

**WORK SESSION AGENDA  
WYOMING CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS**

**Monday, April 11, 2022, 5:30 P.M.**

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) Capital Improvement Plan**
- 5) Budget Review**
  - General Fund**
  - Community Services**
- 6) Marquette Park Master Plan**
- 7) Landscape Ordinance Amendment**
- 8) City Council Rules of Procedure**
- 9) Any Other Matters**
- 10) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

## Memorandum

To: Curtis Holt, City Manager  
 From: Myron Erickson, PE, Director of Public Works & Utilities  
 Date: 5 April 2022  
 Re: Capital Improvement Plan Public Meeting, 2022

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The City Charter requires us to hold a public meeting annually to present capital improvement plans. At the City Council’s April 11, 2022 work session, we will make our public presentation on capital improvement planning for the coming few years. Russ Henckel, Assistant Director of PW, will present details on our capital improvement plans as we plan to do them in the following construction seasons (i.e., this is not fiscal year budget information).

<b>2022</b>	<b>Streets</b>	\$4.95M Wyoming* <u>\$5.80M Fed/State</u> \$10.75M Streets
	*Note: \$1.8M in COW resurfacing	
	<b>Utilities</b>	\$1.8M Water \$75K Sanitary <u>\$100K Storm</u> \$2.0M Utilities
	<b>Other</b>	\$930K MDOT, Plats, GR

<b>2023</b>	Streets	\$4.75M Wyoming* \$2.60M Fed/State \$7.35M Streets
	*Note: \$3.0M in COW resurfacing	
	Utilities	\$2.9M Water

<b>2024</b>	Streets	\$5.20M Wyoming* \$1.30M Fed/State \$6.50M Streets
	*Note: \$4.5M in COW resurfacing	
	Utilities	\$3.8M Water

In addition, I reviewed the following utility plant capital improvement projects at my budget presentation to Council on March 14<sup>th</sup>. As a reminder, these project amounts are budgeted for FY23:

Drinking Water Plant:

- \$125K for the pre-purchase of 42” pipe repair parts.
- \$6M for the yard piping improvements.
- \$1M for the dehumidification phase 2 project.
- \$30M (approx.) for Wyoming’s share of the third transmission main.

Clean Water Plant:

- \$1.5M for the replacement of eight transformers and related work.
- \$1.5M for drain and valve replacement, repaving, and MCC replacement.

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

A RESOLUTION OF APPROVAL FOR THE MARQUETTE PARK DEVELOPMENT  
MASTER PLAN

WHEREAS:

1. The City of Wyoming has undertaken the Marquette Park master planning process to evaluate and make recommendations for improvements to Marquette Park, a public park located at 1251 Marquette, Wyoming, MI 49509.
2. The City of Wyoming has, through resident consultation, identified areas for facility and programming improvement necessary to meet the changing needs of the community.
3. The proposed park master plan has been developed through extensive input from the community, through surveys, personal correspondence, and public input meetings. Complementary input was also received from regulatory agencies and staff, including representatives the State of Michigan Department of Environment, Great Lakes and Energy; public safety, recreation programming, maintenance, engineering, and utilities.
4. The proposed development master plan has been reviewed by both the Parks and Recreation and Planning Commissions and has been unanimously recommended to the City Council.
5. The City Council reviewed the plan at its April 11, 2022, Work Session and held a public hearing on the development plan's proposal on April 18, 2022.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby approve the Marquette Park Development Master Plan as presented.

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 April 18, 2022.

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

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

## STAFF REPORT

Date: April 5, 2022

Subject: Marquette Park Master Plan – Recommendation to Recommend Adoption to City Council

From: Rebecca Rynbrandt, Director of Community Services

Meeting date: April 11, 2022 Work Session

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**RECOMMENDATION:** The Parks and Recreation Commission and Planning Commission jointly and unanimously recommend the City Council adopt the proposed (attached) development master plan for Marquette Park and to proceed with the process of amending the 5-Year Community Recreation Master Plan with the State of Michigan.

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

The City of Wyoming through its Community Services Department's Parks and Recreation service area are custodians of almost 700 acres of park lands and natural resources and the provider of over 300 youth, adult, senior and family health, wellness, education, athletic, and leisure recreation programs.

The park system is a system predominately built between 1950 and 1970. Over the course of the last 15 years the city has made great strides in developing park properties, such as Ideal, Frog Hollow, Jackson, Ferrand, Lamar, Battjes, Prairie, and Oriole Parks. These redeveloped parks enjoy contemporary facilities with improved functional relationships related to programmed and passive uses.

The City of Wyoming strives to provide a safe, convenient, and pleasant living environment, with minimal burden to the taxpayer. We strive to ensure each park has its own character, and to the extent practicable, based upon proven resident demands, limited duplication of facilities. To foster community unity and social connections, leveraging our limited financial resources, our system has moved away from "pocket parks" to regional parks, with unique identities, serving all residents of the community.

Marquette Park is an approximately 40 acre parcel located at 1414 Nagal Avenue, encompassing Kimble Field, a now obsolete baseball field, and is inclusive of portions of Plaster Creek. Much of the property is part of the floodplain and has other environmental restrictions. The park is nestled in a culturally diverse, densely populated residential area immediately to its south and eastern borders with adjacency to industrial properties to the north and west.

The park's current development is considered outdated and needs to be updated to address the evolving needs of the City and the immediate neighborhood. A park master plan is

necessary to determine citizen interests and priorities for redevelopment obtain grants and invest the parks and recreation operational millage.

### **DISCUSSION:**

Please find attached a copy of the proposed master plan for Marquette Park. The plan, designed by consultant MCSA, has been developed through extensive input from the community, including over:

- **23,338** contacts via Facebook and Instagram social media
- Over **5,000** direct emails to residents and park patrons, with 2,908 confirmed opened
- **1,100** direct postcards mailed to properties within a quarter mile of Marquette Park, generally referred to as the Godfrey Lee neighborhood

Electronic surveys, personal correspondence, and public input meetings were held (see additional information provided by MCSA, attached). Complementary input was also received from regulatory agencies such as the Michigan Department of Environment, Great Lakes and Energy, and the Kent County Drain Commission, and staff, including representatives from police, fire, recreation programming, maintenance, engineering, and more.

This process has resulted in, arguably, the most vetted, resident informed Marquette Park development plan ever presented to the Parks and Recreation Commission and Planning Commissions for review and recommendation to the City Council.

When accepted by the City Council, the plan will be used as the primary strategic planning tool for the redevelopment of Marquette Park; and is necessary for the City of Wyoming to seek and obtain grants from the Michigan Department of Natural Resources.

### **Attachments:**

Marquette Park Master Plan

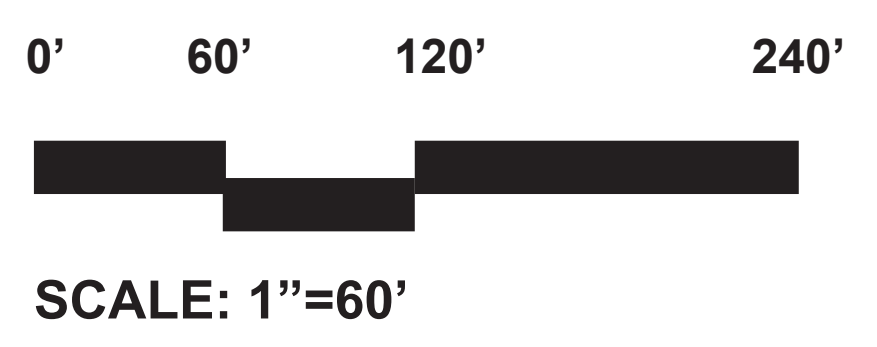
MCSA Documentation of Public Engagement

Calendar of Plan Development Process

Minutes of the Joint Meeting of the Parks and Recreation and Planning Commissions



**FINAL PLAN**  
**MARQUETTE PARK - MASTER PLAN**  
 CITY OF WYOMING, MICHIGAN



DATE  
11.04.2021  
 PROJECT NO.  
2129



## **SUMMARY OF PUBLIC ENGAGEMENT PROCESS**

The City of Wyoming hosted 4 public meetings, two afternoons with various classrooms of Godfrey Lee Public Schools students and 2 Online surveys to solicit input from the neighbors surrounding Marquette Park. Advertisements for the meetings and surveys were completed with social media, news outlets and mailers to residents.

### **Bilingual Online Survey – September 16, 2021, to October 8, 2021**

124 Wyoming Residents (150 responses total) completed the survey. Questions included items about visits to parks, specifically Marquette Park. Over 50% of the respondents visit the park with children as parent, grandparent or caregiver. In addition, they were asked what activities/ items are most valuable to add for children and adults to Marquette Park. The top items included restrooms, safety, bike paths, fitness, dog park, lighting, a splashpad, playground, nature preservation and a walking path. 15% of residents had a physical disability. Lack of shade was the top item that limited use of the park. A mix of natural spaces and developed recreation was the most preferable type of park experience. Residents wanted spaces for large and small group gatherings. Lighting was the most valuable safety feature. The most responses were from the age group 36 to 55.

### **Resident Input Meetings – September 28 and 29, 2021**

Meetings were held at Godfrey Lee Early Childhood Center and the Wyoming Senior Center. A total of 19 Wyoming Residents (21 attendees total) attended. A Spanish/ English translator was available at both meetings. The bilingual presentation discussed the Master Plan process, the Existing Park features and an Analysis of the site potentials and constraints. In addition, discussed were methods of the public providing input. An interactive polling application was also used as part of the presentation.

The comments received included support to keep, expand and improve the Community Garden, removal of Kimball Field, basketball courts and pickleball courts and wintertime activities. Many are interested in accessible walking trails throughout the park and along the creek. In addition to the existing playground, more playground features accommodating larger age ranges is desired. Many



regular users of the dog park attended, and their wants included keeping and improving/ expanding the existing dog park. Additional lighting and security and a

police presence would be appreciated by residents. Finally, more parking, shelters and more elements to make the park appealing to families other than just soccer and a dog park were discussed.

### Godfrey Lee TEAM 21 Sessions – October 12, 2021

Meetings were held at Godfrey Elementary, Godfrey Lee Early Childhood Center and Lee Middle School. Students were asked to make a collage of playground equipment that they would like to see from provided catalogs. The students were also asked what they would like at the park. The students would like to see soccer fields, monkey bars, tall playground equipment with inside spaces, shade, obstacle course, swings, zipline, fire pits, climbing walls, basketball, benches, trash cans, a cross-country trail and many more creative ideas.

### Bilingual Online Survey – November 5- November 29, 2021

Three design concepts were prepared for the park based on the community input. These three concepts were shared for public comment via an online survey. 135 Residents (169 Total) completed the survey. Respondents liked the following from all options; the Splashpad, Pathways/Trails, Addition of Parking, Sport Courts (Basketball and Futsal), Meadow/ Natural Areas and Shelters, Pickleball Courts, Bigger Playground, Sledding Hill, Community Gardens, and expanded dog park. There was also some support for a sports field located at the Old Kimball field. However, there was also opposition from neighbors who were worried about increased traffic and parking located closely to the neighborhood.

### Godfrey Lee Schools Feedback on Concepts 1-3 – November 1, 2021

Brenda Caballero, a teacher from the middle school provided letters from the students on the concepts on November 1, 2021. Some of the students request included tot swings, restroom improvements, bigger playground, futsal court, basketball court improvements, tennis courts, larger dog park, benches and shade shelter.

### Resident Input Meetings – December 7 and 8, 2021



Meetings were held at Godfrey Lee Early Childhood Center and the Wyoming Senior Center. A total of (11) Wyoming Residents (14 attendees total) attended. Residents' comments included concern for additional parking in the park and traffic in the neighborhood, need for lighting in the dog park, more trails within the park, year-round restrooms, separation between the dog park and the splashpad. There was also preference for the community garden to be located as shown in option #2 with a border of perennial plantings.

### Final Master Plan

Based on all the feedback, a final design plan was prepared that included the majority of the preferred elements that can appropriately fit on the site.



Landscape Architecture  
 Park & Recreation Planning  
 Architecture • Urban Design  
 Sports Facility Planning

**PLANNING AND DESIGN SCHEDULE  
 MARQUETTE PARK MASTER PLAN  
 CITY OF WYOMING October 13, 2021**

Consultant Kick-off Meeting with City of Wyoming  
 Community Services Director/Staff August 24, 2021

Resident Input Meetings  
 Godfrey Lee Public Schools, 6:30pm September 28, 2021  
 Wyoming Public Library, 6:30pm September 29, 2021

Base Maps, Historical Document Reviews/Collection September 29, 2021  
 Maintenance, Recreation. Community Policing Staff Interviews  
 Marquette Park Shelter 1:00 pm

Resident Survey of Desires September 12 – October 4, 2021

Engineering, MI EGLE, Kent County Drain  
 Commission Input Meeting October 6, 2021  
 Go-To Meeting 10:00 am

Godfrey Lee TEAM 21 Sessions October 12, 2021  
 3:15 pm to 5:30 pm

Review Written Program with  
 City of Wyoming Director of Community Services Thursday, October 14, 2021

Development of 3 Concepts Based on All Input October 15, 2021 – November 4, 2021

Presentation of Concepts to the  
 City of Wyoming Director of Community Services November 4, 2021



Landscape Architecture  
 Park & Recreation Planning  
 Architecture • Urban Design  
 Sports Facility Planning

**PRELIMINARY PLANNING AND DESIGN SCHEDULE  
 MARQUETTE PARK MASTER PLAN  
 CITY OF WYOMING  
 PAGE 2**

Facebook Survey of Preferred Concepts	November 8, 2021 – November 28, 2021
Resident Input Meetings	
Godfrey Lee Public Schools, 6:30pm	December 7, 2021
Wyoming Senior Center, 6:30pm	December 8, 2021
Presentation of Concepts Survey Results	
Vetting/Affirming Draft Plan	November 22, 2021 – December 22, 2021
Parks and Recreation Commission, Planning Commission Joint Meeting	January 12, 2022
Parks and Recreation Commission, Draft Construction Cost Estimate	February 9, 2022
City Council Work Session	February 14, 2022
City Council Adoption	February 21, 2022
Final Construction Cost Estimate	February 25, 2022

**City of Wyoming**  
**Joint Meeting of the Parks and Recreation Commission and Planning Commission**

**MINUTES FOR THE MEETING OF**  
**January 12, 2022 at 7:00 p.m.**

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Parks & Recreation Commission

Members Present:

Cummings-Pulliams, DeLaVega, Fera, Kort, Larabel, Akhurst, Platschorre, and Postler (City Council Liaison)

Parks & Recreation Commission

Members Absent:

Groters, Velthouse

Planning Commission

Members Present:

Micele, Zapata, Hegyi, VanDuren, Goodheart, Weller, Arnoys, Hall

Planning Commission

Members Absent:

DeLange

Staff Present:

Holt, City Manager  
Rynbrandt, Director of Community Services  
Martin, Recreation Supervisor  
Montgomery, Parks Foreman  
Meagher, Planner  
Scelfo, Office Specialist

Others Present:

Melinda Whitten, Consultant, Principal and Vice President of MCSA

**Introduction:** Rynbrandt provided a brief overview of how the meeting would be run between the two commissions and gave a brief introduction of each staff member that were present and shared that City Manager Holt would be presenting on behalf of Planning staff for agenda items related to Planning updates.

- A. Call to order of the Parks and Recreation Commission and Planning Commission –** Cummings-Pulliams, Vice Chairperson of the Parks and Recreation Commission, and Micele, Chairperson of the Planning Commission, called the meeting to order at 7:03 p.m. followed by a brief introduction of each commissioner with a roll call attendance and introduction purposes.
  
- B. Approval of Agenda –** Rynbrandt stated that there were no staff recommendations for additions to the agenda. Cummings-Pulliams and Micele accepted the agenda as read.

**C. Approval of November 10, 2021 Parks and Recreation Commissions Meeting Minutes**  
Cummings-Pulliams reminded the Parks and Recreation Commission that the November meeting minutes will be presented for approval at the February 9, 2022 meeting. Micele reminded the Planning Commission that the minutes of the most recent regularly scheduled Planning Commission will be approved at their next regularly scheduled meeting.

**D. Public Comment on Agenda Item (limit to 3 minutes) – None**

**E. Marquette Park Master Plan**

Rebecca Rynbrandt, Director of Community Services, outlined the process undertaken to engage with the community in the development of the Marquette Park Master Plan. She noted that it is the first comprehensive development plan for the park in the city's history. A master plan is necessary to direct future development of the park and is also necessary to secure grant funding from state and federal sources. Rynbrandt introduced Melinda Whitten, Principal with MCSA, the consultant firm engaged to work with the City to develop the plan. Rynbrandt gave a brief biography of MCSA and highlighted their work on the city's Oriole Park and Jackson Park master plans. Rynbrandt noted that the process has taken a year to ensure extensive site analysis and a robust public engagement process including input with staff, regulatory stakeholders and residents.

Whitten, MCSA, presented on the process for creating Marquette Park Master Plan including inventory and analysis of the site, and public input through electronic survey via social media accounts, post card notification, direct email solicitation, and in-person public input forums, including in-person meetings with Godfrey Lee Public School students. The responses were used to inform and develop three concept plans. Each concept plan had unique characteristics in which the public were asked to describe what they liked about the plan and what they did not like about the plan. These comments were used to formulate the final recommended plan. The final plan, once fully accepted by the City Council, will guide future park development.

The inventory and analysis phase included assessment of ADA accessibility, plaster creek erosion and stabilization needs, constraints related to park portions within the 100 year and 500 year floodway and flood plain, and restricted development over major utilities and historical gypsum mines located underground. Consultation with city public safety, engineering, maintenance, recreation programming, and administrative staff, in addition to Kent County Drain Commission and State of Michigan Department of Environment, Great Lakes, and Energy staff further informed the plans design.

The public input process included both English and Spanish language engagement approaches, with over 23,000 people reached through social media, over 5,000 direct emails to residents and park patrons with 2,900 confirmed opened and 1,100 direct postcards mailed to properties within a quarter mile of Marquette Park, 4 in person public meetings and 4 meetings with Godfrey Lee Schools. Whitten presented the data

of the first public input survey. The survey data was presented at the two public input meetings and opened up for public discussion where the following feedback was received: keep or improve the existing community garden, have soccer fields, pickleball courts, year-round need for activities at park. Dog Park members also expressed the need for more space, walking trails shade, lighting and year-round access to water for the dogs. The data also showed that people were looking for added trails and pathways, expanded playground, adding splashpad, safety and security, and additional parking. Whitten shared that at the meetings with Godfrey Lee Schools the children expressed an interest in a place to play soccer, a larger playground, futsal courts, shade shelters, benches, cross country trails.

Whitten shared the three different concepts that were created based on the public input. Whitten first presented concept #1 and indicated that the data showed that things that were liked most about this plan was the splash pad and pathways and trails. The data showed that the things disliked most were the parking lot off Freeman and that there could be better use of the area than a multipurpose field. Neighbors shared their concerns about the parking lot off Freeman during the public input meetings.

Whitten presented concept #2 and highlighted that this plan has an area outlined where there's a compensated cut for fill that would be needed in order to get the restroom building and shelter above the 100-yard flood plain. The data showed that the top things that the community liked most about this concept was the sledding hill and dog park expansion. There were 31 people who said this plan should have no improvements while others suggested there should be less of a dog park expansion. The feedback from the in-person meetings were similar to the survey input for concept #2.

Whitten presented concept #3 which separates the athletic areas from the play areas and was the only concept that included pickleball. The two things that were liked most about this plan were the sledding hill and pickleball courts. The two things for improvements from this plan were more parking and having that it had full sized basketball courts, some noted that they felt the dog park and play area were too close to each other and also had some concerns about supervising children playing.

Godfrey Lee School students preferred concept 3 because of the obstacle course, sledding hill and splash pad.

The feedback was all combined into the final preferred plan being presented today. The plan includes a moderately expanded dog park area with shade shelter and lighted pathways, and a new restroom building near dog park entrance. The plan also includes a sledding hill with a small shade shelter next to the sledding hill to support the sledding hill and trails. Expanded parking, a splash pad and playground, pickleball, half basketball courts and a futsal court, multipurpose fields, trails and smaller picnic shelters, and a community garden are identified within the park west of Nagel street. Whitten noted the plan allows for the continued use of the existing shelter and restroom.

Rynbrandt affirmed that staff recommend the Parks and Recreation Commission, and Planning Commission recommend to the City Council that they adopt the proposed development master plan for Marquette Park and to proceed with the process of amending the 5-Year Community Recreation Master Plan with the State of Michigan and asked for consideration for a motion.

A motion was made by Planning Commissioner Hall to recommend the plan to the City Council as stated by staff. The motion was seconded by Planning Commissioner Weller.

A motion was made by Parks and Recreation Commissioner Larabel to recommend the plan to the City Council as stated by staff. The motion was seconded by Parks and Recreation Commissioner Fera.

Cummings-Pulliams and Micele opened the floor for commissioner discussion.

Arnoys inquired about the anticipated construction budget and whether or not all proposals were similar in cost and whether or not the parking concerns have been resolved with this plan. Rynbrandt shared that construction cost estimates are not calculated at this stage of the process; however, she stated that considering recent construction and similar project scope she'd estimate cost of full development would be \$1.5 to \$2.2 million. It is expected that development will occur in phases. Rynbrandt further noted that the plan provides for expanded parking and placed appropriately to the different activity areas. She confirmed that the parking area proposed to be located to the south of the current Kimble Field was removed.

DeLaVega inquired if the park plan would be ADA accessible. Rynbrandt affirmed that at a minimum all of our development plans meet ADA standards. It is the city practice to develop facilities at the UA, or universally accessible, standard which far exceeds basic ADA regulations. She gave examples such as Frog Hollow, Jackson Park, Ideal Park and Oriole Park developments which are 80-100% UA. Whitten also shared that paved pathways and benches were added to help with ADA access where currently this isn't possible.

Micele inquired about whether or not the businesses near the park were included and whether or not they participated. Rynbrandt confirmed that every property within a quarter mile of Marquette Park, including businesses, received the direct mailed postcard with public engagement information. She affirmed that employees of businesses from the area attended various meetings and participated in the surveys. The plans inclusion of a shelter on the western edge of the park is an addition directly tied to business input.

Micele also inquired about possible partnerships with those local businesses to reduce costs in the future. Rynbrandt shared that the city actively engages in partnerships and

sponsorships with area businesses to leverage funds. She also highlighted the city's adopt-a-park program which many businesses participate in.

Micele inquired if the area that's been identified for the compensated cut and sledding area can be rented out for events or festivals similar to what Lamar has. Rynbrandt shared that park open space is often considered for special event space, including concerns. This area may be available for such activity; however, its location immediately adjacent to homes and potential noise impact will be considered with any special event application request. Our focus of community concerts is specifically at Lamar Park and there are additional potential event spaces behind the library and at Oriole Park as part of their master development plans.

Cummings-Pulliams inquired about the estimated costs for the fills that would be required and the possibility that adds to the overall cost of the project. Rynbrandt shared the city pursues different development techniques for floodway and floodplain facilities with an eye to cost containment. She gave an example of safety tiles installed at Ideal Park as well as the elevated restroom. Whitten shared that when the city pursues development of construction plans, soil borings will be required to determine what type of construction techniques will be required.

Weller inquired about the lighting and whether this would affect the neighbors and where the funds would come from for this project. Rynbrandt shared that lighting plans, including directionality, is consciously placed to limit affects to neighboring property. Rynbrandt shared that this is a public park with development and maintenance funds would be through tax dollars, grants, volunteers time, and sponsorships. She stated that the State of Michigan Natural Resources Trust Fund is a significant grant source for park development. Rynbrandt shared that there's an upcoming proposed income tax millage question that if approved by voters would support park capital needs.

Hall inquired about adding more trees along the west side. Whitten shared it might be possible to have more evergreens, but you would also want to consider safety and not obstruct views.

Arnoys inquired about the time frame of project. Rynbrandt shared that her first target would be for removal of Kimball Field and noted that the project is likely eligible for Community Development Block Grant funding. Rynbrandt shared that she would estimate about 3-5 years for the first phase of development.

Arnoys inquired how this would affect staffing. Rynbrandt shared that as the park is already actively used, with facilities such as a restroom, that additional full time staff is not expected to be needed to accommodate the development. Additional seasonal staff will be needed.

Goodheart inquired if there wasn't anything more that needed to be done to look at the stability of the soil for different areas. Rynbrandt shared that the plan has been considered by the city's engineering staff and they have assessed the plan for underground utilities, historical constraints, and flooding considerations and support this plan. Once the plan is adopted when each phase of development is pursued, soil borings will be taken, and results will inform the construction documents. Whitten added that the plan keeps the multipurpose field in a similar location of where the old gypsum mine was located so that there would be less of an impact.

Goodheart also inquired why half basketball courts were chosen as part of the plan rather than full basketball courts. Whitten shared that most of the time the courts are used more for shooting hoops rather than playing a full court game, so the half courts are geared more towards younger children to have an opportunity to play basketball and that the half courts are better for supervision. Rynbrandt shared that the Public Safety team likes the idea of the half basketball courts because it provides for less participant conflict.

Goodheart inquired if Michigan Natural Storage uses the access at the end of Nagel. Rynbrandt shared that they do periodically use the access point and we are required to maintain that access.

Goodheart recommended looking at putting a smaller parking lot on the West side of Nagel and inquired about the reason for the placement of the restrooms. Whitten shared that the restrooms on the east side of Nagel were placed for the dog park patrons, and sledding hill and eastside trail users. The western located restroom was primarily for the playground, splash pad and soccer users.

Hegy inquired on if this final plan has been released to the public yet. Rynbrandt shared that the final draft plan has been on the city website and will continue through a public hearing process at the City Council.

Hegy inquired about what the next steps for approval of the plan. Rynbrandt shared that the plan would be recommended to City Council for a public hearing and if the plan is adopted, it would move forward to become part of the city's 5-Year Community Recreation Plan to gain access to grant funds.

Micele inquired if there would be a bid process when construction is pursued by the city and how long the process would take. Rynbrandt shared that yes there would be a bid process and the length of the process would depend on the extent of the bid but generally bids are released for a 2-4 week period, depending upon the nature and scope of the project phase being bid, before return.

Fera inquired if the bid process would be done in phases or the entire park at once. Rynbrandt shared it depends on how the financing is put together but normally it would be done in phases.

Fera inquired about the first phase goal. Rynbrandt shared that staff haven't had this discussion yet, but she believes that we would be able to access CDBG funds for the removal of Kimball Field as a first phase.

Larabel inquired about the community garden and if the position of the sun was considered for growing when these trees were placed. Whitten shared that it was considered and that the plan layout may make it difficult to see the specific position of the trees at this scale.

Platschorre inquired about the fitness stations that were along the north portion of the trails in one of the plans and asked if that was included as part of the plan. Rynbrandt responded that from feedback that there was more emphasis on the actual trail specific to running areas rather than the fitness equipment components.

Fera inquired about the gypsum mine and if there have been any issues with this in the past. Rynbrandt shared that the primary area in Marquette Park there has been minor collapsing, or soil settling. She noted that northern Wyoming has history of sinkholes and high levels of groundwater.

Cummings-Pulliams inquired if there was any danger to those that were playing sports in the area and Rynbrandt shared that there's no danger and that the area is best for a park setting.

Micele followed by Cummings-Pulliams called for the vote of the motions. Each motion was passed unanimously by the respective commissioners.

## **F. Planning and Economic Development Initiatives**

City Manager Holt presented two current development initiatives for informational purposes that are taking place in the city which are Site 36 and the City Center. Holt shared that the city plans to use funding from the sale of site 36 to start the development of the City Center.

### City Center

Using a PowerPoint presentation which included renderings of concepts, Holt described the City Center. The plan is to develop an integrated pedestrian network that includes two pedestrian network bridges and, working with MDOT, to boulevard 28<sup>th</sup> street between Clyde Park and Burlingame. The City used funds from the sale of site 36 to purchase 3 lots on 28<sup>th</sup> street as part of the City Center development. Holt shared that the city is currently working with the developer of Hom Flats where they have a desire

to purchase the 3 lots and create more residential space and potentially a parking garage. Income to the city from such a sale would be used for the development of City Center. Holt shared photos of potential designs of the pedestrian networks, this would include two pedestrian walkway bicycle bridges on 28<sup>th</sup> street. Holt presented and shared details about the conceptual design of the Hom Flats development and trail network. Holt noted that the estimated cost for the project is \$24 million.

DeLaVega noted that she has a family-owned business in the development area and inquired how she can get more information about the project to determine how the project will affect her family business. Holt shared that the project requires certain approvals and as approvals are pursued and funding secured, details will be shared with those properties within the target area as well as with the community as a whole.

Arnoys inquired about the status of Rogers Plaza and Holt shared that he anticipates that this development will bring in more opportunities to enhance that space, as well as to encourage redevelopment of the plaza.

Larabel inquired about the plan to occupy the former Rogers department store. Holt shared that the city has meetings regularly with the owners of the building to talk about potential opportunities for occupancy. There has been a request with the State of Michigan to help with marketing the building. Holt shared insights into the building current layout which presents challenges in adapting and reusing the building.

Akhurst inquired about the possibility of its use for medical office space. Holt shared that one issue with medical space is that a lot of the medical industry is non-profit and explained that the Downtown Development Authority thrives from tax increment financing for growth which can provide challenges.

Goodheart inquired about working with the Michigan Department of Transportation and whether there were challenges. Holt shared that they're working with MDOT to share ideas but putting a boulevard in would be at the cost of the city.

### Site 36

Holt shared that Site 36 was recently sold to Franklin Partners and part of the sale included a request to develop a marketplace site on the north parking lot on 36th street. Holt shared photos of some examples of other marketplaces and a tentative design for the marketplace. The city is in conversations with the Godwin Heights Public School District to determine opportunities for partnership where the city can provide parking for Godwin Heights but also provide a marketplace for the city. The design that was presented shows that the marketplace will include an indoor marketplace with garage doors, parking for food trucks and an event plaza. Holt affirmed that this isn't a final plan. Larabel inquired what will be developed on the South side of 36th street and Holt shared that Franklin Partners is actively working with planning on a new industrial development on the corner of Buchanan and 36th street.

Micele commented on the location and feels that it's a great location for the space.

**G. Staffing Updates-**

TEAM 21 Program Director- Rynbrandt shared that Jessica Hughes's position as TEAM 21 Program Director has been filled by Erick Mockerman who has been a TEAM 21 site coordinator for the past seven years. It was noted that he currently serves as the President of the Godfrey Lee school board. Hughes's last day with the City of Wyoming will be January 27th.

FY 2023 Budget- Rynbrandt shared that we'll submitting the view finders as requested by the commission Frog Hollow into the budget. If a commissioner has additional budget suggestions, they were asked to direct them to Rynbrandt.

**H. Public Comment in General-None**

**I. Adjournment of the Meeting-** Cummings-Pulliams and Micele adjourned the joint meeting at 8:35 p.m.

Recorded by *Kayla Scelfo*  
Kayla Scelfo, Recording Secretary

## STAFF REPORT

Date: April 6, 2022  
Subject: Landscape Ordinance Amendment  
From: Scott Smith, City Attorney  
Meeting Date: April 11, 2022 Work Session

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The attached lined copy of a 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.

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

**Sec. 82-61. Findings of fact Purpose.**

~~The purpose of this section is to establish~~ (1) This article establishes minimum standards for ~~lawn~~ landscape maintenance, private gardens, and water efficient landscaping. ~~It is recognized that a~~ variety of landscapes within a community adds ~~diversity and richness~~ to the quality of life for all residents. Turf grass lawns continue ~~to be recognized as the dominate feature~~ features in the landscape; ~~however,~~ However, alternatives to this traditional ~~type of~~ lawn are recognized as important parts of a ~~diverse,~~ 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.**

~~The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except~~ 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.

Noxious weeds means ~~an annual, biennial or perennial~~ any of the following and any other plant ~~designated or species of plant determined~~ by the Michigan ~~Commissioner~~ Department of Agriculture as ~~injurious and Rural Development or any successor agency~~ to public health, the environment, public roads or other property.

(e) be a noxious plant:

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

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

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

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

~~(g)~~(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.

~~(h)~~(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.

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

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

(1) All ~~lot~~ areas on lots of property not designated and used for buildings, ~~pedestrians, vehicles~~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. ~~No plantings are permitted within public rights-of-way without written authorization from the public works department. Plantings shall be maintained so as to not obstruct sidewalks, alleys or streets.~~

~~(2) No owner or occupant of any parcel shall allow any noxious weeds on any part or portion of said parcel.~~

~~(3)(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 ~~42~~10 inches. This section does not apply to any ~~lands that are~~property exempted by section 82-64.

~~(4) Gardens~~(5) No owner or occupant of commercial or industrial properties shall ~~be~~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 ~~with the exception of vegetable. Vegetable gardens, which are considered an accessory use and~~ may not ~~be located in-occupy~~ more than 30% of the rear yard and 10% of the front and 10% of the side yards as defined in the city's zoning ordinance (chapter 90 of this Code). ~~Gardens.~~

~~(a) Private gardens~~ shall be maintained in a cultivated state except during the winter months. ~~Gardens~~

~~(b) Private gardens~~ that are no longer under active cultivation shall be removed and replaced per subsection (1) above. ~~Designated garden areas shall be maintained free of weeds at all times throughout the year. Stands for the sale of garden produce or flowers are not permitted.~~

~~(5)(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.~~

~~(69)~~ 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 ~~land. The owner of vacant and,~~ 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~~subsections 82-63~~(32)-(6).~~

~~(2) Public lands. All city properties~~(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 ~~chapter~~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 ~~this~~an appeal. A water efficient landscaping permit shall grant any property owner or occupant the ability to cultivate native and adapted vegetation on ~~his/her~~the property owner's property and be exempted from the requirements of subsection 82-63~~(3) of this chapter.~~(4).

(b) An application for a water efficient landscaping permit shall ~~contain~~include the following information:

~~1-(i)~~ Statement of intent and purpose in cultivating the native and adaptive vegetation.

~~2-(ii)~~ Site plan showing lot lines, buildings, driveways, parking areas and location of proposed vegetation.

~~3-(iii)~~ Common names and quantities of the plant species the property owner or occupant plans to cultivate.

~~4~~-(iv) A maintenance program.

~~5~~-(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~~-(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 82-83, the 63:

(a) Any city is hereby personnel authorized to notify the owner of such property 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 weeds, rank or any improperly maintained native and adaptiveoffending vegetation under a water efficient landscaping permit. The notice shall be as prescribed in section 1-26 of this Code to the owner as his name appears on the latest assessment roll or the actual occupant, if known. If the owner fails, neglects or refuses to comply with the notice, the city may, within five days after notice, cut and remove the weeds, rank, native or adaptive vegetationand otherwise remedy the offending condition and charge the owner at cost plus 100 percent based upon quarterly hours, a minimum of one hour per lot, andthe 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 placingplace a lien against the subject property.

In lieu of the notice as required in this section the city may publish a notice in a newspaper of general circulation in the county during the month of March that vegetation not cut by May 1 of that year will be cut by the city, and the owner of that property charged with the cost under the provisions of this section. The city may cut the vegetation as many times as is necessary and charge the cost to the property owner.

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: April 6, 2022 for April 11, 2022 Work Session  
Subject: City Council Rules  
From: Scott Smith, City Attorney  
Meeting Date: May 16, 2022 Council Meeting

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**NOTE:** The work session discussion on April 11, 2022, is generally for initial information. To provide Council Members time to review the document more substantive discussion can occur during the May work session.

### **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.