communication with LEP individuals.
Public Safety	Fire	Fire response, inspection & investigation, med response	There is a high likelihood of communication with LEP individuals.
Public Works		Bidding; construction admin	Communications could include LEP individuals.
Public Works	Engineering	Prep/review plans, inspect, pre-qualify	Communications could include LEP individuals.
Public Works	Facilities	Maintenance	Communications could include LEP individuals.
Public Works	Streets	Street construction; traffic signs & signals	Communications could include LEP individuals.
Public Works	Water system	Construct, inspect, sanitize, repair	Communications could include LEP individuals.
Public Works	Sewer system	Construction; inspection, repairs	Communications could include LEP individuals.

<sup>8</sup> 2019 American Community Survey.

-Speak only English at home	54214	77.52%
-Speak a language other than English at home	15723	22.48%
-Speak English less than "very well"	6933	9.91%
-Speak Spanish at home	12614	18.04%
-Speak Spanish at home & speak English less than "very well"	5533	7.91%
-Speak Other Indo-European language at home	1025	1.47%
-Speak Other Indo-European language at home & speak English less than "very well"	247	0.35%
-Speak Asian or Pacific Island language at home	1866	2.67%
-Speak Asian or Pacific Island language at home & speak English less than "very well"	1038	1.48%
-Speak Other language at home	218	0.31%
-Speak Other language at home & speak English less than "very well"	115	0.16%

C. There are two types of language assistance services. Interpretation is oral language assistance and translation is a written language assistance.

1. Some city personnel are bi- or multi-lingual with some having Spanish fluency,<sup>9</sup> who may, on occasion, be called upon for oral language interpretation or written language translation. They may or may not be available at any given time or place. Because fluency in a language other than English is not now a job requirement for all positions in which LEP interactions may occur and because not all city employees are fluent in legal or other terminology, this plan does not rely on current employees.

2. The city has and will engage one or more language assistance services to provide needed services. LanguageLine Solutions provides interpretation and translation services for all languages Wyoming may need to provide language assistance services. It will provide on-site interpretation services at public meetings as well as on-demand remote interpretation services via video conferencing, phone conferencing, or mobile conferencing. The city also engages Fidelity Language Resources LLC, a local entity providing some interpretation and translation services.

3. Distributed language cards enable city personnel to ask an LEP person to point to a language on the card to identify the language the LEP person speaks most well. Wyoming personnel can then access the interpretation and/or translation service needed for language assistance.

D. Department heads know of the availability of city-approved language assistance service providers and there is general knowledge of who among staff is bi- or multi-lingual. Training includes heightening sensitivity to LEP issues, use of language cards, and seeking appropriate language assistance. Regular LEP data collection reinforces this requirement among department heads and supervisors.

E. Notices of availability of language assistance are published on meeting agendas and notices as noted in section 13. Signage has been added at some appropriate places in city buildings such as police and fire buildings, city hall, the court building, the Wyoming Senior Center, and parks facilities. Similar statements will be written for correspondence and official notices.

F. The civil rights coordinator will also serve as the LEP coordinator and will (i) monitor compliance with this section, (ii) evaluate whether the plan is meeting its objectives of addressing nearly all situations in which language assistance is needed and, if not, (iii) recommend any updates or changes to the plan. City personnel are directed to provide data on the use of language assistance services and on interactions with LEP persons to determine whether additional actions are needed such as adding fluency in certain languages as a job requirement for some positions.

G. The city LEP policy is as follows:

1. Language should not be a barrier for using city facilities and services, interacting with city officers and employees, participating in city meetings and programs, obtaining needed permits and approvals, understanding and complying with requirements, seeking assistance, or addressing concerns. The city

<sup>9</sup> The city values those employees and seeks to hire bi- and multi-lingual employees. Appropriate language proficiency may become a future job requirement for some city positions.

recognizes many in our community have limited English proficiency and can be fully served only with languages with which they are proficient.

2. It is the city's policy to make language assistance services available and/or to use them when needed or appropriate, as determined by the city council, city manager, a city department head, or any of their respective designees, to fulfill this plan's purpose as stated above.

3. Compliance is required. All city personnel and all city bodies must comply with this section. Noncompliance can have the same consequences as noncompliance with any other city policy.

4. All city personnel and all city bodies must promptly report violations of this section to supervisory personnel, the civil rights coordinator, or the city manager.

5. Language assistance must be provided when (i) LEP may hinder a person's ability to participate in public meetings, protect rights or property, protect themselves or family members, understand consequences of personal or city actions, or obtain needed assistance, (ii) LEP may hinder emergency planning or responses, (iii) issuing any official notice or other communication of legal significance or other possible consequences and city personnel know one or more of the intended recipients may be a LEP person, or (iv) the city council, the city manager, the city manager's designee, a city department head, the designee of a city department head, or the 62-A District Court deem it necessary, important, or prudent to do so. This does not require their use in every communication. However, availability of language assistance services should be readily apparent in meeting notices, signs in city facilities, city brochures, city invoices, and certain other communications as directed by the civil rights coordinator.

a. Language assistance is not required when universal symbols communicate locations or directions, such as universal restroom symbols, pedestrian crossing symbols and signals, traffic signage employing universal shapes (*e.g.*, triangular yield signs, octagonal stop signs, do not enter signs using a red circle in a white square, etc.), lane markings and signage, and red, green, yellow traffic signals.

b. City personnel are encouraged to provide Spanish language or dual (English and Spanish) language versions of commonly used forms, brochures, and other information. Special signage for particular activities, such as signage directing city hall visitors during a pandemic or during elections and signage at city operated special events, should be provided in English and Spanish.

c. When speaking in-person with a LEP individual, city personnel shall use available language cards to identify a language in which the LEP individual is proficient. Once the language is identified, language assistance should be obtained from other city personnel, from an available adult family member or friend, or from a city-approved language assistance service. If this interaction occurs during a meeting for which there was no prior language assistance request, the action about which the LEP individual wishes to speak should be postponed, if reasonable, so language assistance can be provided and the LEP person can appropriately participate.

d. When speaking with a LEP individual via telephone or other electronic means and able to identify the language being spoken, the interaction shall be postponed, if reasonable, until appropriate language assistance can be obtained. Sources of language assistance may be the same as for in-person interactions.

e. When communicating with a person via text or e-mail and it seems the person may be a LEP individual, questions should be asked to ascertain whether the individual is more comfortable communicating in another language and arrangements made for appropriate language assistance. This may involve offers of telephone or in-person communications to facilitate better understanding.

f. When it is clear a LEP individual is a recipient of written communication that is important because it includes deadlines, expirations, legal rights or obligations, payment requirements, licenses, other approvals, or other important matters, language assistance must be provided. If an adult relative or other person trusted by the LEP individual seems especially competent and able to provide needed assistance, that can be acceptable. But, if there is not an available trusted adult who is competent to provide such assistance, the documents must be translated into the identified appropriate language.

6. Departments with bi-lingual or multi-lingual personnel shall make them available to other city officers and departments when reasonably needed and, especially during an emergency or other urgent matter requiring effective communications to preserve lives or to protect property or the public health, safety, or welfare. The city manager or the city manager's designee(s) may immediately reassign staff for language

assistance tasks. In other situations, it is appropriate for departments to make bi- or multi-lingual personnel available to assist other departments with language assistance needs when doing so will not unduly adversely affect the department to which such personnel are assigned. In all circumstances such assignments must comply with applicable collective bargaining arrangements, personnel policies, and applicable law.

7. The finance department and city attorney will provide advice and support for any needed accounting, record keeping, and legal analysis. The human resources director will assign a member of the city's planning or engineering staff experienced in community outreach for other purposes to assist in outreach to LEP communities. Other departments will provide information and other assistance requested by human resources and purchasing within the reasonably requested response times.

H. Designated HR staff will include LEP training with the city's ongoing cultural awareness training. That training will include how to use language cards, how to contact and engage bi-lingual or multi-lingual city staff and/or city-approved language assistance services, how to keep and provide to HR appropriate records of LEP interactions, and when to proactively provide interpretation or translated documents.

I. Each department will designate a staff member to report quarterly (by October 15, January 15, April 15 and July 15) to the civil rights coordinator information for the preceding quarter that might include general reporting or numerical data regarding some or all of the following (i) numbers of interactions with LEP persons, (ii) the languages involved, (iii) whether language assistance services were used, (iv) if language assistance services were not used, why not, (v) what language assistance services were used (e.g., city personnel, a city-approved language assistance service, or other), (vi) whether the assistance was interpretation, translation or both, (vii) the name and cost of the language assistance service, (viii) a description of typical situation(s), and (ix) whether the result seemed satisfactory under the circumstances. For repeated interactions, such as for TEAM 21 members regularly interacting in bi-lingual or Spanish language settings, brief summaries of common interactions will suffice. A staff member designated by the HR with assistance, when needed, from the finance department will verify costs by comparing department reports to reports and/or invoices from language assistance service providers. The purpose is to provide a reasonable basis for evaluating the efficacy of city efforts, whether those efforts comply with applicable federal and state requirements, and how those efforts can be improved.

J. The HR designee, in conjunction with the city's communications specialist and any other person(s) assigned to such work, will reach out to identified LEP communities in the city to determine what deficiencies exist in and what improvements could be made to this plan and its implementation. That outreach will be planned after reviewing reports from departments using 2020 Census data (when available) and contacts gleaned from information provided by departments.

**§10 – City Contracts.** All (i) city contracts, (ii) requests for proposals, (iii) invitations to bid, (iv) solicitations of quotes, and (v) other means of seeking information for city contracts must include provisions requiring city contractors to comply with this policy. Those provisions must be in a form acceptable to the city attorney. Unless other language is approved by the city attorney and city purchasing director, the following provision must be included:

Nondiscrimination and Respect. City is committed to equity, fairness, impartiality, courtesy, respect, and nondiscrimination in all City programs, benefits, and actions, including City contracts and activities that contractors or others engage in for or on behalf of City. Accordingly:

A. Contractor in (i) employment actions, (ii) soliciting, bidding or contracting with subcontractors, or (iii) soliciting, bidding or contracting for materials will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or other reason prohibited by law that is unrelated to the ability to perform the duties of a job or position. "Sex" means sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth, or a condition related to pregnancy or childbirth.

B. Contractor will comply with applicable state and federal laws, rules, regulations, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen civil rights act, Michigan's persons with disabilities civil rights act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, and guidance issued pursuant to those statutes.

C. If Contractor will engage with others on City's behalf, Contractor must (i) ensure all persons are treated with fairness, equity, impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or

physical disability, genetic information, or any other reason prohibited by law, and (ii) if any engaged individuals have limited English proficiency (*i.e.*, they speak English less than very well), Contractor must use language assistance services in communications. Language assistance services complying with City's Limited English Proficiency (LEP) Plan (in §9 of City's Civil Rights Policy) comply with this requirement.

D. Contractor must include these requirements in subcontracts and supply contracts and reasonably enforce compliance with them.

E. Noncompliance with this provision is a material breach of this Contract that can result in (i) withholding payments to Contractor, (ii) Contract cancellation, termination, or suspension, in whole or in part, and (iii) Contractor's ineligibility for future City contracts.

F. Contractor must retain and, upon request, provide City access to and copies of all information and reports required by the requirements in this provision that City or a state or federal agency determine are pertinent to ascertain compliance. If information required of Contractor is in the sole possession of another who fails or refuses to furnish it, Contractor must so certify to City.

**§11 – Assurances for Grants.** As a recipient of state and/or federal assistance, the city gives the following specific assurances:

A. Each city program will be conducted, and each city facility operated, in compliance with applicable civil rights laws.

B. If the city is, directly or indirectly, a grantee or transferee of the federal government in an interest in real property, buildings, structures, or other land improvements, any document the city uses to convey an interest in or allow use of that real property, buildings, structures, or other land improvements will include a covenant incorporating any covenant the federal government used to convey or transfer that real property, buildings, structures, or other land improvements to the city.

C. If the city receives federal financial assistance to construct a facility or part of a facility the assurances in subsections 11.A and 11.B will extend to the entire facility and to all facilities operated in connection with that facility.

D. If the city receives federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurances in subsections 11.A and 11.B will extend to rights to space on, over or under such property.

E. The city will periodically complete utilization reviews to determine the success of its EEOP and will modify its EEOP in efforts to improve its utilization review.

F. These assurances obligate the city for the period during which federal financial assistance is extended to its program. If the federal financial assistance is to provide or is in the form of (i) personal property, (ii) real property, (iii) an interest in real property, or (iv) any structures or improvements on real property, these assurances obligate the city for the longer of the following: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the city retains ownership or possession of the property.

G. The city will administer its programs to ensure the city, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under the program comply with applicable civil rights laws.

H. The city agrees that federal and state agencies and officials have a right to seek judicial enforcement of matters arising under applicable civil rights laws.

I. These assurances are given in consideration of and for the purpose of obtaining federal and/or state assistance extended to the city. They are binding on the city, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants in the state or federal program. The person signing this policy is authorized to sign these assurances for the city.

J. Wyoming will actively pursue compliance and prevention of noncompliance with this policy.

**§12 – City Project Evaluation – Environmental Justice.** City programs, policies, activities, and projects must be undertaken in ways to avoid significant adverse effects on minority and low-income populations.

A. The city department undertaking or acting as the lead department for a city project will initially determine if a minority or low-income population is present within the project area. If the conclusion is

that no minority and/or low-income population is present within the project area, the city will document how that conclusion was reached as provided in subsection 12.E.

B. If there are minority population groups and/or low-income population groups present in the project area, the city department must determine whether project impacts associated with the identified low income and minority populations are significant adverse effects by examining and considering the factors, context and intensity as defined in subsection 4.A.1 of this policy. If the conclusion is that no minority or low-income population will be subject to significant adverse effects, the city will document how that conclusion was reached as provided in subsection 12.E.

C. If it is determined that there are significant adverse effects on minority or low-income populations, the city will propose measures to avoid, minimize and/or mitigate those significant and disproportionate adverse effects, and/or provide offsetting benefits and opportunities to enhance the minority or low-income populations affected by proposed project.

D. If after mitigation, enhancements, and offsetting benefits to the affected populations, there remain significant adverse effects on minority or low-income populations, the following must be considered:

1. Are there additional mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?
2. Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the minority or low-income populations?
3. Considering the overall public interest, is there a substantial need for the project?
4. Will alternatives that satisfy the need for the project and reduce impact on protected populations:  
(a) have other social economic or environmental impacts that are more severe than those of the proposed action or (b) have increased costs of extraordinary magnitude?

E. Include all findings, determinations, and demonstrations in the project's environmental document.

**§13 – Meeting Agendas, Notices and Other City Body Requirements.** City bodies will incorporate the following (or an alternative approved by the city attorney) in bylaws, rules of procedure, or policies and ensure appropriate notices are provided the public and others about the city's commitment and contact information for city personnel to obtain any needed accommodation(s). This information should also be provided on meeting agendas to ensure those wishing to do so are able to attend and participated in the meeting.

The City of Wyoming, including the [NAME OF BODY], is committed to ensuring all persons have access to all its programs, services, and activities, including any public meetings. The [NAME OF BODY] will coordinate with city staff to ensure the [NAME OF BODY] fulfills that commitment for its programs, services, and activities, including its public meetings. Accommodations to enable virtual meeting attendance and participation can usually be made if a request is received at least 5 hours before the meeting time. Other accommodations may require more time.

Special Accommodations - Persons with impairments or disabilities needing accommodations to participate in the meeting or persons who need language interpretation services may contact the city clerk at either Clerk\_info@wyomingmi.gov or 616.530.7296 at least 36 hours before the meeting to make arrangements for appropriate accommodation.

Acomodaciones Especiales - Personas que deseen asistir a esta reunión y necesitan acomodación para participar, como servicios de interpretación, deben comunicarse con la Oficina del Administrador de la Ciudad al 616.530.7296 o Clerk\_info@wyomingmi.gov al menos 36 horas antes de la reunión para hacer arreglos para el alojamiento apropiado.

## **ADMINISTRATION**

### **§14 – Enforcement and Complaints.**

A. The civil rights coordinator will undertake enforcement actions needed to address noncompliance by city personnel, city bodies, city contractors, or others. Remedial actions will be taken promptly after confirming noncompliance. Appropriate consequences may be imposed against those in noncompliance.

1. Personnel actions, up to and including discharge, may be taken against employees and volunteers for violations of or failures to comply with this policy.
  2. Refusals to comply, egregious noncompliance, or repeated failures to comply with this policy constitute misfeasance or malfeasance in office.
  3. For city contractors, noncompliance with this policy is a material breach of contract that can result in (i) withholding payments to the contractor, (ii) contract cancellation, termination, or suspension, in whole or in part, and (iii) contractor's ineligibility for future city contracts.
- B. A person aggrieved by noncompliance with this policy, or an individual suffering discrimination, may file a complaint with the civil rights coordinator. (A complaint alleging the civil rights coordinator's noncompliance may be filed with the city manager.)

1. An aggrieved person or person with information that city personnel, a city body, or a city contractor violated this policy may file a complaint within 180 days of the alleged noncompliance or alleged discrimination. If the complainant could not reasonably have known of the noncompliance or discrimination within 180 days, the complainant will have 60 days after becoming aware of the noncompliance or discrimination to file a complaint.

2. Complaints must be in writing and signed by the complainant. Complainants may use the complaint form following this section or may file a written complaint in another form that includes at least the following information. If a complainant is unable to file a written complaint, the complainant or a person assisting the complainant may speak with the civil rights coordinator, who will solicit and record in writing this information. Anonymous complaints, media reports, and unattributed statements will not be considered.

- a. The complainant's name, address, telephone/cell phone number, and e-mail address.
- b. The date of the alleged discrimination or noncompliance and the date of the complaint.
- c. A description of the incident, including (i) where it occurred, (ii) who was present (including names and contact information if known for all who were there), (iii) was discrimination based on race, color, age, disability, religion, national origin, sex, income, or other reasons prohibited by law (iv) a description of the discriminatory or noncomplying acts or statements, and (v) any evidence of discrimination or noncompliance.
- d. The signature of the complainant or the complainant's representative under an attestation that the facts stated in the complaint are true and accurate.
- e. It must be submitted to:

Wyoming Human Resources  
1155 28<sup>th</sup> St SW  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

3. After receiving a complaint, the civil rights coordinator will investigate the complaint in an impartial and objective manner. In doing so, the civil rights coordinator may consult with or seek assistance from any other city personnel and outside legal or other consultants as the civil rights coordinator deems necessary or appropriate. The civil rights coordinator may designate an investigator.

- a. The investigation should (i) to a reasonable extent (some disclosure will be needed to obtain needed information and to allow for a full understanding of facts and circumstances) be confidential to protect the privacy of the complainant, any witnesses, and any person(s) against whom it was made, (ii) focus only on the allegations in the complaint, (iii) include interviews of as many persons who were present or who have relevant knowledge of the incident or circumstances, (iv) be conducted without being defensive, without prejudging the outcome, and without asking leading questions, (v) obtain and maintain copies of any relevant documents, audio or video recordings, photos, texts, e-mails, voice messages, social media postings, and other evidence, (vi) include chronological, contemporaneous notes documenting the investigation, and (vii) be completed, including the report to be made under subsection 14.B.4, within 40 days of receipt of the complaint.
- b. The investigation should not consider (i) any media coverage, media reports, or opinions, except for possible references leading to other sources of information, and (ii) inquiries or

allegations by parties claiming an interest in the outcome but not involved in the incident, including labor organization representatives (except one union representative may be present during interviews with city personnel), civil rights organizations, media representatives, and other city personnel or city bodies without knowledge of the circumstances.

4. At the conclusion of that investigation, the civil rights coordinator (or designated investigator) shall prepare a written report of the civil rights coordinator's (i) determination of facts, (ii) conclusions as to whether discrimination or noncompliance occurred and who was responsible for that discrimination or noncompliance, (iii) description of the circumstances, (iv) description of any remedial actions, and (v) other information the civil rights coordinator deems relevant. The report must refer to any provision of this policy that was violated or applicable DEL laws the discrimination violated. The report must reach one of the following conclusions:
  - a. Discrimination or noncompliance occurred.
  - b. The complaint is unfounded.
  - c. Currently available information is insufficient to conclude that either (i) discrimination or noncompliance occurred, or (ii) the complaint was unfounded.
5. When completed, the report shall be submitted to the city manager, who will determine what actions to take (i) to remedy the discrimination or noncompliance and/or (ii) as a consequence of the discrimination or noncompliance.
6. The report, together with information about any action the city manager took under subsection 14.B.5 shall be submitted to appropriate federal or state agencies as required by applicable civil rights laws or other requirements (e.g., grant contract provisions).
7. Copies of complaints, reports and associated materials shall be maintained by the civil rights coordinator or city clerk in accordance with the city's records retention policies for at least 6 years.

**§15 – Review and Evaluation.** The civil rights coordinator shall, with assistance, as needed, from the city manager, finance director, purchasing director, city attorney, other city department heads, and other persons designated by the city manager, administer this policy.

A. The civil rights coordinator will annually compile from information provided by city departments and other sources statistical data on race, color, religion, national origin, age, sex, and mental or physical disability of participants in and beneficiaries of the city programs, services, and activities. Information gathering procedures will be reviewed annually to ensure data is sufficient to meet Title VI, environmental justice, and EEO requirements. If the collected information is insufficient to determine compliance, the city manager will assist the civil rights coordinator in requiring collection and compilation of needed data and other information.

B. The city currently has no "special emphasis programs" as defined in applicable federal and state requirements. If the City later has such programs, the civil rights coordinator will review them as required by applicable federal and state requirements based on annual summaries of activities, accomplishments, and problems to ensure (i) compliance and (ii) equal participation in programs and activities at all levels.

C. The civil rights coordinator will annually communicate with departments receiving federal assistance to (i) review compliance with this policy and with grant or other federal assistance agreements, and (ii) prepare and timely submit any required reports including those required under DOJ, EEOC, EPA, USDOT, and MDOT requirements (e.g., MDOT form #0179 due October 5).

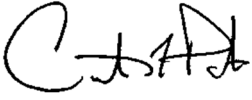
D. The civil rights coordinator will disseminate this policy to all departments and ensure it is posted on the city's intranet and internet (<https://www.wyomingmi.gov>) websites.

**§16 – Dissemination.** A copy of this policy is posted on or linked to the city's website: <https://wyomingmi.gov>. A copy can be requested at the city clerk's office during normal city business hours or by written request sent to:

City of Wyoming  
ATTN: Human Resources Department  
1155 28<sup>th</sup> St SW  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103

E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

A copy has been provided to all city personnel via hard copy is posted on the city's intranet. Copies will be provided to any individual, entity or agency who requests a copy.

A handwritten signature in black ink, appearing to read "C. Holt".

Curtis L. Holt, City Manager

**CITY OF WYOMING, MICHIGAN  
CIVIL RIGHTS COMPLAINT**

The City of Wyoming has a comprehensive Civil Rights Policy accessible at <https://wyomingmi.gov> or by contacting the City Clerk at (616) 530-7296. Complaints alleging violations of that policy or illegal discrimination under applicable federal and state laws, rules, or regulations, or other requirements can be made either by completing and submitting this complaint form or by filing a written letter or other document that provides the same information.

Complaints must be filed within 180 days of the alleged discrimination or other noncompliance with the Civil Rights Policy. If you could not reasonably have known the act or incident was discriminatory or violated that policy within 180 days, you have 60 days after you became aware of it to file your complaint.

*If you need assistance completing this form, please contact the Human Resources Department by phone at (616) 530-3173 or via e-mail at [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov).*

Complainant's name: \_\_\_\_\_

Complainant's address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Information about person affected by discrimination or violation(s) of the Wyoming Civil Rights Policy.

Affected person's name (if different than Complainant) & relationship to Complainant (e.g., child, spouse, client, etc.):

Address: \_\_\_\_\_  
Street Address City State Zip

Cell or Phone #: \_\_\_\_\_ E-mail address: \_\_\_\_\_

What is the relationship of the complainant to the affected person? \_\_\_\_\_

What city officer, employee or body or what city contractor was involved in the discrimination or policy violation?

On what date(s) did the discrimination or policy violation occur? (Be sure to state the most recent date.)

Indicate below the basis on which you believe the discriminatory or noncompliant actions were taken.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Race             | <input type="checkbox"/> National Origin | <input type="checkbox"/> Religion                       |
| <input type="checkbox"/> Color            | <input type="checkbox"/> Sex of Gender   | <input type="checkbox"/> Income                         |
| <input type="checkbox"/> Disability       | <input type="checkbox"/> Age             | <input type="checkbox"/> Other reason prohibited by law |
| <input type="checkbox"/> Height or Weight | <input type="checkbox"/> Language        |   |

Explain: Please explain as clearly as possible what happened. Include the name(s) and contact information (address, cell #, e-mail address) of witness(es) and others involved in the alleged discrimination or noncompliance. Attach additional sheets if necessary and provide a copy of any written material pertaining to your case.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I attest that the statements in this complaint are true and accurate to the best of my knowledge.

When completed, submit to:  
Wyoming Human Resources  
1155 28<sup>th</sup> St SW  
Wyoming, MI 49509-0905  
Phone: (616) 530-3173  
Fax: (616) 261-7103  
E-mail: [hr\\_fax@wyomingmi.gov](mailto:hr_fax@wyomingmi.gov)

Date signed: \_\_\_\_\_, 202\_

**EMPLOYEE RECEIPT**

I have received and read the City of Wyoming Civil Rights Policy that also includes the Limited English Proficiency Plan attached as Appendix A to that policy (together, the “2022 Civil Rights Policy”).

I acknowledge I must comply with the 2022 Civil Rights Policy and consequences for noncompliance are the same as for noncompliance with other policies.

I understand that if I have any questions about the 2022 Civil Rights Policy, its implementation, or what it requires of me, I should ask my supervisor.

I understand the City of Wyoming can modify the 2022 Civil Rights Policy at any time.

I understand that, during any work for the City of Wyoming, I am expected to act in a professional manner, and to treat all persons with fairness, impartiality, courtesy, dignity, and respect.

Employee signature: \_\_\_\_\_ Date signed: \_\_\_\_\_, 2022

Employee's name printed: \_\_\_\_\_

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

RESOLUTION TO CONSENT TO THE ASSIGNMENT OF THE THREE-YEAR CONTRACT  
WITH TAX MANAGEMENT ASSOCIATES TO PROVIDE SERVICES ASSOCIATED  
WITH BUSINESS PERSONAL PROPERTY TAX ADMINISTRATION AND  
TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE  
THE CONSENT TO ASSIGNMENT OF CONTRACT

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended the City accept the assignment of the three-year contract with Tax Management Associates to Reason Consulting Corporation at no additional cost to the City.
2. It is recommended the City Council accept the consent to assignment of contract.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept the assignment of the three-year contract with Tax Management Associates to Reason Consulting Corporation.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the consent to assignment of contract.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on May 16, 2022.

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

ATTACHMENTS:

Staff Report

Consent to Assignment of Contract

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

## STAFF REPORT

Date: May 4, 2022

Subject: Assignment of Personal Property Tax Services Contract

From: Scott A. Engerson, City Assessor

Meeting Date: May 16, 2022

---

### **RECOMMENDATION:**

It is recommended the City Council consent to assignment of the City's existing personal property tax services contract.

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

Consenting to the assignment of the City's existing personal property tax services contract will ensure services continue for the remainder of the contract with the same personnel providing the contracted services.

### **DISCUSSION:**

On October 21, 2019, the City entered a three-year contract with Tax Management Associates to provide personal property tax services including business canvassing and personal property statement processing. On May 13, 2022, the government services division of Tax Management Associates (TMA) became a separate company known as Reason Consulting Corporation.

The City's existing contract with Tax Management Associates expires October 20, 2022. As such, there is a need for the City to consent to the assignment of the contract to Reason Consulting Corporation for the remainder of the contract.

### **BUDGET IMPACT:**

There will be no budget impact because Reason Consulting Corporation will honor the terms of the original contract.

## CONSENT TO ASSIGNMENT OF CONTRACT

This Consent to Assignment of Contract (this “**Consent**”) is made and entered into as of May \_\_\_\_\_, 2022 (the “**Effective Date**”) by and between the CITY OF WYOMING (the “**City**”), TAX MANAGEMENT ASSOCIATES, INC., a North Carolina corporation (“**Assignor**”), and REASON CONSULTING CORPORATION, a North Carolina corporation (“**Assignee**”).

### RECITALS

WHEREAS, the City and Assignor are parties to that certain Personal Property Tax Services Outsourcing Contract dated October 21, 2019, as amended (the “**Assigned Contract**”), and the terms of the Assigned Contract allow Assignor to assign the Contract with the City’s prior written consent; and

WHEREAS, Assignor and Assignee are negotiating an Asset Purchase Agreement (the “**Purchase Agreement**”), pursuant to which Assignor would sell to Assignee certain assets owned by Assignor and used in the Assignor’s business, including, without limitation, all of Assignor’s right, title and interest in, to and under the Assigned Contract; and

WHEREAS, it is a condition to the closing of the Purchase Agreement that this Consent be executed and delivered by the City.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the City hereby agrees in favor of Assignor and Assignee as follows:

1. Recitals. The foregoing recitals are correct and are incorporated herein.
2. Consent to Assignment. The City hereby consents to and approves the assignment of the Assigned Contract from Assignor to Assignee in connection with the consummation of the transactions contemplated by the Purchase Agreement (the “**Closing**”).
3. Assignor Release. Upon Assignee’s assumption of the Assigned Contract at Closing, the City hereby (a) acknowledges and agrees that Assignee shall replace Assignor as a party to the Assigned Contract, and (b) releases Assignor from any and all claims, damages, liabilities, duties and obligations under or in connection with the Assigned Contract arising after the date of the Closing.
4. City Affirmation. The City hereby affirms to the best of its knowledge as of the Effective Date the following information: (i) the Assigned Contract is in full force and effect; (ii) the Assigned Contract has not been modified or amended in writing or orally or by course of conduct; and (iii) there are no uncured defaults by Assignor under the Assigned Contract and no event has occurred which with the passage of time or giving of notice, or both, would constitute a default on the part of Assignor under the Assigned Contract.
5. Miscellaneous. This Consent may be executed in one or more counterparts, each of which shall be deemed to be an original and together which shall constitute one and the same Consent. For purposes of this Consent, a scanned copy of an executed counterpart shall constitute an original.

[Signatures appear on the following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Consent to be duly executed and delivered as of the Effective Date first written above.

**CITY OF WYOMING:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Mayor

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Clerk

Approved as to form:

By:  \_\_\_\_\_

Name: Scott G. Smith

Title: City Attorney

Approved by City Council Resolution No. \_\_\_\_\_,

adopted on May \_\_\_\_\_, 2022.

**ASSIGNOR:**

Tax Management Associates, Inc.,  
a North Carolina corporation

By: \_\_\_\_\_

Name: Richard H. Cooke, Jr.  
Title: CEO

**ASSIGNEE:**

Reason Consulting Corporation,  
a North Carolina corporation

By: \_\_\_\_\_

Name: Mark C. Cooke  
Title: CEO

**CITY OF WYOMING**  
**(Kent County, Michigan)**

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

**RESOLUTION TO AUTHORIZE REIMBURSEMENT OF EXPENSES FROM  
BOND PROCEEDS**

Minutes of a regular meeting of the City Council of the City of Wyoming, Kent County, Michigan, held on May 16, 2022, at 7:00 p.m., local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution were offered by Council Member \_\_\_\_\_ and supported by Council Member \_\_\_\_\_:

WHEREAS, the City of Wyoming (the "City") is undertaking a project which includes, without limitation, acquisition of land and other property rights (which also may include relocation and related expenses), engineering and design, acquisition, construction, and installation of improvements consisting of (i) 2 pedestrian and bicycling bridges spanning 28th St SW, (ii) trail connections to city parks and facilities, regional trail systems, residential neighborhoods, commercial establishments and buildings, institutions, etc., (iii) improvements to 28th St SW and intersecting streets (from and including Burlingame Ave SW to and including Clyde Park Ave SW) rights-of-way, (iv) relocation of water, sanitary sewer, storm sewer, electric, other utility, and communications lines and facilities, (v) landscaping, (vi) irrigation facilities, (vii) directional and other signage, (viii) security measures for city and other facilities in conjunction with their proximity to the newly constructed or improved trails, (ix) public restrooms and other amenities for users of the trails and public spaces, (x) land acquisition and costs for curing the results of acquiring land, (xi) construction open spaces for gatherings and other events, and (xii) related improvements (the "Improvements").

WHEREAS, the City Council has determined that it would be necessary to borrow money and issue bonds of the City (the "Bonds") to finance the Improvements; and

WHEREAS, the City may proceed with the Improvements prior to the issuance of the Bonds and incur capital expenditures for the Improvements prior to the issuance of the Bonds, and desires to be reimbursed for such expenditures from the proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City may proceed to finance the improvements using available funds of the City from the General Fund, which is a fund for the payment of the general and operating expenses of the City, the Capital Improvement Fund which is a fund for the payment of the costs of capital improvements, the Wyoming Brownfield Redevelopment Authority, a fund for brownfield projects, the Local Street Fund, a fund for the payment of expenses of the Local Street System, the Downtown Development Authority, a fund for development projects in the downtown district, and other funds of the City.

2. At such time as the City issues the Bonds for the long-term financing of the Improvements, the City shall be reimbursed for its expenditures for the Improvements out of the proceeds of the Bonds.

3. The amount of capital expenditures for which the City will seek reimbursement from the proceeds of the Bonds is estimated not to exceed \$35,000,000, at the time Bonds are issued.

4. The City declares its official intent to issue the Bonds to finance the costs of the Project, and declares that it reasonably expects to reimburse the City's advances to the Project as anticipated by this resolution. This resolution and the expression of intent to seek reimbursement from future proceeds of the Bonds is intended to satisfy the requirements of Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") and the City intends by this resolution to qualify amounts advanced by the City to the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

5. All existing or previous resolutions and parts of resolutions, insofar as they may conflict with the provisions of this resolution, are rescinded to the extent necessary to avoid such conflict.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

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

**CERTIFICATION**

As the duly qualified and acting Clerk of the City of Wyoming, Kent County, Michigan, I certify that this is a true and complete copy of a resolution adopted by the City Council of that City at a regular meeting held on May 16, 2022, the original of which is part of the City Council's minutes. I further certify that notice of the meeting was given to the public pursuant to Act 267, Public Acts of Michigan of 1976, MCL 15.261 *et seq.*

Dated: May \_\_\_\_, 2022

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

## STAFF REPORT

Date: May 10, 2022  
Subjects: Bond Inducement Resolution  
From: Scott Smith, City Attorney  
Meeting Date: May 16, 2022

---

### **RECOMMENDATION:**

Adopt The Resolution Authorizing Reimbursement of Expenses from Bond Proceeds.

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

Community – Community will be served by development of the city center to consist of (i) 2 pedestrian and bicycling bridges spanning 28th St SW, (ii) trail connections to city parks and facilities, regional trail systems, residential neighborhoods, commercial establishments and buildings, institutions, etc., (iii) improvements to 28th St SW and intersecting streets (from and including Burlingame Ave SW to and including Clyde Park Ave SW) rights-of-way, (iv) relocation of water, sanitary sewer, storm sewer, electric, other utility, and communications lines and facilities, (v) landscaping, (vi) irrigation facilities, (vii) directional and other signage, (viii) security measures for city and other facilities in conjunction with their proximity to the newly constructed or improved trails, (ix) public restrooms and other amenities for users of the trails and public spaces, (x) land acquisition and costs for curing the results of acquiring land, (xi) construction open spaces for gatherings and other events, and (xii) related improvements.

Safety – Safety will be improved by the street improvements and construction of the pedestrian/cycling bridges.

Stewardship – Issuance of bonds could enhance cash-flows until other funds, including tax increment and other revenues are available. This resolution allows repayments of engineering and other costs needed to seek other funding and to prepare for the project’s construction.

### **BUDGET IMPACT:**

This resolution ensures the ability to reimburse fund advances from bond proceeds.

### **DISCUSSION:**

It is possible the city will issue bonds to cash flow some costs associated with the city center project. This resolution allows the repayment to various city or city-affiliated funds of monies advanced to pay for engineering, architectural, planning, and other preliminary costs to ensure the project is “shovel ready” and to meet requirements for seeking various types of funding, including, for example, funding from state and federal agencies and tax increment funding under the brownfield redevelopment financing act, 1996 PA 381.

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

RESOLUTION TO AUTHORIZE THE PURCHASE OF  
HOT RUBBER CRACK SEALER FOR CONCRETE JOINT REPAIR AND  
TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT

WHEREAS:

1. As detailed on the attached staff report, it is recommended the City authorize the purchase of hot rubber crack sealer and material for concrete joint repair from ERSCO Construction Supply using the Kent County Road Commission bid.
2. It is estimated the City will spend approximately \$35,000 through December 31, 2022.
3. Funds for the purchase are available in the major and local street maintenance account numbers 202-441-46300-775.000 and 203-441-46300-775.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of hot rubber crack sealer for concrete joint repair from ERSCO Construction Supply using the Kent County Road Commission bid.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the contract.
3. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried	Yes
	No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on May 16, 2022.

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

ATTACHMENTS:

Staff Report

Contract

## STAFF REPORT

Date: May 5, 2022

Subject: Bid Award – Hot Rubber Crack Sealer & Material for Concrete Joint Repair

From: Aaron Vis, Assistant Director of Public Works - Maintenance

Date of Meeting: May 16, 2022

---

### **RECOMMENDATION:**

It is recommended that the City Council authorize the purchase of crack sealing products from ERSCO Construction Supply utilizing the Kent County Road Commission bid for Hot Rubber Crack Sealer & Material for Concrete Joint Repair as noted on the attached contract for calendar year 2022. It is also recommended that the City Council authorize the Mayor and City Clerk to execute the contract.

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

Public Works Department staff perform crack sealing using a hot pour rubber compound on roads less than three years old as a preventative maintenance technique. Addressing cracks in their development infancy is a far more cost-effective option as opposed to waiting until the cracks develop into larger gaps or potholes.

### **DISCUSSION:**

On April 12, 2022, bids were received by the Kent County Road Commission for Hot Rubber Crack Sealer and Material for Concrete Joint Repair. ERSCO Construction Supply, located across the street from the Public Works building, provided the lowest bid price for the products specified. ERSCO Construction Supply has agreed to extend this bid pricing to the City.

Unit pricing is approximately 33% more than last year, and staff expect to use approximately \$35,000 worth of crack sealing material this calendar year.

### **BUDGET IMPACT:**

Sufficient funds are available in the major and local street maintenance accounts: 202-441-46300-775.000 and 203-441-46300-775.000.

### **ATTACHMENTS:**

ERSCO Construction Supply Contract

CITY OF  
**Wyoming**  
MICHIGAN

**CITY PURCHASING CONTRACT**  
CITY OF WYOMING, MICHIGAN  
(MORE THAN \$7,500)

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

"City" means the City of Wyoming, a Michigan municipal corporation of 1155 28<sup>th</sup> St SW, PO Box 905, Wyoming, MI 49509-0905.

"Effective Date" means: May 5, 2022.

"Items" means the parts, equipment, or other items the City is purchasing from the Supplier as itemized in the Proposal.

"Proposal" means the Supplier's proposal attached as Exhibit B and includes any City-issued plans and specifications on which the supplier's proposal is based.

"Standard Terms and Conditions" means the attached single page Exhibit A entitled "City Purchasing Standard Terms and Conditions."

"Supplier" means:

ERSCO Construction Supply  
[Name of supplying entity]  
A Michigan limited liability company  
[State and type of entity, e.g., corporation, limited liability company, etc.]  
2739 Burlingame Ave SW  
[Supplier's street address]  
Wyoming, MI 49509  
[Supplier's city, state & zip]

**TERMS AND CONDITIONS**

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

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

None.

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

4. This is the only agreement between the parties regarding the Purchase that is the subject of the Proposal and there are no other agreements, representations or warranties except as are stated in the Proposal. This contract can be amended only in writing signed by both City and Supplier.

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

City of Wyoming

ERSCO Construction Supply

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

By:   
[Signature of Director or principal of Supplier]  
Nicholas J. Scalabrino  
[Typed/Printed Name & Title of Person Signing for Supplier]

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

Date signed: 5-5, 2022

Date signed: \_\_\_\_\_, 20\_\_

Approved as to form:

  
Scott G. Smith, City Attorney

**CITY PURCHASING STANDARD TERMS AND CONDITIONS**

1. Applicability. Except as modified in writing signed by either the Mayor and City Clerk or the City Manager, these Standard Terms and Conditions (**these Terms**) apply to City of Wyoming (**City**) purchases of parts, equipment or other goods that do not involve any services from the supplier identified on the face of the contract (**Supplier**). By signing the contract Supplier attests it complies and will comply with these Terms.

2. Legal Compliance. Supplier will comply with all applicable (i) laws, rules, regulations, codes, and ordinances, (ii) license and permit requirements, and (iii) orders of any governmental agency, official or court of competent jurisdiction.

3. Qualifications. Supplier represents and promises that:

A. Neither Supplier nor Supplier's principals, owners, officers, shareholders, key employees, directors, members or partners (i) is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency; (ii) has within 3-years preceding this contract been convicted of or had a judgment against it/him/her for fraud or a criminal offense connected with obtaining or attempting to obtain a public contract, for violating antitrust statutes, or for embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (iii) is presently charged with any of the preceding offenses; or (iv) has within 3-years preceding this contract had a public transaction terminated for cause or default.

B. Unless otherwise approved by the City Purchasing Director or City Attorney, Supplier and its subcontractors must register on the federal System for Award Management (**SAM**) list and be in good standing.

C. Neither Supplier nor Supplier's personnel is an "Iran linked business" under Michigan's Iran Economic Sanctions Act.

4. Nondiscrimination and Respect. City is committed to equity, fairness, impartiality, courtesy, respect, and nondiscrimination in all City programs, benefits, and actions, including City contracts and activities that Suppliers or others engage in for or on behalf of City. Accordingly:

A. Supplier in (i) employment actions, (ii) soliciting, bidding or contracting with subcontractors, or (iii) soliciting, bidding or contracting for materials will not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or other reason prohibited by law that is unrelated to the ability to perform the duties of a job or position. "Sex" means sex and gender, sex or gender stereotypes, sexual orientation, gender identity (including transgender status) or expression, and pregnancy, childbirth, or a condition related to pregnancy or childbirth.

B. Supplier will comply with applicable state and federal laws, rules, regulations, and other requirements regarding discrimination and inclusion, including, without limitation, Title VI of the federal Civil Rights Act of 1964, Michigan's Elliott-Larsen civil rights act, Michigan's persons with disabilities civil rights act, the federal Age Discrimination Act of 1975, and §504 of the federal Rehabilitation Act of 1973, together with all rules, regulations, orders, and guidance issued pursuant to those statutes.

C. If Supplier will engage with others on City's behalf, Supplier must (i) ensure all persons are treated with fairness, equity,

impartiality, courtesy and respect, and in a manner that does not discriminate based on race, color, religion, national origin, age, sex, height, weight, marital status, familial status, mental or physical disability, genetic information, or any other reason prohibited by law, and (ii) if any engaged individuals have limited English proficiency (*i.e.*, they speak English less than very well), Supplier must use language assistance services in communications. Language assistance services complying with City's Limited English Proficiency (LEP) Plan comply with this requirement.

D. Supplier must include these requirements in subcontracts and supply contracts and reasonably enforce compliance with them.

E. Noncompliance with this provision is a material breach of this Contract that can result in (i) withholding payments to Supplier, (ii) Contract cancellation, termination, or suspension, in whole or in part, and (iii) Supplier's ineligibility for future City contracts.

F. Supplier must retain and, upon request, provide City access to and copies of all information and reports required by the requirements referred to in this provision that City or a state or federal agency determine are pertinent to ascertain compliance. If information required of Supplier is in the sole possession of another who fails or refuses to furnish it, Supplier must so certify to City.

5. Ethical Standards. Supplier and its directors, members, partners, officers and employees, and any Supplier parent, affiliate, or subsidiary has not engaged in and will not: (i) engage in an act creating an appearance of impropriety with respect to this contract; (ii) attempt or appear to influence an elected or appointed City officer or employee by a direct or indirect offer of anything of value; or (iii) pay or agree to pay any person, other than its employees and consultants, any consideration contingent upon the award of this contract. No owner, director, officer, member, partner or key employee of Supplier of any Supplier parent, affiliate, or subsidiary is a spouse, parent, child, grandchild, or sibling of the mayor, city council member, or another City officer or board/commission member except as already disclosed in writing to City. Supplier will immediately notify City of any change in this statement.

6. Intellectual Property. Supplier guarantees the sale and City use of articles, software, copies, records or other intellectual property provided by the Purchase will not infringe any copyright, patent, trademark or other intellectual property rights. Supplier will, without expense to City, defend all actions against City or City's officers or employees for alleged infringement of intellectual property rights because of their sale or use and will pay all amounts recoverable in any such action.

7. Quality. Unless otherwise stated in the Supplier's proposal, all materials and items supplied will be new, the best of their respective kind, and free from defects.

8. Taxes. City is generally exempt from federal and state taxes. A copy of its tax certificate of exemption can be requested by contacting the City Finance Department.

9. Manufacturer Information/Warranties. Supplier will provide City all manufacturer parts lists, assembly or maintenance information, and other documents provided by the manufacturer for all items provided under the Purchase and shall ensure any warranties for such items are held by City.

10. Records. City is a public entity receiving funds from other governmental agencies, and must retain, be able to obtain, and/or audit records related to City purchases. Supplier will retain all records related to this contract for at least 6 years and will, upon City's request, provide copies of and allow City to audit all retained records.

11. Assignment/Beneficiaries. Unless otherwise provided in writing, (i) no right or duty of Supplier under the Purchase may be assigned or delegated without City's prior written consent and (ii) no other individuals or entities are intended to be beneficiaries of this contract.

12. Independence. Supplier is independent of City and none of Supplier's personnel shall be or be represented to be City officers or employees. Supplier is solely responsible for the acts, omissions and statements of Supplier's personnel.

Exhibit B  
Proposal



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

RESOLUTION TO ACCEPT A PROPOSAL FOR SIDEWALK SNOWPLOWING AND TO  
AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT

WHEREAS:

1. On October 7, 2019, City Council adopted Resolution number 26515 awarding a three year bid for sidewalk snowplowing to JND Snowplowing Inc.
2. JND Snowplowing Inc. has submitted a proposal to extend their bid at the rates as detailed in the attached staff report.
3. It is recommended the City Council accept the proposal.
4. It is estimated the cost per year will be between \$428,000 and \$455,000.
5. Funds are available in the sidewalk fund account number 211-441-44200-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept a proposal for sidewalk snowplowing from JND Snowplowing Inc.
2. The City Council does here authorize the Mayor and City Clerk to execute the contract.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on May 16, 2022.

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

ATTACHMENTS:

Staff Report  
Proposal  
Contract

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

## STAFF REPORT

Date: May 4, 2022

Subject: Sidewalk Snowplowing Bid Extension

From: Aaron Vis, Assistant Director of Public Works - Maintenance

Meeting Date: May 16, 2022

---

### **RECOMMENDATION:**

It is recommended that the City Council extend the bid for Sidewalk Snowplowing to JND Snowplowing Inc., for fiscal years 2023, 2024 and 2025 at the seasonal rates shown on the attached contract. It is also recommended that the City Council authorize the Mayor and City Clerk to execute the contract.

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

The sidewalk snowplowing program ensures that all sidewalks and non-motorized trails in the City are open and passable within 24-hours of a snow event and provides a safe passage route for pedestrians in the winter.

### **DISCUSSION:**

On Tuesday, September 24, 2019, the City received one bid for sidewalk snowplowing out of thirty-eight invitations to bid that were sent to prospective bidders. The bid was awarded to JND Snowplowing, Inc. on October 7, 2019. JND Snowplowing, Inc. has done an excellent job throughout the last three winter seasons and, since they were sole bidder in 2019, were asked to provide a price to extend the initial contract.

The seasonal rate of sidewalk plowing for the winter of 2022 – 2023 is \$428,886; the seasonal rate for 2023 – 2024 is \$441,732; and the seasonal rate for 2024 – 2025 is \$454,984. If additional locations have been added the rate will be \$500 per ½ mile. The 2022 – 2023 seasonal rate is an increase of 3% from the previous three-year bid, and each seasonal increase after that is also 3%. The contract includes the supervision, labor, equipment and traffic control required to snowplow approximately 393 miles of sidewalks and non-motorized trails.

For this next winter, this service will cost the average residential property owner \$12.79 in taxes. This is based on the 2022 average taxable residential property value of \$66,429 and the millage rate of 0.1926 mills.

### **BUDGET IMPACT:**

Sufficient funds are available in the Sidewalk Fund Account 211-441-44200-930.000.

### **ATTACHMENT:**

Contract

JND Snowplowing INC  
3560 Jefferson Ave  
Wyoming, MI 49548

March 17, 2022

Joe Wahfield  
City of Wyoming  
Public Works Supervisor  
2660 Burlingame Ave SW  
Wyoming, MI 49509

Dear Joe Wahfield,

I am writing to let you know we would like to extend our existing sidewalk snowplowing contract for an additional three years ( years 2022-2025). With our existing 3% increase per year the annual dollar amounts for this extension would be as follows:

2022-23 season: \$428,866

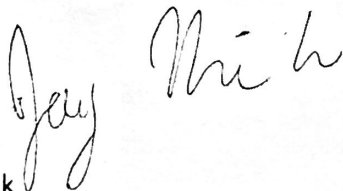
2023-24 season: \$441,732

2024-25 season: \$454,984

As our existing contract states, if any sidewalks are added these prices would increase by \$500/half mile.

I look forward to the opportunity to continue working with you.

Sincerely,



Jay Niewiek  
President of JND Snowplowing INC.  
616-617-0729  
Jay@JNDSnowplowing.com

2ND AMENDMENT TO JND SNOWPLOWING CONTRACT

This 2nd Amendment to JND Snowplowing, Inc. Contract (2nd Amendment), is made as of March 17, 2022, to amend the Sidewalk Snowplowing 2019-2022 contract dated September 23, 2019 (the "Contract") between ("City") means the City of Wyoming, a Michigan municipal corporation, of 1155 28<sup>th</sup> Street SW, Wyoming, MI 49509 and ("Contractor") means JND Snowplowing, Inc., a Michigan corporation of 3560 Jefferson Ave, Wyoming, MI 49548.

BACKGROUND

The Contractor has a sidewalk snowplowing contract with the City through the 2022 snow season.

AMENDMENT

1. The City will extend the Contract with the Contractor through the 2025 winter season in accordance with the pricing attached in the March 17, 2022 proposal letter.
2. This proposal includes sidewalk mileage of 393.9.
3. All other terms of the Contract will remain unmodified and in full effect.

The parties have signed this 2<sup>nd</sup> Amendment as of the date first written above.

CITY OF WYOMING

JND SNOWPLOWING, INC.

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

By: Jay Niewiek  
Jay Niewiek, President

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

Date signed: May 2, 2022

Date signed: \_\_\_\_\_, 2022

Approved as to form:

Scott G. Smith  
Scott G. Smith, City Attorney

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

RESOLUTION TO AUTHORIZE THE PURCHASE OF BALLISTIC VESTS

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended City Council authorize the purchase of ballistic vests from On Duty Gear, LLC using the City of Grand Rapids cooperative purchasing program at a cost of \$660.00 per vest.
2. Funds for the purchase are budgeted in various departmental accounts with the appropriate account being charged at the time of purchase.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of tactical vests from On Duty Gear, LLC in the total estimated amount of \$17,820.00.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried	Yes
	No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on May 16, 2022.

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Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:  
Staff Report

## STAFF REPORT

DATE: April 19, 2022

Subject: Public Safety – Police Ballistic Vest Contract

From: Lieutenant Brian Look

Meeting Date: May 16, 2022

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### **RECOMMENDATION:**

I respectfully recommend the City Council approve the acceptance of the State of Michigan bid by On-Duty Gear, LLC, for the procurement of ballistic vests for police officers and crime scene technicians.

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

Ballistic vests are a vital component to keeping our officers and technicians safe during the performance of their duties of serving our community as such, The Wyoming Department of Public Safety requires the use of ballistic vests by officers by policy. The city purchases ballistic vests for new officers and civilian forensic staff. Ballistic vests are replaced based on the manufacturer's suggested schedule of every five years or if a vest were to become damaged. The city council has always demonstrated their unwavering commitment to this effort. The acceptance of the State of Michigan bid through MiDEAL of vest purchases allows the purchases to be made without having to go through the bid process.

### **DISCUSSION:**

On Duty Gear has been awarded the State of Michigan bid for the ballistic vests used by Wyoming Department of Public Safety Police Officers. The contract length is for two years and offers 2 one-year extension options. The cost of the Armor Express Razor Level II ballistic vest with two carriers and a 5"x8" trauma plate is \$660.00. This price is below the last contract price of \$720.00. It is estimated in the first year of the contract that 27 ballistic vests (15 officer replacement vests due to expiration, one civilian forensic staff replacement due to expiration and an estimated 11 new officers) would be purchased at a cost of \$17,820.00.

We still recommend this exact model vest, and it remains one approved for matching grant funding through the Federal Government's Bulletproof Vest Partnership.

**BUDGET IMPACT:**

Funds are identified in the uniform lines of the budget and are specific to the division to which the employee is assigned:

Patrol:	101.305.31500.744
Investigations:	101.305.31000.744
Forensic Science:	101.305.31200.744
Administration:	101.305.30500.744

ORDINANCE NO. 10-22

ORDINANCE TO AMEND CHAPTER 82, ARTICLE III OF THE CODE OF ORDINANCES  
TO ADDRESS LAWNS, GARDENS AND WATER EFFICIENT LANDSCAPING AND  
TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 82, Article III of the Code of Ordinances, City of Wyoming, Michigan is amended to read as stated on Exhibit A.

Section 2. That this ordinance shall take effect on \_\_\_\_\_, 2022.

Section 3. That in codifying this ordinance, MuniCode shall keep the subsections and other nomenclature in the forms provided without editing.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

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Kelli A. Vandenberg  
Wyoming City Clerk

Ordinance No. 10-22

## STAFF REPORT

Date: April 6, 2022  
Subject: Landscape Ordinance Amendment  
From: Scott Smith, City Attorney  
Meeting Date: April 18, 2022

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The proposed amendment to the landscape ordinance was initiated to allow vegetable gardens in front yards. As with many ordinance amendments, the task broadened to also address other issues.

As with many recent ordinance amendments, we added a purpose provision to explain the public purpose for the ordinance. This may be helpful if someone were to challenge it.

Definitions were made more specific. In particular, the definition of “noxious weeds” was made very specific. The previous reference to the Michigan Department of Agriculture’s list doesn’t work well because there are several different lists maintained by that department. We thought it more beneficial to citizens and to our staff to define it specifically.

Plantings in the areas of rights-of-way between the sidewalk and the street can be problems. They can block clear vision, roots of some species can damage sidewalks and streets, they can hinder snow removal, make it difficult to keep trash containers out of the street, etc.

In addition, consequences for violations needed to be more expressly provided. We have had incidents of repeated violations, challenges to the city’s authority to take corrective actions, questions from court personnel about city and court authority, and some other questions about city procedures.

Importantly, however, our inspections and other enforcement staff attempts to work with property owners and occupants toward compliance before initiating enforcement action. Enforcement is undertaken when communications fail to result in compliance or when there are repeated violations.

## Exhibit A

### ARTICLE III. LAWNS, GARDENS AND WATER EFFICIENT LANDSCAPING

#### **Sec. 82-61. Purpose.**

(1) This article establishes minimum standards for landscape maintenance, private gardens, and water efficient landscaping. A variety of landscapes within a community adds to the quality of life for all residents. Turf grass lawns continue dominate features in the landscape. However, alternatives to this traditional lawn are recognized as important parts of a successful, enriching and sustainable community landscape.

(2) Landscapes and the vegetation within them add to the quality of life in a community only when properly maintained. Landscape vegetation that (i) is overgrown, (ii) blocks building entrances or exits, (iii) impairs sightlines, (iv) permeates paved areas or pathways, (v) has dead or decaying branches or plants, (vi) has viral, fungal or bacterial disease, (vii) is infested by insects or other plant destroying pests, (viii) is strewn with weeds, (ix) spills out onto sidewalks, drives, parking areas, or other areas meant for pedestrian or vehicular use, or (x) otherwise is a nuisance on the property on which it is located or any adjacent parcel, can affect property values in the vicinity and can adversely affect the quality of life of those living or working within its proximity.

#### **Sec. 82-62. Definitions.**

Except when the context clearly indicates a different meaning, the following definitions shall apply to this article:

(a) *Adapted vegetation* means those trees, shrubs, wildflowers, grasses, and other plants that naturally acclimate to this environment.

(b) *Maintenance plan* means a document submitted with an application for a water efficient landscaping permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.

(c) *Native vegetation* means any trees, shrubs or plants (exclusive of noxious weeds) indigenous to this region.

(d) *Natural habitat* means a specially uncultivated and sensitive planting area whereupon native vegetation exists in a pristine state and provides home for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.

(e) *Noxious weeds* means any of the following and any other plant or species of plant determined by the Michigan Department of Agriculture and Rural Development or any successor agency to be a noxious plant:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Common Name</u>	<u>Scientific Name</u>
bittersweet nightshade	<i>Solanum dulcamara</i> L.	hairy nightshade	<i>Solanum physalifolium</i> Rusby
black mustard	<i>Brassica nigra</i> (L.) W.D.J. Koch	hedge bindweed	<i>Calystegia sepium</i> (L.) R. Br
black nightshade	<i>Solanum nigrum</i> L.	hoary alyssum	<i>Berteroa incana</i> (L.) DC
buckhorn plantain	<i>Plantago lanceolata</i> L.	hoary cress	<i>Lepidium draba</i> (L.) Desv
bull thistle	<i>Cirsium vulgare</i> (Savi) Ten.	horse nettle	<i>Solanum carolinense</i> L.
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.	Indian mustard	<i>Brassica juncea</i> (L.) Czern
common cocklebur	<i>Xanthium strumarium</i> L.	jimson weed	<i>Datura stramonium</i> L.
curly dock	<i>Rumex crispus</i> L.	johnson grass	<i>Sorghum halepense</i> (L.) Pers.
dodder	<i>Cuscuta spp. (generic)</i> L.	leafy spurge	<i>Euphorbia esula</i> L.
field bindweed	<i>Convolvulus arvensis</i> L.	morning-glory	<i>Ipomoea spp.</i> L.
field pennycress	<i>Thlaspi arvense</i> L.	musk thistle, nodding thistle	<i>Carduus nutans</i> L.
giant foxtail	<i>Setaria faberi</i> Herrm.		

<u>Common Name</u>	<u>Scientific Name</u>	<u>Common Name</u>	<u>Scientific Name</u>
perennial sow thistle	<i>Sonchus arvensis</i> L.		Cavanaugh
poison ivy	<i>Toxicodendron radicans</i> , <i>Toxicodendron rydbergii</i> ,	sorghum-almum	<i>Sorghum x almum</i> Parodi
poison oak	<i>Toxicodendron diversilobum</i> , <i>Toxicodendron pubescens</i>	spiny plumeless thistle	<i>Carduus acanthoides</i> L.
poison sumac	<i>Toxicodendron vernix</i>	spotted knapweed	<i>Centaurea stoebe</i> ssp. <i>Micranthos</i> (Gugler) Hayek
puncturevine	<i>Tribulus terrestris</i> L.	velvetleaf	<i>Abutilon theophrasti</i> Medik
quack grass	<i>Elymus repens</i> (L.) Gould	West Indian nightshade	<i>Solanum ptychanthum</i> Dunal
Queen Anne's lace, wild carrot	<i>Daucus carota</i> L.	wild garlic	<i>Allium vineale</i> L.
Russian knapweed	<i>Rhaponticum repens</i> (L.) Hidalgo	wild mustard	<i>Sinapis arvensis</i> L.
serrated tussock	<i>Nassella trichotoma</i> Hackel ex Arech.	wild oat	<i>Avena fatua</i> L.
silverleaf nightshade	<i>Solanum elaeagnifolium</i>	wild onion	<i>Allium canadense</i> L.
		wild radish	<i>Raphanus raphanistrum</i> L.
		yellow nutsedge	<i>Cyperus esculentus</i> L.
		yellow rocket	<i>Barbarea vulgaris</i> Ait. f.

(f) *Private garden* means an area used for the non-commercial cultivation of flowers, vegetables, ornamental plants, or similar vegetation on a property by an owner or authorized occupant.

(g) *Rank vegetation* means uncultivated plants growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.

(h) *Turf grass* means cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.

(i) *Vegetable gardens* means private gardens some or all of which are planted, cultivated, propagated or maintained to grow leaves, grains, fruits, tubers, roots, or other plant parts that may be edible or processed to produce edible foods or ingredients.

(j) *Water efficient landscaping permit* means a permit issued by the city allowing an owner or occupant to cultivate native and adaptive vegetation as part of a leadership in energy and environmental design (LEED) or other environmentally sensitive planning. A water efficient landscaping permit exempts an owner or occupant from section 82-63(3) of this chapter.

(k) *Weeds* means any unsuitable or uncultivated vegetation, often causing injury to the desired vegetation type.

### **Sec. 82-63. General requirements.**

(1) All areas on lots of property not designated and used for buildings, pedestrian or vehicular travel or parking, recreation or storage, shall be provided with turf grass or a combined ground cover of maintained gardens, hedges, trees and shrubbery.

(2) Except for turf grass within the unpaved public right-of-way area between the sidewalk and the street, no vegetation is permitted within public rights-of-way except in accordance with prior written authorization from the city's public works department. Vegetation within or in areas adjacent to rights-of-way shall be maintained so as to not obstruct sidewalks, alleys or streets, and free passage over those rights-of-way without coming in contact with that vegetation.

(3) No person shall plant, propagate, or cultivate any noxious weeds on any parcel in the city or allow any noxious weeds to remain on any property in the city that the person owns or controls.

(4) No owner or occupant of developed properties shall allow any turf grass, weeds or rank vegetation to grow to a height greater than 10 inches. This section does not apply to any property exempted by section 82-64.

- (5) No owner or occupant of commercial or industrial properties shall allow any turf grass, weeds or rank vegetation to grow in paved drive or parking areas as defined in the city's zoning ordinance (Chapter 90 of this code) other than in defined landscape beds, islands, or planters.
- (6) Except vegetable gardens, private gardens are permitted anywhere upon private properties. Vegetable gardens are considered an accessory use and may not occupy more than 30% of the rear yard and 10% of the front and 10% of the side yards.
- (a) Private gardens shall be maintained in a cultivated state except during the winter months.
  - (b) Private gardens that are no longer under active cultivation shall be removed and replaced per subsection (1) above.
  - (c) Private garden areas shall be maintained free of weeds at all times throughout the year.
  - (d) No plantings exceeding 6 feet in height will be permitted in front yard vegetable gardens. A minimum three-foot side and rear yard setback is required for vegetable gardens.
  - (e) Raised garden beds shall not exceed three feet in height when located in either front or side yards.
- (7) Stands for the sale of garden produce or flowers are not permitted except as otherwise approved in accordance with Chapter 90 of this Code in commercial, industrial, or agriculturally zoned districts or as part of an approved farms market.
- (8) Temporary greenhouses or hoop houses constructed with fabric or plastic walls and roof that are a maximum 16 square feet are permitted. Temporary greenhouses or hoop houses may be located only within the rear yard of properties, may be no closer than three feet to a property line and must be maintained in good condition.
- (9) On-site storage of compost and organic matter is permitted subject to the following:
- (a) Shall be permitted only in a rear yard a minimum of ten feet from a property line.
  - (b) May not exceed 64 square feet in area.
  - (c) Shall not be visible from adjoining residential properties (shielded from view by shrubbery or fencing).
  - (d) Shall be constructed of rigid and durable materials with a tightly fitted lid.
  - (e) Shall be maintained to prevent odors.

**Sec. 82-64. Exemptions.**

- (1) Vacant, unoccupied land consisting of a contiguous tract of one acre or more is exempt from this chapter provided the front 50 feet of the tract (as measured from the street pavement edge) is maintained as required under subsections 82-63(2)-(6).
- (2) City, county, state, or federal property maintained as natural habitat for public purposes including, but not limited to, regional stormwater detention basins and naturalized park areas, are exempt from this article.
- (3) *Water efficient landscaping permit.*
- (a) The city will consider requests for a water efficient landscaping permit. Applications shall be made to the city planner. Within 30 days of filing the application, the city planner shall conclude the review. Consideration of whether to grant or deny the permit request shall be based on submittal of all required information, ability to comply with the maintenance program, and consideration of potential detriment to adjoining properties or the public welfare. Appeals from denials may be made to the housing board of appeals. Notice shall be given to adjoining properties regarding an appeal. A water efficient landscaping permit shall grant any property owner or occupant the ability to cultivate native and adapted vegetation on the property owner's property and be exempted from the requirements of subsection 82-63(4).
  - (b) An application for a water efficient landscaping permit shall include the following information:
    - (i) Statement of intent and purpose in cultivating the native and adaptive vegetation.
    - (ii) Site plan showing lot lines, buildings, driveways, parking areas and location of proposed vegetation.
    - (iii) Common names and quantities of the plant species the property owner or occupant plans to cultivate.
    - (iv) A maintenance program.
    - (v) Name, address and phone number of the professional landscaping company which has been hired to perform maintenance; or the name, address, phone number and qualifications of the person(s) who will be responsible for the maintenance.

**Sec. 82-65. Revocation.**

The city may regularly inspect any property holding a water efficient landscaping permit for compliance with the maintenance program on file with the city. For any property out of compliance, the city shall give notice to the holder of the permit by regular mail stating that the property must be brought into compliance within a minimum of 30 days. Should the period pass without action by the holder of the permit, the city may:

- (a) Revoke the water efficient landscaping permit.
- (b) Remove all improperly maintained native and adaptive vegetation. In addition, the city shall assess the property for all fees associated with the inspection of the property and removal of improperly maintained native and adaptive vegetation in accordance with section 82-66 of this chapter.

**Sec. 82-66. Violations and penalties.**

(1) Except as provided in subsection (2), a violation of this article is a municipal civil infraction the civil fines for which shall be \$75.00 for the first offense, \$500.00 for a second offense committed within two years of the first offense, \$2,500.00 for a third offense committed within two years of the first offense.

(2) A violation of this article that is the fourth offense within two years of the first offense is a misdemeanor punishable by a fine of up to \$500, incarceration of up to 90 days, or both such fine and incarceration.

(3) Each act of violation and every day upon which any such violation shall occur constitutes a separate offense.

(4) In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this article.

(5) In addition to any other penalties provided by this section, the court may:

(a) Order a person who committed a municipal civil infraction or misdemeanor to:

- (i) Pay the costs of investigation, prosecution, or other enforcement efforts;
- (ii) Pay restitution to the owner of any property that was damaged, destroyed, taken, or lost during or as a result of the offense;
- (iii) Pay restitution to any victim suffering physical injuries, psychological or emotional trauma or other affliction during or as a result of the offense, which may include payment of medical bills, costs for counseling, or other costs incurred by the victim; and/or
- (iv) Pay additional costs incurred in compelling the appearance of the defendant, which additional costs shall be returned to the general fund of the unit of government incurring the costs;

(b) In accordance with MCL 600.8731, in a municipal civil infraction action brought for a violation of this article, impose a lien against the land involved in the violation by the city's recording of a copy of the court order requiring payment of the fines, costs, and assessment with the Kent County Register of Deeds that includes a legal description of the property is incorporated in or attached to the court order. The lien is effective immediately upon recording of the court order with the register of deeds.

(c) In accordance with MCL 600.8302(4), issue and enforce any judgment, writ, or order necessary to enforce the ordinance, including, without limitation, (i) ordering the responsible or guilty party to comply with the ordinance, (ii) ordering the responsible party to discontinue and/or refrain from acts violating the ordinance, and (iii) ordering the responsible party to remedy any conditions violating the ordinance, and/or to take reasonable measures preventing others from violating the ordinance. The court may also enter an order for the city to correct conditions violating the ordinance and for the owner of the offending property and/or other persons responsible to pay any costs incurred by the city to do so, imposing those costs as a lien on the offending premises.

(6) In addition to the other remedies and penalties provided in this section, if any property fails to comply with section 82-63:

(a) Any city personnel authorized to issue civil infraction citations may provide the property owner or any occupant of the property with a written notice describing the violation and providing the owner not less than 5 days to correct the violation. That notice shall also provide the property owner or person authorized by the property owner an opportunity to request in writing an informal hearing to show cause why the property did not violation section 82-63 on the date of the notice. A request for a hearing must be filed in office of the city's Department of Community Services not later than the date provided by the notice for compliance with the ordinance.

- (i) The hearing shall be conducted by a city officer who was not involved in deciding whether or not the notice should be issued. If a written request for a hearing is provided, the hearing shall be

conducted by the Director of the Department of Community Services, the Deputy City Manager, the City Manager, or a person designated by the City Manager. The hearing may be conducted in person, by video conference (such as by MS Teams, Zoom, Skype or similar technology), or by audio conference call. The sole issue for the hearing is whether or not the property was in violation of section 82-63 on the date the notice was issued. The person conducting the hearing shall provide the property owner or property owner's designee an opportunity to present information as to why the property complied with section 82-63 and provide city personnel an opportunity to rebut any evidence presented. While city officer conducting the hearing may question anyone presenting information, there is no right to cross examination and formal court rules and rules of evidence will not apply. The person conducting the hearing shall decide whether a violation has occurred in a manner and to a degree of certainty normally applied to general business decisions.

(ii) At the conclusion of the hearing, the city officer conducting the hearing shall render a written decision that (A) concludes the property's condition violated section 82-63 on the date of the notice, or (B) there is insufficient basis to reasonably conclude the property's condition violated section 82-63 on the date of the notice. If the city officer conducting the hearing determines the property's condition violated section 82-63 on the date of the notice, the city officer conducting the hearing may offer some extra time to comply with the notice, but not exceeding an additional 10 days. The decision of the city officer conducting the hearing shall be final.

(b) If the offending property is not brought into compliance with section 82-63 within the time provided in the notice of violation as that time may be extended under this subsection, the city may, cut and remove the offending vegetation and otherwise remedy the offending condition and charge the owner at cost the cost therefore in accordance with the city's fee schedule for such work. If that amount is not paid within 30 days of the date it is billed, the city may place the charges on the tax roll to be added to the taxes for the property for the next year and/or place a lien against the subject property.

ORDINANCE NO. 11-22

ORDINANCE TO AMEND SECTIONS 86-13, 86-19, 86-33, AND 86-161 OF THE CODE OF ORDINANCES TO SPECIFY WATER SERVICE SIZES, WATER METER TESTING TERMS AND CONDITIONS, AND TO PROVIDE FOR RATES, FEES, AND CHARGES FOR THE CITY WATER AND SANITARY SEWER SYSTEMS

THE CITY OF WYOMING ORDAINS:

Section 1. That sections 86-13, 86-19, 86-33, and 86-161 of the Code of Ordinances, City of Wyoming, Michigan are amended to read as follows:

**Sec. 86-13. – Water service connections.**

(1) Persons wishing to connect any premises to the water system must file an application for water connection, together with any required connection, inspection, meter and other fees, with the department in a form established by the department.

(2) Water connections and water meters shall be installed in accordance with the department's specifications and standards.

(3) All water meters, AMI devices, and water connections shall be the property of the city.

(4) Connection fees, inspection, meter, AMI device, meter reading, and other fees, rates and charges will be in amounts established by resolution of the city council and must cover costs of the materials, installation and overhead attributable to such installations.

(5) Standard service sizes are as follows:

<b>Residential Building Units*</b>	<b>Minimum Service Line Diameter</b>	<b>Minimum Meter Size</b>
1 – 2 dwelling units	1-inch	5/8-inch
3 – 4 dwelling units	1 1/2-inches	1-inches
4 or more dwelling units	2-inches	1 1/2-inch
For commercial and industrial users the department will determine the size of the service line and size of the meter based on reasonably anticipated peak demands for volume and pressure, the size and uses of the premises, and other factors to be considered using excellent utility practices.		
*Apartment buildings are commercial uses for which the minimum service line diameter is 1½-inches.		

(6) Perforated meter bars may be used only for spacing purposes. The city does not provide metering bars. Unperforated meter bars may not be used and will be treated as unauthorized connection to or use of the system or damages to the system under section 86-18.

(7) Except with prior written approval of the director and in accordance with a design approved by the director, the construction, maintenance or use of any piping or system that bypasses a meter or provides for unmetered or inaccurately metered water usage is a violation of section 86-18. Such written approval will only be considered if (i) it can be proven to be vital to the health or safety of affected persons or operations, or (ii) for industrial uses is essential to continuous and safe operation. If such a bypass is approved a second meter must be installed in a location acceptable to the city that fully measures water usage. All bypasses approved after May 1, 2022, must be metered. However, a readiness to serve charge shall not apply to a bypass meter.

(8) Except as otherwise approved in writing by the director, all water service connections with a diameter of 2-inches or less shall be copper.

(9) Except as approved in writing by the department, all water service connections to City water mains must be (i) made by City personnel or by City contractors, (ii) in accordance with City standard specifications for such connections as maintained by the department, and (iii) made only after payment of the applicable rates, fees and charges.

**Sec. 86-19. Rates and charges setting, billing, collection, and delinquency.**

(1) The city council shall by resolution establish water system rates, fees and charges for such items as (i) review of plans related to water system connections, water system extensions or improvements; (ii) connection to the water system; (iii) inspections of connections, extensions or improvements to the water system; (iv) consumption and use of water; (v) meter or AMI device installation, inspection and use; (vi) backflow device use and installation; (vii) cross connection compliance; (viii) wholesale service; (ix) hydrant connection and use; fire suppression system connection or use; (x) unmetered use of water; (xi) reading meters on any property for which the owner or occupant has refused installation of an AMI device; (xii) late payment penalties or interest, rebilling fees, or other amounts to be paid for late payment; and (xiii) any other water system related amounts or rates the city council deems it appropriate to charge.

(a) Special rates may be established by contracts approved by the city council.

(b) Except when the city council determines there are extraordinary circumstances, rates charged for water system services to users outside the city shall not be less than rates charged for water system services to users within the city.

(c) Rates, fees and charges established by city council resolution must be in amounts or at rates estimated to be sufficient to provide for the payment of the expenses of operation, maintenance, repair, and replacement of the water system in accordance with accepted utility practices, to timely pay the principal and interest on all as are necessary to preserve the system and all its component facilities in good repair and working order; to provide for payment of the interest upon and the principal of all bonds as and when due and payable, to provide for any coverage required under any bond covenants or as required by law, and to provide for such other expenditures and funds for the system as are required by this article. Such rates and charges shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted, and agreed at all times to fix, maintain and collect such rates and charges for water service furnished by the system as shall be sufficient to provide for the foregoing.

(d) Because the system must be sized, constructed, operated, and maintained to be ready to serve the premises, except as provided in this subsection, readiness to serve charges will be charged for all property in each billing regardless of whether the system is actively used. Exceptions include only (i) unoccupied vacant property without buildings or other occupiable structures, and (ii) property with vacant, unoccupied buildings awaiting demolition. If the owner of a residential, commercial, industrial, or other property requests cessation of service (*i.e.*, water is turned off at the stop box and the meter is pulled) a readiness to serve charge will be charged at the same rate as if a 5/8-inch meter was installed.

(2) Except in extraordinary circumstances, such as extreme weather or a health emergency, water meters or data from AMI devices will be read not less frequently than quarterly, and bills for water service shall be rendered not less frequently than quarterly and become due on or before the due date specified in the bill. If bills are not paid on or before the due date specified will accrue and be charged fees, interest or penalties related to the late payment in amounts or at rates established by city council resolution.

(3) Water system rates fees and charges will be a lien on property served as provided in and collectible as provided in 1933 PA 94 (MCL 141.101 *et seq.*) and 1939 PA 178 (MCL 123.161 *et seq.*). If not paid within six months after they are due, the city utility billing office may, before April 1 of each year, certify the delinquency to the city treasurer who shall enter such delinquent charges upon the next general city tax roll as a charge against such premises and the same shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced. However, where notice is given that a tenant is responsible for such charges and service as provided in those statutes and security for such charges has been provided as established by city council by resolution, those rates, fees, and charges shall not be a lien of the premises served.

(4) In addition to other remedies provided, the city shall have the right to shut off and discontinue the water service to any premises for the nonpayment of water system or sanitary sewer system charges when due. Water services so discontinued must not be restored until all sums then due and owing shall be paid, plus a turn-on charge as established by resolution of the city council on file in city hall.

(5) The property owner will be charged for the replacement cost of any meter, touchpad, or AMI device that is or needs to be replaced due to damage caused by the property owner or occupant, or by contractors or other agents of the property owner or occupant.

(6) The city treasurer may accept payment arrangements to pay water system bills when such arrangements are needed to prevent undue hardships and are acceptable to the city manager.

**Sec. 86-33. – Inaccurate meters.**

(1) A meter will be considered accurate if it registers within 2.0% (more or less) the quantity of water passing through it. If a meter registers in excess of 2.0% more than the actual quantity of water passing through, it will be considered fast to that extent. If a meter registers in excess of 2.0% less than the actual quantity of water passing through it, it will be considered slow to that extent.

(2) If any meter fails to register properly, the director will estimate consumption on the basis of former consumption and information about the meter's inaccuracy and adjust the bill accordingly.

(3) A user with a meter 2-inches or less in diameter may require that the meter be tested. However, the city will only test a meter at the user's request once within a 12-month period. If the meter is found inaccurate or otherwise defective, it shall be repaired, or another meter installed. No charge shall be made for the repair or replacement of a defective meter.

(4) If a user with a meter larger than 2-inches in diameter requests a test, the city will engage a contractor to perform the test. The user will be billed the cost of the test unless the meter is determined to measure fast. The user or the user's agent must accompany contractor personnel who will test and, if needed, replace the meter during normal city business hours.

(5) If a tested meter registers fast, the city will credit the user a sum equal to the percent fast multiplied by the amount of all bills to the user within the 3 months before the test. If a tested meter registers slow, the city may collect from the consumer a sum equal to the percent slow multiplied by the amount of all the bills to the user within the 3 months before the test.

**Sec. 86-161. Rates, surcharges and penalties to be set by city council.**

(1) The city council shall by resolution establish system rates, fees and charges for such items as (i) review of plans related to system connections, system extensions or improvements; (ii) connection to the system; (iii) inspections of connections, extensions or improvements to the system; (iv) consumption and sewer service; (v) meter or AMI device installation, inspection and use; (vi) backflow device use and installation; (vii) wholesale service; (viii) unmetered sewer use; (ix) reading meters on any property for which the owner or occupant has refused installation of an AMI device; (x) late payment penalties or interest, rebilling fees, or other amounts to be paid for late payment; and (xi) any other system related amounts or rates the city council deems it appropriate to charge.

(a) Special rates may be established by contracts approved by the city council.

(b) Except when the city council determines there are extraordinary circumstances, rates charged for system services to users outside the city shall not be less than rates charged for system services to users within the city.

(c) Rates, fees and charges established by city council resolution must be in amounts or at rates estimated to be sufficient to provide for the payment of the expenses of operation, maintenance, repair, and replacement of the system in accordance with accepted utility practices, to timely pay the principal and interest on all as are necessary to preserve the system and all its component facilities in good repair and working order; to provide for payment of the interest upon and the principal of all bonds as and when due and payable, to provide for any coverage required under any bond covenants or as required by law, and to provide for such other expenditures and funds for the system as are required by this article. Such rates and charges shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted, and agreed at all times to fix, maintain and collect such rates and charges for water service furnished by the system as shall be sufficient to provide for the foregoing.

(d) Because the system must be sized, constructed, operated, and maintained to be ready to serve the premises, except as provided in this subsection, readiness to serve charges will be charged for all property in each billing regardless of whether the system is actively used. Exceptions include only (i) unoccupied vacant property without buildings or other occupiable

structures, and (ii) property with vacant, unoccupied buildings awaiting demolition. If the owner of a residential, commercial, industrial, or other property requests cessation of service (*i.e.*, the sewer lateral is cut and plugged) a readiness to serve charge will be charged at the same rate as if a 5/8-inch meter was installed.

(2) Except in extraordinary circumstances, such as extreme weather or a health emergency, meters or data from AMI devices will be read not less frequently than quarterly, and bills for water service shall be rendered not less frequently than quarterly and become due on or before the due date specified in the bill. If bills are not paid on or before the due date specified will accrue and be charged fees, interest or penalties related to the late payment in amounts or at rates established by city council resolution.

(3) System rates fees and charges will be a lien on property served as provided in and collectible as provided in 1933 PA 94 (MCL 141.101 *et seq.*) and 1939 PA 178 (MCL 123.161 *et seq.*). If not paid within six months after they are due, the city utility billing office may, before April 1 of each year, certify the delinquency to the city treasurer who shall enter such delinquent charges upon the next general city tax roll as a charge against such premises and the same shall be collected and the lien thereof enforced in the same manner as general city taxes against such premises are collected and the lien thereof enforced. However, where notice is given that a tenant is responsible for such charges and service as provided in those statutes and security for such charges has been provided as established by city council by resolution, those rates, fees, and charges shall not be a lien of the premises served.

(4) In addition to other remedies provided, the city shall have the right to shut off and discontinue the water service and sewer service to any premises for the nonpayment of system rates, fees, or charges when due. Services so discontinued must not be restored until all sums then due and owing shall be paid, plus a turn-on charge as established by resolution of the city council on file in city hall.

(5) The city treasurer may accept payment arrangements to pay system bills when such arrangements are needed to prevent undue hardships and are acceptable to the city manager.

Section 2. That this ordinance shall take effect on \_\_\_\_\_, 2022.

Section 3. That in codifying this ordinance, MuniCode shall keep the subsections and other nomenclature in the forms provided without editing.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Kelli A. Vandenberg  
Wyoming City Clerk

Ordinance No. 11-22

ORDINANCE NO. 12-22

ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF ORDINANCES  
BY AMENDING SECTION 90-426B IN ARTICLE 4B

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 90, Article 4B, Section 90-426B of the Code of Ordinances, City of Wyoming, Michigan is amended to read as follows:

**Sec. 90-426B OPEN STORAGE**

All manufacturing activities in the I-1 light industrial district shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visibly screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen, at least five feet in height and at least 80 percent solid, and of such design and constructed of such material and maintained in such a manner as shall be in keeping with the character of the area. Front yard and side yard areas adjacent to street frontage shall not be used for the external storage of materials. In instances where the building inspector determines that any wall required by this chapter will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.

Section 2. This ordinance shall take effect on \_\_\_\_\_, 2022.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

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

Ordinance No. 12-22

May 9, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Proposed Zoning Ordinance Text Amendment to Clarify Permitted Open Storage Locations in the I-1 Zoning District (Section 90-426B)

Recommendation: To approve the subject Zoning Ordinance amendment

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on April 19, 2022. A motion was made by Arnoys, supported by Zapata, to recommend to the City Council adoption of revised Section 90-426B Open Storage Requirements text amendment which would clarify that open storage would only be permitted in rear and side yards that do not have street frontage. The motion passed unanimously.

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

The City of Wyoming currently permits open storage in the I-1 Light Industrial district but does not specify where open storage may be located on a given property. The result is the allowance of industrial storage in front yards and along street frontages. Open storage is also permitted in the I-2 Industrial District and the B-2 and B-3 Business Districts, but these districts specify that materials must be stored in either side yards or rear yards without street frontage.

In the past, staff has received inquiries from business owners seeking the permitted location for open storage in the I-1 district. Amending the code to clarify that open storage may only be utilized in side or rear yards without street frontage ensures uniformity across all zoning districts where open storage is permitted. It also provides staff with more clarity in their efforts to administer the zoning code moving forward. The amendment also achieves the City's land use goal of beautifying industrial districts and minimalizing blight and nuisances.

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

community • safety • stewardship

CITY COUNCIL

Sheldon DeKryger

John Fitzgerald

Kent Vanderwood

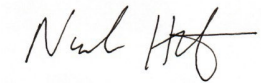
Marissa Postler

Robert Postema

Sam Bolt

**Jack A. Poll, Mayor**

Respectfully submitted,

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

Nicole Hofert, Director of Planning and Economic Development  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

AGENDA ITEM NO. 2

Request to amend Zoning Code Section 90-426B (I-1 Open Storage) (Wyoming Planning Staff)

Meagher explained that The Wyoming [re]Imagined Master Plan was adopted by the City in March of 2021. Since its adoption, staff has been working to better align the City's Zoning Code with the vision set forth in this comprehensive plan. Through this review process, staff has identified that outdoor storage requirements in the I-1 zoning district could be improved to better meet the Master Plan's vision for creating safer, healthier, and more aesthetically pleasing industrial districts.

Meagher said that in the past, Staff has received a number of inquiries seeking to verify the zoning requirements for where outdoor storage is permitted in the I-1 zoning district. The I-1 zoning district currently does not specify where outdoor storage is permitted, resulting in the allowance of industrial storage in front yards and along street frontages.

Meagher explained that outdoor storage is only permitted in rear and side yards in I-2 Industrial districts, and the B-2 and B-3 business districts. Updating the code to include this same language in I-1 districts could help ensure uniformity across all zoning districts where outdoor storage is permitted, while also providing staff with more clarity in their efforts to administer the zoning code moving forward.

In reference to the Master Plan, Meagher said that both Business Park and Industrial land use categories call for beautification improvements and the minimalization of blight and nuisances to be implemented. Requiring outdoor storage to no longer be located in front yards or along street frontages could help achieve this future land use goal.

Meagher said that the Development Review Team recommends that Planning Commission adopt the recommended text amendment to Zoning Code *Section 90-426B* and recommends the same to City Council.

Micele opened the public hearing at 7:29 PM. There was no public comment and the public hearing was closed.

A motion was made by Arnoys, supported by Zapata, to adopt the recommended text amendment to Zoning Code *Section 90-426B* and recommend the same to City Council.

Weller asked where storage would be located.

Meagher stated that storage would need to occur in the rear and side yards as long as they don't face the street frontage.

Weller asked if existing properties that don't comply would be grandfathered.

Meagher confirmed that they would.

Arnoys asked if businesses on 131 would be considered street frontage.

Meagher said that 131 is not considered street frontage.

DeLange spoke about the history of outdoor storage in industrial zones and asked staff what the future intent of the I-3 zoning is.

Meagher responded saying that currently there is the ability for outdoor storage in I-1 but there are no location requirements, so a business could potentially put open storage in the front yard. Staff has acknowledged that open storage is permitted but the intent is that open storage is not located in the front yard. Meagher said that outdoor storage will continue to be prohibited in the I-3 zoning district moving forward.

A vote on the motion carried unanimously.

## OLD BUSINESS

### AGENDA ITEM NO. 3

Request to approve a rezoning from B-1 Local Business to B-2 General Business at 5160 and 5190 Byron Center Avenue SW (Section 27) (Byron Investors LLC/52<sup>nd</sup> Byron LLC)

Hofert stated that this item was previously presented at the March 15, 2022 meeting but in order to remind Commissioners and the audience the information about the rezone request another formal presentation is being presented.

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

Hofert stated that the envisioned use of the two parcels is to redevelop the site as a mixed-use neighborhood. The 11.79 acre site is located on the north east side of 52<sup>nd</sup> and Byron Center and is adjacent to The Pines Golf Course. It is also located nearby other residential and local business uses. Hofert reminded Commissioners and the audience that this is a rezoning request only. Planning Commission review for site plan approval and special use approval (multi-family use) will be a separate action if the parcel is rezoned by City Council. The applicant has submitted a conceptual site plan for discussion and reference

**I-1 Light Industrial District**

**Sec. 90-424B PERMITTED USES**

The following uses are permitted in the I-1 light industrial district within an enclosed building:

- (1) The wholesaling or warehousing of any item except for the sale or leasing of motor vehicles.
- (2) Industrial establishments as follows:
  - (a) The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering and animal slaughtering), candy, beverage alcohol production (without accessory dining), drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
  - (b) The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, felt, fibre, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
  - (c) Tool and die shops; metal-working machine shops involving the use of grinding or cutting tools, manufacturing of tools, dies, jigs and fixtures; publishing, printing or forming of box, carton and cardboard products.
  - (d) Laboratories, research or testing.
  - (e) Central dry cleaning plants and laundries.
- (3) Public utility buildings, telephone exchange buildings and electric transformers.
- (4) Accessory buildings and uses customarily incidental to the above uses.
- (5) Off-street parking.
- (6) Office type uses.
- (7) Billboards, when abutting a freeway or major thoroughfare.
- (8) Municipal buildings and uses.
- (9) Building and construction contractors with no outside storage.
- (10) Distribution Centers

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – I-1 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

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(Code 1983, § 60.60; Ord. No. 2-96, § 2, 2-20-96; Ord. No. 06-06, § 1, 2-6-06; Ord. No. 03-07, § 3, 2-5-07)

**Sec. 90-425B PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted in the I-1 light industrial district subject to the approval of the planning commission.

- (1) Truck terminals.
- (2) Trucks exceeding 5,500 pounds in vehicle weight and truck trailer sales and display, rental and repair.
- (3) Recreational vehicle storage yards.
- (4) Mineral extraction, borrow pit or topsoil removal.
- (5) Radio, television, microwave or wireless communication towers.
- (6) Service stations, including accessory restaurant uses within the building. Drive-through window access may be permitted.
- (7) Athletic training facility.
- (8) Beverage alcohol production with accessory dining, including breweries, distilleries, and wineries.

(Code 1983, § 60.61; Ord. No. 21-98, § 6, 10-5-98; Ord. No. 8-12, § 1, 7-2-12; Ord. No. 12-13, § 2, 9-3-13)

**Sec. 90-426B OPEN STORAGE**

All manufacturing activities in the I-1 light industrial district shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visibly screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen, at least five feet in height and at least 80 percent solid, and of such design and constructed of such material and maintained in such a manner as shall be in keeping with the character of the area. **Front yard and side yard areas adjacent to street frontage shall not be used for the external storage of materials.** In instances where the building inspector determines that any wall required by this chapter will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.

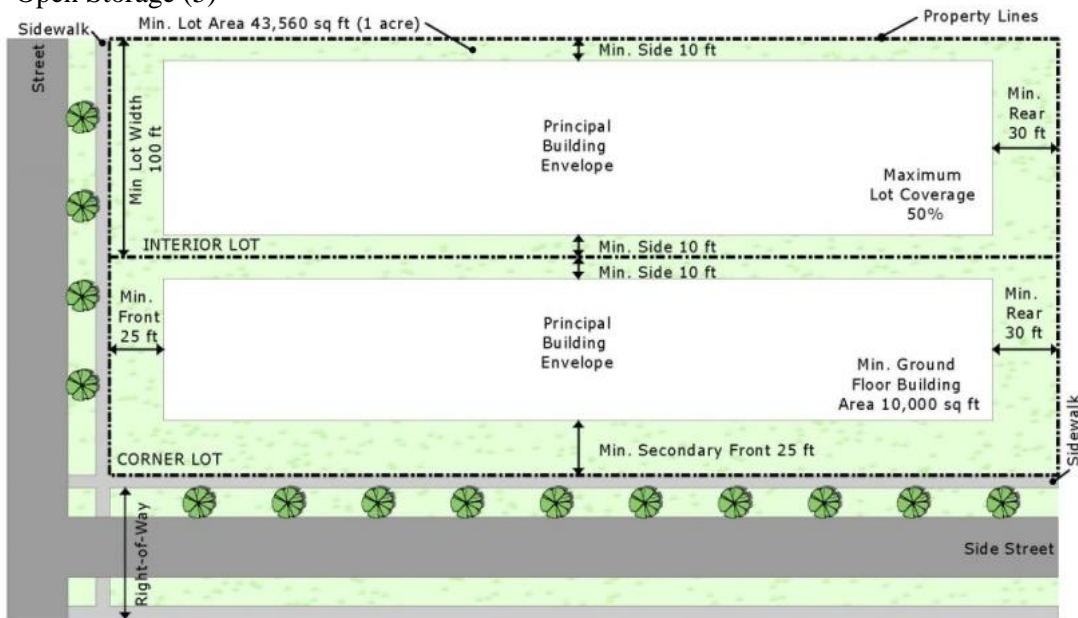
(Code 1983, § 60.62)

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"><li>• Site Plans</li><li>• Special Land Uses</li><li>• Condominiums</li><li>• PUDs</li></ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Sec. 90-427B DEVELOPMENT STANDARDS**

Minimum Lot Area	43,560 sq ft
Minimum Lot Width (3)	100 ft
Minimum Front Yard (1)(3)	25 ft
Minimum Rear Yard (4)	30 ft
Minimum Side Yard (2)(4)	10 ft

Minimum Ground Floor Building Area	10,000 sq ft
Maximum Building Height	45 ft
Maximum Lot Coverage	50%
Open Storage (5)	



**Sec. 90-428B SPECIFIC REQUIREMENTS**

- (1)
  - (a) For the secondary front yard, there shall be a minimum setback of 25 feet.
  - (b) Parking shall not be permitted in the required front yard and secondary front yard setbacks, except that parking may be permitted in conjunction with site plan approval in that portion of the required front yard located more than 25 feet from the street right-of-way of property which abuts 28th Street.
  - (c) A landscaped greenbelt, as described in Section 90-328, shall be provided in the required front yard and secondary front yard unless parking is otherwise permitted as noted above.

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – I-1 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

- (2) For the side yard property which abuts a residentially zoned district, the minimum side yard setback shall be 25 feet of which a minimum of ten feet shall be landscaped.
- (3) For all properties which border 28th Street, the front lot line shall be deemed as bordering 28<sup>th</sup> Street, the minimum front yard shall be 50 feet, the minimum lot width shall be 100 feet and the minimum lot depth shall be 200 feet.
- (4) Where an I-1 light industrial district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the I-1 light industrial district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the I-1 light industrial district and the residentially zoned district, no fence is required.
- (5) All manufacturing activities in the I-1 light industrial district shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visibly screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen, at least five feet in height and at least 80 percent solid, and of such design and constructed of such material and maintained in such a manner as shall be in keeping with the character of the area. In instances where the building inspector determines that any wall required by this chapter will satisfy any portion of this open storage screening requirement, the building inspector may waive such applicable portion of this open storage screening requirement.

**Sec. 90-429B ADDITIONAL REGULATIONS**

**(1) General Requirements**

- (a) Façade Standards. Section 90-322
- (b) Accessory Buildings. Section 90-311
- (c) Fence Regulations. Section 90-312
- (d) Landscaping for non-residential uses. Section 90-328
- (e) Projections into yards. Section 90-306
- (f) Screening of roof top equipment. Section 90-318
- (g) Signs. Article 7
- (h) Off-street parking. Article 6
- (i) Mechanical Appurtenances. Section 90-310
- (j) Dwellings in non-residential zones. See Section 90-319
- (k) Refuse disposal. Section 90-321

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review	<ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Special Land Uses</li> <li>• Condominiums</li> <li>• PUDs</li> </ul>
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

**Article 4B – I-1 Zoning District**  
**CITY OF WYOMING ZONING ORDINANCE**

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- (2) Development Procedures**
  - (a) Special land uses. Section 90-507
  - (b) Site Plan. Section 90-500
  - (c) Site Condominiums. Section 90-509
  
- (3) Administration and Enforcement**
  - (a) Board of Zoning Appeals. Article 10
  - (b) Permits. Section 90-1008
  - (c) Non-conforming lot and uses. Article 9

<b>1.</b> Purpose, Validity, and Scope	<b>2.</b> Definitions	<b>3.</b> General Requirements	<b>4.</b> Zoning Districts	<b>5.</b> Development Review <ul style="list-style-type: none"><li>• Site Plans</li><li>• Special Land Uses</li><li>• Condominiums</li><li>• PUDs</li></ul>	
<b>6.</b> Off-street Parking	<b>7.</b> Signs	<b>8.</b> Alternative & Renewable Energies	<b>9.</b> Nonconformities	<b>10.</b> Appeals and Administration	<b>11.</b> Form Based Code
Use Table	Zoning Map				

ORDINANCE NO. 13-22

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF ORDINANCES BY  
ADDING SUBSECTION (133) TO REZONE 5160 AND 5190 BYRON CENTER AVE 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 (133) to read as follows:

- (133) To conditionally rezone the following described property at 5160 and 5190 Byron Center Ave SW from B-1 Local Business District to B-2 General Business District, subject to the terms and conditions of the Conditional Rezoning Contract dated as of March 15, 2022, among the City of Wyoming and American Kendall Properties, LLC, Michael Speedy, a copy of which is attached as Exhibit A.

DESCRIPTION OF 411727300045:

PART OF THE SW 1/4. SECTION 27, T6N, R12W, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SW COMER OF SAID SECTION 27; THENCE N01°19'23"W 293.70 FEET ALONG THE WEST LINE OF SAID SW 1/4; THENCE N88°40.37"E 50.00 FEET TO THE EAST LINE OF BYRON CENTER AVENUE AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE N01 °19'23"W 162.69 FEET ALONG SAID EAST LINE; THENCE S8B004'19"E 199.88 FEET; THENCE N01°19'23"W 140.14 FEET; THENCE S87°55'44"E 15.09 FEET; THENCE N01°19'23"W 274.17 FEET; THENCE S87°55'44"E 503.16 FEET; THENCE S01 °19'23"E 841.12 FEET; THENCE N87°55' 44"W 390.03 FEET ALONG THE NORTH LINE OF 52ND STREET; THENCE N01°19'23"W 283.04 FEET; THENCE SB8°40'37"W 327.56 FEET TO THE PLACE OF BEGINNING. CONTAINS 9.793 ACRES.

DESCRIPTION OF 411727300040:

PART OF SW 1/4 COM AT SW COR OF SEC TH N 1D 19M 23S W ALONG W SEC LINE 293.70 FT TH N 88D 40M 37S E 50.0 FT TO E LINE OF BYRON CENTER AVE & TO BEG OF THIS DESC - TH N 88D 40M 37S E 327.56 FT TH S 1D 19M 23S E 283.04 FT TO N LINE OF 52ND ST TH N 87D 55M 44S W ALONG SD N LINE 28.22 FT TO E LINE OF W 350 FT OF SW 1/4 TH N 1D 19M 23S W ALONG SD E LINE 7.01 FT TH N 87D 55M 44S W ALONG N LINE OF SD ST 274.91 FT TH N 44D 37M 33S W 36.39 FT TO E LINE OF BYRON CENTER AVE TH N 1D 19M 23S W ALONG SD E LINE 231.60 FT TO BEG \* SEC 27 T6N R12W 2.00 A.

Section 2. This ordinance shall take effect on \_\_\_\_\_, 2022.

I certify that this ordinance was adopted by the City of Wyoming at a regular session of the City Council held on \_\_\_\_\_, 2022.

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

## REZONING AGREEMENT

This Rezoning Agreement is made as of \_\_\_\_\_, 2022 between the City of Wyoming, a Michigan municipal corporation of 1155 28<sup>th</sup> St SW, Wyoming, MI 49509-0905 (**City**) and **American Kendall Properties, LLC**, an Indiana limited liability company of 3600 Woodview Trace, Ste 130, Indianapolis, IN 46268, or assign to its single purpose entity (**Developer**) with the consent of the owner of the affected property.

### RECITALS

A. Developer has the right to seek the rezoning of two parcels of vacant real property totaling approximately 11.79 acres located at the northeast corner of Byron Center Ave SW and 52<sup>nd</sup> St SW commonly known as 5160 and 5190 Byron Center Ave SW, PP# 41-17-27-300-045 and 41-17-27-300-040 in the City of Wyoming, Kent County, Michigan (the **Property**), as depicted on **Exhibit A** and more specifically described as follows on City's property tax roll:

411727300045 PART OF SW 1/4 COM 293.70 FT N 1D 19M 23S W ALONG W SEC LINE & 50.09 FT S 87D 55M 44S E TO E LINE BYRON CENTER AVE FROM SW COR OF SEC TH N 1D 19M 23S W ALONG SD E LINE 162.69 FT TH S 88D 04M 19S E 199.88 FT TH N 1D 19M 23S W 140.14 FT TO N LINE OF S 600 FT OF SW 1/4 TH E ALONG SD N LINE 15.09 FT TH N 1D 19M 23S W 274.17 FT TH S 87D 55M 44S E 503.16 FT TH S 1D 19M 23S E 841.12 FT TO N LINE OF 52ND ST TH N 87D 55M 44S E ALONG SD N LINE 390.03 FT TH N 1D 19M 23S W 283.04 FT TH S 88D 40M 37S W 327.56 FT TO BEG \* SEC 27 T6N R12W 9.79 A. SPLIT ON 05/30/2008 FROM 41-17-27-300-041;

and

411727300040 PART OF SW 1/4 COM AT SW COR OF SEC TH N 1D 19M 23S W ALONG W SEC LINE 293.70 FT TH N 88D 40M 37S E 50.0 FT TO E LINE OF BYRON CENTER AVE & TO BEG OF THIS DESC - TH N 88D 40M 37S E 327.56 FT TH S 1D 19M 23S E 283.04 FT TO N LINE OF 52ND ST TH N 87D 55M 44S W ALONG SD N LINE 28.22 FT TO E LINE OF W 350 FT OF SW 1/4 TH N 1D 19M 23S W ALONG SD E LINE 7.01 FT TH N 87D 55M 44S W ALONG N LINE OF SD ST 274.91 FT TH N 44D 37M 33S W 36.39 FT TO E LINE OF BYRON CENTER AVE TH N 1D 19M 23S W ALONG SD E LINE 231.60 FT TO BEG \* SEC 27 T6N R12W 2.00 A. SPLIT ON 03/02/2006 FROM 41-17-27-300-026, 41-17-27-300-034.

B. Developer seeks to develop the Property with a mixed-use development including up to 6,000 square feet of commercial and retail space and up to 178 dwelling units as conceptually depicted on the attached **Exhibit B** (the **Project**) submitted with Developer's Application for Rezoning.

C. Developer recognizes City's concerns about rezoning the Property and voluntarily offers this Agreement to address those concerns.

## TERMS AND CONDITIONS

For the consideration in and referred to by this Agreement, the sufficiency of which is acknowledged, the parties agree as follows:

1. Rezoning. City will consider Developer's request to rezone the Property from the B-1 Local Business zoning district to the B-2 General Business zoning district (the **Rezoning**) in accordance with its normal procedures under and City's Planning Commission, City Council, and City staff retain all their rights and discretion under **City's zoning ordinance**, chapter 90, Code of Ordinances, City of Wyoming, Michigan (<https://www.wyomingmi.gov/Portals/0/Zoning%20Ordinance-%20PDF%20Version-%20December%202021.pdf>) and Michigan law and shall exercise those rights and discretion in accordance with City's zoning ordinance and Michigan law, subject only to the terms of this Agreement as it affects the uses of the Property after the rezoning and the duration of the rezoning if certain development does not occur in accordance with this Agreement.

2. Conditions of Approval. Under section 405 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3405, Developer voluntarily offers, and City accepts and approves, the following Rezoning conditions which will be in effect when the Rezoning is approved by the City Council:

A. The Property may be developed, occupied, and used only in a manner (i) in accordance with concept plan for the Project attached as **Exhibit B**, as it may be subsequently altered to meet concerns of or conditions imposed by City's Planner or Planning Commission are part of City's approval of a special use permit or site plan submitted, reviewed and approved in accordance with City's zoning ordinance as provided in subsection C, (ii) the final plan(s) approved as provided in subsection C, (iii) approved building plans, (iv) if needed, plans approved by City's engineer, (v) required approvals and any conditions on those approvals by county or state agencies, and (vi) any other requirements under applicable laws, rules, regulations, or permits.

B. Developer must apply for and obtain a special use permit to develop multi-family residential uses on the Property and apply for and obtain site plan approval for its development of the Property, both as provided in City's zoning ordinance. Before issuance of building permits for the Project, Developer must submit for the review and approval of the City Planning Commission a final site plan. In its review of the final site plan, the Planning Commission shall rely on the standards of review contained in City's zoning ordinance. Approval of the final site plan presented shall not be unreasonably withheld or delayed.

C. Regardless of any provision of City's zoning ordinance the Property must not and will not be developed, occupied, or used for any of the following uses otherwise permitted in the B-2 General Business zoning district: automobile gasoline and automobile service stations, adult businesses, new or used mobile homes sales or service, excavation equipment sales or service, machinery or farm implement sales, and automobile, truck, motorcycle, trailer, recreation vehicle or boat showrooms.

D. If a building permit to construct the Project in accordance with the requirements of subsections A and B is not issued by City and construction on that project in accordance with that building permit does not substantially begin (*i.e.*, initiation of grading and installation of utility lines and/or footings) begin by December 31, 2023, then the zoning reverts back to B-1 Local Business zoning.

3. Amendments to Final Plans. Changes to an approved final site plan shall be applied for and considered in accordance with the following:

A. Major changes, meaning any change that is not a minor change, shall be:

1. Identified and described in a written amendment to this Agreement approved by the City Council, signed by all parties, and recorded with the Kent County Register of Deeds.
2. Noted on the final site plan which notation shall be signed by the City with the date of the

approval of the amendment.

B. Any approved minor change shall be noted on the final plan, which notation shall be signed by the Planning Director with the date of the approval of the amendment. "Minor changes" include, but not be limited to, the following:

1. Movement of buildings or other structures by no more than 15 feet;
2. Changes permitted, required, or requested by the City or other governmental regulatory agency to conform to other laws, or regulations; and
3. A decrease in the size of a building.

C. As provided in City's zoning ordinance, City's Planning and Economic Development Director shall determine whether the change is major or minor.

4. Utilities.

A. Electric power, telephone, natural gas, public water, and public sanitary sewer services ("**Public Utilities**") shall be provided to all units in the Project in accordance with applicable laws, rules and regulations, and with any terms of service provided by the providers of each of the Public Utilities. Public Utilities (except streetlights) shall be installed and maintained underground if required by the City. Before any building permit is issued for the Project a complete grading and utility plan for the Project shall be submitted to and approval by City's engineer.

B. Developer shall obtain the approval of the Kent County Drain Commissioner for any aspects of the Project that are subject to the jurisdiction of the Kent County Drain Commissioner. All other stormwater improvements shall be subject to the City's engineer's review and approval.

5. Recording and Binding Effect.

A. This Agreement shall be recorded with the Kent County, Michigan Register of Deeds. City will pay the costs of recording.

B. The obligations under, and other terms and conditions of this Agreement are covenants that run with the land, and thus bind successors in title of the Property.

6. General Provisions.

A. This is the entire agreement between the parties as to its subject matter. There are no other agreements, representations, or promises between the parties.

B. To the extent it does not frustrate the purpose of this Agreement, the invalidity or unenforceability of any provision of this Agreement shall not affect the enforceability or validity of the remaining provisions and this Agreement shall be construed in all respects as if any invalid or unenforceable provision were omitted.

C. Notices permitted or required to be given shall be in writing and sent either by mail or personal delivery to the address first above given.

D. No failure or delay on the part of any party in exercising any right, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude further exercise thereof or the exercise of any other right, power, or privilege. The rights and remedies provided in this Agreement are cumulative and not exclusive of any rights and remedies provided by law.

E. This Agreement is made in, affects property in, and is to be performed in the state of Michigan. It shall be interpreted and enforced in accordance with, and the rights of the parties shall be governed by Michigan law. Jurisdiction and venue for any action brought under or to enforce a provision of this Agreement shall be solely in the state courts in Kent County, Michigan.

F. This Agreement can be amended only in writing signed by both parties after approval of the City Council.

G. The parties affirm that their representatives executing this Agreement on their behalf are authorized to do so and that all resolutions or similar actions necessary to approve this Agreement have been adopted and approved. The Developer further affirms that it is not in default under the terms of any land contract for all or part of the Property.

**[Signatures on next page.]**

The parties signed this Agreement as of the date first above written.

**CITY:**  
CITY OF WYOMING

STATE OF MICHIGAN  
COUNTY OF KENT

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

Acknowledged before me on \_\_\_\_\_, 2022,  
by Jack A. Poll and Kelli A. Vandenberg, known to  
me as the Mayor and City Clerk, respectively, of the  
City of Wyoming, Michigan.

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

\_\_\_\_\_, Notary Public  
Kent County, Michigan  
Acting in Kent County, Michigan  
My commission expires: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Scott G. Smith, City Attorney

**DEVELOPER:**  
AMERICAN KENDALL PROPERTIES, LLC

STATE OF INDIANA  
COUNTY OF MARION

By: \_\_\_\_\_  
Michael L. Speedy, Managing Member

Acknowledged before me on \_\_\_\_\_, 2022,  
by Michael L. Speedy, known to me as the  
Managing Member of American Kendall  
Properties, LLC.

\_\_\_\_\_, Notary Public  
Marion County, IN  
Acting in Marion County, IN  
My commission expires: \_\_\_\_\_

**CONSENT OF PROPERTY OWNER:**

The record owner of the Property described in this  
Rezoning Agreement states that the Developer  
was authorized to pursue this Agreement,  
consents to the terms and conditions in and to the  
recording of this Agreement, and agrees that the  
terms and conditions are also binding on it and  
shall be run with the land.

STATE OF MICHIGAN  
COUNTY OF \_\_\_\_\_

Acknowledged before me on \_\_\_\_\_, 2022,  
by Dan Dykgraaf, known to me as the Managing  
Member of 52nd/Byron, LLC.

52ND/BYRON, LLC, a Michigan limited liability  
company

\_\_\_\_\_, Notary Public  
\_\_\_\_\_ County, \_\_\_\_\_  
Acting in \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires: \_\_\_\_\_

By: \_\_\_\_\_  
Dan Dykgraaf, Managing Member

**No state or county transfer taxes are due because no interest is conveyed by this document.**

Drafted by:  
American Kendall Properties, LLC  
3600 Woodview Trace, Suite 130,  
Indianapolis, IN 46260

When recorded, return to:  
Kelli A. Vandenberg  
Wyoming City Clerk  
1155 28<sup>th</sup> Street SW  
Wyoming, MI 49509-0905

**EXHIBITS:**

Exhibit A – Depiction of Property

Exhibit B – Depiction of Project

**EXHIBIT A**  
**Depiction of Property**



# EXHIBIT B

## Depiction of Project



### LEGEND

- ① SITE ACCESS
- ② POOL & GRILL
- ③ 11 UNIT BUILDING
- ④ 12 UNIT BUILDING
- ⑤ 11 UNIT BUILDING
- ⑥ MAIL KIOSK
- ⑦ TRASH COMPACTOR
- ⑧ CONCEPT PLANTINGS
- ⑨ TREE PRESERVATION AREA
- ⑩ STORMWATER DETENTION
- ⑪ OPEN SPACE

### NOTES

Site Location	=	Site 15 & Byron Center Ave City of Wyoming, MI
Site Area	=	11.78 ac.
11 unit Bldgs	=	129
12 unit Bldgs (15)	=	15
11 unit Bldgs (10)	=	132
11 unit Bldgs (12)	=	34

**THE RETREAT**  
ILLUSTRATIVE SITE PLAN RENDERING



May 2, 2022

Ms. Kelli A. VandenBerg  
City Clerk  
Wyoming, MI

Subject: Request to Rezone 5160 and 5190 Byron Center Avenue SW from B-1 Local Business to B-2 General Business (Section 27) (Byron Investors LLC/52<sup>nd</sup> Byron LLC)

Planning Commission Recommendation: To deny the subject rezoning request.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on March 15 and again on April 19, 2022. At the April meeting, a motion was made by DeLange, supported by Arnoys, to recommend that City Council deny the conditional rezoning contract and deny the rezoning request. The motion to deny passed 5-4 with Arnoys, DeLange, Goodheart, Hegyi, and Weller voting in favor; and Hall, VanDuren, Zapata, and Micele voting against the motion to deny.

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

The petitioner proposes to rezone an 11.79 acre site located on the north east side of 52<sup>nd</sup> and Byron Center and adjacent to the Pines Golf Course from B-1 Local Business to B-2 General Business. The applicant has offered a conditional rezoning contract for a mixed-use development with up to 6,000 square feet of commercial retail space and up to 178 dwelling units. The conditional rezoning contract offers to restrict multiple B-2 uses including automobile gasoline and service stations, adult businesses, new or used mobile homes sales, and others which may not be compatible with the future development.

The property is currently zoned B-1 and has remained vacant since it was separated from the Pines Golf Course and rezoned in 2002 to allow for anticipated commercial development. The development, a prospective grocery store, never materialized, and the property has received little interest from commercial developers since.

City staff refer to previously approved city plans, such as the Wyoming [re]Imagined Master Plan and the Analysis of Impediments to Fair Housing Choice (AI) and Housing Needs Assessment (HNA), when considering rezoning requests.

community • safety • stewardship

CITY COUNCIL

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

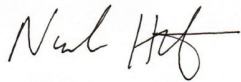
The Master Plan states goals for providing equitable, diverse, and geographically dispersed housing, which includes single family, multi-family, and mixed housing. The plan also states intent to attract mixed-use development and develop neighborhood commercial nodes. The future land use plan identifies this site as Neighborhood Commercial, which by definition includes mixed-use projects with commercial, retail, office and multifamily.

Wyoming's Analysis to Impediments (AI) and Fair Housing Choice and Housing Needs Assessment (HNA) confirmed the City's need for more housing diversity throughout the entire community. Specifically, there is a demand for 2,010 units among high-income renters earning 80% of Area Median Income (AMI) or more than \$50,000 annually. The project being proposed would help meet this demand.

During the public hearing at the March 15, 2022 Planning Commission meeting and during non-public hearing comments at the April 19, 2022 meeting, multiple members of the public spoke in opposition to the project.

Please refer to the Planning Commission minutes from March 15, 2022 and April 19, 2022, for a detailed summary of the public comments received and those comments made by Planning Commissioners.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is fluid and cursive, with a large initial "N" and "H".

Nicole Hofert, Director of Planning and Economic Development  
Planning and Economic Development Department

Cc: Curtis Holt, City Manager

AGENDA ITEM NO. 1

Request to approve a rezoning from B-1 Local Business to B-2 General Business at 5160 and 5190 Byron Center Avenue SW (Section 27) (Byron Investors LLC/52<sup>nd</sup> Byron LLC)

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

Hofert stated that the envisioned use of the two parcels is to redevelop the site as a mixed-use neighborhood. The 11.79 acre site is located on the north east side of 52<sup>nd</sup> and Byron Center and is adjacent to The Pines Golf Course. It is also located nearby other residential and local business uses. This is a rezoning request only. Planning Commission review for site plan approval and special use approval (multi-family use) will be a separate action if the parcel is rezoned by City Council. The applicant has submitted a conceptual site plan for discussion and reference purposes only. The applicant has also offered a conditional rezoning contract which limits the future uses of the site and requires the property to revert to the B-1 zone district if the project fails to be constructed.

Hofert 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 these parcels as future Neighborhood Commercial. The proposed use is consistent with the future envisioned use.

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

The current commercial use designation is consistent with the desired future commercial use. The proposed rezoning to B-2 to permit 6,000 square foot of neighborhood commercial amenities is compatible with the adjacent zone districts in place. The developer has offered a conditional rezoning contract that restricts certain B-2 uses which may not be desirable including automobile gasoline and automobile service stations, adult businesses, new or used mobile homes sales or service, excavation equipment sales or service, machinery or farm implement sales, and automobile, truck, motorcycle, trailer, recreation vehicle or boat showrooms

*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;*

The property's current B-1 zoning does not allow for a multifamily housing component, which may be an impediment to its future development. Subject parcels are located adjacent to another parcel zoned B-1 that was developed as a professional office building, rather than as Neighborhood Commercial. The B-2 district is the only district which permits mixed-use developments with commercial and residential components.

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

The B-2 zone district provides for a mix of commercial and multi-family residential uses which are appropriate for this location. Other less desirable uses are restricted as part of the developer offered conditional rezoning contract.

Hofert shared that the Development Review Team recommends that the Planning Commission recommend to City Council acceptance of the developers conditional rezoning contract and approval for the rezoning request for 5160 and 5190 Byron Center Ave SW from B-1 to B-2 subject to the condition that the parcels are combined.

Micele opened the public hearing at 7:08 PM.

Charles Bult, 5120 Byron Center Ave SW, Wyoming, MI 49519, said that he is not opposed to the development, but he is very concerned about the traffic and how the traffic backs up on 52<sup>nd</sup> St and Byron Center Ave.

Tom Dowling, 5024 Sunvale Ct SW, Wyoming, MI 49519, stated that when these parcels were split from The Pines Golf Course there was an agreement with the City that apartments would not be built at that location. Dowling stated that the problem in the area is that the watershed to Buck Creek is overloaded and adding more solid surface will create more flooding in the area. Dowling pointed out some areas in the City that have recently had issues with flooding related to Buck Creek. Dowling asked that the Commissioners vote no.

Bonnie Komejan, 4660 Allyson Ave SW, Wyoming, MI 49519, said that she has been a resident for 34 years. Komejan spoke about the project that The Pines had presented to residents involving construction of apartments and said that if you compare this project with The Pines there could be over 900 apartment units on both sites. She mentioned other rental properties in Wyoming and said that her neighborhood will change. Komejan encouraged the Commissioners

to rezone this site to residential because crime, traffic, and school is a concern. She urged the Commissioners to think if they would want to be surrounded by apartments.

Bryan Kettner, 1895 Glenvale Dr SW, Wyoming, MI 49519, said that he has been a resident for 35 years. Kettner stated that his neighborhood is low density and from looking at the site plan it looks like this project is a high-density low-income housing. Kettner explained that this project is not a good mix with the surrounding neighborhood. This project should not be placed in South Wyoming and should be placed in another area.

Terry Dikker, 1734 Oakvale Dr SW, Wyoming, MI 49519, shared that she has been a resident for 33 years and her concern is regarding roads. Traffic backs up at 52<sup>nd</sup> St. and Burlingame, and there is generally a lot of traffic in the area so she suggested adding turning lanes.

Steve King, 4777 Pinnacle Ct. SW, Wyoming, MI 49519, said that he is extremely concerned about the The Pines development as well as this project because the amount of rental units will permanently alter the surrounding neighborhoods. King is concerned about utilities and the traffic in the area and that adding more rental units to the area will increase traffic. Storm runoff, sewer capacity, water and electricity is a concern for King and he would like to see impact studies. King said that there will be an additional need for police and fire in the area. King has concerns about crime and impacts it will have in the neighborhood.

Tim Spears, 4480 Sheri Lynn Dr. SW, Wyoming, MI 49519, has been a taxpayer for 29 years. Spears has concerns about the increased traffic since M-6 was constructed. He said that he spoke with the developer for The Pines and that the developer will take care of the concerns he has about nature and traffic related to that project. Spears' is concerned about where the wild animals will go if land is developed. Spears' believes that there will be more car/deer accidents. Commissioners should take into account the quality of life of the residents who have paid taxes and have lived in the area long term because once land is paved it is gone. Spears' said that the nature preserve will get run over and doesn't believe that the properties will go up in value.

Kathy Kettner, 1895 Glenvale Ct. SW, Wyoming, MI 49519, has lived in her home for 35 years. Kettner is concerned about the environment and wildlife and said that there will be no place for wild animals to go. She is worried about the capacity of Grandville Public Schools and how the schools do not have the capacity for more students. Kettner is concerned about the traffic since 52<sup>nd</sup> St backs up during busy times. Kettner said that the major taxpayers live in the area because they own the homes and have lived in them for a long time and the value of the homes will not go up because of this development. Crime moves in when you build apartments.

Dave Hogan, 2418 Golfbury Dr SW, Wyoming, MI 49519, said that when the West side of Byron Center was rezoned a few years ago at the time the concern was the amount of traffic and how cars would enter the site. Hogan says that traffic will be a nightmare and worsen as time goes on.

Mike Speedy, American Kendall Properties, 6745 Grey Rd, Indianapolis, IN 46237, introduced himself as the developer and said that he will do his best to address concerns. Speedy said that related to density he researched the Wyoming [re]imagined Master Plan and wants to be consistent with what the community has already put in writing and ensure that the project is placed in the right location. A traffic study has been completed and Speedy said that the traffic impact with this development would be less than a traditional commercial development which is what the property is currently zoned for. Water drainage would be detained on site to ensure there is no impact on the watershed, and that will be determined working alongside the City Engineer and Kent County. A utility study has been completed and it has been determined that there is sufficient capacity for this development. Speedy presented photos of what the buildings would potentially look like and pointed out where the retail/tenant space would be. Speedy also presented photos of the interior of the units and the types of finishes that would be installed. Speedy talked about the Haven and how this development would be similar. Speedy stated that he is happy to answer any questions.

The public hearing was closed at 7:44 PM.

A Motion was made by Hall, supported by VanDuren to recommend to City Council acceptance of the conditional rezoning contract and approval of the rezoning request for 5160 & 5190 Byron Center Ave from B-1 to B-2 subject to the condition that the parcels are combined.

DeLange explained that he lives in Golfview Estates and has 38 years experience working for the city. DeLange said that he drove down 52<sup>nd</sup> and noticed that only 4 major intersections are entirely single family. He is concerned about the B-2 zoning and said the parcel is currently zoned B-1 and that is what the master plan shows. B-2 allows more heavier uses than B-1 and he is concerned about the uses that would be allowed. DeLange is concerned that if this property is rezoned then The Pines might want to rezone their property as well. Apartments are a Special Use approval in B-2 and if his calculations are correct only 8% of this project is business use. DeLange is not comfortable voting in favor of this project and suggested that the project be deferred to the April 19<sup>th</sup> Planning Commission meeting so Commissioners are able to fully process and understand the project.

Hegyí asked about the comment made by a resident saying that the City guaranteed that the site would never be developed into apartments and wanted to know if that statement could be investigated.

Hofert stated that there is no deed restriction on the land that prevents residential from being built. B-1 does not allow residential but the future land use and master plan that was reviewed with Planning Commission, City Council, and the residents did recommend mixed use at the site that would include residential.

Hegyí asked if the traffic issues should be addressed at this time.

Hofert stated that previous traffic impact studies have been completed at this corridor. Any future development would likely include a dedicated turn lane that would be elongated at 52<sup>nd</sup> St. as well as traffic signal adjustments. A traffic impact study would need to be submitted for any development taking place at this site or any surrounding sites and that conversation would occur during site plan review.

Weller asked if there was any development happening at The Pines Golf Course.

Hofert stated that a developer has scheduled meetings with the public to talk about potential projects with The Pines but nothing has officially been submitted to the City. A meeting has been scheduled between The Pines and the City for this week.

Weller stated that he thinks the property should not be rezoned, there are other property sites for housing in other areas of the City. He doesn't think commercial, and apartments should be placed at this site.

Goodheart asked if staff could go back to meeting minutes to find out if the City was involved in saying that apartments would not be built at this site.

Hofert said that the minutes are not immediately available so she cannot 100% confirm if something was said but a lot of things are said during the development processes. What matters is what the current zoning is, what's permitted in zoning, and if there are deed restrictions or other contractual obligations and, in this case, those binding contracts do not exist on this site.

Goodheart asked if a copy of the conditional rezoning contract was supposed to be included in the agenda packet.

Hofert stated that it should have been included in the packet, but it was found that it was not included.

The conditional rezoning contract was shown on the screen and projectors so the Commissioners and audience could read it. Commissioners were then given hard copies of the contract during the meeting.

Micele asked if this item could be deferred to the next meeting.

Hofert explained that it could be deferred as long as Hall was willing to withdrawal or amend his initial motion.

Micele asked Hall if he would be willing to retract his initial motion and defer the motion to the April 19 meeting.

A motion was made by Hall, seconded by VanDuren to defer the project to the April 19, 2022 Planning Commission meeting .

DeLange asked if the public hearing period would be closed for this agenda item.

Hofert stated that comments regarding this item can be made during the public comment on non-public hearing agenda items at the April 19<sup>th</sup> meeting because it will be considered an old business agenda item.

A vote to defer the project to the April 19<sup>th</sup> meeting date carried unanimously.

#### AGENDA ITEM NO. 2

Request to approve a special use secondhand business at 3637/3639 Clyde Park Avenue SW (Section 23) (Vanhert LLC) (Includes site plan approval)

Meagher explained that the site is currently zoned B-2 General Business and outlined the various uses of the surrounding land.

Meagher said that the applicant is proposing to operate a secondhand antique store within the existing multitenant building located at 3637/3639 Clyde Park Avenue SW. Antique, collectible, and artisan vendors will be operating in the proposed space Wednesdays, Thursdays, and Sundays from 11:00am-6:00pm, and from 11:00am-7:00pm on Fridays and Saturdays. Meagher stated that the proposed business will not include the purchasing or trading-in of used items, and all sales will be conducted through a single register system located at the front of the store. No outdoor display or storage is proposed at the site.

Meagher explained that the site provides 1.39 acres with an existing multitenant building of 25,500 square feet. The building currently contains 5 total suites, which are occupied by a restaurant, a medical office, a salon, and a commercial office user. The applicant would be occupying the final tenant space, which consists of 13,300 square feet of retail space, plus an additional space for backroom storage and vehicle unloading. No building additions are proposed for this project. The site can be accessed off of two separate access points along Clyde Park Avenue, and a shared parking agreement exists between the site and the adjacent parcel to the north (3625 Clyde Park Avenue SW), which provides ample parking for all tenants across both sites.

Meagher stated that two separate actions are required. The first is regarding the special approval request and the second relates to review of the site plan. Two sets of standards are, therefore, applicable and are addressed as follows:

Section 90-507(3) establishes general review standards for special approval uses:

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF MAY 17, 2022

PLANNING COMMISSION  
MEETING MINUTES OF APRIL 19, 2022  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, DeLange, Goodheart, Hall, Hegyi, Micele, VanDuren,  
Weller, Zapata

MEMBERS ABSENT: None

STAFF PRESENT: Hofert, Director of Planning and Economic Development  
Meagher, Planner II  
Smith, City Attorney  
Dent, Recording Secretary

CALL TO ORDER

Chair Micele called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

The minutes of March 15, 2022 were approved to stand as read.

APPROVAL OF AGENDA

The agenda was otherwise approved to stand as read.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

Micele opened the public comment period for non-public hearing agenda items at 7:02 PM.

Terry Dikker, 1734 Oakvale Dr SW, Wyoming, MI 49519, said that she did some investigation and commented that the land use plan for this corner in the Wyoming [re]imagined Master Plan looks to be classified as neighborhood commercial center which she interprets as something similar to Chateau Center on the corner of Burlingame Ave & 44<sup>th</sup> St SW. She doesn't think that anyone in the audience has any opposition to that type of development. Dikker stated that it appears that regarding the proposed development the developer stated that there would be over 4,000 s.f. of retail space when there is actually 4,015 s.f. of retail space proposed. Dikker is surprised that Mr. Speedy mentioned in the presentation at last month's meeting that if the

market wasn't good for retail the retail space could be used as club facilities such as a club house or fitness center. Dikker said that the proposed drawings that were submitted designates a large portion of the retail space as a 16' ceiling clubhouse. Dikker stated that she doesn't believe that the project truly fits the description of B-2 General Business, nor does it fit in with Wyoming's Master Plan for that site. Dikker asked the board to leave it zoned as B-1.

Tom Dowling, 5024 Sunvale Ct SW, Wyoming MI 49519, said that he has been an architect for many years. Dowling said that the site plan that was shown last month doesn't match the subdivision plan. Dowling looked up the properties through the Kent County GIS system and - the property lines do not match up with what is shown in the plan provided. Dowling stated that if the property description is incorrect, then the property stakes that are on site are incorrect unless the owners' bought property or have been given an easement from The Pines Golf Course. Dowling spoke to the board saying that rumor has it that these guys and the guys from Chicago are working together on this project, and if they do decide to change the zoning, they better be very careful on what they do, say, or let them have, and he thinks the precedence will be set for the pines if the property line is incorrect. Dowling agrees with the first speaker. Dowling stated that they were promised that the property will always be a golf course when the property was previously sold. Dowling spoke about the watershed-sand and gypsum dome that is located in Wyoming.

Lenore Burnett, 1885 Camrose Ct SW, Wyoming, MI 49519, said that she is a 41 year resident and feels that the Planning Commission is not listening to residents who are paying taxes. Burnett feels that apartments are getting shoved down their throats. Burnett is not opposed to apartments and said that Chateau Apartments is behind her property. At the time Chateau Estates was developed the residents opposed the project but the developer worked with the residents to make the project more palatable. Burnett feels that the intersection of 52<sup>nd</sup> and Byron Center is inundated with apartments. Burnett is tired of all apartments surrounding her, wants nice houses or something different to an already busy corner.

Danielle Ouendag, 1856 Chableau Ct SW, Wyoming, MI 49519, stated that she looked at the Wyoming [re]imagined Master Plan and the plan for The Pines. Ouendag said that The Pines Development talks about commercial and mixed use fronting the street with medium density residential in the rear incorporating housing. Ouendag stated that it looked like that project development would occur. She stated that The Pines project talks about an opportunity site in the front of the property, the frontage about being sensitive to the neighborhood, and enhancing the character surrounding the neighborhoods. Ouendag doesn't think that changing the zoning from B-1 to B-2 enhances the neighborhood. Ouendag said that a project like a Chateau Center is walkable, provides basic services and convenient shopping for the neighborhood and community and thinks that is what it was originally zoned for and thinks it should stay that way.

Tracy Olson, 1933 Chateau Dr SW, Wyoming, MI 49519, stated that she agrees with what most of the speakers have said. Olson stated that there is a private neighborhood Facebook page that

that consists of 662 people and the opposition to apartments is huge. Olson is not against moving forward with something because progress is inevitable, but the idea of apartments is bothersome to owners.

Dennis Wyatt, 1846 Pinnacle Dr SW, Wyoming, MI 49519, said that he moved to Wyoming 20 years ago because of the number of rentals in Kentwood. Wyatt said Wyoming has been very nice the last 20 years and the City is planned very well. Wyatt is afraid that property values will decline if multifamily is built and said that the City should keep multifamily and single-family neighborhoods separate in order to have high quality neighborhoods.

Kim Tobian, 1992 Frontier Ct SW, Wyoming, MI 49519, agrees with what the speakers have said. Tobian said that residents had meetings with the developer of The Pines and that the developer proceeded the right way by asking residents what they want as a community. Tobian said that what happens tonight with this parcel could set more of a precedence on what could happen with The Pines Golf Course development and that it wouldn't fit in with our community well.

Steve King, 4777 Pinnacle Ct SW, Wyoming, MI 49519, thanked the Commissioners for delaying the decision on the rezone last month in order to read the contract that was provided to Commissioners. King asked that the decision of the rezone should not be made without considering the future of The Pines development even though nothing has been submitted by the Developer to the City yet. It would be a disservice to the Community to make a decision without understanding the plans that are coming from The Pines. King commented on the discussion from last month regarding conversation from residents stating that the City promised years back that no apartments would be built on site. King wants to know if any research was performed to find out if past minutes indicated or confirmed that promise.

Micele closed the public hearing at 7:16pm.

#### AGENDA ITEM NO. 1

Request to approve a special use storage and repair facility at 720 44<sup>th</sup> Street SW (Section 25) (Victor Real Estate Holdings LLC) (Includes site plan approval)

Meagher explained that the site is currently a vacant outlot of a powersports sales facility and outlined the various uses of the surrounding land.

Meagher said that Fox Powersports is proposing to construct a new storage and service building at their existing site. The new facility would provide boat setup and repair services, as well as additional storage space for new inventory and customer owned powersport vehicles. Stored vehicles will include all-terrain vehicles, utility terrain vehicles, motorcycles, and watercraft. The building will be in operation from 10:00AM – 6:00PM Monday through Friday, and two service

Weller asked if existing properties that don't comply would be grandfathered.

Meagher confirmed that they would.

Arnoys asked if businesses on 131 would be considered street frontage.

Meagher said that 131 is not considered street frontage.

DeLange spoke about the history of outdoor storage in industrial zones and asked staff what the future intent of the I-3 zoning is.

Meagher responded saying that currently there is the ability for outdoor storage in I-1 but there are no location requirements, so a business could potentially put open storage in the front yard. Staff has acknowledged that open storage is permitted but the intent is that open storage is not located in the front yard. Meagher said that outdoor storage will continue to be prohibited in the I-3 zoning district moving forward.

A vote on the motion carried unanimously.

## OLD BUSINESS

### AGENDA ITEM NO. 3

Request to approve a rezoning from B-1 Local Business to B-2 General Business at 5160 and 5190 Byron Center Avenue SW (Section 27) (Byron Investors LLC/52<sup>nd</sup> Byron LLC)

Hofert stated that this item was previously presented at the March 15, 2022 meeting but in order to remind Commissioners and the audience the information about the rezone request another formal presentation is being presented.

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

Hofert stated that the envisioned use of the two parcels is to redevelop the site as a mixed-use neighborhood. The 11.79 acre site is located on the north east side of 52<sup>nd</sup> and Byron Center and is adjacent to The Pines Golf Course. It is also located nearby other residential and local business uses. Hofert reminded Commissioners and the audience that this is a rezoning request only. Planning Commission review for site plan approval and special use approval (multi-family use) will be a separate action if the parcel is rezoned by City Council. The applicant has submitted a conceptual site plan for discussion and reference

purposes. The applicant has also offered a conditional rezoning contract which limits the future uses of the site and requires the property to revert to the B-1 zone district if the project is not under construction by December 31, 2023. The conditional rezoning contract allows mixed-use development of up to 6,000 s.f. of commercial retail space and up to 178 dwelling units as conceptually depicted. In the conditional rezoning contract, the developer has offered to restrict multiple B-2 uses including automobile gasoline and service stations, adult businesses, new or used mobile homes sales or service and more. The conceptual plan is also tied to the conditional rezoning contract.

Hofert commented on the importance of reviewing the City's approved and adopted plans when considering rezoning requests. There are many that the City refers to including the Wyoming [re]imagined Master Plan that was adopted by this body and then approved by City Council last year, and the Analysis of Impediments to Fair Housing Choice (AI) and Housing Needs Assessment (HNA).

Hofert spoke about the Wyoming [re]imagined Master Plan and how the community stated goals of providing equitable, diverse, and geographically dispersed housing. This includes single family, multi family and mixed housing. The plan also had a desire to attract mixed-use development and developing neighborhood commercial nodes.

Hofert talked about the Analysis of Impediments to Fair Housing Choice (AI) and Housing Needs Assessment (HNA) and how there is a projected demand for housing units. There is a demand for 2,010 units among high-income renters earning 80% of Area Median Income (AMI) or more than \$50,000 annually. The project being proposed would attract these types of renters. This is a segment of the population that needs to be served and this project helps to close the gap and provide these types of needed units. The plan also identifies a need for a Balanced Approach. Hofert presented that the Master Plan identifies a Balanced Approach as "based on current household incomes there is a need for a more balanced housing stock that provides additional rental opportunities for lower income households, and greater housing diversity that better meets future housing demand among middle-and upper income households. A city-wide approach is needed to identify strategies to increase development capacity and physically capture potential housing demand" (pg. 12). Hofert said that the plan also states that it requires a shift in development pattern. The Wyoming [re]imagined Master Plan describes the shift as including accommodating increased density and a more varied housing stock on remaining vacant sites than what has historically been accommodated in Wyoming (pg. 13).

Sustainability and inclusivity were some other themes that the Master Plan addresses. Hofert quoted another passage of the Wyoming [re]imagined Master Plan "equity and inclusivity are two major components to a thriving community that is supportive of people of all ages, genders, races, incomes, and physical abilities. This includes access to amenities, including health care, healthy food options, education, and transportation. It also

strongly relates to ensuring desirable development and investment in the City happens equitably across all neighborhood” (pg. 18). The Master Plan stated that the City needed to address several goals including addressing housing need. Page 22 of the Master Plan states: “seek opportunities to develop vacant or underutilized lots with single family attached and multifamily housing to better meet current housing need and capture long-term growth within the region”. The Master Plan also states that we should promote highly walkable mixed use districts. Hofert explained that from a land use perspective 39.3% of Wyoming’s land is designated solely for single-family detached homes, multifamily makes up 4.3%, and single-family attached takes up 1.6%.

When reviewing a request for a rezone there are several factors which include consistency with the adopted plans including Master plan, land use plan, and housing plans; adequacy of public services; compatibility of surrounding land uses; and the current use of land.

Hofert 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 these parcels as future Neighborhood Commercial. The proposed use is consistent with the future envisioned use.

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

The current commercial use designation is consistent with the desired future commercial use. The proposed rezoning to B-2 to permit 6,000 square foot of neighborhood commercial amenities is compatible with the adjacent zone districts in place. The developer has offered a conditional rezoning contract that restricts certain B-2 uses which may not be desirable including automobile gasoline and automobile service stations, adult businesses, new or used mobile homes sales or service, excavation equipment sales or service, machinery or farm implement sales, and automobile, truck, motorcycle, trailer, recreation vehicle or boat showrooms.

*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;*

The property’s current B-1 zoning does not allow for a multifamily housing component, which may be an impediment to its future development. Subject parcels are located adjacent to another parcel zoned B-1 that was developed as a

professional office building, rather than as Neighborhood Commercial. The B-2 district is the only district which permits mixed-use developments with commercial and residential components.

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

The B-2 zone district provides for a mix of commercial and multi-family residential uses which are appropriate for this location. Other less desirable uses are restricted as part of the developer offered conditional rezoning contract.

Hofert spoke regarding some of the comments that were said at last months meeting. It is widely documented in the professional world that commercial developments generate higher traffic volumes than residential developments. Hofert compared traffic peak hour trips based on the 178 units proposed for this site and the 5.5 acre Family Fare Supermarket site located at 2900 Burlingame Ave SW. Using the Institute of Transportation Engineers Common Trip Generation rates the proposed development would generate 64 PM peak hour trips while the Family Fare generates 370 PM peak hour trips. Hofert stated that Traffic Impact Studies have been performed on this corridor and the proposed project is acceptable from a traffic engineering and capacity standpoint.

Lastly, Hofert spoke about school districts and if they are involved with rezoning requests. Hofert noted that all seven of Wyoming's school district superintendents participated in the Master Plan Steering Committee and were heavily involved with the drafting and finalization of the Master Plan document. Hofert said that the City of Wyoming did receive a letter of support from Grandville superintendent regarding this rezone request.

Hofert shared that the Development Review Team recommends that the Planning Commission recommend to City Council acceptance of the developers conditional rezoning contract and approval for the rezoning request for 5160 and 5190 Byron Center Ave SW from B-1 to B-2 subject to the condition that the parcels are combined.

A Motion was made by Hall, supported by VanDuren to recommend to City Council acceptance of the conditional rezoning contract and approval of the rezoning request for 5160 & 5190 Byron Center Ave from B-1 to B-2 subject to the condition that the parcels are combined.

DeLange commented that he has concerns about the property changing to a B-2 use. DeLange said that in the prior land use plan it is shown as B-1 and the Wyoming [re]imagined plan states neighborhood commercial. DeLange said that in the land use plan there is a paragraph that describes what the idea of neighborhood commercial is and it is very soft business use like salons and office use. B-1 would support the entire area and that the City should look at this project along with The Pines as one large project and how they can work together instead of two separate projects. DeLange said that in the current B-1 there are 13 allowed uses and only 4

special uses allowed so 17 possible types of uses that could go into that property as it is currently zoned. B-2 zoning could allow for 43 possible uses that could go there. DeLange said that 22 principal permitted uses and this development contractual agreement that the developer is proposing only eliminates 1 of those uses. There are 21 different special uses that the Planning Commission could consider going into the B-2 zoned property and the development contractual zoning only proposes eliminating 4 of these uses. DeLange is not comfortable with the rezone to B-2 because of the potential intensity of development that could open and if we go down that path it opens up pandoras box for The Pines development to come in and ask for more B-2 than B-1 local business that you would typically see in a PUD. DeLange spoke about how the property was proposed as a PUD-4 and that is how he thinks it should be zoned. Planning Commission initially approved the request, but it was denied at the Council level. DeLange cannot vote for it to be rezoned to B-2.

Arnoys apologized for being absent for last month's meeting. Arnoys said he is in full support of the needs of housing in the city. He said that he is aware of the tremendous need of housing and the potential for professional housing from University of Michigan Health West campus and the fact that not all people want to buy housing and housing is not available for everyone. Arnoys commented on the statements from some of the residents and how Chateau Center is a project that people would be interested in. Arnoys asked if Chateau Estates is the same amount of acreage as this site. Arnoys thinks that Chateau Center has less acreage than this project so you would need more than just Chateau center to build this slot.

Hofert asked the Commissioners for their patience while she retrieved the acreage information for Chateau Center.

Arnoys asked about the density as in units per acre regarding this project in comparison to The Haven apartment complex.

Hofert stated that the density of this proposed project is about the same as The Haven.

Arnoys is concerned that feedback he has received about The Haven is that the site is too dense and he continues to hear conversations from residents and non-residents about this issue. Arnoys said that he is accountable because he did vote for The Haven project but looking in retrospect, he wants to ensure that the board is mindful of that. He is intrigued by the mixed use proposal but not with the density proposed.

Arnoys stated that he will probably vote no but wants to listen to the commentary and dialog from the other Planning Commission members.

Weller stated that he agrees with what DeLange said about waiting to see what The Pines does instead of rezoning this site at this time. Weller mentioned that the site had been sitting empty for a while and that it could be the price or the talk of The Pines Development, but it could be a hot

corner for commercial development. There are very few intersections with red lights that is zoned commercial left in Wyoming, and he believes that there could be a lot more room for residential whether multi-family or single family. Could be a better use for restaurant on this site. Would like to see commercial or if the developer would consider changing some of the buildings in the proposal to commercial. The building with 12 parking spots and 4000 sq ft doesn't really account for much. For residents that live there and for neighborhood residents if there were commercial salons, restaurant, insurance agency along frontage street with residential in the rear but if not he cannot support what is shown here at this time.

Hofert stated that Chateau Center is 6.5 acres.

VanDuren stated that she plans on supporting the project and thanked residents for coming to the meeting. VanDuren said that she lives at 52<sup>nd</sup> and Byron Center and she is in support of the development. VanDuren spoke about working on the Master Plan for 18 months and stated that people from all over the City clearly stated the need for more housing. While she loves her single family home, she understands that it is not a choice for everyone. VanDuren explained that affordable housing doesn't not mean low income housing and that there is a lot of fear around apartments. A lot of time was spent on the Master Plan designating this area for neighborhood commercial which includes apartments. VanDuren stated that it is different, and she understands the fear but the project is consistent with what is needed. She explained that this is just the rezone and then it would be recommended to City Council. Then the site plan would be submitted where they would look at the specifics and the different aspects to the development. VanDuren stated that her job is to support the work of the Planning Commission and all the residents of the city of Wyoming and to meet the housing needs. She knows it will look different, but she is trying to embrace it community wide and it supports workers who might work at metro hospital and want to live close but don't want to buy. She doesn't look at it with fear but as an opportunity, it looks different but because of its consistency and the agreement that the development has offered and because they get to look at the site plan and try to form what is coming she is in support and will be voting yes on the rezone.

Smith commented on the agreement saying that the agreement restricts the uses to the uses depicted on the plan and further restricts those uses so the commercial portion of the development can't have the listed uses so the uses would have to be mixed generally as shown on the architectural plan between the residential and commercial and the commercial portion of that is further reduced so the uses are very restricted they aren't opened up to all B-2 uses.

Hall said that what he heard over and over through the process of the Master Plan was the need for mixed-use developments in neighborhoods and this specific type of development is in the spirit of what the community asked for, what the market is asking for, and what we heard last week from The Right Place. Hall said that he described this type of development last week during The Right Place presentation and the presenter said yes this is what we need to get the economic development we want to see happen and to recruit employers of good paying jobs. He

recommends approval and also recognizes that the property next door is significant and that there is a prospective development in the works but we should be fair to the people who own this property and consider this proposal on its merits. Hall thinks that it matches what the Master Plan calls for, what the future land use plan and the housing needs assessment says we need so he plans on supporting it.

Goodheart asked for some clarification stating that Smith mentioned the rezoning contract with the plan but Nicole mentioned that the plan is for reference only. Goodheart stated that the plan is exhibit B of the conditional rezoning contract. Goodheart said that his opinion is that the plan is more than just conceptual. Hofert stated that it is conceptual from the standpoint of there is a site plan that needs to come back through to discuss all of the nuances and the details. Hofert asked City Attorney Smith to discuss how the plan is tied to the contract.

Smith said that the plan is part of the contract in terms of limiting the uses and saying the ultimate development has to be generally as depicted there subject to such changes are imposed as are imposed or developed during the special use and site plan approval processes. There is a lot to be done yet, in terms of developing the final site plan, specifically drainage and other kinds of things as part of the normal approval and site plan process still need to be addressed. This is only a rezoning and limits the uses because that was the concern about rezoning from B-1 to B-2 was the focus on uses and generally what was developed there.

Goodheart asked if staff had researched previous minutes regarding the old approval limiting the development of this property.

Hofert explained that staff went back over the minutes from 2002 rezoning, they accurately describe the history of the project and that the property was to be sold in an effort for the owners of The Pines to survive and for two owners to take control. The minutes talk about a grocery store someday occupying this site and there were comments both for the project and against.

Goodheart asked if the rezone request will be forwarded to City Council for approval if the recommendation is denied by the Planning Commission.

Hofert confirmed that the rezone request will still go to City Council for their review and vote.

DeLange asked if the recommendation for rezoning approval from the Planning Commission was approved by Council is the special use approval automatically approved as well.

Smith explained that in subsection 2B in the contract it states that the developer must apply for and obtain a special use permit to develop multi-family residential uses on the property. And apply for and obtain site plan approval for its development of the property, both as provided in the zoning ordinance. It is not limited discretion at all in viewing that.

DeLange stated that it would be legally very difficult to recommend zoning approval and then deny the special use when everything was submitted up front.

Smith explained that the purpose of the contract is to limit the uses or potential uses of the site under the B-2 zoning so it is limiting the uses of the site but still requires review and approval.

DeLange stated he knew they were required and then said he did not require any further answer on this question.

Arnoys asked if the site plan could potentially be denied based on density concerns. He said that he wants to voice this now in order to give the developer an opportunity to modify the plan.

Hofert said that with a rezone you are looking at the uses specifically. the question is does the Master Plan and other documents support what is being asked of this parcel? Is the project consistent with those plans and are the uses described consistent and compatible? Hofert confirmed that if the project meets all requirements, as with any project, the recommendation would be for approval.

DeLange commented that if it meets the density allowed it is what it is.

Smith stated that does not limit the Planning Commission's discretion as it would as any other plan that comes before you because the contract specifically says that it may be developed, occupied, and used only in a manner in accordance with the concept plan attached in Exhibit B. And that it may be subsequently altered to meet the concerns of or conditions imposed by the City's Planner or Planning Commission as part of the City's approval of a special use permit or site plan submitted reviewed and approved in accordance with the City's zoning ordinance and so forth. It doesn't limit the board's discretion that you would have in reviewing any special approval or site plan for that site.

A vote on the motion for the rezoning request for 5160 and 5190 Byron Center Ave SW from B-1 to B-2 failed, with the vote count being 4 of the commissioners voting yes and 5 against. Hall, VanDuren, Zapata and Micele voted in favor. Arnoys, DeLange, Goodheart, Hegyi, and Weller voted against.

Staff asked that Commissioners stipulate their reasons for denial.

Arnoys voted against the motion because of density concerns, and he doesn't feel that the project fits appropriately at the site. He's concerned with multi family with very little commercial, but he's intrigued with more mixed use and believes it would be more consistent with the master plan if there was more commercial. and He also stated he is concerned about precedent this would set with the Pines since that is a large development coming up and thinks that the density

there is 6 units per acre. He wants to make sure this doesn't impair that development for this area.

DeLange voted against the motion because it does not meet the land use plan and doesn't fit the current [re]imagined land use plan and he felt B-2 permitted too many additional uses beyond what B-1 permits. It goes beyond what is considered local business to support a residential area. DeLange states that in the Wyoming [re]imagined Master Plan Commercial Residential there is a paragraph that specifically lists very minor business uses like a salon even less than what is typical in B-1 let alone B-2 and the contractors restricted proposal only prohibited 1 of the 21 permitted uses in the B-2 and only prohibited 4 out of the 21 Special uses allowed in B-2. DeLange said this property should be zoned a PUD 4 it would allow multi-family in a mix instead of what was proposed.

Goodheart voted against the motion because of the ambiguity going from B-1 to B-2. He felt that the Master Plan doesn't clearly define B-2 uses for this area.

Hegyí voted against the motion because he is concerned that the B-2 is not the proper zoning for this property. He thinks we can look at things more effectively by doing a different zoning, he's not sure that would work, there may still be uncertainty.

Weller voted against the motion because it is a much heavier use in B-2 than B-1. He stated it would fit area better the way it is zoned.

Since the previous motion failed, the Chair asked for a new motion.

A motion was entered by DeLange, supported by Arnoys, to recommend that City Council deny the conditional rezoning contract and deny the rezoning request for 5160 & 5190 Byron Center Ave from B-1 to B-2 subject to the condition that the parcels are combined. The motion passed 5-4 with Arnoys, DeLange, Goodheart, Hegyí and Weller voting in favor and Hall, VanDuren, Zapata, and Micele voting against.

## NEW BUSINESS

### AGENDA ITEM NO. 4

Request to approve a site condominium plan for the Behler-Young Company at 4900 Clyde Park Avenue SW (Section 25) (The Behler-Young Company).

Meagher said that at the October 19, 2021 Planning Commission meeting, the Behler-Young Company, located at 4900 Clyde Park Avenue SW, received site plan approval for an addition to their existing building. Behler-Young is now proposing to divide the entire building, which includes the recent addition, into three separate condominium suites, each of which are planned

## REZONING AGREEMENT

This Rezoning Agreement is made as of \_\_\_\_\_, 2022 between the City of Wyoming, a Michigan municipal corporation of 1155 28<sup>th</sup> St SW, Wyoming, MI 49509-0905 (**City**) and **American Kendall Properties, LLC**, an Indiana limited liability company of 3600 Woodview Trace, Ste 130, Indianapolis, IN 46268, or assign to its single purpose entity (**Developer**) with the consent of the owner of the affected property.

### RECITALS

A. Developer has the right to seek the rezoning of two parcels of vacant real property totaling approximately 11.79 acres located at the northeast corner of Byron Center Ave SW and 52<sup>nd</sup> St SW commonly known as 5160 and 5190 Byron Center Ave SW, PP# 41-17-27-300-045 and 41-17-27-300-040 in the City of Wyoming, Kent County, Michigan (the **Property**), as depicted on **Exhibit A** and more specifically described as follows on City's property tax roll:

411727300045 PART OF SW 1/4 COM 293.70 FT N 1D 19M 23S W ALONG W SEC LINE & 50.09 FT S 87D 55M 44S E TO E LINE BYRON CENTER AVE FROM SW COR OF SEC TH N 1D 19M 23S W ALONG SD E LINE 162.69 FT TH S 88D 04M 19S E 199.88 FT TH N 1D 19M 23S W 140.14 FT TO N LINE OF S 600 FT OF SW 1/4 TH E ALONG SD N LINE 15.09 FT TH N 1D 19M 23S W 274.17 FT TH S 87D 55M 44S E 503.16 FT TH S 1D 19M 23S E 841.12 FT TO N LINE OF 52ND ST TH N 87D 55M 44S E ALONG SD N LINE 390.03 FT TH N 1D 19M 23S W 283.04 FT TH S 88D 40M 37S W 327.56 FT TO BEG \* SEC 27 T6N R12W 9.79 A. SPLIT ON 05/30/2008 FROM 41-17-27-300-041;

and

411727300040 PART OF SW 1/4 COM AT SW COR OF SEC TH N 1D 19M 23S W ALONG W SEC LINE 293.70 FT TH N 88D 40M 37S E 50.0 FT TO E LINE OF BYRON CENTER AVE & TO BEG OF THIS DESC - TH N 88D 40M 37S E 327.56 FT TH S 1D 19M 23S E 283.04 FT TO N LINE OF 52ND ST TH N 87D 55M 44S W ALONG SD N LINE 28.22 FT TO E LINE OF W 350 FT OF SW 1/4 TH N 1D 19M 23S W ALONG SD E LINE 7.01 FT TH N 87D 55M 44S W ALONG N LINE OF SD ST 274.91 FT TH N 44D 37M 33S W 36.39 FT TO E LINE OF BYRON CENTER AVE TH N 1D 19M 23S W ALONG SD E LINE 231.60 FT TO BEG \* SEC 27 T6N R12W 2.00 A. SPLIT ON 03/02/2006 FROM 41-17-27-300-026, 41-17-27-300-034.

B. Developer seeks to develop the Property with a mixed-use development including up to 6,000 square feet of commercial and retail space and up to 178 dwelling units as conceptually depicted on the attached **Exhibit B** (the **Project**) submitted with Developer's Application for Rezoning.

C. Developer recognizes City's concerns about rezoning the Property and voluntarily offers this Agreement to address those concerns.

### TERMS AND CONDITIONS

For the consideration in and referred to by this Agreement, the sufficiency of which is acknowledged, the parties agree as follows:

1. Rezoning. City will consider Developer's request to rezone the Property from the B-1 Local Business zoning district to the B-2 General Business zoning district (the **Rezoning**) in accordance with its normal procedures under and City's Planning Commission, City Council, and City staff retain all their rights and discretion under **City's zoning ordinance**, chapter 90, Code of Ordinances, City of Wyoming, Michigan

(<https://www.wyomingmi.gov/Portals/0/Zoning%20Ordinance-%20PDF%20Version-%20December%202021.pdf>) and Michigan law and shall exercise those rights and discretion in accordance with City's zoning ordinance and Michigan law, subject only to the terms of this Agreement as it affects the uses of the Property after the rezoning and the duration of the rezoning if certain development does not occur in accordance with this Agreement.

2. Conditions of Approval. Under section 405 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3405, Developer voluntarily offers, and City accepts and approves, the following Rezoning conditions which will be in effect when the Rezoning is approved by the City Council:

A. The Property may be developed, occupied, and used only in a manner (i) in accordance with concept plan for the Project attached as **Exhibit B**, as it may be subsequently altered to meet concerns of or conditions imposed by City's Planner or Planning Commission are part of City's approval of a special use permit or site plan submitted, reviewed and approved in accordance with City's zoning ordinance as provided in subsection C, (ii) the final plan(s) approved as provided in subsection C, (iii) approved building plans, (iv) if needed, plans approved by City's engineer, (v) required approvals and any conditions on those approvals by county or state agencies, and (vi) any other requirements under applicable laws, rules, regulations, or permits.

B. Developer must apply for and obtain a special use permit to develop multi-family residential uses on the Property and apply for and obtain site plan approval for its development of the Property, both as provided in City's zoning ordinance. Before issuance of building permits for the Project, Developer must submit for the review and approval of the City Planning Commission a final site plan. In its review of the final site plan, the Planning Commission shall rely on the standards of review contained in City's zoning ordinance. Approval of the final site plan presented shall not be unreasonably withheld or delayed.

C. Regardless of any provision of City's zoning ordinance the Property must not and will not be developed, occupied, or used for any of the following uses otherwise permitted in the B-2 General Business zoning district: automobile gasoline and automobile service stations, adult businesses, new or used mobile homes sales or service, excavation equipment sales or service, machinery or farm implement sales, and automobile, truck, motorcycle, trailer, recreation vehicle or boat showrooms.

D. If a building permit to construct the Project in accordance with the requirements of subsections A and B is not issued by City and construction on that project in accordance with that building permit does not substantially begin (*i.e.*, initiation of grading and installation of utility lines and/or footings) begin by December 31, 2023, then the zoning reverts back to B-1 Local Business zoning.

3. Amendments to Final Plans. Changes to an approved final site plan shall be applied for and considered in accordance with the following:

A. Major changes, meaning any change that is not a minor change, shall be:

1. Identified and described in a written amendment to this Agreement approved by the City Council, signed by all parties, and recorded with the Kent County Register of Deeds.
2. Noted on the final site plan which notation shall be signed by the City with the date of the approval of the amendment.

B. Any approved minor change shall be noted on the final plan, which notation shall be signed by the Planning Director with the date of the approval of the amendment. "Minor changes" include, but not be limited to, the following:

1. Movement of buildings or other structures by no more than 15 feet;
2. Changes permitted, required, or requested by the City or other governmental regulatory agency to conform to other laws, or regulations; and
3. A decrease in the size of a building.

C. As provided in City's zoning ordinance, City's Planning and Economic Development Director shall determine whether the change is major or minor.

4. Utilities.

A. Electric power, telephone, natural gas, public water, and public sanitary sewer services ("**Public Utilities**") shall be provided to all units in the Project in accordance with applicable laws, rules and regulations, and with any terms of service provided by the providers of each of the Public Utilities. Public Utilities (except streetlights) shall be installed and maintained underground if required by the City. Before any building permit is issued for the Project a complete grading and utility plan for the Project shall be submitted to and approval by City's engineer.

B. Developer shall obtain the approval of the Kent County Drain Commissioner for any aspects of the Project that are subject to the jurisdiction of the Kent County Drain Commissioner. All other stormwater improvements shall be subject to the City's engineer's review and approval.

5. Recording and Binding Effect.

A. This Agreement shall be recorded with the Kent County, Michigan Register of Deeds. City will pay the costs of recording.

B. The obligations under, and other terms and conditions of this Agreement are covenants that run with the land, and thus bind successors in title of the Property.

6. General Provisions.

A. This is the entire agreement between the parties as to its subject matter. There are no other agreements, representations, or promises between the parties.

B. To the extent it does not frustrate the purpose of this Agreement, the invalidity or unenforceability of any provision of this Agreement shall not affect the enforceability or validity of the remaining provisions and this Agreement shall be construed in all respects as if any invalid or unenforceable provision were omitted.

C. Notices permitted or required to be given shall be in writing and sent either by mail or personal delivery to the address first above given.

D. No failure or delay on the part of any party in exercising any right, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude further exercise thereof or the exercise of any other right, power, or privilege. The rights and remedies provided in this Agreement are cumulative and not exclusive of any rights and remedies provided by law.

E. This Agreement is made in, affects property in, and is to be performed in the state of Michigan. It shall be interpreted and enforced in accordance with, and the rights of the parties shall be governed by Michigan law. Jurisdiction and venue for any action brought under or to enforce a provision of this Agreement shall be solely in the state courts in Kent County, Michigan.

F. This Agreement can be amended only in writing signed by both parties after approval of the City Council.

G. The parties affirm that their representatives executing this Agreement on their behalf are authorized to do so and that all resolutions or similar actions necessary to approve this Agreement have been adopted and approved. The Developer further affirms that it is not in default under the terms of any land contract for all or part of the Property.

**[Signatures on next page.]**

The parties signed this Agreement as of the date first above written.

**CITY:**  
CITY OF WYOMING

STATE OF MICHIGAN  
COUNTY OF KENT

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

Acknowledged before me on \_\_\_\_\_, 2022,  
by Jack A. Poll and Kelli A. Vandenberg, known to  
me as the Mayor and City Clerk, respectively, of the  
City of Wyoming, Michigan.

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

\_\_\_\_\_, Notary Public  
Kent County, Michigan  
Acting in Kent County, Michigan  
My commission expires: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Scott G. Smith, City Attorney

**DEVELOPER:**  
AMERICAN KENDALL PROPERTIES, LLC

STATE OF INDIANA  
COUNTY OF MARION

By: Michael L. Speedy  
Michael L. Speedy, Managing Member

Acknowledged before me on March 15, 2022,  
by Michael L. Speedy, known to me as the  
Managing Member of American Kendall  
Properties, LLC.



Amy L. Corbin  
\_\_\_\_\_, Notary Public  
Marion County, IN  
Acting in Marion County, IN  
My commission expires: 6-19-22

**CONSENT OF PROPERTY OWNER:**  
The record owner of the Property described in this  
Rezoning Agreement states that the Developer  
was authorized to pursue this Agreement,  
consents to the terms and conditions in and to the  
recording of this Agreement, and agrees that the  
terms and conditions are also binding on it and  
shall be run with the land.

STATE OF MICHIGAN  
COUNTY OF Ottawa

52ND/BYRON, LLC, a Michigan limited liability  
company

Acknowledged before me on 3-15, 2022,  
by Dan Dykgraaf, known to me as the Managing  
Member of 52nd/Byron, LLC.

By: Dan Dykgraaf  
Dan Dykgraaf, Managing Member

Kathy Jo Koops  
\_\_\_\_\_, Notary Public  
Allegan County, \_\_\_\_\_  
Acting in Ottawa County, \_\_\_\_\_  
My commission expires: 9-17-22

KATHY JO KOOPS  
Notary Public, State of Michigan  
County of Allegan  
My Commission Expires Sept. 17, 2022  
Acting in the County of Ottawa

**No state or county transfer taxes are due because no interest is conveyed by this document.**

Drafted by:  
American Kendall Properties, LLC  
3600 Woodview Trace, Suite 130,  
Indianapolis, IN 46260

When recorded, return to:  
Kelli A. Vandenberg  
Wyoming City Clerk  
1155 28<sup>th</sup> Street SW  
Wyoming, MI 49509-0905

**EXHIBITS:**  
Exhibit A – Depiction of Property  
Exhibit B – Depiction of Project

EXHIBIT A  
Depiction of Property



**EXHIBIT B**  
**Depiction of Project**



- LEGEND**
- 1. DRIVEWAY
  - 2. PAVEMENT
  - 3. LANDSCAPING
  - 4. TRAILER
  - 5. FUTURE
  - 6. BIKEWAY
  - 7. BIKEWAY
  - 8. BIKEWAY
  - 9. BIKEWAY
  - 10. BIKEWAY
  - 11. BIKEWAY
  - 12. BIKEWAY
  - 13. BIKEWAY
  - 14. BIKEWAY
  - 15. BIKEWAY
  - 16. BIKEWAY
  - 17. BIKEWAY
  - 18. BIKEWAY
  - 19. BIKEWAY
  - 20. BIKEWAY

**NOTES**

DATE	DESCRIPTION
1/1/20	ISSUED FOR PERMIT
2/1/20	ISSUED FOR PERMIT
3/1/20	ISSUED FOR PERMIT
4/1/20	ISSUED FOR PERMIT
5/1/20	ISSUED FOR PERMIT
6/1/20	ISSUED FOR PERMIT
7/1/20	ISSUED FOR PERMIT
8/1/20	ISSUED FOR PERMIT
9/1/20	ISSUED FOR PERMIT
10/1/20	ISSUED FOR PERMIT
11/1/20	ISSUED FOR PERMIT
12/1/20	ISSUED FOR PERMIT

**THE RETREAT**  
ILLUSTRATIVE SITE PLAN RENDERING



## NARRATIVE

# The Retreat

### OVERVIEW

*The Retreat is a proposed mixed-use neighborhood that will employ time-honored neighborhood planning principles to establish a vibrant sense of community and help fulfill the goals of the City's recently adopted Master Plan. With its architecturally distinctive buildings nestled along walkable, inviting central green, a nearby Ride-the-Rapid bus stop, and the nearby Kent Trail system, The Retreat will be an attractive destination for new residents, shoppers, adventurers, and young talent.*

### ZONING and MASTER PLAN CONSIDERATIONS

The site, located in the northeast quadrant of the 52<sup>nd</sup> Street and Byron Center Avenue intersection, is approximately 11.79 acres in overall size. It is comprised of the following two parcels:

- 5160 Byron Center Avenue
- 5190 Byron Center Avenue.

The property is currently zoned as B-1, or “Local Business District.” The City’s Master Plan for the area – adopted just a few months ago – calls for the area to be a “Neighborhood Commercial Center.” The Master Plan lays out the goals for the property as follows:

*This category consists of commercial areas that primarily serve the residential neighborhoods surrounding them. These centers should serve as neighborhood anchors, creating focal points of activity. They should provide community gathering spaces and access to daily goods and services, such as salons, dry cleaners, restaurants, cafes, and small grocery stores. Several Neighborhood Commercial Centers currently exist, but their function as anchors of neighborhood activity should be further strengthened. This should include incorporating placemaking elements, such as outdoor seating, public art, and streetscaping.*

*Single-Family Attached and Multifamily residential development should also be promoted in surrounding areas to establish an edge to the district and increase activity in commercial areas.*

*Mixed use development, community centers, and recreation centers are also appropriate within Neighborhood Commercial Centers as redevelopment occurs.*

*(City of Wyoming Master Plan, p 19)*

The current zoning designation for the site (B-1 Local Business District) generally calls for a fairly homogenous classification of commercial, retail, and business uses, while not allowing for the more lively mix of uses envisioned in the Master Plan.

As a result, American Kendall Properties (the applicant for The Retreat) is requesting a rezone to B-2 (General Business District), which will indeed allow for a mix of uses, as envisioned by the Master Plan.

The Retreat will meet the goals of the Master Plan with a community center for the residents of The Retreat, it will provide multifamily residential living, and it will provide substantial business space for daily goods and services, such as salons, dry cleaners, restaurants, cafes.

### **PROJECT DETAILS**

The Retreat is comprised of over 4,000 sq ft of retail/commercial space, a pool for its residents, an expansive central green, and 178 new residences housed in a total of fifteen buildings.

Based on City parking requirements, the number of required parking spaces for the site is 372 spaces, and 372 spaces are provided. The provided parking spaces are a combination of garage parking and outdoor surface spaces. Of note is that a large percentage the attached garages are “direct access.” This means the residents enter directly from their garage into their apartment home, rather than entering the building via a common corridor. This feature, together with the remaining attached garages, is essential to making The Retreat one of the highest end, suburban apartment development west of US-131 in Michigan.

Tree preservation techniques will be employed along the northern property line. The developer will identify existing stands of trees that are 20 feet or greater from a building, and not within an area needed for a sidewalk or watermain, sanitary sewer, or a stormwater extension or line. During the construction period, staked barriers will be installed outside the drip area of the identified tree to be preserved to protect them from damage during construction and utility installation.

The development plan centrally locates a large pool and deck area, with outdoor kitchen, pergola, and sidewalks and walking paths that encourage the residents to walk there rather than drive. Additionally, The Retreat will provide over 50% green space that will be permanently preserved for the enjoyment of its residents.

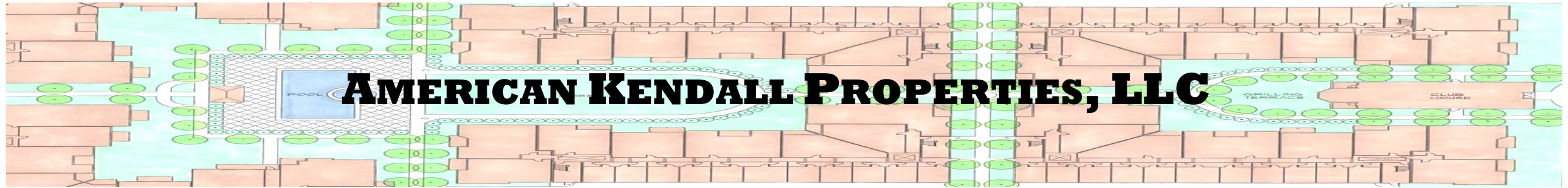
Stormwater management will be accomplished with a stormwater detention area that meets the newest Drain Commissioner and City of Wyoming standards, which have adopted the rules and regulations of the Lower Grand River Organization of Watersheds.

The Retreat is located a half mile east of the Kent Trail System, a 15 mile, non-motorized paved trail that is a collaborative effort between Kent County Parks, the cities of Grand Rapids, Grandville, Walker, and Wyoming and Byron Township. A resident of The Retreat can avoid most automobile traffic and bike for groceries at Meijer or Target with the trail system providing the overwhelming majority of the travel.

The Retreat is located on The Rapid's route 16, Wyoming/Metro Health. The Rapid is the greater Grand Rapids area public transit system. Route 16 connects downtown Grand Rapids with the Metro Health Village a mile south of The Retreat. Route 16 runs north and south on Byron Center Avenue and has bus stops at the northwest and southeast corners of its intersection with 52<sup>nd</sup> Avenue.

The Retreat's resident profile will attract a range of well-educated, young professionals and highly skilled workers, ages 22 to 32, that prefer a life style of convenience and activity. They prefer to rent versus being owners. "Millennials are multimodal, they choose the best transportation mode (driving, transit, bike, or walk) based on the trip they are planning to take. Communities that attract Millennials have a multitude of transportation choices, as proven by Millennial hotspots, popular zip codes where residents have self-selected into a multi-modal lifestyle." Millennials & Mobility: Understanding the Millennial Mindset, a study by American Public Transportation Association (APTA).

The Retreat will be built in one phase with construction starting in the Fall of 2022. Construction is expected to be substantially complete approximately twenty to twenty-four months after the start of construction.



# **AMERICAN KENDALL PROPERTIES, LLC**

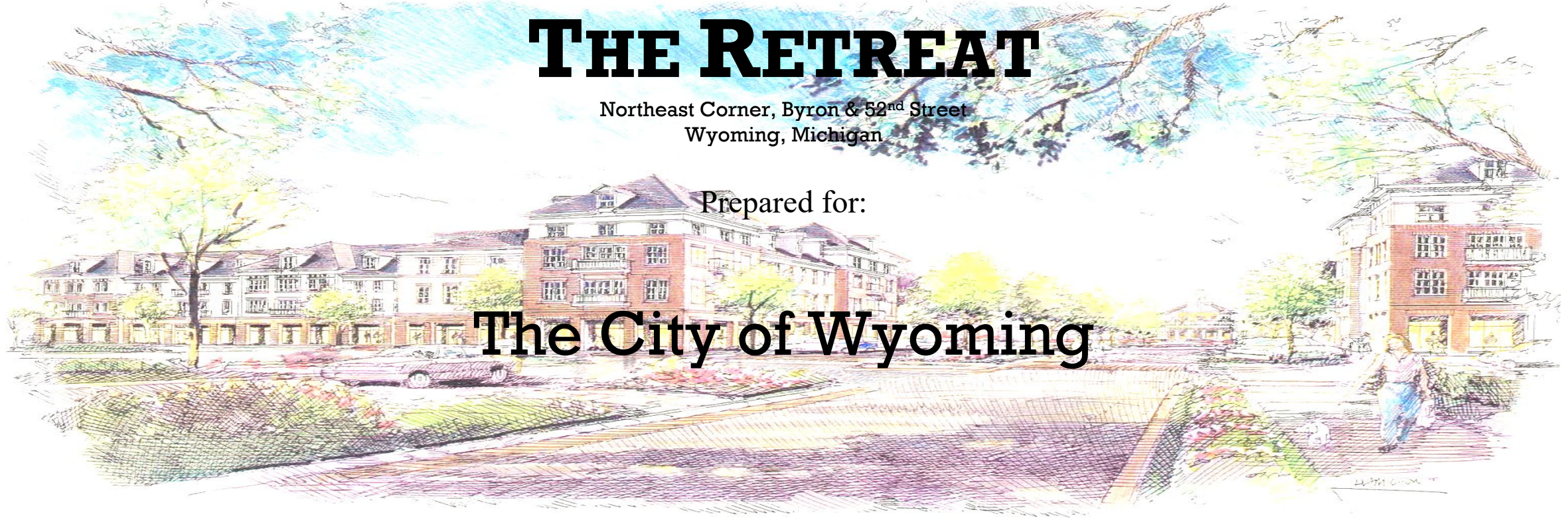
Proudly presents:

# **THE RETREAT**

Northeast Corner, Byron & 52<sup>nd</sup> Street  
Wyoming, Michigan

Prepared for:

# **The City of Wyoming**



# **Tab 1**

## **Overall Development & Phasing Plan**



**LEGEND**

- ① SITE ACCESS
- ② POOL & GRILL
- ③ 17 UNIT BUILDING
- ④ 12 UNIT BUILDING
- ⑤ 11 UNIT BUILDING
- ⑥ MAIL KIOSK
- ⑦ TRASH COMPACTOR
- ⑧ CONCEPT PLANTINGS
- ⑨ TREE PRESERVATION AREA
- ⑩ STORMWATER DETENTION
- ⑪ OPEN SPACE

**NOTES**

Site Location:	52nd St & Byron Center Ave City of Wyoming, MI	
Site Area	=	11.79 ac.
Unit Total	=	178
12 unit bldgs (1)	=	12
11 unit bldgs (12)	=	132
17 unit bldgs (2)	=	34

February 09, 2022



0' 25' 50' 100' scale: 1"=50'

## **Tab 2**

# **Mixed-Use Concept Exterior & Interior Images**





Front Elevation



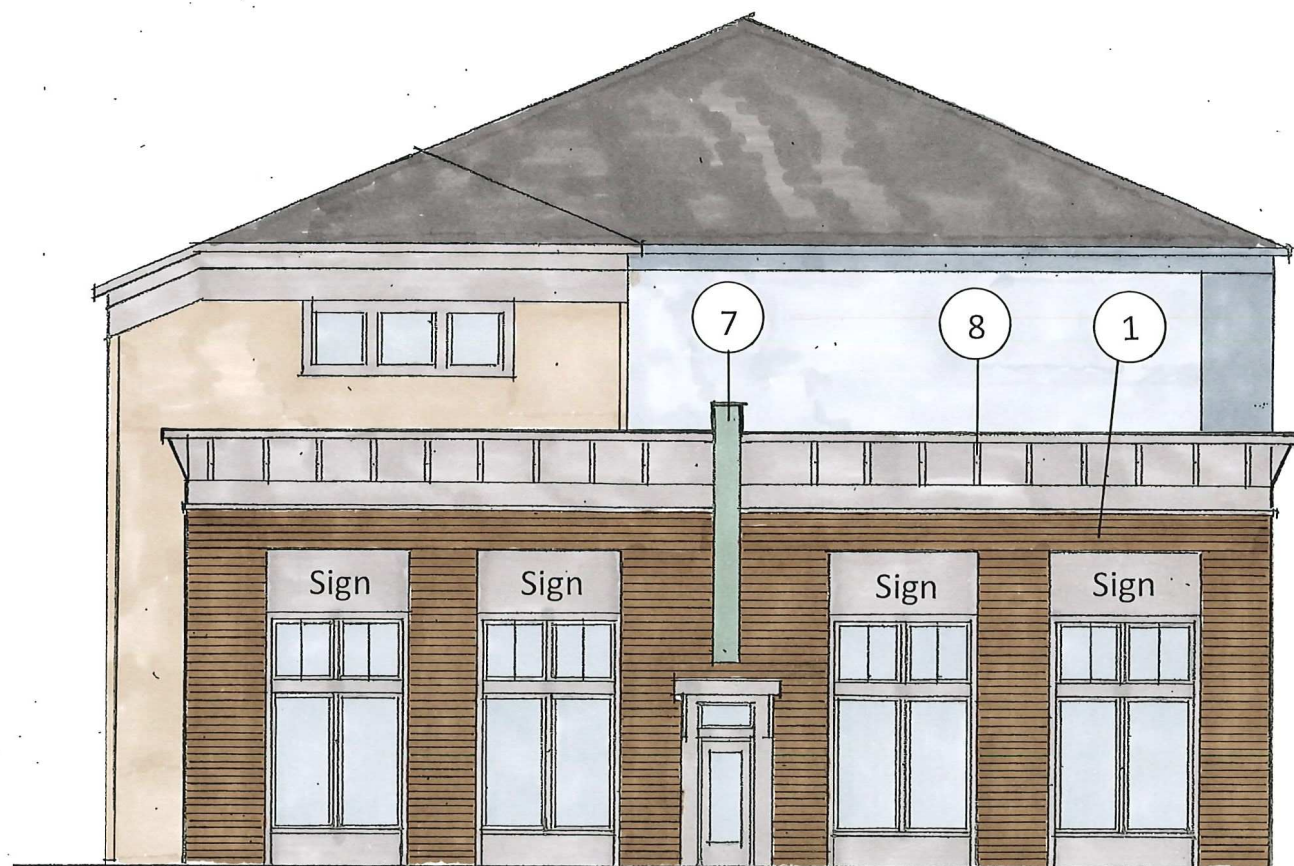
Side Elevation

## Gaines Towne Center Building B-3

1. Brick
2. Cement Board / Easy Trim Details
3. Wood trim
4. Windows with Wood trim
5. Storefront Glazing
6. Storefront sign panel
7. Blade sign
8. Brackets
9. Garage Door
10. Fiberglass Shingles
11. Membrane Roof
12. Light fixture
13. Metal Handrail
14. Metal Canopy



Rear Elevation



Side Elevation

1<sup>st</sup> Fl. Line Clubhouse

16 ft. clg.

Building B-3  
Gaines Towne Center

Date 5/4/2021



**LEGEND**

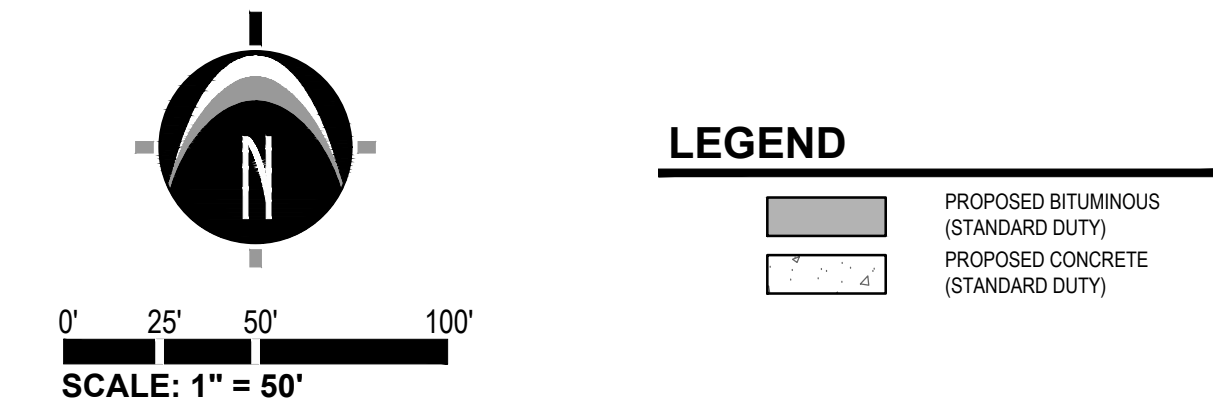
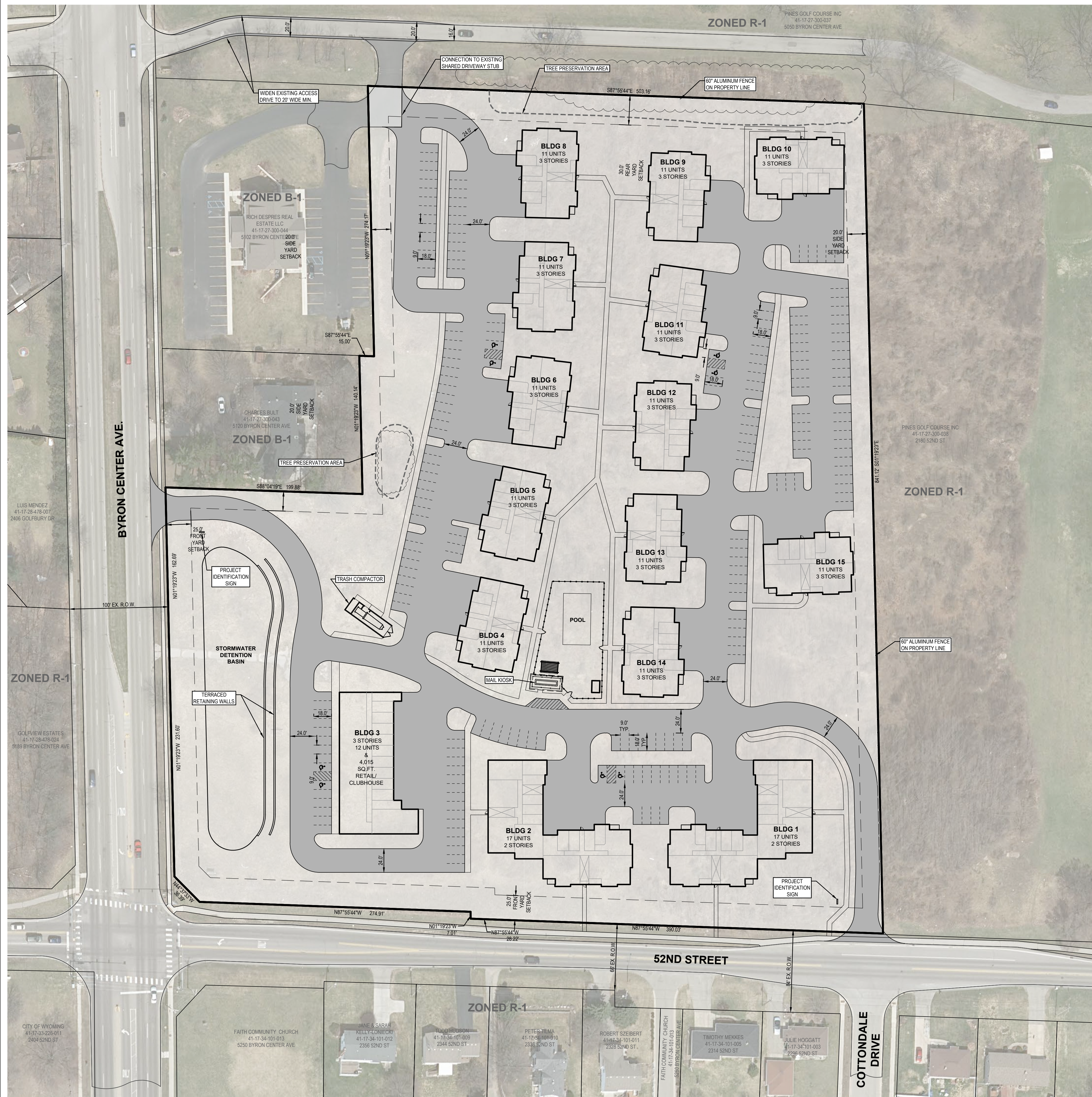
- ① SITE ACCESS
- ② POOL & GRILL
- ③ 17 UNIT BUILDING
- ④ 12 UNIT BUILDING
- ⑤ 11 UNIT BUILDING
- ⑥ MAIL KIOSK
- ⑦ TRASH COMPACTOR
- ⑧ CONCEPT PLANTINGS
- ⑨ TREE PRESERVATION AREA
- ⑩ STORMWATER DETENTION
- ⑪ OPEN SPACE

**NOTES**

Site Location:		52nd St & Byron Center Ave City of Wyoming, MI
Site Area	=	11.79 ac.
Unit Total	=	178
12 unit bldgs (1)	=	12
11 unit bldgs (12)	=	132
17 unit bldgs (2)	=	34







**LEGEND**

	PROPOSED BITUMINOUS (STANDARD DUTY)
	PROPOSED CONCRETE (STANDARD DUTY)

**GENERAL NOTES**

- CURRENT ZONING OF PROPERTY: B-1 (LOCAL BUSINESS DISTRICT)
- PROPOSED ZONING OF PROPERTY: B-2 (GENERAL BUSINESS DISTRICT)
- ZONING REQUIREMENTS:
  - A) MINIMUM LOT AREA = 6,500 SQ.FT.
  - B) MINIMUM LOT WIDTH = 65 FT.
  - C) MAXIMUM BUILDING HEIGHT = 35 FT.
  - D) MAXIMUM LOT COVERAGE = 40%
- SETBACKS:
  - A) FRONT YARD = 25 FT.
  - B) SIDE YARD = 0 FT. (20 FT. IF ABUTTING RESIDENTIAL OR INDUSTRIAL ZONING)
  - C) REAR YARD = 30 FT.
- SUMMARY OF LAND USE:
  - A) TOTAL ACREAGE = 11.79 ACRES (513,681 SQ.FT.) (EXCLUDING R.O.W.)
  - B) PROPOSED RESIDENTIAL UNITS = 178 UNITS
    - (12) 11-UNIT BLDGS = 132 UNITS
    - (2) 17-UNIT BLDGS = 34 UNITS
    - (1) 12-UNIT MIXED-USE BLDG = 12 UNIT
  - C) TOTAL RETAIL SPACE = APPROX. 4,015 SQ.FT.
  - D) ZONING OF PARCELS TO NORTH, SOUTH AND EAST = R-1
  - ZONING OF PARCELS TO WEST = B-1 & R-1
- PARKING REQUIREMENTS:
  - A) MINIMUM REQUIRED SPACE PER TOWNSHIP = 9'x18' (24' AISLE)
  - B) TYPICAL PARKING SPACE PROVIDED = 9'x18' (24' AISLE)
  - C) TYPICAL VAN ACCESSIBLE PARKING SPACE = 11'x18' WITH 5' AISLE
  - D) TYPICAL CAR ACCESSIBLE PARKING SPACE = 8'x18' WITH 5' AISLE
  - E) MINIMUM NUMBER OF SPACES REQUIRED = 372 (BASED ON CITY REQUIREMENTS)
    - MULTIPLE-FAMILY RESIDENTIAL SPACES (2 SPACE PER DWELLING UNIT) = 356 UNITS
    - RETAIL/CLUBHOUSE USE (1 SPACE PER 250 SQ.FT. OF G.F.A.) = 16 SPACES
  - F) TOTAL NUMBER OF SPACES PROVIDED = 389 SPACES
    - GARAGE SPACES = 89 SPACES
    - SURFACE PARKING AT GARAGE = 87 SPACES
    - SURFACE PARKING = 213 SPACES
- THIS PROJECT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN, BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS
- BEST MANAGEMENT PRACTICES WILL BE UTILIZED DURING AND AFTER CONSTRUCTION OF THE PROJECT. MEASURES WILL INCLUDE THE USE OF SEEDING AND MULCHING, SEDIMENT INLET FILTERS, COMPACTION AND PAVING. THE OWNER OF THE SUBJECT PARCEL SHALL HAVE THE RESPONSIBILITY TO MAINTAIN THE PERMANENT SOIL EROSION PROTECTION MEASURES.
- ALL LIGHTING SHALL BE SHIELDED FROM ALL ADJACENT PROPERTIES. PROPOSED LIGHTING SHALL CONSIST OF WALL-MOUNTED LIGHTS AND LIGHT POLES, BOTH FITTED WITH DARK SKY COMPLIANT FIXTURES (FULL CUT OFF FIXTURES).
- THE PERMANENT PARCEL NUMBER FOR THE SITE IS 41-17-27-300-045
- THE ADDRESS OF THE PROPERTY IS 5160 BYRON CENTER AVENUE
- A FENCE SHALL BE INSTALLED BETWEEN RESIDENTIAL ZONED PROPERTY ABUTTING PROJECT AND WILL BE INSTALLED PER SPECIFICATIONS AS OUTLINED IN SEC. 90-4108 SPECIFIC REQUIREMENTS (3) IN THE ZONING ORDINANCE.

**DENSITY CALCULATIONS [BASED ON R-4 REQUIREMENTS IN SEC. 90-420A]**

11-Unit Building	DWELLING UNITS TYPE	# OF DWELLING UNITS PER BLDG	SQUARE FEET OF SITE AREA REQUIRED PER UNIT	TOTAL SITE AREA REQUIRED PER BLDG	TOTAL SITE AREA REQUIRED
Floor 1	1 BDRM UNITS	1	2,600	2,600	
	2 BDRM UNITS	1	3,000	3,000	
	3 BDRM UNITS	1	3,400	3,400	
Floor 2	1 BDRM UNITS	1	2,600	2,600	
	2 BDRM UNITS	3	3,000	9,000	
	3 BDRM UNITS	0	3,400	-	
Floor 3	1 BDRM UNITS	1	2,600	2,600	
	2 BDRM UNITS	3	3,000	9,000	
	3 BDRM UNITS	0	3,400	-	
				12	386,400
<b>17-Unit Building</b>					
DWELLING UNITS TYPE # OF DWELLING UNITS PER BLDG SQUARE FEET OF SITE AREA REQUIRED PER UNIT TOTAL SITE AREA REQUIRED PER BLDG TOTAL SITE AREA REQUIRED					
Floor 1	1 BDRM UNITS	3	2,600	7,800	
	2 BDRM UNITS	3	3,000	9,000	
	3 BDRM UNITS	1	3,400	3,400	
Floor 2	1 BDRM UNITS	4	2,600	10,400	
	2 BDRM UNITS	5	3,000	15,000	
	3 BDRM UNITS	1	3,400	-	
				17	45,600
				2	91,200
<b>Multi-Use Building</b>					
DWELLING UNITS TYPE # OF DWELLING UNITS PER BLDG SQUARE FEET OF SITE AREA REQUIRED PER UNIT TOTAL SITE AREA REQUIRED PER BLDG TOTAL SITE AREA REQUIRED					
Floor 1	1 BDRM UNITS	0	2,600	-	
	2 BDRM UNITS	1	3,000	3,000	
	3 BDRM UNITS	0	3,400	-	
Floor 2	1 BDRM UNITS	3	2,600	7,800	
	2 BDRM UNITS	5	3,000	15,000	
	3 BDRM UNITS	0	3,400	-	
Floor 3	1 BDRM UNITS	0	2,600	-	
	2 BDRM UNITS	0	3,000	-	
	3 BDRM UNITS	3	3,400	10,200	
				12	36,000
				1	36,000
				36,000	36,000
				513,600	513,681
				TOTAL SITE AREA REQUIRED	513,600
				TOTAL SITE AREA	513,681

**NEDERVELD**  
 www.nederveld.com  
 800.222.1868  
**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:**  
 American Kendall Property Group, LLC  
 Mike Speedy  
 3600 Woodview Trace  
 Suite 130  
 Indianapolis, IN 46268  
 Phone: 317.697.6500

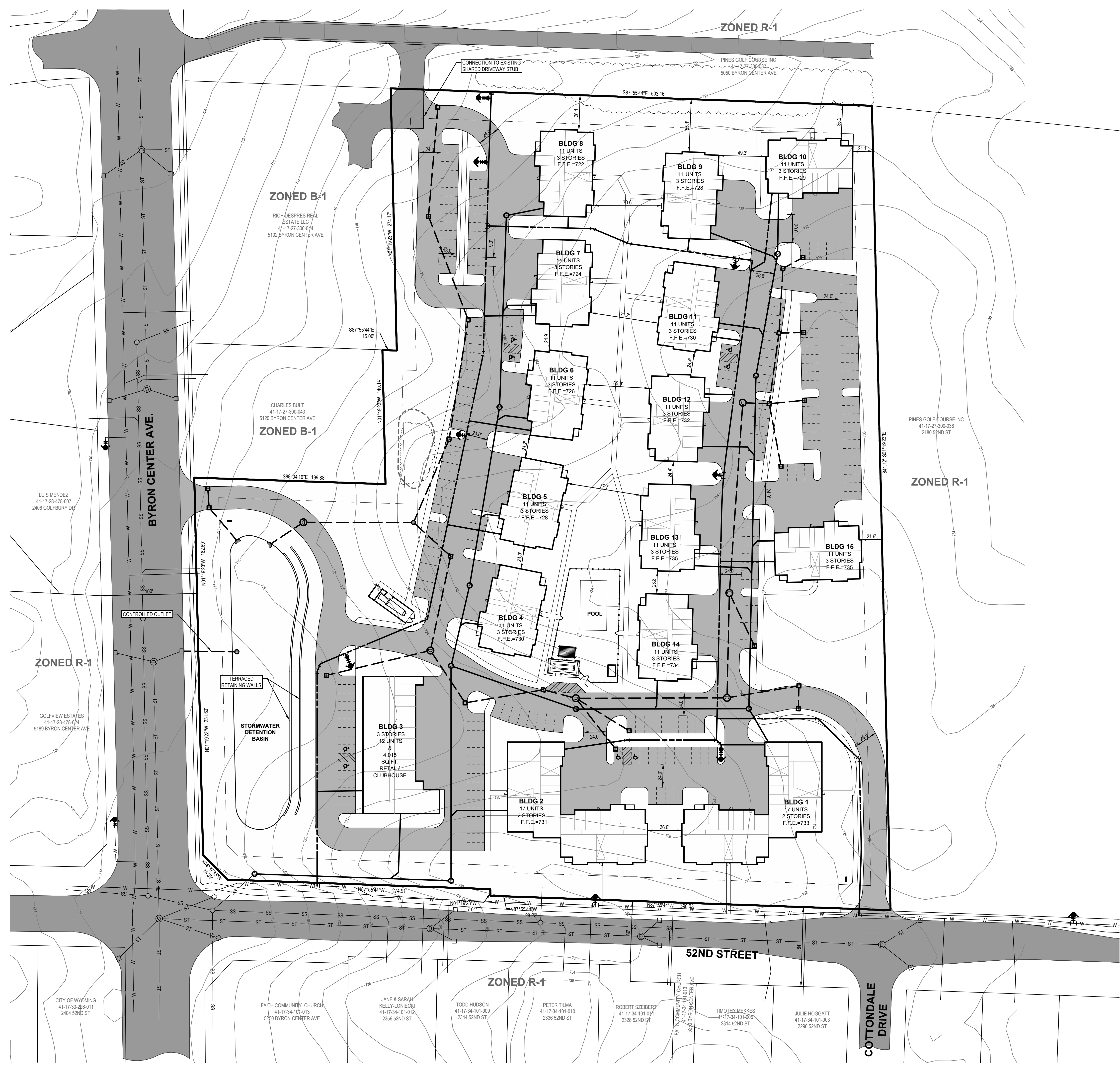
**REVISIONS:**  
 Title: Rezoning/Site Plan Submittal  
 Drawn: JW Checked: RP Date: 02.10.22

**THE RETREAT**  
 Concept Site Layout Plan  
 52ND ST. & BYRON CENTER AVE.  
 PART OF THE SOUTHWEST 1/4 OF SECTION 27, T6N, R12W,  
 CITY OF WYOMING, KENT COUNTY, MICHIGAN

**STAMP:**  
  
 RICHARD A. PULASKI  
 ENGINEER  
 No. 52618  
 LICENSED PROFESSIONAL ENGINEER

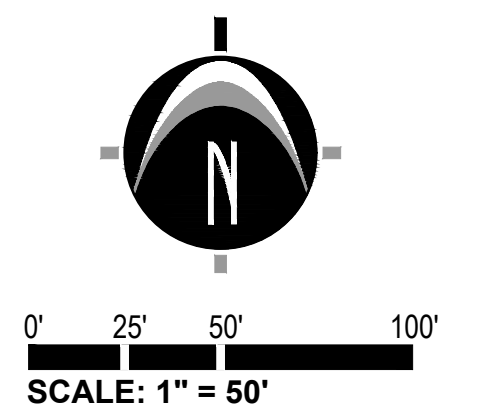
**PROJECT NO:**  
 19400951

**SHEET NO:**  
**C-205**



**LEGEND**

	EX. GRADE CONTOUR
	PROPOSED BITUMINOUS (STANDARD DUTY)
	PROPOSED CONCRETE (STANDARD DUTY)
	PROP. 12" to 36" STM SEWER
	PROP. 8" SANITARY SEWER
	PROP. 12" WATERMAIN



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**ST. LOUIS**

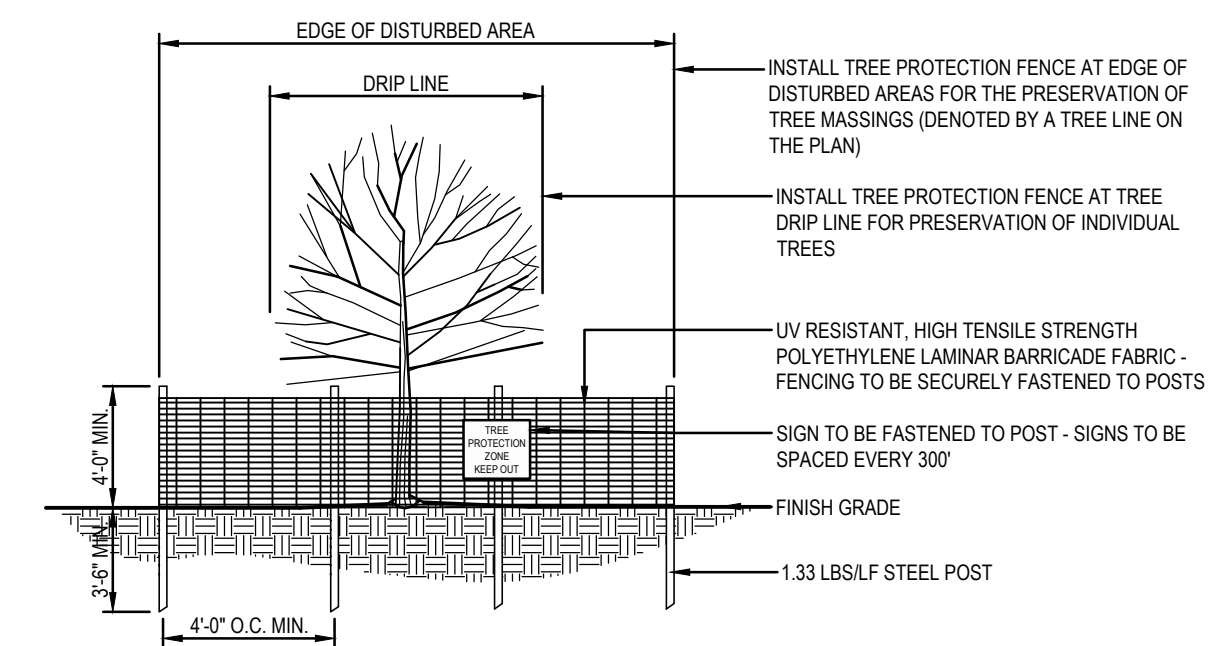
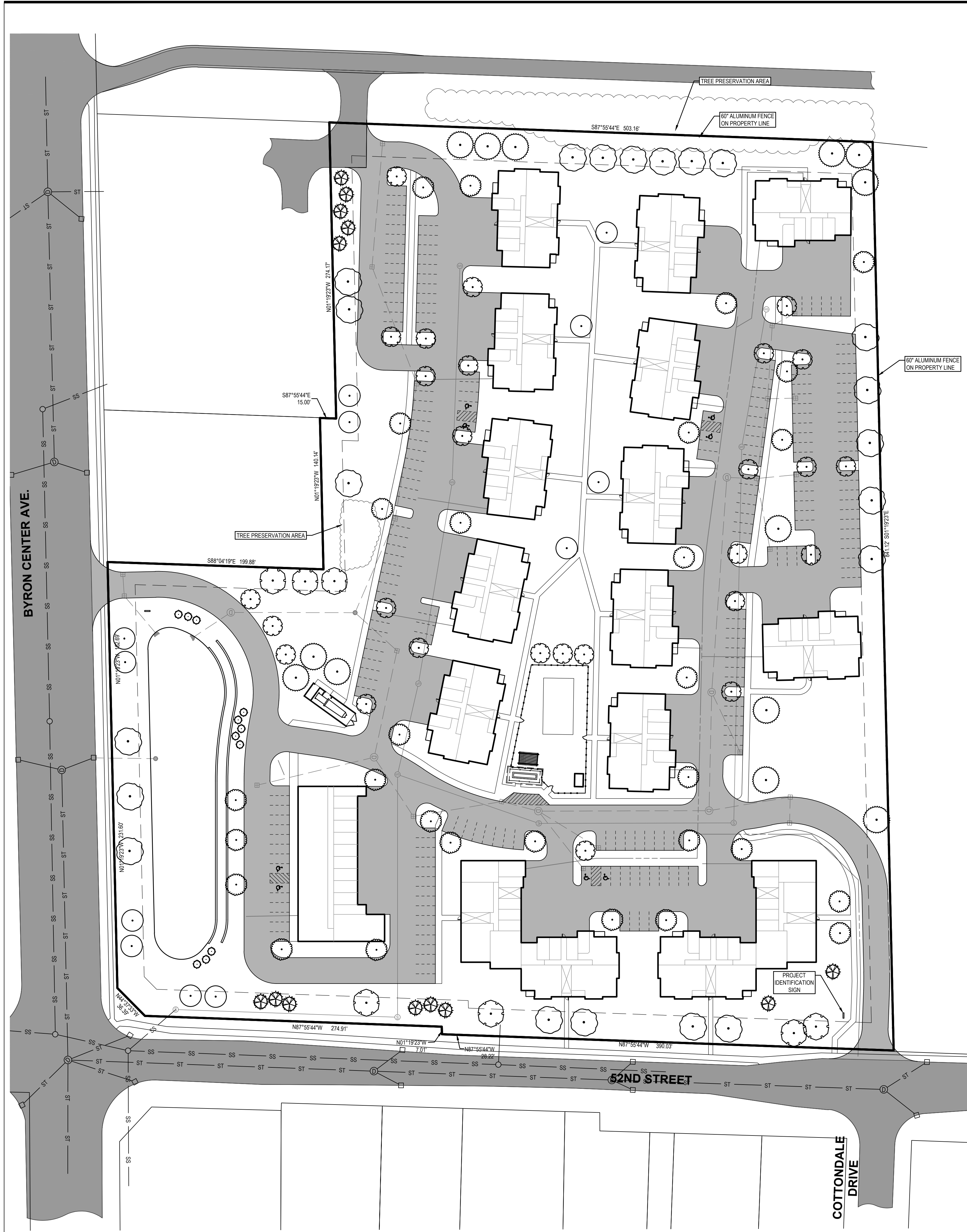
**PREPARED FOR:**  
 American Kendall Property Group, LLC  
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**REVISIONS:**  
 Title: Rezone/Site Plan Submittal  
 Drawn: JW Checked: RP Date: 02.10.22

**THE RETREAT**  
**Concept Utility Plan**  
 52ND ST. & BYRON CENTER AVE.  
 PART OF THE SOUTHWEST 1/4 OF SECTION 27, T6N, R12W,  
 CITY OF WYOMING, KENT COUNTY, MICHIGAN

**STAMP:**  
  
 RICHARD A. PULASKI  
 ENGINEER  
 No. 52618  
 LICENSED PROFESSIONAL ENGINEER

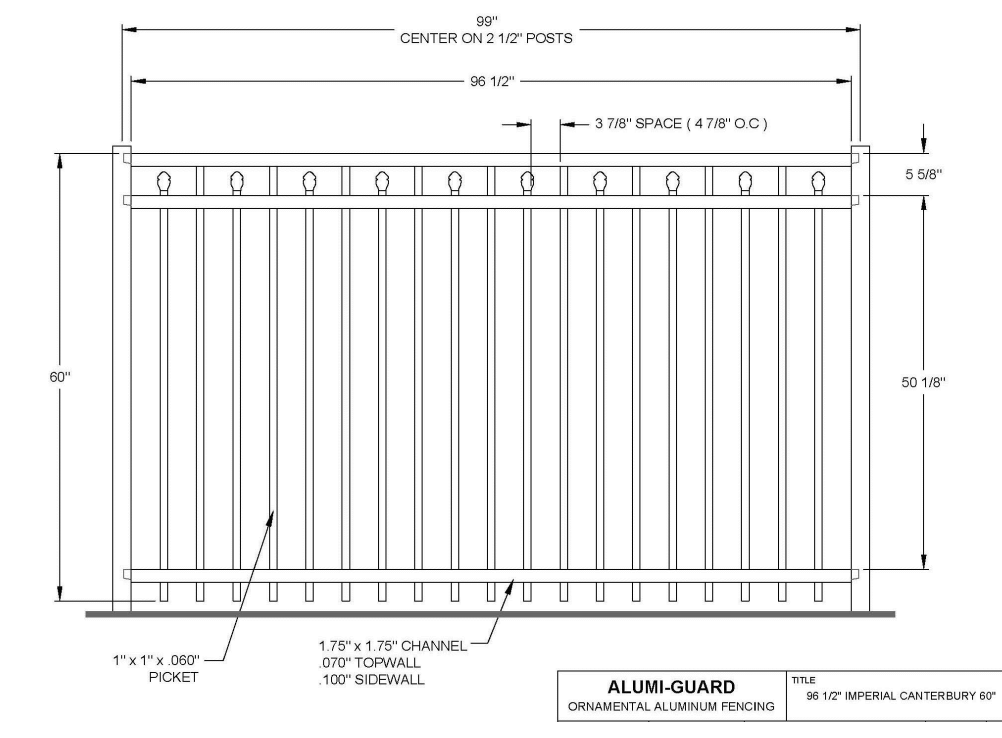
**PROJECT NO:**  
 19400951  
**SHEET NO:**  
**C-300**



- ALL PLANTS DESIGNATED TO BE SAVED SHALL BE PROTECTED BY FENCING AS ILLUSTRATED.
- THERE SHALL BE NO STORAGE OF MATERIAL, OR EQUIPMENT WITHIN THE BOUNDARIES OF THE TREE PROTECTION FENCING.
- TREE PROTECTION FENCING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION.
- ALL TREE PROTECTION SHALL BE INSTALLED BY THE CONTRACTOR AND APPROVED BY THE OWNER PRIOR TO COMMENCEMENT OF DEMOLITION AND NEW CONSTRUCTION.

**TREE PROTECTION FENCING DETAIL**

N.T.S.



**TYPICAL 60\"/>**

N.T.S.

**LANDSCAPE LEGEND / SCHEDULE**

TREES	CODE	BOTANICAL / COMMON NAME	SIZE	QTY
	Aa	Acer campestre 'Evelyn' TM / Queen Elizabeth Hedge Maple	2.5' cal. min.	21
	Ai	Acer griseum 'JFS KW8AGRI' TM / Fireburr Paperbark Maple - Multistem	6' ht. min.	26
	Gb	Ginkgo biloba / Maidenhair Tree	2.5' cal. min.	7
	Pd	Picea glauca 'Densa' / Black Hills White Spruce	6' ht. min.	11
	Pc	Pinus cembra 'Silver Sheen' / Silver Sheen Swiss Stone Pine	6' ht. min.	13
	Og	Quercus macrocarpa 'Top Gun' / Top Gun Bur Oak	2.5' cal. min.	12
	Tm	Taxodium distichum 'Mickelson' TM / Shawnee Brave Bald Cypress	6' ht. min.	13
	Tc	Tilia cordata / Littleleaf Linden	2.5' cal. min.	29

**LANDSCAPE NOTES**

- PLANTING NOTES:**
- 1) ALL PLANT MATERIAL SHALL BE LOCALLY NURSERY GROWN NO 1 GRADE AND INSTALLED ACCORDING TO ACCEPTED PLANTING PROCEDURES. ALL PLANT MATERIALS SHALL MEET CURRENT AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS. DO NOT PLANT MATERIALS UNTIL DIRECTED BY OWNER, LANDSCAPE ARCHITECT, AND/OR CONSTRUCTION MANAGER. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, FOR ANY REASON BEFORE OR AFTER IT IS INSTALLED.
  - 2) SIZES SPECIFIED ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE INSTALLED.
  - 3) ANY PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
  - 4) MAINTENANCE OF LANDSCAPING ITEMS, TREES, AND PLANTS SHALL BE PERFORMED BY THE PROPERTY OWNER OR A QUALIFIED PROFESSIONAL. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH APPLICABLE MUNICIPAL STANDARDS AND IN ACCORDANCE WITH CURRENT INDUSTRY STANDARDS IN A NEAT, HEALTHY AND WEED FREE CONDITION. ANY DEAD, DISEASED OR DAMAGED PLANT MATERIALS ARE TO BE REPLACED IMMEDIATELY AFTER NOTIFIED TO DO SO.
  - 5) PLANT TREES AND SHRUBS IN ACCORDANCE WITH PLANTING DETAILS. DIG TREE PITS PER DETAILS. PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE GROWN AT THE NURSERY. IF HEAVY CLAY SOILS ARE EVIDENT, PLANT TREES AND SHRUBS HIGHER, APPROX. 1/4 OF THE ROOT BALL ABOVE GRADE, AND BACKFILL TO TOP OF ROOT BALL.
  - 6) REMOVE ALL TWINE, WIRE, NURSERY TREE GUARDS, TAGS AND INORGANIC MATERIAL FROM ROOT BALLS. REMOVE THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE BURLAP FROM AROUND TRUNK.
  - 7) FINELY SHREDDED HARDWOOD BARK MULCH, NATURAL COLOR (NON-COLORED), IS REQUIRED FOR ALL PLANTINGS AND PLANTING BEDS. MULCH PER PLANTING DETAILS. MULCH IN PLANT BEDS SHALL BE 3\"/>

**TOPSOIL AND TURF NOTES:**

- 1) WHEREVER GROUND IN ITS NATURAL STATE HAS BEEN DISTURBED, APPROVED LANDSCAPING OR GRASS SHALL BE FULLY INSTALLED, AND ESTABLISHED WITHIN A REASONABLE PERIOD OF TIME, BUT NO LONGER THAN ONE GROWING SEASON (UNLESS OTHERWISE NOTED AND APPROVED).
- 2) DURING EXCAVATION, GRADING, AND INSTALLATION OF REQUIRED LANDSCAPING, ALL SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS SHALL BE STRICTLY FOLLOWED AND COMPLIED WITH.
- 3) ALL LAWN AREAS SHALL RECEIVE SOD OR HYDROSEED. TURF SHALL BE INSTALLED ON TOPSOIL UNLESS APPROVED OTHERWISE. DO NOT PLANT UNTIL ACCEPTANCE OF FINISH GRADE.
- 3) SOD SHALL BE GROWN ON TOPSOIL UNLESS APPROVED OTHERWISE. SOD SHALL BE 2 YEARS OLD AND STRONGLY ROOTED. PLACE SOD TIGHTLY WITH NO GAPS AND WITH GRAIN IN SAME DIRECTION. SEAMS OF SOD SHALL BE STAGGERED IN A RUNNING BOND PATTERN. SOD SHALL BE WATERED IMMEDIATELY TO AVOID DRYING OUT. DO NOT INSTALL SOD UNTIL ACCEPTANCE OF FINISH GRADE AND IRRIGATION SYSTEM IS OPERATING PROPERLY UNLESS DIRECTED IN WRITING TO DO OTHERWISE. FINISH ROLL SOD WITH A WATER FILLED LAWN ROLLER. ROLL PERPENDICULAR TO LENGTH OF SOD.
- 4) TURF SHALL BE INSTALLED ON A MIN. OF 3\"/>

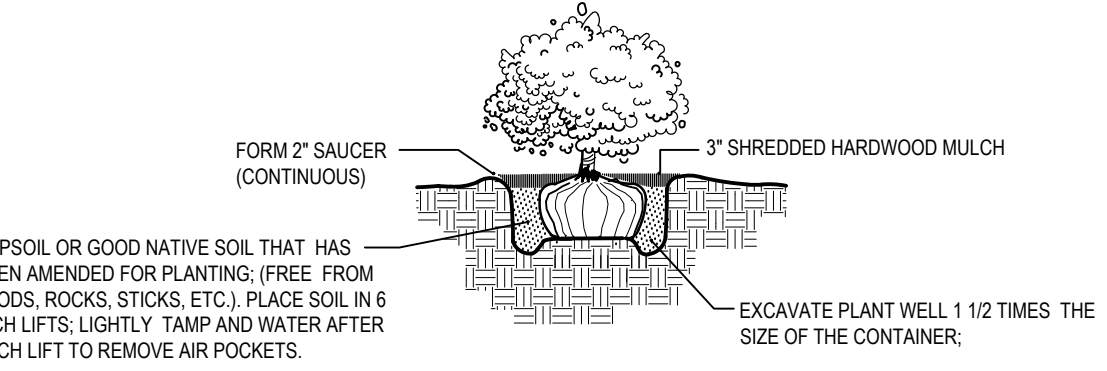
**IRRIGATION NOTES:**

- 1) ALL PLANTING AREAS, LAWN AREAS AND LANDSCAPE ISLANDS SHOWN ARE TO HAVE A COMPLETE IRRIGATION SYSTEM. THE G.C. SHALL BE RESPONSIBLE FOR RETAINING A QUALIFIED FIRM FOR THE DESIGN OF THE IRRIGATION SYSTEM. THE DESIGN MUST SHOW HOW THE SYSTEM TIES INTO THE BUILDING AND MUST SHOW ALL OF THE NECESSARY EQUIPMENT FOR A COMPLETE SYSTEM. THE G.C. SHALL SUBMIT THE IRRIGATION SYSTEM DESIGN TO THE ARCHITECT/OWNER FOR APPROVAL PRIOR TO COMMENCEMENT OF WORK.

**LEGEND**

- EXISTING BITUMINOUS
- EXISTING CONCRETE
- PROPOSED BITUMINOUS (STANDARD DUTY)
- PROPOSED BITUMINOUS (HEAVY DUTY)
- PROPOSED CONCRETE (STANDARD DUTY)
- PROPOSED CONCRETE (HEAVY DUTY)

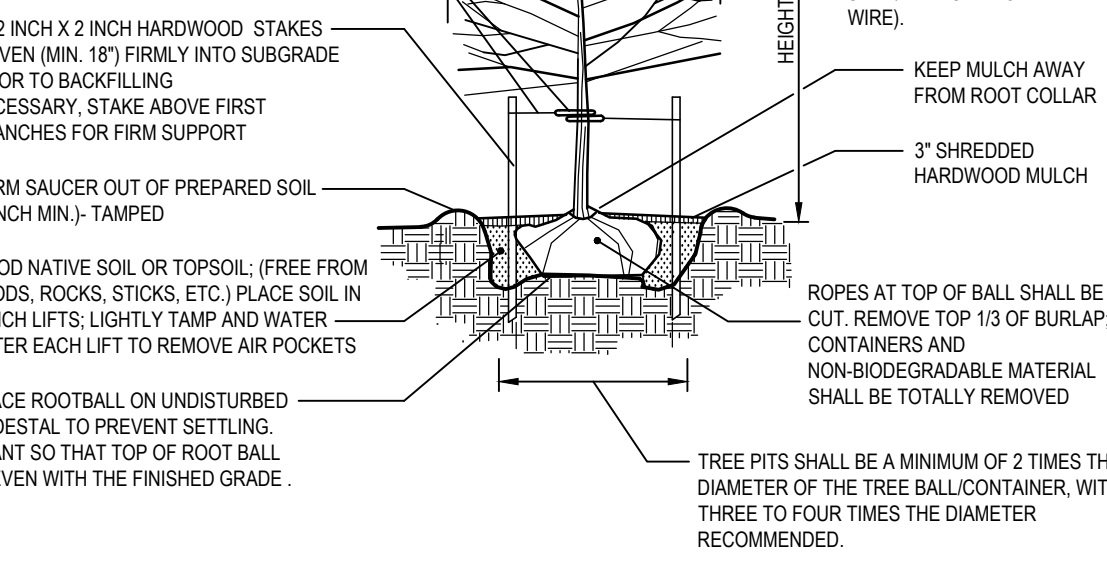
Scale: 1" = 50'



**TYPICAL SHRUB / PERENNIAL / ORNAMENTAL GRASS PLANTING DETAIL**

N.T.S.

- 2 STRAND TWISTED 12 GAUGE GALVANIZED WIRE ENCASED IN 1\"/>



**TYPICAL TREE PLANTING DETAIL**

N.T.S.

**LANDSCAPE CALCULATIONS**

REQUIRED LANDSCAPING:	PROPOSED LANDSCAPING:
FRONT AND SECONDARY FRONT YARD	FRONT AND SECONDARY FRONT YARD
• ONE SHADE OR EVERGREEN TREE SHALL BE PLANTED FOR EACH 50 FEET OF STREET FRONTAGE	• 36 FRONT/SECONDARY FRONT YARD TREES PROPOSED
• 1738 LF. / 50 = 34.7 ROUND UP TO 35 = 35 TOTAL TREES REQUIRED	
<b>PARKING LOTS</b>	<b>PARKING LOTS</b>
• FOR EVERY 50 PARKING SPACES THERE SHALL BE IN INTERIOR LANDSCAPE AREAS AT LEAST 10' WIDE BY 20' LONG AND CONTAIN AT LEAST ONE SHADE TREE	• 40 TREES PROPOSED
• 389 TOTAL SPACES WITH 300 SURFACE SPACES	
300 / 50 = 6 SHADE TREES REQUIRED	

**NEDERVELD**  
 www.nederveld.com  
 800.222.1868  
**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:**  
 American Kendall Property Group, LLC  
 Mike Speedy  
 3600 Woodview Trace  
 Suite 130  
 Indianapolis, IN 46268  
 Phone: 317.697.6500

**REVISIONS:**  
 Title: Reason/Date Plan Submittal  
 Drawn: JW Checked: RP Date: 02.10.22

**THE RETREAT**  
 Landscape Plan  
 52ND ST. & BYRON CENTER AVE.  
 PART OF THE SOUTHWEST 1/4 OF SECTION 27, T6N, R12W,  
 CITY OF WYOMING, KENT COUNTY, MICHIGAN

**STAMP:**

*Richard A. Pulaski*

**PROJECT NO:**  
 19400951

**SHEET NO:**  
**L-201**



## Grandville Public Schools

March 29, 2022

To Whom It May Concern:

I recently had a discussion with the potential developer of "The Retreat" to hear future plans for a housing development on the site near Byron Center and 52nd.. After a conversation, I was provided a potential plan for the site.

This project is tentatively scheduled for the Fall of 2022. This timeline fits well with the construction and reconfiguration within Grandville Public Schools as our new middle school will open in the Fall of 2023, our old middle school will be renovated for our fifth and sixth graders and open in 2024, which will create space within the district buildings to address any potential growth from this project. We should have plenty of space to welcome new families to our excellent schools.

Based upon the information I received during the meeting last week and the overview I was provided, I support the plan as presented to our community. I look forward to the development of this project and the partnership that I believe they will have with our community!

Sincerely,

A handwritten signature in black ink that reads "Roger Bearup". The signature is written in a cursive, flowing style.

Roger Bearup  
Superintendent  
Grandville Public Schools

ORDINANCE NO. 14-22

ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES BY  
ADDING DIVISION 10 TO PROVIDE FOR A SERVICE CHARGE IN LIEU OF TAXES FOR THE  
28WPHASETHREE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP  
HOUSING PROJECT

THE CITY OF WYOMING ORDAINS:

Section 1. Amendment. That Chapter 2, Article IV, Division 7 of Code of Ordinances, City of Wyoming, Michigan, is amended by adding Division 10 to read as follows:

DIVISION 10  
TAX EXEMPTION AND SERVICE CHARGE FOR 28WPHASETHREE LIMITED DIVIDEND  
HOUSING ASSOCIATION LIMITED PARTNERSHIP HOUSING PROJECT

**Sec. 2-310.11. Purpose.**

(a) Pursuant to section 15a of the Act, MCL 125.1415a, the city may encourage the development of low- and moderate-income housing by providing a service charge in lieu of property taxes. The city is authorized by that statute to establish or change the service charge to be paid in lieu of taxes by classes of housing exempt from property taxation under that statute at an amount the city chooses, not to exceed the taxes that would be paid.

(b) The city finds that (i) housing Low Income Persons and Families is a public necessity, (ii) the city will be benefited and improved by such housing, (iii) the encouragement of the development of such housing by providing a property tax exemption for such housing is a valid public purpose, (iv) the provisions of this ordinance for tax exemption and the service charge in lieu of taxes during the period provided by this Division are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption, and (v) development of such housing will further related public purposes such as development of the Project to enhance the downtown area of the city.

(c) The Sponsor has offered, subject to receipt of an allocation under the LIHTC Program by the Authority and a Mortgage Loan, to acquire and construct, own, and operate the Project to serve Low Income Persons and Families and the Sponsor has offered to pay the city on account of the Project an annual service charge for public services in lieu of all *ad valorem* property taxes.

**Sec. 2-310.12 Definitions.**

(a) *Act* means the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1401 *et seq.*

(b) *Authority* means the Michigan State Housing Development Authority.

(c) *Annual Shelter Rent* means the total collections during an agreed annual period from or paid on behalf of all occupants of the Project for rent or occupancy charges, exclusive of Utilities charges.

(d) *LIHTC Program* means the Low Income Housing Tax Credit program administered by the Authority under section 42 of the United States Internal Revenue Code of 1986, 26 USC §42.

(e) *Low Income Persons and Families* means persons and families eligible to move into a housing project.

(f) *Mortgage Loan* means a loan that is federally-aided (as defined in section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the Project.

(g) *Project* means the housing units and related housing amenities such as, for example and not for limitation, (i) such amenities as fitness centers, community rooms, pet care facilities, storage areas, roof-top decks, game rooms, and similar facilities available for use of residents of the housing units, (ii) leasing offices for leasing and administration of the leases and collection or rents

for the housing units, and (iii) other areas constructed, installed, and maintained only for use by or benefit of residents of the housing units that are all located on the Project Property that are acquired, constructed, owned and operated by the Sponsor, subject to income and rent restrictions under the LIHTC Program and a Mortgage Loan, in accordance with the Site Concept Plan prepared by Hooker De Jong, labeled "Apartments at 28 West Place – Phase III," submitted to the City by Magnus Capital Partners in May 2022, subject to such changes as may be (i) required by planning, zoning, construction code and other governmental permits and approvals or (ii) approved by the City Council of the city.

(h) *Project Property* means the portion of the following described real property located in the City of Wyoming, Kent County, Michigan, that is used and occupied for Project, which may be described as a condominium unit described in a master deed and does not include any part of the development that is constructed, lease or conveyed, used, or occupied for a nonresidential use.

That part of the West 3/4 of the Northwest 1/4 of Section 14, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, described as: Commencing at the intersection of the South line of 28th Street (100 feet wide) and a line 1827 feet East of and parallel with the West line of said Section; thence South along said line parallel with the West line of said Section 65 feet to the place of beginning; thence East perpendicular to said line 40 feet; thence South parallel with the West line of said Section 120 feet; thence West 40 feet; thence North 120 feet to the place of beginning. Together with an easement for ingress and egress as set forth in instrument recorded in Liber 1763 of Mortgages, Page 1249.

AND

All that part of the North 1/2 of the Northwest 1/4 of Section 14, Town 6 North, Range 12 West, described as: Commencing 1827 feet East along the North Section line from the Northwest corner of said Section; thence West along the Section line 1000 feet; thence South parallel with the West Section line 990 feet; thence East parallel with the North Section line 488.2 feet to the West 1/8 line of Section 14; thence South along said 1/8 line 4.4 feet; thence Easterly 511.8 feet to a point 992.43 feet South from the place of beginning; thence North parallel with the West Section line 992.43 feet to the place of beginning.

Excepting therefrom the following parcels of land:

Part of the Northwest 1/4 of Section 14, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, described as: Commencing at the North 1/4 corner of said Section 14; thence North 88 degrees 11 minutes 47 seconds West 1164.13 feet along the North line of said Section 14; thence South 01 degrees 48 minutes 13 seconds West 75.82 feet to the Southerly right of way line of 28th Street and the point of beginning; thence Easterly 153.06 feet along a 34,492.48 foot radius curve to the left, the long chord of which bears South 88 degrees 37 minutes 06 seconds East 153.06 feet along said Southerly right of way line of 28th Street; thence South 88 degrees 44 minutes 44 seconds East 37.02 feet along said Southerly right of way line of 28th Street; thence South 45 degrees 24 minutes 35 seconds West 68.49 feet; thence Southeasterly 377.39 feet along a 263.50 foot radius curve to the left, the long chord of which bears South 41 degrees 38 minutes 28 seconds East 345.95 feet to the East line of the West 1827 feet as recorded (measured 1825.62 feet) of the Northwest 1/4 of said Section 14; thence South 00 degrees 24 minutes 13 seconds East 80.56 feet along said East line of the West 1827 feet as recorded (measured 1825.62 feet) of the Northwest 1/4 of Section 14; thence Northwesterly 493.88 feet along a 343.50 foot radius curve to the right, the long chord of which bears North 43 degrees 17 minutes 21 seconds West 452.43 feet; thence North 44 degrees 35 minutes 25 seconds West 87.56 feet to said Southerly right of way line of 28th Street and the point of beginning. Subject to all easements, restrictions, and rights of way of record.

AND

Part of the Northwest 1/4 of Section 14, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, described as: Commencing at the Northwest corner of said Section; thence South 88 degrees 11 minutes 47 seconds East 827.00 feet along the North line of said Section 14; thence South 00 degrees 24 minutes 13 seconds East 74.12 feet parallel with the West line of said Section 14 to a point on the South right of way line of 28th Street (130 foot wide right of way); thence South 87 degrees 34 minutes 15 seconds

East 49.17 feet along said South right of way line; thence Easterly 201.95 feet along said South right of way line on a 34442.95 foot radius curve to the left, said curve having a central angle of 00 degrees 20 minutes 09 seconds, and a chord bearing South 87 degrees 44 minutes 49 seconds East 201.95 feet to the point of beginning; thence continuing Easterly 228.45 feet along said South right of way line on a 34442.95 foot radius curve to the left, said curve having a central angle of 00 degrees 22 minutes 49 seconds, and a chord bearing South 88 degrees 06 minutes 18 seconds East 228.53 feet; thence South 00 degrees 24 minutes 13 seconds East 381.59 feet parallel with the West line of said Section 14; thence North 88 degrees 20 minutes 01 seconds West 228.50 feet; thence North 00 degrees 24 minutes 13 seconds West 382.51 feet parallel with the West line of said Section 14 to the point of beginning.

AND

Part of the Northwest 1/4 of Section 14, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, described as: Commencing at the Northwest corner of said Section 14; thence South 88 degrees 11 minutes 56 seconds East 827.00 feet along the North line of said Section 14; thence South 00 degrees 24 minutes 13 seconds East 460.00 feet along the East line of the West 827 feet of said Northwest 1/4 to the place of beginning of this description; thence South 88 degrees 22 minutes 14 seconds East 558.12 feet; thence South 01 degrees 37 minutes 39 seconds West 568.98 feet to the North line of Prairie Parkway; thence North 88 degrees 22 minutes 21 seconds West 537.94 feet along said North line to the East line of the West 827 feet of said Northwest 1/4; thence North 00 degrees 24 minutes 13 seconds West 569.35 feet along said East line to the place of beginning.

AND

Part of the Northwest 1/4 of Section 14, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, described as: Commencing at the Northwest corner of said Section 14; thence South 88 degrees 11 minutes 56 seconds East 827.00 feet along the North line of said Section 14; thence South 00 degrees 24 minutes 13 seconds East 460.00 feet along the East line of the West 827 feet of said Northwest 1/4; thence South 88 degrees 22 minutes 14 seconds East 558.12 feet to the place of beginning of this description; thence South 88 degrees 22 minutes 14 seconds East 441.77 feet to the East line of the West 1827 feet of said Northwest 1/4; thence South 00 degrees 24 minutes 13 seconds West 569.32 feet along said East line to the North line of Prairie Parkway; thence North 88 degrees 22 minutes 21 seconds West 461.94 feet along said North line; thence North 01 degrees 37 minutes 39 seconds East 568.98 feet to the place of beginning.

- (i) *Sponsor* means 28WPhaseThree Limited Dividend Housing Association Limited Partnership and any entity that receives or assumes a Mortgage Loan for the Project on the Property.
- (j) *Utilities* means charges for gas, electric, water, sanitary sewer and other utilities furnished to the Project or its occupants and paid by the Sponsor.

### **Sec. 2-310.13. Property Tax Exemption.**

- (a) Pursuant to section 15a of the Act, from the time construction of the Project begins the Project shall be exempt from *ad valorem* property taxes.
- (b) This exemption shall remain in effect during the period any portion of the Mortgage Loan remains outstanding and that the Project remains subject to income and rent restrictions, but not longer than 50 years.

### **Sec. 2-310.14. Annual Service Charge.**

- (a) There shall be paid to the city an annual service charge in lieu of *ad valorem* property taxes on the Project which shall be:
  - (1) In each year before Shelter Rents are collected for the Project shall be \$0.
  - (2) In each year beginning in the year that Shelter Rents are collected for the Project, an amount equal to 1.0% of the Annual Shelter Rent (as defined in the Ordinance) collected for the Project during each operating year.
- (b) The annual service charge in lieu of taxes for each operating year of the Project shall be payable in the same manner as general property taxes are payable to the City/Township and distributed to the several units levying the general property tax in the same proportion as prevailed

with the general property tax in the previous calendar year. The annual payment for each operating year shall be payable not later than each August 31 immediately following the conclusion of that operating year. Delinquent payments will be subject to the same interest and penalties, and shall be collectible in the same manner as provided for under the City Charter, this Code of Ordinances and the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*).

(c) The amounts paid pursuant to this section shall be in addition to the amounts paid pursuant to any municipal services agreement between the Sponsor and the city.

**Sec. 2-310.15. Contractual Effect of Ordinance.**

(a) To the extent not otherwise prohibited by the constitution and laws of the state of Michigan, regardless of any part of subsection 15a(5) of the Act, MCL 125.1415a(5), to the contrary, a contract between the city and the Sponsor with the Authority as a third party beneficiary of the contract to provide the tax exemption and accept payments in lieu of taxes as provided in preceding sections of this division is create and effectuated by the adoption of this division of the Code of Ordinances, City of Wyoming, Michigan.

(b) The Authority and the Sponsor are relying on this adoption and continued effect of this Division to determine the Project's financial feasibility and its qualification for the LIHTC Program and Mortgage Loan. The city is relying on (i) the allocation under the LIHTC Program and the making of the Mortgage Loan for the Project, and (ii) on the acquisition, construction, ownership and operation of the Project as defined in this Division.

Section 2. Effective Date. This ordinance shall take effect on the later of 15 days after its adoption or upon its publication as required by law.

Section 3. Severability. The sections and provisions of this ordinance are severable. If any section or provision of this ordinance is determined by any court of competent jurisdiction to be unconstitutional or invalid that determination shall not affect the validity of this ordinance as a whole or any section or provision of this ordinance, other than the section or provision so declared to be unconstitutional or invalid.

Section 4. Inconsistency. To the extent permitted by law, provisions of ordinances that are inconsistent with this ordinance are repealed. If such a general repealer is ruled ineffective and any provision of this ordinance is inconsistent with any provision of any other ordinance, the provision of this ordinance shall be controlling.

I certify that this ordinance was adopted by the City of Wyoming at a regular meeting of the City Council held on June 6, 2022.

---

Kelli A. VandenBerg, Wyoming City Clerk

Ordinance No. 14-22  
Introduced: 05.16.2022

## STAFF REPORT

Date: May 12, 2022  
Subject: Payment in Lieu of Taxes for Apartments at Hōm Flats Phase 3  
From: Scott Smith, City Attorney  
Meeting Date: May 16, 2022

---

### **RECOMMENDATION:**

Staff recommends approval of introduction (first reading) of Ordinance No. 14-22 entitled, “Ordinance to Amend Chapter 2, Article IV of the Code of Ordinances by Adding Division 10 to Provide for a Service Charge in Lieu of Taxes for the 28WPhaseThree Limited Dividend Housing Association Limited Partnership Housing Project.”

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

Community – Community is enhanced by the development of quality work-force housing and this project also is an integral part to the city center project to create a city center because it not only adds residents, but also adds high-quality commercial space and structures that will feel more like a downtown.

Safety – The development will include enhanced pedestrian and cycling paths.

Stewardship – As previous Hōm Flats phases have shown, this development will catalyze other development and increase area property values.

### **BUDGET IMPACT:**

The tax loss from the tax exemption granted on the residential units should be offset by the fully taxable commercial units.

### **DISCUSSION:**

An accompanying municipal services agreement will be considered at the June 6, 2022, meeting when this ordinance is considered for final approval.